

RESOLUTION NO. R-2024- 0122

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/DOA-2023-00955  
(CONTROL NO. 2021-00073)

Development Order Amendment

APPLICATION OF Boca Raton Associates X LLLP & Boca Raton Associates XI, LLLP  
BY Boca Raton Associates X, LLLP, AGENT  
(Johns 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/DOA-2023-00955, the Application of Boca Raton Associates X LLLP, & Boca Raton Associates XI, LLLP by Boca Raton Associates X, LLLP, Agent, for a Development Order Amendment to modify the Master Plan to add land area (70.35 acres) for a total 329.87 acres to add units, and modify Conditions of Approval was presented to the Board of County Commissioners at a public hearing conducted on January 25, 2024;

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

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

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

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:

1. The foregoing recitals are true and correct and are incorporated herein.

2. Zoning Application ZV/PDD/DOA-2023-00955, the Application of Boca Raton Associates X LLLP & Boca Raton Associates XI, LLLP, by Boca Raton Associates X, LLLP Agent, for a Development Order Amendment to modify the Master Plan to add land area and units, and modify Conditions of Approval on 329.87 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 January 25, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

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

Commissioner Maria Sachs, Mayor	- Nay
Commissioner Maria G. Marino, Vice Mayor	- Aye
Commissioner Gregg K. Weiss	- Absent
Commissioner Michael A. Barnett	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Nay
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 25, 2024.

Filed with the Clerk of the Board of County Commissioners on January 25, 2024.

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

JOHNS PUD

LEGAL DESCRIPTION:

ALL OF TRACTS 4, 5, 6, 9, 10, 11, 18, 19, 20, 23, 24 & 25 AND THOSE PORTIONS OF TRACTS 7, 8, 21 AND 22, BLOCK 76, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF LYONS ROAD, ACCORDING TO OFFICIAL RECORDS BOOK 2934, PAGE 1767, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE NORTH 26.40 FEET OF SAID TRACTS 4 THROUGH 7.

TOGETHER WITH THAT ROAD, DYKE & DITCH RESERVATION 30 FEET IN WIDTH LYING SOUTH OF SAID TRACTS 8, 9, 10, 11 AND NORTH OF SAID TRACTS 18, 19, 20, 21, SAID BLOCK 76, LESS AND EXCEPT THE WESTERLY 29.00 FEET THEREOF.

LESS AND EXCEPT THAT PARCEL OF LAND DENOTED AS "PARCEL 102" AND DESCRIBED IN AN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 21795, PAGE 1135, OF SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

ALL OF TRACTS 2 THROUGH 31 INCLUSIVE AND ALL OF TRACTS 34 THROUGH 63, INCLUSIVE AND THOSE PORTIONS OF TRACTS 1, 32, 33 AND 64, BLOCK 77, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD, ACCORDING TO OFFICIAL RECORDS BOOK 2934, PAGE 1767, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING:

THE NORTH 30.00 FEET OF SAID TRACT 1, THE NORTH 26.40 FEET OF SAID TRACTS 2 THROUGH 8, INCLUSIVE, THE NORTH 28.00 FEET OF SAID TRACT 9, THE NORTH 27.72 FEET OF SAID TRACT 10, THE NORTH 28.00 FEET OF SAID TRACT 11, THE NORTH 27.72 FEET OF SAID TRACTS 12, 13, 14 AND 15, THE NORTH 28.97 FEET OF SAID TRACT 16 AND THE WEST 60.72 FEET OF SAID TRACTS 16, 17, 48 AND 49.

TOGETHER WITH THAT ROAD, DYKE & DITCH RESERVATION 30 FEET IN WIDTH LYING SOUTH OF SAID TRACTS 17 THROUGH 32 AND NORTH OF SAID TRACTS 33 THROUGH 48, SAID BLOCK 77, LESS AND EXCEPT THE WESTERLY 60.72 FEET THEREOF, ALSO LESS AND EXCEPT THE EASTERLY 29.00 FEET THEREOF.

TOGETHER WITH THAT ROAD, DYKE & DITCH RESERVATION 30 FEET IN WIDTH LYING EAST OF SAID TRACTS 9, 24, 31 AND 56 AND WEST OF SAID TRACTS 8, 25, 40 AND 57, SAID BLOCK 77, LESS AND EXCEPT THE NORTH 26.40 FEET OF THE EAST 15.00 FEET THEREOF, ALSO LESS AND EXCEPT THE NORTH 28.00 FEET OF THE WEST 15.00 FEET THEREOF.

ALSO, LESS AND EXCEPT THAT PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 5773, PAGE 1000, SAID PUBLIC RECORDS AND DESCRIBED AS FOLLOWS:

PART OF TRACTS 1, 2, 3, 4, 5, 6, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 AND 38 TOGETHER WITH A 30 FOOT PLATTED STREET, ALL LOCATED IN BLOCK 77, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF LYONS ROAD AND THE SOUTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT DITCH L-44, SAID POINT BEING 30.0 FEET SOUTH OF THE NORTH LINE OF THE HERETOFORE MENTIONED TRACT 1 AND SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE, SOUTH 00° 02' 05" WEST ALONG AND WITH THE WEST RIGHT OF WAY LINE OF SAID LYONS ROAD FOR A DISTANCE OF 1570.33 FEET TO A POINT 15.0 FEET MORE OR

LESS NORTH OF AN EXTENSION OF THE TOP OF BANK OF AN EAST-WEST DRAINAGE AND IRRIGATION CANAL; THENCE NORTH 89° 41' 53" WEST ALONG A LINE 15.0 FEET MORE OR LESS NORTH OF AND PARALLEL WITH THE TOP OF BANK OF SAID EAST-WEST DRAINAGE AND IRRIGATION CANAL FOR A DISTANCE OF 1662.92 FEET, TO A POINT;

THENCE NORTH 00° 02' 05" EAST PARALLEL WITH SAID WEST RIGHT OF WAY LINE OF LYONS ROAD FOR A DISTANCE OF 1603.07 FEET, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF HERETOFORE MENTIONED LAKE WORTH DRAINAGE DISTRICT DITCH L-44, SAID POINT ALSO BEING ON THE NORTH LINE OF SAID BLOCK 77;

THENCE EAST ALONG AND WITH SAID SOUTH RIGHT OF WAY LINE, SAME BEING THE SAID NORTH LINE OF SAID BLOCK 77 FOR A DISTANCE OF 1361.94 FEET, TO A POINT;

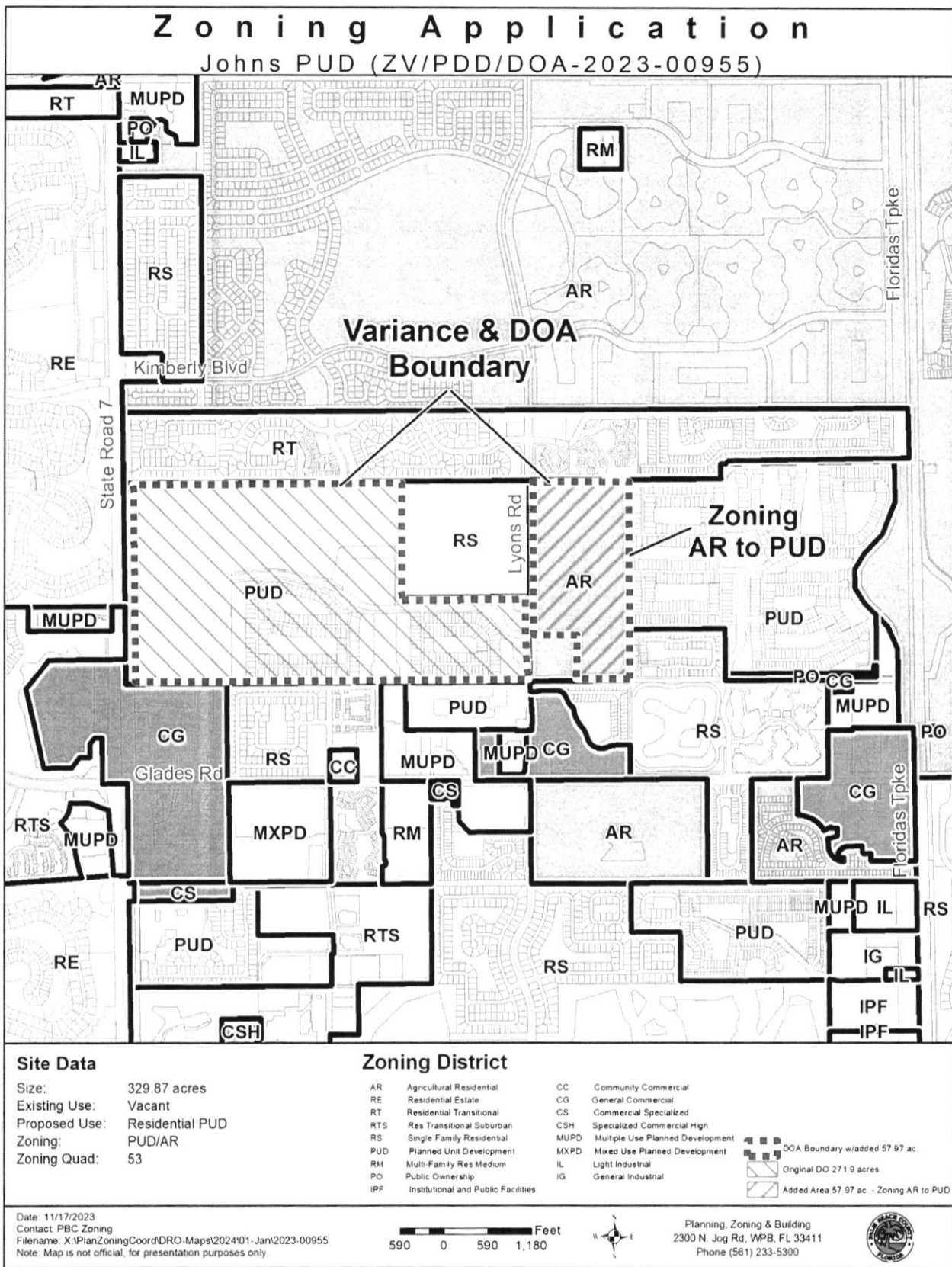
THENCE SOUTH ALONG AND WITH A WEST LINE OF SAID RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT DITCH L-44 FOR A DISTANCE OF 30.00 FEET TO A POINT;

THENCE EAST ALONG AND WITH SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 301.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 329.868 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2022-44, Control No.2021-00073, which currently states:

The approved Preliminary Master Plan is dated November 08, 2021. 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.

##### Is hereby amended to read:

The approved Preliminary Master Plan is dated October 23, 2023. 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: MONITORING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2022-00044 (Control 2021-00073), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

##### ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2022-44, Control No.2021-00073, which currently states:

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)

##### 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, 2028, 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. Prior to issuance of the first building permit for a residential unit for sale, 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. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed

within the time frame of the posted surety. (BLDGPM: MONITORING - Engineering)  
(Previous ENGINEERING Condition 2 of Resolution R-2022-44, Control No.2021-00073)

3. Prior to the issuance of the first building permit for a residential unit for sale or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Lyons Road at the project's entrance road. This right of way shall be a minimum of 280 feet in storage length, a minimum of thirteen feet in width and a taper length of 50 feet, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the cleanup. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2022-44, Control No.2021-00073)

4. The Property Owner shall construct a right turn lane north approach on Lyons Road at the project entrance road.

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 for residential units for sale. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the entire condition shall be considered satisfied. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2022-44, Control No.2021-00073)

5. The Property Owner shall construct a

- i. left turn lane north approach on State Road 7 at the project's entrance road.
- ii. right turn lane south approach on State Road 7 at the project's entrance road.
- iii. the bridge connection to State Road 7.

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 the Florida Department of Transportation and Palm Beach County for this construction shall be obtained prior to the issuance of the 339th building permit for residential units for sale. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to issuance of the 339th Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2022-44, Control No.2021-00073)

6. The Property Owner shall modify the existing left turn lane south approach on Lyons Road at the Project entrance road and the directional median opening 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 for a residential unit for sale. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (BLDGPMPT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2022-44, Control No.2021-00073)

7. Previous ENGINEERING Condition 7 of Resolution R-2022-44, Control No.2021-00073, which currently states:

#### Landscape Within the Median of Lyons Road

The Property Owner shall design, install, and perpetually maintain median landscape within the median of all abutting right of way of Lyons Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by the Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit for a residential unit for sale. (BLDGPMPT: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMPT/CO: MONITORING - Engineering)

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 - Engineering)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, (OTIS) program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit for a residential unit for sale. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Lyons Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPMPT: ENGINEERING - Engineering)

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

The Property Owner shall design, install, and perpetually maintain median landscape within the median of all abutting right of way of Lyons Road adjacent to Pod H (east side of Lyons Road). This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by the Property Owner shall be perpetually maintained by the



Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit for a residential unit for sale within Pod H (east side of Lyons Road). (BLDGPMPT: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy within Pod H (east side of Lyons Road). (BLDGPMPT/CO: MONITORING - Engineering)

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 - Engineering)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, (OTIS) program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit for a residential unit for sale within Pod H (east side of Lyons Road). This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Lyons Road adjacent to Pod H (east side of Lyons Road). This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPMPT: ENGINEERING - Engineering)

8. As a condition for access approval by the FDOT, the Property Owner shall construct a south approach U-turn lane and directional median opening on SR 7 between the project driveway and Kimberly Blvd or as approved by the FDOT. The Property Owner shall be required to construct a directional median opening on State Road 7 at the project entrance until a traffic signal is warranted as approved by FDOT and PBC and at such time the directional median opening shall be modified to a full access opening. If prior to meeting warrants for a full signal at this location a need for a fire truck access is identified, the median shall be modified accordingly with installation of an emergency signal, as approved by the FDOT/County.

a. Construction of the U-turn lane shall be completed prior to the issuance of the 339th Certificate of Occupancy or the construction of the bridge connection to State Road 7, whichever first occurs. (BLDGPMPT/CO: MONITORING - Engineering)

b. Construction of other median improvements on State Road 7 at the entrance shall be completed concurrent with the construction of the traffic signal. The median and signal improvements shall be considered satisfied if the traffic signal is determined to be not warranted by PBC or FDOT and the associated traffic signal surety has been returned by PBC. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2022-44, Control No.2021-00073)

9. The Property Owner shall: i) restripe the south approach U-turn lane on Lyons Rd at the project entrance to a standard left turn lane, and, ii) construct a south approach left turn lane on Lyons Rd at Broad St, as approved by the County Engineer.

The above 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. Construction shall be completed prior to the issuance of the first Certificate of

Occupancy. (BLDGPM/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 9 of Resolution R-2022-44, Control No.2021-00073)

10. The Property Owner shall fund the cost of partial signal installation, if warranted, as determined by the County Engineer at project entrance on Lyons Rd and fund the cost of full signal installation on SR-7 at the project entrance, if FDOT approves a full median opening at this location, and if warranted as determined by the County Engineer/FDOT. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. No Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPM/CO: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, 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. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 10 of Resolution R-2022-44, Control No.2021-00073)

11. Previous ENGINEERING Condition 11 of Resolution R-2022-44, Control No.2021-00073, which currently states:

#### NOISE MITIGATION

a. Prior to DRO certification of the Master Plan, the Property Owner shall submit to the Palm Beach County Engineering Department and Zoning Division a detailed noise analysis acceptable to the Florida Department of Transportation. This noise study shall be in accordance with Florida State Statutes Chapter 335 as outlined in FDOT Project Development and Environmental Manual, Chapter 17. Any required mitigation as a result of the anticipated noise, such as a sound wall and landscape buffer, shall be shown on the Preliminary Development Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ENGINEERING - Engineering)

b. Construction of any required sound walls and landscape buffers as outlined in the Noise Analysis shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPM/CO: MONITORING - Engineering)

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

#### NOISE MITIGATION

a. Prior to DRO certification of the Master Plan, the Property Owner shall submit to the Palm Beach County Engineering Department and Zoning Division a detailed noise analysis acceptable to the Florida Department of Transportation. This noise study shall be in accordance with Florida State Statutes Chapter 335 as outlined in FDOT Project Development and Environmental Manual, Chapter 17. Any required mitigation as a result of the anticipated noise, such as a sound wall and landscape buffer, shall be shown on the Preliminary Development Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

b. Construction of any required sound walls and landscape buffers as outlined in the Noise Analysis shall be completed prior to the issuance of the first certificate of occupancy for residential units for sale within Phase 5, as shown on the approved Phasing Plan (FRP-DP). (BLDGPM/CO: MONITORING - Engineering)

12. The Property Owner shall construct a pedestrian connection from their south property line to 95th Ave S prior to the 170th Certification of Occupancy.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the 170th building permit for residential units for sale. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to issuance of the 170th Certificate of Occupancy. (BLDGPM/CO/ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 12 of Resolution R-2022-44, Control No.2021-00073)

13. The Property Owner shall construct pathways from their south property line on 95th Avenue S. to Glades Road on both sides of the road where pathways currently do not exist. The pathways will connect to the existing pathways on 95th Avenue and occur within the existing right of way. These pathways shall be the same width and material as the existing pathways, or as approved by the County Engineer. Any and all costs associated with the construction shall be paid by the Property Owner.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the 170th building permit for residential units for sale. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to issuance of the 170th Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 13 of Resolution R-2022-44, Control No.2021-00073)

14. Prior to the approval of the Final Master Plan by the Development Review Officer, the Property Owner shall remove the vehicular connection and add a pedestrian connection to 95th Avenue South. (DRO: ENGINEERING - Engineering) (Previous ENGINEERING Condition 14 of Resolution R-2022-44, Control No.2021-00073)

15. The Property Owner shall i) construct right turn lane south approach on Lyons Rd at Johns East project entrance across Olympic Heights Community High School signalized entrance ii) modify, if needed, as determined by the County Engineer, left/u-turn lane north approach on Lyons Rd at the existing school bus entrance to accommodate the project traffic.

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 for the Multi-Family units on the east side of Lyons Rd. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Multi-Family units on the east side of Lyons Rd. (BLDGPM/CO: MONITORING - Engineering)

16. The Property Owner shall fund the cost of signal modification required at Olympic Heights Community High School entrance and Lyons Rd intersection to accommodate the eastern leg/project entrance. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for the Multi-Family dwelling units for the Johns East project. (BLDGPM/CO: MONITORING - Engineering)

17. Starting 45 minutes prior to the designated start time of Olympic Heights Community High School and ending 15 minutes after school starts on school days, the Johns East community shall ensure the primary entry at the signalized intersection will be manned by a guard and that the resident ingress lane will be blocked for incoming traffic to force all residents, visitors and vendors to utilize the guest entry; which guest entry will be obligated to be manned each school day during the designated timeframe. This requirement shall occur regardless of if the community subsequently decides to go to an unmanned entry system at the primary entry; meaning a manned guard shall always be required during this designated timeframe when school is in session. Additionally, the turnaround for denied vehicles at the primary entry shall be located beyond the manned

guard house. (ONGOING: ENGINEERING - Engineering)

18. Prior to the issuance of the first building permit within Pod H, or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on the east side of Lyons Road at the project's entrance road. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney s fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG/PMT/ONGOING: MONITORING - Engineering)

#### **ENVIRONMENTAL**

1. Prior to final approval by the Development Review Officer, the Preserve boundaries reflected on the PMP shall be designated in a certified survey submitted to ERM for approval. The survey legal description and boundary sketch shall be reviewed by the Engineering Department Land Survey Section. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous Condition ERM-1 of Resolution R-2022-44, Control No.2021-00073)

2. Prior to Technical Compliance for the plat that includes the preserve area, a Conservation Easement with an approved survey must be recorded. (TC: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous Condition ERM-2 of Resolution R-2022-44, Control No.2021-00073)

3. Previous ENVIRONMENTAL Condition 3 of Resolution R-2022-44, Control No.2021-00073, which currently states:

The littoral area for Lake #1 shall be enhanced near the proposed preserve area, or as approved by ERM.

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

The littoral area for Lake #1 for the development area on the west side of Lyons Road shall be enhanced near the proposed preserve area, or as approved by ERM. (TC: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

#### **PARKS**

1. Per U.L.D.C Article 5 - permits for no more than 266 detached dwelling units shall be issued for this development until the required improved recreation area has been constructed in its entirety and opened for use by the development's homeowners, unless a phasing plan is approved by the Parks and Recreation Department. (BLDG/PMT: MONITORING - Parks and Recreation)

2. Per U.L.D.C Article 5 - no more than 128 certificates of occupancy shall be issued for the attached dwelling units in this development until the required improved recreation area has been constructed in its entirety and opened for use by the development's homeowners, unless a phasing plan is approved by the Parks and Recreation Department. (CO: MONITORING - Parks and Recreation)

#### **PLANNED DEVELOPMENT**

1. Prior to Final Approval by the Development Review Officer, the Preliminary Master Plan shall be revised to indicate a minimum of two (2) water fountains as a focal feature within lake tract. The location of each fountain shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2022-44, Control No.2021-00073)

#### **PLANNING**

1. Previous PLANNING Condition 1 of Resolution R-2022-44, Control No.2021-00073, which currently states:

The subject request for 679 units with a 26 unit Workforce Housing Program (WHP) obligation was calculated based on Limited Incentive Development Option with the WHP units to be provided off-site utilizing the Exchange Builder option. No density bonus programs were utilized. Should any change occur to the calculation, the site shall require resubmittal and recalculation in whatever process it originated.

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

The subject request for 987 units with a 43-unit Workforce Housing Program (WHP) obligation was calculated based on Limited Incentive Development Option with the WHP units to be provided off-site utilizing the Exchange Builder option. No density bonus programs were utilized. Should a reduction in overall units occur, the WHP obligation may be reduced subject to a new analysis, and the timing mechanisms adjusted administratively as needed. (ONGOING: PLANNING - Planning)

#### **PLANNING-POD'S A-G**

2. The minimum exchange price for the Exchange Builder shall be 80 percent of the applicable in-lieu fee in effect at the time of the Development Order for subject development which equates to \$2,628,288 (26WHP X \$126,360 for single family = \$3,285,360 total in-lieu fee X 0.80 = \$2,628,288 total exchange price for Exchange Builder). (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 2 of Resolution R-2022-44, Control No.2021-00073)

3. 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 Planning. (BLDGPM: MONITORING - Planning) (Previous PLANNING Condition 3 of Resolution R-2022-44, Control No.2021-00073)

4. Prior to the issuance of the first Residential Building Permit, the Property Owner shall identify whether an Exchange Builder has been engaged.

(1) If an Exchange Builder is engaged, the Property Owner shall submit all of the required documentation as described in Art. 5.G.1.C.4.b.2)d)(1). regarding utilization of the Exchange Builder options, with prior approval by the County Attorney and Planning; or

(2) If No Exchange Builder has been engaged, the Property owner shall provide a guarantee acceptable to Palm Beach County and approved by the County Attorney's Office, for an amount equal to 100 percent of the in-lieu fee. The Guarantee, at 100% of the In-Lieu Fee, equates to \$3,285,360 (26WHP X \$126,360 for single family = \$3,285,360 total in-lieu fee). (BLDGPM: MONITORING - Planning) (Previous PLANNING Condition 4 of Resolution R-2022-44, Control No.2021-00073)

5. Prior to issuance of no more than 25 percent (170) of the Building Permits in the subject

development, if No Exchange Builder has been engaged, the Developer of the subject development shall have the option to replace the guarantee provided at first Building Permit with items meeting the requirements of Art. 5.G.1.C.4.b.2)d)(1). If, at 25 percent of Building Permits, the required information has not been provided or is not approved by the County Administrator or designee, the Developer may pay the full in-lieu fees of \$3,285,360 (26WHP X \$126,360 for single family = \$3,285,360 total in-lieu fee), and if not Palm Beach County shall file a claim against the guarantee for 100 percent of the in-lieu fees. Prepayment of the in-lieu fee by the Developer shall not be allowed. (BLDGPM: MONITORING - Planning) (Previous PLANNING Condition 5 of Resolution R-2022-44, Control No.2021-00073)

6. Previous PLANNING Condition 6 of Resolution R-2022-44, Control No.2021-00073, which currently states:

Per Art. 5.G.1.C.4.b.; Any required WHP units to be provided offsite as rentals, the WHP obligation shall be 1.5 times the obligation. All applicable plans and documents shall be updated to reflect the final disposition.

**Is hereby amended to read:**

Per Art. 5.G.1.C.4.b.; Any required WHP units to be provided offsite as rentals, the WHP obligation shall be 1.5 times the obligation. (ONGOING: PLANNING - Planning)

**PLANNING-POD H**

7. Prior to the issuance of the first residential Building Permit in Johns East (Pod H), the Property Owner shall record in the public records of Palm Beach County a Notice of Disposition, in a form acceptable to the Palm Beach County Attorney. (BLDGPM: MONITORING - Planning)

8. Prior to the issuance of the first Residential Building Permit in POD H, the Property Owner shall identify whether an Exchange Builder has been engaged.

(1) If an Exchange Builder is engaged, the Property Owner shall submit all of the required documentation as described in Art. 5.G.1.C.4.b.2)d)(1). regarding utilization of the Exchange Builder options, with prior approval by the County Attorney and Planning; or  
(2) If No Exchange Builder has been engaged, the Property owner shall provide a guarantee acceptable to Palm Beach County and approved by the County Attorney's Office, for an amount equal to 100 percent of the in-lieu fee. The Guarantee, at 100% of the In-Lieu Fee, equates to \$1,954,184 (17WHP X \$114,952 for Townhome = \$1,954,184 total in-lieu fee). (BLDGPM: MONITORING - Planning)

9. Prior to issuance of no more than 25 percent (247th overall or 77th in Johns East) of the residential Building Permits in the subject development, the developer of the subject development shall have the option to replace the guarantee provided at first Building Permit with items meeting the requirements of Art. 5.G.1.C.4.b.2)d)(1). If, at 25 percent of Building Permits, the required information has not been provided or is not approved by the County Administrator or designee, the developer may pay the full in-lieu fees of \$1,954,184 (17WHP X \$114,952 for Townhome = \$1,954,184 total in-lieu fee), or, should an Exchange Builder not be engaged, Palm Beach County may file a claim against the guarantee for 100 percent of the in-lieu fees. Prepayment of the in-lieu fee by the developer shall not be allowed. Should the units and subsequent WHP obligation be reduced, the thresholds may be reduced administratively. (BLDGPM: PLANNING - Planning)

**PROPERTY & REAL ESTATE MANAGEMENT**

1. Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 1 of Resolution R-2022-0044, Control No.2001-00073, which currently states:

**Platting & Deed**

The Property Owner is required to provide a 5.19 acre public civic site; 3.0 acres of which will be provided on-site for public civic use and the remaining 2.19 acres is being proposed for cash-out, subject to BCC approval. Until such time as the proposed cash out is

approved, the entire public civic site of 5.19 acres shall be showed on the Master Plan. If the cash out is approved, payment will be made within within 60 days of approval. The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 3.0 acre public civic site (net usable area – excluding buffers with the exception of the required perimeter buffer adjacent to SR-7 right-of-way which may be included in the 3.0 public civic site), in a location and form acceptable to Facilities Development & Operations (FD&O) by January 11, 2024. Property Owner to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance:

a) Title

Property Owner to provide title policies insuring marketable title to Palm Beach County for the civic site and any easements that service the civic sites as required by the County Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management (PREM) and County Attorney's approval. The title policy is to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall be obtained by the Property Owner. The Property Owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site.

b) Concurrency

Property Owner to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation for the entire PUD. The Property Owner shall be provided with input as to the size of a structure (and proposed use) which the civic site would support and the corresponding amount of trips. If no County use is applied to a civic site, Property Owner shall assign sufficient traffic trip capacity equivalent to the number of units the civic site would support if it were a residential pod.

c) Taxes

All ad valorem real estate taxes and assessments for the year of acceptance shall be prorated to include the day of acceptance.

d) Site condition

Civic sites to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.

e) Retention and Drainage

Property Owner shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Property Owner shall specifically address the following issues:

- 1) The discharge of surface water from a proposed civic site into the Property Owner's water retention basins.
- 2) An easement across Property Owner's property from a proposed civic site to the retention basins, if required.

f) On-Site Inspections

By acceptance of these conditions Property Owner agrees to allow the County to perform any on site inspections and testing deemed appropriate to support the acquisition of the civic site.

g) Vegetation Permit

Property Owner to perform a tree survey and obtain a vegetation clearing permit on each civic site. If it is determined by PREM that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the County.

h) Buildable Grade

Prepare each civic site to buildable grade under the direction of the FDO Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (at the discretion of FDO), all of which shall be to the satisfaction of FDO. The buildable grade elevation required will generally be the highest crown of road adjacent to the civic site, unless otherwise determined by PREM. Proposed County Critical Care facilities may require higher elevations as determined by County, at County's sole discretion. Property Owner to provide: 1) In-place density test, 2) Soil placement monitoring report, 3) Test of materials used in the soil placement monitoring report, 4) Final survey to include topo results.

i) Water, Sewer and Reclaim Water

Property Owner to provide water, sewer, reclaim water stubbed out to the property line and other required utilities as determined by PREM.

j) Irrigation

Property Owner to provide an easement across Property Owner's property, from the proposed Civic Sites to available retention basins, if requested by PREM.

**Is hereby amended to read:**

Platting & Deed

The Property Owner shall provide Palm Beach County Board of County Commissioners with Statutory Warranty Deeds for all Public Civic Sites identified on the Preliminary Master Plan (Public Civic Pod, 6.26 gross acres, and Public Civic Tract, 0.34 gross acre), in a location and form acceptable to Facilities Development & Operations Department (FD&O). Property Owner to plat and dedicate the properties to Palm Beach County according to the following phasing plan, or other threshold that becomes mutually agreeable to the Property Owner and FD&O:

I. Public Civic Pod (6.26 gross acres) - Prior to the issuance of a Certificate of Occupancy for 339 residential units within Pods A-G (Pods A-G being all Pods west of Lyons Road).

II. Public Civic Tract (0.34 gross acre) - Prior to issuance of a Certificate of Occupancy for any residential unit within Pods A-G (Pods A-G being all Pods west of Lyons Road).

Prior to each deed conveyance, Property Owner shall have satisfied each of the following conditions:

a) Title

Property Owner to provide a title policy insuring marketable title to Palm Beach County for the properties and any easements that service the properties as required by the County Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the properties or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall be obtained by the Property Owner. The Property Owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the properties.

b) Concurrency

Property Owner to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the properties and recorded on the concurrency reservation for the entire PUD. The Property Owner shall be provided with input as to the size of a structure (and proposed use) which the properties would support and the corresponding amount of trips. If no County use is applied to the properties, Property Owner shall assign sufficient traffic trip capacity equivalent to the number of units the properties would support if it were a residential pod.



c) Taxes

All ad valorem real estate taxes and assessments for the year of acceptance shall be prorated to include the day of acceptance.

d) Site condition

Properties to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.

e) Retention and Drainage

Property Owner shall provide all retention, detention, and drainage required for any future development of the proposed properties by the County. Property Owner shall specifically address the following issues:

1) The discharge of surface water from the proposed properties into the Property Owner's water retention basins.

2) As easement across Property Owner's property from the proposed properties to the retention basins, if required.

f) On-Site Inspections

By acceptance of these conditions Property Owner agrees to allow the County to perform any on-site inspections and testing deemed appropriate to support the acquisition of the properties.

g) Vegetation Permit

Property Owner to perform a tree survey and obtain a vegetation clearing permit. If it is determined by PREM that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the County.

h) Buildable Grade

Prepare properties to buildable grade under the direction of the FDO Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered, all of which shall be to the satisfaction of FDO. The buildable grade elevation required will generally be the highest crown of road adjacent to the properties, unless otherwise determined by PREM. Proposed County Critical Care facilities may require higher elevations as determined by County, at County's sole discretion. Property Owner to provide: 1) In-place density test, 2) Soil placement monitoring report, 3) Test of materials used in the soil placement monitoring report, 4) Final survey to include topo results.

i) Water, Sewer and Reclaim Water

Property Owner to provide water, sewer, reclaim water (if reclaimed water is available) stubbed out to the property line and other required utilities as determined by PREM.

j) Irrigation

Property Owner to provide an easement across Property Owners property, from the proposed properties to available retention basins, if requested by PREM and in a form and manner acceptable to PREM. (CO: MONITORING - Property Real Estate Management)

2. Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 2 of Resolution R-2022-0044, Control No.2001-00073, which currently states:

Survey

The Property Owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by January 11, 2023. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a) The survey must meet the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers in rule 5J-17.050-.052, Florida Administrative Code, pursuant to section 472.027, Florida Statutes and Countywide PPM CWO-058.

b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.

c) The survey should include a location of any proposed water retention area that will border the civic site and the proposed drainage easement area for storm water outfall from the proposed civic site to the development's storm water management system.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey.

**Is hereby amended to read:**

Survey

The Property Owner shall provide the County with a survey certified to Palm Beach County of the properties identified in Property and Real Estate Management condition 1 prior to deed conveyance. Survey shall reflect the boundary and topographical areas of the properties and the surveyor shall use the following criteria:

a) The survey must meet the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers in rule 5J-17.050-.052, Florida Administrative Code, pursuant to section 472.027, Florida Statutes and Countywide PPM CW0-058.

b) If the parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.

c) The survey should include a location of any proposed water retention area that will border the civic site and the proposed drainage easement area for storm water outfall from the proposed civic site to the development's storm water management system.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey.

(CO: MONITORING - Property Real Estate Management)

3. Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 3 of Resolution R-2022-0044, Control No.2001-00073, which currently states:

Environmental Survey

The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by January 11, 2023. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use. Prior use of the property (Example: Ag Production, golf course, other uses as determined by County) that creates the possibility of soil and groundwater impacts above environmental target clean up levels will require further soil and ground water investigation and testing, unless waived by County at County's sole discretion.

The assessment will include but not be limited to the following:

a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.

b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

1) EPA's National Priorities list (NPL)

- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS).

c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.

d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.

e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.

**Is hereby amended to read:**

Environmental Survey

The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County for the properties identified in Property and Real Estate Management condition 1 prior to deed conveyance. The minimum assessment of the properties will be a "Phase I Audit". The audit shall describe the environmental conditions of the properties and identifies the past and current land use. Prior use of the property (Example: Ag Production, golf course, other uses as determined by County) that creates the possibility of soil and groundwater impacts above environmental target clean up levels will require further soil and ground water investigation and testing, unless waived by County at County's sole discretion.

The assessment will include but not be limited to the following:

- a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the properties.
- b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the properties will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the properties or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
  - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
  - 3) Hazardous Waste Data Management System List (HWDMS).
- c) Review of current and historical aerial photographs of the properties. Provide a recent aerial showing site and surrounding properties.
  - d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.
  - e) Review of Wellfield Protection Zone maps to determine if properties are located in a Wellfield Zone. (CO: MONITORING - Property Real Estate Management)

4. Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 4 of Resolution R-2022-0044, Control No.2001-00073, which currently states:

Cash-Out

The Property Owner may request to exchange 2.19 acres of the required 5.19 acre on-

site dedication of land for cash of equal value or provide an off-site parcel of land that would off-set the value of the 2.19 acres, however, this option shall be used only upon County approval when the County has established that the cash or offsite land is the more viable option and enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the Property Owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the Property Owner. If off-site land or cash contribution is accepted by Palm Beach County, the Property Owner shall be deemed to have satisfied the intent of ULDC.

**Is hereby amended to read:**

**Cash-Out**

The Property Owner may request to exchange the required on-site dedication of land identified in Property and Real Estate Management condition 1 for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land is the more viable option and enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the Property Owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the Property Owner. If off-site land or cash contribution is accepted by Palm Beach County, the Property Owner shall be deemed to have satisfied the intent of ULDC. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

5. Prior to deed conveyance, the Property Owner shall grant to the County a Perpetual Access Easement for ingress and egress to the Public Civic Pod (6.26 gross acres) utilizing the proposed E.F. Johns Parkway and in a form, manner and configuration deemed acceptable to PREM to serve the public civic site. (CO: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

6. The Property Owner shall include in homeowners documents as well as all written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying prospective homeowners that the community includes the public civic sites and that the Public Civic Pod (6.26 gross acres) is designed to provide future ingress and egress serving the public civic site from the community entryway. The Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on February 2, 2024 or other date that is mutually agreeable to the Property Owner and FD&O, and then continuing until all units have been sold. (DATE: MONITORING - Property Real Estate Management)

**SCHOOL BOARD-PODS A - H**

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) (Previous SCHOOL BOARD Condition 1 of Resolution R-2022-44, Control No.2021-00073)

### **SCHOOL BOARD-POD H (EAST SIDE OF LYONS ROAD)**

1. 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)

### **SCHOOL BOARD-PODS A -G (WEST SIDE OF LYONS ROAD)**

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' school bus shelter by the Lyons Road entrance 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) (Previous SCHOOL BOARD Condition 2 of Resolution R-2022-44, Control No.2021-00073)

3. Prior to the issuance of the 400th residential Certificate of Occupancy (CO), the 10' by 15' school bus shelter between POD C and POD F 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) (Previous SCHOOL BOARD Condition 3 of Resolution R-2022-44, Control No.2021-00073)

### **SITE DESIGN**

1. Prior to final Development Review Officer approval, the Applicant shall modify the Master Plan to include the location of focal points per Art. 3.E.2.B.2.b. Focal Points. (DRO: ZONING – Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 1 of Resolution R-2022-44, Control No.2021-00073)

### **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: ZONING - Zoning

**DISCLOSURE**

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