

RESOLUTION NO. R-2006-0932

RESOLUTION APPROVING ZONING APPLICATION PDD2005-1460
(CONTROL NO. 2005-323)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF J LENDACKI, KIT SHIOTANI, MARION BAILEY, SOUTH FLORIDA
WATER MANAGEMENT DISTRICT, SWANEY PROPERTIES LLC, WILLIAM
CHINNICK CHARITABLE FOUNDATION INC.
BY KILDAY & ASSOCIATES, INC., AGENT
(RAVELLO AGR PUD)

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

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

WHEREAS, Zoning Application PDD2005-1460 was presented to the Board of County Commissioners at a public hearing conducted on May 25, 2006; and,

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application PDD2005-1460, the application of J Lendacki, Kit Shiotani, Marion Bailey, South Florida Water Management District, Swaney Properties LLC, William Chinnick Charitable Foundation Inc. by Kilday & Associates, Inc., Agent, for an Official Zoning Map Amendment to a Planned Development District from the Agricultural Reserve Zoning District to the Agricultural Reserve Residential 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 May 25, 2006, 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 Marcus and, upon being put to a vote, the vote was as follows:

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

The Chairman thereupon declared that the resolution was duly passed and adopted on May 25, 2006.

Filed with the Clerk of the Board of County Commissioners on 13th day of June, 2006

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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY



BY: 
DEPUTY CLERK 

EXHIBIT A

LEGAL DESCRIPTION

RAVELLO DEVELOPMENT PARCEL:

TRACTS 41 THROUGH 44, INCLUSIVE, LESS THE NORTH 110.00 FEET THEREOF FOR BOYNTON CANAL RIGHT-OF-WAY; TRACTS 53 THROUGH 56, INCLUSIVE; TOGETHER WITH THAT 30.00 FOOT PLATTED ROADWAY, LYING BETWEEN SAID TRACTS 53 THROUGH 56 AND TRACTS 73 THROUGH 76; TOGETHER WITH THE WEST HALF OF THAT 30.00 FOOT PLATTED ROADWAY, LYING EAST OF AND ADJACENT TO SAID TRACT 41, LESS THE NORTH 110.00 FEET FOR BOYNTON CANAL RIGHT-OF-WAY, AND ADJACENT TO SAID TRACT 56, AND ADJACENT TO THAT SAID 30.00 FOOT PLATTED ROADWAY LYING BETWEEN TRACTS 53 THROUGH 56 AND TRACTS 73 THROUGH 76, ALL IN BLOCK 50 OF THE "PALM BEACH FARMS CO. PLAT NO. 3", AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA IN PLAT BOOK 2, PAGES 45 THROUGH 54.

TOGETHER WITH:

TRACTS "A", "B", AND "W", "ST. JOSEPH'S SCHOOL", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 101, PAGES 89 AND 90, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 101.857 ACRES, MORE OR LESS.

PRESERVE AREA # 1 & 2

LEGAL DESCRIPTION – BAILEY PARCEL

TRACTS 49 THROUGH 56, BLOCK 18, "PALM BEACH FARMS COMPANY PLAT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 40.639 ACRES, MORE OR LESS.

PRESERVE AREA #3

LEGAL DESCRIPTION - SHIOTANI, PEARLSTEIN, HOLLINGSWORTH

TRACTS 57, 58, 59 AND 60, BLOCK 17, "PALM BEACH FARMS COMPANY PLAT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE SOUTH 15.00 FEET OF SAID TRACTS 57 THROUGH 60 AND LESS THE WEST 15.00 FEET OF SAID TRACT 57 (SAID 15.00 FOOT STRIPS SHOWN AS RIGHT-OF-WAY EASEMENTS ON SAID PLAT) ALSO LESS AND EXCEPT THAT PORTION OF SAID TRACT 60 LYING IN THE RIGHT-OF-WAY OF THE LAKE WORTH DRAINAGE DISTRICT E-2 CANAL.

ALSO LESS AND EXCEPT THE EAST 15.00 FEET OF THE WEST 30.00 FEET OF SAID TRACT 57, LESS THE NORTHERLY 15.00 FEET THEREOF.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 19.00 ACRES, MORE OR LESS.

PRESERVE AREA #3 (Shiotani et.al.) – CONSERVATION EASEMENT

A PORTION OF TRACTS 57, 58, 59 AND 60, BLOCK 17, "PALM BEACH FARMS COMPANY PLAT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 57; THENCE NORTH 01°07'28" WEST, ALONG THE WEST LINE OF SAID TRACT 57, A DISTANCE OF 15.00 FEET; THENCE NORTH 89°00'39" EAST, ALONG A LINE 15.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 57, A DISTANCE OF 30.00 FEET; THENCE NORTH 01°07'28" WEST, ALONG A LINE 30.00 FEET EAST OF AND PARALLEL WITH SAID WEST LINE OF TRACT 57, A DISTANCE OF 310.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°07'28" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 335.62 FEET; THENCE SOUTH 89°12'45" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 01°07'28" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 89°12'45" EAST, ALONG THE NORTH LINE OF SAID TRACTS 57, 58, 59, AND 60, A DISTANCE OF 1269.81 FEET; THENCE SOUTH 01°24'01" EAST, ALONG THE WEST LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-2 CANAL, A DISTANCE OF 656.21 FEET; THENCE SOUTH 89°00'39" WEST, ALONG A LINE 15.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 57, 58, 59, AND 60, A DISTANCE OF 666.85 FEET; THENCE NORTH 01°07'28" WEST, A DISTANCE OF 385.03 FEET; THENCE SOUTH 88°52'32" WEST, A DISTANCE OF 453.27 FEET; THENCE SOUTH 01°07'28" EAST, A DISTANCE OF 22.53 FEET; THENCE SOUTH 88°52'32" WEST, A DISTANCE OF 15.18 FEET; THENCE SOUTH 01°07'28" EAST, A DISTANCE OF 51.10 FEET; THENCE SOUTH 88°52'32" WEST, A DISTANCE OF 122.65 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 14.00 ACRES, MORE OR LESS.

PRESERVE AREA #4

LEGAL DESCRIPTION - LENDACKI

PARCEL "A"

THE EAST ONE-HALF (1/2) OF THE FOLLOWING DESCRIBED PROPERTY:

BEING A PARCEL OF LAND IN THE NORTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING DELINEATED ON THE ADAIR & BRADY, INC., SURVEY DRAWING NO. FP-1298 AS REVISED IN 1996, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 1 AS MARKED BY AN 8" ROUND CONCRETE MONUMENT WITH A DISK INSCRIBED "PRECISE SURVEY CITY OF WEST PALM BEACH" AS SET BY BROCKWAY, WEBER & BROCKWAY; THENCE SOUTH 00°54'39" EAST (STATE PLANE GRID BEARING DATUM) ALONG THE EAST LINE OF SECTION 1, A DISTANCE OF 2037.63 FEET TO AN IRON ROD; THENCE SOUTH 89°28'27" WEST, 87.75 FEET TO THE POINT OF BEGINNING, BEING A 1" PIPE IN CONCRETE ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 AS RECORDED IN PLAT BOOK 1, PAGE 38, PUBLIC RECORDS OF PALM BEACH

COUNTY, FLORIDA; THENCE SOUTH 89°28'27" WEST, 1328.96 FEET TO A 1" PIPE IN CONCRETE; THENCE SOUTH 01°04'59" EAST, 330.02 FEET TO A 1" PIPE IN CONCRETE; THENCE NORTH 89°28'27" EAST. 1329.48 FEET TO A 1" PIPE IN CONCRETE ON SAID WEST RIGHT-OF-WAY LINE OF S.R. 7; THENCE NORTH 01°10'24" WEST ALONG SAID RIGHT-OF-WAY LINE, 330.02 FEET TO THE POINT OF BEGINNING.

AND

PARCEL "B"

LESS THE EAST ONE-HALF OF THE FOLLOWING PROPERTY:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 1 AS MARKED BY AN 8" ROUND CONCRETE MONUMENT WITH A DISK INSCRIBED "PRECISE SURVEY CITY OF WEST PALM BEACH" AS SET BY BROCKWAY, WEBER & BROCKWAY; THENCE SOUTH 00°54'39" EAST (STATE PLANE GRID BEARING DATUM) ALONG THE EAST LINE OF SECTION 1, A DISTANCE OF 2037.63 FEET TO AN IRON ROD; THENCE SOUTH 89°28'27" WEST, 87.75 FEET TO THE POINT OF BEGINNING, BEING A 1" PIPE IN CONCRETE ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 AS RECORDED IN PLAT BOOK 1, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89°28'27" WEST, 1328.96 FEET TO A 1" PIPE IN CONCRETE; THENCE SOUTH 01°04'59" EAST, 330.02 FEET TO A 1" PIPE IN CONCRETE; THENCE NORTH 89°28'27" EAST. 1329.48 FEET TO A 1" PIPE IN CONCRETE ON SAID WEST RIGHT-OF-WAY LINE OF S.R. 7; THENCE NORTH 01°10'24" WEST ALONG SAID RIGHT-OF-WAY LINE, 330.02 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL;

PARCEL NO. 106

A PORTION OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT "B", " PLAT OF S.T.J. PROPERTIES, INC.", AS RECORDED IN PLAT BOOK 73, PAGE 178 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID CORNER BEING A FOUND CONCRETE MONUMENT WITH NAIL & TAB; THENCE SOUTH 89°33'21" WEST, A DISTANCE OF 1.621 METERS (5.32 FEET); THENCE NORTH 01°10'57" WEST ALONG A LINE 71.628 METERS (235.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 135.238 METERS (443.69 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°10'57" WEST, A DISTANCE OF 48.769 METERS (160.00 FEET) TO A POINT ON SAID WESTERLY EXISTING RIGHT-OF-WAY LINE FOR STATE ROAD 7 (U.S. 441); THENCE SOUTH 01°10'57" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE AND A LINE 22.860 METERS (75 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 100.569 METERS (329.95 FEET); THENCE SOUTH 89°28'26" WEST, A DISTANCE OF 48.769 METERS (160.00 FEET) TO THE POINT OF BEGINNING.(CONTAINING 0.4904 HECTARES (1.212 ACRES), MORE OR LESS.

PRESERVE AREA #5

LEGAL DESCRIPTION - SFWMD:

BEING THE SOUTH 988.44 FEET OF THE NORTH 2308.75 FEET OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, ALL LYING WITHIN PALM BEACH COUNTY, FLORIDA.

CONTAINING 60.000 ACRES, MORE OR LESS.

PRESERVE AREA #6

LEGAL DESCRIPTION – KORBEL PARCEL

TRACT 43, BLOCK 18, "PALM BEACH FARMS COMPANY PLAT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 5.022 ACRES, MORE OR LESS.

PRESERVE AREA # 7

LEGAL DESCRIPTION – HILL PARCEL (2)

TRACT 45, BLOCK 18, "PALM BEACH FARMS COMPANY PLAT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 5.021 ACRES, MORE OR LESS.

PRESERVE AREA # 8

LEGAL DESCRIPTION - BOWMAN

THE SOUTH ONE-HALF OF TRACT 42, BLOCK 18, "PALM BEACH FARMS COMPANY PLAT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 2.456 ACRES, MORE OR LESS.

PRESERVE # 9

LEGAL DESCRIPTION - BRYANT

THE NORTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 5.017 ACRES, MORE OR LESS.

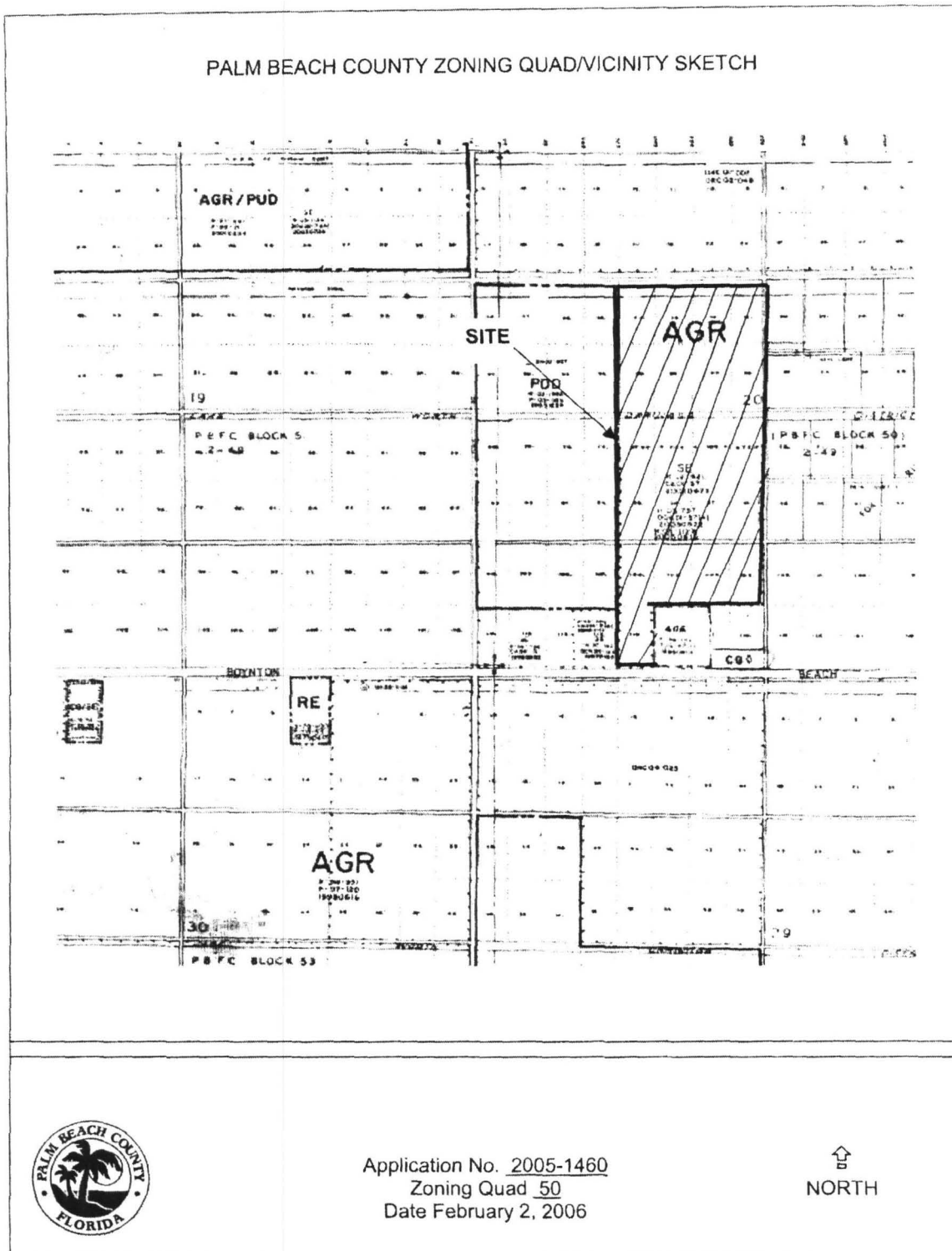
PRESERVE AREA # 10

LEGAL DESCRIPTION - KLEINRICHERT

THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 10.054 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



Application No. 2005-1460
Zoning Quad 50
Date February 2, 2006



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved master plan is dated March 16, 2006. 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. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
No Building Permits for the site may be issued after February 27, 2009. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Acme Dairy 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)
3. Prior to issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Boynton Beach Boulevard 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 PERMIT: MONITORING-Eng)
4. The property owner shall convey to Palm Beach County Land Development Division by warranty deed for:
 - a. Acme Dairy Road, 45 feet from centerline;
 - b. Smith Sundry Road, 40 feet from centerline; and,
 - c. Right of way shall be conveyed prior to issuance of a Building Permit. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. The Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be

responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (BLDG PERMIT: MONITORING-Eng)

5. Prior to technical compliance for the first plat the property owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's entrance road on Acme Dairy Road and on Boynton Beach Boulevard. Construction within this easement shall conform to Palm Beach County Standards. (TC: ENG - Eng)
6. The Property owner shall construct a right turn lane east approach on Boynton Beach Boulevard at the Project Entrance. All construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - a) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
 - b) Construction for this improvement shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

7. LANDSCAPE WITHIN THE MEDIAN OF BOYNTON BEACH BOULEVARD:

The applicant/property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Boynton Beach Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by applicant/property owner shall be perpetually maintained by the applicant/property owner, his successors and assigns, without recourse to Palm Beach County, unless applicant/property owner provides payment for maintenance as set forth in Paragraph d below.

- a) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
- b) All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
- c) At applicant/property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the applicant/property owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the applicant/property owner. The applicant/property owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Applicant/property owner. (ONGOING: ENGINEERING - Eng)

- d) Also, prior to the issuance of a Building Permit, and at the option of the applicant/property owner, the applicant/property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Boynton Beach Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGONG: ENG – Eng)

ENVIRONMENTAL

1. An Exotic Removal Management Plan, covering the conservation parcels, associated with the Ravello AGR PUD, shall be reviewed and approved by ERM prior to final DRC site plan approval. (DRO:ERM - ERM)
2. All Restricted Covenant Agreements and Conservation Easements for the Conservation Parcels, associated with the Ravello AGR PUD, shall be submitted to ERM for review and approval prior to recordation. (DRO:ERM - ERM)

HEALTH

1. The property owner shall utilize Best Management Practices to minimize breeding of mosquitoes in the surface water management system. Management of the system shall include control methods that minimize the need for aerial spraying and reduce potential impacts of mosquito control activities on the surrounding natural areas. (ONGOING: HEALTH - Health)

LAKE WORTH DRAINAGE DISTRICT

1. Nurserymen's Exchange:
Prior to platting, the owner shall convey to the District, 15 feet north and adjacent to the north line of the 30-foot road easement per ORM 1585 Page 505 WITHIN Tracts 57-604 for the ultimate right-of-way for the L-33 Canal and the 15 feet West and adjacent to the existing E-2W right-of-way for the ultimate right-of-way for the E-2W Canal. (based on cross sections). (PLAT: ENG - LWDD)

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 2.01 acre public civic site in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by November 1, 2007. Developer to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

- a) Title

Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site as required by the County Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If

an appraisal is required, it shall be obtained by the Developer. The Developer shall release the County from all Declarations of Covenants and Conditions of the PUD or other restrictive covenants as they may apply to the civic site.

b) Concurrency

Developer to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation for the entire PUD. The Developer shall be provided with input as to the size of a structure (and proposed use) which the civic site would support and the corresponding amount of trips.

c) Taxes

All ad valorem real estate taxes and assessments for the year of acceptance shall be prorated to include the day of acceptance.

d) Site condition

Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.

e) Retention and Drainage

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

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

f) On-Site Inspections

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

g) Vegetation Permit

Developer to perform a tree survey and obtain a vegetation clearing permit. If it is determined by PREM that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the County.

h) Buildable Grade

Prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (until seed has established itself) to the satisfaction of Facilities Development and Operations.

i) Water & Sewer

Developer to provide water and sewer stubbed out to the property line and other required utilities as determined by PREM. (DATE: MONITORING-PREM)

2. Survey

The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by September 1, 2007. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

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

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

3. Environmental Survey

The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by September 1, 2007. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

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

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

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

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

The Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be

used only upon County approval when the County has established that the cash or offsite land enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner or if the petitioner is a contract purchaser the per acre value used for the entire PUD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC. (DATE: MONITORING-PREM)

ZONING – LANDSCAPE -STANDARDS

1. Prior to the issuance of the first certificate of occupancy, the property owner shall submit a Landscape Plan for the entire project to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all the landscape conditions as contained herein. (CO: LANDSCAPE - Zoning)
2. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning)
3. All palms required to be planted on the property by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. palm heights: twelve (12) feet clear trunk;
 - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning)
4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE-Zoning)
5. Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING- ALONG THE NORTH, SOUTH EAST AND WEST PROPERTY LINES

1. In addition to the proposed landscaping and buffering program and code requirements, landscaping along the north, south, east and west property lines shall be upgraded to include:
 - a) 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: LANDSCAPE-Zoning)

MASS TRANSIT

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)
2. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT: ENG - Eng)

PLANNING

1. The PUD shall be limited to a maximum of 192 dwelling units and shall meet 60/40 AGR-PUD requirements. (ONGOING: PLANNING-Planning)
2. Prior to recordation of a plat for the Ravello Development Area, the property owner is responsible for the recordation of boundary plats for all of the preserve parcels and shall include on said boundary plats, language limiting these parcels to Agricultural Reserve preservation uses as permitted by conditions in this Resolution, the Comprehensive Plan Objective 1.5, and Policies of the Future Land Use Element. (PLAT: ENG - Planning)
3. Prior to final approval by the DRO, the property owner shall provide an AGR/PUD Preserve and Development Parcel Location Map” as an addendum to the Master Plan. This addendum shall also indicate the location, access, acreage, and permitted uses within the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code (ULDC). (DRO: PLANNING - Planning)
4. Prior to final approval by the DRO, a management plan for all of the preservation areas shall be submitted. The property owner shall also submit a commitment letter indicating that these preservation properties will remain in their same state from the time of development approval to the final recordation of the conservation easement, or in the event of a change in use, that the new use of the property is consistent with the permitted uses within the preservation areas consistent with the Palm Beach County Comprehensive Plan and Unified Land Development Code (ULDC). The management plan shall contain a legal description and sketch of each parcel, an inventory of existing uses and environmental assets on each site, and a plan approved and enforced by the Department of Environmental Resources Management (ERM) for exotic removal and maintenance on each of the sites. (DRO: ERM - Planning)
5. Prior to final approval by the DRO, the property owner shall add a Preservation Area/Proposed Uses” notes section on page 1 of the Master Plan and include the following:
 - a. The preservation areas approved, as part of Application # 2005-1460 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. (ONGOING: PLANNING - Planning)
6. Prior to plat recordation for the Ravello AGR-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: CITY ATTORNEY - Planning)
7. Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to June 1st, 2009, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. No administrative time extension for this condition shall be allowed. (DATE: MONITORING - Planning)
8. Prior to final approval by the DRO, the plan shall indicate the pedestrian pathways between POD A and B generally consistent with the certified master plan date, March 16, 2006. (DRO: PLANNING - Planning)

9. Prior to final approval by the Development Review Officer (DRO), the plan shall indicate a location on the southeast property line (within 600 feet of Boynton Beach Blvd.) for a vehicular and pedestrian cross access point and include a notation on the plan which shall read potential future vehicular and pedestrian cross access. The access point may be controlled by a gate or other security device that can be controlled by the residents of the PUD. The future vehicular and pedestrian cross access shall not be opened to Acme Dairy Road until such time as a signal light is installed at the corner of Acme Dairy Road and Boynton Beach Boulevard and the adjacent properties to the east across Acme Dairy Road no longer function as an agricultural use. (DRO: PLANNING - Planning)
10. Prior to final approval by the DRO, the property owner shall record a cross access easement from the subject property to the adjacent property in a form acceptable to the County Attorney. (DRO: COUNTY ATTORNEY - Planning)
11. Prior to the recordation of the boundary plats for the Ravello AGR-PUD preserve areas, the property owner shall obtain a special permit, per the Unified Land Development Code (ULDC), for a Security or Caretakers Quarters for any existing residential units not removed from the preserve areas. (PLAT: PLANNING/ZONING - Planning)

SCHOOL BOARD

1. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the applicant/property owner 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: ENG - School Board.)
2. 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). (CO: MONITORING – School Board)

UTILITIES

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

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the applicant/property owner 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)