

RESOLUTION NO. R-2019- 0917

RESOLUTION APPROVING ZONING APPLICATION PDD/DOA/CAW-2019-00135
(CONTROL NO. 1981-00019)
a Development Order Amendment
APPLICATION OF G.L. Acquisitions Corporation, City of Boca Raton
Palm Beach County
BY G.L. Acquisitions Corporation, Urban Design Kilday Studios, Palm Beach County,
AGENT
(Boca Raton Golf Course 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 (ULDC), Ordinance 2003-067, Supplement 24, have been satisfied;

WHEREAS, Zoning Application PDD/DOA/CAW-2019-00135 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 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/CAW-2019-00135, the Application of G.L. Acquisitions Corporation, City of Boca Raton, Palm Beach County, by G.L. Acquisitions Corporation, Urban Design Kilday Studios, Palm Beach County, Agent, for a Development Order Amendment to reconfigure the Master Plan, add and delete land area and add uses, 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 Berger moved for the approval of the Resolution.

The motion was seconded by Commissioner Weinroth 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: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK
FLORIDA



EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION:

ALL OF TRACTS 1 THROUGH 3, INCLUSIVE, TRACTS 12 THROUGH 17, INCLUSIVE, TRACTS 30 THROUGH 34, INCLUSIVE, A PORTION OF TRACTS 29 AND 35, AND A PORTION OF ROAD, DYKE AND DITCH RESERVATIONS, ALL IN BLOCK 76, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT 17, ALSO BEING THE NORTHWEST CORNER OF WEDGEWOOD ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGE 115, SAID PUBLIC RECORDS, THENCE NORTH 00°21'35" WEST, ALONG THE WEST LINE OF SAID TRACTS 3, 12 AND 17 AND THEIR NORTHERLY EXTENSION, A DISTANCE OF 2,031.63 FEET; THENCE NORTH 89°37'44" EAST, ALONG THE NORTH LINE OF A SAID BLOCK 76, A DISTANCE OF 1,239.74 FEET; THENCE NORTH 00°54'13" WEST, ALONG THE EAST LINE OF BLOCK 75, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, SAID PUBLIC RECORDS, A DISTANCE OF 179.93 FEET TO NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17; THENCE NORTH 89°08'08" EAST, ALONG THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 2,347.82 FEET; THENCE SOUTH 01°04'52" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2W CANAL AS DESCRIBED IN OFFICIAL RECORDS BOOK 319, PAGE 275, SAID PUBLIC RECORDS, A DISTANCE OF 545.91 FEET; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2W CANAL AS DESCRIBED IN OFFICIAL RECORDS BOOK 25558, PAGE 1167, SAID PUBLIC RECORDS, FOR THE FOLLOWING SIX (6) DESCRIBED COURSES, SOUTH 21°25'08" WEST, A DISTANCE OF 463.58 FEET; THENCE SOUTH 43°55'08" WEST, A DISTANCE OF 367.79 FEET; THENCE SOUTH 29°53'08" WEST, A DISTANCE OF 239.99 FEET; THENCE SOUTH 01°04'52" EAST, A DISTANCE OF 255.40 FEET; THENCE SOUTH 32°02'52" EAST, A DISTANCE OF 243.71 FEET; THENCE SOUTH 46°04'52" EAST, A DISTANCE OF 218.14 FEET; THENCE ALONG THE EAST LINE OF SAID TRACT 35, BLOCK 76, ALSO BEING THE WEST LINE AND THE NORTHERLY EXTENSION THEREOF, OF GLADES ROAD SELF STORAGE, MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 122, PAGES 114 THROUGH 115, SAID PUBLIC RECORDS, SOUTH 00°24'15" EAST, A DISTANCE OF 674.97 FEET; THENCE SOUTH 89°36'40" WEST, 35.00 FEET; THENCE SOUTH 00°24'15" EAST ALONG A LINE 35.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF TRACT 35, A DISTANCE OF 100.50 FEET; THENCE SOUTH 89°36'40" WEST, ALONG A LINE 55.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF TRACTS 30 THROUGH 35, INCLUSIVE, SAID BLOCK 76, A DISTANCE OF 1920.40 FEET; THENCE SOUTH 00°21'11" EAST, ALONG A LINE 85.65 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID WEDGEWOOD ESTATES, A DISTANCE OF 55.00 FEET; THENCE SOUTH 89°36'40" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 29 AND 30, A DISTANCE OF 85.65 FEET; THENCE NORTH 00°21'11" WEST, ALONG THE EAST LINE OF SAID WEDGEWOOD ESTATES, A DISTANCE OF 660.00 FEET; THENCE SOUTH 89°41'19" WEST, ALONG THE NORTH LINE OF SAID WEDGEWOOD ESTATES, A DISTANCE OF 1,290.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 193.510 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

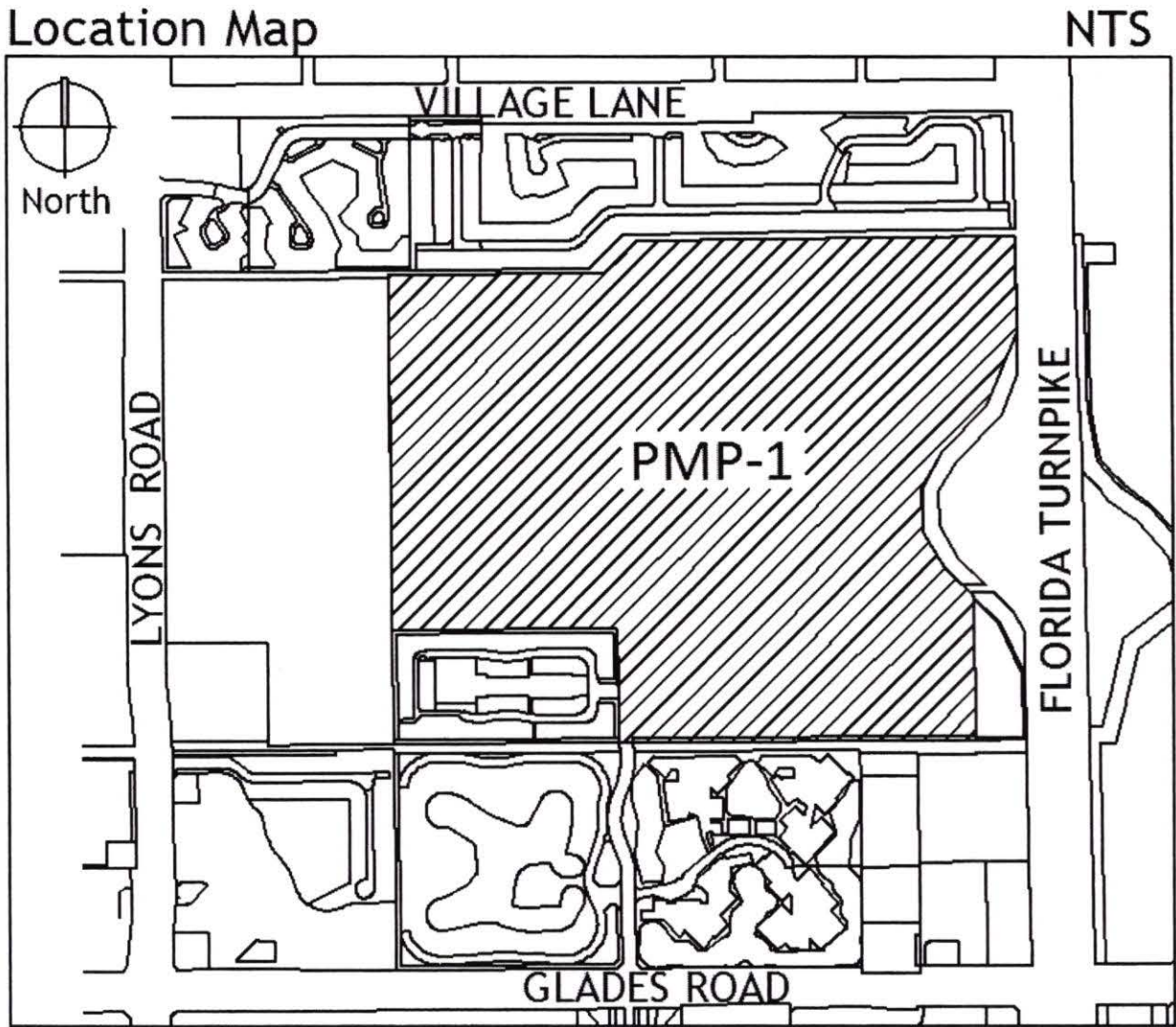


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (Boca Raton Golf Course PUD)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2018-1709, Control No.1981-00019, which currently states:

The approved Preliminary Master Plan is dated July 23, 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 Development Review Officer as established in the Unified Land Development Code, 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 April 8, 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 or the Zoning Commission. (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) (Previous ENGINEERING Condition 1 of Resolution R-2018-1709, Control No.1981-00019)

2. Prior to issuance of the first building permit for residential units for sale, 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. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2018-1709, Control No.1981-00019)

3. 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 plat or recorded prior to issuance of the first building permit for residential units for sale, whichever shall occur first. (BLDGPMT/PLAT: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2018-1709, Control No.1981-00019)

4. NOISE MITIGATION

a. Prior to DRO approval of the Final Master Plan, the Property Owner shall submit to the Palm Beach County Engineering Department and Zoning Division a detailed noise analysis acceptable to the Florida Department of Transportation. This noise study shall be in accordance with Florida State Statutes Chapter 335 as outlined in FDOT Project

Development and Environmental Manual, Chapter 17. Any required mitigation as a result of the anticipated noise, such as a sound wall and landscape buffer, shall be shown on the Final Master Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ENGINEERING - Engineering)

b. Construction of any required sound walls and landscape buffers as outlined in the Noise Analysis shall be completed prior to the issuance of the first certificate of occupancy. If the development is phased, then the sound wall within each phase must be completed before the issuance of any certificates of occupancy within said phase. (DRO: ENGINEERING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2018-1709, Control No.1981-00019)

5. The Property Owner shall provide an access easement over the entire project's spine road from the location where the public right-of-way ends to the entrance of Wedgewood Estates.

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 for residential units for sale. (BLDGPM: MONITORING - Engineering)

b. If alternative development-suitable access becomes available to either of the parcels above, the Property Owner may abandon the portion of the easement which is not needed to serve as access for the remaining parcel. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2018-1709, Control No.1981-00019)

6. The Property Owner shall provide an access easement over the entire project's spine road from the location where the public right-of-way ends to the entrance of the proposed cell tower parcel.

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 for residential units for sale. (BLDGPM: MONITORING - Engineering)

b. If alternative development-suitable access becomes available to either of the parcels above, the Property Owner may abandon the portion of the easement which is not needed to serve as access for the remaining parcel. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2018-1709, Control No.1981-00019)

7. Prior to the issuance of the any building permit in conflict with a drainage easement, the Property Owner shall abandon or release, and relocate if necessary, any and all drainage easements shown in conflict with the proposed structures. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2018-1709, Control No.1981-00019)

8. 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 134 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$1,557,120.00 towards the total construction cost of widening of Glades Rd from Florida Turnpike to Jog Rd from 6 lanes divided to 8 lanes divided. (BLDGPM: MONITORING - Engineering)

b. No Building Permits for more than 281 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$1,227,779.00 towards the total construction cost of an additional (3rd) northbound through lane at the intersection of Glades Rd and Jog Rd. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2018-1709, Control No.1981-00019)

9. 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) (Previous ENGINEERING Condition 9 of Resolution R-2018-1709, Control No.1981-00019)

10. The Property Owner shall construct an additional (2nd) left turn lane north approach on Golf Course Rd at Glades Rd. This turn lane shall be a minimum of 280 ft in length plus 50 ft taper or as approved by the County Engineer.

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, associated signal modification, to name a few.

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

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 10 of Resolution R-2018-1709, Control No.1981-00019)

ENVIRONMENTAL

1. Previous ENVIRONMENTAL Condition 1 of Resolution R-2018-1709, Control No.1981-00019, which currently states:

Prior to the approval of the site plan by the Development Review Officer, a Phase II Environmental Audit shall be submitted to the Department of Environmental Resources Management.

Is hereby amended to read:

Prior to the approval of the Site Plan by the Development Review Officer for the residential portions of the PUD (not inclusive of the public civic site), a Phase II Environmental Audit for the residential portions of the PUD (not inclusive of the public civic site) shall be submitted to the Department of Environmental Resources Management. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

PARKS

1. The recreational facilities shall be complete and open to the residents prior to the

issuance of the 226 residential building permit, unless a phasing plan for the completion of the required recreation area is approved by the Parks and Recreation Department (BLDGPM: MONITORING - Parks and Recreation)

PLANNING

1. Per LGA 2018-22, condition 1, The Zoning development order shall require at least 10% of the total residential density as workforce housing program (WHP) units, further specified as follows:

a. The property owner shall provide these WHP units between 60-140% of the Median Household Income ranges for the County, in all four WHP ranges (60%-80%, >80-100%, >100-120%, and >120-140%).

(ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2018-1709, Control No.1981-00019)

2. Per LGA 2018-22, condition 2, Residential development on the site shall be limited to a maximum of 564 dwelling units. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 2 of Resolution R-2018-1709, Control No.1981-00019)

3. Prior to final approval by the Development Review Officer (DRO), all plans and documents shall be updated to include all conditions and attributes as adopted by the Board of County Commissioners (BCC). (DRO: PLANNING - Planning) (Previous PLANNING Condition 3 of Resolution R-2018-1709, Control No.1981-00019)

4. Per LGA 2018-22, Ord. 2018-26 condition 1: the plans shall show the required WHP as 10% of the total requested units. (ONGOING: PLANNING - Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. By the later of: (a) September 1, 2019, and (b) ninety (90) days following Property Owner's acquisition of fee title to the subject site from the City of Boca Raton, Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed for a .29 acre public civic site, in a location acceptable to the Facilities Development and Operations Department (FD&O). The Property Owner shall be obligated to plat the civic site and shall have satisfied each of the following conditions prior to or as soon as reasonably possible following the delivery of such deed of 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) Taxes

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

c) Site Condition

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

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

e) 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.

f) 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.

g) 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.

h) Reclaim Water or Potable Water

Property Owner to provide water, sewer, reclaim water stubbed out to the property line if available and if it meets County Fire Code for a Tower site, otherwise, potable water will be required to the property line. Property Owner to provide other required utilities as determined by PREM.

i) 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.

j) Access

Property Owner to provide an easement across PUD buffers or open space tracts to allow access to the civic site. (ONGOING/PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 1 of Resolution R-2018-1709, Control No.1981-00019)

2. The Property Owner shall provide the County with a survey certified to Palm Beach County 30 days prior to the anticipated closing on the civic site. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a) The survey shall meet Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.050-.052 for a Boundary Survey pursuant to section 472.027, Florida Statutes.

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.

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.

(ONGOING/PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 2 of Resolution R-2018-1709, Control No.1981-00019)

3. The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County 30 days prior to the anticipated closing on the civic site. 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.

If the Phase I audit indicates that a Phase II is necessary which shall be at County's sole discretion, then the property owner shall be required to provide that audit as well. (ONGOING/PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 3 of Resolution R-2018-1709, Control No.1981-00019)

4. The Property Owner has requested to exchange a portion of the required on-site dedication of land for cash, however, this option shall be used only upon Board of County Commissioner approval. If the cash contribution is accepted by Palm Beach County, the Property Owner shall be deemed to have satisfied the intent of ULDC. If the cash contribution is not accepted by the County, the Property owner shall be subject to Board direction for the public civic site requirements of this PUD. (ONGOING/PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 4 of Resolution R-2018-1709, Control No.1981-00019)

5. Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 5 of Resolution R-2018-1709, Control No.1981-00019, which currently states:

The Property Owner shall include in Homeowners' documents as well as written sales brochures, sales contracts and related plans a disclosure statement notifying homeowners and future homeowners of a proposed 400' radio communications tower in the Southeast corner of the development. The Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building Department beginning on November 1, 2019 and shall continue on an annual basis until all units within the development have been sold or the Property Owner relinquishes control to the Homeowners Association. (DATE: MONITORING - Zoning)

Is hereby amended as follows:

The Property Owner shall include in Homeowners' documents as well as written sales brochures, sales contracts and related plans a disclosure statement notifying homeowners

and future homeowners of a proposed 400' radio communications tower in the Southeast corner of the development. The Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building Department beginning on November 1, 2019 and shall continue on an annual basis until all units within the development have been sold or the Property Owner relinquishes control to the Homeowners Association. (ONGOING: MONITORING - Property Real Estate Management)

6. In the event the .474 acre public civic site is not conveyed to Palm Beach County and is retained by the City of Boca Raton, or is conveyed by the City of Boca Raton to Palm Beach County pursuant to an interlocal agreement between the County and the City, PREM conditions 1 through 4 are hereby deleted except for the following conditions which shall survive as amended. Additionally, the cash out payment, approved by the BCC on October 31, 2018, shall remain as a required payment to Palm Beach County.

A. The Property Owner shall be obligated to plat the civic site and shall have satisfied each of the following original conditions prior to or as soon as reasonably possible following the delivery of the deed of conveyance.

1) 1(c) in its entirety

2) 1(d) Property Owner to provide temporary retention and drainage until such time that permanent retention and drainage is provided for within the PUD development.

3) 1(f) Property Owner to perform a tree survey and obtain a vegetation clearing permit only.

4) 1(g) in its entirety

5) 1(h) Property Owner to provide water stubbed out to the civic site property line at time of water utility work within the PUD in the area adjacent to the civic site.

6) 1(i) Irrigation to be provided to the civic site by the Property Owner on a temporary basis until Property Owner provides permanent irrigation at time of PUD land development operations, if landscape perimeter buffering of the civic site is required. If no landscape buffering is required, irrigation shall not be required.

7) 1(j) in its entirety

B. The following original conditions shall be required of the Property Owner, in addition to the conditions above, if the City of Boca Raton conveys the civic site to Palm Beach County prior to platting:

1.) 1(a) Title

2.) 1(c) Site Condition

3.) 3. Environmental Assessment

Once the civic site is platted, B (above), in its entirety, shall no longer be applicable and required of the Property Owner. (ONGOING/PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

SITE DESIGN

1. Further to the issuance of a Certificate of Completion for the new 400 foot Self-Support Communication Tower to be located in the 0.474 Civic Pod in the south-east corner of the PUD, the owner shall remove the existing Communication Tower and any ancillary uses associated with the existing Tower within 180 days. No residential building permits shall be issued within a 270 foot radius of the base of the existing Tower until such time as said Tower has been fully removed and received a Certificate of Completion from Palm Beach County for the removal of the Tower. (ONGOING: MONITORING - Zoning)

2. The Residential Pod in the southeast corner of the PUD must maintain a minimum of 150 feet of Open Space between all residential lots and the Civic Pod. (ONGOING: ZONING - Zoning)

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). (Previous SCHOOL BOARD Condition 1 of Resolution R-2018-1709, Control No.1981-00019)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' 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) (Previous SCHOOL BOARD Condition 2 of Resolution R-2018-1709, Control No.1981-00019)

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.