

RESOLUTION NO. R-2010- 0679

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R/W-2009-04750
 (CONTROL NO. 2004-00471)
 a Development Order Amendment
 APPLICATION OF Boynton Beach Association XVIII, LLLP
 BY Urban Design Kilday Studios, AGENT
 (Canyon Town Center TMD)

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 applications relating to zoning; and

WHEREAS, the notice and public 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 ZV/DOA/R/W-2009-04750 was presented to the Board of County Commissioners at a public hearing conducted on April 22, 2010; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant 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 pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 ZV/DOA/R/W-2009-04750, the petition of Boynton Beach Association XVIII, LLLP, by Urban Design Kilday Studios, agent, for a Development Order Amendment to reconfigure Site Plan, to relocate a plaza, to modify uses, and to reduce square footage in the Agricultural Reserve Traditional Marketplace Development (AGR TMD) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on April 22, 2010, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner Burt Aaronson, Chair	- Aye
Commissioner Karen T. Marcus, Vice Chair	- Aye
Commissioner Jeff Koons	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Jess R. Santamaria	- Aye
Commissioner Priscilla A. Taylor	-

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 22, 2010.

Filed with the Clerk of the Board of County Commissioners on April 28, 2010.

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

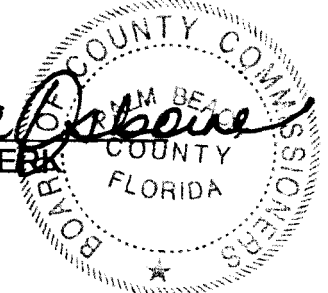
SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



The seal is circular with a double-line border. The outer ring contains the text "PALM BEACH COUNTY COMMISSIONERS" at the top and "BOARD OF COUNTY COMMISSIONERS" at the bottom, separated by a star. The inner ring contains "PALM BEACH COUNTY FLORIDA".

EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION:
BEING ALL OF TRACTS "A", "B", "L-1" AND "L-2" ACCORDING TO THE PLAT OF
CANYON TOWN CENTER TMD, AS RECORDED IN PLAT BOOK 111, PAGES 17
THROUGH 19, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B

VICINITY SKETCH

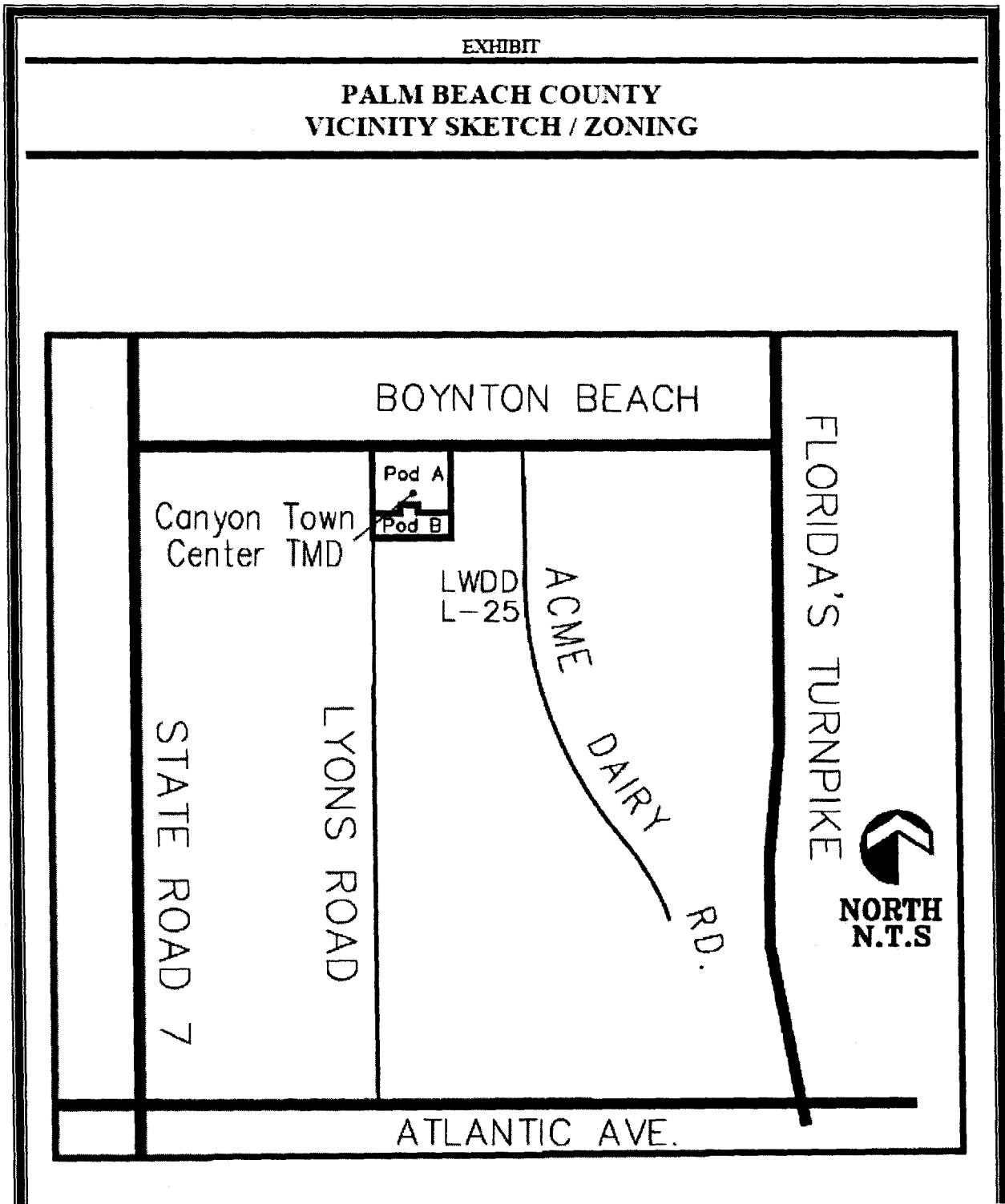


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

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

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2007-0231, Control 2004-471, have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2008-0117 (Control 2004-471), have been consolidated as contained herein.

The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition All Petitions 2 of Resolution R-2008-0117, Control 2004-471 which currently states:

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

Is hereby amended to read:

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

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

ARCHITECTURAL REVIEW

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

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

Review 2 of Resolution R-2008-0117, Control 2004-471)

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

Each residential dwelling unit shall include a garage that exceeds the minimum residential parking dimensions or a separate storage closet for trash receptacles, as deemed acceptable to the Architectural Review Section. This condition shall not apply to the units that are vertically integrated into the commercial use. (DRO: ARCH REVIEW - Arch Review) (Previous condition Architectural Review 3 of Resolution R-2007-0231, Control 2004-471)

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

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

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

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

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

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

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

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

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

ENGINEERING

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

a. Building Permits for more than 671 PM peak hour trips which is equivalent to the following land uses and maximum floor areas:

- 163,056 gross leasable square feet of general commercial floor area,
- 36,590 gross leasable square feet of general office floor area,
- 12 multi family dwelling units,
- 52 acre County Park
- 14,500 square feet of library

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

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

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

Building Permits for more than 199 AM peak hour trips which is equivalent to the following land uses and maximum floor areas:

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

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

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

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

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

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

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

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

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

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

Is hereby amended to read:

No Building Permits for the site shall be issued after December 31, 2014. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

4.The mix of allowable uses and sizes as permitted by the Zoning Division, listed above may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (ONGOING: ENGINEERING - Eng) (Previous Condition E4 of Resolution R-2008-117, Control No. 2004-471)

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

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

7.Previous Condition E7 of Resolution R-2008-117, Control No. 2004-471, which currently states:

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

Is hereby amended to read:

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

8.Previous Condition E8 of Resolution R-2008-117, Control No. 2004-471, which currently states:

Prior to July 15, 2007, the property owner shall complete construction for all improvements identified in Condition No. 1a. and 1.b. above. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. (DATE: MONITORING-Eng)

Is hereby amended to read:

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

9. The Property owner shall construct:

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

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

- a. Permits required by Palm Beach County and the Florida Department of Transportation shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
- b. Construction for these onsite improvements shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Condition E9 of Resolution R-2008-117, Control No. 2004-471) [Note: COMPLETED]

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

HEALTH

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

2. The property owner shall utilize Best Management Practices to minimize breeding of mosquitoes in the surface water management system. Management of the system shall include control methods that minimize the need for aerial spraying and reduce potential impacts of mosquito control activities on the surrounding natural areas. (ONGOING: HEALTH-Health) (Previous condition Health 2. of Resolution R-2008-117; Control 2004-471)

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

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

LANDSCAPE - GENERAL

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

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

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

Is hereby amended to read:

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

- a. Tree height: Fourteen (14) feet;
- b. Canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- c. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning) [Note: COMPLETED]

2. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation:

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous condition Landscaping Standard 2 of Resolution R-2008-0117, Control 2004-471)

3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous condition Landscaping Standard 3 of Resolution R-2008-0117, Control 2004-471)

4. Field adjustment of wall, fence, and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous condition Landscaping Standard 4 of Resolution R-2008-0117, Control 2004-471)

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

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

LANDSCAPE - INTERIOR

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

- a. A minimum width of five (5) feet excluding curb. This median shall extend a minimum distance of five (5) feet beyond the boundaries on both ingress and egress sides of the canopy;

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

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

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

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

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

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

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

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

LANDSCAPE - PERIMETER-WEST PROPERTY LINE OF THE DEVELOPMENT AREA

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

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

LIGHTING

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

All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. The twenty-five feet height restriction shall not apply to any lighting fixtures utilized to illuminate the baseball field or multi-purpose field required pursuant to Traditional Marketplace Development condition 5(3) (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

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

2. All outdoor, freestanding lighting fixtures shall be extinguished no later than one (1)

hour after operating hours, excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous condition Lighting 2 of Resolution R-2008-0117, Control 2004-471)

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

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

PALM TRAN

1.The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran) (Prior condition 1 of Resolution R-2008-0117, Control No. 2004-471) [Note: COMPLETED]

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 is required. (PLAT:ENG -Palm Tran)(Prior condition 2 of Resolution R-2008-0117, Control No. 2004-471) [Note: COMPLETED]

PLANNED DEVELOPMENT-TRADITIONAL MARKETPLACE DEVELOPMENT

1.Prior to the recordation of the first plat, all property included in the legal description for the development area of this application shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:

- a. Formation of a single master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas;
- b. All indoor recreation space shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover to the POA/HOA, the indoor recreation space shall be turned over to the association at no cost to the residents;
- c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the traditional development. This Declaration shall be amended when additional units or square footage is added to the TMD; and
- d. This condition shall apply to Pod A only. (PLAT: MONITORING - Zoning/Cty Atty) (Previous condition Traditional Marketplace Development 1 of Resolution R-2008-0117, Control 2004-471)

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

The property owner shall include in homeowners documents as well as written sales brochures, sales contracts, and site plans a disclosure statement identifying and notifying of the existence of active agricultural uses in the vicinity of the development. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on August 25, 2006, and shall continue on an annual basis until all residential units within the development have been sold or the property owner relinquishes control to a homeowners association. (DATE: MONITORING - Zoning)

Is hereby amended to read:

The property owner shall include in homeowners documents as well as written sales

brochures, sales contracts, and site plans a disclosure statement identifying and notifying of the existence of active agricultural uses in the vicinity of the development. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on April 22, 2010, and shall continue on an annual basis until all residential units within the development have been sold or the property owner relinquishes control to a homeowners association. (DATE: MONITORING - Zoning)

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

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

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

5. The youth athletic field (baseball or multi-purpose) is a temporary use and may be removed by Palm Beach County, in its sole and absolute discretion, at any time without the obligation to amend the development order or any condition related thereto. (ONGOING: CODE ENF - Prem/Parks) (Previous condition Traditional Marketplace Development 6 of Resolution R-2008-0117, Control 2004-471)

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

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

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

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

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

PLANNING

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

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

- a. The preservation areas approved as part of Application PDD/DOA 2006-1186 shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement:

PERMITTED USES:

- 1) Crop production, pasture or equestrian purposes;
- 2) Civic purposes, such as schools, public parks, libraries or fire stations;
- 3) Regional water storage areas to serve as water management functions or to serve as a Water Preserve Area if designated by the South Florida Water Management District: to serve regional water management purposes as certified by either Lake Worth Drainage District or South Florida Water management District, or for water management purposes not directly related to the AgR-TMD if approved by the Department of Environmental Resources Management and managed for environmental resource values;
- 4) Wetland or bona fide agricultural uses per the ULDC;
- 5) Other uses as permitted by the required conservation easements;
- 6) Other uses as may be permitted within the protected area of an AgR-TMD consistent with the Comprehensive Plan and the Unified Land Development Code. (DRO/ONGOING: PLANNING-Planning) (Previous Planning Condition 2 of Resolution 2008-017, Control No. 2004-471) [Note: COMPLETED]

3. Prior to plat recordation for the Canyons Town Center TMD development area, the conservation easements for all of the Preservation parcels (with the exception of any Preservation parcels owned by Palm Beach County) shall be recorded, as approved by the County Attorney's Office, the Department of Environmental Resources Management, and the Planning Division.

- a. The conservation easements for all of these preserve parcels shall contain:
 - 1) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;
 - 2) a list of permitted uses, uses not permitted, and prohibited activities.

b. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. (PLAT: ENG/CTY ATTY/ERM/PLANNING - Planning) (Previous Planning Condition 3 of Resolution 2008-

017, Control No. 2004-471) [Note: COMPLETED]

4. Should conservation easements not be recorded for the Preservation properties (with the exceptions of any Preservation parcels owned by Palm Beach County) in a form acceptable to the County Attorney prior to March 1st, 2010, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. No administrative time extension for this condition shall be allowed. (DATE: MONITORING Planning/Cty Atty/ERM) (Previous Planning Condition 4 of Resolution 2008-017, Control No. 2004-471) [Note: COMPLETED]

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

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

SCHOOL BOARD

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

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

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

2. Condition SCHOOL BOARD 2 of Resolution 2008-0117 (Control 2004-471), which currently states:

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

Is hereby amended to read:

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

SIGNS

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

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

- a. maximum sign height, measured from finished grade to highest point - five (5) feet;
- b. maximum sign face area per side seventy (70) square feet;
- c. maximum number of signs one (1) at any one access point for a total of two (2) for the

entire development;

- d. location each sign shall be located within fifty (50) feet of the access point measuring from the centerline of the access drive;
- e. signs shall be limited to project identification of the non-residential portion of the development only; and, shall be designed generally consistent with the detail as shown on the Canyons Town Center Signage graphics A5-6.(BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

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

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

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

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

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

SITE DESIGN

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

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

Is hereby amended to read:

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

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

- a. A screening wall with a minimum height of eleven (11) feet measured from finished grade to highest point shall be provided for the entire length of the loading area. These walls shall be architecturally consistent with the building;
- b. A decorative door, gate, or other acceptable means of screening shall be provided along the entire length of the south side of this area, connected to the wall. This screening feature shall remain closed when this loading area is not in use;
- c. Planting areas with a minimum width of six (6) feet, excluding curb, shall be located between the loading area and the adjacent parking access isle to the south for the entire length of the screening wall;

d. The final design and details including landscaping for this loading area shall be subject to review and approval by the Architectural Review and Landscape Section. (DRO: ZONING - Arch Review/Landscape) (Previous condition Building and Site Design 2 of Resolution R-2008-0117, Control 2004-471.) [Note: COMPLETED]

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

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

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

USE LIMITATIONS

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

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

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

UTILITIES

1. If any relocation/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: WUD-WUD) (Previous Utilities Condition 1 of Resolution R-2005-1625, Control No. 2004-471)

COMPLIANCE

1. In granting this approval, the Zoning Commission relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Zoning Commission for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning) (Previous condition Compliance 1 of Resolution R-2008-0117, Control No. 2004-471)

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

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

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

- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

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

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

Is hereby amended to read:

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

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

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