

RESOLUTION NO. R-2019- 0179

RESOLUTION APPROVING ZONING APPLICATION PDD-2018-01053
(CONTROL NO. 2018-00073)
an Official Zoning Map Amendment
APPLICATION OF Cove Club Investors, Ltd., ZF Development II, LLC
BY Dunay, Miskel and Backman, LLP, Insite Studio, AGENT
(Residences at Boca Dunes)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application PDD-2018-01053 was presented to the Board of County Commissioners at a public hearing conducted on January 24, 2019;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for an Official Zoning Map Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application PDD-2018-01053, the Application of Cove Club Investors, Ltd., ZF Development II, LLC, by Dunay, Miskel and Backman, LLP, Insite Studio, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Single Family Residential (RS) Zoning District to the Planned Unit Development (PUD) Zoning District, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 24, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

The motion was seconded by Commissioner McKinlay and, upon being put to a vote, the vote was as follows:

Commissioner Mack Bernard, Mayor	-	Nay
Commissioner Dave Kerner, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Robert S. Weinroth	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Melissa McKinlay	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 24, 2019.

Filed with the Clerk of the Board of County Commissioners on February 4th, 2019

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF PARCEL B, "SANDALFOOT COVE, SECTION TWO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 29 AT PAGES 15 AND 16 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND PORTIONS OF LOTS 37, 38, 39, 40, 45, 46, 47, 48, 49, 50, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 76, 77, 78, 79, 80, 92, AND 93, BLOCK 81, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 53, OF SAID PUBLIC RECORDS, TOGETHER WITH THOSE CERTAIN 30 AND/OR 50 FOOT ROAD RIGHTS-OF-WAY, LYING ADJACENT TO THE ABOVE DESCRIBED LOTS, AS ABANDONED PER OFFICIAL RECORDS BOOK 2013 AT PAGE 1451 OF SAID PUBLIC RECORDS, AND BEING ALL MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERNMOST CORNER OF LOT 1 BLOCK 15, "SANDALFOOT COVE SECTION THREE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 29 AT PAGES 140 THROUGH 142 OF SAID PUBLIC RECORDS; THENCE NORTH $12^{\circ}53'38''$ EAST, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 125.77 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT, AT WHICH THE RADIUS POINT BEARS NORTH $52^{\circ}44'58''$ EAST; THENCE NORTHERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, ALSO BEING THE EAST LINE OF SAID BLOCK 15, HAVING A RADIUS OF 844.45 FEET AND A CENTRAL ANGLE OF $35^{\circ}57'00''$, A DISTANCE OF 529.85 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE NORTHERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, ALSO BEING THE EAST LINE OF SAID BLOCK 15, HAVING A RADIUS OF 607.28 FEET AND A CENTRAL ANGLE OF $30^{\circ}07'26''$, A DISTANCE OF 319.28 FEET TO THE POINT OF TANGENCY; THENCE NORTH $28^{\circ}49'24''$ EAST, ALONG SAID EAST LINE OF BLOCK 15, A DISTANCE OF 420.00 FEET; THENCE SOUTH $61^{\circ}10'36''$ EAST, ALONG THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3031 AT PAGE 1416 OF SAID PUBLIC RECORDS, A DISTANCE OF 20.00 FEET; THENCE NORTH $28^{\circ}49'24''$ EAST, ALONG THE EAST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3031 AT PAGE 1416, A DISTANCE OF 84.98 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT, AT WHICH THE RADIUS POINT BEARS SOUTH $25^{\circ}08'24''$ WEST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 744.23 FEET AND A CENTRAL ANGLE OF $13^{\circ}36'10''$, A DISTANCE OF 176.69 FEET TO THE POINT OF TANGENCY; THENCE SOUTH $51^{\circ}15'26''$ EAST, A DISTANCE OF 255.79 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 840.00 FEET AND A CENTRAL ANGLE OF $32^{\circ}01'45''$, A DISTANCE OF 469.57 FEET (THE LAST THREE DESCRIBED COURSES BEING COINCIDENT WITH THE SOUTH RIGHT-OF-WAY LINE OF S.W. 3RD STREET, AS SHOWN ON THE PLAT OF "SANDALFOOT COVE SECTION FOUR", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 29 AT PAGE 241 OF SAID PUBLIC RECORDS; THENCE SOUTH $27^{\circ}18'44''$ EAST, ALONG A NON-TANGENT LINE, A DISTANCE OF 599.60 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS NORTH $62^{\circ}48'48''$ EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 600.00 FEET AND A CENTRAL ANGLE OF $55^{\circ}28'43''$, A DISTANCE OF 580.97 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT, AT WHICH THE RADIUS POINT BEARS NORTH $73^{\circ}04'34''$ WEST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, ALSO BEING THE WEST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2782 AT PAGE 430 OF SAID PUBLIC RECORDS, HAVING A RADIUS OF 619.30 FEET AND A CENTRAL ANGLE OF $11^{\circ}23'48''$, A DISTANCE OF 123.18 FEET TO THE POINT OF TANGENCY; THENCE SOUTH $28^{\circ}19'14''$ WEST, ALONG SAID WEST LINE, A DISTANCE OF 12.69 FEET; THENCE NORTH $61^{\circ}40'46''$ WEST, A DISTANCE OF 70.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF $28^{\circ}42'21''$, A DISTANCE OF 200.40 FEET TO THE POINT OF TANGENCY; THENCE SOUTH $89^{\circ}36'53''$ WEST, A DISTANCE OF 99.55 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF $126^{\circ}25'51''$, A DISTANCE OF 220.66 FEET TO THE POINT OF TANGENCY (THE LAST FOUR DESCRIBED COURSES BEING COINCIDENT WITH THE NORTHERLY AND WESTERLY BOUNDARIES OF "PHASE I - CHATEAU ON THE KNOLL", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34 AT PAGE 192 OF SAID PUBLIC RECORDS; THENCE SOUTH $36^{\circ}48'58''$ EAST, ALONG THE SOUTH LINE OF SAID "PHASE I - CHATEAU ON THE KNOLL" AND THE SOUTH LINE OF "PHASE II - CHATEAU ON THE KNOLL", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 37 AT PAGES 63 THROUGH 65 OF SAID PUBLIC RECORDS, A DISTANCE OF 584.92 FEET; THENCE SOUTH $61^{\circ}55'12''$ EAST, A DISTANCE OF 276.33 FEET TO THE POINT OF CURVATURE OF A

CIRCULAR CURVE TO THE LEFT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 250.00 FEET AND A CENTRAL ANGLE OF 76°07'10", A DISTANCE OF 332.13 FEET TO THE POINT OF TANGENCY; THENCE NORTH 41°57'38" EAST, A DISTANCE OF 243.32 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 75.00 FEET AND A CENTRAL ANGLE OF 103°38'24", A DISTANCE OF 135.66 FEET TO THE POINT OF TANGENCY (THE LAST FOUR DESCRIBED COURSES BEING COINCIDENT WITH THE SOUTHERLY, AND EASTERLY BOUNDARIES OF SAID "PHASE II - CHATEAU ON THE KNOLL"); THENCE NORTH 61°40'46" WEST, ALONG THE NORTH LINES OF SAID "PHASE II - CHATEAU ON THE KNOLL" AND "PHASE I - CHATEAU ON THE KNOLL", A DISTANCE OF 629.97 FEET; THENCE NORTH 28°19'14" EAST, ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2782 AT PAGE 430 OF SAID PUBLIC RECORDS, A DISTANCE OF 12.69 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, ALSO BEING SAID EAST LINE, HAVING A RADIUS OF 679.30 FEET AND A CENTRAL ANGLE OF 12°31'05", A DISTANCE OF 148.41 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS NORTH 01°28'33" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 600.00 FEET AND A CENTRAL ANGLE OF 05°49'32", A DISTANCE OF 61.01 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 443.38 FEET AND A CENTRAL ANGLE OF 27°20'34", A DISTANCE OF 211.59 FEET; THENCE SOUTH 66°32'17" EAST, ALONG A NON-TANGENT LINE, A DISTANCE OF 127.37 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS NORTH 22°59'34" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,600.00 FEET AND A CENTRAL ANGLE OF 23°22'41", A DISTANCE OF 652.84 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89°36'53" EAST, A DISTANCE OF 321.93 FEET; THENCE SOUTH 03°04'52" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD, AS SHOWN ON "SANDALFOOT COVE SECTIONS SEVEN AND EIGHT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30 AT PAGES 225 THROUGH 228 OF SAID PUBLIC RECORDS, A DISTANCE OF 217.23 FEET; THENCE SOUTH 68°29'23" WEST, A DISTANCE OF 669.39 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2,000.00 FEET AND A CENTRAL ANGLE OF 17°37'36", A DISTANCE OF 615.29 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 50°51'47" WEST, A DISTANCE OF 43.35 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 67°33'45", A DISTANCE OF 235.84 FEET TO THE POINT OF TANGENCY; THENCE NORTH 61°34'28" WEST, A DISTANCE OF 112.34 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 109°01'42", A DISTANCE OF 285.44 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 9°23'50" WEST, A DISTANCE OF 525.30 FEET; THENCE SOUTH 5°13'56" WEST, A DISTANCE OF 188.61 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 75.00 FEET AND A CENTRAL ANGLE OF 18°58'04", A DISTANCE OF 24.83 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT, AT WHICH THE RADIUS POINT BEARS NORTH 40°20'13" WEST (THE LAST NINE DESCRIBED COURSES BEING COINCIDENT WITH THE NORTHERLY AND WESTERLY BOUNDARY OF PARCEL A OF "ISLE OF SANDALFOOT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30 AT PAGE 6 OF SAID PUBLIC RECORDS; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 170.00 FEET AND A CENTRAL ANGLE OF 66°31'57", A DISTANCE OF 197.41 FEET TO THE POINT OF TANGENCY; THENCE NORTH 63°48'16" WEST, A DISTANCE OF 11.25 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 325.95 FEET AND A CENTRAL ANGLE OF 32°56'42", A DISTANCE OF 187.42 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 83°15'02" WEST, A DISTANCE OF 5.82 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS SOUTH 69°42'26" WEST (THE LAST FOUR DESCRIBED COURSES BEING COINCIDENT WITH THE NORTH RIGHT-OF-WAY LINE OF S.W. 8TH STREET, AS RECORDED IN OFFICIAL RECORDS BOOK 2334 AT PAGE 572 OF SAID PUBLIC RECORDS); THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 440.00 FEET AND A CENTRAL ANGLE OF 20°19'28", A DISTANCE OF 156.08 FEET; THENCE NORTH 40°54'58" EAST, ALONG A NON-RADIAL LINE, A DISTANCE OF 204.27 FEET (THE LAST TWO DESCRIBED COURSES BEING COINCIDENT WITH THE WESTERLY BOUNDARY OF PARCEL B OF SAID "SANDALFOOT COVE, SECTION TWO"); THENCE NORTH 09°29'18" WEST, ALONG THE EAST LINE OF "THE RESUBDIVISION OF BLOCK 14 SANDALFOOT COVE, SECTION TWO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 29 AT PAGE 115 OF PUBLIC RECORDS AND BLOCK 14 OF SAID "SANDALFOOT COVE, SECTION THREE", A

DISTANCE OF 712.84 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 880.00 FEET AND A CENTRAL ANGLE OF 05°55'37", A DISTANCE OF 91.03 FEET TO THE POINT OF TANGENCY; THENCE NORTH 03°33'41" WEST, A DISTANCE OF 507.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 99°55'56", A DISTANCE OF 174.41 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 76°30'23" WEST, A DISTANCE OF 507.79 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS SOUTH 46°11'12" WEST (THE LAST FOUR DESCRIBED COURSE BEING COINCIDENT WITH THE EASTERLY AND NORTHERLY BOUNDARY OF SAID BLOCK 14 OF "SANDALFOOT COVE, SECTION THREE"); THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, ALSO BEING THE EAST RIGHT-OF-WAY OF S.W.65TH AVENUE, ACCORDING TO SAID "SANDALFOOT COVE, SECTION THREE", HAVING A RADIUS OF 1,240.00 FEET AND A CENTRAL ANGLE OF 4°51'06", A DISTANCE OF 105.00 FEET; THENCE NORTH 40°38'31" EAST, ALONG THE EAST LINE OF A 30.00 FOOT WIDE RIGHT-OF-WAY RECORDED IN OFFICIAL RECORDS BOOK 3615 AT PAGE 404 OF SAID PUBLIC RECORDS, A DISTANCE OF 214.60 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS NORTH 03°19'29" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 10°31'09", A DISTANCE OF 27.54 FEET TO THE POINT OF TANGENCY; THENCE NORTH 82°48'20" EAST, A DISTANCE OF 597.41 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE EASTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 110°23'20", A DISTANCE OF 289.00 FEET TO THE POINT OF TANGENCY; THENCE NORTH 27°35'00" WEST, A DISTANCE OF 188.97 FEET; THENCE NORTH 42°29'38" WEST, A DISTANCE OF 350.46 FEET; THENCE NORTH 37°58'54" WEST, A DISTANCE OF 399.75 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHWESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 133°14'29", A DISTANCE OF 232.55 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 08°46'37" WEST, A DISTANCE OF 825.76 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 82°06'11", A DISTANCE OF 214.95 FEET; THENCE SOUTH 40°38'31" WEST, ALONG A NON-RADIAL LINE, ALSO BEING THE WEST LINE OF SAID 30.00 FOOT WIDE RIGHT-OF-WAY RECORDED IN OFFICIAL RECORDS BOOK 3615 AT PAGE 404, A DISTANCE OF 196.74 FEET; THENCE NORTH 49°21'29" WEST, A DISTANCE OF 2.51 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 944.45 FEET AND A CENTRAL ANGLE OF 07°12'42", A DISTANCE OF 118.88 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 55.751 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

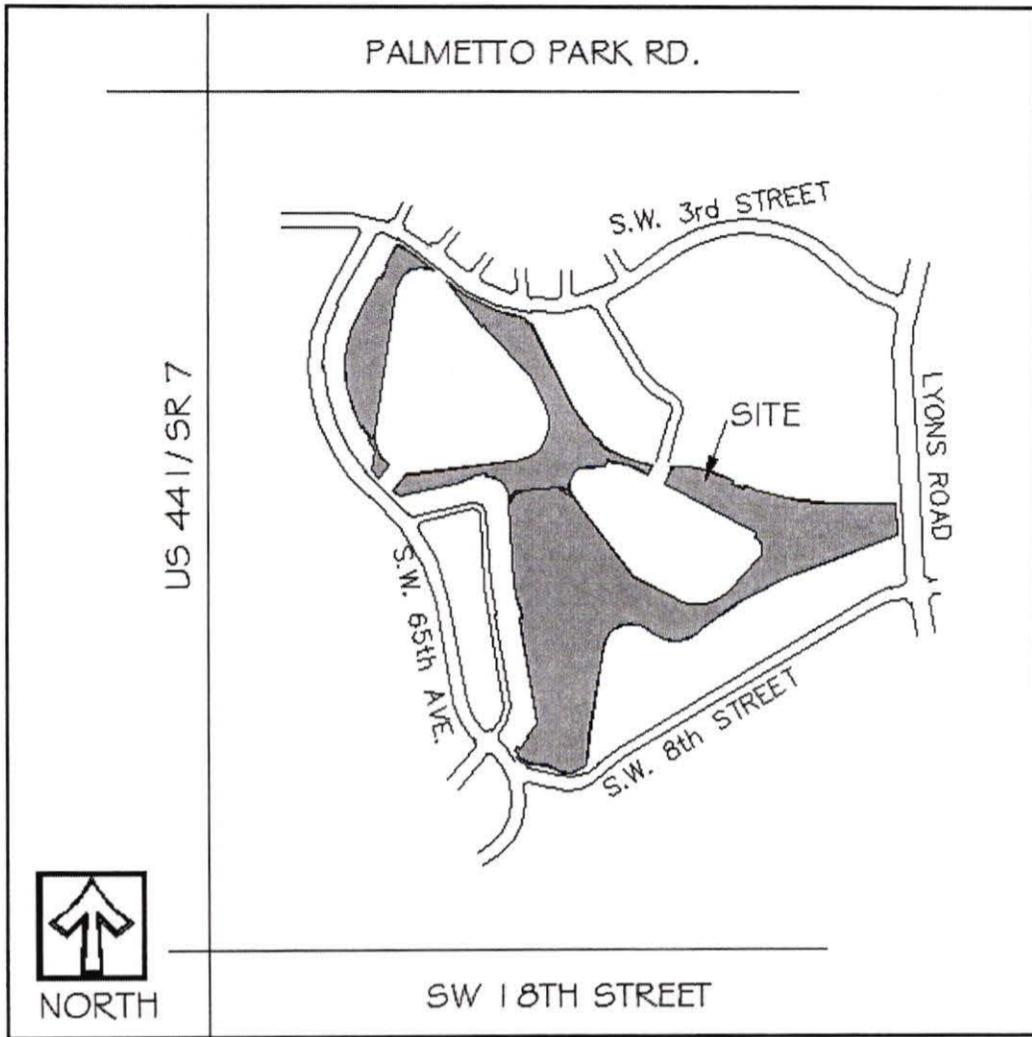


EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Master Plan is dated November 16, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners 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, 2021. 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. 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, 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)

3. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The projects 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 Site Plan or Subdivision Plan, whichever shall be first, by the DRO. (DRO: ENGINEERING - Engineering)

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

4. The Property Owner shall construct;

- i. left turn lane west approach on SW 8th Street at the project entrance.
- ii. left turn lane east approach on SW 8th Street at the intersection of SW 8th Street and SW 65th 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. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

5. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for 20 feet in width on SW 8th Street plus the additional right of way for the corner clip of SW 8th Street and SW 65th Street or as approved by the County Engineer

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, 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 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. The Property Owner shall provide to the Right of Way Section 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. (BLDGPMT/ONGOING: MONITORING - Engineering)

6. The Property Owner shall construct, fund the construction plans and the construction of SW 8th Street as a non-plan collector roadway from SW 65th Street to the eastern most driveway connection plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. Construction plan costs shall be approved by the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

7. The driveway connection on approximately 90 feet east of SW 65th Street shall be restricted to egress only or as approved by the County Engineer. (ONGOING: ENGINEERING - Engineering)

8. Prior to the issuance of the first certificate of occupancy, the Property Owner shall close the eastern most and third driveway from the east from SW 65th Street on the south side of SW 8th Street, or as approved by the County Engineer. (BLDGPMT/CO: MONITORING - Engineering)

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

a. No Building Permit shall be issued until the Property Owner makes a proportionate share payment of \$179,509.11, or as approved by the County Engineer, to widen SR-7 from Palmetto Park Road to SW 3rd Street from 6 lanes to 8 lanes divided and to build intersection improvements at Palmetto Park Road and Lyons Road which include the conversion of an eastbound right to a through lane, adding an eastbound right-turn lane, conversion free-flow northbound right to standard northbound right. 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 a later Condition below. 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)

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

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

Where,

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

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

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

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

ENVIRONMENTAL

1. Documentation shall be submitted from the Florida Department of Environmental Protection (FDEP) indicating that site remediation has been completed or that no further action, is required prior to the issuance of the first Certificate of Occupancy (CO). (BLDGPMT/CO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - PERIMETER

1. PERIMETER LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FROM LYONS ROAD TO SOUTHWEST 8TH STREET) Prior to approval by the Development Review Officer, the Final Master Plan shall be revised to indicate a 5-foot vinyl-coated chain link fence along the south property line extending from Lyons Road to Southwest 8th Street. If the fence is installed in the buffer, the buffer shall be a minimum width of 10 feet. (DRO: ZONING - Zoning)

LANDSCAPE - PRESERVATION OF VEGETATION

2. Prior to Final Plan approval by the Development Review Officer, the Property Owner shall finalize the Preliminary Vegetation Disposition Chart to ensure all Vegetation that is subject to either preservation; relocation on site; replacement or mitigation shall be clearly identified on the Site Plan. The Chart and what is shown on the Plan shall be consistent. (DRO: ZONING - Zoning)

PLANNED DEVELOPMENT

1. Prior to Final Approval by the Development Review Officer, the Final Master Plans shall be revised to indicate a minimum of two (2) water fountains as focal features within the lake tract. The location of each fountain shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)

PLANNING

1. Prior to the issuance of the first 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, which includes but is not limited to the following:

Guarantees the attainability of all required workforce units required per ULDC Article 5.G. These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the requirements in ULDC Article 5.G. 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. (BLDGPM: MONITORING - Planning)

2. On an annual basis, beginning December 1, 2021, or as otherwise stipulated in the Declaration of Restrictive Covenants, the owner of the WHP unit shall submit to the Planning Director, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. (DATE/ONGOING: MONITORING - Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on the 1.86 acre public civic site as shown on the November 16, 2018 Master Plan within 6 months following recording of the civic site plat. Property Owner 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 Attorneys office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the 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) Abandon

Property Owner shall properly release/abandon existing easements and/or proposed easements as requested by PREM to support the civic site.

c) Taxes

All ad valorem real estate taxes and assessments for the year of acceptance shall be prorated 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 Owners 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. If it is determined by PREM that clearing is not required at time of conveyance, then the Property Owner shall be relieved of obtaining a vegetation clearing permit and cost of clearing the civic site parcel.

h) Buildable Grade

If requested by PREM prior to conveyance of the civic site to County, Property Owner shall 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, if determined to be necessary by PREM.

j) Irrigation

Property Owner to provide an easement across Property Owners property, from the proposed Civic Sites to available retention basins, if determined to be necessary by PREM. (PLAT: PROPERTY REAL ESTATE MANAGEMENT - Monitoring)

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

a) The survey must meet the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers in Rule 5J-17.050-.052, Florida Administrative Code pursuant to section 472.027, Florida Statutes and County Wide PPM CW-0-058.

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 and the proposed drainage easement area for storm water outfall from the civic site to the development storm water management system.

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.

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

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

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

Upon County review of the Phase I audit, further environmental study maybe warranted as determined by County staff and shall be at County s sole discretion to require the Property Owner to provide a Phase II audit of the civic site.

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)

SITE DESIGN

1. At the time of Platting, all easements and tracts proposed to be abandoned shall be legally abandoned and documentation provided as confirmation. The Property Owner shall amend the Final Master Plan indicating the abandonment by removing the easements so that they are consistent with the Plat. (PLAT: ZONING - Zoning)

COMPLIANCE

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