

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

Application No.: EAC-2014-02198
Application Name: Allegro At Boynton Beach
Control No.: 1997-00075
Applicant: Allegro At Boynton Beach LLC
Owners: Allegro At Boynton Beach LLC
Agent: Miller Permitting and Land Development LLC - Rebecca Miller Sparfka
Telephone No.: (772) 418-1384
Project Manager: Wendy Hernández, Zoning Manager

TITLE: an Expedited Application Consideration **REQUEST:** to allow an alternative buffer for the Type III Incompatibility Buffer along the north and east property lines.

APPLICATION SUMMARY: Proposed is a Development Order Amendment/Expedited Application Consideration for the Allegro at Boynton Beach Congregate Living Facility (CLF). The Applicant is requesting to provide an alternative landscape buffer along the north and east property lines of the CLF, where the property abuts Valencia Isles Planned Unit Development (PUD). The Applicant is proposing a 6-foot high PVC barrier (fence) to be installed along the central portion of the 20-foot wide buffer with equal amount of the required plant materials to be located on both sides of the PVC barrier. Pursuant to Article 3.E.3.B.2.c of the Unified Land Development Code, the Board of County Commissioners may allow an alternative buffer between the CLF and the Valencia Isles PUD as a condition of approval.

SITE DATA:

Location:	Approximately 0.5 mile south of Woolbright Road on the east side of Hagen Ranch Road. (Allegro At Boynton Beach)
Property Control Number(s)	00-42-45-33-18-001-0000
Existing Land Use Designation:	Institutional and Public Facilities, with an underlying HR-8 (INST/8)
Proposed Land Use Designation:	No proposed change
Existing Zoning District:	Multiple Use Planned Development District (MUPD)
Proposed Zoning District:	No proposed change
Acreage:	7.50 acres
Tier:	Urban Suburban
Overlay District:	Not Applicable (NA)
Neighborhood Plan:	West Boynton Area Community Plan
CCRT Area:	NA
Municipalities within 1 Mile	NA
Future Annexation Area	NA

RECOMMENDATION: Staff recommends approval of the request subject to 21 Conditions of Approval as indicated in Exhibit C.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff has received 0 contacts from the public regarding this project.

PROJECT HISTORY:

Application No.	Resolution and Request	Approval Date
CB/Z 1997-75	The ZC approved a Conditional Use B to allow a Wholesale Nursery (Rare Species Nursery). The ZC recommended approval of the concurrent rezoning.	October 6, 1997
Z1997-75	The BCC approved via Resolution R-97-2078, a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional Suburban (RTS) Zoning District	December 4, 1997

Control No. 2005-452 PDD/R/TDR/W-2005-01233	The BCC approved a rezoning to Planned Unit Development, Requested Use for TDR's and Waivers for cul-de-sac for a residential development (Wyndsong PUD).	March 23, 2006
SCA 2010-002	A Future Land Use (FLU) Amendment, SCA 2010-002 was approved to change the FLU from Low residential 3 units per acre (LR-3) to Institutional with an underlying land use of High Residential 8 units per acre (INST/HR 8).	March 23, 2006
PDD/R-2009-03923	The BCC approved a Development Order Amendment to delete land area from Wyndsong PUD. The BCC also approved via Resolutions R-2010-674 and R-2010-675 an Official Zoning Map Amendment to allow a rezoning from Planned Unit Development (PUD) Zoning District to MUPD Zoning District and a Requested Use to allow a Type III Congregate Living Facility (CLF).	April 22, 2010
DOA-2011-03183	The BCC approved via Resolutions R-2010-674 and R-2010-675, a Development Order Amendment to modify the Preliminary Site Plan to reconfigure the site, add beds, add square footage and modify Conditions of Approval (Planning).	June 28, 2012
B-2013-006628-0000	Building Permit was issued to start construction of the CLF.	September 13, 2013
ZV2013-03108	The Property Owner applied for a Type II Variance to change a wall to a fence; move the fence to the property line, and to allow 100% of the landscaping on the interior side of the fence. The Property Owner withdrew the Application.	NA

SURROUNDING LAND USES:

NORTH:

FLU Designation: Low Residential (LR-3)
 Zoning District: Planned Unit Development District (PUD)
 Supporting: Residential (Valencia Isles PUD, Control No 1997-00074)

SOUTH:

FLU Designation: Low Residential (LR-3)
 Zoning District: Planned Unit Development District (PUD)
 Supporting: Residential (Wyndsong PUD, Control No 2005-00452)

EAST:

FLU Designation: Low Residential (LR-3)
 Zoning District: Planned Unit Development District (PUD)
 Supporting: Residential (Valencia Isles PUD, Control No 1997-00074)

WEST:

FLU Designation: Low Residential (LR-3)
 Zoning District: Planned Unit Development District (PUD)
 Supporting: Residential (Valencia Lakes PUD, Control No 1995-00040)

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider Standards 1 – 8 listed in Article 2.B.2.B. of the ULDC. The Standards and Staff Analyses are indicated below. A Conditional or

Requested Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. Consistency with the Plan – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

Planning Division Staff has determined that the proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including densities and intensities of use.

Prior Land Use Amendments: This site was the subject of two Small Scale Land Use Amendments. The first, known as Gardens Park CLF (SCA 2010-002; ORD2010-013), amended the FLUA designation from Low Residential, 3 units per acre (LR-3) to Institutional with an underlying land use of High Residential 8 units per acre (INST/8), and contained a condition which stated: "Development of the subject site shall be limited to a Congregate Living Facility (CLF) with a maximum of 135 beds."

The second Small Scale Land Use Amendment, known as Allegro at Boynton Beach (SCA-2012-006; ORD 2012-38), amended the previous amendment condition to the following, "Development of the subject site shall be limited to a Congregate Living Facility (CLF)." This condition is being carried forward in the Zoning resolution.

Density and Intensity: The site was previously approved for 147,015 square feet which is the maximum Floor Area Ratio (FAR). The FAR of .45 is allowed for a project with an INST/8 FLU designation (7.5 ac x 43,560 x .45 = 147,015 square feet maximum).

The maximum occupancy for a Type III Congregate Living Facility is: as a Standard District: 107 beds (7.5ac x 14.34=107.55), and as a Planned Development: 140 beds (7.5ac x 19.12 =143.4). The site plan proposes 140 beds. Since the request is for a PDD (MUPD) the 140 beds is consistent with the parameters allowed for a site with HR-8 FLUA designation. (Per ULDC Article 4.B.34 including Table 4.B.1.A. page 42 and 43).

Special Overlay District/Neighborhood Plan/Planning Study Area: The request is within the boundaries of the West Boynton Area Community Planning Area Neighborhood Planning area. No conflicts have been identified relating to the request. The applicant has been in contact with the neighborhood group. No issues or concerns from the residents have been received by staff regarding the request.

2. Consistency with the Code - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

The ULDC requires a Type III Incompatibility buffer for an MUPD when adjacent to residential uses. Generally, a Type III Incompatibility buffer consists of a 6-foot high wall; trees and shrubs; and, 75% of the required trees to be planted on the exterior side of the wall. The ULDC also allows an alternative buffer in lieu of the Type III Incompatibility buffer, subject to the approval by the BCC. The proposed alternative buffer will consist of a 6-foot high PVC fence with plant materials (trees and shrubs) to be equally located on both sides of the fence.

Staff determines that the PVC fence is an acceptable substitute for the required wall, and the placement of plant materials on both sides of the fence will provide maximum screening for the CLF and the residents of the Valencia Isles PUD. Generally, a wall would be necessary if the site is a Commercial MUPD with multiple tenants; however, in this case, a CLF is a single tenant of the building, and pursuant to the ULDC, it is classified as a residential use with less traffic intensity than a commercial use. Therefore, Staff concludes that the proposed alternatives meet the function and intent of a Type III Incompatibility buffer.

○ Expedited Application consideration (EAC)

The request meets the criteria of the EAC, the Zoning Director and the Land Development Director approved the EAC request, and recommends this application proceed to the December 4, 2014 BCC hearing. The magnitude of the requested modification has been considered by Staff, and determined

that the alternative buffer will pose minimal to no impact on the site design of the CLF. There is also no intensity or density affiliated with this EAC/DOA request.

o Executed Agreement

The Applicant, HOA representatives and County staff met on October 16, 2014 to discuss the buffer issues. At the end of the meeting, the Applicant and the HOA members have reached a consensus to execute an agreement which includes several commitments by the Applicant that are subject to the approval of the County:

1) Installation of a 6-foot high PVC barrier along the north and east property lines between the CLF and the Valencia Isles PUD. In addition, extension of this PVC barrier shall be extended approximately 10 feet into the edge of the Valencia Isles PUD property line. Gate openings will be allowed for maintenance access, see Landscape Condition 7; and,

2) Removal or pruning back of a tree that is located on the south-east corner of the CLF property. The Valencia Isles HOA indicated the tree's crown and root system is impacting the residents' properties. The removal is subject to the approval by Environmental Resources Management Department and/or the Zoning Landscape Section, see Landscape Condition 5.

The Buffer Agreement was executed on November 4, 2014 (**Exhibit E**).

o Parking and Architecture

There are no proposed changes to the parking and the buildings with the proposed request. Architectural elevations have been previously approved in accordance with Conditions of Approval and Article 5.C of the ULDC.

o Florida Power and Light (FPL) Easement

A FPL easement is located along the north property line with portion of this easement overlapping into the north landscape buffer. This easement had been granted and recorded to FPL from the Property Owner to service the subject property. This easement is required to be relocated out of landscape buffer, in accordance with the ULDC prior to the issuance of a Certificate of Occupancy, See All Petitions Condition 3.

ENGINEERING COMMENTS:

This application is to modify a non-engineering related condition and will have no impact on the engineering approvals for this project.

PALM BEACH COUNTY HEALTH DEPARTMENT: No Staff Review Analysis.

FIRE PROTECTION: No Staff Review Analysis.

SCHOOL IMPACTS: No Staff Review Analysis.

PARKS AND RECREATION: No Staff Review Analysis.

3. Compatibility with Surrounding Uses – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The compatibility issues between the CLF (an MUPD) and the surrounding residential uses have been addressed during the last approval of the CLF in June 2012. The current request is to seek approval for an alternative buffer along the north and east property lines. The buffer with its fence and required plant materials will provide the same screening effect for those residential lots that abut the north and east property lines of the CLF. In addition, the Valencia Isles PUD also has existing 40-foot wide landscape buffers that have been established several years ago. Therefore, Staff has determined that the proposed alternative buffers will not generate any negative impact to the surrounding uses.

4. Design Minimizes Adverse Impact – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The CLF was reviewed and approved by the BCC on June 28, 2012, the design issues have been addressed under this prior approval. Staff determines the wall substitution with a 6-foot high PVC fence will not create any adverse effects to the surrounding uses. Any potential visual impact of the CLF to its residential neighbors to the north and to the east will be adequately addressed by the proposed alternative landscape buffers. In addition, under the mutual agreement between the CLF and the Valencia Isles HOA, gates with locks will be provided at certain strategic location of the fence to allow maintenance access.

5. Design Minimizes Environmental Impact – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

VEGETATION PROTECTION: The majority of the site has been cleared for a tree nursery.

WELLFIELD PROTECTION ZONE: The property is not located with 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.

6. Development Patterns – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposed alternative buffer will be installed in a timely manner so that the construction of the CLF will be completed as scheduled.

7. Adequate Public Facilities – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

Concurrency has been approved for the CLF under the prior approval. There is no Concurrency issues associated with the current EAC request.

8. Changed Conditions or Circumstances – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The Applicant met with the HOA representatives of the Valencia Isles PUD and agreed that the alternative landscape buffer will be an acceptable option to address any incompatibilities between the two properties. Therefore, the Applicant has to seek BCC's approval for this alternative buffer. The request is consistent with Art.3.E.3.B.2.c.

CONDITIONS OF APPROVAL

Exhibit C

Expedited Application Consideration

ALL PETITIONS

1. Previous All Petitions Condition 1 of Resolution R-2012-0937, Control No. 1997-075, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R-2010-0674 (Control No. 1997-075) and R-2010-0675 (Control No. 1997-075), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2012-0937 (Control No. 1997-075) have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous All Petitions Condition 2 of Resolution R-2012-0937, Control No. 1997-075, which currently states:

The approved Preliminary Site Plan is dated April 12, 2012. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning) (ONGOING: ZONING - Zoning)

Is hereby amended to read:

The approved Preliminary Site Plan is dated November 20, 2014. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

3. Prior to the installation of the north and east buffer plant material or the issuance of the Certificate of Occupancy of the Congregate Living Facility, the Property Owner shall relocate the FPL easement entirely out of the north landscape buffer. (CO: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the congregate living facility shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning) (Previous Architectural Review Condition 1 of Resolution R-2012-0937, Control No. 1997-075) (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED]

2. All building height shall be limited to thirty-five (35) feet measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (Previous Architectural Review Condition 2 of Resolution R-2012-0937, Control No. 1997-075) (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED]

ENGINEERING

1. Prior to technical compliance the property owner shall convey a temporary roadway construction easement along Hagen Ranch Road to Palm Beach County. Construction by the applicant within this easement shall conform to Palm Beach County Standards and codes. The location, legal sketch; and the dedication documents shall be approved by the County Engineer prior to final acceptance. (TC: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 1 of Resolution R-2012-937, Control No.1997-00075)

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 the site may be issued after December 31, 2016. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING - Engineering) (Previous ENGINEERING condition 2 of Resolution R-2012-937, Control No.1997-00075)

3. Prior to final site plan approval by the DRO, the site plan shall be amended to include all platted tract lines or proposed changes to existing platted tracts. (DRO: ENGINEERING - Engineering) (Previous ENGINEERING condition 3 of Resolution R-2012-937, Control No.1997-00075)

LANDSCAPE - GENERAL

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (BLDGPM: LANDSCAPE - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL condition 1 of Resolution R-2012-937, Control No.1997-00075)

2. A minimum of 75 percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

a. tree height: fourteen (14) feet;

b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;

c. canopy diameter: seven (7) feet - diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,

d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDGPM: LANDSCAPE - Zoning) (Previous LANDSCAPE - GENERAL condition 2 of Resolution R-2012-937, Control No.1997-00075)

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

a. palm heights: twelve (12) feet clear trunk;

b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,

c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDGPM: LANDSCAPE - Zoning) (Previous LANDSCAPE - GENERAL condition 3 of Resolution R-2012-937, Control No.1997-00075)

4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDGPM: LANDSCAPE - Zoning) (Previous LANDSCAPE - GENERAL condition 4 of Resolution R-2012-937, Control No.1997-00075)

5. Removal or pruning back of the tree that is located on the southeast corner of the CLF property is subject to the approval by Environmental Resources Management Department and/or the Zoning Landscape Section. (BLDG PERMIT: LANDSCAPE/ERM-Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF HAGEN RANCH ROAD)

6. In addition to code requirements the proposed landscaping and/or buffer along the west property line fronting Hagen Ranch Road shall be upgraded to include:

- a. a minimum of twenty (20) foot wide landscape buffer;
- b. a continuous two and one half (2.5) foot high berm; and,
- c. quantity of required plant materials shall be increased by one and one half (1.5) percent above Code requirements. (BLDGPM: LANDSCAPE - Zoning) (Previous LANDSCAPE - PERIMETER condition 5 of Resolution R-2012-937, Control No.1997-00075)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

7. Landscaping along the north and east property lines shall include an alternative Type III Incompatibility buffer:

- a. a minimum of twenty (20) foot wide landscape buffer;
- b. a six (6) foot high PVC fence to be installed in the center of the landscape buffer. Fence location shall be consistent with the Preliminary Site Plan dated November 20, 2014. Gates with locks shall be permitted along the fence for maintenance access;
- c. one (1) Canopy tree for each twenty (20) lineal feet of the length of the buffer, and required quantity of trees to be planted equally on both sides of the fence; and,
- d. Shrubs requirements shall be in compliance with Article 7 of the ULDC, and the required quantity of shrubs shall be planted equally on both sides of the fence. (BLDGPM: LANDSCAPE - Zoning)

PALM TRAN

1. Prior to Plat Recordation, 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 not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT: ENGINEERING - Palm-Tran) (Previous PALM TRAN condition 1 of Resolution R-2012-937, Control No.1997-00075)

PLANNING

1. Per the Planning Condition of Small Scale Amendment SCA-2012-006; Development of the subject site shall be limited to a Congregate Living Facility (CLF).

(ONGOING: PLANNING - Planning) (Previous PLANNING condition 1 of Resolution R-2012-937, Control No.1997-00075)

SIGNS

1. Freestanding signs fronting on Hagen Ranch Road shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. maximum sign face area thirty (32) square feet;
- c. maximum number of signs - one (1); and,
- d. style - monument style only. (BLDGPM: BUILDING DIVISION - Zoning) (Previous SIGNS condition 1 of Resolution R-2012-937, Control No.1997-00075)

SITE DESIGN

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within forty (40) feet of the any property line and shall be confined to the areas designated on the site plan. (DRO/ONGOING: ZONING - Zoning) (Previous SITE DESIGN condition 1 of Resolution R-2012-937, Control No.1997-00075)

COMPLIANCE

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

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

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

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

DISCLOSURE

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

Figure 1 Future Land Use Map

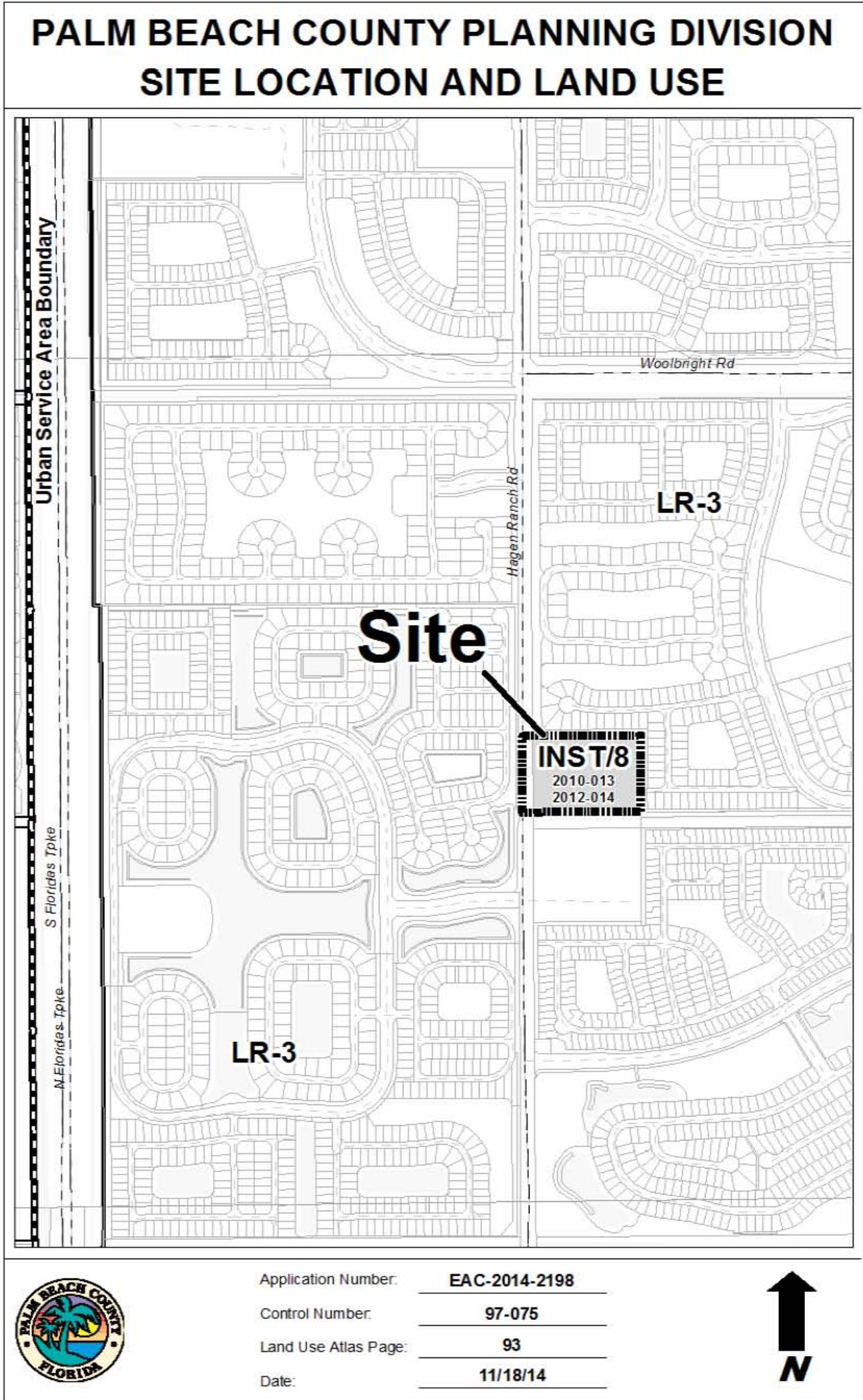


Figure 2 Zoning Quad Map

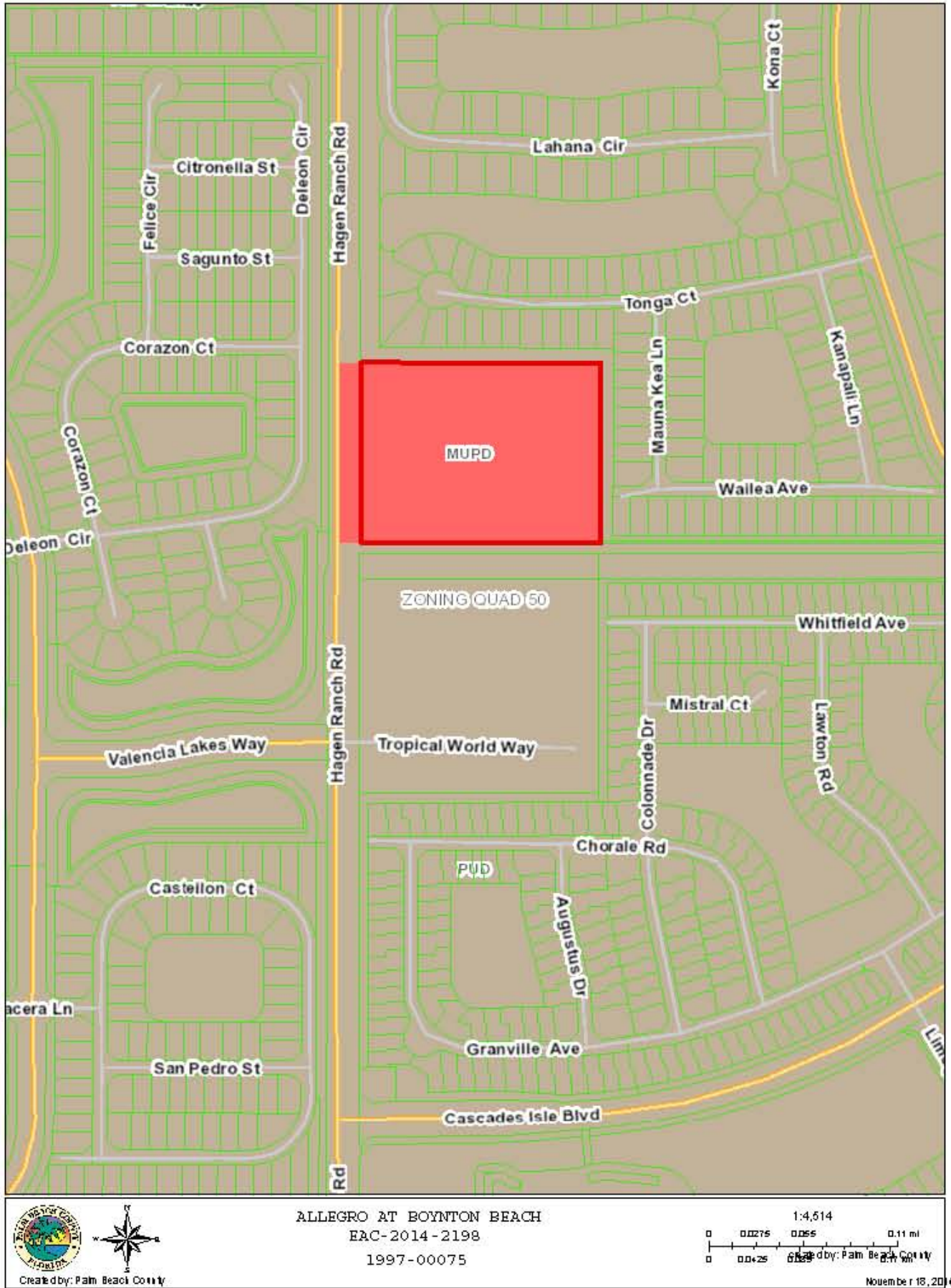


Figure 3 Aerial



Figure 4 Preliminary Site Plan dated November 20, 2014

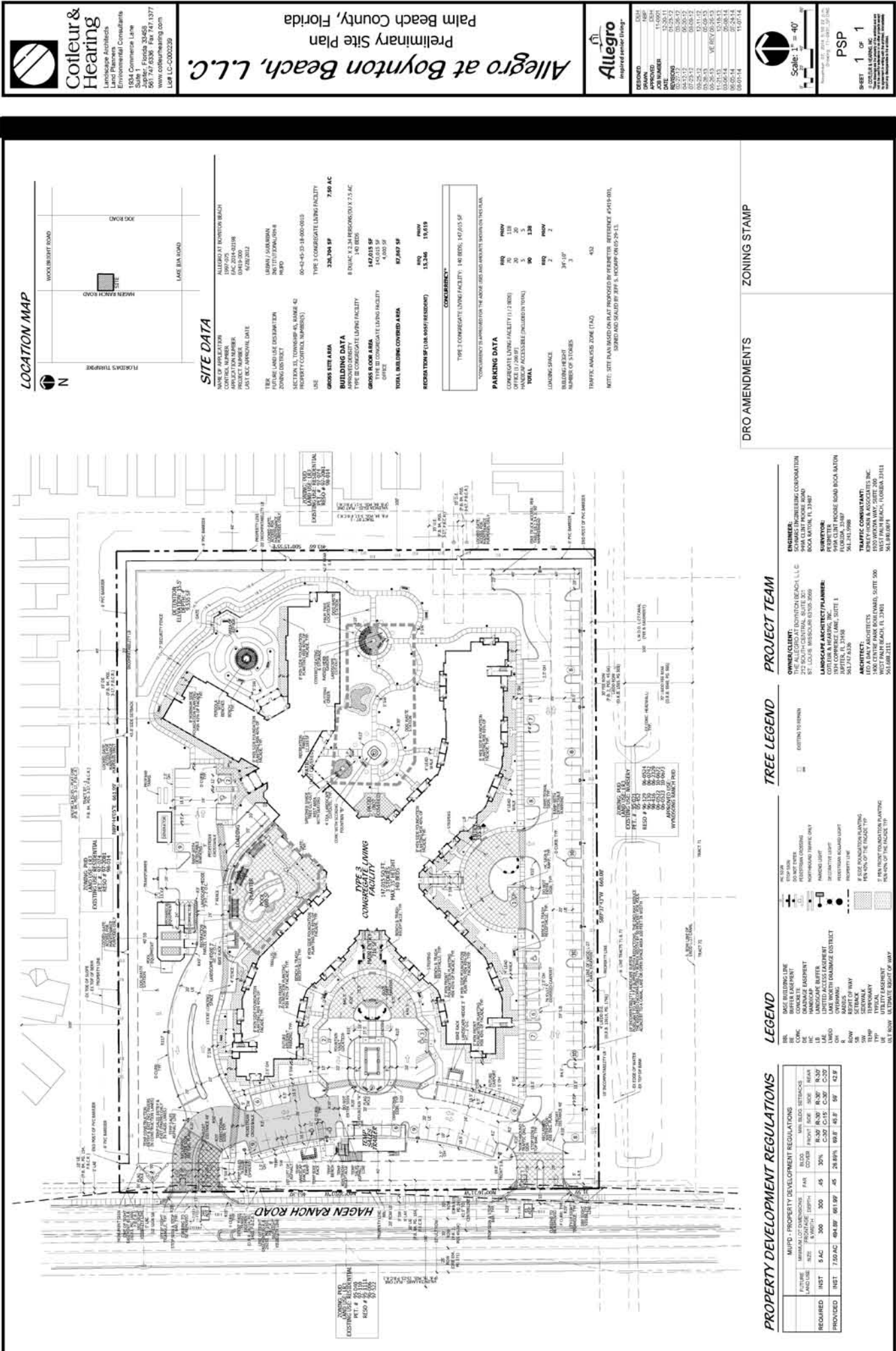


Figure 5 Preliminary Regulating Plan dated November 20, 2014



Coteleur & Hearing
Landscape Architects
Land Planners
Environmental Consultants

1934 Commerce Lane
Jupiter, Florida 33458
561.747.0330 • Fax 747.1377
www.coteleurhearing.com
LSP LC-0000238

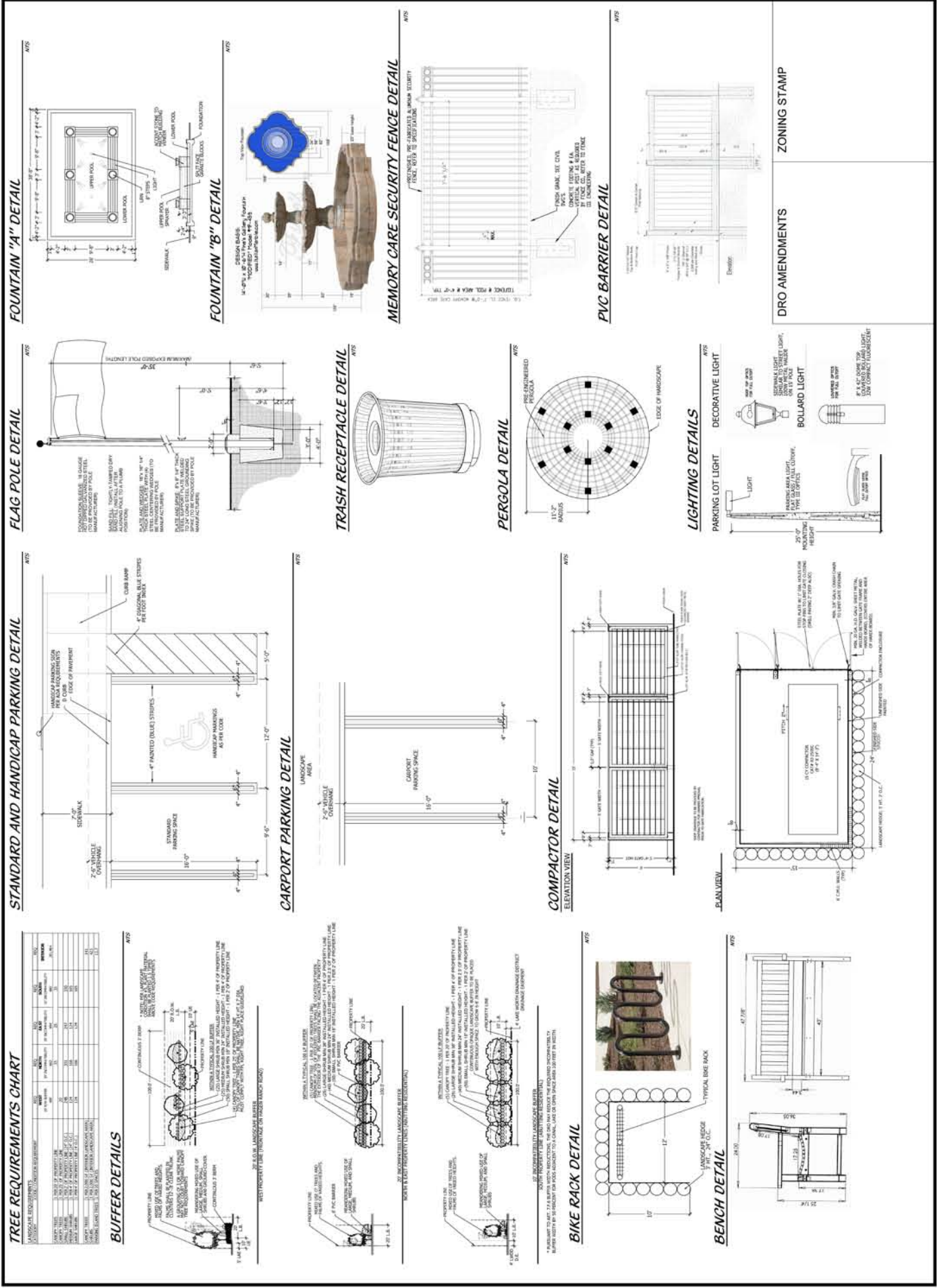
Allegro at Boynton Beach, L.L.C.
Preliminary Regulating Plan
Palm Beach County, Florida

Allegro
Inspired senior living

DESIGNED	DEH
DRAWN	MCS
CHECKED	CH
JOB NUMBER	11-0001
DATE	03/20/14
DATE REVISION	03/20/14
02-27-13	03-26-13
03-27-13	03-26-13
05-28-13	05-28-13
05-28-13	05-28-13
11-21-13	12-11-13
11-21-13	12-11-13
08-05-14	08-05-14
08-05-14	11/07/14

November 20, 2014 08:30 AM
Drawing 11-0001-REG-506

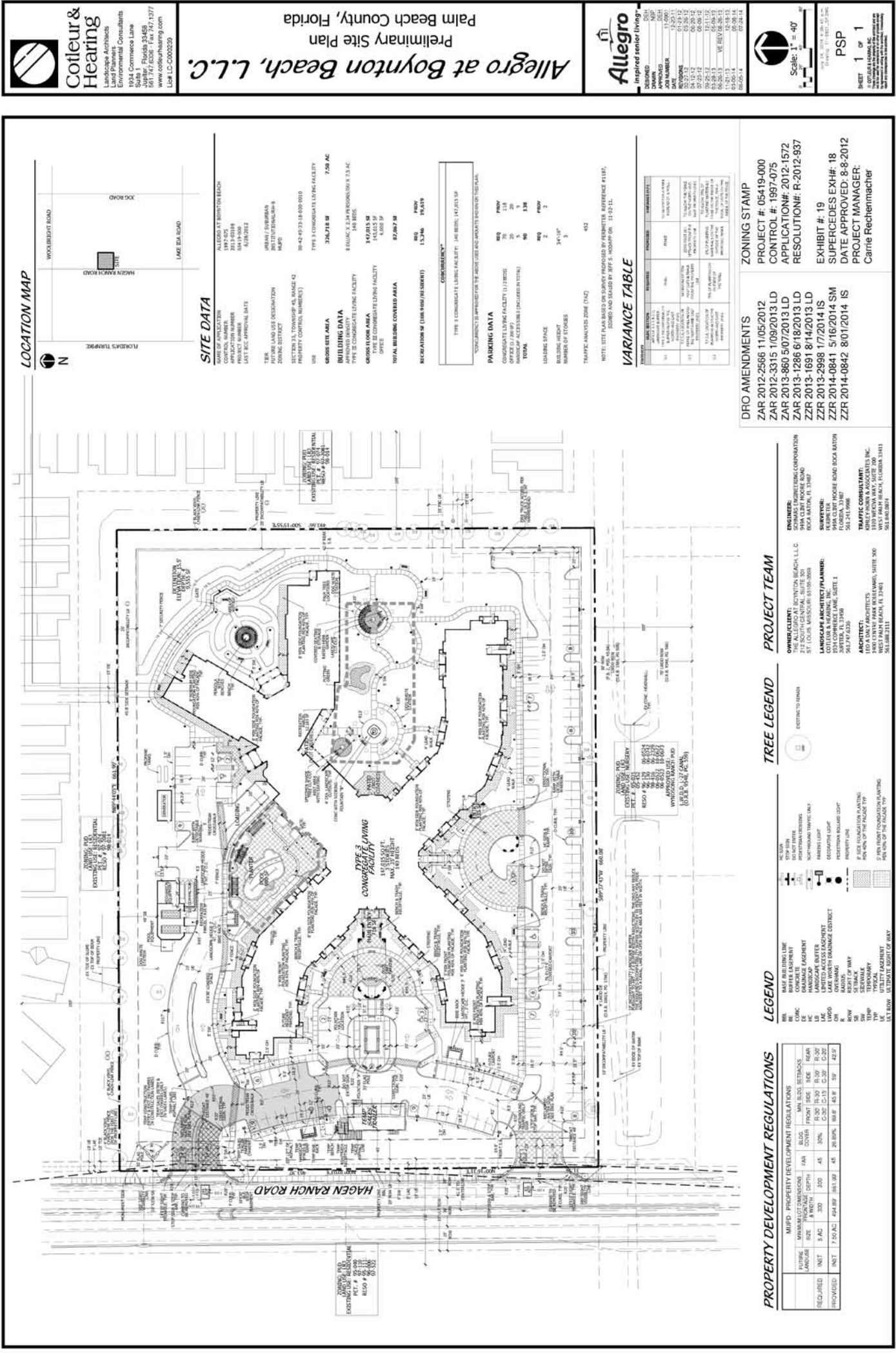
PRP
SHEET 1 of 1
COTELEUR HEARING, INC.



TREE REQUIREMENTS CHART

MINIMUM TREE REQUIREMENTS	MINIMUM TREE REQUIREMENTS	MINIMUM TREE REQUIREMENTS	MINIMUM TREE REQUIREMENTS	MINIMUM TREE REQUIREMENTS
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Figure 6 Final Site Plan dated August 8, 2012



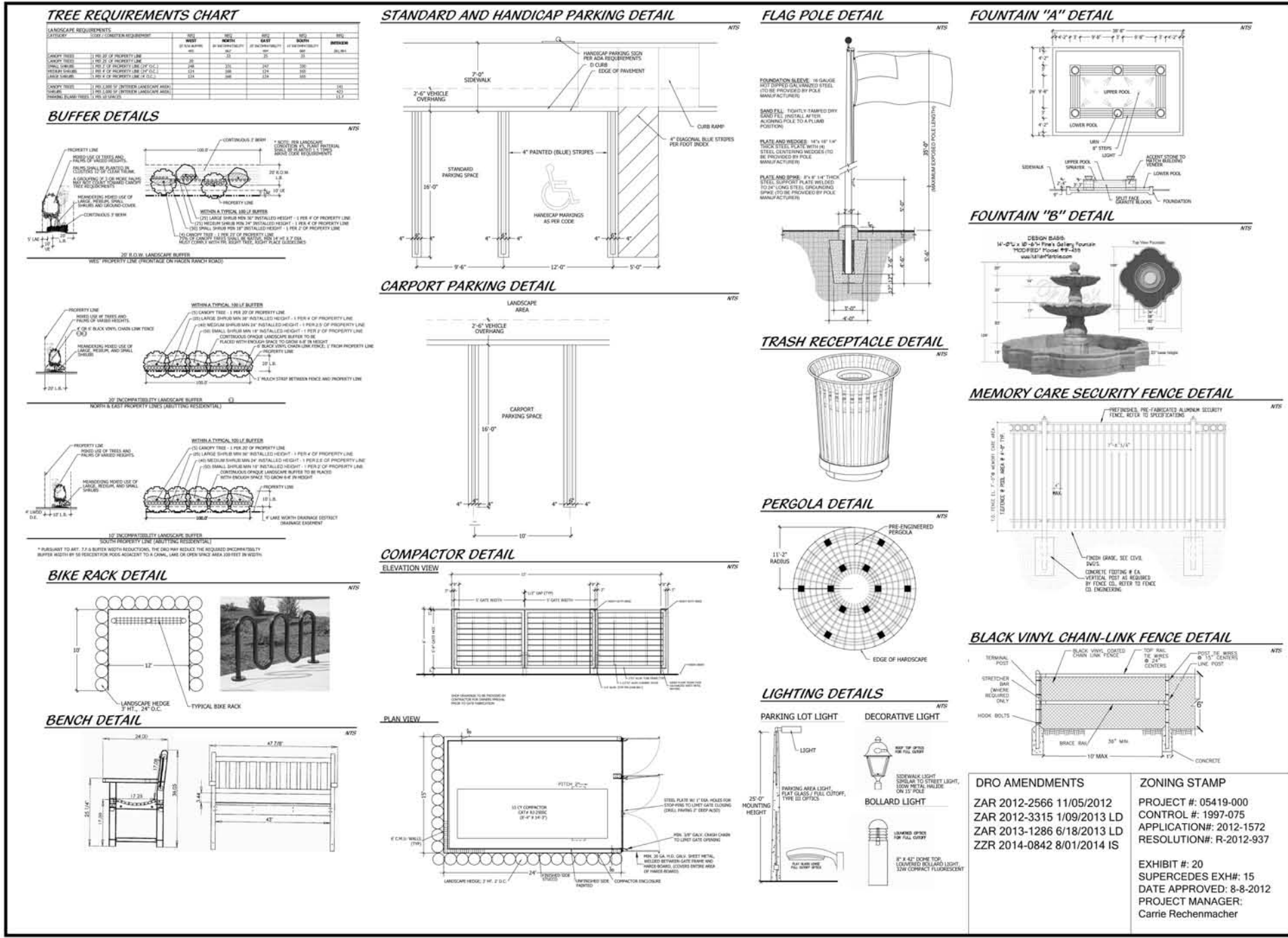


Figure 7 Final Regulating Plan dated August 8, 2012

Cotleur & Hearing
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 1934 Commerce Lane
 Suite 1
 Jupiter, Florida 33458
 561.747.8336 - Fax 747.1377
 www.cotleurhearing.com
 Lic# LC-000239

Allegro at Boynton Beach, L.L.C.
 Preliminary Regulating Plan
 Palm Beach County, Florida

Allegro
 Inspired senior living™

DRO AMENDMENTS
 ZAR 2012-2566 11/05/2012
 ZAR 2012-3315 1/09/2013 LD
 ZAR 2013-1286 6/18/2013 LD
 ZZR 2014-0842 8/01/2014 IS

ZONING STAMP
 PROJECT #: 05419-000
 CONTROL #: 1997-075
 APPLICATION#: 2012-1572
 RESOLUTION#: R-2012-937

EXHIBIT #: 20
 SUPERCEDES EXH#: 15
 DATE APPROVED: 8-8-2012
 PROJECT MANAGER:
 Carrie Rechenmacher

DESIGNED: MKS, JEF
 DRAWN: MKS, JEF
 APPROVED: DEH
 JOB NUMBER: 11-0907
 DATE: 12-20-2011
 REVISIONS:
 01-23-12 01-23-12
 02-27-12 02-26-12
 04-12-12 04-20-12
 07-23-12 08-09-12
 09-25-12 10-11-12
 07-28-13 07-28-13
 11-21-13 12-18-13
 03-18-14 03-28-14
 05-05-14 05-24-14
 11/24/2014 3:25:14 PM
 (Drawing: 11-0907_REG-046)
PRP
 SHEET 1 OF 1
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DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

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

STATE OF ~~FLORIDA~~ Missouri
COUNTY OF ~~PALM BEACH~~ St. Louis

BEFORE ME, the undersigned authority, this day personally appeared Richard C. Miller, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

sole and managing member of The Allegro at Boynton Beach, L.L.C.

1. Affiant is the [] individual or [] Executive Vice President of Allegro Senior Living, LLC [position - e.g., president, partner, trustee] that holds an ownership interest in 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: The Allegro at Boynton Beach, L.L.C.
212 South Central Avenue, Suite 301
St Louis, Missouri 63105

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.

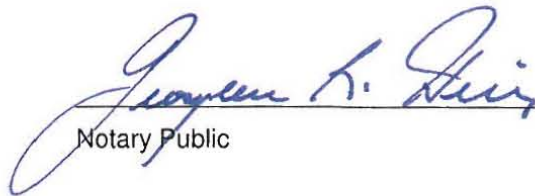
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



Richard C Miller, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 4th day of November, 2014, by Richard C Miller, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Notary Public

(Print Notary Name)

NOTARY PUBLIC

State of ~~Florida~~ at Large Missouri

My Commission Expires: _____



GEORGENE R. HEINZ
My Commission Expires
April 21, 2017
Jefferson County
Commission #13482582

EXHIBIT "A"
PROPERTY

Tract A of Allegro at Boynton Beach, according to the plat thereof, as recorded in plat book 117, pages 36 and 37 of the public records of Palm Beach County, Florida

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - 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.

Name	Address
The Allegro at Boynton Beach, L.L.C. is 100% owned by Allegro Senior Living, LLC	
Allegro Senior Living, LLC has 3 owners with over 5% interest:	
1. Hallmark Investment Corporation - 46.0% (212 S. Central Ave Suite 201 Clayton, MO 63105)	
Hallmark Investment Corp is 100% owned by Love Savings Holdings Company (same address)	
Love Savings Holding Company common stock is primarily owned by:	
Andrew S. Love and family - 70.7%	
Laurence A. Schiffer - 19.9%	
2. Love Investment Company - 43.9% (212 S. Central Ave Suite 201 Clayton, MO 63105)	
Love Investment Company is owned by:	
Andrew S. Love and family - 75%	
Laurence A. Schiffer - 25%	
3. Daniel Baty - 7.3% (1910 Fairview Ave. Suite 500 Seattle, WA 98102)	

BUFFER AGREEMENT

This Buffer Agreement ("Agreement") is made this 4th day of NOVEMBER, 2014 by and between **The Allegro at Boynton Beach, L.L.C.**, a Florida limited liability company ("Allegro") whose address is 212 South Central Avenue, Suite 301, St. Louis, Missouri 63105 and **Valencia Isles Homeowners Association, Inc.**, a Florida not for profit corporation ("HOA") whose address is c/o Castle Management, 11200 Valencia Isles Boulevard, Boynton Beach, Florida 33437.

RECITALS

WHEREAS, there has been a disagreement between the parties as to whether a wall is required in the Type 3 Incompatibility Buffer required to be constructed along the north and east property lines of the Allegro property (the "Buffer"). The HOA property is described in the attached Exhibit "A" and the Allegro property is described in the attached Exhibit "B"; and

WHEREAS, the parties have determined that it is in their mutual best interest to resolve their disagreement as set forth herein.

NOW THEREFORE, for good and valuable consideration as set forth herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Recitals**. The recitals set forth above are true and correct and are incorporated herein.
2. **Barrier in Lieu of Wall**. Allegro agrees at its sole expense to install a 6-foot high PVC barrier ("Barrier") in lieu of a wall in the middle of the Buffer. The specifications of the Barrier are in the attached sketch labeled PVC Privacy Fence consisting of five pages. However, the color of the Barrier shall be either dark or neutral and the manufacturer of the Barrier shall be in Allegro's sole discretion. Allegro shall extend one plane of the Barrier to the property line of the Allegro property on both the southeast and northwest corners to the HOA property line.
3. **Landscaping**. Plant material on both sides of the Barrier shall be balanced on each side of the Barrier as much as possible and in compliance with the requirements of the County's Unified Land Development Code ("ULDC").

Regarding the existing tree located on the HOA property and overhanging the property line where the HOA property adjoins the Allegro property designated on the attached sketch (the "Subject Tree") north of the southeast corner of the Allegro property, the Palm Beach County Department of Environmental Resources Management ("ERM") shall be consulted as to whether significant pruning of the roots and canopy of the tree is allowed. If allowed by ERM, the tree will first be root and canopy pruned to lessen the heavy shading and potential root damage to the Valencia Isles property. If the pruning is not satisfactory in the sole discretion of the HOA president, then the tree shall be removed at the sole expense of Allegro if permitted by ERM. The HOA hereby grants Allegro the right to enter its property in order to prune or remove the Subject Tree. In the event of removal of the

Subject Tree, Allegro shall have no responsibility for any tree mitigation (supplying additional tree(s) in place of the one removed) which may be required. Allegro shall have no liability for and shall bear no expense in connection with any damage to the Subject Tree resulting from efforts to prune the Subject Tree in accordance with this Agreement.

4. **Tie-In Agreement Amendment.** The parties previously entered into a Tie-In Agreement dated April 8, 2013 and recorded in Official Record Book 25998, Page 0943 on May 3, 2013, Public Records of Palm Beach County, Florida. As part of the Tie-In Agreement, the parties agreed to the construction of and shared cost of a 6-foot chain link fence, referred to in the Tie-In Agreement as the "Agreed Fencing". The parties agree that because of the Barrier being installed by Allegro pursuant to Section 2 of this Agreement, the Agreed Fencing set forth in the Tie-In Agreement is no longer necessary. Both parties further agree to execute an amendment to the Tie-In Agreement eliminating any and all reference to the Agreed Fencing and the payment contribution of the HOA. The amendment to the Tie-In Agreement is attached as Exhibit "C". Upon execution, the amendment to the Tie-In Agreement shall be recorded in the Public Records of Palm Beach County at the expense of Allegro.
5. **Payment to the HOA for Additional Expenses.** Allegro shall pay to the HOA \$20,000 by certified check or wire transfer in order to compensate the HOA for any and all additional landscaping, fencing the HOA may desire and other expenses of the HOA. This payment shall be made fifteen (15) days after approval of the Development Order Amendment (DOA) of the Board of County Commissioners as set forth herein and contingent thereon. Upon payment by Allegro, Allegro shall have no further responsibility to the HOA.
6. **Agreement Contingent on Approval of a DOA by the Board of County Commissioners.** Each parties' obligations and rights under this Agreement shall be contingent on the approval of the Board of County Commissioners of Palm Beach County of a DOA approving the installation of the Barrier as contemplated by this Agreement.
7. **Attorney's Fees.** In the event of any dispute hereunder or of any action or proceeding to interpret or enforce this Agreement, any provision hereof or any matter arising herefrom or in any manner hereto, the prevailing party shall be entitled to recover its reasonable costs, fees, and expenses, including, but not limited to, witness fees, expert fees, consultant fees, attorney (in-house and outside counsel), paralegal and legal assistant fees, costs, and expenses and other professional fees, costs, and expenses whether suit be brought or not, and whether at trial or on appeal.
8. **Due Negotiation and Approval by Each Party.** This Agreement has been drafted following due negotiation by both parties and their respective representatives and fairly and accurately reflects the intent of the parties with regard to the terms and conditions of this Agreement. Accordingly, all parties agree that this Agreement shall not be construed for or against any party, but rather solely on the plain meaning of the contents hereof. None of the parties hereto shall be considered to be the drafter of this Agreement or any provision hereof for the purpose of any statute, case law or rule of interpretation or construction that

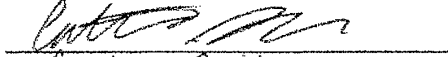
would or might cause any provision to be construed against the drafter hereof. Each party has had or has been advised to seek legal advice by an attorney of their own choice prior to the execution of this Agreement. Each party fully understands the facts and has been informed fully as to their legal rights and obligations. Each party is signing or has signed this Agreement freely and voluntarily and with full knowledge of the possible implications hereof. Each party agrees and acknowledges that the execution of this Agreement is with the full and complete authority of the respective parties, and all approvals required of each party have been properly obtained and the parties executing the Agreement are authorized to do so.

9. **Mutual Cooperation.** The parties agree that each shall cooperate with the other in order to fulfill the terms of this Agreement, including, but not limited to, confirming to the Board of County Commissioners and any member thereof that this Agreement is acceptable to them and is in full and complete settlement of any issues related to the Barrier and prior demands for a wall in the Buffer area. This Agreement supercedes any and all other discussions, negotiations, and agreements with regard to the subject matter hereof.
10. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be an original, and all of which when taken together shall constitute one and the same.


IN WITNESS WHEREOF, the parties have executed this instrument as of the day and year first above written.


Signed, sealed and delivered
in the presence of:

**Valencia Isles Homeowners Association,
Inc.** a Florida not for profit corporation



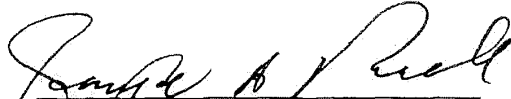
Courtney Swiderski
Print Name

By: 
Print Name: Michael Dreihelt
Title: PRESIDENT V.I. HOA

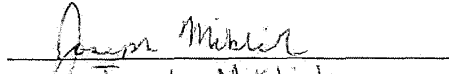


Valerie Brown
Print Name

(Signatures continued on next page.)



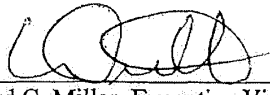
Joseph B. Recker
Print Name



Joseph Miklich
Print Name

**The Allegro at Boynton Beach, L.L.C., a
Florida limited liability company**

By: Allegro Senior Living, LLC, a Delaware
limited liability company, its sole and
managing member

By: 

Richard C. Miller, Executive Vice President

Exhibit A: HOA'S PROPERTY

**ALL OF VALENCIA ISLES PLAT THREE AS RECORDED IN PLAT BOOK 57 AT PAGE 83,
ET. SEQ. OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.**

Exhibit B: ALLEGRO'S PROPERTY

ALL OF RARE SPECIES NURSERY, AS RECORDED IN PLAT BOOK 84, PAGE 154, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT "C"

AMENDMENT TO TIE-IN AGREEMENT

This Amendment to Tie-In Agreement ("Amendment") is made this ____ day of _____, 2014 by and between **The Allegro at Boynton Beach, L.L.C.**, a Florida limited liability company ("Allegro") whose address is 212 South Central Avenue, Suite 301, St. Louis, Missouri 63105 and **Valencia Isles Homeowners Association, Inc.**, a Florida not for profit corporation ("HOA") whose address is c/o Castle Management, 11200 Valencia Isles Boulevard, Boynton Beach, Florida 33437.

RECITALS

WHEREAS, the parties have determined by virtue of other agreements between them that the Agreed Fencing as defined in that certain Tie-In Agreement dated April 8, 2013 and recorded in Official Record Book 25998, Page 0943 on May 3, 2013, Public Records of Palm Beach County, Florida (the "Tie-In Agreement") is no longer necessary; and

WHEREAS, the parties have agreed to execute this Amendment and record it in the Public Records of Palm Beach County, Florida reflecting their agreement.

NOW THEREFORE, for good and valuable consideration, the parties agree as follows:

1. Section 5(h)(ii) of the Tie-In Agreement is hereby deleted in its entirety. Any and all other references in the Tie-In Agreement to the "Agreed Fencing" (as defined therein) are also deleted and of no further force or effect.
2. This Amendment may be executed in any number of counterparts, each of which shall be an original, and all of which when taken together shall constitute one and the same.

IN WITNESS WHEREOF, the parties have executed this instrument as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

**Valencia Isles Homeowners Association,
Inc. a Florida not for profit corporation**

Print Name

By: _____
Print Name: _____
Title: _____

Print Name

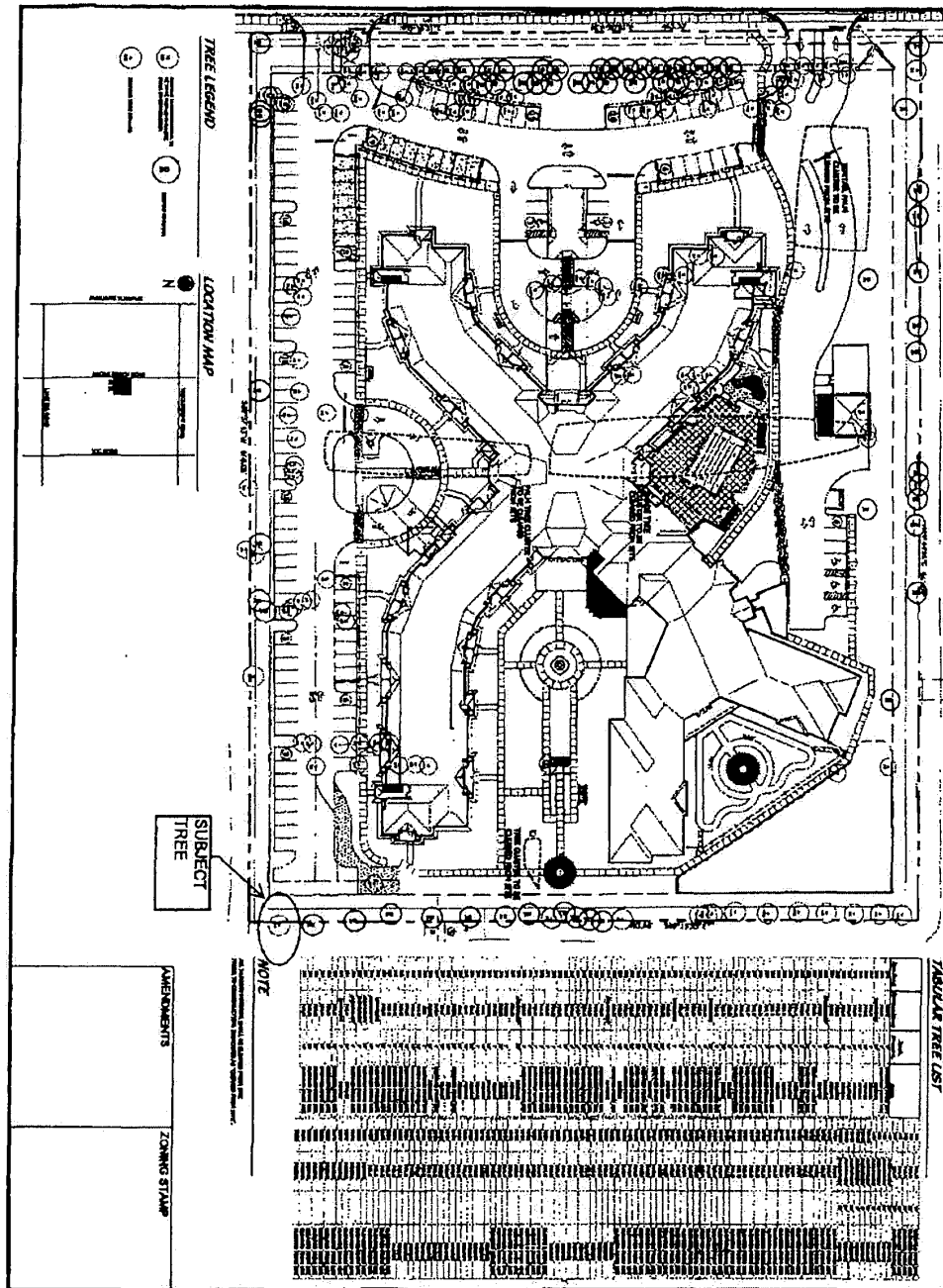
**The Allegro at Boynton Beach, L.L.C., a
Florida limited liability company**

By: Allegro Senior Living, LLC, a Delaware
limited liability company, its sole and
managing member

Print Name

Print Name

By: _____
Richard C. Miller, Executive Vice President



				<p>Allegro at Boynton Beach, L.L.C. Final Tree Relocation/Preservation Plan Palm Beach County, Florida</p>	
--	--	--	--	---	--



ENDURIS EXTRUSIONS
 7167 OLD KINGS ROAD
 JACKSONVILLE, FLORIDA 32219

PVC PRIVACY FENCE

GENERAL NOTES

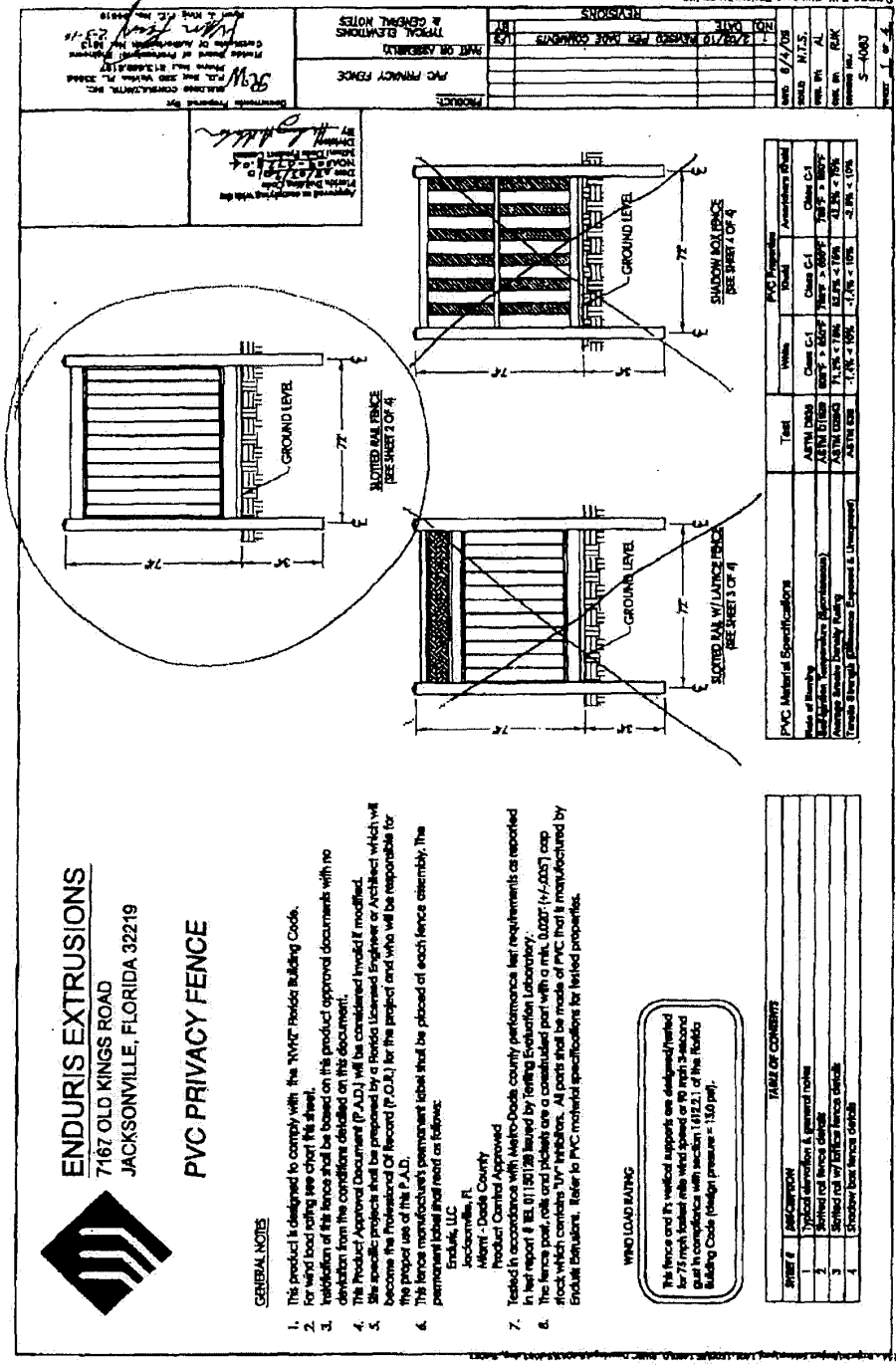
1. This product is designed to comply with the "NYPC" Florida Building Code for wind load rating see chart (1/6 street).
2. Installation of this fence shall be based on the product approval documents with no deviation from the conditions detailed on this document.
3. The Product Approval Document (P.A.D.) will be considered invalid if modified.
4. Site specific projects shall be prepared by a Florida Licensed Engineer or Architect which will become the Professional of Record (P.O.R.) for the project and who will be responsible for the proper use of the P.A.D.
5. The fence manufacturer's permanent label shall be placed on each fence assembly. The permanent label shall read as follows:
 Enduris, LLC
 Jacksonville, FL
 Henry - Duval County
 Product Control Approved
 In full compliance with Florida Building Code county performance list requirements as reported in the report # 18-011983 issued by Florida Building Laboratories, Laboratory #14-0057, cap sheet which provides 3/4" x 3/4" mesh. All details shall be made of PVC that is manufactured by Enduris Extrusions. Refer to PVC material specifications for tested properties.

WIND LOAD RATING

This fence and its vertical supports are designed/tested for 75 mph fastest mile wind speed or 10 mph 3-second gust in compliance with section 1812.1 of the Florida Building Code (design pressure = 15.0 psf).

TABLE OF CONTENTS	
SHEET #	DESCRIPTION
1	Typical elevation & general notes
2	Shaded rail fence details
3	Shaded rail w/ lattice fence details
4	Shaded rail fence details

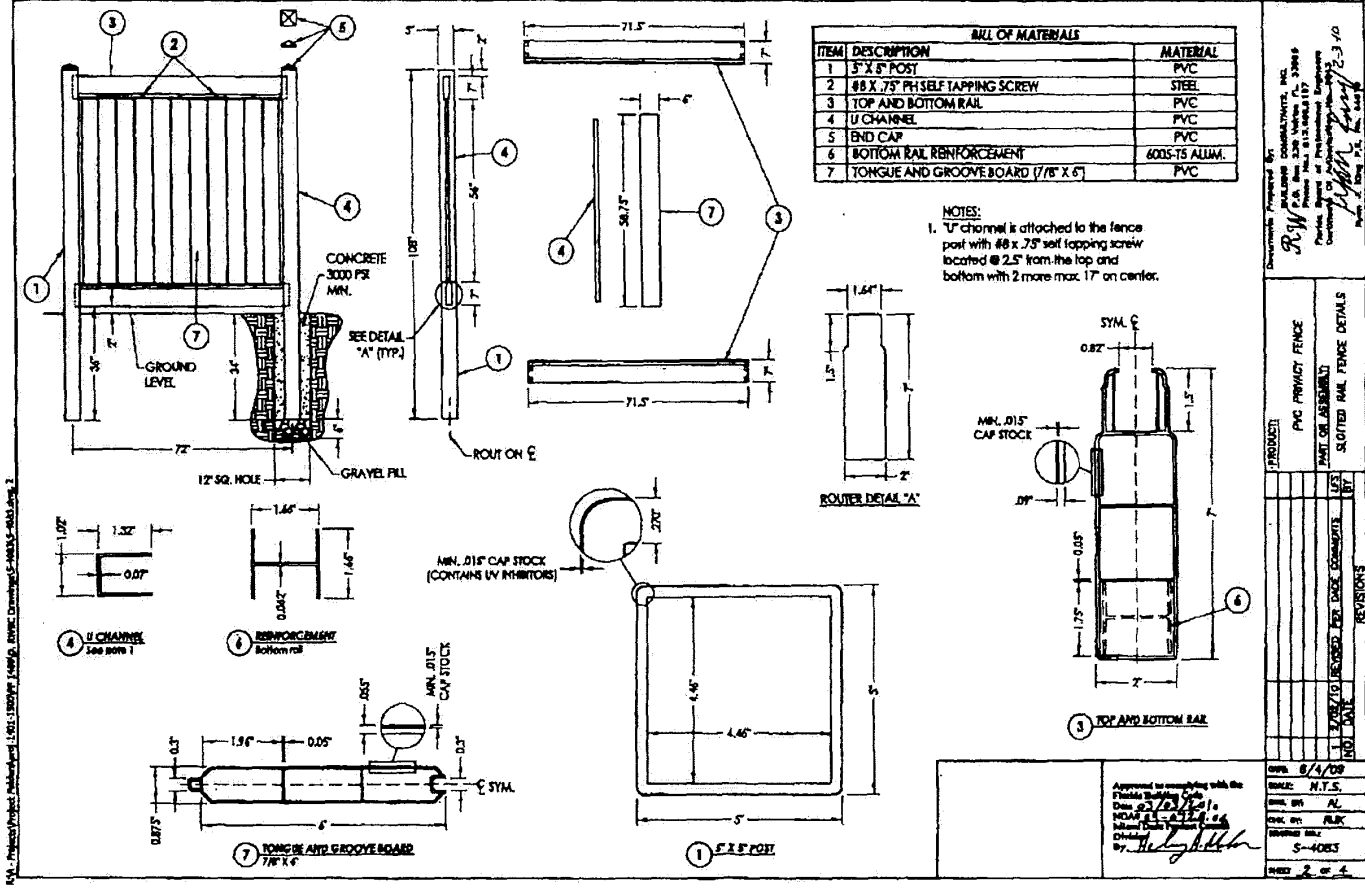
PVC Material Specifications	
Material	ASTM D2688
Mesh	3/4" x 3/4" (19mm x 19mm)
Color	Class C-1
UV Stabilizer	ASTM D2688
Impact Resistance	ASTM D2688
Flammability	ASTM D2688
Chemical Resistance	ASTM D2688
Weathering	ASTM D2688



REVISIONS	
NO.	DATE
1	2/27/12
2	3/1/12
3	3/1/12
4	3/1/12
5	3/1/12

PART OR ASSEMBLY	
NO.	DESCRIPTION
1	PVC PRIVACY FENCE

Drawings prepared by: [Signature]
 Checked by: [Signature]
 Approved by: [Signature]
 Date: 3/1/12
 Project: [Blank]
 Scale: 1/4" = 1'-0"



1. 12" SQ. HOLE IN CONCRETE
2. 3" X 6" POST
3. TOP AND BOTTOM RAIL
4. U CHANNEL
5. END CAP
6. BOTTOM RAIL REINFORCEMENT
7. TONGUE AND GROOVE BOARD (7/8" X 6")



MIAMI-DADE COUNTY, FLORIDA
METRO-DADE FLAGLER BUILDING

140 WEST FLAGLER STREET, SUITE 1603
MIAMI, FLORIDA 33130-1563
(305) 375-2901 FAX (305) 375-2908
www.miamidade.gov/buildingcod

NOTICE OF ACCEPTANCE (NOA)

Enduris, LLC
7167 Old Kings Road
Jacksonville, FL 32219

SCOPE:

This NOA is being issued under the applicable rules and regulations governing the use of construction materials. The documentation submitted has been reviewed by Miami-Dade County Product Control Division and accepted by the Board of Rules and Appeals (BORA) to be used in Miami Dade County and other areas where allowed by the Authority Having Jurisdiction (AHJ).

This NOA shall not be valid after the expiration date stated below. The Miami-Dade County Product Control Division (In Miami Dade County) and/or the AHJ (in areas other than Miami Dade County) reserve the right to have this product or material tested for quality assurance purposes. If this product or material fails to perform in the accepted manner, the manufacturer will incur the expense of such testing and the AHJ may immediately revoke, modify, or suspend the use of such product or material within their jurisdiction. BORA reserves the right to revoke this acceptance, if it is determined by Miami-Dade County Product Control Division that this product or material fails to meet the requirements of the applicable building code.

This product is approved as described herein, and has been designed to comply with the High Velocity Hurricane Zone of the Florida Building Code.

DESCRIPTION: PVC Privacy Fence Panels

APPROVAL DOCUMENT: Drawing No. S-4083, titled "PVC Privacy Fence", dated June 04, 2009, last revision #1 dated February 02, 2010, sheets 1 through 4 of 4, signed and sealed by Ryan J. King, P.E., bearing the Miami-Dade County Product Control Approval stamp with the Notice of Acceptance number and the approval date by the Miami-Dade County Product Control Division.

MISSILE IMPACT RATING: None

LABELING: Each fence panel shall bear a permanent label with the manufacturer's name or logo, city, state and the following statement: "Miami-Dade County Product Control Approved", unless otherwise noted herein.

RENEWAL of this NOA shall be considered after a renewal application has been filed and there has been no change in the applicable building code negatively affecting the performance of this product.

TERMINATION of this NOA will occur after the expiration date or if there has been a revision or change in the materials, use, and/or manufacture of the product or process. Misuse of this NOA as an endorsement of any product, for sales, advertising or any other purposes shall automatically terminate this NOA. Failure to comply with any section of this NOA shall be cause for termination and removal of NOA.

ADVERTISEMENT: The NOA number preceded by the words Miami-Dade County, Florida, and followed by the expiration date may be displayed in advertising literature. If any portion of the NOA is displayed, then it shall be done in its entirety.

INSPECTION: A copy of this entire NOA shall be provided to the user by the manufacturer or its distributors and shall be available for inspection at the job site at the request of the Building Official.

This NOA consists of this page 1, evidence submitted pages E-1 and E-2 as well as approval document mentioned above.

The submitted documentation was reviewed by Helmy A. Makar, P.E., M.S.



Helmy A. Makar
03/03/2010

NOA No. 09-0728.04
Expiration Date: 03/03/2015
Approval Date: 03/03/2010
Page 1

Enduris, LLC

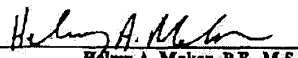
NOTICE OF ACCEPTANCE: EVIDENCE SUBMITTED

A. DRAWINGS

1. Drawing No. S-4083, titled "PVC Privacy Fence", dated June 04, 2009, last revision #1 dated February 02, 2010, sheets 1 through 4 of 4, signed and sealed by Ryan J. King, P.E.

B. TESTS

1. Test Report # 07-01150166, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for white PVC, per ASTM G155, signed and sealed by Wendell W. Haney, P.E.
2. Test Report # 07-01150169, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for white PVC, per ASTM D635, signed and sealed by Wendell W. Haney, P.E.
3. Test Report # 07-01150160, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for white PVC, per ASTM D2843, signed and sealed by Wendell W. Haney, P.E.
4. Test Report # 07-01150163, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for white PVC, per ASTM D1929, signed and sealed by Wendell W. Haney, P.E.
5. Test Report # 07-01150167, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for Khaki PVC, per ASTM G155, signed and sealed by Wendell W. Haney, P.E.
6. Test Report # 07-01150170, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for Khaki PVC, per ASTM D635, signed and sealed by Wendell W. Haney, P.E.
7. Test Report # 07-01150161, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for Khaki PVC, per ASTM D2843, signed and sealed by Wendell W. Haney, P.E.
8. Test Report # 07-01150164, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for Khaki PVC, per ASTM D1929, signed and sealed by Wendell W. Haney, P.E.
9. Test Report # 07-01150168, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for AmeriChem Khaki PVC, per ASTM G155, signed and sealed by Wendell W. Haney, P.E.
10. Test Report # 07-01150171, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for AmeriChem Khaki PVC, per ASTM D635, signed and sealed by Wendell W. Haney, P.E.
11. Test Report # 07-01150162, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for AmeriChem Khaki PVC, per ASTM D2843, signed and sealed by Wendell W. Haney, P.E.
12. Test Report # 07-01150165, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for AmeriChem Khaki PVC, per ASTM D1929, signed and sealed by Wendell W. Haney, P.E.
13. Test Report # 01150128, dated 06/05/2009, issued by Testing Evaluation Lab., Inc., for PVC Fence, per Gravity Load Test, signed and sealed by Lyndon F. Schmidt, P.E.


Helmy A. Makar, P.E., M.S.
Senior Product Control Examiner
NOA No. 09-8728.04
Expiration Date: 03/03/2015
Approval Date: 03/03/2010

E - 1

Enduris, LLC

NOTICE OF ACCEPTANCE: EVIDENCE SUBMITTED

C. **CALCULATIONS**

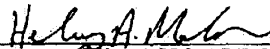
1. *Fence and Post Analysis, dated February 03, 2010, one sheet, signed and sealed by Ryan J. King, P.E.*

D. **QUALITY ASSURANCE**

1. *By Miami-Dade County Building Code Compliance Office.*

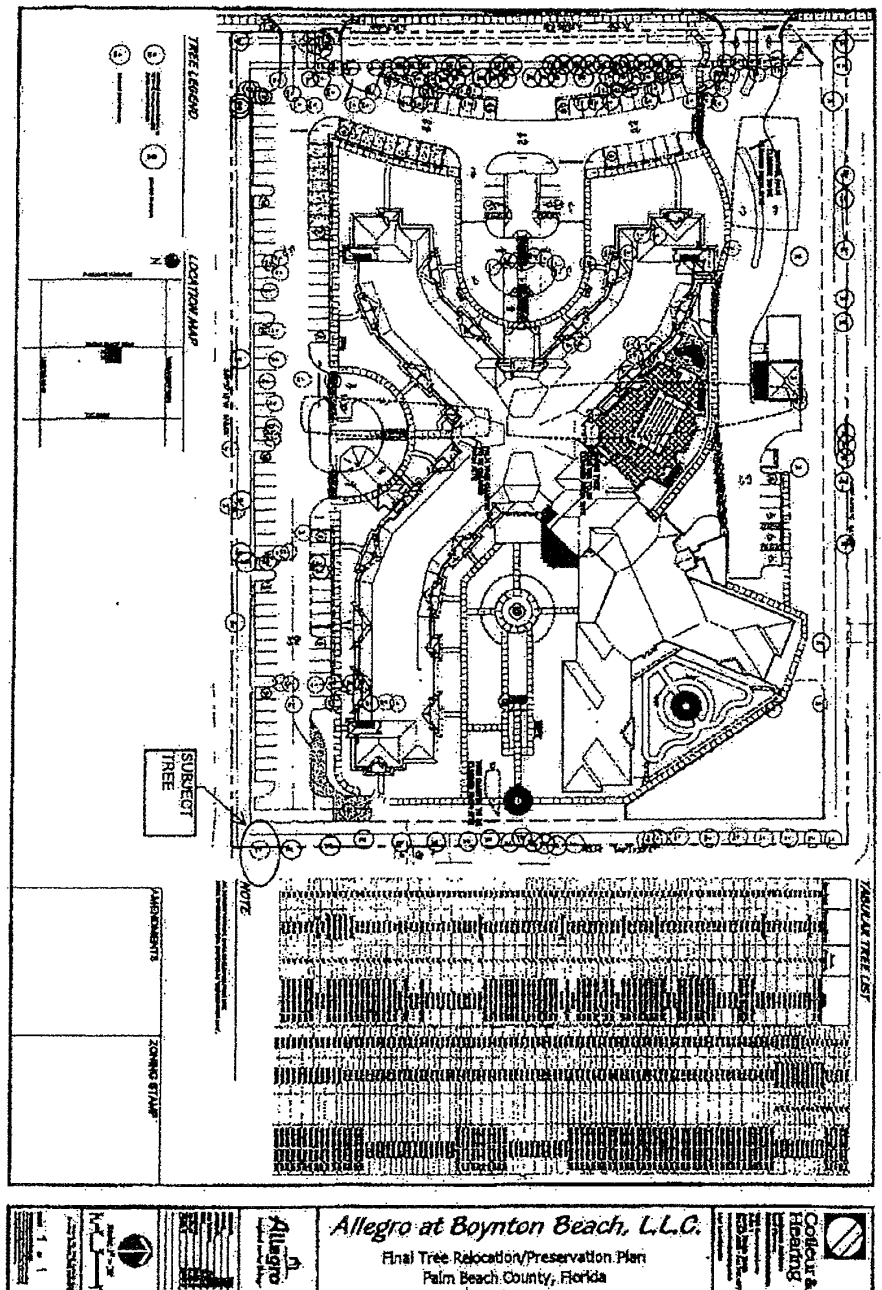
E. **MATERIAL CERTIFICATIONS**

1. *None.*



Helmy A. Makar, P.E., M.S.
Senior Product Control Examiner
NOA No. 09-0728.04
Expiration Date: 03/03/2015
Approval Date: 03/03/2010

E - 2





ENDURIS EXTRUSIONS
 7167 OLD KINGS ROAD
 JACKSONVILLE, FLORIDA 32219

PVC PRIVACY FENCE

GENERAL NOTES

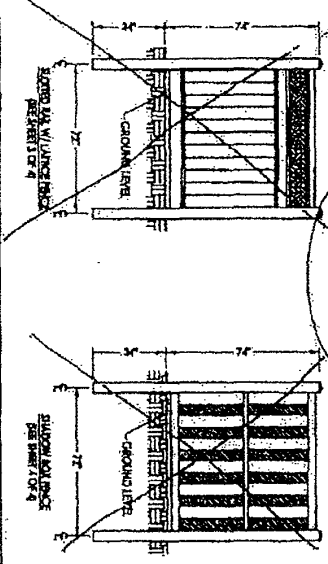
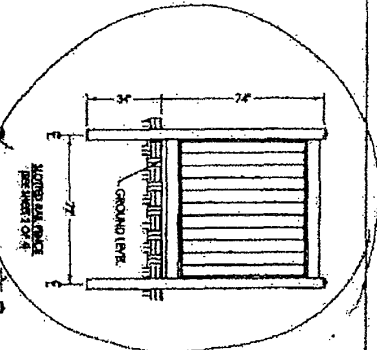
- The product is designed to comply with the Miami Dade Building Code.
- Required load ratings are shown on the drawing.
- Installation of the fence shall be based on the product approval documents with no deviation from the conditions outlined in the document.
- The Product Approval Document (P.A.D.) will be considered final if installed.
- Any project not approved by a Florida Licensed Engineer or Architect which will become the Product Approval Document (P.A.D.) for the project and who will be responsible for the proper use of the P.A.D.
- The sponsor (manufacturer) permanent stamp shall be placed on each fence assembly. This stamp shall be as follows:
 Address: Ft. Lauderdale, FL
 Name: David O'Leary
 Product Certified Approved
- Tested in accordance with Miami Dade county performance test requirements as required in their report R-02-01101203 issued by Testing Evaluation Laboratory.
 PVC Fence post, rail, end post, end cap & connector post with 1 1/2" x 1 1/2" x 1/2" (1-1/2x1-1/2x3/8) cap post with 1 1/2" x 1 1/2" x 1/2" (1-1/2x1-1/2x3/8) cap post shall be tested by Miami Dade county as follows. All parts shall be tested by Miami Dade county. Items to be tested include: end post, cap post, rail, end cap, connector post, post to post connector, fence to post connector. Items to be tested include: end post, cap post, rail, end cap, connector post, post to post connector, fence to post connector. Items to be tested include: end post, cap post, rail, end cap, connector post, post to post connector, fence to post connector.

WARRANTY

The fence and all material supports are warranted against manufacturing defects for a period of 2 (two) years from the date of installation. The warranty is void if the fence is not installed in accordance with the Product Approval Document (P.A.D.).

TABLE OF CONTENTS

1	Product Approval Document
2	Product Approval Document
3	Product Approval Document
4	Product Approval Document
5	Product Approval Document

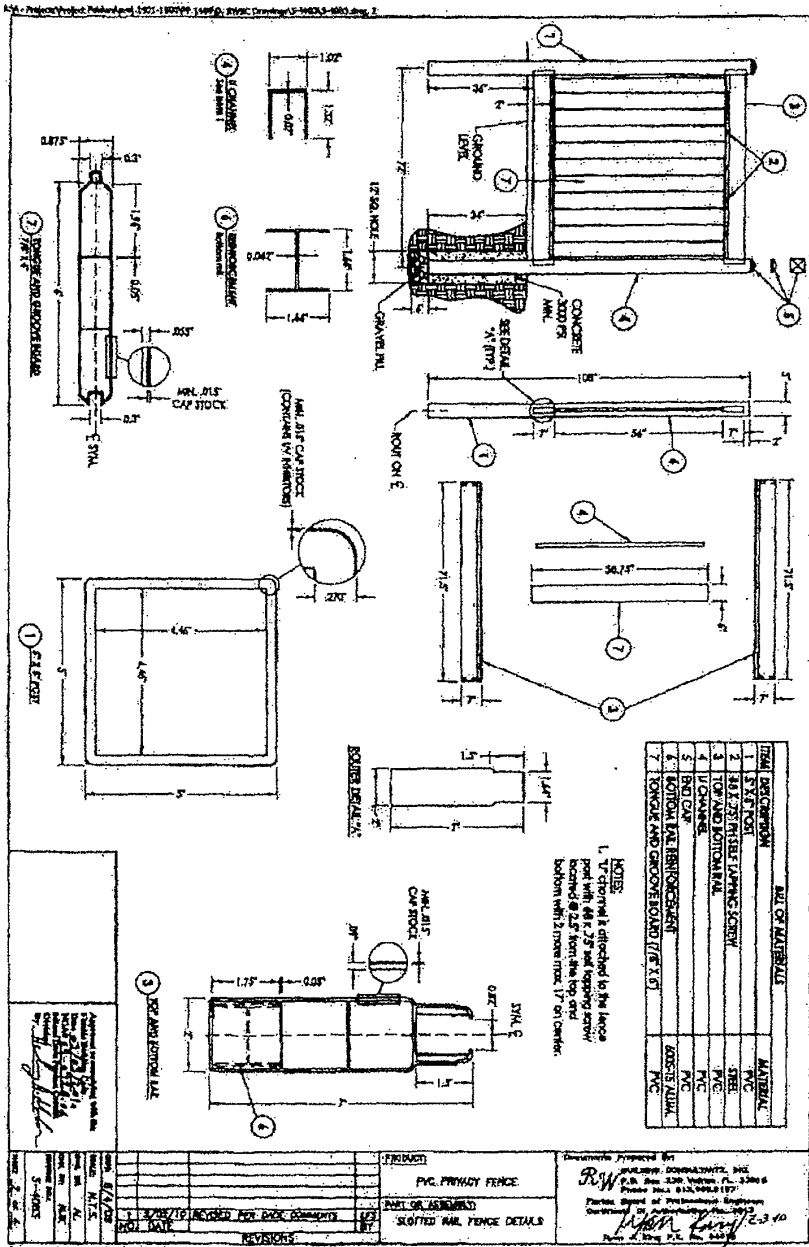


PVC Material Specifications	Material	Material	PVC Material Specifications	Material	Material	PVC Material Specifications	Material
Material	Material	Material	Material	Material	Material	Material	Material
Material	Material	Material	Material	Material	Material	Material	Material
Material	Material	Material	Material	Material	Material	Material	Material
Material	Material	Material	Material	Material	Material	Material	Material

APPROVED BY
David O'Leary
 David O'Leary

PREPARED BY
 R.W. [Signature]
 R.W. [Signature]

PVC PRIVACY FENCE	DATE OF DRAWING: [Blank]
TYPICAL DIMENSIONS & GENERAL NOTES	[Blank]
ALL DIMENSIONS SHOWN PER USE COMMENTS	[Blank]
REVISIONS	[Blank]



ITEM DESCRIPTION	MT. OF MATERIALS	MATERIAL
1. 5" X 5" POST		PVC
2. 3/4" X 2 1/2" RIBBED TAPPING SCREW		STEEL
3. TOP AND BOTTOM RAIL		PVC
4. 1" CHAIRS		PVC
5. BOTTOM RAIL REINFORCEMENT		EXTRUSION ALUM.
6. BOTTOM RAIL REINFORCEMENT		PVC
7. CONCRETE AND GROUND BOARD (7" X 6")		PVC

NOTES:
 1. 1" of concrete is attached to the fence post with #4 #2's and tapping screw located @ 2.5" from the top, other bottom with 2 more from 1" of concrete.

Drawn by: [Signature] Checked by: [Signature] Date: 5-10-07		Product: PVC PRIVACY FENCE Part or Assembly: SLOTTED RAIL FENCE DETAILS	Documents Prepared By: [Signature] P.O. Box 228, Vero Beach, FL 32906 Phone: 888-612-4482 Fax: 888-612-4482 [Signature] 2.3.10
REVISIONS: 1. [Blank] 2. [Blank]	SCALE: 1/4" = 1'-0" DATE: 5-10-07	© 2007 P.V.C. Products, Inc. All Rights Reserved.	

MIAMI-DADE COUNTY
BUILDING CODE COMPLIANCE OFFICE (BCCO)
PRODUCT CONTROL DIVISION

MIAMI-DADE COUNTY, FLORIDA
METRO-DADE FLAGLER BUILDING
140 WEST FLAGLER STREET, SUITE 1603
MIAMI, FLORIDA 33130-1563
(305) 375-2901 FAX (305) 375-2908
www.miamidade.gov/buildingcode

NOTICE OF ACCEPTANCE (NOA)

Enduris, LLC
7167 Old Kings Road
Jacksonville, FL 32219

SCOPE:

This NOA is being issued under the applicable rules and regulations governing the use of construction materials. The documentation submitted has been reviewed by Miami-Dade County Product Control Division and accepted by the Board of Rules and Appeals (BORA) to be used in Miami-Dade County and other areas where allowed by the Authority Having Jurisdiction (AHJ).

This NOA shall not be valid after the expiration date stated below. The Miami-Dade County Product Control Division (in Miami-Dade County) and/or the AHJ (in areas other than Miami-Dade County) reserve the right to have this product or material tested for quality assurance purposes. If this product or material fails to perform in the accepted manner, the manufacturer will incur the expense of such testing and the AHJ may immediately revoke, modify, or suspend the use of such product or material within their jurisdiction. BORA reserves the right to revoke this acceptance, if it is determined by Miami-Dade County Product Control Division that this product or material fails to meet the requirements of the applicable building code.

This product is approved as described herein, and has been designed to comply with the High Velocity Hurricane Zone of the Florida Building Code.

DESCRIPTION: PVC Privacy Fence Panels

APPROVAL DOCUMENT: Drawing No. S-4083, titled "PVC Privacy Fence", dated June 04, 2009, last revision #1 dated February 02, 2010, sheets 1 through 4 of 4, signed and sealed by Ryan J. King, P.E., bearing the Miami-Dade County Product Control Approval stamp with the Notice of Acceptance number and the approval date by the Miami-Dade County Product Control Division.

MISSILE IMPACT RATING: None

LABELING: Each fence panel shall bear a permanent label with the manufacturer's name or logo, city, state and the following statement: "Miami-Dade County Product Control Approved", unless otherwise noted herein.

RENEWAL of this NOA shall be considered after a renewal application has been filed and there has been no change in the applicable building code negatively affecting the performance of this product.

TERMINATION of this NOA will occur after the expiration date or if there has been a revision or change in the materials, use, and/or manufacture of the product or process. Misuse of this NOA as an endorsement of any product, for sales, advertising or any other purposes shall automatically terminate this NOA. Failure to comply with any section of this NOA shall be cause for termination and removal of NOA.

ADVERTISEMENT: The NOA number preceded by the words Miami-Dade County, Florida, and followed by the expiration date may be displayed in advertising literature. If any portion of the NOA is displayed, then it shall be done in its entirety.

INSPECTION: A copy of this entire NOA shall be provided to the user by the manufacturer or its distributors and shall be available for inspection at the job site at the request of the Building Official.

This NOA consists of this page 1, evidence submitted pages B-1 and B-2 as well as approval document mentioned above.

The submitted documentation was reviewed by Helmy A. Makar, P.E., M.S.E.



Helmy A. Makar
03/03/2010

NOA No. 09-0724.04
Expiration Date: 03/03/2015
Approval Date: 03/03/2010
Page 1

Enduris, LLC

NOTICE OF ACCEPTANCE: EVIDENCE SUBMITTED

A. DRAWINGS

1. Drawing No. S-4083, titled "PVC Privacy Fence", dated June 04, 2009, last revision #1 dated February 02, 2010, sheets 1 through 4 of 4, signed and sealed by Ryan J. King, P.E.

B. TESTS

1. Test Report # 07-01150166, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for white PVC, per ASTM G155, signed and sealed by Wendell W. Haney, P.E.
2. Test Report # 07-01150169, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for white PVC, per ASTM D635, signed and sealed by Wendell W. Haney, P.E.
3. Test Report # 07-01150160, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for white PVC, per ASTM D2843, signed and sealed by Wendell W. Haney, P.E.
4. Test Report # 07-01150163, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for white PVC, per ASTM D1929, signed and sealed by Wendell W. Haney, P.E.
5. Test Report # 07-01150167, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for Khaki PVC, per ASTM G155, signed and sealed by Wendell W. Haney, P.E.
6. Test Report # 07-01150170, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for Khaki PVC, per ASTM D635, signed and sealed by Wendell W. Haney, P.E.
7. Test Report # 07-01150161, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for Khaki PVC, per ASTM D2843, signed and sealed by Wendell W. Haney, P.E.
8. Test Report # 07-01150164, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for Khaki PVC, per ASTM D1929, signed and sealed by Wendell W. Haney, P.E.
9. Test Report # 07-01150168, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for AmeriChem Khaki PVC, per ASTM G155, signed and sealed by Wendell W. Haney, P.E.
10. Test Report # 07-01150171, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for AmeriChem Khaki PVC, per ASTM D635, signed and sealed by Wendell W. Haney, P.E.
11. Test Report # 07-01150162, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for AmeriChem Khaki PVC, per ASTM D2843, signed and sealed by Wendell W. Haney, P.E.
12. Test Report # 07-01150165, dated 06/22/2007, issued by Testing Evaluation Lab., Inc., for AmeriChem Khaki PVC, per ASTM D1929, signed and sealed by Wendell W. Haney, P.E.
13. Test Report # 01150128, dated 06/05/2009, issued by Testing Evaluation Lab., Inc., for PVC Fence, per Gravity Load Test, signed and sealed by Lyndon F. Schmidt, P.E.


Wally A. Makar, P.E., M.S.
Senior Product Control Examiner
NOA No. 03-0728-04
Expiration Date: 03/03/2015
Approval Date: 03/03/2010

E-1

Enduris, LLC

NOTICE OF ACCEPTANCE: EVIDENCE SUBMITTED

C. CALCULATIONS

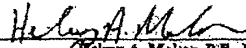
1. *Fence and Post Analysis, dated February 03, 2010, one sheet, signed and sealed by Ryan J. King, P.E.*

D. QUALITY ASSURANCE

1. *By Miami-Dade County Building Code Compliance Office.*

E. MATERIAL CERTIFICATIONS

1. *None.*



Helmy A. Makar, P.E., M.S.
Senior Product Control Examiner
NCA No. 09-0721.04
Expiration Date: 03/03/2015
Approval Date: 03/03/2016

E-2

Exhibit F - FPL Easement Plan

