

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



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**Application No.:** ZV/DOA/R/W-2009-04750  
**Control No.:** 2004-00471  
**Applicant:** Boynton Beach Association XVIII, LLLP  
**Owners:** Beach Boynton  
**Agent:** Urban Design Kilday Studios - Shayne Broadnix  
**Telephone No.:** (561) 689-5522  
**Project Manager:** Monica Cantor, Site Planner II  
Wendy Hernandez, Zoning Manager

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**Location:** Southeast corner of Lyons Road and Boynton Bch Blvd. (Canyon Town Center TMD)

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**TITLE:** a Type II Zoning Variance **REQUEST:** to reduce the number of required garages for a three-story multi-family building; to increase the maximum percentage for square footage for free-standing structures; and to eliminate interior buffer between non-residential and residential uses. **TITLE:** a Development Order Amendment **REQUEST:** to reconfigure Site Plan, to relocate a plaza, to modify uses, and to reduce square footage. **TITLE:** a Requested Use **REQUEST:** to allow a Daycare, General. **TITLE:** a Waiver **REQUEST:** to allow a Block Structure waiver.

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**APPLICATION SUMMARY:** Proposed is a Development Order Amendment (DOA) for Canyon Town Center Traditional Marketplace Development (TMD). The site was originally approved by the Board of County Commissioners (BCC) on August 25, 2005 to allow maximum 259,300 square feet of non-residential uses and 93 residential units for the 37.55-acre development area which is formed by Pod A (26.75 acres) and Pod B (10.80 acres). The applicant is proposing to reconfigure the Pod A site plan to change the residential building type to a three-story multi-family building with 34 dwelling units, relocate Plaza 2 from the southwest area adjacent to residential to the northeast corner of the Development, convert 9,650 square feet associated with vertically integrated multi-family units in Building A-2 into medical office, and convert 20,000 square feet of office and retail in Building O-1 into medical office. The application also includes a Requested Use to allow a daycare general and a reduction in commercial square footage in Buildings A-1, B-1 and O-1. The applicant is seeking a Waiver for the Block Structure requirements for Block 5 which is missing streets to the south and southwest. A Block Structure Waiver was previously approved by the BCC on February 22, 2007. No changes are proposed to Pod B or preserve areas. Lastly, this request includes 3 variances: to reduce the number of garages for a 3-story multi-family building from 34 to 10, to increase the maximum percentage of allowable square footage for free-standing structures, and to eliminate the internal buffer between multi-family building and non-residential uses. The site plan indicates 786 number of parking spaces and access remains from Boynton Beach Boulevard (2) and Lyons Road (2).

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**ISSUES SUMMARY:**

- Project History

Ordinance 2005-039 adopted by the Board of County Commissioner on August 25, 2005 approved a large-scale Comprehensive Plan and Land Use Amendment (Boynton Beach/Lyons South-TMD, LGA

2005-004) to change the future land use designation of 37.55 acres from Agricultural Reserve (AGR) to Commercial Low with an underlying Agricultural Reserve (CL/AGR). As it is required in the Comprehensive Plan any area designated in the Commercial Low (CL) Future Land Use designation in the Agricultural Reserve (AGR) Tier must be developed in the form of Traditional Marketplace Development (TMD). Canyon Town Center application was evaluated by the Planning Division referred to as the "Beauty Contest" based on four criteria: 1) Provision of live/work units and utilization of underlying residential land use, 2) Site compactness, 3) Internal circulation and external connections, and 4) Parking distribution. The ordinance included conditions to limit development area to a maximum of 259,300 square feet of non-residential uses and 93 dwelling units.

Resolution R-2005-1624 adopted by the BCC on August 25, 2005 approved a rezoning of 93.88-acres of land from Agricultural Reserve (AGR) to the Traditional Marketplace Development (TMD), Control 2004-471. It also adopted Resolution 2005-1625 to approve a requested use to allow a general daycare and a single tenant exceeding 25,000 square feet which needed to be approved as requested use too per Art. 3.F.4.D.1.e.2. The approved 37.55-acres development area and 56.33-acres preserve area is located at the southeast corner of Boynton Beach Boulevard and Lyons Road. The development area was approved with two pods; 26.75 acres mixed use Pod A and 10.80 acres Pod B conveyed to Palm Beach County for use as a civic site pursuant to Municipal Land Dedication Agreement approved by the BCC in May 2004. The site layout had main streets running diagonal through the development area with two access points from Boynton Beach Boulevard and two from Lyons Road.

The Zoning Division received later in 2006 an application for a Development Order Amendment to rezone additional 31.941-acre parcel from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Traditional Marketplace Development Zoning District which was approved via Resolution R-2007-0230 on February 22, 2007 by the BCC under Control No. 2004-471. Approved by BCC via Resolution R-2007-0231, the application also included the reconfiguration of the master plan and addition to the land area for a new gross acreage of 125.816 acres. The reconfiguration changed the original approval from August 25, 2005 to have the layout of blocks and main streets parallel to Boynton Beach Boulevard and Lyons Road while requested use daycare general was deleted and increased non-residential square footage and density. Additionally, the BCC approved a request to allow three (3) Type 1 restaurants and a single tenant in excess of 25,000 square feet as well as a block waiver for block dimensions and main streets waiver for streets not crossing through the entire length or width of the TMD, all of them granted via Resolutions R-2007-0232 and R-2007-0233.

Simultaneously with the development order amendment, the applicant requested approval for five (5) variances to the Board of Adjustments that were granted on December 21, 2006. The variances consisted of the elimination of a visual screen (hedge, fence or wall) in the right-of-way buffer adjacent to any surface parking area having more than two (2) rows of parking, this variance was particularly requested for the northwest portion of the site parking. The variance also included the elimination of a wall requirement applicable to buffers between residential and non-residential uses; an allowance to exceed 47 linear feet of the maximum allowed building frontage per single tenant in Agricultural Tier; a reduction in the minimum percentage of transparency along ground floor level east façade of Building A2, south façade of Building B2, east façade of Building D3, north façade of Buildings D1/D2/D3, and west façade of Building O1; and an increase by two (2) percent from the maximum ten (10) percent of the total development square footage to be free standing buildings.

Master plan for Canyon Town Center and final site plan for Pod A received final approval by the Development Review Officer (DRO) on May 9, 2007.

On January 24, 2008 an Expedited Application for a Development Order Amendment was approved by the BCC via Resolution R-2008-0117 to amend Engineering Condition 1. This new resolution consolidated all previous conditions of approval that were part of Resolution R-2007-0231. At that time no changes were made to the master or site plans.

A Type II Variance for Pod B was granted by the Zoning Commission on April 3, 2008 via Zoning Resolution ZR-2008-0020. The variance was to waive a four-foot-high visual screen in a right-of-way buffer adjacent to the surface parking area having more than two rows of parking along the southern 354 linear feet of the western property line of Pod B; a request to waive the planting requirements for

perimeter buffers for the western 852 feet of the southern property line, eastern 470 feet of the southern property line, and the southern 341 feet of the eastern property line. On April 9, 2008 Pod B received final site plan approval by the DRO.

On November 6, 2008 a Type II Variance request to extend hours of operation from 11:00 p.m. to 1:00 a.m. on Friday and Saturday only for Type II restaurants in Buildings A1, A2, B1, and B2 of Pod A was approved by the Zoning Commission by ZR-2008-0061.

The Palm Beach County Zoning Commission approved on May 7, 2009 a Type II Variance to allow the construction of Plaza #2 including required landscape after the issuance of any certificate of occupancy. The variance was granted by Zoning Resolution ZR-2009-0019.

On January 7, 2010, the Zoning Director initiated Administrative Inquiry (AI) AI-2009-004 that was presented to the Board of County Commissioners (BCC) to request direction and confirm that proposed amendments presented as part of this application to the Canyon Town Center Traditional Marketplace Development AGR-TMD are consistent with the "Beauty Contest" plan shown originally to the BCC. The Administrative Inquiry (AI) objective is to comply with the Unified Land Development Code (ULDC) Article 3.F.4.B, Purpose of the TMD District in the AGR Tier (AGR- Tier) that looks to implement the conceptual designs that were submitted to the BCC on April 6, 2005. The following items were discussed at the public hearing:

1) The reduction of vertically integrated residential units in Building A-2 from 12 units to 5 units and transfers 7 units to a multi-family apartment building while the remaining area on the second floor of Building A2 will be converted into medical office; 2) change the "townhouse style" residential units to a multi-family apartment building; 3) exempt some of the garages on the ground floor for the three-story multi-family building; 4) relocate Plaza 2 to the northeast corner of the site; 5) relocate square footage from Buildings A1, B1, and O1 to allocate some of that square footage into 6) a Requested Use of Daycare General for 180 children; and 7) to convert 20,000 square feet of Building O1 from office/retail into medical office use. Only the issues not supported by staff were discussed at the hearing as directed by Commissioner Aaronson. They relate to the relocation of Plaza 2 to the northeast corner of the development, adjacent to Boynton Beach Boulevard where currently a dry detention area is located. Staff found that the proposed area for Plaza 2 do not indicate connectivity between activities within the site and do not provide pedestrian relationship with the core of the development area as it is one of the purposes of the TMD. The development area is approximately 75 percent constructed and the relocation of Plaza 2 responded to the addition of a Requested Use daycare general and the change of the residential "townhouse style" units into multi-family apartment building to the southwest portion of Pod A, which is one of the few areas of the development still vacant.

The BCC directed staff to work with the applicant during this Development Order Amendment application to review plaza location and its details.

- o Consistency with Comprehensive Plan

The Planning Division has determined that the requests are consistent with the subject site's AGR and Commercial Low with an underlying AGR (CL/AGR) Future Land Use (FLU) designation of the Palm Beach County Comprehensive Plan and more particularly the revised residential unit type. See Planning Comments for additional information.

- o Compatibility with Surrounding Land Uses

The affected area is the 26.75-acre development area of Pod A only. There are no changes proposed for the 10.80-acre development area of Pod B or the 88.266-acre preserve area.

To the north of the development area across Boynton Beach Boulevard is Agricultural Reserve and Special Exception (AGR/SE) zoning district site with Agricultural Reserve (AGR) Future Land Use (FLU) designation that supports commercial tower and agricultural use packing plant (Control 1996-015, Resolution R-03-1984). The 37.55-acre development area limits to the south with Agricultural Reserve Planned Unit Development (AGR-PUD) for the western most 760 lineal feet. This land has AGR FLU designation that supports residential development approved as Canyon Lakes under

Control No. 2002-067, Resolution R-03-0943. The eastern most 460-lineal-feet of the south of the development area limits with 52.165 acres of preserve parcel #2, Canyon Town Center, Control 2004-471, dedicated to Palm Beach County for a park site. This preserve parcel is zoned Agricultural Reserve Traditional Marketplace Development District (AGR-TMD) with AGR FLU designation. To the east is Commercial Low with underlying Agricultural Reserve (CL/AGR) FLU designation and Agricultural Reserve Traditional Marketplace Development District (AGR-TMD) zoning district that supports 33.257-acre preserve parcel #1 for a Palm Beach County school site, Control No.2004-471, Resolution R-08-0117. To the west of the development area across Lyons Road is AGR FLU designation with an Agricultural Reserve Planned Unit Development (AGR-PUD) zoning district that supports residential use Lyons West AGR/PUD, Control No 05-003.

Canyon Town Center was found to be compatible with the surrounding land uses since its original approval. Traditional Marketplace Development condition 2 requires from the property owner to provide a disclosure on brochures, sales contracts, and site plans of the existence of active agricultural uses in the vicinity of the development.

- o Traffic

The Palm Beach County Traffic Division states that this Development Order Amendment and requested use will generate a total of 9023 new trips per day and meets Traffic Performance Standards (TPS). See Engineering comments for additional information.

- o Landscape/Buffering

The development area and more particularly Pod A has already installed all the landscape material required along the north 20 feet wide right-of-way buffers as well as the 5 feet wide east compatibility buffer. There is no right-of-way buffer along the west side of the development as it is abutting 100 feet of open space in the form of rural parkway. The deletion of the west right-of-way buffer is allowed by article 3.F.2.A.4.a.2).b) and approved by DRO on February 22, 2007. Internal buffer is required along interior property lines of residential and non-residential uses. The site obtained variance approval by the Board of Adjustments on December 21, 2006 for an internal buffer between residential uses adjacent to the south of Pod A and civic Pod B. This development order amendment affects mainly Block 5 which contains the proposed multi-family residential building. A request to waive an internal buffer to be either a five-foot wide landscape planting or a solid six-foot high wall between the proposed multi-family building and the Civic Pod B has been filed with this application. The landscape buffers along west, south and east property lines of Pod B were subject of a variance approved on April 9, 2008 that waived the planting requirements. All internal landscape in Pod A has already been installed except for the material associated with unconstructed buildings in Block 5, Plaza 2, and Buildings A1, B1, and O1.

The proposed location for Plaza 2 is to the northeast portion of the development immediately adjacent to the eastern access point from Boynton Beach Boulevard where currently a dry detention area is located. Plaza 2 is proposed to provide twelve (12) live oaks trees approximately fourteen (14) feet in height at time of planting to be installed along the east portion of the proposed paver-brick oval pathway. The plaza is also accommodating twelve (12) benches to comply with the seating requirements for plazas. The plaza design also contains a central gazebo with trellis that extends thirteen (13) feet to the north and south respectively as additional focal point. Shrubs are also proposed at the entry point to the plaza and scattered benches along the west portion of the pedestrian pathway to the west. Landscaping Interior condition 3 has been added to assure the existence of additional landscape material and focal points in the final design of Plaza 2.

- o Signs

The site was approved with one entrance wall sign at the eastern access point of Boynton Beach Boulevard and one at the northern access point of Lyons Road. The applicant is proposing to add one free-standing sign to be located on the western access point of Boynton Beach Boulevard to have a maximum height of fifteen (15) feet measured from finished grade, and a maximum of 150 square feet of sign face area as it is permitted now by the ULDC Art.3.F.2.A.6.b.2).a).

Internal to the development there are four directory signs, they are located at the western access point of Boynton Beach Boulevard; along the main street to the northwest portion of Building B2; northwest corner of the main plaza; and, northwest corner of proposed Building F.

Projecting signs were originally approved along with wall signage permitted to have a maximum of 0.75 square foot of signage for every linear foot of tenant frontage with no more than 64 square feet of wall signage. Wall signage on the site is characterized by channel letters and tenants trademark colors.

Building F or daycare general is proposing to use channel letters for the wall signage to the north and west sides of the building. The west wall signage, in particular, is proposed to be located above the entry feature and along the entry columns, all of them to be finished in full color. Per the ULDC Article 8.A.1.B.4, all signs shall be constructed as an integral design element of a building's architecture, and signage shall be compatible in color and scale within the development. Staff does not consider that the signage proposed on the west elevation along the entry columns of the daycare is consistent and compatible with the architectural character of the site and existing wall signage on the development. Due to the subjectivity of this particular matter and not specific language in the ULDC prohibiting TMDs to have wall signage at a minimum height or particular location, staff finds that the code is silent and the proposed location is an option for the wall signage. Signage condition 3 has been added to obtain a Master Sign Plan for this development while condition 4 is to request revision of the proposed Building F wall signage located along column on the west side of the building to meet the minimum dimension of 64 square feet.

o Architectural Review

The preliminary site plan indicates thirteen (13) buildings on the development area of Pod A. Eight (8) of the buildings on the site are already constructed and Buildings A1 and B1 have approved elevations from May 9, 2007 DRO approval. The proposed reconfiguration affects Building O1 that is now subject to Architectural Review condition 4 to revise elevations. Even though new Building F and multifamily Building E elevations have been revised for compliance with Article 5.C. and Article 3.F.4 of the ULDC, Architectural Review condition 5 has been added to provide revised elevations at final DRO.

The 34-units multi-family structure or Building E is proposed to be three-story with a total height of thirty five (35) feet measured from finished grade to the mid-point of the "S" style hipped roof. The multi-family building with articulated roof, balanced number of openings and earth tone colors is designed around a central courtyard located to the west of the structure while the east side of the multi-family is directly facing the main plaza of the development. Three points of access accented with porticos that are open-stairs contain decorative columns crowned with decorative bands and covered with brick used along the entire first floor. The north and south elevations also include arched openings that allow for interconnectivity between two sides of the development through the courtyard. The north elevation that faces the main street does not include any exemplary architectural element that contributes in enhancing the residential building within the main street composition. Architectural Review condition 6 is added to incorporate additional architectural design elements into the main street elevation of the residential multi-family building. The west facade includes horizontal banding between the second and third floor to break the blank wall along with multi-paned garage doors that differentiate from all other elevations. All facades include decorative framing on windows and all balconies and open corridors include aluminum railing. For compatibility purposes Architectural Review condition 7 has been added to request modification of the roof finished material on the multi-family building to be one already used in the development.

Building F is housed for a daycare general and is proposed to be thirty (30) feet height measured from finished grade to the top of the hipped entry tower. The finish roof material is flat tile consistent with the materials used in all buildings of the development. The north side that faces the main street includes more than the 75 percent of the required transparency and arcade located at the middle of this façade. The north, west and a small portion of the east elevation includes brick veneer on the columns along with light fixtures compatible with adjacent structures in the development. Articulated parapet walls are crown by decorative molding and pattern scoring that breaks the blank wall on all sides of the building. Semi-arches decorate the north and a portion of the east elevation. The main entrance is to the west of the building that includes an accented entry feature covered with brick

vener. South, east, and west elevations have a large band finished with fine stucco and light earth tone color below windows level to break the large amount of wall painted on earth tone color. Windows in the west and east elevations include green canopies. The outdoor playground area is enclosed with a 6-foot high fence.

The proposed elevations for Buildings E and F are generally consistent with the architecture of the existing buildings on the site. Architectural Review condition 3 is revised for consistency with the number of garages provided subject of variance #2.

o BCC Waiver Request – Article 3.F.4.E.9.a. Block Structure

This site has been subject of approval for Block Structure granted by the BCC on February 22, 2007. The waiver allowed Blocks 2 and 3 to exceed the maximum length of the block to 775 feet while the maximum length permitted is 660 feet and up to 750 feet with a pedestrian pass-thru. The deviation was also related to the easternmost access drive into the TMD that is dictated by the median breaks and access management standards for Boynton Beach Boulevard. The site layout only includes the block configuration for Pod A since the civic Pod B final development program is unknown.

Stated in the ULDC Article 3.F.2.A.1.b, Block Structure is to ensure development compactness, proximity, and connectivity based on the layout of streets, sidewalks and alleys. This language is consistent with block definition in Article 1 of the ULDC that defines block as an area entirely bounded by streets. The last approved site plan indicates one way street along the west and south border of Block 5, main street to the north, and local residential street to the east. The proposed development order amendment includes the reconfiguration of the southwest portion of Pod A or Block 5 that includes the addition of the 9,996 square feet of daycare general, 13,500 square feet of outdoor play ground area for the daycare, 34-units multi-family building which include relocated seven (7) residential units from Building A2, and required parking. All these elements together do not allow Block 5 to comply with the street boundary to the southwest and south sides, consequently a Block Structure Waiver request has been filed as part of this development application.

The Block Structure BCC Waiver language reads: “An AGR TMD shall comply with Art. 3.F.2.A.1.b, Block Structure, except for the provision below unless waived by the BCC, upon the BCC determining that the block structure proposed is functionally equivalent for the purpose of Art. 3.F.1.A.4 and Art. 3.F.4.A Purpose. The waiver may be granted only upon the applicant’s agreement to be bound by the block configuration of the site plan approved by the BCC.” The applicant received a Block Structure Waiver approval as contained within the February 22, 2007 approval. As the Code states that the Waiver is granted only upon the applicant’s agreement to be bound by the block configuration of the Plan approved by the BCC. Reconfiguring the plan and requesting an additional Waiver gives no reliance on the previous agreement. The following is an analysis to the functional equivalence of the proposed block structure subject of this waiver:

- Article 3.F.1.A.4. General Provisions for TDDs

The code language reads: “Provide efficient circulation system for pedestrians, non-motorized vehicles, and motorist that serve to functionally and physically integrate the various land uses activities.” It was commented by the Traffic engineers at this DRO review that the proposed layout of the daycare increases the traffic impacts at the Lyons Road entrance and the dead end parking aisle is undesirable in front of the daycare facility. County Engineering suggested to review the circulation pattern to keep the traffic flowing as it was originally approved. Staff finds that the proposed dead end parking to the southwest of the daycare building affects the efficiency of the vehicular circulation within the development. The pedestrian circulation system, which also stops to the south of the daycare and southwest of the multi-family building, breaks the circulation efficiency between uses.

-Article 3.F.4.A. Traditional Marketplace Development Purpose

The purpose of the TMD is:

1) “Provide a concentrated area for shopping, entertainment, business, services and cultural opportunities by allowing a mix of commercial and institutional uses and establishing physical development and design standards that create pedestrian-oriented development;”

The concentration of mix uses is clear at the southwest area of Pod A but the criterion to include pedestrian-oriented design has not been incorporated in the new layout of Block 5. The proposed

layout of buildings put pedestrians in jeopardy by traveling longer distance due to non-continuous pedestrian pathways, it decreases safety by exposing pedestrians to vehicular traffic and dead end sidewalks, and it does not ensure future pedestrian interconnectivity with some portions of the west side of Pod B. Staff considers this purpose has not been addressed with the proposed development order amendment.

2) "Provide housing opportunities through vertically integrated residential uses;"

Staff does not find this TMD purpose to be affected by the block structure waiver.

3) "Promote a mix of uses in a manner that creates a stronger pedestrian orientation through design, placement and organization of buildings, plazas, common public space, and dispersed parking;"

Staff believes the proposed design, placement, and organization of buildings, common public space, and parking within Block 5 do not create a stronger pedestrian oriented development. All contrary, the proposed Block 5 buildings layout breaks the continuous pedestrian interconnectivity within Block 5, existing adjacent uses, and future uses in Pod B.

4) "Ensure traditional marketplaces are compatible with the overall design objectives of the Plan and the MGTS."

One of the main design objectives of the Plan is to ensure stronger pedestrian and transit oriented developments. Staff considers the purpose of traditional marketplace developments to be consistent with this Plan objective has not been met due to non-continuous pedestrian and vehicular interconnectivity.

In addition to the requirements of the Block Structure waiver, one of the purposes of the TMD in the AGR Tier is to "implement the conceptual designs that submitted to the BCC on April 16, 2005." As mentioned before, Canyon Town Center was part of the "beauty contest" projects that came for approval when the TMD language was implemented. The original site plan presented to the BCC on April 16, 2005 and approved on August 25, 2005 contained a block structure configuration characterized by continuous pedestrian and vehicular circulation in the form of streets on all four sides of every block of Pod A. Staff does not find the proposed Block 5 layout consistent with the originally approved site plan and consequently it is not consistent with the TMD AGR Tier purpose mentioned above.

Staff recommends DENIAL of the Block Structure Waiver request for the following reasons:

- 1) The vehicular and pedestrian dead ends disrupt physical and functional integration between the daycare, existing uses in the development, and future uses to be placed in Pod B;
- 2) The design standards incorporated in the proposed Block 5 buildings layout do not create or provide a stronger pedestrian oriented development area;
- 3) Block 5 has additional design and building layout opportunities to comply with the block structure criteria, meet code, and include the square footage intended for the daycare and density for the multi-family building. Other designs options of Block 5 will avoid 2 of the 3 variances requested which are to eliminate the buffer between residential and non-residential uses, and to allow a free standing building in Block 5.

Should the Board deny the Block Structure Waiver the proposed variance (**V1**) for the landscape buffer between the residential and civic pod will not longer be required.

o Development Order Amendment – Changed Circumstances

The applicant states in the justification statement that this Development Order Amendment (DOA) for Canyon Town Center is a result of the economic climate that limits the functioning of the center to its full potential while there are other opportunities that could help alleviate the marketing issues and still comply with the mixed-use purpose of the TMD.

This DOA includes the reduction in commercial square footage from Buildings A1, B1 and O1, not constructed yet, to be utilized as part of a daycare, general requested use proposed to be 9,996



square feet with capacity for 180 children to be located at the southwest corner of Block 5. This request also includes the reduction of a loading space as it is permitted in the ULDC Art. 6.B.1.H.7.a.2), Administrative Reduction that for uses less than 10,000 square feet of gross floor area, the Zoning Director may waive or reduce the loading standards. Daycare use loading Standard "E" requires one space for the first 10,000 square feet of GFA and based on the square footage provided of 9,996 and limited use of loading on this particular use, the loading space waiver is provided.

The inclusion of a new daycare building in Block 5 limits the area available to locate the now 34-unit multi-family building and Plaza 2. Consequently, this application is including the relocation of 0.39-acre Plaza 2 originally approved adjacent to the multi-family buildings, equidistant to the core of the uses and activities to be located now at the northeast corner of the development where currently a dry retention area exist. The plaza relocation was subject of Administrative Inquiry AI-2009-004 presented to the BCC on January 10, 2010 to get direction on the proposed changes done to the originally approved site plan. Staff followed directions from the Board and met with the applicant and agent to work on alternative locations of Plaza 2 for a more central area. County staff proposed to move Plaza 2 to the west side of the eastern most entrance along Boynton Beach Boulevard to allow interconnectivity between Building D1 thru the existing pedestrian pathway with trellises that crosses north-south the large parking area that fronts building D. A letter issued by LDI Last Devenport, Inc. Professional Consulting Services to GLHomes and dated February 12, 2010 indicates that the location suggested by staff is not feasible and may negatively affect the water management system, particularly water quality and flood protection. In addition to the minimum requirement for TMD plazas in the ULDC, this plaza includes a gazebo with trellises that functions as focal point located to the east site. It was concluded that the plaza location adjacent and visible from Boynton Beach Boulevard right-of-way allows in it alternative uses such as green market.

Building A2 is an existing structure originally approved for commercial uses on the first floor and twelve (12) vertically integrated residential units on the second floor. To comply with TMD Plan objectives and the Code TMD purposes, this development order amendment proposes to maintain five (5) of the twelve (12) vertically integrated residential units originally approved in building A2 and relocate seven (7) of the units in a multi-family building located in Block 5. The square footage associated with the remaining five (5) vertically integrated multi-family units is not counted towards Building A2 intensity for purposes of concurrency while it is considered density. The modification of uses on the second floor of Building A2 is to accommodate medical office in the space used originally by seven (7) of the vertically integrated multi-family units. The new permitted-by-right medical office square-footage is not increasing the conditioned size of the development area. This DOA also contains the use change of Building O1 from office, business or professional to medical office. Even though medical office is a permitted use within the AGR TMD district, the use change in Buildings A2 and O1 is included in this request due to increase number of trips generated by the medical office use versus office, business or professional use.

The proposed multi-family building contains seven (7) more dwelling units from the previous approval for a total of 34 units. These units will be placed within one structure, versus four (4) buildings with a total of twenty-seven (27) units previously approved. The seven additional units are being transferred from the vertically integrated units previously contained within Building A2. The "U"-shape building is laid out with the majority of its building façade facing the main plaza and the north portion of it facing the main street with an internal 4,440 square feet court yard to the west intended to serve the residential units. Multi-family note under Article 4 includes particular language for TMDs that reads: "On main street multi-family units are permitted only on upper floors of mixed-use buildings." Per the Zoning Director interpretation, this language is intended to be only applicable to vertically integrated multi-family units and not for multi-family buildings. The number of parking spaces provided to the residential within Building E is the minimum necessary for the 34-unit multi-family building that includes 10 garages and 10 covered parking spaces, which is subject of Variance 2. All other parking spaces associated with the multi-family Building E are proposed to be adjacent to it. The multi-family building includes 789 square feet of fully equipped fitness area as indoor recreational to serve residential uses. It was originally located in Building A2 and approved by the BCC on February 22, 2007 to comply with the required recreational area. This indoor recreational area was supported by Parks and Recreation at the time.



The addition of requested use daycare general, inclusion of medical office use, reduction and relocation of square footage, relocation of Plaza 2, and change of the residential building type is the result of demonstrated changes in the conditions and circumstances of the site, principally affected by the economic circumstances of the moment and the need for mechanism that help reactivate the commercial activity within this mixed-use development.

o Variance

A summary of the variance being requested is more particularly described and discussed in the Standards section below as follows:

<b>ULDC Section</b>	<b>Required</b>	<b>Proposed</b>	<b>Variance</b>
<b>(V1)</b> Article 3.F.2.A.4.b. Internal Compatibility and Incompatibility Buffers	A buffer requirement of either a solid six-foot wall or five-foot wide landscape planting area with a six foot visual screen along an interior property line where a non-residential use abuts a residential use.	To eliminate the buffer requirement of either a solid six-foot wall or five-foot wide landscape planting area with a six foot visual screen.	To eliminate internal buffer requirement of either a solid six-foot wall or five-foot wide landscape planting area with a six foot visual screen along interior property line between residential and non-residential uses.
<b>(V2)</b> Article 3.F.4.D.3.a.2.a.1. AGR Tier Exception	A third story is allowed if limited to residential uses where a garage is provided on the ground floor for each residential unit.	To reduce the number of garages of the three-story multi-family building from 34 to 10.	To allow 24 of 34 Multi-Family Building residential units to be exempt from providing garages on the ground floor for three-story building.
<b>(V3)</b> Article 3.F.4.E.9.b. AGR TMD Free Standing Structures	10 percent maximum of the square footage may be located in freestanding structures. Free standing structures are: A-3, C-1, C-2, O-1 and F.	20 percent buildings A3, C1, C2, and O1; 5 percent building F Total 25 percent	15 percent

Variance 1 - Eliminate internal buffer between multi-family building and non-residential uses:

This variance is to the code requirement asking for buffer to be used as visual screen along internal property lines where residential uses abut non-residential uses. In order to create a visual barrier, the code allows for either use a six-foot high wall or five-foot wide landscape planting area of at least six feet in height. The proposed multi-family building located to the southwest of the development, in Block 5 abuts Pod B which contains non-residential uses that causes the request of this variance. The code also includes language that allows the development to be waived from the internal buffer when separated from a commercial structure by a street or an alley, pedestrian walkway or plaza; attached to a commercial structure; units constructed on the main street; or when adjacent to open space, plazas or private recreational uses associated with the units requiring the buffer.

Should the Block Structure Waiver be denied by the Board this variance will not be necessary. The provision of a street would separate Block 5 from the non-residential POD to the south. Should the Board approved the Waiver, the landscape buffer elimination could be supported as the current use of the site adjacent to Block 5 consists of recreational uses, provided by Palm Beach County. Residential to the recreational use are two uses that generally compliment each other. The previously approved site plan, though it included a street to separate the uses, detailed residential adjacent to recreational (civic).

Variance 2 - to reduce the number of garages for a three-story multi-family building from 34 to 10: The maximum height for all TMD buildings within the Agricultural Reserve (AGR) Tier is thirty-five (35) feet and two stories. The AGR tier includes also exceptions to the height by allowing a third story if limited to residential uses where a garage is provided on the ground floor for each residential unit. The change in the residential building type to a 34-unit multi-family building, that includes a mix of units size, is limited by the available area in Block 5 to locate multi-family building, daycare, outdoor play area associated with daycare and required parking. The proposed configuration only allows for a limited number of parking garages to be provided on ground level. All other parking spaces associated with the residential units are to be located to the west of the proposed multi-family building as part of off-street parking. Even though this variance is caused by the actions of the applicant that is modifying the original layout of Block 5 and relocating residential units to the multi-family building area to allow apartment type units, the approval of this variance offers space for the proposed open space or court yard provided to serve the residential. According to the property owner apartment type unit is the style of residential product more appealing on today's market that will result in the economic reactivation of this particular site.

Variance 3 - to increase the maximum percentage of allowable square footage for free-standing structures: This variance request relates to a provision of the AGR TMD to have a maximum of ten (10) percent of the overall allowable square footage to be developed as free standing structure. TMD is based on block structure configuration, streets and frontages required to meet separation criteria. On December 21, 2006 the Board of Adjustment approved several variances and one of them included to increase the maximum percentage of allowable square footage for free standing structures that at the time was granted for two (2) percent above the maximum permitted, the variance was granted for Buildings A3, C1 and C2. This variance includes Building O1 to be a free standing structure that was inadvertently overlooked and not included in the original request. The east and southeast sides of the development area are already constructed except for Building O1 which is an isolated building part of Block 3. Building O1 cannot be relocated and the variance request is not the result from the applicant's actions. The total area for requested free standing Buildings A3, C1, C2 and O1 represents 43,726 square feet or twenty (20) percent of the total non-residential overall square footage of 215, 140 square feet of Pod A.

Building F is located along the main street that runs east-west, and does not meet the separation criteria in relation with the proposed multi-family building contained within this block. Building F is proposed to be 9,996 square feet represents five (5) percent of the total non-residential square footage of Pod A, bringing the request up to 25%. Though other design options may be available, the agent feels this layout is the best option available.

Should the Board deny the Block Structure Waiver, the applicant may be required to revisit the layout of the daycare footprint. Reconfiguration of the Block Structure could allow the proposed Building F to meet the separation requirements from the multi-family structure thus avoiding the need for the variance. Should the Board approve the Block Structure Waiver the layout proposed maximizes the sites ability to provide the required play area for the daycare, while also separating it from the mainstreet traffic.

**TABULAR DATA**

	EXISTING	PROPOSED
<b>Property Control Number(s)</b>	00-42-45-29-09-001-0010 00-42-45-29-09-012-0000 00-42-45-29-09-001-0030 00-42-45-29-09-001-0040 00-42-45-29-09-001-0050	Same/New
<b>Land Use Designation:</b>	Commercial Low, with an underlying AGR (CL/AGR)	Same
<b>Zoning District:</b>	AGR Traditional Marketplace Development (TMD)	Same
<b>Tier:</b>	AGR	Same

<b>Use:</b>	Financial Institution Multi-Family Office, Business or Professional Restaurant, Type I Restaurant, Type II Retail Sales, General	Proposed Uses: Daycare Center, General Medical Office  Previously Approved Uses: Financial Institution Multi-Family Office, Business or Professional Restaurant, Type I Restaurant, Type II Retail Sales, General
<b>Acreage:</b>	37.55 acres	Same
<b>Dwelling Units:</b>	93 units	Same
<b>Parking:</b>	768 spaces (Pod A only)	786 spaces (Pod A only)
<b>Access:</b>	Two access from Boynton Beach Boulevard and two from Lyons Road.	Same

---

**PUBLIC COMMENT SUMMARY:** At the time of publication, staff had received 0 contacts from the public regarding this project.

---

**RECOMMENDATION:** Staff recommends denial of the Block Structure Waiver. Staff recommends approval of the Type II Variance to reduce the number of garages for the multi-family building, elimination of the interior buffer between non-residential and residential uses and to allow an increase in the percentage for freestanding structures to 25%; approval of the Development Order Amendment; and approval of a Requested Use subject to 76 conditions as indicated in Exhibit C-1, C-2 and C-3.

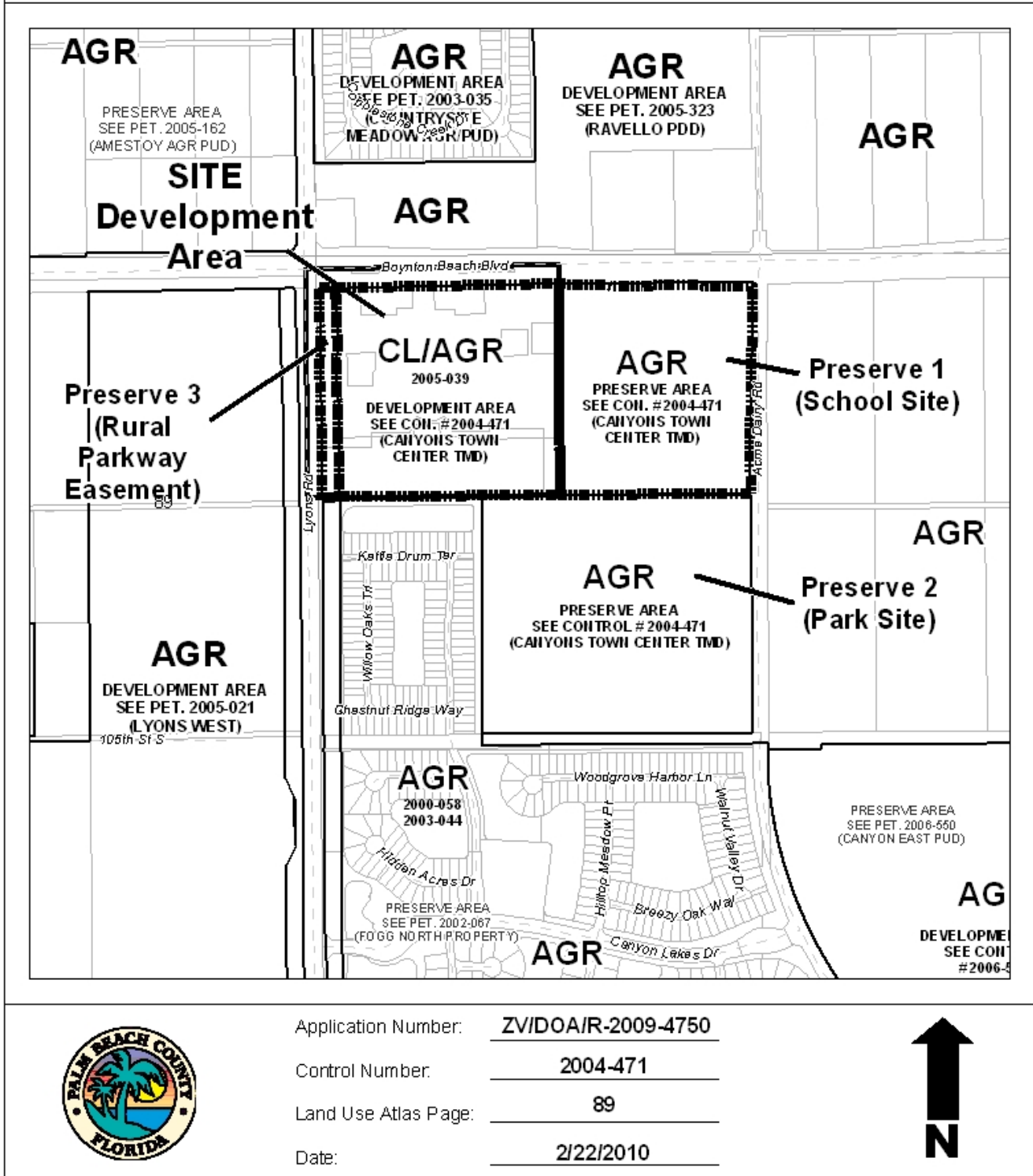
**MOTION:** To adopt a resolution approving a Type II Variance to reduce the number of garages for the multi-family building, elimination of the interior buffer between non-residential and residential uses and to allow an increase in the percentage for freestanding structures to 25% subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure Site Plan, relocate a plaza, modify uses, and reduce square footage subject to the conditions of approval as in Exhibit C-2.

**MOTION:** To recommend approval of a Requested Use to allow a Daycare, General subject to the conditions of approval as indicated in Exhibit C-3.

**MOTION:** To recommend denial of a Waiver to allow a Block Structure Waiver for Block 5.

# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Number: ZV/DOA/R-2009-4750  
 Control Number: 2004-471  
 Land Use Atlas Page: 89  
 Date: 2/22/2010



Figure 1 Land Use Atlas Map



Figure 2 Zoning Quad Map



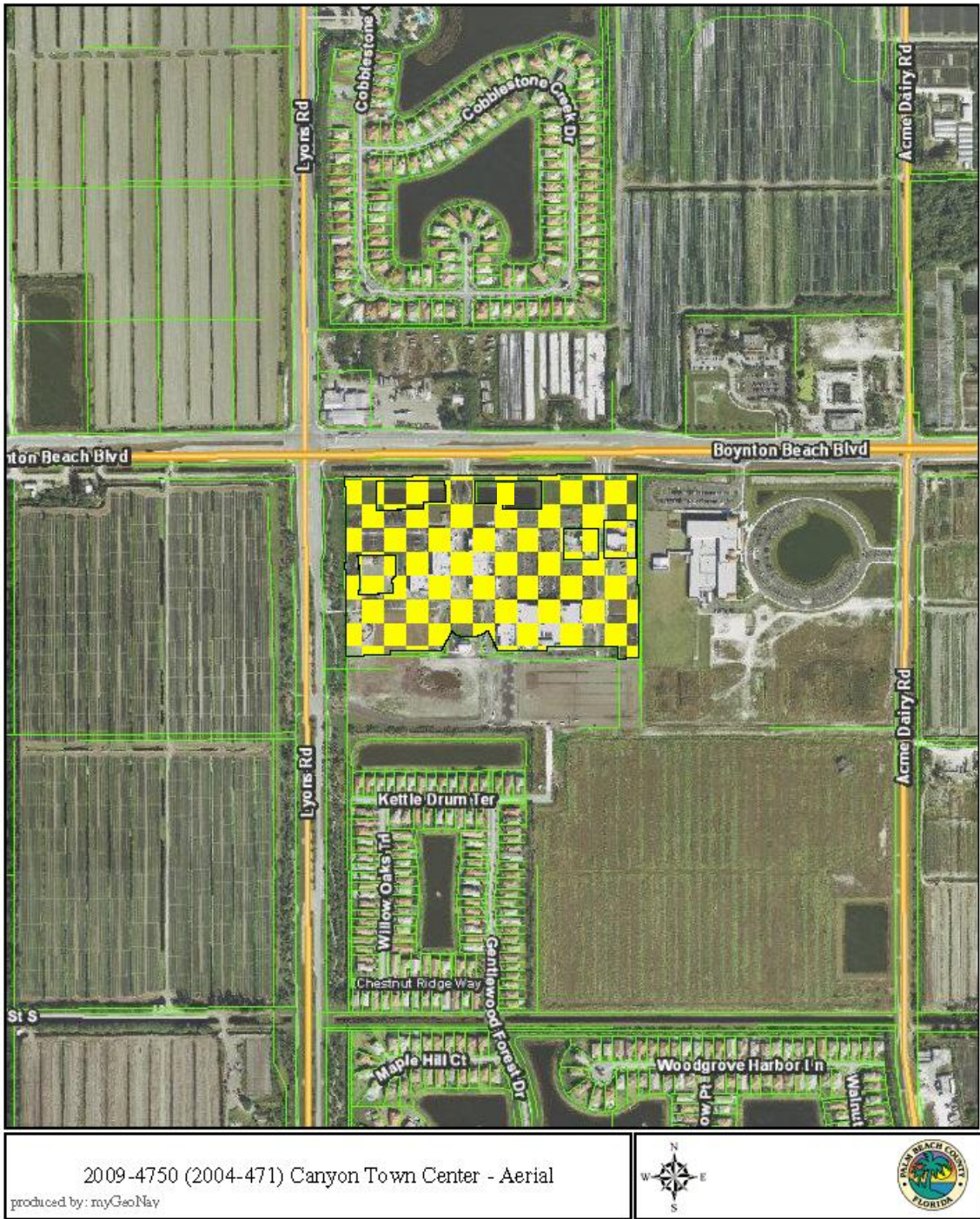
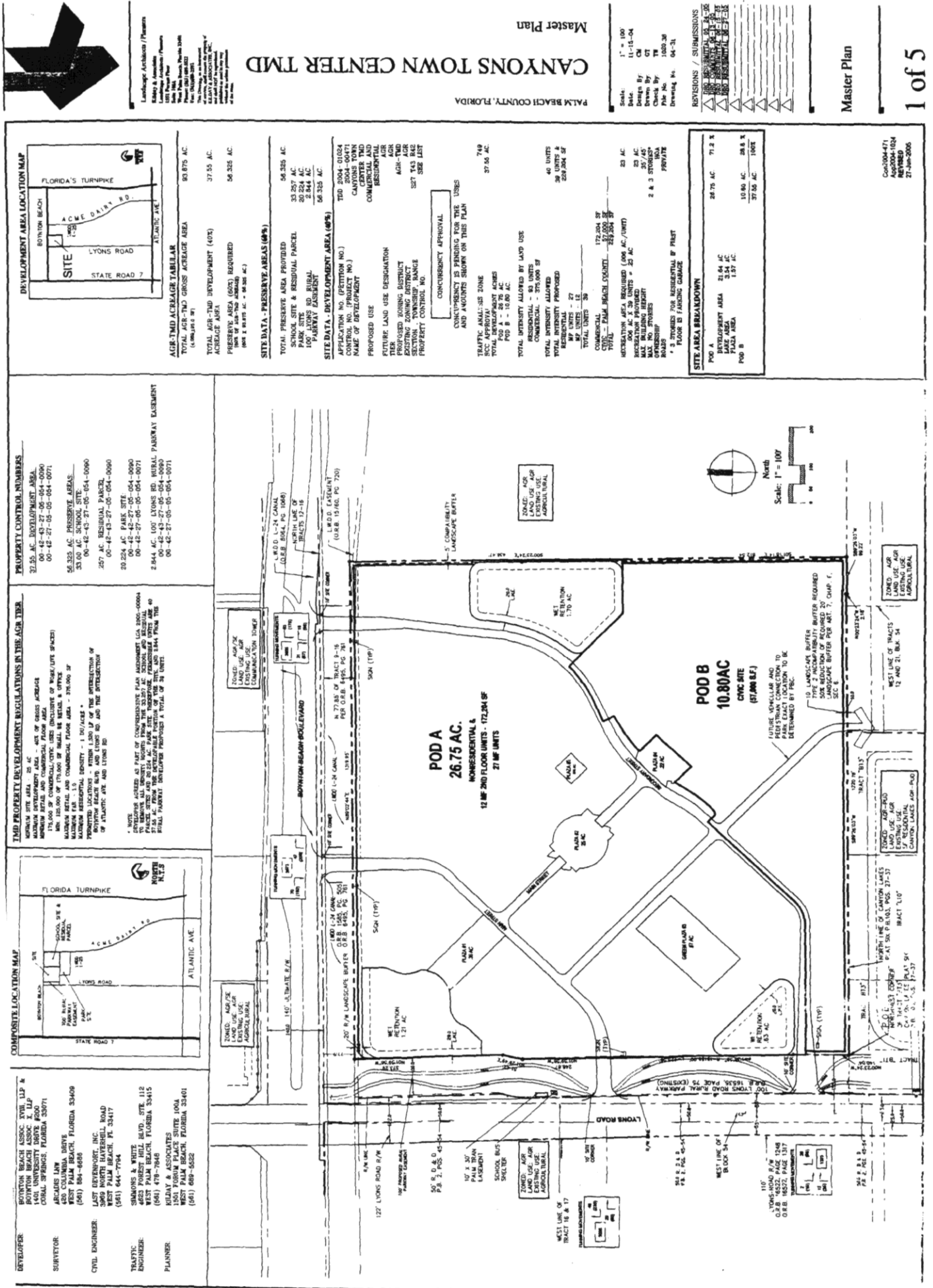


Figure 3 Aerial



**Master Plan**

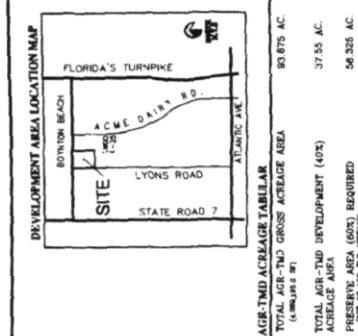
REVISONS / SUBMISSIONS

NO. 1	DATE	DESCRIPTION
1	12-15-04	REVISED PER COMMENTS
2	1-12-05	REVISED PER COMMENTS
3	2-15-05	REVISED PER COMMENTS

Scale: 1" = 100'  
 Date: 1-15-04  
 Drawn By: G.T.  
 Checked By: T.M.  
 Plot No: 1004.38  
 Drawing No: 04-31

**CANYONS TOWN CENTER TMD**  
 PALM BEACH COUNTY, FLORIDA  
 Master Plan

Landmark Architects / Planners  
 1401 UNIVERSITY DRIVE #200  
 CORAL SPRINGS, FLORIDA 33071  
 (954) 498-7848



**AGR-TMD ACREAGE TABULAR**  
 TOTAL AGR-TMD GROSS ACREAGE AREA 93.875 AC.  
 TOTAL AGR-TMD DEVELOPMENT (40%) 37.55 AC.  
 PRESERVE AREA (60%) 56.325 AC.  
 (60% x 93.875 AC. = 56.325 AC.)

**SITE DATA - PRESERVE AREAS (40%)**  
 TOTAL PRESERVE AREA PROVIDED 56.325 AC.  
 SITE & RESIDUAL PARCEL 53.267 AC.  
 PARK SITES 30.524 AC.  
 100' LYONS RD RURAL 2.844 AC.  
 PARKWAY EASEMENT 56.325 AC.

**SITE DATA - DEVELOPMENT AREA (60%)**  
 TMD 2004-01024  
 CONTROL NO. (PROJECT NO.)  
 CANYONS TOWN CENTER TMD  
 COMMERCIAL AND RESIDENTIAL  
 AGR-AOR  
 AGR-AOR  
 AGR-AOR  
 SET T&S R&Z  
 SEE LIST  
 PROPERTY CONTROL NO.

**FUTURE LAND USE DESIGNATION**  
 OTHER ZONING DISTRICT  
 SECTION, TOWNSHIP, RANGE  
 SET T&S R&Z  
 SEE LIST

**CONCURRENCY APPROVAL**  
 CONCURRENCY IS PENDING FOR THIS PLAN  
 AND ACCOUNTS SHOWN ON THIS PLAN

**TRAFFIC ANALYSIS ZONE**  
 TRC APPROVAL  
 TOTAL TRAFFIC PER HOUR  
 POD A - 26.75 AC.  
 POD B - 10.80 AC.

**TOTAL INTENSITY ALLOWED BY LAND USE**  
 RESIDENTIAL - 83 UNITS  
 COMMERCIAL - 375,000 SF

**TOTAL INTENSITY ALLOWED**  
 RESIDENTIAL  
 MF UNITS - 27  
 SF UNITS - 27  
 TOTAL UNITS - 54

**TOTAL ACREAGE**  
 COMMERCIAL 172,204 SF  
 CIVIC - PALM BEACH COUNTY - 37,000 SF  
 TOTAL 209,204 SF

**RECREATION AREA REQUIRED (0.04 AC./UNIT)**  
 23 AC.  
 23 AC. FOR 27 UNITS = 25 AC.  
 MAX BUILDING HEIGHT  
 2 & 3 STORY MAX  
 OPENNESS  
 PRIVATE  
 \* FLOORING FOR RESIDENTIAL BY FIRST FLOOR IS FACING GARAGE

**SITE AREA BREAKDOWN**

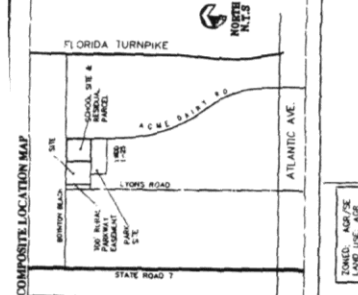
POD A	DEVELOPMENT AREA	21.64 AC.
	RESIDUAL	3.54 AC.
	TOTAL AREA	1.13 AC.
POD B	DEVELOPMENT AREA	26.75 AC.
	RESIDUAL	71.2 %
	TOTAL AREA	10.80 AC.
	RESIDUAL	28.8 %
	TOTAL AREA	27.55 AC. (100%)

**PROPERTY CONTROL NUMBERS**  
 32.55 AC. DEVELOPMENT AREA  
 00-42-27-05-05-054-0071  
 00-42-27-05-05-054-0071  
 00-42-27-05-05-054-0071

56.325 AC. PRESERVE AREAS  
 33.00 AC. SCHOOL SITE  
 00-42-43-27-05-054-0090  
 257 AC. RESIDUAL PARCEL  
 00-42-43-27-05-054-0090  
 00-42-43-27-05-054-0090  
 00-42-43-27-05-054-0090  
 00-42-43-27-05-054-0090  
 00-42-27-05-05-054-0071

**TMD PROPERTY DEVELOPMENT REGULATIONS IN THE AGR-TMD**  
 MINIMUM SITE AREA 20 AC.  
 MINIMUM DEVELOPMENT AREA - 40% OF GROSS ACREAGE  
 MINIMUM RETAIL AND COMMERCIAL FLOOR AREA  
 MIN. 100,000 SF OF 175,000 SF OF SMALL (10,000 SF) SPACES  
 MINIMUM RETAIL AND COMMERCIAL FLOOR AREA - 175,000 SF  
 MINIMUM BUILDING HEIGHT - 2 STORY  
 MINIMUM OPEN SPACE - 1.00 ACRES  
 MINIMUM LOT COVER - 15%  
 PROHIBITED LOCATIONS - WITHIN 1,000' OF THE INTERSECTION OF  
 BOYNTON BEACH BLVD AND LYONS RD AND THE INTERSECTION  
 OF ATLANTIC AVE AND LYONS RD

\* NOTE: THIS LOTTERY IS PART OF THE CONCEPTUAL PLAN SUBMITTED TO PALM BEACH COUNTY TO REMOVE ALL RESIDENTIAL UNITS FROM THIS TMD. ALL EXISTING RESIDENTIAL UNITS ARE TO BE REMOVED AND REPLACED WITH COMMERCIAL AND/OR INDUSTRIAL USES. THE TOTAL FLOOR AREA OF ALL COMMERCIAL AND/OR INDUSTRIAL USES TO BE DEVELOPED SHALL BE AT LEAST 175,000 SF.  
 PRELIMINARY DEVELOPER PROPOSAL TOTAL OF 29 UNITS.



**DEVELOPER:**  
 BOYNTON BEACH ASSOCIATES, CIVIL LLP & ASSOCIATES  
 1401 UNIVERSITY DRIVE #200  
 CORAL SPRINGS, FLORIDA 33071  
 (954) 498-7848

**SURVEYOR:**  
 ARCADIS LAW  
 425 COLUMBIA DRIVE  
 WEST PALM BEACH, FLORIDA 33409  
 (561) 894-8688

**CIVIL ENGINEER:**  
 EAST DESIGN INTL, INC.  
 4101 FOREST HILL BLVD., STE. 112  
 WEST PALM BEACH, FLORIDA 33415  
 (561) 478-7848

**TRAFFIC ENGINEER:**  
 SHANNON & WHITE  
 4252 FOREST HILL BLVD., STE. 112  
 WEST PALM BEACH, FLORIDA 33415  
 (561) 478-7848

**PLANNER:**  
 KOLMAN ASSOCIATES  
 300 S. PALM BEACH BLVD., SUITE 100A  
 WEST PALM BEACH, FLORIDA 33401  
 (561) 689-5522

**Figure 4 "Beauty Contest" Master Plan approved August 25, 2005**





Landscape Architects / Planners  
 Lanning & Associates, Inc.  
 1001 Palm Beach Blvd.  
 West Palm Beach, Florida 33411  
 Tel: (561) 833-8222  
 Fax: (561) 833-8221  
 The drawings are the property of Lanning & Associates, Inc. and shall not be reproduced or used for any other project without the written consent of Lanning & Associates, Inc.

# CANYONS TOWN CENTER TMD

PALM BEACH COUNTY, FLORIDA

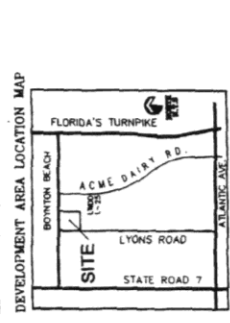
Site Plan

Scale: 1" = 100'  
 Date: 11-15-04  
 Design By: CM  
 Drawn By: UT  
 Checked By: TR  
 File No.: 1000.36  
 Drawing No.: 04-31

- REVISIONS / SUBMISSIONS**
- NO. 1: PRELIMINARY 05-24-04
  - NO. 2: PRELIMINARY 05-24-04
  - NO. 3: PRELIMINARY 05-24-04
  - NO. 4: PRELIMINARY 05-24-04
  - NO. 5: PRELIMINARY 05-24-04
  - NO. 6: PRELIMINARY 05-24-04
  - NO. 7: PRELIMINARY 05-24-04
  - NO. 8: PRELIMINARY 05-24-04
  - NO. 9: PRELIMINARY 05-24-04
  - NO. 10: PRELIMINARY 05-24-04
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  - NO. 13: PRELIMINARY 05-24-04
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  - NO. 16: PRELIMINARY 05-24-04
  - NO. 17: PRELIMINARY 05-24-04
  - NO. 18: PRELIMINARY 05-24-04
  - NO. 19: PRELIMINARY 05-24-04
  - NO. 20: PRELIMINARY 05-24-04

Site Plan

2 of 5



**SITE DATA**

APPLICATION NO. (PETITION NO.) TMD 2004-01024  
 CONTROL NO. (PROJECT NO.) CANYONS TOWN CENTER TMD  
 PROPOSED ZONING DISTRICT AGR-TMD  
 FUTURE LAND USE DESIGNATION COMMERCIAL & RESIDENTIAL  
 EXISTING ZONING DISTRICT AGR-TMD  
 EXISTING ZONING DISTRICT AGR-TMD  
 PROPOSED ZONING DISTRICT AGR-TMD  
 EXISTING ZONING DISTRICT AGR-TMD  
 TOPSURFACE RANGE 00-42-43-27-05-054-0080  
 PROPERTY CONTROL NO. 00-42-27-05-06-054-0071

CONCURRENT APPROVALS\*

4.971 SF COMMERCIAL/RESIDENTIAL  
 3.115 SF POST OFFICE  
 38.500 SF MULTI-FAMILY  
 RETAIL (4,815 SF OF WHICH IS PARK) 106,530 SF  
 20,000 SF OFFICE  
 27,000 SF OFFICE

\*CONCURRENT IS PENDING FOR THE LINES AND TIE  
 SUBJECT SHOWN ON THIS PLAN

**TABLE OF BUILDING FOOTAGES AND USES**

LATEST BCC APPROVAL

TOTAL LOT AREA (LESS 679 SF) 79,550 AC.  
 FLOOR AREA 229,304 SF  
 GROSS FLOOR AREA 229,304 SF

PERMITTED USES - FOR A:

BUILDING 1 - FINANCIAL INST.	15,015 SF
BUILDING 2 - COMMERCIAL	17,225 SF
BUILDING 3 - COMMERCIAL	12,800 SF
BUILDING 4 - COMMERCIAL	12,800 SF
BUILDING 5 - COMMERCIAL	12,800 SF
BUILDING 6 - COMMERCIAL	12,800 SF
BUILDING 7 - COMMERCIAL	12,800 SF
BUILDING 8 - COMMERCIAL	12,800 SF
BUILDING 9 - COMMERCIAL	12,800 SF
BUILDING 10 - COMMERCIAL	12,800 SF
BUILDING 11 - COMMERCIAL	12,800 SF
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BUILDING 96 - COMMERCIAL	12,800 SF
BUILDING 97 - COMMERCIAL	12,800 SF
BUILDING 98 - COMMERCIAL	12,800 SF
BUILDING 99 - COMMERCIAL	12,800 SF
BUILDING 100 - COMMERCIAL	12,800 SF

**COMPLETED USES - FOR B:**

650 COMMERCIAL/RESIDENTIAL  
 16 SPACES  
 12 SPACES  
 10 SPACES

Checklist-471 Approved-1024  
 REVISIONS 27-Jun-2005

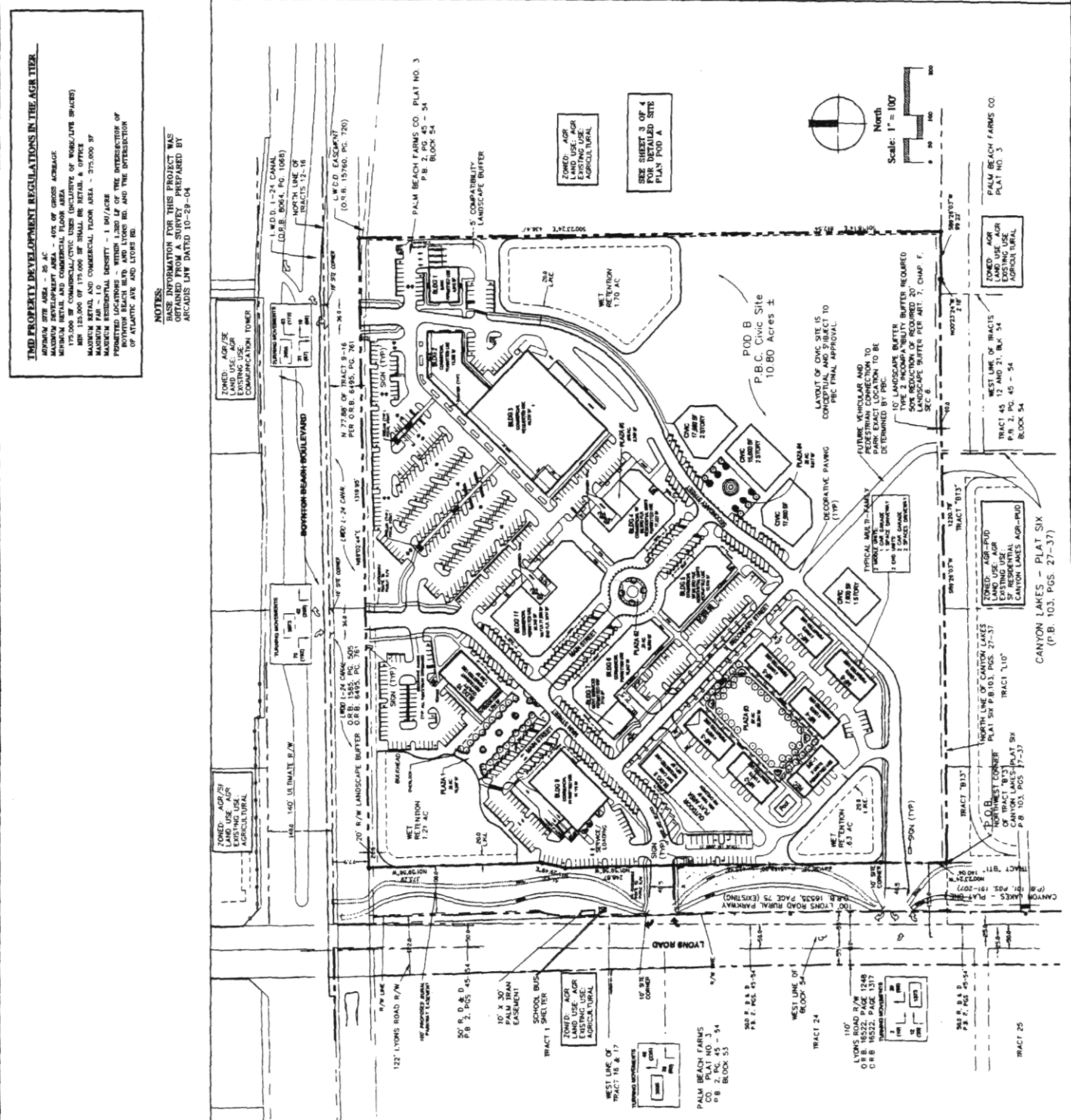


Figure 5 "Beauty Contest" Site Plan approved August 25, 2005



**Landscape Architects / Planners**  
 Landscape Architects / Planners  
 Landscape Architects / Planners  
 10000 N. W. 11th St., Suite 100  
 Fort Lauderdale, FL 33304  
 Phone: (954) 581-2000  
 Fax: (954) 581-2001  
 www.landscapearchitects.com

# CANYONS TOWN CENTER TMD

Site Plan - POD A

PALM BEACH COUNTY, FLORIDA

Scale: 1" = 60'  
 Date: 11-15-04  
 Design By: CM  
 Check By: TR  
 File No. 1000 30  
 Drawing No. 04-31

**REVISIONS / SUBMISSIONS**

NO. 01	REVISION	DATE
01	REVISION	11-15-04
02	REVISION	11-15-04
03	REVISION	11-15-04
04	REVISION	11-15-04
05	REVISION	11-15-04
06	REVISION	11-15-04
07	REVISION	11-15-04
08	REVISION	11-15-04
09	REVISION	11-15-04
10	REVISION	11-15-04

Site Plan -- POD A

3 of 5

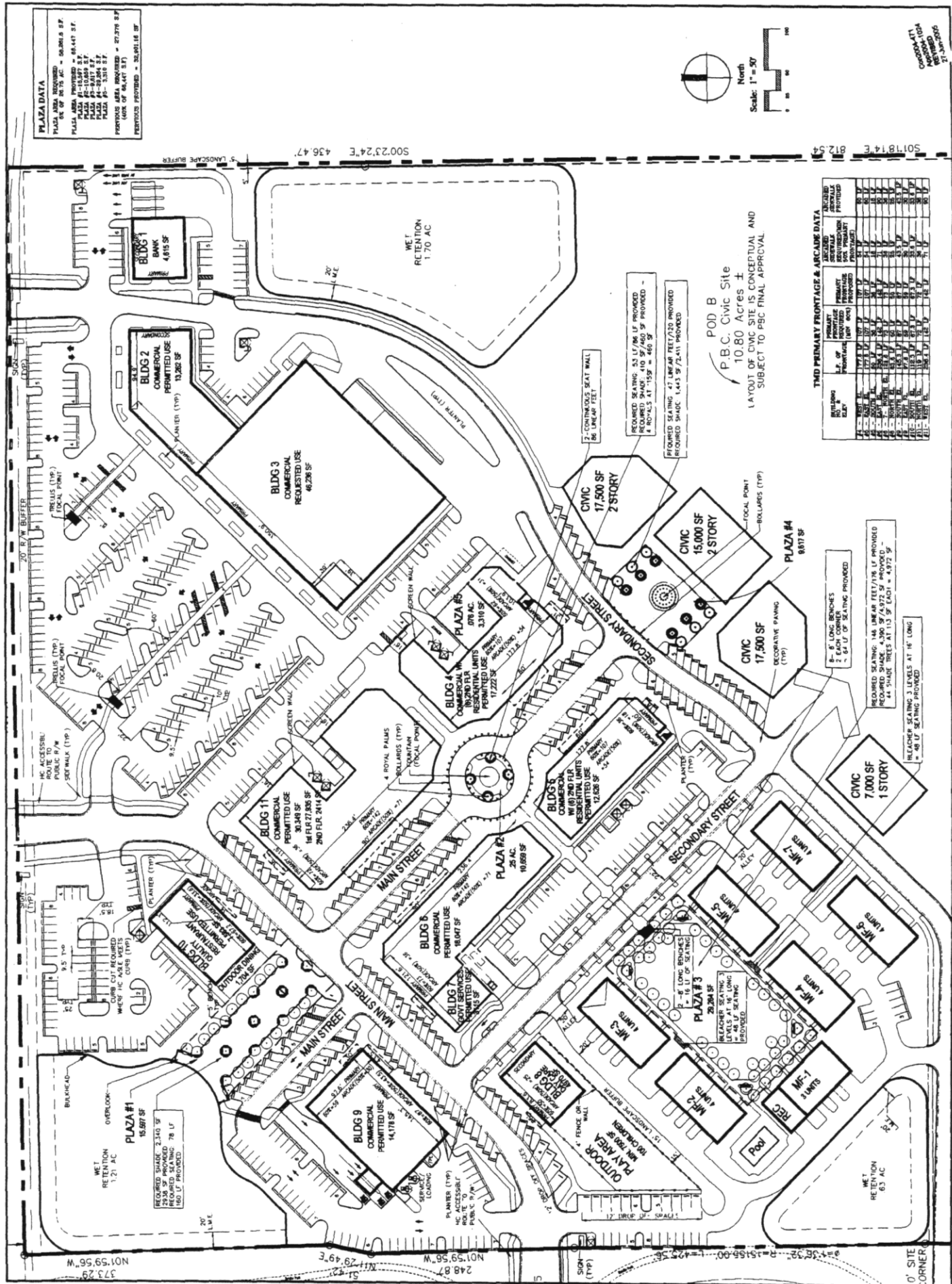


Figure 6 "Beauty Contest" Site Plan Pod A approved August 25, 2005





**Canyon Town Center TMD**  
 Palm Beach County, Florida  
 Preliminary Site Plan - Pod A



Scale: 1" = 50'-0"

**PSP-2**  
 of 2

SECTION	ZONING VARIANCE REQUEST (POD A ONLY)	PERMITTED USES	PERCENTAGE
1.0	RECEIVED	50 Adult Family Units	15 percent
2.0	RECEIVED	50 Multi-Family Units	15 percent
3.0	RECEIVED	50 Multi-Family Units	15 percent
4.0	RECEIVED	50 Multi-Family Units	15 percent
5.0	RECEIVED	50 Multi-Family Units	15 percent
6.0	RECEIVED	50 Multi-Family Units	15 percent
7.0	RECEIVED	50 Multi-Family Units	15 percent
8.0	RECEIVED	50 Multi-Family Units	15 percent
9.0	RECEIVED	50 Multi-Family Units	15 percent
10.0	RECEIVED	50 Multi-Family Units	15 percent
11.0	RECEIVED	50 Multi-Family Units	15 percent
12.0	RECEIVED	50 Multi-Family Units	15 percent
13.0	RECEIVED	50 Multi-Family Units	15 percent
14.0	RECEIVED	50 Multi-Family Units	15 percent
15.0	RECEIVED	50 Multi-Family Units	15 percent
16.0	RECEIVED	50 Multi-Family Units	15 percent
17.0	RECEIVED	50 Multi-Family Units	15 percent
18.0	RECEIVED	50 Multi-Family Units	15 percent
19.0	RECEIVED	50 Multi-Family Units	15 percent
20.0	RECEIVED	50 Multi-Family Units	15 percent
21.0	RECEIVED	50 Multi-Family Units	15 percent
22.0	RECEIVED	50 Multi-Family Units	15 percent
23.0	RECEIVED	50 Multi-Family Units	15 percent
24.0	RECEIVED	50 Multi-Family Units	15 percent
25.0	RECEIVED	50 Multi-Family Units	15 percent
26.0	RECEIVED	50 Multi-Family Units	15 percent
27.0	RECEIVED	50 Multi-Family Units	15 percent
28.0	RECEIVED	50 Multi-Family Units	15 percent
29.0	RECEIVED	50 Multi-Family Units	15 percent
30.0	RECEIVED	50 Multi-Family Units	15 percent
31.0	RECEIVED	50 Multi-Family Units	15 percent
32.0	RECEIVED	50 Multi-Family Units	15 percent
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35.0	RECEIVED	50 Multi-Family Units	15 percent
36.0	RECEIVED	50 Multi-Family Units	15 percent
37.0	RECEIVED	50 Multi-Family Units	15 percent
38.0	RECEIVED	50 Multi-Family Units	15 percent
39.0	RECEIVED	50 Multi-Family Units	15 percent
40.0	RECEIVED	50 Multi-Family Units	15 percent
41.0	RECEIVED	50 Multi-Family Units	15 percent
42.0	RECEIVED	50 Multi-Family Units	15 percent
43.0	RECEIVED	50 Multi-Family Units	15 percent
44.0	RECEIVED	50 Multi-Family Units	15 percent
45.0	RECEIVED	50 Multi-Family Units	15 percent
46.0	RECEIVED	50 Multi-Family Units	15 percent
47.0	RECEIVED	50 Multi-Family Units	15 percent
48.0	RECEIVED	50 Multi-Family Units	15 percent
49.0	RECEIVED	50 Multi-Family Units	15 percent
50.0	RECEIVED	50 Multi-Family Units	15 percent

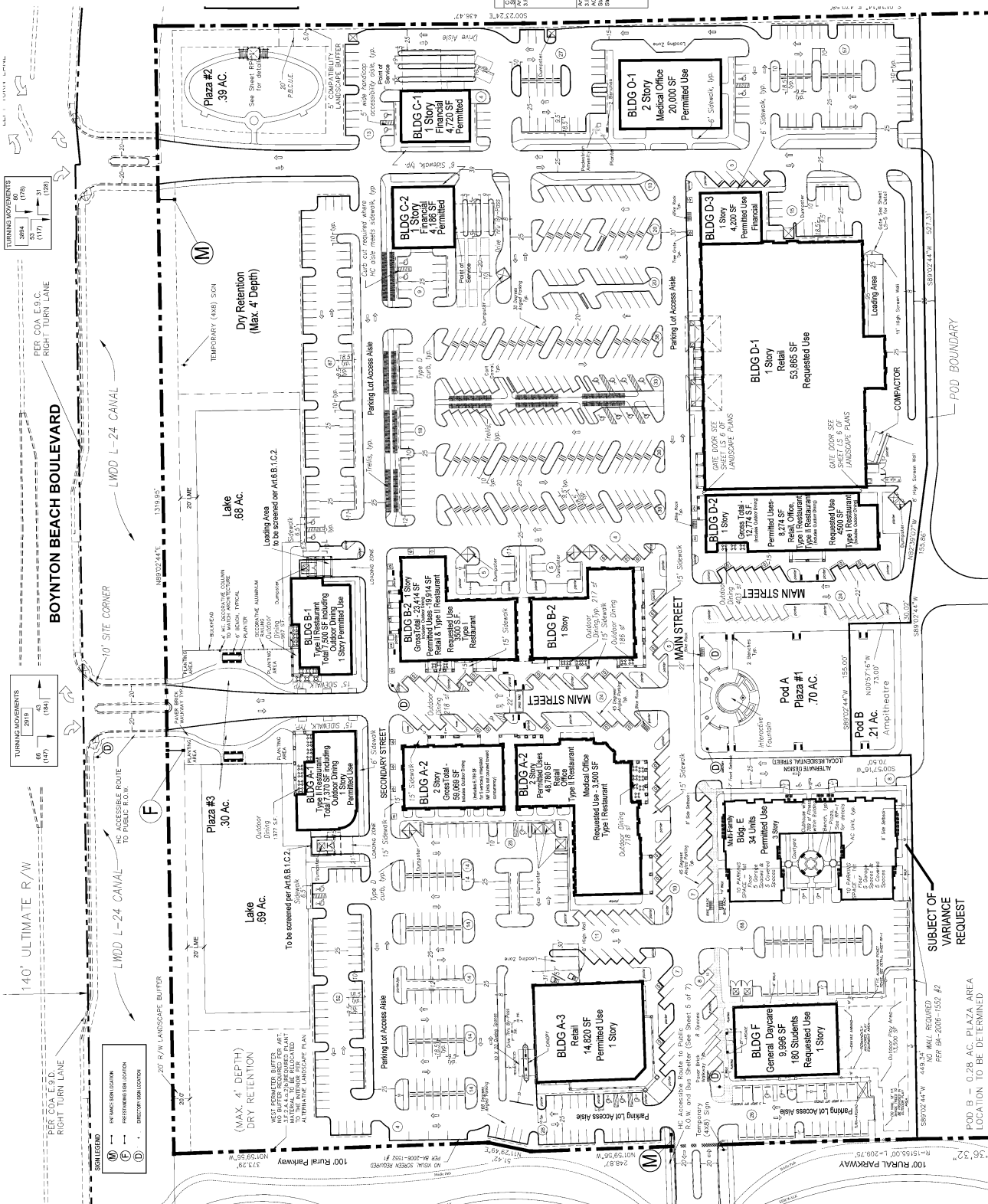
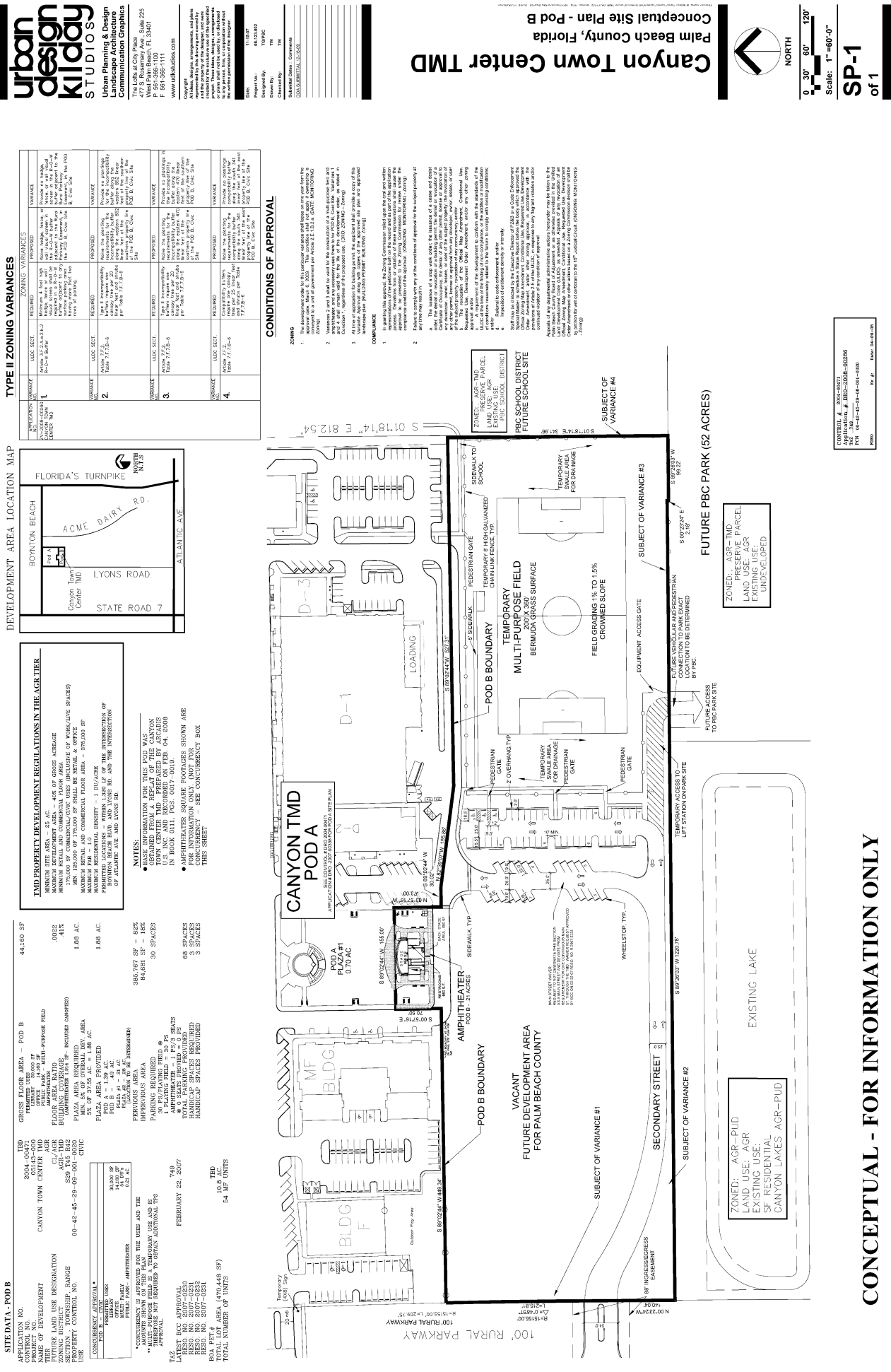


Figure 9 Preliminary Site Plan Pod A PSP- 2 dated February 12, 2010

Figure 10 Site Plan Pod B dated April 6, 2008







**SITE DATA**

APPLICATION NO. ZV/DOA/R-2009-04750  
 PROJECT NO. 05143-000  
 NAME OF DEVELOPMENT CANYON TOWN CENTER TMD  
 FUTURE LAND USE DESIGNATION COMMERCIAL & RESIDENTIAL  
 TIER 1/2/3 DISTRICT C1/AGR  
 SECTION / TOWNSHIP, RANGE AGR-TMD  
 00-42-43-27-16-054-0090

The Office at City Place  
 1000 City Place, Suite 225  
 West Palm Beach, FL 33401  
 P 561-386-1100  
 F 561-386-1101  
 www.urbandesignkilday.com

Urban design, arrangements, and plans  
 are prepared by the designer and shall  
 be the property of the designer and shall  
 not be used for any other project without  
 the written permission of the designer.

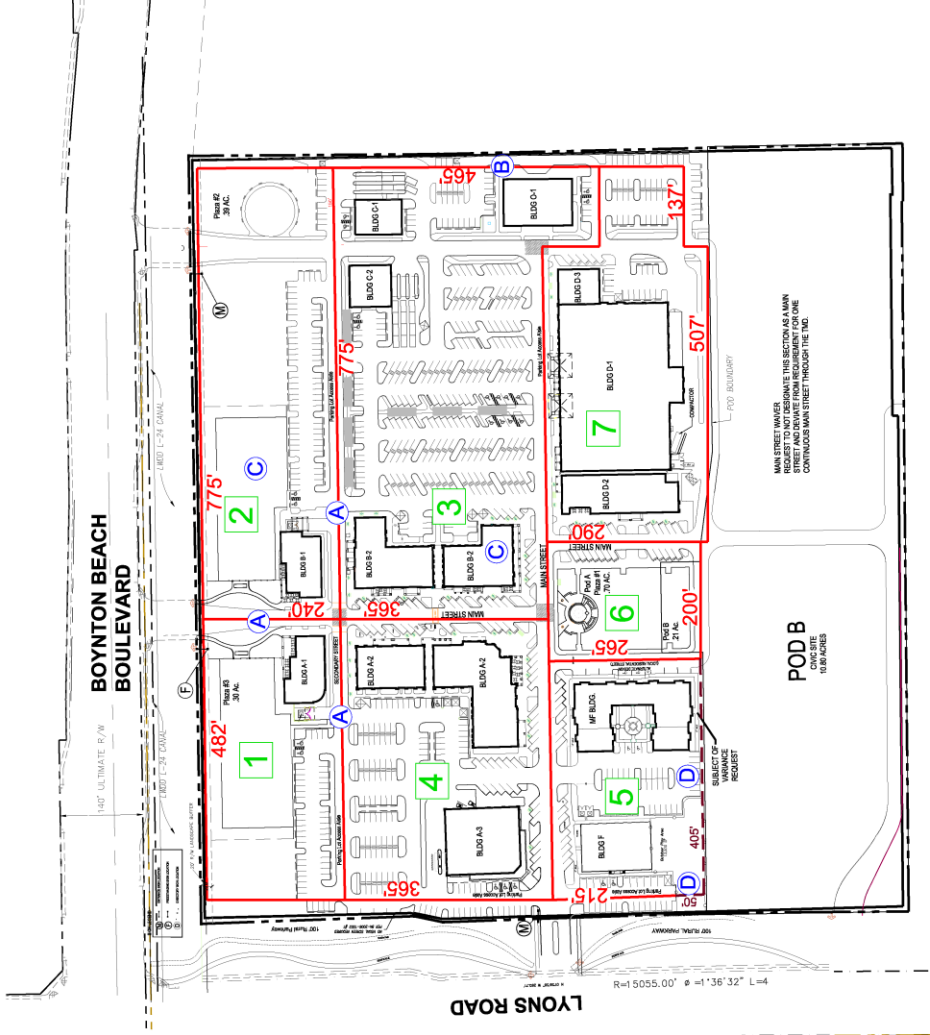
Date: 11/13/09  
 Project No.: 05143-000  
 Designer: G. Homes  
 Checker: JH

Submitted Date: Comments  
 Administrative History: 11-18-09  
 DCA Return Submittal: 11-29-09

**BLOCK WAIVERS**  
 NOTE: BLOCK WAIVERS A, B, C, & D WERE APPROVED BY THE  
 BOARD OF CITY PLANNING AND ZONING FOR POD A ONLY.  
 WAIVER D IS A NEW REQUEST.

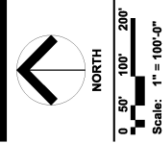
- (A) NO ON-STREET PARKING ALONG PRIMARY AND SECONDARY STREETS/COMMERCIAL STREET CROSS SECTIONS (BLOCKS 1 & 2)
- (B) ALLOW ONE WAY PARKING LOT ACROSS BLOCK TO DEFINE BLOCK (WEST SIDE OF BLOCK 3)
- (C) BLOCK 2 AND 3 DOES NOT MEET MAXIMUM 600' BLOCK LENGTH - 775' IS PROVIDED
- (D) BLOCK 6 DOES NOT MEET BLOCK STRUCTURE ON THE SOUTH BOUNDARY AND THE SOUTHERLY 50' OF THE WEST BOUNDARY.

**MAIN STREET WAIVER - Approved by HCC on February 22, 2007**  
 REQUEST TO NOT DESIGNATE A SECTION AS A MAIN STREET  
 MAIN STREET WAIVER REQUEST FOR ONE CONTINUOUS  
 MAIN STREET THROUGH THE TMD



**urban design kilday STUDIOS**  
 Urban Planning & Design  
 Landscape Architecture  
 Communication Graphics

**Canyon Town Center TMD**  
 Palm Beach County, Florida  
 Block Waiver Exhibit

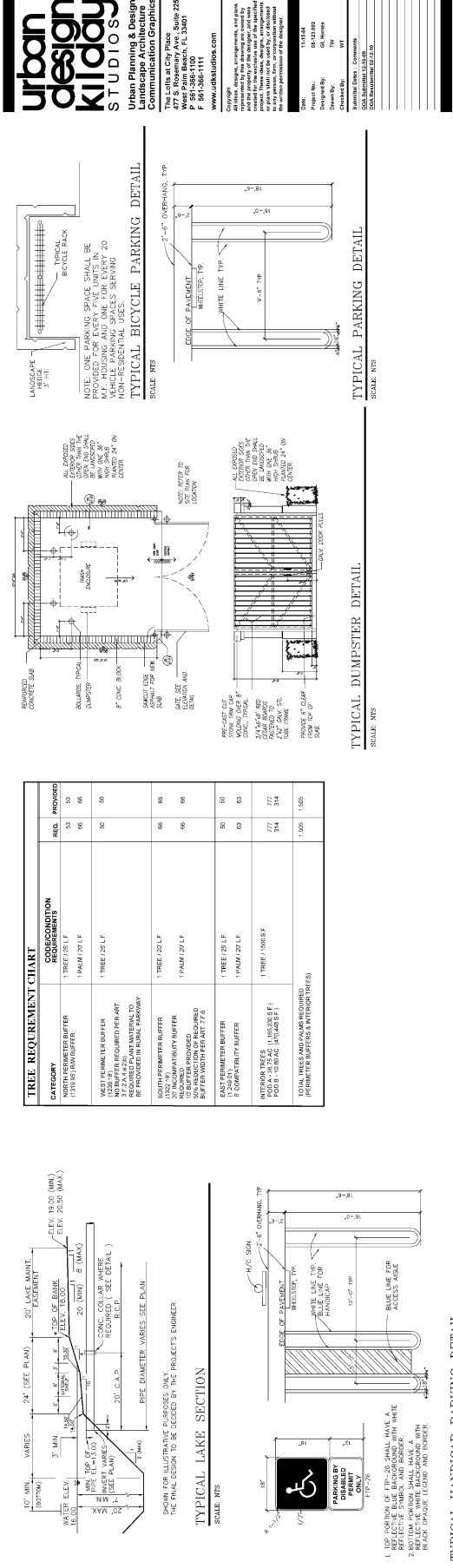


1 of 1

Figure 11 Block Waiver

H:\Kilday\palmbeach\0509\0509\_PalmBeach\_Canyon\_TMD\_05143-000\05143-000\Main\_05143-000.dwg, Block Waiver Exhibit, 11/25/09 9:58:02 AM, Sheet, Addon PDF





urban  
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**Kilclay**  
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 Urban Planning & Design  
 Landscape Architecture  
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 West Palm Beach, FL 33401  
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DATE: 01.15.10  
 PROJECT NO.: 05143-000  
 DESIGNED BY: DA WISNEY  
 CHECKED BY: JT  
 REVISIONS:  
 REVISION NO. | DESCRIPTION  
 001 | INITIAL ISSUE

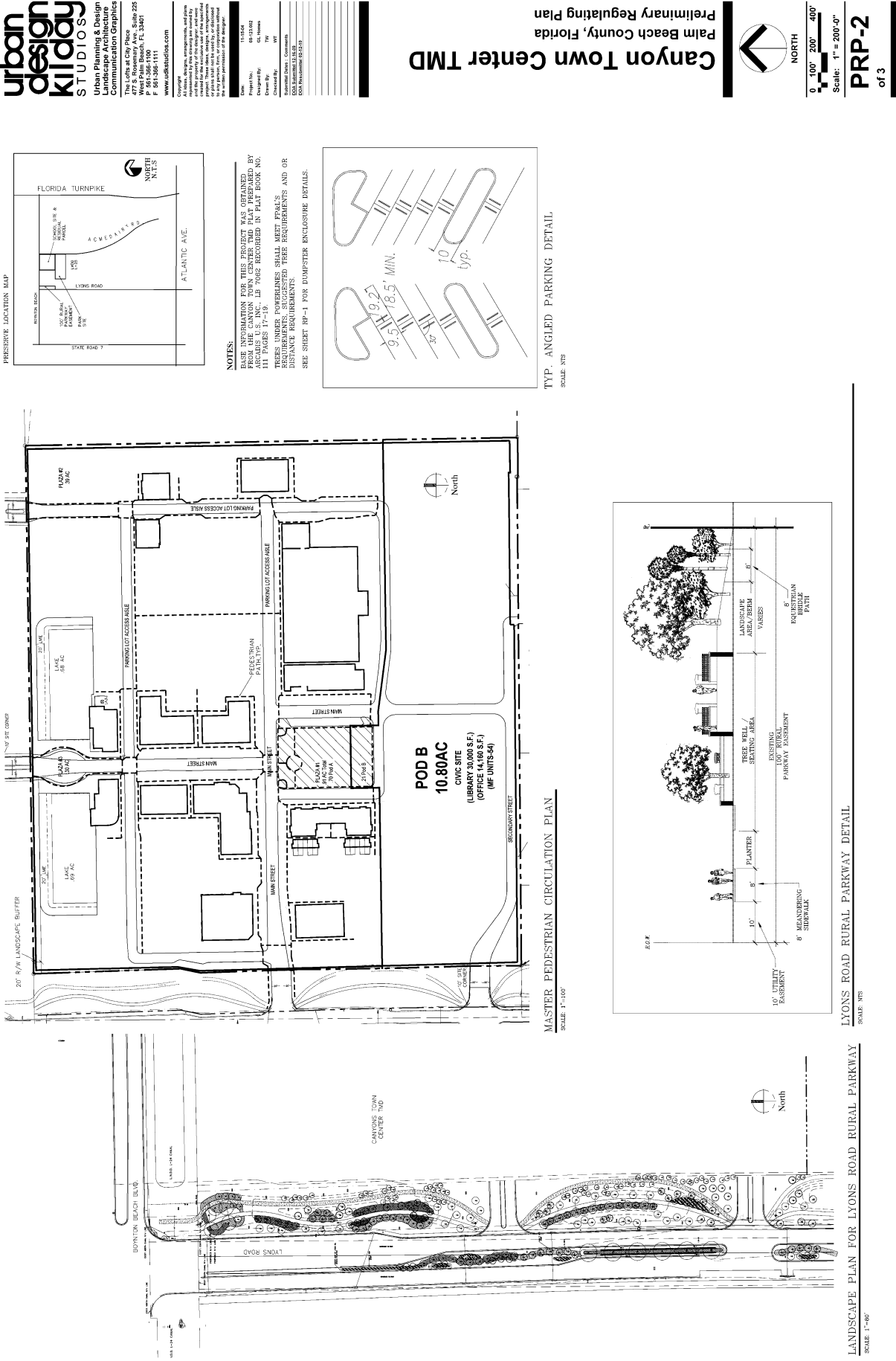
**Canyon Town Center TMD**  
 Palm Beach County, Florida  
 Preliminary Regulating Plan

0' 100' 200' 400'  
 Scale: 1" = 200'-0"

**PRP-1**  
 of 3

Figure 12 Preliminary Regulating Plan PRP-1 dated February 12, 2010

Figure 13 Preliminary Regulating Plan PRP-2 dated February 12, 2010



**Preliminary Regulating Plan**

**DuMor, inc.**  
15 INDUSTRIAL CIRCLE P.O. BOX 142  
MARIETTA, GA 30067  
PHONE (770) 426-8888  
FAX (770) 426-8889  
www.dumor.com

**TABLE**  
SEE SITE PLAN FOR LOCATION

NOTES:  
1. NOT TO SCALE  
2. SEE MANUFACTURER'S SPECIFICATIONS  
3. ALL DIMENSIONS SHOWN ARE TO FACE UNLESS OTHERWISE NOTED  
4. REFER TO MANUFACTURER'S SPECIFICATIONS FOR MATERIALS AND FINISHES  
5. REFER TO MANUFACTURER'S SPECIFICATIONS FOR WEIGHTS AND DIMENSIONS

**IRONSMITH**  
41-701 CORPORATE WAY #3  
PALM DESERT, CA 92260  
(800) 338-4766  
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**TREE GRATE #M4836**  
STYLE: ADA

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**130 SERIES BIKE RACKS**  
SEE SITE PLAN FOR LOCATION

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**57-60PL RECYCLED PLASTIC BENCH**  
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MARIETTA, GA 30067  
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FAX (770) 426-8889  
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**124-31PL-TO PLASTIC RECEPTACLE 31-GALLON**  
SEE SITE PLAN FOR LOCATION

NOTE: THIS PRODUCT IS MANUFACTURED BY DUMOR. IT IS A REGISTERED TRADEMARK OF DUMOR. ALL RIGHTS RESERVED. DUMOR IS NOT RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS CAUSED BY THE USE OF THIS PRODUCT. DUMOR IS NOT RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS CAUSED BY THE USE OF THIS PRODUCT. DUMOR IS NOT RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS CAUSED BY THE USE OF THIS PRODUCT.

**ENVIRONMENTAL LIGHTING FOR ARCHITECTURE, INC.**  
1500 W. 10TH AVENUE, SUITE 100  
DENVER, CO 80202  
PHONE (303) 733-1000  
FAX (303) 733-1001  
www.environmental-lighting.com

**153-40PL RECYCLED PLASTIC PLANTER**  
SEE SITE PLAN FOR LOCATION

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PHONE (770) 426-8888  
FAX (770) 426-8889  
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**153-40PL RECYCLED PLASTIC PLANTER**  
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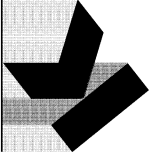
**DuMor, inc.**  
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**153-40PL RECYCLED PLASTIC PLANTER**  
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Figure 14 Preliminary Regulating Plan PRP-3 dated February 12, 2010





Landscape Architects / Planners  
 Kulis & Associates, Inc.  
 1401 Pine Street, Suite 200  
 West Palm Beach, Florida 33411  
 Phone: (561) 833-2522  
 Fax: (561) 833-2523  
 E-mail: info@kulis.com  
 This drawing is an instrument of service prepared by the undersigned professional engineer, architect, landscape architect, interior designer, or other professional as indicated on the title block.

**CANYON TOWN CENTER TMD**  
**BUILDING FACADE PLAN**

PALM BEACH COUNTY, FLORIDA

Scale: 1" = 50'  
 Date: 09-20-06  
 Drawn By: JET  
 Check By: TWP  
 Date: 09-26-06  
 Drawing No.: 04-31

REVISIONS / SUBMISSIONS

1	REVISION	02-28-06
2	REVISION	03-01-06
3	REVISION	03-01-06
4	REVISION	03-01-06
5	REVISION	03-01-06
6	REVISION	03-01-06
7	REVISION	03-01-06
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19	REVISION	03-01-06
20	REVISION	03-01-06

**BUILDING FACADE PLAN**

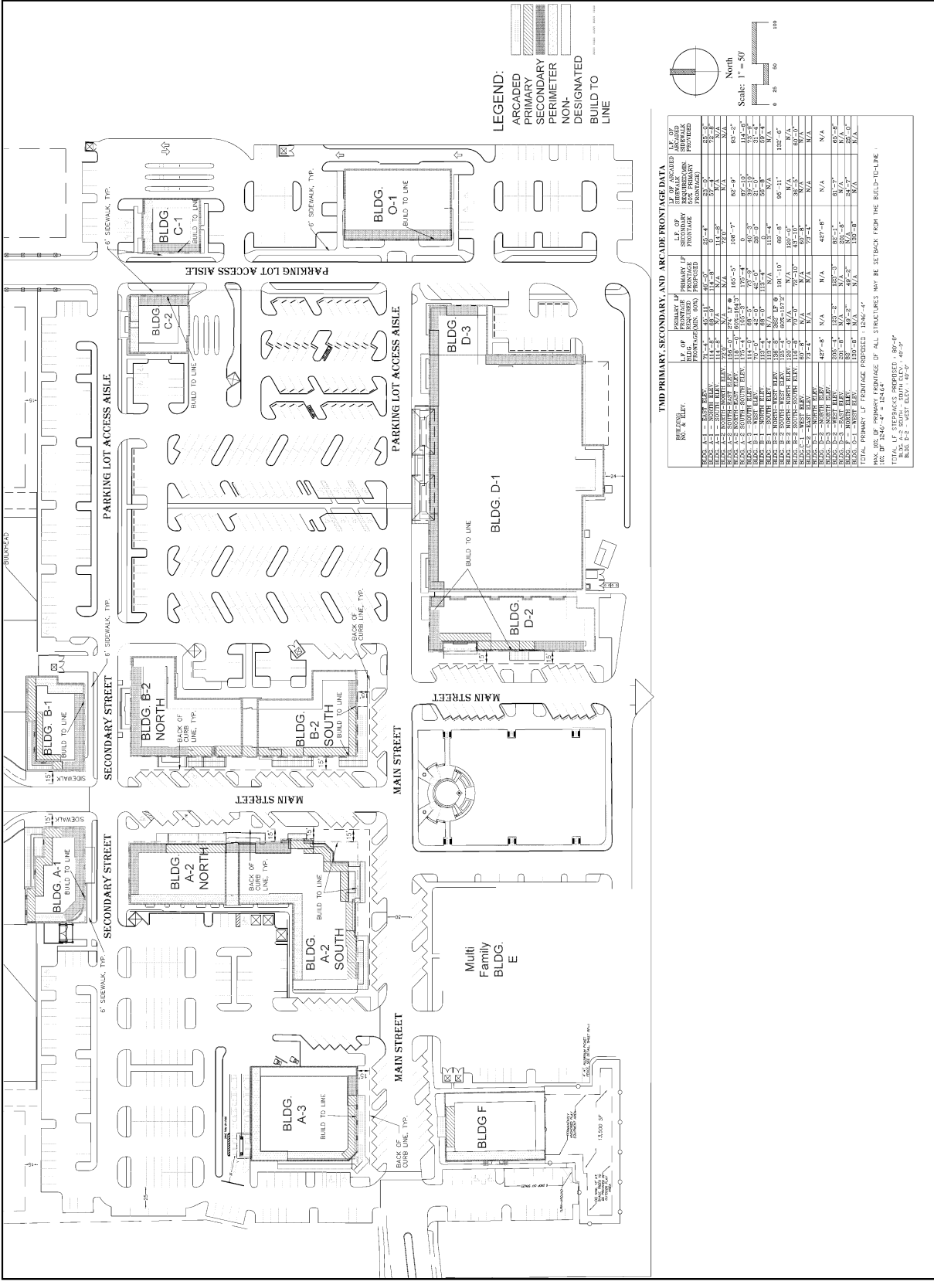


Figure 16 Building Facade Plan dated February 12, 2010

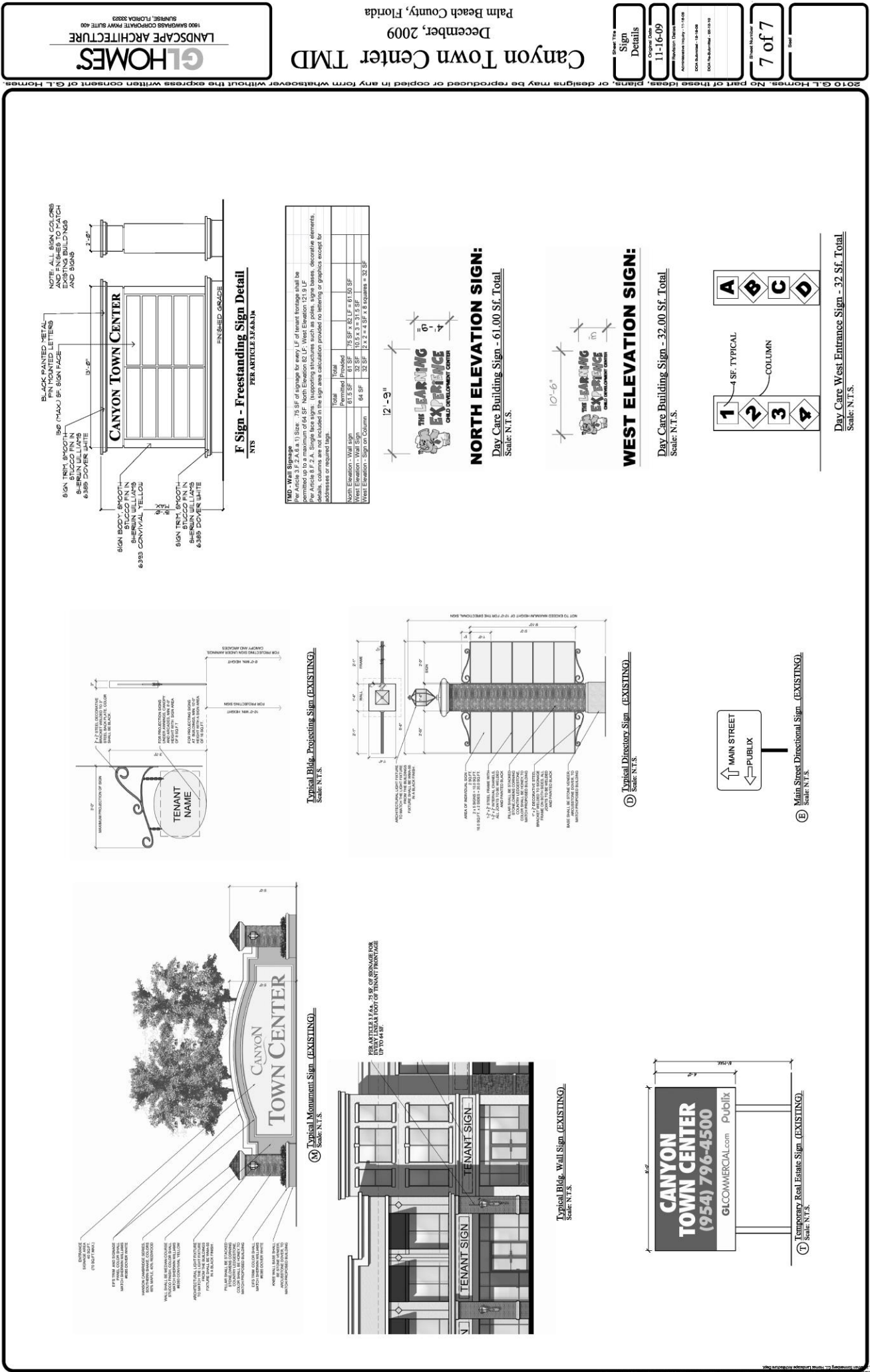


Figure 17 Preliminary Master Sign Plan dated February 12, 2010

REVISIONS	DATE	BY	APPROVED BY
JOB NO.: 10-001	DATE: 02-11-10	DRAWN BY: LL	CHECKED BY: OS
			APPROVED BY: OS

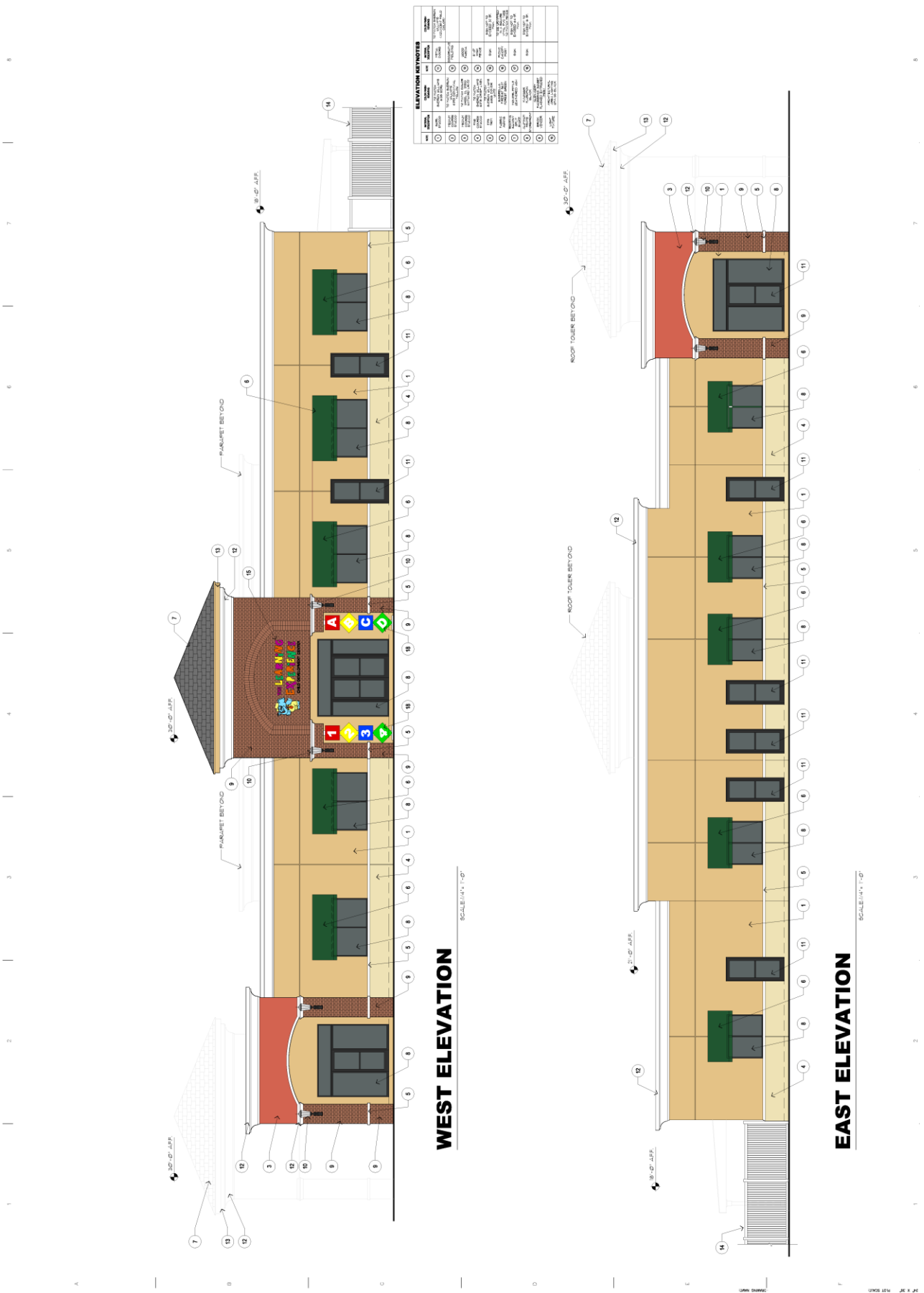
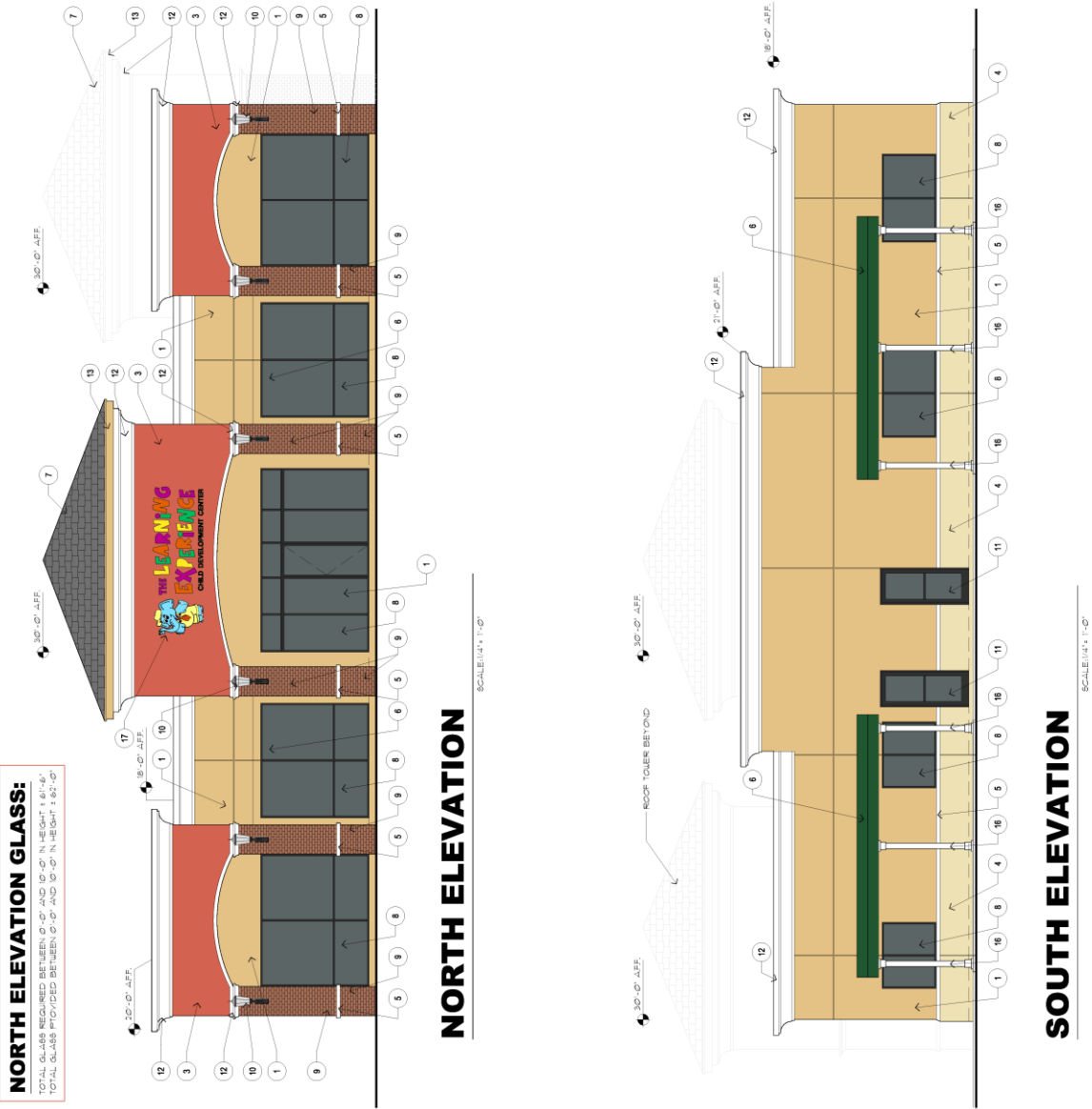


Figure 18 Preliminary Elevations Daycare Building "F" West and East Facades dated February 12, 2010



Figure 19 Preliminary Elevations Daycare Building “F” North and South Facades dated February 12, 2010



SYMBOL	DESCRIPTION	NOTES	REVISIONS
(1)	BRICK VENEER	TO BE MATCHED TO EXISTING BRICK VENEER ON ADJACENT BUILDING	
(2)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	
(3)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	
(4)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	
(5)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	
(6)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	
(7)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	
(8)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	
(9)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	
(10)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	
(11)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	
(12)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	
(13)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	
(14)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	
(15)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	
(16)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	
(17)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	
(18)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	
(19)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	
(20)	WOOD PANELING	TO BE MATCHED TO EXISTING WOOD PANELING ON ADJACENT BUILDING	

THE LEARNING EXPERIENCE  
 BOYNTON BEACH, FLORIDA  
 PROPOSED DAYCARE

THESE DRAWINGS AND SPECIFICATIONS ARE PRELIMINARY AND NOT TO BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN APPROVAL OF OCTAVIO S. LIMA, ARCHITECT.

PLAN NORTH

GRAPHIC SCALE

REVISIONS

JOB NO.: 10-001

DATE: 02-11-10

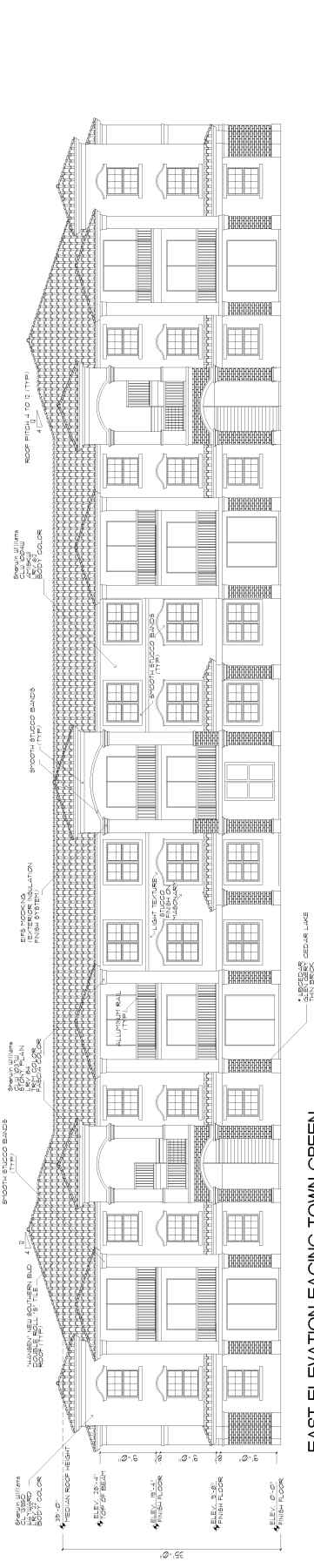
DRAWN BY: LL

CHECKED BY: DSL

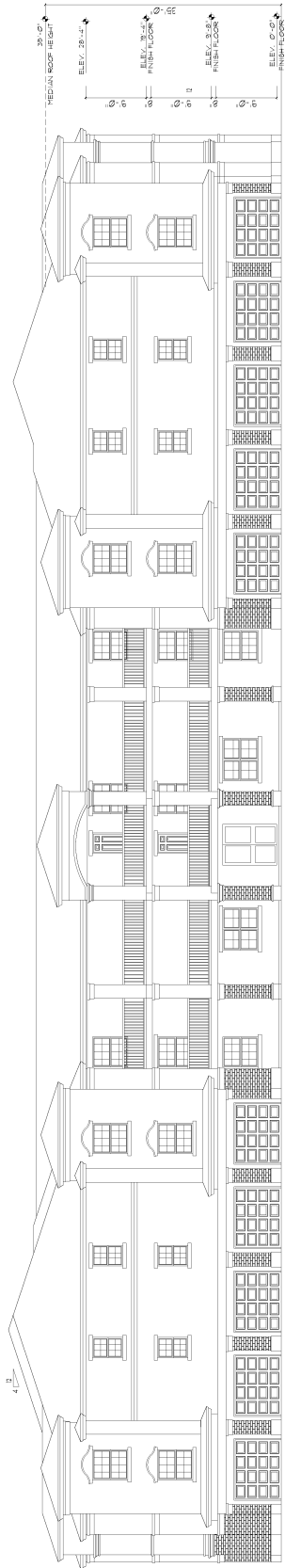
APPROVED BY: DSL

SHEET NO.: A-2

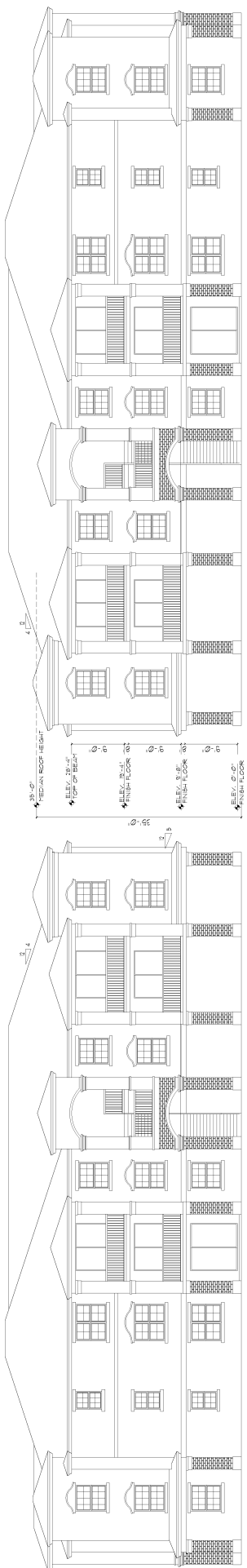
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EAST ELEVATION FACING TOWN GREEN



WEST ELEVATION FACING LYONS ROAD



NORTH ELEVATION FACING MAIN STREET

SOUTH ELEVATION FACING CIVIC SITE

SCALE 1/8"=1'-0"

Figure 20 Preliminary Elevations Multi-family Building "E" dated February 12, 2010

## STAFF REVIEW AND ANALYSIS

### **PLANNING DIVISION COMMENTS:**

FUTURE LAND USE (FLU) PLAN DESIGNATION: Agriculture (AGR) and Commercial Low with an underlying Agriculture (CL/AGR) Land Use Designation

TIER: The subject site is in the Agricultural Reserve Tier.

FUTURE ANNEXATION AREAS: The subject site is not located within the future annexation area of any municipality.

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

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request to reconfigure the Site Plan for POD A, reallocate the overall commercial square footage to allow for a 9,996 square foot Day Care facility in Building F, decrease square footage in Buildings A-1, B-1 and Building O-1, convert 9,650 square feet of vertically integrated multifamily units in Building A-2 to Medical Office use and relocate Plaza #2 to the northeast corner of the site.

Due to the deviations from the literal interpretation of the ULDC and the Conceptual Plans that were part of the original approval for the Canyons Town Center TMD (LGA 2005, Exhibit 3 of the Staff Report), the request was the subject of an Administrative Inquiry to the BCC January 7, 2010 to provide guidance to staff regarding the Canyons Town Center TMD request. Direction from the BCC and a subsequent follow-up meeting with Zoning staff resulted in the following: a summary letter from the Zoning Division, stating that the requested changes were generally consistent with the original plans for the AGR-TMD.

Planning staff reviewed the request for TMD design considerations based on FLUE Policy 4.4.4-c of the Plan and the conditions of approval of the site-specific amendment from AGR to CL/AGR (Ordinance 2005-00039) that have been carried forward through the Zoning process. The condition applied to the Amendment is as follows:

Development on the site shall be limited to a maximum of 259,300 square feet of non-residential uses and 93 dwelling units.”

FLUE Policy 4.4.4-c indicates that TMD's shall include a concentrated area for shopping, entertainment, business, services, cultural and housing opportunities.” As for the number of units, the conditions of approval for the original FLUA amendment included a maximum” of 93 units with no minimum. Therefore, based on the above Comprehensive Plan policy and the FLUA condition of approval, the 93 units are consistent with this policy and the Condition of approval for the Amendment.

Regarding vertical integration, the same FLUA Policy 4.4.4-c indicates that the TMD shall allow low intensity commercial and institutional uses, vertically integrated with residential uses”. The redesign allows 5 of the original 12 vertical integrated multi-family units in Building A-2 to remain for a total of 6,789 square feet of residential living space. Thus the request is consistent with this policy.

No adjustments to the Preserve boundaries or acreages are proposed with this request.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The subject property is located within the boundaries of the West Boynton Area Community Plan. The request is not inconsistent with the neighborhood plan. To date no letters of objection have been received from COBWRA.

FINDINGS: The request is consistent with the future land use designation of the Palm Beach County Comprehensive Plan and direction received from the BCC January 7, 2010.

**ENGINEERING COMMENTS:**

**REQUIRED ENGINEERING RELATED PERMITS**

The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section, for modifications to the existing accesses onto Lyons Road and a permit from the Florida Department of Transportation for modifications to the existing accesses onto Boynton Beach Boulevard.

**TRAFFIC IMPACTS**

Petitioner has estimated the build-out of the project to be December 31, 2014.

Total net new traffic expected from this project (including the previous approval) is 9023 trips per day, 1021 trips in the PM peak hour. Additional traffic is subject to review for compliance with the Traffic Performance Standard.

There are no improvements to the roadway system required for compliance with the Traffic Performance Standards.

**ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)**

Segment: Boynton Beach Blvd. from Lyons Rd to the Turnpike

Existing count: 2914

Background growth: 1318

Project Trips: 104

Total Traffic: 4336

Present laneage: 6D

LOS "D" capacity: 4680

Projected level of service: D

---

**PALM BEACH COUNTY HEALTH DEPARTMENT:** No Staff Review Analysis

---

**ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

**VEGETATION PROTECTION:** The property has been previously cleared for agricultural uses.

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

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

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

---

**OTHER:**

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

**SCHOOL IMPACTS:** The school concurrency approved on January 10, 2007, case #07011001C, was granted for 93 multi-family units. The requests contained within this application do not change the total number of residential units.

PARKS AND RECREATION: The petitioner is providing a 789 square foot private fitness room for the exclusive use of the Canyon Town Center TMD residents and a plaza area with passive recreation to provide traditional outdoor recreation. The Parks and Recreation Department requirements have been met.

CONCURRENCY: Concurrency has been approved for 259,300 square feet of mix uses including requested uses and 93 multi-family units.

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

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

---

## FINDINGS:

### Type II Concurrent Variance Standards:

The Zoning Commission shall consider and find that all 7 criteria pursuant to Article 2.B.3.E and listed below have been satisfied by the applicant prior to making a motion for approval, of a zoning variance:

1. **Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same zoning district:**

**V1 - YES.** Eliminate internal buffer between multi-family Building E and non-residential uses.

The development area was originally approved with two pods; mixed use Pod A and civic site Pod B dedicated to Palm Beach County that includes a library, office space, and multi-family units. Currently Pod B only includes a temporary multi-purpose field and even though the final design of this pod is unknown, it was approved to have non-residential uses. The Development Order Amendment included with this application is for the reconfiguration of Pod A to allow a requested use daycare general and a multi-family building with 34 units that mainly affects Block 5. The proposed multi-family building in Pod A limits to the south with the north interior property line of Pod B. Though the layout differs because of change in building type for the multi-family use and the addition of the daycare building, the uses within Block 5 are uses that compliment each other adjacent to the recreation included within Pod B. If the BCC denies the Block Structure Waiver, a street would be provided between Block 5 and the Civic Pod B offering a separation between the uses and the buffer would then not be required.

**V2 – YES.** Reduce the number of garages for a three-story multi-family building from 34 to 10.

Special conditions and circumstances associated with the current economic climate affects the full potential of this development. This situation makes the applicant look for other options to utilize vacant building space in Building A2, relocate residential units in the multi-family building, and include a daycare use within the site. Another special condition associated with this variance is that Pod A is almost 75 percent constructed and there is limited vacant space that allows for the location of 34 multi-family units without providing a third story. The space limitation of the site along with the apartment type of residential building does not allow the multi-family to provide a ground floor garage for each residential unit.

**V3 – YES** Increase the maximum percentage of allowable square footage for free standing structures.

Building O1 – Special circumstances occur on the site associated with almost 75 percent of Pod A development area already constructed, only the areas associated with buildings within Block 5, Building A1, B1 and O1 are still vacant. Buildings A3, C1, and C2 received previously approval for free standing building and the site and building conditions and circumstances

have not changed for them while Building O1 special circumstances are related to the fact that the building is surrounded by constructed buildings and parking. Thus the request of this variance for building O1 is to address the existing site conditions.

Building F – The proposed layout of Block 5 is dependent upon the approval of the Block Structure Waiver. The applicant proposes two uses within Block 5 that compliment each other. The close proximity of the daycare to the residential uses allows those residents of POD A, and the personnel that work in POD A to have a place for their children to stay while they work and in-close proximity to these business. Should the Block Structure Waiver be denied, a revised layout of Block 5 may be necessary in order to provide the continuous street circulation. This may lend itself to shift the building closer to the multi-family residences which would then eliminate the need for this Variance.

2. **Special circumstances and conditions do not result from the actions of the applicant:**

**V1 - YES** The proposed buffer was previously approved, though required to be reviewed again because of the proposed changes. Block 5 remains to have residential use adjacent to the non-residential civic pod. The applicant is requesting a Block Structure Waiver from the Board in order to eliminate the required street. If the Board denies this request a street would be provided that would then remove the requirement for the buffer, and thus the variance request. If the Board approves the Waiver, the use of Block 5 still remains residential, with the introduction of a Civic Use within Block 5 (daycare).

**V2 – YES.** Reduce the number of garages for a three-story multi-family building from 34 to 10.

The special circumstances and conditions do not result from the actions of the applicant, but rather from the limited space available within the development area of Pod A and the apartment residential building to be provided.

**V3 – YES** Increase the maximum percentage of allowable square footage for free standing structures.

Building O1: The special circumstances and conditions do not result from the actions of the applicant as the site plan was originally approved and implemented. Buildings A3, C1 and C2 are already constructed and received previous variance approval for this code provision in December 21, 2006 though Building O1 is the only building missing to be constructed.

Building F: The proposed layout of Block 5 is dependent upon the approval of the Block Structure Waiver by the Board of County Commissioners. The applicant proposes two uses within Block 5 that compliment each other. The close proximity of the daycare to the residential uses allows those residents of POD A and the personnel that work in POD A to have their children stay while they work and in close proximity to their place of business and/or home. The use of a daycare within this development was originally proposed within the “Beauty Contest Plan”. Though through revisions it was eliminated, the need for the daycare is necessary to assist in making the community compact. Should the Block Structure Waiver be denied, a revised layout of Block 5 may be necessary in order to provide the continuous street circulation. This may lend itself to shift the building closer to the multi-family residences to allow compliance with the building separation criteria which would then eliminate the need for this Variance.

3. **Granting the variance shall not confer upon the applicant any special privilege denied by the Comprehensive Plan and this code to other parcels of land, structures or buildings in the same zoning district:**

**V1 - YES** Eliminate internal buffer between multi-family Building E and non-residential uses.

Granting the variance does not confer upon the applicant any special privilege than that which was previously granted. Block 5 proposes a mix of residential and civic uses, as proposed to the south in POD B. The need for the variance would be eliminated, should the Board deny the Block Structure Waiver, the proposed uses of civic, recreation and multi-family compliment

one another and the required barrier would prohibit the promoted pedestrian circulation a TMD requires.

**V2 – YES.** Reduce the number of garages for a three-story multi-family building from 34 to 10.

Granting the variance shall not confer upon the applicant any special privilege as the type of residential building does not offer multiple options to provide a garage to each residential unit. The type of residential building proposed is to allow an economic reactivation of the development too. The seven criteria associated with this request, if address effectively by any other development within the same zoning district, would not confer upon the applicant any special privilege.

**V3 – YES** Increase the maximum percentage of allowable square footage for free standing structures.

Building O1: Granting of this variance shall not confer upon the applicant any special privileges, as Buildings A3, C1 and C2 are existing and previously received an approval for this type of variance while Building O1 has existing conditions not created by the applicant that if existing in other site with similar zoning district will not be a special privilege if the seven criteria are adequately addressed.

Building F: A Traditional Marketplace Development Zoning District is unique from other suburban districts in that it utilizes the concept and practice of mixed use development. Granting of this variance does not confer a special privilege to parcels of land within the same zoning district as the inclusion of a daycare and modification of the residential type responded to the need of an economic reactivation of the center. If the Block Structure Waiver is denied by the BCC, then the placement of buildings within Block 5 will be rearranged providing new opportunity for compliance with the buildings separation criteria which consequently would eliminate the request of this Variance.

4. **Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship:**

**V1 - YES.** Eliminate internal buffer between multi-family Building E and non-residential uses.

Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant to the rights enjoyed by other TMDs. The General standards applicable to all Traditional Development Districts (TDDs) and development standards also applicable to all TMDs are common requirements to all development within this zoning district but since the residential and civic uses within Block 5 of Pod A are consistent with the residential and civic uses within the unknown site design of Pod B, literal interpretation of the Code would cause unnecessary hardship to the applicant due to the fact that the non-residential uses location have not been determined for Pod B. If the BCC denied the Block Structure Waiver, a revised layout of Block 5 may be necessary in order to provide the continuous street circulation which is one of the exemptions given by the Code to eliminate internal buffers between residential and non-residential uses.

**V2 – YES.** Reduce the number of garages for a three-story multi-family building from 34 to 10.

Literal interpretation and enforcement of the terms and provisions of this Code would create and undue hardship to the applicant to bring the subject site in conformance with the current code. Multi-family residential is a permitted use in the TMDs. The applicant's main concern to place multi-family apartment style units to provide a product type appealing to today's market and include a daycare use would be affected by the revision of the residential building type.

**V3 – YES.** Increase the maximum percentage of allowable square footage for free standing structures.



Building O1 - Literal interpretation and enforcement of the terms and provisions of this Code would affect the applicant as the site was previously approved and the surrounding areas adjacent to Building O1 are already constructed while Buildings A3, C1, and C2 are already constructed.

Building F - Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of right commonly enjoyed by other parcels of land in the same zoning district as the applicant is proposing the configuration of some portions of the site subject to this Development Order Amendment to reactivate economically the center. Now, if the BCC denied the Block Structure Waiver, the layout of buildings would be revised in Block 5 and eventually this Variance will not be necessary.

5. **Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:**

**V1 - YES.** Eliminate internal buffer between multi-family Building E and non-residential uses.

Even though determination by the BCC in the Block Structure Waiver could affect the need of this Variance, this request to eliminate an internal buffer between multi-family Building E and non-residential uses of Pod B is the minimum necessary since the location of the non-residential uses within Pod B is unknown.

**V2 – YES.** Reduce the number of garages for a three-story multi-family building from 34 to 10.

The granting of this variance is the minimum necessary that will make possible the reasonable use of the multi-family building. The site is proposing ten (10) garages out of the 34 garages required in a multi-family building with apartment type that would not allow for the provision of garages for all units.

**V3 – YES.** Increase the maximum percentage of allowable square footage for free standing structures.

Building O1 - Granting of this variance is the minimum necessary to allow existing Building A3, C1, and C2 and Building O1 to be free standing structures. The granting of the variance on these buildings is associated with a reasonable use of the site considering that Pod A development area is constructed approximately 75 percent. In this case, due to the circumstances pertaining to Building O1 to be located on an area of the development where all buildings and parking are already constructed, 43,720 square feet or twenty (20) percent of the overall allowable square footage to be free standing building is just ten (10) percent above the minimum percentage permitted.

Building F – The request of the 9,996 square feet of daycare, general Building F to be a free standing building represents five (5) percent of the percentage of the square footage permitted as free standing structure in a TMD. Added to the twenty percent of free standing buildings A3, C1, C2, and O1 is a total of twenty-five (25) percent of free standing buildings within the development. The twenty-five (25) percent represents a total of fifteen (15) percent above the maximum percentage of square footage permitted by the Code. The granting of this variance would be the minimum necessary for Building F to function within the specific design provided as part of the Development Order Amendment. Should the Block Structure Waiver be denied by the BCC, the site would be subject other design opportunities related to buildings layout in Block 5 that would avoid this Variance request.

6. **Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code:**

**V1 - YES.** Eliminate internal buffer between multi-family Building E and non-residential uses.

Granting of this variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code if Pod B includes in the site design a plaza, open space or residential units adjacent to the proposed multi-family building in Pod A, it allows the

residential use in Pod A property line be exempted of an internal buffer. It is also consistent with Crime Protection Through Environmental Design (CPTED) principles included in the Plan.

**V2 – YES.** Reduce the number of garages for a three-story multi-family building from 34 to 10.

The granting of the variance will be consistent with the purposes, goals and objectives of the Plan and the Code. The variance is directly associated with the type of multi-family residential building provided and the granting of this variance is consistent with the Plan as it provides concentrated housing opportunities through apartment style units that create additional options for the economic reactivation of the development. It is still consistent with the code, as the required number of parking spaces needed for the residential units and visitors are provided.

**V3 – YES.** Increase the maximum percentage of allowable square footage for free standing structures.

Building O1 - The granting of this variance for Buildings A3, C1, C2 and O1 will be consistent with the purposes, goals and objectives of the Plan and the Code as the site is already in use with 75 percent of the buildings constructed, and the mixed uses associated with these buildings are providing concentration of activities. The developed areas have pedestrian and vehicular pathways in place that are part of blocks, disperse parking, and landscape treatment that represent some of the design elements of a TMD.

Building F - This variance is consistent with the purposes, goals, objectives, and policies of the Plan and Code as the proposed placement of Building F is still within the core of the development and offers additional mixture of uses for the TMD. In case of denial of the Block Structure Waiver by the BCC, the site requires the redesign of Block 5 with other alternatives of buildings locations that would result in no need of this Variance request.

7. **Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:**

**V1 - YES.** Eliminate internal buffer between multi-family building E and non-residential uses.

The granting of the variance will not be injurious to the area or detrimental to the public welfare as it is uncertain the specific use to be adjacent to the multi-family building at the time of development of Pod B. In addition, the granting of the variance is not negative to the public welfare as it will permit visibility increasing safety concerns for the future pedestrians and residents of the multi-family building.

**V2 – YES.** Reduce the number of garages for a three-story multi-family building from 34 to 10.

The granting of the variance will not be injurious to the area as the parking minimum parking spaces required for the multi-family Building E are still provided within the vicinity. The site provides approximately 200 parking spaces in Pod A above the minimum necessary to benefit public interest and correct functioning of the development.

**V3 – YES.** Increase the maximum percentage of allowable square footage for free standing structures.

Building O1 - The granting of the variance will not be injurious to the area or detrimental to the public safety as the adjacent areas of Buildings A3, C1, C2 and O1 include continuous pedestrian and vehicular interconnectivity within the development that guarantee pedestrian safety.

Building F - The granting of this variance for Building F will not be unfavorable to the area involved as the building is still located within the core of the development area and complement the mix of uses of the TMD. Although, if the Block Structure Waiver is denied by the BCC, Block 5 design and its buildings layout would be subject to other design opportunities that could avoid the need of this Variance.

## FINDINGS:

### Requested Uses and Development Order Amendments:

When considering a development order application for a conditional or requested use, or a development order amendment, the BCC and ZC shall consider standards 1 – 9 indicated below. A conditional or requested use or development order amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.-2.B and provides the following assessment:

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

The proposed DOA and Requested Use complies with the purposes, goals, objectives and policies of the Comprehensive Plan Policy 4.4.4.c as the site still provides mixed of uses, compatible building heights, build-to-lines are bringing buildings to the pedestrian pathways, architectural style consistent within the development in terms of massing, scale, and architectural style. Also, the inclusion of a daycare use is consistent with Policy 4.4.4.-b that looks in Traditional Marketplace Developments to include mixed of uses such as services, cultural, shopping, entertainment, business, and housing.

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

In general, the proposed DOA to reconfigure Pod A site plan to change the residential building type to a three-story multi-family building with 34 dwelling units, relocate Plaza 2 to the southeast corner fo the development, convert 9,650 square feet associated with vertically integrated multi-family units in Building A-2 into medical office, convert 20,000 square feet of office and retail in Building O-1 into medical office and reduce commercial square footage in Buildings A-1, B-1 and O-1 is in compliance with the standard of the ULDC applicable to the Traditional Development Districts. The Requested Use daycare general includes all applicable provisions of Article 4.B, Supplementary Use Standards.

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

Canyon Town Center TMD complies with the purpose and intent of the TMD in the AGR, which is to provide for commercial uses serving AGR residents at accessible locations on major arterials and to encourage design that is compatible with the surrounding agricultural area of this part of the county. Canyon Town Center TMD was previously found to be compatible with the surrounding uses under previous development order amendments and rezoning approved by the BCC in Resolutions R-2005-1624, R-2005-1625, R2007-0230, R-2007-0231, R-2007-0232, and R-2007-0233. The proposed Development Order Amendment (DOA) and Requested Use daycare general are compatible and consistent with the existing and proposed residential uses adjacent to the development.

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

The area subject of this DOA and Requested Use is internal to the development and is visually screened by a 100 feet Rural Parkway along Lyons Road that will reduce any impacts on adjacent parcels to the west of the development. In addition, the proposed daycare Building F is one-story building while the highest buildings are concentrated to the core of the

development.

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

The proposed DOA and Requested Use will have no negative impact on the environment as the site is 75 constructed and the reconfigured areas of the development do not have native vegetation.

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

The proposed DOA and Request Use will result in a logical, orderly and timely development pattern as it will allow the site to reactivate economically while provides needed service to this area.

7. **Consistency with Neighborhood Plans** – *The proposed development or amendment is consistent with applicable neighborhood plans in accordance with BCC policy.*

Canyon Town Center TMD is located within the boundaries of West Boynton Beach Area Community Plan. The proposed DOA and Requested Use daycare general meets the goals of the community plan by integrating uses in a central and unique location. According to the applicant, a presentation to the Community group took place on December 14, 2009.

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

Concurrency was originally granted by the BCC on February 22, 2007 public hearing to be 259,300 square feet of non residential uses and 93 dwelling units which is consistent with August 25, 2007 Large Scale Amendment, Planning condition. This DOA and Requested use is keeping the development within the limitations of square footage and density.

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

The applicant states that the major changed of circumstances related to the Development Order Amendment is to alleviate marketing obstructions which are limiting the potential of the Center. The Requested Use daycare, general will provide additional reactivation of the center as the use complements the existing residential uses in the vicinity.

## FINDINGS

### BCC Waiver Request – Article 3.F.4.E.9.a. Block Structure

As stated within the Issue Summary Staff recommends denial of the Block Structure Waiver as described therein for the following reasons:

- 1) The vehicular and pedestrian dead ends disrupt physical and functional integration between the daycare, existing uses in the development, and future uses to be placed in Pod B;
- 2) The design standards incorporated in the proposed Block 5 buildings layout do not create or provide a stronger pedestrian oriented development area;
- 3) Block 5 has additional design and building layout opportunities to comply with the block structure criteria, meet code, and include the square footage intended for the daycare and density for the multi-family building. Other designs options of Block 5 will avoid 2 of the 3 variances requested which are to eliminate the buffer between residential and non-residential uses, and to allow a free standing building in Block 5.

## CONDITIONS OF APPROVAL

### EXHIBIT C-1

#### Type II Variance - Concurrent

#### VARIANCE

1. Prior to the submittal for final approval by the Development Review Officer (DRO), the approved variance(s) and any associated conditions of approval shall be reflected on the site plan. (DRO:ZONING-Zoning)

2. At time of application for a building permit, the property owner shall provide a copy of this variance approval along with copies of the approved site plan to the Building Division. (BUILDING PERMIT:ZONING-Landscape)

#### VARIANCE-COMPLIANCE

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

#### VARIANCE-COMPLIANCE

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

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

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

EXHIBIT C-2  
Development Order Amendment

ALL PETITIONS

1. Condition All Petitions 1 of Resolution R-2008-0117, Control 2004-471 which currently states: All previous conditions of approval applicable to the subject property, as contained in Resolution R-2007-0231, Control 2004-471, 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 ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2008-0117 (Control 2004-471), 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 ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition All Petitions 2 of Resolution R-2008-0117, Control 2004-471 which currently states: Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved Site Plan is dated January 12, 2007. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval, are in accordance with the ULDC, or are authorized by a variance granted in accordance with Article 2.B.3 of the ULDC. (ONGOING: ZONING - Zoning)

Is hereby amended to read:

The approved site plan is dated February 12, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

3. At time of submittal for final approval by the Development Review Officer (DRO), the type and number of variances that were approved by the Board of Adjustment dated December 21, 2006 and the associated conditions of approval shall be added to the site plan. (DRO: ZONING-Zoning) (Previous condition All Petitions 3 of Resolution R-2008-0117, Control 2004-471) [Note: COMPLETED]

ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), architectural elevations for all buildings and structures shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations shall be designed to be consistent with ULDC Articles 5.C, 3.F.4.D.3. and 3.F.4.D.9., and shall reflect a character that is generally consistent with the elevations prepared by Scott Partnership dated December 22, 2006. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all conditions of approval, and all ULDC requirements. This condition shall apply to Pod A only. (DRO: ARCH REVIEW-Arch Review) (Previous condition Architectural Review 1 of Resolution R-2008-0117, Control 2004-471)

2. Design of gutters and downspouts shall be integrated into the architectural design of each building. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Arch Review) (Previous condition Architectural Review 2 of Resolution R-2008-0117, Control 2004-471)

3. Condition Architectural Review 3 of Resolution R-2008-0117, Control 2004-471 which currently states:

Each residential dwelling unit shall include a garage that exceeds the minimum residential parking dimensions or a separate storage closet for trash receptacles, as deemed acceptable to the Architectural Review Section. This condition shall not apply to the units that are vertically integrated

into the commercial use. (DRO:ARCH REVIEW - Arch Review) (Previous condition Architectural Review 3 of Resolution R-2007-0231, Control 2004-471)

Is hereby deleted. [Reason: No longer applicable due to change in the residential type of building.]

4. Prior to final approval by the Development Review Officer (DRO), the design and detail for the following amenities shall be subject to review and approval by the Architectural Review Section and reflected on the Regulating Plan:

- a. plazas;
- b. pedestrian gathering areas;
- c. water features;
- d. architectural focal points;
- e. bus shelters;
- f. trellis;
- g. entry features;
- h. signage;
- i. street furniture; and
- j. freestanding light fixtures for Pod A.

All amenities shall be designed to be compatible with the architectural character of the principle buildings and to establish a consistent theme for the project. (DRO: ZONING - Arch Review) (Previous condition Building and Site Design 4 of Resolution R-2008-0117, Control 2004-471)

5. Prior to the receipt of a building permit for Pod B the amphitheater shall be reviewed by the Architectural Review staff of the Zoning Division. (BLDG PERMIT:ARCH REVIEW - Arch Review). (Previous Condition Traditional Marketplace Development 3 of Resolution R-2008-0117, Control 2004-471) [Note: COMPLETED]

6. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for daycare general shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

7. Prior to final approval by the Development Review Officer (DRO), architectural elevations for the multi-family building shall be revised to :

- a. include on the main street facade additional design elements such as but not limited to medallions, finial, relief trims, etc.;
- b. provide similar architectural treatment that is generally consistent with the architectural character of the development; and,
- c. change the roof material for the same finish material and color used on all towers of the development. (DRO: ARCH REVIEW - Zoning)

8. Prior to building permit approval, the architectural elevations for building O1 shall be submitted for final architectural review and approval. Elevations shall be designed to be consistent with Articles 5.C, 3.F.4.D.3, and 3.F.4.D.9. of the ULDC and compatible with buildings architecture on the site. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (BLDG PERMIT: ARCH REVIEW - Zoning)

## ENGINEERING

1. The property owner shall be restricted to the following phasing schedule:

- a. Building Permits for more than 671 PM peak hour trips which is equivalent to the following land uses and maximum floor areas:
  - 163,056 gross leasable square feet of general commercial floor area,
  - 36,590 gross leasable square feet of general office floor area,
  - 12 multi family dwelling units,
  - 52 acre County Park
  - 14,500 square feet of library



shall not be issued until construction commences for intersection improvements at Boynton Beach Boulevard and Hagen Ranch Road to provide for:

- an additional north and south approach through lane  
(BLDG PERMIT: MONITORING-Eng) (Note: COMPLETED)

b. Condition E.1.b of Zoning Resolution R-2008-0117, Control 2004-471 which currently states: Building Permits for more than 199 AM peak hour trips which is equivalent to the following land uses and maximum floor areas:

- 163,056 gross leasable square feet of general commercial floor area,
- 36,590 gross leasable square feet of general office floor area,
- 12 multi family dwelling units,
- 52 acre County Park
- 30,000 square feet of library

shall not be issued until construction commences for intersection improvements at Boynton Beach Boulevard and Lyons Road to provide for an additional west approach through lane and a separate north approach right lane. (BLDG PERMIT: MONITORING - Eng)

Is hereby deleted. (Reason: New traffic study shows that improvement is not required)

c. Building permits for no more than 30,000 sf of General Commercial area (the equivalent of 156 PM peak hour trips) shall be issued until construction commences for a traffic signal at the intersection of Boynton Beach Blvd and Acme Dairy Rd OR a warrant study at this intersection shows that signalization is not warranted. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation, and shall be constructed to accommodate the ultimate expanded intersection geometry, if applicable. (BLDG PERMIT: MONITORING - Eng) [Note: COMPLETED]

d. If the signal is not warranted at the threshold identified in part 1.c above, the Property Owner must conduct an annual warrant study at the intersection of Boynton Beach Blvd and Acme Dairy Rd during the peak season (January 1 through March 31 inclusive). The first warrant analysis must be submitted on or before April 15, 2009 and every year thereafter through April 15, 2012. (DATE: MONITORING - Eng) [Note: COMPLETED]

e. If the warrant study required in part 1.d above shows that a traffic signal is warranted, no additional building permits for new construction shall be issued until construction commences for a traffic signal at the intersection of Boynton Beach Blvd and Acme Dairy Rd. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation, and shall be constructed to accommodate the ultimate expanded intersection geometry. (BLDG PERMIT: MONITORING-Eng) [Note: COMPLETED]

(Previous Condition E1 of Resolution R-2008-117, Control No. 2004-471)

2. Construction commences is defined as awarding the contract for the construction of the required improvements, the acquisition of all right of way and construction easements and the acquisition of all required permits. (ONGOING: ENGINEERING-Eng) (Previous Condition E2 of Resolution R-2008-117, Control No. 2004-471)

3. Previous Condition E.3 of Resolution R-2008-117, Control No. 2004-471, which currently states:

No Building Permits for the site shall be issued after January 1, 2010. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

Is hereby amended to read:

No Building Permits for the site shall be issued after December 31, 2014. 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.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

4. The mix of allowable uses and sizes as permitted by the Zoning Division, listed above may be adjusted 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. (ONGOING: ENGINEERING - Eng) (Previous Condition E4 of Resolution R-2008-117, Control No. 2004-471)

5. Acceptable surety required for the offsite road and signal improvements as outlined in Condition No. 1.a, 1.b, and 1.c above shall be posted with the Office of the Land Development Division on or before June 30, 2008. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Property Owner's Engineer. (TPS - Maximum 6 month time extension) (DATE: MONITORING - Eng) (Previous Condition E5 of Resolution R-2008-117, Control No. 2004-471) [Note: COMPLETED]

6. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING-Eng) (Previous Condition E6 of Resolution R-2008-117, Control No. 2004-471)

7. Previous Condition E7 of Resolution R-2008-117, Control No. 2004-471, which currently states: Prior to July 15, 2006, the property owner shall complete construction plans for all improvements identified in Condition No. 1.a and 1.b above. These construction plans shall be approved by the Florida Department of Transportation for 1a and the County Engineer work identified in 1b. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Any additional required right of way shall also be acquired for these intersection improvements. (DATE: MONITORING-Eng)

Is hereby amended to read:

Prior to August 1, 2011, the property owner shall complete construction plans for all improvements identified in Condition No. 1.a above. These construction plans shall be approved by the Florida Department of Transportation and the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Any additional required right of way shall also be acquired for these intersection improvements. (DATE: MONITORING-Eng) [Note: COMPLETED]

8. Previous Condition E8 of Resolution R-2008-117, Control No. 2004-471, which currently states: Prior to July 15, 2007, the property owner shall complete construction for all improvements identified in Condition No. 1a. and 1.b. above. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. (DATE: MONITORING-Eng)

Is hereby amended to read:

Prior to November 15, 2011, the property owner shall complete construction for all improvements identified in Condition No. 1a. above. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. (DATE: MONITORING-Eng) [Note: COMPLETED]

9. The Property owner shall construct:

- a. Left turn lane north approach on Lyons Road at the Project's south Entrance.
- b. Right turn lane south approach on Lyons Road at the Project's north Entrance
- c. Right turn lane west approach on Boynton Beach Boulevard at the Project's east Entrance.
- d. Right turn lane west approach on Boynton Beach Boulevard at the Project's west Entrance
- e. Left turn lane east approach and associated restricted median opening to permit left-ins only on Boynton Beach Boulevard at the Project's east Entrance.

This construction shall be concurrent with the paving and drainage improvements 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 and the Florida Department of Transportation shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)

b. Construction for these onsite improvements shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Condition E9 of Resolution R-2008-117, Control No. 2004-471)  
[Note: COMPLETED]

10. The location of back-out angled parking on the main streets in the TMD is subject to review and approval by the County Engineer, and may be required to be removed or relocated prior to final DRO approval. (DRO: ENGINEERING- Eng) (Previous Condition E10 of Resolution R-2008-117, Control No. 2004-471) [Note: COMPLETED]

## HEALTH

1. The property owners and operators of facilities generating industrial, hazardous, or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF--Health) (Previous condition Health 1. of Resolution R-2008-117; Control 2004-471)

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-Health) (Previous condition Health 2. of Resolution R-2008-117; Control 2004-471)

3. Previous condition Health 3 of Resolution R-2008-117; Control 2004-471 which reads:

Prior to the issuance of the first building permit, the property owner shall submit a detailed written plan acceptable to the Palm Beach County Health Department for the control of fugitive dust particulates on the site during all phases of site development. The property owner or the representative of the property owner shall be available to meet with the Air Pollution Control Section of the Palm Beach County Health Department on request to clarify and discuss the scope and potential effectiveness of the proposed dust control measures. (BLDG. PERMIT:MONITORING-Health) [Note: COMPLETED]

## LANDSCAPE - GENERAL

1. Condition Landscaping Standard 1 of Resolution R-2008-0117, Control 2004-471 which currently states:

A minimum of fifty (50) percent of all trees to be planted in the perimeter landscape buffers shall be native and 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)

Is hereby amended to read:

A minimum of fifty (50) percent of all trees to be planted in the perimeter landscape buffers shall be native and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. 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,
- c. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning) [Note: COMPLETED]

2. All palms required to be planted on the property by this approval 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) (Previous condition Landscaping Standard 2 of Resolution R-2008-0117, Control 2004-471)

3. 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) (Previous condition Landscaping Standard 3 of Resolution R-2008-0117, Control 2004-471)

4. Field adjustment of wall, fence, 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) (Previous condition Landscaping Standard 4 of Resolution R-2008-0117, Control 2004-471)

5. At time of submittal for final approval by the Development Review Officer (DRO), a landscape plan(s) for the Development Area shall be submitted for review and approval. All associated details shall be:

- a. generally consistent with those presented on the Regulating Plan dated January 12, 2007;
- b. add trees along the front facade of buildings D-1 and D-3 and the north facade of building D-2;
- c. Details including but not limited to plant species quantities shall be provided and subject to review and approval by the Landscape Sections.
- d. This condition shall also apply to Pod B at the time of submittal for Final approval by the Development Review Officer. (DRO: LANDSCAPE-Zoning) (Previous condition Landscaping Standard 5 of Resolution R-2008-0117, Control 2004-471) [Note:COMPLETED]

#### LANDSCAPE - INTERIOR

1. A divider median shall be provided between each adjacent lane of any drive-thru as follows:

- a. A minimum width of five (5) feet excluding curb. This median shall extend a minimum distance of five (5) feet beyond the boundaries on both ingress and egress sides of the canopy;
- b. The portion of this median that extends beyond the overhead canopy shall be planted with a palm having a minimum grey wood height of ten (10) feet and appropriate ground cover; and,
- c. The portion of this median lying beneath the overhead canopy shall be surfaced with brick, pre-cast paver block, or other decorative paving surface. (DRO: ZONING - Zoning) (Previous condition Landscaping Interior 6 of Resolution R-2008-0117, Control 2004-471)

2. Landscaping for the west property line of the development area that are required by the ULDC shall be allowed to transfer as additional planting to the other perimeter landscape buffers or interior landscaping:

- a. subject to review and approval of an Alternative Landscape Plan by the Landscape Section. (BLDG PERMIT: ZONING - Landscape) (Previous Condition Zoning Landscape- Landscaping West Property Line of the Development Area 9 of Resolution R-2008-0117, Control No. 2004-471)

3. In addition to the ULDC requirements for plazas in TMD, Plaza 2 shall be revised prior final DRO review and approval to include:

- a) a focal point at the eastern portion of the pedestrian loop. The focal point shall be in the form of gazebo or pavilion and trellis that extend at least fifteen (15) feet on two sides;
- b) additional seating area in the form of benches with shrubs to be maintain at three (3) feet high or seating planters on at least two sides of the plaza;
- c) decorative concrete pavers, stamped concrete, or any other material consistent with material already used in the development to be placed along pedestrian pathway; and,
- d) at least three (3) clustered palms of a minimum height of fourteen (14) feet to be placed at the main point of access to the plaza. (DRO: ARCH REVIEW - Landscape)

#### LANDSCAPE - PERIMETER-ALONG THE NORTH, SOUTH, AND EAST PROPERTY LINES

1. In addition to ULDC requirements, landscaping for the north, south and east property lines of the development area shall be upgraded to include:

a. a minimum of one (1) palm for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: ZONING - Landscape) (Previous condition Zoning-Landscaping-Along the North, South, and East Property Lines 8 of Resolution R-2008-0117, Control 2004-471) [Note: COMPLETED]

#### LANDSCAPE - PERIMETER-WEST PROPERTY LINE OF THE DEVELOPMENT AREA

2. Landscaping for the west property line of the development area that are required by the ULDC shall be allowed to transfer as additional planting to the other perimeter landscape buffers or interior landscaping:

a. subject to review and approval of an Alternative Landscape Plan by the Landscape Section. (BLDG PERMIT: ZONING - Landscape) (Previous Landscape Condition 9 of Resolution R-2008-0117, Control No. 2004-471)

#### LIGHTING

1. Condition Lighting 1 of Resolution R-2008-0117, Control 2004-471 which currently states: All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. The twenty-five feet height restriction shall not apply to any lighting fixtures utilized to illuminate the baseball field or multi-purpose field required pursuant to Traditional Marketplace Development condition 5(3) (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. The twenty-five feet height restriction shall not apply to any lighting fixtures utilized to illuminate the baseball field or multi-purpose field required pursuant to Traditional Marketplace Development condition 4. (BLDG PERMIT: BLDG - Zoning)

2. All outdoor, freestanding lighting fixtures shall be extinguished no later than one (1) hour after operating hours, excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous condition Lighting 2 of Resolution R-2008-0117, Control 2004-471)

3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material or street lighting. (ONGOING: CODE ENF - Zoning) (Previous condition Lighting 3 of Resolution R-2008-0117, Control 2004-471)

4. All outdoor free standign lighting fixtures adjacent to the multi-family building shall have a maximum illumination level of three (3) foot-candles at all time. (ONGOING: CODE ENF - Zoning)

#### PALM TRAN

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) (Prior conditition 1 of Resolution R-2008-0117, Control No. 2004-471)

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 not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT:ENG -Palm Tran)(Prior conditition 2 of Resolution R-2008-0117, Control No. 2004-471)

#### PLANNED DEVELOPMENT-TRADITIONAL MARKETPLACE DEVELOPMENT

1. Prior to the recordation of the first plat, all property included in the legal description for the development area of this application 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 indoor recreation space shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover to the POA/HOA, the indoor recreation space 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 traditional development. This Declaration shall be amended when additional units or square footage is added to the TMD; and
- d. This condition shall apply to Pod A only. (PLAT: MONITORING - Zoning/Cty Atty) (Previous condition Traditional Marketplace Development 1 of Resolution R-2008-0117, Control 2004-471)

2. Condition Traditional Marketplace Development 2 of Resolution R-2008-0117, Control 2004-471 which currently states:

The property owner shall include in homeowners documents as well as written sales brochures, sales contracts, and site plans a disclosure statement identifying and notifying of the existence of active 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 August 25, 2010, and shall continue on an annual basis until all residential units within the development have been sold or the property owner relinquishes control to a homeowners association. (DATE: MONITORING - Zoning)

Is hereby amended to read:

The property owner shall include in homeowners documents as well as written sales brochures, sales contracts, and site plans a disclosure statement identifying and notifying of the existence of active 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 April 1, 2010, and shall continue on an annual basis until all residential units within the development have been sold or the property owner relinquishes control to a homeowners association. (DATE: MONITORING - Zoning)

3. Prior to submittal for the first building permit for a principle use, structure or building within Pod B, architectural elevations for all buildings and structures within Pod B (with the exception of the amphitheater and the baseball field or multi-purpose field) shall be submitted to the Architectural Review Section for final approval. All buildings (with the exception of the amphitheater and the baseball field or multi-purpose field) shall be designed to be consistent with ULDC Articles 5.C., 3.F.4.D.3., and 3.F.4.D.9., and shall be generally consistent with the architectural character of Pod A. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all conditions of approval, and all ULDC requirements. (BLDG PERMIT: ZONING - Zoning) (Previous condition Traditional Marketplace Development 4 of Resolution R-2008-0117, Control 2004-471)

4. The property owner/developer of Pod A shall be obligated to construct, at its sole cost and expense;

- a. an interactive water fountain on Plaza Area #1 within Pod A;
- b. an amphitheater on Plaza Area #1 within Pod B. The design of the amphitheater shall be completed by the property owner/developer and acceptable to the Property and Real Estate Management Division of FD&O; and,
- c. a fenced and irrigated youth athletic field (baseball or multi-purpose) as a temporary use within Pod B. The location and design shall be acceptable to the Palm Beach County Parks and Recreation Department and Property and Real Estate Management Division of FD&O. (DRO: PREM/PARKS/ZONING - Zoning) (Previous condition Traditional Marketplace Development 5 of Resolution R-2008-0117, Control 2004-471) [Note: COMPLETED]

5. The youth athletic field (baseball or multi-purpose) is a temporary use and may be removed by Palm Beach County, in its sole and absolute discretion, at any time without the obligation to amend the development order or any condition related thereto. (ONGOING: CODE ENF - Prem/Parks)

(Previous condition Traditional Marketplace Development 6 of Resolution R-2008-0117, Control 2004-471)

6. The property owner/developer's construction of and obligations relative to the amphitheater and youth athletic field (baseball or multi-purpose) shall be completed prior to receipt of the final Certificate of Occupancy for more than 50 percent or 99,823 square feet of the approved non-residential square footage of Pod A. The property owner/developer's obligations relative to the interactive water fountain shall be completed concurrent with the other improvements within Plaza Area #1. (CO: MONITORING - Zoning) (Previous Traditional Marketplace Development Condition 7 of Resolution R-2008-0117, Control 2004-471) [Note: COMPLETED]

7. The future development of the Civic Parcel is subject to the AGR TMD code requirements, unless the BCC directs staff to modify the ULDC. (ONGOING:ZONING/PREM - Zoning) (Previous condition Traditional Marketplace Development 8 of Resolution R-2008-0117, Control 2004-471)

8. The property owner/developer of Pod A and the property owner of Pod B shall enter into a Joint Use Agreement, including but not limited to, the location and construction of infrastructure, utilization of shared parking, utilities, restrooms, access, programming, maintenance, and security. The Joint Use Agreement shall be completed prior to receipt of the final Certificate of Occupancy for more than 50 percent or 99,823 square feet of the approved non-residential square footage of Pod A. (CO: MONITORING - Parks and Recreation) (Previous condition Traditional Marketplace Development 9 of Resolution R-2008-0117, Control 2004-471) [Note:COMPLETED]

9. Prior to final approval by the Development Review Officer (DRO) the site plan and regulating plan shall indicate a court yard area of at least 4,000 square feet adjacent to the multi-family building to be designed to include:

- a. minimum four (4) benches;
- b. decorative paving, stamped concrete, or any other paving material compatible with the development for the pedestrian pathways and gathering areas;
- c. four (4) canopy trees to be fourteen (14) feet in height and seven (7) feet in diameter at time of installation;
- d. eight (8) palms of at least twelve(12) feet clear trunk; and,
- e. a planter of at least 100 square feet or central water fountain. (DRO: ZONING - Landscape)

#### PLANNING

1. Prior to final plan approval by the Development Review Officer (DRO), the applicant shall update the approved Rural Parkway Landscape Plan for the portion of the plan bordering Canyons Town Center TMD to indicate the location of plant material relocated from the TMD landscape buffer. All new material shall include a minimum of 60% native shrubs and a minimum of 90% native trees and palms. (DRO: PLANNING - Planning) (Previous Planning Condition 1 of Resolution 2008-017, Control No. 2004-471) [Note: COMPLETED]

2. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall add a Preservation Area/Proposed Uses" notes section on page 1 of the site plan and include the following:

- a. The preservation areas approved as part of Application PDD/DOA 2006-1186 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;
- 2) Civic purposes, such as schools, public parks, libraries or fire stations;
- 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 AgR-TMD 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-TMD consistent with the Comprehensive Plan and the Unified Land Development Code. (DRO/ONGOING: PLANNING-Planning) (Previous Planning Condition 2 of Resolution 2008-017, Control No. 2004-471) [Note:COMPLETED]

3. Prior to plat recordation for the Canyons Town Center TMD 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) (Previous Planning Condition 3 of Resolution 2008-017, Control No. 2004-471) [Note:COMPLETED]

4. Should conservation easements not be recorded for the Preservation properties (with the exceptions of any Preservation parcels owned by Palm Beach County) in a form acceptable to the County Attorney prior to March 1st, 2010, 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/Cty Atty/ERM) (Previous Planning Condition 4 of Resolution 2008-017, Control No. 2004-471) [COMPLETE]

5. Prior to the issuance of a Certificate of Occupancy for any buildings on site, the property owner shall complete construction of the Rural Parkway according to the approved landscape plan. (CO: MONITORING - Planning) (Previous Planning Condition 5 of Resolution 2008-017, Control No. 2004-471) [Note:COMPLETED]

6. Development of the TMD development parcel shall be limited to a maximum of 259,300 square feet of non-residential uses and 93 dwelling units. (ONGOING: PLANNING - Planning) (Previous Planning Condition 6 of Resolution 2008-017, Control No. 2004-471)

#### SCHOOL BOARD

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

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD) (Previous Condition SCHOOL BOARD 1 of Resolution R-2008-0117, Control No. 2004-471)

2. 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.) (Previous Condition SCHOOL BOARD 2 of Resolution R-2008-0117, Control No. 2004-471)

## SIGNS

1. Condition Signs 1 of Resolution R-2008-0117, Control 2004-471 which currently states:

Freestanding sign for the subject property shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - five (5) feet;
- b. maximum sign face area per side seventy (70) square feet;
- c. maximum number of signs one (1) at any one access point for a total of two (2) for the entire development;
- d. location each sign shall be located within fifty (50) feet of the access point measuring from the centerline of the access drive;
- e. signs shall be limited to project identification of the non-residential portion of the development only; and, shall be designed generally consistent with the detail as shown on the Canyons Town Center Signage graphics A5-6.(BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

Entrance sign for the subject property shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - five (5) feet;
- b. maximum sign face area per side seventy (70) square feet;
- c. maximum number of signs one (1) at any one access point for a total of two (2) for the entire development;
- d. location each sign shall be located within fifty (50) feet of the access point measuring from the centerline of the access drive;
- e. signs shall be limited to project identification of the non-residential portion of the development only; and, shall be designed generally consistent with the detail as shown on the Canyons Town Center Signage Detail sheet 7 of 7. (BLDG PERMIT: BLDG - Zoning)

2. Wall signs shall be limited to any two (2) facades of each building and individual lettering size shall be limited to twenty-four (24) inches high, subject to compliance with all applicable ULDC requirements. Single tenant that exceeds 25,000 square feet may increase lettering size to thirty-six (36) inches. Wall signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning) (Previous condition Signs 2 of Resolution R-2008-0117, Control No. 2004-471)

3. Prior to DRO approval the Master Sign Plan for all Pod A signs shall be submitted for final review and approval. (DRO: ZONING - Zoning)

4. Prior to final DRO approval all wall signage for the daycare building shall be reviewed to meet a maximum area of 64 square feet per permitted building side. (DRO: ZONING Zoning)

## SITE DESIGN

1. Condition Building and Site Design 1 of Resolution R-2008-0117, Control 2004-471 which currently states:

To ensure consistency with the site plan presented to the Board of County Commissioners and dated January 12, 2007, no more than ten (10) percent of the total approved square footage for each building shall be relocated to portions of the site not previously covered. This condition shall apply to Pod A only. (DRO: ZONING - Zoning)

Is hereby amended to read:

To ensure consistency with the site plan presented to the Board of County Commissioners and dated February 12, 2010, no more than ten (10) percent of the total approved square footage for each building shall be relocated to portions of the site not previously covered. This condition shall apply to Pod A only. (DRO: ZONING - Zoning)

2. The loading area at south facade of Building D-1 shall be designed to include the following. This condition shall apply to Pod A only:

- a. A screening wall with a minimum height of eleven (11) feet measured from finished grade to highest point shall be provided for the entire length of the loading area. These walls shall be architecturally consistent with the building;
- b. A decorative door, gate, or other acceptable means of screening shall be provided along the entire length of the south side of this area, connected to the wall. This screening feature shall remain closed when this loading area is not in use;
- c. Planting areas with a minimum width of six (6) feet, excluding curb, shall be located between the loading area and the adjacent parking access isle to the south for the entire length of the screening wall;
- d. The final design and details including landscaping for this loading area shall be subject to review and approval by the Architectural Review and Landscape Section. (DRO: ZONING - Arch Review/Landscape) (Previous condition Building and Site Design 2 of Resolution R-2008-0117, Control 2004-471.) [Note: COMPLETED]

3. All dumpsters and trash receptacles shall be screened with walls and decorative doors or other acceptable means of screening. These screening walls/features shall:

- a. Have a minimum height of eight (8) feet measured from finished grade to highest point;
- b. Be architecturally consistent with the building;
- c. Remain closed when the service areas are not in use;
- d. Be subject to review and approval by the Architectural Review Section; and,
- e. This condition shall apply to Pod A only (DRO: ZONING - Arch Review) (Previous condition Building and Site Design 3 of Resolution R-2008-0117, Control 2004-471)

4. At the time a site plan is proposed for Pod B, the north/south Main Street shall be strongly encouraged to continue through the length of the site. (DRO:ZONING - Zoning) (Previous condition Building and Site Design 5 of Resolution R-2008-0117, Control 2004-471)

#### USE LIMITATIONS

1. Outdoor storage or placement of any material, refuse, equipment or debris shall not be permitted on the property, with the exception of materials and equipment associated with the utilization of the baseball field or multi-purpose field required pursuant to Traditional Marketplace Development condition 5 (3). (ONGOING: CODE ENF - Zoning) (Previous condition Use Limitations 1 of Resolution R-2008-0117, Control 2004-471)

2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property. This condition shall not apply to permissible commercial vehicles associated with a residential dwelling unit. (ONGOING: CODE ENF - Zoning) (Previous condition Use Limitations 2 of Resolution R-2008-0117, Control 2004-471)

3. The storage of rental trucks/trailers or outside vendors shall not be permitted on the property excluding events authorized by Special Permit. (ONGOING: CODE ENF - Zoning) (Previous condition Use Limitations 3 of Resolution R-2008-0117, Control 2004-471)

#### UTILITIES

1. If any relocation/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:WUD-WUD) (Previous Utilities Condition 1 of Resolution R-2005-1625, Control No. 2004-471)

#### COMPLIANCE

1. In granting this approval, the Zoning Commission 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 Zoning Commission for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning) (Previous condition Compliance 1 of Resolution R-2008-0117, Control No. 2004-471)

2. Condition Compliance 2 of Resolution R-2008-0117, Control No. 2004-471 which currently states:

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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, 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.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

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

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

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

EXHIBIT C-3  
Requested Use

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

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

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

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

**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 the Vice President of Boynton Beach XVIII Corporation, a Florida corporation, the general partner of Boynton Beach Associates XVIII, LLLP, a Florida limited liability limited partnership, who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Vice President of Boynton Beach XVIII Corporation, a Florida corporation, the general partner of Boynton Beach Associates XVIII, LLLP, a Florida limited liability limited partnership, which partnership holds the fee simple ownership interest in the real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County submitted by Boynton Beach Associates XVIII, LLLP, a Florida limited liability limited partnership.

2. Affiant's address is 1600 Sawgrass Corporate Parkway, Suite 230, 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.

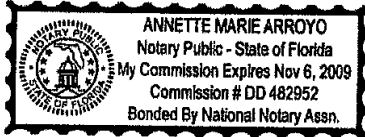
*N. Maria Menendez*

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

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of July, 2008, by N. Maria Menendez, as the Vice President of Boynton Beach XVIII Corporation, a Florida corporation, the general partner of Boynton Beach Associates XVIII, LLLP, a Florida limited liability limited partnership, [X] who is personally known to me or [ ] who has produced \_\_\_\_\_ as identification and who did take an oath.

*Annette Arroyo*  
Notary Public

Annette Arroyo  
(Print Notary Name)



NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: 11/6/09



**EXHIBIT "A"**

Legal Description of the Property

Tract A, Canyon Town Center TMD, according to the Plat thereof, as recorded in Plat Book 111, Page 17 of the Public Records of Palm Beach County, Florida.

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS IN PROPERTY**

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

1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 230, Sunrise, Florida 33323.
2. Ohio Savings Financial Corp. (a public company), having an address of 23611 Chagrin Boulevard, Suite 200, Beachwood, Ohio 44122.



February 12, 2010

Ms. Gladys Digirolamo  
GL Homes  
1600 Sawgrass Corporate Parkway  
Suite 230  
Sunrise, Florida 33323

**RE: CANYON TOWN CENTER  
LDi Proj No. 04-007**

Dear Ms. Digirolamo:

We have reviewed your request to relocate the proposed pavilion area from the proposed location east of the entrance drive from Boynton Beach Boulevard to the west side of the entrance road. The relocation is not feasible from a Best Management Practices standpoint for the water management system. The original intent of the detention area west of the entrance drive is work in conjunction with the proposed lake located west of the detention area. During periods of large rainfall events the stages within the detention area will rise simultaneously with the lake elevations. The adjoining "tract lines" of the detention area and the lake assure the elevations are similar, since the stages are not dependent on a culvert connection. The detention area is also located at a point furthest downstream to maximize water quality by providing dry detention treatment prior to discharge into the wet detention (lake) system.

Relocating the proposed pavilion to the west side of the entrance road will negate these benefits designed into the water management system. Deleting the west detention area and utilizing only the east detention area will require a culvert connection from the east detention area under the existing roadway and the proposed pavilion area. The length and location of the culvert may become a maintenance problem in the future and potentially clog, thus reducing the benefit provided by the dry detention area and adversely affecting the performance of the water management system.

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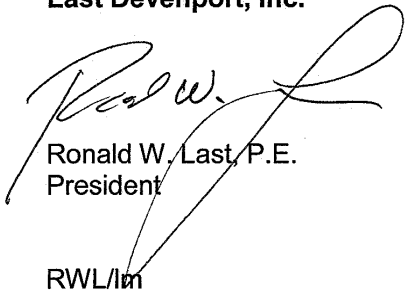
901 Northpoint Parkway, Suite 120 • West Palm Beach, FL 33407 • Phone: 561-615-6567 • Fax: 561-683-0872  
www.lastdevenport.com

It is our opinion that the deletion of the proposed detention area west of the entrance drive from Boynton Beach Boulevard may adversely affect the water management system from a water quality and a flood protection standpoint for the above mentioned reasons. Therefore, we recommend the proposed pavilion be located east of the existing entrance drive on the Canyon Town Center project.

Should you have any questions or require any additional information, I can be reached at (561) 615-6567.

Sincerely,

**Last Devenport, Inc.**



Ronald W. Last, P.E.  
President

RWL/ln

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