

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



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**Application No.:** PDD/DOA-2012-00380  
**Control No.:** 2002-00067  
**Applicant:** Boynton Beach Associates XXIV, LLLP  
**Owners:** Starkey Road Properties, LLC  
Boynton Beach Associates XXIV, LLLP  
G L Homes of Palm Beach Associates, Ltd  
Bradley Bethurem  
South Florida Water Management District  
Palm Beach County  
Canyon Lakes Homeowners Assn., Inc.  
Tree Spirit, LLC  
**Agent:** G.L. Homes - Gladys DiGirolamo  
**Telephone No.:** (954) 753-1730  
**Project Manager:** Carol Glasser, Site Planner II

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

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**TITLE:** an Official Zoning Map Amendment to a Planned Development District **REQUEST:** to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District **TITLE:** a Development Order Amendment **REQUEST:** to reconfigure the Master Plan, add land area, delete land area, and modify/delete Conditions of Approval (Planning)

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**APPLICATION SUMMARY:** Proposed is a Development Order Amendment to reconfigure the master plan for the 517-acre Canyon Lakes (f.k.a. Fogg North AGR-PUD) development, which was approved by the Board of County Commissioners (BCC) on April 24, 2003 for the development of 500 dwelling units. The units are constructed and consist of 213 single family and 287 Zero Lot Line (ZLL) units. The applicant requests to rezone 127.855 acres of land known as Hyder Preserve from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve-Planned Unit Development (AGR-PUD) Zoning District and add this land to the Canyon Lakes master plan as preserve area. The applicant requests to delete the J & B Tree Warehouse preserve parcel from the master plan and release the recorded Conservation Easement for the 127.855-acre site. The applicant also requests to modify/delete Planning Conditions of Approval relating to the preserve areas.

This application is concurrent with applications W/DOA-2012-379 Amestoy AGR-PUD; PDD/DOA-2012-382 Canyon Lakes; PDD/DOA-2012-383 Canyon Springs; ZV/PDD/DOA-2012-384 Valencia Assemblage; Z-2012-385 Charter School; Z-2012-622 Gray Farm; and, CA-2012-389 Somerset Academy Charter School. These applications include requests to exchange development and preserve parcels between previously approved AGR-PUDs and to create a parcel for a new Charter School.

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**ISSUES SUMMARY:**

o Project History

On April 24, 2003, the BCC approved Resolution R-2003-564 for a rezoning from the AGR Zoning District to the AGR-PUD Zoning District to allow the development of 500 units in a 60/40 AGR-PUD. On June 19, 2003, the Board of Adjustment approved BA-2003-039 for variances to allow a 15-foot wide incompatibility buffer adjacent to the Rural Parkway; a 25-foot wide buffer adjacent to the L-25 canal to the north; and, a 5-foot compatibility buffer along the south boundary adjacent to Canyon Isles. On December 1, 2011, the BCC approved Resolution R-2011-1845 for an Expedited Application Consideration to amend a Planning Condition of Approval to close a pedestrian access until the adjacent Civic site is constructed.

o Consistency with Comprehensive Plan

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

o Compatibility with Surrounding Land Uses

NORTH

FLU: AGR  
Zoning District: Traditional Marketplace Development (TMD)  
Supporting: Traditional Marketplace Development (Canyon Town Center, Control No. 2004-471)

SOUTH

FLU: AGR-PUD  
Zoning District: AGR-PUD  
Supporting: Single-Family, ZLL (Canyon Isles, Control No. 2002-68)

EAST

FLU: AGR  
Zoning District: AGR-PUD  
Supporting: Single-Family, ZLL (Trails at Canyon AGR-PUD, Control No. 2006-550)

WEST

FLU: AGR  
Zoning District: AGR-PUD  
Supporting: Single-Family, ZLL (Lyons West AGR-PUD, Control 2005-003)

No changes are proposed to the development area, which was previously determined to be compatible with surrounding uses and has been constructed. No incompatibilities are created with the request to delete the Tree Warehouse preserve area from the master plan and release the Conservation Easement recorded in ORB 16635 PG 10. No incompatibilities are created with the request to add the Hyder Preserve parcel to the master plan and record a new Conservation Easement for the added 127.855 acres of land.

o Traffic

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

o Landscape/Buffering

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

- o Signs

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

- o Exemplary Design

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

- o Development Order Amendment

The applicant requests to reconfigure the master plan to rezone and add 127.855 acres of preserve area known as Hyder Preserve, which is located on the west side of SR7/US441 south of Atlantic Avenue (Figure 11). The applicant requests to delete the Tree Warehouse preserve, which is located south of the Canyon Springs development area, and is platted as Canyon Lakes Preserve Plat 5. The result is an equal exchange of preserve area. The preserve area exchange will remain consistent with the previously approved Master Plan, 60/40 Tabular Data and accounts for the platted preserves and right-of-way dedications. The applicant also requests to add, amend, or delete Planning conditions relating to the deleted Tree Warehouse preserve area as applicable; and, to delete Condition 12 as the Code no longer requires preserve parcels to be platted.

Termination and Release of the Conservation Easement recorded in ORB 16635 PG 10 (Exhibit E) is also requested. The applicant intends to add the former Tree Warehouse preserve area to the Valencia Assemblage (Control No. 2004-369) as development area and Rural Parkway preserve in a concurrent application ZV/PDD/DOA-2012-384.

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**TABULAR DATA**

	EXISTING	PROPOSED
<b>Property Control Number(s)</b>	<p>Affected Preserve parcel: 00-42-46-05-01-025-0000</p> <p>Unaffected Preserve parcels: 00-41-45-14-00-000-1010 00-42-45-29-01-015-0000 00-42-46-17-03-001-0000 00-41-46-13-03-001-0000 00-42-46-08-03-001-0000 00-42-46-08-03-002-0000 00-42-45-29-05-015-0000 00-41-45-24-02-001-0010</p> <p>The unaffected development area has been subdivided into the 500 residential lots; and, the Homeowners' Association parcels for water management tracts, buffer tracts, private right-of-ways and the recreation parcel. (Exhibit G)</p>	<p>Rezone and add a portion of Hyder Preserve parcel 00-42-43-27-05-069-0010 (+127.855 acres)</p> <p>Delete Canyon Lakes Preserve Plat 5 (J&amp;B Tree Warehouse Preserve) 00-42-46-05-01-025-0000 (-127.855 acres)</p>
<b>Land Use Designation:</b>	Agricultural Reserve (AGR)	Same
<b>Zoning District:</b>	Agricultural Reserve (AGR) Agricultural Reserve Planned Unit Development (AGR-PUD)	AGR-PUD
<b>Tier:</b>	Agricultural Reserve (AGR)	Same
<b>Use:</b>	Single-Family (213 units) Zero Lot Line (287 units)	Same
<b>Acreage:</b>	516.98 acres	517.00 acres
<b>Dwelling Units:</b>	500 consisting of: 213 Single Family 287 Zero Lot Line	Same
<b>Density:</b>	.967 DU/AC	Same
<b>Access:</b>	Lyons Road (1); and, Acme Dairy Road (1)	Same

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**PUBLIC COMMENT SUMMARY:** At the time of publication, staff had received 7 contacts from the public requesting additional information regarding this project.

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**RECOMMENDATION:** Staff recommends approval of the rezoning; and, approval of the Development Order Amendment subject to 79 Conditions of Approval as indicated in Exhibit C.

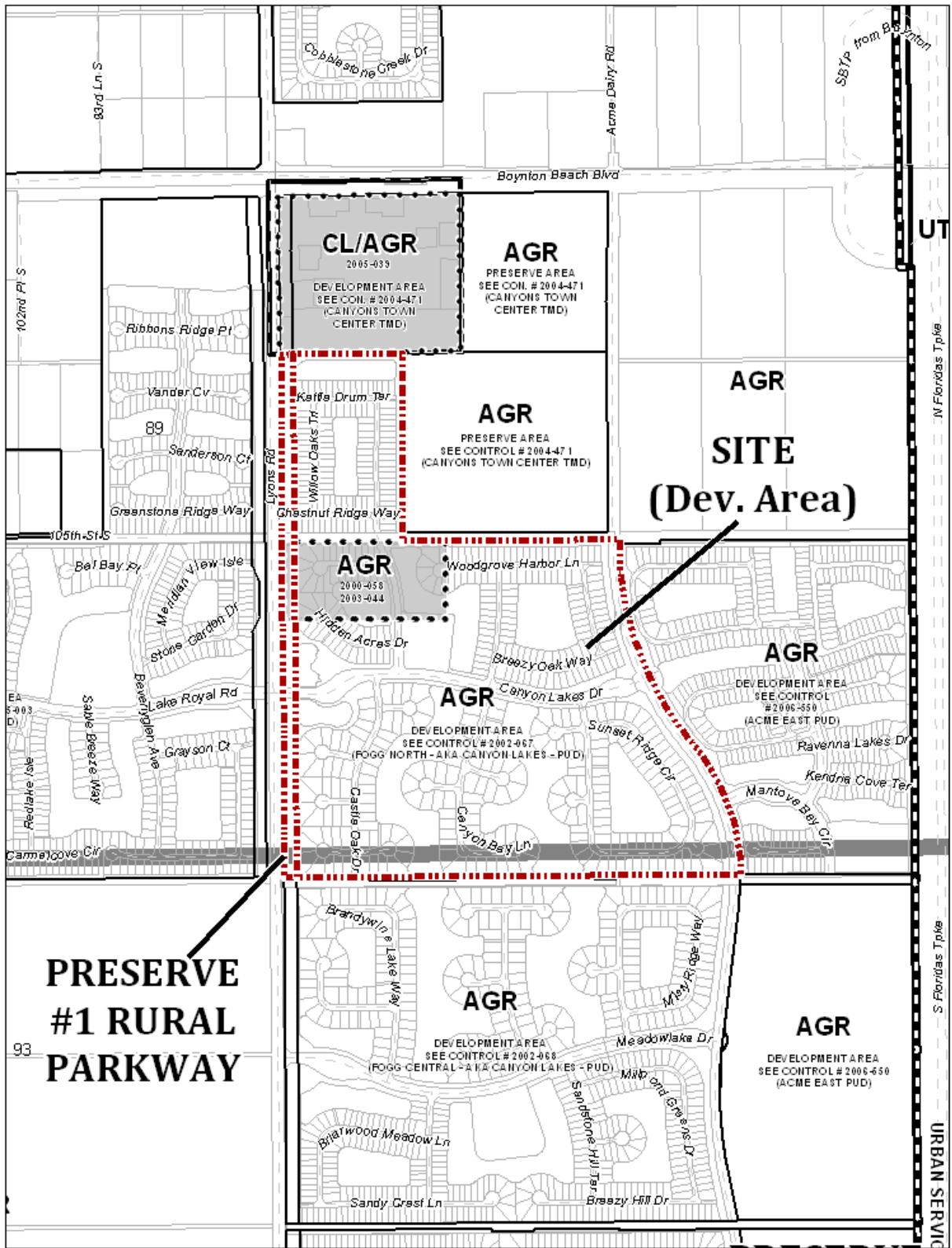
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**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Master Plan, add land area, and delete land area, and modify/delete Conditions of Approval (Planning) subject to the Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of the Termination and Release of Conservation Easement as Indicated in Exhibit E.

# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



**PRESERVE  
#1 RURAL  
PARKWAY**

**SITE  
(Dev. Area)**

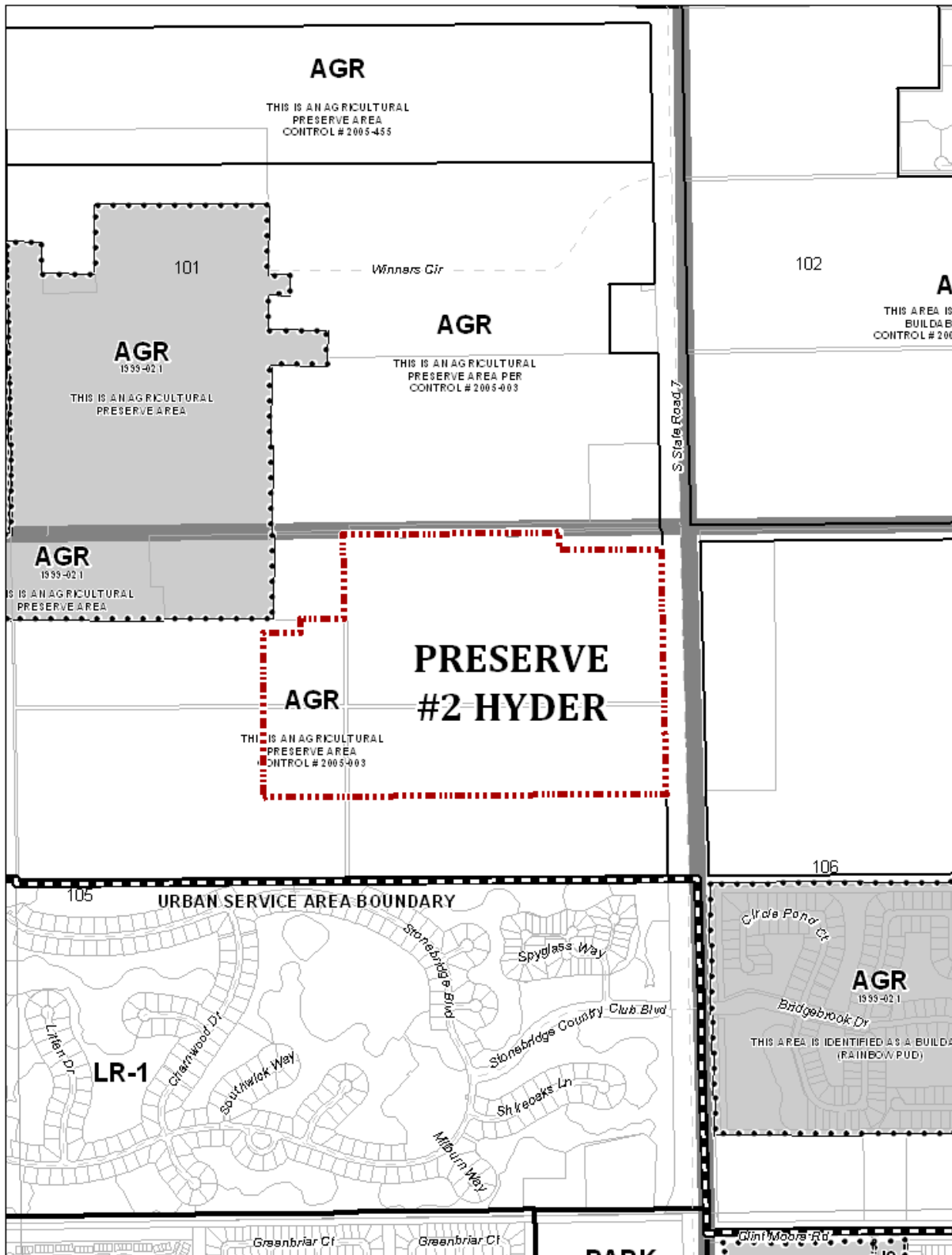


Application Name:	<b>Canyon Lakes (Fogg N)</b>
Application Number:	<b>PDD/DOA 2012-380</b>
Control Number:	<b>2002-067</b>
Land Use Atlas Page:	<b>89</b>
Date:	<b>05/08/2012</b>



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

# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE

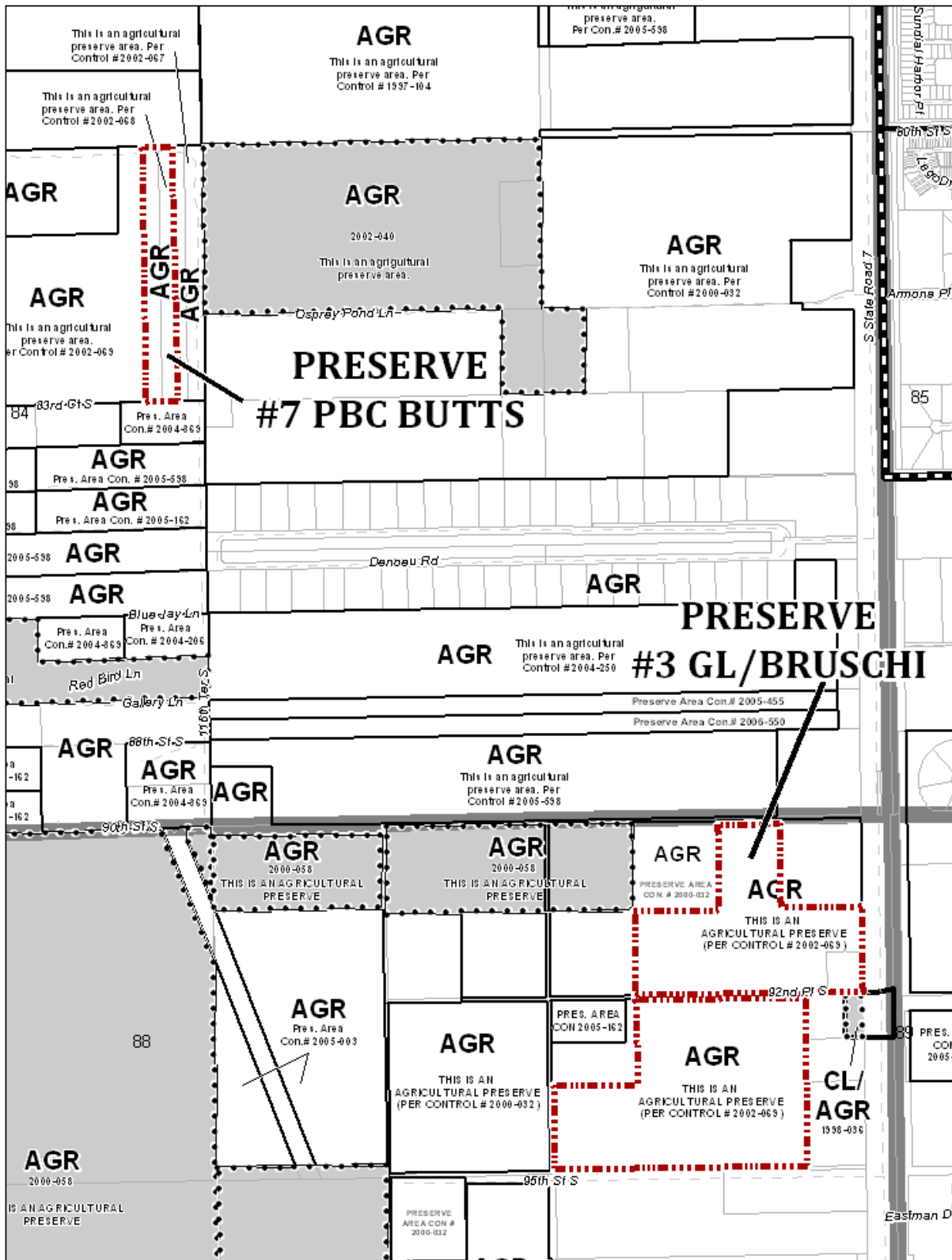


Application Name:	<b>Canyon Lakes (Fogg N)</b>
Application Number:	<b>PDD/DOA 2012-380</b>
Control Number:	<b>2002-067</b>
Land Use Atlas Page:	<b>105</b>
Date:	<b>05/08/2012</b>



**Figure 2 Land Use Map - Preserve 2**

# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE

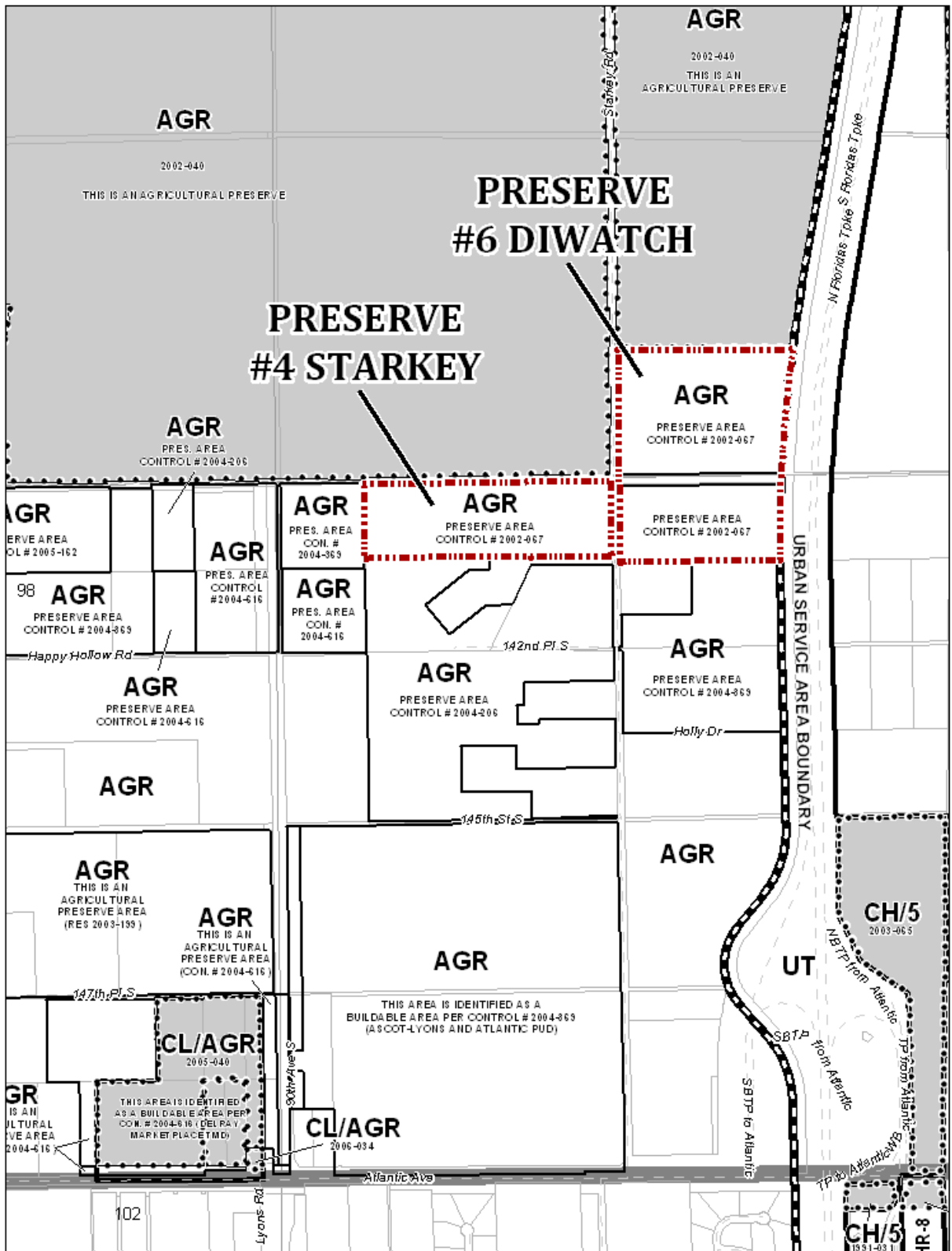


Application Name: Canyon Lakes (Fogg N)  
 Application Number: PDD/DOA 2012-380  
 Control Number: 2002-067  
 Land Use Atlas Page: 84 & 88  
 Date: 05/08/2012



Figure 3 Land Use Map - Preserve 3, 7

# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



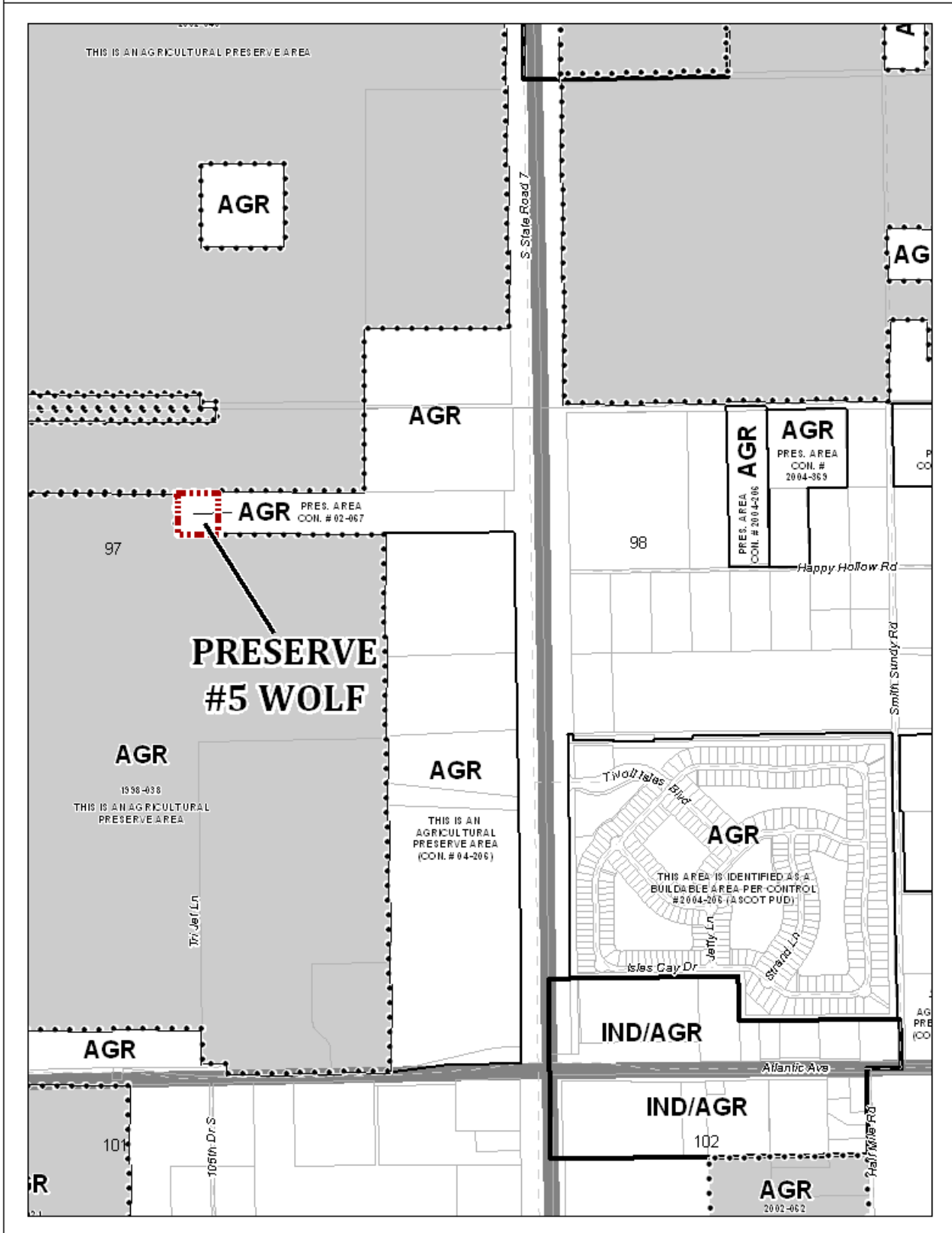
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Application Number:	<b>PDD/DOA 2012-380</b>
Control Number:	<b>2002-067</b>
Land Use Atlas Page:	<b>98</b>
Date:	<b>05/08/2012</b>



Figure 4 Land Use Map - Preserve 4, 6



# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Name: Canyon Lakes (Fogg N)  
 Application Number: PDD/DOA 2012-380  
 Control Number: 2002-067  
 Land Use Atlas Page: 97  
 Date: 05/08/2012



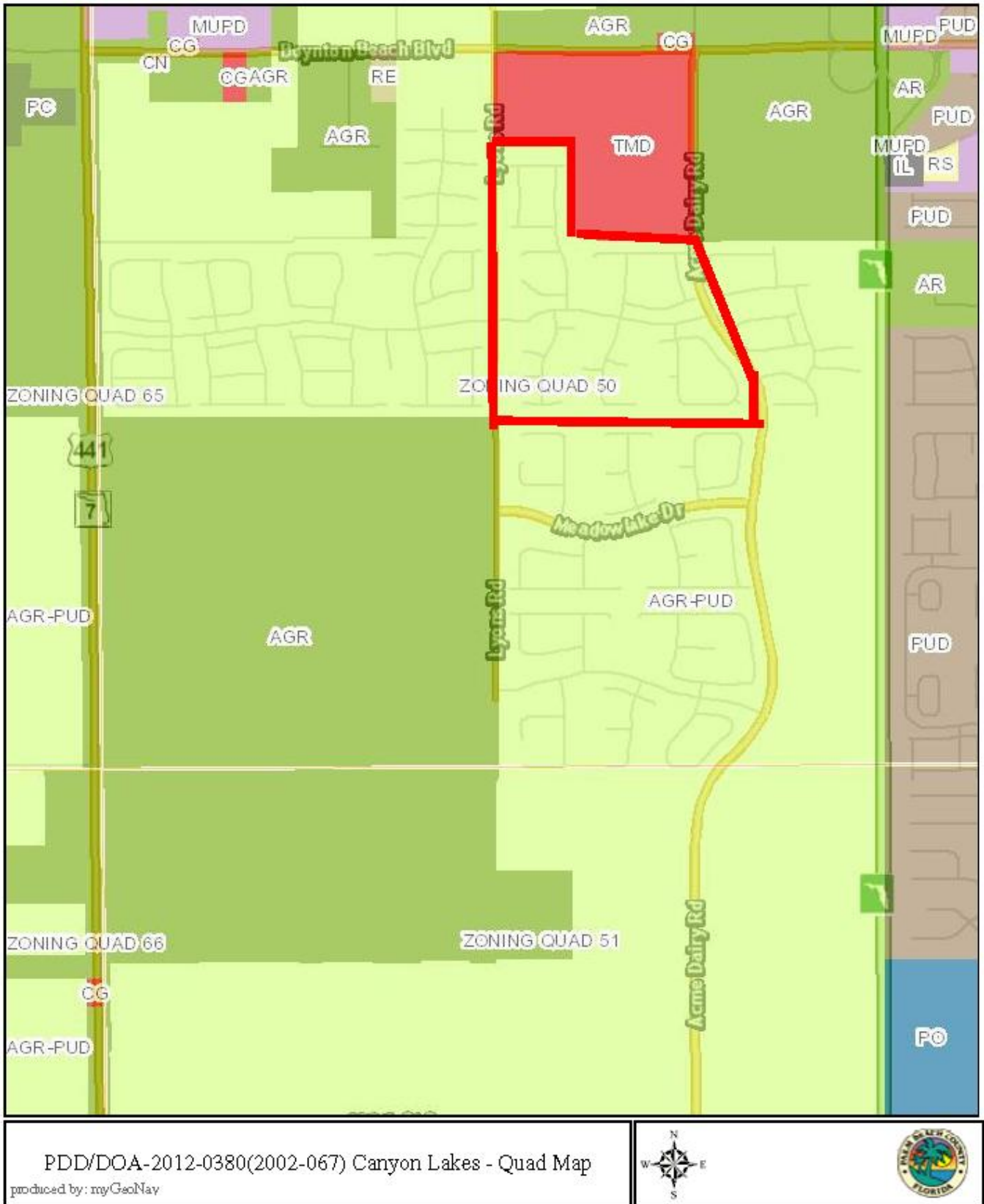


Figure 6 Zoning Quad Map

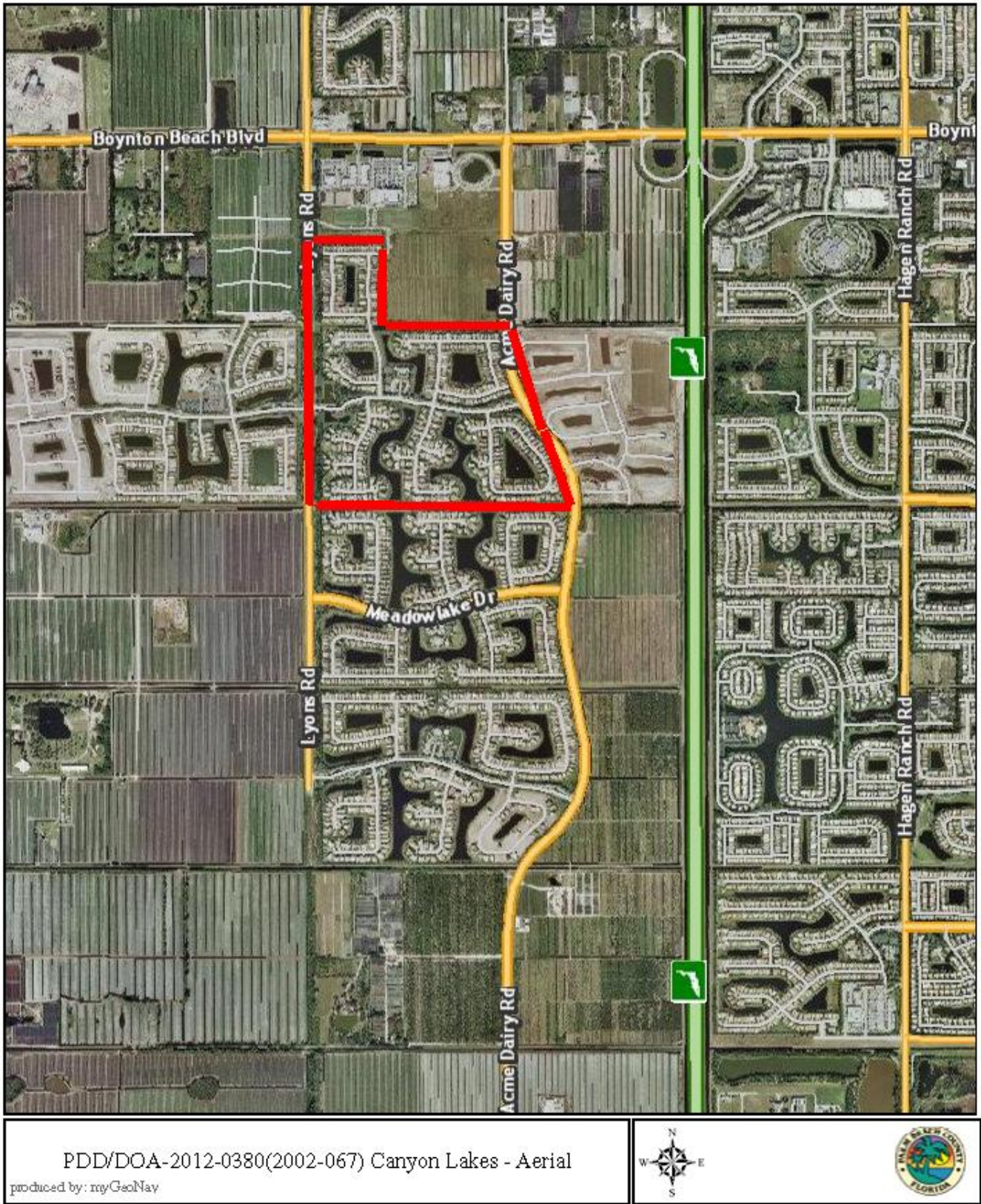


Figure 7 Aerial

**CANYON LAKES**  
 (aka FOGG NORTH AGR-PUD)  
 Preliminary Master Plan  
 PALM BEACH COUNTY, FLORIDA

Scale: 1" = 200'  
 Date: 12/04/08  
 Design By: CM  
 Drawn By: TA  
 Checked By: JMB  
 Title No: 08-130-001  
 Drawing No: 08-50

REVISIONS / SUBMISSIONS  
 1. 12-02-08 INITIAL CONC.  
 2. 12-02-08 COMMENTS  
 3. 12-02-08 COMMENTS  
 4. 12-02-08 COMMENTS  
 5. 12-02-08 COMMENTS  
 6. 12-02-08 COMMENTS  
 7. 12-02-08 COMMENTS  
 8. 12-02-08 COMMENTS

Preliminary Master Plan  
**PMP-1**

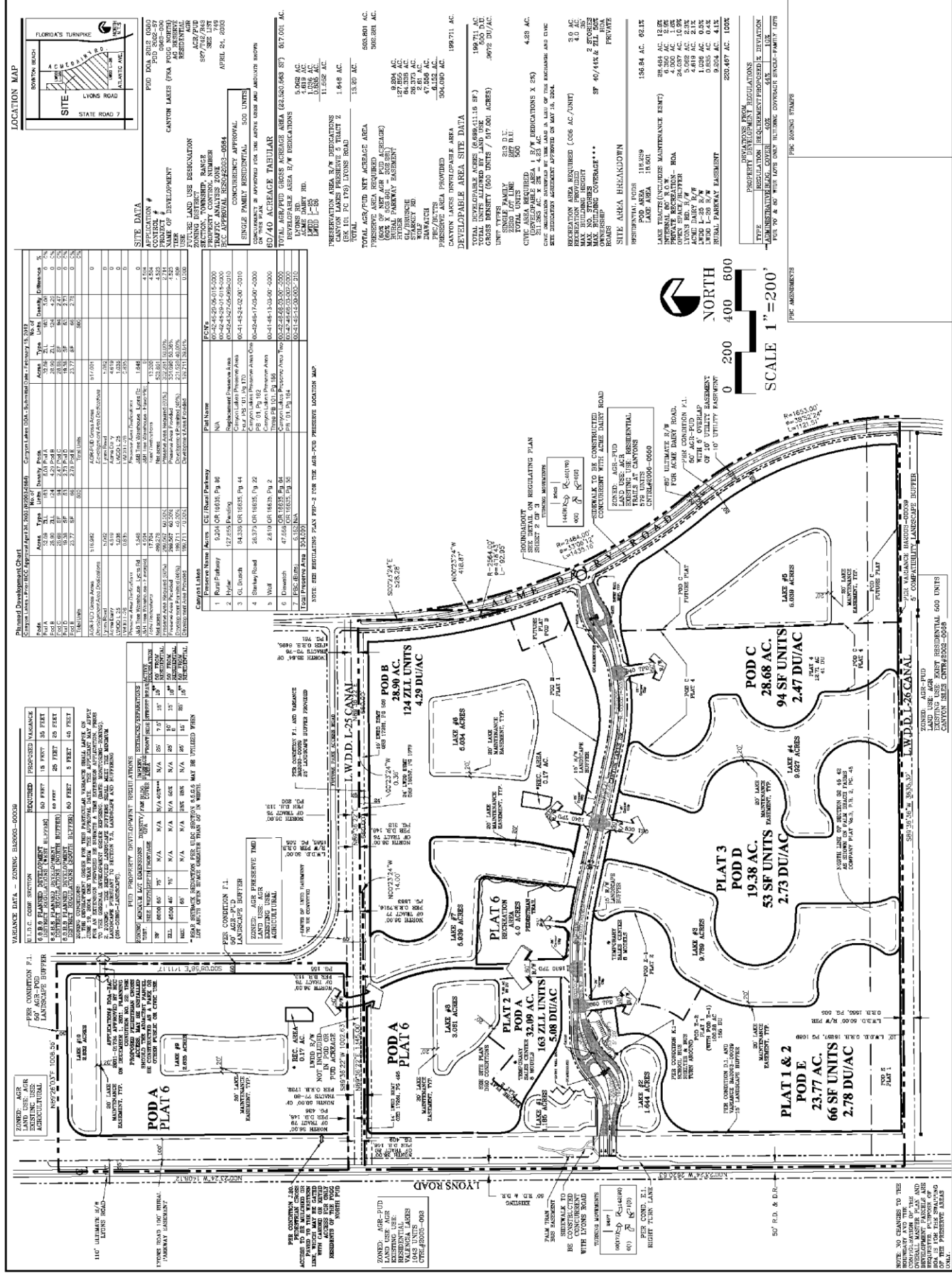


Figure 8 Preliminary Master Plan PMP-1 dated April 12, 2012



**CANYON LAKES**  
 (Fka FOGG NORTH AGR-PUD)  
 Preliminary Regulating Plan

PALM BEACH COUNTY, FLORIDA

Scale: N.T.S.  
 Date: 12/04/08  
 Design By: CL  
 Check By: A  
 Create By: TP  
 File No. 1080-30  
 Drawing No. 08-00

**REVISIONS / SUBMISSIONS**

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Preliminary  
 Regulating  
 Plan

PRP-2

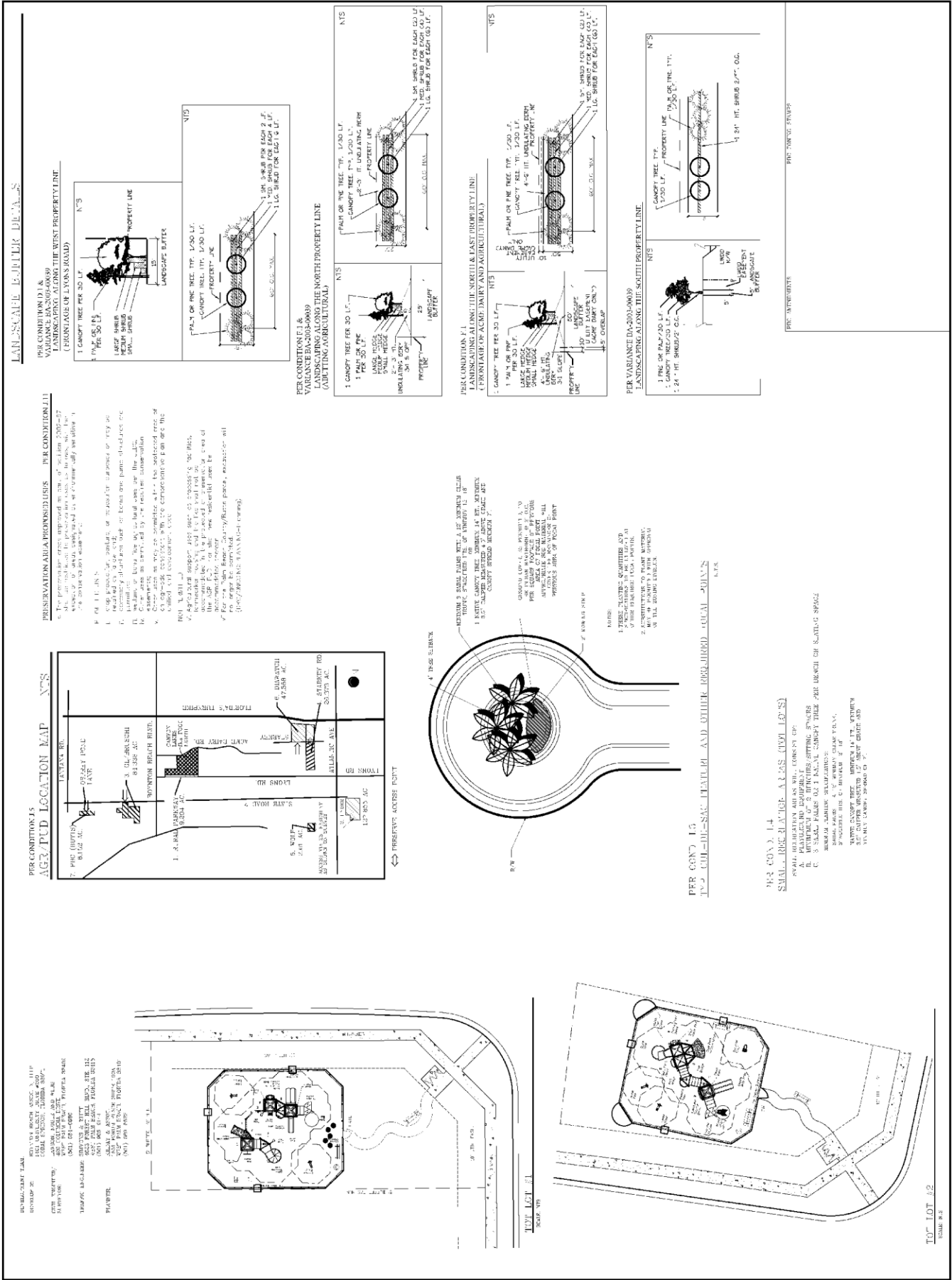
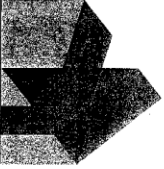


Figure 10 Preliminary Regulating Plan PRP-2 dated April 12, 2012









**Landmark Architects/Planners, Inc.**  
 (DBA) A. Anderson  
 Landmark Architects/Planners, Inc.  
 10000 Pine Ridge Road, Suite 100  
 Palm Beach Gardens, FL 33418  
 Phone: (561) 982-2777  
 Fax: (561) 982-2788  
 www.landmarkplanners.com  
 A member of the Landmark Group  
 of Florida, Inc.

# FOGG NORTH AGR-PUD (aka CANYON LAKES) Regulating Plan

PALM BEACH COUNTY, FLORIDA

Sheet No. 2 of 3  
 Date: 07/24/12  
 Design By: GA  
 Drawn By: TR  
 Check By: JAC  
 Plot No.: 100330  
 Project No.: 100330  
 Tracking No.: 02-16

REVISIONS / SUBMISSIONS

1	2-D LINE SUBMITTALS
2	3-D LINE SUBMITTALS
3	3-D LINE COMMENTS
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## Regulating Plan

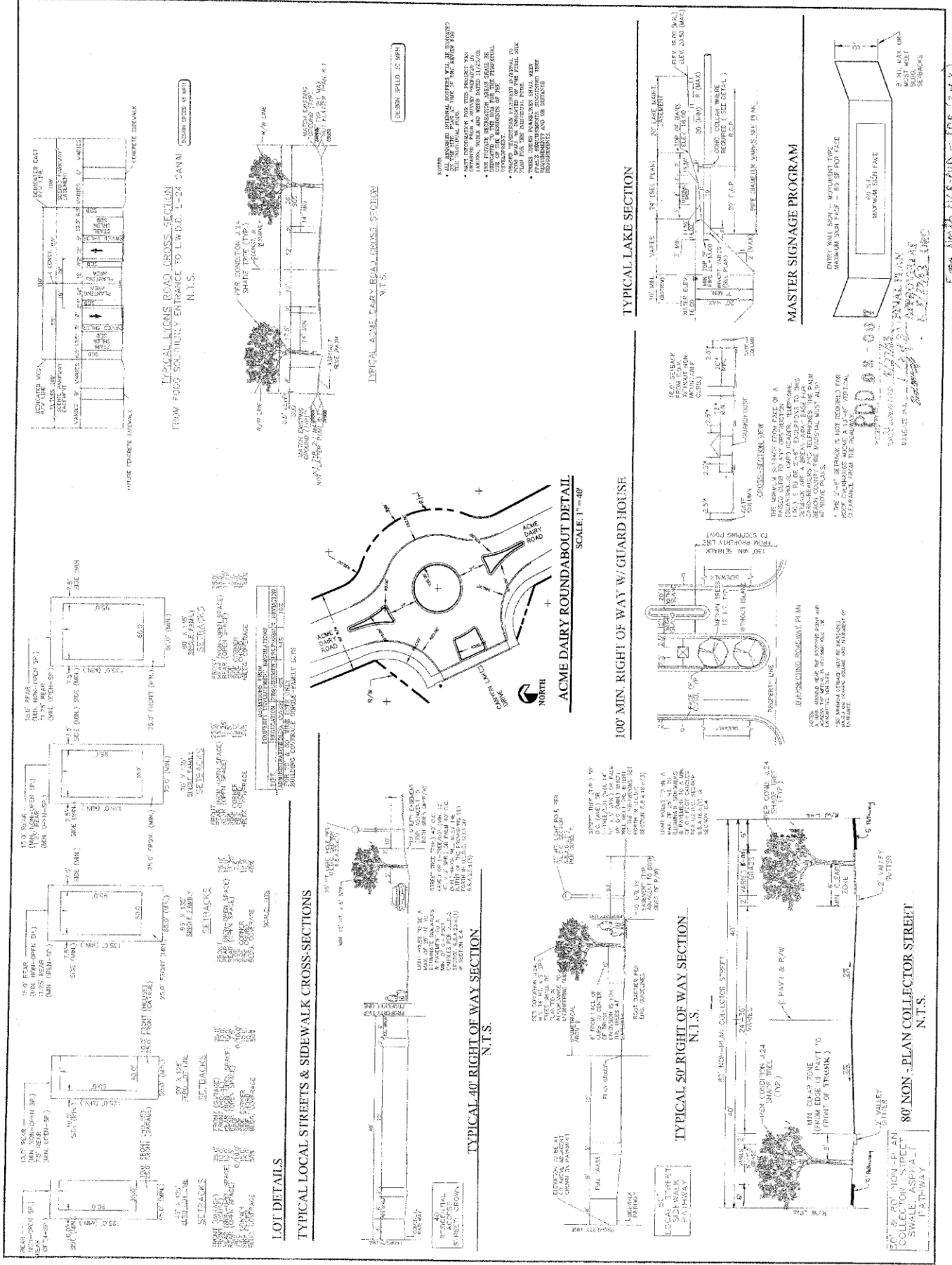
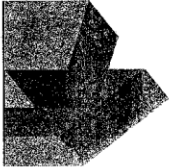


Figure 13 Final Master Plan 2 of 3 approved August 27, 2003



**Landscape Architects/Planners**  
**Kelly & Associates**  
 1875 Tenth Ave.  
 West Palm Beach, Florida 33411  
 Phone: (561) 465-0887  
 Fax: (561) 465-0888  
 Email: info@kellyandassociates.com  
 This drawing is an instrument of service. It is to be used only for the project and location specified herein. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written consent of the architect/planner.

**FOGG NORTH AGR-PUD**  
 (aka CANYON LAKES)  
 Regulating Plan  
 PALM BEACH COUNTY, FLORIDA

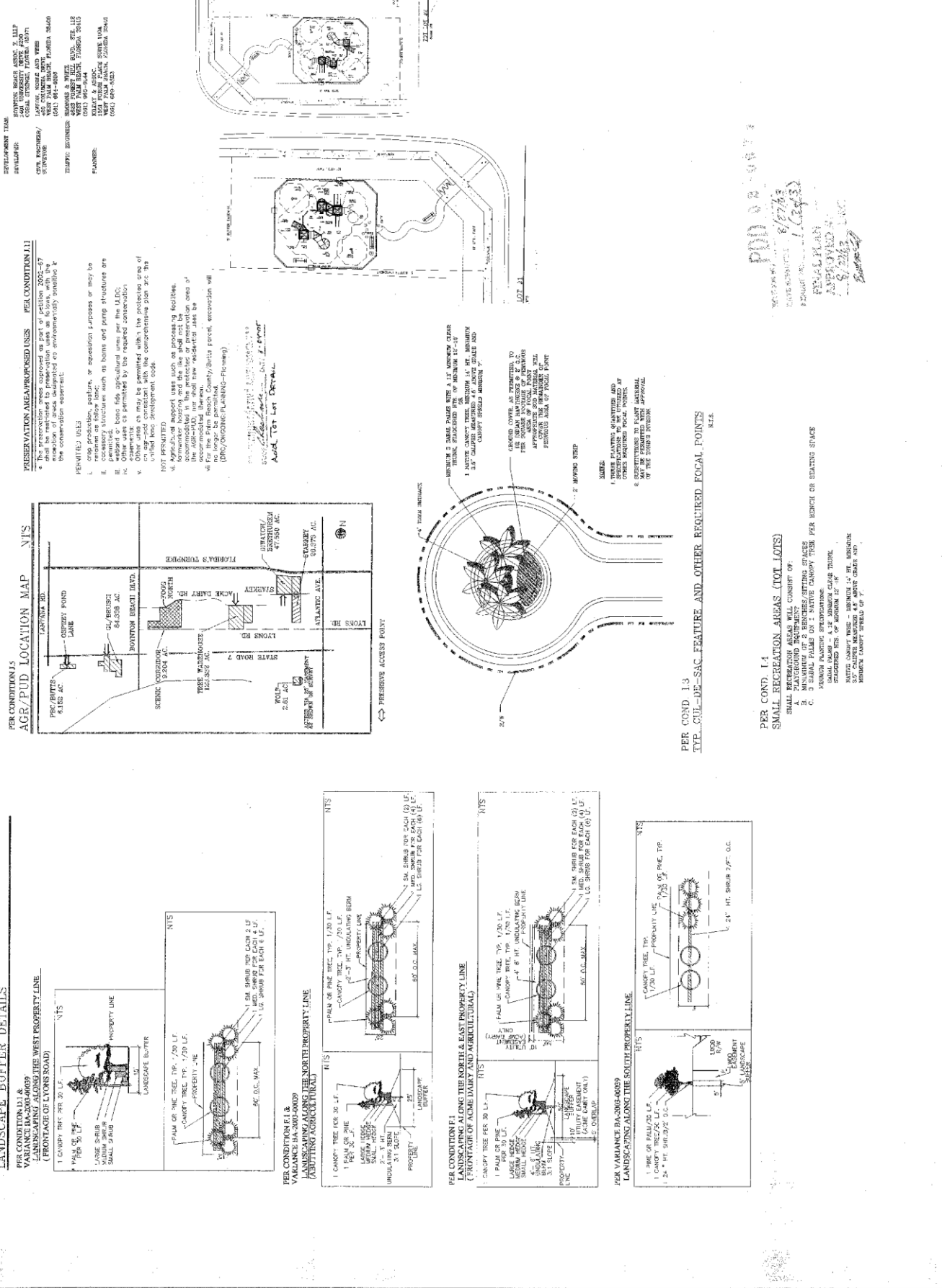
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 Date: 12/04/08  
 Drawn By: DM  
 Check By: TW  
 File No: 1020-30  
 Drawing No: 00-50

**REVISIONS / SUBMISSIONS**

1	ISSUE FOR SUBMITTAL	DMC
2	ISSUE FOR COMMENT	DMC
3	ISSUE FOR COMMENT	DMC
4	ISSUE FOR COMMENT	DMC
5	ISSUE FOR COMMENT	DMC
6	ISSUE FOR COMMENT	DMC
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8	ISSUE FOR COMMENT	DMC
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11	ISSUE FOR COMMENT	DMC
12	ISSUE FOR COMMENT	DMC
13	ISSUE FOR COMMENT	DMC
14	ISSUE FOR COMMENT	DMC
15	ISSUE FOR COMMENT	DMC

**Regulating Plan**

3 of 3



PDD 02-00673  
 APPROVED BY:  
 [Signature]  
 [Signature]

Fogg North Agr-Pud - PDD 02-00673

Figure 14 Final Master Plan 3 of 3 approved August 27, 2003

## STAFF REVIEW AND ANALYSIS

### PLANNING DIVISION COMMENTS:

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

TIER: Agricultural Reserve

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

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

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request to delete 127.855 acres of the J & B Tree Warehouse AGR Preserve area and replace it with 127.855 acres of unencumbered AGR lands known as Hyder Preserve and rezone the 127.855 acres of the Hyder preserve from AGR to AGR-PUD and has determined that this request is consistent with the site's AGR FLU designation.

The subject request has a previous approval per R-2011-1845 which contained Planning Conditions of Approval. The request will affect Planning Condition 9 as follows:

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

### 60/40 Development Option

Per Policy 1.5.1-i. the applicant is required to provide a minimum of 60% of preserve area and 40% maximum developable area. The Preserve areas are not required to be contiguous with the development area. There is no change in the overall AGR-PUD acreage because the request is for an equal acreage exchange. The 60/40 breakdown is as follows:

Total acreage: 517.001 acres  
Less ROW: 13.20 acres  
Net acreage = 503.801 acres

Net acreage x 60%:  $503.801 \times 60\% = 302.281$  acres (applicant proposes 304.090 acres or 60%)

Net acreage x 40%:  $503.801 \times 40\% = 201.520$  acres (applicant proposes 199.711 acres or 40%)

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

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

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

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

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

**ENGINEERING COMMENTS:**

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

**TRAFFIC IMPACTS**

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

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**PALM BEACH COUNTY HEALTH DEPARTMENT:**

No Staff Review Analysis is needed for this request.

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**ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

**VEGETATION PROTECTION:** The site (affected area) supports agricultural production.

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

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

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

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**OTHER:**

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

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

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

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

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

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

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**FINDINGS:**

**Rezoning Standards:**

When considering a Development Order application for rezoning to a Standard Zoning District, the BCC and ZC shall consider standards 1-7 indicated below. In addition, the standards indicated in section 2.B shall also be considered for rezoning to a Standard Zoning District with a Conditional Use, and rezoning to a PDD or TDD with or without a Requested Use or Waiver. An amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.1.B and provides the following assessment:

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

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

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

The 127.855-acre portion of Hyder Preserve meets Code requirements for an AGR-PUD preserve area. Planning Condition 9 will ensure the recordation of the Conservation Easement prior to March 1, 2014 (Exhibit C).

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

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

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

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

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

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

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

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

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

The Tree Warehouse preserve parcel has been identified by the applicant as a prime location for a future development area. The Tree Warehouse preserve parcel cannot be deleted from the previously approved Canyon Lakes development without first adding an equal area of preserve because all 500 dwelling units have been constructed. The 127.855 acres of Hyder Preserve area meets the requirements of an AGR-PUD Preserve Area. The entire area subject to the Conservation Easement for Canyon Lakes preserve area must be rezoned to AGR-PUD as part of the concurrent amendment request to add and delete preserve area.

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

#### Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider standards 1 – 8 indicated below. A Conditional or requested Use or Development Order Amendment which fails to meet any of these

standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.-2.B and provides the following assessment:

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

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

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

The proposed preserve area to be added to the Canyon Lakes development meets the requirements of an AGR-PUD preserve area. The land supports a bonafide agricultural use, row crop, and is accessible by SR7/US441. The 127.855-acre parcel is adjacent to other existing or projected preservation areas and is contiguous to more than 150 acres of existing preservations areas.

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

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

No changes are proposed to the development area, which was previously determined to be compatible with surrounding uses and has been constructed. No incompatibilities are created with the request to delete the Tree Warehouse preserve area from the master plan and release the Conservation Easement recorded in ORB 16635 PG 10. No incompatibilities are created with the request the add the Hyder Preserve parcel and record a new Conservation Easement on the added land.

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

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

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

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

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

The purpose and intent of a PUD within the AGR Tier allows the development of low density residential development in conjunction with the preservation of agriculture. The development area must be located east of SR7 and must be located to the greatest extent practical to existing, planned, or projected development areas. The Tree Warehouse preserve parcel satisfied the requirements of a preserve parcel for the Canyon Lakes development and the 500 dwelling units have been constructed.

However, this parcel will also meet the requirements of a development parcel when combined with additional preserve land area from the Canyon Isles (Control No. 2002-068) and Canyon Springs (Control No. 2002-069) developments as the applicant proposes with concurrent applications PDD/DOA-2012-382 and PDD/DOA-2012-383.

The applicant proposes to add 127.855 acres of agricultural production land, which is adjacent to other existing and projected preserve areas located west of SR7; and, delete the Tree Warehouse parcel that is located adjacent to the south of the Canyon Springs development, which is proposed as the development area for Valencia Assemblage (Control 04-369) in concurrent application ZV/PDD/DOA-2012--384. Thus, both parcels that are the affected area of this amendment request result in a logical, orderly, and timely development pattern.

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

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

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

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

The addition of 127.855 acres of Hyder Preserve area, which meets the requirements of an AGR-PUD Preserve Area, will allow the Tree Warehouse preserve parcel to be deleted from the previously approved Canyon Lakes development. The deleted land can then be aggregated with additional land as proposed in the concurrent applications to relocate the development area for concurrent application Valencia Assemblage (ZV/PDD/DOA-2012-384) to the vicinity of the former Tree Warehouse preserve.

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

## CONDITIONS OF APPROVAL

### EXHIBIT C

#### Development Order Amendment

#### ALL PETITIONS

1. All Petitions Condition 1 of Resolution R-2011-1845, Control No. 2002-067, which currently states:

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

Is hereby amended to read:

The approved Preliminary Master Plan is dated April 12, 2012. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. Prior to submittal of the Final DRC certification of the preliminary development plan, the plan shall be revised to meet code requirements for the north, south and west buffers or seek variance relief for width reduction of the buffers from the Board of Adjustment. (DRC: ZONING-Zoning) (Previous All Petitions Condition 2 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED pursuant to BA2003-039]

3. Prior to June 30, 2003, the Property Owner shall process a Civic Land Dedication Agreement ("Agreement") for consideration by the Palm Beach County Board of County Commissioners. The Agreement shall provide for, among other things, the offsite dedication of a 47 acre park/civic site and 10.8 acre civic site to Palm Beach County, subject to the terms and conditions of the Agreement. In the event the Agreement is (1) not approved by the Board of County Commissioners or (2) approved by the Board of County Commissioners and any of the parties terminates the Agreement under the terms and conditions of the Agreement, the Property Owner shall be required to amend the Fogg North PUD development order through the Development Order Amendment process so as to provide a 40 acre park/civic site contiguous to the County owned property subject to this petition. (DATE: PREM/CTY ATTY - PREM) (Previous All Petitions Condition 3 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

4. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2003-564 (Control 2002-067) and Resolution R-2011-1845 (Control 2002-067), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

#### ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane south approach on Lyons Road at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable



to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING- Eng) (Previous Engineering Condition 1 of Resolution R-2011-1845, Control No. 2002-067)  
[NOTE: COMPLETED]

2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Projects Entrance Road(s) on Lyons Road and Acme Dairy Road. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng) (Previous Engineering Condition 2 of Resolution R-2011-1845, Control No. 2002-067)  
[NOTE: COMPLETED]

3. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Acme Dairy Road and Lyons Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG. PERMIT: MONITORING-Eng) (Previous Engineering Condition 3 of Resolution R-2011-1845, Control No. 2002-067) [Note: COMPLETED]

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

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

All right of way conveyance shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE: MONITORING-Eng) (Previous Engineering Condition 4 of Resolution R-2011-1845, Control No. 2002-067)  
[NOTE: COMPLETED]

5. The Property owner shall construct:

- i) a left turn lane north approach on Lyons Road at the Project's Entrance Road;
- ii) a right turn lane south approach on Lyons Road at the Project's Entrance Road;

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

a. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Engineering Condition 5 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

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

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

Required drainage limits shall be along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County, which at its discretion may use this fill material.

Where portions of Acme Dairy Road, Lyons Road, and/or Flavor Pict Road are adjacent to or within the property proposed for preservation area, the property owner shall dedicate sufficient land area or easement area from the preservation area in the amount and location as required by and approved by the County Engineer to accommodate the drainage necessary for the ultimate section of these. (DATE: MONITORING-Eng) (Previous Engineering Condition 6 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

7. Prior to December 1, 2003, the Property owner shall commence the construction plans for Lyons Road as a 2 lane facility (expandable to 4 lanes) from a point 280 feet north of Boynton Beach Boulevard to the project's south property line (development area only/LWDD L-26 canal) plus the appropriate tapers. All canal crossings (culverts) within the project limits shall be constructed from right-of-way line to right-of-way line. All bridges shall be constructed to their ultimate paved configuration. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. Plan costs shall be approved by the County Engineer. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE: MONITORING-Eng) (Previous Engineering Condition 7 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

8. a. Prior to June 1, 2004, the property owner shall provide for the acquisition funding costs of the right-of-way and all associated costs for Lyons Road as a 110 foot right of way within the limits referenced in the Condition above. (DATE: MONITORING-Eng)

b. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before June 1, 2004. Agreements shall include but not be limited to the condemnation of all necessary right of way, temporary construction easement/embankment easements and drainage easements for the construction of Lyons Road. Notification by the developer shall be given to the Land Development Division. (DATE: MONITORING-Eng) (Previous Engineering Condition 8 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

9. On or before, December 1, 2003, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Lyons Road as referenced above subject to the approval of the County Engineer. These

documents shall include a title search for a minimum of 25 years. Notification shall be given to Land Development Division. (DATE: MONITORING - Eng) (Previous Engineering Condition 9 of Resolution R-2011-1845, Control No. 2002-067)  
[NOTE: COMPLETED]

10. Prior to December 1, 2004, the property owner shall commence the construction of Lyons Road as a 2 lane facility (expandable to 4 lanes) from a point 280 feet north of Boynton Beach Boulevard to the project's south property line (development area only/LWDD L-26 canal) plus the appropriate tapers. All canal crossings within the project limits shall be constructed to their ultimate configuration. Included in this construction shall be the following turn lane improvements:

i) dual left turn lanes north approach, dual left turn lane south approach, right turn lane south approach on Lyons Road at Boynton Beach Boulevard .

ii) dual left turn lanes east approach, dual left turn lanes west approach on Boynton Beach Boulevard at Lyons Road and receiving lanes including appropriate tapers on Lyons Road on North and South departure sides of intersection. (DATE: MONITORING-Eng) (Previous Engineering Condition 10 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

11. Prior to June 1, 2004, the Property owner shall complete the construction plans for Acme Dairy Road as a 2 lane facility from Boynton Beach Boulevard to the project's entrance road plus the appropriate tapers. Included in these construction plans shall be a 280 foot left turn lane north approach plus the appropriate paved tapers on Acme Dairy Road at Boynton Beach Boulevard (this turn lane shall only be required to be constructed if the required right of way has been obtained by Palm Beach County at no cost to the property owner) and a round-about at Acme Dairy Road and the projects entrance road. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE: MONITORING-Eng) (Previous Engineering Condition 11 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

12. Prior to June 1, 2004, the property owner shall provide for the acquisition funding costs of the right-of-way and all associated costs for Acme Dairy Road as an 80 foot right of way within the limits as referenced in the Condition above with the exception of the left turn lane north approach on Acme Dairy Road. Acceptable surety shall be provided to the Office of the County Engineer. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before June 1, 2004. Agreements shall include but not be limited to the condemnation of all necessary right of way, temporary construction easements/embankment easements and drainage easements for the construction of Acme Dairy Road. The property owner shall not be responsible for funding the acquisition of necessary right of way, temporary construction easements/embankment easements and drainage area/easements for the construction of the left turn lane north approach on Acme Dairy Road. Notification by the developer shall be given to the Land Development Division. (DATE: MONITORING - Eng) (Previous Engineering Condition 12 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

13. On or before September 1, 2004, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition and, parceled right-of-way maps required for the construction of Acme Dairy Road as referenced above subject to the approval of the County Engineer. Notification shall be given to Land Development Division. (DATE: MONITORING - ENG) (Previous Engineering Condition 13 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

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

i) left and right turn lane south approach; left turn lane east approach;

ii) left turn lane north approach (this turn lane shall only be required to be constructed if the required right of way has been obtained by Palm Beach County at no cost to the property owner. Failure of the County to obtain the necessary right of way, inclusive of temporary construction easements, embankment easements, drainage easements, drainage areas, etc.) prior to the letting of the contract for the construction of Acme Dairy Road or September 1, 2005, which shall last occur shall relieve the property owner of having to comply with this condition. (CO: MONITORING - Eng) (Previous Engineering Condition 14 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

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

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

a. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved of this condition of approval. (ONGOING: ENGINEERING - Eng)

b. Building Permits for more than 200 dwelling units shall not be issued until the developer provides acceptable surety to the County Engineer for the installation of these signals. (BLDG PERMIT: MONITORING - Eng). (Previous Engineering Condition 15 of Resolution R-2011-1845, Control No. 2002-067)  
[NOTE: COMPLETED]

16. The property owner shall fund a proportionate share of the cost of signal modifications as determined by the County Engineer at the intersection Boynton Beach Boulevard and Lyons Road. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. Signal modifications shall also include relocation of mast arms as part of the signal modifications. Funding shall be completed within 60 days after receiving notice from Palm Beach County. (ONGOING: ENGINEERING - Eng) (Previous Engineering Condition 16 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

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

a. Building Permits for more than 81 dwelling units shall not be issued until the until construction commences for the widening of Boynton Beach Boulevard as a 4 lane median divided section from Lyons Road to the Florida Turnpike plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING - Eng) [NOTE: COMPLETED]

b. Building Permits for more than 285 dwelling units shall not be issued until construction commences for the widening of Lyons Road as a 4 lane median divided section from Boynton Beach Boulevard to Hypoluxo Road plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING - Eng) [NOTE: COMPLETED]

c. Building Permits for more than 286 dwelling units shall not be issued until construction commences for the widening of Boynton Beach Boulevard as a 4 lane median divided section from SR 7 to the Lyons Road plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

d. Building Permits for more than 397 dwelling units shall not be issued until construction commences for the construction of Woolbright Road as a 2 lane section from Hagen Ranch Road to Jog Road plus the appropriate paved tapers. Construction commences is defined as awarding the

contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

e. Building Permits for more than 423 dwelling units shall not be issued until construction commences for the widening of Boynton Beach Boulevard as a 6 lane median divided section from Lyons Road to the Florida Turnpike plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING - Eng) [NOTE: COMPLETED]

f. No Building Permits for the site may be issued after December 31, 2006. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng) (Previous Engineering Condition 17 of Resolution R-2011-1845, Control No. 2002-067)

18. Prior to October 24, 2003, the property owner shall provide surety for improvements identified in E17b, E17c, E17d, and E17e and E19. Surety shall include the design; right of way acquisition; and the Construction Engineering, Inspection Costs and all construction costs. At any time during the duration of the surety, the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event that such a determination is made Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work.(TPS) (DATE: MONITORING - Eng) (Previous Engineering Condition 18 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

19. Prior to January 1, 2007, the Property owner shall complete the funding of the construction of Lyons Road as a 4 lane median divided facility from Lantana Road to Hypoluxo Road plus the appropriate tapers. Funding shall include but not be limited to all right of way acquisition, drainage areas, temporary construction easements, and embankment costs, Construction Engineering, Inspection Costs all construction costs and a golf cart crossing for the Sherbrooke PUD. This golf cart crossing shall be subject to the requirement and approval of the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Funding amount shall be based on a cost estimate by the Developers Engineer and approved by the County Engineer. This construction shall be eligible for Traffic Impact Fee Credit. (DATE/BLDG PERMIT: MONITORING-Eng) (Previous Engineering Condition 19 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

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

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

b. The subject property shall be appropriately signed by the developer prior to the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (BLDG PERMIT: MONITORING - Eng) (Previous Condition Engineering 20 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

## ENVIRONMENTAL

1. An Exotic Removal Management Plan, covering the GL/Brusci, Tree Warehouse, Wolf, Starkey and Glenview/Brethurem conservation parcels associated with the Fogg North PUD, shall be approved by ERM prior to final DRC site plan approval. (DRC:ERM-ERM) (Previous ERM Condition B.1 of Resolution R-2003-564, Control No. 2003-067) [NOTE: COMPLETED]

2. All Restricted Covenant Agreements and Conservation Easements for the GL/Brusci, Tree Warehouse, Wolf, Starkey and Glenview/Brethurem conservation parcels associated with the Fogg North PUD, shall be submitted to ERM for review and approval prior to recordation.(DRC:ERMERM) (Previous ERM Condition B.2 of Resolution R-2003-564, Control No. 2003-067) [NOTE: COMPLETED]

## LANDSCAPE - GENERAL

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

- a. tree height: fourteen (14) feet
- b. trunk diameter: 3.5 inches measured 4.5 feet above grade;
- c. canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) Previous Landscape-General-Standard Condition 1 of Resolution R-2011-1845, Control No. 2002-067) [Note: COMPLETED]

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

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Landscape-General-Standard Condition 2 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

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

- a. eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
- b. twenty-four (24) to thirty-six (36) inches - medium shrub;
- c. forty-eight (48) to seventy-two (72) inches - large shrub; and,
- d. this condition does not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall. (CO: LANDSCAPE - Zoning) (Previous Landscape-General-Standard Condition 3 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning) (Previous Condition Landscape-General-Standard 4 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning) (Previous Landscape-General-Standard Condition 5 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

6. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning) (Previous Landscape-General-Standard Condition 6 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

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

7. Landscaping and buffering along the west property line shall be upgraded to include:

- a. one (1) canopy tree planted for each thirty (30) linear feet of the property line;

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- b. one (1) palm or pine tree for each thirty (30) linear feet of the property line, with a maximum spacing of sixty (60) feet on center between clusters;
- c. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- d. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- e. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning) (Previous Landscape-Perimeter Condition 7 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING AGR AND FRONTAGE OF ACME DAIRY ROAD)**

8. Landscaping and buffering along the north and east property lines shall be upgraded to include:
- a. a minimum four (4) to six (6) foot undulating berm, with an average minimum height of five (5) feet, measured from the top of the curb on the east property lines. A minimum two (2) to three (3) foot undulating berm, with an average minimum height of two and one half (2.5) feet, measured from the top of the curb on the north property line; and,
  - b. one (1) canopy tree planted for each thirty (30) linear feet of the property line;
  - c. one (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet on center between clusters;
  - d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
  - e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
  - f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning) (Previous Landscape-Perimeter Condition 8 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

**LANDSCAPE - PERIMETER**

9. Within one hundred and twenty (120) days of approval by the Board of County Commissioners (BCC) the installation of the required landscaping at the northwest corner of Pod A-2 shall commence. (DATE: LANDSCAPE - Zoning) [NOTE: COMPLETED]

**LAKE WORTH DRAINAGE DISTRICT**

1. Fogg Property North - Prior to platting, the owner shall convey an easement for the North 60 feet of Tracts 73-80 Block 54 less lands owned by the District for the ultimate right-of-way for the L-25 Canal (based on cross sections) along with the south 10 feet of Tracts 113-120, Block 54 and the South 10 feet of Tracts 121-123, Block 54 for the required right-of-way for the L-26 Canal. (PLAT: ENG - LWDD). (Previous LWDD Condition 1 of Resolution R-2011-1845, Control No. 2002-067)

2. GlenView North Preserve - Prior to platting, the owner shall convey an easement for 10 feet west and adjacent to the east property line of the referenced petition for the ultimate right-of-way for the E-2W Canal. (PLAT: ENG - LWDD). (Previous LWDD Condition 2 of Resolution R-2011-1845, Control No. 2002-067)

3. Bruschi North Preserve - Prior to platting, the owner shall convey an easement for the South 10 feet of Tracts 21-23 Block 52 for the ultimate right-of-way for the L-23W Canal. (PLAT: ENG - LWDD). (Previous LWDD Condition 3 of Resolution R-2011-1845, Control No. 2002-067)

4. Starkey Preserve - Prior to platting, the owner shall convey an easement for the North 60 feet of Tracts 9-14 Sec 17/46/42 less lands owned by the District for the required right-of-way for the L-32 Canal. (PLAT: ENG - LWDD). (Previous LWDD Condition 4 of Resolution R-2011-1845, Control No. 2002-067)

5. PBC/Butts Parcel - Prior to platting, the owner shall convey an easement for the East 30 feet of the North 1360 feet of Section 14/45/42 for the right-of-way for the S-9 Canal. (PLAT: ENG - LWDD). (Previous LWDD Condition 5 of Resolution R-2011-1845, Control No. 2002-067)

## PALM TRAN

1. Prior to the issuance of the first building permit, the petitioner shall convey to Palm Beach County an easement, recorded as a separate instrument, adjacent to the development area of this petition along Lyons Road, for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran. The location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran prior to the recordation of the documents. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. The location of the easement shall be shown on the final site plan or Preliminary Development Plan prior to the final approval of the DRC. (DRC/BLDG PERMIT: MONITORING - Palm Tran) (Previous Palm Tran Condition 1 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

## PLANNED DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng) (Previous Planned Development Condition 1 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

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

- a. along one side of all internal PUD streets, forty (40) feet in width or greater;
- b. along both sides of all internal PUD streets, fifty (50) feet in width or greater;
- c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. To the extent permitted by Palm Beach County Water Utilities and County Engineering, street trees shall be placed on the side of the street adjacent to the sidewalk. (DRC: ZONING/ENG - Zoning/Eng) (Previous Planned Development Condition 2 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

3. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show a focal point at the terminus of each residential access street, cul-de-sac, or nonresidential access way as shown on the Conceptual Site Plan dated February 18, 2003. The focal point shall be in the form of a plaza, benches, special landscape treatment, fountain, arcade or similar pedestrian oriented public areas acceptable to the Zoning Division. (DRC: ZONING - Zoning) (Previous Planned Development Condition 3 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

4. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre and shall be located as shown on the Conceptual Site Plan dated February 18, 2003. Such recreation uses shall have a direct connection to the pedestrian system on the property and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC / PLAT: ZONING - Zoning) (Previous Planned Development Condition 4 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

5. Drainage easements shall not be permitted in the rear yards of back-to-back units. (DRC: ZONING - Zoning) (Previous Planned Development Condition 5 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

6. Zero-lot line lots (units) with a side yard that abuts the rear yard of two (2) or more lots (units) shall be restricted to one (1) story in height. (DRC: ZONING / BLDG - Zoning) (Previous Planned Development Condition 6 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

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



Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG/COUNTY ATTY - Zoning) (Previous Planned Development Condition 7 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

8. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of agricultural use in the vicinity of the development. The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 2004 and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (ONGOING: MONITORING - Zoning) (Previous Planned Development Condition 8 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

9. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents. (ONGOING: MONITORING - Zoning) (Previous Planned Development Condition 9 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

10. No side interior, rear or street setback reductions (structure, pool/spa and or screen enclosure) shall be permitted except when abutting open space as allowed in Section 6.5.G.6., Section 6.6.A.9.b.(2) and 6.6.A.1 O.b.(2) of the ULDC. (DRC/BLDG. PERMIT: BLDG/ZONING - Zoning) (Previous Planned Development Condition 10 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

11. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying potential homeowners of the County's plan to build a District Park with ballfields/lights and other associated park amenities adjacent to the Fogg Development. The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 2004 and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (ONGOING: MONITORING - PREM) (Previous Planned Development Condition 11 of Resolution R-2011-1845, Control 2002-067) [NOTE: COMPLETED]

## PLANNING

1. Prior to initial certification of the Preliminary Development Plan (PDP) by the Development Review Committee, all tabular data on required documents (site/master plans, preliminary development plans, etc.) shall be updated/revised to reflect the most current acreage totals per surveys submitted on the following dates: Fogg North PUD Developable area (1 2/4/02), Lyons Road Rural Parkway (211 8/03), all other Preserve parcels (2/6/03), and Land Use Justification correspondence from Kilday and Associates dated (2/18/03). (DRC: ZONING-PLANNING-Planning) (Previous Planning Condition 1 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

2. The Planning Division shall not certify the Preliminary Development Plan or any subdivision plan submitted for this project which utilizes the County owned property (designated as "open space/preservation per Ordinance 00-58" on the Preliminary Development Plan) for any use inconsistent with its adopted land use plan designation. In the event the County initiated Preserve Note Removal (2003-0026 LGA) Comprehensive Plan amendment is: (1) adopted by the Board of County Commissioners such that the preserve designation is removed; (2) is issued a "Notice of Intent to Find in Compliance" by the Florida Department of Community Affairs (DCA); and (3) either no appeals were filed during the 21 day appeal period or there is a successful resolution to an appeal, if filed, such that the plan amendment becomes effective, the developer shall be entitled to remove the "open space/preservation per Ordinance 00-58" notation on the Preliminary Development Plan and utilize the property consistent with the underlying use shown on the Preliminary Development Plan. (DRC: PLANNING-Planning) (Previous Planning Condition 2 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

3. The PUD shall be limited to a maximum of 500 dwelling units provided 60/40 requirements are met. Prior to final Preliminary Development Plan Certification by the Development Review Committee

(DRC), the applicant shall provide a notation on the Preliminary Development Plan indicating that the balance of unused units (16) units shall not be utilized outside the boundary of the Fogg North PUD site as identified in Petition No. 2002-067. (DRC: PLANNING-Planning) (Previous Planning Condition 3 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

4. Prior to final certification of the Preliminary Development Plan (PDP) by the Development Review Committee (DRC), the Palm Beach County Planning Division shall include notations on the future land use atlas identifying the respective parcels as either a buildable developable area or preserve area and coordinate with the PZ&B Graphics Division to ensure that the zoning maps also reflect the proper designations. (DRC: PLANNING-Planning) (Previous Planning Condition 4 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

5. Prior to final certification of the Preliminary Development Plan (PDP) by the Development Review Committee (DRC), the applicant shall amend the location map on the PDP so as to include the locations of the Preservation areas. The applicant shall also provide a regulating plan indicating the location, access, acreage and proposed uses for the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code (ULDC). (DRC: PLANNING - Planning) (Previous Planning Condition 5 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED; see PMP sheet 2 of 2]

6. Prior to final certification of the Preliminary Development Plan (PDP) by the Development Review Committee (DRC), the applicant shall provide a 100 foot Lyons Road Rural Parkway Sketch for the eastern portion with cross section details, to include cross section details for the Lake Worth Drainage District (LWDD) L-24, L-25, and L-26 canal crossing sections, to the width specified below for the canals. A cross section detail from the Fogg North-Tree Warehouse Preserve parcel north over the L-28 canal to the Fogg South Development parcel shall also be provided. The cross section for the bridge crossings over the Lake Worth Drainage District canals stated above must show a minimum of 40 feet of easement width. All of these items shall be subject to approval by the Planning Division and Engineering Department, (DRC: PLANNING/ ENGINEERING-Planning) [NOTE: COMPLETED]

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

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

- i. Flowering trees;
- ii. Undulating berms, no taller than five feet and landscaped with native vegetation; and
- iii. Benches/pedestrian gathering area with a water fountain as previously depicted. One (1) pedestrian gathering area shall be provided within the 100-foot wide Lyons Road Rural Parkway along this project frontage.
- iv. The amount of landscape material in the Tree Warehouse Preserve parcel portion of the Lyons Road Rural Parkway may contain a reduced amount of landscaped material, subject to approval by the Planning Division. However, one (1) bench and one (1) pedestrian gathering area will still be required in the Tree Warehouse Preserve parcel portion of the Lyons Road Rural Parkway.

b. The Rural Parkway easement shall not include:

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

c. The Rural Parkway easement may include:

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

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

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

d. A maintenance agreement for continual maintenance of the Rural Parkway that will contain language allowing for the transfer of maintenance to the Homeowners Association or; a deed to the County for the County's ownership and maintenance.

e. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division.

f. Should the 100-foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and Planning Division, prior to March 1, 2004, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (PLAT/DATE: MONITORING/PLANNING - Planning) (Previous Planning Condition 7 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

8. Prior to the 200th building permits, the property owner shall commence the construction of the Rural Parkway through the Rural Parkway easements consistent with the Staff approved Rural Parkway Sketch and Landscape Plan for the L-24, L-25, and L-26 Canals and north across the L-28 Canal (from the Tree Warehouse Preserve parcel north to the Fogg South PUD) to include 40 foot bridge canal crossings, subject to Lake Worth Drainage District approval. (BLDG PERMIT: MONITORING-Planning-Eng) (Previous Planning Condition 8 of Resolution R-2011-1845, Control No. 2002-067)[NOTE: COMPLETED]

9. Planning Condition 9 of Resolution R-2011-1845, Control No. 2002-067, which currently states:

Prior to or concurrent with the plat for the Fogg North PUD, the conservation easement for the Tree Warehouse, GL/Bruschi, Starkey Road Assoc., Wolf, Diawatch/Brethurem (Glenview), and Palm Beach County/Butts Preserve parcels shall be recorded, as approved by the County Attorney's Office and the Department of Environmental Resources Management. The conservation easements for all of these preserve parcels shall contain:

a. a legal description, site location, and a sketch including the area subject to the easement;

b. a list of permitted, not permitted uses, and prohibited activity.

c. 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.

d. Should the conservation easements not be placed on these properties in a form acceptable to the County Attorney prior to March 1, 2004, 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.

Is hereby amended to read:

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

10. Planning Condition 10 of Resolution R-2011-1845, Control No. 2002-067, which currently states;

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

Is hereby amended to read:

Prior to approval by the Development Review Officer of the Final Master Plan for the developable area, a management plan for each added or amended preserve parcel, with the exception of the 100 foot wide Lyons Road Rural Parkway Easement preserve parcel, shall be submitted. The management plan shall contain a legal description and sketch of the parcel, an inventory of existing uses and environmental assets on the site, and a plan for exotic removal and maintenance. (DRO: PLANNING-Planning)

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

a. The preservation areas approved as part of Petition 2002-067 shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement:

#### PERMITTED USES

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

#### NOT PERMITTED

vi. Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses be accommodated thereon. For the Palm Beach County/Butts parcel, excavation will no longer be permitted. (DRO/ONGOING: PLANNING - Planning) (Previous Planning Condition 11 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETE; see PMP sheet 2 of 2]

12. Planning Condition 12 of Resolution R-2011-1845, Control No. 2002-067, which currently states:

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

Is hereby deleted. [REASON: No longer applicable]

13. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Fogg North Developable parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this developable parcel total a combined acreage of 211.263 acres with right-of-ways and 199.71 acres without right-of-ways. (TC:ENG/PLANNING/CO ATTY - Planning) (Previous Planning Condition 13 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

14. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the 100 foot Lyons Road Rural Parkway Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel total a combined acreage of 9.204 acres. (TC: ENG/PLANNING/CO ATTY - Planning) (Previous Planning Condition 14 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

15. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the GL Bruschi Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel total a combined acreage of 84.338 acres. (TC:ENGIPLANNING/CO ATTY - Planning) (Previous Planning Condition 15 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

16. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Palm Beach County/Butts Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel total a combined acreage of 6.152 acres. (TC: ENG/PLANNING/CO ATTY - Planning) (Previous Planning Condition 16 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

17. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Tree Warehouse Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieves the configuration of this preservation parcel total a combined acreage of 129.484 acres. (TC:ENG/PLANNING/CO ATTY - Planning) [NOTE: COMPLETED]

18. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Starkey Road Assoc./Wolf/Diawatch-Brethurem (Glenview) Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel total a combined acreage of 76.541 acres. (TC: ENG/PLANNING-CO ATTY-Planning) (Previous Planning Condition 18 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

19. Prior to or concurrent with recordation of the plat for the developable area as identified in Petition No. 2002-067, for all of the Preserve parcels, the applicant shall either: 1) dedicate these lands to Palm Beach County; 2) record a restrictive covenant in a form acceptable to the Palm Beach County Attorney for these subject parcels; or 3) subject these parcels to a conservation easement, limiting these sites to Agricultural Reserve preserve areas in accordance with the Agricultural Reserve preserve provisions of the Comprehensive Plan. (PLAT: PLANNING - Planning) (Previous Planning Condition 19 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

20. Prior to Preliminary Development Plan final certification by the Development Review Committee (DRC), the Preliminary Development Plan shall be amended to include a notation from at least one cul-de-sac or dead end street location on the western edges of the Fogg North development area site, in addition to the entrance road location, that will allow pedestrian access from the Developable area to the Lyons Road Rural Parkway. The notation shall read "pedestrian cross access to be mulched or paved to the western line, which may be gated with carded or keyed access for only residents of the Fogg North PUD." (DRC/ONGOING: PLANNING-Planning) (Previous Planning Condition 20 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

21. Prior to the issuance of a certificate of occupancy for any unit within the pod where the pedestrian cross access point(s) is located, the petitioner shall mulch or pave pedestrian cross access point(s) to the edge of the western property line to the Rural Parkway easement at the

location shown on the final certified Preliminary Development Plan that will read "pedestrian cross access to be mulched or paved to the western property line, which may be gated card access for only residents of the Fogg North PUD." (CO: MONITORING-Planning) (Previous Planning Condition 21 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

22. The proposed pedestrian cross access, on the northeast portion of the northern pod (POD A-2) of the development, may be installed should the adjacent parcel be constructed as a park or other public or civic use. (ONGOING-PLANNING-Planning) (Previous Planning Condition 22 of Resolution R-2011-1845, Control No. 2002-067)

23. Prior to the issuance of the certificate of occupancy for the primary-recreation building on the 4.0+ acre recreation site, the petitioner shall mulch or pave the pedestrian trail shown fronting the recreation area on the certified PDP dated February 18, 2003. In addition, at least one (1) bench shall be placed at this location. (CO: MONITORING-Planning) (Previous Planning Condition 23 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

24. Prior to final site plan certification by the Development Review Committee (DRC), in order to comply with Recommendation 35 from the West Boynton Area Community Plan, for the Fogg North Development area, the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks for pedestrian circulation for all internal sidewalks (to the extent permitted by the County Engineer and the Palm Beach County Water Utilities Department) shown in this project and for the entire length of the sidewalk fronting Acme Dairy Road. (DRC: PLANNING-Planning) (Previous Planning Condition 24 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

#### SCHOOL BOARD

1. Prior to final DRC certification of the site plan, the petitioner shall revise the site plan to label the school bus stop, turnaround and bus shelter and shall be approved by the School Board. (DRC: SCHOOL BOARD-School Board) (Previous School Board Condition 1 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

2. The property owner shall place a notice of annual boundary school assignments for students from this development. The District will provide an 11" X 17" sign to be posted in a clear and visible location in all sales offices and models with the following:

"Notice to Home Buyers/Tenants"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding overcrowding or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment (s)." (ONGOING: SCHOOL BOARD-School Board) (Previous School Board Condition 2 of Resolution R-2011-1845, Control No. 2002-067) [NOTE: COMPLETED]

#### COMPLIANCE

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

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

a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy (CO); the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or

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

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

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

Exhibit D: Disclosures

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

**DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY**

*[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]*

**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 Lionel Gray, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [ ] individual or [X] President *[position - e.g., president, partner, trustee]* of One Mile Properties, LLC, a Florida Limited Liability Corporation *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

Affiant's address is:

One Mile Properties, LLC  
15321 One Mile Road  
Delray Beach, FL 33446

2. 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.
3. 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.
4. 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.

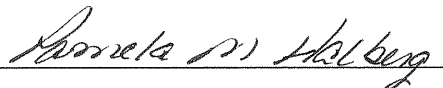


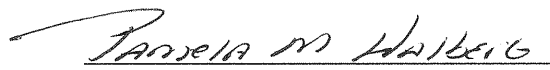
- 5. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
- 6. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

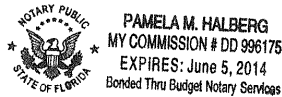
  
 \_\_\_\_\_  
 Lionel Gray, Affiant

The foregoing instrument was acknowledged before me this 10 day of Feb, 2012, by Lionel Gray, the President of One Mile Properties, LLC, [ ] who is personally known to me or [ ] who has produced \_\_\_\_\_ as identification and who did take an oath.

  
 \_\_\_\_\_  
 Notary Public

  
 \_\_\_\_\_  
 (Print Notary Name)

NOTARY PUBLIC  
 State of Florida at Large  
 My Commission Expires: June 5, 2014



**EXHIBIT "A"**

**PROPERTY**

All of Tract 'Y' of "Canyon Lakes Preserve Area No. 5" according to the Plat thereof, as recorded in Plat Book 101, Pages 173 through 175 of the Public Records of Palm Beach County, Florida.

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

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

Name	Address	Ownership Interest
Lionel Gray	15321 One Mile Road Delray Beach, FL 33446	100%

**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

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

STATE OF FLORIDA  
COUNTY OF BROWARD

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

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

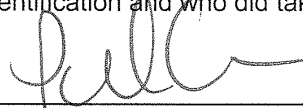
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



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

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



Notary Public

Paola Cameron

(Print Notary Name)

NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: \_\_\_\_\_



Paola Cameron  
COMMISSION # DD983531  
EXPIRES: JUN. 25, 2014  
www.AARONNOTARY.com

**EXHIBIT "A"**

**PROPERTY**

LEGAL DESCRIPTION: CANYON LAKES PRESERVE NO. 2

BEING A PORTION OF TRACTS 1 THROUGH 8 AND TRACTS 16 THROUGH 33 AND A PORTION OF A ROAD, DYKE AND DITCH RESERVATION 30 FEET IN WIDTH, ALL IN BLOCK 69, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF TRACT 48 OF SAID BLOCK 69 AND THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 AS SHOWN ON THAT RIGHT-OF-WAY MAP PREPARED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION, SECTION NO. 93210-2515 AND ACCORDING TO THAT ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 10622, PAGE 830, SAID PUBLIC RECORDS; THENCE NORTH 01°28'29" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 683.27 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°34'36" WEST ALONG A LINE 683.15 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE SOUTH LINE OF TRACTS 40 THROUGH 48 OF SAID BLOCK 69, A DISTANCE OF 3,129.27 FEET; THENCE NORTH 00°22'42" WEST, A DISTANCE OF 1,228.84 FEET; THENCE NORTH 89°36'38" EAST, A DISTANCE OF 285.03 FEET; THENCE NORTH 00°22'42" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 89°36'38" EAST ALONG THE SOUTH LINE OF TRACT 9, SAID BLOCK 69, A DISTANCE OF 339.07 FEET; THENCE NORTH 00°22'32" WEST ALONG THE EAST LINE OF SAID TRACT 9, A DISTANCE OF 635.04 FEET; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-38 CANAL FOR THE FOLLOWING NINE (9) DESCRIBED COURSES, NORTH 89°25'29" EAST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 00°22'32" EAST, A DISTANCE OF 5.28 FEET; THENCE NORTH 89°25'29" EAST, A DISTANCE OF 345.11 FEET; THENCE SOUTH 00°22'27" EAST, A DISTANCE OF 0.40 FEET; THENCE NORTH 89°25'29" EAST, A DISTANCE OF 330.11 FEET; THENCE NORTH 00°22'22" WEST, A DISTANCE OF 0.40 FEET; THENCE NORTH 89°25'29" EAST, A DISTANCE OF 660.22 FEET; THENCE SOUTH 00°22'12" EAST, A DISTANCE OF 0.40 FEET; THENCE NORTH 89°25'29" EAST, A DISTANCE OF 330.11 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, SOUTH 00°22'07" EAST ALONG THE EAST LINE OF SAID TRACT 4, A DISTANCE OF 142.00 FEET; THENCE NORTH 89°25'29" EAST, A DISTANCE OF 796.89 FEET; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 FOR THE FOLLOWING THREE (3) DESCRIBED COURSE, SOUTH 01°06'45" EAST, A DISTANCE OF 1,155.49 FEET; THENCE SOUTH 01°48'05" EAST, A DISTANCE OF 30.01 FEET; THENCE SOUTH 01°28'29" EAST, A DISTANCE OF 637.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 127.855 ACRES, MORE OR LESS.

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

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

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

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

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

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

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

Exhibit E: Termination and Release of Conservation Easement for J&B Tree Farm/Tree Warehouse

Prepared by and Return to:

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

\_\_\_\_\_  
(Space Reserved for Clerk of Court)

**TERMINATION AND RELEASE OF CONSERVATION EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, \_\_\_\_\_ (the "Grantor"), granted and conveyed to and in favor of PALM BEACH COUNTY, a political subdivision of the State of Florida (the "County"), and LAKE WORTH DRAINAGE DISTRICT, a special taxing district existing under the laws of the State of Florida ("LWDD"), that certain Conservation Easement recorded in Official Records Book 16635, Page 10, of the Public Records of Palm Beach County, Florida (the "Conservation Easement"); and

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

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

NOW, THEREFORE, the Grantor, the County and LWDD hereby terminate the Conservation Easement in its entirety and hereby forever free, release, exonerate and discharge the Property therefrom and all of the terms, covenants and conditions thereof and, from and after the date this instrument is recorded in the Public Records of Palm Beach County, Florida, the Conservation Easement shall no longer encumber or affect the Property in any manner or respect whatsoever.

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

[signatures and notary acknowledgments follow on next page]



IN WITNESS WHEREOF, the parties hereto, intending to be legally bound, have executed this Termination and Release of Conservation Easement as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WITNESSES:

GRANTOR:

\_\_\_\_\_,  
a Florida limited liability partnership

By: \_\_\_\_\_,  
a Florida corporation, its general partner

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF BROWARD

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

NOTARY SEAL:

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print Notary Name

My Commission Expires: \_\_\_\_\_

[signatures continue on next page]

THE COUNTY:

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

CLERK

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Approved As To Form And To Legal Conditions

By: \_\_\_\_\_  
County Attorney

[signatures continue on next page]

WITNESSES:

LWDD:

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

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

Attest: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

EXHIBIT "A"

The Property

# COBWRA

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

April 20, 2012

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

Dear Kevin:

**Regarding:**

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

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

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

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

- OFFICERS
- KEN LASSITER  
President
- STUART CAINE  
First Vice President
- DAGMAR BRAHS  
Second Vice President
- DEBBIE MURPHY  
Secretary
- MADELYN SAUL  
Treasurer
- DIRECTORS
- BONNIE COHEN
- STANLEY KAZERMAN
- GERRY MORRISON
- MYRNA ROSOFF
- MITCH RUBIN
- CHRISTINE SONIA
- PAST PRESIDENTS
- BARBARA KATZ
- SANDRA GREENBERG
- LEW DOCTOR
- DAGMAR BRAHS
- EUGENE SOKOLOFF
- PAUL GELLIS
- AL MILLER
- PHILIP LESLIE
- KENNETH SANDEN
- DR. R. CARRINGTON

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



CERTIFIED MAIL – RETURN RECEIPT REQUIRED

April 26, 2012

RE: Canyon Lakes AGR-PUD

Canyon Lakes Homeowners Association  
 c/o Continental Group, Inc.  
 Attn: Edward Hartman President  
 8771 Canyon Lakes Drive  
 Boynton Beach, FL 33473

U.S. Postal Service™		<b>CERTIFIED MAIL™ RECEIPT</b>	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>			
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>			
<b>OFFICIAL USE</b>			
Postage	\$		4/26/12 Postmark Here
Certified Fee			
Return Receipt Fee <small>(Endorsement Required)</small>			
Restricted Delivery Fee <small>(Endorsement Required)</small>			
Total Postage and Fees			
Sent To		Canyon Lakes Homeowners Association c/o Continental Group, Inc.	
Street, Apt. No. or PO Box		Attn: Edward Hartman, President 8771 Canyon Lakes Drive	
City, State, ZIP+4®		Boynton Beach, FL 33473	
PS Form 3800, August 2006		See Reverse for Instructions	

Dear Mr. Hartman:

As requested by Palm Beach County, we are submitting this formal letter along with a consent form for your review and signature. As you are already aware, from attending the presentation on March 27<sup>th</sup>, 2012, Boynton Beach Associates XXIV, LLLP (hereinafter referred to as "Boynton Beach Associates") has submitted a Development Order Amendment (DOA) to Palm Beach County Zoning Division to swap out preserve areas from the Canyon Lakes AGR-PUD with other preserve area with the AG Reserve. The overall Canyon Lakes AGR-PUD will include 7 preserve parcels which are tied to the development parcel as required preserve areas. The Canyon Lakes AGR-PUD was last approved by the Palm Beach County Board of County Commissioners on December 1, 2011 via Resolution R2011-1845.

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

After meeting with Palm Beach County Zoning staff, they requested that we send the property owners of the associated preserves a consent form and a letter explaining the process. As the Canyon Lakes HOA is an owner of one of the preserve areas, Preserve Area No. 1; Rural Parkway as recorded in (O.R. 16635, Page 86) we respectfully request that you sign the attached consent form where noted and obtain a notary seal before sending back to us in the enclosed self addressed stamped envelope.

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