

RESOLUTION NO. R-2017- 1646

RESOLUTION APPROVING ZONING APPLICATION ABN/PDD/DOA-2017-00574
(CONTROL NO. 1993-00057)
a Development Order Amendment
APPLICATION OF Golf Southern, Southern Golf Partners LLLP, Polo Trace
Homeowners Assn Inc
BY Urban Design Kilday Studios, AGENT
(Polo Trace II PUD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

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

WHEREAS, Zoning Application ABN/PDD/DOA-2017-00574 was presented to the Board of County Commissioners at a public hearing conducted on October 26, 2017;

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

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

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

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

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

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

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ABN/PDD/DOA-2017-00574, the Application of Golf Southern, Southern Golf Partners LLLP, Polo Trace Homeowners Assn Inc, by Urban Design Kilday Studios, Agent, for a Development Order Amendment to reconfigure the Master Plan; add land area; to re-designate Recreation (Golf Course) to Residential; add units; add Pods; modify and/or delete Conditions of Approval (Engineering, Planned Unit Development), on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 26, 2017,

subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

- Commissioner Paulette Burdick, Mayor - Nay
- Commissioner Melissa McKinlay, Vice Mayor - Aye
- Commissioner Hal R. Valeche - Aye
- Commissioner Dave Kerner - Aye
- Commissioner Steven L. Abrams - Aye
- Commissioner Mary Lou Berger - Aye
- Commissioner Mack Bernard - Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 26, 2017.

Filed with the Clerk of the Board of County Commissioners on November 7th, 2017.

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

Overall

DESCRIPTION:

BEING ALL OF POLO TRACE II, GOLF COURSE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 88, PAGE 160, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

ALL OF POLO TRACE II PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 75, PAGE 193, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

ALL OF POLO TRACE II PLAT NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 77, PAGE 76, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

ALL OF POLO TRACE II PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 83, PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

ALL OF POLO TRACE II PLAT NO. 4, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 89, PAGE 51, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING A TOTAL OF 253.384 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP N.T.S.

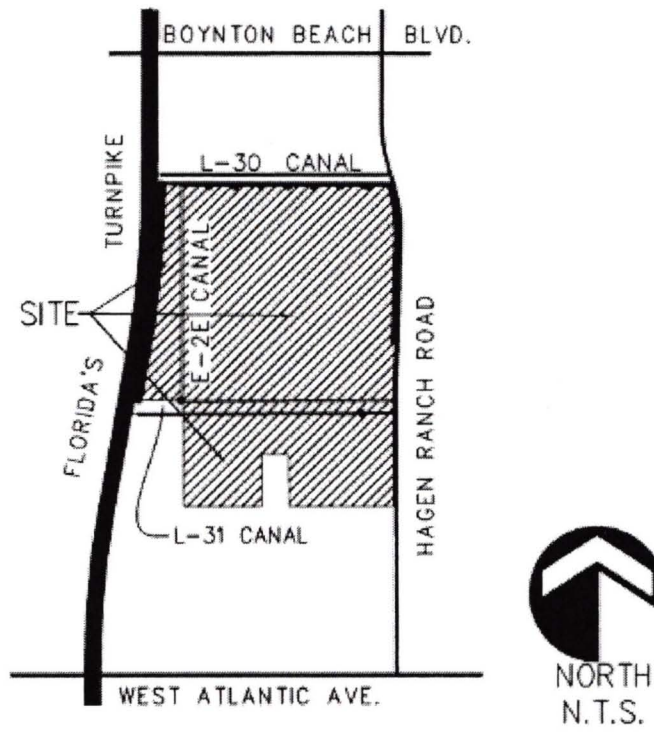


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. To ensure compliance with the requirements of this approval, Resolution R-82-628, R-84-1841, R-85-275, R-87-229, R-88-1635, and R-89-726 approving zoning petition 81 -125 for a special exception to allow a PUD and R-87-1944 approving a Developers Agreement for zoning petition 81-125 are hereby revoked. (ONGOING: ZONING - Zoning) (Previous A Condition 1 of Resolution R-1997-21, Control No.1993-00057)

2. Previous A Condition 2 of Resolution R-1997-21, Control No.1993-00057, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-94-366 (Petition 93-57), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-97-21 (Control 1993-00057), 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: ZONING - Zoning)

3. Previous A Condition 3 of Resolution R-1997-21, Control No.1993-00057, 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 master plan is dated October 25, 1996. 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.

Is hereby amended to read:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Master Plan is dated July 13, 2017; the approved Preliminary Master Sign and Regulating Plans are dated June 26, 2017. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

ENGINEERING

1. Prior to the issuance of a Technical Compliance Letter the property owner shall submit and receive approval from the Florida Department of Transportation and the County Engineer a detailed plan 01' the signalization, geometrics, and striping plan for this project's entrance. (TC: ENGINEERING - Engineering) [Note: COMPLETED] (Previous E Condition 1 of Resolution R-1997-21, Control No.1993-00057)

2. Prior to the certification of the Master Plan by the DRC the property owner shall revise the Master Plan to be in compliance with Article 8 of the ULDC including but not limited to right of way widths of the internal road network based upon projected ADTs, and minimum centerline radii based upon street classification. (DRO: ENGINEERING - Engineering)

[Note: COMPLETED] (Previous E Condition 2 of Resolution R-1997-21, Control No.1993-00057)

3. Property owner shall construct a left turn lane south and a left turn west approach at the projects entrance and Hagen Ranch Road. This construction shall be concurrent with the paving and drainage improvements with the first plat. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but not be limited to, utility relocations.

a. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of Technical Compliance issued from the Office of the County Engineer. (BLDGPM: ENGINEERING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 3 of Resolution R-1997-21, Control No.1993-00057)

4. The Property owner shall fund the construction of a pedestrian pathway from the north right-of-way line of the LWDD L-30 Canal south to the north right-of-way line of Mansfield Hallow. Funding for this construction shall be completed prior to July 15 1994. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 4 of Resolution R-1997-21, Control No.1993-00057)

5. Previous E Condition 5 of Resolution R-1997-21, Control No.1993-00057, which currently states:

The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently at the time of the Building Permit is \$1650 per approved single family dwelling unit and \$1155 per approved multi family dwelling unit. Credit for any previously paid impact fees shall be given as provided for in the Impact Fee Ordinance. (ONGOING: ENGINEERING - Engineering)

Is hereby deleted. [REASON: Superseded by Impact Fee Ordinance]

6. The Property owner shall fund the cost of installation of a traffic signal at the projects entrance and Hagen Ranch Road when warranted as determined by the County Engineer. Should warrants for this signalization not be met after five years after issuance of the final certificate occupancy, then this petitioner shall be relieved from this obligation. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous E Condition 6 of Resolution R-1997-21, Control No.1993-00057)

7. Prior to site plan certification the developer shall:

a. Provide Palm Beach County Water Utilities Department (utility) with two production well sites, locations of which are to be determined by mutual agreement; (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

b. Provide utility with necessary easements for well sites and raw water mains as required for the maintenance and operation of said wells and mains as provided in 3a above. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

c. Provide utility with an easement adjacent to the L-30 Canal for utility lines required for operation of the Southern Region Wastewater Treatment Plant; (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

d. Enter into an agreement with the utility on the utilization of irrigationquality treated effluent for all or a portion of golf course area irrigation, subject to regulatory approvals, permits, statutory governing authorities having jurisdiction over such matters prior to making applications for an irrigation system. It is recognized that the operation of the wellfield to be provided for in 3a and 3b above may affect or limit the area to be considered for irrigation. It is not the intention of the utility to require expensive, unnecessary dual irrigation of said areas. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous E Condition 7 of Resolution R-1997-21, Control No.1993-00057)

8. Previous E Condition 8 of Resolution R-1997-21, Control No.1993-00057, which

currently states:

In the event there is joint use of the golf courses on the East and 'Nest side of Hagen Ranch Road, the Petitioner shall construct the required grade separated golf cart crossing in a manner and form acceptable to the County Engineer.

- a. The Petitioner shall reserve an area for future construction of 72 parking spaces for the golf course on the East side of Hagen Ranch Road. These spaces shall be required to be constructed if the golf course on the East side of Hagen Ranch Road is developed without providing the required golf course parking. (ONGOING: ENGINEERING - Engineering)
- b. The existing golf course maintenance facility shall be available for use by the golf course East of Hagen Ranch Road if a separate East side maintenance facility is not provided.
- c. None of the conditions set forth herein are intended to eliminate any legal Land Development Code requirements for the development of the Polo Trace PRD on the East side of Hagen Ranch Road. (Previously Condition E.8 of Resolution R-94-366, Petition 93-57)

Is hereby deleted. [REASON: No longer warranted with the deletion of the golf course.]

9. The developer shall be eligible to receive reimbursement for up to 50% of the cost of constructing the pedestrian bicycle path required in Condition E-4. These reimbursement funds shall be collected by Palm Beach County from any other developer requesting development approval from the Board of County Commissioners for property located adjacent to the Hagen Ranch Road bicycle path. Reimbursement shall be limited to a time period ending March 31, 2001. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 9 of Resolution R-1997-21, Control No.1993-00057)

10. Previous E Condition 10 of Resolution R-1997-21, Control No.1993-00057, which currently states:

Median landscaping, subject to permitting by the County Engineer, shall be provided within all rights-of-way. Median landscaping shall, at a minimum, include:

- a. One (1) native tree for every thirty feet (30) of median;
- b. One (1) shrub for every one hundred fifty (150) square feet 01' one groundcover for every seventy five (75) square feet of median area;
- c. Lawn area planted by sod; and
- d. Detail median landscaping plans shall be submitted, installed and maintained pursuant to the standards set forth in Article 6.8.23.d(2)(a) of the Palm Beach County Unified Land Development Code. (Previously Condition A.3 of Resolution R-94-366, Petition 93-57)

Is hereby amended to read:

The Property Owner shall design, install, and perpetually maintain median landscape within the median of all abutting right of way of Hagen Ranch Road. 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 the 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. (BLDG PERMIT: MONITORING-Eng)
- b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
- c. At 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 Hagen Ranch Road. 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. (BLDGPM: ENGINEERING - Engineering)

11. Prior to Master Plan approval by the DRC, the Master Plan shall be amended to reflect minimum standards for; centerline radii, minimum right of way width, and roadway geometry in accordance with the County Engineer's approval. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous E Condition 11 of Resolution R-1997-21, Control No.1993-00057)

12. Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPM: MONITORING - Engineering)

13. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Hagen Ranch Road at the project's entrance road. 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. Additional width may be required to accommodate paved shoulders. The right of way shall continue 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 Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County 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 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. (BLDGPM/ONGOING: MONITORING - Engineering)

14. The Property Owner shall construct a right turn lane north approach on Hagen Ranch Road at the project's entrance road.

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

15. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public 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 Hagen Ranch Road along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. 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 water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and 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. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. 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. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMPT: MONITORING - Engineering)

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

17. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Subdivision Plan by the DRO. (DRO: ENGINEERING - Engineering)

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. (BLDGPMPT/PLAT: ENGINEERING - Engineering)

18. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2022. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

19. Building Permits for more than 148 new units (537 units overall) shall not be issued until the Property Owner makes a proportionate share payment of \$1,105,000 to widen Atlantic Ave from Florida Turnpike to Jog Rd from 4 lanes divided to 6 lanes divided. Note

that while this proportionate share payment is based on proportionate cost of a specific roadway improvement, the County, in its sole discretion may apply such payment to one or more mobility improvements to regionally significant transportation facilities. The proportionate share payment shall be adjusted at the time of payment by the escalator calculation set forth in a later Condition below. Any road impact fees paid by the Developer on this project prior to this proportionate share payment will be applied as a credit toward the proportionate share payment. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility in the area. (BLDGPM: MONITORING - Engineering)

20. In recognition that construction prices may change over the life of the project, the proportionate share payments included in the above conditions shall be subject to the following escalator calculation:

Adjusted Payment (when payment is being made) = Original Payment Amount x Cost Adjustment Factor

Where,

Original Payment Amount = Proportionate Share Payment amount specified in the Proportionate Share Agreement

Cost Adjustment Factor = (Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of payment))/(Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of Prop Share Execution))

The Bureau of Labor Statistics Producer Price Index (PPI) for Commodities (Series ID: WPUIP2312301), can be found at <http://data.bls.gov/timeseries/WPUIP2312301>.

If at the time a Proportionate Share payment is due, the Commodities Code ID WPUIP2312301 is no longer used by the United States Bureau of Labor Statistics, the Adjusted Payment will be based on the Producer Price Index for non-residential commodities then in effect. In the event such an index is no longer in use, the Adjusted Payment will be based on the United States Bureau of Labor Statistics Consumer Price Index then in effect.

(ONGOING: ENGINEERING - Engineering)

ENVIRONMENTAL

1. A Phase II Environmental Audit shall be submitted to the Department of Environmental Resources Management prior to approval of the Master Plan by the DRO. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. The Developer shall meet with Department of Environmental Resources Management Wellfield staff prior to approval of the Master Plan by the DRO. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. All existing on-site sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC and Palm Beach County ECR-I. [Note: COMPLETED] (Previous C Condition 1 of Resolution R-1997-21, Control No.1993-00057)

2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing on-site potable water supply systems must be abandoned in accordance with Palm Beach County ECR-11. [Note: COMPLETED] (Previous C Condition 2 of Resolution R-1997-21, Control No.1993-00057)

3. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations

and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. [Note: COMPLETED] (Previous C Condition 3 of Resolution R-1997-21, Control No.1993-00057)

LANDSCAPE - GENERAL

1. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.0 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 outenmost branch tip. Each radius shall measure at least 3.5 feet in length.
 - d. Clear trunk: five (5) feet. (ONGOING: ZONING-Zoning) (Previous D Condition 1 of Resolution R-1997-21, Control No.1993-00057)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG WESTERN PROPERTY LINE

2. To ensure adequate buffering from the Florida Turnpike, the minimum buffer requirements along the west property line shall be upgraded to include the following:
 - 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. A minimum thirty (30) inch high hedge planted two (2) feet on center, at time of planting. [Note: COMPLETED] (Previous G Condition 1 of Resolution R-1997-21, Control No.1993-00057)

PALM TRAN

1.
 - A. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate 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 or Palm Tran.
 - B. Mass transit access, shelters and or bus stops, if required, shall be constructed by the petitioner within three (3) years, January 1 2000, in a manner and location acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. The petitioner shall dedicate additional right-of-way to accommodate the requirement for mass transit access and/or bus shelters, if requested by the County Engineer. Mass transit access shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, and a bicycle rack. (DRO: ZONING – Palm Tran) [Note: COMPLETED] (Previous H Condition 1 of Resolution R-1997-21, Control No.1993-00057)

PLANNED DEVELOPMENT

1. Street lights a maximum of twenty five (25) feet in height shall be installed along all platted access tracts, easements, and right-of-ways. Light fixtures shall be directed away from residences. (ONGOING: ZONING - Zoning) (Previous I Condition 1 of Resolution R-1997-21, Control No.1993-00057)
2. Previous I Condition 2 of Resolution R-1997-21, Control No.1993-00057, which currently states:

Street trees shall be planted no more than fifty (50) feet on center along both sides of all streets within all platted rights-of-way, access tracts, and easements that are interior to the PUD subject to approval by the County Engineer. All required landscaping shall be installed prior to release of the performance bond or issuance of a certificate of completion, whichever occurs first, for the road intended to be landscaped. (CO: LANDSCAPE - Eng) (Previous Condition A.4 of Resolution R-94-366, Petition 93-57)

Is hereby deleted. [REASON: Exceeds Code requirement]

3. Previous I Condition 3 of Resolution R-1997-21, Control No.1993-00057, which currently states:

All utilities shall be underground pursuant to Article 6.8.23.d(5) of the Palm Beach County Unified Land Development Code. (Previously Condition A.5 of Resolution R-94-366, Petition 9 3-57)

Is hereby deleted. [REASON: Code requirement]

PLANNING

1. Prior to the issuance of the first residential Building Permit, the applicant shall submit payment to Department of Economic Sustainability (DES), and a copy of a receipt for that payment to the Planning Division, totaling the amount of WHP units bought at \$81,500 per WHP unit. (BLDGPM: MONITORING - Planning)

SCHOOL BOARD

1. Prior to the issuance of the three hundred and ninetieth (390th) Certificate of Occupancy (CO), the 10 feet by 15 feet school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board)

2. Previous K Condition 1 of Resolution R-1997-21, Control No.1993-00057, which currently states:

Prior to site plan certification, the petitioner shall demonstrate that they have met with the School Board staff and discussed the potential of entering into an agreement to help achieve racial balance and allow the children who reside within the development to attend the nearest available school. (Previously Condition H. I of Resolution R-94-366, Petition 93-57)

Is hereby deleted. [REASON: No longer needed.]

3. Previous K Condition 2 of Resolution R-1997-21, Control No.1993-00057, which currently states:

All sales and notice literature and purchase agreements for within the development shall include a statement/ notice that students may not be assigned to the nearest school and that all prospective buyers are encouraged to contact the Palm Beach County School Board to determine which school assignment will apply to their children. (Previously Condition H.2 of Resolution R-94-366, Petition 93-57)

Is hereby amended to read:

The property owner shall post a notice of annual boundary school assignments for students from this development. A sign (11 inches by 17 inches) 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 - School Board)

SITE DESIGN

1. To ensure compliance with the requirements of the ULDC, prior to certification of the

Preliminary Development Plan (PDP) by the DRC, the petitioner shall apply and obtain approval of a master plan for the Polo Trace PRD, Zoning Petition DOA89-19(C), which complies with all applicable sections of the ULDC and conditions of approval. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous B Condition 1 of Resolution R-1997-21, Control No.1993-00057)

2. To ensure that the proposal will comply with the requirements of the ULDC the petitioner shall, prior to certification of a Preliminary Development Plan (PDP) by the Development Review Committee (DRC), amend the Preliminary Development Plan to include a minimum of two unit types or obtain a variance from the Board of Adjustment. In the event the ULDC is amended to delete the requirement for PUD's to provide a minimum of two housing types the petitioner shall be relieved of this requirement (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous B Condition 2 of Resolution R-1997-21, Control No.1993-00057)

3. The five (5) billboards on site adjacent to the Florida Turnpike shall be removed prior to January 1, 1998. No extension on the lease agreements shall be permitted. (DATE: MONITORING - Zoning) [Note: COMPLETED] (Previous B Condition 3 of Resolution R-1997-21, Control No.1993-00057)

SOLID WASTE AUTHORITY

1. All residential, recreational and civic parcels (i.e. clubhouse, civic site) shall participate in a recycling program. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (ONGOING: ZONING - Zoning) (Previous J Condition 1 of Resolution R-1997-21, Control No.1993-00057)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

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

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.