



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

**AMENDMENTS TO THE AGENDA
SEPTEMBER 26, 2013**

AGENDA

<u>ITEM #</u>	<u>(PAGE #)</u>	<u>APPLICATION/CHANGE</u>
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POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

10.	SCA-2013-00005 (Control 2003-00040)	(163-194)	BARKLEY PLACE
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MOTION: To postpone to October 24, 2013.

11.	ABN/Z/CA-2012-03377 (Control 2003-00040)	(195-218)	BARKLEY PLACE
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MOTION: To postpone to October 24, 2013.

12.	ZV/Z/-2013-00145 (Control 2012-00650)	(219-234)	PINE TREE RESIDENTIAL
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MOTION: To postpone to October 24, 2013.

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

6.	ABN/PDD/R-2013-00499 (Control 2005-00394)	(51-91)	HIGHLAND DUNES PUD
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7.	DOA-2013-01334 (Control 1973-00085)	(92-113)	BOCA POINTE Y-2
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E. ZONING APPLICATIONS-NEW

8.	DOA-2013-01343 (Control 2004-00471)	(114-159)	CANYON TOWN CENTER TMD
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REPLACE DISCLOSURES (See Attachment A)

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

6.	ABN/PDD/R-2013-00499 (Control 2005-00394)	(51-91)	HIGHLAND DUNES PUD
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AMEND ENGINEERING Condition 2 of Exhibit C to read as follows:

2. 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 more than 276 single family dwelling units (or development generating an equivalent number of external PM peak hour inbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$3,073,307, which represents the Property Owner's proportionate share of the widening of ~~to widen~~ Southern Boulevard from Big Blue Trace to Palms West Parkway from a 4-lane divided highway to a 6-lane divided highway, including a sidewalk on at least the north side or as otherwise required by the Florida Department of Transportation and County Engineer. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project, as determined by the County Engineer. The County Engineer shall also have the authority to require the amount be adjusted to reflect updates in projected costs. Such updates will be based on the most recent FDOT "Generic Cost Per Mile Model" amount for a rural divided arterial being widened from four to six lanes, comparing it to the 2012 cost of \$2,358,114. (BLDG PERMIT: MONITORING - Eng)
 - b. No building permits for more than 596 single family dwelling units and 120 multi family dwelling units (or development generating an equivalent number of external PM peak hour inbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$1,150,294, which represents the Property Owner's proportionate share of the widening of ~~to widen~~ Southern Boulevard from Forest Hill Boulevard / Crestwood Boulevard to Cypress Head Avenue from a 6-lane divided highway to an 8-lane divided highway. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project, as determined by the County Engineer. The County Engineer shall also have the authority to require the amount be adjusted to reflect updates in projected costs. Such updates will be based on the most recent FDOT "Generic Cost Per Mile Model" amount for a rural divided arterial being widened from four to six lanes, comparing it to the 2012 cost of \$2,358,114. (BLDG PERMIT: MONITORING -Eng)
 - c. No building permits for more than 636 single family dwelling units and 120 multi family dwelling units (or development generating an equivalent number of external PM peak hour inbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$688,981, which represents the Property Owner's proportionate share of the widening of ~~to widen~~ Southern Boulevard from Cypress Head Avenue to Royal Palm Beach Boulevard from a 6-lane divided highway to an 8-lane divided highway. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project, as determined by the County Engineer. The County Engineer shall also have the authority to require the amount be be adjusted to reflect updates in projected costs. Such updates will be based on the most recent FDOT "Generic Cost Per Mile Model" amount for a rural divided arterial being widened from four to six lanes, comparing it to the 2012 cost of \$2,358,114. (BLDG PERMIT: MONITORING- Eng)
 - d. No building permits for more than 752 single family dwelling units and 120 multi family dwelling units (or development generating an equivalent number of external PM peak hour inbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,713,470, which represents the Property Owner's proportionate share of the widening of ~~to widen~~ Southern Boulevard from Binks Forest Drive to Big Blue Trace from a 4-lane divided highway to a 6-lane divided highway, including a sidewalk on at least the north side or as otherwise required by the Florida Department of Transportation and County Engineer. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project, as determined by the County Engineer. The County Engineer shall also have the authority

to require the amount be adjusted to reflect updates in projected costs. Such updates will be based on the most recent FDOT "Generic Cost Per Mile Model" amount for a rural divided arterial being widened from four to six lanes, comparing it to the 2012 cost of \$2,358,114. (BLDG PERMIT: MONITORING- Eng)

- e. No building permits for more than 910 single family dwelling units and 120 multi family dwelling units (or development generating an equivalent number of external AM peak hour outbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$143,954, which represents the Property Owner's proportionate share of adding to add a third left turn lane, east approach on Southern Boulevard at Forest Hill Boulevard / Crestwood Boulevard. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project, as determined by the County Engineer. (BLDG PERMIT: MONITORING- Eng)
- f. No building permits for more than 1,665 single family dwelling units and 120 multi family dwelling units (or development generating an equivalent number of external PM peak hour inbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$37,415, which represents the Property Owner's proportionate share of the widening of to widen Southern Boulevard from Palms West Parkway to Forest Hill Boulevard / Crestwood Boulevard from a 6-lane divided highway to a 8-lane divided highway. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project, as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng)
- g. No building permits for more than 1,815 single family dwelling units, 120 multi-family dwelling units, a 970 student elementary school and 50,000 SF of specialty retail (or development generating an equivalent number of external AM peak hour outbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$18,947, which represents the Property Owner's proportionate share of adding to add a third left turn lane, north approach on Royal Palm Beach Boulevard at Southern Boulevard. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project, as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng)

AMEND ENGINEERING Condition 3 of Exhibit C to read as follows:

- 3. The Property Owner shall construct:
 - i. one left turn lane, west approach on Southern Boulevard at the project's east entrance;
 - ii. one right turn lane, east approach on Southern Boulevard at the project's east entrance;
 - iii. ~~two~~ three left turn lanes and one right turn lane, north approach on the project's east entrance at Southern Boulevard...

AMEND LANDSCAPE Condition 10 of Exhibit C to read as follows:

- 10. Prior to final approval by the Development Review Officer (DRO), ... following amenities adjacent to the internal eight (8)-foot wide asphalt pedestrian path as indicated in the Preliminary Regulating Plan dated May 24, 2013.
 - a. ...
 - d. a minimum of one (1) freestanding light fixture with a maximum height of twelve (12) feet and a maximum spacing of ~~fifty (50)~~ one-hundred (100) feet on center, alternating on each side of the sidewalk. Alternatively, lighted bollards spaced a maximum distance of ~~twenty (20)~~ fifty (50) feet on center ... (DRO: ZONING-Landscape)

**ADD LANDSCAPE Conditon 12 to read as follows and renumber accordingly
AMENDING Condition 13:**

12. LANDSCAPING ALONG THE WEST 1650 FEET OF THE SOUTH PROPERTYLINE (FRONTAGE OF SOUTHERN BOULEVARD ABUTTING THE 39.88 ACRE CIVIC PARCELS) In addition to the Code requirements, landscaping and/or buffer width along the south property line shall be upgraded to include:
- a minimum twenty-five foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - a minimum one (1) to three (3) foot high undulating berm with an average height of two (2) feet OR a continuous two (2) foot high berm subject to the Alternative Landscape Plan approval; and,
 - one (1) palm or pine for each for each thirty (30) linear feet of the property line. (DRO: LANDSCAPE - Zoning)

AMEND LANDSCAPE Condition 13 of Exhibit C to read as follows:

13. Prior to final approval by the Development Review Officer (DRO), the Master Plan...
- ~~a minimum of one (1) lighted shade structure (pavilion) in the vicinity of each intersection with a pathway providing access to the trail corridor, and at a maximum spacing of 1,320 feet on center for the...~~
 - a minimum of two (2) pedestrian benches and one (1) trash receptacle adjacent to each shade structure;
 - ~~one (1) lighted bollard spaced a maximum distance of twenty (20) feet on center and located on alternating sides of the path for the entire duration of the trail corridor; and~~
 - the final design for this trail corridor shall be subject to review and approval by the Architectural Review Development Review Officer and Landscape Sections. (DRO: ZONING - Landscape)

AMEND PARKS AND RECREATION Condition 1 of Exhibit C to read as follows:

- Upon request by the Parks and Recreation Department, the property owner or property owners association shall provide a temporary construction easement as well as a permanent 150 foot wide access easement in the general vicinity of the southeast, southwest, northeast, and northwest corners of the site in a location and elevation acceptable to the Parks and Recreation Department. This...
(ON-GOING: PARKS-Parks)

DELETE PARKS AND RECREATION Condition 2 of Exhibit C

AMEND SCHOOL BOARD Condition 1 of Exhibit C to read as follows:

- ~~...(Previous Condition School Board 1 of Resolution R-2006-0028, Control 2005-394)~~

COMMENTS

C. PLANNING DIRECTOR

ADD ITEM FOR DISCUSSION (Attachment B)

15. Villaggio Isles, Release of Restrictive Covenant for Workforce Housing

Motion: To approve Termination and Release of Master Declaration of Restrictive Covenants for Workforce Housing

Background: The Termination and Release will implement the Development Order Resolution R-2013-001 for which deleted the onsite workforce housing program (WHP) component for Villaggio Isles. The WHP obligation was transferred offsite.

ATTACHMENT A

Exhibit D: Disclosures

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

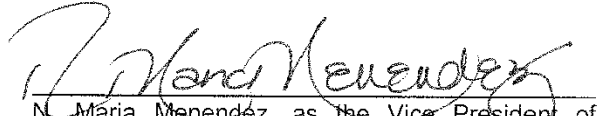
TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF BROWARD

BEFORE ME, the undersigned authority, this day personally appeared N. Maria Menendez, hereinafter referred to as "Affiant," as the Vice President of Boynton Beach XVIII Corporation, a Florida corporation, the general partner of Boynton Beach Associates XVIII, LLLP, a Florida limited liability limited partnership, who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Vice President of Boynton Beach XVIII Corporation, a Florida corporation, the general partner of Boynton Beach Associates XVIII, LLLP, a Florida limited liability limited partnership (the "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for the real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and, to the best of Affiant's knowledge and belief, it is true, correct, and complete.

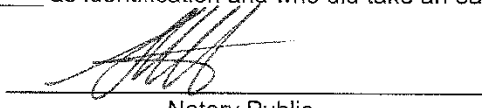
FURTHER AFFIANT SAYETH NAUGHT.


 N. Maria Menendez, as the Vice President of Boynton Beach XVIII Corporation, a Florida corporation, the general partner of Boynton Beach Associates XVIII, LLLP, a Florida limited liability limited partnership

The foregoing instrument was acknowledged before me this 15th day of May, 2013, by N. Maria Menendez, as the Vice President of Boynton Beach XVIII Corporation, a Florida corporation, the general partner of Boynton Beach Associates XVIII, LLLP, a Florida limited liability limited partnership, who is personally known to me or who has produced _____ as identification and who did take an oath.



Steven Marc Helfman
 COMMISSION # DD981458
 EXPIRES: MAY 30, 2014
 WWW.AARONNOTARY.COM



 Notary Public

 (Print Notary Name)

NOTARY PUBLIC
 State of Florida at Large
 My Commission Expires: _____

EXHIBIT "A"

Legal Description of the Property

Tract A, Canyon Town Center TMD, according to the Plat thereof, as recorded in Plat Book 111, Page 17 of the Public Records of Palm Beach County, Florida.

EXHIBIT "B"**DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT**

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
2. Maya Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
3. Misha Ezratti, individually and/or through trusts for his interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
4. Maxie Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
5. AmFin Financial Corporation (f/k/a AmTrust Financial Corporation) having an address of c/o Mr. Ronald Glass, GlassRatner Advisory and Capital, 3391 Peachtree Road, Suite 110, Atlanta, Georgia 30326, a debtor under Bankruptcy Case No. 09-21323 pending in the United States Bankruptcy Court for the Northern District of Ohio, through its wholly owned subsidiary, Amtrust Real Estate Investments, Inc.

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared N. Maria Menendez, hereinafter referred to as "Affiant," as the Vice President of Boynton Beach XVIII Corporation, a Florida corporation, the general partner of Boynton Beach Associates XVIII, LLLP, a Florida limited liability limited partnership, who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Vice President of Boynton Beach XVIII Corporation, a Florida corporation, the general partner of Boynton Beach Associates XVIII, LLLP, a Florida limited liability limited partnership, that holds an ownership interest in the real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

N. Maria Menendez

N. Maria Menendez, as the Vice President of Boynton Beach XVIII Corporation, a Florida corporation, the general partner of Boynton Beach Associates XVIII, LLLP, a Florida limited liability partnership

The foregoing instrument was acknowledged before me this 25 day of July, 2012, by N. Maria Menendez, as the Vice President of Boynton Beach XVIII Corporation, a Florida corporation, the general partner of Boynton Beach Associates XVIII, LLLP, a Florida limited liability partnership, [X] who is personally known to me or [] who has produced as identification and who did take an oath.

Rebecca C. Medley

Notary Public



(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____

EXHIBIT "A"

Legal Description of the Property

Tract A, Canyon Town Center TMD, according to the Plat thereof, as recorded in Plat Book 111, Page 17 of the Public Records of Palm Beach County, Florida.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

2. Maya Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

3. Misha Ezratti, individually and/or through trusts for his interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

4. Maxie Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

5. AmFin Financial Corporation (f/k/a AmTrust Financial Corporation) having an address of c/o Mr. Ronald Glass, GlassRatner Advisory and Capital, 3391 Peachtree Road, Suite 110, Atlanta, Georgia 30326, a debtor under Bankruptcy Case No. 09-21323 pending in the United States Bankruptcy Court for the Northern District of Ohio, through its wholly owned subsidiary, Amtrust Real Estate Investments, Inc.



**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb



**Palm Beach County
Board of County
Commissioners**

- Steven L. Abrams, Mayor
- Priscilla A. Taylor, Vice Mayor
- Hal R. Valeche
- Paulette Burdick
- Shelley Vana
- Mary Lou Berger
- Jess R. Santamaria

County Administrator

Robert Weisman

"An Equal Opportunity
Affirmative Action Employer"

MEMORANDUM

TO: The Honorable Steven L. Abrams, Mayor, and
Members of the Board of County Commissioners

FROM: Lorenzo Aghemo, Planning Director *LWA*

DATE: September 11, 2013

RE: **Villaggio Isles, Release of Restrictive Covenant for Workforce
Housing**

The Board of County Commissioners (BCC) approved the Villaggio Isles PUD on January 3, 2013, via Resolution R-2013-001. The approval totaled 598 residential units, of which 64 units were required to be deed restricted for the Workforce Housing Program (WHP). The applicant stated in their Justification Statement, that the units would be provided offsite.

The transfer of the WHP from Villaggio Isles was made to Toscana Isles PUD. The Toscana Isles PUD, was approved by the BCC on July 26, 2012 via Resolution R-2012-1165. The approval totaled 414 residential units, of which 78 were obligated as WHP. The two WHP components combined totals 142.

The Restrictive Covenant Agreement (RCA) for the 142 WHP units within Toscana Isles was recorded October 10, 2012 (OR Book 25515 Page 1997), which meets the WHP requirements for both Toscana Isles and Villaggio Isles. The recorded RCA states that the units are a rental product for a 30 year term.

Since there is no longer an onsite WHP obligation on Villaggio Isles, releasing the recorded document will implement the requirements of the Development Order. Notations have been placed on both the Villaggio Isles and Toscana Isles site plans to reflect the transfer of the WHP obligations.

With BCC approval, the attached document will release the obligation for Villaggio Isles PUD.

Attachment

- C: Verdenia Baker, Deputy County Administrator
- Rebecca Caldwell, Executive Director, PZB
- Jon MacGillis, Zoning Director
- Robert P. Banks, Assistant County Attorney
- Patrick Rutter, Chief Planner, Planning Div.

T:\Planning\CURRENTWHP\illaggio isles pud\BCC-Villaggio-WHP-release-9-26-13-memo.docx

Prepared By and Return To:
Mitchell A. Sherman, Esq.
7593 Boynton Beach Blvd., Suite 220
Boynton Beach, Fl. 33437

**TERMINATION AND RELEASE OF MASTER DECLARATION OF RESTRICTIVE
COVENANTS FOR WORKFORCE HOUSING**

THIS TERMINATION AND RELEASE OF MASTER DECLARATION OF RESTRICTIVE COVENANTS FOR WORKFORCE HOUSING ("Termination and Release") is made this 30 day of August, 2013 by Palm Beach County, a political subdivision of the State of Florida (the "County") and INVESTORS ASSET ACQUISITION, LLC, a Delaware limited liability company, its successors and assigns ("Declarant"), and is made with reference to the following facts:

WHEREAS, Declarant is the owner of that certain property described on Exhibit "A" attached hereto and made a part hereof (the "Property"). Pursuant to a prior Development Order (Condition Planning 8 of Resolution R-2009-1229, Control No. 2004-456) for the Property, the Declarant executed and recorded a Master Declaration of Restrictive Covenants For Workforce Housing In Accordance With The Palm Beach County Workforce Housing Program, dated February 11, 2010 and recorded February 12, 2010 in Official Records Book 23692 at Page 1377 of the Public Records of Palm Beach County, Florida (the "WFH Covenant"); and

WHEREAS, All previous conditions of approval applicable to the Property as contained in Resolution R-2009-1229 (Control 2004-456) and Resolution R-2009-1828 (Control 2004-456) have been consolidated in Resolution R-2013-0001 (Control No. 2004-00456); and

WHEREAS, Resolution R-2013-0001, Conditions of Approval specifically deleted the requirement of Condition Planning 8 of Resolution 2009-1229 requiring the recording of the WFH Covenant; and

WHEREAS, the County and Declarant desire to terminate and release of record the Property from the WFH Covenant.

NOW THEREFORE, in consideration of the mutual premises set forth above, the parties agree as follows:

1. Recitals. The foregoing recitals are true and correct and incorporated herein for reference. All recordings referenced herein are in the Public Records of Palm Beach County, Florida.

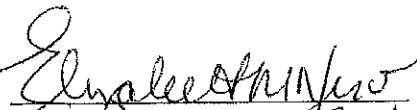
2. Termination of WFH Covenant. The WFH Covenant is hereby terminated and of no further force or affect upon the Property described in Exhibit "A".

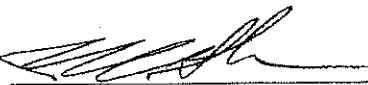
3. Recording. This instrument shall be recorded in the Official Public Records of Palm Beach County. A copy of the recorded Termination and Release shall be provided to the Director of Planning, Palm Beach County Planning, Zoning and Building Department, 2300 N. Jog Road, West Palm Beach, Fl. 33411-2741.

IN WITNESS WHEREOF, the parties have executed this Escrow Agreement this 30 day of August, 2013

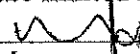
Signed, sealed and delivered in the Presence of:

Witnesses:


Typed or Printed Name: Elizabeth M. Nero


Typed or Printed Name: Michael A. Pharo

DECLARANT
Investors Asset Acquisition, LLC,
a Delaware limited liability company


Ramzi, Manager

Date: August 30, 2013

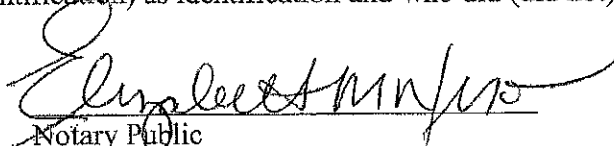
STATE OF FLORIDA

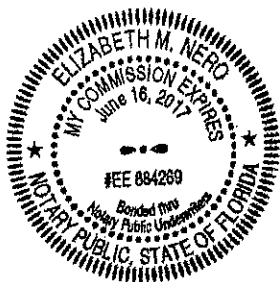
SS:

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 30 day of August, 2013 by Ramzi Akel, Manager of Investors Asset Acquisition, LLC, a Delaware limited liability company on behalf of the company. He is personally known to me or has produced _____ (type of identification) as identification and who did (did not) take an oath.

My Commission Expires:


Notary Public
State of Florida



APPROVED by the Board of County Commissioners of Palm Beach County, on the _____
day of _____, 2013.

ATTEST:
SHARON R. BOCK, CLERK
& COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

By _____
Deputy Clerk

By _____
Steven L. Abrams, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

COUNTY ATTORNEY

Exhibit "A"
The Property

LEGAL DESCRIPTION

ALL OF VILLAGGIO ISLES PHASE I, TERRANOVA PUD, AS RECORDED IN PLAT BOOK 111, PAGES 123 THROUGH 131, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WHICH PLAT INCORPORATES THE FOLLOWING DEDICATED PROPERTY:

VILLAGGIO ISLES-PHASE I, TERRANOVA PUD, A PLANNED UNIT DEVELOPMENT, BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 46 SOUTH, RANGE 42 EAST, TOGETHER WITH A REPLAT OF A PORTION OF THE PLAT OF SUBDIVISION OF S.E. 1/4 AND W. 1/2 OF THE S.W. 1/4 OF SECTION 16 TOWNSHIP 46S RANGE 42E, AS RECORDED PLAT BOOK 1, PAGE 158 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16; THENCE N.89°22'44"E. ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 680.81 FEET; THENCE N.00°34'49"E. ALONG A LINE 680.66 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 98.34 TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC AVENUE), AS RECORDED IN OFFICIAL RECORD BOOK 21624, PAGE 22 OF THE SAID PUBLIC RECORDS; THENCE N.89°22'44"E. ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 536.18 FEET TO THE POINT OF BEGINNING; THENCE N.77°07'31"W., A DISTANCE OF 51.42 FEET; THENCE S.89°22'44"W., A DISTANCE OF 280.00 FEET; THENCE N.50°01'13"W., A DISTANCE OF 45.55 FEET; THENCE N.09°25'11"W., A DISTANCE OF 77.09 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 340.00 FEET AND A CENTRAL ANGLE OF 48°31'18"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 287.93 FEET; THENCE N.00°34'49"E. ALONG A LINE 680.66 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 2241.14 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-33 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.89°11'52"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1626.55 FEET; THENCE S00°14'48"W, A DISTANCE OF 307.73 FEET; THENCE N89°17'33"E, A DISTANCE OF 338.25 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 12186, PAGE 1205 OF SAID PUBLIC RECORDS; THENCE S.00°14'48"W. ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF A DISTANCE OF 1,312.17 FEET; THENCE S.88°57'37"W., A DISTANCE OF 948.25 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.62°04'52"E., A RADIAL DISTANCE OF 484.69 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07°21'00", A DISTANCE OF 62.18 FEET; THENCE S.00°05'34"E., A DISTANCE OF 522.20 FEET; THENCE S.89°54'26"W., A DISTANCE OF 26.02 FEET; THENCE S.00°05'39"E., A DISTANCE OF 393.35 FEET TO A POINT OF INTERSECTION WITH SAID NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC AVENUE), AS RECORDED IN OFFICIAL RECORD BOOK 21624, PAGE 22; THENCE S.89°22'44"W. ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 449.65 FEET TO THE POINT OF BEGINNING.

TOTAL CONTAINING 4,010,848 SQUARE FEET/92.076 ACRES, MORE OR LESS.



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

THURSDAY SEPTEMBER 26, 2013

9:30 A.M. 6TH FLOOR

JANE M. THOMPSON MEMORIAL CHAMBERS

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Proof of Publication
- D. Swearing In
- E. Adoption of Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

REGULAR AGENDA

COMMENTS

ADJOURNMENT

Web address: www.pbcgov.com/pzb/

Disclaimer: Agenda subject to changes at or prior to the public hearing.

**AGENDA
PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

SEPTEMBER 26, 2013

CALL TO ORDER

- A. Roll Call - 9:30 A.M.
- B. Opening Prayer and Pledge of Allegiance
- C. Proof of Publication - Motion to receive and file
- D. Swearing In - County Attorney
- E. Motion to Adopt Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. **SV/Z/CA-2012-03112** Title: a Subdivison Variance application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow access to a non-residential property from a 60-foot wide ultimate right-of-way for Ranches Road, which is 20 feet less than the required 80 feet in width.

Title: an Official Zoning Map Amendment of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow the rezoning from the Single Family Residential (RS) Zoning District to the Residential Transitional (RT) Zoning District.

Title: a Class A Conditional Use of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow a General Day Care Center.

General Location: South of Hypoluxo Road on the northeast side of Jog Road and Ranches Road. (**Learning Place Academy**) (Control 1975-00145)

Pages:

Project Manager: Joyce Lawrence

Size: 1.05 acres ±

BCC District: 3

Staff Recommendation: Staff recommends postponement to December 5, 2013.

Zoning Commission Recommendation: Approved a postponement 7-0.

MOTION: To postpone to December 5, 2013.

2. **Z/CA-2013-00493** Title: an Official Zoning Map Amendment application of MG3 ALF Military LLC, Hernan Leonoff by Miller Land Planning, Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Multi-Family (RM) Zoning District.

Title: a Class A Conditional Use of MG3 ALF Military LLC, Hernan Leonoff by Miller Land Planning, Agent. Request: to allow an Elementary or Secondary School (Charter).

General Location: Approximately 0.25 mile north of Hypoluxo Road on the east side of Military Trail. (**Trails Charter School**) (Control 2013-00085)

Pages: 1 - 1

Project Manager: Joyce Lawrence

Size: 7.48 acres ±

BCC District: 3

(affected area 7.40 acres ±)

Staff Recommendation: Staff recomends a postponement to October 24, 2013.

Zoning Commission Recommendation: Approved a postponement 5-0.

MOTION: To postpone to October 24, 2013.

B. REMANDS

C. WITHDRAWALS

3. **EAC/TDR-2013-00503** Title: an Expedited Application Consideration application of Toll Bros, Inc by Land Design South Inc., Agent. Request: to modify and delete Conditions of Approval (Building and Site Design; Engineering; Planning; and Environmental); to reconfigure the Preliminary Master and Preliminary Site plans, to reduce units and land area, and to restart the date for the Commencement of Development.

Title: a Transfer of Development Rights of Toll Bros, Inc by Land Design South Inc., Agent. Request: to modify Conditions of Approval (Transfer of Development Rights).

General Location: Northeast corner of Old Clint Moore Road and Jog Road. **(Royal Palm Polo PUD)** (Control 2004-00203)

Pages: 2 - 2

Project Manager: Autumn Sorrow

Size: 121.67 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the withdrawal.

MOTION: No motion is required.

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

C. STATUS REPORTS - NEW

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

E. ZONING APPLICATIONS - NEW

- 4. **EAC-2013-01884** Title: an Expedited Application Consideration Request application of Anasca Acquisition LLC by CMS Engineering LLC, Agent. Request: to modify a Condition of Approval (Landscape).
General Location: Northwest corner of Hagen Ranch and Atlantic Avenue. **(Villaggio Isles PUD)** (Control 2004-00456)

Pages: 3 - 29

Conditions of Approval (7 - 16)

Project Manager: David McGuire

Size: 91.93 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 20 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving an Expedited Application to modify a Condition of Approval (Landscape) subject to the Conditions of Approval in Exhibit C.

5. **PDD-2013-01062** Title: an Official Zoning Map Amendment application of D.R. Horton, Inc. by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.

General Location: North side of Hypoluxo Road, approximately 2,000 feet west of Haverhill Road. **(Abbington PUD)** (Control 2013-00179)

Pages: 30 - 50

Conditions of Approval (35 - 36)

Project Manager: Carol Glasser

Size: 13.03 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 13 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved the request 6-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C.

6. **ABN/PDD/R-2013-00499** Title: a Development Order Abandonment Request application of PBA Holdings Inc - Enrique Tomeu by Urban Design Kilday Studios, Agent. Request: to abandon a Class A Conditional Use for a Bona Fide Agricultural Use approved under Resolution R-2008-1146.

Title: an Official Zoning Map Amendment to a Planned Development District of PBA Holdings Inc - Enrique Tomeu by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Residential Transitional (RT) Zoning District to the Residential Planned Unit Development (PUD) Zoning District.

General Location: Approximately 2.5 miles west of Seminole Pratt Whitney Road on the north side of Southern Boulevard. **(Highland Dunes PUD)** (Control 2005-00394)

Pages: 51 - 91

Conditions of Approval (61 - 72)

Project Manager: Carrie Rechenmacher

Size: 1,209.96 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 42 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved the requests 6-0.

MOTION: To adopt a resolution approving an abandonment of a Class A Conditional Use for a Bona Fide Agricultural Use approved under Resolution R-2008-1146.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Residential Transitional (RT) Zoning District to the Residential Planned Unit Development (PUD) Zoning District subject to Conditions of Approval as indicated in Exhibit C.

7. **DOA-2013-01334** Title: a Development Order Amendment Request application of Boca Pointe Country Club Inc by Land Design South Inc., Agent. Request: to modify the Master Plan, redesignate land area, and add units.
General Location: On the east side of Powerline Road and SW 18th Street. (**Boca Pointe Y-2**) (Control 1973-00085)

Pages: 92 - 113

Conditions of Approval (98 - 99)

Project Manager: Autumn Sorrow

Size: 1,019.02 acres ±

BCC District: 4

(affected area 14.08 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 11 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved the requests 6-0.

MOTION: To adopt a resolution approving a Development Order Amendment to modify the Master Plan, redesignate land area, and add units subject to the Conditions of Approval as indicated in Exhibit C.

8. **DOA-2013-01343** Title: a Development Order Amendment application of Boynton Beach Assoc XVIII LLLP by G.L. Homes, Agent. Request: to reconfigure the Site Plan, modify the Conditions of Approval (Engineering and Planning) and add square footage.

General Location: Southeast corner of Boynton Beach Boulevard and Lyons Road. (**Canyon Town Center TMD**) (Control 2004-00471)

Pages: 114 - 159

Conditions of Approval (120 - 131)

Project Manager: David McGuire

Size: 37.55 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 70 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved the requests 6-0.

MOTION: To adopt a Resolution approving a Development Order Amendment to reconfigure the Site Plan, modify the Conditions of Approval (Engineering and Planning) and add square footage subject to the Conditions of Approval as indicated in Exhibit C.

F. CORRECTIVE RESOLUTIONS

G. ABANDONMENTS

- 9. **ABN-2013-01856** Title: a Development Order Abandonment application of MPI Country Grove Inc by Steven M. Auerbacher PA, Agent. Request: to abandon the Special Exception to allow a Commercial New and Used Automobile Sale, Rental and Repair Facility granted under Resolution R-1977-1249.
General Location: North of Forest Hill Boulevard on the east side of Military Trail. **(Country Grove Plaza)** (Control 1977-00153)

Pages: 160 - 162

Project Manager: Donna Adelsperger

Size: 1.86 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a resolution approving a Development Order Abandonment abandoning the Special Exception to allow a Commercial New and Used Automobile Sale, Rental and Repair Facility granted under Resolution R-1977-1249.

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA

C. PUBLIC OWNERSHIP ZONING DISTRICT - DEVIATIONS

D. PREVIOUSLY POSTPONED STATUS REPORTS

E. STATUS REPORTS - NEW

F. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

10. **SCA-2013-00005** Title: Barkley Place application of Barkley International, Inc - Jay Wallshein by Miller Land Planning, Agent. Request: From Commercial High Office 3 units per acre (CHO/3) to Commercial Low with underlying Low Residential, 3 units per acre (CL/3).

General Location: South side of Hypoluxo Road, west of Military Trail. **(Barkley Place)** (Control 2003-00040)

Pages: 163 - 194

Project Manager: Stephanie Gregory

Size: 3.14 acres \pm

BCC District: 3

(affected area 3.04 acres \pm)

Staff Recommendation: Approval of the proposed amendment from Commercial High Office with underlying Low Residential, 3 units per acre (CH-O/3) to Commercial Low with an underlying Low Residential, 3 units per acre (CL/3).

Planning Commission Recommendation: Approved 8-0.

MOTION: To adopt an ordinance approving the proposed amendment from Commercial High Office with underlying Low Residential, 3 units per acre (CH-O/3) to Commercial Low with an underlying Low Residential, 3 units per acre (CL/3).

11. **ABN/Z/CA-2012-03377** Title: an Official Zoning Map Amendment application of Barkley International Inc. - Jay Wallshein by Miller Land Planning, Agent. Request: to allow a rezoning from the Commercial High Office (CHO) Zoning District to the Community Commercial (CC) Zoning District.

Title: a Class A Conditional Use of Barkley International Inc. - Jay Wallshein by Miller Land Planning, Agent. Request: to allow a Car Wash.

General Location: Approximately 1,000 feet west of Military Trail on the south side of Hypoluxo Road. (**Barkley Place**) (Control 2003-00040)

Pages: 195 - 218

Conditions of Approval (203 - 205)

Project Manager: David McGuire

Size: 3.04 acres ±

BCC District: 3

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to a Conditional Overlay Zone and 6 Conditions of Approval as indicated in Exhibit C-1 and 16 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Approved the requests 6-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Commercial High Office (CHO) Zoning District to the Community Commercial (CC) Zoning District subject to a Conditional Overlay Zone and Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a Car Wash subject to the Conditions of Approval as indicated in Exhibit C-2.

G. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

H. PREVIOUSLY POSTPONED ZONING APPLICATIONS

I. ZONING APPLICATIONS - NEW

12. **ZV/Z-2013-00145** Title: a Type II Variance application of AMKBJ Partners, Ltd - Brian Lulfs by Land Design South Inc., Agent. Request: to allow a reduction in the minimum lot size; minimum lot width/frontage; minimum lot depth; the side and rear setbacks; and an increase in the building coverage.

Title: an Official Zoning Map Amendment of AMKBJ Partners, Ltd - Brian Lulfs by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District.

General Location: The property is located approximately 600 feet east of the Pioneer Road and Lyons Road intersection, on the north side of Pioneer Road. **(Pine Tree Residential)** (Control 2012-00650)

Pages: 219 - 234

Conditions of Approval (224 - 225)

Project Manager: Joyce Lawrence

Size: 10.00 acres ±

BCC District: 6

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to 10 Conditions of Approval with a Conditional Overlay Zone (COZ) as indicated in Exhibit C-2.

Zoning Commission Recommendation: Denied the Type II Variance 6-0; and recommended denial of the Official Zoning Map Amendment 6-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment with a Conditional Overlay Zone (COZ) to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District subject to Conditions of Approval as indicated in Exhibit C-2.

J. ULDC AMENDMENTS

13. **Unified Land Development Code (ULDC) Initiation of Amendment** Round 2013-02

Pages: 235 - 239

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

L. OTHER ITEMS

14. **RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION R-2008-1754, AS AMENDED, THE OFFICIAL SCHEDULE OF FEES TO BE CHARGED FOR PLANNING, ZONING AND ADMINISTRATION APPLICATIONS, ADMINISTRATIVE REVIEW, SPECIAL PERMITS, LEGAL ADVERTISING DOCUMENTS AND REPRODUCTION OF RECORDS; AMENDING ZONING DIVISION FEE SCHEDULE, ADDING NEW FEES FOR TYPE I AND TYPE II CONGREGATE LIVING FACILITIES FOR SITE REVIEW CONFIRMATION PROCESS, AND PROVIDING FOR AN EFFECTIVE DATE.**

Pages: 240 - 242

MOTION: To adopt a resolution of the Board of County Commissioners of Palm Beach County, Florida, amending R-2008-1754, the Official Schedules of Fees to be charged by Planning, Zoning and Administration to amend previous Schedule of Fees.

END OF REGULAR AGENDA**COMMENTS**

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. DEPUTY COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT