

RESOLUTION NO. R-2019- 1825

RESOLUTION APPROVING ZONING APPLICATION EAC-2019-01685  
(CONTROL NO. 1971-00013)  
a Development Order Amendment Expedited Application Consideration  
APPLICATION OF Palm Greens at Villa del Ray Condo. Assn, Delray Golf Investors,  
LLC, 13FH Palm Beach, LP  
BY Urban Design Kilday Studios, AGENT  
(Delray Trails at Villa Del Ray 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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement 26, have been satisfied;

WHEREAS, Zoning Application EAC-2019-01685 was presented to the Board of County Commissioners at a public hearing conducted on November 25, 2019;

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application EAC-2019-01685, the Application of Palm Greens at Villa del Ray Condo. Assn, Delray Golf Investors, LLC, 13FH Palm Beach, LP, by Urban Design Kilday Studios, Agent, for a Development Order Amendment Expedited Application Consideration to modify Conditions of Approval, 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 November 25, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	- Aye
Commissioner Robert S. Weinroth, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on November 25, 2019.

Filed with the Clerk of the Board of County Commissioners on December 11th, 2019

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

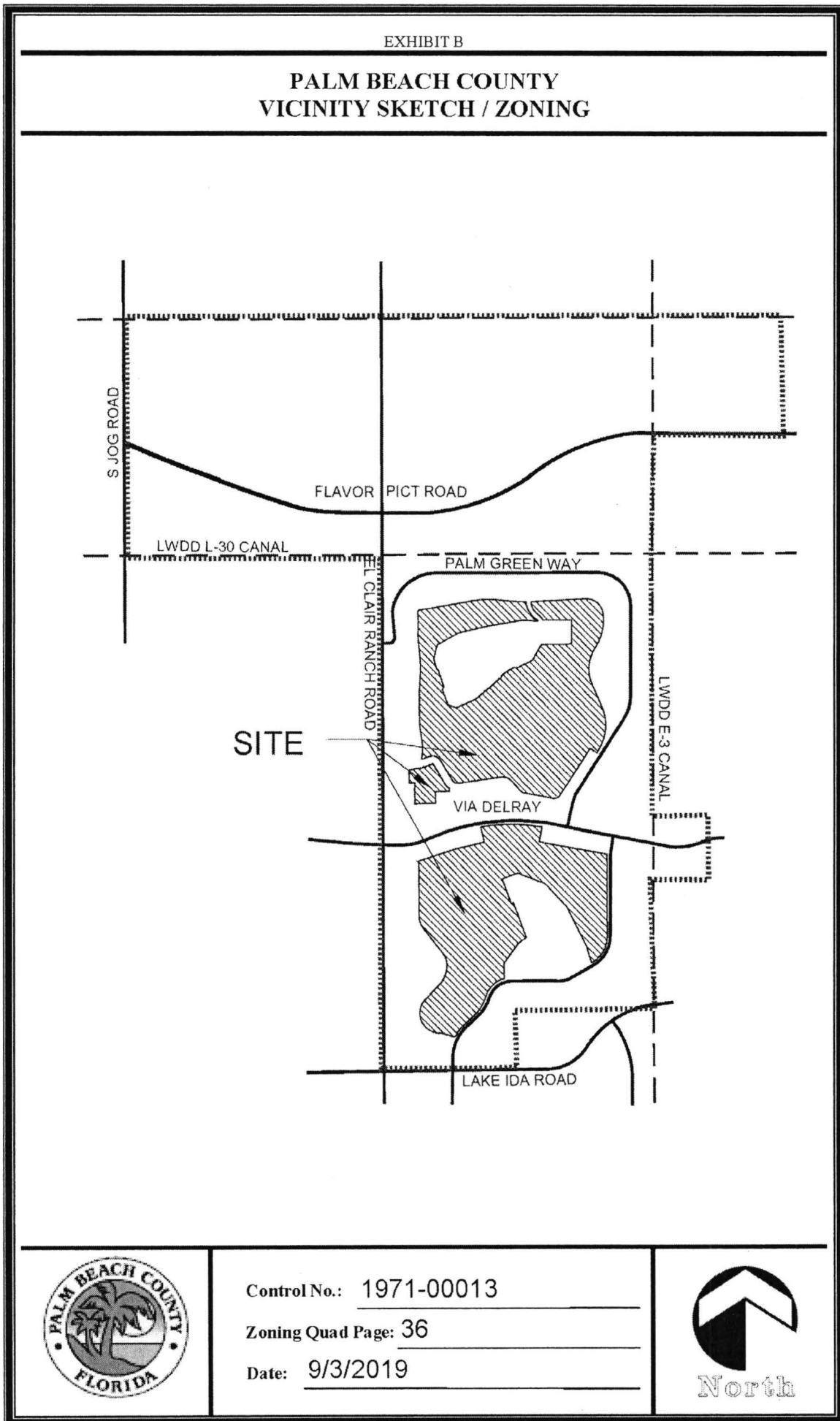
### LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 2, 3, AND 11, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. COMMENCING AT THE WEST ¼ CORNER OF SAID SECTION 11; THENCE N. 88° 57' 45" E. FOR 53.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE S. 00° 55' 45" E. ALONG A LINE 53 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 11 FOR 2706.70 FEET; THENCE N. 88° 42' 43" E. ALONG THE SOUTH LINE OF SAID SECTION 11 FOR 1280.38 FEET; THENCE N. 00° 52' 03" W. FOR 675.27 FEET ALONG THE EAST LINE OF PLAT II VILLA DELRAY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGE 77, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N. 88° 46' 29" E. ALONG THE SOUTH LINE OF SAID PLAT FOR 1334.11 FEET; THENCE N. 00° 48' 20" W. ALONG THE EAST LINE OF SAID PLAT FOR 1347.62 FEET; THENCE N. 88° 54' 14" E. ALONG THE SOUTH LINE OF THE WEST ¼ OF THE NORTH ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 11 FOR 667.54 FEET; THENCE N. 00° 47' 04" W. ALONG THE WEST LINE OF THE SAID WEST ¼ OF THE NORTH ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 11 FOR 673.13 FEET; THENCE S. 88° 57' 59" W. ALONG THE NORTH LINE OF THE SAID WEST ¼ OF THE NORTH ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 11 FOR 667.79 FEET; THENCE N. 00° 47' 56" W. ALONG THE EAST LINE OF THE NORTHWEST ¼ OF SAID SECTION 11 FOR 2696.28 FEET; THENCE N. 01° 36' 03" W. ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF SECTION 2, TOWNSHIP 46 SOUTH, RANGE 42 EAST FOR 1429.14 FEET; THENCE N. 89° 11' 05" E. ALONG THE SOUTH LINE AND THE WESTERLY PROLONGATION OF CORAL LAKES XII, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 85, PAGE 14, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA FOR 366.26 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE N 89° 58' 06" E. FOR 615.19 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE S. 89° 57' 32" E. FOR 316.21 FEET; THENCE N. 01° 53' 38" W. ALONG THE EAST LINE OF SAID CORAL LAKES PLAT XII FOR 1197.41 FEET; THENCE S. 89° 08' 07" W. ALONG THE NORTH LINE AND THE WESTERLY PROLONGATION OF SAID CORAL LAKES XII FOR 1291.25 FEET; THENCE N. 01° 36' 03" W. ALONG THE SAID WEST LINE OF THE SOUTHEAST ¼ OF SECTION 2 FOR 65.96 FEET; THENCE S. 89° 08' 07" W. ALONG THE NORTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 2 FOR 2647.84 FEET; THENCE S. 89° 11' 10" W. ALONG THE NORTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 3 FOR 2683.37 FEET; THENCE S. 00° 58' 34" E. ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 3 FOR 2574.37; THENCE N. 89° 10' 19" E. ALONG THE SOUTH LINE OF THE PLAT OF CORAL LAKES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 67, PAGE 197, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA FOR 2685.03 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE N. 89° 10' 19" E. FOR 0.37 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE N. 89° 13' 44" E. FOR 52.90 FEET; THENCE S. 00° 51' 29" E. ALONG A LINE 53' EAST OF THE WEST LINE OF SAID SECTION 11, AND THE NORTHERLY PROLONGATION THEREOF, FOR 2808.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 671.8 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Development Order Amendment Expedited Application Consideration**

##### **ALL PETITIONS**

1. Previous ALL PETITIONS Condition 1 of Resolution R-2019-1057, Control No.1971-00013, which currently states:

All previous Conditions of Approval applicable to the subject property as contained Resolution 1998-1109, have been consolidated as contained herein. The petitioner shall comply with all previous Conditions of Approval and deadlines previously established by Section 2.E of the ULDC and the Board of County Commissioners, unless expressly modified.

##### **Is hereby amended to read:**

All previous Conditions of Approval applicable to the subject property, as contained Resolution R-2019-1057 (Control No. 1971-00013), 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Preliminary Master Plan is dated June 12, 2019. 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) (Previous ALL PETITIONS Condition 2 of Resolution R-2019-1057, Control No.1971-00013)

##### **COUNTY ATTORNEY**

1. The additional acreage shall be incorporated into the master property owner's association for Coral Lakes PUD. (ONGOING: COUNTY ATTORNEY - County Attorney) (Previous COUNTY ATTORNEY Condition 1 of Resolution R-2019-1057, Control No.1971-00013)

2. The following conditions are applicable to the Parcel 17 approved July 1998, located Northeast of Flavor Pict Road and the E-3 Canal.

All property included in the Coral Lakes legal description (PB 67, Page 197- 198) 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 owners 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 recordation of the first plat for any portion of the planned development, whichever occurs first. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENGINEERING - County Attorney) (Previous COUNTY ATTORNEY Condition 2 of Resolution R-2019-1057, Control No.1971-00013)

3. Prior to the issuance of the first building permit (not including sales models) for residences on Parcel 17, a document giving notice of the existence and location of an agricultural packing plant on Flavor Pict Road shall be approved by the County Attorney and shall be submitted to the Monitoring Section. This document shall describe the use listed above, the irregular hours of operation, and shall include a place for the purchaser's signature acknowledging the notice. This document shall be made part of the closing documents for each residential unit sold in Parcel 17. (BLDGPM: MONITORING - County

Attorney) [Note: COMPLETED] (Previous COUNTY ATTORNEY Condition 3 of Resolution R-2019-1057, Control No.1971-00013)

## **ENGINEERING**

1. Prior to issuance of a building permit 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 owners road right of way. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDGPMPT: MONITORING - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2019-1057, Control No.1971-00013)

2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Flavor Pict Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2019-1057, Control No.1971-00013)

3. The Property owner shall construct a left turn lane & west approach on Flavor Pict Road at the projects entrance road.

a. 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. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2019-1057, Control No.1971-00013)

4. On or before January 1, 1999, 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 Flavor Pict 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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2019-1057, Control No.1971-00013)

5. 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, or as

amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2019-1057, Control No.1971-00013)

6. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2019-1057, Control No.1971-00013)

7. 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 Site 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. (BLDGPM/PLAT: MONITORING - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2019-1057, Control No.1971-00013)

8. The existing stages of the surrounding areas shall not increase due to the redevelopment of the property. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2019-1057, Control No.1971-00013)

9. Deleted per R-2019-1057 (Previous ENGINEERING Condition 9 of Resolution R-2019-1057, Control No.1971-00013)

10. The following conditions are applicable to the Parcel 17 approved July 1998, located Northeast of Flavor Pict Road and the E-3 Canal:

a. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDGPM - Engineering) (Previous D Condition 1 of Resolution R-2019-1057, Control No.1971-00013)

b. Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (CO: BLDGPM - Engineering) (Previous D Condition 2 of Resolution R-2019-1057, Control No.1971-00013)

c. 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.23.d(4) of the ULDC, subject to approval by the County Engineer. (PLAT: ENGINEERING - County Attorney) (Previous D Condition 3 of Resolution R-2019-1057, Control No.1971-00013)

d. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (Previous ENGINEERING Condition 10 of Resolution R-2019-1057, Control No.1971-00013)

#### **LANDSCAPE - GENERAL-LANDSCAPING ABUTTING FLAVOR PICT ROAD**

1. Landscaping and buffering along the south property line shall be upgraded to include:

a. A minimum twenty (20) foot wide landscape buffer strip;

b. One (1 ) canopy tree planted every thirty (30) feet on center;

c. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,

d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2019-1057, Control No.1971-00013)

2. Landscaping and buffering along the north, east, west property line of Parcel 17 shall include:



- a. A minimum ten (10) foot wide landscape buffer strip, along the east
- b. A minimum five (5) foot along the west property line;
- c. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
- d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms may be substituted for 50% of the perimeter canopy trees; and,
- e. Twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2019-1057, Control No.1971-00013)

**LANDSCAPE - GENERAL-LANDSCAPING ALONG THE PROPERTY LINE OF POD B ADJACENT TO EXISTING BUILDING WITH ADDRESS OF 13845 VIA FLORA**

3. Landscaping along the property line of Pod B, adjacent to 13845 Via Flora, shall include the following:

- a. a minimum of twenty (20) foot wide buffer, a minimum of 150 feet in length. This buffer shall be located equidistant from the northwest corner of 13845 Via Flora;
- b. one (1) Canopy tree for each twenty (20) linear feet;
- c. one (1) palm for each twenty (20) linear feet;
- d. one (1) medium shrub for each four (4) linear feet;
- e. one (1) small shrub for each two (2) linear feet; and,
- f. the five foot wide pedestrian pathway depicted in the Visual Impact Analysis dated January 28, 2019 may encroach into this buffer. (BLDGPMT/DRO: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2019-1057, Control No.1971-00013)

**LANDSCAPE - GENERAL-LANDSCAPING ALONG THE PROPERTY LINE OF POD C ADJACENT TO EXISTING BUILDING WITH ADDRESS OF 13737 FLORA PLACE**

4. Landscaping along the property line of Pod C, adjacent to 13737 Flora Place, shall include the following:

- a. a minimum of twenty (20) foot wide buffer, a minimum of 200 feet in length. This buffer shall be located equidistant from the center of 13737 Flora Place;
- b. one (1) Canopy tree for each twenty (20) linear feet;
- c. one (1) palm for each twenty (20) linear feet;
- d. one (1) medium shrub for each four (4) linear feet;
- e. one (1) small shrub for each two (2) linear feet; and,
- f. the five foot wide pedestrian pathway depicted in the Visual Impact Analysis dated January 28, 2019 may encroach into this buffer. (BLDGPMT/DRO: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2019-1057, Control No.1971-00013)

**LANDSCAPE - GENERAL-LANDSCAPING ALONG THE PROPERTY LINE OF POD B ADJACENT TO EXISTING BUILDING WITH ADDRESS OF 13767 FLORA PLACE**

5. Landscaping along the property line of Pod B, adjacent to 13767 Flora Place, shall include the following:

- a. a minimum of twenty (20) foot wide buffer, a minimum of 75 feet in length. This buffer shall be located equidistant from the southeast corner of 13767 Flora Place;
- b. one (1) Canopy tree for each twenty (20) linear feet;
- c. one (1) palm for each twenty (20) linear feet;
- d. one (1) medium shrub for each four (4) linear feet;
- e. one (1) small shrub for each two (2) linear feet; and,
- f. the five foot wide pedestrian pathway depicted in the Visual Impact Analysis dated January 28, 2019 may encroach into this buffer. (BLDGPMT/DRO: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2019-1057, Control No.1971-00013)

**LANDSCAPE - GENERAL-LANDSCAPING ALONG PROPERTY LINES OF PODS A, B AND C AND EXISTING BUILDINGS**

6. The lakes and landscape areas along the property lines of Pods A, B and C as depicted in the Visual Impact Analysis dated January 28, 2019 shall remain in the same location to ensure that spatial separation between existing and proposed residential buildings is



maintained. (DRO/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 6 of Resolution R-2019-1057, Control No.1971-00013)

### **PALM TRAN**

1. The following conditions are applicable to the Parcel 17 approved July 1998, located Northeast of Flavor Pict Road and E-3 Canal.

a. 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.

b. 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 a building permit for more than 25% (#35) of the units. 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. (DRO: PALM-TRAN - Palm-Tran) [Note: COMPLETED] (Previous PALM TRAN Condition 1 of Resolution R-2019-1057, Control No.1971-00013)

### **PLANNING**

1. Prior to final site plan certification for this 34 acre pod, the site plan shall, (in furtherance of the recommendations of the West Boynton Area Community Plan), depict a street circulation pattern that is inter-connected which allows automobiles greater circulation options and reduces reliance on any one road. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 1 of Resolution R-2019-1057, Control No.1971-00013)

2. Prior to final site plan certification for this 34 acre pod, the site plan shall, (in furtherance of the recommendations of the West Boynton Area Community Plan), provide street cross section details depicting sidewalks for pedestrian and bicycle circulation through this pod connecting to the entire PUD. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2019-1057, Control No.1971-00013)

### **PROPERTY & REAL ESTATE MANAGEMENT**

1. Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 1 of Resolution R-2019-1057, Control No.1971-00013, which currently states:

13FH Palm Beach, LP (13th Floor) has a contract to purchase the Delray Trails golf course property. 13th Floor is scheduled to close on the Delray Trails property on or before September 16, 2019. If 13th Floor and/or its assigns do not close on the Delray Trails property, the development order for the Delray Trails property will be rendered non-compliant.

#### **Is hereby amended to read:**

13FH Palm Beach, LP (13th Floor) has a contract to purchase the Delray Trails golf course property. 13th Floor is scheduled to close on the Delray Trails property on or before March 16, 2020. If 13th Floor and/or its assigns do not close on the Delray Trails property, the development order for the Delray Trails property will be rendered non-compliant. (PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

2. As a condition of receiving development approvals for its Delray Trails at Villa Delray PUD (Delray Trails) development, 13th Floor has an obligation to provide the County a 2.38 acre civic site. 13th Floor has requested the County allow an off-site dedication utilizing an approximately 5.17 acre property identified by PCN 00-42-46-11-00-000-5010 (the "Replacement Site) which the County has agreed to accept in lieu of an onsite dedication. (PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate

Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 2 of Resolution R-2019-1057, Control No.1971-00013)

3. Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 3 of Resolution R-2019-1057, Control No.1971-00013, which currently states:

13th Floor Acquisitions, an entity affiliated with 13th Floor, has entered into a Commercial Contract and First Amendment thereto ("Contract") to purchase the Replacement Site. A true, correct, and complete copy of the Contract has previously been provided to the County.

**Is hereby amended to read:**

13th Floor Acquisitions, an entity affiliated with 13th Floor, has entered into a Commercial Contract together with a First and Second Amendment thereto ("Contract") to purchase the Replacement Site. A true, correct, and complete copy of the Contract has been provided to the County. (PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

4. Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 4 of Resolution R-2019-1057, Control No.1971-00013, which currently states:

13th Floor Acquisitions shall keep the Contract in full force and effect until October 8, 2019. On or before October 8, 2019, County shall accept or reject an assignment of the Contract from 13th Floor Acquisitions. If the County accepts the Contract, County shall replace 13th Floor's deposit pursuant to the terms of the Contract.

**Is hereby amended to read:**

13th Floor Acquisitions shall keep the Contract in full force and effect through the Assignment Date. On or before March 10, 2020 County Staff shall request conditional approval to purchase the Replacement Site from the County Commission. Within two (2) days after 13th Floor s Closing on Delray Trails, the County shall, assuming it has received approval to do so, take assignment of the Contract (the Assignment Date ) and shall replace 13th Floor s deposit pursuant to the terms of the Contract. (PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

5. Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 5 of Resolution R-2019-1057, Control No.1971-00013, which currently states:

If County rejects the Contract, 13th Floor shall pay the County at the recording of the first plat of its Delray Trails development \$1,103,500 as a cash out in lieu of civic site dedication, and shall continue to be responsible for Workforce Housing payments as required by the applicable development approvals.

**Is hereby amended to read:**

In the event the County does not take assignment of the Contract on the Assignment Date, 13th Floor may terminate the Contract and shall pay the County at the recording of the first plat of its Delray Trails development \$1,103,500 as a cash out in lieu of civic site dedication, and shall continue to be responsible for Workforce Housing payments as required by the applicable development approvals. (PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

6. Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 6 of Resolution R-2019-1057, Control No.1971-00013, which currently states:

If County accepts the Contract and 13th Floor has closed on the Delray Trails property, 13th Floor shall pay County:

- a. The \$1,103,500 cash out fee on or before April 1, 2020;
- b. The \$650,000 Workforce Housing payment due for the Avalon Trails at Villages of Oriole PUD development on or before October 1, 2019;

- c. \$500,000 of the \$896,500 Workforce Housing payment for the Delray Trails development on or before December 1, 2019;
- d. The remaining \$396,500 balance of the Delray Trails Workforce Housing payment on or before April 1, 2020.

**Is hereby amended to read:**

If County accepts the Contract and 13th Floor has closed on the Delray Trails property, 13th Floor shall pay County:

- a. The \$1,103,500 cash out fee on or before April 30, 2020;
- b. The full balance of the Delray Trails Workforce Housing payment on or before April 30, 2020.

(PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

7. 13th Floor will cooperate, so long as it does not incur material additional cost in connection with such cooperation, with County to reduce County's site development costs by coordinating 13th Floor's site development work to accept unsuitable materials from the Replacement Site so long as such materials are available contemporaneous with site development activities at Delray Trails and the potential contaminant load of the materials are within the range of target levels approved by FDEP for the Delray Trails Site. Additionally, 13th Floor will provide County surplus clean fill from the Delray Trails site, to the extent excess clean fill is available and at no cost to 13th Floor. For purposes hereof, "material additional cost" shall mean costs in excess of \$25,000 and shall not include consulting, permitting and/or engineering soft costs. (PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 7 of Resolution R-2019-1057, Control No.1971-00013)

8. Nothing contained herein shall limit 13th Floor's ability to obtain credits for Fire Rescue and/or General Government impact fees payable on its Delray Trails development. (PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 8 of Resolution R-2019-1057, Control No.1971-00013)

9. As of October 1, 2019, 13th Floor has paid the \$650,000 Workforce Housing Payment that was due for the Avalon development. (PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

**SCHOOL BOARD**

1. The Property Owner shall provide a Declaration of Restrictive Covenant which prohibits children less than nineteen years of age from residing in the community no later than six (6) months after DRO Approval. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the School Board and the County Attorney. (DRO: COUNTY ATTORNEY - School Board) (Previous SCHOOL BOARD Condition 1 of Resolution R-2019-1057, Control No.1971-00013)

**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.