

RESOLUTION NO. R-2010- 0957

RESOLUTION APPROVING ZONING APPLICATION DOA-2009-04753
(CONTROL NO. 2003-00061)
A Development Order Amendment.
APPLICATION OF Kirk Angelocci
BY Land Design South, Inc., AGENT
(Angelocci 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-2009-04753 was presented to the Board of County Commissioners at a public hearing conducted on June 24, 2010; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

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

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

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

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA-2009-04753, the petition of Kirk Angelocci, by Land Design South, Inc., agent, for A Development Order Amendment. to reconfigure the site plan and to modify/delete Conditions of Approval. (Engineering, School Board and Zoning) 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 June 24, 2010, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner Burt Aaronson, Chair - Aye

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 24, 2010.

Filed with the Clerk of the Board of County Commissioners on June 25th, 2010.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, BEING A PART OF LOTS 21 TO 24 INCLUSIVE OF MODEL LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 78, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE RIGHTS-OF-WAY OF PURDY LANE AND OF THE LAKE WORTH DRAINAGE DISTRICT CANAL NO. 9.

PARCEL 2:

THE NORTH 464 FEET OF THE EAST 138 FEET OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE RIGHT-OF-WAY OF PURDY LANE.

PARCEL 3:

THE EAST 138 FEET OF THE SOUTH 36 FEET OF THE NORTH 500 FEET OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO KNOWN AS:

THE SOUTH 36 FEET OF THE NORTH 170 FEET OF THE EAST 138 FEET OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF TRACT 22, MODEL LAND COMPANY SUBDIVISION, SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 78 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4:

THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 500 FEET OF THE EAST 138 FEET THEREOF, AND LESS THE SOUTH 110 FEET OF THE NORTH 335 FEET OF THE WEST 82 FEET THEREOF, AND LESS THE SOUTH 355 FEET OF THE NORTH 460 FEET THEREOF LYING EAST OF THE 30-FOOT RIGHT-OF-WAY OF WESTWOOD ROAD, AND LESS THE 30-FOOT RIGHT-OF-WAY OF WESTWOOD ROAD, AND LESS THE RIGHT-OF-WAY FOR PURDY LANE, AND LESS THE RIGHT-OF-WAY OF THE LAKE WORTH DRAINAGE DISTRICT CANAL NO. 9 AND ANY LAND WITHIN 50 FEET OF ITS CENTER LINE.

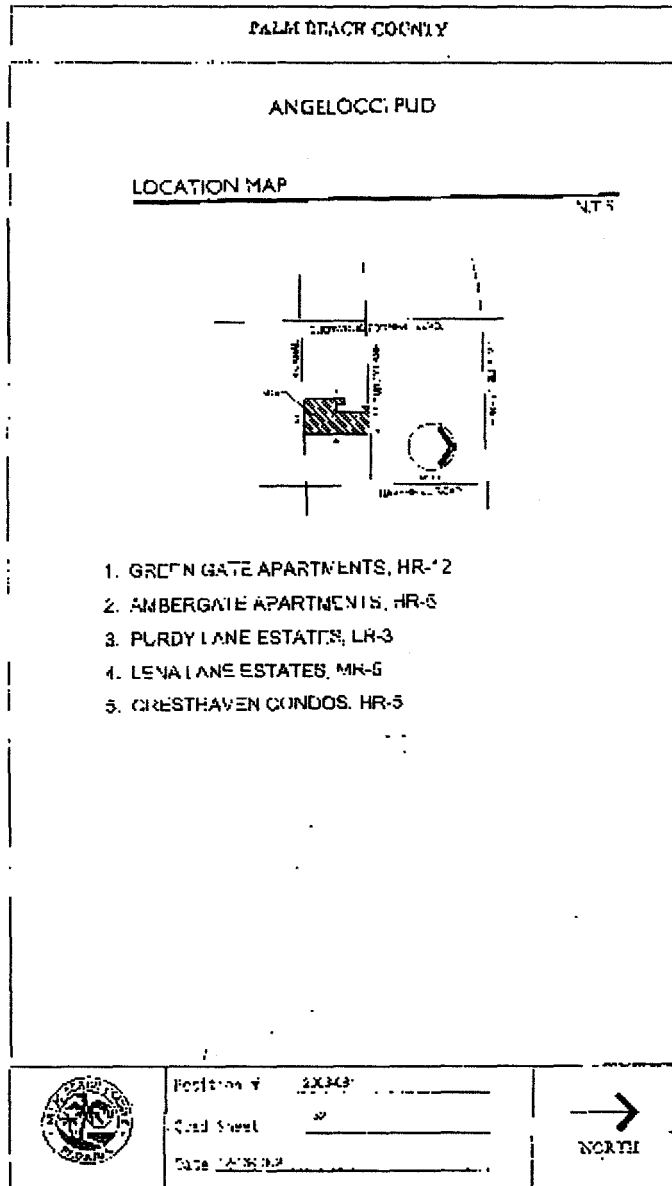
SAID PARCEL 4 FORMERLY DESCRIBED AS FOLLOWS:

THE WEST 1/2 OF THE EAST 1/2 OF TRACT 21 (LESS THE NORTH 55 FEET FOR ROAD RIGHT-OF-WAY, THE EAST 138 FEET, THE SOUTH 160 FEET OF THE WEST 97.27 FEET OF THE EAST 235.27 FEET, THE SOUTH 60 FEET OF THE WEST 97 FEET AND WESTWOOD ROAD RIGHT-OF-WAY); THE WEST 1/2 OF THE EAST 1/2 OF TRACT 22 (LESS THE EAST 235.27 FEET OF THE NORTH 170 FEET, THE NORTH 50 FEET OF THE WEST 97 FEET AND WESTWOOD ROAD RIGHT-OF-WAY), AND THE WEST 1/2 OF THE EAST 1/2 OF TRACTS 23 AND 24, MODEL LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 78, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS THAT PORTION OF PARCEL 4 THAT IS BOUNDED ON THE WEST BY THE WEST LINE OF THE EAST 1/2 OF S.W. 1/4 OF THE N.E. 1/4 OF SECTION 14 AS PER MODEL LAND COMPANY SUBDIVISION OF SECTION 14, TOWNSHIP 44S, RANGE 42E, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 78 AND THE EAST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 3375, PAGE 1808, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BOUNDED ON THE SOUTH BY A LINE 60.00 FEET NORTH OF THE SOUTH LINE OF TRACT 21; BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY OF WESTWOOD ROAD, AS LAID OUT AND IN USE AND BOUNDED ON THE NORTH BY A LINE 55.00 FEET SOUTH OF THE NORTH LINE OF TRACT 21 FOR RIGHT-OF-WAY OF PURDY LANE AS NOW LAID OUT AND IN USE.

EXHIBIT B
VICINITY SKETCH

EXHIBIT B



ENCUMBRANCE DATA APPROVED BY 2/21/09

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.All Petition Condition 1.of Resolution R2009-0376, Control No. 2003-061 which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R2007-1241 (Control No. 2003-061), 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 or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R2009-0376 (Control No. 2003-061), 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 or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2.Previous Condition A.1 of R-2009-0376 (Control No. 2003-061) 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 24, 2008. 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 approved by the Board of County Commissioners. The approved Preliminary Site plan is dated April 19, 2010. 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)

3.Prior to the final site plan approval by the Development Review Officer (DRO), the master/site plans shall be revised to include a breakdown of the PUD land use mix. (DRO:ZONING-Zoning) (Previous All Petition Condition 3 of R-2009-0376, Control No. 2003-061)

ARCHITECTURAL REVIEW

1.Previous Condition Architectural Review 1 of Resolution R-2009-0376, Control No. 2003-061, which currently states:

The proposed multi-family buildings shall be designed and constructed to be generally consistent with the facade elevations prepared by Tseng Consulting Group, Inc., and dated December 18, 2006. Deviations are permitted with the approval of the Zoning Division and subject to architectural review and approval in accordance with Article 5.C. of the ULDC. (DRO: ZONING - Zoning)

Is hereby amended to read:

The proposed multi-family buildings shall be designed and constructed to be generally

consistent with the facade elevations prepared by Tseng Consulting Group, Inc., and dated March 29, 2010. Deviations are permitted with the approval of the Zoning Division and subject to architectural review and approval in accordance with Article 5.C. of the ULDC. (BLDG PERMIT: ZONING - Zoning)

2. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all structures shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

ENGINEERING

1. Previous Condition E1 of Resolution R-2009-376, Control No. 2003-061, which currently states:

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

No Building Permits for the site may be issued after December 31, 2010. 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 Property owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2013. 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)

2. Prior to issuance of the first Building Permit 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 Purdy Lane along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment.

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

(Previous Condition E2 of Resolution R-2009-376, Control No. 2003-061)

3. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Purdy Lane to Palm Beach County. Construction by

the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance.(BLDG PERMIT: MONITORING-Eng)
(Previous Condition E3 of Resolution R -2009-376, Control No. 2003-061)

4.Previous Condition E4 of Resolution R-2009-376, Control No. 2003-061, which currently states:

The Property owner shall construct a left turn lane east approach on Purdy lane at the project 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.

b.Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)

c.Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING -Eng)

Is hereby deleted. [Reason: Improvements no longer warranted]

5.Prior to issuance of the first building permit, the property owner shall abandon the southerly portion of Westwood Road, as shown on the site plan associated with Application DOA-2009-4753. (BLDG PERMIT: MONITORING - Eng)

6.Prior to final approval of the Site Plan by the DRO, the property owner shall record a restrictive covenant limiting the occupancy of the dwelling units in buildings 1, 2 and 3 as shown on the site plan submitted with App. DOA-2009-4753 to an age restricted community. The covenant shall be in a format approved by the County Attorney and County Engineer. (DRO: ENGINEERING-Eng)

ENVIRONMENTAL

1.All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING:ERM - ERM)
(Previous Environmental Condition 1 of Resolution, R-2009-0376, Control No. 2003-061)

HEALTH

1.Prior to the issuance of a building permit, the property owner shall submit the results of a pre-demolition asbestos containing material (ACM) survey of the buildings on the site to the Palm Beach County Health Department. (BLDG PERMIT: MONITORING-Health)
(Previous condition Health 1 of Resolution R 2009-0376; Control 2003-061)

2.The site shall be served by sanitary sewer and a community water system. Neither an onsite sewage treatment and disposal system (OSTDS) nor a potable water well shall be approved for use on the property. All existing OSTDS shall be abandoned in accordance with Chapter 64E-6 FAC, and Palm Beach County ECR-I. all existing onsite potable water wells shall be abandoned in accordance with Chapter 64E-8, FAC and Palm Beach County ECR-II. (ONGOING: HEALTH- Health) (Previous condition Health 2 of Resolution R 2009-0376; Control 2003-061)

LANDSCAPE - GENERAL

1.ZONING - LANDSCAPING

A minimum of fifty (50) percent of all trees to be planted in the perimeter landscape buffers shall be native species, and shall meet the following minimum standards at installation:

a. Tree height: Fourteen (14) feet;

b. Trunk diameter: Three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;

c. Canopy diameter: Seven (7) feet diameter shall be determined by the average canopy

radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: ZONING - Landscape) (Previous Landscape Condition 1 of R-2009-0376, Control No. 2003-061)

2. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation:

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: ZONING - Landscape) (Previous Landscape Condition 2 of R-2009-0376, Control No. 2003-061)

3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: ZONING - Landscape) (Previous Landscape Condition 3 of R-2009-0376, Control No. 2003-061)

4. Prior to final site plan approval by the Development Review Officer (DRO), the property owner(s) or the developer/property owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: ZONING - Landscape) (Previous Landscape Condition 4 of R-2009-0376, Control No. 2003-061)

5. ZONING - LANDSCAPING - LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF PURDY LANE)

In addition to the proposed planting program and code requirements, the buffer along the north property line shall be upgraded to include:

- a. minimum of one (1) native palm for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: ZONING - Landscape) (Previous Landscape Condition 5 of R-2009-0376, Control No. 2003-061)

6. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING CRESTHAVEN CONDOS)

Previous Landscape Condition 6 of R-2009-0376 (Control No. 2003-061) which currently states:

In addition to the code requirements, buffer width and landscaping along the south property lines shall be upgraded to include:

- a. a minimum fifteen (15) foot wide buffer;
- b. a minimum of two (2) foot high continuous berm;
- c. a six (6) foot high concrete panel wall to be located on the plateau of the berm;
- d. one (1) palm or pine each for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. plant materials shall comply with the Type II Incompatibility buffer requirements;
- f. the required wall and plant materials may be adjusted to accommodate existing vegetation within the buffer subject to the approval by the Landscape Section. (DRO: LANDSCAPE Zoning) (Previous Landscape Condition 6 of R-2009-0376, Control No. 2003-061)

Is hereby amended to read

In addition to the code requirements, buffer width and landscaping along the south property lines shall be upgraded to include:

- a. a minimum fifteen (15) foot wide buffer;

- b. a minimum of two (2) foot high continuous berm;
 - c. a six (6) foot high concrete panel wall to be located on the plateau of the berm;
 - d. one (1) palm or pine each for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - e. plant materials shall comply with the Type II Incompatibility buffer requirements;
 - f. the required wall and plant materials may be adjusted to accommodate existing vegetation within the buffer subject to the approval by the Landscape Section.
 - g. except where preserve is located on the south property line.
- (DRO:LANDSCAPE Zoning)

7. In addition to code requirements, buffer width and landscaping along the east property line less the portion of the buffer along the lake approximately 350 feet south of Purdy Lane and the area where the existing upland preserve is located shall be upgraded to include:

- a. a minimum of ten (10) foot wide buffer;
- b. a minimum of six (6) foot high black, vinyl coated chain link fence;
- c. one (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- d. a six (6) foot high continuous hedge, and to be perpetually maintained at six (6) feet in height; and,
- e. the required fence and plant materials may be adjusted to accommodate existing vegetation within the buffer subject to approval by the Landscape Section. (DRO: LANDSCAPE - Zoning) (Previous Landscape Condition 7 of R-2009-0376, Control No. 2003-061)

8. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING GREEN GATE APARTMENTS)

In addition to the code requirements, buffers width and landscaping along the west property line shall be upgraded to include:

- a. a minimum of ten (10) foot wide buffer;
- b. a minimum of six (6) foot high black, vinyl coated chain link fence;
- c. one (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- d. a six (6) foot high continuous hedge, and to be perpetually maintained at six (6) feet in height; and,
- e. the required fence and plant materials may be adjusted to accommodate existing vegetation within the buffer subject to approval by the Landscape Section. (DRO: LANDSCAPE - Zoning) (Previous Landscape Condition 8 of R-2009-0376, Control No. 2003-061)

9. ZONING - LANDSCAPING-ALONG THE PERIMETER BUFFERS AT THE NORTHWEST CORNER OF THE SITE ON THE EAST SIDE OF WESTWOOD ROAD AND ADJACENT TO THE RESIDENTIAL PARCELS FRONTING ON WESTWOOD ROAD.

In addition to the code requirements, buffers width and landscaping along the west property line shall be upgraded to include:

- a. a six (6) foot high concrete panel wall and/or six (6) foot high black vinyl coated chain link fence. (DRO: LANDSCAPE - Zoning)(Previous Landscape Condition 9 of 2009-0376, Control No. 2003-061)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting, the owner shall convey to LWDD, either by warranty or exclusive easement deed, the North 10 feet of the South 50 feet of the W of the E of Tract 24, MODEL LAND COMPANY SUBDIVISION, PB 5, PG 78 for the L-9 Canal. LWDD: PLAT-ENG

PALM TRAN

1. 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) (Previous Palm Tran Condition 1 of Resolution R2009-0376, Control No. 2003-061)

2. Prior to Plat Recordation, 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. (PLAT: ENG -Palm Tran) (Previous Palm Tran Condition 2 of Resolution R2009-0376, Control No. 2003-061)

PLANNING

1. Prior to final approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which includes the following:

- a. Guarantees the attainability of all 26 workforce units which includes all units required per Article 5.G. of the ULDC for a period of twenty-five years (recurring). These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle). This does not prohibit allowing higher numbers of lower income units. Final distribution of the units shall be defined at the time of final DRO, consistent with the Workforce Housing requirements in Article 5.G. in the ULDC; and
- b. Workforce Housing units shall not be subject to restrictions beyond income qualifications. (DRO: COUNTY ATTY- Planning) (Previous Condition P.1 of Resolution R-2009-0376, Control # 2003-61)

2. Prior to final approval by the Development Review Officer (DRO), the property owner shall include a notation in, Master Plans, related Site Plans, and plat that shall indicate that a minimum of 26 units have been designated as workforce housing units. (DRO: PLANNING Planning) (Previous Condition P.2 of Resolution R-2009-0376, Control # 2003-61)

3. Condition WORKFORCE HOUSING 3. of Resolution R-2009-0376, Control 2003-61, which currently states:

On an annual basis, beginning June 30, 2009, the property owner, and/or the master homeowners association for the development shall submit an annual report to the Planning Division and HCD documenting compliance with the Workforce Housing declaration of restrictive covenants, and the deed of sale restriction. (DATE/ONGOING: MONITORING Planning/HCD)

Is hereby amended to read:

On an annual basis, beginning June 30, 2011, the property owner, and/or the master homeowners association for the development shall submit an annual report to the Planning Division and HCD documenting compliance with the Workforce Housing declaration of restrictive covenants, and the deed of sale restriction. (DATE/ONGOING: MONITORING-Planning/HCD)

4. 114 units shall be at the income ranges below 60% of the area median income, or such lower income ranges as may be required by other public agencies. The term of affordability shall be consistent with the WHP program or with other public financing if more restrictive. (ONGOING: PLANNING-Planning) (Previous Condition P.4 of Resolution R-

2009-0376, Control # 2003-61)

5. Prior to final approval by the Development Review Officer (DRO), provide documentation per ULDC Art. 5.G.1.B.1.-a. (DRO:PLANNING-Planning) (Previous Condition P.5 of Resolution R-2009-0376, Control # 2003-61)

6. All units will be made available with a preference for veterans if consistent with fair housing laws and other applicable requirements, regulations, and financing requirements. (ONGOING:PLANNING-Planning) (Previous Condition P.6 of Resolution R-2009-0376, Control # 2003-61)

SCHOOL BOARD

1. Condition School Board 1 of Resolution R2009-0376, Control 2003-061, which currently states:

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)

Is hereby amended to read:

The property owner shall post a notice of annual boundary school assignments for students generated from the Phase 2 portion of 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)

2. Condition SCHOOL BOARD 2 of Resolution R 2009-0376, Control 2003-061, which currently states:

Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner 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(s) shall be the responsibility of the residential property owner. (CO: MONITORING School Board.)

Is hereby amended to read:

Prior to the issuance of the first Certificate of Occupancy (CO) for Phase 2, the school bus shelter shall be constructed by the petitioner 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(s) shall be the responsibility of the residential property owner. (CO: MONITORING School Board.)

SITE DESIGN

1. Previous Condition 1 of R-2009-0376 (Control No. 2003-061) which currently states:

Pedestrian walkways within the recreation area shall be paved in concrete. The walkway shall consist of a 5-foot wide band, each band shall be installed at a maximum interval of thirty (30) feet, and shall be paved with decorative pavers or stamped concrete. Prior to final approval of the site plan by the Development Review Officer (DRO), details of this walkway shall be submitted to the Architectural Review Section for review and approval. (DRO:ZONING-Zoning)

Is hereby amended to read:

Pedestrian walkways within the recreation area shall be paved in concrete. Prior to final approval of the site plan by the Development Review Officer (DRO), details of this walkway shall be submitted to the Architectural Review Section for review and approval. (DRO:ZONING-Zoning)

2. Previous Site Design Condition 2 of R-2009-0376 (Control No. 2003-061) which currently states:

Decorative paving treatment (pre-cast concrete paver blocks or stamped concrete) shall be provided at the following locations:

- a. at the terminus of the entrance fronting the recreation club house.
- b. A roundabout located near the west property line (DRO: ZONING Zoning)

Is hereby deleted. [Reason: no longer applicable]

3. Previous Site Design Condition 3 of R-2009-0376 (Control No. 2003-061) which currently states:

Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be revised to indicate an architectural focal point in the landscape median located at the turn-around area fronting Purdy Lane. This focal point shall consist of, but not limited to, an architectural fountain, a loggia, or similar architectural feature. Details of this focal point shall be subject to review and approval by the Architectural Review Section. (DRO: ZONING - Zoning)

Is hereby deleted. [Reason: no longer applicable]

4. Previous Site Design Condition 4 of R-2009-0376 (Control No. 2003-061) which currently states:

A trellis or shade structure shall be provided at a roundabout located near the west property line as shown on the site plan dated April 13, 2007. Prior to final approval of the site plan by the Development Review Officer (DRO), details of the trellis or shade structure shall be submitted to the Architectural Review Section for review and approval. (DRO: ZONING - Zoning)

Is hereby deleted. [Reason: no longer applicable]

5. Prior to final approval by the Development Review Officer (DRO), the owner may submit a revised site plan that depicts the intended phasing. (DRO:ZONING/PLANNING Planning) (Previous Site Design Condition 5 of R-2009-0376, Control No. 2003-061)

6. Phasing of the project is permitted pursuant to Article 2.E.3 and requirements of all conditions of approval may be adjusted in accordance with the phasing subject to DRO approval. (DRO:ZONING Zoning/Planning) (Previous Site Design Condition 6 of R-2009-0376, Control No. 2003-061)

USE LIMITATIONS

1. The applicant/owner shall provide an on-site, live in office manager within one unit of the development. (ONGOING: CODE ENF Zoning) (Previous Use Limitations Condition 1 of R-2009-0376, Control No. 2003-061)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

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

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy (CO); the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code (ULDC) at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

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