

RESOLUTION NO. R-2010- 0442

RESOLUTION APPROVING ZONING APPLICATION DOA-2009-04541
(CONTROL NO. 1983-00018)
a Development Order Amendment
APPLICATION OF CRVI Bayhill, LLC
BY Perry & Taylor PA, AGENT
(Bayhill Estates)

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; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application DOA-2009-04541 was presented to the Board of County Commissioners at a public hearing conducted on March 31, 2010; and

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; and

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code 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-2009-04541, the petition of CRVI Bayhill, LLC, by Perry & Taylor PA, agent, for a Development Order Amendment to delete Conditions of Approval (Engineering and Planning) in the PUD Zoning District, on a parcel of land legally described 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 March 31, 2010, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner Burt Aaronson, Chair	- Aye
Commissioner Karen T. Marcus, Vice Chair	- Aye
Commissioner Jeff Koons	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Jess R. Santamaria	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 31, 2010.

Filed with the Clerk of the Board of County Commissioners on April 2, 2010.

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



The seal is circular with a double-line border. The outer ring contains the text "PALM BEACH COUNTY COMMISSIONERS" at the top and "BOCA RATON FLORIDA" at the bottom, separated by a small star. The center of the seal contains the text "PALM BEACH COUNTY" and "FLORIDA" in a smaller font.

EXHIBIT A

LEGAL DESCRIPTION

Legal Description

All of the plat of Stonewal Estates PUD, Plat No. 1, as recorded in Plat Book 47, Page 12 through 17 of the Public Records of Palm Beach County, Florida; together with

All of the plat of Stonewal Estates Plat No.2 as recorded in Plat Book 61, Page 3 through 4 of the Public Records of Palm Beach County, Florida; together with

All of the plat of Stonewal Estates P.U.D. Plat No. 3 as recorded in Plat Book 71, Page 133 through 134 of the Public Records of Palm Beach County, Florida; together with

Tract R of the plat of Stonewal Estates P.U.D. Plat No. 3A as recorded in Plat Book 105, Page 57 through 59 of the Public Records of Palm Beach County, Florida; together with

Tract "M" and Tract "CH" of the plat of Bayhill Clubhouse and Maintenance Area as recorded in Plat Book 109, Page 158 through 159 of the Public Records of Palm Beach County, Florida; together with

All of the plat of Bayhill Estates PUD as recorded in Plat Book 110, Page 16 through 30 of the Public Records of Palm Beach County, Florida.

EXHIBIT B

VICINITY SKETCH

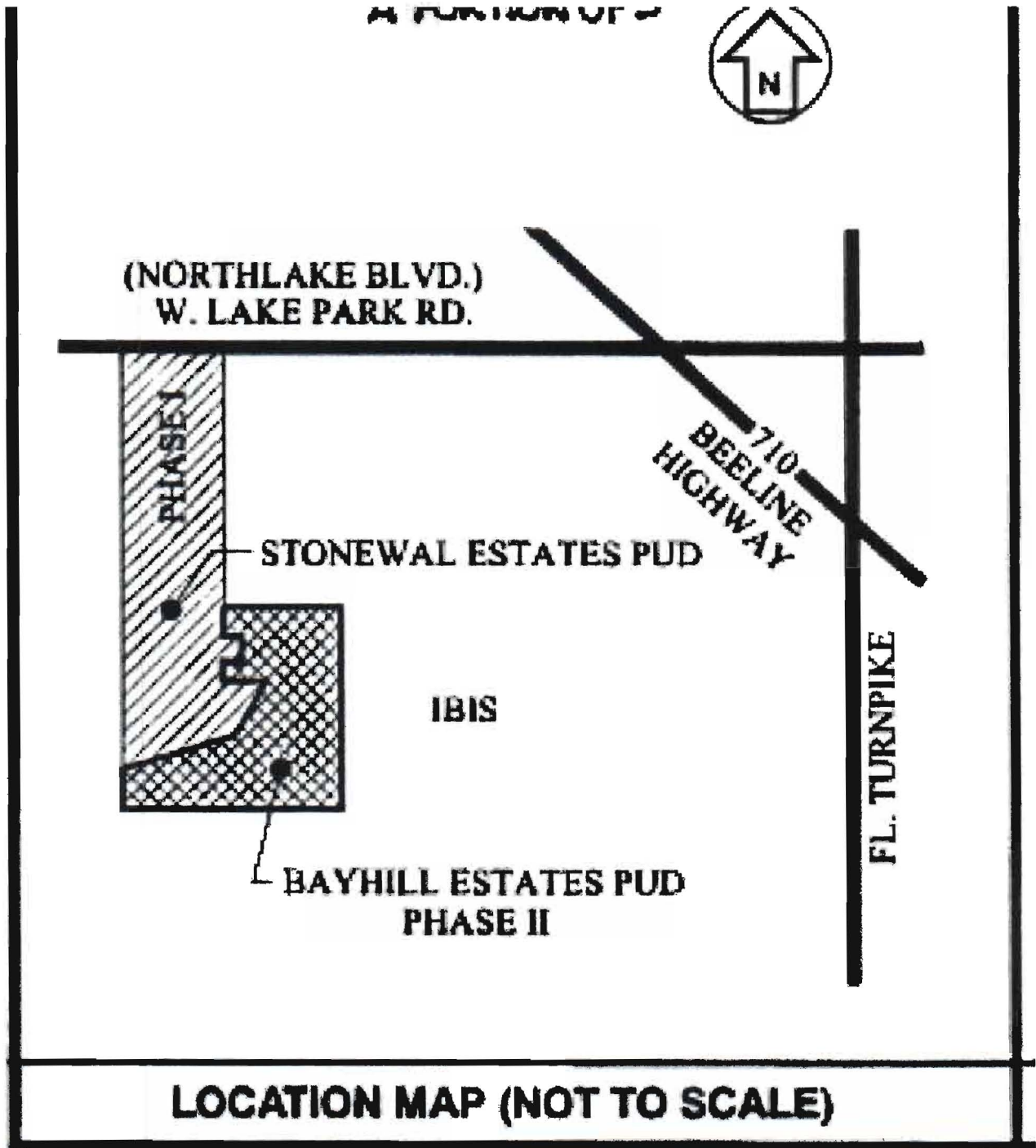


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1. of Resolution R-2004-2429, Control 1983-018 which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-83-1041 (Petition 1983-018), R-93-638 (Petition 1983-018), R-94-1479 (Petition 1983-018), R-97-528 (Petition 1983-018), R-2001-607 (Petition 1983-018), and R-2003-1396 (Petition 1983-018) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2004-2429 (Control 1983-018) have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition A.2. of Resolution R-2004-2429, Control 1983-018 which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated July 19, 2004. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

Is hereby amended to read:

The approved Preliminary Master Plan is dated December 28, 2005. Modifications to the development order inconsistent with the conditions of approval or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. The property owner shall convey to Palm Beach County, within ninety (90) days of approval, 60 feet from centerline for the ultimate right-of-way for Northlake Boulevard, approximately an additional 10 feet of right-of-way. (DATE: ENGINEERING - Eng) (Previous condition E.1. of Resolution R-2004-2429, Control No. 1983-018) [Note: COMPLETED]

2. The developer shall construct, concurrent with the filing of the first plat:

- a. Northlake Boulevard from the existing western paved terminus west to the project's west property line. (PLAT: ENGINEERING - Eng) [Note: COMPLETED]
- b. On Northlake Boulevard at the project's entrance road, a left turn lane, east approach. (PLAT: ENGINEERING - Eng) [Note: COMPLETED]
- c. At the intersection of Northlake Boulevard and S.R. 710 (and/or to be included in the plan preparation as outlined in Condition No. 5 below): (PLAT: ENGINEERING - Eng) (Previous condition E.2. of Resolution R-2004-2429, Control No. 1983-018)

1. Left turn lane, north approach [Note: COMPLETED]
2. Right turn lane, north approach [Note: COMPLETED]

3. Left turn lane, south approach [Note: COMPLETED]
4. Right turn lane, south approach [Note: COMPLETED]
5. Left turn lane, east approach [Note: COMPLETED]
6. Right turn lane, east approach [Note: COMPLETED]
7. Left turn lane, west approach [Note: COMPLETED]
8. Right turn lane, west approach [Note: COMPLETED]

3.The developer shall install signalization at the intersection of S.R. 710 and Northlake Boulevard, when warranted as determined by the County Engineer, but shall be no later than five (5) years after the issuance of the final certification of occupancy. (CO: MONITORING -Eng) (Previous condition E.3. of Resolution R-2004-2429, Control No. 1983-018)

4.The first plat shall not be filed until the property has been incorporated in the Indian Trail Water District and either:

- a. The district has formally agreed to assume service responsibility for any drainage pumps to be temporarily used for drainage; or
- b. Legal positive outfall has been obtained from the District and approved by the County Engineer. (PLAT: ENGINEERING - Eng) (Previous condition E.4. of Resolution R-2004-2429, Control No. 1983-018) [Note: COMPLETED]

5.The developer shall prepare the construction plans for Northlake Boulevard as a 4-lane median divided section from a point 200 feet west of the west right-of-way of Beeline Highway through the intersection of Ryder Cup Boulevard including appropriate tapers per the County Engineer's approval. These plans to be compatible with the Department of Transportation's plans for Beeline Highway. These plans shall be completed and approved within 12 months of Special Exception approval. Aerial photographs shall be provided by the County Engineer's office on a reimbursable basis from the developer at the County's cost. (ONGOING: ENGINEERING-Eng) (Previous condition E.5. of Resolution R-2004-2429, Control No. 1983-018) [Note: COMPLETED]

6.The developer shall contribute a total sum of \$375,000.00 toward the improvement of Northlake Boulevard, as follows:

- a. The developer shall provide Palm Beach County with \$75,000.00 in work product in the form of construction plans. [Note: COMPLETED]
- b. The developer shall provide Palm Beach County with a total of \$300,000.00 on October 1, 1994, to be used toward the construction of Northlake Boulevard. The amount of payment made on October 1, 1994 shall be \$300,000.00, reduced by the traffic impact fees which have been paid previous to this date by development within the Stonewall Estates PUD. An account shall be established to accumulate traffic impact fees paid prior to October 1, 1994. It is the intent that the total of the impact fees and the cash paid on October 1, 1994 shall be \$300,000.00. (DATE: MONITORING - Eng) [Note: COMPLETED]

The existing surety for condition number 6 of Resolution R-83-1041 shall be replaced prior to October 1, 1992, with an irrevocable surety in a form acceptable to the County Engineer and in the amount of \$300,000.00, less the amount of impact fees already paid by building permits pulled within Stonewall Estates PUD. This irrevocable surety may be drawn on October 1, 1994 if cash payment is not made on that date. The cash payment made on October 1, 1994, shall be used as credit toward future traffic impact fees, paid by development within the Stonewall Estates PUD. (DATE: MONITORING - Eng) (Previous condition E.6. of Resolution R-2004-2429, Control No. 1983-018) [Note: COMPLETED]

7.The developer shall provide surety per the County Engineer's approval to guarantee the above said work contribution, as outlined in Condition No. 6 above. Surety shall be phased as follows:

- a. Phase I 253 lots time \$764/lot less the cost of said plans to be paid at the time of the filing of the first plat. (PLAT: ENGINEERING - Eng)
- b. Phase II Surety for the balance shall be posted commensurate with the filing of the

Phase II plat. (PLAT: ENGINEERING - Eng)

All work as outlined in Conditions No. 6 and 7, shall be accomplished within four (4) years of Special Exception approval. (ONGOING: ENGINEERING - Eng) (Previous condition E.7. of Resolution R-2004-2429, Control No. 1983-018) [Note: COMPLETED]

8.If 4a above is utilized and the first plat filed, legal outfall must be obtained prior to platting of more than 253 lots referenced in 4b. (PLAT: ENGINEERING - Eng) (Previous condition E.8. of Resolution R-2004-2429, Control No. 1983-018) [Note: COMPLETED]

9.The developer shall maintain at his own expense the shellrock portion of Northlake Boulevard between the project's entrance; and the existing pavement in a condition acceptable to the County Engineer, during the period of construction of this development. (ONGOING: ENGINEERING Eng) (Previous condition E.9. of Resolution R-2004-2429, Control No. 1983-018) [Note: COMPLETED]

10.The property owner of Phase 2 shall cooperate with Palm Beach County in aligning an extension of Royal Palm Beach Boulevard to Northlake Boulevard. (ONGOING: ENGINEERING Eng) (Previous condition E.10. of Resolution R-2004-2429, Control No. 1983-018)

11.Upon resolution of the foregoing, Phase 2 property owners shall amend the Preliminary Development Plan to conform to these agreements. In the event the alignment is not established prior to November 11, 2001, the phase 2 property owners shall be relieved of any obligation relative to the extension of Royal Palm Beach Boulevard. Any areas to be mitigated on-site shall be dedicated to the Property owners Association and a conservation easement granted to South Florida Water Management District. (ONGOING: ENGINEERING Eng) (Previous condition E.11. of Resolution R-2004-2429, Control No. 1983-018)

12.In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:

No Building Permits for Phase 2 may be issued after September 23, 2007. 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 Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING - Eng) (Previous condition E.12. of Resolution R-2004-2429, Control No. 1983-018) [NOTE: Complete]

13.Previous condition E.13. of Resolution R-2004-2429, Control No. 1983-018, which currently states:

The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the PUD Entrance and Northlake Boulevard. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. Building Permits for Phase 2 (Petition 1983-018B) shall not be issued until the developer provides acceptable surety to the Land Development Division in an amount as determined by the Director of the Traffic Division for the installation of this signal. (BLDG PERMITS PHASE 2: MONITORING - Eng)

Is hereby amended to read:

The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the PUD Entrance and Northlake Boulevard. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. Building Permits for more than 293 units (including phase 1) shall not be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division for the installation of this signal. (BLDG PERMIT: MONITORING - Eng)

b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING-Eng)

14. CONVEYANCE OF RIGHT OF RIGHT OF WAY Orange Boulevard

The property owner shall convey to Palm Beach County Land Development Division by warranty deed for Orange Boulevard, 40 feet from centerline plus additional right of way to provide for a guardrail pad. All right of way shall be conveyed prior to January 1, 2006. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. The Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE: MONITORING -Eng) (Previous condition E.14. of Resolution R-2004-2429, Control No. 1983-018) [Note: COMPLETED]

15. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Orange Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING - Eng) (Previous condition E.15. of Resolution R-2004-2429, Control No. 1983-018)

16. Previous condition E.16. of Resolution R-2004-2429, Control No. 1983-018, which currently states:

On or before January 1, 2006, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Orange Boulevard along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project

to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING - Eng)

Is hereby deleted. [Reason: Connection to Orange Boulevard is no longer proposed]

17.LANDSCAPE WITHIN THE MEDIAN OF NORTHLAKE BOULEVARD

The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Northlake Boulevard. 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 Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.

a.The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

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

c.At petitioners option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner 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 petitioner. The petitioner 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 Petitioner. (ONGOING: ENGINEERING - Eng)

d.Also, prior to the issuance of a Building Permit, and at the option of the petitioner, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the projects front footage along Northlake Boulevard. 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. (ONGONG: ENGINEERING - Eng) (Previous condition E.17. of Resolution R-2004-2429, Control No. 1983-018)

18.The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Eng) (Previous condition E.18. of Resolution R-2004-2429, Control No. 1983-018)

19.Previous condition E.19. of Resolution R-2004-2429, Control No. 1983-018, which currently states:

The Property owner shall construct Orange Boulevard from Royal Palm Beach Boulevard to the projects entrance road. Construction of Orange Boulevard shall be to local street standards, minimum 2-10 foot travel lanes, including a pedestrian pathway on both the north and south side. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations,

required drainage and any additional required right-of-way.

a. Permits required by Indian Trail Water Control District for this construction shall be obtained prior to the issuance of the first Building Permit for phase 2 of the site. (BLDG PERMIT: MONITORING-Eng)

b. Construction for Orange Boulevard shall be completed prior to the issuance of the first Certificate of Occupancy for phase 2 of the site. (CO: MONITORING-Eng)

Is hereby deleted. [Reason: Connection to Orange Boulevard is no longer proposed]

20.Previous condition E.20. of Resolution R-2004-2429, Control No. 1983-018, which currently states:

LANDSCAPE WITHIN THE RIGHT OF WAY OF ORANGE BOULEVARD

The petitioner shall design, install and perpetually maintain landscaping and irrigation within the Right of Way of Orange Boulevard from Royal Palm Beach Boulevard to the projects entrance road. Landscaping within this right of way shall be consistent with the proposed perimeter buffers for phase 2 of the development. Landscaping installed by property owner shall be perpetually maintained by the property owner, his successors and assigns, without recourse to Palm Beach County.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit for phase 2 of the site. (BLDG PERMIT: MONITORING-Eng)

b. All installation of this right of way landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy for phase 2 of the site. (CO: MONITORING -Eng)

Is hereby deleted. [Reason: Connection to Orange Boulevard is no longer proposed]

ENVIRONMENTAL

1.All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM - Erm) (Previous condition B.1. of Resolution R-2004-2429, Control No. 1983-018)

2.A 25% upland set-aside equal to or greater than 3.00 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is approved by ERM. (ONGOING: ERM - Erm) (Previous condition B.2. of Resolution R-2004-2429, Control No. 1983-018)

3.A Preserve Management Plan and form of recordation such as Conservation Easement, Restrictive Covenant or Plat, shall be approved by ERM prior to final site plan approval. (DRO: ERM - Erm) (Previous condition B.3. of Resolution R-2004-2429, Control No. 1983-018)

4.The property owner the area commonly referred to as Phase 2 of the approved Master Plan for Stonewall PUD shall work with Palm Beach County and the South Florida Water Management District to consider providing off-site mitigation, which shall be in accordance with the terms of the Settlement Agreement between the Phase 2 property owners and South Florida Water Management District, as amended. In addition, Phase 2 shall preserve an additional three (3) acres of upland preserve area. (PLAT: ENG Erm) (Previous condition B.4. of Resolution R-2004-2429, Control No. 1983-018)

5.The developer shall preserve existing stands of significant native vegetation and shall not disturb these areas except for the installation of required drainage, roadway, building pad, golf course, and driveway improvements. (PLAT: ERM Erm) (Previous condition E.5. of Resolution R-2004-2429, Control No. 1983-018)

HEALTH

1.Previous condition C. 1 of Resolution R2004-2429; Control 1983-018 which reads:

The development shall be subject to any general policies adopted by the Board regarding septic tanks. (ONGOING: HEALTH--Health)

Is hereby deleted. [Reason: Code Requirement]

2.The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties. (ONGOING: HEALTH --Health) (Previous Condition C. 2 of Resolution R2004-2429; Control 1983-018)

3.Previous Condition C. 3 of Resolution R2004-2429; Control 1983-018 which reads:

The developer shall take necessary measures during the development of this property to prevent pollutant run-off to neighboring and nearby surface waters. (ONGOING: HEALTH -Health)

Is hereby deleted. [Reason--Code requirement]

PLANNED DEVELOPMENT

1.Prior to final master/site plans approval by the Development Review Officer (DRO), in order to comply with Recommendation #4 (page 52) from the Western Northlake Corridor Land Use Study and Rural Tier policies of the Comprehensive Plan, the property owner shall provide street cross-section details depicting shaded sidewalks planted for pedestrian and bicycle circulation along all internal roadways in Phase II. Street shade trees shall be required within all street tracts and/or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:

- a. along one side of all internal PUD streets less than fifty (50) feet in width;
- b. along both sides of all internal PUD streets fifty (50) feet in width or greater; and,
- c. The trees shall be native, and shall be a minimum of twelve (12) feet in height with a minimum spread of five (5) feet and shall be spaced a maximum distance of thirty (30) feet. (DRO: ZONING - Zoning) (Previous Condition G.1. of Resolution R-2004-2429, Control 1983-018)

2.Prior to final master/site plan approval by the Development Review Officer (DRO), the master/Site plans shall be amended to indicate a minimum of two (2) fountains within the northernmost lake tract. The Master Plan/Site Plan shall also indicate a minimum of one (1) fountain in the southernmost lake tract. (DRO: ZONING - Zoning) (Previous Condition G.2. of Resolution R-2004-2429, Control 1983-018)

3.Prior to final master/site plan approval by the Development Review Officer (DRO), the site plan shall be amended to indicate decorative paving (pre-cast concrete paver blocks or stamped concrete) within all cul-de-sacs and/or eyebrows and all T-intersections. This paving shall:

- a. consist of the same paving material and treatment throughout the site;
- b. cover the entire area of the applicable drive aisle surface; and
- c. dimensions are subject to review and approval by the Development Review Officer (DRO). (DRO: ZONING - Zoning) (Previous Condition G.3. of Resolution R-2004-2429, Control 1983-018)

4.Prior to final approval of the master/site plans by the Development Review Officer (DRO), the master/site plans shall be revised to indicate a landscaped focal point within all eyebrow/cul-de-sac islands. Each landscaped focal point shall be subject to review and approval by the Landscape Section. (DRO: LANDSCAPE - Zoning) (Previous Condition G.4. of Resolution R-2004-2429, Control 1983-018)

5.Recreation uses provided in accordance with Section 3.E.2.B.2.e of the ULDC shall be located on a minimum of 0.1 acres and a minimum width of 50 feet, and shall be

located within designated Home Owners Association recreation tracts (neighborhood parks) in the PUD as shown on the site plan dated July 19, 2004. A minimum of three (3) neighborhood parks shall be provided in the PUD. The neighborhood parks shall have a direct connection to the pedestrian system on the property and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Development Review Officer (DRO). The neighborhood parks shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRO: ZONING - Zoning) (Previous Condition G.5. of Resolution R-2004-2429, Control 1983-018)

PLANNING

1. Condition D.1. of Resolution R-2004-2429, Control No. 1983-018, which currently states:

Prior to the issuance of a Certificate of Occupancy (CO), the property owner shall pave the property to the edge of the southern property line at the location shown on the site plan which reads ROW to be paved to the property line for future access to Orange Boulevard". (CO: MONITORING - Planning)

Is hereby deleted. [Reason: Approval of Applicant's request to delete condition pursuant to Application DOA-2009-4541.]

2. Condition D.2. of Resolution R-2004-2429, Control No. 1983-018, which currently states:

Prior to final master plan approval by the Development Review Officer (DRO), the property owner shall record a cross access easement from the subject property to the adjacent property at the southern portion of the site in a form acceptable to the County Attorney. (DRO: COUNTY ATTY-Planning)

Is hereby deleted. [Reason: No Longer Applicable.]

PROPERTY & REAL ESTATE MANAGEMENT

1. The developer or his successor shall reserve the civic site for a period of ten (10) years, for dedication without cost to any governmental agency which may require said property subject the consent of the Board of County Commissioners. After said ten (10) year period, the developer or his successor may develop the property for any civic, institutional, educational, or recreational purpose subject to site plan approval. (ONGOING: PREM Prem) (Previous condition PREM F.1. of Resolution R-2004-2429, Control 1983-018)[COMPLETED]

UTILITIES

1. Previous condition H.1. of Resolution R-2004-2429, Control No. 1983-018, which currently states:

Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall enter into a Standard Development Agreement with Palm Beach County Water Utilities Department (PBCWUD). (DRO: PBCWUD-PBCWUD)

Is hereby amended to read:

Prior to issuance of a building permit within the Plat of Bayhill Estates PUD, as recorded in Plat Book 110 Pages 16 through 30, Palm Beach County, Florida, the Property Owner shall provide County a confirmation of potable water and wastewater service commitment from a Utility. The Property is currently within the Palm Beach County Water Utilities Department (PBCWUD) service area. Potable water/wastewater service to the Property by other than PBCWUD shall require the consent of the County. (BLDG PERMIT: BLDG – PBCWUD)

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 (CO); 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; 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 (ULDC) 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; 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)