

RESOLUTION NO. R-2011- 1841

RESOLUTION APPROVING ZONING APPLICATION DOA-2011-01735
(CONTROL NO. 1993-00039)
a Development Order Amendment
APPLICATION OF Api Cameron Park Llc
BY Charles Putman & Associates, AGENT
(Cameron Park PUD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning; 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-2011-01735 was presented to the Board of County Commissioners at a public hearing conducted on December 1, 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 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-2011-01735, the petition of Api Cameron Park Llc, by Charles Putman & Associates, agent, for a Development Order Amendment to delete land area and reconfigure the Master Plan. 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 December 1, 2011, 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 Aaronson and, upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on December 1, 2011.

Filed with the Clerk of the Board of County Commissioners on December 14th, 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



EXHIBIT A

LEGAL DESCRIPTION

LAND DESCRIPTION

REMAINING CAMERON PARK PUD

A PORTION OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING ALL OF CAMERON PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 81, PAGES 114 THROUGH 116 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THE EAST 62.70 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 14;

THENCE NORTH 89°12'59" EAST, ALONG THE SOUTH LINE OF SAID SECTION 14, A DISTANCE OF 1339.04 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 14;

THENCE NORTH 00°41'05" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 14, A DISTANCE OF 20.00 FEET TO THE SOUTHWEST CORNER OF SAID CAMERON PARK AND THE POINT OF BEGINNING;

THENCE CONTINUE NORTH 00°41'05" WEST, ALONG SAID WEST LINE OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 14, SAME BEING THE WEST LINE OF SAID CAMERON PARK, 1163.83 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF ATLANTIC AVENUE (STATE ROAD 806) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 93550-2601 AS RECORDED IN ROAD PLAT BOOK 3, PAGES 24-30, PALM BEACH COUNTY RECORDS, SAME BEING THE NORTH LINE OF SAID CAMERON PARK, SAID POINT BEING LOCATED ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST (SAID POINT BEARS NORTH 26°34'46" WEST FROM THE RADIUS POINT OF THE NEXT DESCRIBED CURVE);

THENCE NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, THE NORTH LINE OF SAID CAMERON PARK AND ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 1751.73 FEET, A CENTRAL ANGLE OF 25°30'14", AN ARC DISTANCE OF 779.75 FEET TO A POINT OF TANGENCY;

THENCE NORTH 88°55'28" EAST, CONTINUING ON SAID SOUTHERLY RIGHT-OF-WAY LINE AND SAID NORTH LINE OF CAMERON PARK, 465.70 FEET;

THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, SOUTH 01°04'32" EAST, 2.75 FEET;

THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH 88°55'28" EAST, 59.60 FEET;

THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH 00°17'25" WEST, 8.78 FEET;

THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH 88°07'52" EAST, 26.01 FEET TO A LINE 44.01 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 14;

THENCE SOUTH 00°17'25" EAST ALONG SAID PARALLEL LINE, 109.23 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE WEST;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 5040.00 FEET, A CENTRAL ANGLE OF 04°35'01", AN ARC DISTANCE OF 403.20 FEET TO THE POINT

OF TANGENCY;

THENCE SOUTH 04°17'36" WEST, 32.27 FEET;

THENCE SOUTH 00°17'25" EAST, 823.60 FEET TO THE SOUTH LINE OF SAID SECTION 14;

THENCE SOUTH 89°12'59" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 14, A DISTANCE OF 439.44 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY PROJECTION OF THE EAST LINE OF SAID TRACT "A";

THENCE NORTH 00°26'14" WEST, ALONG SAID SOUTHERLY PROJECTION, 20.00 FEET TO THE SOUTHEAST CORNER OF SAID CAMERON PARK;

THENCE SOUTH 89°12'59" WEST, ALONG THE SOUTH LINE OF SAID CAMERON PARK, 836.99 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING 38.749 ACRES, MORE OR LESS.

LAND DESCRIPTION PREPARED BY:

SHAH, DRTOS & ASSOCIATES

3410 N. ANDREWS AVENUE EXTENSION

POMPANO BEACH, FLORIDA 33064

PREPARED BY: MDR

CHECKED BY: MDR

PROJECT NO.: 06-0813

FILE NAME: X:\CAD\SURVEY\0813 CAMERON DELRAY\DESCRIPTIONS\REMAINING
CAMERON PARK PUD

August 23, 2011

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1 of Resolution 2005-0158, Control Number 1993-039, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-2073 (Petition 1993-39(A)), R-98-15 (Petition 1993-39(A)), R-01-1650 (Petition 1993-39(A)) and R-03-1286 (Petition 1993-39(A)), 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 Resolutions R-1997-2073 (Petition 1993-39(A)), R-1998-15 (Petition 1993-39(A)), R-2001-1650 (Petition 1993-39(A)), R-2003-1286 (Petition 1993-39(A)), and R-2005-0158 (Petition 1993-39(B)), 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)

2. Condition A.2 of Resolution 2005-0158, Control Number 1993-039, 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 November 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:

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 September 19, 2011. 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)

ENGINEERING

1. The Property owner shall fund construction of a left turn lane, east approach on West Atlantic Avenue at the project's entrance road. Cost for this left turn lane shall be approved by the County Engineer. The construction shall be concurrent with the widening of West Atlantic Avenue. Funding to Palm Beach County shall be completed prior to receiving Technical Compliance for the first plat. (PLAT: ENGINEERING - Eng) (Previous Condition E1 of Resolution R-2005-158, Control No. 1993-39)

[Note: COMPLETED]

2. The Developer shall also provide within this project's internal storm water management system an equivalent amount of stormwater runoff for the road drainage of West Atlantic Avenue. The amount of runoff required to be stored onsite shall be based upon the applicable County Water Control District, South Florida Water Management District and Palm Beach County Engineering Requirements. (ONGOING: ENGINEERING - Eng) (Previous Condition E2 of Resolution R-2005-158, Control No. 1993-39)

3. In order to comply with the mandatory traffic performance standards, no building permits for the site shall be issued until West Atlantic Avenue is under construction from Jog Road to Congress Avenue as a six lane median divided roadway. (ONGOING: ENGINEERING - Eng) (Previous Condition E4 of Resolution R-2005-158, Control No. 1993-39) [Note: COMPLETED]

4. The Developer shall install signalization if warranted as determined by the County Engineer at West Atlantic Avenue and project entrance. Appropriate surety shall be posted with the Office of the County Engineer concurrent with the final plat. Should signalization not be warranted after 5 years (60 months) of the final Certificate of Occupancy this property owner shall be relieved from this condition. Surety for this signalization shall be posted concurrent with filing of the final plat. (PLAT: ENGINEERING - Eng) (Previous Condition E5 of Resolution R-2005-158, Control No. 1993-39)
[Note: This condition is considered complete as FDOT did not permit a full median opening.]

5. Prior to the issuance of a building permit for Phase 2, the property owner shall convey a roadway construction easement along the projects entire frontage of West Atlantic Avenue and Sims Road to Palm Beach County. Construction within this easement shall conform to Palm Beach County Standards. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E6 of Resolution R-2005-158, Control No. 1993-39)
[Note: COMPLETED]

6. Prior to the issuance of a building permit for Phase 2 the property owner shall convey a roadway construction easement to Palm Beach County at the Projects Entrance Road(s). This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way. Construction within this easement shall conform to Palm Beach County Standards. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E7 of Resolution R-2005-158, Control No. 1993-39)

7. Previous Condition E8 of Resolution R-2005-158, Control No. 1993-39, which currently states: The property owner shall convey to PBC LDD by warranty deed for Sims Road 80 feet on an alignment approved by the County Engineer. Right of way shall be conveyed prior to February 1, 2006. Right of way conveyance shall be free of all encumbrances and encroachments. 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 E8 of Resolution R-2005-158, Control No. 1993-39)

Is hereby amended to read:
CORRIDOR CONVEYANCE OF SIMS ROAD RIGHT OF WAY

The property owner shall convey to Palm Beach County Land Development Division by warranty deed for Sims Road 80 feet on an alignment approved by the County Engineer. Right of way shall be conveyed prior to December 31, 2013. Right of way conveyance shall be free of all encumbrances and encroachments. 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)

8. Previous Condition E9 of Resolution R-2005-158, Control No. 1993-39, which currently states: On or before February 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 by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Sims Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet and final location of the easement 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. In the event of 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. 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 amended to read:

The property owner shall:

a. Prior to December 31, 2013 or within ninety (90) days of written notification by the County Engineer, whichever shall occur first, convey to PBC sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved/ by the County Engineer (CE), to provide legal positive outfall (LPO) for runoff from those segments of Sims Road along the property frontage; and a max. of 800 feet of these adjacent roadway(s). The limits of this additional 800 feet and final location of the easement of drainage shall be determined by the CE. 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 LPO. In the event of 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. 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

SFWMD, 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 CE 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 CE. Elevation and location of the entire drainage system shall be approved by the CE. Any and all excess fill material from excavation by PBC within said easements shall become the property of PBC which at its discretion may use this fill material. (DATE/ONGOING:MONITORING-Eng)

b.Prior to issuance of the first Certificate of Occupancy, design, permit, construct and receive a satisfactory final inspection from PBC for the ultimate roadway drainage system within the right of way of Sims Road, along the project frontage, as required by the County Engineer. (CO:MONITORING-Eng)

c.As an alternate to 8.b, the property owner may provide a payment to the Palm Beach County Land Development Division in the amount of 110% of an acceptable Cost Estimate certified by the property owner's engineer to cover the County's costs for design, permitting, construction and inspection of the ultimate roadway drainage system within the right of way of Sims Road. If this option is chosen, payment shall be made prior to issuance of the first Certificate of Occupancy. (CO:MONITORING-Eng)

9.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 99 dwelling units shall not be issued until construction has begun for Military Trail as a 6 lane section from West Atlantic Avenue to Linton Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E10 of Resolution R-2005-158, Control No. 1993-39)
[Note: COMPLETED]

10.Prior to approval of the site plan by the DRC the property owner shall amend the Master Plan to reflect an access onto Sims Road from the site subject to the approval of the County Engineer. (DRO: ENGINEERING - Eng) (Previous Condition E11 of Resolution R-2005-158, Control No. 1993-39)
[Note: COMPLETED]

11.The petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of West Atlantic Avenue concurrent with the required improvements for the first plat. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of appropriate ground cover. Funds equal to a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median shall be used in the installation of upgraded ground cover. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Ground cover:
Wedilia
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

a. All plants shall be container grown or field collected and transplanted from the project site.

b. All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E12 of Resolution R-2005-158, Control No. 1993-39)
[Note: COMPLETED]

12.All required median landscaping, including watering, shall be installed prior to July 1, 1998 and be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners' Association. (DATE: MONITORING - Eng) (Previous Condition E13 of Resolution R-2005-158, Control No. 1993-39)

[Note: COMPLETED]

13.Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to the filing of the first plat to reflect this obligation. Maintenance shall be in accordance with the issued permits. If West Atlantic Avenue six laning has not been completed prior to the filing of the first plat, then these documents shall be recorded prior to the finaling of the landscape permit. (PLAT: ENGINEERING - Co Atty) (Previous Condition E14 of Resolution R-2005-158, Control No. 1993-39)

[Note: COMPLETED]

ENGINEERING-ONBLUR="JAVASCRIPT:RETURN

14.Previous Condition E15 of Resolution R-2005-158, Control No. 1993-39, which currently states: In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule: No Building Permits for the site may be issued after January 1, 2006. 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)

Is hereby amended to read:

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

a.No Building Permits for the site may be issued after December 31, 2012. 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)

ENGINEERING

15.Prior to issuance of the next building permit, the property owner shall include in the rental contracts, Master Plans and related Site Plans a disclosure statement identifying Sims Road as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number of lanes for the road(s). Information, which appears in written form shall appear in bold print. (The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 1, 2006 and shall continue on an annual basis until all units within the development have been rented. (BLDG PERMIT/DATE: MONITORING - Zoning) (Previous Condition E16 of Resolution R-2005-158, Control No. 1993-39)

16.Previous Condition E17 of Resolution R-2005-158, Control No. 1993-39, which currently states:

The subject property shall be appropriately signed by the developer prior to the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (BLDG PERMIT: MONITORING - Eng)

Is hereby amended to read:

The property owner shall appropriately sign the project, notifying future residents of Sims Road prior to the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (BLDG PERMIT: MONITORING - Eng)

17.The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Eng) (Previous

Condition E18 of Resolution R-2005-158, Control No. 1993-39)

HEALTH

1. Previous condition C. 1. of Resolution R-2005-158; Control 1993-039 which reads:

Sewer service is available to the property. Therefore, no septic tank shall be permitted for this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC and Palm Beach County ECR-I.

Is hereby amended to read:

Sewer service is available to the this property. Therefor no septic tank shall be permitted on this site. All existing onsite sewage treatment and diposal systems (OSTDS) shall be abandoned in accordance with Chapter 64-E-6 FAC. (ONGOING:HEALTH-Health)

2. Water is available to the property. Therefore, no potable water supply wells will be permitted for this site. All existing potable water systems shall be abandoned in accordance with Palm Beach County ECR-II (ONGOING: HEALTH-Health) (Previous condition C.2 of Resolution R-2005-158; Control 1993-039)

LANDSCAPE - GENERAL

1. To ensure adequate buffering with adjacent single family residences, all canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length;
- d. Clear trunk: five (5) feet; and,
- e. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (BLDG: LANDSCAPE - Zoning) (Previous Condition F.1 of Resolution R-2005-158 Control Number 1993-39(B))

LANDSCAPE - PERIMETER

1. To ensure adequate buffering for adjacent property, landscaping along all perimeter PUD property lines, except the north and east property lines shall be upgraded to include:

- a. One (1) native canopy tree planted every twenty (20) feet on center;
- b. One (1) native palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location. No more than twenty five percent of the required trees may be superseded by this requirement; and,
- c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation to be maintained a minimum of sixty (60) inches in height. (BLDG: LANDSCAPE - Zoning) (Previous Condition H.1 of Resolution R-2005-158, Control Number 1993-39(B))

LANDSCAPE - PERIMETER-LANDSCAPING ALONG WEST AND EAST PROPERTY LINES ABUTTING WEST ATLANTIC AND SIMS ROAD FRONTAGES

1. In addition to the ULDC landscaping requirements, landscaping along West Atlantic Avenue and Sims Road, shall be upgraded to include:

- a. A minimum twenty (20) foot in width;
- b. One (1) native canopy tree planted every twenty (20) feet on center;
- c. One (1) native palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location. No more than twenty five percent of the required trees may be superseded by this requirement;
- d. A minimum one (1) to three (3) foot high undulating berm, with an average height of two (2) feet, measured from the top of the curb; and,
- e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a

minimum 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 of twenty-four (24) inches at installation; and,

g. Thirty (30) inch high shrub or hedge material located on the plateau of the berm spaced twenty-four (24) inches on center at installation to be maintained a minimum of sixty (60) inches in height. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition I.1 of Resolution R-2005-158, Control Number 1993-39(B))

LANDSCAPE - PERIMETER

2.Overlap of easements shall not be permitted into right-of-way buffers, except in area where existing buffers were approved under Petition 1993-039(A). (CO: LANDSCAPE - Zoning) (Previous Condition H.2 of Resolution R-2005-158, Control Number 1993-39(B))

LAKE WORTH DRAINAGE DISTRICT

1.Prior to platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the easement to be conveyed to LWDD along the E-3 Canal will need to be finalized. Once the conveyance has occurred then the recording information needs to be added to the survey and site plan; that easement area also needs to be dimensioned. LWDD will provide and record the conveyance document. PLAT: ENG-LWDD

PALM TRAN

1.Condition J.1.a. or Mass Transit 1.a. of prior Resolution for Application 2011-1735 which currently states:

Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRO: ZONING - Zoning)

is hereby ammended to read;

The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)

2.Condition J.1.b. or Mass Transit 1.b. of prior Resolution for Application 2011-1735 which currently states:

Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the certificate of occupancy for the 77th unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng) (Previous Condition J.1 of Resolution R-98-15, Petition 1993-39(A))

is hereby ammended to read:

Prior to issuance of the first Building Permit, 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. Supporting documentation, including but 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)

PLANNED DEVELOPMENT

1. Street lights a maximum of twenty (20) feet in height, measured from finish grade to highest point, shall be installed, maintained and operated by the property owner along all platted access tracts, easements or road ways. (BLDG PERMIT: BLDG - Zoning) (BLDG: BLDG PERMIT - Bldg) (Previous Condition M.1 of Resolution R-2005-158, Control Number 1993-39(B))

2. Street trees shall be planted no more than fifty (50) feet on center along both sides of all streets within all access tracts, access easements, road ways or right-of-ways that are interior to the PUD subject to approval by the County Engineer. (ENG: PERMIT - Eng) (Previous Condition M.2 of Resolution R-2005-158, Control Number 1993-39(B))

3. All residential structures shall not exceed three (3) stories in height. (Previous Condition M.4 of Resolution R-98-15, Petition 1993-39(A)) (BLDG PERMIT: BLDG - Zoning) (Previous Condition M.4 of Resolution R-2005-158, Control Number 1993-39(B))

4. Prior to final Development Review Officer (DRO) site plan approval, the master plan and site plan shall be revised to include a notation indicating the proposed/future location of the sidewalk along Sims Road and a notation indication the existing location of the sidewalk along Atlantic Avenue. (DRO: PLANNING - Planning) (Previous Condition M.5 of Resolution R-2005-158, Control Number 1993-39(B))

PLANNING

1. Prior to issuance of the first Building Permit, the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

Guarantees the attainability of all required workforce units required per article 5.G. in the ULDC. These units are to be distributed among the categories consistent with the requirements in Article 5.G. in the ULDC. (DRO: PLANNING - Planning)

2. On an annual basis, beginning December 1, 2013 or as otherwise stipulated in the Declaration of Restrictive Covenants for Workforce Housing, the property owner, master homeowners association or individual Workforce Housing dwelling unit owner, shall submit an annual report/update to the Planning Division and HCD documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing. (DATE/ONGOING: MONITORING Planning/HCD)

3. Prior to Final Site Plan Approval, the site plan shall be amended to describe the number and calculations of Workforce Housing Program units being provided, according to ULDC Article 5.G.1.E.4.d, or as said section may be replaced or amended. (DRO-PLANNING-Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. The private civic site for this petition totals .71 acre.

a. The Phase 1 civic site portion is .49 acre which has been approved by the BCC to be cashed out for \$31,613. This payment shall be due and payable on October 28, 1997. No administrative time extensions beyond October 28th, 1997 will be allowed. (DATE: MONITORING - PREM) (Note: Completed)

b. Phase 2 shall maintain its .22-acre private civic portion with the option to cash-out still available to the Petitioner. (ONGOING: MONITORING - PREM) (Previous Condition B.1 of Resolution R-2005-158, Control No. 1993-039) (Note: Completed)

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 K.1 of Resolution R-2005-0158, Control No. 1993-039)

2.Condition K.2 of Resolution R-2005-0158, Control No, 1993-039, which currently states:

School bus shelter fronting along West Atlantic Avenue at the entrance to the site shall comply with the following:

Prior to the issuance of the second Certificate of Occupancy (CO), the school bus shelter along West Atlantic Avenue shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, a bike rack, lighting of the bus shelter, garbage receptacle, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING School Board.)

Is hereby amended to read:

The 10' x 15' school bus shelter fronting along West Atlantic Avenue at the entrance to the site shall comply with the following:

Prior to the issuance of the first Certificate of Occupancy (CO), the 10' x 15' school bus shelter along West Atlantic Avenue shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, lighting of the bus shelter, garbage receptacle, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING School Board.)

3.Condition K.3 of Resolution R-2005-0158, Control 1993-039, which currently states:

School bus shelter fronting along Sims Road at the entrance to the site shall comply with the following:

Six (6) months after the completion date of Sims Road, a school bus shelter shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelter include, at a minimum, a covered area, a bike rack, lighting of the bus shelter, garbage receptacle, continuous paved pedestrian, and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (DATE: SCHOOL BOARD - School Board)

Is hereby amended to read:

The 10' x 15' school bus shelter fronting along Sims Road at the entrance to the site shall comply with the following:

Six (6) months after the completion date of Sims Road, a 10' x 15' school bus shelter shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, lighting of the bus shelter, garbage receptacle, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING School Board.)

SIGNS

1. To ensure compliance with the regulating plan submitted by the petitioner, entry or project identification sign fronting on West Atlantic Avenue shall be limited as follows:

- Maximum sign height, measured from finished grade to highest point - ten (10) feet;
- Maximum sign face area per side - 100 square feet;
- Maximum number of signs - one (1) on West Atlantic Ave.
- Type - monument style only. (BLDG: BLDG PERMIT - Bldg) (Previous Condition L.1 of Resolution R-2005-158, Control Number 1993-39(B))

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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) (Previous Condition O.1 of Resolution R-2005-158, Control Number 1993-39(B))

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- A requirement of the development to conform with the standards of the 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
- Referral to code enforcement; and/or
- Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning)(Previous Condition O.1 of Resolution R-2005-158, Control Number 1993-39(B))