

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



Application No.:	PDD/DOA-2012-00382
Control No.:	2002-00068
Applicant:	Boynton Beach Associates XXIV, LLLP
Owners:	Boynton Beach Associates XXIV, LLLP Richard B and Kim F Amestoy Canyon Isles Homeowners Assn., Inc Palm Beach County
Agent:	G.L. Homes - Gladys DiGirolamo
Telephone No.:	(954) 753-1730
Project Manager:	Carol Glasser, Site Planner II

Location: South of Boynton Beach Blvd. between Acme Dairy and Lyons Roads (Canyon Isles)

TITLE: an Official Zoning Map Amendment to a Planned Development District **REQUEST:** to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District **TITLE:** a Development Order Amendment **REQUEST:** to add and delete land area and reconfigure the master plan

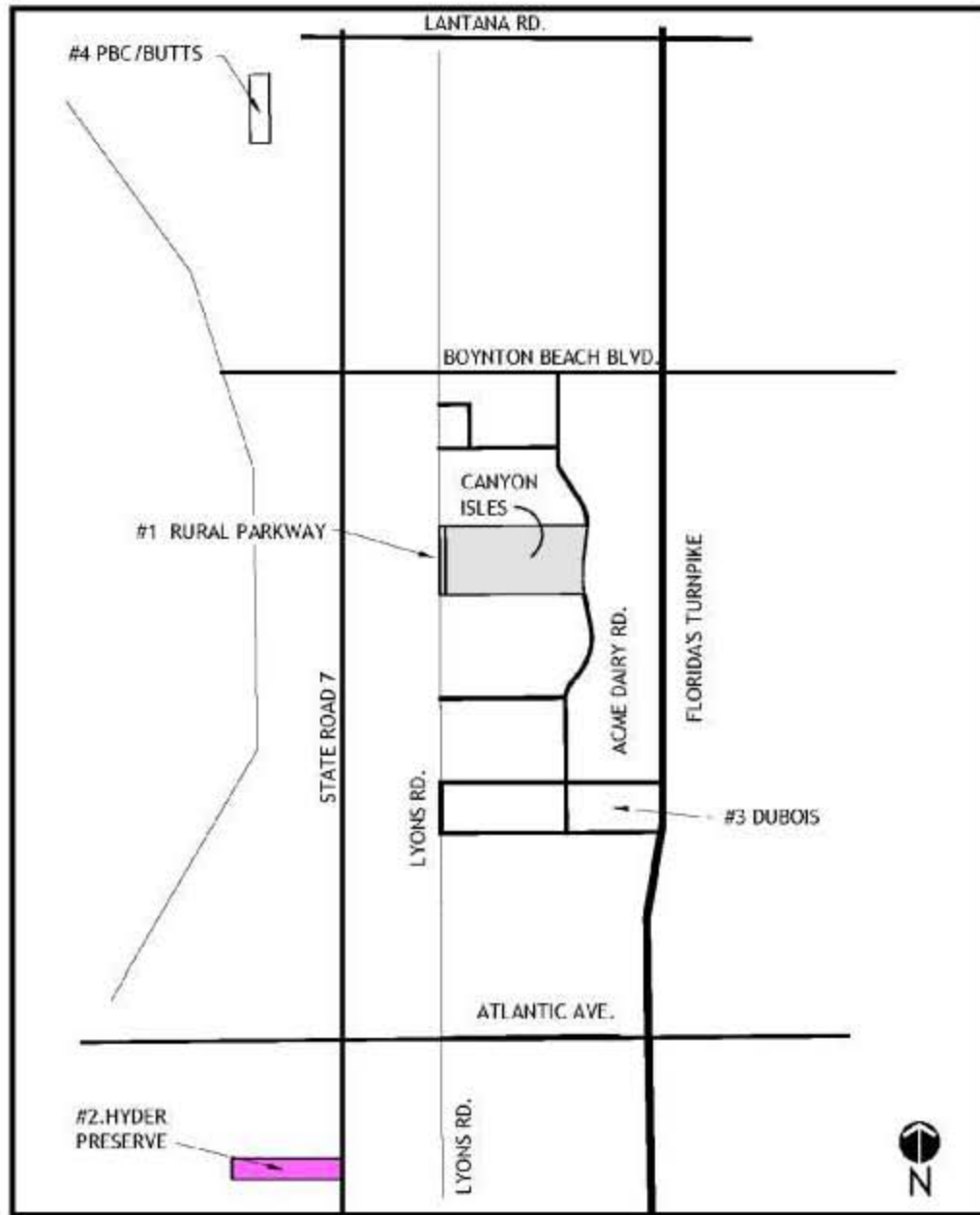
APPLICATION SUMMARY: Proposed is a Development Order Amendment to reconfigure the master plan for the 511.58-acre Canyon Isles (f.k.a. Fogg Central) development, which was approved by the Board of County Commissioners (BCC) on April 24, 2003 to allow the development of 500 dwelling units. The units are constructed and consist of 215 single family and 285 zero lot line units.

The applicant is requesting to rezone 23.418 acres of land known as Hyder Preserve from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve-Planned Unit Development (AGR-PUD) Zoning District and to add this land to the Canyon Isles master plan as preserve area. The applicant requests to release the recorded Conservation Easement and delete the 23.418-acre Mazzoni preserve parcel from the master plan. The applicant also requests to modify/delete Planning Conditions of Approval relating to the preserve areas.

This application is concurrent with applications W/DOA-2012-379 Amestoy AGR-PUD; PDD/DOA-2012-380 Canyon Lakes; PDD/DOA-2012-383 Canyon Springs; ZV/DOA/PDD-2012-384 Valencia Assemblage; Z-2012-385 Somerset Academy Charter School Rezoning; Z-2012-622 Gray Farm; and, CA-2012-389 Somerset Academy Charter School. These applications include requests to exchange development and preserve parcels between previously approved AGR-PUDs and to create a parcel for a new Charter School.

CANYON ISLES PROPOSED DEVELOPMENT AND LOCATION MAP

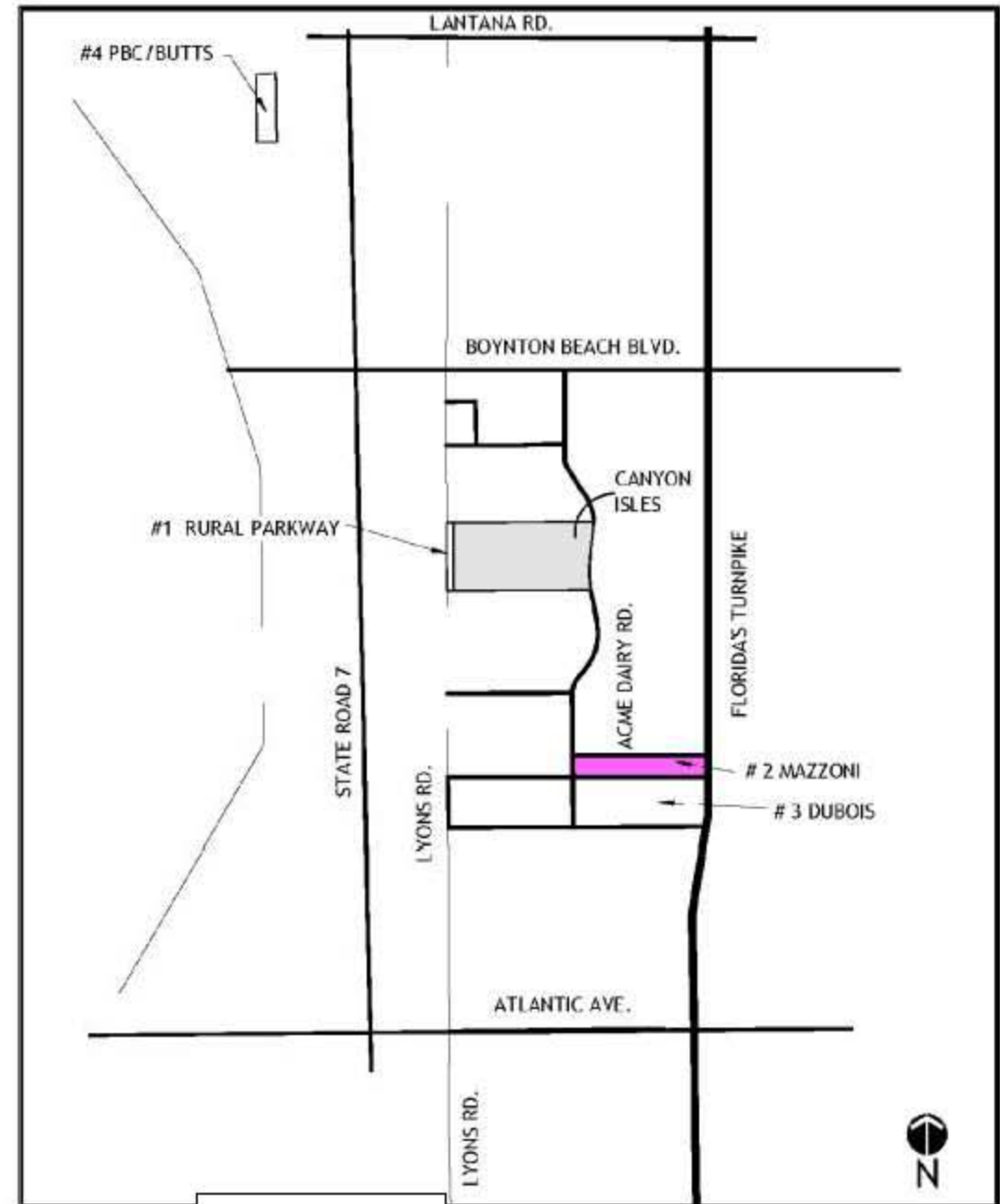
NTS



SWAP IN
Hyder Preserve 23.418 Ac.

CANYON ISLES CURRENT DEVELOPMENT AND LOCATION MAP

NTS



SWAP OUT 23.418 Ac.

ISSUES SUMMARY:

o Project History

On April 24, 2003, the BCC approved Resolution R-2003-565 for a rezoning from the AGR Zoning AGR-PUD Zoning District to allow the development of 500 units within a 60/40 AGR-PUD. On June 19, 2003 the Board of Adjustment approved variances to allow a 5-foot wide compatibility buffer along the north and south boundaries adjacent to the Canyon Lakes and Canyon Springs developments; and, a 15 foot wide incompatibility buffer adjacent to the Rural Parkway. On June 26, 2003, the BCC approved Resolution R-2003-944 for an Expedited Application Consideration to amend Engineering and Planning Conditions of Approval.

o Consistency with Comprehensive Plan

The Planning Division has found the requests consistent with the land use designation of the Palm Beach County Comprehensive Plan; and, not inconsistent with the West Boynton Community Plan recommendations. See Staff Review and Analysis for additional Planning Division comments.

o Compatibility with Surrounding Land Uses

NORTH	
FLU:	AGR
Zoning District:	AGR-PUD
Supporting:	Single-Family, ZLL (Canyon Lakes, Control No. 2002-067)
SOUTH	
FLU:	AGR
Zoning District:	AGR-PUD
Supporting:	Single-Family, ZLL (Canyon Springs, Control No. 2002-069)
EAST	
FLU:	AGR
Zoning District:	AGR-PUD
Supporting:	Single-Family, ZLL (Trails at Canyon AGR-PUD, Control No. 2006-550)
WEST	
FLU:	AGR
Zoning District:	AGR
Supporting:	Bona Fide Agriculture (Row Crop)

No changes are proposed to the development area, which was previously determined to be compatible with surrounding uses and has been constructed. No incompatibilities are created with the request to delete 23.418 acres of preserve area known as the Mazzoni preserve parcel from the master plan and release the Conservation Easement recorded in ORB 18109 PG 436. No incompatibilities are created with the request to rezone and add the 23.418-acre Hyder Preserve parcel to the master plan and record a new Conservation Easement for the added preserve area.

o Traffic

See Staff Review and Analysis section for additional information from the Traffic and Land Development Divisions.

o Landscape/Buffering

No changes are proposed to the previously approved landscaping and buffering of the development area.

o Signs

No changes are proposed to the previously approved Master Signage Program.

- o Exemplary Design

The amendment request does not impact exemplary standards for the previously approved AGR-PUD. The 500 dwelling units have been constructed. The information from the previously approved development area is carried forward with this application.

- o Development Order Amendment

The applicant requests to reconfigure the master plan and add 23.418 acres of preserve area known as Hyder Preserve, which is located on the west side of SR7/US441 south of Atlantic Ave. The applicant requests to delete 23.418 acres known as the Mazzoni preserve, which is platted as Canyon Isles Preserve Plat 1 and is located the east side of Acme Dairy Road. The result is an equal exchange of preserve area. The preserve area exchange will remain consistent with the previously approved Master Plan, 60/40 Tabular Data, and accounts for the platted preserves and right-of-way dedications. Staff has also amended Planning conditions relating to the deleted Mazzoni preserve area as applicable; and, deleted Planning Condition 11 as the Code no longer requires preserve parcels to be platted.

A Partial Release of the Conservation Easement recorded in ORB 18109 PG 436 (Exhibit E) is also requested. The applicant intends to add the former Mazzoni preserve area to the Valencia Assemblage (Control No. 2004-369) in a concurrent application ZV/PDD/DOA-2012-384 as development area and preserve area.

- o Zoning Commission (ZC) Hearing July 5, 2012

This application was presented by Zoning Staff concurrently with the 7 other AGR-PUD DOA's, AGR rezonings, and Class A Conditional Use applications as indicated in the Application Summary. The agent for G. L. Homes gave a presentation for the Amestoy AGR-PUD, Canyon Lakes, Canyon Isles, Canyon Springs, Valencia Assemblage, Charter School, and Gray Farm applications and submitted letters of support for the concurrent applications from the Canyon Springs Homeowners Association (HOA), the Canyon Isles HOA, Cobblestone Creek HOA, and Equus Property Owners Association. The agent for the Somerset Academy Charter School application from Urban Design Kilday Studios presented the proposed school project and requested a Condition of Approval be applied to limit the school to the middle and high school grades.

Commissioner Davis requested a composite map of all the requests taken as a whole. Staff provided and explained G.L. Homes' overall ultimate project exhibit and answered questions.

Eight members of the public spoke in opposition citing concerns of: Incompatibility with farming, loss of agricultural area, any development near the Wildlife Refuge, strain on water supply, negative impact to public schools from Charter schools, abandonment of Acme Dairy Road, and conversion of an existing nursery abutting Canyon Springs that was previously designated as an AGR-PUD preserve to a development area. Additionally, a representative of the Arthur R. Marshall Loxahatchee National Wildlife Refuge requested clarification/additional information regarding changes to the preserve areas west of SR7/US441.

Forty-five members of the public submitted comment cards or spoke in support of the proposed School use and petitions with 475 signatures in support were submitted. The ZC recommended approval of all of the requests for the 8 concurrent applications and approved the Type II Variance for Valencia Assemblage by a vote of 5-1. Commissioner Davis opposed indicating a lack of a critical mass of land for agriculture in the Agricultural Reserve Tier.

TABULAR DATA

	EXISTING	PROPOSED
Property Control Number(s)	<u>Affected Preserve parcel:</u> 00-42-46-05-02-001-0000 <u>Unaffected preserve parcels:</u> 00-42-45-32-02-015-0000 00-41-45-14-02-001-0000 00-42-46-05-03-001-0010 00-42-46-05-03-001-0020 The development area is unaffected by the requests. The development area has been subdivided into the 500 lots and the Homeowners' Association parcels for the water management tracts, buffer tracts, private right-of-ways and recreation parcel (Exhibit G).	Rezone and add a portion of Hyder Preserve 00-42-43-27-05-069-0010 (+ 23.418 acres) Delete Canyon Isles Preserve Plat 1 00-42-46-05-02-001-0000 (- 23.418 acres)
Land Use Designation:	Agricultural Reserve (AGR)	Same
Zoning District:	Agricultural Reserve Planned Unit Development (AGR-PUD) Agricultural Reserve (AGR)	AGR-PUD
Tier:	Agricultural Reserve (AGR)	Same
Use:	Single-Family (215 units) Zero Lot Line (285 units)	Same
Acreage:	517.416 acres (-5.831 acres) [Flavor Pict Road realigned subsequent to BCC approval; and, a 5.0-acre right-of-way drainage easement required subsequent to plat]	511.585 acres
Dwelling Units:	500	Same
Density:	0.966 DU/AC	0.977 DU/AC
Access:	Lyons Road (1); and , Acme Dairy Road (1)	Same

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received 2 letters in opposition Canyon Isles application citing concerns of the Acme Dairy Road abandonment and developing an existing preserve; and, 35 contacts from the public requesting additional information regarding the 8 concurrent applications.

RECOMMENDATION: Staff recommends approval of the rezoning; and, approval of the Development Order Amendment subject to 73 Conditions of Approval as indicated in Exhibit C.

ACTION BY THE ZONING COMMISSION: July 5, 2012: Motion to recommend approval carried by a vote of 5-1.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District.

MOTION: To adopt a resolution approving a Development Order Amendment to add and delete land area and reconfigure the master plan subject to the Conditions of Approval as indicated in Exhibit C.

MOTION: To approve the Partial Release of Conservation Easement as indicated in Exhibit E subject to review and approval by the County Attorney.

PALM BEACH COUNTY PLANNING DIVISION
SITE LOCATION AND LAND USE

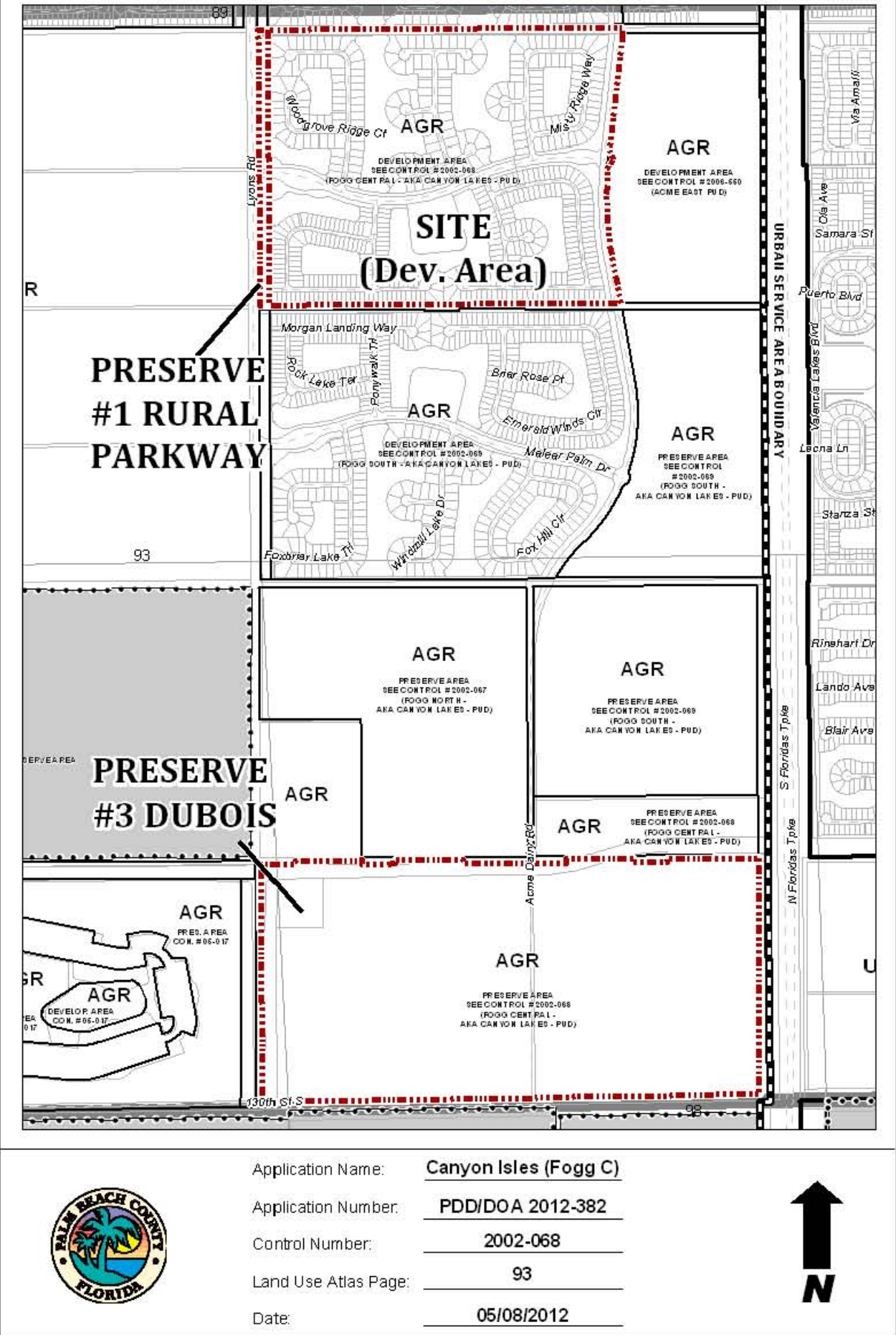
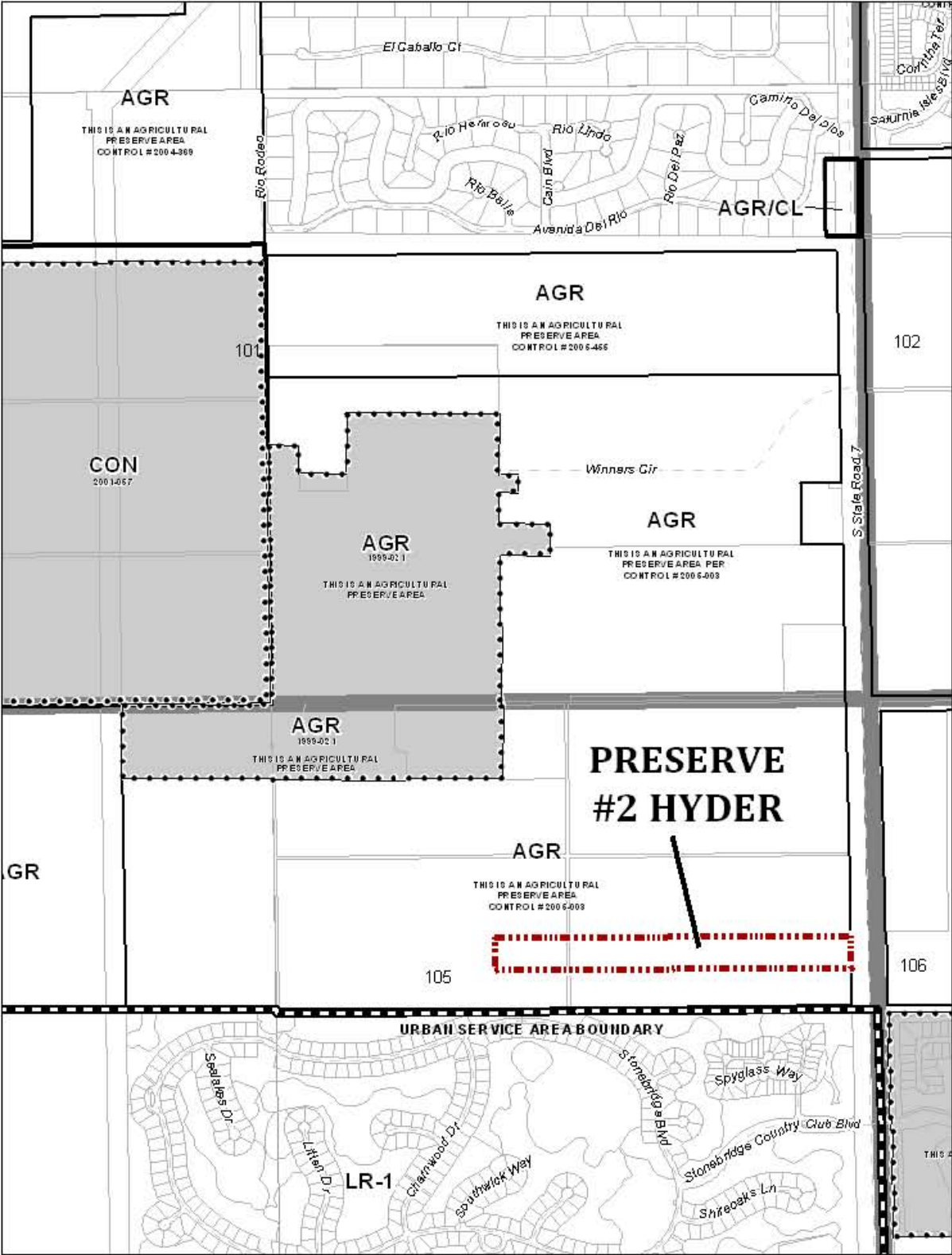


Figure 1 Land Use Map - Development Area, Preserve 1, 3

**PALM BEACH COUNTY PLANNING DIVISION
SITE LOCATION AND LAND USE**



Application Name:	Canyon Isles (Fogg C)
Application Number:	PDD/DOA 2012-382
Control Number:	2002-068
Land Use Atlas Page:	105
Date:	05/08/2012



Figure 2 Land Use Map - Preserve 2

PALM BEACH COUNTY PLANNING DIVISION
SITE LOCATION AND LAND USE

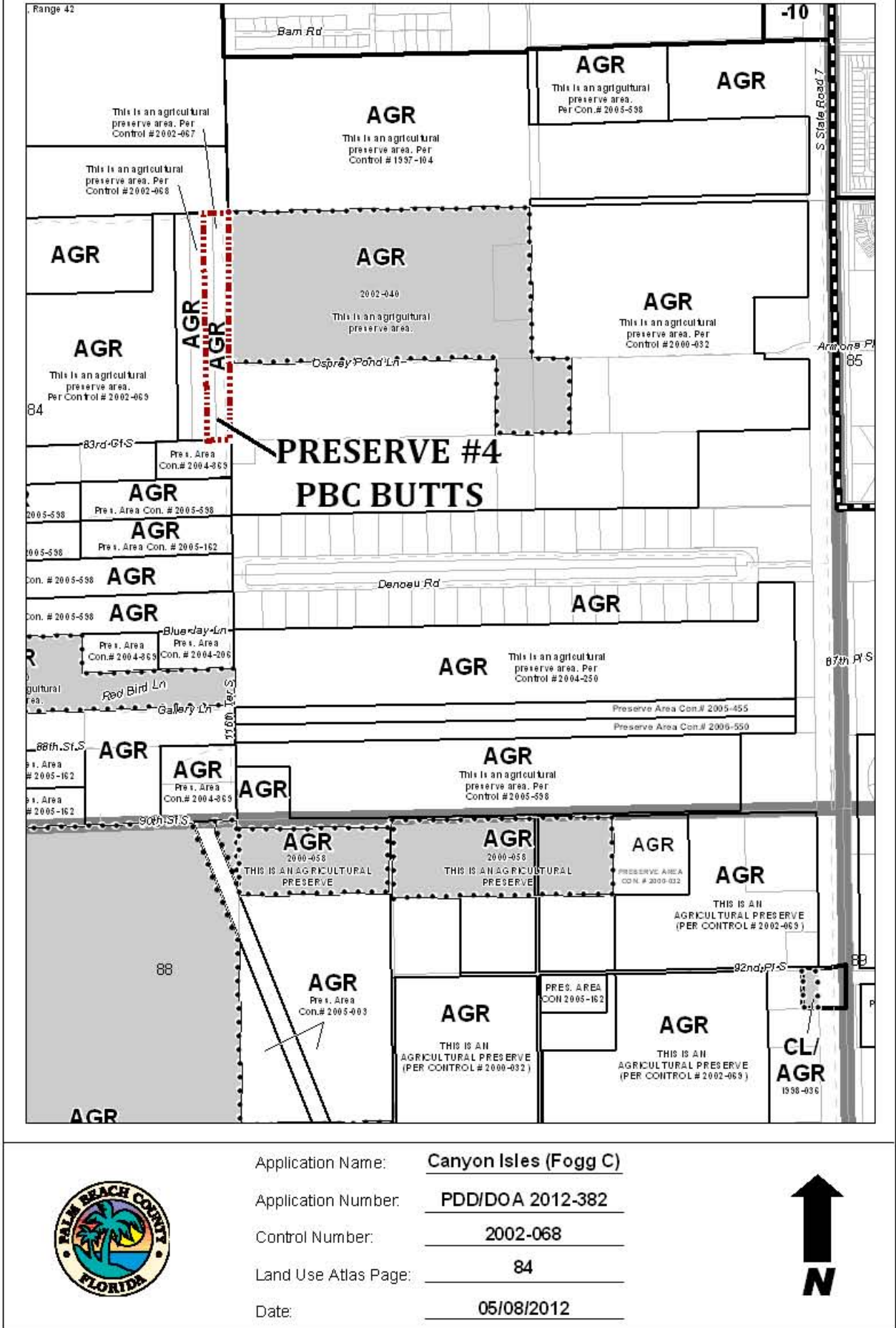


Figure 3 Land Use Map - Preserve 4

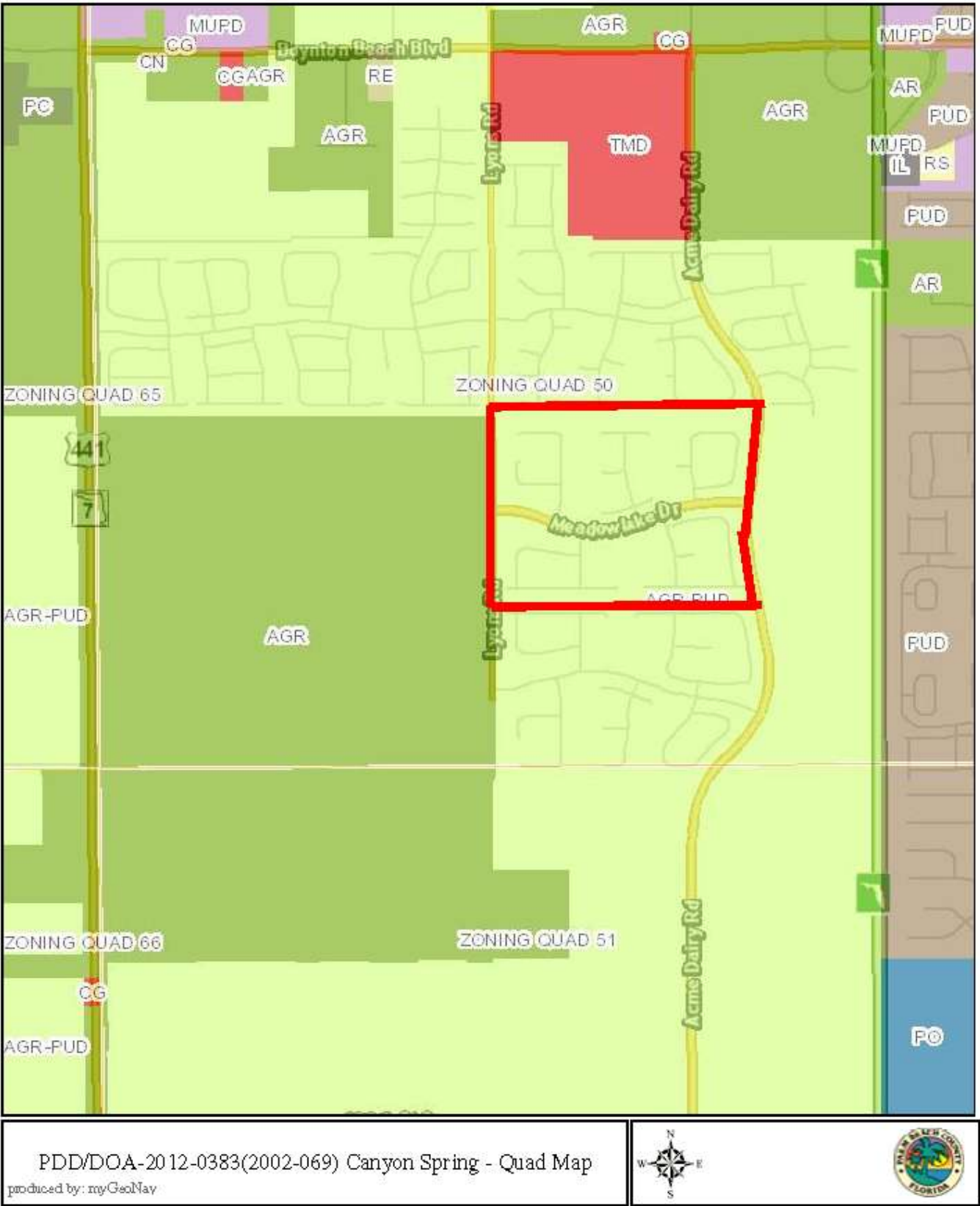
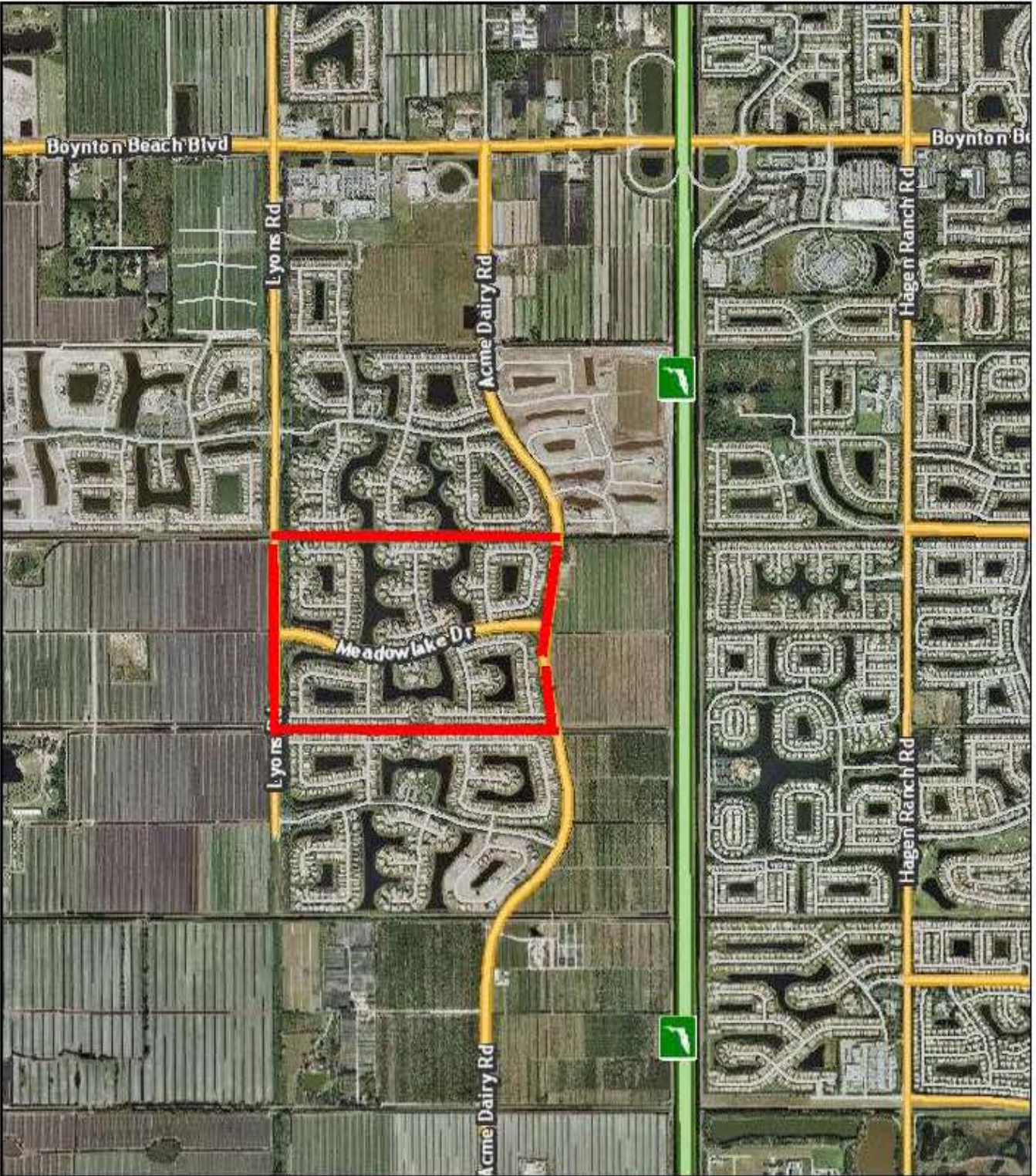


Figure 4 Zoning Quad Map



PDD/DOA-2012-0382(2002-068) Canyon Isles - Aerial

produced by: myGeoNav



Figure 5 Aerial



CANYON ISLES
 PALM BEACH COUNTY, FLORIDA
 FKA - FOGG CENTRAL AGR-PUD
 Preliminary Regulating Plan

Scale:	1" = 20' H.S.
Plan:	1" = 20' H.S.
Section:	1" = 20' H.S.
Typical:	1" = 20' H.S.
Notes:	1. ALL DIMENSIONS ARE IN FEET AND INCHES.
	2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
	3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
	4. ALL DIMENSIONS ARE TO EXTERIOR FACE UNLESS NOTED OTHERWISE.
	5. ALL DIMENSIONS ARE TO INTERIOR FACE UNLESS NOTED OTHERWISE.
	6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
	7. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
	8. ALL DIMENSIONS ARE TO EXTERIOR FACE UNLESS NOTED OTHERWISE.
	9. ALL DIMENSIONS ARE TO INTERIOR FACE UNLESS NOTED OTHERWISE.
	10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

Preliminary
 Regulating
 Plan

PRP-1

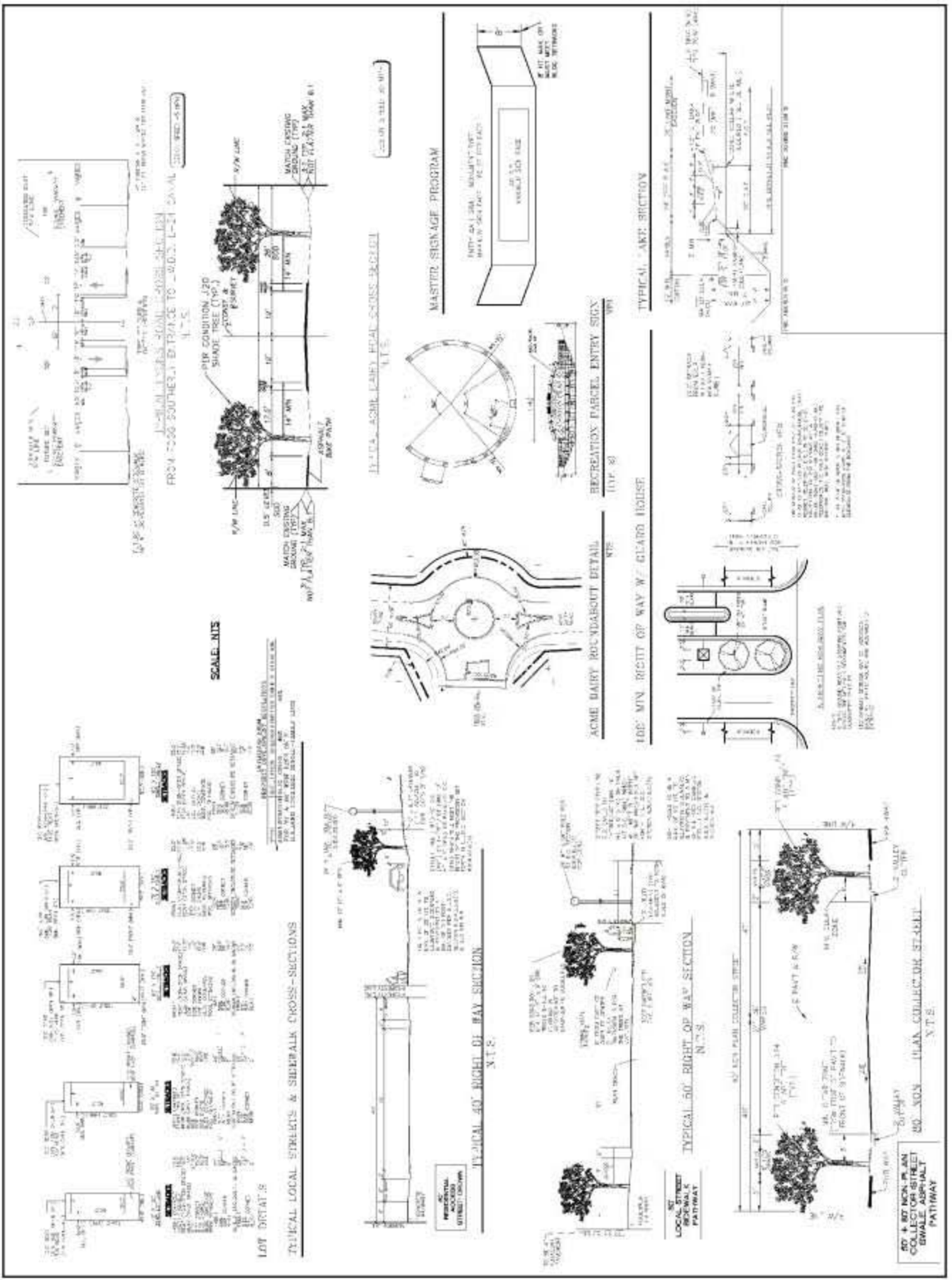
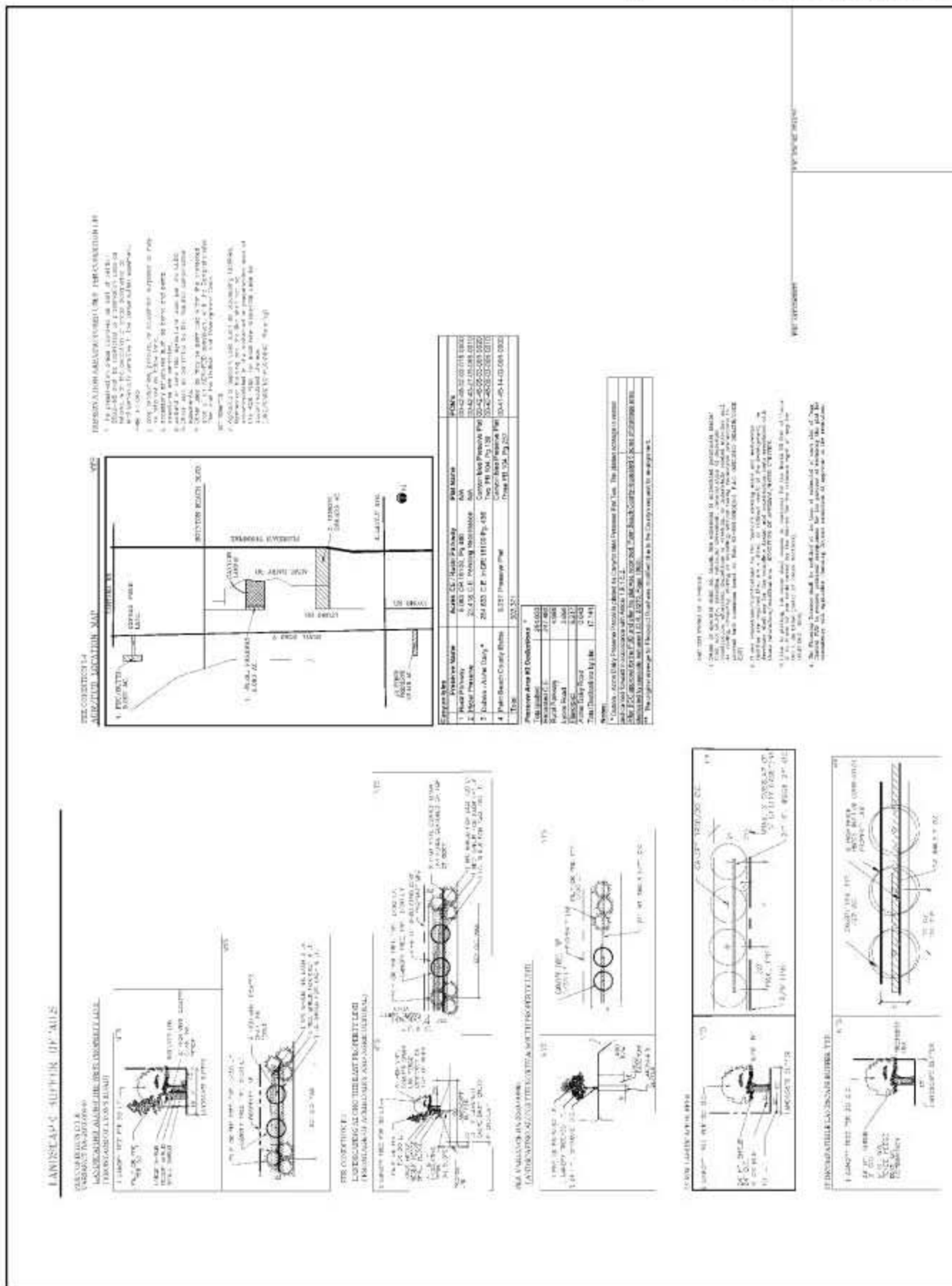


Figure 7 Preliminary Regulating Plan PRP-1 dated April 23, 2012



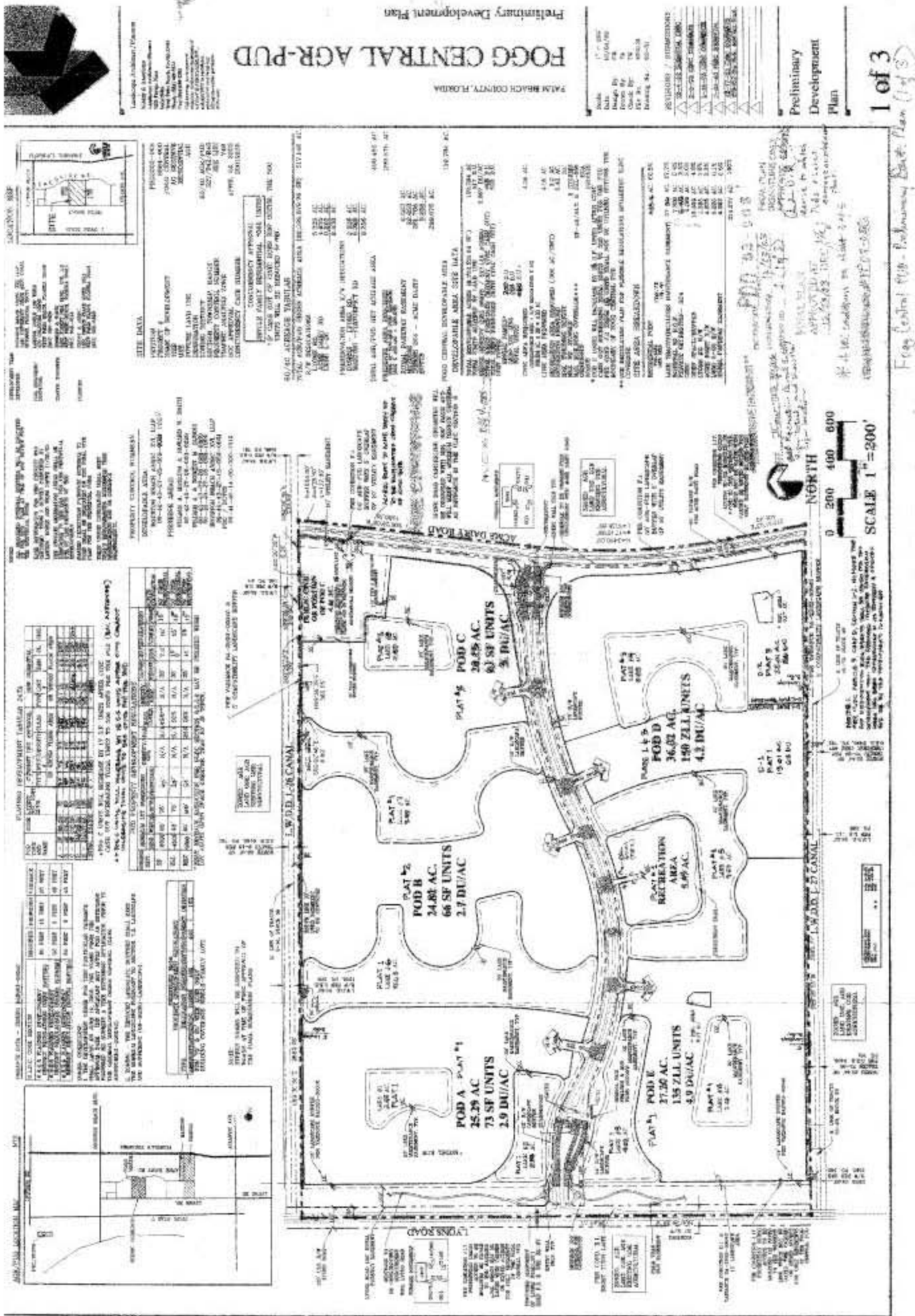


Figure 10 Final Master Plan dated December 23, 2003



Landmarks, Subdivisions, & Other
Notes:
1. All dimensions are in feet.
2. All dimensions are to the centerline of the road.
3. All dimensions are to the centerline of the canal.
4. All dimensions are to the centerline of the easement.
5. All dimensions are to the centerline of the easement.
6. All dimensions are to the centerline of the easement.
7. All dimensions are to the centerline of the easement.
8. All dimensions are to the centerline of the easement.
9. All dimensions are to the centerline of the easement.
10. All dimensions are to the centerline of the easement.

FOGG CENTRAL AGR-PUD

PALM BEACH COUNTY, FLORIDA

Regulating Plan

Scale:
1" = 40'
1" = 80'
1" = 160'
1" = 320'

REVISIONS / DISCUSSIONS
1. 12/23/03
2. 12/23/03
3. 12/23/03
4. 12/23/03
5. 12/23/03
6. 12/23/03
7. 12/23/03
8. 12/23/03
9. 12/23/03
10. 12/23/03

Regulating
Plan

2 of 3

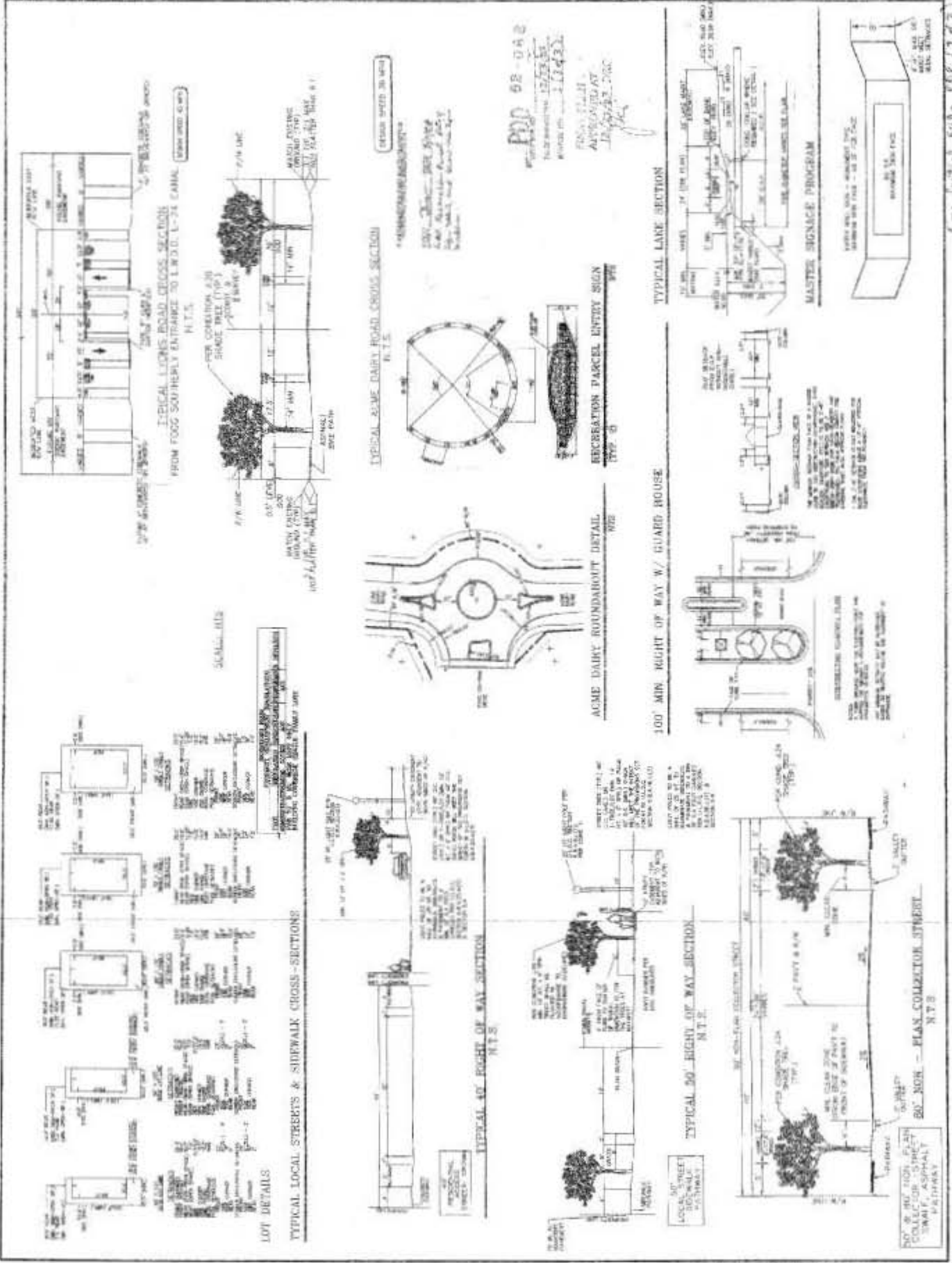


Figure 11 Final Regulating Plan page 2 of 3 dated December 23, 2003



Regulating Plan

REVISED / 60,000,000,000

Regulating
Plan

3 of 3



BCC
Application No. PDD/DOA-2012-00382
Control No. 2002-00068
Project No. 00864-004

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: Agricultural Reserve (AGR)

TIER: Agricultural Reserve

FUTURE ANNEXATION AREAS: The subject site is not located within any future annexation areas.

INTERGOVERNMENTAL COORDINATION: The subject property is not located within one mile of any municipality.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request to delete 23.418 acres of the Mazzoni AGR Preserve area and replace it with 23.418 acres of unencumbered AGR lands known as Hyder Preserve and rezone the 23.418 acres of the Hyder preserve from AGR to AGR-PUD, the reallocation of 9.256 acres of preserve ROW dedications to the Valencia Assemblage Application ZV/PDD/DOA-2012-384, and has determined that this request is consistent with the site's AGR FLU designation.

The subject request has a previous approval per R-2003-565 which contained Planning Conditions of Approval. The request will affect Planning Condition 8.c as follows:

8.c. The condition identifies a timeframe for the recordation of the Conservation Easements. The time frame is being moved from January 1, 2011 to March 1, 2014.

60/40 Development Option

Per Policy 1.5.1-i. the applicant is required to provide a minimum of 60% of preserve area and 40% maximum developable area. The Preserve areas are not required to be contiguous with the development area. The 60/40 breakdown is as follows:

Total acreage: 511.585 acres
Less ROW: 8.430 acres
Net acreage = 503.155 acres

Net acreage x 60%: $503.155 \times 60\% = 301.893$ acres (applicant proposes 303.371 acres or 60%)
Net acreage x 40%: $503.155 \times 40\% = 201.262$ acres (applicant proposes 199.784 acres or 40%)

The following policy is relevant to the 60/40 AGR PUD and reads as follows:

FLUE Policy 1.5.1-i.6. states, "that the preserve area shall consist of, at least, 60 percent of the gross acreage less right-of-way identified in the Thoroughfare Identification Map..."

The policy also states that preserve areas for a 60/40 PUD shall contain a minimum contiguous area of 150 acres; or have a common boundary with other preserve properties whose aggregate total equals at least 150 acres and are contiguous to other preserve parcels or parcels designated Conservation (CON) on the Future Land Use Atlas (33-FLUE). Based on the information submitted by the applicant and our analysis, Planning Staff has determined that the preserve parcels are consistent with this policy.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The subject property is located within the boundaries of the West Boynton Community Plan. The subject request is not inconsistent with the neighborhood plan. The applicant has met with adjacent community associates and the neighborhood group responsible for implementing the Community Plan. Staff has received a copy of two letters in support from Cobblestone Creek and Canyon Isles Homeowner associations that were addressed to COWBRA as well as a letter from COBWRA dated April 20, 2012 (Exhibit F) stating support for the request with no request for conditions.

FINDINGS: The request is consistent with the land use designation of the Palm Beach County Comprehensive Plan and is not inconsistent with the neighborhood plan recommendations.

ENGINEERING COMMENTS:

This application is to swap preserve parcels and to rezone a preserve parcel. No modifications are proposed to the development parcel or previous engineering conditions of approval.

TRAFFIC IMPACTS

There are no improvements to the roadway system required for compliance with the Performance Standards because this request to modify preservation parcels does not have a traffic impact on the surrounding roadway network.

PALM BEACH COUNTY HEALTH DEPARTMENT:

No Staff Review Analysis is needed for this request.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site supports agricultural production.

WELLFIELD PROTECTION ZONE: The property is not located with a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No Staff Review Analysis is needed for this request.

PARKS AND RECREATION: The Parks and Recreation Department has "no comment" on this application addressing preserve areas.

CONCURRENCY: The requests do not create any additional impact on public facilities.

WATER/SEWER PROVIDER: Palm Beach County Water Utilities Department (PBCWUD)

FINDING: The proposed Development Order Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

FINDINGS:

Rezoning Standards:

When considering a Development Order application for rezoning to a Standard Zoning District, the BCC and ZC shall consider standards 1-7 indicated below. In addition the standards indicated in

section 2.B shall also be considered for rezoning to a Standard Zoning District with a Conditional Use, and rezoning to a PDD or TDD with or without a Requested Use or Waiver. An amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.1.B and provides the following assessment:

1. **Consistency with the Plan** - *The proposed amendment is consistent with the Plan.*

The Planning Division has found the rezoning request consistent with the land use designation of the Palm Beach County Comprehensive Plan.

2. **Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The 23.418-acre portion of Hyder Preserve meets Code requirements for an AGR-PUD preserve area. Planning Condition 8.c will ensure the recordation of the Conservation Easement prior to March 1, 2014 (Exhibit C).

3. **Compatibility with Surrounding Uses** - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The Hyder Preserve parcel that is the subject of the rezoning is in agricultural production. The rezoning will not create any incompatibilities.

4. **Effect on Natural Environment** – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

The site supports agricultural production. The rezoning will not have an adverse effect on the natural environment.

5. **Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The site is in the vicinity of active agricultural uses. No changes are proposed as a result of this rezoning.

6. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency.*

The request does not create any additional impact on public facilities.

8. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate the amendment.*

The Mazzonei preserve parcel has been identified by the applicant as a prime location for a future development area. The Mazzonei preserve parcel cannot be deleted from the previously approved Canyon Isles development without first adding an equal area of preserve because all 500 dwelling units have been constructed. The 23.418 acres of Hyder Preserve area meets the requirements of an AGR-PUD Preserve Area. The entire area subject to the Conservation Easement for Canyon Isles preserve area must be rezoned to AGR-PUD as part of the concurrent amendment request to add and delete preserve area.

Staff has evaluated the standards listed under Article 2.B.1.B 1-7 and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, staff is recommending approval of the DOA request. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended conditions of approval as indicated in Exhibit C.

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider standards 1 – 8 indicated below. A Conditional or Requested Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.-2.B and provides the following assessment:

1. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

The Planning Division has found the Development Order Amendment request consistent with the land use designation of the Palm Beach County Comprehensive Plan; and not inconsistent with the neighborhood plan recommendations.

2. **Consistency with the Code** - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

The proposed preserve area to be added to the Canyon Isles development meets the requirements of an AGR-PUD preserve area. The land supports an agriculture row crop use, and is accessible by SR7/US441. The 23.418-acre parcel is adjacent to other existing or projected preservation areas and is contiguous to more than 150 acres of existing preservations areas.

The applicant requests to delete the Mazzoni preserve area, which is an equal exchange of preserve area pursuant to the 60/40 Tabular Data accounting for the platted preserves and right-of-way dedications on the Preliminary Master Plan. The amendment request does not impact the exemplary standards for a the previously approved AGR-PUD. The 500 dwelling units have all been constructed and the information from the previously approved development area is carried forward with this application.

3. **Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

No changes are proposed to the development area, which was previously determined to be compatible with surrounding uses and has been constructed. No incompatibilities are created with the request to delete the Mazzoni preserve area from the master plan and release the Conservation Easement recorded in ORB 18109 PG 436. No incompatibilities are created with the request to add the Hyder Preserve parcel and record a new Conservation Easement for the added land.

4. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The amendment request maintains the original development approval of a minimum of 60 percent of preserve area and a maximum of 40 percent of development area in the Agricultural Reserve Tier. The amendment does not create an adverse impact on adjacent lands within the tier.

5. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

The amendment request maintains the original development approval of a minimum of 60 percent of the preserve area and a maximum of 40 percent of development area in the Agricultural Reserve (AGR) Tier. The amendment does not create an adverse environmental impact on adjacent lands within the tier.

6. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The purpose and intent of a PUD within the AGR Tier allows the development of low density residential development in conjunction with the preservation of agriculture. The development area must be located east of SR7 and must be located to the greatest extent practical to existing, planned, or projected development areas.

The Mazzoni preserve parcel satisfied the requirements of a preserve parcel for the Canyon Isles development and the 500 dwelling units have been constructed.

However, this parcel can also be aggregated with other parcels to meet the requirements of a future AGR-PUD development parcel when combined with parcels formerly associated with the Canyon Lakes (Control No. 2002-067) and Canyon Springs (Control No. 2002-069) developments as the applicant proposes with concurrent applications PDD/DOA-2012-380 and PDD/DOA-2012-383.

The applicant proposes to add 23.418 acres of agricultural production land, which is adjacent to other existing and projected preserve areas located west of SR7; and, delete the Mazzoni parcel that is located east of Acme Dairy Road to be allocated for the development and preserve area for Valencia Assemblage (Control 04-369) in concurrent application ZV/PDD/DOA-2012--384. Thus, both parcels that are the affected area of this amendment request result in a logical, orderly, and timely development pattern.

7. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

The request does not create any additional impact on public facilities.

8. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The Mazzoni preserve area is located east of Acme Dairy Road and has been identified by the applicant as a prime location for a future development area. In this vicinity, a total of 1,500 dwelling units are within the Canyon Lakes, Canyon Isles, and Canyon Springs developments located between Acme Dairy and Lyons Roads. Another 579 units are on the east side of Acme Dairy Road within the Trails at Canyon AGR-PUD (Control No. 2006-550) development. The Lyons West AGR-PUD (Control No. 2005-003) development on the east side of Lyons Road will have 1,043 units.

The addition of 23.418 acres of Hyder Preserve area, which meets the requirements of an AGR-PUD Preserve Area, will allow the Mazzoni preserve parcel to be deleted from the previously approved Canyon Isles development. The deleted land can then be aggregated with additional land as proposed in the concurrent applications to relocate the development area for concurrent application Valencia Assemblage (ZV/PDD/DOA-2012-384) adjacent to the south and east of Canyon Springs.

Staff has evaluated the standards listed under Article 2.B.2.B 1-8 and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, staff is recommending approval of the DOA request. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended conditions of approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C

Development Order Amendment

ALL PETITIONS

1. All Petitions Condition A.1 of Resolution R-2003-565, Control No. 2002-068, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development plan is dated February 18, 2003. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

Is hereby amended to read:

The approved Preliminary Master Plan is dated April 23, 2012. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. Prior to submittal of the Final DRC certification of the preliminary development plan, the plan shall be revised to meet code requirements for the north, south and west buffers or seek variance relief for width reduction of the buffers from the Board of Adjustment. (DRC: ZONING-Zoning) (Previous All Petitions Condition A.2 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED pursuant to BA-2003-040]

3. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2003-565 (Control 2002-068) and Resolution R-2003-944 (Control 2002-068), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane south approach on Lyons Road at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING-Eng) (Previous Engineering Condition E.1 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Projects Entrance Road(s) on Lyons Road and Acme Dairy Road. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng) (Previous Engineering Condition E.2 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

3. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Acme Dairy Road and Lyons Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng) (Previous Engineering Condition E.3 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

4. Prior to June 1, 2004, the property owner shall convey to Palm Beach County Land Development Division by warranty deed for

- a. Lyons Road right of way adjacent to the PUD development area: 110 feet on an alignment approved by the County Engineer;
- b. Lyons Road right of way adjacent to the PUD preservation area: 55 feet on an alignment approved by the County Engineer. This condition does not apply to the Talmo parcel fronting on Lyons Road as this parcel is not part of this petition.
- c. Acme Dairy Road right of way adjacent to or within the PUD development area and preservation area (if applicable): 80 feet on an alignment approved by the County Engineer.
- d. Flavor Pict Road right of way adjacent to or within the PUD preservation area (if applicable): 120 feet on an alignment approved by the County Engineer.
- e. Sufficient right of way to provide for an expanded intersection at Flavor Pict Road and Lyons Road (if applicable).
- f. Sufficient right of way to provide the turnpike crossing on Flavor Pict Road at the Florida Turnpike (if applicable).

All right of way conveyance shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE: MONITORING-Eng) (Previous Engineering Condition E.4 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

5. The Property owner shall construct:

- a. left turn lane north approach on Lyons Road at the Project's Entrance Road;
- b. right turn lane south approach on Lyons Road at the Project's Entrance Road;
- c. 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.
- d. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
- e. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Engineering Condition E.5 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

6. On or before January 1, 2004, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of:

- i. Acme Dairy Road and
- ii. Lyons Road
- iii. Flavor Pict Road (if applicable)

Required drainage limits shall be along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all

permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. Where portions of Acme Dairy Road, Lyons Road, and/or Flavor Pict Road are adjacent to or within the property proposed for preservation area, the property owner shall dedicate sufficient land area or easement area from the preservation area in an amount and location as required and approved by the County Engineer to accommodate the drainage necessary for the ultimate section of these roads. (DATE: MONITORING-Eng) (Previous Engineering Condition E.6 of Resolution R-2003-944, Control No. 2002-068) [NOTE: COMPLETED]

7. Prior to December 1, 2003, the Property owner shall commence the construction plans for Lyons Road as a 2 lane facility (expandable to 4 lanes) from a point 280 feet north of Boynton Beach Boulevard to the project's south property line (development area only/LWDD L-26 canal) plus the appropriate tapers. All canal crossings (culverts) within the project limits shall be constructed from right-of-way line to right-of-way line. All bridges shall be constructed to their ultimate paved configuration. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. Plan costs shall be approved by the County Engineer. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE: MONITORING-Eng) (Previous Engineering Condition E.7 of Resolution R-2003-944, Control No. 2002-068) [NOTE: COMPLETED]

8. a. Prior to June 1, 2004, the property owner shall provide for the acquisition funding costs of the right-of-way and all associated costs for Lyons Road as a 110 foot right of way within the limits referenced in the Condition above. (DATE: MONITORING-Eng) [Note: COMPLETED]
b. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before June 1, 2004. Agreements shall include but not be limited to the condemnation of all necessary right of way, temporary construction easements/embankment easements and drainage easements for the construction of Lyons Road. Notification by the developer shall be given to the Land Development Division. (DATE: MONITORING-Eng) (Previous Engineering Condition E.8 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

9. On or before, December 1, 2003, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Lyons Road as referenced above subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. Notification shall be given to Land Development Division. (DATE: MONITORING-Eng) (Previous Engineering Condition E.9 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

10. Prior to December 1, 2004, the property owner shall commence the construction of Lyons Road as a 2 lane facility (expandable to 4 lanes) from a point 280 feet north of Boynton Beach Boulevard to the project's south property line (development area only/LWDD L-27 canal) plus the appropriate tapers. All canal crossings within the project limits shall be constructed to their ultimate configuration. Included in this construction shall be the following turn lane improvements:

a. dual left turn lanes north approach, dual left turn lane south approach, right turn lane south approach on Lyons Road at Boynton Beach Boulevard.
b. dual left turn lanes east approach, dual left turn lanes west approach on Boynton Beach Boulevard at Lyons Road and receiving lanes including appropriate tapers on Lyons Road on North and South departure sides of intersection. (DATE: MONITORING-Eng) (Previous Engineering Condition E.10 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

11. Prior to June 1, 2004, the Property owner shall complete the construction plans for Acme Dairy Road as a 2 lane facility from Boynton Beach Boulevard to the project's entrance road plus the appropriate tapers. Included in these construction plans shall be a 280 foot left turn lane north approach plus the appropriate paved tapers on Acme Dairy Road at Boynton Beach Boulevard (this turn lane shall only be required to be constructed if the required right of way has been obtained by Palm Beach County at no cost to the property owner) and a round-about at Acme Dairy Road and the projects entrance road. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE: MONITORING-Eng) (Previous Engineering Condition E.11 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

12. Prior to June 1, 2004, the property owner shall provide for the acquisition funding costs of the right-of-way and all associated costs for Acme Dairy Road as an 80 foot right of way within the limits as referenced in the Condition above with the exception of the left turn lane north approach on Acme Dairy Road. Acceptable surety shall be provided to the Office of the County Engineer. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before June 1, 2004. Agreements shall include but not be limited to the condemnation of all necessary right of way, temporary construction easements/embankment easements and drainage easements for the construction of Acme Dairy Road. The property owner shall not be responsible for funding the acquisition of necessary right of way, temporary construction easements/embankment easements and drainage area/easements for the construction of the left turn lane north approach on Acme Dairy Road. Notification by the developer shall be given to the Land Development Division. (DATE: MONITORING-Eng) (Previous Engineering Condition E.12 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

13. On or before September 1, 2004, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Acme Dairy Road as referenced above subject to the approval of the County Engineer. Notification shall be given to Land Development Division. (DATE: MONITORING-Eng) (Previous Engineering Condition E.13 of Resolution R-2003-944, Control No. 2002-068) [NOTE: COMPLETED]

14. Prior to the issuance of the 201st certificate of occupancy the property owner shall complete the construction of Acme Dairy Road as a 2 lane facility from Boynton Beach Boulevard to the project's entrance road plus a round-about at the project's entrance road and the appropriate tapers. All canal crossings within the project limits shall be constructed to their ultimate configuration. Included in this construction shall be the following turn lane improvements at the intersection of Acme Dairy Road and Boynton Beach Boulevard:

- a. left and right turn lane south approach; left turn lane east approach;
- b. left turn lane north approach (this turn lane shall only be required to be constructed if the required right of way has been obtained by Palm Beach County at no cost to the property owner. Failure of the County to obtain the necessary right of way, (inclusive of temporary construction easements, embankment easements, drainage easements, drainage areas, etc.) prior to the letting of the contract for the construction of Acme Dairy Road or September 1, 2005, which shall last occur shall relieve the property owner of having to comply with this condition. (DATE: MONITORING-Eng) (Previous Engineering Condition E.14 of Resolution R-2003-944, Control No. 2002-068) [NOTE: COMPLETED]

15. The Property Owner shall fund a proportionate share of the cost of signal installation as determined by the County Engineer for signal installation if warranted as determined by the County Engineer at:

- i. Boynton Beach Boulevard and Acme Dairy Road
- ii. Lyons Road and the Project's Entrance Road

a. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 24 months of the final

Certificate of Occupancy this property owner shall be relieved of this condition of approval. (ONGOING: ENGINEERING - Eng)

b. Building Permits for more than 200 dwelling units shall not be issued until the developer provides acceptable surety to the County Engineer for the installation of these signals. (BLDG PERMIT: MONITORING-Eng) (Previous Engineering Condition E.15 of Resolution R-2003-565, Control No. 2002-068)

16. The property owner shall fund a proportionate share of the cost of signal modifications as determined by the County Engineer at the intersection Boynton Beach Boulevard and Lyons Road. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. Signal modifications shall also include relocation of mast arms as part of the signal modifications. Funding shall be completed within 60 days after receiving notice from Palm Beach County. (ONGOING: ENGINEERING -Eng) (Previous Engineering Condition E.16 of Resolution R-2003-565, Control No. 2002-068)

17. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a. Building Permits for more than 26 dwelling units shall not be issued until the until construction commences for the widening of Boynton Beach Boulevard as a 4 lane median divided section from Lyons Road to the Florida Turnpike plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

b. Building Permits for more than 241 dwelling units shall not be issued until construction commences for the widening of Lyons Road as a 4 lane median divided section from Boynton Beach Boulevard to Hypoluxo Road plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

c. Building Permits for more than 211 dwelling units shall not be issued until construction commences for the widening of Boynton Beach Boulevard as a 4 lane median divided section from SR 7 to the Lyons Road plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

d. Building Permits for more than 291 dwelling units shall not be issued until construction commences for the construction of Woolbright Road as a 2 lane section from Hagen Ranch Road to Jog Road plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

e. Building Permits for more than 336 dwelling units shall not be issued until construction commences for the widening of Boynton Beach Boulevard as a 6 lane median divided section from Lyons Road to the Florida Turnpike plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

f. No Building Permits for the site may be issued after June 30, 2010. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng) (Previous Engineering Condition E.17 of Resolution R-2003-565, Control No. 2002-068)

18. Prior to October 24, 2003, the property owner shall provide surety for improvements identified in E17b, E17c, E17d, and E17e and E19. Surety shall include the design; right of way acquisition; and the Construction Engineering, Inspection Costs and all construction costs. At any time during the duration of the surety, the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event that such a determination is made Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work. This surety shall then be updated based on certified cost estimate from the Developers Engineer and approved by the County Engineer

prior to the issuance of the Road Construction Permit. (TPS) (DATE: MONITORING-Eng) (Previous Engineering Condition E.18 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

19. a. Prior to January 1, 2007 the Property owner shall commence the construction of Lyons Road as a 4 lane median divided facility from Lantana Road to Hypoluxo Road plus the appropriate tapers. Construction shall include but not be limited to; all right of way acquisition, drainage areas, temporary construction easements, and embankment costs, Construction Engineering, Inspection Construction Engineering, Inspection Costs, all construction costs, and a golf cart crossing for the Sherbrooke PUD. This golf cart crossing shall be subject to the requirement and approval of the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. This construction shall be eligible for Traffic Impact Fee Credit. (DATE: MONITORING-Eng) [NOTE: COMPLETED]

b. No further building permits shall be issued after June 30, 2008 until this construction has been completed. The County Engineer shall have the authority to extend the compliance date(s) in the event it is determined that there has been a government caused delay beyond the reasonable control of the property owner. (DATE/BLDG PERMIT: MONITORING-Eng) (Previous Engineering Condition E.19 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

20. On or before, June 1, 2005, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Lyons Road as a 4 lane median divided facility from Lantana Road to Hypoluxo Road plus the appropriate tapers subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. Notification shall be given to Land Development Division. (DATE/BLDG PERMIT: MONITORING-Eng) (Previous Engineering Condition E.20 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

21. On or before June 1, 2005, the Property owner shall complete the construction plans for Lyons Road as a 4 lane median divided facility from Lantana Road to Hypoluxo Road plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE/BLDG PERMIT: MONITORING-Eng) (Previous Engineering Condition E.21 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

22. Prior to the recordation of the first plat, the petitioner shall include in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying Lyons Road as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number of lanes for the road(s). Information which appears in written form shall appear in bold print. (PLAT: ENG) [NOTE: COMPLETED]

a. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before December 1, 2004, and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (DATE: MONITORING-Eng)

b. The subject property shall be appropriately signed by the developer prior to the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (BLDG PERMIT: MONITORING - Eng) (Previous Engineering Condition E.22 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

ENVIRONMENTAL

1. Environmental Condition B.1 of Resolution R-2003-565, Control No. 2002-068, which currently states:

An Exotic Removal Management Plan, covering the Mazzone and Dubois conservation parcels associated with the Fogg Central PUD, shall be approved by ERM prior to final DRC site plan approval. (DRC: ERM-ERM)

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO), an Exotic Removal Management Plan, covering the conservation parcels associated with this Development Order, shall be approved by ERM. (DRO: ERM-ERM)

2. Environmental Condition B.2 of Resolution R-2003-565, Control No. 2002-068, which currently states:

All Restricted Covenant Agreements and Conservation Easements for the Mazzone and Dubois conservation parcels associated with the Fogg Central PUD, shall be submitted to ERM for review and approval prior to recordation.

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO), all Restricted Covenant Agreements and Conservation Easements for the conservation parcels associated with this Development Order, shall be submitted to ERM for review and approval. (DRO: ERM-ERM)

LANDSCAPE - GENERAL

1. Fifty (50) percent of all perimeter canopy trees required to be planted on the site by this approval shall meet the following minimum standards at installation:

- a. tree height: fourteen (14) feet
- b. trunk diameter: 3.5 inches measured 4.5 feet above grade;
- c. canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Landscaping Standard Condition C.1 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

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

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Landscape-Standard Condition C.2 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
- b. twenty-four (24) to thirty-six (36) inches - medium shrub;
- c. forty-eight (48) to seventy-two (72) inches - large shrub; and,
- d. this condition does not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall. (CO: LANDSCAPE - Zoning) (Previous Landscape-Standard Condition C.3 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning) (Previous Landscape-Standard Condition C.4 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning) (Previous Landscape-Standard Condition C.5 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

6. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning) (Previous Landscape-Standard Condition C.6 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING SCENIC CORRIDOR/FRONTAGE OF LYONS ROAD)

7. Landscaping and buffering along the west property line shall be upgraded to include:
- one (1) canopy tree planted for each thirty (30) linear feet of the property line;
 - one (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet on center between clusters;
 - one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition D.1 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING FRONTAGE OF ACME DAIRY ROAD)

8. Landscaping and buffering along the east property line shall be upgraded to include:
- a minimum fifty (50) foot wide landscape buffer strip and with a maximum easement encroachment of five (5) feet;
 - a minimum four (4) to six (6) foot undulating berm, with an average minimum height of five (5) feet, measured from the top of the curb on the south, east and west property lines;
 - one (1) canopy tree planted for each thirty (30) linear feet of the property line;
 - one (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet on center between clusters;
 - one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition F.1 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

LAKE WORTH DRAINAGE DISTRICT

1. Fogg Property Central - Prior to platting, the owner shall convey an easement for the North 30 feet of Tracts 9-16 Block 59 less lands owned by the District for the ultimate right-of-way for the L-26 Canal (based on cross sections). (PLAT: ENG - LWDD) (Previous LWDD Condition G.1 of Resolution R-2003-565, Control No. 2002-068)

2. Dubois 264/Acme Dairy Preserve - Prior to platting, the owner shall convey an easement for the North 40 feet of Tracts 67-80 Block 63 less lands owned by the District for the ultimate right-of-way for the L-29 Canal (based on cross sections) along with the South 60 feet of Tracts 113-120, Block 63 less lands owned by the District for the required right-of-way for the L-30 Canal. (PLAT: ENG - LWDD) (Previous LWDD Condition G.2 of Resolution R-2003-565, Control No. 2002-068)

3. Mazzoni Preserve Central - Prior to platting, the owner shall convey an easement for the South 10 feet of Tracts 57-63 Block 63 required right-of-way for the L-29 Canal (based on cross sections). (PLAT: ENG - LWDD) (Previous LWDD Condition G.3 of Resolution R-2003-565, Control No. 2002-068)

PALM TRAN

1. Prior to the issuance of the first building permit, the petitioner shall convey to Palm Beach County an easement, recorded as a separate instrument, adjacent to the development area of this petition along Lyons Road for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran. The location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran prior to the recordation of the documents. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. The location of the easement shall be shown on the final site plan or Preliminary Development Plan prior to the final approval of the DRC. (DRC/BLDG PERMIT: MONITORING - Palm Tran) (Previous Mass Transit Condition H.1 of Resolution R-2003-565, Control 2002-068) [NOTE: COMPLETED]

PLANNED DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng) (Previous Planned Unit Development Condition I.1 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

2. Street trees shall be required within the street tracts or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:

- a. along one side of all internal PUD streets, forty (40) feet in width or greater;
- b. along both sides of all internal PUD streets, fifty (50) feet in width or greater;
- c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. To the extent permitted by Palm Beach County Water Utilities and County Engineering, street trees shall be placed on the side of the street adjacent to the sidewalk to provide shade to pedestrians. (DRC: ZONING / ENG - Zoning / Land Dev.) (Previous Planned Unit Development Condition I.2 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

3. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show a focal point at the terminus of each residential access street, cul-de-sac, or nonresidential access way as shown on the Conceptual Site Plan dated February 18, 2003. The focal point shall be in the form of a plaza, landscaping, benches, fountain, arcade or similar pedestrian oriented public areas acceptable to the Zoning Division. (DRC: ZONING - Zoning) (Previous Planned Unit Development Condition I.3 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

4. Recreation uses shall be provided, and shall be located on a minimum of 0.1 acre as shown on the Conceptual Site Plan dated February 18, 2003. Such recreation uses shall have a direct connection to the pedestrian system on the property and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Departments minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC / PLAT: ZONING - Zoning) (Previous Planned Unit Development Condition I.4 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

5. Drainage easements shall not be permitted in the rear yards of back-to-back units. (DRC: ZONING - Zoning) (Previous Planned Unit Development Condition I.5 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

6. Zero-lot line lots (units) with a side yard that abuts the rear yard of two (2) or more lots (units) shall be restricted to one (1) story in height. (DRC: ZONING / BLDG - Zoning) (Previous Planned Unit Development Condition I.6 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

7. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional

units are added to the PUD. (PLAT: ENG / COUNTY ATTY - Zoning) (Previous Planned Unit Development Condition I.7 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

8. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of agricultural use in the vicinity of the development. The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 2004 and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (ONGOING: MONITORING - Zoning) (Previous Planned Unit Development Condition I.8 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

9. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents. (ONGOING: MONITORING - Zoning) (Previous Planned Unit Development Condition I.9 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

10. No side interior, rear or street setback reductions (structure, pool/spa and or screen enclosure) shall be permitted except when abutting open space as allowed in Section 6.5.G.6., Section 6.6.A.9.b.(2)., and Section 6.6.A.10.b.(2). of the ULDC. (DRC/BLDG. PERMIT: BLDG/ZONING - Zoning) (Previous Planned Unit Development Condition I.10 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

11. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying potential homeowners of the County's plan to build a District Park with ballfields/lights and other associated park amenities adjacent to the Fogg Development. The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 2004 and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (ONGOING: MONITORING - PREM) (Previous Planned Unit Development Condition I.11 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

PLANNING

1. Prior to initial certification of the Preliminary Development Plan (PDP) by the Development Review Committee, all tabular data on required documents (site/master plans, preliminary development plans, etc.) shall be updated/revised to reflect the most current acreage totals per surveys submitted on the following dates: Fogg Central PUD Developable area (2/6/03), Lyons Road Rural Parkway Easement (2/18/03), all other Preserve parcels (2/6/03), and Land Use Justification correspondence from Kilday and Associates dated (2/6/03). (DRC: ZONING-PLANNING-Planning) (Previous Planning Condition J.1 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

2. The PUD shall be limited to a maximum of 500 dwelling units provided 60/40 requirements are met. Prior to final Preliminary Development Plan Certification by the Development Review Committee (DRC), the applicant shall provide a notation on the Preliminary Development Plan indicating that the balance of unused units (17) units shall not be utilized outside the boundary of the Fogg Central PUD site as identified in Petition No. 2002-068. (DRC: PLANNING-Planning) (Previous Planning Condition J.2 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

3. Prior to final certification of the Preliminary Development Plan (PDP) by the Development Review Committee (DRC), the Palm Beach County Planning Division shall include notations on the future land use atlas identifying the respective parcels as either a buildable developable area or preserve area and coordinate with the PZ&B Graphics Division to ensure that the zoning maps also reflect the proper designations. (DRC: PLANNING-Planning) (Previous Planning Condition J.3 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

4. Prior to final certification of the Preliminary Development Plan (PDP) by the Development Review Committee (DRC), the applicant shall amend the location map on the PDP so as to include

the locations of the preservation areas. The applicant shall also provide a regulating plan indicating the location, access, acreage and permitted uses within the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code (ULDC). (DRC: PLANNING - Planning) (Previous Planning Condition J.4 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED; see PMP sheet 2 of 2]

5. Prior to final certification of the Preliminary Development Plan (PDP) by the Development Review Committee (DRC), the applicant shall provide a 100' Lyons Road Rural Parkway Sketch for the eastern portion with cross section details, to include cross section details for the Lake Worth Drainage District (LWDD) L-26 and L-27 canal crossing sections, to the width specified below for the canals. A cross section detail from the Fogg Central-Dubois/Acme Dairy Preserve parcel north over the L-29 canal to the Talmo owned parcel shall also be provided. The cross section for the bridge crossings over the Lake Worth Drainage District canals stated above must show a minimum of 40 feet of easement width. All of these items shall be subject to approval by the Planning Division and Engineering Department. (DRC:PLANNING/ENGINEERING-Planning) (Previous Planning Condition J.5 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

6. Prior to or concurrent with the plat for the Fogg Central PUD, the conservation easement for the 100 foot wide Lyons Road Rural Parkway Preserve Area shall be recorded, as approved by the County Attorney's Office, the Engineering Department, and the Planning Division.

a. The conservation easement for the 100 foot wide Lyons Road Rural Parkway Preserve Area shall contain:

i. A Rural Parkway Conceptual Landscape Plan that conforms with the preliminary Rural Parkway Conceptual Landscape Plan received by the Planning Division on March 18, 2003, previously presented to Planning Staff, to include but not be limited to the following items:

ii. Flowering trees;

iii. Undulating berms, no taller than five feet and landscaped with native vegetation; and

iv. Benches/ pedestrian gathering area with a water fountain as previously depicted. One pedestrian gathering area shall be provided within the 100' Lyons Road Rural Parkway along this projects frontage.

v. The amount of landscape material in the Dubois/Acme Dairy Preserve parcel portion of the Lyons Road Rural Parkway may contain a reduced amount of landscaped material, subject to approval by the Planning Division.

b. The Rural Parkway easement shall not include:

i. Walls;

ii. No structures shall be allowed in the Rural Parkway Easement with the exception of a bus shelter, benches /pedestrian gathering area, and a water fountain;

c. The Rural Parkway easement may include:

i. A ten (10) foot utility easement located adjacent to the Lyons Road right-of-way and a bus easement;

ii. Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Lyons Road Rural Parkway Easement to place drainage/utilities in the developable portion of the PUD. (DRC: PLANNING-Planning)

iii. Other drainage easements may be permitted in the Rural Parkway Easement for the purposes of draining the Rural Parkway subject to approval by the County Engineering Department and the Planning Division.

d. Prior to December 31st, 2003, the petitioner shall submit to the Planning Division, a maintenance agreement for continual maintenance of the Rural Parkway that will contain language allowing for the transfer of maintenance to the Homeowners Association or; a deed to the County for the County's ownership and maintenance. (DATE: MONITORING/PLANNING-Planning) [NOTE: COMPLETED]

e. Prior to December 31st, 2003, Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. (DATE: MONITORING/PLANNING-Planning) (Previous Planning Condition J.6.a-e of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

f. Should the 100 foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and Planning Division, prior to March 1st, 2008, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (DATE: MONITORING/PLANNING-Planning) (Previous Planning Condition J.6.f of Resolution R-2003-944, Control No. 2002-068) [NOTE: COMPLETED]

7. Prior to the 200th building permit, the property owner shall commence the construction of the Rural Parkway through the Rural Parkway easements consistent with the Staff approved Rural Parkway Sketch and Landscape Plan for the L-26 and L-27 Canals, and north across the L-29 Canal (from the Dubois/Acme Dairy Preserve parcel north to the Talmo owned parcel), to include 40 foot bridge canal crossings, subject to Lake Worth Drainage District approval. (BLDG PERMIT: MONITORING-Planning-Eng) (Previous Planning Condition J.7 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

8. Prior to or concurrent with the plat for the Fogg Central PUD, the conservation easement for the Mazzoni, Dubois/Acme Dairy, and Butts Preserve parcels shall be recorded, as approved by the County Attorney's Office and the Department of Environmental Resources Management.

a. The conservation easements for all of these preserve parcels shall contain:

- i. a legal description, site location, and a sketch including the area subject to the easement;
- ii. a list of permitted, not permitted uses, and prohibited activity.

b. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. (Previous Planning Condition J.8.a-b of Resolution R-2003-565, Control No. 2002-068)

Planning Condition J.8.c of Resolution R-2003-944, Control No. 2002-068, which currently states:

c. Should conservation easements not be placed on these properties in a form acceptable to the County Attorney prior to March 1st, 2008, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (PLAT/DATE: MONITORING/PLANNING-Planning)

Is hereby amended to read:

c. The agricultural conservation easement, with associated title commitments, for each added or amended preserve parcel shall be recorded prior to March 1, 2014, as approved by the County Attorney, Planning Division and the Department of Environmental Resources Management. Should the conservation easements not be placed on these properties in a form acceptable to the County Attorney prior to March 1, 2014, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners. (DATE: MONITORING-Planning/ERM/CoAttny)

9. Planning Condition J.9 of Resolution R-2003-565, Control No. 2002-068, which currently states;

Prior to certification by the Development Review Committee of the Preliminary Development Plan for the developable area, a management plan for all of the preservation parcels with the exception of the 100' Lyons Road Rural Parkway Easement preserve parcel shall be submitted. The management plan shall contain a legal description and sketch of the parcel, an inventory of existing uses and environmental assets on the site, and a plan for exotic removal and maintenance. (DRC:PLANNING-Planning)

Is hereby amended to read:

Prior to approval by the Development Review Officer of the Final Master Plan for the developable area, a management plan for each added or amended preserve parcel, with the exception of the 100 foot wide Lyons Road Rural Parkway Easement preserve parcel, shall be submitted. The management plan shall contain a legal description and sketch of the parcel, an inventory of existing

uses and environmental assets on the site, and a plan for exotic removal and maintenance. (DRO: PLANNING-Planning)

10. Planning Condition J.10 of Resolution R-2003-565, Control No. 2002-068, which currently states:

Prior to final Preliminary Development Plan certification by the Development Review Committee (DRC), the developer shall add a "Preservation Area/Proposed Uses" notes section on page 2 of the Preliminary Development Plan and include the following:

a. The preservation areas approved as part of Petition 2002-068 shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement:

PERMITTED USES

- i. crop production, pasture, or equestrian purposes or may be retained as fallow land;
- ii. accessory structures such as barns and pump structures are permitted;
- iii. wetland or bona fide agricultural uses per the ULDC;
- iv. Other uses as permitted by the required conservation easements;
- v. Other uses as may be permitted within the protected area of an AGR-PDD consistent with the Comprehensive Plan and the Unified Land Development Code,;

NOT PERMITTED

vi. Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses be accommodated thereon. (DRC/ONGOING: PLANNING-Planning)

Is hereby deleted. [REASON: Replaced by Condition of Approval Planning 21.]

11. Planning Condition J.11 of Resolution R-2003-565, Control No. 2002-068, which currently states:

Prior to recordation of a plat for the Fogg Central Development parcel, the applicant is responsible for the recordation of boundary plats for all of the Preserve parcels, and include on said boundary plats, language limiting these parcels to Agricultural Reserve preservation uses as permitted by the Comprehensive Plan Objective 1.5 and Policies hereunder of the Future Land Use Element. (PLAT:MONITORING-Planning)

Is hereby deleted. [REASON: No longer applicable.]

12. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Mazzoni Preserve parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel total a combined acreage of 28.981 acres. (TC: ENG/PLANNING-CTY ATTY-Planning) (Previous Planning Condition J.12 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

13. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Butts Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel total a combined acreage of 9.256 acres. (TC: ENG/PLANNING-CTY ATTY-Planning) (Previous Planning Condition J.13 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

14. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Dubois Preserve parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to

achieve the configuration of this preservation parcel total a combined acreage of 264.632 acres. (TC: ENG/PLANNING-CTY ATTY-Planning) (Previous Planning Condition J.14 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

15. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the 100 foot-wide Lyons Road Rural Parkway Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel total a combined acreage of 6.063 acres. (TC: ENG/PLANNING-CTY ATTY-Planning) (Previous Planning Condition J.15 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

16. Prior to or concurrent with recordation of the plat for the developable area as identified in Petition No. 2002-068, for all of the Preserve parcels, the applicant shall either: 1) dedicate these lands to Palm Beach County; 2) record a restrictive covenant in a form acceptable to the Palm Beach County Attorney for these subject parcels; or 3) subject these parcels to a conservation easement, limiting these sites to Agricultural Reserve preserve areas in accordance with the Agricultural Reserve preserve provisions of the Comprehensive Plan. (PLAT: PLANNING-Planning) (Previous Planning Condition J.16 of Resolution R-2003-565, Control No. 2002-068)

17. Prior to Preliminary Development Plan final certification by the Development Review Committee (DRC), the Preliminary Development Plan shall be amended to include a notation from at least one cul-de-sac or dead end street location on the western and eastern edges of the Fogg Central development area site, in addition to the entrance road location, that will allow pedestrian access from the Developable area to the Lyons Road Rural Parkway. The notation(s) shall read "pedestrian cross access to be mulched or paved to the western property line, which may be gated with carded or keyed access for only residents of the Fogg Central PUD." (DRC: PLANNING-Planning) (Previous Planning Condition J.17 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

18. Prior to the issuance of a certificate of occupancy for any unit within the pod where the pedestrian cross access point is located, the petitioner shall mulch or pave pedestrian cross access point(s) to the edge of the western property line to the Rural Parkway easement at the location shown on the final certified Preliminary Development Plan that will read "pedestrian cross access to be mulched or paved to the western property line, which may be gated card access for only residents of the Fogg Central PUD." (CO: MONITORING-Planning) (Previous Planning Condition J.18 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

19. Prior to the issuance of the certificate of occupancy for the primary recreation building on the 5.08 acre recreation site, the petitioner shall mulch or pave the pedestrian trail shown fronting the recreation area on the certified PDP dated February 6, 2003. In addition, at least one (1) bench shall be placed at this location. (CO: MONITORING-Planning) (Previous Planning Condition J.19 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

20. Prior to final site plan certification by the Development Review Committee (DRC), in order to comply with Recommendation 35 from the West Boynton Area Community Plan, for the Fogg Central Development area, the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks (to the extent permitted by the County Engineer and the Palm Beach County Water Utilities Department) for pedestrian circulation for all internal sidewalks shown in this project and for the entire length of the sidewalk fronting Acme Dairy Road. (DRC: PLANNING) (Previous Planning Condition J.20 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

21. Prior to Final Master Plan approval by the Development Review Officer (DRO), the developer shall add a "Preservation Area/Proposed Uses" notes section on the Master Plan and ensure the same language is contained within in the Conservation Easement to include the following:

The purpose of the preserve area(s) are to support, preserve and perpetuate bona fide agricultural and open space uses of the Property, and to preserve any environmentally significant upland or wetland habitats located on the Property.

1. Permitted Uses. Grantor may use the Property for:

- a. Crop production, pasture, equestrian activities, wholesale or retail nursery operation or fallow land;
- b. Construction and maintenance of structures essential to the uses listed in subsection 1a., above, such as barns, stables, pumps, and pump houses, but specifically excluding agricultural support structures such as processing facilities, which are prohibited;
- c. Maintenance and occupation of security, caretaker, farm worker or grooms quarters, or other residential structure provided that the quarters or structure is used solely for one of the purposes listed under Table 3.E.1 B-10 of the Code, any applicable special permit is obtained for such use, and requisite density exists on the Property for such use;
- d. A Water Preserve Area if designated by the South Florida Water Management District ("SFWMD"), or for regional water management purposes as certified by either Lake Worth Drainage District or SFWMD, or for water management purposes not directly related to the Project if approved by the Palm Beach County Department of Environmental Resources Management ("ERM") and managed for environmental resource values;
- e. Wetland restoration and maintenance, or bona fide agriculture as defined by the Code; and
- f. Those other activities authorized within a Preservation Area under Table 3.E.1. B-10 of the Code and consistent with applicable provisions of the Comp Plan.

2. Prohibited Uses.

Any use of or on the Property that is not specifically listed or included in Section 1, above, or that is inconsistent with agricultural, environmentally significant uplands or wetlands, or open space preservation is prohibited. (DRO/ONGOING: PLANNING-Planning)

SCHOOL BOARD

1. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. 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, waste container, and bicycle rack. Bus shelters shall be the maintenance responsibility of the residential property owner. (CO: MONITORING-Eng.)(Previous School Board Condition K.1 of Resolution R-2003-565, Control No. 2002-068)

[NOTE: COMPLETED]

2. 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 HOME BUYERS/TENANTS"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD-SCHOOL BOARD) (Previous School Board Condition K.2 of Resolution R-2003-565, Control No. 2002-068) [NOTE: COMPLETED]

COMPLIANCE

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

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

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

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

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF BROWARD

BEFORE ME, the undersigned authority, this day personally appeared N. Maria Menendez, hereinafter referred to as "Affiant," as a Vice President of Boynton Beach XXIV Corporation, a Florida corporation, the general partner of Boynton Beach Associates XXIV, LLLP, a Florida limited liability limited partnership, who being by me first duly sworn, under oath, deposes and states as follows:

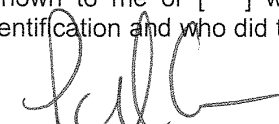
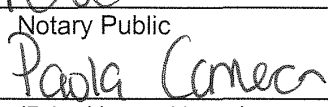
1. Affiant is a Vice President of Boynton Beach XXIV Corporation, a Florida corporation, the general partner of Boynton Beach Associates XXIV, LLLP, a Florida limited liability limited partnership, which partnership holds the fee simple ownership interest in the real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.


 N. Maria Menendez, as a Vice President of Boynton Beach XXIV Corporation, a Florida corporation, the general partner of Boynton Beach Associates XXIV, LLLP, a Florida limited liability limited partnership

The foregoing instrument was acknowledged before me this 14 day of February, 2012, by N. Maria Menendez, as a Vice President of Boynton Beach XXIV Corporation, a Florida corporation, the general partner of Boynton Beach Associates XXIV, LLLP, a Florida limited liability limited partnership, [X] who is personally known to me or [] who has produced _____ as identification and who did take an oath.


 Notary Public

 (Print Notary Name)

NOTARY PUBLIC
 State of Florida at Large
 My Commission Expires: _____



EXHIBIT "A"

PROPERTY

LEGAL DESCRIPTION: CANYON ISLES PRESERVE NO. 2

BEING A PORTION OF TRACTS 25 THROUGH 33 AND TRACTS 40 THROUGH 48, BLOCK 69, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF SAID TRACT 48 AND THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 AS SHOWN ON THAT RIGHT-OF-WAY MAP PREPARED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION, SECTION NO. 93210-2515 AND ACCORDING TO THAT ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 10622, PAGE 830, SAID PUBLIC RECORDS; THENCE NORTH 01°28'29" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 357.56 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°34'36" WEST ALONG A LINE 357.50 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 40 THROUGH 48, A DISTANCE OF 3135.50 FEET; THENCE NORTH 00°22'42" WEST A DISTANCE OF 325.66 FEET; THENCE NORTH 89°34'36" EAST ALONG A LINE 683.15 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 40 THROUGH 48, A DISTANCE OF 3129.27 FEET; THENCE SOUTH 01°28'29" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7, A DISTANCE OF 325.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 23.418 ACRES MORE OR LESS.

EXHIBIT "B"**DISCLOSURE OF OWNERSHIP INTERESTS IN PROPERTY**

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

2. Maya Ezratti-Rosenblum, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

3. Misha Ezratti, individually and/or through trusts for his interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

4. Maxie Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

5. AmFin Financial Corporation (f/k/a AmTrust Financial Corporation) having an address of 25700 Science Park Drive, Landmark Center, Suite 365, Beachwood, Ohio 44122, a debtor under Bankruptcy Case No. 09-21323 pending in the United States Bankruptcy Court for the Northern District of Ohio, through its wholly owned subsidiary, Amtrust Real Estate Investments, Inc.

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

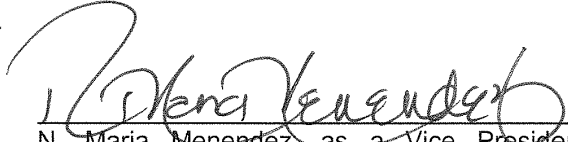
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared N. Maria Menendez, hereinafter referred to as "Affiant," as a Vice President of G.L. Homes of Palm Beach Corporation, a Florida corporation, the general partner of G.L. Homes of Palm Beach Associates, Ltd., a Florida limited partnership, who being by me first duly sworn, under oath, deposes and states as follows:

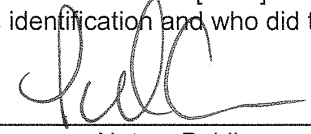
1. Affiant is a Vice President of G.L. Homes of Palm Beach Corporation, a Florida corporation, the general partner of G.L. Homes of Palm Beach Associates, Ltd., a Florida limited partnership, which partnership holds the fee simple ownership interest in the real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

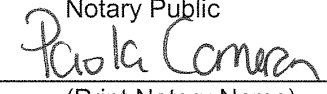
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.


N. Maria Menendez, as a Vice President of G.L. Homes of Palm Beach Corporation, a Florida corporation, the general partner of G.L. Homes of Palm Beach Associates, Ltd., a Florida limited partnership

The foregoing instrument was acknowledged before me this 14 day of February, 2012, by N. Maria Menendez, as a Vice President of G.L. Homes of Palm Beach Corporation, a Florida corporation, the general partner of G.L. Homes of Palm Beach Associates, Ltd., a Florida limited partnership, [X] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Notary Public


(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____



EXHIBIT "A"

PROPERTY

Portion of Canyon Isles Preserve Plat 1, recorded in Plat Book 104, Page 139 of the Public Records of Palm Beach County, Florida

EXHIBIT "B"**DISCLOSURE OF OWNERSHIP INTERESTS IN PROPERTY**

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

2. Maya Ezratti-Rosenblum, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

3. Misha Ezratti, individually and/or through trusts for his interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

4. Maxie Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

EXHIBIT E: Partial Release of Conservation Easement (23.418 acres)

Prepared by and Return to:

GrayRobinson, P.A.
Attn: Michael S. Sheitelman, Esq.
401 East Las Olas Boulevard, Suite 1850
Fort Lauderdale, Florida 33301

(Space Reserved for Clerk of Court)

PARTIAL RELEASE OF CONSERVATION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, _____ (the "Grantor"), granted and conveyed to and in favor of PALM BEACH COUNTY, a political subdivision of the State of Florida (the "County"), and LAKE WORTH DRAINAGE DISTRICT, a special taxing district existing under the laws of the State of Florida ("LWDD"), that certain Conservation Easement recorded in Official Records Book 18109, Page 436 of the Public Records of Palm Beach County, Florida (the "Conservation Easement"); and

WHEREAS, the Conservation Easement encumbers, among other real property, that certain real property more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Partial Release Property"); and

WHEREAS, the Grantor, the County and LWDD seek to release the Partial Release Property from the Conservation Easement and all of the terms, covenants and conditions thereof.

NOW, THEREFORE, the Grantor, the County and LWDD hereby forever free, release, exonerate and discharge the Partial Release Property from the Conservation Easement and all of the terms, covenants and conditions thereof and, from and after the date this instrument is recorded in the Public Records of Palm Beach County, Florida, the Conservation Easement shall no longer encumber or affect the Partial Release Property in any manner or respect whatsoever, provided, however, that nothing herein contained shall in anyway release, amend or modify the Conservation Easement or any term, covenant or condition thereof with respect to the remaining portion of the property encumbered thereby not released hereby.

This Partial Release of Conservation Easement may be executed in multiple counterparts, each of which individually shall be deemed an original, but when taken together shall be deemed to be one and the same instrument.

[signatures and notary acknowledgments follow on next page]

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound, have executed this Partial Release of Conservation Easement as of the ____ day of _____, 20____.

WITNESSES:

GRANTOR:

_____,
a Florida limited liability partnership

By: _____,
a Florida corporation, its general partner

Print Name:_____

By: _____
Name: _____
Title: _____

Print Name:_____

STATE OF FLORIDA
COUNTY OF BROWARD

Before me, the undersigned authority on this _____ day of _____, 20____, personally appeared _____, as a vice-president of _____, a Florida corporation, the general partner of _____, on behalf of said corporation and partnership. He/She is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

NOTARY SEAL:

Notary Public

Print Notary Name

My Commission Expires:_____

[signatures continue on next page]

THE COUNTY:

Palm Beach County, a political subdivision
of the State of Florida, by its Board of
County Commissioners

CLERK

By: _____
Deputy Clerk

By: _____
Name: _____
Title: _____

Approved As To Form And To Legal Conditions

By: _____
County Attorney

[signatures continue on next page]

WITNESSES:

LWDD:

Lake Worth Drainage District, a special
taxing district existing under the laws of the
State of Florida

Print Name: _____

By: _____
Name: _____
Title: _____

Print Name: _____

Attest: _____
Name: _____
Title: _____

EXHIBIT "A"

The Partial Release Property

COBWRA
COALITION OF BOYNTON WEST
RESIDENTIAL ASSOCIATIONS
• P.O. BOX 740814, BOYNTON BEACH, FL 33474-0814 •
• SERVING WEST BOYNTON SINCE 1981 •
FAX: (561) 732-0982 • E-MAIL: cobwra@cobwra.org
www.cobwra.org • <https://www.facebook.com/COBWRA>

April 20, 2012

Mr. Kevin Ratterree
GL Homes, Suite 400
1600 Sawgrass Corporate Parkway
Sunrise, FL 33323

Dear Kevin:

Regarding:

- (1) Amestoy DOA, Control No: 2005-0162; Application No: DOA-2012-00379
- (2) Canyon Lakes DOA, Control No: 2002-0067; Application No: DOA/PDD 2012-00380
- (3) Canyon Isles DOA, Control No: 2002-0068; Application No: DOA/PDD-2012-00382
- (4) Canyon Springs DOA, Control No: 2001-0069; Application No: DOA/PDD-2012-0383
- (5) Valencia Assemblage DOA, Control No: 2004-0369; Application No: ZV/DOA02012-00384
- (6) Amestoy Rezoning (Charter School), Control No: 2012-0090; Application No: Z-2012-00385
- (7) Gray Rezoning, Control No: 2012-0147; Application No: Z-2012-0622
- (8) Charter School – Conditional Use (Class A), Control No: 2012-0090; Application No: CA-2012-0389

This is my last official act as President of COBWRA, courtesy of President Stuart Caine.

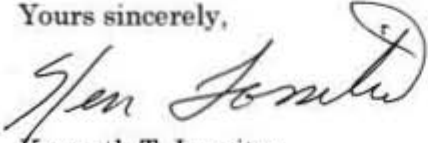
At the COBWRA Delegates meeting on April 18, 2012, the Delegates voted overwhelmingly with only 3 Nay votes to recommend approval of all 8 requests as presented with no conditions.

Thank you for explaining the proposals to the Delegates. I am certain the presentation helped many to understand the concepts better. COBWRA deeply appreciates GL Homes taking the lead to come forward with this scenario and for making an unrestricted site available for the Charter Schools.

• AMERIKEN • ALDEN RIDGE • ANGLON ESTATES • BAYVIEW SPRINGS • BAY ESTATES • BELLADUCCI • BELLA VERDE • BENT TREE GARDENS WEST • BENT TREE VILLAS EAST • BENT TREE VILLAS WEST • BILTMORE TERRACE • BOYNTON OASIS • BOYNTON WATERS • BRIGHTON LAKES • CANYON ISLES • CANYON LAKES • CASCADE LAKES • COBBLESTONE CREEK • COGODA PINE ESTATES • COLONIAL ESTATES • CORAL LAKES • CORONADO ESTATES • COUNTRY FAIR • COUNTRY GREENS • CYPRESS CREEK • DELUNY DUNES • FAIRMONT PLACE • GRANDE PALMS • GREEN CAY VILLAGE • GREENTREE VILLAS • GROVE ISLE • HAMPTON LAKES • INDIAN SPRING • JAMAICA BAY • JOURNEY'S END • LAKE CHARLESTON • LAKERIDGE AT WESTCHESTER • LAKERIDGE FALLS • LAKERIDGE GREENS • LAKES OF WESTCHESTER • LANTERN KEY • LE CHALET • LEXINGTON LAKES • LIMETREE • MADISON LAKES • MAJESTIC ISLES • MELROSE PARK • MINNIE LAKES • MIDNER FALLS • NORTHPOINTE AT WESTCHESTER • NORTHTREE • OAKWOOD LAKES • PALLADIUM • PALM CHASE • PALM CHASE LAKES • PALM ISLES • PALM ISLES WEST • PALM SHORES AT GABLES END • PINE TREE COUNTRY CLUB ESTATES • PINE TREE VILLAGE • PIPERS GLEN ESTATES • PLATINA • PONTE VECCHIO • PONTE VECCHIO WEST • PRESTWICK • QUAL RIDGE • RAINBOW LAKES • RIVERMILL • ROYAL LAKES • SAN MARCO AT WESTCHESTER • SANDHURST • SAVANNAH ESTATES • STARLIGHT COVE • SUN VALLEY • SUN VALLEY EAST • TARA ESTATES • THE CASCADES • THE CLUB AT INDIAN LAKES • THE ENCLAVE AT WESTCHESTER • THE GROVE AT BOYNTON BEACH • TIVOLI LAKES • TIVOLI RESERVE • TUSCANY BAY • VALENCIA ISLES • VALENCIA LAKES • VALENCIA PONTE • VALENCIA SHORES • VENETIAN ISLES • VILLAGGIO • VILLAS OF PINE TREE • WYNDGONG ESTATES • WYNDGONG ISLE ESTATES (92 MEMBER COMMUNITIES AS OF MAY 15, 2011)

It has been my pleasure to work with you these past three years and we thank you for your cooperation and helpful support.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Ken Lassiter".

Kenneth T. Lassiter
Now Immediate Past President

CC: The Honorable Burt Aaronson, Commissioner, District 5
Mrs. Barbara Alterman, Director PBC Planning Zoning & Building
Mrs. Karen Brill, Palm Beach County School Board, District 3
Mr. Jon P. MacGillis, Director, Zoning, PZ&B
Mrs. Carol Glasser, Zoning Division, PZ&B



CERTIFIED MAIL – RETURN RECEIPT REQUIRED

April 26, 2012

RE: Canyon Isles AGR-PUD

Canyon Isles Homeowners Association
c/o Castle Management, LLC
Attn: Meredith Rubin
8660 Meadow Lake Drive
Boynton Beach, FL 33473

Dear Ms. Rubin:

As requested by Palm Beach County, we are submitting this formal letter along with a consent form for your review and signature. As you are already aware, from attending the presentation on March 15th, 2012, Boynton Beach Associates XXIV, LLLP (hereinafter referred to as "Boynton Beach Associates") has submitted a Development Order Amendment (DOA) to Palm Beach County Zoning Division to swap out preserve areas from the Canyon Isles AGR-PUD with other preserve area with the AG Reserve. The overall Canyon Isles AGR-PUD will include 4 preserve parcels which are tied to the development parcel as required preserve areas. The Canyon Isles AGR-PUD was last approved by the Palm Beach County Board of County Commissioners on April 24, 2003 via Resolution R2003-0565.

The current DOA application is swapping out one of the existing preserve areas and replacing the acreage with another preserve area within the AG Reserve. All of the other preserve areas will remain as preserve areas for the Canyon Isles AGR-PUD.

After meeting with Palm Beach County Zoning staff, they requested that we send the property owners of the associated preserves a consent form and a letter explaining the process. As the Canyon Isles HOA is an owner of one of the preserve areas, Preserve Area No. 1; Rural Parkway as recorded in (O.R. 18109, Page 480) we respectfully request that you sign the attached consent form where noted and obtain a notary seal before sending back to us in the enclosed self addressed stamped envelope.

We are hereby advising you that the proposed DOA application will in no way change the fact that your property is a required preserve parcel associated with the development and will remain a preserve parcel upon approval of the DOA.

5259 4343 1000 3434 6575

U.S. Postal Service [®]	
CERTIFIED MAIL[™] RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ <u>1.00</u>
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage and Fees	
Canyon Isles Homeowners Association c/o Castle Management, LLC Attn: Meredith Rubin 8660 Meadow Lake Drive Boynton Beach, FL 33473	
PS Form 3800, August 2006 See Reverse for Instructions	

The restrictions imposed by the Development Order and the existing recorded conservation easement will remain in full force and effect.

The application was submitted on February 15, 2012. We would greatly appreciate your cooperation in this matter. Be advised, the County Attorney's Office has already opined that your consent and cooperation are not required for us to process the amendment application, as the use of your property as the preserve area for an AGR-PUD will not change. We are notifying you as a courtesy as to our intentions. As the DOA proceeds through the approval process, you are entitled to voice your opinion of the application as a matter of right authorized under the Palm Beach County Unified Land Development Code.

Thank you for your consideration in this matter, if you have any questions, or require any additional information, please do not hesitate to call at 954-753-1730. You can ask for me or Kevin Ratterree.

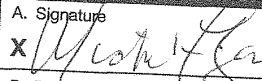
Sincerely,



Gladys DiGirolamo, for
Boynton Beach Associates XXIV, LLLP;
By: Boynton Beach XXIV Corporation, General Partner

Enclosures:

- 1) Consent Form
- 2) Recorded Rural Parkway Easement
- 3) Self Addressed – Stamped Envelope

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature  ☐ Agent ☐ Addressee	
1. Article Addressed to: Canyon Isles Homeowners Association c/o Castle Management, LLC Attn: Meredith Rubin 8660 Meadow Lake Drive Boynton Beach, FL 33473		B. Received by (Printed Name)	C. Date of Delivery
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
3. Service Type ☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.		4. Restricted Delivery? (Extra Fee) ☐ Yes	
PS Form 3811, February 2004		7011 1570 0001 3434 6575	

Domestic Return Receipt

102595-02-M-1540