

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

Application No.: PDD-2013-01062
Application Name: Abbington PUD
Control No.: 2013-00179
Applicant: D.R. Horton, Inc.
Owners: Witt Investments, Inc.
Agent: Land Design South, Inc. - Jeff Brophy
 Land Design South, Inc. - Michelle Hoyland
Telephone No.: (561) 478-8501
Project Manager: Carol Glasser, Site Planner II

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

APPLICATION SUMMARY: Proposed is a rezoning of a 13.03-acre parcel of land from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District to allow the development of 55 Zero Lot Line (ZLL) homes. The Preliminary Master Plan indicates one 12.69-acre Residential Pod for the 55 dwelling units with a 2.29-acre lake tract; and, a 0.34-acre Recreation Pod. One (1) access point will be provided from Hypoluxo Road.

SITE DATA:

Location:	North side of Hypoluxo Road approximately 2,000 feet west of Haverhill Road (Abbington PUD)
Property Control Number(s)	00-42-45-02-00-000-5030
Existing Land Use Designation:	Medium Residential, 5 units per acre (MR-5)
Proposed Land Use Designation:	Medium Residential, 5 units per acre (MR-5)
Existing Zoning District:	AR
Proposed Zoning District:	PUD
Acreage:	13.03 acres
Tier:	Urban/Suburban (U/S)
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	Town of Lantana

RECOMMENDATION: Staff recommends approval subject to 12 Conditions of Approval as indicated in Exhibit C.

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

PROJECT HISTORY: Formerly agricultural (nursery).

SURROUNDING LAND USES:

NORTH:

FLU Designation: MR-5
 Zoning District: PUD
 Supporting: Residential, Zero Lot Line Homes (Nye PUD aka Rivermill, Control No. 1995-00056)

SOUTH:

FLU Designation: Low Residential, 3 units per acre (LR-3)
 Zoning District: AR

Supporting: Agricultural

EAST:

FLU Designation: MR-5

Zoning District: PUD

Supporting: Private right-of-way and Residential, Townhomes (Nye PUD aka Rivermill, Control No. 1995-00056)

WEST:

FLU Designation: MR-5

Zoning District: AR

Supporting: Place of Worship, Daycare, School (Suncoast Christian Academy, Control No. 1981-00126)

WEST:

FLU Designation: LR-3

Zoning District: Single-Family Residential (RS)

Supporting: Recreation and Residential, Single Family (Winston Trails, Control No. 1987-00112)

FINDINGS:

Rezoning Standards:

When considering a Development Order application for an Official Zoning Map Amendment to a Standard Zoning District or a rezoning to a PDD or TDD, the BCC and ZC shall consider Standards 1-7 listed under Article 2.B.1.B of the ULDC. The Standards and Staff Analyses are indicated below. An Amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. **Consistency with the Plan** - *The proposed amendment is consistent with the Plan.*

Density

Compliance with the Workforce Housing Program (WHP) is mandatory since the request is greater than 10 units. The applicant is requesting a total of 55 units, of which 3 units are required to be designated as Workforce Housing. The request for a total of 55 units on the subject 13.03 acres with the MR-5 land use designation is achieved as follows:

Standard and PUD Density:

52 Standard units	2.60 WHP units (5%)
<u>3</u> PUD units	<u>0.48</u> WHP units (16%)
55 units total	3.08 units required WHP

Workforce Housing:

Applicants must choose a Development option to indicate the level of participation in the WHP. The applicant has chosen Option 3, Full Incentive. [ULDC Article 5.G.1.C.3.]

WHP Program Off-site Options:

Per the applicant's Justification Statement, the applicant requests to utilize WHP Off-site Options, Option 4 In-lieu Payment, to buy-out the 3 required WHP units. [ULDC Article 5.G.1.G.4.] The payment shall be received by Housing Community Development (HCD) (now known as the Department of Economic Sustainability (DES)) prior to the issuance of the first residential unit Building Permit.

Accordingly, the following Condition of Approval shall apply:

Prior to the issuance of the first residential unit Building Permit, the applicant shall submit payment to HCD/DES and a copy of a receipt for that payment to the Planning Division in the amount of \$244,500 (3 units at \$81,500 per WHP unit).

The subject parcel is adjacent to the Nye PUD (aka Rivermill PUD). A Planning Condition for the adjacent Nye PUD, condition M.1 of Resolution R-99-979, states:

Prior to final certification by the Development Review Committee (DRC), the Master Plan shall be amended to indicate potential future vehicular/pedestrian access to the 11.2 acre residential parcel (parcel 503) located to the west, outside of the PUD boundary. The area within the PUD, to be used as access, shall be reserved as open space for this PUD. *Future connection/access to the site would not be required unless and until this 11.2 acre parcel is included within the boundaries of this PUD.*

The subject site is not included in the Nye PUD and the Master Plan for the adjacent Nye PUD does include the required notations and open space dedications; therefore, the condition has been met and no connection/access between the subject site and the adjacent Nye PUD is required pursuant to Planning Condition M.1 of Resolution R-99-979.

FINDINGS: The request is consistent with the Future Land Use designation of the Palm Beach County Comprehensive Plan.

2. **Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The subject site meets the purpose, intent, design objectives and performance standards for a Planned Development District, Planned Unit Development. The subject site is an infill parcel. The site was previously cleared of natural vegetation for an agricultural use (nursery). The subject site exceeds the 200-foot minimum frontage requirement on a collector or arterial with 489 feet of frontage on Hypoluxo Road.

o **Exemplary Design**

Exemplary Design Performance Standards for a PUD are met as follows: Landscape focal points are provided in each of the 2 cul-de-sacs, the recreation site (pool and cabana/gazebo) are directly connected to the pedestrian system, decorative street lighting will be provided at the development entrance, decorative pavers will be provided at the entrance and intersections, and a fountain will be provided in the lake along with a bench adjacent to the pedestrian pathway. The pedestrian circulation system connects both cul-de-sacs via the east side of the lake, allowing all pedestrians to enjoy the lake view.

o **Cul-de-Sac and Pedestrian Amenities**

The planned development meets the cul-de-sac performance standard to provide a balance between dead-end streets and interconnectivity within the development. A pedestrian connection and path will be provided within a minimum 20-foot wide open space area from the northern cul-de-sac along the east side of the lake to connect with the southern cul-de-sac and sidewalk to the recreation pod. The conceptual site layout for the recreation pod indicates a pool, cabana/gazebo, bike rack, and the mail kiosk.

o **Preliminary Subdivision Plan**

The Preliminary Subdivision Plan indicates 18 of the 55 homes abut the Lake Worth Drainage District (LWDD) E-3 canal open space area; 20 of the homes abut the 2.29-acre lake tract open space area; and, the recreation pod is internal to the development. Facilities Development & Operations (FD&O) has waived the Civic Pod requirement (2% of the gross site acreage or 0.26 acres) in accordance with Table 3.E.2.C for Planned Developments where the Civic Pod is less than 1.5 acres.

o **Landscape Buffers**

Perimeter buffers will be provided in accordance with Article 7. The Preliminary Subdivision Plan indicates a 5-foot wide Compatibility buffer along the north property line, a 20-foot wide Right-of-Way buffer along the south property line; a 15-foot wide Right-of-Way buffer along the east property line adjacent to Rivermill Club Drive; and a Type 2 Incompatibility buffer along the west property line

adjacent to the civic and recreation uses. The width of the west buffer is reduced to 7.5 feet per Art. 7.F.6 because the buffer abuts the 110-foot wide LWDD E-3 canal and an additional 25-foot LWDD canal easement to be provided.

Staff also recommends Landscape Conditions of Approval as indicated in Exhibit C. Landscape Condition 1 to provide a 6-foot high hedge at the terminus of the street that is adjacent to residences in the Rivermill development. Landscape Condition 2 is recommended to extend the Type 2 Incompatibility buffer along the entire west boundary to include the portion adjacent to residential.

A Type 2 Incompatibility buffer with a minimum width of 15 feet shall be provided between the recreation parcel and the residential lots per Art. 3.E.2.E.3 and Table 7.F.9.B prior to final approval by the Development Review Officer (DRO).

o **Signage**

Entrance signs (2) to identify the development are proposed at the access point from Hypoluxo Road.

3. **Compatibility with Surrounding Uses** - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The proposed amendment to PUD is generally consistent with the existing uses and the surrounding Zoning Districts and is the appropriate Zoning District for the subject site. Compatibility is addressed with the requirement for appropriate perimeter landscape buffers to be provided on the north (Compatibility), south and east (Right-of-Way), and west (Incompatibility).

4. **Effect on Natural Environment** – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The property is an existing plant nursery and does not support significant amounts of native vegetation.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the 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.

The proposed rezoning will not have an adverse impact on the natural environment.

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

The proposed amendment will result in a logical, orderly, and timely development pattern. The subject site is surrounded by two existing PUDs to the north and east (Rivermill), and to the west (Winston Trails). The site is also in the vicinity of approved PUDs to the southeast (Vista Lago, Control No. 2005-00289 and Toscano Isles, Control No. 2004-00458).

6. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2. F, Concurrency.*

ENGINEERING COMMENTS:

REQUIRED ENGINEERING RELATED PERMITS

The Property Owner shall obtain Technical Compliance for Plat and Plan approval from the Palm Beach County Engineering Department, Land Development Division and record the plat, 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 Hypoluxo Road.

The Property Owner shall obtain a R/W Permit from the Palm Beach County Engineering Department, Permit Section for the modifications to the left turn lane.

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

SCHOOL IMPACTS:

In accordance with adopted school concurrency, a Concurrency Determination for 55 single family units had been approved on June 4, 2013 (Concurrency Case #13060401C). The subject property is located within Concurrency Service Area 17 (SAC 230D).

This project is estimated to generate approximately sixteen (16) public school students. The schools currently serving this project area are: Hidden Oaks Elementary School, Tradewinds Middle School, and Santaluces Community High School.

The Preliminary Subdivision Plan dated June 24, 2013 shows a bus shelter location. A bus shelter condition of approval has been applied to this request.

PARKS AND RECREATION:

Based on the proposed 55 dwelling units, a minimum of 0.33 acres of recreation is required. The Preliminary Site Plan dated June 24, 2013 indicates 0.34 acres of recreation will be provided; therefore, the Parks and Recreation Department standards have been addressed.

PALM BEACH COUNTY HEALTH DEPARTMENT: No Staff Review Analysis.

WATER/SEWER PROVIDER: Palm Beach County Water Utilities Department (PBCWUD).

Finding: The proposed rezoning complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

7. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate the amendment.*

Residential, civic, and recreation uses surround the agricultural site. The parcel's existing AR Zoning District is no longer consistent with the parcel's MR-5 land use designation. The AR Zoning District is only consistent with the Rural Residential (RR) land use designations. One of the purposes of the Planned Development District is to encourage infill development. As the applicant indicates, the proposed rezoning is an infill opportunity that does not impact prime agricultural land and will serve to limit development pressures on other non-infill lands.

Staff has evaluated the standards listed under Article 2.B.1.B 1-7 and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, staff is recommending approval of the rezoning request. Staff has also 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

PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Master Plan is dated June 24, 2013. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

1. Prior to issuance of the first building permit the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING - Eng)

2. The Property Owner shall lengthen the existing left turn lane west approach on Hypoluxo Road at Rivermill Club Drive. This turn lane shall be lengthened to a minimum 280 feet in length plus 50 foot paved taper or as determined by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

A. Prior to the issuance of the first Building Permit, permits required for improvements identified above shall be obtained from Palm Beach County . (BLDG PERMIT: Monitoring - Eng)

B. Prior to the issuance of the first Certificate of Occupancy, construction shall be completed. (CO: MONITORING - Eng)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE

1. A hedge with a minimum of height of six (6) feet at time of planting shall be provided at the terminus of Street 1 as indicated on the Preliminary Subdivision Plan dated June 24, 2013 to provide a continuous opaque vegetative barrier for the width of the right-of-way. (ONGOING: ZONING - Landscape)

2. A Type 2 Incompatibility Buffer shall be provided along the entire length of the west property line pursuant to Article 7.F.9 Incompatibility Buffer and Article. 7.F.6 Buffer Width Reduction, including where adjacent to residential. (DRO: ZONING - Zoning)

PALM TRAN

1. Prior to Plat Recordation or Issuance of the first Building Permit, whichever shall occur first, 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 shall be required. (BLDG PERMIT/PLAT: MONITORING - Palm Tran)

PLANNING

1. Prior to the issuance of the first residential Building Permit, the applicant shall submit payment to Housing Community Development (HCD)/Department of Economic Sustainability (DES) and a copy of a receipt for that payment to the Planning Division in the amount of \$244,500 (3 units at \$81,500 per WHP unit). (BLDG PERMIT - MONITORING/HDC - Planning)

SCHOOL BOARD

1. Prior to the issuance of the first Certificate of Occupancy (CO), the 10 feet by 15 feet 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.)

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

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

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

SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the northernmost cul-de-sac shall abut a minimum twenty (20) foot wide open space that provides pedestrian access to the Recreation Pod as indicated on the Preliminary Subdivision Plan dated June 24, 2013. (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: MONITORING - Zoning)

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

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

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

Figure 1 Land Use Map

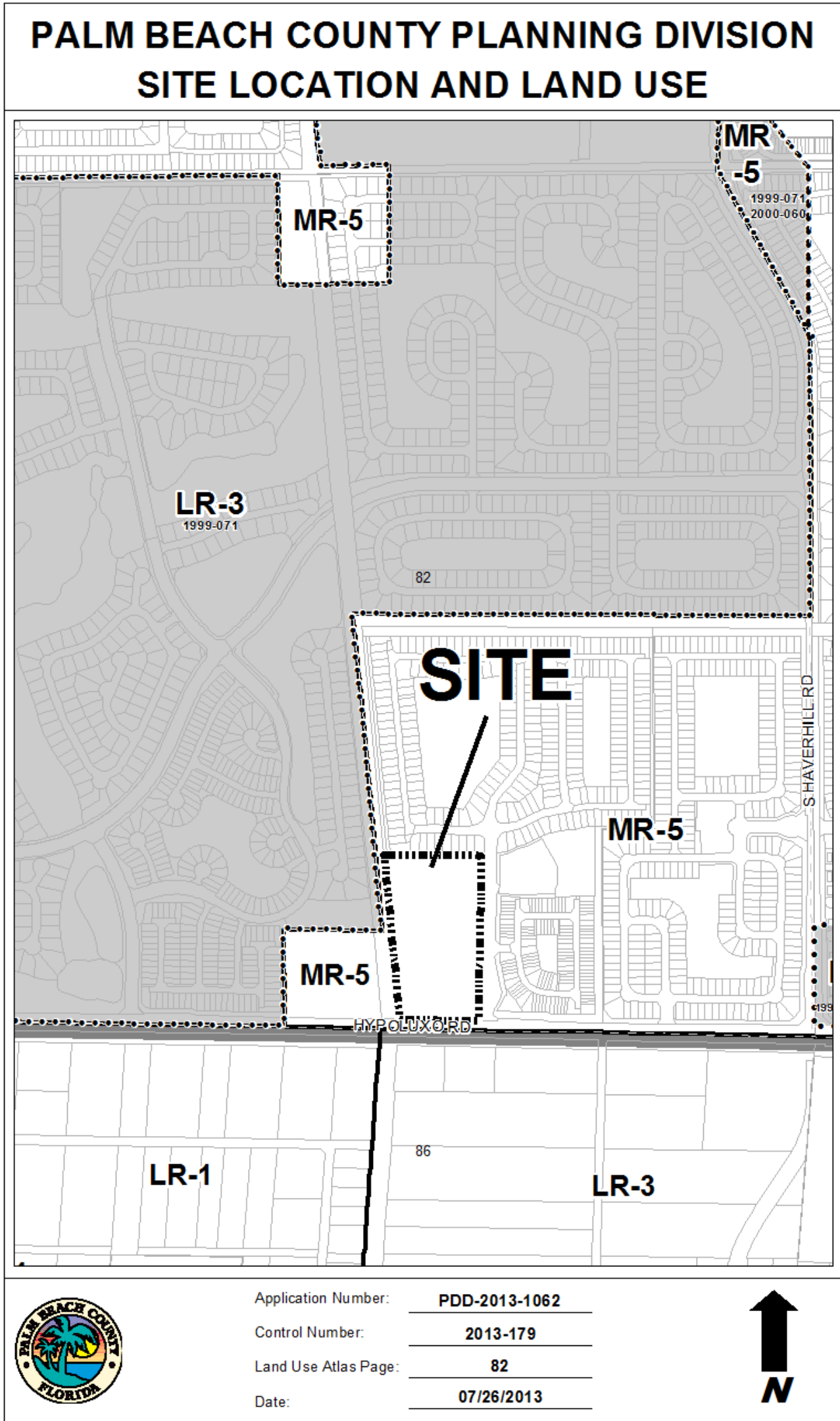


Figure 2 Zoning Map

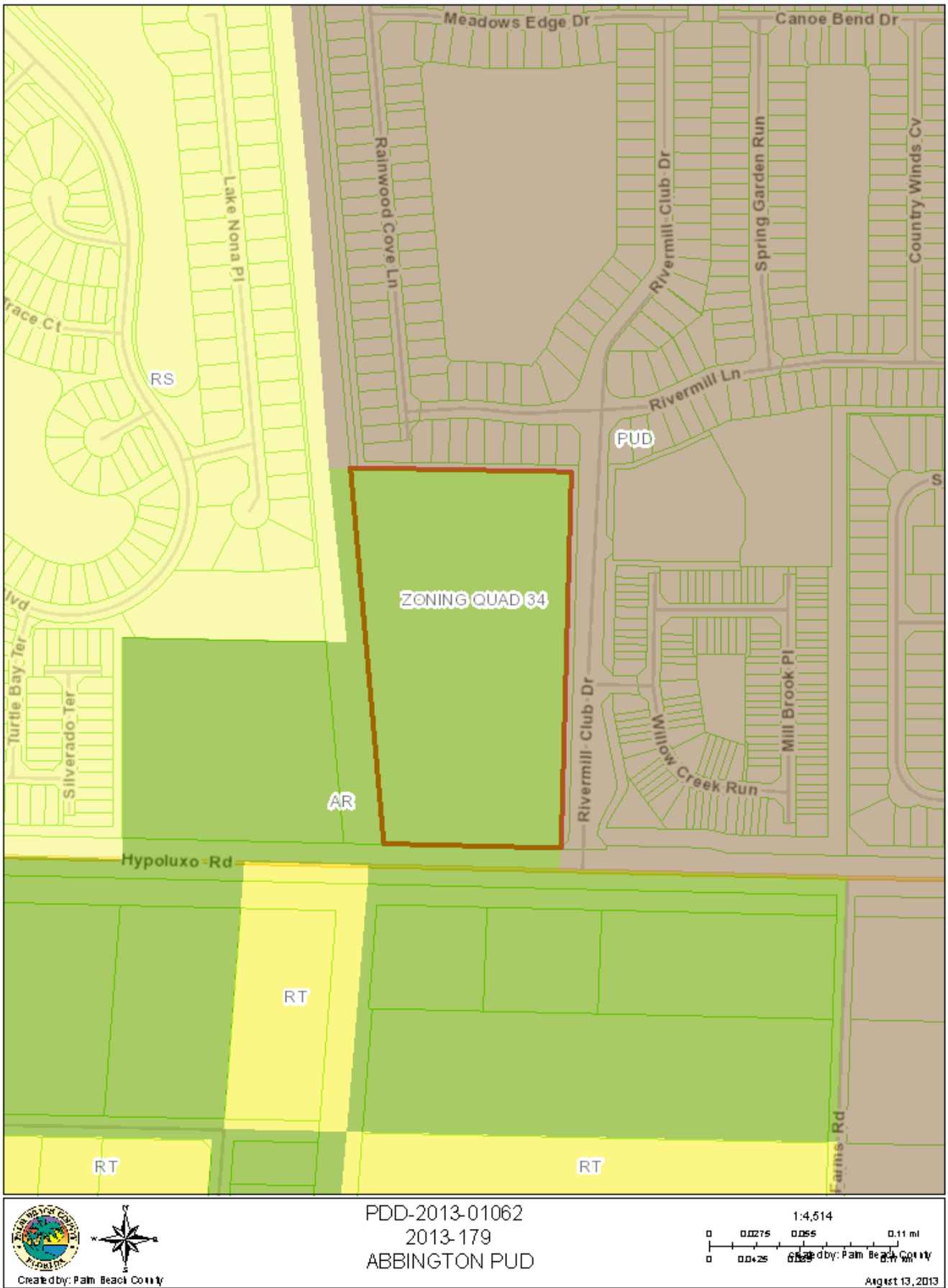
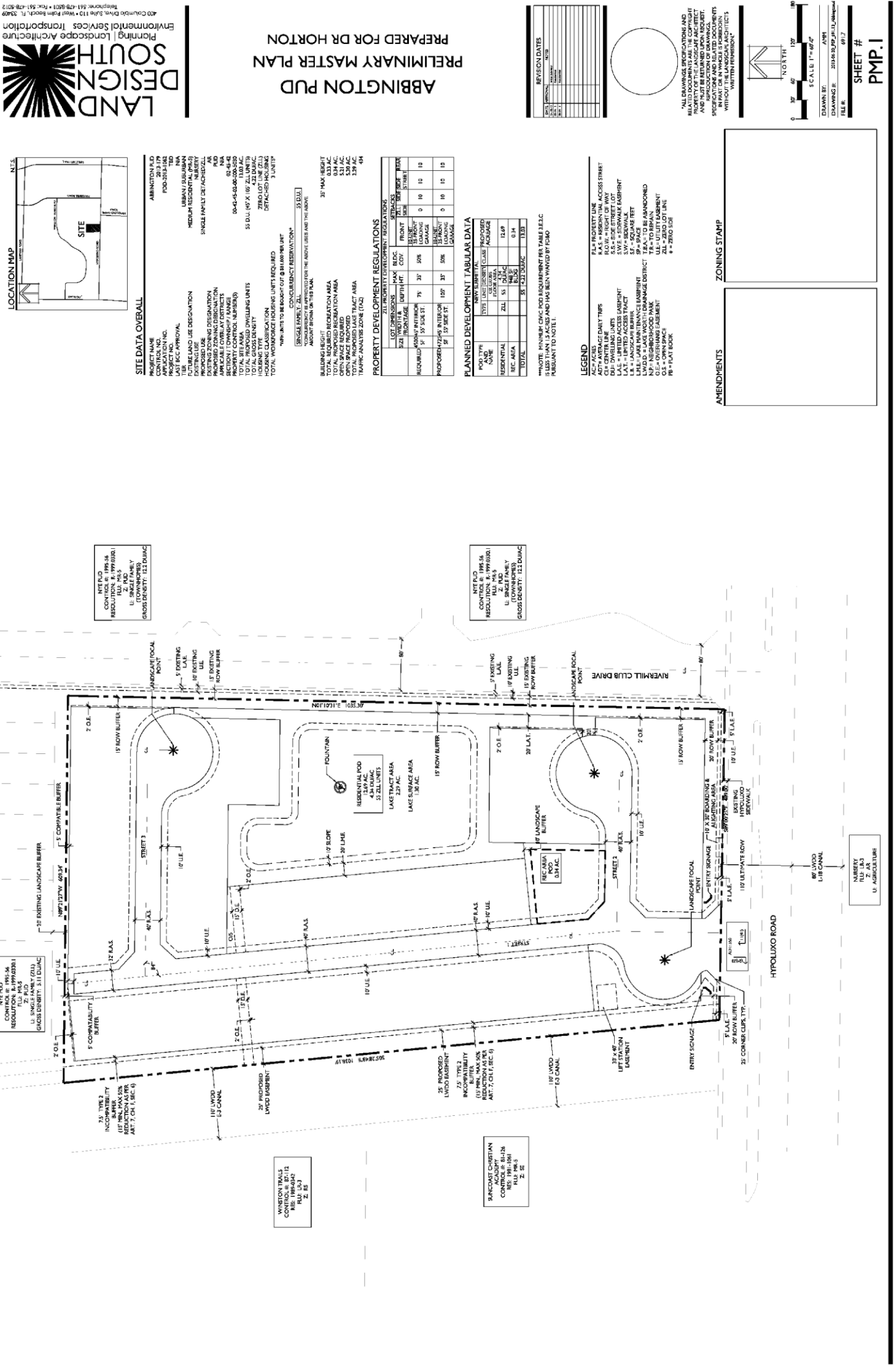


Figure 4 Preliminary Master Plan dated June 24, 2013



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 Mr. John Witt, 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 [President] *[position - e.g., president, partner, trustee]* of Witt Investments Inc *[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: 7432 Pine Tree Lane
West Palm Beach, FL 33406
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.

John Witt
Mr. John Witt, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 10 day of APRIL, 2013, by John S. Witt Jr., [] who is personally known to me or [] who has produced FLORIDA DRIVER LICENSE as identification and who did take an oath.

Michael Hazzard
Notary Public

Michael Hazzard

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: June 24, 2016



EXHIBIT "A"

PROPERTY

LAND DESCRIPTION:

A PORTION OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY SOUTHWEST CORNER OF RIVERMILL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 88, PAGES 71 THROUGH 77 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE N01°10'31"E ALONG A BOUNDARY LINE OF SAID RIVERMILL, A DISTANCE OF 1035.30 FEET; THENCE N89°21'27"W ALONG A BOUNDARY LINE OF SAID RIVERMILL, A DISTANCE OF 609.34 FEET TO THE MOST WESTERLY SOUTHWEST CORNER OF SAID RIVERMILL; THENCE S05°28'48"E ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 1737, PAGE 918 OF SAID PUBLIC RECORDS, A DISTANCE OF 1038.19 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF HYPOLUXO ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 6251, PAGE 1648 OF SAID PUBLIC RECORDS; THENCE S89°00'25"E ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 489.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 567,631 SQUARE FEET/13.031 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

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 Rafael J. Roca, 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 Vice President _____ *[position—e.g., president, partner, trustee]* of DR Horton, Inc. *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]*, (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 1245 S. Military Trail # 100
Deerfield Beach, FL 33442

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 Applicant. 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 Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant 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.

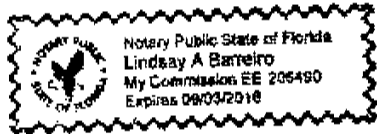
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

R. J. Roca

Rafael J. Roca, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 9 day of April, 2013, by Rafael Roca, AI who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Lindsay A. Barreiro

Notary Public

Lindsay A. Barreiro

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 9-3-16

EXHIBIT "A"
PROPERTY

LAND DESCRIPTION:
A PORTION OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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