

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

Application No.: PDD/DOA-2021-01373
Application Name: Sussman AGR-PUD
Control No./Name: 2000-00032 (Sussman Agr-PUD)
Applicant: JDR Development, LLC - Jason Sher
Paradise Properties Of Delray LLC
Atlantic USA Development LLC
PEBB Atlantic II LLC
Owners: Atlantic Usa Development LLC
Socro LLC
Paradise Prop Of Delray LLC
Paradise Properties Of Delray LLC
PEBB Atlantic LLC
Agent: WGINC - Lindsay Libes
Telephone No.: (561) 687-2220
Project Manager: Imene Haddad, Senior Site Planner

TITLE: an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District

TITLE: a Development Order Amendment **REQUEST:** to modify the Master Plan; and, to add and delete land area

TITLE: a Development Order Amendment **REQUEST:** to partially release a Conservation Easement

APPLICATION SUMMARY: The proposed requests are for the 743.32-acre Sussman AGR-PUD development. The subject development is approved with Residential uses (40% of land area) and Agricultural/Preserve Areas (60% land area).

The request will not modify the residential development area, but proposes to delete land area designated as preserve (Preserve 9, 9.89 acres) and add 10.20 acres of replacement preserve area (Preserves 19 and 20).

The deleted Preserve Parcel 9 is proposed to be developed with commercial uses through subsequent application (PDD/CA/W-2021-01361 Atlantic AGR Commercial development) with the concurrent Large-Scale Future Land Use Amendment (LGA-2022-004, Atlantic Commercial and Self-Storage) which proposes to change the future land use on from AGR to Commercial Low with underlying AGR (CL/AGR).

SITE DATA:

Location:	East side of State Road 7, approx. 700 feet south of W Atlantic Avenue
Property Control Number(s):	00-42-46-20-01-000-0130; 00-42-46-19-01-000-1040 00-42-46-20-01-000-0520; 00-42-46-20-01-000-0910
Existing Future Land Use Designation:	Agricultural Reserve (AGR)
Proposed Future Land Use Designation:	Commercial Low with underlying AGR (AGR)
Existing Zoning District:	Agricultural Reserve Planned Unit Development (AGR-PUD) and Agricultural Reserve District (AGR)
Proposed Zoning District:	Agricultural Reserve – Planned Unit Development (AGR-PUD)
Total Acreage:	743.32 acres
Affected Acreage:	10.20 acres (added land) 9.89 acres (removed land)
Tier:	Agricultural Reserve
Overlay/Neighborhood Plan/CCRT Area:	N/A
Municipalities within 1 Mile:	N/A
Future Annexation Area:	N/A
Commission District:	District 5, Commissioner Maria Sachs

RECOMMENDATION: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

ACTION BY THE ZONING COMMISSION: At the September 1, 2022 ZC hearing, this item was on the Consent Agenda. Prior to the hearing the Agent submitted a letter requesting a postponement of the concurrent Application Atlantic AGR Commercial and Self-Storage PDD-CA-W-2021-1361 to the October 6, 2022 ZC hearing, in order to work with the Alliance of Delray regarding their concerns. Assistant Attorney Stone advised the Board that in addition to postponing the subject request, the concurrent application Sussman AGR-PUD PDD/DOA 2021-01373 would need to be postponed also Commissioner Beatty made a motion to postpone, which was seconded by Commissioner Scarborough and passed by a vote of 7-0-0.

At the October 6, 2022 ZC hearing, this item was on the Regular Agenda. Prior to the hearing the Agent submitted a letter requesting a postponement to the November 3, 2022 ZC hearing, in order to work with the Delray Lakes Estates residents and Alliance of Delray. Commissioner Scarborough made a motion to postpone, which was seconded by Commissioner Brumfield and passed by vote of 6-0-0.

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

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
PDD-2000-00032	An Official Zoning Map Amendment for a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District.	R-2000-1236	08/24/2000
PDD/DOA-2000-00032(A)	An Official Zoning Map Amendment for a rezoning from the AGR Zoning District to the AGR-PUD Zoning District.	R-2001-0974	01/25/2001
	A Development Order Amendment (DOA) to add and delete land area	R-2001-0973	01/25/2001
ZV/PDD/DOA-2016-00269	A Type II Variance to allow a reduction in the width of a Type 3 Incompatibility Buffer.	ZR-2016-0046	09/01/2016
	A Type II Variance to allow a reduction in the front setback for front loading garages for Single-Family and Zero Lot Line homes.	ZR-2016-0047	09/01/2016
	An Official Zoning Map Amendment for a rezoning from the Agricultural Reserve (AGR) to Agricultural Reserve Planned Unit Development (AGR-PUD)	R-2016-1235	09/22/2016
	A Development Order Amendment (DOA) to reconfigure the Master Plan, add land area, add units and add an access point.	R-2016-1236	09/22/2016
EAC-2017-01452	An expedited Application Consideration (EAC) to delete Condition of Approval (Landscaping).	R-2017-01452	11/7/2017

FINDINGS:

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

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

- a. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*
- **Density:** The Planning Division has reviewed the request to remove a portion of Preserve 9 US Landvest; add two new preserves, Preserve 19 Paradise Properties and Preserve 20 Veejay Group; and, increase the total land area of the overall project by 0.32-acres for a for a total of 743.32-acres. There is no change to the previously approved and built 743 dwelling units or Development Area.
 - **Release of easements and Conditions:** The request to exchange preserve areas requires the partial release of the Ag Reserve Conservation Easement for Preserve 9 US Landvest, and the addition of two new preserves requiring Ag Reserve Conservation Easements. The added lands proposed as AG Reserve Preserve areas, will be rezoned from AGR to AGR-PUD. The addition of new preserve

lands requires modification of conditions to account for the timing of the recordation of the easements and submittal of the Management Plans.

- *60/40 Development Option:* Per Policy 1.5.1-i. the applicant is required to provide a minimum of 60% of preserve area and 40% maximum developable area. The Preserve areas are not required to be contiguous with the development area. The 60/40 breakdown is as follows:

Total acreage: 743.32 acres
Less ROW: 6.18 acres
Net acreage = 737.14 acres

Preservation: Net acreage x 60%: 737.14 x 60% = 442.28 acres minimum for Preservation (applicant proposes 444.84 acres of Preservation area or 60%)

Development: Net acreage x 40%: 737.14 x 40% = 294.86 acres maximum Development area (Applicant proposes 292.31 acres of Development area or 40%)

- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The subject property is not located within any overlays, neighborhood plans, or study areas.

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.*

- *Development Area:* Though the request is to add and delete land area, it specifically related to preserve parcels. There is no change to the proposed Development Area or the number of units for the subject development.

- *Minimum Preserve Area:* The proposed amendment is not in conflict with any portion of the code, and is consistent with the stated purpose and intent of the Code. The Applicant is proposing to add and delete Preserve land area. The approved overall AGR-PUD has utilized the 60/40 development option where 60% or 444.83-acres of a total 737.14-net acres are reserved for Preservation area and 40% or 292.31-acres account for Development Area. The request is to remove a 9.89-acre portion from Preserve Parcel 9 and to add Preserve Parcels 19 and 20 with the new preserve parcels totaling 10.2-acre to maintain the 60% preserve requirement. Preserve Parcel 19 is 5.22 acres and Preserve Parcel 20 is 4.98 acres. Article 3.E.2.F.3 AGR-PUD, (Preserve Area) allows the preservation area to be located noncontiguous to the associated development area. However, such preservation area must be legal lot of Record that is accessible by a street, and only allows uses as indicated in the Use Matrices contained in Art. 4, Use Regulations. The Code also requires a preserve parcel to meet the minimum AGR-PDRs.

- *Property Development Regulations:* A Preserve Area and any remaining portion of a lot used to create a Preserve Area shall meet the minimum PDRs for the AGR district with the exception of legal lots of record. A legal Lot of record that does not meet the minimum acreage or dimensions of the AGR district may be used as Preserve Area if in compliance of all other requirements of Art.3.E.2.F.3. Preserve Parcel 19 (00-42-46-19-01-000-1040) is 5.22 acres with width and frontage of 340.10 feet where 300 feet is required and a depth of 653 feet where 300 feet is required.

Preserve parcels 20 (00-42-46-20-01-000-0910) is 4.89 acres with a width and frontage of 332.50 and depth of 652.90 feet. This legal lot of record does not meet the minimum acreage requirement of 5 acres however it is in compliance with all other requirements of Art.3.E.2.F.3. as discussed above.

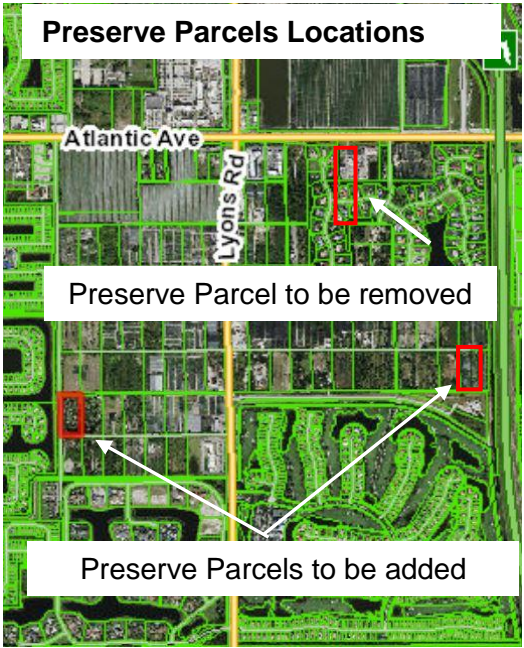
- *Location and Access:* A Preserve area may be situated anywhere in the AGR Tier on a Legal Lot of Record with an AGR FLU designation, provided it is accessible by a street per Art. 3. E.2.F.3.a. New Preserve Parcel 19 is located south of 152nd Place South and east of Lyons Road and is contiguous to the PUD and located within the AGR Tier on a Legal Lot of Record and accessible via 158th Road S. Preserve Parcel 20 is located west of Florida Turnpike and south of 156th Court south and is non-contiguous to the PUD. The Parcel is accessible via 156th Ct. S.

- *Uses:* Uses allowed in the Preserve areas are indicated in the Use Matrices contained in Art. 4, Use Regulations. Currently, a Single Family Structure is located on the proposed Preserve Parcel 19. The use is not allowed in Preserve areas. The new Planning Condition of Approval 5 states “Prior to the approval of the Development Review Officer (DRO). The Single Family Structure located on Preserve Parcel 19 Paradise Palms shall either be converted to an allowable use with applicable permits as identified in the ULDC or Removed, with all applicable approvals and/or completed demolition permits” New Preserve Parcel 20 currently exists as vacant land and will remain as such.

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.*

Preserve Parcels 19 and 20 are the newly proposed preserve areas and will be consistent with the surrounding uses and character of the surrounding area. Preserve Parcel 19 is adjacent to agricultural uses to the north, south and east. To the west of the site is the Sussman PUD and is separated by a lake tract and appropriate perimeter landscape buffering. Preserve Parcel 20 is surrounded by agricultural uses on all side. The area in which the proposed parcels are located, consists of predominantly agricultural uses as seen in the figure to the right. The proposed rezoning of the subject parcel as a preserve for the Sussman PUD will remain compatible with the overall area.

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 newly proposed preserve areas will be consistent with the surrounding uses and character of the surrounding area. The site of Preserve Parcel 19 is adjacent to agricultural uses to the north and south. The properties to the west and south serve as preserve areas for Agricultural Planned Unit Developments. To the east of the site is the Sussman PUD which is separated by a Lake Tract and appropriate perimeter landscape buffering. Preserve Parcel 20 is adjacent to agricultural uses to the north, west and east of the property. A Landscape Service is located to the south of the Preserve Parcel.

The corridor of along Lyons Road, consists of predominately agricultural uses as seen in the figure to the right. As such, the proposed rezoning of the subject parcels as a preserve for the Sussman PUD will remain compatible with overall area.

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

- *Vegetation Protection:* The property is presently agricultural production.
- *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 Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.
- *Environamental Impacts:* Thre are no significant environmentals isseus assocaited with this petition beyond compliance with the ULDC requirements.

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

The proposed rezoning will remain in a logical and orderly development pattern of the surrounding area. As stated in the Compatibility with Surrounding Uses standard above, the overall area to the east of Lyons Road consists mostly of agricultural land uses and zoning designations. The proposed rezoning does not seek to add intensity or density to the area as part of the requests, and as such, the agricultural character will remain.

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

ENGINEERING COMMENTS:

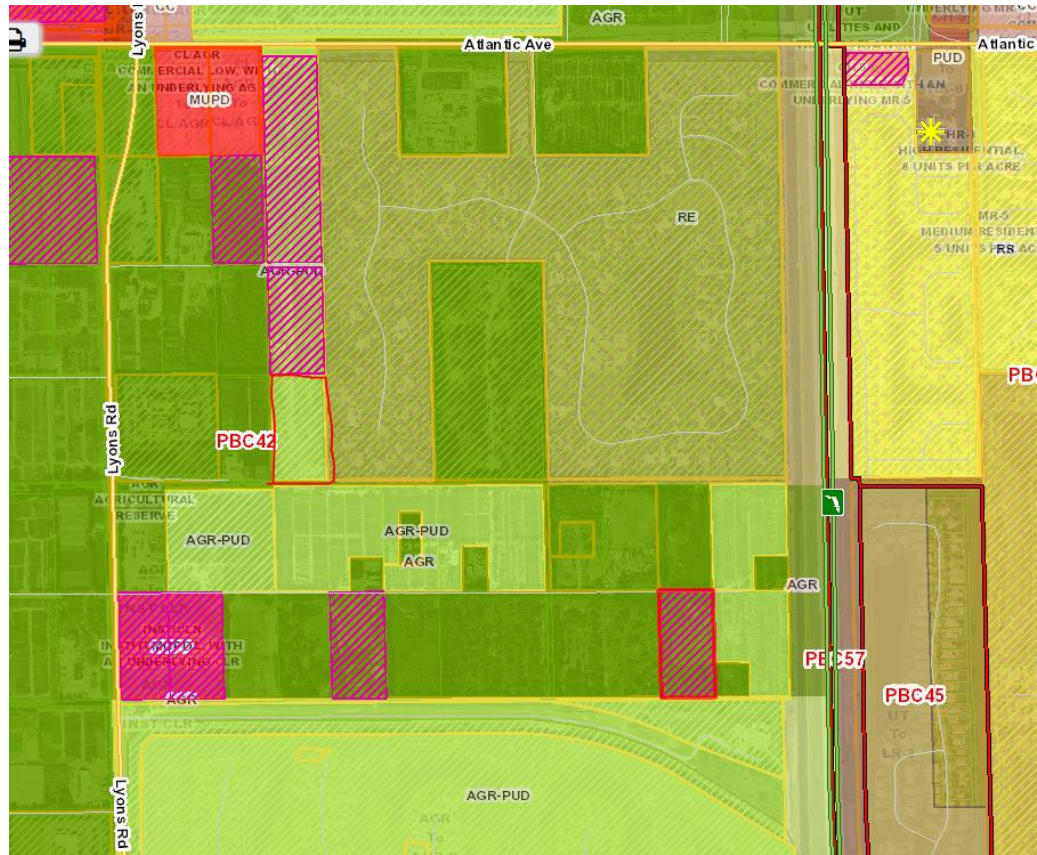
There are no new Engineering conditions of approval associated with this application.

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. The subject development is located within Station PBC 42



SCHOOL IMPACTS:

There is no School Board analysis required for this request.

PARKS AND RECREATION:

The Parks and Recreation Department has no comment on the preserve parcel swap.

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

The Applicant desires to delete the land area of the existing preserve parcel from the Sussman PUD and to rezone the site to Multiple Use Planned Development (MUPD) Zoning District to be consistent with the proposed Commercial Low (CL) Future Land Use designation. The proposed modifications necessitate a new designation of a preserve parcel, and as such poses a demonstrated change of site conditions and circumstances requiring the requests.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B. 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-1 and C-2.

CONDITIONS OF APPROVAL

EXHIBIT C-1:

Official Zoning Map Amendment

DISCLOSURE

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

CONDITIONS OF APPROVAL

EXHIBIT C-2:

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2017-1641, Control No.2000-00032, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution 2016-01236 (Control No. 2000-00032) have been consolidated as contained herein. The applicant shall comply with all previous Conditions of Approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2017-01236(Control 2000-00032), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2017-1641, Control No.2000-00032, which currently states:

The approved Preliminary Master and Regulating Plans are dated July 25, 2016. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners.

Is hereby amended to read:

The approved Preliminary Master Plans are dated March 28, 2022. Modification to the Development Order inconsistent with Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Diversity of architectural elevation and exterior color scheme shall be required by complying with the following:

- a. No more than three (3) homes with the same elevation shall be placed next to each other; or,
- b. No more than three (3) homes with the same exterior color scheme may be placed next to each other; and
- c. No more than three (3) identical homes shall be placed next to one another (i.e. same elevation with same exterior color scheme). This obligation shall be included in the Homeowners Association's documentation. A monitoring report with updated information shall be submitted by the developer with each building permit application to ensure compliance with this condition. This obligation shall be included in the Homeowners Association's documentation. (ONGOING: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2017-1641, Control No.2000-00032)

ENGINEERING

1. The Property Owner shall construct a right turn lane, south approach on SR 7 at the project's northernmost entrance for the Sussman PUD North portion. 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 from Florida Department of Transportation for this construction shall be obtained, and copies provided to Palm Beach County prior to the issuance of the first building permit for Sussman PUD North. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2017-1641, Control No.2000-00032)

2. Deleted per R-2016-1236 (Previous ENGINEERING Condition 2 of Resolution R-2017-1641, Control No.2000-00032)

3. Deleted per R-2016-1236 (Previous ENGINEERING Condition 3 of Resolution R-2017-1641, Control No.2000-00032)

4. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer and the Florida Department of Transportation at Linton Boulevard and SR 7 and the project's entrance road and SR-7. In the event Linton Boulevard is removed from the Thoroughfare Plan, the Petitioner shall be relieved of the obligation to fund the cost of signalization at Linton Boulevard and SR-7. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this Property Owner shall be relieved from this condition. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2017-1641, Control No.2000-00032)

5. Deleted per R-2016-1236 (PLAT: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2017-1641, Control No.2000-00032)

6. The Property Owner shall provide to the Palm Beach County Right of Way Acquisition Section of Roadway Production Division a road right of way deed and all associated documents as required by the County Engineer for Half Mile Road, thirty (30) feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer, along the frontage of the Sussman PUD North portion.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2017-1641, Control No.2000-00032)

7. LANDSCAPE WITHIN MEDIAN OF STATE ROAD

a. Prior to issuance of a building permit, the Property Owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of SR 7 road right-of-way. This permit, to be completed by the Property Owner, shall name Palm Beach County as the applicant. As part of this permit process, the Property Owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the 'Low Cost Planting Concept' outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Streetscape Standards. The Property Owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. All required median landscaping, including an irrigation system, if required, shall be installed at the Property Owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association

and/or Homeowners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of the 100th certificate of occupancy. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED]

c. If the County does not assume maintenance responsibility, then appropriate Property Owners' documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to issuance of the first Building Permit. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2017-1641, Control No.2000-00032)

8. Landscape Within the Median of SR-7

The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of SR-7 for the Sussman PUD North portion. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires County Engineer approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from the Florida Department of Transportation prior to the issuance of the first building permit for the Sussman PUD North portion.

BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED]

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy for the Sussman PUD North portion.(BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED]

c. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to Palm Beach County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along SR-7 for the Sussman PUD North portion. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2017-1641, Control No.2000-00032)

9. Deleted per R-2016-1236 (Previous ENGINEERING Condition 9 of Resolution R-2017-1641, Control No.2000-00032)

10. Deleted per R-2016-1236 (Previous ENGINEERING Condition 10 of Resolution R-2017-1641, Control No.2000-00032)

11. Prior to DRC approval of the Preliminary Development Plan, the Master Plan shall be revised to reflect an adequate distance from the Traffic Control Gates to the first intersection as approved by the County Engineer. (DRO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2017-1641, Control No.2000-00032)

12. Deleted per R-2016-1236 (Previous ENGINEERING Condition 12 of Resolution R-2017-1641, Control No.2000-00032)

13. Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2017-1641, Control No.2000-00032)

14. 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, 2019. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

b. Building Permits for more than 70 units shall not be issued until the Property Owner makes a proportionate share payment of \$1,503,249.00 to widen Atlantic Ave from SR-7 to Lyons Rd from 2

lanes to 4 lanes divided. Note that while this proportionate share payment is based on proportionate cost of a specific roadway improvement, the County, in its sole discretion may apply such payment to one or more mobility improvements to regionally significant transportation facilities. The proportionate share payment shall be adjusted at the time of payment by the escalator calculation set forth in Condition 15. Any road impact fees paid by the Developer on this project prior to this proportionate share payment will be applied as a credit toward the proportionate share payment. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility in the area. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

c. Building Permits for more than 315 units shall not be issued until the Property Owner makes a proportionate share payment of \$132,995.00 to widen Atlantic Ave from Florida Turnpike to Hagen Ranch Rd from 4 lanes divided to 6 lanes divided. Note that while this proportionate share payment is based on proportionate cost of a specific roadway improvement, the County, in its sole discretion may apply such payment to one or more mobility improvements to regionally significant transportation facilities. The proportionate share payment shall be adjusted at the time of payment by the escalator calculation set forth in Condition 15. Any road impact fees paid by the Developer on this project prior to this proportionate share payment will be applied as a credit toward the proportionate share payment. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility in the area. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 14 of Resolution R-2017-1641, Control No.2000-00032)

15. In recognition that construction prices may change over the life of the project, the proportionate share payments included in Condition 14 above shall be subject to the following escalator calculation:

Adjusted Payment = Original Payment Amount x (BONSPayment month / BONS Month of Prop Share Execution)

- * Original Payment Amount = Proportionate Share Payment amount specified
- * BONSPayment = Latest Published Value (including preliminary values) at Time of Payment
- * BONS Month of Prop Share Execution = Published Value

The cost adjustment for the total and amount of each payment shall be based on the Bureau of Labor Statistics Producer Price Index (PPI) for Other Non-Residential Construction ((BONS) (Series ID: WPUIP23122301).

As of the effective date of this Agreement, the PPI index information may be accessed through the following link:

<http://data.bls.gov/timeseries/WPUIP2312301>
(ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 15 of Resolution R-2017-1641, Control No.2000-00032)

ENVIRONMENTAL-SUSSMAN - SOUTHERN PORTION

1. A Management Plan addressing the removal of prohibited exotic vegetation shall be submitted to and approved by ERM prior to DRC Master Plan certification. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2017-1641, Control No.2000-00032)

ENVIRONMENTAL-SUSSMAN-NORTHERN PORTION

2. Prior to final approval by the Development Review Officer (DRO), a Management Plan addressing the removal of prohibited exotic vegetation shall be submitted to and approved by ERM. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-2017-1641, Control No.2000-00032)

LANDSCAPE - GENERAL

1. Fifty (50) percent of all perimeter canopy trees required to be planted on the site by this approval shall meet the following minimum standards at installation:

- a. tree height: fourteen (14) feet trunk diameter;
- b. 3.5 inches measured 4.5 feet above grade;
- c. canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at three (3) points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,

d. credit may be given for existing or relocated trees provided they meet current ULDC requirements. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2017-1641, Control No.2000-00032)

2. All palms required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2017-1641, Control No.2000-00032)

3. All internal Planned Unit Development (PUD) buffers between pods shall be approved by the Development Review Officer (DRO) in accordance with the ULDC, unless otherwise stated herein. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2017-1641, Control No.2000-00032)

(LANDSCAPE - PERIMETER-SUSSMAN - SOUTHER PORTION)

4. Landscaping and buffering along perimeter property lines shall be upgraded to include:

- a. a minimum fifty (50) foot wide landscape buffer strip on the south, east and west property lines, no width reductions or easement encroachments shall be permitted on the south and west property lines. A maximum five (5) foot wide encroachment shall be permitted only on the east property line;
- b. a four (4) to six (6) foot undulating berm, with an average height of five (5) feet, measured from the top of the curb on the south, east and west property lines;
- c. one (1) canopy tree planted every thirty (30) feet on center;
- d. one (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms or pines may not supersede the requirement for canopy tree in that location;
- e. twenty four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2016-1236, Control No.2000-00032)

LANDSCAPE - PERIMETER-SUSSMAN - NORTHERN PORTION

5. Landscaping and buffering along perimeter property lines shall be upgraded to include:

- a. a four (4) to six (6) foot undulating berm, with an average height of five (5) feet, measured from the top of the curb on the north, east and west property lines;
- b. one (1) canopy tree planted every thirty (30) feet on center;
- c. one (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms or pines may not supersede the requirement for canopy tree in that location;
- d. twenty four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 6 of Resolution R-2017-1641, Control No.2000-00032)

LAKE WORTH DRAINAGE DISTRICT

1. Sussman AGR PUD - Preliminary Master Plan: 14-9618P.01

Prior to platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD an exclusive easement deed the north 5 feet of the south 20 feet of Tracts 49-56, together with east 10 feet of the west 125 feet of Tracts 17, 48 and 49, in Section 19, Palm Beach Farms Company Plat No. 1, PB 2, Pg. 26, for the E-1 and Lateral 35 Canal rights-of-way.

(PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 1 of Resolution R-2016-1236, Control No.2000-00032)

2. Sussman AGR PUD Preserve Parcel 4 (Running D Ranch) 14-9606P.01

Prior to LWDD signing the Conservation Easement, platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by

warranty deed or exclusive easement deed the south 10 feet of 55 feet of Tracts 69, 70, and 71, Together with south 10 feet of 55 feet of that road, dyke & ditch reservation, 30.00 feet in width lying between said Tracts 69 and 70, all in Block 45, Palm Beach Farms Company Plat No. 3, PB 2, Pg. 45, for Lateral 21 Canal right-of-way. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 2 of Resolution R-2016-1236, Control No.2000-00032)

3. Sussman AGR PUD Preserve Parcel 7 (JLOJAQ) 16-2602P.05

Prior to LWDD signing the Conservation Easement, platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed that portion of the north 55 feet of Tracts 76 and 77, Together with west 50 feet of Tract 77, Block 45, Palm Beach Farms Company Plat No. 3, PB 2, Pg. 45, LESS lands owned by LWDD for Lateral 21 Canal right-of-way.

(PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 4 of Resolution R-2016-1236, Control No.2000-00032)

4. Sussman AGR PUD Preserve Parcel 8 (Landco IV Inc.) 16-9798P.06

Prior to LWDD signing the Conservation Easement, platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the south 30 feet of Tract 52, in Section 20, Palm Beach Farms Company Plat No. 1, PB 2, Pg. 26, for Lateral 35 Canal right-of-way.

(PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 5 of Resolution R-2016-1236, Control No.2000-00032)

5. Sussman AGR PUD Preserve Parcel 10 (Galit 68 & 69) 16-9798P.02

Prior to LWDD signing the Conservation Easement, platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the south 10 feet of the north 55 feet of Tract 67, less the east 55 feet, the south 10 feet of the north 55 feet of Tract 68, and south 10 feet of the north 55 feet of Tract 69, less the west 165 feet, Block 50, Palm Beach Farms Company Plat No. 3, PB 2, Pg. 45, for Lateral 23 Canal right-of-way. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 6 of Resolution R-2016-1236, Control No.2000-00032)

6. Sussman AGR PUD Preserve Parcel 11B (Galit 72) 16-9798P.03 Prior to LWDD signing the Conservation Easement, platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the south 10 feet of the north 55 feet of Tract 72, and the south 10 feet of the north 55 feet of the west 55 feet of Tract 71, Block 50, Palm Beach Farms Company Plat No. 3, PB 2, Pg. 45, for Lateral 23 Canal right-of-way. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 7 of Resolution R-2016-1236, Control No.2000-00032)

PALM TRAN

1. A. Prior to final certification of the preliminary development plan or site plan by the Development Review Officer, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer.

B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of a building permit for the 100th unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste

container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the Property Owner. (Previous PALM TRAN Condition 1 of Resolution R-2016-1236, Control No. 2000-00032)

PLANNED DEVELOPMENT

1. No rear, side interior, or side corner setback reductions shall be permitted, with the exception of those lots abutting a lake or open space tract as permitted in the ULDC. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2017-1641, Control No.2000-00032)

2. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: Formation of a single "master" property Owner's Association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2017-1641, Control No.2000-00032)

3. Pavers or decorative pavement shall be provided for the driveways of all units. (ONGOING: ZONING - Building Division) (Previous PLANNED DEVELOPMENT Condition 3 of Resolution R-2017-1641, Control No.2000-00032)

4. The Applicant shall include in the homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans; a disclosure statement identifying and notifying of the existence of agricultural uses in the vicinity of the development. The Developer/Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 1, 2001 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (ONGOING: MONITORING - Monitoring) (Previous PLANNED DEVELOPMENT Condition 5 of Resolution R-2017-1641, Control No.2000-00032)

5. All utilities shall be underground. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 6 of Resolution R-2017-1641, Control No.2000-00032)

6. Prior to final approval by the Development Review Officer (DRO), a document acceptable to the County Attorney, giving notice of the existence of agricultural uses shall be submitted to the Zoning Division. The document shall describe the uses in separate paragraphs, include a place for the purchaser's signature acknowledging the notice, and shall be made a part of the closing documents and purchase contracts for each residential unit sold in the developable areas. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 7 of Resolution R-2016-1236, Control No.2000-00032)

7. All zero-lot line lots (units) which side yard abuts the rear yard of two (2) or more lots (units) shall be restricted to one (1) story in height. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 8 of Resolution R-2017-1641, Control No.2000-00032)

PLANNED DEVELOPMENT-SUSSMAN - SOUTHERN PORTION

8. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre and shall be located as shown on the conceptual site plan dated August 15, 2000. Such recreation uses shall have a direct connection to the pedestrian system within the project and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (Previously Condition G.7 of Resolution R-2000-1236, Petition PDD2000-032) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 9 of Resolution R-2017-1641, Control No.2000-00032)

9. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show a. b. a focal point at the terminus of internal roadway, access tract, residential street (including T-intersections), roundabout, open space adjacent to roundabout or cul-de-sac as shown on the conceptual site plan dated August 15, 2000. This focal

point shall be pedestrian oriented public areas and shall be in the form of a plaza, fountain, arcade, accent landscaping with lighting or any other site element or architectural design acceptable to the Zoning Division; and, a minimum twenty-five percent (25) % of the eighty (80) foot wide single family lots shall be provided with semi-circular driveway. (DRC: ZONING) (Previously Condition G.5 of Resolution R-2000-1 236, Petition PDD2000-032) 6. No rear, side interior, side corner setback reduction shall be permitted, with the exception of those lots abutting a lake or open space tract as permitted in the ULDC. (Previously Condition G.6 of Resolution R-2000-1 236, Petition PDD2000-032) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 10 of Resolution R-2017-1641, Control No.2000-00032)

10. Flexible Regulations and Administrative Deviations from the required property development regulations for the residential units and their accessory structures shall be limited to the following:

- a. The Lot Coverage shall be limited to 55% for the Zero Lot Line homes in Pods A, B, C, D, and E only;
- b. The Lot Coverage shall be limited to 44% for the Single-Family homes in Pods A, B, C, D, and E only.

(ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 11 of Resolution R-2017-1641, Control No.2000-00032)

PLANNED DEVELOPMENT

11. Development of the project shall be consistent with the conceptual site plan dated August 15, 2000. No single family units/pods shall be permitted to convert to zero lot line units without BCC approval. Prior to final DRC certification of the last remaining subdivision plan (residential pod), the master plan shall be revised to show a maximum of 360 units for the entire PUD. This Condition of Approval shall only be applicable to Pods A, B, C, D, and E. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 12 of Resolution R-2017-1641, Control No.2000-00032)

PLANNING

1. Prior to recordation of a Plat for the Development area for Sussman North, the Applicant is responsible for the recordation of the Conservation Easements for all of the Preserve parcels, and include on said easements, language limiting these parcels to Agricultural Reserve preservation uses as permitted by the Comprehensive Plan Objective 1.5 and Policies hereunder of the Future Land Use Element. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. Should the conservation easements not be placed on these properties in a form acceptable to the County Attorney prior to October 1, 2019, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners. (DATE/PLAT: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 1 of Resolution R-2017-1641, Control No.2000-00032)

2. The PUD shall be limited to a maximum of 743 dwelling units and shall meet 60/40 AGR-PUD requirements. All units associated with the preserve parcels shall be assigned to the Development area. No approved, unbuilt units may be transferred outside the development area. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 2 of Resolution R-2017-1641, Control No.2000-00032)

3. Prior to Final Master Plan approval by the Development Review Officer (DRO), the Developer shall add a "Preservation Area/Proposed Uses" notes section on the Master Plan and ensure the same language is contained within in the Conservation Easement to include the following:

The purpose of the preserve area(s) are to support, preserve and perpetuate bona fide agricultural and open space uses of the Property, and to preserve any environmentally significant upland or wetland habitats located on the Property.

1. Permitted Uses. Grantor may use the Property for:

- a. Crop production, pasture, equestrian activities, wholesale or retail nursery operation or fallow land;
- b. Construction and maintenance of structures essential to the uses listed in subsection 1a., above, such as barns, stables, pumps, and pump houses, but specifically excluding agricultural support structures such as processing facilities, which are prohibited;

c. Maintenance and occupation of security, caretaker, farm worker or grooms quarters, or other residential structure provided that the quarters or structure is used solely for one of the purposes listed under Table 3.E.1 B-10 of the Code, any applicable special permit is obtained for such use, and requisite density exists on the Property for such use;

d. A Water Preserve Area if designated by the South Florida Water Management District ("SFWMD"), or for regional water management purposes as certified by either Lake Worth Drainage District or SFWMD, or for water management purposes not directly related to the Project if approved by the Palm Beach County Department of Environmental Resources Management ("ERM") and managed for environmental resource values;

e. Wetland restoration and maintenance, or bona fide agriculture as defined by the Code; and

f. Those other activities authorized within a Preservation Area under Table 3.E.1. B of the Code and consistent with applicable provisions of the Comp Plan.

2. Prohibited Uses.

Any use of or on the Property that is not specifically listed or included in Section 1, above, or that is inconsistent with agricultural, environmentally significant uplands or wetlands, or open space preservation is prohibited. (ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2017-1641, Control No.2000-00032)

4. The Single Family structure located on Preserve P17 Ford shall either be converted to an allowable use with applicable permits as identified in the ULDC or removed, with all applicable approvals and/or completed demolition permits prior to the approval of the Plat. (PLAT: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 4 of Resolution R-2017-1641, Control No.2000-00032)

5. Prior to the approval from the Development Review Officer (DRO), The Single Family structure located on Preserve P19 Paradise Palms shall either be converted to an allowable use with applicable permits as identified in the ULDC or removed, with all applicable approvals and/or completed demolition permits. (DRO: PLANNING - Planning)

6. Prior to Final Approval by the Development Review Officer (DRO), the conservation easements for the new Preservation parcels P19 and P20 shall be recorded, as approved by the County Attorney's Office and the Planning Division.

The conservation easement shall contain:

a) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;

b) a list of permitted uses, uses not permitted, and prohibited activities.

c) Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Planning Division.
(DRO: PLANNING - Planning)

7. Prior to Final Approval by the Development Review Officer (DRO), submit applicable plans and documents consistent with the BCC direction given at the adoption of the companion LGA 2022-004 Atlantic Commercial. (DRO: PLANNING - Planning)

8. Prior to final approval by the Development Review Officer, submit a signed copy of the AGR Preserve Management Plans approved by ERM for both P19 and new P20 Agricultural Preserve parcels. (DRO: PLANNING - Planning)

9. Prior to final approval by the Development Review Officer, submit a recorded copy of the full release of Conservation Easement for P9. (DRO: PLANNING - Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. Platting & Deed.

The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 2.26 acre public civic site (net usable area - excluding buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by March 15, 2018. Property Owner to plat and dedicate the civic site to Palm Beach

County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

a) Title

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

b) Concurrency

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

c) Taxes

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

d) Site condition

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

e) Retention and Drainage

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

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

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

f) On-Site Inspections

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

g) Vegetation Permit

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

h) Buildable Grade

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

i) Water & Sewer

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

(DATE: PROPERTY REAL ESTATE MANAGEMENT - Monitoring) [Note: COMPLETED]
(Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 1 of Resolution R-2016-1236, Control No.2000-00032)

2. Survey

The Property Owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by February 1, 2018 . Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

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

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

(DATE: PROPERTY REAL ESTATE MANAGEMENT - Monitoring) [Note: COMPLETED]
(Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 2 of Resolution R-2016-1236, Control No.2000-00032)

3. Environmental Survey

The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by February 1, 2018 . The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

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

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

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

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS).
- c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
- d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.
- e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.If the Phase I audit indicates that a Phase II is necessary, then the Property Owner shall be required to provide that audit as well.

(DATE: PROPERTY REAL ESTATE MANAGEMENT - Monitoring) [Note: COMPLETED]
(Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 3 of Resolution R-2016-1236, Control No.2000-00032)

4. Cash-Out

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

(ONGOING/PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 4 of Resolution R-2016-1236, Control No.2000-00032)

SCHOOL BOARD

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

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

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

(ONGOING: SCHOOL BOARD - School Board) (Previous SCHOOL BOARD Condition 1 of Resolution R-2016-1236, Control No.2000-00032)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10 foot by 15 foot school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter 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 shelter shall be the responsibility of the residential Property Owner. (Previous SCHOOL BOARD Condition 2 of Resolution R-2016-1236, Control No.2000-00032)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Zoning) (Previous COMPLIANCE Condition 1 of Resolution R-2017-1641, Control No.2000-00032)

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

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning) (Previous COMPLIANCE Condition 2 of Resolution R-2017-1641, Control No.2000-00032)

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 page 1 of 4



Figure 1 - Land Use Map page 2 of 4

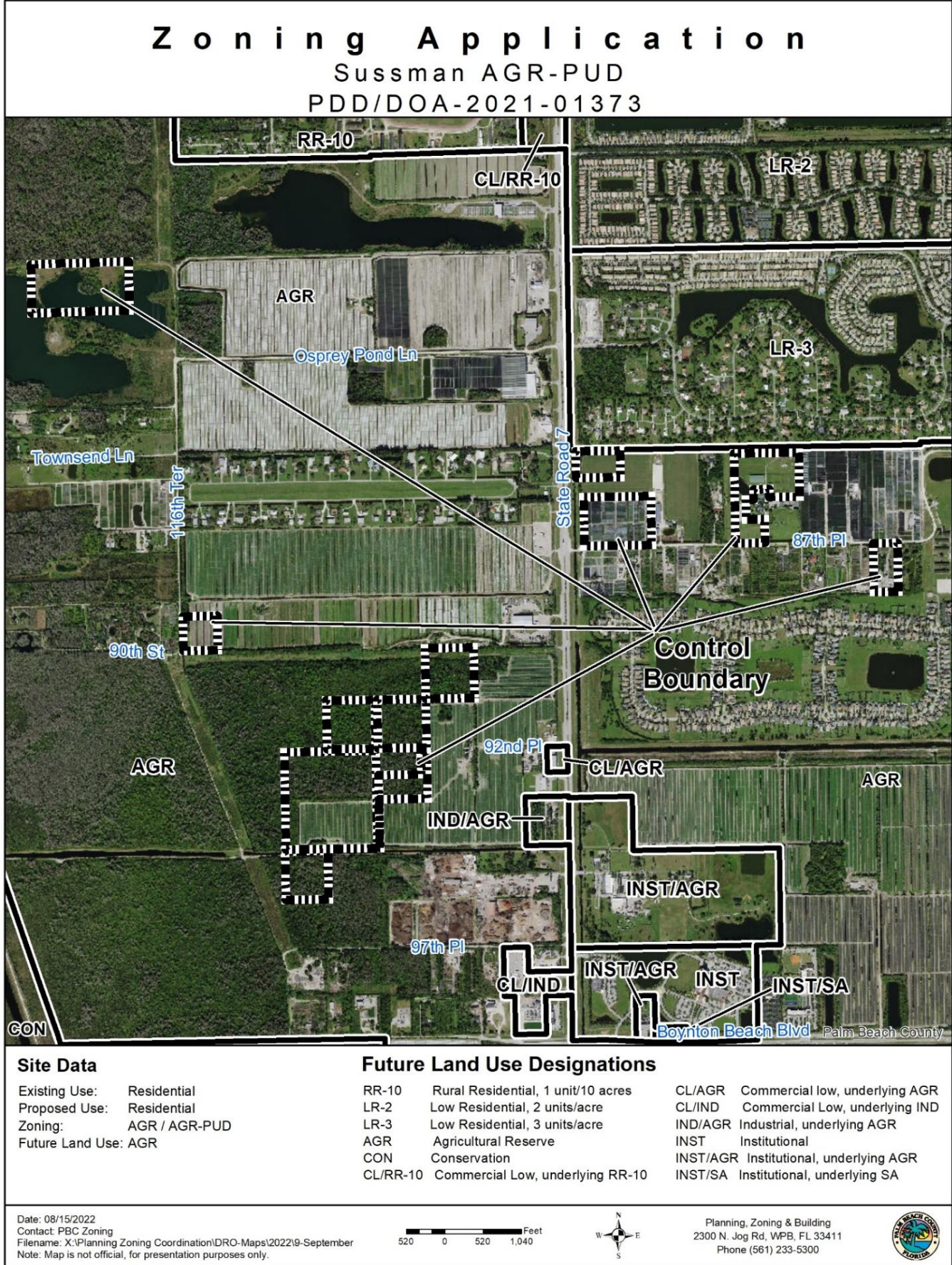


Figure 1 - Land Use Map page 3 of 4

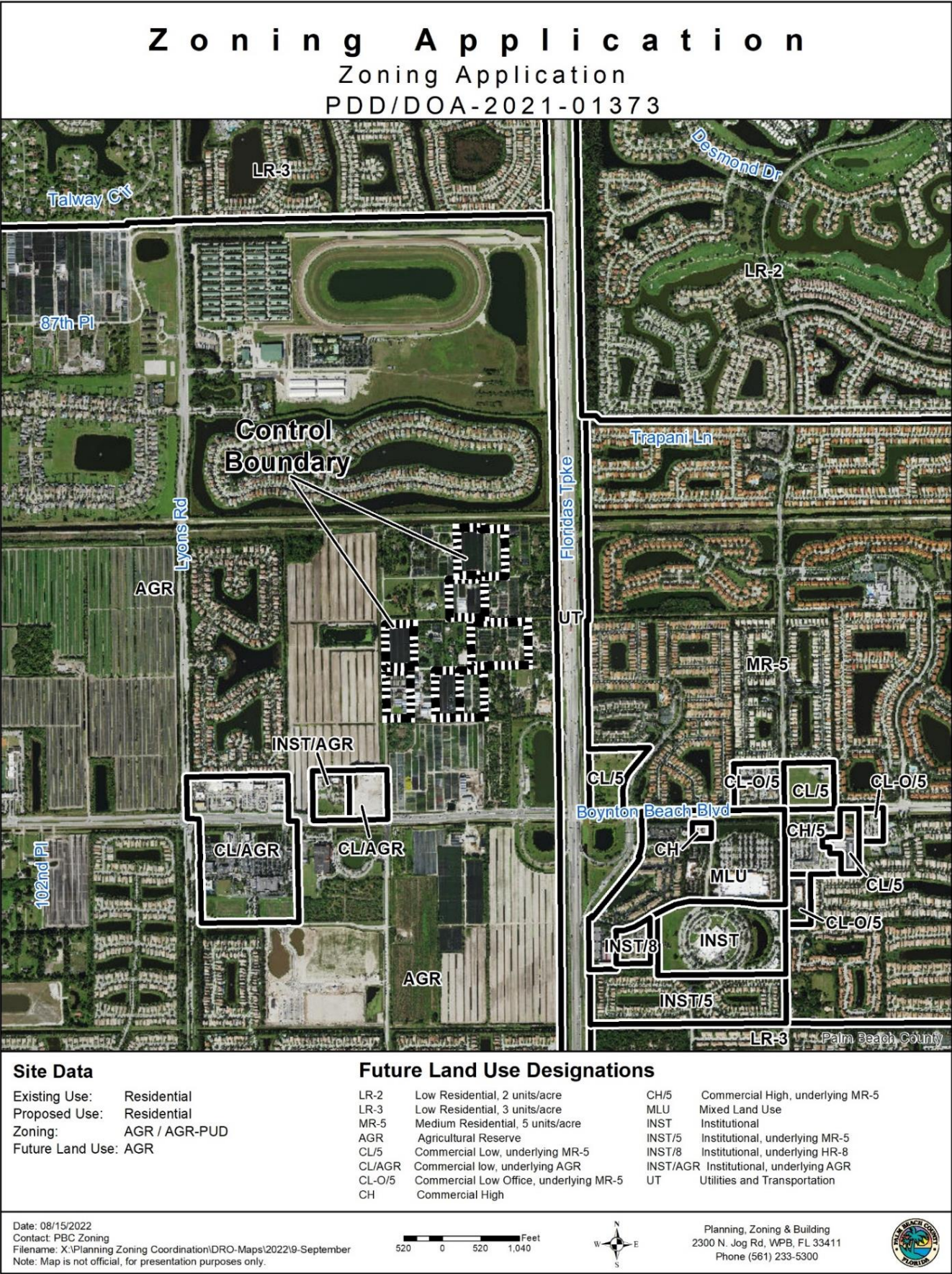


Figure 1 - Land Use Map page 4 of 4

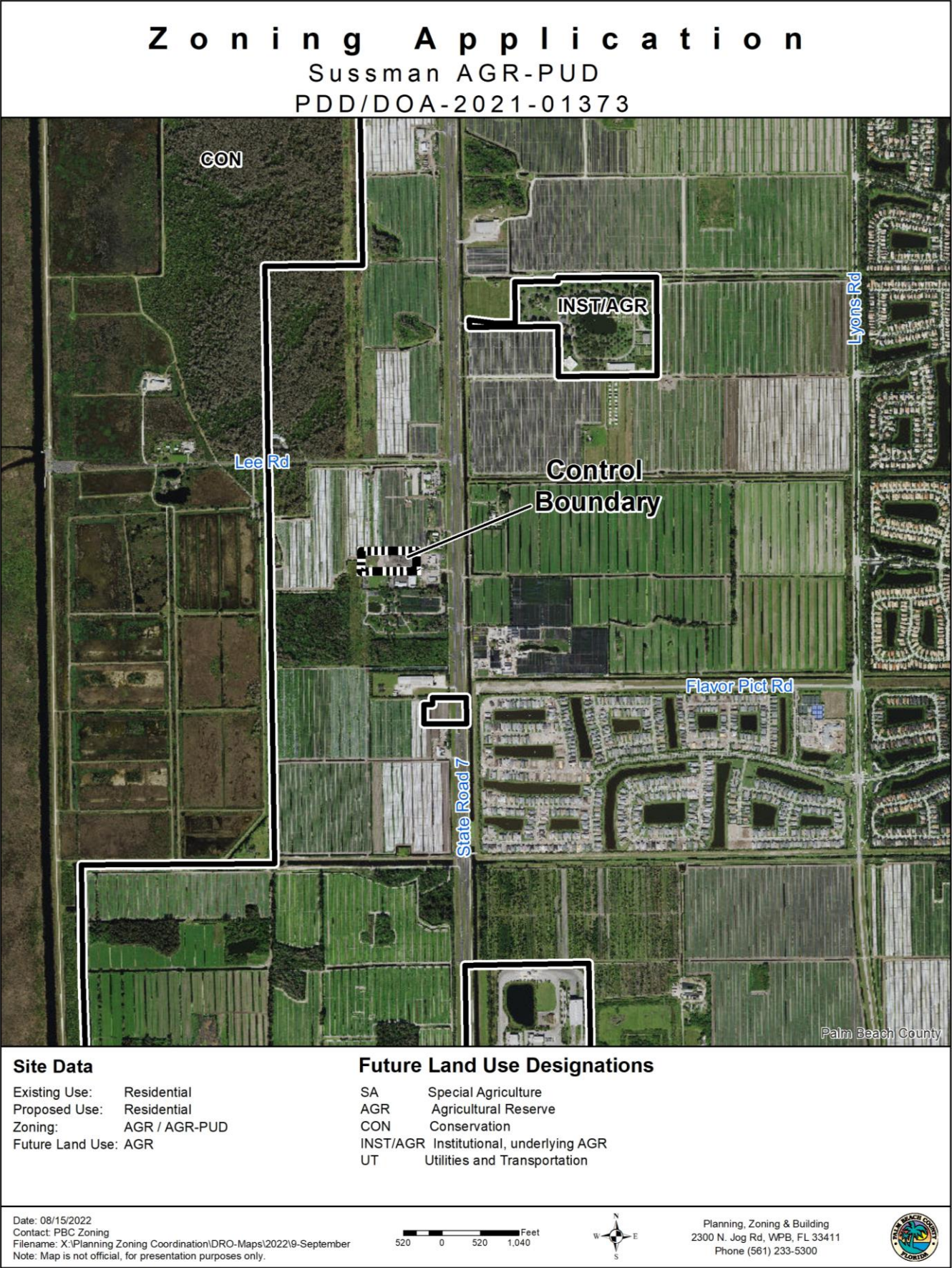


Figure 2 – Zoning Map page 1 of 4

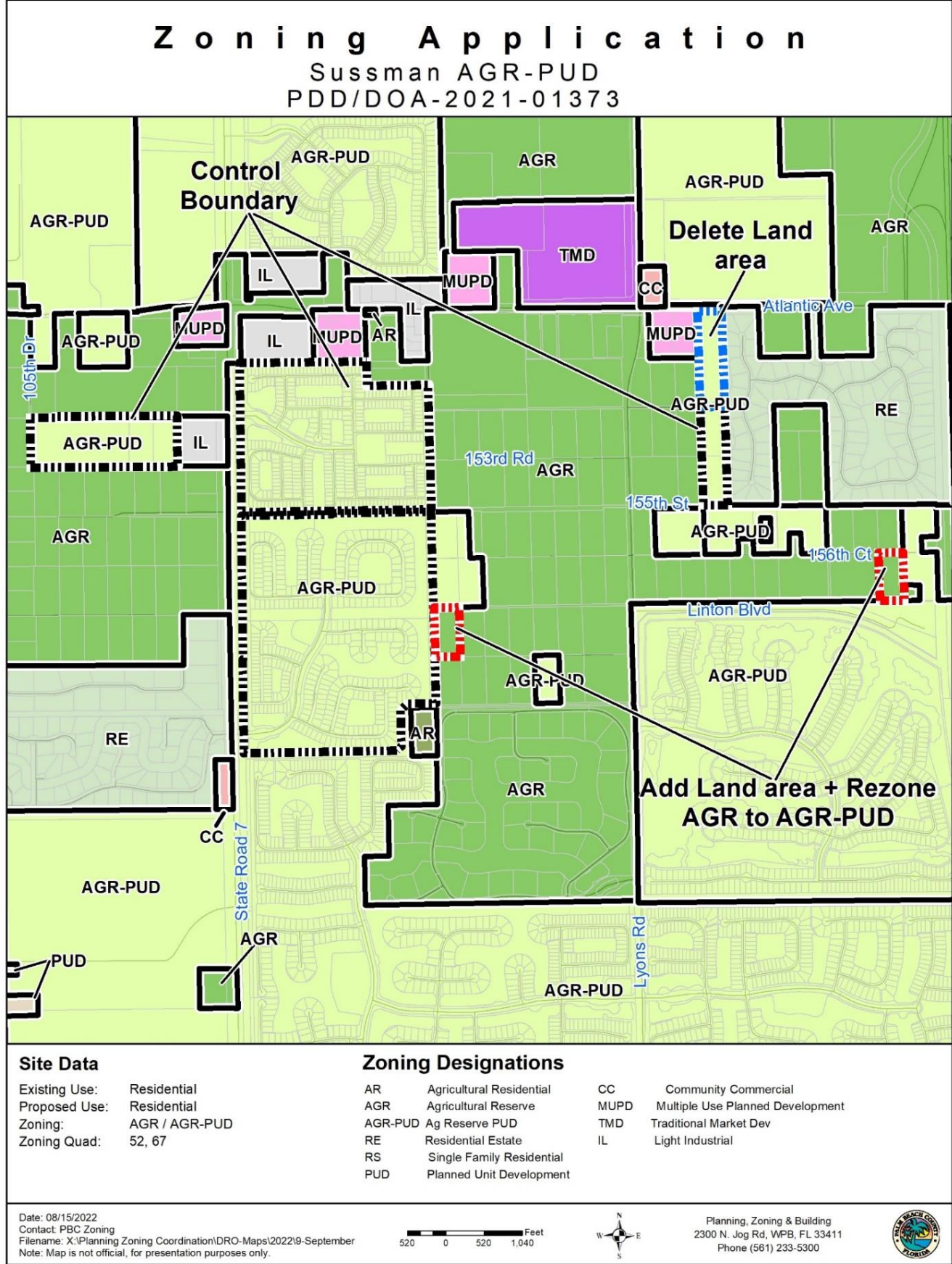


Figure 2 – Zoning Map page 1 of 4

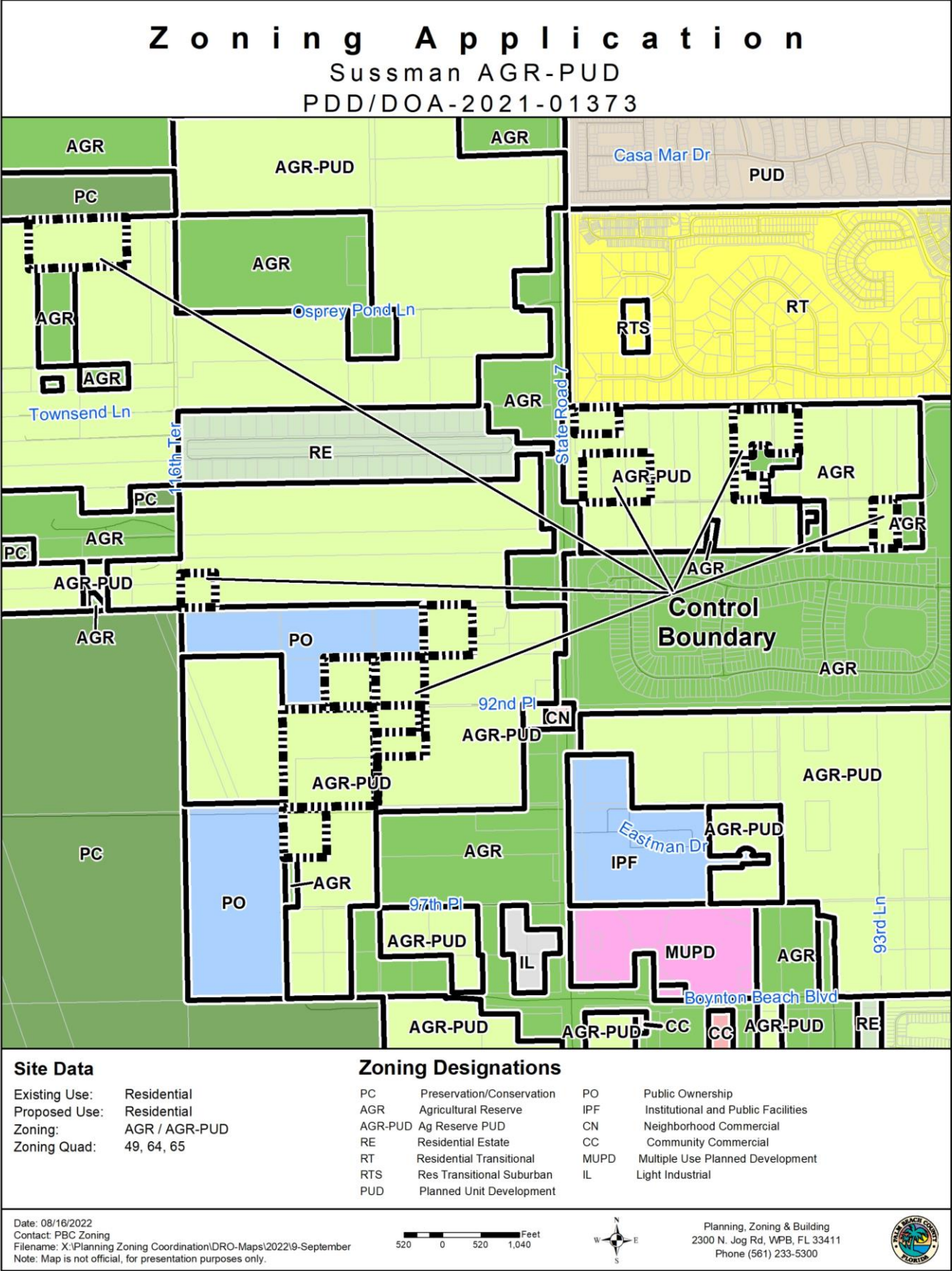


Figure 2 – Zoning Map page 1 of 4

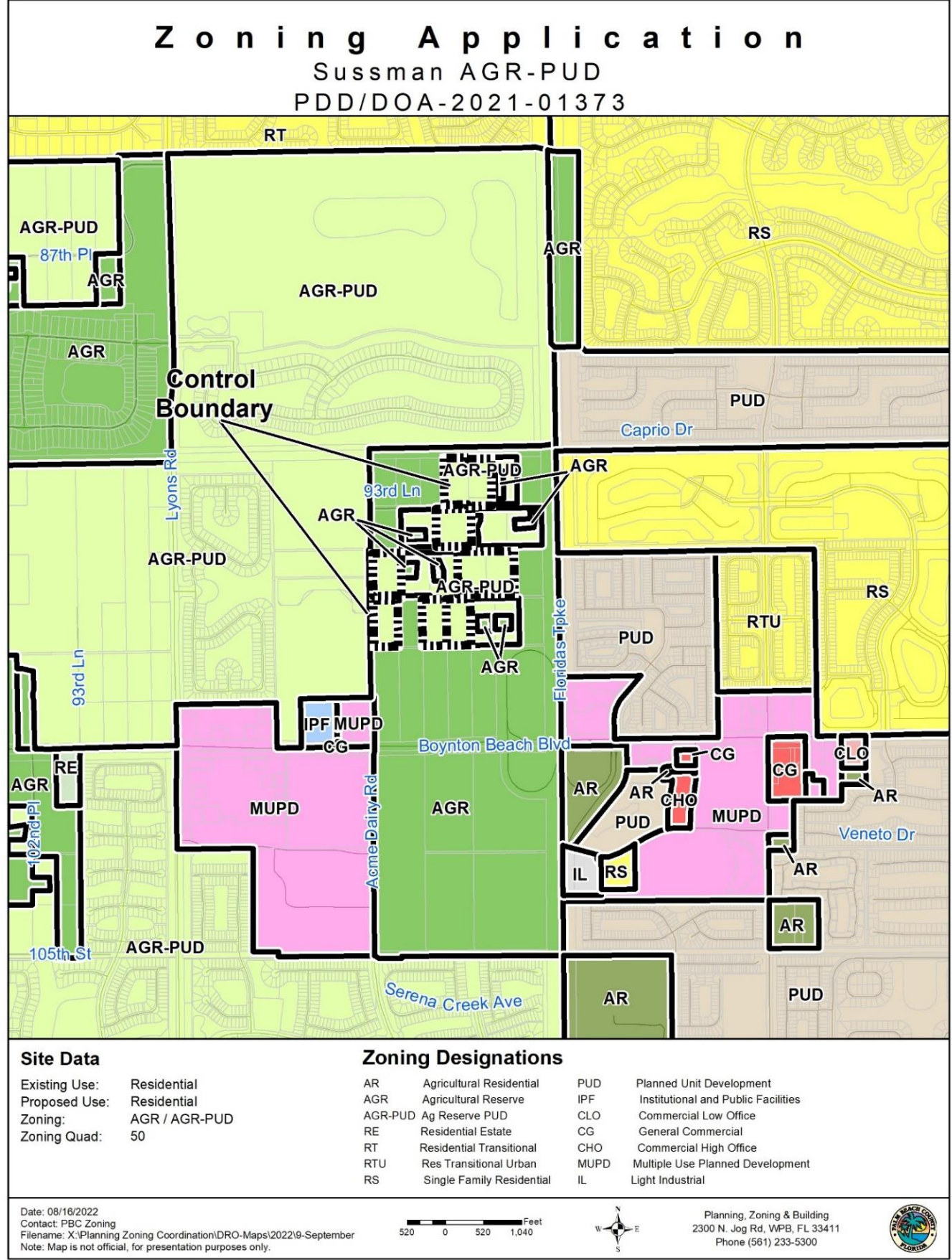


Figure 2 – Zoning Map page 1 of 4

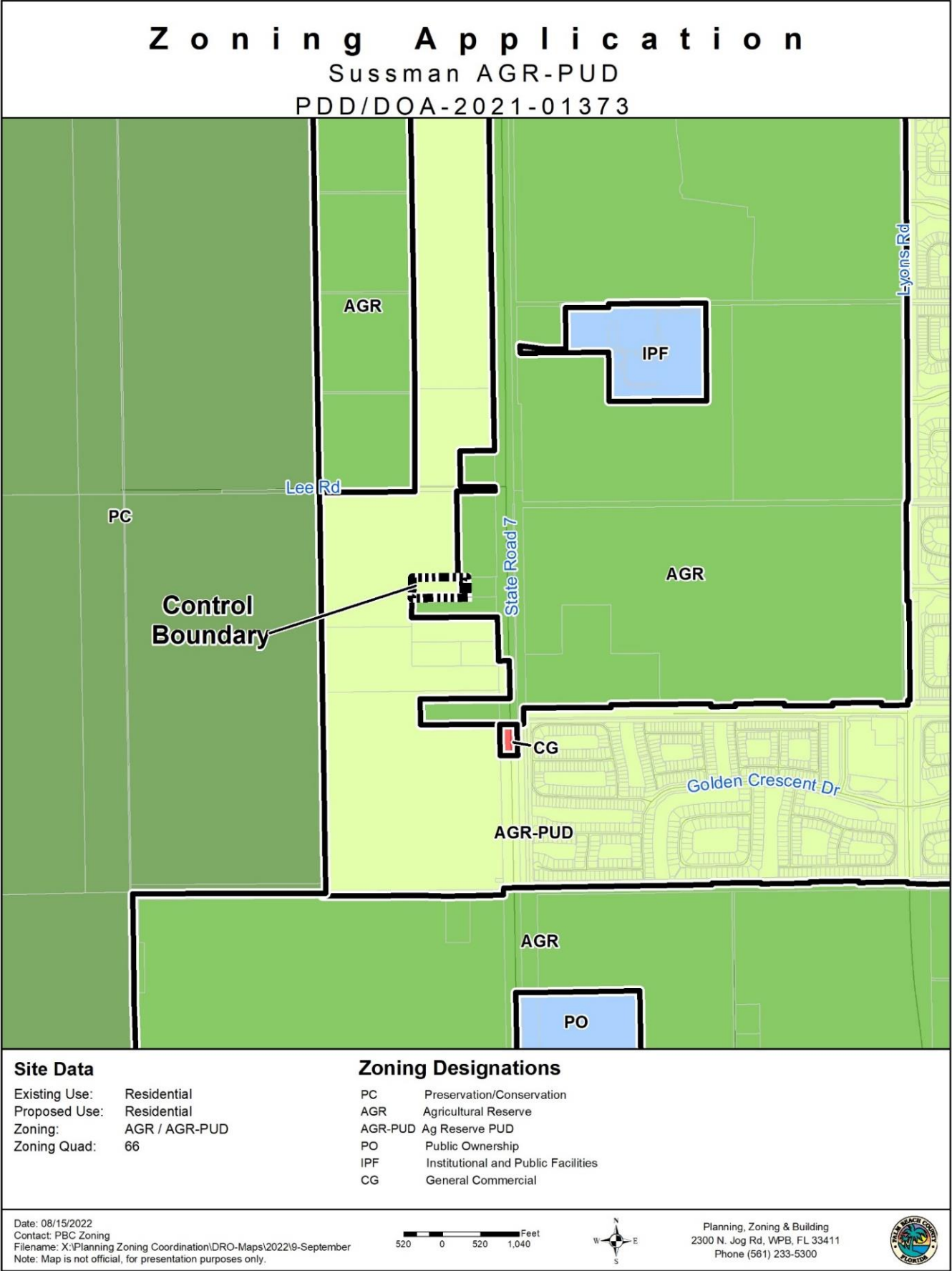
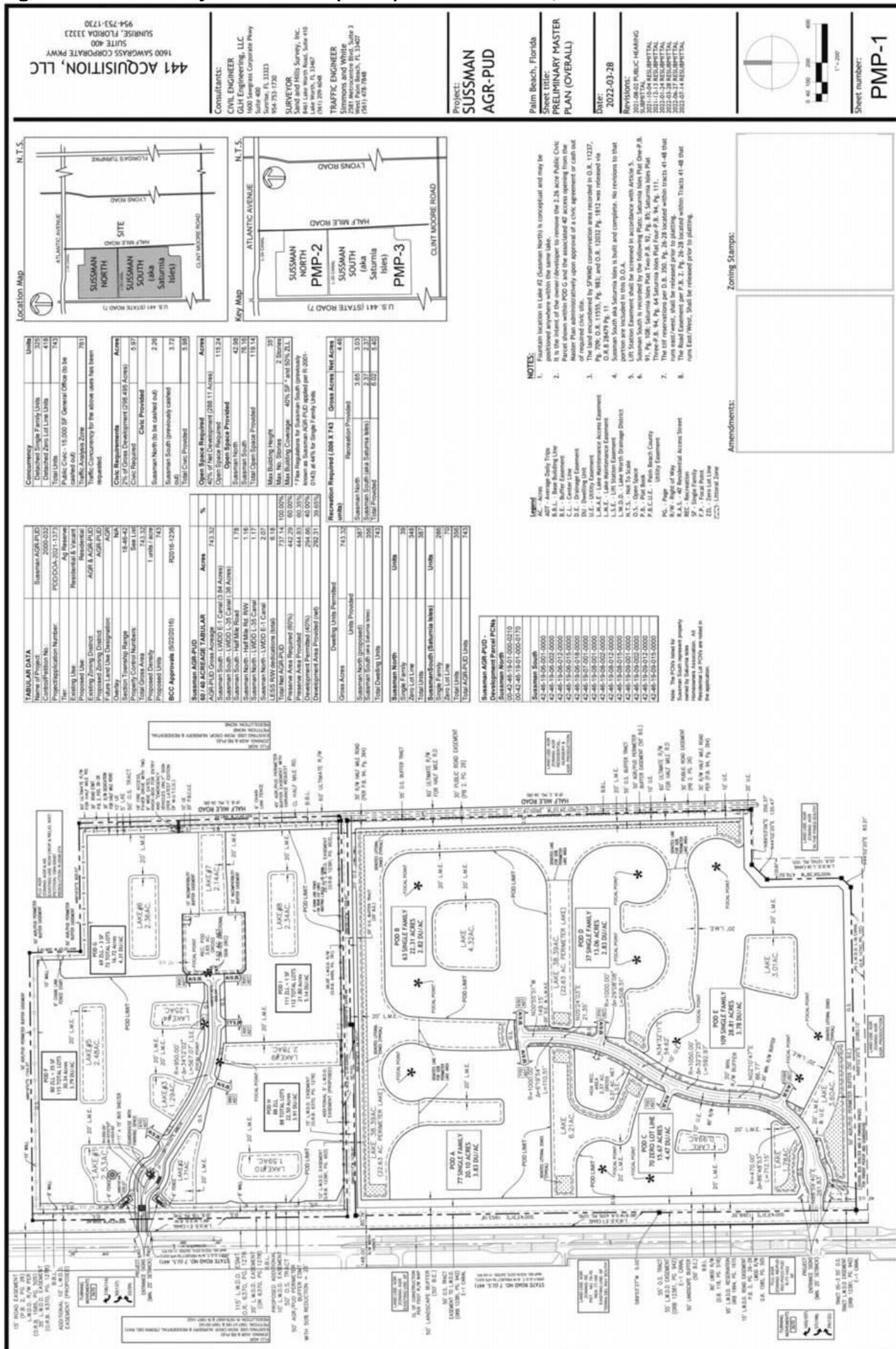


Figure 3 – Preliminary Master Plan (1 of 3) dated March 28, 2022



Board of County Commisioners
PDD/DOA-2021-01373

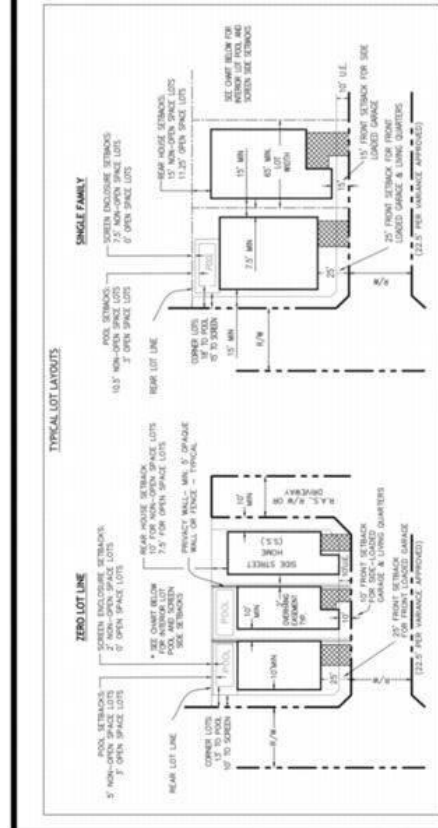
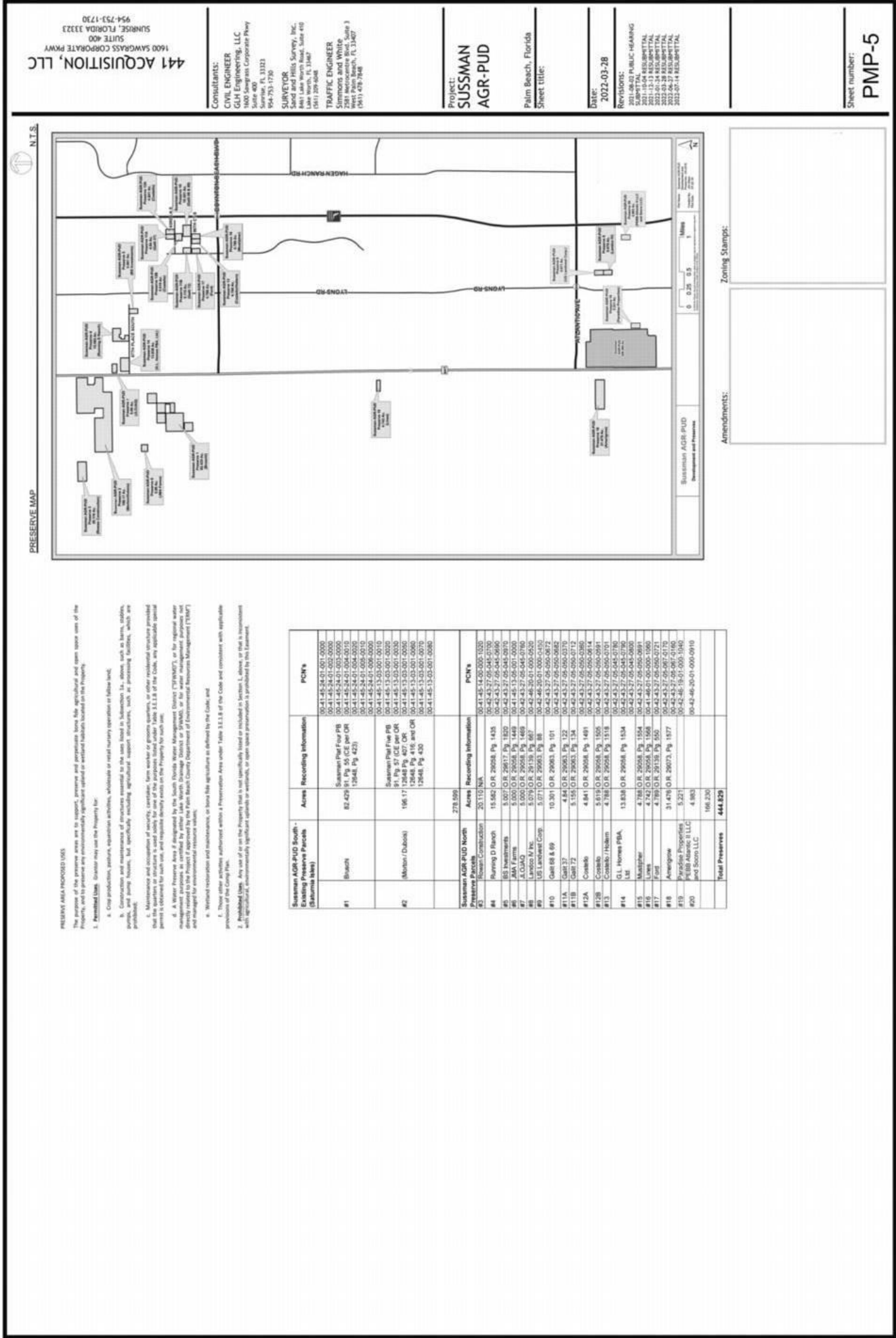


Figure 3 – Preliminary Master Plan (3 of 3) dated March 28, 2022



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 Jason Sher, 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 [x] Title MGR [position - e.g., president, partner, trustee] of Socro 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: 2200 Butts Road, STE 300, Boca Raton, FL 33434
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Jason Sher
 Jason Sher, 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 26 day of April, 2021 by Jason Sher (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).

Tyler Kopecki
 (Name - type, stamp or print clearly)

[Signature]
 (Signature)

My Commission Expires on: 3/20/22

NOTARY'S SEAL OR STAMP



TYLER DOUGLAS KOPECKI
 Commission # GG 198109
 Expires March 20, 2022
 Bonded Thru Budget Notary Services

EXHIBIT "A"

PROPERTY

Tract 13, LESS the North 52.49 feet, and Tract 20, in Section 20, Township 46 South, Range 42 East, of The Palm Beach Farms Co. Plat No. 1, according to the map or plat thereof, as recorded in Plat Book 2, Page 26, Public Records of Palm Beach County, Florida.

Said Lands situate in Section 20, Township 46 South, Range 42 East, Palm Beach County, Florida.

Containing 430,813 Square Feet / 9.8901 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
Jason Sher	2200 Butts Road Suite 300, Boca Raton, FL 33431
Ross Feurring	2200 Butts Road Suite 300, Boca Raton, FL 33431
Doug Feurring	2200 Butts Road Suite 300, Boca Raton, FL 33431

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 Judd Arnold, 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 ☒ Title CFO _____ *[position - e.g., president, partner, trustee]* of Triad Plants 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: 8839 155th St. S.
Delray Beach, FL 33446
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Judd Arnold, 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 18th day of July, 2022 by Judd Arnold (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).

JENNIFER L. STRICKLAND
(Name - type, stamp or print clearly)

(Signature)

My Commission Expires on: _____

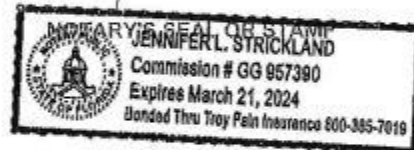


EXHIBIT "A"
PROPERTY

DESCRIPTION:

TRACT 45, IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST OF THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
SAID LANDS SITUATE IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 221,526 SQUARE FEET/5.0855 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

Daniel Almog - Title AMBR - 8839 155th St.S, Delray Beach, FL 33446

Judd Arnold - Title CFO - 8839 155th St. S, Delray Beach, FL 33446

[illegible]

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 Ian Weiner, 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 ☒ Title AP _____ [position - e.g., president, partner, trustee] of PEBB Atlantic II 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: 7900 Glades Road, Suite 600, Boca Raton, FL33434

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Ian Weiner, 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 7th day of May, 2021 by Ian Weiner (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).

Kim Nizer Mareira
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: 5/25/2025

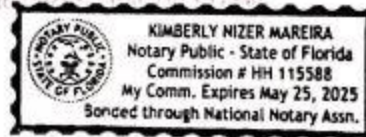


EXHIBIT "A"**PROPERTY**

Tract 13, LESS the North 52.49 feet, and Tract 20, in Section 20, Township 46 South, Range 42 East, of The Palm Beach Farms Co. Plat No. 1, according to the map or plat thereof, as recorded in Plat Book 2, Page 26, Public Records of Palm Beach County, Florida.

Said Lands situate in Section 20, Township 46 South, Range 42 East, Palm Beach County, Florida.

Containing 430,813 Square Feet / 9.8901 Acres, More or Less.

Name

Address

John Michael 2140 Highway 1, Glendale, Arizona 85141
Lester Michael 2140 Highway 1, Glendale, Arizona 85141
John A. Michael 2140 Highway 1, Glendale, Arizona 85141
Paul Michael 2140 Highway 1, Glendale, Arizona 85141
Amy Michael 2140 Highway 1, Glendale, Arizona 85141

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
Ian Weiner	7900 Glades Rd., Ste. 600, Boca Raton, FL 33434
Laurel Weiner Rom	7900 Glades Rd., Ste. 600, Boca Raton, FL 33434
Jason Sher	2200 Butts Rd., Ste. 300, Boca Raton, FL 33431
Ross Feuring	2200 Butts Rd., Ste. 300, Boca Raton, FL 33431
Doug Feuring	2200 Butts Rd., Ste. 300, Boca Raton, FL 33431