

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



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**Application No.:** DOA-2012-00116  
**Control No.:** 2004-00456  
**Applicant:** Anasca Acquisition LLC  
**Owners:** Anasca Acquisition Llc  
**Agent:** CMS Engineering, LLC - Pol Africano  
**Telephone No.:** (561) 364-3660  
**Project Manager:** David McGuire, Site Planner II

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**Location:** Northwest corner of Hagen Ranch Road and Atlantic Ave. (Villaggio Isles PUD)

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**TITLE:** a Development Order Amendment **REQUEST:** to reconfigure the Master and Subdivision Plans and to amend Conditions of Approval (Arch Review, Engineering, Planning, PUD, School Board).

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**APPLICATION SUMMARY:** Proposed is a Development Order Amendment (DOA) for the Villaggio Isles Planned Unit Development (PUD). The 92.07-acre parcel was originally approved by the Board of County Commissioners (BCC) on November 17, 2005 for a 93.67-acre PUD with 321 age-restricted units.

The applicant is requesting to reconfigure the Master and Subdivision Plans and to modify and delete Conditions of Approval (Arch Review, Engineering, Planning, PUD, and School Board). The conditions that are being modified and deleted include Planned Unit Development limitations for multi-family type housing and exemplary design features, i.e. round-a-bouts, are being eliminated; the entire project is proposed as age restricted; and the WPH requirement is being relocated to Toscana Isles (Control Number 2004-458 Application 2011-3177). The Preliminary Master Plan indicates a total of 598 age-restricted townhouse units. Access points shall remain from Atlantic Avenue (1) and Hagen Ranch Road (1).

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**ISSUES SUMMARY:**

o Project History

On November 17, 2005, the Board of County Commissioners (BCC) approved a rezoning of 93.67-acre parcel of land from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District to allow for the development of 329 total age-restricted dwelling units and deviations from the cul-de-sac and dead-end street restrictions pursuant to resolution R-2005-2288. The site plan indicated 326 zero lot line units and 3 single-family units with a 3.14 acre recreation site, a 1.97 acre public civic site fronting on Hagen Ranch Road and 5 lake-tract areas totaling 18.57 acres. Access to the site was via Hagen Ranch Road. In addition, a Waiver was granted to allow a deviation from cul-de-sacs and dead end restrictions.

Subsequently, the Development Order was amended and adopted on March 23, 2006, pursuant Resolution R-2006-0515 to delete 1.10-acres of land from the southwest corner of the site and to

reconfigure the Master and Subdivision plans. The deleted land area was added to the adjacent Atlantic Commons PUD (Control number 2004-525) to allow for access to West Atlantic Avenue via a signalized intersection. No additional changes were proposed, and access to the site remained from Hagen Ranch Road.

Application DOA 2008-02226 requested approval of a Development Order Amendment to reconfigure the Master Plan, to increase the number of dwelling units (Age Restricted & Non-Age Restricted), to restart the commencement clock for development, and to amend the following conditions of approval: (Architectural Review No. 1, Engineering No. 4, Landscape No. 6, Planning No. 5 and PUD No. 2).

This amendment increased the number of units from 321 total age-restricted dwelling units (319 zero lot lines and 3 single family lots) to 598 total dwelling units (522 age-restricted units and 76 Non-age--restricted Workforce Housing Units), for a density change from 3.51 du/ac to 6.49 du/ac. The 598 total dwelling unit breakdown is 115 zero lot lines, 407 fee simple townhouses and 76 multi-family units. Pursuant to Workforce Housing Density Bonus Program (WHP), the additional 277 dwelling units were subject to the Mandatory Inclusionary Zoning Ordinance that resulted in 76 of the total 277 additional dwelling units to be deeded as WHP units. Resolution R-2009-1828 corrected a scribe's error in Landscape Condition no. 6 for the Right-of Way (ROW) buffer along Hagen Ranch Road.

o Consistency with Comprehensive Plan

The Planning Division has reviewed the request for a Development Order Amendment to reconfigure the Master Plan, utilize the current WHP program requirements and the transfer of the WHP units to an offsite receiving area (Toscana Isles PUD Control Number 2004-458 Application 2011-3177), and has found the requests to be consistent with the site's Medium Residential 5 units per acre (MR-5) and Commercial High with an underlying 5 units per acre (CH/5) CH/5 FLU designations. See Staff Review and Analysis for additional information from the Planning Division.

o Compatibility with Surrounding Land Uses

NORTH:

FLU Designation: Medium Residential (MR-5)

Zoning District: Residential Planned Unit Development District (PUD)

Supporting: Residential (Emerald Point, Control No 1984-119)

SOUTH:

FLU Designation: Medium Residential (MR-5)

Zoning District: Residential Planned Unit Development District (PUD)

Supporting: Residential (Lexington Club, Control No 1986-006)

EAST:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)

Zoning District: Multi-Family Residential (High Density) District (RH)

Supporting: Residential (The Villages of Oriole, Control No 1981-139)

WEST:

FLU Designation: Medium Residential (MR-5)

Zoning District: Residential Planned Unit Development District (PUD)

Supporting: Agricultural (Atlantic Commons, Control No 2004-525)

Uses adjacent to the subject parcel are compatible residential uses on all sides. Subject to the provision of the required landscape buffers and the recommended conditions of approval, staff does not anticipate any adverse impacts to the surrounding properties from the requests.

o PDD and PUD Exemplary Design

Article 3.E.2.A.4 of the ULDC states the objective of a Planned Development District is to encourage ingenuity, imagination and design efforts on the part of the builders, architects, site planners and developers, to produce development that is in keeping with overall land use intensity and open space objectives of the Unified Land Development Code (ULDC) and the Comprehensive Plan, while

departing from the strict application of the dimensional standard of the traditional districts. With this petition the applicant is requesting a density bonus, and exemplary design is required for any Planned Development District per the ULDC. The proposed site plan and commitments made within the applicant's Justification Statement submitted during the review process provide the following features to achieve the following PUD exemplary design objectives:

- decorative paving treatment at the site's entrance on Hagen Ranch Road and some roadway intersections;
- landscape/focal points adjacent to the site's entrance drive and at terminus points of internal driveways;
- lakes that consist of 22% of the total property providing an amenity to the community with a fountain as a focal point behind the club house lake. This lake system not only serves the drainage requirements for the development but is oversized to accommodate the drainage requirements for the widening of Atlantic Avenue;
- recreation area in excess of minimum ULDC requirements;
- evenly distributed lakes and open space throughout the site;
- a site design that allows 92% of the proposed lots to abut a landscape buffer, recreation/open space area, and/or lake tract. There are no back-to-back lots and only 8% of the lots are back-to-side lots;
- upgraded amenities within the designated recreation and open space areas throughout the development; and,
- the project contains perimeter landscape buffers between compatible and incompatible land uses.

o Traffic

See Staff Review and Analysis for additional information from the Land Development and Traffic Divisions.

o Landscape/Buffering

The prior approvals of this development incorporated Conditions of Approval as indicated in Exhibit C. The proposed request to reconfigure the Master and Subdivision Plans does not create a need to modify the Landscape Conditions of Approval.

Refer to Figures 4 and 5 Preliminary Master and Regulating Plans for details on the landscape buffers.

o Signs

The Preliminary Master Sign Plan depicted in Figure 4, indicates two Ground Mounted Entrance Signs at the entrance to the subject site along Hagen Ranch Road and one along Atlantic Avenue. The signs will be no more than 8 feet in height and a total of 60 square feet of sign face area as permitted in Article 8 of the ULDC.

No sign conditions are proposed for this application.

o Workforce Housing Program (WFP) and Transfer of Workforce Housing

This application is reviewed under the mandatory Workforce Housing provisions as indicated in Ordinance 2003-062, as amended through Ordinance 2012-003. The WFP provisions offer bonus density to increase the number of units for a property above those permitted by the property's land use designation.

The current request is to modify the Master and the Subdivision Plans, to reconfigure the pods replacing the ZZL units and the Multi-family units with Townhouse units, to utilize the new WHP program and relocate the WHP designate units to Toscana Isles PUD Control Number 2004-458. Through the WFP and the PUD density, the project may achieve an entitlement of 598 units. The previous approval, R-2009-1229, for 598 units required 76 of those units to be obligated under the WHP program. Under the current WHP, only 64 of the 598 units are required to be obligated to the

WHP which would restrict those units to occupants earning between 60-140% of the area median income (AMI). See Staff Review and Analysis from the Planning Division regarding the calculation for WHP.

The applicant is seeking to utilize the ULDC provision, Article 5.G.1.G.1 Option-1 Offsite Options, which allows the Workforce housing component to be sent to an offsite receiving area. All of the required 64 Workforce housing obligated units will be located in Toscana Isles (Control Number 2004-458 Application DOA/R/TDR 2011-3177).

The Planning Division is recommending Conditions of Approval on both projects to ensure compliance with the relevant sections of the Plan and Code. (See Exhibit C Planning, for Conditions of Approval)

**TABULAR DATA**

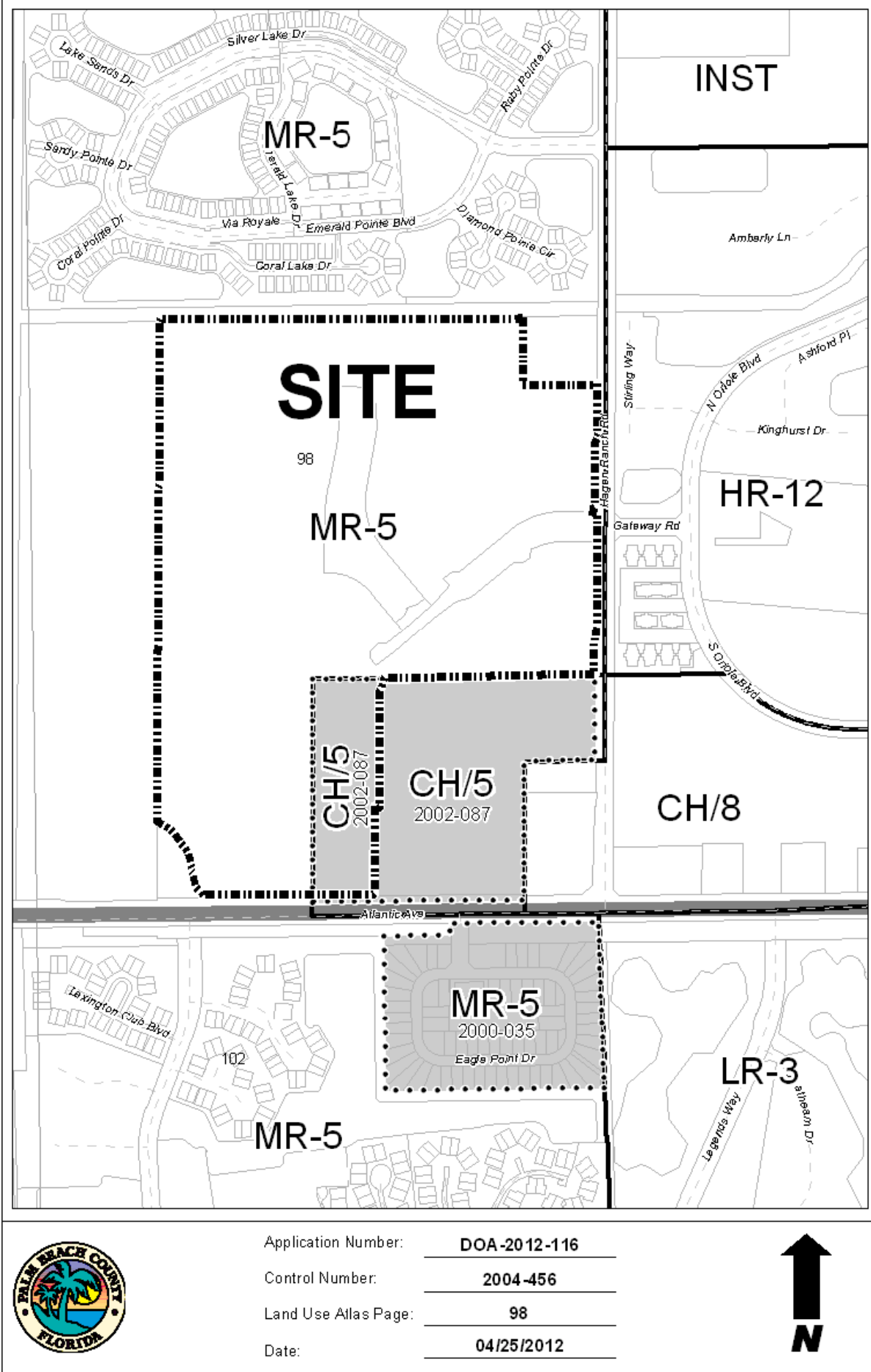
	EXISTING	PROPOSED
<b>Property Control Number(s)</b>	00-42-46-16-26-001-0000 00-42-46-16-26-012-0000 00-42-46-16-26-018-0000 00-42-46-16-26-023-0000	Same
<b>Land Use Designation:</b>	Medium Residential (MR-5) Commercial High, with an underlying MR-5 (CH/5)	Same
<b>Zoning District:</b>	Residential Planned Unit Development District (PUD)	Same
<b>Tier:</b>	Urban/Suburban	Same
<b>Use:</b>	Residential	Same
<b>Acreage:</b>	92.07 acres	Same
<b>Dwelling Units:</b>	598 (115 zero lot lines, 407 fee simple townhouses and 76 multi-family units)	598 units (598 age-restricted townhouses) (76 Off-site Workforce housing units)
<b>Density:</b>	6.5 du/a	Same
<b>Access:</b>	Atlantic Avenue (1) and Hagen Ranch Road (1)	Same

**PUBLIC COMMENT SUMMARY:** At the time of publication, staff had received 0 contacts from the public regarding this project.

**RECOMMENDATION:** Staff recommends approval of the request subject to 43 Conditions of Approval as indicated in Exhibit C.

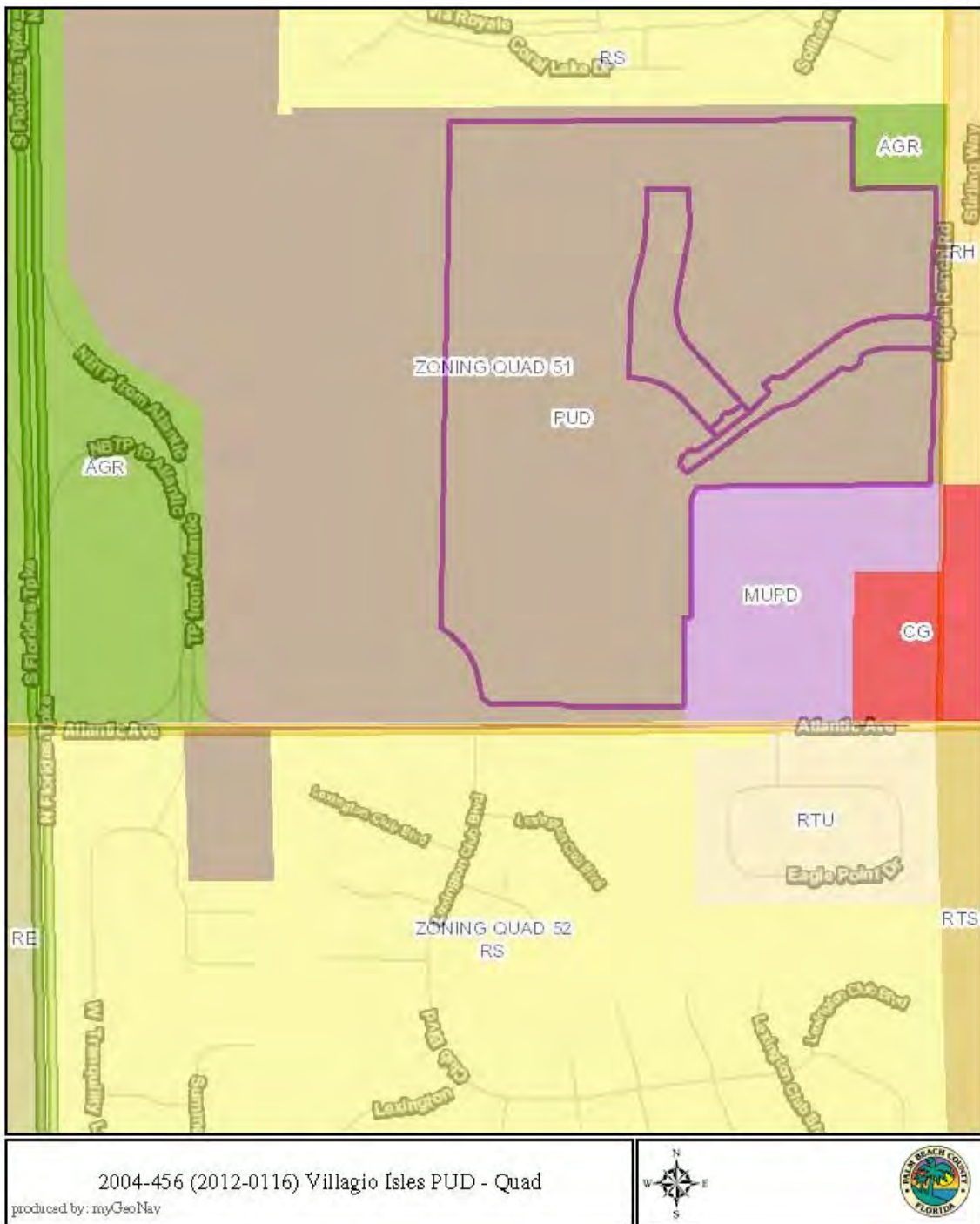
**MOTION:** To recommend approval of the Development Order Amendment to reconfigure the Master and Subdivision Plans and to amend Conditions of Approval (Arch Review, Engineering, Planning, PUD, and School Board) subject to the Conditions of Approval as indicated in Exhibit C.

# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Number:	<b>DOA-2012-116</b>
Control Number:	<b>2004-456</b>
Land Use Atlas Page:	<b>98</b>
Date:	<b>04/25/2012</b>

Figure 1 Land Use Map



2004-456 (2012-0116) Villagio Isles PUD - Quad  
 produced by: myGeoNav

Figure 2 Zoning Map



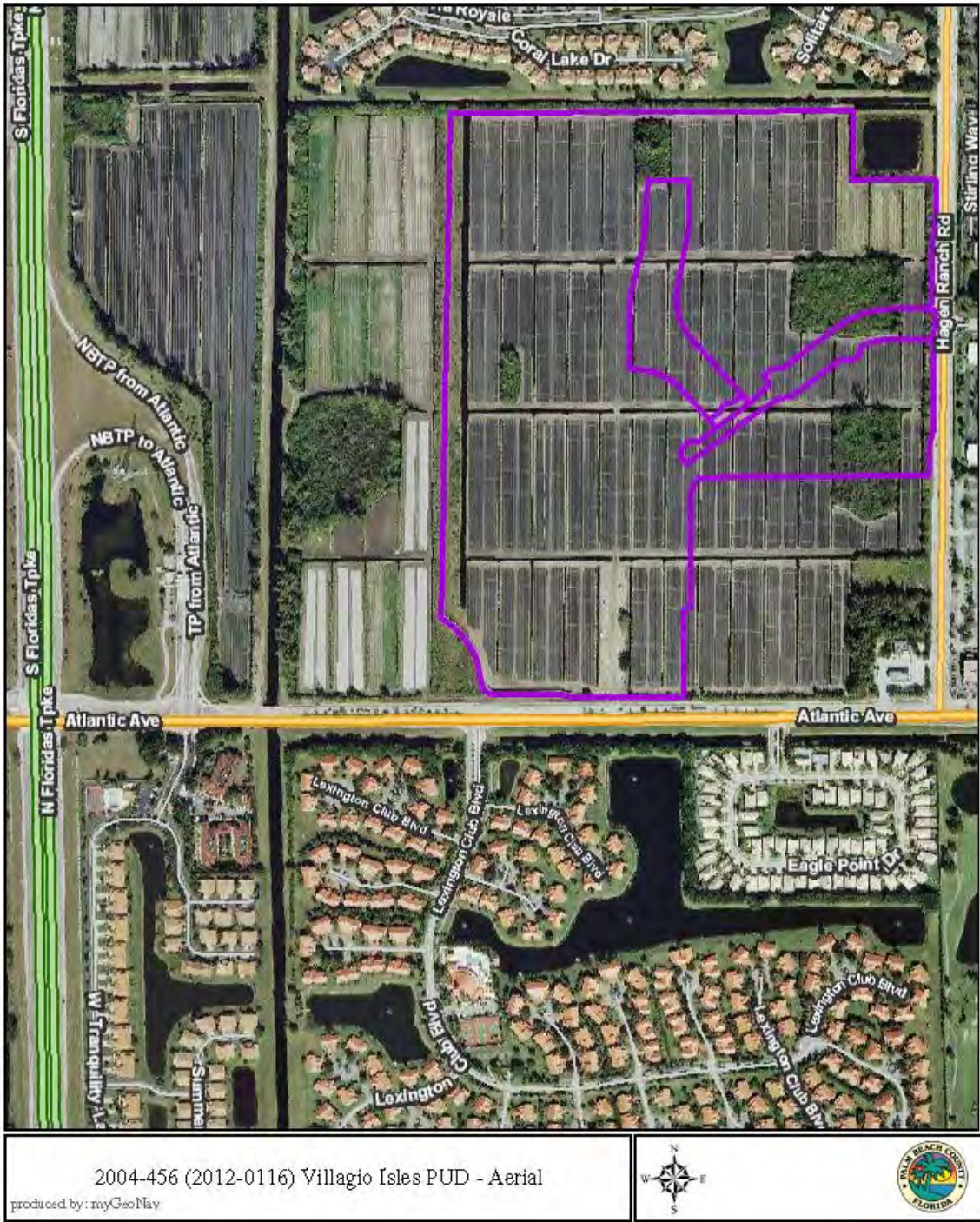


Figure 3 Aerial

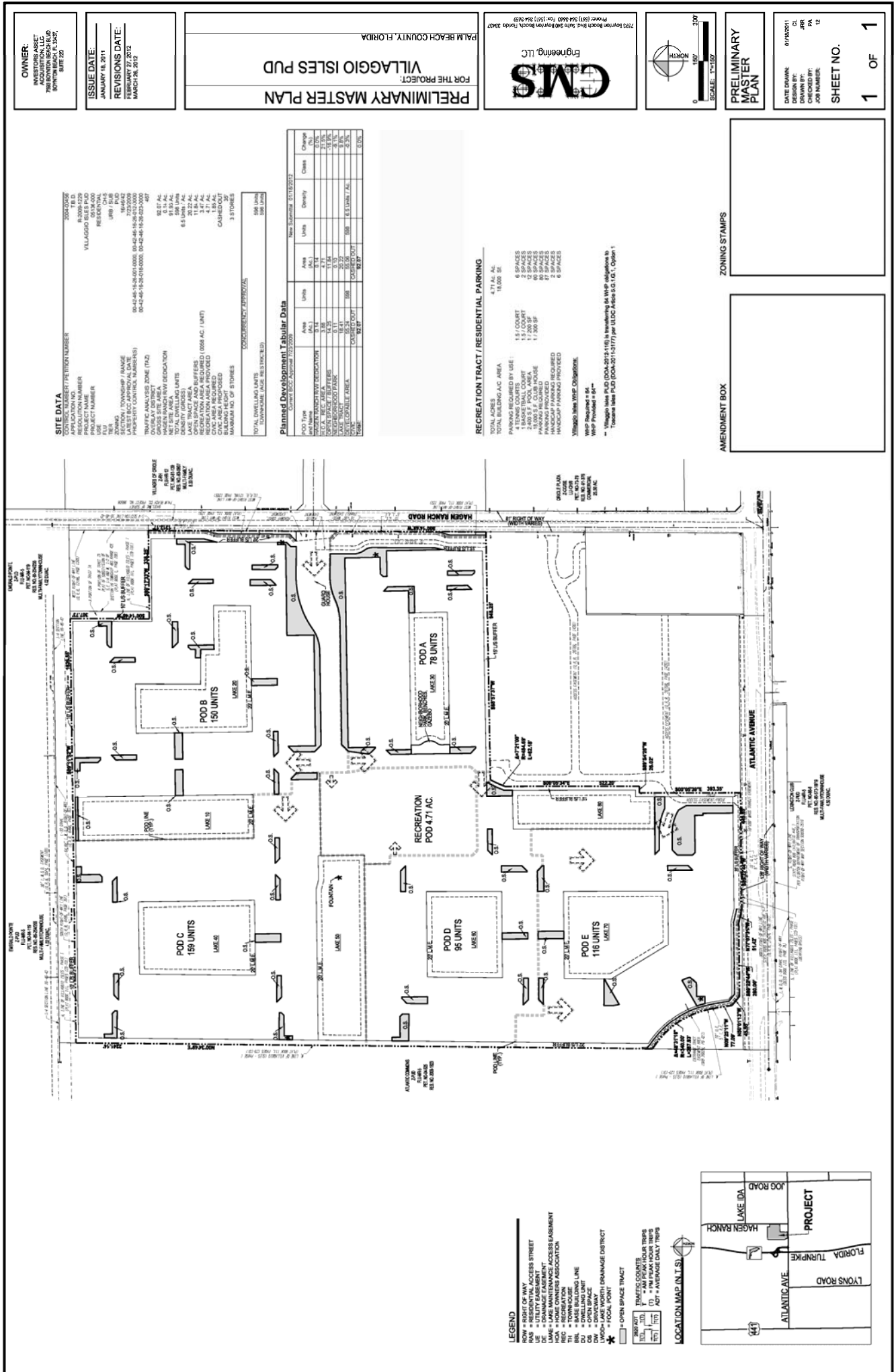


Figure 4 Preliminary Master Plan dated March 26, 2012





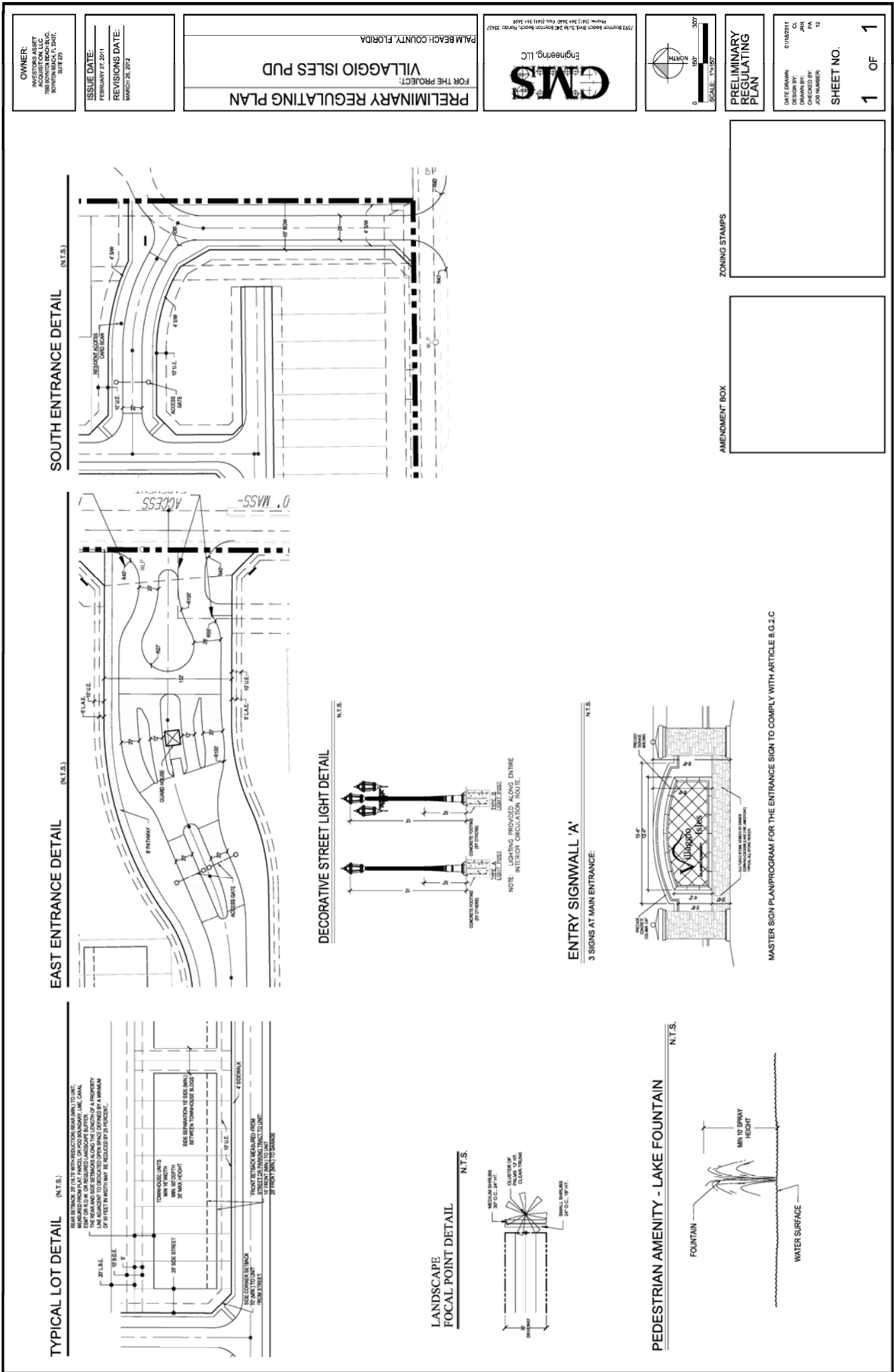
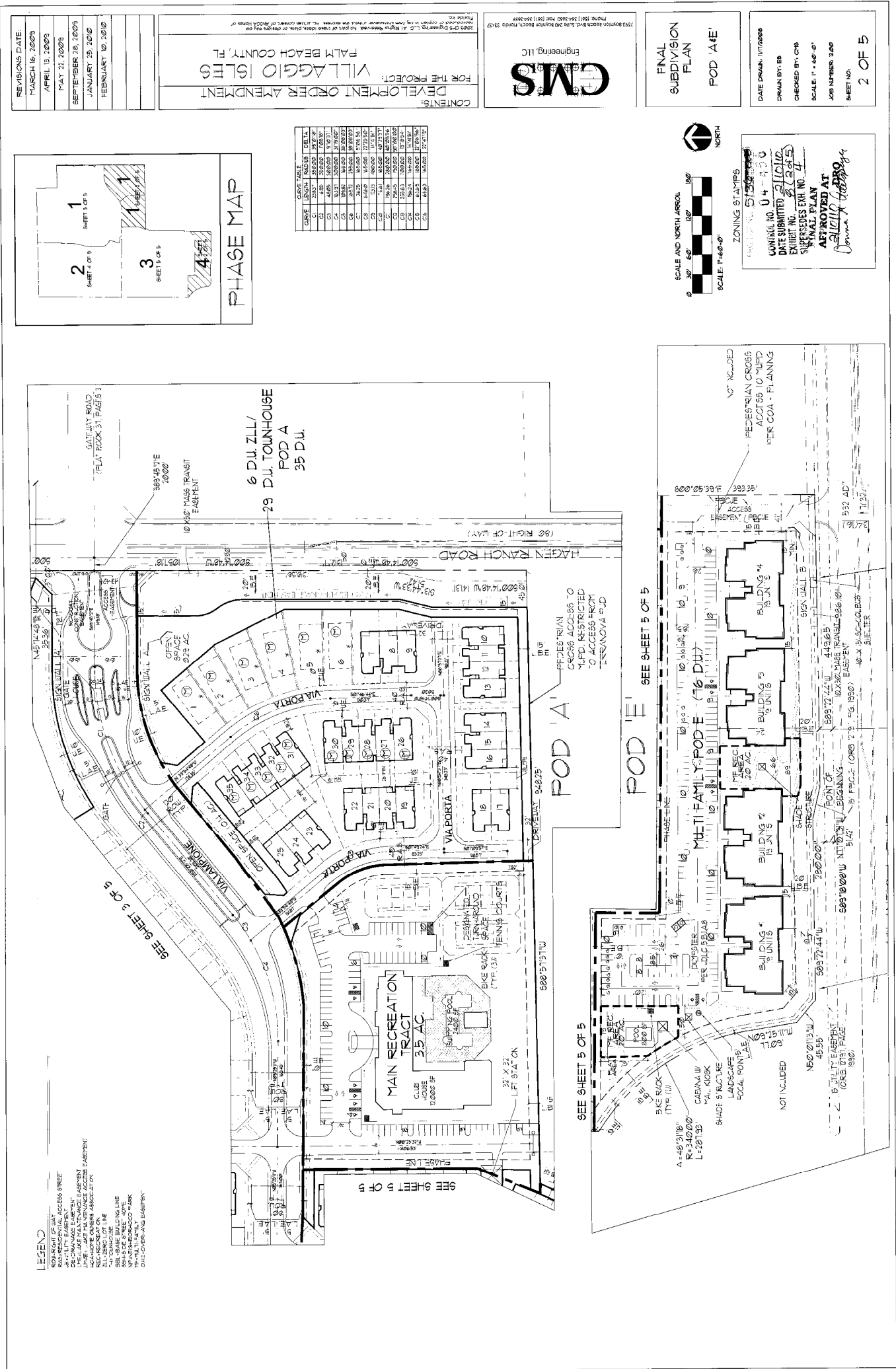


Figure 6 Preliminary Regulating Plan dated March 26, 2012





REVISIONS DATE:

MARCH 16, 2009
APRIL 13, 2009
MAY 21, 2009
SEPTEMBER 28, 2009
JANUARY 25, 2010
FEBRUARY 10, 2010

CONTENTS

DEVELOPMENT ORDER AMENDMENT

VILLAGGIO ISLES

FOR THE PROJECT

PALM BEACH COUNTY, FL

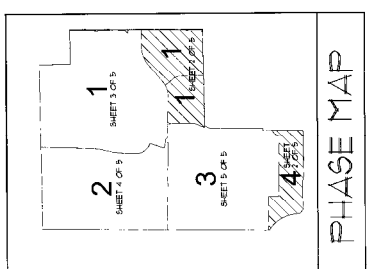
GMS Engineering LLC

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FINAL SUBDIVISION PLAN

POD 'A' & 'E'

DATE DRAWN: 10/26/09
DRAWN BY: EB
CHECKED BY: CHB
SCALE: 1" = 40'-0"
JOB NUMBER: 0093
SHEET NO. 2 OF 5



CURVE	LENGTH	RADIUS	DELTA
C1	153.82	500.00	17.36
C2	148.50	500.00	16.85
C3	153.82	500.00	17.36
C4	153.82	500.00	17.36
C5	153.82	500.00	17.36
C6	153.82	500.00	17.36
C7	153.82	500.00	17.36
C8	153.82	500.00	17.36
C9	153.82	500.00	17.36
C10	153.82	500.00	17.36
C11	153.82	500.00	17.36
C12	153.82	500.00	17.36
C13	153.82	500.00	17.36
C14	153.82	500.00	17.36
C15	153.82	500.00	17.36
C16	153.82	500.00	17.36
C17	153.82	500.00	17.36
C18	153.82	500.00	17.36
C19	153.82	500.00	17.36
C20	153.82	500.00	17.36

SCALE AND NORTH ARROW

SCALE: 1" = 40'-0"

ZONING STAMPS

APPROVED AT: [Signature]

DATE SUBMITTED: 10/10/09

EXHIBIT NO.: 2 (3 OF 5)

SUPPRESSED EXH. NO. 4

FINAL PLAN

DATE DRAWN: 10/26/09

LEGEND

- 4" CONCOURSE
- 8" CONCOURSE
- 12" CONCOURSE
- 18" CONCOURSE
- 24" CONCOURSE
- 30" CONCOURSE
- 36" CONCOURSE
- 42" CONCOURSE
- 48" CONCOURSE
- 54" CONCOURSE
- 60" CONCOURSE
- 66" CONCOURSE
- 72" CONCOURSE
- 78" CONCOURSE
- 84" CONCOURSE
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- 1200" CONCOURSE





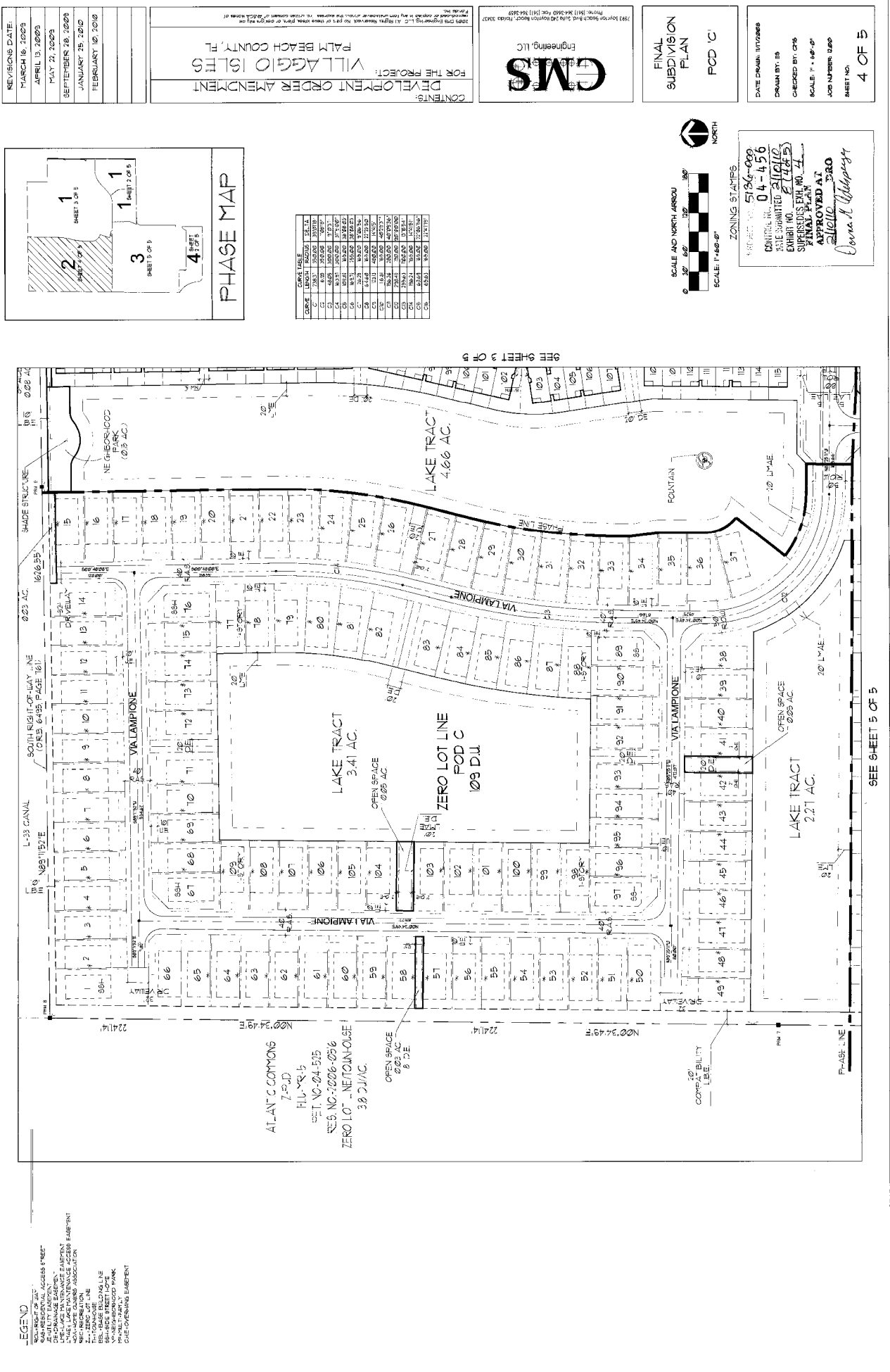


Figure 10 Final Approved Subdivision Plan (Pod C)



## STAFF REVIEW AND ANALYSIS

### PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: Medium Residential 5 units per acre (MR-5) on the majority of the site and Commercial High with an underlying 5 units per acre (CH/5) on a small south eastern portion of the site.

TIER: Urban/Suburban

FUTURE ANNEXATION AREAS: The subject site is not located within any future annexation areas.

INTERGOVERNMENTAL COORDINATION: The subject property is not located within one mile of any municipality.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request for a Development Order Amendment to reconfigure the master plan, utilize the current WHP program requirements and the transfer of the WHP units to an offsite receiving area (Toscana Isles PUD Application Number 2011-3177), and has found the requests to be consistent with the site's CH/5 FLU designation. The project will consist of 598 market rate age restricted units.

### Density and Workforce Housing

The site was previously approved for 598 units, which is less than the total 644 units available for this site with the MR-5 FLUA designation. The previous approval, R-2009-1229, for 598 units required 76 of those units to be obligated under the WHP program. Since then modifications have been made to the WHP program requirements. A comparison of the previous program requirements to the current requirements are as follows:

	Previous	Current
<b>For-sale units:</b>	25 year recurring	15 years recurring
<b>Rental units:</b>	25 years recurring	30 years non-recurring
<b>All WHP units:</b>	60-150% AMI	60-140% AMI
<b>Release of obligation:</b>	not available	available with restrictions

The Workforce Housing Program updates above were adopted by the BCC in October 2009. The updated program requirements allow for the recalculation of the WHP obligation. Under the new requirements, of the 598 units, 64 are required to be obligated to the Workforce Housing Program (WHP) which would restrict those units to occupants earning between 60-140% of the area median income (AMI).

While this request does not seek to increase or change the number of units, the applicant is seeking to utilize the ULDC provision, Article 5.G.1.G.1 Option-1 Offsite Options, which allows the Workforce housing component to be sent to an offsite receiving area. The receiving area, known as Toscana Isles Application DOA/R/TDR 2011-3177, is also under review and consideration by the DRO.

### Interconnectivity and Cross Access

This request seeks to remove and modify two previously approved vehicular and pedestrian cross access points that were required by multiple Comprehensive Plan policies and Conditions of Approval.

In 2005, when the original plans were approved, the master plans identified two vehicular and two pedestrian cross access points that joined the residential and the non-residential portions of the overall site. This request seeks to remove the connection shown on the NW section, where the two areas meet and modify the connection shown along Atlantic. While these changes do not further the policies that require and encourage interconnectivity where feasible, it does not violate them.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: None

FINDINGS: The applicant's request utilize the current WHP program requirements, the transfer of the WHP units to an offsite receiving area are consistent with the site's MR/5 and CH/5 FLU designations and the density thresholds of the Comprehensive Plan.

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**ENGINEERING COMMENTS:**

**REQUIRED ENGINEERING RELATED PERMITS**

The property owner shall obtain an onsite Land Development Permit and/or a Drainage Review from the Palm Beach County Engineering Department, Land Development Division, prior to the application of a Building Permit.

The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section, for access onto Hagen Ranch Road and a permit from the Florida Department of Transportation for access onto Atlantic Avenue.

**RIGHT OF WAY CONVEYANCE**

Pursuant to Policy 1.4-d in the Transportation Element of the Comprehensive Plan, the Property Owner shall convey additional right-of-way along the project frontage on Atlantic Avenue and on Hagen Ranch Road to allow for future planned and/or programmed improvements and site-related turn lanes.

**TRAFFIC IMPACTS**

The Property Owner has estimated the build-out of the project to be December 31, 2018. Previously approved traffic from this project was 3,894 trips per day, 237 trips in the PM peak hour. Total traffic expected from the proposed project is 3,588 trips per day, 191 trips in the PM peak hour, for a reduction of 306 daily and 46 PM peak hour trips. Additional traffic is subject to review for compliance with the Traffic Performance Standard. There are no improvements to the roadway system required for compliance with the Traffic Performance Standards because this project is equivalent to the approved TPS impacts.

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**PALM BEACH COUNTY HEALTH DEPARTMENT:**

No Staff Review Analysis

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**ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

VEGETATION PROTECTION: The site has been previously cleared.

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

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

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

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**OTHER:**

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No Staff Review Analysis

PARKS AND RECREATION: Based on the proposed 598 dwelling units 3.47 acres of on site recreation is required. The plan submitted indicates there will be 4.71 acres of recreation provided, therefore, the Parks and Recreation Department standards have been addressed.

CONCURRENCY: Concurrency has been approved for 598 age-restricted, town house dwelling units.

WATER/SEWER PROVIDER: Palm Beach County Water Utilities (PBCWU)

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

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## FINDINGS:

### Conditional Uses, Requested Uses and Development Order Amendments:

When considering a development order application for a conditional or requested use, or a development order amendment, the BCC and ZC shall consider standards 1 – 9 indicated below. A conditional or requested use or development order amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.-2.B and provides the following assessment:

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

The proposed PUD Zoning District is compatible with the existing Palm Beach County FLU designation of MR-5. The total site is 92.07 acres. The maximum standard and PUD density currently allowed on the site is 5.0 du/a. This amendment does not propose to increase the number of residential dwelling units. Pursuant to ULDC Article 5.G.1.B, the project is subject to the Mandatory Inclusionary Zoning Ordinance. The gross density for the site will be 6.5 du/a by using a 30% density bonus allowed under the WHP guidelines. This proposal includes the transfer of the 64 WHP obligations off-site as allowed under ULDC Article 5.G.1.G.1. The application has also been discussed with Planning Division staff regarding its consistency with the Comprehensive Plan and the use of the density bonus programs.

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

The proposed development is consistent with the ULDC code requirements for development in the PUD zoning district. The proposed DOA to modify and delete Conditions of Approval (Arch Review, Engineering, Planning, PUD, and School Board) in order to implement the proposed changes to the Master and Subdivision Plans is consistent with all the objectives and standards of the PUD Zoning District, the criteria for the granting DOA, and the supplementary use standards in Article 4 and all other articles of the ULDC. As such, the proposed DOA is consistent with the Code

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



The proposed revisions to the Master Plan will not negatively affect the compatibility of the site with its surrounding uses. As indicated by the description of the surrounding uses above, the proposed development is completely surrounded by other residential uses.

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

The design of the proposed amendment minimizes any perceived adverse impacts, including visual impact and intensity of the proposed use on adjacent lands. Also, landscape buffers are provided around the entire perimeter of the site to minimize any perceived impacts. Within the project site, the design includes pedestrian pathways and recreational amenities to utilize open space. The preliminary subdivision plan captures an internal movement of streets, pedestrian pathways, lot layout, and amenity locations that minimizes adverse impacts on surrounding uses, roadways and existing vegetation.

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

The use does not adversely affect the natural environment since the site will preserve the existing trees located within the perimeter buffers and additional landscaping. There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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

The proposed development is consistent with the residential development patterns in the area and would not change the previously approved development pattern in the vicinity as the site was previously approved for a residential environment and was found to be compatible with the surrounding land areas. The project area is located at the juncture of major roadways in Palm Beach County and in close proximity to major transportation corridors. The development pattern does not intrude into existing preservation areas or agricultural operations. The proposed density is consistent with the surrounding area as determined by the Planning Division. The proposal is anticipated to have no adverse impact on the local development patterns, timing or trends.

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

The subject site is approved for 598 age-restricted, town house dwelling units. The proposal complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

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

The applicant indicates that the changed circumstances that support this Development Order Amendment are that the County revised the WFH Program ordinance subsequent to the previous approval of the project. The applicant is seeking to take advantage of the revised WHP including a shorter recurring period, a lowering of the maximum Percentage Median Family Income and the availability of a release of obligation with restrictions.

Staff has determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibit C.

## CONDITIONS OF APPROVAL

### EXHIBIT C

#### Development Order Amendment

#### ALL PETITIONS

1. Previous All Petitions Condition 1 of Resolution R-2009-1229, Control 2004-456 which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2008-924 Control 2004-456, R-2006-515 Control 2004-456, Resolution R-2006-281 Control 2004-456, Resolution R-2005-2288 Control 2004-456, and Resolution R-2005-2288 Control 2004-456, 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 ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2009-1229 (Control 2004-456) and Resolution R-2009-1828 (Control 2004-456), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous All Petitions Condition 2 of Resolution R-2009-1229, Control 2004-456 which currently states:

The approved site plan is dated June 15, 2009. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

Is hereby amended to read:

The approved Preliminary Master and Subdivision Plans are dated March 26, 2012. 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)

3. Based on ULDC Article 2.E, this development order meets the requirements to receive a new three (3) year review date from the date of approval. (ONGOING: MONITORING-Monitoring) (Previous All Petitions Condition 3 of Resolution R-2009-1229, Control No. 2004-456)

#### ARCHITECTURAL REVIEW

1. Previous Architectural Review Condition 1 of Resolution R-2009-1229, Control 2004-456 which currently states:

At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the multi-family buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

Is hereby DELETED (Reason: no longer applicable)

## ENGINEERING

### 1. The Developer shall be restricted to the following phasing schedule:

a. Building Permits for more than 256 single family dwelling units shall not be issued until the construction commences for intersection improvements at West Atlantic Avenue and Jog Road. Intersection improvements shall be as follows: - exclusive right turn lane north approach- exclusive right turn lane south approach-second right turn lane west approach (BLDG PERMIT: MONITORING-Eng) (Previous Condition E1b of Resolution R-2009-1229, Control No. 2004-456) [Note: Completed per the Atlantic Avenue Agreement]

b. Building Permits for more than 275 single family dwelling units shall not be issued until the construction commences for the widening of West Atlantic Avenue as a 4 lane facility from Starkey Road to Lyons Road. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E1c of Resolution R-2009-1229, Control No. 2004-456) [Note: Completed per the Atlantic Avenue Agreement]

c. Building Permits for more than 275 single family dwelling units shall not be issued until the contract has been let for the construction of West Atlantic Avenue as a 4 lane facility from Starkey Road to the Florida Turnpike. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E1d of Resolution R-2009-1229, Control No. 2004-456) [Note: Completed per the Atlantic Avenue Agreement]

d. Construction commences is defined as awarding the contract for the construction of the required improvements, the acquisition of all right of way and construction easements and the acquisition of all required permits. (ONGOING: ENGINEERING-Eng) (Previous Condition E1e of Resolution R-2009-1229, Control No. 2004-456)

e. No building permits for the site shall be issued after December 31, 2018. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng) (Previous Condition E1f of Resolution R-2009-1229, Control No. 2004-456)

2. Acceptable surety required for the West Atlantic Avenue improvements identified in Condition No. E.1 .b and E.1.c above shall be posted with the Office of the Land Development Division on or before May 17, 2006. Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Property Owner's Engineer and approved by the County Engineer. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (TPS - Maximum 6 month time extension) (DATE: MONITORING-ENG) (Previous Condition E2 of Resolution R-2009-1229, Control No. 2004-456) [Note: Completed per the Atlantic Avenue Agreement]

3. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING-Eng) (Previous Condition E3 of Resolution R-2009-1229, Control No. 2004-456)

4. Prior to September 15, 2006, the property owner shall complete construction plans for the West Atlantic Avenue improvements identified in Condition No. E.1b and E.1c above. These construction plans shall be approved by the Florida Department of Transportation. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. (DATE: MONITORING-Eng) (Previous Condition E4 of Resolution R-2009-1229, Control No. 2004-456) [Note: Completed per the Atlantic Avenue Agreement]

5. Prior to May 15, 2007, the property owner shall complete construction of the West Atlantic Avenue improvements identified in Condition No. E.1 .b and E.1 .c above. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. (DATE: MONITORING-ENG) (Previous Condition E5 of Resolution R-2009-1229, Control No. 2004-456) [Note: Completed per the Atlantic Avenue Agreement]

6. CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY The property owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed for West Atlantic Avenue 120 feet north of the existing south right of way line. Right of way shall be dedicated prior to June 1, 2006. All Right of way conveyances shall be free of all encumbrances and encroachments. Developer 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. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee 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 prior to dedication. 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 provisions for Expanded Intersection Details and Corner Clips." (DATE: MONITORING-Eng) (Previous Condition E6 of Resolution R-2009-1229, Control No. 2004-456) [Note: Completed]

7. Prior to issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on: a. Hagen Ranch Road at the PUD and adjacent MUPD entrances. These rights of ways shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include corner clips where appropriate as determined by the County Engineer. 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. (BLDG PERMIT: MONITORING Eng) (Previous Condition E7 of Resolution R-2009-1229, Control No. 2004-456)

8. The Property owner shall construct:

- i. Right turn lane north approach on Hagen Ranch Road at the Project's Entrance Road.
- ii. Left turn lane south approach on Hagen Ranch Road at the Project's Entrance Road.
- iii. Construction of these improvements shall be concurrent with the paving and drainage improvements for the site.

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

a. Permits required by Palm Beach County for items i and ii, shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E8d of Resolution R-2009-1229, Control No. 2004-456)

b. Construction of the turn lane improvements in i and ii above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING Eng) (Previous Condition E8e of Resolution R-2009-1229, Control No. 2004-456)

9. Previous Condition E9 of Resolution R-2009-1229, Control No. 2004-456, which currently states:

On or before July 23, 2010, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of West Atlantic Avenue along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20-foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating

storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wing wall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County, which at its discretion may use this fill material. (DATE: MONITORING- Eng)

Is hereby amended to read:

On or before June 13, 2015, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of West Atlantic Avenue along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20-foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wing wall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County, which at its discretion may use this fill material. (DATE: MONITORING- Eng)

10. LANDSCAPE WITHIN THE MEDIAN OF WEST ATLANTIC AVENUE The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of West Atlantic Avenue. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING - Eng)

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

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



d. Also, prior to the issuance of a Building Permit, and at the option of the petitioner, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along West Atlantic Avenue. 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. (ONGONG: ENGINEERING - Eng) (Previous Condition E10d of Resolution R-2009-1229, Control No. 2004-456) [Note: Completed per the Atlantic Avenue Agreement]

11. Previous Condition E11 of Resolution R-2009-1229, Control No. 2004-456, which currently states:

Prior to the Final DRO approval, the property owner shall record a restrictive covenant limiting occupancy of the 115 detached dwelling units and 407 attached dwelling units to age-restricted, over 55 years of age, subject to approval by the County Attorney and County Engineer. (DRO: ENGINEERING-Eng)

Is hereby amended to read:

Prior to the Final DRO approval, the property owner shall record a restrictive covenant limiting occupancy of the appropriate units to age-restricted, over 55 years of age, subject to approval by the County Attorney and County Engineer. (DRO: ENGINEERING-Eng)

12. TEMPORARY ROADWAY CONSTRUCTION EASEMENT Prior to technical compliance for the first plat the property owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way. Construction within this easement shall conform to Palm Beach County Standards. (TC: ENGINEERING-Eng) (Previous Condition E12 of Resolution R-2009-1229, Control No. 2004-456) [Note: Completed]

13. TEMPORARY ROADWAY CONSTRUCTION EASEMENT Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along West Atlantic Avenue to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E13 of Resolution R-2009-1229, Control No. 2004-456)

14. The Property Owner shall construct the signal, if warranted as determined by the County Engineer, at the Project's Entrance and Hagen Ranch Road. Signalization shall be a mast arm structure installation. The property owner shall be responsible for all costs, including design costs and any required utility relocation. The property owner shall commence construction within 60 days notice from the County Engineer that the warrants have been met. If the design and construction procedure does not progress satisfactorily, the County Engineer shall have the authority to draw the surety and install the signal.

a. Building Permits for more than 300 dwelling units shall not be issued until the developer provides acceptable surety in the form of a cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING-Eng)

b. In order to request release of the surety for the traffic signal at these intersections the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: ENGINEERING-Eng) (Previous Condition E14 of Resolution R-2009-1229, Control No. 2004-456)

15. The mix of allowable uses between this project and the adjacent companion commercial parcel and the phasing requirements for this project may be adjusted by the County Engineer based upon an approved Traffic Study, addressing the combined impacts for both projects which complies with

Mandatory Traffic Performance Standards in place at the time of the request. (ONGOING: ENGINEERING-Eng) (Previous Condition E15 of Resolution R-2009-1229, Control No. 2004-456)

16. Previous Condition E16 of Resolution R-2009-1229, Control No. 2004-456, which currently states:

Prior to issuance of the first building permit in a specific pod, the property owner shall plat that pod in accordance with the approved Final Subdivision Plan with Application DOA-2008-2226.

Is hereby amended to read:

Prior to issuance of the first building permit in a specific pod, the property owner shall plat that pod in accordance with the approved Final Subdivision Plan. (BLDG PERMIT: MONITORING - Eng)

17. Previous Condition E17 of Resolution R-2009-1229, Control No. 2004-456, which currently states:

The property owner shall close the full median opening on Atlantic Avenue along the south property frontage to prevent vehicles from making u-turns from the project at that location.

a. Prior to the issuance of the first building permit for the Pod adjacent to and having access onto Atlantic Avenue, as shown with Application DOA-2008-2226, the property owner shall obtain permits from Florida Department of Transportation to remove the median opening west of the proposed access for the Pod.

b. Construction shall be complete prior to issuance of the first Certificate of Occupancy for the Pod adjacent to and having access onto Atlantic Avenue, as shown with Application DOA-2008-2226.

Is hereby amended to read:

The property owner shall close the full median opening on Atlantic Avenue along the south property frontage to prevent vehicles from making u-turns from the project at that location.

a. Prior to the issuance of the first building permit for the Pod adjacent to and having access onto Atlantic Avenue, the property owner shall obtain permits from Florida Department of Transportation to remove the median opening west of the proposed access for the Pod. (BLDG PERMIT: MONITORING - Eng)

b. Construction shall be complete prior to issuance of the first Certificate of Occupancy for the Pod adjacent to and having access onto Atlantic Avenue. (CO: MONITORING - Eng)

18. Previous Condition E16 of Resolution R-2009-1229, Control No. 2004-456, which currently states:

The site plan for Application DOA-2008-2226 shall be amended to show the following: i. All proposed round-a-bouts meet the Land Development Design Standards requirements ii. No offsets at intersections of streets are permitted unless an internal traffic analysis, acceptable to the County Engineer, indicates no additional conflict points are created by the offset. iii. Pod A shall be revised such that the streets meet the Land Development Design Standards requirements these changes shall be made prior to final DRO approval. (DRO: ENGINEERING-Eng)

Is hereby amended to read:

The final site plan approved by the DRO shall be amended to show the following: i. All proposed round-a-bouts meet the Land Development Design Standards requirements ii. No offsets at intersections of streets are permitted unless an internal traffic analysis, acceptable to the County Engineer, indicates no additional conflict points are created by the offset. iii. Pod A shall be revised such that the streets meet the Land Development Design Standards requirements. (DRO: ENGINEERING-Eng)

## HEALTH

1. Previous condition Health 1 of Resolution R-2009-1229; Control 2004-456 which reads:

Prior to the issuance of the first building permit, the property owner/developer shall submit a detailed written plan acceptable to the Palm Beach County Health Department for the control of air pollutants, including fugitive dust particulates, on the site during all phases of site development. The property owner or the representative of the property owner shall meet with staff of the Air Pollution Control Section of the Palm Beach county Health Department on request to clarify and discuss the scope and potential effectiveness of the proposed dust control measures. (BLDG PERMIT: MONITORING-Health)

Is COMPLETED

#### LANDSCAPE - GENERAL

1. A minimum of fifty (50%) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 1 of Resolution R-2009-1229, Control 2004-456)

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

- a. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 2 and 3 of Resolution R-2009-1229, Control 2004-456)

3. Field adjustment of the berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 4 of Resolution R-2009-1229, Control 2004-456)

#### LANDSCAPE - PERIMETER-ALONG THE NORTH PROPERTY LINE ABUTTING THE LWDD L33 CANAL

4. In addition to the proposed landscaping and buffering program and code requirements, landscaping and/or buffer width along the north property line shall be upgraded to include:

- a. a minimum ten (10) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted; and
- b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 5 of Resolution R-2009-1229, Control 2004-456)

#### LANDSCAPE - PERIMETER-ALONG THE SOUTH AND EAST PROPERTY LINES (FRONTAGES OF WEST ATLANTIC AVENUE AND HAGEN RANCH ROAD)

5. In addition to the proposed landscaping and buffering program and code requirements, landscaping and/or buffer width along the south and east property lines (frontages of West Atlantic Avenue and Hagen Ranch Road), shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous berm with a minimum height of two (2) feet. Berm height shall be measured from the nearest top of curb, crown of the nearest street or the nearest finished floor elevation, whichever is higher;
- c. a six (6) foot high opaque concrete panel wall, or chain link fence, to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structures within the Terra Nova MUPD. A

- maximum of two (2) openings in the wall, or fence, shall be permitted to provide pedestrian connectivity;
- d. if a chain link fence is being utilized to meet the requirement, then a hedge, six (6) foot in height at installation shall be provided on both sides of the chain link fence;
  - e. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
  - f. plant materials required by ULDC or by conditions of approval shall be planted alternating on both sides of the wall; and,
  - g. prior to the issuance of the first building permit, the property owner shall submit a landscape plan to the Landscape Section for review and approval. This plan shall be prepared in accordance to the landscape code requirements and conditions as required under 1.a-1.g. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Condition Landscape 6 of Resolution R-2009-1828, Control No. 2004-456)

#### LANDSCAPE - PERIMETER-ALONG THE WEST PROPERTY LINE

6. In addition to the proposed landscaping and buffering program and code requirements, landscaping and/or buffer width along the west property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- c. prior to the issuance of the first building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. This plan shall be prepared in accordance to the landscape code requirements and conditions as required under 1.a-1.b. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscaping West Property Line Condition 7 of Resolution R-2009-1229, Petition PDD2004-658)

#### LANDSCAPE - PERIMETER-ALONG THE SOUTH AND EAST PROPERTY LINES (ABUTTING THE TERRA NOVA MUPD)

7. In addition to the proposed landscaping and buffering program and code requirements, landscaping and buffer width along the south and east property lines (abutting the Terra Nova MUPD), shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted; and,
- b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscaping South and East Property Lines (Terra Nova) Condition 8 of Resolution R-2009-1229, Petition PDD2004-658)

#### PALM TRAN

1. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (BLDG PERMIT: PLAT: MONITORING/ENG -Palm Tran) (Previous Palm Tran Condition 1 of Resolution R-2006-515, Control No. 2004-658)

#### PLANNED DEVELOPMENT- PLANNED UNIT DEVELOPMENT

1. Prior to recordation of the first plat, 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 include the following:

- a. 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.
- b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the PONHOA, the recreation parcel shall be turned over to the association at no cost to the residents.

c. The property shall not be subject 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. (PLAT: ENG-Zoning) (Previous PUD Condition 1 of Resolution R-2009-1229, Control No. 2004-658)

2. Previous PUD Condition 2 of Resolution R-2009-1229, Control No. 2004-658 which currently states:

Prior to final approval by the Development Review Officer (DRO), the master and site plans shall be revised to indicate a minimum of one (1) water fountain as a focal feature within the 3.85-acre lake tract. (DRO: ZONING - Zoning)

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO), the master and site plans shall be revised to indicate a minimum of one (1) water fountain as a focal feature within one of the lake tracts next to the recreational pod. (DRO: ZONING - Zoning)

3. Starting on October 27, 2006, the property owner shall submit an annual report to the Zoning and Traffic Divisions demonstrating compliance with the adult only community requirements as documented in the restrictive covenant. (DATE: MONITORING - Zoning/Eng) (Previous PUD Condition 3 of Resolution R-2009-1229, Control No. 2004-658)

4. Previous PUD Condition 4 of Resolution R-2009-1229, Control No. 2004-658 which currently states:

Prior to the issuance of a building permit for the first unit over 40% of the total number of units in the development, a Certificate of Occupancy (GO) shall be issued for a clubhouse or similar common building exceeding 2,500 total square feet on the 3.14-acre recreation parcel. This facility shall be equipped with a generator that complies with the following requirements:

- a. operates essential electrical systems, including A/C systems, for a minimum of thirty percent (30%) of the gross interior floor area of the building;
- b. an aboveground fuel storage system, or an alternative fuel storage system that is acceptable to Palm Beach County, with a minimum capacity that is acceptable to the Building Division shall be located adjacent to the generator;
- c. setback in accordance with the Property Development Regulations for a Recreation Pod in accordance with ULDC Table 3.E.2.D-16;
- d. screened from view on all sides by an opaque barrier constructed of compatible materials, color and character as the building or equivalent landscaping;
- e. subject to review and approval by the Building Division; and,
- f. deviation from these requirements and/or required building size shall be permitted if consistent with future ULDC regulations. (BLDG PERMIT: MONITORING - Zoning)

Is hereby amended to read:

Prior to the issuance of a building permit for the first unit over 40% of the total number of units in the development, a Certificate of Occupancy (CO) shall be issued for a clubhouse or similar common building exceeding 2,500 total square feet on the Primary recreation parcel.

## PLANNING

1. Previous Condition Planning 1 of Resolution R-2009-1229, Control No. 2004-658, which currently states,

Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to include a notation at the vehicular cross access point shown on the certified plan to the southeastern property line which shall read proposed vehicular and pedestrian cross access". (DRO: PLANNING-Planning)

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

2. Previous Condition Planning 2 of Resolution R-2009-1229, Control No. 2004-658, which currently states,

Prior to the issuance of the first certificate of occupancy, the property owner shall pave the vehicular and pedestrian connection to the edge of the southeastern property line at the location shown on the certified plan that reads "proposed vehicular and pedestrian cross access". (CO: MONITORING - Planning)

Is hereby amended to read:

Prior to the issuance of the first certificate of occupancy, the property owner shall pave the vehicular and pedestrian connection located at the southeastern portion of the site along Atlantic Avenue, connecting the residential and non-residential parcels. (CO: MONITORING - Planning)

3. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to include a pedestrian connection to the commercial property to the southeast from the cul-de-sac in the southwestern part of the PUD. (Previous Condition Planning 3 of R-2009-1229, Control No. 2004-658) (DRO: PLANNING-Planning) [NOTE: COMPLETE]

4. Previous Condition Planning 4 of Resolution R-2009-1229, Control No. 2004-658, which currently states:

Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to include notations at all pedestrian connections to the commercial property to the southeast that shall read "Pedestrian cross access to MUPD". (DRO: PLANNING-Planning)

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to include notations at all pedestrian connections to the commercial property to the southeast that shall read "Pedestrian cross access to MUPD". (DRO: PLANNING-Planning)

5. Previous Condition Planning 5 of Resolution R-2009-1229, Control No. 2004-658, which currently states:

Prior to the issuance of the 100th certificate of occupancy, the property owner shall pave all pedestrian connections to the commercial property at the southeastern portion of the site, with a break in any buffering or walls, at the locations shown on the certified plan that read "Pedestrian cross access to MUPD". (Previous Condition Planning 5 of Resolution R-2006-515, Control No. 2004-658) (CO: MONITORING - Planning)

Is hereby Deleted. [REASON: No longer applicable. Covered/Superseded by Condition No 2.]

6. Pedestrian and vehicular cross access points to the commercial property to the southeast may be controlled by gates or other security devices that may be controlled only by the developer/property owner/Homeowners Association of the PUD. However, in no case, shall a gate or security device not provide access to the commercial property by being rendered inoperable or non-functional. (Previous Condition Planning 6 of Resolution R-2009-1229, Control No. 2004-658) (ONGOING: CODE ENF - Planning)

7. Previous Condition Planning 7 of Resolution R-2009-1229, Control No. 2004-658, which currently states:

Prior to final approval by the Development Review Officer (DRO), the site plan shall include all pathways within, and pedestrian access to, the open space and recreation areas, and lakes tracts generally consistent with the certified master plan, dated February 17, 2006. (DRO: PLANNING - Planning)

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO), the site plan shall include all pathways within, and pedestrian access to, the open space and recreation areas, and lakes tracts. (DRO: PLANNING - Planning)

8. Previous Condition Planning 8 of Resolution R-2009-1229, Control No. 2004-658, which currently states:

Prior to final approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County a 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 article 5.G. in the ULDC, for a period of twenty-five years (recurring). These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the requirements in Article 5.G. in the ULDC. (DRO: PLANNING - Planning)

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

9. Previous Condition Planning 9 of Resolution R-2009-1229, Control No. 2004-658, which currently states:

On an annual basis, beginning June 1, 2010, or as otherwise stipulated in the Declaration of Restrictive Covenants for Workforce Housing, the property owner, master homeowners association or individual Workforce Housing dwelling unit owner, shall submit an annual report/update to the Planning Division and HCD documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing. (DATE/ONGOING: MONITORING Planning/HCD)

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

#### SCHOOL BOARD

1. Prior to final approval by the Development Review Officer (DRO), the applicant shall provide a "Declaration and Restrictive Covenant" which prohibits children less than nineteen years of age from residing in the development's age restricted units. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the School Board and the County Attorney. (DRO: CTY ATTY-School Board) (Previous condition SCHOOL BOARD 1 of Resolution R-2009-1229 (Control #2004-456)

2. Condition SCHOOL BOARD 2 of Resolution R-2009-1229, Control #2004-456, which currently states:

Prior to final site plan approval by the Development Review Officer (DRO), a 10' X 15' school bus shelter must be placed on the site plan/master plan, located east of the Palm Tran bus easement along Atlantic Avenue. (CO: MONITORING - School Board)

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

3. Condition SCHOOL BOARD 3 of Resolution R-2009-1229, Control #2004-456, which currently states:

Prior to the issuance of the first Certificate of Occupancy (CO) for the multi-family pod, the school bus shelter shall be constructed by the petitioner 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(s) shall be the responsibility of the residential property owner. (CO: MONITORING - School Board.)

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



4. Condition SCHOOL BOARD 4 of Resolution R-2009-1229, Control #2004-456, which currently states:

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)

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

**SITE DESIGN**

1. Prior to final approval by the Development Review Officer (DRO), the site plan and regulating plans shall be revised to indicate upgraded recreation amenities within the neighborhood park. These additional amenities shall:

- a. be accessible from a minimum five (5) foot wide pathway; b. include a minimum of one (1) pedestrian bench;
- c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
- d. include a shade structure (e.g. trellis, gazebo, pergola), tot lot, fitness station, rest station, or similar recreation amenity or other shade structure; and
- e. details of all items indicated above shall be subject to review and approval by the CDR Section. (DRO: ZONING - Zoning) (Previous Site Design Condition 1 of Resolution R-2009-1229, Control No. 2004-658)

**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) (Previous Compliance Condition 1 of Resolution R-2009-1229, Control No. 2004-658)

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 (CO); 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; 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 (ULDC) 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; 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)(Previous Compliance Condition 2 of Resolution R-2009-1229, Control No. 2004-658)

**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 Charles Scardina, 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] Manager *[position - e.g., president, partner, trustee]* of Investors Asset Acquisition, 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: 7593 Boynton Beach Blvd., Suite 220  
Boynton Beach, FL 33437
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.

Charles Scardina, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 15th day of March, 2012, by Charles Scardina, [ ] who is personally known to me or [ ] who has produced \_\_\_\_\_ as identification and who did take an oath.

*Geraldine Iacovo*  
Notary Public

Geraldine Iacovo  
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 7/7/2013





EXHIBIT "A"

PROPERTY

**LEGAL DESCRIPTION**

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16; THENCE N 89°22'44"E. ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 680.81 FEET; THENCE N 00°34'49"E. ALONG A LINE 680.66 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 76.32 FEET TO A POINT OF INTERSECTION WITH THE EXISTING NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC AVENUE), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93030-2510; THENCE CONTINUE N 00°34'49"E. ALONG SAID PARALLEL LINE, A DISTANCE OF 22.02 FEET; THENCE N 89°22'44"E. A DISTANCE OF 536.18 FEET TO THE POINT OF BEGINNING; THENCE N 77°07'31"W. A DISTANCE OF 51.42 FEET; THENCE S 89°22'44"W. A DISTANCE OF 280.00 FEET; THENCE N 50°01'13"W. A DISTANCE OF 45.55 FEET; THENCE N 09°25'11"W. A DISTANCE OF 77.09 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 340.00 FEET AND A CENTRAL ANGLE OF 48°31'18"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 287.93 FEET; THENCE N 00°34'49"E. ALONG A LINE 680.66 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 2241.14 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-33 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N 89°11'52"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1626.55 FEET; THENCE S 00°14'48"W. A DISTANCE OF 307.73 FEET; THENCE N 89°17'33"E. A DISTANCE OF 338.25 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 12186, PAGE 1205 OF SAID PUBLIC RECORDS; THENCE S 00°14'48"W. ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF A DISTANCE OF 1,312.17 FEET; THENCE S 88°57'37"W. A DISTANCE OF 948.25 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S 62°04'52"E. A RADIAL DISTANCE OF 484.69 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07°21'00", A DISTANCE OF 62.18 FEET; THENCE S 00°05'34"E. A DISTANCE OF 522.20 FEET; THENCE S 89°54'26"W. A DISTANCE OF 26.02 FEET; THENCE S 00°05'39"E. A DISTANCE OF 393.35 FEET TO A POINT OF INTERSECTION WITH THE PROPOSED NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC AVENUE), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93030-2510; THENCE S 89°22'44"W. ALONG SAID PROPOSED RIGHT-OF-WAY LINE, A DISTANCE OF 449.65 FEET TO THE POINT OF BEGINNING.

TOTAL CONTAINING 4,010,848 SQUARE FEET/92.076 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	
Ramzi Akel	7593 Boynton Beach Blvd. Boynton Beach, FL 33437	49.5% Ownership
Charlie Scardina	7593 Boynton Beach Blvd. Boynton Beach, FL 33437	49.5% Ownership

# Delaware

PAGE 1

*The First State*

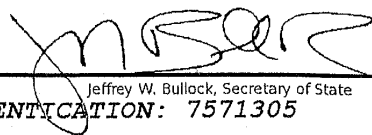
I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "ANSCA ACQUISITION, LLC", CHANGING ITS NAME FROM "ANSCA ACQUISITION, LLC" TO "INVESTORS ASSET ACQUISITION, LLC", FILED IN THIS OFFICE ON THE TWENTY-FOURTH DAY OF SEPTEMBER, A.D. 2009, AT 10 O'CLOCK A.M.

4634649 8100

090885409

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)



  
Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 7571305

DATE: 10-07-09

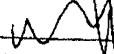
**STATE OF DELAWARE  
CERTIFICATE OF AMENDMENT**

1. Name of Limited Liability Company: Ansca Acquisition, LLC

2. The Certificate of Formation of the limited liability company is hereby amended as follows:

The name of the limited liability company is:  
INVESTORS ASSET ACQUISITION, LLC

IN WITNESS WHEREOF, the undersigned have executed this Certificate on the 17th day of September, A.D. 2009.

By:   
Authorized Person(s)

Name: Ramzi Akel, Managing Member  
Print or Type



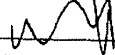
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**STATE OF DELAWARE  
CERTIFICATE OF AMENDMENT**

1. Name of Limited Liability Company: Ansca Acquisition, LLC
  
2. The Certificate of Formation of the limited liability company is hereby amended as follows:

The name of the limited liability company is:  
INVESTORS ASSET ACQUISITION, LLC

IN WITNESS WHEREOF, the undersigned have executed this Certificate on the 17th day of September, A.D. 2009.

By:   
Authorized Person(s)

Name: Ramzi Akel, Managing Member  
Print or Type