

Municipalities within 1 Mile	Wellington
Future Annexation Area	Wellington

RECOMMENDATION: Staff recommends approval of the requests subject to 45 Conditions of Approval as indicated in Exhibit C-1; and 7 Conditions of Approval as indicated in Exhibit C-2.

ACTION BY THE ZONING COMMISSION (ZC): On July 6, 2017, this item was on the Regular Agenda, Staff and the Agent made presentations to the Board. Three members of the public spoke in support of the project. The ZC recommended approval of the requests by a vote of 7-0.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received two contacts from the public in opposition regarding this project with no noted concerns.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
PDD/W-2005-01328	An Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve Zoning District to the Agricultural Reserve Planned Unit Development.	R-2006-0278	02/23/2006
	A Type II Waiver to allow a deviation from cul-de-sac and/or dead-end restrictions.	R-2006-0279	02/23/2006
EAC-2008-00802	A Development Order Amendment to delete a Condition of Approval (Preserve Planting).	R-2008-1698	09/29/2008
DOA-2008-01367	A Development Order Amendment to reconfigure the Master Plan, increase the number of units, amend a Condition of Approval (Engineering), create a model row, and restart the commencement clock.	R-2009-0506	03-30/2009
ABN/DOA/W-2012-03372	A Development Order Abandonment abandon the previous approval to reconfigure the Master Plan, relocate the Civic Site, increase and relocate the recreation area, relocate an access point, reduce a portion of the buffer along the north and south property line, and add one unit.	R-2013-0967	07/25/2013
	A Type II Waiver to allow 64 percent of the streets to terminate in cul-de-sacs.	R-2013-0969	07/25/2013
	A Development Order Amendment to reconfigure the Preliminary Master Plan to add land area (Development and Preserve); reconfigure the Civic Pod; establish access points and delete Collector Road; increase the number of dwelling units, establish model rows, amend the Conservation Easement (ORB 18768, Page 1681) for South Florida Water management District Preserve Parcel.	R-2013-0968	07/25/2013
ZV-2013-01344	A Type II Variance to allow an increase in building coverage for a single story single-family dwelling units and single story zero lot line homes.	ZR-2013-0024	09/16/2013
ZV/PDD/DOA-2014-00089	A Type II Variance to allow a reduction in the required landscape buffer width	ZR-2014-0025	05/01/2014

	along the northeast property line.		
	An Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve Zoning District to the Agricultural Reserve Planned Unit Development.	R-2014-0729	05/22/2014
	A Development Order Amendment to reconfigure the Master Plan to add land area (Development and Preserve Area); reconfigure the Civic Pod; add units; modify Conditions of Approval (Engineering, Planning, Property and Real Estate Management); and, to extend the build out date.	R-2014-0730	05/22/2014

SURROUNDING LAND USES:

NORTH:

FLU Designation: Agricultural Reserve (AGR)
 Zoning District: Agricultural Reserve Planned Unit Development (AGR-PUD)
 Supporting: Residential (Sussman AGR-PUD, Control No. 2000-00032)

FLU Designation: Agricultural Reserve (AGR)
 Zoning District: Agricultural Reserve (AGR)
 Supporting: Residential (Kenco Ranch PUD, Control No. 2000-00015; John F. Van Lennep Real Properties, Inc., Control No. 1979-00111)

FLU Designation: Agricultural Reserve (AGR)
 Zoning District: Agriculture Residential (AR)
 Supporting: Residential (In the Pines South, Control No. 1991-00035)

SOUTH:

FLU Designation: Agricultural Reserve (AGR)
 Zoning District: Agricultural Reserve Planned Unit Development (AGR-PUD)
 Supporting: Residential (Rainbow PUD, Control No. 1997-00104)

EAST:

FLU Designation: Agricultural Reserve (AGR)
 Zoning District: Agricultural Reserve Planned Unit Development (AGR-PUD)
 Supporting: Residential (John F. Van Lennep Real Properties, Inc., Control No. 1979-00111; Appolonia Farms PUD, Control No. 2004-00022; Kenco Ranch PUD, Control No. 2000-00015; Bridges AGR-PUD, Control No. 2004-00250)

WEST:

FLU Designation: Agricultural Reserve (AGR)
 Zoning District: Agricultural Reserve Planned Unit Development (AGR-PUD)
 Supporting: Agricultural (Sunshine Meadows, Control No. 1980-00184; Lyons West AGR-PUD, Control No. 2005-00003; Hyder Preserve B, Control No. 2008-00291)

FLU Designation: Agricultural Reserve (AGR)
 Zoning District: Agricultural Reserve (AGR)
 Supporting: Utilities (Horseshoe FPL Substation, Control No. 2001-00019)

FLU Designation: Agricultural Reserve with an underlying Commercial Low (AGR/CL)
 Zoning District: Community Commercial (CC)
 Supporting: Commercial (Valencia Center, Control No. 1981-00224)

TYPE II WAIVER SUMMARY:

When considering a Development Order application for a Type II Waiver, the BCC shall consider the

Standards in Article 2.B.2.G.3 of the ULDC. The Standards and Staff Analyses are indicated below. A Type II Waiver, which fails to meet any of the standards, shall be deemed adverse to the public interest and shall not be approved.

ULDC Article	Required	Proposed	Variance
(W1) 3.E.1.C.2.a.5 Cul-de-sacs	40 percent of the local streets in a PDD may terminate in a Cul-de-sac.	Allow an additional 25 percent of the local streets in a PDD to terminate in a Cul-de-sac.	To allow 65 percent of the local streets to terminate in a Cul-de-sac.

W1 (Cul-de-sac): Section 3.E.1.C.2.a.5 requires a maximum of 40 percent of the local streets in a PDD may terminate in a cul-de-sac or a dead-end by right. An additional 25 percent of the local streets in a PDD may terminate in a cul-de-sac pursuant to a Type II Waiver application approved by the BCC.

1. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the Zoning District or Overlay;

W1- YES: A Cul-de-sac waiver was previously approved on July 25, 2013 via Resolution R-2013-0969, and the Property Owner requests to carry forward this previous approval. The Applicant is not proposing any modifications other than re-requesting the same Type II Waiver. The previous approval (Res. No. R-2013-0969) for the Type II Waiver for the increase in the number of cul-de-sacs references the Street Layout Plan dated March 14, 2013. Since the Type II Waiver was granted based on this layout and it is being amended, the new Type II Waiver must be requested. The proposed increase does not create any additional conflicts with the other requirements of the Code and is consistent with the purpose and intent of the AGR-PUD.

2. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and,

W1 YES: The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development. As noted above, the same Waiver was previously granted and the Applicant must request the Waiver again as a result of the slight reconfiguration of the PMSP.

3. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties.

W1 YES: The proposed alternative design will not adversely impact adjacent properties.

4. Cul-de-sacs terminate in an open space that provides amenities accessible to the residents for the development.

W1 YES: As indicated on the PSLP, there are pedestrian connections between Pods B and D; Pods G and H; Pods P and R; and between Pods R and S. These connections will allow the elimination of 8 of the 36 Cul-de-sacs to be utilized in the total calculations, thus meeting the overall percent allowed via a Type II Waiver of 65%.

5. Cul-de-sacs connect to a pedestrian system including but not limited to sidewalks and designated path or trail systems

W1 YES: As noted above and as indicated in the PSLP indicates, there are pedestrian connections between Pods, in addition, the PSLP indicates five pedestrian amenities many of them within open space tracts where pedestrian connections have been provided which join two adjacent pods.

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.*

○ Consistency with the Comprehensive Plan: The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

○ 60/40 AGR Requirements: Per Policy 1.5.1-i., the Applicant is required to provide a minimum of 60% of preserve area and 40% maximum developable area. The Preserve areas are not required to be contiguous with the development area.

Per the above policy, the 60/40 calculation is as follows:

Total acreage: 1836.80 acres
Less ROW: 13.57 acres
Net acreage = 1823.23 acres

Net acreage x 60%: $1823.23 \times 60\% = 1093.94$ acres minimum required (applicant proposes 1094.195 acres or 60%)

Net acreage x 40%: $1823.37 \times 40\% = 729.29$ acres maximum allowed (applicant proposes 729.17 acres or 40%)

The policy states that the request has to provide a minimum of 60% preserve lands and a maximum of 40% for the developable area.

○ Density and Relevant History: For the current request as presented, the total number of units that this AGR PUD can achieve would be 1,297, since 539.404 acres of the 1836.80 total acres for this request, does not have any development rights. Previous Application ABN/DOA/W-2012-03372, abandoned the Appolonia Farms AGR_PUD Development Order, absorbed 820.182 acres from that approval and increased the total units from 995 to 1319. Appolonia contained 918.746 acres of South Florida Water Management (SFWMD) lands that could only be utilized for preserve area and contained no density.

The 918.746 acres, now called SFWMD/Strazulla, are divided between the Hyder AGR PUD and Bridges AGR PUD. Both are currently in process and the SFWMD/Strazulla lands are allocated as follows:

Hyder = 539.404 acres,
Bridges Mizner = 379.342 acres.

The following is a brief background regarding the Appolonia Farms and its density.

Appolonia Farms AGR PUD, was last approved by the BCC for 610 units on October 25, 2007, via R-2007-723, and consisted of a 610.01-acre development parcel with 918.746 acres of South Florida Water Management District lands. The development rights associated with the SFWMD parcel were retired via an Agreement for Exchange of Real Property Interests dated November 21, 2003. As part of the Agreement, the lands contained no Development Rights, but could be designated as the preserve area for an AGR PUD.

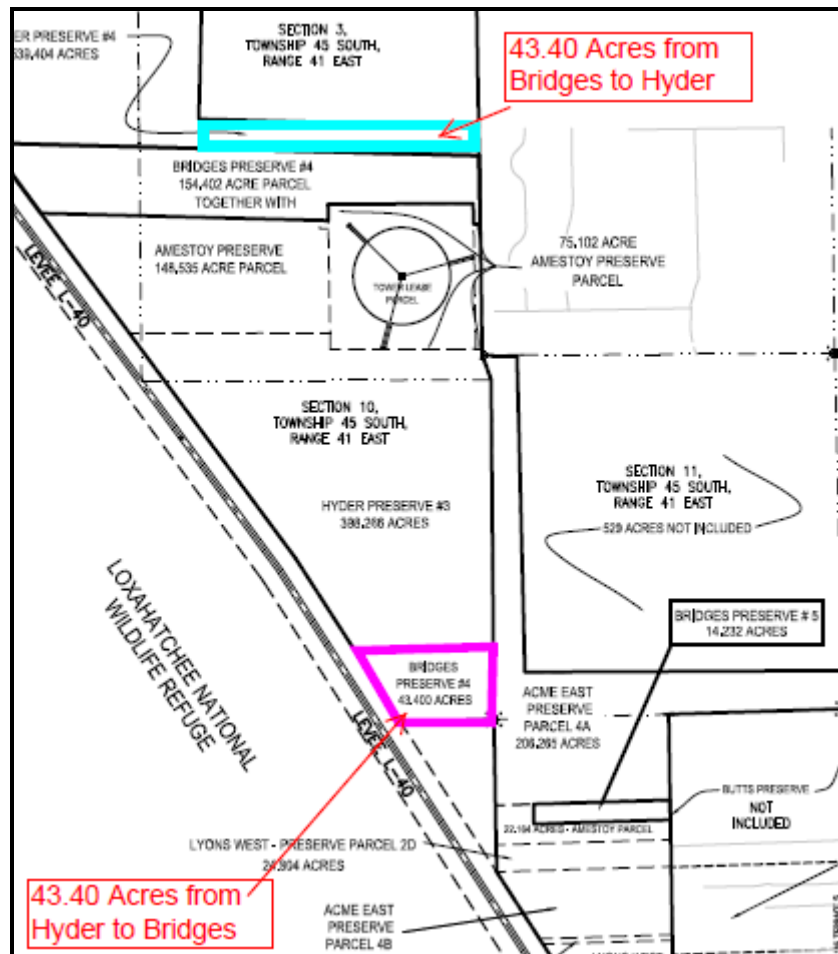
On December 16, 2003, the BCC unanimously approved Agenda Item 5.E.5., for the use of the 918.746 acres of SFWMD lands in the Strazulla Wetlands to be utilized as the preserve area of an AGR Planned Development. The Executive Brief stated, that “the AGR-PDD would receive no increase in density, as the development rights of the preserve area would be extinguished.” On June

17, 2005, a Conservation Easement was recorded via OrBook 18768 Page 1681 for the entire 918.746 acres

○ Special Overlay District/Neighborhood Plan/Planning Study Area: The subject property contains preserve areas that are located within the boundaries of the West Boynton Community Plan. The subject request is not inconsistent with the neighborhood plan. To date no letters have been received identifying issues or concerns.

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 Applicant is requesting a DOA to reconfigure the Master Plan in order to delete 43.40 acres of South Florida Water Management District (SFWMD) Hyder Preserve No. 3 that has entitlement of 43 residential units and add 43.40 acres of SFWMD preserve area with no entitlements to units (currently Bridges/Mizner AGR-PUD Preserve No. 4B). The deletion and adding of these parcels will reduce the overall number of residential dwelling units from 1340 to 1297 (-43 units). The Applicant has requested to swap these preserves in order to add the unbuilt units to Bridges/Mizner AGR-PUD (Application PDD/DOA/W-2016-02029). The intent of the swap is simply to allow the preserve area with units on it to be under the Bridges/Mizner AGR-PUD thereby adding the 43 unbuilt units to the Bridges/Mizner AGR-PUD which has an approval for 1,479 units.



○ Parking and Loading: Parking for the Residential units will be reviewed at time of building permit. Sheet 4 of the Preliminary Regulating Plan (PRP) contains details for the parking areas adjacent to the Guardhouses at the entrance to the developments.

○ Landscaping: The PMP indicates that the required 50-foot Type 3 AGR-PUD buffer along the north, south, and eastern portions of the site, and the required 20-foot ROW buffers along Lyons Road to the east and State Road 7 to the west. No changes are proposed to the buffers as part of this request.

o Signage: The Preliminary Master Sign Plan (PMSP) indicates the details of the ground mounted signs, directional, and monument signs. No additional signage is being proposed under the current request or modifications to the existing signs.

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 proposed amendment will not create any incompatibility issues with the surrounding properties and uses and is generally consistent with the existing uses and surrounding zoning districts. As noted above, the request is only to do an even swap of preserve areas for the benefit of the transferring units from the Hyder AGR-PUD to the Bridges/Mizner AGR-PUD.

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 proposed request does not visually impact the surrounding uses as the modifications will not impact the external appearance of the site. Any existing or proposed issues with regard to compatibility have been addressed through the proposed perimeter landscaping buffers. There are no other changes proposed other than the swap of the preserve areas.

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.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The property has been previously cleared and no longer supports significant amounts of native vegetation.

WELLFIELD PROTECTION ZONE: The property is not located with 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 project will result in a logical, orderly and timely development pattern. The request is only to swap preserve areas and delete dwelling units. No other changes are proposed that would have effect on the development pattern.

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

ENGINEERING COMMENTS:

TRAFFIC IMPACTS

Build-out of the project is expected to be December 31, 2019, same as that of the original approval. The proposed site modification is expected to decrease the daily trips by 430 and PM peak hour trips by 31, as compared to the previous approval.

There are no additional improvements to the roadway system required for compliance with the Traffic Performance Standards, since there would be a decrease in trips.

The Property Owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit for any Recreation Parcel.

The Property Owner shall obtain a Right of Way Permit from the Palm Beach County Engineering Department, Permit Section, for access onto or work within Lyons Road and a permit from the Florida Department of Transportation for access onto or work within SR7.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project meets all Department of Health requirements.

FIRE PROTECTION: The proposed request has been reviewed by the Fire Department and there are no issues at this time.

SCHOOL IMPACTS: No Staff Review Analysis.

PARKS AND RECREATION: Hyder North proposes 701 dwelling units, therefore 4.21 acres of onsite recreation is required. The plan submitted indicates there will be 9.24 acres of recreation provided, therefore, the Parks and Recreation Department standards have been addressed.

Hyder South proposes 596 dwelling units, therefore 3.58 acres of onsite recreation is required. The plan submitted indicates there will be 7.79 acres of recreation provided, therefore, the Parks and Recreation Department standards have been addressed.

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

The Applicant is proposing the amendment to swap preserve area and delete units which has resulted in a changed condition that necessitates a modification. As mentioned above, the Applicant is swapping a 43.40 acres of one preserve currently within the Hyder AGR-PUD with a 43.40-acre preserve within the Bridges/Mizner AGR-PUD in order to transfer 43 unbuilt units from Hyder to Bridges/Mizner.

CONCLUSION:

Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the requests. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibit C-1 and C-2.

CONDITIONS OF APPROVAL

Exhibit C-1

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2014-730, Control No.2005-00455, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2013-0968, Control 2005-455, 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 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-2014-0730, Control 2005-455, 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2014-730, Control No.2005-00455, which currently states:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Master Plan is dated March 13, 2014. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

The approved Preliminary Master, Regulating, Master Sign and Street Layout Plans are dated April 13, 2017. 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. Based on Article 2.E of the Unified Land Development Code, this development order meets the requirements to receive a new three (3) year review date from the date of approval of this resolution. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 3 of Resolution R-2014-730, Control No.2005-00455)

4. Commencement of the Development Order shall start on May 22, 2017. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 4 of Resolution R-2014-730, Control No.2005-00455)

ENGINEERING

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

a. Building Permits for more than 40 dwelling units (equivalent of 47 pm peak hour trips) shall not be issued until construction commences for the 4 laning of West Atlantic Avenue from Lyons Road to Starkey Road, plus the appropriate paved tapers. [Note: COMPLETED] (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. No Building Permits for the site may be issued after December 31, 2019. 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. Note that this condition will not apply to development of a public civic pod if ownership of that pod has been transferred to a governmental agency for public use. (DATE: MONITORING - Engineering)

c. Building permits for more than 100 dwelling units shall not be issued until the left turn lane on the north approach on Lyons Road at Clint Moore Road is restriped to a length of 650 feet plus a 50 foot taper, or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

d. Building permits for more than 1248 dwelling units shall not be issued until a second left turn lane on the east approach of Atlantic Avenue and Lyons Road and appropriate receiving lanes on Lyons Road are constructed as approved by the Florida Department of Transportation and the County Engineer. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

e. Previous ENGINEERING condition 1.e of Resolution R-2013-968, Control No.2005-00455, which currently states: Building Permits for more than 317 dwelling units shall not be issued until either: i) the contract has been awarded for the construction of a third westbound through lane on Atlantic Avenue at the Turnpike east intersection, including an appropriate receiving lane and the appropriate paved tapers, OR ii) the property owner makes a proportionate share payment in the amount of 14.7% of the total cost to construct the above improvement.

Is hereby deleted [Reason: Superseded by another condition] (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2014-730, Control No.2005-00455)

2. Previous ENGINEERING Condition 2 of Resolution R-2014-730, Control No.2005-00455, which currently states:

The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of SR-7. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the 438th building permit.

Threshold updated to 488 permits, per Joanne Keller (BLDGPM: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the 438th Certificate of Occupancy. (CO: MONITORING - Engineering)

c. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: ENGINEERING - Engineering)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the 488th Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along SR-7. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended.

(BLDGPM: MONITORING - Engineering)

Is hereby amended to read:

The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of SR-7. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the 488th building permit.

(BLDGPM: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the 488th Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

c. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: MONITORING - Engineering)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the 488th Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along SR-7. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended.

(BLDGPM: MONITORING - Engineering)

3. Prior to issuance of a building permit, the Property Owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of:

- i. right turn lane on Lyons Road at the project's north entrance road
- ii. right turn lane on Lyons Road at the project's south entrance road

Right turn lane rights of way shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include corner clips where appropriate as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments.

a. Prior to the issuance of the first Building Permit within Hyder North, right of way required in 3.i shall be conveyed. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to the issuance of the first Building Permit within Hyder South, right of way required in 3.ii shall be conveyed. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2014-730, Control No.2005-00455)

4. The Property Owner shall construct:

- i. Right turn lane north approach on Lyons Road at the north project entrance road,
- ii. Left turn lane south approach on Lyons Road at the north project entrance road,
- iii. Exclusive left and right turn lanes west approach on the north project entrance road at Lyons Road,
- iv. Right turn lane north approach on Lyons Road at the south project entrance road,
- v. Left turn lane south approach on Lyons Road at the south project entrance road, and
- vi. Exclusive left and right turn lanes west approach on the south project entrance road at Lyons Road.

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

- a. Prior to issuance of a building permit for Hyder North (that portion of the project lying between the LWDD L-36 and the L-38 canals), the Property Owner shall obtain permits required from Palm Beach County for construction of improvements in 4.i, 4.ii and 4.iii. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]
- b. Prior to issuance of a building permit for Hyder South (that portion of the project lying between the LWDD L-38 and L-39 canals), the property owner shall obtain permits required from Palm Beach County for construction of improvements in 4.iv, 4.v and 4.vi. (BLDGPMPT: MONITORING - Engineering)
- c. Prior to issuance of a certificate of occupancy for Hyder North (that portion of the project lying between the LWDD L-36 and the L-38 canals), the property owner shall complete construction of improvements in 4.i, 4.ii and 4.iii. (BLDGPMPT/CO: MONITORING - Engineering) [Note: COMPLETED]
- d. Prior to issuance of a certificate of occupancy for Hyder South (that portion of the project lying between the LWDD L-38 and L-39 canals), the property owner shall complete construction of improvements in 4.iv, 4.v and 4.vi. (BLDGPMPT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2014-730, Control No.2005-00455)

5. On or before February 1, 2020 the Property Owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Lyons Road along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2014-730, Control No.2005-00455)

6. The Property Owner shall fund a proportionate share of the cost of signal installation if warranted as determined by the County Engineer at:

- i. Lyons Road and the north project entrance road, 50% of the total cost,
- ii. Lyons Road and the south project entrance road, 50% of the total cost, and
- iii. SR 7 and the project entrance road, 100% of the total cost.

Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

- a. Building Permits for more than 200 dwelling units for that portion of the PUD lying between the LWDD L-36 and L-38 canals (Hyder North) shall not be issued until the developer provides acceptable surety to the Traffic Division for the signals identified in 6.i. and 6.iii above for all required installations in an amount as determined by the Director of the Traffic Division. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]
- b. Building Permits for more than 200 dwelling units for that portion of the PUD lying between the LWDD L-38 and L-39 canals (Hyder South) shall not be issued until the developer provides acceptable surety to the Traffic Division for the signals identified in 6.ii and 6.iii above for all required installations in an amount as determined by the Director of the Traffic Division. (BLDGPMPT: MONITORING - Engineering)
- c. In order to request the release of surety for the signal identified in 6.i above, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has

been issued for the portion of the development lying between the LWDD L-36 and L-38 canals (Hyder North) and requesting that a signal warrant study be conducted at this intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: MONITORING - Engineering)

d. In order to request the release of surety for the signal identified in 6.ii above, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for the portion of the development lying between the LWDD L-38 and L-39 canals (Hyder South) and requesting that a signal warrant study be conducted at this intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: MONITORING - Engineering)

e. In order to request the release of surety for the signal identified in 6.iii above, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for the project (both Hyder North and Hyder South) and requesting that a signal warrant study be conducted at this intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2014-730, Control No.2005-00455)

7. Previously deleted under Resolution R-2013-0968. (Previous ENGINEERING Condition 7 of Resolution R-2014-730, Control No.2005-00455)

8. Acceptable surety required for the West Atlantic Avenue improvements identified in the Traffic Performance Standards Phasing Condition above shall be posted with the Office of the Land Development Division on or before August 23, 2006. Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (TPS - Maximum 6 month time extension) (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2014-730, Control No.2005-00455)

9. The Property owner shall construct:

i. A north approach left turn lane on SR 7 at the project entrance road. The turn lane shall be a minimum of 12 feet in width and 280 feet in length or as otherwise approved by FDOT.

ii. A south approach right turn lane on SR 7 at the project entrance road. The turn lane shall be a minimum of 12 feet in width and 280 feet in length or as otherwise approved by FDOT.

iii. Exclusive left and right turn lanes east approach on the project entrance road at SR 7.

iv. Close the existing median opening on SR 7 south of the proposed project entrance road

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

a. Prior to the issuance of the five hundred twenty ninth (529) building permit, permits required by FDOT for this construction shall be obtained. (BLDGPM: MONITORING - Engineering)

b. Prior to the issuance of the five hundred twenty ninth (529) Certificate of Occupancy Construction, these improvements shall be completed. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2014-730, Control No.2005-00455)

10. The Property Owner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans and related Site Plans contain a disclosure statement identifying that this site is adjacent to SR 7, that these proposed dwelling units are in an area subject to noise generated by traffic as a result of its location SR 7 and there shall be a statement included in the sales contracts and homeowner documents concerning the noise levels residents may expect after any noise mitigation improvements have been constructed by the property owner. If the State of Florida guidelines do not require any noise mitigation improvements, all sales contracts and homeowner documents shall include a statement of the noise levels residents may expect, that noise mitigation was not required under the State of Florida guidelines at the time of approval and that any noise mitigation measures requested in the future will not be funded or constructed by Palm Beach County. The Property Owner shall submit documentation of compliance with the noise level requirement above on an annual basis to the Monitoring Section of Planning,

Zoning and the Building Department. The next report shall be submitted on or before April 25, 2014 and shall continue on an annual basis until all units within the development have been sold or the Property Owner relinquishes control to the homeowner's association. (DATE/ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 10 of Resolution R-2014-730, Control No.2005-00455)

11. Prior to the issuance of the first Building Permit, the Property Owner shall make a one time payment of \$5,392.00 to satisfy the requirements of proportionate share for widening of Atlantic Ave from the Florida Turnpike to Jog Road from 4 lanes divided to 6 lanes divided. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2014-730, Control No.2005-00455)

12. Pursuant to the terms of the Atlantic Avenue Agreement, road impact fees and an additional contribution were prepaid for zoning control number 2004-022 (Appolonia PUD). The prepaid total is creditable against road impact fees due for any development under this control number. The credit amount does not vest property owner, or a successor in interest to the property, against future increases in road impact fee rates that may occur from time to time. Once the available road impact fee credit has been exhausted, property owner, or a successor in interest to the property, shall be required to pay additional road impact fees in accordance with the Unified Land Development Code, Article 13. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 12 of Resolution R-2014-730, Control No.2005-00455)

ENVIRONMENTAL

1. An Exotic Removal Management Plan, covering the conservation parcels, associated with the Hyder PUD, shall be reviewed and approved by ERM prior to final DRO site plan approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2014-730, Control No.2005-00455)

2. All Restricted Covenant Agreements and Conservation Easements for the Conservation Parcels, associated with the Hyder PUD, shall be submitted to ERM for review and approval prior to recordation. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-2014-730, Control No.2005-00455)

LANDSCAPE - GENERAL

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

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2014-730, Control No.2005-00455)

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

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2014-730, Control No.2005-00455)

3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2014-730, Control No.2005-00455)

4. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2014-730, Control No.2005-00455)

LANDSCAPE - GENERAL-ZONING - LANDSCAPING ALONG THE NORTH, AND NORTHEAST PROPERTY LINES (ABUTTING PODS A, E, J AND K)

5. Landscaping along the north, and northeast property lines abutting Pods A, E, J and K shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip;
- b. a continuous berm with a minimum height of two (2) feet; and,
- c. a six (6) foot high hedge, located on the plateau of the berm. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2014-730, Control No.2005-00455)

LAKE WORTH DRAINAGE DISTRICT

1. Previous LAKE WORTH DRAINAGE DISTRICT Condition 1 of Resolution R-2014-730, Control No.2005-00455, which currently states:

Prior to platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty or easement deed, the north 65 feet of Tracts 65-80, the south 85 feet of Tracts 113-128 and east 50 feet east of the west 130 feet of Tracts 17, 48-49, 80-81 and 112-113 all lying within Section 30/46/42, less lands owned by LWDD for the required right-of-way for the L-38 and E-1 Canals.

Is hereby amended to read:

Prior to platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty or easement deed, the south 85 feet of Tracts 113-128 and east 50 feet east of the west 130 feet of Tracts 17, 48-49, 80-81 and 112-113 all lying within Section 30/46/42, less lands owned by LWDD for the required right-of-way for the L-38 and E-1 Canals. (PLAT: ENGINEERING - Lake Worth Drainage District)

PALM TRAN

1. Prior to Plat Recordation, within the Hyder North portion of the project (lying between the LWDD L-36 and L-38 canals), the Property Owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area (Lyons Rd at Entrance) in a form with terms and conditions approved by Palm Tran. Prior to Plat Recordation within the Hyder South portion of the project (lying between the LWDD L-38 and L-39 canals), the Property Owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area (Lyons Road at Entrance) in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran shall be required. (PLAT: MONITORING - Palm-Tran) (Previous PALM TRAN Condition 1 of Resolution R-2014-730, Control No.2005-00455)

PLANNED DEVELOPMENT-PLANNED UNIT DEVELOPMENT

1. Prior to recordation of the first plat, all property included in the legal description of the application shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office. (ONGOING/PLAT: COUNTY ATTORNEY - Zoning) (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2014-730, Control No.2005-00455)

2. The Property Owner shall include in homeowners' documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of agricultural uses in the vicinity of the development. The Property Owner shall

submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on February 2, 2007 and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowners association. (DATE/ONGOING: MONITORING - Zoning) (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2014-730, Control No.2005-00455)

3. Prior to final approval by the Development Review Officer (DRO), the site/regulating plans shall be revised to indicate upgraded recreation amenities within each of the neighborhood parks. These additional amenities shall:

- a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paver blocks, or other improved surface;
- b. include a minimum of two (2) pedestrian benches;
- c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
- d. include a shade structure (eg. trellis, gazebo, pergola), tot lot, fitness station, rest station, or similar recreation amenity or other shade structure; and,
- e. details for all items indicated above shall be subject to review and approval by the Architectural Review Section. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 3 of Resolution R-2014-730, Control No.2005-00455)

4. One model row shall be permitted within the Hyder North portion of the project and one model row shall be permitted within the Hyder South portion of the project. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 4 of Resolution R-2014-730, Control No.2005-00455)

PLANNING

1. Previous PLANNING Condition 1 of Resolution R-2014-730, Control No.2005-00455, which currently states:

The PUD shall be limited to a maximum of 1340 dwelling units and shall meet 60/40 AGR-PUD requirements.

Is hereby amended to read:

The PUD shall be limited to a maximum of 1297 dwelling units and shall meet 60/40 AGR-PUD requirements. (ONGOING: PLANNING - Planning)

2. Prior to final approval by the DRO, the property owner shall provide an "AGR/PUD Preserve and Development Parcel Location Map" as an addendum to the Master Plan. This addendum shall also indicate the location, access, acreage, and permitted uses within the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code (ULDC). [NOTE: Located on PMP-5] (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2014-730, Control No.2005-00455)

3. Prior to final approval by the Development Review Officer, submit a signed copy of the AGR Preserve Management Plans approved by ERM for each Agricultural Preserve parcel. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2014-730, Control No.2005-00455)

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

a. The conservation easements for all of these preserve parcels shall contain:

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

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

(PLAT: ENGINEERING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 4 of Resolution R-2014-730, Control No.2005-00455)

5. Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to March 1st, 2017, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. No administrative time extension for this condition shall be allowed. (DATE: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 5 of Resolution R-2014-730, Control No.2005-00455)

6. Prior to Final Master Plan approval by the Development Review Officer (DRO), the developer shall add a "Preservation Area/Proposed Uses" notes section on the Preliminary Master Plan to include the following:

The purpose of the preserve area(s) are to support, preserve and perpetuate bona fide agricultural and open space uses of the Property, and to preserve any environmentally significant upland or wetland habitats located on the Property.

1. Permitted Uses. Grantor may use the Property for:

a. Crop production, pasture, equestrian activities, wholesale or retail nursery operation or fallow land;

b. Construction and maintenance of structures essential to the uses listed in subsection 1a., above, such as barns, stables, pumps, and pump houses, but specifically excluding agricultural support structures such as processing facilities, which are prohibited;

c. Maintenance and occupation of security, caretaker, farm worker or grooms quarters, or other residential structure provided that the quarters or structure is used solely for one of the purposes listed under Table 3.E.1.B of the Unified Development Code (ULDC), any applicable special permit is obtained for such use, and requisite density exists on the Property for such use;

d. A Water Preserve Area if designated by the South Florida Water Management District (SFWMD), or for regional water management purposes as certified by either Lake Worth Drainage District or SFWMD, or for water management purposes not directly related to the Project if approved by the Palm Beach County Department of Environmental Resources Management (ERM) and managed for environmental resource values;

e. Wetland restoration and maintenance, or bona fide agriculture as defined by the ULDC; and

f. Those other activities authorized within a Preservation Area under Table 3.E.1. B. of the ULDC and consistent with applicable provisions of the Comp Plan.

2. Prohibited Uses. Any use of or on the Property that is not specifically listed or included in Section 1, above, or that is inconsistent with agricultural, environmentally significant uplands or wetlands, or open space preservation is prohibited. (DRO/ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 6 of Resolution R-2014-730, Control No.2005-00455)

PROPERTY & REAL ESTATE MANAGEMENT

1. The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 14.727 acre public civic site in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by March 2, 2015. Property owner to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

a) Title

Property owner to provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site as required by the County Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall be obtained by the property owner. The property owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site.

b) Concurrency

Property owner to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation for the entire PUD. The property owner shall be provided with input as to the size of a structure (and proposed use) which the civic site would support and the corresponding amount of trips.

c) Taxes

All ad valorem real estate taxes and assessments for the year of acceptance shall be pro-rated to include the day of acceptance.

d) Site condition

Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.

e) Retention and Drainage

Property owner shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Property owner shall specifically address the following issues:

- 1) The discharge of surface water from the proposed civic site into the property owner 's water retention basins.
- 2) As easement across property owner 's property from the proposed civic site to the retention basins, if required.

f) On-Site Inspections

By acceptance of these conditions property owner agrees to allow the County to perform any on- site inspections and testing deemed appropriate to support the acquisition of the civic site.

g) Vegetation Permit

Property owner to perform a tree survey and obtain a vegetation clearing permit. If it is determined by PREM that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the County.

h) Buildable Grade

Prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (until seed has established itself) to the satisfaction of Facilities Development and Operations.

i) Water & Sewer

Property owner to provide water and sewer stubbed out to the property line and other required utilities as determined by PREM.

[This condition was not required - Civic Site cashed out under Civic Site Dedication Agreement (R2013-396)] (DATE: MONITORING - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 1 of Resolution R-2014-730, Control No.2005-00455)

2. The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by February 2, 2015 . Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

- a) The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
- b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
- c) The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey.

[This condition was not required - Civic Site cashed out under Civic Site Dedication Agreement (R2013-396)] (DATE: MONITORING - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 2 of Resolution R-2014-730, Control No.2005-00455)

3. The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by February 2, 2015 . The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

- a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
 - b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.
The assessment shall reflect whether the civic site or any bordering property is on the following lists:
 - 1) EPA's National Priorities list (NPL)
 - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
 - 3) Hazardous Waste Data Management System List (HWDMS).
 - c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
 - d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.
 - e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.
- a) If the Phase I audit indicates that a Phase II is necessary, then the property owner shall be required to provide that audit as well.

[This condition was not required - Civic Site cashed out under Civic Site Dedication Agreement (R2013-396)] (DATE: MONITORING - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 3 of Resolution R-2014-730, Control No.2005-00455)

4. The property owner has offered to provide the County with additional civic site property at the Atlantic Commons PUD, which may be utilized as a credit towards the civic site dedication requirements for this project. The civic property conveyance for this project shall be handled by either one of two separate agreements, known as the Atlantic Commons Civic Site Agreement (approved pursuant to R-2013-0396) and the Exchange and Civic Site Dedication Agreement (approved pursuant to R-2004-0936), which agreements shall supersede all conditions set forth herein. However, (1) should the Atlantic Commons Civic Site Agreement not be finalized by either the County or the property owner, or (2) in the event there is no remaining civic site credit available for use by the property owner pursuant to the Exchange and Civic Site Dedication Agreement, then all requirements of PREM conditions 1 through 4 contained herein shall remain in effect. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 4 of Resolution R-2014-730, Control No.2005-00455)

5. The property owner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the property owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the property owner or if the property owner is a contract purchaser the per acre value used for the entire PUD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the property owner shall be deemed to have satisfied the intent of ULDC. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 5 of Resolution R-2014-730, Control No.2005-00455)

SCHOOL BOARD

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

“NOTICE TO PARENTS OF SCHOOL AGE CHILDREN”

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board) (Previous SCHOOL BOARD Condition 1 of Resolution R-2014-730, Control No.2005-00455)

2. Prior to the issuance of the first Certificate of Occupancy (CO), within the Hyder North portion of the project, the school bus shelters shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board. Prior to issuance of the first Certificate of Issuance (CO) within the Hyder South portion of the project, the school bus shelter shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelters shall be the responsibility of the residential property owner. (CO: MONITORING - School Board) (Previous SCHOOL BOARD Condition 2 of Resolution R-2014-730, Control No.2005-00455)

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.

CONDITIONS OF APPROVAL

Exhibit C-2 Type II Waiver

ALL PETITIONS

1. The approved Preliminary Street Layout Plan is dated April 13, 2017. 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)
2. The approved Preliminary Street Layout Plan (PSLP) is dated April 13, 2017. A minimum of five (5) pedestrian amenities as indicated on the PSLP shall be provided. 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. The Development Order for the Type II Waivers shall be tied to the Time Limitations of the Development Order for DOA/W-2016-2025. (ONGOING: ZONING - Zoning)
4. Prior to final approval by the Development Review Officer (DRO), the approved Type II Waiver shall be reflected on the Final Site Plan. (DRO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: 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 - Land Use Map (1 of 3)

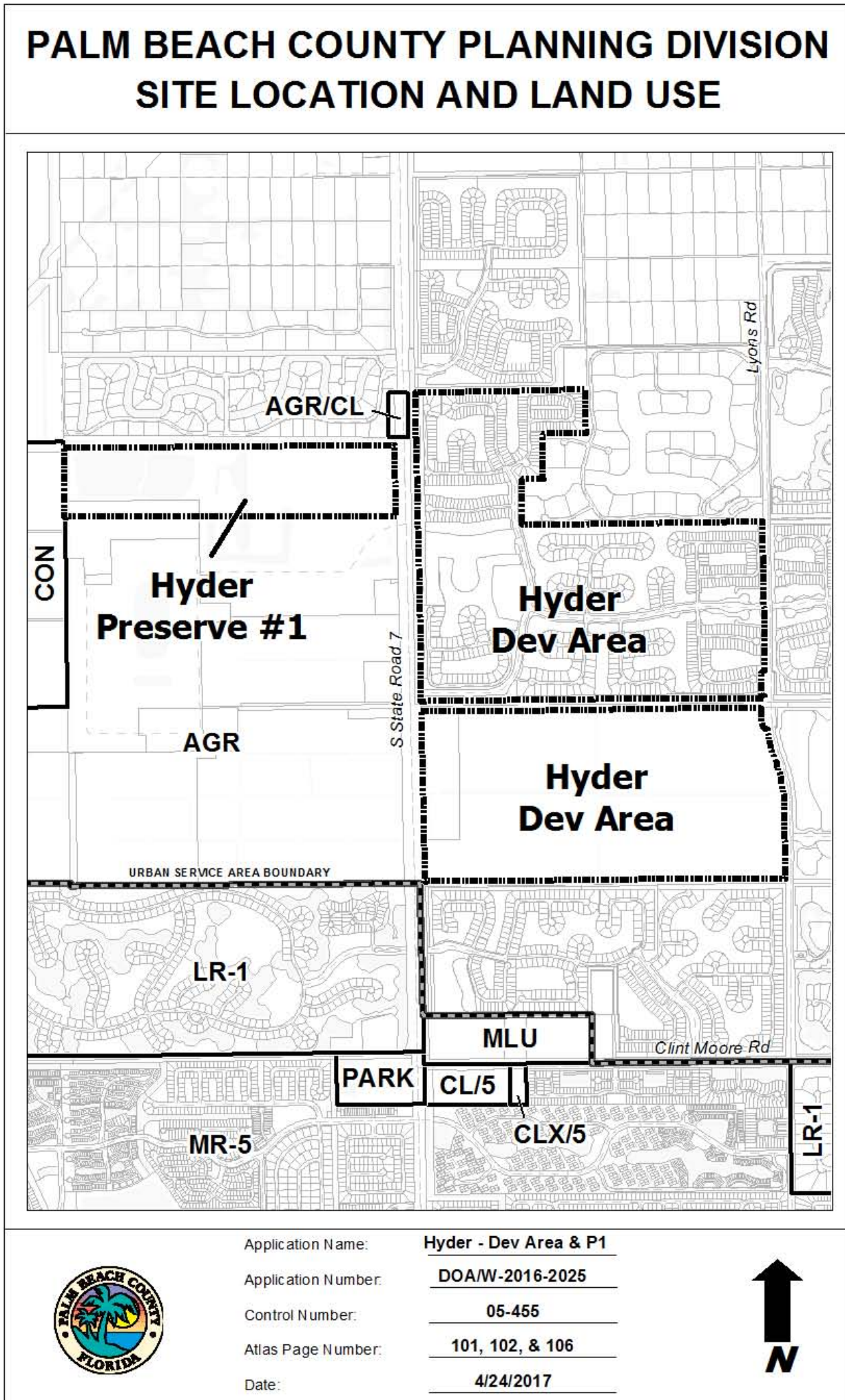


Figure 1 - Land Use Map (2 of 3)

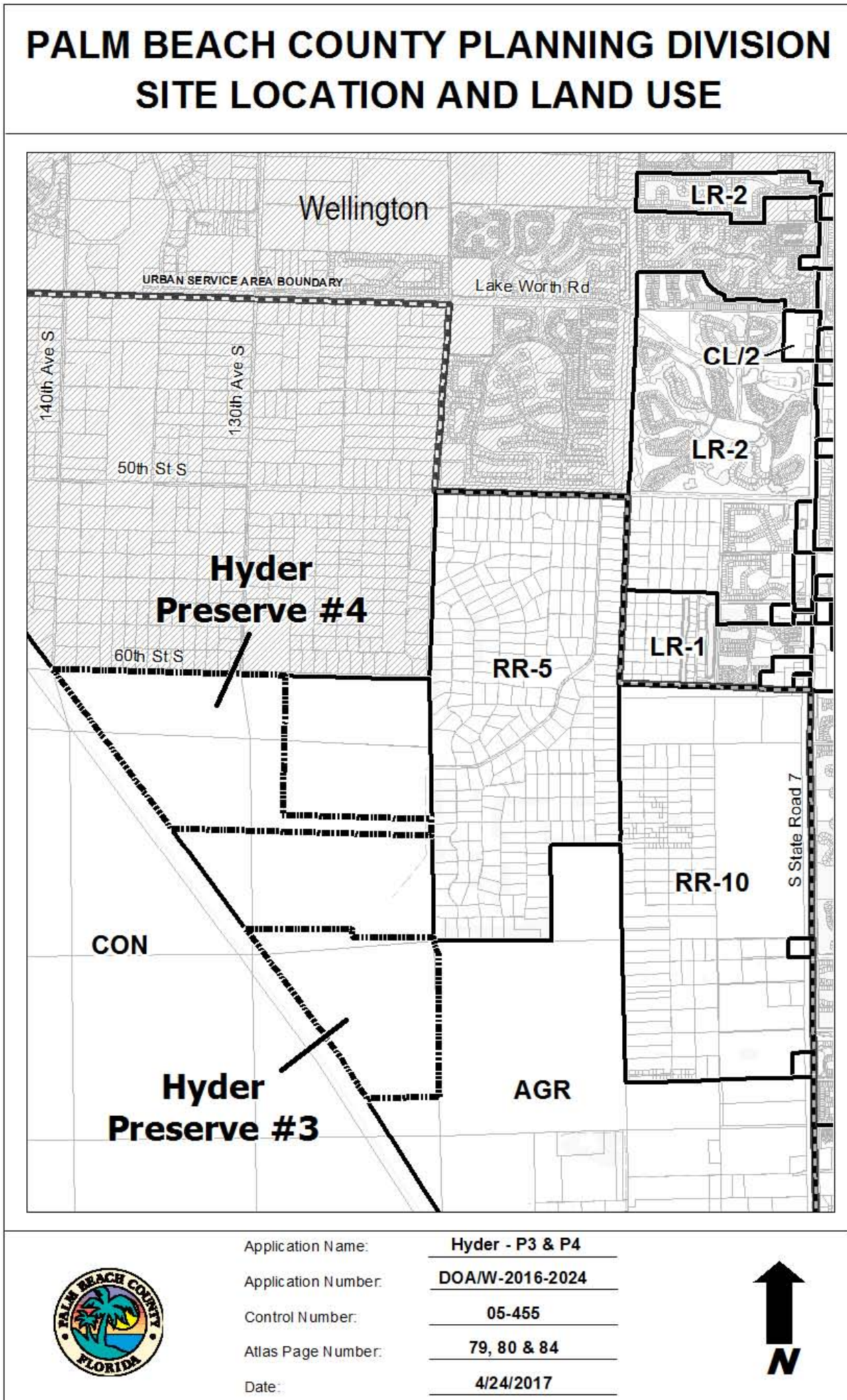


Figure 1 - Land Use Map (3 of 3)

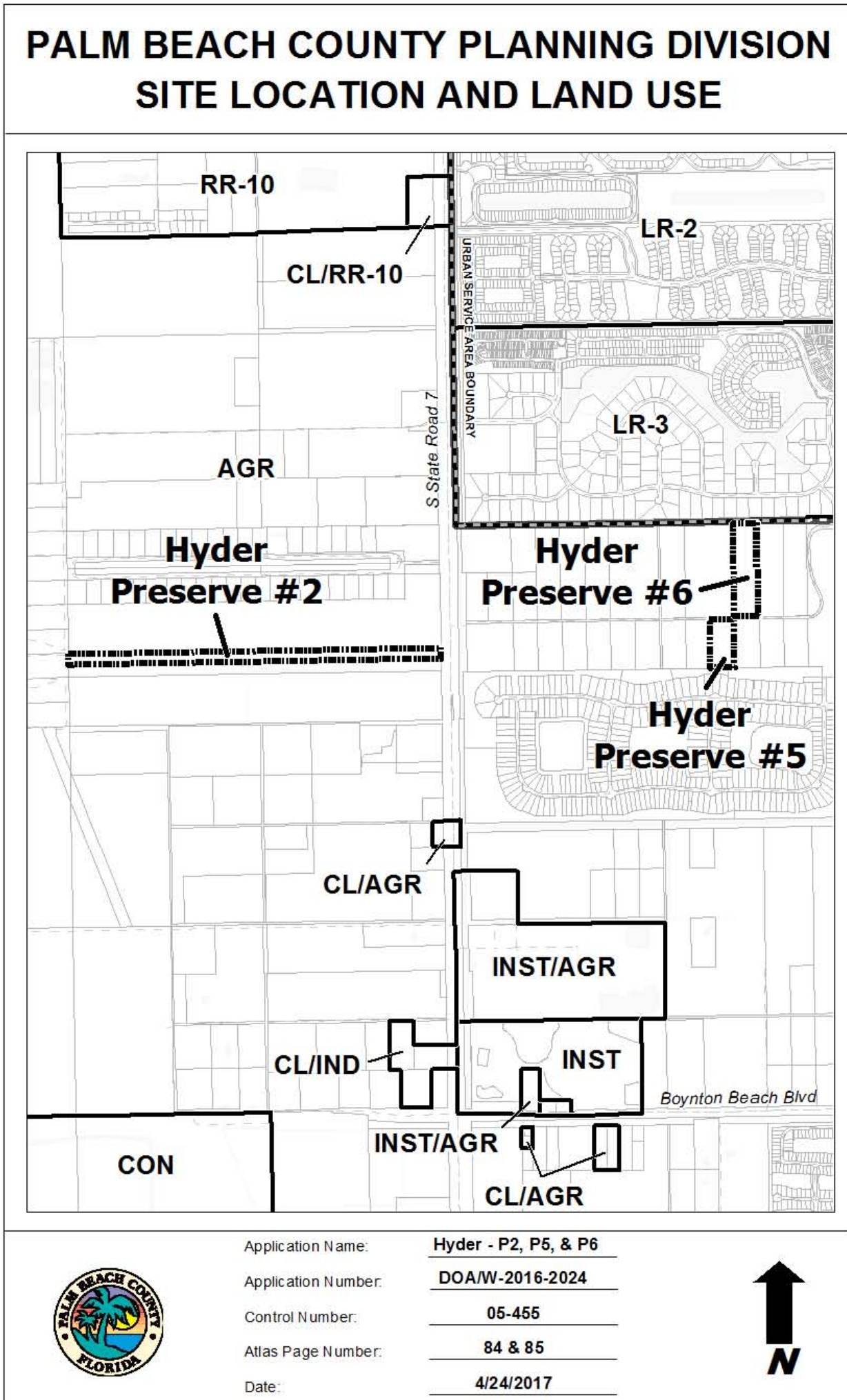


Figure 2 - Zoning Map (1 of 3)

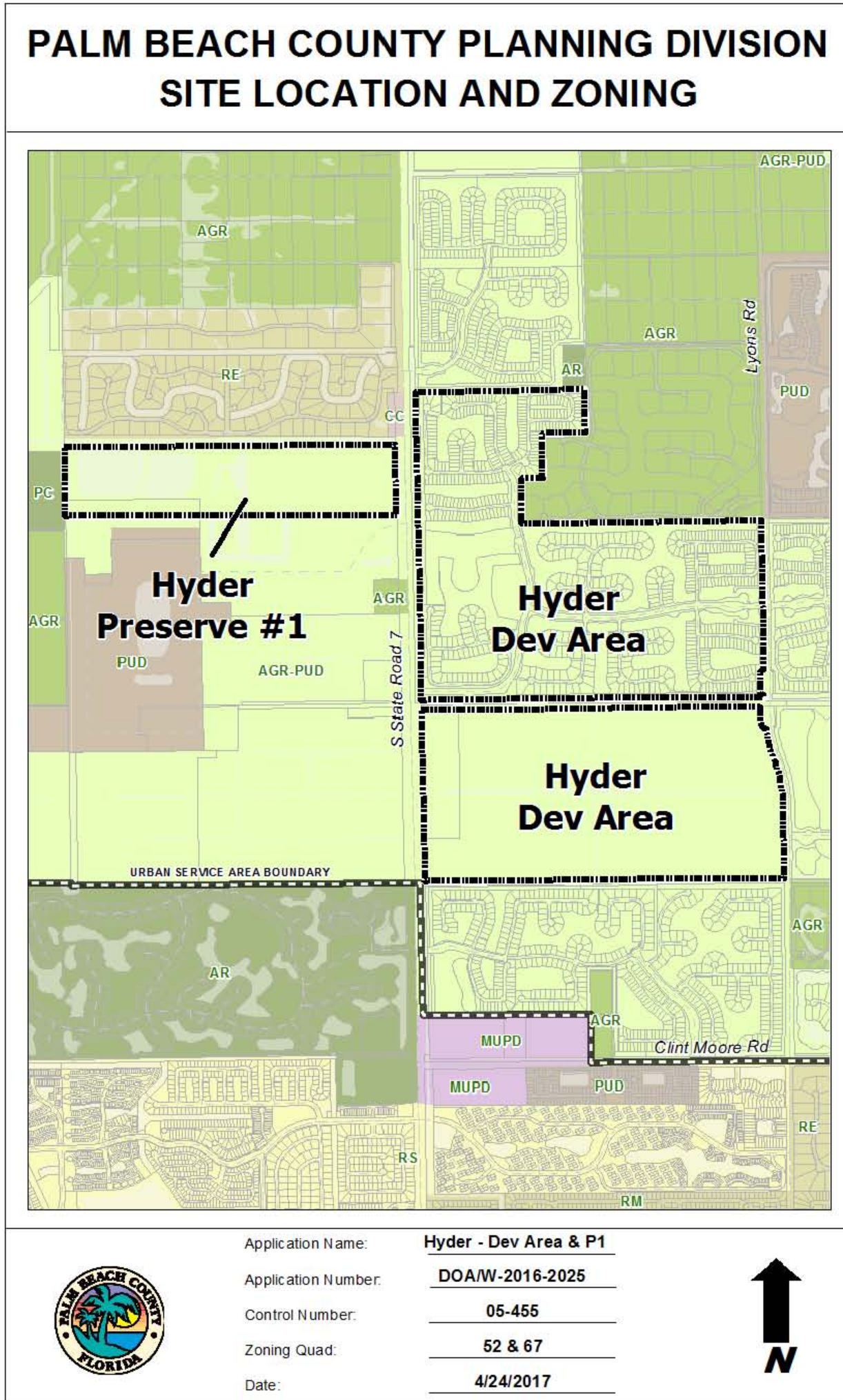


Figure 2 - Zoning Map (2 of 3)

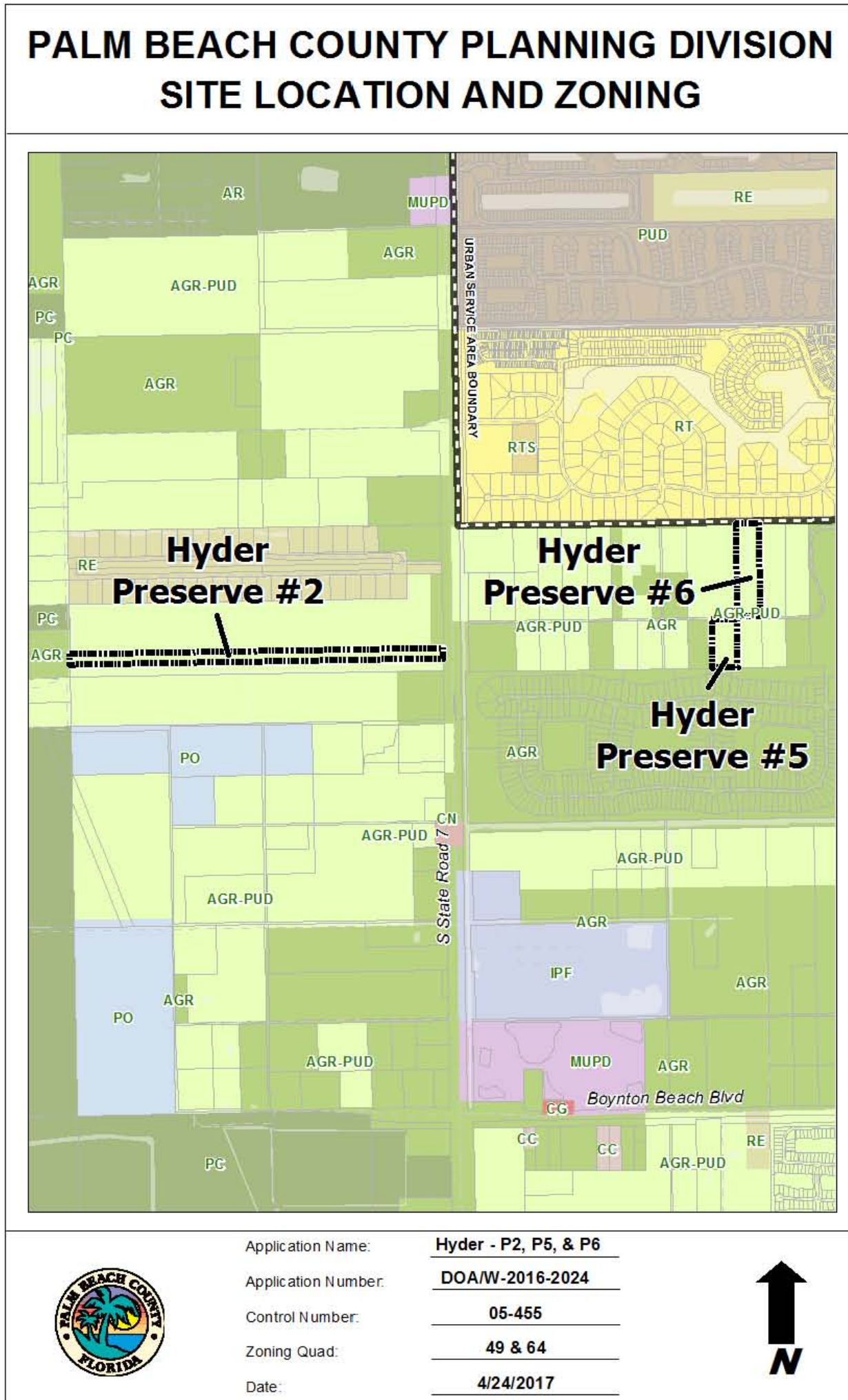


Figure 2 - Zoning Map (3 of 3)

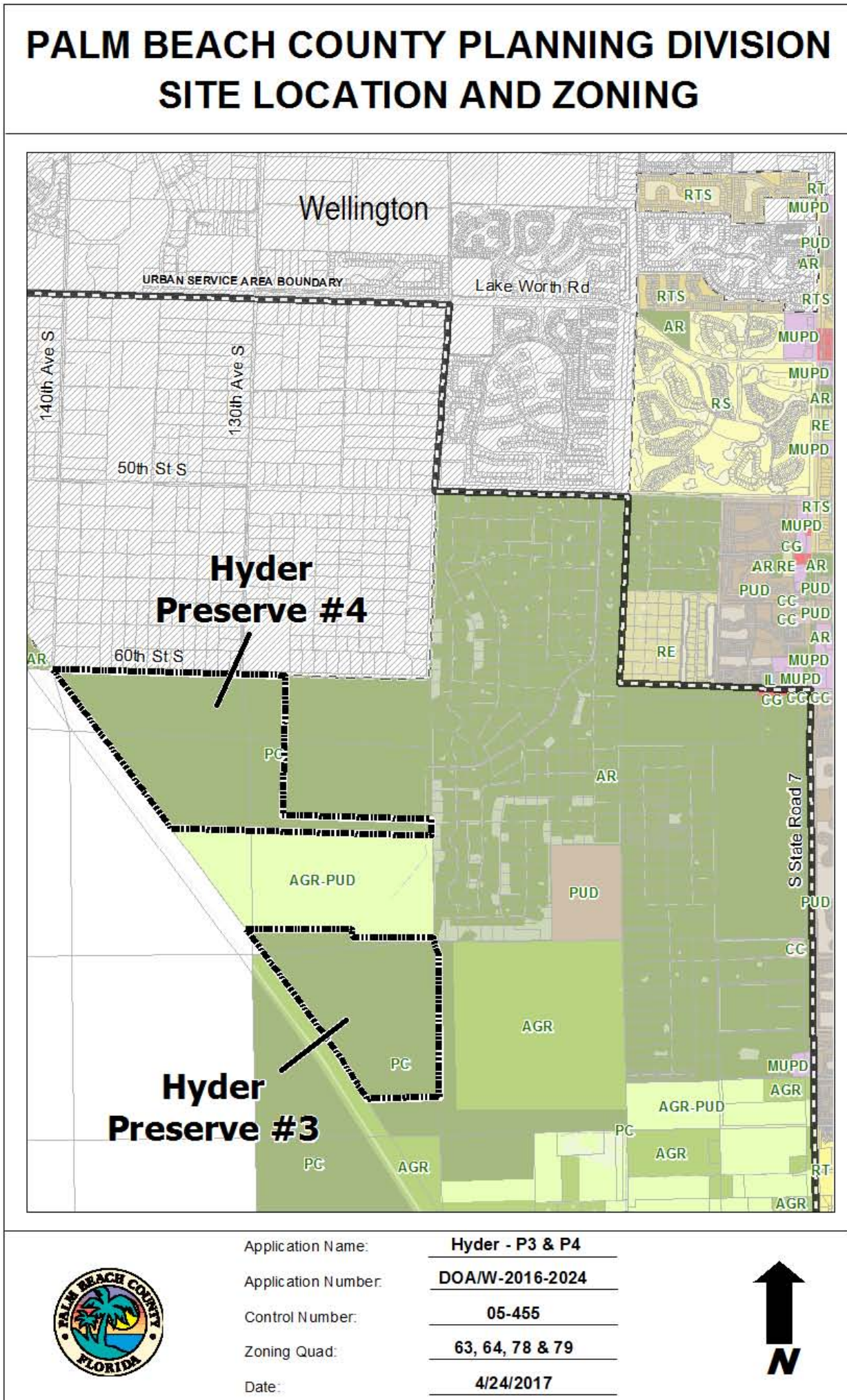
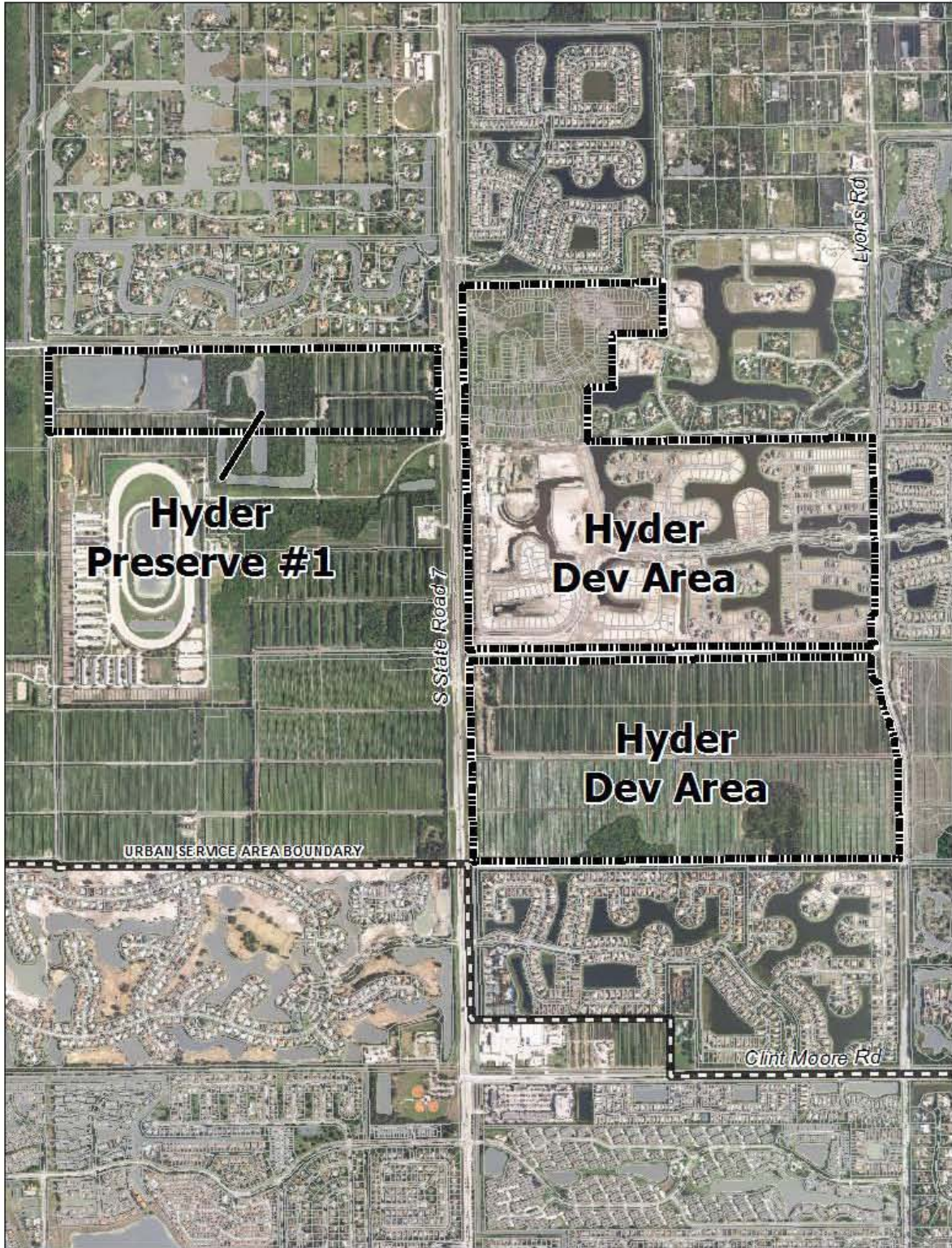


Figure 3 – Aerial (1 of 3)

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION

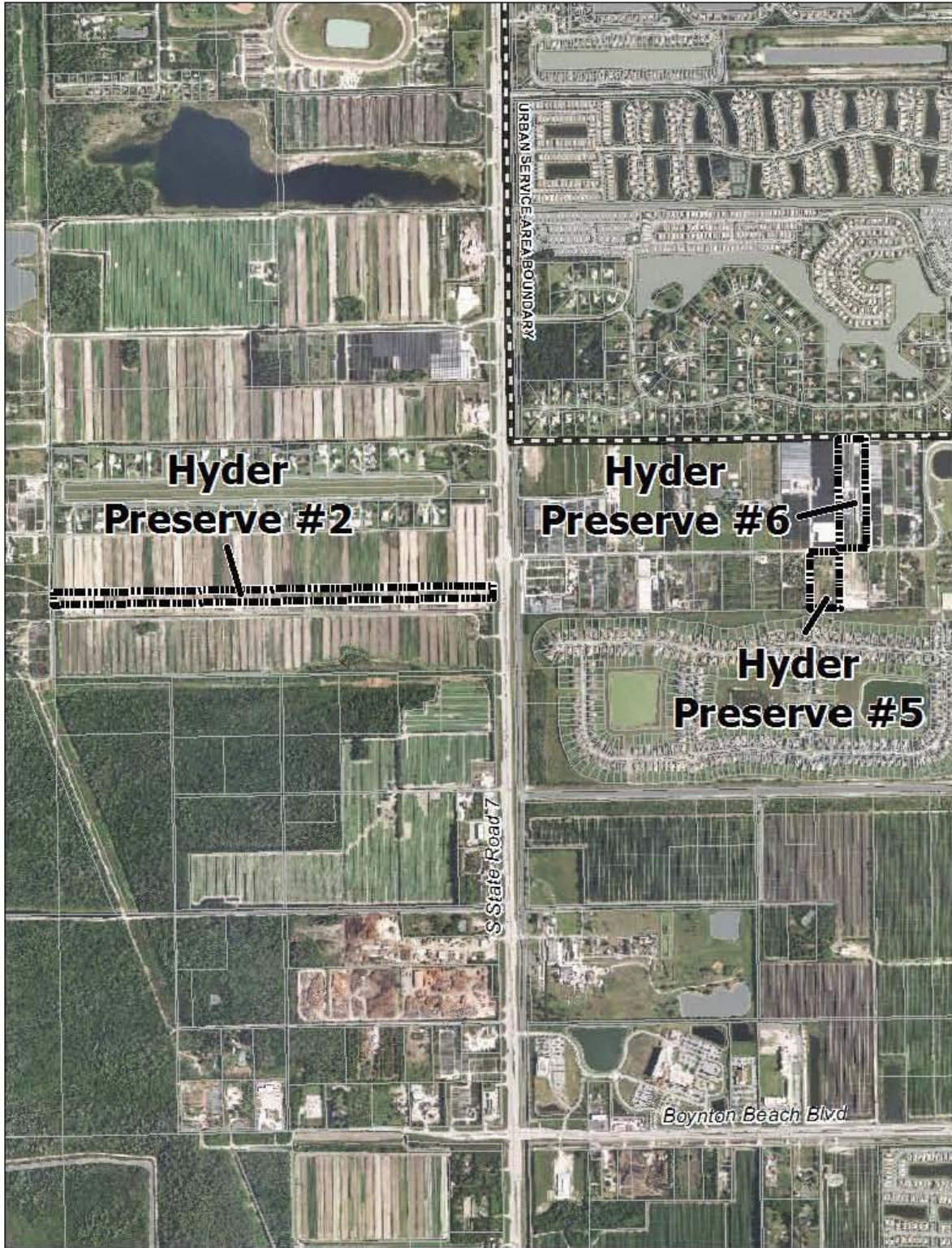


Application Name:	Hyder - Dev Area & P1
Application Number:	DOAW-2016-2025
Control Number:	05-455
Atlas Page Number:	101, 102, & 106
Date:	4/24/2017



Figure 3 – Aerial (2 of 3)

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION

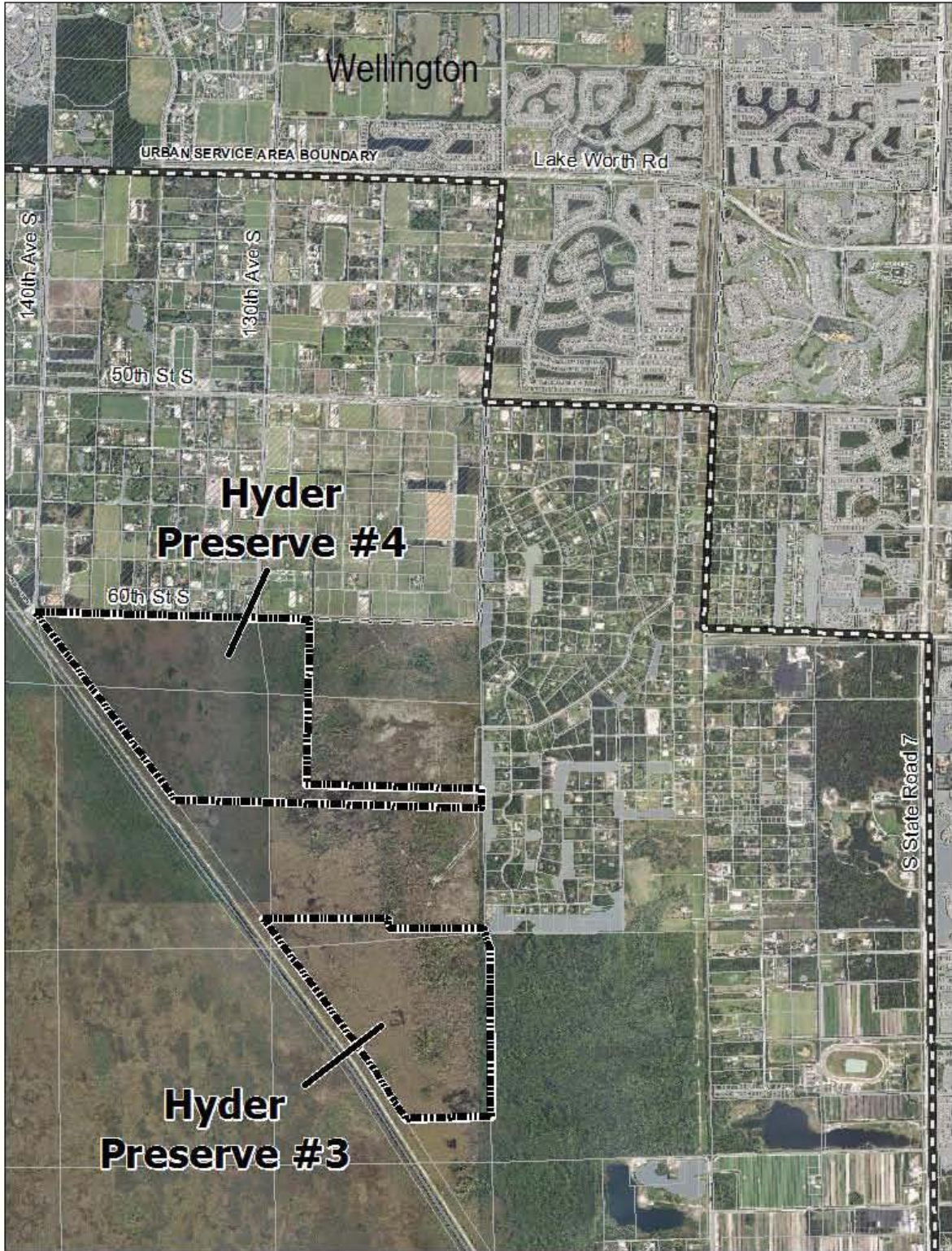


Application Name:	Hyder - P2, P5, & P6
Application Number:	DOAW-2016-2024
Control Number:	05-455
Atlas Page Number:	84 & 85
Date:	4/24/2017



Figure 3 – Aerial (3 of 3)

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	Hyder - P3 & P4
Application Number:	DOA/W-2016-2024
Control Number:	05-455
Atlas Page Number:	79, 80 & 84
Date:	4/24/2017



Figure 4 – Preliminary Master Plan dated April 13, 2017 (Sheet 1 of 5)

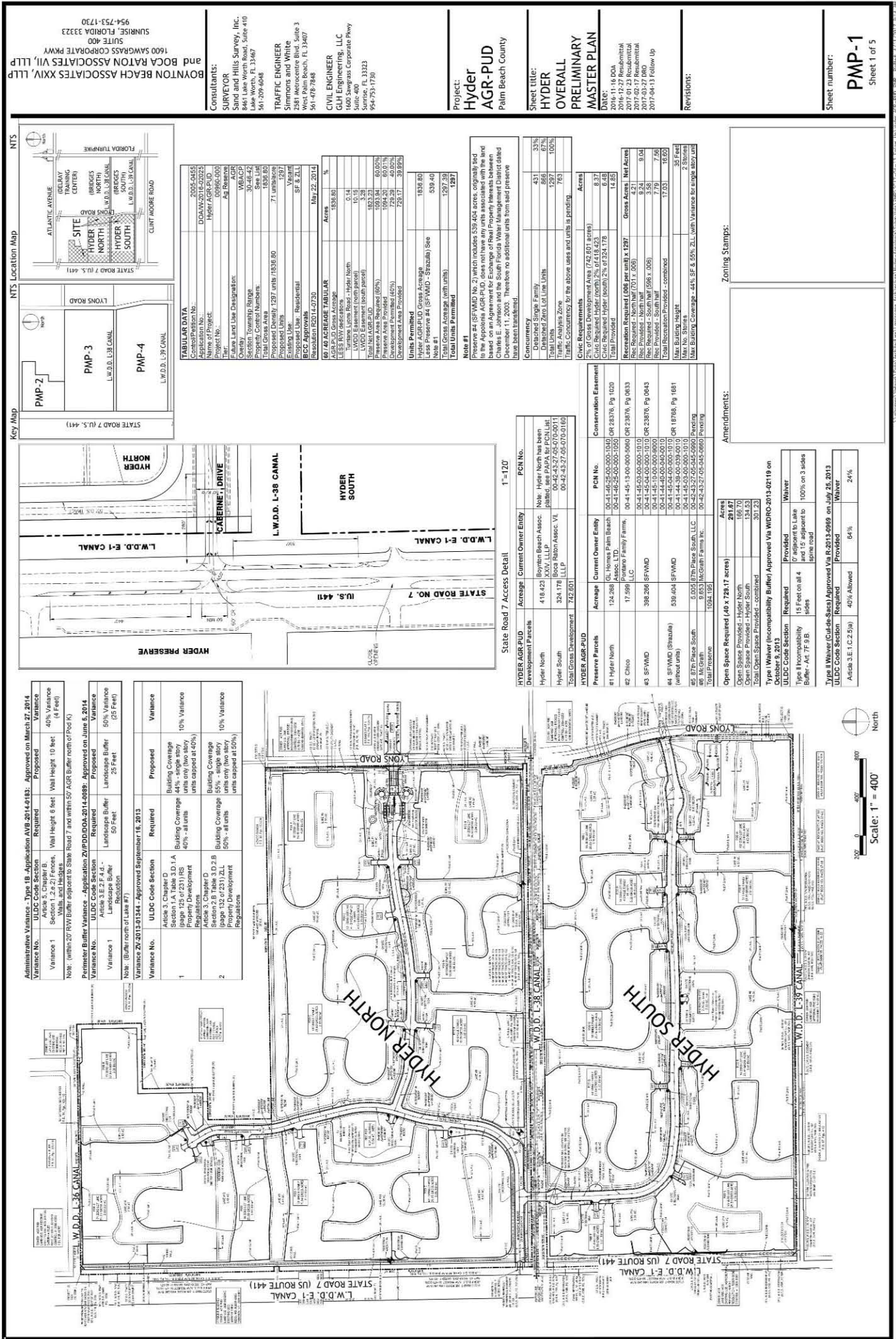


Figure 4 – Preliminary Master Plan dated April 13, 2017 (Sheet 2 of 5)

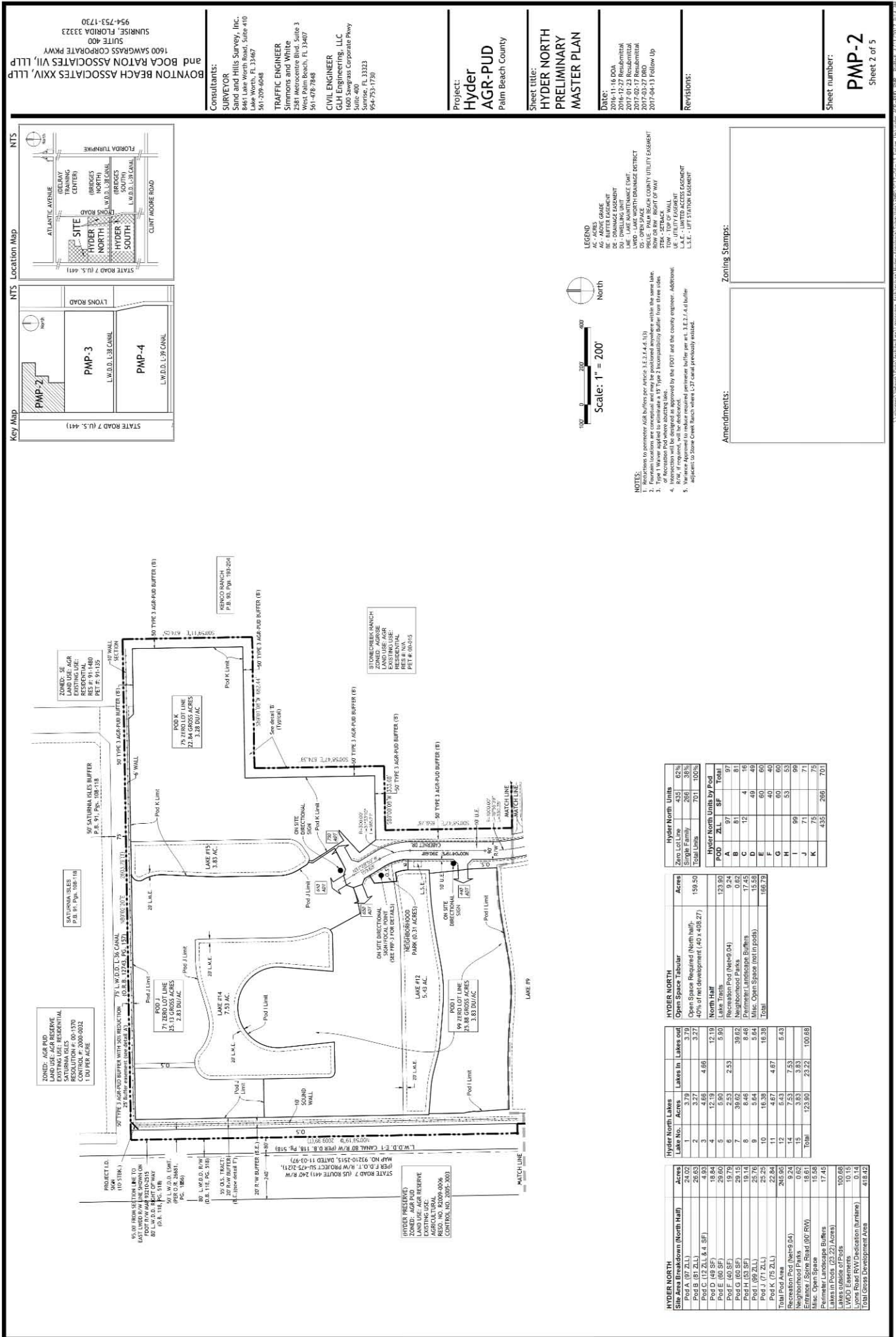


Figure 4 – Preliminary Master Plan dated April 13, 2017 (Sheet 4 of 5)

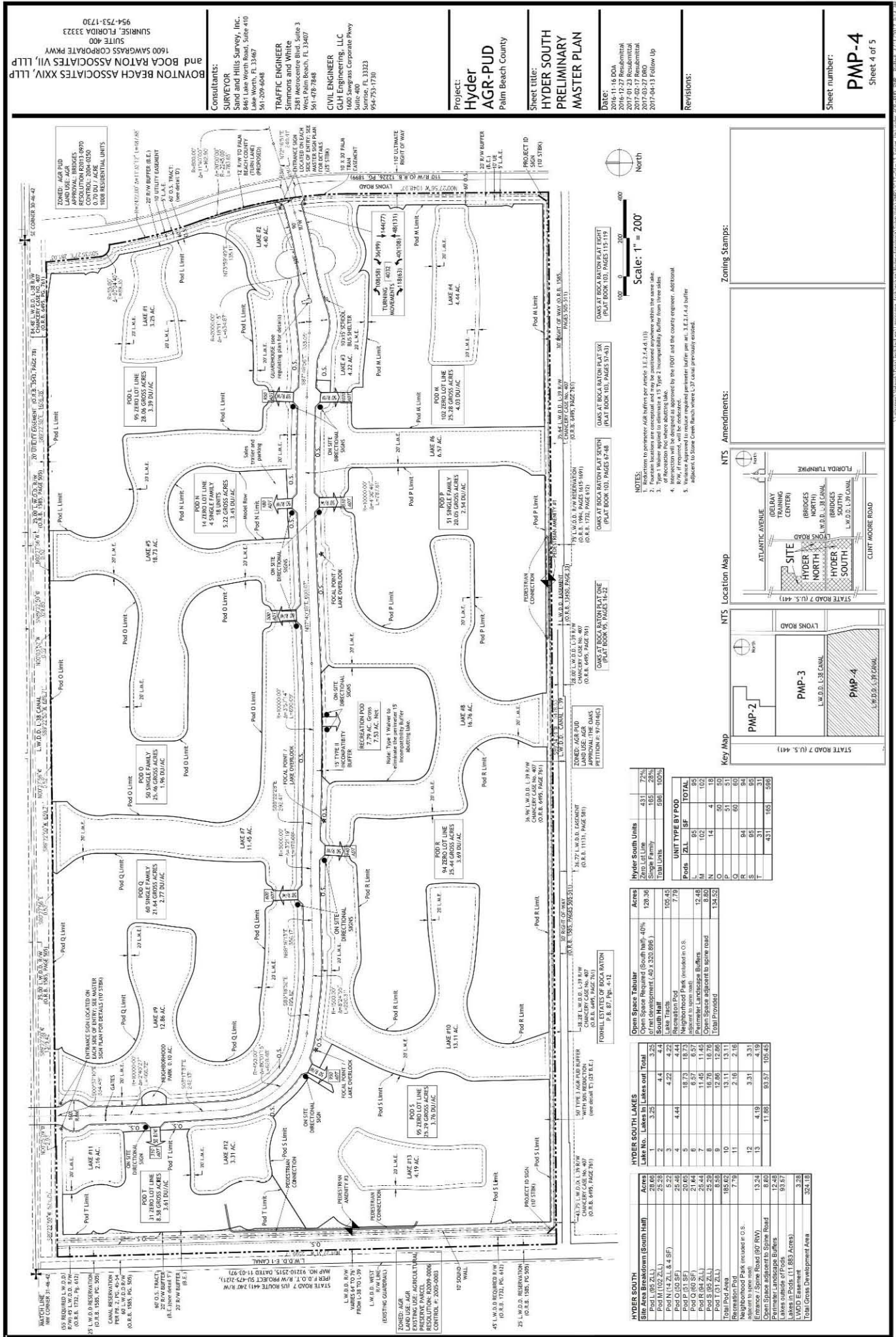
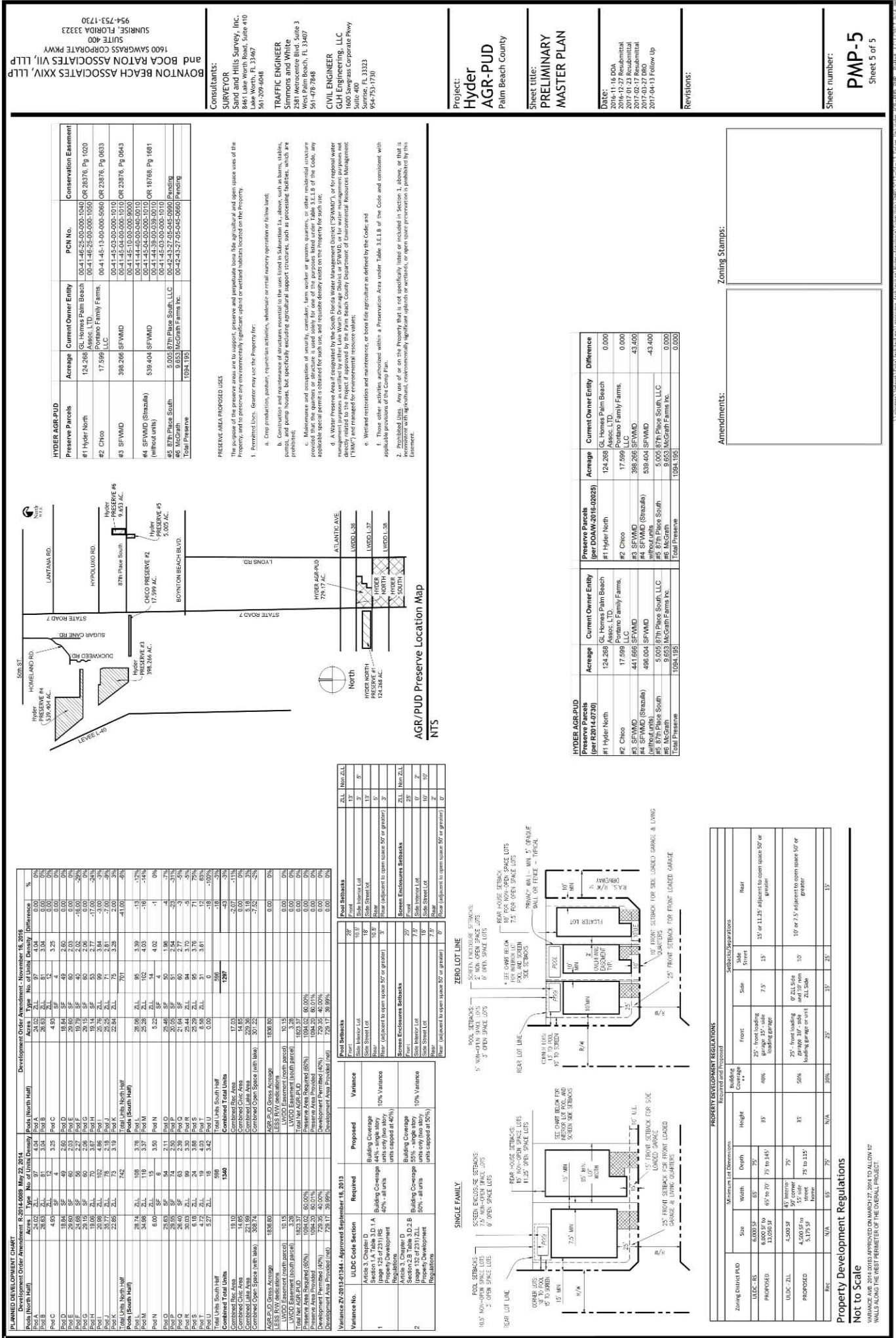


Figure 4 – Preliminary Master Plan dated April 13, 2017 (Sheet 5 of 5)



BOYNTON BEACH ASSOCIATES XXIV, LLLP
 BOCA RATON ASSOCIATES VII, LLLP
 1600 SAWGRASS CORPORATE PKWY
 SUITE 400
 SUNRISE, FLORIDA 33323
 954-753-1730

Consultants:
SURVEYOR
 Sand and Hills Survey, Inc.
 8461 Lake Worth Road, Suite 410
 Lake Worth, FL 33467
 561-209-6048
TRAFFIC ENGINEER
 Simmons and White
 2581 Metrocentre Blvd. Suite 3
 West Palm Beach, FL 33407
 561-478-7848
CIVIL ENGINEER
 GLH Engineering, LLC
 1600 Sawgrass Corporate Pkwy
 Suite 400
 Sunrise, FL 33323
 954-753-1730

Project:
Hyder
AGR-PUD
 Palm Beach County

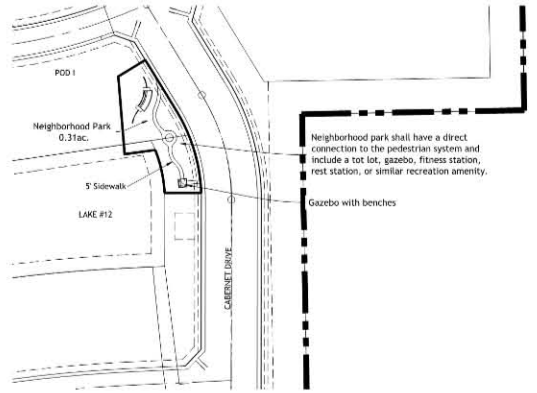
Sheet title:
**PRELIMINARY
 REGULATING
 PLAN**

Date:
 2016-11-16 DDA
 2016-12-27 Resubmittal
 2017-01-23 Resubmittal
 2017-02-17 Resubmittal
 2017-03-27 DRO
 2017-04-13 Follow Up

Revisions:

Sheet number:

PRP-3
 3 of 4

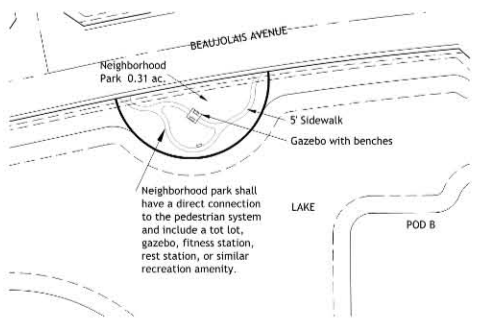


Hyder North Parcel - Neighborhood Park - Conceptual NTS

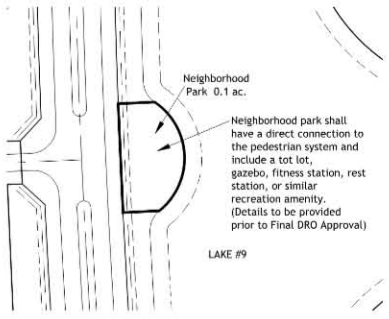


Hyder South Parcel - Neighborhood Park - Conceptual NTS

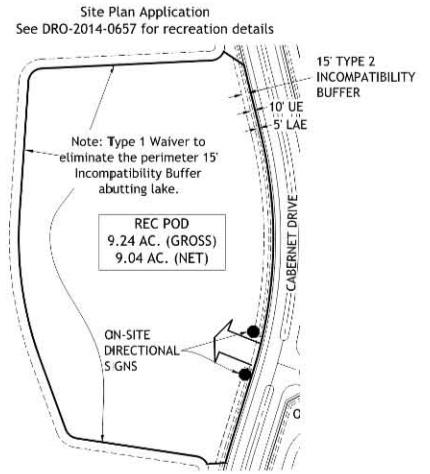
Amendments: Zoning Stamps:



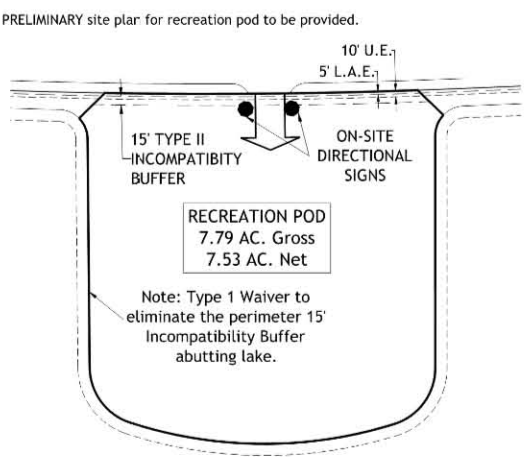
Hyder North Parcel - Neighborhood Park NTS



Hyder South Parcel - Neighborhood Park - Conceptual NTS



Hyder North Parcel - Recreation Pod NTS



Hyder South Parcel - Recreation Pod NTS

\\pines\work\meta\veribic\lsc\Landscape Architecture\Hyder-Aspenia\Submittals\PRP\2017-04-13 Follow Up\Hyder 408-PRP_PUD - R04.dwg 4/12/2017 8:13 AM

Figure 5 – Preliminary Regulating Plan dated April 13, 2017 (Sheet 4 of 4)

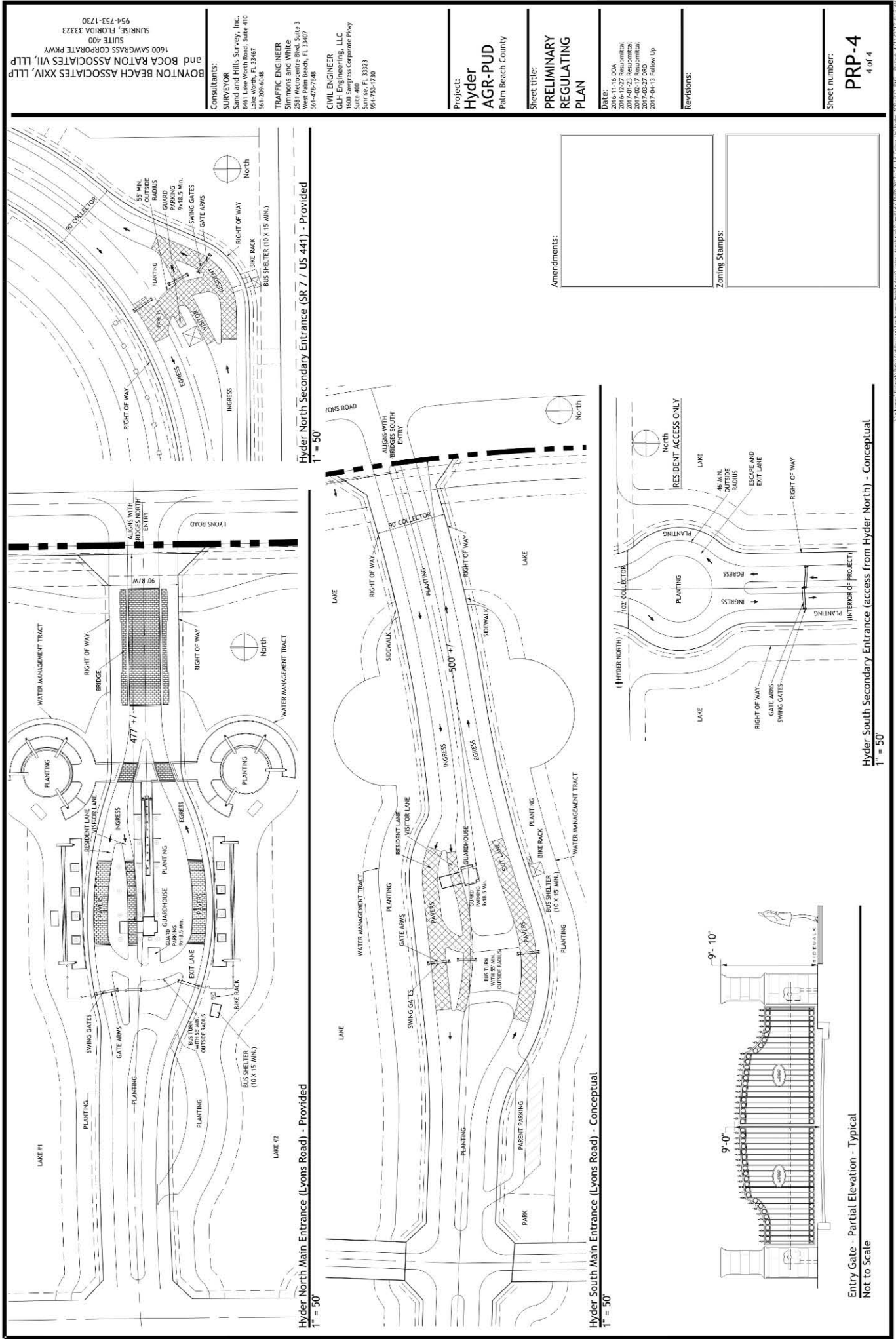


Figure 7 – Preliminary Street Layout Plan dated April 13, 2017 (Sheet 1 of 3)

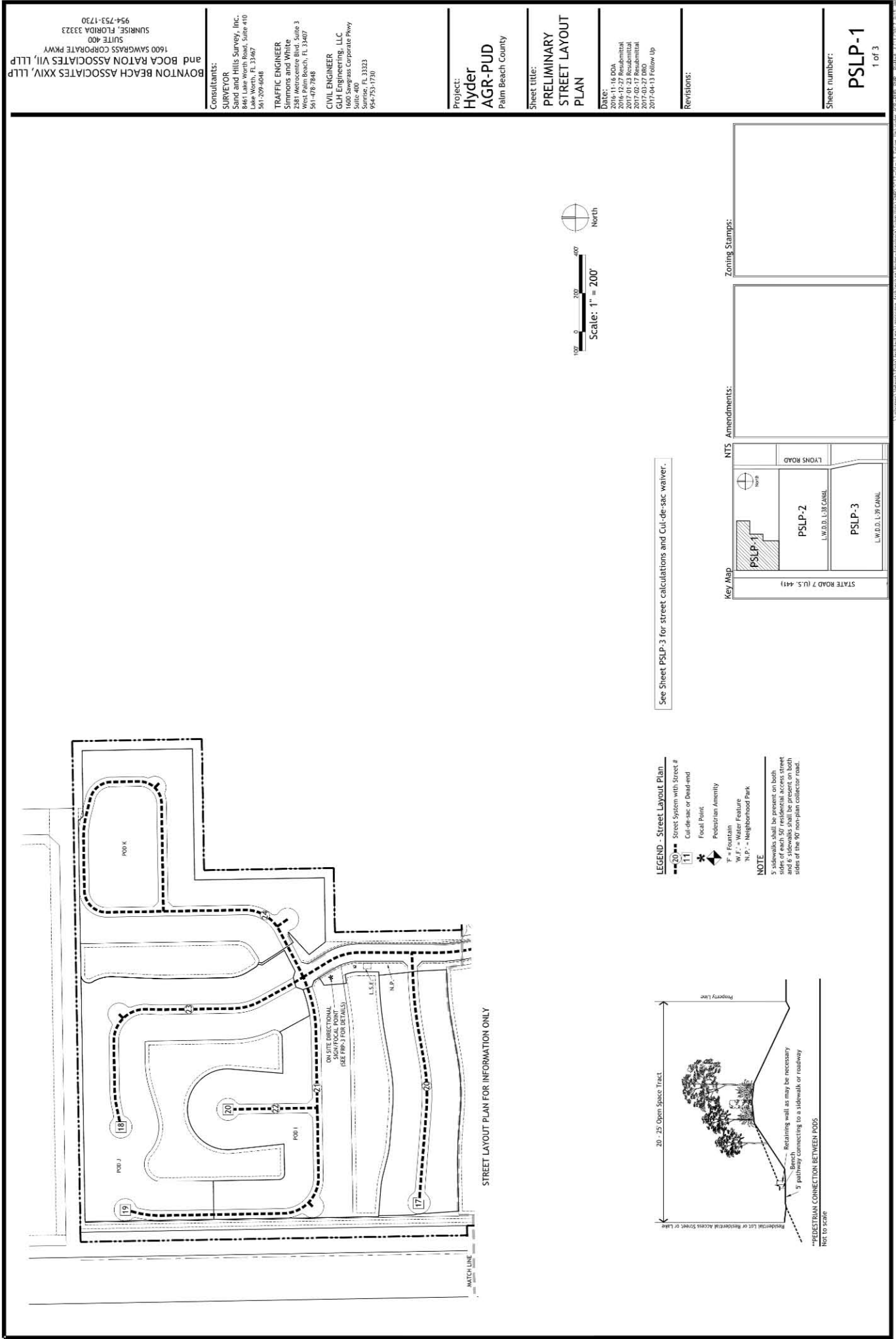


Figure 7 – Preliminary Street Layout Plan dated April 13, 2017 (Sheet 2 of 3)

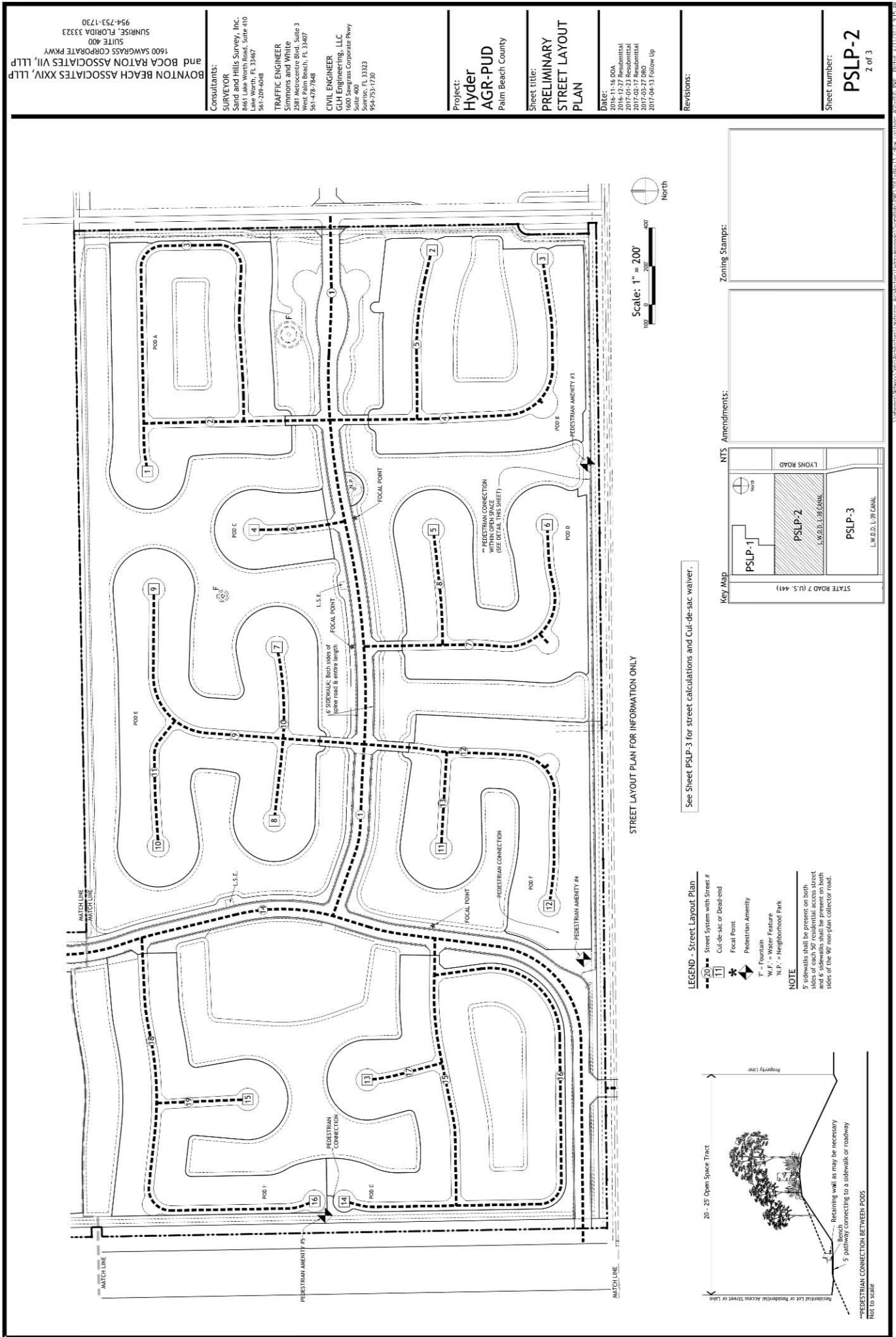
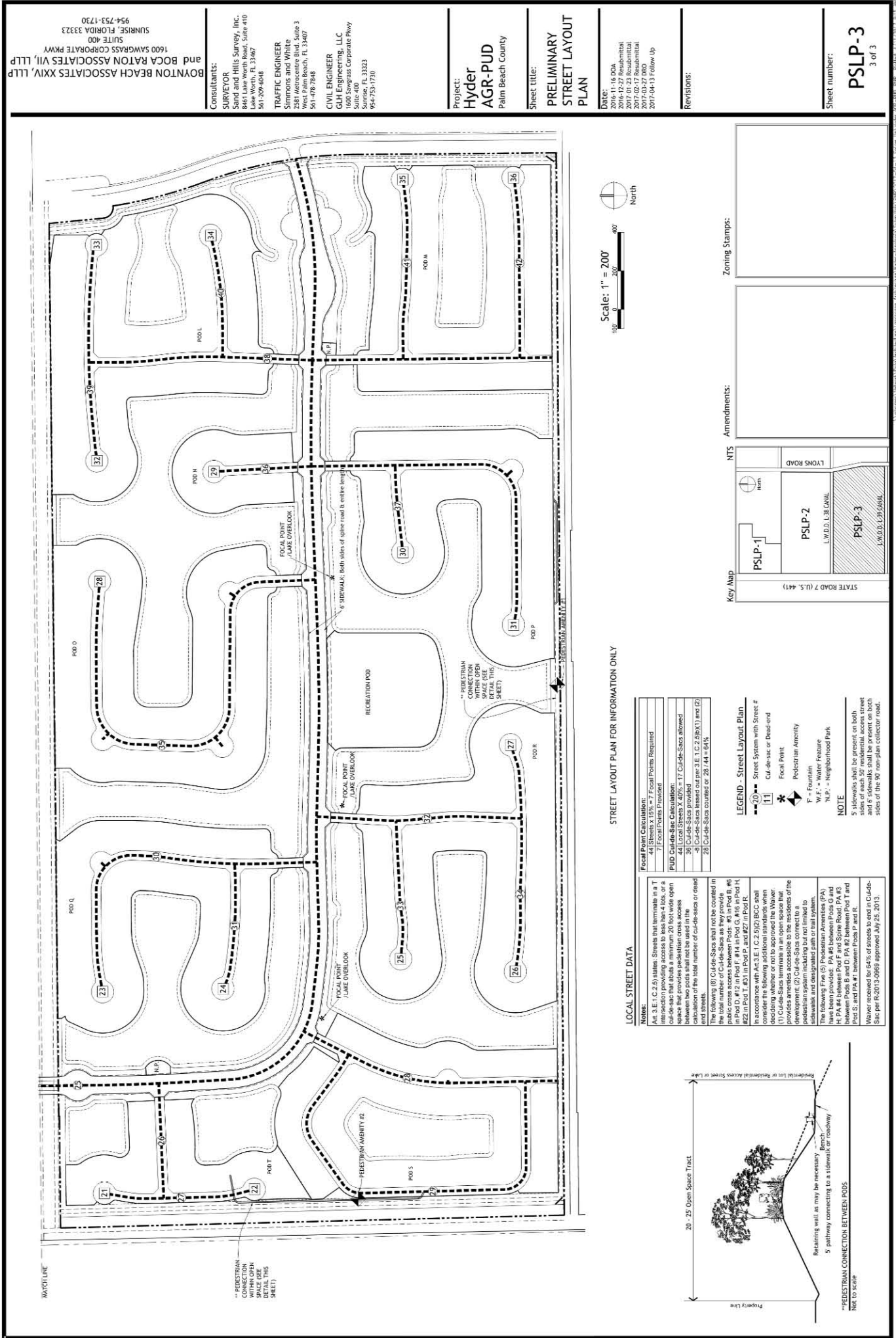
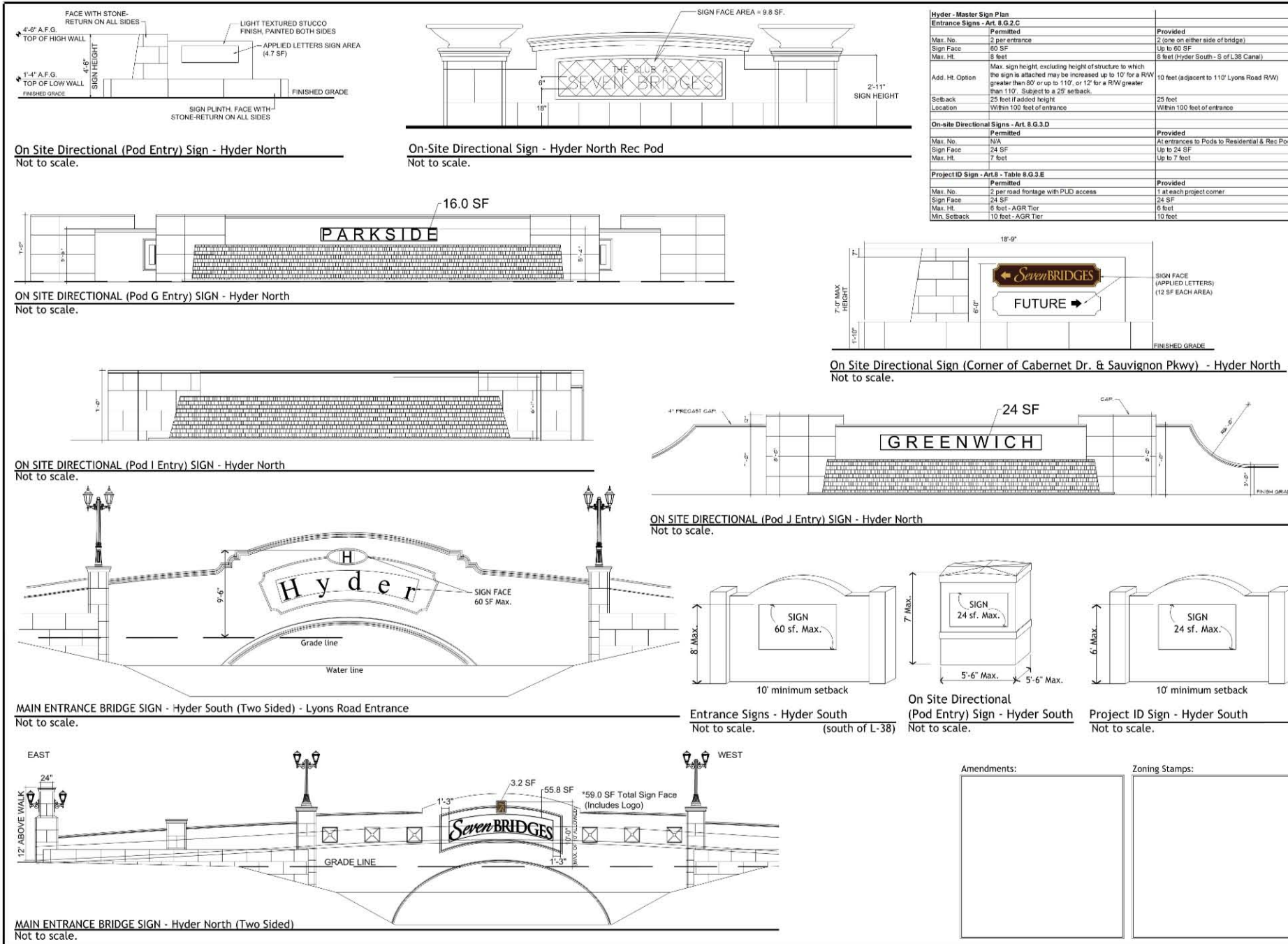


Figure 7 – Preliminary Street Layout Plan dated April 13, 2017 (Sheet 3 of 3)





BOYNTON BEACH ASSOCIATES XXIV, LLLP
 and BOCA RATON ASSOCIATES VII, LLLP
 SUITE 400
 1600 SAWGRASS CORPORATE PKWY
 SUNRISE, FLORIDA 33323
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Consultants:
 SURVEYOR
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 2581 Metrocentre Blvd, Suite 3
 West Palm Beach, FL 33407
 561-478-7848

CIVIL ENGINEER
 GLH Engineering, LLC
 1600 Sawgrass Corporate Pkwy
 Suite 400
 Sunrise, FL 33323
 954-753-1730

Project:
 Hyder
 AGR-PUD
 Palm Beach County

Sheet title:
 PRELIMINARY
 MASTER SIGNAGE
 PLAN

Date:
 2016-11-16 DOA
 2016-12-27 Resubmittal
 2017-01-23 Resubmittal
 2017-02-17 Resubmittal
 2017-03-27 DRO
 2017-04-13 Follow Up

Revisions:

Amendments:
 Zoning Stamps:

Sheet number:
 PMSP-1

Figure 8 - Preliminary Master Sign Plan dated April 13, 2017 (Sheet 1 of 1)

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 Boca Raton VII Corporation, a Florida corporation, the general partner of Boca Raton Associates VII, 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 Boca Raton VII Corporation, a Florida corporation, the general partner of Boca Raton Associates VII, 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
 N. Maria Menendez, as the Vice President of Boca Raton VII Corporation, a Florida corporation, the general partner of Boca Raton Associates VII, LLLP, a Florida limited liability limited partnership

The foregoing instrument was acknowledged before me this 15 day of November, 2016, by N. Maria Menendez, as the Vice President of Boca Raton VII Corporation, a Florida corporation, the general partner of Boca Raton Associates VII, LLLP, a Florida limited liability limited partnership, [X] who is personally known to me or [] who has produced _____ as identification and who did take an oath.

Kathleen M Coffman
 Notary Public

(Print Notary Name)

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



EXHIBIT "A"

PROPERTY

LEGAL DESCRIPTION: HYDER NORTH

BEING ALL OF HYDER AGR-P.U.D. - PLAT ONE, AS RECORDED IN PLAT BOOK 118, PAGES 60 THROUGH 72, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT TRACT "B" THEREOF.

BEING ALL OF HYDER AGR-P.U.D. - PLAT TWO, AS RECORDED IN PLAT BOOK 120, PAGES 153 THROUGH 154, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING ALL OF HYDER AGR-P.U.D. - PLAT THREE, AS RECORDED IN PLAT BOOK 118, PAGES 77 THROUGH 90, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING ALL OF HYDER AGR-P.U.D. - PLAT THREE REPLAT, AS RECORDED IN PLAT BOOK 119, PAGES 100 THROUGH 107, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING ALL OF HYDER AGR-P.U.D. - PLAT FOUR, AS RECORDED IN PLAT BOOK 119, PAGES 11 THROUGH 20, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING ALL OF HYDER AGR-P.U.D. - PLAT FOUR REPLAT, AS RECORDED IN PLAT BOOK 120, PAGES 120 THROUGH 124, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING ALL OF HYDER AGR-P.U.D. - PLAT FIVE, AS RECORDED IN PLAT BOOK 120, PAGES 85 THROUGH 90, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING ALL OF HYDER AGR-P.U.D. - PLAT SIX, AS RECORDED IN PLAT BOOK 121, PAGES 24 THROUGH 39, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LEGAL DESCRIPTION: HYDER SOUTH

A PORTION OF BLOCK 70, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACTS 1 THRU 15, INCLUSIVE, LESS THE RIGHT-OF-WAY FOR LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL NO. 38; ALSO LESS THOSE PORTIONS DESCRIBED IN OFFICIAL RECORDS BOOK 22302, PAGE 1590; LESS THE RIGHT-OF-WAY FOR LYONS ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 12226, PAGE 1899, AND LESS THAT PORTION LYING EAST OF THE EAST RIGHT-OF-WAY FOR SAID LYONS ROAD; TRACTS 18 THRU 31, INCLUSIVE, TRACT 32, LESS THE RIGHT-OF-WAY FOR SAID LYONS ROAD AND LESS THAT PORTION OF TRACT 32 LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF SAID LYONS ROAD; TRACT 33, LESS THE RIGHT-OF-WAY FOR SAID LYONS ROAD; TRACTS 34 THRU 47, INCLUSIVE; TRACT 49, LESS THE RIGHT-OF-WAY FOR LAKE WORTH DRAINAGE DISTRICT E-1 CANAL; TRACTS 50 THRU 64, LESS THE RIGHT-OF-WAY FOR SAID LYONS ROAD, ALL LYING IN BLOCK 70, OF PALM BEACH

FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THAT PORTION OF THE ROAD RIGHTS-OF-WAY AS DESCRIBED IN QUIT-CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 9343, PAGE 73, AND AS SHOWN ON THE SAID PLAT OF THE PALM BEACH FARMS CO. PLAT NO. 3 AS CONTAINED WITHIN THE ABOVE DESCRIBED PARCEL, LESS THE RIGHTS-OF-WAY FOR LAKE WORTH DRAINAGE DISTRICT CANALS AS DESCRIBED HEREIN AND LESS THE RIGHT-OF-WAY FOR SAID LYONS ROAD; TRACTS 16, 17 AND 48, LESS THE RIGHT-OF-WAY FOR LAKE WORTH DRAINAGE DISTRICT CANAL E-1, LESS AND EXCEPT ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF U.S. 441, ALL BEING IN BLOCK 70, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 324.178 ACRES MORE OR LESS

LEGAL DESCRIPTION:
PRESERVE PARCEL NO. 1
HYDER NORTH

A PORTION OF THE SOUTH HALF (S 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE RIGHT-OF-WAY FOR STATE ROAD NO. 7 AS IT NOW EXISTS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE NORTH 00°54'18" WEST, ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 2,877.53 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE NORTH 00°54'18" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1,063.01 FEET; THENCE NORTH 89°28'25" EAST, ALONG A LINE 125.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTH ONE- HALF OF SAID SECTION 25, A DISTANCE OF 5,040.45 FEET TO A POINT ON WEST LINE OF RIGHT-OF-WAY FOR STATE ROAD 7 (US 441); THENCE SOUTH 01°43'56" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE THROUGH THE FOLLOWING DESCRIBED COURSED, A DISTANCE OF 570.04 FEET; THENCE SOUTH 01°06'47" EAST, A DISTANCE OF 512.24 FEET; THENCE SOUTH 89°41'26" WEST, A DISTANCE OF 5,050.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 124.268 ACRES, MORE OR LESS.

LEGAL DESCRIPTION
PRESERVE PARCEL NO. 2
CHICO

THAT PROPERTY BEING A PORTION OF THE SOUTH HALF (S 1/2) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT ON THE WEST LINE OF SAID SECTION 13 AT THE SOUTHWEST CORNER OF WILLIS GLIDERPORT PLAT NO. 1 AS RECORDED IN PLAT BOOK 32, PAGES 148 THROUGH 148, PUBLIC RECORDS OF PALM BEACH COUNTY,

FLORIDA; THENCE SOUTH 00°57'37" EAST, ALONG SAID WEST LINE OF SECTION 13, A DISTANCE OF 678.04 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 88°59'15" EAST ALONG A LINE 678.04 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID WILLIS GLIDERPORT PLAT NO. 1, A DISTANCE OF 5,056.25 FEET TO A POINT ON THE WEST RIGHT- OF-WAY LINE OF STATE ROAD 7 AS DESCRIBED IN OFFICIAL RECORDS BOOK 10558, PAGE 1320, SAID PUBLIC RECORDS; THENCE SOUTH 00°55'15" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 151.62 FEET; THENCE SOUTH 88°59'15" WEST, ALONG A LINE 829.65 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH LINE OF WILLIS GLIDERPORT PLAT NO. 1, A DISTANCE OF 5,056.15 FEET TO A POINT ON SAID WEST LINE OF SECTION 13; THENCE NORTH 00°57'37" WEST, A DISTANCE OF 151.62 FEET TO THE POINT OF BEGINNING.

CONTAINING 17.599 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA HAVING AN ASSUMED BEARING OF S00°57'37"E.

LEGAL DESCRIPITON:
HYDER PRESERVE NO. 3

BEING A PORTION OF SECTIONS 3, 4 AND 10, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE NORTH 00°27'42" WEST ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 1083.40 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88°14'10" WEST, ALONG A LINE 1,083.12 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 10, A DISTANCE OF 2,081.46 FEET TO A POINT ON THE NORTHEAST RIGHT-OF-WAY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT LEVEE 40 AS DESCRIBED IN DEED BOOK 942, PAGE 241 AND DEED BOOK 939, PAGE 528, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID NORTHEAST RIGHT- OF-WAY LINE FOR THE FOLLOWING TWO COURSES, NORTH 32°37'57" WEST, A DISTANCE OF 1,696.74 FEET; THENCE NORTH 36°23'54" WEST, A DISTANCE OF 4,229.75 FEET; THENCE DEPARTING SAID NORTHEAST RIGHT-OF-WAY LINE, NORTH 89°48'05" EAST, A DISTANCE OF 3,034.48 FEET TO A POINT ON THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN THAT LEASE AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 13873, PAGE 1243; THENCE SOUTH 00°56'23" EAST, ALONG SAID WEST LINE, A DISTANCE OF 250.75 FEET TO A POINT ON THE SOUTH LINE OF SAID LEASE AGREEMENT PARCEL; THENCE NORTH 89°42'50" EAST, ALONG SAID SOUTH LINE AND ITS EASTERLY PROLONGATION, A DISTANCE OF 2,300.00 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE SOUTH 00°56'23" EAST, ALONG SAID EAST LINE, A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 41 EAST; THENCE SOUTH 19°29'49" EAST, A DISTANCE OF 396.71 FEET TO THE NORTHEAST CORNER OF SAID SECTION 10; THENCE SOUTH 00°27'42" EAST, ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 4,066.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 398.266 ACRES, MORE OR LESS.

LEGAL DESCRIPITON:
HYDER PRESERVE NO. 4

BEING A PORTION OF THE NORTH 4424.00 FEET OF SECTIONS 3 AND 4, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING EAST OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF LEVEE L-40 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF HIATUS TRACT 39, TOWNSHIP 44-1/2 SOUTH, RANGE 41 EAST; THENCE NORTH 88°32'09" WEST, ALONG THE NORTH LINE OF SAID HIATUS TRACT 39 (ALSO DESCRIBED AS THE NORTH LINE OF SECTION 3), A DISTANCE OF 4,063.31 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 01°27'51" WEST, A DISTANCE OF 3,978.93 FEET; THENCE SOUTH 88°32'09" EAST, ALONG A LINE 3,978.93 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 4,238.34 FEET; THENCE SOUTH 00°56'21" EAST, ALONG THE EAST LINE OF SAID SECTION 3, A DISTANCE OF 445.46 FEET; THENCE NORTH 88°32'09" WEST, ALONG A LINE 4424.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID SECTIONS 3 AND 4, A DISTANCE OF 7,421.15 FEET; THENCE NORTH 36°23'54" WEST, ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT L-40 LEVEE AS SHOWN ON CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT LEVEE L-40 RIGHT-OF-WAY MAP, SHEET 2 OF 3, DATED MAY 18, 1950 AS DESCRIBED IN DEED BOOK 942, PAGE 241 AND DEED BOOK 939, PAGE 528, A DISTANCE OF 5,603.64 FEET; THENCE SOUTH 88°32'09" EAST, ALONG SAID NORTH LINE OF SAID SECTIONS 3 AND 4, A DISTANCE OF 6603.47 FEET TO THE POINT OF BEGINNING.

NOTE: FOR THE PURPOSE OF THIS LEGAL DESCRIPTION, ALL REFERENCES TO SECTIONS 3 AND 4 WILL INCLUDE THAT PORTION OF THE HIATUS TRACTS 39 AND 40 KNOWN AS TOWNSHIP 44 1/2 SOUTH, WHICH MAY HAVE BEEN HISTORICALLY DESCRIBED AS SAID SECTIONS 3 AND 4.

CONTAINING 539.404 ACRES, MORE OR LESS.

LEGAL DESCRIPITON:
PRESERVE NO. 5
87TH PLACE SOUTH

TRACT 99, BLOCK 45, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 5.005 ACRES MORE OR LESS.

LEGAL DESCRIPTION:
PRESERVE NO. 6
MCGRATH

TRACT 66, LESS THE NORTH 45 FEET THEREOF, AND TRACT 89, BLOCK 45, OF THE

PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 9.653 ACRES MORE OR LESS.

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. Boca North Development, L.P., having an address of 23611 Chargin Boulevard, Suite 200, Beachwood, Ohio 44122.

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 Vice President of Boca Raton VII Corporation, a Florida corporation, the general partner of Boca Raton Associates VII, 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 Boca Raton VII Corporation, a Florida corporation, the general partner of Boca Raton Associates VII, LLLP, a Florida limited liability limited partnership, 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: 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 Vice President of Boca Raton VII Corporation, a Florida corporation, the general partner of Boca Raton Associates VII, LLLP, a Florida limited liability limited partnership, Affiant

The foregoing instrument was acknowledged before me this 15 day of November, 2016, by N. Maria Menendez, as Vice President of Boca Raton VII Corporation, a Florida corporation, the general partner of Boca Raton Associates VII, 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.

Kathleen M Coffman

Notary Public



(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____

EXHIBIT "A"
PROPERTY

A portion of Block 70, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof as recorded in Plat Book 2, Pages 45 through 54, of the Public Records of Palm Beach County, Florida, more particularly described as follows:

Tracts 1 thru 15, inclusive, less the right-of-way for Lake Worth Drainage District Lateral Canal No. 38; also less those portions described in Official Records Book 22302, Page 1590; less the right-of-way for Lyons Road as recorded in Official Records Book 12226, Page 1899, and less that portion lying East of the East right-of-way for said Lyons Road; Tracts 18 thru 31, inclusive, Tract 32, less the right-of-way for said Lyons Road and less that portion of Tract 32 lying East of the East right-of-way line of said Lyons Road; Tract 33, less the right-of-way for said Lyons Road; Tracts 34 thru 47, inclusive; Tract 49, less the right-of-way for Lake Worth Drainage District E-1 Canal; Tracts 50 thru 64, less the right-of-way for said Lyons Road, all lying in Block 70, of PALM BEACH FARMS CO. PLAT NO. 3, according to the plat thereof as recorded in Plat Book 2, Pages 45 thru 54, inclusive, of the Public Records of Palm Beach County, Florida, together with that portion of the road rights-of-way as described in Quit-Claim Deed recorded in Official Records Book 9343, Page 73, and as shown on the said plat of THE PALM BEACH FARMS CO. PLAT NO. 3 as contained within the above described parcel, less the rights-of-way for Lake Worth Drainage District Canals as described herein and less the right-of-way for said Lyons Road; Tracts 16, 17 and 48, less the right-of-way for Lake Worth Drainage District Canal E-1, Less and Except any portion thereof lying within the right of way of U.S. 441, all being in Block 70, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the plat thereof as recorded in Plat Book 2, Pages 45 thru 54, 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.

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. Boca North Development, L.P., having an address of 23611 Chargin Boulevard, Suite 200, Beachwood, Ohio 44122.

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

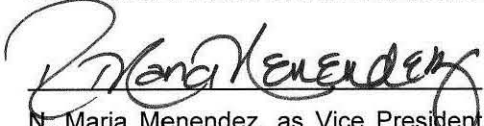
TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF BROWARD

BEFORE ME, the undersigned authority, this day personally appeared N. Maria Menendez, hereinafter referred to as "Affiant," as Vice President of Boynton Beach XXIV Corporation, a Florida corporation, the general partner of Boynton Beach Associates XXIV, 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 XXIV Corporation, a Florida corporation, the general partner of Boynton Beach Associates XXIV, LLLP, a Florida limited liability limited partnership, 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: 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, as Vice President of Boynton Beach XXIV Corporation, a Florida corporation, the general partner of Boynton Beach Associates XXIV, LLLP, a Florida limited liability limited partnership, Affiant

The foregoing instrument was acknowledged before me this 15 day of November, 2016, by N. Maria Menendez, as Vice President of Boynton Beach XXIV Corporation, a Florida corporation, the general partner of Boynton Beach Associates XXIV, 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.


Notary Public



(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____

EXHIBIT "A"

PROPERTY

LEGAL DESCRIPTION: HYDER NORTH

BEING ALL OF HYDER AGR-P.U.D. - PLAT ONE, AS RECORDED IN PLAT BOOK 118, PAGES 60 THROUGH 72, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT TRACT "B" THEREOF.

BEING ALL OF HYDER AGR-P.U.D. - PLAT TWO, AS RECORDED IN PLAT BOOK 120, PAGES 153 THROUGH 154, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING ALL OF HYDER AGR-P.U.D. - PLAT THREE, AS RECORDED IN PLAT BOOK 118, PAGES 77 THROUGH 90, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING ALL OF HYDER AGR-P.U.D. - PLAT THREE REPLAT, AS RECORDED IN PLAT BOOK 119, PAGES 100 THROUGH 107, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING ALL OF HYDER AGR-P.U.D. - PLAT FOUR, AS RECORDED IN PLAT BOOK 119, PAGES 11 THROUGH 20, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING ALL OF HYDER AGR-P.U.D. - PLAT FOUR REPLAT, AS RECORDED IN PLAT BOOK 120, PAGES 120 THROUGH 124, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING ALL OF HYDER AGR-P.U.D. - PLAT FIVE, AS RECORDED IN PLAT BOOK 120, PAGES 85 THROUGH 90, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING ALL OF HYDER AGR-P.U.D. - PLAT SIX, AS RECORDED IN PLAT BOOK 121, PAGES 24 THROUGH 39, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT: ANY LOTS IN THE ABOVE DESCRIBED PROPERTY SOLD TO THIRD-PARTY PURCHASERS.

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.

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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.

**JUSTIFICATION STATEMENT
Hyder AGR-PUD
Control Number 2005-0455
Development Order Amendment
November 16, 2016
Resubmittal: December 27, 2016
Resubmittal: January 23, 2017
Resubmittal: February 17, 2017
Resubmittal: March 27, 2017**

Request

Boynton Beach Associates XXIV, LLLP and Boca Raton Associates VII, LLLP request approval from the Board of County Commissioners to amend the existing Hyder AGR-PUD Development Order previously approved via Resolution R-2014-0089 on May 22, 2014. The request includes the swapping 43.40 acres of South Florida Water Management District preserve lands which includes residential units with 43.40 acres of South Florida Water Management District preserve lands without units and reducing the overall number of residential dwelling units from 1340 to 1297, an overall reduction of 43 units. In addition, the application includes a request to reconfigure the Master Plan within the Hyder South portion which includes the reduction of the aforementioned 43 units; a request to extend the build out date from December 31, 2019 to December 31, 2021 as delineated in the Traffic Report. In addition, the owner / developer is requesting to carry forward all previously approved variances as further discussed below.

This request exceeds the thresholds allowed in Article 2.D.1.G.3. of the Palm Beach County Unified Land Development Code (PBC ULDC) and must be processed as a Development Order Amendment.

As in the current Development Order approved via Resolution 2014-0089 on May 22, 2014, the overall 729.17 acre Hyder AGR-PUD development site is being built as two independent communities; one north of the L-38 Canal, shown as Hyder North and currently under construction as "Seven Bridges" and the southern portion, south of the L-38 Canal (the former Appolonia West development parcel) and as shown on the Master Plan as Hyder South. Seven Bridges is far along in construction with approximately 279 residential units already occupied and approximately 250 additional units under construction. Hyder South is currently being farmed. While both Hyder North and Hyder South are part of one overall PUD Master Plan, Development Order and Master Property Owners Association, each will function as an independent development; meaning that Hyder North will meet its own recreation obligation and public civic obligation for the 418.42 acres independent of Hyder South which will also meet its own recreation obligation and public civic obligation for the 324.18 acres. The available 1297 units will be distributed between the two parcels as reflected overall Preliminary Master Plan and as follows: 726 units will be included within Hyder North and 571 units will be included in Hyder South. Note, the current approved Preliminary Master Plan reflects 726 units within Hyder North and 614 units in Hyder South.

It is important to note that this Development Order Amendment is running concurrent with a Development Order Amendment for Bridges AGR-PUD, Control Number: 2004-00250 which is providing the SFWMD Preserve lands without units to replace the SFWMD Preserve lands with units.

The Application Request is as follows:

Development Order Amendment

- Reconfigure the Master Plan
- Remove 43 residential units – from 1340 units to 1297 units.
- Remove 43.40 acres of SFWMD Preserve No. 3 from 441.666 acres to 398.266 acres (with units) into Bridges-Mizner AGR-PUD, (concurrent application DOA-2016-02029);
- Request to amend the Conservation Easement recorded in OR 23876, Page 0643 to re-

allocate 43.40 acres from Hyder Preserve #3 SFWMD into Bridges-Mizner Preserve #4B (concurrent application DOA-2016-02029);

- Add in 43.40 acres of SFWMD-Strazulla Preserve lands (without units) currently tied to The Bridges AGR-PUD, into SFWMD – Strazulla Preserve No. 4. From 496.004 acres to 539.404 acres;
- Request to amend the Conservation Easement previously recorded in OR 18768, Page 1681 to re-allocate 43.40 acres from concurrent application Bridges – Mizner AGR-PUD DOA-2016-02029 to Hyder Preserve Parcel #4 SFWMD – Strazulla;

Development Order Amendment - Modify Existing Conditions of Approval

- Amend Engineering Condition of Approval 1.b to extend the build out date from December 31, 2019 to December 31, 2021;
- Request to carry forward Engineering Condition of Approval as follows: Pursuant to the terms of the Atlantic Avenue Agreement, road impact fees and an additional contribution were prepaid for zoning control number 2004-022 (Appolonia PUD). The prepaid total is creditable against road impact fees due for any development under this control number. The credit amount does not vest property owner, or a successor in interest to the property, against future increases in road impact fee rates that may occur from time to time. Once the total road impact fee credit has been exhausted, property owner, or a successor in interest to the property, shall be required to pay additional road impact fees accordance with the Unified Land Development Code, Article 13.
- Amend Planning Condition 1 to reflect 1297 units

Waivers

- Request for a 65% Cul-de-sac Waiver previously approved under R-2014-0089;
- Request to extend the previously approved Waiver to delete the 15 foot required Type 2 Incompatibility Buffer on three sides of each Recreation Pod where abutting lake area;

Site Description:

The overall development area (Hyder AGR-PUD) is located south of the existing residential community Saturnia Isles (Sussman PUD, R2001-0143). Lying north and northeast of the project is the existing Stone Creek Ranches as approved via (Kenco Ranch DRO2000-015) which is a large lot equestrian/residential community in the AGR District. East and along the east side of Lyons Road is an approved AGR-PUD known as Bridges currently approved for 1008 dwelling units via Resolution R-2013-0970. South of the project is the Le Rivage PUD (Control Number 1999-059) and Horse Shoe Acres (control Number 1979-246). To the west of the site on the west side of State Road 7 are existing preserve lands associated with several AGR-PUDs known as Hyder Preserve. Said Hyder Preserve Land area is being utilized for active agricultural uses and farmland. The overall density of the project is .71 units per acre based on the gross acreage of 1836.80 acres (development and preserve) and 1297 dwelling units. The addition of 43.40 acres of SFWMD Preserve lands into Preserve #4 (from 496.004 acres to 539.404 acres) was originally tied to the Appolonia development parcel and does not include the right to utilize the associated density rights, thus the difference between 1836.80 acres and the 1297 requested units. Therefore, the 60 / 40 Tabular Data has not changed.

Project History:

The Hyder AGR-PUD development parcel was originally approved by the Board of County Commissioners on February 23, 2006 to rezone the property from Agricultural Reserve to an AGR-PUD Zoning District with 554 dwelling units via Resolution R2006-0678 and R2006-0679 inclusive of 995.66 acres. On September 29, 2008, the Board of County Commissioners approved DOA-EAC 2008-802 via Resolution R2008-1698 which deleted a condition of approval requiring the platting of preserve parcels. Subsequent to those approvals, a Development Order Amendment was approved by Resolution R2009-0506 on March 30, 2009 which increased the density of the project to a total of 995 residential dwelling units consisting of 790 single family units and 205 multi-family units. An additional Development Order Amendment was approved on July 25, 2013 via Resolution R-2013-0968 which included the incorporation of the previously approved Appolonia West parcel, an increase in the total number of dwelling units from 950 units to 1319 units and the addition of 496.004 acres of SFWMD preserve lands without units. The last Development Order Amendment was approved on by Resolution R-2014-0089 on May 22, 2014 which added in 6.29 acres of Development Area from the Lake Worth Drainage District and 20.95 acres of Preserve Lands.

Justification:

Boynton Beach Associates XXIV, LLLP and Boca Raton Associates VII, LLLP are both affiliated entities of GL Homes which is affiliated with the project directly east of the Hyder PUD on the east side of Lyons Road, and directly south of Mizner Country Club known as The Bridges. The Bridges opened for sales on February 11, 2012. As of today, GL Homes sold all 591 homes within the Bridges. Sales have been evenly spread within the various project types (Atlantic Collection – 50' wide ZLL lots; Pacific Collection – 55' wide ZLL lots; Coastal Collection – 70' wide SF lots; and Empire Collection – 90' wide SF lots). By all measureable accounts, the Bridges has been a huge success, even during a turbulent and down real estate market. The Seven Bridges project which is the northern portion of the Hyder AGR-PUD is another very successful project which has sold 446 residential units out of it's proposed total of 701. This application is being processed concurrently with the Bridges AGR-PUD Development Order Amendment as it is providing the necessary 43.40 acres of preserve lands with units in exchange for 43.40 acres of preserve lands without units. The overall units within the Hyder AGR-PUD will be reduced by 43 units from the current 1340 to 1297. The Bridges South portion of the overall Bridges PUD will have a higher density due to it's proximity to the turnpike where the Hyder South portion of the overall Hyder PUD will have lower density with bigger lots. This application, also includes a request to reconfigure the Master Plan, and reduce the overall number of units.

Request for Cul-de-sac Waiver

A cul-de-sac waiver was previously approved for the overall Hyder PUD under Resolution R-2014-0089 on May 22, 2014. This application is only requesting the same cul-de-sac waiver as the overall configuration of the Master Plan is consistent with that which was previously approved. A cul-de-sac waiver is required for the proposed project pursuant to ULDC Article 3.E.1.C.2.a.5, which allows that forty percent (40%) of the local streets in the proposed development may terminate in a cul-de-sac or a dead end. The Street Layout Plan exhibit submitted with the application is split between the three sheets; Hyder North included on PSLP-1 and PSLP-2 and Hyder South on PSLP-3. The cul-de-sac waiver is based on the project as a whole. This application is requesting to extend the current 65% cul-de-sac waiver which allows 28 cul-de-sacs within the overall Hyder AGR-PUD. The current street count for Hyder AGR-PUD is 44 streets. 40% or 17 cul-de-sacs are allowed by code. However, the code allows an additional 25% if approved by BCC as a waiver. The additional 25% would allow the project to include 28 cul-de-sacs. As stipulated in the code, (Article 3.E.1.C.2.5) "cul-de-sacs that abut a minimum 20 foot wide open space that provide pedestrian cross access between two pods shall not be used in the calculation of the total number of cul-de-sacs or dead end streets". The current "Street Layout and Pedestrian Pathways Plan" includes pedestrian connections between Pods B and D; Pods G and H; Pods P and R; and between Pods R and S. These connections will allow the elimination of 8 of the 36 cul-de-sacs, thus meeting the overall percent allowed via a Waiver of 65%. Also, as stipulated by code, we have provided 5 Pedestrian Amenities many of them within open space tracts where pedestrian connections have been provided which join two adjacent pods.

AGR/PUD Compliance

60-40 Option

The gross land area consists of 1836.80 acres which exceeds the minimum 250 acres required for a 60/40 option of an AGR PUD project. There are 1297 proposed dwelling units for the 1836.80 gross

acres resulting in a gross density of .71 units per acre. The overall development area includes 729.17 acres and the preservation area includes 1094.20 acres. The SFWMD Preserve #4 which includes 539.404 Acres (43.40 acres increase) does not have any units associated with the land based on an Agreement for Exchange of Real Property Interests between Charles E. Johnson and the South Florida Water Management District dated December 11, 2003. A copy of said agreement is included along with this application.

60 / 40 ACREAGE TABULAR	Acres	%
AGR-PUD Gross Acreage	1836.80	
LESS R/W dedications		
Lyons Road Turn lane (north parcel)	.14	
LWDD Easement (north parcel)	10.15	
LWDD Easement (south parcel)	3.28	
Total Net AGR-PUD	1823.23	
Preserve Area Required (60%)	1093.94	60.00%
Preserve Area Provided	1094.20	60.01%
Development Permitted (40%)	729.29	40.00%
Development Area Provided	729.17	39.99%

Preservation Area

There are 6 separate preservation parcels associated with this project.

Preserve #1: Hyder North, which includes 124.27 acres and is owned by G. L. Homes of Palm Beach Associates Ltd., it has direct access from State Road 7 and is north of and adjacent to another Preserve Parcel which was previously approved and is tied to the Lyons West AGR-PUD. It includes 370.007 acres. When combined, these two parcels exceed the minimum requirements of 150 acres. The Conservation Easement for this parcel is recorded via Official Records Book 28376, Page 1020.

Preserve #2: Chico South, which includes 17.60 acres and is currently owned by Pontano Family Farms; it also has direct access from State Road 7. It lies between 2 other previously approved preserve parcels associated with Bridges AGR-PUD to the north and Fogg V or Canyon Trails to the south. Directly to the west and abutting Chico are preserve lands owned by Palm Beach County. When combined they exceed the minimum requirements of 150 acres. This preserve parcel has an existing recorded conservation easement Official Records Book 23876, Page 0633. The PCN associated with this preserve is noted in the Property Appraisers Website with 35.7717 acres. The difference in acreage is because the southern portion of the property is tied to a separate AGR-PUD including 18.14 acres. When added together they equal 35.74 acres.

Preserve #3: SFWMD Preserve, includes 398.226 acres of lands owned by the South Florida Water Management District. This parcel meets the minimum requirements for a preserve parcel on its own and includes units. The Conservation Easement for this parcel is recorded in Official Records Book 23876, Page 643. This preserve currently includes 441.666 acres. The DOA application includes a request to transfer 43.40 acres from Hyder Preserve #3 to the Bridges AGR-PUD Preserve #4 (see concurrent application).

Preserve #4: SFWMD Preserve (Strazulla), includes 539.404 acres of lands owned by the South Florida Water Management District. This preserve parcel does not include any units. This parcel also meets the minimum requirements for a preserve parcel on its own and does not include any units. The Conservation Easement for this parcel is recorded in Official Records Book 18768, Page 1681. This preserve currently includes 496.004 acres. The DOA application includes a request to transfer 43.40 acres from Bridges Preserve #6 to Hyder Preserve #4.

Access to both SFWMD preserve parcels is provided via Homeland Road. Both include recorded conservation easements. Official Records Book 23876, Page 0643 and Official Records 18768, Page 1681.

Preserve #5: 87th Place South Preserve Parcel (PCN 00-42-43-27-05-045-0990) includes 5.01 acres of lands owned by 87th Place South, LLC. The parcel lies south of and adjacent to 87th Place South and abuts the existing preserve parcel associated with the Equus AGR-PUD. The conservation easement for this preserve parcel is in the final stages of recordation.

Preserve #6: McGrath Preserve Parcel (PCN 00-42-43-27-05-045-0660) includes 9.65 acres of lands owned by McGrath Farms Inc. The parcel lies north of and adjacent to 87th Place South and abuts the existing preserve parcel for Canyon Isles AGR-PUD known as Grass River which includes 19.31 Acres. Said Grass River abuts the previously mentioned preserve parcel associated with the Equus AGR-PUD. The conservation easement for this preserve parcel is in the final stages of recordation. The Property Appraisers office indicates that this property includes 9.841 acres. The acreage included in the preservation parcel 9.65 acres is based on a field survey and a title commitment that was previously vetted.

Current Preserves		Proposed Preserves	
Preserve Name	Acres	Preserve Name	Acres
#1 Hyder North	124.27	#1 Hyder North	124.27
#2 Chico	17.60	#2 Chico	17.60
#3 SFWMD	441.67	#3 SFWMD	398.27
#4 SFWMD (Strazulla)	496.00	#4 SFWMD (Strazulla)	539.40
#5 87 th Place South	5.01	#5 87 th Place South	5.01
#6 McGrath	9.65	#6 McGrath	9.65
Total	1094.20	Total	1094.20

Development Area

The development parcel is one contiguous parcel that complies with the frontage requirement with access and frontage on Lyons Road and State Road 7. It is located east of and adjacent to State Road 7 and west of and adjacent to Lyons Road. The development parcel lies south of Atlantic Avenue and north of Clint Moore Road. There are no changes requested that affect the development parcel other than the reconfiguration of the southern portion of the overall AGR-PUD. The overall gross development area for the project is 742.601 acres which includes 10.15 acres of LWDD dedication for the E-1 Canal and the L-38 Canal within Hyder North and 3.28 acres of LWDD dedication for the E-1 Canal and the L-39 Canal.

Unit Distribution

Hyder North			
Pods	ZLL	SF	TOTAL
A	97		97
B	81		81
C	12	4	16
D		49	49
E		60	60
F		40	40
G		60	60
H		53	53
I	99		99
J	71		71
K	75		75
	435	266	701

Hyder South			
Pods	ZLL	SF	TOTAL
L	95		95
M	102		102
N	14	4	18
O		50	50
P		51	51
Q		60	60
R	94		94
S	95		95
T	31		31
	431	165	596

Planned Development Chart – Unit Change

PLANNED DEVELOPMENT CHART										
Development Order Amendment R-2014-0730 May 22,					DOA-2016-02025					
Pods - Hyder North	Acres	Type	No. of Units	Density	Acres	Type	No. of Units	Density	Differenc	%
Pod A	24.02	ZLL	97	4.04	24.02	ZLL	97	4.04	0.00	0%
Pod B	26.63	ZLL	81	3.04	26.63	ZLL	81	3.04	0.00	0%
Pod C	4.93	ZLL	12	3.25	4.93	ZLL	12	3.25	0.00	0%
		SF	4			SF	4			
Pod D	18.84	SF	49	2.60	18.84	SF	49	2.60	0.00	0%
Pod E	29.60	SF	60	2.03	29.60	SF	60	2.03	0.00	0%
Pod F	24.68	SF	56	2.27	19.79	SF	40	2.02	-16.00	-29%
Pod G	29.15	SF	60	2.06	29.15	SF	60	2.06	0.00	0%
Pod H	19.06	ZLL	70	3.67	19.14	SF	53	2.77	-17.00	-24%
Pod I	20.98	ZLL	102	4.86	25.88	ZLL	99	3.83	-3.00	-3%
Pod J	35.77	ZLL	78	2.18	25.13	ZLL	71	2.83	-7.00	-9%
Pod K	22.85	ZLL	73	3.19	22.84	ZLL	75	3.28	2.00	3%
Total Units North Half			742				701		-41.00	-6%
Pods - Hyder South										
Pod L	28.74	ZLL	108	3.76	28.06	ZLL	95	3.39	-13	-12%
Pod M	34.98	ZLL	118	3.37	25.28	ZLL	102	4.03	-16	-14%
Pod N	6.00	ZLL	15	3.50	5.22	ZLL	14	4.02	-1	0%
		SF	6			SF	4			
Pod O	25.63	SF	54	2.11	25.46	SF	50	1.96	-4	-7%
Pod P	29.55	SF	74	2.50	20.05	SF	51	2.54	-23	-31%
Pod Q	26.40	SF	63	2.39	21.64	SF	60	2.77	-3	-5%
Pod R	30.03	ZLL	99	3.30	25.44	ZLL	94	3.70	-5	-5%
Pod S	6.18	ZLL	24	3.88	25.29	ZLL	95	3.76	71	75%
Pod T	4.72	ZLL	19	4.03	8.58	ZLL	31	3.61	12	63%
Pod U	5.27	ZLL	18	3.42	0.00		0		-18	-100%
Total Units South Half			598				596		-2	0%
Combined Total Units			1340				1297		-43	-3%

Landscape Buffers

The required perimeter landscape buffers have been provided around the entire boundary of the PUD, with the exception of the perimeter buffer south of the adjacent community known as Stone Creek Ranches or as approved as Kenco Ranch. This area received a Variance to reduce the width of the buffer due to existing buffer located on the north side of the property line. See ZR-2014-025 approved by the Zoning Commission on May 1, 2014. The western property line abutting State Road 7 includes a 20 foot wide Right of Way buffer tract and a 40' open space tract, for a total of 60' (40' open space tract includes 5' easement overlap). The north property line contains two buffers: (1) the westerly approximate 2,000 feet abutting Saturnia Isles PUD includes a 50 foot perimeter buffer reduced to 25 feet (50% reduction) in that the buffer is contiguous to the LWDD L-36 canal right of way and a platted PUD development tract, pursuant to ULDC Article 7.F.6. The easterly approximate 600' feet of the north property line abuts Stone Creek Ranches (AGR zoning) and therefore a 50 foot AGR-PUD perimeter buffer is proposed. The northeast property line abutting Stone Creek Ranches (AGR zoning), as mentioned above, includes a request to carry forward the previous variance granted to allow the reduction in the width of the buffer from 50 feet to 25 feet per ZR-2014-025 approved on May 1, 2014. The east property line abutting Lyons Road has a 20 foot right of way buffer easement in addition to a 40 foot open space tract, for a total of 60 feet (portions of the 40 foot open space tract include overlapping embankment, utility and limited access easement). The south property lines abut previously approved AGR-PUD's and the LWDD L-38 canal right of way and therefore the required buffers have been reduced by 50% (from 50 feet to 25 feet) in accordance with ULDC Article 7.F.6. All associated buffer details are included in the Regulating Plans.

Site Data

Hyder AGR-PUD	Current Approval	Proposed DOA	Difference
Gross Acres	1836.80	1836.80	0
Less Dedications	13.43	13.43	0
Preserve Acres	1094.20	1094.20	0
Total Units	1340	1297	-43
Rec Area	19.10	17.03	-2.07
Civic Area	14.85	14.85	0
Open Space	308.74	301.22	-7.52

Concurrency

Existing concurrency for this project was approved via Resolution R2014-0089 for 1340 residential dwelling units. This application includes a request to delete 43 units therefore a traffic equivalency will be provided.

Civic Requirements

According to the ULDC, a total of 14.85 acres of civic is required (742.60 acres x 2%). The total civic requirement for Hyder has been cashed out via Civic Site Dedication Agreement approved on April 2, 2013 via R-2013-0396.

Recreation Requirement

The Preliminary Master Plan includes 17.03 gross acres of recreation and 16.80 net acres. The code required recreation area is 7.78 acres (1297 x .006). Therefore, the PUD exceeds the ULDC minimum recreation area required by approximately 46%. The recreation area within Hyder North is currently under construction and details are provided on the Final Site Plan, Exhibit #41 last approved via a Zoning Amendment (ZZR-2015-2252) on November 5, 2015. The Recreation Pod shown within Hyder South currently includes 7.79 gross acres and 7.56 net acres. Details will be provided on a future final site plan. In addition, there are two neighborhood parks with amenities within Hyder North and one proposed within Hyder South. Details for those areas are shown on the Regulating Plans (see PRP-3).

Open Space

The required minimum 40% of Open Space has been provided on the plan which includes lake areas, buffers and numerous open spaces throughout the community. Many of the lakes are adjacent to the spine road, which include lake over-look areas, thus providing the community the opportunity to enjoy the peace and tranquility of a lake view while also watching wildlife that may utilize the lakes.

Open Space Tabular (north parcel)	
Open Space Required (Minimum 40%)	159.50 Acres
Recreation	9.24 Acres
Neighborhood Parks	.62 Acres
Lake Tracts	123.90 Acres
Perimeter Landscape buffers	17.45 Acres
Misc. Open Space	15.49 Acres
Total Open Space Provided	166.70 Acres

Open Space Tabular (south parcel)	
Open Space Required (Minimum 40%)	128.36 Acres
Recreation / Neighborhood Parks	7.79 Acres
Lake Tracts (Includes LME)	105.45 Acres
Perimeter Landscape buffers	12.48 Acres
Misc. Open Space	8.80 Acres
Total Open Space Provided	134.52 Acres

Exemplary Criteria

This Development Order Amendment application is a request to swap out SFWMD Preserve lands with units for SFWMD Preserve lands without units and thereby reducing the overall number of units from 1340 to 1297. The overall reduction in units is affecting the southern portion of the overall PUD, Hyder South. The northern portion of the overall Hyder AGR-PUD known as Hyder North is not affected by this application. No changes to that portion are being requested. The southern portion, Hyder South includes a net reduction in units and therefore a reconfiguration. The Preliminary Master Plan for the Hyder AGR-PUD included in this application meets and exceeds the exemplary criteria of Article 3.E.2.A.4. by providing the following:

- 1) The overall amendment enhances the existing creative design by providing more lake area bordering either side of the entrance to the project from Lyons Road. In addition, the re-design also provides a much larger lake within Hyder North which will attract a greater diversity of wildlife including wading birds, thus providing more viewing areas for the residents to enjoy. The pedestrian pathway adjacent to the spine road provides additional opportunities for recreation.
- 2) The larger lake areas bordering the spine road also provide buffering to the residential units that would otherwise be backing up to the spine road.
- 3) The recreation parcel exceeds the required recreation area by 9.25 Acres. The owner/ developer will provide typical amenities including but not limited to a recreation building, a swimming pool, tennis courts and a pedestrian pathway meandering throughout.

Model Row

Article 3.E.1.G.3.c.

The overall Master Plan includes a Model Row within Pod B of Hyder North and a Model Row within Pod N of Hyder South. A maximum number of 16 models will be included in the model row for Pod B and a maximum number of 16 models will be included in the model row for Pod N.

Development Order Amendment Standards

ULDC Standards: Art. 2.B.2 Development Order Amendments - When considering a development order application for a conditional, requested use, or a development order amendment, the BCC and ZC shall consider standards noted in Article 2.B.2.B.1–8 as indicated below. A conditional use, 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. The following provides explanation to each standard.

Consistency with the Plan:

The development and required preservation area for this proposal has an AGR Future Land Use designation. The proposed development is in accordance with Comprehensive Plan Policy 1.5.1-I:

A minimum of 250 gross acres is required. The proposed AGR-PUD consists of a total of 1836.80 gross acres.

The Development Area is contained in one compact area and does not exceed forty percent (40%) of the gross acreage. The Development Area contains uses normally associated with a PDD as required.

The Development Area and Preserve Area need not be contiguous. The owner/developer is providing 1094.20 acres of preservation area, which is at least sixty percent (60%) of the gross acreage as required by the ULDC.

The proposed development is situated east of SR-7 and has frontage on Lyons Road, between the LWDD-L-36 and LWDD L-38 canals. The development area is not situated west of SR-7. The PUD meets the Comprehensive Plan criteria for development area frontage by having frontage on the east side of SR 7 and Lyons Road, south of Atlantic Avenue.

Consistency with the Code :

The proposed use complies with all standards imposed on it by all other applicable provisions of this Code for use, layout, function, and general development characteristics. In addition, the overall PUD complies with the required Performance Standards within Art. 3.E.2.B.2 and Art.3.E.2.F. by the following:

Development Parcel

None of the residential pods have a density that is greater than 5 DU/Acre therefore they do not need to be located within 1320 feet of a neighborhood park or a recreational facility. b) There are 43 named streets within the AGR-PUD which requires 7 Focal Points. 7 Focal Points are provided. c) In addition to oversized recreation parcels, 2 Neighborhood parks are provided within Hyder North and 1 Neighborhood Park is provided within Hyder South. d) Decorative street lights will be included within the community. In addition to the required performance standards, two additional ones must be met. We have included e) Decorative paving has been incorporated within the recreation parcel and decorative pavers within our entrances. The entrances are included on the Regulating Plan with pavers includes. f) Two fountains have been provided, one within the lake at the entrance to Hyder North and one within the entrance to Hyder South. g) Benches are included within the neighborhood parks which include pedestrian pathways interconnected to the overall pedestrian system. i) The overall pedestrian circulation system is greatly enhanced by connecting numerous pods to either the spine road or each other.

In accordance with Art. 3.F.4. The overall development area meets all the criteria noted including location, frontage, adjacency, connectivity, configuration, contiguity and buffering.

3.F.4.a. Location: the development area shall not be located west of State Road 7. This project is located east of and adjacent to State Road 7.

3.F.4.a.1) Frontage: the development area shall have frontage on either State Road 7, Boynton Beach Blvd.; Clint Moore Road; Lyons Road and Acme Dairy Road. This project fronts on State Road 7 and Lyons Road.

3.F.4.a.2) Adjacency: Development areas shall be located, to the greatest extent practical, adjacent to existing planned or projected development. This project is directly south of and adjacent to the Sussman AGR-PUD, and directly west of Bridges AGR-PUD.

3.F.4.a.3) Connectivity: Development areas adjacent to potential or existing TMD locations shall have at least one paved pedestrian and vehicular connection. Not applicable.

3.F.4.b.1) Configuration: Development areas shall be single, compact, contiguous area, which possesses the characteristics listed below.

a) common border with perimeter of the PUD.

b) single unified whole within a tightly compact area with a continuous common boundaries with outer pods in the PUD.

c) isolated Development areas and Preserve areas shall not be created within a contiguous PUD; and

d) lakes water retention areas, golf courses, and other similar amenities shall be located within the development area to provide a buffer from adjacent preservation areas or offsite agricultural uses.

Preserve Parcels

All of the preserve parcels associated with this application meet or exceed the requirements noted in Article 3.E.2.F.3 including location, access, uses, and configuration. As noted above contiguity has not been determined as the Comprehensive Plan has been amended to eliminate that requirement. All preserve parcels have been depicted on an overall aerial map that show the location, access, and size. The following includes the Preserves within the proposed AGR-PUD and explains how they meet the requirements for a preserve parcel as noted in Article 3.E.2.F.3.

Preserve No. 1 - Hyder Preserve (124.27 Acres).

As stated above, the Hyder North preserve parcel includes 124.27 acres and is owned by G.L. Homes of Palm Beach Associates Ltd.; it has direct access from State Road 7 and is north of and adjacent to another Preserve Parcel which was previously approved and is tied to the Lyons West AGR-PUD and includes 370.007 acres. This parcel has a recorded Conservation Easement on it (Official Records 28376, Page 1020) and was previously approved as a preserve parcel for the Hyder AGR-PUD.

3.F.3.a Location and Access – this parcel has direct access from State Road 7. It is located within the AGR Reserve area.

3.F.3.b Uses – this parcel is currently being utilized as active farmland. There are no structures on this preserve parcel.

3.F.3.c. Configuration – A preserve area shall meet the minimum PDR's of the AGR district: This parcel meets the minimum Property Development Regulations per Table 3.D.1.A. for the AGR Zoning District. Minimum Lot Size 5 acres; Minimum Lot width and Depth = 300 feet.

Preserve No. 2 - Chico Preserve (17.60 Acres).

The Chico preserve includes 17.60 acres and is currently owned by Pontano Family Farms. It has direct access from State Road 7 and lies between 2 other previously approved preserve parcels, one associated with Bridges AGR-PUD to the north and one associated with Fogg V or Canyon Trails to the south. Directly to the west and abutting Chico are preserve lands owned by Palm Beach County. This parcel has a recorded Conservation Easement on it (Official Records 23876, Page 0633) and was previously approved as a preserve parcel for the Hyder AGR-PUD.

3.F.3.a Location and Access – this parcel has direct access from State Road 7. It is located within the AGR Reserve area.

3.F.3.b Uses – this parcel is currently being utilized as active farmland. There are no structures located on this parcel.

3.F.3.c. Configuration – A preserve area shall meet the minimum PDR's of the AGR district: This parcel meets the minimum Property Development Regulations per Table 3.D.1.A. for the AGR Zoning District. Minimum Lot Size 5 acres; Minimum Lot width and Depth = 300 feet.

Preserve No. 3 - SFWMD Preserve (398.266 Acres)

The SFWMD Preserve, includes 398.226 acres of lands owned by the South Florida Water Management District. This parcel meets the minimum requirements for a preserve parcel on its own and includes units. The Conservation Easement for this parcel is recorded in Official Records Book 23876, Page 643. This preserve currently includes 441.666 acres. The DOA application includes a request to transfer 43.40 acres from Hyder Preserve #3 to the Bridges AGR-PUD Preserve #4 (see concurrent application).

This parcel is directly north of and adjacent to a previously approved preserve parcel.

3.F.3.a Location and Access – this parcel has direct access from other lands owned by the South Florida Water Management District. It is located within the AGR Reserve area.

3.F.3.b Uses – this parcel is currently being utilized as fallow land and does not include any structures.

3.F.3.c. Configuration – A preserve area shall meet the minimum PDR's of the AGR district: This parcel meets the minimum Property Development Regulations per Table 3.D.1.A. for the AGR Zoning District. Minimum Lot Size 5 acres; Minimum Lot width and Depth = 300 feet.

Preserve No. 4 - SFWMD Preserve (Strazulla) (539.404 Acres)

This parcel has a recorded Conservation Easement on it (Official Records 18768, Page 0681) and was previously approved as a preserve parcel for the Appolonia AGR-PUD. This preserve parcel does not include any units in accordance with an Agreement for Exchange of Real Property Interests (copy included). The overall SFWMD Preserve Parcel (Strazulla) includes 918.746 acres which is being divided between the Hyder AGR-PUD and the proposed Bridges Mizner AGR-PUD. 539.404

acres is being allocated to the Hyder project and 379.342 acres is being allocated to the proposed Bridges-Mizner project.

3.F.3.a Location and Access – this parcel has direct access from others lands owned by the South Florida Water Management District. It is located within the AGR Reserve area.

3.F.3.b Uses – this parcel is currently being utilized as fallow land and does not include any structures.

3.F.3.c. Configuration – A preserve area shall meet the minimum PDR's of the AGR district: This parcel meets the minimum Property Development Regulations per Table 3.D.1.A. for the AGR Zoning District. Minimum Lot Size 5 acres; Minimum Lot width and Depth = 300 feet.

Preserve No. 5 - 87th Place South Preserve (5.01 Acres)

This parcel contains 5.01 acres but qualifies as a preserve parcel as it directly abuts the Equus AGR-PUD which is an equestrian community inclusive of 168+ acres of preserve lands. The property is owned by 87th Place South, LLC per a Warranty Deed recorded in Official Records 26343, Page 1508. There are a few structures located on this site, one as an office trailer, storage trailer and a container storage structure.

3.F.3.a Location and Access – this parcel has direct access from 87th Place South and located directly north of and adjacent to Equus AGR-PUD.

3.F.3.b Uses – Agricultural uses – Nursery

3.F.3.c. Configuration – A preserve area shall meet the minimum PDR's of the AGR district: This parcel meets the minimum Property Development Regulations per Table 3.D.1.A. for the AGR Zoning District. Minimum Lot Size 5 acres; Minimum Lot width and Depth = 300 feet. The existing structures are associated with nursery uses. No residential structures are located on this property. This property was previously vetted as a preserve parcel. The Conservation Easement was submitted and approved pending recordation. There are no changes to the boundary or uses on this parcel.

Preserve No. 6 - McGrath Preserve (9.65 Acres)

The McGrath preserve parcel (PCN 00-42-43-27-05-045-0660) includes 9.65 acres of lands owned by McGrath Farms Inc. The Property Appraisers office includes 9.8416 acres. The acreage discrepancy is due to the inclusion of the LWDD RW for the L-21 Canal within the PAPA acreage. The acreage included in the survey and in this application is based on a field survey and therefore is accurate. The parcel lies north of and adjacent to 87th Place South and abuts an existing preserve parcel for the Canyon Isles AGR-PUD known as Grass River which includes 19.31 Acres. Said Grass River abuts the previously mentioned preserve parcel associated with the Equus AGR-PUD. The conservation easement for this preserve parcel is in the final stages of recordation. 3.F.3.a Location and Access – this parcel has direct access to 87th Place South and lies west of and adjacent to an existing preserve parcel known as Grass River, a preserve parcel for Canyon Isles AGR-PUD which contains 19.31 acres.

3.F.3.b Uses – Landscape Nursery

3.F.3.c. Configuration – A preserve area shall meet the minimum PDR's of the AGR district: This parcel meets the minimum Property Development Regulations per Table 3.D.1.A. for the AGR Zoning District. Minimum Lot Size 5 acres; Minimum Lot width and Depth = 300 feet. There are numerous shade structures located on the parcel including a nursery operations office building. A conservation easement was submitted and reviewed prior to the current Development Order Amendment. This parcel was previously vetted and approved. No changes to the use or boundary of the parcel is requested.

Compatibility with surrounding uses:

The proposed development is compatible and generally consistent with the uses and character of land surrounding and in the vicinity of the land proposed for development. The proposed development continues a trend in this area for low-density, well-designed neighborhoods. The proposed Hyder community offers the same amenities and lifestyle promoted by neighboring communities such as The Bridges, Mizner County Club, The Oaks, and Saturnia Isles.

Design Minimizes Adverse Impact:

The design of the proposed development minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands. This master-planned community provides for wide, aesthetically pleasing landscape buffers, a prominent entry feature and other visual amenities that will minimize the projects impact on those traveling on the adjacent public roadways.

Design Minimizes Environmental Impact:

The proposed use minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment. The subject site has been under agricultural production for many years. The proposed development will minimize adverse impacts of development on the environment by incorporating landscape buffers, preserve and open areas. A homeowners association restrictive covenant, will limit the areas uses; thus protecting the natural environment, while protecting the open areas. The extensive lake system will provide substantial littoral planting areas, which provide sanctuary for wildlife habitat. Hyder AGR-PUD is not located within a Wellfield Protection Zone.

Development Patterns:

The proposed AGR-PUD provides a residential environment that is compatible and harmonious with the surrounding area. The Bridges PUD lies directly to the east of the Hyder AGR-PUD and Mizner County Club lies directly to the north of the Bridges PUD, both of which represent the prevailing development pattern within the AG-Reserve district of Palm Beach County. Other communities such as Canyon Lakes, Canyon Isles, Canyon Springs, Saturnia Isles, The Oaks, again all family communities lying south of Boynton Beach Blvd. and north of Clint Moore Road are similar in nature with the proposed Hyder AGR-PUD. The adjacent communities and communities within close proximity are consistent with the development patterns in the area by providing low-density detached housing with private recreation facilities. The development parcel is in close proximity to the Delray Market Place TMD, a major hub that provides shopping, dining, banking and medical office opportunities to existing and future residents that recently opened in early 2013. The request to reduce the total number of units by 43 will enhance the residential community within the Hyder PUD by providing the ability to increase lot sizes or open space within the community and also continuing the aggregation of development lands in the area.

Adequate Public Facilities:

The proposed use will comply with Art. 2.F, Concurrency, of the ULDC by including an application to support the increase of units and civic area. An affirmative determination of concurrency will be issued by Palm Beach County prior to certification of the proposed Development Order Amendment to proceed to public hearings for approval.

Changed Conditions or Circumstances:

The main circumstance which initiated this application was the need and desire to increase the number of residential dwelling units within the Bridges – Mizner AGR-PUD, a concurrent application. Furthermore the discovery of 421 un-used units associated with the previously approved Mizner Country Club and the ability to swap preserve lands with units from the Hyder AGR-PUD to the Bridges – Mizner AGR-PUD and replace the preserve area with preserve lands without units from the previously approved Bridges AGR-PUD. After meeting with the Homeowner's Association of the Mizner Country Club, it was agreed that the Bridges AGR-PUD would be allowed to incorporate the unused units into the overall Bridges – Mizner PUD.

Since the Delray Market Place opened in early 2013, the need for retail, dining, banking and medical office services required to serve the surrounding community has been satisfied. The increase in units within the Bridges – Mizner AGR-PUD will not only enhance the synergy within the area, it will also provide additional support the existing services provided within the Delray Market Place.

The current DOA is keeping with the process by enhancing the existing development parcel within an area already prime for residential construction as roads, utilities, and amenities such as shopping, bowling alley, theater, medical, schools, and recreation are already in place.

Planned Unit Development Standards

The proposal meets the requirements set forth in the ULDC Article 3.E.2.B., Planned Unit Development District Regulations, as it relates to purpose and intent as follows:

1. This project ensures that future growth and development occurs in accordance with the AGR Reserve section of the Comprehensive Plan. According to Table 3.E.2.C-14 of the ULDC, an AGR/PUD Zoning District corresponds to the existing AGR Land Use Category. Under the AGR Future Land Use Category the subject property is permitted a maximum of 1836 dwelling

units for a density of 1 dwelling unit per acre. However, Preserve #4 which includes 539.404 acres, owned by the SFWMD does not have any density, therefore, the proposed PUD is capped at a maximum number of units of 1297 units or .71 units per gross acre. This request is to decrease the dwelling units from 1,340 dwelling units to 1297 dwelling units, a difference of 43 units, which is consistent with the Comprehensive Plan.

2. The proposal minimizes adverse impacts of development on the environment by incorporating substantial landscape buffers and planting materials, none that currently exist on-site due to the ongoing farming activities. In addition, the development will contain significant required landscape buffers along the property lines. An extensive lake system throughout the site will provide a substantial area for littoral planting, which provides habitat for native wildlife. The low densities proposed for this community will not only benefit the environment, but will lessen the impact on the area's roads and social services. The proposed PUD is not expected to have any adverse or negative impact on the environmental planning aspects as it is carefully designed to contribute positively in this regard.
3. The proposal will increase and promote the use of bicycle routes and other non-vehicular modes of transportation by providing an internal pedestrian transportation system. The proposed community provides several internal pod connections in addition to connections to both Lyons Road on the East and State Road 7 on the West.
4. The proposal will result in a desirable environment with more amenities than would be possible through the strict application of the minimum standards of a standard zoning district by complying with the PDD code requirements. The PUD standards require a recreation area totaling 8.04 acres while the proposal actually provides a total of 17.03 acres, which is more than 48% over what is required by the ULDC. Based on the tremendous success of other G.L. communities, this project will offer the standard G.L. "extras" for the clubhouse, swimming pool and neighborhood recreation areas, which will encourage community interaction.
5. The proposal will provide for the efficient use of land, resulting in logical networks of utilities and streets, thereby lowering development costs. The master planned community has been designed to create the most efficient and cost-effective means for development.
6. The proposal will foster the safe, efficient and economic use of land, transportation, public facilities and services by utilizing the highest and best use of the subject property. Development of the site at a low density has resulted in a well-planned community featuring a lake system that exceeds 200 acres of the overall site, 17.03 acres of private recreation areas, and numerous amenities within the development, so future residents can enjoy their environment without leaving their neighborhoods.
7. The proposal will encourage concentrated land use patterns, allow for trip consolidation and encourage pedestrian circulation between land uses. The enhanced recreation area provides a desirable environment contributing to a homogeneous community, which can interact thereby consolidating the number of trips, as well as encouraging pedestrian circulation.
8. The site has been in agricultural production, and to the best of our knowledge, there are no significant areas of native vegetation on site which are subject to Article 14 Chapter C of the ULDC.
9. The proposal will avoid inappropriate development of lands by developing the property at its highest and best use. The proposal is consistent with surrounding communities and uses. Additionally, the strict development standards that apply to a PUD will ensure that the property is developed at its highest and best use.
10. This proposal is for a 60/40 residential AGR/PUD that does not include commercial uses. Therefore, the project will ensure that individual residential POD's will be rationally developed and be compatible with the surrounding area for the mutual benefit of all.
11. The proposal will provide an environment of stable character that is compatible with the surrounding areas by developing the property at its highest and best use. The residential

character of the proposal is compatible with the development patterns in this part of Palm Beach County.

12. The proposal encourages innovations in land development by providing for a residential Planned Unit Development which creates a homogeneous Master community. The proposal facilitates the use of the most advantageous techniques of land development by following the directives of the ULDC and the Comprehensive Plan.

REGULATING PLAN

A Regulating Plan for the Planned Development District as required Article 3.E.1.D.3. Palm Beach County ULDC consisting of a comprehensive graphic and written description of the function and development of the Planned Development is included in this application.

On behalf of the owner/developer Boynton Beach Associates XXIV, LLLP and Boca Raton Associates VII, LLLP, we respectfully request approval of this proposal. The Project Manager for this project is Gladys DiGirolamo.