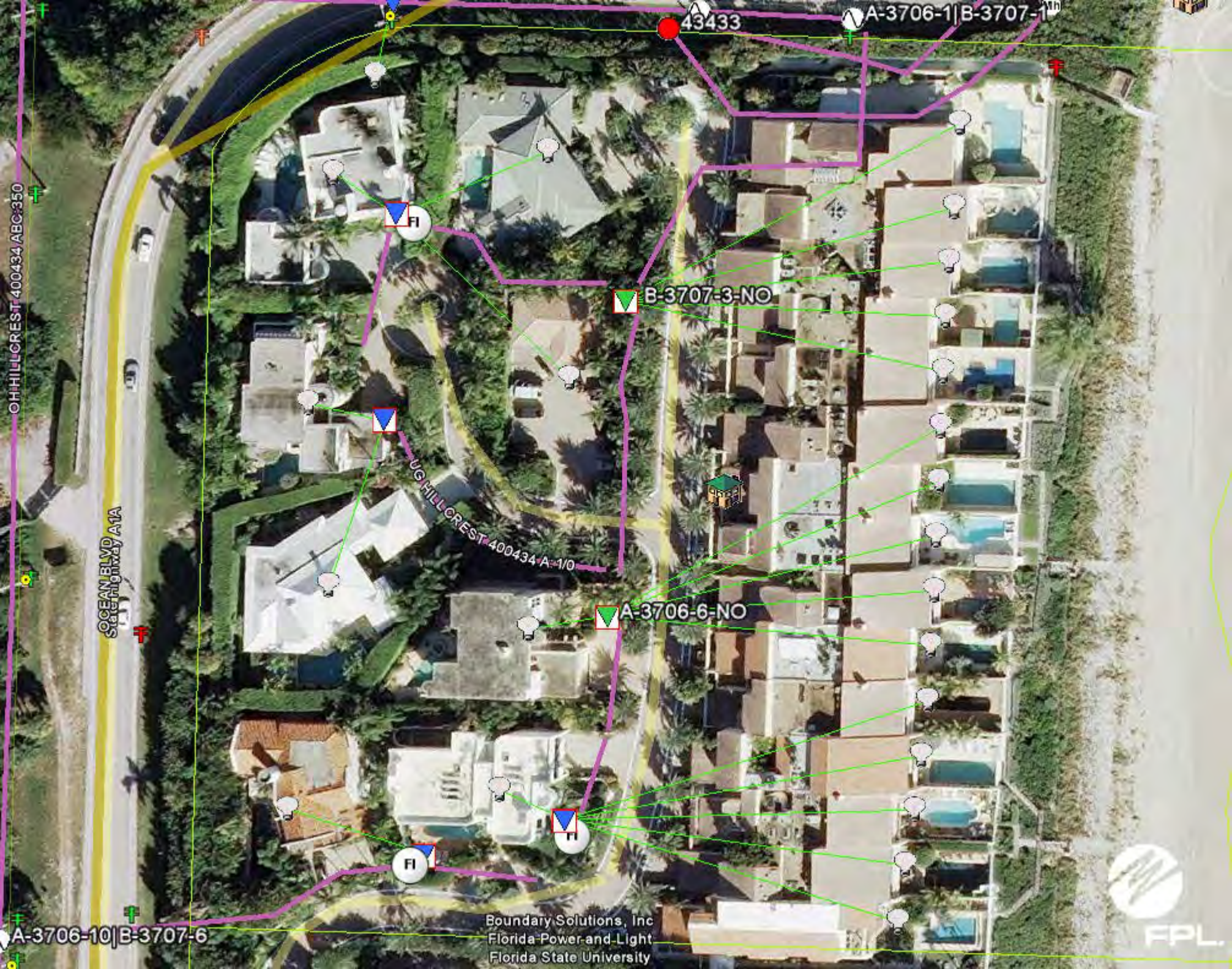


# EXHIBIT A



OH HILLCREST 400434 ABC-350

OCEAN BLVD A1A  
State Highway

UG HILLCREST 400434 A-110

43433

A-3706-1|B-3707-1

FI

B-3707-3-NO

A-3706-6-NO

FI

A-3706-10|B-3707-6

Boundary Solutions, Inc  
Florida Power and Light  
Florida State University



FPL

# EXHIBIT B







# EXHIBIT C









# EXHIBIT D



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CAUTION

3786

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FIVE



# EXHIBIT E







# EXHIBIT F









23

# EXHIBIT G

RESOLUTION NO. 16-78

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, WITH RESPECT TO THE APPLICATION OF SANDER B. WEINSTOCK, CONTRACT PURCHASER, FOR TENTATIVE APPROVAL OF A PLANNED UNIT DEVELOPMENT.

\* \* \* \* \*

WHEREAS, SANDER B. WEINSTOCK submitted an application on or about October 31, 1977 for tentative approval of a planned unit development for certain real property upon which he holds a contract to purchase consisting of approximately 26.6 acres and more particularly described as follows, to wit:

*The South 176.0 feet of Lot 110, all of Lots 111 through 119 inclusive and the North half of Lot 120, PALM BEACH ESTATES, as recorded in Plat Book 8, Page 3, Public Records of Palm Beach County, Florida.*

EXCEPTING THEREFROM the following 100' x 200' parcel:

*BEGINNING at a point on the easterly line of a public right-of-way 100.0 feet wide known as State Road A1A, said point being the North line of Lot 120 of said PALM BEACH ESTATES, run thence South 88°-03'-26" East 200.0 feet; thence South 1°-41'-34" West 100.0 feet; thence North 88°-03'-26" West 200.0 feet; thence North 1°-21'-34" East 100.0 feet to the POINT OF BEGINNING.*

said application and the supporting documentation submitted therewith having been submitted in accordance with the provisions of Article VII of Ordinance 2-74, as amended, and;

WHEREAS, the Zoning Commission of the Town of Palm Beach reviewed said application at its meeting of January 17, 1978 and filed a report with respect to said review, said report being on file for a period of not less than 15 days and available for public inspection, and;

WHEREAS, the Town Council of the Town of Palm Beach conducted public hearings with respect to said application on February 23 and on March 9, 1978, and further considered by the Town Council at a public meeting on April 18, 1978, at which times all interested parties were afforded an opportunity to be heard, and;



WHEREAS, the Town Council in accordance with Section 7.33 of Ordinance 2-74, as amended, does make the following findings:

1. The Planned Unit Development Plan, as submitted and thereafter amended, is basically consistent with the statement of general objectives of a planned unit development as set forth in Section 7.10, except as enumerated in paragraph 2 below.

2. The Planned Unit Development Plan, as submitted and amended, departs from the principles contained within the comprehensive plan and its implementing zoning ordinance and, in the opinion of the Town Council, such departures are not deemed to be in the public interest. The departures include, but are not limited to the following:

a. The bulk of the westernmost structures proposed for Phase 1 and 2 is excessive, thereby producing an oppressive walled-in effect upon the public in a transition zone.

b. Although the Planned Unit Development Plan, as submitted and amended, does include an adequate amount of open space, common open space, and landscaped open space located in a satisfactory manner, the proposed plan does not include adequate provisions to insure that said open space areas will be maintained as such.

c. The Planned Unit Development Plan, as submitted and amended, makes adequate provision for public services, furthers the amenities of light and air, recreation and visual enjoyment except insofar as physical and visual penetration to the beach area is concerned, but does not provide adequate control over vehicular traffic.

d. The Planned Unit Development Plan, as submitted and amended, is not compatible with the neighboring development existing to the North in that the buildings are not adequately landscaped-screened.

e. The Planned Unit Development Plan, as submitted and amended, does not assure adequate space between buildings within Phases 1 and 2, thus posing the threat of having an adverse effect upon the neighborhood.

f. The Planned Unit Development Plan, as submitted and amended, does not assure adequate front yard setbacks in Phases 1 and 2, thus posing the threat of having an adverse effect upon the neighborhood.

g. The Planned Unit Development Plan, as submitted and amended, contemplates a vertical wall approximately 10 feet high along a significant part of the property line and does not provide adequate protection for the abutting public property to the south and will have an adverse effect upon such public property.

h. The Planned Unit Development Plan, as submitted and amended, includes an extra story not otherwise permitted by the zoning regulations, which extra story is characterized as a "basement". Adequate limitations on the use of these "basements" is not included within the plan.

i. The Planned Unit Development Plan, as submitted and amended, does not include adequate provisions for the limitation of use of the area lying West of State Road A1A.

j. The Planned Unit Development Plan, as submitted and amended, does not include adequate provisions for time-phasing constraints over a period of years, including sufficient performance bonds as necessary.

k. The Planned Unit Development Plan, as submitted and amended, does not include adequate provisions for the protection of the natural beach dune vegetation, and further, as proposed, does pose a serious threat to the ocean-front dune.

l. The Planned Unit Development Plan, as submitted and amended, will not protect the interests of the public and the residents and owners of the proposed Planned Unit Development unless the Plan is modified as hereinafter suggested.

and;

WHEREAS, the Town Council, after deliberation and after carefully evaluating both the recommendations of the Zoning Commission and the comments received from interested parties at the aforementioned public hearings, does

find the Planned Unit Development Plan to be in the best interests of the Town of Palm Beach except as herein set forth;

NOW, THEREFORE, be it resolved by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1.

That the tentative plan for Planned Unit Development as submitted by SANDER B. WEINSTOCK on October 31, 1977 and thereafter amended for the property commonly referred to as "Parcel 1, Sloan's Curve" be granted tentative approval subject to the following conditions not included within said Plan as submitted:

Condition No. 1 - Phase III - "Town Houses" Plan Modification.

The Town House Development as shown on Exhibit #4, Sheet #1, entitled, "Site Development Plan", as identified at the Town Council meeting of March 9, 1978, shall have Town House Unit #13 omitted, as illustrated by Mylar Overlay Exhibit No. 6A; thereby moving the northern tier of Town Houses southward as shown on Exhibit No. 6A; and thereby allowing more space for proper landscaping of the Sloan's Curve area, particularly the area north of the Town House phase.

Condition No. 2 - Phase III Garden Wall and Landscape Plan Modification.

The 6' high garden wall shown in Phase III bordering Sloan's Curve shall be situated not less than 6' inside of the property line to permit landscaping on the street side of the wall. Said landscaping shall include shade trees placed outside of the wall at sufficient intervals, in the opinion of the Town officials, to serve as an effective visual buffer. (See Exhibit #9, "Typical Section", for the type of landscape treatment required on the street side of the wall.)

Condition No 3 - Phase I and Phase II Building Spacings and Height.

With respect to the six principal multi-family buildings of Phases I and II, none of said buildings shall be closer than 60' to any other of the six major residential buildings. The two easternmost buildings in both Phase I and Phase II shall have the project zero datum elevation of said

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buildings measured from plus 19', United States Coastal and Geodetic Survey datum, said buildings shall have a maximum of five stories of apartments, plus a basement story; the total building height shall not exceed 55' above the zero datum.

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Condition No. 4 - Phase I and Phase II Front Yard Setbacks

Front yard setbacks for the westernmost buildings in Phases I and II shall not be less than: 145' for Phase I and 97' for Phase II, as measured from the property line along State Road A1A. These setbacks are as shown on Exhibit #9.

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Condition No. 5 - Phase I - Westernmost Building Dimensions.

The westernmost building of Phase I, because of its proximity to A1A, shall have a north-south maximum dimension of 175' as otherwise required by the zoning ordinance; however, if the proposed north-south dimension of said building is desired to exceed 175' (but not to exceed a north-south dimension of 210') as shown on Exhibits #7 and #9, as identified at the March 9, 1978 Town Council meeting, then the building height of said building must be reduced to a maximum of five stories and 55' in height, as measured above the State Road A1A zero datum of plus 7 1/2', U. S. Coastal and Geodetic Survey datum.

Condition No. 6 - Phase II Westernmost Building Dimensions.

Elevation of the west building of Phase II as shown on Exhibits #6 and #7 shall not exceed four stories and 40' in height, measured above a State Road A1A zero datum of plus 7 1/2', U. S. Coastal and Geodetic Survey datum. If said building does exceed 40' in height, then it shall be reduced in height to a maximum of three stories, or alternately, its westernmost projection shall be moved eastward by not less than 25', so that said building will have a front yard setback from the property line along State Road A1A of not less than 120'.

Condition No. 7 - Building Design at South Property Line.

At the south property line abutting Phipps Ocean Park, the applicant's side yard setback area which extends from said south property line to the

proposed underground parking structure shall have a berm installed at a slope no steeper than one horizontal to one vertical; said berm shall extend from the finished grade at the top of the parking structure to a point not to exceed 2' above the existing ground level of Phipps Ocean Park; said berm shall be retained by a 4' high retaining wall, measured from the existing grade level on Phipps Ocean Park side; and said wall shall extend 2' above the finished grade line on the applicant's side. This berm must be landscaped with natural plant growth and must be maintained at all times in a proper manner. No external illumination from any garage, driveway or parking lot shall unduly affect the use of the Park.

Condition No. 8 - Trespassing at South Property Line.

The applicant must agree that there will be no trespassing by applicant or his agents, either accidentally or intentionally, nor will there be any deposit of soil or building materials on the Phipps Ocean Park property during the course of the proposed construction. Further, there shall be no permanent accessibility point provided from the applicant's property to the Phipps Ocean Park property.

Condition No. 9 - Basement Uses.

Uses of basements in all buildings shall be limited to entrance foyers, pool cabanas, sauna and exercise rooms, storage and utility rooms, transformer vaults, entrances to parking areas, one resident manager's office in Phase I and Phase II and other uses not involving "Habitable space" as defined in Ordinance 2-74, as amended.

Condition No. 10 - Conceptual Landscape Plan Design.

The Conceptual Landscaping Plan, identified as Exhibits #10 and #11, and the remarks made by Mr. Bradshaw of Walter Taft Bradshaw and Associates, Inc. at the Town Council meeting of March 9, 1978, as reported in the official Court Reporter's transcript of said meeting, are made a part of the record as a substantive assurance of what will be accomplished by the landscaping at the time of the issuance of the Town's Certificate of Occupancy. There will be no requirement by the Town for landscaping west

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of State Road A1A. To achieve the purpose of protecting the community during construction of Phase III "Town Houses", the perimeter visual sight screen planting and garden wall proposed on the Conceptual Landscape Plan shall be installed immediately following the lot clearing and removal of natural vegetation in connection with the commencement of construction of Phase III.

Condition No. 11 - Large Structure Trees.

The Conceptual Landscape Plan, identified in Condition No. 10 above, contains reference to "Large Structure Trees", which term identifies certain trees on said Plan, and said term shall be defined as trees having a height of not less than 15' and a spread of not less than 12' at the time of planting. Minor variations to this requirement may be permitted for certain species of trees, but not as a general rule. It shall be the general intention of the landscaping requirements that the buildings and activities within the Planned Unit Development be visually buffered to the maximum extent possible from external view.

Condition No. 12 - Detailed Landscaping Plan - Initial Approval.

No Town building permit to commence construction will be issued until a detailed landscaping plan has been submitted to and approved by the Town Council, which plan shall meet the requirements of the Conceptual Landscape Plan and objectives outlined by Mr. Bradshaw, as fully specified in Condition No. 10 above, and which shall include sizes, numbers and distances on center for hedges and trees, and shall include other pertinent information as required by the Town Council. Concurrent with the issuance of said Building Permit, the applicant shall secure, as evidenced by contract, all of the plant material specified on the plan at 4' or more in height which will be needed for implementing said landscape plan; further, said landscaping shall be reserved for exclusive use of the applicant. Evidence of said reserved exclusive use must be provided to the Town.

Condition No. 13 - Landscape Plan - Final Site Inspection.

No Town Certificate of Occupancy will be issued for any phase until Town officials, by final site inspection, have determined that the land-

scaping, as provided for that phase, meets the specifications of said Council-approved landscape plan.

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Condition No. 14 - Tiered Landscaping - Sloan's Curve.

In furtherance of Conditions No. 1, No. 2 and No. 10 as set out herein, it is a specific condition that the landscaping along Sloan's Curve, as presented by Mr. Bradshaw, shall include a "tiered" type of landscaping acceptable to Town officials. This type of landscape treatment is shown on the Exhibit entitled "Vegetation Profile from A1A" in numbered areas 1, 2, and 3.

Condition No. 15 - Area West of State Road A1A.

There shall be no construction of any nature permitted west of State Road A1A, including tennis courts, nor vehicular parking.

Condition No. 16 - Architectural Style of Buildings.

The design architect shall give particular attention to an architectural design in Phases I and II which will preclude a monotonous repetition of the architectural style of buildings now located south of Sloan's Curve. The Town's Architectural Commission is requested to give special consideration to this matter when reviewing each phase of this project.

Condition No. 17 - Driveway Entrance/Exits.

The driveway to Town House Phase III shall be eliminated, and access to Phase III shall occur through Phases I and II. The intent of this Condition is to have only two driveway entrances/exits from State Road A1A to the entire PUD-B Development. The northernmost of said entrance/exit driveways shall not occur northward of the center line of Phase II. Internal driveways shall provide access to all phases.

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Condition No. 18 - Order of Construction Commencement.

The applicant agrees that Phase III "Town Houses" shall precede Phase II "Apartments" in the order of construction.

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Condition No. 19 - Dune Preservation.

No portion of the land area or vegetation east of the "Dune Protection Line" shown in red pencil on the Applicant's Exhibit A submitted to the Town Council on May 2, 1978 shall be disturbed. This "Dune Protection Line" shall be permanently monumented by the Applicant to the satisfaction of the Town. A 10-foot high barbed wire fence shall be constructed by the Applicant parallel to and not less than 2 feet westward from the "Dune Protection Line", such fence to extend from the South to the North line of the Applicant's property and to be maintained in good condition throughout each of the 3 phases of construction. Provided, however, that upon the completion of each construction phase (or if access to the beach area is required during construction) fencing in front of the applicable phase may be removed subject to the installation of walkways as hereinafter provided and fence returns to preserve the integrity of the fencing in front of the remaining phases where construction has not been completed. Any disturbance or damage to the area east of said "Dune Protection Line" shall be immediately repaired and restored by the Applicant prior to the continuation of construction. Further, Applicant shall pay to the Town for each such disturbance the sum of \$10,000 as and for liquidated damages, the extent of actual damages for such disturbance not being easily ascertainable due to the fragile nature of the dune area and vegetation east of said dune and the uncertain nature of the corrective action which may be required to repair or correct such disturbance. All access to the beach over the "Dune Protection Line" shall be by walkways shown on a drawing submitted to the Building Official prior to the construction of such walkways.

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Condition No. 20 - Phase III - Performance Bond.

The applicant agrees to provide a Performance Bond in a form acceptable to the Town to insure completion of Phase III prior to the construction of the Phase II apartments, and said Bond shall be in the amount of Five Million Dollars, which is the applicant's estimated cost of completing Phase III "Town Houses".



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Condition No. 21 - Provision of Utility Easements and Facilities and Attributable Costs.

The applicant agrees to provide necessary utility easements for all the existing and proposed Town-owned and private utility-owned facilities which are essential to serve the development. Furthermore, all public improvement costs, including but not limited to, traffic improvements and public utility improvement costs directly attributable to or resulting from proposed development, shall be borne proportionately by the applicant regardless of whether said improvements are on or off site.

Condition No. 22 - Open Space Covenants.

The applicant shall provide a deed restriction in the form of a covenant running with the land which will guarantee the retention of the area of land shown as "open space" and/or "landscaped open space" in Phases I, II and III as permanent open space, unless the Town Council should, upon application of the landowner, amend said plan with respect to said open space areas.

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Section 2.

The following periods of time are established for filing applications for final approval:

| <u>Phase I</u>  | <u>Maximum Time After Date of Tentative Approval</u> |
|---|--|
| Consisting of southernmost three principal residential buildings with appurtenant accessory structures and uses.                        | 12 months  |
| <u>Phase III</u>  |  |
| Consisting of town houses at the northernmost area of the property  | 30 months  |
| <u>Phase II</u>   |  |
| Consisting of the three principal residential buildings in the middle area of the property w/appurtenant accessory structures and uses. | 42 months  |

Section 3.

Due to the complexity of the conditions of approval, the applicant, if he chooses to accept all said conditions as set forth herein, shall submit amended drawings and supplemental information as required to indicate the Planned Unit Development Plan as further amended in conformance to the

conditions set forth, and tentative approval shall become effective when such drawings and supplemental information are received by the Town of Palm Beach and found to be in conformity with the conditions set forth herein.

Section 4.

The applicant, at the time of submission of the application for each phase for final approval, shall submit all drawings and specifications as required by the Town at the time of submission, together with the performance bond referred to above.

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Section 5.

The Town Clerk is hereby directed to furnish a certified copy of this Resolution, by certified mail, to the applicant, and applicant shall, within 45 days after receiving said certified copy, notify the Town Council of his acceptance of, or refusal to accept all of said conditions as provided in Section 7.33 of Ordinance 2-74 as amended.

PASSED AND ADOPTED in regular, adjourned session assembled on the 2nd day of May, 1978.

Robert M. Grace

Della S. Mathison

Ann M. Metzler

Adrienne P. Shaw

APPROVED:

William B. Cudde  
Mayor

ATTEST:

Grace J. Peters  
Town Clerk

# EXHIBIT H

RESOLUTION NO. 19-78

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,  
PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. 16-78 RELATING  
TO THE APPLICATION OF SANDER B. WEINSTOCK FOR TENTATIVE APPROVAL  
OF A PLANNED UNIT DEVELOPMENT.

\* \* \* \* \*

WHEREAS, upon further consideration of the application of  
SANDER B. WEINSTOCK for tentative approval for a Planned Unit Development,  
the Town Council does hereby find and determine that it is in the best  
interest of the Town to amend Resolution No. 16-78 with respect to said  
application as hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE  
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1.

Section 1 of said Resolution No. 16-78 shall be and the same is  
hereby amended so as to cause "Condition 18" included therein to  
read as follows, to wit:

✓ Condition No. 18 - Order of Construction Commencement.

The applicant agrees that Phase I "Apartments" and Phase III  
"Townhouses" shall be commenced simultaneously. Further, that no permit  
may be issued for the commencement of construction for Phase II "Apartments"  
until fifty (50) per cent of the total number of townhouse units in  
Phase III "Townhouses" are "dried-in" (roofing is weather-tight).

Section 2.

Section 1 of said Resolution No. 16-78 shall be and the same is  
hereby amended so as to cause "Condition 19" included therein to read as  
follows, to wit:

✓ Condition No. 19 - Dune Preservation.

No portion of the land area or vegetation east of the "Dune  
Protection Line" shown in red pencil on the Applicant's Exhibit A submitted  
to the Town Council on May 2, 1978 shall be disturbed. This "Dune Protection

Line" shall be permanently monumented by the Applicant to the satisfaction of the Town. A 10-foot high barbed wire fence shall be constructed by the Applicant parallel to and not less than 2 feet westward from the "Dune Protection Line," such fence to extend from the South to the North line of the Applicant's property and to be maintained in good condition throughout each of the 3 phases of construction. Provided, however, that upon the completion of each construction phase (or if access to the beach area is required during construction) fencing in front of the applicable phase may be removed subject to the installation of walkways as hereinafter provided and fence returns to preserve the integrity of the fencing in front of the remaining phases where construction has not been completed. Any disturbance or damage to the area east of said "Dune Protection Line" shall be immediately repaired and restored by the Applicant prior to the continuation of construction. Further, Applicant shall pay to the Town for each such disturbance during construction which is attributable to the applicant the sum of \$10,000 as and for liquidated damages, the extent of actual damages for such disturbance not being easily ascertainable due to the fragile nature of the dune area and vegetation east of said dune and the uncertain nature of the corrective action which may be required to repair or correct such disturbance. All access to the beach over the "Dune Protection Line" shall be by walkways shown on a drawing submitted to the Building Officials prior to the construction of such walkways.

Section 3.

✓ Section 1 of said Resolution No. 16-78 shall be and the same is hereby amended so as to cause "Condition 20" included therein to be eliminated.

Section 4.

Section 1 of said Resolution No. 16-78 shall be and the same is hereby amended so as to cause "Condition 21" included therein to read as follows, to wit:

✓ Condition No. 21 - Provision of Utility Easements and Facilities and Attributable Costs.

The applicant agrees to provide necessary utility easements for all the existing and proposed Town-owned and private utility-owned facilities which are essential to serve the development. Furthermore, the applicant or

his assigns shall be responsible for its pro-rata share of traffic and/or public utility improvement cost borne by the Town and directly attributable to the proposed development. The applicant's share shall not exceed a fraction of the costs involved, the numerator of which fraction is the proposed number of dwelling units in the project and the denominator of which is the total number of dwelling units serviced or benefited by the improvement whether directly or indirectly. Said costs shall be determined prior to issuance of a building permit for each Phase.

✓ Section 5. Section 2 of said Resolution No. 16-78 shall be and the same is hereby amended so as to read as follows, to wit:

"Section 2.

The following periods of time are established for filing applications for final approval:

Phase I

Consisting of southernmost three principal residential buildings with appurtenant accessory structures and uses.

Maximum Time After Date of Tentative Approval

12 months

Phase III

Consisting of town houses at the northernmost area of the property.

12 months

Phase II

Consisting of the three principal residential buildings in the middle area of the property w/appurtenant accessory structures and uses."

42 months

Section 6.

✓ Section 5 of said Resolution No. 16-78 shall be and the same is hereby amended so as to provide that the applicant shall have thirty (30) days from May 23, 1978 to notify the Town Council of his acceptance of, or refusal to accept all of said conditions of Town Resolution No. 16-78, as amended by Town Resolution No. 19-78, as provided in Section 7.33 of Ordinance No. 2-74, as amended. The Town Clerk is hereby directed to furnish a certified copy of this Resolution, by certified mail, to the applicant.



# EXHIBIT I



RESOLUTION NO. 20-78

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. 16-78, AS AMENDED BY RESOLUTION NO. 19-78, RELATING TO THE APPLICATION OF SANDER B. WEINSTOCK FOR TENTATIVE APPROVAL OF A PLANNED UNIT DEVELOPMENT.

\* \* \* \* \*

WHEREAS, upon further consideration of the application of SANDER B. WEINSTOCK for tentative approval of a Planned Unit Development, the Town Council does hereby find and determine that it is in the best interest of the Town to further amend Resolution No. 16-78 as heretofore amended by Resolution No. 19-78 with respect to said Application in the manner hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1.

Section 1 of said Resolution No. 16-78 shall be and the same hereby is amended so as to cause Condition 1 included therein to read as follows, to wit:

"Condition No. 1 - Phase III - "Town Houses" Plan Modification.

The Town House Development as shown on Exhibit #4, Sheet #1, entitled, "Site Development Plan", as identified at the Town Council meeting of March 9, 1978, shall have Town House Unit #13 omitted, as illustrated by Mylar Overlay Exhibit No. 6A; thereby moving the northern tier of Town Houses southward as shown on Exhibit No. 6A; and thereby allowing more space for proper landscaping of the Sloan's Curve area, particularly the area north of the Town House phase. The west half of Phase III shall have the project zero datum elevation of buildings measured from plus 7 1/2', USC&G survey datum, said buildings shall have a maximum height of 35 feet above the zero datum. The east half of Phase III shall have the project zero datum elevation of buildings measured from plus 19 feet USC&G survey datum, said buildings shall have a maximum height of 30 feet."

Section 2.

Section 1 of said Resolution No. 16-78 shall be and the same is hereby amended so as to cause Condition No. 3 included therein to read as follows, to wit:

"Condition No. 3 - Phase I and Phase II Building Spacings and Height.

The two buildings in Phase 1 shall have the project zero datum elevation of said buildings measured from plus 19', USC&G survey

datum, said buildings shall have a maximum of six stories of apartments, plus a basement story; the total building height shall not exceed 65' above the zero datum. The two buildings in Phase II shall have the project zero datum elevation of said buildings measured from plus 19', USC&G survey datum, said buildings shall have a maximum of five stories of apartments, plus a basement story; the total building height shall not exceed 55' above the zero datum."

Section 3.

Section 4 of said Resolution No. 16-78 shall be and the same is hereby amended so as to cause Condition No. 4 included therein to read as follows, to wit:

✓ "Condition No. 4 - Phase I and Phase II Front Yard Setbacks.

Front yard setbacks for the two buildings in Phase I shall have a minimum front yard setback of 225 feet. Front yard setbacks for the two buildings in Phase II shall have a minimum front yard setback of 200 feet. The maximum east-west dimension of all buildings in Phases I and II shall not exceed 210 feet."

Section 4.

Section 1 of said Resolution No. 16-78 shall be and the same is hereby amended so as to cause Condition No. 5 included therein to be deleted.

Section 5.

✓ Section 1 of said Resolution No. 16-78 shall be and the same is hereby amended so as to cause Condition No. 6 included therein to be deleted.

Section 6.

Section 1 of said Resolution No. 16-78 shall be and the same is hereby amended so as to cause Condition No. 10 included therein to read as follows, to wit:

✓ "Condition No. 10 - Conceptual Landscape Plan Design.

The Conceptual Landscaping Plan, identified as Exhibits #10 and #11, and the remarks made by Mr. Bradshaw of Walter Taft Bradshaw and Associates, Inc. at the Town Council meeting of March 9, 1978, as reported in the official Court Reporter's transcript of said meeting, are made a part of the record as a substantive assurance of what will be accomplished by the landscaping at the time of the issuance of the Town's Certificate of Occupancy. However, due to extensive modifications in building location, the Conceptual Landscape Plan as submitted will have to be updated and a new Conceptual Landscape Plan submitted by the applicant for approval by the Town Council prior to the issuance of any building permits. In order to obtain

approval, the new Conceptual Landscape Plan must show the same quality of landscape treatment, must be annotated in the same manner as to details, and must achieve the same objectives as the original Conceptual Landscape Plan. Upon approval of this new Conceptual Landscape Plan, said Plan will replace the Conceptual Landscape Plan identified as Exhibits #10 and #11 referred to herein, and referred to in Conditions 11, 12, 13 and 14. There will be no requirement by the Town for additional landscaping west of State Road A1A. To achieve the purpose of protecting the community during construction of Phase III "Town Houses," the perimeter visual sightscreen planting and garden wall proposed on the Conceptual Landscape Plan shall be installed immediately following the lot clearing and removal of natural vegetation in connection with the commencement of construction of Phase III.

Section 7.

Section 1 of said Resolution No. 16-78 shall be and the same is hereby amended so as to cause Condition 14 included therein to read as follows, to wit:

✓ "Condition No. 14 - Tiered Landscaping - Sloan's Curve.

In furtherance of Conditions No. 1, No. 2 and No. 10 as set out herein, it is a specific condition that the landscaping along Sloan's Curve, as presented by Mr. Bradshaw, shall include a "tiered" type of landscaping with large structure trees acceptable to the Town Building Official and the President of the Town Council. This type of landscape treatment is shown on the Exhibit entitled "Vegetation Profile from A1A" in numbered areas 1, 2, and 3."

Section 8.

All other terms and conditions of said Resolution No. 16-78 as amended by Resolution No. 19-78 are ratified and confirmed except as herein modified. The Town Clerk is directed to furnish a certified copy of this Resolution, by certified mail, to the applicant.

PASSED AND ADOPTED in regular, adjourned session assembled on the 13 day of June, 1978.

Thomas M. Kottler  
Charles H. Yarns  
Robert M. Grace  
Walter K. Kottler

APPROVED:  
William B. O'Leary  
Mayor

ATTEST:  
Jane S. Peters  
Town Clerk