

**JUSTIFICATION STATEMENT**  
**Indian Trails Grove**  
**Rezoning Application**  
**Type II Concurrent Variance**  
**PDD/W-2015-01457**  
**Control Number: 2002-90045**  
**July 15, 2015**  
**Resubmittal: October 24, 2016**

**Request:** Palm Beach West Associates I, LLLP, is the owner/developer of the land included in the application to rezone the property to be known as the Indian Trails Grove a Western Residential Community PUD. The overall property includes approximately 4871.57 acres with 3897 residential dwelling units, 300,000 square feet (SF) of commercial retail use and 50,000 square (SF) of office use located approximately two (2) miles west of the intersection of Seminole Pratt Whitney Road and Orange Boulevard. The subject property currently has a Future Land Use Atlas (FLUA) designation of Agricultural Production (AP), in part (approximately 1,279.41 acres), and Rural Residential, 1 unit per 10 acres (RR-10), in part (approximately 3,592.16 acres). The property presently lies within the Agricultural Production (AP) Zoning District, in part, and the Agricultural Residential (AR) Zoning District, in part. The owner/developer is requesting to rezone the property to a Planned Development District (PDD), Planned Unit Development including several Type II Concurrent Variances associated with perimeter buffers.

**Future Land Use Plan Amendment Applications approved by the Board of County Commission on September 22, 2016, for the following:**

1. Designation of subject property as a Limited Urban Service Area (LUSA); and
2. To amend the FLUA designation of the subject property from AP, in part, and RR-10, in part, to Western Communities Residential (WCR), in whole.

The above FLUA applications include the following requests to amend the text of the PBC Comprehensive Plan:

- a. Add new objective and policies to the Future Land Use Element (FLUE) to create the Western Communities Residential Overlay;
- b. Revise the Managed Growth Tier System Map LU 1.1 to identify the boundaries of the Western Communities Residential Overlay (WCRO);
- c. Revise the Service Areas Map LU 2.1 to show the subject property's removal from the rural service area and inclusion within the limited urban service area;
- d. Revise the Special Planning Areas Map LU 3.1 to identify the location of the Western Communities Residential Overlay;
- e. Revise the Thoroughfare Right of Way Identification Map TE 14.1 to show the extension of 60th Street North as an 80' right of way west from

- Seminole Pratt Whitney Road to 190th Street;
- f. Revise the Thoroughfare Right of Way Identification Map TE 14.1 to show the extension of 190th Street as an 80' right of way north from 60th Street North to Orange Blvd;
  - g. Revise the Functional Classification of Roads Map TE 3.1 to show the extension of 60th Street North as an undefined right of way Seminole Pratt Whitney Road to 190th Street;
  - h. Revise the Functional Classification of Roads Map TE 3.1 to show the extension of 190th Street as an undefined right of way from 60th Street North to Orange Blvd; and
  - i. Creation of a new Future Land Use Atlas (FLUA) designation titled Western Communities Residential Development (WCR) along with the establishment of the subject property as a LUSA.

Other zoning related applications running concurrent with the rezoning request to a PUD include requested Unified Land Development Code (ULDC) Text Amendments to acknowledge the WCR land use plan category, creation of a new Overlay titled Western Communities Residential Overlay (WCRO) and to follow the provisions of Article 3, Chapter E. Other related amendments will be proposed to implement the Site Specific FLUA Amendment Conceptual Plan as approved by the Board of County Commissioners.

The subject of this application: Request to rezone the overall subject property of approximately 4871.57 acres to a PUD within the proposed Western Communities Residential Overlay zone (WCRO).

### **BACKGROUND / PROPERTY HISTORY**

The subject property is located west of 180<sup>th</sup> Avenue North, south and east of the J.W. Corbett Wildlife Management Area and north and west of the "M" Canal. The 4871.57 acre subject property is in active agricultural operation/production with accessory agriculture structures located in the southeast corner of the northern portion of the subject property.

The subject property is within the boundaries of the Cypress Grove Community Development District (CGCDC), which is a special district created by the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission, in 1993. The CGCDC has the authority to provide public infrastructure and services and to operate district facilities. While the subject property is within the CGCDC, the owner/applicant is committing (subject to Indian Trail Improvement District (ITID) agreement and acceptance), that each single family residential unit (upon closing to a third party within the development), will become an active unit of the ITID, and that the proposed retail / commercial use, once developed, will become an active member of the ITID; subject to the terms and conditions of such an agreement to be negotiated with the ITID. The ITID is another special district created by the Florida Legislature in 1957.

To the north and northwest of the subject property is the J.W. Corbett Wildlife Management Area, which is a 60,348-acre wildlife management area managed by the Florida Fish and Wildlife Conservation Commission (FWCC). In 1947 the Florida Game and Fish Commission (GFC) (predecessor to the FWCC) purchased approximately 52,000 acres from the Southern States Land and Timber Company and named it after James Wiley Corbett, a former commissioner. In 1993 another 2,331 acres were added to the wildlife management area with funds from the Conservation and Recreation Lands program and leased to the then GFC. These additional lands added in 1993 are the Pods due west of the subject property and were sold by Indian Trail Groves, Ltd. which was an entity controlled by Irving Cowan who was also the managing member of Indian Trail Groves, L.P., the entity that sold a portion of the subject property to the current owner / applicant.

Abutting the property to the northeast, east and southeast are residential, single-family lots within what is commonly referred to as The Acreage. According to the Historical Society of Palm Beach County, The Acreage was established in the early 1960's by Samuel Nathan Friedland's Royal Palm Beach Colony, Ltd. which began selling 1.25-acre lots on what was swampland for \$5,000 per lot. Based on an analysis of aerials from 1953 and 1968 obtained from the University of Florida's George A. Smather's Libraries, it appears that the drainage canals on the subject property were dug at the same time as the development of what is now known as The Acreage. As shown on the aerials provided with the FLUA application, the subject property and the areas that became "The Acreage" were primarily wetlands in 1953. By 1968 roadways and drainage canals were in place so that "The Acreage" could be developed for residential, single-family lots and the subject property could be utilized for agriculture. While the lots being sold were 1.25 acres in size, the lot configuration included the roadway easements and associated swale drainage area necessary to provide legal access to each of the lots.

There are a variety of other Pods surrounding the subject property and details of those (and additional details on the above Pods) are included in the "Surrounding Uses" section below.

The subject property has no previous FLUA Amendment approvals meaning that the FLUA designation on the subject property has remained consistent with the designation assigned in the 1989 PBC Comprehensive Plan. The entirety of the subject property, inclusive of both the Agricultural Production (AP), in part (approximately 1,279.41 acres), and Rural Residential, 1 unit per 10 acres (RR-10), in part (approximately 3,592.16 acres), is located within the Rural Tier of the Future Land Use Element (FLUE) of the Palm Beach County Comprehensive Plan, as is reflected on Map LU 1.1.

However, the subject property was included in the Central Western Communities (CWC) Sector Plan between August 1999 and November 2007 when the PBC BCC rescinded the Sector Plan during litigation with the Florida Department of Community Affairs (DCA) (predecessor to the Florida Department of Economic Opportunity [DEO]).

While the CWC Sector Plan proposed by the PBC Planning Division was never implemented following rescission on November 26, 2007 (through Ordinance No. 2007-031), other properties in the original 53,000-acre CWC Sector Plan area have been approved by the PBC BCC in subsequent years, through standalone application requests, at, near or above the densities and intensities called for in the CWC Sector Plan. Prior to the rescission, the density for the CWC Sector Plan area approved by the PBC BCC through Ordinance No. 2005-034 had ranged from 1 unit per 5 acres (0.20 units per acre) to 1 unit per 1.25 acres (0.80 units per acre). Below is a summary of the approved densities/intensities for these other properties in chronological order

- Sluggett Property
  - **Size:** 64.48 acres
  - **Approval:** Granted through PBC Ordinances No. 2008-050 on December 3, 2008 and 2010-030 on August 30, 2010
  - **FLUA Designation:** Commercial Low with an underlying Rural Residential 1 unit per 5 acres (CL/RR-5)
  - **Approved Residential:** 1 unit per 5 acres or 15 units
  - **Approved Non-Residential:** 280,875 SF of commercial uses.
  
- Lion Country Safari
  - **Size:** 637.16 acres
  - **Approval:** Granted through PBC Ordinance No. 2010-028 on August 30, 2010
  - **FLUA Designation:** Commercial Recreation with an underlying Rural Residential 1 unit per 2.5 acres (CR/RR-2.5)
  - **Approved Residential:** 1 unit per 2.5 acres or 254 units
  - **Approved Non-Residential:**
    - Drive-thru safari park;
    - Walk-thru amusement park;
    - Recreational vehicle campground; and
    - Commercial television tower.
  
- Minto West (aka Callery-Judge Groves)
  - **Size:** 3,788.6 acres
  - **Approval:** Granted through PBC Ordinance No. 2014-030 on October 29, 2014
  - **FLUA Designation:** Agricultural Enclave (AGE)
  - **Approved Residential:** 1.20 units per 1 acre or 4,546 units
  - **Approved Non-Residential:**
    - 500,000 SF of retail;
    - 1,050,000 SF of light industrial and research and development;
    - 450,000 SF of commercial offices uses;
    - 200,000 SF of civic uses;
    - 150 room hotel; and

- 3,000 student college.

The above summarizes the entitlement approvals for the largest undeveloped land areas within the original CWC Sector Plan that were granted on an individual basis following the rescission of the CWC Sector Plan. Each of these approvals were granted with a “Whereas” clause that confirmed that the proposed amendments complied with the Local Government Planning and Land Development Regulations Act or Community Planning Act as were applicable at the time of adoption. The subject property is one of the last remaining undeveloped properties within the original CWC Sector Plan area.

While the CWC Sector Plan was never implemented, the proposed density and intensity of the Indian Trails Grove property would be consistent with the original intent of the CWC Sector Plan. This project is intended to be developed as a Western Communities Residential (WCR) Development with a density of 1 unit per 1.25 acres (or 0.80 units per 1 acre), the same density of The Acreage residential areas located to the east of the subject site. Furthermore, the proposed project will preserve the rural character, conserve open space, promote environmental sustainability and manage water resources, all of which were guiding principles of the CWC Sector Plan.

Prior to the CWC Sector Plan PBC Staff had proposed to include a Rural Residential, 1 unit per acre (RR1) as part of the proposed 1989 Comprehensive Plan. Based on a review of the “Palm Beach County 1989 Proposed Comprehensive Land Use Map” dated April 1, 1989 a significant portion of The Acreage was to have been assigned this RR1 FLU designation; however, following the issuance of the Objections, Recommendations and Comments (ORC) Report by the DCA, the RR1 FLU designation was removed and not assigned as originally proposed by PBC Staff. To address the ORC, in August of 1989 the County adopted the land use plan designation of RR10 (1 unit per 10 acres) for a majority of The Acreage. However, the County simultaneously vested a majority of the lots within The Acreage utilizing the “Lot Requirements” provisions of the FLUE. In addition, some years later the County vested the remainder of The Acreage lots under common ownership utilizing the 85% rule of the “Lot Combination Requirements” of the FLUE. Again some years later the County amended the land use plan designation for a majority of The Acreage from RR10 to RR 2.5 (1 dwelling unit per 2.5 acres). While The Acreage may have an adopted land use designation of RR 2.5 today, the Acreage lots continue to be vested at a density of 1 dwelling unit per 1.25 acres under the “Lot Requirements” and “Lot Combination Requirements” of the FLUE; and therefore a majority of the lots in The Acreage are vested at the same density as is being requested on the Indian Trails Grove property (1 dwelling unit per 1.25 acres). It should also be noted that The Acreage is vested from having to meet the concurrency requirements of the Comprehensive Plan. Therefore, the 14,000+ lots in The Acreage have absolutely no obligation or requirement to comply with, be analyzed for compliance with or be reviewed for consistency the County’s Traffic Performance Standards ordinance; resulting in 14,000 lots that have no obligation to mitigate their traffic impacts on adjoining roadways, other than the payment

of impact fees at the time of building permit issuance.

It is worth noting that the ORC perceived the RR1 designation as a form of urban sprawl, and to address this objection the County adopted the RR10 land use plan designation for the area. However, by exempting these same areas from having to comply with the RR10 requirement through the “Lot Requirements” and the “Lot Combination Requirements” of the FLUE, the County has effectively allowed the same form of development as was intended under the RR1 designation originally applied to The Acreage. The development proposed in this application is seeking the same density in a different form of development (WCR), which form of development does not constitute a form of urban sprawl (as outlined in the FLUA Map amendment application).

**APPLICATION SUMMARY: REZONING & TYPE II CONCURRENT VARIANCES REQUEST:**

Rezone the subject property including approximately 4871.57 acres from Agricultural Production (AP) Zoning District (approximately 1,279.41 acres) and the Agricultural Residential (AR) Zoning District (approximately 3,592.16 acres) to a PUD with the proposed Western Communities Residential Overlay Zone (WCRO).

- Request to add 1 dwelling unit per 1.25 acres, thereby resulting in a maximum of 3,897 units on the approximate 4871.57 acres.
- Request to add a model row within each Development Pod (Pods A, B, C, D, E, and F)
- Request approval for 136.88 acres +/- (gross) of public and private Civic Uses
- Request approval for 55.89 acres +/- (gross) of Commercial / Retail Uses in three (3) commercial pods (Total SF combined for Commercial Retail is 300,000 square feet and Commercial Office is 50,000 SF)
- Request to provide access to each development Pod, Civic Pod, and Commercial / retail /office Pod as indicated on the overall Master Plan.
- Request for a Type II Waiver to allow an additional 10% or a total of 50% of the local named streets to terminate in a cul-de-sac.
- Request for several Type II Concurrent Variances associated with perimeter buffers. (See description and details beginning on page 32)

**SITE DATA / DESCRIPTION:**

The proposed Indian Trails Grove (ITG) PUD as previously discussed includes approximately 4871.57 acres and is located approximately two (2) miles west of the intersection of Seminole Pratt Whitney Road and Orange Boulevard. The overall PUD will include 5 Development Pods, each having their own access, Recreation Pods, School Bus Shelters, Trolley Stops, Focal Points, Pedestrian Gathering Areas and other amenities, but interconnected to each other via Equestrian and Pedestrian Trails; 7 Civic Pods (6 public and 1 private) and 3 Commercial / retail and Office Pods including approximately 55.89 acres. An overall Master Plan is included with this application showing the entire Indian Trails Grove PUD on one sheet and then each Development Pod (Pods A thru F) on subsequent sheets with greater detail including proposed line work for internal roads, open spaces, landscape buffers, equestrian and pedestrian

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trails and various amenities. The overall PUD is bounded on the east by 180<sup>th</sup> Avenue (north of 60<sup>th</sup> Street and south of Hamlin Boulevard) and partially on the west by 190<sup>th</sup> Street which runs north and south along the proposed west limits of Pods B, C, and D and the east limits of proposed Pod E. Orange Boulevard will be improved between 180<sup>th</sup> Avenue and 190<sup>th</sup> Street which bisects Pods B and C. It will provide access to both Pods B and C in addition to the proposed 23.71 acre Commercial / Retail & Office Pod on the west end, abutting 190<sup>th</sup> Street, and to the proposed Civic Pod #2, a 10.72 acre private Civic Pod, which is located on the southwest corner of Orange Blvd. and 180<sup>th</sup> Avenue. Pod A is connected to the overall PUD by Non Exclusive Easements for 180<sup>th</sup> Avenue which terminate at the northern limits of Pod A. Pod A lies west of a 250 foot wide "M" Canal which abuts Canal Road / 190<sup>th</sup> Terrace North. Access to Pod A is provided by 60<sup>th</sup> Street North which runs east west along the north limits of Pod A. At the northeast section of Pod A, lies the 12.20 acre proposed Civic Pod #1. The northwest limits of the overall PUD lies south of an East West canal, "MO" Canal which lies along the southern limits of the J.W. Corbett Wildlife management Area (previously discussed). To the west of Pod F lies the Indian Trails Impoundment Area (ITIA) which provides additional storage for flood control for "The Acreage" properties lying to the east of the Indian Trails Grove PUD. Access to the ITIA is provided by an existing dirt road lying within the northern limits of Pod F and along the southern limits of the aforementioned MO Canal. To the west of Pod F lies a 1707.93 acre proposed Open Space Tract including Open Space Pod #1 (640.00 Acres) which land will be conveyed to the ITID and is intended to benefit the area through ITID improvements which will provide additional storage area for flood control within the area. Open Space Pod #2 (1067.93 Acres) is intended for continued use as agricultural production and potentially for additional water resources.

<b>Residential Development Area</b>	<b>Acres</b>	<b>%</b>	<b>Units</b>
Pod A	517.88		662
Pod B	244.12		269
Pod C	577.96		865
Pod D	462.86		702
Pod E	540.17		859
Pod F	517.75		540
<b>Total Development Pods</b>	<b>2860.74</b>	<b>58.72%</b>	<b>3897</b>

<b>Civic Pods</b>	<b>Acres</b>	
Civic Pod 1 (Public - Unknown)	12.20	(10.20 Net)
Civic Pod 2 (Private - Churches)	10.72	(9.57 Net)
Civic Pod 3 (Public - Fire/Police)	5.57	(4.80 Net)
Civic Pod 4 (Public - Park)	43.48	(41.44 Net)
Civic Pod 5 (Public - Elem. School)	15.46	(15.46 Net)
Civic Pod 6 (Public - Park)	22.64	(22.64 Net)

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Civic Pod 7 (Public - Middle School)	26.82	(25.03 Net)
Total Civic Pods (Net Acres - 129.14 )	136.88	2.81%

Miscellaneous	Acres
Private Recreation Pod (Pod C)	26.53
Commercial Pod 1 (Pod A)	16.09
Commercial Pod 2 (Pod C)	23.71
Commercial Pod 3 (Pod E)	16.09
Small O.S. tract by MO canal	1.49
Large Open Space Pod	1707.93
Total Misc. Pods	1791.85

Right-of-Way Dedication	Acres
Orange Blvd.	12.15
180th Avenue	10.85
190th Street	26.54
60th Street North	10.58
ITG Blvd.	9.57
Carol Street	6.10
Hamlin Blvd.	1.68
200 <sup>th</sup> Trail North	4.62
Total R/W Dedication	82.10
<b>Total Gross Acres</b>	<b>4871.57</b>

The property includes the following Property Control Numbers (PCN's):

Indian Trails Grove - PCN List	
00-39-42-25-00-000-1000	00-40-42-27-00-000-9000
00-40-42-17-00-000-7000	00-40-42-31-00-000-9000
00-40-42-18-00-000-7000	00-40-42-30-00-000-9000
00-40-42-19-00-000-9000	00-40-42-34-00-000-1010
00-40-42-20-00-000-9000	00-40-43-03-00-000-3020
00-40-42-21-00-000-9000	00-40-43-04-00-000-9010
00-40-42-22-00-000-1010	

The Preliminary Master Plan identifies the location and proposed uses including proposed units and density all within the limits proposed based on the concurrent FLUA Amendment.

Contiguity of the two distinct Pods of land shown on the Master Plan under one PUD development order (one unified plan of development) is proposed to be established by a concurrent comprehensive plan amendment, which reads: **Policy 1.12-e:** For the purposes of contiguity, any land area within the Western Communities Residential Overlay shall be considered contiguous so long as it is submitted under one unified plan of development.

The following is a brief description of the proposed Pods within the overall Indian Trails Grove PUD:

### **Development Pods**

Pod A includes 562.86 gross acres with 662 Residential Dwelling Units, Public Civic Pod #1 (including 12.20 Acres) and Commercial Pod #1 (including 16.09 Acres). Uses for this Public Civic Pod have not yet been determined. The Commercial Pod will include 87,500 SF of Commercial Use and 10,000 SF of Office Use which will be designed and developed in the form of the Traditional Marketplace provisions of the Comprehensive Plan. In addition, the commercial pod will include a Trolley Stop and an area for Public Access (including at a minimum, a small parking area) which will provide access to the exterior lake and trail system. Access is provided by two entrances from 60<sup>th</sup> Street North, one of which will include a school bus shelter and trolley stop. A 5.54 acre Recreation Pod is centrally located within Pod A and will serve the general recreation needs for the residents within Pod A. A lake is proposed to border a majority of the overall Pod which will provide additional buffering for the proposed residential units within the community. An equestrian trail is proposed within the perimeter Landscape Buffers along all sides and interconnects to the proposed Equestrian / Pedestrian Trail within 190<sup>th</sup> Street.

Pod B includes 265.57 acres with 269 Residential Dwelling Units. Access is provided by two entrances, one from 190<sup>th</sup> Avenue and one from Orange Drive. A school bus shelter/ trolley stop is included within the entrance from 180<sup>th</sup> Avenue and also off Orange Blvd. A 2.54 acre Recreation Pod is centrally located within Pod B and will serve the general recreation needs for the Pod. As with Pod A, a lake is proposed to border a majority of the overall Pod which provides additional buffering for the proposed residential units within the community. The Equestrian / Pedestrian Trail runs along the western and northern limits of the Pod. A proposed 55 foot wide Landscape Buffer is proposed along the south limits of Pod B and a 50 foot wide Landscape Buffer is proposed along the east limits of Pod B, which is adjacent to existing Elementary School and Middle School, both of which are accessible from 180<sup>th</sup> Avenue. Civic Pod #2, a private civic Pod, (including approximately 10.72 Acres) lies within the northeast section of Pod B with access from Orange Blvd. Church uses and day care uses are potential uses for this private Civic Pod.

Pod C includes 648.45 acres with 865 Residential Dwelling units, 130 Townhome Units, 330 Zero Lot Line Units, and 405 Single Family Units, and Commercial Pod #2 (23.71 Acres). Access is provided by two entrances, one from 190<sup>th</sup> Avenue and one from Orange Drive. The one from Orange Drive is aligned with the entrance to Pod B and the one from 180<sup>th</sup> Avenue will include a school bus shelter and trolley stop. A 6.15 acre Recreation Pod is centrally located within Pod C and will serve the general recreation needs for the future residents within the Pod. As with previously discussed within Pods A & B, Pod C also includes a lake system that borders a majority of the overall Pod which provides additional buffering for the proposed residential units within the community. The Equestrian / Pedestrian Trail runs along the south, east and west limits of the Pod which interconnect to all the Pods within the overall PUD. All other required Perimeter Buffers have been included within the Pod and details for each buffer are shown on the Regulating Plans. A 50 foot wide Landscape Buffer is proposed to buffer the 23.71 acre +/- Commercial / Retail Pod which lies within Pod C at the southwest corner. A proposed Private Recreation Pod including approximately 26.53 acres is situated south of the main entrance to Pod C which is proposed to include a central park and recreational facilities to serve the overall Indian Trails Grove PUD residents. The Commercial Pod will include 125,000 SF of Commercial Use and 30,000 SF of Office Use which will be designed and developed in the form of the Traditional Marketplace provisions of the Comprehensive Plan.

Pod D includes 526.13 acres with 702 Residential Dwelling units and Civic Pod #3 (5.57 acres) and Civic Pod #4 (43.48 acres). Access is provided by one entrance from 190<sup>th</sup> Street and will include a combination School Bus Shelter and Trolley Stop. In addition, an emergency vehicular connection is provided in the southwest corner of the Pod, thus providing two means of emergency egress/ingress into Pod D (main entry and through the 20' emergency access only). A 4.86 acre Recreation Pod is centrally located within Pod D and will serve the general recreation needs for the Pod. As with previously discussed Pods, a lake is proposed to border the majority of Pod which provides additional buffering for the proposed residential units within the community. There is a wide open space tract that will include an Equestrian Trail which separates Pod C from Pod D. At the northern limits of Pod D lies Public Civic Pod #4 which includes approximately 43.48 acres. It is intended that this Public Civic Pod #4 be utilized by the County Parks and Recreation Department as expansion area for the adjacent District Park "F" located to the immediate east of the civic Pod. In addition, a portion of said Civic Pod may include an area for Public Access for the general public to park horse trailers when utilizing the trail system within the project, and or trucks when launching non-motorized boats into the lakes within Pod D. Public Civic Pod #3 is situated at the northeast corner of Pod D which fronts 180<sup>th</sup> Avenue and includes 5.57 acres. It is anticipated that this Public Civic will be utilized for both Police and Fire uses, and possibly an FPL substation, if required. Equestrian / Pedestrian Trails run along the east and west limits of Pod D with an Equestrian Trail connecting the Trail from 180<sup>th</sup> Avenue to 190<sup>th</sup> Street. There is an existing 60 Acre District Park adjacent to the proposed Civic Pod #4 which abuts a 60 Acre future High School Pod. Limited

Pedestrian Access will be provided from Pod D to the future High School and District Park.

Pod E includes 636.784 acres with 859 Residential Dwelling units, Civic Pod #5 (15.46 Acres), Civic Pod #6 (22.64 Acres), Civic Pod #7 (26.82 Acres) and Commercial Pod #3 (16.09 Acres) which includes 87,500 SF of Commercial Uses and 10,000 SF of Office Uses and a Trolley Stop and Trolley Depot. Access is provided by two entrances, one from 190<sup>th</sup> Street and one from a proposed road “ITG Boulevard” which will extend west from 190<sup>th</sup> Street which will serve not only Pod E, but also proposed Public Civic Pods #5, #6, and #7 and Commercial Pod #3. A combination School Bus Shelter and Trolley Stop will be provided at the entrance from ITG Boulevard. A 5.99 acre Recreation Pod is centrally located within Pod E and will serve the general recreation needs for the Pod. As with previously discussed Pods, a lake is proposed to border the majority of Pod which provides additional buffering for the proposed residential units within the community. In addition to the proposed lakes, a large open space tract is proposed within the Pod which will include additional green space and buffering for the residents of the community. The northern limit of Pod E abuts the J.W. Corbett Wildlife Management Area. An Equestrian Trail abuts Pod E along the north, east, south and west limits of the Pod which are integrated with the required landscape buffers. The public paved pathway or multi-purpose trail is proposed along the east, south and a portion of the western limits of the Pod. ITG Boulevard (previously mentioned) terminates at the southwest limits of Pod E where it intersects with Carol Street.

Pod F includes 523.85 gross acres with 540 Residential Dwelling units. The Pod is located at the northwest section of the overall PUD. Access to Pod F is provided by two entrances, both from the northern extension of the proposed Carol Street, the southernmost entrance will include a guard house for residents and visitors, where the northern entrance will be simply gated with a “residents only” key pad and a turn-around lane for visitors without access keys. A school bus shelter will be provided at the southern entrance from Carol Street. Pod F includes one Recreation Pod, centrally located and includes 6.23 acres which will be designed to serve the general recreation needs for the residents within the Pod. As with previously discussed Pods, a lake is proposed to border the majority of Pod which provides additional buffering. Pod F is surrounded by a 10’ equestrian trail on the north, west and southern boundaries. The eastern boundary includes both an equestrian trail and pedestrian pathway. South of Pod F lies agricultural land and to the west lies the Large Contiguous Open Space Pods (O.S. Pod 1 with 640.00 Acres and O.S. Pod 2 with 1067.93 Acres).

Pod	Acres	SF	ZLL	TH	No. of Units	Density
<b>A</b>	517.88	326	226	110	662	2.55
<b>B</b>	244.12	150	119	0	269	2.32
<b>C</b>	577.96	405	330	130	865	2.66

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<b>D</b>	462.86	219	483	0	702	2.75
<b>E</b>	540.17	181	543	135	859	2.97
<b>F</b>	517.75	540	0	0	540	2.12
<b>Total</b>		1821	1701	375	3897	

The Required Contiguous Open Space Pod is located at the westernmost section of the overall PUD. As required by Policy 4.5-f-3 of the FLUE amendment, a minimum of 33.33% of the gross site acreage, less public right-of-way dedication, shall be provided in one large contiguous open space land area and shall be depicted on the Conceptual Plan approved by the Board of County Commissions. The large set aside contiguous Pod is shown on the overall master plan and includes a total of 1,707.93 acres. The “Open Space Exhibit” included with the Master Plan and labeled as Sheet OSA (Open Space – All) delineates a 640.00 Acre Conceptual Impoundment Expansion Area as Open Space Pod 1 for the use by the ITID to provide additional storage area for flood control for the area, and a 1067.93 Acre Water Resource/ Agriculture Pod shown as Open Space Pod 2. The combined open space pods exceed the minimum required 33.33% (1596.33 acres) by approximately 111 acres. The contiguous open space Pod provides additional open space and buffering for the future residents of the community.

Public Civic Pod #1: This Pod is located at the north east corner of Development Pod A and fronts on 60<sup>th</sup> Street North. It includes 12.20 acres inclusive of the Rural Parkway and its’ future use has not yet been determined.

Private Civic Pod #2: This Pod is located on the southwest corner of Orange Boulevard and 180<sup>th</sup> Avenue. This Pod is intended to be utilized for Private Civic uses such as church and or day care. It includes 10.72 acres inclusive of the Rural Parkway.

Public Civic Pod #3: This Pod is located at the northeast corner of the subject property, fronting on 180<sup>th</sup> Avenue. This Pod could be used to serve as a Public Fire and Police Station, and/or a substation for FPL. It includes 5.57 acres, inclusive of the Rural Parkway along 180<sup>th</sup> Avenue. Access to this Pod will be from 180<sup>th</sup> Avenue.

Public Civic Pod #4: This Pod is located along the northern limits of the project and fronts on Hamlin Blvd. It includes 43.48 acres and lies directly adjacent to an existing District Park (District Park F) also inclusive of the Rural Parkway along 190<sup>th</sup> Street. It is intended to serve as an expansion area for said District Park.

Public Civic Pod #5: This Pod is located just west of 190<sup>th</sup> Street, fronting on a proposed 80 foot right-of-way within Pod F. The Pod includes 15.46 acres and the land is intended to be dedicated to the Palm Beach County School District for public school related uses that will serve the public and the Indian Trails Grove community. No impact fee credits are proposed relative to the value of the land dedication of the site to the School District. PREM has requested that any dedication to the PBC School District

include a reverter clause that if the site is not utilized for a public school site, the land would be dedicated back to Palm Beach County.

Public Civic Pod #6: This Pod is located between Civic Pod #5 and Civic Pod #7 and includes 22.64 acres of land. As with Civic Pod #5 it also fronts on a proposed east / west 80 foot right-of-way. The Pod is intended to be dedicated to the Palm Beach County School District for public school related uses that will serve the public and the Indian Trails Grove community. No impact fee credits are proposed relative to the value of the land dedication of the site to the School District. PREM has requested that any dedication to the PBC School District include a reverter clause that if the site is not utilized for a public school site, the land would be dedicated back to Palm Beach County.

Public Civic Pod #7: This Pod is located directly north of and adjacent to Civic Pod #6 and includes 26.82 acres of land. As with both Civic Pods #5 and #6, it also fronts on the proposed east / west 80 foot right-of-way. No impact fee credits are proposed relative to the value of the land dedication of the site to the School District. The Pod includes 26.82 acres and is intended to be dedicated to the Palm Beach County School District for public school related uses that will serve the public and the Indian Trails Grove community. PREM has requested that any dedication to the PBC School District include a reverter clause that if the site is not utilized for a public school site, the land would be dedicated back to Palm Beach County.

The total civic provided within the WCR PUD is as follows:

<b>Civic Pods</b>	<b>Acres</b>
Civic Pod 1	12.20
Civic Pod 2	10.72
Civic Pod 3	5.57
Civic Pod 4	43.48
Civic Pod 5	15.46
Civic Pod 6	22.64
Civic Pod 7	26.82
Total Civic Pods (gross acreage)	136.88

Commercial / Retail Pods: As delineated in the Comprehensive Plan Text Amendment (LGA 2016-017), Policy 4.5-f.4, the overall Indian Trails Grove PUD is required to include a minimum of 2% of the overall developable land area, being defined as: area available for development less required exterior open space. The gross land area of the project is 4871.57 acres and the exterior open space provided on the plan is 2683.95 acres.  $4871.57 - 2683.95 = 2187.62 \times 2\% = 43.75$  acres required. The total amount of Commercial land area provided is 55.89 acres. The Indian Trails Grove PUD includes three Commercial Pods which are intended to provide personal services, retail opportunities, and professional or business offices for use primarily by the residents of the PUD with a total of 350,000 SF of use, 300,000 SF of Commercial Retail Use and

50,000 SF of Office Use. The commercial Pods are located within three separate areas of the overall PUD. Commercial Pod #1 is located within Pod A and includes 16.09 acres. Access is provided by 60<sup>th</sup> Street and fronts a rural parkway. Commercial Pod #2 is located within Pod C and includes 23.71 acres. Access is provided by both Orange Blvd and 190<sup>th</sup> Street both of which include Rural Parkways. Commercial Pod #3 is located within the southwest corner of Pod E and includes 16.09 acres. Access is provided by both 190<sup>th</sup> Street and ITG Boulevard. The concurrent ULDC Text Amendment includes the requested exception to Article 3, Chapter E, Section 2.E.2.b, as it relates to the location of a commercial pod within a PUD: “A commercial pod located within a WCR provided the location of the commercial pod is shown on the Conceptual Plan approved by the BCC as part of the FLUA amendment. The above stated Exception, is included in the FLUA and Text Amendment (LGA-2016-017) and was transmitted on April 12, 2016, once adopted, it will allow the proposed Commercial Pods to be located within the PUD where indicated on the Preliminary Master Plan.

Open Space: In accordance with Policy 4.5-f. there are 3 types of Open Space required for the project; Required Open Space – 66.67% of the gross acres; Exterior Open Space – 50% and Large Contiguous Open Space – 33.33%. The Exterior Open Space shall be limited to preservation, conservation, passive and/or active recreation, perimeter landscape buffers, rural parkways, pedestrian pathways and greenways, wetlands, bona fide agriculture, regional water management, fallow land, perimeter water management areas, public and/or private civic uses, and/or, equestrian uses. Perimeter water management areas shall only count as Exterior Open Space if the water management area is accessible to the general public from a publically accessible buffer or open space tract that includes a minimum 8-foot wide paved pedestrian pathway that connects the perimeter of the site to the water management area. Perimeter water management areas shall be available for use by the general public for fishing and non-motorized boating activities. Land area allocated as Exterior Open Space counts towards meeting the minimum Required Open Space. The Large Contiguous Open Space requirement is shown on the Preliminary Master Plan as Open Space Pod 1 (640 Acres) and Open Space Pod 2 (1067.93 Acres). Their combined acreage exceeds the minimum required of 33.33% and is depicted on the Site Specific FLUA Conceptual Plan approved by the Board of County Commissioners. Land area allocated as part of the 33.33% contiguous open space counts towards meeting the minimum Required Open Space

The Required Open Space shown on the Preliminary Master Plan is as follows:

<b>Required Open Space</b>	<b>Acres</b>	<b>%</b>
Gross Development Area x 66.67%	3193.14	66.67%
Total Open Space Provided	3207.50	66.97%
Lakes (External)	634.37	
Lakes (Internal)	257.58	
Perimeter Buffers	203.28	

Misc. Internal O.S.	171.67	
O.S. in Internal Spine Roads	36.45	
Recreation Pods	57.84	
Civic Pods	136.89	
Large Open Space Pod	1707.93	
Small O.S. Tract (near MO Canal)	1.49	
<b>Total Provided</b>	<b>3207.50</b>	<b>66.97%</b>

The Required Exterior Open Space shown on the Preliminary Master Plan is as follows:

<b>Exterior Open Space (50%)</b>	<b>Acres</b>	<b>% of Gross Acreage</b>
Gross Development less public R/W dedication x 50% - Required		
Total Exterior Open Space Required	2394.74	50%
Total Exterior Open Space Provided	2683.95	56.04%
Lakes (Exterior)	636.93	
Perimeter Buffers	203.28	
Civic Pods	136.89	
Large Contiguous Open Space	1707.93	35.06%
Small Open Space Tract (near MO Canal)	1.49	
<b>Total Provided</b>	<b>2683.95</b>	<b>56.04%</b>

Private Recreation Pod #1: This Pod is located along the western limits of Pod C adjacent to 190<sup>th</sup> Street. It is intended to provide a greater variety of recreational uses that are not typically found in the smaller recreation pods within the individual development Pods A, B, C, D, E, and F. This large Recreation Pod includes 26.53 acres, inclusive of the Rural Parkway and will be designed to serve the recreational needs of the overall ITG community. Access will be provided via 190<sup>th</sup> Street.

**SURROUNDING LAND USES:**

**North**

There are 2 existing Pods that lie directly north and include approximately 25 acres that are utilized for canal and drainage purposes, and are owned by the Indian Trail Improvement District (ITID). The FLUA designation is RR-10 with an AP Zoning District. Beyond the canal lies the J.W. Corbett Wildlife Management Area including over 60,000 acres of conservation area. Some of the uses within the conservation area include; drainage, hunting, birding, hiking, camping, and horseback riding. The aforementioned JW Corbett Wildlife Management Area also includes a rather large Pod directly north of the north central subject Pod, all including a FLUA designation of CON (Conservation). Also to the Northeast are 7 residential Pods along with a 62 acre Park owned by Palm Beach County (District Park F). In addition there is an existing 60 acre undeveloped

Pod owned by the School District of Palm Beach County. These properties either have a FLUA designation of RR-2.5 or RR-10 with either a PO Zoning District or an AR Zoning District.

### **South**

There are 7 residential / agricultural Pods ranging from 5 acres to 20 acres in size with a FLUA designation of either RR-5 or RR-10 and are within the AR Zoning District. In addition, there is approximately 1265 acres supporting agricultural operations with a FLUA designation of RR-10 with an AP or AR Zoning District. There are two Pods comprising of 16.28 acres that are utilized for drainage and there are 2 additional Pods owned by Florida Power and Light which are utilized for utility purposes.

### **East**

East of the subject property, across 180<sup>th</sup> Avenue North (a 100' ingress/egress easement) are a variety of residential Pods with a minimum lot size of 1.25 acres. All have a FLUA designation of RR-2.5 and are within the AR Zoning District. Directly to the east of the southeast section of the subject property are two Pods that equate to 58.82 acres, both owned by the School District of PBC. These Pods support existing Frontier Elementary School and Osceola Creek Middle School. These Pods have a FLUA designation of RR-10 and are within the AR Zoning District.

Note: Residential single-family lots within what is commonly referred to as The Acreage. According to the Historical Society of Palm Beach County<sup>4</sup>, The Acreage was established in the early 1960's by Samuel Nathan Friedland's Royal Palm Beach Colony, Ltd. which began selling 1.25-acre lots on what was swampland for \$5,000 per lot. Noted on the Master Plan as "Royal Palm Beach Acreage" – Unrecorded Plat.

### **West**

There are four (4) Pods totaling approximately 1,079 acres owned by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. These Pods have a FLUA designation of AP, are within the AP Zoning District and are part of the J.W. Corbett Wildlife Management Area. In addition, there is a Pod containing approximately 773 acres known as the Indian Trails Grove Impoundment Area which provides additional storage for flood control for the general area; J.W. Corbett Wildlife Management Area and the L-8 Canal owned by the South Florida Water Management District. All with a FLUA designation of AP within the AP Zoning District.

## **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 are indicated below.

**1. Consistency with the Plan** – The Future Land Use Atlas (FLUA) was recently amended by application LGA 2016-017 of the Indian Trails Grove property from AP,

in part, and RR-10, in part, to Western Communities Residential (WCR) in whole. The request was transmitted by the BCC on April 12, 2016, and approved by the Board of County Commissioners on September 22, 2016 with conditions of approval as outlined in the FLUA amendment. Note: all conditions of approval will be complied with in accordance with the timing and phasing outlined in said conditions.

Per Policy 2.1-f of the FLUE of the PBC Plan an applicant must provide adequate justification for the proposed future land use.

As previously discussed within Background / History, it would appear that the subject property was intended to be developed in a similar fashion to "The Acreage" (residential units on 1.25-acre lots). Over time the subject property was converted into land used for agricultural purposes but conditions have and continue to change that warrant the request to amend the FLUA designation on the subject property to WCR. The creation of the Western Communities Residential Overlay (WCRO), along with the necessary Map Amendments, will provide the regulatory framework to allow residential (and accessory commercial development) development on the subject property while also providing protective measures that will create a transition from rural/suburban development and other uses to existing and future conservation areas, specifically the J.W. Corbett Wildlife Management Area and Everglades restoration programs and projects. Next, the inclusion of 60<sup>th</sup> Street North, 190<sup>th</sup>, Orange Blvd. and Hamlin Blvd. on the Thoroughfare Right of Way Identification Map TE 14.1 will ensure that the subject property contains sufficient depth, width and frontage, or appropriate access thereto, a public street shown on the Thoroughfare Right of Way Identification Map per the Planned Unit Development (PUD) design objectives found in PBC Unified Land Development Code (ULDC) Article 3.E.1.C.1. Next, the request to exempt the Western Communities Residential Overlay (WCRO) from Policy 3.5-d will provide the same flexibility provided to other large, unique projects in PBC including the Agricultural Enclave, the SR-7 Economic Development Overlay (EDO) and the Inland Logistics Center. Next, the allowance of the WCRO to be designated as a Limited Urban Service Area (LUSA), consistent with the same allowance for the Agricultural Enclave, will ensure that adequate facilities can be provided to the overlay. Lastly, the creation of a new rural residential Future Land Use Atlas (FLUA) designation titled WCR, .8 du/ac. will allow for residential density on the subject property consistent with the densities provided in the CWC Sector Plan. The proposed Indian Trails Grove project will contain single-family, zero lot line and townhome residential units together with neighborhood commercial uses and civic uses consistent with the residential density of the surrounding area and the demand for non-residential uses generated by the new residences. The Indian Trails Grove project builds on current efforts to re-dress the historic land use imbalance in the CWC by providing an additional 350,000 SF of non-residential uses as part of the overall development.

As detailed above, allowing the WCR FLUA designation on the subject property is justified because there has been a change in circumstances (correction in the single-

use pattern) that affects the subject property.

**Through Text Amendments to the Future Land Use Element the following Policies have been amended for consistency with the Western Communities Residential Overlay (WCRO) and depicted on the Preliminary Master Plan**

**Policy 1.12-c:** Development shall only occur in the format of a Planned Development District Planned Unit Development and commercial nodes consistent with the form of the Traditional Marketplace in the Comprehensive Plan, with a minimum gross land area of 900 acres. The maximum number of residential units shall be limited to 3,897; the maximum amount of non-residential commercial retail uses shall be limited to 300,000 square feet; and, the maximum amount of non-residential commercial office uses shall be limited to 50,000 square feet.

*The Master Plan has been revised to provide the location of the SF of Commercial and Office Uses within the three Commercial Pods (#1, #2 and #3). Commercial Pod #1 includes 87,500 SF of Commercial Use and 10,000 SF of Office Use. Commercial Pod #2 includes 125,000 SF of Commercial Use and 30,000 SF of Office Use; Commercial Pod #3 includes 87,500 SF of Commercial Use and 10,000 SF of Office Use. All to be designed and consistent with the Traditional Marketplace provisions of the Comprehensive Plan.*

**Policy 1.12-e:** In addition to other public facilities required by the ULDC, the following shall be provided at developer expense:

1. Paved on-site roads to serve all uses.
2. On-site central water and wastewater service with an off-site loop main that will allow other residences in the vicinity to connect to central services.
3. On-site retention and drainage facilities that connect to the L-8 canal.
4. A minimum 11 miles of 8-foot-wide paved pedestrian and bicycle pathways, open to the public.
5. A minimum 17.5 miles of equestrian trails open to the public.
6. On-site bus shelter easements for Palm Tran.
7. Off-site road improvements that include:
  - a. Extension of 60<sup>th</sup> Street North from Seminole Pratt Whitney to 190<sup>th</sup> Street North.
  - b. Extension of 190<sup>th</sup> Street North from 60<sup>th</sup> Street North to Hamlin Boulevard.
  - c. Extension of Orange Blvd. from 180<sup>th</sup> Ave. North to 190<sup>th</sup> Street North.

d. Connection of Hamlin Boulevard from its present terminus to 190<sup>th</sup> Street North.

8. In addition to the projects fair share proportionate share obligation, fund an additional \$5,000,000.00 to Palm Beach County for use in mitigating the project's impact on nearby roadways.

*The Master Plan includes the location of the above referenced amenities noted within the Policy. They are depicted on the overall Master Plan and included in cross sections within the Regulating Plans. As for items 7. and 8., both will be addressed during final site plan and final master plan approvals through DRO.*

**Policy 1.12-f:** The developer shall provide a trolley for scheduled seven-day-a-week shuttle service to on-site nonresidential uses and areas, and to commercial centers in Minto West. Service shall be provided at no charge to riders after the developer receives 1,000 certificates of occupancy for on-site residential units. The trolley shall remain in service at the expense of the developer or assigns until such time as the County authorizes the service to end in the event of low ridership.

*The Master Plan has been revised to include proposed Trolley Stops within each Pod. They have been co-located with the School Bus Shelters in each entrance of the Residential Development Pods and within each Commercial Pod. In addition, proposed signs for the Trolley Stops are included on the Master Sign Plan. A Trolley Depot for storage of the Trolley has been depicted on the within Commercial Pod #3.*

**Consistent with Policy 4.5-c thru f:**

The Master Plan included with the Rezoning Application was designed to be consistent with the Policies amended, included and shown on the Western Communities Residential Development Conceptual Plan. In addition, regulating plans / Exhibits have been included with the Master Plan to depict the requirements for density, intensity and location to commercial pods, civic pods, and recreation pods. All meeting or exceeding the maximum distance within a ¼ mile or ½ mile radius. See Exhibits Commercial Radius Plan (CRP); Commercial, Civic, Recreation Radius Plan (CCRRO) for details.

**Policy 4.5-c:** Agricultural uses shall be permitted within the WCR future land use designation until the land physically converts to the uses permitted by such development orders. Agricultural uses shall be permissible uses within open space areas to the extent indicated on the Conceptual Plan or site specific amendment ordinance.

*The Indian Trails Grove complies with this policy, as the overall project is currently in various phases of Agriculture Production. Furthermore, the Open Space Pod lying to the west of the residential Pods has been set aside to either retain Agriculture Production or be utilized for Water Resources.*

**Policy 4.5-d:** A Western Communities Residential Development Conceptual Plan shall include a Site Data table establishing an overall density and intensity for the project, as well as minimum and/or maximum percentages for the acreages shown on the Plan and other binding standards. Conceptual Plan shall include a depiction of the residential; non-residential, recreational, civic, and open space elements of the project and allow the clustering of the density to promote a variety of neighborhoods and housing types and to act as transition areas between the Western Communities Residential Development and adjacent existing communities.

*An Exhibit entitled Conceptual Land Use Density Plan (CLUDP) is included with the Master Plan which depicts the housing types and densities provided.*

**Policy 4-5-e:** A Western Communities Residential Development shall utilize the Planned Unit Development (PUD) zoning district of the Unified Land Development Code, with the form of the commercial nodes reflected on the Conceptual Plan, which commercial nodes shall be designed consistent with the form of the Traditional Marketplace provisions of the Comprehensive Plan. Each residential pod within a WCR Planned Unit Development may be developed according to the density/intensity assigned on the Conceptual Plan.

*The Master Plan includes a note that states: Commercial and Office Uses delineated on the Master Plan within the Commercial Pods 1, 2, & 3 shall be designed to be consistent with the Traditional Marketplace provisions of the Comprehensive Plan.*

**Policy 4.5-f:** In order to achieve compatibility with the existing residential development pattern in the surrounding area and create a more sustainable land use pattern through compactness of design, any land developed utilizing the WCR future land use plan category shall be required to exhibit the following characteristics:

1. A maximum permissible gross residential density of 0.80 DU/AC.
2. The project shall provide a minimum of 66.67% of the gross site acreage (less public R/W dedication) in open space uses (the Required Open Space). A minimum of 50% of the gross site acreage shall be in the form of Exterior Open Space which shall be limited to preservation, conservation, passive and/or active recreation, perimeter landscape buffers, rural parkways, pedestrian pathways and greenways, wetlands, bona fide agriculture, regional water management, fallow land, perimeter water management areas, public and/or private civic uses, and/or, equestrian uses. Perimeter water management areas shall only count as Exterior Open Space if the water management area is accessible to the general public from a publically accessible buffer or open space tract that includes a minimum 8-foot wide paved pedestrian pathway that connects the perimeter of the site to the water management area. Perimeter water management areas shall be available for use by the general public for fishing and non-motorized boating activities. Land area allocated as Exterior Open Space counts towards meeting the minimum Required Open Space.

3. A minimum of 33.33% of the gross site acreage (less public R/W dedication) shall be provided in one large contiguous open space land area and shall be depicted on the Conceptual Plan approved by the Board of County Commissioners. Land area allocated as part of the 33.33% contiguous open space counts towards meeting the minimum Required Open Space.

4. Neighborhood-serving commercial nodes shall comprise no less than 2% of the overall developable land area (developable land area being defined as the area available for development less the required Exterior Open Space). The commercial nodes shall: (1) be designed consistent with the form of the Traditional Marketplace provisions of the Comprehensive Plan; and, (2) be depicted on the Conceptual Plan approved by the Board of County Commissioners.

5. A minimum 20% of the residential units shall be located within one-quarter mile radius of commercial nodes; a minimum 40% of the residential units shall be located within one-half mile radius of commercial nodes; and a minimum of 66% of the residential units shall be located within one-quarter mile radius of commercial nodes or civic uses (public or private) or recreation uses (public or private).

6. Higher density residential areas shall be located adjacent to and within one-quarter mile radius of any commercial node. Lower density residential areas shall be located around the perimeter of the development area to promote compatibility with existing development in the surrounding area. Medium density residential shall be located between commercial nodes/High density residential areas and the Low density residential areas. All of which shall be reflected on the Conceptual Plan approved by the Board of County Commissioners.

7. A minimum of 10.0% of on-site for-sale units shall be provided as workforce housing based on the County's affordability standards.

*The Master Plan includes tabular data charts reflection how all above referenced policies are being met. In addition, graphic exhibits are included with the Master Plan which included the following: Open Space Exhibit (OSA) which reflects all types of the required open space including exterior open space; Commercial Radius Plan (CRP) which reflects the number of residential dwelling units within ¼ mile; and a Commercial, Civic & Recreation Radius Plan (CCRRP) which reflects the total number of units within a ¼ mile of either Recreation, Commercial or Civic. All additional exhibits reflect that the Indian Trails Grove project meets or exceeds the requirements noted within the Comprehensive Plan.*

- 2. Consistency with the Code** – One of the concurrent applications as previously referenced, includes Text Amendments to the Unified Land Development Code to acknowledge the WCR land use plan category and permit WCR land use plan category to follow the provisions of Article 3, Chapter E of the ULDC. Other related amendments will be proposed, such as the location of commercial pods within a PUD, as they relate specifically to the WCR land use plan category and the Site Specific FLUA Amendment Conceptual Plan approved by the Board of County Commissioners.

## **Unified Land Development Code (ULDC)**

### **Article 3. Chapter E - PLANNED DEVELOPMENT DISTRICTS (PDDs)**

The rezoning of the Indian Trails Grove PUD project, inclusive of 4,871.57 acres will follow the current ULDC criteria and standards for a Planned Unit Development (PUD) within a PDD with the exception of the recently submitted ULDC Text Amendments, which are generally the addition of the proposed WCR land use plan category and Western Communities Residential Overlay within Article 3.

#### **Section 1: General**

The proposed Indian Trails Grove PUD will meet or exceed both the criteria and standards noted within this Section of the ULDC.

In accordance with Article 3.E.1.C. Objectives and Standards, the Project complies with all objectives noted within Design Objectives a through h. As the project includes 56 Acres +/- of Commercial Pods and will include at least one Pedestrian Amenity as suggested therein.

The project will meet or exceed all Performance Standards required for a Planned Development noted in Article 3 except for the threshold allowed for Cul-de-sacs. The Rezoning application includes a request for a Type II Waiver to allow an additional 10% of the local streets within the overall PUD to terminate in a cul-de-sac.

Also, as noted in Article 3.E.1.G. Sales Office and Models, the overall Preliminary Master Plan includes the approximate location of the proposed Model Rows within each Development Pod as required by code. This application includes a request for a Model Row within Pods A, B, C, D, E, and F of the overall Indian Trails Grove PUD.

Because of the size of the overall project, 4871.57 acres, a Phasing Plan has been included with the Preliminary Master Plan.

### **Article 3. Chapter E - Section 2: PLANNED UNIT DEVELOPMENT (PUDs)**

The proposed Indian Trails Grove PUD will meet or exceed both the criteria and standards noted within this Section of the ULDC with the incorporation of the attached proposed amendments as included in the concurrent ULDC Text Amendment application.

### **3. Compatibility with Surrounding Uses.**

The requested Rezoning of the 4871.57 acres included in this application is consistent with the current Future Land Use Amendment which is not only compatible with the density of the surrounding communities, it will also provide different housing and lifestyle choices from what currently exists in the Rural Tier.

The WCR PUD provides a minimum of 66.67% of the gross site acreage (less public R/W dedication) in open space uses (the Required Open Space). A minimum of 50% of the gross site acreage (less public R/W dedication) is in the form of Exterior Open Space which shall be limited to preservation, conservation, passive and/or active recreation, perimeter landscape buffers, rural parkways, pedestrian pathways and greenways, wetlands, bona fide agriculture, regional water management, fallow land, perimeter water management areas, public and/or private civic uses, and/or, equestrian uses. Perimeter water management areas shall only count as Exterior Open Space if the water management area is accessible to the general public from a publically accessible buffer or open space tract that includes a minimum 8-foot wide paved pedestrian pathway that connects the perimeter of the site to the water management area. Perimeter water management areas shall be available for use by the general public for fishing and non-motorized boating activities. Land area allocated as Exterior Open Space counts towards meeting the minimum Required Open Space. A minimum of 33.33% of the gross site acreage is provided in one large contiguous open space land area as depicted on the Site Specific FLUA Conceptual Plan approved by the Board of County Commissioners. Land area allocated as part of the 33.33% contiguous open space counts towards meeting the minimum Required Open Space

Next, as will be detailed in the concurrent FLUA Amendment application, the proposed development on the subject property does not encourage the proliferation of urban sprawl per Florida Statutes, Section 163.3177.(6).(a).9. Next, the Western Communities Residential Overlay is adjacent to the western boundary of The Acreage. The proposed text amendments will ensure that development within this overlay is compatible with The Acreage by proposing a comparable density, not encroaching into the geographic boundaries of the neighborhood with development and respecting the social fabric. Next, as indicated in proposed Policy 1.12-f included in the FLUE, the required open space is allowed to include bona fide agriculture which will provide for the retention of agricultural operations within the overlay. Furthermore, the owner / applicant's Preliminary Master Plan included with the Rezoning application indicates that the development also includes provisions for approximately 17 miles of equestrian trails that will provide a unique design feature that incorporates a long-standing element within the central western communities.

#### **4. Effect on the Natural Environment**

The proposed use and design of the overall project as provided on the Preliminary Master Plan which includes the rezoning of 4871.57 acres into the PUD Zoning District minimizes the environmental impacts to water, air, storm-water management, wildlife, vegetation, wetlands and the natural functioning of the environment by utilizing the majority of the lands as open space. A total of 3207.50 Acres of open space is reflected on the Preliminary Development Plan, which equates to 66.97% of the overall site. The extensive lake system will have a positive effect on the natural environment by providing additional habitat and sanctuary for various species of wildlife.

As stated in the FLUA Amendment, the overall Indian Trails Grove project has been designed to maintain the environmental integrity within the area including the encouragement to restore and protect the viable, native ecosystems and endangered and threatened wildlife within the surrounding area by limiting the impacts of growth on those systems; directing incompatible growth away from them; and by utilizing environmentally sound land use planning and development, and by recognizing the carrying capacity and/or limits of stress upon these fragile areas.

The Indian Trails Grove project has been designed in a manner that creates an appropriate transition and separation between the proposed development and the J.W. Corbett Wildlife Management Area thereby protecting it from any potential impact from the project.

Although there are no on-site natural features that warrant preservation, the project provides a minimum of 66.97 percent of the site as Required Open Space. As noted above, more than 50 percent of the site will be retained in Exterior Open Space. This includes areas for water resources and agricultural production, and other perimeter open space uses such as lakes, greenway buffers and trails. This Exterior Open Space is in addition to the Interior Open Space areas located within the developable portion of the project. As a result of both the Exterior Open Space and Interior Open Space, only 1/3 of the overall site is eligible for use in Vertical Development Area.

By strategically locating more than 50 percent of the open space on the perimeter of the site, the adjoining State-owned Moss property and Corbett WMA are protected from further encroachment of residential development.

In regards to Climate Change, the Indian Trails Grove project contributes to the better storage and/or distribution of storm-water in the general area thereby mitigating potential climate change impacts.

In accordance with the Land Use Plan Amendment, the Indian Trails Grove project promotes the conservation of water and energy by concentrating the developable portion of the site to less than one-half of the overall, the master plan promotes conservation of water and energy through site design. The preservation of 1067.93 acres for agricultural production and dedication of 640.00 acres for the Indian Trails Improvement District (ITID) along the western limits of the site, the resulting development pattern reduces the travel distance to the on-site centers and civic areas for shopping, work, and recreation, which reduces energy consumption. The clustering of units onto a smaller portion of the site, as opposed to a development pattern of 1 unit per 1 and one-quarter acres over the entirety of the site, results in a more compact development pattern. While the overall density of the development plan is the same density as The Acreage (.8 du/acre), the development plan is designed to concentrate development on a smaller footprint of the site (again less than 50 percent) through the clustering of units, density range, allocation of non-

residential uses throughout the development plan, and the transition of uses from the core to the perimeter. Through these measures, a more balanced development pattern is created than that which exists exterior to the site. The result promotes a more compact form of development that promotes the conservation of water and energy. The Indian Trails Grove FLUA Amendment includes a list of energy and water conservation commitments initiated by the developer.

## **5. Development Patterns**

The requested Rezoning of the 4871.57 acres included in this application will result in a logical, orderly and timely development pattern. With the incorporation of the overall land into the proposed PUD District, the project will then be consistent with the proposed land use and ULDC. The project will be developed and phased in accordance with the Preliminary Phasing Plan included with the application and is intended to be developed along with market demands. In accordance with Article 2, Table 2.E.3.B. a PUD does not have a limitation on the number of phases.

## **6. Adequate Public Facilities**

The requested Rezoning of the 4871.57 acres included in this application contains includes a request to allow for maximum of 3897 residential dwelling units; 136.88 acres of Civic Uses and 55.89 acres of Commercial / Retail Uses. The owner/developer, Palm Beach West Associates I, LLLP submitted a renewal agreement for the current Standard Developers Agreement (SDA) recorded in O.R. Book 18924, Page 0357 which covers 100 ERC's. As required per Section 5 of the SDA, the property owner will need to enter into an additional agreement to cover all the units proposed within the project within 90 days of issuance of a Development Order. An application for Concurrency Reservation as required by Article 2.F.3.B., is included with the rezoning request. In addition, traffic impacts have been addressed by a Traffic Study prepared by Simmons and White and is included along with the Rezoning application. Said Traffic Study will be reviewed for compliance with current Traffic Performance Standards.

## **7. Changed Conditions or Circumstances**

The 4871.57 acres of land included in the Rezoning Application as Indian Trails Grove PUD is included within the Rural Tier which includes agricultural land and rural settlements that range in density from primarily 1 dwelling unit per 1.25 acres to 1 dwelling unit per 20 acres. These areas support large agricultural operations as well as single-family homes with small family-owned agricultural businesses, including equestrian related uses. Due to the declining availability of land and the increase in population in the Urban and Exurban Tiers, the Rural Tier is beginning to experience pressure for urban densities and nonresidential intensities normally associated with a more urban area. The strategies in the Rural Tier are established to protect and enhance rural settlements that support agricultural uses and equestrian uses.

It is important to note that the Indian Trails Grove (ITG) project also lies within boundaries of the original CWC Sector Plan which was repealed by Palm Beach County Board of County Commissioners on November 26, 2007. After the repeal, several entitlement approvals were granted on an individual bases, all of which were granted with a “Whereas” clause that confirmed that the proposed amendments complied with the Local Government Planning and Land Development Regulations Act or Community Planning Act as were applicable at the time of adoption. As such, it is clear that the ITG property is one of the last, remaining undeveloped properties within the original CWC Sector Plan area.

While the CWC Sector Plan was never implemented, the proposed density and intensity of the Indian Trails Grove property would be consistent with the original intent of the CWC Sector Plan. This project is intended to be developed as a Rural Residential Planned Development with a density of 1 unit per 1.25 acres (or 0.80 units per 1 acre). Furthermore, the proposed project is compatible with the character of the existing development, will conserve open space, promote environmental sustainability and manage water resources, all of which were guiding principles of the CWC Sector Plan.

As previously stated above within the Section noted “Consistency with the Code” the Preliminary Master Plan meets or exceeds the following additional criteria and provisions included within the PUD Regulations included in Article 3.

#### **Article 3.E.2.A.4. Exemplary**

A rezoning to a PUD shall only be granted if the project exceeds the goals, policies and objectives in the Plan, the minimum requirements of the ULDC, and the design objectives and performance standards within Article 3 which include, sustainability, trip reduction, cross access, buffering, aesthetics, creative design, vegetation preservation recreational opportunities, mix of uses, mix of unit types, safety, and affordable housing.

- 1) The ITG Preliminary Master Plan includes more than 17.5 miles of equestrian trails and 11 miles of pedestrian pathways which provide a great potential for overall trip reduction by promoting bike access to the proposed civic uses, recreational uses and future commercial uses proposed within this project. In addition to providing access to the above stated uses, they also provide an additional recreational opportunity for future residents who seek exercise paths for running, walking or biking.
- 2) All trails are interconnected to each Development Pod and will include wide landscape buffers that exceed the typical code requirement, that be designed to provide not only a recreation amenity but also an aesthetic value to the overall community.
- 3) The overall project incorporates a creative design by providing the majority of the proposed residential units situated on or nearby a lake system which not only provides a buffering value, but also a recreational value for the residents within the community. The extensive lake system will provide a viable habitat for potential wildlife within the area, thereby providing a desirable environment not

only to future residents but also to wildlife all contributing to a homogeneous overall community.

- 4) The larger lake areas bordering the entire project also provide additional buffering to the existing agricultural uses and the existing residents within the area.
- 5) In addition to the standard recreation pod within the Development Pods, Pods A, B, C, D, E, and F, one additional private recreation Pod is included within the project to promote a greater opportunity for the recreation needs of the proposed community.
- 6) The inclusion of the 1707.93 acres open space tracts running along the western limits of the project will not only maintain its current agricultural use on the short term, but could also provide additional water storage for the “The Acreage” (relative to the 640 acres being dedicated to the ITID).

### **Article 3.E.2.B. Objectives and Standards**

#### **1. Design Objectives**

- a) Designed as a predominately residential district: The overall project is designed predominately as a residential district utilizing roughly 58% of the gross area as the residential development area within the 6 Pods included in the PUD.
- b) Provide continuous non-vehicular circulation system for pedestrians and non-motorized vehicles. The project not only includes a vast pedestrian system, but also includes approximately 17.5 miles of equestrian trails and more than 11 miles of multi-purpose trails which traverse around the entire project which also provide interconnectivity from one Pod to the adjoining Pod.
- c) Provide perimeter landscape areas to buffer any incompatible uses. The project exceeds the minimum width of all perimeter landscape buffers and promotes wide open space tracts and an extensive lake system around the majority of the project’s boundary. The perimeter buffers have been depicted on the regulating plans with cross sections and plan views. In addition, 180<sup>th</sup> Avenue includes an 80 foot wide Rural Parkway designation along the western side of the R/W. 190<sup>th</sup> Street, Orange Blvd., and a portion of 60<sup>th</sup> Street also include a min. of 50 foot wide Rural Parkway designations. All of which are depicted on the Preliminary Master Plan and Regulating Plans.
- d) May offer limited commercial uses for the population of the PUD. The project includes approximately 55.89 acres with approximately 350,000 SF of commercial / retail and office use located within 3 separate Commercial Pods with access from 60<sup>th</sup> Street, and 190<sup>th</sup> Street.
- e) Establish a neighborhood character and identity: The Indian Trails Grove PUD is intended to provide an individual homogenous family oriented neighborhood with an emphasis on recreation and pedestrian use.

- f) Preserve the natural environment to the greatest extent possible. With the inclusion of a 1707.93 acres open space tract, and a multitude of lakes totaling more than 891.95 acres, the natural environment will not only be preserved to the greatest extent, but also enhanced by providing a sanctuary and habitat for wildlife within the area.
- g) Provide incentives for civic uses to reduce public capital improvements and expenditures by encouraging joint acquisition, development and operation of publicly owned and operated facilities to serve the residents of the PUD. As noted earlier, over 136.88 acres of civic lands are proposed as part of the overall ITG approval.

**Article 3.E.2.B. Objectives and Standards**

**2. Performance Standards (a – d are required, and A minimum of two of the four standards e – h are required)**

- a) Proximity to Other Uses - All residential pods with five or more units per acre shall be located within 1,320 feet of a neighborhood park, recreation pod, private civic pod, commercial pod or a public recreational facility. This requirement does not apply as none of the proposed residential pods exceed 5 units per acre. However, all the proposed residential pods within Development Pods A through F include a centrally located recreation pod that exceeds the requirement for that specific Pod.
- b) Focal Points – A focal point shall be provided at the terminus of 15% of the streets within the project. There will be approximately 97 streets within the overall project. Therefore  $15\% \times 132 = 15$  Focal Points Required. The Street and Pedestrian Plan also includes the cul-de-sacs and the Focal Points proposed for the project. A minimum of 15 Focal Points will be provided in addition to pedestrian amenities required to meet the Cul-de-Sac Waiver.
- c) Neighborhood Park – this project does not include any Neighborhood Parks, however, it does include several Pedestrian Gathering areas that are shown on the Master Plan within the Multi-Use pathways surrounding the community. Also, the recreational amenities provided within the overall PUD exceed the recreation requirement and include pedestrian connections to all residential pods and spine roads within the overall PUD.
- d) Decorative Street Lighting – Decorative Street Lighting will be incorporated into each Residential Development Pod Entrance and within the Recreation Pods.
- e) Decorative Paving – Decorative paving will be incorporated within the entrance to each Residential Development Pod and, within the Recreation Pods included within each Development Pod.

- f) Fountains – A minimum of one fountain shall be provided at the entrance to each Residential Development Pod at the time of Final DRO.
- g) Benches or Play Structures – Benches and or Play Structures will be incorporated into the overall PUD at the time of Final DRO.
- h) Interspersed Housing – A minimum of 10% of Work Force Housing Units (WFH) will be provided within the overall PUD. 10% of 3897 total dwelling units requires a minimum 390 Work Force Housing Units. Three different housing types are proposed within the community, single family, zero lot line and townhome units.
- i) Pedestrian Circulation – The project includes an elaborate Equestrian and Pedestrian trail system that circumvents the entire PUD with more than 17.5 miles of equestrian trails and more than 11 miles of multi-purpose trails. Said trails and pathways shall be open to the general public and shall be maintained by the ITG Master HOA in perpetuity. Each of the proposed development Pods include 50 foot right-of-ways that are all required to provide 5' sidewalks on either side. In addition, numerous pedestrian connections from one Pod to the adjacent Pod have been provided throughout the PUD. They have been indicated on the Master Plan.

The proposed project not only incorporates the majority of the Performance Standards noted above, but provides an innovative residential design incorporating many pedestrian and equestrian amenities with additional elements for a homogenous master community.

### **Civic Requirement**

Pursuant to the ULDC and the gross development acreage of 4871.57 acres, the required civic is 98.59 acres. The proposed Indian Trails Grove PUD includes approximately 136.88 acres (22% more than required), within 7 separate Civic Pods that are located on the overall Master Plan and further described above.

### **Workforce Housing**

In accordance with Policy 4.5-f per LGA-2016-017 and as stipulated above, a minimum of 10% of on-site for sale units (390 units) shall be provided as workforce housing based on the County's affordability standards. The location and type of residential units for workforce housing will be provided during Final Master Plan Approval and in accordance with the conditions of approval included with the aforementioned Comprehensive Plan Amendment approved by the Board of County Commissioners on September 22, 2016.

### **Recreation Requirement**

Pursuant to the ULDC, and the proposed number of units at 3897 single family residential units, the required recreation is 23.38 acres. The proposed Indian Trails Grove PUD includes 31.31 acres +/- of private recreation within the individual

Development Pods to be utilized by the residents within their respective Development. In addition, the overall Master Plan includes a private Recreation Pod, with 26.53 acres +/- . This private recreation Pod is intended for the use of the residents within the Indian Trails Grove community. It will provide a greater variety of recreation amenities that are not included for within the individual recreation pods. The total area of Recreation provided for Indian Trails Grove is 57.84 acres which is 59% greater than what is required.

In addition to the recreation Pods shown on the Master Plan, it is important to note that the plan also includes more than 17.5 miles of equestrian trails and more than 11 miles of multi-purpose trails that provide an “added” recreational amenity to the overall project.

**Open Space Requirement**

As previously noted above, the required open space for the proposed WCR Zoning District a PUD is 66.67% of the gross project acreage. The table below includes the breakdown for the open space requirement noted in Policy 4.5-f.2.

**Policy 4-5-f.2.** In accordance with Policy 4.5-f.2. The project shall provide a minimum of 66.67% of the gross site acreage in open space uses (Required Open Space). A minimum of 50% of the gross site acreage shall be in the form of Exterior Open Space. **Policy 4.5-f.3.** A minimum of 33.33% of the gross site acreage shall be provided in one large contiguous open space land area.

Gross Land Area (less public R/W dedication)	Required O.S. (66.67%)	Required Exterior O.S. (50%) (Including Large Contiguous O.S. Pod)	Required Large Contiguous O.S. Pod (33.33%)
4789.47	3193.14	2394.74	1596.33
<b>Provided</b>	<b>3207.50</b>	<b>2683.95</b>	<b>1707.93</b>

**Rural Parkways**

Policy 1.4-Q.8-11

In accordance with Policy 1.4-Q.8-11 Rural Parkways are provided within the designated Western Communities Residential Overlay as follows:

- 8. 180th Avenue North from north property line to Orange Blvd. (Minimum of 80 Feet on west side);
- 9. 190th Street North adjacent to the WCR PUD (Minimum of 50 Feet);
- 10. Orange Blvd. from 180th Avenue North to 190th Street North (Minimum of 50 Feet on the north side and 50 Feet on the south side);

11. 60th Street North from the western limits of the M-1 Canal to 190th Street North (Minimum of 50 Feet) on the south side of 60th Street North, and from the Eastern limits of the WCR PUD to the westernmost WCR PUD entrance.

The above reference Rural Parkways have been incorporated into the Indian Trails Grove Master Plan. The location and use have been depicted on the Master Plan Sheets and also noted within the Cross Sections included in the Regulating Plans. It is the intent that long term maintenance will be by the future Homeowner's Association (HOA). They will ultimately be designed in accordance with the Transportation Element 1.4-q.

### **Cul-de-Sacs**

A Type II Cul-de-Sac Waiver is required for the proposed project pursuant to ULDC Article 3.E.1.C.2.a.5)a), which allows forty percent (40%) of the local streets in the proposed development to terminate in a cul-de-sac or a dead end. A Preliminary Street Layout Plan including both the proposed pedestrian trails and equestrian trails and Rural Parkways is included with the overall Master Plan, PMP-11. There are 97 proposed named streets including 48 cul-de-sacs within the project. As stated above, the code allows 40% of the named streets to terminate in a cul-de-sac, which in this case allows a total of 38 cul-de-sacs permitted by right. However, Article 3.E.1.C.2.a.5)b) states that an additional 25% may terminate in a dead end or a cul-de-sac if approved by BCC as a Type II Waiver. This application requires 50% of the total named streets to include a cul-de-sac. The additional 10% will allow the project to include a total of 48 cul-de-sacs or 50%. The additional 10 cul-de-sacs included in the Type II Waiver will meet the following additional standards as stated in 3.E.1.C.2.a.5)b)(1) and (2) as follows: (1) cul-de-sacs terminate in an open space that provides amenities accessible to the residents of the development; and (2) cul-de-sacs connect to a pedestrian system including but not limited to sidewalks, designated pathways or trail system. In addition, as stipulated in the code, "cul-de-sacs that abut a minimum 20 foot wide open space that includes a pedestrian cross access between two pods shall not be used in the calculation of the total number of cul-de-sacs or dead end streets". Although the current "Street Layout Plan" is conceptual in nature, the overall design will include the required amenities and pedestrian connections in order to meet or exceed the considerations noted in this section of the code.

### **Schools**

A School Concurrency Determination was submitted to the Palm Beach County School Board for 3897 residential units. The current schools for this project are Frontier Elementary, Osceolo Creek Middle School and Seminole Ridge High School. School bus shelters for the proposed Indian Trails Grove development will be provided at the entrances to each Development Pod.

## **REGULATING PLAN**

The Regulating Plans for the Planned Development District as required Article 3.E.1.D.3. Palm Beach County ULDC consisting of a comprehensive graphic and

written description of the function and development of the Planned Development District is included in this application. The Regulating Plans include cross sections for all perimeter proposed buffers, rural parkways, pedestrian and equestrian trails. In addition, the Master Plan includes exhibits that delineate the density radius circles to provide the minimum ¼ mile and ½ mile distance from a residential unit to either a Commercial, Civic, and or Recreation use delineated on the plan. Also included is an Open Space Exhibit which delineates the areas included for the Required Open Space, the Required Exterior Open Space and the Required Contiguous Open Space.

## **Type II Concurrent Variances** **Perimeter Buffers**

The following are the Type II (concurrent) Variances associated with perimeter buffer requirements for Indian Trails Grove – Western Communities Residential – Planned Unit Development WCR-PUD). The majority of the requested variances are located within the western portion of the overall Indian Trails Grove project. The western portion of the project includes the required Large Contiguous Open Space Parcel consisting of Open Space Pod #1 and Open Space Pod #2. Together they make up the required 33.33% (1707.93 Acres) of the gross site acreage of the project as required by Policy 4.5-f.3 of the Comprehensive Plan Amendment associated with the Indian Trails Grove (LGA 2016-017) approved by the Board of County Commissioners on September 22, 2016. Also, in accordance with Article 3 - Table 3.E.2.C. of the Palm Beach County's Unified Land Development Code (ULDC), a concurrent ULDC Text Amendment is being processed for consistency with the aforementioned Comprehensive Plan Amendment. The proposed required Open Space for a WCR PUD shall provide a minimum of 33.33% of the gross site acreage as a Large Contiguous Open Space parcel. The overall survey of the project includes all of the existing recorded easements that surround the property and provide ingress, egress, maintenance, irrigation and also drainage. It is the opinion of Zoning Staff that perimeter R/W Buffers are required around the perimeter of the project due to these existing easements surrounding the perimeter of the project. However, after further review, it is the opinion and assumption of the owner / developer that unless the perimeter is adjacent to an easement that is being dedicated to the public for R/W, the required perimeter buffer is either a compatibility buffer or an incompatibility buffer.

### **Perimeter Buffer Requirements**

#### **Article 7.F.1.A. – R-O-W Buffer**

R-O-W buffers shall be provided along all street R-O-W, except for alleys. As previously discussed with staff, it is assumed that the only perimeter buffers within this project that should be labeled as R-O-W Buffers are adjacent to either 180<sup>th</sup> Avenue, 190<sup>th</sup> Street, Hamlin Boulevard, 60<sup>th</sup> Street North, Carol Street, 200<sup>th</sup> Trail North, or the proposed ITG Blvd., or the proposed Orange Boulevard. The required perimeter buffers that are either overlapping or adjacent to the underlying Non-Exclusive Easements can be labeled as either Compatibility Buffers or Incompatibility Buffers. Since there is not a definition of R-O-W within Article 1 of the ULDC and Article 12 refers to the

Comprehensive Plan Policy which includes a definition for R-O-W as follows: Land in which the state, a county, or a municipality owns the fee simple title or has an easement dedicated or required for transportation or utility use. Given that definition, it is our opinion that the only perimeter buffers which include R-O-W buffers should be those adjacent to existing and proposed roads and or the streets referenced above.

Perimeter Buffer #9 shown on the Master Plan and Regulating Plans includes a variance request to eliminate the buffer requirement altogether. This perimeter buffer is adjacent to a 660 foot FPL R/W but falls within Open Space Pod #2.

**Buffer #9** – 20' R-O-W Buffer is approximately 4067.56 L.F. and is located along the southern boundary of Open Space Pod #2 (the water resource and agriculture area) shown on the Master Plan. Along the south portion, approximately 1522.75 L.F. and is encumbered by a 10' FPL Easement and is adjacent to a 200' Non-Exclusive Easement recorded in O.R. Book 1329, Page 142, O.R. Book 4798, Page 38, O.R. Book 15042, Page 839, O.R. Book 15855, Page 1578 and O.R. Book 1428, Page 281 for the purposes of ingress, egress, maintenance, drainage and irrigation. Within the 200 foot non Exclusive Easement is an existing drainage canal and a dirt road (59<sup>th</sup> Lane North). Along the southwest leg, approximately 2544.81 L.F. there is an existing 50' ingress/egress easement recorded in O.R. 1428, Page 581 and a 30 ingress/egress easement recorded in O.R. 7775, Page 1667. It is adjacent to a 660' FPL R/W Easement recorded in O.R. Book 2431, Page 1704. The variance requested is to eliminate the required buffer as it would unnecessarily provide a buffer to screen open space to be utilized for agriculture and water resources from a 660' FPL Easement that abuts a 500' Canal.

#### **Article 7.F.1.C. – Incompatibility Buffer**

Incompatibility buffers shall be provided between all incompatibility use types or incompatible pods.

Buffer #L as shown on the Master Plan and Regulating Plans includes a variance request to eliminate the buffer requirement.

#### **Article 7.F.9.A. – Incompatibility Buffer Requirements**

An incompatibility buffer shall be required between all incompatible use types located on adjacent parcels, or incompatible pods in a Planned Development.

Determining Incompatibility Buffer Type

Incompatibility buffers shall be one of the types listed in Table 7.F.9.A, Required Incompatibility Buffer Types. The type of incompatibility buffer required shall be the most restrictive buffer type based on the use difference between adjacent uses.

**Buffer L** – 15' Type 2 Incompatibility Buffer is approximately 1658 L.F. and is located along the northern boundary of Pod D adjacent to the existing District Park F. There is an existing lake in this area which was permitted and constructed to benefit Palm Beach County for the purpose of drainage. It includes a recorded Drainage Easement per O.R. Book 18272, Page 1736. This lake has been incorporated into the overall Master

Plan exterior lake design. The required perimeter buffer in this location would require the overlapping of both the aforesaid drainage easement but also the 20' lake maintenance easement. The Variance requested for Buffer L is to eliminate the required buffer.

#### **Article 7.F.1.B. – Compatibility Buffer**

Compatibility buffers shall be provided between all compatible use types, excluding: single family residential subdivisions or pods adjacent to single family residential subdivisions or pods; internal buffers within TDD's unless specifically stated otherwise; or where residential uses are not adjacent to other incompatible design elements such as roadways, useable open space or where residential setbacks are less than adjacent residential development.

The following Perimeter Buffers shown on the Master Plan and Regulating Plans include a variance request to eliminate this requirement either partially, or completely: Buffers #6, #7, #8, #9.1 and #10.

#### **Article 7.F.8. – Compatibility Buffer Requirements**

The minimum width of a compatibility buffer is five feet. Compatibility buffers shall provide a continuous solid opaque visual screen at least three feet in height.

**Buffer #6** – 5' Compatibility Buffer is approximately 2524.29 L.F. and is located along the eastern portion of Open Space Pod #2 (the water resource and agriculture area) as shown on the Master Plan. It falls within a 50' easement recorded in O.R. Book 1428, Page 581 for ingress, egress, maintenance, and irrigation. Said easement is abutting the J.W. Corbett Wildlife Management Area. The variance requested is to eliminate the required buffer as it would unnecessarily provide a buffer to screen open space to be utilized for agriculture and water resources from a Conservation Area.

**Buffer #7** – 5' Compatibility Buffer is approximately 8342.20 L.F. and is located along the northern portion of Open Space Pod #1 (the conceptual impoundment expansion area) and Open Space Pod #2 (the water resource and agriculture area) both shown on the Master Plan. It falls within a 100' easement recorded in O.R. Book 11620, Page 1733 for canal, drainage facilities and road granted to Indian Trails Improvement District which also provides ingress and egress and includes a portion of the existing canal abutting the J.W. Corbett Wildlife Management Area. It is adjacent to 135' Easement recorded in O.R. book 4004, Page 136 which is encumbered by an existing Canal and dirt road for the benefit of the Indian Trails Water Control District.

**Buffer #8** – 5' Compatibility Buffer is approximately 16,395.83 L.F. and is located along the western boundary of Open Space Pod #1 (the conceptual impoundment expansion area) and Open Space Pod #2 (the water resource and agriculture area) both shown on the Master Plan. It is encumbered by a 50' Easement and adjacent to the same 50' Easement recorded in O.R. Book 1428, Page 581 which is a Mutual Easement Agreement between Indian Trails Ranch and Friedlands, Javits, and Cohn for ingress,

egress, maintenance, irrigation and drainage. This Easement runs all around perimeter of property. The variance requested is to eliminate the required buffer as it would unnecessarily provide a buffer to screen open space to be utilized for agriculture and water resources from a Conservation Area.

**Buffer #9.1** – 5' Compatibility Buffer is approximately 1522.75 L.F. and is located along the southern boundary of Open Space Pod #2 (the water resource and agriculture area) shown on the Master Plan. It is adjacent to an existing 10' FPL Easement and is adjacent to a 200' Non-Exclusive Easement recorded in O.R. Book 1329, Page 142, O.R. Book 4798, Page 38, O.R. Book 15042, Page 839, O.R. Book 15855, Page 1578 and O.R. Book 1428, Page 281 for the purposes of ingress, egress, maintenance, drainage and irrigation. Within the 200 foot non Exclusive Easement is an existing drainage canal and a dirt road (59<sup>th</sup> Lane North). The variance requested is to eliminate the required buffer as it would unnecessarily provide a buffer to screen open space to be utilized for agriculture and water resources from a 200' Non Exclusive Easement inclusive of a Drainage Canal.

**Buffer #10** – 5' Compatibility Buffer includes approximately 10,589.86 L.F. and is located along the eastern boundary of Open Space Pod #2 (the water resource and agriculture area) shown on the Master Plan. It is encumbered by a 50' Easement and adjacent to the same 50' Easement recorded in O.R. Book 1428, Page 581 which is a Mutual Easement Agreement between Indian Trails Ranch and Friedlands, Javits, and Cohn for ingress, egress, maintenance, irrigation and drainage. This Easement runs all around perimeter of property. The variance requested is to eliminate the required buffer as it would unnecessarily provide a buffer to screen open space from Santa Rosa Groves, currently in agriculture production.

## **VARIANCE CRITERIA**

Section 2.B.3.E. of the Palm Beach County ULDC states that in order to authorize a variance, the Palm Beach County Zoning Commission shall and must find that the seven criteria listed below have been satisfied. The criteria for each variance request follows.

**NO.1: SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME ZONING DISTRICT:**

### ***Buffer #9 - R-O-W Buffer***

### ***Buffers #6, #7, #8, #9.1, #10 – 5' Compatibility Buffer:***

A special condition exists which is peculiar to this application which is not applicable to other land within the same Zoning District. The Indian Trails Grove is the first project requesting to be rezoned to a WCR PUD (Western Communities Residential – Planned Unit Development. In addition, Buffers #6, #7, #8, #9, #9.1 and #10 all fall within the

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required Large Contiguous Open Space Parcel consisting of 1707.93 Acres. As reflected on the Master Plan, the open space parcel is restricted to a 640 acre Impoundment Expansion area that will be dedicated to the Indian Trails Grove Improvement District for purposes of providing water storage to the Acreage's upper basin and a 1067.93 acres (Open Space Pod #2) an area currently in agriculture and retained expressly for agricultural uses. The owner / developer is proposing to install a 100' wide landscape buffer including a 10' Equestrian Trail along the northern perimeter of Pod F and a 50' wide landscape buffer including a 10' Equestrian Trial. The future residents will be buffered by the existing and or proposed Agricultural uses within the Open Space Pod by way of the proposed landscape buffers with equestrian trails and a minimum of 175 feet of lake area adjacent to the proposed buffers. As the Indian Trails Grove HOA will be responsible for maintaining all proposed buffers, it only makes logical sense that the buffers be located proximate to the actual residential units rather than along the north and west sides of the Large Open Space Pod which is more than 2524 linear feet from the northern side of Pod F and more than 4197 linear feet from the western side of Pod F.

***Buffer L- 15' Type 2 Incompatibility Buffer***

This buffer has a unique and special condition as includes the aforementioned existing lake which includes a recorded Drainage Easement recorded in O.R. Book 18272, Page 1736 dedicated to Palm Beach County for purposes of drainage.

**NO. 2: SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:**

***Buffer #9 - R-O-W Buffer***

***Buffers #6, #7, #8, #9.1, #10 – 5' Compatibility Buffer:***

The special circumstances and conditions are not the result from the applicant. As previously mentioned above, Buffers #6, #7, #8, #9, #9.1 and #10 all fall within the required Large Contiguous Open Space Parcel consisting of 1707.93 Acres. As reflected on the Master Plan, the open space parcel is restricted to a 640 acre Impoundment Expansion area that will be dedicated to the Indian Trails Grove Improvement District for purposes of providing water storage to the Acreage's upper basin and a 1067.93 acres (Open Space Pod #2) an area currently in agriculture and retained expressly for agricultural uses. Again, as previously mentioned, since the Indian Trails Grove HOA will be responsible for maintaining the buffers, it only makes logical sense that the north and west buffers within Pod F should be located proximate to the actual residential units rather than along the north side and western sides of the Large Open Space Parcel.

***Buffer L – 15' Type 2 Incompatibility Buffer***

As previously mentioned, the Variance associated with Buffer L is a result of Palm Beach County requiring drainage for District Park F to serve the parks drainage needs. The existing lake was dug to provide said necessary drainage. The lake includes an existing Drainage Easement as recorded in O.R. 18272, Page 1736.

**NO. 3: GRANTING THE VARIANCE SHALL NOT CONFER UPON THE APPLICANT ANY SPECIAL PRIVILEGE DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES IN THE SAME ZONING DISTRICT:**

***Buffer L – 15’ Type 2 Incompatibility Buffer***

***Buffer #9 - R-O-W Buffer***

***Buffers #6, #7, #8, #9.1, #10 – 5’ Compatibility Buffer:***

The granting of the variance will not confer any special privilege denied by the plan or the code to other parcels of land in the same zoning district. Should any other use in the Western Community Residential – Planned Unit Development District (WCR – PUD) zoning district wish variances to Perimeter Buffer requirements, they would simply need to adequately address the seven criteria contained herein on a project specific basis in order to have the variance reviewed and subsequently approved.

**NO. 4: LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME ZONING DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:**

***Buffer L – 15’ Type 2 Incompatibility Buffer***

***Buffer #9 - R-O-W Buffer***

***Buffers #6, #7, #8, #9.1, #10 – 5’ Compatibility Buffer:***

Since the Indian Trails Grove is the first project utilizing the WCR Zoning District, one can only reiterate the fact that the enforcement of the Perimeter Buffer Requirements noted in the ULDC would cause an unnecessary and undue hardship upon not only the owner / applicant, but also the future Homeowners Association who would be saddled with the maintenance of unnecessary buffers that are not only inappropriate but also near impossible to construct due to existing conditions. Existing conditions that would cause the construction of the required buffers #7 and #8 would be difficult to construct and maintain due to their location adjacent to the existing canal to the north and the existing Indian Trails Impoundment area to the west. The existing condition associated with Buffer L is the lake and drainage easement which was granted to Palm Beach County to provide drainage for District Park F. The applicant is requesting to eliminate Buffers #7 and #8 as they are proposed Compatibility Buffers adjacent to Pod F where they will serve a more desirable purpose by being in closer proximate to the future residents of the Indian Trails Grove. Placing a buffer between the Large Open Space Pod including 1707.93 acres and the J.W. Corbett Wildlife Management Area and or other Agriculture use areas surrounding the property makes no logical sense. To the north is the J.W. Corbett Wildlife Management Area, to the west is the Indian Trails Impoundment Area and the Moss Property. It is peculiar to this specific development that the western portion of the overall project includes a the required Large Open Space Pod which is surrounded by other open space lands utilized for agriculture, water retention, and canal and wildlife management. In addition and important to note, the

proposed Zoning District is similar to an AGR-PUD which includes an exception for the wall requirement within the Zoning District.

**NO. 5: GRANTING OF THE VARIANCE IN THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:**

***Buffer L – 15’ Type 2 Incompatibility Buffer***

***Buffer #9 - R-O-W Buffer***

***Buffers #6, #7, #8, #9.1, #10 – 5’ Compatibility Buffer:***

The granting of these variances are the minimum necessary to make reasonable use of land given that the applicant is not requesting to delete the required North and West perimeter compatibility buffers, but rather to have them relocated to a more logical location adjacent to the proposed development. More importantly, the overall Master Plan has provided more than required widths of buffering around the perimeter of the development area of the project. Given the requirement for a Large Open Space Parcel, it seems unwarranted to buffer the open space from other open space.

**NO. 6: GRANTING OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:**

***Buffer #9 - R-O-W Buffer***

***Buffers #6, #7, #8, #9.1, #10 – 5’ Compatibility Buffer:***

The granting of the requested variances is consistent with the goals and objectives of the comprehensive plan and the code. The variances associated with Buffers #6, #7, #8, #9, #9.1 and #10 are appropriate given the surrounding existing uses. Buffering the Large Open Space Pod which is restricted by way of the Comprehensive Plan Amendment and the concurrent ULDC Text Amendment to Agriculture, Water Resources, and the Indian Trails Impoundment Expansion area is not feasible or logical. The variance associated with Buffer L is required due to the location of the existing lake and drainage easement required to assist Palm Beach County for drainage purposes associated with District Park F. The requested variances do not impact the amount of open space surrounding the future residential units nor the appearance within the overall community.

***Buffer L – 15’ Type 2 Incompatibility Buffer***

The Variance associated with Buffer L is a result of Palm Beach County requiring drainage for District Park F and the a lake being dug and a Drainage Easement being recorded over the lake to serve the county’s drainage needs.

**NO. 7: THE GRANTING OF THIS VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:**

***Buffer L – 15’ Type 2 Incompatibility Buffer***

**Buffer #9 - R-O-W Buffer**

**Buffers #6, #7, #8, #9.1, #10 – 5' Compatibility Buffer:**

The granting of the variance will not be injurious to the area or detrimental to the public welfare. Although the variance request is to eliminate a perimeter Compatibility Buffers along a portion of the northern boundary, the western boundary and perimeter boundary along the east limits of the open space parcel, no future residential units will be negatively impacted. The owner / developer has provided ample buffering adjacent to Pod F where more appropriate and inclusive of a portion of the equestrian trail system. It is the owner / developer's belief that the overall intent of perimeter buffering has been met project wide.

**Buffer L – 15' Type 2 Incompatibility Buffer**

As previously mentioned, the Variance associated with Buffer L is a result of Palm Beach County requiring drainage for District Park F to serve the parks drainage needs. The existing lake was dug to provide said necessary drainage. The lake includes an existing Drainage Easement as recorded in O.R. 18272, Page 1736.

**Conclusion:** The owner/developer of the property met with Zoning, Planning and Land Development staff several times to review and discuss the overall project. In addition, the owner presented the project via a power point presentation at the July 8, 2015 DRO Meeting and has had several meetings with representatives of the Indian Trail Improvement District. Based on the information provided in this justification, we respectfully request approval of the Rezoning Application associated with the proposed Indian Trails Grove - PUD.

On behalf of the owner / applicant, Urban Design Kilday Studios respectfully requests approval of the Rezoning Application and Type II Concurrent Variances to allow for the proposed development on the subject property. The Project Manager at Urban Design Kilday Studios is Chris Barry, AICP CUD, Senior Planner who can be reached at (561) 366-1100 or via email at [cbarry@udkstudios.com](mailto:cbarry@udkstudios.com).

Footnotes

<sup>1</sup>Legislation found at <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=42O-1>

<sup>2</sup>Taken from [http://www.indiantrail.com/index.asp?SEC=A570234C-62CC-409E-B24BCD0FFB5ADFD8&Type=B\\_BASIC](http://www.indiantrail.com/index.asp?SEC=A570234C-62CC-409E-B24BCD0FFB5ADFD8&Type=B_BASIC)

<sup>3</sup>Taken from <http://myfwc.com/viewing/recreation/wmas/lead/jw-corbett/history/>

<sup>4</sup>Taken from <http://www.pbchistoryonline.org/page/the-acreage>

<sup>5</sup>Found at <http://ufdc.ufl.edu/aerials>

<sup>6</sup>Taken from [http://www.pbcgov.com/pzb/Planning/amendments/2014\\_lga/MintoWest/ATTACHMENT\\_G.pdf](http://www.pbcgov.com/pzb/Planning/amendments/2014_lga/MintoWest/ATTACHMENT_G.pdf)