

PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION

Application No.:	ZV-2023-00888
Application Name:	Forest Oaks Residential PUD - POD A
Control No./Name:	1970-00009 Lucerne Lakes
Applicant(s):	Mattamy Palm Beach LLC
Owner(s):	Grillo Golf Management LLC
Agent(s):	Design and Entitlement Consultants, LLC - Ken DeLa Torre
Telephone No.:	(561) 707-3410
Project Manager:	Zubida Persaud, Site Planner II

Title: a Type 2 Variance **Request:** to allow the reduction of the front setback (lots 35 to 39) and the reduction of rear setback (lots 33 to 39) within the 9.52 acres Pod A

APPLICATION SUMMARY: The proposed requests are for the Lucerne Lakes Development (aka Forest Oaks), more specifically for seven lots within Pod A. The development was last approved by the Board of County Commissioners (BCC) on October 10, 2021, which modified the previously approved Planned Unit Development to add residential units as part of a golf course conversion. The request proposes to allow a reduction of the front setbacks for lots 35 to 39 and reduce the rear setback for lots 33 to 39 within Pod A.

SITE DATA:

Location:	Southside of Lake Worth Road, approximately .61 miles west of Jog Road
Property Control Number(s)	00-42-44-28-07-000-0020; 00-42-44-28-33-007-0000
Land Use Designation:	High Residential (HR-12)
Zoning District:	Planned Unit Development (PUD)
Acreage:	9.52 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	Greenacres
Future Annexation Area	Greenacres
Commission District	District 3, Commissioner Michael A. Burnett

STAFF RECOMMENDATION: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.

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

PROJECT HISTORY: The Lucerne Lakes PUD originally approved as a Planned Unit Development (PUD) under Control Number 1970-0009/NPN-009 by Resolution 3-Y-69-T on December 10, 1970. The project was approved with 3,395 dwelling units, on approximately 273.50 acres, in the Residential Multifamily (RM) (medium density) partially, and Agricultural Residential (AR) zoning districts. The PUD included large recreation areas and open space areas at the time of approval but was later modified and established as a golf course in 1973, as was platted. The number of residential units under the original approval was significantly reduced over the years and the current overall count is now established at 2,204 units, as platted and amended.

The Board of County Commissioners (BCC) approved an application for a Development Order Amendment, which allowed the 79 acre golf course use to be converted to residential on October 28, 2021 by R-2021-1597. The Forest Oaks Residential PUD added 450 residential homes, comprising of 350 fee simple townhomes and 100 fee simple zero lot line single-family homes. The overall density for the Lucerne Lakes PUD and the Forest Oaks Residential PUD was established at 9.7 dwelling units per acres, which was still below the original Planning density threshold, as originally approved. In addition, the Forest Oaks Residential golf course conversion area is required to provide 11 Workforce Housing Program (WHP) units to meet current Unified Land Development Code (ULDC) regulations, these 11 WHP units are proposed to be located in Subdivision PODs A and C.

The Development Review Officer (DRO) approved a reduction in the number of units for the Forest Oaks Residential PUD from a total 450 to 372 dwelling units with 94 zero lot lines homes and 278 townhomes on November 17, 2022 by ZAR-2022-1447. The reduction of units is a result of the required expanded water and sewer utility easements and expanded buffers traversing the entire new development. These added utility easements and expanded buffers created additional open space areas resulting in the reduction of 78 dwelling units overall, however, the 11 WHP Units, as previously approved by the BCC will still be provided.

TYPE 2 VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
V.1 - 3.D.2.A Property Development Regulations	25 feet front setback	20 feet front setback	5 foot reduction in the front setback for lots 35 to 39 in POD A
V-2 - 3.D.2.A Property Development Regulations	25 feet rear setback	12.9 feet rear setback	12.1 foot reduction in the rear setback lots 33 to 39 POD A

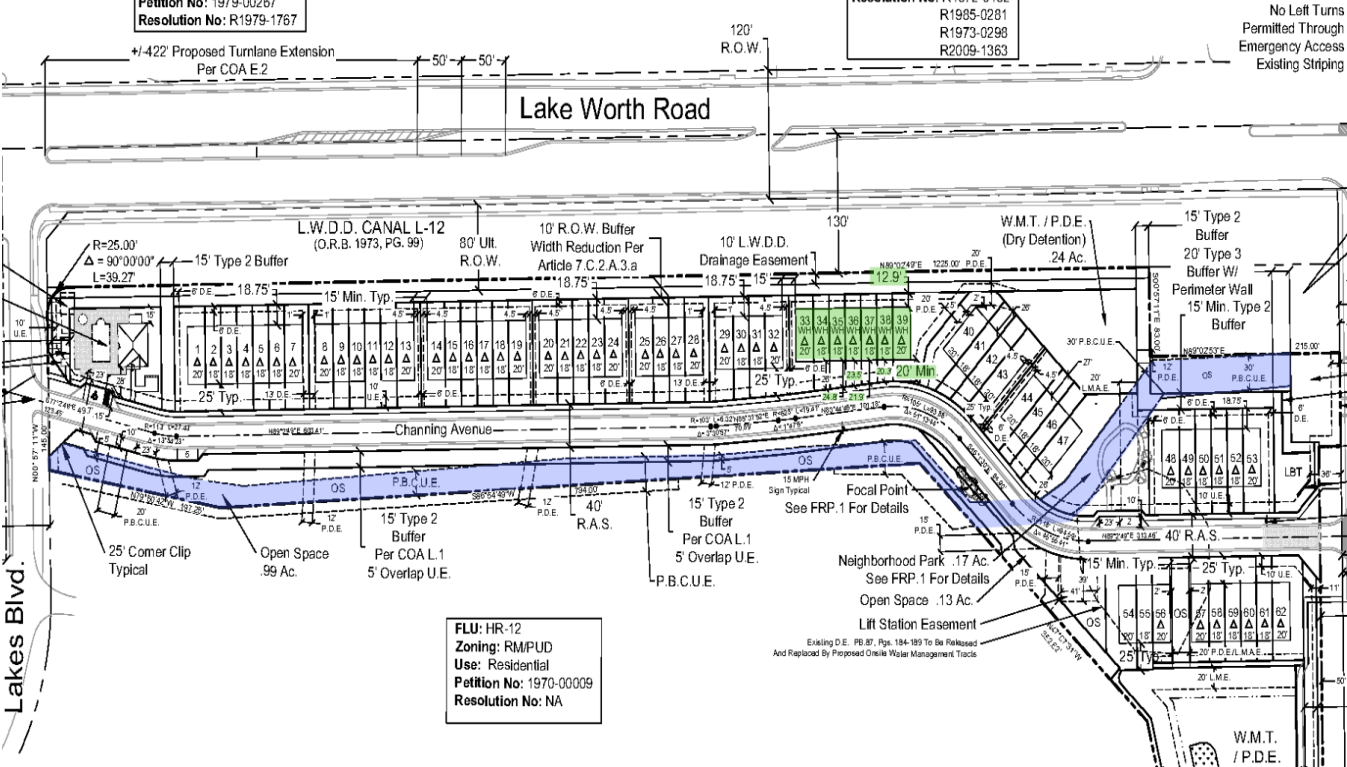
FINDINGS:
Type 2 Variance Standards:

When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards a through g listed under Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 2 Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

a. *Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district:*

V-1 and V-2- YES: The Lucerne Lakes PUD was modified in October 28, 2021 by the BCC to allow the 79-acre golf course to be converted to residential with 450 dwelling units. The proposed setbacks reductions relate to seven townhouse lots within the POD A. At time of public hearing, the Applicant had not located the existing force main. When a public records search was completed, no easement was found, however PBCWUD did identified during the review that there could be a force main on the subject property. During the final approval of the subdivision plan, the force main was found, PBCWUD required the easement to be established. Establishment of the easement required reconfiguration of and the roadway to shift to the north, creating the lots to be shorter in depth than the other lots in this development. The Applicant wants to keep the same sized dwelling units rather than create smaller units. Thus, the Variance request for lots 35 to 39, to reduce the front setbacks from 25 feet to 20 feet, a 20% reduction; and lots 33 to 39 to reduce the rear setbacks from 25 feet to 12.9 feet, a 52% reduction. This circumstance is specific to the seven lots that are not applicable to the other lots within this development.

Graphic of POD A – Subdivision – Affected Lots 33 – 39 (green):



b. *Special circumstances and conditions do not result from the actions of the Applicant:*

V-1 and V-2 - YES: The PUD was created in 1969, pursuant to the original PUD language, and developed under different regulations and procedures than are required today. The water and force main exists on the property without the recordation of the 30 feet Utility Easement and did not show in the initial title search. The Applicant did not construct the force main, however, the Applicant is willing to establish and provide the easement now required by PBCWUD, in its current location, in order to complete the development of the parcels.

c. *Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district:*

V-1 and V-2 - YES: Granting of this variance will allow the subject parcel to meet its obligation of providing a comparable size townhouse at 49' depth for each of these seven lots. Granting the variance will not confer any special privilege denied by the Plan or the Code.

d. *Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship:*

V-1 and V-2 - YES: When the addition of the residential units was completed by the BCC Conditions of Approval for additional landscaping along the southern property line was applied. Shifting of the easement and road to the south would impact the buffering conditions, and would have required an amendment by the BCC. Enforcement of the setbacks for these seven lots would create a hardship, for the prospective buyers of those lots giving them a smaller unit than market rate. The proposed setback reductions still allow for the same size dwelling units and area to park and have a small back yard. Granting this variance is a result of a pre-existing condition and provides the avenue to develop the property under the rights granted by prior Resolution R-2021-1597.

e. *Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure:*

V-1 and V-2 - YES: Granting the variance is the minimum necessary to make possible the most efficient use of this land. The applicant proposed other design options, such as relocating recreation areas, reducing the townhouse size, relocating the neighborhood park, and reducing the number of units within the POD, that created additional variances or other inconsistencies with the approved Development Order. Therefore, granting this request would allow the minimum necessary that will make possible the most reasonable use of the land.

f. *Grant the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:*

V-1 and V-2 - YES: The requested variances for the reduced front and rear setbacks for these seven lots, is consistent with the purposes, goals, objectives, and policies of the Plan and the Code. The subject site is located in the Urban Suburban tier under the HR-12 Future Land Use and the development of a Planned Unit Development is consistent with the Plan and the Code. The granting of this variance will not increase density, nor create an incompatibility situation; in fact, due to the redesign and the loss of one townhouse lot the overall density has decreased. This is the minimum variance necessary and will only apply to those seven lots that are directly affected, due to being located in the pinch point of POD A and does not affect the rest of the development.

g. *Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare:*

V-1 and V-2 - YES: The Forest Oaks Residential PUD development is located within the Lucerne Lakes PUD and the subdivision POD A is surrounded by residential units either zero lot line single family or townhouse units. Granting the variance will not be injurious or detrimental to the public welfare, or the surrounding uses. POD A is internal to the PUD and is compatible with surrounding Lucerne Lakes PUD residential development. POD A is buffered by the adjacent L-12 Canal and is not visible from the right-of-way in the north, and with the addition of the PBCWUD Utility Easement in the south, will create additional buffering and open space area in the south between the adjacent residential POD of the Lucerne Lakes PUD and the Forest Oaks Residential PUD POD A. The variance will not create any adverse effects or incompatibility with the surrounding residential neighborhood.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B.7.E.6, and determined the requests satisfy all of the standards. Staff is therefore recommending **approval** of the Type 2 Variance request subject to the Conditions of Approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C

Type 2 Variance - Standalone

ALL PETITIONS

1. The approved Subdivision Plan is dated July 19, 2023. 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 Zoning Commission. (ONGOING: ZONING - Zoning)

VARIANCE

1. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Subdivision Plan. (DRO/ONGOING: ZONING - Zoning)

2. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPMT/ONGOING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning 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 Zoning Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Monitoring)

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.

Zoning Application

Forest Oaks Residential PUD POD A (ZV-2023-00888)

Site Data

Size: 9.52 acres
Existing Use: Operational Golf Course
Proposed Use: Residential Townhomes
Zoning: RM
Zoning Quad: 48

Future Land Use Designations

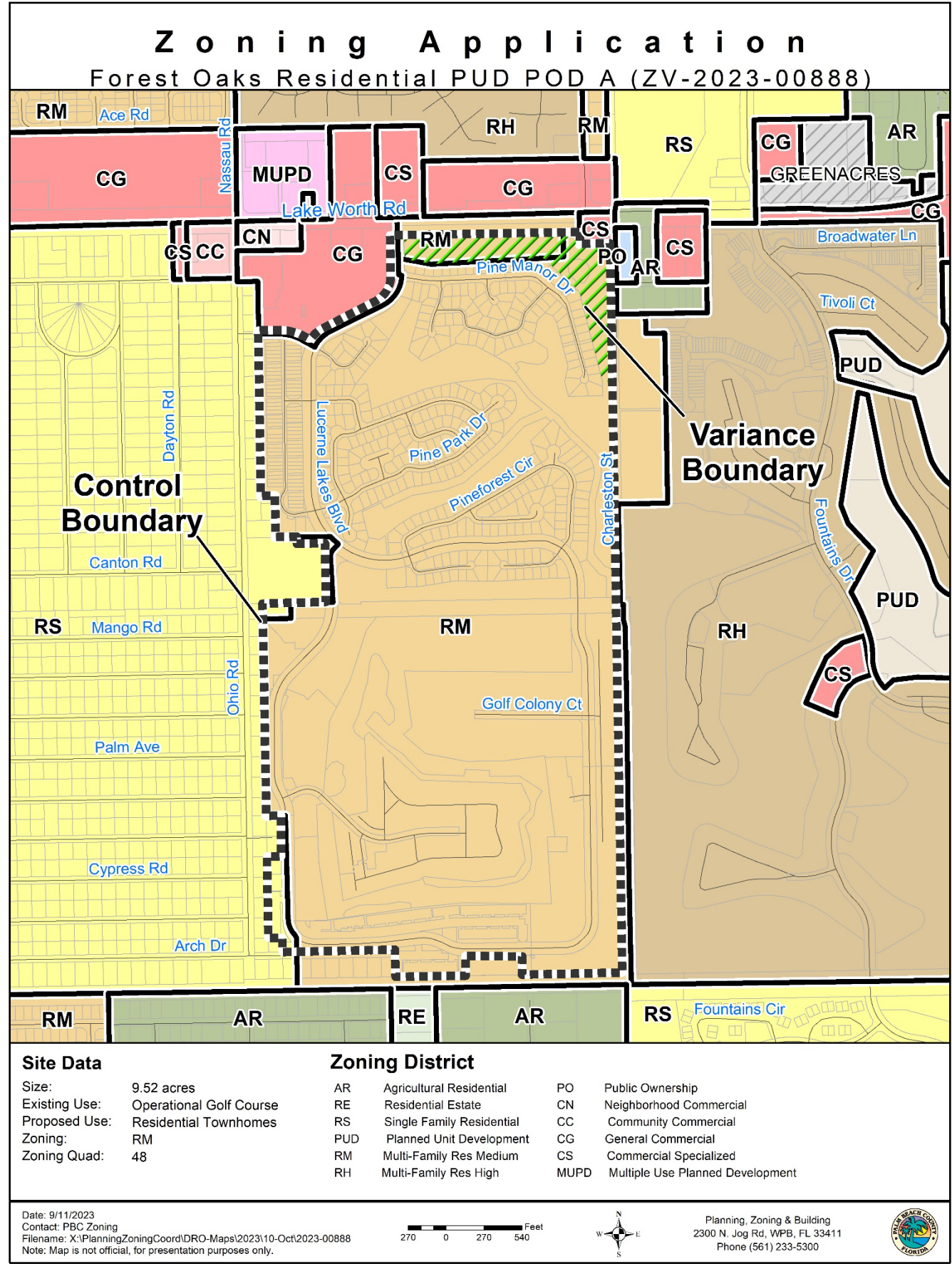
LR-1	Low Residential, 1 unit/acre	CL/8	Commercial Low, underlying HR-8
LR-2	Low Residential, 2 units/acre	CL-O	Commercial Low Office
LR-3	Low Residential, 3 units/acre	CL-O/3	Commercial Low Office, underlying LR-3
MR-5	Medium Residential, 5 units/acre	CH/8	Commercial High, underlying HR-8
HR-8	High Residential, 8 units/acre	INST	Institutional
HR-12	High Residential, 12 units/acre		

Date: 9/11/2023
Contact: PBC Zoning
Filename: X:\Planning\ZoningCoord\DRO-Maps\2023\10-Oct\2023-00888
Note: Map is not official, for presentation purposes only.

270 0 270 540 Feet

Planning, Zoning & Building
2300 N. Jog Rd, WPB, FL 33411
Phone (561) 233-5300

Figure 2 - Zoning Map



Zoning Commission
Application No. ZV-2023-00888

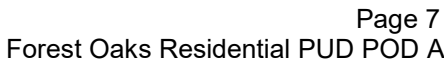


Exhibit D – Disclosure of Ownership

PALM BEACH COUNTY - ZONING DIVISION

FORM # 8

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT


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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Anthony Palumbo, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ individual or ☒ Vice President [position—e.g., president, partner, trustee] of Mattamy Palm Beach LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 2500 Quantum Lakes Drive
Boynton Beach, Fl. 33426
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.



Anthony Palumbo, 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 1 day of August, 2023 by
Anthony Palumbo (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).

TANIS PLYLER
(Name - type, stamp or print clearly)



(Signature)

My Commission Expires on: 4/27/2027

NOTARY'S SEAL OR STAMP

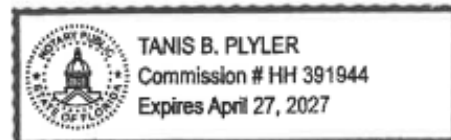


EXHIBIT "A"
PROPERTY

See attached Legal Description

DESCRIPTION:

ALL OF THE GOLF COURSE TRACT, PLAT NO. 1, LUCERNE LAKES (PUD), AS RECORDED IN PLAT BOOK 30, PAGES 41 AND 42, TOGETHER WITH PORTIONS OF LUCERNE LAKES GOLF COURSE, AS RECORDED IN PLAT BOOK 87, PAGES 184 THROUGH 189, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LUCERNE LAKES BOULEVARD AS SHOWN ON PLAT NO. 1, LUCERNE LAKES (PUD), AS RECORDED IN PLAT BOOK 30, PAGES 41 AND 42 OF PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N89°02'49"E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL "L-12" AS RECORDED IN OFFICIAL RECORDS BOOK 1973, PAGE 99 OF SAID PUBLIC RECORDS, A DISTANCE OF 125.00 FEET TO THE NORTHWEST CORNER OF GOLF COURSE TRACT AS SHOWN ON SAID PLAT NO. 1, LUCERNE LAKES (PUD) BEING THE POINT OF BEGINNING; THENCE CONTINUE N89°02'49"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL "L-12", A DISTANCE OF 1225.00 FEET TO A POINT ON THE NORTH LINE OF GOLF COURSE TRACT A (GC-A) AS SHOWN ON THE PLAT OF LUCERNE LAKES GOLF COURSE AS RECORDED IN PLAT BOOK 87, PAGES 184 THROUGH 189, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S00°57'11"E, ALONG A BOUNDARY LINE OF SAID TRACT A (GC-A), A DISTANCE OF 83.00 FEET; THENCE N89°02'53"E, ALONG A BOUNDARY LINE OF SAID TRACT A (GC-A), A DISTANCE OF 215.00 FEET TO A POINT ON THE EAST LINE OF SAID GOLF COURSE TRACT A (GC-A); THENCE S00°57'11"E, ALONG SAID EAST LINE OF SAID GOLF COURSE TRACT A (GC-A), A DISTANCE OF 87.00 FEET; THENCE S89°02'53"W, ALONG SAID EAST LINE, A DISTANCE OF 25.00 FEET; THENCE S00°57'11"E, ALONG SAID EAST LINE AND THE WEST LINE OF THE FINAL JUDGEMENT RECORDED IN OFFICIAL RECORDS BOOK 4179, PAGE 1199 OF SAID PUBLIC RECORDS, A DISTANCE OF 896.99 FEET; THENCE LEAVING SAID EAST AND WEST LINES, S89°02'49"W, A DISTANCE OF 43.91 FEET TO A POINT ON THE BOUNDARY LINE OF SAID GOLF COURSE TRACT A (GC-A); THENCE N14°27'11"W, ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 662.67 FEET; THENCE N47°07'31"W, ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 352.62 FEET; THENCE S86°54'49"W, ALONG THE SOUTH BOUNDARY LINE OF SAID PLAT NO. 1, LUCERNE LAKES (PUD), A DISTANCE OF 794.00 FEET; THENCE N79°50'42"W, ALONG SAID SOUTH BOUNDARY LINE, A DISTANCE OF 197.25 FEET TO THE SOUTHWEST CORNER OF THE GOLF COURSE TRACT AS SHOWN ON SAID PLAT NO. 1, LUCERNE LAKES (PUD); THENCE ALONG THE WEST LINE OF SAID GOLF COURSE TRACT THE FOLLOWING TWO (2) CURVES AND DISTANCES: THENCE N00°57'11"W, A DISTANCE OF 145.00 FEET TO A POINT OF CURVATURE OF A CURVE HAVING A RADIUS OF 25.00 FEET; THENCE NORTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 39.27 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATED IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 414,690 SQUARE FEET/ 9.5200 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the 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

See attached Corporate Resolution

Disclosure of Beneficial Interest - Applicant form
Form # 8

Page 4 of 4

Revised 12/27/2019
Web Format 2011

MATTAMY PALM BEACH LLC

RESOLUTIONS OF THE BOARD OF DIRECTORS

The undersigned, constituting all of the members of the Board of Directors (the "Board") of Mattamy Palm Beach LLC, a Delaware limited liability company (the "Company"), in accordance with Section 4.1 of the Company's Operating Agreement dated April 25, 2017, do hereby take the actions set forth below by unanimous written consent without a meeting:

RESOLVED, that the following named individual be and hereby is appointed as an officer of the Company, to hold the office set forth opposite his name until removed by action of the Board or until such officer sooner dies, resigns, is removed or becomes disqualified:

Anthony J. Palumbo III Assistant Vice President

RESOLVED that, in connection with the day-to-day business operations of the Company, the foregoing officer be and hereby is authorized in the name and on behalf of the Company to take any and all lawful actions in connection with the business of the Company, and to execute and deliver any and all agreements, contracts or other documents to carry out the business of the Company.

The undersigned, being all of the members of the Board of Directors of the Company, and acting in the name of and on behalf of the Company, do hereby consent to and adopt the foregoing resolutions. These resolutions may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. These resolutions may be signed and delivered by facsimile or other functionally equivalent means.

IN WITNESS WHEREOF, the undersigned have executed these resolutions as of September 14, 2017.

BOARD OF DIRECTORS:

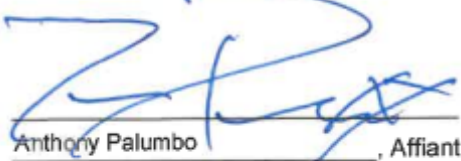


James Leiferman

Leslie Candes

David Koon

Robert A. Harris IV



Anthony Palumbo, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

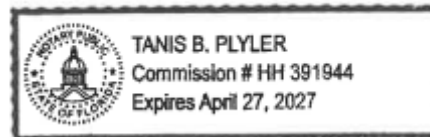
The foregoing instrument was acknowledged before me by means of [☒] physical presence or
[☐] online notarization, this 1 day of August, 2023 by
Anthony Palumbo (name of person acknowledging). He/she is personally
known to me or has produced _____ (type of identification) as
identification and did/did not take an oath (circle correct response).

TANIS PLYLER
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 4/27/2027

NOTARY'S SEAL OR STAMP



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 Nicholas Pisano, 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 ☒ Member Grillo Golf Management LLC [position - e.g., president, partner, trustee] of Grillo Golf Management 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: 4401 Lucerne Lakes Boulevard
Lake Worth, Fl. 33467
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.



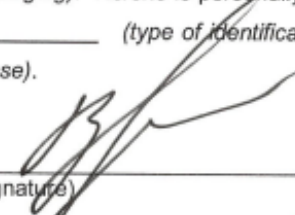
Nicholas Pisano _____, Affiant
(Print Affiant Name)

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 31 day of July, 2023 by Nicholas Pisano (name of person acknowledging). He/she is personally known to me or has produced DL (type of identification) as identification and did/did not take an oath (circle correct response).

Sergei Bukley
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: _____

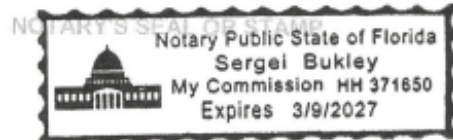


EXHIBIT "A"

PROPERTY

See attached Legal Description

DESCRIPTION:

ALL OF THE GOLF COURSE TRACT, PLAT NO. 1, LUCERNE LAKES (PUD), AS RECORDED IN PLAT BOOK 30, PAGES 41 AND 42, TOGETHER WITH PORTIONS OF LUCERNE LAKES GOLF COURSE, AS RECORDED IN PLAT BOOK 87, PAGES 184 THROUGH 189, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LUCERNE LAKES BOULEVARD AS SHOWN ON PLAT NO. 1, LUCERNE LAKES (PUD), AS RECORDED IN PLAT BOOK 30, PAGES 41 AND 42 OF PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N89°02'49"E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL "L-12" AS RECORDED IN OFFICIAL RECORDS BOOK 1973, PAGE 99 OF SAID PUBLIC RECORDS, A DISTANCE OF 125.00 FEET TO THE NORTHWEST CORNER OF GOLF COURSE TRACT AS SHOWN ON SAID PLAT NO. 1, LUCERNE LAKES (PUD) BEING THE POINT OF BEGINNING; THENCE CONTINUE N89°02'49"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL "L-12", A DISTANCE OF 1225.00 FEET TO A POINT ON THE NORTH LINE OF GOLF COURSE TRACT A (GC-A) AS SHOWN ON THE PLAT OF LUCERNE LAKES GOLF COURSE AS RECORDED IN PLAT BOOK 87, PAGES 184 THROUGH 189, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S00°57'11"E, ALONG A BOUNDARY LINE OF SAID TRACT A (GC-A), A DISTANCE OF 83.00 FEET; THENCE N89°02'53"E, ALONG A BOUNDARY LINE OF SAID TRACT A (GC-A), A DISTANCE OF 215.00 FEET TO A POINT ON THE EAST LINE OF SAID GOLF COURSE TRACT A (GC-A); THENCE S00°57'11"E, ALONG SAID EAST LINE OF SAID GOLF COURSE TRACT A (GC-A), A DISTANCE OF 87.00 FEET; THENCE S89°02'53"W, ALONG SAID EAST LINE, A DISTANCE OF 25.00 FEET; THENCE S00°57'11"E, ALONG SAID EAST LINE AND THE WEST LINE OF THE FINAL JUDGEMENT RECORDED IN OFFICIAL RECORDS BOOK 4179, PAGE 1199 OF SAID PUBLIC RECORDS, A DISTANCE OF 896.99 FEET; THENCE LEAVING SAID EAST AND WEST LINES, S89°02'49"W, A DISTANCE OF 43.91 FEET TO A POINT ON THE BOUNDARY LINE OF SAID GOLF COURSE TRACT A (GC-A); THENCE N14°27'11"W, ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 662.67 FEET; THENCE N47°07'31"W, ALONG SAID BOUNDARY LINE OF GOLF COURSE TRACT A (GC-A), A DISTANCE OF 352.62 FEET; THENCE S86°54'49"W, ALONG THE SOUTH BOUNDARY LINE OF SAID PLAT NO. 1, LUCERNE LAKES (PUD), A DISTANCE OF 794.00 FEET; THENCE N79°50'42"W, ALONG SAID SOUTH BOUNDARY LINE, A DISTANCE OF 197.25 FEET TO THE SOUTHWEST CORNER OF THE GOLF COURSE TRACT AS SHOWN ON SAID PLAT NO. 1, LUCERNE LAKES (PUD); THENCE ALONG THE WEST LINE OF SAID GOLF COURSE TRACT THE FOLLOWING TWO (2) CURVES AND DISTANCES: THENCE N00°57'11"W, A DISTANCE OF 145.00 FEET TO A POINT OF CURVATURE OF A CURVE HAVING A RADIUS OF 25.00 FEET; THENCE NORTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 39.27 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATED IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 414,690 SQUARE FEET/ 9.5200 ACRES, MORE OR LESS.

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
Vincent Grillo	4401 Lucerne Lakes Blvd. Lake Worth, Fl. 33467
Nicholas Pisano	4401 Lucerne Lakes Blvd. Lake Worth, Fl. 33467

Exhibit E – Applicant’s Justification Statement dated June 24, 2022 – Type 2 Variance:



Justification Statement
Forest Oaks Residential
Type 2 Variance – Pod A Subdivision
Control No. 1970-0009 / NPN – 09
Application Number: ZV-2023-0088
Initial Submittal: June 23, 2023
Resubmittal:

Request and Introduction

This application is filed on behalf of the applicant Mattamy Homes Palm Beach LLC. This application is requesting approval of a Type 2 Variance Application request for the Forest Oaks Pod A Final Subdivision Plan. Pod A is the northernmost residential subdivision within the overall Forest Oaks residential community which is comprised of three residential pods (Pods A, B, and C). The Forest Oaks residential community is located within Lucerne Lakes PUD (Control No. 1970-0009).

The Forest Oaks Residential community is located approximately ¾ miles east of the Florida Turnpike on the south side of Lake Worth Road. Per the approved Lucerne Lakes P.U.D. Master Plan, the entire community is approximately 273.50 acres. The Forest Oaks Residential subject property is approximately 79.27 acres within the overall Lucerne Lake residential community. Pod A is approximately 9.52 acres. See below for a Site Location Map.



Upon filing for Final Subdivision Approval of all three subdivisions, Pods A, B and C, the applicant received a comment from Palm Beach County Water Utility Department regarding existing water and sewer lines that 'bisect' the entirety of Pod A; the

northernmost neighborhood. Within this submittal package, the applicant has provided a highlighted subdivision plan for Pod A which highlights this easement area. Due to the fact that there is water and sewer lines, PBCWUD required a large easement approximately thirty (30) - feet in width over the existing infrastructure. This easement does not exist today and is not recorded within the public record, and therefore did not come up in any title searches during Due Diligence research for the project.

Because of this wide easement, the applicant has had to completely redesign Pod A during the Final Subdivision review and approval process. Since the easement runs from the northeast corner of the Pod, south and along the entire south property line as it progresses to the west, the roadway, landscape buffer and townhomes were to be moved north. This redesign resulted in a larger open space / buffer area along the south side, which is a benefit for the existing Lucerne Lakes Homes North residential community, from a Community Outreach perspective, but did also result in the loss of a lot as well as one particular townhome building not meeting rear setback - lots 33 -39. As part of this application request for a Type 2 Variance approval, the applicant is requesting relief from two specific code requirement for this one building within Pod A. See below for details. The Neighborhood Park that was approved by BCC had to be relocated to the east in order to accommodate the redesign and the PBWUD easement. However, the redesign resulted in this Neighborhood Park actually increasing in size. These revisions were completed during the Final Subdivision Plan application process. Pod A was approved on December 9, 2022, Project # 00277-004. A copy of this stamped plan is included within the submittal package. Prior to the approval of the Pod A Final Subdivision, Zoning staff required filing and approval of a Zoning Agency Review (ZAR) application in order to revise the approved BCC Master Plan on file in order to match these Pod A revisions. This ZAR application for the overall Master Plan was approved on November 17, 2022 Application ZAR 2022-1447.

1. Request #1 - Relief from Article 3.D.2.A, Table 3.D.2.A.

A. Requirement: Rear Townhouse Setback = 25'

- i. Rear setback reduction for all Pod A townhomes by 25% Article 3.D.1.D.4 due to proximity to Open Space fifty (50) - feet in width (LWDD L-12 Canal) = 18.75.'

B. Requested: Reduction of required setback of 25' by 12.10' down to a proposed rear setback minimum of 12.9' for one townhome building lots 33 - 39 (7 lots). All other townhomes, within the entire project (Pods A, B and C) comply with Article 3.D.2.A., Table 3.D.2.A.

2. Request #2 - Relief from Article 3.D.2.A, Table 3.D.2.A.

A. Requirement: Front Townhouse Setback = 25'

B. Requested: Reduction of required front setback of 25' down to a 20' minimum for one townhome building lots 35 - 39 (5 lots). The reduction of the front setback down to a minimum of twenty - feet will still provide adequate depth for a vehicle to park in the driveway and not overlap / encroach into the sidewalk. The twenty foot minimum is only for lot 39, as well. As the roadway tract progresses to the west, the front setback increases to the code required 25' minimum at lot 34. This is the primary justification for the request of the reduction of the front setback only for lots 35 - 39. All other townhomes, within the

entire project (Pods A, B and C) comply with Article 3.D.2.A., Table 3.D.2.A.

Development Application History

The Lucerne Lakes PUD was originally approved as a Conditional Use for a Planned Unit Development (PUD) on December 10, 1970 under Control Number 1970-0009 / NPN-009. On this approval date, the project was approved for 3,395 dwelling units. This original approval approved the entire property (273.50 acres) with RM Residential Zoning Designation with a Conditional Use PUD. The HR-12 Land Use Designation was already in place. Subsequent to this approval, subdivision plats were recorded for the Lucerne Lakes residential communities that exist today.

On October 28, 2021, the Board of County Commissioners (BCC) approved an application for Development Order Amendment, via Resolution R-2021-1597. This Development Order Amendment replaced the golf course use on the original 1970 master plan with residential use. Four hundred and fifty residential homes were approved as part of this application. The four hundred and fifty were comprised of three hundred fifty fee simple townhomes and 100 fee simple zero lot line single family homes. As indicated, the residential Zoning and Land Use Designation was already in place.

On December 6, 2021, the applicant submitted for Final Master Plan approval (off the Board). This Final Master Plan was updated and revised in order to include the conditions of approval memorialized by the Board action on October 28th via Resolution R-2021-1597. In addition, several areas specifically landscape buffers in certain locations were revised and updated to match the language within the conditions of approval. Lastly, in order to properly supersede the 1970 Lucerne Lakes Master Plan, County staff (within the BCC staff report) requested that the applicant update the final site data of the Master Plan to accurately reflect the total number of units platted within Lucerne Lakes existing residential communities. The total number of units, inclusive of the approved four hundred fifty, are still under the HR-12 density cap for the entire Lucerne Lakes PUD. This application was approved on September 2, 2022, Application # DROE-2021-2049.

Final Subdivision Plan

The Forest Oaks Pod A Residential Subdivision is proposing a total of sixty – two fee simple townhome units. The original approved Master Plan that was approved by the BCC had indicated seventy townhomes for this Pod. The reduction of units is as a result of the aforementioned existing Palm Beach County Water Utility Department (PBCWUD) utility easement that bisected and encumbered this residential pod along the south side. No recorded utility easement exists for this existing utility infrastructure. The consultant team had followed up with PBCWUD regarding the planned width of this easement area. This easement resulted in the site layout to be shifted to the north which resulted in the loss of residential units. The required Type 2 landscape buffer along the south side was revised and shifted north in order to adhere to the landscape buffer maximum overlap of five (5) – feet into the PBWUD easement, per Article 7 Section 5.A.1.

The primary vehicular access point for Pod A is located on the east side of the pod, off of Charleston Street. Per COA E.6, Charleston Street will be improved to a fifty (50) – foot PBC standard right of way section to the entrance of Pod A. The remainder of Charleston Street will be improved in order to include a stabilized surface suitable for PBC Fire to access an emergency access point into the approved Pod B residential subdivision to the south. Please reference the approved Pod B Final Subdivision Plan

Justification Statement for details. The west vehicular access point of Pod A is an egress only for internal residents of Pod A, limiting the amount of traffic on Lucerne Lakes Boulevard.

Pod A is accessed via a forty – foot residential access street, per PBC standard section. A five walk way provides pedestrian connectivity to both Lucerne Lakes Boulevard and the Charleston Street access points. Both pedestrian access connections provide multi-modal transportation opportunities with the two existing Palm Tran Bus stops located on Lake Worth Road (Palm Tran stop # 1490, and Palm Tran Stop # 1491).

Pod A will offer 18' / 20' for sale townhomes for prospective homebuyers. The townhome buildings are arranged in four-, five-, six- and seven-unit configurations. The interior townhome units will be the eighteen (18) – foot units. The end units of each townhome building are the larger 20' units. Interior units will have a single car garage with a two-car driveway and the exterior units will have a two-car garage with a two-car driveway.

As a result of the PBCWUD easement and the shift of the entire layout north, the townhome building that is lots 33 – 39 and 29 – 32 had to be re-designed to be less deep than the other proposed townhomes. These townhomes, were re-designed to be approximately 49' in depth in order to meet the required front setback, in certain locations, with the relocated forty (40) foot residential access street. As previously indicated, the road shifted north in order to take into consideration the proposed PBCWUD easement. The townhome building for lots 33 – 39 does not meet the required rear and front setback. This is the justification for the request for the Type II Variance request in order to reduce this rear and front setback by 12.10' and 5,' respectively. See below for compliance with Article 2.B.7.E.6.

Forest Oaks Residential community is required to have eleven (11) work force housing units (WFH). These eleven units will be offered as townhome units within the first Phase Pod of the development. This is a requirement of condition of approval Planning #1. Seven of these WFH units will be located in lots 33 – 39.

The primary Rec Pod will offer a pool and cabana amenity. A mailbox kiosk as well as associated parking for USPS is also proposed within the primary Rec Pod. Lastly, the school bus shelter along with a bike rack is proposed within the Rec Pod for children to load onto PBC school buses. The location of the school bus shelter was coordinated with PBC School District as part of the Development Order Amendment approval. A secondary Rec Pod is proposed south of the 1.30-acre water management tract and includes a shade structure and a six – foot mulch fitness trail for walking and jogging purposes that circulates around the water management tract.

Pod A also contains a neighborhood park which is programmed as a passive recreation area with a shaded benches and a mulch path. All passive recreational areas, within the Forest Oaks Residential Community, will be accessible to the other residents of Lucerne Lakes, per a commitment made by Mattamy as part of the public hearing approvals. Due to the plan revision to accommodate the PBCWUD utility easement, the neighborhood park had to be relocated a bit to the east of its original location. This relocation resulted in the neighborhood park increasing in size from what was previously approved. Based upon the consistent size and relocation within Pod A, the relocation complies with Article 2, Table 2.C.5.C.

The LWDD Canal L-12 is located along the north frontage of Pod A. LWDD is requiring an additional ten (10) feet of right of way along the north side of the Pod A for an ultimate right of way of eighty (80) – feet. Per Article 7.C.2.A.3.a and as previously approved, the

north Right of Way buffer is allowed to be reduced, since it is adjacent to open space / canal right of way with a minimum width of eighty – feet.

Pod A was approved on December 9, 2022, Project # 00277-004. This approved Subdivision Plan showed a townhome building for lots 33 – 39 that was approximately thirty – eight feet in depth. This townhome building did fit within the required setbacks. However, Mattamy Homes Palm Beach LLC does not have a marketable townhome that can be sold at this 39' depth. As previously indicated Mattamy Homes Palm Beach LLC has redesigned their standard fifty – four – foot depth townhome, that is offered throughout Forest Oaks, down to a forty – nine foot townhome depth for lots 33 – 39 and lots 29 – 32 (already on approved Subdivision Plan).

Development Review Officer Standards For Subdivision Variance

The Final Subdivision Plan for Pod A meets the standard requirements set forth in ULDC Article 2.B.7.E.6. as indicated below. The Zoning Commission and Palm Beach County Zoning Staff shall consider and find that all seven criteria listed below have been satisfied by the Applicant prior to making a motion for approval, of a Zoning or Subdivision Variance.

a. Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district:

- The special condition that exists for the Pod A parcel is the fact that a twenty (20) – inch water main and a twenty (20) inch forcemain bisects the parcels from the northeast corner then south along the entire south boundary. As part of the Due Diligence research conducted on the parcel prior to Mattamy contracting to purchase the parcel, no easement existed in the public records that would've come up in a title search. No easement exists today and therefore the applicant will provide an easement to PBCWUD for the water and sewer mains. No other vacant golf course parcel within the entirety of Lucerne Lakes PUD has this pre-existing condition. This infrastructure resulted in a major redesign of the Pod A neighborhood, which resulted in several design constraints.

b. Special circumstances and conditions do not result from the actions of the Applicant:

- As previously indicated, the applicant completed title searches for any encumbrances, including utility easement encumbrances and no easement existed for the two mains. The water and force main existed on the property prior to the applicant contracting to purchase the property. The current golf course owner was also unaware of the existence of the water and sewer main. Therefore, this pre-existing condition was not as a result of the current property owner, nor the applicant.

c. Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structure, in the same district:

- The granting of this Variance would only apply to the Pod A parcel within the entire Forest Oaks Residential project / the affected area. As part of

the Final Subdivision review and approval for the other Pods B and C, Palm Beach County Water Utilities Department has not indicated that there are any other old existing infrastructure utility lines that encumber the affected area that need new utility easements. The granting of this Variance does not provide a special privilege, as the granting of this Variance is a result of a pre-existing condition and provides the avenue to develop the property to the rights granted by Resolution R2021-1597.

d. **Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcel of land in the same district, and would work an unnecessary and undue hardship;**

- **Request - Relief from Article 3.D.2.A, Table 3.D.2.A.**

- Enforcement of the required rear and front setback would result in the loss of a seven (7) - unit townhome. The reason why the literal application of the setback does not work is due to the fact that the primary vehicular access and required south landscape buffer were re-designed and pushed as far north as possible in a location within Pod A that is a 'pinch point.' Based upon the fact that the affected townhome building, subject to the Variance Request, is south of the existing LWDD L-12 canal and a landscape buffer, the granting of the reduction in rear setback would not result in any or cause undue hardship or adverse affect to any existing residential neighborhood. If the affected townhome was directly adjacent to an existing neighborhood the reduced setback would result in adverse affect and undue hardship on any exist surrounding or proposed resident within the same district. The littoral interpretation of the code would result in an undue hardship, as the new utility easement places an undue hardship on the applicant that results in the loss of one townhome building.

e. **Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure;**

- **Request - Relief from Article 3.D.2.A, Table 3.D.2.A.**

- Granting of the variance for the reduced rear setback for the one townhome building is the minimum amount of linear footage to achieve a reduced rear setback adjacent to the open space area that is comprised of the landscape buffer, additional LWDD right of way area and the existing LWDD L-12 canal. The required 25' rear yard reduction down to an +/- 13 - foot rear yard area still results in a usable rear yard in which a resident can have a small rear patio area for a grill and patio chairs. In addition, reduction of the front setback down to a minimum of twenty - feet will still provide adequate depth for a vehicle to park and not overlap / encroach into the sidewalk within the road tract. The twenty foot minimum is only for lot 39. As the roadway tract progresses to the west, the front setback increases to the code required 25' minimum at lot 34. This is the primary justification for the request of the reduction of the front setback only for lots 35 - 39. The location of the townhome that is

subject to the variance request is in a locations of the Pod A parcel that is a pinch point.

f. Granting the Variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code; and,

- Granting of both variance requests will be consistent with the purpose, goals, objectives and polices of the Plan and this Code. The granting of the variance would not provide for an increase in density, an increase in adverse affect or result in an incompatibility situation. In fact due to the redesign of Pod A, there is one less townhome unit in Pod A resulting in a decrease In density. The redesign of Pod A, due to the requested new PBCWUD easement for the existing mains, results in more open space area and an increase in separation of the development area from the existing Lucerne Lakes Homes North residential neighborhood to the south. This is a positive impact and does not result in adverse affect for the adjacent existing residential neighborhood. Finally, the variance request does not result in any new incompatible uses.

g. Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

- Granting of the variance will not be injurious or detrimental to the public welfare. Should the variance request for a reduced rear and front setback reduction be granted, there would not result in injury or detriment to any existing residential neighborhood as this one townhome building is located south of the L-12 canal, south of the additional L-12 right of way and not visible from Lake Worth Road due to the required north landscape buffer. The redesign of Pod A, due to the requested new PBCWUD easement for the existing mains, results in more open space area and an increase in separation of the development area from the existing Lucerne Lakes Homes North residential neighborhood to the south. This is a positive impact and does not result in adverse affect, detriment or injury for the adjacent existing residential neighborhood.

Conclusion

On behalf of the applicant Mattamy Palm Beach, LLC, Design and Entitlement Consultants requests approval of the Type II Variance request for Pod A of the Forest Oaks residential community. Should the application be approved, the applicant will process a subsequent ZAR to modify the Final Subdivision Plan for Pod A to be consistent with the approved Type II Variance. Please do not hesitate to contact the office with any questions staff may have of our team.