

RESOLUTION NO. R-2023- 1186

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD-2022-01755
(CONTROL NO. 2018-00187)
an Official Zoning Map Amendment
APPLICATION OF Logan Barbara M Trust
BY JMorton Planning & Landscape Architecture, AGENT
(Logan Ranch Residential)

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 ZV/PDD-2022-01755 the application of Barbara Logan Trust by JMorton Planning & Landscape Architecture, Agent for a Type 2 Variance to allow 100 percent buffer overlap within a preserve on 39.24 acres; and for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 39.24 acres was presented to the Board of County Commissioners at a public hearing conducted on August 24, 2023;

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 ZV/PDD-2022-01755, the Application of Logan Barbara M Trust, by JMorton Planning & Landscape Architecture, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 39.24 acres., 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 August 24, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Sachs moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	-	Aye
Commissioner Maria Sachs, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Michael A. Barnett	-	Aye
Commissioner Marci Woodward	-	Aye
Commissioner Sara Baxter	-	Aye
Commissioner Mack Bernard	-	Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on August 24, 2023.

Filed with the Clerk of the Board of County Commissioners on August 24, 2023.

This resolution shall not become effective until the Large Scale Land Use Amendment No. LGA-2023-00014 is effective.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION: MUPD

TRACTS 7, 8, 25, 26, 39, 40, 57 AND 58, BLOCK 54, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THAT CERTAIN 30 FOOT ROAD, DYKE AND DITCH RESERVATION LYING BETWEEN SAID TRACTS 25-26 AND 39-40, BLOCK 54, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION OF SAID TRACTS 7 AND 8, DESCRIBED AS PARCEL 106 IN THAT CERTAIN ORDER OF TAKING RECORDED IN O. R. BOOK 6366, PAGE 721, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

A PORTION OF TRACTS 7 AND 8, BLOCK 54 OF PALM BEACH FARMS CO. PLAT NO. 3 IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 8, RUN NORTH 89 DEGREES 26 MINUTES 12 SECONDS EAST, ALONG THE NORTH LINE OF SAID TRACTS, A DISTANCE OF 659.80 FEET, TO THE NORTHEAST CORNER OF SAID TRACT 7; THENCE SOUTH 00 DEGREES 02 MINUTES 18 SECONDS EAST, ALONG THE EAST LINE OF SAID TRACT 7, A DISTANCE OF 86.97 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 7774.44 FEET, A CHORD BEARING S 88 DEGREES 08 MINUTES 04 SECONDS WEST, AND A CENTRAL ANGLE OF 02 DEGREES 36 MINUTES 16 SECONDS, THENCE WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 353.39 FEET; THENCE SOUTH 89 DEGREES 26 MINUTES 12 SECONDS WEST, A DISTANCE OF 281.60 FEET TO A POINT ON A LINE 25.00 FEET EASTERLY OF, AND PARALLEL TO, THE WEST LINE OF SAID TRACT 8 (AS MEASURED AT RIGHT ANGLES THERETO); THENCE SOUTH 00 DEGREES 02 MINUTES 18 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 343.31 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 42 SECONDS WEST, A DISTANCE OF 25.00 FEET TO SAID WEST LINE OF TRACT 8; THENCE ALONG SAID WEST LINE, NORTH 00 DEGREES 02 MINUTES 18 SECONDS WEST, A DISTANCE OF 438.08 FEET, TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT THE 15 FOOT RIGHT OF WAY FOR ACME DAIRY ROAD, AS CONVEYED IN DEED BOOK 692, PAGE 78, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THE WEST 15 FEET OF TRACTS 8, 25, 40 AND 57, BLOCK 54, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE NORTH 30 FEET OF TRACT 8, BLOCK 54, AS CONTAINED IN DEED RECORDED IN DEED BOOK 113, PAGE 126, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

REVISED: AND LESS AND EXCEPT THAT REQUIRED RIGHT OF WAY AS REFERENCED ON INSTRUMENT RECORDED IN O. R. BOOK 1732, PAGE 612, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND LESS AND EXCEPT THAT CERTAIN STRIP OF LAND EXCEPTED IN DEED FROM LAKE WORTH DRAINAGE DISTRICT RECORDED IN DEED BOOK 697, PAGE 421, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

A STRIP OF LAND 40 FEET IN WIDTH ON EACH SIDE OF THE CENTER LINE OF THE COUNTY ROAD.

ALSO KNOWN AS:

BEING A PORTION OF TRACTS 7, 8, 25, 40 AND 57, ALL OF TRACTS 26, 39 AND 58,

BLOCK 54, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF 30-FOOT WIDE ROAD, DIKE AND DITCH RESERVATION, LYING BETWEEN SAID TRACTS 25, 26, 39 AND 40, BLOCK 54, AS RECORDED IN OFFICIAL RECORDS BOOK 10738, PAGE 289 OF SAID PUBLIC RECORDS, LYING IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 7, BLOCK 54; THENCE ALONG THE EAST LINE OF SAID TRACT 7, BLOCK 54, S00°25'41"E, A DISTANCE OF 86.97 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF PARCEL 106, AS DESCRIBED ON OFFICIAL RECORDS BOOK 6366, PAGE 721 OF SAID PUBLIC RECORDS AND TO THE POINT OF BEGINNING; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE AND THE EAST RIGHT-OF-WAY LINE OF SAID PARCEL 106, THE FOLLOWING FOUR (4) COURSES AND DISTANCES: SAID POINT BEING ON THE CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N03°33'25"W, A RADIAL DISTANCE OF 7,774.44 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 02°36'22", A DISTANCE OF 353.62 FEET; THENCE S89°02'57"W, A DISTANCE OF 279.79 FEET TO A POINT ON THE LINE 25.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 8, BLOCK 54; THENCE ALONG SAID PARALLEL LINE, S00°23'24"E, A DISTANCE OF 343.46 FEET; THENCE S89°34'27"W, A DISTANCE OF 10.00 FEET TO A POINT ON THE LINE 15.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 8, BLOCK 54; THENCE ALONG SAID PARALLEL LINE AND A LINE 15.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 25, BLOCK 54 AND THE SOUTHERLY PROLONGATION THEREOF AND SAID TRACTS 40 AND 57, BLOCK 54, S00°23'24"E, A DISTANCE OF 2,311.05 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 57, BLOCK 54; THENCE ALONG THE SOUTH LINE OF SAID TRACTS 57 AND 58, BLOCK 54 AND ALONG THE NORTH LINE OF 30.00 FEET LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 1585, PAGE 505 OF SAID PUBLIC RECORDS, N89°36'22"E, A DISTANCE OF 644.96 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 58, BLOCK 54; THENCE ALONG THE EAST LINE OF SAID TRACTS 58 AND 39, BLOCK 54 AND THE NORTHERLY PROLONGATION THEREOF AND SAID TRACTS 26 AND 7, BLOCK 54, N00°25'41"W, A DISTANCE OF 2,668.71 FEET TO THE POINT OF BEGINNING.

MUPD CONTAINING 1,709,166 SQUARE FEET OR 39.2370 ACRES, MORE OR LESS.

DEVELOPMENT PARCEL:

BEING A PORTION OF TRACTS 7, 8, 25, 26, 39 AND 40, BLOCK 54, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF 30-FOOT WIDE ROAD, DIKE AND DITCH RESERVATION, LYING BETWEEN SAID TRACTS 25, 26, 39 AND 40, BLOCK 54 AS RECORDED IN OFFICIAL RECORDS BOOK 10738, PAGE 289 OF SAID PUBLIC RECORDS, LYING IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 7, BLOCK 54; THENCE ALONG THE EAST LINE OF SAID TRACT 7, BLOCK 54, S00°25'41"E, A DISTANCE OF 136.11 FEET TO THE POINT OF BEGINNING; THENCE S86°36'43"W, A DISTANCE OF 82.58 FEET; THENCE S00°34'45"E, A DISTANCE OF 36.08 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S76°52'34"W, A RADIAL DISTANCE OF 1,491.63 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07°03'04", A DISTANCE OF 183.56 FEET TO A POINT OF NON-TANGENCY; THENCE S00°24'19"E, A DISTANCE OF 52.05 FEET; THENCE N89°49'42"W, A DISTANCE OF 385.87 FEET; THENCE S32°24'33"W, A DISTANCE OF 180.97 FEET; THENCE S00°12'36"E, A DISTANCE OF 388.15 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE

TO THE LEFT, OF WHICH THE RADIUS POINT LIES S83°00'11"E, A RADIAL DISTANCE OF 635.89 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 15°27'00", A DISTANCE OF 171.47 FEET TO A POINT OF NON-TANGENCY; THENCE S00°48'42"E, A DISTANCE OF 286.33 FEET; THENCE S89°26'40"W, A DISTANCE OF 53.80 FEET; THENCE N56°12'56"W, A DISTANCE OF 11.12 FEET; THENCE N00°45'31"W, A DISTANCE OF 41.78 FEET; THENCE S89°41'19"W, A DISTANCE OF 44.98 FEET TO A POINT OF INTERSECTION WITH THE LINE 15.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 25, BLOCK 54; THENCE ALONG SAID PARALLEL LINE AND SOUTHERLY PROLONGATION THEREOF AND ALONG A LINE 15.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 40, BLOCK 54, S00°23'24"E, A DISTANCE OF 125.11 FEET; THENCE N89°36'36"E, A DISTANCE OF 44.85 FEET; THENCE N01°01'50"E, A DISTANCE OF 19.63 FEET; THENCE N38°27'37"E, A DISTANCE OF 14.43 FEET; THENCE N89°46'32"E, A DISTANCE OF 53.83 FEET; THENCE S00°12'35"W, A DISTANCE OF 195.09 FEET; THENCE S84°09'10"E, A DISTANCE OF 109.43 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N83°21'58"W, A RADIAL DISTANCE OF 4,767.04 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 04°52'12", A DISTANCE OF 405.18 FEET TO A POINT OF NON-TANGENCY; THENCE N11°20'18"W, A DISTANCE OF 212.78 FEET; THENCE N11°47'23"E, A DISTANCE OF 174.22 FEET; THENCE N89°30'49"E, A DISTANCE OF 82.83 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N77°52'33"E, A RADIAL DISTANCE OF 140.10 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 51°27'12", A DISTANCE OF 125.81 FEET TO A POINT OF NON-TANGENCY; THENCE S00°22'12"E, A DISTANCE OF 663.73 FEET; THENCE S24°02'35"W, A DISTANCE OF 218.95 FEET; THENCE N89°42'11"W, A DISTANCE OF 116.38 FEET; THENCE S00°25'36"E, A DISTANCE OF 129.33 FEET; THENCE S89°56'14"E, A DISTANCE OF 451.02 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 39, BLOCK 54; THENCE ALONG SAID EAST LINE OF TRACT 39, BLOCK 54 AND THE NORTHERLY PROLONGATION THEREOF AND ALONG THE EAST LINE OF SAID TRACTS 26 AND 7, BLOCK 54, N00°25'41"W, A DISTANCE OF 1,828.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 672,517 SQUARE FEET OR 15.4389 ACRES, MORE OR LESS.

PRESERVE PARCEL 1:

BEING A PORTION OF TRACTS 7, 8 AND 25, BLOCK 54, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 7, BLOCK 54; THENCE ALONG THE EAST LINE OF SAID TRACT 7, BLOCK 54, S00°25'41"E, A DISTANCE OF 136.11 FEET; THENCE S86°36'43"W, A DISTANCE OF 82.58 FEET TO THE POINT OF BEGINNING; THENCE S86°36'43"W, A DISTANCE OF 29.27 FEET; THENCE S87°21'36"W, A DISTANCE OF 147.33 FEET; THENCE N74°16'16"W, A DISTANCE OF 42.58 FEET; THENCE S89°02'28"W, A DISTANCE OF 153.05 FEET; THENCE S89°02'57"W, A DISTANCE OF 150.58 FEET; THENCE S83°55'01"W, A DISTANCE OF 29.93 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF PARCEL 106, AS DESCRIBED ON OFFICIAL RECORDS BOOK 6366, PAGE 721 OF SAID PUBLIC RECORDS AND TO A POINT ON THE LINE 25.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 8, BLOCK 54; THENCE ALONG SAID PARALLEL LINE AND SAID EAST RIGHT-OF-WAY LINE, S00°23'24"E, A DISTANCE OF 302.78 FEET; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, S89°34'27"W, A DISTANCE OF 10.00 FEET TO A POINT ON THE LINE 15.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 8, BLOCK 54; THENCE ALONG SAID PARALLEL LINE AND ALONG THE LINE 15.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID

TRACT 25, BLOCK 54, S00°23'24"E, A DISTANCE OF 910.79 FEET; THENCE N89°41'19"E, A DISTANCE OF 44.98 FEET; THENCE S00°45'31"E, A DISTANCE OF 41.78 FEET; THENCE S56°12'56"E, A DISTANCE OF 11.12 FEET; THENCE N89°26'40"E, A DISTANCE OF 53.80 FEET; THENCE N00°48'42"W, A DISTANCE OF 286.33 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N81°32'50"E, A RADIAL DISTANCE OF 635.89 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 15°27'00", A DISTANCE OF 171.47 FEET TO A POINT OF NON-TANGENCY; THENCE N00°12'36"W, A DISTANCE OF 388.15 FEET; THENCE N32°24'33"E, A DISTANCE OF 180.97 FEET; THENCE S89°49'42"E, A DISTANCE OF 385.87 FEET; THENCE N00°24'19"W, A DISTANCE OF 52.05 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S83°55'38"W, A RADIAL DISTANCE OF 1,491.63 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07°03'04", A DISTANCE OF 183.56 FEET; THENCE N00°34'45"W, A DISTANCE OF 36.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 261,749 SQUARE FEET OR 6.0089 ACRES, MORE OR LESS.

PRESERVE PARCEL 2:

BEING A PORTION OF TRACTS 25, 26, 39 AND 40, BLOCK 54, AND ALL OF TRACTS 57 AND 58, BLOCK 54, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF 30-FOOT WIDE ROAD, DIKE AND DITCH RESERVATION, LYING BETWEEN SAID TRACTS 25, 26, 39 AND 40, BLOCK 54 AS RECORDED IN OFFICIAL RECORDS BOOK 10738, PAGE 289 OF SAID PUBLIC RECORDS, LYING IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 58, BLOCK 54; THENCE ALONG THE EAST LINE OF SAID TRACTS 58 AND 39, BLOCK 54, N00°25'41"W, A DISTANCE OF 790.83 FEET; THENCE N89°56'14"W, A DISTANCE OF 451.02 FEET; THENCE N00°25'36"W, A DISTANCE OF 129.33 FEET; THENCE S89°42'11"E, A DISTANCE OF 116.38 FEET; THENCE N24°02'35"E, A DISTANCE OF 218.95 FEET; THENCE N00°22'12"W, A DISTANCE OF 663.73 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N26°25'21"E, A RADIAL DISTANCE OF 140.10 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 51°27'12", A DISTANCE OF 125.81 FEET TO A POINT OF NON-TANGENCY; THENCE S89°30'49"W, A DISTANCE OF 82.83 FEET; THENCE S11°47'23"W, A DISTANCE OF 174.22 FEET; THENCE S11°20'18"E, A DISTANCE OF 212.78 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N88°14'10"W, A RADIAL DISTANCE OF 4,767.04 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 04°52'12", A DISTANCE OF 405.18 FEET TO A POINT OF NON-TANGENCY; THENCE N84°09'10"W, A DISTANCE OF 109.43 FEET; THENCE N00°12'35"E, A DISTANCE OF 195.09 FEET; THENCE S89°46'32"W, A DISTANCE OF 53.83 FEET; THENCE S38°27'37"W, A DISTANCE OF 14.43 FEET; THENCE S01°01'50"W, A DISTANCE OF 19.63 FEET; THENCE S89°36'36"W, A DISTANCE OF 44.85 FEET TO A POINT OF INTERSECTION WITH THE LINE 15.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 40, BLOCK 54; THENCE ALONG SAID PARALLEL LINE AND ALONG THE LINE 15.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 57, BLOCK 54, S00°23'24"E, A DISTANCE OF 1,275.15 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT 57, BLOCK 54 AND WITH THE NORTH LINE OF 30-FOOT WIDE LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 1585, PAGE 505 OF SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTH LINE OF TRACT 57, BLOCK 54 AND ALONG THE SOUTH LINE OF SAID TRACT 58, BLOCK 54 AND ALONG SAID NORTH RIGHT-OF-WAY LINE, N89°36'22"E, A DISTANCE OF 644.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 747,516 SQUARE FEET OR 17.1606 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

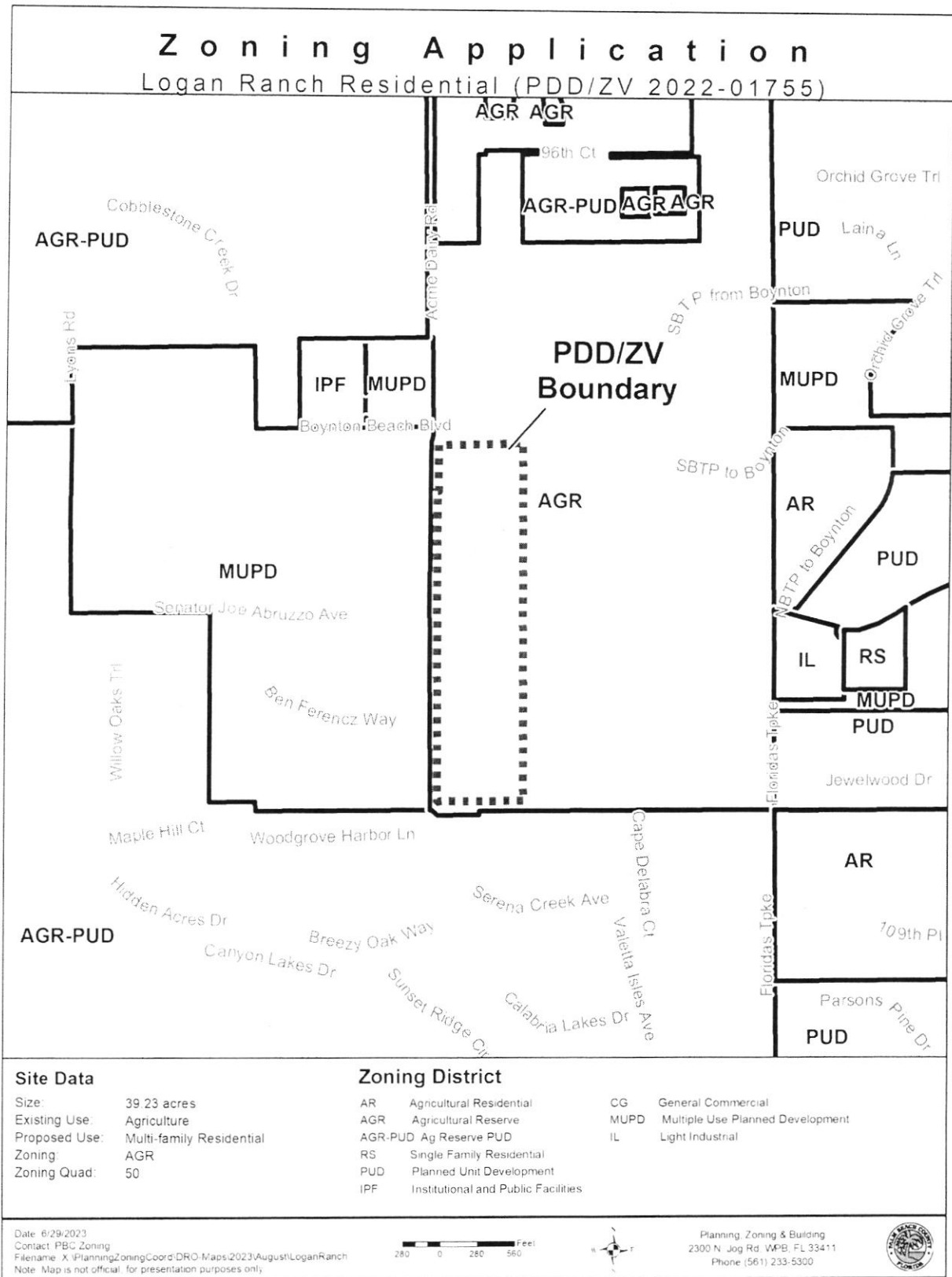


EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Plan is dated June 15, 2023. 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. (ONGOING: ZONING – Zoning)
2. Prior to final approval by the DRO, the Site Plan shall be revised to remove references to Townhouses, as the proposed development is Multifamily. (DRO: ZONING– Zoning)
3. Prior to final approval by the DRO, the Site Plan shall be revised to indicate the use of the Preserve area as a Passive Park or agricultural uses, including but not limited to Community Garden. (DRO: ZONING – Zoning)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2027, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)
2. The Property Owner shall construct:
 - i) right turn lane west approach on Boynton Beach Blvd at project entrance
 - ii).left turn lane north approach on Acme Dairy Rd at project entrance.

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. Length of these turn lanes shall be as required and approved by the permitting agencies.

a. Permits required from FDOT for construction in i and from Palm Beach County for construction in ii shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

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

3. A “Do Not Block the Intersection” (or similar) sign shall be placed at the intersection of Acme Dairy Rd and Joe Abruzzo Ave, as approved by the County Engineer. This should be done prior to obtaining first CO for the project. (BLDGPMT/CO: MONITORING- Engineering)

4. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lots of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

5. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

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

6. Property Owner shall construct a minimum 5 foot wide concrete sidewalk along the east side of Acme Dairy Road from the Acme Dairy Road entrance (aligned wth Senator Joe Abruzzo Avenue) to connect to the Boynton Beach Boulevard sidewalk. 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. The sidewalk shall be

completed prior to the issuance of the first certificate of occupancy. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (CO: MONITORING - Engineering)

7. The Property Owner shall obtain a Land Development Permit for the construction of the onsite drainage system prior to the recordation of the plat.(PLAT: ENGINEERING - Engineering)

8. Project drainage required to meet water quality and volumetric requirements constructed within the preserve area is limited to 10% of the preserve area acreage.(ONGOING: ENGINEERING – Engineering)

9. Prior to the approval of the Final Site Plan by the Development Review Officer, the Property Owner shall submit an updated drainage statement. The updated drainage statement shall update the acreages, remove language regarding water quality being met by the wetlands, and specify that the site drainage constructed within the wetland will be limited to 10% of the preserve parcel acreage. (DRO: ENGINEERING – Engineering)

ENVIRONMENTAL

1. Prior to the final approval by the Development Review Officer, a Preserve Management Plan for the 23.17 acre Preserve and Water Management Parcel(s) shall be provide to the Department of Environmental Resources Management for review and approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to the final approval by the Development Review Officer, a Phase II Environmental Site Assessment shall be provided to the Department of Environmental Resources Management for review. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. The littoral area(s) to be depicted on the Plan(s) shall be consistent with the associated, recorded Restrictive Covenant Agreement. (PLAT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - GENERAL

1. Prior to final approval by the DRO, the Applicant shall provide landscape details of the perimeter buffers along each property line on the Regulating Plan. (DRO: ZONING– ZONING)

LANDSCAPE – GENERAL Preserve Area

2. Landscaping interior to the areas identified on the site plan as Passive Park will be compliant with the Public Park requirements of Art 5. Prior to final approval by the DRO, a typical planting detail shall be provided on the Regulating Plan to include canopy trees to be provided along the walking trail to provide shade. Trees planted on interchanging sides of the path with minimum 50 foot spacing. (DRO: ZONING- Zoning)

LANDSCAPE – GENERAL

3. Prior to the issuance of a building permit, the Landscape Plans shall be design to have a similar planting along Acme Dairy Road as provided with the residential development to the south. This will provide for a consistent frontage landscaping pattern along the road. (BLDG PERMIT: ZONING – Zoning)

4. In order to implement policies for a sustainable land use pattern, where palms or pines are required, pursuant to Article 7, no more than 25% shall be planted as Palms. The Property Owner shall use Pines or canopy trees. (ONGOING/BLDG PERMIT: ZONING– Zoning)

LANDSCAPE – PERIMETER – DEVELOPMENT AREA EAST PROPERTY LINE

5. Prior to final approval by the DRO, the perimeter buffer along the east property line shall be revised to be a Type 3 Incompatibility buffer, consistent with the agricultural development to the east. Should the adjacent development to the east be approved for a use other than agriculture, the buffer may be revised administratively to the Code required buffer for the specific use. (DRO: ZONING – Zoning)

LANDSCAPE – PERIMETER – PRESERVE AREA EAST PROPERTY LINE

6. Prior to final approval by the DRO, the southern ~791 feet of the east property line will be revised to depict a Compatibility buffer. (DRO: ZONING – Zoning)

PLANNING

1. Per LGA 2023-014 condition 1, the subject site shall be limited to a maximum of 314 dwelling units. (ONGOING-PLANNING-Planning)

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2. Per LGA 2023-014 condition 2, the zoning development order shall require a minimum of 25% of the total dwelling units to be built as onsite workforce housing units. These workforce housing units shall be evenly distributed among four income categories for households ranging from 60 to 140% of area median income, and subject to the requirements of Article 5.G.1 of the Unified Land Development Code. (ONGOING-PLANNING-Planning)

3. Per FLUE Policy 1.5.1-j.7.g, the exchange of preserve areas shall be prohibited. (ONGOING-PLANNING-Planning)

4. Prior to Final Approval by the Development Review Officer (DRO), all applicable plans and documents shall be updated to be consistent with what was adopted by the Board of County Commissioners (BCC). (DRO: PLANNING- Planning)

5. Prior to Final Approval by the Development Review Officer (DRO), the Conservation Easements for each of the Preserve parcels shall be recorded, as approved by the County Attorney's Office and the Planning Division.

a. The conservation easements for all of these preserve parcels shall contain:

- 1) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;
- 2) a list of permitted uses, uses not permitted, and prohibited activities.

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

6. Title Insurance for the AGR Preserve Conservation Easement is based on the cost of a multi-family Transfer of Development Right (TDR) in effect at the time PDD-2022-1755 was deemed sufficient (January 9, 2023). Accordingly, the cost will be \$29,400 per acre for the area within the AGR Preserve Conservation Easement. (ONGOING-PLANNING-Planning)

7. Prior to Final Approval by the Development Review Officer (DRO), submit a Preserve Management Plan. The management plan shall contain a legal description and sketch of the parcel, an inventory of existing uses and environmental assets on the site, and a plan for exotic removal and maintenance. The management plan shall be reviewed and approved by the Planning Division. (DRO: PLANNING-Planning)

8. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall provide a Preserve Passive Park and Wetland/WMT Landscape Plan, for the entire Preserve area, subject to approval by the Planning Division. The plans shall include a minimum of 60% native shrubs and a minimum of 90% native trees and palms for the minimum required trees, palms and shrubs and a full plant species list. For those areas containing the WMT and wetland, submit an affidavit from an Environmental Professional that corresponds to the plans demonstrating how the environmental features are to be constructed consistent with the intent of FLUE Policy 1.5.1-j.7-4. (DRO: PLANNING-Planning)

9. Per the Comprehensive Plan FLUE Policy 1.5.1-j.7.b.4.(b) for storm-water management purposes: water management tracts within the preserve area taking drainage from the development area, are limited to no more than 10% of the total project preserve area. (ONGOING: PLANNING-Planning)

10. The subject request for 314 units with a 79 unit Workforce Housing Program (WHP) obligation was calculated based on Conditions within LGA 2023-014 requiring 25% of the total units for WHP, with the WHP units to be rental and be provided onsite. (ONGOING: PLANNING - Planning)

11. The Developer shall notify the Planning Division and The Department of Housing and Economic Development (DHED) at the commencement of leasing. (ONGOING: PLANNING - Planning)

12. Prior to the issuance of the first residential Building Permit, the Property Owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney. The site plan shall also be modified to include the OR Book and Page of the recorded document and provide a copy of the revised site plan to Planning. (BLDGPM: MONITORING - Planning)

13. Prior to the release of the first building permit, the Developer shall provide documentation

demonstrating compliance with the required design standards: compatible exteriors, provision of a dry model. (BLDGPMPT: MONITORING - Planning)

14. Prior to the release of the 3rd Building Permit (117 units), fifty percent (50%) of WHP units (39) must receive certificates of occupancy. All plans and covenants must be consistent with what has been constructed, and shall be amended if necessary (BLDGPMPT: MONITORING - Planning)

15. Prior to the release of the 5th Building Permit (199 units), all WHP units (79) must receive Certificates of Occupancy (CO). All plans and covenants must be consistent with what has been constructed, and shall be amended if necessary. (BLDGPMPT: MONITORING - Planning)

16. Should more than 50% of the Building Permit be issued simultaneously, then the initial Certificates of Occupancy (COs) that are released will be attributable to the WHP obligation. (ONGOING: PLANNING - Planning)

17. Uses proposed in the preserve area are subject to the limitations in Comprehensive Plan FLUE Policy 1.5.1-j.7 and if required, shall be accompanied by documentation by all applicable agencies. (ONGOING-PLANNING-Planning)

18. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded cross access easement agreement for the locations depicted on the site plans for both vehicular and pedestrian cross access to the development area and preserve. (DRO: PLANNING-Planning)

19. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to add the Official records book and page number for the recorded cross access easement. (DRO: PLANNING – Planning)

20. Prior to the release of the Certificate of Occupancy, the Property Owner shall construct, and pave to the property line, the cross access as shown on the Site Plan. (CO: MONITORING – Planning)

SCHOOL BOARD

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

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board)

SITE DESIGN

1. Prior to final approval by the DRO, the Applicant will need to provide a revised Justification Statement and/or Plan that describes and depicts consistent numbers for the proposed parking. (DRO: 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: ZONING - Monitoring)

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

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Monitoring)

DISCLOSURE

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