

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

Application No.: ABN/DOA/W-2022-00155
Application Name: Indian Trail Groves
Control No./Name: 2002-90045 (Indian Trail Groves)
Applicant: Palm Beach West Associates I LLLP
Owners: Palm Beach West Associates I LLLP
Agent: G L Homes - Kevin Ratterree
Urban Design Studio – Sandra Megrue
Telephone No.: (954) 753-1730, (561) 366-1100
Project Manager: Imene Haddad, Senior Site Planner

TITLE: a Development Order Amendment **REQUEST:** to delete land area (5.46 acres) from a 4,871.57 prior approval, modify the master plan to reduce dwelling units, to modify uses and square footage, and to modify Conditions of Approval on a remaining 4,866.10 acres

TITLE: a Development Order Amendment **REQUEST:** to modify a previously approved Type 2 waiver to delete land area (5.46 acres) from a 4,871.57 prior approval and allowing for more than 40% of local streets to terminate in a cul-de-sac or dead end on the remaining 4,866.10 acres

APPLICATION SUMMARY: The proposed requests are for the Indian Trail Groves Planned Unit Development. The 4,871.57-acre site was last approved on April 4, 2019, by the Board of County Commissioners (BCC), to rezone to the Western Communities Residential Planned Unit Development (WCR-PUD) Zoning District and to allow more than 40 percent of local streets to terminate in a cul-de-sac or dead end.

This request is being reviewed concurrently with Comprehensive Plan Text and Future Land Use amendment (ITG AGR Exchange, LGA-2021-021), along with seven other Zoning Applications. The Zoning applications are contingent on the Planning application request.

The Indian Trail Groves requests will modify the Master Plan to delete land area (5.46 acres); to reduce the Development Area and increase the Preserve Area and reduce the approval according. Specifically, the request will establish 1,600 acres of Preserve Area as a “WCR Exchange Parcel” to be dedicated to the County for water resources or agriculture; reduce the number of dwelling units from 3,897 to 2,612 units (-1,285 units); reduce Workforce housing designated units from 390 units to 261 units (-129); reduce Commercial square footage from 300,000 sq.ft. to 200,000 sq. ft.(-100,000) and to Office square footage from 50,000 sq.ft. to 33,500 sq. ft.(-16,500); and, to modify institutional uses and conditions of approval for the overall development. The request includes a DOA to a previously approved Waiver for cul-de-sac based on redesign of the development area. The WCR Exchange Parcel will be utilized for Preserve Area for seven AGR-PUDs in the Agricultural Reserve Tier.

The Preliminary Master Plan indicates 17 Residential Pods with a mix of detached housing (2,612 units); three Commercial/Office Pods, five Civic Pods; Recreation Pods supporting the Residential Pods; Preserve and Open Spaces area for Impoundment, Water Resources, Agriculture, Convenyance, and buffering. Access is from 60th Street No., Orange Blvd, Temple Blvd, Hamlin, 190th Street, and 180 Street.

SITE DATA:

Location:	West side of 180th Avenue North, south of Hamlin Boulevard, south side of 60th Street North, west of 180th Avenue North
Property Control Number(s)	00-40-42-22-00-000-1010; 00-40-42-27-00-000-9000 00-40-42-20-00-000-9000; 00-40-42-17-00-000-7000 00-40-42-18-00-000-7000; 00-40-42-19-00-000-9000 00-40-42-21-00-000-9000; 00-40-42-34-00-000-1010 00-40-43-04-00-000-9010; 00-40-43-03-00-000-3020 00-40-42-30-00-000-9000; 00-40-42-31-00-000-9000
Future Land Use Designation:	Western Communities Residential (WCR)
Zoning District:	Western Communities Residential Planned Unit Development (WCR-PUD)
Acreage:	4,866.10 acres (proposed with deletion of 5.46 acres)
Tier:	Rural
Overlay District:	Western Community Residential Overlay (WCRO)
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	Westlake
Future Annexation Area	N/A
Commission District	District 6, Commissioner Sara Baxter

RECOMMENDATION: Should the Board of County Commission (BCC) approve the Comprehensive Plan Text and Future Land Use amendment known as ITG AGR Exchange LGA 2022-21, Staff is recommending approval of the requests subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

ACTION BY THE ZONING COMMISSION (ZC): *Scheduled for October 5, 2023*

PUBLIC COMMENT SUMMARY: At the time of publication, Staff has received no contacts from the public regarding this application.

PROJECT HISTORY: The property is located within the boundaries of the Cypress Grove Community Development District (CGCDC), a special district created by the Governor and Cabinet in 1993. The site has historically been utilized for agricultural uses and is bounded to the north and northwest by the J.W. Corbett Wildlife Management Area, a 60,348-acre wildlife management area managed by the Florida Fish and Wildlife Conservation Commission (FFWCC).

On September 22, 2016, the BCC approved a Future Land Use Atlas (FLUA) amendment from the Rural Residential, 1 unit per 10 acres (RR-10) and Agricultural Production (AP) FLU designations, to the WCR FLU designation (Ordinance No. 2016-41, Indian Trails Grove LGA-2016-017). However the concurrent Zoning application, ZV/PDD/W-2015-01457, accompanying the FLUA amendment was withdrawn at the Applicant's request.

On, March 25, 2019, the BCC approved a rezoning Application ZV/PDD/W-2018-00798 to the Western Communities Residential Planned Unit Development (WCR-PUD) Zoning District to allow for the development of 3,897 dwelling units, comprised of 1,821 Single-family (SF), 1,811 Zero Lot Line (ZLL), and 265 Townhouse (TH) units. As part of the rezoning application, the Zoning Commission approved a Type 2 Variance via Resolution ZR-2019-009 allowing the Applicant to eliminate the landscape requirements of a Type 2 Incompatibility Buffer along 1,658 linear feet of the northern perimeter between Pod D and PBC District Park F to accommodate an existing lake and a Type 2 Waiver to allow more than 40 percent of local streets to terminate in a cul-de-sac or dead end.

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

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

- *Concurrent Land Use Amendments:* Should the BCC approve the concurrent Comprehensive Plan Text and Future Land Use amendment (ITG AGR Exchange, LGA-2021-021) request, then the proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- *Concurrent Land Use Amendments:* he request is an indirect participant a concurrent Comprehensive Plan Text and Future Land Use amendment (ITG AGR Exchange, LGA-2021-021). The amendment seeks to amend prior conditions from Ordinance 2016-041, modify and add policies to the Future Land Use Element and allow lands within the Western Communities Overlay (WCRO) to be utilized as regional water management purposes and to serve as preservation area for seven AGR-PUD's within the Agricultural Reserve Tier. The ITG amendment was transmitted to the State by a BCC vote of 5-2 at the May 3, 2023 public hearing.

The Comprehensive Plan and FLUA amendment for this site will establish a 1,600 acre WCR Exchange Parcel to be used for preserve and density requirements for seven AGR-PUDs in the Agricultural Reserve Tier. The development potential will for the ITG site will be reduced accordingly to reflect the removal of the 1,600 acres from density and other calculations for the WCR future land use designation. The site is also being reduced by 5.45 acres due to FPL dedications from the former 4,871.57 to 4,866.10. The 0.80 density is based upon 3,266.10 acres (4,866.10 minus 1,600 acres). The open space calculations are based upon the Development Area minus the right of way dedication (67.02 acres) equalling 3,199.08.

The following is a summary of the amended and new FLUA conditions 1-17, and consistency with the subject Zoning request. The conditions are carried forward in the Zoning Development Order and modified to match the current Amendment Exhibit 1.

- Conditions 1-3 relate to limiting the project to a maximum of ~~3,897~~ 2,612 residential units, conforming to the Conceptual Plan located in Exhibit 3, and a maximum of ~~300,000~~ 200,000 square feet of commercial and ~~50,000~~ 33,500 square feet of office. The subject zoning request seeks approval for 2,612 units, 200,000 square feet of commercial and 33,500 square feet of office; all of which are consistent with the Conceptual Master Plan located within Exhibit 3 of Ordinance.
 - Conditions 4-5 relate to the timing of construction for 155,511 square feet of Commercial and to Plat within 3 years.
 - Conditions 6-8 relate to the recordation of a Conservation Easement for the ~~4,068~~ 448 acres of Water Resource, Conveyance of 640 acres to Indian Trails Improvement District and a restrictive Covenant prohibiting annexation.
 - Condition 9 identifies all provisions for Workforce Housing (WHP).
 - Conditions 10-12 relate to proportionate share agreements and road construction.
 - Conditions 13-15 relate to the conveyance of sites for Parks, School Board, Fire/Police/Utility and general Civic acreages and locations.
 - Condition 16 identifies all provisions for Rural Parkways.
 - New condition 17 stipulates the timing of the conveyance of 1,600 acres labeled as WCR Exchange Parcel to Palm Beach County.
 - New Condition 18 requires details on the proposed 200-acre active recreation facilities.
- *New and Revised Comprehensive Plan Text:* The request includes an amendment to policies within FLUE Objective 1.12 Western Communities Residential Overlay (WCRO) and the creation of a new Sub-objective in the Agricultural Reserve (AGR) Tier, 1.5.2 The Western Hyder Overlay (WHO). The changes will permit AGR PUD's in the AGR Tier to have required preservation area met within the WCRO. The use of the 1,600 acre WCR Exchange Parcel for AGR-PUD preservation and density in the WCRO results in a net reduction of maximum density and intensity within the WCRO. Therefore, several conditions and policies attributable to density and intensity for the WCRO, were amended. Below is a summary of the amended new polices and the subject request's consistency with applicable polices.
- *Density & Intensity: Policy 1.11-c; 4.5-e and 4.5-f.8:* requires development in the form of a Planned Development District, Commercial in the form of a Traditional Marketplace, a minimum of 900 overall acres, a maximum of 2,612 total residential units, a maximum of 200,000 square feet of commercial retail and a maximum of 33,500 square feet of commercial office uses. The subject 4,866.10-acre site meets each of these criteria.
- *Infrastructure: Policy 1.11-e:* requires several developer-provided public facilities including but not limited to paved roads, water/wastewater, water retention, bus shelters, adjacent road improvements, and proportionate share agreements. The policy also requires a minimum of nine miles of eight-foot wide pedestrian/bicycle pathways (13.56 miles proposed within Rural Parkways), and a minimum of 9.6 miles of equestrian trails (17.81 miles proposed). Both are required to be open to the public. These pathways are depicted on the plans labeled Open Space ALL.

Type	Required	Proposed
8-foot wide pedestrian /bicycle pathways	9 miles	9.50
Equestrian trails	9.6 miles	12.00

Policy 1.11-f: requires a trolley service. The plans show trolley stops at ten locations and a trolley depot within Commercial Pod 3. The stops create connections between the residential and non-residential portions of the development. All of the stops and the depot are depicted on the Open Space All plan and individual Master plans for each pod.

Policy 1.11-h: requires the dedication of public facilities to serve the area residents. These facilities are to be dedicated to The Indian Trail Improvement District, PBC School Board, PBC Parks and PBC Fire/Police/Utility for civic purposes.

Agency	Required	Proposed
Indian Trail Improvement District	640-acres	Staff received escrow letter dated March 30, 2018
PBC School Board	40-acres	40.025 acres – Civic Pod 2
PBC Parks	40-acres	43.448 acres – Civic Pod 4
PBC Fire/Police/Utility	5-acres	5.570 acres – Civic Pod 3
PBC (General civic)	10-acres	10.722 acres – Civic Pod 1
PBC (Civic Recreation)	200-acres	200 acres Pod F – Civic Pod 5

- *Conceptual Land Use Master Plan: Policy 4.5-a, 4.5-b and 4.5-d:* further specify that the subject site is bound by a Conceptual Plan that can only be altered through the Future Land Use amendment process and that all Zoning actions must be consistent with this plan and the specific data tables and graphics required by Policy 4.5-d. This policy was amended to require that all lands being utilized for AGR PUD preservation requirements be outlined on the site data table of the Conceptual Master Plan. The subject site has a Conceptual Plan that has been modified and carried forward with this application and the subject request is generally consistent with this plan. The plans area labeled as Conceptual Land Use Density Plan and Indian Trail Conceptual Plan.
- *Usable Open Space: Policy 4.5-f:* requires specific design characteristics including but not limited to Open Space, minimum acreage of neighborhood serving non-residential, location of residential units within a certain proximity to non-residential nodes and provision of Workforce Housing.

Open Space is divided into three types: Required, Exterior and Contiguous. All of these categories of Open Space are a percentage of the overall acreage less Right-of-Way dedications, resulting in a new gross acreage for the subject request (4,866.102 – 1,667.025 = 3,199.078). The plans labeled Open Space All, depict all of the Open Space categories and requirements such as: pedestrian circulation, pedestrian gathering areas, public access points and equestrian pathways throughout the project. The minimum required and provided acreages for each Open Space category is as follows:

Type of Open Space	Required	Provided
Required	66.67% or 2,132.825 acres	2,196.848 acres or 68.67%
Exterior	50% or 1,599.539 acres	1,817.839 acres or 56.82%
Contiguous	33.33% or 1,066.253 acres	1,088.630 acres or 34.03%

- *Neighborhood Commercial:* The Policy also requires a minimum amount of acres be dedicated toward Neighborhood serving Commercial nodes, and that specific percentages of the proposed units be located within proximity to these and other Civic uses. Both are depicted on the Plans labeled as Commercial Radius and Commercial Civic & Recreation Radius Plans.

Specifically, a minimum of 2% of the Overall development, less Exterior Open Space, shall be required to be Neighborhood Serving Commercial. (3,266.102 acres overall, less 1,836.803acres Exterior Open Space = 1,429.299 acres X 2% = 28.586 acres minimum required) The request is proposing 29.155 acres of neighborhood Serving Commercial.

Type	Required, less Exterior Open Space	Provided
2% Neighborhood Commercial	28.586 acres	29.155 acres

The policy further requires a specific percentage of the overall units to be located within a defined radius of the commercial and civic uses thereby creating a clustering characteristic to the overall development pattern. The following table shows the number of units required and proposed within the prescribed radii based on the proposed 2,612 total residential units.

Type	Required	Provided
1/4 mile radius of commercial	20% or 522 units	585 units or 22%
1/2 mile radius of commercial	40% or 1,045 units	1,565 units or 60%
1/4 mile commercial, Civic or Recreational uses	66% or 1,724 units	2,400 units or 92%

- *Workforce Housing: Policy 4.5-f:7.:* Requires A minimum of 10.0% of on-site for-sale units shall be provided as workforce housing based on the County’s affordability standards (2,612 x 10% = 261.2 or 261 rounded down). Conditions specific to the handling of those units, are carried forward from the amendment conditions within the subject zoning request.
- *Rural Parkway: Policy 1.4-q.:* The Transportation Element (TE) was revised to include 4 new Rural Parkway segments that are required to as part of any Zoning requests' adjacent to these new segments. The policy states that "the Rural Parkway concept is established to protect the rural character of roadways outside of the Urban/Suburban Tier,..." The new segments are all identified on all applicable plans and conditions have been carried forward from the Ordinance to govern over the development of the parkways. The new Parkways are as follows:
 1. 180th Ave. North from the north property line of the Indian Trails Grove PUD to Orange Blvd, minimum 80 foot easement on the west side;
 2. 190th Street North adjacent to the Indian Trails Grove PUD, a minimum of 50 feet wide easement on the east and west side;
 3. Orange Blvd. from 180th Ave. North to 190th Street North, minimum of 50 feet wide easement on the north side and a 50 feet wide easement on the south side;

4. 60th Street North from the western limits of the M-1 canal to 190th Street North, minimum of 50 feet wide easement on the south side of 60th Street North, in order to accommodate a multipurpose paved pedestrian pathway (from the eastern limits of the Indian Trails Grove PUD to the westernmost PUD entrance) and equestrian trail (from the eastern limits of the PUD to the westernmost PUD entrance).

○ *Western Communities Park New Policy 1.11-k:* At the May 3, 2023 Transmittal Hearing, the Applicant proposed the dedication of 200 acre park to the County. Subsequently, the Applicant modified the Preliminary Master Plan drawings to include a 200-acre Civic Pod (Pod F per PMP-1) at the southwest corner of the overall development area. This Civic Pod will be utilized as a Public Park, which allows for a range of uses including but not limited to an All-Terrain Vehicle (ATV) Park, which is the intended use. The Applicant proposes that ancillary uses to the ATV park may include camping sites associated with the ATV use, and parking for recreational vehicles. With the addition of the new Civic Pod, the boundary of the proposed-to-be dedication of 1,600-acres to Palm Beach County has been slightly modified to maintain the 1,600-acre dedication, and Open Space Pod 2 (Water Resources / Agricultural; west of Pod E) has been reduced in size from 448.630 acres to 248.630 acres. The overall modifications to the plan have no effect on Pods A through E or the 640-acre Impoundment Expansion Area (OS Pod 1). The Applicant has proposed the following policy for adoption in the Comprehensive Plan with the concurrent amendment:

[Applicant Proposed] NEW Policy 1.11-k: *In order to achieve the unique development opportunity afforded in the WCRO, while providing public benefits commensurate with County desires for active recreation needs within the Rural Tier, the County shall require a 200-acre park within the Western Communities Residential Overlay. The active park shall be improved by the owner in accordance with the BCC approval of a Development Agreement, which Development Agreement shall establish the required improvements which must be completed prior to conveyance to the County. The active park shall be counted towards meeting the Exterior Open Space requirement in the Overlay.*

The County's Parks and Recreation Department have reviewed the preliminary concept plans presented by the Applicant and have proposed the following policy for incorporation to the Plan a policy decision to be made by the BCC at the adoption public hearing. According to the Parks and Recreation Department, the Comprehensive Plan Recreation and Open Space Element details regional as well as district and beach park acreage level of service requirements to meet the public need. Parks and Recreation conditions are based on an OHV Park Feasibility Study begun in 2013 with the final study presented to the Board of County Commissioners in 2021. The study included but was not limited to an assessment of community demand, a market analysis, and an OHV facility best practice determination. Campground conditions of approval are based on considerable Department experience operating three public campgrounds over many decades to achieve a high level of customer satisfaction and financial sustainability. The Applicant does not agree to this version of this policy.

[Staff Proposed] NEW Policy 1.11-k: *Western Communities Park.* *In order to achieve the unique development opportunity afforded in the WCRO, while providing public benefits commensurate with County desires for active recreation needs within the Rural Tier, the County shall require a 200-acre park within the Overlay. The active park shall be improved by the owner to Parks Department standards and satisfaction prior to conveyance to the County by a date mutually agreed upon by the owner and the County. At a minimum, the active park shall include the following, and shall be further detailed in the zoning development order:*

- 1. A Recreational Vehicle campground with a minimum of 100 spaces with amenities;*
- 2. A minimum of 10 miles of off-road trails with full-support facilities for off-road vehicles, as well as paved parking, and support operations;*
- 3. Improved, paved vehicular access from 60th Street North/59th Street, based on a completed alignment study; and*
- 4. Appropriate measures to adequately buffer visual, light, and noise impacts through the design and configuration of the uses in the active park.*

Additionally, other active and passive recreational uses may be located at this park, subject to BCC approval. The active park shall be counted towards meeting the Exterior Open Space requirement in the Overlay.

The Parks & Recreation Department have incorporated Parks Conditions 2 and 4 within this Report to implement the staff proposed Policy 1.11-k. The Applicant does not support these two conditions.

The Planning Division (Planning FLUA Ordinance proposed Condition 18 and DOA proposed Condition 43) and PREM (proposed Condition 9) have added conditions of approval requiring the completion of the Park and conveyance to the County prior to either the issuance of the 261st residential building permit (exclusive of model permits) within Indian Trails Grove PUD, or the issuance of 500 residential Certificate of Occupancy for the 1,000 unit age restricted development within Hyder West PUD (Control Number 2022-005), whichever comes first. The Applicant disagrees with the 500 figure, but supports a 720 figure for these conditions.

- *WCR Exchange Parcel New Policy 1.11-i and New Policy 1.5.2-e:* The foundation of the Comprehensive Plan amendments and zoning applications is the Applicant's proposal to convey 1,600 acres of land known as the WCR Exchange Parcel to the County for water resources or agricultural purposes. The Applicant states that this new option proposes to allow preserve and density assignments in the Agricultural Reserve Tier for sites associated with land dedications in the Rural Tier. The new set of policies will allow land area in the Western Communities Residential Overlay (WCRO) and within the Western Communities Residential future land use (WCR) to contribute towards the preserve area and density assignments for Agricultural Reserve Planned Developments (AGR-PUDs) in the Agricultural Reserve, as well as dedicate this land area to the County for unique opportunities for PBC to utilize these land areas for regional water management or agriculture. The concurrent Comprehensive Plan amendment creates the WCR Exchange Parcel within the subject site that will provide preserve areas and density for the AGR-PUD to meet the 60/40 AGR-PUD requirements. The associated development orders in the will allow a portion of land within the new Comprehensive Plan created West Hyder Overlay (WHO), at the southwest corner of the Agricultural Reserve, to be approved as a new AGR-PUD.

The County Water Resources Manager indicates that this proposal would create more publicly controlled land for water resource by providing the potential of regional benefits, such as, supporting the restoration effort for the Loxahatchee River Watershed providing pump stations a flow path from the South Florida Water Management District's (SFWMD's) L-8 Canal through Cypress Grove Community Development District (CGCDD) and the construction of an impoundment to provide water attenuation and water quality improvement. The impoundment will be constructed on a portion of the 1,600 acres and release water into Indian Trail Improvement District's M-0 canal where it could be lifted into the City of West Palm Beach M-Canal or could be conveyed to the Northwest Fork of the Loxahatchee River (NWFLR) by the proposed Comprehensive Everglades Restoration Plan (CERP) Loxahatchee River Watershed Restoration Project (LRWRP) in the future. By capturing and conveying excess L-8 runoff the project could reduce harmful discharges into the Lake Worth Lagoon, provide an alternative route for water discharges into the Grassy Waters Preserve, which is the City of West Palm Beach's drinking water supply, and/or storing discharges from Lake Okeechobee in the SFWMD L-8 canal that would otherwise discharge directly into the Lake Worth Lagoon.

The concurrent Comprehensive Plan amendment policies to implement the exchange proposal are provided below. New Policy 1.11-i establishes the uses allowed within the WCR Exchange parcel and require a conservation easement as further detailed in a separate Policy. New Policy 1.5.2-e establishes the completion requirements and timing for the conveyance of the property to the County. These new policies are implemented in the Development Order by Planning Condition 41 and Engineering-Water Resources Conditions 37 and 38. The County and the Applicant are in continuing conversations regarding conditions 37 and 38 at the time of the printing of the Zoning Commission Report.

NEW Policy 1.11-i: WCR Exchange Parcel - Water Project Uses. The areas within the Western Communities Residential Overlay that are designated as WCR Exchange Parcel Water Resources/Agriculture/Impoundment Area on the adopted WCR Conceptual Plan shall be conveyed via warranty deed to the County or other governmental entity that is not a CDD subject to Policy 1.5.2-f. The uses within the WCR Exchange Parcel shall be subject to a conservation easement pursuant to Policy 1.11-j and restricted to the following uses and purposes consistent with this Overlay, including, but not limited to: excavation for regional water management, stormwater impoundment, flow ways and other means of water conveyance, water quality enhancement projects, environmental restoration, environmental mitigation banks, Everglades restoration, conservation, and bona fide agriculture. The County shall adopt conditions of approval in the zoning development order to address the timing and construction of the excavation.

Excavation for the purposes of fulfilling the requirements of this policy, including but not limited to the digging of fill for use on-site or to support the drainage system of the development, shall not be removed from the site and not subject to the limitations of Objective 2.3, Mining and Excavation. In addition, areas designated as water resources or impoundment on an adopted WCR Conceptual Plan, and dedicated to the County, the South Florida Water Management District, or the Indian Trail Improvement District are permitted to excavate in support of water management projects that are associated with, but not limited to, ecosystem restoration, regional water supply, and flood protection.

NEW Policy 1.5.2-e: WCR Exchange Parcel - Water Project Conveyance. *In order to fulfill the stated purpose of the West Hyder Overlay this Sub-Objective to promote ~~achieving~~ regional water management opportunities outside of the Agricultural Reserve Tier as detailed in Policy 1.11-i, and commensurate with the development in the West Hyder Overlay, the Hyder West AGR-PUD (Control Number 2022-005) Zoning development order shall require the following at minimum performance threshold:*

1. Prior to the issuance of the 360th residential Certificate of Occupancy for the 1,000 unit adult age restricted development within the Hyder West PUD, the completed construction and successful operation of the water feature at the WCR Exchange Parcel as depicted on the adopted WCR Conceptual Plan shall be complete and operational to the County's satisfaction. The County Administrator, or designee, shall consider, among other items, the engineer certification of the project's compliance with the design specifications to determine if the project is complete. Upon delivery of such written certification from the County to the property owner, the property owner shall convey the 1,600 acres labeled on the Conceptual Plan as the "WCR Exchange Parcel-Palm Beach County Conveyance (1,600 acres)" to Palm Beach County. The County will not issue any more Certificates of Occupancy beyond the 359th one for the 1,000 unit adult age restricted development within the Hyder West PUD until such time that water feature is complete and operational pursuant to this policy and the property is conveyed to the County.

b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

o *Plan Development Districts (PDD) Standards:* The ULDC requires that any Development Order Amendment application to a PDD, include a PMP that shows the general location, intensity, and density. In addition, the WCR-PUD PMP is required to be consistent with the FLUA amendment Conceptual Plan, Implementing Principles and Conditions of Approval, as discussed under item a. above, Consistency with the Plan. The following explains how the PMP implements the design principles of the Conceptual Master Plan and compliance with the WCR-PUD standards.

• *Residential:* The Preliminary Master Plan (PMP) indicates five Residential Pods with 2,612 dwelling units including 1,209 Single-family (SF) and 1,403 Zero Lot Line (ZLL) units. The proposal is a reduction of 1,285 units from the previously approved Preliminary Master Plan with 3,897 units that included six Pods with 1,821 Single-family (SF), 1,811 Zero Lot Line (ZLL) and 256 Townhouse (TH) units.

Pod	Approved			Proposed			Approved	Proposed	Approved	Proposed
	SFR	ZLL	TH	SFR	ZLL	TH	Total Number of Units		Acreage	
A	326	336	0	425	547	0	662	972	517.88	527.92
B	150	119	0	222	153	0	269	375	244.12	246.62
C	405	330	130	332	703	0	865	1035	577.96	586.93
D	219	483	0	160	0	0	702	160	462.86	429.08
E	181	543	135	70	0	0	859	70	540.17	173.89
F	540	0	0	0	0	0	540	0	517.75	200
TOTAL	1821	1811	265	1209	1403	0	3,897	2,612	2,860.74 (58.72% of 4,871.57)	1,953.91 (40.15% of 4,866.10)

• *Commercial:* The Indian Trails Grove PUD includes three Commercial Pods intended to provide personal services, retail opportunities, and professional or business offices for use primarily by the residents of the PUD, with a total of 233,500 SF of uses (200,000 SF of Commercial Retail Use and 33,500 SF of Office Use). The commercial Pods are located within three separate areas of the overall PUD. Commercial Pod #1 is located within Pod A and includes 12.83 acres. Access is provided via 60th Street and fronts a rural parkway. Commercial Pod #2 is located within Pod C and includes 12.99 acres. Access is provided by both Orange Blvd and 190th Street both of which include Rural Parkways. Commercial Pod #3 is located within the southwest corner of Pod C and includes 3.34 acres. Access is provided by both 190th Street. The ULDC includes an exception to Article 3.E regarding the location of a commercial pod within a PUD: “A commercial pod located within a WCR may be allowed provided the location of the commercial pod is shown on the Conceptual Plan approved by the BCC as part of the FLUA amendment.” The Commercial Pods are shown in the Conceptual Plan.

	Approved			Proposed		
Commercial	Acres	Commercial Sq. Ft.	Office Sq. Ft.	Acres	Commercial Sq. Ft.	Office Sq. Ft.
Commercial Pod 1	16.09	87,500	10,000	12.82	50,000	3,500
Commercial Pod 2	23.71	125,000	30,000	12.99	125,000	30,000
Commercial Pod 3	16.09	87,500	10,000	3.34	25,000	-
Total Commercial	55.89	300,000	50,000	29.15	200,000	33,500

- *Civic:* A minimum of 2% (97.32 acres) of the gross development acreage of 4,866.10 acres is required to be dedicated for Civic Pods. The proposed project includes approximately 299.77 (6.25%) acres within five separate Civic Pods.

Civic	Acres (Approved)	Acres (Proposed)
Civic Pod 1	12.20	10.72
Civic Pod 2	10.72	40.02
Civic Pod 3	5.57	5.57
Civic Pod 4	43.48	43.45
Civic Pod 5	15.46	200.00
Civic Pod 6	22.64	-
Civic Pod 7	26.82	-
Total Civic Pods (gross acreage)	136.88 (2.81%)	299.77 (6.25%)

- *Recreation:* Pursuant to the ULDC, 2,612 residential units requires a minimum of 15.67 acres of Recreation. The Applicant is proposing to exceed the minimum required Recreation by providing a combined 22.49 acres of Recreation Pods dispersed within each Residential Pod, in addition to a centralized 24.58-acre Private Recreation Pod to be located on 190th Street within Pod C, for a total of 57.85 acres.

Recreation	Acres Approved	Acres Proposed
Rec Pod A	5.54	9.45
Rec Pod B	2.54	2.54
Rec Pod C	6.15	6.90
Rec Pod D	4.86	3.17
Rec Pod E	5.99	2.69
Rec Pod F	6.23	-
Private Recreation Pod	26.53	24.58
Total Recreation	57.84	57.85

- *Open Space:* The PMP indicates the required Open Space areas, six Development Pods, Recreation Pods, seven Civic Pods, and three Commercial Pods. It also indicates school bus shelters, trolley stops, focal points, pedestrian gathering areas and other amenities; all with interconnection to each other via vehicular, equestrian and pedestrian trails. The proposed open space meets the Comprehensive Plan requirements.

○ *Exemplary Design:* A Development Order Amendment (DOA) to a previously approved PUD shall only be granted to a project exceeding the goals, policies, and objectives in the Plan, the minimum requirements of this Code, and the design objectives and performance standards in this Article which include, but are not limited to, sustainability, trip reduction, cross access, buffering, aesthetics, creative design, vegetation preservation, recreational opportunities, mix of uses, mix of unit types, safety, and affordable housing. The Applicant proposes the following to satisfy the exemplary design criteria:

- *Trip Reduction:* The proposed modification will result in a decrease in units from 3897 units to 2612 units which will result in a reduction of 14,287 daily trips or a 31% decrease, resulting in a substantial reduction in trip generation.
- *Buffering:* The required landscape buffers along the perimeters include wide open space areas that exceed the Code requirement
- *Recreational opportunities:* The PMP for this project indicates 24.75 acres of recreation pods, a continuous non-vehicular circulation system for pedestrians and non-motorized vehicles (also has 9.5 miles of equestrian trails and 12 miles of multi-purpose trails), the equestrian and multi-purpose trails;

- **Open space:** The PMP indicates a total of 2,196.85 acres of open space exceeding the 2,132.83-acre requirement by 64.02 acres. The open space required by the Comprehensive Plan is 66.67% of the Development Area minus right of way (3,199.08 acres).

○ **Landscaping/Buffering:** The subject site is in compliance with Code requirements for the landscape buffers. A Type 2 Variance was approved by the Zoning Commission as implemented in Resolution ZR-2019-009 allowing the Applicant to eliminate the landscape requirements of a Type 2 Incompatibility Buffer along 1,658 linear feet of the northern perimeter between Pod D and PBC District Park F to accommodate an existing lake. The Applicant states that *“The previously justified site conditions remain, and the separation between residential development in Pod D and the boundary of the Park has increased as part of the proposed amended development program, thereby continuing to support the rationale of the previously approved Type 2 Variance.”* The previously approved Variance remains in effect and no additional action is required.

The subject development is also required to have Rural Parkways, as described in the Standard for Consistency with the Plan, in addition to the ULDC buffers (see analysis for WCR-PUD Landscape Buffer Exceptions below).

○ **WCR-PUD Standards:** The Purpose and Intent of this zoning district is to enable the appropriate transition between rural, suburban, and other uses including existing and future conservation areas, specifically the J.W. Corbett Wildlife Management Area and Everglades restoration programs and projects. The project is consistent with the adopted FLUA Conceptual Plan.

1. Applicable Development Review Procedures.

- a. All the land area included in the FLUA Conceptual Plan is included herein as a single PUD.
- b. Commercial Pods - BCC Preliminary Site Plan Approval. A Preliminary Site Plan (PSP) shall be approved by the BCC for each Commercial Pod within the WCR-PUD.

2. PUD Exceptions.

- a. Contiguity: All lands that are the subject of the ITG PUD are shown on the FLUA Conceptual Plan and PMP, and are considered contiguous and continue to be in accordance with FLUE Policy 1.12-d.
- b. Minimum acreage: As the Applicant states, *“All the land approved under Ordinance 2016-041 and the FLUA Conceptual Plan is included within the requested Development Order Amendment application, with the exception of a 5.47-acre parcel conveyed to FPL. Applicant is requesting to modify the FLUA Conceptual Plan and PMP to reflect this reduction in land area from 4,871.57 to 4,866.10, however the remaining site area exceeds the minimum acreage for a PUD”.*
- c. PUD Land Use Mix.
 1. Minimum Residential. Pursuant to Table 3.E.2.C. of the ULDC, the minimum residential development requirement is 60 percent. The proposed minimum residential for this project remains below 60%.
 2. Maximum Commercial. The maximum commercial remains consistent with the FLUA Conceptual plan as the Applicant is proposing to reduce the commercial square footage from 350,00 to 200,00 of commercial uses. The Applicant noted that concurrent requests to modify the FLUA Conceptual Plan and PMP for consistency with this reduction are being processed.
 3. Open Space. The required open space area is consistent with the proposed FLUA Conceptual Plan and the Applicant is proposing an increase in Open Space acreage.
- d. TMD requirements for Commercial Pods. Commercial Pods shall be developed in accordance with the standards for a Traditional Marketplace Development (TMD). No site plan for the commercial pods is included with this application. Prior to development, a Preliminary Site Plan for each Commercial Pod shall be submitted to the BCC for approval.
- e. Standards for Open Space: As previously noted, concurrent requests to modify the FLUA Conceptual Plan and PMP for consistency with this reduction are being processed.
- f. Agricultural Uses: Agricultural uses are permitted to remain within the WCR-PUD development area as an interim use or where otherwise designated on the FLUA Conceptual Plan. The Policy remains the same.
- g. Landscape Buffer Exceptions:

In accordance with ULDC Art. 3.E.2.H.4.g, Landscape Buffer Exceptions [Related to WCR-PUD Exceptions], there are several provisions pertaining to landscape buffer requirements that implement the Policies of the Plan for the WCR Overlay, as follows:

1. Rural Parkways: The PMP shows the rural parkways consistently with the proposed FLUA Conceptual plan.
2. Contiguous Open Space. No buffers are required or provided around the perimeter of the 640 acre Exterior Open Space.
3. Optional Agricultural Use Compatibility Buffer. The proposed Plan continues to meet this requirement. As is stated in the Justification statement *“5-foot-wide compatibility buffers continue*

to be provided in locations wherein the residential lots and agricultural uses are separated by a minimum 50 feet of dedicated open space. All required compatibility buffers are provided at the required 8' minimum although the WCR allows 5-foot compatibility buffers".

4. Section Line Easements within the WCRO: Within the WCRO, WCR-PUDs may be encumbered by ingress, egress, maintenance, drainage and irrigation easements. Collectively, when specified in the Development Order for a WCR PUD Rezoning, these easements are hereinafter referred to as "Section Line Easements". The following may apply to Section Line Easements, except where encumbered by any other easements, including those dedicated to Palm Beach County, the Indian Trail Improvement District, a POA, or other similar. In addition, the WCR-PUD allows for a five foot Compatibility Buffer in lieu of a ROW Buffer when adjacent to a SLE. It also allows for the required landscape material to be able to be located within the SLE. As is stated in the justification statement the Preliminary Master Plan continues to provide provides for the appropriate conditions within all areas of Section Line Easements.

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

The proposed amendment is generally compatible and consistent with the existing uses and surrounding zoning districts, based on the proposed modifications to the concurrent Comprehensive Plan amendments, as contained in the Conditions of Approval and depicted on the Conceptual Plan. The prior PUD approval has been previously found to be compatible with surrounding uses. The request to modify the PUD to reduce the land area, density and intensity, and reconfigure the plan of development does not adversely affect its compatibility to those uses.

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

The proposed changes will have minimal impacts on neighboring areas. As previously stated, the proposed modifications to the PUD provide for additional land preservation, reduced density and intensity across the PUD thus further reducing any potential adverse impacts.

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

- *Vegetation Protection:* The application request does not impact native vegetation.
- *Wellfield Protection Zone:* This property is not located within Wellfield Protection Zone.
- *Irrigation Conservation Concerns And Surface Water:* All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.
- *Environmental Impacts:* There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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

The proposed development pattern will be created with the modifications to the concurrent Comprehensive Plan amendment. Timing of the development is subject to Conditions of Approval and implementation of the Development Order in accordance with Article 2.E. The proposed reduction in land area and units remains consistent with the findings of the previous proposal. This amendment will remain consistent with WCR future land use designation.

g. Adequate Public Facilities – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS: The revised plan of development that includes a reduction of already approved residential, office, and commercial land use will result in reduction of the trips compared to those of the previous approval. The previous approval of the development had a trip generation potential of 45,950 net daily, 3,067 net AM peak hour, and 3,790 net PM peak hour trips. The revised plan of development is expected to generate 31,663 net daily trips, 2,093 net AM peak hour trips, and 2,643 net PM peak hour trips. Therefore, the reduction of trips are as follows: 14,287 net daily, 974 net AM peak hour, and 1,147 net PM peak hour.

The Property Owner shall have to pay proportionate share of the cost of roadway and intersection improvements required to meet Traffic Performance Standards, in addition to making lump sum payments for roadway improvements in the area. The previously proportionate Share Agreement will be modified based on the current plan. The needed turn lanes and signalization requirements, all paid for by the Property Owner, shall be determined with each site plan application. The Property Owner shall also improve Orange Blvd and Hamlin Blvd.

The Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code.

The Property Owner shall obtain Right of Way Permit(s) from the Palm Beach County Engineering Department, Permit Section, for access onto, or work within County rights of way.

The Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of 60th Street North and 190th Street North as well as the other public major roadway(s) along the property frontage or within the project.

DRAINAGE: The subject site is located within the service boundaries of Indian Trail Improvement District. The Applicant's Engineer states the following, "*The residential and commercial development will include on-site drainage systems that will consist of a series of catch basins and pipes which will route storm water runoff to the interconnected lakes. The lakes will be designed to provide the necessary water quality treatment and required storage for storm water runoff. All lakes within the overall project will be part of the storm water management system. All drainage systems will be designed in accordance with Palm Beach County, SFWMD and Cypress Grove CDD criteria. ...*" The full Statement can be reviewed in Exhibit E. The Applicant must secure proper permits from all appropriate drainage districts and agencies prior to commencement of development.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project has met the requirements of the Florida Department of Health.

WATER AND WASTE WATER: The subject site is located within the service boundaries of Palm Beach County Water Utilities. A letter from PBCWUD is included in Exhibit F. The Applicant will need to connect to Water and wastewater in order to implement any Development Order.

FIRE PROTECTION: Staff has reviewed this application and have no comment. The subject site is within the service boundaries of Palm Beach County Fire Rescue Station #22.

SCHOOL IMPACTS: In accordance with the adopted Coordinated Planning Interlocal Agreement, a School Capacity Availability Determination (SCAD) for 2,612 residential units had been approved on February 9, 2023 (SCAD Case #23012501D).

The subject property is located in SAC 420H. This project is estimated to generate approximately nine hundred and twenty-three (923) public school students. The schools currently serving this project area are: Frontier Elementary School, Osceola Creek Middle School and Seminole Ridge Community High School. The School Capacity Availability Determination (SCAD) analysis for this application has determined that the proposal would exacerbate capacity deficiencies at the District elementary, middle and high school levels. The additional 413 elementary school students generated by this proposal will increase the utilization percentage of Frontier Elementary School to 139%. The additional 212 middle school students generated by this proposal will increase the utilization percentage of Osceola Creek Middle School to 102%. The additional 298 high school students generated by this proposal will increase the utilization percentage of Seminole Ridge Community High School to 115%.

School bus shelter locations are shown on several Preliminary Master Plans. School District Staff will evaluate the need and establish the exact location of the proposed 10' by 15' school bus shelter for each residential pod when that pod is reviewed through the DRO process. A bus shelter condition of approval has been applied to this request.

PARKS AND RECREATION: Multiple Recreation Pods have been provided for the revised development for a total gross acreage of 50.89 acres and net acreage of 47.07 acres. The Applicant has exceed the recreation requirements as required by the ULDC.

h. Changed Conditions or Circumstances – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

The intent of the proposed amendment is to allow land area located in the previously approved project, to become preserve areas for planned developments in the Agricultural Reserve (Ag Reserve) Tier. This change would allow up to approximately 1,600 acres of “WCR Exchange Parcel” land to be used as Ag Reserve Planned Development (AGR-PUD) preserve areas with a density of .80 units per acre. As the Applicant stated, *“This request is part of a “bundle” of related development order applications submitted concurrently involving the Indian Trails Grove site and the property known as Hyder West, located west of SR 7 and south of Atlantic Avenue in the Agricultural Reserve Tier. A total of 1,600 acres of land within ITG PUD will be conveyed to PBC and designated for water resources or agricultural purposes. It will be utilized to replace existing AGR PUDs preserve areas currently located on the Hyder West property, and allow preservation areas for a new AGR PUD proposed on the Hyder West property. These changes will authorize 1,600.00 acres to be utilized as required preserve area for AGR PUDs (existing or proposed).*

The enhanced regional benefits of this plan of development will be to create 1,600 acres owned and controlled by Palm Beach County that is contiguous to the L-8, MO and M Canals. This proposed amendment would create more publicly controlled land for water resource purposes, providing the potential for regional benefits such as supporting the restoration effort for the Loxahatchee River Watershed by creating a flow way on the 1,600 acres to move water from the SFWMD L-8 canal to the MO canal, reducing harmful discharges into the Lake Worth Lagoon, providing an alternative route for water discharges into Grassy Waters Preserve, which is the City of West Palm Beach’s drinking water supply, and/or storing discharges from Lake Okeechobee in the SFWMD L-8 canal that would otherwise discharge directly into the Lake Worth Lagoon. This land is also contiguous to the west to 640 acres within the PUD that has been previously committed to Indian Trail Improvement District (ITID) to increase stormwater storage for “The Acreage” that is adjacent to their existing +550-acre drainage impoundment area; and to the east to an additional 248.63 acres of open space designated for water resources or agriculture.

Accommodating a larger contiguous mosaic of lands for water resources and/or agriculture provides more flexibility in addressing both water management challenges, and/or supporting agricultural production in Palm Beach County. Reducing density/intensity in the Rural Tier in an area were infrastructure in minimal in exchange for increasing density in the AGR Tier where infrastructure exists is prudent long-range planning.

TYPE 2 WAIVER SUMMARY:

ULDC Article	Required	Proposed	Waiver
Art. 3.E.1.C.2.A.5. Cul-de-Sacs	Maximum 40% of the 62 local streets (24) to terminate in a cul-de-sac or dead ends.	63% of local streets (39) to terminate in a cul-de-sac or dead ends.	+23% (+15)

FINDINGS:

Type 2 Waivers:

When considering a Development Order application for a Type 2 Waiver, the BCC shall consider the Standards in ULDC Article 2.B.7.D.3, Standards for Type 2 Waivers. The Standards and Staff Analyses are indicated below. A Type 2 Waiver, which fails to meet any of the standards, shall be deemed adverse to the public interest and shall not be approved.

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

Yes: The Waiver does not create additional conflicts with other requirements of the Code, and is consistent with the stated purpose and intent for the PDD Zoning District. ULDC Art. 3.E.1.C.2.a.5), Cul-de-sacs, establishes minimum standards for interconnectivity within a PDD by limiting the number of cul-de-sacs or dead end streets to a maximum of 40 percent of overall streets within the development. Therefore, a maximum of 24 of the 62 streets proposed may terminate in a cul-de-sac or dead end. However, the same provision allows for up to an additional 25 percent subject to approval of a Type 2 Waiver, upon demonstration that the increase includes additional connectivity to Open Space that provides amenities to residents of the development or where the additional cul-de-sacs or dead streets are connected to a pedestrian system. A Preliminary Street Layout Plan was provided by the Applicant, which indicates a total of 39 streets will terminate in a cul-de-sac (63%), in addition to proposed pedestrian and equestrian trails and Rural Parkways (see Figure 4, PMP-12).

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

Yes: The Waiver will not cause a detrimental effect on the overall design and development standards of the project and will be in harmony with the general site layout and design details of the development. In addition to typical PUD pedestrian circulation systems, the proposed WCR-PUD provides for additional Rural Parkways, pedestrian/equestrian and equestrian trails or pathways within the development.

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

Yes: The Applicant provided a conceptual street layout and pedestrian plan and the proposed plan will not adversely affect neighboring properties. As proposed, the majority of the street and pedestrian connections are internal to the WCR-PUD.

CONCLUSION: Staff has evaluated the standards listed under Articles 2.B.7.B.2 and 2.B.7.D.3 and determined that there is balance between the need for change and the potential impacts generated by the Development Order Amendment. Therefore, Staff is recommending approval subject to Conditions of Approval as indicated in Exhibits C -1 and C-2.

CONDITIONS OF APPROVAL

EXHIBIT C-1

Development Order Amendment

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Preliminary Master Plan is dated August 13, 2018, and the Preliminary Regulating Plans are dated June 11, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code must be approved by the Board of County Commissioners.

Is hereby amended to read:

The approved Preliminary Master Plan is dated June 26, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

2. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2019-389 (Control 2002-90045) have been consolidated as contained herein. The Property Owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2019-389, Control No.2002-90045, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2035. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

b. No building permits for the site shall be issued, until the Property Owner makes a lump sum payment of \$1,250,000 to the County to facilitate road improvements in the area. This is the first of a total of four equal installments throughout the life of the project. This payment is subject to cost escalator calculations applicable to the proportionate share payments. (BLDGPMT: MONITORING - Engineering)

c. No building permits for more than 2% of the overall project (or equivalent of 35 directional peak hour trips or 50 dwelling units) shall be issued until the contracts are let for the Assured Construction of the widening of Northlake Boulevard from Seminole Pratt Whitney Road to 140th Ave from a 2-lane facility to a 4-lane divided facility; or

i. (1) Before October 1, 2022

ii. (2) Before October 1, 2020 if Assured Construction is deleted; whichever occurs first (BLDGPMT: MONITORING - Engineering)

d. No building permits for more than 2% of the overall project (or equivalent of 42 directional peak hour trips or 60 dwelling units) shall be issued until the contracts are let for the Assured Construction of the widening of Northlake Boulevard from 140th Ave to Coconut Boulevard from a 2-lane facility to a 4-lane divided facility; or

i. (1) Before October 1, 2022

ii.(2) Before October 1, 2020 if Assured Construction is deleted; whichever occurs first. (BLDGPMT: MONITORING - Engineering)

e. No building permits for more than 400 dwelling units (or equivalent number of trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,700,000.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPMT: MONITORING - Engineering)

f. No building permits for more than 800 dwelling units (or equivalent number of trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,700,000.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPMT: MONITORING - Engineering)

- g. No building permits for more than 1200 dwelling units (or equivalent number of trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,700,000.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPM: MONITORING - Engineering)
- h. No building permits for more than 18% of the overall project (or equivalent of 400 directional peak hour trips or 700 dwelling units) shall be issued until the contracts are let for the Assured Construction of the widening of Royal Palm Beach Blvd from Orange Boulevard to 60th St from a 2-lane facility to a 5-lane divided facility; or
- ii. (1) Before October 1, 2022
- iii. (2) Before October 1, 2020 if Assured Construction is deleted; whichever occurs first. (BLDGPM: MONITORING - Engineering)
- i. No building permits for more than 973 dwelling units shall be issued, until the Property Owner makes a lump sum payment of \$1,250,000 to the County to facilitate road improvements in the area. This is the second of a total of four equal installments throughout the life of the project. This payment is subject to cost escalator calculations applicable to the proportionate share payments. (BLDGPM: MONITORING - Engineering)
- j. The Property Owner shall fund the construction, construction plans and construct Orange Boulevard from 180th Street North to Seminole Pratt Whitney Road as a 3-lane road, as required by the maintaining entity and as approved by the County Engineer, or if not required by the maintaining entity, to be consistent with Palm Beach County standards for an 80ft right of way non-plan collector street. Any and all costs associated with the construction shall be paid by the Property Owner. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate configuration. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. The Property Owner shall be entitled to credit against future proportionate share payments for the cost it incurs in completing such plans and construction, inclusive of right-of-way, construction easement and drainage acquisition costs necessary for construction from 180th Avenue North to Seminole Pratt Whitney Road. Construction shall commence prior to the issuance of the 1,228th building permit. (BLDGPM: MONITORING - Engineering)
- k. No building permits for more than 42% of the overall project (or equivalent of 900 AM outbound trips or 1636 dwelling units) shall be issued until the Property Owner extends the dual southbound left turn lanes on Seminole Pratt Whitney Road at Okeechobee Boulevard approximately 200 feet (as approved by the County Engineer) to run back to back with the northbound left turn lane on Seminole Pratt Whitney Road and Downers Drive. (BLDGPM: MONITORING - Engineering)
- l. No building permits for more than 1600 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,700,000.00 The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPM: MONITORING - Engineering)
- m. No building permits for more than 2000 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,700,000.00 The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPM: MONITORING - Engineering)
- n. No building permits for more than 1947 dwelling units shall be issued, until the Property Owner makes a lump sum payment of \$1,250,000 to the County to facilitate road improvements in the area. This is the third of a total of four equal installments throughout the life of the project. This payment is subject to cost escalator calculations applicable to the proportionate share payments. (BLDGPM: MONITORING - Engineering)
- o. No building permits for more than 2319 dwelling units shall be issued until the Property Owner improves and constructs to a 4-lane section to County Thoroughfare standards 60th Street from Seminole Pratt Whitney Road to 190th Street. (BLDGPM: MONITORING - Engineering)
- p. No building permits for more than 663 dwelling units shall be issued until the Property Owner constructs an additional (total of dual) northbound left turn lane, an exclusive eastbound left turn lane, an eastbound through lane, and dual eastbound right turn lane, or as approved by the County Engineer, at the intersection of 60th Street and Seminole Pratt Whitney Road. (BLDGPM: MONITORING - Engineering)
- q. No building permits for more than 2400 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,700,000.00 The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPM: MONITORING - Engineering)
- r. The Property Owner shall fund the construction, construction plans and construct Hamlin Boulevard from 190th Street North to Seminole Pratt Whitney Road as a 3-lane road, as required by the maintaining entity and as approved by the County Engineer, or if not required by the maintaining entity, to be consistent with Palm Beach County standards for an 80ft right of way non-plan collector street.. Any and all costs associated with the construction shall be paid by the Property Owner. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate configuration. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. The Property Owner shall be entitled to credit against future proportionate share payments for the cost it incurs in completing such plans and construction, inclusive of right-of-way, construction easement and drainage acquisition costs necessary for construction. Construction shall commence prior to the issuance of the 2,576th building permit. (BLDGPM: MONITORING - Engineering)

- s. No building permits for more than 2800 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,700,000.00 The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPMPT: MONITORING - Engineering)
- t. No building permits for more than 3200 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,700,000.00 The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPMPT: MONITORING - Engineering)
- u. No building permits for more than 3600 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,700,000.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPMPT: MONITORING - Engineering)
- v. No building permits for more than 3700 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$865,760.00. However, if the east-west roadway through the City of Westlake that connects Seminole Pratt Whitney Road and 60th Street west of Seminole Pratt Whitney Road is completely constructed and open to public before the above phasing schedule, then the proportionate share payment of \$865,760.00 will not be required. However, in the event that the Property Owner had already made this payment and later this roadway is constructed and open to the public, the submitted payment amount may be credited against any future proportionate share payments, if requested by the Property Owner. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPMPT: MONITORING - Engineering)
- w. No building permits for more than 42% of the overall project (or equivalent of 926 directional peak hour trips or 1625 dwelling units) shall be issued:
- i. Until Avenir commences widening of Northlake Blvd east of Coconut Blvd from 4 lanes to 6 lanes; or
 - ii. Before January 1, 2022, whichever occurs first. (BLDGPMPT/DATE: MONITORING - Engineering)
- x. No building permits for more than 3800 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,527,327.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPMPT: MONITORING - Engineering)
- y. No building permits for more than 2921 dwelling units shall be issued, until the Property Owner makes a payment of \$1,250,000 to the County to facilitate road improvements in the area. This is the fourth (last) of a total of four equal installments throughout the life of the project. This payment is subject to cost escalator calculations applicable to the proportionate share payments. (BLDGPMPT: MONITORING - Engineering)

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

- a. No Building Permits for the site may be issued after December 31, 2035. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)
- b. No building permits for the site shall be issued, until the Property Owner makes a lump sum payment of \$1,250,000 to the County to facilitate road improvements in the area. This is the first of a total of four equal installments throughout the life of the project. This payment is subject to cost escalator calculations applicable to the proportionate share payments. (BLDGPMPT: MONITORING - Engineering)
- c. No building permits for more than 2% of the overall project (or equivalent of 35 directional peak hour trips or 50 dwelling units) shall be issued until the contracts are let for the Assured Construction of the widening of Northlake Boulevard from Seminole Pratt Whitney Road to 140th Ave from a 2-lane facility to a 4-lane divided facility; or
 - i. (1) Before October 1, 2022
 - ii. (2) Before October 1, 2020 if Assured Construction is deleted; whichever occurs first (BLDGPMPT/DATE: MONITORING - Engineering) [Note: COMPLETED]
- d. No building permits for more than 2% of the overall project (or equivalent of 42 directional peak hour trips or 60 dwelling units) shall be issued until the contracts are let for the Assured Construction of the widening of Northlake Boulevard from 140th Ave to Coconut Boulevard from a 2-lane facility to a 4-lane divided facility; or
 - i. (1) Before October 1, 2022
 - ii. (2) Before October 1, 2020 if Assured Construction is deleted; whichever occurs first. (BLDGPMPT/DATE: MONITORING - Engineering) [Note: COMPLETED]
- e. No building permits for more than 260 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,553,810.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPMPT: MONITORING - Engineering)

f. No building permits for more than 520 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,553,810.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPMT: MONITORING - Engineering)

g. No building permits for more than 780 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,553,810.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPMT: MONITORING - Engineering)

h. No building permits for more than 18% of the overall project (or equivalent of 400 directional peak hour trips or 700 dwelling units) shall be issued until the contracts are let for the Assured Construction of the widening of Royal Palm Beach Blvd from Orange Boulevard to 60th St from a 2-lane facility to a 5-lane divided facility; or

ii. (1) Before October 1, 2022

iii. (2) Before October 1, 2020 if Assured Construction is deleted; whichever occurs first. (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED]

i. No building permits for more than 650 dwelling units shall be issued, until the Property Owner makes a lump sum payment of \$1,250,000 to the County to facilitate road improvements in the area. This is the second of a total of four equal installments throughout the life of the project. This payment is subject to cost escalator calculations applicable to the proportionate share payments. (BLDGPMT: MONITORING - Engineering)

j. The Property Owner shall fund the construction, construction plans and construct Orange Boulevard from 180th Street North to Seminole Pratt Whitney Road as a 3-lane road, as required by the maintaining entity and as approved by the County Engineer, or if not required by the maintaining entity, to be consistent with Palm Beach County standards for an 80ft right of way non-plan collector street. Any and all costs associated with the construction shall be paid by the Property Owner. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate configuration. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. The Property Owner shall be entitled to credit against future proportionate share payments for the cost it incurs in completing such plans and construction, inclusive of right-of-way, construction easement and drainage acquisition costs necessary for construction from 180th Avenue North to Seminole Pratt Whitney Road. Construction shall commence prior to the issuance of the 1,228th building permit. (BLDGPMT: MONITORING - Engineering)

k. No building permits for more than 42% of the overall project (or equivalent of 900 AM outbound trips or 1,097 dwelling units) shall be issued until the Property Owner extends the dual southbound left turn lanes on Seminole Pratt Whitney Road at Okeechobee Boulevard approximately 200 feet (as approved by the County Engineer) to run back to back with the northbound left turn lane on Seminole Pratt Whitney Road and Downers Drive. (BLDGPMT: MONITORING - Engineering)

l. No building permits for more than 1040 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,553,810.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPMT: MONITORING - Engineering)

m. No building permits for more than 1,300 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,553,810.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPMT: MONITORING - Engineering)

n. No building permits for more than 1,300 dwelling units shall be issued, until the Property Owner makes a lump sum payment of \$1,250,000 to the County to facilitate road improvements in the area. This is the third of a total of four equal installments throughout the life of the project. This payment is subject to cost escalator calculations applicable to the proportionate share payments. (BLDGPMT: MONITORING - Engineering)

o. No building permits for more than 2319 dwelling units shall be issued until the Property Owner improves and constructs to a 4-lane section to County Thoroughfare standards 60th Street from Seminole Pratt Whitney Road to 190th Street. (BLDGPMT: MONITORING - Engineering)

p. No building permits for more than 663 dwelling units shall be issued until the Property Owner constructs an additional (total of dual) northbound left turn lane, an exclusive eastbound left turn lane, an eastbound through lane, and dual eastbound right turn lane, or as approved by the County Engineer, at the intersection of 60th Street and Seminole Pratt Whitney Road. (BLDGPMT: MONITORING - Engineering)

q. No building permits for more than 1,560 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,553,810.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPMT: MONITORING - Engineering)

r. The Property Owner shall fund the construction, construction plans and construct Hamlin Boulevard from 190th Street North to Seminole Pratt Whitney Road as a 3-lane road, as required by the maintaining entity and as approved by the County Engineer, or if not required by the maintaining entity, to be consistent with Palm Beach County standards for an 80ft right of way non-plan collector street.. Any and all costs associated with the construction shall be paid by the Property Owner. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate configuration. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. The

Property Owner shall be entitled to credit against future proportionate share payments for the cost it incurs in completing such plans and construction, inclusive of right-of-way, construction easement and drainage acquisition costs necessary for construction. Construction shall commence prior to the issuance of the 2,576th building permit. (BLDGPM: MONITORING - Engineering)

s. No building permits for more than 1,820 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,553,810.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPM: MONITORING - Engineering)

t. No building permits for more than 2,080 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,553,810.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPM: MONITORING - Engineering)

u. No building permits for more than 2,340 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,553,810.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPM: MONITORING - Engineering)

v. [DELETED] Reason: No longer required based on reduced plan of development. (BLDGPM: MONITORING - Engineering)

w. No building permits for more than 42% of the overall project (or equivalent of 926 directional peak hour trips or 1625 dwelling units) shall be issued:

i. Until Avenir commences widening of Northlake Blvd east of Coconut Blvd from 4 lanes to 6 lanes; or

ii. Before January 1, 2022, whichever occurs first. (BLDGPM/DATE: MONITORING - Engineering) [Note: COMPLETED]

x. No building permits for more than 2,500 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,553,810.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPM: MONITORING - Engineering)

y. No building permits for more than 1,950 dwelling units shall be issued, until the Property Owner makes a payment of \$1,250,000 to the County to facilitate road improvements in the area. This is the fourth (last) of a total of four equal installments throughout the life of the project. This payment is subject to cost escalator calculations applicable to the proportionate share payments. (BLDGPM: MONITORING - Engineering)

2. Prior to issuance of the first building permit, the Property Owner shall provide for the right of way acquisition funding costs of the right of way for 60th Street from the western terminus on the Thoroughfare Identification Map to Seminole Pratt Whitney Road to provide for a minimum of 100 feet in width plus additional right of way for expanded intersections, drainage, required turn lanes in accordance with Palm Beach County's Thoroughfare Right of Way Identification Map and Palm Beach County's Expanded Intersection Standard Details. Final alignment for the right of way shall be in accordance with the alignment approved by the Board of County Commissioners. Funding shall include Palm Beach County Staff and attorney costs. Funding shall be in an amount as approved by the County Engineer and shall be processed by the Roadway Production Division. (BLDGPM: ENGINEERING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2019-389, Control No.2002-90045)

3. Previous ENGINEERING Condition 3 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall construct 60th Street North as a two lane public collector roadway from west of Carol Street (or the western most project drive, whichever is furthest west) to Seminole Pratt Whitney Road.

a. Prior to issuance of the first Building Permit, the Property Owner shall obtain all permits necessary for the construction of this roadway. (BLDGPM: MONITORING - Engineering)

b. Prior to issuance of the first Certificate of Occupancy, the Property Owner shall complete construction and receive all necessary final inspections on the roadway. (CO: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2019-389, Control No.2002-90045)

Is hereby amended to read:

The Property Owner shall construct 60th Street North and 59th Lane North as a two lane public collector roadway from west of Carol Street (or the western most project drive, whichever is furthest west) to Seminole Pratt Whitney Road.

a. Prior to issuance of the first Building Permit, the Property Owner shall obtain all permits necessary for the construction of this roadway. (BLDGPM: MONITORING - Engineering)

b. Prior to issuance of the first Certificate of Occupancy, the Property Owner shall complete construction and receive all necessary final inspections on the roadway. (CO: MONITORING - Engineering)

4. Prior to issuance of the first building permit for residential units for sale within the adjacent Pod, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through

the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of 190th Street North along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2019-389, Control No.2002-90045)

5. Prior to issuance of the first building permit for residential units for sale, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of 60th Street North along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2019-389, Control No.2002-90045)

6. Previous ENGINEERING Condition 6 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Within ninety (90) days notice by the County Engineer, the Property Owner shall provide a roadway construction easement to Palm Beach County along 60th Street North and 190th Street North, a minimum of ten feet in width, or as otherwise approved by the County Engineer. This roadway construction easement shall also contain an isosceles trapezoid connecting the Corner Clips across this Property Owner's entrance. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents.

Is hereby amended to read:

Within ninety (90) days notice by the County Engineer, the Property Owner shall provide a roadway construction easement to Palm Beach County along 60th Street North and 190th Street North, a minimum of ten feet in width, or as otherwise approved by the County Engineer (this shall only apply to lands under the ownership of the Developer). This roadway construction easement shall also contain an isosceles trapezoid connecting the Corner Clips across this Property Owner's entrance. The Property Owner shall

not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (ONGOING: ENGINEERING - Engineering)

7. The Property Owner shall fund the construction, construction plans and construct 190th Street North from 60th Street North to Orange Boulevard to be consistent with Palm Beach County standards for a 100ft right of way plan collector or as required by the maintaining entity and as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate configuration. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction of the roadway can be phased such that the roadway shall be completed from 60th Street to the adjacent parcel's entrance prior to the issuance of the first Certificate of Occupancy in the adjacent parcel. The connection to Hamlin Boulevard shall be completed once Hamlin Boulevard has been constructed per condition 1.r. (CO: MONITORING - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2019-389, Control No.2002-90045)

8. Previous ENGINEERING Condition 8 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall fund the construction, construction plans and construct Orange Boulevard from 190th Street North to 180th Avenue North to be consistent with Palm Beach County standards for an 80ft right of way non-plan collector street or as required by the maintaining entity and as approved by the County Engineer. Any and all costs associated with the construction shall be paid by the Property Owner. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate configuration. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the adjacent parcel connecting to Orange Boulevard.

Is hereby amended to read:

The Property Owner shall fund the construction, construction plans and construct Orange Boulevard from 190th Street North to 180th Avenue North to be consistent with Palm Beach County standards for an 80ft right of way non-plan collector street or as required by the maintaining entity and as approved by the County Engineer. Any and all costs associated with the construction shall be paid by the Property Owner. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate configuration. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the 187th Certificate of Occupancy being issued in Pod B or the 187th Certificate of Occupancy issued in Pod C, whichever shall first occur. (ONGOING: MONITORING - Engineering)

9. Previous ENGINEERING Condition 9 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Prior to approval of the Final Plan by the Development Review Officer, the Property Owner shall submit an acceptable alignment study for 60th Street North between the west property line on 60th Street North to Seminole Pratt Whitney Road and an acceptable alignment study for 190th Street North from 60th Street North to the north property line on 190th Street North to the Roadway Production Division and receive approval for a proposed alignment by the Board of County Commissioners.

Is hereby amended to read:

Prior to approval of the Final Master Plan by the Development Review Officer, the Property Owner shall submit an acceptable alignment study for 60th Street North between the west property line on 60th Street North to Seminole Pratt Whitney Road and an acceptable alignment study for 190th Street North from 60th Street North to the north property line on 190th Street North to the Roadway Production Division and receive approval for a proposed alignment by the Board of County Commissioners. (DRO: ENGINEERING - Engineering)

10. Prior to issuance of the first building permit for residential units for sale, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 10 of Resolution R-2019-389, Control No.2002-90045)

11. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to Final Approval of the Subdivision Plan by the Development Review Officer. A separate drainage study will be required for each Subdivision Plan or the Property Owner has the option to provide one single drainage study for the overall approval. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with platting the specific land. (PLAT: ENGINEERING - Engineering) (Previous ENGINEERING Condition 11 of Resolution R-2019-389, Control No.2002-90045)

12. Previous ENGINEERING Condition 12 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Prior to issuance of the first Certificate of Occupancy in Sections 20, 21, 22, 27 or 34, Township 42, Range 40 (Pods F, E, D, C and B respectively) the Property Owner shall have constructed and received all required final inspections for a minimum 80-foot collector roadway that has direct access to a Thoroughfare Plan collector roadway to provide access to the Pod being constructed.

Is hereby amended to read:

Prior to issuance of the first Certificate of Occupancy in Sections 21, 22, 27 or 34, Township 42, Range 40 (Pods E, D, C and B respectively) the Property Owner shall have constructed and received all required final inspections for a minimum 80-foot collector roadway that has direct access to a Thoroughfare Plan collector roadway to provide access to the Pod being constructed. (CO: MONITORING - Engineering)

13. Previous ENGINEERING Condition 13 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall construct a public access road (also known as ITG Boulevard), minimum of 80-feet right-of-way, along the north side of the extension westward of Temple Boulevard, within this project's boundary. The public road shall connect Carol Street/Legum Lane to 190th Street. The road shall be permitted as necessary, constructed and completed prior to issuance of the first Certificate of Occupancy in Sections 20 or 21, Township 42, Range 40. (CO: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer applicable]

14. The Property Owner shall fund traffic signals cost when and where warranted as determined by the County Engineer in the vicinity of the project area, e.g., intersections along Seminole Pratt Whitney Road at Orange Blvd, and Hamlin Blvd, along 190th Street (at on 60th Street, Hamlin Blvd, and Orange Blvd), along 180th St (at Orange Blvd and Hamlin Blvd), and on 60th Street at Mandarin Blvd. Signalization shall be a mast arm structure installation. The cost of signalization shall be paid by the Property Owner and shall also include all design costs and any required utility relocation and right of way or easement acquisition. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 14 of Resolution R-2019-389, Control No.2002-90045)

15. In recognition that construction prices may change over the life of the project, the proportionate share payments shall be subject to the following escalator calculations:

Adjusted Payment (when payment is being made) = Original Payment Amount x Cost Adjustment Factor

Where,

Original Payment Amount = Proportionate Share Payment amount specified in the Proportionate Share Agreement

Cost Adjustment Factor = (Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of payment))/(Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of Prop Share Execution))

The Bureau of Labor Statistics Producer Price Index (PPI) for Commodities (Series ID: WPUIP2312301), can be found at <http://data.bls.gov/timeseries/WPUIP2312301>.

If at the time a Proportionate Share payment is due, the Commodities Code ID WPUIP2312301 is no longer used by the United States Bureau of Labor Statistics, the Adjusted Payment will be based on the Producer Price Index for non-residential commodities then in effect. In the event such an index is no longer in use, the Adjusted Payment will be based on the United States Bureau of Labor Statistics Consumer Price Index

then in effect. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 15 of Resolution R-2019-389, Control No.2002-90045)

16. With each site plan and individual Pod application, a traffic study evaluating the internal intersections (e.g., intersections along 190th Street N with Hamlin Blvd, Orange Blvd, and 60th St and along Seminole Pratt Whitney Rd at Hamlin Blvd, Orange Blvd, 60th St) geometric/signalization needs must be evaluated and approved by the County Engineer. Required improvements at those intersections must be constructed by the Developer, when warranted, as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 16 of Resolution R-2019-389, Control No.2002-90045)

17. Major Thoroughfare Road Disclosure

a. Prior to the recordation of the first plat, the Property Owner shall include in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans or Subdivision Plans, a disclosure statement identifying 60th Street North and 190th Street North as planned thoroughfare roadways adjacent to or through this property. This shall also include the ultimate number of lanes for the roads. Information which appears in written form shall appear in bold print. (PLAT: ENGINEERING - Engineering)

b. The Property Owner shall submit documentation of compliance with this condition prior to the first Certificate of Occupancy. (CO: MONITORING - Engineering) (Previous ENGINEERING Condition 17 of Resolution R-2019-389, Control No.2002-90045)

18. Previous ENGINEERING Condition 18 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall design, install, and perpetually maintain median landscape within the median of 60th Street North from Carol Street to Seminole Pratt Whitney Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by the Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Engineering)

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

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, (OTIS) program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the footage along 60th Street North from Carol Street to Seminole Pratt Whitney Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPM: MONITORING - Engineering)

Is hereby amended to read:

The Property Owner shall design, install, and perpetually maintain median landscape within the median of 60th Street North from Carol Street to Seminole Pratt Whitney Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by the Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the 2000th building permit for residential units for sale. (BLDGPM: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the 2,319th certificate of occupancy for residential units for sale. (CO: MONITORING - Engineering)

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

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, (OTIS) program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the footage along 60th Street North from Carol Street to Seminole Pratt Whitney Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPM: MONITORING - Engineering)

19. Previous ENGINEERING Condition 19 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Civic and Recreation Pods turn lane requirements shall be determined at Final Plan approval on case-by-case basis.

Is hereby amended to read:

Civic and Recreation Pods turn lane requirements shall be determined at Final Site Plan or Final Subdivision Plan approval on case-by-case basis. (ONGOING: ENGINEERING - Engineering)

ENGINEERING-POD A

20. The Property Owner shall construct:

- i. a left turn lane east approach on 60th Street North at the project's east entrance into Pod A.
- ii. a left turn lane east approach on 60th Street North at the project's west entrance into Pod A.

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

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first residential unit for sale building permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering) (Previous ENGINEERING Condition 20 of Resolution R-2019-389, Control No.2002-90045)

ENGINEERING

21. The Property Owner shall construct:

- i. a right turn lane east approach on 60th Street North at the intersection of 60th Street North and 190th Street North.
- ii. a left turn lane west approach on 60th Street North at the intersection of 60th Street North and 190th Street North.

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

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit of a residential unit for sale within any Pod that uses 190th Street North for access. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy of a residential unit for sale within any Pod that uses 190th Street North for access. (CO: MONITORING - Engineering) (Previous ENGINEERING Condition 21 of Resolution R-2019-389, Control No.2002-90045)

ENGINEERING-POD B

22. Previous ENGINEERING Condition 22 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall construct:

- i. a left turn lane north approach on 190th Street North at the entrance to Pod B.
- ii. a right turn lane south approach on 190th Street North at the entrance to Pod B.
- iii. a left turn lane east approach at the intersection of 190th Street North and the entrance to Pod B.
- iv. a right turn lane east approach at the intersection of 190th Street North and the entrance to Pod B.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the 663rd Certificate of Occupancy.

Is hereby amended to read:

The Property Owner shall construct:

- i. a left turn lane north approach on 190th Street North at the entrance to Pod B.
- ii. a right turn lane south approach on 190th Street North at the entrance to Pod B.
- iii. a left turn lane east approach at the intersection of 190th Street North and the entrance to Pod B.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of Occupancy within Pod B. (CO: MONITORING - Engineering)

ENGINEERING

23. Previous ENGINEERING Condition 23 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall construct:

- i. a left turn lane north approach on 190th Street North at the intersection of 60th Street North and 190th Street North.
- ii. a right turn lane north approach on 190th Street North at the intersection of 60th Street North and 190th Street North.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the 2498th Certificate of Occupancy.

Is hereby amended to read:

The Property Owner shall construct:

- i. a left turn lane north approach on 190th Street North at the intersection of 60th Street North and 190th Street North.
- ii. a right turn lane north approach on 190th Street North at the intersection of 60th Street North and 190th Street North.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the 2543rd Certificate of Occupancy. (CO/ONGOING: MONITORING - Engineering)

24. The Property Owner shall construct:

- i. a right turn lane east approach on Orange Boulevard at the intersection of Orange Boulevard and 190th Street North.
- ii. a left turn lane east approach on Orange Boulevard at the intersection of Orange Boulevard and 190th Street North.
- iii. a left turn lane north approach on 190th Street North at the intersection of Orange Boulevard and 190th Street North.

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

Construction shall be completed prior to the issuance of the 2,498th Certificate of Occupancy. (CO: MONITORING - Engineering) (Previous ENGINEERING Condition 24 of Resolution R-2019-389, Control No.2002-90045)

ENGINEERING-POD B

25. Previous ENGINEERING Condition 25 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall construct:

- i. a left turn lane east approach on Orange Boulevard at the entrance to Pod B.
- ii. a right turn lane west approach on Orange Boulevard at the entrance to Pod B.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the 663rd Certificate of Occupancy.

Is hereby amended to read:

The Property Owner shall construct:

- i. a left turn lane east approach on Orange Boulevard at the entrance to Pod B.
- ii. a right turn lane west approach on Orange Boulevard at the entrance to Pod B.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the 187th Certificate of Occupancy in Pod B. (CO: MONITORING - Engineering)

ENGINEERING-POD C

26. Previous ENGINEERING Condition 26 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall construct:

- i. a left turn lane west approach on Orange Boulevard at the entrance to Pod C.
- ii. a right turn lane east approach on Orange Boulevard at the entrance to Pod C.
- iii. a right turn lane north approach at the intersection of Orange Boulevard and the entrance to Pod C.
- iv. a left turn lane north approach at the intersection of Orange Boulevard and the entrance to Pod C.
- v. a right turn lane south approach on 190th Street North at the entrance to Pod C.
- vi. a left turn lane north approach on 190th Street North at the entrance to Pod C.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the 932nd Certificate of Occupancy.

Is hereby amended to read:

The Property Owner shall construct:

- i. a left turn lane west approach on Orange Boulevard at the entrance to Pod C.
- ii. a right turn lane east approach on Orange Boulevard at the entrance to Pod C.
- iii. a right turn lane north approach at the intersection of Orange Boulevard and the entrance to Pod C.
- iv. a left turn lane north approach at the intersection of Orange Boulevard and the entrance to Pod C.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the 187th Certificate of Occupancy within Pod C. (CO: MONITORING - Engineering)

ENGINEERING

27. Previous ENGINEERING Condition 27 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall construct

- i. a left turn lane south approach on 180th Street North at the intersection of 180th Street North and Orange Boulevard.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the 663rd Certificate of Occupancy.

Is hereby amended to read:

The Property Owner shall construct
i. a left turn lane south approach on 180th Street North at the intersection of 180th Street North and Orange Boulevard.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the 1,100th Certificate of Occupancy. (CO: MONITORING - Engineering)

ENGINEERING-POD D

28. Previous ENGINEERING Condition 28 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall construct:
i. a left turn lane east approach at the intersection of 190th Street North and the entry road to Pod D.
ii. a right turn lane east approach at the intersection of 190th Street North and the entry road to Pod D.
iii. a right turn lane south approach on 190th Street North at the entrance of Pod D.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the 1,797th Certificate of Occupancy.

Is hereby amended to read:

The Property Owner shall construct:
i. a left turn lane east approach at the intersection of 190th Street North and the entry road to Pod D.
ii. a right turn lane east approach at the intersection of 190th Street North and the entry road to Pod D.
iii. a right turn lane south approach on 190th Street North at the entrance of Pod D.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of Occupancy within Pod D. (CO: MONITORING - Engineering)

ENGINEERING

29. Previous ENGINEERING Condition 29 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall construct:
i. a left turn lane west approach on ITG Boulevard at the intersection of ITG Boulevard and 190th Street North.
ii. a right turn lane west approach on ITG Boulevard at the intersection of ITG Boulevard and 190th Street North.
iii. a left turn lane south approach on 190th Street North at the intersection of ITG Boulevard and 190th Street North.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the 2,499th Certificate of Occupancy. (CO: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer applicable]

30. Previous ENGINEERING Condition 30 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall construct:

i. a right turn lane east approach on ITG Boulevard at all three Pod E entrances.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the 2,499th Certificate of Occupancy. (CO: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer applicable]

ENGINEERING-POD E

31. Previous ENGINEERING Condition 31 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall construct:

i. a left turn lane south approach on 190th Street North at all three Pod E entrances.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the 2,499th Certificate of Occupancy.

Is hereby amended to read:

The Property Owner shall construct a left turn lane south approach on 190th Street North at the Pod E entrance.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of Occupancy within Pod E. (CO: MONITORING - Engineering)

32. Previous ENGINEERING Condition 32 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall construct:

- i. a left turn lane west approach on the northernmost entry road of Pod E at the intersection of the northernmost entry road of Pod E and 190th Street North.
- ii. a right turn lane west approach on the northernmost entry road of Pod E at the intersection of the northernmost entry road of Pod E and 190th Street North.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the 2,499th Certificate of Occupancy. (CO: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer applicable]

ENGINEERING

33. Previous ENGINEERING Condition 33 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall construct:

- i. a left turn lane west approach on Carol Street at both Pod F entrances.
- ii. a right turn lane west approach on Carol Street at both Pod F entrances.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the 3,358th Certificate of Occupancy. (CO: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer applicable]

34. Previous ENGINEERING Condition 34 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall construct

i. a left turn lane south approach on Carol Street at both Pod F entrances.

This construction shall be concurrent with the paving and drainage improvements for the adjacent site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the 3,358th Certificate of Occupancy. (CO: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer applicable]

35. Additional right of way needed for turn lanes at intersections and entrances will be determined during the review of the subdivision plans. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 35 of Resolution R-2019-389, Control No.2002-90045)

36. Specific to the 1,600 acres being conveyed to Palm Beach County associated with the water project and in order to facilitate the timely construction and conveyance of the water project to the County, in the event a final master, subdivision or site plan is required to be approved prior to submittal of the plat for the 1,600 acres, such final master, subdivision or site plan approval shall be exempt from the requirements of Engineering Condition 9 and 16 as a condition precedent to obtaining final approval. (ONGOING: ENGINEERING - Engineering)

ENGINEERING-WATER RESOURCES

37. The Property Owner shall design and construct the Indian Trails Grove Water Resource Project (ITG-WRP) to meet all applicable South Florida Water Management District's (SFWMD's) standards and requirements for acceptance by the SFWMD for Operation, Maintenance, Repair, Rehabilitation, and Replacement (OMRRR) by the SFWMD and all applicable State and Federal requirements for an above ground impoundment. This includes but is not limited to the following:

a. The electric pump stations shall have fully automated control with backup power for the telemetry. Backup power for operation of the pumps is not required as the ITG-WRPs pump stations do not provide critical drainage or water supply. The automation controls shall include telemetered information on the power status, rpm of each pump unit, headwater and tailwater stage. The pumps station shall include automated systems to protect the pumps (e.g. vibration, temperature). The telemetry and pump protections shall meet all of the SFWMD standards and be capable of running independently both locally and remotely using the SFWMD standard equipment and programs. (ONGOING: Water Resources - Water Resources)

b. The controls structures shall have fully automated controls with propane fueled backup power. The automation controls shall include telemetered gate/weir positions, headwater and tailwater stage. The telemetry shall meet all of the SFWMD standards and be capable of running independently both locally and remotely using the SFWMD standard equipment and programs. (ONGOING: WaterResources - Water Resources)

c. Impoundment shall be designed and constructed to prevent overtopping and or discharges above the basin limit (one inch per day) for rainfall events of up to 24 inches (3-day, 100-year rainfall event plus 6 inches) to prevent potential drainage impacts with the existing and future residential developments. (ONGOING: Water Resources - Water Resources)

d. Intake Canal for the Pump Station lifting water from Cypress Grove Community Development District (CGCDD) canal into the impoundment shall be sized to maintain the average velocity below one foot per second (1 fps), have sides slopes no steeper than 4H:1V, and shall have a vegetation barrier at the Intake Canal's connection to CGCDD canal. (ONGOING: Water Resources - Water Resources)

e. Select backfill shall be used for structure foundations, pipe foundations, and embankments construction. Select backfill shall consist of clean, granular materials that are free of debris, cinders, combustibles, roots, sod, wood, cellulose, and materials subject to termite attack. Select backfill materials should have a maximum particle size of three inches and fines content (material passing U.S. Standard Number 200 sieve) of not more than 10 percent. Organic material should not exceed 3 percent of the total volume. Select backfill should meet the Unified Soil Classification System (ASTM D2487) designations as SW, SP and SP-SM. (ONGOING: Water Resources - Water Resources). For pipe foundations and where approved by the County Administrator flowable fill meeting the FDOT requirement may be used.

f. There shall be a full depth test of the impoundment before it is turned over to PBC/SFWMD. The test will consist of filling and maintaining the reservoir a depth of 3 feet for 30 days. This test shall occur after the impoundment is approved for flow through and would preferably be performed at the start of the dry season, as determined by the County's Water Resources Manager. This test will need to be successfully completed for the ITG-WRP Impoundment to be turned over to either Palm Beach County or SFWMD. The test includes lowering the water level to an average depth of less than 0.5 feet. Pumped volumes, rainfall, and canal stages will be recorded to allow estimates of seepage rate from the impoundment. (ONGOING: Water Resources - Water Resources)

- g. After the full depth test, and before turnover of ITG-WRP, the property owner shall plant a 100 foot wide Southern Bulrush (*Schoenoplectus California*) along the north side of the spreader canal for the full width of the impoundment. The bulrush shall be planted with a nominal spacing of four feet. The property owner shall be responsible for maintaining a minimum survivorship for 90 percent for 30 days and replacing any dead plant to maintain the required survivorship at a minimum of 90 percent. The water level shall be maintained for 60 days by the Property Owner and the Property Owner shall replace any dead plantings at the 30th day. (ONGOING: Water Resources - Water Resources)
- h. Property Owner shall provide easements required for access to and the Operation, Maintenance, Repair, Rehabilitation, and Replacement (OMRRR) of the ITG-WRP features to Palm Beach County or final operator. (ONGOING: Water Resources - Water Resources)
- i. One (1) electric powered Pump Station located near the L-8 Canal with an intake floor at 4 feet NAVD or lower. Pump Station will have two 15,000 gallon per minute units capable of operating at full capacity with an intake water level down to an elevation determined by the County's Water Resource Manager. The conveyance from the L-8 Canal to this pump station must be capable of supplying this pump station and the CGCDD water supply pump station at their maximum pumping rate concurrently with the L-8 Canal at an elevation of 9.0 feet NAVD (lower decile of stage range); to prevent impact to water supply to CGCDD. (ONGOING: Water Resources - Water Resources)
- j. One (1) electric powered Pump Station located near the southeast corner of the ITG-WRP Impoundment with an intake floor at 8 feet NAVD or lower. Pump Station will have two 15,000 gallon per minute units capable of operating at full capacity with a water level down to an elevation determined by the County's Water Resources Manager. (ONGOING: Water Resources - Water Resources)
- k. One (1) impoundment designed to maximize water quality improvement. The impoundment shall have a minimum interior area of 600 acres designed and constructed for a Maximum Water Storage Level (MWSL) of three feet above the lowest adjacent grade. The embankment of the impoundment shall be sized to the greater of three feet of free board above the MWSL and the freeboard required to prevent overtopping of the water level resulting from a one-day, 100-year event falling on the MWSL with the wind setup and wave runup from 60 mph, 1-hour duration wind. This analysis will ignore the wave reduction benefits of vegetation. The steepest exterior slope of the embankment shall be 4 horizontal to 1 Vertical (4H:1V). The steepest interior slope of the embankment shall be 3H:1V. The spreader and collection canals shall have minimum cross sectional area of 300 square feet below 19.0 feet NAVD. The north slope of the spreader canal and the south slope of the collector canal shall have slopes no steeper than 20H:1V. The south slope of the spreader canal and the north slope of the collector canal shall have slopes no steeper than 4H:1V. The embankment shall have turnouts consistent with Section 8-9.b(1) of USACE 1110-2-1913 on spacings of half mile or less with the embankment at each of the four corners of the impoundment widen sufficiently for to provide the required width and length for turnarounds. The top soil and any vegetation and roots shall be removed from the ground surface before grading. The ground surface within the impoundment shall be graded relatively flat or with a downward slope from south to north. The elevation rise from south to north shall not exceed 0.1 feet. The elevation may decline from south to north by a maximum of 0.5 feet as long as the decline is distributed evenly along the entire south to north distance.. The ground surface shall be grade flat from west to east to a tolerance +/- 0.1 feet. Excavation down to an elevation of 18.5 feet NAVD is allowed as long as the previous slope requirements are met and there is a downward slope from south to north. (ONGOING: Water Resources - Water Resources)
- l. Two (2) stainless steel five-foot-wide dual leaf gates, each with its own discharge 48-inch discharge pipes, for releasing water from the northeast corner of the impoundment to the ITID M-0 Canal. Upper gate shall have an operation range of at least 24.5 feet NAVD to 14.5 feet NAVD. Lower gate shall have an operational range of at least 14.5 feet NAVD to 14.5 feet NAVD. Structure shall be designed and constructed to resist buoyant force based on an empty structure and a surround water level of 24.5 feet NAVD. (ONGOING: Water Resources - Water Resources)
- m. One (1) electric powered Pump Station located near the south end of Indian Trail Improvement District s (ITID s) L-Canal with an intake floor at 10 feet NAVD or lower. Pump Station will have two 15,000 gallon per minute units capable of operating at full capacity with a water level down to 13.00 feet NAVD. This pump station will include pipe capable of bi-direction flow with a full width gate. The minimum size of the pipe is 60 inches. Structure shall be designed and constructed to resist buoyant force based on an empty structure and a surrounding water level of 16.0 feet NAVD. (ONGOING: Water Resources - Water Resources)

38. The Property Owner shall design and construct the Indian Trails Grove Water Resource Project (ITG-WRP) as specified in the previous Engineering condition. Any and all costs associated with the design and construction shall be paid by the Property Owner.

- a. Prior to the issuance of the 360th residential Certificate of Occupancy for the 1,000 unit, adult age restricted development at the Hyder West development (ZV/PDD-2022-00143), the ITG-WRP shall be completed. The completion and operation shall be to the satisfaction of the County Administrator (or designee). (BLDGPM: MONITORING - Water Resources)
- b. Upon acceptance of the County Administrator (or designee), the Property Owner shall convey the 1,600 acres labeled on the Conceptual Plan as the "WCR Exchange Parcel/Palm Beach County Conveyance (1,600 acres)" to Palm Beach County. (BLDGPM/ONGOING: MONITORING - Water Resources)

ENVIRONMENTAL

1. Prior to the approval of the Master Plan, initial Site Plan or Subdivision Plan by the Development Review Officer, a Phase II Environmental Audit shall be submitted to the Department of Environmental Resources Management. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

PARKS

1. Prior to final approval by the Development Review Officer the pedestrian connection between Pod D and Civic Pod 4 shall be removed. (DRO: PARKS AND RECREATION - Parks and Recreation)

2. The Property Owner shall be solely responsible to fund, design, permit and construct an OHV and RV Campground on Civic Pod 5/Pod F. The Property Owner shall coordinate with the Parks and Recreation Department on the recreational elements to be included in OHV Park and RV Campground.

a) RV Campground - Minimum recreational improvements may include paved ingress/egress and roadways wide enough for two RVs to pass, minimum of 100 RV accessible campsites for operator ROI, each RV spot - provide concrete pads wide enough for RV and extra vehicle/tow trailer on each camp site, water hookup, sewer hookup, cable hookup, 100 Amp service 50/30/20 for each site with gang meters providing ability to read the metered use for each camp space; site furnishings including picnic tables and grills, bathrooms, showers, and laundry facilities with utility sink with hot water, campground Wi-if access, directional signage, trash cans and/or trash pickup, group picnic pavilion, walking trail and playground, water fountains with bottle filler, safety lighting throughout campground, ice vending machine, campground store, arrival/reservations office, sidewalks connecting camp sites to restrooms, campground store and recreational facilities, shaded sites with trees and vegetation for privacy between sites, electronic security gate, stub out connection for public water and sewer, campfire ring(s), fenced in secure storage area for patrons who are hauling RV accessories, trailers or vehicles that will not fit at campsite. Appropriately sized Parks maintenance facility with office and equipment storage.

b) OHV Park minimum requirements may include 10 miles or more of trails, maintenance building, restroom, OVH maintenance area/lay down yard, mud play area, stabilized/paved parking, wash down for trail vehicles.

c) The Property Owners shall provide a master site plan acceptable to the Parks and Recreation Department Director no later than the issuance of a Building Permit for 10 residential units (excluding model homes), or issuance of a Certificate of Occupancy for 100 adult restricted residential units in the Hyder West AGR-PUD (Control No. 2022-00005, and exclusive of any units/beds with any public or private civic pod and model homes), whichever shall occur first.

d) The Property Owners shall not commence permitting and construction until receiving written approval of the project's specifications from the Parks and Recreation Department Director. The Property Owner shall provide Plans and Specifications acceptable to the d Parks and Recreation Department Director no later than the issuance of a Building Permit for 100 residential units (excluding model homes), or issuance of a Certificate of Occupancy for 200 adult restricted residential units in the Hyder West AGR-PUD (Control No. 2022-00005, and exclusive of any units/beds with any public or private civic pod and model homes), whichever shall occur first.

e) Civic Pod #5 shall be turned over to the Parks and Recreation Department once improvements are complete and have been inspected and found acceptable to the Parks and Recreation Department and in accordance with Control No. 2002-90045, PREM Condition 9, herein. (ONGOING: PARKS AND RECREATION - Parks and Recreation)

3. The Property Owner shall notify prospective buyers and future residents by providing sales contracts, brochures and homeowner documents, containing a disclosure statement identifying that the development is in proximity to a public park and future OHV Park and RV campground with active recreational amenities and residents may be subject to noise and lights from future recreational facilities including but not limited to off highway vehicles, picnic facilities, lighted ball fields, campgrounds, etc. The sales office shall make buyers aware portions or all of the public park and OHV Park and RV campground shall remain in an unimproved state with no regularly scheduled maintenance until such time as the properties are developed and open to the public. (ONGOING: CODE ENF - Parks and Recreation)

4. The Property Owner shall allow park patrons' access to the lake adjacent to County Pines Recreational Complex at Samuel Friedland Park including Civic Pod 4 for fishing. The Property Owner shall prohibit future residents from installing fencing, landscaping, or other obstructions along the Park's shoreline which adversely impact access or lake views.

PLANNING

1. Previous PLANNING Condition 1 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041, condition 1, Development of the site is limited to a maximum gross density of 0.8 dwelling units/acre (3,897 units maximum); no additional density bonuses are permitted.

Is hereby amended to read:

Per LGA 2022-21, condition 1, Development of the site is limited to a maximum gross density of 0.8 dwelling units/acre (2,612 units maximum); no additional density bonuses are permitted. (ONGOING: PLANNING - Planning)

2. Previous PLANNING Condition 2 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 2, Development of the site must conform with the site data table and the conceptual plan.

Is hereby amended to read:

Per LGA 2022-21, condition 2, Development of the site must conform with the site data table and the conceptual plan. (ONGOING: PLANNING - Planning)

3. Previous PLANNING Condition 3 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 3, Commercial development on the site is limited to a maximum 300,000 square feet and office development is limited to a maximum of 50,000 square feet.

Is hereby amended to read:

Per LGA 2022-21, condition 3, Commercial development on the site is limited to a maximum 200,000 square feet and office development is limited to a maximum of 33,500 square feet. (ONGOING: PLANNING - Planning)

4. Previous PLANNING Condition 4 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 4, Prior to the issuance of the 2,598th residential building permit, a minimum of 233,000 square feet of commercial uses shall receive a certificate of occupancy/certificate of completion.

Is hereby amended to read:

Per LGA 2022-21, condition 4, Prior to the issuance of the 1,741st residential building permit, a minimum of 155,511 square feet of commercial uses shall receive a certificate of occupancy/certificate of completion. (BLDGPM: MONITORING - Planning)

5. Previous PLANNING Condition 5 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 5, Recordation of the first plat required within three years of any development order approval, subject to time extensions as allowed by the ULDC, or otherwise permitted pursuant to State Law and County Policy.

Is hereby amended to read:

Per LGA 2022-21, condition 5, Recordation of the first plat required within three years of any development order approval, subject to time extensions as allowed by the ULDC, or otherwise permitted pursuant to State Law and County Policy. (DATE: MONITORING - Planning)

6. Previous PLANNING Condition 6 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 6, Prior to the recordation of the first plat for the development, the developer shall record a conservation easement for the 1,068 acres of land identified as Water

Resources/Agriculture on the Conceptual Plan, in favor of Palm Beach County, subject to the approval of the County Attorney.

Is hereby amended to read:

Per LGA 2022-21, condition 6, Prior to the recordation of the first plat for the development, the developer shall record a conservation easement for the 248.63 acres of land identified as Water Resources/Agriculture Open Space Pod 2 on the Conceptual Plan, in favor of Palm Beach County, subject to the approval of the County Attorney. (PLAT: MONITORING - Planning)

7. Per LGA 2016-017, Ord. 2016-041 condition 7, A deed conveying the Impoundment Expansion area of 640 acres to the Indian Trail Improvement District (ITID), as shown on the conceptual plan, shall be executed by the Property Owner and placed in escrow prior to the recordation of the first plat, or April 1, 2018, whichever occurs first. The terms of the release from escrow and recordation of the deed shall be pursuant to the terms of an agreement by and between the Applicant, its successors and assigns, and the ITID. Upon written notice to the County by ITID, that the 640 acre Impoundment Expansion area will not be utilized by the District, then the land shall be deeded to the County for storm water retention/water management purposes; the timing and conveyance of such dedication and any other conditions pertaining to the conveyance (to Palm Beach County rather than ITID) shall be established in the zoning development order issued by the BCC. (ONGOING: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 7 of Resolution R-2019-389, Control No.2002-90045)

8. Per LGA 2016-017, Ord. 2016-041 condition 8, Within 60 days of the effective date of the comprehensive plan amendments regarding the Indian Trails Grove site, the developer shall provide the County Attorney an executed restrictive covenant, approved by the County Attorney, which shall be recorded in the public records prohibiting the property owned by the developer, affiliated entities, and any and all successors and assigns, within the area covered by the Western Communities Residential Overlay, from voluntarily annexing into a municipality, signing annexation petitions or otherwise consenting to annexation, seeking to incorporate as a municipality, or consenting to participating in or financially contributing to efforts to incorporate a municipality until the threshold established in Chapter 720.307 F.S. (2016, as amended from time to time) is achieved. The developer shall provide the County with a certified copy of the executed and recorded restrictive covenant prior to certification of any development order. In the event the developer seeks certification of any development order application prior to recording the covenant, the developer shall provide to the County Attorney the executed covenant in recordable form, with the appropriate filing fee, to be held in escrow by the County Attorney and recorded after the effective date of the comprehensive plan amendments. (ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 8 of Resolution R-2019-389, Control No.2002-90045)

PLANNING-RURAL PARKWAY

9. Previous PLANNING Condition 9 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 16, Rural Parkway easements shall be located along the south side of 60th Street North, both sides of Orange Blvd., the west side of 180th, and the east and west sides of 190th within the project boundaries, for the purposes of buffering and providing pedestrian, bicycle and equestrian trail connections within the development, and adjacent to the thoroughfare road network. These rural parkway easements shall:

- a. be a minimum of 50 feet in width, except for 180th which shall be a minimum 80 feet in width;
- b. include 8-foot wide multi-purpose pathways and 10-foot wide equestrian trails as indicated, which shall be accessible to the public;
- h. include a minimum of 70% native plant material in each rural parkway planting plan, and the following minimum quantities of each type of vegetation, notwithstanding any ULDC buffer requirements:
 - 1. canopy trees, 1 per 1,000 square feet of rural parkway easement;
 - 2. flowering trees, 1 per 4,000 square feet of rural parkway easement;
 - 3. palms, 1 per 1,600 square feet of rural parkway easement;
 - 4. pines, 1 per 2,000 square feet of rural parkway easement;
 - 5. large shrubs, 1 per 400 square feet of rural parkway easement;
 - 6. medium shrubs, 1 per 300 square feet of rural parkway easement;
 - 7. small shrubs, 1 per 200 square feet of rural parkway easement;
 - 8. turf grass and/or other ground cover as applicable for areas not planted with landscape material.

Is hereby amended to read:

Per LGA 2022-21, condition 16, Rural Parkway easements shall be located along the south side of 60th Street North, both sides of Orange Blvd., the west side of 180th, and the east and west sides of 190th within the project boundaries, for the purposes of buffering and providing pedestrian, bicycle and equestrian trail connections within the development, and adjacent to the thoroughfare road network. These rural parkway easements shall:

- a. be a minimum of 50 feet in width, except for 180th which shall be a minimum 80 feet in width;
 - b. include 8-foot wide multi-purpose pathways and 10-foot wide equestrian trails as indicated, which shall be accessible to the public;
 - h. include a minimum of 70% native plant material in each rural parkway planting plan, and the following minimum quantities of each type of vegetation, notwithstanding any ULDC buffer requirements:
 1. canopy trees, 1 per 1,000 square feet of rural parkway easement;
 2. flowering trees, 1 per 4,000 square feet of rural parkway easement;
 3. palms, 1 per 1,600 square feet of rural parkway easement;
 4. pines, 1 per 2,000 square feet of rural parkway easement;
 5. large shrubs, 1 per 400 square feet of rural parkway easement;
 6. medium shrubs, 1 per 300 square feet of rural parkway easement;
 7. small shrubs, 1 per 200 square feet of rural parkway easement;
 8. turf grass and/or other ground cover as applicable for areas not planted with landscape material.
- (ONGOING: PLANNING - Planning)

10. Previous PLANNING Condition 10 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 16.c., obtain conceptual approval for signage located in the rural parkway that is context sensitive to the Rural Tier and subject to Planning Director approval, prior to final master plan approval.

Is hereby amended to read:

Per LGA 2022-21, condition 16.c., obtain conceptual approval for signage located in the rural parkway that is context sensitive to the Rural Tier and subject to Planning Director approval, prior to final Master Plan approval. (DRO: PLANNING - Planning)

11. Previous PLANNING Condition 11 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 16.d., obtain conceptual approval for all rural parkway planting plans prior to final master plan approval.

Is hereby amended to read:

Per LGA 2022-21, condition 16.d., obtain conceptual approval for all rural parkway planting plans prior to final Master Plan approval. (DRO: PLANNING - Planning)

12. Previous PLANNING Condition 12 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 16.e., all rural parkway easements shall be recorded in the public record prior to the recordation of the first plat.

Is hereby amended to read:

Per LGA 2022-21, condition 16.e., all rural parkway easements shall be recorded in the public record prior to the recordation of the first plat. (PLAT: MONITORING - Planning)

13. Previous PLANNING Condition 13 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 16.f., commence construction of each rural parkway segment prior to the first building permit in the adjacent pod,...consistent with the approved Rural Parkway Landscape Plans and Rural Parkway Easement.

Is hereby amended to read:

Per LGA 2022-21, condition 16.f., commence construction of each rural parkway segment prior to the first Building Permit in the adjacent pod, consistent with the approved Rural Parkway Landscape Plans and Rural Parkway Easement. (BLDGPMT: MONITORING - Planning)

14. Previous PLANNING Condition 14 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 16.g., complete construction of each rural parkway segment prior to the first certificate of occupancy in the adjacent pod,...consistent with the approved Rural Parkway Landscape Plans and Rural Parkway Easement.

Is hereby amended to read:

Per LGA 2022-21, condition 16.g., complete construction of each rural parkway segment prior to the first Certificate of Occupancy in the adjacent pod, consistent with the approved Rural Parkway Landscape Plans and Rural Parkway Easement. (CO: MONITORING - Planning)

15. Prior to the recordation of the first Plat, a maintenance agreement, in the form of a Management Plan or recorded agreement for continual maintenance of the Rural Parkway shall be provided to Planning, Zoning and Engineering. (PLAT: MONITORING - Planning) (Previous PLANNING Condition 15 of Resolution R-2019-389, Control No.2002-90045)

16. Previous PLANNING Condition 16 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 11.a., Prior to issuance of the first residential permit, the developer shall improve and construct as a 2-lane section to County thoroughfare standards 60th St. N. from the existing east/west pavement west of Seminole Pratt-Whitney Rd. to 190th St. N., inclusive of a new bridge crossing over the M-Canal at the ultimate 4-lane section.

Is hereby amended to read:

Per LGA 2022-21, condition 11.a., Prior to issuance of the first residential permit, the developer shall improve and construct as a 2-lane section to County thoroughfare standards 60th St. N. from the existing east/west pavement west of Seminole Pratt-Whitney Rd. to 190th St. N. (BLDGPMT: MONITORING - Planning)

17. Previous PLANNING Condition 17 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 11.b., Prior to issuance of the 1,663rd residential permit, should the additional right-of-way for 60th St. N. from Seminole Pratt-Whitney Rd. to the western limits of the City of Westlake not have been dedicated to the County by Minto, the developer shall fund acquisition of said right-of-way.

Is hereby amended to read:

Per LGA 2022-21, condition 11.b., Prior to issuance of the 1,663rd residential permit, should the additional right-of-way for 60th St. N. from Seminole Pratt-Whitney Rd. to the western limits of the City of Westlake not have been dedicated to the County by Minto, the developer shall fund acquisition of said right-of-way. (BLDGPMT: MONITORING - Planning)

18. Previous PLANNING Condition 18 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 11.c., Prior to issuance of the 2,320th residential permit, the developer shall improve and construct a 4-lane section to County thoroughfare standards 60th St. N. from Seminole Pratt-Whitney Rd. to 190th St. N.

Is hereby amended to read:

Per LGA 2022-21, condition 11.c., Prior to issuance of the 2,320th residential permit, the developer shall improve and construct a 4-lane section to County thoroughfare standards 60th St. N. from Seminole Pratt-Whitney Rd. to 190th St. N. (BLDGPMT: MONITORING - Planning)

PLANNING-WORKFORCE HOUSING

19. Previous PLANNING Condition 19 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 9, The Zoning development order shall include the provision of at least 10% of the residential units, a total of 390 units, shall be provided as workforce housing, subject to the following requirements:

9. a. The Property Owner shall provide these units on site, and between 60-120% of the Average Median Income ranges for the County, in three ranges (60-80%, 81-100% and 101-120%);

9. d. Upon the recordation of sale for each workforce housing unit, a copy of the deed restriction shall be provided to the Planning Director and the Department of Economic Sustainability (DES) (or its successor);

9. e. The deed for each workforce housing unit sold shall include restrictions requiring:

i. that all identified units be sold or resold only to qualified households in the applicable targeted income range at an attainable housing cost for each of the targeted income ranges;

ii. that these restrictions remain in effect for 15 years recurring from the date of the certificate of occupancy for each unit; and

iii. that in the event a unit is resold before the 15-year period concludes, a new 15 year period shall take effect on the date of the resale.

Is hereby amended to read:

Per LGA 2022-021, condition 9, The Zoning development order shall include the provision of at least 10% of the residential units, a total of 261 units, shall be provided as workforce housing, subject to the following requirements:

9. a. The Property Owner shall provide these units on site, and between 60-120% of the Average Median Income ranges for the County, in three ranges (60-80%, 81-100% and 101-120%);

9. d. Upon the recordation of sale for each workforce housing unit, a copy of the deed restriction shall be provided to the Planning Director and the Department of Economic Sustainability (DES) (or its successor);

9. e. The deed for each workforce housing unit sold shall include restrictions requiring:

iv. that all identified units be sold or resold only to qualified households in the applicable targeted income range at an attainable housing cost for each of the targeted income ranges;

v. that these restrictions remain in effect for 15 years recurring from the date of the certificate of occupancy for each unit; and

vi. that in the event a unit is resold before the 15-year period concludes, a new 15 year period shall take effect on the date of the resale; (ONGOING: PLANNING - Planning)

20. Previous PLANNING Condition 20 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 9. g. Release of Obligation to Construct Work Force Housing units (WFH) For-Sale Units - It is not the intent of the WFH provisions to require a developer to commence construction on a WFH for sale unit for which a valid and binding contract for purchase between developer and buyer has not been executed. It is intended that all WFH units will be marketed in the same manner as the market-rate units within the development. In the event a WFH unit eligible for contract has been available for purchase for a period not less than 180 days and no contract to purchase that unit has been executed during the 180 day period, and is located within a development POD or Phase in which not less than 80% of the market rate units have binding purchase contracts. then that specific WFH unit shall be eligible to be released from the WFH obligations indicated in the Applicable Site Plan. When a WFH unit is not purchased in accordance with the provision above, the developer shall make an in lieu payment to the County pursuant to the following:

a. An amount equal to one half of the differential between the WFH unit cost and the contract price not to exceed \$40,000 per unit.

b. "Available for purchase" shall be defined as:

1) Written notice is provided to the Planning Director and the Department of Economic Sustainability (DES) and to a list of interested parties provided to the developer by the County that developer has a project approved which requires the construction of WFH units and the developer is ready to commence sales of the required WFH unit within the development. The written notice shall include the location of the subject property, the location of the sales office, the hours of the sales office, the floor plan and construction specifications for the WFH unit available for contract; and the pricing of the WFH unit available for contract;

2) Developer shall include in the sales office displays and WFH unit promotional brochures produced as of and during the entire duration of the build-out of the project until all WFH units required have been sold and/or released according to this condition;

3) The inclusion of informational packets in the sales center for those interested in purchasing a WFH unit which provides the qualification standards, where to go to get qualified, and other relevant information regarding the WFH units. This packet shall be provided by or approved by Palm Beach County prior to placement on the sales floor;

4) At the time the WFH units become available for purchase the developer shall provide to the Palm Beach County Department of Planning, Zoning and Building proof of out-reach to local housing advocacy groups and others on the interested parties list; and,

5) The developer acts in good faith to market and sell the unit during the term of the project until such time as all WFH units are sold or released pursuant to this condition.

Is hereby amended to read:

Per LGA 2022-21 condition 9. g. Release of Obligation to Construct Work Force Housing units (WFH) For-Sale Units - It is not the intent of the WFH provisions to require a developer to commence construction on a WFH for sale unit for which a valid and binding contract for purchase between developer and buyer has not been executed. It is intended that all WFH units will be marketed in the same manner as the market-rate units within the development. In the event a WFH unit eligible for contract has been available for purchase for a period not less than 180 days and no contract to purchase that unit has been executed during the 180 day period, and is located within a development POD or Phase in which not less than 80% of the market rate units have binding purchase contracts. then that specific WFH unit shall be eligible to be released from the WFH obligations indicated in the Applicable Site Plan. When a WFH unit is not purchased in accordance with the provision above, the developer shall make an in lieu payment to the County pursuant to the following:

a. An amount equal to one half of the differential between the WFH unit cost and the contract price not to exceed \$40,000 per unit.

b. "Available for purchase" shall be defined as:

- 1) Written notice is provided to the Planning Director and the Department of Economic Sustainability (DES) and to a list of interested parties provided to the developer by the County that developer has a project approved which requires the construction of WFH units and the developer is ready to commence sales of the required WFH unit within the development. The written notice shall include the location of the subject property, the location of the sales office, the hours of the sales office, the floor plan and construction specifications for the WFH unit available for contract; and the pricing of the WFH unit available for contract;
- 2) Developer shall include in the sales office displays and WFH unit promotional brochures produced as of and during the entire duration of the build-out of the project until all WFH units required have been sold and/or released according to this condition;
- 3) The inclusion of informational packets in the sales center for those interested in purchasing a WFH unit which provides the qualification standards, where to go to get qualified, and other relevant information regarding the WFH units. This packet shall be provided by or approved by Palm Beach County prior to placement on the sales floor;
- 4) At the time the WFH units become available for purchase the developer shall provide to the Palm Beach County Department of Planning, Zoning and Building proof of out-reach to local housing advocacy groups and others on the interested parties list; and,
- 5) The developer acts in good faith to market and sell the unit during the term of the project until such time as all WFH units are sold or released pursuant to this condition. (ONGOING: PLANNING - Planning)

21. Previous PLANNING Condition 21 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 9.f., Prior to final site plan approval for each subdivision plan per pod, the total number of workforce housing units provided shall be identified within that pod.

Is hereby amended to read:

Per LGA 2022-21 condition 9.f., Prior to final site plan approval for each subdivision plan per pod, the total number of workforce housing units provided shall be identified within that pod. (DRO: PLANNING - Planning)

22. Previous PLANNING Condition 22 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 9.b., Prior to the issuance of the first residential building permit, a master covenant for all 390 workforce housing units shall be recorded.

Is hereby amended to read:

Per LGA 2022-21, condition 9.b, Prior to the issuance of the first residential Building Permit, a Master Covenant for all 261 Workforce Housing units shall be recorded; (BLDGPMT: MONITORING - Planning)

23. Previous PLANNING Condition 23 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 9.c., Prior to the issuance of the certificate of occupancy for each designated workforce housing unit, a deed restriction for each units shall be recorded containing all

relevant information implementing the workforce housing conditions, specified in this ordinance and any subsequent zoning approval.

Is hereby amended to read:

Per LGA 2022-21, condition 9.c., Prior to the issuance of the certificate of occupancy for each designated workforce housing unit, a deed restriction for each units shall be recorded containing all relevant information implementing the workforce housing conditions, specified in this ordinance and any subsequent zoning approval. (ONGOING: PLANNING - Planning)

24. Previous PLANNING Condition 24 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 9.h., Beginning in October 2020, an annual report shall be submitted to DES and the Planning Director denoting compliance with the workforce housing requirements adopted with the amendment and any future development order. Should no units receive a certificate of occupancy prior to October 2020, the reporting requirement shall begin one year after the issuance of the first certificate of occupancy, and continue each year thereafter.

Is hereby amended to read:

Per LGA 2022-21, condition 9.h, Beginning in October 1, 2026, an annual report shall be submitted to DES and the Planning Director denoting compliance with the workforce housing requirements adopted with the amendment and any future development order. Should no units receive a certificate of occupancy prior to October 1, 2026, the reporting requirement shall begin one year after the issuance of the first certificate of occupancy, and continue each year thereafter. (DATE: MONITORING - Planning)

25. Previous PLANNING Condition 25 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 9.i, Prior to the issuance of the 663rd building permit, 39 workforce housing units (all located in Parcel A) shall be issued a certificate of occupancy, to include the recorded deed restriction for each WHP unit consistent with Ordinance Condition 9.c.

Is hereby amended to read:

Per LGA 2022-21, condition 9.i, Prior to the issuance of the 444th Building Permit, 26 workforce housing units (all located in Parcel A) shall be issued a Certificate of Occupancy, to include the recorded deed restriction for each WHP unit consistent with Ordinance Condition 9.c. (BLDGPM: MONITORING - Planning)

26. Previous PLANNING Condition 26 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 9.j., Prior to the issuance of the 1797th building permit, 195 workforce housing units shall be issued a certificate of occupancy, to include the recorded deed restriction for each WHP unit consistent with Ordinance Condition 9.c.

Is hereby amended to read:

Per LGA 2022-21, condition 9.j, Prior to the issuance of the 1,202nd Building Permit, 157 workforce housing units shall be issued a Certificate of Occupancy, to include the recorded deed restriction for each WHP unit consistent with Ordinance Condition 9.c. (BLDGPM: MONITORING - Planning)

27. Previous PLANNING Condition 27 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 9.k., Prior to the issuance of the 2,499th building permit, 292 workforce housing units shall be issued a certificate of occupancy, to include the recorded deed restriction for each WHP unit consistent with Ordinance Condition 9.c.

Is hereby amended to read:

Per LGA 2022-21, condition 9.k, Prior to the issuance of the 1,671st Building Permit, 196 workforce housing units shall be issued a Certificate of Occupancy, to include the recorded deed restriction for each WHP unit consistent with Ordinance Condition 9.c. (BLDGPM: MONITORING - Planning)

28. Previous PLANNING Condition 28 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Per LGA 2016-017, Ord. 2016-041 condition 9.I., Prior to the issuance of the 3,358th building permit, all 390 workforce housing units shall be issued a certificate of occupancy, to include the recorded deed restriction for each WHP unit consistent with Ordinance Condition 9.c.

Is hereby amended to read:

Per LGA 2022-21, condition 9.I, Prior to the issuance of the 2,246th Building Permit, all 261 workforce housing units shall be issued a Certificate of Occupancy, to include the recorded deed restriction for each WHP unit consistent with Ordinance Condition 9.c. (BLDGPMT: MONITORING - Planning)

29. In all cases, additional units may be designated as WHP, within each, phase that exceed the requirements as stated above. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 29 of Resolution R-2019-389, Control No.2002-90045)

30. Design Requirements - Work Force Housing units (WFH) shall be designed to be compatible with the overall project, as follows:

- a. All WFH units shall be constructed on site.
 - b. All WFH units shall be designed to a compatible exterior standard as other units within the development or pod/phase and shall be comparable with the surrounding land uses; and
 - c. Required WFH units may be clustered or dispersed throughout the project.
- (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 30 of Resolution R-2019-389, Control No.2002-90045)

31. Affordability Requirements: All required Work Force Housing units (WFH) shall be offered for sale at an attainable housing cost for each of the targeted income ranges. The sale prices shall be updated annually by the Planning Director or his designee, with the sales prices based on the AMI, and the household income limits for PBC (West Palm Beach/Boca Raton metropolitan statistical area) for a family of four, which pricing shall not be adjusted based on the number of occupants, as published annually by HUD (sale price: household income figure multiplied by three and priced at the middle of each of the four WFH income categories). (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 31 of Resolution R-2019-389, Control No.2002-90045)

32. In the event of default by the purchaser of a for sale Work Force Housing units (WFH), after execution of a binding contract, the subject WFH shall return as available for sale for the remainder of the applicable 180-day sale period. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 32 of Resolution R-2019-389, Control No.2002-90045)

33. Nothing in these conditions requires the developer to provide and/or guarantee financing for any Applicant for a Work Force Housing units (WFH). The Developer is not required to aid in the purchase and/or financing of the WFH unit. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 33 of Resolution R-2019-389, Control No.2002-90045)

34. Previous PLANNING Condition 34 of Resolution R-2019-389, Control No.2002-90045, which currently states:

On an annual basis, beginning December 1, 2019, or as otherwise stipulated in the Declaration of Restrictive Covenants, the owner of the Work Force Housing units (WFH) shall submit to the Planning Director, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WFH and a copy of any monitoring information provided to and received from the appropriate funding agency/source. (DATE/ONGOING: MONITORING - Planning)

Is hereby deleted. [REASON: No longer necessary, covered by condition 24.]

PLANNING-MULTI-MODAL CONNECTIONS AND AMENITIES

35. Prior to the release of the first certificate of occupancy for any Pod adjacent to a Rural Parkway, the Property Owner shall submit an As-built Rural Parkway Plan, to be approved by Planning and Landscape. (CO: MONITORING - Planning) (Previous PLANNING Condition 35 of Resolution R-2019-389, Control No.2002-90045)

36. There shall be no berms included within any area identified on the Conceptual Master Plan, as Public connectivity, Rural Parkway or equestrian trails and pedestrian pathway system. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 36 of Resolution R-2019-389, Control No.2002-90045)

37. Prior to the release of the first Certificate of Occupancy for each residential and commercial POD, all adjacent public and pedestrian access points, trolley stops, Pedestrian gathering areas, pedestrian and equestrian trail ways, amenities such as bike racks and/or benches, and associated signage shall be fully constructed and functional. (CO: MONITORING - Planning) (Previous PLANNING Condition 37 of Resolution R-2019-389, Control No.2002-90045)

38. Prior to the release of the 1,000th Certification of Occupancy, the Trolley system and Depot will be fully constructed and operational as required by FLUE Policy 1.12-f of Ordinance 2016-41.

39. The commencement of construction for a Trolley Depot (which may include a temporary depot until the permanent depot is constructed) shall begin prior to the release of the 900th Building Permit.

PLANNING-INDIAN TRAIL IMPROVEMENT DISTRICT (ITID) UNIT ACTIVATION

40. No residential building permits (with the exception of model units) shall be issued until Palm Beach County receives written confirmation from Indian Trail Improvement District confirming Activation of a Unit of Development for all land within the PUD (with the exception of that portion of the Property designated as "Open Space Pod 1" (+640.00 acres) and "Open Space Pod 2" (+248.63 acres) and "WCR Exchange Parcel / Palm Beach County Conveyance" (1,600 acres). (BLDGPM: MONITORING - Planning) (Previous PLANNING Condition 40 of Resolution R-2019-389, Control No.2002-90045)

PLANNING

41. Per LGA 2022-21, condition 17. The Zoning development order shall require the following at minimum for the 1,600 WCR Exchange Parcel, whichever shall first occur:

a. Prior to the issuance of the first residential building permit within Indian Trails Grove PUD the completed construction and successful operation of the water feature at the WCR Exchange Parcel as depicted on the adopted WCR Conceptual Plan shall be complete and operational to the County's satisfaction. The County Administrator, or designee, shall consider, among other items, the engineer certification of the project's compliance with the design specifications to determine if the project is complete. Upon delivery of such written certification from the County to the property owner, the property owner shall convey the 1,600 acres labeled on the Conceptual Plan as the "WCR Exchange Parcel-Palm Beach County Conveyance (1,600 acres)" to Palm Beach County. The County will not issue any residential building permits within Indian Trails Grove PUD until such time that water feature is complete and operational pursuant to this condition and the property is conveyed to the County. or

b. Prior to the issuance of 360th residential Certificate of Occupancy for the 1,000 unit age restricted development within Hyder West PUD (Control Number 2022-005), the completed construction and successful operation of the water feature at the WCR Exchange Parcel as depicted on the adopted WCR Conceptual Plan shall be complete and operational to the County's satisfaction. The County Administrator, or designee, shall consider, among other items, the engineer certification of the project's compliance with the design specifications to determine if the project is complete. Upon delivery of such written certification from the County to the property owner, the property owner shall convey the 1,600 acres labeled on the Conceptual Plan as the "WCR Exchange Parcel-Palm Beach County Conveyance (1,600 acres)" to Palm Beach County. The County will not issue any more Certificates of Occupancy beyond the 359th one for the 1,000 unit adult age restricted development within the Hyder West PUD until such time that water feature is complete and operational pursuant to this condition and the property is conveyed to the County. (BLDG-Monitoring-Planning)

42. Prior to April 24, 2024, the Property Owner shall record one conservation easement for the entire 1,600 acres identified on the Indian Trails Grove Conceptual Plan as "WCR Exchange Parcel / Palm Beach County Conveyance", in favor of Palm Beach County, subject to approval of the County Attorney. This conservation easement shall include a provision stating that it will terminate upon conveyance of title to the subject property to the County. (Date-Monitoring-Planning)

43. Per LGA 2022-21, condition 18. The Zoning development order shall require the following at minimum for the 200 acre active recreation facility (Public Civic Pod), whichever shall first occur:

a. Prior to the issuance of the 261st residential building permit (exclusive of model permits) within Indian Trails Grove PUD, the completion of construction of the 200-acre active recreation facility inclusive of the improvements required pursuant to the Development Agreement denoted within FLUE Policy 1.11-k, property owner will convey the 200 acres labeled on the Conceptual Plan as "Civic – Park (200 Acres)" to Palm Beach County; or,

b. Prior to the issuance of 500 residential Certificate of Occupancy for the 1,000 unit age restricted development within Hyder West PUD (Control Number 2022-005), the completed construction and successful operation of the 200 acre active recreation facility (Public Civic Pod) shall be complete and operational to the County's satisfaction. The County Administrator, or designee, shall consider, among other items, the project's compliance with the design specifications to determine if the project is complete. The County will not issue any more Certificates of Occupancy beyond the 500th one for the 1,000 unit adult age restricted development within the Hyder West PUD until such time that 200 acre active recreation facilities are complete and operational pursuant to this condition and the property is conveyed to the County. (BLDG-Monitoring-Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 1 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall provide Palm Beach County Board of County Commissioners with Statutory Warranty Deeds for all Public Civic Sites identified as Park, Police/Fire, Office, Utility as shown on the Master Plan consistent with Land Use Amendment Ordinance 2016-041 (conditions 13, 14, 15). Property Owner to plat and dedicate the civic sites to Palm Beach County according to the following approved phasing plan (A thru F): Civic Pod #1 shall be conveyed prior to 25% of the building permits issued for POD A (total residential units for sale - 166 permits) ; Civic Pod #3 and Civic Pod #4 shall be conveyed prior to 25% of the building permits issued for POD D, plus all building permits for POD A, POD B and POD C (total residential units for sale - 2012 permits). Prior to each deed conveyance Property Owner shall have satisfied each of the following conditions:

a) Title

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

b) Concurrency

Property Owner to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to each civic site and recorded on the concurrency reservation for the entire PUD. The Property Owner shall be provided with input as to the size of a structure (and proposed use) which each civic site would support and the corresponding amount of trips. If no County use is applied to a civic site, Property Owner shall assign sufficient traffic trip capacity equivalent to the number of units the civic site would support if it were a residential pod.

c) Taxes

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

d) Site condition

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

e) Retention and Drainage

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

1) The discharge of surface water from a proposed civic site into the Property Owner's water retention basins.

2) An easement across Property Owner's property from a proposed civic site to the retention basins, if required.

f) On-Site Inspections

By acceptance of these conditions Property Owner agrees to allow the County to perform any on site inspections and testing deemed appropriate to support the acquisition of each civic site.

g) Vegetation Permit

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

h) Buildable Grade

Prepare each civic site to buildable grade under the direction of the FDO Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (at the discretion of FDO), all of which shall be to the satisfaction of FDO.

i) Water & Sewer

Property Owner to provide water, sewer, reclaim water stubbed out to the

property line and other required utilities to each civic site as determined by PREM.

j) Irrigation

Property Owner to provide an easement across Property Owners property, from each proposed Civic Site to available retention basins, if requested by PREM.

k) Rural Parkway

Any Rural Parkway areas located within the limits of Civic Site Pods 1, 3, 4 shall be maintained at the Property Owners sole cost and expense, or may be assigned by the Property Owner to the appropriate Homeowners Association within the PDD.

Is hereby amended to read:

The Property Owner shall provide Palm Beach County Board of County Commissioners with Statutory Warranty Deeds for all Public Civic Sites identified on the Preliminary Master Plan as Government Services (Civic Pod 1, 10.77 gross acres, 8.25 net acres), Fire/Police (Civic Pod 3, 5.57 gross acres, 4.15 net acres), and Park (Civic Pod 4, 43.44 gross acres, 40.43 net acres), in a location and form acceptable to Facilities Development & Operations Department (FD&O). Property Owner to plat and dedicate the properties to Palm Beach County according to the following phasing plan, or other threshold that becomes mutually agreeable to the Property Owner and FD&O:

- I. Fire/Police (Civic Pod 3) Prior to the issuance of a building permit for 500 residential units, excluding model homes.
- II. Park (Civic Pod 4) Prior to the issuance of the first building permit for a residential unit in Pod D and/or E.
- III. Office (Civic Pod 1) Prior to the issuance of a building permit for 2,000 residential units, excluding model homes.

Prior to each deed conveyance, Property Owner shall have satisfied each of the following conditions:

a) Title

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

b) Concurrency

Property Owner to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the properties and recorded on the concurrency reservation for the entire PUD. The Property Owner shall be provided with input as to the size of a structure (and proposed use) which the properties would support and the corresponding amount of trips. If no County use is applied to the properties, Property Owner shall assign sufficient traffic trip capacity equivalent to the number of units the properties would support if it were a residential pod.

c) Taxes

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

d) Site condition

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

e) Retention and Drainage

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

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

f) On-Site Inspections

By acceptance of these conditions Property Owner agrees to allow the County to perform any on-site inspections and testing deemed appropriate to support the acquisition of the properties.

g) Vegetation Permit

Property Owner to perform a tree survey and obtain a vegetation clearing permit.

h) Buildable Grade

Prepare properties to buildable grade under the direction of the FDO Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered, all of which shall be to the satisfaction of FDO. The buildable grade elevation required will generally be the highest crown of road adjacent to the properties, unless otherwise determined by PREM. Proposed County Critical Care facilities may require higher elevations as determined by County, at County's sole discretion. Property Owner to provide: 1) In-place density test, 2) Soil placement monitoring report, 3) Test of materials used in the soil placement monitoring report, 4) Final survey to include topo results.

i) Water, Sewer and Reclaim Water

Property Owner to provide water, sewer, reclaim water (if reclaimed water is available) stubbed out to the property line and other required utilities as determined by PREM.

j) Irrigation

Property Owner to provide an easement across Property Owner's property, from the proposed properties to available retention basins, if requested by PREM and in a form and manner acceptable to PREM. (BLDGPM/ONGOING: MONITORING - Property Real Estate Management)

2. Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 2 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall provide the County with a survey certified to Palm Beach County of each proposed civic site prior to deed conveyance. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

- a) The survey shall meet Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.050-.052 for a Boundary Survey pursuant to section 472.027, Florida Statutes.
- b) If a civic parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
- c) The survey should include a location of any proposed water retention area that will border a civic site.

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

Is hereby amended to read:

The Property Owner shall provide the County with a survey certified to Palm Beach County of the properties identified in Property and Real Estate Management condition 1 prior to deed conveyance. Survey shall reflect the boundary and topographical areas of the properties and the surveyor shall use the following criteria:

- a) The survey shall meet Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.050-.052 for a Boundary Survey pursuant to section 472.027, Florida Statutes.
- b) If properties are a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
- c) The survey should include a location of any proposed water retention area that will border properties. Survey is also subject to the County's approval of any proposed or existing easements within the properties and all title exceptions are to be shown on the survey. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

3. Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 3 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of each proposed civic site prior to deed conveyance. The minimum assessment which is required

is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

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

a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic sites.

b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders each proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether each civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS).

c) Review of current and historical aerial photographs of a proposed civic site. Provide a recent aerial showing site and surrounding properties.

d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.

e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.

If the Phase I audit indicates that a Phase II is necessary, then the Property Owner shall be required to provide that audit as well.

Is hereby amended to read:

The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County for the properties identified in Property and Real Estate Management condition 1 prior to deed conveyance. The minimum assessment of the properties will be a "Phase I Audit". The audit shall describe the environmental conditions of the properties and identifies the past and current land use. Prior use of the property (Example: Ag Production, golf course, other uses as determined by County) that creates the possibility of soil and groundwater impacts above environmental target clean up levels will require further soil and ground water investigation and testing, unless waived by County at County's sole discretion.

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

a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the properties.

b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the properties will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the properties or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS).

c) Review of current and historical aerial photographs of the properties. Provide a recent aerial showing site and surrounding properties.

d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.

e) Review of Wellfield Protection Zone maps to determine if properties are located in a Wellfield Zone. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

4. Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 4 of Resolution R-2019-389, Control No.2002-90045, which currently states:

The Property Owner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land is the more viable option and enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the Property Owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the Property Owner. If off-site land or cash contribution is accepted by Palm Beach County, the Property Owner shall be deemed to have satisfied the intent of ULDC.

Is hereby amended to read:

The Property Owner may request to exchange the required on-site dedication of land identified in Property and Real Estate Management condition 1 for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land is the more viable option and enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the Property Owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the Property Owner. If off-site land or cash contribution is accepted by Palm Beach County, the Property Owner shall be deemed to have satisfied the intent of ULDC.

5. The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed for the 1,600 gross acres identified on the Preliminary Master Plan as Palm Beach County Conveyance, in a location and form acceptable to Facilities, Development & Operations Department (FD&O), no later than issuance of a Building Permit for a residential unit (excluding model homes), or issuance of a Certificate of Occupancy for 360 adult restricted residential units in the Hyder West AGR-PUD (Control No. 2022-00005, and exclusive of any units/beds with any public or private civic pod), whichever shall first occur. Property Owner to plat and dedicate the property to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

a) Title

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

b) Taxes

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

c) Site condition

Property to be free and clear of all trash and debris, and County acceptance of the Indian Trails Grove-Water Resources Project (ITG-WRP) improvements having been granted, at the time of acceptance of the Statutory Warranty Deed.

d) ITG-WRP easements

Any and all easements required for the regular operation of the Indian Trails Grove-Water Resources Project (ITG-WRP) shall be recorded, in a form and manner acceptable to Palm Beach County, at the time of acceptance of the Statutory Warranty Deed.

e) On-Site Inspections

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

(BLDGPM/CO: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

6. The Property Owner shall provide the County with a survey certified to Palm Beach County of the property identified in Property and Real Estate Management condition 5 prior to deed conveyance. Survey

shall reflect the boundary and topographical areas of the property and the surveyor shall use the following criteria:

a) The survey shall meet Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.050-.052 for a Boundary Survey pursuant to section 472.027, Florida Statutes.

b) If properties are a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.

c) The survey should include a location of any proposed water retention area that will border properties. Survey is also subject to the County's approval of any proposed or existing easements within the properties and all title exceptions are to be shown on the survey.

7. The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County for the property identified in Property and Real Estate Management condition 5 prior to deed conveyance. The minimum assessment of the properties will be a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use. Prior use of the property (Example: Ag Production, golf course, other uses as determined by County) that creates the possibility of soil and groundwater impacts above environmental target clean up levels will require further soil and ground water investigation and testing, unless waived by County at County's sole discretion.

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

a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the properties.

b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the properties will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the property or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS).

c) Review of current and historical aerial photographs of the property. Provide a recent aerial showing site and surrounding properties.

d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.

e) Review of Wellfield Protection Zone maps to determine if the property is located in a Wellfield Zone.

8. The Property Owner may satisfy Property and Real Estate Management conditions 5, 6 and 7 upon deed acceptance by another governmental agency that is deemed in writing to be acceptable to Palm Beach County in its sole and absolute discretion.

9. The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed for the 200 acre Public Park identified on the Preliminary Master Plan as Civic Pod 5/Pod F (200 gross acres, 188.08 net acres), in a location and form acceptable to Facilities, Development & Operations Department (FD&O), no later than issuance of a Building Permit for 261 residential units (excluding model homes), or issuance of a Certificate of Occupancy for 500 adult restricted residential units in the Hyder West AGR-PUD (Control No. 2022-00005, and exclusive of any units/beds with any public or private civic pod and model homes), whichever shall first occur. Property Owner to plat and dedicate the property to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

a) Title

Property Owner to provide a title policy insuring marketable title to Palm Beach County for the property and any easements that service the property as required by the County Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the property or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall

be obtained by the Property Owner. The Property Owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the property.

b) Concurrency

Property Owner to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the properties and recorded on the concurrency reservation for the entire PUD. The Property Owner shall be provided with input as to the size of a structure (and proposed use) which the properties would support and the corresponding amount of trips. If no County use is applied to the properties, Property Owner shall assign sufficient traffic trip capacity equivalent to the number of units the properties would support if it were a residential pod.

c) Taxes

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

d) Site condition

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

e) Retention and Drainage

All retention and drainage associated with the 200 acre Public Park shall be provided by the Property Owner on the 200 acre Public Park property and shall include lawfully permitted legal positive outfall for the 200 acre Public Park.

f) On-Site Inspections

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

g) Vegetation Permit

Property Owner to perform a tree survey and obtain a vegetation clearing permit.

h) Buildable Grade

Prepare properties to buildable grade under the direction of the FDO Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered, all of which shall be to the satisfaction of FDO. The buildable grade elevation required will generally be the highest crown of road adjacent to the properties, unless otherwise determined by PREM. Proposed County Critical Care facilities may require higher elevations as determined by County, at County's sole discretion. Property Owner to provide: 1) In-place density test, 2) Soil placement monitoring report, 3) Test of materials used in the soil placement monitoring report, 4) Final survey to include topo results.

i) Water, Sewer and Reclaim Water

Property Owner to provide water, sewer, reclaim water (if reclaimed water is available) stubbed out to the property line and other required utilities as determined by PREM.

j) Irrigation

Property Owner to provide an easement across Property Owner's property, from the proposed properties to available retention basins, if requested by PREM.

(BLDGPM/CO: MONITORING - Property Real Estate Management)

10. The Property Owner shall provide the County with a survey certified to Palm Beach County of the property identified in Property and Real Estate Management condition 9 prior to deed conveyance. Survey shall reflect the boundary and topographical areas of the property (unless otherwise approved by PREM) and the surveyor shall use the following criteria:

a) The survey shall meet Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.050-.052 for a Boundary Survey pursuant to section 472.027, Florida Statutes.

b) If property is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.

c) The survey should include a location of any proposed water retention area that will border the property. Survey is also subject to the County's approval of any proposed or existing easements within the property and all title exceptions are to be shown on the survey.

11. The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County for the property identified in Property and Real Estate Management condition 9 prior to deed conveyance. The minimum assessment of the properties will be a "Phase I Audit". The audit shall describe

the environmental conditions of the property and identifies the past and current land use. Prior use of the property (Example: Ag Production, golf course, other uses as determined by County) that creates the possibility of soil and groundwater impacts above environmental target clean up levels will require further soil and ground water investigation and testing, unless waived by County at County s sole discretion.

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

- a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the property.
- b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the property will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the property or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS).
- c) Review of current and historical aerial photographs of the property. Provide a recent aerial showing site and surrounding properties.
- d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.
- e) Review of Wellfield Protection Zone maps to determine if the property is located in a Wellfield Zone.

12. The Property Owner may request to exchange the required on-site dedication of land identified in Property and Real Estate Management condition 9 for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land is the more viable option and enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 9, 10 & 11 above will also apply. If the land off-site is of less cash value than the on-site dedication the Property Owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the Property Owner. If off-site land or cash contribution is accepted by Palm Beach County, the Property Owner shall be deemed to have satisfied the intent of ULDC.

SCHOOL BOARD

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

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not 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. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board) (Previous SCHOOL BOARD Condition 1 of Resolution R-2019-389, Control No.2002-90045)

2. Previous SCHOOL BOARD Condition 2 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Prior to the issuance of the first Certificate of Occupancy (CO) for each POD (A through F), the 10 feet by 15 feet school bus shelter(s) for each pod shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter(s) shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter(s). Maintenance of the bus shelters shall be the responsibility of the residential Property Owner.

Is hereby amended to read:

Prior to the issuance of the first Certificate of Occupancy (CO) for each residential POD (A through E), the 10 feet by 15 feet school bus shelter(s) for each pod shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter(s) shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter(s). Maintenance of the bus shelters shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board)

3. Previous SCHOOL BOARD Condition 3 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Platting & Deed

The Property Owner shall provide the School Board with Statutory Warranty Deeds for all Public Civic Sites identified as Public Civic Sites and Recreation Amenity as shown on the Master Plan consistent with Land Use Amendment Ordinance 2016-041 (Condition 24). Property Owner to plat and dedicate the public school and recreation amenity civic sites to the School Board according to the following approved phasing plan (A thru F): Civic Pods #5, #6 and #7 shall be conveyed prior to 25% of the building permits issued for POD E plus all building permits for POD A, POD B, POD C, and POD D (total residential units for sale - 2,712 permits). Prior to each deed conveyance Property Owner shall have satisfied each of the following conditions:

a) Title

Property Owner to provide title policies insuring marketable title to the School Board for the civic sites and any easements that service the civic sites as required by the School Board General Counsel's office. All title exception documentation to be provided to the School Board. Policies are subject to Planning and Intergovernmental Relations Department (PIR) and School Board Attorney's approval. Each title policy to be insured to the School Board for a dollar value based on current market appraisal of the proposed civic sites or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24-month period. If an appraisal is required it shall be obtained by the Property Owner. The Property Owner shall release the School Board from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to each civic site.

b) Concurrency

Property Owner to assign sufficient traffic trip capacity such that the traffic volume associated with a School Board facility shall be attached to each civic site (970 public elementary school students, 1,300 public middle school students) and recorded on the concurrency reservation for the entire PUD. The Property Owner shall be provided with input as to the size of a structure (and proposed use) which each civic site would support and the corresponding amount of trips. If no School Board use is applied to a civic site, Property Owner shall assign sufficient traffic trip capacity equivalent to the number of units the civic site would support if it were a residential pod.

c) Taxes

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

d) Site condition

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

e) Retention and Drainage

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

1) The discharge of surface water from a proposed civic site into the Property Owner's water retention basins.

2) An easement across Property Owner's property from a proposed civic site to the retention basins, if required.

f) On-Site Inspections

By acceptance of these conditions Property Owner agrees to allow the School Board to perform any on-site inspections and testing deemed appropriate to support the acquisition of each civic site.

g) Vegetation Permit

Property Owner to perform a tree survey and obtain a vegetation clearing permit on each civic site. If it is determined by PIR that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the School Board.

h) Buildable Grade

Prepare each civic site to buildable grade under the direction of the Facilities Construction Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (at the discretion of the Facilities Services Department), all of which shall be to the satisfaction of the Facilities Services Department.

i) Water & Sewer

Property Owner to provide water, sewer, reclaim water stubbed out to the property line and other required utilities to each civic site as determined by PIR.

j) Irrigation

Property Owner to provide an easement across Property Owner's property, from each proposed Civic Site to available retention basins, if requested by PIR.

k) Rural Parkway and Open Space

The 190th Street rural parkway and designated open space areas as reflected on the PMP approved by the Board of County Commissioners within the limits of Civic Pods #5, #6, and #7 will be maintained at the Property Owner's sole cost and expense, or may be assigned by the Property Owner to the appropriate Homeowner's Association within the PDD.

Is hereby amended to read:

Platting & Deed

The Property Owner shall provide the School Board with a Statutory Warranty Deed for Public Civic Pod 2. Property Owner to plat and dedicate Civic Pod 2 to the School Board prior to October 24, 2028, or other date that is mutually agreeable to the Property Owner and the School Board. Prior to deed conveyance, Property Owner shall have satisfied each of the following conditions:

a) Title

Property Owner to provide title policy ensuring marketable title to the School Board for Civic Pod 2 and any easements that service Civic Pod 2 as required by the School Board General Counsel's office. All title exception documentation to be provided to the School Board. Policies are subject to Planning and Intergovernmental Relations Department (PIR) and School Board Attorney's approval. The title policy to be insured to the School Board for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24-month period. If an appraisal is required, it shall be obtained by the Property Owner. The Property Owner shall release the School Board from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to Civic Pod 2.

b) Concurrency

Property Owner to assign sufficient traffic trip capacity such that the traffic volume associated with a School Board facility shall be attached to Civic Pod 2 (970 public elementary school students, 1,300 public middle school students) and recorded on the concurrency reservation for the entire PUD. The Property Owner shall be provided with input as to the size of a structure (and proposed use) which Civic Pod 2 would support and the corresponding number of trips. If no School Board use is applied to a Civic Pod 2, Property Owner shall assign sufficient traffic trip capacity equivalent to the number of units the civic site would support if it were a residential pod.

c) Taxes

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

d) Site condition

Civic Pod 2 to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.

e) Retention and Drainage

Property Owner shall provide all retention, detention, and drainage required for any future development of Civic Pod 2 by the School Board. Property Owner shall specifically address the following issues:

- 1) The discharge of surface water from Civic Pod 2 into the Property Owner's water retention basins.
- 2) An easement across Property Owner's property from Civic Pod 2 to the retention basins, if required.

f) On-Site Inspections

By acceptance of these conditions Property Owner agrees to allow the School Board to perform any on-site inspections and testing deemed appropriate to support the acquisition of Civic Pod 2.

g) Vegetation Permit

Property Owner to perform a tree survey and obtain a vegetation clearing permit on Civic Pod 2. If it is determined by PIR that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the School Board.

h) Buildable Grade

Prepare Civic Pod 2 to buildable grade under the direction of the Facilities Construction Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (at the discretion of the Facilities Services Department), all of which shall be to the satisfaction of the Facilities Services Department.

i) Water & Sewer

Property Owner to provide water, sewer, reclaim water stubbed out to the property line and other required utilities to Civic Pod 2 as determined by PIR.

j) Irrigation

Property Owner to provide an easement across Property Owner's property, from Civic Pod 2 to available retention basins, if requested by PIR.

k) Rural Parkway and Open Space

The 190th Street rural parkway and designated open space areas as reflected on the PMP approved by the Board of County Commissioners within the limits of Civic Pod 2 will be maintained at the Property Owner's sole cost and expense or may be assigned by the Property Owner to the appropriate Homeowner's Association within the PDD. (BLDGPMT/ONGOING/PLAT: SCHOOL BOARD - Monitoring)

4. Previous SCHOOL BOARD Condition 4 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Survey

The Property Owner shall provide the Planning & Intergovernmental Relations Department (PIR) with a survey certified to the School Board of Palm Beach County of each proposed civic site prior to deed conveyance. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

- a) The survey shall meet Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.050-.052 for a Boundary Survey pursuant to section 472.027, Florida Statutes.

- b) If a civic parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
- c) The survey should include a location of any proposed water retention area that will border a civic site. Survey should show any potential wetland areas on the civic sites.

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

Is hereby amended to read:

Survey

The Property Owner shall provide the Planning & Intergovernmental Relations Department (PIR) with a survey certified to the School Board of Palm Beach County of Civic Pod 2 site prior to deed conveyance. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

- a) The survey shall meet Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.050-.052 for a Boundary Survey pursuant to section 472.027, Florida Statutes.
- b) If Civic Pod 2 parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
- c) The survey should include a location of any proposed water retention area that will border a civic site. Survey should show any potential wetland areas on Civic Pod 2.

Survey is also subject to the School Board's approval of any proposed or existing easements within Civic Pod 2 site and all title exceptions are to be shown on the survey. (BLDGPMT/ONGOING/PLAT: SCHOOL BOARD - Monitoring)

5. Previous SCHOOL BOARD Condition 5 of Resolution R-2019-389, Control No.2002-90045, which currently states:

Environmental Survey

The Property Owner shall provide the Planning & Intergovernmental Relations Department (PIR) with an Environmental Assessment certified to the School Board of each proposed civic site prior to deed conveyance. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

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

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

- e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.

If the Phase I audit indicates that a Phase II is necessary, then the Property Owner shall be required to provide that audit as well.

Is hereby amended to read:

Environmental Survey

The Property Owner shall provide the Planning & Intergovernmental Relations Department (PIR) with an Environmental Assessment certified to the School Board of Civic Pod 2 prior to deed conveyance. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

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

a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.

b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. In addition, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS).

c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.

d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.

e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.

If the Phase I audit indicates that a Phase II is necessary, then the Property Owner shall be required to provide that audit as well. (BLDGPMT/ONGOING/PLAT: SCHOOL BOARD - Monitoring)

COMPLIANCE

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

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

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in

accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

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

CONDITIONS OF APPROVAL

EXHIBIT C-2

Development Order Amendment Type 2 Waiver

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2019-390, Control No.2002-90045, which currently states:

This Waiver is approved based on the layout as shown on the Preliminary Master Plan dated August 13, 2018. Only minor modifications by Board of County Commissioners (BCC) or Development Review Officer (DRO) shall be permitted provided the changes are consistent with this Plan. This Waiver is approved based on the layout as shown on the Preliminary Master Plan dated August 13, 2018. Only minor modifications by Board of County Commissioners (BCC) or Development Review Officer (DRO) shall be permitted provided the changes are consistent with this Plan.

Is hereby amended to read:

The approved Preliminary Master Plan is dated June 26, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

COMPLIANCE

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

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

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

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

DISCLOSURE

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

Figure 1 - Land Use Map

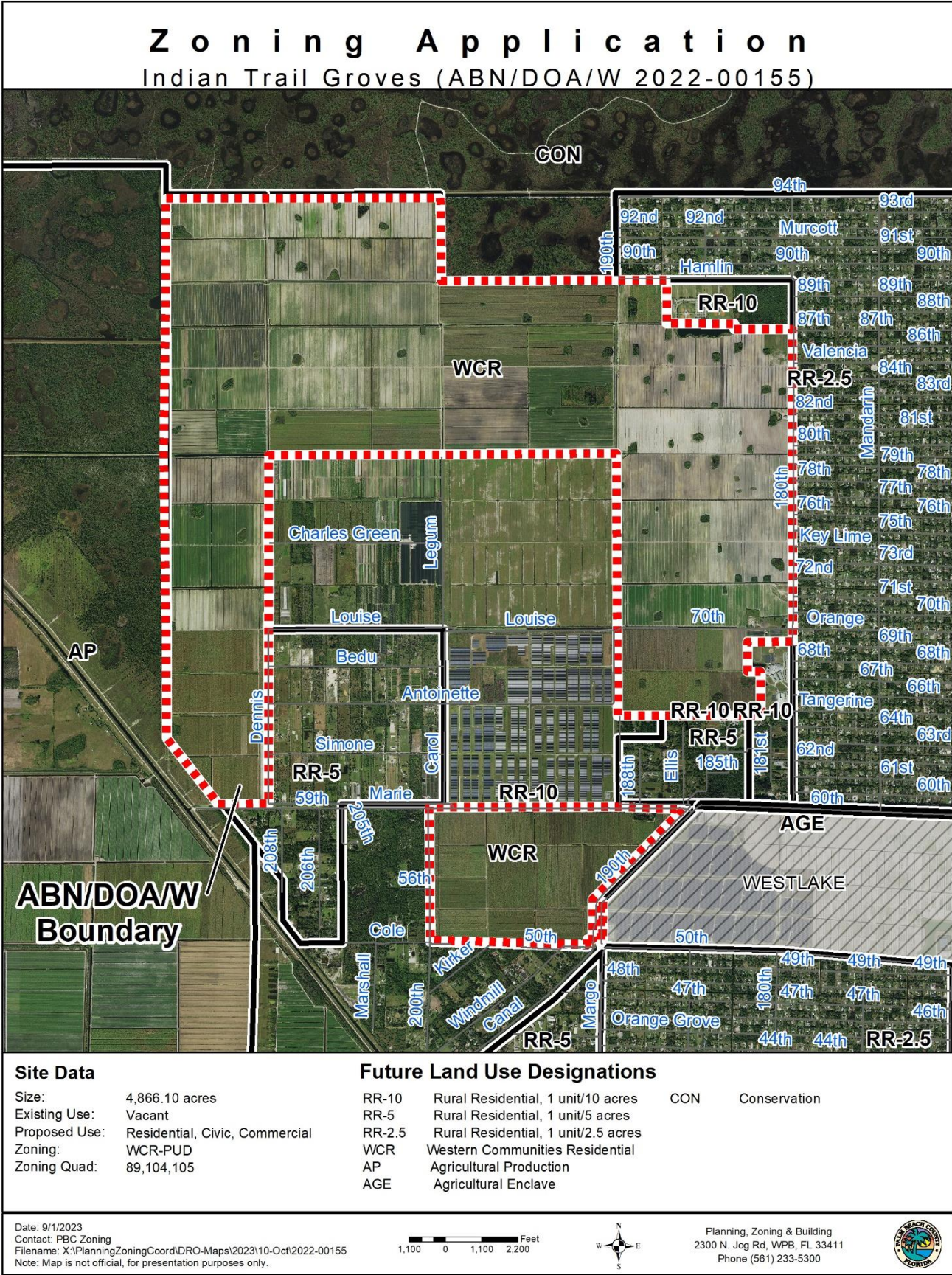
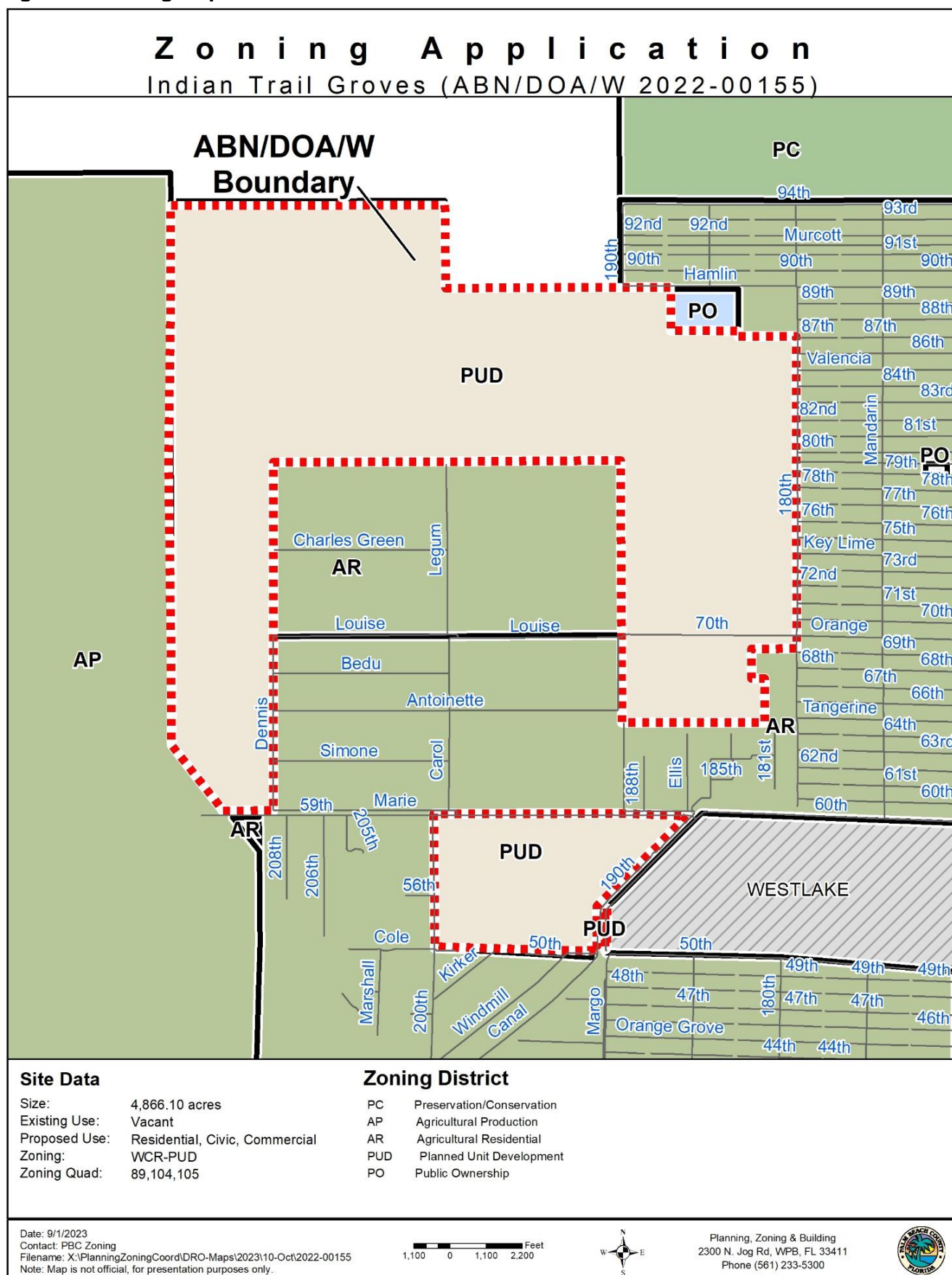


Figure 2 - Zoning Map



Zoning Commission
Application No. ABN/DOA/W-2022-00155

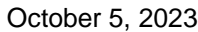
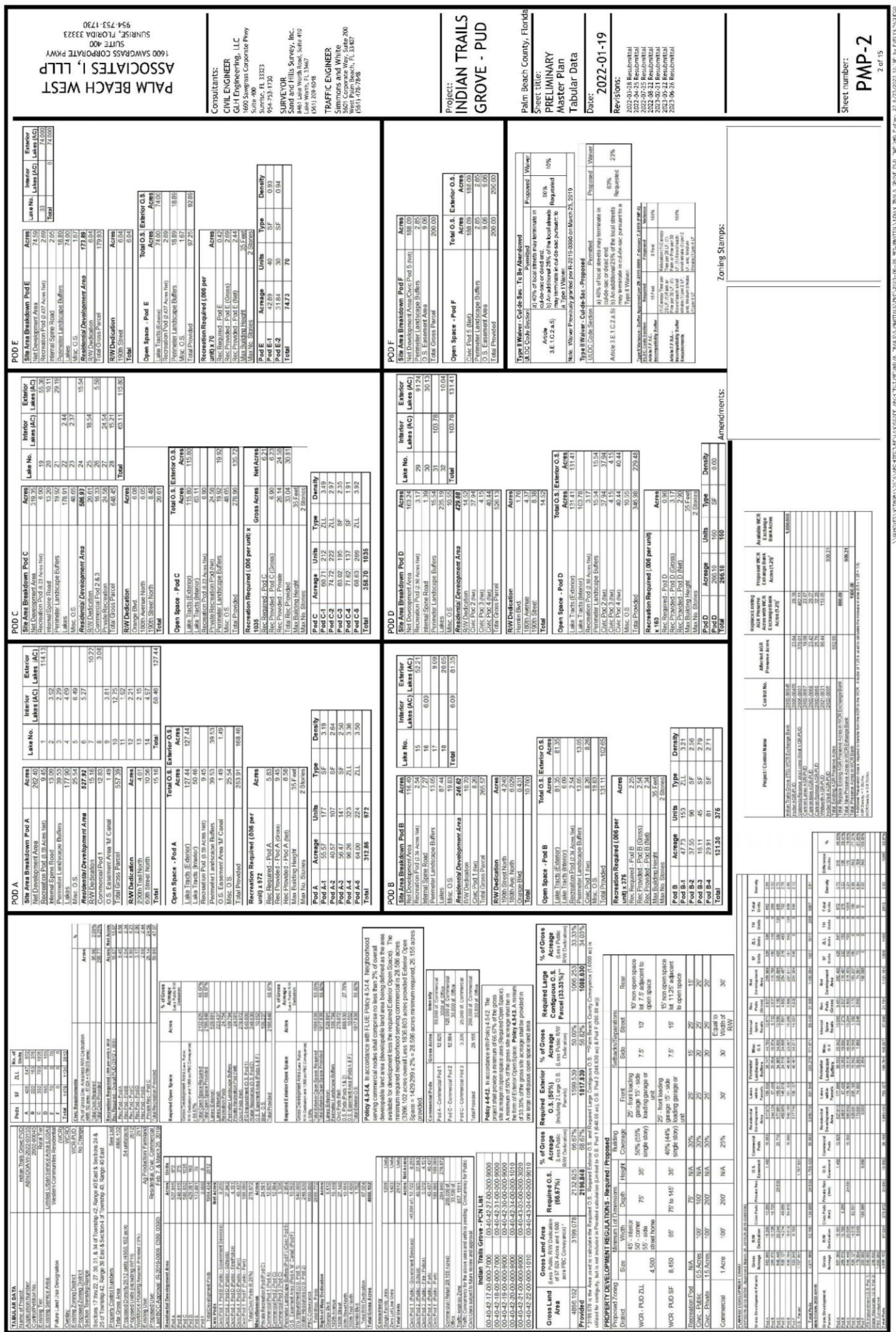
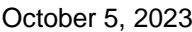


Figure 3 – Preliminary Master Plan dated August 22, 2023 page 2 of 15



Zoning Commission
Application No. ABN/DOA/W-2022-00155



Zoning Commission
Application No. ABN/DOA/W-2022-00155

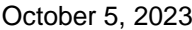
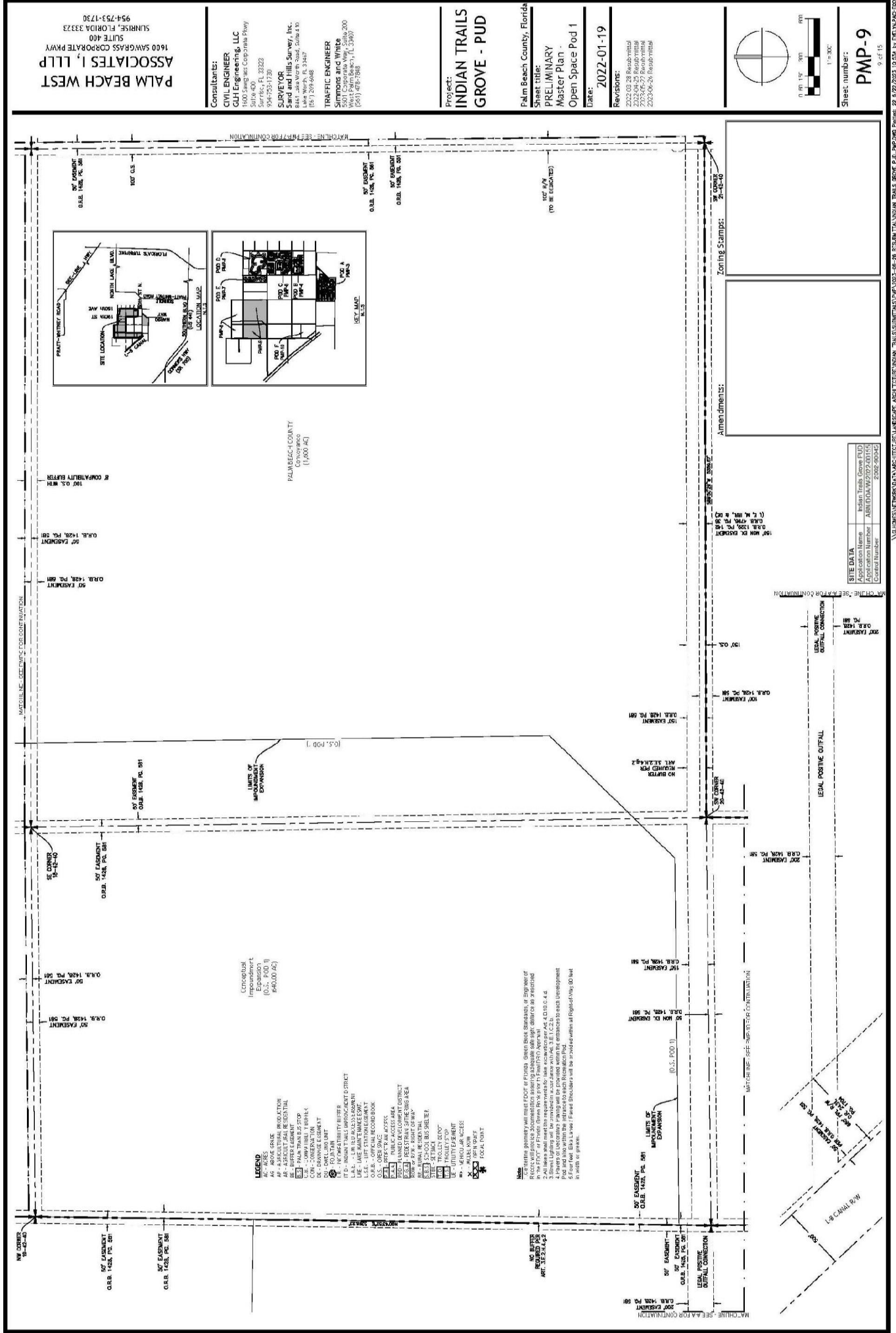
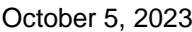


Figure 3 – Preliminary Master Plan dated August 22, 2023 page 9 of 15



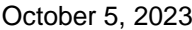
Zoning Commission
Application No. ABN/DOA/W-2022-00155



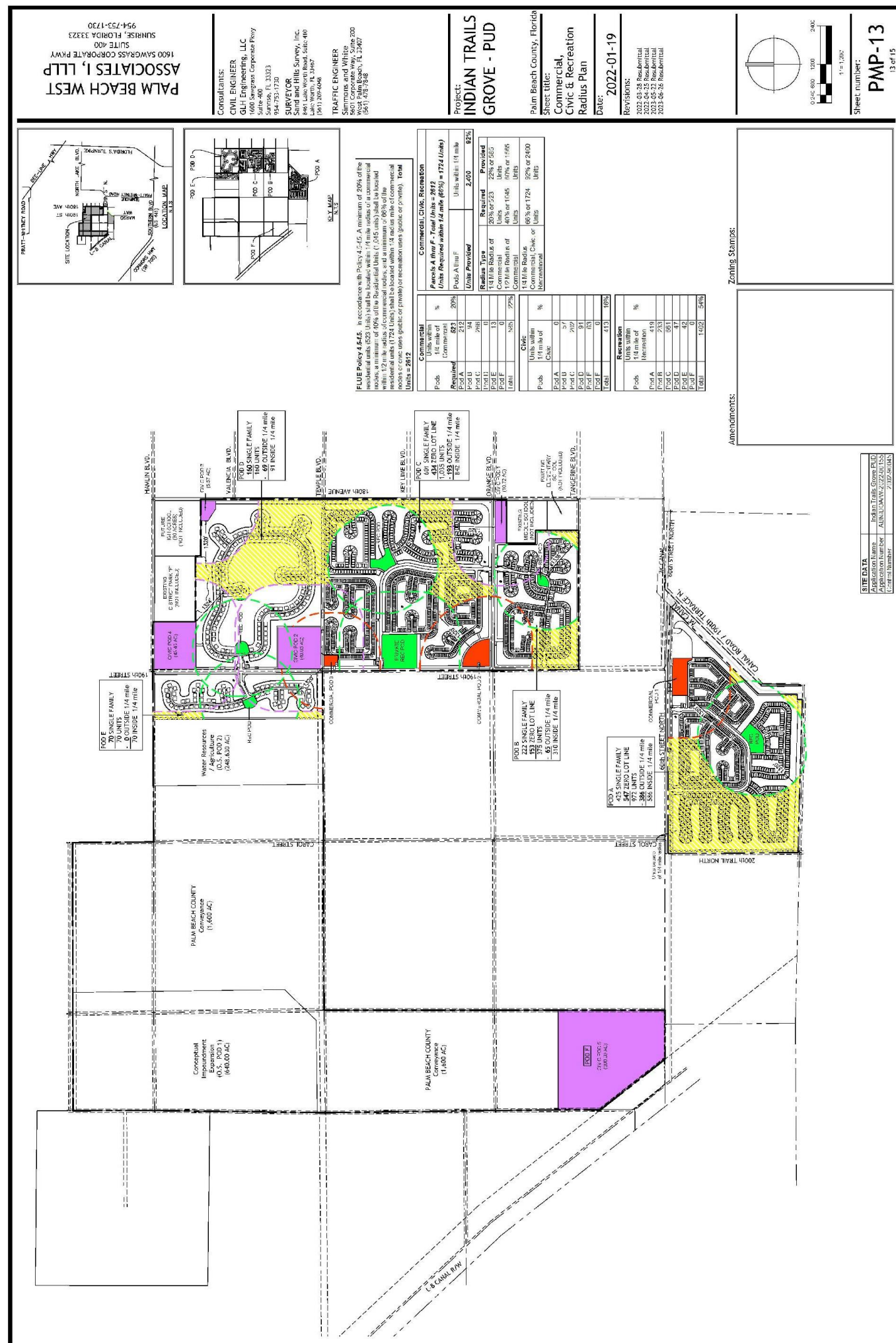
Zoning Commission
Application No. ABN/DOA/W-2022-00155



Zoning Commission
Application No. ABN/DOA/W-2022-00155



Zoning Commission
Application No. ABN/DOA/W-2022-00155



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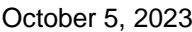
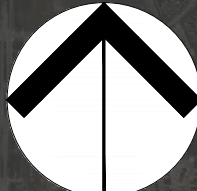


Figure 5 FLUA Conceptual Plan

SITE DATA TABLE - AGR PRESERVE AREAS SUMMARY						
Project / Control Name	Control No.	Existing AGR Preserves to be Replaced in WCR Exchange Parcel (Acres)	Replacement Acreage in WCR Exchange Parcel for AGR Preserves (Existing Area x 1.25) (Acres)	Acreage Required in WCR Exchange Parcel for New AGR Preserves (60% Land Area of PUD) (Acres)	WCR Density Exchange to WHO AGR-PUD (WCR Acreage x 0.8) (Units)	Proposed WCR Exchange Parcel (Acres)
Indian Trails Grove (ITG) WCR Exchange Parcel	2002-90045					1,600.00
Hyder (Seven Bridges) AGR-PUD	2005-00455	23.84	29.79			
Lyons West (Valencia Reserve) AGR-PUD	2005-0003	370.01	462.51			
Fogg North (Canyon Lakes) AGR-PUD	2002-0067	19.09	23.87			
Fogg Central (Canyon Isles) AGR-PUD	2002-0068	23.42	29.27			
Fogg South (Canyon Springs) AGR-PUD	2002-0069	25.76	32.2			
Whitworth AGR-PUD	2021-0031	90.44	113.05			
Totals		552.55	690.69			
WHO/Hyder West AGR-PUD	2022-0005			909.31	727	
Totals				909.31	727	
Existing Preserve Acres replaced with WCR Exchange Parcel			690.69			
New Preserve Acres utilizing WCR Exchange Parcel				909.31		
Total Preserve Acres utilizing WCR Exchange Parcel			1,600.00			

LAND USE MIX						
High Density Residential						
Unit Type	Land Area		Net Density DU/Acre		Min. #	Max. #
	Min. Acres	Max. Acres	Min.	Max.	Units	Units
High Density (ZLL)	215	322	3.00	5.00	645	1610
Medium Density Residential						
Unit Type	Land Area		Net Density DU/Acre		Min. #	Max. #
	Min. Acres	Max. Acres	Min.	Max.	Units	Units
ZLL & SF	267	400	2.00	4.00	534	1600
Low Density Residential						
Unit Type	Land Area		Net Density DU/Acre		Min. #	Max. #
	Min. Acres	Max. Acres	Min.	Max.	Units	Units (1)
SF	433	650	1.00	3.00	433	1433
MAXIMUM NUMBER OF RESIDENTIAL UNITS - 2,612 (.80 DU/AC) (High Density, Medium Density and Low Density Residential)						
(1) Note: Maximum number of DU within Low Density category is a result of meeting the minimum unit requirements of High Density and Medium Density categories.						

Open Space		
	Min. %	Max. %
Total Open Space	66.67%	80.00%
Exterior Open Space	50.00%	70.00%
Note: Exterior Open Space is included in Total Open Space.		
Civic Requirement		
	Min. %	Max. %
Total Civic	2.00%	8.00%
Commercial Requirement		
	Min. Acres	Max Acres
Total Commercial*	27.2	43
*Includes 200,000 SF Commercial Uses and 35,500 SF Office Uses. 27.2 Acres being 2% of the developable area (total acreage less Exterior Open Space).		
Recreation Requirement		
(2,612 Residential Units)	Min. Acres	Max Acres
.006 acres per unit	15.7	60



Note:

Locations and configurations of proposed land uses, roads, open space, water management areas, water resources / agriculture, impoundment expansion, recreation (both public and private), civic/institutional (public and private), rural parkway(s), and buffers are illustrated for conceptual purposes and are not to scale, but are required to remain in the general locations shown on the conceptual plan. Final delineation shall be determined during the site plan approval(s).

SITE DATA TABLE - AGR PRESERVE AREAS SUMMARY

Project / Control Name	Control No.	Existing AGR Preserves to be Replaced in WCR Exchange Parcel (Acres)	Replacement Acreage in WCR Exchange Parcel for AGR Preserves (Existing Area x 1.25) (Acres)	Acreage Required in WCR Exchange Parcel for New AGR Preserves (60% Land Area of PUD) (Acres)	WCR Density Exchange to WHO AGR-PUD (WCR Acreage x 0.8) (Units)	Proposed WCR Exchange Parcel (Acres)
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Existing Preserve Acres replaced with WCR Exchange Parcel			690.69			
New Preserve Acres utilizing WCR Exchange Parcel				909.31		
Total Preserve Acres utilizing WCR Exchange Parcel			1,600.00			

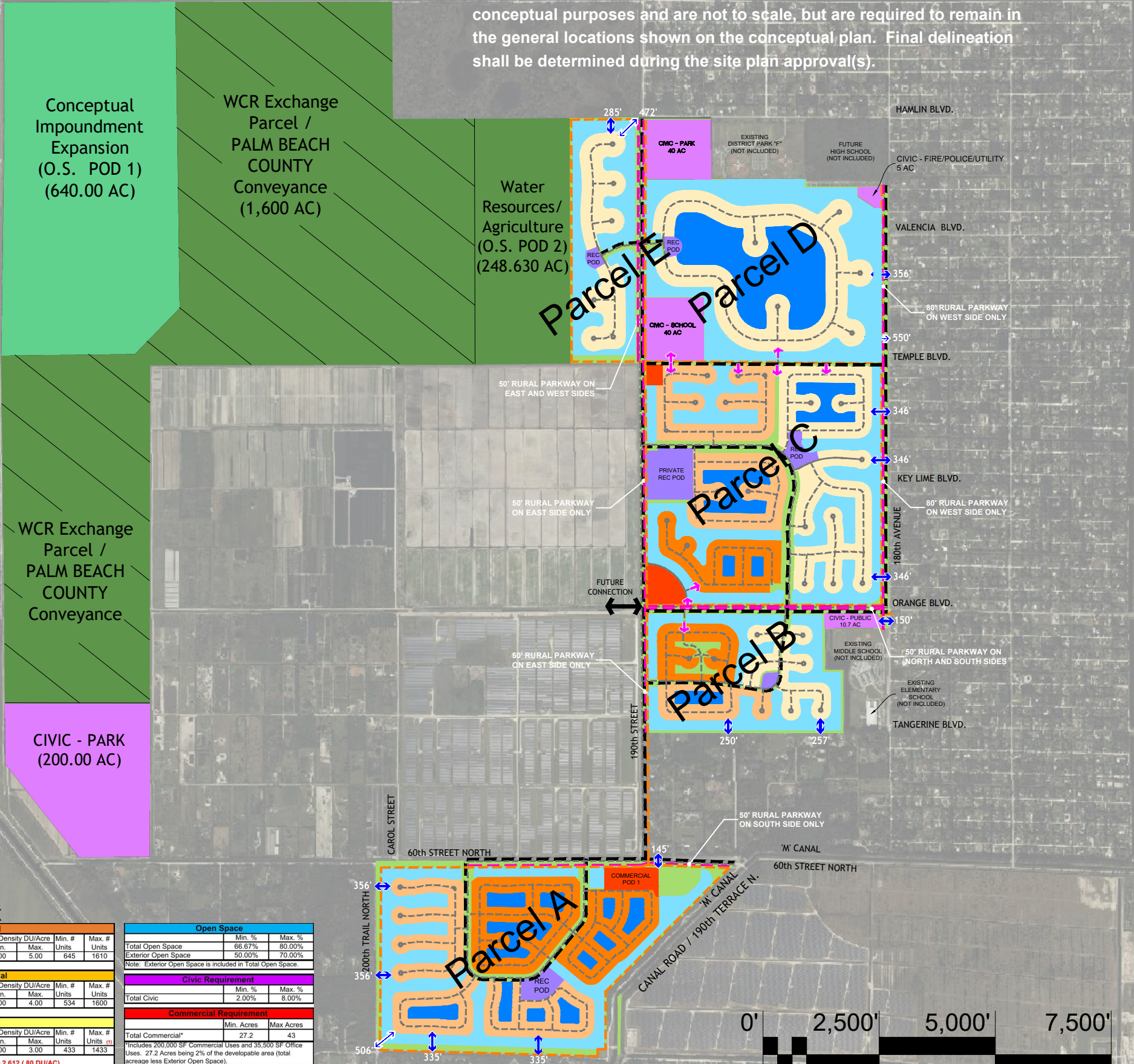
LEGEND

- Pedestrian Pathways Public connectivity 9 miles +/-
- Public horse trails - 9.6 miles +/-
- Sidewalk connectivity
- Rural Parkway (Width as Noted on Plan)
- Community connectivity
- ↔ Setback to ITG Perimeter Property Line
- Commercial / Retail & Office
- High Density Development ZLL lots
- Medium Density Housing 50' ZLL to 65' SF lots
- Low Density Housing 65' SF to 100'+ SF lots
- Civic / Institutional use
- Private Recreation
- Exterior Open space
- Exterior Open space Water Management Areas
- Internal Lakes
- Water Resources / Agriculture
- WCR Exchange Parcel / Palm Beach County Conveyance
- Conceptual Impoundment Expansion

LAND USE MIX

High Density Residential						
Unit Type	Land Area		Net Density DU/Acre		Min. #	Max. #
	Min. Acres	Max. Acres	Min.	Max.	Units	Units
High Density (ZLL)	215	322	3.00	5.00	645	1610
Medium Density Residential						
Unit Type	Land Area		Net Density DU/Acre		Min. #	Max. #
	Min. Acres	Max. Acres	Min.	Max.	Units	Units
ZLL & SF	267	400	2.00	4.00	534	1600
Low Density Residential						
Unit Type	Land Area		Net Density DU/Acre		Min. #	Max. #
	Min. Acres	Max. Acres	Min.	Max.	Units	Units
SF	433	650	1.00	3.00	433	1433
MAXIMUM NUMBER OF RESIDENTIAL UNITS - 2,612 (.80 DU/AC) (High Density, Medium Density and Low Density Residential)						
(1) Note: Maximum number of DU within Low Density category is a result of meeting the minimum unit requirements of High Density and Medium Density categories.						

Open Space		
	Min. %	Max. %
Total Open Space	66.67%	80.00%
Exterior Open Space	50.00%	70.00%
Note: Exterior Open Space is included in Total Open Space.		
Civic Requirement		
	Min. Acres	Max. Acres
Total Civic	2.00%	8.00%
Commercial Requirement		
	Min. Acres	Max. Acres
Total Commercial*	27.2	43
*Includes 200,000 SF Commercial Uses and 35,500 SF Office Uses. 27.2 Acres being 2% of the developable area (total acreage less Exterior Open Space).		
Recreation Requirement		
(2,612 Residential Units)	Min. Acres	Max Acres
	15.7	60



SCALE: 1" = 2,500'

\\qljones\network\data\architecture\landscape architecture\indian trails\indian trails grove - pld_pmp.dwg Plotlet: 09/09/2018 3:40P by EVELYN.PACHECO



Exhibit D – Disclosure of Ownership

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

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

STATE OF FLORIDA
COUNTY OF BROWARD

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

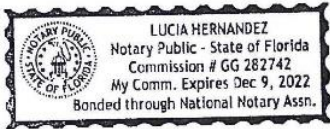
1. Affiant is the Vice President of Palm Beach West I Corporation, a Florida corporation, the general partner of Palm Beach West Associates I, LLLP, a Florida limited liability limited partnership (the "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for the real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

FURTHER AFFIANT SAYETH NAUGHT.

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

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 27th day of December 2021, by N. Maria Menendez, as the Vice President of Palm Beach West I Corporation, a Florida corporation, the general partner of Palm Beach West Associates I, LLLP, a Florida limited liability limited partnership, ☒ who is personally known to me or ☐ who has produced _____ as identification and who did take an oath.

Lucia Hernandez
Notary Public
Lucia Hernandez
(Print Notary Name)



NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 12/09/22

EXHIBIT "A"

PROPERTY

see attached 3 pages

Indian Trails Grove (Overall)
LEGAL DESCRIPTION:

PARCEL 1:

A PARCEL OF LAND LYING IN SECTIONS 19, 20, 21, 22, 27, 30, 31, THE SOUTH HALF OF SECTIONS 17 AND 18, AND THE NORTH HALF OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, AND SECTIONS 25 AND 26, TOWNSHIP 42 SOUTH, RANGE 39 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF SECTIONS 19, 20, 21, 22, 27 AND 30; TOGETHER WITH THE SOUTH ONE-HALF (S 1/2) OF SECTIONS 17 AND 18; ALL THAT PART OF SECTION 31 LYING NORTH AND EAST OF THE 660 FOOT FLORIDA POWER & LIGHT COMPANY RIGHT OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK 2431, AT PAGE 1704 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND THE NORTH ONE-HALF (N 1/2) OF SECTION 34, ALL IN TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 4004, AT PAGE 136 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

THE NORTH 135 FEET OF THE SOUTH 1/2 OF SECTIONS 17 AND 18, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 9363, AT PAGE 813 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

PARK

THE PARCELS OF LAND LYING IN THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22, LESS THE EAST 425 FEET THEREOF; ALSO LESS THE NORTH 50 FEET THEREOF;

TOGETHER WITH

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 22, LESS THE WEST 195 FEET THEREOF; ALSO LESS THE NORTH 50 FEET THEREOF.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL:

SCHOOL SITE (OFFICIAL RECORDS BOOK 11559, PAGE 1999)

THE EAST 978.88 FEET OF THE SOUTH 1335.00 FEET OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND NOT INCLUDING THE FOLLOWING PARCEL:

MIDDLE SCHOOL SITE (OFFICIAL RECORDS BOOK 13335, PAGE 1490)

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER (1/4); THENCE NORTH 00° 05' 37" WEST, ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 1335.00 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST SECTION LINE, NORTH 89° 58' 53" WEST, A DISTANCE OF 1372.00 FEET; THENCE NORTH 00° 05' 37" WEST, A DISTANCE OF 901.00 FEET; THENCE NORTH 89° 26' 02" EAST, A DISTANCE OF 1372.04 FEET TO THE EAST LINE OF SAID SECTION 34; THENCE SOUTH 00° 05' 37" EAST, A DISTANCE OF 915.00 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING NORTH 89° 58' 53" WEST.

AND LESS AND NOT INCLUDING THE FOLLOWING PARCEL:

HIGH SCHOOL SITE (OFFICIAL RECORDS BOOK 14689, PAGE 1639)

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 22; THENCE SOUTH 00° 02' 47" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4), A DISTANCE OF 1481.20 FEET; THENCE NORTH 89° 53' 55" WEST, A DISTANCE OF 1763.98 FEET; THENCE NORTH 00° 00' 18" EAST, A DISTANCE OF 1481.20 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER (NE 1/4); THENCE SOUTH 89° 53' 55" EAST, A DISTANCE OF 1765.05 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL:

PALM BEACH COUNTY PARCEL

THE PARCELS OF LAND LYING IN THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 50.00 FEET OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 22, LESS THE EAST 425.00 FEET THEREOF.

TOGETHER WITH

THE NORTH 50.00 FEET OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22, LESS THE WEST 195.00 FEET THEREOF.

PARCEL 2:

SECTION 4, TOWNSHIP 43 SOUTH, RANGE 40 EAST; AND ALL THAT PART OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 40 EAST, LYING NORTH OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON

THE WEST LINE OF SAID SECTION 3, SAID POINT BEING 2,632.90 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION; THENCE RUNNING IN A NORTHEASTERLY DIRECTION A DISTANCE OF 3,610.56 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID SECTION, 2,530.47 FEET EAST OF THE NORTHWEST CORNER THEREOF.

EXCEPTING THEREFROM, THAT PORTION OF SAID SECTION 4 CONVEYED TO THE CITY OF WEST PALM BEACH AS DESCRIBED IN THE DEED FROM INDIAN TRAIL RANCH, INC., DATED JULY 26, 1956 AND RECORDED SEPTEMBER 25, 1956 IN DEED BOOK 1156, PAGE 58, WHICH DEED WAS CORRECTED IN PART BY THE CORRECTIVE QUIT CLAIM DEED DATED OCTOBER 7, 1963 AND FILED OCTOBER 8, 1963 IN OFFICIAL RECORDS BOOK 924, PAGE 965, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO EXCEPTING THEREFROM, PARCEL 8, A PARCEL OF LAND VESTED IN FLORIDA POWER & LIGHT COMPANY BY THE STIPULATED FINAL JUDGMENT AS TO PARCEL 8, RECORDED IN OFFICIAL RECORDS BOOK 30909, PAGE 650, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL 8 LYING WITHIN THE SOUTH 50.00 FEET OF SAID SECTION 4.

ALSO EXCEPTING THEREFROM THE NORTH 100 FEET OF SECTION 4 AND THE NORTH 100 FEET OF THAT PORTION OF SECTION 3 LYING WEST OF THE RIGHT OF WAY LINE OF THE M CANAL, ALL IN TOWNSHIP 43 SOUTH, RANGE 40 EAST, SAID PALM BEACH COUNTY.

CONTAINING A TOTAL OF 4,866.102 ACRES MORE OR LESS.

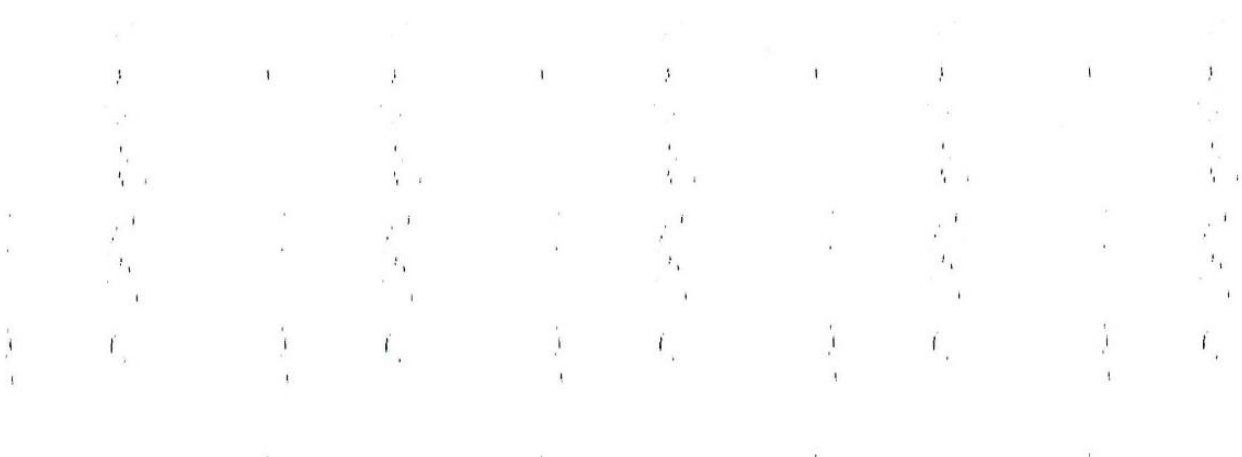


EXHIBIT "B"**DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT**

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

1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
2. Maya Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
3. Misha Ezratti, individually and/or through trusts for his interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
4. Maxie Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

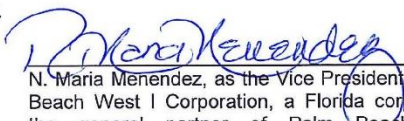
TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF BROWARD

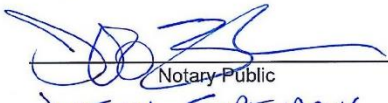
BEFORE ME, the undersigned authority, this day personally appeared N. Maria Menendez, hereinafter referred to as "Affiant," as the Vice President of Palm Beach West I Corporation, a Florida corporation, the general partner of Palm Beach West Associates I, LLLP, a Florida limited liability limited partnership,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

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

FURTHER AFFIANT SAYETH NAUGHT.


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

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14th day of January 2022, by N. Maria Menendez, as the Vice President of Palm Beach West I Corporation, a Florida corporation, the general partner of Palm Beach West Associates I, LLLP, a Florida limited liability limited partnership, ☒ who is personally known to me or ☐ who has produced _____ as identification and who did take an oath.


Notary Public
JEFFREY SPEVACEK
(Print Notary Name)

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



EXHIBIT "A"

PROPERTY

ITG OVERALL

LEGAL DESCRIPTION:

PARCEL 1:

A PARCEL OF LAND LYING IN SECTIONS 19, 20, 21, 22, 27, 30, 31, THE SOUTH HALF OF SECTIONS 17 AND 18, AND THE NORTH HALF OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, AND SECTIONS 25 AND 26, TOWNSHIP 42 SOUTH, RANGE 39 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF SECTIONS 19, 20, 21, 22, 27 AND 30; TOGETHER WITH THE SOUTH ONE-HALF (S 1/2) OF SECTIONS 17 AND 18; ALL THAT PART OF SECTION 31 LYING NORTH AND EAST OF THE 660 FOOT FLORIDA POWER & LIGHT COMPANY RIGHT OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK 2431, AT PAGE 1704 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND THE NORTH ONE-HALF (N 1/2) OF SECTION 34, ALL IN TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 4004, AT PAGE 136 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

THE NORTH 135 FEET OF THE SOUTH 1/2 OF SECTIONS 17 AND 18, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 9363, AT PAGE 813 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

PARK

THE PARCELS OF LAND LYING IN THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22, LESS THE EAST 425 FEET THEREOF; ALSO LESS THE NORTH 50 FEET THEREOF;

TOGETHER WITH

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 22, LESS THE WEST 195 FEET THEREOF; ALSO LESS THE NORTH 50 FEET THEREOF.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL:

SCHOOL SITE (OFFICIAL RECORDS BOOK 11559, PAGE 1999)

THE EAST 978.88 FEET OF THE SOUTH 1335.00 FEET OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND NOT INCLUDING THE FOLLOWING PARCEL:

MIDDLE SCHOOL SITE (OFFICIAL RECORDS BOOK 13335, PAGE 1490)

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER (1/4); THENCE NORTH 00° 05' 37" WEST, ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 1335.00 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST SECTION LINE, NORTH 89° 58' 53" WEST, A DISTANCE OF 1372.00 FEET; THENCE NORTH 00° 05' 37" WEST, A DISTANCE OF 901.00 FEET; THENCE NORTH 89° 26' 02" EAST, A DISTANCE OF 1372.04 FEET TO THE EAST LINE OF SAID SECTION 34; THENCE SOUTH 00° 05' 37" EAST, A DISTANCE OF 915.00 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING NORTH 89° 58' 53" WEST.

AND LESS AND NOT INCLUDING THE FOLLOWING PARCEL:

HIGH SCHOOL SITE (OFFICIAL RECORDS BOOK 14689, PAGE 1639)

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 22; THENCE SOUTH 00° 02' 47" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4), A DISTANCE OF 1481.20 FEET; THENCE NORTH 89° 53' 55" WEST, A DISTANCE OF 1763.98 FEET; THENCE NORTH 00° 00' 18" EAST, A DISTANCE OF 1481.20 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER (NE 1/4); THENCE SOUTH 89° 53' 55" EAST, A DISTANCE OF 1765.05 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL:

PALM BEACH COUNTY PARCEL

THE PARCELS OF LAND LYING IN THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 50.00 FEET OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 22, LESS THE EAST 425.00 FEET THEREOF.

TOGETHER WITH

THE NORTH 50.00 FEET OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22, LESS THE WEST 195.00 FEET THEREOF.

PARCEL 2:

SECTION 4, TOWNSHIP 43 SOUTH, RANGE 40 EAST; AND ALL THAT PART OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 40 EAST, LYING NORTH OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 3, SAID POINT BEING 2,632.90 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION; THENCE RUNNING IN A NORTHEASTERLY DIRECTION A DISTANCE OF 3,610.56 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID SECTION, 2,530.47 FEET EAST OF THE NORTHWEST CORNER THEREOF.

EXCEPTING THEREFROM, THAT PORTION OF SAID SECTION 4 CONVEYED TO THE CITY OF WEST PALM BEACH AS DESCRIBED IN THE DEED FROM INDIAN TRAIL RANCH, INC., DATED JULY 26, 1956 AND RECORDED SEPTEMBER 25, 1956 IN DEED BOOK 1156, PAGE 58, WHICH DEED WAS CORRECTED IN PART BY THE CORRECTIVE QUIT CLAIM DEED DATED OCTOBER 7, 1963 AND FILED OCTOBER 8, 1963 IN OFFICIAL RECORDS BOOK 924, PAGE 965, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO EXCEPTING THEREFROM, PARCEL 8, A PARCEL OF LAND VESTED IN FLORIDA POWER & LIGHT COMPANY BY THE STIPULATED FINAL JUDGMENT AS TO PARCEL 8, RECORDED IN OFFICIAL RECORDS BOOK 30909, PAGE 650, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL 8 LYING WITHIN THE SOUTH 50.00 FEET OF SAID SECTION 4.

ALSO EXCEPTING THEREFROM THE NORTH 100 FEET OF SECTION 4 AND THE NORTH 100 FEET OF THAT PORTION OF SECTION 3 LYING WEST OF THE RIGHT OF WAY LINE OF THE M CANAL, ALL IN TOWNSHIP 43 SOUTH, RANGE 40 EAST, SAID PALM BEACH COUNTY.

CONTAINING A TOTAL OF 4,866.102 ACRES MORE OR LESS.

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

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

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

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

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

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

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

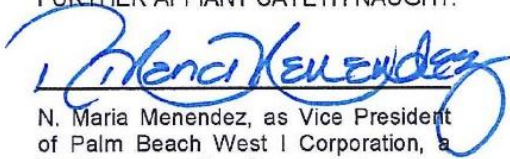
TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

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

FURTHER AFFIANT SAYETH NAUGHT.



N. Maria Menendez, as Vice President of Palm Beach West I Corporation, a Florida corporation, the general partner of Palm Beach West Associates I, LLLP, a Florida limited liability limited partnership, Affiant

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 27th day of December 2021, by N. Maria Menendez, as Vice President of Palm Beach West I Corporation, a Florida corporation, the general partner of Palm Beach West Associates I, LLLP, a Florida limited liability limited partnership, ☒ who is personally known to me or ☐ who has produced _____ as identification and who did take an oath.




Notary Public

Lucia Hernandez
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 12/09/22

EXHIBIT "A"

PROPERTY

see attached 3 pages

Indian Trails Grove (Overall)
LEGAL DESCRIPTION:

PARCEL 1:

A PARCEL OF LAND LYING IN SECTIONS 19, 20, 21, 22, 27, 30, 31, THE SOUTH HALF OF SECTIONS 17 AND 18, AND THE NORTH HALF OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, AND SECTIONS 25 AND 26, TOWNSHIP 42 SOUTH, RANGE 39 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF SECTIONS 19, 20, 21, 22, 27 AND 30; TOGETHER WITH THE SOUTH ONE-HALF (S 1/2) OF SECTIONS 17 AND 18; ALL THAT PART OF SECTION 31 LYING NORTH AND EAST OF THE 660 FOOT FLORIDA POWER & LIGHT COMPANY RIGHT OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK 2431, AT PAGE 1704 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND THE NORTH ONE-HALF (N 1/2) OF SECTION 34, ALL IN TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 4004, AT PAGE 136 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

THE NORTH 135 FEET OF THE SOUTH 1/2 OF SECTIONS 17 AND 18, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 9363, AT PAGE 813 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

PARK

THE PARCELS OF LAND LYING IN THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22, LESS THE EAST 425 FEET THEREOF; ALSO LESS THE NORTH 50 FEET THEREOF;

TOGETHER WITH

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 22, LESS THE WEST 195 FEET THEREOF; ALSO LESS THE NORTH 50 FEET THEREOF.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL:

SCHOOL SITE (OFFICIAL RECORDS BOOK 11559, PAGE 1999)

THE EAST 978.88 FEET OF THE SOUTH 1335.00 FEET OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND NOT INCLUDING THE FOLLOWING PARCEL:

MIDDLE SCHOOL SITE (OFFICIAL RECORDS BOOK 13335, PAGE 1490)

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER (1/4); THENCE NORTH 00° 05' 37" WEST, ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 1335.00 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST SECTION LINE, NORTH 89° 58' 53" WEST, A DISTANCE OF 1372.00 FEET; THENCE NORTH 00° 05' 37" WEST, A DISTANCE OF 901.00 FEET; THENCE NORTH 89° 26' 02" EAST, A DISTANCE OF 1372.04 FEET TO THE EAST LINE OF SAID SECTION 34; THENCE SOUTH 00° 05' 37" EAST, A DISTANCE OF 915.00 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING NORTH 89° 58' 53" WEST.

AND LESS AND NOT INCLUDING THE FOLLOWING PARCEL:

HIGH SCHOOL SITE (OFFICIAL RECORDS BOOK 14689, PAGE 1639)

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 22; THENCE SOUTH 00° 02' 47" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4), A DISTANCE OF 1481.20 FEET; THENCE NORTH 89° 53' 55" WEST, A DISTANCE OF 1763.98 FEET; THENCE NORTH 00° 00' 18" EAST, A DISTANCE OF 1481.20 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER (NE 1/4); THENCE SOUTH 89° 53' 55" EAST, A DISTANCE OF 1765.05 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL:

PALM BEACH COUNTY PARCEL

THE PARCELS OF LAND LYING IN THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 50.00 FEET OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 22, LESS THE EAST 425.00 FEET THEREOF.

TOGETHER WITH

THE NORTH 50.00 FEET OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22, LESS THE WEST 195.00 FEET THEREOF.

PARCEL 2:

SECTION 4, TOWNSHIP 43 SOUTH, RANGE 40 EAST; AND ALL THAT PART OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 40 EAST, LYING NORTH OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON

THE WEST LINE OF SAID SECTION 3, SAID POINT BEING 2,632.90 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION; THENCE RUNNING IN A NORTHEASTERLY DIRECTION A DISTANCE OF 3,610.56 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID SECTION, 2,530.47 FEET EAST OF THE NORTHWEST CORNER THEREOF.

EXCEPTING THEREFROM, THAT PORTION OF SAID SECTION 4 CONVEYED TO THE CITY OF WEST PALM BEACH AS DESCRIBED IN THE DEED FROM INDIAN TRAIL RANCH, INC., DATED JULY 26, 1956 AND RECORDED SEPTEMBER 25, 1956 IN DEED BOOK 1156, PAGE 58, WHICH DEED WAS CORRECTED IN PART BY THE CORRECTIVE QUIT CLAIM DEED DATED OCTOBER 7, 1963 AND FILED OCTOBER 8, 1963 IN OFFICIAL RECORDS BOOK 924, PAGE 965, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO EXCEPTING THEREFROM, PARCEL 8, A PARCEL OF LAND VESTED IN FLORIDA POWER & LIGHT COMPANY BY THE STIPULATED FINAL JUDGMENT AS TO PARCEL 8, RECORDED IN OFFICIAL RECORDS BOOK 30909, PAGE 650, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL 8 LYING WITHIN THE SOUTH 50.00 FEET OF SAID SECTION 4.

ALSO EXCEPTING THEREFROM THE NORTH 100 FEET OF SECTION 4 AND THE NORTH 100 FEET OF THAT PORTION OF SECTION 3 LYING WEST OF THE RIGHT OF WAY LINE OF THE M CANAL, ALL IN TOWNSHIP 43 SOUTH, RANGE 40 EAST, SAID PALM BEACH COUNTY.

CONTAINING A TOTAL OF 4,866.102 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.

1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
2. Maya Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
3. Misha Ezratti, individually and/or through trusts for his interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
4. Maxie Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

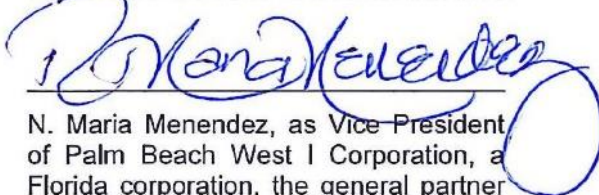
TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH


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

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

FURTHER AFFIANT SAYETH NAUGHT.


N. Maria Menendez, as Vice President
of Palm Beach West I Corporation, a
Florida corporation, the general partner
of Palm Beach West Associates I,
LLLP, a Florida limited liability limited
partnership, Affiant

The foregoing instrument was acknowledged before me by means of [X] physical
presence or [] online notarization, this 14th day of January 2022, by N. Maria
Menendez, as Vice President of Palm Beach West I Corporation, a Florida corporation,
the general partner of Palm Beach West Associates I, LLLP, a Florida limited liability
limited partnership, [X] who is personally known to me or [] who has produced
_____ as identification and who did take an
oath.


Notary Public
JEFFREY SPEVACEK
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: _____



JEFFREY A SPEVACEK
Commission # GG 286966
Expires January 28, 2023
Bonded Thru Budget Notary Services

EXHIBIT "A"

PROPERTY

ITG OVERALL

LEGAL DESCRIPTION:

PARCEL 1:

A PARCEL OF LAND LYING IN SECTIONS 19, 20, 21, 22, 27, 30, 31, THE SOUTH HALF OF SECTIONS 17 AND 18, AND THE NORTH HALF OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, AND SECTIONS 25 AND 26, TOWNSHIP 42 SOUTH, RANGE 39 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF SECTIONS 19, 20, 21, 22, 27 AND 30; TOGETHER WITH THE SOUTH ONE-HALF (S 1/2) OF SECTIONS 17 AND 18; ALL THAT PART OF SECTION 31 LYING NORTH AND EAST OF THE 660 FOOT FLORIDA POWER & LIGHT COMPANY RIGHT OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK 2431, AT PAGE 1704 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND THE NORTH ONE-HALF (N 1/2) OF SECTION 34, ALL IN TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 4004, AT PAGE 136 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

THE NORTH 135 FEET OF THE SOUTH 1/2 OF SECTIONS 17 AND 18, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 9363, AT PAGE 813 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

PARK

THE PARCELS OF LAND LYING IN THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22, LESS THE EAST 425 FEET THEREOF; ALSO LESS THE NORTH 50 FEET THEREOF;

TOGETHER WITH

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 22, LESS THE WEST 195 FEET THEREOF; ALSO LESS THE NORTH 50 FEET THEREOF.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL:

SCHOOL SITE (OFFICIAL RECORDS BOOK 11559, PAGE 1999)

THE EAST 978.88 FEET OF THE SOUTH 1335.00 FEET OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

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COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER (1/4); THENCE NORTH 00° 05' 37" WEST, ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 1335.00 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST SECTION LINE, NORTH 89° 58' 53" WEST, A DISTANCE OF 1372.00 FEET; THENCE NORTH 00° 05' 37" WEST, A DISTANCE OF 901.00 FEET; THENCE NORTH 89° 26' 02" EAST, A DISTANCE OF 1372.04 FEET TO THE EAST LINE OF SAID SECTION 34; THENCE SOUTH 00° 05' 37" EAST, A DISTANCE OF 915.00 FEET TO THE POINT OF BEGINNING.

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TOGETHER WITH

THE NORTH 50.00 FEET OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22, LESS THE WEST 195.00 FEET THEREOF.

PARCEL 2:

SECTION 4, TOWNSHIP 43 SOUTH, RANGE 40 EAST; AND ALL THAT PART OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 40 EAST, LYING NORTH OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 3, SAID POINT BEING 2,632.90 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION; THENCE RUNNING IN A NORTHEASTERLY DIRECTION A DISTANCE OF 3,610.56 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID SECTION, 2,530.47 FEET EAST OF THE NORTHWEST CORNER THEREOF.

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PALM BEACH COUNTY, FLORIDA, SAID PARCEL 8 LYING WITHIN THE SOUTH 50.00 FEET OF SAID SECTION 4.

ALSO EXCEPTING THEREFROM THE NORTH 100 FEET OF SECTION 4 AND THE NORTH 100 FEET OF THAT PORTION OF SECTION 3 LYING WEST OF THE RIGHT OF WAY LINE OF THE M CANAL, ALL IN TOWNSHIP 43 SOUTH, RANGE 40 EAST, SAID PALM BEACH COUNTY.

CONTAINING A TOTAL OF 4,866.102 ACRES MORE OR LESS.

EXHIBIT "B"

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1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
2. Maya Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
3. Misha Ezratti, individually and/or through trusts for his interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
4. Maxie Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

DRAINAGE STATEMENT
FOR
INDIAN TRAILS GROVE WCR-PUD
Control No. 2002-90045

Indian Trail Groves WCR-PUD is a 4,866.102 acre site located in unincorporated Palm Beach County. The property is located in the South Florida Water Management District (SFWMD) L-8 Basin and the Cypress Grove Community Development District (Cypress Grove CDD). The property is generally located west of Seminole Pratt Whitney Road and South of Northlake Boulevard extension, in Palm Beach County, Florida. The existing property is row crop.

This PUD will include 2,612 residential units on approximately 1,961.264 acres as well as approximately 67.024 acres of right-of-way dedication, 299.765 acres of civic, 50.89 acres of public and private rec and 29.155 acres of commercial pods. Additionally, there are approximately 888.630 acres of Exterior Open Space (impoundment expansion and water resources/agriculture) and 1,600 acres of Palm Beach County Conveyance.

The residential and commercial development will include on-site drainage systems that will consist of a series of catch basins and pipes which will route storm water runoff to the interconnected lakes. The lakes will be designed to provide the necessary water quality treatment and required storage for storm water runoff. All lakes within the overall project will be part of the storm water management system. All drainage systems will be designed in accordance with Palm Beach County, SFWMD and Cypress Grove CDD criteria.

There currently is one area of offsite flow entering the site, existing District Park F (Park). The discharge from the Park will be maintained at all times and will be permitted with the residential pods adjacent to the Park.

The property is currently permitted under SFWMD Permit No. 50-02564-S. Legal positive outfall will be provided through the existing 200' easement per O.R.B. 1428, Pg. 581 which is under the maintenance obligation of the Cypress Grove CDD and all storm water will ultimately discharge into the L-8 Canal. The residential and commercial components of the property will be designed to meet the following criteria:

- 1. All discharge to the L-8 Canal will be through a control structure.
- 2. Minimum finished floor elevation for any structure shall be set above the 100-year, 3-day, zero discharge storm event.
- 3. A continuous berm shall be constructed around the drainage system with a top elevation set at or above the 25-year, 3-day storm event.

The exterior Open Space consists of a 640 acre impoundment and 248.63 acres of water resources. The impoundment will be interconnected with the existing Indian Trail Improvement District (ITID) impoundment off-site and shall be operated by ITID. No storm water from the Indian Trails Grove WCR-PUD will discharge into the impoundment. Additionally, the water resources/agriculture will meet the requirements of SFWMD and Cypress Grove CDD. All discharge from these areas will be through the Cypress Grove CDD canals to the L-8 Canal.

GLH Engineering, LLC (FL Certificate of Authorization No. 27459)

Matthew Woods, P.E.
Florida Registration # 68342

Matthew Woods,
State of Florida, Professional Engineer,
License No. 68342

This item has been electronically signed and sealed
by Matthew Woods, PE on the date indicated here.
Printed copies of this document are not considered
signed and sealed and the signature must be
verified on any electronic copies.

Digitally signed by Matthew Woods
DN:
E=mat.woods@glhomes.com,
CN=Matthew Woods, OU=Land Development, O=GLH Homes of Florida Corporation,
L=Sunrise, S=Florida, C=US
Date: 2023.05.11
09:24:50-0400

Exhibit F Water and Wastewater Service Provider Letter dated January 18, 2022



**Water Utilities Department
Engineering**

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



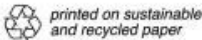
**Palm Beach County
Board of County
Commissioners**

Robert S. Weinroth, Mayor
Gregg K. Weiss, Vice Mayor
Maria G. Marino
Dave Kerner
Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



January 18, 2022

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

RE: Indian Trails Grove
PCN 00-40-42-17-00-000-7000, 00-40-42-18-00-000-7000, 00-40-42-19-00-000-9000, 00-40-42-20-00-000-9000, 00-40-42-21-00-000-9000, 00-40-42-22-00-000-1010, 00-40-42-27-00-000-9000, 00-40-42-30-00-000-9000, 00-40-42-31-00-000-9000, 00-40-42-34-00-000-1010, 00-40-43-03-00-000-3020 and 00-40-43-04-00-000-9010
Service Availability Letter

Dear Ms. Megrue,

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 proposed future land use of 2612 dwelling units and 233,500 square feet commercial.

A 12" potable water main and 8" wastewater forcemain are located within Hamlin Blvd approximately 1200 feet from the subject property at the northern limits of the property. A 12" potable water main and 4" wastewater forcemain are located within 180th Avenue N approximately 1000 feet from the subject property at the southern limits of the property. Potable water and sanitary sewer extensions will be required to provide a looped system from the north connection on Hamlin Blvd. to the southern connection on 180th Avenue.

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,

Jackie Michels, P.E,
Plan Review Manager

JUSTIFICATION STATEMENT
Indian Trails Grove PUD
Development Order Amendment
Development Order Abandonment
Type 2 Waiver
ABN/DOA/W-2022-00155
Control Number: 2002-90045
January 19, 2022
Rev. March 28, 2022
Rev. June 27, 2022
Rev. July 25, 2022
Rev. August 22, 2022
Rev. February 21, 2023
Rev. May 22, 2023
Rev. June 26, 2023



REQUESTS:

On behalf of the owner/developer/applicant, Palm Beach West Associates I, LLLP, GL Homes and Urban Design Studio as co-Agents have prepared and hereby respectfully submit requests for a Development Order Amendment to the previously approved Indian Trails Grove Planned Unit Development (PUD), a Western Communities Residential (WCR) PUD, located approximately two (2) miles west of the intersection of Seminole Pratt Whitney Road and Orange Boulevard. Additionally, the applicant is requesting a Development Order Abandonment of a previously approved Type 2 Waiver, along with a request for a new Type 2 Waiver.

More specifically, the requests are as follows:

- 1) Development Order Amendment to:
 - a. Amend the total acreage from 4,871.57 acres to 4,866.10 acres (reflect the deletion of 5.467 acres acquired by FPL through a Final Order of Taking).
 - b. Reconfigure the Preliminary Master Plan (PMP) and supporting plans to reflect the changed development program, including now designating 1,600 acres that will be dedicated to Palm Beach County for their use for water resources and/or agricultural uses, including potential use for water storage/filtration, flow-way connections, reduce flooding, and/or other regional water management strategies.
 - c. Reduce units from 3,897 units to 2,612 units, a reduction of 1,285 units.
 - d. Reduce WHP units from 390 to 261 (10% of the total number of proposed units).
 - e. Reduce non-residential development from 300,000 square feet (SF) of commercial intensity to 200,000 SF; and reduce office intensity from 50,000 SF to 33,500 SF.
 - f. Delete a Place of Worship use at 42,689 square feet.
 - g. Add Government Services use at 45,000 SF.
 - h. Modification of conditions of approval in the Resolution and Proportionate Share Agreement to reflect the changes in the plan of development.

610 Clematis Street, Suite CU02, West Palm Beach, FL 33401
P: 561-366-1100 www.udsflorida.com LA0001739

- 2) Development Order Abandonment to legislatively abandon a Type 2 Waiver approved via Resolution R-2019-0390 allowing for an increased percentage of local streets to terminate in a cul-de-sac or dead end.
- 3) Request a Type 2 Waiver allowing for an increased percentage of local streets to terminate in a cul-de-sac or dead end; an additional 23% above the 40% permitted.

Further to a Transmittal Public Hearing directive from the Board of County Commission (May 3, 2023 Transmittal Hearing), the Applicant has modified the Preliminary Master Plan drawings to include a 200-acre Civic Pod (Pod F per PMP-1) at the southwest corner of the overall development area. This Civic Pod will be utilized as a Public Park, which allows for a range of uses including but not limited to an All-Terrain Vehicle (ATV) Park, which is the intended use. Ancillary uses to the ATV park may include camping sites associated with the ATV use, and parking for recreational vehicles. With the addition of the new Civic Pod, the boundary of the proposed-to-be dedication of 1,600-acres to Palm Beach County has been slightly modified to maintain the 1,600-acre dedication, and Open Space Pod 2 (Water Resources / Agricultural; west of Pod E) has been reduced in size from 448.630 acres to 248.630 acres. The overall modifications to the plan have no affect on Pods A through E or the 640-acre Impoundment Expansion Area (OS Pod 1).

The subject property has a Future Land Use Atlas (FLUA) designation of Western Communities Residential (WCR) approved via Ordinance No. 2016-041, and a zoning designation of Planned Unit Development approved via Resolution No. R-2019-0389. The site is within the Western Communities Residential Overlay (WCRO). The property includes the following Property Control Numbers (PCN's):

Indian Trails Grove - PCN List	
00-40-42-17-00-000-7000	00-40-42-27-00-000-9000
00-40-42-18-00-000-7000	00-40-42-31-00-000-9000
00-40-42-19-00-000-9000	00-40-42-30-00-000-9000
00-40-42-20-00-000-9000	00-40-42-34-00-000-1010
00-40-42-21-00-000-9000	00-40-43-03-00-000-3020
00-40-42-22-00-000-1010	00-40-43-04-00-000-9010

As indicated above, the Applicant filed a concurrent Site-Specific Future Land Use Amendment on February 9, 2022 with the Planning Division to similarly modify the FLUA Conceptual Plan and conditions of approval contained in Ordinance No. 2016-041 to reflect the revised plan of development.

CONCURRENT COMPANION APPLICATIONS:

This Development Order Amendment application is being processed concurrently with numerous other applications, including text amendments to the Comprehensive Plan to establish a new option for preserve and density assignments in the Agricultural Reserve Tier for sites associated with land dedications in the Rural Tier. The new set of Policies will allow land area in the Western Communities Residential Overlay (WCRO) and within the Western Communities Residential future land use (WCR) to contribute towards the preserve area and density assignments for Agricultural Reserve Planned Developments (AGR-PUDs) in the Agricultural Reserve, as well as dedicate this land area to the County for unique opportunities

for PBC to utilize these land areas for regional water management or agriculture. This overall effort will involve multiple zoning applications and create a new AGR-PUD. This project will host the newly created WCR Exchange Bank that will support the preserve areas for the AGR-PUD to meet the 60/40 AGR-PUD requirements. This Exchange will allow land within the newly created West Hyder Overlay (WHO), at the southwest corner of the Agricultural Reserve, to be approved as a new AGR-PUD. This Exchange will be implemented through the new policy language in the Plan, the WCR Future Land Use Ordinance, and the associated Resolution for this project.

This proposal would create more publicly controlled land for water resource by providing the potential of regional benefits, such as, supporting the restoration effort for the Loxahatchee River Watershed by creating a flow way on the 1,600 acres to move water from the SFWMD L-8 canal to the MO canal, reducing harmful discharges into the Lake Worth Lagoon, providing an alternative route for water discharges into the Grassy Waters Preserve, which is the City of West Palm Beach's drinking water supply, and/or storing discharges from Lake Okeechobee in the SFWMD L-8 canal that would otherwise discharge directly into the Lake Worth Lagoon. Overall, the proposed amendments would increase the amount of preservation land in Palm Beach County, allowing for the added unique benefit of regional water management and agriculture opportunities outside the AGR Tier, as well as add 1,600 acres of preserve land under the ownership and direct control of Palm Beach County.

The use of the term “WCR Exchange Bank” is a concept proposed as part of the concurrent FLUE text amendment applications for the Western Communities Residential Overlay (WCRO) and West Hyder Overlay (WHO). During the review of same, it is possible that the concept of the WCR Exchange Bank is modified into something that functions like an exchange bank, but is called something different than the WCR Exchange Bank. In that event, the Justification Statement will be modified to reflect the final terminology/concept used in the FLUE text amendment.

WCR Exchange Bank

Pursuant to FLUE Objective 1.11 and a new set of Policies in the Comprehensive Plan for the West Hyder Overlay (WHO) in the Agricultural Reserve Tier and the Western Communities Residential Overlay (WCRO) in the Rural Tier, this site will host the WCR Exchange Bank that AGR-PUDs will use to meet some or all of their required preserve acreage and units to establish compliance with the 60/40 AGR preserve area requirements. The following Table identifies the AGR-PUDs and their allocation of the land in the new WCR Exchange Bank:

Project / Control Name	Control No.	Affected AGR Preserve Acres	Replace Existing AGR Preserve Acres with WCR Exchange Bank Acres (1.25) ¹	Proposed WCR Exchange Bank Acres (1.25) ¹	Available WCR Exchange Bank Acres
Indian Trails Grove (ITG) WCR Exchange Parcel	2002-90045				1,600.00
Hyder (Seven Bridges) AGR-PUD	2005-00455	23.84	29.79		
Lyons West (Valencia Reserve) AGR-PUD	2005-0003	370.01	462.51		
Fogg North (Canyon Lakes) AGR-PUD	2002-0067	19.09	23.87		
Fogg Central (Canyon Isles) AGR-PUD	2002-0068	23.42	29.27		
Fogg South (Canyon Springs) AGR-PUD	2002-0069	25.76	32.20		
Whitworth AGR-PUD	2021-0031	90.44	113.05		
WHO/Hyder West AGR-PUD	2022-0005			909.31	
Totals				909.31	
Total: Existing AGR Preserve Areas		552.55			
Total: Replace Existing AGR Preserve Acres in WCR Exchange Bank			690.69		
Total: New Preserve Acres in WCR Exchange Bank				909.31	
Total: Preserve Acres in WCR Bank			1,600.00		

¹ Additional Preservation Area I required to transfer from the AGR to the WCR. A factor of 1.25 is used to calculate the increase in area (0.8 x 1.25 = 1.0)
 AGR Density = 1 DU/Ac
 WCR Density = 0.8 DU/Ac

As indicated above, this site will provide 1,600 acres that will be dedicated to Palm Beach County. The parcel is contiguous to the ITG Development area on the east and adjacent to the existing 640-acre Conceptual Impoundment Area dedicated to the Indian Trails Improvement District (ITID) to the west. The preserve parcel has access from the Section Line Easements along the northern limits and also along the southern limits. Said Section Line Easements are noted in Article 3.E.2.H.4.g.4, Section Line Easements within the WCRO. According to the Property Appraisers Website, lands that are subject to the WCR Exchange Bank includes the following:

- 00-40-42-17-00-000-7000;
- 00-40-42-20-00-000-9000;
- 00-40-42-21-00-000-9000;
- 00-40-42-30-00-000-9000; and,
- 00-40-42-31-00-000-9000.

Per Art. 3.E.2.F.3.a Location and Access - the WCR Exchange Bank lands have direct access from existing Section Line Easements per ORB 1428, Page 581.

Per 3.E.2.F.3.b Uses - the Exchange Bank lands are currently being utilized as active farmland. These lands will be dedicated to PBC, and will be used for agricultural and/or water resource uses.

3.E.2.F.3.c. Configuration – A preserve area shall meet the minimum PDRs of the AGR district: This parcel meets the minimum Property Development Regulations per Table 3.D.1.A. for the AGR Zoning District.

BACKGROUND / PROPERTY HISTORY

The subject property is located west of 180th Avenue North, south and east of the J.W. Corbett Wildlife Management Area and north and west of the “M” Canal. The 4,866.10-acre subject site is in active agricultural operation/production with accessory agriculture structures located in the southeast corner of the northern portion of the site.

The subject property is within the boundaries of the Cypress Grove Community Development District (CGCDC), which is a special district created in 1993 by the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission. The CGCDC has the authority to provide public infrastructure and services and to operate district facilities. While the subject property is within the CGCDC, the owner/applicant is committing (subject to Indian Trail Improvement District (ITID) agreement and acceptance), that each single-family residential unit (upon closing to a third party within the development), will become an active unit of the ITID, and that the proposed commercial/office uses, once developed, will become an active member of the ITID; subject to the terms and conditions of such an agreement to be negotiated with the ITID. The ITID is also a special district created by the Florida Legislature in 1957.

To the north and northwest of the subject property is the J.W. Corbett Wildlife Management Area, which is a 60,348-acre wildlife management area managed by the Florida Fish and Wildlife Conservation Commission (FWCC). In 1947 the Florida Game and Fish Commission (GFC) (predecessor to the FWCC) purchased approximately 52,000 acres from the Southern States Land and Timber Company and named it after James Wiley Corbett, a former commissioner. In 1993 another 2,331 acres were added to the wildlife management area with funds from the Conservation and Recreation Lands program and leased to the then GFC. The additional lands added in 1993 are parcels due west of the subject property and were sold by Indian Trail Groves, Ltd. which was an entity controlled by Irving Cowan who was also the managing member of Indian Trail Groves, L.P., the entity that sold a portion of the subject property to the current owner / applicant.

Abutting the property to the northeast, east and southeast are residential, single-family lots within what is commonly referred to as The Acreage. According to the Historical Society of Palm Beach County, The Acreage was established in the early 1960's by Samuel Nathan Friedland's Royal Palm Beach Colony, Ltd. that began selling 1.25-acre lots for \$5,000 per lot. Based on an analysis of aerials from 1953 and 1968 obtained from the University of Florida's George A. Smather's Libraries, it appears that the drainage canals on the subject property were dug at the same time as the residential development. The subject property and the areas that became “The Acreage” were primarily wetlands in 1953. By 1968 roadways and drainage canals were in place so that “The Acreage” could be developed for residential and the subject property could be utilized for agriculture. While the lots being sold were 1.25 acres in size, the lot configuration included the roadway easements and associated swale drainage area necessary to provide legal access to each of the lots.

In September of 2016, the applicant brought forward a development plan to PBC that would result in the creation of a new Future Land Use designation and associated overlay, known today as Western Communities Residential and the Western Communities Residential Overlay respectively. The BCC granted approval of the request via Ordinance No. 2016-014, which adopted the following:

- 1. Designation of the subject property as a Limited Urban Service Area (LUSA); and
- 2. Amended the FLUA designation of the subject property from AP, in part, and RR-10, in part, to Western Communities Residential (WCR), in whole.

The previously approved FLUA application also included the following revisions to the text of the PBC Comprehensive Plan:

- a. Added new objective and policies to the Future Land Use Element (FLUE) to create the Western Communities Residential Overlay;
- b. Revised the Managed Growth Tier System Map LU 1.1 to identify the boundaries of the Western Communities Residential Overlay (WCRO);
- c. Revised the Service Areas Map LU 2.1 to show the subject property's removal from the rural service area and inclusion within the limited urban service area;
- d. Revised the Special Planning Areas Map LU 3.1 to identify the location of the Western Communities Residential Overlay;
- e. Revised the Thoroughfare Right of Way Identification Map TE 14.1 to show the extension of 60th Street North as an 80' right of way west from Seminole Pratt Whitney Road to 190th Street;
- f. Revised the Thoroughfare Right of Way Identification Map TE 14.1 to show the extension of 190th Street as an 80' right of way north from 60th Street North to Orange Blvd;
- g. Revised the Functional Classification of Roads Map TE 3.1 to show the extension of 60th Street North as an undefined right of way Seminole Pratt Whitney Road to 190th Street;
- h. Revised the Functional Classification of Roads Map TE 3.1 to show the extension of 190th Street as an undefined right of way from 60th Street North to Orange Blvd; and ,
- i. Created Future Land Use Atlas (FLUA) designation titled Western Communities Residential Development (WCR) along with the establishment of the subject property as a LUSA.

In addition to the Comprehensive Plan revisions noted above, the Unified Land Development Code (ULDC) was also amended via Ordinance No. 2017-011 to include the Purpose and Intent, Applicability, Development Review Procedures, and Planned Unit Development (PUD) Exceptions of the WCR PUD.

In 2017, the property owner petitioned PBC (LGA 2018-008) to revise Comprehensive Plan policies for the Agricultural Reserve (AR) Tier, the WCRO, and the future land use designation for the Rural Tier, as well as a Future Land Use Atlas revision for the ITG site in the Rural Tier. This proposal was to allow 3,010 acres of land in the WCRO to be used as Preserve Area for Agricultural Reserve Planned Developments, and allow the associated development rights to be clustered in development areas within the AGR, allowing 2,420

residential development rights approved for the WCRO to be built within the AGR.

This FLUA amendment also proposed to modify previously adopted conditions of approval for the ITG site adopted by Ord. 2016-041. The amendment proposed to revise conditions as follows:

- Decrease the maximum number of dwelling units to be built on the WCRO site from 3,897 to 1,477, a 2,420 unit reduction;
- Decrease the maximum allowable non-residential square footage to be built on the WCRO site from 350,000 sq. ft. to 142,182 sq. ft., a reduction of 217,818 sq. ft.
- Rename the WCRO to the Western Communities Reserve.

This amendment was withdrawn prior to the Planning Commission meeting on December 8, 2017. The amendment was never publicly debated nor did the Board of County Commission (BCC) analyze or deliberate the request.

The initial 4,871.57-acre PUD rezoning and PMP were approved in 2019. The development order has not yet been implemented. FPL acquired 5.467 acres through a Stipulated Final Judgement in the fall of 2019, as recorded in ORB 30909, Page 650.

In February of 2019, as part of the rezoning application, the Zoning Commission approved a Type 2 Variance via Resolution ZR-2019-009 allowing the applicant to eliminate the landscape requirements of a Type 2 Incompatibility Buffer along 1,658 linear feet of the northern perimeter between Pod D and PBC District Park F to accommodate an existing lake. The previously justified site conditions remain, and the separation between residential development in Pod D and the boundary of the Park has increased as part of the proposed amended development program, thereby continuing to support the rationale of the previously approved Type 2 Variance. PBC Staff has determined, as part of their initial review, that the previously approved Type 2 Variance remains in force with no additional action required of the applicant based on the proposed modifications.

In March of 2019, the applicant was further granted approval by the Board of County Commission (BCC) to rezone the subject properties from Agricultural Production (AP) in part and Agricultural Residential (AR) in part to the Western Communities Residential Planned Unit Development (WCR-PUD) with 3,897 residential dwelling units, 300,000 SF of commercial use, 50,000 SF of office use, a 42,689 SF Place of Worship, 102,000 SF of Office, a Fire Station, +40-acre Public Park, 970 student Elementary School, +20-acre Public Park, and 1,300 student middle school. The BCC also granted a Type 2 Waiver via Resolution No. R-2019-0390 to allow for an increase in the number of local streets that terminate in a cul-de-sac or dead-end condition over the 40% permitted by ULDC Article 3.E.1.c.2.a.5.b. With the proposed amended plan of development, the applicant is requesting the BCC abandon Resolution No. R-2019-0390 and find favor with a new proposed Type 2 Waiver request for an increased percentage, as described in more detail herein.

SURROUNDING LAND USES:

North: There are 2 existing parcels that lie directly north and include approximately 25 acres that are utilized for canal and drainage purposes, and are owned by the Indian Trail Improvement District (ITID). The FLUA designation is RR-10 with an AP Zoning District. Beyond the canal lies the J.W. Corbett Wildlife Management Area including over 60,000

acres of conservation area. Some of the uses within the conservation area include; drainage, hunting, birding, hiking, camping, and horseback riding. The aforementioned J.W. Corbett Wildlife Management Area also includes a rather large parcel directly north of the north central subject Pod, all including a FLUA designation of CON (Conservation). Also to the Northeast are 7 residential parcels along with a 62-acre Park owned by Palm Beach County (District Park F, aka County Pines Recreational Complex at Samuel Friedland Park). In addition, there is an existing 60-acre undeveloped parcel owned by the School District of Palm Beach County. These properties either have a FLUA designation of RR-2.5 or RR-10 with either a PO Zoning District or an AR Zoning District.

South: There are residential / agricultural parcels with FLUA designations of either RR-5 or RR-10 and are within the AR Zoning District. In addition, there is approximately 1,265 acres supporting agricultural operations with a FLUA designation of RR-10 and with an AP or AR Zoning District. There are additionally parcels owned by Florida Power and Light which are utilized for utility purposes.

East: Across 180th Avenue North (a 100' ingress/egress easement) are a variety of residential parcels with a minimum lot size of 1.25 acres. All have a FLUA designation of RR-2.5 and are within the AR Zoning District. Directly to the east of the southeast section of the subject property are two parcels that equate to 58.82 acres, both owned by the School District of PBC. These parcels support the existing Frontier Elementary School and Osceola Creek Middle School. These parcels have a FLUA designation of RR-10 and are within the AR Zoning District. Residential single-family lots within what is commonly referred to as The Acreage are noted on the PMP as "Royal Palm Beach Acreage" – Unrecorded Plat.

Also to the east of the proposed Pod A is the Florida Power and Light Solar Energy Farm, located within the boundaries of the City of Westlake. Site has a Future Land Use and Zoning designation of Residential 1, with a Solar Energy Overlay.

West: There are 4 parcels totaling approximately 1,079 acres owned by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. These parcels have a FLUA designation of AP, are within the AP Zoning District and are part of the J.W. Corbett Wildlife Management Area. In addition, there is a parcel containing approximately 773 acres known as the Indian Trails Grove Impoundment Area that provides additional storage for flood control for the general area. The L-8 Canal is owned by the South Florida Water Management District. All have a FLUA designation of AP within the AP Zoning District.

DEVELOPMENT ORDER AMENDMENT REQUEST:

Indian Trails Grove PUD (ITG PUD) as approved, includes approximately 4,871.57 acres and six (6) Development Pods (Pods A thru F) consisting of 3,897 dwelling units, each having their own access, Recreation Pods, School Bus Shelters, Trolley Stops, Focal Points, Pedestrian Gathering Areas and other amenities, and interconnected via Equestrian and Pedestrian Trails. The ITG PUD was also approved to include seven (7) Civic Pods (5 public and 2 private) and three (3) Commercial Pods totaling approximately 55.89 acres. An overall Preliminary Master Plan was approved as part of the rezoning reflecting the entire Indian Trails Grove PUD on one sheet, with each Development Pod on subsequent sheets with greater detail including proposed ROW dedications, lakes, internal roads, open spaces, landscape buffers, equestrian and pedestrian trails and various amenities.

Indian Trails Grove

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With this request, the applicant is proposing to modify the plan of development. The most significant change is a proposal to convey 1,600 acres of land previously approved as all of Pod F, a small portion of Pod E and Open Space Pod 2, to PBC for use for water resources, and/or continued agriculture use, including potential use for water storage/filtration, flow-way connections, reduce flooding, and/or other regional water management strategies. The aforementioned concurrent companion applications associated with new and existing AGR PUDs will utilize these 1,600 acres to exchange the required AGR preserve lands from the proposed West Hyder Overlay (WHO) to the WRCO. With the proposed dedication of the 1,600 acres in this manner, the applicant is proposing to amend the development program accordingly to reduce the amount of 'usable/developable area' within the ITG PUD, thereby resulting in a reduction in the amount of proposed dwelling units and non-residential development.

Additionally, the Applicant is proposing to reduce the amount of land area within the boundary of the ITG PUD to address the 2019 taking of 5.467 acres by Florida Power and Light along the south perimeter of Pod A, reducing the overall acreage of the ITG PUD from 4,871.57 to 4,866.10 acres. The FPL holding will no longer be included in the PUD boundaries.

With these understandings, the applicant is proposing to reconfigure the development program for the ITG PUD with the following reductions:

	Approved	Proposed	Change
Residential Development Pods	6 (Pods A thru F)	5 (Pods A thru E)	-1
Dwelling Units	3,897 DU	2,612 DU	-1,285 DU
Civic Pods	7 (5 Public / 2 Private) 102,000 SF Office Fire Station +40-acre Park +20-acre Park 970 student Elem School 1300 student Middle School	5 (5 Public) 45,000 SF Government Services Fire Station +40-acre Public Park +40-acre School +200-acre Public Park	-2 (-2 Private) -102,000 SF Office +45,000 SF Government Services -20-acre Park -970 student Elem School -1300 student Middle School +200-acre Public Park
Commercial Pods Commercial SF Office SF	3 300,000 SF 50,000 SF	3 200,000 SF 33,500 SF	No Change -100,000 SF -16,500 SF
Place of Worship	42,689 SF	0 SF	-42,689 SF

The overall PUD continues to be bounded on the east by 180th Avenue (north of 60th Street and south of Hamlin Boulevard) and partially on the west by 190th Street which runs north and south along the proposed west limits of Pods B, C, and D and the east limits of proposed Pod E, and providing access to each. It continues to be the intent of the applicant to improve Orange Boulevard between 180th Avenue and 190th Street, which bisects Pods B and C, providing access to both Pods B and C. Orange Boulevard will also continue to provide access to the proposed 10.72-acre Public Civic Pod 1 (previously Private Civic Pod 2) located at its east end, abutting 180th Avenue; and the proposed 12.99-acre Commercial Pod 2 located at the corner of Orange Boulevard and 190th Street.

Pod A, located at the southern limits of the PUD, is connected to the balance of the PUD by Non-Exclusive Easements for 180th Avenue that terminate at the northern limits of Pod A. Pod A lies west of the 250-foot wide “M” Canal that abuts Canal Road / 190th Terrace North. Access to Pod A is provided by 60th Street North that runs east west along the north limits of Pod A. At the northeast section of Pod A lies the 12.83-acre proposed Commercial Pod 1. The previously approved Civic Pod 1 has been removed.

As previously noted, further to the directive provided at the BCC Transmittal Hearing for LGA-2022-021, Pod F, a 200-acre Civic Pod (Pod F, Civic Pod 5) has been added to the plans at the southwest corner of the overall development area. Access to the Pod will be provided through the Section Line Easements located to the south of the Pod. Access from the Section Line Easement is permitted per ULDC Art. 3.E.2.E.4.c.1) d), Frontage (Civic Pod). The Applicant is requesting the FDO waive the requirement for this Civic Pod to have frontage on an Arterial or Collector Road as permitted by Code.

The northwest limits of the overall PUD lie south of the “MO” Canal that runs east-west and which lies along the southern limits of the J.W. Corbett Wildlife Management Area (previously discussed). To the west of Pod E lies the reconfigured 248.630-acre Water Resources/Agriculture Open Space Pod 2. West of Open Space Pod 2 is the 1,600-acre land slated to be conveyed to PBC, and west of that, the previously committed 640.00-acre conveyance to the ITID, denoted on the PMP as Open Space Pod 1. To the west of Open Space Pod 1 is the existing +750 acre ITID Impound Area that provides flood control for “The Acreage”. Access to Open Space Pod 1, Open Space Pod 2 and the 1,600 acres slated to be conveyed to PBC is provided by an existing dirt road lying within the northern limits Pod E, along the southern limits of the aforementioned MO Canal.

Changes to the Development Program

An overview of the proposed reconfiguration of the ITG PUD can be summarized by the following:

Pod A:

- General design remains consistent with some minor modifications to the lake and internal street layouts.
- Dwelling unit count increasing from 662 to 972 (+310 du).
- Commercial Pod: Acreage reduced from 16.09 acres to 12.83 acres
Commercial intensity reduced from 87,500 SF to 50,000 SF
Office intensity reduced from 10,000 SF to 3,500 SF
- Civic Pod: Civic Pod 1 Removed.

Pod B:

- General design remains consistent.
- Dwelling unit count increasing from 269 to 375 (+106 du).
- Commercial Pod: No prior or proposed commercial intensity.
- Civic Pod: Prior Civic Pod 2 has been redesignated as Public Civic Pod 1.

Pod C:

- General design remains consistent with a redesign of the southwest portion of the pod.
- Dwelling unit count increasing from 865 to 1,035 (+170 du).
- Commercial Pod:
 - Comm. Pod 2: Reduced from 23.71 acres to 12.99 acres
Commercial intensity remains at 125,000 SF
Office intensity remains at 30,000 SF
 - Comm. Pod 3: Added 3.34-acre pod
Commercial intensity proposed at 25,000 SF
- Private Recreation Pod: No proposed change to 24.58-acre pod.

Pod D:

- Pod D reconfigured.
- Dwelling unit count reduced from 702 to 160 (-542 du).
- Civic Pod: Public Civic Pod 2: added 40.03 acres
Public Civic Pod 3: 5.57 ac remains unchanged
Public Civic Pod 4: 43.45 ac remains unchanged

Pod E:

- Pod E reduced from 636.78 acres to 179.93 acres (-456.85 ac) and reconfigured.
- Dwelling unit count reduced from 859 to 70 (-789 du).
- Commercial Pod: Removed
 - Civic Pod: Civic Pod 5: 15.46 acres removed
Civic Pod 6: 22.64 acres removed
Civic Pod 7: 26.82 acres removed

Pod F: Public Civic Pod 5: deleted previously approved Pod F and added a new 200.00 acre pod in the southwest corner of the overall development.

Contiguity of the parcels of land in the PUD is established by Future Land Use Element Policy 1.11-d that states: For the purposes of contiguity, any land area within the Western Communities Residential Overlay shall be considered contiguous so long as it is submitted under one unified plan of development (a.k.a. FLUA Conceptual Plan). The PMP reflects one unified plan of development.

The following is a description of the proposed Pods within the ITG PUD:

Development Pods

Pod A includes approximately 557.39 gross acres (a reduction of 5.47 acres due to a dedication of land to FPL), with 972 total units (single family and zero lot line), an increase of

310 units from the prior BCC approved 662 units. Access is provided by two entrances, both from 60th Street North. The easternmost entrance will include a Palm Tran bus stop, school bus shelter, and trolley stop. The centrally located Recreation Pod has been increased in acreage from 4.94 net acres to 8.58 net acres, and continues to serve the general recreation needs for the residents within Pod A. A lake is proposed to border a majority of the overall Pod (Lake #1), providing additional buffering and amenities for the proposed residential units within the community, along with multiple interior lakes (Lakes #2 through #14). An equestrian trail continues to be proposed within the perimeter Landscape Buffers along all sides of the Pod, and interconnects to the proposed Equestrian & Pedestrian Trail within 190th Street. The Public Civic Pod 1 has been eliminated from Pod A; however Commercial Pod 1 remains at 12.83 acres, a reduction of 3.26 acres from the BCC approved plan. Commercial Pod 1 is proposed to consist of 50,000 square feet of commercial uses, a reduction of 37,500 square feet; and 3,500 SF of Office Use, a reduction of 6,500 square feet, both of which will be designed and developed in the form of the Traditional Marketplace pursuant to provisions of Policy 1.11-c the Comprehensive Plan. In addition, the Commercial Pod will include a Trolley Stop and an area for Public Access along 60th Street North (including at a minimum, a small parking area) which will provide access to the exterior lake and trail system.

Pod B includes approximately 265.57 acres (unchanged from the BCC approved acreage) with 375 units (single family and zero lot line), an increase of 106 units from the prior BCC approved 269 units. Access is provided by two entrances, one from 190th Street and one from Orange Boulevard. A school bus shelter/trolley stop is included within both entrances. A 2.34 net acre Recreation Pod continues to be centrally located within Pod B and will serve the general recreation needs for the Pod. As with Pod A, a lake (Lake #17) is proposed to border a majority of the overall Pod which provides additional buffering and amenities for the proposed residential units within the community. The Equestrian & Pedestrian Trail runs along the western and northern limits of the Pod. There are 50-foot-wide Landscape Buffers proposed along the south and east limits of Pod B, where the latter is adjacent to the existing Elementary School and Middle School, both of which are accessible from 180th Avenue. The prior Private Civic Pod 2 and the previously approved Place of Worship has been eliminated from the development program, and Public Civic Pod 1 added. The new Public Civic Pod 1 is anticipated to support Government Services. There are no commercial or office uses proposed in Pod B.

Pod C includes 648.45 acres (unchanged from the BCC approved acreage) with 1,035 Units (single family and zero lot line), an increase of 170 units from the prior BCC approved 865 units. Access is provided by two entrances, one from 190th Street and one from Orange Boulevard. The one from Orange Boulevard is aligned with the entrance to Pod B and the one from 190th Avenue will include a Palm Tran bus stop, school bus shelter, and trolley stop. A 6.23 net acre Recreation Pod is centrally located within Pod C and will serve the general recreation needs for the residents within the Pod. Pod C also includes a lake system that borders a majority of the Pod and provides interior lakes (Lakes #19 through #28). The Equestrian & Pedestrian Trail runs along the south, east and west limits of the Pod, which interconnect to all the Pods within the overall PUD. All other required Perimeter Buffers have been provided. Commercial Pod 2, which is located at the southwest corner, is proposed to consist of 12.99 acres (reduced from 23.71 acres) and be buffered from the adjacent Pod C units by a 50-foot-wide Type 2 Incompatibility Landscape Buffer. Commercial Pod 2 will

include 125,000 square feet of commercial uses and 30,000 square feet of office uses that will be designed and developed in the form of the Traditional Marketplace pursuant to the provisions of Policy 1.11-c of the Comprehensive Plan. There are no Civic Pods proposed within Parcel C.

Pod D includes 526.13 acres (unchanged from the BCC approved acreage) with 160 single family units, a decrease of 542 units from the prior BCC approved 702 units. Access is provided by one entrance from 190th Street and includes a Palm Tran bus stop, school bus shelter, trolley stop, and public gathering area. A 2.90 net acre Recreation Pod is located at the entrance area of Pod D and will serve the general recreation needs for the Pod. Lakes are proposed to border the majority of Pod (Lakes #29, #30, and #32), which provides additional buffering and amenities for the proposed residential units within the community, as well as a large 103+ acre centrally proposed amenity lake (Lake #31). A variance was granted to eliminate a portion of the landscape buffer along the north perimeter adjacent to the Park where a lake currently exists. This variance remains in force with no additional action required of the applicant as it relates to the proposed modifications. All other buffers are provided and there continues to be a wide-open space tract that will include an Equestrian Trail that separates Pod C from Pod D.

Public Civic Pod 2 (40.03 acres) in southwest corner, Public Civic Pod 3 (5.57 acres) in northeast corner, and Public Civic Pod 4 (43.45 acres) to the north are all included within Pod D. Civic Pod 2 is intended for use as a School. Civic Pod 3 fronts 180th Avenue and it is anticipated that this Public Civic will be utilized for Police and/or Fire uses. Civic Pod 3 is intended to be an expansion area of the adjacent District Park "F", located to the immediate east of the noted Civic Pod. In addition, an emergency vehicular connection is provided in the southwest corner of Civic Pod 2, thus providing two means of emergency egress/ingress into Pod D (main entry and through the 20' emergency fire access only.) A portion Civic Pod 4 may include an area for Public Access for the general public to park horse trailers when utilizing the trail system within the project, and/or trucks when launching non-motorized boats into the lakes within Pod D. Equestrian/Pedestrian Trails run along the east and west limits of Pod D with an Equestrian Trail connecting the Trail from 180th Avenue to 190th Street. The existing +60 Acre District Park "F" is adjacent to the proposed Civic Pod 4, which also abuts a +60 Acre future High School site. Limited Pedestrian Access will be provided from Pod D to the future High School and District Park.

Pod E has been reduced to 179.73 acres (previously approved by the BCC with 636.784 acres) with 70 single family units proposed, a decrease of 787 units from the prior BCC approved 859 units. Access is provided through one entrance from 190th Street, across from the entrance into Pod D, where a shared Palm Tran bus stop, school bus shelter, trolley stop, and public gathering area are located. A 2.44 net acre Recreation Pod is centrally located within Pod E and serves as the general recreation needs for the Pod. Lake #33 is proposed to border the majority of Pod which provides additional buffering and amenities for the proposed residential units within the community. There are no Public/Private Civic Pods or Commercial Pods proposed within Pod E.

The northern limit of Pod E abuts the J.W. Corbett Wildlife Management Area. An Equestrian Trail and Pedestrian & Equestrian Trail surrounds Pod E, which are integrated with the required landscape buffers. The Pedestrian & Equestrian Trail is proposed along the eastern

limit of the Pod. To the west of Pod E, the applicant has incorporated a large contiguous Open Space Pod (O.S. Pod 2) of 248.630 Acres for the purposes of water resources and agriculture, and to meet PUD open space requirements.

Pod F The previously approved Pod F has been removed from the plan of development, and a new Pod F has been provided in the southwest corner of the overall development, located directly to the south of the 1,600 acre PBC Conveyance. This 200-acre Public Civic Pod (Civic Pod 5) will be utilized as a Public Park, with the intention of developing the area as an All-Terrain Vehicle Park, with ancillary uses to the ATV park which may include camping sites and parking for Recreation vehicles. Access to this Pod will be provided via the Section Line Easements to the south of the Pod. These Section Line Easements connect to the east to 60th Street North. The re-addition of Pod F has no bearing on density or unit count.

A summary of the proposed changes to residential development program is provided below:

Residential Development Area	Acres		Units	
	Approved	Proposed	Approved	Proposed
Pod A	517.88	527.92	662	972
Pod B	244.12	244.15	269	375
Pod C	577.96	585.38	865	1035
Pod D	462.86	422.57	702	160
Pod E	540.17	173.89	859	70
Pod F	517.75	0.0	540	0
Total Development Pods	2860.74 (58.72%)	1,953.91 (40.15%)	3,897	2,612

Sales Office and Models: As noted in Article 3.E.1.G. Sales Office and Models, the overall PMP includes the approximate location of the proposed Model Row and Temporary Project Sales Center within Development Pod A. All other Pods will include a maximum of 8 models as permitted by code. This application includes a request for a Model Row within Pod A of the overall ITG PUD.

Phasing – Because of the size of the overall project, 4,866.10 acres, a Phasing Plan has been included with the PMP. There are five (5) phases proposed, with each Pod designated as a separate phase.

Street Layout, Pathways, Radius, Open Space - The PMP set includes exhibits that delineate the location of streets, a variety of pathways, and focal points. The set also includes plans showing the density radius circles to provide the minimum ¼ mile and ½ mile distance from a residential unit to either a Commercial, Civic, and or Recreation use delineated on the plan. Also included is an amended Open Space Exhibit which delineates the areas included for the Required Open Space, the Required Exterior Open Space and the Required Contiguous Open Space.

Civic Pods

Pursuant to the ULDC, the Applicant is required to provide for 2%, or a minimum of 95.981 acres, of the PUD as areas for civic uses, based on the gross development acreage less those areas proposed to be dedicated for right-of-way, in this case 4,799.076 acres. The proposed PUD includes approximately 299.77 gross acres, or 6.25% within five (5) separate Civic Pods that are located in the overall PMP and further described below.

Public Civic Pod 1: This Pod is located on the southwest corner of Orange Boulevard and 180th Avenue in Pod B. This Pod is intended to be utilized for a public civic use such as Government Services. It includes 10.722 gross acres inclusive of the Rural Parkway.

Public Civic Pod 2: This Pod is located at the southwest corner of Development Pod D and fronts on 190th Street. It includes 40.03 acres inclusive of the Rural Parkway and its future intended use is for a school.

Public Civic Pod 3: This Pod is located at the northeast corner of the subject property in Pod D, fronting on 180th Avenue. This Pod could be used to serve as a Public Fire and/or Police Station, and/or a substation for FPL. It includes 5.57 gross acres, inclusive of the Rural Parkway along 180th Avenue. Access to this Pod will be from 180th Avenue.

Public Civic Pod 4: This Pod is located along the northern limits of the project and fronts on Hamlin Blvd. and lies directly adjacent to existing District Park “F”. It includes 43.48 gross acres, inclusive of the Rural Parkway along 190th Street. It is intended to serve as an expansion area for said District Park.

Public Civic Pod 5: This Pod is located at the southwest limits of the overall project area, fronting on Section Line Easements that will provide access to this Pod. It includes 200.00 gross acres. It is intended to be developed as an ATV park with ancillary uses as previously noted.

A summary of the proposed changes to civic development program is provided below:

Civic Pods	Approved Gross Acres	Proposed Gross Acres
Civic Pod 1	12.20	10.722
Civic Pod 2	10.72	40.025
Civic Pod 3	5.57	5.570
Civic Pod 4	43.48	43.448
Civic Pod 5	15.46	200.00
Civic Pod 6	22.64	Eliminated
Civic Pod 7	26.82	Eliminated
Total Civic Pods	136.88 (2.81%)	299.765 (6.25%)

Commercial / Retail Pods

Pursuant to Policy 4.5-f.4, a minimum of 2% of the overall developable land area (defined as: area available for development less provided exterior open space for commercial uses) shall provide neighborhood service commercial node. The minimum required neighborhood

serving commercial is 28.586 acres (3,266.102 acres overall developable land less 1,836.803 acres provide exterior open space = 1,429.299 x 2% = 28.586 acres.) Applicant is providing for 29.155 acres.

The PUD includes three (3) Commercial Pods that are intended to provide personal services, retail opportunities, and professional and/or business offices for use primarily by the residents of the PUD, with a total of 200,000 square feet of Commercial/Retail Use and 33,500 square feet of Office Use. The Commercial Pods are located within three separate areas of the overall PUD. Commercial Pod 1 is located within Pod A and includes 12.83 acres. Access is provided by 60th Street and fronts a rural parkway. Commercial Pod 2 is located within Pod C and includes 12.99 acres. Access is provided by both Orange Blvd. and 190th Street, both of which include Rural Parkways. Commercial Pod 3 is located within the southeast corner of Pod C and includes 3.34 acres. Access is provided by 190th Street. The ULDC includes an exception in Article 3.E.2.H.4.d, as it relates to the location of a Commercial Pod within a WCR-PUD. A summary of the proposed changes to the commercial development program is provided below:

Commercial Pods	Approved Gross Acres	Proposed Gross Acres
Commercial Pod 1	16.09	12.825
Commercial Pod 2	23.71	12.994
Commercial Pod 3	16.09	3.336
Total	55.89	29.155

Open Space

In accordance with Policy 4.5-f, there are 3 types of Open Space required for the project: Required Open Space (66.67% of the gross acres); Exterior Open Space (50%); and Large Contiguous Open Space (33.33%).

The following chart outlines compliance (also reflected on PMP-2 and PMP-15), with a further breakdown of how Comprehensive Plan polices are met below.

Gross Land Area	Gross Land Area (Less Public R/W Dedication of 67.024 Acres and 1,600 acre PBC Conveyance) *	Required O.S. (66.67%)	% of Gross Acreage (Less Public R/W Dedication)	Required Exterior O.S. (50%) (Including 2 Large O.S. Parcels)	% of Gross Acreage (Less Public R/W Dedication)	Required Large Contiguous O.S. Parcel (33.33%)**	% of Gross Acreage (Less Public R/W Dedication)
4866.102	3199.078	2132.825	66.67%	1599.539	50.00%	1066.253	33.33%
Provided		2196.848	68.67%	1817.839	56.82%	1088.630	34.03%

* 3199.078 is the Area used to calculate the Required O.S., Required Exterior O.S. and Required Large Contiguous O.S. **Palm Beach County Conveyance (1,6000 ac) is utilized for contiguity, but is not included in Provided calculation (Limited to O.S. Pod 1 (640.00 ac), O.S. Pod 2 (248.630 ac) & Pod F (200.00 ac))

With regards to the Required Open Space, Policy 4.5-f.2 requires the PUD to provide for 66.67% of Required Open Space based on the gross development area, less public right-of-way dedications. As 1,600 acres is proposed to be dedicated to PBC for agricultural and water resource purposes, the 66.67% is based on the overall development area minus the proposed conveyance (4,866.102 ac. – 1,600 ac. = 3,199.078 ac.). As such, the Required Open Space is 2,132.825 ac. (3,199.078 x 0.6667). The Applicant is compliant, providing 2,196.848 ac. through the provision of lakes, open space areas, perimeter buffers, recreation pods, private recreation area, civic pods, as well as Open Space Pods 1 and 2 (see Required Open Space chart below).

Required Open Space	Acres	% of Gross Acreage (Less Public R/W Dedication)
Gross Development Area (Less Public R/W Dedication and 1,600 ac PBC Conveyance) x 66.67%		
Total Open Space Required	2132.825	66.67%
Total Open Space Provided	2196.848	68.67%
Lakes (Exterior)	529.991	
Lakes (Internal)	223.437	
Recreation Pods	24.754	
Perimeter Landscape Buffers	109.794	
Private Recreation Pod (Net)	24.581	
Civic Pods (Net)	278.872	
ITG Impoundment (O.S. Pod 1)	640.000	
Water Resources (O.S. Pod 2)	248.630	
O.S. Easement Area (Pods A & F)	10.552	
Misc. O.S.	106.237	
Total Provided	2196.848	68.67%

The Exterior Open Space shall be limited to preservation, conservation, passive and/or active recreation, perimeter landscape buffers, rural parkways, pedestrian pathways and greenways, wetlands, bona fide agriculture, regional water management, fallow land, perimeter water management areas, public and/or private civic uses, and/or, equestrian uses. Perimeter water management areas shall only count as Exterior Open Space if the water management area is accessible to the general public from a publicly accessible buffer or open space tract that includes a minimum 8-foot-wide paved pedestrian pathway that connects the perimeter of the site to the water management area. Perimeter water management areas shall be available for use by the general public for fishing and non-motorized boating activities. Land area allocated as Exterior Open Space counts towards meeting the minimum Required Open Space.

The Applicant is providing the required 50% Exterior Open Space as required by the Comprehensive Plan.

Required Exterior Open Space	Acres	% of Gross Acreage (Less Public R/W Dedication)
Gross Development Area (Less Public R/W Dedication and 1,600 ac PBC Conveyance) x 50%		
Total Exterior Open Space Required	1599.539	50.00%
Total Exterior Open Space Provided	1817.839	56.82%
Lakes (Exterior)	529.991	
Perimeter Landscape Buffers	109.794	
Civic Pods (Net)	278.872	
O.S. Pods (Pods 1 & 2)	888.630	27.78%
O.S. Easement Area (Pods A & F)	10.552	
Total Exterior O.S.	1817.839	56.82%

Lastly, Policy 4.5-f.3 requires a minimum of 33.33%, or 1,066.235 acres (3,199.078 x 0.333), of the gross site acreage be provided in one large contiguous open space land area, and to be depicted on the FLUA Conceptual Plan approved by the Board of County Commissions. The Applicant is providing for a total of 34.03%, or 1,088.630 acres, through the provision of Open Space Pods 1 and 2 and Civic Pod 5 (Pod F). The Applicant has utilized the 1,600 acres of land being conveyed to PBC for contiguity but is not included in the calculation.

As previously noted, PMP-15 delineates the 640.00 Acre conceptual Impoundment Expansion Area (Open Space Pod 1) that will be deeded to Indian Trails Improvement District (ITID) to provide additional storage area for flood control for the ITID. It also delineates the second large open space area, referred to as Water Resource/Agriculture (Open Space Pod 2), consisting of 248.630 acres. This land will remain in private ownership however the use will be consistent with the designation of water resources and/or agriculture. Additionally, 1,600 acres, which would be conveyed to PBC for water resources and/or agriculture, connects the two Open Space Pods. The contiguous open spaces provide additional open space and buffering for the future residents of the community.

Additional Open Space within the overall development includes Civic Pods 1-4 and the Private Recreation Pod located along the western limits of Pod C adjacent to 190th Street. The Private Recreation Pod is intended to provide a greater variety of recreational uses that are not typically found in the smaller recreation pods within the individual development Pods. This Private Recreation Pod includes 24.58 net acres, inclusive of the Rural Parkway and will be designed to serve the recreational needs of the overall community. Access will be provided via 190th Street.

Recreation Requirement

Pursuant to the ULDC, the proposed number of units, totaling 2,612, results in a recreation area requirement of 15.67 acres. The proposed PUD includes 50.89 gross acres (47.07 net acres) of Recreation Pods to be utilized by the residents. As part of the recreation program, in addition to the Recreation Pods in each Residential Development Pod, the PUD includes a Private Recreation Pod of 26.14 gross acres (24.58 net acres). This Private Recreation Pod is intended for the use of all of the residents within the community. It will provide a greater variety of recreation amenities that are not included within the individual Recreation Pods in each Residential Pod. The total gross area of Recreation provided for Indian Trails Grove is 50.89 acres (47.07 net acres), which is three times greater than what is required based on the proposed number of units.

In addition to the Recreation Pods, it is important to note that the plan also includes more than 9.6 miles of equestrian trails and more than 9 miles of multi-purpose trails as shown on PMP-12 that provide an “added” recreational amenity to the overall project.

POD	Units	Recreation Required (Acres)	Recreation Provided (Acres)	
			Gross	Net
Pod A	972	5.83	9.45	8.58
Pod B	375	2.25	2.54	2.34
Pod C	1,035	6.21	6.90	6.23
Pod D	160	0.96	3.17	2.90
Pod E	70	0.42	2.69	2.44
SUBTOTAL	2,612	15.67	24.75	22.49
Private Recreation Pod			26.14	24.58
TOTAL		15.67	50.89	47.07

Workforce Housing

In accordance with Policy 4.5-f.7, a minimum of 10% of the units shall be provided as workforce housing based on the County’s affordability standards. The PUD was previously approved for 3,897 dwelling units, requiring 390 workforce housing units. With this request to reduce the development program and residential dwelling units to 2,612 dwelling units, a reduction of 1,285 dwelling units, the number of required workforce housing units is reduced to 261, 10% of the reduced number of units.

Agent has verified with PBC Planning that given that this project is located outside of the Urban/Suburban Tier and subject to a specific condition of approval in the adopting FLUA Ordinance and Resolution, and as there is no density bonus involved, therefore there is no requirement to request an amended letter of determination for the proposed reduced allocation of workforce housing units.

The location and type of residential units for workforce housing will be identified in accordance with the conditions of approval.

Rural Parkways:

In accordance with Transportation Element Policy 1.4-q.8-11, Rural Parkways are provided within the designated Western Communities Residential Overlay as follows:

- 8. 180th Avenue North from north property line to Orange Blvd. (Minimum of 80 Feet on west side);
- 9. 190th Street North adjacent to the WCR PUD (Minimum of 50 Feet);
- 10. Orange Blvd. from 180th Avenue North to 190th Street North (Minimum of 50 Feet on the north side and 50 Feet on the south side);
- 11. 60th Street North from the western limits of the M-1 Canal to 190th Street North (Minimum of 50 Feet) on the south side of 60th Street North, and from the Eastern limits of the WCR PUD to the westernmost WCR PUD entrance.

The above reference Rural Parkways have been previously incorporated into the PUD and remain in the amended plan of development. The location and use have been depicted on the PMP. It is the intent that long term maintenance will be by the future Homeowner's Association (HOA). They will ultimately be designed in accordance with the Transportation Element 1.4-q.

Schools

A revised School Capacity Availability Determination was issued by the Palm Beach County School Board for 2,612 residential units. The current schools for this project are Frontier Elementary, Osceola Creek Middle School and Seminole Ridge High School. School bus shelters for the proposed Indian Trails Grove development will be provided at the entrances to each Development Pod.

As part of the proposed plan of development, the Applicant will be dedicating a +40 acre Public Civic Site to the School District of Palm Beach County for a future school.

Type 2 Waiver

The applicant is requesting to abandon a previously approved Type 2 Waiver for the number of cul-de-sacs and seeking a new Type 2 Waiver pursuant to ULDC Article 3.E.1.C.2.a.5)a) and b), which allows forty percent (40%) of the local streets in the proposed development to terminate in a cul-de-sac or a dead end. Additional detail provided below.

Modification to Conditions of Approval

As part of these requests to modify the development program for the ITG PUD, applicant is additionally requesting to amend Conditions of Approval, as adopted in Resolution R-2019-0389 on March 25, 2019, that are affected by the requested changes. Applicant has submitted a Status of Conditions outlining both the status of each condition along with proposed condition modifications or request to amend. The Proportionate Share Agreement will also be modified to reflect the revised traffic impacts.

Applicant submitted on February 9, 2022 an amendment to the ITG FLUA approved September 22, 2016 via Ordinance No. 2016-041, requesting to similarly modify the proposed plan of development and conditions of approval included in the Ordinance for consistency.

DEVELOPMENT ORDER ABANDONMENT

As stated above, the applicant is requesting to legislatively abandon Resolution No. R-2019-0390 allowing for an increased percentage of local streets to terminate in a cul-de-sac or dead end. The BCC previously granted approval to allow up to 50% of the streets as ending in cul-de-sacs or dead ends. With the amended plan of development, the applicant is requesting to allow for up to 63% of the streets to end in cul-de-sacs or dead ends, which remains consistent with the ULDC allowing for up to 25% increase above the 40% permitted. This will require a new Type 2 Waiver request. Therefore, the existing Type 2 Waiver will need to be abandoned.

DEVELOPMENT ORDER ABANDONMENT STANDARDS

This proposal is consistent with ULDC Article 2.B.7.F.6. Standards as follows:

1. **Consistency with the Plan:** The Applicant is requesting to abandon a Type 2 Waiver previously approved by the BCC to allow for an increase in the number of streets to terminate in a cul-de-sac or dead end. Due to the proposed modifications to the development plans, the applicant desires to increase the number of permitted streets, which requires a new Type 2 Waiver be approved by the BCC, and the abandonment of the current Type 2 Waiver. This request to abandon the stated use is not inconsistent with the PBC Comprehensive Plan and is within the 25% increase permitted to be requested per Article 3.E.1.C.2.a.5)b).
2. **Consistency with the Code:** The Applicant is requesting to abandon a Type 2 Waiver previously approved by the BCC to allow for an increase in the number of streets to terminate in a cul-de-sac or dead end. Due to the proposed modifications to the development plans, the applicant desires to increase the number of permitted streets, which requires a new Type 2 Waiver be approved by the BCC, and the abandonment of the current Type 2 Waiver. This request to abandon a previously approved Type 2 Waiver is consistent with the requirements of Article 2 of the ULDC and is within the 25% increase permitted to be requested per Article 3.E.1.C.2.a.5)b).
3. **Adequate Public Facilities:** The proposed abandonment of the approved non-implemented development order does not impact the approved requirements of Art. 2.F, Concurrency.
4. **Changed Conditions or circumstances:** Applicant is proposing to convey 1,600 acres of land within the PUD to PBC for the purposes of water resources and/or agriculture. The Applicant is proposing to reduce the development area of the PUD along with the approved residential and non-residential entitlements. The redesign of the PUD to allow for the noted conveyance and reductions requires additional allowances for the number of streets terminating in cul-de-sacs or dead ends. Applicant notes that a majority of the residential development is surrounded by lakes and amenities where vehicular circulation is limited within and between the Pods. These changes require the abandonment of the existing Type 2 Waiver, and approval of a new Type 2 Waiver for the increase in the number of streets proposed over the 40% permitted by the ULDC.

TYPE 2 WAIVER REQUEST - CUL-DE-SACS

The applicant is requesting a new Type II Waiver pursuant to ULDC Article 3.E.1.C.2.a.5)a) and b), which allows forty percent (40%) of the local streets in the proposed development to terminate in a cul-de-sac or a dead end. Applicant has provided a Preliminary Street Layout Plan (PMP-12) that includes the preliminary street locations. Although there is a reduction in the number of named streets for the project from 97 to 62 (-35), the applicant is proposing that 39, or 63%, of those streets terminate in a cul-de-sac. As stated above, the code allows 40% of the named streets to terminate in a cul-de-sac, which in this case allows a total of 24 cul-de-sacs permitted by right. However, Article 3.E.1.C.2.a.5)b) states that an additional 25% may terminate in a dead end or a cul-de-sac if approved by BCC as a Type 2 Waiver. The proposed modifications to the development program require the applicant to request that 63% of the total named streets terminate in a cul-de-sac to provide for the desired lakes and other amenities for as many of the homes as possible. The additional 23% will allow the project to include a total of 62 cul-de-sacs or 63%. The additional 15 cul-de-sacs, if approved, will meet the additional standards as stated in 3.E.1.C.2.a.5)b)(1) and (2) for added amenities

and pedestrian connectivity.

In addition, as stipulated in the code, cul-de-sacs that abut a minimum 20-foot-wide open space that includes a pedestrian cross access between two pods shall not be used in the calculation of the total number of cul-de-sacs or dead-end streets. Although the current “Street Layout Plan” is conceptual in nature, the overall design will include the required amenities and pedestrian connections in order to meet or exceed the considerations noted in this section of the code.

TYPE 2 WAIVER STANDARDS

Per Article 2.B.7.D.3 of the ULDC, the following criteria shall be reviewed for Type 2 requests:

- a. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the zoning district or overlay,

***Response:** Article 3.E.1.C.2.a.5)b) allows an applicant to request up to a 25% increase in the number of streets ending in a cul-de-sac or dead condition, if additional standards incorporated into the design. Applicant has incorporated the required design standards, making this request consistent with the stated purpose and intent of the PDD standards.*

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

***Response:** Article 3.E.1.C.2.a.5)b) allows an applicant to request up to a 25% increase in the number of streets ending in a cul-de-sac or dead condition, if additional standards incorporated into the design. Applicant has incorporated the required design standards and terminating the streets in an open space that provide amenities and connect to a pedestrian system, thus enhancing the overall standards of development for the PUD and creating a harmonious environment.*

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

***Response:** The requested increase in the number of streets terminating in a cul-de-sac is internal to the proposed Residential Pods and will have no adverse impact on adjacent properties.*

- d. For the purpose of Medical Marijuana Dispensing Facility in Art. 4.B.2.C.35.i, the BCC shall make the determination that the location of a medical marijuana dispensing facility promotes the health, safety, and welfare of the community.

***Response:** Not applicable.*

Pursuant to Article 3.E.1.C.2.a.5)b the following Standards shall be addressed:

- b) An additional 25 percent of the Local Streets in a PDD may terminate in a cul-de-sac pursuant to a Type 2 Waiver application approved by the BCC. The BCC shall consider the following additional standards when deciding whether or not to approve the Waiver.

- (1) cul-de-sacs terminate in an open space that provides amenities accessible to the residents of the development; and

Response: Applicant is requesting to allow for an additional 15 streets to terminate in a cul-de-sac condition, above the permitted 24 streets, or 40% of the proposed 62 streets that are applicable to the requirement. These additional 15 streets will terminate in a manner that provides for the required open space amenity accessible to the residents.

- (2) cul-de-sacs connect to a pedestrian system including but not limited to sidewalks, and designated path or trail systems.

Response: Applicant is requesting to allow for an additional 15 streets to terminate in a cul-de-sac condition, above the permitted 24 streets, or 40% of the proposed 62 streets that are applicable to the requirement. These additional 15 streets will terminate in a manner that provides for connection to a pedestrian system that includes either sidewalk, path, or trail, as required.

DEVELOPMENT ORDER AMENDMENT STANDARDS

Per Article 2.B.7.C.2 of the ULDC, the following criteria shall be reviewed for Development Order Amendment requests:

a. Consistency with the Plan

Response: The Future Land Use (FLU) for ITG PUD was adopted by application LGA 2016-017 (Ordinance 2016-041) for the Indian Trails Grove property, changing from AP, in part, and RR-10, in part, to Western Communities Residential (WCR) in whole. The WCR land use requires that a site-specific FLUA Conceptual Plan be adopted as part of the WCR Future Land Use, reflecting the proposed development program, which can only be revised through the FLUA amendment process. The proposed modifications to the development program, as presented herein and on the PMP, are simultaneously requested through a concurrent FLUA request filed by the Applicant on February 9, 2022, including modifying the FLUA Conceptual Plan. Additionally, the Applicant concurrently filed on December 28, 2021 a privately initiated text amendment application for the text in the Comprehensive Plan, providing for the amended development program.

Other Comprehensive Plan requirements, including but not limited the proposed Rural Parkways, Traditional Marketplace designed commercial nodes, civic and open space requirements, etc., remain consistent with the Comprehensive Plan requirements, as provided below from the Western Communities Residential Overlay.

Objective 1.11, Western Communities Residential Overlay

Policy 1.11-c: Development shall only occur in the format of a Planned Development District Planned Unit Development and commercial nodes consistent with the form of the Traditional Marketplace in the Comprehensive Plan, with a minimum gross land area of 900 acres. The maximum number of residential units shall be limited to 3,897; the maximum amount of non-residential commercial retail uses shall be limited to 300,000 square feet; and, the maximum amount of non-residential commercial office uses shall be limited to 50,000 square feet.

Response: *The aforementioned text amendments proposed to WCR and WCRO in the Comprehensive Plan will provide for consistency with the revised plan of development reflected on the FLUA Conceptual Plan and PMP, which provide the locations of the square feet of Commercial and Office Uses within three Commercial Pods (Pods 1, 2 and 3). Commercial Pod 1 is proposed to include 50,000 square feet of Commercial Use and 3,500 square feet of Office Use. Commercial Pod 2 continues to include 125,000 square feet of Commercial Use and 30,000 square feet of Office Use; Commercial Pod 3 has been reduced to include 25,000 square feet of Commercial Use and no Office Use. All to be designed and consistent with the Traditional Marketplace provisions of the Comprehensive Plan.*

Policy 1.11-d: For the purposes of contiguity, any land area within the Western Communities Residential Overlay shall be considered contiguous so long as it is submitted under one unified plan of development (a.k.a. FLUA Conceptual Plan).

Response: *All lands that are the subject of the ITG PUD are shown on the FLUA Conceptual Plan and PMP, and are considered contiguous in accordance with this policy.*

Policy 1.11-e: In addition to other public facilities required by the ULDC, the following shall be provided at developer expense:

1. Paved on-site roads to serve all uses.
2. On-site central water and wastewater service with an off-site loop main that will allow other residences in the vicinity to connect to central services.
3. On-site retention and drainage facilities that connect to the L-8 canal.
4. A minimum 11 miles of 8-foot-wide paved pedestrian and bicycle pathways, open to the public. *(Proposed to be modified as part of the concurrent text amendment application)*
5. A minimum 17.5 miles of equestrian trails open to the public. *(Proposed to be modified as part of the concurrent text amendment application)*
6. On-site bus shelter easements for Palm Tran.
7. Off-site road improvements that include:
 - a. Extension of 60th Street North from Seminole Pratt Whitney to 190th Street North.
 - b. Extension of 190th Street North from 60th Street North to Hamlin Boulevard.
 - c. Extension of Orange Blvd. from 180th Ave. North to 190th Street North.
 - d. Connection of Hamlin Boulevard from its present terminus to 190th Street North.
8. In addition to the projects fair share proportionate share obligation, fund an additional \$5,000,000.00 to Palm Beach County for use in mitigating the project's impact on nearby roadways.

Response: Policies 1.11-e.4 and 5, the length of trails, will be modified as part of the concurrent text amendment application. The amended PMP includes the location of the above referenced amenities noted within the Policy.

Policy 1.11-f: The developer shall provide a trolley for scheduled seven-day-a-week shuttle service to on-site nonresidential uses and areas, and to commercial centers in Minto West. Service shall be provided at no charge to riders after the developer receives 1,000 certificates of occupancy for on-site residential units. The trolley shall remain in service at the expense of the developer or assigns until such time as the County authorizes the service to end in the event of low ridership.

Response: The amended PMP includes proposed Trolley Stops within each Pod, with the exception of Pod E, where services are proposed in the adjacent Pod D entrance. They have been co-located with the School Bus Shelters in the Residential Development Pods, and within each Commercial Pod. In addition, proposed signs for the Trolley Stops are included on the previously approved Preliminary Master Sign Plan. A Trolley Depot for storage of the Trolley has been depicted on the within Commercial Pod #3.

Policy 1.11-g: A range of housing choices shall be provided within the Western Communities Residential Overlay through the provision of three different density ranges as depicted on the FLUA Conceptual Plan.

Response: Applicant is requesting to delete this Policy from the Comprehensive Plan as part of the Text Amendment request filed with PBC on December 28, 2021. The amended development program for the ITG PUD includes single family and zero lot line homes. The prior townhome housing has been removed.

Consistent with Policy 1.11-h:

The Western Communities Residential Overlay developer shall dedicate the following land for public facilities to serve on-site residents and other users within the surrounding area.

1. Upon the date mutually agreed to in written agreement between Indian Trail Improvement District and the developer, a minimum 640-acre parcel will be dedicated to the Indian Trail Improvement District or the County. The dedication shall stipulate that the use of the 640 acres is restricted for use by the ITID/County as a storm water retention retention/water management area.

Response: The Deed has been placed in Escrow between the Owner/Developer and the Indian Trails Improvement District. Documentation has been provided to PBC Planning Department.

2. Upon written request of the Palm Beach County School Board and receipt of at least 250 residential building permits, whichever shall later occur, dedicate a 15.5-acre site for a future elementary school and a 25.0 acre site for a future middle school, constructed at school board expense. An additional 22.6 acres adjacent to either the elementary school site or middle school site shall be dedicated upon request of the Palm Beach County School Board with the concurrence of Palm Beach County. The

development shall take all required drainage from the school sites into the development's storm water management system.

Response: Applicant has amended the PMP to provide for a 40.03-acre Public Civic Pod 2 within Pod D, providing for the 15.5-acre and 25-acre sites requested. Prior Civic Pods 5, 6, and 7 have been removed from the plan as part of this request to reduce the development program.

3. Prior to receipt of no less than 250 building permits, a minimum 40 acres adjacent to District Park F for its expansion, shall be dedicated.

Response: Dedication is pending, and the FLUA Conceptual Plan and PMP continue to show the required 40 acres as Civic Site 4, located in the northwest portion of Pod D.

4. Prior to receipt of no less than 250 building permits, a five-acre site for fire/police/utility shall be dedicated.

Response: Dedication is pending, and the FLUA Conceptual Plan and PMP show the required +5 acres as Civic Site 3, located in northeast portion in Pod D.

Objective 4.5, Western Communities Residential Overlay

The PMP included with this Development Order Amendment application was designed to be consistent with the Policies of the Overlay, as requested to be amended, and is consistent with the FLUA Conceptual Plan. In addition, the PMP depicts the modified requirements for density, intensity and location to commercial pods, civic pods, and recreation pods. All meet or exceed the maximum distance within a ¼ mile or ½ mile radius.

Policy 4.5-a: The site-specific plan amendment ordinance adopting a Western Communities Residential future land use shall include a Conceptual Plan. The Conceptual Plan can only be revised through the Future Land Use Atlas amendment process.

Response: The Applicant is requesting concurrent amendments to the FLUA Conceptual Plan and PMP in accordance with this policy.

Policy 4.5-b: All development orders within the Western Communities Residential future land use must be consistent with the adopted Conceptual Plan.

Response: The Applicant is requesting concurrent amendments to the FLUA Conceptual Plan and PMP in accordance with this policy.

Policy 4.5-c: Agricultural uses shall be permitted within the WCR future land use designation until the land physically converts to the uses permitted by such development orders. Agricultural uses shall be permissible uses within open space areas to the extent indicated on the Conceptual Plan or site-specific amendment ordinance.

Response: *The project complies with this policy as the overall project is currently in various phases of Agriculture Production. Furthermore, Open Space Pod 2 lying to the west of the residential Pods has been designated for either Agriculture and/or Water Resources.*

Policy 4.5-d: A Western Communities Residential Development Conceptual Plan shall include a Site Data table establishing an overall density and intensity for the project, as well as minimum and/or maximum percentages for the acreages shown on the Plan and other binding standards. Conceptual Plan shall include a depiction of the residential; non-residential, recreational, civic, and open space elements of the project and allow the clustering of the density to promote a variety of neighborhoods and housing types and to act as transition areas between the Western Communities Residential Development and adjacent existing communities.

Response: *The FLUA Conceptual Plan submitted as part of the FLUA includes this Site Data Table.*

Policy 4.5-e: A Western Communities Residential Development shall utilize the Planned Unit Development (PUD) zoning district of the Unified Land Development Code, with the form of the commercial nodes reflected on the Conceptual Plan, which commercial nodes shall be designed consistent with the form of the Traditional Marketplace provisions of the Comprehensive Plan. Each residential pod within a WCR Planned Unit Development may be developed according to the density/intensity assigned on the Conceptual Plan.

Response: *The PMP includes a note that states: Commercial and Office Uses delineated on the Master Plan within the Commercial Pods 1, 2, & 3 shall be designed to be consistent with the Traditional Marketplace provisions of the Comprehensive Plan.*

Policy 4.5-f: In order to achieve compatibility with the existing residential development pattern in the surrounding area and create a more sustainable land use pattern through compactness of design, any land developed utilizing the WCR future land use plan category shall be required to exhibit the following characteristics:

1. A maximum permissible gross residential density of 0.80 DU/AC.
2. The project shall provide a minimum of 66.67% of the gross site acreage (less public R/W dedication) in open space uses (the Required Open Space). A minimum of 50% of the gross site acreage shall be in the form of Exterior Open Space which shall be limited to preservation, conservation, passive and/or active recreation, perimeter landscape buffers, rural parkways, pedestrian pathways and greenways, wetlands, bona fide agriculture, regional water management, fallow land, perimeter water management areas, public and/or private civic uses, and/or, equestrian uses. Perimeter water management areas shall only count as Exterior Open Space if the water management area is accessible to the general public from a publicly accessible buffer or open space tract that includes a minimum 8-foot-wide paved pedestrian pathway that connects the perimeter of the site to the water management area. Perimeter water management areas shall be available for use by the general public for fishing and non-motorized boating activities. Land area allocated as Exterior Open Space counts towards meeting the minimum Required Open Space.
3. A minimum of 33.33% of the gross site acreage (less public R/W dedication) shall be

provided in one large contiguous open space land area and shall be depicted on the Conceptual Plan approved by the Board of County Commissioners. Land area allocated as part of the 33.33% contiguous open space counts towards meeting the minimum Required Open Space.

4. Neighborhood-serving commercial nodes shall comprise no less than 2% of the overall developable land area (developable land area being defined as the area available for development less the required Exterior Open Space and less the public dedicated rights-of-way). The commercial nodes shall: (1) be designed consistent with the form of the Traditional Marketplace provisions of the Comprehensive Plan; and, (2) be depicted on the Conceptual Plan approved by the Board of County Commissioners.
5. A minimum 20% of the residential units shall be located within one-quarter mile radius of commercial nodes; a minimum 40% of the residential units shall be located within one-half mile radius of commercial nodes; and a minimum of 66% of the residential units shall be located within one-quarter mile radius of commercial nodes or civic uses (public or private) or recreation uses (public or private).
6. Higher density residential areas shall be located adjacent to and within one-quarter mile radius of any commercial node. Lower density residential areas shall be located around the perimeter of the development area to promote compatibility with existing development in the surrounding area. Medium density residential shall be located between commercial nodes/High density residential areas and the Low-density residential areas. All of which shall be reflected on the Conceptual Plan approved by the Board of County Commissioners.
7. A minimum of 10.0% of on-site for-sale units shall be provided as workforce housing based on the County's affordability standards.

Response: The PMP includes tabular data charts reflecting how all of the above referenced policies are being met. In addition, Sheets contained in the PMP set include the following: Open Space Plan that reflects all types of the required open space including exterior open space; Commercial Radius Plan which reflects the number of residential dwelling units within ¼ mile; and a Commercial, Civic & Recreation Radius Plan that reflects the total number of units within a ¼ mile of either Recreation, Commercial or Civic. All plans reflect that the PUD as amended meets or exceeds the requirements noted within the Policy.

b. Consistency with the Code

Response: The proposed modifications to the PUD development program to reduce land area, reduce density and intensity, and convey land are generally consistent with the code, with exception of those standards and requirements for which a Type 2 variance was previously approved, or a Type 2 waiver is currently requested. The amended development plan remains consistent with other ULDC requirements, including but not limited the proposed Traditional Marketplace requirements for commercial nodes, civic and open space requirements, as provided below from the Planned Development District and Western Communities Residential PUD district regulations.

UNIFIED LAND DEVELOPMENT CODE (ULDC)

Article 3. Chapter E - PLANNED DEVELOPMENT DISTRICTS (PDDs)

The request to amend the ITG PUD project, inclusive of all 4,866.10 acres, is consistent with the current ULDC criteria and standards for a Planned Unit Development (PUD) and the specific WCR PUD provisions outlined in 3.E.2.H. (WCR PUD) of the ULDC.

In accordance with Article 3.E.1.C.1 Objectives and Standards, the project complies with all objectives as provided for below.

1. Design Objectives: Planned developments shall comply with the following objectives:

- a. Contain sufficient depth, width, and frontage on a public street, or appropriate access thereto, as shown on the PBC Thoroughfare Identification Map to adequately accommodate the proposed use(s) and design;

Response: *The PUD meets the minimum requirement for depth, width and frontage. The site has frontage on 60th Street, 190th Street, and Orange Boulevard, all public streets shown on the PBC Thoroughfare Identification Map. There are no changes requested that impact this requirement.*

- b. Provide a continuous, non-vehicular circulation system which connects uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the PDD;

Response: *The proposed amendments to the PUD continue to include a vast pedestrian system, approximately 9.6 miles of equestrian trails, and more than 9 miles of multi-purpose trails which traverse around the entire project and providing interconnectivity from one Pod to the adjoining Pod.*

- c. Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses;

Response: *The proposed amendments to the PUD continue to provide for a vast system of equestrian, pedestrian, and multi-purpose trails, and gathering areas throughout the PUD. Commercial, Civic, and Recreation nodes will provide for convenient parking and encourage pedestrian and trolly circulation where feasible and interconnectivity where possible.*

- d. Preserve existing native vegetation and other natural/historic features to the greatest possible extent;

Response: *The majority of the PUD site is currently under agricultural use, and slated for water resource and/or agricultural uses. Applicant will comply where applicable, and with the inclusion of 888+ acres of open space tracts, a 1,600-acre conveyance to PBC for water storage, and a multitude of lakes totaling more than 750 acres, the natural environment will not only be preserved to the greatest extent, but also enhanced by providing a sanctuary and habitat for wildlife within the area.*

e. Screen objectionable features (e.g., mechanical equipment, loading/delivery areas, storage areas, dumpsters, compactors) from public view and control objectionable sound;

Response: *All objectionable features proposed within the non-residential development areas will meet the requirements for screening through walls, and other opaque features.*

f. Locate and design buildings, structures, uses, pathways, access, landscaping, water management tracts, drainage systems, signs and other primary elements to minimize the potential for any adverse impact on adjacent properties;

Response: *The PUD proposes to design all commercial nodes under the guidelines of the Traditional Market Place, as required by the Comprehensive Plan and ULDC.*

g. Minimize parking through shared parking and mix of uses.

Response: *The applicant proposes to provide the required amount of parking for the intended uses, unless shared parking can be accommodated.*

h. Creation of a strong pedestrian system through the design and placement of buildings connected to a common public space or usable open spaces; and,

Response: *There are no major modifications proposed to the pedestrian and/or equestrian systems as a result of the proposed modifications, except where development has been removed and water resource/agriculture added.*

i. For PDD only, a minimum of one pedestrian amenity for each 100,000 square feet of GFA or fraction thereof shall be incorporated into the overall development to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to:

- 1) public art;
- 2) clock tower;
- 3) water feature/fountain;
- 4) outdoor patio, courtyard or plaza; and
- 5) tables with umbrellas for open air eating in common areas and not associated with tenant use (i.e., restaurant) or outdoor furniture.

Response: *Applicant will comply with this requirement for pedestrian amenity at the time of Final Site Plan review for the applicable spaces.*

In accordance with Article 3.E.1.C.2 Performance Standards, the project complies with all objectives as provided for below.

2. Performance Standards: Planned developments shall comply with the following standards:

a) Access and Circulation

1) Minimum Frontage - PDDs shall have a minimum of 200 linear feet of frontage along an arterial or collector street unless stated otherwise herein;

Response: *The PUD has been previously approved with frontage along 60th Street, 190th Street, and Orange Boulevard. There are no proposed changes to the project's frontage.*

2) PDDs shall have legal access on an arterial or collector street;

Response: *The PUD has been previously approved with legal access along 60th Street, 190th Street, and Orange Boulevard. There are no proposed changes to the project's frontage.*

3) Vehicular access and circulation shall be designed to minimize hazards to pedestrians, non-motorized forms of transportation, and other vehicles. Merge lanes, turn lanes and traffic medians shall be required where existing or anticipated heavy traffic flows indicate the need for such controls;

Response: *Applicant will provide for this requirement at time of individual development of the residential, commercial, civic, and recreation pods, providing for safe and clear pedestrian and vehicular movements.*

4) Traffic improvements shall be provided to accommodate the projected traffic impact;

Response: *The applicant has been previously conditioned to provide for traffic improvements along the adjacent roadways.*

5) Cul-de-sacs

Response: *The code allows 40% of the streets to terminate in a cul-de-sac. The Applicant is requesting a Type 2 Waiver to increase the number of cul-de-sacs to 63%, a waiver of 23%.*

6) Nonresidential PDDs shall provide cross access to adjacent properties where possible, subject to approval by the County Engineer;

Response: *Due to the configuration of the property and surrounding conditions, this standard is not applicable.*

7) Streets shall not be designed nor constructed in a manner which adversely impacts drainage in or adjacent to the project; and

Response: *There will be no negative impacts that result from the proposed modifications to the site design. Any perceived impacts on adjacent properties will be mitigated for at the time of permitting and development.*

8) Public streets in the project shall connect to public streets directly adjacent to the project. If no adjacent public streets exist, and the County Engineer determines that

a future public street is possible, a connection to the property line shall be provided in a location determined by the County Engineer. This standard may be waived by the BCC.

Response: *There will be no public streets within the individual development pods, therefore this standard is not applicable.*

b. Street Lighting - Streetlights shall be a maximum of 25 feet in height and shall be installed along all streets 50 feet in width or greater. The light fixture shall be designed to direct light away from residences and onto the sidewalk and street and shall comply with Art. 5.E, Performance Standards.

Response: *Applicant will comply as required.*

c. Median Landscaping - Refer to the most recent Engineering and Public Works Operations - Streetscape Standards available from the PBC Engineering Department.

Response: *The Applicant has been conditioned to provide for rural parkways and to make certain improvements along the existing adjacent roadways, complying with this standard.*

d. Street Trees - Street trees shall meet the Canopy tree requirements of Art. 7, Landscaping and planting standards pursuant to Engineering and Public Works Operations – Streetscape Standards...:

Response: *The applicant will comply with current PBC Standards for street trees, as required.*

e. Bike Lanes - Bike lanes shall be provided in all streets 80 feet in width or greater, unless an alternative is approved by the County Engineer in accordance with Art. 11, Subdivision, Platting and Required Improvements.

Response: *The PUD development includes a vast system of pedestrian pathways, equestrian trails, and multi-purpose trails that provide an “added” recreational amenity and connectivity within the overall project.*

f. Mass Transit - All nonresidential PDDs over five acres and 50,000 square feet, and all PUDs over 50 units, shall comply with the following, unless waived by the DRO:

- 1) The location of a Bus Stop, Boarding and Alighting Area shall be shown on the master plan and/or final site plan prior to approval by the DRO, unless written conflicts that one is not required. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran;

Response: *The PUD has been previously approved with multiple bus stops proposed within the community, addressing mass transit stops within and fronting the proposed development pods. Each will be addressed at such time as the rural parkways and pods are developed.*

- 2) Prior to the issuance of the first building permit, the property owner shall convey to PBC an easement for a Bus Stop, Boarding and Alighting Area, in a location and manner approved by Palm Tran. As an alternative, prior to Technical Compliance of the first plat, the property owner shall record an easement for a Bus Stop, Boarding and Alighting Area in a manner and form approved by Palm Tran. The property owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act (ADA) to and through the Bus Stop Boarding and Alighting Area; and

Response: *The PUD has been previously approved with multiple bus stops proposed within the community, addressing mass transit stops within and fronting the proposed development pods. Each will be addressed at such time as the rural parkways and pods are developed.*

- 3) All PDDs with more than 100 units shall comply with the following requirement:
Prior to the issuance of the building permit for the 100th unit, the petitioner shall construct a Palm Tran approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner.

Response: *The PUD has been previously approved with multiple bus stops proposed within the community, addressing mass transit stops within and fronting the proposed development pods. Each will be addressed at such time as the rural parkways and pods are developed.*

g. Utilities - All utility services located in a utility easement, such as telephone, cable, gas, and electric, shall be installed underground or combination/alternative acceptable to the DRO.

Response: *All proposed utilities services will be located underground.*

h. Parking

- 1) Residential Uses Parking for residential uses shall comply with Art. 6, Parking, Loading, and Circulation. The DRO may require a covenant to be recorded limiting the affected area to a specific use or uses.

Response: *Applicant will comply will all parking requirements.*

- 2) Non-Residential Uses Non-residential uses located within a PDD may apply the parking standards indicated in Table 6.B.1.B, Minimum Parking and Loading Requirements, based on the use or the minimum/maximum parking standards below or a combination of both. The site plan shall clearly indicate which parking standards are being utilized for the entire site.

Response: Applicant will comply will all parking requirements.

- 3) Design - Parking areas open to the public shall be interconnected and provide safe efficient flow of traffic. Parking areas directly adjacent to other parking areas in the same project shall have cross access.

Response: Applicant will comply will all parking design requirements.

- 4) Cross Access - Cross access shall be provided to adjacent internal uses/ properties, if required by the DRO.

Response: Cross access between multiple uses within developments pods will be provided as feasible.

- 5) Location-Non-residential PDDs - A minimum of ten percent of the required parking shall be located at the rear or side of each building it is intended to serve.

Response: Applicant will comply will all parking design requirements.

- 6) Distance - All parking spaces shall be located within 600 linear feet of a public entrance of the building which it is intended to serve.

Response: Applicant will comply will all parking design requirements.

- i. **Way Finding Signs.** Off-site directional signs, consistent with the on-site directional sign standards in Art. 8, Signage, may be allowed along internal streets in the R-O-W, subject to approval by the County Engineer.

Response: Applicant will comply with all requirements for off-site signage, if proposed.

- j. **Emergency Generators.** A permanent emergency generator shall be required for all Type 2 and Type 3 CLFs, Nursing or Convalescent Facilities, and PDD clubhouses 20,000 square feet or greater, and shall meet the standards of Art. 5.B.1.A.19, Permanent Generators.

Response: This standard does not apply.

UNIFIED LAND DEVELOPMENT CODE (ULDC)

Article 3. Chapter E - PLANNED DEVELOPMENT DISTRICTS (PDDs)

Article 3.E.2.B. PUDs – Objectives and Standards

1. Design Objectives

- a) Designed as a predominately residential district:

Response: Proposed is 40.15% of the PUD for Residential Pods. Pursuant to Article 3.E.2.H.4.c.1., the minimum required Residential land use may be reduced below

60%. The overall project is still designed predominately as a residential district with five (5) Residential Pods included in the PUD.

- b) Provide continuous non-vehicular circulation system for pedestrians and non-motorized vehicles.

Response: The project not only includes a vast pedestrian system, but also includes equestrian trails and multi-purpose trails which traverse around the entire project which also provide interconnectivity from one Pod to the adjoining Pod.

- c) Provide perimeter landscape areas to buffer any incompatible uses...

Response: The project meets or exceeds the minimum width of all perimeter landscape buffers, and promotes wide open space tracts and an extensive lake system around the majority of the project's boundary. 180th Avenue includes an 80 foot wide Rural Parkway designation along the western side of the R/W; 190th Street, Orange Blvd., and a portion of 60th Street also include a minimum 50 foot wide Rural Parkway designations. All of which are depicted on the PMP.

- d) May offer limited commercial uses for the population of the PUD.

Response: The project includes approximately 29.15 acres of Commercial Pods with a maximum of 200,000 square feet of commercial/retail uses and 33,500 square feet of office use located within three (3) separate Commercial Pods with access from 60th Street, and 190th Street.

- e) Establish a neighborhood character and identity:

Response: The PUD is intended to provide an individual homogenous family-oriented neighborhood with an emphasis on recreation and pedestrian use.

- f) Preserve the natural environment to the greatest extent possible.

Response: The majority of the site is in agricultural production. With the inclusion of 888.63 acres of open space tracts, a 1,600-acre conveyance to PBC for water resources or agriculture, and a multitude of lakes totaling more than 750 acres, the natural environment will not only be preserved to the greatest extent, but also enhanced by providing a sanctuary and habitat for wildlife within the area.

- g) Provide incentives for civic uses to reduce public capital improvements and expenditures by encouraging joint acquisition, development and operation of publicly owned and operated facilities to serve the residents of the PUD and PBC.

Response: Applicant is proposing to provide 299+ gross acres of civic lands as part of the overall ITG PUD.

UNIFIED LAND DEVELOPMENT CODE (ULDC)

Article 3. Chapter E - PLANNED DEVELOPMENT DISTRICTS (PDDs)

Article 3.E.2.B.2 PUDs – Required Performance Standards

- a. Proximity to Other Uses: All residential pods with five or more units per acre shall be located within 1,320 feet of a neighborhood park, recreation pod, private civic pod, commercial pod or a public recreational facility.

Response: *This requirement does not apply as none of the proposed residential pods exceed 5 units per acre density. However, all the proposed residential pods within include a centrally located recreation pod that exceeds the requirement for that specific Pod.*

- b. Focal Points: A focal point shall be provided at the terminus of 15% of the streets within the project.

Response: *There will be approximately 62 streets within the overall project. Therefore $15\% \times 62 = 9$ Focal Points Required. Sheet PMP-12, the Street and Pedestrian Plan also includes the cul-de-sacs and the Focal Points proposed for the project. A minimum of 9 Focal Points will be provided in addition to pedestrian amenities required to meet the Cul-de-Sac Waiver.*

- c. Neighborhood Park

Response: *This project does not include any Neighborhood Parks; however, it does include several Pedestrian Gathering areas that are shown on the PMP within the multi-use pathways surrounding the community. Also, the recreational amenities provided within the overall PUD exceed the recreation requirement and include pedestrian connections to all residential pods and spine roads within the overall PUD.*

- d. Decorative Street Lighting

Response: *Decorative Street Lighting will be incorporated into each Residential Development Pod Entrance and within the Recreation Pods.*

- e. Decorative Paving

Response: *Decorative paving will be incorporated within the entrance to each Residential Development Pod, as well as within the Recreation Pods included within each Development Pod.*

- f. Fountains

Response: *A minimum of one fountain shall be provided at the entrance to each Residential Development Pod to be indicated at the time of Final DRO.*

- g. Benches or Play Structures

Response: *Benches and or Play Structures will be incorporated into the overall PUD to be indicated at the time of Final DRO.*

h. Interspersed Housing

Response: Applicant is requesting to modify the development program to provide for two housing types, single family and zero lot line, eliminating the prior proposed Townhouse product.

i. Pedestrian Circulation

Response: The project includes an elaborate Equestrian and Pedestrian trail system that circumnavigates the entire PUD, including equestrian trails and multi-purpose trails. Said trails and pathways shall be open to the general public and shall be maintained by the ITG Master HOA in perpetuity. Each of the proposed development Pods include 50-foot rights-of-way that are all required to provide 5' sidewalks on either side. In addition, numerous pedestrian connections from one Pod to the adjacent Pod have been provided throughout the PUD. They have been indicated on the PMP.

The proposed project not only incorporates the majority of the Performance Standards noted above, but provides an innovative residential design incorporating many pedestrian and equestrian amenities with additional elements for a homogenous master planned community.

Unified Land Development Code (ULDC)

Article 3. Chapter E - PLANNED DEVELOPMENT DISTRICTS (PDDs)

Article 3.E.2.H. WCR PUD

3. Development Review Procedures. Any application for a Development Order shall be consistent with the FLUA Conceptual Plan.

Response: Applicant is proposing to amend the FLUA Conceptual Plan through a concurrent FLU amendment request to be consistent with the PMP.

a. **Rezoning.**

Response: All the land area included in the approved and proposed amended FLUA Conceptual Plan is included as a single PUD with a PUD zoning designation.

b. **FLUA Conceptual Plan Interpretation.**

Response: Not applicable. No interpretation requested.

c. **Commercial Pods BCC review.**

Response: No site plan for the commercial pods is requested with this application. Prior to permit request, the plans will be submitted for approval in accordance with this requirement.

4. PUD Exceptions.

a. **Contiguity.**

Response: All the land approved under Ordinance 2016-041 FLUA Conceptual Plan

is included within the requested PUD rezone application, with the exception of a 5.47-acre parcel conveyed to FPL. Applicant is requesting to modify the FLUA Conceptual Plan and PMP to reflect this reduction in land area from 4,871.57 to 4,866.10, however the remaining lands are considered contiguous in accordance with FLUE Policy 1.11-d.

b. Minimum acreage.

Response: All the land approved under Ordinance 2016-041 and the FLUA Conceptual Plan is included within the requested Development Order Amendment application, with the exception of a 5.47-acre parcel conveyed to FPL. Applicant is requesting to modify the FLUA Conceptual Plan and PMP to reflect this reduction in land area from 4,871.57 to 4,866.10, however the remaining site area exceeds the minimum acreage for a PUD.

c. PUD Land Use Mix.

1. Minimum Residential.

Response: Proposed is 40.15% of the PUD for Residential Pods. Pursuant to Article 3.E.2.H.4.c.1., the minimum required Residential land use may be reduced below 60%. The overall project is still designed predominately as a residential district with 5 Residential Pods included in the PUD.

2. Maximum Commercial.

Response: The Applicant is proposing to reduce the prior approved amount of commercial square footage from 350,000 to 200,000 of commercial uses and 33,500 square feet of office uses. As previously noted, concurrent requests to modify the FLUA Conceptual Plan and PMP for consistency with this reduction are being processed concurrently.

3. Open Space.

Response: As part of this request to amend the plan of development, the Applicant is increasing the amount of open space provided with the PUD development. As previously noted, concurrent requests to modify the FLUA Conceptual Plan and PMP for consistency with this reduction are being processed concurrently.

d. TMD requirements for Commercial Pods.

Response: No application for site plan approval for a Commercial Pod is requested in the request to modify the PUD however development of the Commercial Pods will comply with the TMD provisions.

e. Standards for Open Space.

Response: As part of this request to amend the plan of development, the Applicant is increasing the amount of open space provided with the PUD development. As previously noted, concurrent requests to modify the FLUA Conceptual Plan and PMP for consistency with this reduction will be submitted.

f. Agricultural Uses.

Response: Agricultural uses are permitted within the WCR PUD development area as

an interim use or where otherwise designated on FLUA Conceptual Plan.

g. Landscape Buffer Exceptions.

1. Rural Parkways

Response: *Rural Parkways are noted on PMP and consistent with the proposed amended FLUA Conceptual Plan.*

2. Contiguous Open Space.

Response: *No buffers are required or provided around the large contiguous open space.*

3. Optional Agricultural Use Compatibility Buffer.

Response: *5-foot-wide compatibility buffers continue to be provided in locations wherein the residential lots and agricultural uses are separated by a minimum 50 feet of dedicated open space. All required compatibility buffers are provided at the required 8' minimum although the WCR allows 5-foot compatibility buffers.*

4. Section Line Easements within the WCRO:

Within the WCRO, WCR PUDs may be encumbered by ingress, egress, maintenance, drainage and irrigation easements. Collectively, when specified in the Development Order for a WCR PUD Rezoning, these easements are hereinafter referred to as "Section Line Easements". The following may apply to Section Line Easements, except where encumbered by any other easements, including those dedicated to Palm Beach County, the Indian Trail Improvement District, a POA, or other similar:

- a) When road right of way dedication to Palm Beach County is required, Palm Beach County will accept these rights of way encumbered with only ingress, egress, irrigation, maintenance, and drainage easements, provided the dedicant/grantor, on behalf of itself and its successors and assigns, agrees to rectify to the reasonable satisfaction of the County Engineer any impacts resulting from later construction of improvements within such right of way which are made by easement beneficiaries done without the consent of the County that materially and adversely impact the use or functionality of then existing or future County improvements within the right of way. Other types of easements shall be released prior to dedication of rights of way to Palm Beach County. The limit of the right of way conveyance shall establish the WCR PUD Base Building Line.
- b) Overlap or encroachment of Landscape Buffer Easements or Tracts shall be prohibited in the Section Line Easements;
- c) A minimum five-foot wide Compatibility Buffer may be allowed in lieu of a R-O-W Buffer, where adjacent to a Section Line Easement for ingress or egress, subject to the following:
 - (1) The Section Lines Easement is not used for ingress or egress purposes, and there are no proposed streets;
 - (2) There is a minimum 50-foot-wide dedicated open space between the development area and adjacent uses.
 - (3) Adjacent uses within the development area of the WCR PUD are designated for agriculture, water management, residential or conservation

- uses, or external parcels support residential, agricultural or conservation uses, or have a residential or conservation FLU designation.
- d) Required Landscape Buffer material may be relocated into the Section Line Easements;
- e) Improvements such as, but not limited to landscaping, undulating berms, pedestrian pathways, equestrian trails, signage, drainage, utilities, and irrigation may be allowed within Section Line Easements; and,
- f) The WCR PUD property line shall establish the Base Building Line.

Response: *The PMP provides for the appropriate conditions within all areas of Section Line Easements.*

5. TMD Exceptions. Commercial pods depicted on the Master Plan are consistent with the locations depicted on the FLUA Conceptual Plan.

- a) Minimum Square Footage: As designated on the FLUA Conceptual Plan.
- b) Permitted Locations: As designated on the FLUA Conceptual Plan.

Response: *The Applicant is proposing to reduce the prior approved amount of commercial square footage from 350,000 to 200,000 of commercial uses and 33,500 square feet of office uses. As previously noted, concurrent requests to modify the FLUA Conceptual Plan and PMP for consistency with this reduction are being processed concurrently.*

c. Compatibility with Surrounding Uses

Response: *The PUD has been previously found to be compatible with surrounding uses. This request to modify the PUD to reduce the land area, density and intensity, and reconfigure the plan of development does not adversely affect its compatibility to those uses.*

d. Design Minimizes Adverse Impact

Response: *The proposed modifications to the PUD provide for additional land preservation, reduced density and intensity across the PUD thus further reducing any potential adverse impacts.*

e. Design Minimizes Environmental Impact

Response: *The proposed modifications to the development program do not significantly change the prior finding for the PUD, which is that the use and design of the overall project as provided on the PMP minimizes the environmental impacts to water, air, storm-water management, wildlife, vegetation, wetlands and the natural functioning of the environment by utilizing the majority of the lands as open space. A total of 2,196.848 acres of open space is reflected on the PMP (inclusive of the 1600-acre PBC dedication), which equates to 68.67% of the overall site. The extensive lake system will have a positive effect on the natural environment by providing additional habitat and sanctuary for various species of wildlife.*

The PUD has been designed to maintain the environmental integrity within the surrounding area including the encouragement to restore and protect the viable, native

ecosystems and endangered and threatened wildlife by limiting the impacts of growth on those systems; directing any incompatible growth distant from them; and by utilizing environmentally sound land use planning and development, recognizing the carrying capacity and/or limits of stress upon these fragile areas.

The PUD continues to be designed in a manner that creates an appropriate transition and separation between the proposed development and the J.W. Corbett Wildlife Management Area, thereby protecting it from any potential impact from the project. And although there are no on-site natural features that warrant preservation, the project provides approx. 68% of the site as Open Space, with more than 50 percent of the site being retained in Exterior Open Space. This includes areas for water resources and agricultural production, and other perimeter open space uses such as lakes, greenway buffers and trails. This Exterior Open Space is in addition to the Interior Open Space areas located within the developable portion of the project. As a result of both the Exterior Open Space and Interior Open Space, only 1/3 of the overall site is eligible for use as a vertical development area.

By strategically locating more than 50 percent of the open space on the perimeter of the site, the adjoining State-owned Moss property and Corbett WMA are protected from further encroachment of residential development. The amended PUD contributes to the potential for better storage and/or distribution of storm-water in the general area. The PUD promotes the conservation of water and energy by concentrating the developable portion of the site to less than one-half of the overall PUD, and the master plan promotes conservation of water and energy through site design. Proposed is the conveyance of 1,600 acres to PBC for water resources and/or agricultural uses; 248.630 acres of retained area for agricultural or water resources; and dedication of 640.00 acres to the Indian Trails Improvement District (ITID) along the western limits of the site. The resulting development pattern reduces the travel distance to the on-site centers and civic areas for shopping, work, and recreation, which reduces energy consumption. The clustering of units onto a smaller portion of the site, as opposed to a development pattern of 1 unit per 1.25 acres over the entirety of the site, results in a more compact development pattern. The development plan continues to be designed to concentrate development on a smaller footprint of the site (less than 50 percent) through the clustering of units, density range, allocation of non-residential uses throughout the development plan, and the transition of uses from the core to the perimeter. Through these measures, a more balanced development pattern is created than that which exists exterior to the site in "The Acreage". This results in a more compact form of development that promotes the conservation of water and energy.

f. Development Patterns

Response: This is a request to amend the plan of development in the previously approved PUD to provide an opportunity for the conveyance of 1,600 acres of land area to PBC, reduce developable land area, and reduce the density and intensity of the development. It has been previously established that the PUD results in a logical, orderly and timely development pattern. And with the prior incorporation of the overall land into a single PUD, the project is consistent with the Plan and ULDC. The project will be developed and phased in accordance with the Preliminary Phasing Plan included with the application and is intended to be developed to meet market demands. In accordance with

Article 2, Table 2.E.3.B. a PUD does not have a limitation on the number of phases.

g. Adequate Public Facilities

Response: This is a request to reduce the previously approved acreage, density and intensity of the ITG PUD, thus reducing the requirements for the public facilities. The owner/developer, Palm Beach West Associates I, LLLP has previously submitted a renewal agreement for the current Standard Developers Agreement (SDA) recorded in O.R. Book 18924, Page 0357 which covers 100 ERC's. The ULDC was amended in March of 2018 to require that the project enter into a Standard Developers Agreement prior to approval of the Utility Plan or five years from the date of issuance of the Utility Concurrence Letter (UCL). A request for Concurrence Equivalency has been included as part of the General Application. In addition, traffic impacts have been addressed in Traffic Study's prepared by Simmons and White and are included along with this DOA application. Said Traffic Study will be reviewed for compliance with current Traffic Performance Standards.

h. Changed Conditions or Circumstances

Response: This request is part of a "bundle" of related development order applications submitted concurrently involving the Indian Trails Grove site and the property known as Hyder West, located west of SR 7 and south of Atlantic Avenue in the Agricultural Reserve Tier. A total of 1,600 acres of land within ITG PUD will be conveyed to PBC and designated for water resources or agricultural purposes. It will be utilized to replace existing AGR PUDs preserve areas currently located on the Hyder West property, and allow preservation areas for a new AGR PUD proposed on the Hyder West property. These changes will authorize 1,600.00 acres to be utilized as required preserve area for AGR PUDs (existing or proposed).

The enhanced regional benefits of this plan of development will be to create 1,600 acres owned and controlled by Palm Beach County that is contiguous to the L-8, MO and M Canals. This proposed amendment would create more publicly controlled land for water resource purposes, providing the potential for regional benefits such as supporting the restoration effort for the Loxahatchee River Watershed by creating a flow way on the 1,600 acres to move water from the SFWMD L-8 canal to the MO canal, reducing harmful discharges into the Lake Worth Lagoon, providing an alternative route for water discharges into Grassy Waters Preserve, which is the City of West Palm Beach's drinking water supply, and/or storing discharges from Lake Okeechobee in the SFWMD L-8 canal that would otherwise discharge directly into the Lake Worth Lagoon. This land is also contiguous to the west to 640 acres within the PUD that has been previously committed to Indian Trail Improvement District (ITID) to increase stormwater storage for "The Acreage" that is adjacent to their existing +550-acre drainage impoundment area; and to the east to an additional 248.63 acres of open space designated for water resources or agriculture.

Accommodating a larger contiguous mosaic of lands for water resources and/or agriculture provides more flexibility in addressing both water management challenges, and/or supporting agricultural production in Palm Beach County. Reducing density/intensity in the Rural Tier in an area where infrastructure is minimal in exchange for

increasing density in the AGR Tier where infrastructure exists is prudent long-range planning.

Conclusion

On behalf of the applicant and property owner, the Agents respectfully requests favorable review and consideration of these requests for Development Order Amendment and associated applications, Development Order Abandonment and Type 2 Waiver. The project managers at GL Homes are Kevin Ratterree and Gladys Digirolamo who can be reached at (954) 753-1730 or via email at kevin.ratterree@glhomes.com and gladys.digirolamo@glhomes.com. At Urban Design Studio, the project manager is Sandra Megrue, can be reached at (561) 366-1100 or via email at smegrue@udsflorida.com. Please contact the agent with any questions or for additional information in support of the requested applications.

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