

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

Application No.: DOA-2020-00761
Application Name: Forest Oaks Residential
Control No./Name: 1970-00009 (Lucerne Lakes)
Applicant: Grillo Golf Management LLC
Mattamy Homes
Owners: Lake Worth Drainage District
Grillo Golf Management LLC
Agent: Design and Entitlement Consultants, LLC. - Ken DeLaTorre
Telephone No.: (561) 707-3410
Project Manager: Ryan Vandenburg, Principal Site Planner

TITLE: a Development Order Amendment **REQUEST:** to modify the Master Plan; add units; and, add access points.

APPLICATION SUMMARY: Proposed is a Development Order Amendment for the Forest Oaks Residential development proposal. The overall Master Plan area is approved with a mix of single and multi-family residential units, including a Golf Course with clubhouse.

The Applicant is proposing to remove the Golf Course that is incorporated throughout the Residential PUD to allow for the development of 450 residential units. The Preliminary Master Plan (PMP) indicates a total of 100 detached Zero Lot Line units, as well as 350 Townhouse units across three new residential Pods. In addition to the proposed residential development, the PMP indicates a eight new recreational Pods for a total of 3.74-acres, as well as 1.37-acres to be provided for Neighborhood Parks throughout the affected area.

Four new access points are proposed to be provided from Lucerne Lakes Boulevard, as well as one additional access proposed to Charleston Street, for a total of five new access points for the affected development area.

SITE DATA:

Location:	South side of Lake Worth Road, approximately 0.75 miles east of Florida Turnpike. Affected area includes all existing Golf Course lands within the Lucerne Lakes PUD.
Property Control Number(s):	Affected Area: 00-42-44-28-07-000-0020; 00-42-44-28-33-007-0000; 00-42-44-28-33-023-0000; 00-42-44-28-00-000-5010
Existing Future Land Use Designation:	High Residential (HR-12)
Proposed Future Land Use Designation:	No Change
Existing Zoning District:	Planned Unit Development
Proposed Zoning District:	No Change
Total Acreage:	273.49-acres
Affected Acreage:	79.01-acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile:	Greenacres
Future Annexation Area:	Greenacres

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

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received approximately 1,000 contacts from the public regarding this application. Of the contacts made, Staff received approximately 165 unique individual emails in opposition to the project. Staff would like to note that a far greater number of emails were provided in opposition, but duplicate emails from the same individual are not counted towards the overall count.

Reasons for objections includes, but may not be limited to the following:

- Loss of Open Space, lakes, greenspace, recreation and wildlife;
- Increased traffic, congestion;
- Drainage/flooding concerns;
- Damages to existing residences during construction;
- Visual, noise and odor impacts to existing residents;
- Loss of privacy and security concerns;
- Effects on the existing 55+ Lucerne Lakes Community;
- Concerns related to compliance with existing Home Owner Association (HOA) documents for the Lucerne Lakes community;
- Increased density; and,
- Reduced quality of life.

In addition to the individual emails in opposition, Staff have received five petitions that included opposition from numerous individuals, as outlined below. As there are a significant number of petitions in opposition, Staff were unable to verify if there are emails from individuals in opposition that are duplicative to those on the below noted grouped emails/petitions:

- March 16, 2021 email petition identifying 37 individuals in opposition.
- March 21, 2021 email petition identifying 99 individuals in opposition.
- March 24, 2021 email petition identifying 145 individuals in opposition.
- May 26, 2021 email petition identifying 93 individuals in opposition.
- July 8, 2021 email petition identifying 363 individuals in opposition.

Staff have also received letters from Mrs. Lisa Reves, Attorney, with Saul, Ewing, Arnstein & Lehr, LLP, and Mr. John Jorgensen, Attorney, with Scott, Harris, Bryan, Barra & Jorgensen, P.A. Both Attorneys have provided letters in opposition to the proposed redevelopment of the Golf Course lands. These letters are attached and provided for in **Exhibit G**, Supplemental Documentation, Attorney Correspondence. Staff have also included in Exhibit G two response letters from Mr. Henry Handler, Attorney, with Weiss, Handler & Cornwell, P.A., a letter from Debbie Orshefsky with Holland and Knight, LLP, an additional letter from Holland and Knight, LLP, and a letter from Jeffrey Rembaum of Kaye Bender Rembaum, P.L.

Staff have received letters of no objection from the Lucerne Lakes South Homeowners Association as well as the Lucerne Lakes North Homeowners Association. In addition to the letters of no objection from these two HOAs, Staff have received 96 letters of support from individual homeowners.

PROJECT HISTORY:

Planned Unit Development regulations were adopted by the Board of County Commissioners (BCC) on July 3, 1969 pursuant to Resolution 3-Y-69. The intent of the language was to provide alternative means of land development. The Unit of Development was primarily residential and depicted the uses of the land, building locations, yards and open spaces. At that time, the requirements for PUDs addressed density for a project based on the Zoning District and the type of housing that was proposed within an area of the PUD. The golf course was not assigned density in the approval, as it did not propose any residential within that area. There were no specific regulations relating to minimum recreation areas or minimum open space requirements. The description of open space on the plats related to recreation areas as well as the “yards” for the residential units. A “yard” being the unencumbered areas between the structures and the property lines.

Lucerne Lakes PUD was approved on December 10, 1970, pursuant to a Conditional Use within the R-1 Zoning District, with 3,395 units approved originally. As part of the approval process after a Conditional Use was approved for a PUD, the Applicant had six months to file the final plat for the development and obtain approval by the Zoning Commission, who were the Board of County Commissioners at that time. If a Property Owner wanted to modify a Master Plan it required approval

of a new Master Plan. The Golf Course was not indicated on the original plan dated October of 1970, but since depicted on the plan starting in 1972. Modifications to the Master Plan were completed multiple times from 1972 through 2000. The first plat for the golf course tracts was completed in 1973, with the latest plat approval in 2000. In 1989, with the adoption of the Comprehensive Plan, the entire development was given a High Residential, 12 dwelling units per acre (HR-12) Future Land Use designation, consistent with what was envisioned in the Master Plan approved in 1970.

As each plat was approved, along with modifications to the Master Plan the unit count decreased to what is currently shown on the Master Plan as 1,940 units. Staff would like to note that the 1,940 units shown on the Master Plan differs slightly from the approved Plats, that shows the overall unit count for Lucerne Lakes PUD as 2,204 units. While there is a slight discrepancy between the approved Plats and approved Master Plan, this difference in existing units does not have an effect on the existing or proposed density as it relates to the HR-12 designation. If the overall existing Lucerne Lakes PUD development has 2,204 units, and an additional 450 units are added, the overall density will be 9.7 dwelling units per acre, which is below the Planning density threshold. Staff are requesting per Condition of Approval that the overall unit count be updated in the Site Data to be consistent with the Plats. The correct number of units are already shown in the Pods on PMP-1 (Figure 5).

Under the current regulations, modifications to a prior approval, requires the affected area to comply with the current regulations, while ensuring the modifications do not create non-conformities for the existing approval.

SURROUNDING LAND USES (Overall PUD):

NORTH (across Lake Worth Road):

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
Zoning District: General Commercial (CG)
Supporting: Commercial (R & S Development/Worth Plaza, Control No. 1973-00018)

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
Zoning District: General Commercial (CG)
Supporting: Commercial (Texaco Gas Station, Control No. 2009-01842)

NORTHEAST:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
Zoning District: Service Commercial (CS)
Supporting: Commercial (Allstate Insurance Office, Control No. 1985-001236)

SOUTH:

FLU Designation: Low Residential, 1 unit per acre (LR-1)
Zoning District: Agricultural Residential (AR) and Residential Estate (RE)
Supporting: Residential (Control Name and No. N/A)

FLU Designation: Low Residential, 1 unit per acre (LR-1)
Zoning District: Residential Estate (RE)
Supporting: Residential (Control Name N/A, Control No. 1976-00074)

FLU Designation: High Residential, 8 units per acre (HR-8)
Zoning District: Multifamily Residential (RM)
Supporting: Residential (Pines at Lucerne Point, Control No. 2002-00062)

EAST (across Charleston Street):

FLU Designation: Medium Residential (MR-5)
Zoning District: Public Ownership (PO)
Supporting: Government (Fire-Rescue Station 93, Control No. 2008-00093)

FLU Designation: Medium Residential (MR-5)
Zoning District: Agricultural Residential (AR)
Supporting: Residential (Control Name and No. N/A)

FLU Designation: Medium Residential (MR-5)
Zoning District: Multifamily Residential (RM)
Supporting: Vacant (Board of County Comm, Control No. 1988-00061)

FLU Designation: Medium Residential (MR-5)
Zoning District: Residential Planned Unit Development District (PUD)
Supporting: Golf Course (Control No. 2016-0114)

WEST:

FLU Designation: Commercial High, with underlying 8 units per acre (CH/8)
Zoning District: Commercial General (CG)
Supporting: Commercial (The Market/Gary Brown, Control No. 1978-00077)

FLU Designation: Medium Residential (MR-5)
Zoning District: Multifamily Residential (RM)
Supporting: Residential (Control Name and No. N/A)

FLU Designation: Institutional and Public Facilities (INST)
Zoning District: Single Family Residential (RS)
Supporting: Church (Saint Lukes United Methodist Church, Control No. 1983-00091)

FINDINGS:

When considering a Development Order application for 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 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.*

PLANNING DIVISION COMMENTS:

- o *Density & Workforce Housing Program (WHP):* The Planning Division reviewed the request for 450 residential units on the subject 79-acre site utilizing the High Residential, 12 units per acre (HR-12) land use designation.

The Forest Oaks Residential request is within the overall 273.50-acre Lucerne Lakes PUD, with an existing 1,940 dwelling units and the subject 79-acre golf course. The subject request will convert 79-acres of golf course use to residential, and proposes to add 450 additional dwelling units. The request will result in 2,390 units total within the overall PUD (1,940 + 450 = 2,390). The entire PUD has the High Residential, 12 units per acre (HR-12) future land use designation, which yields a maximum development potential of 3,282 dwelling units (12 du/ac x 273.50 ac = 3,282 unit potential). The request for 450 units is below the maximum available units, the overall total of 2,390 units does not exceed the 3,282 units allowed by the future land use designation on the overall area.

The request for a total of 450 units on the subject affected area of 79-acres, with the HR-12 future land use designation, and utilizing the Limited Incentive Development Option, was achieved as follows:

<u>Units per land use & WHP bonus:</u>	<u>Workforce Obligation:</u>
450 Standard units	11.25 WHP units (2.5%)
0 Max units	0 units
0 WHP Bonus units	0 WHP units
<u>0 TDRs</u>	<u>0 units</u>
450 total units	11.25 or 11 units (rounded down)

Per the WHP requirements, the request is obligated to designate, and deed restrict a minimum of 11 units as Workforce Housing. The Applicant is choosing to provide the units onsite in Pod A as for-sale Townhomes. Choosing the Limited Incentive Development Option requires that these units be deed restricted in the Low and Moderate 1 income categories.

- *Workforce Housing Program (WHP):* The WHP has both a mandatory and a voluntary component. The program requires that a percentage of units in new residential developments of 10 or more units to be provided as workforce housing, affordable to income-qualified households having 60 to 140% of area Median Family Income (MFI). The program is applicable in the Urban/Suburban Tier of the unincorporated County and in other areas where required by conditions of approval. The program’s optional component allows for a density bonus in exchange for a portion of the additional units being dedicated as workforce housing.
- *Workforce Housing (WHP) Program Pricing & Income Categories:* In Palm Beach County, the 2020 area Median Family Income (MFI) is \$79,100 for a family of four (per HUD). The following are the current sales and rental prices per income category for 2020 in Palm Beach County. The income categories are the same for both programs. These homes cannot be sold or rented at a higher price.
- *WHP Sales Prices:* The sales prices are based on US HUD annual median income figure.

WHP Income Category			2020 (WHP) Sales Prices
Low	60 -80%) of MFI	\$47,460 - \$63,280	\$166,110
Moderate 1	>80 -100%) of MFI	>\$63,280 - \$79,100	\$213,570
Moderate 2	>100 -120%) of MFI	>\$79,100 - \$94,920	\$261,030
Middle	>120 -140%) of MFI	>\$94,920 - \$110,740	\$308,490*

**Does not apply to WHP units in projects approved under WHP Code adopted 8/22/2019.*

- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The site is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan.
- 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.*

The Applicant has sufficiently demonstrated through the submitted Plans, Justification Statement and Supplemental Reports that the proposed redevelopment of the Golf Course meets the requirements of Standard b., Consistency with the Code. The following provides a detailed breakdown of the requirements of the Code, and how the Applicant has sufficiently met these requirements.

- *Modification to Reduce or Reconfigure Existing Golf Course:* Per Art. 3.E.1.E.3, Modification to Reduce or Reconfigure Existing Golf Course, the Applicant must ensure the following in completed:
 - a. **Notice to Homeowners:** *At the time of submitting the zoning application to amend the Master Plan, the applicant shall provide documentation that the residents of the PUD, as outlined in the latest PBC Property Appraisal list, were notified by certified mail, and shall post notice as may be allowed at appropriate common areas within the PUD. The notice mailed and posted shall describe the applicant's request to reconfigure the boundaries of the golf course. The applicant shall provide a copy of this notice to the Zoning Division and shall verify that the notice was provided as required by this section. The applicant shall further provide documentation of all additional efforts to inform association membership of the proposed golf course reconfiguration. Minutes of any association membership meeting, including the results of any vote concerning the applicant's request, as may be required by the Association, shall also be provided to the Zoning Division for inclusion in ZC and BCC staff reports.*

Staff Response: At the time of submittal, the Applicant provided the required documentation certifying that the above requirements for adequate Notice to Homeowners for the proposed redevelopment of the Golf Course was completed.

The following is a summary of the Community Outreach Effort provided by the Applicant:

As indicated in the Applicants Justification Statement, Mattamy Homes began their Community Outreach efforts beginning in March of 2019 for the proposed conversion of the Forest Oaks Golf Course. Initial meetings as indicated by the Applicant included meetings between the developer and the leadership council for the Lucerne Lakes Master Association. Since that time, the Applicant has met with both the Master Association as well as the eight sub-homeowner associations within the overall Lucerne Lakes PUD a total of 45 times at the time of publication of this report. Meeting minutes were drafted and provided by Mattamy Homes from each individual meeting with the Homeowners Associations, and were submitted to Staff and supplementary information with required documents. The Applicant has indicated that they will continue to engage in community outreach efforts as necessary.

- b. ***Reduction of Open Space or Recreation:*** *The applicant shall provide justification and documentation that the golf course land areas to be reduced in acreage or the reconfiguration of boundaries will not result in a reduction in required open space for the development. If a previously approved development was subject to zoning regulations for open space or recreation that have since been amended, the applicant shall outline how the affected area for the proposed development complies with current ULDC requirements, while demonstrating that the unaffected area is consistent with the requirements in place at the time of the original or amended approval.*

Staff Response: As required by Art. 3.E, the Applicant has provided justification and documentation that the Golf Course areas that are to be redeveloped will not result in a loss of required Open Space or Recreation for the overall Lucerne Lakes PUD. The Applicant's Justification Statement states that the Lucerne Lakes PUD was approved on December 10, 1970 as a Conditional Use for a Planned Unit Development. At the time of review of the original approval, the Unified Land Development Code applicable to this development was from 1957 (Zoning Resolution 3-1957), as well as the newly adopted and established PUD language that was approved on July 3, 1969 through Zoning Resolution 3-Y-69. At the time of the approval of the PUD, there was no requirement within the Code that the overall PUD was required to provide a set amount of Open Space and/or Recreation area. While today's PUD standards identified in Art. 3.E. require new or affected areas within a modified PUD to provide both a percentage of Open Space and Recreation, this was not a requirement of the Code when this PUD was established..

As such, while the existing Master Plan as indicated in Figure 4 may identify Recreation as 89.1-acres and Open Space as 160-acres, as the Code at that time did not require Open Space and Recreation, these are only identified areas on the Plan and were not considered a requirement. Only those areas proposed to be modified by this application are required to meet the current Code requirements, as outlined in Art. 1.E.1.C, Modification of Prior Approvals. As will be further described below, the Applicant is required to provide a total of 40 percent Open Space within the affected area, as well as 0.006-acres of Recreation Area for each proposed dwelling unit, which is being provided as identified on the Preliminary Master Plans. As there was no requirement per the Code at the time the Lucerne Lakes PUD was established and last approved for Open Space and Recreation, there is no net loss and this requirement of the Code is met. The affected area will meet and exceed the requirements of the Code for both Recreation Area proposed and Open Space.

- c. ***Visual Impact Analysis Standards:*** *The requirements of the Subsection shall be required for an application to reconfigure an existing Golf Course:*

1. *Visual Analysis: To assess the compatibility and impact of a proposed reconfiguration of the golf course on adjacent properties, the applicant shall submit a Visual Impact Analysis.*
2. *Methodology: The Visual Impact Analysis shall be prepared and sealed by an architect, engineer, landscape architect, or surveyor registered in the State of Florida. Digital imaging technology may be utilized to prepare the analysis, in a manner acceptable to the Zoning Director. In addition, non-digital methods may be required by the Zoning Director in order to implement the intent and purpose of this Section. The non-digital method shall, at a minimum, provide or include the information listed below.*

Staff Response: Completed and provided within the Visual Impact Analysis (Exhibit F & Figures 23-5).

- a. *The location of the proposed structures/buildings illustrated upon an aerial photograph at a scale of not more than one-inch equals 300 feet (one inch=300'). All adjacent structures/buildings located within a 1,000-foot radius of all property lines of the proposed site shall be indicated.*

Staff Response: Completed and provided within the Visual Impact Analysis (Exhibit F & Figures 23-5).

- b. *A line of site analysis, which shall include the following information:*
 - (1) *Identification of all significant existing natural and manmade features within 1,000 feet of the boundary of the affected area and identification of features that may provide buffering and screening for adjacent properties;*
 - (2) *Identification of at least three specific points within a 1,000-foot radius of the proposed site, subject to approval by the Zoning Director, for conducting the Visual Impact Analysis;*
 - (3) *Copies of all calculations and description of the methodology used in selecting the points of view and collection of data submitted in the analysis;*
 - (4) *Graphic illustration of the visual impact of the proposed structure(s)/building(s) on surrounding development, at a scale that does not exceed five degrees of horizontal distance, presented from the specific identified points; and,*
 - (5) *Identification of all screening and buffering materials within a designated planting area under the permanent control of the applicant (only screening and buffering materials located within the boundaries of the proposed site shall be considered for the Visual Impact Analysis.)*
 - (6) *Any other graphic illustrations, such as perspectives, cross sections, or elevations, shall be at a scale consistent with the master/site plan. The Zoning Director may request a scale that is necessary to clearly depict the detail of what the visual analysis is trying to convey to the BCC.*

Staff Response: Completed and provided within the Visual Impact Analysis (Exhibit F & Figures 23-5).

The purpose of the Visual Impact Analysis is to assess the compatibility and impact of the proposed reconfiguration of the golf course of adjacent properties. The submitted VIA includes an aerial photograph showing adjacent structures located within a 1000 ft. radius of the subject site. In addition, the aerial show the proposed residential layouts superimposed over the golf course lands. Cross sections were provided to depict how the proposed development would integrate and buffer existing development with distances provided between the existing and proposed residential units. Staff utilized the VIA documents to assess whether there are any compatibility issues with adjacent development. Staffs analysis is further described in Standards C and D.

- *Exemplary Standards:* As noted in Art. 3.E.2.A.4, Exemplary, a development order amendment to an existing PUD shall only be granted to a project that exceeds the goals, policies and objectives in the Plan, the minimum requirements of the Code, and the design objectives and performance standards in Art. 3.E (outlined below), which includes but is 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.

With a Land Use of HR-12, the Golf Course lands have the ability to build up to 948 dwelling units. While the landowner has the ability to seek additional units, through working with the neighboring HOAs and the County, the Applicant reduced the overall unit count from 600 units to the 450 units provided for through the current application. By reducing the number of units, this decreases the amount of traffic on Lucerne Lakes Blvd., as well as Lake Worth Road. The Applicant has continued to work with County Environmental Management Resources Staff in the preservation of native vegetation on site to reduce impacts and preserve the greatest amount of native vegetation possible. With regards to a mix of unit types, Art. 3.E.2.E.1.a., Range of Housing, requires a PUD in excess of 100 acres and 300 dwelling units to provide a minimum of two residential housing types. The proposed redevelopment of the Golf Course does not trigger this requirement as it is below 100

acres, but the Applicant is still providing a mix, with 350 Townhouse units and 100 ZLL units. In total, 22 percent of the overall units is ZLL, which far exceeds Code requirements, even though the mix of housing types is not a requirement based on the acreage. As to buffering, the Applicant is providing over Code requirements for the majority of the redevelopment area. In the areas where the Applicant is simply meeting Code for buffering between housing types, there is Open Space areas, Recreation Pods and existing or proposed Water Management Tracts that provide for additional buffering. Additional details are outlined below regarding the required Design Objectives and Performance standards in Art. 3.E.2.B. Overall, the proposed DOA meets the intent of this Code section.

○ *Design Objectives (Art. 3.E.2.B.1):* As indicated in the Code, a PUD shall comply with the following objectives:

a. *Designed in a predominantly residential district:*

The PMP indicates a total of 450 residential units throughout the existing Golf Course lands. With exception to the required drainage areas, water management tracts, recreation pod and neighborhood parks which are a requirement of the Code, the proposal is predominantly residential.

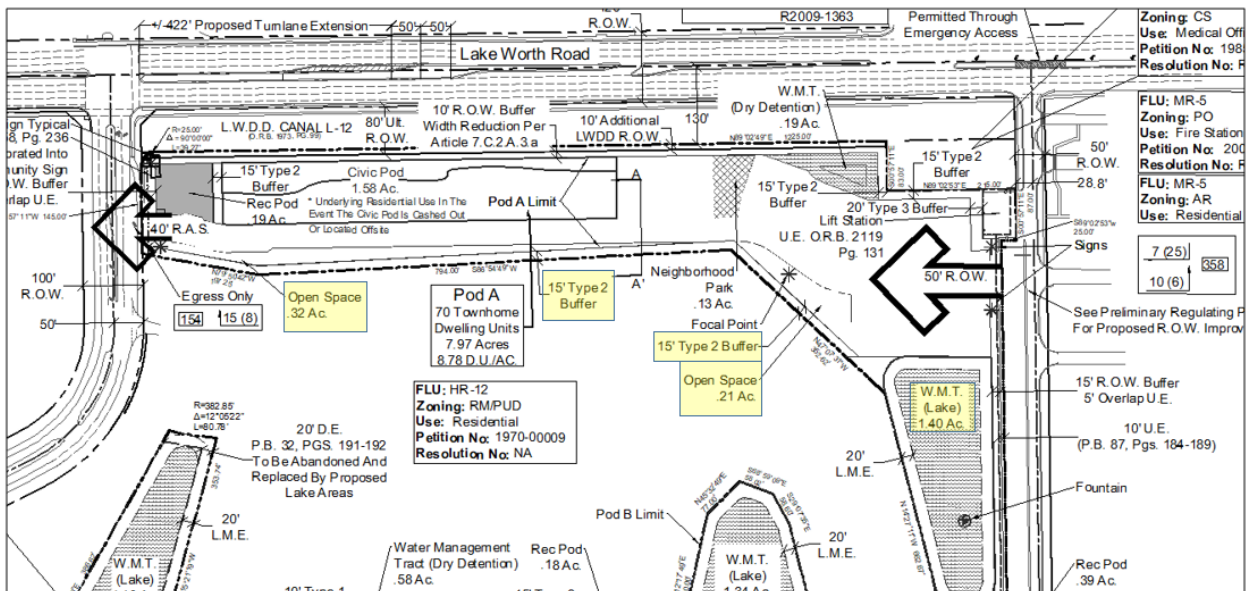
b. *Provide a continuous non-vehicular circulation system for pedestrians and non-motorized vehicles:*

A continuous non-vehicular circulation system is provided throughout the residential development areas, linking to the proposed parks and recreation parks, as well as providing access to Lake Worth Road, Charleston Street and Lucerne Lakes Boulevard.

c. *Provide perimeter landscape areas to buffer incompatible land uses, or where residential uses are adjacent to other incompatible design elements such as roadways, usable open space areas, where a more intense housing type is proposed, or where residential setbacks are less than adjacent residential development outside the perimeter of the PUD:*

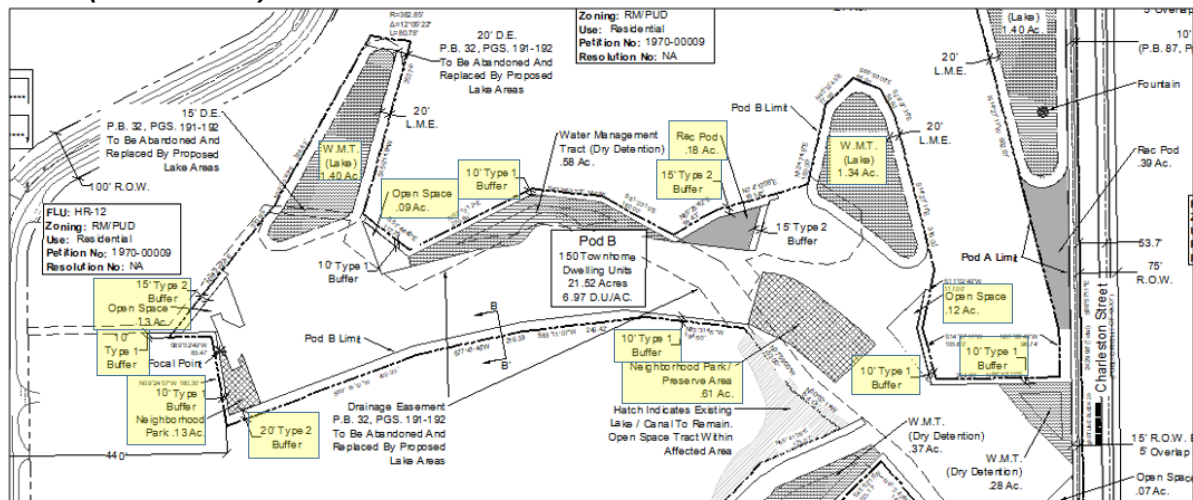
As identified on the PMPs (Figures 4 through 7) as well as the Visual Impact Analysis' provided (See Figures 23-25 and Exhibit F) the proposed residential Pods all meet or exceed the buffering requirements of the Code. Within Pods A and B, the adjacent existing development within the Lucerne Lakes PUD is single family homes. The Applicant proposes to development Townhouse units within these two Pods. As such, Table 7.C.2.C, Incompatibility Buffer Types, require a Type 1 Incompatibility Buffer. As can be seen in the Pod A Inset below, a 15 ft. Type 2 Incompatibility Buffer will be provided between all existing residential development and proposed development. In addition to the proposed buffers, the Applicant is providing Open Space areas and a 1.40-acre Water Management Tract between existing and proposed development, which will provide additional buffering. Staff are also recommending a Condition of Approval (Landscape Perimeter Condition 1) that all buffers a minimum of 15 ft. in width provide a two-foot berm and a six-ft. high continuous fence to further buffer existing and proposed development. The fence is required to be provided a minimum of 7.5 ft. back from adjacent property lines, with Art. 7 required plantings on either side of the fence.

POD A INSET: BUFFER TYPES ADJACENT TO EXISTING RESIDENTIAL

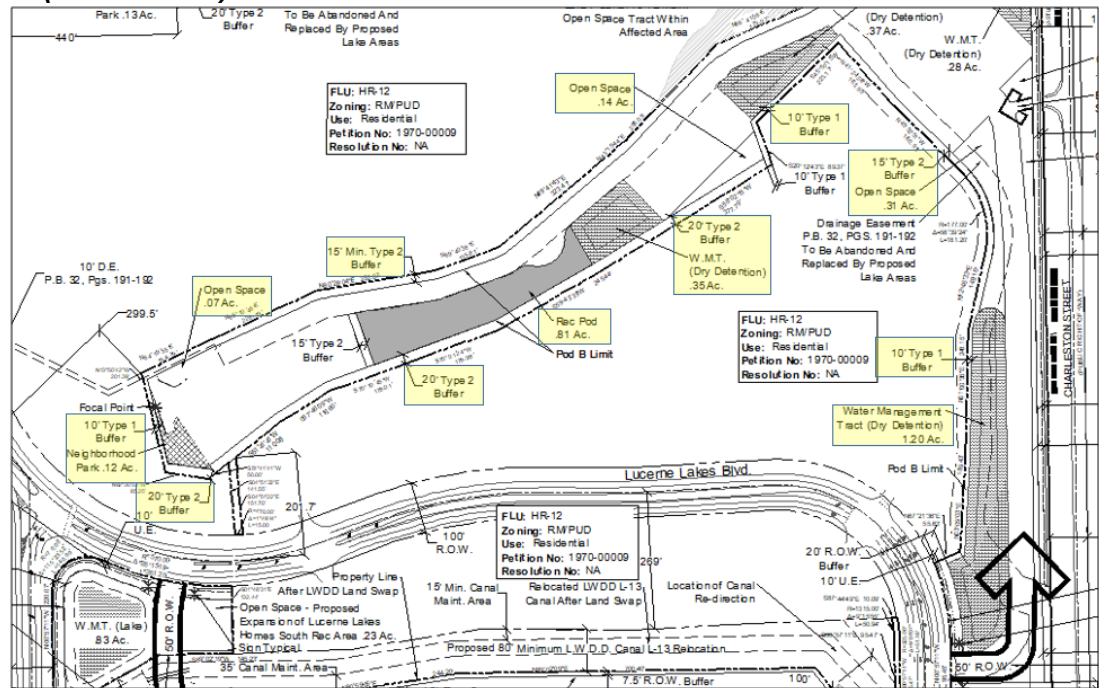


For Pod B (see north and south insets below from PMP-2), the Applicant is proposing a mix of 10 ft. wide Type 1 Incompatibility Buffers, as well as 15 ft. and 20 ft. wide Type 2 Incompatibility Buffers adjacent to existing development areas. In addition to the landscape buffers, a series of water management tracts (wet and dry), Neighborhood Parks and Open Space areas that are proposed along existing property lines will provide additional buffering between existing and proposed development.

POD B (North Side) INSET: BUFFER TYPES ADJACENT TO EXISTING RESIDENTIAL



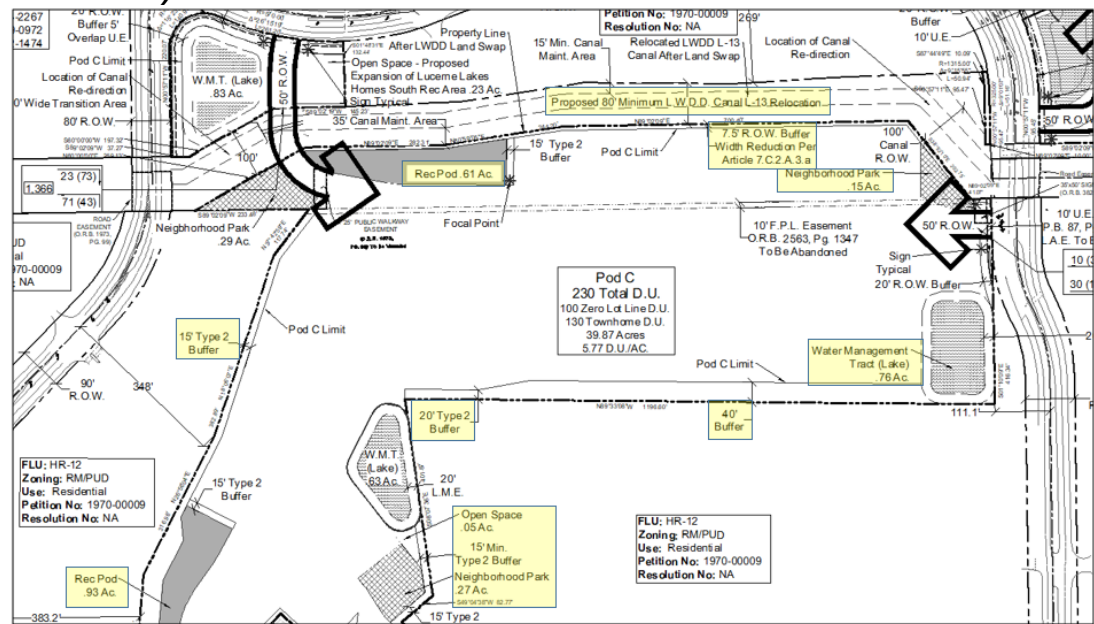
POD B (South Side) INSET: BUFFER TYPES ADJACENT TO EXISTING RESIDENTIAL



Pod C is proposed to be a mix of 130 Townhouse and 100 Zero Lot Line units. All existing residential development within the Lucerne Lakes PUD south of the LWDD canal is Multifamily development consisting of 2, 4 and 6-story residential structures. Art. 7, Landscaping requires an 8 ft. Compatibility Landscape Buffer between the existing Multifamily and proposed Townhouse development, while a Type 1 Incompatibility Buffer is required between the proposed ZLL units and Multifamily. The ZLL units are to be centrally located on the south side of the 80 ft. wide LWDD canal. Existing Single Family residential development on the north side of the canal will be significantly setback (ranging from 80-100 feet) from the proposed ZLL units as the canal will be relocated along their south property line. In addition to the relocation, a 7.5 ft. landscape buffer was indicated on the Master Plan. The Applicant has requested Conditions of Approval, as discussed with County and LWDD Staff, to modify all applicable plans to provide for a 3 ft. buffer on the north side of the relocated canal. Within the 3 ft. buffer area the Applicant will provide a 5 ft. vinyl coated chain link fence as well as 5 ft. continuous opaque hedge. On the south side of the relocated canal, the Plans will be revised per Condition of Approval (Landscape Condition 3) to provide for a 5 ft. landscape buffer (in place of the 7.5 ft. buffer shown on the plans), in which the planting material generally required for 8 ft. Compatibility Buffer will be provided.

To the south of the ZLL units the Applicant is proposing a 20 to 40 ft. Buffer along this perimeter (where a Type 1 Incompatibility Buffer is required per Code), to buffer the ZLL units from the existing 2-story multifamily development. As a Condition of Approval (Landscape Perimeter Condition 2), Staff are requesting this buffer to be identified as a Type 2 Incompatibility Buffer, while maintaining the proposed Buffer widths. The identification of this buffer type allows for plantings similar to a Type 3 Incompatibility Buffer, as well as providing a fence within this buffer. Along the west property line adjacent to the proposed ZLL units, a 15 ft. Type 2 Incompatibility Buffer is proposed, where Code requires a 10 ft. Type 1 Incompatibility buffer, between the existing 4 and 6-story residential buildings and the proposed ZLL units. As previously stated, requested Landscape Perimeter Condition 1 will require a 2 ft. berm and a 6 ft. fence to be provided within this buffer as well.

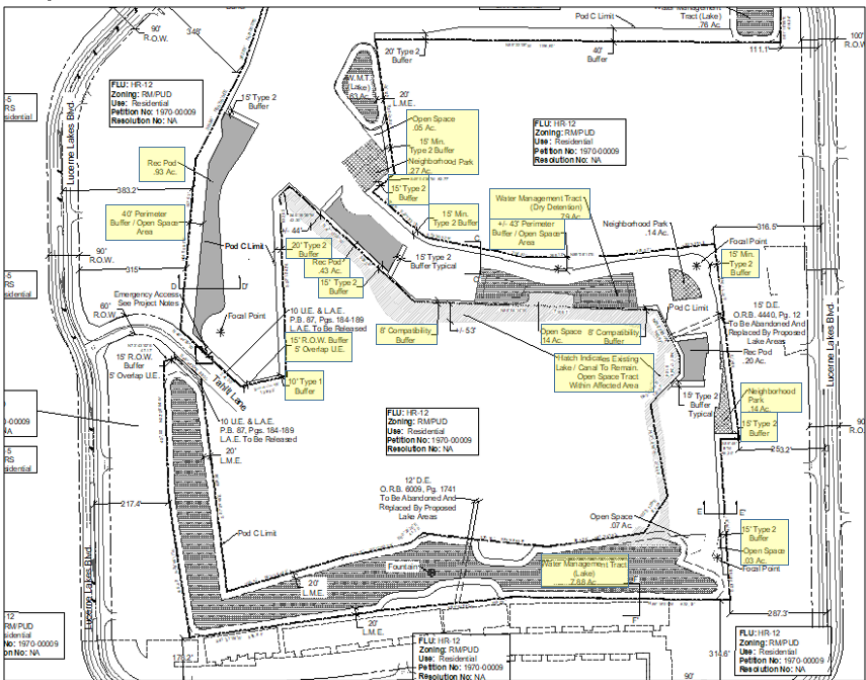
POD C (North Side) INSET: BUFFER TYPES ADJACENT TO EXISTING RESIDENTIAL



To the south of the proposed ZLL units, the Applicant is proposing to develop Townhouse units. All of the proposed Townhouse units within Pod C are to be buffered from the existing multifamily development through landscape buffers, existing and proposed water management tracts, recreation areas, open space areas, and a neighborhood park.

As shown in the inset below (Pod C, South Side), a variety of Landscape Buffers are proposed to be provided including 8 ft. Compatibility Buffers, 10 ft. Type 1 Compatibility Buffers, and Type 2 Incompatibility Buffers.

POD C (South Side) INSET: BUFFER TYPES ADJACENT TO EXISTING RESIDENTIAL



The majority of the Tahiti Lane development area (Lucerne Pointe Condominiums) will be surrounded by both an existing lake/canal (existing on the north and east side of this development area) and a proposed 7.88-acre water management tract. This lake will also provide softened buffering to a portion of the Sunrise Condominiums and Fairway Club Condominiums (see inset for HOA areas). To the north of Tahiti Lane, the Sunrise Condominiums will have a 40 ft. buffer as well as a 0.93-acre recreation area that will separate the existing multifamily residential units to the proposed Townhouses. Lastly, the buffer on the south side of Golf Colony Condominiums and the buffer on the west side of the Lucerne Greens Condominiums will be buffered by a minimum 15 ft. Type 2 Incompatibility buffer that will include (per Condition of Approval) a 2 ft. berm and 6 ft. fence.



- d. *May offer limited commercial uses for the population of the PUD:* The proposed redevelopment of the Golf Course does not propose any commercial development.
- e. *Establish neighborhood character and identity:* The proposed development will create its own neighborhood character and identity within the Lucerne Lakes PUD area. As described below under Required Performance Standards, the development areas will provide for recreation areas and neighborhood parks that exceed Code requirements, and provide pedestrian connectivity throughout. Focal points will also be provided in each Pod as required for PUDs. Workforce Housing will be provided within Pod A as identified in Standard A., Consistency with the Plan.
- f. *Preserve the natural environment to the greatest extent possible:* The Applicant has worked with both the Landscaping section within the Zoning Division as well as Staff in Environmental Resources Management (ERM). Staff are generally satisfied that the Applicant has met this requirement, as further outlined in Standard E., Design Minimizes Environmental Impact. ERM Staff have requested five Conditions of Approval as indicated in Exhibit C to protect existing native vegetation and undergrowth. Tree Disposition Plans that identify existing vegetation are provided in Figures 13 through 20.
- g. *Provides incentives for Civic Uses...:* As required by Code, a Civic Pod has been identified within the northwest corner of Pod A. The Applicant is seeking the cash out option for the Civic Pod, which is permitted subject to approval by the BCC. Should the Civic Pod be approved for a cash out, the underlying use would be applied which would be Townhouse units.

○ *Required Performance Standards (Art. 3.E.2.B.2):* The subject site meets the standards for a PDD and a PUD by having adequate access and frontage on Lucerne Lakes Blvd. and Charleston Street, providing landscape focal points throughout, and locating lakes, pathways and on-site drainage in a manner that minimizes adverse impacts on adjacent properties. In addition, the Applicant has incorporated exemplary design features further detailed below:

- *Recreation:* Recreation requirements will be met in accordance with Table 3.E.2.C, PUD Land Use Mix. The ULDC required 0.006 acres of recreation area per dwelling unit proposed. At 450 residential units, the required recreation area is 2.70-acres. The PMP indicates a total of 8 recreation Pods, for a total of 3.74-acres of recreation, which exceeds Code requirements.
- *Neighborhood Parks:* In addition to Parks and Recreation requirements for Recreation area, Article 3.E.2.B.2.c, Required Performance Standards requires PUDs to provide neighborhood parks within the development. Table 3.E.2.D, PUD Property Development Regulations requires a 0.1-acre minimum lot size for neighborhood parks and the PMP indicates nine total Neighborhood Parks throughout the three residential Pods. In total, proposed Neighborhood Parks account for 1.98-acres of the overall development area.

ULDC Art. 3.E.2.B.2.a, Proximity to Other Uses, requires all Residential Pods with five or more units per acre to be located within 1,320 feet of a neighborhood park, Recreation Pod, private Civic Pod or a public recreational facility. The net density of Residential Pods A, B and C exceeds five dwelling units per acre, and a Neighborhood Park or Recreational Pod are all within 1,320 ft. of proposed Residential.

- *Fountains:* Per Art. 3.E.2.B.2.f, a minimum of one fountain is required in the main or largest lake or water body. The Applicant has proposed to provide one fountain in the Water Management Tract (Lake) in the southern-most waterbody proposed as indicated on PMP-2 and PMP-3. Staff are recommending a Condition of Approval to provide 3 additional fountains within this waterbody (Site Design Condition 1).
- *Pedestrian Circulation System:* The Applicant is proposing sidewalks throughout the development connecting all homes to Lucerne Lakes Boulevard as well as the recreation areas and neighborhood parks.
- *Decorative Paving and Street Lighting:* As identified on Preliminary Regulating Plan PRP-1 and 2 (see Figures 8 and 9), Decorative Pavers will be provided at all entrances for the proposed Pods. The Applicant has also indicated within their Justification Statement that Decorative Street Lighting will be provided within the new residential community in accordance with Art. 3.E.2.B.2.d.

In addition to the PUD Design Objectives and Performance Standards outlined above, the application shall meet the requirements of Art. 3.E.1.C.1 and 2, PDD Design Objectives and Performance Standards. The PMP meets the requirements of this section of the Code as follows:

○ *PDD Design Objectives:*

1. The overall PDD contains sufficient width, depth and frontage on a public street.
2. As indicated in the PUD Design Objectives breakdown, a continuous pedestrian pathway will be provided in all Pods that connects residential units to Recreation areas, Neighborhood Parks, usable open space and primary roadways.
3. As indicated in b., pathways will be provided throughout the proposed Pods, and parking areas will be provided for the recreation areas, as indicated on the Preliminary Regulating Plans (see Figure 11 and 12).
4. Tree Disposition Plans were provided (see Figures 5 through 20) that identify the preservation of native vegetation to the greatest extent possible. ERM Staff are supportive of the documents provided, subject the Environmental Conditions of Approval.
5. The Applicant has indicated in the Justification Statement that objectionable features such as mechanical equipment, loading areas, dumpster, etc. will be adequately screened from view.
6. As indicated on PMP-2 through 4 and further outlined in the Visual Impact Analysis, landscape buffering, water management tracts, detention areas, open space, neighborhood parks, as well as recreation areas have been located in such a way to reduce impacts of the proposed residential development on the existing community. Staff are also requesting a number of Landscaping and Site Design Conditions of Approval to further mitigate any potential effects of the proposed residential development on existing homeowners within the Lucerne Lakes PUD.
7. Shared parking is not applicable for the proposed development.
8. As already indicated, a strong pedestrian system is proposed throughout Pods A, B and C that connects recreational uses to residential homes.
9. The standard applies to PDDs with non-residential uses, which is not applicable to the proposed redevelopment.

○ *PDD Performance Standards (as applicable):*

- The overall PDD provides the minimum 200 linear feet of frontage required along an Arterial or Collector Street, and has legal access to such roadway.
- *Cul-de-sacs:* The Applicant will be required through the subdivision process to meet Performance Standard requirements for Cul-de-sacs.
- Cross-access is not proposed between the proposed residential developments and existing. This is at the request of the neighboring landowners, as indicated by the Applicant within the Justification Statement.

- Roadways proposed to be constructed within Pods A, B and C will connect to Lucerne Lakes Blvd. and Charleston Street, which connects to Lake Worth Road. As such, public streets in the project will connect to adjacent public streets.
- The Applicant has indicated within the Justification Statement that Street Lighting will be provided in accordance with Art. 3.E of the Code.
- An additional Mass Transit stop is not required for the proposed development.

○ *Property Development Regulations (PDRs)*: The proposed redevelopment of the Golf Course will meet the minimum PDR requirements as outlined in Table 3.E.2.D, Property Development Regulations. Parks Staff have confirmed that the Recreation Pods meet the size requirements for the Pod, and the proposed buildings within said Pods meet the setback requirements. Further, the Neighborhood Parks provided on the PMP meet the size (0.1-acres), width and frontage (45 ft.) and depth (75 ft.) PDR requirements.

At time of Subdivision review (Administrative Approval), the ZLL and Townhomes will be required to meet the minimum PDR requirements as identified in Art. 3.D.2.A, Townhouse, and Art. 3.D.2.C, Zero Lot Line. Staff have preliminarily reviewed the proposed lots based on the drawings provided, and sufficient setbacks and lot area are provided to meet the requirements of the Code.

In addition to the PDR requirements, the affected area within the overall PUD is required to meet the requirements of Table 3.E.2.C, PUD Land Use Mix. The PMP provides for the required 2% Civic (which is indicated on the Plan to be cashed out), 0.006 recreation area per dwelling unit, and 40% open space for the affected area.

○ *Supplementary Use Standards (Article 4)*: Townhouse and ZLL development proposals are permitted-by-right with a PUD.

○ *Overlays*: The overall development area is not within any identified Overlay areas.

○ *Landscaping and Buffering*: See Design Objectives c. for landscaping and buffering details.

○ *Architectural Review*: Architectural review is not required through this application review. The Applicant provided examples within the Visual Impact Analysis of potential home types within the future community. As previously indicated, Staff have requested a Condition of Approval to limit the heights for all Townhouses to a maximum of 25 ft., in accordance with Art. 1.

○ *Signs*: The Preliminary Master Sign Plan (Figure 22) identifies a total of 10 entrance signs to be provided throughout the proposed development areas. Two entrance signs are proposed to be provided at the entrance to Pod A along Charleston Street, as well as two entrance signs (on either side of the access) to for the accesses to Pods B and C. While two entrance signs are also shown on the PMSP at the exit to Pod A, Staff are requesting through Condition of Approval (Site Design Condition 2) that these two signs be removed from the Plans as they do not meet the requirements of Table 8.G.2.C, Entrance Sign Standards, as they are not located within 100 ft. of the entrance to Pod A.

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 Applicant is proposing to provide a mix of ZLL and Townhouse units over the 79.01-acre Golf Course Lands that are within the Lucerne Lakes PUD. As previously indicated, the overall Lucerne Lakes community is made up of a mixture of single family residences north of the L-13 LWDD Canal, as well as a mixture of 2, 4 and 6 story multifamily residences to the south of the canal.

From a density perspective, the proposed 450 homes has a net density of 5.70 units per acre over the 79.01-acres of Golf Course area. The proposed density of Pods A through C is lower than the overall density of Lucerne Lakes PUD, where 1940 dwelling units exist on 194.49 acres (Overall PUD 273.50 acres – 79.01 acres of Golf Course Area). The net density for the existing development area is 9.97 dwelling units per acre. As such, from a density perspective, the proposed residential development is compatible with surrounding development. Staff would note that when the application

was first made, the overall proposed development was for 600 units. During the tenure of the review period, the Applicant reduce the overall request by 150 units to take into account concerns from both Staff and area residents.

With regards to housing types, the Applicant is proposing Townhouse units on the north side of the L-13 LWDD Canal. These Townhouse units, as previously identified, will be buffered from the existing residential development by landscape buffers, open space areas, wet and dry detention areas, lake management tracts and recreation areas. Over the course of the review, the Applicant has made revisions to buffer types and other on-site features to provide additional buffering that meets and exceeds Code requirements for a significant portion of this area. Staff are requesting Conditions that not only limit the height of all Townhouse units to 25 ft. in height, but to provide upgraded buffering (fencing and berms) within all 15 ft. wide buffers to provide additional security measures, and visual buffering from the existing residences to proposed Townhouses.

As previously indicated, to the south of the canal the Applicant is proposing ZLL and Townhouse units that will be buffered from existing multifamily development (ranging from 2-6 stories) by a range of Landscape buffer types as well as recreation Pods, open space areas, existing and proposed water management tracts and a neighborhood park. The Townhouse and ZLL unit types are compatible with the surrounding multifamily residential development housing types, and the Applicant is providing and exceeding Code required buffers throughout this area.

Based on the density and the housing type proposed, subject to compliance with the Conditions of Approval for height limitations and additional buffering, the proposed development is compatible per ULDC standards with adjacent surrounding 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 design of the proposed residential development minimizes adverse impacts through the establishment of increased buffering, significant open space dedication, as well as the placement of water management tracts, recreation areas and parks. This report has already described the landscape buffering that will be provided throughout the development area that meets or exceeds Code requirements for the majority of the development area. Throughout the resubmitted applications, the Applicant has also located parks, recreation areas and open space along perimeter buffers to increase setback of the proposed Townhouse and ZLL units to existing development. The Applicant has accepted a Condition of Approval that will limit the heights of Townhouses to be more compatible with existing single family residences to the north of the L-13 canal, as well as the existing multifamily development within Pod C. The overall density of the project is less than the existing overall density of the Lucerne Lakes PUD. Lastly, the Applicant has worked closely with Environmental Management Staff to maintain existing native vegetation to the greatest extent possible.

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.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site is an existing golf course. There are native vegetation species (Pines, Oaks, Strangler Figs, Sabal Palms, etc.) that exist on the site. Native vegetation that cannot be preserved in place are being either relocated or mitigated. The tree preserve area, water management tracts, and open space have been located to maximize onsite preservation. Additionally, the Applicant has agreed to (1.) provide a tree preservation area management plan, (2.) relocate understory growth (e.g., saw palmetto, cocoplum, etc.), where feasible, and (3.) plant all mitigation trees (861 trees) that will act as buffer enhancements and create tree mitigation areas throughout the site and along water management tracts.

SITE CONTAMINATION: Based on the Environmental Regulatory Status Letter, dated April 16, 2020, from AYDEN Environmental, the soil and groundwater qualities at the subject property have been impacted by its former use as a golf course. An analysis of the samples detected the presents of arsenic in the soil and groundwater. The property owner will need to work with the Florida Department

of Environmental Protection to resolve the contamination issues, as per Chapter 62-780, F.A.C. During the DRO process, ERM will confirm that the applicant is coordinating with FDEP.

WELLFIELD PROTECTION ZONE: The property is not located within 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.

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

Development Patterns along Lake Worth Road to the east of the Turnpike and west of Jog Road are predominately residential, with commercial development provided on either side of Lake Worth Road. The housing types range along this corridor, with both single family, Townhouse and Multifamily development existing. The addition of ZLL and Townhouse units along this corridor is consistent with the development patterns within this area. Staff would also like to note that just to the east of the subject site is the Lofts at Lake Worth (Control No. 2016-00114). This PUD was approved in June of 2019, which was a requested Golf Course Conversion of 62.6-acres of land area, proposing 318 Multifamily units. While no development is one in the same and Lucerne Lakes PUD is its own distinct community, the development pattern along this corridor has been shifting to accommodate increased residential development.

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

ENGINEERING COMMENTS:

The proposed single family and multi-family residential development project on an existing golf course is expected to result in net increase of 3,015 daily, net increase of 203 AM peak hour, and net increase of 236 PM peak hour trips. Build-out of the project is expected to be by 2026.

The intersections of Lake Worth Rd/Turnpike East and Lake Worth Rd/Pinehurst Dr have background failures in the future. The segment of Lake Worth from Lyons Rd to Turnpike and from Pinehurst Dr to Jog Rd also will have background deficiencies.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Traffic volumes are in vehicles per hour

Segment: Lake Worth Rd from Turnpike to Pinehurst Dr

Existing count: Eastbound=2414, Westbound=2050

Background growth: Eastbound=478, Westbound=487

Project Trips: Eastbound=61, Westbound=92

Total Traffic: Eastbound=2953, Westbound=2629

Present laneage: 3 in each direction

Assured laneage: 3 in each direction

LOS “D” capacity: 2680 per direction

Projected level of service: Worse than LOS D in the eastbound direction and better than LOS D in the westbound direction.

The Property Owner shall reconfigure the property into legal lots of record prior to the issuance of the building permit.

The Property Owner shall submit a drainage study that identifies historical flows that currently enter the site prior to the Final Site Plan approved by the DRO.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health.

FIRE PROTECTION:

Staff has reviewed this application and have no comment.

SCHOOL IMPACTS:

In accordance with the adopted Coordinated Planning Interlocal Agreement, a School Capacity Availability Determination (SCAD) for 450 residential units (100 single family, 350 multi-family) had been approved on November 12, 2020 (SCAD Case #20110301D). The subject property is located in SAC 207.

This project is estimated to generate approximately one-hundred and eighteen (118) public school students. The schools currently serving this project area are: Discovery Key Elementary School, Woodlands Middle School and Santaluces 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 fifty-four (54) elementary school students generated by this proposal will increase the utilization percentage of Discovery Key ES to 101%. The additional twenty-seven (27) middle school students generated by this proposal will increase the utilization percentage of Woodlands MS to 129%. The additional thirty-seven (37) high school students generated by this proposal will increase the utilization percentage of Santaluces CHS to 123%.

The revised Preliminary Regulating Plans (dated 7/26/21) show several 10' by 15' public school bus shelter locations. A bus shelter condition of approval has been applied to this request.

PARKS AND RECREATION:

Pods A, B and C meet and exceed the recreation acreage requirements of the Code.

- Pod A with 70 dwelling units (Townhouse) requires 0.42-acres of onsite recreation; 0.58-acres are provided, therefore the recreational requirement is satisfied.
- Pod B with 150 dwelling units (Townhouse) requires 0.90-acres of onsite recreation; 0.99-acres are provided, therefore the recreational requirement is satisfied.
- Pod C with 230 dwelling units (ZLL and Townhouse) requires 1.38-acres of onsite recreation; 2.17-acres are provided, therefore the recreational requirement is satisfied.

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

As indicated in the Applicants Justification Statement and has been previously presented in a number of other Golf Course Conversions throughout the County, the Golf Industry has seen a decline over the last 15-20 years, where courses are no longer sustainable and have had to close to the public. Per the information provided in the Justification Statement, while the Golf Course is still open, it is operating at a financial loss. Per the Palm Beach County Sports Commission website, the County is home to over 160 Golf Courses. While Golf Course use has seen a decline over this time period, there has been an increase in the need for a range of housing types, including affordable housing within the County. Staff are satisfied that there are circumstances that necessitate the requested Development Order Amendment.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B.7.B.2, Standards, and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff are recommending approval as per the Conditions of Approval in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C: Development Order Amendment

ALL PETITIONS

1. The approved Preliminary Master Plan is dated July 26, 2021. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

1. 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, 2026, or as amended. 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)

2. The Property Owner shall construct

i) Right turn lane west approach on Lake Worth Rd at Lucerne Lakes Blvd to the County/FDOT standards or as approved by the County/FDOT ii) Extension of left turn lane east approach on Lake Worth Rd at Lucerne Lakes Blvd to County/FDOT standards or as approved by the County/FDOT

Above 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 from FDOT for the above construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

3. Prior to issuance of the first building permit within a given Pod, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. 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. (BLDGPMT: MONITORING - Engineering)

4. The Property Owner shall construct a left turn lane north approach on Ohio Rd at Columbia Dr. to County standards or as approved by the County. 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. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the entire condition shall be considered satisfied. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

5. 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 Plans by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any Plat or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/ONGOING: MONITORING - Engineering)

6. The Property Owner shall reconstruct Charleston Street from Lake Worth Road to the connection to be consistent with Palm Beach County standards for local street. 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. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT: MONITORING - Engineering)

7. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all drainage easements shown in conflict with the existing or proposed structures. (BLDGPMT: MONITORING - Engineering)

8. The Property Owner shall construct a left turn lane at the north approach on Lucerne Lakes Boulevard at the entrance to Pod B.

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 this construction shall be obtained prior to the issuance of the first building permit within Pod B. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to issuance of the first Certificate of Occupancy within Pod B. (BLDGPMT/CO: MONITORING - Engineering)

9. Prior to final approval of the Master Plan by the Development Review Officer, the applicant shall provide documentation acceptable to the County Attorney establishing the right to utilize Lucerne Lakes Boulevard for the residential development and share in the costs of maintenance of the road. (DRO: COUNTY ATTORNEY - Engineering)

10. Prior to the recordation of the plat where the limited access easement exists, the Property Owner shall abandon or release the limited access easements in conflict with the proposed access connections. (PLAT: ENGINEERING - Engineering)

ENVIRONMENTAL

1. Prior to final approval by the Development Review Officer, the Plans shall be revised to identify a tree preservation area incorporating the native vegetation (including but not limited to the native canopy, sub-canopy and understory) near Tree #299 through Tree #352, or as approved by the Department of Environmental Resources Management. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to final approval by the Development Review Officer, the Plans shall be revised to incorporate trees to be preserved in place into the site design (e.g., modifying the lake embankment to meander around the native vegetation). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. All mitigation plantings shall be planted on-site or as approved by ERM. (CO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

4. Prior to final approval by the Development Review Officer, a Tree Preservation Area Management Plan shall be provided to ERM for review and approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

5. The applicant shall relocate native understory growth (e.g., saw palmetto, cocoplum, etc.) where feasible. (VEGPMT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - PERIMETER-LANDSCAPING FOR BUFFERS ADJACENT TO EXISTING RESIDENTIAL DEVELOPMENT

1. In addition to Code requirements, all landscape buffers that are a minimum of 15 feet in width which are proposed between existing residential development for Lucerne Lakes and proposed residential development shall be upgraded to include:

- a. a minimum 2 foot high continuous berm; and,
- b. a minimum 6 foot high continuous opaque fence. (BLDGPMT/ONGOING: ZONING - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPE BUFFERING ALONG SOUTH PROPERTY LINE ADJACENT TO PROPOSED ZLL UNITS WITHIN POD C.

2. Prior to final approval by the Development Review Officer, the 20 ft. Type 2 Incompatibility Buffer and 40 ft. Buffer that is located along the south property line adjacent to the proposed Zero Lot Line units within Pod C is required to be identified as a 20 ft. and 40 ft. Type 2 Incompatibility Buffer. No changes to buffer widths are permitted and shall be consistent with the widths identified on the PMP dated July 26, 2021. In addition to the above, a 2 ft. berm is required within this buffer, as well as a 6 ft. high fence. (DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER

3. Prior to final approval by the Development Review Officer, the following perimeter buffering shall be provided as follows:

POD B:

- a. to the south of the 1.34-acre Water Management Tract, a continuous 15 ft. Type 2 Incompatibility Buffer shall be provided in place of the proposed 10 ft. Type 1 Buffer, and shall be continuous to Charleston Street;
- b. to the west of the 1.34-acre Water Management Tract, a 15 ft. Type 2 Incompatibility Buffer shall be provided where a break is shown in the buffering on the PMP dated July 26, 2021; and,
- c. to the west of the 0.61-acre Neighborhood Park, the identified 10 ft. Type 1 Incompatibility Buffer shall be revised to provide for a 15 ft. Type 2 Incompatibility Buffer.

POD C:

- a. an 8 ft. Compatibility Buffer shall be provided beginning from the 0.20-acre Recreation Pod continuing south to the 7.88-acre Water Management Tract.

All revised buffers shall meet the requirements of both the Code and all Conditions of Approval. (ONGOING: ZONING - Zoning)

PARKS

1. Pod A - no more than 14 Certificates of Occupancy for the residential units shall be issued for this phase until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, unless a phasing plan for completion of the required reaction area is agreed to and approved by the Parks and Recreation Department. (CO: MONITORING - Parks and Recreation)

2. Pod B - no more than 30 Certificates of Occupancy for the residential units shall be issued for this phase until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, unless a phasing plan for completion of the required reaction area is agreed to and approved by the Parks and Recreation Department. (CO: PARKS AND RECREATION - Parks and Recreation)

3. Pod C - no more than 26 Certificates of Occupancy for the multifamily residents and no more the 40 building permits issued for the zero lot line homes until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, unless a phasing plan for completion of the required reaction area is agreed to and approved by the Parks and Recreation Department. (BLDGPMT/CO: PARKS AND RECREATION - Parks and Recreation)

PLANNING

- 1. The subject request for 450 units with a 11-unit Workforce Housing Program (WHP) obligation was calculated based on the 79-acre golf course, Limited Incentive Development Option with the WHP units to be for sale and will be provided onsite as Townhouses. No WHP density bonus was utilized. Should any change occur to the calculation, the site shall require resubmittal and recalculation in whatever process it originated. (ONGOING: PLANNING - Planning)
- 2. Prior to the issuance of the first residential Building Permit, the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney. The site plan shall also be modified to include the OR Book and Page of the recorded document and provide a copy of the revised site plan to Planning. (BLDGPMT: MONITORING - Planning)
- 3. Prior to the release of the 225th Building Permit (50% of 450du), Fifty percent of WHP units (6) must receive certificates of occupancy. (BLDGPMT: MONITORING - Planning)
- 4. Prior to the release of the 383rd (85% of 450) Building Permit, All WHP units (11) must receive certificates of Occupancy. (BLDGPMT: MONITORING - Planning)
- 5. Prior to the release of the first Certificate of Occupancy (CO), the Developer shall provide documentation demonstrating compliance with the required proof of notification to interested parties and the design standards, such as but not limited to: compatible exteriors, size and number of bedrooms per WHP unit installation of required appliances, provision of a dry model (ULDC Article 5.G.1.3.h). (CO: MONITORING - Planning)
- 6. The developer shall provide notice of commencement of sales to Planning and DHES and a list of interested parties. (ONGOING: PLANNING - Planning)
- 7. Per ULDC Article 5.G.1.3.h.2. Design Standards: all for-sale WHP units shall have a minimum of two bedrooms and 25% of the for-sale WHP units shall have three bedrooms with all having a minimum bedroom size of 100 square feet. (ONGOING: PLANNING - Planning)

PROPERTY & REAL ESTATE MANAGEMENT

- 1. The Property Owner will be required to cash out the civic site subject to Board of County Commissioners approval. If approved, payment will be made prior to Final Master Plan approval. If the civic site is not cashed out, a civic site that is acceptable to Palm Beach County Facilities, Development & Operations Department will be required. (DRO: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

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)

- 2. Prior to the issuance of the first Certificate of Occupancy (CO) for each residential pod, the 10' by 15' school bus shelter 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 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. (ONGOING: MONITORING - School Board)

SITE DESIGN

1. Prior to final approval by the Development Review Officer, all applicable plans shall be revised to indicate three fountains within the proposed southern-most waterbody (7.88-acres in size as indicated on PMP-2). (DRO: ZONING - Zoning)
2. Prior to final approval by the Development Review Officer, all Plans that identify entrance signs on the west side of Pod A shall be modified to remove said signage. (DRO: ZONING - Zoning)
3. All Townhouses shall be limited to a maximum of 25 feet in height, as defined in Art. 1.C.4.C.1, Building Height. (BLDGPMT/ONGOING: BUILDING DIVISION - Zoning)
4. Prior to final approval by the Development Review Officer, the 10 ft. Type 1 Incompatibility Buffer adjacent to the 0.13-acre Neighborhood Park and the 0.12-acre Neighborhood Park within Pod B shall be upgraded to a 15 ft. Type 2 Incompatibility Buffer, and shall meet the berming and fencing requirements identified in Landscape – Perimeter Condition 1. (BLDGPMT/DRO: ZONING – Zoning)
5. Prior to final approval by the Development Review Officer, the Preliminary Master Plan shall be revised as follows:
 - a. A 3 ft. wide buffer shall be provided to the north of the relocated L-13 LWDD Canal. The buffer shall provide for a 5 ft. high vinyl coated chain link fence adjacent to the existing residential development, as well as a 5 ft. continuous opaque hedge on the south side of the fence;
 - b. the 7.5 ft. ROW Buffer on the south side of the L-13 LWDD Canal shall be revised to a 5 ft. wide landscape buffer. Plantings within this buffer shall be consistent with a 8 ft. Compatibility Buffer, as indicated in Table 7.C.2.B, Compatibility Buffer Landscape Requirements. (BLDGPMT/DRO: BUILDING DIVISION - 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: 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.

Figure 1 - Land Use Map

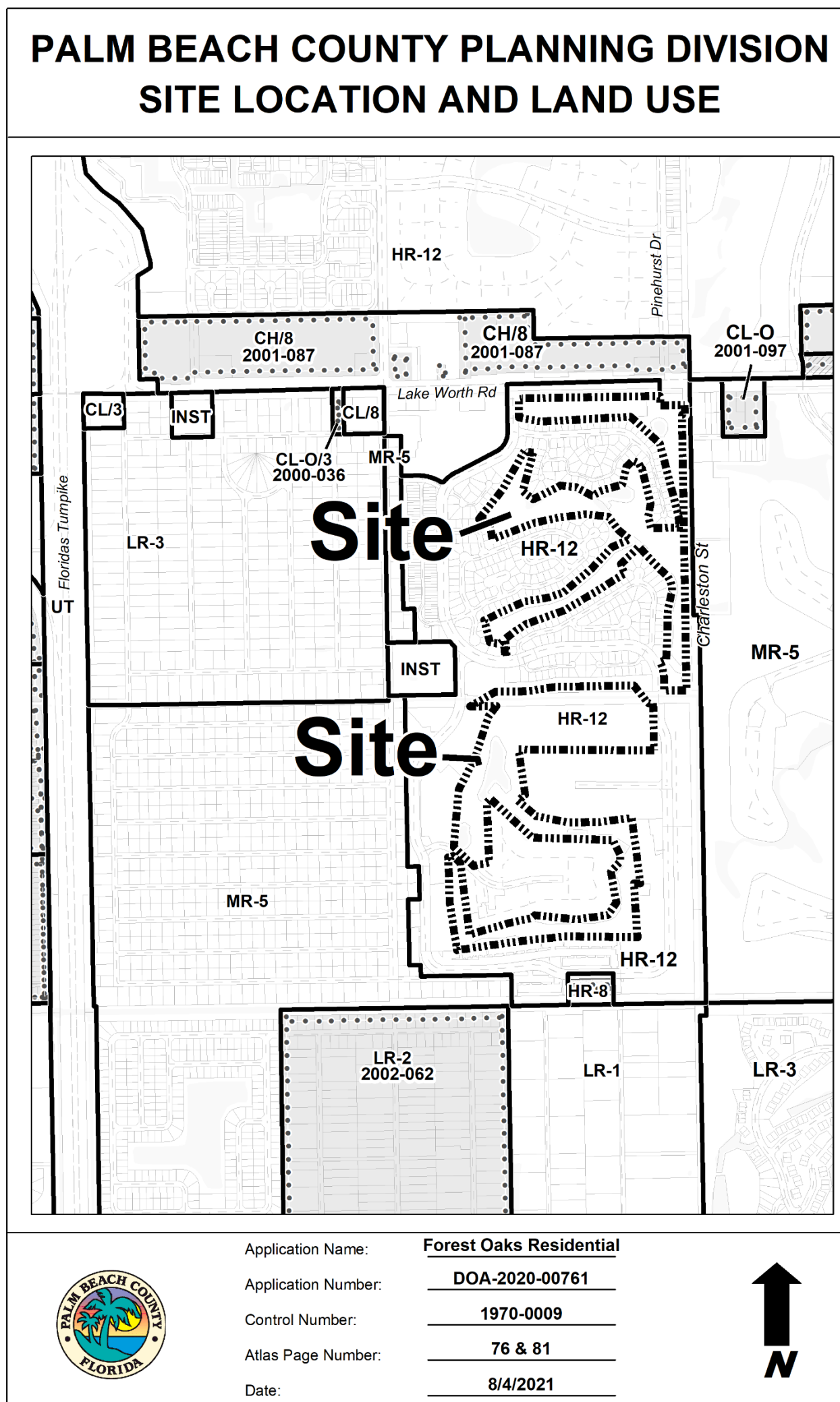
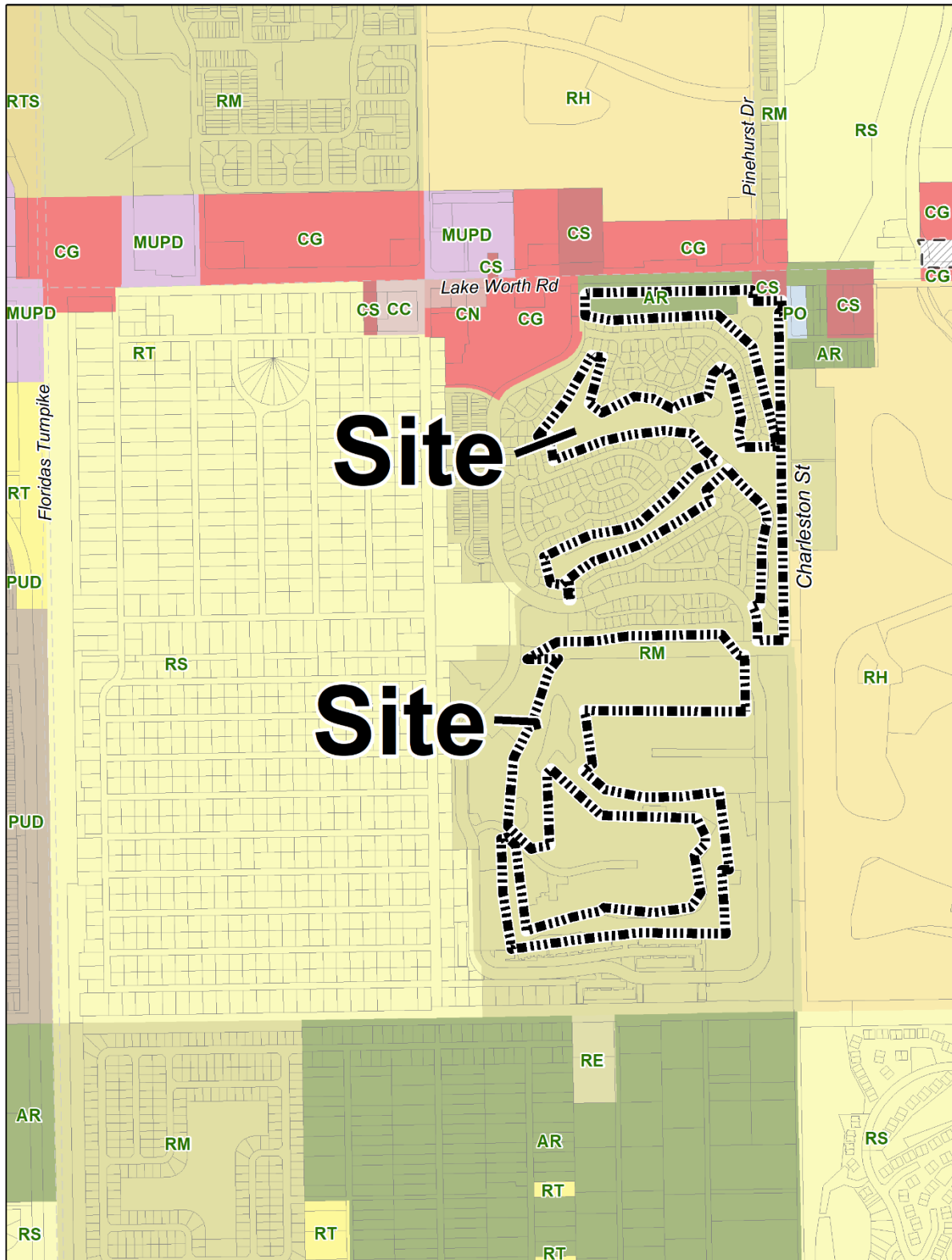


Figure 2 - Zoning Map

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND ZONING



Forest Oaks Residential



Application Name:

DOA-2020-00761

Application Number

1970-0009

Zoning Quad Number:

048

Date:

8/4/2021



Figure 3 – Aerial

PALM BEACH COUNTY PLANNING DIVISION

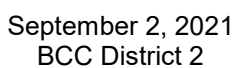
SITE LOCATION



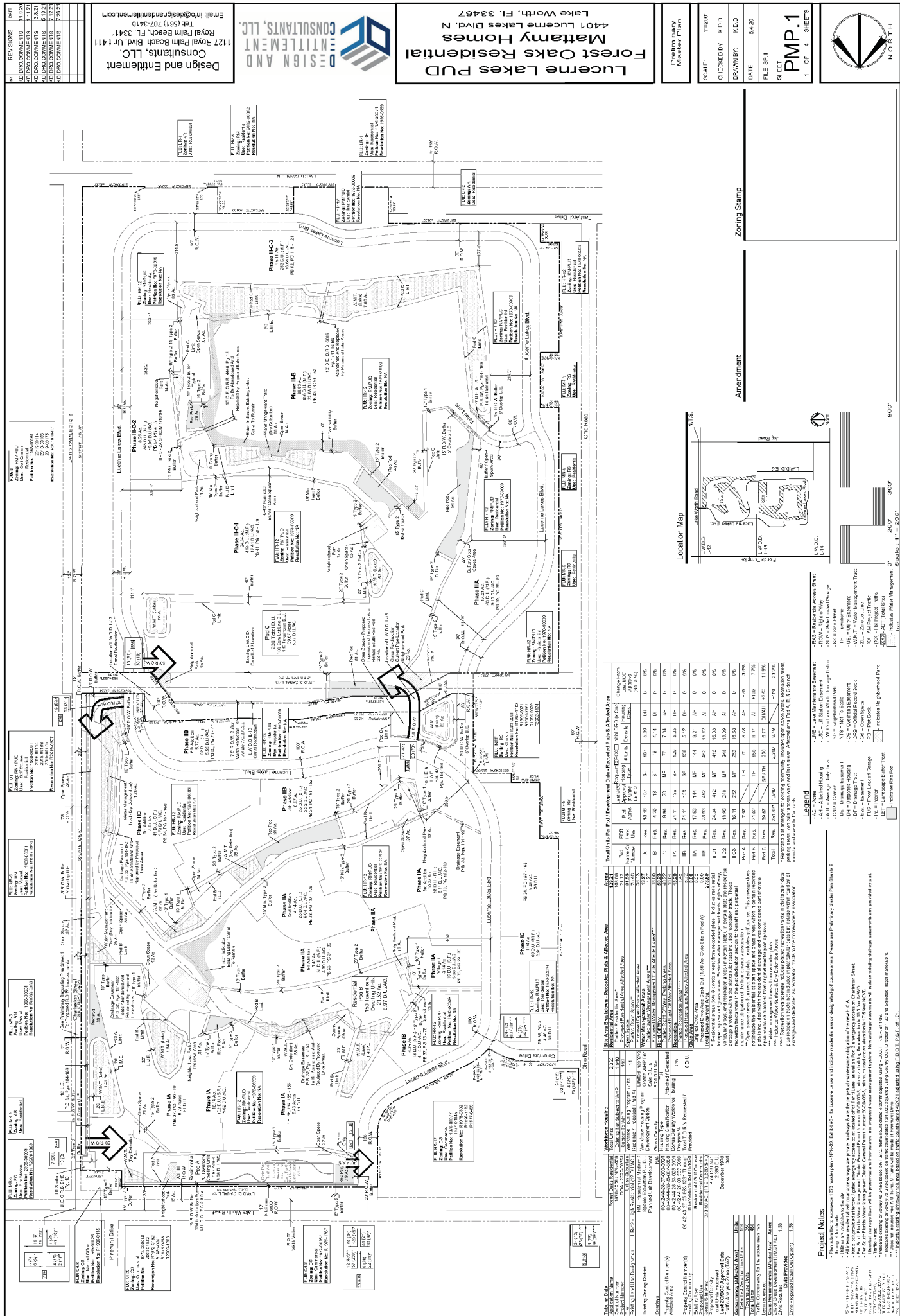
Application Name:	<u>Forest Oaks Residential</u>
Application Number:	<u>DOA-2020-00761</u>
Control Number:	<u>1970-0009</u>
Atlas Page Number:	<u>76 & 81</u>
Date:	<u>8/4/2021</u>



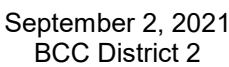
Zoning Commission
Application No. DOA-2020-00761
Forest Oaks Residential



Zoning Commission
Application No. DOA-2020-00761
Forest Oaks Residential



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Application No. DOA-2020-00761
Forest Oaks Residential



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Forest Oaks Residential

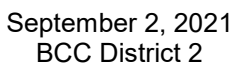


Figure 8 – Preliminary Master Plan (PMP-4 of 4), dated July 26, 2021

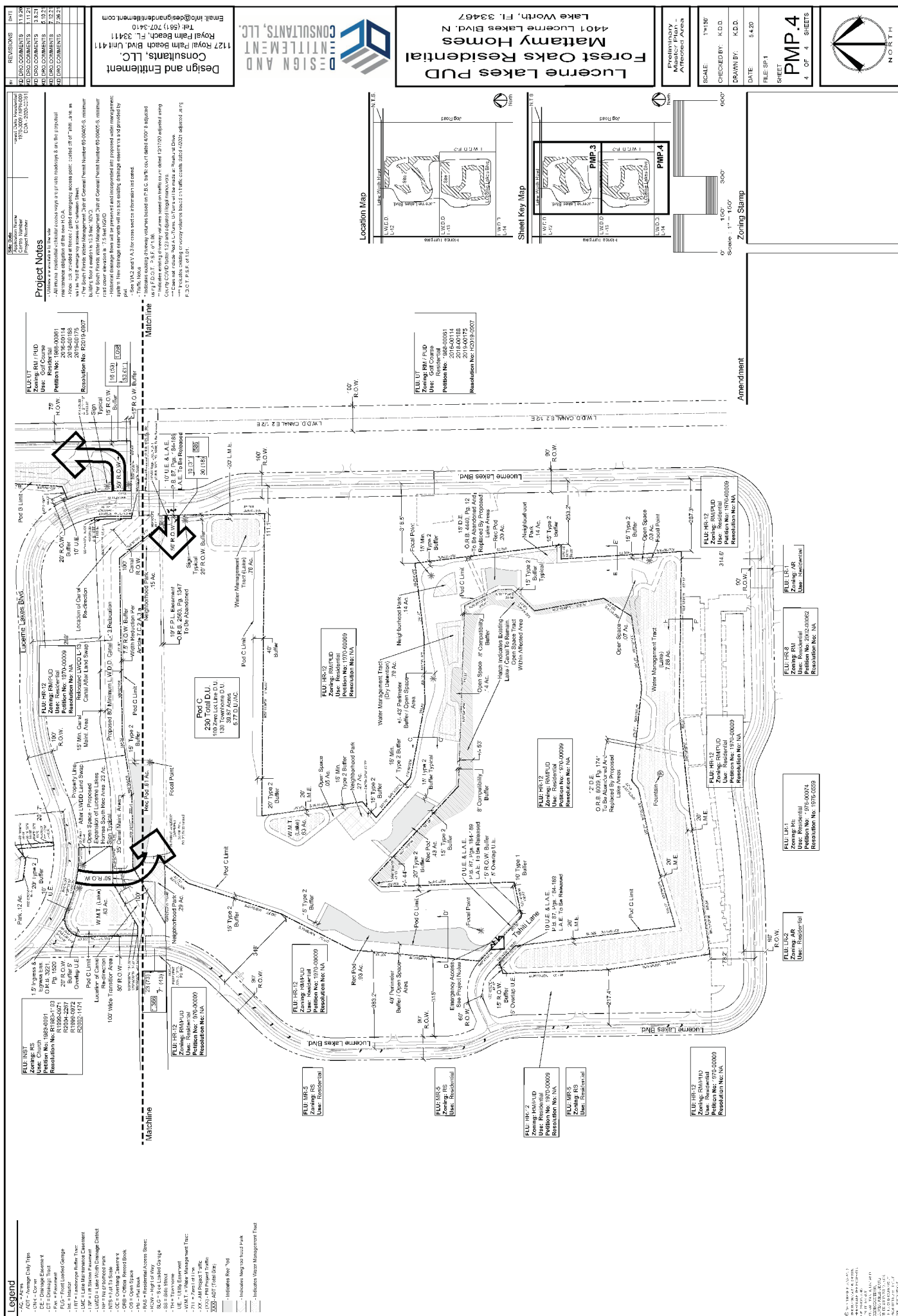
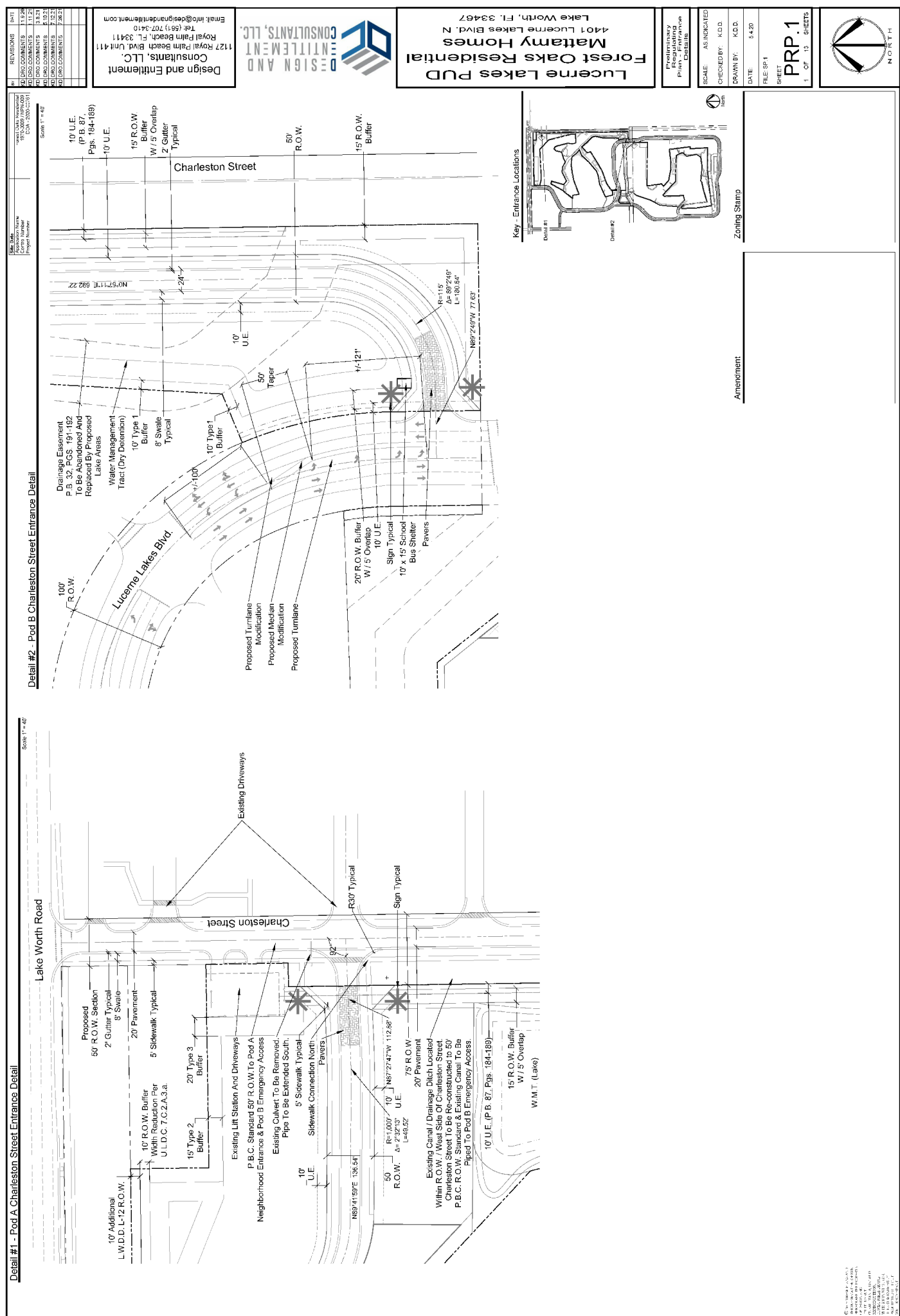
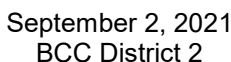


Figure 9 – Preliminary Regulating Plan (PRP-1 of 13), dated July 26, 2021



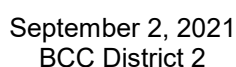
Zoning Commission
Application No. DOA-2020-00761
Forest Oaks Residential



Zoning Commission
Application No. DOA-2020-00761
Forest Oaks Residential



Zoning Commission
Application No. DOA-2020-00761
Forest Oaks Residential



The site plan for Lucerne Lakes PUD is a detailed aerial map showing the layout of various residential units and associated amenities. The plan is oriented with North at the top. Key features include:

- Residential Units:** Labeled as 'Single Family Detached Dwelling Units' in several locations, including a large cluster in the upper right and smaller groups in the lower left and center.
- Open Space:** Several areas are designated as 'Open Space', including a large area in the upper left, a central area near the 'Parcel Inset', and smaller pockets throughout the site.
- Water Management:** A 'Water Management Tract (Dry Detention)' is located in the upper right. A 'Proposed 80' L.W.D.D. L-13 Canal Relocation' is shown running horizontally across the center.
- Infrastructure:** 'Lucerne Lakes Boulevard' runs vertically along the right side. 'Marshall' and 'Park' streets are also indicated.
- Other Features:** A 'Rec Pod' (recreation pod) is located in the lower left. A 'Parcel Inset' is shown in the center, containing a 'W.M.T. (Lake)' and 'Open Space'. A 'Park' area is located in the lower right.
- Legend:** Located in the bottom right corner, it defines symbols for 'Proposed', 'Existing', and 'Future' features, as well as 'Water Management' and 'Open Space'.
- Scale:** A graphic scale bar is provided in the bottom right corner, showing distances in feet (0, 150, 300, 450, 600).
- North Arrow:** A north arrow is located in the bottom right corner, pointing towards the top of the page.
- Project Notes:** A section in the bottom right corner contains project notes, including a reference to 'The 2013 Florida Building Code' and a note about 'The 2013 Florida Building Code'.

REVISIONS	DATE	BY	DESCRIPTION
1	11/13/2013	11/13/2013	11/13/2013
2	11/13/2013	11/13/2013	11/13/2013
3	11/13/2013	11/13/2013	11/13/2013
4	11/13/2013	11/13/2013	11/13/2013
5	11/13/2013	11/13/2013	11/13/2013
6	11/13/2013	11/13/2013	11/13/2013
7	11/13/2013	11/13/2013	11/13/2013
8	11/13/2013	11/13/2013	11/13/2013
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60	11/13/2013	11/13/2013	11/13/2013
61	11/13/2013	11/13/2013	11/13/2013
62	11/13/2013	11/13/2013	11/13/2013
63	11/13/2013	11/13/2013	11/13/2

PROJECT NOTES

- 1. All units shall be constructed in accordance with the applicable codes and standards.
- 2. All units shall be constructed in accordance with the applicable codes and standards.
- 3. All units shall be constructed in accordance with the applicable codes and standards.
- 4. All units shall be constructed in accordance with the applicable codes and standards.
- 5. All units shall be constructed in accordance with the applicable codes and standards.
- 6. All units shall be constructed in accordance with the applicable codes and standards.
- 7. All units shall be constructed in accordance with the applicable codes and standards.
- 8. All units shall be constructed in accordance with the applicable codes and standards.
- 9. All units shall be constructed in accordance with the applicable codes and standards.
- 10. All units shall be constructed in accordance with the applicable codes and standards.

Legend

- 1. All units shall be constructed in accordance with the applicable codes and standards.
- 2. All units shall be constructed in accordance with the applicable codes and standards.
- 3. All units shall be constructed in accordance with the applicable codes and standards.
- 4. All units shall be constructed in accordance with the applicable codes and standards.
- 5. All units shall be constructed in accordance with the applicable codes and standards.
- 6. All units shall be constructed in accordance with the applicable codes and standards.
- 7. All units shall be constructed in accordance with the applicable codes and standards.
- 8. All units shall be constructed in accordance with the applicable codes and standards.
- 9. All units shall be constructed in accordance with the applicable codes and standards.
- 10. All units shall be constructed in accordance with the applicable codes and standards.

Scale

1" = 60'

2" = 120'

3" = 180'

4" = 240'

5" = 300'

6" = 360'

7" = 420'

8" = 480'

9" = 540'

10" = 600'

11" = 660'

12" = 720'

13" = 780'

14" = 840'

15" = 900'

16" = 960'

17" = 1020'

18" = 1080'

19" = 1140'

20" = 1200'

21" = 1260'

22" = 1320'

23" = 1380'

24" = 1440'

25" = 1500'

26" = 1560'

27" = 1620'

28" = 1680'

29" = 1740'

30" = 1800'

31" = 1860'

32" = 1920'

33" = 1980'

34" = 2040'

35" = 2100'

36" = 2160'

37" = 2220'

38" = 2280'

39" = 2340'

40" = 2400'

41" = 2460'

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43" = 2580'

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209" = 12540'

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211" = 12660'

212" = 12720'

213" = 12780'

214" = 12840'

215" = 12900'

216" = 12960'

217" = 13020'

218" = 13080'

219" = 13140'

220" = 13200'

221" = 13260'

222" = 13320'

223" = 13380'

224" = 13440'

225" = 13500'

226" =

Zoning Commission
Application No. DOA-2020-00761
Forest Oaks Residential

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Figure 18 – Preliminary Regulating Plan (PRP-10 of 13), dated July 26, 2021

[illegible]

[illegible]

Figure 22 – Preliminary Master Sign Plan (PMSP-1), dated July 26, 2021

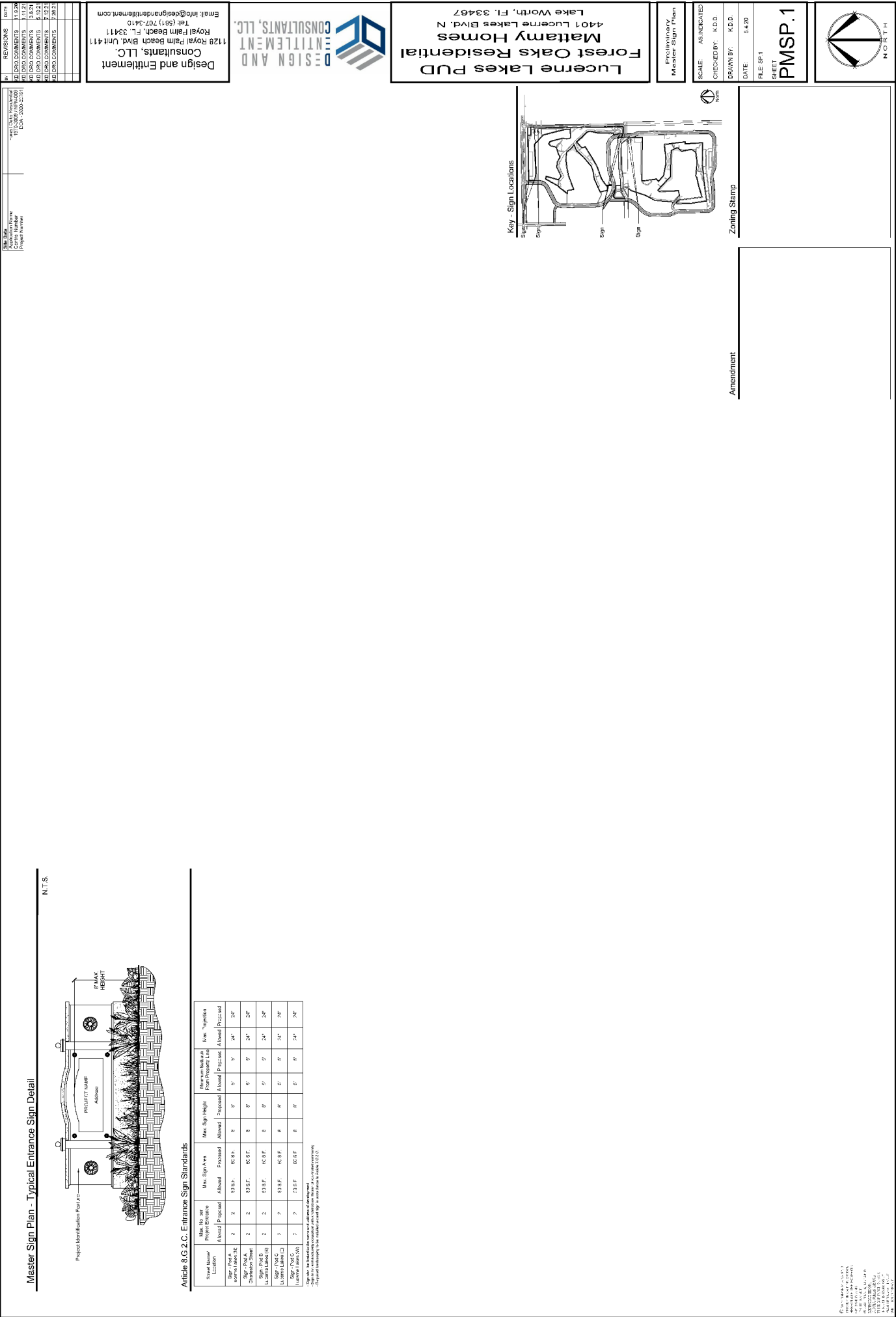


Exhibit D – Disclosure of Ownership

PALM BEACH COUNTY - ZONING DIVISION

FORM # 8

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

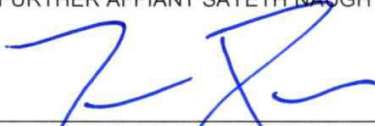
TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

1. Affiant is the ☐ individual or ☒ Vice President _____ [position—e.g., president, partner, trustee] of Mattamy Homes _____ [name and type of entity—e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 2500 Quantum Lakes Drive
Boynton Beach, Fl. 33426

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.



Anthony Palumbo, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION: STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
[] online notarization, this 9th day of March, 2020 by
Anthony Palumbo (name of person acknowledging). He/she is personally
known to me or has produced _____ (type of identification) as
identification and did/did not take an oath (circle correct response).

(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 3/9/20

NOTARY'S SEAL OR STAMP

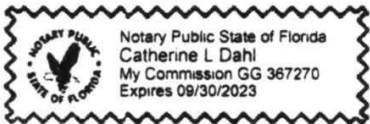


EXHIBIT "A"

PROPERTY

See attached Legal Description

DESCRIPTION:

A PORTION OF LUCERNE LAKES GOLF COURSE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 87, PAGE 184 AND A PORTION OF PLAT NO. 1, LUCERNE LAKES (PUD), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGE 41 AND A PORTION OF PLAT NO. 2, LUCERNE LAKES (PUD), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, PAGE 191, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTIONS 28 AND 33, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LUCERNE LAKES BOULEVARD AS SHOWN ON PLAT NO. 1, LUCERNE LAKES (PUD), AS RECORDED IN PLAT BOOK 30, PAGES 41 AND 42, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.89°02'49"E. ALONG THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL "L-12" AS RECORDED IN OFFICIAL RECORD BOOK 1973, PAGE 99 OF SAID PUBLIC RECORDS, A DISTANCE OF 125.00 FEET TO THE NORTHWEST CORNER OF GOLF COURSE TRACT AS SHOWN ON SAID PLAT NO. 1, LUCERNE LAKES (PUD) BEING THE POINT OF BEGINNING; THENCE CONTINUE N.89°02'49"E ALONG SAID SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL "L-12", A DISTANCE OF 1225.00 FEET TO A POINT ON THE NORTH LINE OF GOLF COURSE TRACT A (GC-A) AS SHOWN ON THE PLAT OF LUCERNE LAKES GOLF COURSE AS RECORDED IN PLAT BOOK 87, PAGES 184 THROUGH 189, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S.00°57'11"E. ALONG A BOUNDARY LINE OF SAID TRACT A (GC-A), A DISTANCE OF 83.00 FEET; THENCE N.89°02'53"E. ALONG A BOUNDARY LINE OF SAID TRACT A (GC-A), A DISTANCE OF 215.00 FEET TO A POINT ON THE EAST LINE OF SAID GOLF COURSE TRACT A (GC-A); THENCE S.00°57'11"E. ALONG SAID EAST LINE OF SAID GOLF COURSE TRACT A (GC-A), A DISTANCE OF 87.00 FEET; THENCE S.89°02'53"W. ALONG SAID EAST LINE, A DISTANCE OF 25.00 FEET; THENCE S.00°57'11"E. ALONG SAID EAST LINE AND THE WEST LINE OF THE FINAL JUDGEMENT RECORDED IN OFFICIAL RECORD BOOK 4179, PAGE 1199 OF SAID PUBLIC RECORDS, A DISTANCE OF 2429.98 FEET; THENCE S.89°02'09"W. ALONG THE NORTH LINE OF THAT CERTAIN 30-FOOT RIGHT-OF-WAY AS VACATED IN OFFICIAL RECORDS BOOK 2034, PAGE 1293 OF SAID PUBLIC RECORDS, A DISTANCE OF 197.63 FEET; THENCE N.00°57'11"W. ALONG A BOUNDARY LINE OF GOLF COURSE TRACT C (GC-C) AS SHOWN ON SAID PLAT OF LUCERNE LAKES GOLF COURSE, A DISTANCE OF 95.45 FEET TO A POINT OF CURVATURE OF A CURVE HAVING A RADIUS OF 425.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND SAID BOUNDARY LINE, THROUGH A CENTRAL ANGLE OF 21°41'43", A DISTANCE OF 160.86 FEET TO A POINT; THE FOREGOING NINE COURSES AND DISTANCES ARE ALONG THE BOUNDARY LINE OF LUCERNE LAKES HOMES, VILLAGE I, 5TH ADDITION, AS RECORDED IN PLAT BOOK 34, PAGE 167; THENCE 67°21'36"E, A DISTANCE OF 55.63 FEET; THENCE N.03°09'02"E., A DISTANCE OF 189.43 FEET; THENCE N.01°00'36"E., A DISTANCE OF 248.15 FEET; THENCE N.12°46'33"E., A DISTANCE OF 149.16 FEET TO A POINT OF CURVATURE OF A CURVE HAVING A RADIUS OF 177.00 FEET; THENCE NORTHERLY AND WESTERLY

ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 58°39'24", A DISTANCE OF 181.20 FEET; THENCE N.45°52'51"W., A DISTANCE OF 180.93 FEET; THENCE N.41°24'28"W., A DISTANCE OF 163.95 FEET; THENCE S.45°52'15"W., A DISTANCE OF 223.17 FEET; THENCE S.20°12'43"E., A DISTANCE OF 89.37 FEET; THE FOREGOING TWELVE COURSES AND DISTANCES ARE ALONG THE BOUNDARY LINE OF GOLF COURSE TRACT B (GC-B) AS SHOWN ON SAID PLAT OF LUCERNE LAKES GOLF COURSE; THENCE S.58°02'15"W., A DISTANCE OF 377.79 FEET; THENCE S.59°43'39"W., A DISTANCE OF 245.44 FEET; THENCE S.70°01'24"W., A DISTANCE OF 176.98 FEET; THENCE S.70°10'45"W., A DISTANCE OF 178.01 FEET; THENCE S.57°46'09"W., A DISTANCE OF 116.60 FEET; THENCE S.51°41'41"W., A DISTANCE OF 110.08 FEET; THENCE S.04°51'22"E., A DISTANCE OF 151.70 FEET TO A POINT ON A NON-TANGENT CURVE HAVING A RADIUS OF 470.00 FEET; WHOSE RADIUS POINT BEARS N04°51'22"W, THENCE WESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°49'43", A DISTANCE OF 15.00 FEET; THENCE N.04°51'22"W., A DISTANCE OF 141.55 FEET; THENCE S.51°41'41"W., A DISTANCE OF 50.00 FEET; THENCE N.82°30'53"W, A DISTANCE OF 85.25 FEET; THENCE N.13°50'42"W., A DISTANCE OF 201.39 FEET; THENCE N.64°19'55"E ALONG A BOUNDARY LINE OF LUCERNE LAKES HOMES, VILLAGE I, 3RD ADDITION AS RECORDED IN PLAT BOOK 33, PAGE 182 OF SAID PUBLIC RECORDS., A DISTANCE OF 154.79 FEET; THENCE N.65°10'46"E. ALONG SAID BOUNDARY LINE, A DISTANCE OF 228.19 FEET; THENCE N.80°28'04"E. ALONG SAID BOUNDARY LINE AND A BOUNDARY LINE OF LUCERNE LAKES HOMES, VILLAGE I, 2ND ADDITION, AS RECORDED IN PLAT BOOK 33, PAGES 107 THROUGH 108 OF SAID PUBLIC RECORDS, A DISTANCE OF 232.07 FEET; THENCE N.69°40'38"E. ALONG SAID BOUNDARY LINE OF SAID BOUNDARY LINE OF LUCERNE LAKES HOMES, VILLAGE I, 2ND ADDITION, A DISTANCE OF 135.81; THENCE N.49°41'43"E. ALONG SAID BOUNDARY LINE AND A BOUNDARY LINE, A DISTANCE OF 323.41 FEET; THENCE N.43°15'44"E. ALONG SAID SOUTHEASTERLY LINE OF LUCERNE LAKES HOMES, VILLAGE I, 2ND ADDITION AND ALONG THE BOUNDARY LINE OF LUCERNE LAKES HOMES, VILLAGE I, FIRST ADDITION, AS RECORDED IN PLAT BOOK 33, PAGES 31 THROUGH 32 OF SAID PUBLIC RECORDS, A DISTANCE OF 258.05 FEET; THENCE N.66°41'06"E. ALONG SAID BOUNDARY LINE, A DISTANCE OF 173.07 FEET; THENCE N.50°52'11"W. ALONG SAID BOUNDARY LINE, A DISTANCE OF 124.13 FEET; THENCE N.37°59'00"W. ALONG SAID BOUNDARY LINE, A DISTANCE OF 153.00 FEET; THENCE N.83°31'46"W. ALONG SAID BOUNDARY LINE, A DISTANCE OF 194.50 FEET; THENCE S.83°11'07"W. ALONG SAID BOUNDARY LINE, A DISTANCE OF 245.42 FEET; THENCE S.77°41'46"W. ALONG SAID BOUNDARY LINE, A DISTANCE OF 216.33 FEET; THENCE S.69°16'12"W. ALONG SAID BOUNDARY LINE OF LUCERNE LAKES HOMES, VILLAGE I, FIRST ADDITION AND A BOUNDARY LINE OF THE RECREATION AREA (GOLF COURSE TRACT), PLAT NO. 2, LUCERNE LAKES (PUD), AS RECORDED IN PLAT BOOK 32, PAGE 191, A DISTANCE OF 402.93 FEET; THE FOREGOING TEN COURSES AND DISTANCES ARE ALONG THE BOUNDARY OF SAID RECREATION AREA (GOLF COURSE TRACT); THENCE N.09°24'07"W., A DISTANCE OF 180.30 FEET; THENCE S.89°02'49"W., A DISTANCE OF 85.47 FEET; THENCE N.38°27'22"E., A DISTANCE OF 333.93 FEET; THENCE N.29°32'49"E, A DISTANCE OF 386.62 FEET TO A POINT ON A NON-TANGENT CURVE HAVING A RADIUS OF 382.85 FEET; WHOSE RADIUS POINT BEARS N.14°05'35"E,

THENCE SOUTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°05'22", A DISTANCE OF 80.78 FEET; THENCE S.15°21'19"W., A DISTANCE OF 353.74 FEET; THENCE S.51°44'42"E., A DISTANCE OF 117.75 FEET; THENCE N.63°13'12"E., A DISTANCE OF 270.89 FEET; THENCE S.83°56'12"E., A DISTANCE OF 140.86 FEET; THENCE S.61°23'19"E., A DISTANCE OF 160.00 FEET; THENCE N.59°25'42"E. ALONG THE BOUNDARY LINE OF WATER MANAGEMENT TRACT 2 (WMT-2), AS SHOWN ON SAID PLAT OF LUCERNE LAKES GOLF COURSE, A DISTANCE OF 95.43 FEET; THENCE N.74°13'08"E. ALONG SAID BOUNDARY LINE OF WATER MANAGEMENT TRACT 2 (WMT-2), A DISTANCE OF 191.47 FEET; THENCE N.12°17'49"E. ALONG SAID BOUNDARY LINE AND ALONG A BOUNDARY LINE OF SAID GOLF COURSE TRACT A (GC-A), A DISTANCE OF 160.00 FEET; THENCE N.45°32'49"E. ALONG SAID BOUNDARY LINE OF SAID GOLF COURSE TRACT A (GC-A), A DISTANCE OF 77.00 FEET; THENCE S.68°59'09"E. ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 58.02 FEET; THENCE S.29°07'35"E. ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 58.60 FEET; THENCE S.14°27'11"E. ALONG SAID BOUNDARY LINE OF SAID GOLF COURSE TRACT A (GC-A), A DISTANCE OF 316.00 FEET; THENCE S.11°02'49"W. ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 117.00 FEET; THENCE S.14°27'11"E. ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 105.60 FEET; THENCE N.88°53'11"E. ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 244.65 FEET; THENCE N.01°06'49"W. ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 96.74 FEET; THENCE N.14°27'11"W. ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 662.67 FEET; THENCE N.47°07'31"W. ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 352.62 FEET; THENCE S.86°54'49"W. ALONG SAID BOUNDARY LINE OF SAID PLAT NO. 1, LUCERNE LAKES (PUD), A DISTANCE OF 794.00 FEET; THENCE N.79°50'42"W. ALONG SAID BOUNDARY LINE, A DISTANCE OF 197.25 FEET; THENCE N.00°57'11"W. ALONG THE WEST LINE OF SAID PLAT NO. 1, LUCERNE LAKES (PUD), A DISTANCE OF 145.00 FEET TO A POINT OF CURVATURE OF A CURVE HAVING A RADIUS OF 25.00 FEET; THENCE NORTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 39.27 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

THE EAST 10.00 FEET OF TRACT GC-D, LUCERNE LAKES GOLF COURSE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 87, PAGE 184 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT GC-D; THENCE ALONG THE EAST LINE OF SAID TRACT GC-D THE FOLLOWING TWO (2) COURSES AND DISTANCES: NORTH 00°57'11" WEST, A DISTANCE OF 95.47 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 325.00 FEET AND A CENTRAL ANGLE OF 09°01'07"; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 51.16 FEET TO THE

NORTHEAST CORNER OF SAID TRACT GC-D; THENCE ALONG THE NORTH LINE OF SAID TRACT GC-D, SOUTH 87°44'49" WEST, A DISTANCE OF 10.09 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES SOUTH 79°46'54" WEST, A RADIAL DISTANCE OF 315.00 FEET; THENCE ALONG A CURVE AND LINE 10.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES, AND CONCENTRIC AND PARALLEL WITH SAID EAST LINE OF TRACT GC-D THE FOLLOWING TWO (2) COURSES AND DISTANCES: SOUTHERLY ALONG THE LAST DESCRIBED CURVE, THROUGH A CENTRAL ANGLE OF 09°15'55", A DISTANCE OF 50.94 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°57'11" EAST, A DISTANCE OF 95.47 FEET TO THE SOUTH LINE OF SAID TRACT GC-D; THENCE ALONG SAID SOUTH LINE, NORTH 89°02'09" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF TRACT GC-D, LUCERNE LAKES GOLF COURSE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 87, PAGE 184 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT GC-D; THENCE ALONG THE WEST AND NORTH LINES OF SAID TRACT GC-D THE FOLLOWING FOUR COURSES AND DISTANCES: NORTH 00°57'11" WEST, A DISTANCE OF 220.07 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 70.00 FEET AND A CENTRAL ANGLE OF 115°23'52"; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 140.99 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 570.00 FEET AND A CENTRAL ANGLE OF 26°15'19"; THENCE EASTERLY ALONG THE ARC, A DISTANCE OF 261.20 FEET; THENCE SOUTH 01°48'31" EAST, A DISTANCE OF 132.44 FEET TO A CORNER ON THE NORTH LINE OF SAID TRACT GC-D; THENCE SOUTH 89°02'09" WEST, A DISTANCE OF 145.23 FEET; THENCE SOUTH 60°00'00" WEST, A DISTANCE OF 197.32 FEET TO THE EASTERLY PROLONGATION OF A SOUTH LINE OF SAID TRACT GC-D; THENCE ALONG SAID EASTERLY PROLONGATION AND ALONG SAID SOUTH LINE, SOUTH 89°02'09" WEST, A DISTANCE OF 37.27 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF TRACT GC-D AND ALL OF TRACTS GC-E, WMT-3, WMT-4 AND WMT-5, LUCERNE LAKES GOLF COURSE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 87, PAGE 184 AND A PORTION OF BLOCK 29, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2 PAGES 45 THROUGH 54, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF GOLF COURSE TRACT E (GC-E) AS SHOWN ON SAID PLAT OF LUCERNE LAKES GOLF COURSE; THE FOREGOING COURSES AND DISTANCES ARE ALONG THE BOUNDARY OF SAID LUCERNE LAKES GOLF COURSE; THENCE S.01°10'09"E., A DISTANCE OF 416.34 FEET; THENCE N.89°33'08"W., A DISTANCE OF 1196.60; THENCE S.08°07'36"E., A DISTANCE OF 401.87 FEET; THENCE S.49°04'38"W., A DISTANCE OF 82.77 FEET; THENCE S.49°23'31"E., A DISTANCE OF 207.59 FEET; S.78°59'32"E., A DISTANCE OF 296.83 FEET; THENCE N.89°08'10"E., A DISTANCE OF 269.13 FEET; THENCE N.82°54'01"E., A DISTANCE OF 291.07 FEET; S.07°17'34"E., A DISTANCE OF 582.73 FEET; S.89°49'18"W., A DISTANCE OF 56.20 FEET; S.03°38'15"E., A DISTANCE OF 476.31 FEET; THENCE N.89°15'01"W., A DISTANCE OF 632.12 FEET; THENCE S.84°04'08"W., A DISTANCE OF 403.23 FEET; THENCE S.81°51'08"W., A DISTANCE OF 565.84 FEET; THENCE N.08°45'17"W., A DISTANCE OF 415.60 FEET; THENCE N.02°08'54"W., A DISTANCE OF 407.00 FEET; THENCE N.73°43'52"E., A DISTANCE OF 47.17 FEET; THENCE S.46°44'50"E., A DISTANCE OF 88.00 FEET; S.07°04'46"E., A DISTANCE OF 636.38 FEET; THENCE N.73°34'49"E., A DISTANCE OF 356.10 FEET; THENCE N.77°26'12"E., A DISTANCE OF 207.71 FEET; THENCE N.50°38'55"E., A DISTANCE OF 41.70 FEET; THENCE S.83°58'53"E., A DISTANCE OF 370.74 FEET; THENCE N.81°46'19"E., A DISTANCE OF 284.29 FEET; THENCE N.32°51'29"E., A DISTANCE OF 131.19 FEET; THENCE N.10°18'48"W., A DISTANCE OF 276.68 FEET; THENCE N.42°43'48"E., A DISTANCE OF 123.07 FEET; THENCE N.01°17'34"E., A DISTANCE OF 51.04 FEET; THENCE N.25°27'38"W., A DISTANCE OF 149.47 FEET; THENCE N.88°04'14"W., A DISTANCE OF 715.91 FEET; THENCE N.47°15'05"W., A DISTANCE OF 503.26 FEET; THENCE S.44°18'30"W., A DISTANCE OF 42.30 FEET; THENCE S.02°10'42"E., A DISTANCE OF 532.53 FEET; THENCE S.77°43'05"W., A DISTANCE OF 139.83 FEET; THENCE N.46°44'50"W., A DISTANCE OF 242.00 FEET; THENCE N.04°55'41"E., A DISTANCE OF 507.63 FEET; THENCE N.26°56'04"E., A DISTANCE OF 316.98 FEET; THENCE N.18°06'07"E., A DISTANCE OF 382.89 FEET; THENCE N.37°42'59"E., A DISTANCE OF 117.74 FEET TO THE NORTHEAST CORNER OF THE RECREATION AREA (TRACT "C"), SUNRISE OF PALM BEACH PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 39, PAGE 88 OF SAID PALM BEACH COUNTY PUBLIC RECORDS; THENCE ALONG THE NORTH LINE OF SAID RECREATION AREA (TRACT "C"), S.89°02'09"W., A DISTANCE OF 233.48 FEET; THENCE LEAVING SAID NORTH LINE, N.60°00'00"E., A DISTANCE OF 259.13 FEET; THENCE N.89°02'09"E., A DISTANCE OF 282.31 FEET; THENCE N.80°59'05"E., A DISTANCE OF 244.20 FEET; THENCE N.89°02'09"E., A DISTANCE OF 700.40 FEET; THENCE S.38°52'10"E., A DISTANCE OF 202.75 FEET TO THE NORTH LINE OF SAID TRACT GC-E; THENCE ALONG SAID NORTH LINE, N.89°02'09"E., A DISTANCE OF 41.07 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATED IN SECTIONS 28 AND 33, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 3,441,627 SQUARE FEET/79.0089 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.

Name	Address
See attached Corporate Resolution	
Mattamy Homes Corp. Southeast Florida Division	
2500 Quantum Lakes Drive, Suite 215 Boynton Bch., Fl. 33426	

MATTAMY PALM BEACH LLC

RESOLUTIONS OF THE BOARD OF DIRECTORS

The undersigned, constituting all of the members of the Board of Directors (the "Board") of Mattamy Palm Beach LLC, a Delaware limited liability company (the "Company"), in accordance with Section 4.1 of the Company's Operating Agreement dated April 25, 2017, do hereby take the actions set forth below by unanimous written consent without a meeting:

RESOLVED, that the following named individual be and hereby is appointed as an officer of the Company, to hold the office set forth opposite his name until removed by action of the Board or until such officer sooner dies, resigns, is removed or becomes disqualified:

Anthony J. Palumbo III Assistant Vice President

RESOLVED that, in connection with the day-to-day business operations of the Company, the foregoing officer be and hereby is authorized in the name and on behalf of the Company to take any and all lawful actions in connection with the business of the Company, and to execute and deliver any and all agreements, contracts or other documents to carry out the business of the Company.

The undersigned, being all of the members of the Board of Directors of the Company, and acting in the name of and on behalf of the Company, do hereby consent to and adopt the foregoing resolutions. These resolutions may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. These resolutions may be signed and delivered by facsimile or other functionally equivalent means.

IN WITNESS WHEREOF, the undersigned have executed these resolutions as of September 14, 2017.

BOARD OF DIRECTORS:


James Leiferman
Leslie Candes
David Koon
Robert A. Harris IV

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Nicholas Pisano, 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 ☒ Managing Member *[position - e.g., president, partner, trustee]* of Grillo Golf Management 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: 4401 Lucerne Lakes Boulevard
Lake Worth, Fl. 33467
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

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.

Nicholas Pisano
Nicholas Pisano, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 4 day of March, 2020 by Nicholas Pisano (name of person acknowledging). He/she is personally known to me or has produced Connecticut D/L (type of identification) as identification and did/did not take an oath (circle correct response).

Heather S. Stacey
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: March 21, 2023

NOTARY'S SEAL OR STAMP



EXHIBIT "A"

PROPERTY

See attached Legal Description

DESCRIPTION:

A PORTION OF LUCERNE LAKES GOLF COURSE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 87, PAGE 184 AND A PORTION OF PLAT NO. 1, LUCERNE LAKES (PUD), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGE 41 AND A PORTION OF PLAT NO. 2, LUCERNE LAKES (PUD), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, PAGE 191, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTIONS 28 AND 33, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LUCERNE LAKES BOULEVARD AS SHOWN ON PLAT NO. 1, LUCERNE LAKES (PUD), AS RECORDED IN PLAT BOOK 30, PAGES 41 AND 42, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.89°02'49"E. ALONG THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL "L-12" AS RECORDED IN OFFICIAL RECORD BOOK 1973, PAGE 99 OF SAID PUBLIC RECORDS, A DISTANCE OF 125.00 FEET TO THE NORTHWEST CORNER OF GOLF COURSE TRACT AS SHOWN ON SAID PLAT NO. 1, LUCERNE LAKES (PUD) BEING THE POINT OF BEGINNING; THENCE CONTINUE N.89°02'49"E ALONG SAID SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL "L-12", A DISTANCE OF 1225.00 FEET TO A POINT ON THE NORTH LINE OF GOLF COURSE TRACT A (GC-A) AS SHOWN ON THE PLAT OF LUCERNE LAKES GOLF COURSE AS RECORDED IN PLAT BOOK 87, PAGES 184 THROUGH 189, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S.00°57'11"E. ALONG A BOUNDARY LINE OF SAID TRACT A (GC-A), A DISTANCE OF 83.00 FEET; THENCE N.89°02'53"E. ALONG A BOUNDARY LINE OF SAID TRACT A (GC-A), A DISTANCE OF 215.00 FEET TO A POINT ON THE EAST LINE OF SAID GOLF COURSE TRACT A (GC-A); THENCE S.00°57'11"E. ALONG SAID EAST LINE OF SAID GOLF COURSE TRACT A (GC-A), A DISTANCE OF 87.00 FEET; THENCE S.89°02'53"W. ALONG SAID EAST LINE, A DISTANCE OF 25.00 FEET; THENCE S.00°57'11"E. ALONG SAID EAST LINE AND THE WEST LINE OF THE FINAL JUDGEMENT RECORDED IN OFFICIAL RECORD BOOK 4179, PAGE 1199 OF SAID PUBLIC RECORDS, A DISTANCE OF 2429.98 FEET; THENCE S.89°02'09"W. ALONG THE NORTH LINE OF THAT CERTAIN 30-FOOT RIGHT-OF-WAY AS VACATED IN OFFICIAL RECORDS BOOK 2034, PAGE 1293 OF SAID PUBLIC RECORDS, A DISTANCE OF 197.63 FEET; THENCE N.00°57'11"W. ALONG A BOUNDARY LINE OF GOLF COURSE TRACT C (GC-C) AS SHOWN ON SAID PLAT OF LUCERNE LAKES GOLF COURSE, A DISTANCE OF 95.45 FEET TO A POINT OF CURVATURE OF A CURVE HAVING A RADIUS OF 425.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND SAID BOUNDARY LINE, THROUGH A CENTRAL ANGLE OF 21°41'43", A DISTANCE OF 160.86 FEET TO A POINT; THE FOREGOING NINE COURSES AND DISTANCES ARE ALONG THE BOUNDARY LINE OF LUCERNE LAKES HOMES, VILLAGE I, 5TH ADDITION, AS RECORDED IN PLAT BOOK 34, PAGE 167; THENCE 67°21'36"E, A DISTANCE OF 55.63 FEET; THENCE N.03°09'02"E., A DISTANCE OF 189.43 FEET; THENCE N.01°00'36"E., A DISTANCE OF 248.15 FEET; THENCE N.12°46'33"E., A DISTANCE OF 149.16 FEET TO A POINT OF CURVATURE OF A CURVE HAVING A RADIUS OF 177.00 FEET; THENCE NORTHERLY AND WESTERLY

ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 58°39'24", A DISTANCE OF 181.20 FEET; THENCE N.45°52'51"W., A DISTANCE OF 180.93 FEET; THENCE N.41°24'28"W., A DISTANCE OF 163.95 FEET; THENCE S.45°52'15"W., A DISTANCE OF 223.17 FEET; THENCE S.20°12'43"E., A DISTANCE OF 89.37 FEET; THE FOREGOING TWELVE COURSES AND DISTANCES ARE ALONG THE BOUNDARY LINE OF GOLF COURSE TRACT B (GC-B) AS SHOWN ON SAID PLAT OF LUCERNE LAKES GOLF COURSE; THENCE S.58°02'15"W., A DISTANCE OF 377.79 FEET; THENCE S.59°43'39"W., A DISTANCE OF 245.44 FEET; THENCE S.70°01'24"W., A DISTANCE OF 176.98 FEET; THENCE S.70°10'45"W., A DISTANCE OF 178.01 FEET; THENCE S.57°46'09"W., A DISTANCE OF 116.60 FEET; THENCE S.51°41'41"W., A DISTANCE OF 110.08 FEET; THENCE S.04°51'22"E., A DISTANCE OF 151.70 FEET TO A POINT ON A NON-TANGENT CURVE HAVING A RADIUS OF 470.00 FEET; WHOSE RADIUS POINT BEARS N04°51'22"W, THENCE WESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°49'43", A DISTANCE OF 15.00 FEET; THENCE N.04°51'22"W., A DISTANCE OF 141.55 FEET; THENCE S.51°41'41"W., A DISTANCE OF 50.00 FEET; THENCE N.82°30'53"W, A DISTANCE OF 85.25 FEET; THENCE N.13°50'42"W., A DISTANCE OF 201.39 FEET; THENCE N.64°19'55"E ALONG A BOUNDARY LINE OF LUCERNE LAKES HOMES, VILLAGE I, 3RD ADDITION AS RECORDED IN PLAT BOOK 33, PAGE 182 OF SAID PUBLIC RECORDS., A DISTANCE OF 154.79 FEET; THENCE N.65°10'46"E. ALONG SAID BOUNDARY LINE, A DISTANCE OF 228.19 FEET; THENCE N.80°28'04"E. ALONG SAID BOUNDARY LINE AND A BOUNDARY LINE OF LUCERNE LAKES HOMES, VILLAGE I, 2ND ADDITION, AS RECORDED IN PLAT BOOK 33, PAGES 107 THROUGH 108 OF SAID PUBLIC RECORDS, A DISTANCE OF 232.07 FEET; THENCE N.69°40'38"E. ALONG SAID BOUNDARY LINE OF SAID BOUNDARY LINE OF LUCERNE LAKES HOMES, VILLAGE I, 2ND ADDITION, A DISTANCE OF 135.81; THENCE N.49°41'43"E. ALONG SAID BOUNDARY LINE AND A BOUNDARY LINE, A DISTANCE OF 323.41 FEET; THENCE N.43°15'44"E. ALONG SAID SOUTHEASTERLY LINE OF LUCERNE LAKES HOMES, VILLAGE I, 2ND ADDITION AND ALONG THE BOUNDARY LINE OF LUCERNE LAKES HOMES, VILLAGE I, FIRST ADDITION, AS RECORDED IN PLAT BOOK 33, PAGES 31 THROUGH 32 OF SAID PUBLIC RECORDS, A DISTANCE OF 258.05 FEET; THENCE N.66°41'06"E. ALONG SAID BOUNDARY LINE, A DISTANCE OF 173.07 FEET; THENCE N.50°52'11"W. ALONG SAID BOUNDARY LINE, A DISTANCE OF 124.13 FEET; THENCE N.37°59'00"W. ALONG SAID BOUNDARY LINE, A DISTANCE OF 153.00 FEET; THENCE N.83°31'46"W. ALONG SAID BOUNDARY LINE, A DISTANCE OF 194.50 FEET; THENCE S.83°11'07"W. ALONG SAID BOUNDARY LINE, A DISTANCE OF 245.42 FEET; THENCE S.77°41'46"W. ALONG SAID BOUNDARY LINE, A DISTANCE OF 216.33 FEET; THENCE S.69°16'12"W. ALONG SAID BOUNDARY LINE OF LUCERNE LAKES HOMES, VILLAGE I, FIRST ADDITION AND A BOUNDARY LINE OF THE RECREATION AREA (GOLF COURSE TRACT), PLAT NO. 2, LUCERNE LAKES (PUD), AS RECORDED IN PLAT BOOK 32, PAGE 191, A DISTANCE OF 402.93 FEET; THE FOREGOING TEN COURSES AND DISTANCES ARE ALONG THE BOUNDARY OF SAID RECREATION AREA (GOLF COURSE TRACT); THENCE N.09°24'07"W., A DISTANCE OF 180.30 FEET; THENCE S.89°02'49"W., A DISTANCE OF 85.47 FEET; THENCE N.38°27'22"E., A DISTANCE OF 333.93 FEET; THENCE N.29°32'49"E, A DISTANCE OF 386.62 FEET TO A POINT ON A NON-TANGENT CURVE HAVING A RADIUS OF 382.85 FEET; WHOSE RADIUS POINT BEARS N.14°05'35"E,

THENCE SOUTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°05'22", A DISTANCE OF 80.78 FEET; THENCE S.15°21'19"W., A DISTANCE OF 353.74 FEET; THENCE S.51°44'42"E., A DISTANCE OF 117.75 FEET; THENCE N.63°13'12"E., A DISTANCE OF 270.89 FEET; THENCE S.83°56'12"E., A DISTANCE OF 140.86 FEET; THENCE S.61°23'19"E., A DISTANCE OF 160.00 FEET; THENCE N.59°25'42"E. ALONG THE BOUNDARY LINE OF WATER MANAGEMENT TRACT 2 (WMT-2), AS SHOWN ON SAID PLAT OF LUCERNE LAKES GOLF COURSE, A DISTANCE OF 95.43 FEET; THENCE N.74°13'08"E. ALONG SAID BOUNDARY LINE OF WATER MANAGEMENT TRACT 2 (WMT-2), A DISTANCE OF 191.47 FEET; THENCE N.12°17'49"E. ALONG SAID BOUNDARY LINE AND ALONG A BOUNDARY LINE OF SAID GOLF COURSE TRACT A (GC-A), A DISTANCE OF 160.00 FEET; THENCE N.45°32'49"E. ALONG SAID BOUNDARY LINE OF SAID GOLF COURSE TRACT A (GC-A), A DISTANCE OF 77.00 FEET; THENCE S.68°59'09"E. ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 58.02 FEET; THENCE S.29°07'35"E. ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 58.60 FEET; THENCE S.14°27'11"E. ALONG SAID BOUNDARY LINE OF SAID GOLF COURSE TRACT A (GC-A), A DISTANCE OF 316.00 FEET; THENCE S.11°02'49"W. ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 117.00 FEET; THENCE S.14°27'11"E. ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 105.60 FEET; THENCE N.88°53'11"E. ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 244.65 FEET; THENCE N.01°06'49"W. ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 96.74 FEET; THENCE N.14°27'11"W. ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 662.67 FEET; THENCE N.47°07'31"W. ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 352.62 FEET; THENCE S.86°54'49"W. ALONG SAID BOUNDARY LINE OF SAID PLAT NO. 1, LUCERNE LAKES (PUD), A DISTANCE OF 794.00 FEET; THENCE N.79°50'42"W. ALONG SAID BOUNDARY LINE, A DISTANCE OF 197.25 FEET; THENCE N.00°57'11"W. ALONG THE WEST LINE OF SAID PLAT NO. 1, LUCERNE LAKES (PUD), A DISTANCE OF 145.00 FEET TO A POINT OF CURVATURE OF A CURVE HAVING A RADIUS OF 25.00 FEET; THENCE NORTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 39.27 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

THE EAST 10.00 FEET OF TRACT GC-D, LUCERNE LAKES GOLF COURSE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 87, PAGE 184 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT GC-D; THENCE ALONG THE EAST LINE OF SAID TRACT GC-D THE FOLLOWING TWO (2) COURSES AND DISTANCES: NORTH 00°57'11" WEST, A DISTANCE OF 95.47 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 325.00 FEET AND A CENTRAL ANGLE OF 09°01'07"; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 51.16 FEET TO THE

NORTHEAST CORNER OF SAID TRACT GC-D; THENCE ALONG THE NORTH LINE OF SAID TRACT GC-D, SOUTH 87°44'49" WEST, A DISTANCE OF 10.09 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES SOUTH 79°46'54" WEST, A RADIAL DISTANCE OF 315.00 FEET; THENCE ALONG A CURVE AND LINE 10.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES, AND CONCENTRIC AND PARALLEL WITH SAID EAST LINE OF TRACT GC-D THE FOLLOWING TWO (2) COURSES AND DISTANCES: SOUTHERLY ALONG THE LAST DESCRIBED CURVE, THROUGH A CENTRAL ANGLE OF 09°15'55", A DISTANCE OF 50.94 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°57'11" EAST, A DISTANCE OF 95.47 FEET TO THE SOUTH LINE OF SAID TRACT GC-D; THENCE ALONG SAID SOUTH LINE, NORTH 89°02'09" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF TRACT GC-D, LUCERNE LAKES GOLF COURSE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 87, PAGE 184 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT GC-D; THENCE ALONG THE WEST AND NORTH LINES OF SAID TRACT GC-D THE FOLLOWING FOUR COURSES AND DISTANCES: NORTH 00°57'11" WEST, A DISTANCE OF 220.07 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 70.00 FEET AND A CENTRAL ANGLE OF 115°23'52"; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 140.99 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 570.00 FEET AND A CENTRAL ANGLE OF 26°15'19"; THENCE EASTERLY ALONG THE ARC, A DISTANCE OF 261.20 FEET; THENCE SOUTH 01°48'31" EAST, A DISTANCE OF 132.44 FEET TO A CORNER ON THE NORTH LINE OF SAID TRACT GC-D; THENCE SOUTH 89°02'09" WEST, A DISTANCE OF 145.23 FEET; THENCE SOUTH 60°00'00" WEST, A DISTANCE OF 197.32 FEET TO THE EASTERLY PROLONGATION OF A SOUTH LINE OF SAID TRACT GC-D; THENCE ALONG SAID EASTERLY PROLONGATION AND ALONG SAID SOUTH LINE, SOUTH 89°02'09" WEST, A DISTANCE OF 37.27 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF TRACT GC-D AND ALL OF TRACTS GC-E, WMT-3, WMT-4 AND WMT-5, LUCERNE LAKES GOLF COURSE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 87, PAGE 184 AND A PORTION OF BLOCK 29, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2 PAGES 45 THROUGH 54, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF GOLF COURSE TRACT E (GC-E) AS SHOWN ON SAID PLAT OF LUCERNE LAKES GOLF COURSE; THE FOREGOING COURSES AND DISTANCES ARE ALONG THE BOUNDARY OF SAID LUCERNE LAKES GOLF COURSE; THENCE S.01°10'09"E., A DISTANCE OF 416.34 FEET; THENCE N.89°33'08"W., A DISTANCE OF 1196.60; THENCE S.08°07'36"E., A DISTANCE OF 401.87 FEET; THENCE S.49°04'38"W., A DISTANCE OF 82.77 FEET; THENCE S.49°23'31"E., A DISTANCE OF 207.59 FEET; S.78°59'32"E., A DISTANCE OF 296.83 FEET; THENCE N.89°08'10"E., A DISTANCE OF 269.13 FEET; THENCE N.82°54'01"E., A DISTANCE OF 291.07 FEET; S.07°17'34"E., A DISTANCE OF 582.73 FEET; S.89°49'18"W., A DISTANCE OF 56.20 FEET; S.03°38'15"E., A DISTANCE OF 476.31 FEET; THENCE N.89°15'01"W., A DISTANCE OF 632.12 FEET; THENCE S.84°04'08"W., A DISTANCE OF 403.23 FEET; THENCE S.81°51'08"W., A DISTANCE OF 565.84 FEET; THENCE N.08°45'17"W., A DISTANCE OF 415.60 FEET; THENCE N.02°08'54"W., A DISTANCE OF 407.00 FEET; THENCE N.73°43'52"E., A DISTANCE OF 47.17 FEET; THENCE S.46°44'50"E., A DISTANCE OF 88.00 FEET; S.07°04'46"E., A DISTANCE OF 636.38 FEET; THENCE N.73°34'49"E., A DISTANCE OF 356.10 FEET; THENCE N.77°26'12"E., A DISTANCE OF 207.71 FEET; THENCE N.50°38'55"E., A DISTANCE OF 41.70 FEET; THENCE S.83°58'53"E., A DISTANCE OF 370.74 FEET; THENCE N.81°46'19"E., A DISTANCE OF 284.29 FEET; THENCE N.32°51'29"E., A DISTANCE OF 131.19 FEET; THENCE N.10°18'48"W., A DISTANCE OF 276.68 FEET; THENCE N.42°43'48"E., A DISTANCE OF 123.07 FEET; THENCE N.01°17'34"E., A DISTANCE OF 51.04 FEET; THENCE N.25°27'38"W., A DISTANCE OF 149.47 FEET; THENCE N.88°04'14"W., A DISTANCE OF 715.91 FEET; THENCE N.47°15'05"W., A DISTANCE OF 503.26 FEET; THENCE S.44°18'30"W., A DISTANCE OF 42.30 FEET; THENCE S.02°10'42"E., A DISTANCE OF 532.53 FEET; THENCE S.77°43'05"W., A DISTANCE OF 139.83 FEET; THENCE N.46°44'50"W., A DISTANCE OF 242.00 FEET; THENCE N.04°55'41"E., A DISTANCE OF 507.63 FEET; THENCE N.26°56'04"E., A DISTANCE OF 316.98 FEET; THENCE N.18°06'07"E., A DISTANCE OF 382.89 FEET; THENCE N.37°42'59"E., A DISTANCE OF 117.74 FEET TO THE NORTHEAST CORNER OF THE RECREATION AREA (TRACT "C"), SUNRISE OF PALM BEACH PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 39, PAGE 88 OF SAID PALM BEACH COUNTY PUBLIC RECORDS; THENCE ALONG THE NORTH LINE OF SAID RECREATION AREA (TRACT "C"), S.89°02'09"W., A DISTANCE OF 233.48 FEET; THENCE LEAVING SAID NORTH LINE, N.60°00'00"E., A DISTANCE OF 259.13 FEET; THENCE N.89°02'09"E., A DISTANCE OF 282.31 FEET; THENCE N.80°59'05"E., A DISTANCE OF 244.20 FEET; THENCE N.89°02'09"E., A DISTANCE OF 700.40 FEET; THENCE S.38°52'10"E., A DISTANCE OF 202.75 FEET TO THE NORTH LINE OF SAID TRACT GC-E; THENCE ALONG SAID NORTH LINE, N.89°02'09"E., A DISTANCE OF 41.07 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATED IN SECTIONS 28 AND 33, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 3,441,627 SQUARE FEET/79.0089 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address
Vincent Grillo	4401 Lucerne Lakes Blvd. Lake Worth, Fl. 33467
Nicholas Pisano	4401 Lucerne Lakes Blvd. Lake Worth, Fl. 33467

Exhibit E: Applicants Justification Statement, dated July 26, 2021



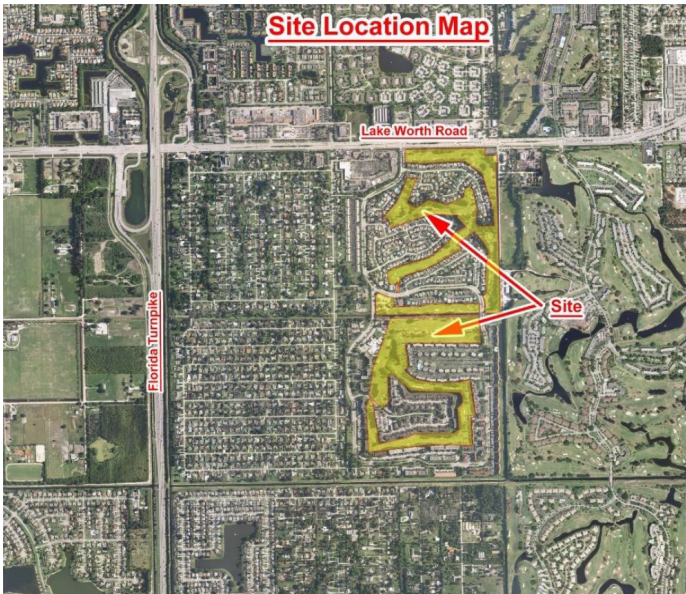
Justification Statement
Forest Oaks Residential
Development Order Amendment
Application Number: DOA 2020-00761
Control No. 1970-0009 / NPN – 09
Initial Submittal: May 4, 2020
Resubmittal: November 9, 2020
Resubmittal: January 11, 2021
Resubmittal: March 8, 2021
Resubmittal: May 10, 2021
Resubmittal: July 12, 2021
Resubmittal: July 26, 2021

Request and Introduction

This application is filed on behalf of the applicant Mattamy Homes Corporation.

- 1. Development Order Amendment:
 - a. A Development Order Amendment application is proposed in order to revise the existing Lucerne Lakes P.U.D. Master Plan, Petition Number N.P.N-09, Exhibit 3, in order to replace the golf course use to residential use.

The Forest Oaks Golf Course (subject property) is located approximately ¾ miles east of the Florida Turnpike on the south side of Lake Worth Road. Per the approved Lucerne Lakes P.U.D. Master Plan, the entire community is approximately 273.50 acres. The golf course subject property is approximately 79.01 acres within the overall Lucerne Lake residential community. See below for a Site Location Map.



1

Planning,	Site and Master Planning,	Landscape Architecture,	Due Diligence,	Project Management
1127 Royal Palm Beach Blvd., Unit 411		Royal Palm Beach, Fl. 33411		561-707-3410

The subject property has Property Control Numbers 00424428070000020, 00424428330070000 and 00424428330230000. Property control number 00424428000005010 is also included within the affected area documentation, since this is the Lake Worth Drainage District (LWDD) Canal L-13. This canal is included within the affected area since the canal is proposed to be relocated further north from its existing location. The property land area that is being deeded to LWDD exceeds the amount of land area that Mattamy is receiving.

The subject property is located within the Urban / Suburban Tier and is within Palm Beach County Urban Service Area. The subject property has a future Land Use Designation of High Residential, 12 units per acre (HR-12) and has a Zoning Designation of Residential Multifamily (RM) within the Conditional Use Lucerne Lakes P.U.D. A Zoning Confirmation letter dated February 12, 2020 confirms that the property has RM Zoning Designation, which is compatible within the HR-12 Land Use Designation as indicated in Article 3, Chapter A, Section 3.B. Table 3.A.3.B.

The Forest Oaks Golf Course is owned by Grillo Golf Management, LLC. (the owner). Based upon recent national trends, the golf industry has seen a drastic reduction in rounds of play. The Forest Oaks Golf Course is no longer a profitable and sustainable business. Mattamy Homes is under contract to purchase the entire golf course from the owner. The subject property is still operating as an active golf course and will remain open until land development permits for residential development are released. Mattamy Homes is proposing to develop the entire golf course into a residential community of four hundred, fifty (450) for sale dwelling units. A Pre-Application Conference (PAC) was held with County staff on July 10, 2019. Based upon the feedback and discussion from the Pre-Application Conference the applicant is proposing to revise the previously approved Lucerne Lakes Master plan to indicate residential development within the affected area that is designated as golf course.

Development History

The Lucerne Lakes PUD was originally approved as a Conditional Use for a Planned Unit Development (PUD) on December 10, 1970 under Control Number 1970-0009 / NPN-009. It is our understanding that the NPN (No Petition Number) number was utilized as petition numbers were not utilized when the project was originally approved. On this approval date, the project was approved for 3,395 dwelling units. Please see Exhibit 1, attached to this Justification Statement, which provides a summary of the historical approval documents researched as part of the original approval. Zoning Resolution 03-57, approved in May 13, 1957, established the official Zoning Plan for Palm Beach County. A series of amendments were passed, Resolutions 3A-57 and 3B-57 that amended certain sections of the code. On July 3, 1969, Zoning Resolution Number 3-Y-69 was adopted and added the Planned Unit Development to the code. This amendment provided that a PUD can be approved as a Conditional Use within the residential Zoning Districts within the code at that time. Subsequent to these codes, it was not until February 2, 1973, Ordinance 73 – 2, in which the Zoning Code of Palm Beach County provided minimum requirements for open space within the code, much later after the original approval of the Master Plan. This summary of codes is provided in order to indicate the codes at the time of the original approval of the Lucerne Lakes Master Plan. A detailed summary of relevant code sections in the referenced codes is provided within the **Modification to Reduce or Reconfigure Existing Golf Course** in which open space is discussed in detail.

Subsequent to this approval, subdivision plats were recorded for the Lucerne Lakes residential community and included site data which provided for open space calculations. Per the codes in place at the time of the original approvals, much of the open space was calculated as the open space areas around the residential units in green areas designated as yard areas, parking islands or other. No large open space tracts, besides some of the Lucerne Lakes recreation pods, were designated within the recorded plats in the late 1970's to 1980's. The only open areas referenced were within each relevant platted residential neighborhood and did not include any portions of the golf course. The northernmost parcel of the subject property current boundaries were established through Palm Beach County Plat Book 30, Pages Page 41 – 42, recorded in May 1973. The remainder of the subject property was platted via Palm Beach County Plat Book 87, Pages 184 – 189, recorded in April 2000. Please refer to the section below within the **Modification to Reduce or Reconfigure Existing Golf Course**, which discusses how the application addresses Article 3 Chapter E Section 1.E.3. This section analyzes and summarizes the relevant codes at the time of the original approval as well as provides a summary of all open space calculations for the recorded plats within the Lucerne Lakes property. Each of the recorded plats has been reviewed and summarized in order to indicate how the open space or recreation areas were calculated.

Surrounding Properties and Compatibility

The subject property is surrounded by predominately residential uses, which will be compatible with the proposed residential uses proposed with this application. The subject property is bordered by Lake Worth Road, followed by the Lake Worth Drainage District L-12 Canal on the north side. Directly on the northeast corner of the property is an existing medical office use and to the northwest is a general commercial area with a mix of uses (gas station, hotel, commercial etc). To the east is Charleston Road. Further to the east is the Fountains residential community, as well as miscellaneous commercial and office uses. The property is then bisected and split in two areas north and south by the Lake Worth Drainage District L-13 Canal. To the south and west is a mix of residential subdivisions. See below table for a summary of the Zoning Designations, as well as the Land Use Designations:

7. Adjacent Properties						
Identify surrounding Future Land Use and Zoning District. Included existing/approved square footage or number of dwelling units, type of units and density.						
Adjacent Property	FLU Designation	Zoning District	Existing Use	Approved Use	Control No.	Resolution No.
North	CH/8	CG / CS	Commercial	Commercial	1973-00018, 2009-01842, 1979-00267	R1972-0152, R1985-0281, R1973-0298, R2009-1363, R1979-1767
South	HR-8 / LR-1 / LR-2	RM / RE / AR	Residential	Residential	2002-00062, 1976-00074	R1976-0559
East	CH-8 / MR-5	CS / PO / AR/ RM / PUD	Medical Office / Fire Station / Residential / Vacant (PBC) / Golf Course	Medical Office / Fire Station / Residential / Vacant (PBC) / Golf Course / Residential	1985-00126, 2008-00093, 1988-00061, 2016-00114, 2018-00188, 2019-00175	R1986-0115, R2008-1383, R2019-0907, R1989-0963, R2019-0907
West	HR-12 / MR-5 / Inst / LR-3	CG / RS / RM/PUD	Commercial/ Residential/ Church	Commercial/ Residential/ Church	1978-00077, 1978-00045, 1973-00018, 1983-00091, 2006-00370, 1970-00009	R1978-0602, R1996-1182, R1977-0480, R1983-1103, R1999-0971, R2004-2267, R1999-0972, R2002-1474

Internal to the Lucerne Lakes P.U.D. and where the applicant is proposing residential on the golf course, compatibility and incompatibility is addressed in order to provide better transitions with the surrounding existing residential communities. Just south of the L.W.D.D. L-12 canal, just south of Lake Worth Road, many of the existing Lucerne Lakes neighborhoods are single family residential. Pod A, which is proposing townhomes, is proposing Type 2 Incompatibility buffers, as well as open space tracts, adjacent to the Homes North neighborhood. This type of buffer is wider than what is required by code (Type 1 Incompatibility with attached homes adjacent to detached homes), but the applicant is providing larger buffers in certain locations as a result of feedback from continued outreach efforts. In other locations south and adjacent to the existing single-family homes, the applicant is either proposing Type 1 Incompatibility and larger buffers, lakes, parks or open areas adjacent to these existing communities in order to provide transition to the proposed community.

On the current Preliminary Master Plan Pod A and B are proposed to be townhomes neighborhoods. The Type 1 buffer is the minimum required by code, but this buffer width is only utilized in limited locations. Specifically, in Pod B the applicant design team made efforts to utilize the Type 1 buffers in locations in which open space, neighborhood parks or dry detention areas were directly adjacent to existing homes. In certain locations, as a result of community outreach efforts, larger buffers, open space or lakes are proposed

and this is discussed later within this document. Larger fifteen (15) or twenty (20) – foot buffers are proposed in areas that are adjacent to existing neighborhoods. Please see the **Design Minimizes Adverse Impact** and Buffer Sections for additional details. Lake areas have been located in areas to provide adjacent neighborhoods lake views where golf course and open views existed prior. These lakes were located in specific locations as a result of the continued community outreach efforts. The applicant is not proposing perimeter buffers in these lake locations in order to provide lake views to the adjacent existing communities and not to block the views with perimeter buffers. The applicant is attempting to make every effort to replace golf course views with lake or park views, preserve areas, or attempt to setback development areas as much as possible.

The applicant has made efforts to preserve certain existing canals that exist within the golf course property that adjacent residents may have had the benefit of views and drainage rights. Where canals cannot be preserved large lakes, open areas or dry detention areas are proposed to provide natural buffering and lake views. In certain locations native tree stands with specimen trees and understory have been preserved, as well. The recorded plats indicate that the Lucerne Lakes Master Association has drainage rights to some of the lakes and canals that exist on the golf course property. The applicant's design team has sized the proposed lakes in order to preserve any drainage rights provided by the recorded plats to the Lucerne Lakes Master Association in the past. Upon the affected area being platted, new drainage easements within the new lakes will be provided where the Master Association had drainage rights for existing residential communities. All historical drainage rights or existing drainage patterns will be preserved and incorporated within the new drainage system.

South of the L.W.D.D. L-13 canal, the applicant addressed compatibility by locating much more of the higher density 2 – story residential home styles adjacent to existing 2 – story condominiums. In locations where there has been feedback from outreach efforts to either maintain existing canals, locate parks or open areas and attempt to setback development areas from existing residential homes, design techniques were implemented to address each of these requests to the greatest extent possible. The applicant is making every effort to preserve the canal that runs along the north and east side of the Lucerne Lakes Pointe Condominium development located within the south quadrant of the property. By attempting to incorporate this canal into the design, the applicant is attempting to preserve lake views as well as provided additional setback and separation of proposed development areas from existing residential units. Along the south of the property, the applicant has replaced previously proposed high-density homes with a large lake. Again, the lake is provided to preserve existing historical drainage flows as well as provide a natural buffer and lake views to adjacent high rises condominiums. Incompatibility buffers are incorporated in locations where adjacent existing recreational facilities are located adjacent to proposed residential. In locations where it is projected to locate proposed single-family lots, a twenty (20) to forty (40) foot buffer is incorporated adjacent to the existing two-story condominiums. These larger buffers are utilized in Pod C south of the L.W.D.D. L-13 canal.

Finally, from a density perspective the overall proposed density of 5.70 dwelling units per acre that is proposed within the affected area is in many cases less than the existing surrounding neighborhoods. This proposed density serves as a density transition from less dense residential to higher density residential that may exist adjacent to the affected area. The applicant is making efforts to propose similar residential home styles within the

development areas indicated on the Preliminary Master Plan adjacent to similar home styles and density. Despite the fact that similar homes styles may be proposed adjacent to each other the applicant is attempting to still exceed minimum code requirements for buffering. There is only one location where compatibility buffers are proposed and, in these locations, design techniques will be implemented to provide as much separation from proposed homes within development areas and existing homes by locating roadways, open space, parks or existing canals.

Development Program

Density Calculation (Palm Beach County Planning Letter October 26,2020)

The property has HR-12 Land Use Designation. The potential Future Land Use density is up to nine hundred and forty-eight dwelling units (948). The applicant is requesting less density at the proposed number of units of four hundred and fifty (450) residential homes. Per the updated P.B.C. Planning Department density calculation letter dated October 26, 2020, the proposed application is to provide eleven (11) Workforce Housing Units. It is the intent of the applicant to incorporate the eleven (11) workforce housing units within the townhomes onsite.

Density Component	Required WHP Percentage	Units	WHP Obligation
Standard Density	2.5%	450	11 WHP units (450 x 2.5%)
Limited Incentive Option of WHP has been applied for this analysis.			

Forest Oaks WHP Conditions: New Code

Site Data:

Total Units	2,390
Existing-not subject to WHP	1,940
Subject to WHP	450
WHP Required/Provided	11
Limited Incentive; Onsite; For Sale	
Gross Density	8.74 du/ac
Housing type	TH
Housing Classification	Attached/Detached

Residential Mix

The proposed Forest Oaks Residential community will provide for a total of four hundred, fifty (450) residential homes. The homes are for sale for prospective homebuyers looking to purchase a new home and move to Lake Worth / Unincorporated Palm Beach County. The residential mix is comprised of one hundred (100) zero lot line detached homes, and three hundred, fifty (350) townhomes. The total net density is 5.70 dwelling units per acre, well below the allowable HR-12 density cap. As indicated, per the revised Palm Beach County Planning Department letter dated October 26, 2020 and per the density calculation

the property has the potential to be developed upwards to nine hundred forty-eight (948) dwelling units. The maximum height for all structures will be thirty-five (35) feet.

Vehicular Access

Access into each of the residential neighborhoods is provided via Lucerne Lakes Boulevard, and Charleston Street. No vehicular access gates are proposed within each entrance. All internal streets are proposed to be private streets. The streets will be dedicated, by plat, to the newly formed homeowner's association. These private streets will be the perpetual maintenance obligation of the new homeowner's associations to be formed by Mattamy for each new neighborhood. Finally, an emergency access point is proposed at two locations within the proposed development. The first is on the north side of Tahiti Lane into Pod C. The second is on the east side of Pod B connection to Charleston Street of the affected area boundary line. Both of these emergency access points will be a gated and will have a Knox lock and will only be used by County Fire Department and E.M.S. in the event of an emergency. These access points will not be utilized by private residents.

The applicant met with Palm Beach County Land Development on February 28, 2020 in order to discuss the Charleston Road access, as this is a County right of way. The proposed road section for Charleston Road was discussed. The applicant is proposing to improve Charleston Street to the proposed entrances utilizing a fifty - foot (50) right of way cross section and will be indicated within future subdivision plans. The traffic trips for the Pod A access onto Charleston Street do not warrant the need to improve Charleston to a eighty – foot (80) Non Plan Collector. A detailed summary of specific locations in which proposed vehicular access affect surrounding existing communities is provided below within the Recreation and Neighborhood Parks section.

Recreation and Neighborhood Parks

Each of the proposed residential neighborhoods will have its own recreation pods, as well as a series of neighborhood parks throughout. The required recreation for the proposed residential community is 2.70 acres. The total proposed required recreational pods total of 3.74 acres, exceeds the minimum parks requirement. The locations are distributed within each residential pod in order to provide recreational opportunities equitably within each of the proposed neighborhoods. The locations, sizes and amenities were coordinated with input of the Palm Beach County Parks and Recreation Department. The minimum required recreational pod within Pod A (70 D.U.) is .42 – acres. Two recreation pods totaling .58 acres are proposed within the east and west quadrant of Pod A. The recreation pod that is located south of the 1.39-acre lake will be accessed via a fitness trail that will circulate within and around the entire twenty (20) foot lake maintenance easement, which will connect north to the fifty (50) foot right of way. The minimum required recreational pod within Pod B (150 D.U.) is .90 – acres. Two recreation pods totaling .99 acres are proposed within Pod B, exceeding the minimum requirement and providing ease of access from proposed pedestrian connections within the residential neighborhood. Finally, the minimum required Recreational Pod within Pod C (230 D.U.) is 1.38 – acres. Four recreation pods totaling 2.17 acres are proposed within the pod providing ease of access from proposed pedestrian connections within the residential neighborhood.

The justification for providing multiple locations of recreation pods within the proposed neighborhoods is twofold. The first reason is due to the configuration of the affected area.

In many locations the property is very narrow, which limits the amount of development area thereby causing the distribution of sites as opposed to a central location. This leads to the second reason which is a benefit to the neighborhood which results in distribution of recreational opportunities within a short walk from all areas of the proposed residential neighborhoods. Having a distribution of sites provides a wide range of active and passive recreational opportunities within a short walking or biking distance. This results in less need for residents to leave the proposed community for other recreational opportunities not offered. The preliminary plans indicate that the applicant is proposing three (3) pools for the new community in each of the three residential pods. Proposed parking area, within each Rec Pod, will meet P.B.C. requirements of 1 space per 300 square feet of pool area. See Preliminary Regulating Plan Sheet 3 for additional details.

Aside from the proposed recreational pods and with the inclusion of the other proposed neighborhood parks the proposed total of 5.72 acres provides ample recreational amenities for the new community. Pools, cabanas as well as other passive recreation opportunities are proposed within the residential development. Neighborhood parks are located through the community and will be utilized as passive recreational opportunities, dog parks, tot lots or other recreational programming. Each neighborhood park will exceed the .1 - acre minimum size requirement, as required by Article 3 Chapter E Section 2.C, Table 3.E.2.D. Designs and locations will comply with Article 3, Chapter E Section 2.E.3 as well as Article 5 Chapter B Section 1.A.9. See below for details.

Pod B includes a native upland habitat preserve area, in which a significant number of native specimen pines and understory has been preserved. This neighborhood park will provide passive recreational opportunities for residents to enjoy a nature preserve area. Lastly, each residential neighborhood or pod will not have access to the recreational facilities of another neighborhood or pod. For example, the residents of Pod A will not be able to utilize the recreational amenities of Pod B.

As part of the ongoing outreach efforts, the applicant is also proposing a possible expansion of the Lucerne Lakes Home South recreation pod directly south of the existing recreation pod on Lucerne Lakes Boulevard. The Preliminary Master Plan indicates this additional area within Pod C as a .23 – acre open space tract for Lucerne Lakes Home South H.O.A. The applicant is proposing additional parking within this tract. This parking will serve the existing tennis courts directly east of the Subject Property. This additional .23 – acres adds additional area to the existing .38 – acres Lucerne Lakes Homes South Recreation Pod. Final detailed plans will be completed with Subdivision Plan Review and negotiations are still ongoing. This .23-acre recreation pod is not counted towards the required amount of recreation for the Subject Property. It is included in the open space calculations as it contains an open field and the parking serves a recreational use.

Civic Parcel

Per the civic site code requirement, a 1.58 - acre civic site (2%) is required. The applicant has followed up with Palm Beach County Property and Real Estate Management (PREM) Department and has had preliminary discussions regarding the cash out option. Per the request of the PREM Department the Preliminary Master Plan designates a 1.58-acre site within the Master Plan prior to the Board of County Commissioners approving and memorializing the cash out option. The site that is designated as Civic Pod on the Preliminary Master Plan is located just south of Lake Worth Road within Pod A. The original approved Lucerne Lakes P.U.D. did not provide for a civic site. The underlying

use is residential in the event the Civic Pod is cashed out or located offsite. PREM has indicated that a condition of approval will be provided for the cash out.

Perimeter Buffers

Perimeter buffers will either meet or exceed the P.B.C. U.L.D.C. requirements: Ten (10) foot Type 1 Incompatibility Buffers or larger are proposed adjacent to many of the existing residential communities. Per Palm Beach County U.L.D.C. requirements, Ten - foot Type 1 Incompatibility Buffers are to be incorporated in locations where attached residential homes are adjacent to existing detached residential homes and vice versa. In certain cases, and locations, larger fifteen (15) foot buffers to forty (40) foot buffers are proposed in order to provide additional buffering to adjacent residential communities. Please refer to the **Design Minimizes Adverse Impact** Section of this Justification Statement to refer to the areas where buffer widths have increased from the original submittal as part of ongoing outreach efforts as well as additional site analysis in which existing residential homes may have reduced setbacks adjacent to the golf course.

P.B.C. U.L.D.C. provides for an eight (8) foot compatibility buffer where compatibility in home styles are proposed adjacent to other compatible residential uses. The application of the compatibility buffer was utilized in only one location within the Preliminary Site Plan, since the applicant is making a commitment to provide as much buffering as possible with existing neighbors. In this specific location, site planning techniques such as preservation of existing water bodies is utilized in order to provide for larger separation between proposed homes and existing homes. The preservation of existing water bodies and incorporation into the Preliminary Master Plan is as a result of feedback from continued community outreach efforts completed by the applicant. See below for details on community outreach efforts completed to date, as well as the **Design Minimizes Adverse Impact** Section. For example, based upon feedback from the adjacent age restricted communities, the applicant design team has provided for fifteen (15) or twenty (20) foot buffer widths to buffer the proposed residential homes from the existing age restricted neighborhoods. Also in locations where existing residential communities provided feedback regarding possible locations of proposed internal vehicular access ways, the applicant design team has revised and increased the widths of buffers and included open space areas to provide buffering and separation with adjacent existing residential communities. Refer to the Preliminary Master Plan for an example south of the LWDD L-13 canal in which a buffer is widened to approximately forty – three (43) feet of open space buffer tract area to provide additional separation from internal vehicular accessways.

Fifteen (15) foot Type 2 Incompatibility Buffers are proposed in certain locations where there may exist an incompatible use. Examples of incompatibility buffer application includes internal locations where an internal recreation parcel is proposed adjacent to the new residential community. The Type 2 Buffers are also proposed in locations where existing recreational facilities for Lucerne Lakes abut the new residential community, as well as locations where proposed recreational facilities are adjacent to existing residential communities.

Finally, Right – of – Way Buffers are proposed in locations where the proposed residential community is adjacent to existing public right of ways, such as Lucerne Lakes Boulevard and Charleston Street. Along the north property line, Lake Worth Drainage District (LWDD) has requested an additional ten (10) – feet of right of way which will

provide for an overall LWDD L-12 R.O.W. width of eighty (80) feet. The applicant is proposing a ten (10) – foot Right of Way buffer in this location and is utilizing the ability to reduce the Right of Way Buffer width adjacent to open space tracts, per U.L.D.C. Article 7.C.2.A.3.a.

Parking Requirements

The proposed residential development will meet all of the requirements of Article 6 of the Palm Beach County U.L.D.C. The zero-lot line single family detached homes and the townhomes will meet the required two spaces per unit. Two driveway spaces will be provided per home. In addition, either single car or two car garages are also provided. Parking for proposed recreational areas and pool areas is also provided. In locations within proposed recreational pods where pools are proposed, the minimum requirement of 1 space per 300 square feet of pool area will be met or exceeded. Please refer to Preliminary Regulating Plan – Recreational Parcels Detail Sheet 3 within the Preliminary Master Plan set for details.

Property Development Regulations

Home Type	Size	Width & Frontage	Depth	Max Height	Building Coverage	Front	Side	Side Street	Rear
45' Zero Lot Line Detached Home	4,500 S.F.	45' – Interior 50' – Corner 55' – Side Street	75'	35'	50%	10' – Unit 25' – Front Load Garage 10' – Side Load Garage	0' ZLL Side / 10'	10'	10'
Townhome Less Than 25'	800	16	50	25	100	15 – Unit 25' – Front Load Garage 15' – Side Load Garage	0' Interior 15' End Unit	25	25

Development Order Amendment / Modifications

The proposed modification and revisions to the existing Lucerne Lakes P.U.D. Master Plan will comply with Article 2.B.7.B.2. See below for how each standard is addressed:

1. **Purpose**

Conditional Uses and Rezoning to a PDD or TDD, require individual review of the subject property’s location, proposed design, site configuration, intensity or density to ensure the appropriateness, and compatibility of the use with its surrounding land uses.

This application is a Development Order Amendment application in order to amend the Lucerne Lakes P.U.D. Master Plan (N.P.N. - 09) to convert the golf course use to a new residential community for the affected area. No waiver or variance application is included with this request.
2. **Standards**

When considering a DO application for a Rezoning to a PDD or a TDD, or a conditional Use, excluding Conditional Use request for Density Bonus pursuant to Art. 5.G.1.Workforce Housing Program (WHF), the Bcc or ZC

shall utilize the Standards a through h indicated below. An application which fails to meet any of the 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 subdividing and structure intensities and densities and intensities of use.

The Development Order Amendment application is consistent with all of the relevant elements of the Comprehensive Plan. The existing Zoning Designation of R.M. / Conditional Use P.U.D. is consistent with the underlying Land Use Designation of HR-12. The applicant is proposing to add 450 units to the PUD at a density of 5.70 D.U./Ac. With the addition of the proposed units, the overall Lucerne Lakes PUD will be at a density of 8.74 D.U./Ac. This increased density is still below the density allowable from the Land Use Designation of HR-12 at 12 D.U./Ac (948 D.U.). Therefore, the proposed application is consistent with the Comprehensive Plan. The applicant has not requested any density bonus and is adhering to U.L.D.C. Article 5.G.1.B.1 the Limited Incentive Option. The required Workforce Housing calculation yields a total of eleven (11) units, which will be located onsite possibly within Pod A townhome neighborhood. See updated Planning Department letter dated October 26, 2020.

b. Consistency with the Code

The proposed use or amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

The Development Order Amendment application will be consistent with the Palm Beach County U.L.D.C. See below for details. The application does not include a rezoning and therefore Article 2.B.7.B.2 does not apply. However, certain sections of this code section were analyzed as this application is for a golf course repositioning to a residential community. The proposed residential uses comply with the applicable portions of the U.L.D.C. specifically Article 4.B. Use Classification Standards. The application is proposing zero lot line and townhome residential home styles. The Property Development Regulations indicated on the Preliminary Master Plan for the affected area is consistent with the regulations for specific housing types in Article 3 of the U.L.D.C.

The proposed modifications to add residential in the golf course locations will be compatible with the overall character of the existing residential community (RM with Conditional P.U.D.). The layout of the proposed homes is consistent with the general characteristics of the existing community. The Preliminary Master Plan has been designed to have minimal impact to the surrounding communities. Large lake areas have been designed in certain locations as well as the southern areas of the golf course in order to minimize impacts to some of the surrounding high-

rise condominiums buildings. The incorporation of these large lakes and water management tracts were designed with the goal to provide a natural tradeoff for the removal of the golf course / existing open space areas. Neighborhood parks and open space tracts are also distributed in key locations adjacent to existing homes, as a result of the applicant teams continued community outreach efforts and feedback from some of the surrounding communities.

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 Development Order Amendment is proposing to amend the golf course use area to a new residential community. This residential use is compatible to the predominantly residential use within the Lucerne Lakes P.U.D. as well as the surrounding land uses. The proposed density of the affected area of 5.70 D.U./Ac. is compatible and is less than the overall net density of the existing community of 9.97 D.U./Ac (273.50 acres less 79.01 acres affected area at Master Plan density of 1,940 dwelling units).

The applicant is proposing zero lot line homes as well as townhomes within the affected area. Much of the existing surrounding residential community is single family homes (northern portions of Lucerne Lakes) as well as two story condominium homes. In locations north of the L.W.D.D. L-13 canal where townhomes are planned to be located, Type 1 Incompatibility Buffers and wider are planned in locations adjacent to existing single family residential homes. As indicated previously within the Buffer Section, as a result of community outreach efforts and feedback from adjacent age restricted neighborhoods, the applicant design team has provided for twenty (20) foot buffers in certain locations. Open space, parks and lakes have been located to provide natural buffering and transitions to existing residential units. In other locations south of the L.W.D.D. L-13 canal site plan techniques have been incorporated to provide open areas, parks and lake bodies adjacent to existing high rise condominium structures, taller than 2 - stories. To address feedback from community outreach efforts, twenty (20) to forty (40) foot buffers are proposed in the locations in which the applicant is proposing single family homes adjacent to existing two story condominiums.

The Type 2 Incompatibility Buffers are also utilized in locations where proposed residential will be located adjacent to existing recreational uses. The applicant team has discussed the transitional buffers with the surrounding communities in outreach efforts and will provide additional landscaping to serve as additional visual barriers, as requested from continued community outreach efforts. Only in one location south of the L.W.D.D. canal were eight (8) – foot compatibility buffers proposed. In this location, site plan techniques to preserve existing canals will provide additional separations / setbacks with adjacent compatible two-story dwelling units from the proposed townhome units.

Lastly, from a site design perspective the applicant team has designed the project to minimize impacts on the existing surrounding community as possible. One of the major revisions from the original master plan is the relocation and inclusion of large lakes and water management tracts adjacent to some of the higher density existing homes along the south. This design was done for two reasons. The first being to provide lake views to the existing communities that originally had golf course views. The second being that in locations where existing canals that are within the golf course that cannot be preserved in place, large lakes are proposed in order to preserve drainage rights of the master association. Certain exiting communities sheet flow onto the golf course. The proposed lakes are sized accordingly in order to preserve existing drainage rights as well as provide storage for the new community. The lakes were located as close as possible in locations where existing canals were located and to provide views for surrounding neighborhoods. Upon submission of the subdivision plan, it will be evident that the applicant is attempting to utilize site planning techniques such as single loading roadways and locating neighborhood parks in areas that will provide for more separation between proposed homes and existing homes.

d. Design Minimizes Adverse Impact

The design of the proposed use minimize adverse effect, including visual impact and intensity of the proposed use on adjacent lands.

Through community outreach efforts the applicant has made several plan changes to the application in comparison to the original application. See below for summary of all changes made, as a result of feedback from the outreach efforts dating back to May, 2019.

1. Reduction in total number of units as well as a major change to less density home styles.
 - a. Original Application was for 600 dwelling units.
 - i. Zero Lot Line Homes = 192 D.U.
 - ii. 30' x 80' Cottage Homes = 168 D.U.
 - iii. 3 – Story Condominiums = 240 D.U.
 - b. Revised Application is for 450 D.U.
 - i. Zero Lot Line Homes = 100 D.U.
 - ii. Townhomes = 350 D.U.

The justification for this reduction was the applicant listening to the feedback from outreach efforts. Many of the surrounding communities opposed the 3 – story condominium homes. By removing the 3 – story condominiums the applicant addressed two concerns expressed by residents. The first being the height of the proposed residential homes. The second being the concern expressed by residents for the large parking areas and vehicular access from condominiums developments. By replacing with townhomes, the applicant has reduced the overall height to a maximum of two – story homes community wide and has eliminated the expanse of pavement required for the condominiums.

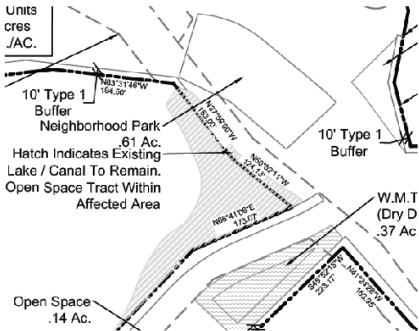
Next with the removal of the condominiums and the cottage homes with the replacement of the townhomes much less dense home styles are proposed and a reduction in units resulted.

2. Existing lakes and canals preservation to the greatest extent feasible.

Through feedback from many of the existing communities, it has been requested of the applicant to preserve many of the canals and existing lakes that exist and are located on the golf course that many of the existing residents abut. Beginning on the north side of Lucerne Lakes Homes South community, efforts have been made to preserve the existing lake that is just east of the Lucerne Lakes Homes South Community / Village 1, First Addition residential plat. The purpose of this preservation effort is to maintain the natural buffer to provide a better transition to the existing homes. The preservation of the existing lake provides significant separation between existing homes and the proposed residential neighborhood.

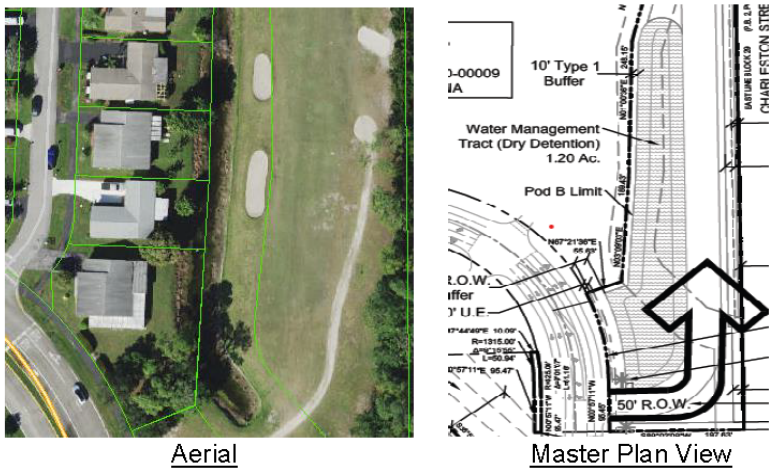


Aerial

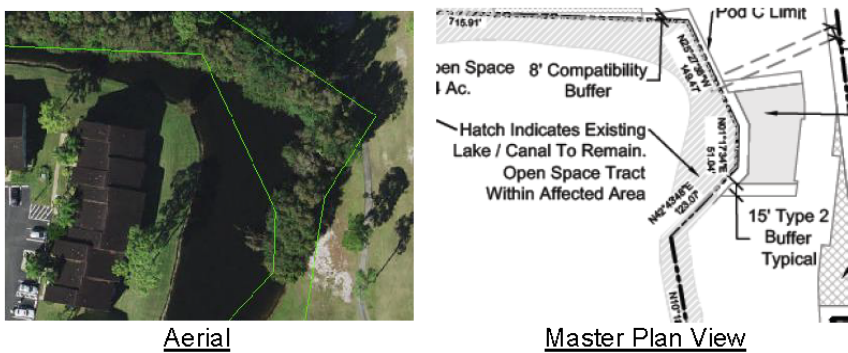


Master Plan View

A .61-acre native upland preserve area is also proposed just east of the existing lake to be preserved. This preserve area further minimizes adverse impacts and maintains existing views into this existing upland area. There will be a larger separation to the existing community with the proposed homes in certain locations. In locations where the canals could not be preserved in place, large lakes or dry detention water management tracts are planned in close proximity. Based upon the fact that historical drainage permit research has indicated that the Lucerne Lakes Master Association had drainage easements / rights on the golf course and in certain cases historical sheet flows onto the golf course, large lakes or dry detention open areas have been designed to replace these drainage rights with new easements over the proposed lakes (upon platting the new community). In addition, should some of the existing homeowners pull irrigation off of the existing canals, preliminary discussions have occurred with the applicant in order to provide irrigation stubs into the new system for the adjacent existing communities affected by canal removal.



Next, on the south side of the community adjacent to the Lucerne Pointe Condominium neighborhood every effort has been made to preserve the existing canal that runs along the north and east of this community. This canal actually bisects the property line between the golf course property and the Lucerne Pointe neighborhood in several locations. The applicant is planning to preserve the canal to provide additional separation from existing condominium homes and the proposed residential homes.

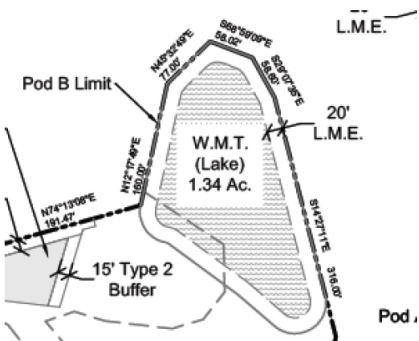


3. Park, open space and proposed lake location and distribution.

With the removal of the higher density home styles of the cottage homes and 3 – story condominiums, this provided more opportunities to distribute parks, open space and lakes within the affected area. The Preliminary Master Plan has been designed in order to distribute the park areas in key locations to provide open space buffers with surrounding communities. In addition, lakes have been proposed along the extremities of the affected area in order to provide lake views for existing communities. This was done in order to replace the golf course views that may be eliminated with the repositioning to a residential community.



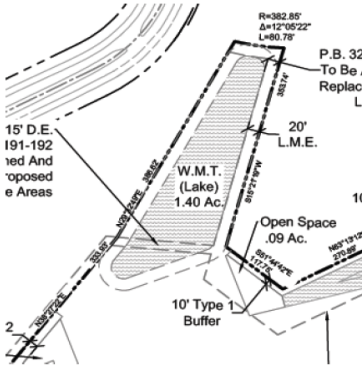
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Master Plan View

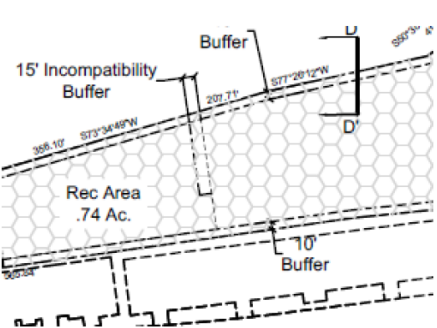


Aerial



Master Plan View

Along the south side of the community adjacent to the Fairway Club Condominiums, the applicant has replaced the proposed dense residential cottage homes and Rec Pod, from the original submitted Master Plan, with a large lake. Many of the existing homes within the Fairway Club are 4 story condominiums. By replacing the high-density home styles with a large lake, a natural buffer has been provided as well as lake views for the adjacent high rise residential.



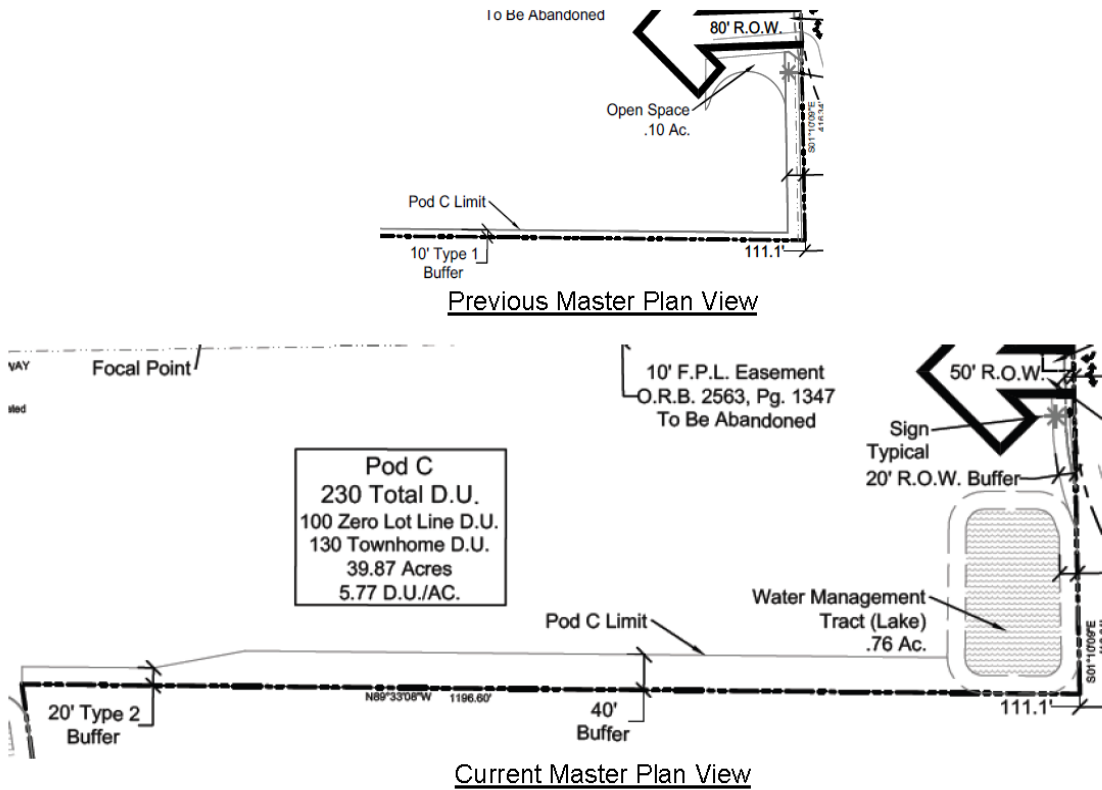
Previous Master Plan View



Current Master Plan View

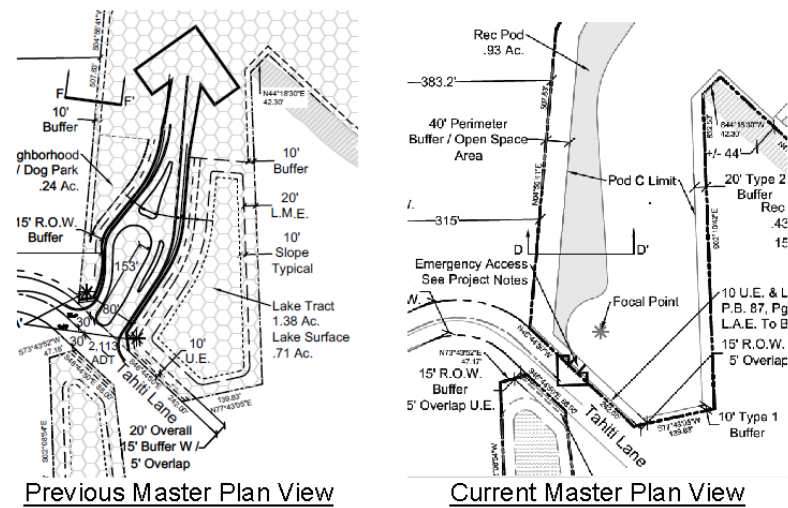
4. L.W.D.D. L-13 Canal Relocation

The applicant and team has followed up and received preliminary approval, subject to Board action and permitting, for the relocation of the L-13 canal further north from its existing location. This relocation results in two benefits to the project. The first benefit is now the Lucerne Lakes Homes South existing southernmost neighborhood will now have canal frontage. From a design perspective, the relocation has resulted in a central community core. This location is the largest land mass area for the golf course and by relocating the canal north, more land area is allocated for the proposed residential homes. Preliminary designs have allocated this area for the location of the zero-lot line single family homes. As part of the most recent ongoing outreach efforts and to address the concerns from the adjacent community (Golf Colony) for the removal of the lake on the original master plan, the applicant and design team has increased the previously proposed 10' Type 1 Buffer to a twenty (20) to forty (40) foot landscape buffer. This larger buffer area will result in a larger area to provide tiered landscaping in order to block views from two story existing homes to proposed two-story single-family homes. In addition, efforts were made to locate a lake area along this south community core area as well.



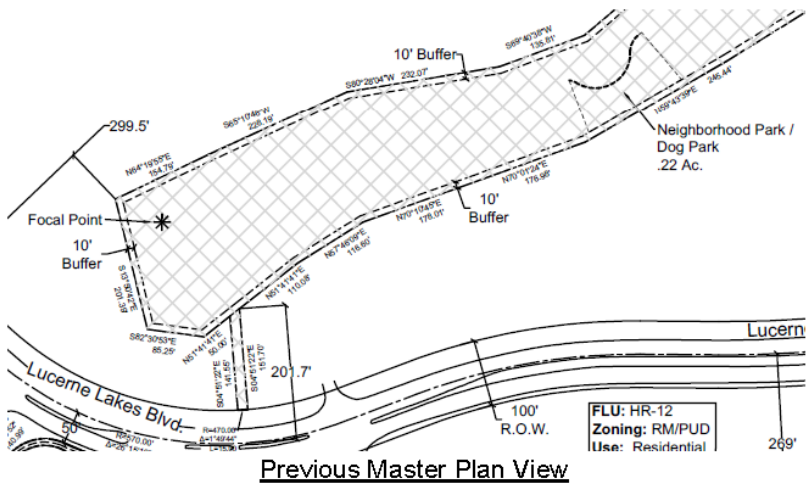
5. Vehicular Access Points

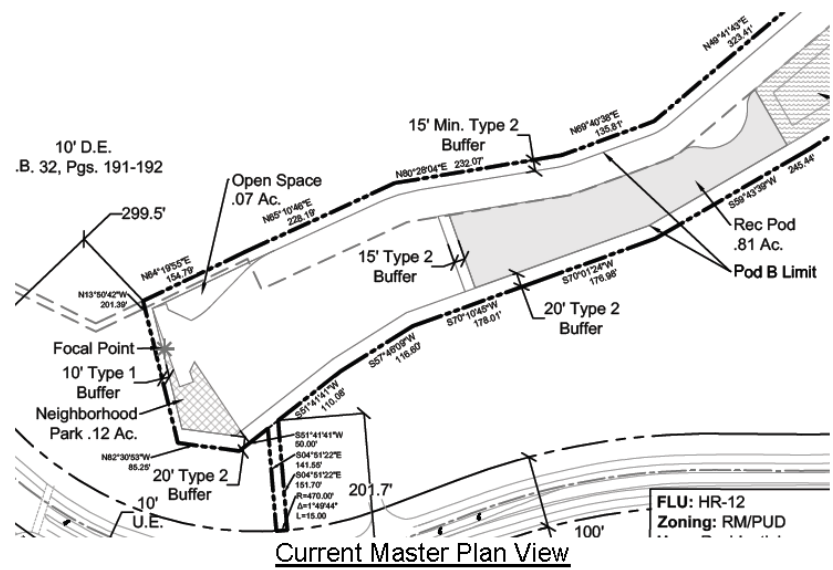
The original Preliminary Master Plan indicated a vehicular access off of the Tahiti Lane roadway that is off of Lucerne Lakes Boulevard. This roadway is the primary entrance for the Sunrise Condominiums / Lucerne Pointe Condominium neighborhood and is an existing sixty (60) – foot right of way. Upon presentation to the existing neighborhoods at outreach meetings, much opposition was indicated for this vehicular access connection. The applicant has since removed this access and replaced it with an emergency only access for fire and EMS with a Knox lock. The revision was met with positive response at a recent outreach meeting held in December, 2020. The addition of other access points that changed from the original Preliminary Master Plan also result in better trip distribution from the original plan in which there were locations of high ingress and egress. The applicant and design team also reviewed the remaining access points and located in areas to minimize the adverse impacts / effects to the surrounding communities. As a result of the removal of the Tahiti Lane access, there are four total full access points. The northernmost full access for Pod A is located off of Charleston Street which does not affect existing Lucerne Lakes residents as this community does not have access off of Charleston Street. The second access point for Pod B is located across from and to the east of the proposed LWDD L-13 canal relocation. The third access point into the west portion of Pod C is located where the existing golf course clubhouse is located, directly across the street from an existing pool and cabana and not a residential neighborhood. Lastly, the fourth access into the east portion of Pod C is located just south of the proposed LWDD L-13 canal relocation and west of an existing parking tract for the adjacent existing residential community.



6. Adjacent Age Restricted Neighborhoods

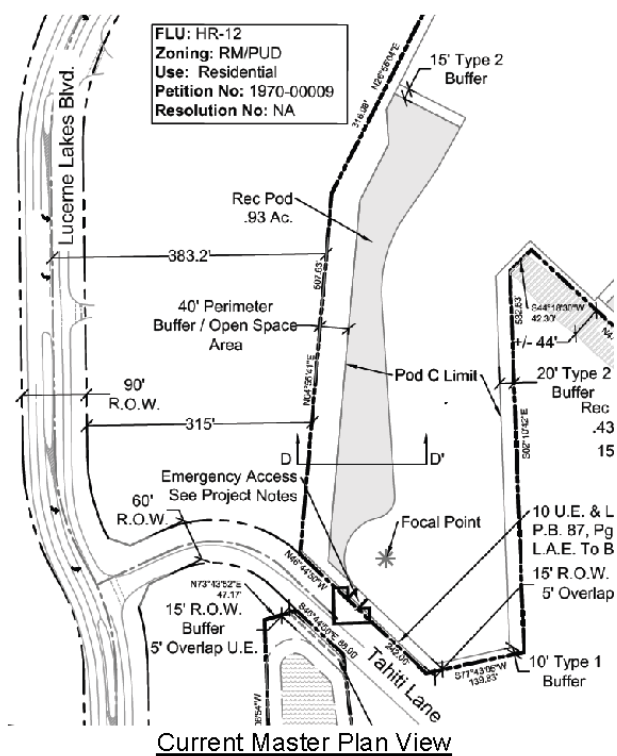
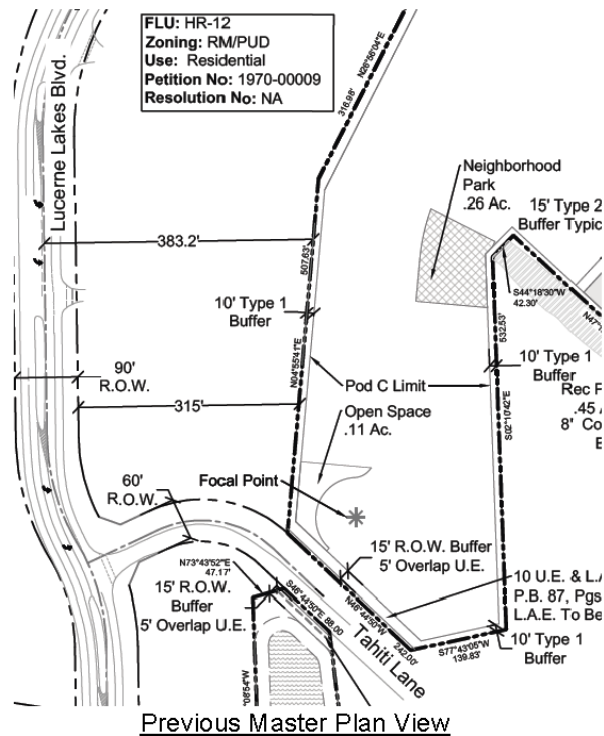
Through feedback from community outreach efforts, it has been indicated on several occasions that there has been concern of existing age restricted neighborhoods and a request for Mattamy to age restrict the community. At this point in time Mattamy is not age restricting this community. However, in some of the neighborhoods where it potentially makes sense from a homebuyer perspective, Mattamy has considered age targeted sales. This sales effort may occur in the locations of the zero lot homes, as age targeted empty nesters will find it attractive to purchase a single story zero lot line homes. Concerns were also expressed if the neighboring children and families will have access to the existing Lucerne Lakes amenities and it was represented that access will be restricted and the proposed neighborhoods will have their own community parks and recreation facilities to utilize. As indicated earlier, the 3 – story condominium homes were removed adjacent to these age restricted neighborhoods, reducing residential density and impact. As part of ongoing outreach efforts, the plan was revised from the original past Preliminary Master Plan to the current Preliminary Master Plan. The applicant and design team revised and updated this location of the property to add open space, recreation pods to eliminate continuous row of proposed residential homes. In addition, on the north side the landscape buffer was increased from a 10 Type 1 Buffer to a 15' Type 2 Buffer. Also the south buffer was increased from a ten (10-foot Type 1 Buffer to a twenty (20) foot buffer. This increase in size provides additional visual buffer and separation with the exiting age restricted community. The addition of the new park locations and open areas directly adjacent to the age restricted neighborhoods was met with a positive response.





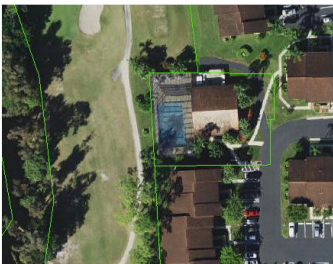
7. Revisions to Address Potential Non-Conformities

The applicant design team completed an analysis of the existing surrounding communities and researched permits in order to identify potential areas where existing homes may have decreased rear setbacks when adjacent to the golf course. A checklist has been submitted and attached to the Visual Impact Analysis report within this application package. This checklist identifies neighborhoods, lots, and multi-family buildings and their original views and indicates what the proposed new views will be. In addition, this checklist identifies potential locations where reduced rear setbacks may exist due to proximity to the golf course and indicates the Preliminary Master Plan revisions proposed to address to avoid non – conformities. For example, the existing Sunrise condominium buildings that are four and six story in the southwest quadrant of the property have been identified as reduced rear setbacks due to their proximity to the golf course. Therefore, a large 40' buffer tract open space area is proposed along with an open space recreational area. See Visual Impact Analysis report for details.

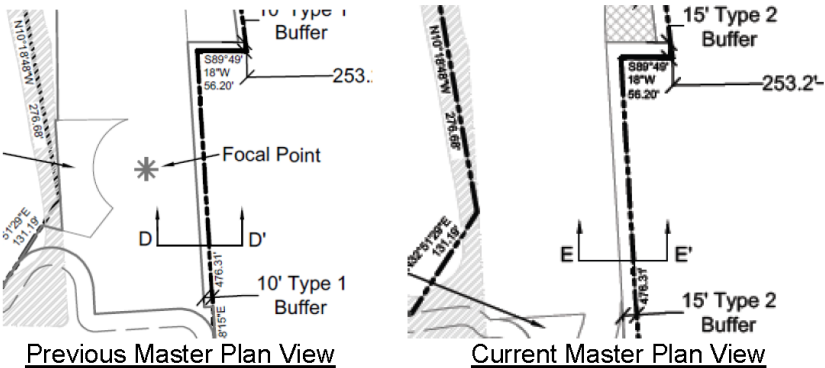


8. General Revisions From Community Outreach Efforts

Through continued community outreach efforts, additional plan revisions have been completed in order to address concerns of adjacent existing communities. The revision summarized below addresses the concerns expressed by the Lucerne Greens Homeowner’s Association regarding the location of the proposed development in relation to their existing recreational parcel. The applicant and design team increased the perimeter buffer (from 10’ to 15’) in an effort to get a wider buffer to have the ability to possibly add a berm and additional landscaping. In addition, development area where proposed residential units can be located was also relocated to the west and further from the adjacent residential community, providing for more separation from existing residential homes to the proposed residential homes.



Aerial



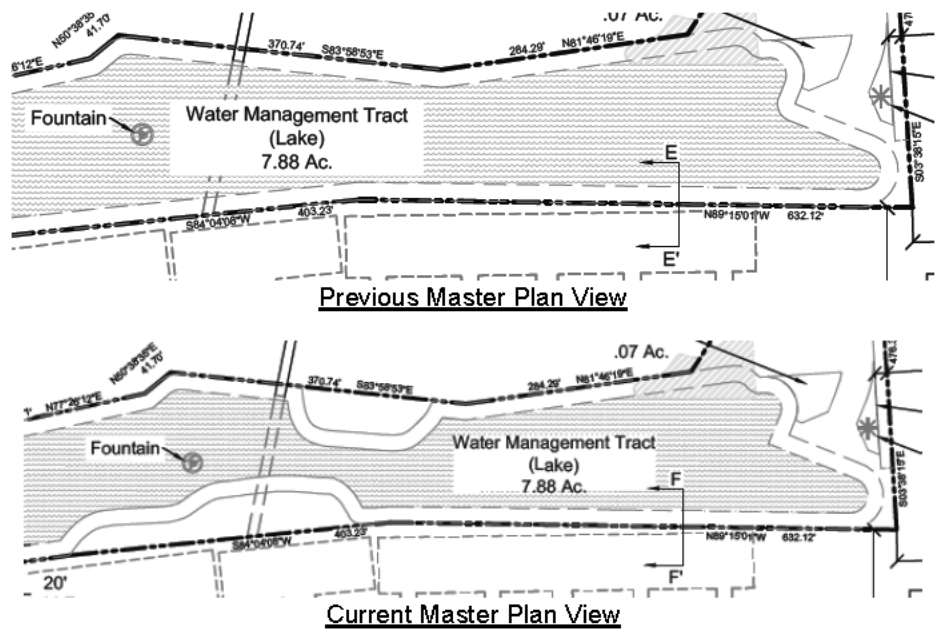
e. Design Minimizes Environmental Impact

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.

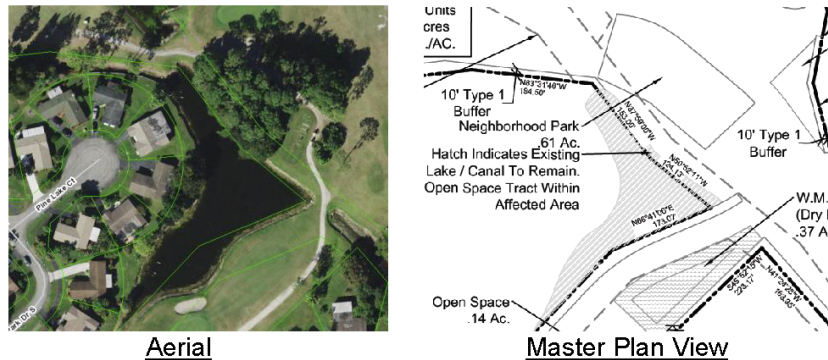
The Development Order Amendment will not result in significant adverse impacts on the natural environment as the subject property is an existing operational golf course and the surrounding area is an existing residential community in existence since the 1970's. The natural environment has been altered with this development. An environmental assessment dated

April, 2020, is included within the application package for the affected area golf course. The assessment goes on to indicate that the property, through historical aerial review, had been cleared and possibly used for row crops dating back to 1968. From 1975 on, the property started to be developed into a golf course with increase in vegetation, the presence of fairways, ponds and sand traps. Based upon the fact that the property contains disturbed lands and man-made ponds the potential occurrence of listed species was reviewed in particular in the case of gopher tortoises and burrowing owls. No gopher tortoises or presence of gopher tortoises was observed. No burrowing owls or indicators of the presences of burrowing owls was observed onsite.

Finally, based upon the fact that the site is surrounded by significant residential development and has been isolated from any native upland habitat for decades, these factors contributed to the lack of native habitat community in accordance to the definition of native upland habitat. However, P.B.C. E.R.M. will require the relocation, replacement or mitigation of individual native upland trees that cannot be preserved in place. A native tree survey and Disposition Plan is included with this application which indicates which native trees will be relocated, preserved or mitigated for. Through coordination with P.B.C. E.R.M. the applicant design team has made efforts to preserve specimen trees in certain locations, as well. Two 'tree islands / tree stand' areas are proposed within the southernmost water management tract in order to preserve specimen trees in place. This will also add interest and views for the adjacent existing community to the south.



The applicant has also committed to preserving a native specimen tree stand of native pines and understory in the northern quadrant of the property. The native tree stand is located just east of the existing lake within the Lucerne Lakes Homes South neighborhood. This preserve area preserves specimen native pines, as well as the existing native understory. This preserve area will maintain the current natural views from the adjacent Home South neighborhood, as well as provide a .61 – acre passive neighborhood park for the new residential community.



f. Development Patterns

The proposed use or amendment will result in a logical, orderly, and timely development pattern.

The Development Order Amendment is proposing to amend the golf course use area to a new residential community. Based upon the existing surrounding residential communities, this proposal results in a logical and orderly development pattern that is compatible with surrounding land uses. A mix of single family and townhomes is proposed within the affected area and is consistent with the existing development patterns of the surrounding existing residential communities. The proposed residential community will be less dense than some of the surrounding existing condominium communities. In locations of differing residential home types from the existing community, the preliminary plan was designed to include a range of ten (10) to forty (40) foot landscape buffers to include the maximum amount of transition and visual buffer. The applicant team will be proposing buffers that exceed minimum code requirements and, in many cases, include walls or fences providing for more security and visual buffer. The walls will only be proposed in landscape buffers that meet the minimum buffer width as required by Palm Beach County code. To date, none of the H.O.A.'s have requested a wall be constructed within an adjacent buffer as part of the ongoing outreach efforts. Instead, it has been requested to continue to work to supplement landscaping within these buffer areas during landscape design.

Based upon the fact that many older golf courses are no longer economically viable, the proposed development represents a logical development pattern. The applicant's proposed less dense residential

community provides a better alternative than a development that may propose high rise apartment development in order to achieve the maximum allowable density under the HR-12 Land Use Designation. The configuration of the affected area lends itself better to less dense single family and townhome development than an apartment development that could attempt to achieve the maximum allowable density cap.

g. Adequate Public Facilities

**The extent to which the proposed use complies with Art. 2.F.
Concurrency (Adequate Public Facility Standards)**

The Development Order Amendment application includes a Traffic Study which analyzes the proposed new residential community on surrounding roadways. The study summarizes the total new trips on surrounding roadways, primarily Lake Worth Road, and provides for offsite improvements to meet the level of service. Turn lanes or extensions of existing turn lanes are proposed in locations per the traffic study. An updated SCAD letter is included within the resubmittal package which provides for the school concurrency requirements based upon the reduced number of units (450). The SCAD indicates any required applicant supplemental contribution (to the required impact fees) to address capacity deficiencies in the surrounding elementary, middle and high school. The updated SCAD addresses school concurrency requirements.

With regards to parks and recreation levels of standards, based upon the total number of units, the new community within the affected area is to provide a minimum of 2.70 acres of onsite recreation amenities, within required recreational pods. The applicant is proposing a total of 3.74 acres towards the minimum amount of required Recreational Pods. In addition to the recreation areas proposed within each neighborhood, the applicant is also proposing a number of neighborhood parks, totaling 1.98 acres. The neighborhood parks do not count towards the minimum parks and recreation requirement and only the rec pods count towards the calculation. With the total recreation pods at 3.74 acres and the addition of the neighborhood parks at 1.98 acres, a total of 5.72 acres is provided for active and passive recreational opportunities. The rec pods and neighborhood parks are distributed equitably within each neighborhood to be located within a short walk or bike ride within each neighborhood.

Each neighborhood or pod will have their own individual required recreation amenities that will exceed the requirement for the number of units within that pod. Each of the neighborhoods or pods will utilize their own recreational facilities and will not have access to the recreational facilities in other neighborhoods or pods. In other words, residents from Pod A will not have access to the amenities in Pod B. Open space areas which do not meet the minimum size requirements of neighborhood parks, but do meet the minimum acreage requirements of .10 acres will be utilized as useable open space areas. These useable open space areas will also provide additional passive recreational opportunities but do

not count towards the minimum parks and recreation requirements. None of the proposed additions and amendments to surrounding homeowner association recreation pods are counted within required recreation pod calculations for the Subject Property.

With regard to mass transit facilities, there are two existing bus stops located on Lake Worth Road just north of the affected area. Existing bus shelter (Stop ID 1490) is approximately 240 - feet west of the Lucerne Lakes Boulevard connection onto Lake Worth Road. In addition, at the existing Lucerne Lakes connection on Lake Worth Road there is another existing Palm Tran shelter (Stop ID 1491) located approximately 1,200 linear feet east of the intersection. Proposed internal sidewalks will connect to existing sidewalks on the east side of Lucerne Lakes Boulevard to the existing sidewalks on Lake Worth Road providing pedestrian connections to the existing Palm Tran bus shelters. These connections will provide for multi-modal transportation opportunities for new residents.

Water and sewer capacity is addressed with the included Will Serve letter from Palm Beach County Water Utilities. The letter indicates that sufficient capacity is available to the proposed community for water and sewer service. The letter also indicates the size of the adjacent pipe infrastructure that is adjacent to the affected area that will be utilized for utility connections.

Finally, a Drainage Statement is included within the application package which addresses drainage for the proposed new residential community. The engineer of record has researched the existing Lucerne Lakes P.U.D. S.F.W.M.D. permit to verify if there are existing drainage patterns that will need to be preserved. Based upon the research completed, the proposed lakes within the new community will be sized to preserve historical drainage patterns as well as provide storage for the proposed community. New drainage easements and rights will be provided to the Lucerne Lakes Master Association via plat, upon platting the residential neighborhoods.

h. Changed Conditions or Circumstances

There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.

In a growing national trend, the golf industry has seen a drastic reduction in rounds of play, especially for golf course constructed in the 1980's and earlier. Many golf courses are no longer profitable as play has diminished substantially. Currently, the Forest Oaks Golf Course is still open, but is operating at a loss. The owners have agreed with the contract purchaser Mattamy Homes to keep the golf course open until such time and should the residential conversion be approved and permitted. This will alleviate the golf course from going fallow and being a nuisance to existing surrounding communities. In addition, the new residential community will

provide for a mix of housing styles to address the high demand and low inventory of housing in Palm Beach County.

1. Zoning District Consistency with the Future Land Use Atlas Plan

The existing Zoning District of RM – Residential Multifamily with a Conditional Planned Unit Development (P.U.D.) overlay is consistent with the underlying Land Use Designation of HR-12. See Article 3 Chapter A Section 3.C. Table 3.A.3.C. below:

Table 3.A.3.C - FLU Designation and Corresponding Planned Development Districts (1)												
	AGR (2)	RR	WCR	AGE	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU
PUD	√	√	√	(3)	√	√	√	√	√	√	√	√
MHPD		√			√	√	√	√	√	√	√	
	AGR (1)	RR	AGE	CL	CH	CLO	CHO	IND	INST	CRE	MLU	EDC
MUPD			(3)	√	√	√	√	√	√	√	√	√
MXPD					√		√				(4)	
PIPD								√			√	√
RVPD		√								√		
[Ord. 2008-037] [Ord. 2009-040] [Ord. 2009-040] [2010-005] [Ord. 2010-022] [Ord. 2014-025] [Ord. 2017- 025]												
Notes:												
1. Check (√) indicates the PDD corresponds to the FLU designations. Any application for a rezoning to a PDD shall be to a PDD that corresponds to a FLU designation. [Ord. 2008-037]												
2. PDDs in the AGR Tier are limited to the 80/20 PUD OR 60/40 PUD. [Ord. 2006-004]												
3. A PUD or MUPD Pod may be permitted within a TTD with an AGE FLU designation in accordance with Table 3.F.5.D, Traditional Town Development Land Use Allocation. [2014-031]												
4. A MXPD is consistent with the MLU FLU designation in the Urban/Suburban Tier only. [Ord. 2017-025]												

This Zoning District is consistent and compatible with the residential uses to the east, south and west, as indicated earlier within the Surrounding Properties table. The request is consistent with the Purposes, Goals, Objectives and Policies of the County's Comprehensive Plan. As a whole, the entire proposed Forest Oaks Residential community is well below the potential density as allowed by the HR-12 Land Use Designation.

2. Consistency with the Code

Design Objectives

The P.U.D. meets the objectives and standards / Design Objectives for a Planned Development as indicated in Article 3.E.1.C.1. See below for how each standard is addressed within the affected area:

- 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;

The proposed development is consistent with this standard, as the proposed development has frontage along Lucerne Lakes Boulevard and Charleston Road. The property does have frontage with Lake Worth Road as well but it is separated by the LWDD L-12 canal. Lucerne Lakes is a private roadway maintained by the Lucerne Lake Master Homeowners Association and is one-hundred-foot (100) right of way. Although a private road, Lucerne Lake Boulevard does not have secured vehicular access and therefore public access is allowed and not restricted.

Charleston Road is a public right of way that is seventy-five (75) feet to ninety-five (95) feet in width in certain locations.

Per Palm Beach County U.L.D.C. Article 11 Chapter E Section 2, Table 11.E.2.A.2 the road classifications for Lucerne Lakes Boulevard is Non-Plan Collector. The applicant had a meeting with Palm Beach County Land Development on February 28, 2020 in order to discuss access off of Charleston Street. Palm Beach County Land Development provided the response that this would-be acceptable contingent upon road improvements to the roadway as well as a limitation on the number of vehicular trips placed on this roadway. The applicant is proposing a fifty – foot (50) road cross section from the Pod A east vehicular access onto Charleston Road to its north connection with Lake Worth Road. In addition, this fifty – foot cross section will continue south to the Pod B emergency access. The road improvements will then transition to the existing road south.

- 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;**

The proposed development provides for a continuous, non-vehicular circulation system that connects all areas of the residential community, internally and to external surrounding public non-vehicular circulation systems. Recreational amenities and neighborhood parks are accessible from this consistent continuous non-vehicular circulation system.

- c. Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses;**

Sidewalks are proposed within the new internal roadways. In addition to these sidewalks, crosswalks are provided at intersections in order to provide safe access and to encourage safe pedestrian circulation between uses.

- d. Preserve existing native vegetation and other natural/historic features to the greatest possible extent;**

The property is an operational golf course and will continue to operate up to and if the project be approved and permitted. A native tree survey is included with this application which indicates which native trees will be relocated, preserved or mitigated for. All Palm Beach County landscape requirements will be complied with. Per the environmental assessment submitted, since the property has been disturbed by the existing golf course use and existing surrounding residential neighborhoods, no native habitat exist onsite.

- e. Screen objectionable features (e.g., mechanical equipment, loading/delivery areas, storage areas, dumpsters, compactors) from public view and control objectionable sound;**

This requirement will be met with applicable screening walls and or foundation plantings where mechanical equipment, loading areas, storage areas and dumpsters exist.

- 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; and**

The applicant has proposed a wide range of buffers from ten (10) to forty (40) foot landscape buffers in locations that are adjacent to existing residential communities. This provides more opportunities to provide additional landscape screening, or fencing applications. The applicant, through community outreach efforts, has continued to engage the surrounding communities in order to provide any additional screening requested by surrounding homeowners. In addition, in certain locations and as a result of community outreach efforts some of the existing waterways have been incorporated into the new design for the new residential community. In such cases, the applicant has committed that the proposed new homeowner's association will maintain these preserved waterways. See below for summary of community outreach efforts completed to date.

Buildings, structures, pathways, access, landscaping, drainage systems, and signs have and will be designed to minimize the potential for any adverse impact on adjacent properties. The applicant is proposing large scenic lakes in certain locations and along much of the southern portions of the new community within the affected area. These lakes provide scenic views and also minimizes the impacts to this surrounding existing condominium. Parks and open space tracts have also been designed and located to minimize impacts to surrounding communities, based upon feedback from continued community outreach efforts.

Finally, the applicant design team has designed the plan to include site planning techniques such as single loading roadways and distributing open space in key locations to minimize impact to surrounding communities and provide more separation between existing homes and proposed homes. These details will be evident upon submission of the subdivision plan. Please refer to the **Design Minimizes Adverse Impact Section**, earlier in this document, for details on how the original plan has been revised and improved to minimize adverse effect on surrounding communities.

- g. **Minimize parking through shared parking and mix of uses.**

The minimum residential parking requirements have either been met or exceeded in relevant locations. Shared parking situations is not applicable.

- 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,**

Internal streets will be designed in accordance to Palm Beach County Standards for vehicular access. Forty – foot (40) Residential Access Streets up to fifty – foot (50) right of way vehicular connections are proposed for vehicular access. Sidewalks will be provided per the cross-section standards providing internal connectivity, as well as connections to existing external sidewalks. A wide range of recreational parks and passive recreational areas are proposed and distributed equitably within each residential pod within a short walk or bike ride for access.

- i. For PDDs with non-residential uses, 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.

Not applicable since affected area is residential PDD. However, the new residential community will have one (1) fountain in certain proposed lake locations for water quality as well as amenity programming. Neighborhood Parks have been programmed into the community amenity package. Each park will provide a pedestrian friendly atmosphere and environment and will provide for tables and shade.

Performance Standards

The P.U.D. meets the Performance Standards for a Planned Development as indicated in Article 3.E.1.C.2. See below for how each standard is addressed:

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;

The new residential community will meet this standard as it has frontage along Lucerne Lakes Boulevard as well as Charleston Street. Lucerne Lakes Boulevard is classified as non-plan collectors. The property has frontage on Lake Worth Road that is separated by the LWDD L-12 canal.

- 2. **PDDs shall have legal access on an arterial or collector street;**

The new residential community will meet this standard as it has legal access onto Lucerne Lakes Boulevard as well as Charleston Street. Per the First Amendment to Lucerne Lakes Master Declaration of Covenants and Restrictions, ORB 3052, Page 1368 the owner of the golf course is a voting member of the Master Association and has one vote on the Master H.O.A. Board. As a voting member of the board, the golf course has legal access rights and pays towards the perpetual maintenance of Lucerne Lakes Boulevard. The Lucerne Lake Master Association maintains Lucerne Lakes Boulevard. Upon the real estate transaction closing at a later date, the proposed new Mattamy community will supersede and replace the owner of the golf course as a Master H.O.A. voting board member. The new to be formed homeowners' associations will bear and share in the financial burden of maintain Lucerne Lakes Boulevard, as the existing

residential communities currently have.

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;**

The new community is proposing vehicular accessways in accordance to Palm Beach County Land Development standards for applicable road sections. The new residential community will have primary access off of Lucerne Lakes Boulevard, as well as Charleston Street. Cross walks will be proposed in key locations within the new community. Existing cross walks on Lucerne Lake Boulevard also provide safe connections to surrounding existing public walkways.

4. **Traffic improvements shall be provided to accommodate the projected traffic impact;**

A traffic study is included within this application package. This study summarizes all traffic improvements to address traffic impacts of the new residential community.

5. **Cul-de-sacs**

The objective of this provision is to recognize a balance between dead end streets and interconnectivity within the development. In order to determine the total number of local streets that can terminate in cul-de-sacs, the applicant shall submit a Street Layout Plan, pursuant to the Technical Manual. The layout plan shall indicate the number of streets terminating in cul-de-sacs, as defined in Article 1 of this Code, and how the total number of streets is calculated. During the DRO certification process, the addressing section shall confirm the total number of streets for the development, which would be consistent with how streets are named. Streets that terminate in a T-intersection providing access to less than four lots, or a cul-de-sac that abuts a minimum 20-foot-wide open space that provides pedestrian cross access between two pods shall not be used in the calculation of total number of cul-de-sacs or dead-end streets;

- **40 percent of the local streets in a PDD may terminate in a cul-de-sac or a dead-end by right;**

A Street Layout Plan is included within the Regulating Plans, as sheet PRP.13. This conceptual site plan is preliminary in nature. The final residential design will be completed at time of Final Subdivision Plan approval. This requirement will be met on the plan at time of Final Subdivision Plan approval. Emergency access locations provide additional access opportunities for EMS to address site constraints, as well.

6. **Nonresidential PDDs shall provide cross access to adjacent properties where possible, subject to approval by the County Engineer;**

Not applicable.

7. **Streets shall not be designed nor constructed in a manner which adversely impacts drainage in or adjacent to the project;**

All proposed new internal streets and vehicular use areas will be designed to not adversely impact drainage in or adjacent to the project. All proposed streets will have drainage pipe infrastructure and will drain into the newly designed drainage system. No street drainage will be allowed to sheet flow to adjacent existing communities.

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.**

The proposed internal private streets and vehicular access ways will have access either to Lucerne Lakes Boulevard or Charleston Street. The applicant acknowledges that Lucerne Lakes Boulevard is considered a private street that is open to the public. No public streets are proposed within the new residential community. All new internal streets proposed within the new community will be private streets dedicated, by plat, to the new homeowner's associations to be formed. The internal private streets will be the perpetual maintenance obligation of the new H.O.A.'s.

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 Article 5.E, Performance Standards.

Any proposed street lights will comply to standards indicated in Article 5.E.

c. Median Landscaping

Refer to the most recent Engineering and Public Works Operations - Streetscape Standards available from the PBC Engineering Department.

Acknowledged.

d. Street Trees

Street trees shall meet the Canopy tree requirements of Article 7, LANDSCAPING and planting standards pursuant to Engineering and Public Works Operations – Streetscape Standards, and as follows:

- 1) Street trees shall be spaced an average of 50 feet on center. Palms meeting the requirements of Article 7, LANDSCAPING and Engineering and Public Works Operations - Streetscape Standards, may be planted as street trees if spaced an average of 40 feet on center.
- 2) Street trees shall be located along both sides of all streets 50 feet in width or greater and shall be planted between the edge of pavement and sidewalk. Appropriate root barrier techniques shall be installed where applicable.
- 3) Street trees shall be installed in accordance with the phasing of the Planned Development pursuant to Art.7.E.4.B.1, Planned Developments. For Residential PDDs, planting of street trees shall be completed prior to the issuance of the final certificate of occupancy within that phase or pursuant to conditions of approval.
- 4) This requirement may be waived or modified by the County Engineer if the location of the proposed street trees conflict with requirements of Art.11, SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS.

The proposed new residential community will meet the requirements of Article 7 of the Palm Beach County U.L.D.C.

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 Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS.

No internal streets eighty (80) feet in width or greater is proposed within the new residential community.

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;
- 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

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.

The proposed new residential community will comply with the residential requirements for mass transit. With regard to Palm Tran bus shelters, there is an existing bus shelter (Stop ID 1490) approximately 240 - feet west of the Lucerne Lakes Boulevard connection onto Lake Worth Road. In addition, at the existing Lucerne Lakes connection on Lake Worth Road there is another existing Palm Tran shelter (Stop ID 1491) located approximately 1,200 linear feet east of the intersection. Proposed internal sidewalks will connect to existing sidewalks on the east side of Lucerne Lakes Boulevard to the existing sidewalks on Lake Worth Road providing pedestrian connections to the existing Palm Tran bus shelters.

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.

All new proposed utilities to service the new residential community will comply to this requirement.

h. Parking

1) Residential Uses
Parking for residential uses shall comply with Article 6, PARKING. The DRO may require a covenant to be recorded limiting the affected area to a specific use or uses.

The proposed residential development will meet all of the requirements of Article 6 of the Palm Beach County U.L.D.C. The required number of spaces per zero lot line and townhome residential dwelling will be met with driveway spaces and garage spaces.

2) Nonresidential Uses
Nonresidential uses located within a PDD may apply the parking standards indicated in Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements or the minimum/maximum parking standards below. The site plan shall clearly indicate which parking standards are being utilized for the entire site.

Not applicable. However, proposed parking for the internal recreation pods

will meet the minimum dimensional requirements as well as required total number of spaces. Please refer to Preliminary Regulating Sheet 3 and 4 for details.

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.

All proposed parking areas will be private and will serve the new residential community.

4) Cross Access

Cross access shall be provided to adjacent internal uses/properties, if required by the DRO.

The proposed new residential community will be a private community. Cross access is not proposed and will not be necessary.

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.

N/A.

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.

a) Remote Parking Areas

Paved pedestrian pathways shall be provided to all parking areas in excess of 400 feet from a public entrance. Pathways shall be unobstructed grade separated and/or protected by curbs, except when traversing a vehicular uses area, and clearly marked.

The proposed new residential community will comply with this requirement for proposed parking in recreation pods, which will be for the private use of the new community.

i. Way Finding Signs

Off-site directional signs, consistent with the on-site directional sign standards in Article 8, SIGNAGE, may be allowed along internal streets in the R-O-W, subject to approval by the County Engineer.

Proposed way finding signs will comply with Article 8 of the Palm Beach County U.L.D.C.

j. Emergency Generators

A permanent emergency generator shall be required for all Type II and Type III 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.18, Permanent Generators.

Not applicable.

P.U.D. Purpose and Intent

The affected area will meet or exceed the Purpose and Intent for a P.U.D. pursuant to Article 3 Chapter E Section 2.A.1 as indicated below:

a. the preservation of the natural environment;

The subject property is an existing operational golf course and the surrounding area is an existing residential community in existence since the 1970's. The natural environment has been altered with this development. Based upon the fact that the property is an existing operational golf course and the surrounding properties are existing residential communities per the Environmental Assessment none of the existing vegetative communities qualify as native upland habitat. However, with regard to any native trees existing within the affected area, a tree survey is included within this application package. The tree survey will indicate how any native vegetation will be preserved, relocated or mitigated to the greatest extent possible. As indicated efforts have been made in order to save native specimen trees. Tree island / areas are proposed within the large southernmost lake. A native upland preservation area in the north quadrant of the property is also proposed which preserves native specimen pines as well as understory. This area will serve as a neighborhood park / preserve area.

b. the integration and connection of land uses with perimeter landscape areas which provide vegetation preservation, buffering, and circulation areas;

Proposed perimeter buffers will either meet or exceed the perimeter buffer requirements of the Palm Beach County U.L.D.C. As indicated previously, the applicant is proposing a minimum ten (10) foot buffer in certain locations. In addition, in order to address feedback from community outreach efforts and to address potential non – conforming rear setbacks of existing residential, large buffer tract areas as much as forty (40) – feet in width are proposed.

The applicant has committed to continuing the community outreach efforts in order to provide additional buffering through additional landscaping, fencing or wall treatments, should the surrounding homeowner's association requests it. The Preliminary Master Plan has also been designed to provide large scenic lakes, open space, preserve areas, or dry detention areas in certain locations adjacent to existing neighborhoods as well as along the southern portions of the new community. These land areas are strategically located adjacent to some of the taller existing condominiums located in the southern quadrant of Lucerne Lakes. The lakes will provide scenic views, as well as natural foraging areas in littoral

plantings for native bird species. The lakes will serve as natural buffers with the surrounding communities.

c. the creation of a continuous non-vehicular circulation system;

The proposed development provides for a continuous, non-vehicular circulation system that connects all areas of the residential community, internally and to external surrounding public non-vehicular circulation systems. Recreational amenities and neighborhood parks are accessible from this consistent continuous non-vehicular circulation system.

d. the establishment of private civic and/or public civic and recreation area to serve the PUD;

The applicant has had preliminary discussions with Palm Beach County Property and Real Estate Management Department in order to explore the cash out option for the civic site requirement. A 1.58-acre Civic site is indicated on the plan at the request of P.R.E.M. until the cash out option is approved and memorialized by the B.C.C. The proposed location is within Pod A just south of Lake Worth Road. Upon cashing out this civic site location will no longer be necessary in the indicated location on the Preliminary Master Plan. The underlying use is residential in the event the Civic Pod is cashed out or located offsite. A condition of approval for the cash out option will be included within the Development Order.

e. provide for a limited number of commercial uses to serve the residents of the PUD;

No commercial uses are proposed within the new residential community. The Lake Worth corridor provides much non-residential / commercial uses to support the new residential community.

f. provide for efficient use of land and public resources by co-locating harmonious uses to share civic uses and public facilities and services for the residents of PBC;

The new residential community is in a location which has many existing public resources and access to civic uses and public facilities. Lake Worth Road is Palm Tran bus route #62. There are two existing bus stops along the north frontage of the property on Lake Worth Road providing multi-modal opportunities to existing civic and public facilities.

g. the reduction of land consumption by roads and other impervious surface areas; and

The proposed new residential community will meet all pervious requirements. The applicant has designed the proposed Preliminary Master Plan to include as much parks, open space and lakes in key locations of the property. The lakes will be designed in order to take in the drainage from the proposed residential community within the affected area.

In addition, the lake storage has been designed to preserve historical drainage patterns of surrounding communities. The applicant's engineer has researched the existing South Florida Water Management District permit for the Lucerne Lakes community and has designed the lake storage to take in the drainage from the impervious areas of the new community, as well as preserve any existing historical sheet flows from the existing surrounding communities. Finally, based upon the configuration of the property there is limitation on the amount of development area. This further decreases the amount of impervious areas for development.

h. the provision for flexible PDRs to promote innovative and quality site design.

No flexible regulations are being requested with this application. The new residential community design will meet or exceed all Palm Beach County P.U.D. U.L.D.C. requirements.

P.U.D. Exemplary Standards

The affected area will meet or exceed the exemplary design objectives and performance standards for a P.U.D. pursuant to Article 3, Chapter E Section 2.A.4. See below for summary as well as additional sections below indicating specific details regarding Article 3.E.2.B.1 and Article 3.E.2.B.2.

a. Sustainability

The property is an existing active golf course and, per the environmental assessment, based upon the fact that the golf course is surrounded by existing residential areas the entire site is classified as being disturbed. Therefore no native upland areas exist. However, the applicant has submitted a Tree Disposition Plan which indicates which native trees will be relocated, preserved in place or mitigated for. In addition, from a design perspective every effort was made in order to preserve and incorporate many of the existing waterways and lake areas that exist between the golf course and existing residential communities. These areas were preserved and incorporated in order to provide additional setbacks between both communities but also to preserve existing ecological areas for the benefit of surrounding residential communities. Many useable open space and passive recreational areas have been planned in order to provide less impermeable areas and provide for more groundwater recharge.

The preliminary designs of the drainage system has been designed in order to preserve the existing drainage patterns. The project Civil Engineer has researched the existing South Florida Water Management District permit for the entire Lucerne Lakes residential development. If the historical design and drainage patterns of existing surrounding residential communities sheet flowed onto the golf course, the proposed drainage system and water management tracts have been designed to preserve these drainage patterns as well as provide for the drainage for the proposed new residential community. Lake areas and other water management areas were oversized in their design to address historical

drainage. In certain cases, this overall design may improve existing drainage.

Lastly, efforts to maintain existing native upland areas have been committed by the applicant further providing for sustainable design incorporation. Two locations preserve existing native specimen trees. The first is a stand of native specimen pines and understory in the north quadrant of the property. The second is a stand of native specimen pines along the south, which have been incorporated into the design as a tree island area, within the large lake along the south of the property.

b. Trip Reduction

Per the Land Use Designation of HR-12, the property has the ability to be developed to a density cap of 948 dwelling units, which could be accomplished with an apartment development. The applicant is proposing 450 fee simple dwelling units. Access points into each neighborhood was carefully planned in order to provide for better trip distribution, as well as limit the impacts to existing residential communities. The northernmost Pod A neighborhood was designed to have a full access off of Charleston Street, which reduces the number of trips on Lucerne Lakes Boulevard. Internal walkways will also provide connections to the two existing Palm Tran bus shelters on Lake Worth Road, which will provide for multi-modal transportation opportunities which will reduce trips on surrounding roadways. Each neighborhood / pod has been designed to have its own recreation pod, neighborhood parks and several useable open space tracts which will provide active and passive recreational opportunities distributed throughout within a short walk. This distribution of amenities will reduce exterior vehicular trips due to internal park and recreation opportunities proposed.

c. Cross Access

Internal cross access with existing residential communities is not proposed. As part of the ongoing community outreach efforts, cross access was opposed by many of the existing residential communities.

d. Buffering

Applicant has made efforts to exceed the minimum code requirements for buffering. In many cases, as a result of the feedback from the outreach efforts with surrounding residential communities the applicant has increased the width of the required landscape buffers in order to continue the ongoing dialogue to provide better transitions with surrounding communities. Please refer to the **Design Minimizes Adverse Impact Sections** of this Justification Statement for specific examples of either increased buffer tracts or design techniques to increase buffer separation between proposed residential dwelling units and existing dwelling units.

e. Aesthetics

Design includes exemplary design elements such as focal points at key locations within the proposed community, pavers at entrances to provide interest and to slow ingress and egress traffic and lastly incorporation of natural elements into the design. In many locations, the applicant and design team has replaced golf course views with new lake views. Littoral planting areas will be planted within the lakes and will provide for passive recreational opportunities of bird watching for adjacent existing residential neighborhoods. Native preservation areas will also provide passive recreational opportunities for the proposed neighborhood as well as adjacent existing neighborhoods. Please refer to the **Design Minimizes Adverse Impact Sections** of this Justification Statement for specific examples. Landscape buffering and common area buffering will provide for exemplary transitions in between communities and will be an upgrade to the golf course. The applicant has committed to planning more than the code minimum within landscape buffer to provide for better transitions with surrounding residential neighborhoods. The new home styles will also add new and updated architectural standards to the surrounding existing communities.

f. Creative Design

As discussed within the **Design Minimizes Adverse Impact Sections** the applicant and design team have incorporated existing lakes, canals into the design in order to provide as much separation between proposed new homes and existing residential homes. In addition in areas of the property where the property is very narrow, the design team has designed the project to single load roadways and locate proposed homes in locations to further provide additional separation between proposed and existing residential homes. Native upland areas (2) have been incorporated within the design to create interest, maintain existing views and preserve quality native upland areas.

g. Vegetation Preservation

A Tree Disposition Plan is included within the submittal package which proposes to preserve native trees in place, relocate native specimens onsite or provide mitigation for trees which cannot be preserved in place. Efforts have been made in certain locations to preserve existing specimen trees as well.

Two locations preserve existing native specimen trees. The first is a stand of native specimen pines and understory in the north quadrant of the property. The second is a stand of native specimen pines along the south, which have been incorporated into the design as a tree island area, within the large lake along the south of the property.

h. Recreational Opportunities

The subject property has been designed in order to have either Rec Pods, Neighborhood Parks or other useable open space tracts within a short walk or bike ride within each of the residential neighborhoods. Passive recreational opportunities will be provided within the Neighborhood Parks, upland preservation areas, and useable open space areas. Active recreational opportunities, within the proposed pool and cabana areas, are provided within the three (3) Rec Pods located in each of the three residential neighborhoods. Other active recreational opportunities such as the proposed fitness trail that circulates the lake in Pod A are also provided.

i. Mix of Uses

The property will be a new residential community which will be compatible with the existing surrounding residential communities. An internal mix of uses of active and passive recreational opportunities is proposed within each of the residential neighborhoods. No commercial uses are proposed.

j. Mix of Unit Types

The proposed Forest Oaks residential development is proposing a mix of two-story townhomes and single family zero lot line residential homes. The zero lot line homes will either be single or two story in order to provide homes to prospective home buyers looking for homes for young families or single-story homes for empty nesters.

k. Safety

The Forest Oaks residential development will be a secured private community. Transitional buffers will provide for landscaping and fencing to provide security for the new residential neighborhoods, as well as the surrounding existing residential communities. Two emergency access points are also proposed in order to provide additional emergency access into the two southern residential neighborhoods: Pod B and C.

g. Affordable Housing

The proposed Forest Oaks residential development is conditioned to include eleven (11) workforce housing units onsite. Eleven workforce housing units will be constructed as townhomes, within one of the residential neighborhoods. The possible location of the workforce housing units will be within the Pod A residential neighborhood, just south of Lake Worth Road.

P.U.D. Design Objectives and Standards

The affected area will meet or exceed the Objectives and Standards for a P.U.D. pursuant to Article 3 Chapter E Section 2.B.1 as indicated below:

a. Designed as a predominantly residential district;

The proposed new residential community is proposed as a predominantly residential district with a mix of different housing types.

b. Provide a continuous non-vehicular circulation system for pedestrians and non-motorized vehicles;

The proposed development provides for a continuous, non-vehicular circulation system that connects all areas of the residential community, internally and to external surrounding public non-vehicular circulation systems. Recreational amenities and neighborhood parks are accessible from this consistent continuous non-vehicular circulation system. Internal non-vehicular connections will connect to existing surrounding pedestrian connections, which will provide access to multi-modal opportunities that exist on Lake Worth Road (Palm Tran stops (2)).

c. Provide perimeter landscape areas to buffer incompatible land uses, or where residential uses are adjacent to other incompatible design elements such as roadways, usable open space areas, where a more intense housing type is proposed, or where residential setbacks are less than adjacent residential development outside the perimeter of the PUD.

Proposed perimeter buffers will either meet or exceed the perimeter buffer requirements of the Palm Beach County U.L.D.C. As indicated previously, Type 1 Incompatibility buffers are proposed in locations in which proposed attached residential is adjacent to existing detached residential communities. In addition, Type 2 Incompatibility buffers are proposed in locations in which there may be existing recreational parcels adjacent to proposed residential parcels. In certain locations, as a result of community outreach efforts or areas to address potential rear setback non – compliance issues buffers in excess of twenty (20) to forty (40) feet are proposed. Finally, Type 2 Incompatibility buffers will be proposed, internal to the new community, in areas where recreational pods are adjacent to proposed residential.

In addition, the applicant has committed to continuing the community outreach efforts in order to provide additional buffering through additional landscaping, fencing or wall treatments, should the surrounding homeowner's association requests it. The Preliminary Master Plan has also been designed to provide large scenic lakes in certain locations adjacent to existing neighborhoods as well as along the southern portions of the new community. These large lakes are strategically located adjacent to some of the taller existing condominiums. The lakes will provide scenic

views, as well as natural foraging areas in littoral plantings for native bird species. The lakes will serve as natural buffers with the surrounding communities.

Finally, the applicant design team has designed the plan to include site planning techniques such as single loading roadways and distributing open space in key locations to minimize impact to surrounding communities and provide more separation / setback between existing homes and proposed homes. These details will be evident upon submission of the Final Subdivision Plan. The Conceptual Site Plan will continue to be refined as part of the ongoing community outreach efforts. Please reference the Visual Impact Analysis document regarding details regarding how the referenced site plan techniques have been utilized in certain location. Cross sections indicate locations where golf course views are proposed to be replaced with new proposed lakes. Also, the Visual Impact Analysis report also contains a summary of historical permit research for many of the existing residential homes.

d. May offer limited commercial uses for the population of the PUD;

No commercial uses are proposed within the new residential community. The Lake Worth corridor provides much non-residential / commercial uses to support the new residential community.

e. Establish neighborhood character and identity;

The proposed new residential community is compatible with the surrounding existing residential communities. In certain locations of the new residential community, proper planning techniques such as locating open space adjacent to areas where adjacent residents have expressed concern from community outreach efforts were designed and located. Finally, certain existing waterways were preserved and integrated within the design of the new residential community in order to address comments from adjacent existing homeowners from community outreach efforts and to provide additional separation.

Character and identity of the new neighborhood will be established by a common architectural theme. The proposed homes will be designed with similar architectural styles and theme in order to provide consistency and design harmony. Proposed homeowner's association documents will provide for regulations that will inhibit architectural monotony as well, so that no two units will be the same either next to each other or directly across from each other. Site furnishings, such as community monument signs, will be designed to be architecturally compatible with the proposed homes further providing for character and theming.

f. Preserve the natural environment to the greatest extent possible; and

The subject property is an existing operational golf course and the surrounding area is an existing residential community in existence since

the 1970's. Per the Environmental Assessment report, the natural environment has been altered with this development. No native upland habitats exist within the affected area due to the existing altered condition. However, existing native tree species are addressed within the tree survey included within this application package. The tree survey will indicate how any native vegetation will be preserved, relocated or mitigated to the greatest extent possible. Specimen trees will be preserved in place in certain locations.

Two locations preserve existing native specimen trees. The first is a stand of native specimen pines and understory in the north quadrant of the property. The second is a stand of native specimen pines along the south, which have been incorporated into the design as a tree island area, within the large lake along the south of the property.

- 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.**

The new residential community is in a location which has many existing public resources and access to civic uses and public facilities. Lake Worth Road is Palm Tran bus route #62. There are two existing bus stops along the north frontage of the property on Lake Worth Road providing multi-modal opportunities to existing civic and public facilities.

The applicant is seeking the cash out option with Palm Beach County PREM for the civic site requirement. However, per the request of PREM a parcel has been designated on the Preliminary Master Plan for civic use. The proposed location is within Pod A just south of Lake Worth Road. Upon cashing out this civic site location will no longer be necessary in the indicated location on the Preliminary Master Plan. The underlying use is residential in the event the Civic Pod is cashed out or located offsite.

P.U.D. Required Performance Standards

The affected area will meet or exceed the Required Performance Standards for a P.U.D. pursuant to Article 3 Chapter E Section 2.B.2 as indicated below:

- 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.

The proposed new residential community has been designed to meet this requirement. Neighborhood parks, such as passive open areas or dog parks, have been located in key locations to address this U.L.D.C. requirement. Recreation Pods have been distributed as well throughout the neighborhoods to provide ease of access by pedestrian or bicycle connections. The property configuration has resulted in a better distribution

of recreational opportunism as opposed to a central recreation pod which may be further from certain homes. As opposed to one central Rec Pod, the three neighborhoods were designed in order to have their own Rec Pod which will include a pool and cabana area.

b. Focal Points

A focal point shall be provided at the terminus of 15% of the streets in the project. The focal point may be in the form of a plaza, fountain, landscaping, or similar amenity deemed acceptable to the DRO. The focal point shall not be located on a private residential lot.

Focal points have been included within the design at key locations to meet this requirement. These focal points will either be located at the end of roadways, key intersections or location of open spaces at intersections to provide visual interest. These focal points will add interest as well as slow down internal vehicular access. Please refer to Preliminary Regulating Plan, sheet PRP.13, for details on location of focal points. In addition, fountains will be located in certain lakes within the new residential community to add interest.

c. Neighborhood Park

Neighborhood parks shall have a direct connection to the pedestrian system and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity. Neighborhood parks shall not be used toward the Parks and Recreation Departments minimum recreation requirements and shall not be located within areas designated for drainage, stormwater management or other utility purposes.

Several neighborhood parks have been located within the new residential community. Uses such as passive recreation or dog parks will be programmed into the amenity package for these neighborhood parks. Preserve areas will also offer passive recreational opportunities as neighborhood parks. All neighborhood parks have been designed to exceed the minimum .10 - acre requirement as well as the minimum dimensional requirements per code.

The Preliminary Master Plan does have areas designated for dry detention, but none of these areas have been counted towards the minimum park's requirement. Open space tracts that do not meet the minimum dimensional criteria for neighborhood parks will still be programmed as usable open space tracts for passive recreational opportunities.

d. Decorative Street Lighting

Decorative street lights shall be provided along the development entrances.

Street lighting will be provided within the new residential community in accordance with this U.L.D.C. requirement.

e. Decorative Paving

Decorative pavers shall be provided along the development entrances.

Decorative pavers will be provided at each primary vehicular entrance into each new residential neighborhood in accordance with this U.L.D.C. requirement. The use of pavers will add interest but will also serve to slow down traffic as one ingresses and egresses into the new residential neighborhoods. Please refer to the Preliminary Regulating Plan Sheet 1 and 2 for details.

f. Fountains

A minimum of one fountain shall be located in the main or largest lake or water body.

Fountains will be provided in certain lakes in accordance with this U.L.D.C. requirement.

g. Benches or Play Structures

Benches or play structures shall be provided in usable open space areas and along pedestrian pathways.

Several recreational pods, neighborhood parks and usable open space areas have been located within the new residential community. Uses such as passive recreation or dog parks have been programmed into the amenity package for these areas. All neighborhood parks have been designed to exceed the minimum .10-acre requirement as well as the dimensional requirements required by code. Any open space areas that do not meet the dimensional criteria, will be utilized and programmed as usable open space areas. Certain neighborhood parks and usable open space areas will be programmed for passive recreational uses. Benches with shade will be provided in certain locations.

h. Interspersed Housing

WFH units shall be interspersed with market rate units within a pod.

The Limited Incentive Option of the Palm Beach County Workforce Housing Program has been applied to this project. All the workforce units will be priced in the lowest two categories (Low and Moderate 1). The workforce housing units will be onsite for sale units, and will be compatible with the market rate units onsite. The proposed residential community is required to include eleven (11) workforce housing units within the community. The workforce housing units will be located within the townhome parcels, possibly within Pod A just south of Lake Worth Road.

i. Pedestrian Circulation System

An interconnected pedestrian sidewalk, path or trail system shall be provided linking pods to recreational amenities within the development.

The proposed development provides for a continuous, non-vehicular circulation system that connects all areas of the residential community, internally and to external surrounding public non-vehicular circulation systems. Recreational amenities and neighborhood parks are accessible from this consistent continuous non-vehicular circulation system. Internal

walkways will connect to surrounding existing walkways, which will then connect north to Lake Worth Road. There are two existing Palm Tran stops along the frontage of the property, which provides for multi-modal transportation opportunities and takes vehicular trips off of surrounding roadways.

Modification to Reduce or Reconfigure Existing Golf Course

The proposed application for the affected area will meet the requirements of Article 3 Chapter E Section 1.E.3 as indicated below:

a. Notice to Homeowners

At the time of submitting the zoning application to amend the Master Plan, the applicant shall provide documentation that the residents of the PUD, as outlined in the latest PBC Property Appraisal list, were notified by certified mail, and shall post notice as may be allowed at appropriate common areas within the PUD. The notice mailed and posted shall describe the applicant's request to reconfigure the boundaries of the golf course. The applicant shall provide a copy of this notice to the Zoning Division and shall verify that the notice was provided as required by this section. The applicant shall further provide documentation of all additional efforts to inform association membership of the proposed golf course reconfiguration. Minutes of any association membership meeting, including the results of any vote concerning the applicant's request, as may be required by the Association, shall also be provided to the Zoning Division for inclusion in ZC and BCC staff reports.

A mailing of the submittal of the application has been completed and is included within this application package. In addition, notice signs were also posted as verified by the included photos within the application package. The property was posted on Friday April 17, 2020. The application notice letters were sent out certified mail with return receipt also on Friday April 17, 2020. Outreach efforts have been ongoing and completed with the Lucerne Lakes homeowners' associations. There are a total of nine (9) associations and meetings have been occurring since March 2019. A complete synopsis is provided below. In addition, within this package our team has included the sign in sheets and meeting minutes from each meeting. As the application is resubmitted, the latest meeting minutes will be included for the latest outreach meetings held.

Finally, a website – www.forest-oaks.net – has been established for application transparency. This website is an excellent tool which provides residents from outreach meetings and the community can email specific comments. Team members provide responses and additional information as the email responses are posted within the website. Finally, this website also provides existing residents the ability to download and view all submittals and resubmittals to Palm Beach County. This includes posting of the latest comments from County staff as well.

b. Reduction of Open Space or Recreation

The applicant shall provide justification and documentation that the golf course land areas to be reduced in acreage or the reconfiguration of boundaries will not result in a reduction in required open space for the development. If a previously approved development was subject to zoning regulations for open space or recreation that have since been amended, the applicant shall outline how the affected area for the proposed development complies with current ULDC requirements, while demonstrating that the unaffected area is consistent with the requirements in place at the time of the original or amended approval.

The original Lucerne Lakes P.U.D. was approved on December 10, 1970 as a Conditional Use P.U.D. A copy of the historical documentation researched is included as Exhibit 1 of this Justification Statement. At the time of this approval, the County's code did not have any requirements for open space or recreational requirements. A summary of research of the past Palm Beach County Codes, that this application was originally approved under, is provided below.

In May 13, 1957, Zoning Resolution Number 03-57, established the official zoning plan for Palm Beach County per the authority contained in Chapter 3119, House Bill #205 Laws of Florida Special Acts of 1955. This code established nine (9) zoning districts within Palm Beach County. At this time, the R-2 Multiple Family Dwelling District was established. This district permitted single family homes, two family dwelling structures, multiple family dwelling structures, accessory uses, boarding and lodging houses. This is the category that would most likely have been the designation for the original Lucerne Lakes development as the application was prepared for filing in the past.

Within the code established by Resolution 03-57, there is a definition section. There is no specific definition of open space. However, there are terms which do reference yard areas and open space. See below for excerpt of the definitions in which open space is referenced.

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this resolution including one (1) main building, together with its accessory buildings, the yards areas and parking spaces required by this resolution and having it principal frontage upon a legally constituted access.

Yard: An open space at grade between a building and the adjoining lot line, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depths of a rear yard, the minimum horizontal distance between the lot line and the main buildings shall be used.

In addition, within Section E. Restrictions Upon Land, Buildings and Structures, under sub bullet 3 and 4, open space is further expounded upon as being the open areas around a building. See below.

3. Percentage of Lot Occupancy. No building or structure shall be erected, nor shall any existing building or structure be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any buildings or structure be encroached upon or reduced in any manner, except in conformity with the building site requirements and the area and parking space and yard regulations established by this resolution or amendments thereto for the district in which building or structure is located.

4. Open Space Use Limitation. No yard or open space provided about any building or structure for the purpose of complying with the regulations of this resolution or amendments thereto shall be considered as providing a yard or open space for any other buildings or structure.

In June 24, 1957, Zoning Resolutions 3A – 57 and 3B – 57 amended certain sections of the code and further memorialized the Zoning code requirements. As referenced in the research summarized above, the 1957 code did not explicitly require a site have a certain percentage of open space. Rather, it only defined and specified that yard areas around a structure are considered open space. Subsequent code amendments occurred in 1959. On June 5, 1959 Zoning Resolution #3-BB-59 amended Section 5.C.9 of the code to expound upon and add additional golf course uses, such as regulation 9 and 18 holes, par 3 courses and the supporting infrastructure. On November 6, 1959, Resolution #3-PP-59 was passed and amended Section 4.6.1.c of the code to provide for flexibility in yard requirements when abutting dedicated street, roads, or highways of 60' or more in width. In conclusion, with the additional amendments memorialized in subsequent Resolutions, open space was considered to be the yard area around a structure and no minimum site requirements were indicated.

On July 3, 1969, per Zoning Resolution number 3-Y-69, the Planned Unit Development (PUD) was added to the code. The intent of the Planned Unit Development was to provide design latitude for the site planner and to provide more opportunities for builders and developers. The PUD was allowed to be approved and permitted as a Conditional Use to the existing Zoning Districts within Palm Beach County. The property development regulations indicated within the PUD provided for setbacks, parking requirements, maximum area, and other standards to be utilized within PUDs. The Resolution did not indicate minimum open space requirements for a development site. Since the original Lucerne Lakes master plan was approved in 1970, it is likely that it was originally designed under the 1969 code and possibly even the 1957 code summarized above. Further proving that the master plan was not designed with the intent of the golf course to meet any required minimum open space requirements for the property.

On October 21, 1971, Zoning Resolution number R-71-418 was adopted and amended the Planned Unit Development section of the code. The Resolution amended the PUD code section to include the R-2A Zoning Category as an allowable Zoning District in which a PUD could be permitted as a Conditional Use. This Resolution did not amend the code to add any minimum open space requirements for a development site. Therefore, as of 1971 the Lucerne Lakes application was still approved under a code which did not require a minimum amount of open space.

On February 2, 1973, Ordinance number 73 – 2 was adopted and affectively was designated as the Zoning Code of Palm Beach County, Florida. It was not until the adoption of this code that open space calculations were indicated as a requirement within the code. Within Section 500.21 Planned Unit Development under Section H, it was required that Planned Unit Developments have of 35% of the gross area of a site for open space. In addition, under Section I and J details of the computation of what areas can count towards the 35% minimum is indicated. Still the original Master Plan was approved under the previous codes discussed above and did not have any minimum open space requirements within the Site Data. A Master Plan Amendment was completed in April 1978 and it was at this point that open space was indicated within the site data. No requirements or minimums were indicated, only a total acreage.

Subsequent to this master plan approval, a series of plats were recorded in the 1970's and 1980's. Each of the recorded plats for the existing residential neighborhoods has a tabular calculation for open space. However, the plats do not show either the golf course or open space tracts counting towards this open space tabulation. The open space, on each of the recorded plats, is calculated by the green areas around residential lots, parking islands or other green areas indicated within each of the relevant plats. Certain plats do count existing drainage areas, open areas and recreation parcels towards the open space calculations. However, these are internal open areas and the private recreational areas that exist today for each of the existing residential communities; none of which is golf course areas.

The existing Lucerne Lakes PUD Master Plan, NPN-09, that was originally approved in 1970 indicates an open space acreage of 160 acres. As indicated previously, there was no minimum requirement for open space when this property was originally approved. This open space area on the master plan included the golf course area (79 – acres). The site data actually does not add up to 273.50 acres as certain areas may have been double counted.

Upon being platted in the late 1970's and even with the most recent golf course plat recorded in 2000, the master plan was never updated, administratively through Palm Beach County, to indicate the actual platted acreages for all areas to match the plats. The residential areas, water management areas, rights of way and open space calculations were never updated to match the actual platted acreages. Therefore, discrepancies

exist between the master plan on file and the actual platted acreages.

The Preliminary Master Plan, PRP.1, submitted with this application, attempts to reconcile and match all acreage areas to what is in the public record as the recorded plats for the entire Lucerne Lakes PUD, inclusive of the golf course plat. The platted acreages provide more insight as to the methodology of how open space was calculated in the code in the place at the time of the original approval. Open space areas were noted in the recorded plats as residential yards, green areas / foundation plantings around condominiums, landscape islands in parking areas, common areas and buffers. A summary of all of the residential plats is provided below starting with the first plat recorded within Lucerne Lakes. As indicated below, many of the recorded plats provide a tabulation of the entire platted acreage. In most cases the plat acreage is comprised of residential lot area square footage and rights of way. Certain plats will have other common areas or private recreation areas indicated within the tabulation. It is important to note that these plats note open space separately, and not within the overall tabular data. The reason why is that the residential lot areas (included within the tabular data) is used for open space calculation and not 'double counted.' A spreadsheet has been provided to Zoning by the applicant design team, which further summarizes all of the recorded plats for the property and further indicates that a portion of residential lot area also includes open space areas.

1. Lucerne Lakes Homes, Village I Plat Book 33, Page 29 – Recorded June 9, 1977
 - i. Total Area = 3.143 Ac.
 1. Area of lots = 2.285 Ac.
 2. Area of R.O.W.'s = .858 Ac.
 - ii. Total dwelling units = 19
 - iii. * Open space this plat = 1.09 Ac.
 1. * 19 residential lots are shown, along with the right of way. There is no large open space tract. Open space calculated per 1957 – 1969 code which is open areas around structures. No minimum requirement for open space is indicated.
2. Lucerne Lake Home, Village I First Addition Plat Book 33, Page 31 – Recorded June 9, 1977
 - i. Total area = 6.456 Ac.
 1. Area of lots = 3.843 Ac.
 2. Area of road R.O.W.'s = 1.341 Ac.
 3. Area of lake Tract 'A' = 1.272 Ac.
 - ii. Total dwelling units = 31
 - iii. * Open space this plat = 3.98 Ac.
 1. * 31 residential lots are shown, along with the right of way. The plat indicates 1.272 acres of lake. Open space calculated per 1957 – 1969 code which is open areas around structures. In this plat, it is feasible that the lake tract 'A' is included in the open space calculations. No minimum

requirement for open space is indicated.

3. Lucerne Lakes Homes Village I, Second Addition, Plat Book 33, Page 107 – Recorded September 8, 1977
 - i. Total area = 4.14 Ac.
 1. Road R.O.W.'s = 1.09 Ac.
 2. Base Residential Area = 3.05 Ac.
 - ii. Total dwelling units = 25
 - iii. * Open space this plat = 2.37 Ac.
 1. * 25 residential lots are shown, along with the right of way. There is no large open space tract. Open space calculated per 1957 – 1969 code which is open areas around structures. No minimum requirement for open space is indicated.
4. Lucerne Lakes Homes, Village I Third Addition, Plat Book 33, Page 182 – Recorded December 15, 1977
 - i. Total area = 10.3657 Ac.
 1. Road R.O.W.'s = 2.6953 Ac.
 2. Base Residential Area = 7.6704 Ac.
 - ii. Total dwelling units = 53
 - iii. * Open space this plat = 7.8836 Ac.
 1. * 53 residential lots are shown, along with the right of way. There is no large open space tract. Open space calculated per 1957 – 1969 code which is open areas around structures. No minimum requirement for open space is indicated.
5. Lucerne Lakes Homes, Village I Fourth Addition, Plat Book 34, Page 151 – Recorded May 4, 1978
 - i. Total area = 6.669 Ac.
 1. Road R.O.W.'s = 1.942 Ac.
 2. Base Residential Area = 4.720 Ac.
 - ii. *Total dwelling units = 50
 1. *Actual number of units counted on plat = 35 lots.
 - iii. ** Open space this plat = 4.258 Ac.
 1. ** 35 residential lots are shown, along with the right of way. Tract C (+/- .15 Ac.) and D (+/- .14 Ac.) are indicated within the plats for parking purposes. Tract D contains a lift station as well. Besides these two tracts which may have been counted towards open space, there are no other large open space tract. Open space calculated per 1957 – 1969 code which is open areas around structures. No minimum requirement for open space is indicated.
6. Lucerne Lake Homes, Village I Fifth Addition, Plat Book 34, Page 167 – Recorded May 18, 1978
 - i. Total area = 8.67 Ac.
 1. Road R.O.W.'s = 1.72 Ac.
 2. Base Residential Area = 6.95 Ac.

- ii. Total dwelling units = 41
 - iii. * Open space this plat = 6.70 Ac.
 - 1. * 41 residential lots are shown, along with the right of way. There is no large open space tract. Open space calculated per 1957 – 1969 code which is open areas around structures. No minimum requirement for open space is indicated.
- 7. Lucerne Lakes Homes, Village I Sixth Addition, Plat Book 35, Page 76 – Recorded August 24, 1978
 - i. Total area = 5.777 Ac.
 - 1. Road R.O.W.'s = 1.483 Ac.
 - 2. Base Residential Area = 4.294 Ac.
 - ii. Total dwelling units = 32
 - iii. * Open space this plat = 3.47 Ac.
 - 1. * 32 residential lots are shown, along with the right of way. Tract B (+/- .43 Ac.) is a recreational tract, which contains tennis courts. This tract should count towards the open space calculation within this plat. The other areas are the open areas around structures, per 1957 – 1969. No minimum requirement for open space is indicated.
- 8. Lucerne Lakes Homes Village II First Addition Plat Book 36, Page 155 – Recorded February 22, 1979
 - i. Total area = 9.434 Ac.
 - 1. Road R.O.W.'s = 1.006 Ac.
 - 2. Access ways = .820 Ac.
 - 3. Lots (51) = 7.608 Ac.
 - ii. Total dwelling units = 51
 - iii. * Open space this plat = 4.717 Ac.
 - 1. * 51 residential lots are shown, along with the right of way. There is no large open space tract. Open space calculated per 1957 – 1969 code which is open areas around structures. No minimum requirement for open space is indicated.
- 9. Lucerne Lakes Homes Village II Second Addition, Plat Book 37, Page 75 – Recorded April 10, 1979
 - i. Total area = 4.345 Ac.
 - 1. Road R.O.W.'s = 0.000 Ac.
 - 2. Access ways = .430 Ac.
 - 3. Lots (18) = 3.087 Ac
 - 4. Recreation Area = .828 Ac.
 - ii. Total dwelling units = 18
 - iii. * Open space this plat (Rec Area) = .828 Ac.
 - 1. * 18 residential lots are shown, along with the right of way. The only open space tracts within the plat is the .828-acre recreation parcel. No other open space area is referenced. No minimum requirement for open space is indicated.

10. Lucerne Lakes Homes Village II Third Addition Plat Book 37, Page 190 –
Recorded July 26, 1979

- i. Total area = 8.73 Ac.
 - 1. Road R.O.W.'s = .63 Ac.
 - 2. Access ways = .90 Ac.
 - 3. Lots (51) = 7.12 Ac
 - 4. Tract A = .04 Ac.
 - 5. Tract B = .04 Ac.
- ii. Total dwelling units = 51
- iii. * Open space this plat = 4.70 Ac.
 - 1. * 51 residential lots are shown, along with the right of way. The only open space tracts within the plat is Tract A and Tract B, which are two twenty (20) – foot tracts for golf course access as well as utility and drainage easement areas. Both tracts are 1,800 s.f. in size. Open space calculated per 1957 – 1969 code which is open areas around structures. No minimum requirement for open space is indicated.

11. Villas at Lucerne Lakes Plat Number 1, Plat Book 38, Page 3 – Recorded
August 7, 1979

- i. Total area = 4.46 Ac.
 - 1. Road R.O.W.'s = .51 Ac.
- ii. Total dwelling units = 33
- iii. * Open space this plat = 2.56 Ac.
 - 1. * 33 residential lots are shown, along with the right of way. The only open space tracts within the plat are Tract A - Tract C. Tract A - C are for drainage purposes and is the internal areas counted towards the open space calculation. No minimum requirement for open space is indicated.

12. Villas at Lucerne Lakes Plat Number 2, Plat Book 38, Page 167 – Recorded
December 6, 1979

- i. Total area = 5.48 Ac.
 - 1. Road R.O.W.'s = .56 Ac.
- ii. Total dwelling units = 36
- iii. * Open space this plat = 3.42 Ac.
 - 1. * 36 residential lots are shown, along with the right of way. The only open space tracts within the plat are Tract A - Tract F and Tract G (+/- .21 Ac.). Tract A - F are for drainage purposes and Tract G is for recreational purposes. These are the internal areas counted towards the open space calculation. No minimum requirement for open space is indicated.

13. Sunrise of Palm Beach Plat Number 1, Plat Book 39, Page 88 – Recorded March 13, 1980

- i. Total area = 17.531 Ac.
 - 1. Tract A R.O.W. = 4.208 Ac.
 - 2. Tract B R.O.W. = .349 Ac.
 - 3. Tract C Recreation Area = 3.975 Ac.
 - 4. Tract E Residential Housing Area = 5.223 Ac.
 - 5. Tract F Residential Housing Area = 3.098 Ac.
 - 6. Tract G Parking Area = .431 Ac.
 - 7. Open Area (Portion of Tract D) = .247 Ac.
- ii. Total dwelling units = 160
- iii. * Open space this plat = 11.744 Ac.
 - 1. The plat is a condominium and is therefore a boundary plat. The plat is broken down into tracts designated residential, parking and recreation. Tract C Recreation Area is counted towards the open space area. The portion of Tract D, which is a 25' buffer zone, is also counted towards the open space calculation. The remaining areas are the open areas around the residential structures, inclusive of open areas in parking tracts, since the 11.744-acre calculation is high. It can be deduced that the parking areas may also be counted. No minimum requirement for open space is indicated.

14. Sunrise Of Palm Beach Plat Number 2, Plat Book 43, Page 51 – Recorded September 17, 1981

- i. Total area = 28.926 Ac.
 - 1. Tract A R.O.W. = 1.550 Ac.
 - 2. Tract B R.O.W. = 1.520 Ac.
 - 3. Tract C Residential Housing Area = 21.445 Ac.
 - 4. Tract D Residential Housing Area = 3.786 Ac.
 - 5. Tract D Parking Area = .592 Ac.
 - 6. Open Space = .033 Ac.
- ii. Total dwelling units = 656
- iii. * Open space this plat = .033 Ac.
 - 1. The plat is a condominium and is therefore a boundary plat. The plat is broken down into tracts designated residential, and parking. The plat labels the Golf Course around this plat and indicates a note, "Not Part of this Plat" for all golf course areas adjacent. No open space tracts are indicated within the plat. It can be deduced that the small open space area is open areas within parking areas and possible around residential structures. No minimum requirement for open space is indicated.

15. Lucerne Lakes Golf Colony Plat Book 44, Page 158 – Recorded September 3, 1982

- i. Total area = 24.3 Ac.
 - 1. Building Coverage = 4.5 Ac.
 - 2. Uncovered Parking & Access Roads = 5.7 Ac.
 - 3. 1 / 2 Recreation Area = .5 Ac.

- 4. Road R.O.W.'s = 3.4 Ac.
- ii. Total dwelling units = 448
- iii. * Open space this plat = .10.2 Ac.
 - 1. 1 / 2 Recreation Area = .5 Ac.
 - 2. Remaining Area = 9.7 Ac.
 - 3. The plat is a condominium and is therefore a boundary plat. The plat is broken down into tracts designated for residential, roadway and two (2) recreation tracts. Besides the two recreational tracts, there are no other open space tracts designated. Therefore, it can be deduced that the "Remaining Area" of 9.7 acres is open areas within parking areas and around residential structures. No minimum requirement for open space is indicated.

16. Lucerne Lakes Golf Colony II, Plat Book 52, Page 4 – Recorded September 5, 1985

- i. Total area = 18.953 Ac.
 - 1. Building Coverage = 3.09 Ac.
 - 2. Streets & Uncovered Parking = 6.48 Ac.
 - 3. Water Bodies = 0.00 Ac.
 - 4. Parks = 0.00 Ac.
- ii. Total dwelling units = 248
- iii. * Open space this plat = .9.42 Ac.
 - 1. The plat is a condominium and is therefore a boundary plat. The plat is broken down into tracts designated for residential, roadway and one open space Tract H. Besides Tract H, there are no other open space tracts designated. Therefore, it can be deduced that the 9.42 acre, less Tract H, is open areas within parking areas and around residential structures. No minimum requirement for open space is indicated.

17. Lucerne Pointe Phase III-C-3, Plat Book 62, Page 118 – Recorded April 7, 1989

- i. Total area = 15.11 Ac.
- ii. Total dwelling units = 252
- iii. * Open space this plat = .9.42 Ac.
 - 1. The plat is a condominium and is therefore a boundary plat. The plat is broken down into tracts designated for residential, roadway, open space and recreation. The plat does not provide for a tabular data breakdown of the indicated tracts. Tract K is for recreational purposes. Tracts L, M and N are open space tracts. Since there is not an open space breakdown, it can be deduced that these are the open space areas, as well as the open areas around the residential structures. No minimum requirement for open space is indicated.

In conclusion, the purpose of the review and analysis of all of the residential plats is to provide evidence that the golf course was never counted towards the open space calculations of the existing Lucerne Lakes residential communities. In addition, the review of the plats also provides evidence that the residential community was developed under the original Palm Beach County code that the original master plan was approved under. There was no minimum requirement for open space for each of the neighborhoods / plats.

Aside from the residential plats, the three recorded golf course tracts were also reviewed to provide additional evidence that the golf course areas are not dedicated to any of the adjacent residential plats for enjoyment, recreational or any other easement / usage rights. The recorded plats, as well as their dedication language is summarized below. See below for details.

18. Plat Number 1 Lucerne Lakes PUD, Plat Book 30 Page 41 – Recorded May 22, 1973

- i. Total area = 5.354 Ac.
 - 1. Dedicated R.O.W. = .390 Ac.
 - 2. Green Area = 4.964 Ac.
- ii. Total dwelling units = 0
- iii. The plat is for the golf course and is therefore a boundary plat. The dedicated right of way referred to in the plat site data is for Tract A, which is for private roadway purposes and is for Lucerne Lakes Boulevard connection to Lake Worth Road. Tract A is dedicated to the Lucerne Lakes Master Condominium Association and is perpetual maintenance obligation of the same. The golf course tract is not dedicated to any particular entity on the plat, nor does it contain any usage, open space or recreational easement rights to adjacent residential plats.

19. Plat Number 2 Lucerne Lakes PUD, Plat Book 32, Page 191 – Recorded April 28, 1977

- i. Total area = 19.11 Ac.
 - 1. Tract A (Roadway) = 6.64 Ac.
 - 2. Recreation = 12.47 Ac.
- ii. Total dwelling units = 0
- iii. The plat is for the golf course and is therefore a boundary plat. The golf course is labeled as recreation area on the plat. The Tract A roadway referred to in the plat site data is for is for private roadway purposes and is a segment of Lucerne Lakes Boulevard. Tract A is dedicated to the Lucerne Lakes Master Condominium Association and is perpetual maintenance obligation of the same. The golf course tract is designated as recreation tracts and is reserved in perpetuity for the purposes of recreation. Said recreation tracts are the perpetual maintenance obligation of the owners, their assigns or transferees. The designation as a recreation area is not dedicated to any other entity besides the land owner of the golf course, nor does it contain any usage, open space or recreational easement rights to adjacent residential plats. Should the golf course be approved to be repositioned as a residential community, a replat

by the successor in interest will amend and supersede the recreation designation with residential designation.

20. Lucerne Lakes Golf Course, plat Book 87, Page 184 – Recorded April 17, 2000

- i. Total area = 62.353 Ac.
 - 1. Tract A (Roadway) = 6.64 Ac.
 - 2. Recreation = 12.47 Ac.
- ii. Total dwelling units = 0
- iii. The plat is for the remaining portions of the golf course not platted and is therefore a boundary plat. The golf course Tracts GC-1 through GC-E are indicated as being reserved for the original owner, Florida Gardens Land Development Company, its successors and assigns for golf purposes. In addition, the dedication also indicates that it is the perpetual maintenance obligation of the owners, its successor and assigns without recourse to Palm Beach County. The dedication does not list any other entity besides the land owner of the golf course, nor does it contain any usage, open space or recreational easement rights to adjacent residential plats. Should the golf course be approved to be repositioned as a residential community, a replat by the successor in interest will reposition these golf course tracts to residential tracts.

Finally, per the current Palm Beach County Code the required minimum PUD 40% open space requirement only applies to the affected area of this application which is the golf course (+/- 79 acres). The surrounding existing residential communities will remain consistent with the requirements of the code at the time of the original approval. The affected area / this application will comply with the open space requirements of the current code.

d. **Visual Impact Analysis Standards**

1. **Visual Analysis**

To assess the compatibility and impact of a proposed reconfiguration of the golf course on adjacent properties, the applicant shall submit a Visual Impact Analysis.

2. **Methodology**

The Visual Impact Analysis shall be prepared and sealed by an architect, engineer, landscape architect, or surveyor registered in the State of Florida. Digital imaging technology may be utilized to prepare the analysis, in a manner acceptable to the Zoning Director. In addition, non-digital methods may be required by the Zoning Director in order to implement the intent and purpose of this Section. The non-digital method shall, at a minimum, provide or include the information listed below.

- a. The location of the proposed structures/buildings illustrated upon an aerial photograph at a scale of not more than one-inch equals 300 feet (one inch"=300'). All adjacent structures/buildings located within a 1,000-foot radius of all property lines of the proposed site shall be indicated.

An aerial is included within the application package to comply with this requirement. The aerial includes a Preliminary Conceptual Site Plan layout which indicates proposed locations of residential lots, townhomes and recreational facilities. This conceptual site plan is preliminary in nature. The aerial is also indicated within the Visual Impact Analysis Report included within this application package.

b. A line of site analysis, which shall include the following information:

- (1) Identification of all significant existing natural and manmade features within 1,000 feet of the boundary of the affected area and identification of features that may provide buffering and screening for adjacent properties;**
- (2) Identification of at least three specific points within a 1,000-foot radius of the proposed site, subject to approval by the Zoning Director, for conducting the Visual Impact Analysis;**
- (3) Copies of all calculations and description of the methodology used in selecting the points of view and collection of data submitted in the analysis;**
- (4) Graphic illustration of the visual impact of the proposed structure(s)/building(s) on surrounding development, at a scale that does not exceed five degrees of horizontal distance, presented from the specific identified points; and,**
- (5) Identification of all screening and buffering materials within a designated planting area under the permanent control of the applicant (only screening and buffering materials located within the boundaries of the proposed site shall be considered for the Visual Impact Analysis.)**
- (6) Any other graphic illustrations, such as perspectives, cross sections, or elevations, shall be at a scale consistent with the master/site plan. The Zoning Director may request a scale that is necessary to clearly depict the detail of what the visual analysis is trying to convey to the BCC.**

A Visual Impact Analysis Report is included within the submittal package. This report addresses the code requirements indicated above and is signed and sealed as required. Additional detail sheets have been provided within the Plan Set which provides for cross sections of the area of transition from the existing community with the proposed residential community. Specific detailed site photos

are included within the report as well as attached to the cross sections. The purpose of the photos is to provide a view of the existing golf course condition, in comparison to the proposed residential areas indicated within the cross sections.

The applicant's design team has refined the master planned community, within the affected area, to include large lakes in certain locations as well as along the south portion of the affected area. These lakes were strategically located to provide scenic views and minimize adverse effects on the more intense and dense existing surrounding residential communities. In addition, these large lakes were located in locations in which many of the surrounding existing residential dwellings had golf course views or were high rise buildings. See Preliminary Master Plan for details of the affected area.

Community Outreach efforts Synopsis

Mattamy Homes began its initial Community Outreach efforts starting in March 2019. On March 13, members of Mattamy Homes and Design and Entitlement Consultants met with and presented a brief presentation of the proposed golf course conversion to the leadership council of the Lucerne Lakes Master Association. Comments were provided on the Conceptual Site Plan presented. Questions and concerns were also discussed. On November 20, 2019 an update meeting was completed to the leadership council of the master association. Revisions to the Conceptual Site Plan were presented. Subsequent to this meeting, Mattamy Homes scheduled Community Outreach meetings with each of the eight (8) sub-associations. Below is a brief summary of the dates for each of the meetings. Attached to this Justification Statement are the relevant sign in sheets, as well as minutes from each of the meetings. Mattamy Homes has committed to continuing the Community Outreach efforts as the project progresses in its review by Palm Beach County. As the application progresses and new outreach meetings scheduled, this summary will be updated as well as new minutes submitted for all latest meetings.

As of the July 26, 2021 resubmittal date, Mattamy and the applicant team has successfully secured two (2) Letters of No Objection from adjacent Homeowner's Associations. The first Letter of No Objection is from Lucerne Lakes North Home Association, Inc and is executed by H.O.A. President Mr. Joey Beguiristain and is included within the resubmittal package. Florida Sunbiz information is included within the resubmittal package which indicates Lucerne Lakes North Home Association, Inc. latest legal information including the current president information.

The second Letter of No Objection is from Lucerne Lakes Homeowner's Association, Inc which is the Lucerne Lakes Home South neighborhood. This letter is executed by H.O.A. President Ms. Arlene Stropoli. Florida Sunbiz information is also included within the

resubmittal package as reference. It is the applicant team's goal to have as many Letters of No Objection as public hearings are scheduled.

1. Introductory Community Outreach Meeting #1
 - i. Date: March 13, 2019
 - ii. Location: Forest Oaks Clubhouse
 - iii. Attendance: Master Association Leadership Council
2. Update Community Outreach Meeting #2
 - i. Date: November 20, 2019
 - ii. Location: Forest Oaks Clubhouse
 - iii. Attendance: Master Association Leadership Council
3. Sub-Association Community Outreach Meeting #3
 - i. Date: January 6, 2020
 - ii. Location: 4400 Lucerne Lakes Boulevard
 - iii. Attendance: Lucerne Lakes South Homeowner's Association
4. Sub-Association Community Outreach Meeting #4
 - i. Date: January 7, 2020
 - ii. Location: 4119 Lucerne Lakes Boulevard
 - iii. Attendance: Lucerne Lakes North Homeowner's Association
5. Sub-Association Community Outreach Meeting #5
 - i. Date: January 8, 2020
 - ii. Location: 4119 Lucerne Lakes Boulevard
 - iii. Attendance: Villas at Lucerne Lakes 1 Homeowner's Association
6. Sub-Association Community Outreach Meeting #6
 - i. Date: January 9, 2020
 - ii. Location: 4580 Lucerne Lakes Boulevard
 - iii. Attendance: Sunrise Phase 2 Homeowner's Association
7. Sub-Association Community Outreach Meeting #7
 - i. Date: January 14, 2020
 - ii. Location: 4580 Lucerne Lakes Boulevard
 - iii. Attendance: Fairways Homeowner's Association
8. Sub-Association Community Outreach Meeting #8
 - i. Date: January 15, 2020
 - ii. Location: 4580 Lucerne Lakes Boulevard
 - iii. Attendance: Sunrise Phase 1 Homeowner's Association
9. Sub-Association Community Outreach Meeting #9
 - i. Date: January 16, 2020
 - ii. Location: 4580 Lucerne Lakes Boulevard
 - iii. Attendance: Golf Colony Homeowner's Association
10. Sub-Association Community Outreach Meeting #10
 - i. Date: January 20, 2020
 - ii. Location: 4697 Lucerne Lakes Boulevard
 - iii. Attendance: Lucerne Greens Condominium Association
11. Sub-Association Community Outreach ZOOM Meeting #11
 - i. Date: July 13, 2020
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Lucerne Lakes South Homeowner's Association
12. Sub-Association Community Outreach ZOOM Meeting #12
 - i. Date: July 14, 2020
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19

- iii. Attendance: Lucerne Lakes North Homeowner's Association
- 13. Sub-Association Community Outreach ZOOM Meeting #13
 - i. Date: July 14, 2020
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Lucerne Lakes South Homeowner's Association
- 14. Sub-Association Community Outreach ZOOM Meeting #14
 - i. Date: July 15, 2020
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Lucerne Greens Condominium Association
- 15. Sub-Association Community Outreach ZOOM Meeting #15
 - i. Date: August 24, 2020
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Fairways Club Homeowner's Association
- 16. Sub-Association Community Outreach ZOOM Meeting #16
 - i. Date: August 24, 2020
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Golf Colony
- 17. Sub-Association Community Outreach ZOOM Meeting #17
 - i. Date: August 25, 2020
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Villas at Lucerne Lakes 1 Homeowner's Association
- 18. Sub-Association Community Outreach ZOOM Meeting #18
 - i. Date: August 25, 2020
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Sunrise Phase 1 Homeowner's Association
- 19. Sub-Association Community Outreach ZOOM Meeting #19
 - i. Date: August 26, 2020
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Sunrise Phase 2 Homeowner's Association
- 20. Sub-Association Community Outreach Meeting #20
 - i. Date: October 14, 2020
 - ii. Location: 4401 Lucerne Lakes Boulevard
 - iii. Attendance: Lucerne Lakes Homes North H.O.A.
- 21. Sub-Association Community Outreach Meeting #21
 - i. Date: October 14, 2020
 - ii. Location: 4401 Lucerne Lakes Boulevard
 - iii. Attendance: Lucerne Lakes Homes South H.O.A.
- 22. Update Community Outreach ZOOM Meeting #22
 - i. Date: December 8, 2020
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Community Residents
- 23. Update Community Outreach ZOOM Meeting #23
 - i. Date: December 10, 2020
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Community Residents
- 24. Sub-Association Community Outreach ZOOM Meeting #24
 - i. Date: December 14, 2020
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Lucerne Greens Condominium H.O.A.

25. Update Community Outreach ZOOM Meeting #25
 - i. Date: December 15, 2020
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Community Residents
26. Sub-Association Community Outreach ZOOM Meeting #26
 - i. Date: January 14, 2021 at 4 pm
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Lucerne Lakes Homes South President Mr. Ed Hinkle
27. Sub-Association Community Outreach ZOOM Meeting #27
 - i. Date: January 22, 2021 at 1:00 pm
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Sunrise Phase 2 Condominium Association Board Members and President Mr. Tony Vassallo
28. Sub-Association Community Outreach ZOOM Meeting #28
 - i. Date: January 26, 2021 at 5:00 pm
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Lucerne Lakes Homes North President Mr. Scott Carter
29. Sub-Association Community Outreach ZOOM Meeting #29
 - i. Date: January 27, 2021 at 3:30 pm
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Fairway Club Condominium President Ms. Marilyn Levine
30. Sub-Association Community Outreach ZOOM Meeting #30
 - i. Date: February 10, 2021 at 4 pm
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Lucerne Greens Condominium President Ms. Kathleen Prodan, Attorney and Board Members
31. Sub-Association Community Outreach ZOOM Meeting #31
 - i. Date: February 11, 2021 at 3 pm
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Golf Colony Condominium President Ms. Carol Coughlin, Sub-Association Presidents and Board Members
32. Sub-Association Community Outreach ZOOM Meeting #32
 - i. Date: February 24, 2021 at 3 pm
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Lucerne Lakes Master Association President and the Villas at Lucerne Lakes President Mr. Joel Duberstein
33. Sub-Association Community Outreach Meeting #33
 - i. Date: March 16, 2021 at 2:30 pm
 - ii. Location: Clubhouse 4580 Lucerne Lakes Blvd.
 - iii. Attendance: Fairway Club President Mr. Sol Skolnick, Board Members and residents
34. Sub-Association Community Outreach Meeting #34
 - i. Date: March 30, 2021 at 4:00 pm
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Lucerne Greens President Ms. Anne Damico, Board Members and residents

35. Sub-Association Community Outreach Meeting #35
 - i. Date: April 5, 2021 at 6:00 pm
 - ii. Location: N/A. Virtual ZOOM Meeting Due to COVID-19
 - iii. Attendance: Lucerne Home North H.O.A. President Mr. Joey Beguiristain & Board Members
36. Sub-Association Meeting #36
 - i. Date: April 6, 2021 at 1:30 pm
 - ii. Location: Lucerne Lakes Swim Club 4400 Lucerne Lakes Blvd.
 - iii. Attendance: Lucerne Home South H.O.A. President Ms. Arlene Stropoli & Board Members
37. Sub-Association Meeting #37
 - i. Date: April 6, 2021 at 3:00 pm
 - ii. Location: Lucerne Lakes Swim Club 4119 Lucerne Lakes Blvd.
 - iii. Attendance: Lucerne Home North H.O.A. Board Member Ms. Jennifer Bevan
38. Sub-Association Community Outreach Meeting #38
 - i. Date: April 6, 2021 at 4:00 pm
 - ii. Location: Lucerne Greens Clubhouse 4697 Lucerne Lakes Blvd.
 - iii. Attendance: Lucerne Greens H.O.A. President Ms. Anne Damico & Board Members
39. Lucerne Lakes Master Association Board Outreach Meeting #39
 - i. Date: April 19, 2021 at 6:00 pm
 - ii. Location: Forest Oaks G.C. Clubhouse 4401 Lucerne Lakes Blvd.
 - iii. Attendance: Lucerne Lakes Master H.O.A. President Mr. Joel Duberstein, Board Members & Residents
40. Sub-Association Community Outreach Meeting #40
 - i. Date: April 21, 2021 at 6:30 pm
 - ii. Location: Lucerne Lakes Swim Club 4400 Lucerne Lakes Blvd.
 - iii. Attendance: Lucerne Home South H.O.A. President Ms. Arlene Stropoli, Board Members & Residents
41. Sub-Association Community Outreach Meeting #41
 - i. Date: April 26, 2021 at 7:00 pm
 - ii. Location: Lucerne Lakes Swim Club 4119 Lucerne Lakes Blvd.
 - iii. Attendance: Lucerne Home North H.O.A. President Mr. Joey Beguiristain, Board Members & Residents
42. Sub-Association Community Outreach Meeting #42
 - i. Date: May 26, 2021 at 3:30 pm
 - ii. Location: NA. ZOOM Virtual Meeting
 - iii. Attendance: Approximately twelve residents of Golf Colony Community and individual phase Board Members (Mike Kolesnik, Angela Fongemie, Janice Nowicki, Doug Brower, Joel Nova, Sherry Liser, Carol Coughlin)
43. Sub-Association Community Outreach Meeting #43
 - i. Date: June 16, 2021 at 6:30 pm
 - ii. Location: Lucerne Lakes Swim Club 4400 Lucerne Lakes Blvd.
 - iii. Attendance: Lucerne Home South H.O.A. President Ms. Arlene Stropoli, Board Members & Residents
44. Sub-Association Community Outreach Meeting #44
 - i. Date: June 17, 2021 at 6:30 pm
 - ii. Location: Lucerne Lakes Swim Club 4119 Lucerne Lakes Blvd.

- iii. Attendance: Lucerne Home North H.O.A. President Mr. Joey Beguiristain, Board Members & Residents
- 45. Sub-Association Community Outreach Meeting #45
 - i. Date: June 22, 2021 at 6:30 pm
 - ii. Location: N.A. ZOOM Virtual Meeting
 - iii. Attendance: Lucerne Home North H.O.A. President Mr. Joey Beguiristain, Board Members & Residents

Exhibit 1
Historical Approvals

LEGAL AD

PALM BEACH COUNTY ZONING COMMISSION

Notice is hereby given pursuant to authority provided in Chapter 57-1691, Special Laws of Florida 1957 and Chapter 59-1686, Special Laws of Florida 1959 that Public hearings will be held by the Palm Beach County Zoning Commission at 9:00 A.M. Thursday, December 10, 1970, in the Palm Beach County Health Department Auditorium, 826 Evernia Street, West Palm Beach, Florida for the purpose of considering the following requests for Amendment or Supplements to Zoning Resolution No. 3 as amended:

1. The petition of J. COLEMAN ADAMS for the CONDITIONAL USE for the TEMPORARY PARKING OF ONE (1) MOBILE HOME WHILE CONSTRUCTING A SINGLE FAMILY DWELLING on the North 1/2 of the North 2 acres of the East 1/2 of the South 1/2 of the West 1/2 of Tract 7, Block 3, Palm Beach Farms Company's Plat No. 3 in Section 28, Township 43 South, Range 42 East as recorded in Plat Book 2, Page 46. Said property located on the west side of Palmdale Court and 500 feet north of Palmdale Road in an A-1 Agricultural District.
2. The petition of ST. LUCIE LANDS, INC. by ROBERT W. GRIER, PRESIDENT, for the CONDITIONAL USE for the PARKING OF TWO (2) MOBILE HOMES on that part of Section 22 and the North 1/2 of Section 27, Township 42 South, Range 42 East, lying South of the South right-of-way line of the Seaboard Airline Railroad and West of a line running North and South, which line commences at a point located in the North Section line of Section 22, 2,000 feet West of a point at which said North Section line is intersected by the Westerly right-of-way line of Florida's Turnpike right-of-way and which line terminates at a point situated on the East-West 1/2 Section line of said Section 27, 2,000 feet West of a point at which the West right-of-way line of Florida's Turnpike intersects said 1/2 Section line. Said property located on the south side of Bee Line Highway (S. R. 710) approximately .4 mile west of Florida's Turnpike in an A-1 Agricultural District.
3. The petition of ELEANOR W. MOORE by BILLY LEE MOORE, AGENT, for the CONDITIONAL USE for the PARKING OF ONE (1) MOBILE HOME on Tract 17, Block B, Loxahatchee Groves in Section 19, Township 43 South, Range 41 East as recorded in Plat Book 12, Page 29. Said property located on the east side of "B" Road approximately 1.4 miles south of North Road in an A-1 Agricultural District.
4. The petition of STEVEN M. DAVIS for the CONDITIONAL USE for the PARKING OF ONE (1) MOBILE HOME on the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 36, Township 44 South, Range 41 East. Said property located approximately 1/2 mile west of State Road No. 7 and 5 1/2 miles south of State Road No. 80 in an A-1 Agricultural District.
5. The petition of ARCHDIOCESE OF MIAMI RADIO AND TELEVISION COMMISSION by MONSIGNOR JOSEPH H. O'SHEA, DIOCESAN DIRECTOR, for the CONDITIONAL USE FOR A 300 FOOT TELEVISION TOWER on the South 1/2 of the North 1/2 of the Southwest 1/4; the North 1/2 of the South 1/2 of the Southwest 1/4 and the North 1/2 of the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 in Section 35, Township 46 South, Range 4 2 East. Said property located 250 feet north of Clint Moore Road on the west side of L.W.D.D. Equalizing Canal No. 3 in an A-1 Agricultural District.

19. The petition of FLORIDA CONFERENCE OF THE UNITED CHURCH OF CHRIST, INC., by DANIEL H. JONES, AGENT, for the CONDITIONAL USE for a CHURCH AND STRUCTURES APPURTENANT THERETO, on the North 314 feet of the South 495 feet of the Easterly 692 feet of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 14, Township 43 South, Range 42 East. Said property located on the west side of Haverhill Road approximately .4 mile north of 12th Street in an A-1 Agricultural District.
20. The petition of HAROLD L. KEATHLEY, ROBERT J. KEATHLEY AND LEROY PERRYMAN by JAMES E. TRAVELSTEAD, ATTORNEY, for the CONDITIONAL USE to EXTEND A MOBILE HOME PARK on that portion of Tract 76 lying North of Pinecrest Mobile Homes Estates as recorded in Plat Book 26, Page 229, and all of Tracts 44, 57 and 63, Block 22, Palm Beach Farms Company Plat No. 3 in Section 22, Township 44 South, Range 42 East as recorded in Plat Book 2, Page 47. Said property located approximately 600 feet north of Lake Worth Road (S.R. 802) and 150 feet east of Suncrest Road in an A-1 Agricultural District.
21. The petition of PALM BEACH ROAD MATERIALS CORP. by KENNETH M. GERRARD, PRESIDENT, for the CONDITIONAL USE for MINING SHELL on a parcel of land in Sections 4, 5, and 6, Township 47 South, Range 38 East being more particularly described as follows: commencing at the Northeast corner of said Section 6, run on assumed bearing of due South along the East line of said Section 6 for 870 feet to the point of beginning; thence run due East for 9000 feet; thence run due South for 900 feet; thence run due West for 9680 feet; thence run due North for 900 feet; thence run due East for 680 feet to the point of beginning. Said property located approximately 1000 feet east of U. S. 27 and 3.7 miles north of the Broward County line in an A-1 Agricultural District.

→ 22. The petition of FLORIDA GARDENS LAND AND DEVELOPMENT CO. by KARL BEACHLER, PRESIDENT, for the CONDITIONAL USE for a PLANNED UNIT DEVELOPMENT on a parcel of land being a part of Block 29, Palm Beach Farms Company Plat No. 3 in Sections 28 and 33, Township 44 South, Range 42 East as recorded in Plat Book 2, Page 48 and more particularly described as follows: commencing at the Northwest corner of said Block 29; thence running South $89^{\circ} 27' 00''$ East, a distance of 3745.00 feet to the point of beginning; thence continue South $89^{\circ} 27' 00''$ East, a distance of 1350.00 feet to a point; thence run South $00^{\circ} 33' 00''$ West, a distance of 153.00 feet to a point; thence run South $89^{\circ} 27' 00''$ East, a distance of 215.00 feet to the Westerly right-of-way of Charleston Road, as now in use; thence run South $00^{\circ} 33' 00''$ West, along said right-of-way line, and extension thereof, a distance of 5217.00 feet to a point; thence run North $89^{\circ} 27' 00''$ West, a distance of 715.00 feet to a point; thence run North $00^{\circ} 33' 00''$ East, a distance of 220.00 feet to a point; thence run North $89^{\circ} 27' 00''$ West, a distance of 1700.00 feet to a point; thence run North $00^{\circ} 33' 00''$ East, a distance of 100.00 feet to a point; thence run North $89^{\circ} 27' 00''$ West, a distance of 100.00 feet to a point; thence run North $00^{\circ} 33' 00''$ East, a distance of 580.00 feet to a point; thence run South $89^{\circ} 27' 00''$ East, a distance of 100.00 feet to Point "A"; thence run North $00^{\circ} 33' 00''$ East, a distance of 290.00 feet to a point; thence run North $89^{\circ} 27' 00''$ West, a distance of 100.00 feet to a point; thence run North $00^{\circ} 33' 00''$ East, a distance of 980.00 feet to Point "B"; thence continuing North $00^{\circ} 33' 00''$ East, a distance of 424.00 feet to a point; thence run South $89^{\circ} 27' 00''$ East, a distance of 445.00 feet to a point; thence run North $00^{\circ} 33' 00''$ East, a distance of 524.00 feet to a point; thence run North $89^{\circ} 27' 00''$ West, a distance of 200.00 feet to a point; thence run North $00^{\circ} 33' 00''$ East, a distance of 50.00 feet to a point; thence run North $89^{\circ} 27' 00''$ West, a distance of 145.00 feet to a point; thence run North $00^{\circ} 33' 00''$ East, a distance of 244.00 feet to Point "C"; thence continue North $00^{\circ} 33' 00''$ East, a distance of 50.00 feet to a point; thence

run North 89° 27' 00" West, a distance of 100.00 feet to a point; thence run North 00° 33' 00" East, a distance of 708.00 feet to Point "D"; thence continue North 00° 33' 00" East, a distance of 463.00 feet to a point; thence run South 89° 27' 00" East, a distance of 10.00 feet to a point; thence run North 00° 33' 00" East, a distance of 292.00 feet to a point; thence run South 89° 27' 00" East, a distance of 940.00 feet to a point; thence run North 00° 33' 00" East, a distance of 445.00 feet to the point of beginning; said land being subject to the right-of-way for Lake Worth Drainage District Canals L-12, L-13 and L-14; Palm Beach Farms Company platted roads, as recorded in Plat Book 2, Page 48, and less the following parcels as described herein: PARCEL NO. 1: commencing at said Point "B", run South 89° 27' 00" East, a distance of 400.00 feet to the point of beginning; thence continue South 89° 27' 00" East, a distance of 100.00 feet to a point; thence run South 00° 33' 00" West, a distance of 120.00 feet to a point; thence run North 89° 27' 00" West, a distance of 100.00 feet to a point; thence, run North 00° 33' 00" East, a distance of 120.00 feet to the point of beginning; said land being subject to the right of ingress and egress over a strip of land 30.00 feet in width, the centerline of which is described as follows: commencing at said Point "B", run North 00° 33' 00" East, a distance of 15.00 feet to the point of beginning; thence, run South 89° 27' 00" East, a distance of 500.00 feet to the terminus of said centerline; PARCEL NO. 2: commencing at said Point "C", run South 89° 27' 00" East, a distance of 1500.00 feet to the point of beginning; thence continue South 89° 27' 00" East, a distance of 100.00 feet to a point; thence run South 00° 33' 00" West, a distance of 120.00 feet to a point; thence run North 89° 27' 00" West, a distance of 100.00 feet to a point; thence run North 00° 33' 00" East, a distance of 120.00 feet to the point of beginning; said land being subject to the right of ingress and egress over a strip of land 30.00 feet in width, the centerline of which is described as follows: commencing at said Point "C", run North 00° 33' 00" East a distance of 15.00 feet to the point of beginning; thence run South 89° 27' 00" East, a distance of 1600.00 feet to the terminus of said centerline; PARCEL NO. 3: commencing at said Point "D", run South 89° 27' 00" East, a distance of 100.00 feet to the point of beginning; thence continue South 89° 27' 00" East, a distance of 200.00 feet to a point; thence run South 00° 33' 00" West, a distance of 120.00 feet to a point; thence run North 89° 27' 00" West, a distance of 200.00 feet to a point; thence run North 00° 33' 00" East, a distance of 120.00 feet to the point of beginning; PARCEL NO. 4: commencing at said Point "D", run South 89° 27' 00" East, a distance of 700.00 feet to the point of beginning; thence continue South 89° 27' 00" East, a distance of 100.00 feet to a point; thence run South 00° 33' 00" West, a distance of 120.00 feet to a point; thence run North 89° 27' 00" West, a distance of 100.00 feet to a point; thence run North 00° 33' 00" East, a distance of 120.00 feet to the point of beginning. Said property bounded partially on the north by Lake Worth Road (S. R. 802) and bounded on the east by Charleston Street in an R-1 Single Family Dwelling District.

23. The petition of GOSPEL TABERNACLE by REVEREND CLAUDE S. UPTHEGROVE, for the CONDITIONAL USE for a CHURCH AND AP-
PURTENANT STRUCTURES on the Southwest 1/4 of Tract 57, Block 5,
Palm Beach Farms Company Plat No. 3 in Section 34, Township 43 South
Range 42 East as recorded in Plat Book 2, Page 46. Said property lo-
cated on the north side of Wallis Road approximately 1300 feet east of
Tall Pines Road in an A-1 Agricultural District.
24. The petition of W. G. LASSITER, JR., for the REZONING, FROM R-2
MULTIPLE FAMILY DWELLING DISTRICT TO C-1A LIMITED COM-
MERCIAL DISTRICT, of a parcel of land in Tract 23, Model Land
Company's Subdivision of Section 20, Township 44 South, Range 43 East
as recorded in Plat Book 5, Page 79, and more particularly described
as follows: beginning at a point marking the intersection of the North
right-of-way line of Tenth Avenue North and the West right-of-way line
of Florida Mango Road, which point marks the point of beginning of this

LUCERNE LAKES P.U.D.

-SIGNIFICANT DATES-

ORIGINAL

PRESENT

Project Size 278.5 Acres
Number of Units 3395
Density 12.19
Zoning R-1

278.3 Acres
3115
11.2
RM-Residential Multiple Family
(Medium Density)

10/6/70 Original application for Conditional Use - P.U.D. withdrawn.
11/9/70 Revised application for Conditional Use - P.U.D.
12/10/70 Hearing before Zoning Board - approval of Conditional Use - P.U.D.
2/71 Initial Master Plan Submitted.
9/71 County Commission approved inclusion of 5 Additional lots in P.U.D.
3/72 Request for extension of Conditional Use - tabled.
5/31/72 Final Master Plan approved 3395 Units.
6/15/72 County Commission approved extension of Conditional Use P.U.D. - 6 Mos.
11/8/72 Request another extension of Conditional Use P.U.D.
3/16/73 Site Plan & Plat for Plat #1 approved.
4/26/73 Thirty day extension approved by County Commissioners.
5/22/73 Plat #1 filed.
7/30/73 Revised Master Plan approved 3339 Units.
9/24/73 Plat #2 approved.
11/18/75 Plat #3 approved.
5/20/76 Plat #2 filed.
9/8/76 Site Plan for Tract II & Pt of Golf Course approved.
11/10/76 Revised Site Plan for Tract II & part of Golf Course approved.
2/9/77 Revised Site Plan for part of Tract II approved.
4/28/77 Plat #3 filed.
6/8/77 Revised Master Plan approved 3339 Units
6/8/77 Site Plan for Lucerne Lakes Homes, Village I, second addition.
(Part of Tract IIA) approved.
6/8/77 Site Plan for recreation areas in Tract IIB approved.

6/9/77 4th & 5th Plats filed.

7/13/77 Site Plan for single family tract approved.

7/13/77 Site Plan approved for part of Tract IIA - Lucerne Lakes Homes, Village I, 3rd addition.

7/13/77 Site Plan approved for recreation areas II & III, Phase IIB.

7/13/77 Site Plan approved for part of Phase I, single family tract.

7/13/77 Site Plan approved for part of Phase B.

9/8/77 6th Plan filed.

10/12/77 Site Plan approved for Clubhouse & Maintenance Building.

10.12/77 Revised Site Plan approved for Recreation areas in Phase IIB.

10/12/77 Revised Master Plan approved.

12/15/77 7th Plat filed.

1/11/78 Site Plan approved for a portion of Tract IIB.

4/12/78 Revised Master Plan approved - 3115 Units.

4/12/78 Revised Site Plan for Phase I of Lucerne Lakes approved.

7/12/78 SITE PLAN COMMITTEE APPROVED SITE PLAN FOR LUCERNE LAKES HOMES, NORTH PHASES IA & IB OF LUCERNE LAKES P.U.D.

8/9/78 REVISED SITE PLAN FOR PHASE IC APPROVED - SUPERCEDES APPROVAL OF 4/12/7

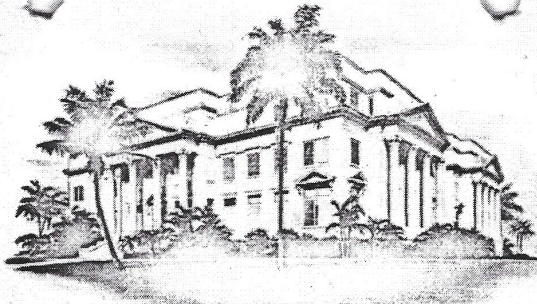
L. GARDNER STRATTON, JR.
CHAIRMAN

WILLIAM F. KOCH, JR.
VICE CHAIRMAN

Thomas L. Orr
MEMBER

ROBERT P. LEVINSON
MEMBER

John F. Boyd
MEMBER



J. H. WATSON, JR.
DIRECTOR

J. A. Plisco
ATTORNEY

P. O. BOX 947
WEST PALM BEACH

MRS. AUDREY DALTON
CLERK

ZONING COMMISSION
PALM BEACH COUNTY

WEST PALM BEACH, FLORIDA

P. O. BOX 1548

October 27, 1970

Walter Taft Bradshaw
231 Commercial Boulevard
Lauderdale by the Sea, Florida 33308

Dear Sir:

The following is the information requested per your telephone conversation with Mr. Watson on October 26:

1. Application should be for a Conditional Use for a Planned Unit Development.
2. The application must contain the exact legal description of the Planned Unit Development property.
3. A scaled drawing showing the location widths, and other dimensions of all existing or platted streets and other important features such as railroad lines, water courses, and exceptional topography within and contiguous to the tract to be subdivided.
4. Statement containing the following: The protective covenants or private restrictions to be incorporated in the plat of the development, or become covenants in the deeds for lots.
5. The means of ingress and egress to the parcels within the proposed development, which are not included, should be shown.
6. The following is required for any property under contract to purchase: A copy of the present owners deed and a copy of the contract to purchase.

Date November 9, 1970

PALM BEACH COUNTY ZONING COMMISSION

Application for Conditional Use

The undersigned, owner of the following described lot, tract or parcel of land to wit: Lot _____, Block _____, in the Subdivision known as Florida Gardens, Plat Book _____, Page _____, or otherwise described as:

(Metes and bounds) See Exhibit A

in Section 32+33, Township 44 South, Range 42 East, which parcel or tract is now in the R-1 Zoning District, hereby applies for a Conditional Use for Planned Unit Development

and submits, herewith, plans and specifications and/or site development plans in support of the use proposed for said Lot, Tract, or Parcel as set forth in Section _____, Paragraph _____ of the Zoning Resolution #3 for Palm Beach County and do _____ hereby agree that said use, if granted, shall not be transferable, and if not utilized for the purpose intended, shall become null and void at the end of six months; and, that the Zoning or Use of the above described parcel or tract shall revert to the status effective prior to the date of this application.

It is further agreed that should the Zoning Commission require additional information which would necessitate due public notice and/or notification or interested parties, that the cost thereof shall be borne by the applicant, if the Commission so orders.

It is further understood that should this petition be denied by the Zoning Commission, said petition shall not be renewed for a period of six months.

It is requested that this application be presented to the Zoning Commission at its next regular meeting.

WITNESS:

[Signature]
[Signature]

SIGNED:

[Signature]
Karl Beachler, President

INSTRUCTIONS: Type or print in Duplicate; file original at the office of the Zoning Department. Duplicate is petitioner's copy.

Florida Gardens Land & Development Co
NAME OF APPLICANT (PLEASE PRINT)

125 Ohio Road, Lake Worth, Fla. 33460
ADDRESS OF APPLICANT

RECEIPT # _____

AMOUNT \$ _____

PHONE 965-5724

Adair & Brady
INCORPORATED
CONSULTING ENGINEERS
LAND SURVEYORS
LAND PLANNERS

421 SOUTH H STREET
LAKE WORTH, FLORIDA 33460
305.585.7515

POST OFFICE BOX 2686
PALM BEACH, FLORIDA 33480

ENGINEERING SERVICES
CIVIL
FOUNDATION
STRUCTURAL
AIR CONDITIONING
ELECTRICAL
MECHANICAL
SANITARY
WATER SUPPLY
TELECOMMUNICATIONS
LAND SURVEYING

EXHIBIT "A"

DESCRIPTION FOR KARL BEACHLER

^{-JP} ^{-J.P.}
Being a part of Sections ²⁸ ³³ ~~29~~ and ~~32~~, Township 44 South, Range 42 East, County of Palm Beach, State of Florida; also known as being a parcel of land in Block 29, Palm Beach Farms Company, Plat No. 3, as recorded in Plat Book 2, Page 48, Public Records of Palm Beach County, Florida; and more particularly described as follows:

Commencing at the Northwest corner of said Block 29; thence running South 89°-27'-00" East, a distance of 3745.00 feet to the POINT OF BEGINNING; Thence continue South 89°-27'-00" East, a distance of 1350.00 feet to a point; thence run South 00°-33'-00" West, a distance of 153.00 feet to a point; thence run South 89°-27'-00" East, a distance of 215.00 feet to the Westerly right-of-way of Charleston Road, as now in use; thence run South 00°-33'-00" West, along said right-of-way line, and extension thereof, a distance of 5217.00 feet to a point; thence run North 89°-27'-00" West, a distance of 715.00 feet to a point; thence run North 00°-33'-00" East, a distance of 220.00 feet to a point; thence run North 89°-27'-00" West, a distance of 1700.00 feet to a point; thence run North 00°-33'-00" East, a distance of 100.00 feet to a point; thence run North 89°-27'-00" West, a distance of 100.00 feet to a point; thence run North 00°-33'-00" East, a distance of 580.00 feet to a point; thence run South 89°-27'-00" East, a distance of 100.00 feet to Point "A"; thence run North 00°-33'-00" East, a distance of 290.00 feet to a point; thence run North 89°-27'-00" West, a distance of 100.00 feet to a point; thence run North 00°-33'-00" East, a distance of 980.00 feet to Point "B"; thence continuing North 00°-33'-00" East, a distance of 424.00 feet to a point; thence run South 89°-27'-00" East, a distance of 445.00 feet to a point; thence run North 00°-33'-00" East,

L. GARDNER STRATTON, JR.
CHAIRMAN

Thomas E. Dyer
VICE CHAIRMAN

Thomas L. Orr
MEMBER

ROBERT P. LEVINSON
MEMBER

John F. Boyd
MEMBER



ZONING COMMISSION
PALM BEACH COUNTY

WEST PALM BEACH, FLORIDA
P. O. BOX 1548

December 11, 1970

J. H. WATSON, JR.
DIRECTOR

J. A. Plisco

ATTORNEY
P. O. BOX 947
WEST PALM BEACH

MRS. AUDREY DALTON
CLERK

Florida Gardens Land and Development Company
125 Ohio Road
Lake Worth, Florida 33460

RE: Petition No. 22

Gentlemen:

This will confirm the action of the Palm Beach County Zoning Commission at its regular meeting on December 10, 1970 at which time they approved your petition as advertised, subject to the following provisions:

Please contact this office as soon as possible regarding the time and place to meet with the Review Committee to examine the Preliminary Master Plan to determine compliance with the Planned Unit Development requirements and the regulations of the departments and agencies concerned.

For further information, contact the Palm Beach County Zoning Commission, 810 Datura Street, West Palm Beach or call 655-5200, Extension 208.

Very truly yours,

James H. Watson, Jr.
James H. Watson, Jr., Director
Planning, Zoning and Building

JHWJr:ad

cc: Jan Wolfe, Engineering
Lee Reed, Health

The following petition is for, pursuant to the provisions of the Engineering, Health Department and Planning Department.

PETITIONER: FLORIDA GARDENS LAND DEVELOPMENT CO.

PUBLIC HEARING: 10 DEC., 1970

Comments: (Use reverse side if necessary.)

ENGINEERING:

HEALTH DEPARTMENT:

- PLANNER NO PLANNING OBJECTION.

at 9 DEC., 1970

FOLIO # 25

(Inter-Office Communicati(

PALM BEACH COUNTY

TO Commissioner Koehler
FROM Robert E. Basehart
Zoning Director
RE LUCERNE LAKES P.U.D.

DATE August 29, 1978

FILE

On Friday, August 18, 1978, a meeting was held in "Conference Room A" in the Palm Beach County Courthouse, in response to concerns expressed by the residents of the Florida Gardens Subdivision relative to the Lucerne Lakes P.U.D. In attendance at that meeting were Joel Wantman and Paul Wolfe representing the developer of Lucerne Lakes, and Commissioner Dennis Koehler and the writer representing Palm Beach County.

Following review of a petition submitted by the residents of the Florida Gardens Subdivision and a general discussion relative to the Lucerne Lakes project, the following points were established:

GENERAL

...The subject P.U.D. was originally approved in December of 1970, with a total of 3395 units equalling a density of 12.19 units per acre. Subsequently, three revisions to the initial plan have been approved. The latest approved Master Plan provides for 3115 units, equalling a density of 11.2 units per acre.

...No significant modifications have ever been made to the Master Plan relative to the portion of the development located south of the L.W.D.D. Lateral Canal #13. No development has occurred in the portion of the site south of the canal, except for a portion of the golf course.

SOME UTILITIES
ARE IN GROUND
SOUTH OF CANAL
UDC

...No engineering or site design has been done for the portion of the development south of the Lateral #13 Canal. Although the approved Master Plan provides for an overall allowed density of 30 units/acre for this portion of the project, the developer's representatives doubt that ultimate development would approach that density.

...The present developer of the project is contemplating its sale to other interests. As of the meeting date, neither Mr. Wolfe or Mr. Wantman were knowledgeable relative to the prospective buyer's intent regarding this land. Mr. Wolfe stated that he would advise the prospective buyer(s) of the concerns of the area residents.

SIGNED _____

August 29, 1978

LAND USE & SITE DESIGN

...The developer's representatives agreed to consider the presence of the existing homes along the east side of Ohio Street and the south side of Arch Drive in designing the perimeter development within their project. The developer will make every effort to minimize the affect of the project on adjacent development.

...The developer's representatives agreed to construct single family detached homes along the project's west boundary south of the Lateral #13 Canal. These homes will rear to the homes presently fronting on the east side of Ohio Street. Single family detached homes will also be constructed on their property situated on the south side of Arch Drive.

ACCESS AND CIRCULATION

...It was acknowledged that all designs presented for the subject project from the initial submittal forward have shown the use of Arch Drive as part of the collector roadway system, including a connection to Ohio Street.

RELEASE FROM
UNRECORDED PLAT
& ACKNOWLEDGEMENT
OF MOLT. FAM.
DEVELOPMENT

...Mr. Wolfe stated that the developer has acquired and recorded access agreements for the use of Arch Drive from all properties fronting thereon.

MAYBE NOT
RECORDED

...The Developer's representatives stated that the location of the existing golf course makes it impossible for them to substantially alter their main loop roadway. They feel that Arch Drive must be utilized.

...The developer would consider the closing of Arch Drive to prohibit access from Ohio Street for other than emergency vehicles. However, it was noted that such an alternative would force present Arch Drive residents to utilize the Lucerne Lakes roadway system for access.

...Other access alternatives were explored but no feasible solution was discovered.

SUMMARY

...Messrs Wolfe and Wantman said that they would discuss the concerns of the area residents with their client and would accommodate them in any way possible. Mr. Wolfe promised to advise the County of the progress in the prospective sale of the subject property.

Commissioner Koehler
Page two

August 29, 1978

...All parties present agreed to meet again when more information was available.

...Commissioner Koehler agreed to forward the information discussed to representatives of the Florida Gardens residents.

If all information contained in this memorandum is complete and accurate as you recall the meeting, please sign a copy and return it to me for the file.

REB:mp

cc: Tracy O. Bennett, Executive Director
Planning, Zoning & Building Dept.

Joel Wantman
Wantman & Associates
2300 Palm Beach Lakes Blvd.
West Palm Beach, Florida 33409

Paul Wolfe - Attorney at Law
Jones, Paine & Foster
Flagler Court Building
West Palm Beach, Florida 33401

By: Robert E. Basehart
Robert E. Basehart, Zoning Director



Forest Oaks Residential
Visual Impact Analysis Report

Development Order Amendment
Application Number: D.O.A. 2020-000761
Control Number: 1970-0009 / NPN-09
Unincorporated Palm Beach County

Initial Submittal: May 4, 2020
Resubmittal: November 9, 2020
Resubmittal: March 8, 2021
Resubmittal: May 10, 2021
Resubmittal: July 12, 2021
Resubmittal: July 26, 2021

Prepared By:
Design and Entitlement Consultants, LLC. /
Divine Design Landscape LLC.
1127 Royal Palm Beach Blvd, Unit 411
Royal Palm Beach, FL 33411
Phone: 561.707.3410
E-Mail: info@designandentitlement.com

Robert M. Beaulieu
Florida License Number LA0001490
_____, 2021

1
Planning, Site and Master Planning, Landscape Architecture, Due Diligence, Project Management
1127 Royal Palm Beach Blvd., Unit 411 Royal Palm Beach, FL 33411 561-707-3410

Introduction

The Forest Oaks Golf Course (Subject Property) is located approximately ¾ miles east of the Florida Turnpike on the south side of Lake Worth Road. Per the approved Lucerne Lakes P.U.D. Master Plan the entire community is approximately 273.50 acres. The golf course subject property is approximately 79.01 acres within the overall Lucerne Lake residential community. The golf course is an active golf course and is not closed. See below for a Site Location Map.



The subject property has Property Control Numbers (PCN) 00424428070000020, 00424428330070000 and 00424428330230000. Property control number 00424428000005010 is also included within the affected area documentation, since this is the Lake Worth Drainage District (LWDD) Canal L-13. This canal is included within the affected area since the canal is proposed to be relocated further north from its existing location. The property land area that is being deeded to LWDD exceeds the amount of land area that Mattamy is receiving. The subject property is located within the Urban / Suburban Tier and is within Palm Beach County Urban Service Area. The subject property has a future Land Use Designation of High Residential, 12 units per acre (HR-12) and has a Zoning Designation of Residential Multifamily (RM) within the Conditional Use Lucerne Lakes P.U.D. The Lucerne Lakes PUD was originally approved as a Conditional Use for a Planned Unit Development (PUD) on December 10, 1970 under Control Number 1970-0009 / NPN-009. A Zoning Confirmation letter dated February 12, 2020 confirms that the property has RM Zoning Designation, which is compatible within the HR-12 Land Use Designation as indicated in Article 3, Chapter A, Section 3.B. Table 3.A.3.B.

Surrounding Properties

The subject property is surrounded by predominately residential uses. The subject property is bordered by Lake Worth Road, followed by the Lake Worth Drainage District L-12 Canal on the north side. Directly on the northeast corner of the property is an existing medical office use and to the northwest is a general commercial area with a mix of uses (CH/8 FLU & CG/CS Zoning). To the east is Charleston Road. Further to the east is the Fountains residential community (MR5 FLU & PUD Zoning), as well as miscellaneous commercial and office uses. The

property is then bisected and split in two areas north and south by the Lake Worth Drainage District L-13 Canal. To the south and west is a mix of residential subdivisions (HR-8 FLU & RS/RE Zoning, MR-5 FLU & RM Zoning, & LR-3 FLU & RS Zoning).

With regard to the architectural style of the surrounding communities, there is a mix based upon the various home types surrounding the golf course. There is a mix of single-family homes as well as high density residential condominium units, throughout the Lucerne Lakes residential community. The lower density single family homes are primarily located north of the L.W.D.D. L-13 canal which bisects the property. The higher density mix of multi-family / condominium homes are to the south of the L.W.D.D. L-13 canal. There is a mix of single, two, four and six story condominiums. The predominant architectural style is Florida Vernacular, and Florida Mediterranean.

The proposed residential community will not have adverse effect on the surrounding community as much of the proposed residential homes are consistent with and less obtrusive than the existing homes. See Justification Statement for additional details, as well as Outreach Plan Revisions Visual Impact Section below regarding how the applicant has addressed adverse effect with the evolution of the conceptual site plan. Proposed residential homes will be a mix of single and two story residential detached homes as well as two -story townhomes. The new homeowner's association will have architectural controls for anti-monotony. The architectural styles of the new homes will be a mix of Florida Coastal Architectural Style, Florida Craftsman Architectural Style, Florida Mediterranean Architectural Style as well as some Florida Modern Architectural Styles which are styles that are popular with prospective home buyers.

Methodology

A series of site visit were conducted in order to take photos of the existing conditions in certain key locations. Locations of the photos were taken based upon locations of the property impacted by the proposed development. Photographs were taken looking down the golf course fairways in key locations. The associated photos are provided in conjunction with the preparation of graphics and cross sections indicating proposed development improvements adjacent to existing residential neighborhoods, within the photographs. As a point of comparison, the cross sections correlate to the views indicated, within the photographs.

In addition, the applicant design team reviewed the adjacent existing residential communities in order to verify if any of the existing residential homes and condominiums had locations that would result in non – conforming rear setbacks. All of the neighborhoods were reviewed and an analysis completed and attached to this report as Exhibit 4. The analysis is a checklist in which the applicant design team reviewed existing views and documented proposed views and also documented permit research to verify if any rear setbacks were reduced due to their proximity to the golf course. This checklist was then utilized in order to revise the Preliminary Master Plan accordingly and provide for larger buffer areas, open space tracts adjacent to any structures with reduced rear setbacks. The historical permit research (Exhibit 3) completed is also summarized and documented within this checklist analysis.

Existing Conditions and Surrounding Uses



Surrounding Views (Image Key)





Existing Main Entrance To Subject Property (Lake Worth Road)



Subject Property - Forest Oaks Golf Course Hole 5 & Adjacent Residential Homes



Subject Property - Forest Oaks Operational Clubhouse



Subject Property - Forest Oaks Golf Course Hole 17 & 18 & Adjacent Residential Homes



Subject Property – Forest Oaks Golf Course Hole 10 & Adjacent Residential



Subject Property – Forest Oaks Golf Course Hole 14 & Adjacent Residential

Environmental Assessment

Per the Environmental Assessment Report submitted with this application, completed by EW Consultants, Inc., the Subject Property is disturbed due to its historical use as an operational golf course. Based upon the fact that the Subject Site is also surrounded by residential communities, it has been isolated from any native upland habitat and no native upland habitat community areas exist onsite. Therefore, the repositioning of the golf course to a residential community will not have adverse impacts to the environment or any upland communities.

The applicant design team has provided more open space areas, recreational area and larger buffers which represent opportunities for locations to transfer native trees onsite. A Tree Disposition Plan is included within the submittal package which provides for trees to be preserved in place, relocated and mitigated for. Lastly, efforts were made to preserve existing specimen trees in their existing location. The southernmost lake was redesigned in order to include two specimen tree island / open space areas to preserve existing specimen trees. In addition, a .61 – acre native upland preserve area is proposed within Pod B, just east of the existing lake to be preserved east of the Homes South existing residential neighborhood. A significant stand of native pines and understory is to be preserved in place.

Preliminary Due Diligence has indicated that many of the surrounding existing residential communities have utilized the golf course for drainage purposes (sheet flow). The project engineer has researched the historical flows for the surrounding existing residential communities. The proposed residential community drainage system will be designed to preserve the historical drainage flows of surrounding existing communities, as well as store the drainage for the proposed residential community. New drainage easements and drainage rights will be platted, which will preserve any past drainage rights.

See photos below from the various locations on the property along with the adjacent contiguous public streets.



North Perimeter View Looking West – Forest Oaks Hole #5 & Lake Worth Road



North Perimeter View Looking West – Forest Oaks Hole #5 & Lake Worth Road



East Perimeter View Looking West – Forest Oaks Hole #17



East Perimeter View Looking North – Lucerne Lakes Boulevard



South Perimeter View Looking Northeast – Forest Oaks Hole #12



South Perimeter View Looking East – Lucerne Lakes Boulevard



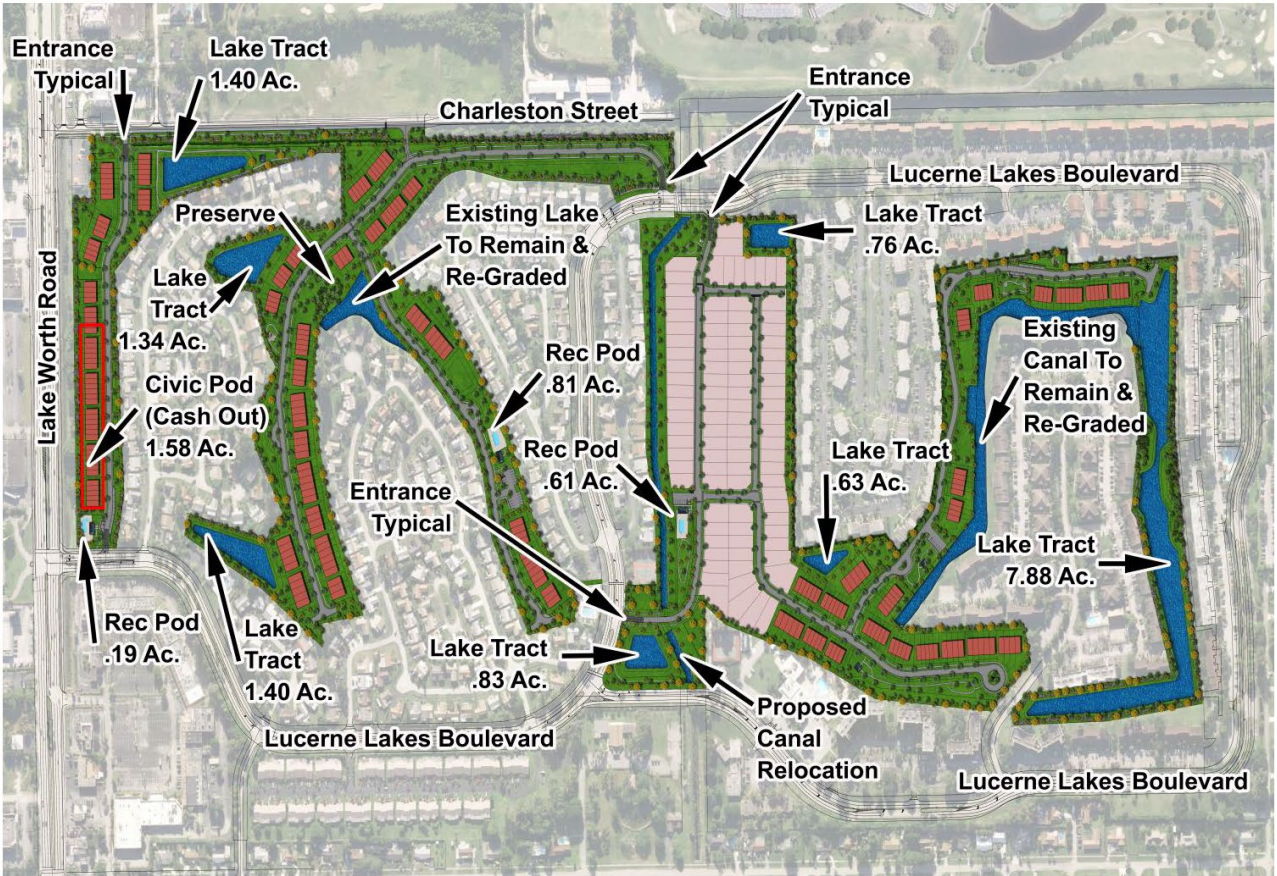
Central West Perimeter View Looking East – Forest Oaks Hole #7





West Perimeter View Looking North – Lucerne Lakes Boulevard

Preliminary Conceptual Site Plan Overlay Graphic*

* Preliminary Conceptual Site Plan indicated is preliminary in nature. Final design to be finalized with Final Subdivision Plan approval.



Preliminary Conceptual Site Plan Legend

-  - Indicates Townhomes
-  - Indicates Zero Lot Line Single Family Detached

Line of Sight Analysis

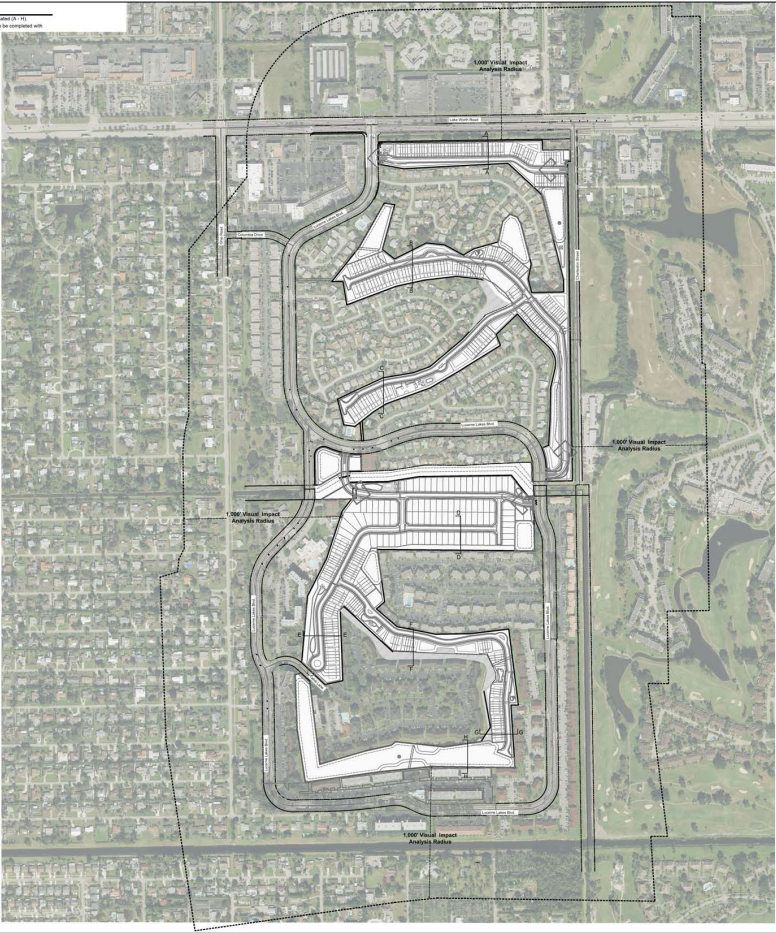
A graphic is provided below which indicates line of sight cross section locations of the proposed residential structures and development with the existing adjacent residential communities. In addition, a full size at the required 300 – scale is attached as a reduction and also provided within the plan set as VIA.1. A golf course hole map is provided in Exhibit 1 in order to provide additional details of the locations within the Forest Oaks Golf course. As a result of the checklist analysis completed to assess the existing setbacks of existing homes adjacent to the golf course, many of the cross sections have been updated in order to show the areas where wider buffers have been located, as well as open space or recreational tracts.

The purpose of the line-of-sight cross sections is also to show where the applicant design team did not locate any residential development adjacent to existing residential homes. As a result of feedback from outreach meetings, permit research, existing home checklist analysis and the fact that many of the southern existing condominium structures are four and six story, the applicant design team specifically located wider buffers than what is required by code as well as large lakes. Refer to Section E – E and Section H – H as examples and for details.



Project Notes
- Final Site Plan (DOA-2020-00761) is subject to V.I.A. final approval (October 20, 2021).
- Preliminary Conceptual Site Plan is preliminary in nature. Final design to be completed with Final Submittal/Plan approval.

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SYSTEM.



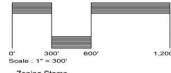
Rev	Date	Revised By	Revised For
1	08/11/2021	K.D.D.	Initial Design
2	08/11/2021	K.D.D.	Final Design

Rev	Date	Revised By	Revised For
1	08/11/2021	K.D.D.	Initial Design
2	08/11/2021	K.D.D.	Final Design

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Consultants, LLC
11150 Royal Palm Beach, FL 33411
Tel: (561) 972-2410
Email: info@designandentitlement.com



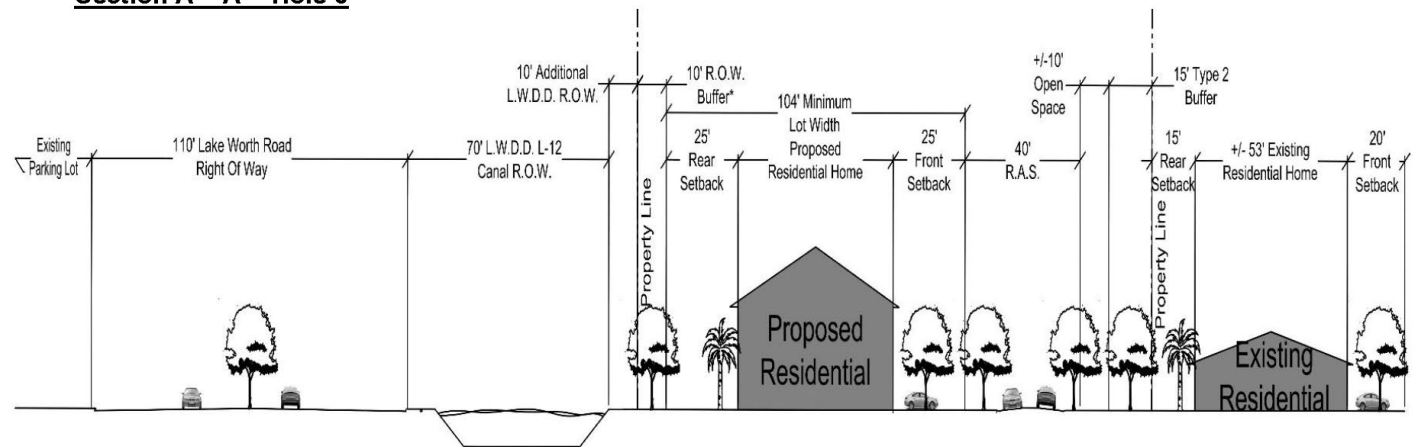
Lucerne Lakes PUD
Forest Oaks Residential
Mattamy Homes
4401 Lucerne Lakes Blvd. N
Lake Worth, FL 33467



SCALE	1"=300'
CHECKED BY	K.D.D.
DRAWN BY	K.D.D.
DATE	5.4.20
FILE: SP.1	
SHEET	VIA.1



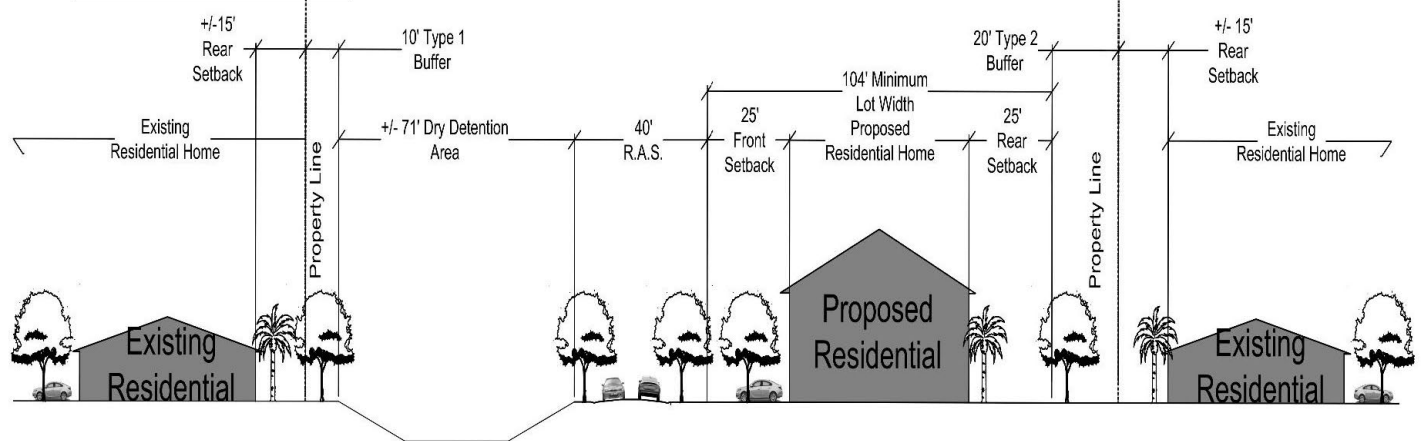
Section A – A – Hole 5



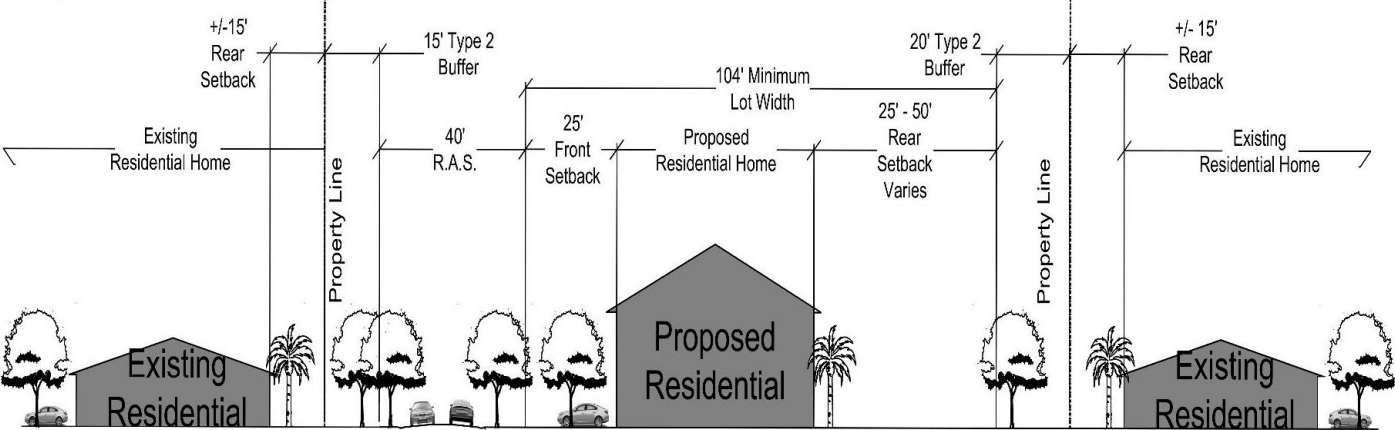
*10' R.O.W. Buffer width reduction per U.L.D.C. 7.C.2.A.3.a



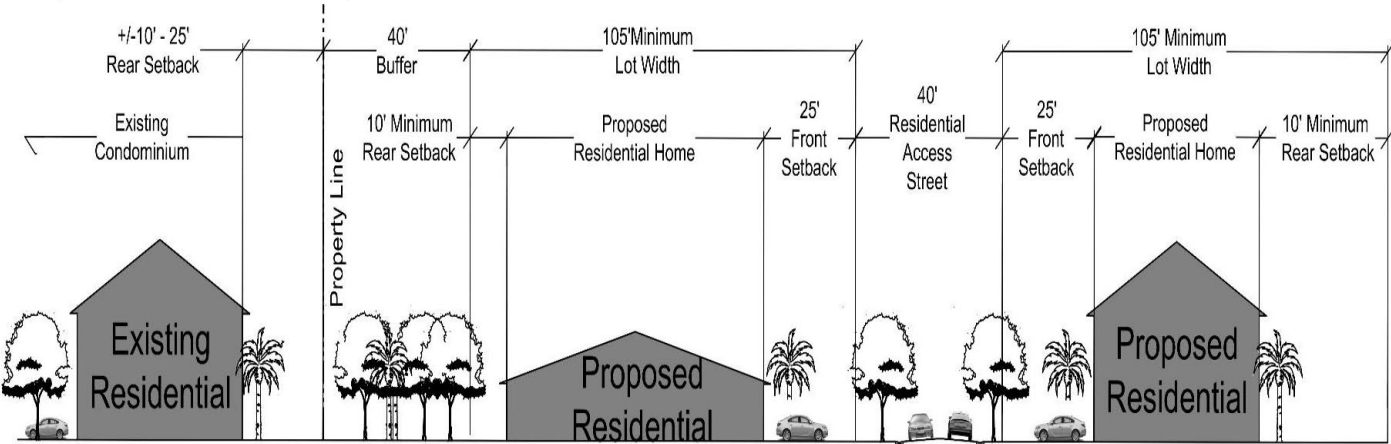
Section B – B – Hole 7



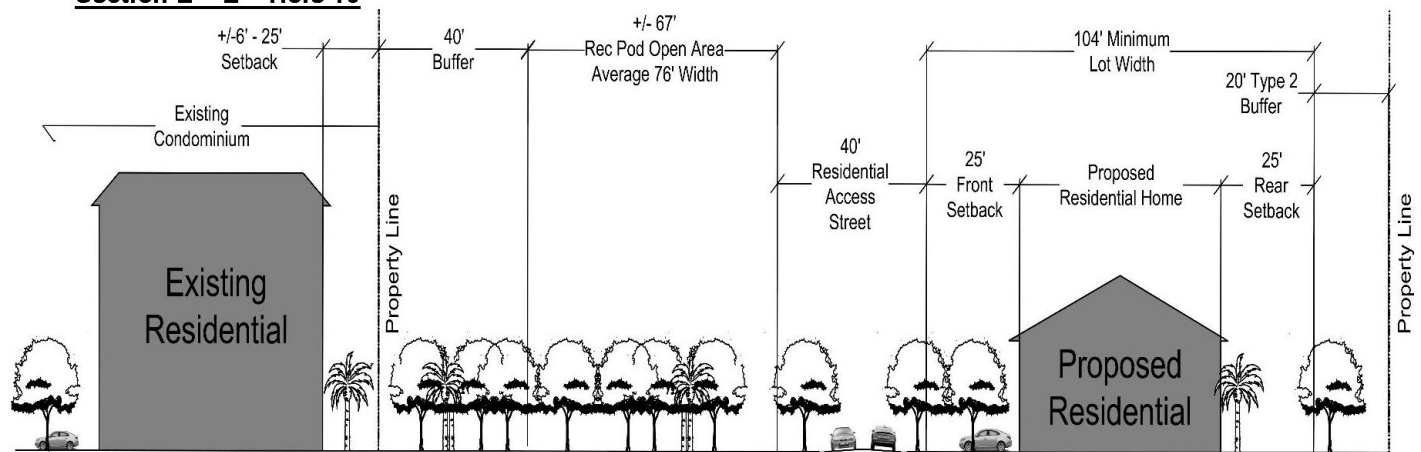
Section C – C – Hole 9



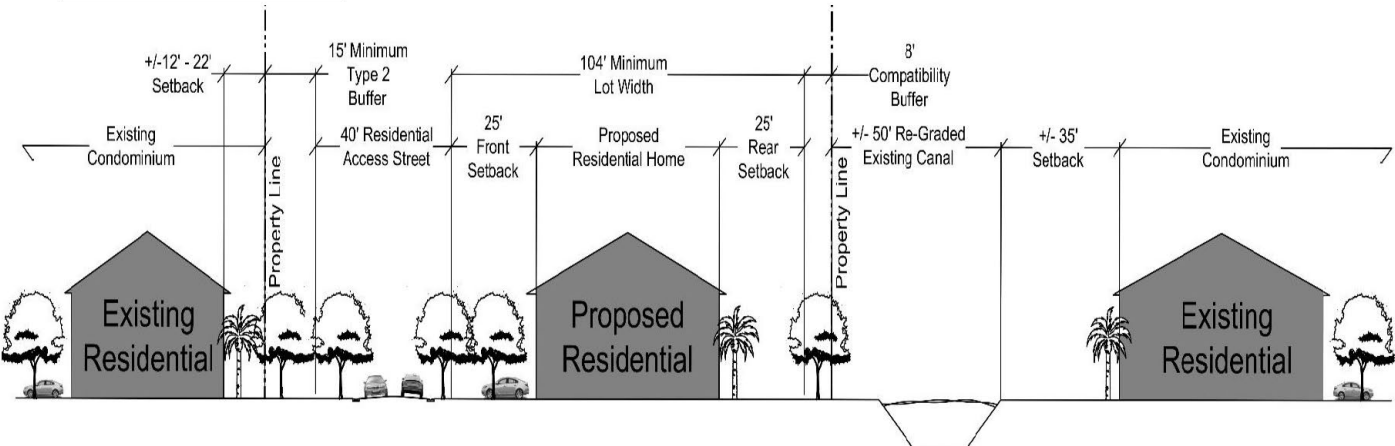
Section D – D – Hole 17



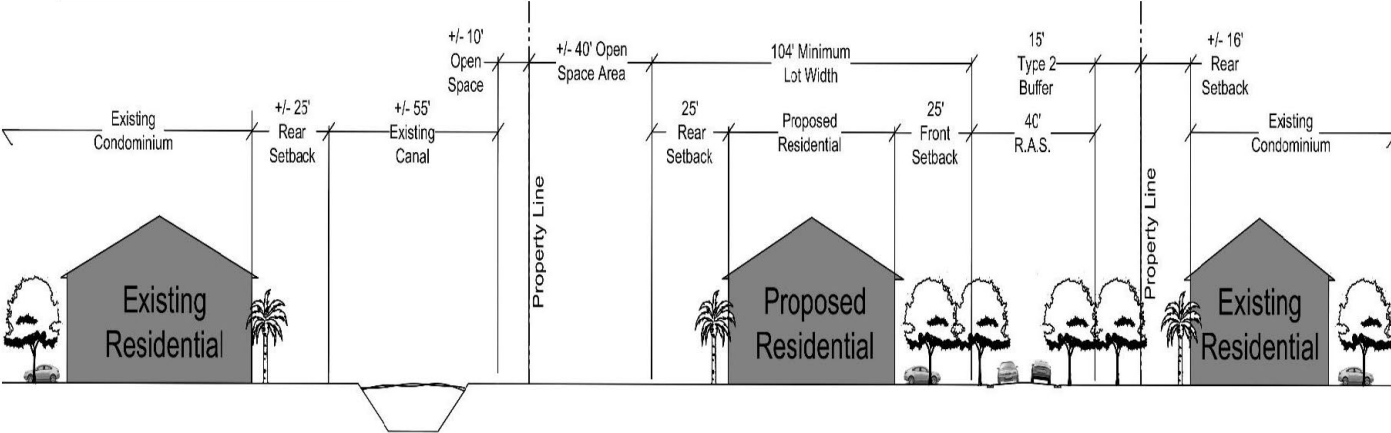
Section E – E – Hole 10



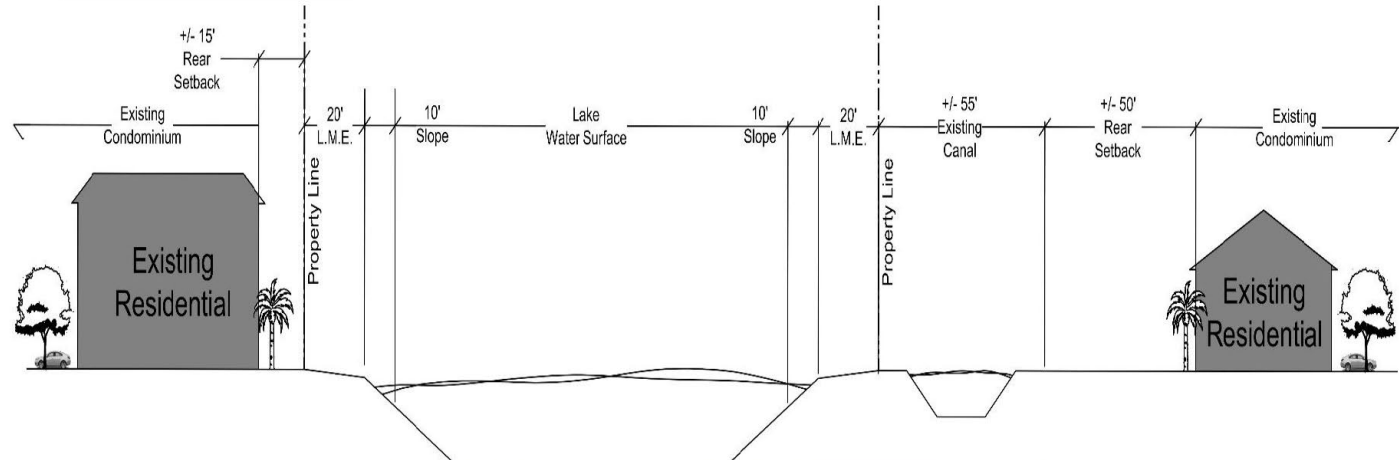
Section F – F – Hole 15



Section G – G – Hole 13



Section H – H – Hole 12



The cross sections are taken in locations in which the Subject Property is rather narrow. These areas were utilized to show site planning design techniques to single load roadways, maintain and improve existing adjacent water bodies and or locate open space / water management tracts in locations to provide additional setbacks to proposed residential structures. Wider buffers are also utilized within the design to avoid non – conforming rear setbacks of existing residential structures.

In the cross-section A – A, the minimum separation from the proposed residential home to the existing residential home will be approximately 105.’ In cross section B – B, the minimum separation from the proposed residential home to the existing residential structure will be approximately 60’ which includes a twenty (20) – foot buffer. In cross section C – C, the minimum separation from the proposed residential home to the existing residential structure will be approximately 60’ again with the inclusion of a twenty (20) – foot buffer.

Next, in cross section D – D, a forty (40) – foot wide buffer was located adjacent to existing two-story condominiums which provides for a minimum separation of 60.’ In cross section E – E, the applicant design team located another forty (40) – foot landscape buffer directly adjacent to four and six story condominiums (one of which had reduced setbacks to the property line), as well as a passive recreation pod in order to avoid non – conforming rear setbacks of existing residential condominium buildings. Minimum separation from existing residential to proposed residential homes is approximately 178.’ In cross section F – F, the applicant design team has incorporated existing drainage canals that bisect the property that are owned by the golf course and also adjacent condominium residential communities in order to provide as much separation from proposed residential homes. This results in approximately 118’ of separation between existing and proposed homes. The minimum separation between existing and proposed homes, in this cross-section location, is approximately 92.’

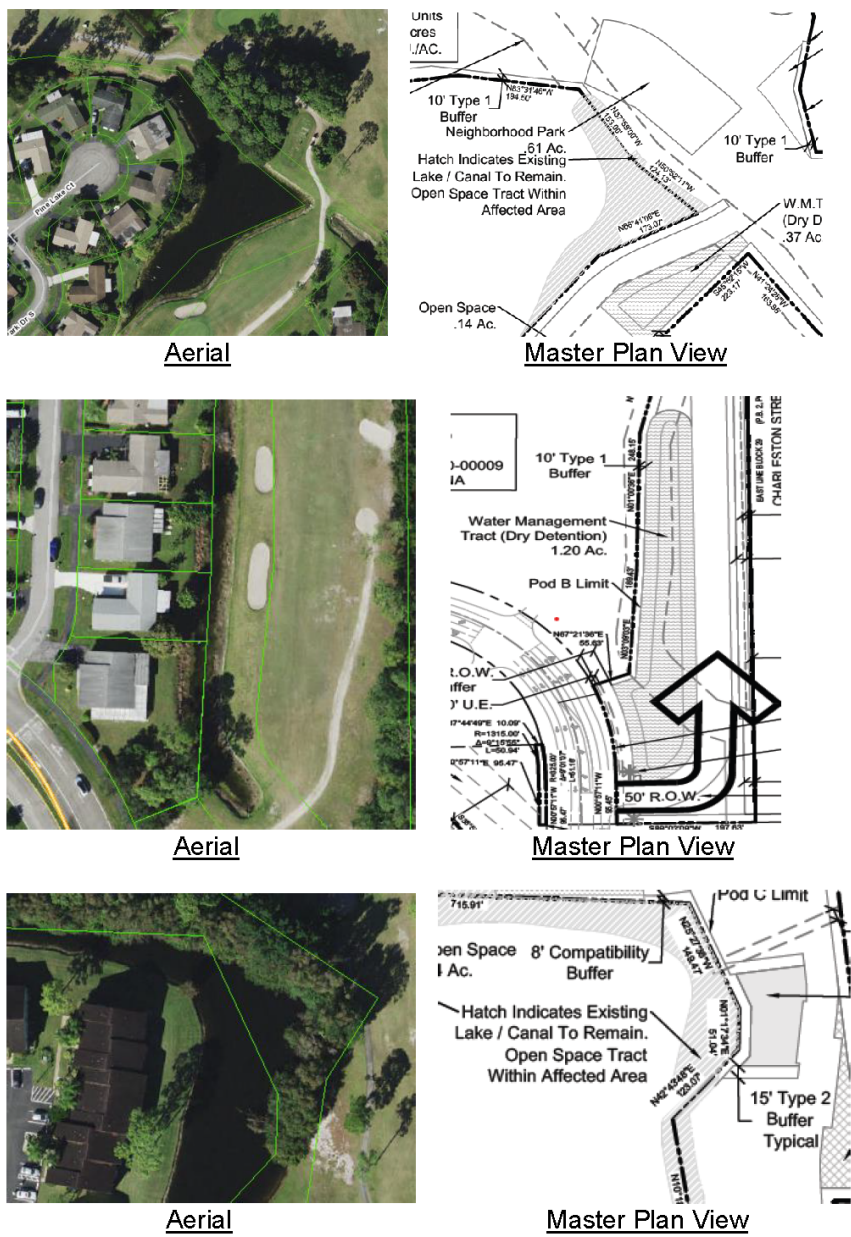
Cross section G – G also preserves existing canals to provide as much separation between exiting and proposed residential structures. In the other areas, the roadway was located, along with a fifteen (15) – foot buffer tract in order to provide the minimum separation of 96’ in between existing and proposed residential structures. Finally, in cross section H – H, the applicant has replaced the previous golf course view with a large lake. This proposed lake is directly adjacent and to the north of the existing four – story condominium buildings located within the Fairway Club condominium community. This cross section is an excellent example of the continued outreach efforts completed by the applicant to date. The applicant recognizes that this is a location in which some of the tallest condominiums are located and has replaced golf views with a large scenic lake.

Outreach Plan Revisions Visual Impact Section

A brief summary is provided below that is an excerpt from the Justification Statement, Design Minimizes Adverse Impact Section and also provides supplemental information. The applicant and design team believes that the continued outreach efforts throughout the application process have a major impact to the surrounding communities and the visual impacts referenced within this report. The preliminary plan has evolved and progressed from the initial submittal and much of the compromising solutions have had an impact on the visual impacts to surrounding communities.

1. Density reduction from the original six hundred (600) homes and the removal of three-story condominiums has resulted in less visual impact to the surrounding communities. The removal of the three-story condominiums also results in less vehicular impacts and less impervious areas, as the removal resulted in less vehicular parking tracts within the proposed residential community.
2. Preservation and inclusion of existing lakes and canals to the greatest extent feasible. The inclusion of existing waterways results in improved visual impact by preserving existing lake and canal views as well as separation between existing residential homes and proposed residential homes. The same concept is

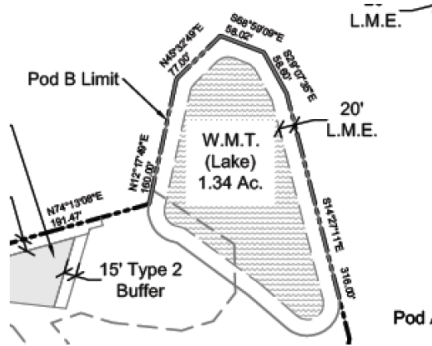
applied in locations where dry detention areas are located in order to preserve existing drainage patterns from canals that cannot be preserved. These design efforts also result in the preservation of open space views.



3. The proposed locations of new lake areas replaces golf course views and further lessens visual impacts to existing surrounding communities in certain locations.



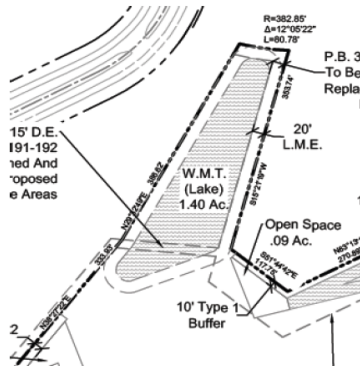
Aerial



Master Plan View

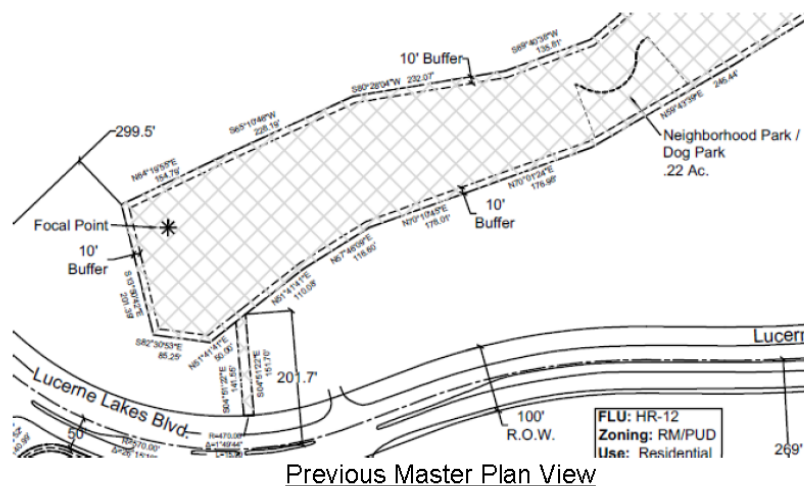
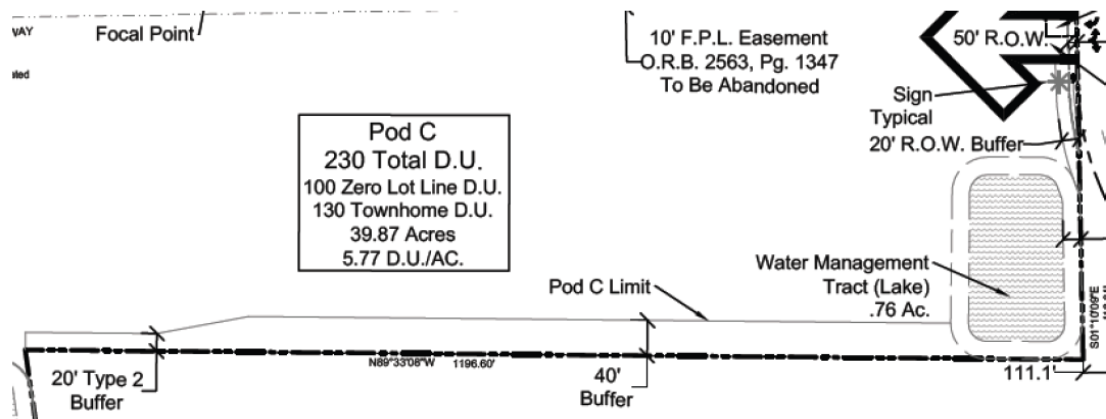
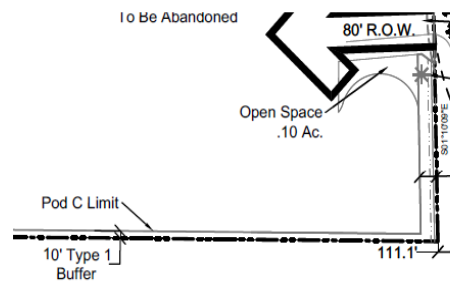


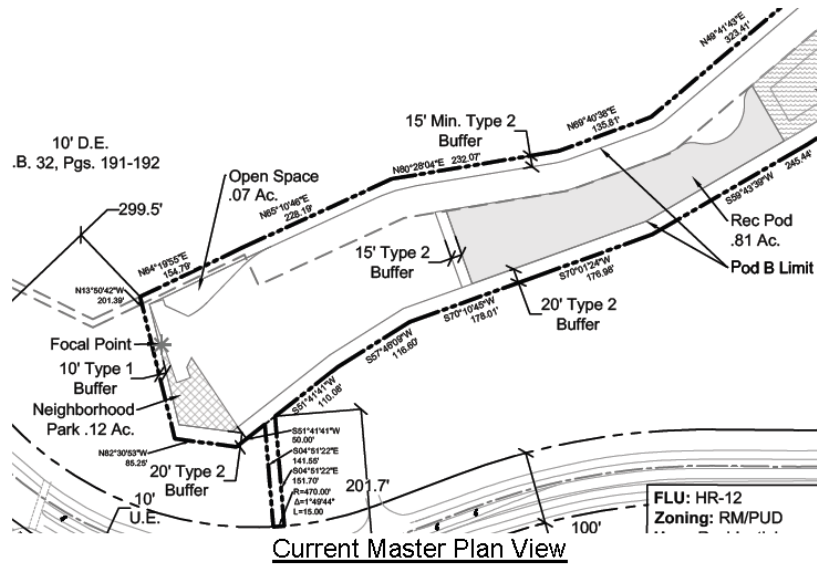
Aerial



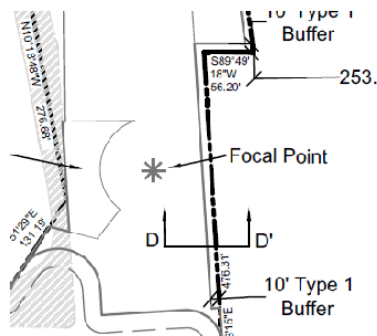
Master Plan View

4. As part of the ongoing outreach efforts, the applicant and design team have attempted to address concerns from the surrounding communities by increasing buffer widths. The goal of this increase is to provide more opportunities for berming and additional landscaping to lessen visual impacts to existing surrounding communities. In addition, larger buffers were proposed in certain locations in which existing residential structures may have had reduced rear setbacks to the golf course property line. The first example below is as a result of the outreach efforts with the Golf Colony community and their concerns regarding overlooking single family homes. A twenty (2) foot landscape buffer is now proposed to provide tiered visual buffering. The second example indicated below is the applicant's efforts to lessen the visual impacts from the adjacent age restricted community (Lucerne Lakes Homes South) by increasing buffer widths (15' – 20') and locating open space park areas adjacent to existing residential communities. The last example indicated below is the applicant and design teams efforts to provide as much visual screening as much as possible to the adjacent existing pool and cabana areas within existing neighborhoods. The applicant and design team has also proposed and is still having ongoing discussions to provide additional landscaping outside of the proposed buffer area on the adjacent homeowner's association property to lessen the visual impacts.

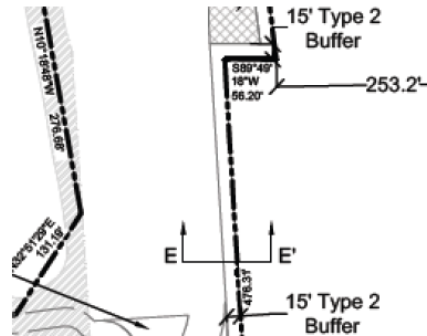




Aerial



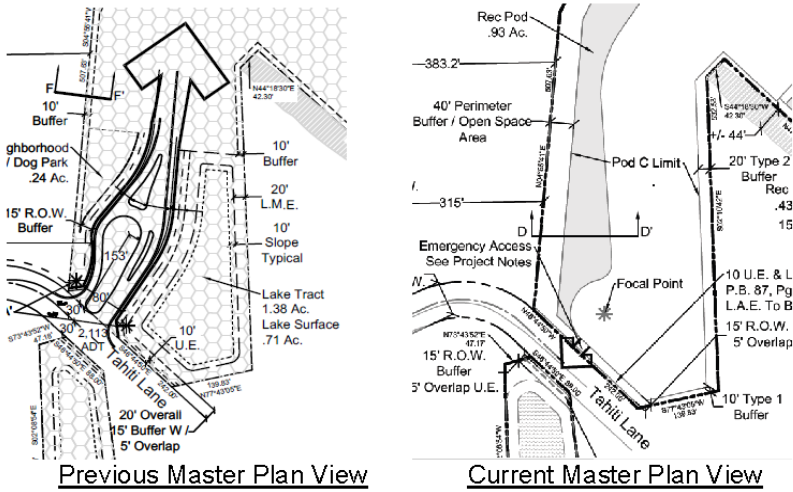
Previous Master Plan View



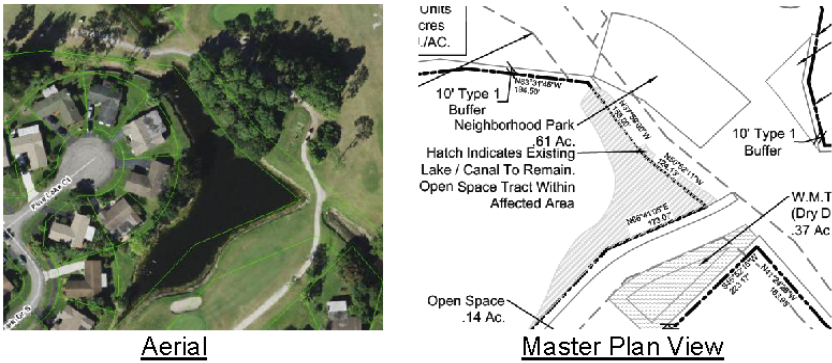
Current Master Plan View

- The other proposed solution to lessen the visual impacts to surrounding communities is the applicants solutions to locate vehicular access points in key locations. Initially, the applicant located an access from Tahiti Lane. This access was vehemently opposed by the adjacent community. This access has since been removed and replaced with a 15' R.O.W. buffer, as depicted in the detail below. There are four total full access points proposed. The northernmost full access for Pod A is located off of Charleston Street, which does not affect existing Lucerne Lakes residents as this community does not have access off of Charleston Street. The second access point for Pod B is located across from the proposed LWDD L-13 canal relocation. The third access point into the west portion of Pod C is located

where the existing golf course clubhouse is located, directly across the street from an existing pool and cabana. Lastly, the fourth access into the east portion of Pod C is located just south of the proposed LWDD L-13 canal relocation and west of an existing parking tract for the adjacent existing residential community. See Preliminary Master Plan for details.



- Through close coordination with Palm Beach County Environmental Resource Department, the applicant has also committed to providing a natural upland preserve area in the north quadrant of the property. This native upland area is comprised of specimen slash pines as well as understory. The preservation of this upland area will maintain the existing view from the adjacent existing Lucerne Lakes Homes South neighborhood and further reduces Visual Impacts. This .61 acre preserve area / neighborhood park is located just east of the existing lake to be preserved in place per the request of the Homes South neighborhood. Not only does the combination of the existing lake and preservation of the native area preserve existing views, it also provides additional separation from the exiting residential neighborhood to the proposed residential neighborhood.



Historical Permit Review & Existing Neighborhood Checklist Analysis

The applicant's consultant team has pulled many of the historical permits in key locations of the existing Lucerne Lake residential community. The purpose of this research was to verify the setbacks of existing homes and condominium structures in certain key locations to verify that with the proposed development non – conformities will not be created. A copy of all permits researched to date is attached as Exhibit 3. Per Article 3, Table 3.D.1.A. the minimum setback within the RM Zoning District (Conditional Use P.U.D.) is a 15' minimum rear setback, along with a note indicated property previously development with a rear setback of 12' shall be considered conforming. Many of the two-story condominium permits researched, to date, meet the minimum setback of twelve (12) – feet to the property line. The residential communities researched include Golf Colony, Lucerne Pointe Condominiums, Sunrise Condominiums and Lucerne Green Condominiums. A community key map is provided as Exhibit 2.

A checklist is also attached to this Visual Impact Report as Exhibit 4, which analyzes existing surrounding residential neighborhoods. This checklist identifies the existing view a grouping of lots or existing condominiums currently have and identifies how the applicant design team has made efforts to replace golf course views with larger buffer areas, open space tracts or attempted to preserve existing water bodies. In addition, from the existing historical permit research completed to date, as well as researching recorded plats, approved site plans and finally from aerial review the applicant design team identified any possible locations in which existing residential homes may have reduced rear setbacks adjacent to the golf course. Where reduced setbacks may have been utilized the applicant design team located wider landscape buffers in order to avoid non-conforming rear setbacks. The wider buffer areas result in making rear setbacks compliant with current P.B.C. code. The checklist represented a very useful tool to revise and improve the Preliminary Master Plan.

Prevalent Theme

Mattamy Homes will be offering several home styles for sale to prospective homebuyers in architectural styles that will be compatible and by widely accepted by the surrounding communities. The architectural styles will be a mixture of Florida Coastal Architectural Style, Florida Craftsman Architectural Style, Florida Mediterranean Architectural Style as well as some Florida Modern Architectural Styles. These updated Florida Architectural Styles will be compatible with historical Florida Architectural Styles. From a home style massing perspective, the proposed Mattamy Homes will be less obtrusive than some of the existing four (4) to six (6) story condominium residential structures as the maximum height of Mattamy's home styles will not exceed thirty – five (35) - feet. Single family attached homes, which will be two-story homes, will be located adjacent to existing two - story home developments, to the greatest extent possible, for consistency and compatibility purposes. The new homeowner's association, to be formed and be part of the master homeowner's association, will have architectural controls that will mandate anti-mononym. No two home facade styles will be allowed to be directly next to each other or across the street from each other, providing for a varied streetscape.



Mattamy Homes Florida Modern Two - Story Residential Home



Mattamy Homes Coastal Single - Story Residential Home



Mattamy Homes Coastal Two - Story Townhome



Mattamy Two – Story Craftsman Residential Home

Architectural Compliance Statement

The architectural composition of the proposed residential community will provide for the required design elements as indicated with Article 5.C.1.G.4 as well as the P.U.D. Design Objectives and Standards of Article 3.E.2.B.1. As indicated within the Prevalent Theme Section, the updated Florida Architectural Styles will be compatible with the historical Florida architectural styles of surrounding residential communities. A continuous non-vehicular circulation system for residents will be proposed providing connections with internal neighborhood parks, amenity parcels as well as the existing surrounding public walkways. Pedestrian connections from each of the proposed neighborhoods will connect to the existing walkways on Lucerne Lake Boulevard to provide connections to surrounding areas. At key locations within the proposed residential community focal points will be provided for aesthetic and interesting design elements. Proposed home styles will be harmonious with the surrounding context based upon site plan techniques utilized in which similar density home style neighborhoods were designed to be adjacent to similar densities and home styles. In locations where adjacent existing residential properties were higher in density, open space, lakes or roadways were designed in order to provide better transitions with lower density home style neighborhoods. Based upon the proposed Florida Architectural Styles and the utilization of design techniques the proposed residential community will be complementary and enhance the surrounding residential community.

Exhibit 1
Golf Course Map



Exhibit 2
Lucerne Lakes Community Key Map



Exhibit 3
Existing Lucerne Lakes Historical Permits

Page 342

DO NOT ENCR OACH EASEMENTS.

PROPOSED ONE-DRIVE GARAGE

PROPOSED ONE-DRIVE GARAGE

5' C&G ON STAY

N 40° 10' 20" W 96.00'

N 40° 10' 20" E 20.00'

S 40° 10' 20" E 20.00'

S 40° 10' 20" W 96.00'

PINE MANOR DR.

PAVED OFF STREET PARKING SPACES REQUIRED DRIVEWAY MUST BE PAVED

AUG 2 1979

E. B. Bickman

PALM BEACH COUNTY PLANNING ZONING & BUILDING DEPARTMENT

8-28-79

J. E. 32

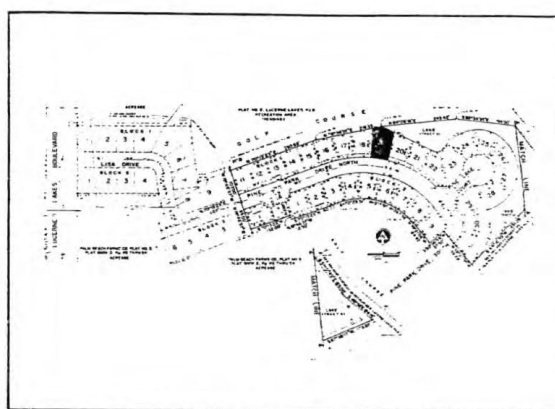
CERTIFICATION: (NOTE: NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.)

WE HEREBY CERTIFY THAT THE ABOVE SKETCH OF SURVEY OF THE HEREIN DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AS SURVEYED AND PLATTED UNDER OUR DIRECTION.

EDY SURVEYING AND MAPPING, INC.

REGISTERED LAND SURVEYOR NO. 3238

STATE OF FLORIDA



- LOCATION MAP
(NOT TO SCALE)

FAIR BEACH COUNTY
PLANNING ZONING &
BUILDING DEPARTMENT
ALBANY

M. George R. Bunkley


Robert L. Williams
FLORIDA PROFESSIONAL LAND SURVEYOR NO. 3167

NOTE: THIS SURVEY IS NOT VALID UNLESS IT BEARS THE EMBOSSED SEAL OF THE SIGNING SURVEYOR.

LEGAL DESCRIPTION

LOT 19, BLOCK 1, PLAT OF LUCERNE LAKES HOMES, VILLAGE 1,
FIRST ADDITION, (P.U.D.), ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 33, PAGES 31 AND 32, PUBLIC REC-
ORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD.



BENCH MARK
land surveying and mapping, inc.

"S E A L"

DWN. BY:	E.L.
----------	------

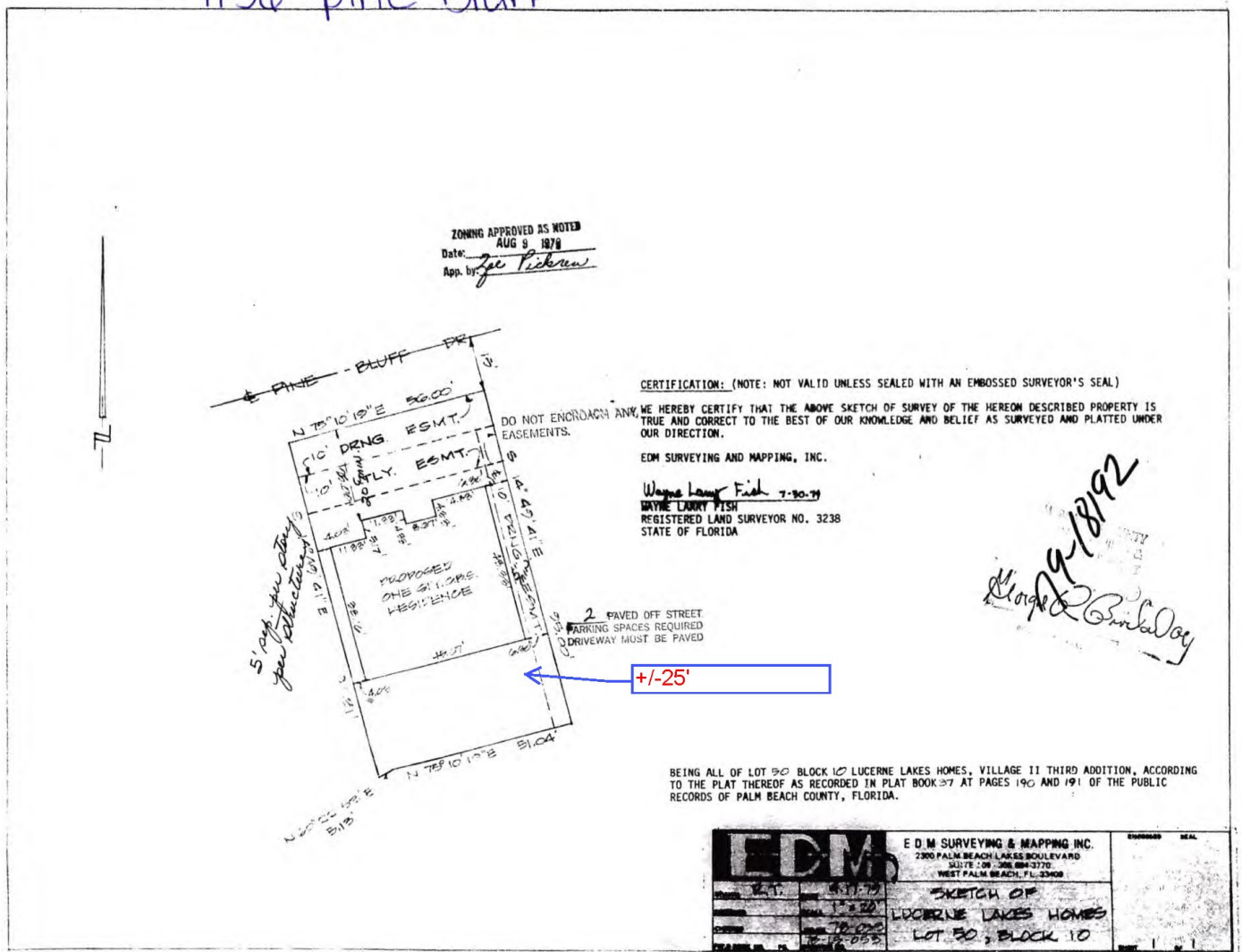
SURVEY OF LOT 10, BLOCK 1,
LUCERNE LAKES HOMES

DWG. SIZE:	(SMALL)
WO. NO:	2408

DATE OF FIELD SURVEY _____

SHEET		OF	
-------	--	----	--

7156 pine Bluff



7324 pine forest

2 PAVED OFF STREET
TOWN MUST BE PAID

5' sep
per story / structure

+/-19'

LEGAL DESCRIPTION

LOT 14, BLOCK 6, LUCERNE LAKES VILLAGE I, 4TH
ADDITION, ACCORDING TO THE PLAT THEREOF, AS RE-
CORDED IN PLAT BOOK 34, PAGES 151 AND 152,
PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESERVATIONS, AND RIGHTS
OF WAY OF RECORD.

I HEREBY CERTIFY I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON AND THAT THIS SKETCH
OF SURVEY IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THERE ARE
NO APPARENT ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN OR STATED HEREON.

BY: *[Signature]* DATE: 5-11-78
FLORIDA PROFESSIONAL LAND SURVEYOR NO. 2164

THE PROPERTY DESCRIPTION SHOWN HEREON IS AS FURNISHED, AND SAID LANDS HAVE NOT BEEN ABSTRACTED FOR
RIGHTS OF WAY AND/OR EASEMENTS OF RECORD. REPRODUCTIONS OF THIS SKETCH OF SURVEY ARE NOT VALID
UNLESS SEALED WITH THE EMBOSSED SEAL OF THE CERTIFYING SURVEYOR.

BENCH MARK land surveying and mapping, inc.		EMBOSSED SEAL
DWN. BY: TAL	SURVEY/PLOT PLAN for: LUCERNE LAKES HOMES	SHEET 1 OF 1
CKD. BY: RAL		
SCALE: 1"=20'		
DATE: 5-11-78		
NO. NO: 2400	ADDED PLOT PLAN 5-2-78 TAL	
I.B. PAGE:		

Approved By
PALM BEACH COUNTY
HEALTH DEPT.

Date: 5/15/78 No. 1653-71

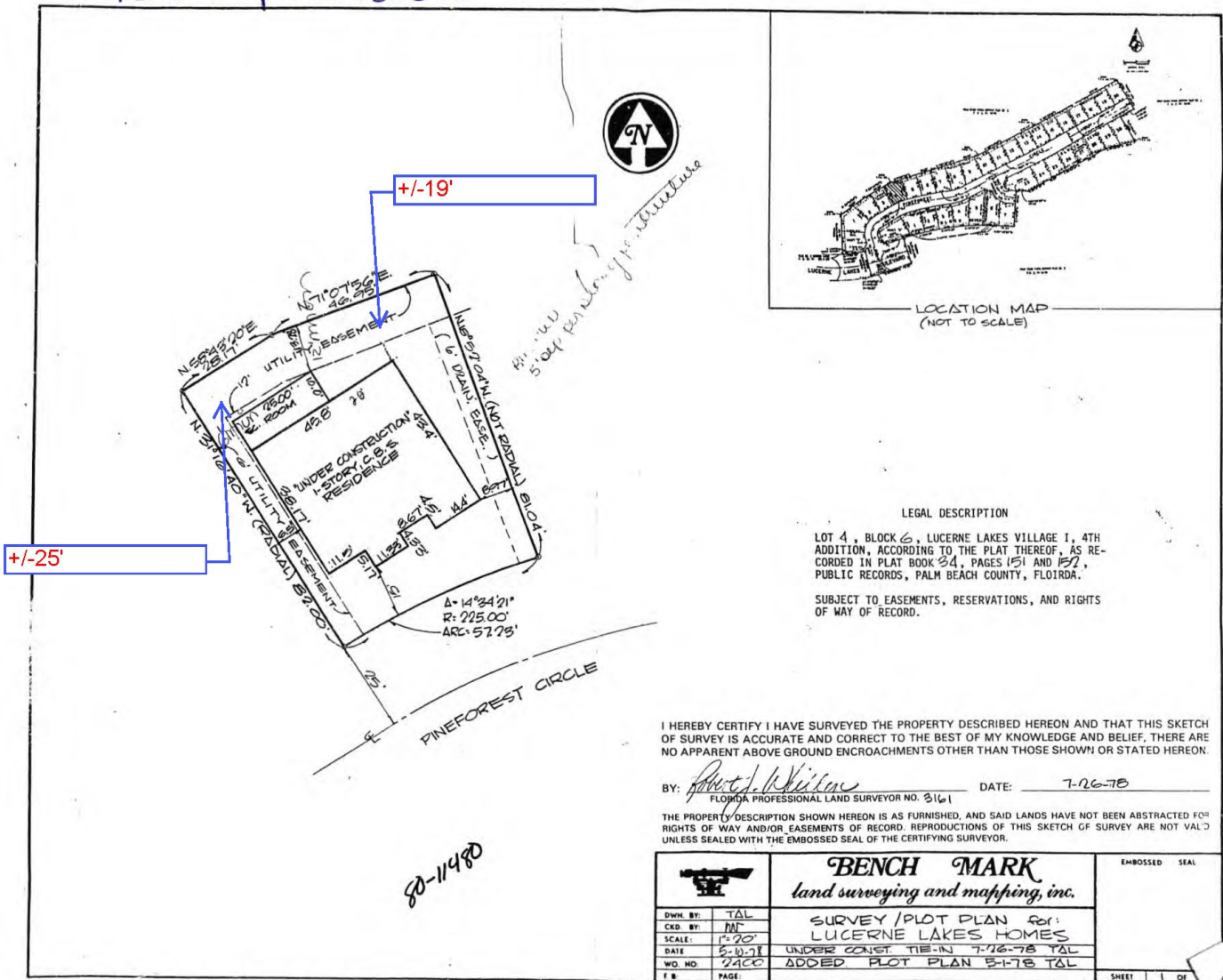
Not Intended to cover
Structural Design

Subject to Approval of
☐ Hotel & Restaurant Comm.
☐ City Building & Zoning Dept.
☒ County Building & Zoning Dept.
To P. B. Co. 5/15-78

PALM BEACH COUNTY
PLANNING ZONING &
BUILDING DEPARTMENT
APPROVED
120809

LOCATION MAP
(NOT TO SCALE)

7364 pine forest





PALM BEACH COUNTY BUILDING DIVISION
2300 N. JOG ROAD, WEST PALM BEACH, FL 33411
www.pbcgov.com/pzb/building

View Application

B-1994-040400-0000 (B94033603) Enclosure (Patio Screen) - Admin Closed

Further Desc: SCREEN PORCH

12/02/1994 Application Date	12/22/1994 Issued Date	0 Active Days	07/13/1995 Inactive Date	-- Completion Date	\$0.00 Balance Due
--------------------------------	---------------------------	------------------	-----------------------------	-----------------------	-----------------------

Property/Owner

Property Information

PCN	Situs Address	Control	Project
00-42-44-28-11-001-0190	7342 Pine Park Dr N, FL USA	0-0	Lucerne Lakes Homes Village 1 - 1st Add

Owner Information

PCN	Name	Situs Address	Mailing Address	Email
00-42-44-28-11-001-0190	Smith, Charlotte	7342 Pine Park Dr N, FL USA	7342 Pine Park Dr N, Lake Worth, FL 33467	

Contractor

Contractor Name:

Shortley, James C

Certification No:

U-10109

Status:

Expired

Classification:

Aluminum Specialties

License Expiration:

09/30/2011

Insurance Expiration:

10/07/2010

Bond Expiration:

09/01/2010

Worker's Comp Expiration:

04/30/2010

Company Name:

Shortley Aluminum Inc.

DBA Name:

Company Type:

Corporation

Company Address:

3860 N Federal Hwy, Delray Beach, FL 33481

Work Phone:

561-737-7381

Fax:

561-737-7344

Email:

shortleyshop@aol.com

Worker's Exemp Expiration:

11/01/2009

Bonding Company Name:

Bonding Company Address:

Architect Name:

Architect Address:

Architect License No:

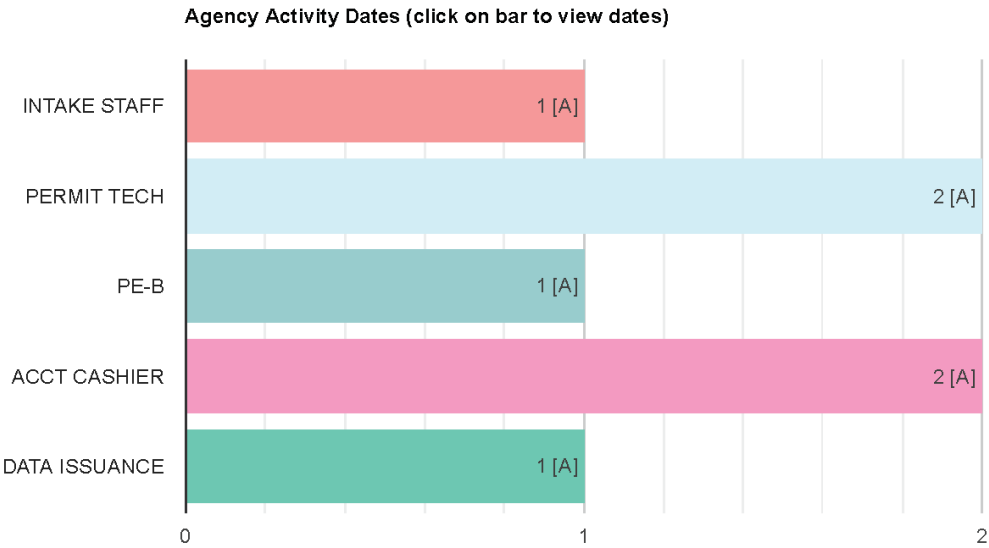
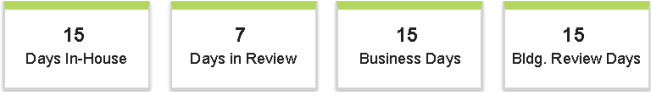
Mortgage Lender Name:

Mortgage Lender Address:

Contact

Contact Name: Contractor - Shortley, James C
Address: 3860 N Federal Hwy, Delray Beach, FL 33481
Work Phone: 561-737-7381
Company Name: Shortley Aluminum Inc.
Email: shortleyshop@aol.com

Review Summary



Date	Agency Activity
12/02/1994	A
12/16/1994	X
12/19/1994	A
12/20/1994	A
12/22/1994	A X
12/27/1994	A



X - Processing, C - Processing ended with comment, CD - Checked out documents, H - Hold process, A - Processing ended with approval, HR - Hold removed

Review History

--

Date/Time	Reference No	Rev	Rnw	App Status	Agency/Section	Reviewer	Review Status	Action	C
12/02/1994 00:00:00	B-1994-040400-0000			Submitted	System Generated	System, Epzb		Application Submitted.	
12/02/1994 14:42:00	B-1994-040400-0000			In Process	Intake Staff	Cairnes, Edward J	Approved	Approved [EJC]	
12/02/1994 14:43:00	B-1994-040400-0000			In Process	Intake Staff	Cairnes, Edward J	In Review	Request for Agency approval added [EJC].	
12/02/1994 14:43:00	B-1994-040400-0000			In Process	PE-B	Cairnes, Edward J	In Review	Request for Agency approval added [EJC].	
12/02/1994 14:43:00	B-1994-040400-0000			In Process	Permit Tech	Cairnes, Edward J	In Review	Request for Agency approval added [EJC].	
12/02/1994 14:43:00	B-1994-040400-0000			In Process	Data Issuance	Cairnes, Edward J	In Review	Request for Agency approval added [EJC].	
12/02/1994 14:43:00	B-1994-040400-0000			In Process	Acct Cashier	Cairnes, Edward J	In Review	Request for Agency approval added [EJC].	
12/16/1994 15:01:00	B-1994-040400-0000			In Process	Permit Tech	Arida, Alice	In Review	Customer Contacted [APA]. Customer Response: 19-DEC-94 [GLO].	
12/19/1994 11:32:00	B-1994-040400-0000			In Process	Permit Tech	Ferguson, Gloria T	Approved	Approved [GLO]	
12/20/1994 13:39:00	B-1994-040400-0000			In Process	PE-B	Alsis, Jim C	Approved	Approved [JCA]	
Total Records: 15									
C - To see comments use 'All Agency Comments'									
<div><div><div>⏮</div><div>⏪</div><div>1</div><div>2</div><div>⏩</div><div>⏭</div><div>10</div><div>▼</div></div></div>									

All Agency Comments

Comments								
#	Comment	Drawing Designation	Reviewer	Entered	Review No	Review Status		
Permit Tech								
1	CANT MEET 15' REAR SETBACK, LET MESSAGE WITH ANS SERVICE		Arida, Alice	12/16/1994	1	Resolved		
Total Records: 1								

Sub Permits



Not Issued Required Sub Permits

Not Issued Required Sub Permits										
Sub Permit No	Trade	Permit Desc	Appd	Fee	Rev	Comments	Issue/Apply	App Status	Contractor	Void Comments
No records to display!!										
Total Records: 0										

Issued Required Sub Permits

Sub Permit No	Trade	Permit Desc	Appd Fee	Rev	Comments	Issue Date	Status	Contractor/Owner/Bullder	Hist Permit No
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Total Records: 0									

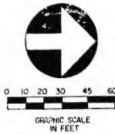
Inspection History

Inspection History											
Permit No	Permit Description	Inspection Code	Inspection Type	F.S	Result	Reasons	Inspector/Staff	Schedule Date	Result Date		
B-1994-040400-0000	Enclosure (Patio Screen)	114	Slab		Cancel		Wells, Dean C (📞 561-662-9347)	01/05/1995	01/05/1995		
B-1994-040400-0000	Enclosure (Patio Screen)	129	Patio Slab		Fail	06-Not Completed	Nicholls, Bob Q (📞 561-662-8275)	01/09/1995	01/09/1995		
B-1994-040400-0000	Enclosure (Patio Screen)	114	Slab		Pass		Wells, Dean C (📞 561-662-9347)	01/10/1995	01/10/1995		
Total Records: 3											

General Comments

General Comments				
Comment	Entered By	Entered Date		
150 DAY NOTICE SENT TO OWNER 06/09/95	System, Epzb	06/09/1995		
Total Records: 1				

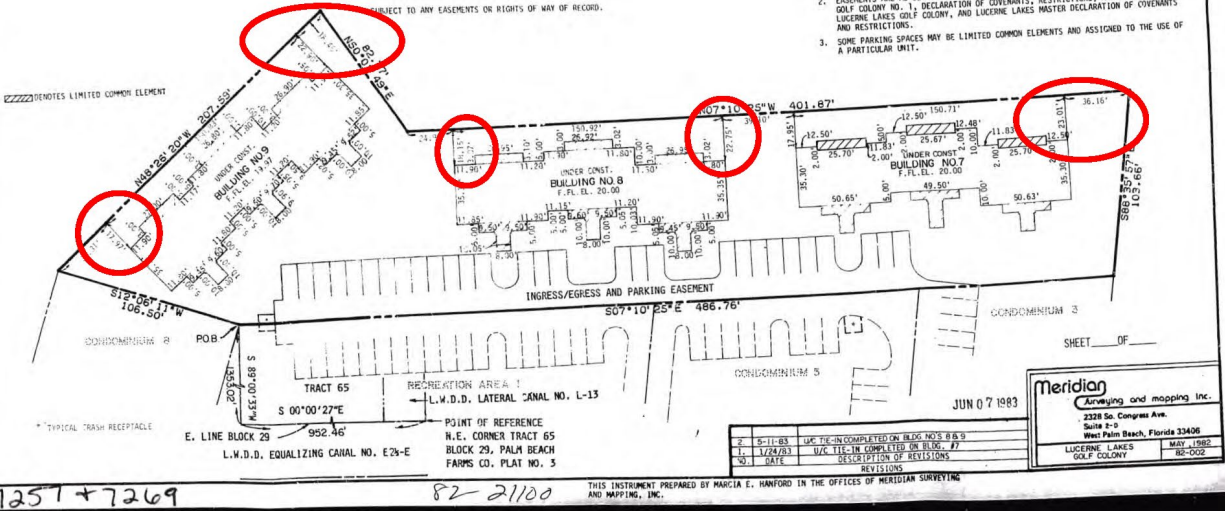
EXHIBIT _____
TO THE
DECLARATION OF CONDOMINIUM
OF
LUCERNE LAKES GOLF COLONY
CONDOMINIUM NO.6



LEGAL DESCRIPTION:
LUCERNE LAKES GOLF COLONY CONDOMINIUM NO. 6
LANDS BEING SUBMITTED TO CONDOMINIUM OWNERSHIP
A PARCEL OF LAND SITUATE IN BLOCK 29, "PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
AS A POINT OF REFERENCE BEING THE NORTHEAST CORNER OF TRACT 65, BLOCK 29, OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3; THENCE S 00°00'27"E ALONG THE EAST LINE OF SAID BLOCK 29, A DISTANCE OF 192.46 FEET; THENCE S 89°00'33"W AND PERPENDICULAR TO THE PREVIOUS DESCRIBED COURSE, A DISTANCE OF 1153.02 FEET TO THE POINT OF BEGINNING;
THENCE S 12°06'11"W A DISTANCE OF 106.50 FEET; THENCE N 48°26'20"W A DISTANCE OF 207.59 FEET; THENCE S 50°01'49"E A DISTANCE OF 82.77 FEET; THENCE N 07°10'25"W A DISTANCE OF 401.87 FEET; THENCE S 08°35'57"E A DISTANCE OF 103.66 FEET; THENCE S 07°10'25"E A DISTANCE OF 406.76 FEET TO THE POINT OF BEGINNING.
PARCEL CONTAINING 1.399 ACRES, MORE OR LESS.
SUBJECT TO ANY EASEMENTS OR RIGHTS OF WAY OF RECORD.

CERTIFICATION: (NOTE: NOT VALID UNLESS EMBOSSED WITH A LAND SURVEYOR'S SEAL)
WE HEREBY CERTIFY THAT THIS DRAWING, OF THE LANDS HEREON DESCRIBED, IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.
MERIDIAN SURVEYING AND MAPPING, INC.
[Signature]
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 7008

- NOTES:
1. ALL AREAS ARE COMMON ELEMENTS EXCEPT UNITS AND AREAS DESIGNATED AS LIMITED COMMON ELEMENTS.
 2. EASEMENTS ARE AS SET FORTH IN THE DECLARATION OF CONDOMINIUM FOR LUCERNE LAKES GOLF COLONY NO. 1, DECLARATION OF COVENANTS, RESTRICTIONS, AND EASEMENTS, FOR LUCERNE LAKES GOLF COLONY, AND LUCERNE LAKES MASTER DECLARATION OF COVENANTS AND RESTRICTIONS.
 3. SOME PARKING SPACES MAY BE LIMITED COMMON ELEMENTS AND ASSIGNED TO THE USE OF A PARTICULAR UNIT.



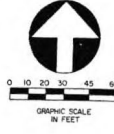
7257+7269

82-21100

THIS INSTRUMENT PREPARED BY MARCIA E. HANFORD IN THE OFFICES OF MERIDIAN SURVEYING AND MAPPING, INC.

7190 Golf colony

EXHIBIT _____
TO THE
DECLARATION OF CONDOMINIUM
OF
LUCERNE LAKES GOLF COLONY
CONDOMINIUM NO.8

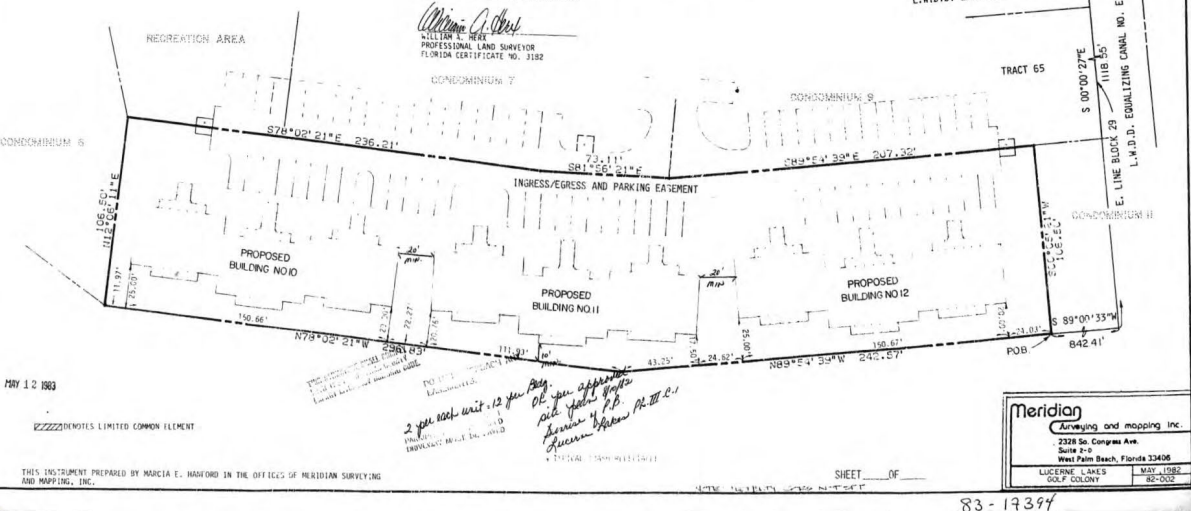


LEGAL DESCRIPTION:
LUCERNE LAKES GOLF COLONY CONDOMINIUM NO. 8
LANDS BEING SUBMITTED TO CONDOMINIUM OWNERSHIP
A PARCEL OF LAND SITUATE IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING ALL OF TRACT 65 OF LUCERNE LAKES GOLF COLONY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 41 ON PAGES 158 AND 159 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY.
PARCEL CONTAINING 1.294 ACRES, MORE OR LESS.

- NOTES:
1. ALL AREAS ARE COMMON ELEMENTS EXCEPT UNITS AND AREAS DESIGNATED AS LIMITED COMMON ELEMENTS.
 2. EASEMENTS ARE AS SET FORTH IN THE DECLARATION OF CONDOMINIUM FOR LUCERNE LAKES GOLF COLONY NO. 1, DECLARATION OF COVENANTS, RESTRICTIONS, AND EASEMENTS, FOR LUCERNE LAKES GOLF COLONY, AND LUCERNE LAKES MASTER DECLARATION OF COVENANTS AND RESTRICTIONS.
 3. SOME PARKING SPACES MAY BE LIMITED COMMON ELEMENTS AND ASSIGNED TO THE USE OF A PARTICULAR UNIT.

CERTIFICATION: (NOTE: NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL)
WE HEREBY CERTIFY THAT THE ABOVE SKETCH OF SURVEY OF THE HEREIN DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AS SURVEYED UNDER OUR ADMINISTRATIVE CODE.
MERIDIAN SURVEYING AND MAPPING, INC.
[Signature]
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 3182

THESE PLANS HAVE BEEN REVIEWED FOR COMPLIANCE WITH THE PALM BEACH COUNTY CODES AND ORDINANCES
JUL 14 8:30 AM 1983
[Signature]
PLANNING DEPARTMENT



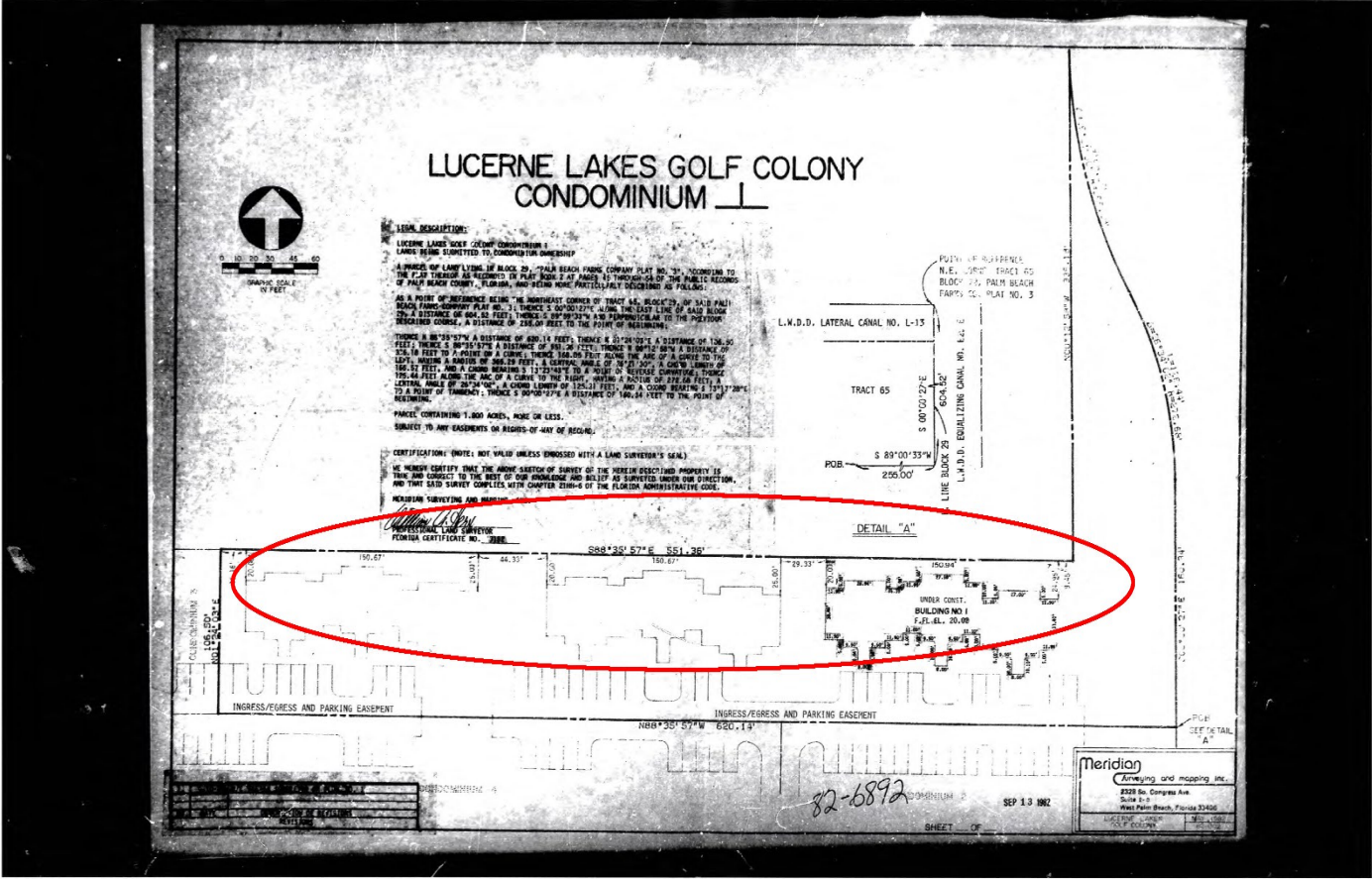
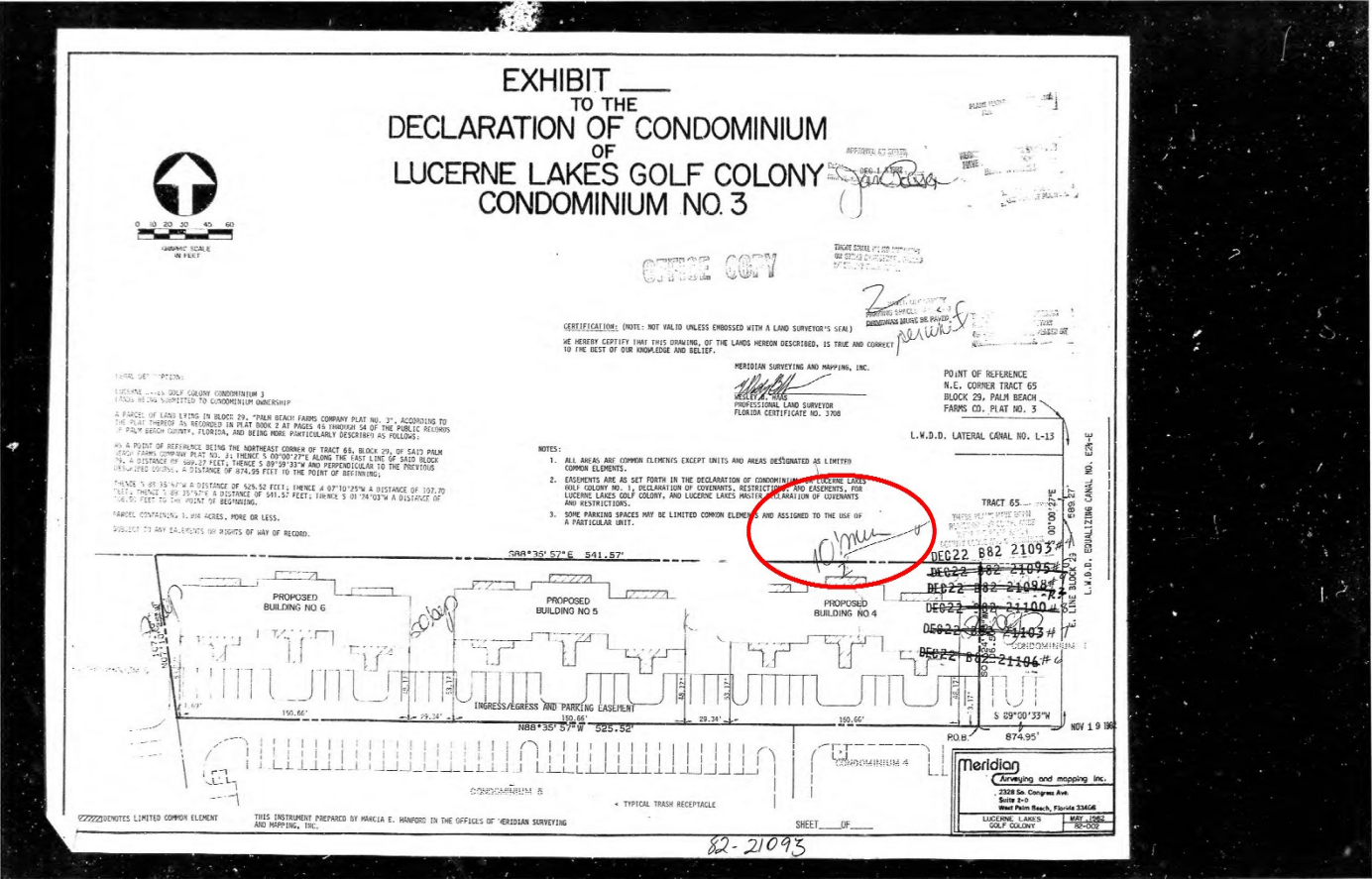
MAY 12 1983

===== DENOTES LIMITED COMMON ELEMENT

THIS INSTRUMENT PREPARED BY MARCIA E. HANFORD IN THE OFFICES OF MERIDIAN SURVEYING AND MAPPING, INC.

Meridian
Surveying and mapping inc.
2228 So. Congress Ave.
Suite 2-0
West Palm Beach, Florida 33406
LUCERNE LAKES GOLF COLONY
MAY 1982
82-002

83-19394



88-17443
7202 Golf Colony

EXHIBIT TO THE DECLARATION OF CONDOMINIUM OF LUCERNE LAKES GOLF COLONY CONDOMINIUM NO.8



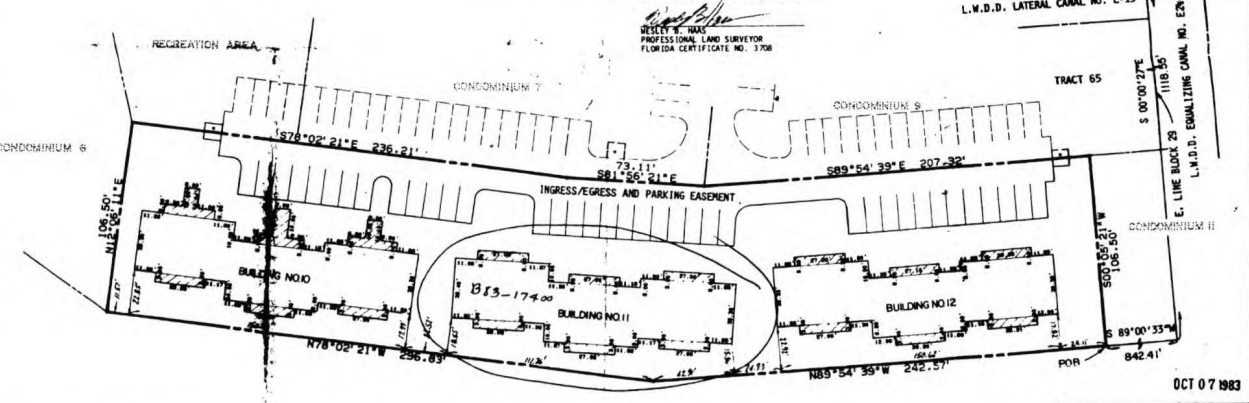
LEGAL DESCRIPTION
LUCERNE LAKES GOLF COLONY CONDOMINIUM NO. 8
LANDS BEING SUBMITTED TO CONDOMINIUM OWNERSHIP
A PARCEL OF LAND SITUATE IN SECTION 28, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING ALL OF TRACT 6 OF LUCERNE LAKES GOLF COLONY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44 ON PAGES 158 AND 159 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY.
PARCEL CONTAINING 1.294 ACRES, MORE OR LESS.

- NOTES:**
1. ALL AREAS ARE COMMON ELEMENTS EXCEPT UNITS AND AREAS DESIGNATED AS LIMITED COMMON ELEMENTS.
 2. EASEMENTS ARE AS SET FORTH IN THE DECLARATION OF CONDOMINIUM FOR LUCERNE LAKES GOLF COLONY NO. 1, DECLARATION OF COVENANTS, RESTRICTIONS, AND EASEMENTS, FOR LUCERNE LAKES GOLF COLONY, AND LUCERNE LAKES MASTER DECLARATION OF COVENANTS AND RESTRICTIONS.
 3. SOME PARKING SPACES MAY BE LIMITED COMMON ELEMENTS AND ASSIGNED TO THE USE OF A PARTICULAR UNIT.

SURVEYOR'S CERTIFICATE (NOT VALID UNLESS EMBOSSED WITH A LAND SURVEYOR'S SEAL)
WE HEREBY CERTIFY THAT THIS SKETCH OF SURVEY COMPLIES WITH CHAPTER 218A-6 OF THE FLORIDA ADMINISTRATIVE CODE AND IS ACCURATE TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

MERIDIAN SURVEYING AND MAPPING, INC.
WESLEY B. HARRIS
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 3708

POINT OF REFERENCE
N.E. CORNER TRACT 65
BLOCK 29, PALM BEACH
PARCS CO. PLAT NO. 3



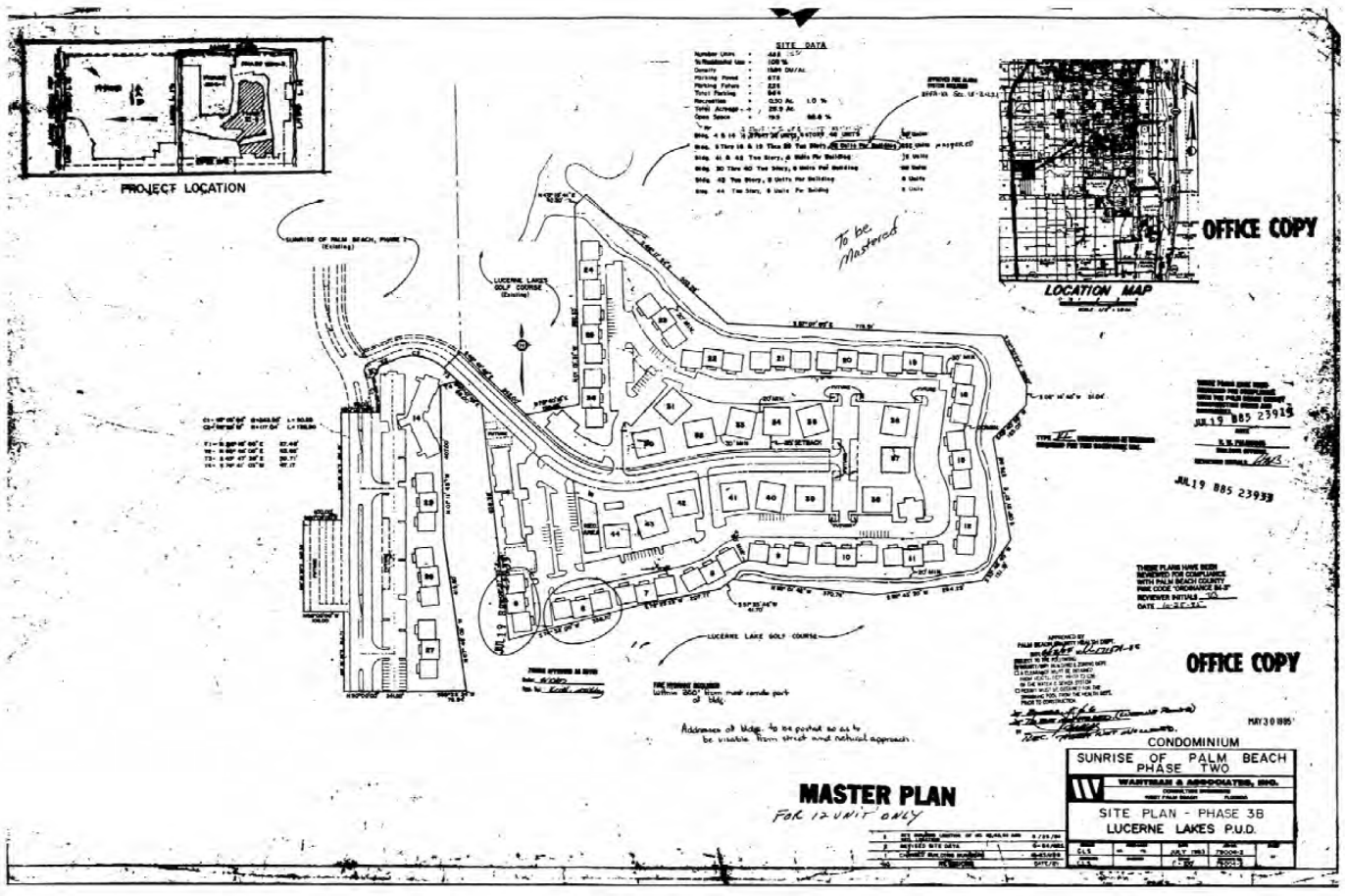
===== DENOTES LIMITED COMMON ELEMENT

THIS INSTRUMENT PREPARED BY MARCIA E. HANFORD IN THE OFFICES OF MERIDIAN SURVEYING AND MAPPING, INC.

* TYPICAL TRASH RECEPTACLE

SHEET ____ OF ____

Meridian
Surveying and Mapping, Inc.
2020 So. Congress Ave.
Suite 100
West Palm Beach, Florida 33409
LUCERNE LAKES GOLF COLONY



Address of building to be visible from street and vehicular approach.

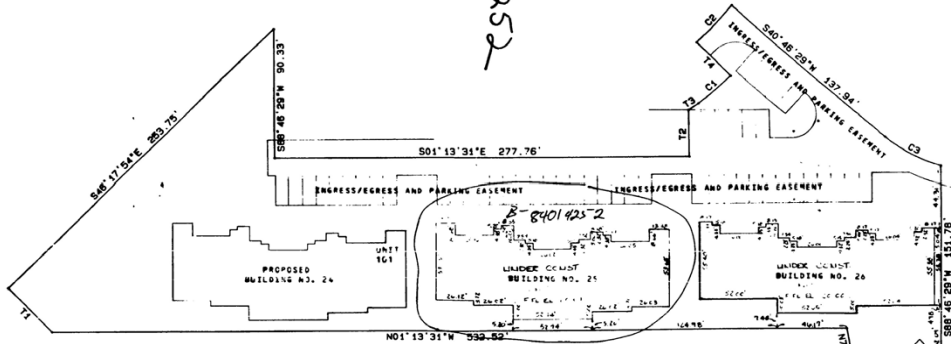
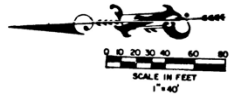
MASTER PLAN FOR 12 UNIT ONLY

CONDOMINIUM
SUNRISE OF PALM BEACH
PHASE TWO
WANTMAN & ASSOCIATES, INC.
SITE PLAN - PHASE 3B
LUCERNE LAKES P.U.D.

Page 357

EXHIBIT B
TO THE DECLARATION OF CONDOMINIUM OF
LUCERNE POINTE 2
A CONDOMINIUM

24-14252



NO.	DELTA	RADIUS	LENGTH
C1	5°08'50"	322.50	28.79
C2	6°54'22"	290.00	34.96
C3	24°24'39"	100.00	42.61

NO.	BEARING	DISTANCE
T1	N45°15'41"E	42.30
T2	N88°46'28"E	32.50
T3	S35°39'05"E	8.27
T4	N44°23'47"E	32.50
T5	N45°47'39"W	67.40

CERTIFICATION: (NOTE: NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.)

WE HEREBY CERTIFY THAT THE ABOVE SKETCH OF SURVEY OF THE HEREIN DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AS SURVEYED UNDER OUR ADMINISTRATION.

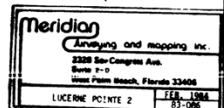
WESLEY P. HAAS
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 3708

REV. BLDG. SWAN HEREON LOCATED 1/11/21 BY 24-14252-24

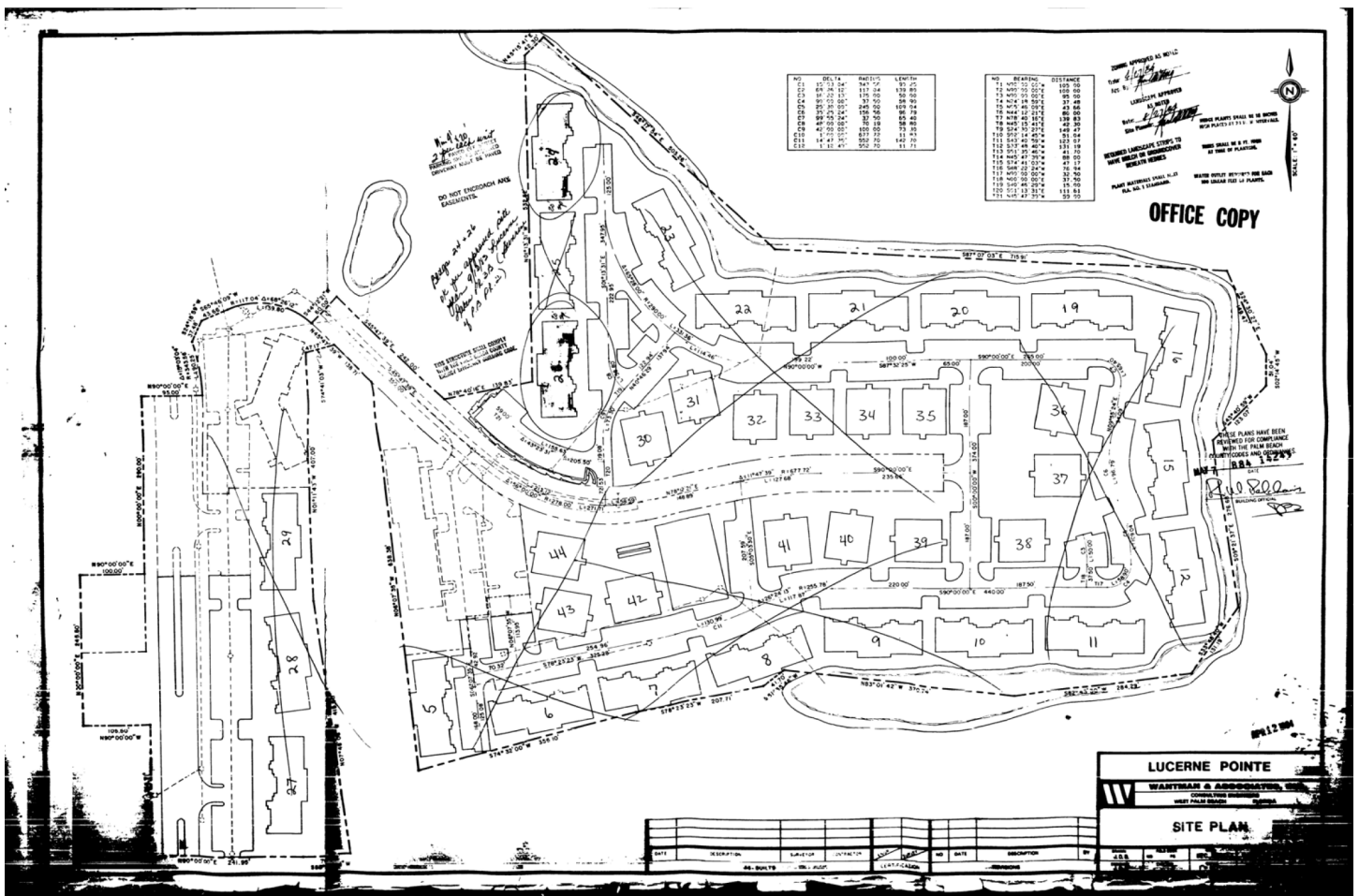
NOTES:

1. ALL AREAS ARE COMMON ELEMENTS EXCEPT UNITS AND AREAS DESIGNATED AS LIMITED COMMON ELEMENTS.
2. EASEMENTS ARE AS SET FORTH IN THE DECLARATION OF CONDOMINIUM FOR LUCERNE POINTE 2, A CONDOMINIUM, DECLARATION OF COVENANTS, RESTRICTIONS, AND EASEMENTS, FOR LUCERNE POINTE AND LUCERNE POINTE MASTER DECLARATION OF COVENANTS AND RESTRICTIONS.
3. SOME PARKING SPACES MAY BE LIMITED COMMON ELEMENTS AND MAY BE ASSIGNED TO THE USE OF A PARTICULAR UNIT.
4. BUILDINGS 5 THROUGH 12, 15, 16, 19 THROUGH 20 ARE ALL BUILDING TYPE 1.
5. BUILDINGS 30 THROUGH 44 ARE BUILDING TYPE 2.

THIS INSTRUMENT WAS PREPARED BY WESLEY P. HAAS IN THE OFFICES OF MERIDIAN SURVEYING AND MAPPING, INC.



24-14252



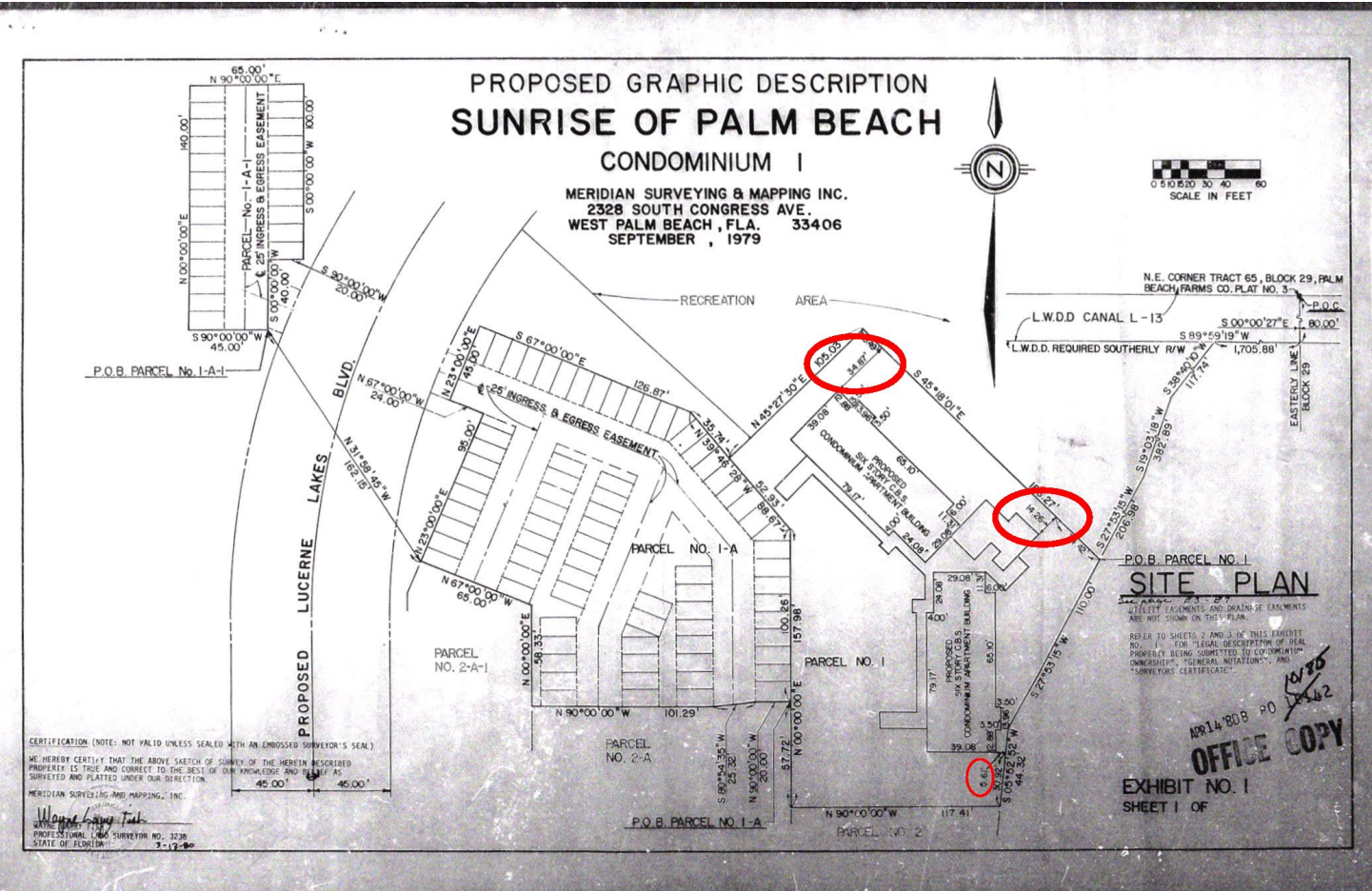
NO.	DELTA	RADIUS	LENGTH
C1	5°08'50"	322.50	28.79
C2	6°54'22"	290.00	34.96
C3	24°24'39"	100.00	42.61

NO.	BEARING	DISTANCE
T1	N45°15'41"E	42.30
T2	N88°46'28"E	32.50
T3	S35°39'05"E	8.27
T4	N44°23'47"E	32.50
T5	N45°47'39"W	67.40

24-14252

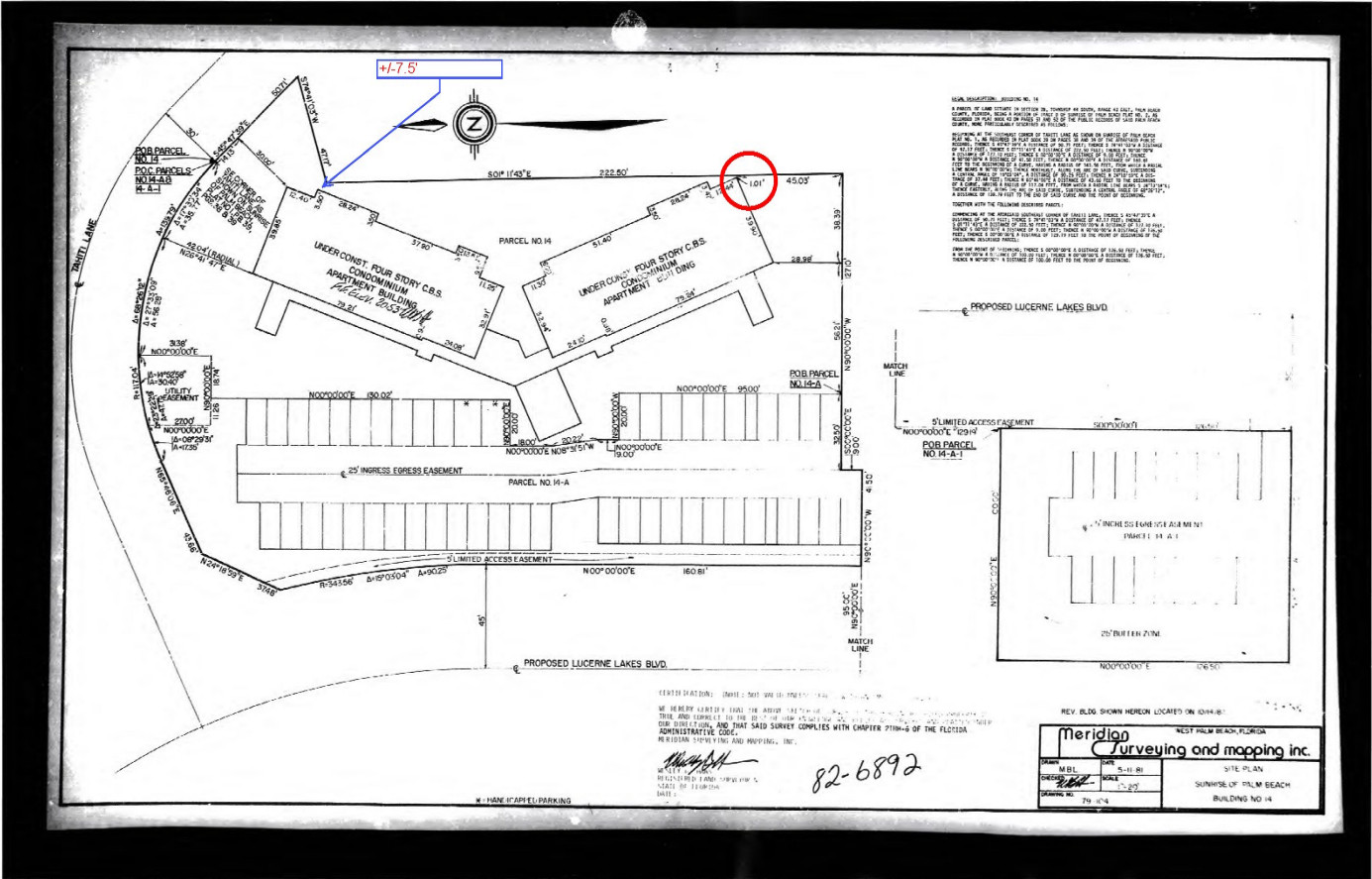
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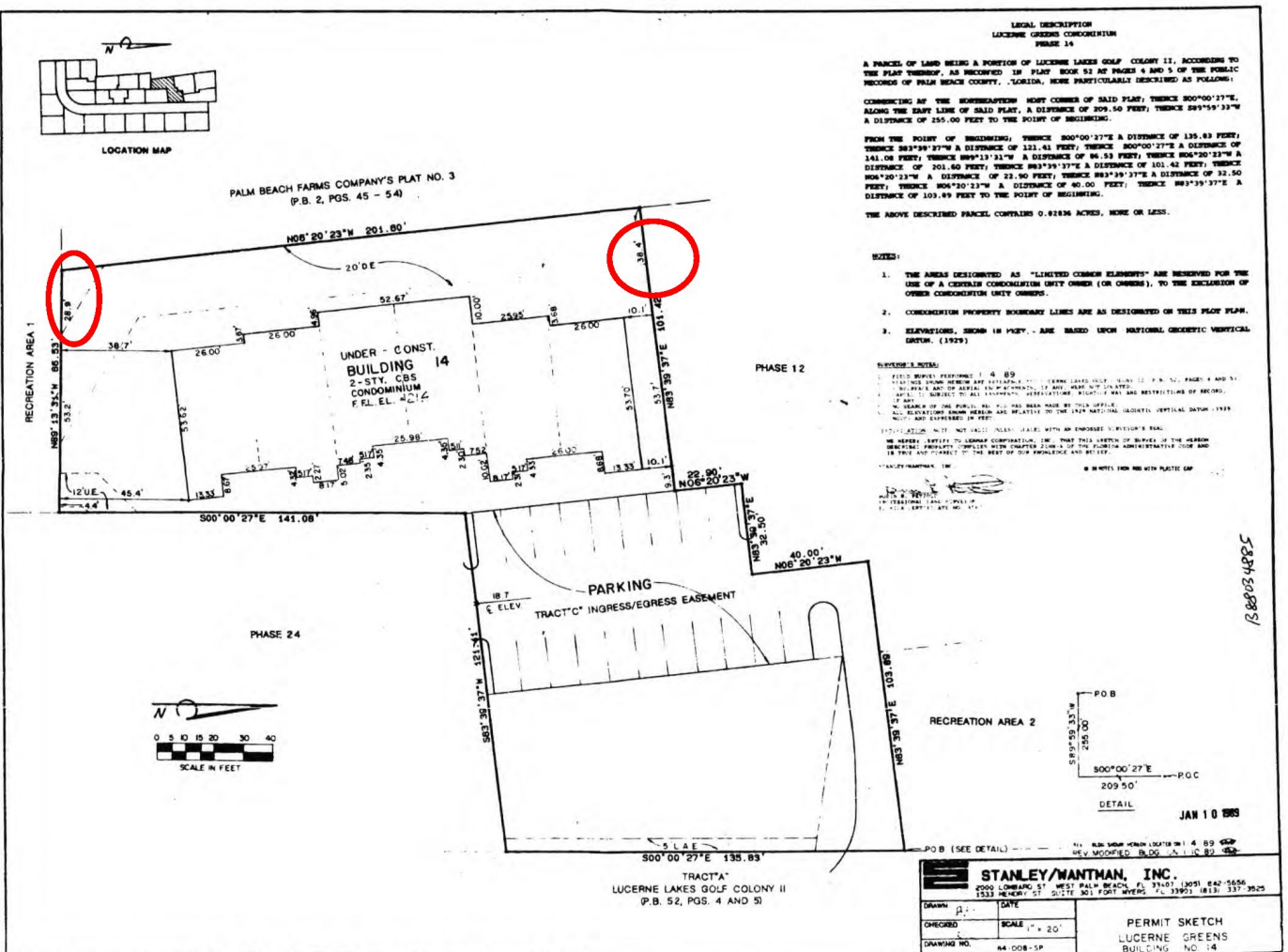
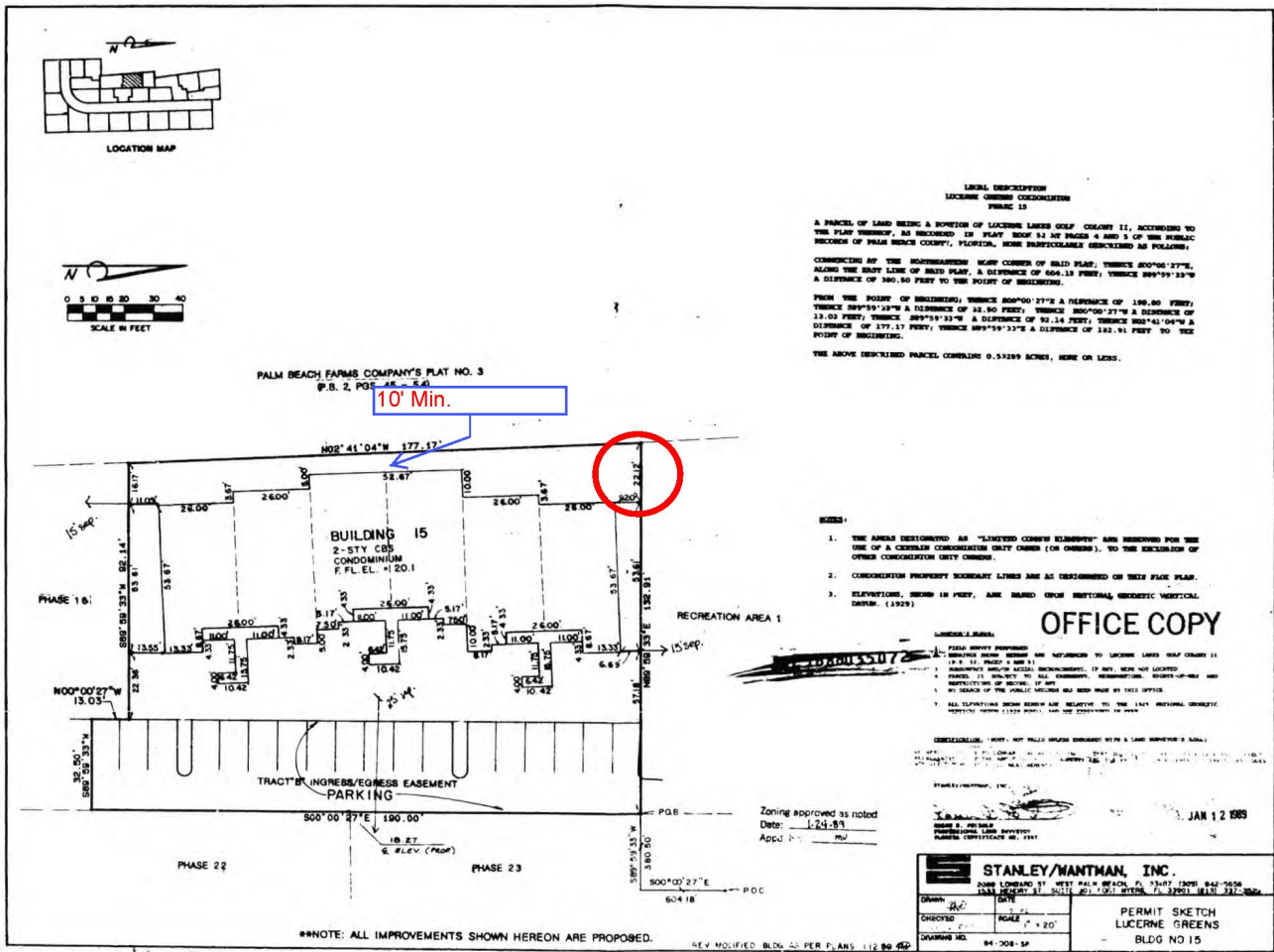
CERTIFICATION (NOTE: NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL)
 WE HEREBY CERTIFY THAT THE ABOVE SKETCH OF SURVEY OF THE HEREIN DESCRIBED
 PROPERTY IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AS
 SURVEYED AND PLATTED UNDER OUR DIRECTION.
 MERIDIAN SURVEYING AND MAPPING, INC.
 W. Wayne L. Lundy, Inc.
 PROFESSIONAL LAND SURVEYOR NO. 3238
 STATE OF FLORIDA 3-12-80

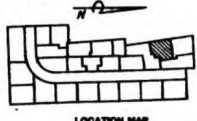
REFER TO SHEETS 2 AND 3 OF THIS EXHIBIT
 NO. 1 FOR "LEGAL DESCRIPTION OF REAL
 PROPERTY BEING SUBMITTED TO CO-OWNERSHIP"
 OWNERSHIP, "GENERAL NOTATIONS", AND
 "SURVEYOR'S CERTIFICATE".
 APR 14 2008 PO 1070
 10702
 OFFICE COPY
 EXHIBIT NO. 1
 SHEET 1 OF



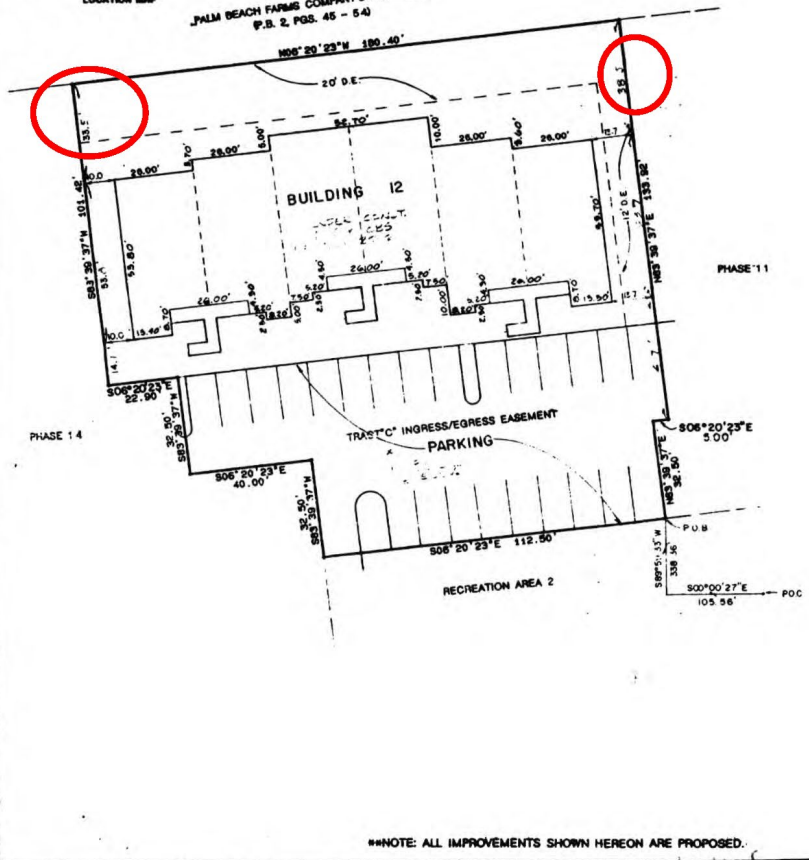
CERTIFICATION (NOTE: NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL)
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 MERIDIAN SURVEYING AND MAPPING, INC.
 W. Wayne L. Lundy, Inc.
 PROFESSIONAL LAND SURVEYOR NO. 3238
 STATE OF FLORIDA 3-12-80

REV. BLDG. SHOWN HEREON LOCATED ON (DATE)
 Meridian
 Surveying and Mapping Inc.
 DATE: 5-11-81
 DRAWN BY: MBL
 CHECKED BY: MBL
 DATE: 5-11-81
 SHEET: 1 OF 1
 SITE PLAN
 SUNRISE OF PALM BEACH
 BUILDING NO. 14





PALM BEACH FARMS COMPANY'S PLAT NO. 3
P.B. 2, PGS. 45 - 54



LEGAL DESCRIPTION
LUCERNE GREENS CONDOMINIUM
PHASE 12

A PARCEL OF LAND BEING A PORTION OF LUCERNE LAKES, COLONY II, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 52 AT PAGES 4 AND 5 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERN CORNER OF SAID PLAT, THENCE S00°00'00"E, ALONG THE EAST LINE OF SAID PLAT, A DISTANCE OF 100.04 FEET; THENCE S89°59'13"W, A DISTANCE OF 338.36 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING, THENCE S04°20'13"E, A DISTANCE OF 111.50 FEET; THENCE S83°39'37"W, A DISTANCE OF 31.50 FEET; THENCE S04°20'13"E, A DISTANCE OF 40.00 FEET; THENCE S83°39'37"W, A DISTANCE OF 32.50 FEET; THENCE S05°30'13"E, A DISTANCE OF 22.50 FEET; THENCE S83°39'37"W, A DISTANCE OF 101.42 FEET; THENCE S04°20'13"E, A DISTANCE OF 180.40 FEET; THENCE S83°39'37"E, A DISTANCE OF 133.52 FEET; THENCE S04°20'13"E, A DISTANCE OF 9.00 FEET; THENCE S84°39'37"E, A DISTANCE OF 22.50 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 0.62147 ACRES, MORE OR LESS.

SEE MORE DETAILED MAPS WITHIN PLANS FOR EACH UNIT.

CONVEYANCE BY: [Signature]

THIS PLAN IS PREPARED BY MERIDIAN SURVEYING AND MAPPING, INC. (MSM) FOR THE PURPOSE OF SUBMITTING TO THE PALM BEACH COUNTY BOARD OF PLANNING AND ZONING. THE PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE SURVEYOR'S FIELD NOTES. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND NO EVIDENCE OF ANY UNLAWFUL ACTS OR VIOLATIONS OF ANY APPLICABLE LAWS OR ORDINANCES. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE SURROUNDING AREA AND HAS FOUND NO EVIDENCE OF ANY UNLAWFUL ACTS OR VIOLATIONS OF ANY APPLICABLE LAWS OR ORDINANCES. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE SURROUNDING AREA AND HAS FOUND NO EVIDENCE OF ANY UNLAWFUL ACTS OR VIOLATIONS OF ANY APPLICABLE LAWS OR ORDINANCES.

DATE: 8-7-20
CHECKED BY: [Signature]
DATE: 8-7-20
DRAWN BY: [Signature]

SEP 26 1998

2330 N. CONSUMERS AVE.
WEST PALM BEACH, FL.

Meridian
Surveying and mapping inc.

DATE	8-7-20
CHECKED BY	[Signature]
DATE	8-7-20
DRAWN BY	[Signature]

PERMIT SKETCH
BUILDING 12
LUCERNE GREENS
CONDOMINIUM

**NOTE: ALL IMPROVEMENTS SHOWN HEREON ARE PROPOSED.


4691 Lucerne Lakes


Exhibit 4
Surrounding Residential Communities Checklist


Neighborhood: Lucerne Lakes Homes North - P.B. 25, Pgs. 155 & P.B. 30, Pgs. 160							
Platted Lots Adjacent to Forest Oaks	Existing View	Proposed View	Existing Non-conforming Lots Approximate Rear Setback	Proposed Solution for Non-conforming Lots Rear Setback	P.B.C. U.L.D.C.	Notes	Proposed Preliminary Master Plan View
Lots 1 - 31	Hole 4 & 5 Fairway	15' - 44' Open Landscape Buffer Area, Water Management Tract & Neighborhood Park.	Lot 4 = 6' Lot 10=10' Lot 11 = 5' Screen End Lot 12 = 5' Screen End Lot 13 = 10' Lot 23 = 10' Lot 25 & 26 = 6' Screen End	Lot 4 = 14-41' Open Space / Buffer Tract Lot 10= 14-29' Open Space / Buffer Tract Lot 11 & 12 = 13-27' Open Space / Buffer Tract Lot 13 = 14-56' Open Space / Buffer Tract Lot 23, 25, 26 = Water Management Tract	Article 3 Table 3.D.1.A. Property Development Regulations: RM - 15' Rear Setback. Previous 12' Rear Setback is Conforming. Article 5 Table 5.B.1.A. - Screen Enclosure Setback = 7.5'		
Lot 5 - Permit 78-5460 (3.14.78) 7211 Pine Manor Drive	Hole 5 Fairway	15' - 34' Open Landscape Buffer Area.	NA	NA	Article 3 Table 3.D.1.A. Property Development Regulations: RM - 15' Rear Setback. Previous 12' Rear Setback is Conforming. Article 5 Table 5.B.1.A. - Screen Enclosure Setback = 7.5'		
Lot 20 - Permit 78-18332 (8.28.78) 7123 Pine Manor Drive	Hole 4 Fairway	15' - 67' Open Landscape Buffer Area.	NA	NA	Article 3 Table 3.D.1.A. Property Development Regulations: RM - 15' Rear Setback. Previous 12' Rear Setback is Conforming. Article 5 Table 5.B.1.A. - Screen Enclosure Setback = 7.5'		
Lots 32 - 42	Hole 2, Hole 3 Fairway	Water Management Tract / Dry Detention, 10' Min. Landscape Tract, Usable Open Space, Water Management Tract.	Lot 36 = 10' Lot 39A = 6' Lot 40 = 10' Lot 41 = 7'	Lot 36, 39A, 40, 41 = Water Management Tract	Article 3 Table 3.D.1.A. Property Development Regulations: RM - 15' Rear Setback. Previous 12' Rear Setback is Conforming. Article 5 Table 5.B.1.A. - Screen Enclosure Setback = 7.5'	Lot 33 (Conforming lot) is only lot with landscape buffer then townhome (14-25' from P.L.)	
Lots 45 - 56	Hole 3	Water Management Tract, Rec Pod, Water Management Tract / Dry Detention	Lot 46 = 6' Screen End Lot 47 = 5'	Lot 46, 47 = Water Management Tract	Article 3 Table 3.D.1.A. Property Development Regulations: RM - 15' Rear Setback. Previous 12' Rear Setback is Conforming. Article 5 Table 5.B.1.A. - Screen Enclosure Setback = 7.5'		
Lot 50 - Permit 78-18192 (8.8.78) 7156 Pine Bluff	Lake & Hole 7 Fairway	15' Buffer - 1472' Rec Pod Area.	NA	NA	Article 3 Table 3.D.1.A. Property Development Regulations: RM - 15' Rear Setback. Previous 12' Rear Setback is Conforming. Article 5 Table 5.B.1.A. - Screen Enclosure Setback = 7.5'		
Lots 61 - 67	Hole 6 & 7 Fairway	Water Management Tract / Dry Detention, 10' Min. Landscape Tract, Water Management Tract.			Article 3 Table 3.D.1.A. Property Development Regulations: RM - 15' Rear Setback. Previous 12' Rear Setback is Conforming. Article 5 Table 5.B.1.A. - Screen Enclosure Setback = 7.5'		
Lots 3-10	Hole 6 Fairway	Water Management Tract, 10' Min. Landscape Tract.			Article 3 Table 3.D.1.A. Property Development Regulations: RM - 15' Rear Setback. Previous 12' Rear Setback is Conforming. Article 5 Table 5.B.1.A. - Screen Enclosure Setback = 7.5'	Lot 8 (Conforming lot) is only lot with landscape buffer then townhome (14-35' from P.L.)	

Villas at Lucerne Lakes - Neighborhood Not Affected. No Frontage on Golf Course

Platted Lots Adjacent to Forest Oaks		Existing View	Proposed View	Existing Non-conforming Lots Approximate Rear Setback	Proposed Solution for Non-conforming Lots Rear Setback	Neighborhood: Lucerne Lakes Homes South - P.B. 33, Pg. 30 & P.B. 35, Pg. 32	P.B.C. U.L.D.C.	Notes	Proposed Preliminary Master Plan View
Lots 5 - 7, Block 1	Lots 5 - 7, Block 1	10' Landscape Buffer, +/- 1' Open Landscape Area	NA	NA	NA	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	Lots 1 - 4 View of Homes South Lots	
Lots 9 - 10	Hole 7 Fairway	20' Landscape Buffer	Lot 10 = 10' Lot 11 = 7'	Lots 10 & 11 - 20' Min. Landscape Buffer Tracts	NA	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		
Lot 18 - Permit #1050716 (7.17.11) 7362 Pine Park	Hole 7 Fairway	20' Landscape Buffer	NA	NA	NA	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	104 Permit #040330033 indicates property for screen enclosure. Could not meet 10' rear setback	
Lots 20 - 30	Existing Lake	Lake Proposed To Be Preserved	NA	NA	NA	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		
Lot 31	Hole 9 Fairway	10' Min. Buffer Tract, 40' Residential Across Street	NA	NA	NA	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		
Lots 32 - 39	Hole 9 Fairway	10' Min. Buffer Tract, 40' Residential Across Street, Water Management Tract (Dry Detention), Rec Pod	NA	NA	NA	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		
Lots 40 - 49	Hole 9 Fairway, Canal (Lots 36 - 47)	10' Min. Buffer Tract, 40' Residential Across Street, Water Management Tract (Dry Detention), Townhomes (Lots 43, 49 After L.S. Buffer Tract & 40' RAS) +/- 30' Open Space Area	NA	NA	NA	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		
Lots 51 - 53	Hole 9	10' Min. Buffer Tract, 40' Residential Across Street, Homebased Dead-end, +/- 80' Open Space Area	NA	NA	NA	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	Lot 51 Screen Enclosure Complex = 4'	
Neighborhood: Lucerne Lakes Homes South - P.B. 33, Pg. 30 & P.B. 35, Pg. 32									
Lots 1 - 20	Hole 9 Fairway	20' Min. Buffer Tract, Followed By Residential Townhomes, Rec Pod, Water Management Tract (Dry Detention)	Lot 2 = 7' Lot 3 = 10' & Lot 5 Screen Tract = 0' Lot 6 = 0' Lot 18 = 10'	Lots 2 - 20 = 20' Min. Landscape Buffer Tract	NA	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	After 40' Min. Landscape Buffer Tract, only Lots 1 - 5 were residential townhomes. Also, 20' Landscape Buffer Tract, 40' Residential Across Street, Water Management Tract, 17' 20' Open Space Tract, Lots 17 - 20 were residential townhomes. Other remaining lots have Rec Pod and Water Management Tract (Dry Detention)	
Lot 4 - Permit #03-11480 (7.28.10) 7264 Pine Forest	Hole 9 Fairway	10' Min. Buffer Tract, Rec Pod	Lot 4 = 10'	Lots 2 - 20 = 20' Min. Landscape Buffer Tract	NA	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		
Lot 14 - Permit 120000 (5.31.10) 7324 Pine Forest	Hole 9 Fairway	10' Min. Buffer Tract, Rec Pod	NA	NA	NA	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		
Lots 21 - 37	Hole 8 & Hole 2 Family, Drainage Canal	10' Min. Buffer Tract (Lots 23-28 Followed by W.M.D. Dry Detention), 10' Min. Buffer Tract, Residential Townhomes (Lots 29-36), Open Space average +/- 50' Water Management Tract (Dry Detention)	NA	NA	NA	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	Canal owned by Golf Course. Lots enclosed behind with drainage easement	
Lot 26 - Permit 26450 (8.31.10) 7276 Pine Cove	Hole 2	10' Min. Buffer Tract, Residential Townhomes	NA	NA	NA	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		
Lots 1 - 18	Hole 1 Fairway	Relocated LUND L-13 Canal Right of Way (ROW)	Lot 8 = 10'	Lot 8 = 80' LUND L-13 Canal ROW	NA	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		

Boundary Plat Area / Buildings Number Adjacent to Forest Oaks		Existing View	Proposed View	Existing Non-conforming Lots Approximate Rear Setback	Proposed Solution for Non-conforming Lots Rear Setback	P.B.C. U.L.D.C.	Notes	Proposed Preliminary Master Plan View	
Platted Tract 12 & 14 - Condo Buildings - East Side of Lucerne Lakes Blvd. Not Affected (No Frontage on Forest Oaks Golf Course)									
1 - Permit #832-0992 (9.13.02)	Hole 17 Fairway	Water Management Tract (Lake)	Center wall = 10' See Notes	Water Management Tract (Lake)	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		Permit information indicates: Rear Setback East Wall = 24.95' Rear Setback West Wall = 20' Does not show dimension for center wall. Scaled off aerial. Other permits indicate a 10' Min. center setback. See Building #4.		Golf Colony Condominiums
2 - Setback Information Indicated Permit # 832-0992 (9.13.02)	Hole 17 Fairway	40' Landscape Buffer Open Space Tract	Center wall = 10' See Notes	40' Landscape Buffer Open Space Tract	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		Permit information indicates: Rear Setback East Wall = 20' Rear Setback West Wall = 20' Does not show dimension for center wall. Scaled off aerial. Other permits indicate a 10' Min. center setback. See Building #4.		
3 - Setback Information Indicated Permit # 832-0992 (9.13.02)	Hole 17 Fairway	40' Landscape Buffer Open Space Tract	Center wall = 10' See Notes	40' Landscape Buffer Open Space Tract	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		Permit information indicates: Rear Setback East Wall = 20' Rear Setback West Wall = 20' Does not show dimension for center wall. Scaled off aerial. Other permits indicate a 10' Min. center setback. See Building #4.		
4 - Permit #832-21093 (9.13.02)	Hole 17 Fairway	40' Landscape Buffer Open Space Tract	Center wall = 10' Min. See Notes	40' Landscape Buffer Open Space Tract	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		Permit information indicates: Rear Setback East Wall = 20.5' Rear Setback West Wall = 19' Scaled off aerial. Permit indicated a 10' Min. center setback.		
5	Hole 17 Fairway	40' Landscape Buffer Open Space Tract	Center wall = 10' Min. See Notes	40' Landscape Buffer Open Space Tract	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		Rear Setback East Wall = 20' Rear Setback West Wall = 15' Scaled off aerial.		
6	Hole 17 Fairway	20' - 40' Landscape Buffer Open Space Tract	Center wall = 10' Min. See Notes	20' - 40' Landscape Buffer Open Space Tract	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		Rear Setback East Wall = 20' Rear Setback West Wall = 15' Scaled off aerial.		
7 - Permit #832-21100 (9.13.02)	Hole 16 Fairway	Water Management Tract (Lake)	Center wall = 10' Min. See Notes	Water Management Tract (Lake)	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		Permit information indicates: Rear Setback East Wall = 23.01' Rear Setback West Wall = 17.95' Does not show dimension for center wall. Scaled off aerial. Other permits indicate a 10' Min. center setback. Scaled off permit in CAD to verify 10' Min. See Building #4.		
8 - Setback Information Indicated Permit #832-21100 (9.13.02)	Hole 16 Fairway	Water Management Tract (Lake) / 15' Minimum Buffer Tract / Open Space Tract / Neighborhood Park	Center wall = 10' Min. See Notes	Water Management Tract (Lake) / 15' Minimum Buffer Tract / Open Space Tract / Neighborhood Park	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		Permit information indicates: Rear Setback East Wall = 22.75' Rear Setback West Wall = 18.15' Does not show dimension for center wall. Scaled off permit in CAD to verify 10' Min. See Building #4.		
9 - Setback Information Indicated Permit #832-21100 (9.13.02)	Hole 16 Fairway	15' Minimum Buffer Tract Followed by 40' RAS & (See Det.)	Center wall = 10' Min. See Notes	15' Minimum Buffer Tract Followed by 40' RAS & (See Det.)	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		Permit information indicates: Rear Setback East Wall = 22.50' Rear Setback West Wall = 17.97' Does not show dimension for center wall. Scaled off permit in CAD to verify 10' Min. See Building #4.		
10 - Setback Information Indicated Permit #832-17420 (10.7.03)	Hole 15 Fairway	15' Minimum Buffer Tract Followed by 40' RAS & (See Det.)	Center wall = 10' Min. See Notes	15' Min. Buffer Tract Followed by 40' RAS & (See Det.)	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		Permit information indicates: Rear Setback East Wall = 22.65' Rear Setback West Wall = 17.99' Rear Setback West Wall = 16.55' Does not show dimension for center wall. Scaled off permit in CAD to verify 10' Min. See Building #4.		
11 - Permit #832-17420 (10.7.03)	Hole 15 Fairway	15' Minimum Buffer Tract, Average - 34' Open Space Landscape Buffer Tract Followed by 40' RAS Water Management Tract (Dry Detention)	Center wall = 10' Min. See Notes	15' Min. Buffer Tract, Average - 34' Open Space Landscape Buffer Tract Followed by 40' RAS Water Management Tract (Dry Detention)	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		Permit information indicates: Rear Setback East Wall = 16.56' Rear Setback West Wall = 16.55' Does not show dimension for center wall. Scaled off permit in CAD to verify 10' Min. See Building #4.		
12 - Setback Information Indicated Permit #832-17420 (10.7.03)	Hole 15 Fairway	40' Buffer Open Space Tract, Average Followed by 40' RAS Water Management Tract (Dry Detention)	Center wall = 10' Min. See Notes	40' Buffer Open Space Tract, Average Followed by 40' RAS Water Management Tract (Dry Detention)	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		Permit information indicates: Rear Setback East Wall = 17.82' Rear Setback West Wall = 22.52' Does not show dimension for center wall. Scaled off permit in CAD to verify 10' Min. See Building #4.		
13	Hole 15 Fairway	15' Minimum Buffer Tract Followed by 40' RAS & (See Det.)	Center wall = 14'	NA	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		Rear Setback East Wall = 20' Rear Setback West Wall = 22' Center wall = 14' Scaled off aerial.		
14	Hole 14	15' Minimum - 20' Buffer Tract Followed by 40' RAS & (See Det.)	Center wall = 14'	NA	Article 3 Table 3.0.1.A. Property Development Regulations, RM - 10' Rear Setback, Previous 12' Rear Setback is Confirming Article 5 Table 5.0.1.A. - Screen Enclosure Setback = 7.5'		Rear Setback East Wall = 19' Rear Setback West Wall = 22' Center wall = 14' Scaled off aerial.		

Neighborhood: Lucerne Lakes Golf Colony II Plat (Lucerne Greens) - P.B. 82, Pg.5							
Boundary Plat Areas / Buildings Number Adjacent to Forest Oaks	Existing View	Proposed View	Existing Non-conforming Lots Approximate Rear Setback	Proposed Solution for Non-conforming Lots Rear Setback	P.B.C. U.L.D.C.	Notes	Proposed Preliminary Master Plan View
Tract E (Recorded Plat)							
11	Hole 14 Fairway	15' Min. Type 2 Buffer Tract, Followed By Residential Access Tract, Neighborhood Park	NA	NA	Article 3 Table 3.D.1.A. Property Development Regulations, RM - 15' Rear Setback. Previous 12' Rear Setback is Conforming. Article 5 Table 5.B.1.A. - Screen Enclosure Setback = 7' 5"	Rear Setback North Wall = 35' Rear Setback Center Wall = 20' Rear Setback South Wall = 30' Estimated setback from approved site plan scanned into CAD & Aerial. 2 - Story	
12 - Permit B88-086764 (1988) - 4891 Lucerne Lakes Blvd.	Hole 14 Fairway	15' Min. Type 2 Buffer Tract, Followed By Residential Access Tract, Portion Townhome, Rte. Pod	NA	NA	Article 3 Table 3.D.1.A. Property Development Regulations, RM - 15' Rear Setback. Previous 12' Rear Setback is Conforming. Article 5 Table 5.B.1.A. - Screen Enclosure Setback = 7' 5"	Rear Setback North Wall = 38' Rear Setback South Wall = 33' 5' Permit indicated dimensions 2 - Story	
14 - Permit B88-034885 (1988) - 4893 Lucerne Lakes Blvd.	Hole 14 Fairway	15' Min. Type 2 Buffer Tract, Neighborhood Park	NA	NA	Article 3 Table 3.D.1.A. Property Development Regulations, RM - 15' Rear Setback. Previous 12' Rear Setback is Conforming. Article 5 Table 5.B.1.A. - Screen Enclosure Setback = 7' 5"	Rear Setback North Wall = 38' 4" Permit indicated dimensions 2 - Story	
15 - Permit B88-035072 (1988) - 4899 Lucerne Lakes Blvd.	Hole 13 Fairway	15' Min. Type 2 Buffer Tract	NA	NA	Article 3 Table 3.D.1.A. Property Development Regulations, RM - 15' Rear Setback. Previous 12' Rear Setback is Conforming. Article 5 Table 5.B.1.A. - Screen Enclosure Setback = 7' 5"	Rear Setback North Wall = 22.12' Rear Setback South Wall = 18.17' Permit indicated dimensions 2 - Story	
16	Hole 13 Fairway	15' Min. Type 2 Buffer Tract, Open Space Tract Average width = 18', Water Management Tract (Lake)	Center Wall = 5.5' South Wall = 14' See Notes	15' Min. Type 2 Buffer Tract, Open Space Tract Average width = 16', Water Management Tract (Lake)	Article 3 Table 3.D.1.A. Property Development Regulations, RM - 15' Rear Setback. Previous 12' Rear Setback is Conforming. Article 5 Table 5.B.1.A. - Screen Enclosure Setback = 7' 5"	Rear Setback North Wall = 19' Rear Setback Center Wall = 5.5' Rear Setback South Wall = 14' Estimated setback from approved site plan scanned into CAD & Aerial. 2 - Story	
17	Hole 13	Water Management Tract (Lake)	Center Wall = 3' West Wall = 12' See Notes	Water Management Tract (Lake)	Article 3 Table 3.D.1.A. Property Development Regulations, RM - 15' Rear Setback. Previous 12' Rear Setback is Conforming. Article 5 Table 5.B.1.A. - Screen Enclosure Setback = 7' 5"	Rear Setback Center Wall = 3' Rear Setback West Wall = 12' Estimated setback from approved site plan scanned into CAD & Aerial. 2 - Story	

Neighborhood: Lucerne Pointe Plat (Fairway Club) - P.B. 82, Pgs.118-121							
Boundary Plat Areas / Buildings Number Adjacent to Forest Oaks	Existing View	Proposed View	Existing Non-conforming Lots Approximate Rear Setback	Proposed Solution for Non-conforming Lots Rear Setback	P.B.C. U.L.D.C.	Notes	Notes
Tract B - Residential Condo Tract Area							
Tract B - Residential Condo Tract Area (Two Eastern Condo Buildings)	Hole 13 Fairway	Water Management Tract (Lake)	East Wall = 5' West Wall = 18.82' See Notes	Water Management Tract (Lake)	Article 3 Table 3.D.1.A. Property Development Regulations, RM - 15' Rear Setback. Previous 12' Rear Setback is Conforming. Article 5 Table 5.B.1.A. - Screen Enclosure Setback = 7' 5"	Rear Setback East Wall = 5' Rear Setback West Wall = 18.82' Setback Taken From Recorded Plat 4 - Story. In accordance to code Article 3.D.1.E 2 additional setbacks every 7' over 40'. Estimated height (4 - Story) = 38', which provides for a 18' min. rear setback.	
Tract O - Residential Condo Tract Area (Two Center Condo Buildings)	Hole 13 Fairway	Water Management Tract (Lake)	East Wall = 10.94' West Wall = 10.51' See Notes	Water Management Tract (Lake)	Article 3 Table 3.D.1.A. Property Development Regulations, RM - 15' Rear Setback. Previous 12' Rear Setback is Conforming. Article 5 Table 5.B.1.A. - Screen Enclosure Setback = 7' 5"	Rear Setback East Wall = 10.94' Rear Setback West Wall = 10.51' Setback Taken From Recorded Plat 4 - Story. In accordance to code Article 3.D.1.E 2 additional setbacks every 7' over 35'. Estimated height (4 - Story) = 38', which provides for a 18' min. rear setback.	
Tract P - Residential Condo Tract Area (One Western Condo Building)	Hole 13 Fairway	Water Management Tract (Lake)	East Wall = 5' West Wall = 5' See Notes	Water Management Tract (Lake)	Article 3 Table 3.D.1.A. Property Development Regulations, RM - 15' Rear Setback. Previous 12' Rear Setback is Conforming. Article 5 Table 5.B.1.A. - Screen Enclosure Setback = 7' 5"	Rear Setback East Wall = 5' Rear Setback West Wall = 5' Setback Taken From Recorded Plat 4 - Story. In accordance to code Article 3.D.1.E 2 additional setbacks every 7' over 35'. Estimated height (4 - Story) = 38', which provides for a 18' min. rear setback.	

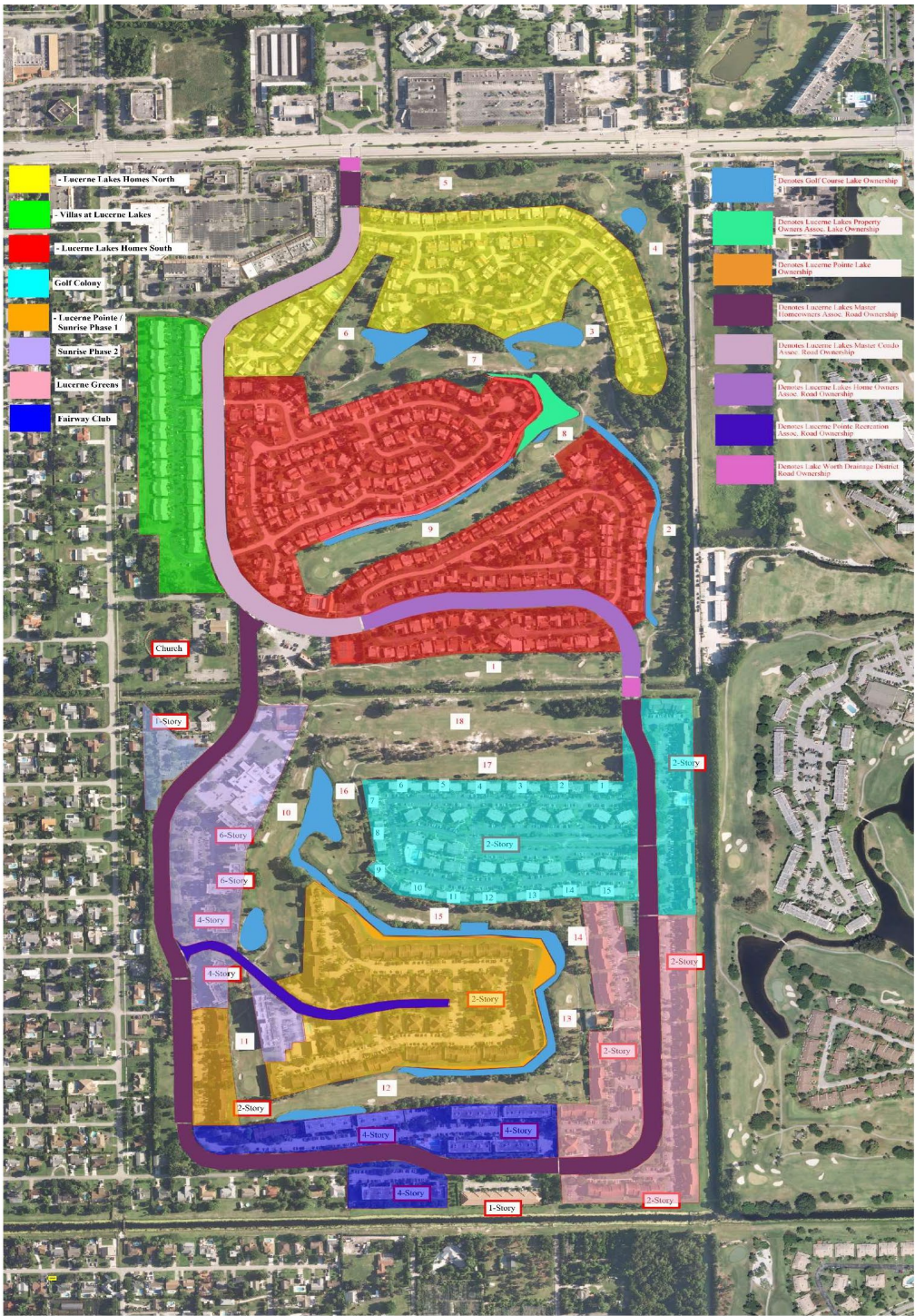


Exhibit G: Supplemental Documentation: Attorney Correspondence
John Jorgensen (Scott, Harris, Bryan, Barra & Jorgensen, P.A), dated May 28, 2021



ATTORNEYS AT LAW
SCOTT, HARRIS, BRYAN, BARRA & JORGENSEN, P.A.

May 28, 2021

Via U.S. Mail and Email: rvandenburg@pbcgov.org

Ryan Vandenburg
Palm Beach County Zoning
2300 N. Jog Road
West Palm Beach, FL 33411

RE: Lucerne Lakes Golf Course Conversion/Plat Recreation Tracts

Dear Mr. Vandenburg:

I represent Lucerne Greens Condominium Association, Inc. in reference to its opposition to a proposed development by Mattamy Homes of what is now the Lucerne Lakes Golf Course. In my review of the Zoning file, I note that the Palm Beach County Planning and Zoning staff raised concerns about certain restrictions contained in Plat No. 2, Lucerne Lakes (PUD). In particular, in regard to the following restrictive language found in Plat Book No. 32, Page 191:

RECREATION TRACTS AS SHOWN HEREON ARE HEREBY RESERVED IN PERPETUITY FOR THE PURPOSES OF RECREATION, SAID RECREATION TRACTS ARE THE PERPETUAL MAINTENANCE OBLIGATION OF THE OWNERS, THEIR ASSIGNS, OR TRANSFEREES.

In addition to this language, the plat for Lucerne Lakes Golf Course, Plat Book 87, Page 184, states as follows:

**2 (GOLF COURSE TRACTS G.C.)
TRACTS G.C. I – G.C. E, AS SHOWN HEREON, ARE HEREBY RESERVED FOR FLORIDA GARDENS LAND DEVELOPMENT COMPANY, A FLORIDA CORPORATION, ITS SUCCESSORS AND ASSIGNS, FOR GOLF COURSE PURPOSES AND ARE THE PERPETUAL MAINTENANCE OBLIGATION OF SAID CORPORATION, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO PALM BEACH COUNTY.**

Further, in Plat Book 32, Page 191 of Plat No. 2, Lucerne Lakes (PUD) **golf course tracts are depicted as recreation areas.**

ROBERT SCOTT (1925-1982) • RICHARD K. BARRA • JOHN L. BRYAN, JR. • S. BRIAN BULL*
J. RICHARD HARRIS* • CYNTHIA J. JACKSON • DEREK M. JORGENSEN • JOHN M. JORGENSEN

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Mr. Vandenburg
RE: Lucerne Lakes Golf Course Conversion/Plat Recreation Tracts
May 28, 2021
Page 2

P&Z staff has inquired whether the reservation in perpetuity of the recreational tracts prevents a subsequent replat that would change the use of the recreational tracts. Counsel for Mattamy Palm Beach, LLC answered this question in the negative in a letter dated July 6, 2020. I disagree with this opinion.

Counsel for Mattamy based her opinion on Florida Statute 177.101(2) which states in part:

The approval of a replat by the governing body of a local government, which encompasses lands embraced in all or part of a prior plat filed of public record shall, upon recordation of the replat, automatically and simultaneously vacate and annul all of the prior plat encompassed by the replat.

It may be true that a replat vacates and annuls a prior plat, but this does not answer the question posed by P&Z staff. The issue is whether a replat can legally extinguish recreational tracts in perpetuity shown on a prior plat.

When property is purchased and a deed of conveyance refers to a plat on which streets, parks, or other open areas are shown, purchasers acquire an implied private easement with respect to the areas designated on the plat. *Easton v. Appler*, 548 So.2d 691 (Fla. 3d 1991). Rights of abutting and adjacent purchasers in a platted subdivision do not depend upon a true dedication but rather, upon a private easement implied from sales with reference to the plat showing streets, parks or other areas subject to their use and enjoyment. These easements are vested and perfected to a grantee immediately upon conveyance. *Burham v. Davis Islands*, 87 So.2d 97 (Fla. 1956).

In *McCorquodale v. Keyton*, 63 So.2d 906 (Fla. 1953), a developer recorded a plat showing an ocean side area to be a park and made on the plat a dedication of the park to property owners of the subdivision. The Supreme Court held that purchasers of lots sold according to the plat, acquired by implied covenant, a private easement in the park appurtenant to the premises granted and conveyed to them. The Court also held that a plat will be construed against the developer who made the plat and selected the words to be used in it.

In *Kasser v. W.Y. KE*, 282 So.2d 4 (Fla. 3d DCA 1973), a recorded plat showed an area to be designated as a park. The area was never used or dedicated to the public as a park. Further, a portion of the park property had been conveyed by quit claim deed to the City of Coral Gables. The specific question presented to the appellate court was:

"Where the chain of title to lots in a platted subdivision is by deeds making specific reference to the recorded plat, which plat shows an area designated as a park, do such parties acquire private rights in the park even though such area may never have been used as a park?"

Mr. Vandenburg
RE: Lucerne Lakes Golf Course Conversion/Plat Recreation Tracts
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The Third District held that there were indeed private rights acquired by the purchasers even though a portion of the property had been conveyed to the City of Coral Gables. The court cited to the following cases in support of their opinion: *Florida East Coast Ry. Co. v. Worley*, 38 So. 618 (Fla. 1905); *City of Miami v. Florida East Coast Ry. Co.*, 84 So. 726 (Fla. 1920); *Boothby v. Gulf Properties of Alabama, Inc.*, 40 So.2d 117 (Fla. 1948).

Many of the deeds of conveyances in the Lucerne Lakes PUD were made by reference to plat book and page. The golf course is shown on the Master Plan of the Lucerne Lakes PUD. Golf course parcels are designated as recreation tracts to be held in perpetuity. Property owners in Lucerne Lakes have private easement rights to the golf course parcels, in perpetuity. These private rights cannot be terminated by a replat. According to The Fund Title Note 24.01.07, releases of all record owners of property in a platted subdivision or an appropriate class action would be necessary to eliminate the private rights of purchasers to recreation tracts such as parks. The Title Note states that Florida follows the so-called broad or unity rule as to parks. Purchasers in a platted subdivision acquire unconditional private easements in a park shown on the plat including the right to insist that the park be kept open. *Boothby v. Golf Course of Alabama*, 47 So.2d 117 (Fla. 1948). A recreation tract in perpetuity is no different than a park. The golf course parcels provide an open space and a recreational element for the Lucerne Lakes PUD and its residents. "In perpetuity" means what it says; the recreational tracts will always remain unless all of the property owners of Lucerne Lakes agree to release them.

Included in the P&Z file on Mattamy Homes' application is a title commitment issued by First American Title. Schedule B-II List of Exceptions to Title states in paragraph 9:

This commitment/policy does not insure the Insured over the consequences of claims and allegations that may be raised by owners of interests in lands surrounding the lands described on Schedule A (the "Subject Property") that they hold rights of any kind that would prevent the Insured herein from operating the Subject Property in any manner other than as a golf course/park/lake/recreation area, etc., or that affect the design of the Subject Property or the improvements or landscaping thereon.

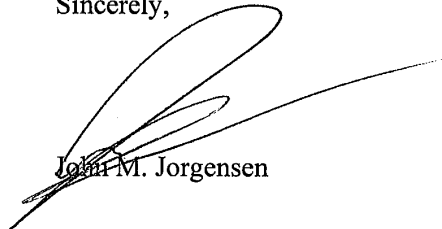
This exception to coverage is a recognition by the title insurer of the private easement rights that property owners in Lucerne Lakes have in the golf course/recreational tracts.

Current and past owners of homes in Lucerne Lakes purchased their property in reliance on the Master Plan of Lucerne Lakes, showing on its plats the golf course as a recreational area. Whether they play golf or not, residents of Lucerne Lakes enjoy the open green space provided by the golf course including the reduced density created by this open space. If the golf course was converted to development, the character of the Lucerne Lakes neighborhoods would be forever altered in a negative way. The current owner of the golf course, Grillo Golf, LLC, may believe

Mr. Vandenburg
RE: Lucerne Lakes Golf Course Conversion/Plat Recreation Tracts
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that its private property rights should allow it to sell the property to Mattamy Homes to be developed. However, all of the residents of Lucerne Lakes have rights too, in the form of a private easement that the golf course be maintained in perpetuity as a recreational element of the PUD. I would request that Palm Beach County examine, in detail, the private easement rights of the property owners in Lucerne Lakes, and that it protect those rights by disallowing the conversion of the golf course to development.

Sincerely,



John M. Jorgensen

JMJ:kcf

cc: BCC-AllCommissioners@pbcgov.org
Debbie Orshefsky, Esquire (debbie.orshefsky@hklaw.com)

Exhibit G: Supplemental Documentation: Attorney Correspondence
Lisa Reves (Saul, Ewing, Arnstein & Lehr, LLP), dated June 30, 2021

SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Lisa A. Reves, Esq.
Phone: 561.833.9800
Lisa.reves@saul.com
www.saul.com

June 30, 2021

VIA EMAIL

Commissioner Weiss
301 North Olive Avenue
West Palm Beach, FL 33401

Re: Lucerne Lakes Planned Unit Development/ Forest Oaks residential

Dear: Commissioner Weiss,

Our firm represents Sunrise of Palm Beach Condominium Association, Inc. (“Sunrise”), a condominium association within Lucerne Lakes Planned Unit Development (“PUD”). As may be aware, Mattamy Homes (“Mattamy”) is proposing an amendment to the approved Master Plan of the PUD.

HISTORICAL CONTEXT

Lucerne Lakes was originally approved as a conditional use for a Planned Unit Development in 1970, which was the early years for PUDs in Palm Beach County. The PUD Regulations had not been codified or applied in the same manner as they are today but, PUDs regulations were included in Zoning Code 3-57 (“3-57”) as amended by Zoning Resolution 3-Y-69 (“3-Y-69”), the predecessor to the PUD regulations of the current Unified Land Development Code (“ULDC”). While today’s Code requires PUDs to include specific land use allocations, such as 20% open space or 80% residential, land allocations within a PUD under both 3-57 and 3-Y-69 were achieved by means of protective covenants. 3-Y-69, attached hereto and adopted July 3, 1969, requires:

"Protective Covenants, running with the land, *shall* be part of the required plat and *shall* be recorded so *as to preserve the uses of land as indicated by the plan...*"

See Zoning Resolution 3-Y-69, Pg. 5, Protective Covenants.

A protective covenant running with the land attaches to the land so that subsequent owners of the benefitted land can enforce the covenant against subsequent owners of the burdened land. The protective covenant created the allocation of required recreation area for this PUD. The Lucerne Lakes PUD approved Final Master Plan (“MP”) included 278.3 acres with

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Phone: (561) 833-9800 ♦ Fax: (561) 655-5551

DELAWARE FLORIDA ILLINOIS MARYLAND MASSACHUSETTS NEW JERSEY NEW YORK PENNSYLVANIA WASHINGTON, DC
A DELAWARE LIMITED LIABILITY PARTNERSHIP

1940 dwelling units ("DU") for a density of 7 Dwelling Units Per Acre and 89.1 *acres of recreation*. The MP is attached for your review.

As required by 3-Y-69, Lucerne Lakes PUD was platted, and those plats included *Protective Covenants to preserve the use of the land*. For example, Plat No. 2, Lucerne Lakes Recreation area, as recorded in Plat Book 32, pages 191-192, attached for your use, Dedication 2, specifically states, "**Recreation Tracts** as shown hereon are hereby *reserved in perpetuity for the purposes of recreation*." Page 2 of 2, of the *platted recreation area* is subtitled (Golf Course Tract), therefore, Palm Beach County Code *required* a reservation which limited the use of the property to Recreation for the PUD. Included with Mattamy's application was the warranty deed as recorded in the Official Record Book 26821, page 1066, of Palm Beach County, Florida and attached hereto for your review. The legal description of the property included in Exhibit A, to the warranty deed transfers "All of the *Recreation Area* (Golf Course Tract) of Plat No 2, Lucerne Lakes (PUD) to Grillo Golf Management."

Based on the Code requirement to include a protective covenant running with land, the Recreation dedication included on the plat, and the legal description included in the warranty deed, the Subject Property is the approved Recreation Area for the PUD.

The Supreme Court of Florida has held that whenever the owner of a tract of land subdivides the same into lots and blocks, lays off streets and other public ways and designates portions of said lands to be parks, playgrounds or similar facilities or uses similar words calculated to encourage prospective purchasers to buy said lots, and actually sells lots with *reference to the plat, he becomes bound to his grantees by the plat and the representations thereon*. *McCorquodale v. Keyton*, 63 So. 2d 906 (Fla. 1953). The facts in *McCorquodale* are similar to the facts in the current application. Here, the developer laid off residential portions of the project and platted and reserved the *recreation area as a golf course and represented that those tracts would be preserved as such, in perpetuity for the purposes of recreation*.

Also attached is *Palm Beach Polo v. Village of Wellington*. It is a ruling from the Fourth District Court of Appeals, in which Glenn Straub wanted to develop Big Blue Preserve. This case stands for the proposition that when a previous owners/developer agrees to a development plan in exchange for development elsewhere on the property, subsequent purchasers are held to that development plan.

As to the current application, for Forest Oaks Residential both the facts and the law indicate that the Subject Property cannot be developed as a residential project as it is preserved as Recreation for the PUD.

LOSS OF RECREATION AND FAILURE TO COMPLY WITH THE ULDC

ULDC Section 3.E.1.E.3.b, does not allow for a reduction in the amount of recreation and open space unless alternative locations are provided and there are no adverse impacts on the adjacent properties. This Application fails to provide an alternative location for the recreation area, and the residents are concerned that the proposed golf course conversion will have a detrimental impact on the community.

The current development application proposes to construct 450 dwelling units on 79.84 acres of the golf course. The site data calculates code requirement base on the proposed development and **not** the overall PUD.

As previously discussed, this application is a development order amendment for an approved PUD which includes 278.3 acres and 1940 dwelling units. With the addition of the proposed 450 dwelling units the overall density increases from 7 dwelling units per acre to 8.59 dwelling units per acre. The application for the proposed development represents a lower density based only on the acreage of the golf course versus the density of the overall development.

On page 2, of the justification statement, the applicant dismisses the idea that he must comply with the ULDC open space requirements for the overall PUD with the following statement:

"The Lucerne Lakes PUD was originally approved as a Conditional Use for a Planned Unit Development (PUD) in December 1970. See attached zoning letters. The original master plan was approved in 1972. Palm Beach County Code did not include a minimum open space requirement until 1973."

As previously discussed, the open space requirement of a PUD is **not** at issue, the **Recreation Area** is the item of concern to the residents. Again in the Justification statement, the applicant indicates, "At the time of this approval, the County's code did not have any requirements for open space or recreational requirements" and gives an extensive history and evolution of the codified open space requirements but fails to mention recreational requirements as applied to the PUD. Regardless of the historical overview of the open space requirements, the fact and the law indicate the PUD **shall** have 89.1 acres of recreation.

Mattamy homes is proposing to strip **all the recreation area** from the approved Lucerne Lakes PUD, then they are proposing to supply recreation for the 79.84 acres. This leaves the original PUD lacking recreation areas and does not comply with the Code.

Additionally, the revisions to the approved PUD require joinder of the Association and property owners to revise the approved PUD but, to date the issue has not been raised by the County Planning and Zoning Division.

Mattamy Homes is proposing a Development Order Amendment to Lucerne Lakes Planned Unit Development ("PUD") for a golf course infill project known as Forest Oaks Residential DOA/PDD 2020-00761. The application has raised concerns for the residents, including: 1) the loss of platted recreation from the PUD, 2) the applications failure to comply with the Unified Land Development Code, 3) the applicants reconfiguration and proposed use of the PUDs private right-of-way, drainage system and revise the approved PUD without consent of the property owners.

June 30, 2021
Page 4

If you have any questions, please feel free to contact me.

Regards,

/s/ Lisa A. Reves

Lisa A. Reves

sb

Exhibit G: Supplemental Documentation: Attorney Correspondence
Henry Handler (Weiss, Handler & Cornwell, P.A.), dated June 10, 2021

WEISS, HANDLER & CORNWELL, P.A.

WILLIAM J. BERGER WILLIAM J. CORNWELL* DAVID K. FRIEDMAN HENRY B. HANDLER CAROL A. KARTAGENER◊ MIRANDA N. SPRINGFIELD HOWARD I. WEISS**	ATTORNEYS AT LAW ONE BOCA PLACE 2255 GLADES ROAD, SUITE 205-EAST BOCA RATON, FLORIDA 33431-7392 Telephone (561) 997-9995 Toll Free (800) 863-9560 Facsimile (561) 423-0458 Facsimile (561) 997-5280 www.whcflla.com	OF COUNSEL MICHAEL BARASCH◊◊ ELISE GROSS, LL.M.** SHAWN BUTTERS-KIRLAN HARRY WINDERMAN ◊◊NY BAR ONLY
*FL, GA BARS **FL, NY BARS ◊BOARD CERTIFIED MARITAL & FAMILY LAW		

June 10, 2021

VIA EMAIL: rvandenberg@pbcgov.org
Ryan Vandenberg, Senior Site Planner
Palm Beach County Zoning
2300 North Jog Road
West Palm Beach, FL 33411

Re: Lucerne Lakes/Forest Oaks Residential – DOA 2020-00761

Dear Ryan:

We represent Mattamy Homes ("**Mattamy**") in connection with its proposed development order amendment to revise the existing Lucerne Lakes PUD Master Plan. We received a copy of John Jorgenson's May 28, 2021 letter to you, written on behalf of the Lucerne Greens Condominium Association, Inc. (the "**Association**"). Mr. Jorgensen's letter attempts to both interfere with my client's right to seek approval for a Development Order Amendment application and advocate for the County to adjudicate that Mattamy has no right to obtain such approvals due to the purported existence of an implied private easement. He and his client are wrong on both accounts.

By letter dated July 6, 2020 (copy attached), counsel for Mattamy, in response to an inquiry by the County, advised that the following reservation contained on the plat recorded in Plat Book 32, Page 191, entitled "Plat No. 2, Lucerne Lakes (PUD)" (the "**Lucerne Plat**"), does not prevent a subsequent replat from changing the use of the property from recreational tract:

RECREATION TRACTS AS SHOWN HEREON ARE
HEREBY RESERVED (emphasis added) IN PERPETUITY
FOR THE PURPOSES OF RECREATION, SAID
RECREATION TRACTS ARE THE PERPETUAL
MAINTENANCE OBLIGATION OF THE OWNERS, THEIR
ASSIGNS, OR TRANSFEREES.

Ryan Vandenberg, Senior Site Planner
Palm Beach County Zoning
June 10, 2021
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Section 177.021(2), Fla. Stats., provides, in pertinent part, as follows:

The approval of a replat by the governing body of a local government, which encompasses lands embraced in all or part of a prior plat filed of public record shall, upon recordation of the replat, automatically and simultaneously vacate and annul all of the prior plat encompassed by the replat. (emphasis added).

Thus, upon recordation of the proposed replat of the subject property, the previous plat is automatically vacated and annulled.

Mr. Jorgensen is now requesting the County to determine that as a result of the reservations contained on the Lucerne Plat and on the plat recorded in Plat Book 87, Page 184, a private implied easement exists in favor of his client based on inapplicable, distinguishable case law and theory. The County must decline Mr. Jorgensen's invitation to determine whether a private implied easement exists, precluding a property owner from seeking zoning and land use approvals, regardless of whether such approval may be inconsistent with the purported private implied easement.

Private implied easements are rooted in law governing private property transactions whereas the power to enforce, change, and enact zoning and land use laws and regulations are vested in local governments under their statutory and constitutional police powers. Under the principle that zoning and private property transactions operate independently, courts have repeatedly held, and there is no need to revisit the case law history here, that the existence of an implied private easement, a private property right, has no relevance to the issue of whether a zoning restriction is valid. Similarly, courts have held uniformly that private implied easements have nothing to do with the administration of zoning ordinances and local governments have no authority through zoning to affect same. A rezoning of land has no effect upon any private easement that may burden the land and, conversely, private implied easements have no effect upon the validity of a rezoning. As such, private implied easements cannot be considered on an application for approval of a subdivision, notwithstanding the protestation of Mr. Jorgensen's client to the contrary, which has no foundation under law¹.

The issue of whether the private implied easement is valid and enforceable may present a title issue separate and distinct from a local government exercise of its police power to enact

¹ Under Florida law, where the dedicator specifically reserves an area on a plat for him/her/itself, and such dedication appears on the plat itself, no estoppel arises by virtue of the purchase of lots according to a plat so as to give rights to an implied easement or covenant as to such area. Accordingly, the reservation language contained on the plats also do not give rise to a claim of an implied covenant or easement by the owners of the lots described in the plats or any surrounding plats. Moreover, under Florida law the Association does not have standing to make such a claim.

Ryan Vandenberg, Senior Site Planner
Palm Beach County Zoning
June 10, 2021
Page 3

zoning regulations and consider zoning applications. The County should not be steered off course and accept Mr. Jorgensen's invitation to attempt to assert judicial authority with which the County is not vested.

Very truly yours,

WEISS, HANDLER & CORNWELL, P.A.

A handwritten signature in black ink, appearing to read "H.B. Handler", written over a horizontal line.

HENRY B. HANDLER

HBH/jdn
Enclosure
cc: Client

Exhibit G: Supplemental Documentation: Attorney Correspondence
Henry Handler, (Weiss, Handler & Cornwell, P.A.), dated July 21, 2021

WEISS, HANDLER & CORNWELL, P.A.

WILLIAM J. BERGER
WILLIAM J. CORNWELL*
DAVID K. FRIEDMAN
HENRY B. HANDLER
CAROL A. KARTAGENER◊
MIRANDA N. SPRINGFIELD
HOWARD I. WEISS**

*FL, GA BARS
**FL, NY BARS
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& FAMILY LAW

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OF COUNSEL

MICHAEL BARASCH◊◊
ELISE GROSS, LL.M.**
SHAWN BUTTERS-KIRLAN
HARRY WINDERMAN

◊◊NY BAR ONLY

July 21, 2021

VIA EMAIL: NHeimeriks@pbcgov.org
Niels Heimeriks
Commission Administrative Assistant III
301 North Olive Ave. Suite 1201
West Palm Beach, FL 33401

Re: Lucerne Lakes/Forest Oaks Residential – DOA 2020-00761

Dear Niels:

We represent Mattamy Homes ("**Mattamy**") in connection with its proposed development order amendment to revise the existing Lucerne Lakes PUD Master Plan ("**Project**"). We received a copy of Lisa A. Reves, Esquire's letter to you, written on behalf of one or more neighboring associations. Ms. Reves' letter attempts to both interfere with my client's right to seek approval for a Development Order Amendment and advocate for the County to adjudicate that Mattamy has no right to obtain such approvals due to the purported existence of an implied private easement and based on other erroneous arguments.

Ms. Reves begins her letter by incorrectly describing the original approvals now being amended by Mattamy, and incorrectly describing the applicable governing PUD regulations then in effect. The original approval was submitted on October 6, 1970 and thereafter withdrawn. A revised application was submitted on November 9, 1970, which application was heard and approved at the December 10, 1970 Zoning Board Hearing. The project was most likely designed in accordance to the Code that was in place at the time – Zoning Resolution 3A-57 and 3B-57 (June 24, 1957) or Resolution 3-Y-69 (July 3, 1969) as discussed further below.

Ms. Reves wrongfully argues that land use allocations under 3-Y-69 were achieved by means of a "protective covenant" and that the originally approved Master Plan, together with the language contained in the plats, somehow created recreation tracts/golf course land use designations that run with the land in perpetuity.

3-Y-69 required a protective covenant to, “preserve the uses of lands as indicated by the plans, to maintain architectural control of the design of the structures and to provide for the establishment of a Maintenance Association and its dissolution in the event of annexation by a municipality. The Maintenance Association shall be the administrative body of the development unit and shall exercise architectural control after it has been organized and established rules, regulations and procedures. Provision shall be made for rights of appeal and arbitration if and when such action may be necessary.” As is evident from this language, the purpose of the requirement for a restrictive covenant is to establish the DCCRs for the community HOA to preserve the use as indicated on the plans and not to have a separate restrictive covenant to restrict the use of the land. The plans, plats, recorded declaration and all subsequent amendments approved in connection with the Project in no way create a land use that restricts the golf course property to recreation use.¹

The following reservation contained on the plat recorded in Plat Book 32, Page 191, entitled “Plat No. 2, Lucerne Lakes (PUD)” (the “**Lucerne Plat**”), does not prevent a subsequent replat from changing the use of the property from recreational tract:

RECREATION TRACTS AS SHOWN HEREON ARE
HEREBY RESERVED (emphasis added) IN PERPETUITY
FOR THE PURPOSES OF RECREATION, SAID
RECREATION TRACTS ARE THE PERPETUAL
MAINTENANCE OBLIGATION OF THE OWNERS, THEIR
ASSIGNS, OR TRANSFEREES.

Section 177.021(2), Fla. Stats., provides, in pertinent part, as follows:

The approval of a replat by the governing body of a local government, which encompasses lands embraced in all or part of a prior plat filed of public record shall, upon recordation of the replat, automatically and simultaneously vacate and annul all of the prior plat encompassed by the replat. (emphasis added).

Thus, upon recordation of the proposed replat of the Property, the previous plat is automatically vacated and annulled.

¹ Zoning Resolution 3-Y-69 does not provide requirements for minimum private recreation acreage for a PUD. Rather it contains language, within the Procedures Section for Final Plats, which require, “The accurate outline of all property that is offered for dedication for public use, with the purpose indicated thereon, and of all property that may be reserved by covenant for the common use of the property owners in the subdivision.”

Niels Heimeriks
Commission Administrative Assistant III
July 21, 2021
Page 3

Ms. Reves requests the County to determine that as a result of the reservations contained on the Lucerne Plat and on the plat recorded in Plat Book 87, Page 184, a private implied easement exists in favor of her clients based on inapplicable, distinguishable case law and theory. The County must decline Ms. Reves' invitation to determine whether a private implied easement exists, precluding a property owner from seeking zoning and land use approvals, regardless of whether such approval may be inconsistent with the purported private implied easement.

Private implied easements are rooted in law governing private property transactions whereas the power to enforce, change, and enact zoning and land use laws and regulations are vested in local governments under their statutory and constitutional police powers. Under the principle that zoning and private property transactions operate independently, courts have repeatedly held, and there is no need to revisit the case law history here, that the existence of an implied private easement, a private property right, has no relevance to the issue of whether a zoning restriction is valid. Similarly, courts have held uniformly that private implied easements have nothing to do with the administration of zoning ordinances and local governments have no authority through zoning to affect same. A rezoning of land has no effect upon any private easement that may burden the land and, conversely, private implied easements have no effect upon the validity of a rezoning. As such, private implied easements cannot be considered on an application for approval of a subdivision, notwithstanding the protestation of Ms. Reves' client to the contrary, which has no foundation under law².

The issue of whether the private implied easement is valid and enforceable may present a title issue separate and distinct from a local government exercise of its police power to enact zoning regulations and consider zoning applications. The County should not be steered off course and accept Ms. Reves' invitation to attempt to assert judicial authority with which the County is not vested.

Ms. Reves also argues that the zoning application must be denied because existing drainage easements will be affected. As indicated on all plans and documents submitted to the County, Mattamy is not extinguishing any existing drainage rights. When the new residential community is platted, all historical drainage rights will be preserved and will be dedicated by plat to whichever HOA has drainage rights to the existing golf course lakes. The lakes within the proposed residential community have been upsized and designed to preserve all drainage rights and historical drainage patterns.

² Under Florida law, where the dedicator specifically reserves an area on a plat for him/her/itself, and such dedication appears on the plat itself, no estoppel arises by virtue of the purchase of lots according to a plat so as to give rights to an implied easement or covenant as to such area. Accordingly, the reservation language contained on the plats also do not give rise to a claim of an implied covenant or easement by the owners of the lots described in the plats or any surrounding plats.

Niels Heimeriks
Commission Administrative Assistant III
July 21, 2021
Page 4

Finally, Ms. Reves' also incorrectly claims that the unaffected portion of the Project fails to comply with the current ULDC due to its failure to provide minimum recreational and open space areas. The code provisions under which the project was originally approved did not include such a requirement. The portions of the PUD that are the subject of the application meet the current ULDC requirements relating to recreation areas. If there remains any question, please advise.

Very truly yours,

WEISS, HANDLER & CORNWELL, P.A.



HENRY B. HANDLER

HBH/jdn
cc via email: Commissioner Greg Weiss at
gweiss@gweiss@pbcgov.org
Client

Exhibit G: Supplemental Documentation: Attorney Correspondence
Debbie Orshefsky (Holland and Knight, LLP), dated July 6, 2020

DocuSign Envelope ID: 2B9E22A4-78E6-4F66-B00B-B604BC46839E

Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

Debbie Orshefsky
954.468.7871
debbie.orshefsky@hklaw.com

July 6, 2020

Mr. Ryan Vandenburg
Palm Beach County Zoning
2300 North Jog Road
West Palm Beach, FL 33411

Re: Implications of the Replat of Plat Book 32 Page 191 of Palm Beach County

Dear Mr. Vandenburg:

This letter is being provided on behalf of our client, Mattamy Palm Beach, LLC, with respect to its proposed replat of that certain plat depicted in Plat Book 32 Page 191 and entitled "Plat No. 2, Lucerne Lakes (PUD)" (the "Plat") with respect to an inquiry made by Palm Beach County staff ("Staff") concerning certain restrictions contained in the Plat. It is our understanding that Staff seeks clarification on the implications of plat restriction no. 2, which states:

RECREATION TRACTS AS SHOWN HEREON ARE HEREBY
RESERVED IN PERPETUITY FOR THE PURPOSES OF
RECREATION, SAID RECREATION TRACTS ARE THE PERPETUAL
MAINTENANCE OBLIGATION OF THE OWNERS, THEIR ASSIGNS,
OR TRANSFEREES.

Specifically, Staff inquires whether this restriction prevents any subsequent re-plat from changing the use of the recreational tracts. In short, the answer is "no."

In particular, we invite your attention to Section 177.04(2), Florida Statutes, which states, in pertinent part:

The approval of a replat by the governing body of a local government, which encompasses lands embraced in all or part of a prior plat filed of public record shall, upon recordation of the replat, automatically and simultaneously vacate and annul all of the prior plat encompassed by the replat. (emphasis added)

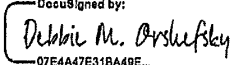
This language is unequivocal: upon the replat of a property, the previous plat is automatically vacated and annulled.

Mr. Ryan Vandenburg
July 6, 2020
Page 2

Accordingly, we are of the opinion that the replat of the subject property automatically vacates and annuls the provisions of the previous plat. Should you have any questions, please feel free to contact me directly.

Sincerely,

HOLLAND & KNIGHT LLP

DocuSigned by:

07E4A47E31BA49E...
Debbie M. Orshefsky, Esq.

Cc: Leslie Candes (*Leslie.Candes@mattamycorp.com*)
Ken DeLaTorre (*ken@designandentitlement.com*)
Tony Palumbo (*Tony.Palumbo@mattamycorp.com*)
Lorie Maiorana (*Lorie.Maiorana@mattamycorp.com*)
Joel Arrington (*Joel.Arrington@mattamycorp.com*)
Dan Grosswald (*Dan.Grosswald@mattamycorp.com*)
Jon Marcus, Esq. (*Jon.Marcus@hklaw.com*)
Pedro Gassant, Esq. (*Pedro.Gassant@hklaw.com*)

#75756418_v2

Exhibit G: Supplemental Documentation: Attorney Correspondence
(Holland and Knight, LLP), dated December 17, 2020

Holland & Knight

515 E. Las Olas Boulevard, Suite 1200 | Ft. Lauderdale, FL 33301 | T 954.525.1000 | F 954.463.2030
Holland & Knight LLP | www.hklaw.com

December 17, 2020

Ryan Vandenburg, Supervisor
Palm Beach County Zoning Department
2300 North Jog Road
West Palm Beach, Florida 33411

Re: Rights of Golf Course Owner in Lucerne Lakes, Lake Worth, Florida

Ladies and Gentlemen:

We have been asked to provide a summary of the status of the rights of the owner of the Forest Oaks Golf Course located at 144 Lucerne Lakes Boulevard North, Lake Worth, FL 33467 (the “Golf Course”). The Golf Course is part of an existing master development known as Lucerne Lakes located in Lake Worth, Florida. Lucerne Lakes is a 273.50 acre residential community consisting of nine (9) separate homeowners’ associations, each of which, along with the Golf Course owner, are members of the Lucerne Lakes Master Home Owners’ Association, Inc., a Florida corporation (the “Master Association”). This letter is rendered in response to your questions regarding the proposed redevelopment of the Golf Course by Mattamy Palm Beach LLC, a Delaware limited liability company (“Mattamy”).

For purposes of this letter, we have examined and are relying on the following:

1. The Lucerne Lakes Master Declaration of Covenants and Restrictions, dated September 22, 1978 and recorded on October 3, 1978 in Official Records Book 2935, page 769 of the public records of Palm Beach County, Florida (the “Public Records”) and amended by a First Amendment to Lucerne Lakes Master Declaration of Covenants and Restrictions, dated April 24, 1979, recorded on May 3, 1979 in Official Records Book 3052, page 1368 of the Public Records, as further amended by the Second Amendment to and Restatement of Lucerne Lakes Master Declaration of Covenants and Restrictions, dated August 20, 1981, recorded on February 12, 1982 in Official Records Book 3673, page 1658 of the Public Records, and as further amended by the Third Amendment to Lucerne Lakes Master Declaration of Covenants and Restrictions dated December 3, 1996 and recorded on December 5, 1996 in Official Records Book 9558 Page 245 of the Public Records, and as amended by the Fourth Amendment to Lucerne Lakes Master Declaration of Covenants and Restrictions dated March 10, 1997 and recorded on April 1, 1997 in Official Records Book 9723 Page 789 of the Public Records (collectively, the “Master Declaration”);
2. Amendment To and Restatement of the Articles of Incorporation of Lucerne Lakes Master Home Owners Association, Inc., dated September 22, 1978 and recorded in Official Records Book 2935 Page 787 of the Public Records, and as amended by the Restatement of the Articles of Incorporation of Lucerne Lakes Master Homeowners’ Association, Inc.,

Atlanta | Boston | Chicago | Fort Lauderdale | Jacksonville | Lakeland | Los Angeles | Miami | New York | Northern Virginia |
Orlando | Portland | San Francisco | Tallahassee | Tampa | Washington, D.C. | West Palm Beach

dated November 28, 1978 and recorded on December 15, 1978 in Official Records Book 3052 Page 1372 of the Public Records, and as amended by the Articles of Amendment to Articles of Incorporation of Lucerne Lakes Master Home Owners Association, Inc. dated December 3, 1996 and recorded on December 5, 1996 in Official Records Book 9558 Page 247 of the Public Records (collectively, the “Articles of Incorporation”);

3. By-laws of Lucerne Lakes Master Homeowners Association, Inc., dated September 22, 1978 and recorded in Official Records Book 2935 Page 795 of the Public Records, as amended by the Proposed Amendment to the By-Laws of Lucerne Lakes Master Homeowners Association, Inc., dated May 1, 2008 (“2008 Bylaws Amendment”) and recorded on May 23, 2008 in Official Records Book 22659 Page 1237 of the Public Records (collectively, the “Bylaws”);
4. Certificate of Lucerne Lakes Master Homeowners Association, Inc. - Statement of Marketable Title Action Under Chapter 712, Fla. Stat. dated April 17, 2006 and recorded on May 16, 2006 in Official Records Book 20347 Page 1377 of the Public Records (the “Recertification”).
5. Plat of Sunrise of Palm Beach Plat No. 1 dated October 1979 and recorded in Official Plat Book 39 Page 88 of the Public Records (the “Plat”).

The documents listed as items 1 through 5 above are hereinafter referred to as the “Lucerne Lakes Documents”, and are attached as Exhibit A hereto. Except as may be otherwise specifically noted in this letter, the statements herein relate solely to the Lucerne Lakes Documents, and not to any other documents, including any documents that are referred to in, incorporated by reference into, or listed as attachments, exhibits, or schedules to any of the Lucerne Lakes Documents.

As to matters of fact underlying the statements expressed herein, we have relied on the representations and warranties made by the parties in the Lucerne Lakes Documents. We have made no independent investigation of the accuracy or completeness of such matters of fact.

Except to the extent expressly set forth herein, and with your permission, we have not undertaken any independent investigation (including without limitation review of the books, records, or files of the Master Association or review of any governmental records or court dockets) to determine the existence or absence of any facts or other information.

Based on and subject to the foregoing and subject to the exceptions, qualifications, assumptions and limitations set forth herein, we have the following responses to your questions:

1. What is the allocation of board seats and voting rights of the owner of the Golf Course?

Article V, Section 1 of the Bylaws states the Board of Directors of the Master Association shall be composed of five (5) persons, one of whom must be elected by the owner of the golf course member. Article IV of the Master Declaration states that the owner of the golf course must be a member of the Master Association on

the terms and conditions set forth in the Articles of Incorporation and Bylaws. Article V, Section 4(b) of the Bylaws states that the Director elected by the golf course owner member may only be removed by the affirmative vote of the golf course owner member. The 2008 Bylaws Amendment reconfirms the voting rights of the golf course owner stating in Section 2 that the golf course owner may appoint one (1) director to the board of the Master Association and that the golf course owner is entitled one board vote. Moreover, Sections 4.2 and 4.4 of the Articles of Incorporation state that the golf course owner is entitled to one representative who shall be a voting members of the Master Association and that the owner of the golf course voting member shall have one (1) vote.

2. Does the Master Association own and maintain Lucerne Lakes Boulevard?

Yes, the Plat indicates in Note No. 1 therein that Lucerne Lakes Boulevard is dedicated to the Master Association as the perpetual maintenance obligation of the Master Association. Article V of the Master Declaration states that the Master Association is responsible for the care, maintenance, preservation and repair of Lucerne Lakes Boulevard and the landscaping, drainage, irrigation and street lighting related thereto, the master drainage system pertaining to Lucerne Lakes and any and all other property, whether real or personal, belonging to or required by it. Furthermore, Article VII of the Declaration permits the Board of Directors of the Master Association the power and right to dedicate Lucerne Lakes Boulevard to Palm Beach County, Florida, upon which the Master Association's obligation for maintenance shall cease.

3. Does the owner of the Golf Course have access to Lucerne Lakes Boulevard?

Lucerne Lakes Boulevard is currently owned by the Master Association. The Golf Course owner is a perpetual member of the Board of Directors and pays annual assessments towards the maintenance and repair of Lucerne Lakes Boulevard. Accordingly, the Golf Course owner has access to Lucerne Lakes Boulevard and we have found nothing in the Lucerne Lake Documents that would prevent access to Lucerne Lakes Boulevard by the Golf Course owner or its successors and assings.

2. Assumptions. In rendering the statements contained herein, we have relied, without independent investigation, upon the following assumptions:

The legal descriptions attached as exhibits to, or incorporated in, the Declaration accurately and completely describe the property subjected, or to be subjected, to the Declaration.

- a. The Lucerne Lakes Documents were duly and validly authorized, executed, acknowledged and delivered by the respective parties. The individuals and entities who executed each of the Lucerne Lakes Documents on behalf of an entity or on behalf of any other person were, at all material times, duly authorized to do so and, in each instance, were legally competent.

- b. No provision of any Lucerne Lakes Document or any transaction contemplated thereby violates any contract, corporate charter, corporate bylaw, corporate resolution, partnership agreement, trust agreement, document, instrument or any other agreement which is or was binding upon any party to the documents or any beneficiary thereof. No provision of any Lucerne Lakes Document or any transaction contemplated thereby violates any judicial or administrative order or decision binding upon a party to any document or rendered in a matter in which such party was a party to the proceedings.
- c. Each entity (including the Declarant) which is a party to any of the Lucerne Lakes Documents or which executed any of the Lucerne Lakes Documents on behalf of a party was, and at all material times will be, duly organized, effectively registered, validly existing, in good standing under the laws of the jurisdiction in which such entity was formed, and qualified to do business in the jurisdiction in which the project is located.
- d. There is no oral or written modification of or amendment to the Lucerne Lakes Documents reviewed, and there has been no waiver of any of the provisions of the Lucerne Lakes Documents, by actions, by conduct of the parties or otherwise. None of the parties to any of the documents have entered into or will enter into any other agreement, or take any other action, which is inconsistent with, or serves to limit or amend, any provision of any of the documents.
- e. The Declaration (or other recorded covenants) has been, and at all material times shall be duly filed, indexed, and recorded among the land records of the jurisdiction in which the project is located.
- f. The Articles of Incorporation and Bylaws, as submitted to the undersigned, are true, correct, and complete copies thereof, and have not been amended, modified or canceled and are in full force and effect as of the date of this letter. Other than the Articles of Incorporation and Bylaws of the Master Association, there are no other agreements or documents governing the organization or operation of the Master Association.

3. Qualifications. The statements set forth herein are subject to the following qualifications and limitations.

- a. We have no knowledge whether the Golf Course complies with zoning laws and ordinances, height restrictions, setback requirements, environmental requirements, or other similar requirements applicable to the Golf Course or Lucerne Lakes, or as to the effect of any such requirement on the operation of the Golf Course or Lucerne Lakes.

- b. No statement or opinion given as to whether the Declarant or the owner of the Golf Course obtained any building permits, or approvals or occupancy certificates, approvals, licenses or permits with respect to all or any portion Lucerne Lakes, or any expansion or the development thereof, necessary or required as of the date of creation of Lucerne Lakes.
- c. No statement or opinion is given as to whether Lucerne Lakes or the Golf Course is being operated or administered in accordance with the provisions of the governing documents and/or applicable law.
- d. No statement or opinion is given as to the applicability or effect of any laws other than those of the jurisdiction in which Lucerne Lakes is located. No opinion is given with respect to the tax or securities laws of the jurisdiction in which Lucerne Lakes is located (or of the United States of America).
- e. No statement or opinion is given with respect to title to any real property including common areas or other property subjected, or to be subjected, to the Declaration.

This letter is based upon the status of the Lucerne Lakes Documents, and matters pertaining thereto, as of the date hereof. We assume no obligation to supplement this letter if any applicable laws change, or if we become aware of any facts that might change the statements contained herein after the date hereof. This letter may not be relied upon by, furnished to, referred to, quoted, in whole or part, by, or filed with, any other person, or used for any other purpose, without our prior written consent.

Sincerely yours,
Holland & Knight LLP
HOLLAND & KNIGHT LLP

cc: Tony Palumbo
Jonathan Marcus

#80835327_v1

**Exhibit G: Supplemental Documentation: Attorney Correspondence
Jeffrey Rembaum (Kaye Bender Rembaum, P.L.), dated July 15, 2021**

ROBERT L. KAYE, B.C.S.*
MICHAEL S. BENDER, B.C.S.*
JEFFREY A. REMBAUM, B.C.S.*

ANDREW B. BLACK, B.C.S.*
SHAWN G. BROWN, B.C.S.*
GERARD S. COLLINS
PETER C. MOLLENGARDEN, B.C.S.*
DEBORAH S. SUGARMAN

DANIELLE M. BRENNAN, B.C.S.*
OLIVIA L. CATO
AMY O. EISENBERG
EMILY E. GANNON
JEFFREY D. GREEN
ALLISON L. HERTZ, B.C.S.*
JAY S. LEVIN
LAUREN T. SCHWARZFELD
KARINA N. SKEIE
STUART M. SMITH

KERSTIN HENZE, OF COUNSEL
LISA A. MAGILL, B.C.S.*, OF COUNSEL



REPLY TO:
Palm Beach Gardens Office:

9121 N. Military Trail, Suite 200
Palm Beach Gardens, FL 33410
Tel: (561) 241-4462
Fax: (561) 223-3957
JRembaum@KBRLegal.Com

*BOARD CERTIFIED SPECIALIST IN
CONDOMINIUM AND PLANNED
DEVELOPMENT LAW

July 15, 2021

CERTIFIED MAIL NO. 7018 0040 0000 3027 0875
RETURN RECEIPT REQUESTED AND REGULAR U.S. MAIL

Ryan Vanderburg, Senior Site Planner
Palm Beach County Zoning Division
2300 N Jog Road
West Palm Beach, FL 33411

**RE: Right of Golf Course Owner to Use Lucerne Lakes Boulevard;
Our Client: Mattamy Palm Beach LLC**

Dear Mr. Vanderburg,

Please be advised that our law firm represents **Mattamy Palm Beach LLC**, a Delaware limited liability company authorized to do business in Florida ("Mattamy"). As you are aware, Mattamy intends to purchase and develop a residential community upon the real property comprising the Forest Oaks Golf Course located at 144 Lucerne Lakes Boulevard North, Lake Worth, Florida 33467 (the "Golf Course"), which is part of the master development known as "Lucerne Lakes." Our law firm has been asked to respond to a comment regarding the right of the owner of the Golf Course to use Lucerne Lakes Boulevard and such owner's share in the costs of the maintenance of Lucerne Lakes Boulevard.

Based upon information available from the Palm Beach County Property Appraiser's Office, Lucerne Lake Master Homeowners' Association, Inc., a Florida not for profit corporation (the "Master Association"), owns Lucerne Lakes Boulevard subject to the Lucerne Lakes Master Declaration of Covenants and Restrictions, recorded in the Official Records of Palm Beach County, Florida in Official Records Book 293, Page 769, as amended and restated from time to time (the "Master Declaration").

Pursuant to Article IV of the Master Declaration, the owner of the Golf Course is a member of the Master Association and is subject to the Master Declaration. As such, the owner of the Golf Course has the same right to use Lucerne Lakes Boulevard as any other member of the Master Association. As initially set forth in the December 17, 2020 correspondence from Holland & Knight

LLP to you in this regard, the owner of the Golf Course has access to Lucerne Lakes Boulevard, and we have found nothing in the Master Declaration, or other recorded governing documents of the Master Association, that would prevent access to Lucerne Lakes Boulevard by the owner of the Golf Course or its successors and assigns. A copy of the December 17, 2020 correspondence from Holland & Knight LLP is enclosed with this correspondence for your ease of reference. We note that, upon sale of the Golf Course to Mattamy, and then from Mattamy to their purchasers, both Mattamy and their purchasers are "successors" to the Golf Course owner and, therefore, should have the same rights to use Lucerne Lakes Boulevard as the Golf Course owner.

Pursuant to Article V of the Master Declaration, the owner of the Golf Course is assessed its share of the cost of the Master Association's maintenance of Lucerne Lakes Boulevard as a member of the Master Association in such amount as set out in Article VI of the Master Declaration.

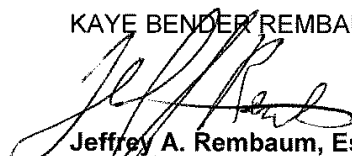
Pursuant to Article XII of the Declaration, each and every deed, or other instrument of conveyance, conveying the lands within Lucerne Lakes, or any portion thereof, is subject to the Master Declaration. The Master Declaration runs with the land and is binding on all parties and persons claiming under them, including all successors, successors in title, designees, grantees, and assigns in accordance with Article X and Article XII of the Master Declaration.

Therefore, as explained above, upon obtaining title to the Golf Course, Mattamy will have the right to use Lucerne Lakes Boulevard and will be responsible for a share in the cost to maintain Lucerne Lakes Boulevard as a successor in title to the current owner of the Golf Course. Similarly, future owners of the homes within the residential community contemplated by Mattamy to be developed on the land comprising the Golf Course will also have the right to use Lucerne Lakes Boulevard and will be responsible for a share in the cost to maintain Lucerne Lakes Boulevard as a successor in title to a portion of the Golf Course.

Please feel free to contact us should you have any further questions or comments in regard to these matters.

Regards,

KAYE BENDER REMBAUM, P.L.



Jeffrey A. Rembaum, Esq.
For the Firm

JAR/DMB
Enclosure

cc: Anthony Palumbo, Vice President, Mattamy Palm Beach LLC (via e-mail)

Additional Office Locations:

BROWARD County:
1200 PARK CENTRAL BLVD, SOUTH
POMPANO BEACH, FL 33064
TEL. 954.928.0680 FAX 954.772.0319

MIAMI-DADE County:
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