

RESOLUTION NO. R-2022- 1058

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD-2022-00120
(CONTROL NO. 2021-00123)
an Official Zoning Map Amendment
APPLICATION OF William Kennedy, MG3 Alf Military LLC, Pulte Home Company, LLC
- Aimee Carlson, 6690 S Military Trail LLC, Ray Marcinkoski, George Homrich
BY Insite Studio, AGENT
(Winchester Assemblage 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, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/PDD-2022-00120 the Application of William Kennedy, MG3 Alf Military LLC, Pulte Home Company, LLC - Aimee Carlson, 6690 S Military Trail LLC, Ray Marcinkoski, George Homrich, by Insite Studio, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District on 27.21 acres was presented to the Board of County Commissioners at a public hearing conducted on September 22, 2022;

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 an Official Zoning Map Amendment;

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

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

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

WHEREAS, Article 2.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 ZV/PDD-2022-00120, the Application of William Kennedy, MG3 Alf Military LLC, Pulte Home Company, LLC - Aimee Carlson, 6690 S Military Trail LLC, Ray Marcinkoski,

George Homrich, by Insite Studio, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District on 27.21 acres, 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 September 22, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

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

| | | |
|---|---|--------|
| Commissioner Robert S. Weinroth, Mayor | - | Aye |
| Commissioner Gregg K. Weiss, Vice Mayor | - | Aye |
| Commissioner Maria G. Marino | - | Aye |
| Commissioner Dave Kerner | - | Aye |
| Commissioner Maria Sachs | - | Aye |
| Commissioner Melissa McKinlay | - | Absent |
| Commissioner Mack Bernard | - | Aye |

The Mayor thereupon declared that the resolution was duly passed and adopted on September 22, 2022.

Filed with the Clerk of the Board of County Commissioners on September 22nd, 2022

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1 & 2:

THAT PORTION OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 LYING SOUTH OF THE RIGHT OF WAY FOR LAKE WORTH DRAINAGE DISTRICT LATERAL 17 CANAL AS SHOWN ON SHEET 58 OF 240 SHEETS, AND RECORDED IN MAY, 1969, LESS THE RIGHT OF WAY FOR STATE ROAD 804; THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE NORTH 1/2 THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 , LESS THE RIGHT OF WAY FOR STATE ROAD 804; ALL IN SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. LESS THE SOUTH 242 FEET OF THE NORTH 428.03 FEET OF THE WEST 180 FEET THEREOF.

EASEMENT ESTATE:

INGRESS, EGRESS EASEMENT CONTAINED IN OFFICIAL RECORDS BOOK 1707, PAGE 1639, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

A STRIP OF LAND 18 FEET IN WIDTH, LYING IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID STRIP LYING SOUTHERLY OF AND CONTIGUOUS TO THE FOLLOWING SPECIFICALLY DESCRIBED LINE:

FROM THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, RUN DUE SOUTH ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 148.50 FEET, THENCE SOUTH 88 DEGREES 20 MINUTES 00 SECONDS EAST A DISTANCE OF 50.02 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 20 MINUTES 00 SECONDS EAST, A DISTANCE OF 615.93 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SAID SECTION 1, AND THE END OF THE SPECIFICALLY DESCRIBED LINE.

PARCEL 4:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 1, THENCE EASTERLY ALONG THE EAST/WEST 1/4 SECTION LINE ON AN ASSUMED BEARING OF SOUTH 89°57'20" EAST AND ALL OTHER BEARINGS RELATIVE THERETO A DISTANCE OF 665.60 FEET, MORE OR LESS, TO AN IRON PIPE; THENCE SOUTH 0°03'37" EAST A DISTANCE 186.03 FEET, MORE OR LESS, TO AN IRON PIPE AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 0°03'37" EAST A DISTANCE OF 242 FEET; THENCE SOUTH 89°58'37" EAST, A DISTANCE OF 180.01 FEET; THENCE NORTH 0°03'37" WEST A DISTANCE OF 242 FEET; THENCE NORTH 89°58'37" WEST A DISTANCE OF 180.01 FEET TO THE POINT OF BEGINNING

PARCEL 5:

THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH AN EASEMENT FOR ROAD AND UTILITIES PURPOSES OVER THE EAST 20.0 FEET OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND THE WEST 20.0 FEET AT THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND THE WEST 20.0 FEET OF THE NORTH 30.0 FEET OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER

(SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4), ALL LYING IN SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST.

TOGETHER WITH AN UNDIVIDED QUARTER (1/4) INTEREST IN THE NORTH 30.0 FEET OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND THE NORTH 40.0 FEET OF THAT PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL (S.R. 809).

PARCEL 6:

THE NORTHEAST (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH AN EASEMENT FOR ROAD AND UTILITY PURPOSES OVER THE EAST 20.0 FEET OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND THE WEST 20.0 FEET OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND THE WEST 20.0 FEET OF THE NORTH 30.0 FEET OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4), ALL LYING IN SAID SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST.

TOGETHER WITH AN UNDIVIDED QUARTER (1/4) INTEREST IN THE NORTH 30.0 FEET OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SOUTHEAST QUARTER (SE 1/4) AND THE NORTH 40.0 FEET OF THAT PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LYING EAST OF THE EAST RIGHT-OF-WAY OF MILITARY TRAIL, (S.R. 809).

MORE PARTICULARLY DESCRIBED AS:

PARCEL A

A PORTION OF LAND LYING IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION THENCE SOUTH 00° 11' 50" EAST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 150.17 FEET; THENCE SOUTH 88° 50' 22" EAST, A DISTANCE OF 53.01 FEET; THENCE CONTINUE SOUTH 88° 50' 22" EAST, AND ALONG THE SOUTH LINE OF THE REQUIRED RIGHT OF WAY OF THE LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL NO. 17, PER MAP SUPPLIED BY SAID DISTRICT JOB NO.68-22, AS SHOWN ON PAGE 58 OF 240, DATED AUGUST OF 1968, A DISTANCE OF 1279.14 FEET; THENCE SOUTH 00° 20' 02" EAST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 847.48 FEET; THENCE SOUTH 89° 47' 09" WEST, ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 1280.80 FEET; THENCE NORTH 00° 11' 50" WEST, ALONG A LINE 53.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND ALSO BEING THE EAST LINE OF THE RIGHT OF WAY PARCEL FOR MILITARY TRIAL AS RECORDED IN OFFICIAL RECORD BOOK 5944 PAGE 1129 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 878.17 FEET TO THE POINT OF BEGINNING,

SAID PARCEL BEING 1104214.12 SQUARE FEET OR 25.349 ACRES MORE OR LESS.

TOGETHER WITH:

PARCEL B

A PORTION OF LAND LYING IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION, THENCE SOUTH 00° 11' 50" EAST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 99.01 FEET; THENCE SOUTH 88° 50' 22" EAST, ALONG THE NORTH LINE OF THE REQUIRED RIGHT OF WAY OF THE LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL NO. 17, PER MAP SUPPLIED BY SAID DISTRICT JOB NO. 68-22, AS SHOWN PAGE 58 OF 240, DATED AUGUST OF 1968, A DISTANCE OF 666.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00° 15' 56" WEST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 114.26 FEET; THENCE NORTH 89° 50' 56" EAST, ALONG NORTH LINE OF THE SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 665.68 FEET; THENCE SOUTH 00° 20' 02" EAST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 129.50 FEET; THENCE NORTH 88° 50' 22" WEST, ALONG THE SAID REQUIRED NORTH RIGHT OF WAY LINE OF LATERAL CANAL L-17 A DISTANCE OF 666.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 81140.516 SQUARE FEET OR 1.863 ACRES.

TOTAL AREA CONTAINING 1,185,354.63 OR 27.212 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

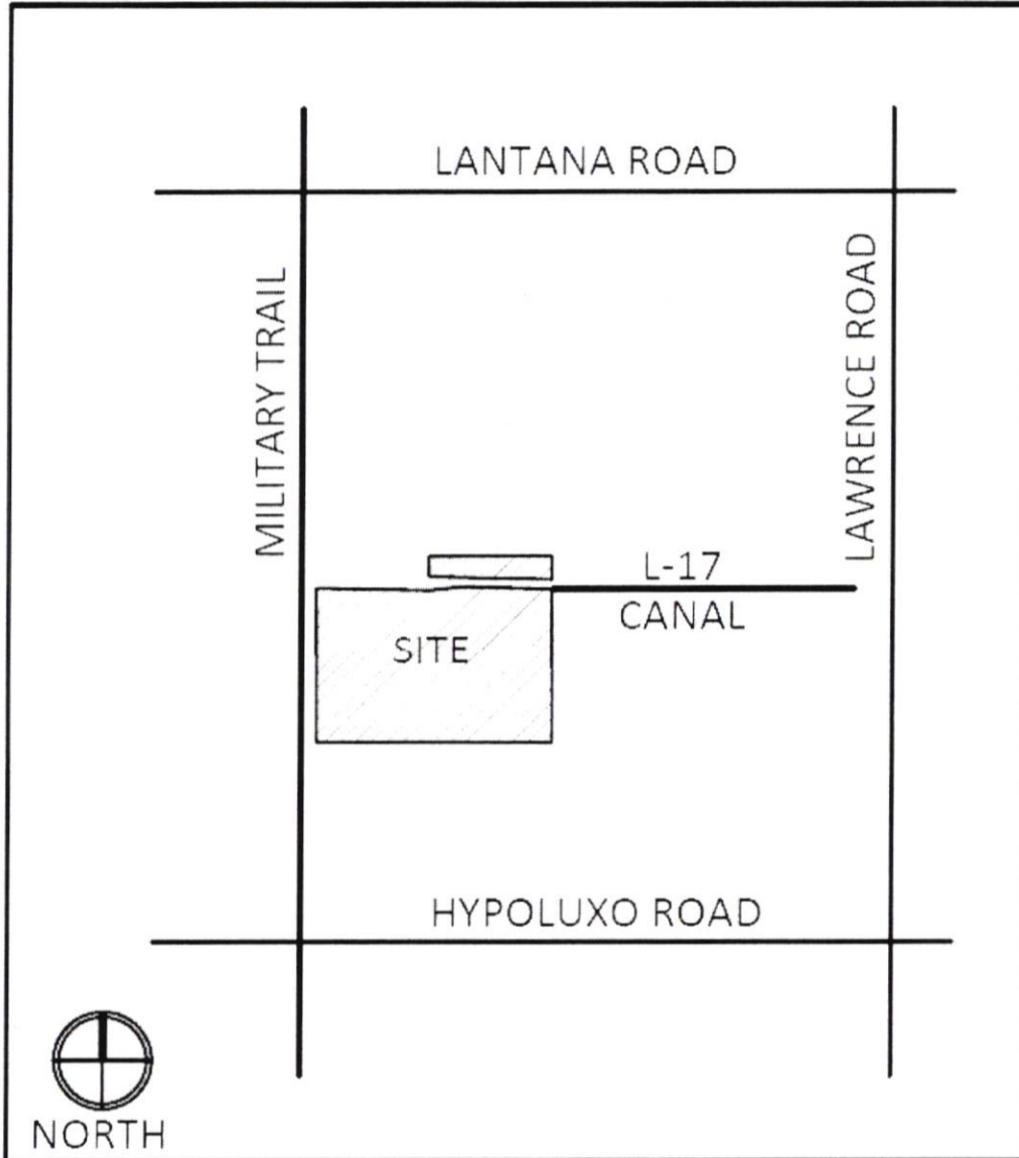


EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Master, Subdivision, Master Sign and Regulating Plans are dated July 14, 2022. 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. (ONGOING: ZONING - Zoning)

ENGINEERING

1. 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, 2026, 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)

2. The Property Owner shall construct a directional median opening on Military Trail in front of the proposed project entrance, prohibiting eastbound and westbound left turn out movements.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

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

3. The Property Owner shall fund the construction plans and the construction to lengthen the existing left turn lane north approach on Military Trail at the Project entrance road. This turn lane shall be lengthened to a minimum 280 feet in length plus 50 foot paved taper or as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering)

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

4. The Property Owner shall construct a new median cut on Military Trail halfway between the proposed project driveway and Vespasian Ct/Pinestead Dr, creating a northbound U-turn lane, 280 feet in length and 50 ft in taper, as approved by the County Engineer. If this median cut and construction of the northbound U-turn lane is infeasible for any reason, as determined by the County Engineer, then this condition will not apply.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition

of any additional required right-of-way.

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

5. Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

6. Prior to the final approval of the subdivision plan by the Development Review Officer, the Property Owner shall amend the subdivision plan to show the points of curvature and points of tangent of the internal roadway alignment, show vehicular access to the preserve area, label the right-of-way width at the entrance and show sidewalks on both sides of the road within 50 foot sections. (DRO: ENGINEERING - Engineering)

7. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for a 25 foot corner clip at the southwest corner of the property.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. 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, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT/ONGOING: MONITORING - Engineering)

8. 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 to and approved by 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 plat or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: MONITORING - Engineering)

LANDSCAPE - GENERAL

1. Prior to Final approval by the Development Review Officer, the Applicant shall modify the Preliminary Subdivision Plan to reflect the correct northern Landscape Buffer type abutting the Lake Worth Drainage District Canal. (ONGOING: ZONING - Zoning)

PARKS

1. No more than 20 percent of the Certificates of Occupancy for the residential units shall be issued for the phase until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, unless a Phasing Plan for completion of the required recreation area is agreed to and approved by the Parks and Recreation Department (CO: MONITORING - Parks and Recreation)

PLANNING

1. The subject request for 210 Townhouse units with a 13-unit Workforce Housing Program (WHP) obligation was calculated based on Limited Incentive Development Option and a 25% (42du) WHP bonus. The WHP units will be provided onsite as for sale. Should any change occur to the calculation, the site shall require resubmittal and recalculation in whatever process it originated. (ONGOING: PLANNING - Planning)

2. Prior to the issuance of the first residential Building Permit, the Property Owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney. The site plan shall also be modified to include the OR Book and Page of the recorded document and provide a copy of the revised site plan to the Planning Division. (BLDGPM: MONITORING - Planning)

3. Prior to the release of the 99th Building Permit (99 units or 50% of MR), Fifty percent of WHP units (6) must receive Certificates of Occupancy (CO). (BLDGPM: MONITORING - Planning)

4. Prior to the release of the 167th Building Permit (167 units), All WHP units (13) must receive Certificates of Occupancy (CO). (BLDGPM: MONITORING - Planning)

5. Prior to the release of the first Building Permit, the Developer shall provide documentation demonstrating compliance with the required design standards, such as but not limited to: compatible exteriors, size and number of bedrooms per WHP unit installation of required appliances, provision of a dry model. (BLDGPM: MONITORING - Planning)

6. The Developer shall notify the Planning Division and The Department of Housing and Economic Sustainability (DHES) when the project starts the commencement of sales. (ONGOING: PLANNING - Planning)

7. Prior to Final DRO, the Property Owner shall submit all of the applicable documents and plans to match what the BCC approves. (DRO: PLANNING - Planning)

SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be

the responsibility of the residential Property Owner. (CO: MONITORING - School Board)

SITE DESIGN

1. Prior to Final approval by the Development Review Officer, the Applicant shall modify the Regulating Plan to demonstrate an auto-turn analysis for school bus access and maneuverability at the entrance of subject site. (DRO: ZONING-Zoning) (ONGOING: ZONING - Zoning)

SP - BILLBOARD RELOCATION

1. Within 60 days of approval by the Board of County Commissioners, a Special Permit and concurrent Demolition Permit shall be submitted for the demolition of the existing Billboard. (ONGOING: ZONING - Zoning)

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.