

RESOLUTION NO. R-2006-0278

RESOLUTION APPROVING ZONING APPLICATION PDD2005-1328
(CONTROL NO. 2005-455)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF BOYNTON BEACH ASSOCIATES XXIV, LLLP
BY KILDAY & ASSOCIATES, INC., AGENT
(HYDER AGR-PUD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), as amended, have been satisfied; and

WHEREAS, Zoning Application PDD2005-1328 was presented to the Board of County Commissioners at a public hearing conducted on February 23, 2006; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 2.F, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application PDD2005-1328, the application of Boynton Beach Associates XXIV, LLLP by Kilday & Associates, Inc., agent, for an Official Zoning Map Amendment from the Agricultural Reserve Zoning District to the Agricultural Reserve Planned Unit Development District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on February 23, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Tony Masilotti, Chair	¥	Aye
Addie L. Greene, Vice Chairperson	¥	Aye
Karen T. Marcus	¥	Aye
Jeff Koons	¥	Aye
Warren H. Newell	¥	Absent
Mary McCarty	¥	Aye
Burt Aaronson	¥	Absent

The Chairman thereupon declared that the resolution was duly passed and adopted on February 23, 2006.

Filed with the Clerk of the Board of County Commissioners on 23rd day of February, 2006.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:



DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

DEVELOPMENT AREA

ALL OF TRACTS 17 THROUGH 24, INCLUSIVE, TRACTS 43 THROUGH 53, INCLUSIVE, TRACTS 65 THROUGH 128, INCLUSIVE, ALL LYING WITHIN SECTION 30, ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, AS RECORDED IN PLAT 2, PAGES 26 THROUGH 28, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS AS DESCRIBED IN OFFICIAL RECORDS BOOK 11413, PAGE 1734, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

PARCEL 107

THE WEST 40 FEET OF THE EAST 55 FEET OF TRACTS 65, 96, 97, AND 128, BLOCK 30 OF SECTION 30, TOWNSHIP 46 SOUTH, RANGE 42 EAST OF PALM BEACH FARMS PLAT NO. 1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

PARCEL 107A

THAT PART OF TRACT 128, BLOCK 30 OF PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA: BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.E. CORNER OF SECTION 30, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE N.00°52'26"W. ALONG THE EAST LINE OF SAID SECTION 30 A DISTANCE OF 85.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT (L.W.D.D.) L-38 CANAL; THENCE S.89°24'20" W. ALONG SAID CANAL FOR A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°24'20"W. FOR A DISTANCE OF 30.00 FEET; THENCE N.00 52'26"W. ALONG A LINE PARALLEL WITH AND 85.00 FEET WEST OF THE EAST LINE OF SAID SECTION 30 FOR A DISTANCE OF 311.87 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 30.00 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 47.12 FEET TO A POINT 55.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION 30; THENCE S.00°52'26"E. ALONG A LINE PARALLEL WITH AND 55 FEET WEST OF THE EAST LINE OF SAID SECTION 30 FOR A DISTANCE OF 342.02 FEET TO THE POINT OF BEGINNING.

PARCEL 107B

A 25 FOOT WIDE STRIP OF LAND LYING WEST AND NORTHWEST OF THE FOLLOWING DESCRIBED PARCEL: THAT PART OF TRACT 128, BLOCK 30 OF PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.E. CORNER OF SECTION 30, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE N.00 52'26"W. ALONG THE EAST LINE OF SAID SECTION 30 A DISTANCE OF 85.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT (L.W.D.D.) L-38 CANAL; THENCE S.89%D24'20"W. FOR A DISTANCE OF 55 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89%D24'20"W. FOR A DISTANCE OF 30 FEET; THENCE N.00%D52'26"W. ALONG A LINE PARALLEL WITH AND 85.00 FEET WEST OF THE EAST LINE OF SAID SECTION 30 FOR A DISTANCE OF 311.87 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 30.00 FEET; THENCE NORTH EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90%D 00'00", A DISTANCE OF 47.12 FEET TO A POINT 55.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION 30; THENCE S.00%D52'26"E. ALONG A LINE PARALLEL WITH AND 55.00 FEET WEST OF THE EAST LINE OF SAID SECTION 30 FOR A DISTANCE OF 342.02 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS

THE E-1 LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY AS DESCRIBED IN DEED BOOK 118, PAGE 518, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING THE WEST 95.00 FEET OF SAID TRACTS 17, 48, 49, 80, 81, 112 AND 113, SAID SECTION 30, AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP 93210-2515.

THE NORTH 38.00 FEET OF SAID TRACTS 65 AND 66, SECTION 30, ACCORDING TO DEED BOOK 113, PAGE 425.

THE NORTH 38.00 FEET OF SAID TRACTS 67, 68, 71 AND 72, SAID SECTION 30,, ACCORDING TO DEED BOOK 113, PAGE 507.

THE NORTH 38.00 FEET OF SAID TRACTS 75 AND 76, SAID SECTION 30,, ACCORDING TO DEED BOOK 148, PAGE 518.

THOSE LANDS ACCORDING TO OFFICIAL RECORDS BOOK 6495, PG. 761.

THE EAST 15.00 FEET OF SAID TRACTS 65, 96, 97 AND 128, SAID SECTION 30.

ALL OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

CONTAINING 412.133 ACRES, MORE OR LESS.

PRESERVE AREA 1

HYDER NORTH PRESERVE PARCEL (PRESERVE 1)

A PORTION OF THE SOUTH HALF (S ½) OF THE NORTH HALF (N ½) 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 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.

PRESERVE AREA 2

CHICO PRESERVE PARCEL (PRESERVE 2)

THAT PROPERTY BEING A PORTION OF THE SOUTH HALF (S ½) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT ON THE WEST LINE OF SAID SECTION 13 AT THE SOUTHWEST CORNER OF WILLIS GLIDERPORT PLAT NO. 1 AS RECORDED IN PLAT BOOK 32, PAGES 148 THROUGH 148, PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA; THENCE SOUTH 00°57'37" EAST, ALONG SAID WEST LINE OF SECTION 13, A DISTANCE OF 678.04 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 88°59'15" EAST ALONG LINE 678.04 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID WILLIS GLIDERPORT PLAT NO. 1, A DISTANCE OF 5,056.25 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 AS DESCRIBED IN OFFICIAL RECORDS BOOK 10558, PAGE 1320, SAID PUBLIC RECORDS; THENCE SOUTH 00°55'15" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 151.62 FEET; THENCE SOUTH 88°59'15" WEST, ALONG A LINE 829.65 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH LINE OF WILLIS GLIDERPORT PLAT NO. 1, A DISTANCE OF 5,056.15 FEET TO A POINT OF SAID WEST LINE OF SECTION 13; THENCE NORTH 00°57'37" WEST, A DISTANCE OF 151.62 FEET TO THE POINT OF BEGINNING.

CONTAINING 17.599 ACRES, MORE OR LESS

BEARINGS ARE BASED ON THE WEST LINE OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA HAVING AN ASSUMED BEARING OF S00°57'37"E.

PRESERVE AREA 3

BEING A PORTION OF SECTIONS 3, 4 AND 10, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE SOUTH 88°14'10" WEST, ALONG THE SOUTH LINE OF SECTION 10, A DISTANCE OF 1,409.41 FEET TO A POINT ON THE NORTHEAST RIGHT-OF-WAY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT LEVEE 40 AS DESCRIBED IN DEED BOOK 942, PAGE 241 AND DEED BOOK 939, PAGE 528, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID NORTHEAST RIGHT-OF-WAY LINE FOR THE FOLLOWING TWO COURSES, NORTH 32°37'57" WEST, A DISTANCE OF 2,958.60 FEET; THENCE NORTH 36°23'54" WEST, A DISTANCE OF 4,229.75 FEET; THENCE DEPARTING SAID NORTHEAST RIGHT-OF-WAY LINE, NORTH 89°48'05" EAST, A DISTANCE OF 3,034.48 FEET TO A POINT ON THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN THAT LEASE AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 13873, PAGE 1243; THENCE SOUTH 00°56'23" EAST,

ALONG SAID WEST LINE, A DISTANCE OF 250.75 FEET TO A POINT ON THE SOUTH LINE OF SAID LEASE AGREEMENT PARCEL; THENCE NORTH 89°42'50" EAST, ALONG SAID SOUTH LINE AND ITS EASTERLY PROLONGATION, A DISTANCE OF 2,300.00 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE SOUTH 00°56'23" EAST, ALONG SAID EAST LINE, A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 41 EAST; THENCE SOUTH 19°29'49" EAST, A DISTANCE OF 396.71 FEET TO THE NORTHEAST CORNER OF SAID SECTION 10; THENCE SOUTH 00°27'42" EAST, ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 5,150.26 FEET TO THE POINT OF COMMENCEMENT.

CONTAINING 441.666 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

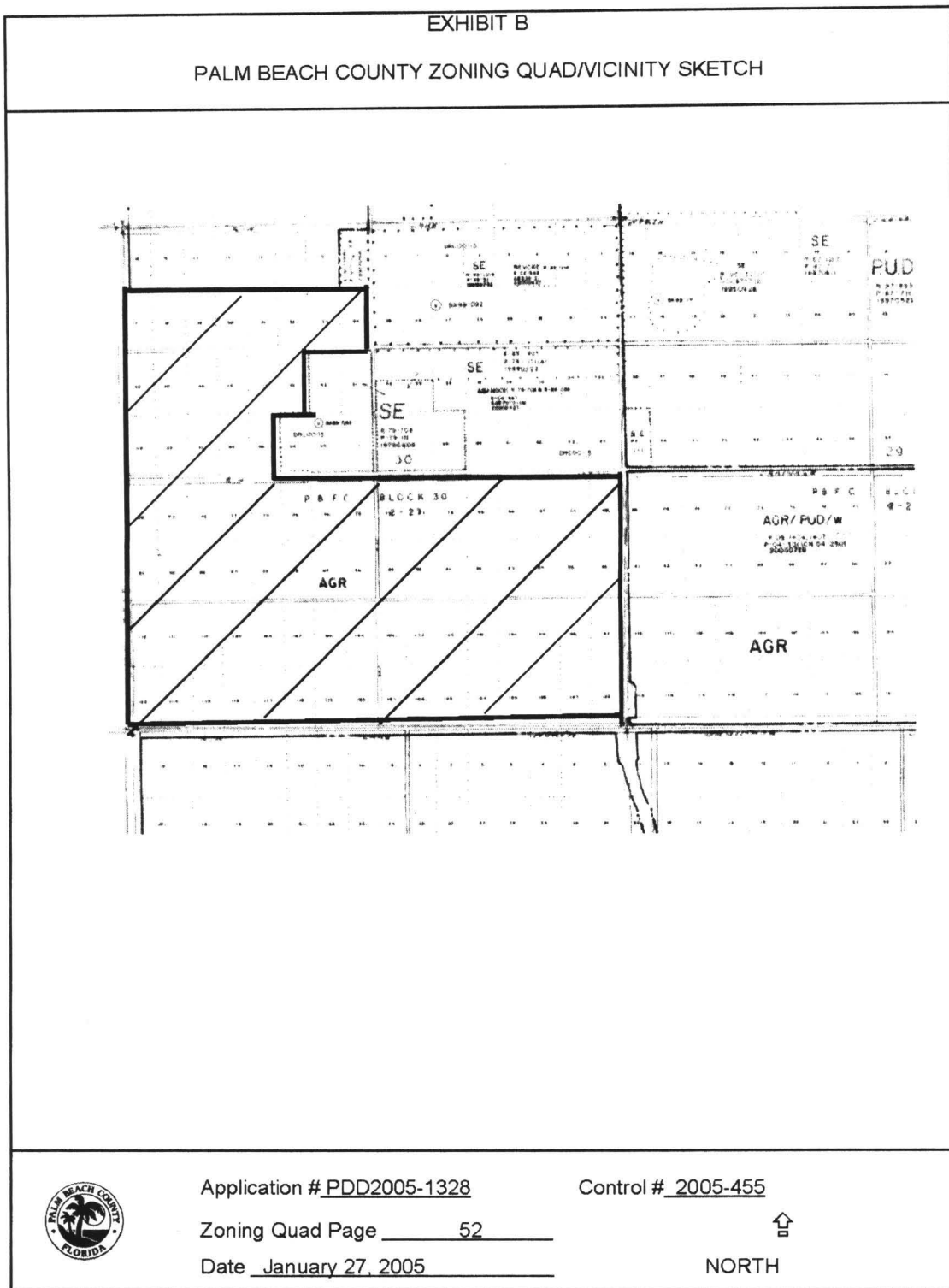


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved master plan and site plan are dated December 19, 2005. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

CIVIC SITE DEDICATION

1. Platting & Deed.
The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 8.24-acre public civic site in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by November 1, 2007. Developer 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
Developer 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 Developer. The Developer 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
Developer 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 Developer 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
Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:
 - 1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.
 - 2) As easement across Developer's property from the proposed civic site to the retention basins, if required.

- f) On-Site Inspections
By acceptance of these conditions developer 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
Developer 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
Developer to provide water and sewer stubbed out to the property line and other required utilities as determined by PREM. (DATE:MONITORING-PREM)

2. Survey

The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by September 1, 2007 . 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. (DATE:MONITORING-PREM)

3. Environmental Survey

The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by September 1, 2007 . 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 Developer shall be required to provide that audit as well. (DATE:MONITORING-PREM)
4. Cash-Out
The Petitioner 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 petitioner 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 or shall be at the sole determination of PREM based on current civic site cash-outs. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC. (ONGOING:PREM-PREM)
5. In the event the Board of County Commissioners approves the civic Site dedication Agreement with the petitioner, the property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a gross 19.64 acre (net 17.50 acre) public civic site in accordance with the terms and conditions of the Civic Site Dedication Agreement and conditions (Civic Site Dedication) 1 through 4 above shall become null and void. (ONGOING:PREM-PREM)

ENGINEERING

1. TRAFFIC PERFORMANCE STANDARDS PHASING CONDITIONS

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

- a) Building Permits for more than 40 single family 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 PERMIT: MONITORING-Eng)
- b) No Building Permits for the site may be issued after January 1, 2012. 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. (DATE: MONITORING-Eng)

2. LANDSCAPE WITHIN THE MEDIAN OF SR 7

The petitioner shall design, install and perpetually maintain the median landscaping 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 petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.

- a) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
 - b) All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
 - c) At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner 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 petitioner. The petitioner 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 Petitioner. (ONGOING:ENG-Eng)
 - d) Also, prior to the issuance of a Building Permit, and at the option of the petitioner, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares 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. (ONGOING:ENG-Eng)
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:
- a) right turn lane on Lyons Road at the east west collector road.
 - b) right turn lane on Lyons Road at the projects 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. (BLDG. PERMIT: MONITORING-Eng)

4. The Property owner shall construct:

- a) right turn lane north approach on Lyons Road at the Project's east west collector roadway.
- b) right turn lane north approach on Lyons Road at the Project's entrance road.
- c) left turn lane south approach on Lyons Road at the east west collector roadway.
- d) left turn lane south approach on Lyons Road at the Project's entrance road
- e) East west collector roadway from Lyons Road to SR 7. Construction shall be to collector street standards, minimum 2-12 travel lanes. Also included shall be intersection improvements at both Lyons Road and SR 7.

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. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
- b. Construction for this improvement shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

5. On or before June 1, 2006 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-Eng)

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

- Lyons Road and the east west collector road.
- Lyons Road and the 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. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING)

- a) Building Permits for more than 200 dwelling units shall not be issued until the developer provides acceptable surety to the Traffic Division in

an amount as determined by the Director of the Traffic Division for the installation of this signal. (BLDG PERMIT:MONITORING-Eng).

7. The property owner shall convey all necessary right of way to Palm Beach County Land Development Division by warranty deed for the proposed 80 foot east west collector roadway. Right of way shall be dedicated prior to issuance of a Building Permit on an alignment approved by the County Engineer. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. The Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee 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 prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (BLDG. PERMIT: MONITORING-Eng)
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 Eng)

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:ERM - ERM)
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:ERM - ERM)

HEALTH

1. Prior to final approval by the Development Review Officer (DRO), the property owner must submit the results of a pre-demolition asbestos containing materials (ACM) survey of the structures on the site to the Palm Beach County Health Department. (DRO: HEALTH Health)
2. The property owner shall utilize Best Management Practices to minimize breeding of mosquitoes in the surface water management system. Management of the system shall include control methods that minimize the need for aerial spraying and reduce potential impacts of mosquito control activities on the surrounding natural areas. (ONGOING: HEALTH-ERM/Health)

ZONING - LANDSCAPING-STANDARD

1. Prior to the issuance of the first certificate of occupancy, the property owner shall submit a Landscape Plan for the entire project to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all the landscape conditions as contained herein. (CO: LANDSCAPE- Zoning)
2. 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. (BLDG PERMIT: LANDSCAPE-Zoning)
3. 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. (BLDG PERMIT: LANDSCAPE-Zoning)
4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE-Zoning)
5. 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. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING-ALONG THE NORTH, NORTHEAST, AND THE EAST 2000 FEET OF THE SOUTH PROPERTY LINES (ABUTTING RESIDENTIAL DEVELOPMENTS)

1. Landscaping along the north, northeast, and the east 2000 feet of the south property line 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 chain link fence, located on the plateau of the berm, with a six (6) foot high hedge planted on both sides of the fence. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING-ALONG ENTRANCE ROADS

1. Special planting treatment shall be provided at each project entry from the public road right of way to the rear face of each guardhouse (or a minimum of 500 feet if there is no guardhouse) as follows:
 - a. a minimum of ten (10) Royal Palms, Canary Palms, Phoenix Palms, Medjool Palms, or any other specimen palms that are acceptable to the Landscape Section along each side of the access point(s); and,
 - b. a minimum of fifteen (15) flowering trees; and,
 - c. appropriate shrub or hedge materials. (BLDG PERMIT: LANDSCAPE-Zoning)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting, the owner shall convey to the District either by warranty or easement deed, the North 65 feet of Tracts 65-80, 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 of Sec 30/46/42, less lands owned by the District for the required right-of-way for the L-37, L-38 and E-1 Canals. (PLAT: ENG-LWDD)

MASS TRANSIT

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)
2. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area 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. (PLAT: ENG-Eng)

PLANNING

1. The PUD shall be limited to a maximum of 554 dwelling units and shall meet 60/40 AGR-PUD requirements. (ONGOING: PLANNING - Planning)
2. Prior to recordation of a plat for the Hyder Development Area, the property owner is responsible for the recordation of boundary plats for all of the preserve parcels and shall include on said boundary plats, language limiting these parcels to Agricultural Reserve preservation uses as permitted by conditions in this Resolution, the Comprehensive Plan Objective 1.5, and Policies of the Future Land Use Element. (PLAT: PLANNING/ENG - Planning)
3. 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). (DRO: PLANNING – Planning)
4. Prior to final approval by the DRO, a management plan for all of the preservation areas shall be submitted. The property owner shall also submit a commitment letter indicating that these preservation properties will remain in their same state from the time of development approval to the final recordation of the conservation easement, or in the event of a change in use, that the new use of the property is consistent with the permitted uses within the preservation areas consistent with the Palm Beach County Comprehensive Plan and Unified Land Development Code (ULDC). The management plan shall contain a legal description and sketch of each parcel, an inventory of existing uses and environmental assets on each site, and a plan approved and enforced by the Department of Environmental Resources Management (ERM) for exotic removal and maintenance on each of the sites. (DRO: PLANNING/ERM - Planning)
5. Prior to final approval by the DRO, the property owner shall add a Preservation Area/Proposed Uses” notes section on page 1 of the Master Plan and include the following:
 - a. The preservation areas approved as part of Application # 2005-1328 shall be restricted to preservation uses as follows, with the exception of

areas designated as environmentally sensitive in the conservation easement:

PERMITTED USES:

- 1) Crop production, pasture, or equestrian purposes or may be retained as fallow land;
- 2) Accessory structures such as barns and pump structures are permitted;
- 3) Regional water storage areas to serve as water management functions or to serve as a Water Preserve Area if designated by the South Florida Water Management District: to serve regional water management purposes as certified by either Lake Worth Drainage District or South Florida Water management District, or for water management purposes not directly related to the 60/40 AgR-PDD if approved by the Department of Environmental Resources Management and managed for environmental resource values;
- 4) Wetland or bona fide agricultural uses per the ULDC;
- 5) Other uses as permitted by the required conservation easements;
- 6) Other uses as may be permitted within the protected area of an AGR-PDD consistent with the Comprehensive Plan and the Unified Land Development Code,

NOT PERMITTED:

- 7) Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses, other than security/caretakers quarters and grooms quarters, be accommodated thereon.
 - 8) No residential units or farm residences (whether existing or proposed) shall be allowed within the preserve area. (DRO/ONGOING: PLANNING - Planning)
6. 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: ENG/CTY ATTY/ERM/PLANNING - Planning)
7. Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to March 1st, 2009, 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/ENG/CO ATTY - Planning)

PLANNED UNIT DEVELOPMENT

1. Prior to recordation of the first plat, all property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:
 - a. Formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.
 - b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.
 - c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: MONITORING-Cty Atty)
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: MONITORING - Zoning)
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: ARCH REVIEW-Zoning)
4. Prior to final approval by the Development Review Officer (DRO), the master/site plans shall be revised to indicate a minimum of one (1) water fountain as a focal feature within 3 of the 10 lake tracts as depicted on the approved Master Plan. The location of each fountain shall be subject to review and approval by the Zoning Division. (DRO: ZONING-Zoning)
5. Prior to the issuance of a Certificate of Occupancy (CO) for a clubhouse or similar common building exceeding 2,500 total square feet on the 6.87-acre recreation parcel, the facility shall be equipped with a generator that complies with the following requirements:
 - a. operates essential electrical systems, including A/C systems, for a minimum of thirty percent (30%) of the gross interior floor area of the building;
 - b. an aboveground fuel storage system, or an alternative fuel storage system that is acceptable to Palm Beach County, with a minimum capacity that is acceptable to the Building Division shall be located adjacent to the generator;

- c. setback in accordance with the Property Development Regulations for a recreation pod in accordance with ULDC Table 3.E.2.D-16;
- d. screened from view on all sides by an opaque barrier constructed of compatible materials, color and character as the building or equivalent landscaping;
- e. subject to review and approval by the Building Division;
- f. deviation from these requirements and/or required building size shall be permitted if consistent with future ULDC regulations; and,
- g. in the event future ULDC regulations/Board of County Commission direction does not require the provision of a generator for the clubhouse or similar common building for Planned Unit Developments, condition 3.a. through 3.f. above shall be null and void and shall no longer be applicable to this project. (BLDG PERMIT: MONITORING - Zoning)

SCHOOL BOARD

- 1. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING - School Board.)

SIGNS

- 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)

UTILITIES

- 1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD- PBCWUD)

COMPLIANCE

- 1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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; 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 ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning)

