

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

Application No.: DOA-2014-01615
Application Name: Cheney Ranch PUD
Control No.: 2008-00290
Applicant: Cheney 109 LLC
Owners: Cheney 109 LLC
Agent: Land Design South, Inc. - Brian Terry
Telephone No.: (561) 478-8501
Project Manager: Joyce Lawrence, Site Planner II

TITLE: Development Order Amendment **REQUEST:** to reconfigure the Master Plan, change unit type, reduce the number of units, and modify and delete Conditions of Approval (Planning and Dumpster).

APPLICATION SUMMARY: Proposed is a Development Order Amendment (DOA) for the Cheney Ranch Planned Unit Development (PUD). The 40.88-acre site was previously approved by the Board of County Commissioners (BCC) on February 4, 2009 to allow 260 Multi-family dwelling units.

The Applicant is requesting to reconfigure the approved development to change the housing type from Multi-Family units to Zero Lot Line (ZLL) dwelling units. In addition the Applicant is requesting to delete Conditions of Approval (Planning and Dumpster) in Resolution R-2009-00020. The Preliminary Master Plan indicates 2 residential Pods with 109 ZLL dwelling units including 3 Work Force Housing (WPH) units; 2 Recreation Pods totaling 0.77 acres; 3 lake tract areas totaling 5.93 acres; and a 1.15-acre Preserve Area.

This Application is concurrent with a Future Land Use Amendment, LGA-2015-002, to delete previously adopted Condition of Approval in ordinances 2006-32 & 2006-33 regarding Workforce Housing. Two access points to the site will remain from Jog Road (2).

SITE DATA:

Location:	East and west sides of Jog Road, south of Southern Boulevard and the C-51 Canal.
Property Control Number(s)	00-42-43-27-05-005-1930; 00-42-43-27-05-005-1950 00-42-43-27-05-013-0021; 00-42-44-03-00-000-1000 00-42-44-03-00-000-1110; 00-42-43-27-05-005-1951 00-42-43-27-05-013-0011; 00-42-43-27-05-013-0013
Existing Land Use Designation:	High Residential (HR-8) and Medium Residential (MR-5)
Proposed Land Use Designation:	Medium Residential (MR-5)
Existing Zoning District:	Residential Planned Unit Development District (PUD)
Proposed Zoning District:	No Proposed Change
Acreage:	40.88 acres
Tier:	Urban Suburban Tier
Overlay District:	N/A
Neighborhood Plan:	Adjacent to the Pioneer Road Neighborhood Plan and the West Gun Club Road Neighborhood planning area.
CCRT Area:	N/A
Municipalities within 1 Mile	City of Greenacres
Future Annexation Area	City of Greenacres

RECOMMENDATION: Staff recommends approval of the request, subject to 26 Conditions of Approval as indicated in Exhibit C.

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

LAND USE AMENDMENT:

The site has a concurrent application for a Large Scale Amendment known as LGA-2015-002, to amend 20.29 acres from the High Residential 8 units per acre (HR-8) designation to the Medium Residential 5 units per acre (MR-5) designation.

PROJECT HISTORY:

Application No.	Resolution and Request	Approval/Adopted Date
Ordinance No. 2006-032 - (LGA 2006-00002)	To amend the Future Land Use Atlas (FLUA), Southern/Jog SE - to change the FLU designation for approximately 20.80 acres from Low Residential, 1 unit per acre (LR-1) to High Residential 8 units per acre (HR-8) designation.	August 21, 2006
2006-033 - (LGA 2006-00004)	To amend the Future Land Use Atlas (FLUA), Southern/Jog SW - to change the FLU designation for approximately 19.62 acres from Low Residential, 1 unit per acre (LR-1) to High Residential 8 units per acre (HR-8) designation.	August 21, 2006
PDD-2008-01177	Resolution R-2009-020 - Approved by the BCC to rezone the property from the Agriculture Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District to allow 260 Multi-Family dwelling units. This application was controversial with concerns from neighbors, etc. resulting in restrictions that are being carried forward to this application.	January 8, 2009

SURROUNDING LAND USES:**NORTH:**

FLU Designation: Industrial (IND)
Zoning District: Light Industrial District (IL)
Supporting: Industrial

NORTH:

FLU Designation: High Residential (HR/8)
Zoning District: Agriculture Residential (AR)
Supporting: Single Family Residential

NORTH:

FLU Designation: Commercial High (CH)
Zoning District: General Commercial District (CG)
Supporting: Commercial

SOUTH:

FLU Designation: Low Residential (LR-1)
Zoning District: Agricultural Residential District (AR)
Supporting: Residential

SOUTH:

FLU Designation: Low Residential (LR-1)
Zoning District: Residential Transitional District (RT)
Supporting: Vacant

EAST:

FLU Designation: Low Residential (LR-1)
Zoning District: Residential Transitional District (RT)
Supporting: Single Family Residential

WEST:

FLU Designation: Low Residential (LR-1)
Zoning District: Residential Estate District (RE)
Supporting: Residential

WEST:

FLU Designation: Low Residential (LR-1)
Zoning District: Agriculture Residential District (AR)
Supporting: Vacant

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider Standards 1 – 8 listed in Article 2.B.2.B. of the ULDC. The Standards and Staff Analyses are indicated below. A Conditional or Requested Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

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

The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including densities and intensities of use.

Land Use Amendments: The site is the subject of a concurrent Large Scale Amendment known as LGA-2015-002 Cheney Ranch to amend 20.08 acres from High Residential 8 units per acre (HR-8) to Medium Residential 5 units per acre (MR-5) and to delete conditions of approval from prior land use amendment ordinances. The request was heard at the December 12, 2014 Local Planning Agency. The LPA recommended approval with modifications in a 12-1 vote. The request was heard by the BCC at the January 22, 2015 Transmittal Hearing. The Board of County Commissioners voted 5-2 to transmit the recommendations of the LPA to limit the project to 109 units and eliminate the prior WHP conditions. The current Land Use Amendment will be subject to the following condition for the entire 40.88 acre site:

"Residential development on the site shall be limited to a maximum of 109 dwelling units."

Prior Amendments: The entire 40.88-acre site was the subject of previous Large Scale Land Use Amendments.

The eastern 20.30 acres, known as LGA 2006-002 Southern/ Jog SE was adopted via Ordinance 2006-32, which changed the land use from Low Residential 1 unit per acre (LR-1) to Medium Residential 5 units per acre (MR-5). It was approved with one condition of approval which stated,

"The development shall comply with the greater of the following two requirements for Workforce Housing:

- a. Twenty-five percent (25%) of the total units on the site shall be workforce, or
- b. The total number of workforce units required by the Workforce Housing Program in effect at the time of development."

Prior Amendments west side of Jog Road: The western 19.62 acres, known as LGA2006-004 Southern/Jog SW was adopted via Ordinance 2006-033, which changed the land use from Low Residential 1 unit per acre (LR-1) to High Residential 8 units per acre (HR-8). The same conditions that were applied to the east side of Jog were also adopted for the west side amendment.

Furthermore, a 7.63 acre portion of the western parcel was the subject of an amendment known as 94-64 COM 1, which amended the land use from Low residential 1 unit per acre (LR-1) to Commercial Low with an underlying Low Residential 1 unit per acre (CL/1) that was adopted with the following condition:

"That a covenant be recorded providing for a 100 foot buffer of the property on the western boundary of the property if it is developed as commercial."

This condition was eliminated when the site became part of the amendment in 2006 to change the land use to HR-8 for the 19.62 acres.

Zoning Conditions: The applicant is requesting to delete 3 Planning conditions from Resolution R-2009-020 are consistent with the current code requirements and the FLUA Amendment application. The conditions relate to the previous Workforce Housing requirements and since the applicant has chosen to buy-out if the obligation, the conditions are no longer applicable. In addition, two new conditions will be applied that relate to the purchase of the WHP units and the land use amendment condition imposed by the BCC at the Transmittal hearing limiting the maximum number of units for the entire site.

Density & Workforce Housing: The applicant is requesting a total of 109 units, which is consistent with the proposed MR-5 land use designation. The site was the subject of a prior Zoning approval for 260 units via resolutions R-2009-020. Since the request is greater than 10 units, participation in the program will be mandatory. The Workforce Housing Program provides housing for qualified buyers with an income that is 60 -140% of the Area Median Income (AMI). Currently, per HUD, Palm Beach County has an AMI of \$63,300. Additionally, the applicant has chosen WHP Option 2, Limited Incentive, to only utilize the Standard density, not the maximum PUD density, and is requesting no additional density bonus. Therefore, the required Workforce Housing will be calculated as follows:

109 units x 2.5% of standard density = 2.725 (rounded up) = 3 units of WHP required

WHP Program Off-site Options: The applicant has stated in the Justification Statement that they wish to utilize WHP Off-site Options, to buy-out of the 3 required Workforce Housing Program (WHP) units. ULDC Article 5.G.1.G.4. Option 4, allows for an in-lieu payment for the WHP units. The payment shall be received by the Department of Economic Sustainability(DES), prior to the release of the first residential Building Permit.

Accordingly, the following Condition of Approval shall apply:

Prior to the issuance of the first residential Building Permit, the applicant shall submit payment to DES and a copy of a receipt for that payment to the Planning Division in the amount of \$244,500 (3 units at \$81,500 per WHP unit).

The mandatory WHP program requires that a percentage of units be deed restricted for a specified term to be sold or rented. The following are the current sales and rental prices per income category for 2014 in Palm Beach County. These homes cannot be sold or rented at a higher price and any Utility Allowances are to be applied against gross maximum rent and the rental prices. Based on the Median Family Income of \$63,300, the following are the WHP sales and rental Prices:

WHP Sales Prices:

WHP Income Category 2014 Sales Prices

Low (60-80%)	\$132,930
Moderate-1 (>80-100%)	\$170,910
Moderate-2 (>100-120%)	\$208,890
Middle (>120-140%)	\$246,870

WHP Rental Prices:

Income %	1 BR	2 BR	3 BR	4 BR
60%	\$ 735	\$ 882	\$1,019	\$1,137
80%	\$ 981	\$1,176	\$1,359	\$1,516
100%	\$1,226	\$1,470	\$1,699	\$1,895
120%	\$1,471	\$1,764	\$2,038	\$2,274
140%	\$1,716	\$2,058	\$2,378	\$2,653

Special Overlay District/ Neighborhood Plan/Planning Study Area: The request is not located within an Overlay or Neighborhood planning area that is identified within the Comprehensive Plan.

However, for informational purposes only, the site is adjacent to the Pioneer Road Neighborhood Plan and the West Gun Club Road Neighborhood planning area which states the following for future land use and zoning within their planning area:

"Residents recommend that the County not pursue revitalization or redevelopment efforts within the Neighborhood Plan Boundary. It is not the objective of the neighborhood plan to allow revitalization or redevelopment of our neighborhood because the community is already built out and we wish to preserve it in its current state."

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

The amendment complies with the applicable standards and provisions of the Code for use, layout, function, and general development characteristics, specifically Article 3.E, Planned Development and intent of the Code.

- o Dumpster Conditions:

The Applicant is requesting for previous Dumpster Condition 1 to be deleted as it is no longer applicable to this application. The proposed change in use type from Multi-family to Single Family will require curb side pick at the individual lot.

- o Stipulated Settlement Agreement:

Attached is a stipulated settlement Agreement (Exhibit E) between Joseph N. Cheney Land Trust (Cheney) and West Gun Club Road Property Owners Association, Inc., dated January 15, 2008, that addressed and is inclusive of setbacks and landscape buffer requirements for the development of the eastern portion of the site. The agreement states that in developing the property a 90-foot setback shall be provided from the south property line and a 60-foot wide setback from the east property line within which to install and maintain a 40-foot wide buffer with a 6-foot in height berm and a black vinyl chain link fence on top of the berm. The buffer shall be planted with mature native vegetation at heights and separation that are designed to create an opaque visual barrier between the site and the adjacent property to the south.

- o Landscape/Buffering:

The Preliminary Master Plan indicates a 50% reduction from the required 20 foot wide (-10 feet) Right-Of-Way (ROW) buffer along the north property lines, directly adjacent to Canal C-51 that separates the site from the Ultimate ROW for Southern Boulevard; and a 20-foot wide ROW buffer is provided along the Ultimate ROW for Jog Road. A 40-foot wide buffer is provided along the south and east property lines of the eastern portion of site. A 20-foot wide incompatibility buffer is provided along the south buffer of the western portion of the site; and a 15-foot wide incompatibility buffer towards the remaining western portion of the site.

- o Preservation of Native Trees:

The Applicant states in the Justification Statement that there will be a proposed change in the finished floor elevations in relation to the existing site elevations, and therefore some of the trees will be relocated to the landscape buffers. To maximize the protection of existing trees, Zoning Staff recommends Landscape Condition 9 to ensure the proposed grade changes would not impact the tree preservation. Staff also recommends tree barricades to be installed during construction time and permanent protection devices, including but not limited to: tree wells to be installed. Specific areas of these tree protection devices must be shown on the Final Landscape/Alternative Landscape Plan and the Final Site Plan. The details of these devices must be shown on the Final Regulating Plan (Landscape Condition 10). The Landscape Plan shall include a legend to include: the number of existing trees, the trees required by Code, and those to be mitigated/relocated on site (Landscape Condition 10).

The site is conditioned (ERM Condition 1) for all mitigation required by Code shall be completed and accepted by ERM prior to the issuance of the Certificate of Occupancy. Also, at time of Final Site approval by the DRO, the Applicant shall submit a Landscape Plan with a legend to include but not limited to the number of existing trees, trees that are required by Code, and trees to be preserved/mitigated on site.

o Conservation Easement:

A 1.15-acre conservation easement, recorded in ORB 23104, PG 1767, is provided on the western portion of the site.

o Workforce Housing (WFH):

The subject site includes 3 WFH units, to be cashed out pursuant to Planning Condition 4 which states that prior to the issuance of the first residential Building Permit, the applicant shall submit payment to the Department of Economic Sustainability (DES).

o Signs:

The applicant is proposing to have 2 entrance signs on either side of the entrance points from Jog Road. Proposed signage is consistent with ULDC Table 8.G.2.C, Entrance Sign Standards, with a maximum height of 8 feet and 60 square feet of sign face area. Staff has no objections to the requested signage.

o Parking:

The applicant is proposing: 2-car garages for each individual ZLL unit to satisfy the required parking spaces (218 parking spaces) plus a total of 6 additional parking spaces including 2 handicap spaces for the Recreation Pods.

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

The site has been the subject of a previous approval that was determined to be generally consistent with the uses and character of the land surrounding and in the vicinity of the site. Any incompatibility issues beyond ULDC considerations have been addressed by Conditions of Approval. As proposed and subject to the Conditions of Approval (Exhibit C), the request presents no incompatibilities as defined in the ULDC.

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

The design of the proposal will not create any adverse effects, including visual impact and intensity of the proposed use on adjacent lands. The applicant states in the Justification Statement that since the site will be phased, the existing vegetation to the west, Phase 2, will remain until development of that portion of the site. In addition, the proposed 5.25 acres of Wetland Preserve Area and the 1.91-acre Dry Retention Area that is oriented towards the south of the subject site that would also contribute to

additional separation from the residential properties. Subject to the recommended Conditions herein any potential impact that may generate from the proposed uses will be mitigated.

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

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The previous approval required a 1.15 acre preserve set-aside which has a recorded Conservation Easement. The proposed development amendment will not impact this preserve. Native trees which cannot be incorporated into the site development plans will be mitigated on the property to the greatest extent possible prior to any on-site mitigation is approved. The undeveloped parcels will require a vegetation removal approval. Native trees will be incorporated into the site plan or mitigated on the site.

WELLFIELD PROTECTION ZONE: The property is not located with a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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

The site is surrounded by a mix of industrial, commercial, and residential developments (both developed and undeveloped). The subject site was previously approved at a Planned Unit Development with Multi-family residential units. The Applicant is requesting change the proposed use from Multi-family to Zero Lot Line. The change will be a lower intensity housing type and should not alter the existing development pattern in the vicinity. Staff has determined that the proposed DOA will result a logical, timely and orderly development pattern in that area.

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

ENGINEERING COMMENTS:

TRAFFIC IMPACTS

The project is expected to generate 1,090 net new daily trips, 82 AM and 121 PM net new peak hour trips. This traffic is subject to review for compliance with the Unified Land Development Code Article 12 - Traffic Performance Standards (TPS). A 2019 buildout date was analyzed in the traffic study. The following condition is required for compliance with TPS:

* Contribution of a proportionate share of 9.6% for the construction of a separate north approach, right turn lane and a second east approach, left turn lane at the intersection of Jog Road and the ramps with Southern Boulevard.

The project also requires replacing the existing median opening with a directional median to allow left turn in movements and restricts left turns out.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Segment: Jog Road from Gun Club Road Southern Boulevard

Existing count:	Northbound = 1,239; Southbound = 1,856
Background growth:	Northbound = 199; Southbound = 318
Project Trips:	Northbound = 25; Southbound = 42
Total Traffic:	Northbound = 1,463; Southbound = 2,216

Present laneage: 6 Lanes
Assured laneage: 6 Lanes
LOS "D" capacity: 2,940 vehicles per hour (directional)
Projected level of service: "D" or better

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 a Right of Way Permit from the Palm Beach County Engineering Department, Permit Section, for access onto and any work within Jog Road.

PALM BEACH COUNTY HEALTH DEPARTMENT: No Staff Review Analysis.

FIRE PROTECTION: No Staff Review Analysis.

SCHOOL IMPACTS:

In accordance with adopted school concurrency, a Concurrency Determination for 109 single family units was approved on September 19, 2014 (Concurrency Case #14091101C). The subject property is located within Concurrency Service Area 12 (SAC 159 and SAC 160A).

This project is estimated to generate approximately thirty-two (32) public school students. The schools currently serving this project area are Melaleuca Elementary School and Pine Jog Elementary School, Okeeheele Middle School, John I. Leonard High School and Palm Beach Central High School.

The revised Preliminary Subdivision Plan (dated 2/12/15) shows two (2) public school bus shelter locations. A bus shelter condition of approval has been applied to this petition request.

PARKS AND RECREATION:

The east and west sides of Cheney Ranch PUD operate independently, and both rec. pods include swimming pools.

Cheney Ranch has 56 d.u. proposed on the east side of Jog Road, and is required to have 0.34 acres of onsite recreation. The plan submitted indicates there will be a .37 acre recreation area with a pool and 1,300 square foot clubhouse. The portion of the Cheney Ranch located east of Jog Road exceeds the ULDC recreational requirement.

Cheney Ranch has 53 d.u. proposed on the west side of Jog Road, and is required to have 0.31 acres of onsite recreation. The plan submitted indicates there will be a 0.40 acre recreation area with a swimming pool.

CONCURRENCY: Concurrency has been approved for 109 dwelling units. The proposed amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards)

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

The Applicant is requesting to reconfigure the Master Plan, change the unit type, and reduce the number of units to modify and delete Conditions of Approval that were applicable to the prior approval. The site is the subject of a concurrent Large Scale Amendment LGA2015-002 Cheney Ranch to amend 20.08 acres from HR-8 to MR-5 and to delete conditions of approval from prior land use amendment ordinances. Consistent with the current FLU designation the subject site is approved for 260 multi-family dwelling units, with 86 units on the eastern parcel and 174 units on the western parcel.

Concurrent with the FLU change the proposed deletion of units will result in a total of 109 single family units with 53 units on the eastern parcel and 56 units on the western parcel. The uses that surround the property are primarily single family residential. Therefore the development of this site with single family units represents a logical development pattern that compliments the surrounding community.

CONCLUSION:

Staff has evaluated the standards listed under Articles 2.B.1.B 1-7 and 2.B.2.B 1-8 and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, staff is recommending approval of the request. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibit C-1 and C-2.

CONDITIONS OF APPROVAL

Exhibit C:

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS condition 1 of Resolution R-2009-20, Control No.2008-00290, which currently states:

Development of the site is limited to the uses as approved by the Board of County Commissioners. The approved preliminary master and site plans are dated October 8, 2008. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

The approved Preliminary Master Plan is dated March 12, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. Prior to final approval of the Site Plan by the Development Review Officer, the Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels. The PUD's stormwater management system shall then be designed to accept this historical drainage. (DRO: ENGINEERING - Engineering) (Previous ENGINEERING condition 1 of Resolution R-2009-20, Control No.2008-00290)

2. The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for 60 feet of right of way from centerline of Jog Road prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer additional right of way for Expanded Intersections and corner clips. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING condition 2 of Resolution R-2009-20, Control No.2008-00290)

3. Previous ENGINEERING condition 3 of Resolution R-2009-20, Control No.2008-00290, which currently states:

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

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

Is hereby amended to read:

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

a. No building permits for the site shall be issued after December 31, 2019. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.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 proportionate share payment in the amount of 9.6% of the construction of a separate north approach right turn lane and a second east approach left turn lane at the intersection of Jog Road and the ramps with Southern Boulevard. This proportionate share amount may be applied towards construction of this improvement or one or more other improvements that will benefit the mobility in the area impacted by the project, as determined by the County Engineer. The value of the improvement shall be based on an engineer's certified cost estimate provided by the applicant and approved by the County Engineer or other method approved by the County Engineer at the time of the payment. (BLDGPM: MONITORING - Engineering)

4. The property owner shall modify the existing full median opening on Jog Rd in front of the proposed property entrances to a directional median opening (a peanut). This may require modifying the existing north and south approach left turn lanes at this location, 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. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first 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 4 of Resolution R-2009-20, Control No.2008-00290)

5. The developer shall lengthen the existing left turn lane north approach on Jog Road at the entrance to the Project's east side. This turn lane shall be lengthened to a minimum 280 feet in length plus 50 foot paved taper. 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. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first 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 5 of Resolution R-2009-20, Control No.2008-00290)

6. Prior to issuance of the first building permit, 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)

7. Prior to issuance of the first building permit, 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 Jog Road along the property frontage; and a maximum of an additional 800 feet of this adjacent roadway. 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)

ENVIRONMENTAL

1. All mitigation required by ULDC Chapter 14.C shall be completed and accepted by ERM prior to the issuance of the Certificate of Occupancy for the 109 unit. (BLDGPM/CO: MONITORING - Environmental Resources Management) (Previous ENVIRONMENTAL condition 2 of Resolution R-2009-20, Control No.2008-00290)

LANDSCAPE - GENERAL

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDGPM: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 1 of Resolution R-2009-20, Control No.2008-00290)

2. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation, unless otherwise indicate herein:

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDGPM: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 2 of Resolution R-2009-20, Control No.2008-00290)

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

- a. pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation and have a maximum spacing of forty (40) feet between clusters; and,
- b. credit may be given for existing pines provided they meet current ULDC requirements. (BLDGPM: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 3 of Resolution R-2009-20, Control No.2008-00290)

4. A group of three (3) or more palms or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDGPM: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 4 of Resolution R-2009-20, Control No.2008-00290)

5. Field adjustment of wall and plant material location may be permitted to provide pedestrian sidewalks and bike paths, and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDGPM: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 5 of Resolution R-2009-20, Control No.2008-00290)

LANDSCAPE - GENERAL-LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (EAST OF JOG ROAD)

6. In addition to the code requirements, landscaping along the south and east property lines, east of Jog Road, shall be upgraded to include:

- a. a minimum forty (40) foot wide landscape buffer strip.
- b. one (1) palm for each for each thirty (30) linear feet of the property line with a maximum spacing of thirty (30) feet between clusters.
- c. a continuous six (6) foot high berm; and
- d. a six (6) foot high black vinyl coated chain linked fence to be located on the plateau of the berm. (BLDGPMT: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 6 of Resolution R-2009-20, Control No.2008-00290)

LANDSCAPE - GENERAL-LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (WEST OF JOG ROAD)

7. In addition to the code requirements, landscaping along the south and east property lines, west of Jog Road, shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip.
- b. one (1) palm for each for each thirty (30) linear feet of the property line with a maximum spacing of twenty (20) feet between clusters.
- c. a six (6) foot opaque concrete wall. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (BLDGPMT: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 7 of Resolution R-2009-20, Control No.2008-00290)

LANDSCAPE - GENERAL-LANDSCAPING ALONG THE NORTH PROPERTY LINE (WEST AND EAST OF JOG ROAD)

8. No easement encroachment shall be permitted within the north Right-of-Way landscape buffer. (BLDGPMT/ONGOING: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 8 of Resolution R-2009-20, Control No.2008-00290)

9. All preserved trees (including canopy trees, pines or palms) are required to be protected with tree barriers during all stages of construction. Permanent tree protection devices including, but not limited to: tree wells, retaining walls shall be installed for the preservation of trees. (ONGOING: LANDSCAPE –Zoning)

10. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall identify on the Final Subdivision Plan and the Alternative Landscape Plan the specific locations of the permanent tree protection devices. Details of the permanent tree protection device shall be shown on the Final Regulating Plan. (DRO: ZONING/LANDSCAPE –Zoning)

PLANNING

1. Previous PLANNING condition 1 of Resolution R-2009-20, Control No.2008-00290, which currently states:

Prior to final approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

- a. Guarantees the attainability of all 65 workforce units, which includes all units required per Article 5.G in the ULDC for a period of twenty-five years (recurring). These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle). This does not prohibit allowing higher numbers of lower income units. Final distribution of the units shall be defined at the time of final DRO, consistent with the Workforce Housing requirements in Article 5.G in the ULDC; and
- b. Guarantees that these units shall not be further restricted beyond the requirement that the occupants qualify for the income limits. (DRO: COUNTY ATTORNEY - Planning)

Is hereby deleted. [REASON: No longer applicable.]

2. Previous PLANNING condition 2 of Resolution R-2009-20, Control No.2008-00290, which currently states:

Prior to final approval by the Development Review Officer (DRO), the property owner shall include a notation in Master Plans and related Site Plans that shall indicate that a minimum of 65 units have been designated as workforce housing units. Notations shall make reference to the recorded Restrictive Covenants for Workforce Housing and indicate that all the required workforce units are subject to the Restrictive Covenants. (DRO: PLANNING - Planning)

Is hereby deleted. [REASON: No longer applicable.]

3. Previous PLANNING condition 3 of Resolution R-2009-20, Control No.2008-00290, which currently states:

On an annual basis, beginning April 1, 2009, or as otherwise stipulated in the Declaration of Restrictive Covenants for Workforce Housing, the property owner, master homeowners association, or property owner association shall submit an annual report to the Planning Division and HCD documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing. (DATE: MONITORING - Planning)

Is hereby deleted. [REASON: No longer applicable]

4. Prior to the issuance of the first residential Building Permit, the applicant shall submit payment to the Department of Economic Sustainability (DES) and a copy of a receipt for that payment to the Planning Division in the amount of \$244,500 (3 units at \$81,500 per WHP unit). (BLDGPM: MONITORING - Planning)

5. Per LGA 2015-002 condition of approval, residential development on the site shall be limited to a maximum of 109 dwelling units. (ONGOING: PLANNING - Planning)

SCHOOL BOARD

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

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board)

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

SITE DESIGN

1. Previous DUMPSTER condition 1 of Resolution R-2009-20, Control No.2008-00290, which currently states:

Doorside trash pick-up shall be provided by on-site management for the buildings west of Jog Road. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable since the housing type will be changed.]

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: ZONING - Zoning)

DISCLOSURE

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

Figure 1: Land Use Map

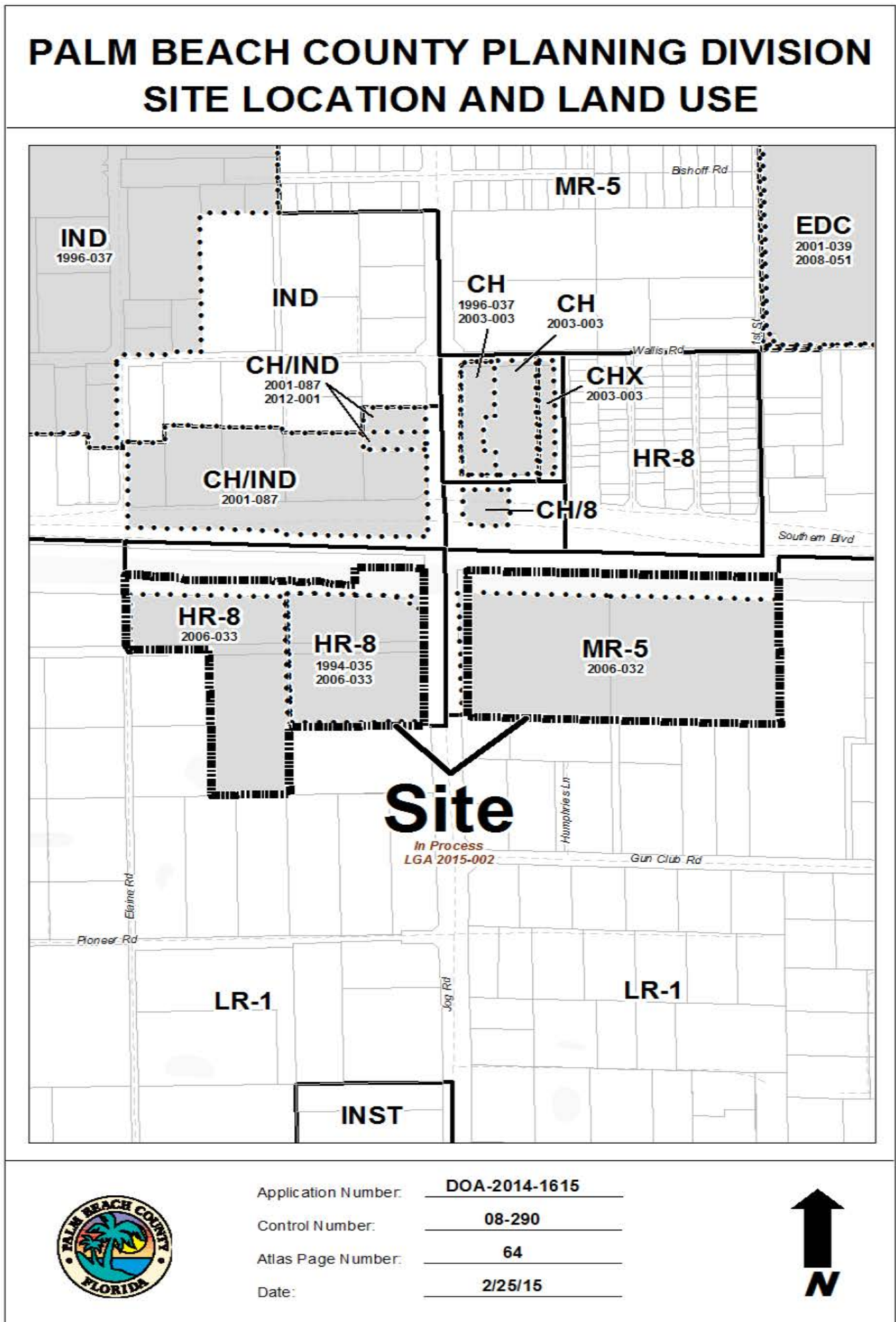


Figure 2: Zoning Map

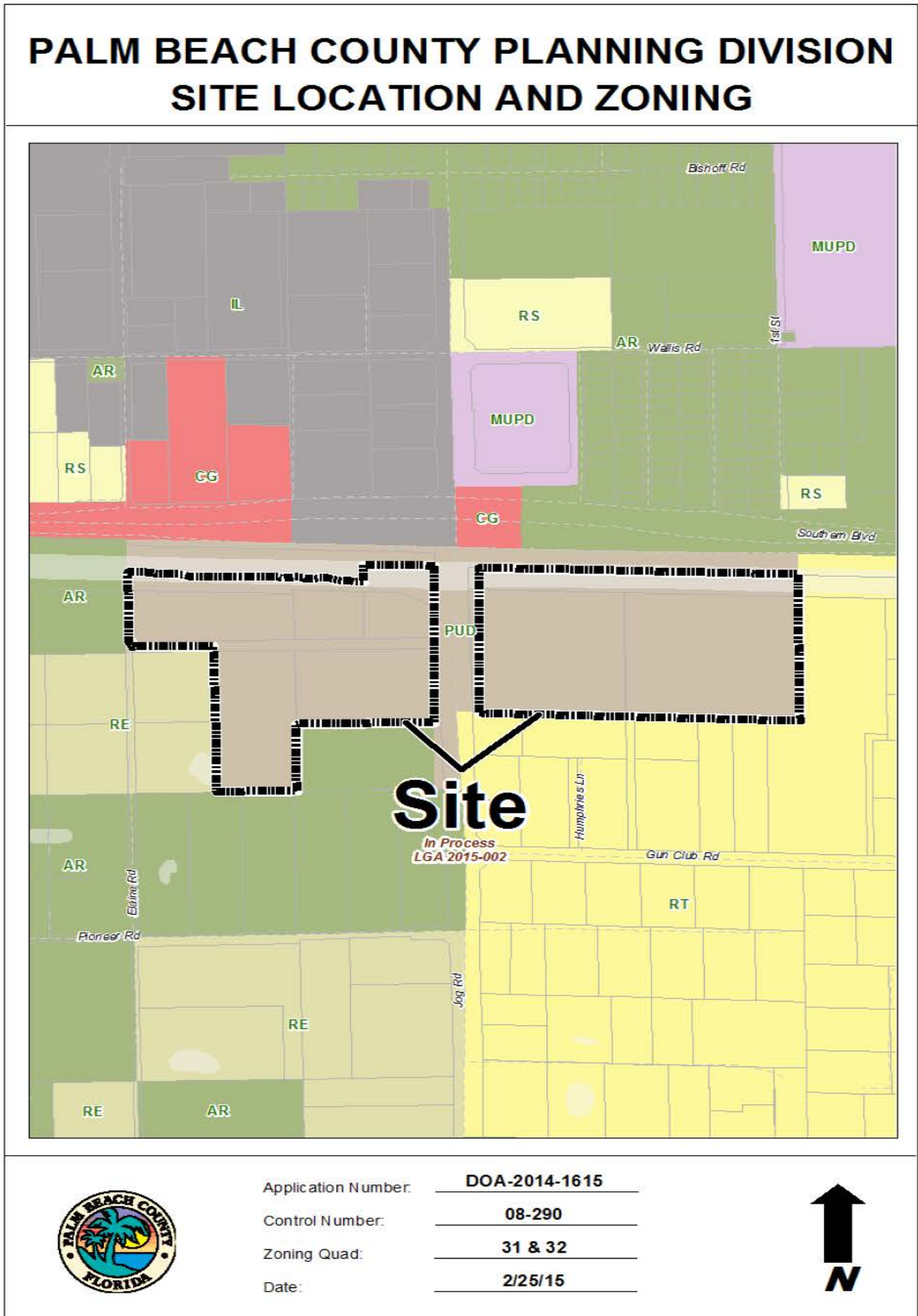


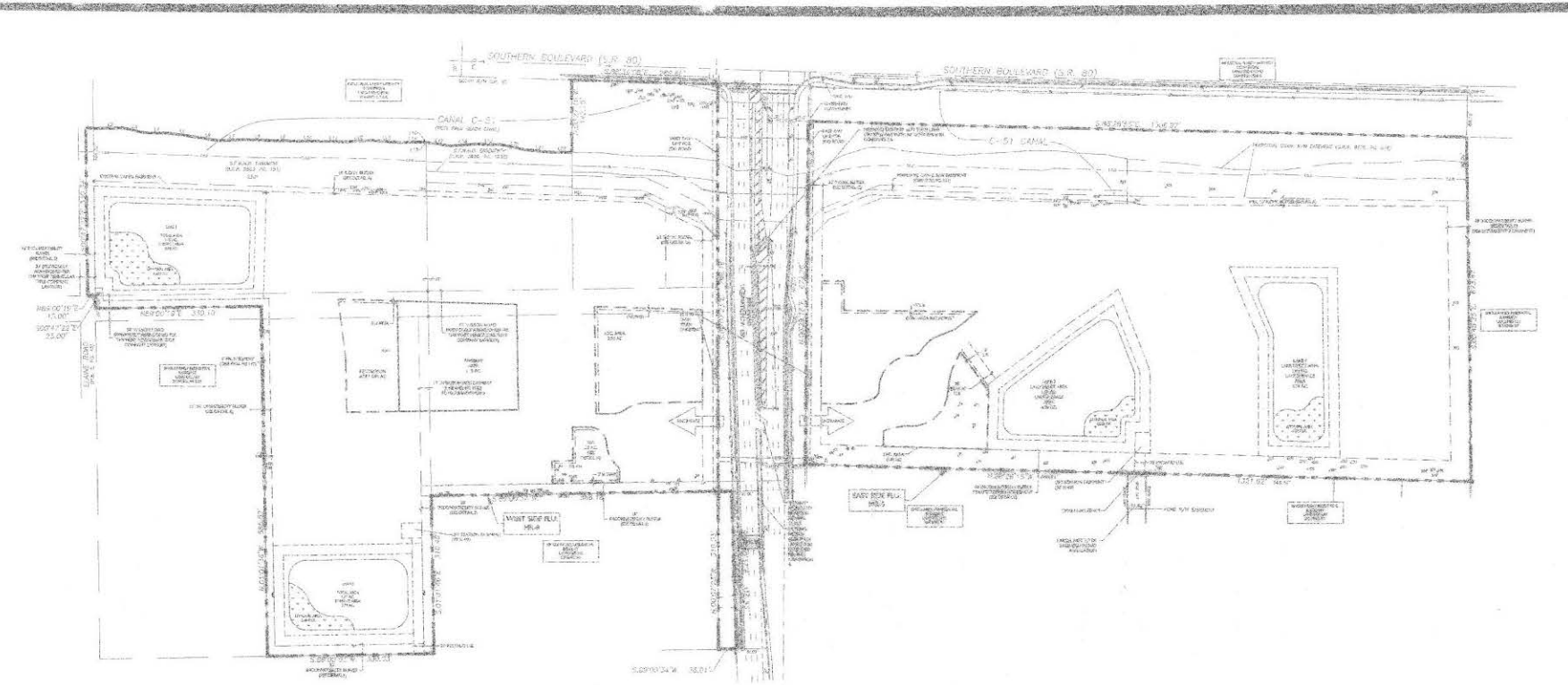
Figure 3: Aerial





CHENEY RANCH PUD
PREPARED FOR CHENEY BROS., INC.
PALM BEACH COUNTY, FLORIDA

Figure 5: Approved Master Plan dated March 11, 2009



SITE DATA

DEVELOPMENT CONTROL NUMBER	2008-270
PROJECT NUMBER	1338-018
APPLICATOR NUMBER	DFO-2008-2518DRC-0369-214
PROJECT NUMBER	0086-02
RD APPROVAL DATE	10/20/08
NAME OF DEVELOPMENT	CHENEY RANCH PUD
USE	RESIDENTIAL MULTIFAMILY
TYPE OF CONVEYANCE	APARTMENT COND/CONDOM/
PERMITS AND PERMITS	03/04/06
TYPE OF DEVELOPMENT	MIXED
LOCAL ZONING DESIGNATION	MIX
OVERLAY DISTRICT	NOA
SECTIONAL TOWNSHIP, PARISH	03/04/02
SEC. DISTRICT	
PCN NUMBER	

SITE DATA CONTINUED

OVER AREA PROVIDED TO BE PRIVATE DRIVE	7.62 AC
TOTAL LANE TRACT AREA	81.93 AC
TOTAL LANE SURFACE AREA	149.84 AC
TOTAL LOT TOTAL AREA PROVIDED	38,154 S.F. 0.86 AC
TOTAL RECREATION AREA PROVIDED	28,104 S.F. 0.64 AC
TOTAL RECREATION AREA PROVIDED	1.56 AC
TOTAL RECREATION AREA PROVIDED	0.68 AC
TOTAL RECREATION AREA PROVIDED	0.50 AC
MAXIMUM NO. OF STORES (WEST SIDE)	30 STORES
MAXIMUM NO. OF STORES (EAST SIDE)	15 STORES
TOTAL OVERALL PARKING REQUIRED	2,077 SPACES
TOTAL OVERALL PARKING PROVIDED	838 SP
EAST SIDE PARKING REQUIRED	332 SP
WEST SIDE PARKING PROVIDED	172 SP
OFF-TRAIL PARKING SPACES	22 SP
OFF-TRAIL PARKING SPACES	1 SP
WEST SIDE PARKING PROVIDED	338 SP
OFF-TRAIL PARKING SPACES	348 SP
OFF-TRAIL PARKING SPACES	42 SP
OFF-TRAIL PARKING PROVIDED	8 SP
OFF-TRAIL PARKING PROVIDED	10 SP
OFF-TRAIL PARKING PROVIDED	364 SP
OFF-TRAIL PARKING PROVIDED	30 SP
OFF-TRAIL PARKING PROVIDED	18 SP
TOTAL OVERALL PARKING PROVIDED	9

NOTES

- SEE AREA AND PROPERTY AND CAD FOR THE LOTS OF THE SUBJECTS AND THEIR CLUSTERS. PUBLIC USE OF THE BEACHES IS PROHIBITED.
- SEE AREA AND PROPERTY AND CONCEPTS IN ATTACHED. FINAL SITE AREA SITE DESIGN TO BE APPROVED AT TIME OF FINAL DRG SITE PLAN APPROVAL.
- ALL CLUSTERS TO BE 30' WIDE UNLESS OTHERWISE NOTED.
- TO BE PRIVATE RECREATION PER PRELIMINARY AGREEMENT WITH PALM BEACH COUNTY APPROVAL.
- LOCATIONAL TRAFFIC SIGNAGE TO BE PROVIDED BY OWNER MANAGEMENT ON WESTERN PROPERTY.
- PER L.D.C. ARTICLE 21.02, 21.03, 21.04, 21.05, 21.06, 21.07, 21.08, 21.09, 21.10, 21.11, 21.12, 21.13, 21.14, 21.15, 21.16, 21.17, 21.18, 21.19, 21.20, 21.21, 21.22, 21.23, 21.24, 21.25, 21.26, 21.27, 21.28, 21.29, 21.30, 21.31, 21.32, 21.33, 21.34, 21.35, 21.36, 21.37, 21.38, 21.39, 21.40, 21.41, 21.42, 21.43, 21.44, 21.45, 21.46, 21.47, 21.48, 21.49, 21.50, 21.51, 21.52, 21.53, 21.54, 21.55, 21.56, 21.57, 21.58, 21.59, 21.60, 21.61, 21.62, 21.63, 21.64, 21.65, 21.66, 21.67, 21.68, 21.69, 21.70, 21.71, 21.72, 21.73, 21.74, 21.75, 21.76, 21.77, 21.78, 21.79, 21.80, 21.81, 21.82, 21.83, 21.84, 21.85, 21.86, 21.87, 21.88, 21.89, 21.90, 21.91, 21.92, 21.93, 21.94, 21.95, 21.96, 21.97, 21.98, 21.99, 22.00.
- PER L.D.C. ARTICLE 21.02, 21.03, 21.04, 21.05, 21.06, 21.07, 21.08, 21.09, 21.10, 21.11, 21.12, 21.13, 21.14, 21.15, 21.16, 21.17, 21.18, 21.19, 21.20, 21.21, 21.22, 21.23, 21.24, 21.25, 21.26, 21.27, 21.28, 21.29, 21.30, 21.31, 21.32, 21.33, 21.34, 21.35, 21.36, 21.37, 21.38, 21.39, 21.40, 21.41, 21.42, 21.43, 21.44, 21.45, 21.46, 21.47, 21.48, 21.49, 21.50, 21.51, 21.52, 21.53, 21.54, 21.55, 21.56, 21.57, 21.58, 21.59, 21.60, 21.61, 21.62, 21.63, 21.64, 21.65, 21.66, 21.67, 21.68, 21.69, 21.70, 21.71, 21.72, 21.73, 21.74, 21.75, 21.76, 21.77, 21.78, 21.79, 21.80, 21.81, 21.82, 21.83, 21.84, 21.85, 21.86, 21.87, 21.88, 21.89, 21.90, 21.91, 21.92, 21.93, 21.94, 21.95, 21.96, 21.97, 21.98, 21.99, 22.00.
- IF A PORTION OF AN UNIT HAS BEEN DESIGNATED AS WORKSPACE, WORKERS MUST PER THE RELEVANT RESTRICTIVE COVENANT. ALL WORKSPACES INCLUDING UNITS ARE SUBJECT TO THE RESTRICTIVE COVENANT AND SHALL BE OCCUPIED ONLY BY LEASERS, EMPLOYEES, CONTRACTORS, OR INDIVIDUALS WHOSE OCCUPANCY IS NECESSARY TO THE OPERATION OF THE DEVELOPMENT.
- THE DISTANCE BETWEEN ALL BUILDINGS SHALL CONFORM TO THE LDDC BUILDING SEPARATION REQUIREMENTS.

TABLE 12.2.D.16 - PUD PROPERTY DEVELOPMENT REGULATIONS

PUD (RUC)	MULTIFAMILY RESIDENTIAL (MIN. ZONING STANDARDS/TABLE 12.2.D.16)							
	MINIMUM LOT DIMENSIONS	BLDG. COVER	FRONT YARD	STREET	REAR	REAR		
REQUIRED	30x	85	25	40% MAX	20'	15'	15'	15'
PROHIBITED	40x	100'	25'	50% MAX	40'	10A	10A	60'
REQUIRED	0.81 AC	100'	100'	30%	25'	25'	25'	25'
PROHIBITED	0.81 AC	100'	100'	30%	25'	25'	25'	25'
REQUIRED	1.25 AC	80'	80'	30%	20'	15'	20'	15'
PROHIBITED	1.25 AC	80'	80'	30%	20'	15'	20'	15'
REQUIRED	1.50 AC	60'	60'	30%	20'	15'	20'	15'
PROHIBITED	1.50 AC	60'	60'	30%	20'	15'	20'	15'



PROJECT NO. 1008-270

CURRENT NO. 2008-270

DATE SUBMITTED: 3-11-09

REVISIONS: 1

FINAL PLAN
APPROVING AT
3-11-09 DRG

DATE: 3/11/09

SHEET #
MP.1

THE PRESENCE OF THIS ZONING MAP SHALL NOT BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION HEREON. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION HEREON. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION HEREON.

FINAL MASTER PLAN
SCALE: 1" = 100'

DRAWN BY: [Name]

DATE: [Date]

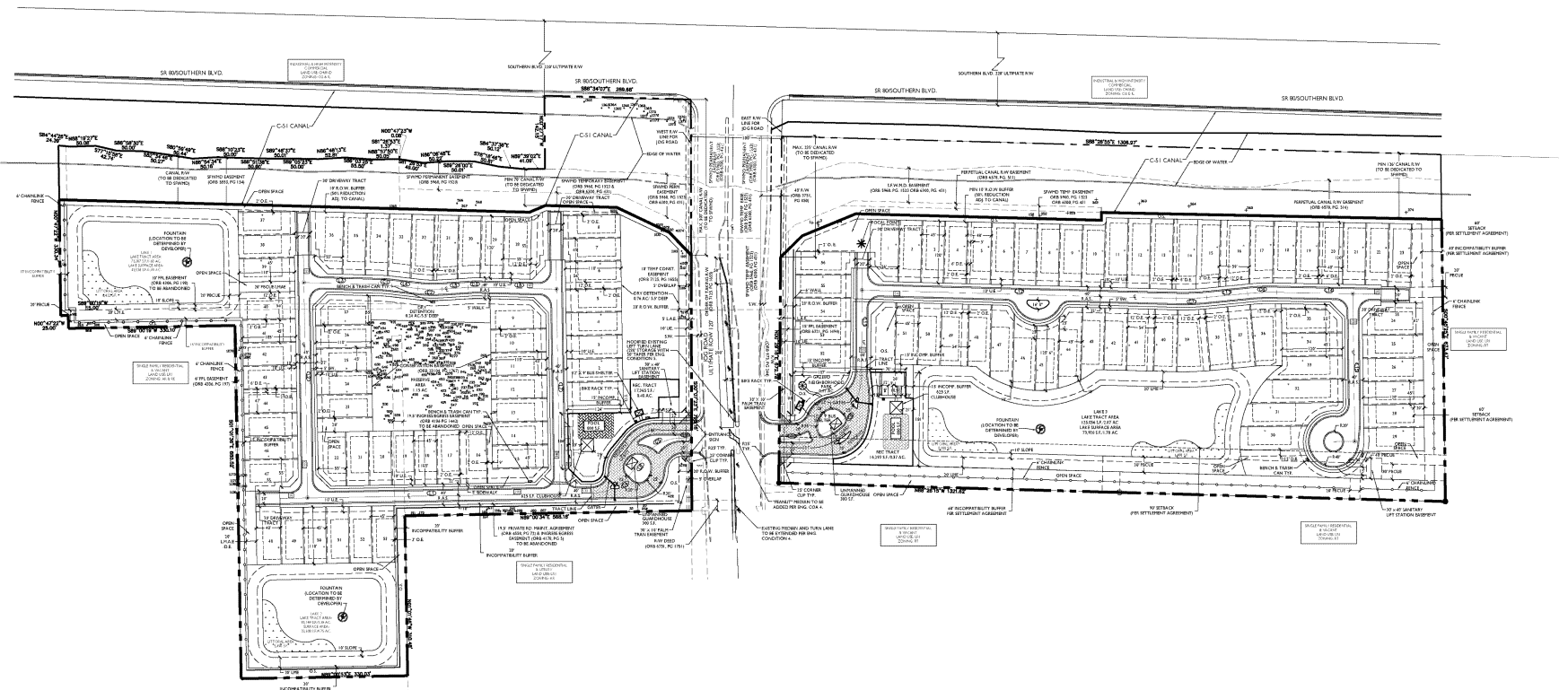
LDS PROJECT SCHEDULE

DATE	
DATE	
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DATE	

Figure 6: Preliminary Subdivision Plan dated February 12, 2015

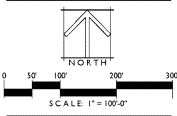
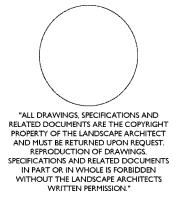


CHENEY RANCH PUD
PRELIMINARY SUBDIVISION PLAN
PALM BEACH COUNTY, FLORIDA



L.D.S. PROJECT SCHEDULE

DATE	DESCRIPTION	BY



SHEET #
PSBP. I

TABLE 3.E.2.D - PUD PROPERTY DEVELOPMENT REGULATIONS

ZERO LOTLINE RESIDENTIAL (ZLL ZONING STANDARDS)(TABLE 3.D.3.B)

PUD (R#)	MINIMUM LOT DIMENSIONS (FT)	BLOG DEPTH	SETBACKS/SEPARATION					
			FRONT	SIDE	REAR			
REQUIRED	4500	45' INTERIOR 15' CORNER 35' SIDE ST	75' SDU MAX.	25'	0'	10'	10'	
PROPOSED	4735	45' INTERIOR 15' CORNER 35' SIDE ST	SDU MAX.	25'	0'	10'	10'	
RECREATION								
REC. REQUIRED	0.65 AC.	65'	75'	30%	25'	15'	25'	15'
REC. PROPOSED	0.84 AC.	73'	95'	4%	25'	15'	25'	15'
NEIGHBORHOOD PARK, REQUIRED								
NEIGHBORHOOD PARK, REQUIRED	10 AC.	45'	75'	30%	15'	15'	15'	15'
NEIGHBORHOOD PARK, PROPOSED	11 AC.	88'	112'	15%	15'	15'	15'	15'

SITE DATA

PERMIT/CONTROL NUMBER: 2008-280
 PROJECT NUMBER: 01000-870
 APPLICATION NUMBER: DOA-2014-01616
 BOCD APPROVAL DATE: JANUARY 8, 2008
 NAME OF DEVELOPMENT: CHENEY RANCH PUD
 USE: ZLL SINGLE-FAMILY
 TYPE OF OWNERSHIP: FEE SIMPLE
 FUTURE LAND USE DESIGNATION: MRS
 TIER: PUD
 EXISTING ZONING DESIGNATION: PUD
 SECTION, TOWNSHIP, RANGE: 03/44/42
 BOCD DISTRICT: 2
 PCN NUMBER: 00424327050130013, 00424327050130021, 00424327050130011, 00424327050130000, 00424327050130005, 00424327050130002, 00424327050130001, 00424327050130004

CONCURRENCE APPROVAL

SINGLE FAMILY - ZLL: 109 D.U.

CONCURRENCE IS APPROVED FOR THE ABOVE USES AND AMOUNTS SHOWN ON THIS PLAN.

TRAFFIC ANALYSIS ZONE (TAZ): 283034
 TOTAL CROSS SITE AREA: 40.38 AC
 WEST SIDE ACREAGE (POD A): 20.08 AC
 EAST SIDE ACREAGE (POD C): 20.30 AC
 TOTAL DWELLING UNITS: 128 D.U.
 WEST SIDE UNITS (POD A): 55 D.U.
 EAST SIDE UNITS (POD C): 73 D.U.
 TOTAL WORKFORCE HOUSING UNITS REQUIRED: 3 UNITS*
 *MIN UNITS TO BE BOUGHT OUT @ \$91,000 PER UNIT FOR A TOTAL OF \$243,000
 DENSITY (GROSS): 2.89 D.U./AC
 TOTAL PERVIOUS/OPEN SPACE REQUIRED: 16.15 AC (40%)
 TOTAL PERVIOUS/OPEN SPACE PROVIDED: 21.11 AC (52%)
 LAKE TRACT AREA: 6.83 AC
 UPLAND PRESERVE AREA: 1.15 AC
 LANDSCAPE BUFFERS: 3.73 AC
 RECREATION AREA: 0.77 AC
 CIVIC AREA: N/A
 NEIGHBORHOOD PARK: 0.11 AC
 EASEMENTS (INCLUDES FUTURE CANAL DEDICATION): 8.04 AC
 ALL OTHER OPEN SPACE: 1.32 AC

SITE DATA CONT.

TOTAL LAKE TRACT AREA: 6.83 AC
 TOTAL LAKE SURFACE AREA: 3.46 AC
 TOTAL LITTORAL AREA REQUIRED: 23,416 S.F./54 AC
 TOTAL LITTORAL AREA PROVIDED: 23,416 S.F./54 AC
 TOTAL RECREATION AREA REQUIRED: 0.65 AC
 TOTAL RECREATION AREA PROVIDED: 0.77 AC
 TOTAL NEIGHBORHOOD PARK PROVIDED: 0.11 AC
 BUILDING HEIGHT: 35' MAX. HT.
 MAXIMUM NO. OF STORIES: 2 STORIES
 PARKINGS REQUIRED: 218
 RECREATION POOD A & C (GLNIT): 4'
 MIN. 2 SPACES PER POO REQUIRED FOR MAINT. SERVICES
 PARKINGS PROVIDED: 218
 RECREATION POOD A & C: 218
 RECREATION POOD B & D: 6

CENTERLINE GEOMETRICS KEY

CURVE	90/15	LINE	DELTA	TANGENT	CHORD
C1	322.00'	27.53'	453.53'	13.77'	27.52'
C2	278.00'	47.53'	874.46'	23.82'	47.47'
C3	322.00'	27.53'	453.53'	13.77'	27.52'
C4	99.33'	83.23'	480.23'	44.23'	80.81'
C5	84.83'	82.50'	4970.43'	44.08'	79.82'
C6	126.23'	126.23'	8764.55'	121.46'	175.00'
C7	488.00'	60.33'	656.29'	30.20'	60.30'
C8	502.00'	57.69'	6735.2'	28.87'	57.88'

PROJECT ENTRANCE ADT



**CHENEY RANCH PUD
PRELIMINARY SUBDIVISION PLAN**
PALM BEACH COUNTY, FLORIDA

L.D.S. PROJECT SCHEDULE		
DATE	APPROVAL	NOTES

"ALL DRAWINGS, SPECIFICATIONS, AND RELATED DOCUMENTS ARE THE COPYRIGHT PROPERTY OF THE LANDSCAPE ARCHITECT AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF DRAWINGS, SPECIFICATIONS, AND RELATED DOCUMENTS IN PART OR IN WHOLE IS FORBIDDEN WITHOUT THE LANDSCAPE ARCHITECT'S WRITTEN PERMISSION."

SCALE 1" = 60'-0"

DRAWN BY: ATB
DRAWING NO: 0915-02-12_HSP_2099_1.dwg
FILE #: 2099.1

**SHEET #
PSBP.2**

SITE DATA

PETITION/CONTROL NUMBER	2008-290
PROJECT NUMBER	01000-870
APPLICATION NUMBER	DOA 0214-01015
BCC APPROVAL DATE	JANUARY 8, 2009
NAME OF DEVELOPMENT	CHENEY RANCH PUD
USE	ZLL - SINGLE FAMILY
TYPE OF OWNERSHIP	FEE SIMPLE
FUTURE LAND USE DESIGNATION	MRS
TIER	LUS
EXISTING ZONING DESIGNATION	PLD
SECTION / TOWNSHIP / RANGE	03/34/42E
BCC DISTRICT	2
PCN NUMBER	0042432770501300113, 0042432770501300110, 004243277050130011000, 004243277050130011001, 004243277050130011002, 004243277050130011003, 004243277050130011004

CONCURRENCY APPROVAL

SINGLE FAMILY - ZLL	109 D U
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*CONCURRENCY IS APPROVED FOR THE ABOVE USES AND AMOUNTS SHOWN ON THIS PLAN.

TRAFFIC ANALYSIS ZONE (TAZ)	283/294
TOTAL GROSS SITE AREA	40.36 AC
WEST SIDE ACRES (POD A)	20.06 AC
EAST SIDE ACRES (POD C)	20.30 AC
TOTAL DWELLING UNITS	109 D U
WEST SIDE UNITS (POD A)	50 D U
EAST SIDE UNITS (POD C)	59 D U
TOTAL WORKFORCE HOUSING UNITS REQUIRED	3 UNITS*
WITH UNITS TO BE BUILT UP TO 0.815 D.U. PER UNIT FOR A TOTAL OF 524.560	
DENSITY (GRCS)	2.69 D.U./AC
TOTAL PERVIOUS/OPEN SPACE REQUIRED	16.15 AC (40%)
TOTAL PERVIOUS/OPEN SPACE PROVIDED	21.11 AC (52%)
LAKE TRACT AREA	5.93 AC
UPLAND PRESERVE AREA	1.15 AC
LANDSCAPE BUFFERS	3.79 AC
RECREATION AREA	0.77 AC
CIVIC AREA	0.11 AC
NEIGHBORHOOD PARK	8.04 AC
EASEMENTS (INCLUDES FUTURE CANAL DEDICATION)	1.32 AC
ALL OTHER OPEN SPACE	

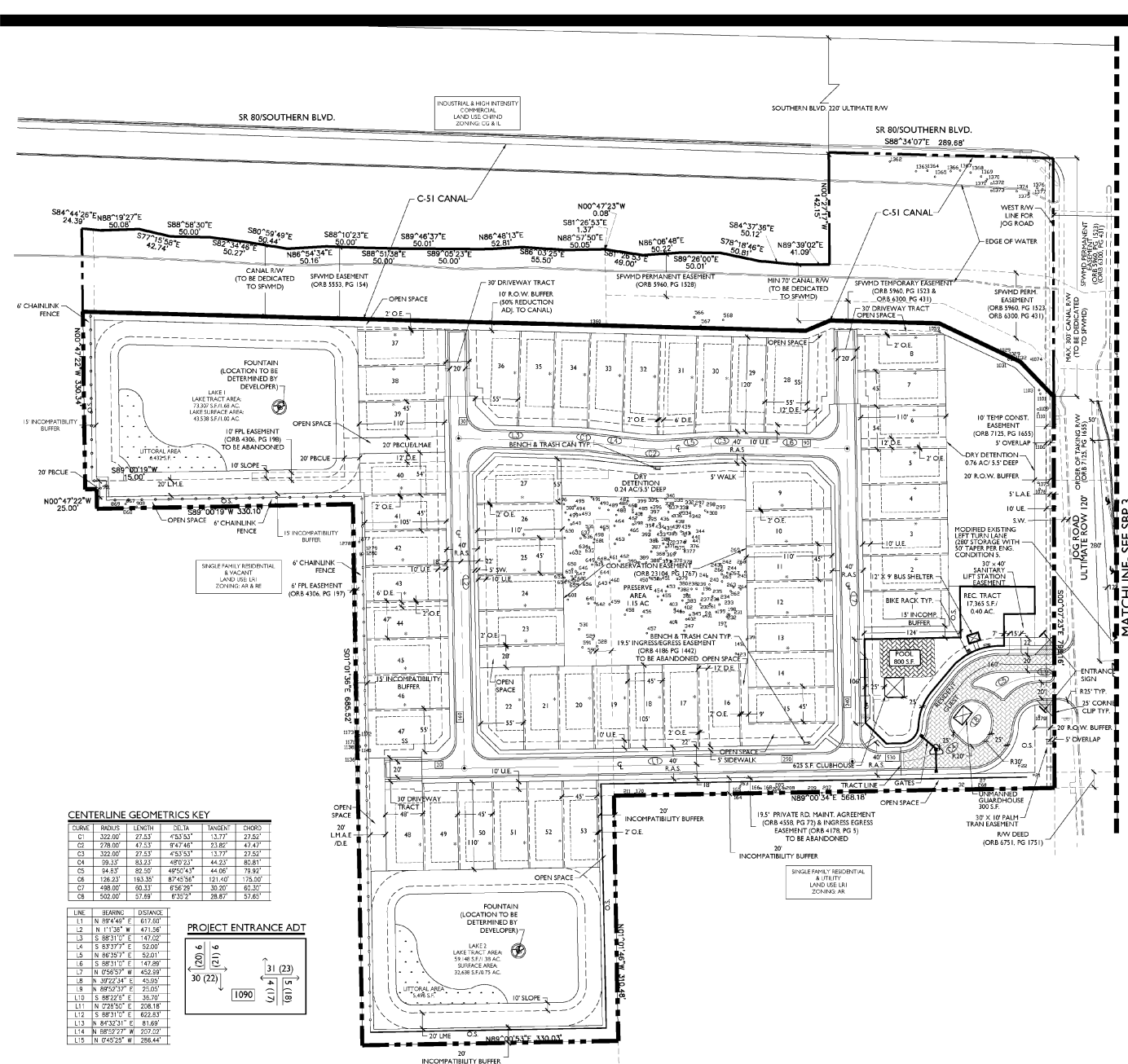
TOTAL LAKE TRACT AREA	5.93 AC
TOTAL LAKE SURFACE AREA	3.45 AC
TOTAL LITTORAL AREA REQUIRED	23.416 S.F./5.4 AC
TOTAL LITTORAL AREA PROVIDED	23.416 S.F./5.4 AC
TOTAL RECREATION AREA REQUIRED	0.95 AC
TOTAL RECREATION AREA PROVIDED	0.77 AC
TOTAL NEIGHBORHOOD PARK PROVIDED	0.11 AC
BUILDING HEIGHT	30' MAX. HT.
MAXIMUM NO. OF STORIES	2 STORIES
PARKING REQUIRED	
RESIDENTIAL POD A & C (4 UNIT)	218
RECREATION POD B & D (4 UNIT FOR PODS < 1 AC)	4
PARKING PROVIDED	
RESIDENTIAL POD A & C	218
RECREATION POD B & D	8

AMENDMENTS

LOCATION MAP

ZONING STAMP

**SHEET #
PSBP.2**



CENTERLINE GEOMETRICS KEY

CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD
01	322.00'	27.83'	4°53'53"	3.77'	27.52'
02	278.00'	47.53'	9°47'40"	7.96'	44.47'
03	322.00'	27.53'	4°53'53"	3.77'	27.52'
04	39.33'	83.23'	48°20'23"	44.23'	86.81'
05	94.83'	82.30'	49°20'43"	44.00'	78.92'
06	126.23'	183.35'	87°45'58"	121.40'	178.00'
07	498.00'	50.43'	6°36'29"	30.20'	60.30'
08	502.00'	37.68'	6°35'2"	28.67'	57.85'

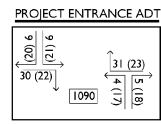


Figure 7: Preliminary Subdivision Plan dated February 12, 2015

Figure 8: Preliminary Subdivision Plan dated February 12, 2015

SITE DATA

PETITION/CONTROL NUMBER: 2008-290
 PROJECT NUMBER: 0100-870
 APPLICATION NUMBER: DOA-2014-01615
 BCC APPROVAL DATE: JANUARY 6, 2008
 NAME OF DEVELOPMENT: CHENEY RANCH PUD
 USE: ZLL SINGLE-FAMILY
 TYPE OF OWNERSHIP: FEE-SIMPLE
 FUTURE LAND USE DESIGNATION: MRS
 TIER: UPL
 EXISTING ZONING DESIGNATION: PUD
 SECTION, TOWNSHIP, RANGE: 034442
 BCC DISTRICT: 2
 PCN NUMBER: 004243270900130013, 004243270900130021, 004243270900130011, 004243270900130020, 004243270900130019, 004243270900130018, 004243270900130017, 004243270900130016, 004243270900130015



**CHENEY RANCH PUD
PRELIMINARY SUBDIVISION PLAN**
PALM BEACH COUNTY, FLORIDA

CONCURRENCY APPROVAL

SINGLE FAMILY - ZLL 109 D.U.

*CONCURRENCY IS APPROVED FOR THE ABOVE USES AND AMOUNTS SHOWN ON THIS PLAN:

TRAFFIC ANALYSIS ZONE (TAZ)

TOTAL GROSS SITE AREA	283,924
WEST SIDE ACREAGE (POD A)	40.38 AC
EAST SIDE ACREAGE (POD C)	20.88 AC
TOTAL DWELLING UNITS	203.30
WEST SIDE UNITS (POD A)	109 D.U.
EAST SIDE UNITS (POD C)	94 D.U.
TOTAL WORKFORCE HOUSING UNITS REQUIRED	3 UNITS*
DENSITY (CROSSER)	2.99 D.U./AC

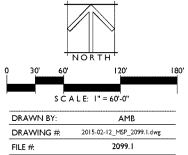
TOTAL PERVIOUS/OPEN SPACE REQUIRED

TOTAL PERVIOUS/OPEN SPACE PROVIDED	16.16 AC (40%)
LAKE TRACT AREA	21.11 AC (82%)
UPLAND PRESERVE AREA	5.93 AC
LANDSCAPE BUFFERS	1.16 AC
RECREATION AREA	3.79 AC
CIVIC AREA	0.77 AC
NEIGHBORHOOD PARK	0.11 AC
EASEMENTS (INCLUDES FUTURE CANAL DEDICATION)	5.94 AC
ALL OTHER OPEN SPACE	1.32 AC
TOTAL LAKE TRACT AREA	5.93 AC
TOTAL LAKE SURFACE AREA	3.46 AC
TOTAL LITTORAL AREA REQUIRED	23.416 S.F./54 AC
TOTAL LITTORAL AREA PROVIDED	23.416 S.F./54 AC
TOTAL RECREATION AREA REQUIRED	0.86 AC
TOTAL RECREATION AREA PROVIDED	0.77 AC
TOTAL NEIGHBORHOOD PARK PROVIDED	0.11 AC
BUILDING HEIGHT	35' MAX. HT.
MAXIMUM NO. OF STORIES	2 STORIES
PARKING PROVIDED	218
RESIDENTIAL POD A & C (2 UNIT)	4*
RECREATION POD B & D (N/A FOR PODS < 1 AC)	
*MIN. 2 SPACES PER POD REQUIRED FOR MAINT. SERVICES	
PARKING PROVIDED	218
RESIDENTIAL POD A & C	6
RECREATION POD B & D	

L.D.S. PROJECT SCHEDULE

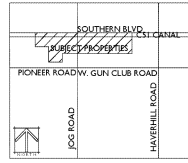
DATE	APPROVAL	NOTES

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SHEET #
PSBP.3

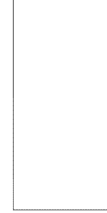
LOCATION MAP



ZONING STAMP



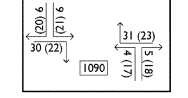
AMENDMENTS



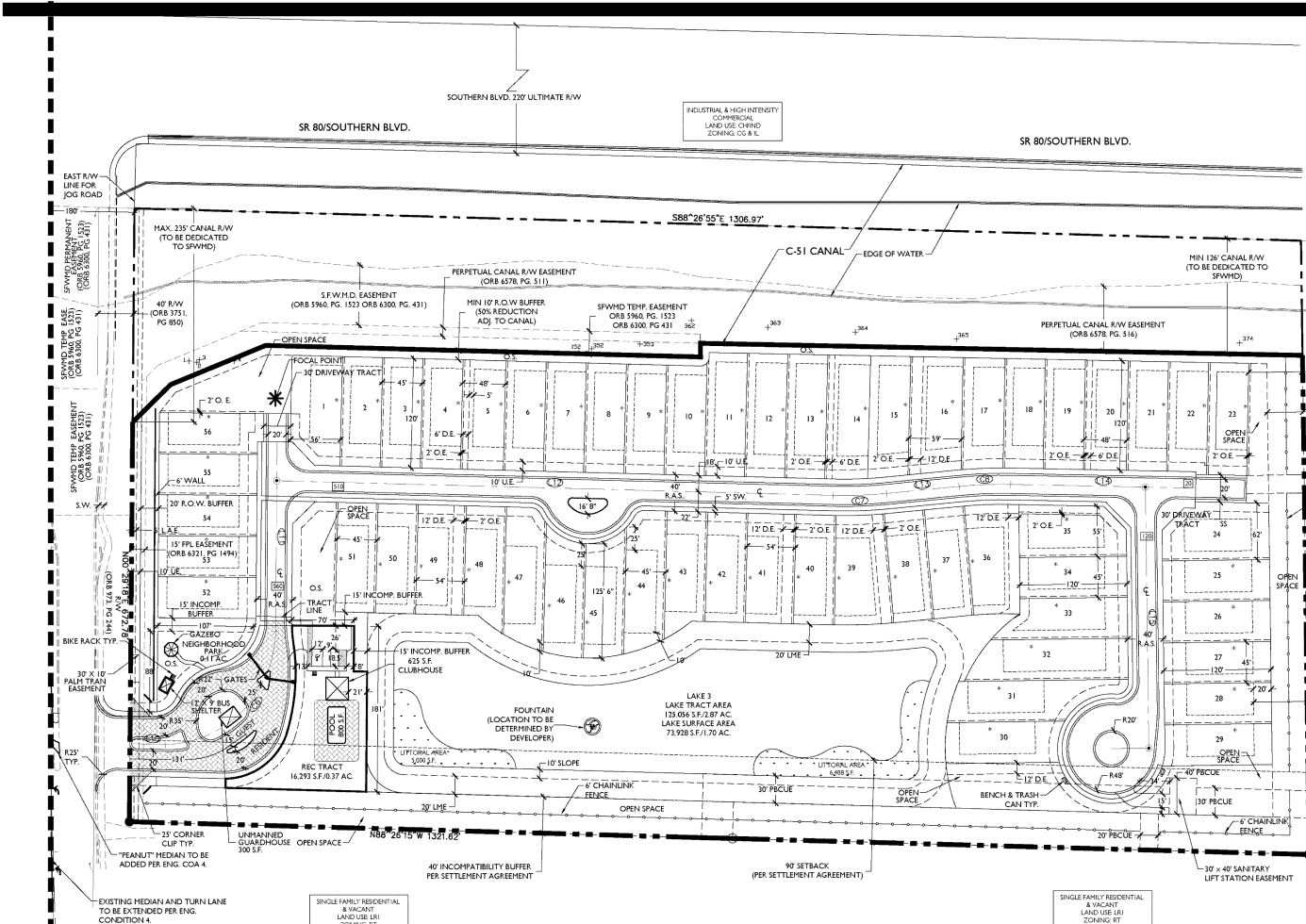
CENTERLINE GEOMETRICS KEY

CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD
C1	322.00'	27.53'	4°53'53"	13.77'	27.52'
C2	278.00'	47.53'	7°47'48"	23.82'	47.47'
C3	522.00'	27.53'	4°53'53"	13.77'	27.52'
C4	59.33'	83.23'	48°02'31"	44.23'	80.81'
C5	14.83'	82.50'	87°50'43"	44.68'	79.92'
C6	128.23'	183.35'	87°45'36"	121.40'	176.00'
C7	488.00'	60.33'	6°58'29"	36.20'	60.30'
C8	582.00'	57.69'	6°39'22"	28.67'	57.65'

PROJECT ENTRANCE ADT



LINE	BEARING	DISTANCE
L1	N 89°44'48" E	617.50'
L2	N 11°38'00" W	471.50'
L3	S 88°31'00" E	147.02'
L4	S 83°37'00" E	52.00'
L5	N 86°30'00" E	50.01'
L6	S 88°31'00" E	147.89'
L7	N 17°58'37" W	452.99'
L8	N 27°22'34" E	46.93'
L9	N 87°52'37" E	25.03'
L10	S 88°23'00" E	36.30'
L11	N 07°28'50" E	208.18'
L12	S 88°31'00" E	622.83'
L13	N 84°33'51" E	81.69'
L14	N 88°52'27" W	207.02'
L15	N 0°45'25" W	286.44'





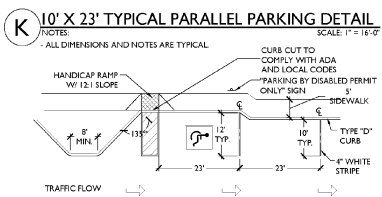
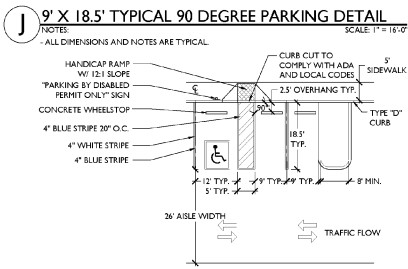
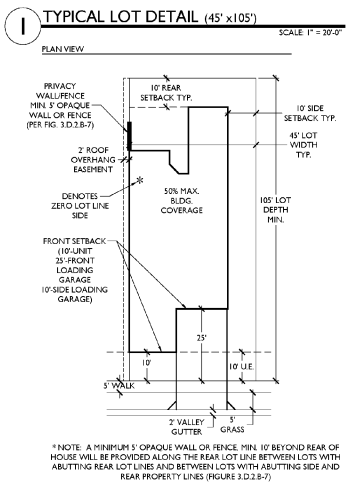
**CHENEY RANCH PUD
PRELIMINARY REGULATING PLAN**
PALM BEACH COUNTY, FLORIDA

L.D.S. PROJECT SCHEDULE		
DATE	REVISION	NOTES

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DRAWN BY: AHM
DRAWING #: 2015-02-12-161-2099-1.rvt
FILE #: 2099-1

SHEET #
PRP.2



AMENDMENTS

ZONING STAMP

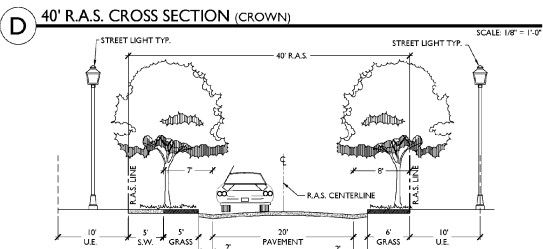
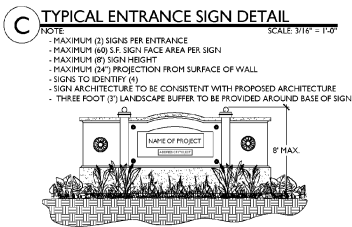
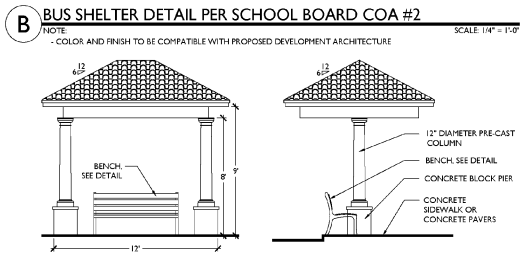
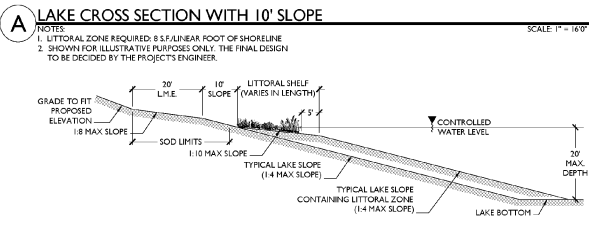
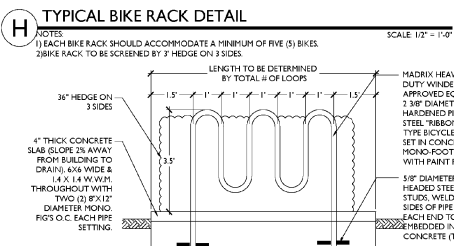
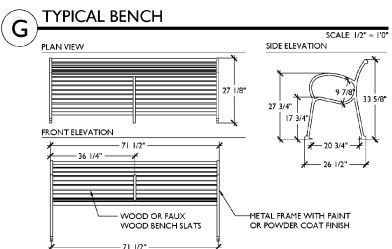
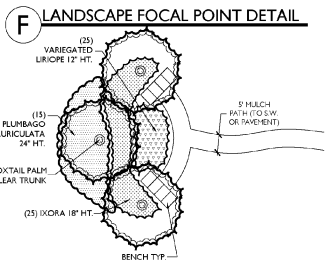
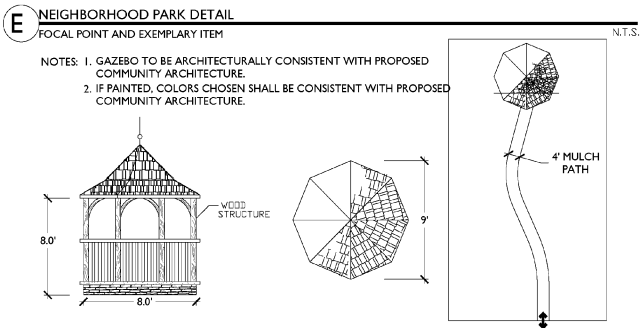
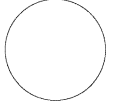


Figure 12: Preliminary Regulating Plan dated February 12, 2015

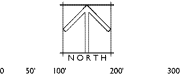


CHENEY RANCH PUD
PRELIMINARY REGULATING PLAN
PALM BEACH COUNTY, FLORIDA

L.D.S. PROJECT SCHEDULE	
DATE	REVISION



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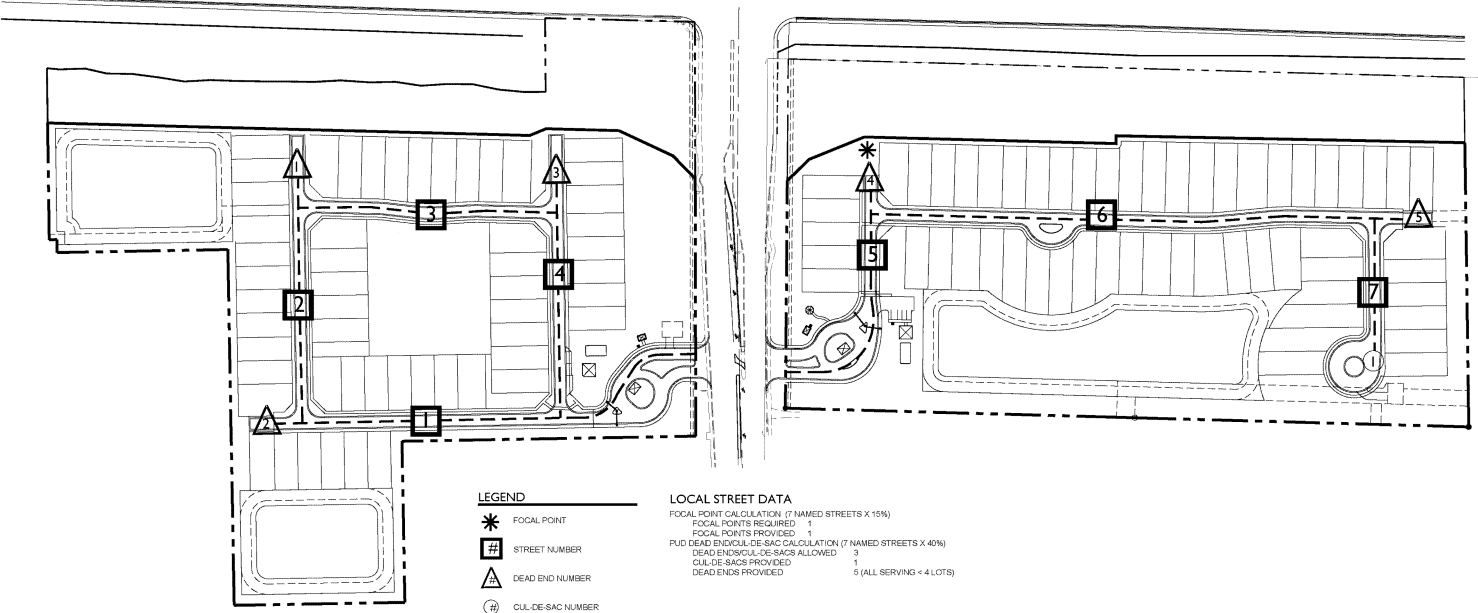
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SHEET #
PRP.3

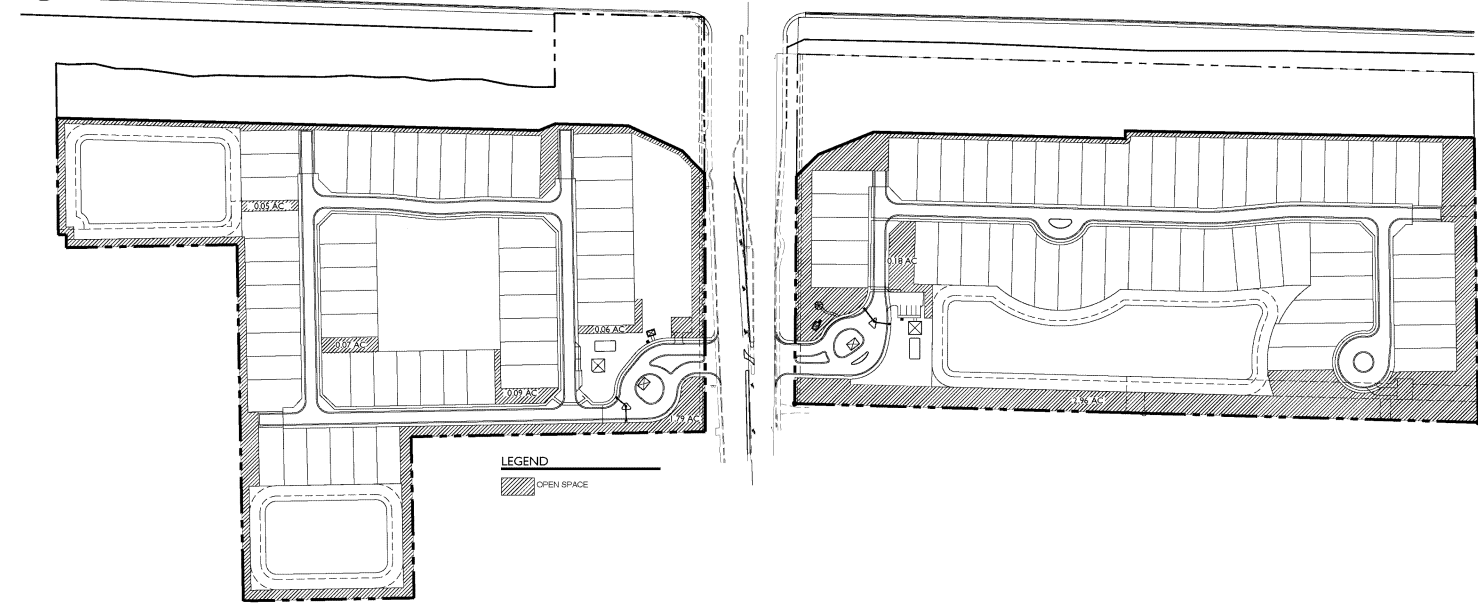
AMENDMENTS

ZONING STAMP

P STREET LAYOUT PLAN



Q OPEN SPACE PLAN



DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA 11-20
COUNTY OF PALM BEACH DuPage

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

- 1. Affiant is the [] individual or manager [position - e.g., president, partner, trustee] of Cheney 109 LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 12 Salt Creek Lane
Suite 400
Hinsdale, IL 60521
- 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.

Peta Brunson, Notary
_____, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 12th day of June, 2014, by Peta J. Brunson, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Jean Yin

Notary Public

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

Attachment A
LEGAL DESCRIPTION

PARCEL 1:

The North one-half of the Northwest Quarter of the Northeast Quarter of Section 3, Township 44 South, Range 42 East, Palm Beach County, Florida, LESS and EXCEPT Jog Road right-of-way.

Together with:

The West 34.62 feet of the West 115 of the Southeast Quarter of the Northwest Quarter of the Northeast Quarter of Section 3, Township 44 South, Range 42 East, Palm Beach County, Florida.

PARCEL 2:

A tract of land in Section 3, Township 44 South, Range 42 East, Palm Beach County, Florida, bounded as follows:

On the North by the North line of said Section 3; on the South by the Westerly extension of the South line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 3; on the East by the West line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 3 and on the West by the East line of Blocks 5 and 13, THE PALM BEACH FARMS CO. PLAT NO.3, Palm Beach County, Florida, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54. LESS and EXCEPT Jog Road right-of-way.

PARCEL 3:

A tract of land in Section 3, Township 44 South, Range 42 East, Palm Beach County, Florida, bounded as follows:

On the North by the Westerly extension of the South line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 3; on the East by the West line of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 3; on the West by the East line of Tract 1, Block 13, THE PALM BEACH FARMS CO. PLAT NO.3, Palm Beach County, Florida, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54 inc.; and on the South by the Easterly extension of the South line of said Tract 1, Block 13, THE PALM BEACH FARMS CO. PLAT NO.3. LESS and EXCEPT Jog Road right-of-way.

PARCEL 4:

The North $\frac{1}{2}$ of Tract 1, Block 13, THE PALM BEACH FARMS CO PLAT NO.3, a Subdivision in Palm Beach County, Florida, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54, together with the rights granted to grantor in Official Records Book 1516, Page 559.

PARCEL 5:

That part of the East $\frac{1}{2}$ of Tract 76, Block 5, lying South of the West Palm Beach Canal. THE PALM BEACH FARMS CO. PLAT NO.3, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54, inclusive.

PARCEL 6:

The West $\frac{1}{2}$ of Tract 76, Block 5, lying South of the West Palm Beach Canal, THE

PALM BEACH FARMS COMPANY PLAT NO.3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 45.

PARCEL 7:

That 50 foot wide strip of land lying South of the Westerly 570' of Tract 76, Block 5, and North 01 Tract 1, Block 13, THE PALM BEACH FARMS CO. PLAT NO.3, recorded in Plat Book 2, Pages 45-54 of the Public Records of Palm Beach County Florida.

PARCEL 8:

That part of Tract 75, Block 5. THE PALM BEACH FARMS COMPANY PLAT NO.3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 45, lying South of and being adjacent to the Southerly right-of-way line of the West Palm Beach Canal C-51.

Together with:

The North 19.50 feet of the South 330 feet of Tract 1, Block 13, THE PALM BEACH FARMS CO., PLAT NO.3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.

AND

The North 19.50 feet of the South 330 feet of that part of the West ½ of Section 3, Township 44 South, Range 42 East, lying East of and adjacent to the South ½ of Tract 1, Block 13, THE PALM BEACH FARMS CO. PLAT NO.3, less any rights-of-way for Jog Road, according to the Plat thereof recorded in Plat Book 2, Page 45, Public Records of Palm Beach County, Florida.

PARCEL 9:

The East half of Tract 2, Block 13, THE PALM BEACH FARMS CO. PLAT NO.3, according to the Plat thereof recorded in Plat Book 2, Pages 45 to 54 inclusive. in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.

PARCEL 10:

That 50 foot wide strip of land lying South of the East half of Tract 75, Block 5 and North of the East half of Tract 2, Block 13. THE PALM BEACH FARMS CO. PLAT NO.3, recorded in Plat Book 2, Pages 45-54 of the Public Records of Palm Beach County, Florida;

AND

The North half of that 50 foot wide strip of land lying South of the West half of Tract 75, Block 5, THE PALM BEACH FARMS CO. PLAT NO.3, recorded in Plat Book 2, Pages 45-54 of the Public Records of Palm Beach County, Florida.

PARCEL 11

The East 15 feet of that 30 foot wide strip of land lying between Tracts 74 and 75, Block 5, and South of West Palm Beach Canal, THE PALM BEACH FARMS CO. PLAT NO. 3. recorded in Plat Book 2. Pages 45-54 of the Public Records of Palm Beach County, Florida

STIPULATED SETTLEMENT AGREEMENT

THIS STIPULATED SETTLEMENT AGREEMENT (the "Agreement") is entered into on this 15th day of January 2008, by and between the Joseph N. Cheney Land Trust ("Cheney") on the one hand and, on the other hand, the West Gun Club Road Property Owners Association, Inc. (the "Association") (the members of the Association are listed in Exhibit A hereto), George E. Humhpries, James J. Harangody, Pamela G. Rush, Debra Edwards, and William Betts (hereinafter collectively referred to as the "Intervenors"). This Agreement is for the purpose of resolving and settling all claims regarding the Comprehensive Plan Amendment adopted by Palm Beach County Ordinance No. 2006-032 (the "Plan Amendment") as well as in Department of Community Affairs et al. vs. Palm Beach County et al., DOAH Case No. 06-4544GM (the "Litigation").

RECITALS

WHEREAS, Cheney owns a 20.80-acre parcel of property located at the southeast corner of Southern Boulevard and Jog Road in Palm Beach County, Florida (the "Property") which is the subject of the Plan Amendment; and

WHEREAS, the Intervenors are the Association which represents the approximately ninety homeowners within the West Gun Club Road residential community which abuts the Property on the south and east, as well as five individually named property owners therein; and

WHEREAS, on August 21, 2006, Palm Beach County, by its Board of County Commissioners ("Local Government"), adopted Comprehensive Plan Amendment No. LGA 2006-00002 by Ordinance No. 2006-032, attached hereto as Exhibit B; and

WHEREAS, the Plan Amendment redesignates the land use for the Property as reflected in the County's Future Land Use Map from "Low Residential" to "Medium Residential"; and

WHEREAS, the Florida Department of Community Affairs ("DCA") initially found the Plan Amendment to be not in compliance with the requirements of Sections 163.3177, 163.3178, 163.3180, 163.3191, and 163.3245 Florida Statutes (2006); the State Comprehensive Plan; the Regional Policy Plan; and Rule 90.5 Florida Administrative Code, Section 163.3184(1)(b), Florida Statutes (2006) (collectively, the "State Rules and Regulations"), and initiated the Litigation; and

WHEREAS, Intervenors have intervened in the Litigation in opposition to the Plan Amendment; and

WHEREAS, on November 26, 2007, the Local Government approved the Stipulated Settlement Agreement with DCA which reflected that DCA was satisfied that the Plan Amendment was now in compliance with the State Rules and Regulations and which, in effect, gave final governmental approval to the Plan Amendment; and

WHEREAS the parties wish to avoid the expense, delay, and uncertainty of lengthy litigation, wish to resolve this proceeding under the terms set forth herein, and agree that it is in their respective mutual best interests to do so; and

WHEREAS, as further described below, in order to completely resolve the issues raised in the Intervenors' Petition for Leave to Intervene in the Litigation, Cheney has agreed to the additional stipulations set forth in paragraphs 1(a) through 1(h) below; and

WHEREAS, in consideration for Cheney's agreement to the aforesaid stipulations, the Intervenors agree to withdraw from DOAH case No. 06-4544GM with prejudice and agree not to

pursue any other legal course of action against Cheney unless it pertains directly to the enforcement of this Agreement. In addition, the Intervenor will not object to the Stipulated Settlement Agreement between DCA and Palm Beach County at the November 26, 2007, Board of County Commissioners meeting, or at any other time or before any other venue.

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein below, and in consideration of the benefits to accrue to each of the parties, the receipt and sufficiency of which are hereby acknowledged, the parties hereby represent and agree as follows:

GENERAL PROVISIONS

1. **Cheney Settlement Provisions.**

a. Cheney will reduce the number of proposed units to be built on the Property to a maximum of 86 dwelling units; and

b. Cheney retains all rights to transfer the remaining 18 units to the approximately 19.62-acre parcel of property also owned by Cheney and located at the southwest corner of Southern Boulevard and Jog Road and which is the subject of the Comprehensive Plan Amendment approved by the Local Government on November 26, 2007, in Palm Beach County Ordinance No. 2006-033; and

c. No unit to be developed on the Property would be greater than two stories in height; and

d. Cheney will enter into a Declaration of Restrictions, as attached hereto as Exhibit C and made a part hereof, or other appropriate legal document, the effect of which is to limit access to and from the Property along both the eastern and southern perimeters thereof; and

e. Cheney, in developing the Property, will have a 60-foot setback from its east property line within which it will install and maintain a 40-foot-wide buffer, said buffer incorporating a six-foot-high berm with a black vinyl clad chain link fence on the top thereof. The buffer shall be planted with mature native vegetation at heights and at separations designed to create an essentially opaque visual barrier between the Property and the property to its east; and

f. Cheney, in developing the Property, will have a 90-foot setback from its south property line within which it will install and maintain a 40-foot-wide buffer, said buffer incorporating a six-foot-high berm with a black vinyl clad chain link fence on the top thereof. The buffer shall be planted with mature native vegetation at heights and at separations designed to create an essentially opaque visual barrier between the Property and the property to its south; and

g. Cheney will not seek any additional dwelling units on the Property either through a comprehensive plan amendment, zoning, Transfer of Development Rights program or any other density enhancing policy; and

h. Should Cheney, its heirs and assigns, ever have an ownership or leasehold interest, either directly or indirectly, in any of the property adjacent on the south and/or east to the Property, no density increase will be sought for that adjacent property.

2. **Intervenors' Settlement Provisions.**

a. The Intervenors agree to withdraw, with prejudice, from DOAH case No. 06-4544GM and agree not to pursue any other legal course of action against Cheney relating

to the subject of this Agreement unless it pertains directly to the enforcement of this Agreement;
and

b. The Intervenors agree not to object, at any time, including all public hearings and private meetings, if any, to any application(s) or efforts by Cheney to increase, by up to 18 dwelling units, the density on Cheney's property located at the southwest corner of Jog Road and Southern Boulevard, said property previously described herein with greater specificity;
and

c. The Intervenors will not object, at any time, to approval of the Settlement Agreement between DCA and the County to be considered by the Local Government on November 26, 2007, including at any further process before the Local Government or any other governmental or regulatory body to develop the Property consistent with the terms hereof.

3. **Agreement Binding on Successors, Heirs and Assigns.** This Agreement shall be binding upon Intervenors, their members, successors, heirs, and assigns, on the one hand and, on the other hand, Cheney, its successors and assigns. Should Cheney or any subsequent owner of the entire Property decide to sell or otherwise transfer its interest therein, the seller, be it Cheney or a successor or assign thereof, shall set forth in the Purchase and Sale Agreement that there is a Settlement Agreement which contains certain restrictions on the use and development of the Property; that a copy of that Agreement is to be provided to the contract purchaser; that by executing the Purchase and Sale Agreement, the prospective buyer acknowledges his or her awareness thereof; and that he/she has read same and understands that, upon acquiring the Property, he/she will be bound by the terms and conditions thereof.

4. **Changes in Law.** Nothing in this Agreement shall be construed to relieve either party from adhering to the law, and in the event of a change in any statute or administrative

regulation inconsistent with this Agreement, the statute or regulation shall take precedence and shall be deemed incorporated in this Agreement by reference.

5. **Attorney Fees and Costs.** Should litigation ensue for the purpose of enforcing the terms and provisions hereof, the prevailing party shall have its reasonable attorneys fees paid by the other party. This provision includes all appeals and is to benefit the ultimately prevailing party.

6. **Effective Date.** This Agreement shall become effective immediately upon execution by the last party hereto to so execute.

7. **Construction of Agreement.** All parties to this Agreement are deemed to have participated in its drafting. In the event of any ambiguity in the terms of this Agreement, the parties agree that such ambiguity shall be construed without regard to which of the parties drafted the provision in question.

8. **Entire Agreement.** This is the entire agreement between the parties, and no verbal or written assurance or promise is effective or binding unless included in this document.

9. **Multiple Originals.** This Agreement may be executed in any number of originals, all of which evidence one agreement, and only one of which need be produced for any purpose.

10. **Captions.** The captions inserted in this Agreement are for the purpose of convenience only and shall not be utilized to construe or interpret any provision of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their undersigned officials as duly authorized.

JOSEPH N. CHENEY LAND TRUST

By: _____
Name: _____
Title: _____

WEST GUN CLUB ROAD PROPERTY OWNERS ASSOCIATION, INC.

By: George E. Humphries
Name: George E. Humphries
Title: President West Gun Club Rd Property Owners Assn, Inc

George E. Humphries
George E. Humphries

[Signature]
James J. Narangody

[Signature]
Pamela G. Rush

[Signature]
Debra Edwards

[Signature]
William Betts

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EXHIBIT A

(Members of West Gun Club Road Property Owners Association, Inc.)

West Gun Club Road Property Owners Association, Inc.

Crime Watch Captains are shown in *Italic* print 12/16/07

<u>Last Name</u>	<u>First Name</u>
<i>Leinbach</i>	<i>Dick</i>
Andrews	Luz
<i>Barnette</i>	<i>James Jr. & Peggy</i>
Betts	Bill & Susie
Birdsall	Robert Jr.
Blosser	John & Elizabeth
Burney	Phillip & Cynthia
Carvajal	Pedro & Aleida
Chaple	Bernardo A.
Costello	John P. & Linda
Cushman	John & Caroljean
Davis	Mark
Dean	Julie
Delaney	Ella (Laurel)
Dimas	Diaz
Eaton	Sharon
Edwards	Paul & Debra
Fagan	Patrick & Judy
Farah	Michael & Khim
Flinchum	David & Janet
Furnish	Carrol R.
Garden	Peter & Sharon
Goldstone	Jim
Gottlieb	Joseph L. & Felica
Griffis	John J. & Juanita
Gronborg	Jeffrey & Theresa
Hallak	Franko
Hallak	Faez & Nadima
Hamlin	Robert L. & Nancy E.
<i>Harangody</i>	<i>Jim & Madeleine Saint-Pierre</i>
Hayes	Dan & Karen
Heaton	Mark & Gina
Herrera	Fransisco J.
Hogge	George D. & Sandra

EXHIBIT A

West Gun Club Road Property Owners Association, Inc.

Crime Watch Captains are shown in *Italic* print 12/16/07

<u>Last Name</u>	<u>First Name</u>
<i>Holmes</i>	<i>Henry L. & Susan E.</i>
Holmes	Harris & Sandy
Houston	Stephanie
<i>Humphries</i>	George & <i>Penny</i>
Inget	Arthur & Susan
Kazim	Alli
Kunkel	Robert & Linda
Lee	Forrest & Kathy
Leinen	Rory
Lowen	John
Lumb	Bill & Sandra
Lyon	Ray & Peggy
Maglio	Evelyn
Mann	John & Dianna
Marcino	Michael & Chiara
McLellan	Bill & Donna
Michaud	Rudy J. & Norma A.
Milo	Mike & Alyssa
Miranda	Enrique & Elaine
Morgan	Kevin & Laura
Newett	Jan
Nison	Joseph & Luisa
Oliva	Daisey
Owens	Pat
Panozzo	Angelo A. & Debbie
Panozzo	Angelo & Gina
Panozzo	Vittorino & Marilyn
Perez	Connie
Roig	Scott
Roth	Ronald W. & Bobbi
Rowe	Lou
Rush	Joe & Pam
<i>Schmidt</i>	Charles & <i>Catarina</i>
Scott	Jeffrey & Kelly

West Gun Club Road Property Owners Association, Inc.

Crime Watch Captains are shown in *Italic* print 12/16/07

<u>Last Name</u>	<u>First Name</u>
Sleezer	Thomas & Marcia
Sorel	Charles & Adeline
Starr	Jim & Louise
Steppens	Gordon J. & Pat
Stone	Hilton & Lillian
Storer	Rosalee
Tenenbaum	Elan & Fawn
Torres	Grace
Valentino	John & Kathy
Veliz	Ivan & Merlin
Vereline	Greg & Teresa
Wenz	David & Gigi
Werner	Bruce & Tammy
Werner/ <i>Shahay</i>	Jerome/ <i>Penelope</i>
Wheeler	Michael & Elizabeth
Wilcox	Jim & Astrid
Wilson	Arelene J.
Worthington	Glenn & Connie
Z Boyd	John & Gail
Z Dieguez	Victor & Barbara
Z Dummett	Kathleen
Z Raines	Roy & Gina
Z Ramsey	Richard W. & M'Lisse
Z Wichele	Thomas C. & Arlene