



## FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 20-B2

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### BCC TRANSMITTAL PUBLIC HEARING, JULY 28, 2020

#### A. Application Summary

##### I. General

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<b>Project Name:</b>	<b>Arden PUD (LGA 2021-003)</b>
<b>Request:</b>	<b>To modify conditions of approval on a site with LR-2 future land use</b>
<b>Acres:</b>	1,209.98 acres
<b>Location:</b>	North side of Southern Boulevard (SR-80), approximately 2.5 miles west of Seminole Pratt Whitney Road.
<b>Project Manager:</b>	Inna Stafeychuk, Planner II and Lisa Amara, Principal Planner
<b>Applicant:</b>	Jesse R. Baker, Highland Dunes Associates Property LLC; Arden Homeowners Association Inc.
<b>Owner:</b>	Jesse R. Baker, Highland Dunes Associates Property LLC; Arden Homeowners Association Inc.; and multiple property owners
<b>Agent:</b>	Collene Walter, Urban Design Kilday Studios
<b>Staff Recommendation:</b>	Staff recommends <b>approval with modifications</b> based upon the findings and conclusions contained within this report

##### II. Assessment & Conclusion

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This is an amendment to a previously adopted condition of approval and does not change the future land use designation of the site. At the time this site was granted the Low Residential, 2 unit per acre (LR-2) future land use designation in 2004, the ordinance included a condition of approval limiting the site to 2,000 units in order to be consistent with Policy 3.5-d long range traffic requirements at the time. Since the latest models indicate that the full 2,420 units allowed by the LR-2 designation now meets Policy 3.5-d, the applicant is requesting this amendment to revise the condition to allow the full density. The amendment will allow the zoning application to proceed with the replacement of some of the larger lots with smaller lots, for a total of 2,344 units.

The applicant and staff concur on several conditions of approval, including a cap of units at 2,420 total, thereby not allowing future density increases through the Workforce Housing or Transfer of Development Rights density bonus programs, and a timing condition to ensure compliance with short range traffic, and a condition requiring that 25% of the units over 2,000 are workforce housing. However, County staff is recommending that the 25% workforce housing be built onsite, whereas the applicant is requesting the ability to dispose of the workforce housing units through any of the options allowed by the ULDC (onsite, offsite, or in lieu fee). Staff recommends this condition for all requests for a density increase through the amendment process based on Board direction provided October 23, 2018.

The amendment is consistent with applicable policies of the Comprehensive Plan and does not negatively impact service delivery.

### III. Hearing History

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**Local Planning Agency: *Approve with modifications as requested by the applicant***, motion by Evan Rosenberg, seconded by Eric Royal, passed in a 8 to 4 vote at the July 10, 2020 public hearing with David Dinin, Jim Knight, Michael Peragine, and Marcia Hayden dissenting. The motion reflected the agent's request for 2 proposed changes to the staff recommendation: addition of additional language in Condition 2 related to traffic analysis Test 2; and deletion of the second sentence in Condition 7, thereby allowing the referenced workforce units to be subject to the same disposition as any workforce units in the ULDC (onsite, offsite, or in lieu of payment). The majority of the Commission discussion focused on the components of the workforce housing program that were not limited to the subject site, such as whether homeowners association fees are considered, the resale of workforce housing owned units, the fund that managed the in lieu payments, and the total amount of in lieu payments received overall to date. Several Commission members disagreed with the applicant's agent that this site was not an appropriate location for workforce housing. Staff concurred with the revisions to Test 2, and changes have been made to Exhibit 1. There was no public comment.

**Board of County Commissioners Transmittal Public Hearing:** *July 28, 2020*

**Board of County Commissioners Adoption Public Hearing:**

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## B. Petition Summary

### II. Site Data

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#### Current Future Land Use

<b>Current FLU:</b>	Low Residential, 2 units per acre (LR-2) capped at 2,000 units
<b>Existing Land Use:</b>	Residential, partially built planned development
<b>Current Zoning:</b>	Planned Unit Development (PUD)
<b>Current Dev. Potential Max:</b>	Residential, up to 2,000 units and a minimum of 30,000 sf. and a maximum of 50,000 sf. of commercial uses (by condition of approval)

#### Proposed Future Land Use Change

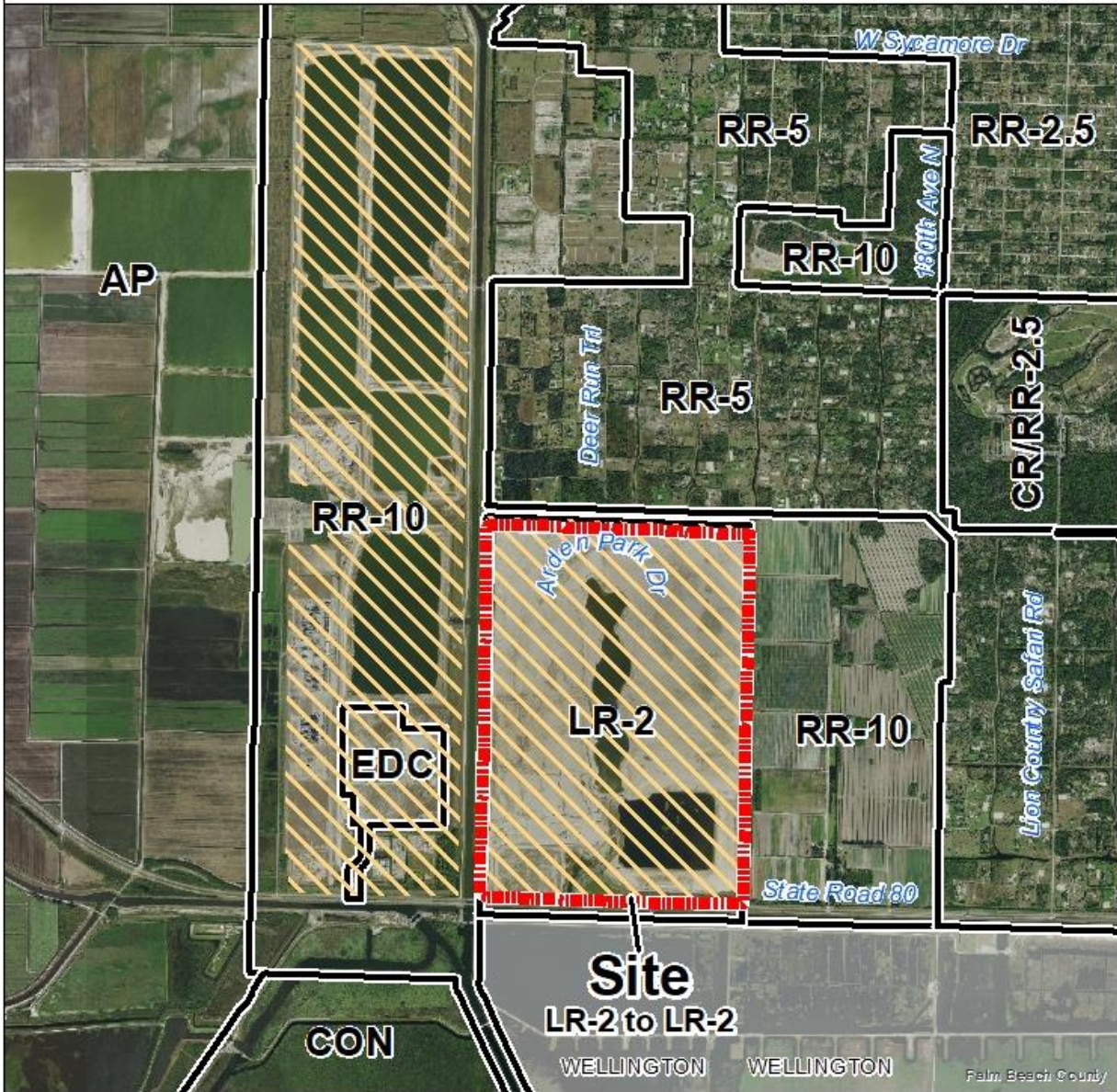
<b>Proposed FLU:</b>	Low Residential, 2 units per acre (LR-2) up to 2,420 units
<b>Proposed Zoning:</b>	Planned Unit Development (PUD)
<b>Dev. Potential Max/Conditioned:</b>	Residential, up to 2,420 units and a minimum of 30,000 sf. and a maximum of 50,000 sf. of commercial uses (by condition of approval)

#### General Area Information for Site

<b>Tier/Tier Change:</b>	Limited Urban Service Area – No Change
<b>Utility Service:</b>	Palm Beach County Water Utilities Department
<b>Overlay/Study:</b>	Formerly the Central Western Communities Sector Plan
<b>Annexation Area:</b>	None
<b>Comm. District:</b>	Commissioner Melissa McKinlay, District 6

# Future Land Use Atlas Amendment

## Arden PUD (LGA 2021-003)



**Site Data**

Size: 1209.98 acres  
 Existing Use: Vacant  
 Proposed Use: Residential  
 Current FLU: LR-2  
 Proposed FLU: LR-2 (revise conditions)

**Future Land Use Designations**

LR-2 Low Residential, 2 units per acre  
 RR-2.5 Rural Residential, 1 unit per 2.5 acres  
 RR-5 Rural Residential, 1 unit per 5 acres  
 RR-10 Rural Residential, 1 unit per 10 acres  
 CR/RR-2.5 Community Recreation, underlying RR-2.5

AP Agricultural Production  
 CON Conservation  
 EDC Economic Development Center

Date: 3/16/2018  
 Contact: Planning  
 Filename: Planning\AMEND\18-C\Site\18-27  
 Note: Map is not official, for presentation purposes only



Planning, Zoning & Building  
 2300 N. Jog Rd, WPB, FL 33411  
 Phone (561) 233-5300



## C. Introduction

### I. Intent and Background

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The 1,209.9 acre subject site has the Low Residential, 2 units per acre (LR-2) future land use designation and is located within the boundaries of the Glades Area Protection Overlay (GAPO) within the Limited Service Urban Area (LUSA). The site is located approximately 2.5 miles west of Seminole Pratt Whitney Road on the north side of Southern Boulevard (SR 80), and is currently under development.

**Proposed Amendment:** The amendment proposes to revise the condition of approval limiting the number of units allowed on the site to 2,000, which was included in Ordinance 2004-66 in 2004. The condition currently limits the dwelling units on the site to 2,000 total (1.7 units per acre). The amendment proposes to allow the site to be developed with the full number of units (2,420) allowed by the LR-2 future land use designation. The other conditions adopted by Ord. 2004-66, including a minimum 30,000 square feet and a maximum of 50,000 square feet of commercial uses, are not proposed to be revised. No change to the existing LR-2 designation is proposed, and the amendment includes a condition to cap the number of units to 2,420, thereby not allowing any additional density bonus through the Workforce Housing or Transfer of Development Rights Programs.

**Background:** The site was approved by Ordinance 2004-66 for a change from Rural Residential, 1 unit per 10 acres (RR-10), to the LR-2 future land use designation on December 13, 2004. This amendment was adopted following the removal of the site from the Central Western Communities Sector Plan boundaries, and in order to retain the site within unincorporated County since the property owners had been discussing annexation into the Village of Wellington. The associated text created the Glades Area Protection Overlay and Limited Urban Service Area for the subject site and lands on the east and west side of the L-8 to create a barrier to limit development from encroaching into the agricultural production lands further west. The subject site was considered as a transition that could support higher densities based on the surrounding land uses and the site's location. The conditions capping density and intensity were proposed by the applicant, Palm Beach Aggregates.

**Zoning Application:** The site is approved for a 2,000 unit Planned Unit Development (PUD) with 30,000 square feet of commercial uses (retail and office). The approval requires the provision of 60 workforce housing units, all of which have been proposed to be in built on-site in POD K. The applicant has submitted a concurrent zoning application (Application No. 2020-00766, Control No. 2005-00394) which is a request to increase number of units to 2,344 and several variance requests. The site proposes 1,758 detached single family and zero lot line homes and 576 condo/townhomes.

### II. Data and Analysis Summary

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This section of the report summarizes the consistency of the amendment with the County's Comprehensive Plan. Exhibit 2 details the consistency of the amendment with Plan policies, including justification, compatibility, public facilities impacts, intergovernmental coordination, and consistency with specific overlays and plans.

**Overview of the Area.** The site is located in the western central portion of the County just east of the 20 Mile Bend, and surrounded by rural residential uses to the north, agriculture to the east, and a planned economic development center to the west along with the FPL power plant. To the south across Southern Boulevard / SR80 are South Florida Water Management District storm water treatment areas within the Village of Wellington.

**Compatibility:** The amendment will allow the reconfiguration of the approved planned development to allow an additional 420 dwelling units. The planned development will retain all previously approved buffers, landscaping, and access to the site will not be altered by this amendment. The additional homes will be internal to the development and compatible with the residential uses within and outside the planned development.

**Appropriateness of the Amendment.** This is an amendment to a previously adopted condition of approval and does not change the future land use designation of the site. At the time this site was granted the Low Residential, 2 unit per acre (LR-2) future land use designation in 2004, the ordinance included a condition of approval limiting the site to 2,000 units in order to be consistent with Policy 3.5-d long range traffic requirements at the time. Since the latest models indicate that the full 2,420 units allowed by the LR-2 designation now meets Policy 3.5-d, the applicant is requesting this amendment to revise the condition to allow the full density. Under the latest traffic analysis, a short range traffic timing condition is warranted as discussed in Exhibit 2 Section E.

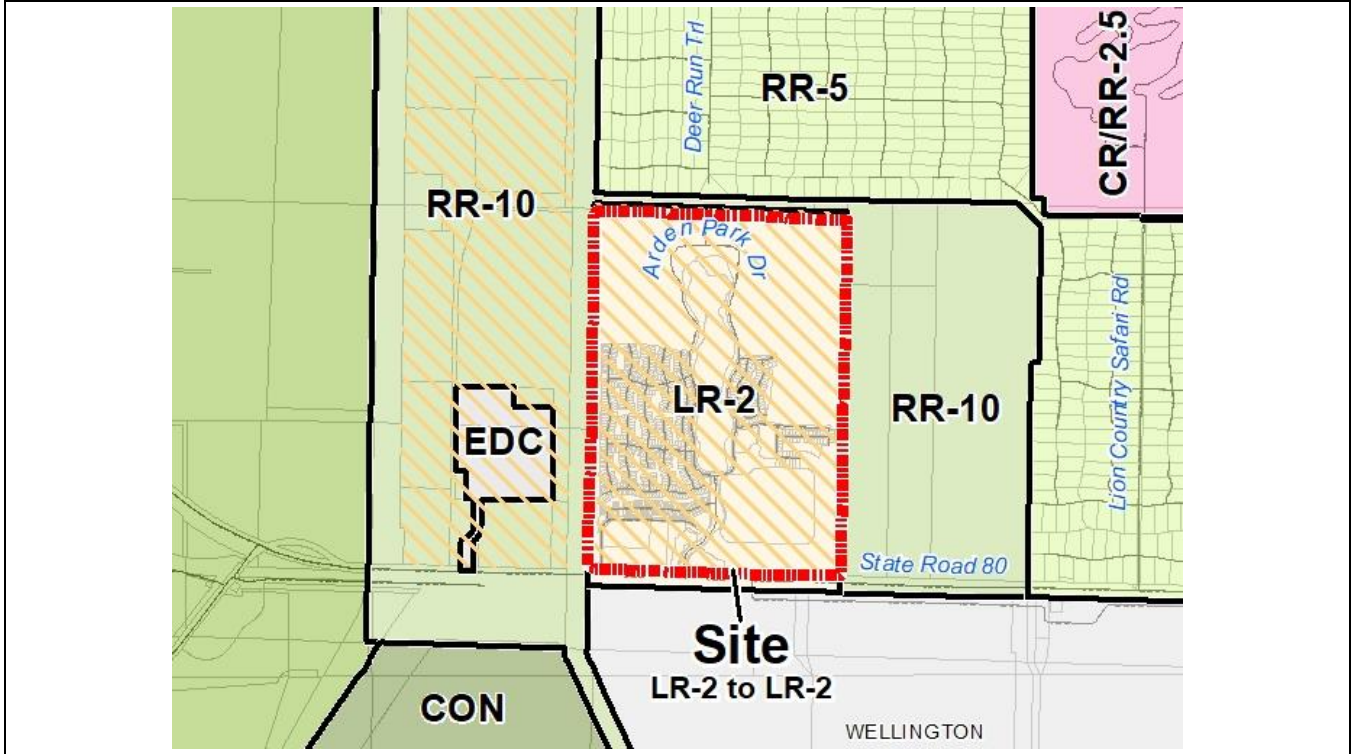
The amendment will allow the zoning application to proceed with the replacement of some of the larger lots with smaller lots, for a total of 2,344 units. The amendment includes a voluntary condition of approval that will cap the units at 2,420 total, thereby not allowing future density increases through the Workforce Housing or Transfer of Development Rights density bonus programs, and a timing condition to ensure compliance with short range traffic.

**Assessment and Recommendation.** The proposed amendment will allow the reconfiguration of a site for additional units in order to allow the site to be developed with the number of units allowable based on the density permitted with the LR-2 future land use designation. County staff is recommending a condition of approval to require that 25% of the additional units allowed by this amendment to be workforce housing units built on site. This condition is applied based on Board direction provided October 23, 2018, that staff should recommend such a condition for any FLUA amendment seeking a density increase. The amendment is consistent with applicable policies of the Comprehensive Plan and does not negatively impact service delivery.

<b>Exhibits</b>	<b>Page</b>
1. Future Land Use Map & Legal Description	E-1
2. Consistency with Comprehensive Plan	E-3
3. Applicant's Justification/Consistency with Comprehensive Plan and Florida Statutes	E-10
4. Applicant's Public Facility Impacts Table	E-20
5. Palm Beach County Traffic Division Letter	E-23
6. Water & Wastewater Provider LOS Letter	E-25
7. School District Letter	E-26
8. Applicant's Disclosure of Ownership Interests	E-27
9. Correspondence	E-40

## Exhibit 1

<b>Amendment No:</b>	<b>Arden PUD (LGA 2021-003)</b>
<b>FLUA Page No:</b>	52, 53, 59, 60
<b>Future Land Use:</b>	Low Residential, 2 units per acre (LR-2)
<b>Amendment:</b>	To revise conditions of approval adopted by Ord. 2004-66 as shown below.
<b>Location:</b>	North side of Southern Boulevard (SR-80), approximately 2.5 miles west of Seminole Pratt Whitney Road.
<b>Size:</b>	1,209.98 acres
<b>PCN:</b>	Multiple (see legal description)
<p><b>Conditions:</b> Conditions of approval in Ord. 2004-66 numbered 3 through 6 will remain unaltered. Revised and added conditions are shown below with deleted text strike out and added text underlined.</p> <p>1. The subject site shall be limited to a maximum of <u>2,420</u> <del>2000</del> dwelling units and a minimum of 30,000 square feet and a maximum of 50,000 square feet of PUD-Commercial.</p> <p>2. <u>A maximum of 1,000 single family dwelling units and 50,000 square feet of commercial uses (or a combination of land use that produces equivalent number of trips) shall be built before December 31, 2024 unless it is demonstrated that the Test 2 standards are met by use of proportionate share or otherwise for the Traffic Concurrency/Zoning Analysis pursuant to the ULDC. Prior to Final DRO Master Plan approval, the applicant shall abandon all previous zoning approvals and mining permits on the subject site.</u></p> <p>7. <u>The zoning development order shall require a minimum of 25% of the units over 2,000 units to be provided as workforce housing units. These units must be built onsite, and cannot access the other disposition options, the Limited Incentive Option, or the release of obligation process identified in Article 5.G.1. of the ULDC Supplement 27. These workforce housing units shall be subject to the applicable requirements of Workforce Housing Program in Article 5.G.1 of the ULDC Supplement 27.</u></p> <p>8. <u>The sixty (60) workforce housing units approved prior to the adoption of this ordinance shall not apply toward the minimum number of workforce units in Number 7.</u></p> <p><b>Note:</b> <i>The applicant is requesting, and the Planning Commission recommended, the deletion of the second sentence in Condition 7 - <del>These units must be built onsite, and cannot access the other disposition options, the Limited Incentive Option, or the release of obligation process identified in Article 5.G.1. of the ULDC Supplement 27.</del></i></p>	



**Legal Description**

LEGAL DESCRIPTION (OVERALL P.U.D.)

PARCEL 2:

THE SOUTH 360 FEET OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE NORTH 240 FEET OF THE SOUTH 360 FEET OF SAID SECTION 21; ALSO THE NORTH 50 FEET OF THE SOUTH 120 FEET OF THE EAST 220 FEET OF SAID SECTION 21.

PARCEL 3:

THE SOUTH 360 FEET OF THE WEST 780 FEET OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE NORTH 290 FEET OF THE SOUTH 360 FEET OF THE WEST 780 FEET OF SAID SECTION 22.

PARCEL 4:

THE WEST 780 FEET OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 5:

ALL OF SECTION 28, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 8:

ALL OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, LYING NORTH OF STATE ROAD 80 RIGHT-OF-WAY.

PARCEL 9:

THAT PART OF THE WEST 780 FEET OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, LYING NORTH OF STATE ROAD 80 RIGHT-OF-WAY.

LESS AND EXCEPTING FROM PARCELS 2, 5 AND 8, THAT PORTION WHICH LIES WITHIN THAT STRIP OF LAND WHICH LIES 46.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE EASTERLY RIGHT OF WAY LINE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT L-8 CANAL AS PER THE RIGHT OF WAY MAP FOR SAID L-8 CANAL, DWG "L-8-1", AND DATED MAY 8, 1950 AND PROVIDED TO THIS OFFICE BY THE SOUTH FLORIDA WATER MANAGEMENT DEPARTMENT OF SURVEY.

THE ABOVE DESCRIBED PARCELS OF LAND NOW KNOWN AS:

ARDEN P.U.D. PLAT I, AS RECORDED IN PLAT BOOK 122, PAGES 32 THROUGH 51, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 1209.978 ACRES, MORE OR LESS.

## Exhibit 2

### Consistency with Comprehensive Plan

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#### A. Consistency with the Comprehensive Plan

1. **Justification: FLUE Policy 2.1-f:** *Before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate. In addition, and the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:*

1. *The natural environment, including topography, soils and other natural resources; (see Public Facilities Section)*
2. *The availability of facilities and services; (see Public Facilities Section)*
3. *The adjacent and surrounding development; (see Compatibility Section)*
4. *The future land use balance;*
5. *The prevention of urban sprawl as defined by 163.3164(51), F.S.;*
6. *Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and (see Neighborhood Plans and Overlays Section)*
7. *Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1. (see Public and Municipal Review Section)*

The Applicant has prepared a Justification Statement (Exhibit 3) which is summarized as follows:

- The County has determined that the LR-2 designation is suitable and appropriate for the subject site by adopting Ordinance 2004-066.
- The adopted 2,000 unit cap was established to insure compliance with long range traffic requirements in Policy 3.5-d at the time; however, the full density allowed by

the LR-2 future land use designation meets Policy 3.5-d with today's long range models. Therefore, restricting the site to 2,000 units is no longer warranted, which makes the current limitation inappropriate for the site.

- The proposed additional dwelling units will not negatively impact the natural environment as the site is already cleared from the prior mining operations and there are no existing natural conditions.
- Public facilities already exist in proximity or were provided for by civic dedications made by the Owner/Applicant, and utility services are in place and capacity is available to serve the additional units.
- The subject site is already accessed via Southern Boulevard, which is a major transportation corridor suitable for the planned development and additional units.
- The proposed amendment will not reduce the Board approved open space acreage of 516.37 acres (43% of the site).

**Staff Analysis:** This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above. The amendment proposes to remove a cap of 2,000 units (1.7 units per acre) that was assigned at the time that the LR-2 designation was adopted in 2004. The request will cap the development at the maximum 2 units per acre with no further density increases.

With regards to Justification, this amendment will not change the future land use designation; rather, the amendment will remove a restriction on the number of units adopted by a condition of approval. The cap of 2,000 was included in 2004 in order to ensure that the traffic impacts of the site did not violate long range traffic requirements under the long range models at the time. Based on the latest traffic analysis, a long range traffic limitation is no longer necessary since the full density allowed by the LR-2 designation meets long range requirements in Policy 3.5-d, although a short range traffic timing condition is warranted as discussed in Section E. Public Facilities and Services Impacts. The proposed amendment will allow the reconfiguration of the site and a greater number of units on smaller lots that are compatible with the overall PUD and, because they are internal to the development, compatible with adjacent land uses. The applicant has met the requirements for an adequate justification.

2. **County Directions – FLUE Policy 2.1-g:** *The County shall use the County Directions in the Introduction of the Future Land Use Element to guide decisions to update the Future Land Use Atlas, provide for a distribution of future land uses in the unincorporated area that will accommodate the future population of Palm Beach County, and provide an adequate amount of conveniently located facilities and services while maintaining the diversity of lifestyles in the County.*

**Direction 1. Livable Communities.** *Promote the enhancement, creation, and maintenance of livable communities throughout Palm Beach County, recognizing the unique and diverse characteristics of each community. Important elements for a livable community include a balance of land uses and organized open space, preservation of natural features, incorporation of distinct community design elements unique to a given region, personal security, provision of services and alternative transportation modes at levels appropriate to the character of the community, and opportunities for education, employment, health facilities, active and passive recreation, and cultural enrichment.*

**Direction 2. Growth Management.** *Provide for sustainable communities and lifestyle choices by: (a) directing the location, type, intensity, timing and phasing, and form of development that respects the characteristics of a particular geographical area; (b)*

requiring the transfer of development rights as the method for most density increases; (c) ensuring smart growth, by protecting natural resources, preventing urban sprawl, providing for the efficient use of land, balancing land uses; and, (d) providing for facilities and services in a cost efficient timely manner.

**Direction 4. Land Use Compatibility.** *Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.*

**Staff Analysis:** This proposed amendment will not change the future land use designation of the subject site, as it is proposed to modify a condition of approval in order to allow the site to be developed with the number of units allowed by the LR-2 future land use designation. The LR-2 designation was determined to be appropriate for the subject site in 2004 at the time the designation was adopted, and the amendment will cap the density at a maximum of 2 units per acre. The request will allow additional units with additional housing types within the approved planned development, and is compatible with the surrounding land uses.

3. **Piecemeal Development - Policy 2.1-h:** *The County shall not approve site specific Future Land Use Atlas amendments that encourage piecemeal development or approve such amendments for properties under the same or related ownership that create residual parcels. The County shall also not approve rezoning petitions under the same or related ownership that result in the creation of residual parcels.*

**Staff Analysis:** The definition of piecemeal development in the Comprehensive Plan describes “A situation where land, under single ownership or significant legal or equitable interest (by a person as defined in Section 380.0651[4] F.S., is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole.” The amendment will allow the reconfiguration of an approved planned development and is not piecemeal development.

4. **Housing Element, Policy 1.1-o:** *The County shall preserve affordability of affordable housing units developed through the Workforce Housing Program and the Affordable Housing Program as follows:*

1. *The Workforce Housing Program will target households with incomes ranging from 60%-140% of area median income.*
2. *The Affordable Housing Program will target households at or below 60% of area median income.*

*The Workforce Housing Program and Affordable Housing Program units shall be made available at a rate affordable to the specified income groups, and only to income-eligible households for a period of time to be set forth in the Unified Land Development Code (ULDC). All Workforce Housing Program and Affordable Housing Program criteria shall be subject to the review and approval of the Board of County Commissioners.*

**Staff Analysis:** The County has a mandatory workforce housing obligation, and an optional density bonus program for Workforce Housing. The proposed amendment will revise a condition of approval that had assigned a lower density figure than allowed by the site's adopted LR-2 designation. The amendment proposes to remove the cap, thereby allowing the site to achieve the full density allowed by the LR-2 designation. County staff is recommending a condition of approval to require that 25% of the additional units allowed

by this amendment to be workforce housing units built on site. This condition is applied based on Board direction provided October 23, 2018, that staff should recommend such a condition for any FLUA amendment seeking a density increase. The 25% figure is 84 units of the 344 additional units proposed in the concurrent zoning application.

**4. Density Increases - Policy 2.4-b:** *The Transfer of Development Rights (TDR) Program is the required method for increasing density within the County, unless:*

1. *an applicant can both justify and demonstrate a need for a Future Land Use Atlas (FLUA) Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in the Introduction and Administration Element of the Comprehensive Plan, or*
2. *an applicant is using the Workforce Housing Program or the Affordable Housing Program as outlined in Housing Element Objectives 1.1 and 1.5 of the Comprehensive Plan and within the ULDC, or*
3. *an applicant proposes a density increase up to, but not exceeding, the density proposed by and supported by a Neighborhood Plan prepared in accordance with FLUE Objective 4.1 and formally received by the BCC. To date, the following Neighborhood Plan qualifies for this provision:*
  - a. *West Lake Worth Road Neighborhood Plan.*

**Staff Analysis.** This policy is not applicable as the site is not increasing density above the adopted LR-2 future land use designation. The amendment proposes to allow the site to develop at the 2 units per acre allowed by the LR-2 future land use designation, and includes a cap to ensure that no future density increases are sought through the workforce or TDR programs.

**C. Compatibility**

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use.

**Surrounding Land Uses:** Immediately abutting the site are the following:

**North:** The future 200' foot wide right-of-way for the westerly extension of Okeechobee Boulevard Right-of-Way borders the northern boundary of the site. To the north of the ROW is a 240' wide FPL easement. The FPL property has a Rural Residential (RR-5) designation.

**South:** Immediately to the south is Southern Boulevard/State Road 80. South of State Road 80 is the South Florida Water Management District (SFWMD) Stormwater Treatment Area, which is located within the municipal boundaries of the Village of Wellington.

**East:** Property to the east has the Rural Residential, 1 unit per 10 acres (RR-10) future land use designation and is currently an agricultural use. This property is in the Rural Service Area.

**West:** The site is bordered on the west by the L-8 Canal Right-of-Way. Immediately west of the L-8 Canal is a 400 foot wide wildlife corridor. The L-8 Canal and the wildlife corridor contain the RR-10 future land use designation and are owned by South Florida Water Management District (SFWMD). To the west of the wildlife corridor is SFWMD reservoirs with the RR-10 future land use and Economic Development Center (EDC) future land use. Light industrial, warehouse, and excavation uses are proposed on the EDC site. The FPL Power Plant and Palm Beach Aggregates rock plant containing the RR-10 future land use designation are located west of the EDC.

**FLUE Policy 2.1-f states that** *“the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity.”* And **FLUE Policy 2.2.1-b states that** *“Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintain to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan.”*

**Applicant’s Comments:** The applicant states that the previously approved expanded perimeter buffers address compatibility with residential and agricultural uses to the north and east. The previously approved western buffer and trail corridor, along with the 400 foot wide wildlife corridor and 500 foot wide SFWMD L-8 Canal right-of-way, address compatibly with the industrial uses to the west. A wide buffer exists along the Southern Blvd. frontage between the residential Pods and the road. These buffers will remain unchanged

**Staff Analysis:** The LR-2 future land use designation was deemed to be appropriate at this location and compatible with surrounding land uses in 2004. The amendment will allow additional units internal to the approved planned development and result in no negative impacts on adjacent land uses outside the development. The proposed zoning application’s site plan proposes to retain approved buffers and approved open space totaling 516.37 acres (43% of the site).

**D. Consistency with County Overlays, Plans, and Studies**

- 1. Overlays – FLUE Policy 2.1-k states** *“Palm Beach County shall utilize a series of overlays to implement more focused policies that address specific issues within unique identified areas as depicted on the Special Planning Areas Map in the Map Series.”*

The subject site is located within the Glades Area Protection Overlay.

**OBJECTIVE 1.8      Glades Area Protection Overlay**

**General:** *The Purpose of the Overlay is to protect the Everglades Agricultural Area (EAA) from encroachment by urban and other uses that will be detrimental to the viability and continuity of agricultural activities, existing and future conservation areas, and Everglades restoration programs and projects. The Overlay complements existing provisions in the Comprehensive Plan prohibiting the expansion of urban and suburban activities into the agricultural production areas in the Glades Tier.*

**Objective:** *The Purpose of the Glades Area Protection Overlay (GAPO) shall be to protect the Agricultural Production Area in the Glades also known as the Everglades Agricultural*

Area (EAA) from encroachment by urban and other uses that will be detrimental to the viability and continuity of agricultural activities, existing and future conservation areas, and Everglades restoration programs and projects. This overlay complements existing provisions in the Comprehensive Plan by creating a barrier to the expansion of urban and suburban activities into the Agricultural Production areas in the Glades Tier, beyond the western limits of this overlay, while providing the opportunity to recognize existing uses and new uses within the overlay.

**Policy 1.8-b:** *The County shall limit permitted uses within the Glades Area Protection Overlay to those uses that are compatible with the purpose of this overlay. No residential uses shall be allowed west of the L-8 Canal.*

- a. *West of the L-8 Canal:  
Future Land Use Designation: Rural Residential 10 (RR-10) and Economic Development Center (EDC).  
Specific Uses: Existing uses; Mining, excavation and other related uses consistent with the Overlay, and for Everglades restoration and water management purposes; Conservation, including wildlife corridors; Florida Power and Light (FPL) Power Plant and related cooling areas; and Employment Center.*
- b. *East of the L-8 Canal:  
Future Land Use Designation: Low Residential 2 (LR-2) and related complementary uses as approved by the Board of County Commissioners.*

**Staff Analysis:** The subject site is located within the Glades Area Protection Overlay (GAPO), and the adopted designation and uses proposed are consistent with the overlay.

2. **Neighborhood Plans and Studies – FLUE Policy 4.1-c** states “*The County shall consider the objectives and recommendations of all Community and Neighborhood Plans, including Planning Area Special Studies, recognized by the Board of County Commissioners, prior to the extension of utilities or services, approval of a land use amendment, or issuance of a development order for a rezoning, conditional use or Development Review Officer approval.....*”

**Staff Analysis:** The subject site is not located within boundaries of any Community and Neighborhood Plans or Planning Area Special Studies.

## **E. Public Facilities and Services Impacts**

The proposed amendment would allow an additional 420 units to be built on the site by the revision of a previously adopted condition of approval. Public facilities impacts are detailed in the table in Exhibit 3.

1. **Facilities and Services – FLUE Policy 2.1-a:** *The future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area, considering assessment of soil types, wetlands, flood plains, wellfield zones, aquifer recharge areas, committed residential development, the transportation network, and available facilities and services. Assignments shall not be made that underutilize the existing or planned capacities of urban services.*

**Staff Analysis:** The proposed amendment has been distributed to the County service departments and external agencies for review and was determined to have adequate public facilities and services available to support the request. The amendment does not exceed natural or manmade constraints. No adverse comments were received from the following departments and agencies regarding impacts on public facilities:

Mass Transit (Palm Tran), Potable Water & Wastewater (PBC Water Utilities Dept.), Environmental (Environmental Resource Management), Historic Resources (PBC Archaeologist), Parks and Recreation, Office of Community Revitalization (OCR), ULDC (Zoning Division), Health (PBC Dept. of Health), Fire Rescue, Lake Worth Drainage District.

**2. Long Range Traffic - Policy 3.5-d:** *The County shall not approve a change to the Future Land Use Atlas which:*

- 1) *results in an increase in density or intensity of development generating additional traffic that significantly impacts any roadway segment projected to fail to operate at adopted level of service standard "D" based upon cumulative traffic comprised of the following parts a), b), c) and d):.....*

**Staff Analysis:** The County's Traffic Engineering Department (see letter dated April 30, 2020 in Exhibit 5) states in their letter:

*"Based on the review, the Traffic Division has determined that the traffic impacts if the proposed amendment meet Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan at the maximum potential density shown above. In order to meet Test 2, a maximum of 1,000 single family dwelling units and 50,000 square feet of commercial uses (or a combination of land use that produces equivalent number of trips) shall be built before December 31, 2024".*

The Traffic Study was prepared by Pinder Troutman Consulting, Inc., 2005 Vista parkway, Suite 111, West Palm Beach, FL 33411. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at: <http://www.pbcgov.com/pzb/planning/activeamend/>

**3. School District Comments:** The School District indicated in the School Capacity Availability Determination letter, or SCAD, dated 4/27/2020 (Exhibit 7) that in order to address the school capacity deficiency at the high school level generated by this development, the property owner shall contribute money to the School District.

**F. Florida Statutes (FS) Consistency**

1. **Consistency with Urban Sprawl Rule:** Section 163.3177(6)(a)9.a., F.S., establishes a series of primary indicators to assess whether a plan amendment does not discourage the proliferation of urban sprawl. The statute states that the evaluation of the presence of these indicators shall consist of an analysis of the plan amendment within the context of features and characteristics unique to each locality. The subject site was part of an amendment in 2004 to establish this area by Comprehensive Plan policy and map series as a Limited Urban Service Area (LUSA). The amendment will not change the land use designation and is consistent with the future land use designations and uses allowed within the LUSA on this site, and does not indicate urban sprawl.

## II. Public and Municipal Review

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The Comprehensive Plan Intergovernmental Coordination Element **Policy 1.1-c** states that *“Palm Beach County will continue to ensure coordination between the County’s Comprehensive Plan and plan amendments and land use decisions with the existing plans of adjacent governments and governmental entities.....”*

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on June 19, 2020. As of the publication of the PLC Report, no objections through the IPARC process to this amendment have been received.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 1,000' of the perimeter of the site on June 22, 2020. In addition, on the same date the Planning Division notified the Fox Trail Property Association, Village of Wellington and Town of Loxahatchee Groves. As of the publication of the PLC report, no letters or emails have been received. Letters received during the amendment process are included in Exhibit 9, Correspondence.
- C. Informational Meeting:** The Planning Division hosted a web based informational meeting on July 1, 2020. Two participants spoke during the meeting. One member of public, a resident of Deer Run, expressed concern regarding increased traffic and impacts on school capacity. A representative of ITID expressed that the District was opposed so the extension of Okeechobee Rd extension, and stated a person objection to the increase in density.

## Exhibit 3

### Applicant's Justification Statement, Consistency, and Compatibility

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#### CONSISTENCY WITH THE COMPREHENSIVE PLAN & FLORIDA STATUTES

#### REQUEST

On behalf of the property owners and applicants, Highland Dunes Associates Property, LLC and Arden Homeowner Association, Inc., Urban Design Kilday Studios (UDKS), as Agent, has prepared and hereby respectfully submits this application for a Future Land Use Amendment (FLUA) to amend a condition of approval limiting the number of dwelling units within Arden PUD. The subject PUD is generally located approximately 2.5 miles west of Seminole Pratt Whitney Road on the north side of Southern Boulevard (SR 80). The subject property is located in unincorporated Palm Beach County (PBC), situated in the Limited Urban Service Area (LUSA) and subject to the provisions of the Urban/Suburban Tier although not within the boundaries of same. The subject property is not located in any neighborhood planned area, or Redevelopment or Countywide Community Revitalization Team (CCRT) area. The site has a LR-2 FLU designation and a Planned Unit Development (PUD) zoning designation. The subject site is currently under development as a prominently residential community.

The applicant is requesting approval of the following:

- Amend condition of approval #1 to revise the limitation on the maximum number of units.
  1. *The subject site shall be limited to a maximum of ~~2000~~ 2,420 dwelling units and a minimum of 30,000 square feet and a maximum of 50,000 square feet of PUD-Commercial.*

This application is not requesting a Future Land Use Atlas change to the current LR-2 designation. The LR-2 designation will remain and will allow up to an additional 420 dwelling units.

#### PROJECT HISTORY

This site was part of a number of additional parcels that made up what was previously known as Palm Beach Aggregates Mining Area. The BCC adopted a Comprehensive Plan Amendment for Palm Beach Aggregates II-LGA 2004-00047 on December 13, 2004 changing the Future Land Use designation of the property from Rural Residential, 1 unit per 10 acres (RR10) to Low Residential, 2 units per acre (LR-2) with conditions via Ordinance Number 2004-066. Concurrent with the Comprehensive Plan Amendment, the BCC adopted an Overlay Area known as the Glades Area Protection Overlay (GAPO) which includes the Arden-PUD property and 1,844 acres to the west, for a total of approximately 3,063 acres. The intention of the Overlay was to protect the adjacent Everglades Agricultural Area (EAA) to the west from the encroachment of densities and intensities associated with urban/suburban uses. Included in the amended GAPO language was the re-designation of the area east of the SFWMD L-8 Canal as a Limited Urban Service Area (LUSA) and removing the property from the Rural Tier.

On January 5, 2006, the BCC approved via Resolution Number R-2006-0027, the deletion of land area and modification of conditions of approval for a Type III B Excavation for Zoning Application DOA2005-1173 for Palm Beach Aggregates, Inc. (PBA). This deletion allowed for the BCC, on the same agenda, to approve the rezoning for the land area that was deleted to Residential Planned Unit Development District via Resolution 2006-0028. The BCC also approved a “Requested Use” for a secondary or elementary school in the Planned Unit Development Zoning District and allowed a deviation from cul-de-sac and dead-end restrictions via Resolution Number R-2006-0029 and 2006-0030, respectively.

Due to economic conditions and at the request of the property owner, on June 30, 2008 the BCC approved a Development Order Abandonment to rezone the property to Residential Transitional Zoning District and to allow a bona fide agricultural use; to revoke the “Requested Use” approval for the secondary school together with waivers for cul-de-sac and dead-end restrictions via Resolutions 2008-11144, Resolution 2008-1145 and 2008-1146, respectively.

On October 24, 2013, the BCC approved a rezoning back to the Planned Unit Development Zoning District via Resolution Number R-2013-1527.

The current property owner/Applicant, Highland Dunes Associates Property, LLC, purchased the property on July 10, 2014. Highland Dunes Associates Property, LLC is a subsidiary of the developer Freehold Communities. The owner envisioned a unique community on a unique piece of property and modified the site design from that approved by the BCC in 2013 to promote their vision. On October 15, 2014, a revised Final Master Plan application was submitted to the County. The Final Master Plan was amended to incorporate the development program proposed by the new owner. Their design intention was to create an “agri-hood” community that promotes healthy living, sustainability, and provides access to expanded recreational and open space amenities available for use by all of the residents. Highland Dunes Associates Property, LLC named the new community “Arden” and has had significant success in developing Phases 1 and 2 in partnership with home builders.

## **A. CONSISTENCY**

### **G.1 - Justification**

Per Policy 2.1-f of the FLUE of the PBC Plan, before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use, and for residential density increases demonstrate that the current land use is inappropriate. The applicant is not requesting to amend the current FLUA designation of LR-2, only to revise the restriction that further limits development below what would be permitted by the existing designation. The subject property is not located within the boundaries of any Neighborhood Plan.

The proposed FLUA amendment meets the required standard as follows:

**1) The proposed use is suitable and appropriate for the subject site:**

**Applicant's Description:** The Owner/Applicant is currently developing the site as a planned community as envisioned by its PUD Zoning designation. Phase 1 development is almost completed and Phase 2 is under construction. Palm Beach County previously made a determination that the use is suitable and appropriate for the subject site in adopting Ordinance 2004-066 and approving the PUD in 2005 and again in 2013. The success of the community has shown that the market can support additional units, and that the units should be a smaller lot size than what is currently approved within Phase 3.

Phase 3 is within the northern portion of the site. The perimeter buffers for the PUD were previously established in the 2005 entitlement approval following the adoption of the land use amendment, and retained in the 2013 entitlement approval to ensure compatibility with the geographic area and adjoining properties. The buffers are 200 feet wide. The proposed increase in dwelling units will not negatively impact the natural environment as the site is already cleared from the prior mining operations and there are no existing natural conditions. Public facilities already exist in proximity or were provided for by civic dedications made by the Owner/Applicant, and utility services are in place and capacity is available to serve the additional units. The site is already accessed via Southern Boulevard, which is a major transportation corridor suitable for the PUD and the additional units.

Allowing for the limitation on the number of units to be revised in the conditions of approval would allow the potential for up to 420 additional dwelling units. This proposed increase in density is suitable and appropriate for the site, and is consistent with the sites existing designation of LR-2.

**2) The basis for the requested change for this particular site is based upon the following criteria:**

- ***New information or change in circumstances which affect the subject site.***

**Applicant's Description:** A change in circumstances has occurred that affects the subject site. The current property Owner/Applicant, Highland Dunes Associates Property, LLC, purchased the property on July 10, 2014 with the limitation on the number of units in place. The Owner envisioned a unique development on a unique piece of property on which to create an "agri-hood" community that promotes healthy living, sustainability, and provides access to expanded recreational and open space amenities available for use by all of the residents. The Owner/Applicant renamed the new community "Arden" and has had significant success in developing Phases 1 and 2 in partnership with home builders.

However, based on market conditions, the Owner/Applicant is proposing to modify the plan of development for Phase 3 of the project. Currently, Pods D, G and H are approved for large-lot single family development, similar to Pod E in Phase 1. Based on home sales in Phase 1, the Zero Lot Line unit type is most popular and the large lot single family unit type is not performing. It is believed this is a result of the amount of open space and amenities within the PUD. Homeowners

do not feel a need for larger private lots as there is extensive connected open space and a recreational amenity with a wide variety of activities. Also, in marketing to an older demographic, it was found that they desire a home with minimal outdoor maintenance and prefer common amenities to private pools, etc.

Proposed is to redesign the four pods in Phase 3 to reduce the lot size to accommodate a unit type that the market supports. This change results in the opportunity to increase the number of units without reducing the Board approved open space acreage of 516.37 acres/43% of the site.

- ***Inappropriateness of the adopted FLU designation.***

**Applicant's Description:** This application does not request a change to the LR-2 future land use designation as the designation is not inappropriate for the site. However, the limitation on the number of dwelling units allowed to be developed seems to be based on prior traffic limitations that are no longer applicable, which makes the current limitation inappropriate for the site.

## **G.2 Residential Density Increases**

Per Future Land Use Policy 2.4-b the proposed FLUA amendment meets the required factors as follows:

- ***Demonstrate a need for the amendment.***

**Applicant's Description:** There is very little vacant property available in the eastern portion of Palm Beach County to support additional population growth. This is an existing community on the western edge of the Urban/Suburban Tier, the eastern edge of the Glades Agricultural Area, and just north of the Village of Wellington, that has unused additional residential "capacity" based on its existing land use designation of LR-2. Its location serves both the eastern and western sectors of the County as many residents in Wellington, Loxahatchee Groves, and The Acreage, nearby communities, head west to work in the Glades area and to the east to work in the coastal areas. The success of the community has shown that this is a prime location for additional units to serve the growing population of Palm Beach County.

Additionally, as evidenced by the Population Projection data, there is a need for approximately 1,045 additional dwelling units in this site's designated Transportation Analysis Zone (TAZ), approximately 2,282 dwelling units in the nearby Wellington municipality, and approximately 77,900 dwelling units in Palm Beach County as a whole based on population projections from the year 2025-2030. The Applicant's request to provide an additional 420 dwelling units for the project aids Palm Beach County with the provision of additional dwelling units necessary to keep up with anticipated future housing demand based on population projections from the year 2025-2030.

- ***Demonstrate that the current FLUA designation is inappropriate.***

**Applicant's Description:** This application does not request a change to the LR-2 future land use designation as the designation is not inappropriate for the site. However, the limitation on the

number of dwelling units allowed to be developed seems to be based on prior traffic limitations that are no longer applicable, which makes the current limitation inappropriate for the site. Allowing the Owner/Applicant to develop the site to its fullest potential based on the existing designation is consistent with how future land use designations are applied when there is no other limitation on development.

- ***Explain why the Transfer of Development Rights, Workforce Housing, and/or Affordable Housing Programs cannot be utilized to increase density.***

**Applicant's Description:** The Owner/Applicant is not requesting any additional density above what the current existing land use designation of LR-2 would allow. Therefore, there is no utilization of the above density bonus programs proposed. Pursuant to Policy 2.2.1-h: Densities greater than those indicated in Table 2.2.1-g.1 may be granted using one of these density bonus programs. This application is not requesting a density greater than 2 units per acre as allowed in the LR-2 designation.

### **G.3 - Compatibility**

Compatibility is defined in the County's Unified Land Development code as: *"Land uses that are congruous, similar and in harmony with one another because they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar, contradictory, incongruous, or discordant activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise, vibration, smoke, hazardous odors, radiation, function and other land use conditions."* Based on this definition and accepted growth management ideals, the proposed amendment to allow for an increase in the number of dwelling units remains compatible with the surrounding uses and adjacent lands. It will not create or foster undesirable effects.

The existing LR-2 designation allows 2 DU/Ac. with a PUD Density. This density and plan of development remains consistent with the initial vision for the PUD as a residential community with amenities as approved in 2005 and again in 2013. Previously approved expanded perimeter buffers address compatibility with residential and agricultural uses to the north and east. The previously approved western buffer and trail corridor, along with the 400 foot wide wildlife corridor and 500 foot wide SFWMD L-8 Canal right-of-way, address compatibly with the industrial uses to the west. A wide buffer exists along the Southern Blvd. frontage between the residential Pods and the road. These buffers will remain unchanged.

The changes to the plan of development will occur in Phase 3, the northern portion of the PUD. All changes will be internal, with no impacts to the surrounding properties.

### **G.4 -Comprehensive Plan**

The proposed amendment furthers several Goals of the Comprehensive Plan and is consistent with several Objectives and Policies. The following is optional data and analysis to demonstrate consistency with specific objectives and policies in the Plan:

- **C. County Directions**

**Applicant's Description:** The County Directions in the Future Land Use Element provide the basis for the Goals, Objectives and Policies in the Plan. The County Directions endorse livable communities and a strong sense of community, two directives emphasized by Arden PUD. Allowing for additional units within the community makes efficient use of land, and existing public facilities and services. Several of these Directions support the proposed amendment, specifically the Livable Communities; Land Use Compatibility; Linear Open Space and Parks Systems; Design, and A Strong Sense of Community Directions.

- **D. Characteristics of a Livable Community**

**Applicant's Description:** Arden PUD displays the characteristics of a livable community and promotes healthy living, sustainability, and access to expanded recreational and open space amenities available for use by all of the residents by its design. There is a variety of housing, including large lot, standard lot, zero lot line and paired villas (two-unit townhomes) appropriate to its location just outside of the Urban/Suburban Tier. There is extensive open space, landscaping, walkways and usable water bodies within the community. The Owner/Applicant has dedicated over 60 acres of land for public civic uses, including schools and parks.

- **FLUE Policy 1.8-b:** The County shall limit permitted uses within the Glades Area Protection Overlay to those uses that are compatible with the purpose of this overlay. No residential uses shall be allowed west of the L-8 Canal.
  - b. East of the L-8 Canal: Future Land Use Designation: Low Residential 2 (LR-2) and related complementary uses as approved by the Board of County Commissioners.

**Applicant's Description:** This site is located east of the L-8 Canal and already has a LR-2 designation and is consistent with this policy.

- **Policy 1.8-c:** The area within the Overlay located east of the SFWMD L-8 Canal and 138.31 acres with Economic Development Center future land use designation west of the SFWMD L-8 Canal, shall be designated as a Limited Urban Service Area (LUSA) based on the area meeting the criteria for a LUSA designation in FLUE Objective 3.3. The boundaries of the LUSA shall be depicted in the "Service Areas Map" contained in the Comprehensive Plan Map Series.

**Applicant's Description:** This site is located east of the L-8 Canal and already designated as a LUSA and is consistent with this policy.

- **FLUE Policy 2.1-a:** Future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area and shall also not underutilize the existing or planned capacities of urban services.

**Applicant's Description:** As shown in Application Attachments H through O the subject property is adjacent to and able to connect to all of the necessary urban services including, but not limited

to, the roadway network, water/wastewater and drainage facilities, etc., at the density proposed and therefore does not exceed the manmade constraints. The density proposed utilizes existing capacities.

- **FLUE Policy 2.1-f:** The following will detail how the impact of the proposed FLUA on the items listed:

1. The natural environment, including topography, soils and other natural resources;

**Applicant's Description:** Please see Application Attachment L for the Natural Features Map and Images that show that this site does not support any existing vegetation or natural communities. The site was previously used as a spoil site to support mining operation. The development of this site, with significant landscape improvements and an emphasis on sustainability, is an improvement to the natural environment. Based on this assessment, there are no significant environmental resources or habitat existing on the property that would be negatively impacted by the proposed increase in units.

2. The availability of facilities and services;

**Applicant's Description:** Below is more detailed information on each of those facilities and services:

- *Traffic:* Please see Application Attachment H for the Comprehensive Plan Amendment Transportation Analysis prepared by PTC Consulting and corresponding Traffic Approval from PBC Traffic Division.
- *Mass Transit:* The Palm Tran Bus Route that services this property is Route 40- State Road 80-Wellington to Belle Glade.
- *Potable Water and Wastewater:* Please see Application Attachment I for the PBC Water Utilities Department letter wherein it is stated that capacity does exist for the proposed additional units via an existing watermain and force main within Southern Blvd adjacent to the property.
- *Drainage:* Please see Application Attachment J for Drainage Statement prepared by Michael B. Schorah & Associates. Legal positive outfall has already been established to the C-51 canal with the initial phases of development.
- *Fire Rescue:* Please see Application Attachment K for the Fire Rescue letter which confirms that the nearest PBC Fire Rescue station is Station #20 located at 1000 Greenview Shores Blvd. Station #20 is located approximately 7.25 miles from the subject property and that the estimated response time to the subject property is approximately 17 minutes.
- *School:* Please see Application Attachment O for the application submitted to the PBC School District requesting confirmation of level of service.
- *Parks and Recreation:* The addition of units does not negatively impact the Palm Beach County level of service for parks and recreation as adequate parks land area and amenities already exist to serve the additional units.

3. The adjacent and surrounding development;

**Applicant's Description:** The proposed increase in units and density, and pattern of development is consistent and compatible with the surrounding properties. Please refer to Section G.3 – Compatibility above and the Surrounding Uses section below.

4. The future land use balance;

**Applicant's Description:** The proposed addition of 420 dwelling units will not impact the area's future land use balance as the underlying land use of LR-2 would allow for these additional units and was most likely factored into any population studies that have been conducted. As this application does not include the expansion of any land area and only includes providing additional units on the project's existing land, there would be no impact on land use balance. Additionally, to support the additional housing are multiple facilities in the vicinity of the project in the Town of Loxahatchee Groves and Wellington, including but not limited to, a Palm Beach State College campus, and a commercial shopping center with a Publix, Urgent Care, Tractor Supply Co., a Dry Cleaners, a Pizza Shop, and a Dunkin Donuts. The College campus and commercial services have been entitled and developed recently, after the Arden approvals in 2004. These non-residential uses will serve the additional residential uses.

5. The prevention of urban sprawl as defined by 163.3164(51), F.S.;

**Applicant's Description:** Arden PUD already includes land for schools, civic uses, parks and recreation, and limited commercial services internal to the projects. The site has already been reviewed and determined to prevent urban sprawl during its initial entitlements. Allowing for additional units within the approved and partially constructed PUD will utilize available capacity for public services without the need to extend any facilities.

6. Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and

The subject amendment is located within the boundaries of the Glades Area Protection Overlay (GAPO). The purpose of GAPO is to protect the Everglades Agricultural Area (EAA), in particular those large areas within the EAA which have a land use designation of Agricultural Production (AP), from encroachment by urban and other uses that will be detrimental to the viability and continuity of agricultural activities, existing and future conservation areas, and Everglades restoration programs and projects. The Overlay prevents future annexations of land in this area of unincorporated Palm Beach County, complements existing provisions in the Comprehensive Plan prohibiting the expansion of urban and suburban activities into the agricultural production areas in the Glades Tier, becoming an effective urban growth boundary.

In the area within the GAPO located east of the L-8 Canal, the Overlay allows for land use designations of Low Residential 2 (LR-2) and designates it as a Limited Urban Service Area (LUSA) requiring urban levels of potable water and wastewater services.

The proposed amendment is consistent with the GAPO allowing for this density east of the L-8 canal.

7. Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1.

**Applicant’s Description:** Palm Beach County and the Village of Wellington entered into a Settlement Agreement restricting the Village from annexing this site into its municipal boundaries.

- **FLUE Policy 2.1-h:** The County shall not approve site specific FLUA amendments that encourage piecemeal development.

**Applicant’s Description:** This site is already approved and well under construction as a planned community. Therefore, the addition of units to the PUD will not encourage piecemeal development but a full utilization of available services.

- **Table 2.2.1-g.1:** Designates the Low Residential, 2 unit per acre (LR-2) land use as 2 units per acre density based on gross land area.

**Applicant’s Description:** The proposed amendment to revise the restriction on the number of units and allow development at 2 units per acre is consistent with this Table.

**G.5. - Florida Statutes**

Based on the nature of the amendment, the optional data and analysis to demonstrate consistency with Chapter 163.3177, F.S. is not necessary.

**B. SURROUNDING USES**

Adjacent Lands	Use	Future Land Use	Zoning
<b>North</b>	240’ wide FPL easement and Deer Run Subdivision Typical lot size of five acres with density of 0.2 units per acre	Rural Residential (RR-5) Future Land Use	Agricultural Residential District (AR) Zoning No Control No.
<b>South</b>	South Florida Water Management District (SFWMD) Stormwater Treatment Area	Village of Wellington Rural Residential (RR-10) Future Land Use	Village of Wellington STA/SFWMD Zoning district No Control No.
<b>East</b>	Active Agriculture	Rural Residential, 1 unit per 10 acres	AR – Agricultural Residential District No Control No.

<b>West</b>	Utility Staging Use/Power Facility Future Economic Activity Center	Rural Residential, 1 unit per 10 acres	Special Agricultural (SA)
	L-8 Canal	Rural Residential, 1 unit per 10 acres	Special Agricultural (SA)
	SFWMD Reservoir	Rural Residential, 1 unit per 10 acres	Special Agricultural (SA)
	Vacant	Economic Development Center (EDC) Future Land Use	Multiple Use Planned Development (MUPD) (Control Nos. 1989-52 and 2015-00085)

Below is a description of the uses on the adjacent properties (or those on the other side of abutting R-O-W's) to the north, south, east and west of the subject property.

- **North:** The future 200' foot wide right-of-way for the westerly extension of Okeechobee Boulevard Right-of-Way borders the northern boundary of the site. To the north of the ROW is a 240' wide FPL easement. The property has a Rural Residential (RR-5) Future Land Use and an Agricultural Residential District (AR) Zoning district.
- **South:** Southern Boulevard/State Road 80 borders the southern boundary of the site while, South Florida Water Management District (SFWMD) utilizes the property to the south across Southern Boulevard, which is located in the Village of Wellington, for water storage purposes. The property has a Rural Residential (RR-10) Future Land Use and a STA/SFWMD Zoning district within the Village of Wellington.
- **East:** To the east is used for agricultural uses. The property has a Rural Residential (RR-10) Future Land Use and an Agricultural Residential District (AR) Zoning district.
- **West:** The western boundary is bordered by the L-8 Canal Right-of-Way (500 feet). Immediately west of the L-8 is a 400 foot wide wildlife corridor which was created at the time of the original excavation approval to provide a critical connection between publicly owned Conservation areas to the north and south as well as to provide a buffer between the excavation activities and the established residential communities that are located north of the site on the east side of the L-8. West of the wildlife corridor is the FPL Power Plant. Also to west is a reservoir managed by the SFWMD for water storage. To the west of the wildlife corridor is a proposed Economic Development Center (EDC) consisting of light industrial, warehouse, and excavation uses, with a portion used for access to mining activities to the north of this property. The majority of the property has a Special Agriculture (SA) Future Land Use Designation with the proposed economic development center having an Economic Development Center (EDC) Future Land Use and a Special Agricultural (SA) Zoning district.

On behalf of the applicant, UDKS, respectfully requests approval of this request to amend the FLUA designation on the subject property. The Project Managers at UDKS are Collene [cwalter@udkstudios.com](mailto:cwalter@udkstudios.com) or Shayne Broadnix [sbroadnix@udkstudios.com](mailto:sbroadnix@udkstudios.com).

**Exhibit 4**  
**Applicant's Public Facility Impacts Table**

<b>A. Traffic Information</b>		
	<b>Current</b>	<b>Proposed</b>
<b>Max Trip Generator</b>	Single Family Residential 10 daily trips/ DU	Maximum: Single Family Residential: 10 daily trips/ DU Proposed: Single Family Residential, 10 trips/DU Multi-Family Residential Low-rise, 7.32 trips/DU Specialty Retail: $T=42.78(X)+37.66$
<b>Maximum Trip Generation</b>	20,000 Daily trips	Maximum: 24,200 Daily trips Proposed: 20,489 Daily trips
<b>Net Daily Trips:</b>	4,200 (maximum minus current) 489 (proposed minus current)	
<b>Net PH Trips:</b>	____ AM, ____ PM (maximum) OR 711 AM, 842 PM (proposed) <b>(Proposed Net PH trips is being utilized as Applicant has the option to use "maximum" or "proposed")</b>	
<b>Significantly impacted roadway segments that fail Long Range</b>	None	None
<b>Significantly impacted roadway segments for Test 2</b>	None	Seminole Pratt Whitney Rd. from Southern Blvd to Okeechobee Blvd; Southern Blvd from Site/Arden Way to Royal Palm Beach Blvd.
<b>Traffic Consultant</b>	Rebecca J. Mulcahy, P.E.- Pinder Troutman Consulting, Inc.	
<b>B. Mass Transit Information</b>		
<b>Nearest Palm Tran Route (s)</b>	The Palm Tran Bus Route that services this property is Route 40- State Road 80- Wellington to Belle Glade.	
<b>Nearest Palm Tran Stop</b>	There is an existing bus stop number 3390 located on State Road 80 approximately 3.13 miles east of the site.	
<b>Nearest Tri Rail Connection</b>	Tri-Rail Shuttle Route is number 52 connecting to West Palm Beach Intermodal Transit Center and West Palm Beach Tri-Rail.	

<b>C. Portable Water &amp; Wastewater Information</b>	
The site lies within the water and sewer services area of PBC Water Utilities Department, who have confirmed available capacity in their letter dated April 13, 2020. Please see Potable Water & Wastewater Level of Service (LOS) comment letter in Application Attachment I.	
<b>Potable Water &amp; Wastewater Providers</b>	Palm Beach County Water Utilities Department. See Application Attachment I for confirmation of LOS.
<b>Nearest Water &amp; Wastewater Facility, type/size</b>	The nearest potable watermain and wastewater force main are located within Southern Boulevard adjacent to the subject property.
<b>D. Drainage Information</b>	
The Arden P.U.D. project site is included in an overall conceptual permit for the surface water management system. That permit, SFWMD Permit No. 50-07467-P, addresses all of the SFWMD C-51 issues and criteria. The projects lakes, interconnected pipe layout, outfall control structure and outfall into the SFWMD C-51 Canal have been constructed as part of the approved Arden Plat 1 site improvements. Legal positive outfall from Arden P.U.D. will be provided through the connection of the onsite collection system to the master stormwater system (lakes, pipes and outfall) that was constructed with the Plat 1 improvements. That system of lakes and interconnecting pipes includes the outfall connection to the SFWMD C-51 Canal which is the legal positive outfall for the entire project. Note that the connection to the C-51 Canal is a weir-controlled discharge based on SFWMD criteria for connections to that facility. Please see Drainage Statement Application Attachment J for additional information on the standards proposed.	
<b>E. Fire Rescue</b>	
<b>Nearest Station</b>	Fire House Station #20 (1000 Greenview Shores Boulevard)
<b>Distance to Site</b>	Station #20 is located approximately 7.25 miles from the subject site.
<b>Response Time</b>	Estimated response time is 17 minutes.
<b>Effect on Resp. Time</b>	Average response time (call received to on scene) for Station 20's primary zone was 6:53. This project will increase that response time. Residents need to be aware of the extended response time to this property. The additional 420 dwelling units will generate an additional 62 emergency calls per year than the original approval. See Application Attachment K-Fire Rescue letter for these details.
<b>F. Environmental</b>	
<b>Significant habitats or species</b>	No significant habitat exists on the property. See Application Attachment L for the Environmental Assessment.
<b>Flood Zone*</b>	According to Palm Beach County's MyGeoNav system, the subject property is located within Flood Zone AO.
<b>Wellfield Zone*</b>	The subject site is not located in or near any wellfields. See Application Attachment M for Wellfield Protection Map.
<b>G. Historic Resources</b>	
There are no known archaeological resources located on or within 500 feet of the subject property per the Historical and Archaeological Resource letter included as Application Attachment N.	

### H. Parks and Recreation - Residential Only

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	Okeeheelee Park 7715 Forest Hill Boulevard	0.00339	1,004	3.40
Beach	R. G. Kreuzler Park 2882 S. Ocean Boulevard	0.00035	1,004	.35
District	Seminole Palms Park 151 Lamstein Lane	0.00138	1,004	1.39

### I. Libraries - Residential Only

Library Name	Royal Palm Beach Branch			
Address	500 Civic Center Way			
City, State, Zip	Royal Palm Beach, Florida 33411			
Distance	Approximately 6.94 miles			
Component	Level of Service	Population Change	Change in Demand	
Collection	2 holdings per person	1,004	2,008	
Periodicals	5 subscriptions per 1,000 persons	1,004	5	
Info Technology	\$1.00 per person	1,004	\$1,004	
Professional staff	1 FTE per 7,500 persons	1,004	.13	
All other staff	3.35 FTE per professional librarian	1,004	3,363.4	
Library facilities	0.34 sf per person	1,004	341.36	

### J. Public Schools - Residential Only

See capacity in the School Capacity Availability Determination (SCAD) letter dated April 27, 2020 Application Attachment O

	Elementary	Middle	High
Name	Binks Forest	Wellington Landings	Wellington Community
Address	15101 Bent Creek Rd.	1100 Aero Club Drive	2101 Greenview Shores Blvd.
City, State, Zip	Wellington, FL 33414	Wellington, FL 33414	Wellington, FL 33414
Distance	Approx. 3.89 miles	Approx. 4.18 miles	Approx. 5.82 miles

## Exhibit 5

### Palm Beach County Traffic Division Letter



April 30, 2020

Rebecca J. Mulcahy, P.E.  
Pinder Troutman Consulting, Inc.  
2005 Vista Parkway, Suite 111  
West Palm Beach, FL 33411

**Department of Engineering  
and Public Works**

P.O. Box 21229  
West Palm Beach, FL 33416-1229  
(561) 684-4000  
FAX: (561) 684-4050  
www.pbcgov.com



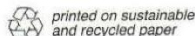
**Palm Beach County  
Board of County  
Commissioners**

Dave Kerner, Mayor  
Robert S. Weinroth, Vice Mayor  
Hal R. Valeche  
Gregg K. Weiss  
Mary Lou Berger  
Melissa McKinlay  
Mack Bernard

**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"



**RE: Arden - Revised  
FLUA Amendment Policy 3.5-d Review  
Round 2020-21-A**

Dear Ms. Mulcahy:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Transportation Analysis for the proposed Future Land Use Amendment for the above referenced project, revised March 27, 2020, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

<b>Location:</b>	North of Southern Boulevard, Approximately 2.5 miles west of Seminole Pratt Whitney Road	
<b>PCN:</b>	00-40-43-27-01-006-0000 ( <i>others to follow</i> )	
<b>Acres:</b>	1,209.96 Total Acres for Planned Unit Development (PUD) and 332.19 Acres Affected Area (Phase 3)	
	<b>Current FLU</b>	<b>Proposed FLU</b>
<b>FLU:</b>	LR-2 – Low residential, 2 Units per acre	LR-2 – Low residential, 2 Units per acre
<b>Zoning:</b>	PUD - Planned Unit Development	PUD - Planned Unit Development
<b>Density/ Intensity:</b>	2 du/ac (ORD No. 2004-066 condition 1 of approval limits density to <b>2,000 DUs</b> and minimum of 30,000 SF and maximum 50,000 SF of PUD-Commercial)	2 du/ac (Condition 1 is being amended to limit density to a minimum of 30,000 SF and maximum 50,000 SF of PUD-Commercial)
<b>Maximum Potential:</b>	Residential – Single Family = 2,000 DUs	Residential – Single Family = 2,420 DUs No change to other uses
<b>Proposed Potential:</b>		<b>Long Range</b> Residential Single Family = 1,758 DUs Residential Multi Family – 2 Story = 576 DUs Specialty Retail = 50,000 SF <b>5-Year</b> Residential Single Family = 1,000 DUs Specialty Retail = 50,000 SF
<b>Net Daily Trips:</b>	4,200 (maximum – current) 489 (proposed – current) (Long Range)	



Rebecca J. Mulcahy, P.E.  
April 30, 2020  
Page 2

<b>Net PH Trips:</b>	711 (176/535) AM, 842 (533/309) PM ( <b>proposed</b> for Test 2)
<i>* <b>Maximum</b> indicates typical FAR and maximum trip generator. <b>Proposed</b> indicates the specific uses and intensities/densities anticipated in the zoning application.</i>	

Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment **meet** Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **maximum potential** density shown above. **In order to meet Test 2, a maximum of 1,000 single family dwelling units and 50,000 square feet of commercial uses (or a combination of land use that produces equivalent number of trips) shall be built before December 31, 2024.**

Please contact me at 561-684-4030 or email to [DSimeus@pbcgov.org](mailto:DSimeus@pbcgov.org) with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Simeus".

Dominique Simeus, P.E.  
Professional Engineer  
Traffic Division

DS/rb

cc: Addressee

Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division  
Steve Bohovsky – Technical Assistant III, Traffic Division  
Lisa Amara – Senior Planner, Planning Division  
Khurshid Mohyuddin – Principal Planner, Planning Division  
Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review  
N:\TRAFFIC\Development Review\Comp Plan\21-A\Arden PUD - Revised.docx

**Exhibit 6**  
**Water & Wastewater Provider LOS Letter**

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**Water Utilities Department  
Engineering**

8100 Forest Hill Blvd.  
West Palm Beach, FL 33413  
(561) 493-6000  
Fax: (561) 493-6085  
www.pbcwater.com



**Palm Beach County  
Board of County  
Commissioners**

Dave Kerner, Mayor  
Robert S. Weinroth, Vice Mayor  
Hal R. Valeche  
Gregg K. Weiss  
Mary Lou Berger  
Melissa McKinlay  
Mack Bernard

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*



April 13, 2020

Urban Design Kilday Studios  
610 Clematis Street Suite CU02  
West Palm Beach, Fl. 33401

RE: Arden PUD  
PCN: 00-40-43-27-01-006-0000 & 00-40-43-27-01-015-0000  
Service Availability Letter

Dear Shayne,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for the current 2000 dwelling units and the proposed dwelling units of 2,344, an increase of 334 additional units in Phase 3.

The nearest potable watermain and wastewater forcemain are located within Southern Boulevard adjacent to the subject property.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD.

If you have any questions, please give me a call at (561)493-6116.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jackie Michels".

Jackie Michels, P.E.,  
Plan Review Manager

# Exhibit 7

## School District Letter



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FL

KRISTIN K. GARRISON, AICP  
DIRECTOR

WANDA F. PAUL  
CHIEF OPERATING OFFICER

PLANNING AND INTERGOVERNMENTAL RELATIONS  
3300 FOREST HILL BOULEVARD, SUITE B-102  
WEST PALM BEACH, FL 33406

PHONE: 561-434-8020 / FAX: 561-434-8815  
[WWW.PALMBEACHSCHOOLS.ORG/PLANNING](http://WWW.PALMBEACHSCHOOLS.ORG/PLANNING)

### SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

<b>Application</b>	<b>Submittal Date</b>	04/27/2020		
	<b>SCAD No.</b>	20042302F – FLU and 20042302D – D. O.		
	<b>FLU /Rezoning/D.O. No.</b>	Not Provided - Palm Beach County		
	<b>PCN No.</b>	A portion of 00-40-43-27-01-006-0000 and A portion of 00-40-43-27-01-015-0000 (affected area)		
	<b>Development Name</b>	Arden PUD		
	<b>Owner/Agent Name</b>	Highland Dunes Associates Property LLC and Arden HOA Inc. / Urban Design Kilday Studios		
	<b>SAC No.</b>	420F		
	<b>Proposed Amendment Proposed Unit No./Type</b>	Max. 2420 Residential Units (2000 units previously approved) 334 Multi-Family Units (2000 units previously approved)		
<b>Impact Review</b>		Binks Forest Elementary School	Wellington Landing Middle School	Wellington High School
	New Students Generated	36	17	22
	Capacity Available	146	217	-426
	Utilization Percentage	88%	86%	119%
<b>School District Staff's Recommendation</b>	<p><b>Based on the findings and evaluation of the proposed development, there will be negative impact on the public school system. Therefore, if the proposed development is approved by the Palm Beach County government, School District staff recommends the following condition to mitigate such impact.</b></p> <p>In order to address the school capacity deficiency generated by this proposed development at the District High School level, the property owner shall contribute \$289,652 to the School District of Palm Beach County prior to the issuance of first building permit.</p> <p>This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied).</p> <p>Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on April 16, 2019.</p>			
<b>Validation Period</b>	<p>1) This determination is valid from <b>04/28/2020</b> to <b>04/27/2021</b> or the expiration date of the site-specific development order approved during the validation period.</p> <p>2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to <b>04/27/2021</b> or this determination will expire automatically on <b>04/27/2021</b>.</p>			
<b>Notice</b>	<p>School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.</p>			

*Joyce Cai*

April 28, 2020

\_\_\_\_\_  
School District Representative Signature

\_\_\_\_\_  
Date

Joyce C. Cai, Senior Planner

joyce.cai@palmbeachschools.org

\_\_\_\_\_  
Print Name & Title

\_\_\_\_\_  
Email Address

CC: Patricia Behn, Planning Director, Palm Beach County  
Nancy Frontany, Site Plan Technician, Palm Beach County  
Joyell Shaw, PIR Manager, School District of Palm Beach County

The School District of Palm Beach County, Florida  
A Top-Rated District by the Florida Department of Education Since 2005  
An Equal Education Opportunity Provider and Employer

# Exhibit 8

## Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

### DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

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

1. Affiant is the  individual or  Authorized Representative \_\_\_\_\_ [position - e.g., president, partner, trustee] of Highland Dunes Associates Property LLC [name and type of entity - e.g., ABC Corporation, XYZ 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: 500 Boylston Street Suite 2010  
Boston, Massachusetts 02116
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.

[Signature]  
Jesse R. Baker (an Authorized Representative of Highland Dunes Associates LLC, not individually), Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

COMMONWELATH OF MASSACHUSETTS  
COUNTY OF SUFFOLK

Before me, the undersigned authority, on this day personally appeared Jesse R. Baker, known to me to be the Authorized Signatory of FCA Highland Dunes, LLC, Administrative Member of Highland Dunes Associates LLC, Member Manager of Highland Dunes Associates Property LLC on behalf of said limited liability company and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL of office this 7<sup>th</sup> day of April, 2020.

[Signature]  
Notary Public in and for the State of Massachusetts  
My Commission expires on: 1/29/2021



**EXHIBIT "A"****PROPERTY**

LEGAL DESCRIPTION (A PORTION OF TRACTS "FD", ARDEN P.U.D. PLAT 1 - PCN 00404327010060000)

A PARCEL OF LAND BEING A PORTION OF TRACT "FD", ARDEN P.U.D. PLAT 1, AS RECORDED IN PLAT BOOK 122, PAGES 32 THROUGH 51, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL LYING IN SECTIONS 27 AND 28, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT "FD"; THENCE SOUTH 88°17'38" EAST, A DISTANCE OF 2288.89 FEET; THENCE SOUTH 74°47'53" EAST, A DISTANCE OF 51.42 FEET; THENCE SOUTH 88°17'38" EAST, A DISTANCE OF 280.00; THENCE SOUTH 45°08'56" EAST, A DISTANCE OF 34.19 FEET; THENCE NORTH 87°59'46" EAST, A DISTANCE 80.00 FEET; THENCE NORTH 02°00'14" WEST, A DISTANCE OF 3.56 FEET; THENCE NORTH 44°51'07" EAST, A DISTANCE OF 36.54 FEET; THENCE SOUTH 88°17'38" EAST, A DISTANCE OF 589.09 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 13,900.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°00'00", A DISTANCE OF 727.80 FEET TO A POINT OF TANGENCY; THENCE SOUTH 85°17'38" EAST, A DISTANCE OF 222.16 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 14,100.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°00'00", A DISTANCE OF 738.27 FEET TO A POINT OF TANGENCY; THENCE SOUTH 88°17'38" EAST, A DISTANCE OF 223.61 FEET; THENCE SOUTH 89°08'03" EAST, A DISTANCE OF 780.55 FEET (THE PRECEDING THIRTEEN COURSES BEING COINCIDENT WITH THE NORTH LINE OF SAID TRACT "FD" AND ALSO BEING THE SOUTH LINE OF OKEECHOBEE BOULEVARD EXTENSION (TRACT RW-1") AS SHOWN ON SAID ARDEN P.U.D. PLAT 1) TO A POINT ON THE EAST LINE OF SAID TRACT "FD", ALSO BEING THE EAST LINE OF SAID ARDEN P.U.D. PLAT 1; THENCE SOUTH 01°02'42" WEST ALONG SAID EAST LINE OF TRACT "FD" AND SAID EAST LINE OF ARDEN P.U.D. PLAT 1, A DISTANCE OF 2,870.15 FEET; THENCE NORTH 88°57'18" WEST, A DISTANCE OF 325.11 FEET; THENCE NORTH 01°02'42" EAST, A DISTANCE OF 49.80 FEET; THENCE NORTH 88°57'18" WEST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 46°02'42" WEST, A DISTANCE OF 35.36 FEET; THENCE NORTH 88°57'18" WEST, A DISTANCE OF 57.68 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1175.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°41'15", A DISTANCE OF 280.70 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 58°55'59" WEST, A DISTANCE OF 34.55 FEET; THENCE SOUTH 75°09'46" WEST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 28°40'44" WEST, A DISTANCE OF 34.67 FEET TO A NON-TANGENT POINT ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1175.00 FEET AND WHOSE CENTER BEARS SOUTH 17°25'07" EAST FROM SAID POINT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 9°18'04", A DISTANCE OF 190.74 FEET TO A POINT OF TANGENCY; THENCE SOUTH 63°16'50" WEST, A DISTANCE OF 140.99 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 725.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 7°38'57", A DISTANCE OF 96.79 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 61°59'45" WEST, A DISTANCE OF 36.61 FEET; THENCE SOUTH 74°58'23" WEST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 32°06'00" WEST, A DISTANCE OF 36.58 FEET TO A NON-TANGENT POINT ON A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 725.00 FEET AND WHOSE CENTER BEARS NORTH 10°52'42" WEST FROM SAID POINT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 6°29'56", A DISTANCE OF 82.23 FEET TO A POINT OF TANGENCY; THENCE SOUTH 85°37'14" WEST, A DISTANCE OF 52.25 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 665.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°36'58", A DISTANCE OF 158.04 FEET TO A POINT OF TANGENCY;

**EXHIBIT "A"****PROPERTY**

LEGAL DESCRIPTION (A PORTION OF TRACTS "FD", ARDEN P.U.D. PLAT 1 - PCN 00404327010060000) Continues

THENCE SOUTH 72°00'16" WEST, A DISTANCE OF 52.53 FEET TO A POINT ON THE NORTHEAST LINE OF ARDEN P.U.D. POD F WEST, AS RECORDED IN PLAT BOOK 129, PAGES 28 THROUGH 34, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 62°59'44" WEST ALONG SAID NORTHWEST LINE, A DISTANCE OF 35.36 FEET; THENCE SOUTH 72°00'16" WEST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 27°00'16" WEST, A DISTANCE OF 35.36 FEET; THENCE SOUTH 72°00'16" WEST, A DISTANCE OF 95.62 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 310.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°19'16", A DISTANCE OF 126.18 FEET TO A POINT OF TANGENCY; THENCE NORTH 84°40'28" WEST, A DISTANCE OF 81.19 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 611.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 10°20'34", A DISTANCE OF 110.30 FEET TO A POINT OF TANGENCY; THENCE SOUTH 84°58'58" WEST, A DISTANCE OF 99.94 FEET; THENCE NORTH 50°32'07" WEST, A DISTANCE OF 35.81 FEET; THENCE NORTH 82°41'17" WEST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 07°18'43" WEST, A DISTANCE OF 16.49 FEET; THENCE SOUTH 46°08'50" WEST, A DISTANCE OF 31.35 FEET; THENCE SOUTH 84°58'58" WEST, A DISTANCE OF 114.88 FEET; THENCE NORTH 39°23'06" WEST, A DISTANCE OF 34.29 FEET; THENCE NORTH 86°04'55" WEST, A DISTANCE OF 80.00 FEET (THE PRECEDING FOURTEEN COURSES BEING COINCIDENT WITH THE NORTH LINE OF SAID ARDEN P.U.D. POD F WEST) TO A POINT ON THE EAST LINE OF TRACT "O-1", AS SHOWN ON SAID ARDEN P.U.D. PLAT 1, SAID POINT ALSO BEING A POINT ON THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 993.00 FEET AND WHOSE CENTER BEARS NORTH 86°04'55" WEST FROM SAID POINT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°31'32", A DISTANCE OF 477.05 FEET TO A POINT OF TANGENCY; THENCE NORTH 23°36'27" WEST, A DISTANCE OF 281.22 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 803.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 40°51'38", A DISTANCE OF 572.66 FEET TO A POINT OF TANGENCY; THENCE NORTH 17°15'11" EAST, A DISTANCE OF 361.76 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 410.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 37°58'44", A DISTANCE OF 271.77 FEET (THE PRECEDING FIVE COURSES BEING COINCIDENT WITH SAID EAST LINE OF TRACT "O-1") TO THE POINT OF TANGENCY; THENCE NORTH 20°43'33" WEST, A DISTANCE OF 316.13 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 295.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND THE NORTHEAST LINE OF SAID TRACT "O-1", THROUGH A CENTRAL ANGLE OF 71°16'40", A DISTANCE OF 366.99 FEET (THE PRECEDING TWO COURSES BEING COINCIDENT WITH THE NORTHEAST LINE OF TRACT "O-1") TO A POINT OF TANGENCY; THENCE SOUTH 87°59'46" WEST ALONG THE NORTH LINE OF SAID TRACT "O-1", A DISTANCE OF 310.92 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 295.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 38°19'56", A DISTANCE OF 197.36 FEET TO A POINT OF TANGENCY; THENCE SOUTH 49°39'51" WEST, A DISTANCE OF 253.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 295.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 33°00'16", A DISTANCE OF 169.93 FEET (THE PRECEDING THREE COURSES BEING COINCIDENT WITH SAID NORTHWEST LINE OF SAID TRACT "O-1") TO A POINT ON A LINE RADIAL TO SAID CURVE, SAID LINE ALSO BEING A LINE ALONG THE NORTH BOUNDARY OF ARDEN P.U.D. POD C NORTH AS RECORDED IN PLAT BOOK 129, PAGES 186 THROUGH 195, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

**EXHIBIT "A"****PROPERTY**

LEGAL DESCRIPTION (A PORTION OF TRACTS "FD", ARDEN P.U.D. PLAT 1 - PCN 00404327010060000) Continues

THENCE NORTH 73°20'26" WEST ALONG SAID RADIAL LINE, A DISTANCE OF 105.00 FEET TO A NON-TANGENT POINT ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 400.00 FEET AND WHOSE CENTER POINT BEARS SOUTH 73°20'26" EAST, FROM SAID POINT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 5°55'24", A DISTANCE OF 41.35 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 82°07'47" WEST, A DISTANCE OF 40.50 FEET; THENCE SOUTH 07°52'13" WEST, A DISTANCE OF 40.00 FEET; THENCE SOUTH 82°07'47" EAST, A DISTANCE OF 40.50 FEET TO A NON-TANGENT POINT ON A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 400.00 FEET AND WHOSE CENTER POINT BEARS SOUTH 84°59'44" EAST, FROM SAID POINT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°27'16", A DISTANCE OF 86.95 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 07°27'00" EAST, A DISTANCE OF 414.57 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 305.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 119°31'29", A DISTANCE OF 636.26 FEET TO THE POINT OF TANGENCY; THENCE NORTH 67°55'31" WEST, A DISTANCE OF 512.34 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1295.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°06'30", A DISTANCE OF 477.09 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89°02'01" WEST, A DISTANCE OF 50.07 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 146.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 229.34 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 0°57'59" WEST, A DISTANCE OF 15.27 FEET; THENCE NORTH 89°02'01" WEST, A DISTANCE OF 130.00 FEET; THENCE NORTH 0°57'59" EAST, A DISTANCE OF 15.27 FEET; THENCE NORTH 89°02'01" WEST, A DISTANCE OF 385.00 FEET (THE PRECEDING SIXTEEN COURSES BEING COINCIDENT WITH SAID NORTH BOUNDARY LINE OF ARDEN P.U.D. POD C NORTH) TO A POINT ON THE WEST LINE OF SAID TRACT "FD", ALSO BEING THE WEST LINE OF SAID ARDEN P.U.D. PLAT 1; THENCE NORTH 0°57'59" EAST ALONG SAID WEST LINE OF TRACT "FD" AND SAID WEST LINE OF ARDEN P.U.D. PLAT 1, A DISTANCE OF 2151.90 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 14,164,492 SQUARE FEET OR 325.172 ACRES MORE OR LESS.



**WRITTEN CONSENT  
OF THE MANAGING MEMBER AND ADMINISTRATIVE MEMBER OF  
HIGHLAND DUNES ASSOCIATES LLC**

October 16, 2017

The undersigned, TOBI VII LLC, a Delaware limited liability company (“**Managing Member**”), and FCA HIGHLAND DUNES, LLC, a Delaware limited liability company (“**Administrative Member**”), constituting all of the members of HIGHLAND DUNES ASSOCIATES LLC (the “**Company**”), whose consent is required for the matters contemplated below by this Written Consent (this “**Consent**”) pursuant to the terms of the Amended and Restated Limited Liability Company Agreement of Highland Dunes Associates LLC dated as of June 6, 2014 by and between Managing Member and Administrative Member (as amended, the “**Operating Agreement**”) hereby execute this Consent for the purposes of adopting the following resolutions of the Managing Member and Administrative Member of the Company. Capitalized terms used but not otherwise defined herein are used as defined in the Operating Agreement.

**WHEREAS**, the Company is the sole member of Highland Dunes Associates Property LLC, a Delaware limited liability company (“**Owner**”);

**WHEREAS**, Section 5.1.5 of the Operating Agreement provides that the Members may execute resolutions from time to time providing that specified representatives of Administrative Member (“**AM Representatives**”) will have authority to execute contracts and instruments on behalf of the Company and/or a Company Subsidiary, as applicable, subject to the terms and conditions set forth in such Section 5.1.5;

**WHEREAS**, the Members now desire to so approve the appointment of certain individuals as AM Representatives.

**NOW THEREFORE, BE IT RESOLVED**, that each of the undersigned, in its capacity as Managing Member or Administrative Member of the Company, respectively, hereby appoints, authorizes and empowers each of Jesse R. Baker and Thomas C. Tischer as an AM Representative authorized to execute contracts and instruments on behalf of the Company and/or Owner, as applicable, subject to the terms and conditions set forth in the Operating Agreement including, without limitation, Section 5.1.5 thereof.

However, in no event shall the foregoing, or anything else in this Consent, waive or otherwise limit the liability of Administrative Member for a breach of its obligations, or the obligations of the AM Representatives, to Managing Member (including any obligation to obtain Managing Member’s consent).

This Consent may be executed by one or more of the parties hereto on any number of separate counterparts and all of such counterparts taken together will be deemed to constitute one and the same instrument. Telecopied or PDF signatures may be used in place of original signatures on this Consent. The parties intend to be bound by the signatures on the telecopied or PDF document and are aware that the other parties will rely on the telecopied or PDF signatures,

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and hereby waive any defense to the enforcement of the terms of this Consent based on such telecopied or PDF signatures.

*[Signatures on the following pages]*


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IN WITNESS WHEREOF, the undersigned have executed this Consent as of the date first set forth above.

**MANAGING MEMBER:**

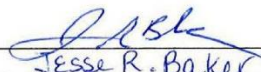
TOBI VII LLC,  
a Delaware limited liability company

By:   
Name: John J. Lee  
Title: Authorized Person



**ADMINISTRATIVE MEMBER:**

FCA HIGHLAND DUNES, LLC,  
a Delaware limited liability company

By:   
Name: Jesse R. Baker  
Title: Authorized Signatory

**DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY**

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

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

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

1. Affiant is the  individual or  Vice President \_\_\_\_\_ [position - e.g., president, partner, trustee] of Arden Homeowners Association, Inc. [name and type of entity - e.g., ABC Corporation, XYZ 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: 2005 Vista Parkway Suite 112  
West Palm Beach, Florida 33411
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.

[Signature]  
Andrew Smith, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization, this 15 day of April, 2020 by Angelique M. Bates (name of person acknowledging). He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did/did not take an oath (circle correct response).

Angelique M. Bates  
(Name, type, stamp or print clearly)

Angelique M. Bates  
(Signature)

My Commission Expires on: 1-13-2024

NOTARY SEAL  
Angelique M. Bates  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG946744  
Expires 1/13/2024

**EXHIBIT "A"****PROPERTY**

(A PORTION OF TRACT "O-1" ARDEN P.U.D. PLAT 1)

A PARCEL OF LAND BEING A PORTION OF TRACT "O-1", ARDEN P.U.D. PLAT 1, AS RECORDED IN PLAT BOOK 122, PAGES 32 THROUGH 51, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL LYING IN SECTIONS 27 AND 28, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF TRACT "FD AS SHOWN ON SAID ARDEN P.U.D. PLAT 1; THENCE SOUTH 88°17'38" EAST ALONG THE NORTH LINE OF SAID TRACT "FD", A DISTANCE OF 2288.89 FEET; THENCE SOUTH 01°42'27" EAST, A DISTANCE OF 1112.38 FEET TO THE POINT OF BEGINNING; THENCE NORTH 49°39'51" EAST, A DISTANCE OF 75.52 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 295.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 38°19'56", A DISTANCE OF 197.36 FEET (THE PRECEDING TWO COURSES BEING COINCIDENT WITH THE NORTHWEST LINE OF SAID TRACT "O-1") TO A POINT OF TANGENCY; THENCE NORTH 87°59'46" EAST ALONG THE NORTH LINE OF SAID TRACT "O-1", A DISTANCE OF 310.92 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 295.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 71°16'40", A DISTANCE OF 366.99 FEET TO A POINT OF TANGENCY; THENCE SOUTH 20°43'33" EAST, A DISTANCE OF 316.13 FEET (THE PRECEDING TWO COURSES BEING COINCIDENT WITH THE NORTHEAST LINE OF SAID TRACT "O-1") TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 410.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE ALSO BEING THE EAST LINE OF SAID TRACT "O-1", THROUGH A CENTRAL ANGLE OF 37°58'44", A DISTANCE OF 271.77 FEET; THENCE NORTH 83°48'27" WEST, A DISTANCE OF 26.24 FEET TO A POINT ON THE EAST LINE OF WATER MANAGEMENT TRACT "L-1", SAID POINT ALSO BEING A POINT ON THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 208.23 FEET AND WHOSE CENTER BEARS NORTH 83°48'27" WEST FROM SAID POINT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 47°05'16", A DISTANCE OF 171.13 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 907.56 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 7°27'00", A DISTANCE OF 118.01 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 140.34 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 61°21'51", A DISTANCE OF 150.31 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 424.37 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°49'49", A DISTANCE OF 146.88 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 148.49 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 87°51'34", A DISTANCE OF 227.69 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 854.19 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 22°01'20", A DISTANCE OF 328.32 FEET (THE PRECEDING SIX COURSES BEING COINCIDENT WITH SAID EAST LINE OF WATER MANAGEMENT TRACT "L-1") TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 100.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND THE NORTH LINE OF SAID WATER MANAGEMENT TRACT "L-1", THROUGH A CENTRAL ANGLE OF 81°32'00", A DISTANCE OF 142.30 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 40°20'09" WEST, A DISTANCE OF 20.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.  
CONTAINING 305,514 SQUARE FEET OR 7.014 ACRES MORE OR LESS.

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

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

**Name**

**Address**

Arden Homeownership Association, Inc. 2005 Vista Parkway Suite 112 West Palm Beach, FL 33411

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**Exhibit 9**  
**Correspondence**

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