

RESOLUTION NO. R-2011- 0573

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2010-02822
(CONTROL NO. 1996-00081)
a Development Order Amendment
APPLICATION OF Civic Development Group LLC
BY CMS Engineering, LLC, AGENT
(Villages of Windsor SW Civic)

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/R-2010-02822 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 2011; 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/R-2010-02822, the petition of Civic Development Group LLC, by CMS Engineering, LLC, agent, for a Development Order Amendment to add a Congregate Living Facility, Type 3 and a Nursing Facility to the Preliminary Master Plan; and, delete 2 access points. 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 April 28, 2011, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 28, 2011.

Filed with the Clerk of the Board of County Commissioners on May 3, 2011.


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 OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

DESCRIPTION: OVERALL

A PORTION OF BLOCKS 37, 42 AND 43, "PALM BEACH FARMS CO. PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, TOGETHER WITH ALL THAT PORTION OF HYPOLUXO ROAD, AS SHOWN ON THE PLAT OF "GREENBRIAR 1 OF SHERBROOK", AS RECORDED IN PLAT BOOK 33, PAGES 55 THROUGH 57, AND A PORTION OF HYPOLUXO ROAD ABANDONED IN OFFICIAL RECORD BOOK 3123, PAGES 1646 THROUGH 1652, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING NO.1 AT THE NORTHEAST CORNER OF HYPOLUXO ROAD, "GREENBRIAR I OF SHERBROOKE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGES 55 THROUGH 57 OF SAID PUBLIC RECORDS; THENCE S89°d26'07"W ALONG THE NORTH LINE THEREOF AND ITS WESTERLY PROJECTION, A DISTANCE OF 2093.11 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE EAST RIGHT-OF-WAY LINE OF "LYONS ROAD", AS RECORDED IN OFFICIAL RECORDS BOOK 10031, PAGE 689 OF SAID PUBLIC RECORDS; THENCE S00°d33'53"E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 833.61 FEET; THENCE N89°d26'07"E, A DISTANCE OF 1282.58 FEET; THENCE S36°d11'44"E, A DISTANCE OF 961.21 FEET TO POINT "A" AND A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF "HYPOLUXO ROAD", AS RECORDED IN OFFICIAL RECORDS BOOK 10031, PAGE 692 OF SAID PUBLIC RECORDS; THENCE N53°d48'16"E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1668.85 FEET; THENCE N50°d08'33"E ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF "HYPOLUXO ROAD", AS RECORDED IN OFFICIAL RECORDS BOOK 9745, PAGE 1403 OF SAID PUBLIC RECORDS, A DISTANCE OF 250.51 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S36°d11'44"E, HAVING A RADIUS OF 1980.86 FEET, A CENTRAL ANGLE OF 17°d43'35", AN ARC DISTANCE OF 612.85 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, THENCE CONTINUING NORTHEASTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S25°d07'27"E, HAVING A RADIUS OF 1467.38 FEET, A CENTRAL ANGLE OF 24°d39'18", AN ARC DISTANCE OF 631.43 FEET TO A POINT OF TANGENCY; THENCE N89°d31'51"E CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 179.02 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE BRIDGE APPROACH FOR "HYPOLUXO ROAD", AS RECORDED IN OFFICIAL RECORDS BOOK 9745, PAGE 1403 OF SAID PUBLIC RECORDS; THENCE N09°d08'04"E ALONG SAID BRIDGE APPROACH FOR "HYPOLUXO ROAD", A DISTANCE OF 688.49 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF TRACT 98 OF SAID BLOCK 37; THENCE S89°d26'07"W ALONG SAID SOUTH LINE, A DISTANCE OF 225.19 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 98; THENCE N00°d33'53"W ALONG THE WEST LINE OF SAID TRACT 98 AND THE NORTHERLY PROJECTION THEREOF, A DISTANCE OF 690.00 FEET TO THE SOUTHWEST CORNER OF TRACT 95 OF SAID BLOCK 37; THENCE N89°d26'07"E ALONG THE SOUTH LINE OF SAID TRACT 95, A DISTANCE OF 330.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 95; THENCE N00°d33'53"W ALONG THE WEST RIGHT-OF-WAY LINE OF THE "FLORIDA'S TURNPIKE", A DISTANCE OF 1320.00 FEET; THENCE S89°d26'07"W ALONG THE NORTH LINE OF TRACTS 66 THROUGH 75 OF SAID BLOCK 37, A DISTANCE OF 3350.88 FEET; THENCE S00°d33'55"E, A DISTANCE OF 45.00 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID "GREENBRIAR I OF SHERBROOKE"; THENCE S20°d27'01"E ALONG SAID EASTERLY LINE, A DISTANCE OF 358.12 FEET TO A POINT OF INTERSECTION WITH A NONTANGENT CURVE, THENCE EASTERLY

ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S14°d45'24"E, HAVING A RADIUS OF 504.00 FEET, A CENTRAL ANGLE OF 02°d07'31", AN ARC DISTANCE OF 18.70 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 42°d04'52", AN ARC DISTANCE OF 18.36 FEET TO A POINT OF REVERSE CURVATURE, THENCE NORTHEASTERLY, SOUTHERLY AND SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 53.00 FEET, A CENTRAL ANGLE OF 270°d07'30", AN ARC DISTANCE OF 249.87 FEET TO A POINT OF REVERSE CURVATURE, THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 48°d49'39", AN ARC DISTANCE OF 21.30 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT LINE (THE PREVIOUS FOUR COURSES AND DISTANCES ARE ALONG THE RIGHT-OF-WAY LINE OF "KENDALE CIRCLE", AS RECORDED IN OFFICIAL RECORDS BOOK 7019, PAGE 76 OF SAID PUBLIC RECORDS; THENCE S24°d34'01"E ALONG SAID EASTERLY LINE OF "GREENBRIAR I OF SHERBROOKE", A DISTANCE OF 198.47 FEET; THENCE S07°d44'12"E, A DISTANCE OF 856.46 FEET; THENCE N63°d53'32"E, A DISTANCE OF 1223.38 FEET; THENCE S84°d37'20"E, A DISTANCE OF 236.33 FEET; THENCE S36°d13'57"E, A DISTANCE OF 172.05 FEET; THENCE S45°d42'50"W, A DISTANCE OF 862.93 FEET; THENCE S89°d18'19"W, A DISTANCE OF 620.00 FEET; THENCE N75°d45'48"W, A DISTANCE OF 132.86 FEET TO A POINT OF INTERSECTION WITH SAID EASTERLY LINE OF "GREENBRIAR I OF SHERBROOKE"; THENCE S06°d29'13"E ALONG SAID EASTERLY LINE, A DISTANCE OF 368.79 FEET; THENCE N89°d26'19"E, A DISTANCE OF 6.22 FEET TO A POINT OF CURVATURE, THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 45°d09'36", AN ARC DISTANCE OF 19.70 FEET TO A POINT OF REVERSE CURVATURE, THENCE NORTHEASTERLY, SOUTHERLY AND SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 53.00 FEET, A CENTRAL ANGLE OF 270°d19'13", AN ARC DISTANCE OF 250.05 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 45°d09'36", AN ARC DISTANCE OF 19.70 FEET TO THE POINT OF INTERSECTION WITH SAID EASTERLY LINE OF "GREENBRIAR I OF SHERBROOKE" (THE PREVIOUS FIVE COURSES AND DISTANCES ARE ALONG THE RIGHT-OF-WAY LINE OF "SOUTH KENDALE CIRCLE", AS RECORDED IN OFFICIAL RECORDS BOOK 7019, PAGE 76 OF SAID PUBLIC RECORDS; THENCE S06°d29'13"E ALONG SAID EASTERLY LINE, A DISTANCE OF 468.50 FEET; THENCE S00°d33'53"E CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING NO.1.

TOGETHER WITH:

COMMENCE AT AFORESAID POINT "A" THENCE S17°d49'20"W, A DISTANCE OF 187.22 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF SAID "HYPOLUXO ROAD" AND POINT OF BEGINNING NO.2; THENCE N53°d48'16"E, A DISTANCE OF 2070.35 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1854.86 FEET, A CENTRAL ANGLE OF 15°d29'45", AN ARC DISTANCE OF 501.66 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, THENCE EASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S12°d20'54"E, HAVING A RADIUS OF 3115.92 FEET, A CENTRAL ANGLE OF 11°d52'45", AN ARC DISTANCE OF 646.03 FEET TO A POINT OF TANGENCY; THENCE N89°d31'51"E, A DISTANCE OF 186.22 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID APPROACH FOR "HYPOLUXO ROAD" (THE PREVIOUS FOUR COURSES AND DISTANCES ARE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE); THENCE S07°d19'39"E ALONG SAID WEST LINE, A DISTANCE OF 334.69 FEET; THENCE S11°d19'21"E ALONG SAID WEST LINE, A DISTANCE OF 667.20 FEET TO A POINT OF INTERSECTION WITH A LINE 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF TRACT 26, BLOCK 42; THENCE S00°d33'53"E ALONG SAID PARALLEL LINE, A DISTANCE OF

152.97 FEET; THENCE S00°d38'28"E, A DISTANCE OF 131.29 FEET;
THENCE S05°d36'26"W, A DISTANCE OF 1227.65 FEET TO A POINT OF
INTERSECTION WITH THE SOUTH LINE OF TRACT 56 OF SAID BLOCK 42 (THE
PREVIOUS THREE COURSES AND DISTANCES ARE ALONG THE RIGHT-OF-WAY
LINE FOR THE LAKE WORTH DRAINAGE DISTRICT E-2 CANAL AND THE TURNPIKE
TOLL BOOTH, AS RECORDED IN OFFICIAL RECORDS BOOK 8223, PAGE 1084 OF
SAID PUBLIC RECORDS; THENCE S89°d24'35"W ALONG THE SOUTH LINE OF
TRACTS 47 THROUGH 56 OF SAID BLOCK 42, A DISTANCE OF 3146.31 FEET TO THE
SOUTHWEST CORNER OF SAID TRACT 47; THENCE N00°d38'35"W ALONG THE
WEST LINE OF SAID TRACT 47, A DISTANCE OF 661.61 FEET TO THE NORTHWEST
CORNER OF SAID TRACT 47; THENCE S89°d25'21"W ALONG THE NORTH LINE OF
TRACTS 44 THROUGH 46 OF SAID BLOCK 42, A DISTANCE OF 990.00 FEET TO THE
NORTHWEST CORNER OF SAID

TRACT 44; THENCE S00°d38'35"E ALONG THE WEST LINE OF SAID TRACT 44, A
DISTANCE OF 661.83 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 44;
THENCE S89°d24'35"W ALONG THE SOUTH LINE OF TRACTS 42 AND 43 OF SAID
BLOCK 42, A DISTANCE OF 631.83 FEET TO A POINT OF INTERSECTION WITH THE
EAST RIGHT-OF-WAY LINE OF "LYONS ROAD", AS RECORDED IN OFFICIAL
RECORDS BOOK 10031, PAGE 686 OF SAID PUBLIC RECORDS AND POINT "B";
THENCE N00°d33'53"W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF
116.83 FEET; THENCE N03°d12'41"E ALONG SAID EAST RIGHT-OF-WAY LINE, A
DISTANCE OF 250.54 FEET; THENCE N00°d33'53"W ALONG SAID EAST RIGHT-OF-
WAY LINE, A DISTANCE OF 300.00 FEET; THENCE N44°d26'07"E ALONG THE
SAID SOUTHERLY RIGHT-OF-WAY LINE OF "HYPOLUXO ROAD" , A DISTANCE OF
56.57 FEET; THENCE N89°d26'07"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE,
A DISTANCE OF 289.00 FEET; THENCE N88°d10'30"E, A DISTANCE OF 250.06 FEET;
THENCE N89°d26'07"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE
OF 325.80 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG SAID
SOUTHERLY RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT
HAVING A RADIUS OF 1480.00 FEET, A CENTRAL ANGLE OF 35°d37'51", AN ARC
DISTANCE OF 920.38 FEET TO POINT OF BEGINNING NO.2.

TOGETHER WITH:

COMMENCE AT AFORESAID POINT "B"; THENCE S89°d24'35"W, A DISTANCE OF
110.00 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE
OF "LYONS ROAD", AS RECORDED IN OFFICIAL RECORDS BOOK 10031, PAGE 686
OF SAID PUBLIC RECORDS AND POINT OF BEGINNING NO.3; THENCE
N00°d33'53"W ALONG SAID WEST RIGHT-OF-WAY LINE , A DISTANCE OF 116.88
FEET; THENCE N01°d49'30"W ALONG SAID WEST RIGHT-OF-WAY LINE, A
DISTANCE OF 250.06 FEET; THENCE N00°d33'53"W ALONG SAID WEST RIGHT-OF-
WAY LINE, A DISTANCE OF 289.00 FEET; THENCE N45°d33'53"W ALONG SAID
SOUTHERLY RIGHT-OF-WAY LINE OF "HYPOLUXO ROAD", A DISTANCE OF 56.57
FEET; THENCE S89°d26'07"W, A DISTANCE OF 300.00 FEET; THENCE N86°d47'19"W,
A DISTANCE OF 250.54 FEET; THENCE S89°d26'07"W, A DISTANCE OF 1144.50 FEET
TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF A
CURVE TO THE RIGHT HAVING A RADIUS OF 1964.86 FEET, A CENTRAL ANGLE OF
39°d31'11", AN ARC DISTANCE OF 1355.26 FEET TO A POINT OF TANGENCY;
THENCE N51°d02'42"W, A DISTANCE OF 923.14 FEET TO A POINT OF CURVATURE;
THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT HAVING A
RADIUS OF 945.00 FEET, A CENTRAL ANGLE OF 39°d31'11", AN ARC DISTANCE OF
651.81 FEET TO A POINT OF TANGENCY; THENCE S89°d26'07"W, A DISTANCE OF
310.06 FEET; THENCE S88°d10'30"W, A
DISTANCE OF 250.06 FEET; THENCE S89°d26'07"W, A DISTANCE OF 301.79 FEET;
THENCE S44°d26'07"W, A DISTANCE OF 56.57 FEET TO A POINT OF INTERSECTION
WITH THE EAST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-
1 CANAL, AS RECORDED IN OFFICIAL RECORDS BOOK 2597, PAGE 73 OF SAID
PUBLIC RECORDS; THENCE S00°d04'49"E ALONG SAID EAST RIGHT-OF-WAY LINE,
A DISTANCE OF 565.52 FEET; THENCE S89°d26'07"W ALONG SAID EAST RIGHT-OF-
WAY LINE, A DISTANCE OF 45.00 FEET; THENCE S00°d04'49"E ALONG SAID EAST
RIGHT-OF-WAY LINE, A DISTANCE OF 1356.38 FEET; THENCE N89°d24'35"E,;

THENCE N89°d24'35"E ALONG THE SOUTH LINE OF TRACTS 45 THROUGH 58 OF SAID BLOCK 43, A DISTANCE OF 5266.88 FEET TO POINT OF BEGINNING NO.3.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 23,679,094 SQUARE FEET/543.597 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

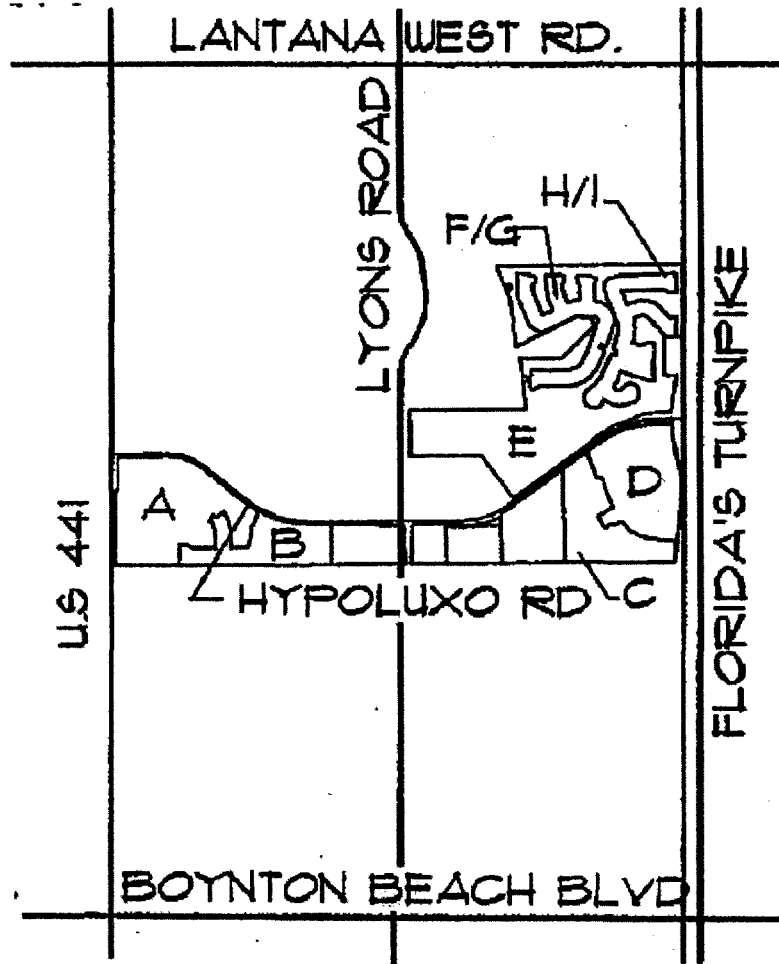


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.All Petitions 1 of Resolution R-2010-1170, Control 1996-981, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2005-1127 (Control No.1996-081), 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 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-2010-1170 (Control 1996-081) as amended by Resolution R-2010-1759 (Control 1996-081), 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.All Petitions 2 of Resolution R-2010-1170, Control 1996-081, which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated May 17, 2010. The approved Master Plan (Sheet 2 of Exhibit 14) is dated May 11, 2005. All remaining Master Plans shall remain in full force and effect. 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 January 18, 2011. The approved Preliminary Site Plan for the 12.12-acre private civic parcel is dated May 17, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

DRO

1.Prior to final approval by the Development Review Officer (DRO), the applicant shall revise the master plan to show the daycare, general and the private elementary school and revise the site plan to show the 20-foot buffer width along the south property line in accordance with the approved Master Plan. (DRO: ZONING - Zoning) (Previous DRO 1 of Resolution R-2010-1170, Control 1996-081) [Note: COMPLETED.]

ENGINEERING

1.Prior to technical compliance for the first plat of the adjoining parcel, the property owner shall convey a roadway construction easement to Palm Beach County for each project entrances onto either Lyons Road or Hypoluxo Road. These roadway construction easements shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (TC: ENGINEERING - Eng) (Previous Condition E.1 of Resolution R-2010-1170, Control No. 1996-081) [Note: COMPLETED]

2.The property owner shall fund the construction of:

a. an additional westbound thru lane on Lantana Road at its intersection with Jog Road.

This condition shall be deemed as complete if surety is posted by others.

b. an additional left turn lane on Lake Worth Road at its intersection with Lyons Road. (CO: MONITORING - Eng) (Previous Condition E.2 of Resolution R-2010-1110, Control No. 1996-081)

[NOTE: COMPLETED]

3. Prior to April 24, 1997 the developer shall provide Palm Beach Engineering Department acceptable surety for Condition E.2 above and shall include all costs associated with the design, right of way acquisition, construction, and construction administration. This surety shall be in the form of an irrevocable Performance Security, acceptable to the County Attorney. The County Engineer shall be authorized to draw against this Performance Security in any amount necessary to fund the actual cost of the construction plan preparation and road construction including County administrative processing costs by giving thirty (30) days prior written notice to Developer of County's intention to draw funds against the Performance Security. All canal crossings within the project limits shall be constructed to their ultimate configuration. This shall also include any right of way required for this construction. (DATE: MONITORING - Eng) (Previous Condition E.3 of Resolution R-2010-1170, Control No. 1996-081)

[NOTE: COMPLETED]

4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a. Building Permits for more than 58 dwelling units shall not be issued until construction has begun for State Road 7 as a 6 lane section from Lake Worth Road to Boynton Beach Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)

[NOTE: COMPLETED]

b. Building Permits for more than 58 dwelling units shall not be issued until construction has begun for Lantana Road bridge widening over the E-1 Canal as a 7-lane bridge plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) [NOTE: COMPLETED]

c. Building Permits for more than 356 dwelling units shall not be issued until construction has begun for Lantana Road as a 4 lane facility from Lyons Road to Jog Road. (BLDG PERMIT: MONITORING - Eng) [NOTE: COMPLETED]

d. Building Permits for more than 600 Single-family and 248 Multi-family units shall not be issued until the construction has begun of a third westbound thru lane on Lantana Road at Jog Road. (BLDG PERMIT: MONITORING - Eng) [NOTE: COMPLETED]

e. Building Permits for more than 600 Single-family and 281 Multi-family units shall not be issued until the construction has begun for an additional left turn lane east approach on Lake Worth Road at Lyons Road (dual left turn lanes). (BLDG PERMIT: MONITORING - Eng) [NOTE: COMPLETED]

f. The mix of allowable uses as shown on the Master Plan may be adjusted 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. (ONGOING: ENGINEERING - Eng)

g. No Building Permits for the site may be issued after December 31, 2016. 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.4 of Resolution R-2010-1170, Control No. 1996-081)

5. Prior to April 23, 1998 or prior to issuance of the first Building Permit, whichever shall first occur, the Property Owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed:

a. Hypoluxo Road, a total of 110 feet, on an alignment approved by the County Engineer, from State Road 7 to the Florida Turnpike. [NOTE: COMPLETED]

b. Right of way for the Hypoluxo Road Bridge over the Florida Turnpike including ramp slopes, shall be dedicated as required by the County Engineer. [NOTE: COMPLETED]

c. An expanded intersection at Lyons Road and Hypoluxo Road. [NOTE: COMPLETED]

d. Lyons Road, a total of 110 feet of right of way, from the north property line to the south property line. [NOTE: COMPLETED]

All of the above right of way shall be free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and to include Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE: MONITORING - Eng) (Previous Condition E.5 of Resolution R-2010-1170, Control No. 1996-081)

[Note: COMPLETED]

6.Previous Condition E.6 of Resolution R-2010-1170, Control No. 1996-081, which currently states:

LANDSCAPE WITHIN MEDIAN

a. Prior to January 1, 2000, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer.

b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before May 1, 2000. (DATE: MONITORING - Eng)

c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to January 1, 2000. (DATE: MONITORING - Eng)

Is hereby amended to read:

Landscape Within the Median

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

a.The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit for the parcel abutting the specific right of way. (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 for the parcel abutting the specific right of way. (CO: MONITORING -Eng)

c.At property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping,

payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: ENGINEERING-Eng)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along the specific right of way. 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. (BLDG PERMIT: MONITORING -Eng)

7. Prior to the recording of the plat for POD's D, E, F and G, the Property Owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed the additional right of way for the construction of a right turn lane at the intersection of:

Hypoluxo Road and the projects entrance road to POD's D, E, F and G.

This right of way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner-Clips" where appropriate as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (PLAT: ENGINEERING - Eng) (Previous Condition E.7 of Resolution R-2010-1170, Control No. 1996-081) [Note: COMPLETED]

8. On or before April 14, 1998, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Hypoluxo Road and Lyons Road along the property frontage; and a maximum 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 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) (Previous Condition E.8 of Resolution R-2010-1170, Control No. 1996-081) [Note: COMPLETED]

9. The Property Owner shall construct the following turn lanes concurrent with the construction of the projects entrance roads: a. Left turn lane on Hypoluxo Road at the

project's entrance road to POD A and for POD D, E, F, and G. b. Left turn lane on Hypoluxo Road at the project's entrance road to POD C and for POD B. (CO: MONITORING - Eng) (Previous Condition E.9 of Resolution R-2010-1170, Control No. 1996-081)

[Note: COMPLETED]

10. Prior to the issuance of the building permit for the 400th unit, the Property Owner shall construct Lyons Road from Hypoluxo Road to the south right of way line of the LWDD L-19 Canal, including a 3 lane structure over the LWDD L-19 Canal. This construction shall be as a 2 lane section in accordance with approved construction plans by the Office of the County Engineer. This shall also include a left turn lane on the south approach at its intersection with Hypoluxo Road. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.10 of Resolution R-2010-1170, Control No. 1996-081)

[Note: COMPLETED]

11. The Property Owner shall construct Hypoluxo Road from Lyons Road to the entrance to POD D, E, F, and G. This construction shall be as a 2 lane section including bike paths and or sidewalks in accordance with approved construction plans by the Office of the County Engineer. This construction may be phased by the property owner as approved by the County Engineer. This shall also include a left and right turn lane on the east approach at its intersection with Lyons Road. (CO: MONITORING - Eng) (Previous Condition E.11 of Resolution R-2010-1170, Control No. 1996-081) [Note: COMPLETED]

12. The Property Owner shall fund the construction of Hypoluxo Road from the entrance to POD D, E, F, and G to the project's east property line. Funding shall be based upon the construction of this road as a 2 lane section in accordance a cost estimate provided by the Developers Engineer and approved by the County Engineer. Funding for this construction shall be completed prior to 90 days notice by the County Engineer that this road is required for paved continuity or prior to recordation of the last plat for this PUD whichever shall first occur. Funding shall also include a left turn lane east approach into POD C and a right turn lane on the east approach into POD D, E, F, and G. (TC: ENGINEERING - Eng) (Previous Condition E.12 of Resolution R-2010-1170, Control No. 1996-081) [Note: COMPLETED]

13. Concurrent with the first plat, the construction of the following thoroughfare roadways shall be constructed: a. Lyons Road from Hypoluxo Road to the present paved terminus south of Lantana Road, and; b. Hypoluxo Road from SR 7 to Lyons Road. (PLAT: ENGINEERING - Eng) (Previous Condition E.13 of Resolution R-2010-1170, Control No. 1996-081) [Note: COMPLETED]

14. No vehicular traffic connection shall be allowed between the Sherbrooke Estates Planned Unit Development and the Villages of Windsor PUD, but for the publicly dedicated Lyons Road. (ONGOING: ENGINEERING - Eng) (Previous Condition E.14 of Resolution R-2010-1170, Control No. 1996-081)

15. The Property Owner shall fund a pro rata share of the cost of signalization warranted as determined by the County Engineer at Hypoluxo Road and POD A. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: ENGINEERING - Eng) (Previous Condition E.15 of Resolution R-2010-1170, Control No. 1996-081)

16. The Property Owner shall receive credit for the Traffic Impact Fees as provided for in the Fair Share Road Impact Fee Ordinance. (ONGOING: IMPACT FEE COORD - Eng) (Previous Condition E.16 of Resolution R-2010-1170, Control No. 1996-081)

17. Building permits for more than 100 units shall not be issued until an access easement acceptable to the Country Engineer is recorded. Access to the Not Included Tree Farm (5 acre parcel) on the west side of the Florida Turnpike 600 feet north of Hypoluxo Road shall be provided in accordance with the Country Engineers' approval. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.17 of Resolution R-2010-1170, Control No. 1996-081) [Note: COMPLETED]

18. Prior to final DRC approval the Preliminary Development Plan shall be amended to provide for an adequate turnaround and roadway geometrics for the proposed entrance gates entering the individual POD's subject to the County Engineers Approval. (DRO: ENGINEERING - Eng) (Previous Condition E.18 of Resolution R-2010-1170, Control No. 1996-081)

19. Previous Condition E.19 of Resolution R-2010-1170, Control No. 1996-081, which currently states:

The property owner shall relocate the fifty (50) foot access easement to the property owner on the south side of Hypoluxo Road, identified as the Not Included agricultural parcel (00-42-43-27-05-042-0440). The new location of the access easement shall align with the full median opening on Hypoluxo Road approximately one thousand (1,000) feet east of Lyons Road, or be as approved by the County Engineer. The access easement shall be recorded prior to DRO certification of the final site plan for application DOA/R-2009-03933. (DRO: ENGINEERING - Eng)

Is hereby amended to read:

The property owner shall relocate the fifty (50) foot access easement to the property owner on the south side of Hypoluxo Road, identified as the Not Included agricultural parcel (00-42-43-27-05-042-0440). The new location of the access easement shall align with the full median opening on Hypoluxo Road approximately one thousand (1,000) feet east of Lyons Road, or be as approved by the County Engineer. The access easement shall be recorded prior to DRO certification of the final site plan for the SE Civic Site. (DRO: ENGINEERING - Eng)

20. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Intersection of Lyons Rd. and Hypoluxo Rd. Funding in the amount of \$30,000.00 shall be completed prior to September 1, 2002. (DATE: MONITORING - Eng) (Previous Condition E.20 of Resolution R-2010-1170, Control No. 1996-081) [Note: COMPLETED]

21. The property owner shall accommodate, as part of the PUD drainage system, all overland drainage flowing onto the PUD from off of the property in accordance with SFWMD requirements. (ONGOING: ENGINEERING - Eng) (Previous Condition E.21 of Resolution R-2010-1170, Control No. 1996-081) [Note: COMPLETED]

22. Previous Condition E.22 of Resolution R-2010-1170, Control No. 1996-081, which currently states:

Prior to the issuance of the first building permit, the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of right turn lanes:

- i. South approach on Lyons Road at the project's entrance and,
- ii. West approach on Hypoluxo Road at the project's entrance

This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. The right of way should be continued across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips" where appropriate, as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner shall abandon or relocate easements, as required, prior to dedication of this right of way. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDG PERMIT: MONITORING-Eng)

Is hereby amended to read:

Prior to the issuance of the first building permit, the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of right turn lanes:

- i. South approach on Lyons Road at the SE Civic Site project entrance and,
- ii. West approach on Hypoluxo Road at the SE Civic Site project entrance

This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. The right of way should be continued across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips" where appropriate, as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner shall abandon or relocate easements, as required, prior to dedication of this right of way. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDG PERMIT: MONITORING-Eng)

23.Previous Condition E.23 of Resolution R-2010-1170, Control No. 1996-081, which currently states:

The Property owner shall:

- i. Construct a right turn lane south approach on Lyons Road at the project entrance and,
- ii. Construct a right turn lane west approach on Hypoluxo Road at the project entrance, and
- iii. Extend the left turn lane south approach on Lyons Road at Hypoluxo Road to a minimum of 370 feet plus 50 foot taper.

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

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first non-residential building permit. (BLDG PERMIT: MONITORING-Eng)
- b. Construction shall be completed prior to the issuance of the first non-residential Certificate of Occupancy. (CO: MONITORING-Eng)

Is hereby amended to read:

The Property owner shall:

- i. Construct a right turn lane south approach on Lyons Road at the SE Civic Site project entrance and,
- ii. Construct a right turn lane west approach on Hypoluxo Road at the SE Civic Site project entrance, and
- iii. Extend the left turn lane south approach on Lyons Road at Hypoluxo Road to a minimum of 370 feet plus 50 foot taper.

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

- a.Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first non-residential building permit within the SE Civic Site. (BLDG PERMIT: MONITORING-Eng)
- b.Construction shall be completed prior to the issuance of the first non-residential Certificate of Occupancy within the SE Civic Site. (CO: MONITORING-Eng)

24.Previous Condition E.24 of Resolution R-2010-1170, Control No. 1996-081, which currently states:

Prior to Final Site Plan approval by the DRO for the site plan associated with application DOA/R-2009-3933, the property owner shall revise and relocate the 5 foot Limited Access Easements, as required and approved by the County Engineer, to allow for the proposed driveway connections. (DRO: ENGINEERING- Eng)

Is hereby amended to read:

Prior to Final Site Plan approval by the DRO for the site plan associated with the Private Civic Pods on the southeast or southwest corners of Hypoluxo Road and Lyons Road, the property owner shall revise and relocate the 5 foot Limited Access Easements, as required and approved by the County Engineer, to allow for the proposed driveway connections. (DRO: ENGINEERING- Eng)

25. Prior to final DRO approval of the Site Plan for the SE Civic Site associated with Application DOA/R-2009-3933, the site plan shall be revised to provide a continuous 3-lane section along the main spine road between the access connections for the northern school parking area. (DRO: ENGINEERING-Eng) (Previous Condition E.25 of Resolution R-2010-1170, Control No. 1996-081)

26. Prior to final site plan approval by the DRO, the property owner shall demonstrate to the satisfaction of the County Engineer that the proposed loading area to the rear of the buildings within the SW Civic Site can be accessed safely and with minimal parking vehicle conflicts. (DRO: ENGINEERING - Eng)

27. The property owner of the private civic sites 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-Eng)

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

28. The Property Owner shall construct a left turn lane east approach at the SW Private Civic's project entrance on Hypoluxo Road. This construction should be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit for the SW Civic Site. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for the SW Civic Site. (CO: MONITORING-Eng)

29. Prior to issuance of the first building permit for the SW Private Civic Pod, the property owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code and modify the platted landscape buffer easements to be consistent with the final site plan approved by the DRO. (BLDG PERMIT: MONITORING-Eng)

LANDSCAPE - GENERAL

1. Fifty-percent of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

a. Tree height: Fourteen (14) feet;

- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
- c. Canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Landscape - General 1 of Resolution R-2010-1170, Control 1996-081)

2. All palms to be planted in the perimeter buffer areas shall be native species and meet the following minimum standards at time of installation:

- a. Palm heights: twelve (12) feet clear trunk.
- b. Clustering: staggered heights twelve (12) to eighteen (18) feet.
- c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
- d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (Previous Landscape - General 2 of Resolution R-2010-1170, Control 1996-081) (CO: LANDSCAPE - Zoning)

3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
- b. twenty-four (24) to thirty-six (36) inches - medium shrub; and,
- c. forty-eight (48) to seventy-two (72) inches - large shrub. (Previous Landscape - General 3 of Resolution R-2010-1170, Control 1996-081) (CO: LANDSCAPE - Zoning)

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (Previous Landscape - General 4 of Resolution R-2010-1170, Control 1996-081) (CO: LANDSCAPE - Zoning)

5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (Previous Landscape - General 5 of Resolution R-2010-1170, Control 1996-081) (CO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH AND SOUTH PROPERTY LINE (ABUTTING HYPOLUXO ROAD)

6. Landscaping and buffering along the north and south property line adjacent to Hypoluxo Road shall be upgraded to include:

- a. A minimum fifty (50) foot wide landscape buffer strip including the ten (10) foot wide easement encroachment. Along the frontage of the civic site, the width may be reduced to a minimum of twenty-five (25) feet ;
- b. A minimum three (3) to five (5) foot high undulating berm with an average height of four (4) feet measured from top of curb. Height of berm for civic site frontage may reduced to two (2) to four (4) foot high with an average height of three (3) feet measured from top of curb;
- c. One (1) canopy tree planted for each thirty (30) linear feet of property line;
- d. One (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (Previous Landscape Condition 6 of Resolution R-2010-1759, Control 1996-081) (CO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING FLORIDA TURNPIKE)

7. Landscaping and buffering along the east property line adjacent to the Turnpike (except for property line abutting the existing Tree Farm parcel per PDP dated June 6, 2002) shall be upgraded to include:

- a. a minimum one hundred (100) foot wide landscape buffer strip or a combination of one hundred (100) foot wide lake and buffer strip, as long as the buffer strip is not reduced below fifty (50) feet. No overall width reduction shall be permitted;
- b. a minimum four (4) foot continuous berm measured from top of road curb;
- c. a minimum six (6) foot high opaque concrete wall to be placed on the plateau of the berm. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (Previous Landscape - Perimeter 7 of Resolution R-2010-1759, Control 1996-081) (CO: LANDSCAPE - Zoning)

8. The following landscaping requirements shall be installed on both sides of the required wall:

- a. one (1) canopy tree planted every twenty (20) feet on center, alternating on both sides of the wall;
- b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall; and,
- c. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- d. one (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- e. one (1) large shrub for each eight (8) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (Previous Landscape - Perimeter 8 of Resolution R-2010-1759, Control 11996-081) (CO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST AND WEST PROPERTY LINES (ABUTTING SR7/US441 AND LYONS ROAD)

9. Landscaping and buffering along the east and west property lines adjacent to SR7/US441 and Lyons Road shall be upgraded to include:

- a. A minimum thirty (30) foot wide landscape buffer strip. No width reduction shall be permitted;
- b. A minimum three (3) to five (5) foot high undulating berm with an average height of four (4) feet measured from top of curb;
- c. One (1) canopy tree planted for each thirty (30) linear feet of property line;
- d. One (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (Previous Landscape - Perimeter 9 of Resolution R-2010-1170, Control 1996-081) (CO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES ADJACENT TO THE LACUNA AND SHERBROOKE ESTATES PUDS

10. Landscaping and buffering along the north and west property lines adjacent to the Lacuna and Sherbrooke Estates PUDs shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip;
- b. One (1) canopy tree planted for each twenty (20) linear feet of property line;
- c. One (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
- d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation.
- f. The above landscape requirements H.1.a through H.1.f shall be installed prior to the issuance of the first Certificate of Occupancy of the adjacent pod that this buffer is serving. If the project is phased or platted by pod, then that area adjacent to the corresponding phase or pod shall be installed prior to the first Certificate of Occupancy of that area.
- g. The portion of this landscape buffer located to the northwest of Pod F, adjacent to the Sherbrooke Estates PUD, can be modified through an Alternate Landscape Plan submittal

at the time of final DRC for Pod F. This modification would be for the purpose of providing views of the golf course to the adjacent lot owner(s) (lot 14 of Greenbriar I in Sherbrooke PUD). (Previous Landscape - Perimeter 10 of Resolution R-2010-1759, Control 1996-081) (CO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE RECREATION POD, SECTION III (ABUTTING SHERBROOKE ESTATES PUD)

11. Landscaping and buffering along the recreation pod, Section III shall be upgraded to include:

- a. a minimum thirty (30) foot wide landscape buffer strip;
- b. a minimum three foot continuous berm measured from top of road curb;
- c. a minimum six (6) foot high opaque concrete wall to be placed on the plateau of the berm. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (Previous Landscape - Perimeter 11 of Resolution R-2010-1759, Control 1996-081) (CO: LANDSCAPE - Zoning)

12. The following landscaping requirements shall be installed on both sides of the required wall:

- a. one (1) canopy tree planted every twenty (20) feet on center, and on both sides of the wall, with each row offset from the other to provide a visual perception of a tighter spacing;
- b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall; and,
- c. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- d. one (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- e. one (1) large shrub for each eight (8) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (Previous Landscape - Perimeter 12 of Resolution R-2010-1170, Control 1996-081) (CO: LANDSCAPE - Zoning)

PALM TRAN

1. Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Said easement location shall be located on Hypoluxo Rd as indicated on site plan. Supporting documentation, including but not not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (BLDG PERMIT: MONITORING - Palm Tran) (Previous Palm Tran 1 of Resolution R-2010-1170, Control No. 1996-081)

PLANNED DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng) (Previous PUD 1 of Resolution R-2010-1170, Control 1996-081)

2. Street trees shall be planted within or adjacent to streets of fifty (50) feet in width or greater, pursuant to Section 6.8.A.16.c(3) of the ULDC and subject to approval by the County Engineer. (CO: LANDSCAPE - Eng) (Previous PUD 2 of Resolution R-2010-1170, Control 1996-081)

3. Bike lanes shall be provided in or adjacent to all rights-of-way over fifty (50) feet in width, pursuant to Section 6.8.A.16.c.(4) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng) (Previous PUD 3 of Resolution R-2010-1170, Control 1996-081)

4. All utilities shall be underground, pursuant to Section 6.8.A.16.c.(5) of the ULDC. (PLAT: ENG - Zoning) (Previous PUD 4 of Resolution R-2010-1170, Control 1996-081)

5. All property included in the legal description of the petition shall be subject to a

Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (PLAT: MONITORING - Co Atty) (Previous PUD 5 of Resolution R-2010-1170, Control 1996-081)

6.A focal point shall be provided at the terminus of the main entry and at the terminus of each residential street, including T-intersections, or cul-de-sac as shown on the Focal Point Plan dated April 17, 2002. The focal points shall be in the form of a plaza, fountain, arcade, pavers, or any other site element or architectural design acceptable to the Zoning Division. (DRC: ZONING - Zoning) (Previous PUD 6 of Resolution R-2010-1170, Control 1996-081)

7.Flexible Regulations and Administrative Deviations from the required property development regulations for the residential units and their accessory structures shall be limited to the following:

PROPERTY DEVELOPMENT REGULATIONS ADMINISTRATIVE DEVIATION

Front Setback ZLL or SFR 22.5 Feet Minimum (10%)

Building Coverage ZLL 55% Maximum (10%)

Building Coverage SFR 44% Maximum (10%)

(DRC: ZONING - Zoning) (Previous PUD 7 of Resolution R-2010-1170, Control 1996-081)

8.No rear, side interior or side street setback reductions may be permitted. Rear setback reductions for residential units adjacent to open space are permitted subject to Section 6.5. of the ULDC. (DRC: ZONING - Zoning)(Previous PUD 8 of Resolution R-2010-1170, Control 1996-081)

9.Street trees shall be installed, as approved by the County Engineer, as follows:
a. Along one side of all internal PUD right-of-ways forty (40) feet in width or greater;
b. Along both sides of all internal PUD right-of-ways, fifty (50) feet in width or greater; and,
c. One (1) canopy tree for every forty (40) linear feet of street frontage with a maximum spacing of sixty (60) feet between clusters. (Previous PUD 9 of Resolution R-2010-1170, Control 1996-081) (DRO: ZONING - ENG)

10.Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre and shall be located within each residential pod. Such recreation uses shall have a direct connection to the pedestrian system within the project and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas 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. (Previous PUD 10 of Resolution R-2010-1170, Control 1996-081) (DRO: ZONING - Zoning)

11.All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents. (Previous PUD 11 of Resolution R-2010-1170, Control 1996-081) (ONGOING: CO ATTY - Zoning)

12.The recreation pod, Section III, located adjacent to Pod F shall be setback a minimum of three hundred and fifty (350) feet from the west property line of the PUD. (Previous PUD 12 of Resolution R-2010-1170, Control 1996-081) (DRO: ZONING - Zoning)

13.All outdoor, freestanding lighting fixtures located in the recreation pod, Section III,

shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (Previous PUD 13 of Resolution R-2010-1170, Control 1996-081) (CO: BLDG - Zoning)

PLANNING

1. Prior to final site plan approval by the Development Review Committee (DRC), the preliminary development plan shall show two (2) pedestrian cross access points to the Town Commons MLU site located on the northeast corner of Lyons Road and Hypoluxo Road, as was previously depicted on the final DRC approved Preliminary Development Plan dated January 24, 2001. The two (2) pedestrian cross access points shall also be in alignment with the pathways proposed for the Town Commons MLU site. (Previous Condition PLANNING 1 of Resolution R-2010-1170, Control No 1996-081) (DRC: PLANNING - Planning) [Note: Complete.]

2. Prior to final site plan approval by the Development Review Committee (DRC), the preliminary development plan shall show sidewalks along Hypoluxo and Lyons Roads as depicted on the Preliminary Development Plan dated March 18, 2002. (Previous Condition PLANNING 2 of Resolution R-2010-1170, Control No 1996-081) (DRC: PLANNING - Planning) [Note: Complete.]

3. Prior to the issuance of the certificate of occupancy for Pod E, the petitioner shall pave the two (2) pedestrian cross access pathways to include shade trees to the edge of the property lines at the locations specified in Condition M.1. (Previous Condition PLANNING 3 of Resolution R-2010-1170, Control No 1996-081) (CO: MONITORING - Planning) [Note: Completed]

4. Prior to final master plan certification by the Development Review Committee (DRC), in order to comply with Recommendations 35 and 37 from the West Boynton Area Community Plan, the applicant shall provide cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation along Hypoluxo Road, Lyons Road, and State Road 7 and along all internal sidewalks in the PUD. In addition, trees shown on the cross-sections for internal roadways should be placed in the swale, between the sidewalk and the street curb. (Previous Condition PLANNING 4 of Resolution R-2010-1170, Control No 1996-081) (DRC: PLANNING - Planning) [Note: Complete.]

5. Per Planning the Condition of Approval of Large Scale Amendment LGA-2010-013; ORD 2010-029; The density associated with the High Residential 8 units per acre (HR-8), future land use designation shall only be utilized for the development of a congregate living facility. (ONGOING-PLANNING-Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. The property owner shall provide to the Palm Beach County Board of County Commissioners by a Statutory Warranty Deed, prior to the earlier of the following dates or occurrences:

- Six (6) months after final completion of the construction of Hypoluxo Road from the intersection of Lyons Road to the easternmost access point of the Villages of Windsor PUD.
- Six (6) months following the recordation of the first plat within the area of Villages of Windsor PUD that is located east of Lyons Road
- No later than June 30, 2003.

A 33.63 acres civic site. The civic site shall be a parcel to be acquired by Towne Park, the location of which has been mutually agreed upon by PREM, the Parks and Recreation Department and the petitioner to be located in an area bounded by the Florida Turnpike on the east, the approved Hypoluxo Road Right-of-Way on the north, the approved Lyons Road Right-of-Way on the west and the LWDD L-19 canal on the south. Hypoluxo Road frontage shall be provided and the site shall not be located contiguous to Florida's Turnpike. The total civic site shall include: 1) the 2% civic site requirement for Petition 95-116 (11.25 acres); 2) the 2% civic site requirement for the Sherbrooke Estates PUD pursuant to Petition 76-139 (R-89-2217 Condition 2) (10.75 acres), and 3) 2% civic site

requirement for a 581.52 acre parcel located contiguous to the Towne Park Country County Club (11.63 acres) to be submitted as part of a future zoning petition. Developer to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (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. The appraisal to be obtained by the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the PUD, as it would apply to the civic site, if the civic site is used for governmental purposes. In the event the site is used for private purposes, the Declarations of Covenants of the PUD shall remain in full force and effect.

b. All ad valorem real estate taxes and assessments for the year of closing shall be prorated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.

c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.

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

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

(2) As easement across Developer's property from the proposed civic site to the retention basins, if required.

e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.

f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.

g. Developer to provide water and sewer stubbed out to the property line. (Previous PREM 1 of Resolution R-2010-1170, Control No 1996-081) (DATE: MONITORING - PREM) [Note: Complete]

2. Prior to delivery of the deed to the County for the civic site the property owner shall update the survey to reflect all exceptions to title as provided in the title policy. The following minimum technical standards for a survey shall be complied with:

a. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

b. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by FAC. 21HH.6.

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

d. 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. (Previous PREM 2 of Resolution R-2010-1170, Control No 1996-081) (DATE: MONITORING - PREM) [Note: Complete]

3. Prior to delivery of the deed to the County the petitioner shall provide an

environmental assessment specific to the civic site and certified to the County. The assessment is commonly called a Phase I" audit. The petitioner is required to comply with the following technical aspects of the audit outlined as follows:

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.

c. 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).

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

e. The results of an on-site survey to describe site conditions and to identify potential area of contamination.

f. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (Previous PREM 3 of Resolution R-2010-1170, Control No. 1996-081) (DATE: MONITORING - PREM) [Note: Complete]

4. Following Board approval of Petition 96-081(B), the petitioner shall move forward with the final subdivision plan for Pod C/Civic Area such that it shall be the first subdivision plan approved by the Development Review Committee (DRC). No other final subdivision plans shall be approved by the DRC prior to the Pod C/Civic Area plan. (Previous PREM 5 of Resolution R-2010-1170, Control 1996-081) (DRC: ZONING - PREM) [Note: Complete]

SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s).

(ONGOING: SCHOOL BOARD) (Previous Condition SCHOOL BOARD 1 of Resolution R-2010-1170, Control No. 1996-0081)

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)