

RESOLUTION NO. R-2013- 1250

RESOLUTION APPROVING ZONING APPLICATION EAC-2013-01884
(CONTROL NO. 2004-00456)

an Expedited Application Consideration Request
APPLICATION OF Anasca Acquisition LLC
BY CMS Engineering, LLC, AGENT
(Villaggio Isles 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, 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;

WHEREAS, Zoning Application EAC-2013-01884 was presented to the Board of County Commissioners at a public hearing conducted on September 26, 2013;

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 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;

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;

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 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 an Expedited Application Consideration Request; and

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 EAC-2013-01884, the petition of Anasca Acquisition LLC, by CMS Engineering, LLC, agent, for an Expedited Application Consideration Request to modify a Condition of Approval (Landscape) in the Planned Unit Development (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 September 26, 2013, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor 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 Steven L. Abrams, Mayor	-	Aye
Commissioner Priscilla A. Taylor, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on September 26, 2013.

Filed with the Clerk of the Board of County Commissioners on September 26th, 2013

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 A, TRACTS L, R, AND W, VILLAGGIO ISLES - PHASE I, AS RECORDED PLAT BOOK 111, PAGES 123 THROUGH 131 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 16 TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA

CONTAINING 4,004,582 SQUARE FEET/91.933 ACRES, MORE OR LESS

EXHIBIT B
VICINITY SKETCH



CONDITIONS OF APPROVAL

EXHIBIT C

Expedited Application Consideration

ALL PETITIONS

1. Previous All Petitions Condition 1 of Resolution R-2013-0001, Control 2004-456 which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2009-1229 (Control 2004-456) and Resolution R-2009-1828 (Control 2004-456), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2013-0001 (Control 2004-456), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous All Petitions Condition 2 of Resolution R-2013-0001, Control 2004-456 which currently states:

The approved Preliminary Master and Subdivision Plans are dated March 26, 2012. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning) (Previous Condition All Petitions 2 of Resolution R-2013-0001, Control No. 2004-456)

Is hereby amended to read:

The approved Preliminary Master and Subdivision Plans are dated September 10, 2013. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning) (Previous Condition All Petitions 2 of Resolution R-2013-0001, Control No. 2004-456)

ENGINEERING

1. The Developer shall be restricted to the following phasing schedule:

a. Building Permits for more than 256 single family dwelling units shall not be issued until the construction commences for intersection improvements at West Atlantic Avenue and Jog Road. Intersection improvements shall be as follows:

- exclusive right turn lane north approach
- exclusive right turn lane south approach
- second right turn lane west approach

(BLDG PERMIT: MONITORING-Eng) (Previous Condition Eng 1.a of Resolution R-2013-0001, Control No. 2004-456) [NOTE: COMPLETED per the Atlantic Avenue Agreement]

b. Building Permits for more than 275 single family dwelling units shall not be issued

until the construction commences for the widening of West Atlantic Avenue as a 4 lane facility from Starkey Road to Lyons Road. (BLDG PERMIT: MONITORING-Eng) (Previous Condition Eng 1.b of Resolution R-2013-0001, Control No. 2004-456) [NOTE: COMPLETED per the Atlantic Avenue Agreement]

c. Building Permits for more than 275 single family dwelling units shall not be issued until the contract has been let for the construction of West Atlantic Avenue as a 4 lane facility from Starkey Road to the Florida Turnpike. (BLDG PERMIT: MONITORING-Eng) (Previous Condition Eng 1.c of Resolution R-2013-0001, Control No. 2004-456) [NOTE: COMPLETED per the Atlantic Avenue Agreement]

d. Construction commences is defined as awarding the contract for the construction of the required improvements, the acquisition of all right of way and construction easements and the acquisition of all required permits. (ONGOING: ENGINEERING-Eng) (Previous Condition Eng 1.d of Resolution R-2013-0001, Control No. 2004-456)

e. No building permits for the site shall be issued after December 31, 2018. 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.E of the Unified Land Development Code. (DATE: MONITORING* Eng) (Previous Condition Eng 1.e of Resolution R-2013-0001, Control No. 2004-456)

2. Acceptable surety required for the West Atlantic Avenue improvements identified in Condition No. E.1.a and E.1.b above shall be posted with the Office of the Land Development Division on or before May 17, 2006. Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Property Owner's Engineer and approved by the County Engineer. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (TPS - Maximum 6 month time extension) (DATE: MONITORING - Eng) (Previous Condition Eng 2 of Resolution R-2013-0001, Control No. 2004-456) [NOTE: COMPLETED per the Atlantic Avenue Agreement]

3. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING-Eng) (Previous Condition E.3 of Zoning Resolution R-2013-0001, Control No. 2004-456)

4. Prior to September 15, 2006, the property owner shall complete construction plans for the West Atlantic Avenue improvements identified in Condition No. E.1.a and E.1.b above. These construction plans shall be approved by the Florida Department of Transportation. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. (DATE: MONITORING-Eng) (Previous Condition Eng 4 of Resolution R-2013-0001, Control No. 2004-456) [NOTE: COMPLETED per the Atlantic Avenue Agreement]

5. Prior to May 15, 2007, the Property Owner shall complete construction of the West Atlantic Avenue improvements identified in Condition No. E.1.a and E.1.b above. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration (DATE: MONITORING-ENG) (Previous Condition Eng 5 of Resolution R-2013-0001, Control No. 2004-456) [NOTE: COMPLETED per the Atlantic Avenue Agreement]

6. CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY

The Property Owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed for West Atlantic Avenue 120 feet north of the existing south right of way line. Right of way shall be dedicated prior to June 1, 2006. All Right of way conveyances shall be free of all encumbrances and encroachments. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Property Owner also agrees to provide Palm Beach County an

environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the 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 prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and Corner Clips." (DATE: MONITORING-Eng) (Previous Condition Eng 6 of Resolution R-2013-0001, Control No. 2004-456) [NOTE: COMPLETED]

7. Prior to issuance of a building permit the Property Owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on: a. Hagen Ranch Road at the PUD and adjacent MUPD entrances. These rights of ways shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include corner clips where appropriate as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING Eng) (Previous Condition Eng 7 of Resolution R-2013-0001, Control No. 2004-456)

8. The Property Owner shall construct:

- i. Right turn lane north approach on Hagen Ranch Road at the Project's Entrance Road.
- ii. Left turn lane south approach on Hagen Ranch Road at the Project's Entrance Road.
- iii. Construction of these improvements shall be concurrent with the paving and drainage improvements for the site.

Any and all costs associated with this 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 by Palm Beach County for items i and ii, shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng) (Previous Condition Eng 8.a of Resolution R-2013-0001, Control No. 2004-456)

b. Construction of the turn lane improvements in i and ii above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING Eng) (Previous Condition Eng 8.e of Resolution R-2013-0001, Control No. 2004-456)

9. On or before June 13, 2015, the Property Owner shall convey to Palm Beach County sufficient road drainage capacity and 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 that segment of West Atlantic Avenue along the property frontage; and up to a maximum of an additional 800 feet of the 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 project's retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and

approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County, which at its discretion may use this fill material. (DATE: MONITORING- Eng) (Previous Condition Eng 9 of Resolution R-2013-0001, Control No. 2004-456)

10. LANDSCAPE WITHIN THE MEDIAN OF WEST ATLANTIC AVENUE

The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of West Atlantic Avenue. 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 Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless Property Owner provides payment for maintenance as set forth in Paragraph d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT:MONITORING-Eng) (Previous Condition Eng 10.a of Resolution R-2013-0001, Control No. 2004-456)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng) (Previous Condition Eng 10.b of Resolution R-2013-0001, Control No. 2004-456)

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) (Previous Condition Eng 10.c of Resolution R-2013-0001, Control No. 2004-456)

d. Also, prior to the issuance of a Building Permit, and at the option of the Property Owner, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along West Atlantic Avenue. 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. (ONGONG:ENGINEERING-Eng) (Previous Condition Eng 10.d of Resolution R-2013-0001, Control No. 2004-456) [Note: COMPLETED per the Atlantic Avenue Agreement]

11. Prior to the Final ORO approval, the Property Owner shall record a restrictive covenant limiting occupancy of the appropriate units to age-restricted, over 55 years of age, subject to approval by the County Attorney and County Engineer. (DRO:ENGINEERING-Eng) (Previous Condition Eng 11 of Resolution R-2013-0001, Control No. 2004-456)

12. TEMPORARY ROADWAY CONSTRUCTION EASEMENT

Prior to technical compliance for the first plat the Property Owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this Property Owner's road right of way. Construction within this easement shall conform to Palm Beach County Standards. (TC:ENGINEERING-Eng) (Previous Condition Eng 12 of Resolution R-2013-0001, Control No. 2004-456) [Note: COMPLETED]

13. TEMPORARY ROADWAY CONSTRUCTION EASEMENT

Prior to issuance of a building permit the Property Owner shall convey a temporary roadway construction easement along West Atlantic Avenue to Palm Beach County. Construction by the Property Owner 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 Eng 13 of Resolution R-2013-0001, Control No. 2004-456)

14. The Property Owner shall construct the signal, if warranted as determined by the County Engineer, at the Project's Entrance and Hagen Ranch Road. Signalization shall be a mast arm structure installation. The Property Owner shall be responsible for all costs, including design costs and any required utility relocation. The Property Owner shall commence construction within 60 days notice from the County Engineer that the warrants have been met. If the design and construction procedure does not progress satisfactorily, the County Engineer shall have the authority to draw the surety and install the signal.

a. Building Permits for more than 300 dwelling units shall not be issued until the Property Owner provides acceptable surety in the form of a cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING-Eng) (Previous Condition Eng 14.a of Resolution R-2013-0001, Control No. 2004-456)

b. In order to request release of the surety for the traffic signal at these intersections, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: ENGINEERING-Eng) (Previous Condition Eng 14.b of Resolution R-2013-0001, Control No. 2004-456)

15. The mix of allowable uses between this project and the adjacent companion commercial parcel and the phasing requirements for this project may be adjusted by the County Engineer based upon an approved Traffic Study, addressing the combined impacts for both projects which complies with Mandatory Traffic Performance Standards in place at the time of the request. (ONGOING: ENGINEERING-Eng) (Previous Condition Eng 15 of Resolution R-2013-0001, Control No. 2004-456)

16. Previous Condition E.16 of Zoning Resolution R-2013-0001, Control No. 2004-456, which currently states:

Prior to issuance of the first building permit in a specific pod, the Property Owner shall plat that pod in accordance with the approved Final Subdivision Plan. (BLDG PERMIT: MONITORING - Eng)

Is hereby deleted. [Reason: Code Requirement]

17. Previous Condition Eng 17 of Resolution R-2013-0001, Control No. 2004-456, which currently states:

The Property Owner shall close the full median opening on Atlantic Avenue along the south property frontage to prevent vehicles from making u-turns from the project at that location.

a. Prior to the issuance of the first building permit for the Pod adjacent to and having access onto Atlantic Avenue, the Property Owner shall obtain permits from Florida Department of Transportation to remove the median opening west of the proposed access for the Pod. (BLDG PERMIT: MONITORING- Eng)

b. Construction shall be complete prior to issuance of the first Certificate of Occupancy for the Pod adjacent to and having access onto Atlantic Avenue. (CO: MONITORING - Eng)
Is hereby amended to read:

The Property Owner shall close the full median opening on Atlantic Avenue along the south property frontage to prevent vehicles from making u-turns from the project at that location.

a. Prior to the issuance of the 344th building permit, the Property Owner shall obtain permits from Florida Department of Transportation to remove the median opening west of

the proposed access for the pod adjacent to Atlantic Avenue. (BLDG PERMIT: MONITORING- Eng)

b. Prior to issuance of the 344th Certificate of Occupancy, construction of the improvements required above shall be complete. (CO: MONITORING - Eng)

18. The final site plan approved by the DRO shall be amended to show the following:

- i. All proposed round-a-bouts shall meet the Land Development Design Standards requirements.
- ii. No offsets at intersections of streets are permitted unless an internal traffic analysis, acceptable to the County Engineer, indicates no additional conflict points are created by the offset.
- iii. Pod A shall be revised such that the streets meet the Land Development Design Standards requirements. (DRO:ENGINEERING-Eng) (Previous Condition Eng 18 of Resolution R-2013-0001, Control No. 2004-456)

HEALTH

1. Prior to the issuance of the first building permit, the property owner/developer shall submit a detailed written plan acceptable to the Palm Beach County Health Department for the control of air pollutants, including fugitive dust particulates, on the site during all phases of site development. The property owner or the representative of the property owner shall meet with staff of the Air Pollution Control Section of the Palm Beach County Health Department on request to clarify and discuss the scope and potential effectiveness of the proposed dust control measures. (BLDG PERMIT: MONITORING-Health) (Previous condition Health 1. of Resolution R-2013-001; Control 2004-456) [NOTE: Completed]

LANDSCAPE - GENERAL

1. A minimum of fifty (50%) percent of canopy trees to be planted in the landscape buffers shall be native and 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: LANDSCAPE - Zoning) (Previous Condition Landscape 1 of Resolution R-2013-0001, Control 2004-456)

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

a. 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: LANDSCAPE - Zoning) (Previous Condition Landscape 2 of Resolution R-2013-0001, Control 2004-456)

3. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition Landscape 3 of Resolution R-2013-0001, Control 2004-456)

4. Prior to the issuance of the first building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval in accordance with the Conditions of Approval and ULDC requirements. Installation and maintenance of the required landscaping shall be in accordance with that Plan. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition Landscape 4 of Resolution R-2013-0001, Control 2004-456)

LANDSCAPE - PERIMETER-ALONG THE NORTH PROPERTY LINE ABUTTING THE LWDD L33 CANAL

5. In addition to the proposed landscaping and buffering program and code requirements, landscaping and/or buffer width along the north property line shall be upgraded to include: a. a minimum ten (10) foot wide landscape buffer strip. No width

reduction or easement encroachment shall be permitted; and b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition Landscape 5 of Resolution R-2013-0001, Control 2004-456)

LANDSCAPE - PERIMETER-ALONG THE SOUTH AND EAST PROPERTY LINES (FRONTAGES OF WEST ATLANTIC AVENUE AND HAGEN RANCH ROAD)

6. Condition Landscape 6 of Resolution R-2013-00001, which currently states:

LANDSCAPE - PERIMETER-ALONG THE SOUTH AND EAST PROPERTY LINES (FRONTAGES OF WEST ATLANTIC AVENUE AND HAGEN RANCH ROAD)

In addition to the proposed landscaping and buffering program and code requirements, landscaping and/or buffer width along the south and east property lines (frontages of West Atlantic Avenue and Hagen Ranch Road), shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous berm with a minimum height of two (2) feet. Berm height shall be measured from the nearest top of curb, crown of the nearest street or the nearest finished floor elevation, whichever is higher;
- c. a six (6) foot high opaque concrete panel wall, or chain link fence, to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structures within the Villagio Isles MUPD. A maximum of two (2) openings in the wall, or fence, shall be permitted to provide pedestrian connectivity;
- d. if a chain link fence is being utilized to meet the requirement, then a hedge, six (6) foot in height at installation shall be provided on both sides of the chain link fence;
- e. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- f. plant materials required by ULDC or by conditions of approval shall be planted alternating on both sides of the wall; and,
- g. prior to the issuance of the first building permit, the property owner shall submit a landscape plan to the Landscape Section for review and approval. This plan shall be prepared in accordance to the landscape code requirements and conditions as required under 1.a-1.g. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Condition Landscape 6 of Resolution R-2009-1828, Control No. 2004-456)

Is hereby amended to read:

LANDSCAPE - PERIMETER--ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF WEST ATLANTIC AVENUE)

In addition to the proposed landscaping and buffering program and code requirements, landscaping and/or buffer width along the south property line (frontage of West Atlantic Avenue), shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous berm with a minimum height of two (2) feet. Berm height shall be measured from the nearest top of curb, crown of the nearest street or the nearest finished floor elevation, whichever is higher;
- c. a six (6) foot high opaque concrete panel wall, or chain link fence, to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structures within the Villagio Isles MUPD. A maximum of two (2) openings in the wall, or fence, shall be permitted to provide pedestrian connectivity;
- d. if a chain link fence is being utilized to meet the requirement, then a hedge, six (6) foot in height at installation shall be provided on both sides of the chain link fence;
- e. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- f. plant materials required by ULDC or by conditions of approval shall be planted alternating on both sides of the wall; and,
- g. prior to the issuance of the first building permit, the property owner shall submit a landscape plan to the Landscape Section for review and approval. This plan shall be

prepared in accordance to the landscape code requirements and conditions as required under 1.a-1.g. (BLDG PERMIT: LANDSCAPE-Zoning)

LANDSCAPE - PERIMETER-ALONG THE SOUTH AND EAST PROPERTY LINES (ABUTTING THE TERRA NOVA MUPD)

7. In addition to the proposed landscaping and buffering program and code requirements, landscaping and buffer width along the south and east property lines (abutting the Terra Nova MUPD), shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted; and,
- b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Condition Landscape 7 of Resolution R-2013-0001, Control 2004-456)

LANDSCAPE - PERIMETER-ALONG THE WEST PROPERTY LINE

8. In addition to the proposed landscaping and buffering program and code requirements, landscaping and/or buffer width along the west property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted; and,
- b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters.(BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition Landscape 8 of Resolution R-2013-0001, Control 2004-456)

PLANNED DEVELOPMENT-PLANNED UNIT DEVELOPMENT

1. Prior to recordation of the first plat, all property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:

- a. Formation of a single master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.
- b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the PONHOA, the recreation parcel shall be turned over to the association at no cost to the residents.
- c. The property shall not be subject 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. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG-Zoning) (Previous Condition PUD 1 of Resolution R-2013-0001, Control No. 2004-658)

2. Prior to Final Approval by the Development Review Officer (DRO), the Master, Site and Subdivision Plans shall be revised to indicate a minimum of one (1) water fountain as a focal feature within one of the lake tracts next to the recreational pod. (DRO: ZONING - Zoning) (Previous Condition PUD 2 of Resolution R-2013-0001, Control No. 2004-658)

3. Starting on December 6, 2013, the property owner shall submit an annual report to the Zoning and Traffic Divisions demonstrating compliance with the adult only community requirements as documented in the restrictive covenant. (DATE: MONITORING - Zoning/Eng) (Previous Condition PUD 3 of Resolution R-2013-0001, Control No. 2004-658)

4. Prior to the issuance of a building permit for the first unit over Forty (40) percent of the total number of units in the development, a Certificate of Occupancy (CO) shall be issued for a clubhouse or similar common building exceeding 2,500 total square feet on the Primary recreation parcel. (BLDG PERMIT: MONITORING - Zoning) (Previous Condition PUD 4 of Resolution R-2013-0001, Control No. 2004-658)

PLANNING

1. Prior to the issuance of the first certificate of occupancy, the property owner shall pave the vehicular and pedestrian connection located at the southeastern portion of the site along Atlantic Avenue, connecting the residential and non-residential parcels.

(Previous Condition Planning 2 of Resolution R-2013-001, Control No. 2004-658) (CO: MONITORING - Planning)

2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to include a pedestrian connection to the commercial property to the southeast from the cul-de-sac in the southwestern part of the PUD. (Previous Condition Planning 3 of R-2013-001, Control No. 2004-658) (DRO: PLANNING-Planning) [NOTE: COMPLETE]

3. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to include notations at all pedestrian connections to the commercial property to the southeast that shall read "Pedestrian cross access to MUPD". (Previous Condition Planning 4 of Resolution R-2013-001, Control No. 2004-658) (DRO: PLANNING-Planning)

4. Pedestrian and vehicular cross access points to the commercial property to the southeast may be controlled by gates or other security devices that may be controlled only by the developer/property owner/Homeowners Association of the PUD. However, in no case, shall a gate or security device not provide access to the commercial property by being rendered inoperable or non-functional. (Previous Condition Planning 6 of Resolution R-2013-001, Control No. 2004-658) (ONGOING: CODE ENF - Planning)

5. Prior to final approval by the Development Review Officer (DRO), the site plan shall include all pathways within, and pedestrian access to, the open space and recreation areas, and lakes tracts. (Previous Condition Planning 7 of Resolution R-2013-001, Control No. 2004-658) (DRO: PLANNING - Planning)

SCHOOL BOARD

1. Prior to final approval by the Development Review Officer (DRO), the applicant shall provide a "Declaration and Restrictive Covenant" which prohibits children less than nineteen years of age from residing in the community. 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: CTY ATTY-School Board) (Previous Condition SCHOOL BOARD 1 of Resolution R-2013-0001 Control No. 2004-0456)

SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the site plan and regulating plans shall be revised to indicate upgraded recreation amenities within the neighborhood park. These additional amenities shall:

- be accessible from a minimum five (5) foot wide pathway;
- include a minimum of one (1) pedestrian bench;
- include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
- include a shade structure (eg. trellis, gazebo, pergola), tot lot, fitness station, rest station, or similar recreation amenity or other shade structure; and
- details of all items indicated above shall be subject to review and approval by the CDR Section. (DRO: ZONING - Zoning) (Previous Condition Site Design 1 of Resolution R-2013-0001, Control No. 2004-658)

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) (Previous Condition Compliance 1 of Resolution R-2013-0001, Control No. 2004-658)

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

- The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; 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) (Previous Condition Compliance 2 of Resolution R-2013-0001, Control No. 2004-658)

DISCLOSURE

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