

RESOLUTION NO. R-2019- 0907

RESOLUTION APPROVING ZONING APPLICATION PDD-2018-01692
(CONTROL NO. 2016-00114)
an Official Zoning Map Amendment
APPLICATION OF Concert Fountains Properties, LLC
BY WGINC, AGENT
(The Lofts at Lake Worth)

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-2018-01692 was presented to the Board of County Commissioners at a public hearing conducted on June 27, 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 an Official Zoning Map 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-2018-01692, the Application of Concert Fountains Properties, LLC, by WGINC, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Multifamily Residential High Density (RH) Zoning District to the Planned Unit Development (PUD) Zoning District, 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 June 27, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kerner 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	-	Aye
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 June 27, 2019.

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

A PARCEL OF LAND LYING IN SECTION 27, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ALSO BEING A PORTION OF BLOCK 30, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO BEING A PORTION OF THE GOLF COURSE TRACT, PLAT NO. 3 PALM BEACH GOLF CLUB ESTATES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 29 PAGE 107, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA ALSO BEING A PART OF PLAT NO. 3 PALM BEACH GOLF CLUB ESTATES AS RECORDED IN PLAT BOOK 29, PAGE 23, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 27, THENCE N. 00° 58' 17" E. ALONG THE EAST LINE OF THE WEST HALF OF SAID SECTION 27 FOR 3399.72 FEET; THENCE S. 89° 02' 02" W. FOR 60.03 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S. 00° 58' 17" W. ALONG THE WEST RIGHT OF WAY LINE OF JOG ROAD FOR 1701.16 FEET; THENCE S. 46° 36' 25" W. FOR 181.50 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 530.00 FEET AND A CENTRAL ANGLE OF 44° 47' 47" FOR AN ARC LENGTH OF 414.38 FEET. THENCE N. 88° 35' 48" W. FOR 507.19 FEET; THENCE S. 83° 16' 10" W. FOR 173.16 FEET; THENCE S. 46° 11' 09" W. FOR 83.24 FEET; TO THE BEGINNING POINT OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 310.00 FEET AND A CENTRAL ANGLE OF 45° 00' 00" FROM WHICH THE RADIUS POINT BEARS N. 46° 11' 09" E., THENCE RIGHT ALONG SAID CURVE FOR AN ARC LENGTH OF 243.47 FEET. TO A POINT OF REVERSE CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 505.19 FEET AND A CENTRAL ANGLE OF 18° 26' 22" FOR AN ARC LENGTH OF 162.58 FEET. TO A POINT OF COMPOUND CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1472.39 FEET AND A CENTRAL ANGLE OF 12° 50' 56" FOR AN ARC LENGTH OF 330.19 FEET; THENCE N. 28° 22' 36" E. FOR 335.00 FEET; THENCE N. 42° 55' 57" W. FOR 263.50 FEET; THENCE N. 21° 42' 44" W. FOR 141.15 FEET; THENCE N. 08° 46' 59" E. FOR 810.45 FEET; THENCE S. 75° 22' 16" E. FOR 70.00 FEET; THENCE S. 11° 15' 22" E. FOR 559.65 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 708.55 FEET AND A CENTRAL ANGLE OF 26° 59' 17" FOR AN ARC LENGTH OF 333.75 FEET, TO A POINT OF REVERSE CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1205.72 FEET AND A CENTRAL ANGLE OF 23° 31' 02" FOR AN ARC LENGTH OF 494.89 FEET, TO A POINT OF REVERSE CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 103° 27' 19" FOR AN ARC LENGTH OF 361.13 FEET; THENCE N. 61° 49' 04" E. FOR 205.38 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 220.00 FEET AND A CENTRAL ANGLE OF 112° 20' 29" FOR AN ARC LENGTH OF 431.36 FEET; THENCE N. 50° 31' 25" W. FOR 510.84 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 440.00 FEET AND A CENTRAL ANGLE OF 35° 15' 04" FOR AN ARC LENGTH OF 270.71 FEET; THENCE N. 15° 16' 21" W. FOR 395.48 FEET; THENCE N. 75° 22' 24" W. FOR 550.00 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE ALONG A CURVE HAVING A RADIUS OF 1081.74 AND A CENTRAL ANGLE OF 17° 38' 49" FROM WHICH THE RADIUS POINT BEARS S. 88° 59' 49" W. THENCE LEFT ALONG SAID CURVE FOR AN ARC LENGTH OF 333.17 FEET; THENCE N. 71° 21' 00" E. FOR 34.81 FEET; THENCE S. 87° 09' 07" E. FOR 225.50 FEET; THENCE S. 47° 14' 21" E. FOR 318.28 FEET; THENCE S. 66° 39' 42" E. FOR 170.07 FEET; THENCE N. 60° 25' 24" E. FOR 125.30 FEET; THENCE N. 31° 30' 18" E. FOR 122.53 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 77° 38' 43" FOR AN ARC LENGTH OF 203.27 FEET; THENCE N. 00° 57' 58" W. FOR 429.73 FEET; THENCE N. 89° 02' 02" E. FOR 330.00 FEET; THENCE S. 00° 57' 58" E. FOR 1005.00 FEET; THENCE N. 89° 02' 02" E. FOR 522.71 FEET, TO THE POINT OF BEGINNING.

THE AREA BEING 2724911.146 SQ.FT. OR 62.555 ACRES.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

N.T.S.

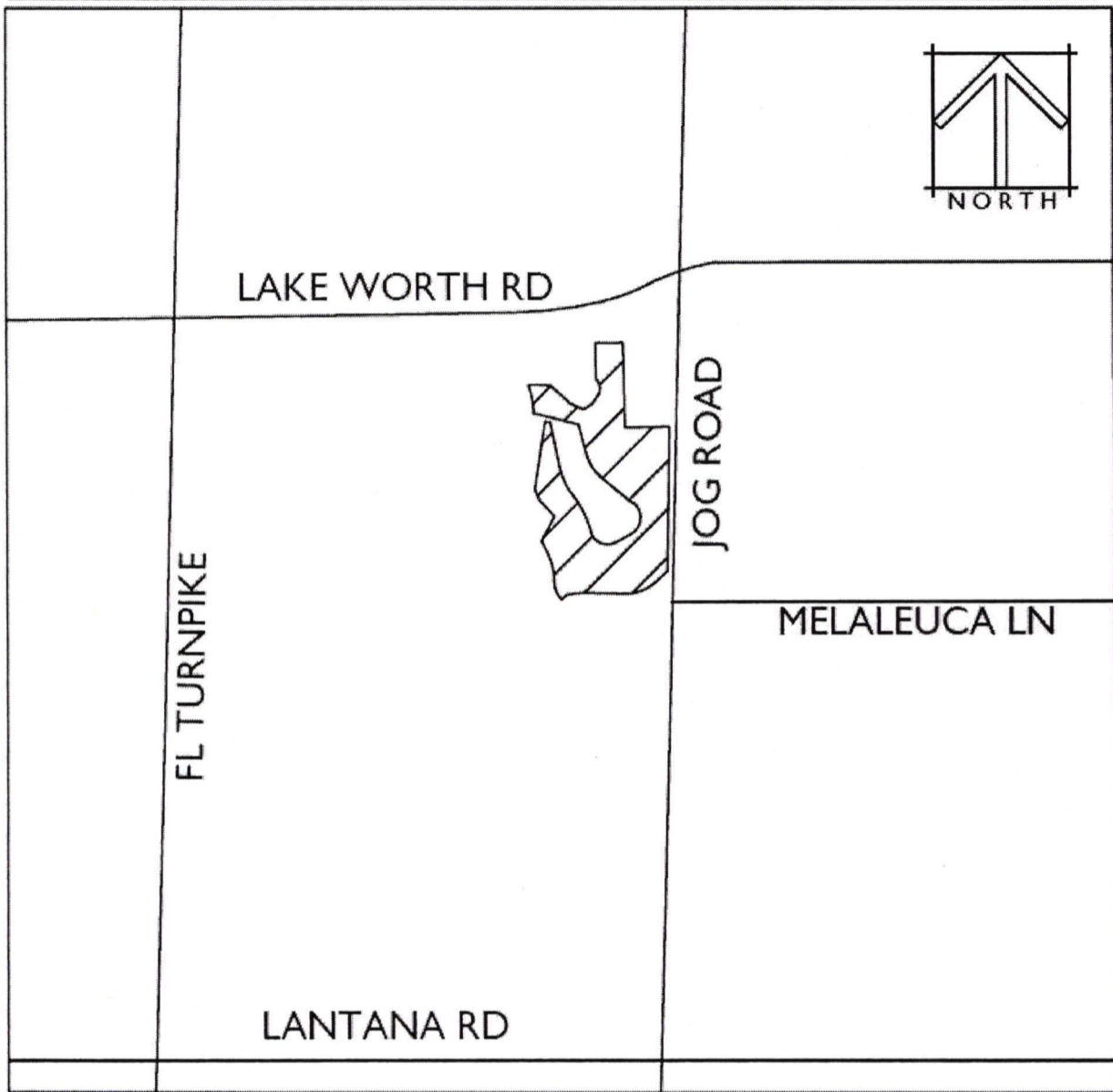


EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Master Plan is dated March 11, 2019. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ENGINEERING

1. 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)

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

3. The Property Owner shall construct a right turn lane north approach on Jog Road at the project entrance road.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

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

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

4. 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 Jog Road along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. 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 and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed

drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering)

5. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: MONITORING - Engineering)

6. The Property Owner shall design, install, and perpetually maintain median landscape within the median of all abutting right of way of Jog Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by the Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPM/CO: MONITORING - Engineering)

c. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: MONITORING - Engineering)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, (OTIS) program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Jog Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPM: MONITORING - Engineering)

7. The development of this property shall not cause increased storm water stages for offsite properties, as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering)

8. The Property Owner shall fund the construction plans and the construction to lengthen the existing left turn lane south approach on Jog Road at the Project entrance road. This

turn lane shall be lengthened to a minimum 250 feet in length plus 50 foot paved taper. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering)

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

9. Prior to final approval of the Zoning Plan by the Development Review Officer, the Property Owner shall remove the connection from the Public Civic Pod to Jog Road, unless approval for the connection is granted. (DRO: ENGINEERING - Engineering)

10. The Property Owner shall record an access easement over D Este Court from Fountains Drive to the project boundary. The access easement shall be recorded by the Property Owner and approved by the County Attorney and County Engineer prior to recordation.

a. The access easement shall be shown on the Zoning plan prior to the final approval by the Development Review Officer. (DRO: ENGINEERING - Engineering)

b. The access easement shall be recorded prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

ENVIRONMENTAL

1. Prior to Final Approval by the Development Review Officer, a Phase II Environmental Site Assessment shall be submitted to the Department of Environmental Resources Management (ERM) If the results of the Phase II Environmental Site Assessment indicate areas of on-site contamination, the project shall be referred to the Florida Department of Environmental Protection (FDEP) for the development of a mitigation plan and to oversee the remediation on the site. (DRO/PLAT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

HEALTH

1. The property owner shall adhere to and utilize all of the requirements as set forth in the approved Dust Control Letter during all applicable phases of construction and development in addition to the following enforceable conditions, to which the applicant has agreed. The letter, the following conditions, and the contact information for the County and/or FDOH personnel responsible for enforcement shall be posted alongside the Building Permit on the construction site at all times

Construction Sequencing:

1. Install required silt, dust, and security fencing around the project perimeter which shall be maintained at all times by the applicant.

2. Start construction of lakes and any necessary remediation.

3. Build Berms, using dirt generated from the construction of the lakes. The berms shall meet applicable environmental standards as determined by the Florida Department of Environmental Protection.

4. As soon as is reasonably practicable following the installation and stabilization of berms, the applicant shall install 6' fencing on top of the berms, which will be "wrapped" from grade to top of the fence in a material that meets industry standards for control of construction dust from offsite migration, said wrapping to be maintained by the applicant during all phases of construction and development activity.

5. Landscaping Phase 1-- Landscaping (6 foot high shrub and groundcover only, trees, medium shrubs, and small shrubs to be installed with rest of buffer) will be installed and maintained on the FCO's side of fence immediately following earthwork in order to screen views and help to limit offsite dust migration. This landscaping will be maintained by the applicant at all times and the remainder of the landscaping will be installed as the project progresses.

Steps to minimize dust:

1. Deployment of multiple onsite dust and wind speed monitors by the applicant at intervals around the site perimeter with real-time monitoring to minimize off-site dust migration and other dust emissions from earth-moving and construction activities at the site. The applicant has agreed to share data from dust and wind speed monitors with the FCO upon request.
2. Dust generation from soil mixing and earthwork activities will be controlled to limit offsite dust migration by periodic watering, consistent with best management practices. Construction personnel will avoid over-spraying/watering to prevent offsite runoff and mud-slick work surfaces.
3. Dust will be controlled at all times to avoid migration into surrounding areas at all times, including weekends, holidays, and hours when work is not in progress.
4. Soil in dump trucks will be covered using a truck-mounted tarpaulin system when entering, exiting and traversing the site.
5. All vehicles will be required to travel at low speeds (<20 mph) on site to minimize and control the generation of dust and offsite dust migration.
6. Work activities will be temporarily halted and sources of potential dust migration shall be controlled (to extent reasonably practicable) during high wind gust events (>30 mph) until wind conditions resume to normal conditions.
7. To minimize soil disturbance and offsite dust migration, vegetation, including groundcover, will only be cleared from areas where work is to be performed right away.
8. Limerock or other stabilization materials will be placed and maintained by the applicant on access/haul roads onsite during construction and development activity.
9. Construction entrances/exits will be stabilized to minimize tracking dust offsite and onto public roadways. This may include gravel beds, stabilization pads, or other stabilization measures.
10. Trucked and transported materials will be swept from public roadways as required (street sweeping); and
11. The contractor will adhere and maintain FDEP erosion control Best Management Practices (BMP's) at all times. The contractor will adhere and maintain its Stormwater Pollution Prevention Plan (SWPPP) for the duration of the project to comply with its NPDES permit.
12. Prior to commencement of earthwork and construction activities, contact information for onsite personnel that are in charge of construction, dust mitigation, and environmental cleanup activities will be provided to Palm Beach County, FDOHG, and the FCO or its designated representative. In the event of personnel changes, updated contact information will be provided to these entities. (ONGOING: HEALTH DEPARTMENT - Health Department)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG PORTIONS OF THE NORTH, SOUTH, WEST AND NORTHWEST PROPERTY LINES (EXCEPT THE PROPERTY LINE ABUTTING FPL SUBSTATION)

1. Landscaping along portions of the north, south, west and northwest property lines as delineated on the Preliminary Site Plan dated May 31, 2019, shall include the following:
 - a. a minimum of twenty-five (25) foot wide buffer;
 - b. a three (3) foot high continuous berm. The height of the berm shall be measured from the top of the curb of the adjacent parking lot;
 - c. a six (6) foot high opaque fence or a vinyl coated chain link fence with a six (6) foot high hedge to be planted on the exterior side of the fence. Fence shall be located on the top of the berm. The fence along the north and south property lines of the residential development area (as shown on the Preliminary Site Plan dated May 31, 2019), shall be connected to the wall along the FPL property and the fence on the east Right-of-Way Buffer, and wrapped during development activities at its base to its highest point with a material that meets industry standards for the control of dust migration from the site to neighboring areas. Said wrapping to be maintained by the applicant during all phases of construction activity;
 - d. one (1) Canopy tree for each twenty (20) linear feet of this buffer. Trees shall be planted on either side of the fence;
 - e. one (1) palm for each thirty (30) linear feet of this buffer. Palms shall be planted on either side of the fence, and shall be clustered in a group of three or five palms.
 - f. one (1) medium shrub for each four (4) linear feet of this buffer. Medium shrubs shall be

located on the exterior side of the fence; and,
g. one (1) small shrub for each two (2) linear feet of this buffer. Small shrubs shall be located on both sides of the fence.
h. Prior to the issuance of Building Permits for the residential buildings and the buildings within the Recreation Area, the installation of the berm, trees, shrubs and fence shall be completed. (BLDGPMPT/DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST RIGHT-OF-WAY BUFFER (SOUTH JOG ROAD)

2. In addition to Code requirements, the east R-O-W Buffer adjacent to South Jog Road shall be upgraded to include a six (6) foot high opaque fence or a vinyl coated chain link fence with a six (6) foot high hedge. This fence shall be connected to the wall on the north property line, the fence on the south property line of the residential development, and to the Civic Pod fence, as delineated on the Preliminary Site Plan dated May 31, 2019. (BLDGPMPT/DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE PROPERTY LINE OF CIVIC POD

3. Landscape Buffers along perimeter of the Civic Pod shall include a six (6) foot high opaque fence or a vinyl coated chain link fence with a six (6) foot high hedge. This fence shall be connected to the fence on the east Right-of-Way Buffer. (BLDGPMPT/DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES ABUTTING FPL SUBSTATION

4. In addition to Code requirements, the required Type 3 Incompatibility Buffer along the north and east property lines abutting the Florida Power and Light substation, shall be upgraded to include:
a. a three (3) foot high continuous berm. The height of the berm shall be measured from the top of the curb of the adjacent parking lot; and,
b. the required wall shall be connected to the perimeter fences of the development. (BLDGPMPT/DRO: ZONING - Zoning)

PARKS

1. No more than sixty four (64) Certificates of Occupancy for the residential units shall be issued until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, unless a phasing plan for completion of the required reaction area is agreed to and approved by the Parks and Recreation Department. (CO: MONITORING - Parks and Recreation)

PLANNING

1. Prior to the issuance of the first Building Permit, the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:
Guarantees the attainability of all required workforce units required per ULDC Article 5.G. These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the requirements in ULDC Article 5.G. The site plan shall also be modified to include the OR Book and Page of the recorded document and a copy of the revised site plan shall be provided to Planning. (BLDGPMPT: MONITORING - Planning)

2. On an annual basis, beginning July 1, 2021, or as otherwise stipulated in the Declaration of Restrictive Covenants, the owner of the WHP unit shall submit to the Planning Director, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. (ONGOING: PLANNING - Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. The Property Owner shall provide Palm Beach County Board of County Commissioners

with a Statutory Warranty Deed on a net 2.0 acre public civic site (net usable area - excluding buffers), in the location identified on the approved plans and form acceptable to Facilities, Development & Operations Department (FD&O) by March 1, 2021. Property Owner to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

a) Title

Property Owner to provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site as required by the County Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall be obtained by the Property Owner. The Property Owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site.

b) Concurrency

Property Owner to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation for the entire PUD. The Property Owner shall be provided with input as to the size of a structure (and proposed use) which the civic site would support and the corresponding amount of trips. If no County use is applied to the civic site, Property Owner shall assign sufficient traffic trip capacity equivalent to the number of units the civic would support if it were a residential pod.

c) Taxes

All ad valorem real estate taxes and assessments for the year of acceptance shall be prorated to include the day of acceptance.

d) Site condition

Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.

e) Retention and Drainage

Property Owner shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Property Owner shall specifically address the following issues:

1)The discharge of surface water from the proposed civic site into the Property Owner's water retention basins.

2)An easement across Property Owner's property from the proposed civic site to the retention basins, if required.

f) On-Site Inspections

By acceptance of these conditions Property Owner agrees to allow the County to perform any on site inspections and testing deemed appropriate to support the acquisition of the civic site.

g) Vegetation Permit

Property Owner to perform a tree survey and obtain a vegetation clearing permit. If it is determined by PREM that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the County.

h) Buildable Grade

Prepare civic site to buildable grade under the direction of the FDO Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (at the discretion of FDO), all of which shall be to the satisfaction of FDO.

i) Water & Sewer

Property Owner to provide water, sewer, reclaim water stubbed out to the property line and other required utilities as determined by PREM.

j) Irrigation

Property Owner to provide an easement across Property Owner's property, from the proposed Civic Sites to available retention basins, if requested by PREM.

(DATE/ONGOING/PLAT: MONITORING - Property Real Estate Management)

2. The Property Owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by February 1, 2021. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a) The survey must meet the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers in rule 5J-17.050-.052, Florida Administrative Code, pursuant to section 472.027, Florida Statutes and Countywide PPM CW0-058.

b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.

c) The survey should include a location of any proposed water retention area that will border the civic site and the proposed drainage easement area for storm water outfall from the proposed civic site to the development's storm water management system.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey.

(DATE/ONGOING/PLAT: MONITORING - Property Real Estate Management)

3. The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by February 1, 2021. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.

b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS).

c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.

d) The results of an on-site survey to describe site conditions and to identify potential area

of contamination.

e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.

Upon County's review of the Phase I Audit, further environmental study may be warranted as determined by County Staff, at County's sole discretion.

(DATE/ONGOING/PLAT: MONITORING - Property Real Estate Management)

4. The Property Owner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land is the more viable option and enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the Property Owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the Property Owner. If off-site land or cash contribution is accepted by Palm Beach County, the Property Owner shall be deemed to have satisfied the intent of ULDC. (ONGOING/PLAT: 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 inches X 17 inches 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 necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10 feet by 15 feet school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board)

SITE DESIGN

1. Prior to Final approval by the Development Review Officer, the Site Plan shall be revised to depict a minimum of 123 feet setback from Building 5 and all dumpster enclosures/compactors to existing buildings within Tracts 3 and 5 of the Fountains North development. (BLDG/PMT/DRO: ZONING - Zoning)

2. A temporary security fence with a minimum height of six (6) feet shall be installed and wrapped with a silt and dust control barrier that shall be maintained during all stages of site development by the applicant prior to the issuance of any land clearance permits for the site. Such fence is required by Construction Sequencing #1 and may stand as the construction fence as required by Florida Building Code. The location of the temporary security fence shall be consistent with the Preliminary Site Plan dated May 31, 2019. (BLDG/PMT/DRO: BUILDING/ZONING - Zoning)

USE LIMITATIONS

1. Hours of construction activity during all stages of site development shall be limited to 7:00 a.m. to 8:00 p.m. Monday through Friday. Construction during all stages of site development shall be prohibited on Saturday, Sunday, and statutory holidays. (ONGOING:

CODE ENF - Zoning)

2. Construction traffic shall be prohibited from utilizing Fountains Drive to access the subject property during all stages of site development. (ONGOING: CODE ENF - 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.