

## Exhibit T - Modifications to Conditions of Approval

Below are the conditions of approval which Applicant seeks to have modified or deleted with tracked changes.

### Petition 76-481

1. ~~For all lakes developed on-site, a minimum of fifty (50) feet shall be required between the water's edge and the individual lot property line.~~

**RESPONSE. Request to be deleted. Lake setbacks are codified in the Land Development Regulations (LDR).**

2. ~~The Developer shall convey one hundred twenty (12) feet along the south property line for the Ultimate right-of-way of Lake Worth Road.~~

**RESPONSE: Request to be deleted. This was completed, then vacated by the Village and such land reverted to Developer.**

3. The Government Site shall be reserved with the first plat and 12.5% of the Governmental Site shall be deeded with each 10% of the project as it is platted, based on acreage.

(COMPLETED).

**RESPONSE: Request for a note to be added that this condition has been completed.**

### Petition 88-1200

10. ~~The property owner shall construct:~~

a. ~~Pierson Road as a 2-lane roadway (collector street standards minimum 2-12 foot travel lanes)~~

b. ~~at the intersection of Pierson Road and South Shore Boulevard, right turn lanes on the north, south, east, and west approaches and a left turn lane on both the north and south approaches all concurrent with the first street connection to Pierson Road. Construction of this roadway shall not be credited toward the Fair Share Impact Fee.~~ (COMPLETED).

**RESPONSE: Request to be deleted as it was previously completed. Furthermore, northbound South Shore Boulevard at the intersection with Pierson Road, no longer has a dedicated right your lane; however, it has a thru-lane and a thru/right. In the abundance of caution to prevent the misinterpretation of this condition of requiring a right turn only lane, Applicant requests for this condition to be deleted as it has been previously complied with at the time.**

### Petition 97-18

5. Section 5. The following conditions are new and modified and shall be incorporated into this ordinance.

1. "The Developer shall provide Palm Beach County with a payment of \$100,000 (the first payment) not later than September 30, 1998, for the design and construction of Lake Worth Road." (COMPLETED).

2. "The Developer shall provide Palm Beach County, not later than September 30, 2001, with a payment equal to difference between \$200,000 minus the first payment and road impact fees that have been paid from March 31, 1998." (COMPLETED).

3. "The Developer shall receive road impact fee credits for the full amount of cash payment until such time as the credit is exhausted." (COMPLETED).
4. "The Developer shall submit an updated master plan which illustrates existing development, proposed development, phasing designations, and land use information (existing units, proposed units, density calculations), no later than July 1, 1998." (COMPLETED).
5. ~~"The Developer shall comply with the rules and regulation contained in the ULDC and any other applicable codes.~~

**RESPONSE: Request for a note to be added that this condition has been completed or no longer applicable.**

## **R2011-73**

11. ~~The 25' buffer on the Master Plan south of the internal 60' Private Road and along the north side of the Mida Farms shall be accomplished, if possible through preservation of existing native vegetation, the applicant shall provide a minimum 3' high landscape berm with 16' high native canopy trees alternately staggered 25' on center and a minimum 5' high hedge material installed on the plateau of the berm. Prior to initiating the buffering, the applicant or their successor in interest shall submit a vegetative assessment study to determine how much of the buffering can be accomplished through the preservation of existing mature native vegetation.~~

**RESPONSE: Request to be deleted. Landscape buffer is codified in the LDR.**

12. ~~Between the Bridle Path along the east side of the C-4 Canal and west of the internal 60' Private Road within Pod G the petitioner shall provide 16' high native canopy trees alternately staggered 25' on center and a minimum 5' high hedge material.~~

**RESPONSE: Request to be deleted. Landscape buffer is codified in the LDR.**

13. ~~Between the Bridle Path along the east side of the C-4 Canal and west of the internal 60' Private Road within Pod G the petitioner shall provide 16' high native canopy trees alternately staggered 25' on center and a minimum 5' high hedge material.~~

**RESPONSE: Request for Condition #13 to be deleted as it is a duplicate of Condition #12.**

15. ~~A total of 39 All units from Pod F (Phase V through Phase VIII) are transferred to Pod E, under the following conditions: (a) the 39 units are transferred for banking purposes only and it does not create a density bonus; (b) ~~the~~ applicant acknowledges that, depending on the development patterns of the other pods within the PUD that it is possible ~~the~~ banked units, if any, might not be able to be built.~~

**RESPONSE: Consistent with the proposed master plan, the units from Pod F (Phases V through VIII) are being transferred to Pod E for the purposes of the proposed development. Upon approval of the site plan for Pod E, applicant acknowledges that the banked units, if any, would be forfeited.**

16. ~~Site plans for permanent development within pods F, E, and G shall be subject to review and final approval by Wellington's Council.~~

**RESPONSE: Request to be deleted. Consistent with other subdivisions, Applicant seeks for individual site plans within a PUD to be approved by Village Staff. The requirement in having Village Council as the approving body for any site plan or amendment, no matter how minor it may be, is overly burdensome, to Village**

**Council and Applicant, and would not allow for the proper or efficient development of the project.**

**Petition 2013-035 MPA 5**

1. Applicant must provide connect from Gene Mische Way to 40<sup>th</sup> Street no later than October 31, 2014. (Completed).

**RESPONSE: Request to indicate that this condition has been satisfied.**

**R2014-37**

6. Prior to the first building permit for Pod E ~~or G~~, construction of a northbound left turn lane on South Shore Boulevard at the Private Road servicing ~~between Pod E Phase I and Pod E Phase II~~ shall commence. Construction shall be completed prior to the first certificate of occupancy in Pods E ~~or G~~.

**RESPONSE: Request to be modified as proposed. Since Pod E and G are being consolidated, this condition needed to be modified.**

7. The Applicant agrees that any road running east/west between South Shore Boulevard/Pod E and Pod F will be designed and constructed as shown on the approved master plan. ~~at a minimum of 800 feet from the north property line of the Plat of Mida Farm. The exact location and alignment of this road will be submitted for review and approval by Village Council at the Site Plan stage for Pod G and for Pod E, as affected. Nothing in this condition shall be construed to limit the location of secondary roads or private driveways, existing eastern most access point on Pod F and its connection to PBIEC, and the code required turning radius from the Pod F easternmost access point.~~

**RESPONSE: Request to be modified as proposed. The original intent of this condition was to lessen the impact from a publicly accessible roadway which would have had significantly greater impact on Mida Farms than what is being proposed today, which are private, low impact roads which are only servicing the proposed residential development. The roads within the neighborhood could not be used by the general public in accessing the Showgrounds thereby significantly reducing the impact to Mida Farms. Furthermore, based on the plain text of the condition, this condition only relates to east-to-west roadways, whereas the applicant is proposing a northwest-to-southeast road. Moreover, it appears from the master plan itself that this condition only related to major roadways within the PUD and not secondary roads which would be required to service individual lots. For instance, Pod G, Phase II is unlikely to have been designed wherein all 20 lots vested for that phase would have had code minimum frontage on the road identify on the master plan. In addition to the foregoing, this condition seems in direct conflict with Comprehensive Plan Policy PPR 1.1.2 which states, "Property owners shall have the right to use, maintain, develop, and improve their property for personal use or the use of any other person, subject to state law and local ordinances." Applicant is unaware of any local ordinance or other law which would require an 800 foot relief from the adjacent property. In conclusion, the intent of this conditions was based on the at-the-time plan for Lake Worth Road to connect to the Showgrounds which may have created a significant impact to the adjacent Mida Farms; however, this proposal is not creating any public roads and therefore this condition is outdated, and overly burdensome with little nexus to the intended relief it was to provide.**

9. Controlled vehicular access shall be provided to Gene Mische Way from 40<sup>th</sup> Street to PBIEC for all traffic between 7 PM to 7 AM. ~~PBIEC exhibitors during PBIEC equestrian events from~~

~~7 AM to 7 PM. The access gate on Gene Mische Way north of 40<sup>th</sup> Street shall be open for PBIEC spectators for egress purposes only during all events until such time as the road connection through Pods E and G connects Lake Worth Road/40<sup>th</sup> Street to PBIEC. Once the roadway connection is built, the access gate on Gene Mische shall be open for spectators for egress only during peak events. Peak events are defined as those events requiring the use of on-site rings within PBIEC for parking. Exhibitors are defined as participants and their entourage (e.g. — grooms, braiders, farriers, veterinarians, and consultants), vendors and other various service personnel using and/or associated with PBIEC with PBIEC parking credentials.~~

**RESPONSE:** The road through Pod E and Pod G (now collectively known as Pod E) is private and is only accessible by residents of the community and their visitors. As reflected in prior resolutions, the road through Pod E was identified as a “Private Road” and as shown on the proposed master plan, continues to be a private road. The Estates at Equestrian Village will be a gated community which anticipates in having home prices starting in the millions going up to \$8 million in value. These residents, no different those living in Mallet Hill, will have expectations of privacy which would not be achievable with a public road bisecting the neighborhood. Policy PPR 1.1.3 of the Comprehensive Plan provides, “Property owners shall have the right to privacy and to exclude other from the property to protect the owner’s possessions and property.” Moreover, adequate access to the Showgrounds can be achieved from 40<sup>th</sup> Street and Pierson Road. Furthermore, with the future expansion of the Showgrounds into Pod F, it is logical for the public to utilize Gene Mische Way from 40<sup>th</sup> Street. This access should be freely open during the day while be controlled at night only. Notwithstanding the foregoing, all access points within Pod E will have Knox Box and/or Click-to-Enter technology to grant emergency services access to or through the community.

#### **Petition 16-147**

- ~~2. The purpose of the minor administrative amendment is to identify the revised location of the east/west road north of Mida Farms as prescribed by Village Council with Condition #7 of Resolution 2014-37. The exact location and alignment of this road shall be reviewed and approved by Village Council at the Site Plan stage for Pod E and Pod G. This may result in a future amendment to the Master Plan should the proposed connection be substantial different on the approved Site Plan.~~

**RESPONSE:** Request to be deleted. The proposed roadways are being approved on the Master Plan and therefore seeking additional approval from Village Council is duplicative, unnecessary, and overly burdensome to the applicant.

- ~~3. Pod E shall be platted prior to any use of Pod E for Seasonal Equestrian Activities/Uses. Any easements, preserves or other future dedications illustrated on the Plat shall be formalized with a Re-Plat prior to the issuance of a Land Development Permit for permanent development of Pod E.~~

**RESPONSE:** Seasonal Equestrian Activities are not proposed in Pod E and therefore this condition should be deleted.