

JUSTIFICATION STATEMENT
Highland Dunes PUD
Rezoning Application
Control # 2005-394 / App. No. PDD/R-2013-499
February 20, 2013
Revised March 25, 2013
Revised May 24, 2013

REQUEST

Urban Design Kilday Studios, as agent for PBA Holdings, Inc., is requesting approval of a rezoning from Residential Transitional District (RT) to the Planned Unit Development District (PUD). The applicant proposes the development of 2000 dwelling units, with sufficient land set aside for a school with 970 students, civic site, parks and limited commercial services. More particularly, the proposed Official Zoning Map Amendment application is requesting the following:

- An Official Zoning Map Amendment to rezone an 1209.96 acre parcel from a Residential Transitional District (RT) to Planned Unit Development District (PUD);
- Approval of a Requested Use to allow a School, Elementary or Secondary in a Civic Pod, in compliance with Article 3 of the Palm Beach County Unified Land Development Code (ULDC); and
- Request to abandon the Class A Conditional Use to allow a bona fide agricultural use that was approved by the Board of County Commissioners on June 30, 2008 via Resolution 2008-1146.

A more detailed description of these requests is included later in this Justification Statement.

PROJECT DESCRIPTION

Highland Dunes PUD is 1209.96-acres and is located approximately 2.5 miles west of Seminole Pratt Whitney Road on the north side of Southern Boulevard (SR 80). State Road 80 borders the southern boundary of the site while the western boundary is bordered by the L-8 Canal and Right-of-Way (500 feet). Additionally, immediately west of the L-8 is a 400 foot wide wildlife corridor which was created at the time of the original excavation approval to provide a critical connection between publicly owned Conservation areas to the north and south as well as to provide a buffer between the excavation activities

and the established residential communities that are located north of the site on the east side of the L-8. South Florida Water Management District (SFWMD) utilizes the property to the south across Southern Boulevard, which is located in the Village of Wellington, for water storage purposes. The future westerly extension of Okeechobee Boulevard Right-of-Way borders the northern boundary of the site.

HISTORY

This 1209.96 acre site was part of a number of additional parcels that make up what is commonly known as Palm Beach Aggregates Mining Area. Originally a Class A Conditional Use for Type III B Excavation was approved by the Board of County Commissioners (BCC) on September 11, 1990 under Zoning Petition No. 89-52, Resolution No. R90-1568. The BCC has approved further Development Order Amendments over the years to modify/delete various conditions of approval, add a Class A Conditional use to allow an electrical power facility and add access points.

The BCC adopted Comprehensive Plan Amendment 2004-066 for Palm Beach Aggregates II-LGA 2004-00047 on December 13, 2004 changing the Future Land Use Designation of the property from Rural Residential, 1 unit per 10 acres (RR10) to Low Residential, 2 units per acre (LR-2) with conditions. The BCC further adopted simultaneously with this land use amendment a new Overlay Area designation called the Glades Area Protection Overlay (GAPO) which includes this property as well as 1844 acres to the west (total acreage of approximately 3,063 acres.) The proposed overlay is intended to protect the adjacent Everglades Agricultural Area (EAA) to the west from encroachment of urban/suburban uses, densities and intensities. Included in the amended GAPO language is the re-designation of the area east of the SFWMD L-8 Canal as a Limited Urban Service Area (LUSA) removing the property from the Rural Tier.

On January 5, 2006, the Board of County Commissioners approved via Resolution 2006-0027, the deletion of land area and modification of conditions of approval for a Type III B Excavation for Zoning Application DOA2005-1173 for Palm Beach Aggregates, Inc., for which the site was previously approved. This deletion allowed for the Board of County Commissioners, on the same agenda, to approve the rezoning application for the site's land area that was deleted from the previous resolution, from Specialized Agricultural Zoning District to the Residential Planned Unit Development District, via Resolution 2006-0028. The BCC also approved a Requested Use for a secondary or elementary school in the Planned Unit Development Zoning District and allowed deviation from cul-de-sac and dead-end restrictions in the Planned Unit Development Zoning District via Resolution 2006-0029 and 2006-0030, respectively.

As the market hit an economic downturn and the developer was not able to meet the condition to pay for the surety bond to Land Development for roadway improvements, the applicant re-filed applications and received approval from the

BCC on June 30, 2008 to revoke the requested use for the secondary school and waiver for cul-de-sac and dead-end restrictions via Resolution 2008-1144. The Palm Beach Aggregates also received approval on the same agenda to rezone the property from Residential Planned Unit Development Zoning District to the Residential Transitional Zoning District and to allow a bona fide agricultural use of the property via Resolution 2008-1145 and 2008-1146, respectively.

LAND USE ORDINANCE 2004-066

Land Use Ordinance No. 2004-066 approving the land use amendment included six (6) conditions of approval. They are as follows:

- 1. The site shall be limited to a maximum of 2000 dwelling units and a minimum of 30,000 square feet and a maximum of 50,000 square feet of PUD-Commercial.**

The proposed development is in compliance with Condition No. 1 as no more than 2,000 dwelling units are proposed. Additionally a commercial pod of 5.68 acres is proposed which will permit the required commercial square footages.

- 2. Prior to Final DRO Master Plan approval, the applicant shall abandon all previous zoning approvals and mining permits on the site.**

A Development Order Amendment (DOA) was being filed concurrently with this application to remove approximately 1209.96 acres from the Type III B Excavation site. The BCC approved the Development Order Amendment to delete land area and to modify conditions of approval for a Type III B Excavation on January 5, 2006 via Resolution 2006-027.

- 3. Prior to Public Hearing DRO certification, the applicant shall reserve right-of-way for potential connections to Okeechobee Blvd. on the north and shall provide interconnectivity to the adjacent site to the east if developed with an employment center.**

Both requirements are depicted on the proposed master plan included in this submittal.

- 4. Prior to adoption of this site specific amendment and consistent with the purpose of the Glades Area Protection Overlay (GAPO), the applicant shall provide the County Attorney an executed restrictive covenant, approved by the County Attorney, which shall be recorded in the public records subsequent to the adoption of this site specific amendment, limiting the use of the property owned by the applicant or affiliated entities within the area covered by the GAPO to uses already approved by the County as listed in the application and in LU**

Policy 2.10-b of the GAPO. No development orders will be certified until after this restrictive covenant is recorded.

The restrictive covenant has been reviewed and recorded in Official Record Book 17900, page 257-270 (copy attached to the application).

- 5. Prior to adoption of this site specific amendment the applicant shall provide the County Attorney an executed restrictive covenant, approved by the County Attorney, which shall be recorded in the public records subsequent to the adoption of this site specific amendment, prohibiting the property owned by the applicant or affiliated entities within the area covered by the GAPO from voluntarily annexing into a municipality, signing annexation petitions or otherwise consenting to annexation. No development orders will be certified until after this restrictive covenant is recorded.**

The restrictive covenant has been reviewed and recorded in Official Record Book 17900, page 257-270 (copy attached to the application).

- 6. Prior to Public Hearing DRO Certification, the applicant shall provide and indicate on the master plan a 50 foot wide open space trail corridor for the entire northern and western boundaries of the property that can link to the planned CWC Sector Plan integrated trail network. In addition, a PUD buffer shall be required to utilize the Rural Tier ULDC landscape buffer requirements for compatibility purposes.**

This information is reflected on the proposed Master Plan for the PUD.

OVERVIEW OF REQUEST

A central main entrance for the PUD is provided via Southern Boulevard (SR 80). A secondary entrance is located at the western corner on Southern Boulevard (SR80). Community vehicular circulation is designed with a continuous loop road throughout, 56 interconnected streets and 22 cul-de-sacs. The ULDC provides that "no more than 40 percent of the local streets in a PDD shall terminate in a cul-de-sac". These cul-de-sacs constitute approximately 39.3 percent of the local roads within the proposed PUD. Therefore we meet the requirements for the cul-de-sac in the PDD.

Pursuant to ULDC Article 3. E.1.G.3.c., planned developments approved for a total of 300 or more units may construct a model row for the project. However, the model row must be located in a residential pod and be included on the preliminary development plan at the time of BCC approval. This project qualifies for a model row since the total units proposed are in excess of 300 units. A model row is proposed for this planned development and is shown on the

Preliminary Master Plan within residential Pod E. This location is conveniently situated just east of the main entry into the planned development. The model row will be developed pursuant to the requirements of the ULDC.

Pursuant to requirements of Table 3.E.2.C.15 of the ULDC a 24-acre civic site is required to comply with the 2% civic land use requirement. However, 3.3% or 39.88 acres is being provided to satisfy this requirement by providing a 15.66 acre Elementary School Site and a 24.22-acre civic site (possible future park). The use of the 17.71-acre public trails system to satisfy civic site requirements is not required.

The Preliminary Master Plan illustrates the location of two (2) recreation pods to meet the Parks and Recreation Department minimum recreation requirements for this development. These recreation pods are located on each side of the flow way as it meets the large lake area tract, which is located in the southeast corner of the site. A pedestrian bridge is proposed over the flow way to connect the recreation pods. The 13.61-acre recreational area will be centrally located connecting to the greenways and jogging trails around the community. Facilities such as tennis courts, basketball courts, a swimming pool, hot tub, wading pool, tot lot, and a small fitness center may be provided; in addition, a clubhouse with an outdoor garden and grill area will be located in this recreational area. If the use of non-motorized boats is permitted, a small storage area will be provided within the recreational area adjacent to the lake. A detailed site plan for the recreation pod will be submitted for site plan review subsequent to the Rezoning/PUD application approval. Additional recreation amenities that exceed the minimum Parks and Recreation Department recreation requirements will be provided as follows:

- Passive park areas and trails along the flow way and throughout the site.
- Neighborhood parks, pursuant to the requirements of ULDC Article 3.E.2.B.2.e., will be located within each residential pod.
- Open space trail corridor for the entire boundary of the site.
- Bike lanes within all rights-of-way.

However, these additional amenities are not included toward meeting the Parks and Recreation Department minimum recreation requirements.

Pursuant to the Comprehensive Plan Amendment 2004-066 for Palm Beach Aggregates II-LGA 2004-00047 adopted on December 13, 2004 the site is required to provide a minimum of 30,000 square feet and a maximum of 50,000 square feet of PUD-Commercial building area. In compliance with this condition the proposed master plan proposes a 5.68 parcel for this future commercial development. The specific design, uses, or the development timing etc. for this commercial area have not been determined at this time. However, the future commercial development will comply with the requirements of the ULDC, Article 3.E.2.E.2.

The minimum 40% open space requires 484 acres. The Master Plan indicates 43% open space or 516.37 acres. Numerous lots are designed in such a manner so that they front on the lake areas or open space tracts. An additional 112.81 acres of open space areas not included in this figure are proposed within the individual residential pods.

The community will include over 350 acres of greenway/open space that will be provided throughout the entire development to serve as both an aesthetic element and as dry detention area for storm water runoff. The flow way system, as proposed, extends to the north side of the site at two (2) locations. It is intended that pipe connections will be included at these locations connecting to the future Okeechobee Boulevard right-of-way. The surface water management system for this project will be designed to include the expected run off from the Okeechobee Boulevard right-of-way as required by the County. The proposed flow way consists of a wetted channel section with a maintained water level of approximately elevation 12.5' (NGVD '29), a depth varying to a maximum of 20' below control and a water surface width varying from 60' minimum in the channel sections to over 150' in the lake areas. The overall width of the flow way varies from a minimum of 200' to a maximum of 750'. Various options of flow way cross-sections will be utilized. See the typical flow way section included on the regulating plan. These sections will allow for the watercourse to vary in location within the flow way to allow for pathways, passive park areas and landscaping to be located along the channel perimeter. In the narrower channel sections a maintenance area will be retained along one (1) side of the channel. In the larger lake sections the standard 20' maintenance section adjacent to the water body will be provided.

The existing lake will basically remain in its current shape. Bank slopes and existing islands will be reshaped or re-sloped to meet current design requirements. Grading of the site will required to create building pads, roadways, flow ways, and dry detention areas. The site has been filled and berms created as part of a permitted mining operation.

A large portion of the open space/greenway areas will be interconnected via internal pedestrian trails, and will link to the various amenities throughout the development including parks, the river/flow way, the perimeter berm, the central recreational area, the civic site, the elementary school, and the commercial center. The applicant has included a Pedestrian System Plan that illustrates the trail system proposed throughout this development.

The perimeter buffers and berm will average 200-foot in width along all four perimeters will meet the Rural Tier ULDC landscape buffer requirements. These buffers will provide a landscape buffer for the adjacent surrounding uses. Along the northern and western boundaries, a pedestrian trail is proposed as required by Ordinance 2004-066. This trail will provide a recreational amenity to both residents of the community and to the public. The top of the berm will consist of

an approximate 50'-100' wide flat surface (plateau), which will be landscaped with the required vegetation. Along the trail in northern and western perimeter buffers, other pedestrian features including shade structures and benches are proposed. As part of the 50'-100' wide flat surface along the northern and western perimeters, 50' will be designated and platted as a continuous public access easement intended to serve as a pedestrian walkway and public recreational corridor. The trail originally linked to the planned Central Western Corridor Sector Plan integrated trail network, consistent with Condition 6 of Ordinance 2004-066, which approved the current land use designation for the site. With the Central Western Corridor Sector Plan no longer in existence, the trail network will now link to the Northeast Everglades Natural Area (NENA).

The Rural Tier ULDC landscape buffer requirements do not allow berms without BCC approval. The proposed perimeter buffer will include up to an 18-foot berm in some areas, which is existing due to 'fill' received from the adjacent CERP Project. The applicant intends to submit an Alternate Landscape Plan (ALP) for the perimeter buffer areas at the time of Final Site Plan approval. The applicant met with the Palm Beach County Landscape Inspector on April 3, 2013 to coordinate the components and future submission of Alternative Landscape Plan.

A lake currently exists on site, which will be maintained as part of the community. The lake will be approximately 96 acres and improved with littoral plantings, soft circuitous edges, and water tolerant vegetation that will be planted around the outer edges. If possible, opportunity will be provided for non-motorized recreational activities on the lake including canoeing, kayaking, and wind surfing.

WORK FORCE HOUSING

According to discussions with Michael Howe and Patrick Rutter of Palm Beach County Planning Department, this project must meet the Work Force Housing Requirement. Table 5.G.1.B , states the required number of units based on the density of the project. Below is the breakdown on units for the project:

Build-out at 2,000 units.

LR-2, Standard Density = 1.5 du per acre.

1,209.96 acres x 1.5 = 1814.94, round down to 1814. 1814 units at Standard Density.

5% of Standard Density = required WHP.

1814 units x 5% = **90.70** required WHP units

LR-2, Maximum Density = 2 du per acre.

Highland Dunes capped at 2,000 total units (1.65 du/ac).

2000 total units – 1814 units (Standard Density) = 186 remaining units or 186 Maximum Density units.

16% of Maximum Density = required WHP.

186 units x 16% = **29.76** required WHP units

WHP Units Required and Proposed is 120 Units.

PHASING

Pursuant to ULDC Art. 3.E.1.J.1, PUD's may be developed in multiple phases in compliance with Art. 2.E Monitoring. It is the intent of the applicant to develop this project in multiple phases as allowed by code. Pursuant to Art. 7.E.4.B.1, installation of required landscaping may be phased to the construction of the project.

SIGNAGE

A Master Signage Plan has been submitted and addresses the major entry signage for the community and pods. Additional signs as allowed by ULDC Article 8 for a large scale residential development which may be permitted including, but not limited to, project identification sign and on-site directional signs. These signs will be identified on the specific Site Plan/Subdivision Plan at time of final approval.

PUD BREAKDOWN

| Preliminary Development Plan Site Data | |
|---|---------------------|
| Total Gross -PUD Area | 1209.96 |
| Berm Trail | <u>17.71</u> |
| Lake Management Tract | 96.51 |
| Recreation Area | 13.61 |
| School Site | 15.66 |
| Civic Area | 24.22 |

UNIFIED LAND DEVELOPMENT CODE (ULDC)

The proposal meets the requirements set forth in the ULDC Article 2.B.1.B. Official Zoning Amendments as it relates to purpose and intent as follows:

Consistency with the Plan: The BCC adopted Comprehensive Plan Amendment 2004-066 for Palm Beach Aggregates II-LGA 2004-00047 on December 13, 2004 changing the Future Land Use Designation from Rural Residential, 1 unit per 10 acres (RR10) to Low Residential, 2 units per acre (LR-2) with conditions. The BCC further adopted simultaneously with this land use amendment a new Overlay Area designation called the Glades Area Protection Overlay (GAPO), which includes this property, as well as 1,844 acres to the west (total acreage of approximately 3,063 acres.) The proposed overlay is intended to protect the adjacent Everglades Agricultural Area (EAA) to the west from encroachment of urban/suburban uses, densities and intensities. Included in the amended GAPO language is the re-designation of the area east of the SFWMD

L-8 Canal as a Limited Urban Service Area (LUSA) removing the property from the Rural Tier. The proposed rezoning from Residential Transitional (RT) District to the Planned Unit Development (PUD) District is consistent with the Comprehensive Plan.

Consistency with the Code: The proposed PUD meets and exceeds the requirements of Article 3, Chapter E, Section 2 of the ULDC as follows:

- The property carries an LR2 Future Land Use designation.
- The proposed PUD exceeds the required minimum land area of 12 acres and is limited to the maximum dwelling unit number of 2000 dwelling units. Approximately 1209.96 gross acres and 2000 dwelling units are proposed.
- The proposed PUD includes a minimum of two (2) residential use types since it is in excess of 100 acres and 300 dwelling units.
- The proposed PUD includes a 5.68-acre commercial pod that is located internally to the PUD. The commercial pod is consistent with all location and design criteria.

Compatibility with surrounding uses: The development of the site continues a trend in the Central Western area for low density, well-designed communities. The development of this site will provide the same amenities and lifestyle promoted by similar developments located in the area.

In order to assure compatibility the Land Use Amendment included in FLU Amendment Condition of Approval #6, which required the establishment of significant buffers as well as adherence to the landscape buffer requirements of the Rural Tier.

Effect on natural environment: The site has been utilized for agricultural purposes (sod farming, and currently tree farm) or excavation (existing lake area) for a number of years. No significant environmental resources have been located on the site.

Additionally the lake system will provide littoral planting areas that will provide sanctuary for wildlife habitat. It should be noted that the development site is not located in a well field protection zone.

A diverse landscape palette will feature Florida native lower-story, mid-story, and upper-story vegetation throughout the community, including canopy shade trees for the streetscape. Tropical vegetation will be utilized where appropriate. Flowering trees and shrubbery will be planted around the key areas such as the greenways with pedestrian trails, parks and pod entrances. The berm on the

western edge of the property will be designed to address potential visual impacts from the adjacent the Western County Energy Center.

A minimum 10' wide landscaped median will be included as part of the central access driveway. Florida Friendly landscape principles will be considered when designing the planting throughout the community where appropriate to provide native drought tolerant species in an effort to reduce the reliance on heavy watering and which will maintain a high quality appearance throughout the year.

An Alternative Landscape Plan addressing any deviations from code requirements based on the proposed plantings on the perimeter buffers will be provided to the County for review at the time of site plan review.

Development patterns: The north property line borders parcels with a rural residential land use that would be potentially separated from the site by an extension of Okeechobee Boulevard. The parcel to the east is currently utilized as a sod farm bordering, further to the east, large lot residential subdivisions and Lion Country Safari. To the south is a storm water treatment area owned by the SFWMD and separated by Southern Boulevard and the C-51 Canal. To the west and across the L-8 canal are the remaining portion of the Palm Beach Aggregates mining and excavation which include large SFWMD retention lakes and a power plant facility. Pursuant to the Comprehensive Plan Amendment 2004-066 for Palm Beach Aggregates II-LGA 2004-00047 adopted on December 13, 2004 staff found that the site in effect was a subregional multiple use node which could be enhanced by the convenience of the proposed residential units adjacent to these non-residential uses. There is very little vacant property now available in the eastern half of Palm Beach County although this is the area showing the greatest growth. Up to this date, the growth has been significant and remarkable. The recent establishment of the Scripps project and other biomedical facilities with a significant estimation of new employment opportunities will create additional needs for housing, not all of which will be able to be provided within the Scripps immediate area.

To the south of the site, the South Florida Water Management District has acquired all of the land that would have permitted future expansion of the Village of Wellington to be utilized for water storage purposes. Taking all of these factors into account, the property is ideally located to provide needed housing in a centralized location.

Adequate Public Facilities Standards: An official Concurrency Reservation application has been submitted jointly with this PUD application request. Final Concurrency is anticipated upon DRO certification.

Changed conditions or circumstances: The Land Use Plan amendment found that the property is ideally located to provide an acceptable transition from the mining and utilities nonresidential uses west of the L-8 to the residential uses to

the east of the site. Additionally, the applicant's intent is to provide new residential opportunities to residents working in the west central communities and lake regions.

This development will provide Palm Beach County with a needed, quality predominantly single-family residential development and workforce housing that will help meet the increased demands of the residential real estate marketplace. The growth in this section of Palm Beach County has generated great interest by the home-buying public. Offering a quality product will contribute to an improved quality of life for future PBC residents.

The proposal meets the requirements set forth in the ULDC Article 2.B.2B. Condition and Requested Uses as it relates to purpose and intent as follows: (For Elementary School)

Consistency with the Plan: The proposed elementary school is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan. Elementary schools are permitted in all of the Plan's residential land use categories including the existing LR-2 category in this particular case. The establishment of a school within a large residential community provides for Comprehensive Plan goals of integrating a mix of compatible land uses in close proximity, permitting pedestrian as well as vehicular access.

Consistency with the Code: The proposed use meets or can meet all of the criteria contained in Supplemental Use Standard No. 118: School Elementary or Secondary. The location of the 15 acres within the Planned Unit Development has been reviewed to insure that all standards can be met at the time a specific site plan is proposed for this property. The site allows for a variety of access points consistent with providing accessibility both internally and externally.

Compatibility with Surrounding Uses: The school site is located adjacent to a proposed civic/park site. These compatible uses work well in permitting multi-use of facilities by the students and by the public. Access has been designed for both internal and external vehicular access and internal pedestrian access.

Design Minimizes Adverse Impact: A site plan will be submitted at such time as the school is planned to be constructed. The site is of sufficient size with appropriate access to address all potential impacts.

Design Minimizes Environmental Impacts: There are no environmental impacts associated with this use. The current use of the property is as a receiving area for excavated material from the nearby CERP water basins. Currently, the site is utilized as a tree farm.

Development patterns: The need for a school in this area was first identified by the School Board's Planning Department, which monitors growth trends

throughout the County and attempts to locate schools in close proximity to the population they will serve. The school site is located to serve the residents of this Planned Unit Development as well of residents of existing nearby communities.

Adequate Public Facilities: The school use has been included as part of the Concurrency application being submitted with the Planned Unit Development application.

Changed conditions or circumstances: Per the ULDC, schools are considered requested uses. Schools are only requested when the population changes or trends in an area indicate the immediate or future need of an educational facility to accommodate the change in population. In this specific case, the School Board staff made a determination that a school site was needed in this area to provide for the educational needs of existing or future student populations including the school age children who will reside in this Planned Development.

The proposal meets the requirements set forth in the ULDC Article 3 Chapter E, Section 2 Planned Unit Development District Regulations as it relates to purpose and intent as follows:

1. The proposed residential community provides a range of housing types (single family, zero lot line and multifamily townhomes), civic, recreation, open space and limited commercial uses for the benefit of the residents in an organized layout promoting interconnectivity as well as numerous pedestrian connections. The proposed density of 1.7 units per acre is consistent with the Comprehensive Plan's LR-2 Land Use Designation.
2. The proposal minimizes adverse environmental impacts from development by incorporating planting materials, greenways, a flowage easement and a lake system. The proposed PUD will not have any adverse or negative impact on the environment. The pedestrian trails in the northern and western perimeter buffers are proposed tie into a proposed Trail System in the County's Northeast Everglades Natural Area (NENA).
3. The proposal will increase and promote the use of bicycle routes and other non-vehicular modes of transportation by providing an internal pedestrian transportation system and linkages to external systems.
4. PUD standards require a recreation area totaling 12 acres. The 13.6-acre recreational area will be centrally located connecting to the greenways and jogging trails around the community. Facilities such as tennis courts, basketball courts, a swimming pool, hot tub, wading pool, tot lot, and a small fitness center will be provided; in addition, a clubhouse with an outdoor garden and grill area will be located in this recreational area. The

recreation area may be linked to a greenway system allowing internal pedestrian area.

5. The proposal provides for the efficient use of land that results from the development of logical networks of utilities and streets, thereby lowering development costs. This Master Planned community has been designed to create the most efficient and cost-effective means for development.
6. The proposal will foster the safe, efficient and economic use of land, transportation, public facilities and services by utilizing the highest and best use of the property. Development of the site has resulted in a well-planned community featuring a lake and greenway area totaling over 350 acres.
7. The proposal will encourage concentrated land use patterns, allow for trip consolidation and encourage pedestrian circulation. The recreation area, park sites, school and internal commercial area provide a desirable environment contributing to a homogeneous community that can interact and thereby consolidate the number of trips as well as encouraging pedestrian circulation.
8. The proposed development will avoid inappropriate land development by developing the property at its highest and best use. The proposal is consistent with surrounding communities and uses. Additionally, the strict development standards that apply to a PUD will ensure that the property is developed at its highest and best use. This includes the use of focal points throughout the development and implementation of restrictive covenants and conditions to ensure that a homeowners association will enforce any operations or maintenance conditions.
9. The proposal will provide an environment of stable character that is compatible with the surrounding areas by developing the property at its highest and best use. The residential character of the proposal is compatible with the surrounding residential areas.
10. The proposal encourages innovations in land development and facilitates the use of the most advantageous techniques of land development all while following the directives of the ULDC and the Comprehensive Plan.

This proposed PUD meets the Planned Development District provisions of the ULDC while furthering the goals and objectives of the Comprehensive Plan by creating a development plan that is consistent with the future land use element and all other elements of the Comprehensive Plan.

The proposed PUD meets the exemplary criteria for Planned Unit Developments by providing the following:

- *Hardscape Features:* The community will include a majestic entryway in addition to other features such as landscaped arches and trellises, sculpture art, and fountains. A comprehensive specific master signage and hardscape program will be provided to the County for review at a later date.
- *Lighting:* The community will incorporate both decorative streets lights and pedestrian lights. Ground spot lighting may also be used, particularly in the entryway median and the greenways and internal pedestrian trails.
- *Pedestrian Features:* The entire community will be designed to provide opportunity for pedestrian connectivity to other adjacent neighborhoods within the community. Features such as pedestrian bridges, brick pavers, meandering sidewalks, benches, pedestrian shelters, boardwalks, and jogging/fitness trails will all be considered when developing the internal pedestrian system of the community.
- *Streetscape Design:* The community will include one central spine road that will connect via Southern Boulevard. The entrance driveway will include a landscape median, and will have a guarded access entry gate. The streetscape designs will feature brick pavers at major intersections, roundabouts, and street trees. Typical street cross sections have been included with the rezoning/PUD application submittal.
- *Greenway/Flow way:* The unique drainage characteristics of the site provide an opportunity to integrate open space throughout the neighborhoods in the form of greenways and flow ways. The Preliminary Regulating Plan provides a typical design for flow way overlooks.

Regulation Plan

A Preliminary Regulating Plan for the Planned Development District as required Article 3 Section E.1.D.3. of the ULDC consisting of a comprehensive graphic and written description of the function and development of the Planned Development District with the Master Plan is included in this application.

DEVELOPMENT ORDER ABANDONMENT (IMPLEMENTED)

A concurrent request for the approval of a Development Order Abandonment of the Special Exception Use approval via Resolution R-2008-1146, Petition/Control No. 05-0394 to allow a bona fide agricultural use, is included in this application's materials. This approval was implemented allowing a tree farm to be planted

which is currently in use. Upon commencement of the site development process, the applicant is requesting to convert the use of the tree farm by relocating the trees into the landscape buffer of the property. A current status of conditions associated with the approval is also included in the application materials.

3. Implemented Development Orders, Certain implemented Development Orders, pursuant to Art. 2.D, ADMINISTRATIVE PROCESSES, qualify for administrative abandonment. Other implemented Development Orders require Public Hearing abandonment by the Board (BCC or ZC) that approved the Development Order.

a. Administrative Abandonment, A Development Order, which was used, implemented or benefited from, may be administratively abandoned by filing an application with the Zoning Director demonstrating that the following criteria are met;

This section does not apply as the abandonment will be approved through the public hearing.

b. Public Hearing Abandonment, A development order, which was used, implemented or benefited from, may be abandoned simultaneously with the issuance of a subsequent development order by the BCC or ZC, as applicable. The property owner also has the option to petition the BCC or the ZC to abandon the development order through expedited application review process, pursuant to Article 2.B.2.H.2, Expedited Application Consideration (EAC).

The applicant is requesting to abandon the previously implemented development order to abandon the existing bona fide agricultural use on the site and is concurrently requesting approval of a Development Order Abandonment request.

c. Unpaid Status Fees, A development order shall not be abandoned, either administratively or by approval of a subsequent development order, until all unpaid status report fees imposed by action pursuant to Article 2.E, MONITORING, have been paid.

According to the Palm Beach County Monitoring Division, there are no unpaid status fees for the subject site.

4. Additional Guidelines, in determining whether a development was used, implemented or benefited from, consideration shall be given to the following factors:

a. Whether any construction or additional construction authorized in the development order has commenced.

The site has been utilized for agricultural purposes (sod farming, and currently tree farm) or excavation (existing lake area). There is no further farming anticipated for this site once the construction for the residential development is commenced, and the trees will be relocated to the buffer during construction. Therefore, the development order has been implemented.

b. Whether a physical or economic use of the development order has occurred, including physical or economic expansion.

The existing tree farm on the site has been in use for agricultural purposes since its approval in 2008. The tree farm is still in place until the owner sells the property who will develop the residential homes. Therefore, the development order has been implemented.

On behalf of the petitioner, Urban Design Kilday Studios respectfully requests approval of this proposal. The Project Manager at Urban Design Kilday Studios is Kieran Kilday. Mr. Kilday can be reached at 561-366-1100.