

RESOLUTION NO. R-2021- 1597

RESOLUTION APPROVING ZONING APPLICATION DOA-2020-00761  
(CONTROL NO. 1970-00009)  
a Development Order Amendment  
APPLICATION OF Grillo Golf Management LLC, Mattamy Homes  
BY Design and Entitlement Consultants, LLC, AGENT  
(Forest Oaks Residential)

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 as amended, have been satisfied;

WHEREAS, Zoning Application DOA-2020-00761 was presented to the Board of County Commissioners at a public hearing conducted on October 28, 2021;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA-2020-00761, the Application of Grillo Golf Management LLC, Mattamy Homes, by Design and Entitlement Consultants, LLC., Agent, for a Development Order Amendment to modify the Master Plan; add units; and, add access points, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 28, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	- Aye
Commissioner Robert S. Weinroth, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Gregg K. Weiss	- Nay
Commissioner Maria Sachs	- Absent
Commissioner Melissa McKinlay	- Nay
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 28, 2021.

Filed with the Clerk of the Board of County Commissioners on November 1st, 2021.

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

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK  FLORIDA

EXHIBIT A

LEGAL DESCRIPTION

PORTIONS OF BLOCK 29, THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45-54, INCLUSIVE;  
ALL OF PLAT NO. 1, LUCERNE LAKES (PUD), AS RECORDED IN PLAT BOOK 30, PAGES 41 AND 42;  
PORTIONS OF PLAT NO. 2, LUCERNE LAKES (PUD), AS RECORDED IN PLAT BOOK 32, PAGES 191 AND 192;  
ALL OF LUCERNE LAKES HOMES, VILLAGE 1, AS RECORDED IN PLAT BOOK 33, PAGES 29 AND 30;  
ALL OF LUCERNE LAKES HOMES, VILLAGE 1, FIRST ADDITION, AS RECORDED IN PLAT BOOK 33, PAGES 31 AND 32;  
ALL OF LUCERNE LAKES HOMES, VILLAGE 1, 2nd ADDITION, AS RECORDED IN PLAT BOOK 33, PAGES 107 AND 108;  
ALL OF LUCERNE LAKES HOMES, VILLAGE 1, 3rd ADDITION, AS RECORDED IN PLAT BOOK 33, PAGES 182 AND 183;  
ALL OF LUCERNE LAKES HOMES, VILLAGE 1, 4th ADDITION, AS RECORDED IN PLAT BOOK 34, PAGES 151 AND 152;  
ALL OF LUCERNE LAKES HOMES, VILLAGE 1, 5TH ADDITION, AS RECORDED IN PLAT BOOK 34, PAGES 167 AND 168;  
ALL OF LUCERNE LAKES HOMES VILLAGE II FIRST ADDITION, AS RECORDED IN PLAT BOOK 36, PAGES 155 AND 156;  
ALL OF LUCERNE LAKES HOMES VILLAGE II SECOND ADDITION, AS RECORDED IN PLAT BOOK 37, PAGES 75 AND 76;  
ALL OF LUCERNE LAKES HOMES VILLAGE II THIRD ADDITION, AS RECORDED IN PLAT BOOK 37, PAGES 190 AND 191;  
ALL OF VILLAS AT LUCERNE LAKES PLAT NO. 1, AS RECORDED IN PLAT BOOK 38, PAGES 3 AND 4;  
ALL OF VILLAS AT LUCERNE LAKES PLAT NO. 2, AS RECORDED IN PLAT BOOK 38, PAGES 167 AND 168;  
ALL OF SUNRISE OF PALM BEACH PLAT NO. 1, AS RECORDED IN PLAT BOOK 39, PAGES 88 AND 89;  
ALL OF SUNRISE OF PALM BEACH PLAT NO. 2, AS RECORDED IN PLAT BOOK 43, PAGES 51 AND 52;  
ALL OF LUCERNE LAKES GOLF COLONY, AS RECORDED IN PLAT BOOK 44, PAGES 158 AND 159;  
ALL OF LUCERNE LAKES GOLF COLONY II, AS RECORDED IN PLAT BOOK 52, PAGES 4 AND 5;  
ALL OF LUCERNE POINTE PHASE III-C-3, AS RECORDED IN PLAT BOOK 62, PAGES 118 THROUGH 121, INCLUSIVE;  
AND A PORTION OF LUCERNE LAKES GOLF COURSE, AS RECORDED IN PLAT BOOK 87, PAGES 184 THROUGH 189, INCLUSIVE, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PLAT NO. 1, LUCERNE LAKES (PUD); THENCE ALONG THE NORTH LINE OF SAID PLAT AND THE NORTH LINES OF SAID LUCERNE LAKES GOLF COURSE THE FOLLOWING THREE (3) COURSES AND DISTANCES: NORTH 89°02'49" EAST, A DISTANCE OF 1,350.00 FEET; THENCE SOUTH 00°57'11" EAST, A DISTANCE OF 83.00 FEET; THENCE NORTH 89°02'53" EAST, A DISTANCE OF 215.00 FEET TO THE MOST EASTERN NORTHEAST CORNER OF SAID LUCERNE LAKES GOLF COURSE; THENCE ALONG THE EAST LINE OF SAID LUCERNE LAKES GOLF COURSE, AND THE SOUTHERLY PROLONGATION THEREOF, BEING COINCIDENT WITH THE EAST LINE OF SAID BLOCK 29, THE PALM BEACH FARMS COMPANY PLAT NO. 3, AND THE EAST LINE OF SAID PLAT NO. 2, LUCERNE LAKES (PUD), SOUTH 00°57'11" EAST, A DISTANCE OF 2,516.97 FEET TO THE SOUTHEAST CORNER OF SAID PLAT NO. 2, LUCERNE LAKES (PUD); THENCE ALONG THE SOUTH LINE OF SAID PLAT NO. 2, LUCERNE LAKES (PUD) AND THE SOUTH LINE OF TRACTS GC-C AND GC-D, LUCERNE LAKES GOLF

COURSE AND THE SOUTH LINE OF SAID LUCERNE LAKES HOMES, VILLAGE 1, 5TH ADDITION, SOUTH 89°02'09" WEST, DISTANCE OF 332.64 FEET; THENCE LEAVING SAID SOUTH LINE, NORTH 00°57'11" WEST, A DISTANCE OF 95.47 FEET TO THE POINT OF CURVE OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 315.00 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 09°15'55", A DISTANCE OF 50.94 FEET TO THE NORTH LINE OF TRACT GC-D OF SAID LUCERNE LAKES GOLF COURSE; THENCE ALONG SAID NORTH LINE THE FOLLOWING FIVE (5) COURSES AND DISTANCES: SOUTH 87°44'49" WEST, A DISTANCE OF 271.99 FEET; THENCE SOUTH 86°37'34" WEST, A DISTANCE OF 240.13 FEET; THENCE NORTH 89°35'48" WEST, A DISTANCE OF 295.92 FEET; THENCE SOUTH 80°59'05" WEST, A DISTANCE OF 255.66 FEET; THENCE SOUTH 87°41'17" WEST, A DISTANCE OF 232.02 FEET; THENCE LEAVING SAID NORTH LINE, SOUTH 89°02'09" WEST, A DISTANCE OF 145.23 FEET; THENCE SOUTH 60°00'00" WEST, A DISTANCE OF 197.32 FEET TO THE EASTERLY PROLONGATION OF A SOUTH LINE OF SAID TRACT GC-D OF SAID LUCERNE LAKES GOLF COURSE; THENCE ALONG SAID EASTERLY PROLONGATION AND ALONG SAID SOUTH LINE OF TRACT GC-D AND THE WESTERLY PROLONGATION THEREOF, SOUTH 89°02'09" WEST, A DISTANCE OF 117.27 FEET TO THE WEST LINE OF SAID SUNRISE OF PALM BEACH PLAT NO. 1; THENCE ALONG THE LAST DESCRIBED WEST LINE, NORTH 00°57'11" WEST, A DISTANCE OF 417.82 FEET TO THE WESTERLY LINE OF SAID PLAT NO. 2, LUCERNE LAKES (PUD) AND TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 47°10'59" EAST, A RADIAL DISTANCE OF 570.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 00°04'31", A DISTANCE OF 0.75 FEET TO THE SOUTHEAST CORNER OF THE LANDS DESCRIBED IN THAT CERTAIN QUIT-CLAIM DEED AS RECORDED IN OFFICIAL RECORDS BOOK 3221, PAGE 575 OF SAID PALM BEACH COUNTY PUBLIC RECORDS; THENCE ALONG THE SOUTH AND WEST LINES OF SAID QUIT-CLAIM DEED THE FOLLOWING TWO (2) COURSES AND DISTANCES: SOUTH 89°02'49" WEST, A DISTANCE OF 200.00 FEET; THENCE NORTH 00°57'11" WEST, A DISTANCE OF 50.00 FEET TO THE SOUTH LINE OF SAID VILLAS AT LUCERNE LAKES PLAT NO. 2; THENCE ALONG THE SOUTH AND WEST LINES OF SAID VILLAS AT LUCERNE LAKES PLAT NO.2 AND ALONG THE WEST AND NORTH LINES OF SAID VILLAS AT LUCERNE LAKES PLAT NO. 1 THE FOLLOWING NINE (9) COURSES AND DISTANCE: SOUTH 89°02'49" WEST, A DISTANCE OF 150.00 FEET; THENCE NORTH 00°57'11" WEST, A DISTANCE OF 294.00 FEET; THENCE SOUTH 89°02'49" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 00°57'11" WEST, A DISTANCE OF 1,171.00 FEET; THENCE NORTH 89°02'49" EAST, A DISTANCE OF 5.00 FEET; THENCE NORTH 00°57'11" WEST, A DISTANCE OF 5.20 FEET; THENCE NORTH 89°02'49" EAST, A DISTANCE OF 139.14 FEET TO THE POINT OF CURVE OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 384.59 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 32°11'46", A DISTANCE OF 216.11 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 80°29'14"; THENCE EASTERLY ALONG THE ARC, A DISTANCE OF 35.12 FEET TO THE WESTERLY LINE OF SAID PLAT NO. 2, LUCERNE LAKES (PUD) AND A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 22°02'28"; THENCE NORTHEASTERLY ALONG THE LAST DESCRIBED WESTERLY LINE AND ALONG THE ARC, A DISTANCE OF 115.41 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG THE LAST DESCRIBED WESTERLY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES: NORTH 62°47'49" EAST, A DISTANCE OF 408.25 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 63°45'00"; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 222.53 FEET TO THE POINT OF TANGENCY; THENCE NORTH 00°57'11" WEST, A DISTANCE OF 287.02 FEET TO THE POINT OF BEGINNING.

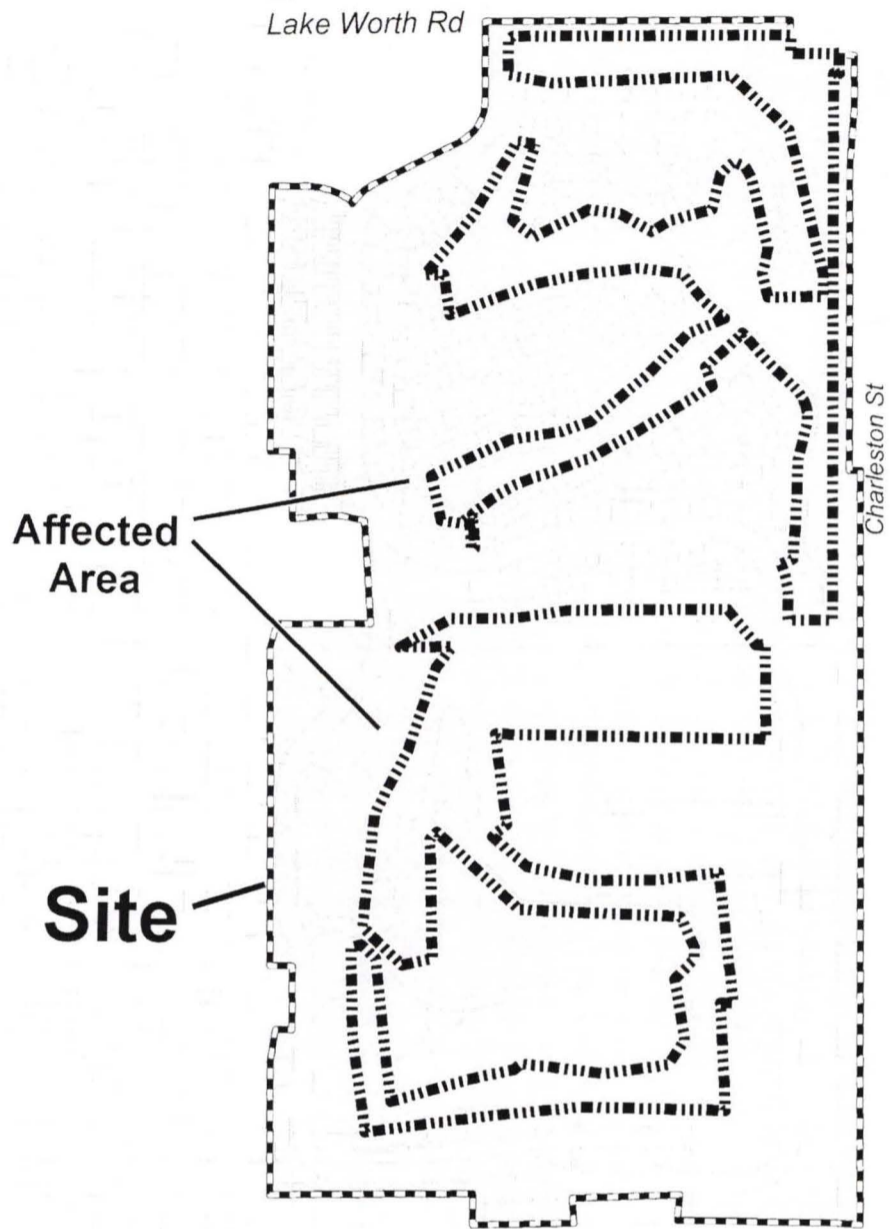
TOGETHER WITH:

BEGINNING AT THE MOST WESTERN NORTHWEST CORNER OF SAID SUNRISE OF PALM BEACH PLAT NO. 1; THENCE ALONG THE NORTH LINE OF THE LAST DESCRIBED PLAT, NORTH 89°02'09" EAST, A DISTANCE OF 575.31 FEET; THENCE

LEAVING SAID NORTH LINE, NORTH 60°00'00" EAST, A DISTANCE OF 259.13 FEET; THENCE NORTH 89°02'09" EAST, A DISTANCE OF 282.31 FEET; THENCE NORTH 80°59'05" EAST, A DISTANCE OF 244.20 FEET THENCE NORTH 89°02'09" EAST, A DISTANCE OF 700.40 FEET; THENCE SOUTH 38°52'10" EAST, A DISTANCE OF 202.75 FEET TO THE NORTH LINE OF TRACT GC-E, AS SHOWN ON SAID LUCERNE LAKES GOLF COURSE; THENCE ALONG THE LAST DESCRIBED NORTH LINE AND THE NORTH LINE OF SAID LUCERNE LAKES GOLF COLONY, NORTH 89°02'09" EAST, A DISTANCE OF 363.71 FEET TO THE NORTHEAST CORNER OF SAID LUCERNE LAKES GOLF COLONY; THENCE ALONG THE EAST LINE OF SAID LUCERNE LAKES GOLF COLONY AND THE EAST LINE OF SAID LUCERNE LAKES GOLF COLONY II, SOUTH 00°57'38" EAST, A DISTANCE OF 2,561.28 FEET TO THE SOUTHEAST CORNER OF SAID LUCERNE LAKES GOLF COLONY II; THENCE ALONG THE SOUTH LINES OF SAID LUCERNE LAKES GOLF COLONY II AND ALONG THE SOUTH AND WEST LINES OF SAID LUCERNE POINT PHASE III-C-3 AND ALONG THE WEST LINES OF SAID SUNRISE OF PALM BEACH PLAT NO. 2 AND ALONG THE WEST LINE OF SAID SUNRISE OF PALM BEACH PLAT NO. 1 THE FOLLOWING EIGHTEEN (18) COURSES AND DISTANCES: SOUTH 89°03'02" WEST, A DISTANCE OF 330.00 FEET; THENCE NORTH 00°56'58" WEST, A DISTANCE OF 6.00 FEET; THENCE SOUTH 89°03'02" WEST, A DISTANCE OF 330.00 FEET; THENCE SOUTH 00°56'58" EAST, A DISTANCE OF 6.00 FEET; THENCE SOUTH 89°03'02" WEST, A DISTANCE OF 55.00 FEET; THENCE NORTH 00°56'58" WEST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 89°03'02" WEST, A DISTANCE OF 400.00 FEET; THENCE SOUTH 00°56'58" EAST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 89°03'02" WEST, A DISTANCE OF 500.00 FEET; THENCE NORTH 00°56'58" WEST, A DISTANCE OF 190.00 FEET; THENCE SOUTH 89°03'02" WEST, A DISTANCE OF 800.00 FEET; THENCE NORTH 00°56'58" WEST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 89°02'49" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 00°57'11" WEST, A DISTANCE OF 580.36 FEET; THENCE NORTH 89°02'49" EAST, A DISTANCE OF 100.00 FEET; THENCE NORTH 00°57'11" WEST, A DISTANCE OF 290.00 FEET; THENCE SOUTH 89°02'49" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 00°57'11" WEST, A DISTANCE OF 1,400.27 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN SECTIONS 28 AND 33, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND CONTAINING A TOTAL OF 11,913,458 SQUARE FEET (273.4954 ACRES), MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. The approved Preliminary Master Plan is dated July 26, 2021. 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, 2026, or as amended. 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. The Property Owner shall construct

i) Extension of left turn lane east approach on Lake Worth Rd at Lucerne Lakes Blvd to County/FDOT standards or as approved by the County/FDOT

Above 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 FDOT for the above 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)

3. Prior to issuance of the first building permit within a given Pod, 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)

4. The Property Owner shall construct a left turn lane north approach on Ohio Rd at Columbia Dr. to County standards or as approved by the County. 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. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the entire condition shall be considered satisfied. (BLDGPMT: MONITORING - Engineering)

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

c. If Columbia Drive cannot be used for project traffic, then Engineering condition 4 will be deemed complete. (ONGOING: ENGINEERING – Engineering)

5. The Property Owner shall provide an acceptable drainage study identifying any historical

drainage from adjacent Pods within the Lucerne Lakes PUD and any adjacent 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 Subdivision Plans by the DRO. (DRO: ENGINEERING - Engineering)

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

6. The Property Owner shall reconstruct Charleston Street from Lake Worth Road to the connection to be consistent with Palm Beach County standards for local street. 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. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (BLDGPM/ONGOING: MONITORING - Engineering)

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

7. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all drainage easements shown in conflict with the existing or proposed structures. (BLDGPM/ONGOING: MONITORING - Engineering)

8. The Property Owner shall construct a left turn lane at the north approach on Lucerne Lakes Boulevard at the entrance to Pod B.

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 this construction shall be obtained prior to the issuance of the first building permit within Pod B. (BLDGPM/ONGOING: MONITORING - Engineering)

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

9. Prior to final approval of the Master Plan by the Development Review Officer, the applicant shall provide documentation acceptable to the County Attorney establishing the right to utilize Lucerne Lakes Boulevard for the residential development and share in the costs of maintenance of the road. (DRO: COUNTY ATTORNEY - Engineering)

10. Prior to the recordation of the plat where the limited access easement exists, the Property Owner shall abandon or release the limited access easements in conflict with the proposed access connections. (PLAT: ENGINEERING - Engineering)

## **ENVIRONMENTAL**

1. Prior to final approval by the Development Review Officer, the Plans shall be revised to identify a tree preservation area incorporating the native vegetation (including but not limited to the native canopy, sub-canopy and understory) near Tree #299 through Tree #352, or as approved by the Department of Environmental Resources Management. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to final approval by the Development Review Officer, the Plans shall be revised to incorporate trees to be preserved in place into the site design (e.g., modifying the lake embankment to meander around the native vegetation). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)



3. All mitigation plantings shall be planted on-site or as approved by ERM. (CO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

4. Prior to final approval by the Development Review Officer, a Tree Preservation Area Management Plan shall be provided to ERM for review and approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

5. The applicant shall relocate native understory growth (e.g., saw palmetto, cocoplum, etc.) where feasible. (VEGPMT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

**LANDSCAPE - PERIMETER POD A**

1. The landscape buffer along the south property line of Pod A, abutting existing residential Pod Phase 1A within P.B. 36, pages 155 -156 and P.B. 37, pages 190-191 as identified on PMP-1, shall be maintained as a 15 ft. Type 2 Incompatibility Buffer. In addition to the required planting of the Type 2 buffer, the following shall be provided:

- a. a minimum 2 foot high continuous berm; and,
- b. a minimum 6 foot high continuous opaque hedge. (BLDGPMTO/ONGOING: ZONING - Zoning)

**LANDSCAPE - PERIMETER POD B**

2. The landscape buffer along the north, east and west property lines of the northern portion of Pod B, abutting the existing residential Pods Phase 1A within P.B. 36, pages 155 -156, Phase 1A within P.B. 37, pages 190-191, Phase IB within P.B. 37, pages 75-76, and Phase IIA within PB 33, pages 29-30 as identified on PMP-1, shall be upgraded and maintained as a Type 2 Incompatibility Buffer. This excludes the portion where the 0.28-acre, 0.58-acre, 1.4-acre and 1.34-acre Water Management Tract abut the property line. In addition to the required planting of the Type 2 buffer, the following shall be provided:

- a. a minimum 2 foot high continuous berm; and,
- b. a minimum 6 foot high continuous opaque hedge. (BLDGPMTO/ONGOING: ZONING - Zoning)

3. The landscape buffer along the south property line of the northern portion of Pod B, abutting the existing residential Pod Phase IIA within P.B. 33, pages 31-32 as identified on PMP-1, shall be maintained as a Type 2 Incompatibility Buffer, with exception to the 10 ft. Type 1 Incompatibility Buffer identified to the west of the 0.61-acre Neighborhood Park/Preserve Area (see Landscape Perimeter Condition 11.b). In addition to the required planting of the Type 2 buffer, the following shall be provided:

- a. minimum 2 foot high continuous berm; and,
- b. a minimum 6 foot high continuous opaque hedge. (BLDGPMTO/ONGOING: ZONING - Zoning)

4. The landscape buffer along the north and west property lines of the southern portion of Pod B, abutting the existing residential Pod Phase IIA within P.B. 33, pages 31-32, P.B. 33, pages 107-108, and P.B. 33 page 182-183 as identified on PMP-1, shall be upgraded and maintained as a Type 2 Incompatibility Buffer. In addition to the required planting of the Type 2 buffer, the following shall be provided:

- a. a minimum 2 foot high continuous berm; and,
- b. a minimum 6 foot high continuous opaque hedge. (BLDGPMTO/DRO/ONGOING: ZONING - Zoning)

5. The landscape buffer along the south property line of the southern portion of Pod B, abutting the existing residential Pod Phase IIB within P.B. 34, pages 151-152 as identified on PMP-1, shall be maintained as a Type 2 Incompatibility Buffer. In addition to the required planting of the Type 2 buffer, the following shall be provided:

- a. a minimum 2 foot high continuous berm; and,
- b. a minimum 6 foot high continuous opaque hedge. (BLDGPMTO/ONGOING: ZONING - Zoning)

## **LANDSCAPE - PERIMETER POD C**

6. The landscape buffer along the south property line of the northern portion of Pod C, abutting the existing residential Pod Phase III-C-1 within P.B. 44, pages 158-159 as identified on PMP-1, shall be maintained as a Type 2 Incompatibility Buffer. In addition to the required planting of the Type 2 buffer, the following shall be provided:

- a. a minimum 2 foot high continuous berm; and,
- b. a minimum 6 foot high continuous opaque hedge. (BLDG/PMT/ONGOING: ZONING - Zoning)

7. The landscape buffer along the west property line, abutting the existing residential Pod Phase IIIA within P.B. 39, pages 88-89 as identified on PMP-1, shall be maintained as a Type 2 Incompatibility Buffer. In addition to the required planting of the Type 2 buffer, the following shall be provided:

- a. a minimum 2 foot high continuous berm; and,
- b. a minimum 6 foot high continuous opaque hedge. (BLDG/PMT/ONGOING: ZONING - Zoning)

8. The landscape buffer along the east property line (excluding the portion adjacent to the 0.63 acre Water Management Tract) and north property line of the southern portion of Pod C abutting the existing residential Pod Phase III-C-1 within P.B. 44 pages 158-159 as identified on PMP-1, and the east property line butting Phase III-C-2 within P.B. 52 pages 4-5, shall be maintained as a Type 2 Incompatibility Buffer. In addition to the required planting of the Type 2 buffer, the following shall be provided:

- a. minimum 2 foot high continuous berm; and,
- b. a minimum 6 foot high continuous opaque hedge. (BLDG/PMT/ONGOING: ZONING - Zoning)

9. The landscape buffer along the east property line of the southern portion of Pod C abutting the existing residential Pod Phase III-C-2 within P.B. 52, pages 4-5 as identified on PMP-1, shall be maintained as a Type 2 Incompatibility Buffer. In addition to the required planting of the Type 2 buffer, the following shall be provided:

- a. a minimum 2 foot high continuous berm; and,
- b. a minimum 6 foot high continuous opaque hedge. (BLDG/PMT/ONGOING: ZONING - Zoning)

10. The landscape buffer along the south and west property lines of the southern portion of Pod C, abutting the existing residential Pod Phase III-B within P.B. 43, pages 51-52 as identified on PMP-1, shall be upgraded to provide an 8 foot Compatibility buffer. This shall exclude those portions of the property lines the portion where the 0.79-acre Water Management Tract, 0.14-acre Open Space, and the 0.20 and 0.43-acre Rec Pod are proposed. (BLDG/PMT/ONGOING: ZONING - Zoning)

## **LANDSCAPE - PERIMETER**

11. Prior to final approval by the Development Review Officer, the following perimeter buffering shall be provided as follows:

### **POD B:**

- a. to the west of the 1.34-acre Water Management Tract, a 15 ft. Type 2 Incompatibility Buffer shall be provided where a break is shown in the buffering on the PMP dated July 26, 2021; and,
- b. to the west of the 0.61-acre Neighborhood Park/Preserve Area, the identified 10 ft. Type 1 Incompatibility Buffer (approximately 200 ft. in length) shall provide the planting requirements of a Type 2 Incompatibility Buffer. The 10 ft. width shall be maintained. No berming shall be provided within this area.

### **POD C:**

- c. an 8 ft. Compatibility Buffer shall be provided beginning from the 0.20-acre Recreation Pod continuing south to the 7.88-acre Water Management Tract. (DRO/ONGOING: ZONING - Zoning)

12. No width reduction of any landscape buffer shall be permitted. (ONGOING: ZONING –

Zoning)

13. In the event that a Water Management Tract (Dry Detention Area) as identified on a PMP is revised to a Lake or Canal, the Landscape Buffer adjacent to that area may be relocated to the internal R-O-W. (ONGOING: ZONING – Zoning)

#### **PARKS**

1. Pod A - no more than 14 Certificates of Occupancy for the residential units shall be issued for this phase 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)

2. Pod B - no more than 30 Certificates of Occupancy for the residential units shall be issued for this phase 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: PARKS AND RECREATION - Parks and Recreation)

3. Pod C - no more than 26 Certificates of Occupancy for the multifamily residents and no more the 40 building permits issued for the zero lot line homes 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. (BLDGPMPT/CO: PARKS AND RECREATION - Parks and Recreation)

#### **PLANNING**

1. The subject request for 450 units with a 11-unit Workforce Housing Program (WHP) obligation was calculated based on the 79-acre golf course, Limited Incentive Development Option with the WHP units to be for sale and will be provided onsite as Townhouses. No WHP density bonus was utilized. Should any change occur to the calculation, the site shall require resubmittal and recalculation in whatever process it originated. (ONGOING: PLANNING - Planning)

2. Prior to the issuance of the first residential 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. The site plan shall also be modified to include the OR Book and Page of the recorded document and provide a copy of the revised site plan to Planning. (BLDGPMPT: MONITORING - Planning)

3. Prior to the release of the 225th Building Permit (50% of 450du), Fifty percent of WHP units (6) must receive certificates of occupancy. (BLDGPMPT: MONITORING - Planning)

4. Prior to the release of the 383rd (85% of 450) Building Permit, All WHP units (11) must receive certificates of Occupancy. (BLDGPMPT: MONITORING - Planning)

5. Prior to the release of the first Certificate of Occupancy (CO), the Developer shall provide documentation demonstrating compliance with the required proof of notification to interested parties and the design standards, such as but not limited to: compatible exteriors, size and number of bedrooms per WHP unit installation of required appliances, provision of a dry model (ULDC Article 5.G.1.3.h). (CO: MONITORING - Planning)

6. The developer shall provide notice of commencement of sales to Planning and DHES and a list of interested parties. (ONGOING: PLANNING - Planning)

7. Per ULDC Article 5.G.1.3.h.2. Design Standards: all for-sale WHP units shall have a minimum of two bedrooms and 25% of the for-sale WHP units shall have three bedrooms with all having a minimum bedroom size of 100 square feet. (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 Commissioners approval. If approved, payment will be made prior to Final Master Plan approval. If the civic site is not cashed out, a civic site that is acceptable to Palm Beach County Facilities, Development & Operations Department will be required. (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 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) for each residential pod, the 10' by 15' school bus shelter for each pod shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelters shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelters shall be the responsibility of the residential Property Owner. (ONGOING: MONITORING - School Board)

### **SITE DESIGN**

1. Prior to final approval by the Development Review Officer, all applicable plans shall be revised to indicate three fountains within the proposed southern-most waterbody (7.88-acres in size as indicated on PMP-2). (DRO: ZONING - Zoning)

2. Prior to final approval by the Development Review Officer, all Plans that identify entrance signs on the west side of Pod A shall be modified to remove said signage. (DRO: ZONING - Zoning)

3. All Townhouses shall be limited to a maximum of 25 feet in height, as defined in Art. 1.C.4.C.1, Building Height. (BLDGPM/ONGOING: BUILDING DIVISION - Zoning)

4. Prior to final approval by the Development Review Officer, the Preliminary Master Plan shall be revised as follows:

- a. A 3 ft. wide buffer shall be provided to the north of the relocated L-13 LWDD Canal. The buffer shall provide for a 5 ft. high vinyl coated chain link fence adjacent to the existing residential development, as well as a 5 ft. continuous opaque hedge on the south side of the fence;
- b. the 7.5 ft. ROW Buffer on the south side of the L-13 LWDD Canal shall be revised to a 5 ft. wide landscape buffer. Plantings within this buffer shall be consistent with a 8 ft. Compatibility Buffer, as indicated in Table 7.C.2.B, Compatibility Buffer Landscape Requirements. (BLDGPM/DRO: BUILDING DIVISION - Zoning)

### **USE LIMITATIONS**

1. Hours of construction activity during all stages of site development shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Saturday. Construction shall be prohibited on Sunday and statutory holidays. (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.