

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: ZV/PDD-2022-00120
Application Name: Winchester Assemblage PUD
Control No./Name: 2021-00123 (6690 S Military Trl.)
Applicant: William Kennedy
6690 S Military Trail LLC
MG3 Alf Military LLC
Ray Marcinkoski

Owners: William Kennedy
6690 S Military Trail LLC
Mg3 Alf Military LLC
Ray Marcinkoski

Agent: Insite Studio - Brian Terry
Telephone No.: (561) 249-0940
Project Manager: Jerome Ottey, Senior Site Planner

Pulte Home Company, LLC - Aimee
Caarlson
George Homrich

Ray Marcinkoski
George Homrich

TITLE: a Type 2 Variance **REQUEST:** to eliminate the Compatibility and Type 1 Incompatibility Buffers (north, east, and west property lines of preserve area) on 27.21 acres

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 on 27.21 acres

APPLICATION SUMMARY: The proposed requests are for the 27.21-acre Winchester Assemblage PUD development. The site is currently developed with four Single Family Dwellings.

The request will modify the zoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District in order to allow for the development of 210 Townhouse Residential units. In addition, a Type 2 Variance is proposed to eliminate a portion of the Landscape Buffers along the north, east and west property lines of the preserve located to the north of Canal L-17. The Preliminary Subdivision Plan (PSBP) indicates 210 Townhouse units and accessory recreation areas. A total of 706 parking spaces are provided with access to the development from Military Trail.

SITE DATA:

Location:	East side of S. Military Trail approx. 0.3 miles north of Hypoluxo Road.
Property Control Number(s)	00-42-45-01-00-000-5111; 00-42-45-01-00-000-5150; 00-42-45-01-00-000-5040; 00-42-45-01-00-000-5110; 00-42-45-01-00-000-5170; 00-42-45-01-00-000-5230
Future Land Use Designation:	High Residential (HR-8) and Medium Residential (MR-5)
Existing Zoning District:	Agricultural Residential (AR)
Proposed Zoning District:	Planned Unit Development (PUD)
Total Acreage:	27.21 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	Atlantis, Boynton Beach, Greenacres
Future Annexation Area	Lantana
Commission District	District 2, Vice Mayor Gregg K. Weiss

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, Staff had received no contact from the public regarding this application.

PROJECT HISTORY: There are six (6) parcels contained in this application. Four (4) are currently developed with Single Family Residential dwellings, with two (2) being vacant. There have been no prior zoning approvals for the properties.

SURROUNDING LAND USES:

NORTH:

FLU Designation: High Residential (HR-8)
Zoning District: Multi-Family Residential (Medium Density) District (RM)
Supporting: Residential (Winchester Rezone, Control No 1989-00047)

SOUTH:

FLU Designation: High Residential (HR-8)
Zoning District: Multi-Family Residential (Medium Density) District (RM)
Supporting: Institutional (Trails Charter School, Control No 2013-00085)

EAST:

FLU Designation: Medium Residential (MR-5)
Zoning District: Agricultural Residential District (AR)
Supporting: Residential Single Family

WEST:

FLU Designation: Commercial, with an underlying MR-5 (C/5)
Zoning District: Multiple Use Planned Development District (MUPD)
Supporting: Vacant (Michael Gilley, Control No 2009-02300)

FLU Designation: Commercial High, with an underlying MR-5 (CH/5)
Zoning District: Multiple Use Planned Development District (MUPD)
Supporting: Commercial (Mangone and Spirk Self-Storage MUPD, Control No 1987-00134)

TYPE II VARIANCE SUMMARY

FINDINGS:

Type 2 Variance Standards: The Applicant is proposing to eliminate the requirement for landscape buffers along the north, east and west boundaries of the proposed preservation area to the north. This area will act as a buffer between the proposed PUD and the residential uses to the north and northeast, and will allow for the preservation of native vegetation. Native vegetation is required to be preserved in place, mitigated or relocated. The Applicant has decided to preserve the existing vegetation in the same location. The purpose and intent of a landscape buffer is to mitigate any potential environmental, aesthetic, compatibility and other impacts between uses. The preservation area will allow for valuable native vegetation to be preserved in place and exceeds the minimum 8 to 10 foot buffer width requirement per Art 7. Provision of additional landscaping to satisfy the requirement for landscape buffers would therefore, be unnecessary.

ULDC Article	Required	Proposed	Variance
7.C.2.B.3 Landscape Requirements	8' Compatibility Buffer along the north and west boundary of the preserve area	0' north and west property lines of the portion of the property north of the LWDD L-17 Canal	- 8' north and west property lines of the portion of the property north of the LWDD L-17 Canal
7.C.2.C.3 Landscape Requirements	10' Type 1 Incompatibility Buffer along the east boundary of the preserve area	0' east property line of the portion of the property north of the LWDD L-17 Canal	-10' east property line of the portion of the property north of the LWDD L-17 Canal

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:***

YES: The special condition and circumstance that exist for the subject site is that the location of the vegetated area abuts portions of the north, east and west property lines, north of the LWDD L-17 Canal, and consists of a range of native vegetation. Native vegetation is required to be preserved in place, pursuant to the requirements of Art. 14, Environmental Standards. The addition of a vegetative incompatibility and compatibility buffer in these areas would have an impact on the preservation of the

existing vegetation. The preserved vegetation would remain in the same location, thereby allowing the area to also act as a buffer between the residential uses to the north and east.

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

YES: The special circumstance and condition of the location of the native vegetation do not result from the actions of the Applicant. This area being preserved is a natural area of the parcel, with native vegetation, pursuant to the requirements of Art. 14 of the ULDC. The Applicant requests that the existing natural area be preserved and act as a buffer without having to provide additional vegetation to satisfy the buffer requirements of Art. 7.C.2., Types of Landscape Buffer.

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:*

YES: Granting the Variance will not confer upon the Applicant any special privilege denied by the Plan and the Code to other parcels of land. All developments are required to provide landscape buffers along the property lines to mitigate impacts to adjacent parcels. The preserve area that is required to remain in place pursuant to Art. 14, will satisfy this requirement as the vegetation currently exists and acts as a buffer between the residential uses to the north and northeast, and the subject site. A Condition has been added for the trees required within the eliminated buffer to be planted throughout the site to enhance the natural and built environment.

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:*

YES: Literal interpretation and enforcement of the buffer requirements for this area of the subject site would require that the Applicant provide additional landscaping within the existing vegetated area. Per Art. 7.C.2., Types of Landscape Buffer, the north and east boundary of the proposed preserve area would require a minimum 8 foot landscape buffer, and the east side requiring a minimum 10 foot buffer. Art. 7.C.2, also provides specific requirements for the spacing of trees, type of tree planted and, quantity and spacing of shrubs. These additional provisions would possibly result in the existing vegetation within the proposed preserve area being affected by additional vegetation or relocation of existing native vegetation to meet the Code requirements. Provision of additional buffering within an already heavily vegetated area would result in unnecessary and undue hardship on the Applicant, and possibly the existing vegetation itself.

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

YES: Granting the Variance will allow for the Applicant to utilize the proposed preserve area as a landscape buffer for portions of the north, east and west property lines, north of the LWDD C-17 canal. The buffer requirements of Art. 7.C.2, will be satisfied through the existing preserve area and will be beyond the requirements of the Code in terms of the width of the vegetated area. Granting the Variance is therefore, the minimum Variance that will make possible the reasonable use of the parcel of land.

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

YES: As mentioned above, new developments are required to provide landscape buffers along the property lines to reduce the possible impacts to adjacent lands. The existing vegetated area to the northeast of the development is proposed to be preserved in place. Per Art. 14.C.1.A, Goals, the first goal of the Vegetation Preservation and Protection Chapter relates to the avoidance of unnecessary destruction of native vegetation. The preserve area will fully satisfy this goal through this Variance request. This preserve area will also act as a buffer and satisfy the buffer requirements of the Code for portions of the north, east and west property lines for that portion of the property north of the LWDD L-17 canal, adjacent to the residential uses to the north and northeast. Granting the Variance will therefore, be consistent with the purposes, goals, objective and policies of the Plan and this Code.

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

YES: Granting the Variance will not be injurious to the area involved or otherwise detrimental to public welfare as the buffer requirements along portions of the north, east and west property lines will be satisfied and exceeded through the proposed preservation area. This will allow adequate protection for the residential uses abutting the proposed preserve area. Allowing the vegetation to be preserved in place to satisfy the buffer requirements of the northeast portion of the subject site, will reduce the impacts on the adjacent parcels during construction activities on the site.

CLASS A CONDITIONAL USE SUMMARY:

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order 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.*

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

o *Prior Land Use Amendments:* A 12.41-acre portion of the overall 27.212-acre site was included within Ordinance 2008-21, which, was for a larger 20.63-acre area which amended the future land use designation from Medium Residential, 5 units per acre (MR-5) to High Residential, 8 units per acre (HR-8), and contained one condition as follows:

1. The Master Plan and final site plan for this property shall clearly indicate cross access easements with the proposed commercial development to the south (Application LGA 2008-04) and a shared access road to Military Trail along the property line separating the two developments. In addition, the road easement on the east of this property shall line up with the existing Nova Road easement.

A Planning Director Letter of Determination was issued on February 28, 2022 (Exhibit E), stating the due to changed circumstances since 2008, the condition in Ordinance 2008-021 was no longer implementable nor necessary due to changed circumstances that have occurred since the adoption of the amendment in 2008. The intent of the condition was to address access to other parcels adjacent to the subject amendment, and prevent them from being isolated. By incorporating the parcels between the subject amendment and Military Trail, the reason for the condition has been resolved.

o *Density and Workforce Housing Program (WHP):* The subject site contains no prior approvals. The current request seeks approval for 210 total units including includes a 25% (42 dwelling unit) Workforce Housing Density Bonus. For the purposes of the density calculation, 15.53 acres of MR-5 (15.53 ac x 5 du/ac = 77.65 units) and 11.34 acres of HR-8 (11.34 ac. 8 du/ac = 90.72 units) land use designations were used, yielding a maximum of 168.37 units (77.65+90.72 = 168.37 units) under the land use designations prior to tabulating any density bonuses. The request for 210 units on the subject 27.212 acres, with the HR-8 and MR-5 Future Land Use designations, and utilizing the Limited Incentive Development Option, was achieved as follows:

Standard, Max & Bonus Density:	Workforce Housing (WHP):
130.16 Standard units	3.25 WHP units (2.5%)
38.21 Maximum units	3.06 WHP units (8%)
42.09 WHP Bonus (25%)	7.16 WHP units (17%)
210.46 or 210 (rounded down) units total	13.47 or 13 required WHP (rounded down)

Per the WHP requirements, the request is obligated to designate and deed restrict a minimum of 13 units as Workforce Housing. The Applicant is choosing to utilize the In Lieu payment option, per ULDC Art.5.G.1.C.4.d., which for a Townhouse product would be \$105,300 per required WHP unit for a total of \$1,368,900 (13 X \$105,300 for townhouses = \$1,368,900 total). The payment is required prior to the release of 50% of the building permits. Effective September 29, 2021, the in lieu fees are \$126,360 for Single Family, \$105,300 for Townhouses, and \$78,975 for Multifamily units.

o *Special Overlay District/Neighborhood Plan/Planning Study Area:* The site is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan.

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 requests for this application include a rezoning to the Planned Unit Development (PUD) Zoning District

and Type 2 Variances to eliminate the required buffers along the north, east and west property lines of the northern portion of the property north of the LWDD L-13 canal. The application includes 210 Townhouse units, 1.14 acres of recreation, a total of 3.72 acres of preserve area, a 4.03 acre lake tract, and 706 provided parking spaces.

- *Design Objectives and Performance Standards:* As the subject sites are being rezoned to the Planned Unit Development (PUD) Zoning District, the project was required to meet the Design Objectives and Performance Standards for a Planned Development, Art. 3.E and a PUD, Art. 3.E.2. The Applicant has provided the necessary design features which include: a continuous non-vehicular and pedestrian circulation system which connects the residential to the recreational amenities and other land improvements that meet the intent of the Code as described in Figure 4, Preliminary Subdivision Plan (PSBP). The project has also incorporated the natural environment by dedicating 3.72 acres as preserve. As indicated on the PSBP, decorative pavement has been provided at all four corners of the development and a fountain within the 2.62-acre lake. The PSBP also indicates a bus shelter at the entrance of the development for school buses. A Condition of Approval has been added for an auto-turn analysis to be provided at the time of Final Development Review Officer to ensure maneuverability of the school bus within that area.
- *Property Development Regulations:* Per Table 3.E.2.D., PUD Property Development Regulations, the subject site is required to outline how the proposed development will meet the minimum PDRs. As the PUD will consist of Townhouse units, the PDRs per Table. 3.D.2.A., Townhouse Property Development Regulations for lot width, depth, maximum height, building coverage and setbacks/separations are required to be utilized. The proposed development meets all minimum PDRs, as outlined in the PDR chart on the PSBP (Figure 4).
- *Workforce Housing:* The Applicant has received a density bonus of 13 units through the Limited Incentive option of the Workforce Housing Program to make up the proposed 210 Townhouse units. No Workforce units will be built, however, as the Applicant has decided to pay the in lieu fee instead of providing the units.
- *Access:* Access and frontage of the subject site is proposed to be from South Military Trail. South Military Trail is a Collector Street, which satisfies the requirement of Art. 3.E.1.C.2.a., Access and Circulation.
- *Parking:* The proposed PUD requires a total of 428 parking spaces for the residential and recreation pods. The Applicant has proposed 706 parking spaces with 688 spaces dedicated to the residential pod and 18 dedicated to the recreation pod. Parking for the residential component will consist of 420 driveway spaces and 268 garage spaces.
- *Recreational Amenities:* The proposed development is required to designate 1.26 acres for recreational purposes. The Applicant seeks to reduce this requirement by 10% pursuant to Art. 5.B.2.B.4, Reduction in Recreation Land Area. The reduction would result in 1.14 acres of recreation area and is subject to approval from the Parks and Recreation Department. The proposed recreation pod will include a 350 sq.ft. Cabana, which will also house the mail kiosk, a 2000 sq.ft. Swimming pool, a playground and 18 parking spaces. Within the 2.01-acre Preserve area, a walking path will be provided to allow for additional passive recreational activity for residents.
- *Landscape/Buffering:* The PSBP indicates a 20 foot R-O-W Buffer along the west property line adjacent to South Military Trail. Along the north property line, a 10 foot Type 2 Incompatibility buffer is proposed. As the proposed Townhouse development is compatible with the Multifamily residential use to the north, a Compatibility buffer is required. A Condition of Approval has been added to the Resolution for the PSBP to be revised to reflect the correct buffer type. The Applicant has requested a Type 2 Variance to eliminate the required landscape buffers for the north, east and west boundaries of the northern preserve area. Along the eastern property line, a 10 foot landscape buffer is proposed to buffer the Single Family residential uses. To the south, the Applicant has proposed a 15 foot buffer to allow for protection from the existing Institutional use. Along the eastern boundary of the Recreation Pod, a 15 foot buffer is provided to protect the adjacent Townhouse units.
- *Signs:* The Applicant has submitted a Preliminary Master Sign Plan (Figure 6) that meets the requirements of Art. 8, Signage. The Applicant intends to install two Entrance Signs along South Military Trail that will be a maximum eight feet in height and 60 square feet (sq.ft.) in sign face area.

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 proposed rezoning from the Agricultural Residential (AR) Zoning District to the PUD Zoning District will allow for the development of 210 Townhouse residential units. The proposed Townhouse use is

generally compatible and consistent with the surrounding residential, institutional and commercial uses. To the north of the subject site is a 300-unit Multifamily development within the Residential Multifamily (RM) Zoning District, with a special exception for a Planned Residential Development. To the south of the subject site is an Institutional use of a Charter School. To the east are two Single Family residential uses and to the west are two Multiple Use Planned Developments (MUPDs), currently developed with commercial uses of Outdoor Entertainment and Self Service Storage.

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 Applicant has proposed the required buffers, per Art. 7, along the property lines to minimize the visual impacts on adjacent properties. As mentioned the existing vegetated area to the north east of the subject site will remain as preserve area, and allows for additional buffering that exceeds the requirements of the Code. Approximately 138 feet of additional separation is also proposed between the development area of the proposed development and the property line of the Multifamily development to the north. Through the provision of the required landscape buffer and additional separation, Staff concurs that the proposed design of the development will not have an adverse effect on the adjacent lands.

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.*

- **Vegetation Protection:** The site currently supports:
 - (1) low-density residential uses and accessory structures; and,
 - (2) vacant areas with heavily-vegetated sections. There are native vegetation species (Pines, Oaks, Strangler Figs, Sabal Palms, etc.) that exist throughout the parcels which collectively represent the proposed project area.

The Applicant has attempted to minimize impacts to native vegetation by modifying the site configuration, e.g. reconfiguring the lake shape, modifying the location of proposed infrastructure, etc. Native vegetation that cannot be preserved in place is being either relocated or mitigated. There are 563 native trees to be relocated, consisting of Oaks, Ficus Aurea and Palms. There are 780 native trees to be mitigated with the replanting of 2802 tree mitigation credits. Additionally, based on the Environment Assessment's FLUCCs Map (June 2022) the project is required to provide a 25% preserve set-a-side, as pursuant to the ULDC, Article 14.C.7.C.5. There are two proposed preserve areas, one in the north-east corner of the project (1.71 acres), which is contiguous to another preserve to the north on another project and another proposed preserve that is south of the proposed Recreation Pod, north of the proposed water management tract (2.01 acres). A total of 3.72 acres of preserve area will be set-a-side for preservation, to be subject to a conservation easement. The proposed preserve area that is adjacent to the proposed water management tract contains a 5' mulched pathway to be utilized for preserve maintenance (i.e., exotic vegetation control and refuse removal) and offer a passive education and recreation pathway for residents. The square footage associated with the 5' mulched pathway will not count towards the 25% preserve set-a-side requirement

- **Endangered, Threatened, And Species Of Concern:** No endangered, threatened or species of concern were observed on the parcel.
- **Wellfield Protection Zone:** The property is not located within a Wellfield Protection Zone.
- **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 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.*

The proposed rezoning to a PUD to allow for a 210-unit Townhouse development will result in a logical, orderly and timely development pattern. The location of the proposed PUD has frontage on South Military Trail which is a logical location for the development and is consistent with the current development pattern in the area. Approximately 400 feet south of the subject site, a MUPD is proposed with a mix of residential and commercial uses. To the north is the existing Multifamily development with commercial uses to the west and southwest. To the east, northeast and southeast exists a mix of high and low density residential

uses. The proposed development will provide additional housing opportunities that are contemplated by the Comprehensive Plan and complements the existing zoning districts and uses, and will be consistent with development pattern of the area.

g. Adequate Public Facilities – The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).

ENGINEERING COMMENTS:

The proposed 210 dwelling unit Townhome development is expected to generate 1537 net daily trips, 97 net AM peak hour trips, and 118 net PM peak hour trips. The build out of the project is expected to happen by 2026.

The project meets the Traffic Performance Standards (TPS). The intersections of Hypoluxo Rd/Military Trail and Lantana Rd/Military Trail need improvements to correct the background deficiency, without the proposed project traffic.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Segment: Military Trail from Lantana Rd to Hypoluxo Rd

Existing count: Northbound=1436, Southbound=1296

Background growth: Northbound=418, Southbound=405

Project Trips: Northbound=37, Southbound=37

Total Traffic: Northbound=1891, Southbound=1738

Present laneage: 3 in each direction

Assured laneage: 3 in each direction

LOS "D" capacity: 2680 per direction

Projected level of service: Better than LOS D in both directions



PALM BEACH COUNTY HEALTH DEPARTMENT:

This project meets the requirements of the Florida Department of Health.

FIRE PROTECTION:

Staff has reviewed this application and have no comment. The subject development is located within the boundaries of PBC Fire Station 43.

SCHOOL IMPACTS:

In accordance with the adopted Coordinated Planning Interlocal Agreement, a School Capacity Availability Determination (SCAD) for 222 multi-family residential units had been approved on February 28, 2022 (SCAD Case #21121501D). The subject property is located in SAC 231A.

This project is estimated to generate approximately fifty (50) public school students. The schools currently serving this project area are: Starlight Cove Elementary School, Tradewinds Middle School and Santaluces Community High School.

The School Capacity Availability Determination (SCAD) analysis for this application has determined that the proposal would exacerbate capacity deficiencies at the District high school level. The additional fifteen (15) high school students generated by this proposal will increase the utilization percentage of Santaluces Community High School to 121%.

The revised Preliminary Site Plan (dated 07/14/22) 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 210 dwelling units, requiring 1.26 acres of onsite recreation, with 1.134 acres of onsite recreation are provided. The Parks and Recreation Department has granted a 10% reduction in recreation area therefore, the recreational requirement has been satisfied.

h. Changed Conditions or Circumstances – There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.

As indicated in the Applicant's Justification Statement, there have been an influx of new residents to Palm Beach County, especially over the past two years. As the County continues to grow, there has been a need for housing to keep pace with the growth. The proposed rezoning is consistent with the changed conditions of the surrounding area, where the AR zoning district is being changed to allow for more

commercial and higher density residential uses. This has been demonstrated by the recent rezoning from the AR Zoning District to the MUPD Zoning District on the site located at the northeast corner of South Military Trail and Hypoluxo Road. The Applicant has satisfactorily demonstrated changed circumstances that necessitate the proposed request for the rezoning.

CONCLUSION: Staff has evaluated the standards listed under Art. 2.B and determined there is balance between the need for change and the potential impacts generated by the change. Therefore, Staff is recommending approval of the requests. Staff has determined that any potential impacts will be adequately addressed subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

CONDITIONS OF APPROVAL

EXHIBIT C-1

Type 2 Variance - Concurrent

ALL PETITIONS

1. The Development Order for this concurrent Variance shall be tied to the Time Limitations of the Development Order for ZV/PDD-2022-00120. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: ZONING - Zoning)
2. Development of the site is limited to the site design approved by the Zoning Commission. The approved Master, and Subdivision Plans are dated July 14, 2022. All modifications to the Development Order must be approved by the Zoning Commission, unless the proposed changes are required to meet Conditions of Approval. (ONGOING: ZONING - Zoning)
3. 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 Plans to the Building Division. (ONGOING: BUILDING DIVISION - Zoning)

LANDSCAPE - INTERIOR

1. Prior to Final approval by the Development Review Officer, the Regulating Plan shall be revised to show the trees required in the eliminated landscape buffers, relocated throughout the site. (DRO:ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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 Commission 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.

CONDITIONS OF APPROVAL

EXHIBIT C-2

PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Master, Subdivision, Master Sign and Regulating Plans are dated July 14, 2022. 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. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

- a. No Building Permits for the site may be issued after December 31, 2026, 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 construct a directional median opening on Military Trail in front of the proposed project entrance, prohibiting eastbound and westbound left turn out movements.

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 fund the construction plans and the construction to lengthen the existing left turn lane north approach on Military Trail at the Project entrance road. This turn lane shall be lengthened to a minimum 280 feet in length plus 50 foot paved taper or 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 for improvements identified above shall be obtained from Palm Beach County 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)

4. The Property Owner shall construct a new median cut on Military Trail halfway between the proposed project driveway and Vespasian Ct/Pinestead Dr, creating a northbound U-turn lane, 280 feet in length and 50 ft in taper, as approved by the County Engineer. If this median cut and construction of the northbound U-turn lane is infeasible for any reason, as determined by the County Engineer, then this condition will not apply.

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)

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. (BLDGPMT: MONITORING - Engineering)

6. Prior to the final approval of the subdivision plan by the Development Review Officer, the Property Owner shall amend the subdivision plan to show the points of curvature and points of tangent of the internal roadway alignment, show vehicular access to the preserve area, label the right-of-way width at the

entrance and show sidewalks on both sides of the road within 50 foot sections. (DRO: ENGINEERING - Engineering)

7. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for a 25 foot corner clip at the southwest corner of the property.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT/ONGOING: MONITORING - Engineering)

8. 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 and approved by the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

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

LANDSCAPE - GENERAL

1. Prior to Final approval by the Development Review Officer, the Applicant shall modify the Preliminary Subdivision Plan to reflect the correct northern Landscape Buffer type abutting the Lake Worth Drainage District Canal. (DRO: ZONING - Zoning)

PARKS

1. No more than 20 percent of the Certificates of Occupancy for the residential units shall be issued for the phase 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 recreation area is agreed to and approved by the Parks and Recreation Department (CO: MONITORING - Parks and Recreation)

PLANNING

1. The subject request for 210 Townhouse units with a 13-unit Workforce Housing Program (WHP) obligation was calculated based on Limited Incentive Development Option and a 25% (42du) WHP bonus. The WHP units will be utilizing Fee In-Lieu. Should any change occur to the calculation, the site shall require resubmittal and recalculation in whatever process it originated. (ONGOING: PLANNING - Planning)

2. Prior to the issuance of the 105th dwelling unit or the 17th Residential Building Permit (50% of 210du), the Applicant shall submit payment to the Department of Housing and Economic Sustainability (DHES) and a copy of a receipt for that payment to the Planning Division in the amount of \$1,368,900 (13 X \$105,300 for townhouses = \$1,368,900 total). (BLDGPMT: MONITORING - Planning)

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)

SITE DESIGN

1. Prior to Final approval by the Development Review Officer, the Applicant shall modify the Preliminary Regulating Plan to demonstrate an auto-turn analysis for school bus access and maneuverability at the entrance of the subject site. (DRO: ZONING-Zoning)

SPECIAL PERMIT - BILLBOARD DEMOLITION

1. Within 60 days of approval by the Board of County Commissioners, a Special Permit and concurrent Demolition Permit shall be submitted for the demolition of the existing Billboard. (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: MONITORING - Zoning)

DISCLOSURE

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

Figure 1 – Land Use Map

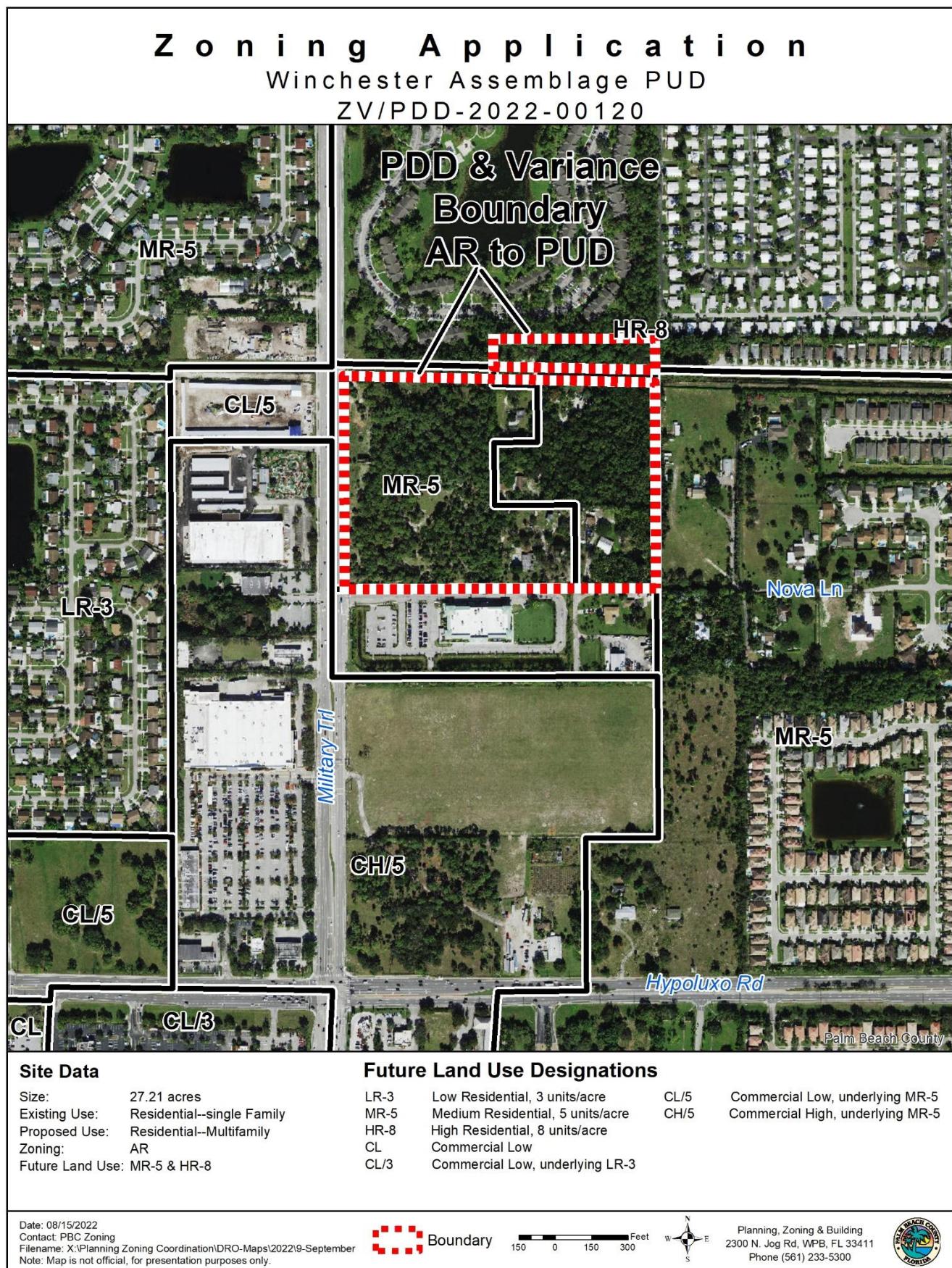


Figure 2 – Zoning Map

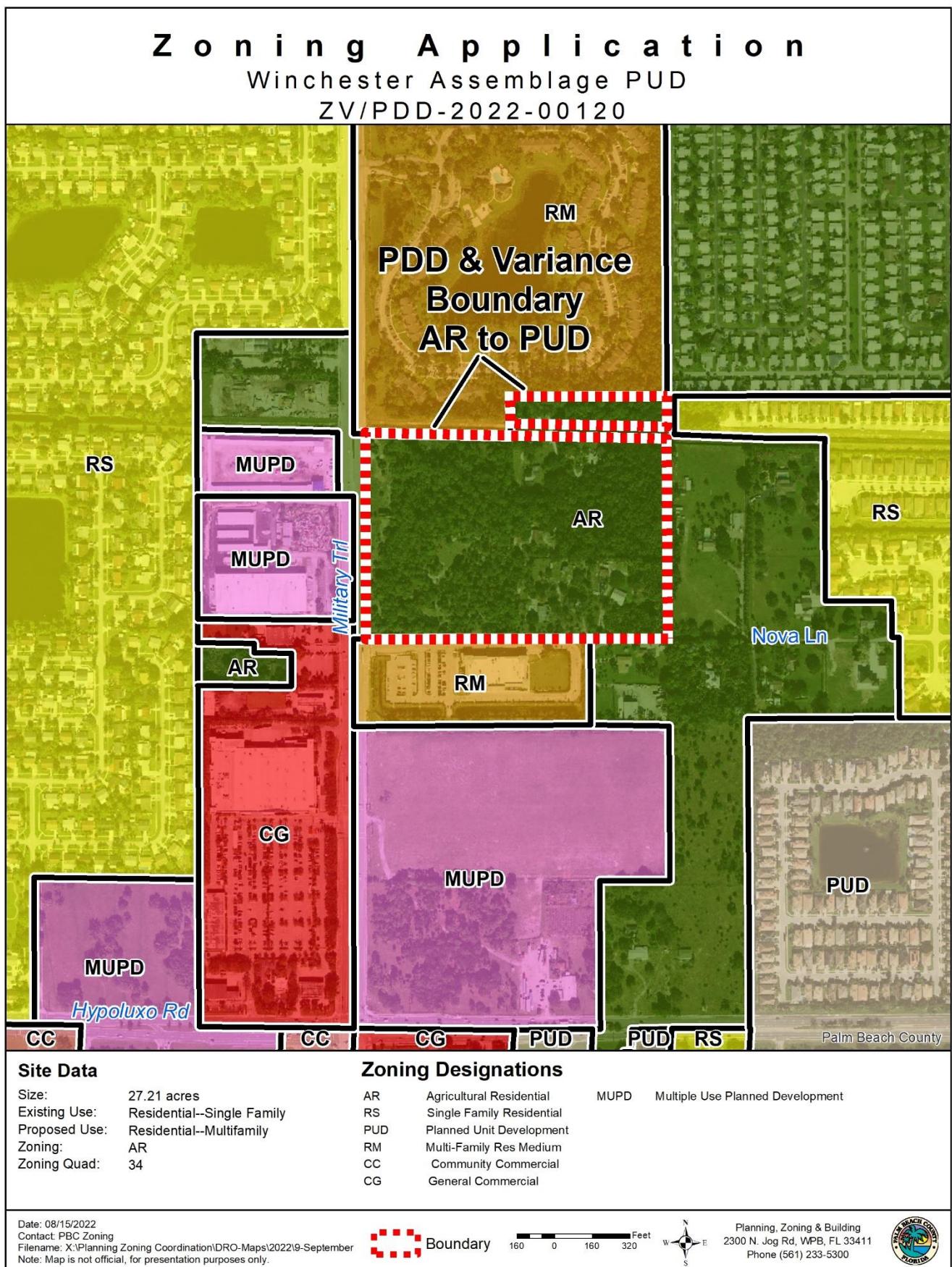


Figure 3 – Preliminary Master Plan dated July 14, 2022

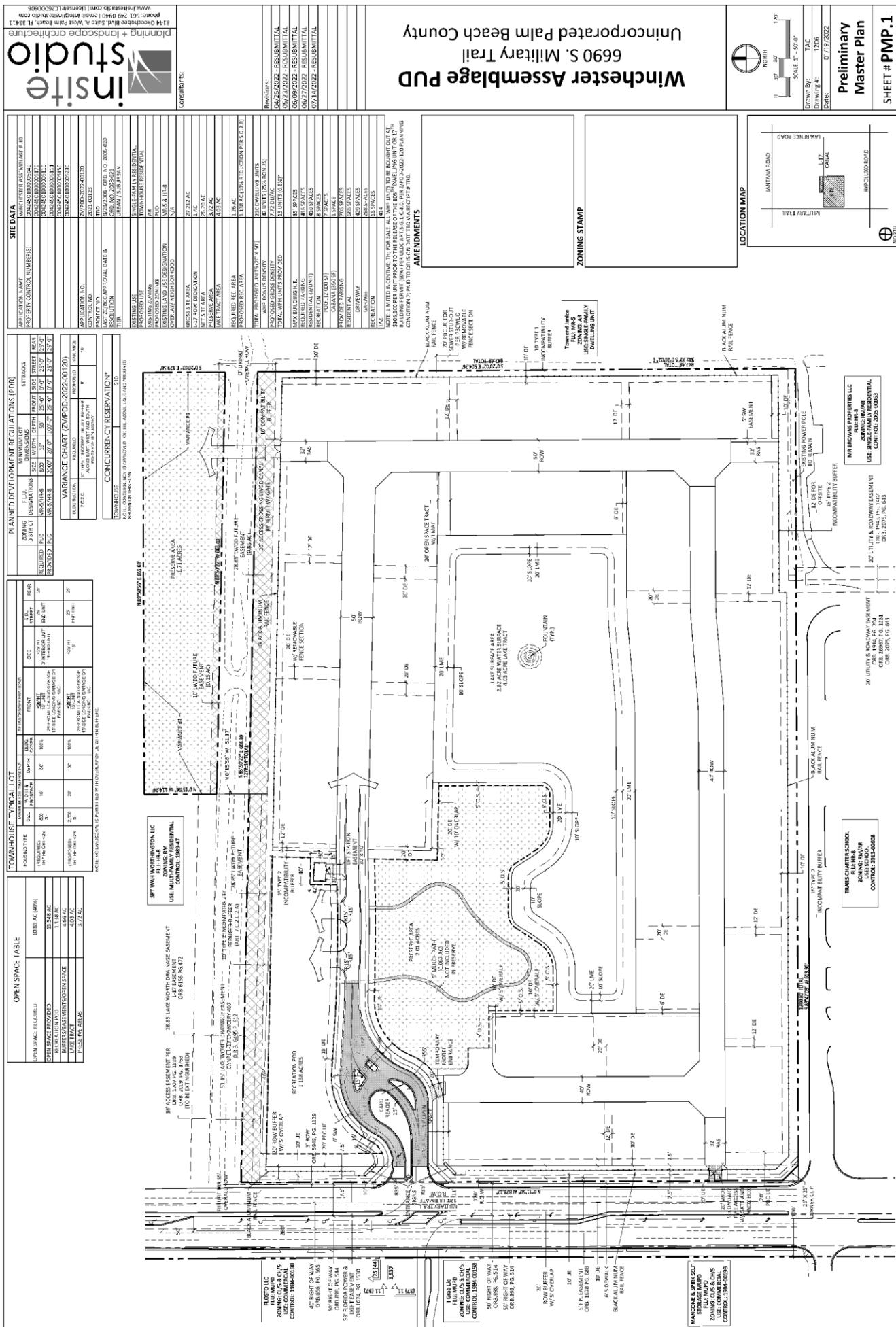


Figure 4 – Preliminary Subdivision Plan dated July 14, 2022

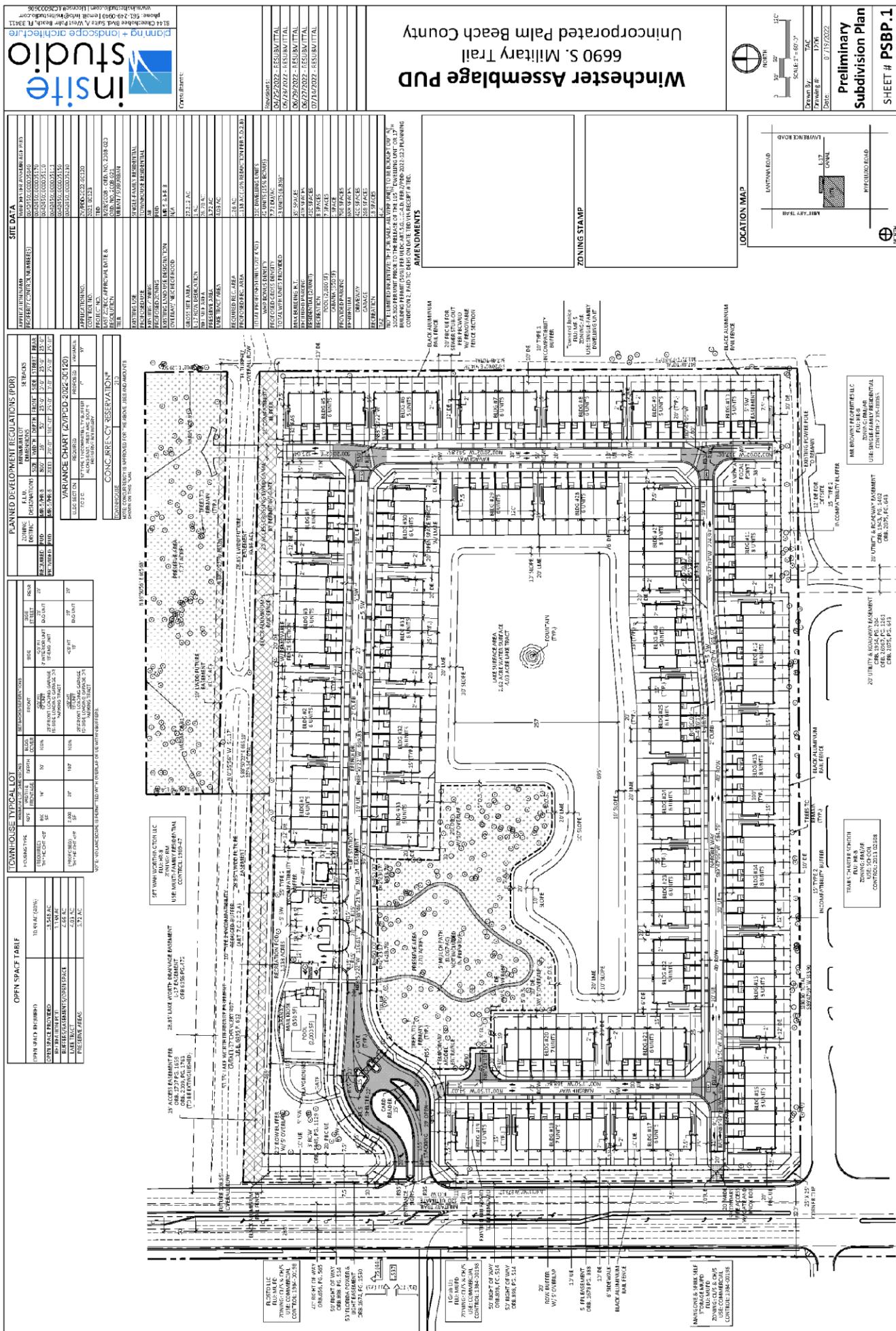


Figure 5 – Preliminary Regulating Plan dated June 27, 2022 page 1 of 9

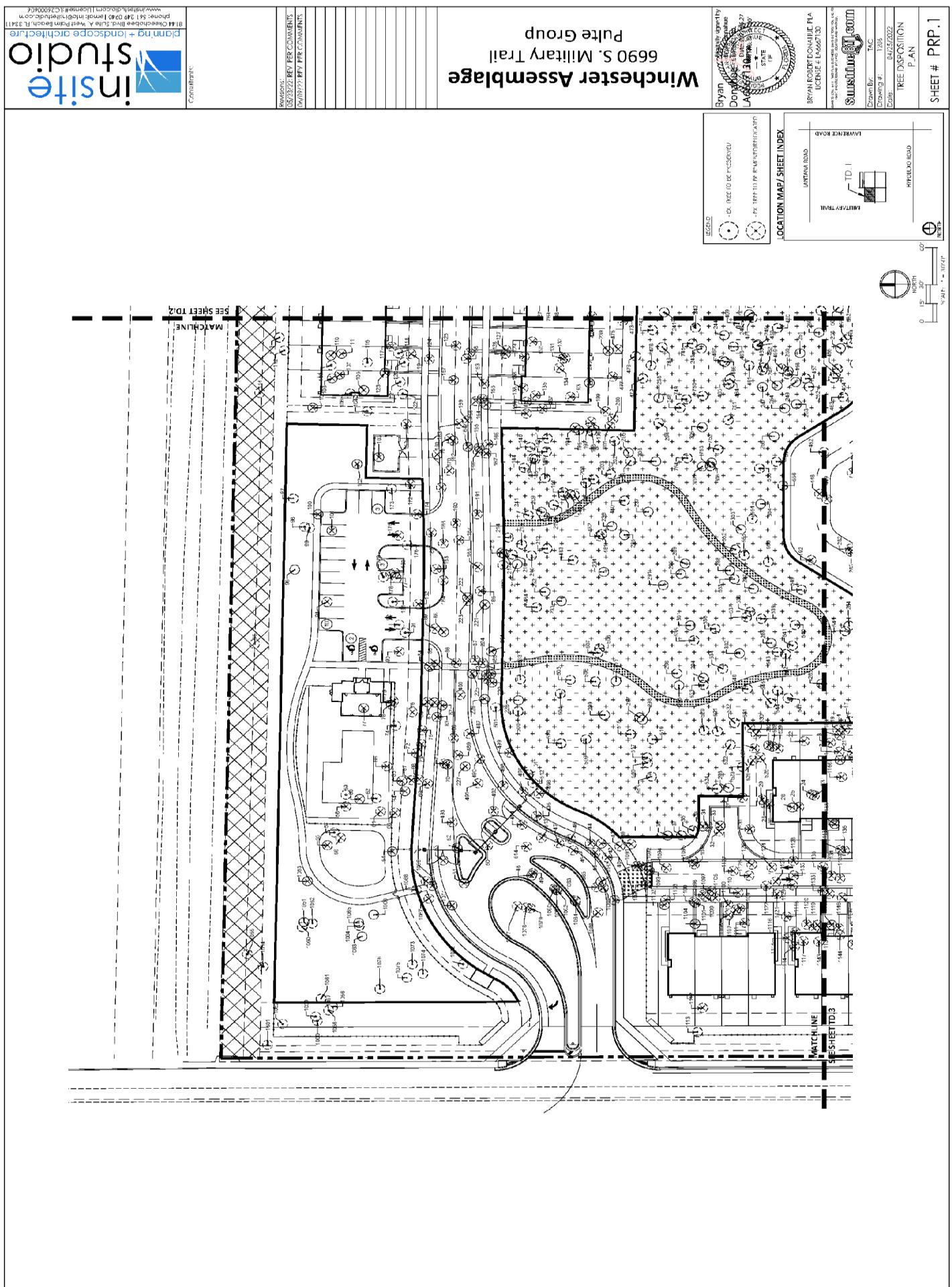


Figure 5 – Preliminary Regulating Plan dated June 27, 2022 page 2 of 9

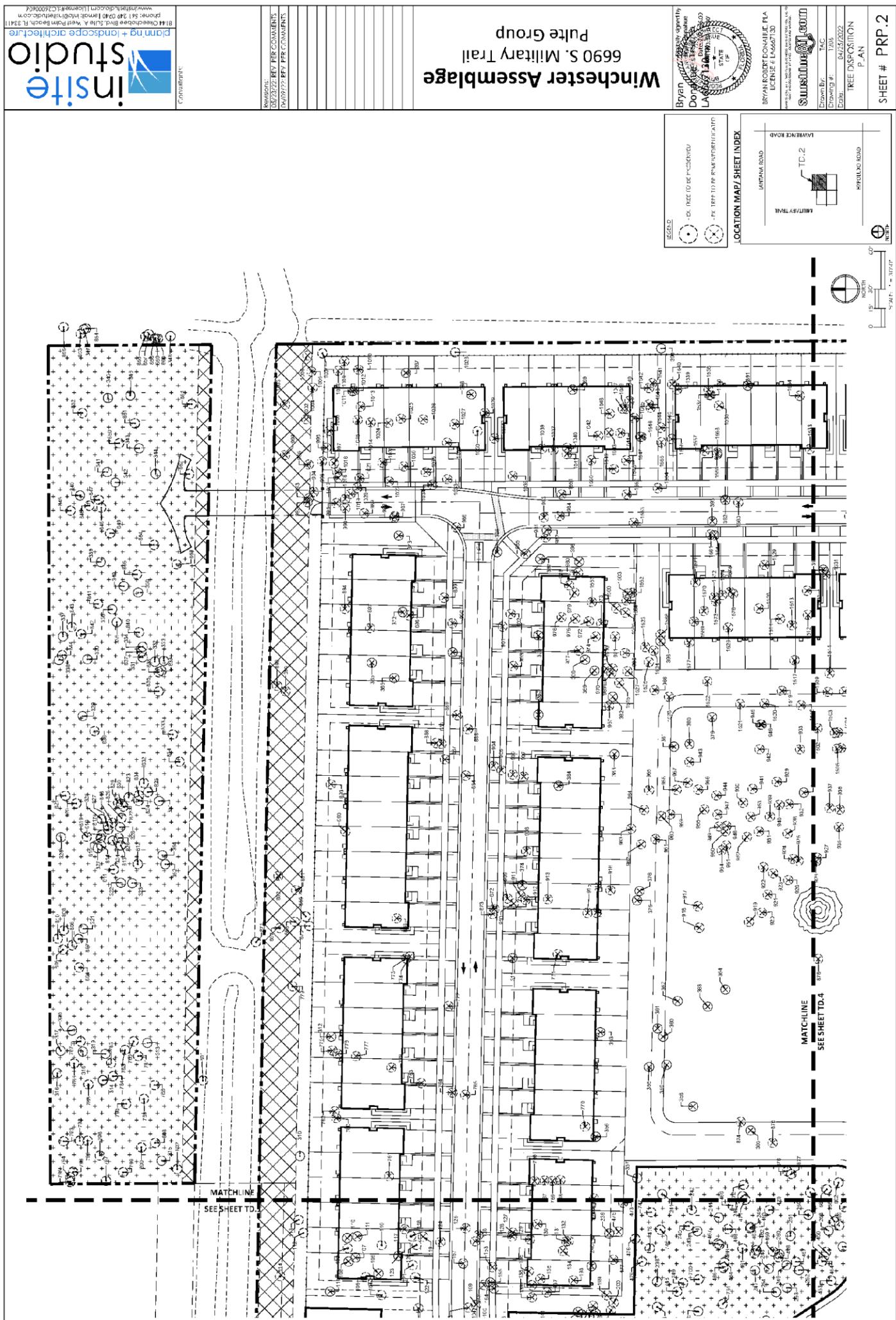


Figure 5 – Preliminary Regulating Plan dated June 27, 2022 page 3 of 9

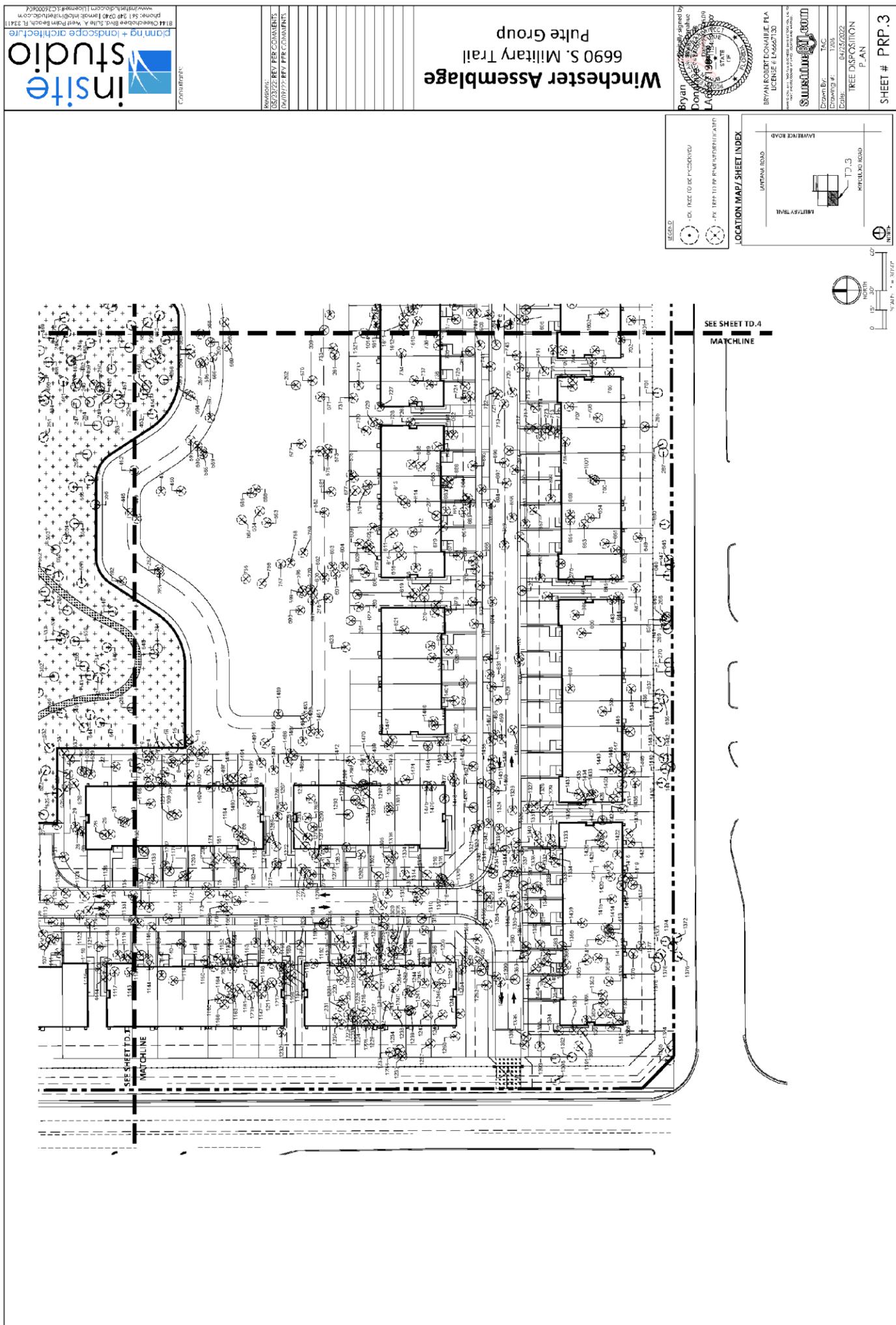


Figure 5 – Preliminary Regulating Plan dated June 27, 2022 page 4 of 9

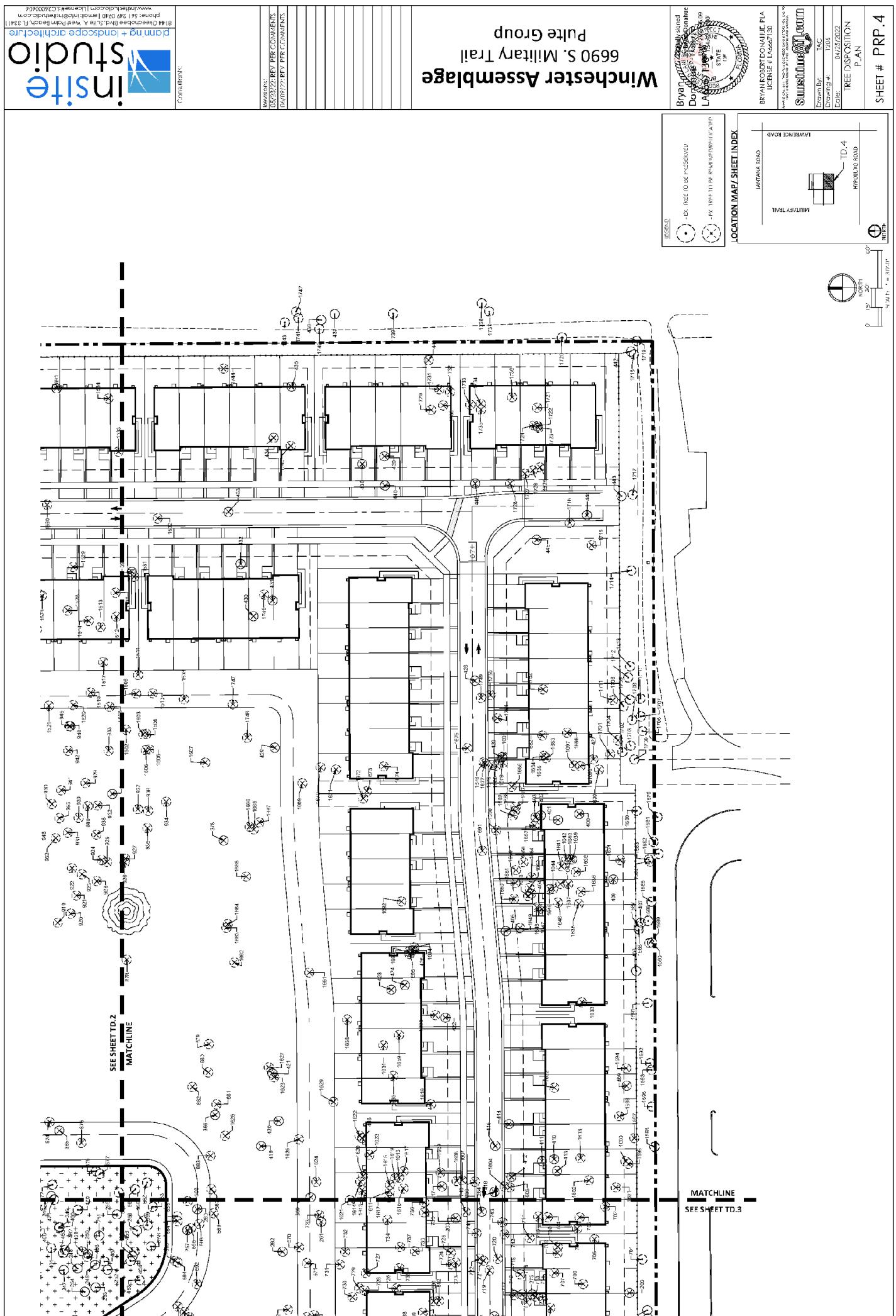


Figure 5 – Preliminary Regulating Plan dated June 27, 2022 page 5 of 9

Figure 5 – Preliminary Regulating Plan dated June 27, 2022 page 6 of 9

Figure 5 – Preliminary Regulating Plan dated June 27, 2022 page 7 of 9

Figure 5 – Preliminary Regulating Plan dated June 27, 2022 page 8 of 9

Figure 5 – Preliminary Regulating Plan dated June 27, 2022 page 9 of 9

Figure 6 – Preliminary Master Sign Plan dated June 27, 2022

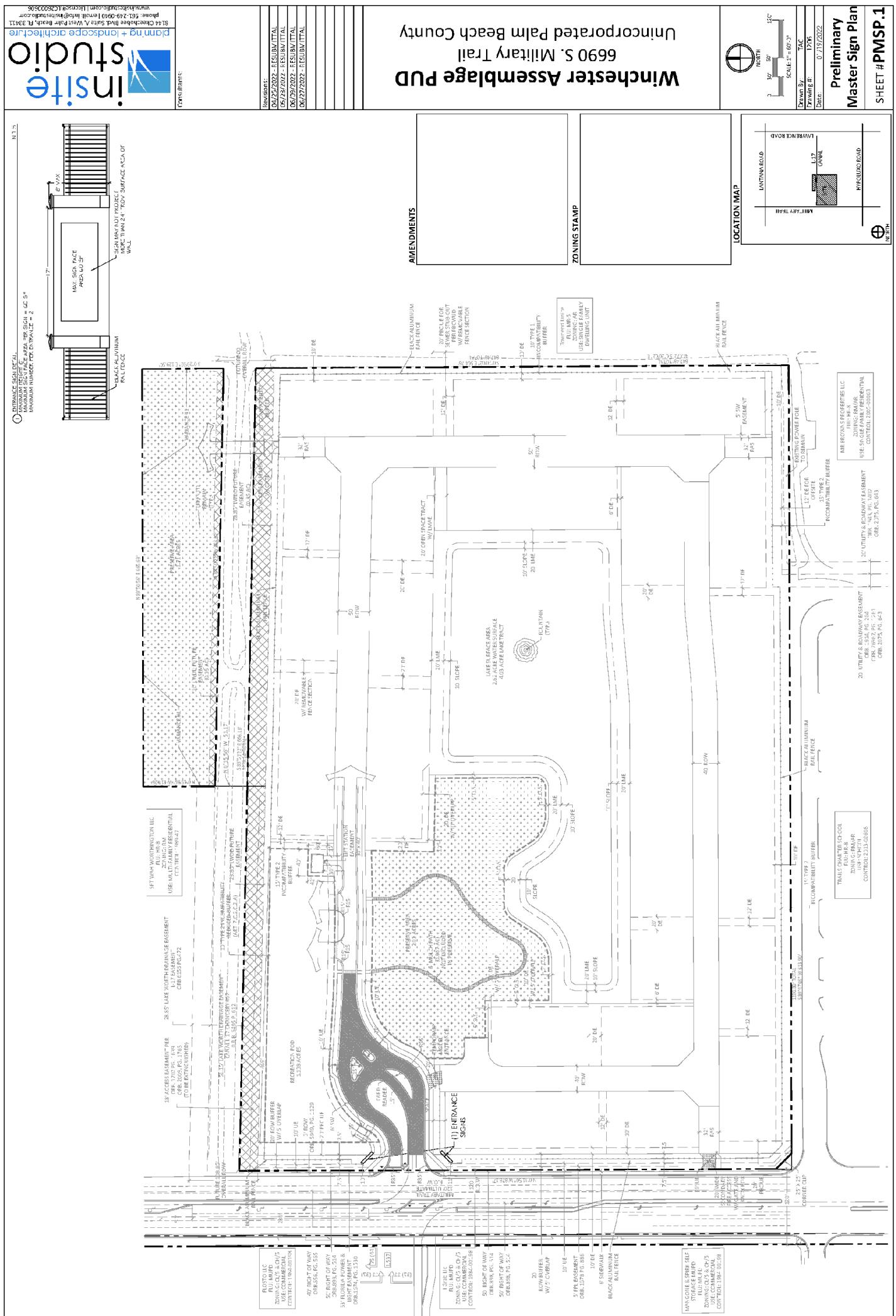


Exhibit D – Disclosure of Ownership – Applicant

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 Aimee Carlson, 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] Director of Land Development [position—e.g., president, partner, trustee] of Pulte Home Company, 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: 1475 Centrepark Boulevard, Suite 140
West Palm Beach, FL 33401
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.

PALM BEACH COUNTY - ZONING DIVISION
FURTHER AFFIANT SAYETH NAUGHT.

FORM # 8

Aimee Carlson
Aimee Carlson, 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 14 day of December, 2021 by
Aimee Carlson (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).

(Name - type, stamp or print clearly)

Darlene Charles
(Signature)

My Commission Expires on: _____

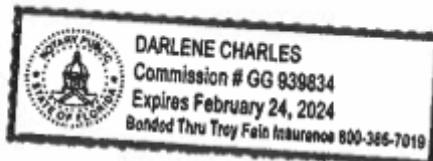


EXHIBIT "A"**PROPERTY****PARCEL A**

A PORTION OF LAND LYING IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION THENCE SOUTH $00^{\circ} 11' 50''$ EAST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 150.17 FEET; THENCE SOUTH $88^{\circ} 50' 22''$ EAST, A DISTANCE OF 53.01 FEET; THENCE CONTINUE SOUTH $88^{\circ} 50' 22''$ EAST, AND ALONG THE SOUTH LINE OF THE REQUIRED RIGHT OF WAY OF THE LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL NO. 17, PER MAP SUPPLIED BY SAID DISTRICT JOB NO.68-22, AS SHOWN ON PAGE 58 OF 240, DATED AUGUST OF 1968, A DISTANCE OF 1279.14 FEET; THENCE SOUTH $00^{\circ} 20' 02''$ EAST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 847.48 FEET; THENCE SOUTH $89^{\circ} 47' 09''$ WEST, ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 1280.80 FEET; THENCE NORTH $00^{\circ} 11' 50''$ WEST, ALONG A LINE 53.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND ALSO BEING THE EAST LINE OF THE RIGHT OF WAY PARCEL FOR MILITARY TRIAL AS RECORDED IN OFFICIAL RECORD BOOK 5944 PAGE 1129 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 878.17 FEET TO THE POINT OF BEGINNING,

SAID PARCEL BEING 1104214.12 SQUARE FEET OR 25.349 ACRES MORE OR LESS.

SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST

TOGETHER WITH:

PARCEL B

A PORTION OF LAND LYING IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION, THENCE SOUTH $00^{\circ} 11' 50''$ EAST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 99.01 FEET; THENCE SOUTH $88^{\circ} 50' 22''$ EAST, ALONG THE NORTH LINE OF THE REQUIRED RIGHT OF WAY OF THE LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL NO. 17, PER MAP SUPPLIED BY SAID DISTRICT JOB NO. 68-22, AS SHOWN PAGE 58 OF 240, DATED AUGUST OF 1968, A DISTANCE OF 666.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH $00^{\circ} 15' 56''$ WEST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 114.26 FEET; THENCE NORTH $89^{\circ} 50' 56''$ EAST, ALONG NORTH LINE OF THE SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 665.68 FEET; THENCE SOUTH $00^{\circ} 20' 02''$ EAST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 129.50 FEET; THENCE NORTH $88^{\circ} 50' 22''$ WEST, ALONG THE SAID REQUIRED NORTH RIGHT OF WAY LINE OF LATERAL CANAL L-17 A DISTANCE OF 666.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 81140.516 SQUARE FEET OR 1.863 ACRES.

TOTAL AREA CONTAINING 1,185,354.63 OR 27.212 ACRES MORE OR LESS.

SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST

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**
Pulte Home Company, LLC is an entity of Pulte Group, which is a
publicly traded company. *Inc.* 1

Exhibit E – Planning Director Letter dated February 28, 2022



MEMORANDUM

**Department of Planning,
Zoning & Building**
2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb

■
**Palm Beach County
Board of County
Commissioners**

Robert S. Weinroth, Mayor
Gregg K. Weiss, Vice Mayor
Maria G. Marino
Dave Kerner
Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator
Verdenia C. Baker

*'An Equal Opportunity
Affirmative Action Employer'*

Official Electronic Letterhead

TO: Project File
FROM: Patricia Behn, Planning Director *fb*
DATE: February 28, 2022
RE: Military/Hypoluxo Residential Land Use Amendment
Determination (Ordinance 2008-021)

This memorandum serves to provide a Planning Director determination that a land use amendment is not required to revise or delete the condition of approval regarding interconnectivity for the Military/Hypoluxo Residential site located at 6690 South Military Trail based on application number 2022-0120.

Ordinance 2008-020 Military/Hypoluxo Commercial and Ordinance 2008-021 Military/Hypoluxo Residential includes the subject site and the charter school located immediately to the south. This site was approved with conditions and conceptual master plans to establish vehicular interconnectivity between the sites. The intent at the time was for a high density residential development to the north (Military/Hypoluxo Residential) and a mixed-use commercial center on the south (Military/Hypoluxo Commercial).

The Military/Hypoluxo Residential (northern section) site did not develop with high density residential as envisioned. Instead a 7.31 acre portion of the site was developed in 2014 with a charter school and access to the south (Military/Hypoluxo Commercial) was not established.

In 2021, an amendment to delete the vehicular and pedestrian cross access conditions from the southern commercial site to the north residential site was adopted by the Board. The adopted master plan was also deleted at that time.

The removal of the cross access conditions in 2021 and the development of the charter school in 2014 with no vehicular connection to the south has resulted in changed conditions for the remaining parcels. Therefore, the conditions in Ordinance 2008-021 are not implementable nor necessary due to the changed conditions that have occurred since the original amendment was adopted in 2008.

T:\Planning\Admin\Director\Correspondence\Military Hypoluxo Amendment Determination.docx

**ATTACHMENT 1
SUBJECT SITE**

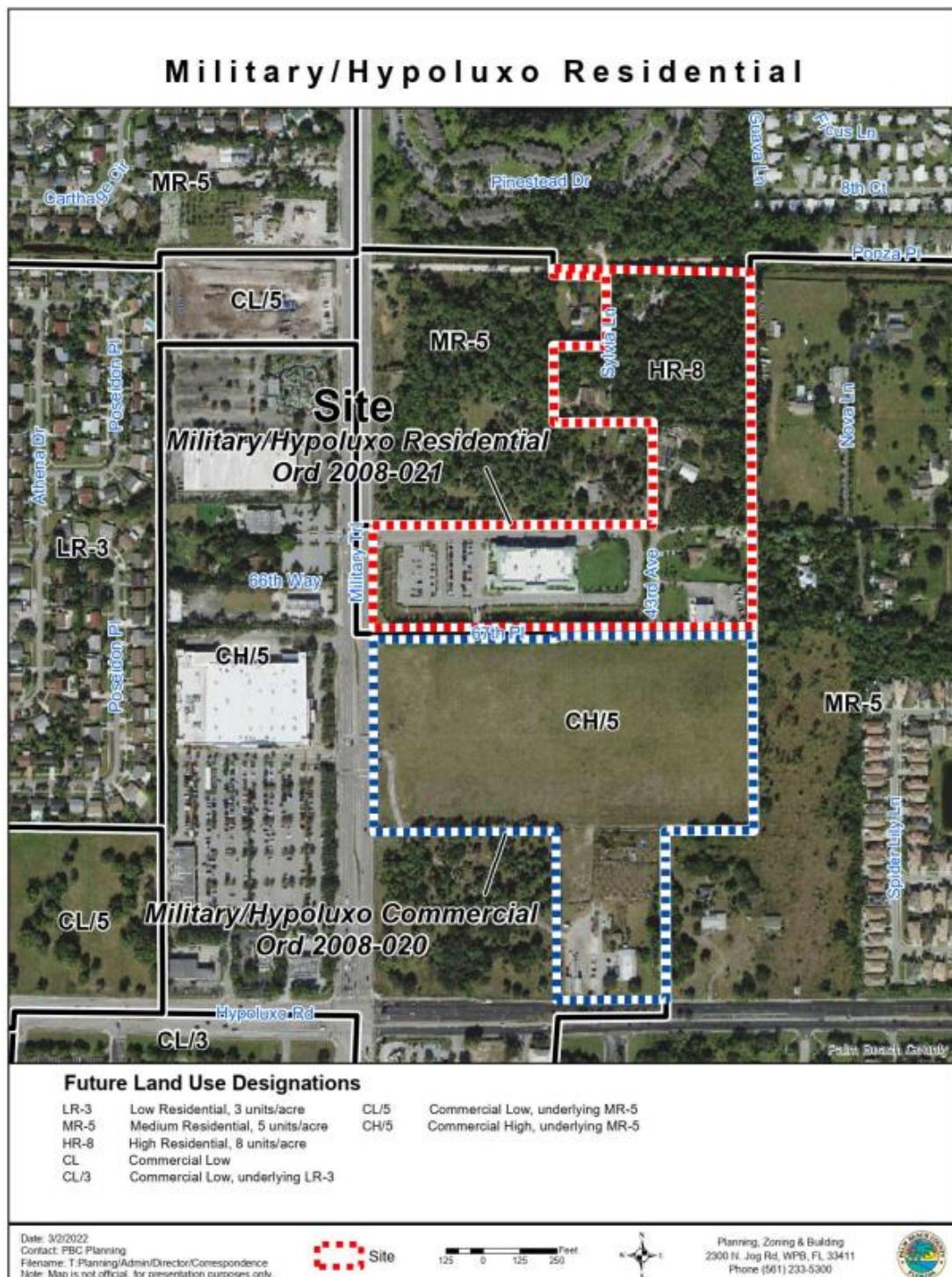


Exhibit F – Workforce Housing Density Bonus letter dated July 8, 2022



July 8, 2022

Camille Swanson

Insite Studio

8144 Okeechobee Blvd., Suite A
West Palm Beach, FL 33411
Email: cswanson@insitestudio.com

Dear Ms. Swanson:

This letter of determination is in response to your inquiry regarding the Winchester Assemblage PUD properties. This letter is required for sufficiency in the zoning approval process. The attached analysis reflects the following project information you have provided:

PCNs:	00-42-45-01-00-000-5040, 5170, 5110, 5111, 5150 & 5230
Acreage:	26.87 acres (GeoNav)
Future land Use Designation:	MR-5, 15.53 ac. & HR-8, 11.34 ac
Requested # of units, if applicable:	210
Subject Development unit type: SF, TH, or MF	TH
Subject Development: Rent or sale	Sale
WHP units: on site, off-site, in lieu, other	In-lieu
WHP units: Rent or Sale	NA
WHP unit type: SF, TH, or MF	NA
Incentive Option: Limited or Full	Limited
TDRs to be used, if any:	N/A

Your request: Limited Incentive, 210 total units, no TDRs. A density bonus of 25% is required to achieve the 210 unit target at MR-5 & HR-8 with no TDRs. In total, at 210 units, 13 units would be required as WHP.

In considering this information, please be aware of the following:

- *The Limited Incentive option of the WHP has been applied in this analysis. This option minimizes the amount of workforce housing required, but caps the density bonus at 50%, and requires all workforce units to be priced in the lowest two categories (Low and Mod 1).*

In addition, note that the determination provided herein does not guarantee a certain number of units, and does not create additional property rights for a landowner. The actual number of dwelling units that may be built on a parcel may be further limited by the zoning district's property development regulations and other considerations in the development review process.

Sincerely,

Michael Howe, Senior Planner

T:\Planning\CURRENT\WHP\S Military-Sylvia Ln (Winchester Assemblage)\Winchester-PUD_WHP_U_070822.docx

 printed on sustainable
and recycled paper

Workforce Housing Program Analysis
Up to 50% Density Bonus, Limited Incentive
Date: 7/08/2022

Property Information:

Property or PCN:	S. Military-Sylvia Ln., PCNs: 00424501000005040, 5170, 5110, 5111, 5150 & 5230		
Acreage:	26.87 acres (GeoNav)		
Future Land Use Designation:	MR-5, 15.53 ac. & HR-8, 11.34 ac		
Request:	210 units Limited Incentive Option, No TDRs		
Part of PUD/Golf Course?	Existing LOD?	CHHA?	CCRT Area?
No	Out of date	No	No
Potential FLU Density: (15.53 x 5 = <u>77.65</u> , 11.34 x 8 = <u>90.72</u> , 77.65 + 90.72 = <u>168.37</u> units)			

Limited Incentive/Density Bonus Assumption:

This preliminary analysis assumes use of the **Limited Incentive Option** and a maximum density bonus of 50%. Density bonuses greater than 50% may be available under the Full Incentive option, subject to enhanced review and higher percentages of required WHP.

TDR Units, if applicable:

TDR Density: should Transfer of Development Rights be used, the following would apply: No TDRs requested.	TDR Units permitted:
<i>TDR units purchased shall proportionally reflect the unit mix of the non TDR units. The applicant may elect to purchase some or all of the non-WHP TDRs at TDR WHP prices; if purchased at WHP prices, those units must be restricted as Low Income category WHP units.</i>	

WHP Obligation:

Density Component:	Required WHP Percentage	Calculations	
		Possible Units	WHP Obligation
Standard Density:	2.5%	(ac x density = units)	units x required %
Maximum Density:	8%	(ac x density = units)	units x required %
WHP Density Bonus:	17%	(units x DB% = DB units)	DB units x required %
1.5x Multiplier -- For-Sale projects providing WHP as off-site rentals <i>(Not applicable to TDRs)</i>			
TDRs, if any:	34%	(ac x TDRs per acre)	TDRs x required %
TOTALS		Xxx units	Xxx obligation

Alternative Unit Specific Calculation, if Requested: 210 Units

Density Component:	Required WHP Percentage	Units	WHP Obligation
Standard Density:	2.5%	15.53 x 4 = 62.12, 11.34 x 6 = 68.04, 62.12 + 68.04 = <u>130.16</u>	130.16 x 2.5% = 3.25
Maximum Density:	8%	15.53 x 1 = 15.53, 11.34 x 2 = 22.68, 15.53 + 22.68 = <u>38.21</u>	38.21 x 8% = 3.06
WHP Density Bonus: 25%	17%	168.37 x 25% = <u>42.09</u>	42.09 x 17% = 7.16
1.5x Multiplier -- For-Sale projects providing WHP as off-site rentals <i>(Not applicable to TDRs)</i>			
TDRs, if any:	34%	0	0
TOTALS		210.45 or 210 units	13.47 or 13 WHP

The estimates provided in this worksheet do not guarantee a certain number of units, and do not create additional property rights for a landowner; the actual number of dwelling units that may be built on the parcel may be further limited by compatibility considerations, property development regulations and other factors in the development review process. Any hypothetical land use employed in the calculations is subject to the Comprehensive Plan amendment process, and may not be approved.

Exhibit G – Applicant’s Justification Statement dated June 8, 2022



Winchester Assemblage PUD

ZV/PDD-2022-00120

June 2022

June 8, 2022

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

Re: **Justification Statement**
Winchester Assemblage PUD
ZV/PDD-2022-00120
Revision 3

Project Location

The subject site is located at 6690 S Military Trail, Lake Worth, FL 33463 under the jurisdiction of Unincorporated Palm Beach County. The property is generally located approximately $\frac{1}{2}$ mile north of the intersection of Hypoluxo Rd and Military Trail, on the east side of Military Trail. The site is identified by multiple property control numbers, listed below.

Parcel 1 – 00-42-45-01-00-000-5110 (8.72 ac)
Parcel 2 – 00-42-45-01-00-000-5111 (0.97 ac)
Parcel 3 – 00-42-45-01-00-000-5230 (2.62 ac)
Parcel 4 – 00-42-45-01-00-000-5150 (2.63 ac)
Parcel 5 – 00-42-45-01-00-000-5170 (9.7 ac)
Parcel 6 – 00-42-45-01-00-000-5040 (2.23 ac)



Property History

The site is located within the Agricultural Residential (AR) Zoning District and is located in the Urban/Suburban Tier. Parcel 1 and Parcel 3 have a High Residential, 8 units per acre (HR-8) Future Land Use designation and the remaining parcels have a Medium Residential, 5 units per acre (MR-5) Future Land Use designation.

Single-family residential units are situated on each of the subject parcels. Parcels 1 and 3 were part of the Southern Trails Master Site Plan which consisted of institutional and multi-family residential units.

Application Request

The Applicant has submitted this application to request a Rezoning from the Agricultural Residential (AR) Zoning District to a Planned Unit Development (PUD). Also, included in this application is a Type II Variance request from the landscape buffer requirement along the proposed preserve area for the subject site. The proposed plan includes 210 residential units comprised of two-story Townhomes.

Surrounding Uses

Below are descriptions of the zoning and land uses of the adjacent properties:

North: Identified by property control number 00-42-45-01-13-001-0000 (Control No. 1989-47) located in Unincorporated Palm Beach County. The development is comprised of multi-family residential units within the Worthington, P.R.D. subdivision. The property has a High Residential, 8 units per acre (HR-8) FLU designation and is within the Multi-Family Residential (RM) Zoning District.

South: Two properties identified by property control numbers 00-42-45-01-19-001-0000 & 00-42-45-01-00-005-5240 (Control No. 2013-C2608 & 2005-00063). They are located in Unincorporated Palm Beach County. The west property abutting Military Trail is the Trail Charter School (Control 2013-00085), and the east property is a single-family residential lot. The parcels both have a High Residential, 8 units per acre (HR-8) FLU designation and are within the Multi-Family Residential (RM) and Agricultural Residential (AR) Zoning Districts respectively.

East: Property identified by property control number 00-42-45-01-00-000-5014 and located in Unincorporated Palm Beach County. The property is comprised of a single-family dwelling unit. The property has a Medium Residential, 5 units per acre (MR-5) FLU designation and is within the Agricultural Residential (AR) Zoning District.

West: Multiple properties identified by property control numbers 00-42-45-01-23-001-0000, 00-42-45-01-21-01-0000 & 00-42-45-01-22-001-0000 (Control No. 1984-00198) and located in Unincorporated Palm Beach County. The properties are comprised of commercial uses. The parcels have Commercial Low with an underlying Medium Residential (CL/S) and Commercial High with an underlying Medium Residential (CH/S) FLU designations and are within the Mixed Use Planned Development (MUPD) Zoning District.

Rezoning to a Standard Zoning District Standards

Article 2.B.7.A.2

Pursuant to ULDC Section 2.B.7.A.2, the applicant shall demonstrate that the requested Rezoning approval is consistent with the County's standards.

a) Consistency with the Plan

The rezoning request and proposed plan are consistent with the Goals, Objectives and Policies of the County's Comprehensive Plan, including standards for density of the proposed use. The proposed density for the subject site is consistent with Table 2.2.1-g.1 of the FLUE, which specifies a maximum density of 5 units per acre for the MR-5 FLU designation and 8 units per acre for the HR-8 FLU designation. The proposed density is further broken down below.

Total Proposed Units: 210 units

Allowable Density By Right: 168 units

WHP Bonus Density (25%) 42 units

Total WFH Units Provided: 13 units

Proposed Gross Density: 7.72 du per acre

The proposed zoning PUD Zoning District and existing FLU designations of HR-8 and MR-5 for the subject site are consistent with Table 2.2.1-j.1 of the FLUE, which allows corresponding PUD Zoning District with Medium Residential and High Residential FLU designations.

AHP Density Program

The applicant is participating in the Limited Incentive program to allow an additional 25% bonus density. As outlined above, the development is permitted 168 units by right and the 25% bonus request will allow an additional 42 units. By participating in the program, the applicant will be required to provide 13 Workforce Housing units. The WFH unit obligation will be paid in lieu, rather than providing the units on-site or off-site. As of September 29, 2021, the payment in lieu fees for townhouses is \$105,300.

Prior Ordinance No. 2008-021

A Planning Determination Letter was provided on February 28, 2022 by the PBC Planning Department, which determined that a land use amendment is not required to revise or delete the condition of approval regarding interconnectivity for the Military/Hypoluxo Residential site located at 6690 South Military Trail based on application no. 2022-0120. The condition specifically states the following:

The master plan for this property shall clearly indicate cross access easements with the proposed commercial development to the south (Application LGA 2008-004) and a shared access road to Military Trail along the property line separating the two developments. In addition, the road easement on the east of this property shall line up with the existing Nova Road easement.

Ordinance No. 2008-020 Military/ Hypoluxo Commercial and Ordinance No. 2008-021 Military/Hypoluxo Residential include the subject site and the charter school located immediately to the south. This site was approved with conditions and conceptual master plans to establish vehicular interconnectivity between the sites. The intent at the time was for a high density residential development to the north (Military/Hypoluxo Residential) and a mixed-use commercial center on the south (Military/Hypoluxo Commercial).

The Military/Hypoluxo Residential (northern section) site did not develop with high density residential as envisioned. Instead a 7.31 acre portion of the site was developed in 2014 with a charter school and access to the south (Military/Hypoluxo Commercial) was not established. In 2021, an amendment to delete the vehicular and pedestrian cross access conditions from the southern commercial site to the north residential site was adopted by the Board. The adopted master plan was also deleted at that time. The removal of the cross access conditions in 2021 and the development of the charter school in 2014 with no vehicular connection to the south has resulted in changed conditions for the remaining parcels. Therefore, the conditions in Ordinance 2008-021 are not implementable nor necessary due to the changed conditions that have occurred since the original amendment was adopted in 2008.

b) Consistency with the Code

The rezoning request complies with the Palm Beach County's Land Development Code and is consistent with the stated purpose and intent of this Code.

Article 3

Planned Development District - ULDC Section 3.E.1.C.1 Design Objectives

The proposed development complies with the Design Objectives for a PDD as follows:

- 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;

The proposed development will have access off Military Trail and complies with the minimum depth, width and frontage required for a PUD. The proposed plan provides a 1,278' depth and a 851' width and frontage.

- 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;

The proposed plan will be connected via an internal sidewalk network that provides continuous non-vehicular access to all residents of the development to Military Trail and the internal recreation pod. There will also be a 5' width, 615' in length walkway, comprised of 0.067 acres, within the proposed preserve area. The path will be mulched, and pedestrian access will be provided to residents.

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

The proposed development has provided appropriate parking spaces by way of the driveways and garages for each residential unit along with parking spaces required for the recreational amenities. All are connected by the sidewalk system to encourage pedestrian circulation within the project.

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

The proposed development is comprised of multiple parcels with heavy vegetation containing native and non-native species. A tree survey has been provided and the applicant has met with the Department of Environmental Resources Management in order to determine a plan for preservation, relocation and mitigation of native trees. A total of 3.72 acres have been identified as preservation area near the northwest corner of the development centrally located within the site, and the entire portion of land north of the L-17 canal which is directly adjacent to the Worthington PUD preservation area. Additionally, trees are being preserved within all landscape buffers as well as some specimen trees within the recreation pod of the PUD.

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

All objectionable features will be sufficiently screened from public view, as required by the PBC Unified Land Development Code.

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;

The proposed site layout has been designed to minimize the potential for any adverse impact on adjacent properties. All required landscape buffers have been provided and

setbacks respected to mitigate impacts to adjacent neighbors, primarily to the east as they are the only directly adjacent residential uses.

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

The proposed residential development will ensure the new parking areas will be placed logically and efficiently, however, there is no opportunity for shared parking with this development.

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,

The proposed development will ensure pedestrian circulation by creating an internal sidewalk system that loops around the entire development, as well as connecting to the recreational amenities and the existing sidewalk along Military Trail. The proposed project is required to provide 1.26 acres of recreation area which is located in the northwest corner of the site. The development will be providing 1.138 acres. Notably, a 10% reduction is permitted via Article 5.D.2.B and the proposed plan includes a mulched 5' walkway within the preserve area which will offset the 10% recreation reduction. The walkway will extend approximately 617' in length and have pedestrian access to residents. The recreational amenities within the northwest area of the site include a pool, cabana and playground.

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. Suggested amenities include, but are not limited to:

- 1) public art;
- 2) clock tower;
- 3) water feature/fountain;
- 4) outdoor patio, courtyard, or plaza; and,
- 5) tables with umbrellas for open air eating in common areas and not associated with tenant use (i.e. restaurant) or outdoor furniture.

The proposed development is comprised of residential uses and therefore the section above is not applicable.

Planned Development District - ULDC Section 3.E.1.C.2 Performance Objectives

The proposed development complies with the Performance Objectives for a PDD as follows:

a. Access and Circulation

- 1) Minimum Frontage - PDDs shall have a minimum of 200 linear feet of frontage along an Arterial or Collector Street unless stated otherwise herein;

The proposed development fronts Military Trail, which is classified as an Urban Principal Arterial. The development also complies with the minimum 200' required frontage.

2) PDDs shall have legal access on an Arterial or Collector Street;

As mentioned above, Military Trail is classified as an Urban Principal Arterial.

3) Vehicular access and circulation shall be designed to minimize hazards to pedestrians, nonmotorized forms of transportation, and other vehicles. Merge lanes, turn lanes and traffic medians shall be required where existing or anticipated heavy traffic flows indicate the need for such controls;

The project meets all standards for road design as proposed. Based on the traffic study, there is no requirement for a turn-lane from Military Trail into the development.

4) Traffic improvements shall be provided to accommodate the projected traffic impact;

The traffic study has been provided and further coordination with Palm Beach County Traffic Division will occur in order to determine if roadway improvements are required.

5) Cul-de-sacs

There are no proposed cul-de-sacs within the project. There is only one dead-end roadway within the development which is on the extreme west side of the site parallel to Military Trail. This roadway is terminated in a "T" turnaround design that is consistent with the PBC design manual.

6) Non-residential PDDs shall provide cross access to adjacent properties where possible, subject to approval by the County Engineer;

The proposed development is comprised of residential units and therefore the section above does not apply.

7) Streets shall not be designed nor constructed in a manner which adversely impacts drainage in or adjacent to the project; and,

All streets and internal vehicular use areas are designed in accordance with County standards to ensure appropriate drainage is achieved. Additionally,

accommodation has been made to provide a 12' drainage easement on the south side of the property adjacent to the single-family residence. There is an existing drainage swale in that location that transmits water toward the existing swale on the east property boundary and ultimate outfall to the L-17 canal.

8) **Public streets in the project shall connect to public streets directly adjacent to the project. If no adjacent public streets exist, and the County Engineer determines that a future public street is possible, a connection to the property line shall be provided in a location determined by the County Engineer. This standard may be waived by the BCC.**

The proposed street will only connect to Military Trail for public ingress and egress. There are no other public connections proposed to adjacent roadways except for a "Emergency Fire" access location at the western most terminus of the southern roadway. That connection will be gated and only provide for secondary fire department access.

b. **Street Lighting - Streetlights shall be a maximum of 25 feet in height and shall be installed along all streets 50 feet in width or greater. The light fixture shall be designed to direct light away from residences and onto the sidewalk and street and shall comply with Art. 5.E, Performance Standards.**

Street lighting will be provided in accordance with the Article 5.E Performance Standards.

c. **Median Landscaping - Refer to the most recent Engineering and Public Works Operations – Streetscape Standards available from the PBC Engineering Department.**

No medians are proposed within the roadways internal or external to the development site.

d. **Street Trees - Street trees shall meet the Canopy tree requirements of Art. 7, Landscaping and planting standards pursuant to Engineering and Public Works Operations – Streetscape Standards.**

There will be no rights-of-way within the project that would require the planting of street trees. However, the internal parking and vehicular use areas will be landscaped in accordance with ULDC Article 7, Landscaping.

e. **Bike Lanes - Bike lanes shall be provided in all streets 80 feet in width or greater, unless an alternative is approved by the County Engineer in accordance with Art. 11, Subdivision, Platting, and Required Improvements.**

There will be no rights-of-way within the Project that would require a bike lane.

f. **Mass Transit** - All non-residential PDDs over five acres and 50,000 square feet, and all PUDs over 50 units, shall comply with ULDC Section 3.E.1.C.1f.(1-3), unless waived by the DRO:

There are two existing Palm Tran bus stops, one is along the west property boundary and the other across the street on the west side of Military Trail.

g. **Utilities** - All utility services located in a utility easement, such as telephone, cable, gas, and electric, shall be installed underground or combination/alternative acceptable to the DRO.

New utility services within the Project will comply with this standard.

h. **Parking**

1) **Residential Uses** - Parking for residential uses shall comply with Art. 6, Parking, Loading, and Circulation. The DRO may require a covenant to be recorded limiting the affected area to a specific use or uses.

The proposed residential development will comply with parking requirements for the residential use, as outlined in Article 6 of the PBC ULDC by providing a minimum of 2 parking spaces per residential unit along with the adequate spaces necessary for the recreation area once those facilities are determined.

2) **Non-Residential Uses** - Non-residential uses located within a PDD may apply the parking standards indicated in Table 6.B.1.B, Minimum Parking and Loading Requirements, based on the use or the minimum/maximum parking standards below or a combination of both. The site plan shall clearly indicate which parking standards are being utilized for the entire site.

The proposed development is comprised of residential uses except as noted above for the accommodation of recreational amenity parking once that program has been defined and shown on the site plan.

i. **Way Finding Signs** - Off-site directional signs, consistent with the on-site directional sign standards in Art. 8, Signage, may be allowed along internal streets in the R-O-W, subject to approval by the County Engineer.

Signage within the project will comply with this standard.

j. **Emergency Generators** - A permanent emergency generator shall be required for all Type 2 and Type 3 CLFs, Nursing or Convalescent Facilities, and PDD

clubhouses 20,000 square feet or greater, and shall meet the standards of Art. 5.B.1.A.19, Permanent Generators.

Not Applicable.

Planned Unit Development - ULDC Section 3.E.2

The proposed plan complies with the applicable standards and provisions of the County ULDC for use, layout, function and general development characteristics. The proposed project is consistent with the stated purpose and intent of the PUD Zoning District which is *to offer a residential development alternative, which provides a living environment consisting of a range of living opportunities, recreation and civic uses, and a limited amount of commercial uses.*

The subject site is consistent with the required property regulations within the PUD Zoning District, outlined in Table 3.E.2.D. The site complies with the minimum lot size of 3 acres required for a property within the PUD Zoning District and a Medium Residential (MR-5) and High Residential (HR-8) FLU designations. The property also complies with the remaining minimum lot dimension requirement of a 65' width and frontage with a 75' depth, by providing a lot width of approximately 851' of width and a depth of 1,278'. The proposed site plan shall also comply with the maximum allowable Building Coverage of 40%, by providing a building coverage of 16%.

The proposed plan adheres to the following setback requirements of a property within the PUD Zoning District with a Medium Residential (MR-5) and High Residential (HR-8) FLU designations according to Table 3.E.2.D – PUD Property Development Regulations.

Setbacks		
	Required	Proposed
Front	25'	25'
Side (Residential)	15"	25'
Street	25'	N/A
Rear	15'	25'

Article 5

Supplementary Standards – ULDC Section 5.B.1.A & 5.C.1.B

- a. **Storage Area:** A minimum of one refuse container and one recycling container shall be provided for each nonresidential project and per Multifamily project with 16 units or more. All refuse containers shall be stored in a storage area. Storage areas shall have a minimum dimension of ten feet by ten feet.

This is a townhome development so all refuse will be curbside pickup and does not require a shared refuse container.

b. Location: Containers shall be located to minimize turning and back up movements by pick-up and removal vehicles. Dumpster shall not encroach into easements or landscape buffers.

As mentioned above, this is a townhome development so all refuse will be curbside pickup and does not require a shared refuse container.

c. Setback

- 1) Dumpsters located in a Commercial Pod of a PUD shall comply with Art. 3.E.2.E.2.b, Design.
- 2) In all other zoning districts, dumpsters shall be set back a minimum of 25 feet from all property lines.

There is no Commercial Pod proposed so this is not applicable.

d. Screening: Containers shall be screened from view by a solid opaque enclosure. The open end of the enclosure shall have an opaque gate which provides a minimum of ten feet of clearance when open for service. All exposed exterior sides of the enclosure, other than the open end, shall be landscaped with one 36-inch-high shrub planted 24 inches on center.

As mentioned above, this is a townhome development so all refuse will be curbside pickup and does not require a shared refuse container.

Article 6

Parking, Loading & Circulation - ULDC Section 6.B.1.B

This development is a stand-alone residential PUD. As outlined in ULDC Article 6.B.1.B, the parking requirements for the proposed uses, are as follows:

Parking Standards		
Required		
Residential - Townhouse	2 spaces per unit	410 spaces
Recreation		
Pool (2,000 sf)		7 spaces
Cabana (350 sf)		1 space
Total Required		418 spaces
Residential		
Driveway		420 spaces
Garage		268 spaces
Recreation		18 spaces
Total Provided		706 spaces

Article 7**Landscaping – ULDC Section 7.C.2**

The proposed development shall comply with the landscape requirements outlined in the PBC ULDC Article 7. According to ULDC Section 7.C.2.A.3, the required landscape buffer along a ROW with a width greater than 100' (SR7/441 & Lake Worth Rd) is a 20' Type 3 ROW Buffer.

The proposed development shall comply with ULDC Table 7.C.3.A, which outlines interior landscaping requirements. In addition, the development shall comply with Foundation Planting requirements outlined in ULDC Section 7.C.3.B.

c) Compatibility with Surrounding Uses

The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.

The proposed Rezoning to the PUD Zoning District is compatible with the surrounding uses, which consists of commercial, single-family and multi-family residential. Additionally, neighboring large-scale developments are composed of residential uses. The subject site which is vacant and surrounded by development, is also located in an area composed of moderate to high intensity and density.

**d) Effect on the Natural Environment**

The proposed amendment will not result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

A tree survey and environmental assessment has been provided with this application. The applicant will continue coordination with the department of Environmental Resource Management in order to ensure efficient preservation, relocation and mitigation processes. A total of 3.72 acres has been identified as preservation area in the northwest corner of the development centrally located within the site, and the entire portion of land north of the L-17 canal which is directly adjacent to the Worthington PUD preservation area. Additionally, trees are being preserved within all landscape buffers as well as some specimen trees within the recreation pod of the PUD.

e) Development Patterns

The proposed amendment will result in a logical, orderly, and timely development pattern.

The proposed amendment will create a logical, orderly and timely development pattern. The proposed PUD Zoning District and proposed multi-family residential use is compatible with the surrounding area. Existing multi-family developments are located north of the subject site, as well as less than $\frac{1}{2}$ mile south of the site. Also, zero lot line and single-family residential developments are located east and southeast of the site.

f) Adequate Public Facilities

The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).

The proposed development shall provide connections to the existing public services and utilities. The Rezoning approval will not have adverse effect on the ability of the County to provide adequate public facilities to the surrounding area.

g) Changed Conditions or Circumstances

There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.

The subject property is located in an area of Palm Beach County that has experienced an amplitude of growth in the past decade. Most recently, the vacant property at the corner of Military Trail and Hypoluxo known as the Elan Palm Reserve MUPD was approved. This was the last large land mass within this eastern corridor that had been undeveloped and is proposed with 384 multifamily apartments, and approximately 130,000 SF of commercial uses. Although there are adjacent parcels to the east that are within the Agricultural Residential (AR) Zoning District, the surrounding area is mostly comprised of high-density residential communities and commercial developments. The current AR Zoning is no longer compatible with the surrounding zoning districts or appropriate along Military Trail.

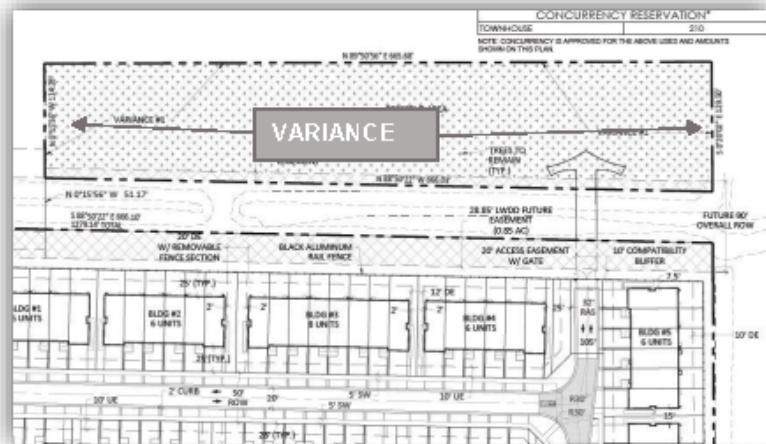
Furthermore, according to the 2020 US Census, Palm Beach County is the third largest county in the state, with a 13% growth since 2010. However, this data does not accommodate for the influx of residents that the state and county have experienced during the Covid-19 pandemic and currently. A report from the state's Office of Economic and Demographic Research, revealed that the state gained approximately 330,000 new residents between April 2020 and April 2021. In addition, multiple reports utilizing internal metrics and U.S. Census Bureau data, discovered that Florida was the third most popular place to move in the past year. Specifically, Palm Beach County saw an influx of more than 13,000 new residents. As the County's population continues to grow, the housing demand has drastically risen, causing a need for residential development.

Type 2 Variance Standards

Article 2.B.7.E.6

The applicant is proposing a variance from the landscape buffer requirements in areas where the proposed preserve area abut neighboring properties. Specifically, the request includes a variance from the following:

- 1) The 10' Type 1 Incompatibility Buffer requirement along the north, east and west boundaries of the preserve area located north of the L-17 canal.
- 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;



As mentioned, the proposed plan includes a preserve area which is located in the northeast corner of the site. The area is comprised of heavy vegetation consisting of native trees which will remain as an upland / tree preservation areas. The existing condition of the proposed preserve provides more than adequate screening for the adjacent neighbors and future residents. In addition, by eliminating the buffer requirement in this area, it will ensure the preservation of existing native vegetation which exist along the boundaries of the preserve area. Additionally, the preservation area north of the L-17 canal is directly adjacent to the existing preserve for the Worthington PUD to the north. The elimination of the required buffer will allow for a seamless natural ecosystem.

b) Special circumstances and conditions do not result from the actions of the Applicant;

The proposed preserve area is currently undeveloped with the exception of the single-family residential unit that is located on the north portion of the proposed preserve area. The Applicant is proposing to preserve this area and leave the vegetation to the benefit of the adjacent neighbors and new development site. The unique habitat of the preservation areas are a unique site condition that will provide much improved buffer than the minimum code requirement.

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;

Granting the variance shall not confer upon the Applicant any special privilege denied by the plan and the code to other parcels of land, buildings in the same district. This area is unique, as it has quickly transformed from large residential lots and agricultural uses to commercial and high-density residential developments. The Applicant would like to preserve the vegetation to the greatest extent possible which will require elimination of the required landscape buffers within these areas. The variance does not provide any development benefit to the site that is not otherwise available.

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;

Literal interpretation and enforcement of the code would require landscape buffers along the boundaries of a proposed preserve area which is already lush with native vegetation. The preserve area already serves the purpose of a landscape buffer by sufficiently providing screening for neighboring properties and future residents. The elimination of the landscape buffer will allow the preserve area to remain as is.

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

Approval of the variance requests to allow the elimination of the landscape buffer requirement along the boundaries of the preserve area will make possible the reasonable use of the property. Approval of the variance request will allow to the proposed preserve area to remain as is with native vegetation and naturally create a screening buffer for neighbors and the future residential community.

f) Granting the Variance will be consistent with the purposes, Goals, Objectives, and Policies of the Plan, and this Code; and,

Winchester Assemblage PUD

ZV/PDD-2022-00120

June 2022

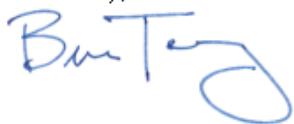
Granting the variances will be consistent with the purposes, goals, objectives, and policies of the Plan and Code. The applicant shall continue to comply with the PUD Property Development Regulations and the Residential use requirements. The nature of the variances is simply to make the most efficient and conducive use of the land while preserving the maximum amount of the native habitat.

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

Granting the variances will not be injurious to the area involved or otherwise detrimental to the public welfare. In contrast, approval of the variances will allow the native habitat to be preserved in the location of the required landscape buffers that will benefit both the development parcel and adjacent neighbors.

Thank you for your consideration of this application, if you have any questions of our request, please do not hesitate to contact our office at 561-249-0940.

Sincerely,



Brian Terry, PLA
Principal
Insite Studio, Inc.