

RESOLUTION NO. R-2024- 0863

RESOLUTION APPROVING ZONING APPLICATION ABN/PDD/CA-2023-00996
(CONTROL NO. 1977-00052)
a Class A Conditional Use
APPLICATION OF Alex Martin, True Shot LLC - William Marcacci, True Shot
BY WGINC, AGENT
(Cypress Creek PUD)

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 ABN/PDD/CA-2023-00996, the Application of Toll Brothers, Inc., and True Shot LLC - William Marcacci, by WGINC, Agent, for a Development Order Abandonment to Abandon a Special Exception to allow a Golf Course, Clubhouse and Accessory facilities on 130.30 acres; an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District in part on 121.09 acres and the Single Family Residential (RS) Zoning District in part on 1.47 acres to the Planned Unit Development (PUD) Zoning District on 122.56 acres; and for a Class A Conditional Use to allow Type 2 Excavation with removal of more than ten percent of the extracted material from the site on 122.56 acres, was presented to the Board of County Commissioners at a public hearing conducted on July 17, 2024;

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 a Class A Conditional Use;

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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application ABN/PDD/CA-2023-00996, the Application of Toll Brothers, Inc., and True Shot LLC - William Marcacci, by WGINC, Agent, for a Class A Conditional Use to allow Type 2 Excavation with removal of more than ten percent of the extracted material from the site on 122.56 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 July 17, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on July 17, 2024.

Filed with the Clerk of the Board of County Commissioners on July 24, 2024.

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:

JOSEPH ABRUZZO,
CLERK & COMPTROLLER


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION PUD

PARCEL I:

ALL OF THE PLAT OF CYPRESS CREEK GOLF COURSE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 35, PAGE 106, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

LESS ANY EXCEPTING THEREFROM THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED FROM WEAVER DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, TO THE CITY OF BOYNTON BEACH BY THOSE QUIT-CLAIM DEEDS DATED MARCH 23, 1981, RECORDED MAY 15, 1981, IN OFFICIAL RECORDS BOOK 3522, PAGE 1056 AND OFFICIAL RECORDS BOOK 3522, PAGE 1069.

ALSO LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED FROM WEAVER DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, TO CYPRESS CREEK BUILDERS, INC., A FLORIDA CORPORATION BY THAT WARRANTY DEED DATED JUNE 8, 1984, RECORDED JUNE 26, 1984, IN OFFICIAL RECORDS BOOK 4279, PAGE 258.

ALSO LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED FROM WEAVER DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, TO CURTIS A. WEAVER, SR., AND ALICE W. WEAVER, HIS WIFE, BY WARRANTY DEED DATED OCTOBER 4, 1997, RECORDED NOVEMBER 12, 1997, IN OFFICIAL RECORDS BOOK 10077, PAGE 1617.

ALSO LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY IDENTIFIED AS PARCEL 36A IN THAT STIPULATED ORDER OF TAKING AND FINAL JUDGMENT FILED IN PALM BEACH COUNTY CIRCUIT COURT UNDER CASE NO. CL-89-840-AI AND RECORDED IN OFFICIAL RECORDS BOOK 6054, PAGE 1087.

ALSO LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED FROM WEAVER DEVELOPMENT CORPORATION TO MELVIN E. WEAVER AND CHARLOTTE T. WEAVER, HIS WIFE BY THAT WARRANTY DEED DATED MAY 10, 1985, RECORDED IN OFFICIAL RECORDS BOOK 6062, PAGE 1996, RE-RECORDED IN OFFICIAL RECORDS BOOK 6083, PAGE 524.

ALSO LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY SET FORTH ON THE PLAT OF CYPRESS VILLAS, RECORDED IN PLAT BOOK 28, PAGE 126, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL II:

TOGETHER WITH A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF CYPRESS CREEK GOLF COURSE, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID NORTHWEST CORNER ALSO BEING A POINT ON THE SOUTH LINE OF PALO VERDE DRIVE AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 1031, PAGE 338, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE NORTH 00° 00' 00" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 5206, PAGE 146, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 40.00 FEET; TO A POINT ON THE NORTH LINE OF SAID PALO VERDE DRIVE AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°00' 00" EAST ALONG SAID EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 220.00 FEET; TO A POINT ON THE SOUTH LINE OF THE BOYNTON CANAL AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 1982, PAGE 950, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89° 51' 45" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 329.36 FEET;; THENCE SOUTH 00° 08' 15" EAST (DEPARTING FROM SAID SOUTH LINE OF THE BOYNTON CANAL), A

DISTANCE OF 100.00 FEET; TO A POINT ON THE NORTH LINE OF SAID PALO VERDE DRIVE; THENCE SOUTH 89° 51' 45" WEST ALONG SAID NORTH LINE A DISTANCE OF 50.00 FEET; TO A POINT ON THE WEST LINE OF SAID PALO VERDE DRIVE; THENCE SOUTH 00° 08' 15" EAST ALONG SAID WEST LINE A DISTANCE OF 90.00 FEET; TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 30.00 FEET;; THENCE SOUTHWESTERLY (DEPARTING FROM SAID WEST LINE OF PALO VERDE DRIVE) ALONG THE ARC OF SAID CURVE, A DISTANCE OF 47.12 FEET; TO THE POINT OF TANGENCY, SAID POINT ALSO BEING A POINT ON THE SAID NORTH LINE OF PALO VERDE DRIVE; THENCE SOUTH 89° 51' 45" WEST ALONG SAID NORTH LINE, A DISTANCE OF 249.88 FEET; TO THE POINT OF BEGINNING.

PARCEL III:

TOGETHER WITH A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY END OF THAT CERTAIN 165.00 FOOT COURSE BEARING SOUTH 36° 34'05" EAST AS SAME IS SHOWN ON CYPRESS CREEK GOLF COURSE, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (SAID NORTHWESTERLY END ALSO BEING A POINT ON THE SOUTH LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL 23 AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 3548, PAGE 1381, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA), RUN THENCE NORTH 89° 55' 55" EAST ALONG SAID SOUTH LINE OF CANAL 23, A DISTANCE OF 60.00 FEET;; THENCE SOUTH 07° 47' 53" WEST (DEPARTING FROM SAID SOUTH LINE), A DISTANCE OF 68.98 FEET; TO A POINT ON THE NORTHEASTERLY LINE OF SAID CYPRESS CREEK GOLF COURSE; THENCE NORTH 36° 34' 05" WEST ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 85.00 FEET; TO THE POINT OF BEGINNING.

PARCEL IV:

TOGETHER WITH A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY END OF THAT CERTAIN 165.00 FOOT COURSE BEARING SOUTH 34° 34' 05" EAST AS SAME IS SHOWN ON CYPRESS CREEK GOLF COURSE, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN THENCE NORTH 36° 34' 05" WEST ALONG THE NORTHEASTERLY LINE OF SAID CYPRESS CREEK GOLF COURSE, A DISTANCE OF 20.00 FEET;; THENCE SOUTH L 67° 23' 15" EAST (DEPARTING FROM SAID NORTHEASTERLY LINE OF CYPRESS CREEK GOLF COURSE), A DISTANCE OF 176.17 FEET;; THENCE SOUTH 51° 23' 23" EAST, A DISTANCE OF 122.48 FEET; TO A POINT ON THE SAID NORTHEASTERLY LINE OF CYPRESS CREEK GOLF COURSE, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE (A RADIAL LINE PASSING THROUGH SAID POINT BEARS SOUTH 16° 59' 41" WEST) HAVING A RADIUS OF 160.00 FEET;; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE SAID NORTHEASTERLY LINE OF CYPRESS CREEK GOLF COURSE, A DISTANCE OF 69,80 FEET;; THENCE NORTH 36° 34' 05" WEST CONTINUING ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 208.50 FEET; TO THE POINT OF BEGINNING.

PARCEL V:

EASEMENT FOR THE OPERATION AND MAINTENANCE OF CYPRESS CREEK GOLF COURSE GRANTED BY WEAVER DEVELOPMENT CORPORATION, A FLORIDA CORPORATION TO GOLF TRUST OF AMERICA, L.P., A DELAWARE LIMITED PARTNERSHIP, DATED SEPTEMBER 16, 1998, RECORDED OCTOBER 1, 1998 IN OFFICIAL RECORDS BOOK 10667, PAGE 573, ON AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:

PALO VERDE DRIVE

BEING ALL THAT PORTION OF PALO VERDE DRIVE AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 1031, PAGE 338, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 5206, PAGE 1465, PUBLIC RECORDS OF PALM BEACH COUNTY, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 5206, PAGE 1465, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING WEST OF THE WEST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1204, PAGE 401 AND OFFICIAL RECORDS BOOK 9346, PAGE 34, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CARYOTA DRIVE

BEING ALL THAT PORTION OF CARYOTA DRIVE AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 1031, PAGE 332, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BOUNDED AS FOLLOWS:

ON THE NORTH BY THE SOUTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10022, PAGE 962 AND OFFICIAL RECORDS BOOK 2302, PAGE 1675, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE EAST BY CYPRESS CREEK GOLF COURSE, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE SOUTH BY THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4782, PAGE 1248 AND OFFICIAL RECORDS BOOK 9522, PAGE 1819, PUBLIC RECORDS OF PALM BEACH BY THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4782, PAGE 1248 AND OFFICIAL RECORDS BOOK 9522, PAGE 1819, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE WEST BY CYPRESS CREEK GOLF COURSE, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CROSS CREEK DRIVE

BEING ALL THAT PORTION OF CROSS CREEK DRIVE AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 8624, PAGE 285, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BOUNDED AS FOLLOWS:

ON THE NORTHWEST BY THE SOUTHEAST LINE OF THOSE LANDS KNOWN AS LOT 25-8 AND FURTHER DESCRIBED IN OFFICIAL RECORDS BOOK 10592, PAGE 1665 AND THE SOUTHEAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 6062, PAGE 1996, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE NORTHEAST BY CYPRESS CREEK GOLF

COURSE, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE SOUTH BY THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9140, PAGE 465 AND OFFICIAL RECORDS BOOK 6072, PAGE 1991, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE SOUTHWEST BY CYPRESS CREEK GOLF COURSE, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

FOX TRACE

BEING ALL THAT PORTION OF FOX TRACE AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 4294, PAGE 1690, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BOUNDED AS FOLLOWS:

ON THE NORTHWEST BY THE SOUTHEAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9144, PAGE 450 AND OFFICIAL RECORDS BOOK 5457, PAGE 282, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE NORTHWEST BY CYPRESS CREEK GOLF COURSE, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE EAST BY THE WEST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4129, PAGE 469 AND OFFICIAL RECORDS BOOK 6393, PAGE 1138, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE SOUTHWEST BY CYPRESS CREEK GOLF COURSE, PLAT 4129, PAGE 469 AND OFFICIAL RECORDS BOOK 6393, PAGE 1138, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE SOUTHWEST BY CYPRESS CREEK GOLF COURSE, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO DESCRIBED AS:

BEING A PORTION OF CYPRESS CREEK COUNTRY CLUB, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF SECTION 24, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA, DESCRIBED AS FOLLOWS:

PARCEL I

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24, RUN THENCE NORTH 00°05'35" WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 954.36 FEET;; THENCE NORTH 89°54'25" EAST (DEPARTING FROM SAID WEST LINE), A DISTANCE OF 60.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL AND THE POINT OF BEGINNING; THENCE NORTH 44° 49' 53" EAST DEPARTING FROM SAID RIGHT-OF-WAY LINE, A DISTANCE OF 35.73 FEET TO A POINT ON THE PLAT BOUNDARY LINE OF SAID CYPRESS CREEK COUNTRY CLUB; THENCE NORTH 89° 45' 46" EAST ALONG SAID PLAT BOUNDARY LINE, DISTANCE OF 1890.04 FEET;; THENCE SOUTH 12° 58' 24" EAST CONTINUING ALONG SAID PLAT BOUNDARY LINE, A DISTANCE OF 116.61 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 87°17'45", A DISTANCE OF 38.09 FEET; THENCE NORTH 79° 42' 55" EAST, A DISTANCE OF 90.91 FEET; THENCE NORTH 65° 51' 46" EAST, A DISTANCE OF 209.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 375.00'; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°54'00" A DISTANCE OF 156.43 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89° 45' 46" EAST, A DISTANCE OF 427.68 FEET;; THENCE SOUTH 02° 45' 16" WEST, A DISTANCE OF 554.99 FEET; TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 220.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 85°01'41", A DISTANCE OF 326.48' FEET TO THE POINT OF TANGENCY; THENCE SOUTH 16° 41' 49" EAST (DEPARTING FROM SAID PLAT BOUNDARY LINE) A DISTANCE OF 106.22 FEET TO A POINT ON SAID PLAT BOUNDARY LINE; THENCE SOUTH 00° 10' 04" EAST ALONG SAID PLAT BOUNDARY LINE, A DISTANCE OF 97.59 FEET; THENCE NORTH 89° 49' 57" EAST CONTINUING ALONG SAID PLAT BOUNDARY LINE, A DISTANCE OF 800.02 FEET TO A POINT ON A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 210.0 FEET A RADIAL LINE PASSING THROUGH SAID POINT BEARS NORTH 89° 49' 57" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 62°44'59", A DISTANCE OF 229.99 FEET TO THE END OF SAID CURVE; THENCE NORTH 62° 55' 04" WEST, A DISTANCE OF 531.94 FEET; THENCE NORTH 50° 11' 29" WEST, A DISTANCE OF 491.61 FEET; THENCE NORTH 02° 45' 16" EAST, A DISTANCE OF 236.04 FEET; THENCE NORTH 00° 14' 15" WEST, A DISTANCE OF 1.04 FEET; THENCE NORTH 89° 45' 46" EAST, A DISTANCE OF 300.05 FEET; THENCE SOUTH 00° 14' 14" EAST, A DISTANCE OF 190.00 FEET; THENCE SOUTH 66° 07' 53" EAST, A DISTANCE OF 515.75 FEET; THENCE SOUTH 53° 10' 04" EAST, A DISTANCE OF 327.94 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 250.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 103°29'12", A DISTANCE OF 451.55 FEET TO THE POINT OF TANGENCY; THENCE NORTH 23° 20' 38" EAST, A DISTANCE OF 544.32 FEET; THENCE NORTH 89° 45' 46" EAST, A DISTANCE OF 360.00 FEET; THENCE SOUTH 11° 14' 14" EAST, A DISTANCE OF 90.00 FEET; THENCE SOUTH 13° 34' 55" WEST, A DISTANCE OF 801.83 FEET; THENCE SOUTH 32° 19' 56" WEST, A DISTANCE OF 536.40 FEET; THENCE SOUTH 00° 35' 59" WEST, A DISTANCE OF 128.60 FEET; THENCE SOUTH 10° 35' 59" EAST, A DISTANCE OF 209.98 FEET; THENCE SOUTH 00° 09' 29" EAST, A DISTANCE OF 260.00 FEET; THENCE SOUTH 89° 50' 31" WEST, A DISTANCE OF 129.99 FEET; THENCE NORTH 45° 05' 59" WEST, A DISTANCE OF 177.68 FEET TO A POINT ON A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 140.00 FEET; A RADIAL LINE PASSING THROUGH SAID POINT BEARS NORTH 64° 20' 54" WEST), THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 107°45'05", A DISTANCE OF 263.29 FEET; THENCE NORTH

82° 05' 59" WEST, A DISTANCE OF 243.45 FEET; THENCE NORTH 87° 35' 59" WEST, A DISTANCE OF 263.45 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 310.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°00'00", A DISTANCE OF 156.91 FEET; THENCE NORTH 58° 35' 59" WEST, A DISTANCE OF 305.70 FEET; THENCE NORTH 81° 05' 59" WEST, A DISTANCE OF 160.70 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 140.00 FEET; THENCE WESTERLY, SOUTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 180°00'00", A DISTANCE OF 439.82 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 81° 05' 59" EAST, A DISTANCE OF 105.00 FEET; THENCE SOUTH 58° 35' 59" EAST, A DISTANCE OF 250.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 590.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°00'00", A DISTANCE OF 298.63 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 87° 35' 59" EAST, A DISTANCE OF 250.00 FEET; THENCE SOUTH 82° 05' 59" EAST, A DISTANCE OF 230.02 FEET; THENCE SOUTH 62° 05' 59" EAST, A DISTANCE OF 129.81 FEET; THENCE NORTH 44° 54' 01" EAST, A DISTANCE OF 80.00 FEET; THENCE SOUTH 45° 05' 59" EAST, A DISTANCE OF 118.05 FEET; THENCE NORTH 89° 50' 31" EAST, A DISTANCE OF 16.59 FEET; THENCE SOUTH 00° 09' 29" EAST, A DISTANCE OF 100.14 FEET; THENCE SOUTH 89° 50' 31" WEST, A DISTANCE OF 1060.10 FEET; THENCE NORTH 63° 26' 21" WEST, A DISTANCE OF 823.12 FEET; THENCE NORTH 00° 10' 04" WEST, A DISTANCE OF 189.99 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 240.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 70°58'10", A DISTANCE OF 297.28 FEET TO THE END OF SAID CURVE; THENCE NORTH 15° 59' 56" EAST (DEPARTING FROM SAID PLAT BOUNDARY LINE), A DISTANCE OF 235.56 FEET; THENCE SOUTH 89° 49' 56" WEST, A DISTANCE OF 12.49 FEET TO A POINT ON SAID PLAT BOUNDARY LINE; THENCE NORTH 15° 59' 56" EAST ALONG SAID PLAT BOUNDARY LINE, A DISTANCE OF 623.27 FEET; THENCE NORTH 57° 30' 04" WEST CONTINUING ALONG SAID PLAT BOUNDARY LINE, A DISTANCE OF 96.64 FEET; THENCE SOUTH 67° 49' 01" WEST, A DISTANCE OF 1026.71 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 108.93 FEET; THENCE WESTERLY, SOUTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 157°59'05", A DISTANCE OF 300.36 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89° 49' 56" EAST, A DISTANCE OF 398.75 FEET; THENCE SOUTH 00° 10' 04" EAST, A DISTANCE OF 56.00 FEET; THENCE NORTH 89° 49' 56" EAST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 07° 41' 54" WEST, A DISTANCE OF 68.98 FEET; THENCE SOUTH 36° 40' 04" EAST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 67° 29' 14" EAST, A DISTANCE OF 176.17 FEET; THENCE SOUTH 51° 29' 22" EAST, A DISTANCE OF 122.48 FEET TO A POINT ON A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 200.00 FEET, (A RADIAL LINE PASSING THROUGH SAID POINT BEARS NORTH 15°59'56" EAST); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 73°49'29", A DISTANCE OF 257.70 FEET TO THE END OF SAID CURVE; THENCE SOUTH 89° 49' 56" WEST, A DISTANCE OF 860.00 FEET; THENCE NORTH 52° 53' 54" WEST, A DISTANCE OF 586.93 FEET; THENCE NORTH 71° 10' 04" WEST, A DISTANCE OF 300.00 FEET; THENCE SOUTH 89° 49' 56" WEST, A DISTANCE OF 343.13 FEET; THENCE NORTH 00° 05' 59" WEST, A DISTANCE OF 56.00 FEET; THENCE NORTH 89° 49' 56" EAST (DEPARTING FROM SAID PLAT BOUNDARY LINE), A DISTANCE OF 24.50 FEET; THENCE NORTH 38° 29' 53" WEST, A DISTANCE OF 261.44 FEET; THENCE SOUTH 51° 30' 07" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 38° 29' 53" WEST, A DISTANCE OF 212.74 FEET; THENCE SOUTH 89° 45' 46" WEST, A DISTANCE OF 235.45 FEET; TO POINT ON THE SAID EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE NORTH 00° 05' 35" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 591.78 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PARCEL II

BEING A PORTION OF SECTION 24, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24, RUN THENCE NORTH 00°05'35" WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 1019.60 FEET; THENCE NORTH 89°54'25" EAST (DEPARTING FROM SAID WEST LINE), A DISTANCE OF 60.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE NORTH 00°05'35" WEST ALONG THE EAST RIGHT-OF-WAY LINE, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°05'35" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 123.83 FEET; THENCE SOUTH 89°45'46" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL AS DESCRIBED IN OFFICIAL RECORDS BOOK 6054, PAGE 1092, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 6.00'; THENCE NORTH 00°05'35" WEST CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 71.17 FEET; THENCE NORTH 89°45'46" EAST (DEPARTING FROM SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 323.62 FEET; THENCE SOUTH 00°14'14" EAST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 89°45'46" WEST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 00°14'14" EAST, A DISTANCE OF 90.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 30.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 47.12 FEET; THENCE SOUTH 89°45'46" WEST, A DISTANCE OF 225.18 FEET; THENCE NORTH 45°09'55" WEST, A DISTANCE OF 35.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,338,699 SQUARE FEET OR 122.559 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

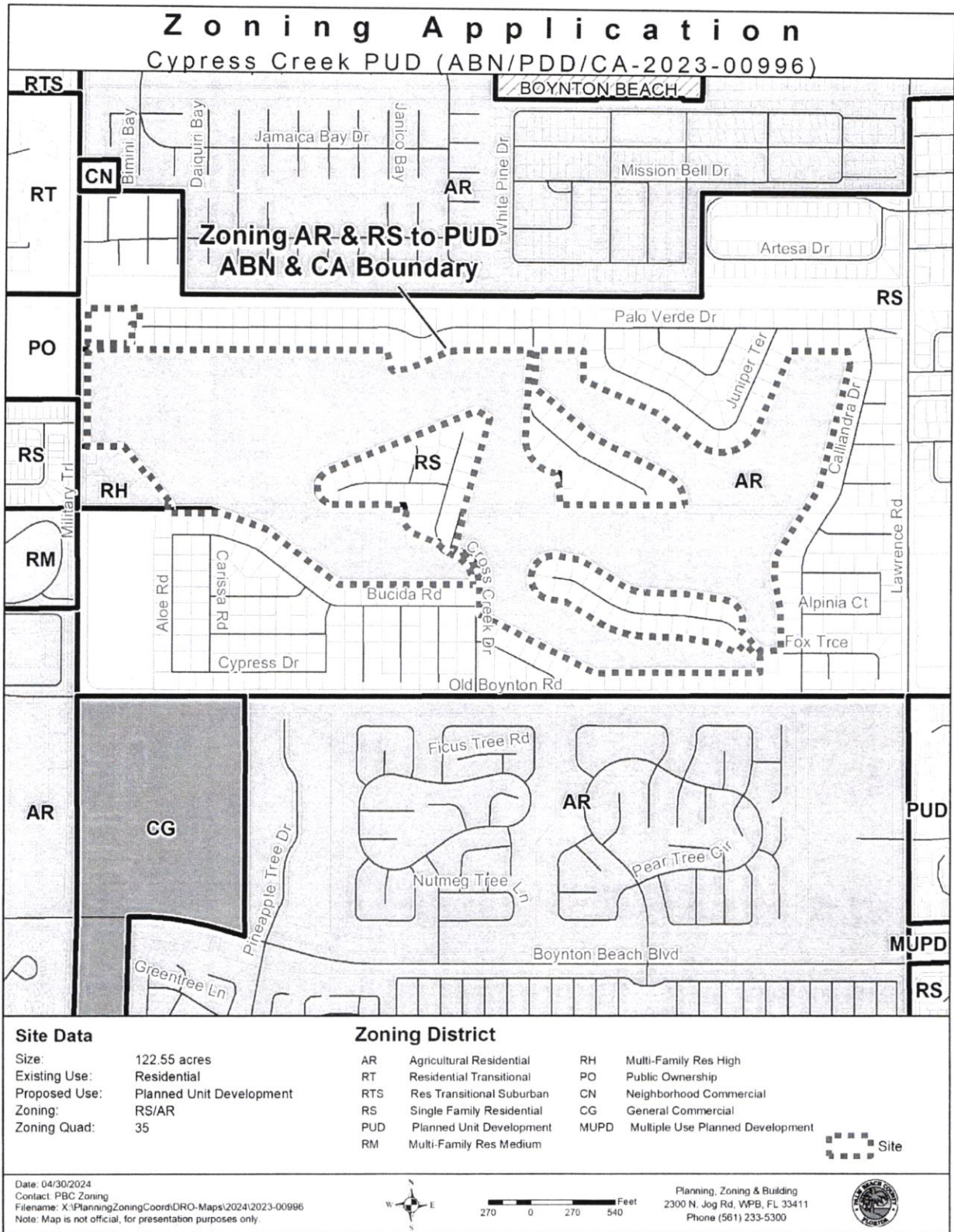


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use

ALL PETITIONS

1. The approved Preliminary Master Plan is dated May 9, 2024. 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 Applicant shall provide updated application requirements for the Type 2 Excavation, as required by Article 4.b.10.C.4.f.3). (DRO:ZONING – Zoning)

HEALTH

1. The property owner shall adhere to and utilize all of the requirements set forth below during all applicable phases of construction and development in addition to the following enforceable conditions, to which the applicant has agreed. The following conditions and the contact information for the County and/or FDOH personnel responsible for enforcement shall be posted alongside the Building Permit on the construction site at all times

Steps to minimize dust:

- a. Prior to the issuance of the first building permit, the Applicant shall install onsite dust and wind speed monitors around the site perimeter with real-time monitoring to minimize off-site dust migration and other dust emissions from horizontal land development activities at the site consistent with best management practices. (BLDGPERMIT/ONGOING: HEALTH - Health)
- b. Dust generation from soil mixing and earthwork activities during horizontal land development will be controlled to limit offsite dust migration by periodic watering consistent with best management practices. Construction personnel will avoid over-spraying/watering to prevent offsite runoff and mud-slick work surfaces. (ONGOING: HEALTH - Health)
- c. All dust control measures established by these conditions will be implemented during permitted hours of development in an effort to avoid migration into surrounding areas. (ONGOING: HEALTH - Health)
- d. During horizontal land development, dump trucks transporting soil off-site will be covered using a truck-mounted tarpaulin system when entering, exiting the site. (ONGOING: HEALTH - Health)
- e. All vehicles will be required to travel at low speeds (<20 mph) on site to minimize and control the generation of dust and offsite dust migration. (ONGOING: HEALTH - Health)
- f. During horizontal land development, work activities will be temporarily halted and sources of potential dust migration shall be controlled (to extent reasonably practicable) during sustained high wind gust events (>30 mph) until wind conditions resume to normal conditions. (ONGOING: HEALTH - Health)
- g. To minimize soil disturbance and offsite dust migration, vegetation, including groundcover, will only be cleared from areas where work is being performed right away. (ONGOING: HEALTH - Health)
- h. Limerock or other stabilization materials will be placed and maintained by the applicant on access/haul roads onsite during construction and development activity. (DRO/BLDGPERMIT: HEALTH – Health)
- i. Construction entrances/exits will be stabilized to minimize tracking dust offsite and onto public roadways. This may include gravel beds, stabilization pads, or other stabilization measures. (ONGOING: HEALTH - Health)
- j. Trucked and transported materials will be swept from public roadways as required (street sweeping); (ONGOING: HEALTH - Health)

k. The contractor will adhere and maintain FDEP erosion control Best Management Practices (BMP's) at all times. The contractor will adhere and maintain its Stormwater Pollution Prevention Plan (SWPPP) for the duration of the project to comply with its NPDES permit. (ONGOING: HEALTH - Health)

l. Prior to commencement of earthwork and construction activities, contact information for onsite personnel that are in charge of construction, dust mitigation, and environmental cleanup activities will be provided to Palm Beach County, FDOHG, and FCO or its designated representative. In the event of personnel changes, updated contact information will be provided to these entities. (BLDG PERMIT/ONGOING: HEALTH DEPARTMENT - Health Department)

SITE DESIGN

1. Prior to issuance of any land clearing permits for the site, the applicant shall install and maintain silt fence around the perimeter of the development site during all stages of site development and construction until such time as vegetation has been established and/or sod has been installed. (BLDGPMT/DRO: BUILDING DIVISION - Zoning)

USE LIMITATIONS

1. Land development, earthwork and clearing operations shall be prohibited on Saturday, Sunday, and statutory holidays (ONGOING: CODE ENF - Zoning)

2. Construction traffic shall be prohibited from utilizing Palo Verde Drive to access the subject property during all stages of site development. (ONGOING: CODE ENF - Zoning)

3. Prior to the issuance of the last Certificate of Occupancy (CO), the Applicant shall provide quarterly updates on the status of soil remediation to the Zoning Division and the Cypress Creek POA. (CO/ONGOING: ZONING - Zoning)

4. Prior to the issuance of the last Certificate of Occupancy (CO), the Applicant shall host two meetings on the status of soil remediation with the Zoning Division and the Cypress Creek POA. (CO/ONGOING: ZONING - Zoning)

COMPLIANCE

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

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

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

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

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

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

DISCLOSURE

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