

RESOLUTION NO. R-2005- 1135

RESOLUTION APPROVING ZONING APPLICATION PDD2005-017  
(CONTROL NO. 200514)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
APPLICATION OF KENCO ANSCA DELRAY HOLDINGS LLC  
BY KILDAY & ASSOCIATES, INC., AGENT  
( DELRAY HOLDINGS 282 PUD )

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

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

WHEREAS, Zoning Application PDD2005-017 was presented to the Board of County Commissioners at a public hearing conducted on June 15, 2005; and,

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

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application PDD2005-017, the application of Kenco Anasca Delray Holdings LLC by Kilday & Associates, Inc., agent, for an Official Zoning Map Amendment from the Agricultural Reserve Zoning District to the Agricultural Reserve Planned Unit Development District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 15, 2005, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner AARONSON moved for the approval of the Resolution.

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

Tony Masilotti, Chair	-	AYE
Addie L. Greene, Vice Chairperson	-	AYE
Karen T. Marcus	-	AYE
Jeff Koons	-	AYE
Warren H. Newell	-	AYE
Mary McCarty	-	ABSENT
Burt Aaronson	-	AYE

The Chairman thereupon declared that the resolution was duly passed and adopted on June 15, 2005.

Filed with the Clerk of the Board of County Commissioners on 20th day of JULY, 2005.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF BLOCK 62, "PALM BEACH FARMS COMPANY PLAT NO. 3", AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 6, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF TRACT 92, OF SAID BLOCK 62, "PALM BEACH FARMS COMPANY PLAT NO. 3"; THENCE N.00°23'28"W. ALONG THE EAST LINE THEREOF, A DISTANCE OF 29.70 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-30, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, AND THE POINT OF BEGINNING; THENCE S89°07'26"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 660.02 FEET; THENCE S00°23'28"E ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 5.28 FEET; THENCE S89°07'26"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 3990.14 FEET; THENCE N00°23'28"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 0.84 FEET; THENCE S89°07'26"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 501.00 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL E-1, AS RECORDED IN OFFICIAL RECORD BOOK 1994, PAGE 1663 OF SAID PUBLIC RECORDS ; THENCE N01°01'21"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 34.74 FEET; THENCE N89°07'26"E, A DISTANCE OF 501.38 FEET; THENCE N00°23'28"W, A DISTANCE OF 60.00 FEET; THENCE S89°07'26"W, A DISTANCE OF 502.04 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SAID CANAL E-1; THENCE N01°01'21"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2,304.96 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-29, AS RECORDED IN DEED BOOK 113, PAGE 356 OF SAID PUBLIC RECORDS; THENCE N89°36'32"E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 527.42 FEET; THENCE S00°23'28"E, A DISTANCE OF 0.28 FEET; THENCE N89°36'32"E, A DISTANCE OF 1,980.00 FEET; THENCE N00°23'28"W, A DISTANCE OF 1.32 FEET; THENCE N89°36'32"E, A DISTANCE OF 360.00 FEET; THENCE N00°23'28"W, A DISTANCE OF 1.32 FEET; THENCE N89°36'32"E, A DISTANCE OF 660.00 FEET; THENCE S00°23'28"E, A DISTANCE OF 0.36 FEET; THENCE N89°36'32"E, A DISTANCE OF 660.00 FEET; THENCE N00°23'28"W, A DISTANCE OF 0.36 FEET; THENCE N89°36'32"E, A DISTANCE OF 660.00 FEET; THENCE S00°23'28"E, A DISTANCE OF 0.36 FEET; THENCE N89°36'32"E, A DISTANCE OF 355.00 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THAT CERTAIN 25.00 FOOT WIDE STRIP OF RIGHT-OF-WAY RELEASED BY PALM BEACH COUNTY, AS RECORDED IN OFFICIAL RECORD BOOK 15097, PAGE 648 OF SAID PUBLIC RECORDS (THE PREVIOUS THIRTEEN COURSES AND DISTANCES BEING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID CANAL L-29, AS RECORDED IN DEED BOOK 113, PAGES 258 AND 356; OFFICIAL RECORD BOOK 1732, PAGE 612, AND OFFICIAL RECORD BOOK 6495, PAGE 761, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.); THENCE S00°23'28"E ALONG SAID EAST LINE, A DISTANCE OF 2,353.30 FEET; THENCE S89°07'26"W, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.  
CONTAINING 12,313,538 SQUARE FEET OR 282.680 ACRES, MORE OR LESS.

ALSO KNOWN AS:

THE FOLLOWING DESCRIBED PROPERTY WITHIN BLOCK 62, "THE PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

TRACTS 49 TO 92, IN BLOCK 62;  
TOGETHER WITH THAT 30' STRIP LYING BETWEEN TRACTS 57, 64, 81, 88 AND 80, 89, 65, 56, BLOCK 62;  
TOGETHER WITH THAT 30' STRIP LYING SOUTH OF TRACTS 61 THROUGH 72, BLOCK 62;  
TOGETHER WITH THAT 25' STRIP LYING EAST OF TRACTS 49, 72, 73, 92, BLOCK 62, LESS THE NORTH 36 FEET AND THE SOUTH 29.7 FEET OF SAID 25' STRIP;

LESS THE FOLLOWING DESCRIBED PROPERTY OWNED BY LAKE WORTH DRAINAGE DISTRICT:

THE NORTH 36 FEET OF TRACTS 49, 52 AND 53, IN BLOCK 62.  
THE NORTH 35.64 FEET OF TRACTS 50, 51, 54 AND 55, IN BLOCK 62.  
THE NORTH 36.96 FEET OF TRACT 56 IN BLOCK 62.  
THE NORTH 38.28 FEET OF TRACTS 57, 58 AND 59, IN BLOCK 62.  
THE NORTH 38 FEET OF TRACT 60, IN BLOCK 62.  
THE SOUTH 25.26 FEET OF TRACT 85 IN BLOCK 62.  
THE SOUTH 24.42 FEET OF TRACTS 86, 87, 88, 89, 90 AND 91, IN BLOCK 62.  
THE SOUTH 29.70 FEET OF TRACT 92 IN BLOCK 62.

AND LESS THE FOLLOWING DESCRIBED PROPERTY OWNED BY PALM BEACH COUNTY:

THE NORTH 60.00 FEET OF THE SOUTH 120.00 FEET OF TRACT 85, IN BLOCK 62.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.  
CONTAINING 12,313,538 SQUARE FEET OR 282.680 ACRES, MORE OR LESS.

TITLE EXCEPTIONS THAT ARE NOT PLOTTED FOR CLARITY:

6. ASSIGNMENT OF RIGHTS IN RESERVATIONS FROM CENTRAL AND SOUTHERN FLORIDA CONTROL DISTRICT TO LAKE WORTH DRAINAGE DISTRICT DATED MARCH 17, 1972, FILED FOR RECORD MARCH 27, 1972, IN OFFICIAL RECORDS BOOK 1994, PAGE 1615, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

7. ASSIGNMENT OF RIGHTS IN RESERVATIONS FROM CENTRAL AND SOUTHERN FLORIDA CONTROL DISTRICT TO LAKE WORTH DRAINAGE DISTRICT DATED MARCH 17, 1972, FILED FOR RECORD MARCH 27, 1972, IN OFFICIAL RECORDS BOOK 2014, PAGE 1517, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

9. THIS POLICY DOES NOT INSURE AGAINST THE EXERCISE OF THE LAKE WORTH DRAINAGE DISTRICT OF ITS REQUIRED RIGHTS-OF-WAY AS SHOWN IN OFFICIAL RECORDS BOOK 1732, PAGE 612, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

11. ALL MATTERS CONTAINED IN THE PLAT OF THE PLAM BEACH FARMS CO. PLAT NO. 3 IN PALM BEACH COUNTY, FLORIDA, PLAT BOOK 2, PAGE 45 TO 54, INCLUSIVE.

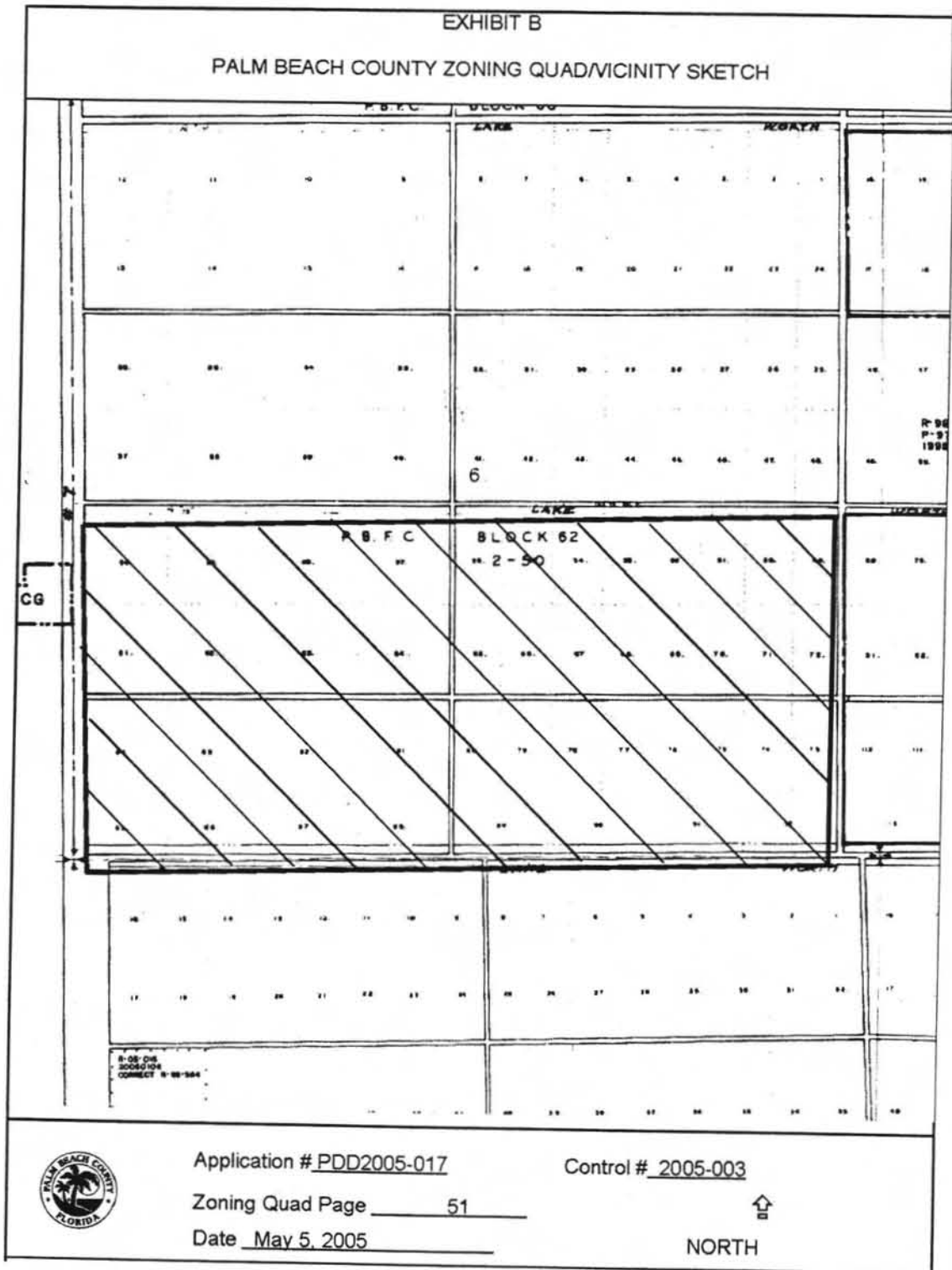
**NOTES:**

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. LANDS SHOWN HEREON WERE ABSTRACTED BY ATTORNEYS' TITLE INSURANCE FUND, INC., COMMITMENT NO. CF-0739155, DATED DECEMBER 3, 2004.
3. BEARINGS SHOWN HEREON ARE RELATIVE TO ASSUMED DATUM BASED ON THE SOUTH LINE OF TRACTS 85-92, BLOCK 62, "PALM BEACH FARMS COMPANY PLAT NO. 3", AS RECORDED IN PLAT BOOK 2, PAGES 45-54. BEARING S.89°07'26"W.
4. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
5. IMPROVEMENTS NOT LOCATED PER CLIENTS REQUEST.
6. POSITION OF SECTION CORNERS DETERMINED BY ADAIR & BRADY, INC. HAVE BEEN ACCEPTED TO ESTABLISH BOUNDARY LINES WITHIN THE "PALM BEACH FARMS COMPANY PLAT NO. 3", TO MAINTAIN HARMONY WITH PREVIOUS SURVEYS OF BLOCK 62 AND 63.  
THE POSITION OF SECTION CORNERS DETERMINED BY THE PALM BEACH COUNTY SURVEY DEPARTMENT HAVE BEEN USED TO ESTABLISH THE EAST RIGHT-OF-WAY LINE OF THE L.W.D.D. CANAL E-1 AND STATE ROAD 7, AS DELINEATED ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP OF STATE ROAD 7, SECTION 93210-2524.
7. THIS SURVEY DOES NOT IDENTIFY THE LIMITS OR EXTENTS OF POTENTIAL JURISDICTIONAL BOUNDARYS.
8. FLOOD ZONE "B", COMMUNITY PANEL NO. 120192 0200A, DATE 2/1/79.

**CERTIFICATE:**

THIS IS TO CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA, ACSM LAND TITLE SURVEYS", JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999, AND INCLUDES ITEMS 1,2,3,4,9,10,11A OF TABLE A THEREOF, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS, AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT THE POSITIONAL UNCERTAINTIES RESULTING FROM THE SURVEY MEASUREMENTS MADE ON THE SURVEY DO NOT EXCEED THE ALLOWABLE POSITIONAL TOLERANCE.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVALS

#### ALL PETITIONS

1. Development of the site is limited to the uses or site design approved by the Board of County Commissioners. The approved Master plan is dated March 18, 2005. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING -Zoning)

#### ENGINEERING

1. The property owner/developer shall be restricted to the following phasing schedule:
  - a. No Certificates of Occupancy shall be issued until Flavor Pict Road has been constructed as a 2 lane facility from SR 7 to the Project's Entrance Road. (CO: MONITORING-Eng)
  - b. No Building Permits for the site shall be issued after January 1, 2008. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)
2. Prior to issuance of a Land Development Permit by Palm Beach County, the property owner shall obtain construction permit approval for Flavor Pict Road as a 2 lane facility (expandable to a 6 lane facility) from SR 7 to the Project's Entrance Road. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. (LAND DEVELOPMENT PERMIT: ENGINEERING-Eng)
3. Prior to the issuance of the first Certificate of Occupancy, the property owner shall complete the construction of Flavor Pict Road as a 2 lane facility (expandable to a 6 lane facility) from SR 7 to the Project's Entrance Road. These construction plans shall be approved by the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. (CO: MONITORING - Eng)
4. This PUD shall be restricted to a 400 foot setback measured from the existing east right of way line of SR 7 for all dwelling units. The required setback and landscape buffer, shall be shown on the Final Subdivision and Preliminary/Final Development Plans for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ZONING-Eng)
5. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING-Eng)
6. Prior to January 15, 2006, the property owner shall fund the construction plans and the construction of Flavor Pict Road from Lyons Road to the Project's Entrance Road as a 2 lane facility (expandable to a 6 lane facility). Funding shall be based on 110% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. Funding shall include left turn lane intersection improvements at the intersection of Flavor

Pict Road and Lyons Road and left turn lane intersection improvements at the intersection of Flavor Pict Road and the Project's Entrance Road. (DATE: MONITORING-Eng)

7. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Flavor Pict Road and SR 7. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. (ONGOING)
8. Building Permits for more than 250 dwelling units shall not be issued until the developer provides acceptable surety in the form of a cash bond or escrow agreement for the installation of signalization identified above to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING-Eng).
9. In order to request release of the monies for the traffic signal for this intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at Flavor Pict Road and SR 7. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: ENGINEERING-Eng)
10. CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY - LYONS ROAD AND FLAVOR PICT ROAD

The property owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed for:

- a) Lyons Road 55 feet from centerline;
- b) Flavor Pict Road 120 feet of right of way
- c) Sufficient Right of way to provide for an Expanded Intersection at Flavor Pict Road and Lyons Road

All right of way shall be dedicated prior to July 1, 2006. All Right of way conveyances shall be free of all encumbrances and encroachments on an alignment approved by the County Engineer. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE: MONITORING-Eng)

11. Prior to issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Flavor Pict Road at the project's entrance road. This right of way shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include corner clips" where



appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG: MONITORING-Eng)

12. The Property owner shall construct:

- a. Left turn lane north approach on SR 7 at Flavor Pict Road
- b. Right turn lane south approach on SR 7 at Flavor Pict Road
- c. Left turn lane east approach on Flavor Pict Road at SR 7
- d. Right turn lane east approach on Flavor Pict Road at SR 7
- e. Right turn lane west approach on Flavor Pict 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 this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- 1) Permits required by Palm Beach County for the construction in E12a. - E12e. shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)

Construction for the improvements in E9a. - E9e shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING- Eng)

13. Prior to July 1, 2006 the property owner shall convey a temporary roadway construction easement along Lyons Road and Flavor Pict 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. (DATE: MONITORING-Eng)

14. On or before July 1, 2006, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Lyons Road and Flavor Pict Road along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20-foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County, which at its discretion may use this fill material. (DATE: MONITORING-Eng)

15. 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 both Lyons Road and Flavor Pict 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)
16. 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 January 15, 2007 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: MONITORING-Eng)
17. The subject property shall be appropriately signed by the developer to reflect Lyons Road and Flavor Pict Road as thoroughfares. Sign shall be installed 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)

#### ENVIRONMENTAL

1. An Exotic Removal Management Plan, covering all of the conservation parcels, shall be approved by ERM prior to final DRC site plan approval.
2. All Restricted Covenant Agreements and Conservation Easements for all of the Conservation Parcels, shall be submitted to ERM for review and approval prior to recordation.
3. A disclosure statement shall be drafted by the petitioner and approved by ERM prior to final site plan approval. The disclosure statement shall reveal to the potential home buyer that the uses of properties surrounding their Planned Unit Development may include, but are not limited to, active agriculture, a potential solid waste facility and all other uses that may be permitted within the conservation parcels. The document shall further describe all activities associated with those uses and how they may impact their potential quality of life should they purchase within this community.

#### HEALTH

1. The property owner shall utilize Best Management Practices (BMP) to minimize mosquito-breeding in the surface water management system and areas of wetlands on the site. The BMP must include mosquito control methods that minimize the need for chemical pesticides application, and reduce potential impacts of mosquito control activities on the surrounding natural areas. (ONGOING:CODE ENF-ERM-Health)
2. Prior to final DRO certification, the petitioner shall submit a Best Management Practices (BMP) Plan for the management of equestrian waste on the site. The BMP Plan shall be acceptable to the Palm Beach County Health Department, and must include an off-site equestrian waste disposal plan. (DRO: HEALTH-Health)
3. Prior to the issuance of the first certificate of occupancy, the BMP Plan approved by the Palm Beach County Health Department shall be incorporated into the governing documents of the homeowners association. (ONGOING: HEALTH-Health)

4. No revision, addition, or modification to the Best Management Practices (BMP) Plan for equestrian waste management shall be made or incorporated into the homeowners association's governing documents without the prior approval of the Palm Beach County Health Department. (ONGOING: HEALTH-Health)

#### ZONING – LANDSCAPING

1. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF LYONS ROAD)

In addition to the proposed landscaping and buffering program and code requirements, landscaping within the Rural Parkway easement along the east property line shall be upgraded to include:

- a. a minimum one hundred (100) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum eight (8) foot wide meandering equestrian trail shall be provided;
- c. a minimum eight (8) foot wide meandering pedestrian walkway shall be provided; and
- d. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: ZONING -Landscape)

2. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING LWDD L-30 CANAL)

In addition to code requirements and the proposed planting program, landscaping within the buffer width along the south property line shall be upgraded to include:

- a. a minimum fifty (50) foot wide landscape buffer strip along that portion of the south property line and as shown on the site plan dated March 18, 2005; and
- b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: ZONING-Landscape)

3. A minimum of 50 percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: ZONING -Landscape)

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

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: ZONING-Landscape)

5. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: ZONING-Landscape)
6. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: ZONING-Landscape)
7. Prior to final approval by the Development Review Officer (DRO), all landscape focal points shall be:
  - a. subject to review and approval by the Landscape Section; and,
  - b. reflected on the Regulating Plan. (DRO: ZONING - Landscape)

## PLANNING

1. Prior to recordation of a plat for the Delray Holdings Development Area, the property owner is responsible for the recordation of a boundary plat for the preserve parcel north of Flavor Pict Road and shall include on said boundary plat, language limiting the parcel to Agricultural Reserve preservation uses as permitted by conditions in this Resolution, the Comprehensive Plan Objective 1.5, and Policies of the Future Land Use Element. (PLAT: PLANNING/ENG - Planning)
2. Prior to final site plan approval by the Development Review Officer (DRO), the applicant shall provide a Rural Parkway Landscape Plan, for the entire Delray Holdings 282 PUD Rural Parkway Preserve area, subject to approval by the Planning Division, to include a minimum of 60% native shrubs and a minimum of 90% native trees and palms. (DRO: PLANNING - Planning)
3. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall provide an AGR/PUD Preserve and Development Parcel Location Map" as an addendum to the Master Plan. This addendum shall also indicate the location, access, acreage, and permitted uses within the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code (ULDC). (DRO: PLANNING - Planning)
4. Prior to final site plan approval by the Development Review Officer (DRO), a management plan for all of the preservation areas shall be submitted. The property owner shall also submit a commitment letter indicating that these preservation properties will remain in their same state from the time of development approval to the final recordation of the conservation easement. The management plan shall contain a legal description and sketch of each parcel, an inventory of existing uses and environmental assets on each site, and a plan approved and enforced by the Department of Environmental Resources (ERM) for exotic removal and maintenance on each of the sites. (DRO: PLANNING/ERM - Planning)
5. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall add a Preservation Area/Proposed Uses" notes section on page 1 of the Master Plan and include the following:
  - a. The preservation areas approved as part of Application # 2005-017 shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement:

### PERMITTED USES:

- 1) Crop production, pasture, or equestrian purposes or may be retained as fallow land;

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

**NOT PERMITTED:**

- 7) Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses, other than security/caretakers quarters and grooms quarters, be accommodated thereon.
  - 8) No residential units or farm residences (whether existing or proposed) shall be allowed within the preserve area. (DRO/ONGOING: PLANNING - Planning)
6. Prior to plat recordation for the Delray Holdings 282 PUD development area, the conservation easements for all of the Preservation parcels shall be recorded, as approved by the County Attorney's Office, the Department of Environmental Resources Management, and the Planning Division.
- a. The conservation easements for all of these preserve parcels shall contain:
    - 1) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;
    - 2) a list of permitted uses, uses not permitted, and prohibited activities.
  - b. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. (PLAT: PLANNING - ENG/CTY ATTY/ERM-Planning)
7. Prior to plat recordation for the Delray Holdings 282 Development area, 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' Lyons Road Rural Parkway Preserve Area shall contain:
- a. A Rural Parkway Landscape Plan that conforms with the approved Rural Parkway Landscape Plan, but not be limited to the following items:
    - 1) 90% native trees and palms, and 60% native shrubs;
    - 2) A multipurpose path and an equestrian path;

- 3) Undulating berms, no taller than five feet;
  - 4) Benches/pedestrian gathering area with a water fountain. At least one (1) pedestrian gathering area shall be provided within the 100-foot wide Lyons Road Rural Parkway along this project frontage.
- b. The Rural Parkway easement shall not include:
- 1) Walls;
  - 2) Structures, with the exception of a bus shelter, benches/pedestrian gathering area, and water fountains.
- c. The Rural Parkway easement may include:
- 1) A bus stop easement,
  - 2) 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, and
  - 3) 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 this easement 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 May 1st, 2008, 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: PLANNING - ENG/CTY ATTY/ERM/Planning)
8. Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to May 1st, 2008, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. No administrative time extension for this condition shall be allowed. (DATE: MONITORING/PLANNING/ENG/CO ATTY - Planning)
9. Prior to the issuance of a building permit for the 100th unit, the property owner shall commence construction of the Rural Parkway. (BLDG PERMIT: MONITORING - Planning)
10. Prior to Certificate of Occupancy for the 250th unit, the property owner shall complete construction of the Rural Parkway. (CO: MONITORING Planning)
11. Prior to the issuance of a building permit for the 100th unit, the property owner shall commence construction of the equestrian center and onsite equestrian trail system consistent with the approved master plan. (BLDG PERMIT: MONITORING - Planning)

12. Prior to Certificate of Occupancy for the 250th unit, the property owner shall complete construction of the equestrian center and onsite equestrian trail system consistent with the approved master plan. (CO: MONITORING-Planning)

#### PREM - CIVIC SITE DEDICATION

1. **Platting & Deed.**

The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 2.07 acre linear public civic site (net usable area minus any buffers), located adjacent to the Flavor Pict Road southern right of way line by November 1, 2006. Developer to plat and dedicate the civic site to Palm Beach County as 17.3 ft. of property along the entire length of Flavor Pict Road (southern side only from SR7 to Lyons Road). This linear property will constitute the civic site requirement of this PUD but will be included on the south side of Flavor Pict Road as additional right of way for the purpose of constructing a 10' multipurpose pathway. Prior to conveying the deed, the property owner shall have satisfied each of the following conditions prior to deed conveyance.

  - a) **Title**

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

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

Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.
  - d) **Retention and Drainage**

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

    - 1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.
    - 2) As easement across Property owner's property from the proposed civic site to the retention basins, if required.
  - e) **On-Site Inspections**

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

- f) **Buildable Grade**  
Prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department and FDOT multipurpose pathway standards. (DATE:MONITORING-PREM)

2. **Survey**

The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by September 1, 2006 . Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

- a) The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
- b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
- c) The survey should include a location of any proposed water retention area that will border the civic site.

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

3. **Environmental Survey**

The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by September 1, 2006 . The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

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

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

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

- 1) EPA's National Priorities list (NPL)
  - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
  - 3) Hazardous Waste Data Management System List (HWDMS).
- c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
  - d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.
  - e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.



- f) If the Phase I audit indicates that a Phase II is necessary, then the Developer shall be required to provide that audit as well. (DATE:MONITORING-Prem)

4. Construction and Maintenance

- a) The property owner shall improve the linear civic site with a 10-foot multipurpose pathway concurrent with Flavor Pict Road improvements outlined in Engineering condition #13, including all costs and utility relocations from SR7 east to the entrance of the development. The multipurpose pathway shall be constructed in place of required sidewalk improvements. (South side of Flavor Pict Road from SR7 to Lyons Road only)
- b) The property owner shall improve the linear civic site with a 10' multipurpose pathway concurrent with Flavor Pict Road improvements which occur east of the development entrance, up to and connecting to, the 100-foot rural parkway pedestrian walkway along Lyons Road.
- c) The property owner shall construct the pathway according to FDOT multipurpose pathway standards.
- d) The property owner shall provide Landscaping and pathway design which compliments the landscape and design plan of the 100' rural parkway.
- e) The property owner shall be required to maintain the linear civic site (from SR7 to the development entrance) until such time as Traffic Engineering has signed off that the road and multipurpose pathway is complete. At such time, maintenance of the pathway shall become the Right of Way maintenance obligation of the County Engineering Department.
- f) The property owner shall be required to maintain the linear civic site (from the development entrance to Lyons Road) until such time as Traffic Engineering has signed off that the road and multipurpose pathway is complete. At such time, maintenance of the pathway shall become the Right of Way maintenance obligation of the County Engineering Department. (BLDG PERMIT: MONITORING-Eng)

ZONING-PLANNED UNIT DEVELOPMENT

- 1. Prior to final approval by the Development Review Officer (DRO), architectural elevations for any project signage, gatehouse, school bus shelter, entry feature, and recreation/clubhouse building shall be submitted for review and approval by the Architectural Review Section. All elevations shall be:
  - a. given a similar architectural treatment that is generally consistent with the architectural character of the proposed residential units; and,
  - b. reflected on the Regulating Plan. (DRO: ZONING- Arch Review)
- 2. Prior to final approval by the Development Review Officer (DRO), the Master/Site Plans shall be amended to indicate a minimum of one (1) fountain within all lake tracts. The location of these fountains shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)
- 3. Prior to recordation of the first plat, all property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:

- a. Formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.
  - b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.
  - c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG/COUNTY ATTY - Zoning)
4. Prior to the issuance of a Certification of Occupancy (CO) for each residential unit, the entire driveway surface shall be paved of stamped concrete, brick, precast concrete block, or other decorative material of similar character. (CO: ZONING- Landscape)
  5. Prior to the issuance of a building permit for the 100th unit, a Certificate of Occupancy (CO) shall be issued for a clubhouse or similar common building exceeding 2,500 total square feet on the 1.73-acre recreation parcel. This facility shall be equipped with a generator that complies with the following requirements:
    - a. a minimum load capacity of .02 kw per building square foot;
    - b. operates essential electrical systems, including A/C systems, for a minimum of thirty percent (30%) of the gross interior floor area of the building;
    - c. an aboveground fuel storage system, or an alternative fuel storage system that is acceptable to Palm Beach County, with a minimum capacity that is acceptable to the Building Division shall be located adjacent to the generator;
    - d. setback in accordance with the Property Development Regulations for a (Recreation or Civic) Pod in accordance with ULDC Table 3.E.2.D-16;
    - e. screened from view on all sides by an opaque barrier constructed of compatible materials, color and character as the building or equivalent landscaping;
    - f. subject to review and approval by the Building Division; and,
    - g. deviation from these requirements and/or required building size shall be permitted if consistent with future ULDC regulations. (BLDG PERMIT: MONITORING - Zoning)

#### SCHOOL BOARD

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

**"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"**

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD)

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

## COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
  - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
  - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
  - d. Referral to code enforcement; and/or
  - e. Imposition of entitlement density or intensity.

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

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