

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



Application No.:	PDD2005-989
Control No.:	2005-162
Applicant:	Boynton Beach Associate XXII, LLLP - Kevin Ratterree
Owners:	Beach Boynton Bob Gayler Cynthia Frank Frank Gayler G L Homes Of Plm Beach Assocs Ltd Grass River Growers Inc James Gayler Jo King Joann King John Grund King Grund Paul Himmelrich Richard Amestoy Robert Frueh Robert Vogel Walter Mcdougald West Boynton Farms Inc
Agent:	Kilday & Associates, Inc. - Shayne Conover
Telephone No.:	(561) 689-5522
Project Manager:	Kristin Tetsworth, Senior Site Planner

Location: Northwest corner of Boynton Beach Boulevard and Lyons Road (Development Area) (**Amestoy AGR PUD**).

Title: Official Zoning Map Amendment to a Planned Development District. **Request:** Rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) District. **Title:** Waiver. **Request:** To allow deviation from cul-de-sac and dead-end restrictions.

APPLICATION SUMMARY: Proposed is the rezoning of 635.04 acres of land from the Agricultural Reserve Zoning District to the Agricultural Reserve Residential Planned Unit Development District to allow for the development of 640 dwelling units at a density of 1.0 dwelling unit per acre. The 640 units will be located on the development area (approximately 254.02 acres) of the PUD and will consist of 329 single-family and 311 zero lot line dwelling units. The subject site will also support 6.87 acres designated for recreational amenities and 44.55 acres of lake area. The 14 preservation areas (combined 381.02 acres) are located throughout the Agricultural Reserve north of Atlantic Avenue and west of State Road 7. Access to the site will be from Lyons Road and Boynton Beach Blvd.

ISSUES SUMMARY:

- o Consistency with Comprehensive Plan

The Planning Division has determined that this zoning request, as conditioned herein, is consistent with the site’s Agricultural Reserve (AGR) Future Land Use (FLU) designation. See Planning Division Comments for additional information.

- o Compatibility with Land Uses Surrounding the Development Area

The adjacent properties to the north and east support previously approved AGR-PUDs, Equis and Countryside Meadow respectively. The LWDD Boynton Canal right of way provides a natural boundary along the northern property line together with the 160 foot wide FPL easement. Lyons Road borders the subject property on the east. The land is zoned Residential Estate (RE) to the south across Boynton Beach Boulevard, which forms the southern property line. To the west is General Commercial supporting the Faith Farms. Subject to the conditions of approval as recommended in Exhibit “C”, staff anticipates no adverse impacts to the surrounding properties from the request.

- o Landscape/Buffering

Incompatibility buffers are required between the Development Area and adjacent properties zoned AGR. Pursuant to Article 3.E.2.F.4.d., a 50-foot wide Type 3 incompatibility buffer is required to be provided between the development area and the adjacent properties with AGR designations. Throughout the DRO process staff worked together with the applicant to maintain consistency with other recent AGR-PUD approvals. The applicant agreed to shift the entire site plan to the north by 5 feet to accommodate the utility easement requirements of Palm Beach County WUD along the south property line abutting Boynton Beach Boulevard. Pursuant to Article 3.E.2.F.4.d.1), a 50% width reduction would be permitted given the presence of canals exceeding 50 feet in width adjacent to these property lines. Therefore, staff agreed to reduce the landscape buffer to 45 feet on the north due to the fact that it is adjacent to a 160 foot wide FPL easement which abuts the 110 foot wide LWDD Boynton Canal. The applicant has satisfied this code requirement.

- o Preservation Areas

The proposed 60/40 AGR-PUD requires 381.02 acres of preservation area based upon the total gross acreage of the overall development less right-of-way reservations. A total of 381.02 acres of preservation land is being proposed to satisfy this requirement. Article 3.E.2.F.3 of the ULDC permits the preservation area(s) or pod(s) of an AGR-PUD to be located remote from the associated development area. However, such preservation areas shall 1) contain a minimum of 150 contiguous acres, or 2) share a common boundary with an existing preservation area, agricultural area preserved under the PACE program, or a designated wetland which is in public ownership, and which when combined with the existing adjacent area has a land area equal to or greater than 150 acres. A brief description and summary of each of the proposed preserve parcels follows:

Preservation Area 1	10.11 ac	Falowski
Preservation Area 2	10.46 ac	Frueh
Preservation Area 3	5.00 ac	Himmelrich
Preservation Area 4	37.67 ac	Amestoy
Preservation Area 5	97.26 ac	Jill
Preservation Area 6	19.17 ac	Kahlert
Preservation Area 7	3.20 ac	Buschi

Preservation Area 8	10.06 ac	Vogel
Preservation Area 9	19.31 ac	Grassy River
Preservation Area 10	10.06 ac	West Boynton
Preservation Area 11	20.11 ac	Mc Dougald
Preservation Area 12	4.39 ac	Czito
Preservation Area 13	12.56 ac	Lyons West
Preservation Area 14	121.67 ac	Dell

TOTAL PRESERVE AREA 381.02 AC

o Exemplary Projects

Pursuant to Article 3.E.2.A.4 of the ULDC, a rezoning of property to the PUD district shall only be granted for projects that exceed the minimum ULDC requirements for a Planned Development District. The proposed Master and Site Plans and commitments made within the applicant's Justification Statement submitted during the review process provide the following features to achieve the PUD exemplary design objectives:

- pedestrian interconnectivity within the site which reduces walking distances and includes a recreation pod with a lakefront trail;
- curvilinear and meandering roadways to offer a varied streetscape and interrupt line-of-sight;
- decorative paving treatment at the site's entrances from Lyons Road and Boynton Beach Boulevard, and at T-intersections throughout the site;
- a fountain as a focal feature within lake tracts #1 and # 7;
- designing the site in a manner that includes a limited number of back-to-back lots and that allows the vast majority of lots to abut a landscape buffer, recreation/open space area, and/or lake tract;
- focal points within all cul-de-sac islands and eyebrows;
- an 6.87-acre waterfront recreation area that alone exceeds minimum ULDC required 3.84-acres for total recreation space; and,
- locating open spaces and passive recreation areas to align with select T-intersections.

To further the PUD exemplary design objective, staff is recommending that the following elements be incorporated into the final site design and development:

- additional quantities of plant materials (i.e. palms and pine trees) within all perimeter landscape buffers, (Condition 2: Landscape Standards); and
- upgraded amenities within the recreation and open space areas located throughout the site, (Condition 2: Planned Unit Development).

o Waiver: Deviation from Cul-de-sac and Dead-end Restrictions

Pursuant to the Planned Development District (PDD) Performance Standards of ULDC Article 3.E.1.C.2.a.5), no more than 25 percent of the local streets in a PDD shall terminate in a cul-de-sac or a dead-end unless waived by the BCC. The proposed site plan indicates that 10 (or 55%) of the proposed 18 streets within the development area will terminate in a cul-de-sac or dead-end. The applicant is requesting that the BCC waive this limitation in order to accommodate the proposed site design. Staff has no objection to the request since only a small fraction of the proposed lots (28 of 640, or 4.3%) gain access from the proposed cul-de-sacs and dead-ends; in light of the proposed design for the development area; and since the efficiency, safety and function of the internal circulation program is not unreasonably compromised by the proposal.

o Civic Site

Pursuant to ULDC Article 3.E.2.C.3 and Table 3.E.2.C-15, not less than 2% of the gross acreage of a PUD (or the gross acreage of the development area of an AGR PUD) shall be dedicated for civic use. The civic site requirement for this proposed PUD would therefore be 5.08 acres based upon 254.02 gross acres. However, Palm Beach County and the applicant, G.L. Homes, entered into an agreement on May 18, 2004 (i.e. Exchange and Civic Site Dedication Agreement) to allow the civic requirement for potential future residential projects to be satisfied through off-site assemblages of land (i.e. Civic Bank) that have been conveyed to Palm Beach County for public civic use. Civic requirements for the proposed PUD would be satisfied under the terms of the aforementioned agreement.

o Model Row

Additionally, the proposed site plan indicates that a model row will be located within Pod B of the proposed PUD. Pursuant to ULDC Article 3.E.1.G.3.c., a model row is permitted for planned developments with 300 or more units; shall consist of a maximum of 16 units; shall be located within a residential pod; shall be limited to the sale of units within the project only; and shall be designated on the site plan at time of approval by the Board of County Commissioners (BCC). As proposed, the model row meets all ULDC requirements.

o Traffic

The Engineering Department estimates that the proposed development area will generate 2,820 trips per day.

TABULAR DATA

	EXISTING	PROPOSED
Property Control Number(s)	00-42-43-27-05-051-0330 00-42-43-27-05-053-0093 00-42-43-27-05-061-0011 00-41-45-14-00-000-5040 00-41-45-14-00-000-5120 00-42-43-27-05-045-0640 00-42-43-27-05-045-0650 00-42-43-27-05-045-1010 00-42-43-27-05-051-0310 00-42-43-27-05-051-0320 00-42-43-27-05-051-0350 00-42-43-27-05-051-0390 00-42-43-27-05-051-0400 00-42-43-27-05-051-0410 00-42-43-27-05-051-0490 00-42-43-27-05-051-0500 00-42-43-27-05-051-0580 00-42-43-27-05-051-0590 00-42-43-27-05-051-0650 00-42-43-27-05-051-0840 00-42-43-27-05-051-0860 00-42-43-27-05-051-0870 00-42-43-27-05-051-0880 00-42-43-27-05-051-0890 00-42-43-27-05-052-0010 00-42-43-27-05-052-0161 00-42-43-27-05-053-0120 00-42-43-27-05-053-0141	New/Pending

	00-42-43-27-05-053-0391 00-42-43-27-05-053-0430 00-42-46-18-01-000-0050 00-42-43-27-05-051-1091 00-42-43-27-05-051-1101 00-42-43-27-05-051-1111 00-42-43-27-05-051-1121	
Land Use Designation:	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)
Zoning District:	Agricultural Reserve District (AGR)	Agricultural Reserve Planned Unit Development District (AGR-PUD)
Tier:	Agricultural Reserve	Same
Use:	Agriculture, Bona Fide	329 Single-Family 311 Zero Lot Line
Acreage:	635.04 acres	Same
Dwelling Units:	None	640 dwelling units
Density:	None	1 du/ac
Access:	Lyons Road (1) Boynton Beach Blvd (1)	Same

CODE ENFORCEMENT: N/A

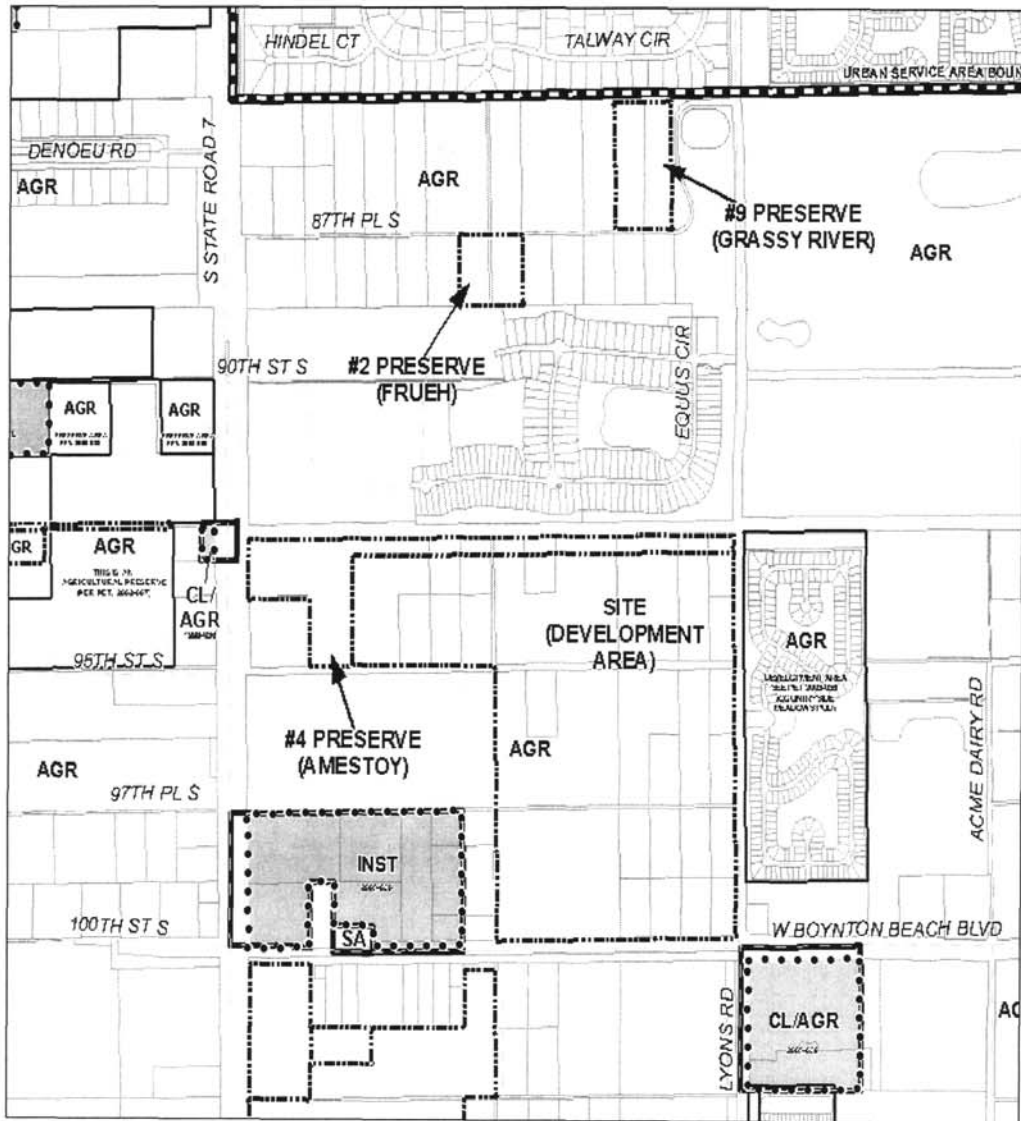
PUBLIC COMMENT SUMMARY: At the time of publication, staff had received 2 letters from the public in opposition to additional approvals for more units in the Ag-Reserve and one phone call from one of the property owners of a preserve parcel to obtain information regarding allowable bona fide agricultural uses.

RECOMMENDATION: Staff recommends approval of the request subject to 43 Conditions as indicated in Exhibit "C".

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

MOTION: To recommend approval of a Waiver to allow deviation from cul-de-sac and dead-end restrictions.

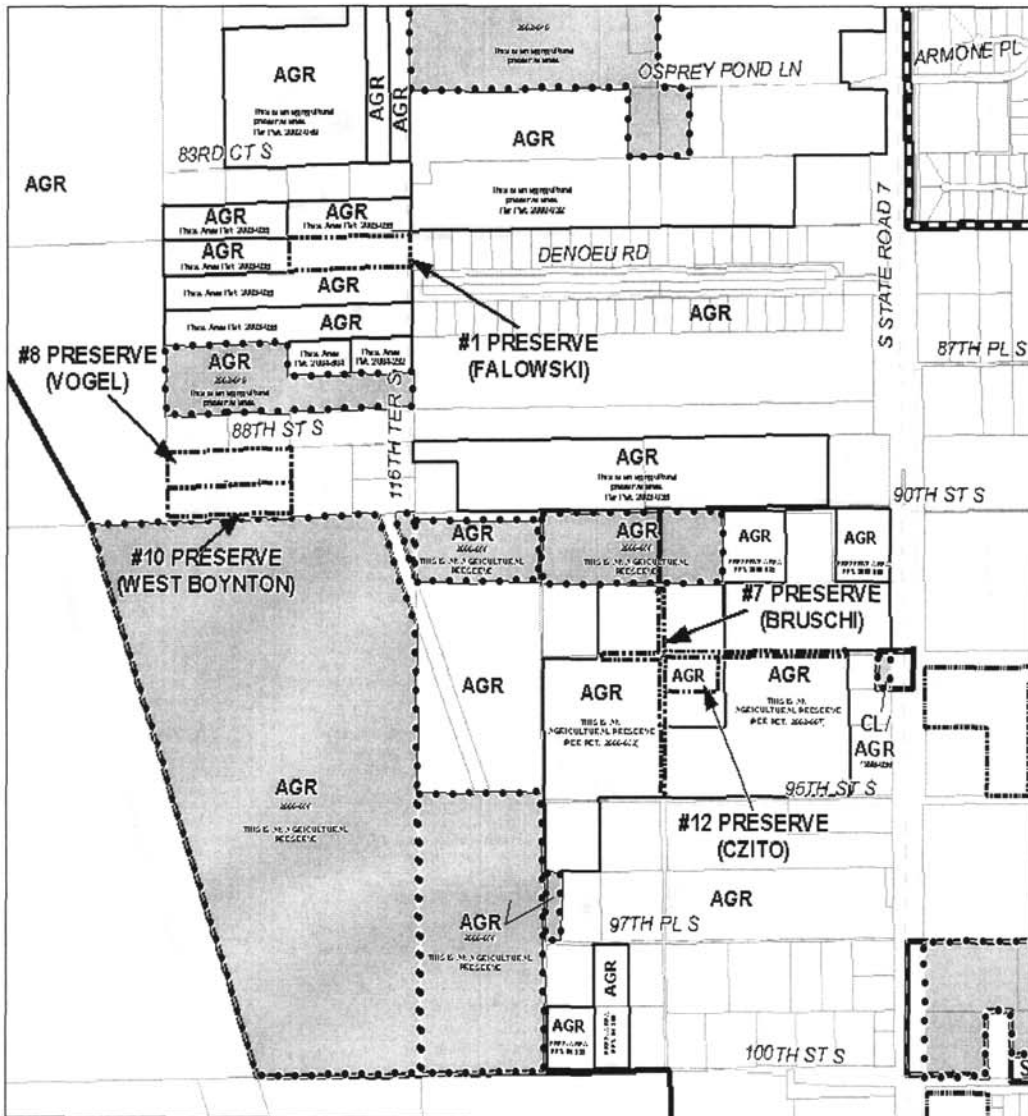
PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Number:	<u>PDD 2005-989</u>
Control Number:	<u>2005-162</u>
Land Use Atlas Page:	<u>85, 89</u>
Date:	<u>12/07/2005</u>



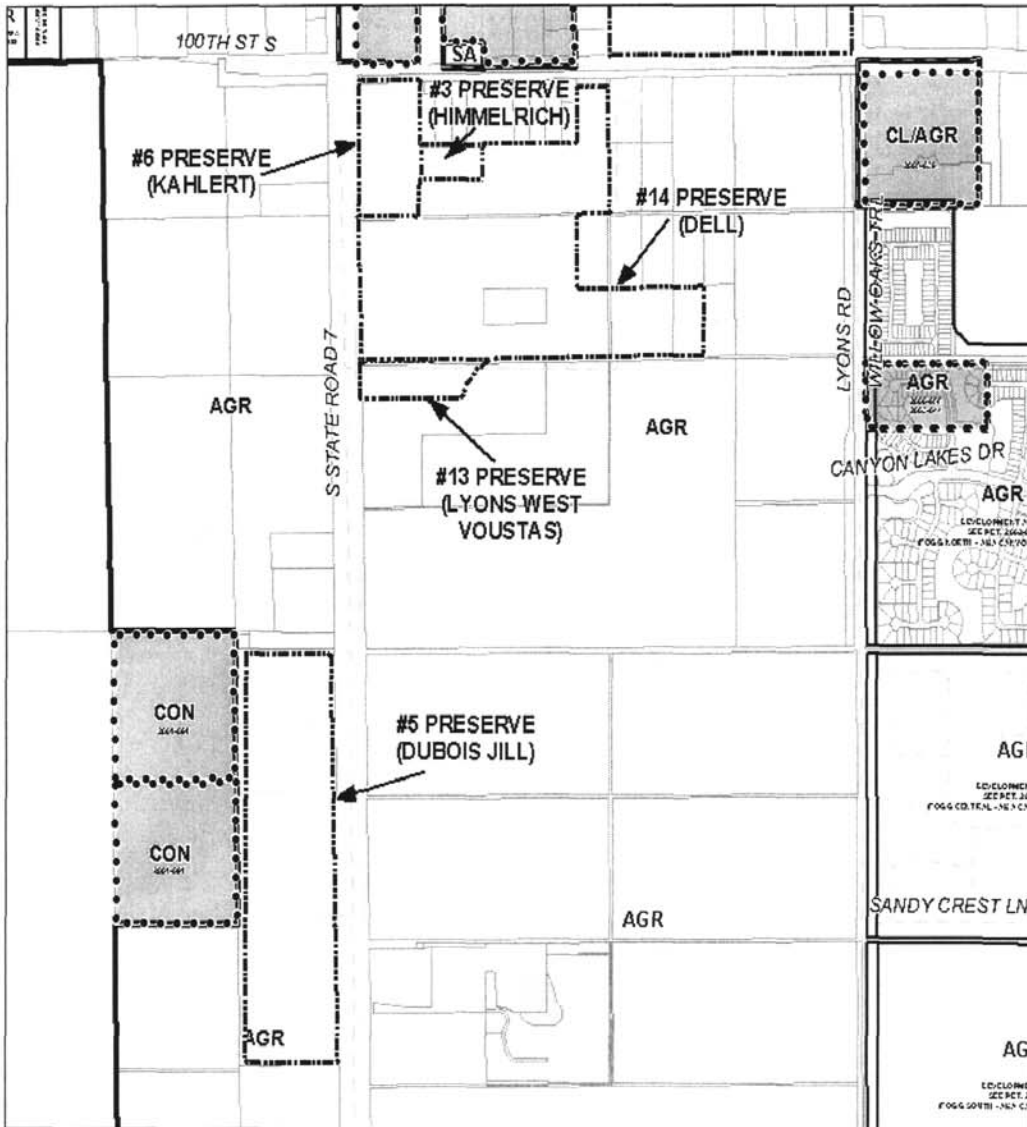
PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Number: PDD 2005-989
 Control Number: 2005-162
 Land Use Atlas Page: 84, 89
 Date: 12/07/2005



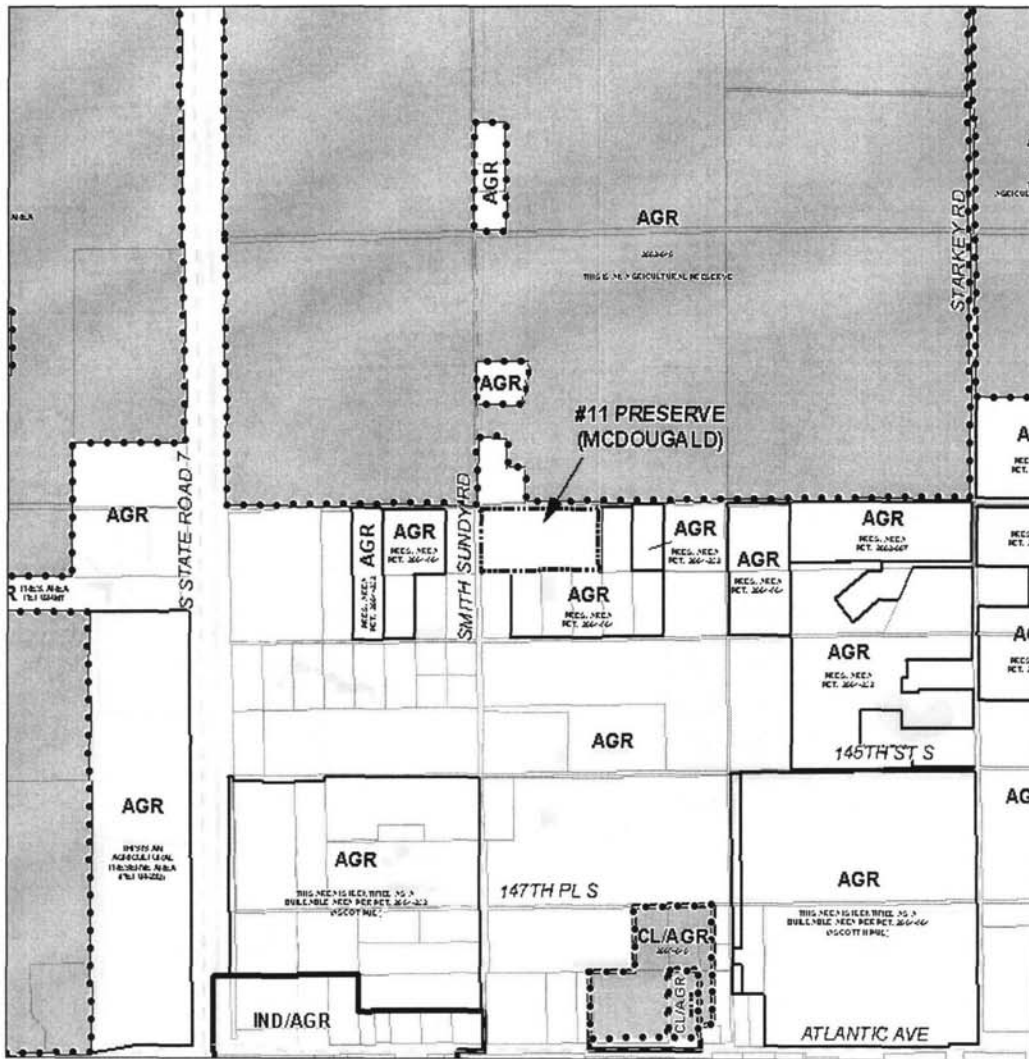
PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Number: PDD 2005-989
 Control Number: 2005-162
 Land Use Atlas Page: 88, 89, 92
 Date: 12/07/2005



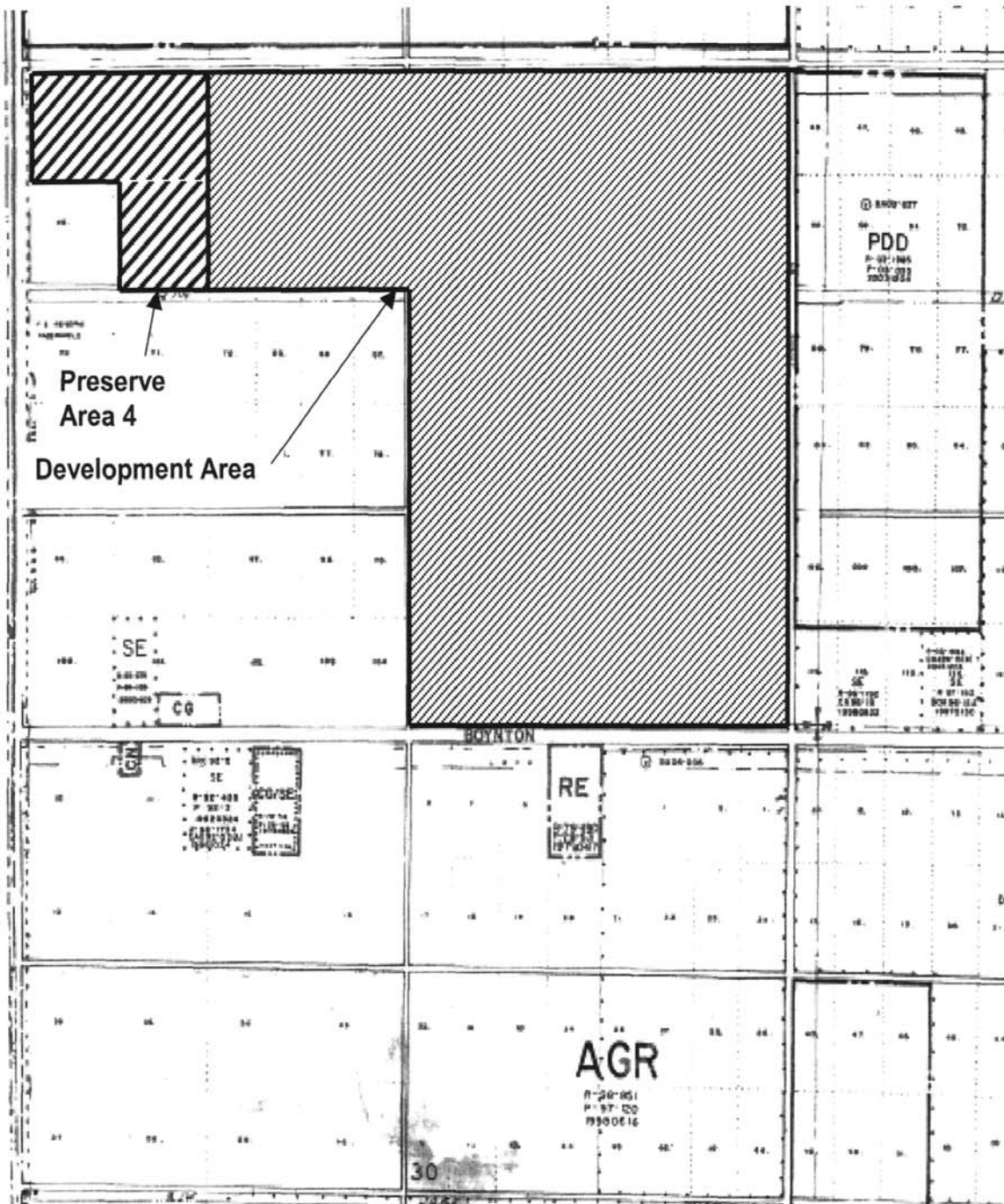
PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Number: PDD 2005-989
 Control Number: 2005-162
 Land Use Atlas Page: 98
 Date: 12/07/2005



PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. 2005-989
 Zoning Quad 50
 Date January 6, 2006



**AERIAL PHOTOGRAPH NOT INCLUDED
IN ELECTRONIC STAFF REPORT**

CONCEPTUAL SITE PLAN
DATED OCTOBER 17, 2005



Landscaping Architects / Planners
Landscape Architecture
1000 N. Orange Avenue
Suite 100
Orlando, Florida 32801
Tel: 407.251.1111
Fax: 407.251.1112
www.landscaping.com

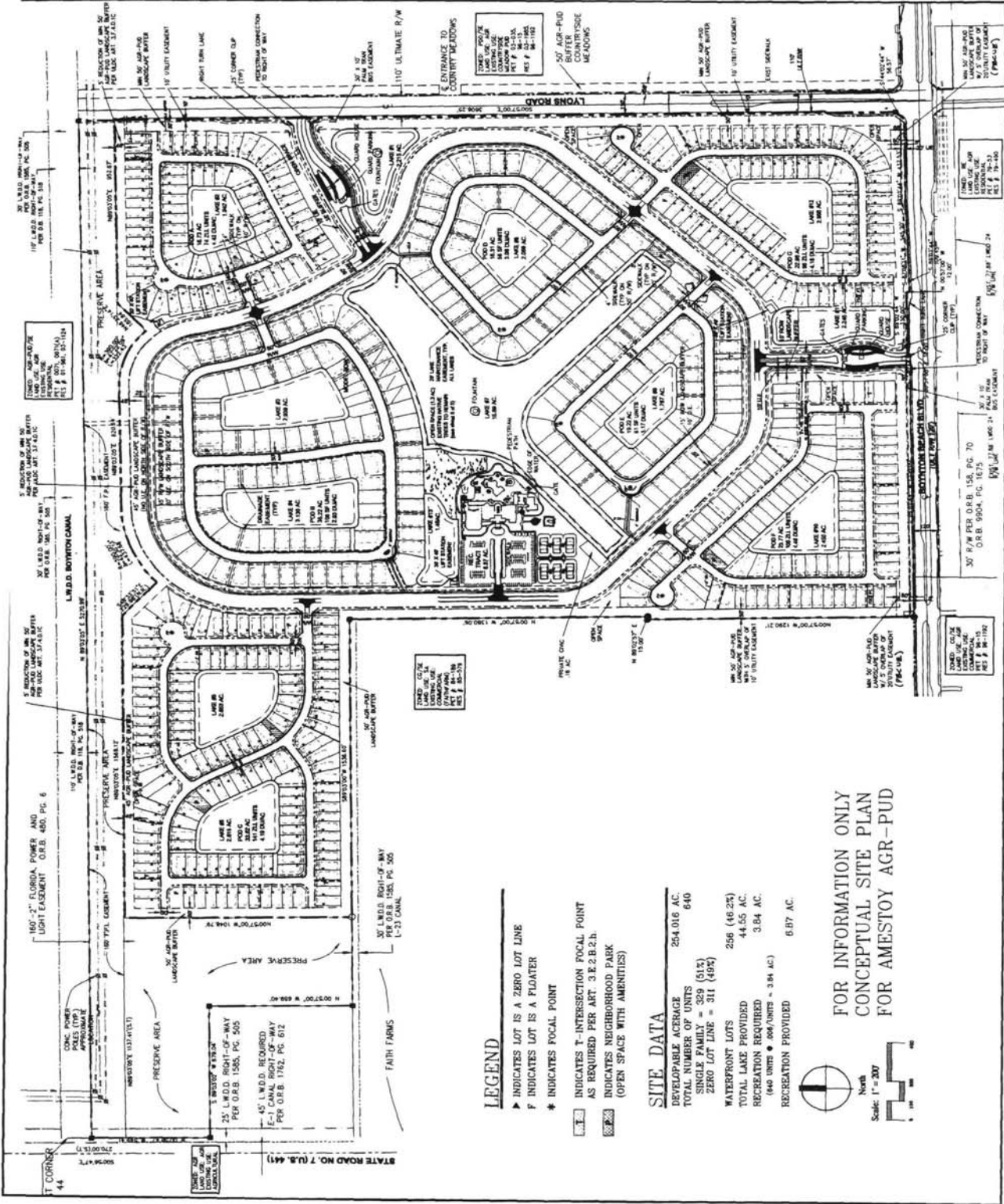
AMESTOY AGR-PUD

Conceptual Site Plan
PALM BEACH COUNTY, FLORIDA

Scale: 1" = 200'
Date: 10/17/05
Design By: CM
Drawn By: LT
PWA No.: 1000.39
Drawing No.: 99-28

REVISIONS / SUBMISSIONS
NO. DATE DESCRIPTION
1 10/17/05 PRELIMINARY
2 11/02/05 REVISED

Conceptual Site Plan
04-0056-105
AMC-0056-000
REVISED
11-OCT-2005



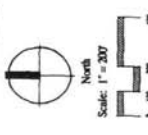
LEGEND

- ▶ INDICATES LOT IS A ZERO LOT LINE
- F INDICATES LOT IS A FLOATER
- * INDICATES FOCAL POINT
- I — I — INDICATES T-INTERSECTION FOCAL POINT AS REQUIRED PER ART. 31.2.B.2.b.
- N — N — INDICATES NEIGHBORHOOD PARK (OPEN SPACE WITH AMENITIES)

SITE DATA

DEVELOPABLE ACREAGE	254.016 AC.
TOTAL NUMBER OF UNITS	640
SINGLE FAMILY = 329 (51%)	
ZERO LOT LINE = 311 (49%)	
WATERFRONT LOTS	256 (40.2%)
TOTAL LAKE PROVIDED	44.55 AC.
RECREATION REQUIRED	3.84 AC.
(640 UNITS • 600/UNITS = 3.84 AC.)	
RECREATION PROVIDED	6.87 AC.

FOR INFORMATION ONLY
CONCEPTUAL SITE PLAN
FOR AMESTOY AGR-PUD



**REGULATING PLAN
DATED OCTOBER 17, 2005**



Landscape Architecture / Planners
 James B. Landon, P.E.
 1000 N. Orange Avenue
 Suite 100
 Palm Beach, Florida 33480
 Phone: 561-833-1100
 Fax: 561-833-1101
 www.jblandscape.com

AMESTOY AGR-PUD

PALM BEACH COUNTY, FLORIDA

Regulating Plan

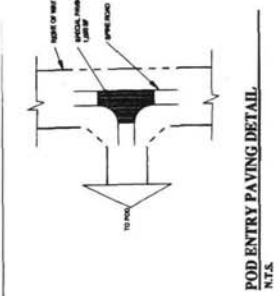
Scale: NTS
 Date: 07-08-05
 Design By: JBL
 Check By: TM
 Plan No.: 000-28
 Drawing No.: 05-28

REVISIONS / SUBMISSIONS
NO. 001 COMMENTS: SEE 28-00
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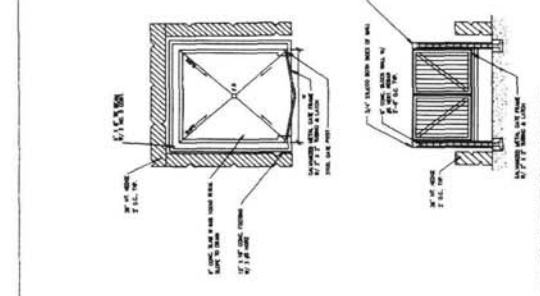
Regulating Plan

00005-102
 APPROVED
 11/02/2005

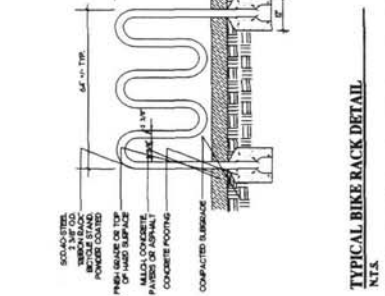
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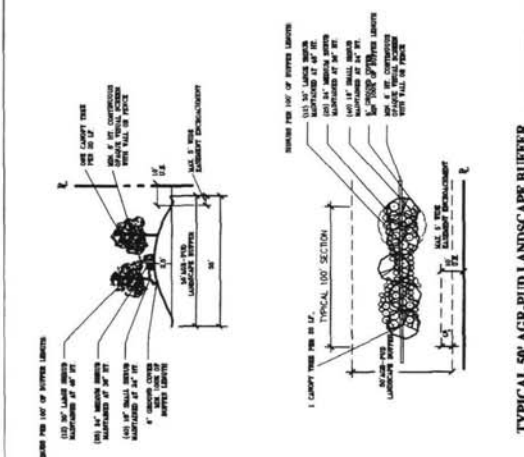
POD ENTRY PAVING DETAIL
NTS



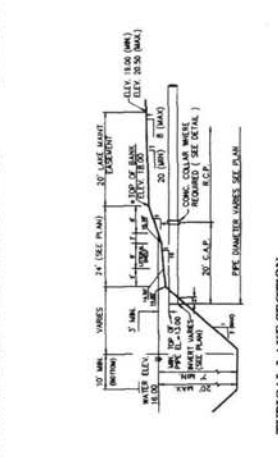
TYPICAL DUMPSTER DETAIL
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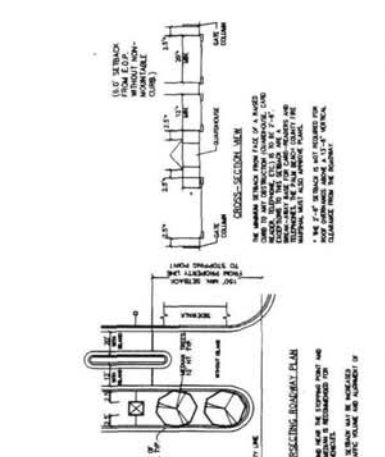
TYPICAL BIKE RACK DETAIL
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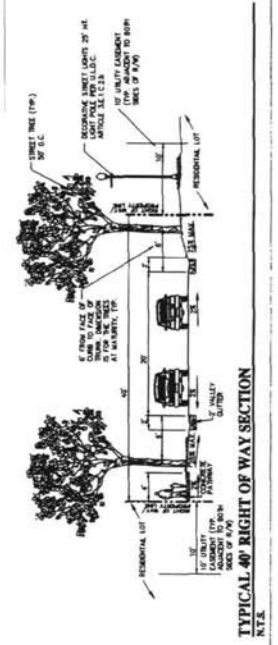
TYPICAL 50' AGR-PUD LANDSCAPE BUFFER
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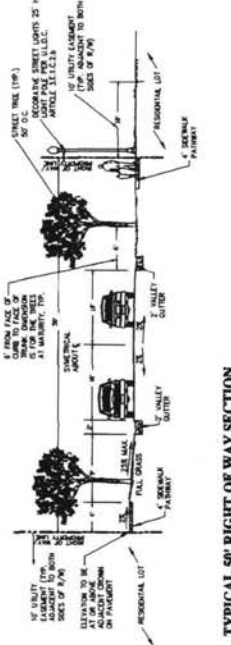
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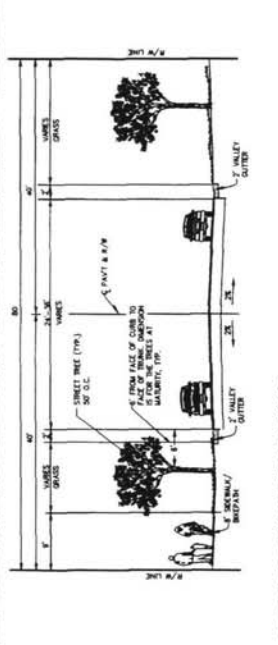
LOT DETAILS
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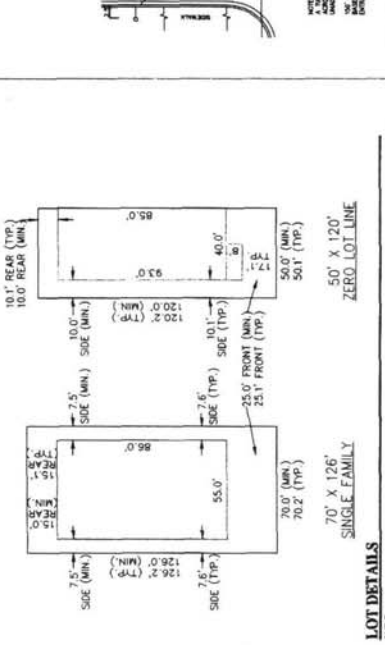
TYPICAL 40' RIGHT OF WAY SECTION
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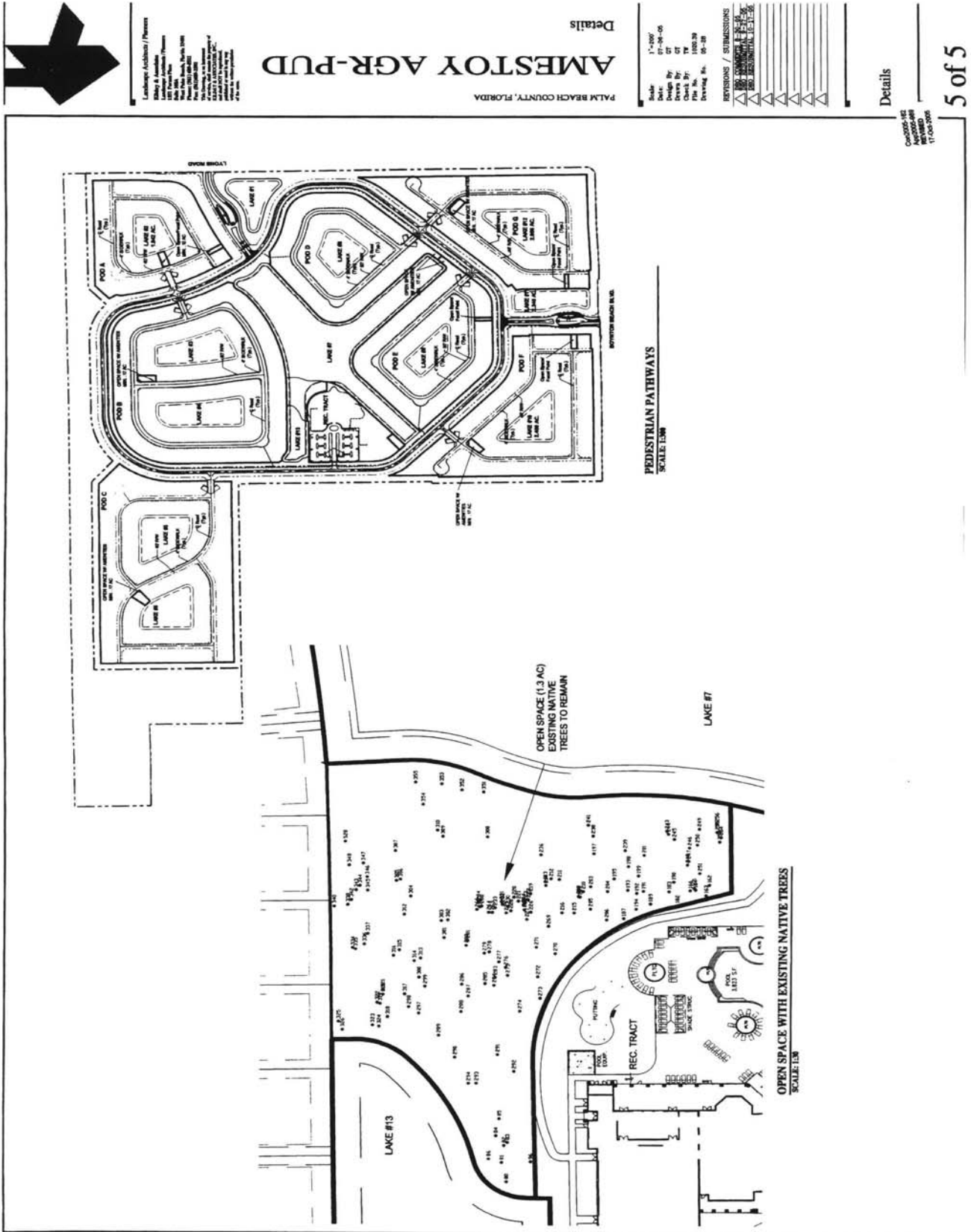
TYPICAL 50' RIGHT OF WAY SECTION
NTS



80' NON-PLAN COLLECTOR STREET
NTS



**DETAIL PLAN
DATED OCTOBER 17, 2005**



STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

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

Underlying Land Use: None

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request for a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) District.

This AGR-PUD request comprises fifteen (15) parcels: Amestoy PUD Development Area Parcel (254.016 acres); Falowski Preserve (10.110 acres); Frueh Preserve (10.463 acres); Himmelrich Preserve (5.0 acres); Amestoy Preserve (37.668 acres); Jill Preserve (97.262 acres); Kahlert Preserve (19.163 acres); Bruschi Preserve (3.202 acres); Vogel Preserve (10.056 acres); Grassy River Preserve (19.311 acres); West Boynton Preserve (10.055 acres); McDougald Preserve (20.113 acres); Czito Preserve (4.394 acres); Lyons West/Voustas Preserve (12.556 acres); Dell Preserve (121.670 acres), that all have future land use (FLU) designations of Agricultural Reserve (AGR) and are in the Agricultural Reserve Tier. All of these sites are also in a Limited Urban Service Area (LUSA). Staff has determined that the fourteen (14) preserve parcels have the potential to be preserve parcels.

The following items apply to the Preserve parcel(s):

1. Existing roadways, infrastructure, and utilities shall be used only to support existing and future agricultural activities.
2. Since these properties will be dedicated as preserve areas for an AGR-PDD, any infrastructure existing on the property shall not be hooked up to public utilities.
3. The requested rezoning is required to designate these sites as preservation areas in accordance with the Comprehensive Plan. In addition, upon approval of the zoning request, Planning staff will designate these sites as preserve areas of the PUD on the Future Land Use Atlas (FLUA).
4. Based on FLUE Policy 1.5.1-j, the preservation areas will be subject to a conservation easement or deeded to Palm Beach County or to another governmental entity.
5. Based on FLUE Policy 1.5.1-i.6.c, conservation easements for these preservation parcels will need to indicate the attributes of these preservation parcels and state a preservation purpose for the site (i.e.: will the site be used for: crop production, pasture, equestrian purposes, fallow land, environmental preservation, water storage, etc).
6. No residential units or farm residences (whether existing or proposed) shall be allowed on these preservation parcels.

Planning Staff offers the following comments and recommendations in regard to the Development Area proposal's consistency with the Comprehensive Plan:

Per FLUE Policy 1.5.1-i.4, the development area of an AGR-PDD (60/40) is allowed only on Thoroughfares specified within the Agricultural Reserve section of the Future Land Use Element, (Boynton Beach Boulevard, S.R. 7, Atlantic Avenue, Clint Moore Road, Lyons Road north of Boynton Beach Boulevard, and Acme Dairy Road). The Amestoy AGR-PUD qualifies as a development area since the subject property has frontage on Boynton Beach Boulevard and Lyons Road north of Boynton Beach Boulevard. The Comprehensive Plan also requires that the development area not be situated west of SR 7. The development area is east of SR 7.

The Comprehensive Plan permits the 60/40 development option within the Agricultural Reserve. This requirement translates to 40% development area and 60% protected area, less Thoroughfare Plan right-of-way. Staff based the 60/40 option for this PUD's configuration on 635.039 acres, (640.741 gross acres less 5.702 acres Boynton Beach Blvd r-o-w dedication) and is reflected in the following calculation:

(635.039 ac X .40 = 254.02 acres maximum developable area)
(635.039 ac X .60 = 381.02 acres minimum preserve area)

The PUD involves 254.016 acres (developable area) and 381.023 acres (preserve area). As stated previously, Thoroughfare Plan rights-of-way (ROWs), ROWs not owned by the property owner, or ROWs dedicated with compensation cannot be included in the 60/40 calculation. For this project, r-o-w for Boynton Beach Blvd. was not included in the 60/40 acreage figure of the site and therefore meets this requirement.

Based on the previous discussion, the total units allowed for this PUD is based on 640.741, which includes 5.702 acres of Boynton Beach Blvd. r-o-w dedication. Based on the permitted PUD density of 1 du/1 acre in the Agricultural Reserve, the petitioner could build 640 dwelling units on the developable area.

Based on the above analysis, Planning staff has determined that the development proposal is consistent with the Agricultural Reserve provisions of the Palm Beach County Comprehensive Plan and appropriate for this parcel's AGR FLU designation. The proposed request for 640 units is consistent with the density thresholds of the Comprehensive Plan for the AGR FLU designation.

FLUE Policy 1.5.1-c states: "At least one stub street in each of the four cardinal directions may be required in all AGR-PDDs unless the property is adjacent to a designated preserve area or lies west of State Road 7 or lies adjacent to the Ronald Reagan Turnpike." Transportation Policy (TE) Policy 1.4.g, TE Policy 1.4.h, and TE Policy 1.4.i also discuss providing stub street connections to adjacent undeveloped parcels with a potential for future developments. Access has been provided to the development site from the east and south. The Amestoy Preserve and a LWDD Canal (C-16) border the site to the north and limit opportunities for a connection. During the DRO certification process, Staff suggested that a stub street be provided to the west from the development site to one of three parcels at the southwest property line. These three parcels, totaling 9.3 acres, are between the Amestoy development site and a proposed hospital. The three parcels will have limited development opportunities based on their size, location, and AGR FLU development restrictions. Staff has included a condition of approval, requiring a stub street connection at the southwest property line.

The master plan and conceptual site plan were also reviewed for consistency with policies from the FLUE and TE that encourage vehicular and pedestrian interconnectivity both within and between sites and discourage the use of dead end streets in favor of through streets, including FLUE Policy 4.3-g, TE Policy 1.4-g, TE Policy 1.4-h, TE Policy 1.4-i, and TE Policy 1.9-j. Based on these policies, Staff determined that the site was lacking some elements of efficient internal pedestrian circulation. Staff requested that the applicant revise the master plan to create pedestrian linkages within the PUD to provide alternate means of access from each Pod to on site recreational amenities and other Pods. In addition, in accordance with FLUE Policy 4.3-i regarding a pedestrian friendly site design, staff requested a lakefront pedestrian trail around the primary recreation pod.

After meeting with Staff, the applicant provided several pedestrian connections in order to improve pedestrian interconnectivity within the site and reduce walking distances. The applicant also included a conceptual plan for the recreation pod that includes a lakefront trail. Therefore, the certified master plan furthers policies in the Comprehensive Plan that encourage internal pedestrian interconnectivity within sites.

TIER: The subject property is in the Agricultural Reserve Tier, which is a Limited Urban Service Area (LUSA). The Comprehensive Plan allows development in this area at a density of 1du/1 acre with a 60/40 AGR-PUD and provides for the extension of utilities.

FUTURE ANNEXATION AREAS: The subject site is not in a future annexation area identified within an adopted Comprehensive Plan.

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

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: All affected parcels are located in the Agricultural Reserve. The development area and thirteen preserve parcels are located within the boundaries of the West Boynton Area Community Plan (WBACP). Staff has reviewed the request for compliance with recommendations of the WBACP and found the proposed PUD and preserve parcels are generally consistent with Plan recommendations.

FINDINGS: The request is generally consistent with the Agricultural Reserve provisions of the Palm Beach County Comprehensive Plan. Staff has conditioned the project to provide a stub street connection to the west along the southwest property line as recommended by FLUE Policy 1.5.1-c.

ENGINEERING COMMENTS:

MAJOR THOROUGHFARES

Total traffic expected from this project is 4,326 trips/day.

TRAFFIC:	Boynton Beach Boulevard
SEGMENT:	SR 7 Lyons Road
PRESENT:	14,191
HISTORICAL	
GROWTH TRAFFIC: --	
OTHER DEVELOPMENT	
TRAFFIC: --	
FROM PETITION:	2,970 trips/day
TOTAL:	17,161
PRESENT CAPACITY AT	
LEVEL OF SERVICE "D":	15,400
PRESENT LANEAGE:	2 Lane

PALM BEACH COUNTY HEALTH DEPARTMENT:

WATER: Water is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems shall be abandoned in accordance with Palm Beach County ECR-II.

SEWER: Wastewater service is available to the property. Therefore, no onsite sewage treatment and disposal system (OSTDS) shall be permitted on this site. All existing OSTDS must be abandoned in accordance with Chapter 64E-6, FAC and Palm Beach County ECR-I.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

Comments: VEGETATION PROTECTION: The site is currently a combination of residential and active agriculture and contains native vegetation. Native vegetation consists of Slash pine, Live oak, and cabbage palm. Most of the native vegetation has been incorporated into the site plan in the open space and recreational area.

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

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

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

OTHER:

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

SCHOOL IMPACTS: In accordance with adopted school concurrency, a Concurrency Determination for 640 single-family units has been approved on August 8, 2005 (Concurrency Case #05071902C). The subject property is located within Concurrency Service Area 19 (SAC 259).

The revised Master Plan (dated 11/23/05) does not indicate a bus shelter location because the units for the proposed development will be age restricted.

PARKS AND RECREATION: Based on the proposed 640 dwelling units 3.84 acres of on site recreation is required. The plan submitted indicates there will be 6.87 acres of recreation provided, therefore, the Parks and Recreation Department standards have been addressed.

CONCURRENCY: Concurrency has been approved for 329 single family and 311 zero lot line dwelling units.

WATER/SEWER PROVIDER: Palm Beach County Water Utilities Department.

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

DEVELOPMENT REVIEW EVALUATION:

SITE FACTORS: A 635.04 acre site, which includes a 254.02 Development Area that has approximately 3,606.25 feet of frontage on Lyons Road and approximately 1,350 feet of frontage on Boynton Beach Boulevard. The 381 acres of Preserve Area supports bona fide agricultural uses.

ADJACENT LAND USE AND ZONING:

NORTH:	Comprehensive Plan:	Agricultural Reserve (AGR)
	Zoning District:	Agricultural Reserve (AGR PUD/SE)
	Supporting:	Equus
SOUTH:	Comprehensive Plan:	Agricultural Reserve (AGR)
	Zoning District:	Residential Estate (RE)
	Supporting:	Residential
EAST:	Comprehensive Plan:	Agricultural Reserve (AGR)
	Zoning Districts:	Planned Development District (PDD/SE)
	Supporting:	Countryside Meadow PUD

WEST: Comprehensive Plan: (SA)
Zoning District: General Commercial/Special Exception (CG/SE)
Supporting: Faith Farm

ZONING REQUIREMENTS: A final site plan shall be approved by the Development Review Officer (DRO) in accordance with the Unified Land Development Code (ULDC). The DRO review will ensure compliance with Board of County Commission conditions of approval, and all applicable section of the ULDC.

FINDINGS:

1. **Consistent with Comprehensive Plan.** As proposed and conditioned herein, the Planning Division has determined that the request is consistent with the purpose, goals and policies of the Comprehensive Plan, including densities and intensities of uses.
 2. **Consistent with Code.** The proposed Zoning Map Amendment is not in conflict with any portion of the ULDC, and is consistent with the stated purpose and intent of the ULDC.
 3. **Compatible with surrounding uses.** The site is surrounded by a mix of agricultural and residential, as well as undeveloped property. As proposed and conditioned herein, and subject to compliance with all ULDC requirements, the proposed development is compatible with the adjacent uses as defined in the ULDC.
 4. **Changed conditions.** The applicant indicates that the current development trend throughout the Agricultural Reserve for both residential development and preservation purposes forwards the goals and objectives of the Comprehensive Plan and constitutes justification for the rezoning request.
 5. **Effect on Natural Environment.** The site supports native vegetation, which has been incorporated into the proposed site plan. There are no significant environmental issues associated with this application beyond compliance with ULDC requirements.
 6. **Development Patterns.** The proposed development area is located at the future juncture of major roadways in Palm Beach County; is located in close proximity to major transportation corridors and an approved Traditional Marketplace Development; does not intrude into existing preservation areas; and will not interfere with existing agricultural operations in the vicinity of the site. The proposed preservation parcels contribute to the character of the Agricultural Reserve and further conservation efforts. The proposed development is anticipated to have no adverse impact on local development patterns, timing or trends.
 7. **Consistency with Neighborhood Plan.** No inconsistencies have been identified with recommendations from the West Boynton Area Community Plan.
 8. **Adequate Public Facilities.** Concurrency has been approved for 329 single family dwelling units and 311 zero lot line dwelling units. The proposed rezoning and development complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).
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EXHIBITS

- Exhibit A: Legal Description (NA - attached to resolution)
- Exhibit B: Vicinity Sketch
- Exhibit C: Conditions of Approval
- Exhibit D: Accident History Report

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 November 23, 2005. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

ENGINEERING

1. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
 - a. Building Permits for more than 166 Adult single family dwelling units shall not be issued until construction has commenced for intersection improvements at Boynton Beach Boulevard and Lyons Road providing for dual right turn lanes east approach including median modifications on the westbound departure. (BLDG PERMIT: MONITORING-Eng)
 - b. Building Permits for more than 323 Adult single family dwelling units (maximum 165 PM Peak Hour Trips) shall not be issued until construction has commenced for intersection improvements at West Atlantic Avenue and SR 7 providing for:
 - north and south approach additional through lane
 - dual right turn lanes east approach. (BLDG PERMIT: MONITORING-Eng)
 - c. Building Permits for more than 525 Adult single family dwelling units (maximum 268 PM Peak Hour Trips) shall not be issued until construction has commenced for intersection improvements at Boynton Beach Boulevard and Hagen Ranch Road providing for an additional north and south approach through lane. (BLDG PERMIT: MONITORING-Eng)
 - d. 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 only if based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING Eng)
2. Acceptable surety required for the offsite road improvements as outlined in Condition No. 1a, 1b and 1c above shall be posted with the Office of the Land Development Division on or before July 5, 2006. Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. Surety shall also include signal modifications for any intersection improvements. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (TPS - Maximum 6 month time extension) (DATE: MONITORING Eng)

3. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG Eng)
4. Prior to January 15, 2007, the property owner shall complete construction plans for all improvements identified in Condition No. 1a, 1b, and 1c above. These construction plans shall be approved by the Florida Department of Transportation for 1a, 1b, and 1c, plans will also be approved by 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. Construction plans shall also include signal modifications for any intersection improvements. (DATE: MONITORING Eng)
5. Prior to September 15, 2007 the property owner shall complete construction for all improvements identified in Condition No. 1a, 1b, and 1c. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Construction shall also include signal modifications for any intersection improvements. (DATE: MONITORING Eng)
6. The property owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed for:
 - a) Lyons Road 55 feet from centerline;
 - b) Boynton Beach Boulevard 120 feet north of the existing north right of way line of the LWDD L24 Canal.
 - c) Smith Sundry Road 40 feet from centerline (preserve parcel)
 - d) Sufficient right of way to provide for an Expanded Intersection at Boynton Beach Boulevard and Lyons Road.

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

7. 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 both Boynton Beach Boulevard and Lyons Road at the project's entrance road. This right of way shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include corner clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of

Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (DATE: MONITORING Eng)

8. The Property owner shall construct:
 - A. restricted median opening and associated left turn lane west approach on Boynton Beach Boulevard at the Project's Entrance Road.
 - B. Right turn lane east approach on Boynton Beach Boulevard at the Project's Entrance Road.
 - C. left turn lane south approach on Lyons Road at the Project's Entrance Road.
 - D. Right turn lane north approach on Lyons Road at the Project's Entrance Road
 - E. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - F. 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)
 - G. Construction for these improvements shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING Eng)

9. Prior to July 1, 2006, the property owner shall convey a temporary roadway construction easement along both Lyons Road and Boynton Beach Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: MONITORING Eng)

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

11. SR 7 NOISE MITIGATION

- a) The Preliminary Development Plan for this site shall be amended to reflect noise mitigation requirements for dwelling units adjacent to SR 7 as outlined in the approved Noise Analysis. Requirements such as a sound wall and or landscape buffers shall be shown on the Preliminary Development Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ENGINEERING-Eng)
- b) Construction of any required sound walls and landscape buffers as outlined in the Noise Analysis, shall be completed prior to the issuance of the first certificate of occupancy. (CO:MONITORING-Eng)
- c) The property owner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans and related Site Plans contain a disclosure statement identifying that this site is adjacent to SR 7 and that some of the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to this major thoroughfare roadway. Also, there shall be a statement included in the sales contracts and homeowner documents the noise levels residents may expect after any noise mitigation improvements are constructed by the Developer. In addition, there shall be a statement that any additional noise mitigation measures requested by property owners or the Home Owners Association in the future shall not be funded by Palm Beach County. (ONGOING)
- d) The property owner shall submit documentation of compliance with c" above on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before June 15, 2006 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowner's association. (DATE: MONITORING-Eng)

12. LANDSCAPE WITHIN THE MEDIAN OF BOYNTON BEACH BOULEVARD AND LYONS ROAD

The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of both Boynton Beach Boulevard and Lyons Road. 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 petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless 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 property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner 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 petitioner. The 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 property owner. (ONGOING-ENGINEERING)
 - d) Also, prior to the issuance of a Building Permit, and at the option of the property owner, the property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification 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 Hypoluxo Road. 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. (ONGOING-ENGINEERING-Eng)
13. Prior to final site plan approval by the Development Review Committee, the property owner shall record a restrictive covenant on the property limiting occupancy of the units to Adult, over 55 years of age, dwelling units. This restrictive covenant shall be approved by the County Attorney and the County Engineer. (DRO:ENGINEERING-Eng)

ENVIRONMENTAL

- 1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING:ERM - ERM)
- 2. An Exotic Removal Management Plan, covering the conservation parcels, associated with the Amestoy PUD, shall be reviewed and approved by ERM prior to final DRO site plan approval. (DRO:ERM - ERM)
- 3. All Restricted Covenant Agreements and Conservation Easements for the Conservation Parcels, associated with the Amestoy PUD, shall be submitted to ERM for review and approval prior to recordation.(DRO:ERM - ERM)

ZONING – LANDSCAPE -STANDARDS

- 1. Prior to the issuance of the first building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all the landscape conditions as contained herein. (BLDG PERMT: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 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 issuance of the first Building Permit or recordation of the Plat, whichever shall first occur, 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. (BLDG PERMIT/PLAT: MONITORING-Eng)

PLANNING

1. The PUD shall be limited to a maximum of 640 dwelling units and shall meet 60/40 AGR-PUD requirements. (ONGOING: PLANNING-Planning)
2. Prior to recordation of a plat for the Amestoy 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: PLANNING/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: PLANNING/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 # 2005-989 shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement:

PERMITTED USES:

- 1) Crop production, pasture, or equestrian purposes or may be retained as fallow land;
- 2) Accessory structures such as barns and pump structures are permitted;
- 3) Regional water storage areas to serve as water management functions or to serve as a Water Preserve Area if designated by the South Florida Water Management District: to serve regional water management purposes as certified by either Lake Worth Drainage District or South Florida Water management District, or for water management purposes not directly related to the 60/40 AgR-PDD if approved by the Department of Environmental Resources Management and managed for environmental resource values;
- 4) Wetland or bona fide agricultural uses per the ULDC;
- 5) Other uses as permitted by the required conservation easements;

- 6) Other uses as may be permitted within the protected area of an AGR-PDD consistent with the Comprehensive Plan and the Unified Land Development Code,

NOT PERMITTED:

- 7) Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses, other than security/caretakers quarters and grooms quarters, be accommodated thereon.
 - 8) No residential units or farm residences (whether existing or proposed) shall be allowed within the preserve area. (DRO/ONGOING: PLANNING - Planning)
6. Prior to plat recordation for the Amestoy 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: ENG/CTY ATTY/ERM/PLANNING - Planning)
 7. Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to February 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 all pedestrian walkways in POD B, D, E, and F and a pedestrian pathway along the lake within the recreation pod (minimum two benches) as indicated on the conceptual site plan and pedestrian pathway plan submitted for DRO certification. (DRO: PLANNING - Planning)
 9. Prior to final approval by the DRO, the plan shall indicate a location on the west property line (within 1230 feet of Boynton Beach Blvd.) for a vehicular and pedestrian cross access point and include a notation on the plan which shall read proposed vehicular and pedestrian cross access to be paved to the property line." The access point may be controlled by a gate or other security device that can be controlled by the residents of the PUD. (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 ATTY-Planning)

11. Prior to the issuance of the 100th certificate of occupancy (CO), the property owner shall pave the property to the edge of the western portion of the site with a break in any buffering or walls at the location shown on the master plan that will read proposed 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. (CO:MONITORING -Planning)

PLANNED UNIT DEVELOPMENT

1. Prior to recordation of the first plat, all property included in the legal description of the 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 recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.
 - c. the property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: MONITORING-Cty Atty)
2. Prior to final approval by the Development Review Officer (DRO), the site/regulating plans shall be revised to indicate upgraded recreation amenities within each of the neighborhood parks. These additional amenities shall:
 - a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paver blocks, or other improved surface;
 - b. include a minimum of two (2) pedestrian benches;
 - c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
 - d. include a shade structure (eg. trellis, gazebo, pergola), tot lot, fitness station, rest station, or similar recreation amenity or other shade structure; and,
 - e. details for all items indicated above shall be subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW - Zoning)
3. Prior to the issuance of a building permit for the one hundredth (100) unit, a Certificate of Occupancy (CO) shall be issued for a clubhouse or similar common building exceeding 2,500 total square feet on the 6.87-acre recreation parcel. This facility shall be equipped with a generator that complies with the following requirements:
 - a. operates essential electrical systems, including A/C systems, for a minimum of thirty percent (30%) of the gross interior floor area of the building;
 - b. an aboveground fuel storage system, or an alternative fuel storage system that is acceptable to Palm Beach County, with a minimum

- capacity that is acceptable to the Building Division shall be located adjacent to the generator;
- c. setback in accordance with the Property Development Regulations for a recreation pod in accordance with ULDC Table 3.E.2.D-16;
- d. screened from view on all sides by an opaque barrier constructed of compatible materials, color and character as the building or equivalent landscaping;
- e. subject to review and approval by the Building Division; and,
- f. deviation from these requirements and/or required building size shall be permitted if consistent with future ULDC regulations. (BLDG PERMIT: MONITORING - Zoning)

SCHOOL BOARD

1. Prior to final plan approval by the Development Review Officer (DRO), the property owner shall provide a Declaration and Restrictive Covenant” which prohibits children less than nineteen years of age from residing in the community. 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. (DRC: SCHOOL BOARD-Co Att.)

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-PBCWUD)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subjectproperty 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)

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

EXHIBIT D

ACCIDENT HISTORY REPORT

**One Year
Accident History Report
Zoning Petition**

Application No. 2005-989 (Con2005-162)

Project Name AMESTOY ARG PUD

Intersection BOYNTON BEACH BLVD AND LYONS RD

Total Number of Accidents /Year 10 (03/01/04 – 02/28/05)

Breakdown of Accidents:

Rear End	<u>8</u>
Head On	<u> </u>
Right Angle	<u>1</u>
Left Turn	<u>1</u>
Side Swipe	<u> </u>
Backing Up	<u> </u>
Fixed Object	<u> </u>
Ped./Bicycle	<u> </u>
Other	<u> </u>

<i>Total Daily Volume Through Intersection</i>	<u>27,741</u>
<i>Project Daily Traffic Using Intersection</i>	<u>5,120</u>
<i>Project Daily Traffic as % of Total</i>	<u>18.4%</u>
<i>Intersection Ranking by Number of Accidents</i>	<u>412 – 04</u>
<i>Intersection Ranking by Rate of Accidents</i>	<u>N/A – 04</u>

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