



PALM BEACH COUNTY ZONING APPLICATION STAFF REPORT

BOARD OF COUNTY COMMISSIONERS, JULY 17, 2024

A. Application Summary

I. General

Application Name: Cypress Creek PUD, ABN/PDD/CA-2023-00996
Control Name: Aurora Lakes (1977-00052)
Applicant: Toll Brothers, Inc.; True Shot LLC - William Marcacci
Owner: True Shot, LLC; City of Boynton Beach (0.01 acres)
Agent: WGINC - Jerrod Purser
Project Manager: Imene Haddad, AICP, Senior Site Planner

Title: a Development Order Abandonment **Request:** to abandon Special Exception to allow a Golf Course, Clubhouse and accessory facilities on 130.30 acres **Title:** an Official Zoning Map Amendment **Request:** To allow a rezoning from the Agricultural Residential (AR) Zoning District in part on 121.09 acres and the Single Family Residential (RS) Zoning District in part on 1.47 acres to the Planned Unit Development (PUD) Zoning District on 122.56 acres **Title:** a Class A Conditional Use **Request:** to allow Type 2 Excavation with removal of more than ten percent of the extracted material from the site on 122.56 acres

Application Summary: The application to abandon a previously approved golf course in order to develop residential housing. The Cypress Creek Golf Course was approved by a Special Exception for a Golf Course, Clubhouse and Accessory Facilities in the 1970s. The site was last before the Board of County Commissioners (BCC) on March 25, 2019, with an application request to rezone the property to a Planned Unit Development (PUD) for the development of 160 residential units (Zero Lot line and Single Family). The Application was denied by the BCC without prejudice.

The request proposes to abandon the Special Exception and rezone the site from the Agricultural Residential (AR) Zoning District to the PUD Zoning District to allow the development of 152 Single-Family homes. The Applicant is also requesting a Class A Conditional Use to allow more than ten percent of the extracted material for a Type 2 Excavation be removed from the site.

The Preliminary Master Plan (PMP) indicates one Residential Pod (118.32 acres), one Recreation Pod (1.79 acres), one Civic Pod (2.45 acres). Access to the development is proposed from Military Trail and Palo Verde Drive (Civic Parcel only).

II. Site Data

Acres: 122.56 acres
Location: East side of S Military Trail, approx. 0.30 miles north of Old Boynton Road
Parcel Control: 00-42-45-24-03-000-5852; 00-42-45-24-12-001-0010
00-42-45-24-03-000-5851; 00-42-45-24-12-001-0020
00-42-45-24-12-001-0030
Future Land Use: Low Residential (LR-2)
Zoning District: Single-Family Residential District (RS) and Agricultural Residential District (AR)
Proposed Zoning: Planned Unit Development (PUD)
Tier: Urban/Suburban
Utility Service: City of Boynton Beach Utility
Overlay/Study: N/A
Neighborhood Plan: West Boynton Community Plan
CCRT Area: N/A
Comm. District: 2, Commissioner Gregg K. Weiss

III. Staff Assessment & Recommendation

ASSESSMENT: Staff has evaluated the standards listed under Article 2.B, and determined that the requests meet the standards of the ULDC subject to Conditions of Approval as indicated in Exhibit C-1 and C-2.

STAFF RECOMMENDATION: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

PUBLIC COMMENT SUMMARY: At the time of publication of the ZC Report, Staff had received 214 contacts from the public regarding this application. A Public Comments and meeting discussion summary have been added under Exhibit N of this report. There were concerns with traffic, environmental impacts, drainage and compatibility uses.

IV. Hearing History

ZONING COMMISSION: At the July 2, 2023 ZC Hearing, this item was on the Regular Agenda. The Agent and Staff made presentations before the ZC. A total of 64 cards were submitted for public comment. There were 32 letters submitted in support of which 8 people spoke in support. There were 32 letters submitted in opposition, of which 25 people spoke in opposition citing concerns regarding drainage, compatibility, and density. Commissioner Vinikoor made the motion to recommend approval of the request, which was seconded by Commissioner Caliendo. The motion was carried by a vote of 4-2, with Commissioners Brumfield and Kennedy dissenting.

BCC HEARING: *Scheduled July 17, 2024*

B. Data & Analysis

The supporting data and analysis is provided within the following Exhibits.

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Exhibit A - Future Land Use Map & Zoning Map

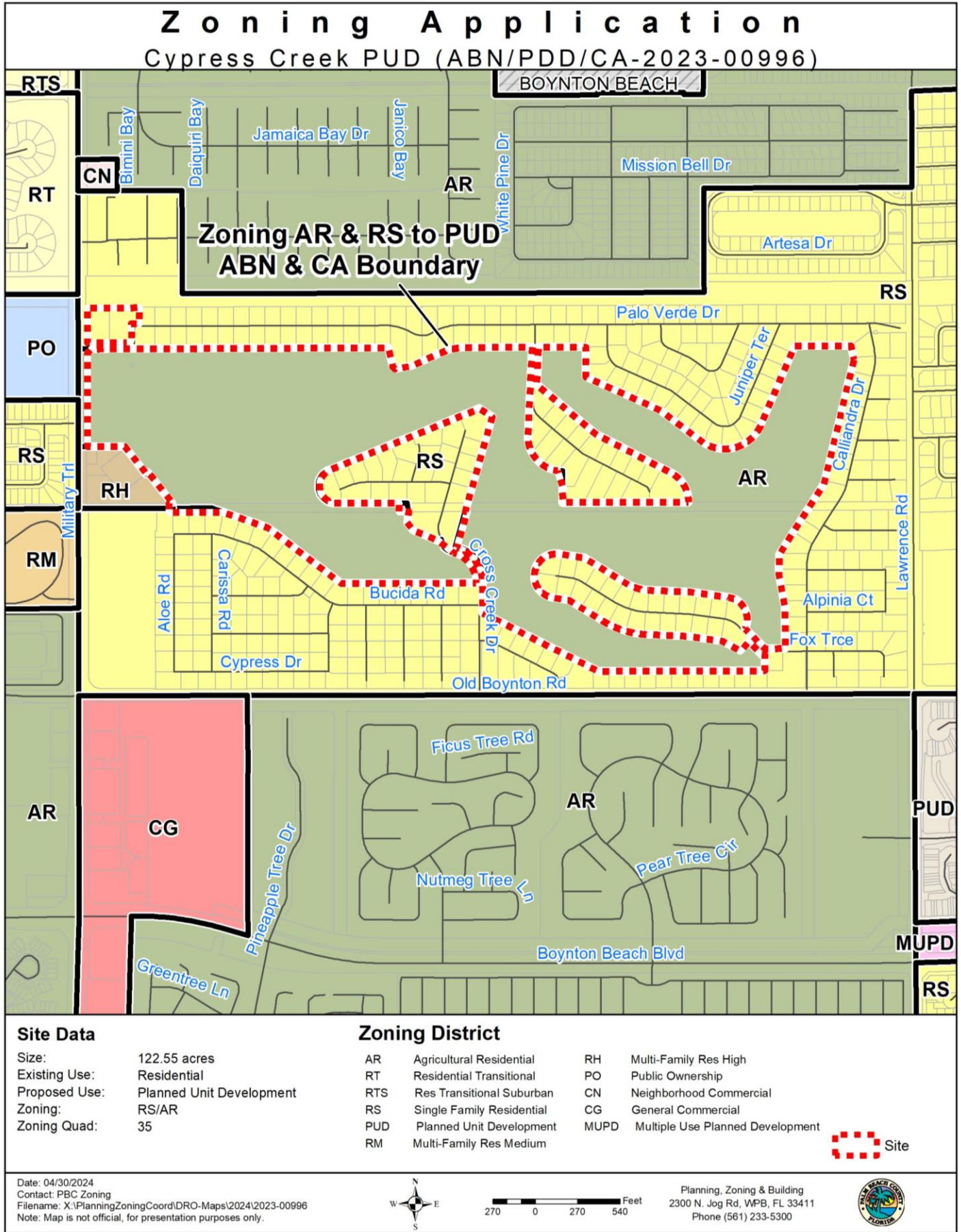


Exhibit B - Standards Analysis & Findings (Abandonment)

A DO for a Conditional Use or similar DO granted under Zoning Resolution No. 3-57, Ordinance No. 73-2, Ordinance No. 92-20, or Ordinance No. 2003-067, as amended, may be abandoned according to the procedures in this Section and pursuant to Art. 2.B, Public Hearing Processes. DOs that are partially or fully implemented, or have not been implemented may be abandoned subject to the requirements of this Section. When considering an ABN application, the BCC and ZC shall consider the Standards indicated in Article 2.B.7.F.6. Standards.

a. Consistency with the Plan - *The proposed abandonment is consistent with the Plan.*

The proposed abandonment of the Special Exception (SE) is consistent with the Plan, and will allow the proposed rezoning of the site.

b. Consistency with the Code - *The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new non-conformities.*

The Applicant is proposing the abandonment of 130.30 acres previously approved as a Special Exception to allow a Golf Course, Clubhouse and accessory facilities. Since the previous approval the total acreage of the golf course has been change to 122.56 acres to realign the overall boundary with surrounding plats. The proposed abandonment will allow the remaining acreage to be rezoned from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District. The proposed abandonment request is not in conflict with any portion of the Code and is consistent with the stated purposed and intent of this Code. The abandonment of the Development Order (DO) does not create any non-conformities. Through this application the Applicant is requesting a rezoning to the PUD Zoning District.

c. Adequate Public Facilities - *The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards)Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).*

The proposed abandonment of the SE, will not impact the requirements of Art. 2. F, Concurrency (Adequate Public Facility Standards). The Applicant has requested a new Concurrency Approval for all of the new uses described on the Preliminary Master Plan (PMP).

d. Changed Conditions or Circumstances - *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the Resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO.*

The Applicant states in the Justification Statement for the abandonment, "*The proposed abandonment of R-77-592 is necessitated by a change in conditions, as the former Golf Course is no longer in operation and the land is vacant. Therefore, in order for the Applicant to pursue redevelopment as a PUD, R-77-562 must be abandoned.*" The Applicant is proposing to rezone the parcels from the Agricultural Residential (AR) Zoning District to the PUD Zoning District that would allow the development of Single-Family homes.

Exhibit B - Standards Analysis & Findings (Official Zoning Map Amendment)

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

a. Consistency with the Plan - *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

○ *Consistency with the Comprehensive Plan:* The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including densities and intensities of use.

○ *Density & Workforce Housing:* The subject request for a 152 unit residential Planned Unit Development is less than the maximum density that is available per land use, which is 242 units (LR-2 x 121.06 acres = 242 total available units). The Applicant is only seeking to utilize density obtained by the base land use and is not requesting to increase density by using the Transfer Development Rights (TDR) or Workforce Housing (WHP) density bonus.

Since the request is greater than 10 units, participation in the Workforce Housing Program will be mandatory. The Workforce Housing Program provides housing for qualified buyers with an income that is 60 -140% of the Area Median Income (AMI). In Palm Beach County, the 2023 area Median Family Income (MFI) is \$98,300 for a family of four (per HUD). The applicant is utilizing the Limited Incentive WHP Development Option for the purposes of calculating the obligation. Therefore, the required Workforce Housing will be calculated as follows:

Density	Required WHP:
152 Standard units	3.80 WHP units (2.5%)
0 max units	0 WHP units (8%)
152 units total	3.8 or 4 (rounded up)

The applicant identified in the justification that they wish to utilize ULDC Article 5.G.1.G.4. Option 4, which allows for an in-lieu payment for the WHP units. The subject request was submitted and deemed sufficient August 16, 2023, when the 2023 price schedule was in effect. The in-lieu fees are now published, and automatically annually updated, with the PZB overall fee schedule. The fee for the 4 required WHP obligation is \$551,772 (\$137,943 x 4 = \$551,772). The payment shall be received by the Department of Housing and Economic Sustainability (DHES), prior to the release of fifty percent of the residential Building Permits. Accordingly, the following Condition of Approval shall be applied:

1. Prior to the issuance of fifty percent of the Residential Building Permits (76du), the Applicant shall submit payment to Department of Housing and Economic Development (DHED) and a copy of a receipt for that payment to the Planning Division in the amount of \$551,772 (4 single family du x \$137,943).

○ *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The property is located within the West Boynton Area Community Plan which is administered by the Coalition of West Boynton Residential Associations (COWBRA). The request is not inconsistent with the neighborhood plan recommendations. The applicant was advised to coordinate with the neighborhood group. No letters in support or objection have been received as of the writing of this report.

○ *Planning Conditions:* All of the conditions being applied are to carry out the requirements for the Workforce Housing Program.

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

The Applicant is required to demonstrate compliance with Article 3.E, Planned Development Districts (PDD), and Article 3.E.2, Planned Unit Development, in addition to Article 4.B Supplementary Use Standards. The proposed housing type, Single Family, is consistent with the character of the surrounding existing residential neighborhoods. With the proposed re-zoning and as indicated in the Preliminary Master Plan (PMP) the Applicant intends is to develop the site with 152 Single Family homes. The PMP indicates the following; one 1.79 acre Recreation Pod, one 2.45 acre Civic Pod, a series of lakes with a total of 33.89 acres, 7.39 acres of perimeter buffers and 50.24 acres of open space located between the proposed development and the surrounding Cypress Creek development. In addition, the Applicant is proposing recreational amenities, a continuous pedestrian network throughout, and the preservation or relocation of native vegetation, consistent with the Objectives and Standards of both the aforementioned PDD and PUD.

- *Property Development Regulation:* The request proposes to rezone the site to PUD Zoning in order to build 152 Single Family homes. The PMP meets the minimum 40% open space requirement by providing a total of 50.24 acres of open space (40.99%), as required in Table 3.E.2.C, PUD Land Use Mix. The PMP Residential and Recreation Pods meet the PDR requirements pursuant to Table 3.E.2.D, PUD Property Development Regulations. The Applicant is proposing a 2.45-acre Civic Pod, to comply with the 2% Civic Pod acreage requirement. The Property and Real Estate Management (PREM) Division has added conditions of approval related to the Civic Pod.
- *Exemplary Design:* A rezoning to a PUD Zoning District shall only be granted to a project that exceeds the goals, policies and objectives in the Plan, and the design objectives and performance standards. This includes but is not limited to sustainability, trip reduction, cross access, buffering, aesthetics, creative design, vegetation preservation, recreational opportunities, mix of uses, and mix of units, safety and affordable housing. The Applicant proposes the following to satisfy the exemplary design criteria:
 - The proposed overall density for the Cypress Creek development will be 1.24 units per acre which is consistent with LR-2 Future Land Use and the neighboring development. In addition, the Applicant has indicated that the layout of the site is designed with the majority of residential units located on the west side of the site, where the majority of developable land is located. By minimizing the surface area of the site that would be otherwise impervious through the provision of additional internal roadways and bridges (to cross the L-23 canal), the vast majority of the eastern side of the property is able to remain pervious.
 - A 1.79-acres recreation parcel is indicated on PMP-1 (Exhibit E), which exceeds Code requirements by approximately 0.88 acres as 0.91-acres of recreational area is the minimum requirement.
 - **Neighborhood Parks:** In addition to Parks and Recreation requirements for Recreation area, Article 3.E.2.B.2, Required Performance Standards, requires PUDs to provide neighborhood parks within the development. Table 3.E.2.D, PUD Property Development Regulations requires a 0.1-acre minimum lot size for neighborhood parks. The PMP indicates two 0.1-acre neighborhood parks one at the north west of the Lake tract #5 and another further to the north across LWDD Canal L-23.
 - **Fountains:** A minimum of one fountain is required in the main or largest lake or water body. The applicant has proposed a total of four fountains within the Lake Tracts numbers 1, 2, 4 and 6.
 - **Pedestrian Circulation System:** As indicated in the Applicant's Justification statement the site design will include sidewalks and pedestrian pathways to encourage pedestrian circulation within the community to a centrally located Recreation area.
- *Design Objectives and Performance Standards:* The proposed development is subject to the PDD Design Objectives and Performance Standards pursuant to Art. 3.E.1.C., PDD Objective and Standards, along with the Art. 3.E.2.B Objectives and Standards for a PUD. The Applicant has met and exceeded these requirements. The development is predominantly residential. The Applicant states in the justification statement that "a continuous non-vehicular circulation system throughout the development and to Military Trail is provided; enhanced landscape buffers are provided throughout the development; Decorative pavers are provided at the entrance; and four fountains are provided within 4 of the 6 proposed lakes.

In addition the proposed development will be in line with the purpose and intent of the code and required performance standards as indicated below:

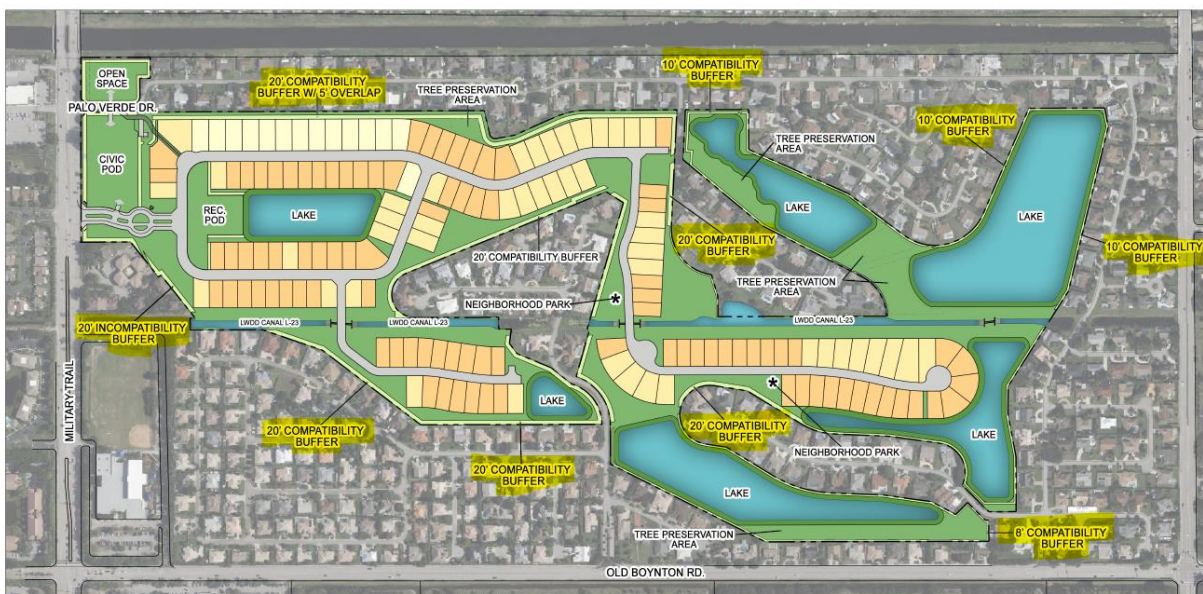
- a. *Proximity to Other Uses:* All residential pods within the development are located within 1,320 feet of one of the two neighborhood parks or the recreation pod as shown on the Preliminary Street Layout Plan PLSP (Exhibit F)
- b. *Focal Points:* There are 4 streets within the community. A focal point is required at the terminus of 15 percent of the streets. The Preliminary Master Plan and Street Layout Plan shows one focal point at the entrance of the development.
- c. *Neighborhood Park:* Two neighborhood parks are provided within the development. The Applicant states The site has been designed to provide Neighborhood Parks throughout the development in compliance with this standard.
- d. *Decorative Street Lighting:* Decorative street lighting will be provided at the entrance of the development.
- e. *Decorative Paving:* Decorative paving are provided at the development entrances and within the recreation pod as required.
- f. *Fountain:* Four fountains will be provided. One within Lake Parcel 1 near the entrance of the development, Lake Parcel 6 as well as two other Lakes within the development.
- g. *Benches or Play Structures:* The Applicant states, benches will be provided along the pedestrian pathway adjacent to the spine road within the focal points and along the pathway around the recreation pod per code requirement.
- h. *Interspersed Housing:* The Applicant identified in the justification that they wish to utilize ULDC Article 5.G.1.G.4 Option 4, which allows for an in-lieu payment of WHP units.

- i. *Pedestrian Circulation System:* In the Justification statement the Applicant indicates, an interconnected pedestrian sidewalk, path, or trail system are required linking pods to recreation amenities within the development. The Street Layout Plan includes sidewalks on both sides of each 50 foot Right-of-Way and spinal road. The proposed PUD provides continues non-vehicular circulation system to for residents, consisting of an internal roadway system with sidewalks and pedestrian circulation system.

- o *Landscaping/Buffering:* The former Golf Course is generally surrounded by the Cypress Creek subdivision and Villas at Cypress Creek multifamily development. There are groups of homes that are essentially, peninsulas surrounded by the golf course. Approximately 173 lots directly about the golf course's boundary with views oriented directly at the subject site. The Applicant is proposing to increase the width of required buffering between the proposed development and the adjacent existing residential development to reduce any possible impact of the development on the existing residential development.

The PMP indicates a 20-ft. Right-of-Way (R-O-W) Buffer along S. Military Trail and a 15-ft R-O-W Buffer along the internal Palo Verde Drive R-O-W. In addition the PMP also indicates a 20-ft. compatibility Buffer with a 6-ft. decorative fence (instead of the required 8 feet compatibility Buffer) where the proposed development is immediately adjacent to existing residential homes and an 8-ft to 10-ft compatibility buffers between existing residential development and proposed lakes or open space as shown in Figure 1. Staff proposes landscape conditions of approval requiring upgraded landscaping up to 20 feet in width and addition landscaping consistent with a Type 3 Incompatibility buffer to be identified on the site plan by final DRO, with a prohibition to reductions to the buffer in the future.

Figure 1: Conceptual Layout Plan



- o *Street Layout and Access:*
 - **Access and Frontage:** The golf course had access from S. Military Trail. The proposed development will maintain that access point for residents and guests into the development. A secondary Access point is proposed from Palo Verde Drive to the Civic Pod and the Open space located on the north side of the proposed development. A 20 foot emergency access easement is provided off Palo Verde Drive.
 - **Cul-de-sacs:** The submitted Layout Plan shows 4 streets in which one of the streets ends in a cul-de-sac, meaning 25 percent of the streets terminate in a cul-de-sac or dead end meeting the ULDC requirements.
- o **Use specific Criteria Analysis Excavation**

Article 4.C.4.f.3) **Off-Site Removal of Excess Fill – Conditional Use** indicates that If an excess of ten percent of fill is proposed to be removed from a site and no unusual conditions exist justifying removal of more than ten percent of the excavated material, as specified in Art. 4.B.10.C.4.f.2), Off-Site Removal of Excess Fill – DRO, the application shall be subject to a Class A Conditional Use approval. The proposed excavations exceed the thresholds established in the code. The Applicant states in the justification statement that more than 10 percent of the fill is to be removed from this site, therefore a Class A Conditional Use for Type 2 Excavation is necessary to implement the proposed redevelopment. There are several existing lakes on site excavated prior to June 16, 1992 through South Florida Water Management District (SFWMD) Permit No. 50-00394-S dated December 16, 1976. The Applicant is proposing 6 new lakes, the existing lake will become part of the proposed lakes. In addition, the Applicant is addressing all non-conformities. Staff has analyzed the proposed lakes and have determined that they are in compliance with all requirements as indicated in article 4.B.10.C.4 for Location, Standards, Separation and Setbacks

Depth and Lake Maintenance easements. The proposed improvement as well as the required setbacks, separations, boundaries, dimensions, and acreage are shown on the as lake tracks on the PMP.

o Modification to Reduce or to Reconfigure Existing Golf Course

In 2004-2005, the BCC directed the Zoning Division Staff to prepare Code amendments addressing golf course conversions. This Code amendment (Ordinance 2006-004) addressed concerns related to the conversion of golf courses within PUDs into residential uses. Pursuant to Article 3.E.1.E.3, any request for modification to reduce the acreage or reconfigure the boundaries of a golf course previously approved on a Master Plan shall meet three criteria: Notice to Homeowners; Reduction of Open Space or Recreation; and, Visual Impact Analysis Standards. Because the golf course is not part of a previously approved PUD, the provisions of this section of the Code are not applicable to this amendment. However, the Applicant elected to notify homeowners of the surrounding development and submit a voluntary Visual impact analysis.

- o Notice to Homeowners: According to the Applicant's Justification Statement (Exhibit M), The Applicant sent notifications via First Class Mail. The Agent and Applicant met with the surrounding community to discuss the project to obtain feedback. The sessions were held at the following dates and locations:

Full neighborhood:

- Tuesday, July 11th, at the Boynton Beach Arts & Cultural Center
- Thursday, July 13th, at the Boynton Beach Arts & Cultural Center

POA Board:

- Wednesday, September 27th, at Toll Brothers Boca Raton Office
- Thursday, December 7th, at Toll Brothers Boca Raton Office
- Wednesday, March 20th, at the Palm Beach County Vista Center Building (included members of PBC staff)

- o Visual Impact Analysis (VIA): The Applicant submitted a VIA to assess the compatibility and impact of the proposed development on the adjacent properties. The line of sight analysis shows that in some locations, the separation between existing and new homes is over 130 ft. However, it was evident from the Applicant's Analysis and the PMP, particularly along the northern perimeter, that there are areas where the separation between residential lots was little more than the width of the perimeter buffer.

c. Compatibility with Surrounding Uses – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The site design will be compatible and generally consistent with all surrounding uses. Directly north, south and east surrounding the subject site is the existing residential development known as the Cypress Creek Development (Control No. 1977-00062). To the West across Military Trail are residential and commercial uses including the FPL Boynton Beach Service Center (Control No. 1977-00062), The Mirror Lakes residential Subdivision (Control No. 1973-00238), and The Cypress Park PUD (Control No. 1982-0005). The South Military Trail corridor consists of mainly single family residential communities. The proposed Single-Family development is generally consistent with the overall land uses within the vicinity of the subject area.

The proposed development is comprised of 152 detached dwelling units. The surrounding uses are detached dwelling units composed of approximately 173 one and two story Single Family homes within the Cypress Creek residential development, as well as 19 two-story Multifamily units in the Villas at Cypress Creek (Control No. 2000-00094) which are directly adjacent to the subject site. The proposed development will be comprised of one- and two-story Single Family designed in a Florida Contemporary architectural style, according to the Applicant's Visual Impact Analysis. As shown on the VIA, the proposed development is compatible and generally consistent with the uses and character of the lands surrounding the subject site.

d. Design Minimizes Adverse Impact – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The proposed development addresses potential adverse impacts created by the proposed development on the existing residents by, placing lakes, open space and increased buffering between the proposed development and the existing residential uses. The Applicant is proposing one and two-story units which are compatible with the surrounding existing development. The Applicant also proposes to locate the largest lots on the north of the development where immediately adjacent to the existing development. In addition, all of the existing lakes will be part of new water management tracts designed to take in the stormwater runoff from the existing and the proposed developments.

- e. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

- **Vegetation Protection:** The site was previously built as a golf course. Native vegetation exists on the site. Native vegetation that cannot be preserved in place are being either relocated or mitigated. The water management tracts, and open space have been located to maximize onsite preservation and the creation of onsite Preservation Areas, totaling 5.1 acres - to be dedicated on the Plat and regulated by a Tree Preservation Area Management Plan. The application for the Protection of Native Vegetation Approval will be required to be submitted prior to the final approval by the DRO, as indicated in Article 14.C.7.C.
- **Site Contamination:** Based on the Phase I Environmental Site Assessment, dated February 03, 2018 prepared by AYDEN Environmental., the soil and groundwater qualities at the subject property have been impacted by its former use as a golf course. An analysis of the samples detected the presents of arsenic in the soil and groundwater. The property owner will need to work with the Florida Department of Environmental Protection to resolve the contamination issues, as per Chapter 62-780, F.A.C. During the DRO process, ERM will confirm that the applicant is coordinating with FDEP and is to provide a site assessment report (conditioned). NOTE: FDEP Facility ID ERIC_10930
- **Wellfield Protection Zone:** This property is not located within Wellfield Protection Zone. However, there are twelve (12) public supply wells within a one mile radius of the subject property.
- **Irrigation Conservation Concerns And Surface Water:** All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.
- **Environmental Impacts:** There are no known significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- f. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

Part of the stated purpose and intent of PUDs is to allow for opportunities for development patterns that exceed the expectations of the standard zoning district and to encourage creative use of the land. PUD regulations also encourage infill and redevelopment and the preservation of the natural environment. The proposed amendment is to redevelop a former golf course, which is already disturbed land. The location of the proposed PUD development has frontage on South Military Trail and is surrounded by Single Family homes. The proposal will result in the conversion of a former golf course to residential uses, and will result in a logical, orderly and timely development pattern.

- g. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

ENGINEERING COMMENTS:

The conditions of approval have been agreed to by the applicant to mitigate the impacts of the proposed development.

The proposed single-family dwelling residential development is expected to generate 1520 net daily trips, 106 net AM peak trips, and 143 net PM peak hour trips. The build out of the project is assumed to be by 2028.

Significantly impacted intersections of Old Boynton Road/Military Trail and Gateway Blvd/Military Trail meet adopted Level of Service Standards with the current lane configurations.

The link of Military Trail from Boynton Beach Blvd and Old Boynton Road has background deficiency, or in other words, does not meet adopted Level of Service Standards with existing and background growth, without the project traffic, with the current lane configurations. As per Florida Statute 163.3180, the project may assume the necessary improvements to correct the background deficiency are in place. With this provision of the Statute, the project meets Traffic Performance Standards.

The existing southbound left turn lane on Military Trail at Mirror Lakes Blvd will be modified by the Property Owner to extend the storage length.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Traffic volumes are in vehicles per hour

Segment: Military Trail from Old Boynton Road to Gateway Blvd

Existing count: Northbound=2131, Southbound=1414

Background growth: Northbound=261, Southbound=212

Project Trips: Northbound=50, Southbound=41

Total Traffic: Northbound=2442, Southbound=1667

Present laneage: 3 in each direction

Assured laneage: 3 in each direction

LOS "D" capacity: 2940

Projected level of service: LOS D or better in both directions

The conditions of approval have been agreed to by the applicant to comply with the ULDC and mitigate any potential engineering related issues.

The Property Owner shall submit a drainage study that identifies historical flows that currently enter the site prior to the Final Subdivision Plan approved by the DRO.

The Property Owner shall provide Palm Beach County sufficient public road drainage easements through the project's internal drainage system.

The Property Owner shall lengthen the existing left turn lane into the site on Military Trail prior to the issuance of the first Certificate of Occupancy.

The Property Owner shall plat the subject property.

DRAINAGE DISTRICT:

The subject site is located within the boundaries of the South Florida Water Management District (SFWMD) C-16 Canal Drainage Basin and the surface water management system will be under the jurisdiction of SFWMD, Lake Worth Drainage District (LWDD), and Palm Beach County. The Applicant's engineer states, *"The project is within a 296-acre drainage basin known as Cypress Creek approved by SFWMD under Permit No. 50-00394-S. The drainage basin is served by an existing lake system and the Lake Worth Drainage District Canal L-23 canal, that bisects the property and discharges, through an existing control structure located within the L-23 canal at the east limits of the basin with ultimate discharge to the SFWMD C-16 Canal. The permitted allowable discharge for the basin, using the historical discharge formula, is limited to 80 cfs at the 25year-3day storm event. The newly modified areas will be limited to the current rate of 62.6 CSM at the 25year3day storm event. The project involves the redevelopment of the entire former golf course property. Additional lake area will be provided to compensate for any loss of surface and soil storage from the proposed development and maintain the storm stages in the SFWMD permit. The additional lake area will also serve to provide water quality treatment for the basin. The lake area within the basin will be increased further to accommodate off-site runoff from a portion of the adjacent Military Trail that currently drains to the L-23 canal. The 25 year-3 day routed storm event will be at or below the existing elevation of the outside edge of the highest through lane of Military Trail (El 19.16 ft NGVD (17.66 ft NAVD)), a Palm Beach County thoroughfare. The proposed project will continue to accept storm water runoff from adjacent properties that currently drain to the golf course property. The project's water management system will be interconnected with the existing Cypress Creek basin system. The portions of the LWDD L-23 canal adjacent to the proposed project will be regraded per the LWDD canal design section and the surface water area will continue to be an integral part of the overall water management system. The stormwater storage within the LWDD canal surface water will be excluded from the surface water management calculations in accordance with the PBC ULDC. Lakes close to property lines will be regraded to meet the required setback and slope requirements and incorporated into the proposed lakes. Except, the existing lake southwest of proposed Lake #3 will be eliminated to maintain an ERM required tree preservation area. This area behind the existing lots will contain a swale, drainage inlets and drainage pipe with a connection to the proposed lake to continue to accept runoff from the adjacent existing lots."*

The entire statement is found in Exhibit J. Prior to issuance of any building permits, the development will have to obtain applicable approvals and permits from the District.

WATER AND WASTEWATER:

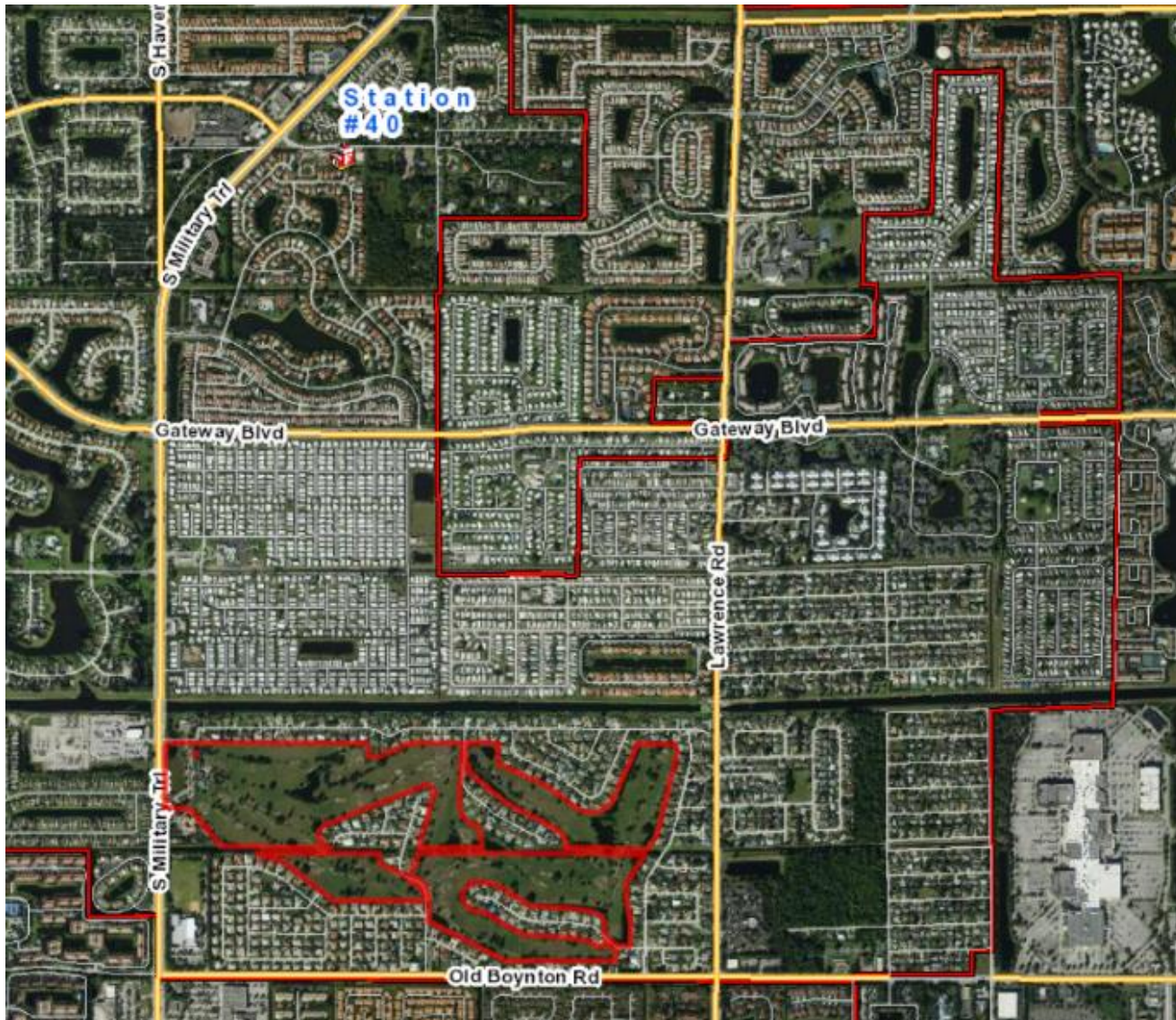
Staff has reviewed this application and have no comment. The Water and waste water provider is the City of Boynton Beach. The Applicant has provided a letter (Exhibit K) dated June 29 2023 indicating availability for the proposed development.

PALM BEACH COUNTY HEALTH DEPARTMENT:

Staff has reviewed this application and have no comment. This project has met the requirements of the Florida Department of Health.

FIRE PROTECTION:

Staff has reviewed this application and have no comment. The subject site is located within the service boundaries of PBC Fire Rescue Station 40.



SCHOOL IMPACTS:

In accordance with the adopted Coordinated Planning Interlocal Agreement, a School Capacity Availability Determination (SCAD) for 160 single family residential units had been approved on August 24, 2023 (SCAD Case #23071901D). The subject property is located in SAC 254A.

This project is estimated to generate approximately fifty-eight (58) public school students. The schools currently serving this project area are Hidden Oaks K-8 School, Congress Middle School and Boynton Beach Community High School.

The revised Preliminary Master Plan (dated 05/09/24) shows one (1) 10' by 15' public school bus shelter location. A bus shelter condition of approval has been applied to this request.

PARKS AND RECREATION:

Project proposes 152 dwelling units requiring 0.91 acres of onsite recreation, petitioner is proposing 1.79 acres of onsite recreation therefore the Parks and Recreation Department ULDC standards have been met.

- h. Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances, provided by the Applicant’s Justification Statement that necessitate a modification.*

The Applicant’s Justification Statement states: *“The now defunct Cypress Creek Golf Course closed in 2018 due to failing business operations. As a result of these changed conditions, the Applicant and respective property owners are seeking to redevelop the vacant site for the provision of residential homes consistent with the County’s vision outlined in the Comprehensive Plan.”*

Exhibit C-1 - Conditions of Approval

Official Zoning Map Amendment

ALL PETITIONS

1. The approved Preliminary Master Plan is dated May 9, 2024. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2028, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall modify the existing southbound left turn lane (north approach) on Military Trail at Mirror Lakes Blvd to provide for 175 feet of storage and 50 feet of taper, and reduce the full median opening, as approved by the County Engineer.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

3. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided to the Land Development Division prior to final approval of the Final Subdivision Plan by the Development Review Officer. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with the plat or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: ENGINEERING - Engineering)

4. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Military Trail along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering)

5. Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPM: MONITORING - Engineering)
6. The development of this property shall not increase the existing permitted stormwater stages of the offsite properties, as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering)
7. Prior to the issuance of a building permit for a structure that has an easement encroachment, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures. (BLDGPM/ONGOING: MONITORING - Engineering)
8. Lakes abutting residential units shall have a berm at an elevation no lower than the stage resulting from a 3 year, 24 hour storm event, unless a bulkhead is proposed. (ONGOING: ENGINEERING - Engineering)

ENVIRONMENTAL

1. Prior to final approval by the Development Review Officer, a Tree Preservation Area Management Plan shall be provided to ERM for review and approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
2. Prior to the issuance of the site development permit and/or the storm water management system permit, the applicant shall provide documentation to ERM that the area(s) of the proposed excavation(s) and the surrounding 300 feet thereof does not contain any known contaminants. (BLDGPM/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
3. The Official Record Book and Page for the Restrictive Covenant Agreement for the littoral areas shall be referenced on the plat. (ONGOING/PLAT/TC: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
4. Prior to the approval of the Final Master Plan by the DRO, the site configuration must be designed in a manner to maximize tree preservation and incorporate the native specimen-sized trees. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
5. Prior to the approval of the Final Master Plan by the DRO, ERM shall review and approve the vegetation disposition chart to ensure maximum preservation efforts-and that the site design incorporates native vegetation. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
6. Prior to the final approval by the Development Review Officer, the plans shall be revised to indicate an access easement with a minimum width of 10 feet to the Tree Preservation Area(s). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
7. The understory within the native tree preserve area shall be restored and reestablished with native species typically found in its respective land cover classification and/or as approved ERM, and shall remain in perpetuity (BLDGPM/ONGOING/VEGPMT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
8. Prior to the issuance of the first residential building permit, the Applicant shall provide a copy of the Soil Remediation Implementation Report and the Florida Department of Environmental Protection (FDEP) Technical Compliance Letter to the Department of Environmental Resources Management (ERM). (BLDGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
9. Prior to the final approval by the Development Review Officer, the applicant shall: (1.) provide an analysis that calculates and graphically depicts the anticipated hydrologic function(s) of the site. while accounting for the surrounding area's lakes, canals and wellfields, inter alia; and, (2.) provide hydrological modeling to ERM for review and acceptance. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
10. Prior to the final approval by the Development Review Officer, the applicant shall provide a detailed analysis and report, prepared by a qualified person (e.g., a civil engineer, etc.), which identifies the total fill to be generated as a result of the proposed excavations, the methodologies and calculations for the use of fill on the site and off-site, if applicable, to ERM for review. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

11. Prior to the issuance of the first Certificate of Occupancy, the applicant shall provide (1.) an as-built survey to ERM for review; and, (2.) an analytical comparison of actual fill generated to the previously provided to-be-generated fill calculations. (BLDGPM/CO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

12. After issuance of the first Certification of Occupancy for the project, an invasive exotic vegetation monitoring report shall be submitted to the Department of Environmental Resources Management (ERM) quarterly for the first year and semi-annually through year five. (CO/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

13. Prior to the issuance of the excavation permit and/or the storm water management system permit, the applicant shall provide documentation to ERM that the area(s) of the proposed excavation(s) and the surrounding 300 feet thereof does not contain any known contaminants that exceed state clean-up levels, as regulated by FDEP. (BLDGPM/CO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

14. None of the landscape material to be planted and/or maintained shall be on the 2023 Florida Invasive Species Council (FISC) list of Invasive Plant Species, as periodically amended (BLDGPM/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

HEALTH

1. Prior to the issuance of the first building permit, the property owner shall submit to the Florida Department of Health a "No Further Action" letter from the Florida Department of Environmental Protection (FDEP) regarding the mediation of the contamination associated with this property. (BLDGPM/CO: MONITORING - Health Department)

LANDSCAPE - PERIMETER

1. LANDSCAPING ALONG THE PROPERTY LINE ABUTTING EXISTING RESIDENTIAL LOTS EXCLUDING LAKES AND CANAL

In addition to the Code requirements, landscaping and/or buffer width along the property line abutting existing residential lots shall be upgraded to include:

- a. a minimum 20 foot wide Type 3 Incompatibility Buffer with no width reduction;
- b. landscaping material shall be in compliance with a Type 3 Incompatibility Buffer per Table 7.C.2.C.3, Incompatibility Buffer Landscaping Requirements, (except that a wall may be replaced with a fence) Supplement 31 of the ULDC; and,
- c. prior to Final Approval by the DRO, the Master Plan shall be revised to indicate compliance with this condition. (BLDGPM/DRO: ZONING - Zoning)

PARKS

1. No more than 61 building permits for the residential units shall be issued until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, unless a phasing plan for completion of the required reaction area is agreed to and approved by the Parks and Recreation Department. (BLDGPM/CO: MONITORING - Parks and Recreation)

PLANNING

1. The subject request for 152 units with a 4-unit Workforce Housing Program (WHP) obligation was calculated based on Limited Incentive Development Option. The WHP obligation will be utilizing fee in Lieu. No WHP density bonus was utilized. (ONGOING: PLANNING - Planning)

2. Prior to the issuance of fifty percent of the Residential Building Permits (76du), the Applicant shall submit payment to Department of Housing and Economic Development (DHED) and a copy of a receipt for that payment to the Planning Division in the amount of \$551,772 (4 single family du x \$137,943). (BLDGPM/CO: MONITORING - Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. Platting & Deed.

The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 2.45 acre public civic site (net usable area - including minimum required perimeter landscape buffers), in a location and form acceptable to Facilities Development & Operations Department (FD&O) by July 18, 2026 or other date that is mutually agreeable to the Property owner and FD&O. Property Owner to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

a) Title

Property Owner to provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site as required by the County Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is

required it shall be obtained by the Property Owner. The Property Owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site.

b) Concurrency

Property Owner to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation for the entire PUD. The Property Owner shall be provided with input as to the size of a structure (and proposed use) which the civic site would support and the corresponding amount of trips. If no County use is applied to the civic site, Property Owner shall assign sufficient traffic trip capacity equivalent to the number of units the civic site would support if it were a residential pod.

c) Taxes

All ad valorem real estate taxes and assessments for the year of acceptance shall be pro-rated to include the day of acceptance.

d) Site condition

Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.

e) Retention and Drainage

Property Owner shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Property Owner shall specifically address the following issues:

1) The discharge of surface water from the proposed civic site into the Property Owner's water retention basins.

2) An easement across Property Owner's property from the proposed civic site to the retention basins, if required.

f) On-Site Inspections

By acceptance of these conditions Property Owner agrees to allow the County to perform any on-site inspections and testing deemed appropriate to support the acquisition of the civic site.

g) Vegetation Permit

Property Owner to perform a tree survey and obtain a vegetation clearing permit. If it is determined by PREM that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the County.

h) Buildable Grade

Prepare civic site to buildable grade under the direction of the FD&O Department. Site shall be stabilized with

1) sod and watered or,

2) seeded, mulched and watered (at the discretion of FD&O), all of which shall be to the satisfaction of FD&O. The buildable grade elevation required will generally be the highest crown of road adjacent to the civic site, unless otherwise determined by PREM. Proposed County Critical Care Facilities may require higher elevations as determined by County, at County's sole discretion. Property Owner to provide:

1) In-place density test (density requirements as determined by PREM),

2) Soil placement monitoring report,

3) Test of materials used in the soil placement monitoring report,

4) Final survey to include topo results.

i) Water, Sewer and Reclaim Water

Property Owner to provide water, sewer, reclaim water stubbed out to the property line and other required utilities as determined by PREM.

j) Irrigation

Property owner to provide an easement across Property Owner's property, from the proposed civic site to available retention basins, if requested by PREM. (DATE: MONITORING - Property Real Estate Management)

2. Survey

The Property Owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by January 19, 2026 or other date that is mutually agreeable to the Property Owner and FD&O. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a) The survey must meet the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers in rule 5J-17.050-.052, Florida Administrative Code, pursuant to section 472.027, Florida Statutes and Countywide PPM CW0-058.

b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.

c) The survey should include a location of any proposed water retention area that will border the civic site and the proposed drainage easement area for storm water outfall from the proposed civic site to the development's storm water management system.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey. (DATE: MONITORING - Property Real Estate Management)

3. Environmental Survey

The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by January 19, 2026 or other date that is mutually agreeable to the Property Owner and FD&O. The minimum assessment of the property will be a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use. Prior use of the property (Example: Ag Production, golf course, other uses as determined by County) that creates the possibility of soil and groundwater impacts above environmental target clean up levels will require further soil and ground water investigation and testing, unless waived by County at County's sole discretion.

The assessment will include but not be limited to the following:

- a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
- b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach county Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
 - 2) Comprehensive Environmental Response compensation and Liability Act system List (CERCLA)
 - 3) Hazardous Waste Data Management System List (HWDMS).
- c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
 - d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.
 - e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - Property Real Estate Management)

4. Cash-Out

The Property Owner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or off-site land is the more viable option and enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the Property Owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the Property Owner. If off-site land or cash contribution is accepted by Palm Beach County, the Property Owner shall be deemed to have satisfied the intent of the ULDC.

(ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

5. Prior to Technical Compliance of the Plat for the 80 R.O.W shown on the Master Plan to abut the south side of the public civic site, the Property Owner shall grant a Perpetual Access Easement to the County in a form, manner and configuration deemed acceptable to PREM to serve the public civic site. (TC: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

6. Prior to Technical Compliance of the Plat for the public civic site, the Property Owner shall have completed the abandonment of all easements within the limits of the public civic site that are identified on Sheet PMP-2 as To Be Abandoned (T.B.A.). (TC: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

7. The Property Owner shall include in homeowners documents as well as all written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying prospective property owners that the community includes the public civic site and is designed to provide future ingress and egress serving the public civic site from the community entryway. The Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on July 18, 2025 or other date that is mutually agreeable to the Property Owner and FD&O, and then continuing until all units have been sold. (DATE/ONGOING: MONITORING - Property Real Estate Management)

SCHOOL BOARD

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

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. Please

contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board)

COMPLIANCE

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

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

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

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

DISCLOSURE

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

Exhibit C-2 Conditions of Approval

Class A Conditional Use

ALL PETITIONS

1. The approved Preliminary Master Plan is dated May 9, 2024. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

COMPLIANCE

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

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

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

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

DISCLOSURE

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

Exhibit D - Project History

The Project History is shown in the table below.

The Applicant's Justification Statement in **Exhibit M on pages 61 and 62** provides a detailed description of the Cypress Creek residents complaint filed in the Circuit Court against the owner of the Property, True Shot, LLC. The imposition was seeking an "equitable servitude" and permanent injunctive relief to require that the Property be used as a golf course in perpetuity and that residential development be prohibited on the Property. On February 11, 2022, the Circuit Court of the 15th Judicial Circuit for Palm Beach County issued a Final Judgement heard on January 18 and 19, 2022 (Case No. 2019CA003810) summarized on page 62 of this report.

PROJECT HISTORY TABLE:

Application No.	Title & Request	Resolution	Decision	Approval Date
SE-1977-00052	Title: Special Exception Request: to allow a Special Exception for a Golf Course, Clubhouse and accessory facilities, and an expansion of a Sewage Treatment Plant	R-1977-00592	Approved As Amended	05/26/1977
SV/ABN/PDD/W-2018-00345	Title: a Development Order Abandonment Request: to abandon a Special Exception to allow a Golf Course, Clubhouse and accessory facilities, and the expansion of an existing Sewage Treatment Plant.	R-2019-00392	Denied Without Prejudice	03/25/2019
SV/ABN/PDD/W-2018-00345	Title: an Official Zoning Map Amendment Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.	R-2019-00393	Denied Without Prejudice (citing failure to meet the Standards for Development Pattern, Compatibility and Traffic	03/25/2019
SV/ABN/PDD/W-2018-00345	Title: a Type 2 Waiver Request: to allow more than 40 percent of the local streets to terminate in a cul-de-sac or dead-end.	R-2019-00394	Denied Without Prejudice	03/25/2019

Prior to the first Board action in 1977, the golf course was shown on an Assessors Map dated November 1963. The map, titled Cypress Creek Development, indicated the golf course and abutting Single Family residential lots. The map was filed with the Property Appraisers office and the golf course was subsequently developed through building permits issued in December 1963 (Building Permit No B70351582). Under the Zoning Code at the time of development, the use was permitted and was not subject to BCC approval.

On March 25th, 2019 the Board of County Commissioners denied without Prejudice the Aurora Lakes Application SV/ABN/PDD/W-2018-00345. The Proposed was Development Order Abandonment, a rezoning, and a Type 2 Waiver to develop the previously approved golf course. The proposal included six residential Pods, 11 lakes totaling approximately 36.45 ac., a 3.21-ac. Recreation Pod, and a 0.89-ac. Neighborhood Park. The Residential Pods will include 28 Single Family Homes and 167 Zero Lot Line Homes on a 121.09 acres.

The Board found that the proposal did not meet the intent of the code. Vice Mayor Dave Kerner: stated that maintaining existing zoning classification in respect to the property accomplishes a legitimate public purpose. He voiced concerns with the complatibility of the proposal with surrounding uses, specifically the Zero Lot Lines being incompatble with the surrounding uses and that the difference in lot size between the exsiting and proposed development. Mayor Weinroth stated concerns with the issue of the transfer of development rights in 1977. The motion to reject the Application without prejudice was passed by the board by a 5-2-0 vote.

Staff has analyze the Application and has detrmine that it addressed the concerns of the Board by reducing the amount of homes proposed from 160 to 152, and by modifying the type of proposed residetnial lots. The previous proposal included 79 Zero lot line units and 81 Single Family Units. The proposed included ZLL lots that raned in size between 45'X125' and 50'x125'. The current proposal only include Single Family Homes. The proposed lots range in size between 65'x127' and 80'x180'.

Exhibit E - Preliminary Master Plan Plan

CYPRESS CREEK PUD
 PALM BEACH COUNTY, FLORIDA
 PRELIMINARY MASTER PLAN

INITIAL SUBMITTAL
 JULY 19, 2023

PREPARED UNDER THE
 SUPERVISION OF
 YVES, INC.
 ON 2024-05-09

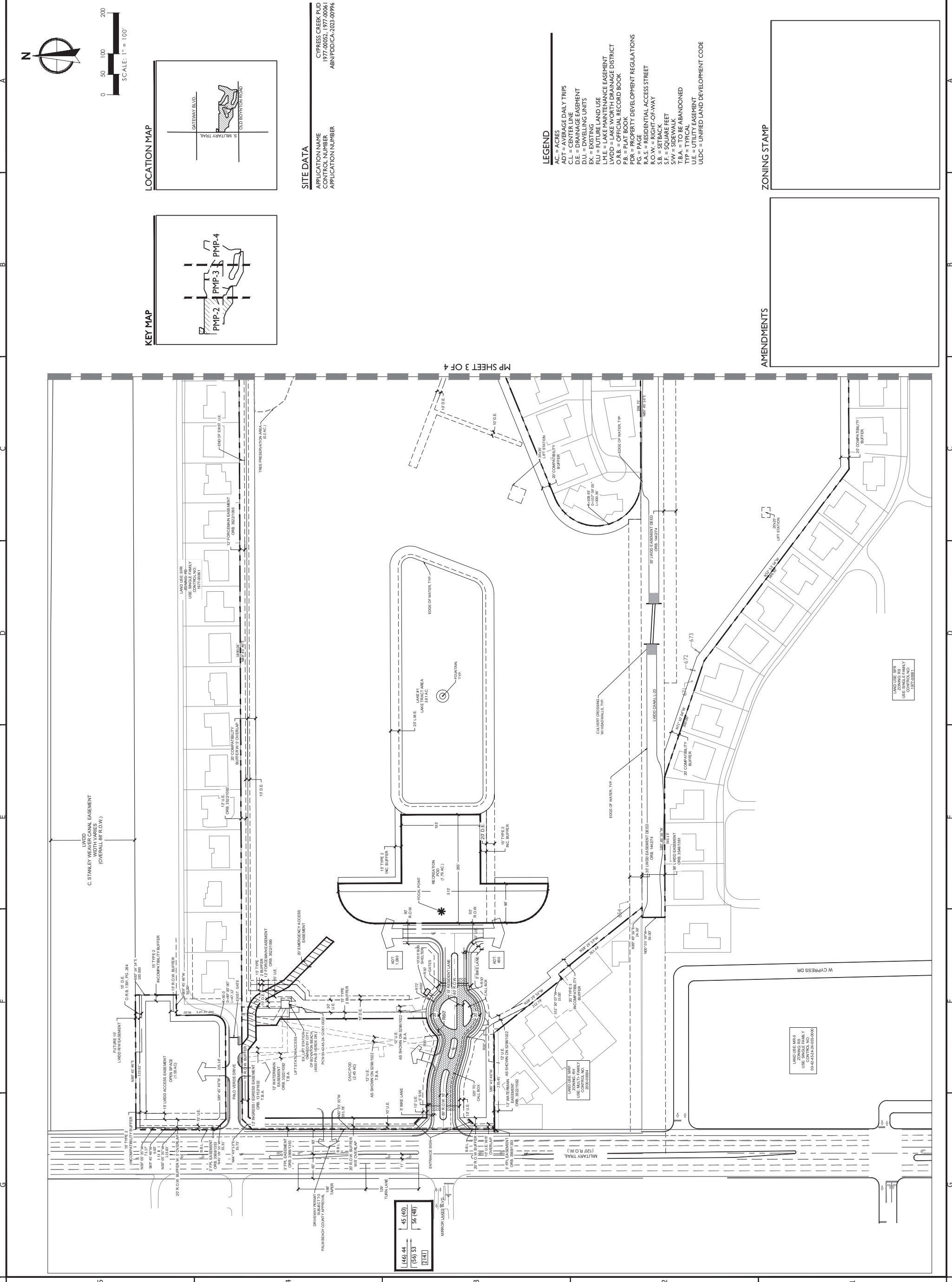
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 NOT FOR CONSTRUCTION,
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 PURPOSES.



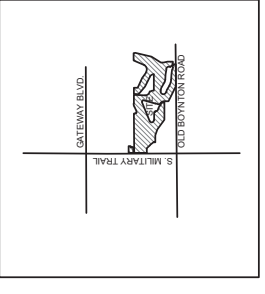
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 CERT NO: 6991
 2025 VISTA PARKWAY, WEST PALM BEACH, FLORIDA 33411
wgi.com

NO.	DATE	REVISION
8	05/09/24	RESUBMITTAL
7	04/22/24	RESUBMITTAL
6	03/13/24	RESUBMITTAL
5	02/28/24	RESUBMITTAL
4	01/22/24	RESUBMITTAL
3	11/27/23	RESUBMITTAL
2	10/23/23	RESUBMITTAL - SUFFICIENCY
1	08/16/23	RESUBMITTAL - SUFFICIENCY

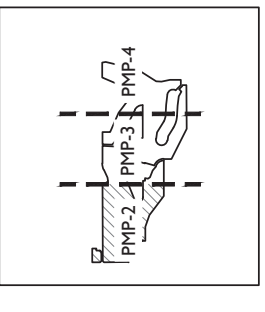
NO.	DATE	REVISION
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7	04/22/24	RESUBMITTAL
6	03/13/24	RESUBMITTAL
5	02/28/24	RESUBMITTAL
4	01/22/24	RESUBMITTAL
3	11/27/23	RESUBMITTAL
2	10/23/23	RESUBMITTAL - SUFFICIENCY
1	08/16/23	RESUBMITTAL - SUFFICIENCY



LOCATION MAP



KEY MAP



SITE DATA

CYPRESS CREEK PUD
 APPLICATION NAME
 1977-00052, 1977-00061
 APPLICATION NUMBER
 ABN/PDD/CA-2023-00996

LEGEND

- AC = ACRES
- ADT = AVERAGE DAILY TRIPS
- CL = CENTER LINE
- DL = DRAINAGE DISTRICT
- DU = DWELING UNITS
- EX = EXISTING
- FLU = FUTURE LAND USE
- LME = LAKE MAINTENANCE EASEMENT
- LWDD = LAKE WORTH DRAINAGE DISTRICT
- O.R.B. = OFFICIAL RECORD BOOK
- P.B. = PLAY BOOK
- P.C. = PLANNING CODE
- P.D. = PLANNING DEPARTMENT REGULATIONS
- R.A.S. = RESIDENTIAL ACCESS STREET
- R.O.W. = RIGHT-OF-WAY
- S.B. = SETBACK
- S.F. = SQUARE FEET
- SW = SIDEWALK
- T.B.A. = TO BE ABANDONED
- TRIP = TRIP
- ULE = UTILITY EASEMENT
- UIDC = UNIFIED LAND DEVELOPMENT CODE

ZONING STAMP

AMENDMENTS

MP SHEET 3 OF 4

(46) 44	45 (40)
(60) 53	56 (48)
(21) 4	

LAND USE SFR
 ZONING PERMITS
 CONTROL NO.
 197700061

LAND USE SFR
 ZONING PERMITS
 CONTROL NO.
 197700061

NO.	DATE	REVISION
1	08/16/23	RESUBMITTAL - SUFFICIENCY
2	10/23/23	RESUBMITTAL
3	11/27/23	RESUBMITTAL
4	01/22/24	RESUBMITTAL
5	02/28/24	RESUBMITTAL
6	03/13/24	RESUBMITTAL
7	04/22/24	RESUBMITTAL
8	05/09/24	RESUBMITTAL

CERT NO: 6991

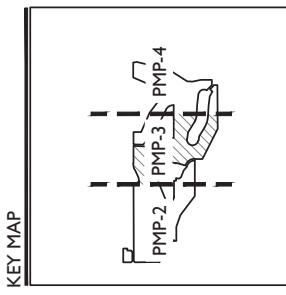


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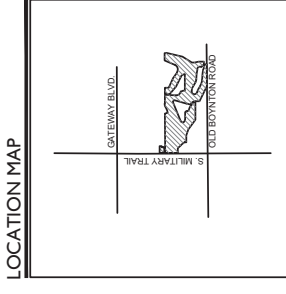
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NOT FOR CONSTRUCTION,
BIDDING, OR PERMIT
PURPOSES.
PREPARED UNDER THE
SUPERVISION OF
WGI, INC.
ON 2024-05-09
INITIAL SUBMITTAL
JULY 19, 2023

CYPRESS CREEK PUD
PALM BEACH COUNTY, FLORIDA
PRELIMINARY MASTER PLAN

SHEET
PMP-3
3 OF 4
PROJECT/CASE #



KEY MAP



LOCATION MAP

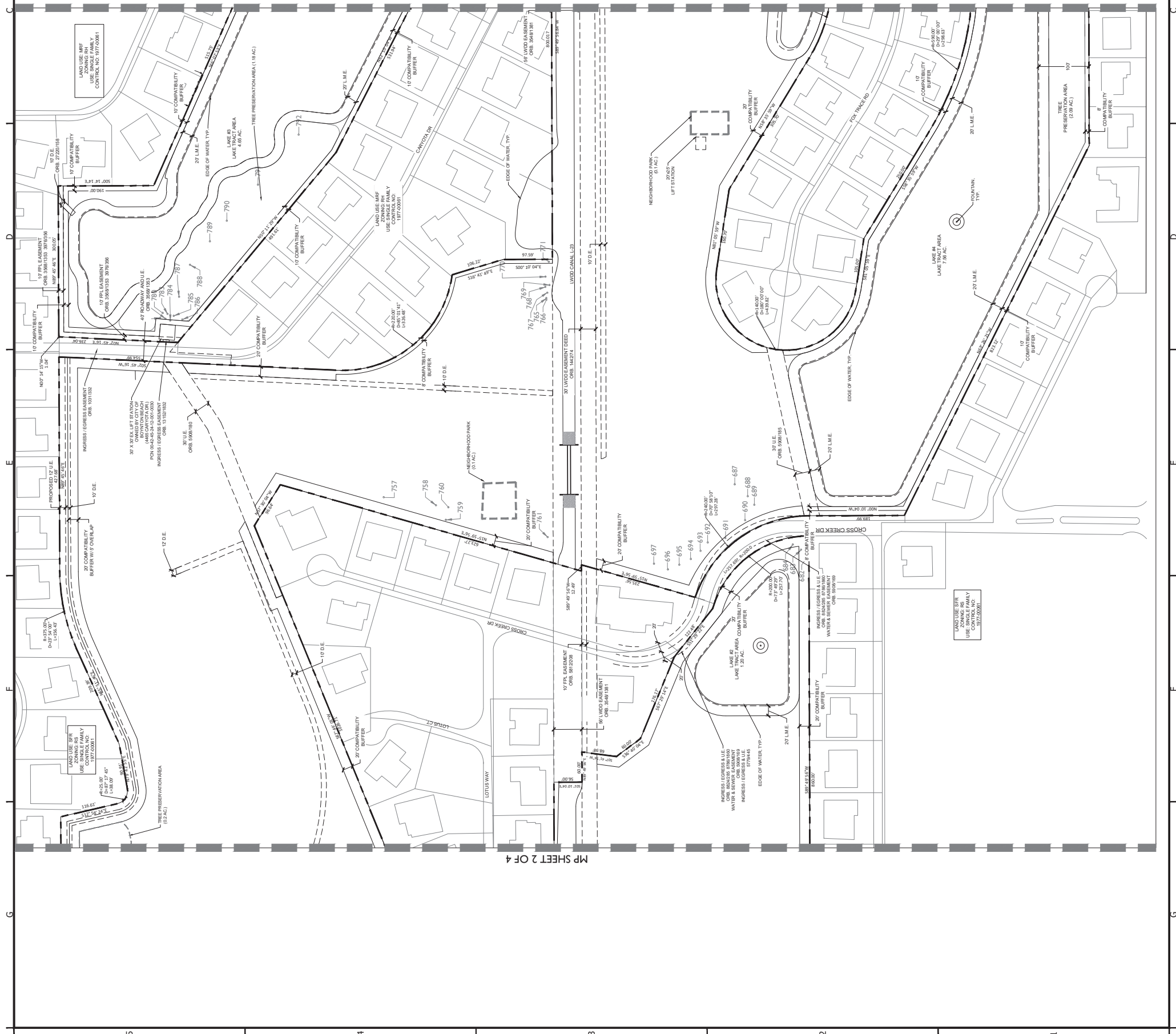
SITE DATA
CYPRESS CREEK PUD
APPLICATION NAME
1977-00052, 1977-00061
CONTROL NUMBER
ABN/PDD/CA-2023-00996
APPLICATION NUMBER

LEGEND

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- DIU = DWELING UNITS
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- LME = LAKE MAINTENANCE EASEMENT
- LWDD = LAKE WORTH DRAINAGE DISTRICT
- O.R.B. = OFFICIAL RECORD BOOK
- P.B. = PLAY BOOK
- PON = PORT
- PPR = PRIVATE PROPERTY DEVELOPMENT REGULATIONS
- R.A.S. = RESIDENTIAL ACCESS STREET
- R.O.W. = RIGHT-OF-WAY
- S.B. = SETBACK
- S.F. = SQUARE FEET
- SW = SIDEWALK
- T.B.A. = TO BE ABANDONED
- TRP = TRAIL
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- UIDC = UNIFIED LAND DEVELOPMENT CODE

ZONING STAMP

AMENDMENTS

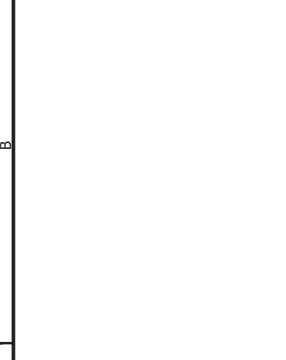
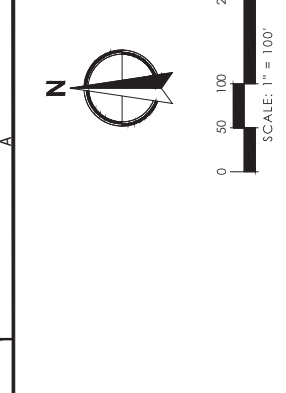
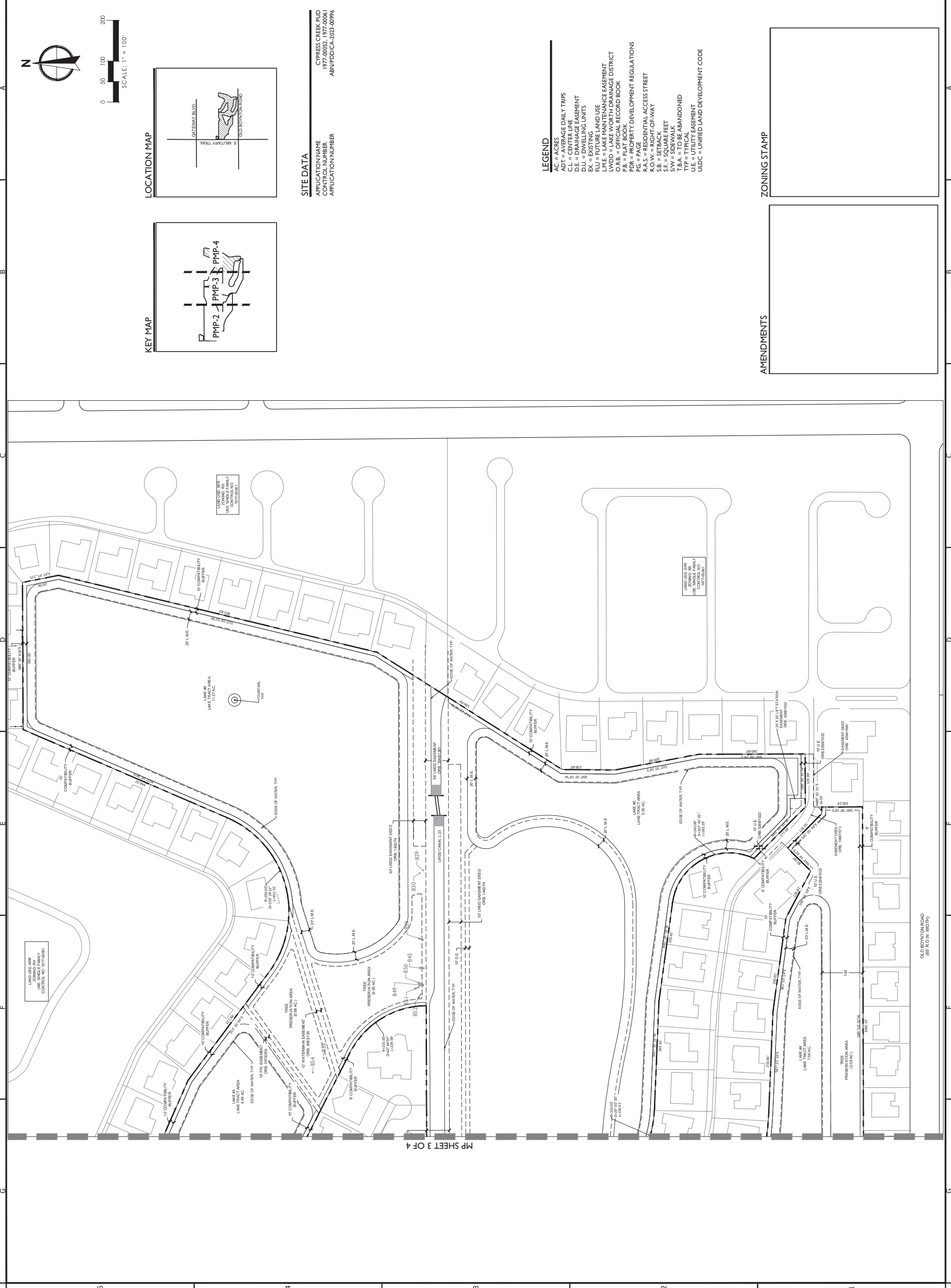


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7	04/22/24	RESUBMITTAL
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5	02/28/24	RESUBMITTAL
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1	08/16/23	RESUBMITTAL - SUFFICIENCY

CERT NO: 6991
 561.687.2220

WGI
 2025 VISTA PARKWAY, WEST PALM BEACH, FLORIDA 33411
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PRELIMINARY
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 PURPOSES.
 PREPARED UNDER THE
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 YUSEF, INC.
 ON 2024-05-09
 INITIAL SUBMITTAL
 JULY 19, 2023



SITE DATA
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 CYPRESS CREEK PUD
 CONTROL NUMBER
 1977-00052, 1977-00061
 APPLICATION NUMBER
 ABNIPDD/CA-2023-00996

LEGEND
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 CL = CENTER LINE
 DL = DRIVEWAY EASEMENT
 DU = DWELING UNITS
 EX = EXISTING
 FLU = FUTURE LAND USE
 LME = LAKE MAINTENANCE EASEMENT
 LWDD = LAKE WORTH DRAINAGE DISTRICT
 O.R.B. = OFFICIAL RECORD BOOK
 P.B. = PLAY BOOK
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 T.P. = TRAIL
 U.E. = UTILITY EASEMENT
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ZONING STAMP

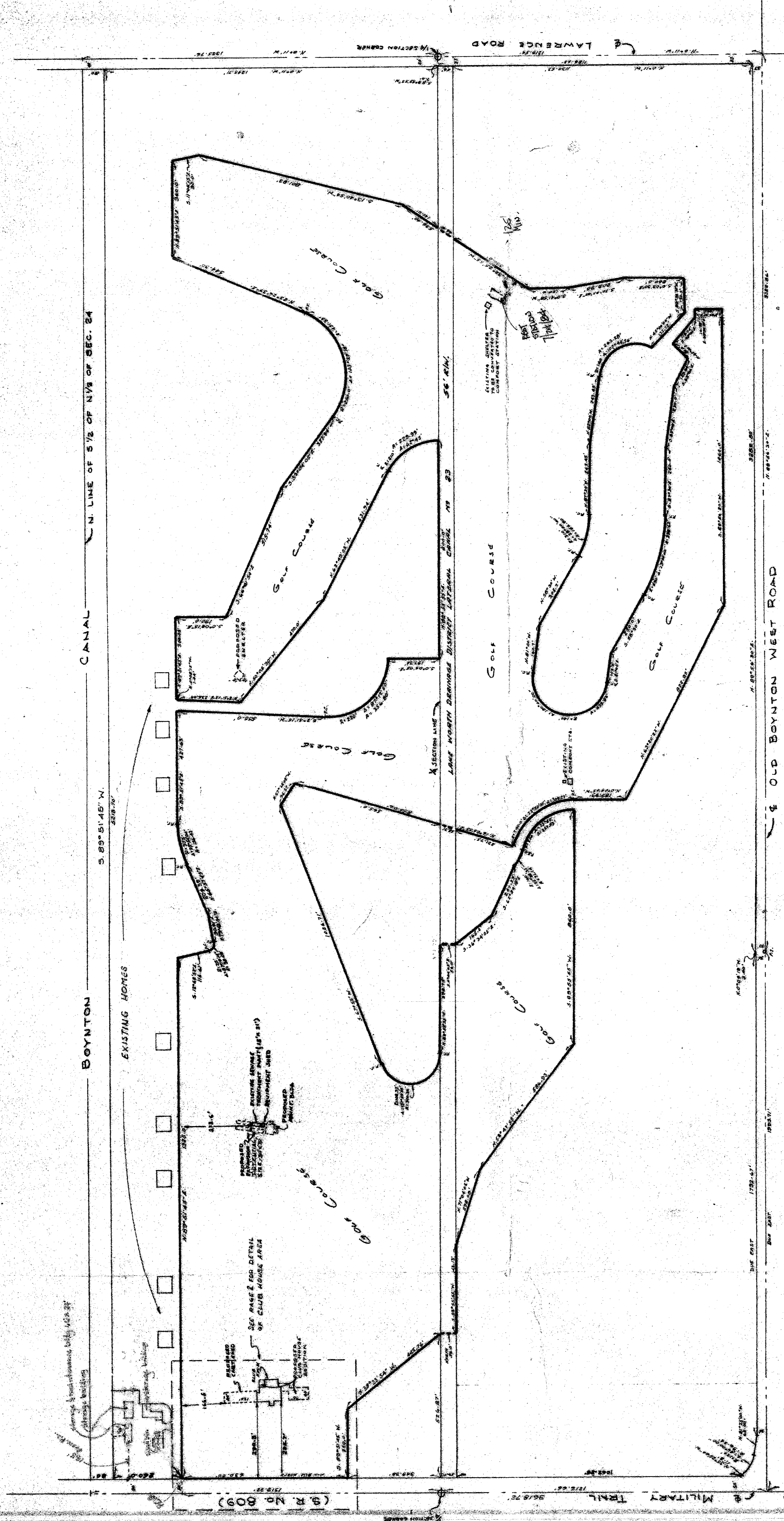
AMENDMENTS

MP SHEET 3 OF 4

Exhibit F - Preliminary Street Layout Plan

Exhibit G - Preliminary Master Sign Plan

Exhibit H - Previously Approved Site Plan



FILE COPY

PETITION NO. 77-52
 DATE SUBMITTED 5/4/77
 EXHIBIT NO. 11
 SUPERSEDES EXH. NO. 9
GOLF COURSE AREA

ADMINISTRATIVE AMENDMENT
 STAFF MEETING 5/10/77 DATE 5/17/77
 * Health Survey and maintenance buildings
 on maintenance property for golf course.

CYPRESS CREEK DEVELOPMENT
 Section 24, T. 45 S., R. 48 E., Plum Branch County, Kansas

SITE PLAN

Date Approved: 6-1-77
 Engineering Dept. *[Signature]*
 Health Dept. *[Signature]*
 Planning, Zoning & Bldg. Dept. *[Signature]*
 Planning, Zoning & Bldg. Dept. *[Signature]*
COMMITMENTS

NOTE: EXISTING & PROPOSED TRAFFIC IMPACT
 200 ONE WAY TRIPS PER DAY

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Exhibit I – Visual Impact Analysis



November 16, 2023

Zoning Division
Palm Beach County
2300 N. Jog Road,
West Palm Beach, FL 33411

RE: Cypress Creek PUD – Visual Impact Analysis (Voluntary)

Zoning Staff,

The proposed Cypress Creek PUD is located within unincorporated Palm Beach County and is comprised of 5 parcels, totaling 122.6 acres more or less. These parcels can be identified by the following Parcel ID Numbers: 00424524120010010 00424524120010020, 00424524120010030, 00424524030005852, 00424524030005851. This document is provided voluntarily and is not required by any portion of the Palm Beach County ULDC. It is the Applicant's intention to provide this document in order to address the concerns of the adjacent residential community and also to provide a mechanism for collaborative planning.

Historically, the property operated as the site of the Cypress Creek Golf Course, Lounge and Clubhouse. However, the Cypress Creek Golf Course permanently closed business operations in 2018. As a result, the property has remained vacant for 5 years. In addition to the former Cypress Creek Golf Course, the property contains two City of Boynton Beach Lift Stations. As such, the City of Boynton Beach has been included as a property owner within this application. The property fronts S Military Trail along the west side of the site. As this is the only direct frontage the site shares with the existing public transportation system, this will serve as the main entrance to the proposed project. Lastly, the property is transected by the L-23 Canal, which is owned and maintained by the Lake Worth Drainage District.

The subject site is primarily surrounded by the Cypress Creek residential development which also retains a LR-2 FLU designation, but an RS (Single Family Residential District) zoning classification. The site also abuts an existing multi-family development with a HR-12 (High Residential, 12 units per acre) FLU and a RH (Multifamily Residential High Density) zoning classification. In terms of the surrounding architectural styles, the subject site is surrounded by single-family homes and multi-family apartment buildings representative of the late 1990's and early 2000's Florida architectural style.

The proposed residential development will have no adverse environmental impacts on the subject site itself or onto any of the surrounding properties. Further, the architectural style of the proposed homes will remain consistent with the overall aesthetic theme of the community.

Should you have any questions regarding this Visual Impact Analysis, please do not hesitate to contact our office.

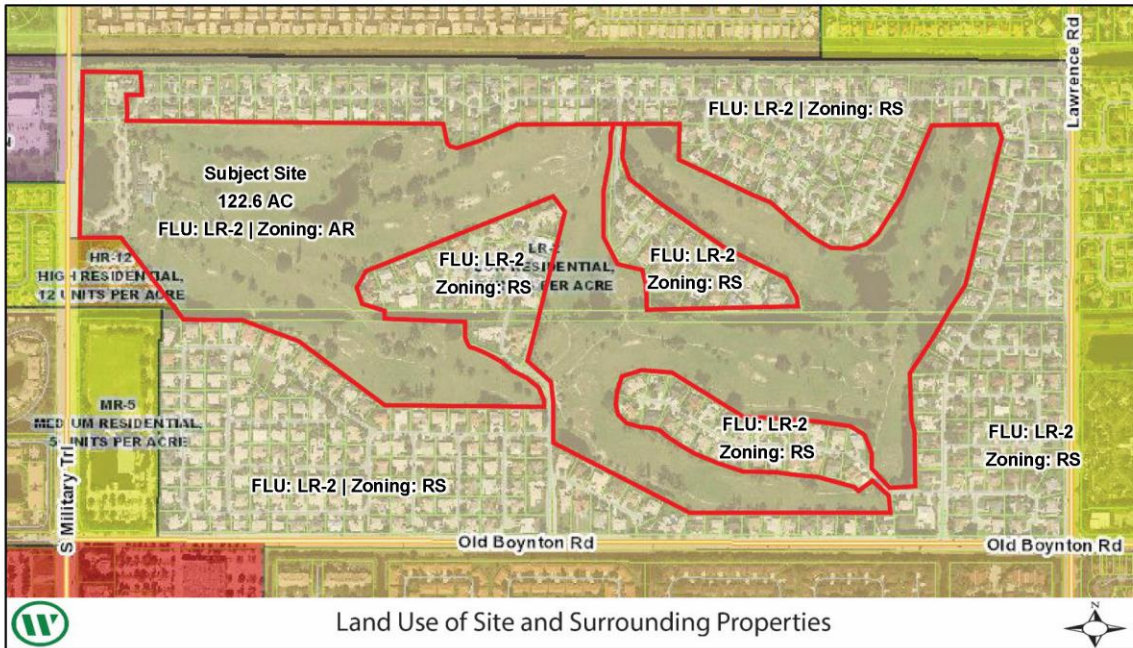
Thank you for your time and consideration on this matter,

A handwritten signature in blue ink, appearing to read 'Jerrod Purser'.

Jerrod Purser, PLA
Senior Project Manager
Jerrod.Purser@wginc.com

2035 Vista Parkway, West Palm Beach, FL 33411 t: 561.687.2220 f: 561.687.1110 www.WGInc.com

Existing Conditions & Surrounding Uses



Surrounding Views (Image Key, each number represents a photo collection area)



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Site Photographs

Area 1



View of vacant Cypress Creek Golf Course Clubhouse and parking lot. Camera view Northeast.

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Area 2



**View of vacant Cypress Creek Golf Course with adjacent single family residential along Palo Verde Dr.
Camera view West.**

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Area 3



View of vacant Cypress Creek Golf Course with adjacent multi-family residential. Camera view Southwest.

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Area 4



View of vacant Cypress Creek Golf Course with adjacent single-family residential. Camera view West.

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Area 5



View of vacant Cypress Creek Golf Course property line with Cypress Creek homes located on Lotus Way. Camera view North.

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Area 6



View of vacant Cypress Creek Golf Course property line with Cypress Creek homes located on Lotus Ct and Lotus Way. Camera view Southwest.

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Area 7



View of vacant Cypress Creek Golf Course property line with Cypress Creek homes located on Bucida Rd. Camera view West.

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Area 8



View of vacant Cypress Creek Golf Course property line with Cypress Creek homes located on Cross Caryota Dr. Camera view Southeast.

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Area 9



View of vacant Cypress Creek Golf Course property line with Cypress Creek homes located on Cross Creek Dr. Camera view West.

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Area 10



View of vacant Cypress Creek Golf Course property line with Cypress Creek homes located on Cycad Ln. Camera view South.

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Area 11



View of vacant Cypress Creek Golf Course property line with Cypress Creek homes located on Palo Verde Dr. Camera view Northeast.

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Area 12



View of vacant Cypress Creek Golf Course property line with Cypress Creek homes located on Caryota Dr. Camera view North.

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Area 13



View of vacant Cypress Creek Golf Course property line with Cypress Creek homes located on Fox Trace Rd. Camera view East.

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Area 14



View of vacant Cypress Creek Golf Course property line with Cypress Creek homes located on Calliandra Dr. Camera view East.

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Area 15



View of vacant Cypress Creek Golf Course property line with Cypress Creek homes located on Calliandra Dr. Camera view East.

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Area 16



View of vacant Cypress Creek Golf Course property line with Cypress Creek homes located on Palo Verde Dr. Camera view North.

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Area 17



View of vacant Cypress Creek Golf Course property line with Cypress Creek homes located on Juniper Terr. Camera view North.

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Environmental Assessment

As reflected in the photographs of the project site, the site currently resembles the vacant Cypress Creek Golf Course. At 122.6 acres, the property consists of large overgrown fairways with rolling grade changes throughout. The site is not a natural area given the extensive improvements done to the property to create the now non-operational Golf course and club house. Further environmental analysis will be performed as the project progresses through the review process.

Prevalent Theme

The prevalent architectural theme for this community will be clean Florida Contemporary. This style is prevalent within South Florida and is an ageless clean transition from older Florida architectural styles. The proposed homes will feature simplified, yet sophisticated design details with raised window and wainscot banding and stone textured accents. The homes designs incorporate slate style tile roofs, welcoming entry ways and thoughtful window placement to capitalize on a beautiful streetscape. With various elevation options per home, combined with diverse color scheme options, we will create an aesthetically pleasing community in congruence with the surrounding area.

Architectural Compliance Statement

The proposed development and associated residential structures will meet the County's requirements as it relates to Article 5, Design Elements. The community as proposed will function as a Planned Unit Development which requires focal points, pedestrian connectivity, and consistency across architectural design elements to ensure cohesiveness within the proposed development. The proposed structures will be in harmony with the surrounding context and will not introduce an incompatible aesthetic.

Line of Sight Analysis

See the attached exhibits, A-D.



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Note: Proposed conceptual homes shown for reference only, details may vary.

Alessandra Model



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Note: Proposed conceptual homes shown for reference only, details may vary.

Callahan Model



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Note: Proposed conceptual homes shown for reference only, details may vary.

Clearwater Model



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Note: Proposed conceptual homes shown for reference only, details may vary.

Exhibit J - Disclosure

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Christopher Roschek (City of Boynton Beach, Title: Deputy Director), hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the individual or Deputy Director, Utilities Operations [position - e.g., president, partner, trustee] of City of Boynton Beach [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 124 E Woolbright Road
Boynton Beach, FL, 33435
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

Chp Lg. R

Christopher Roschek (City of Boynton Beach, Title: Deputy Director), Affiant

(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 18th day of JULY, 2023 by Christopher Roschek (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

Michelle Czecholinski
(Name - type, stamp or print clearly)

Michelle Czecholinski
(Signature)

My Commission Expires on: April 18, 2026



EXHIBIT "A"**PROPERTY****PARCEL I:**

All of the Plat of CYPRESS CREEK GOLF COURSE, according to the Plat thereof, recorded in y Plat Book 35,

Page 106, of the Public Records of Palm Beach County, Florida; said lands situate, lying and being in Palm Beach County, Florida.

LESS ANY EXCEPTING THEREFROM that portion of the above described property conveyed from Weaver Development Corporation, a Florida corporation, to The City of Boynton Beach by those Quit-Claim Deeds dated March 23, 1981, recorded May 15, 1981, in Official Records Book 3522, Page 1056 and Official Records Book 3522, Page 1069. ALSO LESS AND EXCEPT that portion of the above described property conveyed from Weaver Development Corporation, a Florida corporation, to Cypress Creek Builders, Inc., a Florida corporation by that Warranty Deed dated June 8, 1984, recorded June 26, 1984, in Official Records Book 4279, Page 258. ALSO LESS AND EXCEPT that portion of the above described property conveyed from Weaver Development Corporation, a Florida corporation, to Curtis A. Weaver, Sr., and Alice W. Weaver, his wife, by Warranty Deed dated October 4, 1997, recorded November 12, 1997, in Official Records Book 10077, Page 1617. ALSO LESS AND EXCEPT that portion of the above described property identified as Parcel 36A in that Stipulated Order Of Taking And Final Judgment filed in Palm Beach County Circuit Court under Case No. CL-89-840-AI and recorded in Official Records Book 6054, Page 1087. ALSO LESS AND EXCEPT that portion of the above described property conveyed from Weaver Development Corporation to Melvin E. Weaver and Charlotte T. Weaver, his wife by that Warranty Deed dated May 10, 1985, recorded in Official Records Book 6062, Page 1996, re-recorded in Official Records Book 6083, Page 524. ALSO LESS AND EXCEPT that portion of the above described property set forth on the Plat of CYPRESS VILLAS, recorded in Plat Book 28, Page 126, of the Public Records of Palm Beach County, Florida.

PARCEL II:

TOGETHER with a parcel of land lying in Section 24, Township 45 South, Range 42 East, Palm Beach County, Florida, described as follows:

COMMENCING at the Northwest corner of CYPRESS CREEK GOLF COURSE, Plat Book 35, Page 106, Public Records of Palm Beach County, Florida, said Northwest corner also being a point on the South line of Palo Verde Drive as same is described in Official Records Book 1031, Page 338, Public Records of Palm Beach County, Florida, thence North 00° 00' 00" East along the East right-of-way line of Military Trail as same is described in Official Records Book 5206, Page 146, Public Records of Palm Beach County, Florida, a distance of 40.00 feet to a point on the North line of said Palo Verde Drive and the POINT OF BEGINNING; thence continue North 00° 00' 00" East along said East right-of-way line of Military Trail, a distance of 220.00 feet to a point on the South line of the Boynton Canal as same is described in Official Records Book 1982, Page 950, Public Records of Palm Beach County, Florida; thence North 89° 51' 45" East along said South line, a distance of 329.36 feet; thence South 00° 08' 15" East (departing from said South line of the Boynton Canal), a distance of 100.00 feet to a point on the North line of said Palo Verde Drive; thence South 89° 51' 45" West along said North line a distance of 50.00 feet to a point on the West line of said Palo Verde Drive; thence South 00° 08' 15" East along said West line a distance of 90.00 feet to the point of curvature of a curve concave Northwesterly having a radius of 30.00 feet; thence Southwesterly (departing from said West line of Palo Verde Drive) along the arc of said curve, a distance of 47.12 feet to the point of tangency, said point also being a point on the said North line of Palo Verde Drive; thence South 89° 51' 45" West along said North line, a distance of 249.88 feet to the POINT OF BEGINNING.

PARCEL III:

TOGETHER WITH a parcel of land lying in Section 24, Township 45 South, Range 42 East, Palm Beach County, Florida, described as follows:

BEGINNING at the Northwesterly end of that certain 165.00 foot course bearing South 36° 34'05" East as same is shown on CYPRESS CREEK GOLF COURSE, Plat Book 35, Page 106, Public Records of Palm Beach County, Florida (said Northwesterly end also being a point on the South line of the Lake Worth Drainage District Canal 23 as same is described in Official Records Book 3548, Page 1381, Public Records of Palm Beach County, Florida), run thence North 89° 55' 55" East along said South line of Canal 23, a distance of 60.00 feet; thence South 07° 47' 53" West (departing from said South line), a distance of 68.98 feet to a point on the Northeasterly line of said Cypress Creek Golf Course; thence North 36° 34' 05" West along said Northeasterly line, a distance of 85.00 feet to

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
City of Boynton Beach Utilities	124 E. Woolbright Rd.
	Boynton Beach, FL 33435

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared William Marcacci (True Shot LLC: Title MGRM), hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [x] MGRM _____ [position - e.g., president, partner, trustee] of True Shot LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 4174 Juniper Terrace
Boynton Beach, FL, 33436

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

William Marcacci

William Marcacci (True Shot LLC: Title MGRM), Affiant

(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 19 day of July, 2023 by William MARCACCİ (name of person acknowledging). He/she is personally known to me or has produced FL Drivers License (type of identification) as identification and did/did not take an oath (circle correct response).

Richard T. Danca
(Name - type, stamp or print clearly)

Richard T. Danca
(Signature)

My Commission Expires on: 01/24/2024

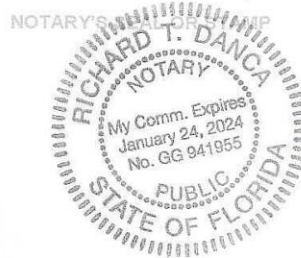


EXHIBIT "A"**PROPERTY****PARCEL I:**

All of the Plat of CYPRESS CREEK GOLF COURSE, according to the Plat thereof, recorded in y Plat Book 35,

Page 106, of the Public Records of Palm Beach County, Florida; said lands situate, lying and being in Palm Beach County, Florida.

LESS ANY EXCEPTING THEREFROM that portion of the above described property conveyed from Weaver Development Corporation, a Florida corporation, to The City of Boynton Beach by those Quit-Claim Deeds dated March 23, 1981, recorded May 15, 1981, in Official Records Book 3522, Page 1056 and Official Records Book 3522, Page 1069. ALSO LESS AND EXCEPT that portion of the above described property conveyed from Weaver Development Corporation, a Florida corporation, to Cypress Creek Builders, Inc., a Florida corporation by that Warranty Deed dated June 8, 1984, recorded June 26, 1984, in Official Records Book 4279, Page 258. ALSO LESS AND EXCEPT that portion of the above described property conveyed from Weaver Development Corporation, a Florida corporation, to Curtis A. Weaver, Sr., and Alice W. Weaver, his wife, by Warranty Deed dated October 4, 1997, recorded November 12, 1997, in Official Records Book 10077, Page 1617. ALSO LESS AND EXCEPT that portion of the above described property identified as Parcel 36A in that Stipulated Order Of Taking And Final Judgment filed in Palm Beach County Circuit Court under Case No. CL-89-840-AI and recorded in Official Records Book 6054, Page 1087. ALSO LESS AND EXCEPT that portion of the above described property conveyed from Weaver Development Corporation to Melvin E. Weaver and Charlotte T. Weaver, his wife by that Warranty Deed dated May 10, 1985, recorded in Official Records Book 6062, Page 1996, re-recorded in Official Records Book 6083, Page 524. ALSO LESS AND EXCEPT that portion of the above described property set forth on the Plat of CYPRESS VILLAS, recorded in Plat Book 28, Page 126, of the Public Records of Palm Beach County, Florida.

PARCEL II:

TOGETHER with a parcel of land lying in Section 24, Township 45 South, Range 42 East, Palm Beach County, Florida, described as follows:

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Exhibit K - Drainage Statement



Toll Free: 888-285-3886
Phone: 561-241-6455
Fax: 561-241-5182
Website: www.schnars.com

PROJECT: Cypress Creek P.U.D.
ENGINEER: Schnars Engineering Corp., Project No. 17174
DATE: May 1, 2024

DRAINAGE STATEMENT

The project is a proposed residential subdivision consisting of 152 single family homes on approximately 122.63 acres that is a former golf course. This project is within the South Florida Water Management District (SFWMD) C-16 Canal Drainage Basin and the surface water management system will be under the jurisdiction of SFWMD, Lake Worth Drainage District (LWDD), and Palm Beach County. The site is bounded on the west by Military Trail, the south by Old Boynton Road, the east by Lawrence Road and north by the Boynton Canal in unincorporated Palm Beach County.

The project is within a 296-acre drainage basin known as Cypress Creek approved by SFWMD under Permit No. 50-00394-S. The drainage basin is served by an existing lake system and the Lake Worth Drainage District Canal L-23 canal, that bisects the property and discharges, through an existing control structure located within the L-23 canal at the east limits of the basin with ultimate discharge to the SFWMD C-16 Canal. The permitted allowable discharge for the basin, using the historical discharge formula, is limited to 80 cfs at the 25year-3day storm event. The newly modified areas will be limited to the current rate of 62.6 CSM at the 25year-3day storm event.

The project involves the redevelopment of the entire former golf course property. Additional lake area will be provided to compensate for any loss of surface and soil storage from the proposed development and maintain the storm stages in the SFWMD permit. The additional lake area will also serve to provide water quality treatment for the basin. The lake area within the basin will be increased further to accommodate off-site runoff from a portion of the adjacent Military Trail that currently drains to the L-23 canal. The 25 year-3 day routed storm event will be at or below the existing elevation of the outside edge of the highest through lane of Military Trail (EI 19.16 ft NGVD (17.66 ft NAVD)), a Palm Beach County thoroughfare. The proposed project will continue to accept storm water runoff from adjacent properties that currently drain to the golf course property. The project's water management system will be interconnected with the existing Cypress Creek basin system. The portions of the LWDD L-23 canal adjacent to the proposed project will be regraded per the LWDD canal design section and the surface water area will continue to be an integral part of the overall water management system. The stormwater storage within the LWDD canal surface water will be excluded from the surface water management calculations in accordance with the PBC ULDC. Lakes close to property lines will be regraded to meet the required setback and slope requirements and incorporated into the proposed lakes. Except, the existing lake southwest of proposed Lake #3 will be eliminated to maintain an ERM required tree preservation area. This area behind the existing lots will contain a swale, drainage inlets and drainage pipe with a connection to the proposed lake to continue to accept runoff from the adjacent existing lots.

947 Clint Moore Road • Boca Raton, Florida 33487

DRAINAGE STATEMENT – Page 2 continued

Minimum design elevations from SWMD permit 50-00394-S (1988)

Building Floor: 19.5 ft NGVD (18.0 ft NAVD) based upon 100 year-3 day storm event.

Road Crown: 17.5 ft NGVD (16.0 ft NAVD) based upon 3 year-1day storm event.

Storm Stage from SFWMD Permit:

100 yr–3 day zero discharge storm event: 19.5 ft NGVD (18.0 ft NAVD) from 1988 permit.

25 yr –3 day routed storm event: 18.6 ft NGVD (17.1 ft NAVD) from 1988 permit

3 yr – 1 day routed storm event: 17.3 ft NGVD (15.8 ft NAVD) from 1983 permit.

The calculated storm stages for the Cypress Creek water management basin with the proposed project will be equal to or less than the storm stages in the SFWMD permit. The finished floor elevations will be above the calculated 100 year - 3 day, zero discharge storm event, 18 inches above the crown of the adjacent road, the elevation specified by FEMA or elevation 19.5 ft NGVD (18.0 ft NAVD), whichever is higher. The crown of the proposed roads will be above the 5 year – 1 day routed storm event stage. Whenever a proposed lake is adjacent to residential lot, the Lake Maintenance Easement (LME) will be located above the 3 year – 1 day storm stage. The design water level will be 15.0' NGVD (13.5' NAVD). The on-site drainage system will consist of a series of catch basins and pipes which will direct runoff to the on-site lakes and will be designed for a 3-year storm event.

Minimum elevations of proposed development to conform to current criteria:

Building Floor: 20.0 ft NGVD (18.5 ft NAVD)

Crown of Road: 18.0 ft NGVD (16.5 ft NAVD)

The rear yards of lots adjacent to a water management tract will drain to the water management tract. In all other cases, each lot will be graded to drain to the access tract adjacent to the lot or an open space tract with a drainage easement. No open space tracts will be graded to drain by overland flow through lots without the appropriate easement. Drainage easement widths within the proposed plat shall be adequate to accommodate the proposed size and depth of the drainage line. Lake maintenance access easements will be provided from adjacent road tracts.

FEMA flood information: Community Pane No. 12099C0786F. Date of FIRM Index: 10-05-2017. Flood Zone: "X"

SCHNARS ENGINEERING CORPORATION

Jeffrey T. Schnars, Professional Engineer, State of Florida, License No. 466997.

This item has been digitally signed and sealed by Jeffrey T. Schnars, PE, on 5/1/2024.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Jeffrey T. Schnars, P.E.
President (For the Firm)
Florida Reg. No. 46697, Civil Engineer
Certificate of Authorization No. 6640

Jeffrey T
Schnars

Digitally signed by
Jeffrey T Schnars
Date: 2024.05.01
13:48:20 -04'00'

SCHNARS
ENGINEERING CORPORATION

Exhibit L - Utility Letter

The City of Boynton Beach



BOYNTON BEACH UTILITIES
124 East Woolbright Road
Boynton Beach, Florida 33435
Office: (561) 742-6400
Fax: (561) 742-6299
Website: www.boynton-beach.org

June 29, 2023

Via Email: Jeff@Schnars.com

Jeffrey T. Schnars, P.E.
Schnars Engineering Corporation
947 Clint Moore Rd
Boca Raton, FL 33487
Phone: 561-241-6455

RE: Cypress Creek PUD
PCNs: 00424524120010010, 00424524030005851, 00424524030005852

Dear Mr. Schnars:

Please accept this letter as confirmation that Boynton Beach Utilities will be the water and sewer service provider for the referenced project, and that both potable water and sanitary sewer mains are available on site. Boynton Beach Utilities has sufficient water and sewer capacity to serve the project. However, reclaimed water is not available in the vicinity of the site.

“City of Boynton Beach Utilities” will be the Water Treatment Plant for the project. Its total permitted maximum day operating capacity of plants is 34.44 MGD, and the Total Maximum Day Flow at Plants as Recorded on Monthly Operating Reports during the past 12 Months is 19.38 MGD. In addition, “South Central Regional Wastewater Treatment & Disposal Board” is the Wastewater Treatment Plant that will service the project. The plant current permitted capacity is 24 MGD; its maximum monthly average daily flow over the last 12-month period is 19.11 MGD, and the maximum three-month average daily flow over the last 12-month period is 17.97 MGD.

I trust this letter meets your needs. If you need any further information, please contact me at (561) 742-6407

Sincerely yours,

BOYNTON BEACH UTILITIES

A handwritten signature in blue ink, appearing to read "Milot Emile", is written over the typed name.

Milot Emile, P.E.
Engineer IV

America's Gateway to the Gulfstream

Exhibit M –Applicant’s Justification Statement



JUSTIFICATION STATEMENT

Rezoning to PDD | Development Order Abandonment | Control Name Change | Class A Conditional Use

Application No. 2023-00996 | Control No. 1977-00052, 1977-00061

Initial Submittal: 07/19/2023, First Resubmittal: 08/16/2023, Second Resubmittal: 10/23/2023, Third Resubmittal: 11/27/2023, Fourth Resubmittal: 01/22/2024, Fifth Resubmittal: 02/26/2024, Sixth Resubmittal: 03/14/2024, Seventh Resubmittal: 04/22/2024, Eighth Resubmittal 5/09/2024

REQUEST

On behalf of the Applicant, WGI, Inc. is requesting the following:

- 1) **Rezoning** of the Property from Agricultural Residential (AR) and Residential Single Family (RS) to Planned Unit Development (PUD) in order to accommodate 152 single-family detached homes;
- 2) **Development Order Abandonment** to abandon a Special Exception for a golf course, clubhouse and accessory facilities. The resolution related to this request is R-77-592;
- 3) **Control Name Change** to change the current control names from Aurora Lakes and Weaver Development to Cypress Creek PUD.
- 4) **Class A Conditional Use** to allow Type 2 Excavation to remove more than 10% of the excavated material from the site.

1. SITE INFORMATION



The property is located within unincorporated Palm Beach County and is comprised of 5 parcels, totaling 122.56 acres more or less. Historically, the property operated as the site of the Cypress Creek Golf Course, Lounge and Clubhouse. However, the Cypress Creek Golf Course permanently closed business operations in 2018. As a result, the property has remained vacant for 5 years. In addition to the former Cypress Creek Golf Course, the property contains two City of Boynton Beach Lift Stations. As such, the City of Boynton Beach has been included as a property owner within this application. The property fronts S. Military Trail along the west side of the site. As this is the only direct frontage the site shares with the existing public transportation system, this will serve as the main entrance to the proposed project. Lastly, the property is transected by the L-23 Canal, which is owned and maintained by the Lake Worth Drainage District.

Please see **Figure 1**, detailing the property’s current zoning, future land use, and proposed zoning. Additionally, this figure contains the PCN and address of each parcel that makes up the property.

PCN	ADDRESS	Current FLU	Current ZONING	Proposed FLU	Proposed ZONING
00424524120010010	9400 S. Military Trail	LR-2	AR	No Change	PUD
00424524120010020 (LIFT STATION)	4930 Palo Verde Dr.	LR-2	AR	No Change	PUD
00424524120010030 (LIFT STATION)	4465 Caryota Dr.	LR-2	AR	No Change	PUD
00424524030005852	9302 S. Military Trl.	LR-2	AR	No Change	PUD
00424524030005851	9302 S. Military Trl.	LR-2	AR	No Change	PUD

Figure 1. Property Information Table

Please note that two parcels, 00424524120010020 and 00424524120010030, are located within the contiguous property of parcel 00424524120010010 and are not proposed to be impacted or changed in any way. These parcels, 00424524120010020 and 00424524120010030, are property of the City of Boynton Beach and serve as lift stations. While these parcels are not proposed to be impacted or changed in any way, they are a part of this overall application. As such, the City of Boynton Beach has been included on the development application and the required forms.

PROJECT SUMMARY

The proposed development plan includes rezoning the property from Agricultural Residential (AR) to Planned Unit Development (PUD), in order to provide 152 single family detached residential homes spread over 122.56 acres. This equates to a dwelling unit density of 1.24 units per acre. Please see the bullet points below for key design details as they pertain to the PUD.

- Open Space Provided (40% required): **40.99%, 50.24 acres provided.**
- Civic Pod Provided (2.45 acres required): **2.45 acres provided.**
- Total Lake Area (6 total lakes): **33.89 acres.**
- Recreation Area Provided (0.91 acres required): **1.79 acres provided.**
 - The central 1.79 acre recreation area is comprised of a mixture of amenities. These are tentatively planned to be a tot lot, pool, clubhouse with internal amenities, and a pickle-ball court. The recreational space has a direct connection to the PUDs proposed pedestrian system.

Lakes: Type 2 Excavation

Based on review of the plans and through working with Staff, it was determined that more than ten percent of extracted material will be required to be removed from the site in order to create the proposed lakes. Pursuant to ULDC Art. 4.B.10.C.4.f.3, Off-Site Removal of Excess Fill – Conditional Use, in circumstances where more than 10% of the excavated material will be removed from site, applicants must also apply for a Class A Conditional Use. To satisfy this requirement of the ULDC, the applicant has provided the associated Class A Conditional Use to the concurrent requests being put forward by this application. Please see the applicant’s responses below for standards found in the supplemental application requirements for Type 2 Excavations from Article 4 of the ULDC. More details on the Class A Conditional Use request are provided within the standards section of this document.

All Type 1B, Type 2, Type 3A, and Type 3B Excavations shall supplement the applicable application requirements with the material and information listed below (1-2):

1) Statement:

A. Amount and type of materials to be excavated;

Response: Approximately 353,000 cubic yards of sandy soils are expected to be excavated from the proposed lakes.

B. Duration of the excavation activity and reclamation activity;

Response: The lake excavation is expected to have approximately a 9-month duration.

C. The proposed method of excavation;

Response: Conventional backhoes will be utilized to excavate the proposed lakes.

D. The amount of fill to remain on site;

Response: Approximately 310,000 cubic yards of the proposed lake excavation is proposed to remain on site.

E. If permitted, the amount of fill to be removed from site; and,

Response: Approximately 43,000 cubic yards of excess material is proposed to be removed from the site.

F. Intent to comply with Art. 9.A, Archaeological Resources Protection.

Response: The applicant will comply with Article 9.A, Archaeological Resource Protection.

2) Site Plan Standards:

A. Boundaries, dimensions, and acreage of the site and excavated surface area(s);

Response: The proposed lake tracts are shown on the Master Plan to provide boundaries, dimensions, and acreage of both the site and the excavated surface areas.

B. All existing and proposed improvements including easements, streets, weigh stations, and other structures;

Response: Existing and proposed improvements are shown at a level of detail consistent with the Master Plan for the development.

C. Setbacks and separations;

Response: Setbacks and separations are shown on the Master Plan for the proposed excavation areas.

D. Preservation areas;

Response: Preservation areas are depicted on the Master Plan.

E. Water table elevations, including ordinary water level

Response: The design water level is 13.5 ft NAVD for the Property. This will be shown at the site plan level but is not included on Master Plans at this stage in the review process.

HOUSING IN PALM BEACH COUNTY

The proposed development presents an opportunity for Palm Beach County to increase the housing stock through infill development of vacant land. As outlined within the Housing Element of Palm Beach County's Comprehensive Plan, new housing is a priority that is "primarily provided by the private sector, and market demand largely dictates the type and location of housing projects" (Palm Beach County Comprehensive Plan: Housing Element, page 1). The proposed development of 152 single-family detached homes at the subject site's location represents new housing that will be a product of the market, answering the demand.

Furthermore, the Comprehensive Plan goes on to state that while the market dictates the location and type of new housing, the County's development regulations (e.g., Zoning and Building Codes) only guide the private sector in the development and construction of housing. The proposed development program complies with both the demands of the market and the development regulations required by planning and zoning, signifying an alignment with what the Palm Beach County Comprehensive Plan envisions for new housing.

In addition to the Housing Element of the Comprehensive Plan, the proposed development is also compliant with the Future Land Use Element. Within the Future Land Use Element, the Comprehensive Plan specifically calls for "infill development in urban areas to increase efficient use of land and existing public facilities and services" (Palm Beach County Comprehensive Plan: Future Land Use Element, page 3). The proposed development is an infill development within the Urban/Suburban Tier that will lead to the development of vacant land that is beneficial to the growing needs of Palm Beach County.

School Capacity Availability Determination (SCAD)

As required by new development that proposes residential units, the Applicant has submitted a SCAD Application for review with the Palm Beach County School Board. The SCAD application was reviewed by County staff and determined that there will be no negative impact on the School District.

Workforce Housing (WHP)

All residential development projects in Palm Beach County that propose 10 or more units must provide workforce housing units. As such, a WHP Letter of Determination was requested for the project from Palm Beach County Planning. Please note that the applicant intends to utilize the County's payment in-lieu option for the required WHP units. The Letter of Determination provided by County Staff (included with submittal) shows a WFH obligation of 4 units. While 245 units are possible due to the property's size and future land use, the applicant is only proposing 152 units. Thus, the obligation is only 4 units.

The total cost for the in-lieu option is \$551,772 (4 single family dwelling units at \$137,943 each).

CYPRESS CREEK COMMUNITY AND SURROUNDING USES

Please see **Figure 2** that details the surrounding uses, future land uses, and zoning for the adjacent properties.

Summary of Surrounding Uses			
LOCATION	EXISTING USES	FLU DESIGNATION	ZONING DESIGNATION
Property	Vacant	Low Residential 2 (LR-2)	Agricultural Residential (AR)
North	Single Family Detached, Residential (Cypress Creek)	Low Residential 2 (LR-2)	Single Family Residential (RS)
South	Single Family Detached, Residential (Cypress Creek)	Low Residential 2 (LR-2)	Single Family Residential (RS)
	Residential Condominiums (Kensington Gardens)	High Residential 12 (HR-12)	Multifamily Residential High Density (RH)
East	Single Family Detached, Residential (Cypress Creek)	Low Residential 2 (LR-2)	Single Family Residential (RS)
West	Utility Station	Utilities and Transportation (UT)	Public Ownership (PO)
	Single Family Detached, Residential (Mirror Lakes)	Medium Residential 5 (MR-5)	Single Family Residential (RS)

Figure 2. Surrounding Uses

The property abuts the Cypress Creek community, which is a gated neighborhood that bounds the subject site on its northern, eastern, and southern boundaries. Please see **Figure 3** showing the extent of the Cypress Creek community.

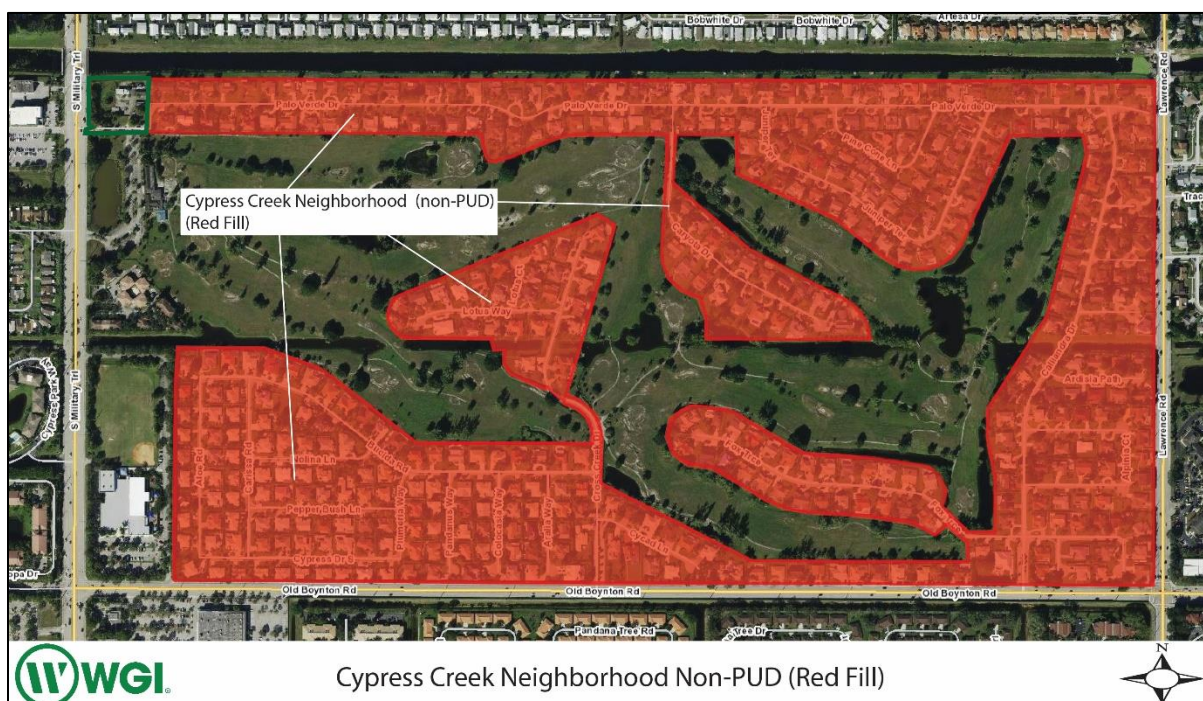


Figure 3. Cypress Creek Neighborhood

The Cypress Creek neighborhood, as shown outlined in red, was approved by the Palm Beach County Board of County Commissioners on June 23rd, 1977 as part of a rezoning application submitted by the Weaver Development Corporation. The resolution, R-77-669, approved the rezoning of the property from Agricultural (AG) to Residential Single Family (RS). The original rezoning application, which has been provided as a supplement to this application, was approved by the County to provide 465 lots on 154 acres. This equates to a density of about 3.02 units per acre.

It is important to note that the Cypress Creek Golf Course is not part of an existing master plan or planned development. The Cypress Creek neighborhood was developed and planned separately to the Cypress Creek Golf Course. The Cypress Creek Golf Course was approved as a special exception on June 14th, 1977, whereas the Cypress Creek Neighborhood was approved as a low density rezoning application on July 5th, 1977. While the properties remain adjacent throughout the development, historical imagery of the site shows that the Golf Course was developed and constructed separately. Aerials going as far back as 1965 show that the Golf Course existed prior to the approval and development of the Cypress Creek neighborhood. Furthermore, it appears that the Golf Course was in use almost 12 years prior to the approval of the Cypress Creek Neighborhood, as pruned grass and golfcarts can be observed in aerials from 1965, far before the first homes of Cypress Creek neighborhood were built. Please see the collection of historic aerials of the site, ranging from 1965 to 1995, included as supplemental material to this Application.

Over the 40+ years since the original golf course approval, the County has administratively approved certain minor site plan modifications to the golf course and clubhouse uses that were entirely exclusive of the adjacent Cypress Creek community.

On March 26, 2018, Jon MacGillis issued the attached letter confirming that the “Golf Course was approved as a separate entity and is currently not part of a Planned Unit Development (PUD). Any redevelopment, change in use or zoning district must be in accordance with the current provisions of the Unified Land Development Code (ULDC). The Applicant has the right to apply to Palm Beach County Zoning Division for a Development Order to abandon the Golf Course and rezone it to a Planned Unit Development.”

Subsequently, in 2019, some residents of the Cypress Creek community filed a complaint in Palm Beach County Circuit Court against the owner of the Property, True Shot, LLC, seeking imposition of an “equitable servitude” and permanent injunctive relief to require that the Property be used as a golf course in perpetuity and that residential development be prohibited on the Property. The case was heard on January 18th and 19th 2022 with the Court finding that the “plaintiffs failed to carry their burden of proof in establishing a legal basis for the imposition of an equitable servitude in this case.” Among other things, the Final Judgement generally established the following Findings of Fact and Conclusions of Law:

Findings of Fact:

- (1) There is not an express written restriction on the use of the Property as a golf course in the residential deeds of conveyance, the Property deeds, or any other recorded documents.
- (2) The Property is, and at all material times has been, privately owned and operated separate and apart from the homes in the Cypress Creek community.
- (3) Prior resolutions approved by Palm Beach County in 1977 clearly established that the residential community and golf course were separate and distinct properties, and one had no bearing on the other.
- (4) The March 26, 2018 letter from Jon MacGillis advised that the golf course was a “separate entity” from the residential area of Cypress Creek, and was not currently a part of a planned unit development, and concluded that Pulte had the right to request approval of a rezoning of the golf course property to a planned unit development.

Conclusions of Law:

- (1) The Plaintiffs arguments “ignore the fact that the golf course property is, and at all material times has been, owned separate and apart from the homes in Cypress Creek. They also ignore the fact that the Plaintiffs failed to present evidence of any express agreement set forth in any written document, whether recorded or unrecorded, which imposes a restriction on the owner of the golf course property to limit itself to such a use in perpetuity.”
- (2) “There is no evidence of any express restrictive covenant in any of the residential deeds of conveyance, the golf course property deeds, or any other recorded documents. Plaintiffs have conceded this point throughout this proceeding.”
- (3) “[T]he effect of Resolution 77-592, approving the existing use of the golf course property as a special exception, was to require the golf course property to be separately platted, seemingly highlighting and formalizing the distinction between the privately owned golf course property, and the unplatted residential lots.”
- (4) “[A]ll of the evidence in this case, equally reflect a contrary intention, namely that the golf course property, a separately owned, separately platted, separately funded property upon which an open to the public, for-profit venture was operated, would always be an entity separate and apart from the residential lots in Cypress Creek, physical proximity notwithstanding.”

Considering the foregoing, as well as our review of the existing Future Land Use designation and prior approvals, the Property is clearly separate and distinct from the adjacent Cypress Creek community with an underlying LR-2 residential land use designation (permitting a maximum density of 245 units). A copy of the Final Judgement is attached hereto.

Due to the history of the existing development and the fact that the previous golf course was not part of an existing master plan or planned development, it is important to note that Article 3.E.1.E “Modifications” does not apply to this development. However, the applicant looks forward to working with Palm Beach County and the surrounding community to receive feedback and provide information regarding the development program.

Community Meetings with the Cypress Creek Neighborhood

In an effort to collaborate and discuss the project with the adjacent homeowners, the Applicant facilitated multiple meetings. The meetings with the community were well-attended and productive, allowing neighbors to voice questions and concerns regarding the proposed development. Items of discussion included construction, buffering, environmental remediation and proposed amenities. The applicant has noted the feedback and will continue working with the community as the project progresses. Please see the bulleted list below with dates and locations of the meetings. Notifications for the full neighborhood meetings were sent by USPS mail on June 30th, 2023 to a total of 437 homeowners. Additional meetings were held between the Applicant and the POA Board representing Cypress Creek.

Full neighborhood:

- Tuesday, July 11th, at the Boynton Beach Arts & Cultural Center
- Thursday, July 13th, at the Boynton Beach Arts & Cultural Center

POA Board:

- Wednesday, September 27th, at Toll Brothers Boca Raton Office
- Thursday, December 7th, at Toll Brothers Boca Raton Office
- Wednesday, March 20th, at the Palm Beach County Vista Center Building (included members of PBC staff)

WEST BOYNTON AREA COMMUNITY PLAN

The subject site is located within the West Boynton Area Community Plan, or WBACP. The WBACP was formally adopted by Palm Beach County on October 3rd, 1995 and serves as the Neighborhood Plan for the area of Boynton Beach that is known as West Boynton. The WBACP is the product of successful collaboration between Palm Beach County, the City of Boynton Beach, and local citizens. Together, the group created a guiding document that is meant to establish the long-term development related goals, objectives, and vision for the West Boynton area. Since the WBACP is meant to guide and serve the area in which the subject site is located, special attention will be given to addressing the goals and objectives of the plan within both the standards section and conditional use section of this Justification Statement.

In particular, the proposed development furthers both central goals of the WBACP. The first goal of the WBACP is to “Maintain and Improve Area’s Quality of Life”. The proposed project improves the efficiency of public services and maximizes the return from public tax dollars spent on providing those services by being located in an already serviced area of the County. Due to the infill nature of the proposed development, infrastructure exists that can be tapped into as is, without requiring additional public contributions. The second goal of the WBACP is to “Determine Future for Area that is compatible for both the County and City of Boynton Beach”. The proposed project represents new, infill single-family housing for both the County and the City of Boynton Beach, which both the County and the City of Boynton Beach have stated needs for within their comprehensive plans. In the Future Land Use Element of the City of Boynton Beach’s Comprehensive Plan, Objective 1.8 states “The City shall discourage urban sprawl by continuing to promote a compact urban development pattern that provides opportunities to more efficiently use of infrastructure, land, and other resources and services.”. The proposed development represents an anti-urban sprawl form of development in which unused vacant land within an existing residential area is converted to new housing. In addition, the proposed project is compatible with the County’s Future Land Use plan, as this project is proposing no changes to the current future land use of the site.

DEVELOPMENT HISTORY

Please see **Figure 4** for a chronological breakdown of the site’s development history.

Ordinance or Resolution Number	Date	Summary of Request	Outcome
R-1977-0592	05/26/1977	Special exception to allow a golf course, clubhouse and accessory facilities, and the expansion of an existing Sewage Treatment plant. Cypress Creek Golf Course existed before approval of this special exception, but it was never formally approved by zoning. <u>The Cypress Creek Golf Course and clubhouse were developed and approved separate from the adjacent residential and were not developed in unison and are not part of a Planned Unit Development.</u>	Approved.
R-2019-0392, R-2019-0393, R-2019-0394	3/25/2019	Request to abandon a Special Exception to allow a Golf Course, Clubhouse and accessory facilities, and the expansion of an existing Sewage Treatment Plant.	Denied without prejudice.
		Request to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District. This request was for 160 units, consisting of 79 Zero Lot Line homes and 81 Single Family Lots.	Denied without prejudice.
		Request to allow more than 40 percent of the local streets to terminate in a cul-de-sac or dead-end.	Denied without prejudice.

Figure 4: Development History

- Resolution 1977-0592 was brought forward by the Weaver Development Corporation in 1977 in order to formally bring the Cypress Creek Golf Course into conformance with the Palm Beach County ULDC. The Cypress Creek Golf Course was built and in operation for nearly 12 years prior to the formal zoning approval.
- Resolutions 2019-0392, 2019-0393, & 2019-0394 were all tied to the same main application which was brought forward by Pulte Homes and True Shot in 2018. This application was denied entirely without prejudice by the Board of County Commissioners.

- In total, this denied application contained the following:
 - Subdivision Variance to permit access to the Public Civic Pod from Military Trail.
 - Development Order Abandonment to abandon the Special Exception that created the golf course.
 - Type 2 waivers to allow 65% of the internal roads to end in cul-de-sacs.
 - Rezoning from Agricultural Residential to Planned Unit Development.
 - Applicant request to buy-out Civic Pod requirements.

STANDARDS – REZONING TO PDD OR TDD

Pursuant to Article 2.B.7.B.2 of the Palm Beach County ULDC, When considering a DO application for a Rezoning to a PDD or a TDD, or a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHP), the BCC or ZC shall utilize the Standards a through h. Please see the applicant’s response to each standard a through h below.

A. Consistency with the Plan- *The proposed use or amendment is consistent with the purposes, Goals, Objectives, and Policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

Response: The proposed rezoning and associated development program are wholly consistent with the County’s Comprehensive Plan, as the project anticipates a built density of 1.24 units per acre. This density will be consistent with the site’s future land use designation of LR-2, which limits development to a maximum density of 2 units per acre. With the current land use and acreage of the site, the property can accommodate up to 245 dwelling units. Furthermore, at 1.24 units per acre, the proposed development is far below the maximum density of 2 units per acre and therefore aligns with the vision for this Land Use. Additionally, Table 2.2.1-j.1 “Residential Future Land Use – Zoning Consistency” within the Future Land Use element of the comprehensive plan establishes that the proposed zoning district, PUD, is directly consistent and aligned with the current future land use designation of Low Residential.

The proposed project aligns with the goals, policies, and objectives of the Comprehensive Plan’s Future Land Use Element. The project represents urban infill development of vacant land to provide residential housing units at a density that is permitted by the Land Use. The Comprehensive Plan’s Future Land Use Element’s 2nd Goal, Land Planning, states-

“It is the GOAL of Palm Beach County to create and maintain livable communities, promote the quality of life, provide for a distribution of land uses of various types, and at a range of densities and intensities, and to balance the physical, social, cultural, environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and improves the quality of the natural and manmade environment, respects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities and services.” (Palm Beach County Comprehensive Plan, Future Land Use Element, page 58.)

This project supports Goal 2 directly by proposing new residential units within a residential future land use that meets the prescribed density and intensity. Additionally, this project supports Goal 2’s growth policies in that this project is providing new residential units within vacant land.

This infill style of development, utilizing vacant land to redevelop and provide residential units, is also directly supported by the County’s directions, as written within the Comprehensive Plan. In short, the County directions are the summation of the collaborative work between the County Staff, the Board of County Commissioners, and County Residents. These directions are meant to “reflect the kind of community the residents of Palm Beach County Desire” (Palm Beach County Future Land Use Element, page 3). In specific, direction number 3 states-

“Address the needs of developed urban areas that lack basic services, and encourage revitalization, redevelopment, and infill development in urban areas to increase efficient use of land and existing public facilities and services.” (Palm Beach County Future Land Use Element, page 3).

As previously stated, this proposed project directly complies with and supports these goals and policies of the Comprehensive Plan.

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

Prior to providing responses to criteria for rezoning to PDD, it is important to note that Article 3.E.1.E “Modifications” does not apply to this project given that the former Cypress Creek Golf Course and the surrounding Cypress Creek neighborhoods are not part of a planned development and were developed separately, as described earlier in the “Cypress Creek Community and Surrounding Uses” section of the justification statement. As such, the criteria under Article 3.E.1.E.3, Modifications to Reduce or Reconfigure Existing Golf Course, including Courtesy Notice, Reduction of Open Space or Recreation, and Visual Impact Analysis Standards do not apply for the same reason. The applicant has provided a Voluntary Visual Impact Analysis with methodology listed in the last section of the justification statement.

Response: To the greatest extent possible, the Applicant has designed the project so that the proposed PUD rezoning is not in conflict with any portion of the Code and should be consistent with the stated purpose of the Code. The Code specifically prescribes 8 design approaches that are meant to dually serve as the intent and purpose of the PUD but are also meant to promote imaginative and exemplary living environments within PUDs. These 8 approaches are provided below, with Applicant provided responses for each.

1. The preservation of the natural environment;

Response: In order to facilitate the best understanding of the site's natural environment, the Applicant met with Palm Beach County Environment Resource Management (ERM) Staff at the site on July 17th to review the site's environmental characteristics. Based on input from County Staff and by the Applicant's own direction, much of the site is planned to be preserved and kept as open space. In total, the proposed plan includes substantial preservation of open space, providing 50.24 acres of open space overall. Furthermore, a tree survey of the site has been prepared in order to identify trees suitable for remaining on site in compliance with County Species requirements. As coordinated with ERM, select trees are being preserved on site and tree preservation areas are proposed throughout the development.

2. The integration and connection of land uses with perimeter landscape areas which provide vegetation preservation, buffering, and circulation areas;

Response: The proposed perimeter landscape areas of the proposed development have been planned so that they serve three major purposes. First, the perimeter landscape areas are designed and envisioned so that they will create an aesthetically pleasing view for the adjacent homeowners, with adequate screening of the proposed Cypress Creek PUD. Second, the perimeter landscape areas are planned so that they will establish a closed, unified development that is clearly separate and non-contiguous to the adjacent Cypress Creek neighborhood. This is done through the inclusion of a continuous four-foot, decorative fence on the internal side (Cypress Creek PUD Property) of the perimeter landscape buffer. Lastly, the perimeter landscape buffer is planned so that the intersection between the adjacent Cypress Creek neighborhood and the Cypress Creek PUD appears naturally separated and integrated with the natural environment, utilizing approved landscaping species.

3. The creation of a continuous non-vehicular circulation system;

Response: The proposed PUD provides a continuous non-vehicular circulation system for residents, consisting of an internal roadway system with sidewalks and pedestrian circulation.

4. The establishment of private civic and/or public civic and recreation area to serve the PUD;

Response: The proposed PUD has a 2.45 acre Public Civic Pod to serve the community and Palm Beach County residents. The civic pod is located along S. Military Trail to provide convenient public access.

5. Provide for a limited amount of commercial uses to serve the residents of the PUD;

Response: The Applicant is not proposing any commercial uses to serve the residents of the PUD as there is a large amount of commercial uses within the immediate area. The Boynton Beach Mall is less than 5 minutes away, and there is an additional enclave of commercial uses at the intersection of Boynton Beach Blvd and S. Military Trail, immediately southwest of the site.

6. Provide for efficient use of land and public resources by co-locating harmonious uses to share civic Uses and public facilities and services for the residents of PBC;

Response: The proposed PUD has a 2.45 acre Public Civic Pod planned to serve the community and Palm Beach County residents. The civic pod is located strategically along S Military Trail to provide convenient public access. Additionally, the required emergency access for the site has been located along Palo Verde Drive in order to aide responding Palm Beach County Fire Services (Station 41: 5105 WOOLBRIGHT RD), which will be responding to the site from the southwest.

7. The reduction of land consumption by roads and other impervious surface areas;

Response: To the greatest extent practical, the project has been planned so that the most land is consumed on the west side of the site. This is due to the natural shape of the property and the amount of space needed to build homes that meet the corresponding future land use density requirements. At a maximum density of 2 units per acre, it is the Applicant's intention that the current allocation of land is the most efficient for this density capacity.

8. The provision for flexible PDRs to promote innovative and quality site design;

Response: The project will not be engaging flexible PDRs, as it intends to exceed applicable minimum standards while meeting all code requirements.

C. Compatibility with Surrounding Uses- *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

Response: The proposed project is consistent with the development pattern of the area and with the surrounding uses. The property abuts the existing Cypress Creek neighborhood along 3 of its sides (North, East, and South). The Cypress Creek Neighborhood is comprised of Single Family Detached homes of 1 to 2 stories, situated on lots sized approximately 10,947 sq ft to 45,000 sq ft. This results in a density of approximately 2.92 units per acre. The average lot size of the Cypress Creek Neighborhood is 14,882 square feet based on Palm Beach County GIS data. Please note, the Palm Beach County GIS parcel area measurements for the Cypress Creek Neighborhood extend to the center of the internal roadways. This project proposes Single Family Detached homes, on lots ranging from approximately 8,300 sq ft to 20,000+ sq ft, at an overall density of 1.24 units per acre. On average, the proposed

homes sit on lots 11,024 sq ft in area. When including the center of the internal proposed roadway within the area calculations, the average lot size increases to 12,827 sq ft overall for the proposed development.

D. Design Minimizes Adverse Impact- *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

Response: The proposed development minimizes adverse impacts, especially visual impact and intensity, to the adjacent homeowners. First, the Cypress Creek PUD has been designed to achieve overall compatibility with the adjacent uses. The proposed development is planned to replicate the development pattern of the area with similar densities and intensities. Second, the abatement of potential visual impacts are carefully incorporated into the overall design program through the provision of extensive perimeter landscaping, buffering, and screening. In an effort to exceed the minimum standards required and provide extensive buffering, the site includes a 20 foot wide, enhanced landscape buffer where proposed single-family lots are adjacent to the property boundary. In some locations, utility easements and drainage easements provide additional separation of the proposed lots from the property boundary. In addition to the minimum compatibility buffer requirements, the 20 foot enhanced buffer includes a 6 foot decorative fence along the proposed Cypress Creek PUD development and additional landscape material along the outside of the fence. This enhanced buffer design with fencing provides the site with security and an aesthetically pleasing view that also screens the development.

In locations where the adjacent neighborhoods abut lakes and open space, rather than proposed lots, the code required 8' compatibility buffer is proposed. This reduction is due to the fact that there will not be homes proposed in these locations and these locations will be comprised of passive open space. The 8' compatibility buffer in these locations will provide landscape material, while minimizing obstruction of views to the lakes and open space throughout the development.

E. Design Minimizes Environmental Impact- *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

Response: The proposed use and design minimizes environmental impacts to the greatest extent feasible. The Applicant will work with the Environmental Resource Management Staff on the site to discuss specific environmental characteristics of the site and how these will need to be addressed. The Applicant will also consult/engage with FDEP on the correct measures for remediating any pollutants as a result of the former golf course operations.

F. Development Patterns- *The proposed use or amendment will result in a logical, orderly, and timely development pattern.*

Response: The proposed project is the result of logical, orderly, and timely development within the area. As shown by the map series on the next page, Figures 5 through 8 show an expansion of infill growth in the immediate area of the project site. These figures provide aerial imagery of the development patterns surrounding the site from 2004 to 2022. The maps show commercial expansion along the I95 corridor, with residential enclaves growing in between Jog Road and I95. The imagery cumulatively shows that the proposed residential infill development of the property is aligned well with the overall growth patterns of the region.

Figure 5: Development History: 2004

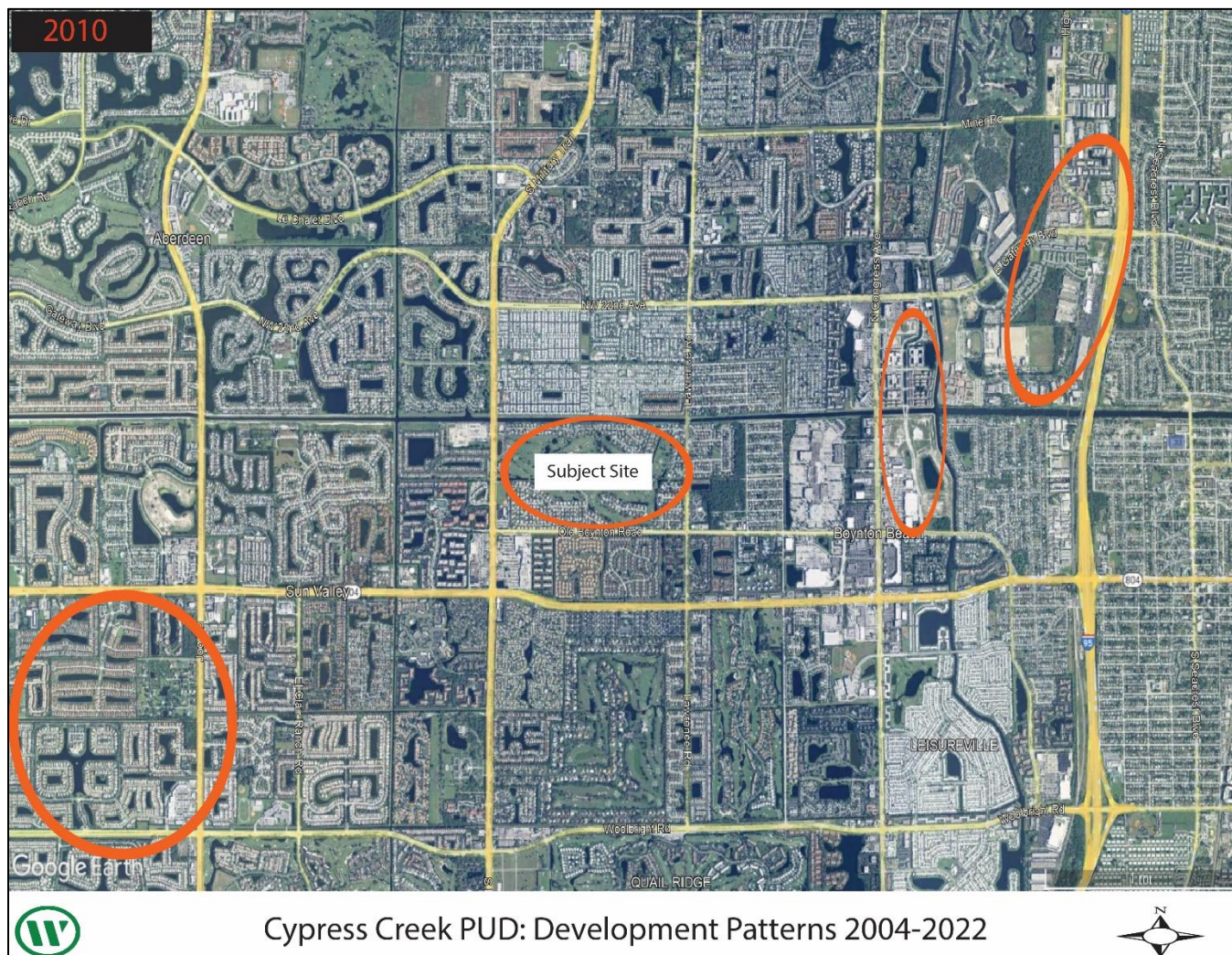
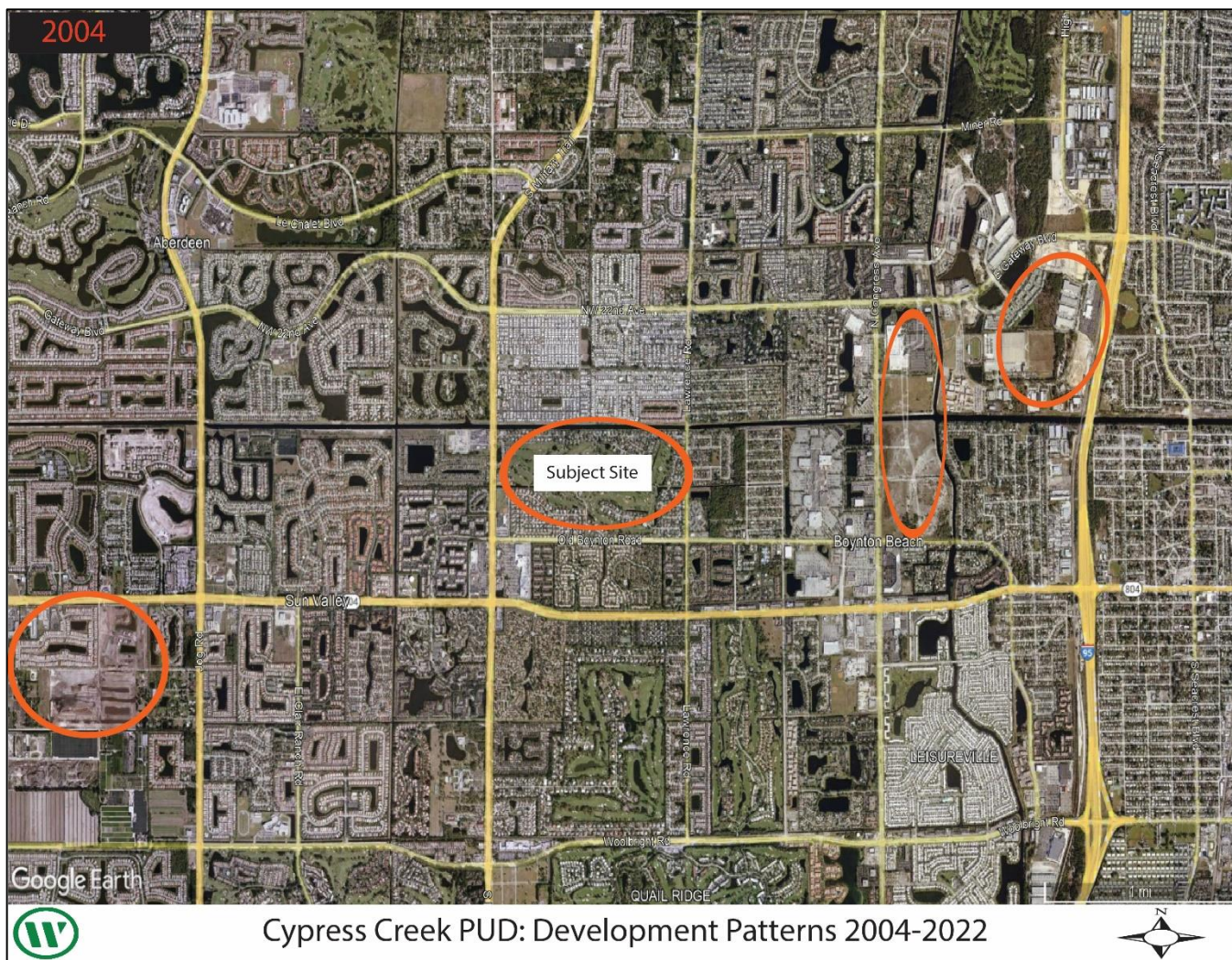


Figure 6: Development History: 2010

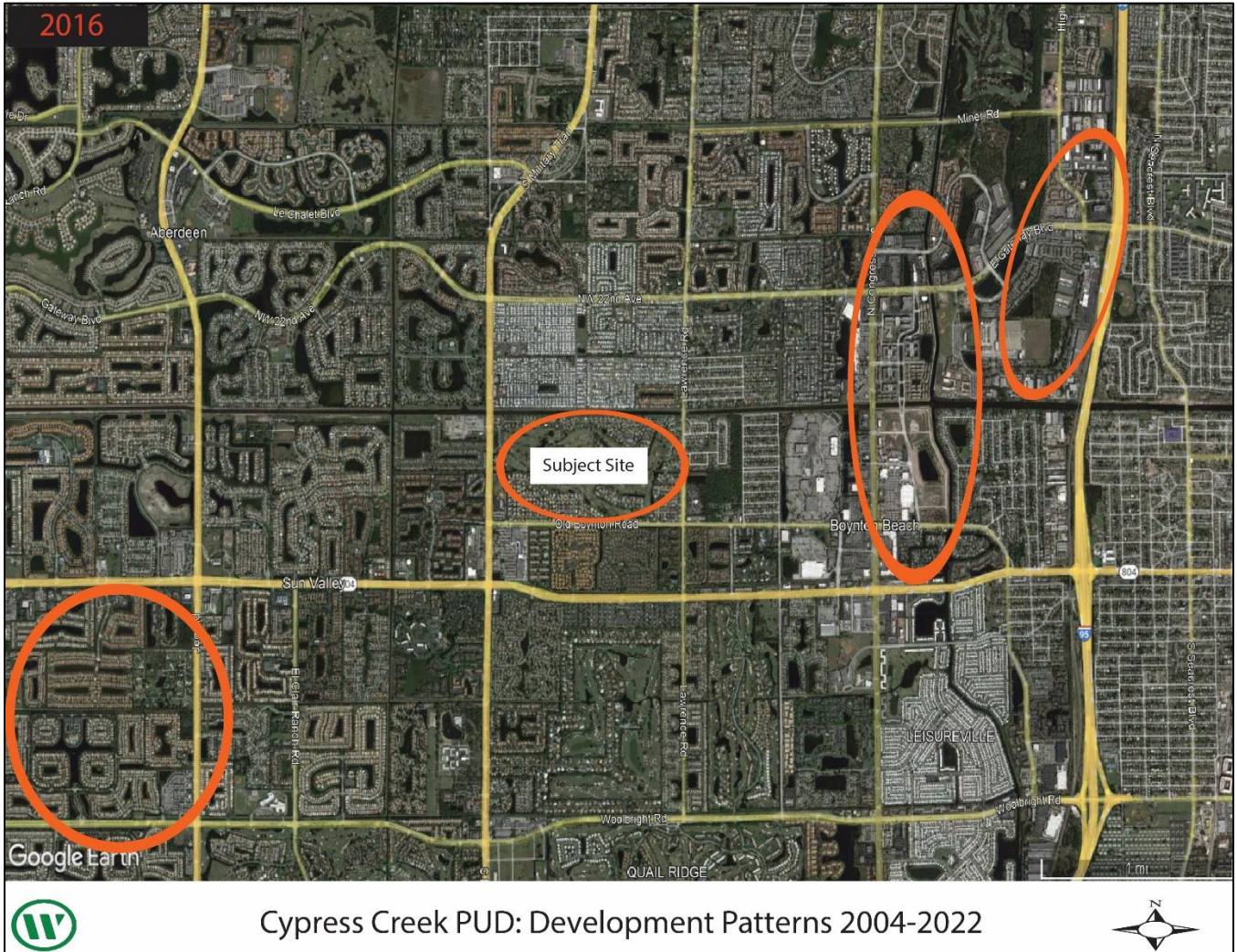


Figure 7: Development History: 2016

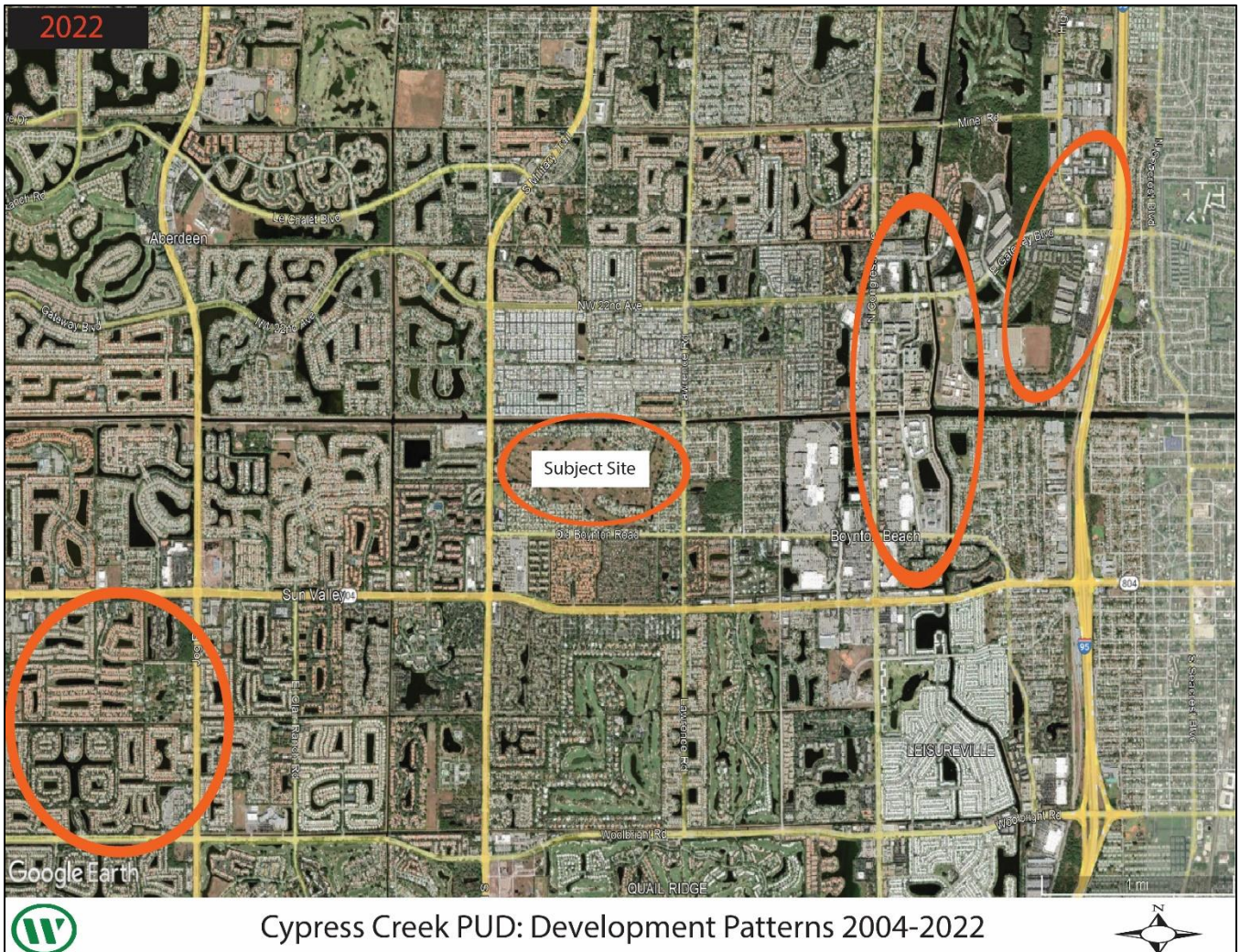


Figure 8: Development History: 2022

G. Adequate Public Facilities- *The extent to which the proposed use complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

Response: The Property is currently serviced by the City of Boynton Beach and as such, a letter of service availability was provided by the City for this Application. The letter states that there are adequate public facilities to serve the development.

H. Changed Conditions or Circumstances- *There are demonstrated changed site conditions or circumstances, provided by the Applicant's Justification Statement that necessitate a modification.*

Response: The now defunct Cypress Creek Golf Course closed in 2018 due to failing business operations. As a result of these changed conditions, the Applicant and respective property owners are seeking to redevelop the vacant site for the provision of residential homes consistent with the County's vision outlined in the Comprehensive Plan.

PUD DESIGN OBJECTIVES

Pursuant to Article 3, Chapter E, Section 2.B.1 "A PUD shall comply with the following objectives:"

1. Design Objectives

A PUD shall comply with the following objectives:

a. Designed as a predominantly residential district;

Response: The Cypress Creek PUD is proposed to be a completely residential district, with exception of the required public civic pod located along S Military Trail.

b. Provide a continuous non-vehicular circulation system for pedestrians and non-motorized vehicles;

Response: The Cypress Creek PUD will include a continuous non-vehicular circulation system for residents, consisting of an internal roadway network with sidewalks and pedestrian circulation.

c. Provide perimeter landscape areas to buffer incompatible land uses, or where residential uses are adjacent to other incompatible design elements such as roadways, usable open space areas, where a more intense housing type is proposed, or where residential setbacks are less than adjacent residential development outside the perimeter of the PUD; [Ord. 2006-055]

Response: In an effort to exceed the minimum standards required and provide extensive buffering, the site includes a 20 foot wide, enhanced landscape buffer where proposed single-family lots are adjacent to the property boundary. In some locations, utility easements and drainage easements provide additional separation of the proposed lots from the property boundary. In addition to the minimum compatibility buffer requirements, the 20' enhanced buffer includes a min. 6' decorative fence along the proposed Cypress Creek PUD development and additional landscape material along the outside of the fence. This enhanced buffer design with fencing provides the site with security and an aesthetically pleasing view that also screens the development.

Due to the overall consistency between the proposed PUD and the adjacent uses, the intention of the landscaped buffer is focused on perception of the development from an abutting homeowners view and for internal aesthetic value.

d. May offer limited commercial uses for the population of the PUD;

Response: The proposed PUD is not proposing any commercial uses for the population of the PUD due to the large amount of commercial uses within in the immediate vicinity of the site (immediate vicinity meaning less than 10 minutes away by car).

e. Establish neighborhood character and identity;

Response: Through a tailored site design and lot size mix, the Cypress Creek PUD establishes its own neighborhood character and identity that is wholly separate from the existing Cypress Creek neighborhood, yet is dually compatible. Through an enhanced placement of internal roadways, amenities, lakes, and lots, the proposed PUD's layout encourages a natural, original, neighborhood feel and identity.

f. Preserve the natural environment to the greatest extent possible;

Response: In order to facilitate the best understanding of the site's natural environment, the Applicant met with Palm Beach County Environmental Resource Staff at the site on July 17th to review the site's environmental characteristics. Based on input from County Staff and by the Applicant's own direction, much of the site is planned to be preserved and kept as open space. In total, the proposed plan includes substantial preservation of open space, providing 50.24 acres of open space overall. Furthermore, a tree survey of the site has been performed in order to identify trees suitable for preservation, as long as the trees meet County Species requirements and do not conflict with major design elements. To elaborate, the ULDC requires that PUDs allocate a minimum 60% of land area to residential and 40% to open space. This project is proposing to meet this requirement and is therefore preserving the natural environment to the maximum extent possible to achieve the desired unit count and layout.

- 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 and PBC.**

Response: The PUD is proposing a 2.45 acre dedicated Public Civic Pod along S Military Trail.

PUD EXEMPLARY CRITERIA

Pursuant to Article 3, Section 2.A.4., A Rezoning to the PUD district or a Development Order Amendment (DOA) to a previously approved PUD shall only be granted to a project exceeding the goals, policies and objectives in the Plan, the minimum requirements of this Code, and the design objectives and performance standards in this Article which include, but are not limited to, sustainability, trip reduction, cross access, buffering, aesthetics, creative design, vegetation preservation, recreational opportunities, mix of uses, mix of unit types, safety, and affordable housing. See the PBC Zoning Division Technical Manual for examples. A DOA to a previously approved PUD shall be reviewed pursuant to Art. 1.E.1.B., Prior Approvals.

Responses:

Buffering: The project exceeds buffering requirements as required by the ULDC. The applicant is proposing an enhanced, 20 foot landscape buffer along property lines where the Cypress Creek PUD proposed home sites that abut existing lots within the Cypress Creek neighborhood. Additionally, the applicant is proposing an 8 foot landscape buffer in all other areas of the Cypress Creek PUD that abut the Cypress Creek neighborhood. It must be further clarified and understood that in areas where the code minimum 8 foot buffer is proposed, the actual distance between the abutting property line and the nearest Cypress Creek PUD home site far exceeds 20 feet. This is due to the fact that the 8 foot buffer is only used in areas where the PUD is proposing lakes and open space rather than single-family lots.

By code, the project only requires 8 feet of landscaped buffer. By providing the 20 foot, enhanced landscape buffer in combination with the 8 foot buffer for non-residential areas, the PUD exceeds the buffer standard and provides an exemplary system of buffers through creative design.

Sustainability: The proposed project exhibits an allocation of land that is a hallmark of sustainable development. The layout of the site is designed with the majority of residential units located on the west side of the site, where the majority of developable land is located. By minimizing the surface area of the site that would be otherwise impervious through the provision of additional internal roadways and bridges (to cross the L-23 canal), the vast majority of the eastern side of the property is able to remain pervious and natural.

Open Space: The proposed project meets the code required open space standard.

Creative Design & Aesthetic Value: Due to the property's unique shape and former use as a Golf Course, certain elements of the site provide opportunity for creative design techniques. Specifically, the Applicant looked to maximize the creation of aesthetic value, not just for the internal PUD residents but also for the adjacent Cypress Creek neighborhood. Through the provision of abundant water views and vistas and landscape buffering, the Applicant aspired to utilize the property's natural shape as a means for creative design. This can be observed through the 33.89 acres of lake area shown on the plan, creating new and improved aesthetic value for the internal PUD as well as for the external Cypress Creek neighborhood. Additionally, in areas where lake inclusion was not possible, an enhanced 20 foot landscape buffer with decorative fence was incorporated to create a similar increase in aesthetic value. These improvements represent a positive shift from the current, vacant property that the Cypress Creek neighborhood has been experiencing. Please see the regulating plan which displays these features.

Safety: Safety was incorporated into the overall design scheme of the PUD, resulting in the proposed development operating as a unified, contained development that is separate from abutting uses. This was particularly accomplished through a perimeter buffer consisting of an 8 to 20 foot landscaped area with a 4 foot decorative fence. By providing these resources, the Applicant has increased the perception of safety within the site. Additionally, safety is furthered by the property incorporating restricted access by automated gate. This system will allow for only permitted guests, residents, and EMS services to enter the PUD as it will be otherwise closed to the public.

PUD PERFORMANCE STANDARDS

Pursuant to Article 3, Chapter E, Section 2.B.2 "A PUD shall comply with the following standards: Standards a-d are required and must be met. A minimum of two of the four standards listed in e-h are required."

2. Performance Standards

A PUD shall comply with the following objectives:

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.

1) Measurement of Distance

For the purpose of this Section, distance shall be measured by drawing a straight line between the property lines of a Residential Pod to the property line of the pod where the commercial/personal services are located.

Response: All proposed residential pods are located to meet this standard.

b. Focal Points

A focal point shall be provided at the terminus of 15 percent of the streets in the project. The focal point may be in the form of a plaza, fountain, landscaping, or similar amenity deemed acceptable to the DRO. The focal point shall not be located on a private residential lot.

Response: The Applicant has provided a focal point at 15% of the street terminuses. There is one focal point located at the entrance of the property.

c. Neighborhood Park

Neighborhood parks shall have a direct connection to the pedestrian system and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity. Neighborhood parks shall not be used towards the Parks and Recreation Department's minimum recreation requirements and shall not be located within areas designated for drainage, stormwater management, or other utility purposes.

Response: The site has been designed to provide Neighborhood Parks throughout the development in compliance with this standard.

d. Decorative Street Lighting

Decorative street lights shall be provided along the development entrances.

Response: Decorative street lighting will be provided along the entrances to the project. Further specifications and details of street lights shall be provided at the time of DRO review.

e. Decorative Paving

Decorative pavers shall be provided at the development entrances and incorporated into recreational areas.

Response: Decorative pavers will be provided on the site's entrance area and recreational area. Further specifications and details of pavers shall be provided at the time of Final DRO review.

f. Fountains

A minimum of one fountain shall be located in the main or largest lake or water body.

Response: The proposed master plan has located one fountain within the largest proposed lake body and has also provided three additional fountains dispersed amongst the other proposed lakes. This provides four total fountains.

g. Benches or Play Structures

Benches or play structures shall be provided in usable open space areas and along pedestrian pathways.

Response: Benches are proposed throughout the development in open space areas and pathways. Further details for these will be provided during the Final DRO process.

h. Interspersed Housing

WFH units shall be interspersed with market rate units within a pod.

Response: The Applicant intends to utilize the payment in lieu option to satisfy the 4 WFH unit obligation, therefore, this does not apply.

i. Pedestrian Circulation System

An interconnected pedestrian sidewalk, path, or trail system shall be provided linking pods to recreation amenities within the development.

Response: The Applicant has provided an interconnected sidewalk system for pedestrians to connect to recreation areas. Sidewalks are incorporated within the proposed 50' right-of-ways, in compliance with Palm Beach County standards, and further details will be provided during the Final DRO process. To further compatibility with the adjacent residential, and to maximize the effect of our proposed buffers, pedestrian walking paths are not proposed around lakes abutting adjacent residential developments..

PDD DESIGN OBJECTIVES

Pursuant to Article 3, Chapter E, Section 1.C.1 "Planned developments shall comply with the following objectives (a-i)

1. Design Objectives

- a. Contain sufficient depth, width, and frontage on a public street, or appropriate access thereto, as shown on the PBC Thoroughfare Identification Map to adequately accommodate the proposed use(s) and design;**

Response: The property contains sufficient depth, width, and frontage along South Military Trail, as shown by the PBC Thoroughfare Identification Map, to accommodate the proposed uses and design.

- b. Provide a continuous, non-vehicular and pedestrian circulation systems which connect uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the PDD; [Ord. 2019-005]**

Response: The Applicant has provided an interconnected sidewalk system for pedestrians to connect and traverse the overall PDD safely.

c. Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses;

Response: Internal spaces within the PDD have been designed to encourage pedestrian circulation, through the inclusion of sidewalks.

d. Preserve existing native vegetation and other natural/historic features to the greatest possible extent;

Response: In order to facilitate the best understanding of the site's natural environment, the Applicant met with Palm Beach County Environmental Resource Staff at the site on July 17th to review the site's environmental characteristics. Based on input from County Staff and by the Applicant's own direction, much of the site is planned to be preserved and kept as open space. In total, the proposed plan includes substantial preservation of open space, providing 50.24 acres of open space overall. Furthermore, a tree survey of the site has been performed in order to identify trees suitable for preservation, as long as the trees meet County Species requirements and do not conflict with major design elements. To elaborate, the ULDC requires that PUDs allocate a minimum 60% of land area to residential and 40% to open space. This project is proposing to meet this requirement and is therefore preserving the natural environment to the maximum extent possible to achieve the desired unit count and layout.

e. Screen objectionable features (e.g., mechanical equipment, loading/delivery areas, storage areas, dumpsters, compactors) from public view and control objectionable sound;

Response: The entire property, with respect to the Civic Pod and Frontage along South Military Trail, is surrounded by an enhanced compatibility buffer. This enhanced compatibility buffer a 20-foot wide, landscape buffer where proposed single-family lots are adjacent to the property boundary. In some locations, utility easements and drainage easements provide additional separation of the proposed lots from the property boundary. In addition to the minimum compatibility buffer requirements, the 20' enhanced buffer includes a 6' decorative fence along the proposed Cypress Creek PUD development and additional landscape material along the outside of the fence. This enhanced buffer design with fencing provides the site with security and an aesthetically pleasing view that also screens the development. With that being said, the property proposed to be a Residential PUD, as such, the majority of the site will not contain any objectional features as listed within this standard.

f. Locate and design buildings, structures, uses, pathways, access, landscaping, water management tracts, drainage systems, signs, and other primary elements to minimize the potential for any adverse impact on adjacent properties;

Response: Through a tailored site design and lot size mix, the Cypress Creek PUD establishes its own neighborhood character and identity that is wholly separate from the existing Cypress Creek neighborhood, yet is dually compatible. Through an enhanced placement of internal roadways, amenities, lakes, and lots, the proposed PUD's layout encourages a natural, original, neighborhood feel and identity.

g. Minimize parking through shared parking and mix of uses;

Response: Due to the project being a residential PUD, the project is proposing a minimum of 2 per dwelling unit, 320 parking spaces, in compliance with minimum parking requirements.

h. Creation of a strong pedestrian system through the design and placement of buildings connected to a common public space or usable open spaces; and, [Ord. 2019-005]

Response: The Cypress Creek PUD will include a continuous non-vehicular circulation system for residents, consisting of an internal roadway network with sidewalks and pedestrian circulation.

i. For PDDs with non-residential uses, a minimum of one pedestrian amenity for each 100,000 square feet of non-residential GFA, or fraction thereof, shall be incorporated into the overall development to create a pedestrian-friendly atmosphere.

Response: The PDD is predominantly residential, with exception to the public Civic POD. Due to the civic POD being the non-residential use on site, one pedestrian amenity for each 100,000 square feet of non-residential will be provided.

PDD PERFORMANCE STANDARDS

Pursuant to Article 3, Chapter E, Section 1.C.2 "Planned developments shall comply with the following standards (a-j)

2. Performance Standards

a. Access and Circulation

Response: The PDD will meet the access and circulation requirements of the PDD performance standards and the applicant is not requesting any relief from the standards of this section.

b. Street Lighting

Response: Internal street lighting will be provided along all streets 50 feet in width or wider. Additionally, the street lighting fixtures will be designed so that light is directed away from residences and onto internal streets and sidewalks.

c. Median Landscaping

Response: Median Landscaping will be provided to meet the Engineering and Public Works standards, as distributed by the PBC engineering department.

d. Street Trees

Response: While landscaping is not shown at this point in the certification process, we will meet the Canopy tree requirements of Art.7. Landscaping and planting standards pursuant

e. Bike Lanes

Response: 5 foot wide Bike Lanes are proposed in all streets 80 feet or wider within the PUD.

f. Mass transit

Response: The bus stop boarding and alighting area easement will be included as part of platting.

g. Utilities

Response: All utility services located within an utility easement will be installed underground or in alternative manor that is acceptable to DRO.

h. Parking

Response: All parking requirements for the project have been met and are detailed within the site data on the master plan sets.

i. Way Finding Signs

Response: Wayfinding signage, if provided, will be planned to meet the requirements of Art. 8, Signage.

j. Emergency Generators

Response: Emergency Generators, if required, will be provided to meet the standards of Art. 5.b.1.a.19, Permanent Generators.

DEVELOPMENT ORDER ABANDONMENT

Pursuant to Article 2.B.7.F.6, when considering an ABN application, the BCC and ZC shall consider the Standards indicated a through d below.

a. Consistency with the Plan

The proposed abandonment is consistent with the Plan.

Response: The proposed abandonment of R-77-592 is not in conflict with the Plan. The abandonment is required for the proposed redevelopment of the site.

b. Consistency with the Code

The proposed abandonment is not in conflict with any portion of this Code and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new non-conformities.

Response: The proposed abandonment of R-77-592 is not in conflict with the Code. The abandonment is required by the ULDC for the proposed redevelopment of the site as a PUD.

c. Adequate Public Facilities

The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).

Response: The proposed abandonment of R-77-592 is not in conflict with Article 2.F Concurrency. Additionally and as previously stated, the City of Boynton Beach has stated that there are adequate public facilities to serve the site.

d. Changed Conditions or Circumstances

There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the Resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO.

Response: The proposed abandonment of R-77-592 is necessitated by a change in conditions, as the former Golf Course is no longer in operation and the land is vacant. Therefore, in order for the Applicant to pursue redevelopment as a PUD, R-77-562 must be abandoned.

STANDARDS FOR CONDITIONAL USE REQUEST (TYPE 2 EXCAVATION)

When considering a DO application for a Rezoning to a PDD or a TDD, or a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHP), the BCC or ZC shall utilize the Standards a through h indicated below. An application which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

The Class A Conditional Use is being requested to allow a Type 2 Excavation Application to remove more than 10% of the excavated materials from the site.

a. Consistency with the Plan

The proposed use or amendment is consistent with the purposes, Goals, Objectives, and Policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.

Response: The proposed Class A Conditional Use for Type 2 Excavation is necessary to implement the proposed redevelopment project. As demonstrated above under the responses to the Rezoning standards, the overall project is consistent with the plan. As such, the Class A Conditional Use for Type 2 Excavation is consistent with the plan.

The proposed Class A Conditional Use request to allow the Type 2 Excavation is not in conflict with the Plan. The proposed excavation activities proposed for the site are in conjunction with and are necessary for the overall development program. As such, the proposed request is aligned with Plan policy 2.3C, which states that mining and excavation activities are permitted within LR-2 land use district as long as they are in conjunction with a site development plan.

b. Consistency with the Code

The proposed use or amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

Response: The proposed Class A Conditional Use for Type 2 Excavation is necessary to implement the proposed redevelopment project. As demonstrated above under the responses to the Rezoning standards, the overall project is consistent with the code. As such, the Class A Conditional Use for Type 2 Excavation is consistent with the code.

The proposed Class A Conditional Use request to allow the Type 2 Excavation will meet the requirements of the Code, following the requirements set forth within Section 10, Article 4.B.10.C.4.f.3.

c. Compatibility with Surrounding Uses

The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. [Ord. 2007-001]

Response: The proposed Class A Conditional Use for Type 2 Excavation is necessary to implement the proposed redevelopment project. As demonstrated above under the responses to the Rezoning standards, the overall project is compatible with the surrounding uses. As such, the Class A Conditional Use for Type 2 Excavation is compatible with the surrounding uses.

The proposed Class A Conditional Use request to allow the Type 2 Excavation does not impact the proposed development's overall compatibility with the surrounding residential neighborhood of Cypress Creek. Please see the responses with regard to the rezoning request for a detailed overview of the project's overall compatibility with the surrounding uses.

d. Design Minimizes Adverse Impact

The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

Response: The proposed Class A Conditional Use for Type 2 Excavation is necessary to implement the proposed redevelopment project. As demonstrated above under the responses to the Rezoning standards, the overall project has been designed to minimize adverse impacts. As such, the Class A Conditional Use for Type 2 Excavation is designed to minimize adverse impacts.

The proposed Class A Conditional Use request to allow the Type 2 Excavation does not impact the proposed development's potential impacts to the surrounding residential neighborhood of Cypress Creek. The excavation request is necessary in order to configure the overall development so that adverse impacts as a result of the design are limited to the greatest extent possible.

Please see the responses with regard to the rezoning request for a detailed overview of the efforts set forth to reduce any potential adverse impacts, including the voluntary visual impact analysis submitted with this application.

e. Design Minimizes Environmental Impact

The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment. [Ord. 2007-001]

Response: The proposed Class A Conditional Use for Type 2 Excavation is necessary to implement the proposed redevelopment project. As demonstrated above under the responses to the Rezoning standards, the overall project has been designed to minimize environmental impacts. As such, the Class A Conditional Use for Type 2 Excavation is designed to minimize environmental impacts.

In order to minimize any potential environment impact, the proposed Class A Conditional Use will follow the requirements set forth within Section 10, Article 4.B.10.C.4.f.3 and any additional environmental standards set forth with the overall ULDC at the time of construction.

f. Development Patterns

The proposed use or amendment will result in a logical, orderly, and timely development pattern. [Ord. 2007-001]

Response: The proposed Class A Conditional Use for Type 2 Excavation is necessary to implement the proposed redevelopment project. As demonstrated above under the responses to the Rezoning standards, the overall project has been designed in a logical, orderly, and timely development pattern. As such, the Class A Conditional Use for Type 2 Excavation is designed in a logical, orderly, and timely development pattern.

g. Adequate Public Facilities

The extent to which the proposed use complies with Art. 2.F, Concurrency (Adequate Public Facility Standards). [Ord. 2007-001]

Response: The proposed Class A Conditional Use for Type 2 Excavation is necessary to implement the proposed redevelopment project. As demonstrated above under the responses to the Rezoning standards, the overall project is compliant with concurrency standards. As such, the Class A Conditional Use for Type 2 Excavation is compliant with concurrency standards.

The proposed request for a Class A Conditional Use is compliant with Article 2.F Concurrency, and this Property is within the U/S tier.

h. Changed Conditions or Circumstances

There are demonstrated changed site conditions or circumstances, provided by the Applicant's Justification Statement that necessitate a modification. [Ord. 2007-001] [Ord. 2018-002]

Response: The proposed Class A Conditional Use for Type 2 Excavation is necessary to implement the proposed redevelopment project. As demonstrated above under the responses to the Rezoning standards, the overall project is necessary due to changed circumstances. As such, the Class A Conditional Use for Type 2 Excavation is necessary due to changed circumstances.

Modified and additional lake area must be created to provide sufficient surface water management area to accommodate the proposed development and continue to provide drainage for the surrounding community at least at the same level of service. Lakes will be excavated to a minimum extent, but fill in excess of 10% of the required excavation volume will be generated that must be disposed of offsite.

VOLUNTARY VISUAL IMPACT ANALYSIS METHODOLOGY

As previously discussed, the ULDC Article 3.E.1.E modifications to an planned development do not technically apply to the proposed development because the Cypress Creek Golf Course was never part of a PUD or Master Plan, nor is it tied to the adjacent Cypress Creek Neighborhood. However, in an effort to work with the community and County staff, the applicant has performed a Visual Impact Analysis for the proposed development.

As requested by staff, the methodology for the Voluntary (not required by code) Visual Impact Analysis can be summarized as follows:

- 1) First, a photographic inventory of the site was prepared by walking the entirety of the property. These photos include multiple directional views from various locations, offering a wide range of perspectives for the site.
- 2) Next, a photomap of the site was created to show the property conditions at different locations throughout. This includes efforts to capture the view of the site from the direction of nearby properties.
- 3) After the photomap was prepared, visualization of proposed line of sight sections were modeled using a combination of computer aided 3D design, photographs, and proposed master plan sheets.
- 4) Finally, these sections were modeled at various locations throughout the property, at locations showing the proposed site design and relationship to adjacent properties.

Based on the above and attached information, the Applicant respectfully requests the approval of the requests herein.

Exhibit N –Public Comments and Meetings/Discussions

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received numerous contacts from the public regarding this project in support and in opposition to the request. From September 2023 to the publication of this report, 194 letters from residents of the surrounding Cypress Creek subdivision were received in opposition. 20 letters supporting the project were also submitted from Cypress Creek neighborhood residents. Letters were addressed to different County entities, including: the Zoning Division, Planning Commissioners, Zoning Commissioners and the BCC. Additional contacts were received via Email from many of the same residents who had submitted letters. All correspondence was incorporated into the application file and public record.

The primary concerns of those opposed to the project, are summarized as follows:

- **Traffic Congestion:** The increased traffic on Military trail and the impact of the quality of life of the residents.
- **Environmental Impacts:** The presence of toxins of contamination associated in the golf course and the impact associated with the conversion.
- **Drainage:** flood risk posed
- **Compatibility:** A common concern in the letters was the new development is incompatible with the existing Cypress Creek Community.

SUMMARY OF PUBLIC MEETINGS/DISCUSSIONS WITH CYPRESS CREEK PROPERTY OWNERS ASSOCIATION (CCPOA) RESIDENTS AND BOARD MEMBERS:

March 5, 2024: Staff coordinated a meeting with Cypress Creek (Control Name: Weaver Development, Control No. 1977-00061) with neighborhood residents and three CCPOA Board of Directors, Don Neubaum, Mikel Kline and Aaron Hallyburton and County Staff. Staff from Traffic Division, Land Development, and Zoning Attended. The CCPOA Board members had questions to staff concerning access, the history of the approval of the SE to allow a golf course, clubhouse and accessory facilities, and the compatibility of the new proposal with the Cypress Creek Development. Additional discussion included confirming if the golf course and the surrounding Cypress Creek development is part of one PUD development. Staff explained that of the SE to allow a golf course, clubhouse and accessory facilities will be reviewed as a separate approval from the reset of the Cypress Creek Subdivision.

March 20, 2024: Zoning, Land Development, County Attorney, ERM and PZB Staff met with Cypress Creek residents CCPOA Board of Directors, Don Neubaum, Mikel Kline and Julie Nicholas. Jeff Brophy, WGI, Nate Jenny and Lindsay Parson from Toll Brothers also attended. Mikel Kline was seeking clarification staff on access to the civic POD shown on the PMP from Palo Verde Drive. Mr. Kline stated that the POA is responsible for the maintenance of Palo Verde Drive and asked if the access to the Civic Pod can be provided from the main access of the PUD. Staff explained that the emergency access is a requirement of Property and Real Estate Management of Palm Beach County. The 20' emergency access easement from Palo Verde Drive. Staff also explained that the emergency access easement was a requirement of fire and rescue. The CCPOA members stated concerns that the 78 homes of the golf course will be adjacent to the proposed lots. There was discussion about the compatibility of the proposed homes with these existing homes.

April 18, 2024: Dave Deptula a resident of Cypress Creek contacted Sherry McCorkle, Senior External Affairs Specialist at SFWMD to express concerns over the Cypress Creek development proposal. He expressed concerns over the leaching of toxic chemicals into The Stanley Weaver Canal. Environmental Resource management, Zoning, South Florida Water Management District, and Florida Department of Environmental Protection Staff met Mr. Dave Deptula, Paul Linton and Deborah Drum on April 18, 2023. During the meeting Mr. Deptula discussed concerns over contamination being present in the Cypress Creek site and the impacts on the surrounding areas and the Stanley Weaver Canal. Mr. Deptula started the meeting by inquiring about the SFWMD's position on the impacts of the project on Stanley Weaver Canal and toxins impacting the residents of the area. Mr. Wood (SFWMD) stated that the contamination in the soil is outside his preview but will look for a letter from FDEP or designated local program during his review, as other agencies will coordinate with SFWMD. Ms. Havranek (FDEP) stated it is standard to require a management and control plan during the construction process to avoid that any existing toxins are running down stream to adjacent parcels. The consultant will submit plans to FDEP and there may be restriction on irrigations. There was additional discussion on the protection of the aquafer and the review processes and Public commenting Period of FDEP.