

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

Application No.: DOA-2023-00269
Application Name: Whitworth AGR-PUD
Control No./Name: 2021-00031 (Whitworth AGR-PUD)
Applicant: Boynton Beach Associates 30 LLLP
156th Court South Associates LLC
Owners: 156th Court South Associates LLC; Stables At Paradise Palms LLC;
9231 155th Lane LLC; John Whitworth
G L Homes of Palm Beach Associates Ltd
Boynton Beach Associates 30 LLLP
Agent: GL Homes - Gladys Digirolamo and Ryan Vandenburg
Telephone No.: (954) 753-1730
Project Manager: Donna Adelsperger, Senior Site Planner

Title: a Development Order Amendment **Request:** to delete land area on (90.44 acres) from an existing 721.51 acre approval; and, to delete units and modify the Master Plan for the remaining 631.07 acres

Title: a Release of Conservation Easements **Request:** to allow the full release the Conservation Easements for Hyder West Preserve parcel #4 recorded in OR 33505, Page 182, and Hyder West Two Preserve 11 recorded in OR 34355, Page 1203 for a total of 90.44 acres

APPLICATION SUMMARY: The proposed requests are for the 632.07 acres Whitworth AGR-PUD development. The Development was last approved by the Board of County Commissioners (BCC) on January 11, 2023.

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 90.44 acres of Preserve, located in the Ag Reserve Tier, named Hyder West Presrve Parcel #4 and Hyder West Two Preserve Parcel #11, and utilize 113.05 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).

The Preliminary Master Plan (PMP) indicates a reduction of 45 units within the Development Area, allowing for a total of 659 units. The Development Area is under construction. Access for the Development Area is 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 State Road 7/US 441 approx. 0.33 mile north of Stonbridge Country Club Boulevard (affected area)
Property Control Number(s)	00-42-46-19-01-000-1020; 00-42-46-19-02-001-0180; 00-42-46-20-01-000-0870; 00-42-46-19-01-000-0290; 00-42-46-19-02-002-0281; 00-42-46-20-01-000-0191; 00-42-43-27-05-060-0011; 00-42-43-27-05-060-0091; 00-42-43-27-05-060-0493; 00-42-43-27-05-060-0561; 00-42-43-27-05-069-0012 (affected area)
Future Land Use Designation:	Agricultural Reserve (AGR)
Existing Zoning District:	Agricultural Reserve Planned Unit Development (AGR-PUD)
Total Acreage:	721.51 acres (existing); 631.07 acres (proposed)
Affected Acreage:	90.44 acres (to be deleted 72.35 acres known as Hyder West Preserve 4 and 18.088 acres known as Hyder West Two from the Whitworth Preserves)
Tier:	Agricultural Reserve
Overlay District:	N/A
Neighborhood Plan:	West Boynton Community Plan
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: On September 29, 2021, the Board of County Commissioners approved an Official Zoning Map Amendment to rezone the eastern portion of the subject site from the AGR Zoning District to the AGR-PUD Zoning District to allow 277 Single Family units through Application Number PDD-2021-00631 under Resolution R-2021-1400.

On January 11, 2023, the Board of County Commissioners approved an Official Zoning Map Amendment to rezone 143.90 acres from the AGR Zoning District to the AGR-PUD Zoning District via Resolution R-2023-0050, and a Development Order Amendment to modify Conditions of Approval; reconfigure the Master Plan; add land area, units, and access points on 722.51 acres Resolution R-2023-005.

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.*

o *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.

o *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 Whitworth AGR PUD was previously approved as a 60/40 AGR PUD via Resolutions R-2023-50 and R-2023-51. The requests seeks to reduce the overall units from 704 to 659, remove 90.44acres of previously approved preserve area, replace with 113.048 acres of WCR Exchange Parcel lands, and request to release a previously recorded Agricultural Reserve Conservation Easement over the 90.44 acres. The deleted land area will become part of the development area for the new Hyder West AGR PUD (ZV/PDD-2022-143).

o *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:	745.123 acres
Less ROW:	0.998 acres
Net acreage =	744.125 acres

Net acreage x 60%: 744.125 ac x 60% = 446.475 acres (applicant proposes 455.519 acres or 61.22% of preserve which includes 10 AGR preserves (342.471 acres) and WCRO exchange bank preserve (113.048 acres).

Net acreage x 40%: 744.125 ac x 40% = 297.650 acres (applicant proposes 288.606 acres in the development area or 38.78%)

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 Whitworth AGR-PUD (Control Number 2021-031) may utilize up to 113.05 acres of WCR land to satisfy 113.05 acres and 90.44 units of AGR-PUD requirements. The policy allows for the 113.05 acres to count toward the preservation requirement and 90 units to go toward the balance of available units for the project.

The total lands within the AGR for this project are 632.075acres thus yielding 632 units. The above policy permits 90 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:	632
Total units permitted from WCRO:	90
Total permitted units:	722

While the total permitted units may be 722, the previous approval was only for 704 units, and the subject request seeks to further reduce the total units to 659, which would leave 63 units remaining.

- *Rural Parkway:* Per Transportation Element Policy 1.4-q #2, the Lyons Road segment from Atlantic Avenue to Boynton Beach Boulevard is a designated Rural Parkway. The conservation easement for both segments within the subject project has been recorded via Orb33583 Pg. 275 and 296. Conditions of approval were previously applied and will be carried forward that address all aspects of the Parkway including the timing and construction.
- *Planning Conditions:* Planning condition 1 will be required to be updated to reflect the current request of 659 units. All prior conditions will be carried forward.
- *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. The proposed Development Order is to reduce the number of dwelling units and delete land area and, for what is known as Preserve 4 and Preserve 11 encompassing a total of 90.44 acres, which are currently under a conservation easement. The deletion of preserve land area within the AGAR Tier is proposed to be replaced by utilizing 113.05-acres of the WCR Exchange Parcel 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:* The development area will be reducing the number of units from 704 dwelling units to 659 dwelling units for a reduction of 45 dwelling units. The ULDC allows a Property Owner to delete units administratively through an application approved by the Development Review Officer subject to the requirements of Article 2.C and Article 3.E.1.E. The request to delete units and reconfigure the Master Plan was found consistent with the Code and approved June of 2023. The modifications included reconfiguration of the Pods and reduction of units, which did not exceed the Administrative threshold for Modifications to a BCC Approved Plan and did not create any conflicts with the ULDC. Figure 4 depicts the last BCC approved Master Plan, and Figure 5 depicts the Final Approved Master Plan as of June 27, 2023. If this request is approved, the Applicant will be required to finalize the Preliminary Site Plan depicted in Figure 3 along with the applicable Conditions of Approval. No units can be added administratively, only a reduction in units. No other changes to the development area are proposed with this request. The

existing development area consists of one contiguous parcel that complies with the frontage requirement with frontage and access on State Road 7 and Lyons Road; and consists of 288.60-acres. The overall gross Development Area for the project consists of 659 units on 288.60-acres.

- **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/DOAW-2022-155. This development seeks to utilize a total of 113.048-acres of ITG PUD lands which will equate to 90 units within the development. There are a total of nine preserves 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.

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 modifying the Development Area to acknowledge the reduction in units and reconfiguration of the Pods that was approved Administratively. The deletion of the 90.44 acre preserve area in the Ag Reserve in exchange for the utilization of a preserve in the WCRO and Indian Trails Groves PUD. The Amendment does not create any issues with compatibility or consistency with the uses and character of land in the vicinity of the proposed amendment.

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.*

The deletion of land area 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 reduction in units and reconfiguration of the Pods was completed administratively consistent with the allowance pursuant to Article 2.C. The Preliminary Master Plan will be the new start point if any additional modifications are needed from the time the BCC decision is rendered.

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 application request does not impact native vegetation.
- **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 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. Modifications to reduce units and reconfigure the Master Plan are consistent with the ULDC and allowance pursuant to Article 2.C. Those changes are consistent with the development pattern in the vicinity.

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

ENGINEERING COMMENTS: The proposed reduction in the number of residential units already approved previously in the development is expected to reduce 194 net daily trips, reduce 11 net AM peak trip, and reduce 13 net PM peak hour trips. Overall, the revised plan of development will generate 2,840 net daily trips, 158 net AM peak hour trips, and 198 net PM peak hour trips.

Since there will be a reduction in the number of trips with the revised development plan, the project continues to meet the Traffic Performance Standards. All existing traffic related Conditions of Approval will continue to apply.

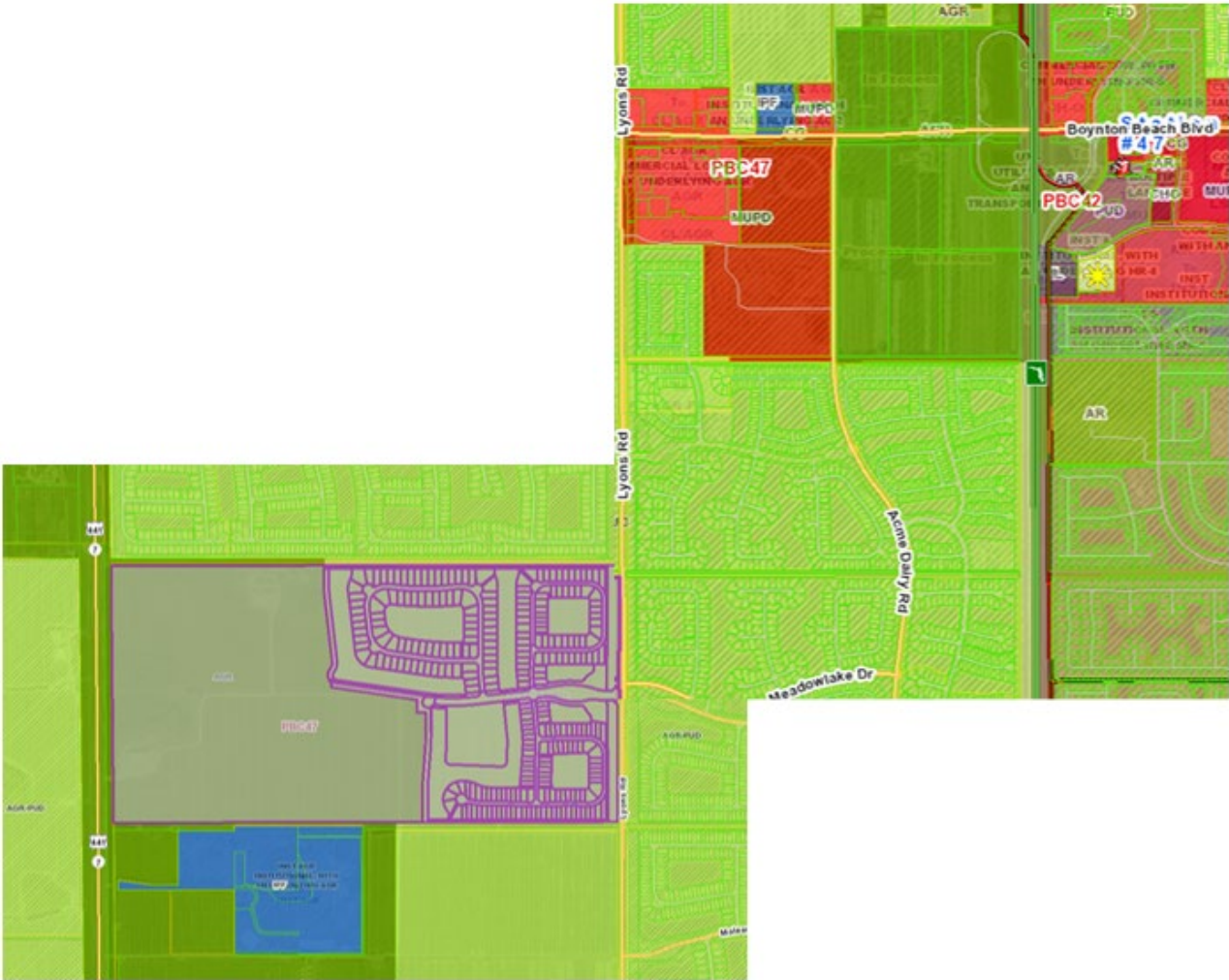
There are no new Engineering Conditions of Approval proposed with this application.

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 Area.

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 water and wastewater approval already granted.

FIRE PROTECTION: Staff has reviewed this application and have no comment. The development area is within the service boundaries of Palm Beach County Fire Rescue Station 47.



SCHOOL IMPACTS: The School Board has no comment regarding this request.

PARKS AND RECREATION: The project consists of 657 dwelling units requiring 3.94 acres of onsite recreation, 8.77 acres are provided, therefore the recreational requirement is satisfied.

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.. determined that there is a balance between the need for change and the potential impacts generated by the Lyons West AGR-PUD Development. 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-2023-51, Control No.2021-00031, which currently states:

The approved Preliminary Master Plan is dated October 12, 2022. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners.

Is hereby amended to read:

The approved Preliminary Master Plan is 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: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2023-51, Control No.2021-00031, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2021-1400 (Control 2021-00031), 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.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2023-00051 (Control 2021-00031), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

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

a. No Building Permits for the site may be issued after December 31, 2026, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2023-51, Control No.2021-00031)

2. Prior to issuance of the first building permit for a residential unit for sale within the added land area, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2023-51, Control No.2021-00031)

3. Prior to issuance of the first building permit for a residential unit for sale or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Lyons Road at the project's entrance road. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further

warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney s fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2023-51, Control No.2021-00031)

4. The Property Owner shall construct:

- i. a right turn lane north approach on Lyons Road at the project entrance road.
- ii. a left turn lane south approach on Lyons Road at the project entrance road.

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

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit for residential units for sale. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the entire condition shall be considered satisfied. (BLDGPM/ONGOING: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to issuance of the first Certificate of Occupancy for a residential unit for sale. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2023-51, Control No.2021-00031)

5. Prior to issuance of the first building permit for a residential unit for sale, the Property Owner shall provide to Palm Beach County sufficient public 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 a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. 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 water quality, water quantity and, when necessary, compensating storage capacity within this project s system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and 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. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. 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. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2023-51, Control No.2021-00031)

6. MAJOR THOROUGHFARE ROAD DISCLOSURE

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

b. The Property Owner shall submit documentation of compliance with this condition prior to the first Certificate of Occupancy for a residential unit for sale. (BLDGPM/CO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2023-51, Control No.2021-00031)

7. The Property Owner shall construct:

- i. a right turn lane south approach on SR-7 at the project entrance road.

ii. u-turn opportunities on SR-7 at two locations, north and south of the project entrance road, as approved by the FDOT

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

a. Permits required from FDOT for this construction shall be obtained prior to the issuance of the 451st building permit for residential units for sale. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the entire condition shall be considered satisfied. (BLDGPMPT: MONITORING - Engineering)

b. Construction shall be completed prior to issuance of the 451st Certificate of Occupancy for a residential unit for sale. (BLDGPMPT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2023-51, Control No.2021-00031)

8. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer on Lyons Rd at Project entrance road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

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

b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2023-51, Control No.2021-00031)

9. The Property Owner shall construct a vehicular bridge to connect to State Road 7. Any and all costs associated with the construction shall be paid by the Property Owner. Construction shall be completed prior to issuance of the 451st residential Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 9 of Resolution R-2023-51, Control No.2021-00031)

10. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: MONITORING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMPT/PLAT: MONITORING - Engineering) (Previous ENGINEERING Condition 10 of Resolution R-2023-51, Control No.2021-00031)

11. Landscape Within the Median of State Road 7

The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of State Road 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 County Engineer 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 below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from the Florida Department of Transportation prior to the issuance of the 278th building permit for a residential unit for sale, or as approved by the County Engineer. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the 278th certificate of occupancy of a residential unit for sale, or as approved by the County Engineer. (BLDGPMPT/CO: MONITORING - Engineering) [Note: COMPLETED]

c. 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 Palm Beach County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit, or as approved by the County Engineer. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan or a corridor proposed to be added to the OTIS Master Plan and shall be based on the project's front

footage along State Road 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2023-51, Control No.2021-00031)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to the platting of Plat Three of the Development Area, the PROPERTY OWNER shall convey an exclusive easement over the north 35.00-feet of the Development Parcel, for additional right-of-way on the L-26 Canal; Less existing LWDD R/W. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 1 of Resolution R-2023-51, Control No.2021-00031)
2. Prior to the platting of Plat Three of the Development Area, the PROPERTY OWNER shall convey an exclusive easement over the north 50.00-feet of Preserve Parcel 10, for additional right-of-way on the L-27 Canal; Less existing R/W (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 2 of Resolution R-2023-51, Control No.2021-00031)
3. Prior to the platting of Plat Three of the Development Area, the PROPERTY OWNER shall convey an exclusive easement over the West 40-feet of Preserve Parcel 5 and Preserve 10 for additional R/W on the E-1 Canal. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 3 of Resolution R-2023-51, Control No.2021-00031)
4. Prior to the platting of Plat Three of the Development Area, the PROPERTY OWNER shall convey an exclusive easement over the north 35.00-feet of Preserve Parcel 5, for additional right-of-way on the L-26 Canal; Less existing LWDD R/W. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 4 of Resolution R-2023-51, Control No.2021-00031)
5. Prior to the platting of Plat Three of the Development Area, the PROPERTY OWNER shall convey an exclusive easement over the south 5.00-feet of Preserve Parcel 10 for additional R/W on the L-28. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 5 of Resolution R-2023-51, Control No.2021-00031)

PARKS

1. Previous PARKS Condition 1 of Resolution R-2023-51, Control No.2021-00031, which currently states:

No more than 281 residential building permits may be issued for this project until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, unless a phasing plan for completion of the required recreation area is agreed to and approved by the Parks and Recreation Department.

Is hereby amended to read:

No more than 263 residential building permits shall be issued until the recreational improvements have been completed in their entirety and are open for use and accessible to the residents, unless a phasing plan for completion of the required recreation area is agreed upon and approved by the Parks and Recreation Department. (BLDGPMT/CC: MONITORING - Parks and Recreation)

PLANNING

1. Previous PLANNING Condition 1 of Resolution R-2023-51, Control No.2021-00031, which currently states:

The PUD shall be limited to a maximum of 704 dwelling units and shall meet 60/40 AGR-PUD requirements. All units associated with the preserve parcels shall be assigned to the Development area. No approved, unbuilt units may be transferred outside the development area.

Is hereby amended to read:

The PUD shall be limited to a maximum of 659 dwelling units and shall meet 60/40 AGR-PUD requirements. All units associated with the preserve parcels shall be assigned to the Development area. No approved, unbuilt units may be transferred outside the development area. (ONGOING: PLANNING - Planning)

2. Prior to Final Master Plan (FMP) approval by the Development Review Officer (DRO), the Property Owner shall provide a 100 foot Lyons Road Rural Parkway Landscape Plan with cross section details for the Parkway. All of these items shall be subject to approval by the Planning Division and Engineering Department. The Rural Parkway Landscape Plan to include, but not be limited to, the following items:

- a. Flowering trees;
- b. Undulating berms, no taller than five (5) feet and landscaped with native vegetation; and
- c. Benches/pedestrian gathering area. One (1) pedestrian gathering area shall be provided within the 100-foot wide Lyons Road Rural Parkway along the Development Area project frontage.
- d. The amount of landscape material in the Rural Parkway, when adjacent to a preserve, may contain a reduced amount of landscaped material, subject to approval by the Planning Division. However, one (1) bench and one (1) pedestrian gathering area, will still be required in the Rural Parkway adjacent to the Development Area.
- e. The following are minimum quantities of vegetation that shall be required for the Rural Parkway adjacent to the development area:
 - 1. Provide 1 canopy tree for each 1,200 square feet.
 - a. Up to 20 percent of canopy trees may be flowering.
 - b. Spacing of trees to be no more than 100' apart.
 - 2. Small trees (maximum mature growth estimated to be no more than 12 feet) may be substituted for canopy trees at a rate of 2 for 1 not to exceed 20 percent of required canopy tree quantity.
 - 3. Provide a minimum of one palm tree for each 4,000 square feet of area; palms to be clustered in groups of 3 minimum; no maximum or minimum spacing between clusters.
 - 4. Provide one plant for each 200 square feet of area, utilizing a minimum of 50 percent of the required quantity in a layered design to include ground cover (mature or maintained growth not exceeding 24 inches, small shrubs (mature or maintained growth not to exceed 48 inches) and large shrubs (mature or maintained growth greater than 48 inches).
 - 5. Undulating berms, where possible, no taller than 5 feet from adjacent roadway grade; waived within 200 feet of a development entry or other vehicular access-way.
 - 6. Sod remaining area.
 - 7. Minimum 90 percent native trees, 60 percent native shrubs.
- f. The following are minimum quantities of vegetation that shall be required for the Rural Parkway adjacent to the AGR Preserve P9B at Atlantic and Lyons:
 - 1. One canopy tree per 2,000 square feet.
 - 2. Undulating berms, where possible, no taller than five (5) feet from adjacent roadway grade; waived within 200 feet of a development entry or other vehicular access-way.
 - 3. Sod or seed remaining area.
 - 4. Minimum 90 percent native trees, 60 percent native shrubs.
- g. For the Rural Parkway Planting Plan, spacing requirements may be waived by the Planning Director, for those areas within 200 feet of the Development entry or other vehicular access points.
(DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2023-51, Control No.2021-00031)
- 3. Submit an approved Preserve Management Plan and Rural Parkway Management Plan prior to approval by the Development Review Officer (DRO) of the Final Master Plan for the development area. The management plans shall contain a legal description and sketch of the parcel, an inventory of existing uses and environmental assets on the site, and a plan for exotic removal and maintenance. The preserve management Plan shall be approved by ERM and the Rural Parkway Plan shall be approved by Planning.
(DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2023-51, Control No.2021-00031)
- 4. Prior to final site plan approval by the Development Review Officer (DRO), the Property Owner shall provide a Rural Parkway Landscape Plan, for the entire Rural Parkway Preserve area, subject to approval by the Planning Division, to include a minimum of 60% native shrubs and a minimum of 90% native trees and palms for the minimum required trees, palms and shrubs. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 4 of Resolution R-2023-51, Control No.2021-00031)
- 5. Prior to or concurrent with the plat, the conservation easement for the 100' Lyons Road Rural Parkway Preserve Area, shall be recorded, as approved by the County Attorney's Office, the Engineering Department, and the Planning Division. The conservation easement for the 100 foot Lyons Road Rural Parkway Preserve Area shall contain:
 - a. A Rural Parkway Conceptual Landscape Plan to include, but not be limited to, the following items:
 - i. Flowering trees;
 - ii. Undulating berms, no taller than five feet and landscaped with native vegetation; and
 - iii. Benches/pedestrian gathering area. One (1) pedestrian gathering area shall be provided within the 100-foot wide Lyons Road Rural Parkway along this project frontage.

- b. The Rural Parkway easement shall not include:
 - i. Walls;
 - ii. No structures shall be allowed in the Rural Parkway Easement with the exception of a bus shelter, and benches/pedestrian gathering area.
- c. The Rural Parkway easement may include:
 - i. A ten (10) foot utility easement located adjacent to the Lyons Road right-of-way and a bus easement;
 - ii. Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Lyons Road Rural Parkway Easement to place drainage/utilities in the developable portion of the PUD.
 - iii. Other drainage easements may be permitted in the Rural Parkway Easement for the purposes of draining the Rural Parkway subject to approval by the County Engineering Department and the Planning Division.
- d. A maintenance agreement for continual maintenance of the Rural Parkway that will contain language allowing for the transfer of maintenance to the Homeowners Association or; a deed to the County for the County's ownership and maintenance.
- e. 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.
- f. Should the 100-foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and Planning Division, prior to November 1, 2023, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (DATE/PLAT: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 5 of Resolution R-2023-51, Control No.2021-00031)
- 6. Prior to the recordation of the 1st Plat for the Development Area that includes Pods A, B, or C, all of the conservation easements for Preservation parcels 1 through 4 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: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 6 of Resolution R-2023-51, Control No.2021-00031)
- 7. Prior to the 138th Building Permit, the Property Owner shall commence the construction of the Rural Parkway, through the Rural Parkway easements consistent with the Staff approved Rural Parkway Sketch and Landscape Plan. (BLDGPM: MONITORING - Planning) [Note: COMPLETE] (Previous PLANNING Condition 7 of Resolution R-2023-51, Control No.2021-00031)
- 8. Prior to the issuance of the 563rd Certificate of Occupancy (CO), the Property Owner shall complete construction of the Rural Parkway according to the approved landscape plans. (CO: MONITORING - Planning) (Previous PLANNING Condition 8 of Resolution R-2023-51, Control No.2021-00031)
- 9. Title insurance for the Agricultural Conservation Easements are based on the cost of a single family TDR in effect at the time PDD/DOA-2022-213 was deemed sufficient (March 2, 2022). For the new preserves, P5 through P11, the cost will be \$44,000 per acre. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 9 of Resolution R-2023-51, Control No.2021-00031)
- 10. Prior to the recordation of the 1st Plat for the Development Area that includes Pods D, E, F, G, or H, all of the conservation easements for Preservation parcels 5 through 11 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: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 10 of Resolution R-2023-51, Control No.2021-00031)

11. 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 will be required to cash out the civic site subject to Board of County Commissioners approval. If approved, payment will be made 30 days of first plat recordation. If the civic site is not cashed out, a civic site that is acceptable to Palm Beach County Facilities, Development & Operations Department will be required. (DRO: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 1 of Resolution R-2023-51, Control No.2021-00031)

SCHOOL BOARD

1. The Property Owner shall provide a Declaration and Restrictive Covenant which prohibits children less than nineteen years of age from residing in the community no later than six (6) months after DRO Approval. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the School Board and the County Attorney and a copy of the recorded document shall be sent to the School Board's Planning and Intergovernmental Relations Department. (DATE: COUNTY ATTORNEY - School Board) (Previous SCHOOL BOARD Condition 1 of Resolution R-2023-51, Control No.2021-00031)

SITE DESIGN

1. Prior to final Development Review Officer approval, the Applicant shall modify the Master Plan to include the location of focal points per Art. 3.E.2.B.2.b. Focal Points. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 1 of Resolution R-2023-51, Control No.2021-00031)

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: ZONING - Zoning)

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

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

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

DISCLOSURE

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

Figure 1 – FLU Map

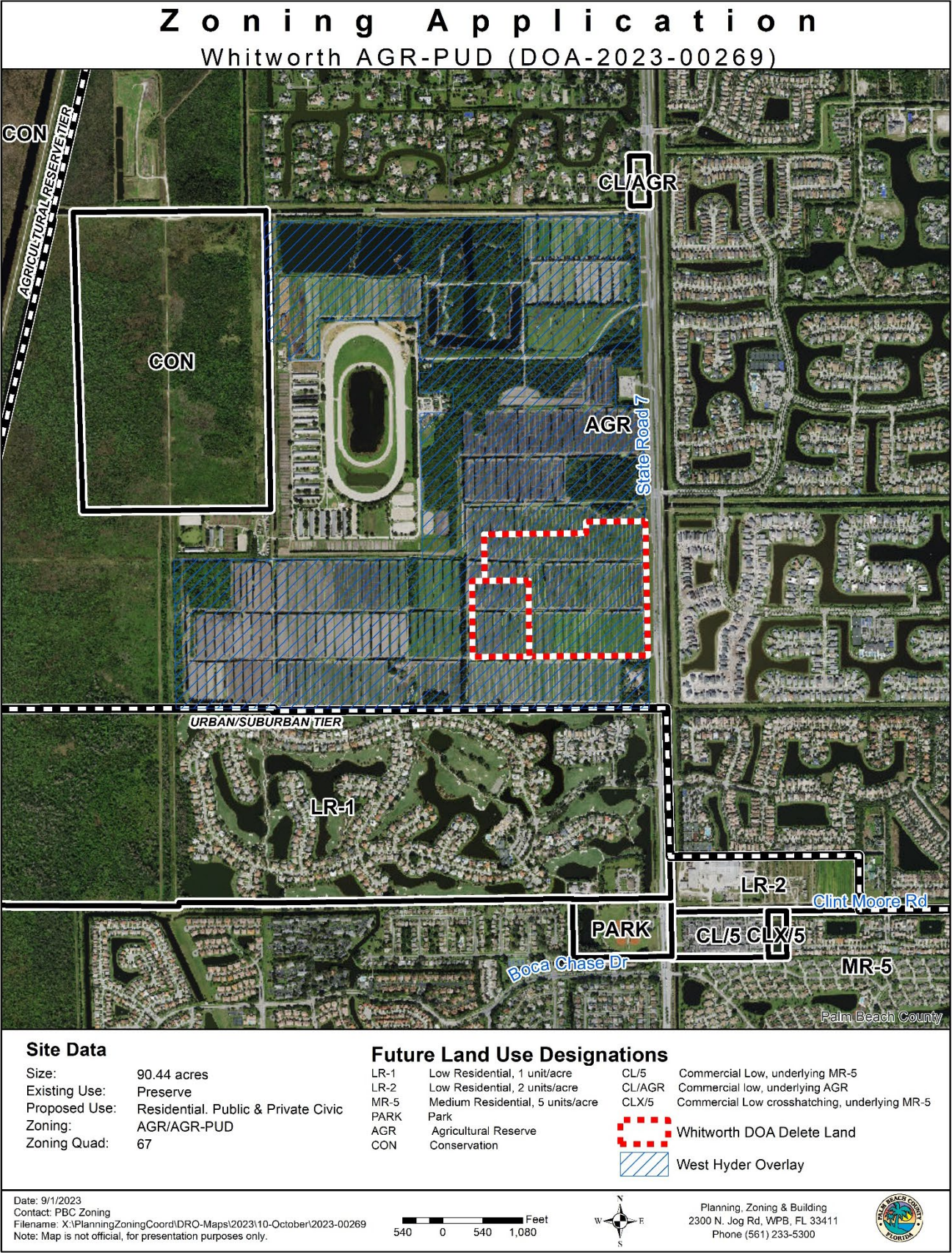


Figure 2 – Zoning Map

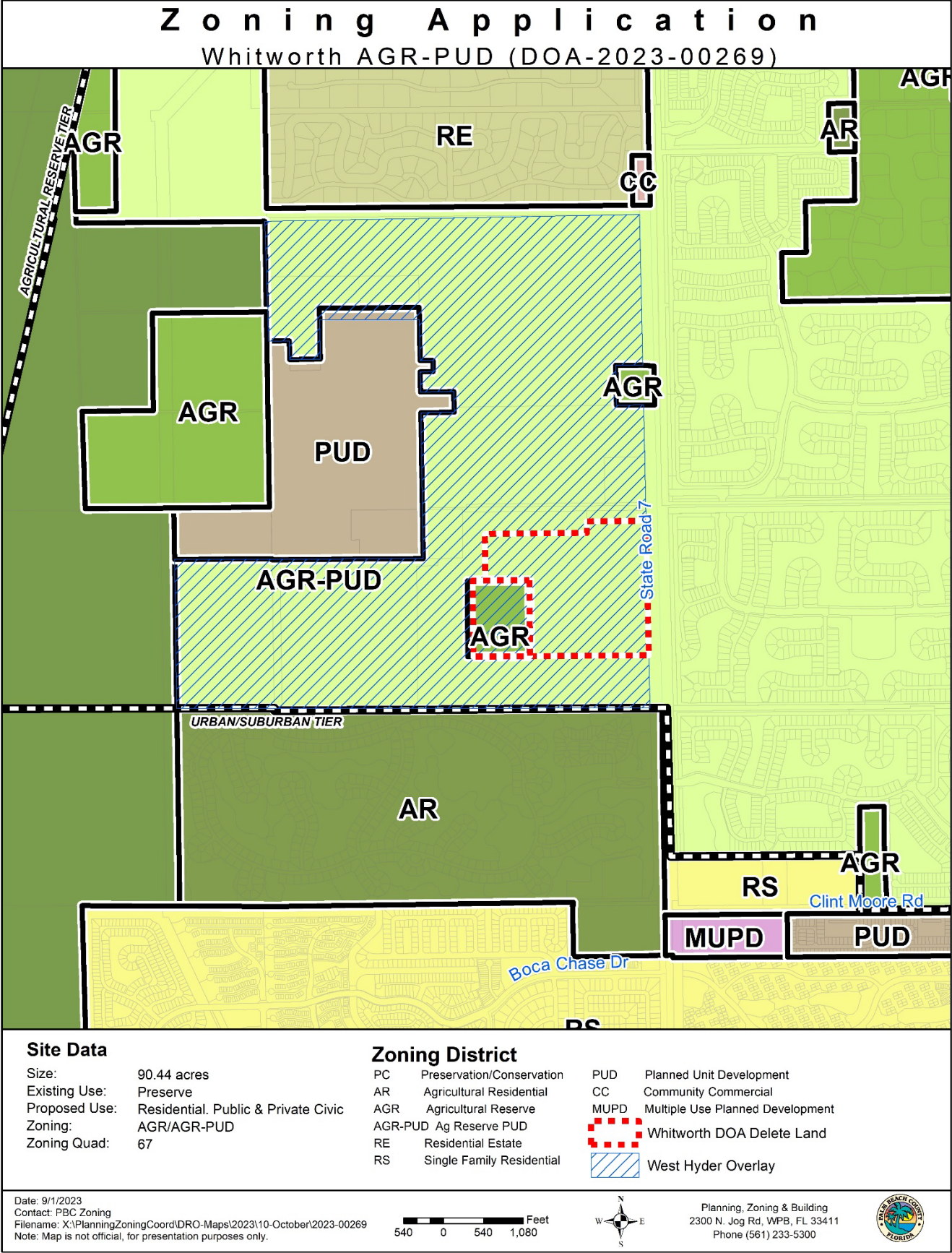


Figure 3 – Preliminary Master Plan dated June 26, 2023 (page 1 of 3)

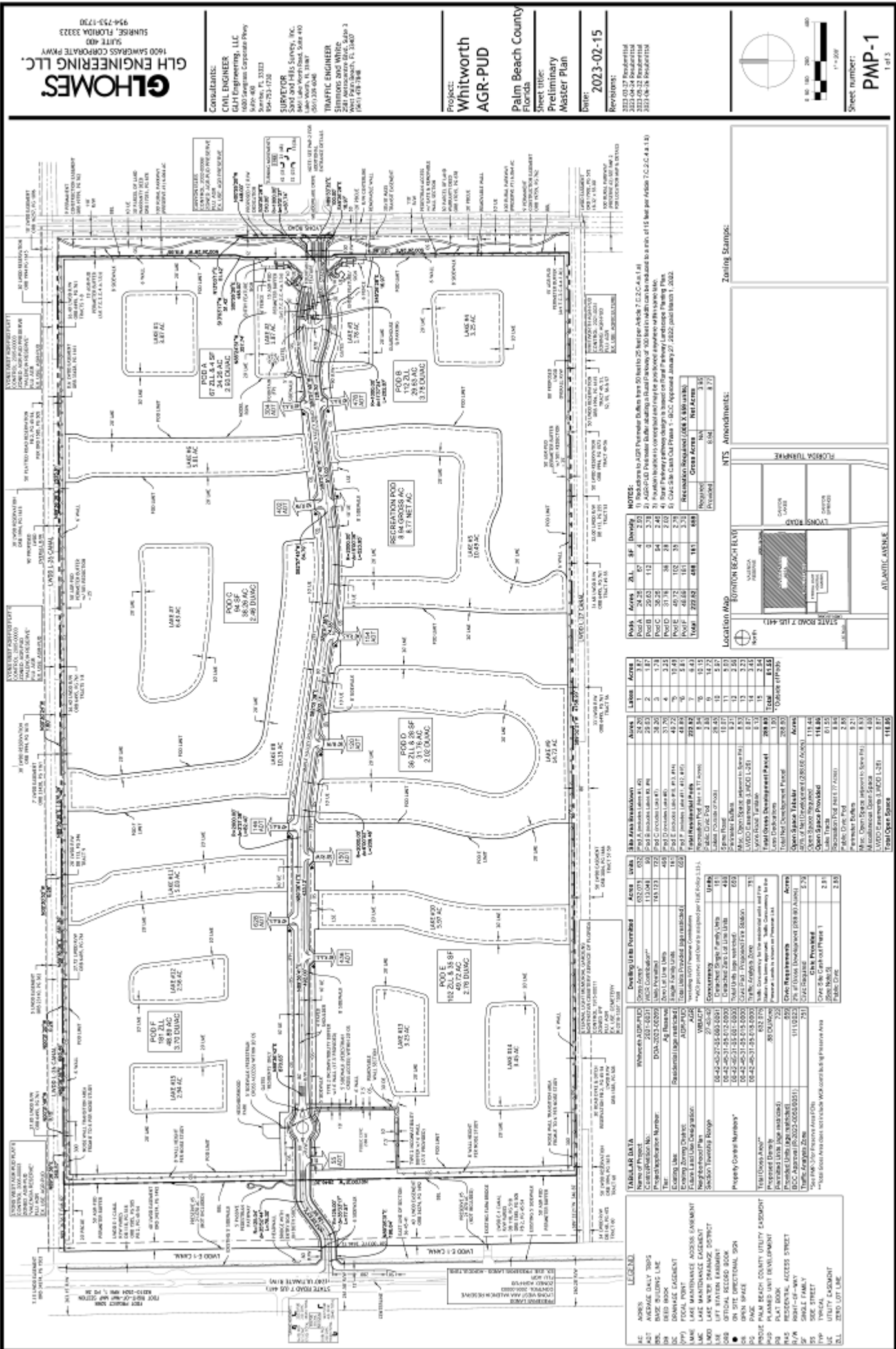


Figure 3 – Preliminary Master Plan dated June 26, 2023 (page 2 of 3)

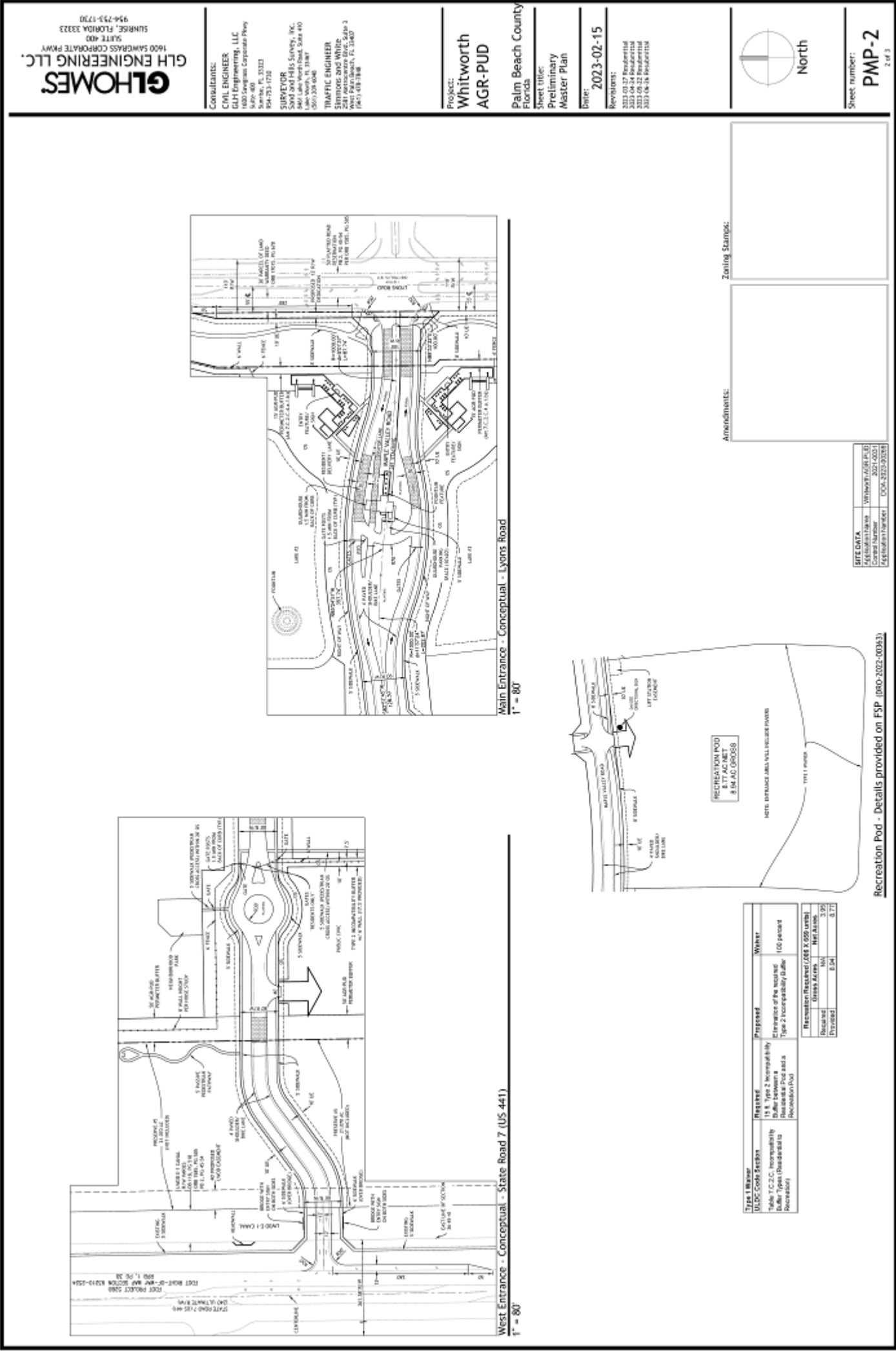
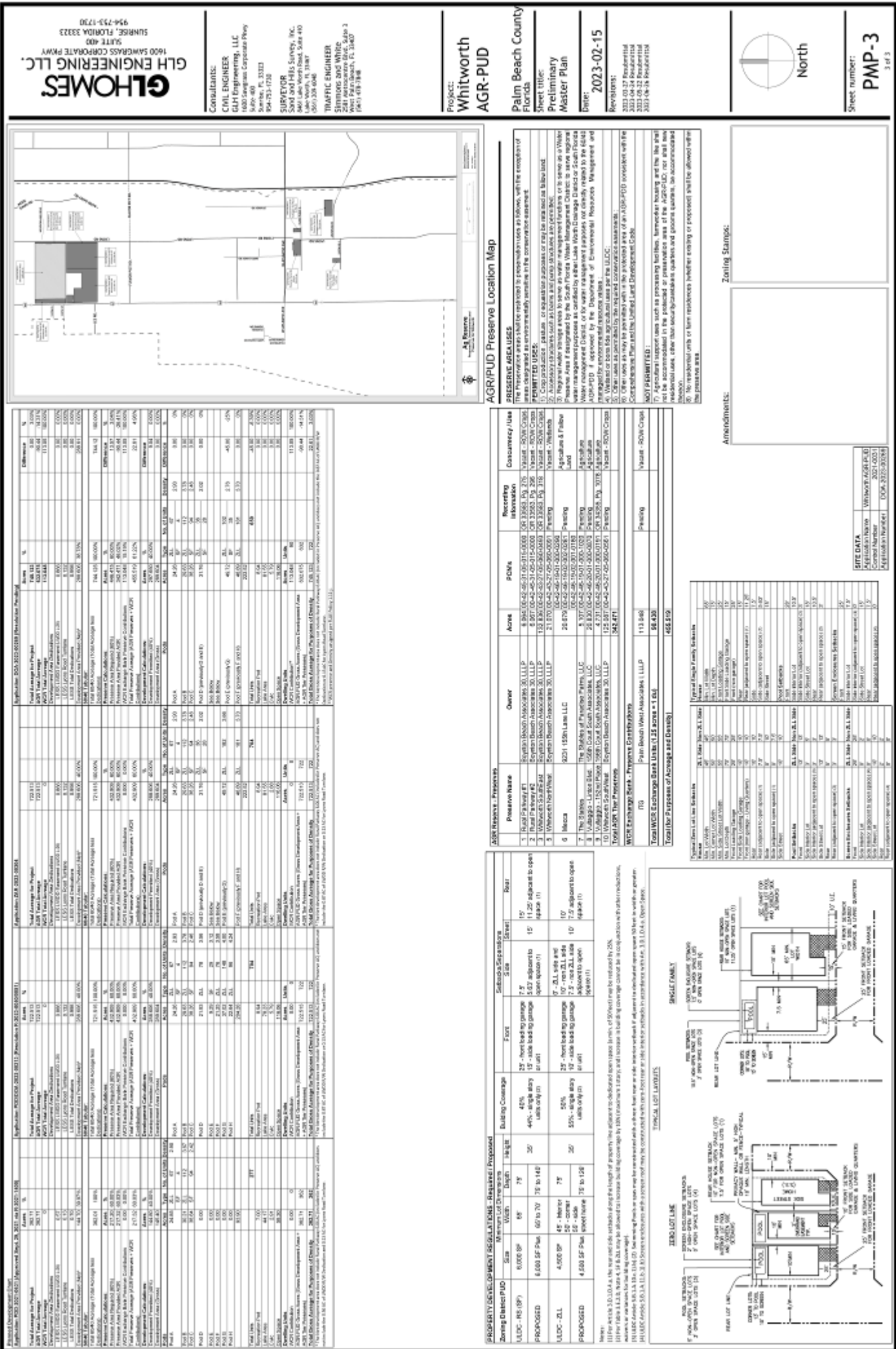
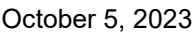


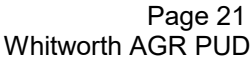
Figure 3 – Preliminary Master Plan dated June 26, 2023 (page 3 of 3)



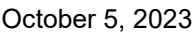
Zoning Commission
Application No. DOA-2023-00269



Zoning Commission
Application No. DOA-2023-00269



Zoning Commission
Application No. DOA-2023-00269



Zoning Commission
Application No. DOA-2023-00269

Exhibit D – Disclosure of Ownership – Property Owner

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 3rd day of February 2023, 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

JEFFREY SPEVACEK
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 1.28.27

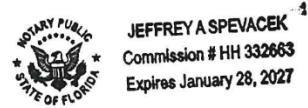


EXHIBIT "A"

PROPERTY

Whitworth Preserve #4 (Hyder West)

LEGAL DESCRIPTION:

BEING ALL OF TRACTS 20 THROUGH 23 INCLUSIVE, AND A PORTION OF TRACTS 1 THROUGH 8 INCLUSIVE, TRACTS 17, 18, 19 AND TRACTS 24 THROUGH 30 INCLUSIVE, AND A PORTION OF A ROAD, DYKE AND DITCH RESERVATIONS 30 FEET IN WIDTH, ALL IN BLOCK 69, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF TRACT 48 OF SAID BLOCK 69 AND THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 AS SHOWN ON THAT RIGHT-OF-WAY MAP PREPARED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION, SECTION NO. 93210-2515 AND ACCORDING TO THAT ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 10622, PAGE 830, SAID PUBLIC RECORDS; THENCE NORTH 01°28'29" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 683.27 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°34'36" WEST ALONG A LINE 683.15 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE SOUTH LINE OF TRACTS 40 THROUGH 48 OF SAID BLOCK 69, A DISTANCE OF 1,606.63 FEET; THENCE NORTH 00°25'24" WEST, A DISTANCE OF 1,027.95 FEET; THENCE SOUTH 89°36'38" WEST, A DISTANCE OF 597.75 FEET; THENCE NORTH 00°22'32" WEST, A DISTANCE OF 630.33 FEET; THENCE NORTH 89°25'29" EAST, A DISTANCE OF 1,380.51 FEET; THENCE NORTH 00°22'07" WEST ALONG THE EAST LINE OF SAID TRACT 4, A DISTANCE OF 158.00 FEET; THENCE NORTH 89°25'29" EAST, A DISTANCE OF 796.89 FEET; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 FOR THE FOLLOWING THREE (3) DESCRIBED COURSE, SOUTH 01°06'45" EAST, A DISTANCE OF 1,155.49 FEET; THENCE SOUTH 01°48'05" EAST, A DISTANCE OF 30.01 FEET; THENCE SOUTH 01°28'29" EAST, A DISTANCE OF 637.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 72.350 ACRES, MORE OR LESS.

Whitworth Preserve #11 (Hyder West Two)

LEGAL DESCRIPTION:

BEING A PORTION OF TRACTS 17 THROUGH 19, INCLUSIVE, A PORTION OF TRACTS 30 THROUGH 32, INCLUSIVE, AND A PORTION OF A ROAD, DYKE AND DITCH RESERVATION 30 FEET IN WIDTH, ALL IN BLOCK 69, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF TRACT 48 OF SAID BLOCK 69 AND THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 AS SHOWN ON THAT RIGHT-OF-WAY MAP PREPARED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION, SECTION NO. 93210-2515 AND ACCORDING TO THAT ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 10622, PAGE 830, SAID PUBLIC RECORDS; THENCE SOUTH 89°34'36" WEST, ALONG SAID SOUTH LINE OF TRACTS 41 THROUGH 48 SAID BLOCK 69, A DISTANCE OF 2385.49 FEET; THENCE NORTH 00°25'24" WEST, A DISTANCE OF 683.15 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°25'24" WEST, A DISTANCE OF 1028.40 FEET; THENCE NORTH 89°36'38" EAST ALONG A BOUNDARY LINE OF THE CONSERVATION EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 33505, PAGE 1982, SAID PUBLIC RECORDS AND ITS WESTERLY EXTENSION, A DISTANCE OF 766.32 FEET; THENCE SOUTH 00°25'24" EAST ALONG A BOUNDARY LINE OF SAID CONSERVATION EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 33505, PAGE 1982, A DISTANCE OF 1027.95 FEET; THENCE SOUTH 89°34'36" WEST, ALONG A LINE 683.15 FEET NORTH OF (AS MEASURED AT RIGHT

ANGLES) AND PARALLEL WITH THE SOUTH LINE OF TRACTS 41 THROUGH 48, SAID
BLOCK 69, A DISTANCE OF 766.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.088 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.

Exhibit G – Preserve 4 Conservation Easement Release – dated September 19, 2023

PREPARED BY AND RETURN TO:

G.L. HOMES OF PALM BEACH ASSOCIATES, LTD.
1600 Sawgrass Corporate Parkway, Suite 400
Sunrise, Florida 33323
Attn: Steven M. Helfman, Esq.

PROJECT: Whitworth AGR-PUD
Preserve Parcel Name: Hyder West - Preserve No. 4 (72.350 Acres)
Preserve Parcel PCN: 00-42-43-27-05-069-0012

TERMINATION AND RELEASE OF CONSERVATION EASEMENT

This Termination and Release of Conservation Easement is made and entered into as of the ____ day of _____, 2023, by and between G.L. HOMES OF PALM BEACH ASSOCIATES, LTD., a Florida limited partnership (“Owner”), and PALM BEACH COUNTY, a political subdivision of the State of Florida (“County”).

RECITALS

- A. Owner established that certain Conservation Easement dated April 20, 2022 (“Conservation Easement”) in favor of the County, which Conservation Easement is recorded in Official Records Book 33505, Page 1982, of the Public Records of Palm Beach County, Florida.
- B. The Conservation Easement encumbers the property described on Exhibit “A” attached hereto (“Property”).
- C. Owner is the current fee simple owner of the Property.
- D. Owner and the County seek to terminate the Conservation Easement and release the Property from all of the terms, covenants and conditions thereof.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner and the County hereby agree as follows:

- 1. The Conservation Easement is hereby terminated in its entirety and is of no further force or effect.
- 2. The Property is hereby released and discharged from the Conservation Easement and all the terms, covenants and conditions thereof.
- 3. This Termination and Release of Conservation Easement shall run with the land and shall be binding on and inure to the benefit of the parties hereto and their respective heirs, transferees, successors or assigns.
- 4. This Termination and Release of Conservation Easement may be executed in multiple counterparts, each of which individually shall be deemed an original, but when taken together shall be deemed to be one and the same instrument.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound, have executed this Termination and Release of Conservation Easement as of the 19 day of SEPT., 2023.

WITNESSES:

Gladys DiGirolamo
Print Name: GLADYS DIGIROLAMO

Ryan Vandenberg
Print Name: Ryan Vandenberg

OWNER:

G.L. HOMES OF PALM BEACH ASSOCIATES, LTD., a Florida limited partnership

By: G.L. Homes of Palm Beach Corporation, a Florida corporation, its general partner

By: Alan J. Fant
Name: ALAN J. FANT
Title: Vice President

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 19th day of September, 2023 by ALAN J. FANT, 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, on behalf of such corporation and partnership, who is personally known to me.



NOTARY SEAL:

My Commission Expires:
6-6-2027

Notary Public: Evelyn Pacheco
Print Notary Name: Evelyn Pacheco

THE COUNTY:

Attest:
JOSEPH ABRUZZO, Clerk

PALM BEACH COUNTY BOARD OF
COUNTY COMMISSIONERS:

By: _____
Deputy Clerk

By: _____
Gregg K. Weiss, Mayor

WITNESSES:

Signature

Print Name

Signature

Print Name

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

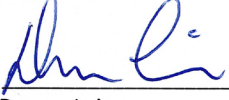
By: 
Darren Leiser
Assistant County Attorney

Exhibit A – Legal Description

PROJECT: Whitworth AGR-PUD
Preserve Parcel Name: Hyder West - Preserve No. 4 (72.350 Acres)
Preserve Parcel PCN: 00-42-43-27-05-069-0012

LEGAL DESCRIPTION:

BEING ALL OF TRACTS 20 THROUGH 23 INCLUSIVE, AND A PORTION OF TRACTS 1 THROUGH 8 INCLUSIVE, TRACTS 17, 18, 19 AND TRACTS 24 THROUGH 30 INCLUSIVE, AND A PORTION OF A ROAD, DYKE AND DITCH RESERVATIONS 30 FEET IN WIDTH, ALL IN BLOCK 69, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF TRACT 48 OF SAID BLOCK 69 AND THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 AS SHOWN ON THAT RIGHT-OF-WAY MAP PREPARED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION, SECTION NO. 93210-2515 AND ACCORDING TO THAT ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 10622, PAGE 830, SAID PUBLIC RECORDS; THENCE NORTH 01°28'29" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 683.27 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°34'36" WEST ALONG A LINE 683.15 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE SOUTH LINE OF TRACTS 40 THROUGH 48 OF SAID BLOCK 69, A DISTANCE OF 1,606.63 FEET; THENCE NORTH 00°25'24" WEST, A DISTANCE OF 1,027.95 FEET; THENCE SOUTH 89°36'38" WEST, A DISTANCE OF 597.75 FEET; THENCE NORTH 00°22'32" WEST, A DISTANCE OF 630.33 FEET; THENCE NORTH 89°25'29" EAST, A DISTANCE OF 1,380.51 FEET; THENCE NORTH 00°22'07" WEST ALONG THE EAST LINE OF SAID TRACT 4, A DISTANCE OF 158.00 FEET; THENCE NORTH 89°25'29" EAST, A DISTANCE OF 796.89 FEET; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 FOR THE FOLLOWING THREE (3) DESCRIBED COURSE, SOUTH 01°06'45" EAST, A DISTANCE OF 1,155.49 FEET; THENCE SOUTH 01°48'05" EAST, A DISTANCE OF 30.01 FEET; THENCE SOUTH 01°28'29" EAST, A DISTANCE OF 637.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 72.350 ACRES, MORE OR LESS.

Exhibit H – Preserve 11 Conservation Easement Release – dated September 19, 2023

PREPARED BY AND RETURN TO:

G.L. HOMES OF PALM BEACH ASSOCIATES, LTD.
1600 Sawgrass Corporate Parkway, Suite 400
Sunrise, Florida 33323
Attn: Steven M. Helfman, Esq.

PROJECT: Whitworth AGR-PUD
Preserve Parcel Name: Hyder West Two - Preserve No. 11 (18.088 Acres)
Preserve Parcel PCN: 00-42-43-27-05-069-0012

TERMINATION AND RELEASE OF CONSERVATION EASEMENT

This Termination and Release of Conservation Easement is made and entered into as of the ____ day of _____, 2023, by and between G.L. HOMES OF PALM BEACH ASSOCIATES, LTD., a Florida limited partnership (“Owner”), and PALM BEACH COUNTY, a political subdivision of the State of Florida (“County”).

RECITALS

- A. Owner established that certain Conservation Easement dated April 20, 2023 (“Conservation Easement”) in favor of the County, which Conservation Easement is recorded in Official Records Book 34355, Page 1203, of the Public Records of Palm Beach County, Florida.
- B. The Conservation Easement encumbers the property described on Exhibit “A” attached hereto (“Property”).
- C. Owner is the current fee simple owner of the Property.
- D. Owner and the County seek to terminate the Conservation Easement and release the Property from all of the terms, covenants and conditions thereof.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner and the County hereby agree as follows:

- 1. The Conservation Easement is hereby terminated in its entirety and is of no further force or effect.
- 2. The Property is hereby released and discharged from the Conservation Easement and all the terms, covenants and conditions thereof.
- 3. This Termination and Release of Conservation Easement shall run with the land and shall be binding on and inure to the benefit of the parties hereto and their respective heirs, transferees, successors or assigns.
- 4. This Termination and Release of Conservation Easement may be executed in multiple counterparts, each of which individually shall be deemed an original, but when taken together shall be deemed to be one and the same instrument.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound, have executed this Termination and Release of Conservation Easement as of the 19 day of SEPT., 2023.

WITNESSES:

Gladys Digreland
Print Name: GLADYS DIGRELAND

Ryan Vandenberg
Print Name: Ryan Vandenberg

OWNER:

G.L. HOMES OF PALM BEACH ASSOCIATES, LTD., a Florida limited partnership

By: G.L. Homes of Palm Beach Corporation, a Florida corporation, its general partner

By: Alan J. Fant, V.P.
Name: ALAN J. FANT
Title: Vice President

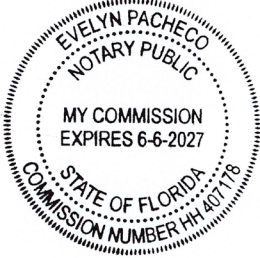
STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 19th day of September, 2023 by ALAN J. FANT, 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, on behalf of such corporation and partnership, who is personally known to me.

Notary Public: Evelyn Pacheco
Print Notary Name: Evelyn Pacheco

NOTARY SEAL:

My Commission Expires: 6-6-2027



THE COUNTY:

Attest:
JOSEPH ABRUZZO, Clerk

PALM BEACH COUNTY BOARD OF
COUNTY COMMISSIONERS:

By: _____
Deputy Clerk

By: _____
Gregg K. Weiss, Mayor

WITNESSES:

Signature

Print Name

Signature

Print Name

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

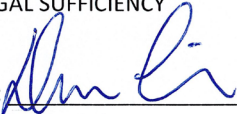
By: 
Darren Leiser
Assistant County Attorney

Exhibit A – Legal Description

PROJECT: Whitworth AGR-PUD
Preserve Parcel Name: Hyder West Two - Preserve No. 11 (18.088 Acres)
Preserve Parcel PCN: 00-42-43-27-05-069-0012

LEGAL DESCRIPTION:

BEING A PORTION OF TRACTS 17 THROUGH 19, INCLUSIVE, A PORTION OF TRACTS 30 THROUGH 32, INCLUSIVE, AND A PORTION OF A ROAD, DYKE AND DITCH RESERVATION 30 FEET IN WIDTH, ALL IN BLOCK 69, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF TRACT 48 OF SAID BLOCK 69 AND THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 AS SHOWN ON THAT RIGHT-OF-WAY MAP PREPARED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION, SECTION NO. 93210-2515 AND ACCORDING TO THAT ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 10622, PAGE 830, SAID PUBLIC RECORDS; THENCE SOUTH 89°34'36" WEST, ALONG SAID SOUTH LINE OF TRACTS 41 THROUGH 48 SAID BLOCK 69, A DISTANCE OF 2385.49 FEET; THENCE NORTH 00°25'24" WEST, A DISTANCE OF 683.15 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°25'24" WEST, A DISTANCE OF 1028.40 FEET; THENCE NORTH 89°36'38" EAST ALONG A BOUNDARY LINE OF THE CONSERVATION EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 33505, PAGE 1982, SAID PUBLIC RECORDS AND ITS WESTERLY EXTENSION, A DISTANCE OF 766.32 FEET; THENCE SOUTH 00°25'24" EAST ALONG A BOUNDARY LINE OF SAID CONSERVATION EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 33505, PAGE 1982, A DISTANCE OF 1027.95 FEET; THENCE SOUTH 89°34'36" WEST, ALONG A LINE 683.15 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE SOUTH LINE OF TRACTS 41 THROUGH 48, SAID BLOCK 69, A DISTANCE OF 766.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.088 ACRES, MORE OR LESS.

THIS PAGE LEFT BLANK INTENTIONALLY