

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

Application No.: DOA-2022-00203
Application Name: Hyder AGR-PUD
Control No./Name: 2005-00455 (Hyder AGR-PUD)
Applicant: G L Homes of Palm Beach Associates LTD
Owners: G L Homes of Palm Beach Associates LTD
Agent: G L Homes - Ryan Vandenburg
WGINC - Lindsay Libes
Telephone No.: (954) 753-1730, (561) 687-2220
Project Manager: Donna Adelsperger, Senior Site Planner

Title: a Development Order Amendment **Request:** to delete land area (23.84 acres) from an existing 1,836.79 acre approval, and to modify the Master Plan for the remaining 1,812.96 acres

Title: a Release of Conservation Easement **Request:** to allow the partial release of the Conservation Easement recorded in OR 28370, Page 1020, to release 23.84-acres from the previously approved 124.27 acre Conservation Easement, for a remaining 100.43 acres

APPLICATION SUMMARY: The proposed requests are for the 1,812.96-acre Hyder AGR-PUD development. The Site was last approved by the Board of County Commissioners (BCC) on July 27, 2017. This request is being reviewed concurrently with Comprehensive Plan Text and Future Land Use amendment (ITG AGR Exchange, LGA-2021-021), along with seven other Zoning Applications. The Zoning applications are contingent on the Planning application request.

The request of this application will modify the Master Plan to delete 23.84 acres of Preserve located in the Ag Reserve Tier within the 124.27-acre Hyder North Preserve Parcel 1 and utilize 29.79 acres of Preserve located within the Indian Trail Groves Planned Development within the Western Communities Residential Overlay (WCRO) in the Rural Tier. The deleted land area will become part of the development area of a new project called Hyder West Planned Development (ZV/PDD-2022-00143). In addition, the Applicant is proposing to modify the remaining Hyder North Preserve Parcel 1 to allow for the excavation of fill to be moved to the new Hyder West AGR-PUD, and proposing 25 acres of the remaining preserve to be dedicated to the County.

The Preliminary Master Plan (PMP) indicates no modifications to the Development Area which is built out with 1,205 units and Recreation Pods. Access to the Development Area remains unchanged from Lyons Road and State Road 7. No changes are proposed to the other preserve parcels for this development.

SITE DATA:

Location:	West side of Lyons Road, north of Winners Circle (affected area)
Property Control Number(s)	00-41-46-25-00-000-1040; 00-41-46-25-00-000-1050 (affected area)
Future Land Use Designation:	Agricultural Reserve (AGR)
Zoning District:	Agricultural Reserve Planned Unit Development (AGR-PUD)
Overall Acres:	1,836.79 acres (existing); 1,812.96 acres (proposed)
Affected Acres:	23.84 acres (to be deleted from Hyder North Preserve 1)
Tier:	Agricultural Reserve
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	N/A
BCC District	District 5, Vice Mayor Maria Sachs

RECOMMENDATION: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C.

ACTION BY THE ZONING COMMISSION (ZC): *Scheduled for October 5, 2023*

PUBLIC COMMENT SUMMARY: At the time of publication, Staff has received no contacts from the public regarding this application.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
PDD/W-2005-01328	Official Zoning Map Amendment to allow a rezoning from the Agriculture Reserve (AGR) Zoning District to the Agricultural Reserve PUD	R-2006-0278	02/23/2006
	A Type 2 Waiver to allow deviation from cul-de-sac or dead-end restrictions	R-2006-0279	
EAC-2008-00802	A Development Order Amendment Expedited Application to delete a condition of approval (Planning – Preserve Platting)	R-2008-1698	09/29/2008
DOA-2008-01367	A Development Order Amendment to reconfigure the master plan, increase number of units, to amend a condition of approval (Engineering), create a model row, and restart the commencement clock	R-2009-0506	03/30/2009
	Corrective Resolution of R-2009-0506	R-2010-0959	06/24/2010
ABN/DOA/W-2012-03372	A Development Order Abandonment to abandon Resolution R-2007-01873	R-2013-0967	07/2013
	A Type 2 Waiver to allow a percentage (64%) of the streets to terminate in a cul-de-sac	R-2013-0969	
	A Development Order Amendment to reconfigure the Preliminary Master Plan to add land area (Development and Preserve); to reconfigure the Civic Pod; to establish access points and delete Collector Road; to increase the number of dwelling units; establish model rows; and amend the recorded Conservation Easement (O.R.B. 18768, PG 1681) for South Florida Water Management District (SFWMD) Preserve Parcel	R-2013-0968	
ZV/PDD/DOA-2014-00089	A Type 2 Variance to allow a reduction in the required landscape buffer width along the northeast property line.	ZR-2014-0025	05/01/2014
	An Official Zoning Map Amendment to allow a rezoning from Agriculture Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD)	R-2014-0729	05/22/2014
	A Development Order Amendment to reconfigure the Master Plan to add land area (Development and Preserve Area); reconfigure the Civic Pod; add units	R-2014-0730	
DOA/W-2016-02025	A Development Order Amendment to reconfigure the Master Plan to add land area (Development and Preserve Area); reconfigure the Civic Pod; add units	R-2017-0972	07/27/2017
	A Type 2 Waiver to allow 65 percent of the local streets to terminate in a Cul-de-sac	R-2017-0973	

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. **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.*
 - *Consistency with the Comprehensive Plan:* Should the BCC approve the concurrent Comprehensive Plan Text and Future Land Use amendment (ITG AGR Exchange, LGA-2021-021) request, then the proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
 - *Concurrent Land Use Amendments:* The request is an indirect participant a concurrent Comprehensive Plan Text and Future Land Use amendment (ITG AGR Exchange, LGA-2021-021). The amendment seeks to amend prior conditions from Ordinance 2016-041, modify and add policies to the Future Land Use Element and allow lands within the Western Communities Overlay (WCRO) to be utilized as regional water management purposes and offsite preservation for specific AGR-PUDs within the Agricultural Reserve Tier. The subject request seeks to utilize lands within the WCRO as offsite preservation consistent with the proposed policies. The ITG amendment was transmitted to the State by a BCC vote of 5-2 at the May 3, 2023 public hearing.

The Hyder AGR PUD was previously approved as a 60/40 AGR PUD via Resolution R-2017-972. The requests seeks to remove 23.837 acres of previously approved preserve area, replace with 29.80 acres of WCR Exchange lands, and request to release a previously recorded Agricultural Reserve Conservation Easement over the 23.837 acres. The deleted land area will become part of the development area for the new Hyder West AGR PUD (ZV/PDD-2022-143).

Relevant Comprehensive Plan Policies: The following Future Land Use Element (FLUE) existing policy address the 60/40 AGR PUD requirements and new policies outline the maximum acres and units permitted to be utilized within specific AGR PUD's.

FLUE Policy 1.5.1-i.6 addresses the preserve area requirements, and 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, and Policy 1.5.1-i. states that the request 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.

Therefore, the acreages of the 60/40 breakdown is as follows:

Total acreage:	1,842.755 acres
Less ROW:	13.568 acres
Net acreage =	1,829.187 acres

Net acreage x 60%: 1,829.187 ac x 60% = 1,097.512 acres (Applicant proposes 1,100.154 acres or 60.14% of preserve which includes 6 AGR preserves (1,070.360 acres) and WCRO exchange bank preserve (29.80 acres).
Net acreage x 40%: 1829.187 ac x 40% = 731.675 acres (Applicant proposes 729.033 acres in the development area or 39.86%)

The lands within the AGR have a density value of 1 unit per acre and the lands within the WCRO have a density value of 1 unit per 1.25acres, a 0.80du/ac difference. The new policies account for the necessary density conversions and memorialize the maximum units and acres permitted for the exchange. NEW FLUE Policy 1.5.1-i-1 and NEW FLUE Policy 1.11-j, both state that the Hyder (Seven Bridges) AGR-PUD (Control Number 2005-455) may utilize up to 29.80 acres of WCR land, to satisfy 29.80 acres and 23.84 units of AGR-PUD requirements. The policy allows for the 29.80 acres to count toward the preservation requirement and 24 units to go toward the balance of available units for the project.

The total lands within the AGR for this project are 1,812.961-acres, however, the 539.404-acre Preserve #4 Appalonia owned by the South Florida Water Management District (SFWMD) does not have any density associated with it, and therefore the acreage with density in the AGR is 1,273.557acres or 1,274 units (1,812.961-539.404=1,273.557). The above policy permits 24 units to be utilized for the subject request. The available units for the project with the combination of AGR and WCRO units equates to the following:

Total units permitted from AGR:	1,274
Total units permitted from WCRO:	24
Total permitted units:	1,298

There is no change proposed to the previously approved 1,205 units with 93 units remaining.

The following is a brief background regarding the Appolonia /SFWMD and its density. The development rights associated with the SFWMD parcel were retired via an Agreement for Exchange of Real Property Interests dated November 21, 2003. As part of the Agreement, the lands contained no Development Rights, but could be designated as the preserve area for an AGR PUD. On December 16, 2003, the BCC unanimously approved Agenda Item 5.E.5., for the use of the 918.746 acres of SFWMD lands in the Strazzula Wetlands to be utilized as the preserve area of an AGR Planned Development. The Executive Brief stated, that the AGR-PDD would receive no increase in density, as the development rights of the preserve area would be extinguished. On June 17, 2005, a Conservation Easement was recorded via OrBook 18768 Page 1681 for the entire 918.746 acres. The current project only utilized 539.404acres of this subject area. The remainder is not assigned to any AGR PUD at this time.

○ *Planning Conditions:* Conditions of approval were previously applied and will be carried forward. A new condition was added to address conveyance of lands to the County.

○ *Active Recreation in AGR-PUD Preserve Area:* The current FLUE Policy 1.5.1-i states that 60/40 AGR-PUD Preserve area uses are limited to water resources, open space, agriculture, and passive recreation. The concurrent Comprehensive Plan amendment proposes to revise this policy to allow active recreation within the West Hyder Overlay (WHO) provided the land is owned by Palm Beach County. The

subject site is located within the WHO, and active recreation on County dedicated land is consistent with the proposed Comprehensive Plan amendment. The specific policy changes are provided below.

REVISE Policy 1.5.1-i: *A 60/40 AgR-PUD with a future land use designation of Agricultural Reserve (AGR) shall require the following: [unaltered text omitted for brevity]*

6. *that the preserve area shall consist of, at least, 60 percent of the gross acreage less right-of-way identified on the Thoroughfare Identification Map and be maintained in agriculture, passive recreation, active recreation within the West Hyder Overlay (WHO) provided the land is owned by Palm Beach County, or other open space use. The preserve area shall: [unaltered text omitted for brevity]*

○ *County Park in Preserve Area.* The applicant proposes to dedicate 25 acres of the easternmost acreage fronting SR7/US441 of the remaining 100 acre Preserve 1 to the County. This acreage is above the 2% required AGR-PUD Civic Dedication (14.85 acres) for the Development Area which has already been met by a prior approval. As part of the concurrent Comprehensive Plan amendment, County staff recommend that the applicant dedicate an additional 25 acres for a total of 50 acres to the County to be utilized for an active County park. The staff analysis for the Comprehensive Plan amendment states that this 50 active park is needed to provide additional acreage needed in the Ag Reserve for amenities such as diamond fields, multipurpose fields, basketball courts and tennis courts. The County facilities in the West Boca/West Delray area are at capacity, and 50 acres will help meet level of service and existing need for active recreation opportunities in the vicinity of the subject site. The Applicant has proposed a 25 acre dedication fronting SR7/US 441 (see graphic below and in Figure 5) as a condition of approval for this Zoning application, but no associated policy and does not support the Staff proposed policy or land dedication for 50 acres or the associated proposed improvements. The staff recommended policy is provided below and will be presented for a policy decision to the BCC with the Comprehensive Plan amendment report concurrent with this zoning application.

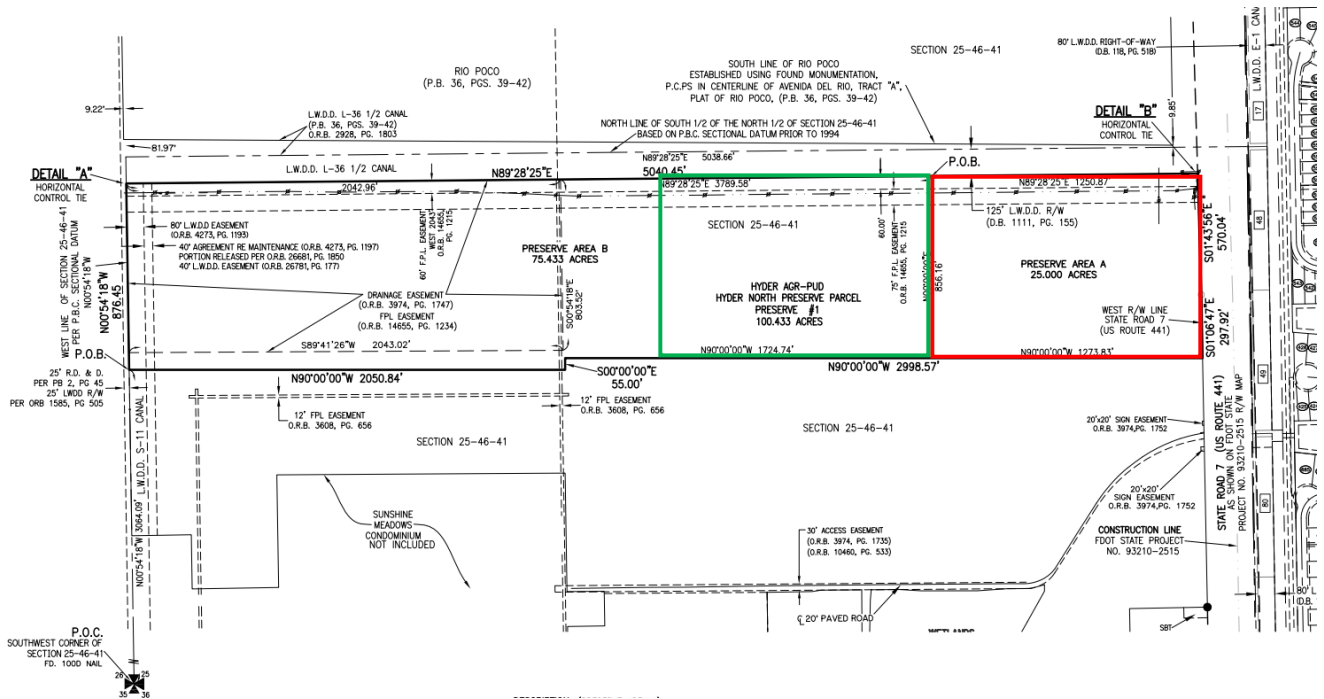
[County Staff Proposed] NEW Policy 1.5.2-f: County Hyder Park. *In order to balance the unique development opportunity afforded in the Overlay, with maintaining Parks requirements for active recreation needs within the Ag Reserve, the County shall require a 50-acre park within the West Hyder Overlay. The active park may be within an existing AGR-PUD Preserve area, and shall be improved by the owner to Parks Department standards and satisfaction prior to conveyance to the County by May 24, 2028 or a date mutually agreed upon by the owner and the County. Additionally, the developer shall fund all park maintenance costs up to \$300,000/year as adjusted annually for inflation for a term of 20 years.*

To implement the above policy, the Property and Real Estate Management Department proposes PREM Condition 6 to require the Property Owner to convey 25 net acres of land to Palm Beach County as an active public park, plus an additional 25 acres to the immediate west of this parcel for a total of 50 acres, and associated timing mechanisms. The applicant does not support the conveyance of the additional 25 acres and does not support the timing for conveyance. The staff recommended PREM 6 condition is provided in the conditions section of this report verbatim as proposed by PREM. The Applicant's proposed changes are shown in red with requested changes in strike out and underline.

6. *The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed for the 25.0-acre land area identified on Exhibit 1 - 25.00 PBC Dedication, ~~as well as 25 additional acres of upland immediately west of and contiguous thereto, for a total of not less than 50 net acres,~~ in a form and location acceptable to the Facilities Development & Operations Department (FD&O), ~~prior to the issuance of a Certificate of Occupancy for 600 adult restricted residential units in the Hyder West AGR-PUD (Control No. 2022-00005) or a Building Permit for 261 residential units in the Indian Trails Grove PUD (Control No. 2002-90045), whichever is first to occur,~~ by October 24, 2028, or other date that is mutually agreeable to the property owner and FD&O. Property Owner to plat and dedicate the property to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.*

The conditions within this report include Planning Condition 7 to require the release of the Conservation Easement for the land dedicated to the County consistent with the PREM Condition 6. This condition doesn't indicate acreage and is not opposed by the applicant.

The applicant's proposed 25 acre dedication is shown in the red box below. The additional 25 acres is shown with the green box below.



○ **Type 2 Excavation.** The applicant proposes to utilize some of the fill as part of the excavation on the subject site for the improvements to the adjacent Hyder West AGR-PUD, Application ZV/PDD-2022-00143 (Control Number 2022-00005) located immediately to the south and also within the West Hyder Overlay. This applicant proposed policy has been added since the Transmittal Hearing, and is provided below. New All Petitions Condition number 5 has been added to the conditions section of this report to implement this policy.

NEW Policy 1.5.2-d: WHO Excavation. *In addition to the uses otherwise allowed in Policy 1.5.1-i-6, within the West Hyder Overlay (WHO), land designated as AGR PUD preserve area may also be utilized for the following purposes:*

1. Lake excavation to generate fill as a Type 2 Excavation, provided:
 - a) All excavated materials remain within the 682-acres of the WHO; and
 - b) Excavations meet all slope and depth requirements as otherwise specified by ERM;
- and
2. A traversing connection to legal positive outfall for Sunshine Meadows and other development within the WHO.

c. 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.*

This application is not revising the Development Area, but is deleting 23.837-acres of Preserve 1 in the Ag Reserve and in exchange for the utilization of preserve in the WCRO and Indian Trails Groves PUD. This request is contingent upon modifications to the Comprehensive Plan amendment, and if approved this amendment will not create any adverse effects, including visual impact and intensity on adjacent lands. The proposed use Type 2 Excavation is supported by a new policy in the Comprehensive Plan in the concurrent amendment allowing a preserve parcel within the subject site to excavate and move the fill from the preserve parcel to new Hyder West AGR PUD (ZV/PDD-2022-00143). Additional policy language will allow an active park within the preserve area within the West Hyder Overlay. The land area for the proposed park will be adjacent to the proposed Civic Pods of the Hyder West AGR PUD, and would be compatible with those uses.

○ **Special Overlay District / Neighborhood Plan / Planning Study Area:** The subject property is located within the boundaries of the West Boynton Area Community Plan, which is administered by the Coalition of Boynton West Residents Association (COBWRA). The subject request is not inconsistent with the neighborhood plan. The Applicant was advised to meet with the neighborhood group responsible for implementing the Neighborhood Plan. No letters in support or objection have been received as of the writing of this report.

- b. 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 proposed request will be consistent with the ULDC if the Comprehensive Plan Amendment (LGA-2022-021) is approved. The amendment proposes to allow land outside of the Ag Reserve Tier to be utilized to meet the 60/40 requirements of an AGR-PUD. Under the existing ULDC language a Preserve Parcel for an AGR-PUD is required to be located within the Ag Reserve Tier within the same zoning development order. With the proposed Comprehensive Plan amendment, the request meets the 60/40 requirements of an AGR-PUD, along with the Type 2 Excavation, and the active park uses within an AGR-PUD Preserve. Under the existing ULDC language a Preserve Parcel for an AGR-PUD is required to be located within the AGR Tier, the proposed deletion of land area will be in compliance with requirements with the companion Comprehensive Plan Amendment (LGA-2022-021) when approved. The proposed Development Order is to delete a portion of land 23.837-acres of Preserve 1 which is currently under a conservation easement. The deletion of the preserve would be replaced by utilizing 29.794-acres of the WCR Exchange lands thus allowing the AGR-PUD to comply with the 60/40 requirements of the ULDC and as described on the Preliminary Plans as Western Communities Residential Overlay (WCRO).

- *Development Area:* There will be no change to this area. The existing development area consists of one contiguous parcel that complies with the frontage requirement with frontage and access on Lyons Road and State Road 7; and consists of 742.601 acres. The overall gross Development Area for the project consists of 1205 units on 742.601-acres. There is no change proposed to the previously approved 1,205 units Development order remaining by the proposed DOA.

- *Preserve Area:* The deletion of Preserve Land is consistent with the ULDC, pursuant to the concurrent Comprehensive Plan Amendment (LGA-2022-021) amendments to the Comprehensive Plan's Ag Reserve Tier Sub-Objective Policy 1.5.1. These proposed amendments would allow land within the WCR Exchange Parcel within the Western Communities Residential Future Land Use designation to be used as preserve parcels in lieu of land in the Agricultural Reserve Tier for seven AGR-PUD Developments (being review concurrently with this application) so that the existing development will continue to meet the 60/40 requirement. The lands are further specified as only those that are contained within the Indian Trail Groves Planned Unit Development (ITG PUD), and are identified specifically in LGA-2022-021 for Zoning application ABN/ZV/DOA/W-2022-155. This development seeks to utilize a total of 29.794 acres of Indian Trail Grove (ITG) PUD lands which will equate to 23 units within the development. There are five preserves parcels that remain unaffected by this request. The lands to be deleted from this development will be used to create the development area for a new AGR-PUD known as Hyder West AGR-PUD (ZV/PDD-2022-00143) which will also be subject to the amendments within LGA-2022-021.

- d. 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.*

This application is not revising the Development Area, but is deleting 23.837-acres of Preserve 1 in the Ag Reserve in exchange for the utilization of a preserve in the WCRO and Indian Trails Groves PUD. This request is contingent upon modifications to the Comprehensive Plan amendment, and if approved this amendment will not create any adverse effects, including visual impact and intensity on adjacent lands. The allowance for a Type 2 Excavation and an park within the Preserve is supported by the concurrent Comprehensive Plan amendment.

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

- *Vegetation Protection:* The project area consists of existing agricultural uses (e.g., row crops) and wetland areas. ERM Staff have conditioned the receipt of the wetland jurisdictional determination letter prior to the final approval by the DRO. Additionally, the project area includes a borrow pit (approximately 25 acres in size constructed in the 1980s), which is intended to be expanded as a means to generate fill. ERM has conditioned that the Applicant provide a Preserve Management Plan for the Hyder Preserve Parcel #1 to be inclusive of construction details, planting plan(s), and graphical depictions for a mitigation project on Preserve Area B to ERM for review and approval. There is an opportunity to convert the historic, excavation (a.k.a. a borrow pit) to a mitigation project that will not only act as a means for the Applicant to generate fill (as requested) but also act as a benefit to the local wildlife while eliminating the steep edges and declivities that may exist along the perimeter of the borrow pit.

- *Site Contamination:* There is potential that the agricultural uses may have impacted the soil and groundwater qualities. As typical with other agricultural uses to be converted to residential uses, ERM Staff have added Environmental Condition 4 to require that a Phase II Environmental Site Assessment be provided to ERM Staff prior to the final approval by the DRO. Any instances of contaminant exceedance, as prescribed by the F.A.C., will be referred to the FDEP. The applicant disagrees with the condition as

worded, and proposes as an alternative a Phase II Environmental Site Assessment be provided only if indicated by a Phase I Environmental Site Assessment.

- *Wellfield Protection Zone:* This property is not located within 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 Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. 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 known significant environmental issues associated with this petition beyond compliance with ULDC requirements.
- f. Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The deletion of land area is contingent upon modifications to the Comprehensive Plan through the concurrent amendment. These proposed amendments would then allow for the deletion of this land area in order to develop with residential under a separate application, thus creating a new development pattern in accordance with the Comprehensive Plan amendment.

- g. Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS: *No comments on deletion of preserve land*

DRAINAGE DISTRICT: The overall development is located within the Lake Worth Drainage District. The deletion of Preserve Land from this development will have no impact on the drainage of the Development Areas of this PUD. Any development of the deleted land will comply with the requirements of the District.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project has met the requirements of the Florida Department of Health.

WATER AND WASTEWATER PROVIDER: The Water and Wastewater provider for the Development area is Palm Beach County Water Utilities. The deletion of preserve land area will have no impact on the provision of water and wastewater approval for the developed areas. Any development of the deleted land will comply with these services.

FIRE PROTECTION: Staff has reviewed this application and have no comment, regarding the deletion of land area. Any development of the Preserve Parcel #1 will be located in the service boundaries of Palm Beach County Fire Rescue Station 54.

SCHOOL IMPACTS: The School Board has no issues with this proposal.

PARKS AND RECREATION: There are no proposed changes to the residential or recreation within the Development Area. The concurrent Comprehensive Plan amendment will allow active recreation within a preserve area within the West Hyder Overlay (WHO) in which the subject site is located. A condition of approval has been added as PREM Condition 9 in order to require a 6-foot high or taller fence to be installed between the existing lake within Preserver Area 1 and the land area proposed to be dedicated to the County to ensure the safety of the public.

- h. Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.*

The Applicant has requested through a concurrent amendment to the Comprehensive Plan's Ag Reserve Tier Sub-Objective Policy 1.5.1 in LGA-2022-021. This amendment proposes to allow Preserve area located within the Indian Trail Groves Planned Development (ABN/ZV/DOA-2022-00155) within the Western Communities Residential Overlay (WCRO) in the Rural Tier to be utilized in lieu of preserve acreage within the Ag Reserve Tier. The Applicant has demonstrated the following as their changed Conditions and Circumstances: *"The removal of 19.093 acres of existing Preserve #2 will unencumber the existing 19.093 acres of Preserve #2 owned by G. L. Homes of Palm Beach Associates and utilize 23.866 acres of preserve from the WCR Exchange Bank.*

This application is part of a "bundle" of related development order applications submitted concurrently which involve the proposed "Hyder West AGR-PUD" and the "Indian Trails Grove WCR-PUD(ITG). The overall site and the property known as Hyder West is located west of State Road 7 and south of Atlantic

Avenue in the Agricultural Reserve Tier. A total of 1,600 acres of land within the ITG PUD will be designated for water resources and or agricultural purposes. It will contribute to the AGR preserve area acres required within this application and for additional preservation for existing AGR PUDs utilizing land within the Hyder West property. It will allow preservation areas for the Hyder West property known as Hyder West AGR-PUD. Of the 1,600 acres that will be conveyed to PBC, the changes will authorize the overall 1,600-acres to contribute to the required preserve area for AGR PUDs (existing or proposed).

The regional benefits of this plan create 1,600 acres of land to be owned and controlled by Palm Beach County that is contiguous to the L-8, MO and M Canals, providing potential to send fresh water flows to the Loxahatchee River, Grassy Waters and the Lake Worth Lagoon, and as well as for potential water storage. This land could create a potential flow way connecting the L-8 canal to the MO Canal. The WCR Exchange Bank land is also continuous to the west to 640 acres within the PUD that has been previously committed to Indian Trail Improvement District (ITD) to increase stormwater storage for the Acreage that is adjacent to their existing +550-acre drainage impoundment area, and to the east to an additional 448.63 acres of open space designated for water resources or agriculture.

Accommodating a larger contiguous mosaic of lands for water resources and/or agriculture provides more flexibility in addressing both water management challenges, and/or supporting agricultural production in Palm Beach County. Reducing density/intensity in the ITG PUD in an area where infrastructure is minimal in exchange for increasing density in the AGR (Hyder West AGR-PUD) where infrastructure exists is prudent long-range planning. The Canyon Lakes AGR-PUD application is one of the multiple Development Order Amendments that previously included preserve lands within the aforementioned Hyder West property.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by the Hyder AGR-PUD Development order amendment. Therefore, Staff is recommending approval of the requests subject to the Conditions of Approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2017-972, Control No.2005-00455, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2014-0730, Control 2005-455, have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2017-0972, Control 2005-455, have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2017-972, Control No.2005-00455, which currently states:

The approved Preliminary Master, Regulating, Master Sign and Street Layout Plans are dated April 13, 2017. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Master, Regulating, Master Sign and Street Layout Plans are dated June 26, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

3. Based on Article 2.E of the Unified Land Development Code, this development order meets the requirements to receive a new three (3) year review date from the date of approval of this resolution. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 3 of Resolution R-2017-972, Control No.2005-00455)

4. Commencement of the Development Order shall start on May 22, 2017. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 4 of Resolution R-2017-972, Control No.2005-00455)

5. Prior to initiating a Type 2 Excavation on the subject site the DRO shall review the final site development plan for compliance with the standards of Article 4.B.10. (BLDG PERMIT/DRO: ZONING – Zoning)

ENGINEERING

1. TRAFFIC PERFORMANCE STANDARDS PHASING CONDITIONS In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. Building Permits for more than 40 dwelling units (equivalent of 47 pm peak hour trips) shall not be issued until construction commences for the 4 laning of West Atlantic Avenue from Lyons Road to Starkey Road, plus the appropriate paved tapers. (BLDG/PMT: MONITORING - Engineering) [Note: COMPLETED]

b. No Building Permits for the site may be issued after December 31, 2019. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. Note that this condition will not apply to development of a public civic pod if ownership of that pod has been transferred to a governmental agency for public use. (DATE: MONITORING - Engineering)

c. Building permits for more than 100 dwelling units shall not be issued until the left turn lane on the north approach on Lyons Road at Clint Moore Road is restriped to a length of 650 feet plus a 50 foot taper, or

as otherwise approved by the County Engineer. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

d. Building permits for more than 1248 dwelling units shall not be issued until a second left turn lane on the east approach of Atlantic Avenue and Lyons Road and appropriate receiving lanes on Lyons Road are constructed as approved by the Florida Department of Transportation and the County Engineer. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

e. Deleted by Resolution R-2017-972 (Previous ENGINEERING Condition 1 of Resolution R-2017-972, Control No.2005-00455)

2. The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of SR-7. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the 488th building permit.

(BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the 488th Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering) [Note: COMPLETED]

c. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: MONITORING - Engineering) [Note: COMPLETED]

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the 488th Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along SR-7. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended.

(BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2017-972, Control No.2005-00455)

3. Prior to issuance of a building permit, the Property Owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of:

i. right turn lane on Lyons Road at the project's north entrance road

ii. right turn lane on Lyons Road at the project's south entrance road

Right turn lane rights of way shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include corner clips where appropriate as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments.

a. Prior to the issuance of the first Building Permit within Hyder North, right of way required in 3.i shall be conveyed. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to the issuance of the first Building Permit within Hyder South, right of way required in 3.ii shall be conveyed. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2017-972, Control No.2005-00455)

4. The Property Owner shall construct:

i. Right turn lane north approach on Lyons Road at the north project entrance road,

ii. Left turn lane south approach on Lyons Road at the north project entrance road,

iii. Exclusive left and right turn lanes west approach on the north project entrance road at Lyons Road,

iv. Right turn lane north approach on Lyons Road at the south project entrance road,

v. Left turn lane south approach on Lyons Road at the south project entrance road, and

vi. Exclusive left and right turn lanes west approach on the south project entrance road at Lyons Road.

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

- a. Prior to issuance of a building permit for Hyder North (that portion of the project lying between the LWDD L-36 and the L-38 canals), the Property Owner shall obtain permits required from Palm Beach County for construction of improvements in 4.i, 4.ii and 4.iii. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]
- b. Prior to issuance of a building permit for Hyder South (that portion of the project lying between the LWDD L-38 and L-39 canals), the Property Owner shall obtain permits required from Palm Beach County for construction of improvements in 4.iv, 4.v and 4.vi. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]
- c. Prior to issuance of a certificate of occupancy for Hyder North (that portion of the project lying between the LWDD L-36 and the L-38 canals), the Property Owner shall complete construction of improvements in 4.i, 4.ii and 4.iii. (BLDGPMPT/CO: MONITORING - Engineering) [Note: COMPLETED]
- d. Prior to issuance of a certificate of occupancy for Hyder South (that portion of the project lying between the LWDD L-38 and L-39 canals), the Property Owner shall complete construction of improvements in 4.iv, 4.v and 4.vi. (BLDGPMPT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2017-972, Control No.2005-00455)

5. On or before February 1, 2020 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 Lyons Road 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. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2017-972, Control No.2005-00455)

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

- i. Lyons Road and the north project entrance road, 50% of the total cost,
- ii. Lyons Road and the south project entrance road, 50% of the total cost, and
- iii. SR 7 and the project entrance road, 100% of the total cost.

Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this Property Owner shall be relieved from this condition.

- a. Building Permits for more than 200 dwelling units for that portion of the PUD lying between the LWDD L-36 and L-38 canals (Hyder North) shall not be issued until the developer provides acceptable surety to the Traffic Division for the signals identified in 6.i. and 6.iii above for all required installations in an amount as determined by the Director of the Traffic Division. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]
- b. Building Permits for more than 200 dwelling units for that portion of the PUD lying between the LWDD L-38 and L-39 canals (Hyder South) shall not be issued until the developer provides acceptable surety to the Traffic Division for the signals identified in 6.ii and 6.iii above for all required installations in an amount as determined by the Director of the Traffic Division. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]
- c. In order to request the release of surety for the signal identified in 6.i above, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for the portion of the development lying between the LWDD L-36 and L-38 canals (Hyder North) and requesting that a signal warrant study be conducted at this intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: MONITORING - Engineering)
- d. In order to request the release of surety for the signal identified in 6.ii above, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for the portion of the development lying between the LWDD L-38 and L-39 canals (Hyder South) and requesting that a signal warrant study be conducted at this intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: MONITORING - Engineering)

e. In order to request the release of surety for the signal identified in 6.iii above, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for the project (both Hyder North and Hyder South) and requesting that a signal warrant study be conducted at this intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2017-972, Control No.2005-00455)

7. Previously deleted under Resolution R-2013-0968. (Previous ENGINEERING Condition 7 of Resolution R-2017-972, Control No.2005-00455)

8. Acceptable surety required for the West Atlantic Avenue improvements identified in the Traffic Performance Standards Phasing Condition above shall be posted with the Office of the Land Development Division on or before August 23, 2006. Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (TPS - Maximum 6 month time extension) (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2017-972, Control No.2005-00455)

9. The Property Owner shall construct:

i. A north approach left turn lane on SR 7 at the project entrance road. The turn lane shall be a minimum of 12 feet in width and 280 feet in length or as otherwise approved by FDOT.

ii. A south approach right turn lane on SR 7 at the project entrance road. The turn lane shall be a minimum of 12 feet in width and 280 feet in length or as otherwise approved by FDOT.

iii. Exclusive left and right turn lanes east approach on the project entrance road at SR 7.

iv. Close the existing median opening on SR 7 south of the proposed project entrance road

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

a. Prior to the issuance of the five hundred twenty ninth (529) building permit, permits required by FDOT for this construction shall be obtained. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to the issuance of the five hundred twenty ninth (529) Certificate of Occupancy Construction, these improvements shall be completed. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2017-972, Control No.2005-00455)

10. The Property Owner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans and related Site Plans contain a disclosure statement identifying that this site is adjacent to SR 7, that these proposed dwelling units are in an area subject to noise generated by traffic as a result of its location SR 7 and there shall be a statement included in the sales contracts and homeowner documents concerning the noise levels residents may expect after any noise mitigation improvements have been constructed by the Property Owner. If the State of Florida guidelines do not require any noise mitigation improvements, all sales contracts and homeowner documents shall include a statement of the noise levels residents may expect, that noise mitigation was not required under the State of Florida guidelines at the time of approval and that any noise mitigation measures requested in the future will not be funded or constructed by Palm Beach County. The Property Owner shall submit documentation of compliance with the noise level requirement above on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before April 25, 2014 and shall continue on an annual basis until all units within the development have been sold or the Property Owner relinquishes control to the homeowner's association. (DATE/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2017-972, Control No.2005-00455)

11. Prior to the issuance of the first Building Permit, the Property Owner shall make a one time payment of \$5,392.00 to satisfy the requirements of proportionate share for widening of Atlantic Ave from the Florida Turnpike to Jog Road from 4 lanes divided to 6 lanes divided. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2017-972, Control No.2005-00455)

12. Pursuant to the terms of the Atlantic Avenue Agreement, road impact fees and an additional contribution were prepaid for zoning control number 2004-022 (Appolonia PUD). The prepaid total is creditable against road impact fees due for any development under this control number. The credit amount does not vest Property Owner, or a successor in interest to the property, against future increases in road impact fee rates that may occur from time to time. Once the available road impact fee credit has been exhausted, Property Owner, or a successor in interest to the property, shall be required to pay additional road impact fees in accordance with the Unified Land Development Code, Article 13. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 12 of Resolution R-2017-972, Control No.2005-00455)

ENVIRONMENTAL

1. An Exotic Removal Management Plan, covering the conservation parcels, associated with the Hyder PUD, shall be reviewed and approved by ERM prior to final DRO site plan approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2017-972, Control No.2005-00455)
2. All Restricted Covenant Agreements and Conservation Easements for the Conservation Parcels, associated with the Hyder PUD, shall be submitted to ERM for review and approval prior to recordation. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-2017-972, Control No.2005-00455)
3. Prior to the final approval by the Development Review Officer, the Applicant shall provide a Preserve Management Plan for the Hyder Preserve Parcel #1, inclusive of construction details, planting plan(s), and graphical depictions for the mitigation project on Preserve Area B, to ERM for review and approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
4. Prior to the final approval by the Development Review Officer, the Applicant shall provide a Phase II Environmental Site Assessment to ERM for review. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
5. Prior to the final approval by the Development Review Officer, the Applicant shall provide a copy of a wetland jurisdictional determination from the Florida Department of Environmental Protection, South Florida Water Management District and/or the Army Corps of Engineers. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - GENERAL

1. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2017-972, Control No.2005-00455)
2. All palms required to be planted on the property by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. 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. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2017-972, Control No.2005-00455)
3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2017-972, Control No.2005-00455)
4. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2017-972, Control No.2005-00455)

LANDSCAPE - GENERAL-ZONING - LANDSCAPING ALONG THE NORTH, AND NORTHEAST PROPERTY LINES (ABUTTING PODS A, E, J AND K)

5. Landscaping along the north, and northeast property lines abutting Pods A, E, J and K shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip;
 - b. a continuous berm with a minimum height of two (2) feet; and,

c. a six (6) foot high hedge, located on the plateau of the berm. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2017-972, Control No.2005-00455)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty or easement deed, the south 85 feet of Tracts 113-128 and east 50 feet east of the west 130 feet of Tracts 17, 48-49, 80-81 and 112-113 all lying within Section 30/46/42, less lands owned by LWDD for the required right-of-way for the L-38 and E-1 Canals. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 1 of Resolution R-2017-972, Control No.2005-00455)

PALM TRAN

1. Prior to Plat Recordation, within the Hyder North portion of the project (lying between the LWDD L-36 and L-38 canals), the Property Owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area (Lyons Rd at Entrance) in a form with terms and conditions approved by Palm Tran. Prior to Plat Recordation within the Hyder South portion of the project (lying between the LWDD L-38 and L-39 canals), the Property Owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area (Lyons Road at Entrance) in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran shall be required. (PLAT: MONITORING - Palm-Tran) [Note: COMPLETED] (Previous PALM TRAN Condition 1 of Resolution R-2017-972, Control No.2005-00455)

PLANNED DEVELOPMENT-PLANNED UNIT DEVELOPMENT

1. Prior to recordation of the first plat, all property included in the legal description of the application shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office. (ONGOING/PLAT: COUNTY ATTORNEY - Zoning) (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2017-972, Control No.2005-00455)

2. The Property Owner 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 uses in the vicinity of the development. The Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on February 2, 2007 and shall continue on an annual basis until all units within the development have been sold or the Property Owner relinquishes control to the homeowners association. (DATE/ONGOING: MONITORING - Zoning) (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2017-972, Control No.2005-00455)

PLANNED DEVELOPMENT

3. Prior to final approval by the Development Review Officer (DRO), the site/regulating plans shall be revised to indicate upgraded recreation amenities within each of the neighborhood parks. These additional amenities shall:

- a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paver blocks, or other improved surface;
- b. include a minimum of two (2) pedestrian benches;
- c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
- d. include a shade structure (eg. trellis, gazebo, pergola), tot lot, fitness station, rest station, or similar recreation amenity or other shade structure; and,
- e. details for all items indicated above shall be subject to review and approval by the Architectural Review Section. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 3 of Resolution R-2017-972, Control No.2005-00455)

PLANNED DEVELOPMENT-PLANNED UNIT DEVELOPMENT

4. One model row shall be permitted within the Hyder North portion of the project and one model row shall be permitted within the Hyder South portion of the project. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 4 of Resolution R-2017-972, Control No.2005-00455)

PLANNING

1. The PUD shall be limited to a maximum of 1297 dwelling units and shall meet 60/40 AGR-PUD requirements. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2017-972, Control No.2005-00455)

2. Prior to final approval by the DRO, the Property Owner shall provide an "AGR/PUD Preserve and Development Parcel Location Map" as an addendum to the Master Plan. This addendum shall also indicate 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). [NOTE: Located on PMP-5] (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2017-972, Control No.2005-00455)

3. Prior to final approval by the Development Review Officer, submit a signed copy of the AGR Preserve Management Plans approved by ERM for each Agricultural Preserve parcel. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2017-972, Control No.2005-00455)

4. Prior to plat recordation for the Hyder AGR-PUD development area, the conservation easements for all of the Preservation parcels (with the exception of any Preservation parcels owned by Palm Beach County) shall be recorded, as approved by the County Attorney's Office, the Department of Environmental Resources Management, and the Planning Division.

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

- 1) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;
- 2) a list of permitted uses, uses not permitted, and prohibited activities.

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.

(PLAT: ENGINEERING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 4 of Resolution R-2017-972, Control No.2005-00455)

5. Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to March 1st, 2017, 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. No administrative time extension for this condition shall be allowed. (DATE: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 5 of Resolution R-2017-972, Control No.2005-00455)

6. 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 Preliminary Master Plan 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 of the Unified Development Code (ULDC), 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 ULDC; and

f. Those other activities authorized within a Preservation Area under Table 3.E.1. B. of the ULDC 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) [Note: COMPLETED] (Previous PLANNING Condition 6 of Resolution R-2017-972, Control No.2005-00455)

7. Prior to conveyance of lands contained within Hyder AGR-PUD Preserve No. 1 (Hyder North Preserve Parcel) to Palm Beach County pursuant to PREM Condition 6, the Owner shall obtain a release of the Conservation Easement associated with said lands from Lake Worth Drainage District and Palm Beach County. (ONGOING: PLANNING - Planning)

8. Prior to April 24, 2024, the Property Owner shall record one conservation easement for the entire 1,600 acres identified on the Indian Trails Grove Conceptual Plan as WCR Exchange Parcel / Palm Beach County Conveyance, in favor of Palm Beach County, subject to approval of the County Attorney. This conservation easement shall include a provision stating that it will terminate upon conveyance of title to the subject property to the County. (DATE: MONITORING – Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 14.727 acre public civic site in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by March 2, 2015. Property Owner to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

a) Title

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

b) Concurrency

Property Owner to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation for the entire PUD. The Property Owner shall be provided with input as to the size of a structure (and proposed use) which the civic site would support and the corresponding amount of trips.

c) Taxes

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

d) Site condition

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

e) Retention and Drainage

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

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

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

f) On-Site Inspections

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

g) Vegetation Permit

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

h) Buildable Grade

Prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (until seed has established itself) to the satisfaction of Facilities Development and Operations.

i) Water & Sewer

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

[This condition was not required - Civic Site cashed out under Civic Site Dedication Agreement (R2013-396)] (DATE: MONITORING - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 1 of Resolution R-2017-972, Control No.2005-00455)

2. The Property Owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by February 2, 2015 . Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a) The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.

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

c) The survey should include a location of any proposed water retention area that will border the civic site.

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

[This condition was not required - Civic Site cashed out under Civic Site Dedication Agreement (R2013-396)] (DATE: MONITORING - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 2 of Resolution R-2017-972, Control No.2005-00455)

3. The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by February 2, 2015 . The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

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

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

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

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

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS).

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

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

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

a) If the Phase I audit indicates that a Phase II is necessary, then the Property Owner shall be required to provide that audit as well.

[This condition was not required - Civic Site cashed out under Civic Site Dedication Agreement (R2013-396)] (DATE: MONITORING - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 3 of Resolution R-2017-972, Control No.2005-00455)

4. The Property Owner has offered to provide the County with additional civic site property at the Atlantic Commons PUD, which may be utilized as a credit towards the civic site dedication requirements for this project. The civic property conveyance for this project shall be handled by either one of two separate agreements, known as the Atlantic Commons Civic Site Agreement (approved pursuant to R-2013-0396) and the Exchange and Civic Site Dedication Agreement (approved pursuant to R-2004-0936), which agreements shall supersede all conditions set forth herein. However, (1) should the Atlantic Commons Civic Site Agreement not be finalized by either the County or the Property Owner, or (2) in the event there is no remaining civic site credit available for use by the Property Owner pursuant to the Exchange and Civic Site Dedication Agreement, then all requirements of PREM conditions 1 through 4 contained herein shall remain in effect. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 4 of Resolution R-2017-972, Control No.2005-00455)

5. The Property Owner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the Property Owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the Property Owner or if the Property Owner is a contract purchaser the per acre value used for the entire PUD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the Property Owner shall be deemed to have satisfied the intent of ULDC. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 5 of Resolution R-2017-972, Control No.2005-00455)

6. The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed for the 25.0-acre land area identified on Exhibit 1 - 25.00 PBC Dedication, as well as 25 additional acres of upland immediately west of and contiguous thereto, for a total of not less than 50 net acres, in a form and location acceptable to the Facilities Development & Operations Department (FD&O), prior to the issuance of a Certificate of Occupancy for 600 adult restricted residential units in the Hyder West AGR-PUD (Control No. 2022-00005) or a Building Permit for 261 residential units in the Indian Trails Grove PUD (Control No. 2002-90045), whichever is first to occur. Property Owner to plat and dedicate the property to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

a) Title

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

b) Conservation Easement

Property Owner shall release any property conveyed to Palm Beach County from the Conservation Easement recorded in O.R.B. 28376, Page 1020, subject to the prior approval by the Palm Beach County Board of County Commissioners.

c) Concurrency

Property Owner to assign sufficient traffic trip capacity such that the traffic volume associated with a public park facility upon the entirety of the property to be conveyed to Palm Beach County shall be attached to the property and recorded on the concurrency reservation.

d) Taxes

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

e) Site condition

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

f) Retention and Drainage

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

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

g) On-Site Inspections

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

h) Vegetation Permit

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

i) Buildable Grade

Prepare property to buildable grade under the direction of the FD&O. Property shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered, all of which shall be to the satisfaction of FD&O. The buildable grade elevation required will generally be the highest crown of road adjacent to the property, unless otherwise determined by PREM. Property Owner to provide: 1) In-place density test, 2) Soil placement monitoring report, 3) Test of materials used in the soil placement monitoring report, and 4) Final survey to include topo results.

j) Water, Sewer and Reclaim Water

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

k) Irrigation

Property Owner to provide an easement across Property Owner's property, from the property to available retention basins, if requested by PREM. (BLDGPM/CO: MONITORING - Property Real Estate Management)

7. The Property Owner shall provide the County with a survey certified to Palm Beach County of the property required by Property and Real Estate Management Condition 6 hereof. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

- a) The survey must meet the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers in rule 5J-17.050-.052, Florida Administrative Code, pursuant to section 472.027, Florida Statutes and Countywide PPM CW0-058.
- b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
- c) The survey should include a location of any proposed water retention area that will border the property and the proposed drainage easement area for storm water outfall from the property to the storm water management system.

Survey is also subject to the County's approval of any proposed or existing easements within the property and all title exceptions are to be shown on the survey. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

8. The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the property required by Property and Real Estate Management Condition 6 hereof. The minimum assessment of the property will be a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use. Prior use of the property (Example: Ag Production, golf course, other uses as determined by County) that creates the possibility of soil and groundwater impacts above environmental target clean up levels will require further soil and ground water investigation and testing, unless waived by County at County's sole discretion.

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

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

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

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

1) EPA's National Priorities list (NPL)

2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)

3) Hazardous Waste Data Management System List (HWDMS).

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

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

e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

9. Prior to the dedication of land to the County pursuant to PREM Condition 6, the Property Owner shall construct a 6 foot high or taller black vinyl coated chain link fence separating the on-site lake within the Preserve Area 1 from the proposed County land dedication. (ONGOING: MONITORING - Property Real Estate Management/Parks and Recreation)

SCHOOL BOARD

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

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not 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) [Note: COMPLETED] (Previous SCHOOL BOARD Condition 1 of Resolution R-2017-972, Control No.2005-00455)

2. Prior to the issuance of the first Certificate of Occupancy (CO), within the Hyder North portion of the project, the school bus shelters shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Prior to issuance of the first Certificate of Issuance (CO) within the Hyder South portion of the project, the school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelters shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board) [Note: COMPLETED] (Previous SCHOOL BOARD Condition 2 of Resolution R-2017-972, Control No.2005-00455)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

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

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

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

DISCLOSURE

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

Zoning Application

Hyder AGR-PUD (DOA-2022-00203)

Site Data

Size: 23.83 acres
 Existing Use: Preserve
 Proposed Use: Residential. Public & Private Civic
 Zoning: AGR/AGR-PUD
 Zoning Quad: 67

Future Land Use Designations

LR-1	Low Residential, 1 unit/acre	CL/5	Commercial Low, underlying MR-5
LR-2	Low Residential, 2 units/acre	CL/AGR	Commercial low, underlying AGR
MR-5	Medium Residential, 5 units/acre	CLX/5	Commercial Low crosshatching, underlying MR-5
PARK	Park		
AGR	Agricultural Reserve		
CON	Conservation		

Hyder DOA

West Hyder Overlay

Date: 9/1/2023
 Contact: PBC Zoning
 Filename: X:\Planning\ZoningCoord\DRO-Maps\2023\10-October\2022-00203
 Note: Map is not official, for presentation purposes only.

Scale bar: 540 0 540 1,080 Feet

Planning, Zoning & Building
 2300 N. Jog Rd, WPB, FL 33411
 Phone (561) 233-5300

Figure 2 - Zoning Map

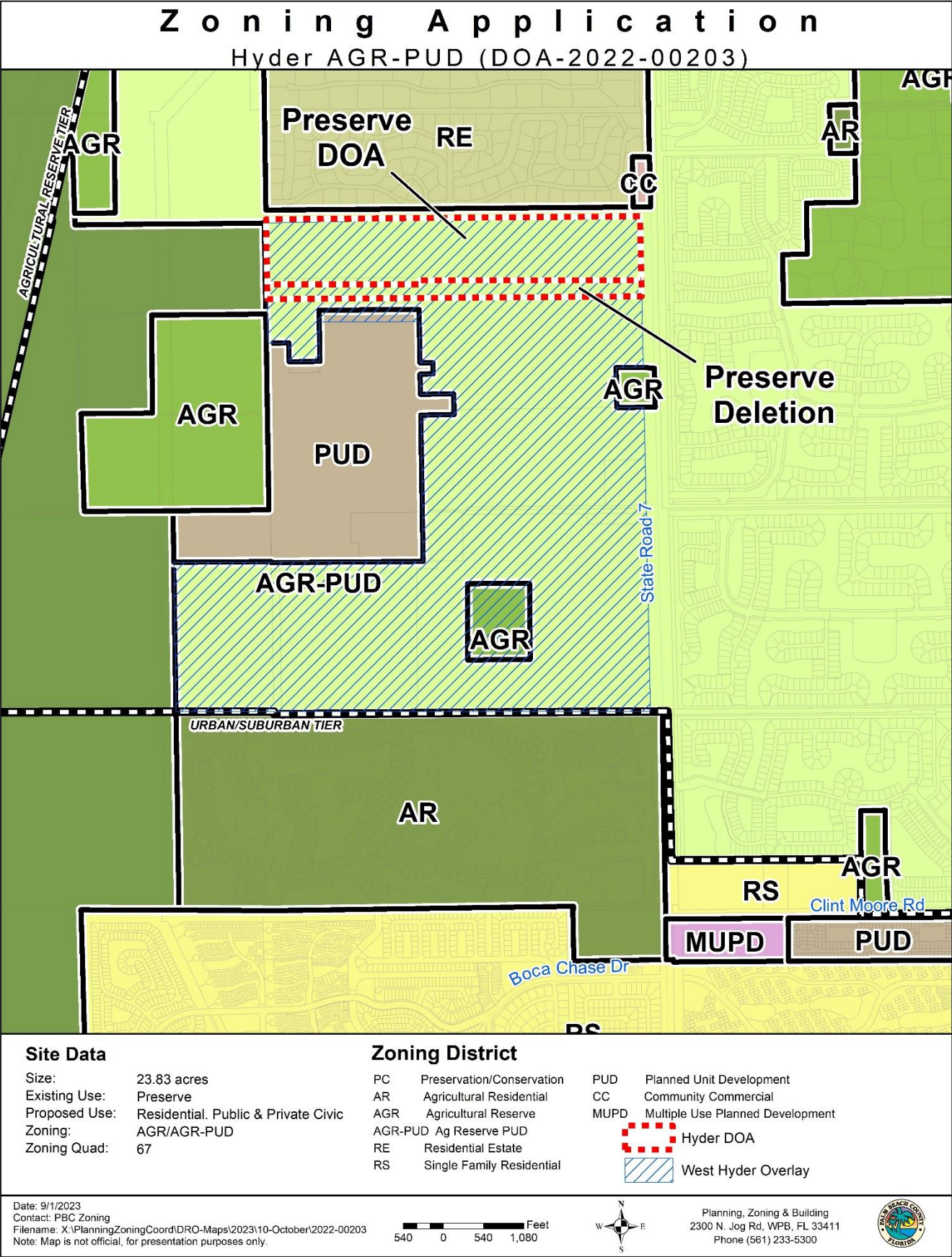


Figure 3 – Preliminary Master/Site Plan dated June 26, 2023 (page 1 of 5)

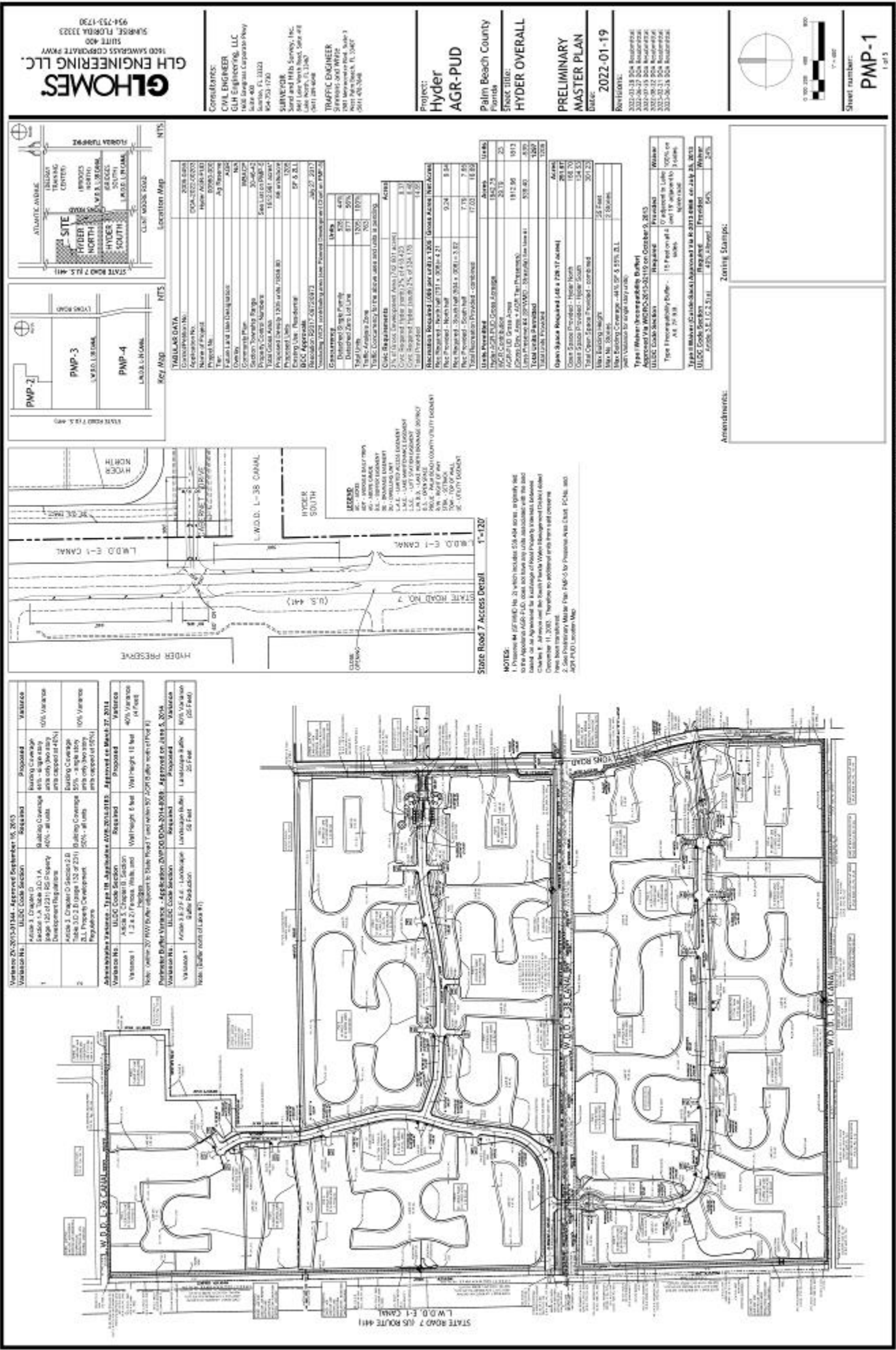


Figure 3 – Preliminary Master/Site Plan dated June 26, 2023 (page 2 of 5)

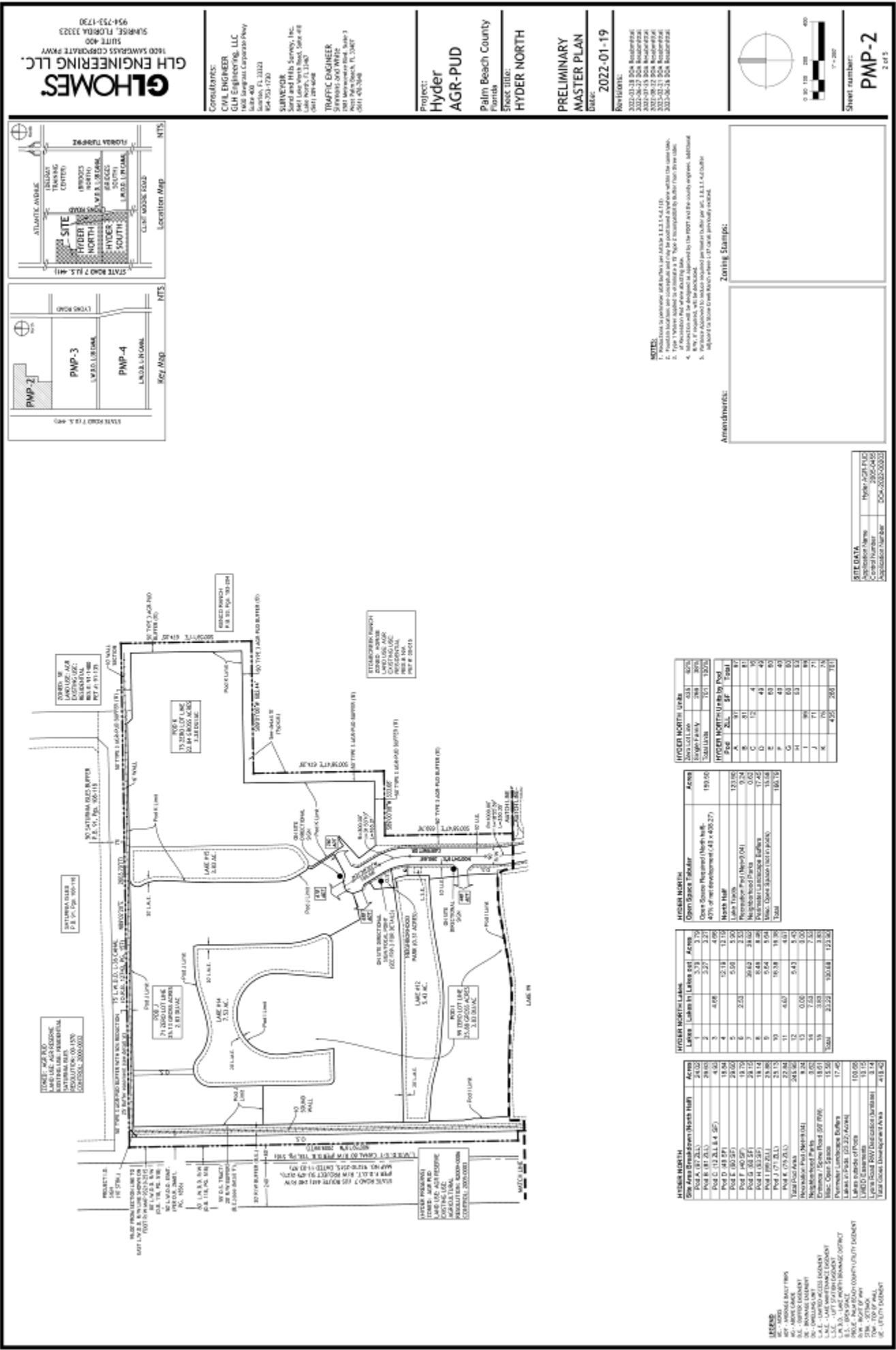


Figure 3 – Preliminary Master/Site Plan dated June 26, 2023 (page 3 of 5)

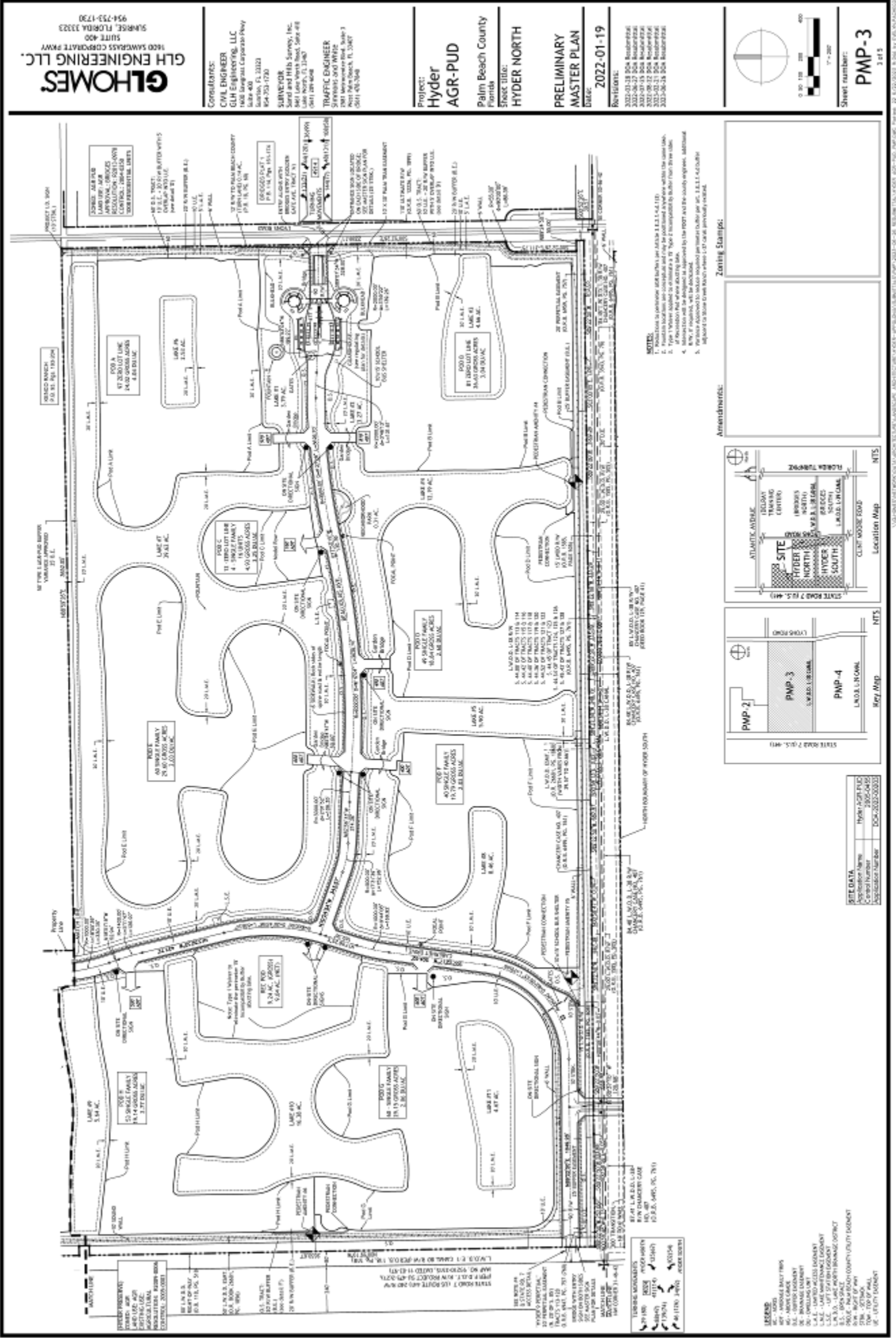


Figure 3 – Preliminary Master/Site Plan dated June 26, 2023 (page 4 of 5)

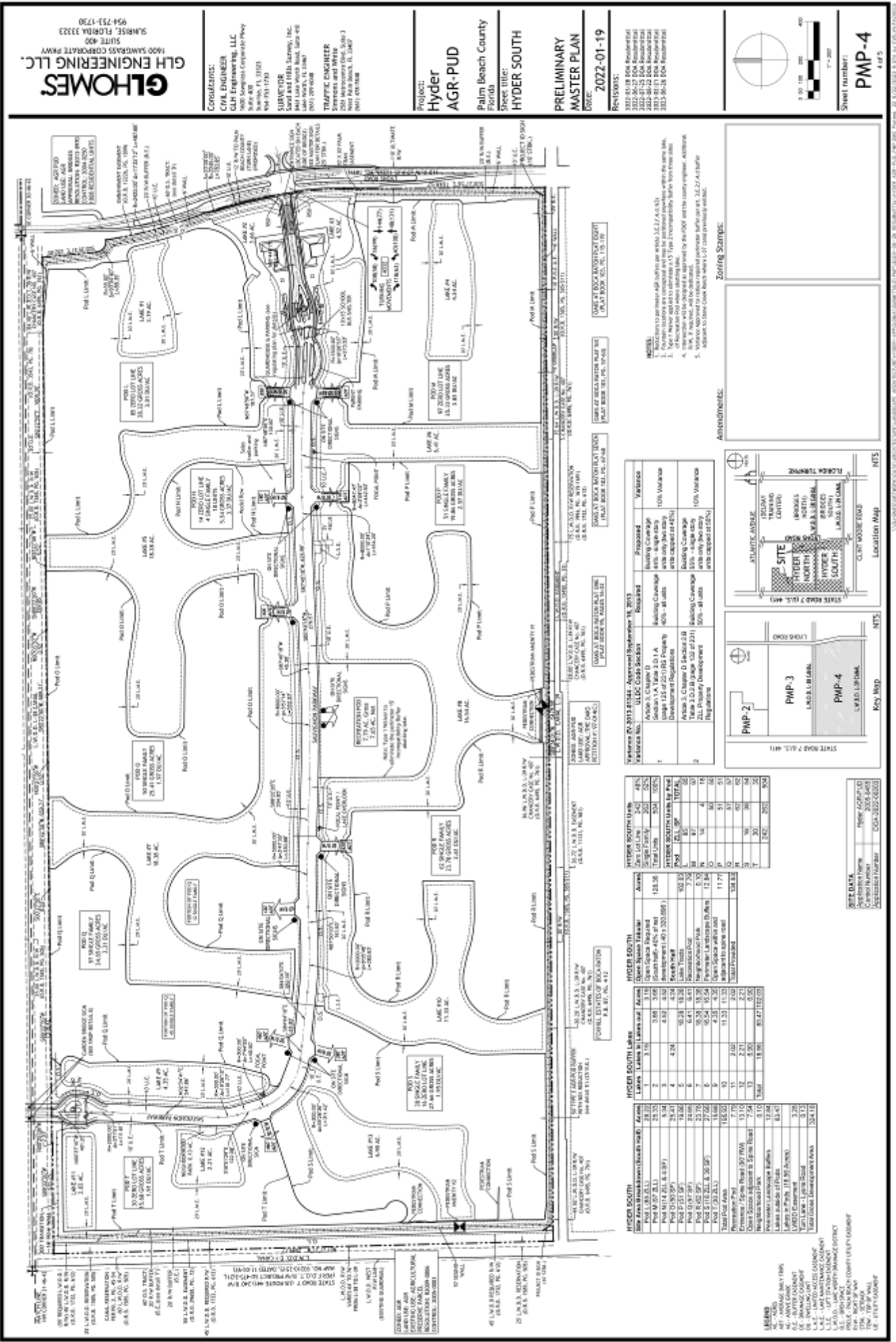


Figure 3 – Preliminary Master/Site Plan dated June 26, 2023 (page 5 of 5)

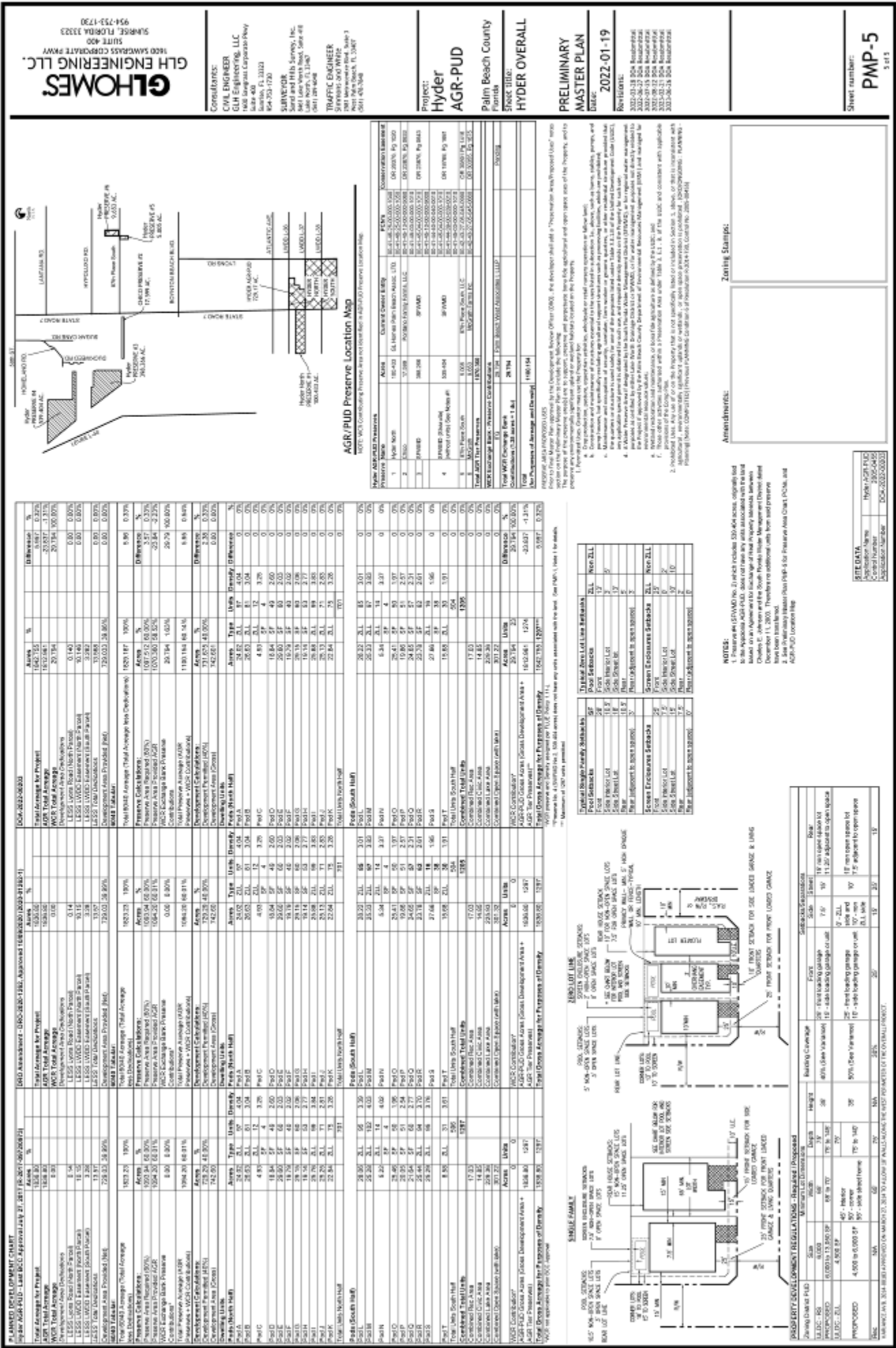
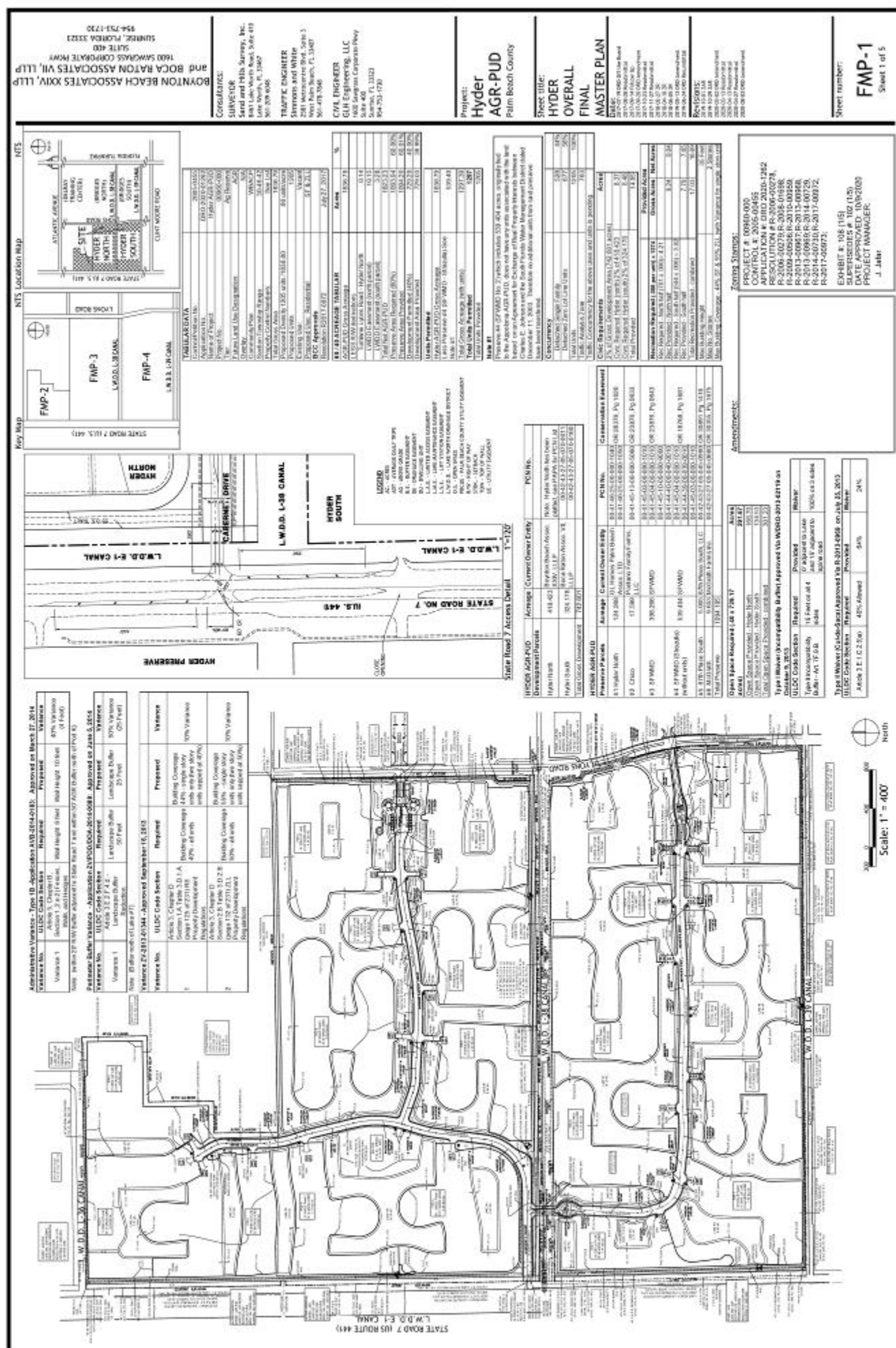


Figure 4 – Approved Master Plan dated October 9 2020 (page 1 of 5)



Zoning Commission
Application No. DOA-2022-00203

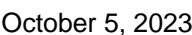


Figure 4 – Approved Master Plan dated October 9 2020 (page 4 of 5)

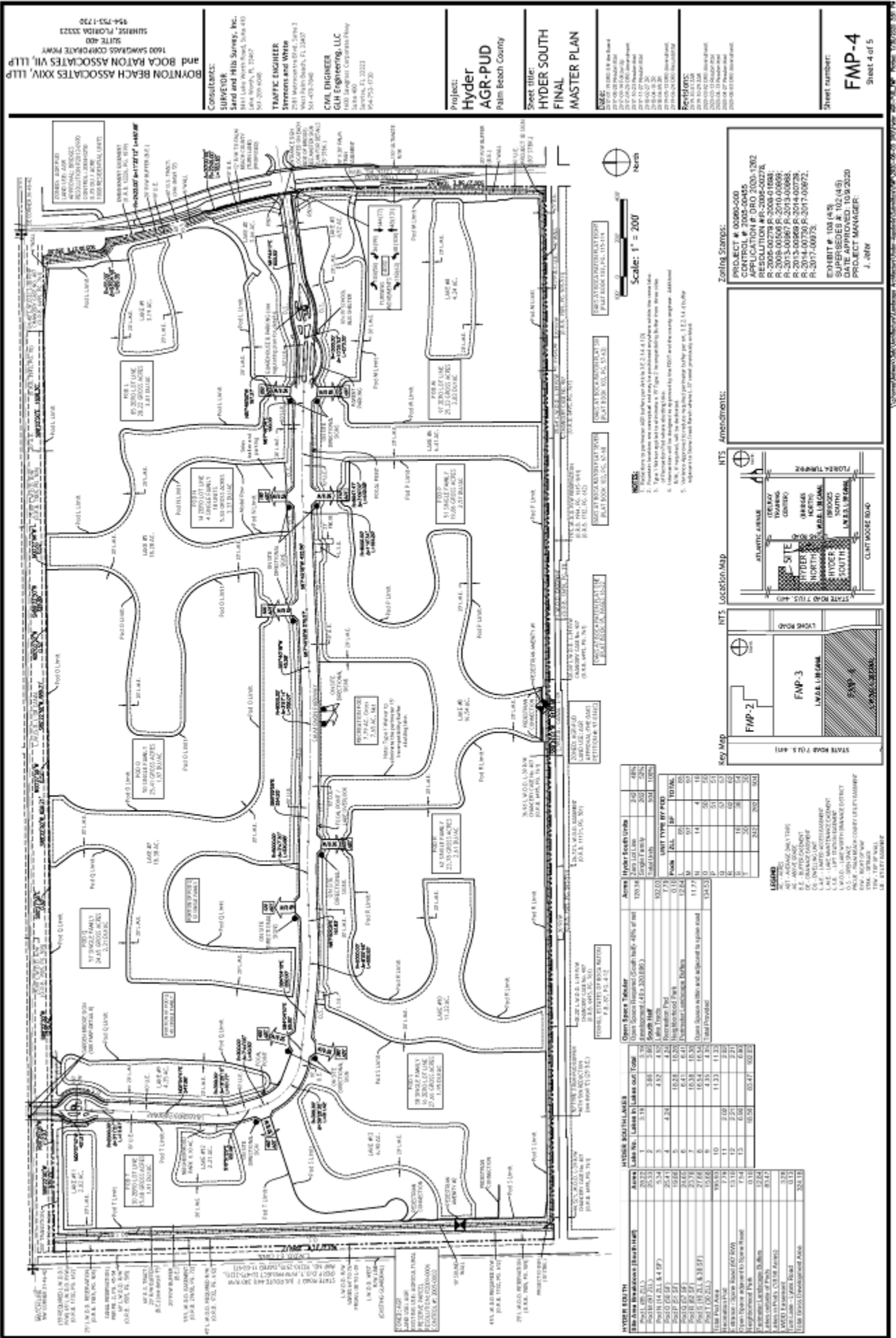


Figure 4 – Approved Master Plan dated October 9 2020 (page 5 of 5)

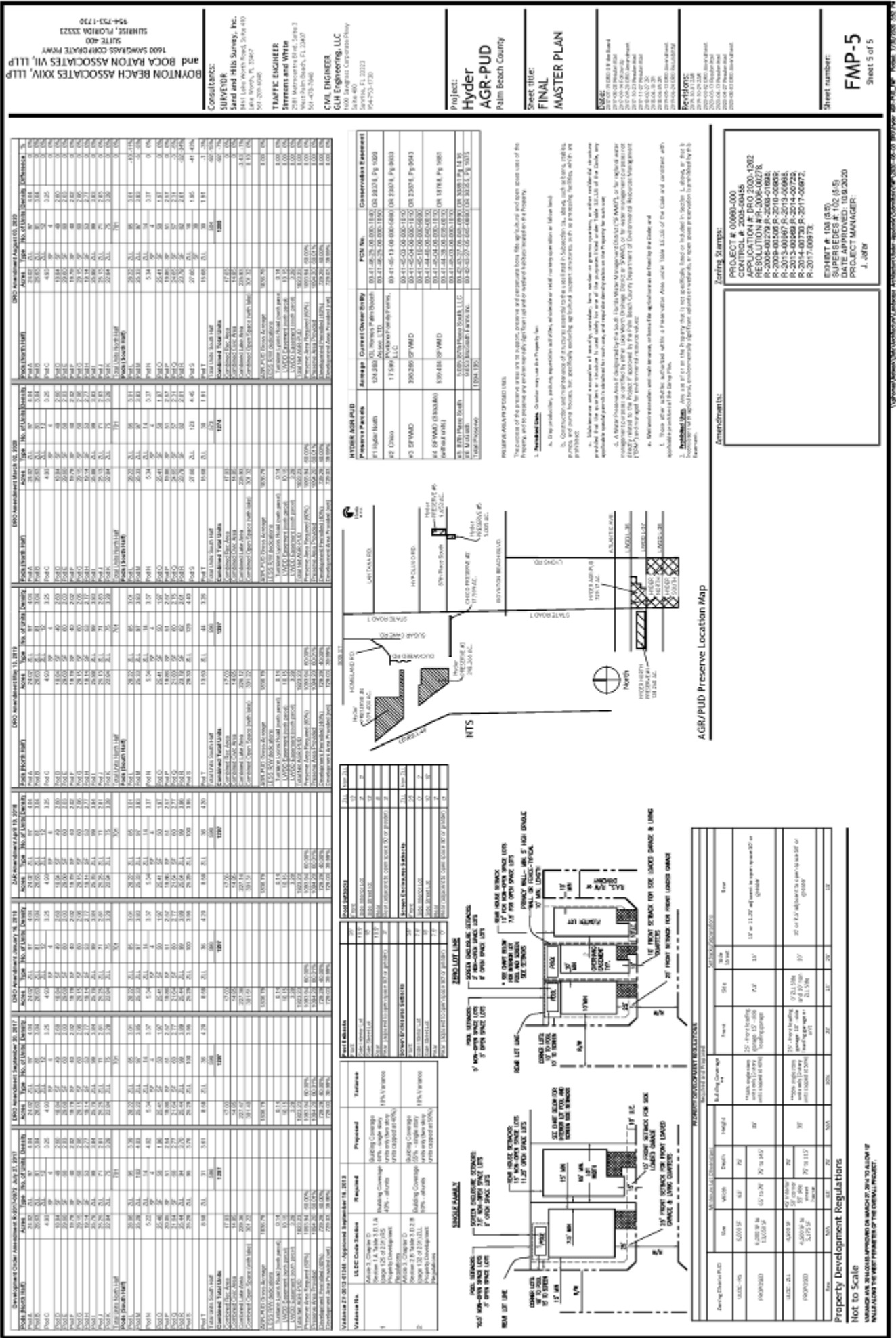


Figure 5 – Exhibit 1 - Applicant Proposed 25-Acre PBC Dedication

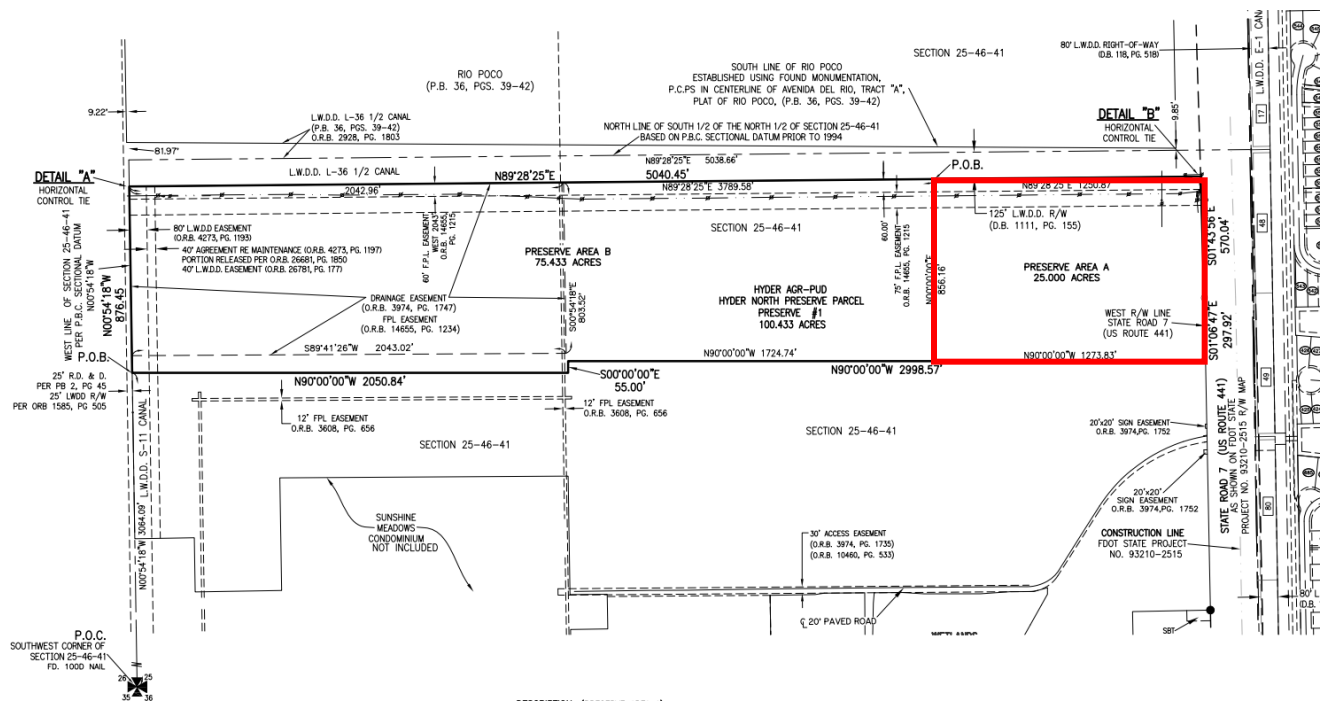


Figure 5 – Exhibit 1 - Applicant Proposed 25-Acre PBC Dedication Legal Description

DESCRIPTION: (PRESERVE AREA A)

A PARCEL OF LAND LYING IN SECTION 25, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE NORTH 00°54'18" WEST, ALONG THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 3064.09 FEET; THENCE CONTINUE ALONG SAID WEST LINE, NORTH 00°54'18" WEST, A DISTANCE OF 876.45 FEET; THENCE NORTH 89°28'25" EAST ALONG A LINE 125.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTH ONE-HALF OF SAID SECTION 25, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-36 1/2 CANAL, AS RECORDED IN DEED BOOK 1111, PAGE 155, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 3789.58 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-36 1/2 CANAL, NORTH 89°28'25" EAST, A DISTANCE OF 1250.87 FEET; THENCE SOUTH 01°43'56" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7, AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION STATE PROJECT NO. 93210-2515 RIGHT-OF-WAY MAP, A DISTANCE OF 570.04 FEET; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 01°06'47" EAST, A DISTANCE OF 297.92 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 1273.83 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 856.16.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 25.000 ACRES, MORE OR LESS.

Exhibit D – Disclosure of Ownership

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

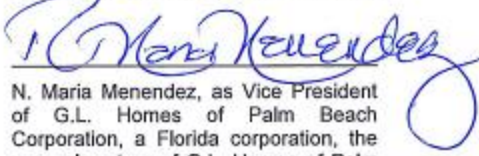
TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

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 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 the 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, that holds an ownership interest in 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 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, Affiant

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14th day of January 2022, by N. Maria Menendez, as 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 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: _____



JEFFREY A SPEVACEK
 Commission # GG 286966
 Expires January 28, 2023
 Bonded Thru Budget Notary Services

EXHIBIT "A"
PROPERTY

HYDER - PRESERVE PARCEL NO. 1 (Hyder North)

LEGAL DESCRIPTION:

A PORTION OF THE SOUTH HALF (S 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE RIGHT-OF-WAY FOR STATE ROAD NO. 7 AS IT NOW EXISTS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE NORTH 00°54'18" WEST, ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 2,877.53 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE NORTH 00°54'18" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1,063.01 FEET; THENCE NORTH 89°28'25" EAST, ALONG A LINE 125.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTH ONE- HALF OF SAID SECTION 25, A DISTANCE OF 5,040.45 FEET TO A POINT ON WEST LINE OF RIGHT-OF-WAY FOR STATE ROAD 7 (US 441); THENCE SOUTH 01°43'56" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE THROUGH THE FOLLOWING DESCRIBED COURSED, A DISTANCE OF 570.04 FEET; THENCE SOUTH 01°06'47" EAST, A DISTANCE OF 512.24 FEET; THENCE SOUTH 89°41'26" WEST, A DISTANCE OF 5,050.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 124.268 ACRES, MORE OR LESS.

EXHIBIT “B”

DISCLOSURE OF OWNERSHIP INTERESTS - 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, 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.

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