



## FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 21-B2

### DEO TRANSMITTAL REPORT, JULY 28, 2021

#### A. Application Summary

##### I. General

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<b>Project Name:</b>	<b>Arden PUD (LGA 2022-003)</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
<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 conditions</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. With the adoption of the latest amendment on this site in 2020, the Test 2 traffic analysis indicated that a phasing condition was necessary for compliance with Future Land use Element Policy 3.5-d.

The amendment proposes to delete this condition of approval since the latest traffic analysis indicates that this condition is no longer necessary. The proportionate share agreement will also be amended. The monetary contributions in the proportionate share agreement will be increased as a result of removing the phasing limitation. Staff is recommending a condition of approval requiring that the adoption of the future land use amendment and zoning application are held on the same date.

There are no policy implications or compatibility issues with this amendment, and the request meets all Comprehensive Plan requirements.

### III. Hearing History

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**Local Planning Agency: *Approval with conditions***, motion by Glenn Gromann, seconded by Eric Royal, passed in a 14 to 0 vote at the July 9, 2021 public hearing. Under discussion, Commission members asked questions regarding planned improvements to Southern Boulevard, the proportionate share agreement, number of built units, and the number of workforce housing units associated with the project. There was no public comment.

**Board of County Commissioners Transmittal Public Hearing: *Transmit***, motion by Commissioner McKinlay, seconded by Commissioner Weiss, passed in a 7 to 0 vote at the July 28, 2021 public hearing. There was minimal Board discussion and no public comment.

#### **State Review Agency Comments:**

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

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## B. Petition Summary

### I. Site Data

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#### Current Future Land Use

<b>Current FLU:</b>	Low Residential, 2 units per acre (LR-2) capped at 2,420 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 2,420 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

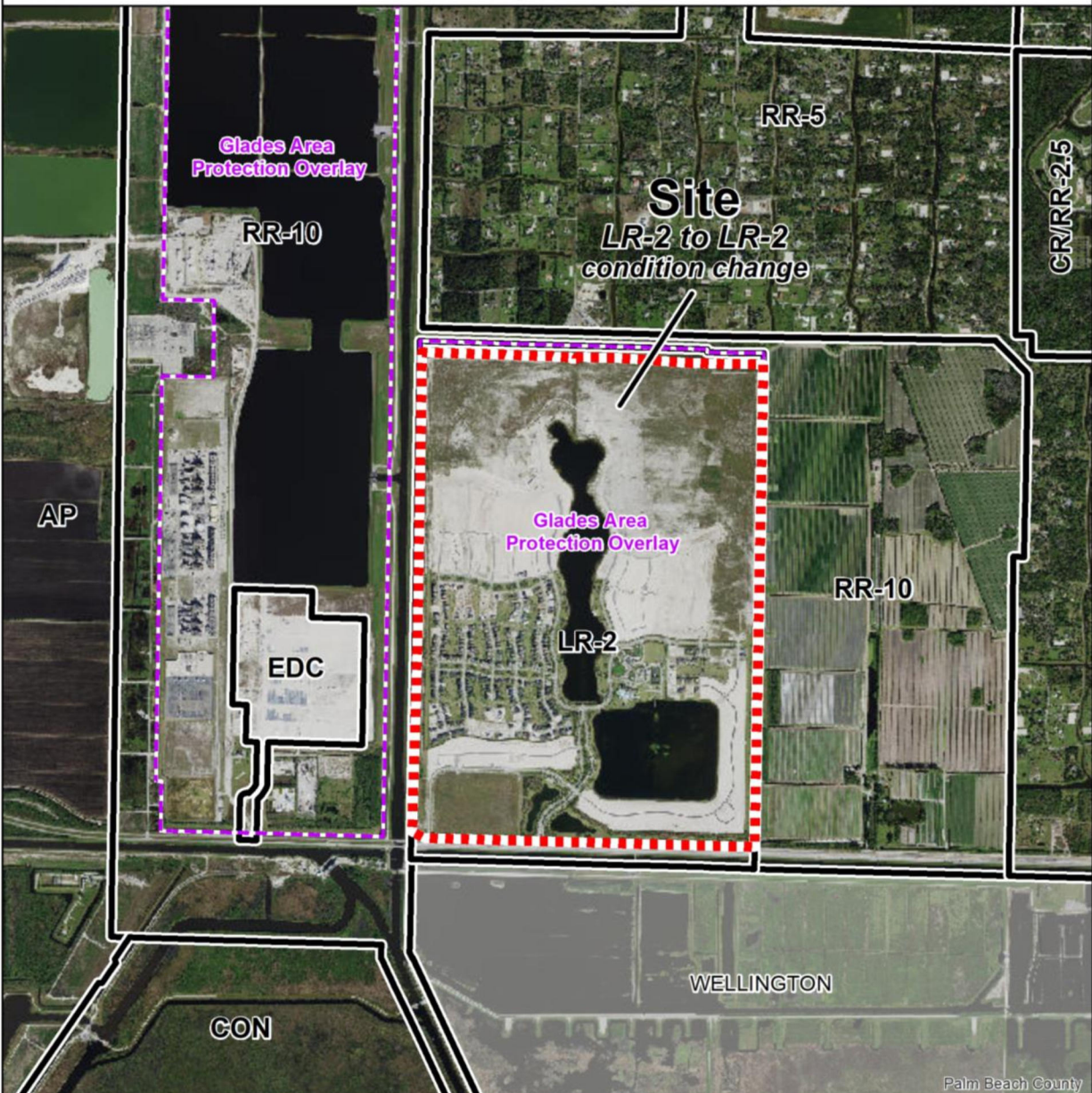
<b>Proposed FLU:</b>	Low Residential, 2 units per acre (LR-2) up to 2,420 units
<b>Proposed Zoning:</b>	Planned Unit Development (PUD)
<b>Dev. Potential Max/Conditioned:</b>	Residential, up to 2,420 units and a minimum of 30,000 sf. and a maximum of 50,000 sf. of commercial uses (by condition of approval)

#### 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>	Glades Area Protection Overlay
<b>Annexation Area:</b>	None
<b>Comm. District:</b>	Commissioner Melissa McKinlay, District 6

# Future Land Use Atlas Amendment

Arden PUD (LGA 2022-003)



## Site Data

Size: 1,209.89 acres  
 Existing Use: Residential  
 Proposed Use: Residential  
 Current FLU: Low Residential, 2 units/acre (LR-2)  
 Proposed FLU: Low Residential, 2 units/acre (LR-2)

## Future Land Use Designations

RR-10	Rural Residential, 1 unit/10 acres	CON	Conservation
RR-5	Rural Residential, 1 unit/5 acres	CR/RR-2.5	Commercial Recreation, underlying RR-2.5
RR-2.5	Rural Residential, 1 unit/2.5 acres	EDC	Economic Development Center
LR-2	Low Residential, 2 units/acre		
AP	Agricultural Production		

Date: 5/14/2021  
 Contact: PBC Planning  
 Filename: 22-B/Site/22-003  
 Note: Map is not official, for presentation purposes only.

 Site  
 Glades Area  
 Protection Overlay

775 0 775 1,550 Feet



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 delete a condition of approval adopted by Ord. 2020-024 which limited development pursuant to findings of the Test 2 traffic analysis for compliance with Policy 3.5-d. Due to the latest traffic analysis, this condition is no longer necessary. Specifically, the request is the deletion of condition number 2 in Ordinance No. 2020-024 which states: *A maximum of 1,480 single family dwelling units, 120 multi-family units, and 35,000 square feet of commercial uses (or a combination of land use that produces equivalent number of trips) shall be built before December 31, 2024.*

**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.

In 2020, by Ord. 2020-024, the County adopted an amendment to revise conditions of approval and to add the ability to develop an additional 420 dwelling units for the full number of units (2,420) allowed by the LR-2 future land use designation.

**Zoning Application:** The site is approved for a 2,334 unit Planned Unit Development (PUD) with 50,000 square feet of commercial uses (retail). The concurrent zoning application (EAC-2021-00810) proposes to delete same condition of approval proposed to be deleted by this amendment, including an amendment to the Proportionate Share Agreement that will be entered into prior to Adoption to remove the phasing condition and increase the amount of monetary contributions.

### 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.

**Appropriateness of the Amendment and Compatibility.** This amendment to the condition of approval is appropriate as it is no longer necessary to meet Policy 3.5-d provided that the adoption of the zoning application runs concurrent with the future land use amendment. There are no compatibility issues with this amendment.

**Assessment & Recommendation.** This is an amendment to a previously adopted condition of approval and does not change the future land use designation of the site. With the adoption of the latest amendment on this site last year, the Test 2 traffic analysis indicated that a phasing condition was necessary for compliance with Future Land use Element Policy 3.5-d.

The amendment proposes to delete this condition of approval since the latest traffic analysis indicates that this condition is no longer necessary. The proportionate share agreement will also be amended. The monetary contributions in the proportionate share agreement will be increased as a result of removing the phasing limitation. Staff is recommending a condition of approval requiring that the adoption of the future land use amendment and zoning application are held on the same date.

There are no policy implications or compatibility issues with this amendment, and the request meets all Comprehensive Plan requirements.

Accordingly, staff recommends approval of this amendment.

<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-7
4. Applicant's Public Facility Impacts Table	E-13
5. Palm Beach County Traffic Division Letter	E-16
6. Applicant's Disclosure of Ownership Interests	E-17
7. Correspondence	E-32

## Exhibit 1

<b>Amendment No:</b>	<b>Arden PUD (LGA 2022-003)</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. 2020-024 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)

**Conditions:** Conditions of approval numbered 3 through 6 in Ord. 2004-66, and conditions 1, 7, and 8 in Ord. 2020-024 will remain unaltered. Condition 2 adopted by Ord. 2020-024 is proposed to be deleted with deleted text strike out below.

1. The subject site shall be limited to a maximum of 2,420 dwelling units and a minimum of 30,000 square feet and a maximum of 50,000 square feet of PUD-Commercial.

2. ~~A maximum of 1,480 single family dwelling units, 120 multi-family units, and 35,000 square feet of commercial uses (or a combination of land use that produces equivalent number of trips) shall be built before December 31, 2024.~~

3. *through 6. See Ord. 2004-66*

7. The zoning development order shall require a minimum of twenty (20%) of the units over 2,000 units to be provided as workforce housing units pursuant to the Workforce Housing Program in the ULDC.

8. 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.

9. The proposed future land use amendment and the proposed development order amendment shall be considered for adoption by the Board of County Commissioners at the same public hearing.



## Legal Description

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### 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:

- This amendment proposes to delete a timing condition that is no longer necessary.
- This condition was necessary for the 2020 future land use amendment to be in compliance with Policy 3.5-d Test 2. However, an amended Test 2 Analysis eliminates the date specific phasing limitation and amends the proportionate share monetary contributions based on the number of units permitted. There are no additional off-site improvements – they were all identified in the prior TPS study, and the proposed amendment will not increase the density or change the buildout year.

**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 applicant is requesting deletion of condition number 2 in Ordinance No. 2020-024 which dates: *A maximum of 1,480 single family dwelling units, 120 multi-family units, and 35,000 square feet of commercial uses (or a combination of land use that produces equivalent number of trips) shall be built before December 31, 2024.*

As indicated by the applicant, this condition of approval is no longer necessary due to the latest Test 2 traffic analysis, and therefore the request is warranted. The requirements for an adequate justification are met.

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.*

**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 related to timing related to phasing of construction due to date certain traffic limitations that is no longer necessary for compliance with the Comprehensive Plan. There are no policy issues with this amendment.

### **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.

**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 related to timing related to phasing of construction due to date certain traffic limitations that is no longer necessary for compliance with the Comprehensive Plan. There are no compatibility issues with this amendment.

### **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.

**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 related to timing related to phasing of construction due to date certain traffic limitations that is no longer necessary for compliance with the Comprehensive Plan. There are no overlay issues with this amendment.

- 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

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 related to timing related to phasing of construction due to date certain traffic limitations that is no longer necessary for compliance with the Comprehensive Plan. Public facilities impacts are detailed in the table in Exhibit 4. The only Public Facilities and Services item is related to traffic and is detailed below.

### 1. 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 June 8, 2021 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 for the proposed potential land uses: 1,758 DUs of residential Single Family, 576 DUs if Residential Multi Family – 2 story, and 50,000 square feet of Specialty Retail, provided a Proportionate Share Agreement for the improvements required to meet test 2 as part of the concurrent Zoning application has been executed concurrently with the approval of the traffic impact study for compliance with the TPS, without which, this conditional land use amendment approval will be rendered null and void".*

The Traffic Study (Test 2 Analysis) was prepared by Kimley Horn, Inc., 1920 Wekiva Way, Suite 200, 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/>

Staff is recommending condition of approval that the amendment and zoning hearings be held concurrently to ensure a Proportionate Share Agreement for the improvements has been executed as required.

## 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 25, 2021. 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 21, 2021. 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 June 29, 2021. One members of public has attended but did not speak during the meeting.

## Exhibit 3

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

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#### REQUEST

On behalf of the property owners and applicants, Highland Dunes Associates Property, LLC and Arden Homeowner Association, Inc., Urban Design Studio (UDS), as Agent, has prepared and hereby respectfully submits this application for a Future Land Use Amendment (FLUA) to delete a condition of approval related to phasing of construction due to traffic limitations. 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 deletion of the following condition contained in Ordinance No. 2020-024:

2. A maximum of 1,480 single family dwelling units, 120 multi-family units, and 35,000 square feet of commercial uses (or a combination of land use that produces equivalent number of trips) shall be built before December 31, 2024.

This phasing limitation was based on the results of the Test 2 report that was prepared in 2020 for the Traffic Concurrency/Zoning Analysis for the addition of units pursuant to the ULDC. Traffic impacts were addressed by use of proportionate share monetary contributions based on the number of units permitted, and phasing of construction to a date certain of December 31, 2024. An amended Test 2 Analysis has been prepared as part of this application that eliminates the date specific phasing limitation and amends the proportionate share monetary contributions based on the number of units permitted. There are no additional off-site improvements – they were all identified in the prior TPS study, and the proposed amendment will not increase the density or change the buildout year. There will be a concurrent amendment to the Development Order to delete/amend conditions, and an amendment to the Proportionate Share Agreement that will be entered into prior to Adoption to remove the phasing condition and increase the amount of monetary contributions.

This application is not requesting a Future Land Use Atlas change to the current LR-2 designation nor is it requesting any additional 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. The subject property is not located within the boundaries of any Neighborhood Plan.

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 as “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.



In 2020, a concurrent Future Land Use Amendment and Development Order Amendment were processed to increase the number of dwelling units. There was no change to the existing LR-2 land use designation – additional density was gained by amending a condition of approval that limited the number of unit to less than 2 dwelling units per acre. Ordinance No. 2020-024 was adopted on October 22, 2020 along with the approval of Resolution No. R-2020-040, to increase the unit count to 2,334.

## **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, or for a residential density increase. The request is to delete a condition of approval included in the governing Ordinance that phases construction to a date certain threshold based on the number of certificates of occupancy.

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 well under construction. Platting for Phase 3 is underway. Palm Beach County previously made a determination that the use is suitable and appropriate for the subject site in adopting Ordinance No. 2004-066 and approving the PUD in 2005, again in 2013 for 2,000 units, and more recently in 2020 for 2,334 units by adoption Ordinance No. 2020-024.

The proposed amendment has no bearing on the use of the site as there is no request to increase the number of units or change the site design.

#### **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 success of the development has accelerated building within the community. The Owner/Applicant performs the land development (i.e. platting, permitting, grading, drainage, roads, utilities, landscape) and sells lots that are ready to build to builders. Multiple builders are building within the community at the same time. There has been an increased interest from the building community, especially following the recent awards given by the National Homebuilder's Association including Master Plan of the year and Amenity of the year for the Red Barn, and

changes to the plan of development entitled last year. Additionally, Florida and particularly south Florida, has seen an influx of new residents as a result of COVID and home sales have accelerated as a result. The Owner/Applicant is proposing to modify the condition to allow for the development to build out as the market demands.

- ***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 and there is no request to increase the number of units or change the site design.

### **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:** This application does not request a change to the LR-2 future land use designation and there is no request to increase the number of units or change the site design.

- ***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, and there is no request to increase the number of units or change the site design.

- ***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 than that permitted by the LR-2 designation. No utilization of the above density bonus programs is proposed.

### **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."*

**Applicant's Description:** Based on this definition and accepted growth management ideals, the proposed amendment to delete a traffic phasing condition of approval does not cause the project

to be incompatible with the surrounding uses and adjacent lands. It will not create or foster undesirable effects. There is no request to increase the number of units or change the site design.

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

Based on the nature of the amendment, the optional data and analysis to demonstrate consistency with the Comprehensive Plan is not necessary.

#### **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**

<b>Adjacent Lands</b>	<b>Use</b>	<b>Future Land Use</b>	<b>Zoning</b>
<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, UDS, respectfully requests approval of this request to amend the FLUA designation on the subject property. The Project Managers at UDS are Collene [cwalter@udsflorida.com](mailto:cwalter@udsflorida.com) or Shayne Broadnix [sbroadnix@udsflorida.com](mailto:sbroadnix@udsflorida.com).

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

A. Traffic Information		
	Current	Proposed
Max Trip Generator	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: $T=42.78(X)+37.66$
Maximum Trip Generation	20,000 Daily trips	Maximum: 24,200 Daily trips Proposed: 20,489 Daily trips
Net Daily Trips:	4,200 (maximum minus current) 489 (proposed minus current)	
Net PH Trips:	____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>	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	Seminole Pratt Whitney Rd. from Southern Blvd to Okeechobee Blvd; Southern Blvd from Site/Arden Way to Royal Palm Beach Blvd.
Traffic Consultant	Adam Kerr, P.E.- Kimley-Horn, Inc.	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	The Palm Tran Bus Route that services this property is Route 40- State Road 80- Wellington to Belle Glade.	
Nearest Palm Tran Stop	There is an existing bus stop number 3390 located on State Road 80 approximately 3.13 miles east of the site.	
Nearest Tri Rail Connection	Tri-Rail Shuttle Route is number 52 connecting to West Palm Beach Intermodal Transit Center and West Palm Beach Tri-Rail.	



### C. Portable Water & Wastewater Information

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. No change – letter not necessary per PZB Planning.
<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.

### D. Drainage Information

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 in Application Attachment J.

### E. Fire Rescue

<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>	No change – letter not necessary per PZB Planning.

### F. Environmental

<b>Significant habitats or species</b>	No significant habitat exists on the property. See Application Attachment L for the Environmental Assessment. No change from 2020.
<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 Attachment M for Wellfield Protection Map. No change from 2020.

### G. Historic Resources

Staff review has identified no known archaeological resources located on or within 500 feet of the subject property. Please see the Historical and Archaeological Resource letter included as Attachment N. No change from 2020.

**H. Parks and Recreation - Residential Only (Including CLF)**

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	Okeeheelee Park 7715 Forest Hill Boulevard	0.00339	0	No change
Beach	R. G. Kreusler Park 2882 S. Ocean Boulevard	0.00035	0	No change
District	Seminole Palms Park 151 Lamstein Lane	0.00138	0	No change

**I. Libraries - Residential Only (Including CLF)**

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	0	No change
Periodicals	5 subscriptions per 1,000 persons	0	No change
Info Technology	\$1.00 per person	0	No change
Professional staff	1 FTE per 7,500 persons	0	No change
All other staff	3.35 FTE per professional librarian	0	No change
Library facilities	0.34 sf per person	0	No change

**J. Public Schools - Residential Only (Not Including CLF)**

The site lies within the service area of the School District of PBC who have confirmed available capacity in their School Capacity Availability Determination (SCAD) letter dated April 27, 2020.  
See Attachment O for confirmation of LOS. No change from 2020.

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

## Exhibit 5

### Palm Beach County Traffic Division Letter



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

Maria G. Marino

Gregg K. Weiss

Maria Sachs

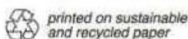
Melissa McKinlay

Mack Bernard

**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"



June 8, 2021

Adam B. Kerr  
Kimley-Horn  
1920 Wekiva Way, Suite 200  
West Palm Beach, FL 33411

**RE: Arden - Test 2 Analysis  
FLUA Amendment Policy 3.5-d Review  
Round 2020-21-A**

Dear Mr. Kerr:

Palm Beach County Traffic Division has reviewed the Arden Test 2 Analysis for the Land Use Plan Amendment Application Transportation Analysis for the above referenced project, revised May 4, 2021, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The above project had been previously approved for Land Use Amendment with a condition of approval that limited its development potential to 1,000 single family dwelling units and 50,000 square feet of commercial use (or a combination of land use that produces equivalent number of trips) before December 31, 2024. The current request is to remove the limitation of the development potential in the condition by demonstrating that the short term test (Test 2) could be met for the full development potential by doing Test 2 as part of the concurrent Zoning application for compliance with Traffic Performance Standards (TPS).

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 for the proposed potential land uses: 1,758 DUs of Residential Single Family, 576 DUs of Residential Multi Family – 2 Story, and 50,000 SF of Specialty Retail, provided a Proportionate Share Agreement for the improvements required to meet Test 2 as part of the concurrent Zoning application has been executed concurrently with the approval of the traffic impact study for compliance with the TPS, without which, this conditional land use amendment approval will be rendered null and void.

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 "DSimeus".

Dominique Simeus, P.E.  
Professional Engineer  
Traffic Division

DS/rb

cc: Addressee  
Collene Walter, - Urban Design Studio ([cwalter@udsflorida.com](mailto:cwalter@udsflorida.com))  
Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division  
Steve Bohovsky – Technical Assistant III, Traffic Division  
Lisa Amara – Senior Planner, Planning Division  
Kharshid 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 Test 2 Letter.docx

## Exhibit 6

### Disclosure of Ownership Interests

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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 <sup>Signatory</sup> ~~Representative~~ Executive [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.

  
 Jesse R. Baker, Authorized Signatory of Highland Dunes Associates Property LLC, and not individually  
 Affiant  
 (Print Affiant Name)

NOTARY PUBLIC INFORMATION:

COMMONWEALTH OF MASSACHUSETTS  
~~STATE OF FLORIDA~~  
 COUNTY OF ~~DADE~~ PALM BEACH SUFFOLK

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 21<sup>st</sup> day of April, 20 21 by Jesse R. Baker, as Authorized Signatory of Highland Dunes Associates Property LLC (name of person acknowledging). He is personally known to me or has produced identification and did not take an oath (type of identification) as identification and did not take an oath (circle correct response).

Amy K Berggren  
 (Name - type, stamp or print clearly)

  
 (Signature)

My Commission Expires on: 2/15/24





## 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°08'00" 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°19'18", 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 318.13 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°20'28" 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.

**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.

<b>Name</b>	<b>Address</b>
Highland Dunes Associates Property LLC	500 Boylston Street, Suite 2010, Boston, MA 02116
Highland Dunes Associates LLC	500 Boylston Street, Suite 2010, Boston, MA 02116

Highland Dunes Associates LLC ("Sole Member") is the Sole Member of Highland Dunes Associates Property LLC ("Owner") the fee simple owner of the Property. All persons or entities holding a beneficial interest in the Property that are not otherwise disclosed in this Exhibit "B" either (i) hold less than a five percent beneficial interest in Sole Member, (ii) are entities whose interest is for sale to the general public, or (iii) are restricted from disclosure by confidentiality obligations.

**WRITTEN CONSENT  
OF THE MEMBERS OF  
HIGHLAND DUNES ASSOCIATES LLC**

March 23, 2021

The undersigned, TOBI VII LLC, a Delaware limited liability company (“**Managing Member**”), and FCA HIGHLAND DUNES, LLC, a Delaware limited liability company (“**Administrative Member**”), being all of the members (each a “**Member**” and, collectively, the “**Members**”) of HIGHLAND DUNES ASSOCIATES LLC, a Delaware limited liability company (the “**Company**”), hereby execute this written consent (this “**Consent**”) for the purposes of providing the following authorizations in connection with the matters contemplated below. Capitalized terms used but not otherwise defined herein have the meanings set forth in that certain Amended and Restated Limited Liability Company Agreement of the Company, dated as of June 6, 2014, by and between the Members, as amended by that certain First Amendment to Amended and Restated Limited Liability Company Agreement of the Company, dated as of June 26, 2014, and by that certain Second Amendment to Amended and Restated Limited Liability Company Agreement of the Company, dated as of July 31, 2014 (as so amended, the “**Operating Agreement**”).

**WHEREAS**, the Company is the sole member of HIGHLAND DUNES ASSOCIATES PROPERTY LLC, a Delaware limited liability company (the “**Company Subsidiary**”);

**WHEREAS**, the Company Subsidiary owns certain land and improvements within the residential development known as “Highland Dunes” and/or “Arden” in Palm Beach County, Florida (such land, together with all improvements now or hereafter constructed thereon, and all tangible and intangible personal property owned by the Company Subsidiary from time to time in connection therewith, being herein called the “**Property**”);

**WHEREAS**, the Members, in their capacity as the sole members of the Company, on its own behalf and in its capacity as the sole member of the Company Subsidiary, desire that, from time to time, any one or more of the Company and the Company Subsidiary, as applicable, enter into, execute and deliver certain applications for permits, plans, planned unit development documents and other documents and agreements required in connection with the ownership, development, improvement, marketing and management of the Property (collectively, “**Agreements**”); and

**WHEREAS**, the Members, in their capacity as the sole members of the Company, on its own behalf and in its capacity as the sole member of the Company Subsidiary, desire to grant Administrative Member, in its capacity as the Administrative Member of the Company, the authority to execute and deliver Agreements, on behalf of the Company and the Company Subsidiary, as Administrative Member deems necessary or advisable from time to time, subject to the provisions of the Operating Agreement.

**IN LIGHT OF THE FOREGOING FACTS**, the Members agree as follows:

1. That the Administrative Member, in its capacity as the Administrative Member of the Company, is hereby authorized to enter into, execute and deliver, on behalf of any one or more of the Company and the Company Subsidiary, as applicable, Agreements, and to take such actions pursuant to Agreements as Administrative Member deems necessary or advisable in connection therewith.

2. That each of Casey Tischer and Jesse R. Baker (each, an “**Authorized Signatory**”), is hereby appointed as an authorized signatory on behalf of each of the Company and the Company Subsidiary, and that each Authorized Signatory, acting together or alone, is hereby authorized to enter into, execute and deliver, on behalf of the Company and/or the Company Subsidiary, as applicable, Agreements in order to carry out the purposes of the foregoing resolution.

3. That any action previously taken by Administrative Member or any one or more of the Authorized Signatories in furtherance of the purposes of the foregoing resolutions is hereby approved, confirmed and ratified.

4. 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 for a breach of the obligations of any one or more of the Authorized Signatories, to any one or more of the Company and the Company Subsidiary, as applicable, in connection with the Operating Agreement.

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. Electronic signatures (including, without limitation, DocuSign or a .pdf attachment to an e-mail) may be used in place of original signatures on this Consent. The parties intend to be bound by the electronic signatures and are aware that the other parties will rely on such electronic signatures, and hereby waive any defense to the enforcement of the terms of this Consent based on such electronic signatures.

*[Signatures on the following pages.]*

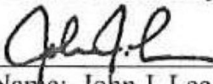


IN WITNESS WHEREOF, the undersigned has executed this Consent as of the date first set forth above.

**MEMBERS:**

**Managing Member:**

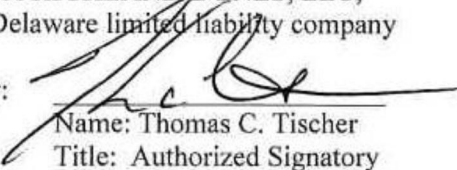
TOBI VII LLC,  
a Delaware limited liability company

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



**Administrative Member:**

FCA HIGHLAND DUNES, LLC,  
a Delaware limited liability company

By:   
Name: Thomas C. Tischer  
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: 2835 Arden Park Drive  
Wellington, Florida 33470
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.

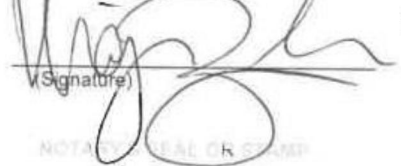
  
 Andrew Smith, Affiant  
 (Print Affiant Name)

## 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 27 day of April, 2021 by Andrew Smith (name of person acknowledging). He/she is personally known to me or has produced Id (type of identification) as identification and did/did not take an oath (circle correct response).

Virginia Zewadski  
 (Name - type, stamp or print clearly)

  
 (Signature)

My Commission Expires on: 2/25/22



Virginia L. Zewadski  
 NOTARY PUBLIC  
 STATE OF FLORIDA  
 Comm# GG189626  
 Expires 2/25/2022

## 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 Homeowners Association, Inc. 2835 Arden Park Drive Wellington, Florida 33470

[Florida Department of State](#)

DIVISION OF CORPORATIONS

[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /**Detail by Entity Name**

Florida Not For Profit Corporation  
ARDEN HOMEOWNERS ASSOCIATION, INC.

Filing Information

**Document Number** N15000003575  
**FEI/EIN Number** 61-1792531  
**Date Filed** 04/09/2015  
**State** FL  
**Status** ACTIVE  
**Last Event** AMENDED AND RESTATED ARTICLES  
**Event Date Filed** 11/09/2015  
**Event Effective Date** NONE

Principal Address

2835 Arden Park Drive  
Wellington, FL 33470

Changed: 01/14/2021

Mailing Address

2835 Arden Park Drive  
Wellington, FL 33470

Changed: 04/26/2019

Registered Agent Name & Address

ROSENBAUM PLLC  
250 S. AUSTRALIAN AVENUE, 5TH FLOOR  
WEST PALM BEACH, FL 33401

Name Changed: 08/20/2018

Address Changed: 08/20/2018

Officer/Director Detail**Name & Address**

Title President

BROWN, STANLEY  
1818 S. AUSTRALIAN AVENUE  
#404  
WEST PALM BEACH, FL 33409

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=Entity...> 5/6/2021

Title VP

SMITH, ANDREW  
1818 S. AUSTRALIAN AVENUE  
#404  
WEST PALM BEACH, FL 33409

Title Secretary, Treasurer

PALMER, MICHAEL  
1818 S. AUSTRALIAN AVENUE  
#404  
WEST PALM BEACH, FL 33409

#### Annual Reports

Report Year	Filed Date
2019	04/26/2019
2020	01/24/2020
2021	01/14/2021

#### Document Images

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Roads Department of State, Division of Corporations

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=Entity...> 5/6/2021

**Exhibit 7**  
**Correspondence**

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