

RESOLUTION NO. R-2021- 1400

RESOLUTION APPROVING ZONING APPLICATION PDD-2021-00631
(CONTROL NO. 2021-00031)
an Official Zoning Map Amendment
APPLICATION OF John Whitworth, G.L. Acquisitions Corporation - Gladys
DiGirolamo
BY G.L. Homes, AGENT
(Whitworth 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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 as amended, have been satisfied;

WHEREAS, Zoning Application PDD-2021-00631 was presented to the Board of County Commissioners at a public hearing conducted on September 29, 2021;

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;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for an Official Zoning Map Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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 PDD-2021-00631, the Application of John Whitworth, G.L. Acquisitions Corporation - Gladys DiGirolamo, by G.L. Homes, Agent, for an Official Zoning Map Amendment to allow a rezoning from Agricultural Reserve (AGR) District to Agricultural Reserve-Planned Unit Development (AGR-PUD) District, on a parcel of land generally described as shown on the legal description 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 September 29, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	- Aye
Commissioner Robert S. Weinroth, Vice Mayor	- Abs
Commissioner Maria G. Marino	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on September 29, 2021.

Filed with the Clerk of the Board of County Commissioners on September 29th, 2021.

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

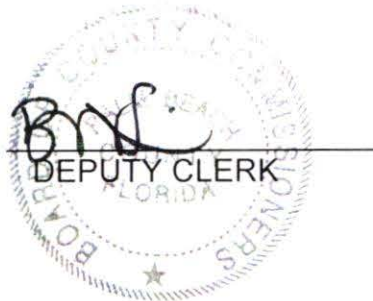


EXHIBIT A

LEGAL DESCRIPTION

DEVELOPMENT AREA

A PARCEL OF LAND BEING ALL OF TRACTS 17 THROUGH 23, INCLUSIVE, TRACTS 26 THROUGH 30, INCLUSIVE, TRACTS 43 THROUGH 47, INCLUSIVE, AND A PORTION TRACTS 1 THROUGH 9, INCLUSIVE, TRACTS 16, 24, 25, 31, 32, 42, AND 48, AND A PORTION OF ROAD, DYKE AND DITCH RESERVATIONS 30 FEET IN WIDTH, LYING BETWEEN SAID TRACTS 16 THROUGH 24, INCLUSIVE AND SAID TRACTS 25 THROUGH 33, INCLUSIVE, AND LYING BETWEEN TRACTS 8, 17 AND 9, 16, ALL LYING WITHIN BLOCK 60, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 48, THENCE SOUTH 89°32'21" WEST, ALONG THE SOUTH LINE OF SAID TRACT 48, A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF SAID TRACTS 42 THROUGH 48, SOUTH 89°32'21" WEST, A DISTANCE OF 1913.35 FEET; THENCE NORTH 00°27'39" WEST, A DISTANCE OF 300.05 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 1908.00 FEET AND A CENTRAL ANGLE OF 04°35'51"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 153.10 FEET TO A POINT OF TANGENCY; THENCE NORTH 04°08'12" EAST, A DISTANCE OF 282.68 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 2092.00 FEET AND A CENTRAL ANGLE OF 04°31'37"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 165.29 FEET TO A POINT OF TANGENCY; THENCE NORTH 00°23'25" WEST, A DISTANCE OF 229.62 FEET; THENCE SOUTH 89°36'35" WEST, A DISTANCE OF 93.36 FEET; THENCE NORTH 00°23'25" WEST, A DISTANCE OF 98.07 FEET; THENCE NORTH 07°58'22" EAST, A DISTANCE OF 33.66 FEET; THENCE NORTH 82°01'38" WEST, A DISTANCE OF 801.04 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 1990.00 FEET AND A CENTRAL ANGLE OF 02°46'09"; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 96.18 FEET TO A POINT OF INTERSECTION WITH A NON-RADIAL LINE; THENCE NORTH 06°38'35" EAST, A DISTANCE OF 44.03 FEET TO THE POINT OF NON-TANGENT INTERSECTION WITH A CURVE, CONCAVE EASTERLY, HAVING A RADIAL BEARING OF NORTH 36°38'35" EAST, A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 92°18'15"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 161.10 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 45°58'06"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 80.23 FEET TO A POINT OF TANGENCY; THENCE NORTH 07°01'15" WEST, A DISTANCE OF 671.67 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 908.00 FEET AND A CENTRAL ANGLE OF 06°37'51"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 105.08 FEET TO A POINT OF TANGENCY; THENCE NORTH 00°23'24" WEST, A DISTANCE OF 219.52 FEET; THENCE ALONG THE SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT L-26 CANAL RIGHT-OF-WAY, ACCORDING TO DEED BOOK 113, PAGE 246 AND OFFICIAL RECORDS BOOK 6495, PAGE 761, SAID PUBLIC RECORDS, FOR THE FOLLOWING THREE (3) COURSES, NORTH 89°36'36" EAST, A DISTANCE OF 400.80 FEET; THENCE NORTH 00°30'24" WEST, A DISTANCE OF 1.60 FEET; THENCE NORTH 89°36'36" EAST, A DISTANCE OF 2525.61 FEET; THENCE SOUTH 00°26'28" EAST, ALONG A LINE 130.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 1 AND 24,

A DISTANCE OF 919.86 FEET TO A POINT DESIGNATED AS POINT "A" FOR FUTURE REFERENCE; THENCE SOUTH 13°03'17" WEST, A DISTANCE OF 51.42 FEET; THENCE SOUTH 00°26'28" EAST, ALONG A LINE 142.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 24 AND 25, A DISTANCE OF 448.00 FEET; THENCE SOUTH 45°26'28" EAST, A DISTANCE OF 16.97 FEET; THENCE SOUTH 00°26'28" EAST, ALONG A LINE 130.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 25 AND 48, A DISTANCE OF 1211.86 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL OF LAND:

BEING A PORTION OF SAID TRACTS 24 AND 25 AND A PORTION OF THAT ROAD, DYKE AND DITCH RESERVATION 30 FEET IN WIDTH, LYING BETWEEN SAID TRACTS 24 AND 25, ALL LYING WITHIN SAID BLOCK 60 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE PREVIOUSLY DESCRIBED POINT "A"; THENCE NORTH 89°33'32" EAST, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°26'28" EAST, ALONG A LINE 30.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 24 AND 25, A DISTANCE OF 510.00 FEET; THENCE NORTH 45°26'28" WEST, A DISTANCE OF 16.97 FEET; THENCE NORTH 00°26'28" WEST, ALONG A LINE 42.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 24 AND 25, A DISTANCE OF 448.00 FEET; THENCE NORTH 13°03'17" EAST, A DISTANCE OF 51.42 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 145.397 ACRES, MORE OR LESS.

TOGETHER WITH:

WHITWORTH PRESERVE #1 (Rural Parkway – North)

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING WITHIN TRACTS 1, 24, 25, 48 AND A PORTION OF THE ROAD, DYKE AND DITCH RESERVATION 30 FEET IN WIDTH, LYING BETWEEN SAID TRACTS 24 AND 25, ALL LYING WITHIN BLOCK 60, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT 1; THENCE SOUTH 89°36'36" WEST ALONG THE NORTH LINE OF SAID TRACT 1, A DISTANCE OF 30.00 FEET; THENCE SOUTH 00°26'28" EAST, ALONG A LINE 30.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACT 1, A DISTANCE OF 26.40 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°26'28" EAST, ALONG A LINE 30.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 1 AND 24, A DISTANCE OF 919.87 FEET; THENCE SOUTH 13°03'17" WEST, A DISTANCE OF 51.42 FEET; THENCE SOUTH 00°26'28" EAST, ALONG A LINE 42.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 24 AND 25, A DISTANCE OF 448.00 FEET; THENCE SOUTH 45°26'28" EAST, A DISTANCE OF 16.97 FEET; THENCE SOUTH 00°26'28" EAST, ALONG A LINE 30.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 25 AND 48, A DISTANCE OF 1211.82 FEET; THENCE SOUTH 89°32'21" WEST ALONG THE SOUTH LINE OF SAID TRACT 48, A DISTANCE OF 100.00 FEET; THENCE NORTH 00°26'28" WEST, ALONG A LINE 130.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 25 AND 48, A DISTANCE OF 1211.86 FEET; THENCE NORTH 45°26'28" WEST, A DISTANCE OF 16.97 FEET; THENCE NORTH

00°26'28" WEST, ALONG A LINE 142.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 24 AND 25, A DISTANCE OF 448.00 FEET; THENCE NORTH 13°03'17" EAST, A DISTANCE OF 51.42 FEET; THENCE NORTH 00°26'28" WEST, ALONG A LINE 130.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 1 AND 24, A DISTANCE OF 919.86 FEET; THENCE NORTH 89°36'36" EAST ALONG A LINE 26.40 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 1, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.064 ACRES, MORE OR LESS.

TOGETHER WITH:

Whitworth Preserve #2 – Rural Parkway (South section)

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING THE WEST 100.00 FEET OF THE EAST 130.00 FEET OF TRACTS 49, 72, 73, 96 AND A PORTION OF THE ROAD, DYKE AND DITCH RESERVATION 30 FEET IN WIDTH, LYING BETWEEN SAID WEST 100.00 FEET OF THE EAST 130.00 FEET OF TRACTS 72 AND 73, ALL LYING WITHIN BLOCK 60, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

LESS AND EXCEPT THE NORTH 31.68 FEET OF SAID TRACT 49, FOR THE LAKE WORTH DRAINAGE DISTRICT L-26 CANAL RIGHT-OF-WAY, ACCORDING TO OFFICIAL RECORDS BOOK 6495, PAGE 761, SAID PUBLIC RECORDS.

CONTAINING 6.067 ACRES, MORE OR LESS.

TOGETHER WITH:

Whitworth Preserve #3)

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING ALL OF TRACTS 66 THROUGH 71, INCLUSIVE, TRACTS 74 THROUGH 79, INCLUSIVE, TRACTS 90 THROUGH 95, INCLUSIVE AND A PORTION TRACTS 49 THROUGH 56, INCLUSIVE, TRACTS 65, 72, 73, 80, 89, AND 96, AND A PORTION OF A ROAD, DYKE AND DITCH RESERVATION 30 FEET IN WIDTH, LYING BETWEEN SAID TRACTS 65 THROUGH 72, INCLUSIVE AND SAID TRACTS 73 THROUGH 80, INCLUSIVE, ALL LYING WITHIN BLOCK 60, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT 48, SAID BLOCK 60, THENCE SOUTH 89°32'21" WEST, ALONG THE SOUTH LINE OF SAID TRACT 48, A DISTANCE OF 130.00 FEET; THENCE SOUTH 00°26'28" EAST, A DISTANCE OF 61.68 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°26'28" EAST, ALONG A LINE 130.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 49, 72, 73 AND 96, A DISTANCE OF 2642.81 FEET; THENCE SOUTH 89°36'30" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 89 THROUGH 96, A DISTANCE OF 2190.61 FEET; THENCE NORTH 00°26'28" WEST, A DISTANCE OF 2638.85 FEET; THENCE ALONG THE SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT L-27 CANAL RIGHT-OF-WAY, AS DESCRIBED IN DEED BOOK 113, PAGE 255 AND OFFICIAL RECORDS BOOK 6495, PAGE 761 FOR THE FOLLOWING SEVEN (7) COURSES, NORTH 89°32'21" EAST, A DISTANCE OF 12.79 FEET; THENCE NORTH 00°29'55" WEST ALONG THE WEST LINE OF SAID TRACT 55, A DISTANCE OF 1.32 FEET; THENCE NORTH 89°32'21" EAST, A DISTANCE OF 659.38

FEET; THENCE SOUTH 00°28'56" EAST ALONG THE WEST LINE OF SAID TRACT 53, A DISTANCE OF 0.32 FEET; THENCE NORTH 89°32'21" EAST, A DISTANCE OF 329.69 FEET; THENCE NORTH 00°28'26" WEST ALONG THE WEST LINE OF SAID TRACT 52, A DISTANCE OF 0.32 FEET; THENCE NORTH 89°32'21" EAST, A DISTANCE OF 1188.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 132.836 ACRES, MORE OR LESS.

TOGETHER WITH:

Whitworth Preserve #4 – Hyder West

LEGAL DESCRIPTION:

BEING ALL OF TRACTS 20 THROUGH 23 INCLUSIVE, AND A PORTION OF TRACTS 1 THROUGH 8 INCLUSIVE, TRACTS 17, 18, 19 AND TRACTS 24 THROUGH 30 INCLUSIVE, AND A PORTION OF A ROAD, DYKE AND DITCH RESERVATIONS 30 FEET IN WIDTH, ALL IN BLOCK 69, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF TRACT 48 OF SAID BLOCK 69 AND THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 AS SHOWN ON THAT RIGHT-OF-WAY MAP PREPARED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION, SECTION NO. 93210-2515 AND ACCORDING TO THAT ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 10622, PAGE 830, SAID PUBLIC RECORDS; THENCE NORTH 01°28'29" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 683.27 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°34'36" WEST ALONG A LINE 683.15 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE SOUTH LINE OF TRACTS 40 THROUGH 48 OF SAID BLOCK 69, A DISTANCE OF 1,606.63 FEET; THENCE NORTH 00°25'24" WEST, A DISTANCE OF 1,027.95 FEET; THENCE SOUTH 89°36'38" WEST, A DISTANCE OF 597.75 FEET; THENCE NORTH 00°22'32" WEST, A DISTANCE OF 630.33 FEET; THENCE NORTH 89°25'29" EAST, A DISTANCE OF 1,380.51 FEET; THENCE NORTH 00°22'07" WEST ALONG THE EAST LINE OF SAID TRACT 4, A DISTANCE OF 158.00 FEET; THENCE NORTH 89°25'29" EAST, A DISTANCE OF 796.89 FEET; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 FOR THE FOLLOWING THREE (3) DESCRIBED COURSE, SOUTH 01°06'45" EAST, A DISTANCE OF 1,155.49 FEET; THENCE SOUTH 01°48'05" EAST, A DISTANCE OF 30.01 FEET; THENCE SOUTH 01°28'29" EAST, A DISTANCE OF 637.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 72.350 ACRES, MORE OR LESS.

CONTAINING A TOTAL AGR/PUD GROSS AREA OF 362.714 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

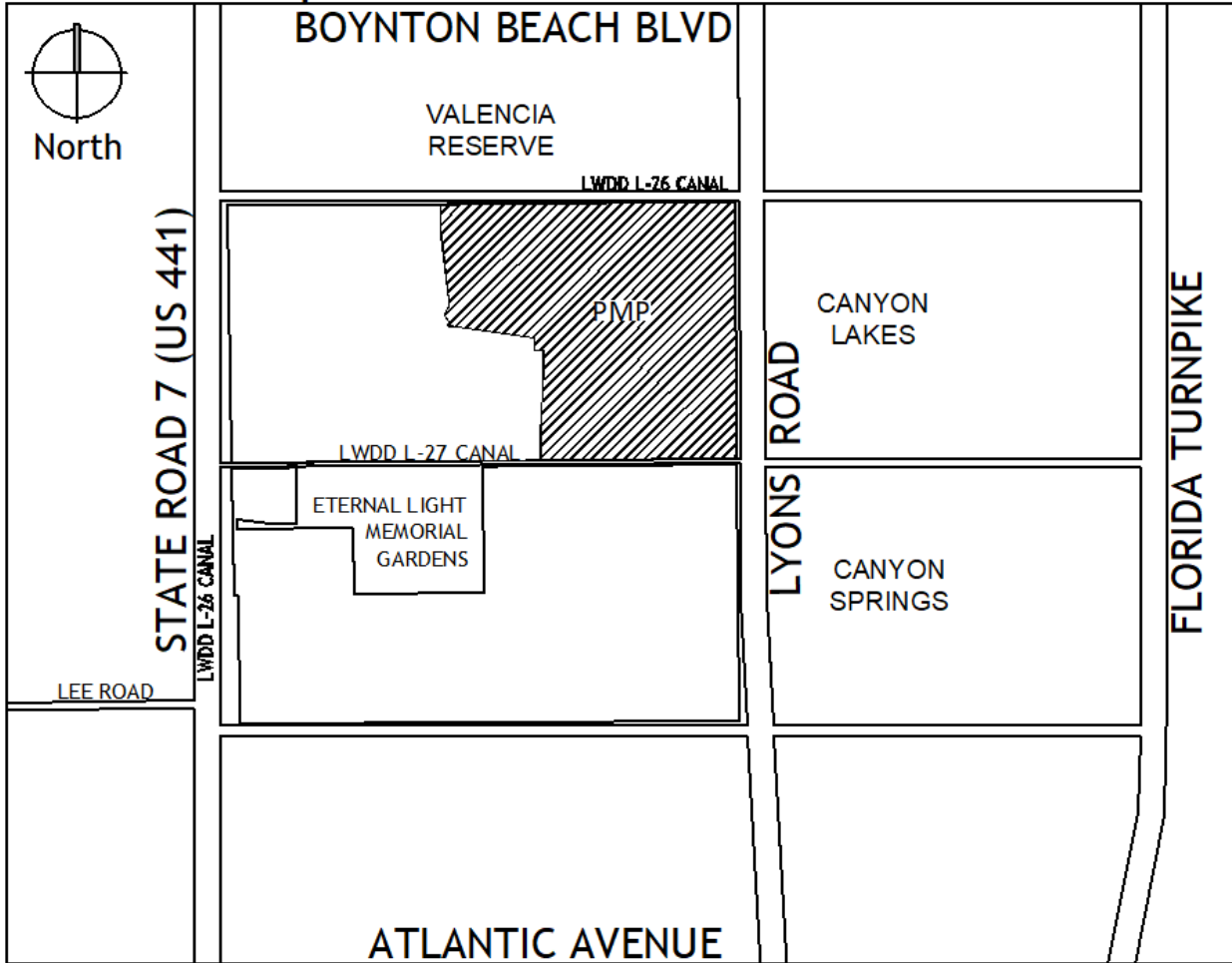


EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Master Plan is dated July 26, 2021. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2026, or as amended. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to issuance of the first building permit for a residential unit for sale, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPM: MONITORING - Engineering)

3. Prior to issuance of the first building permit for a residential unit for sale or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Lyons Road at the project's entrance road. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. 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 Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County 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. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering)

4. The Property Owner shall construct:

- i. a right turn lane north approach on Lyons Road at the project entrance road.
- ii. a left turn lane south approach on Lyons Road at the project entrance road.

Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit for residential units for sale. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the entire condition shall be considered satisfied. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to issuance of the first Certificate of Occupancy for a residential unit for sale. (BLDGPMT/CO: MONITORING - Engineering)

5. Prior to issuance of the first building permit for a residential unit for sale, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Lyons Road along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering)

6. MAJOR THOROUGHFARE ROAD DISCLOSURE

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

b. The Property Owner shall submit documentation of compliance with this condition prior to the first Certificate of Occupancy for a residential unit for sale. (BLDGPMT/CO: ENGINEERING - Engineering)

PARKS

1. No more than 110 residential building permits may be issued for this project until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, unless a phasing plan for completion of the required recreation area is agreed to and approved by the Parks and Recreation Department. (BLDGPMT: PARKS AND RECREATION - Monitoring)

PLANNING

1. The PUD shall be limited to a maximum of 277 dwelling units and shall meet 60/40 AGR-PUD requirements. All units associated with the preserve parcels shall be assigned to the Development area. No approved, unbuilt units may be transferred outside the development area. (ONGOING: PLANNING - Planning)

2. Prior to Final Master Plan (FMP) approval by the Development Review Officer (DRO), the Property Owner shall provide a 100 foot Lyons Road Rural Parkway Landscape Plan with cross section details for the Parkway. All of these items shall be subject to approval by the Planning Division and Engineering Department. The Rural Parkway Landscape Plan to include, but not be limited to, the following items:

a. Flowering trees;

b. Undulating berms, no taller than five (5) feet and landscaped with native vegetation; and

c. Benches/pedestrian gathering area. One (1) pedestrian gathering area shall be provided within the 100-foot wide Lyons Road Rural Parkway along the Development Area project frontage.

d. The amount of landscape material in the Rural Parkway, when adjacent to a preserve, may contain a reduced amount of landscaped material, subject to approval by the Planning Division. However, one (1) bench and one (1) pedestrian gathering area, will still be required in the Rural Parkway adjacent to the Development Area.

e. The following are minimum quantities of vegetation that shall be required for the Rural Parkway adjacent to the development area:

1. Provide 1 canopy tree for each 1,200 square feet.

a. Up to 20 percent of canopy trees may be flowering.

b. Spacing of trees to be no more than 100' apart.

2. Small trees (maximum mature growth estimated to be no more than 12 feet) may be substituted for canopy trees at a rate of 2 for 1 not to exceed 20 percent of required canopy tree quantity.

3. Provide a minimum of one palm tree for each 4,000 square feet of area; palms to be clustered in groups of 3 minimum; no maximum or minimum spacing between clusters.

4. Provide one plant for each 200 square feet of area, utilizing a minimum of 50 percent of the required quantity in a layered design to include ground cover (mature or maintained growth not exceeding 24 inches, small shrubs (mature or maintained growth not to exceed 48 inches) and large shrubs (mature or maintained growth greater than 48 inches).

5. Undulating berms, where possible, no taller than 5 feet from adjacent roadway grade; waived within 200 feet of a development entry or other vehicular access-way.

6. Sod remaining area.

7. Minimum 90 percent native trees, 60 percent native shrubs.

f. The following are minimum quantities of vegetation that shall be required for the Rural Parkway adjacent to the AGR Preserve P9B at Atlantic and Lyons:

1. One canopy tree per 2,000 square feet.

2. Undulating berms, where possible, no taller than five (5) feet from adjacent roadway grade; waived within 200 feet of a development entry or other vehicular access-way.

3. Sod or seed remaining area.

4. Minimum 90 percent native trees, 60 percent native shrubs.

g. For the Rural Parkway Planting Plan, spacing requirements may be waived by the Planning Director, for those areas within 200 feet of the Development entry or other vehicular access points. (DRO: PLANNING - Planning)

3. Submit an approved Preserve Management Plan and Rural Parkway Management Plan prior to approval by the Development Review Officer (DRO) of the Final Master Plan for the development area. The management plans shall contain a legal description and sketch of the parcel, an inventory of existing uses and environmental assets on the site, and a plan for exotic removal and maintenance. The preserve management Plan shall be approved by ERM and the Rural Parkway Plan shall be approved by Planning. (DRO: PLANNING - Planning)

4. Prior to final site plan approval by the Development Review Officer (DRO), the Property Owner shall provide a Rural Parkway Landscape Plan, for the entire Rural Parkway Preserve area, subject to approval by the Planning Division, to include a minimum of 60% native shrubs and a minimum of 90% native trees and palms for the minimum required trees, palms and shrubs. (DRO: PLANNING-Planning)

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

a. A Rural Parkway Conceptual Landscape Plan to include, but not be limited to, the following items:

- i. Flowering trees;
- ii. Undulating berms, no taller than five feet and landscaped with native vegetation; and
- iii. Benches/pedestrian gathering area. One (1) pedestrian gathering area shall be provided within the 100-foot wide Lyons Road Rural Parkway along this project frontage.

b. The Rural Parkway easement shall not include:

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

c. The Rural Parkway easement may include:

- i. A ten (10) foot utility easement located adjacent to the Lyons Road right-of-way and a bus easement;
- ii. Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Lyons Road Rural Parkway Easement to place drainage/utilities in the developable portion of the PUD.
- iii. Other drainage easements may be permitted in the Rural Parkway Easement for the purposes of draining the Rural Parkway subject to approval by the County Engineering Department and the Planning Division.

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

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

f. Should the 100-foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and Planning Division, prior to November 1, 2023, 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. (DATE/PLAT: MONITORING - Planning)

6. Prior to the recordation of the 1st Plat for the Development Area, all of 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: MONITORING - Planning)

7. Prior to the 138th Building Permit, the Property Owner shall commence the construction of the Rural Parkway, through the Rural Parkway easements consistent with the Staff approved Rural Parkway Sketch and Landscape Plan. (BLDGPM: MONITORING - Planning)

8. Prior to the issuance of the 221st Certificate of Occupancy (CO), the Property Owner shall complete construction of the Rural Parkway according to the approved landscape plans. (BLDGPM: MONITORING - Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. The Property Owner will be required to cash out the civic site subject to Board of County Commissioners approval. If approved, payment will be made 30 days of first plat recordation. If the civic site is not cashed out, a civic site that is acceptable to Palm Beach County Facilities, Development & Operations Department will be required. (DRO: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

SCHOOL BOARD

1. The Property Owner shall provide a Declaration and Restrictive Covenant which prohibits children less than nineteen years of age from residing in the community no later than six (6) months after DRO Approval. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the School Board and the County Attorney and a copy of the recorded document shall be sent to the School Board's Planning and Intergovernmental Relations Department. (DRO: COUNTY ATTORNEY-School Board)

SITE DESIGN

1. Prior to final Development Review Officer approval, the Applicant shall modify the Master Plan to include the location of focal points per Art. 3.E.2.B.2.b. Focal Points. (DRO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

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

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; 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; the 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 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 of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning

Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.