

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

Application No.:	ZV/PDD-2022-00143
Application Name:	Hyder West AGR-PUD
Control No./Name:	2022-00005 (Hyder West AGR-PUD)
Applicant:	G L Homes of Palm Beach Associates, LTD Lake Worth Drainage District
Owners:	G L Homes of Palm Beach Associates LTD Lake Worth Drainage District
Agent:	G L Homes - Ryan Vandenburg and Gladys DiGirolamo
Telephone No.:	(954) 753-1730
Project Manager:	Timothy Haynes, Senior Site Planner

Title: a Type 2 Variance **Request:** to eliminate a portion of the east and west perimeter buffers of the proposed wetlands preserve area on 581.92 acres

Title: an Official Zoning Map Amendment **Request:** to allow a rezoning from the Agricultural Reserve (AGR) and the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning Districts to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District on 581.92 acres

APPLICATION SUMMARY: The proposed requests are for the 581.92-acre Hyder West AGR-PUD development. This new development is comprised primarily of deleted Preserve Areas which were part of six other Agricultural Reserve Planned Development (AGR-PUD) known as Hyder AGR-PUD, Lyons West AGR-PUD, Canyon Lakes AGR-PUD, Canyon Springs AGR-PUD, Canyon Isles AGR-PUD, and Whitworth AGR-PUD, which have different histories and dates presented to the Board of County Commissioners (BCC). Those other AGR-PUD Development Order Amendments are proceeding concurrently with this application.

This request is being reviewed concurrently with Comprehensive Plan Text and Future Land Use amendment (ITG AGR Exchange, LGA-2021-021), along with seven other Zoning Applications. The Zoning applications are contingent on the Planning application request.

The requests propose a new 581.92 acre Agricultural Reserve Planned Unit Development (AGR-PUD) allowing for the development of Residential, Civic and Recreational uses. The subject development will be within a new Overlay called the West Hyder Overlay (WHO) being created as part of the Comprehensive Plan amendment. The Comprehensive Plan amendment will allow the seven AGR-PUDs to utilize Preserve area located within the Indian Trail Groves (ITG) Planned Development within the Western Communities Residential Overlay (WCRO) in the Rural Tier to meet the 60/40 preserve and density requirements. The subject site will have 100% of the required Preserve (903.31 acres) area located within the ITG Planned Development, and the development rights from the ITG preserve will be built on the subject site's Development Area in the Ag Reserve Tier.

The Preliminary Master Plan (PMP) indicates 17 Residential Pods with 1,277 dwelling units in the form of both detached and attached unit types, two Public Civic Pods, 2 Private Civic Pods, and 3 Recreation areas and a minimum 40% Open Space. In addition, the request includes a variance to eliminate a portion of perimeter buffer adjacent to existing wetlands. Access is proposed from State Road 7.

SITE DATA:

Location:	West side of State Road 7/US 441 approx. 0.6 miles north of Clint Moore Road
Property Control Number(s)	00-41-46-25-00-000-1040; 00-41-46-25-00-000-1050 00-41-46-25-00-000-5020; 00-41-46-25-00-000-5030 00-41-46-25-00-000-5040; 00-41-46-35-00-000-1010 00-42-43-27-05-069-0092; 00-42-43-27-05-069-0012 00-42-43-27-05-069-0011; 00-42-43-27-05-069-0131 00-42-43-27-05-069-0013; 00-42-43-27-05-069-0132
Future Land Use Designation:	Agricultural Reserve (AGR)
Existing Zoning District:	Agricultural Reserve Planned Unit Development (AGR-PUD), and Agricultural Reserve District (AGR)
Proposed Zoning District:	AGR-PUD
Acreage:	581.92 acres
Tier:	Agricultural Reserve
Overlay District:	West Hyder Overlay (WHO) (Proposed by concurrent amendment)
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	N/A
Commission District	District 5, Vice Mayor Maria Sachs

RECOMMENDATION: Staff recommends approval of the requests contingent of the approval of the ITG AGR Exchange LGA 2022-21 application by the BCC and subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

ACTION BY THE ZONING COMMISSION (ZC): *Scheduled for October 5, 2023*

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received one contact from the public regarding this application stating concerns with the impacts of the development on the Sunshine Meadows community.

PROJECT HISTORY: This application is primarily comprised of the Preserve areas of multiple Development Orders of other PUDs located within the Ag Reserve. These concurrent Development Order Amendments proposed to delete a portion of their Preserve areas (utilizing preserve lands in the ITG zoning/amendment application per the concurrent Comprehensive Plan amendment) in order for this project to proceed with this new AGR-PUD. The AGR-PUDs deleting land area consist of Hyder AGR, Canyon Springs, Canyon Isles, Canyon Lakes, Lyons West, and Whitworth. Portions of this are also part of the adjacent development known as Sunshine Meadows that was approved in the early 1980s.

TYPE. 2 VARIANCE SUMMARY:

Variance No.	ULDC Article	Required	Proposed	Variance
V.1	Article 7, Chapter C.2.C.4. AGR-PUD Landscape Buffer	50 ft. AGR-PUD Buffer along the east property line	Elimination of approx. 470 ft. of the AGR-PUD Buffer along the easterly edge of preserve area	-50 ft. AGR-PUD Buffer (approx. 470 ft.)
V.2	Article 7, Chapter C.2.C.4. AGR-PUD Landscape Buffer	50 ft. AGR-PUD Buffer along the west property line	Elimination of approx. 1520 ft. of the AGR-PUD Buffer along the westerly edge of preserve area	-50 ft. AGR-PUD Buffer (approx. 1350 ft.)

FINDINGS:

Type 2 Variance Standards:

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

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

V-1 and V-2 - YES. The subject site contains an existing 16.77 acres wetland area and a 8.50 acres Polishing Pond Area (Preserve #2) along the east and west portions of the development. The wetland area, will be released from AGR-PUD Preserve area for Lyons West AGR-PUD (Control No. 2005-00003), and a new Conservation Easement will be recorded. The Applicant is requesting to continue to maintain this area as a wetland preservation area and open space as it currently exists. The Polishing Pond will be maintained as Open Space. These conditions have existed prior to the proposed amendment and development requests

The Applicant is requesting a Type 2 Variance to eliminate a portion of the AGR-PUD perimeter buffer along the east and west property lines adjacent to an existing conservation area containing wetlands and a polishing pond. The elimination of a portion of the perimeter buffer along these areas will allow the exiting vegetation to remain as is and to continue to function as a undisturbed buffer. The polishing pond is associated with the adjacent Sunshine Meadows AGR-PUD for waste water. Both of these areas will remain unaffected as a result of the variance.

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

V-1 and V-2 - YES. The wetland and polishing pond have existed on the subject site since the property was formally approved as a preserve parcel. The Applicant is seeking to maintain this as a wetland preservation area and Polishing Pond as approved. The elimination of a portion of the buffer in these areas will allow to keep the existing mature vegetation as exist. These existing areas are not a result of the request of the Applicant, but are rather existing conditions the Applicant is seeking to protect and maintain.

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

V-1 and V-2 - YES. Granting of the variance will not confer any special privilege to the Applicant. The Applicant seeks to provide the required AGR-PUD buffer along the perimeter of the property with the exception of the existing wetland and polishing pond areas that have protected easements. A 50 foot AGR-PUD buffer is provided adjacent to these existing areas. The variance request seeks to keep these sensitive lands undisturbed.

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

V-1 and V-2 - YES. Literal interpretation and enforcement of the Code would require the Applicant to provide a Landscape Buffer within an existing and established wetland area which would have significant impacts on environmentally sensitive lands. A denial of the proposed Variance would create an unnecessary and undue hardship to require a buffer in an area that already has vegetation and is to be protected under a conservation easement.

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

V-1 and V-2 - YES. The granting of this Variance is the minimum necessary to make reasonable use of the existing site. The Applicant is requesting only to eliminate a portion buffer adjacent to the wetland area and polishing pond. The PMP provides the required buffer along all other sides of the development.

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

V-1 and V-2 - YES. Granting of the Variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. The Applicant is only removing a portion of the buffer near the wetland area and polishing pond as previously stated. The required buffering will be provided along the perimeter of the development area excluding the portions subject to the variance request. Allowing the variance will protect the environmentally sensitive areas.

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

V-1 and V-2 - YES. The granting of the Variance will not be injurious to the area or detrimental to the public welfare. The elimination of the buffer will allow for the heavily vegetated wetland areas to be maintained and provide a natural buffer, while providing the required buffering along the remainder of the development.

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:*** Should the BCC approve the concurrent Comprehensive Plan Text and Future Land Use amendment (ITG AGR Exchange, LGA-2021-021) request, then the proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

- o ***Concurrent Land Use Amendments:*** The request is an indirect participant a concurrent Comprehensive Plan Text and Future Land Use amendment (ITG AGR Exchange, LGA-2021-021). The amendment seeks to amend prior conditions from Ordinance 2016-041, modify and add policies to the

Future Land Use Element and allow lands within the Western Communities Overlay (WCRO) to be utilized as regional water management purposes and offsite preservation for specific AGR-PUDs within the Agricultural Reserve Tier. The subject request seeks to utilize lands within the WCRO as offsite preservation consistent with the proposed policies. The ITG amendment was transmitted to the State by a BCC vote of 5-2 at the May 3, 2023 public hearing.

○ *Relevant Comprehensive Plan and Companion Text Amendment Policies:* The companion Future Land Use amendment also contains Comprehensive Plan text changes. Text changes within the Ag Reserve Tier and the addition of a new Agricultural Reserve Sub-Objective and Overlay was added to facilitate the exchange of lands with AGR-PUD developments. New FLUE Sub-Objective 1.5.2 The West Hyder Overlay (WHO) will allow for a developments AGR-PUD 60/40 preserve requirements to be fulfilled entirely by lands outside of the Tier. The following policies relate to the subject request. Language shown with underline indicating added policy language at the transmittal hearing, and double underline/double strike out for changes subsequent to transmittal. Applicant disagreement from the language indicated in bold.

NEW Sub-Objective 1.5.2, West Hyder Overlay, and Policy 1.5.2-a: These items establish the new West Hyder Overlay to encompass approximately 682 acres of land west of State Road 7 / US 441 at the southernmost boundary of the Agricultural Reserve Tier.

NEW Policy 1.5.2-b: Lands within the West Hyder Overlay (WHO) shall either remain in an agricultural, environmental, or other open space use in accordance with the requirements of the Tier, or may be eligible to convert to a development area of a 60/40 AGR-PUD only in the following limited circumstance, with the uses specified:

Hyder West AGR-PUD (Control Number 2022-005):

1. Up to 1,000 units of adult age-restricted residential development. The zoning development order shall include conditions of approval requiring a deed restriction limiting the adult age-restricted residential development to an adult age-restricted community; this restriction shall remain unless a development order amendment is submitted to delete the conditions for the deed restriction, and may only be approved upon demonstration that the impacts associated with removing the age restriction have been addressed and any impacts to service providers are mitigated;
2. Up to 277 units of workforce housing, consisting of a minimum of 152 for-sale units equally distributed between 60-120% [Applicant proposes 60-140%] affordability range, and a maximum of 125 rental units equally distributed between 60-140% affordability range, and to be provided on-site (with no buyout, exchange, or in-lieu option). Fulfillment (issuance of Certificate of Occupancy – COs) of all 277 workforce housing units shall be completed prior to the issuance of 277 residential Certificate of Occupancies for the adult age-restricted residential development portion of the subject site.
3. Institutional, Public and Civic Uses as identified in the ULDC Use Matrix;
4. Notwithstanding the AGR-PUD density and preserve area requirements/ calculation, private civic pod(s) may accommodate housing for seniors and housing for persons with Intellectual Disabilities and Developmental Disabilities (as those terms are defined in section 393.063, Florida Statutes), subject to the following:
 - a. A maximum of 160 dwelling units with a maximum occupancy (within the 160 dwelling units) of 280 persons; and,
 - b. All 160 dwelling units shall be rental units (no for sale units permitted); and,
 - c. Occupancy within the senior housing units shall be restricted to individuals a minimum of 65 years of age or older with an annual income less than 100% of the AMI. There shall be no income restriction for those units allocated to adults with intellectual or developmental disabilities; and,
 - d. The housing shall be under the direct and constant supervision of a sponsoring non-profit organization or community-based group, as demonstrated by written agreement(s) provided during the approval process; and
 - e. The housing shall be subject to a Class A approval.

○ **60/40 Development Option AGR PUD:** The following Future Land Use Element (FLUE) existing policy address the 60/40 AGR PUD requirements and new policies outline the maximum acres and units permitted to be utilized within specific AGR PUDs.

FLUE Policy 1.5.1-i.6 addresses the preserve area requirements, and states, that the preserve area shall consist of, at least, 60 percent of the gross acreage less right-of-way identified in the Thoroughfare Identification Map , and Policy 1.5.1-i. states that the request is required to provide a minimum of 60% of preserve area and 40% maximum developable area. The Preserve areas are not required to be contiguous with the development area.

Therefore, the acreages of the 60/40 breakdown is as follows:

Total acreage: 1,491.23 acres
Less ROW: 0.00 acres
Net acreage = 1,491.23 acres

Net acreage x 60%: 1,491.23 ac x 60% = 894.74 acres (Applicant proposes 909.31 acres or 60.98% of preserve which includes 0 AGR preserves (0.0 acres) and WCRO exchange bank preserve (909.31 acres).

Net acreage x 40%: 1,491.23 ac x 40% = 596.49 acres (Applicant proposes 581.92 acres in the development area or 39.02%)

The lands within the AGR have a density value of 1 unit per acre and the lands within the WCRO have a density value of 1 unit per 1.25acres, a 0.80du/ac difference. The new policies account for the necessary density conversions and memorialize the maximum units and acres permitted for the exchange. NEW FLUE Policy 1.5.2-c state that the West Hyder AGR-PUD (Control Number 2022-005) may utilize up to 909.31 acres of WCR land to satisfy 909.31 acres and 727.45 units of AGR-PUD requirements. The policy allows for the 909.31 acres to count toward the preservation requirement and 727 units to go toward the balance of available units for the project.

The total lands within the AGR for this project are 581.92 acres thus yielding 582 units. The above policy permits 727 units to be utilized for the subject request. The available units for the project with the combination of AGR and WCRO units equates to the following:

Total units permitted from AGR: 582
Total units permitted from WCRO: 727
Total permitted units: 1,309

The request proposes 1,000 age restricted units and 277 Workforce Housing units with 32 units remaining.

○ *Housing within Civic Pods.* Subsequent to the May 3, 2023 Transmittal Public Hearing, the applicant has proposed new Policy 1.5.2-b, item 4, as provided in the prior page has to allow for housing within the subject site’s Civic pods. The addition of this policy is pursuant to Board direction to County staff to work with the Applicant to develop policy language to allow private civic pods within the Hyder West PUD to include density/units for the provision of workforce, affordable and/or special needs housing. This direction was consistent with the February 23, 2023, BCC direction to staff to “*expand the permissible use of public civic pod to include workforce, affordable and/or special needs housing.*”

New Policy 1.5.2-b, item 4, provides that notwithstanding the AGR-PUD density and preserve area requirements/ calculation, private civic pod(s) may accommodate housing for seniors and housing for persons with Intellectual Disabilities and Developmental Disabilities (as those terms are defined in section 393.063, F.S.) and authorizes private civic pods within the Hyder West AGR-PUD to be utilized for these purposes, with a maximum allowance of 160 dwelling units (accommodating up to 280 individuals). More specifically, the Applicant has indicated that this proposal is in collaboration with Jewish Family Services (JFS) to create housing solutions catering to individuals aged 65 and above, and whose annual income falls below 100 percent of the Area Median Income (AMI), and with the Jewish Association for Residential Care (JARC) to provide housing options tailored to individuals with intellectual and developmental disabilities.

○ *Type 2 Excavation:* The applicant proposes to utilize some of the fill from the excavation on the adjacent Hyder AGR-PUD, Application DOA-2022-00203 (Control Number 2005-00455) located immediately to the north and also within the West Hyder Overlay. This applicant proposed New Policy 1.5.2-d to allow this to occur as a Type 2 Excavation which has been added since the Transmittal Hearing, and is provided below. Staff have included conditions of approval that require an administrative application to be reviewed and approved by the DRO prior to initiation of such activity. The excavation and movement of fill is allowed as the parcels are within the WHO, but must still comply with the requirements for excavating, including but not limited to depth, slopes, littoral zones, etc.

○ *Development Area West of SR7:* The current FLUE Policy 1.5.1-I states that 60/40 AGR-PUDs Development Areas are not allowed west of State Road 7. The concurrent Comprehensive Plan amendment proposes to revise this policy to allow AGR-PUDs within the West Hyder Overlay (WHO) to provide Development Areas west of State Road 7. The proposed Development Area for the subject site is located west of SR7 within the WHO and consistent with the proposed Comprehensive Plan amendment.

REVISE Policy 1.5.1-i: *A 60/40 AgR-PUD with a future land use designation of Agricultural Reserve (AGR) shall require the following: [unaltered text omitted for brevity]*

5. *the development area shall not be situated west of State Road 7 unless located within the West Hyder Overlay (WHO); and [unaltered text omitted for brevity]*

○ *Institutional and Public Facilities Uses West of SR7:* The current FLU Policy 1.5-s prohibits Institutional and Public Facilities uses west of State Road 7. The concurrent Comprehensive Plan amendment proposes to revise this policy to allow Institutional and Public Facilities west of State Road 7 within a public or private civic pod of an AGR PUD within the West Hyder Overlay (WHO). The proposed Development Area for the subject site is located west of SR7 within the WHO, and the private and public civic pods within the site are consistent with the proposed Comprehensive Plan amendment. The specific policy changes are provided below.

REVISED Policy 1.5-s: *Institutional and Public Facilities uses shall be allowed in the Agricultural Reserve Tier. Such uses shall not be permitted west of State Road 7, with the exception of Institutional and Public Facilities uses located west of State Road 7 within a public or private civic pod of an AGR PUD within the West Hyder Overlay (WHO). Institutional related uses, including but not limited to, churches and social service facilities shall be allowed within the AGR Zoning District as a part of the continuation of the Tier.*

○ *Planning Conditions:* Planning condition are applied to carry out the Workforce Housing requirements required by the policies cited above.

○ *Special Overlay District / Neighborhood Plan / Planning Study Area:* The subject property is located within the boundaries of the West Boynton Area Community Plan, which is administered by the Coalition of Boynton West Residents Association (COBWRA). The subject request is not inconsistent with the neighborhood plan. The Applicant was advised to meet with the neighborhood group responsible for implementing the Neighborhood Plan. No letters in support or objection have been received as of the writing of this report. The subject site is also within the newly proposed West Hyder Overlay (WHO) which is discussed above. The proposed AGR-PUD is consistent with the new Overlay.

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 proposed request will be consistent with the ULDC if the Comprehensive Plan Amendment (LGA-2022-021) is approved. The amendment proposes to allow land outside of the Ag Reserve Tier to be utilized to meet the 60/40 requirements of an AGR-PUD. Under the existing ULDC language a Preserve Parcel for an AGR-PUD is required to be located within the Ag Reserve Tier within the same zoning development order. The following analysis is based on an approval of the concurrent Comprehensive Plan Amendments.

○ *Property Development Regulations (Development Area and Preserve Parcels):* The proposed development is consistent with Policy 1.5.1-l requiring a minimum of 60% of preserve area and a maximum of 40% development area by providing 909.21 acres (60.98%) of preserve area and 582 acres (40%) of development area, totaling 1,492.23 acres. The development area has frontage along State Road 7 (U.S. 441). The preserve areas are not required to be contiguous to the development area. As previously stated in the Consistency with the Comprehensive Plan section above, the proposed development is also consistent with Policy 1.5.2-c which permits Hyder West PUD to utilize up to 909.31 acres of the WCR Exchange Parcel lands and approximately 582 acres of AGR land to satisfy the proposed density of 1,277 units on site. A traditional AGR-PUD with this overall acreage would allow 1,309 dwelling units. As such, the rezoning is in compliance with the concurrent text amendments of the Comprehensive Plan.

The PMP provides two additional preserve parcels within the development area. These preserve areas are not being used to meet the 60/40 AGR-PUD requirements. Preserve parcel 1 consist of 4.5 acres located at the northwest corner of the development area. Preserve parcel 2 is located along the northwest portion of the site and contains 8.50-acres.

○ *Overlays:* As discussed above, the proposed Comprehensive Plan amendments will allow lands within the WCRO to be utilized as regional water management purposes and offsite preservation for specific AGR-PUDs within the Agricultural Reserve Tier. As such, the proposed development utilizing 909.31 acres of said lands as preserve area are consistent with these amendments.

The amendment includes the new West Hyder Overlay (WHO) which will encompass the development area of the subject site. The Comprehensive Plan text amendment will allow AGR-PUD 60/40 preserve requirements to be fulfilled entirely by lands outside of the Tier, and more specifically, the WCRO WCR Exchange Parcel in the Rural Tier. The PMP is also consistent with Policy 1.5.2-b requiring 1,000 age restricted units and 277 Work Force Housing Units along with permitting Institutional, Public and Civic Uses.

○ *Workforce Housing Units:* Pursuant to Article 5.G.1., Workforce House Program, the requirements for the Work Force Housing Program are not required for development within the Agricultural Reserve Tier, based on the current Code. However, with the proposed modifications to the Plan, the application is subject to requirements for Workforce Housing and is proposing 277 Workforce Housing Multi-family units in Pods A and B to be built on site, in compliance with the proposed language. These units are not associated with any density bonus program. The implementing Policy 1.5.2-b and the PMP proposes 125 rental Multi-family units within Pod B and 152 Condominium Multi-family units within Pod A. The proposed Workforce Housing units are in compliance with Policy 1.5.2-b of the proposed Comprehensive Plan text amendments. Construction of the WFH is subject to conditions of approval based on the proposed Policies and Objectives of the Plan.

○ *Civic Pods.* Pursuant to Table 3.E.2.C, PUD Land Use Mix, the proposed PUD development requires 2% of the site as Civic. Two Private Civic Pods and two Public Civic Pods are proposed along the northern portion of the development area. The Private Civic Pods 1 and 2 contain 17.72 acres and will include 50,000 sq. ft. Place of Worship and 25,000 sq. ft. of Government Services. Public Civic Pods 1 and 2 contain 12.38 acres and include 20,000 sq. ft. of Government Services. No cross access is proposed from the residential pods into the civic pods. Access will be from State Road 7.

○ *Communication Tower:* There is an existing FPL Transmission Pole on site located on the south west corner of Pod P. In 2015, an analysis and determination was made by the former Zoning Director to allow the Communication Tower, provided that the ULDC was amended. In 2017, the ULDC was amended to create an Electrical Transmission Lines and Substations Type of Commercial Communication Tower, this tower was allowed to remain within the Preserve. With the proposed modifications to the Zoning, the existing tower is allowed in a Residential Pod, subject to a Class A approval. Because the Tower is existing it is allowed to be located within the proposed Residential Pod as a Minor Nonconforming Use. Should the tower be modified, it will be subject to the approval process procedures for the applicable modifications. No modifications are being made to the existing tower.

Staff is recommending a condition of approval requiring the tower to have the appropriate perimeter buffering around the tower per Art. 4.B.9.B.7 Perimeter Buffering to provide screening to mitigate adverse visual impacts.

○ *Landscape/Buffering:* A 50-foot wide landscape buffer is provided along the north and west property line, in accordance with Art. 7.C.2.C.4, AGR-PUD Landscape Buffer. A portion along the west property line containing the polishing pond is subject to the Type 2 Variance request which will eliminate the buffer in this area. (See Variance Standard analysis)

Along the east portion of the site, abutting State Road 7, adjacent to the Civic Pods, a 25-foot AGR-PUD Buffer is provided utilizing the 50% reduction policy in Art. 7.C.2.C.4.a.1.a.1, AGR-PUD Landscape Buffer where a non-residential pod is adjacent to a R-O-W 50 ft. or greater. A portion along just below the Public Civic Pod 1 is subject to the Type 2 Variance to eliminate the buffering adjacent to the wetland area.

A Type 3 Incompatibility buffer with a 50% reduction to 25-foot perimeter buffer is provided along the southern property line in accordance with Art. 7.C.2.C.4.a.1.a.1, AGR-PUD Landscape Buffer where the Buffer is adjacent to LWDD L-39W Canal and the AGR-PUD landscape buffer of Stonebridge Country Club. There are two areas where a 50 foot landscape buffer is provided just below Lake #21 and Lake #22 per Art. 7.C.2.C.4.1.a. AGR-PUD Landscape Buffer.

○ *Signs:* The Preliminary Master Sign Plan proposes two Project Entrance Signs along the State Road 7 entrance to the development. In addition 29 On-site Directional signs are proposed for the individual pods and for the Recreation parcel. All signage will be Code-compliant per Art. 8.G.2.C.A Entrance Signs, and Art.8.G.3.D.B.C-On-site Directional Signs.

○ *Variance:* The Type 2 Variance is for existing wetlands and the polish pond areas on site. The variance is to eliminate the AGR-PUD buffering in these locations. Elimination of the buffer will allow these areas to maintain the existing vegetation and not disturb the functions of these portions of the site.

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.*

This proposed application is compatible and generally consistent with the surrounding existing uses and zoning districts for both the development parcel. There are residential Planned Unit Developments to the north, south, east and west of site. The proposed development seeks to maintain consistency with these uses. The overall development parcel will provide a Type 3 50 wide buffer incompatible buffer as required under Article 3.E. surrounding the subject site that will range from 25 to 50 ft. in width.

The Applicant is providing the required perimeter buffering to help screen the use and mitigate adverse visual impacts. The areas subject to the Type 2 Variance to eliminate the buffering in a portion of the site will maintain the existing vegetation in these areas without affecting the protected wetlands and functions of the respected conservation and polishing pond easements.

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 rezoning will be compatible and consistent with all surrounding uses and will minimize adverse impacts to adjacent lands. The Comprehensive Plan text amendment policies also provides restrictions on the uses and the respective locations along with the density and intensity of the development area. The overall design is consistent with the policies set forth in the amendment. The site design proposes mostly single family residential units and some multi-family units which are residential uses consistent with the development on the surrounding properties. The proposed height for the units will not exceed 35 feet. The PMP provides the required perimeter buffering with the exception of existing areas within the conservation easement for the wetlands and the polishing pond easement subject to the Type 2 Variance request. These areas will remain with their existing vegetation. The perimeter also includes a wall for visual screening to help mitigate adverse visual impacts.

The Applicant is proposing 1,277 units at an overall density that is consistent with that allowed of the Comprehensive Plan amendment and the proposed number of units seeks to lessen negative impacts of intensity of the subject site 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.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

- *Vegetation Protection:* The project area consists of existing agricultural uses (e.g., row crops) and wetland areas. ERM Staff have conditioned the receipt of the wetland jurisdictional determination letter prior to the final approval by the DRO. The application request does not impact native vegetation or any upland areas. Given the close proximity to the Arthur R. Marshall Loxahatchee National Wildlife Refuge, ERM Staff have conditioned that all vegetation species that are to be planted and maintained within the development shall be native to South Florida or as approved by ERM in writing, in efforts to protect the surrounding environmentally sensitive lands.
- *Site Contamination:* There is potential that the agricultural uses may have impacted the soil and groundwater qualities. As typical with other agricultural uses to be converted to residential uses, ERM Staff have conditioned that a Phase II Environmental Site Assessment be provide to ERM Staff prior to the final approval by the DRO. Any instances of contaminant exceedance, as prescribed by the F.A.C., will be referred to the FDEP.
- *Wellfield Protection Zone:* This property is not located within 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 known significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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

The proposed use will result in a logical, orderly and timely development pattern consistent with the Comprehensive Plan amendments if it is approved. The Applicant proposes residential AGR-PUD development which is generally similar to the approvals of the surrounding sites in the same area previously. The proposed Multi-family is a permitted use within the residential Pod of a PUD, and proposes workforce housing within the development.

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

ENGINEERING COMMENTS:

The proposed Adult-Restricted single family housing, multi-family housing, a place of worship, and general office development is expected to generate 8,733 net daily trips, 674 net AM peak trip, and 757 net PM peak hour trips. The build out of the project is assumed to be by 2028.

The segment of SR-7 from Atlantic Ave to the site will have background failures. The project meets Traffic Performance Standards using provisions in Florida Statute 163.3180. However, this section of the roadway has mostly uninterrupted flow, and will have higher capacity than that of an interrupted 4-lane roadway, which has been used in the traffic report. With uninterrupted flow, this segment of the roadway will meet adopted LOS, both in the background and project traffic added.

The project will be required to either construct or modify existing turn lanes on SR-7 at both project entrances, as required by the FDOT. Signal sureties will also be required to be posted for both the entrances on SR-7.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Traffic volumes are in vehicles per hour

Segment: SR-7 from Atlantic Ave to Site

Existing count: Northbound=1733, Southbound=1320

Background growth: Northbound=297, Southbound=261

Project Trips: Northbound=149, Southbound=116

Total Traffic: Northbound=2178, Southbound=1697

Present laneage: 2 in each direction

Assured laneage: 2 in each direction

LOS “D” capacity: 1960 per direction (actual capacity is most likely higher, since most of this segment is uninterrupted flow)

Projected level of service: Worse than LOS D in the northbound direction, but LOS D or better in the southbound direction. However, assuming uninterrupted flow, both directions will operate at LOS D or better

The Property Owner shall plat the property prior to the issuance of the building permit.

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

DRAINAGE STATEMENT: The subject site is located within the boundaries of the Lake Worth Drainage District. The Applicant’s Engineer provided an analysis as seen in Exhibit E. The Applicant must secure all appropriate permits prior to issuance of any permits.

WATER AND WASTE WATER PROVIDER: The subject site is located within the boundaries of the Palm Beach County Water Utilities. The Applicant must connect to water and wastewater in order to commence development and secure all appropriate permits prior to issuance of any permits.

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 site is located within the service boundaries of Palm Beach County Fire Rescue Station #54.

SCHOOL IMPACTS: In accordance with the adopted Coordinated Planning Interlocal Agreement, a School Capacity Availability Determination (SCAD) for 309 residential units (277 multi-family, 32 mid-rise/condo) had been approved on February 28, 2023 (SCAD Case #23022001D). There are 1,000 age-restricted residential units proposed for this development that are not included in this analysis. The subject property is located in SAC 295C.

This project is estimated to generate approximately seventy (70) public school students. The schools currently serving this project area are as follows:

- 1. Sunrise Park Elementary School
- 2. Eagles Landing Middle School
- 3. Olympic Heights Community High School.

The School Capacity Availability Determination (SCAD) analysis for this application has determined that the proposal would exacerbate capacity deficiencies at the elementary, middle and high school levels. The additional thirty-three (33) elementary school students generated by this proposal will increase the

utilization percentage of Sunrise Park Elementary School to 118%. The additional sixteen (16) middle school students generated by this proposal will increase the utilization percentage of Eagles Landing Middle School to 106%. The additional twenty-one (21) high school students generated by this proposal will increase the utilization percentage of Olympic Heights Community High School to 137%.

Per Transportation Services Staff direction, the Applicant will not have to provide a public school bus shelter for the portion of the site that does not have age-restricted units.

PARKS AND RECREATION: Project proposes a total of 1277 dwelling units requiring 7.66 acres of onsite recreation, 12.85 acres are provided therefore the recreational requirement is satisfied. The 277 multifamily dwelling units are served by 2.93 acres of onsite recreation. The 1,000 detached dwelling units are served by a 9.92 acre recreation site.

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

The Applicant has requested through a concurrent amendment to the Comprehensive Plan's Ag Reserve Tier Sub-Objective Policy 1.5.1 in LGA-2022-021. This amendment proposes to allow Preserve area located within the Indian Trail Groves Planned Development (ABN/ZV/DOA-2022-00155) within the Western Communities Residential Overlay (WCRO) in the Rural Tier to be utilized in lieu of preserve acreage within the Ag Reserve Tier. The Applicant has demonstrated the following as their changed Conditions and Circumstances: *"This request is part of a "bundle" of related development order applications submitted concurrently which involve the proposed Hyder West AGR-PUD and the Indian Trails Grove WCR-PUD. The overall site and the property known as Hyder West is located west of SR 7 and south of Atlantic Avenue in the Agricultural Reserve Tier. A total of 1,600 acres of land within the ITG PUD will be designated for water resources and or agricultural purposes. It will be utilized to replace the AGR preserve area acres required within this application and for additional preservation for existing AGR PUDs utilizing land within the Hyder West property. It will allow preservation areas on the Hyder West property known as Hyder West AGR-PUD.*

The regional benefits of this plan of development will be to create 1,600 acres to be owned and controlled by Palm Beach County that is contiguous to the L-8, MO and M Canals, providing potential to send fresh water flows to the Loxahatchee River, Grassy Waters and the Lake Worth Lagoon, and for potential water storage. This land could create a potential flow way connecting the L-8 canal to the MO Canal. This land is also contiguous to the west to 640 acres within the PUD that has been previously committed to Indian Trail Improvement District (ITID) to increase stormwater storage for the Acreage that is adjacent to their existing +550-acre drainage impoundment area, and to the east to an additional 248.63 acres of open space designated for water resources or agriculture.

Accommodating a larger contiguous mosaic of lands for water resources and/or agriculture provides more flexibility in addressing both water management challenges, and/or supporting agricultural production in Palm Beach County. Reducing density/intensity in the ITG PUD in an area where infrastructure is minimal in exchange for increasing density in the AGR (Hyder West AGR-PUD) where infrastructure exists is prudent for long-range planning."

CONCLUSION: Staff has evaluated the standards listed under Article 2.B. determined that there is a balance between the need for change and the potential impacts generated by the Hyder West AGR-PUD Development. Therefore, Staff is recommending approval of the requests subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

CONDITIONS OF APPROVAL

EXHIBIT C-1

Type 2 Variance - Concurrent

ALL PETITIONS

1. The approved Preliminary Master Plan is dated August 21, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Zoning Commission. (ONGOING: ZONING - Zoning)

VARIANCE

1. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPM/ONGOING: BUILDING DIVISION - 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; 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 Preliminary Master Plan is dated August 21, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. Prior to initiating a Type 2 Excavation activities on the subject site, and the adjacent site (Hyder AGR PUD) which fill will be used for the subject application, the DRO shall review the final site development plan for compliance with the standards of Article 4.B.10. (BLDG PERMIT/DRO: ZONING – Zoning)

ENGINEERING

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

2. Development drainage shall be fully contained within the limits of this property. This includes drainage associated with water quality and volumetric requirements. (ONGOING: ENGINEERING - Engineering)

3. Drainage connections to adjacent LWDD canals shall be within the limits of the development approval unless drainage easements are provided from adjacent properties. (ONGOING: ENGINEERING - Engineering)

4. Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPMT: MONITORING - Engineering)

5. Prior to the issuance of the building permit located within a drainage easement, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures. (BLDGPMT: MONITORING - Engineering)

6. The Property Owner shall construct/modify, as required by Florida Department of Transportation:

- i) right turn lane north approach on SR-7 at Cabernet Dr.
- ii) left turn lane south approach on SR-7 at Cabernet Dr.
- iii) right turn lane north approach on SR-7 at Winner's Cir.
- iv) left turn lane south approach on SR-7 at Winner's Cir.

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 Florida Department of Transportation 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)

7. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at Winner's Cir and SR-7. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

b. No Building Permits shall not be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPMT: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the

monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)

8. The Property Owner shall fund the cost of signal modification necessary, as determined by the FDOT/County Engineer to the existing signal at Cabernet Dr and SR-7 intersection to accommodate the project's driveway as the new west approach. Signalization shall be a mast arm structure installation. The cost of signal modification shall also include all design costs and any required utility relocation and right of way or easement dedication/acquisition.

b. No Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPMPT: MONITORING - Engineering)

c. In order to request release of the surety for the traffic signal modifications at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the all required modifications have been completed and requesting that a final signal inspection be conducted at the intersection. After acceptance, the Traffic Division shall have 90 days from receipt of this notice to complete the inspection, and upon acceptance/approval, release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)

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

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

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

ENGINEERING-WATER RESOURCES

10. The Property Owner shall design and construct the Indian Trails Grove Water Resource Project (ITG-WRP) to meet all of the South Florida Water Management District's (SFWMD's) standards and requirements for acceptance by the SFWMD for Operation, Maintenance, Repair, Rehabilitation, and Replacement (OMRRR) by the SFWMD and all applicable State and Federal requirements for an above ground impoundment. This includes but is not limited to the following:

a. The electric pump stations shall have fully automated control with backup power for the telemetry. Backup power for operation of the pumps is not required as the ITG-WRPs pump stations do not provide critical drainage or water supply. The automation controls shall include telemetered information on the power status, rpm of each pump unit, headwater and tailwater stage. The pumps station shall include automated systems to protect the pumps (e.g. vibration, temperature). The telemetry and pump protections shall meet all of the SFWMD standards and be capable of running independently both locally and remotely using the SFWMD standard equipment and programs. (ONGOING: Water Resources - Water Resources)

b. The controls structures shall have fully automated controls with propane fueled backup power. The automation controls shall include telemetered gate/weir positions, headwater and tailwater stage. The telemetry shall meet all of the SFWMD standards and be capable of running independently both locally and remotely using the SFWMD standard equipment and programs. (ONGOING: Water Resources - Water Resources)

c. Impoundment shall be designed and constructed to prevent overtopping and or discharges above the basin limit (one inch per day) for rainfall events of up to 24 inches (3-day, 100-year rainfall event plus 6 inches) to prevent potential drainage impacts with the existing and future residential developments. (ONGOING: Water Resources - Water Resources)

d. Intake Canal for the Pump Station lifting water from Cypress Grove Community Development District (CGCDD) canal into the impoundment shall be sized to maintain the average velocity below one foot per second (1 fps), have sides slopes no steeper than 4H:1V, and shall have a vegetation barrier at the Intake Canales connection to the CGCDD canal. (ONGOING: Water Resources - Water Resources)

e. Select backfill shall be used for structure foundations, pipe foundations, and embankments construction. Select backfill shall consist of clean, granular materials that are free of debris, cinders, combustibles, roots, sod, wood, cellulose, and materials subject to termite attack. Select backfill materials should have a maximum particle size of three inch and fines content (material passing U.S. Standard Number 200 sieve) of not more than 10 percent. Organic material should not exceed 3 percent of the total volume. Select backfill should meet the Unified Soil Classification System (ASTM D2487) designations as SW, SP and SP-SM. (ONGOING: Water Resources - Water Resources)

f. There shall be a full depth test of the impoundment before it is turned over to PBC/SFWMD. The test will consist of filling and maintaining the reservoir at an elevation between 23.0 and 23.5 feet NAVD for

30 days. This test shall occur after the impoundment is approved for flow through and would preferably be performed at the start of the dry season, as determined by the County's Water Resources Manager. This test will need to be successfully completed for the ITG-WRP Impoundment to be turned over to either Palm Beach County or SFWMD. The test includes lowering the water level to an average depth of less than 0.5 feet. Pumped volumes, rainfall, and canal stages will be recorded to allow estimates of seepage rate from the impoundment. (ONGOING: Water Resources - Water Resources)

g. After the full depth test, and before turnover of ITG-WRP, the Property Owner shall plant a 100 foot wide Southern Bulrush (*Schoenoplectus California*) along the north side of the spreader canal for the full width of the impoundment. The water level shall be maintained for 60 days by the Property Owner and the Property Owner shall replace any dead plantings at the 30th day. (ONGOING: Water Resources - Water Resources)

h. Property Owner shall provide easements required for access to and the Operation, Maintenance, Repair, Rehabilitation, and Replacement (OMRRR) of the ITG-WRP features to Palm Beach County or final operator. (ONGOING: Water Resources - Water Resources)

i. One (1) electric powered Pump Station located near the L-8 Canal with an intake floor at 4 feet NAVD or lower. Pump Station will have two 15,000 gallon per minute units capable of operating at full capacity with an intake water level down to an elevation determined by the County's Water Resource Manager. The conveyance from the L-8 Canal to this pump station must be capable of supplying this pump station and the CGCDD water supply pump station at their maximum pumping rate concurrently with the L-8 Canal at an elevation of 9.0 feet NAVD (lower decile of stage range); to prevent impact to water supply to CGCDD. (ONGOING: Water Resources - Water Resources)

j. One (1) electric powered Pump Station located near the southeast corner of the ITG-WRP Impoundment with an intake floor at 8 feet NAVD or lower. Pump Station will have two 15,000 gallon per minute units capable of operating at full capacity with a water level down to an elevation determined by the County's Water Resources Manager. (ONGOING: Water Resources - Water Resources)

k. One (1) impoundment designed to maximize water quality improvement. The impoundment shall have a minimum interior area of 600 acres designed and constructed for a Maximum Water Storage Level (MWSL) of three feet above the lowest adjacent grade. The embankment of the impoundment shall be sized to the greater of three feet of free board above the MWSL and the freeboard required to prevent overtopping of the water level resulting from a one-day, 100-year event falling on the MWSL with the wind setup and wave runup from 60 mph, 1-hour duration wind. This analysis will ignore the wave reduction benefits of vegetation. The steepest exterior slope of the embankment shall be 4 horizontal to 1 Vertical (4H:1V). The steepest interior slope of the embankment shall be 3H:1V. The spreader and collection canals shall have minimum cross sectional area

of 300 square feet below 19.0 feet NAVD. The north slope of the spreader canal and the south slope of the collector canal shall have slopes no steeper than 20H:1V. The south slope of the spreader canal and the north slope of the collector canal shall have slopes no steeper than 4H:1V. The embankment shall have turnouts consistent with Section 8-9.b(1) of USACE 1110-2-1913 on spacings of half mile or less with the embankment at each of the four corners of the impoundment widen sufficiently for to provide the required width and length for turnarounds. The top soil and any vegetation and roots shall be removed from the ground surface before grading. The ground surface within the impoundment shall be graded to below 19.6 feet NAVD. The ground surface shall be grade flat from west to east to a tolerance 0.1 feet. Excavation down to an elevation of 18.5 feet NAVD is allowed as long as a downward slope from south to north is maintained. (ONGOING: Water Resources - Water Resources)

l. Two (2) stainless steel five-foot-wide dual leaf gates, each with its own discharge 48-inch discharge pipes, for releasing water from the northeast corner of the impoundment to the ITID M-0 Canal. Upper gate shall have an operation range of at least 24.5 feet NAVD to 1.5 feet NAVD. Lower gate shall have an operational range of at least 14.5 feet NAVD to 1.5 feet NAVD. Structure shall be designed and constructed to resist buoyant force based on an empty structure and a surround water level of 24.5 feet NAVD. (ONGOING: Water Resources - Water Resources)

m. One (1) electric powered Pump Station located near the south end of Indian Trail Improvement Districts (ITID's) L-Canal with an intake floor at 10 feet NAVD or lower. Pump Station will have two 15,000 gallon per minute units capable of operating at full capacity with a water level down to 13.00 feet NAVD. This pump station will include 72-inch diameter pipe capable of bi-direction flow with a full width gate. Structure shall be designed and constructed to resist buoyant force based on an empty structure and a surrounding water level of 16.0 feet NAVD. (ONGOING: Water Resources - Water Resources)

11. The Property Owner shall design and construct the Indian Trails Grove Water Resource Project (ITG-WRP) as specified in the previous Engineering condition. Any and all costs associated with the design and construction shall be paid by the Property Owner.

a. Prior to the issuance of the first residential building permit for the 1,000 unit, adult age restricted development at the Hyder West development (ZV/PDD-2022-00143), the Property Owner shall obtain a construction permit from the South Florida Water Management District for the construction of the ITG-WRP. (BLDGPM: MONITORING - Water Resources)

b. Prior to the issuance of the 277th residential building permit for the 1,000 unit, adult age restricted development at the Hyder West development (ZV/PDD-2022-00143), construction shall commence on the ITG-WRP. Commencement of construction shall be determined by the County Administrator (or designee). (BLDGPM: MONITORING - Water Resources)

- c. Prior to the issuance of the 360th residential building permit for the 1,000 unit, adult age restricted development at the Hyder West development (ZV/PDD-2022-00143), the ITG-WRP shall be completed. The completion and operation shall be to the satisfaction of the County Administrator (or designee). (BLDGPM: MONITORING - Water Resources)
- d. Upon acceptance of the County Administrator (or designee), the Property Owner shall convey the 1,600 acres labeled on the Conceptual Plan as the "WCR Exchange Parcel/Palm Beach County Conveyance (1,600 acres)" to Palm Beach County. (BLDGPM/ONGOING: MONITORING - Water Resources)

ENVIRONMENTAL

1. Prior to the final approval by the Development Review Officer, the Applicant shall provide a copy of a wetland jurisdictional determination from the Florida Department of Environmental Protection, South Florida Water Management District and/or the Army Corps of Engineers. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
2. Prior to the final approval by the Development Review Officer, the Applicant shall provide a Phase II Environmental Site Assessment to ERM for review. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
3. Prior to the approval of the applicable Final Subdivision Plan, a Hydrologic Enhancement Management Plan shall be provide to ERM for review and approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
4. All vegetation species that are to be planted and maintained within the development shall be native to South Florida or as approved by ERM in writing. (BLDGPM/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE – TOWER- POD P

1. Prior to Final Development Review approval, the Final Master Plan shall be modified to included the required buffering and screening around the existing tower in accordance with the Art.4.B.9.B.7 Perimeter Buffering. (DRO: ZONING - Zoning)

PARKS

1. The Property Owner shall notify prospective purchasers and future residents by providing sales contracts, brochures and homeowner documents, containing a disclose statement identifying that the development is in proximity to a future public park with active recreational amenities and residents may be subject to noise and lights from future recreational facilities including but not limited to ballfields, picnic facilities, playgrounds, etc. Also the sales office shall make prospective purchasers and future residents aware that all or portions of the future public park will remain in an unimproved state with no regularly scheduled maintenance until such time as the park is developed and open to the public. (ONGOING: CODE ENF - Parks and Recreation)
2. The Property Owner shall be solely responsible to fund, permit and construct a 50 acre public park prior to the conveyance to Palm Beach County from the Hyder AGR-PUD (Control No. 2005-00455, as required by PREM Condition 6 herein) in accordance with Palm Beach County Parks and Recreation Department Specifications. The Property Owner shall coordinate with the Parks and Recreation Department Director on the recreational elements to be included in the 50 acre active park. Minimum recreational improvements are subject to approval by the Parks and Recreation Department's Director and may include paved ingress/egress and parking, water, sewer and electric to all applicable amenities, accessible all ability playground with shade, One Bankshot inclusive basketball court with lights integrated with accessible playground, Three multi-purpose fields with lights, Twelve pickle ball courts with lights, a group picnic pavilion accommodating at least 8 picnic tables, at least one restroom, native vegetation landscaping, appropriately sized Park operations/maintenance facility with offices and storage for active park maintenance.
- a) The Property Owner shall provide a master site plan acceptable to the Parks and Recreation Department Director no later than the issuance of a Certificate of Occupancy for 500 adult restricted residential units in the Hyder West AGR-PUD (2022-00005, and exclusive of units/beds within any public or private civic pod).
- b) The Property Owner shall not commence permitting and construction until receiving written approval of the project's specifications from the Parks and Recreation Department Director. The Park shall be turned over to the Parks and Recreation Department in accordance with Control No. 2005-0455, PREM Condition 6, herein. (CO: MONITORING - Parks and Recreation)
4. The Property Owner shall provide a \$300,000 check payable to the Palm Beach County Board of County Commissioner annually for a period of 20 years for the maintenance of the 50 acre public park. The first check is payable within 30 days of the conveyance to Palm Beach County as required by PREM Condition No. 1, herein. (ONGOING: PARKS AND RECREATION - Parks and Recreation)

PLANNING

1. The subject request for 1,277 units with a 277-unit Workforce Housing Program (WHP) obligation is based on the Text amendment within LGA 2022-21. New FLUE Policy 1.5.2-b.b: requires the Hyder West AGR PUD to provide up to 277 units of workforce housing containing a minimum of 152 for-sale and maximum of 125 rentals distributed between 60-140% affordability range, and to be provided on-site (with no buyout, exchange building, or in-lieu option). (ONGOING: PLANNING - Planning)
2. Per FLUE Policy 1.5.2-b.d: Prior to Final approval by the Development Review Officer (DRO), submit a deed restriction limiting the adult age-restricted residential development to an adult age-restricted community; this restriction shall remain unless a development order amendment is submitted to delete the conditions for the deed restriction, and may only be approved upon demonstration that the impacts associated with removing the age restriction have been addressed and any impacts to service providers are mitigated. (ONGOING: PLANNING - Planning)
3. Per FLUE Policy 1.5.2-b.e: Fulfillment (issuance of Certificate of Occupancy (CO's) of all 277 workforce housing units shall be completed prior to the issuance of 277 residential Certificate of Occupancies for the adult age-restricted residential development portion of the subject site. (CO: MONITORING - Planning)
4. The Developer shall notify the Planning Division and The Department of Housing and Economic Sustainability (DHES) at the commencement of sales or leasing. (ONGOING: PLANNING - Planning)
5. Prior to the issuance of the first residential Building Permit, the Property Owner shall record in the public records of Palm Beach County a Workforce Housing Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney. The site plan shall also be modified to include the OR Book and Page of the recorded document and provide a copy of the revised site plan to Planning. (BLDGPM: MONITORING - Planning)
6. Prior to the release of the first building permit, the Developer shall provide documentation demonstrating compliance with the required design standards: which includes but is not limited to compatible exteriors, provision of a dry model. (BLDGPM: MONITORING - Planning)
7. Prior to conveyance of lands contained within Hyder AGR-PUD Preserve No. 1 (Hyder North Preserve Parcel) to Palm Beach County pursuant to PREM Condition 6, the Owner shall obtain a release of the Conservation Easement associated with said lands from Lake Worth Drainage District and Palm Beach County. (ONGOING: PLANNING - Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. The Property Owner shall provide Palm Beach County Board of County Commissioners with Statutory Warranty Deeds on a net 6.84-acre and 10.88-acre public civic sites (net usable area excluding buffers), identified as Public Civic Pod 1 and 2 on the Preliminary Master Plan, in a form and manner acceptable to Facilities Development & Operations Department (FD&O), by April 24, 2026, or other date that is mutually agreeable to the Property Owner and FD&O. Property Owner to plat and dedicate the civic sites to Palm Beach County prior to each deed conveyance, and shall have satisfied each of the following conditions:

a) Title

Property Owner to provide a title policy insuring marketable title to Palm Beach County for the civic sites and any easements that service the civic sites as required by the County Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic sites or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall be obtained by the Property Owner. The Property Owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site.

b) Concurrency

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

c) Taxes

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

d) Site condition

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

e) Retention and Drainage

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

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

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

f) On-Site Inspections

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

g) Vegetation Permit

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

h) Buildable Grade

Prepare civic site to buildable grade under the direction of the FDO Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered, all of which shall be to the satisfaction of FDO. The buildable grade elevation required will generally be the highest crown of road adjacent to the civic site, unless otherwise determined by PREM. Proposed County Critical Care facilities may require higher elevations as determined by County, at County's sole discretion. Property Owner to provide: 1) In-place density test, 2) Soil placement monitoring report, 3) Test of materials used in the soil placement monitoring report, 4) Final survey to include topo results.

i) Water, Sewer and Reclaim Water

Property Owner to provide water, sewer, reclaim water (if reclaimed water is available) stubbed out to the property line and other required utilities as determined by PREM.

j) Irrigation

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

2. The Property Owner shall provide the County with a survey certified to Palm Beach County of each proposed public civic site prior to March 1, 2026, or other date that is mutually agreeable to the Property Owner and FD&O. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a) The survey shall meet Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.050-.052 for a Boundary Survey pursuant to section 472.027, Florida Statutes.

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

c) The survey should include a location of any proposed water retention area that will border a civic site. Survey is also subject to the County's approval of any proposed or existing easements within a proposed civic site and all title exceptions are to be shown on the survey. (DATE: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

3. The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County for each proposed public civic site prior to March 1, 2026, or other date that is mutually agreeable to the Property Owner and FD&O. The minimum assessment of the property will be a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use. Prior use of the property (Example: Ag Production, golf course, other uses as determined by

County) that creates the possibility of soil and groundwater impacts above environmental target clean up levels will require further soil and ground water investigation and testing, unless waived by County at County's sole discretion.

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

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

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

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

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

5. The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed for the 1,600 gross acres identified on the Preliminary Master Plan for the Indian Trails Grove PUD (Control No. 2022-90045) as Palm Beach County Conveyance, in a location and form acceptable to Facilities, Development & Operations Department (FD&O), no later than issuance of a Certificate of Occupancy for 360 adult restricted residential units. Property Owner to plat and dedicate the property to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

a) Title

Property Owner to provide a title policy insuring marketable title to Palm Beach County for the property and any easements that service the property as required by the County Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the properties or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall be obtained by the Property Owner. The Property Owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the properties.

b) Taxes

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

c) Site condition

Property to be free and clear of all trash and debris, and County acceptance of the Indian Trails Grove-Water Resources Project (ITG-WRP) improvements having been granted, at the time of acceptance of the Statutory Warranty Deed.

d) ITG-WRP easements

Any and all easements required for the regular operation of the Indian Trails Grove-Water Resources Project (ITG-WRP) shall be recorded, in a form and manner acceptable to Palm Beach County, at the time of acceptance of the Statutory Warranty Deed.

e) On-Site Inspections

By acceptance of these conditions Property Owner agrees to allow the County to perform any on-site inspections and testing deemed appropriate to support the acquisition of the property. (CO: MONITORING - Property Real Estate Management)

SCHOOL BOARD

1. The Property Owner shall post a notice of annual boundary school assignments for students from the portion of this development containing units that are not age-restricted. 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. The Property Owner shall provide a Declaration and Restrictive Covenant which prohibits children less than nineteen years of age from residing in the age-restricted portion of the community no later than six (6) months after Final DRO Approval. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the School Board and the County Attorney and a copy of the recorded document shall be sent to the School Board's Planning and Intergovernmental Relations Department. (DRO: COUNTY ATTORNEY - School Board)

COMPLIANCE

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

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

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

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

DISCLOSURE

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

Figure 1 - Land Use Map

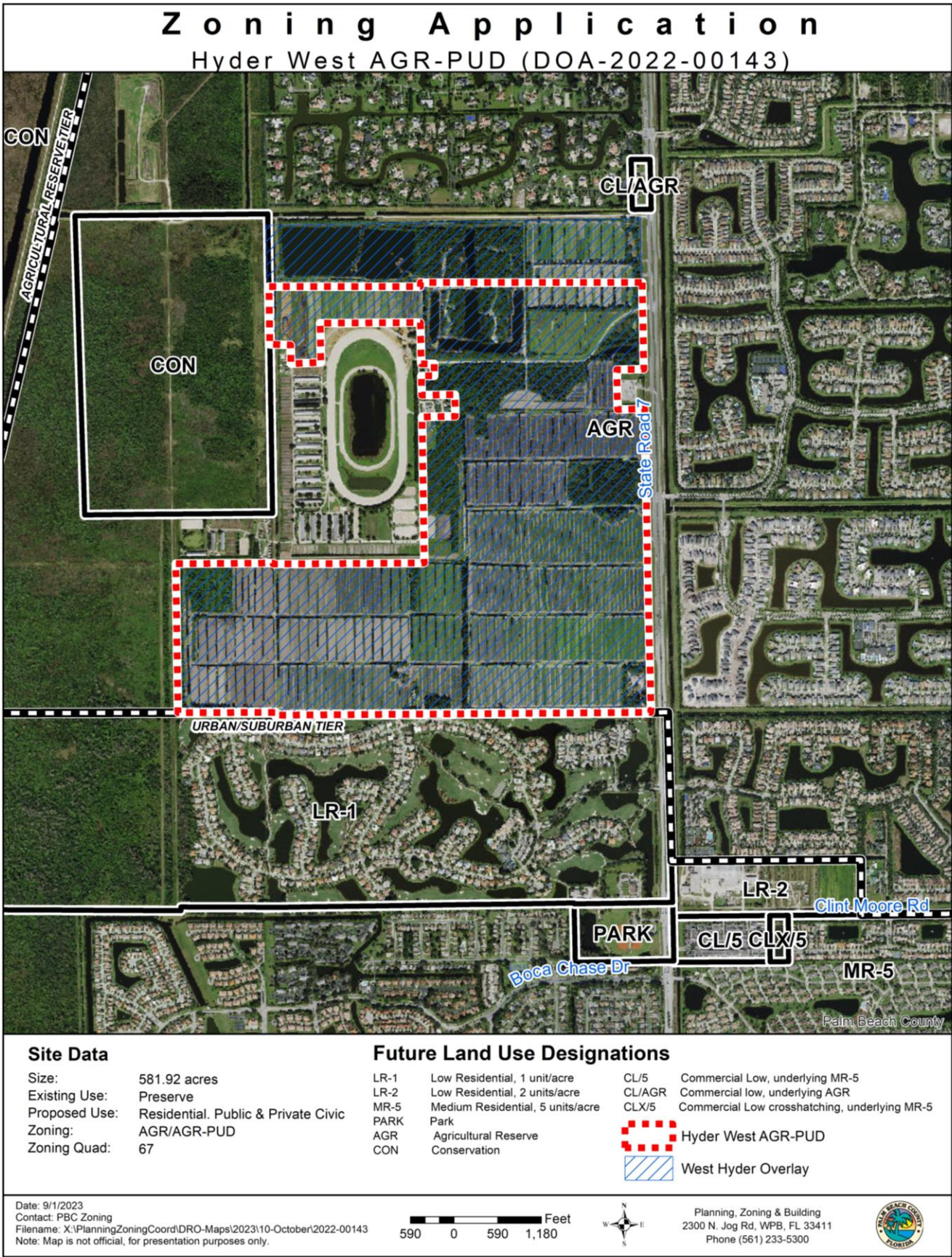
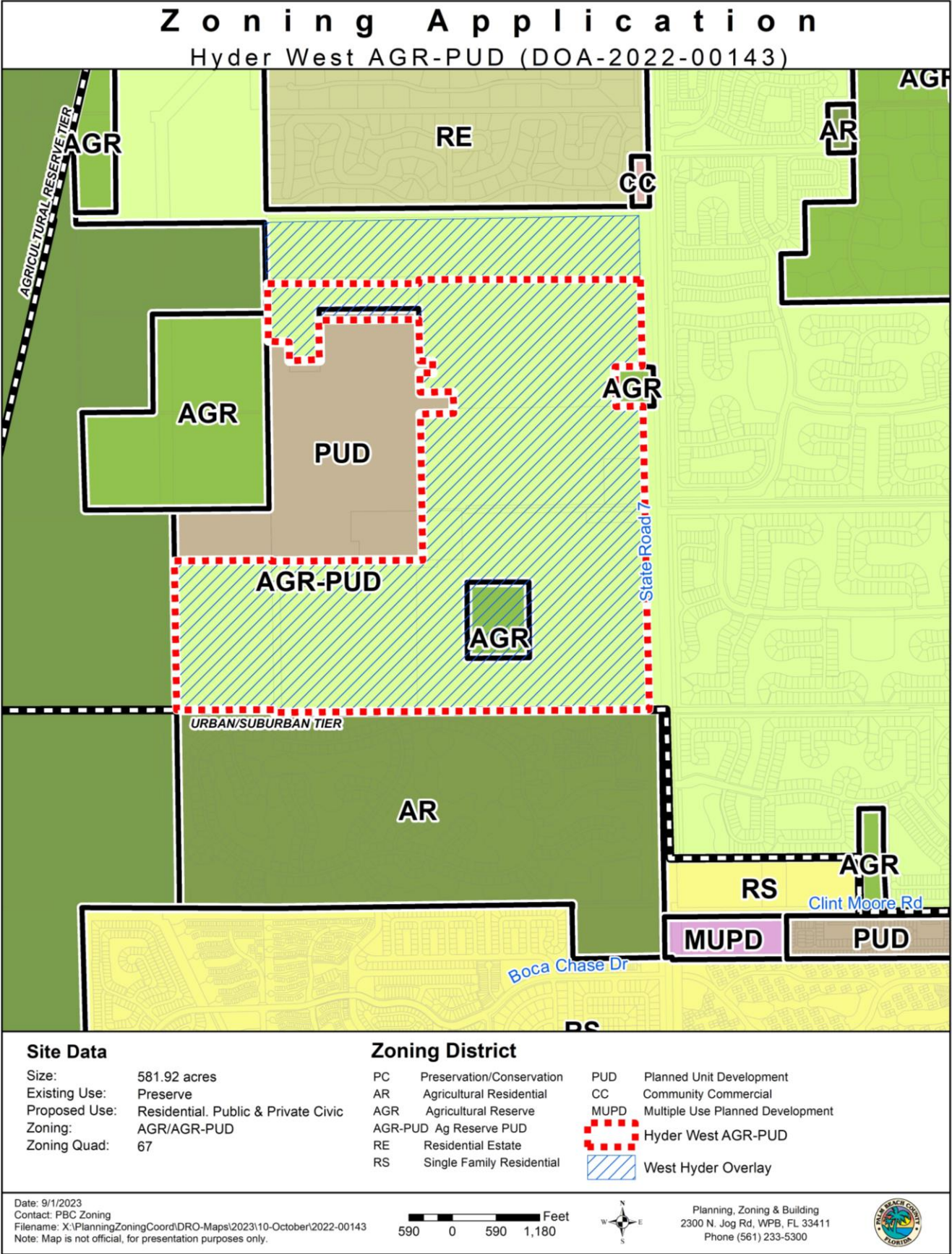


Figure 2 - Zoning Map



Zoning Commission
Application No. ZV/PDD-2022-00143

October 5, 2023

Page 21
Hyder West AGR-PUD

Zoning Commission
Application No. ZV/PDD-2022-00143

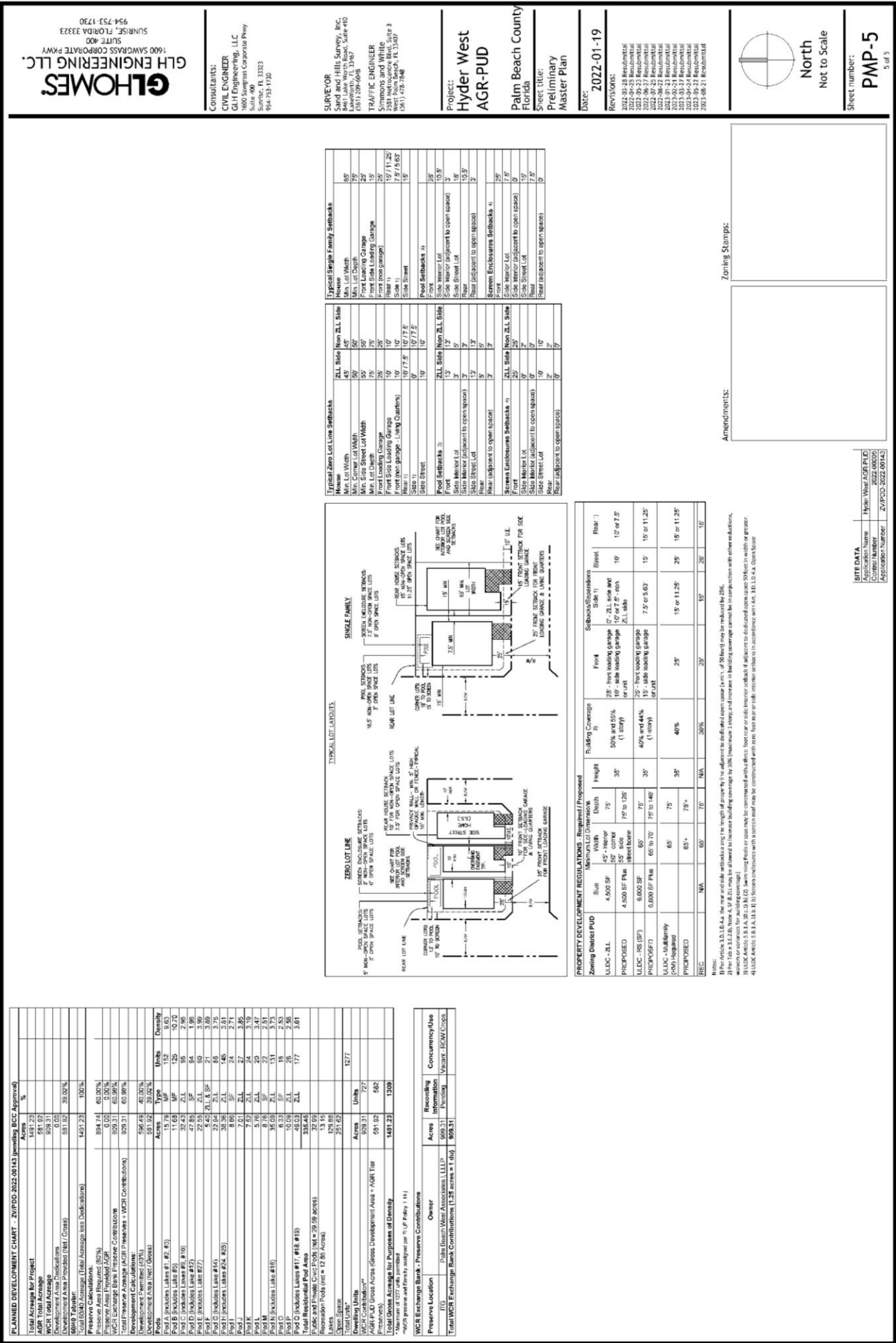
Zoning Commission
Application No. ZV/PDD-2022-00143



Zoning Commission
Application No. ZV/PDD-2022-00143



Figure 4 – Preliminary Master Plan dated (Sheet 5 of 5) August 21, 2023



Zoning Commission
Application No. ZV/PDD-2022-00143

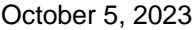


Exhibit D – Disclosure of Ownership

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

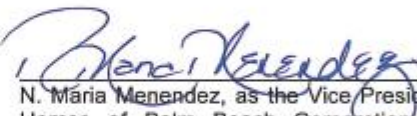
TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF BROWARD

BEFORE ME, the undersigned authority, this day personally appeared N. Maria Menendez, hereinafter referred to as "Affiant," as the Vice President of G.L. Homes of Palm Beach Corporation, a Florida corporation, the general partner of G.L. Homes of Palm Beach Associates, Ltd., a Florida limited partnership, who being by me first duly sworn, under oath, deposes and states as follows:


1. Affiant is the Vice President of G.L. Homes of Palm Beach Corporation, a Florida corporation, the general partner of G.L. Homes of Palm Beach Associates, Ltd., a Florida limited partnership (the "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for the real property legally described on the attached Exhibit "A" (the "Property").
 2. Affiant's address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
 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.
-

FURTHER AFFIANT SAYETH NAUGHT.


N. Maria Menendez, as the Vice President of G.L. Homes of Palm Beach Corporation, a Florida corporation, the general partner of G.L. Homes of Palm Beach Associates, Ltd., a Florida limited partnership

The foregoing instrument was acknowledged before me by means of [X] physical presence or [] online notarization, this 11th day of January 2023, by N. Maria Menendez, as the Vice President of G.L. Homes of Palm Beach Corporation, a Florida corporation, the general partner of G.L. Homes of Palm Beach Associates, Ltd., a Florida limited partnership, [X] who is personally known to me or [] who has produced _____ as identification and who did take an oath.




Notary Public
Lucia Hernandez
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 1/3/27

EXHIBIT "A"**PROPERTY**HYDER WEST AGR-PUDLEGAL DESCRIPTION:

BEING A PARCEL OF LAND LYING WITH IN SECTION 36, TOWNSHIP 46 SOUTH, RANGE 41 EAST, BEING ALL OF TRACTS 2 THROUGH 8, INCLUSIVE, TRACTS 13 THROUGH 23, INCLUSIVE, TRACTS 26 THROUGH 47, INCLUSIVE AND A PORTION OF TRACTS 1, 9, 24 25 AND 48, TOGETHER WITH THE ABUTTING ROAD, DYKE AND DITCH RESERVATIONS, ALL LYING WITHIN BLOCK 69, ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4; THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4; ALL OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

A PORTION OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 35; THENCE SOUTH 00°52'07" EAST, ALONG THE EAST LINE OF SAID SECTION 35, A DISTANCE OF 672.99 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE, SOUTH 00°52'07" EAST, A DISTANCE OF 13.01 FEET; THENCE NORTH 89°36'38" EAST, ALONG THE NORTH LINE OF SAID TRACTS 13 THROUGH 16, A DISTANCE OF 2043.43 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 1974.84 FEET; THENCE NORTH 89°05'42" EAST, A DISTANCE OF 450.00 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 293.56 FEET; THENCE SOUTH 89°03'44" WEST, A DISTANCE OF 450.00 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 260.61 FEET; THENCE NORTH 89°05'42" EAST, A DISTANCE OF 175.00 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 163.36 FEET; THENCE SOUTH 89°21'36" WEST, A DISTANCE OF 175.00 FEET; THENCE NORTH 00°54'17" WEST, A DISTANCE OF 557.34 FEET; THENCE SOUTH 89°39'27" WEST, A DISTANCE OF 1356.34 FEET; THENCE SOUTH 00°56'16" EAST, A DISTANCE OF 529.84 FEET; THENCE SOUTH 89°03'44" WEST, A DISTANCE OF 406.94 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 254.70 FEET; THENCE SOUTH 89°03'44" WEST, A DISTANCE OF 280.00 FEET; THENCE NORTH 00°54'18" WEST, ALONG THE WEST LINE OF SAID

SECTION 25, A DISTANCE OF 780.45 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 2050.84 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 55.00 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 2998.57 FEET; THENCE SOUTH 01°06'47" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION STATE PROJECT NO. 93210-2515 RIGHT-OF-WAY MAP, A DISTANCE OF 214.31 FEET; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 01°06'44" EAST, A DISTANCE OF 956.95 FEET; THENCE ALONG THE NORTH LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3922, PAGE 1127 AND THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 11873, PAGE 1779, SAID PUBLIC RECORDS, SOUTH 88°55'00" WEST, A DISTANCE OF 366.34 FEET; THENCE ALONG THE BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 11873, PAGE 1779 FOR THE FOLLOWING TWO (2) DESCRIBED COURSES, SOUTH 01°06'44" EAST, A DISTANCE OF 537.00 FEET; THENCE NORTH 88°55'00" EAST, A DISTANCE OF 366.34 FEET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE OF STATE ROAD 7, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION STATE PROJECT NO. 93210-2515 RIGHT-OF-WAY MAP FOR THE FOLLOWING FIVE (5) DESCRIBED COURSES SOUTH 01°06'44" EAST, A DISTANCE OF 1360.22 FEET; THENCE SOUTH 01°06'45" EAST, A DISTANCE OF 1362.50 FEET; THENCE SOUTH 01°48'05" EAST, A DISTANCE OF 30.01 FEET; THENCE SOUTH 01°28'29" EAST, A DISTANCE OF 1320.36 FEET; THENCE SOUTH 89°34'36" WEST, A DISTANCE OF 5.79 FEET; THENCE SOUTH 01°16'34" EAST, A DISTANCE OF 30.00 FEET; THENCE ALONG THE NORTH LINE OF STONEBRIDGE PLAT NO. 1, AS RECORDED IN PLAT BOOK 49, PAGES 112 THROUGH 119, AND ALONG THE NORTH LINE OF STONEBRIDGE PLAT NO. 2, AS RECORDED IN PLAT BOOK 53, PAGES 38 THROUGH 44, ALL OF SAID PUBLIC RECORDS FOR THE FOLLOWING THREE (3) DESCRIBED COURSES, SOUTH 89°34'36" WEST, A DISTANCE OF 5075.61 FEET; THENCE NORTH 00°52'07" WEST, A DISTANCE OF 37.26 FEET; THENCE SOUTH 89°50'37" WEST, ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 35, A DISTANCE OF 1318.72 FEET; THENCE NORTH 00°51'32" WEST, ALONG THE WEST LINE OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 35, A DISTANCE OF 2013.43 FEET; THENCE NORTH 89°36'12" EAST, ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 35, A DISTANCE OF 1318.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 581.923 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
2. Maya Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
3. Misha Ezratti, individually and/or through trusts for his interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
4. Maxie Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

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

STATE OF FLORIDA
COUNTY OF BROWARD

BEFORE ME, the undersigned authority, this day personally appeared N. Maria Menendez, hereinafter referred to as "Affiant," as the Vice President of Palm Beach West I Corporation, a Florida corporation, the general partner of Palm Beach West Associates I, LLLP, a Florida limited liability limited partnership, who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Vice President of Palm Beach West I Corporation, a Florida corporation, the general partner of Palm Beach West Associates I, LLLP, a Florida limited liability limited partnership (the "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for the real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
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.

FURTHER AFFIANT SAYETH NAUGHT.

N. Maria Menendez
N. Maria Menendez, as the Vice President of Palm Beach West I Corporation, a Florida corporation, the general partner of Palm Beach West Associates I, LLLP, a Florida limited liability limited partnership

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 27th day of December 2021, by N. Maria Menendez, as the Vice President of Palm Beach West I Corporation, a Florida corporation, the general partner of Palm Beach West Associates I, LLLP, a Florida limited liability limited partnership, ☒ who is personally known to me or ☐ who has produced _____ as identification and who did take an oath.

Lucia Hernandez
Notary Public
Lucia Hernandez
(Print Notary Name)



NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 12/09/22

EXHIBIT "A"

PROPERTY

see attached 3 pages

Indian Trails Grove (Overall)

LEGAL DESCRIPTION:

PARCEL 1:

A PARCEL OF LAND LYING IN SECTIONS 19, 20, 21, 22, 27, 30, 31, THE SOUTH HALF OF SECTIONS 17 AND 18, AND THE NORTH HALF OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, AND SECTIONS 25 AND 26, TOWNSHIP 42 SOUTH, RANGE 39 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF SECTIONS 19, 20, 21, 22, 27 AND 30; TOGETHER WITH THE SOUTH ONE-HALF (S 1/2) OF SECTIONS 17 AND 18; ALL THAT PART OF SECTION 31 LYING NORTH AND EAST OF THE 660 FOOT FLORIDA POWER & LIGHT COMPANY RIGHT OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK 2431, AT PAGE 1704 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND THE NORTH ONE-HALF (N 1/2) OF SECTION 34, ALL IN TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 4004, AT PAGE 136 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

THE NORTH 135 FEET OF THE SOUTH 1/2 OF SECTIONS 17 AND 18, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 9363, AT PAGE 813 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

PARK

THE PARCELS OF LAND LYING IN THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22, LESS THE EAST 425 FEET THEREOF; ALSO LESS THE NORTH 50 FEET THEREOF;

TOGETHER WITH

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 22, LESS THE WEST 195 FEET THEREOF; ALSO LESS THE NORTH 50 FEET THEREOF.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL:

SCHOOL SITE (OFFICIAL RECORDS BOOK 11559, PAGE 1999)

THE EAST 978.88 FEET OF THE SOUTH 1335.00 FEET OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND NOT INCLUDING THE FOLLOWING PARCEL:

MIDDLE SCHOOL SITE (OFFICIAL RECORDS BOOK 13335, PAGE 1490)

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER (1/4); THENCE NORTH 00° 05' 37" WEST, ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 1335.00 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST SECTION LINE, NORTH 89° 58' 53" WEST, A DISTANCE OF 1372.00 FEET; THENCE NORTH 00° 05' 37" WEST, A DISTANCE OF 901.00 FEET; THENCE NORTH 89° 26' 02" EAST, A DISTANCE OF 1372.04 FEET TO THE EAST LINE OF SAID SECTION 34; THENCE SOUTH 00° 05' 37" EAST, A DISTANCE OF 915.00 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING NORTH 89° 58' 53" WEST.

AND LESS AND NOT INCLUDING THE FOLLOWING PARCEL:

HIGH SCHOOL SITE (OFFICIAL RECORDS BOOK 14689, PAGE 1639)

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 22; THENCE SOUTH 00° 02' 47" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4), A DISTANCE OF 1481.20 FEET; THENCE NORTH 89° 53' 55" WEST, A DISTANCE OF 1763.98 FEET; THENCE NORTH 00° 00' 18" EAST, A DISTANCE OF 1481.20 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER (NE 1/4); THENCE SOUTH 89° 53' 55" EAST, A DISTANCE OF 1765.05 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL:

PALM BEACH COUNTY PARCEL

THE PARCELS OF LAND LYING IN THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 50.00 FEET OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 22, LESS THE EAST 425.00 FEET THEREOF.

TOGETHER WITH

THE NORTH 50.00 FEET OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22, LESS THE WEST 195.00 FEET THEREOF.

PARCEL 2:

SECTION 4, TOWNSHIP 43 SOUTH, RANGE 40 EAST; AND ALL THAT PART OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 40 EAST, LYING NORTH OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON

THE WEST LINE OF SAID SECTION 3, SAID POINT BEING 2,632.90 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION; THENCE RUNNING IN A NORTHEASTERLY DIRECTION A DISTANCE OF 3,610.56 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID SECTION, 2,530.47 FEET EAST OF THE NORTHWEST CORNER THEREOF.

EXCEPTING THEREFROM, THAT PORTION OF SAID SECTION 4 CONVEYED TO THE CITY OF WEST PALM BEACH AS DESCRIBED IN THE DEED FROM INDIAN TRAIL RANCH, INC., DATED JULY 26, 1956 AND RECORDED SEPTEMBER 25, 1956 IN DEED BOOK 1156, PAGE 58, WHICH DEED WAS CORRECTED IN PART BY THE CORRECTIVE QUIT CLAIM DEED DATED OCTOBER 7, 1963 AND FILED OCTOBER 8, 1963 IN OFFICIAL RECORDS BOOK 924, PAGE 965, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO EXCEPTING THEREFROM, PARCEL 8, A PARCEL OF LAND VESTED IN FLORIDA POWER & LIGHT COMPANY BY THE STIPULATED FINAL JUDGMENT AS TO PARCEL 8, RECORDED IN OFFICIAL RECORDS BOOK 30909, PAGE 650, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL 8 LYING WITHIN THE SOUTH 50.00 FEET OF SAID SECTION 4.

ALSO EXCEPTING THEREFROM THE NORTH 100 FEET OF SECTION 4 AND THE NORTH 100 FEET OF THAT PORTION OF SECTION 3 LYING WEST OF THE RIGHT OF WAY LINE OF THE M CANAL, ALL IN TOWNSHIP 43 SOUTH, RANGE 40 EAST, SAID PALM BEACH COUNTY.

CONTAINING A TOTAL OF 4,866.102 ACRES MORE OR LESS.



EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
2. Maya Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
3. Misha Ezratti, individually and/or through trusts for his interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
4. Maxie Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

DRAINAGE STATEMENT
FOR
HYDER WEST AGR-PUD
Control No. 2022-0005
Application No. ZV/PDD-2022-00143

Hyder West AGR-PUD is a proposed residential and civic development located west of State Road 7, approximately one mile south of Atlantic Avenue, in unincorporated Palm Beach County, Florida. The overall development proposes 1,000 age-restricted residential units, 277 Workforce Housing Units, as well as 2 private civic and 2 public civic pods on approximately 581.92 acres.

This project is located in the South Florida Water Management District (SFWMD) Hillsboro Drainage Basin and the Lake Worth Drainage District (LWDD). The site is bounded on the north by the LWDD L-36 1/2W Canal, on the south by the LWDD L-39W Canal and bisected by the LWDD L-38 Canal and LWDD S-11 Canal.

The site will consist of a single drainage basin which will be designed to accommodate the storm water runoff from this entire project. Proposed legal positive outfall shall be provided to the adjacent LWDD L-36 ½ W and S-11 Canals.

The property will be designed to meet the following criteria:

- All discharge to the adjacent LWDD Canal will be through a control structure.
- The minimum finished floor elevation for any structure shall be set above the 100-year, 3-day, zero discharge storm event or 18" above the crown of the adjacent road, whichever is higher.
- A continuous perimeter berm will be constructed around the drainage basin with a top elevation equal to or exceeding the 25-year, 3-day storm event.
- The minimum road crown elevation for the onsite roads shall be set above the 5-year, 1-day storm event.
- The drainage system shall be designed to accommodate all impervious area on residential lots.
- All drainage systems will be designed in accordance with Palm Beach County, South Florida Water Management District and Lake Worth Drainage District criteria.

The on-site drainage system will consist of a series of catch basins and pipes which will route storm water runoff to the interconnected lake system. The lakes will provide the necessary water quality treatment and provide the required storage for storm water runoff.

The rear yards of all lots adjacent to a water management tract will drain to the lakes. In all other cases, each lot will be graded to drain storm water runoff to the collection system located in the dedicated roadways.

GLH Engineering, LLC (FL Certificate of Authorization No. 27459)

Matthew Woods, P.E.
Florida Registration # 68342

Matthew Woods,
State of Florida, Professional Engineer,
License No. 68342

This form has been electronically signed and sealed
by Matthew Woods, PE on the date indicated here.
Printed copies of this document are not considered
signed and sealed and the signature must be
verified on any electronic copies.

Matthew Woods
E=matt.woods@glhome
s.com,CN=Matthew
Woods, OU=Land
Development, O=G.L.
Homes of Florida
Corporation, L=Sunrise,
S=Florida, C=US
2023.03.15
08:44:44-04'00'

Exhibit G – School Capacity Availability Determination dated February 28, 2023



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

PLANNING AND INTERGOVERNMENTAL RELATIONS
3661 INTERSTATE PARK RD. N., STE 200
RIVIERA BEACH, FL 33404

KRISTIN K. GARRISON
DIRECTOR

JOSEPH M. SANCHES, MBA
CHIEF OPERATING OFFICER

PHONE: 561-434-8020 / FAX: 561-357-1193
WWW.PALMBEACHSCHOOLS.ORG/PLANNING

SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

Application	Submittal Date	02/20/2023		
	SCAD No.	23022001D – D. O.		
	FLU /Rezoning/D.O. No.	ZV/PDD 2022-00143 – Palm Beach County		
	PCN No. / Address	00-41-46-25-00-000-1040/16533 S. State Road 7 and more		
	Development Name	Hyder West AGR- PUD		
	Owner / Agent Name	GL Homes of Palm Beach Associates, Ltd/Ryan Vandenburg		
	SAC No.	295C		
	Proposed D. O.	Total 1,309 Residential Units (277 Multi-Family; 32 Mid-Rise Apt/Condo; 1,000 Age-Restricted)		
Impact Review		Sunrise Park Elementary School	Eagles Landing Middle School	Olympic Heights High School
	New Students Generated	33	16	21
	Capacity Available	-221	-100	-832
	Utilization Percentage	118%	106%	137%
School District Staff's Recommendation	<p>Based on the findings and evaluation of the proposed development, there will be a negative impact on the public-school system. Given the recent increases in school impact fees, effective January 1, 2023, much of these impacts will be mitigated. The impact fees, however, will not fully cover impacts to the school system. Therefore, if the proposed development is approved by Palm Beach County government and if the Developer voluntarily agrees, School District staff recommends the following conditions to mitigate such impacts.</p> <p>1) In order to address the school capacity deficiency generated by this proposed development at the District elementary, middle and high school level, the property owner shall contribute a total of \$298,197.00 to the School District of Palm Beach County prior to the issuance of first building permit. This voluntary school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied). Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on Sept. 13, 2022.</p> <p>2) The Property Owner shall provide a Declaration and Restrictive Covenant which prohibits children less than nineteen years of age from residing in the community no later than six (6) months after a development order Approval.</p>			
Validation Period	<p>1) This determination is valid from 02/28/2023 to 02/27/2024 or the expiration date of the site-specific development order approved during the validation period. 2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to 02/27/2024 or this determination will expire automatically on 02/27/2024.</p>			
Notice	<p>1) This letter replaces the SCAD letter under case#22063001D issued on 7/12/2022. 2) 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.</p>			

Joyce Cai

February 28, 2023

School District Representative Signature

Date

Joyce C. Cai, Senior Planner

joyce.cai@palmbeachschools.org

Print Name & Title

Email Address

CC: Vismary Dorta, Site Plan Technician, Palm Beach County
Joyell Shaw, PIR Manager, School District of Palm Beach County

The School District of Palm Beach County, Florida
A Top High-Performing A Rated School District
An Equal Education Opportunity Provider and Employer

JUSTIFICATION STATEMENT
Hyder West AGR-PUD
Control Number 2022-00005
ZV/PDD-2022-00143
Type 2 Variance / Official Zoning Map Amendment
Minor Resubmittal August 21, 2023

Request

G. L. Homes of Palm Beach Associates, Ltd. is the owner of the property located along the west side of State Road 7, south of Atlantic Avenue and north of Clint Moore Road. The Applicant is requesting approval to rezone the overall property from the Agricultural Reserve (AGR) Zoning District and the Agricultural Reserve – Planned Unit Development Preserve (AGR-PUD (P)) Zoning District to an Agricultural Reserve – Planned Unit Development (AGR-PUD) utilizing the 60/40 Preserve Area option for AGR-PUDs. The application includes 581.92 gross acres that will be utilized as the development area. To achieve the 60 percent preservation requirement, the Applicant is proposing to utilize 909.31-acres from the WCR Exchange Bank, which will contribute to the preserve requirements. More detailed information on the WCR Exchange Bank is provided below.

The Application Request is as follows:
Official Zoning Map Amendment (Rezoning)/Type 2 Variance

- Rezone 581.92 acres from AGR and AGR-PUD (P) to AGR-PUD as the Development portion of the AGR-PUD;
- For AGR-PUD acreage and density calculations, the approval will utilize 909.31 acres of WCR-PUD zoned land within the 1,600 acres of WCR Exchange Bank lands;
- Creation of a Preliminary Master Plan, which provides for 1277 total residential units. This includes 1000 single family and zero lot line residential dwelling units (adult age restricted) and 277 Workforce Housing Units (Multifamily Rental and Fee Simple, see page 8 for more details). The Master Plan also includes two Public Civic Pods and two Private Civic Pods. The Public Civic Pods identify a total of 200,000 sq. ft. of Government Services uses, and the Private Civic Pods identifies a 50,000 sq. ft. Place of Worship and 25,000 sq. ft. of Government Services uses; and,
- Type 2 Variance (concurrent) to eliminate a portion of the required AGR-PUD east and west perimeter buffer (east and west side of the proposed wetlands/open space area as identified on PMP-1 and 3).

A Type 1 Waiver has also been requested, which would be an administrative approval through the off-the-board application, should the overall Public Hearing application be approved by the Board for the elimination of a Type 2 Incompatibility Buffer between the proposed recreational pod serving the age-restricted development area (Rec Pod 3) and adjacent residential uses.

Changes to the Request:

The following changes to the application have been made since the resubmittal on May 26, 2023:

- A 4.50-acre area to the west of Pod A has been revised and is now identified as Preserve Area #1 (see PMP-2) as requested by Staff. This area, which is currently under lease to Sunshine Meadows Equestrian Facility located to the south, will no longer be included within the Open Space Tabular for required Open Space. A note has also been added to the Plan detailing that this preserve area does not count towards 60/40 preserve area requirements.
- The 8.50-acre polishing pond (see PMP-3), which is located to the north of Pod D, has been labelled as Polising Pond Easement - Preserve Area #2 at Staffs request. A note has also been added to the Plan detailing that this preserve area does not count towards 60/40 preserve area requirements, and a Conservation Easement will be recorded over it. This area does count towards the 40% Open Space Requirement.
- At the direction of Zoning Staff, the Applicant has modified Residential Pod Q to include the Communication Tower within the Residential Pod limits. Staff indicated the addition of the Tower to a residential pod will allow the use to be vested.
- The Preliminary Master Plans (PMP-1 through 5) have been revised to denote the changes identified above. This includes changes to the Site Area Breakdown and Open Space Tabular Charts, as well as the plans themselves.

Combination of Hyder West AGR-PUD and Hyder West Civic AGR-PUD

On August 31, 2022, the BCC postponed consideration of LGA-2022-0021 until the May 3, 2023, Transmittal Public Hearing. The Applicant opted to revise Whitworth AGR-PUD (PDD/DOA-2022-00213) to allow it to move forward in advance of any decision by the BCC in May of this year. To allow Whitworth AGR-PUD to move forward, additional AGR-PUD Preserve lands were required to be added to established compliance with the 60/40 AGR-PUD requirements (18.09 acres of additional Preserve Area, Hyder West Two Preserve #11), with the additional AGR-PUD Preserve lands being added occurring entirely within the AGR Tier and therefore no longer reliant upon the LGA-2022-0021 decision. Additionally, 72.35 acres of Preserve area (Hyder West Preserve #4) was added back to the Whitworth development order amendment application.

With Whitworth AGR-PUD now having 90.44 acres (18.09 acres + 72.35 acres) of AGR Tier Preserve Land encumbering the Hyder West development area, the new application for a preserve area swap for Whitworth AGR-PUD is being made; the new application seeks to swap the 90.44 acres (Hyder West Preserve #4 and Hyder West Two Preserve #11) with contributing preserve lands from the WCR Exchange Bank. In total, 113.05 acres are required from the Exchange Bank to meet density requirements for Whitworth ($113.05 \times 0.8 = 90.44$). The increased

2
Hyder West AGR-PUD
Type 2 Variance / Official Zoning Map Amendment
Resubmittal: August 21, 2023

lands are required from the WCR Exchange bank as preserve lands within the AGR Tier contribute 1 acre per unit for the development area (1 acre of preserve lands = 1 unit) while WCR Exchange Bank contributing preserve lands only contribute 0.8 units per acre (1 acre = 0.8 units).

With the increased WCR requirements for Whitworth, the Applicant had to revise the Hyder West AGR-PUD and the previously applied for Hyder West Civic (PDD-2022-00142) by combining the two AGR-PUD Development area applications into one AGR-PUD Development area application in order to continue to meet the 60/40 requirements and are requesting the approval of 1277 overall units, while not exceeding the overall 1600 acres of WCR lands that are proposed to be dedicated to Palm Beach County.

If the two applications (Hyder West and Hyder West Civic) remained standalone applications, there would not have been enough WCR Contributing Lands within the proposed dedication of 1600 overall acres to meet the 60/40 requirements and density requirements. As standalone applications (two separate AGR-PUDs) a total of 931.92 acres of WCR Exchange Bank lands were required. With the combination of the two developments a total of 909.31 acres is required from the Exchange Bank, which allows the overall Hyder West AGR-PUD to meet 60/40 and density requirements. More information on the WCR Exchange Bank contributing areas, as well as an overall chart of all contributing developments can be found on page 12 below.

Comprehensive Plan and ULDC Text Amendments:

This zoning application is being processed concurrently with text amendments to the Comprehensive Plan to establish a new option for preserve and density assignments in the Agricultural Reserve Tier for sites associated with land dedications in the Rural Tier. The new set of policies will allow land area in the Western Communities Residential Overlay (WCRO) and within the Western Communities Residential future land use (WCR) to be dedicated to the County and that land area contribute towards the preserve area and density assignments for Agricultural Reserve Planned Developments (AGR-PUDs) in the Agricultural Reserve. This overall effort will involve multiple zoning applications and multiple AGR-PUDs, some new and some existing. This project will utilize land in the newly created WCR Exchange Bank for its required preserve area requirements and density assignments within the project to meet the 60/40 AGR-PUD requirements. This exchange will allow land within the newly created West Hyder Overlay (WHO) at the southwest corner of the Agricultural Reserve to be approved as a new AGR-PUD. This assignment will be secured through the new policy language in the Plan, the WCR future land use ordinance, and the associated resolution for this project. As shown in the table below, this particular project is a newly proposed AGR-PUD within the WHO which will use all of the preserve area and density assignment from the ITG Overlay.

Project / Control Name	Control No.	Affected AGR Preserve Acres	Replace Existing AGR Preserve Acres with WCR Exchange Bank Acres (1.25) ¹	Proposed WCR Exchange Bank Acres (1.25) ¹	Available WCR Exchange Bank Acres
Indian Trails Grove (ITG) WCR Exchange Bank	2002-90045				1,600.000
Hyder West AGR-PUD				909.310	

The use of the term “WCR Exchange Bank” is a concept proposed as part of the concurrent FLUE text amendment applications for the Western Communities Residential Overlay (WCRO) and West Hyder Overlay (WHO). During the review of same, it is possible that the concept of the WCR Exchange Bank is modified into something that functions like an exchange bank, but is called something different than the WCR Exchange Bank. In that event, the Justification Statement will be modified to reflect the final terminology/concept used in the FLUE text amendment.

Specifically, the following Text Amendment and Future Land Use Amendments will be processed concurrently with this request.

Text Amendment

- Amend the Future Land Use Element (FLUE) to permit new Overlay in AGR Tier West Hyder Overlay (WHO) authorizing lands west of SR7 and south of Atlantic Avenue to be developed as a 60/40 AGR-PUD and authorizing public and private civic uses within a 60/40 AGR-PUD (in the same geographic area) west of SR7.
- Amend the FLUE to permit lands with Western Communities Residential Overlay (WCRO) and WCR-PUD zoning to be utilized as required preserve area for any 60/40 PUD located within the new West Hyder Overlay in AGR Tier.
- Amend the ULDC to permit lands within the WCRO, with a PUD zoning to be utilized as required preserve area for any 60/40 AGR-PUD located within the new Overlay in AGR Tier, subject to new Overlay criteria outlined in the FLUE.

Future Land Use Amendment

- To modify the FLUA Conceptual Plan to reduce overall acreage, residential units, and non-residential square footage of the previously approved Plan, and modify Conditions of Approval.

Concurrent Zoning Applications:

The Applicant has submitted a number of concurrent applications to the Zoning Division which are summarized within the GL 2023 Summary Applications Document, submitted with this request.

Site Description and Surrounding Lands:

The overall 581.92-acre development area is currently utilized as the required preserve lands for six AGR-PUDs (Hyder, Lyons West, Canyon Lakes, Canyon

Springs, Canyon Isles, and Whitworth) and contains agricultural row crops. For the northern multi-family and civic portion of the proposal, this application includes a request for 277 Workforce Housing Units within Residential Pods A (15.79 acres) and B (11.68 acres) as well as 75,000 SF of private civic uses (50,000 sq. ft. Place of Worship and 25,000 sq. ft. of Government Services) within 8.18-acre Private Civic Pod 1 and a 4.20-acre Private Civic Pod 2, and public civic uses which includes 200,000 sq. ft. of Government Services within 2 Public Civic Pods, with a total acreage 20.61-acres (approx. 17.72 net acres). The existing roadway which connects to State Road 7 (Winners Circle) will be utilized to serve the multifamily development and civic pods, as well as the existing equestrian use to the south-west of the northern development area (Sunshine Meadows Equestrian).

For the age-restricted southern portion of the development proposal, the Applicant is proposing 1000 age-restricted single-family homes to be developed on-site, which will consist of 840 Zero Lot Line (ZLL) units and 160 Single Family units contained within 15 residential Pods. In addition, the proposal includes a 10.07-acre Recreation Pod with one access proposed to State Road 7, across from the existing Cabernet Drive. The previously identified cross access to the south to serve as a secondary access for residents of the Stonebridge Country Club PUD was removed in prior submittals further to discussions with the Stonebridge HOA, and in its place a golf cart path is to be provided for limited access between the two developments. Further, the path will serve as an emergency secondary access for the Hyder West residents.

Hyder West AGR-PUD is located south of the 100.43-acre preserve parcel (Hyder North Preserve #1) which is a required preserve for the Hyder AGR-PUD development and will remain as such. 25 acres along State Road 7 within said preserve area is to be dedicated to Palm Beach County by Condition of Approval (see Exhibit 1 – PBC Dedication), while the remaining 75 acres will remain in the ownership of the Applicant. The whole of the 100.43 acres will remain as required Preserve Area for Hyder AGR-PUD. North of the 100.43 acre preserve is an existing residential community known as Rio POCO PUD (Control No. 1977-00142) which was approved in 1977 and includes 91 residential dwelling units. To the west of the proposed Hyder West AGR-PUD is an existing preservation parcel known as Sunshine Meadows (Control No. 1997-00104) which includes equestrian uses, as well as vacant agricultural lands. To the south is an existing residential community known as Stonebridge Country Club PUD (Control No. 1997-00014) which includes 399 residential dwelling units. To the east (east of State Road 7) lies previously approved and built communities known as Seven Bridges and Boca Bridges, both included in the overall Hyder AGR-PUD (Control No. 2005-00455) with a combined residential unit count of 1297. The development area lies north of and adjacent to the LWDD L-39 Canal and includes LWDD L-38 which bisects the development parcel from east to west and also includes a portion of the S-11 Canal which bisects the development area along the western limits from north to south. All three LWDD canals are expected to be abandoned by the Lake Worth Drainage District and incorporated into the Development area.

Project History:

The proposed Hyder West AGR-PUD development parcel is owned by G.L. Homes of Palm Beach Associates, Ltd., and has been utilized as a portion of the required preserve areas for Lyons West, Canyon Lakes, Canyon Isles, Canyon Springs, Hyder and Whitworth AGR-PUDs. The overall Hyder West lands has been utilized for multiple preserve parcels tied to several AGR-PUDs which have concurrent applications to swap preserve lands within the proposed WCR Exchange Bank area within the ITG WCR-PUD. The majority of the overall property has been maintained as ROW crops and has multiple recorded conservation easements. Each Development Order Amendment associated with those preserve parcels includes a request to release the Conservation Easement. The concurrent development applications that require a DOA to relocate preserve areas are listed below:

Project / Control Name	Application Number	Control No.	Preserve Name and No.	Affected AGR Preserve Area Acres
Hyder AGR-PUD*	DOA-2022-00203	2005-00455	Hyder North Preserve #1	23.84
Lyons West AGR-PUD	DOA-2022-00204	2005-0003	Hyder Preserve #1	370.01
Canyon Lakes AGR-PUD	DOA-2022-00206	2002-0067	Canyon Lakes Preserve #2	19.09
Canyon Isles AGR-PUD	DOA-2022-00205	2002-0068	Canyon Isles Preserve #2	23.42
Canyon Springs AGR-PUD	DOA-2022-00207	2002-0069	Canyon Springs Preserve #5	25.76
Whitworth AGR-PUD	DOA-2023-00269	2021-0031	Whitworth Preserve #4 and #11	90.44

*100.433 acres of Hyder North Preserve #1 to remain (OR 28376, PG 1020)

Justification:

G.L. Homes of Palm Beach Associates, Ltd. is the owner of all of the development area and Palm Beach West Associates I, LLLP is the owner of the proposed preservation land lying within the ITG WCR-PUD lands. As previously discussed with the County Commission, GL is proposing to dedicate 1600 acres of unencumbered land located within the Indian Trails Grove WCR-PUD to Palm Beach County (PBC) which will provide the County with a large tract of land which

can be utilized for water resources and/or agricultural uses. While the 1600 acres will be dedicated to PBC, these lands will become preserve area required to fulfill the 60/40 preserve area requirements for an AGR-PUD.

Site Data

Hyder West AGR-PUD	
Site Area Breakdown	Acres
Pod A (includes Lakes #1, #2, #3)	15.79
Pod B (includes Lake #5)	11.68
Pod C (includes Lakes #9, #10)	32.43
Pod D (includes Lake #12)	47.85
Pod E (includes Lake #27)	22.55
Pod F	5.40
Pod G (includes Lake #14)	22.94
Pod H (includes Lakes #24, #25)	38.36
Pod I	8.86
Pod J	7.01
Pod K	7.52
Pod L	5.76
Pod M	8.76
Pod N (includes Lake #16)	35.09
Pod O	6.33
Pod P	10.09
Pod Q (includes Lakes #17, #18, #19)	49.03
Total Residential Pod Area	335.45
Public Civic Pod 1 (net = 6.84 acres)	7.53
Public Civic Pod 2 (net = 10.88 acres)	13.08
Private Civic Pod 1 (net = 7.92 acres)	8.18
Private Civic Pod 2 (net = 3.95 acres)	4.20
Recreation Pod 1 (net = 1.44 acres)	1.55
Recreation Pod 2 (net = 1.49 acres)	1.53
Recreation Pod 3 (net = 9.92 acres)	10.07
Lakes (*Outside of Pods)	90.07
Spine Road	30.16
OS / Wetland Area	16.77
Preserve Area #1	4.50
Preserve Area #2	8.50
LWDD S-11 (Canal Easement) OS	2.15
Miscellaneous Open Space	48.18
Total Gross Development Parcel	581.92
Total Net Development Parcel	581.92
Note: Total Gross Area Includes L-38, L-39W and S-11 Canal (To be Released)	

Concurrency

This application includes a request for Concurrency based on 1000 age restricted single family and zero lot line residential dwelling units, as well as 277 Workforce Housing dwelling units, and a total of 32.99 acres of Public and Private Civic uses, which includes 75,000 SF of Private Civic and 200,000 SF of Public Civic Uses. To note, at the request of PBC Traffic Development, the Applicant has identified Office as a use within the Traffic Study for both the Public and Private Civic Pod. As identified in Table 4.B.2.A – Commercial Use Matrix, the Applicant is aware that a Professional or Business Office is not a permitted use within a PUD Civic Pod, and it is only identified in the Traffic Study for trip generation purposes. Government Service uses will be provided.

Workforce Housing (WHP) within the AGR Tier:

As outlined in Comprehensive Plan Policy 1.5-g as well as ULDC Art. 5.G.1, Workforce Housing Program (WHP), residential development within the Agricultural Reserve Tier is exempt from WH requirements. Regardless of the exemption permissions within the Plan and the Code, as part of this development proposal the Applicant is proposing a total of 277 Workforce Housing Units. This will include a total of 152 Multifamily Condominium Units, and 125 Multifamily Rental Units, as identified on the Master Plan within Residential Pods A and B. As required for developments within the AGR Tier, the overall proposed density will be under 1 dwelling unit per acre (0.86 DU/Acre). The Development Area includes a total of 581.92-acres. To get to the 277 WHP Units (while considering that Exchange Bank lands only count for 0.8 du/acre rather than 1 du/acre), the Applicant is proposing a total of 909.31-acres from the WCR Exchange Bank that will contribute to preserve area requirements.

All Workforce housing within the Hyder West AGR-PUD will be split equally between the four Workforce Housing Tiers (Low, Moderate 1, Moderate 2 and Middle-Income Housing) for both the proposed Multifamily (rental) and Multifamily Condominium (for sale). More specifically, the following breakdown is provided:

- 125 Rental Multifamily: 32 Low Income, 31 Moderate 1 Income, 31 Moderate 2 Income, and 31 Middle Income; and,
- 152 Condominium Multifamily: 38 Low Income, 38 Moderate 1 Income, 38 Moderate 2 Income, and 38 Middle Income;

Additionally, the Applicant would propose a condition that requires all the workforce housing units be built on site only; meaning the condition would also preclude the ability to meet the WHP obligation via any of the other methods of disposition: no off-site allowed, no payment in lieu allowed and no exchange allowed. The Planned Development Chart (below within Consistency with the Plan breakdown and provided on PMP-5) provides a breakdown of the 60/40 tabular as well as acreages from WCR that contribute to density for the developable area.

Communication Tower:

As identified on the Master Plan, a canister-type antenna was placed on an existing utility pole in the south-west area (south-east corner of Pod Q) of the overall site, within an existing FPL Easement (DB 1007, pg. 131). Per Art. 4.B.9.D, antennas and other wireless equipment are permitted to be attached to Transmission Poles. As identified in Table 4.B.9.D – Typical Examples of Electrical Transmission Poles or Utility Structures, the canister-type antenna would classify as a Stealth Electrical Communication Structure, as defined in Art. 4.B.9.D.1.a.1.

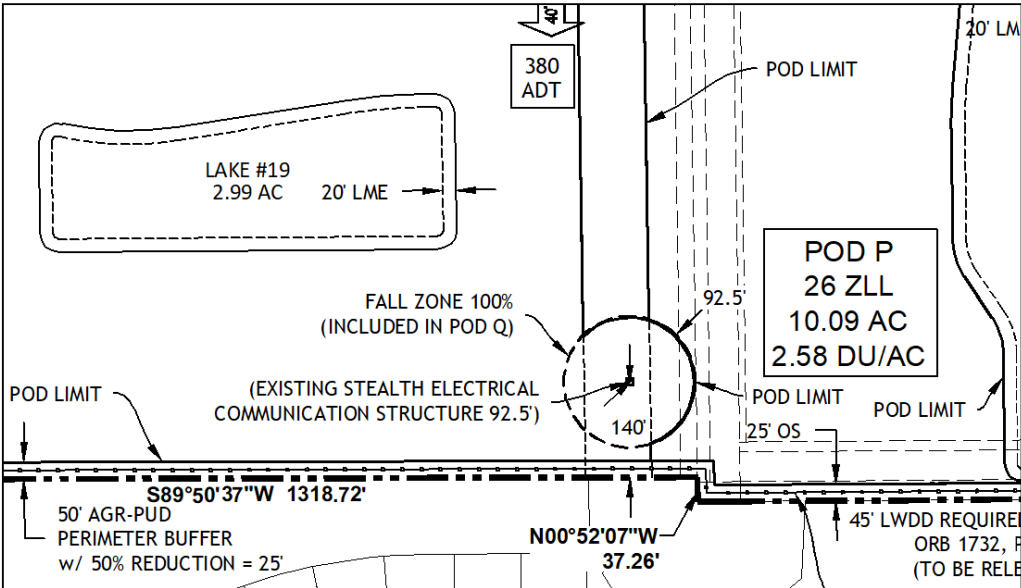
The May 20, 2015 Zoning approval letter for the antenna (5-20-15 Letter to Bruce Barber on FPL Pole Replacement) has been submitted with this application directed to Mr. Bruce Barber regarding the placement of the canister antenna on

transmission pole #36T3. Specifically, the existing communication equipment is referenced in said letter through PCN 00-41-46-35-00-000-1010. The letter notes that the location of the antenna is permitted, and a Zoning application will not be required for the structure (permitted-by-right). At the time of the approval letter, the lands were zoned AGR-PUD Preserve, and acted as a preserve area (Preserve 1) for the Lyons West development (Control No. 2005-00003). While the ULDC does not generally permit a Stealth Electrical Communication structure to be placed on an FPL transmission line within lands zoned AGR-PUD/Preserve, the Zoning Director at the time, Mr. Jon MacGillis, provided the aforementioned letter confirming the permitted use within this Zoning district. No changes are requested to the communication equipment through this application and vesting of the approval is sought.



Further to a meeting between Zoning Staff and the Applicant on August 16, 2023, as well as an email from Deputy Director Wendy Hernandez on August 18, 2023, the Applicant has revised the plans to include the antennae structure within residential pod Q which will vest the use as is.

The PMP identifies the location of antenna and provides for the necessary setbacks and separation for a Stealth antenna per Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts. As the location of the utility pole with canister antenna is adjacent to vacant residential (Pod P and Pod Q), the PMP provides for the required 100% setback (tower height: 92 ft. = 100%) to the future residential lot lines, as required by Figure 4.B.9.B – Measurement of Setback. As the height of the antenna per the submitted survey is 92.5 feet, the minimum setback for Pod Q is also 92.5 ft.



For the existing residential homes within Stonebridge PUD, the antenna is required to be a minimum of 150% of separation (tower height 92.5 ft. x 150% = 138.75 ft.) between the antenna and existing residential structures. The tower is over 150 ft. to the nearest residential structure, and as such exceeds the Code separation requirements, as identified in Figure 4.B.9.B – Measurement of Separation.

Preserve Area #1 and 2:

As previously indicated, at the request of Staff, the Applicant has added two Preserve Areas. Preserve No. 1 is 4.50 acres and is currently leased lands by the Sunshine Meadows Equestrian Facility. This area will not be counted towards the required Open Space Area and has been removed from the Open Space Tabular Charts. The Applicant has provided an arrow on the plan indicating the location of the existing drive aisle between the two sites that will be maintained in the interim.

Preserve Area No. 2 is 8.50 acres and encompasses the existing Polishing Pond Easement Area, located to the north of Pod D. This area will remain as required Open Space and is included in the Open Space Tabular Chart. A new Conservation Easement will be established over this area.

Please note, neither Preserve No. 1 or 2 are preserve areas that count towards the AGR-PUD 60/40 preserve requirements. All preserve lands are contained within the WCR Exchange Bank area.

Official Zoning Map Amendment to a PDD: Standards

As previously indicated, the proposal is to rezone 581.92-acres within the development area for the purposes of developing 1000 age restricted Single Family residential homes, 277 Workforce Housing Units (Multifamily Rental and

Multifamily Condo), as well as Private and Public Civic Pods. In addition, 909.31-acres of lands will be utilized within the WCR Exchange Bank to contribute to the 60/40 preserve area requirements. The proposal meets and exceeds the intent of Art. 2.B.7.B.2, Standards a. – h. as outlined below:

a. Consistency with the Plan:

Concurrent to this application, the Applicant is seeking Amendments to the Comprehensive Plan and the Future Land Use Element (FLUE) to allow for the development of the Hyder West lands. Modifications have been proposed to amend Sub-Objective 1.5.1 (Planned Developments) and create a new Sub-Objective 1.5.1 (West Hyder Overlay) of the Future Land Use Element, which would allow for the development of the lands to the west of State Road 7 for residential purposes within the WHO Overlay Area, and would allow the required preserve area within this Overlay to be satisfied within the Western Communities Residential Overlay. Further revisions include modifications to Objective 1.11 (Western Communities Residential Overlay) and Objective 4.5 (Western Communities Residential) of the FLUE to allow for 1,600 acres within the ITG Conceptual Plan area to be utilized for water resources/agricultural purposes. The proposed amendment would create more publicly controlled land for water resource purposes by providing the potential of regional benefits such as supporting the restoration effort for the Loxahatchee River Watershed by creating a flow way on the 1,600 acres to move water from the SFWMD L-8 canal to the MO canal, reducing harmful discharges into the Lake Worth Lagoon, providing an alternative route for water discharges into the Grassy Waters Preserve, which is the City of West Palm Beach's drinking water supply, and/or storing discharges from Lake Okeechobee into the SFWMD L-8 canal that would otherwise discharge directly into the Lake Worth Lagoon. These 1,600 acres would be conveyed to PBC.

Beyond the amendments to the Plan, the proposed development will be consistent as follows:

The land areas to be rezoned for this proposal all have an AGR Future Land Use designation. The proposed development is in accordance with Comprehensive Plan Policy 1.5.1-I:

- A minimum of 250 gross acres is required. The proposal consists of a total of 581.92 gross acres.
- The Development Area is contained in one compact area and does not exceed forty percent (40%) of the gross acreage. The Development Area contains uses normally associated with a PDD as required.
- The Development Area and contributing Preserve Area need not be contiguous. The contract purchaser/developer is meeting or exceeding the 60/40 requirement for preserve lands and development lands. The total

amount of preservation area is at least sixty percent (60%) of the gross acreage as required by the ULDC.

- This project ensures that future growth and development occurs in accordance with the proposed Text Amendments for the AGR Reserve section of the Comprehensive Plan. According to Table 3.A.3.C. of the ULDC, an AGR-PUD Zoning District corresponds to the existing AGR Land Use Category. Under the AGR Future Land Use Category the subject property is permitted a maximum of 1309 dwelling units for a density of 1 dwelling unit per acre. However, the proposed project includes a maximum of 1277 dwelling units. This request is consistent with the Comprehensive Plan.

For purposes of density and acreage calculations, the revised Planned Development chart, based on comments received by both Zoning and Planning staff is provided below and on PMP-5. As noted on the chart, WCR preserve and density is assigned per FLUE Policy 1.11-j.

PLANNED DEVELOPMENT CHART - ZV/PDD-2022-00143 (pending BCC Approval)				
	Acre	%		
Total Acreage for Project	1491.23			
AGR Total Acreage	581.92			
WCR Total Acreage	909.31			
Development Area Dedications	0.00			
Development Area Provided (Net / Gross)	581.92	39.02%		
60/40 Tabular:				
Total 60/40 Acreage (Total Acreage less Dedications)	1491.23	100%		
Preserve Calculations:				
Preserve Area Required (60%)	894.74	60.00%		
Preserve Area Provided AGR	0.00	0.00%		
WCR Exchange Bank Preserve Contributions	909.31	60.98%		
Total Preserve Acreage (AGR Preserves + WCR Contributions)	909.31	60.98%		
Development Calculations:				
Development Permitted (40%)	596.49	40.00%		
Development Area (Net / Gross)	581.92	39.02%		
Pods	Acre	Type	Units	Density
Pod A (includes Lakes #1, #2, #3)	15.79	MF	152	9.63
Pod B (includes Lake #5)	11.68	MF	125	10.70
Pod C (includes Lakes #9, #10)	32.43	ZLL	96	2.96
Pod D (includes Lake #12)	47.85	SF	94	1.96
Pod E (includes Lake #27)	22.55	ZLL	90	3.99
Pod F	5.40	ZLL & SF	21	3.89
Pod G (includes Lake #14)	22.94	ZLL	86	3.75
Pod H (includes Lakes #24, #25)	38.36	ZLL	146	3.81
Pod I	8.86	SF	24	2.71
Pod J	7.01	ZLL	27	3.85
Pod K	7.52	ZLL	24	3.19
Pod L	5.76	ZLL	20	3.47
Pod M	8.76	SF	22	2.51
Pod N (includes Lake #16)	35.09	ZLL	131	3.73
Pod O	6.33	SF	16	2.53
Pod P	10.09	ZLL	26	2.58
Pod Q (includes Lakes #17, #18, #19)	49.03	ZLL	177	3.61
Total Residential Pod Area	336.45			
Public and Private Civic Pods (net = 29.59 acres)	32.99			
Recreation Pods (net = 12.85 Acres)	13.15			
Lakes	129.88			
Open Space	251.62			
Total Units*			1277	
Dwelling Units	Acre	Units		
WCR Contribution**	909.31	727		
AGR-PUD Gross Acres (Gross Development Area + AGR Tier Preserves)	581.92	582		
Total Gross Acreage for Purposes of Density	1491.23	1309		

* Maximum of 1277 units permitted

**WCR preserve and Density assigned per FLUE Policy 1.11-j.

12
Hyder West AGR-PUD
Type 2 Variance / Official Zoning Map Amendment
Resubmittal: August 21, 2023

WCR Exchange Bank lands (Contributing Preserve Area)

Pursuant to FLUE Objective 1.11 and a new set of Policies in the Comprehensive Plan for the West Hyder Overlay (WHO) in the Agricultural Reserve Tier and the Western Communities Residential Overlay in the Rural Tier, each project as identified in the chart below (including this application) is requesting utilization of the proposed WCR Exchange Bank lands to meet all this PUDs required total acreage and units to establish compliance with the 60/40 AGR preserve area requirements. The project’s eligibility to utilize the WCR Exchange Bank lands is summarized below:

Project / Control Name	Control No.	Affected AGR Preserve Acres	Replace Existing AGR Preserve Acres with WCR Exchange Bank Acres (1.25) ¹	Proposed WCR Exchange Bank Acres (1.25) ¹	Available WCR Exchange Bank Acres
Indian Trails Grove (ITG) WCR Exchange Bank	2002-90045				1,600.000
Hyder AGR-PUD	2005-00455	23.84	29.79		
Valencia Reserve aka Lyons West AGR-PUD	2005-0003	370.01	462.51		
Canyon Lakes AGR-PUD	2002-0067	19.09	23.87		
Canyon Isles AGR-PUD	2002-0068	23.42	29.27		
Canyon Springs AGR-PUD	2002-0069	25.76	32.20		
Whitworth AGR-PUD	2021-0031	90.44	113.05		
Hyder West AGR-PUD	2022-0005			909.31	
Total: Existing AGR Preserve Acres		552.55			
Total: Replace Existing AGR Preserve Acres in WCR Exchange Bank			690.69		
Total: New Preserve Acres in WCR Exchange Bank				909.31	
Total: Preserve Acres in WCR Bank			1600.00		
¹ Additional Preservation Area is required to transfer from the AGR to the WCR. A factor of 1.25 is used to calculate the increase in area (0.8 x 1.25 = 1.0). AGR Density = 1 DU/Ac. WCR Density = 0.8 DU/Ac.					

As indicated above, the WCR Exchange Bank lands parcel includes the acreages required within the 1600 acres being dedicated to Palm Beach County. The parcel is contiguous to the Indian Trails WCR-PUD Development area on the east and adjacent to the existing 640-acre Conceptual Impoundment Area dedicated to the Indian Trails Improvement District. The overall preserve parcel has access from the Section Line Easements along the northern limits and also along the southern limits. Said Section Line Easements are noted in Article 3.E.2.H.4.g.4, Section Line Easements within the WCRO.

Per Art. 3.E.2.F.3.a Location and Access - the WCR Exchange Bank lands have direct access from existing Section Line Easements per OR 1428, Page 581.

Per 3.E.2.F.3.b Uses - the Exchange Bank lands are currently being utilized as active farmland. These lands will be dedicated to PBC and will be used for agricultural, or water resource uses.

3.E.2.F.3.c. Configuration – A preserve area shall meet the minimum PDR’s of the AGR district: This parcel meets the minimum Property Development Regulations per Table 3.D.1.A. for the AGR Zoning District.

b. Consistency with the Code:

The proposed rezoning for the 581.92-acres from the AGR and AGR-PUD Preserve Zoning district to the proposed AGR-PUD Zoning district meets and/or exceeds the requirements of the Code, as well as the lands to be provided within the WCR Exchange Bank.

The proposed development will meet the Design Objectives and Performance Standards for a Planned Development as identified in Art. 3.E.1.C. (not applicable to preserve lands).

PDD Design Objectives:

- a. The proposal contains sufficient depth (over 4850 ft. of frontage on SR 7) and width (approx. 6400 ft.) as required for a PUD and will provide access from US 441/State Road 7. A 20 ft. emergency ingress/egress access will be provided between the Stonebridge community to the south and the proposed development, that will be gated. This will also be utilized as a 20 ft. golf cart path between the two developments.
- b. A continuous pedestrian system will be provided within the development that will link the residential uses to the recreation pods, the neighborhood park as well as the Civic Pods and State Road 7.
- c. As noted in b., a pedestrian system will be provided throughout the entire development areas, that will link the residential development and recreational uses, and encourage pedestrian circulation between uses. Pedestrian access will also be provided to State Road 7 from the north and south access points. To note, the Multifamily Units and Civic Pods will be separated by the wetlands area from the southerly development area, and as such a pedestrian pathway will not connect the northerly development area with the age-restricted housing area.
- d. Per the Tree Survey and Disposition Plans provided as part of this submittal, native vegetation will be protected to the greatest extent possible.
- e. Objectionable features, such as dumpsters, will be screened per Code requirements. There are no other objectionable features that are part of this overall development that will require screening. Dumpsters will be shown, as required through the subdivision approval process or DRO process for the development of the Recreation Pods.
- f. All buildings and structures will be located on-site to minimize any impacts to surrounding uses. AGR-PUD buffers will be provided around the subject site, with exception to the areas adjacent to the wetland area, which are subject to the requested Variance.
- g. Parking for the recreation pods, residential and civic uses will be provided in accordance with Art. 6 requirements. A site plan is not required at this time for the Recreation and Civic Pods. At the time of Site Plan review for these Pods, parking requirements will be reviewed for compliance with the Code, while residential development parking will be reviewed through building permits.

- h. As noted in b. and c., a pedestrian system will be established connecting residential and civic uses to the recreation pods, as well as pedestrian access to State Road 7.
- i. As the proposal identifies 275,000 sq. ft. of non-residential uses, two pedestrian amenities may be provided within the overall development as required by Code. Pedestrian amenities will be provided within the civic pods, and will be reviewed through the approval of development within these pods.

PDD Performance Standards:

a. Access and Circulation:

- 1. Access and Circulation: The subject site has over 200 feet of frontage along State Road 7 (approximately 4850 ft.).
- 2. Legal Access will be provided from State Road 7 from a north (Winners Circle) and south access (adjacent to Cabernet Drive), as identified on the Master Plan.
- 3. Vehicular Access and circulation will be designed to minimize hazards, and the Applicant will work with PBC Traffic Development to fulfill any requirements necessary.
- 4. Traffic improvements will be provided to accommodate the projected Traffic Impacts. Traffic Development will review and provide comments as necessary to meet this ULDC requirement.
- 5. Cul-de-Sacs: With the combination of the north and south development area, the overall development is now meeting the minimum 40% Cul-de-Sac requirement as identified in the ULDC. A chart identifying the 40% requirement is provided on the Preliminary Street Layout Plan.
- 6. Cross access is not proposed between the north (Multifamily and Civic Uses) and south (Age-Restricted Residential) development area, as it would have a negative impact on the approx. 16.5 acres of wetlands / 8.5 acre Polishing Pond Easement area located just to the south on Winners Circle, as identified on PMP-1. As previously noted, the PMP indicates an equestrian path along the west property line, linking the Sunshine Meadows equestrian facility to the preserve lands to the north of the Hyder West (north) development area. Further, a golf cart path is proposed to be provided between the Stonebridge PUD to the south and the age-restricted development area, that will also serve as a secondary access for emergency vehicles, as required.
- 7. Streets will be designed in accordance with the standards set forth by PBC Traffic Development. Traffic Development will review and approve the streets to meet ULDC requirements.
- 8. Cross access is not to be provided between the Multifamily and Civic Pods and the Age-Restricted Residential uses, as described in #6. For the age-restricted development area, ongoing discussions between the Applicant and the Stonebridge HOA has led to the removal of the once-proposed cross access, and is now only shown as a gated golf cart path that will also act as an emergency secondary access only. The access will not be for

- pedestrians or vehicles, with exception to the aforementioned golf carts, that will have limited access based on an agreement between the developments.
- b. Street Lighting: As noted on the Master Plan, Street Lighting will be provided in accordance with ULDC Standards.
 - c. Median Landscaping will be provided in accordance with Streetscape Standards, as necessary.
 - d. Street Trees will be provided as required in accordance with Art. 7 and this section of the Code.
 - e. Bike lanes are provided on all streets greater than 80 ft. in width, as indicated on the Master Plan.
 - f. Mass Transit: A Mass Transit stop is not required along State Road 7 as PalmTran have identified there are no services along this corridor.
 - g. Utilities: All utilities will be located within a utility easement. Utility Easements have been provided along the roadways, as required by Land Development.

Planned Unit Development (PUD) Standards:

Further to the above, the proposal meets the requirements set forth in the ULDC Article 3.E.2.A., Planned Unit Development District Regulations, as it relates to purpose and intent as follows:

1. Purpose and Intent:

a. The preservation of the natural environment:

The proposal minimizes adverse impacts of development on the environment by incorporating substantial landscape buffers and planting materials within the development area, none that currently exist on-site due to the ongoing farming activities. In addition, the development will contain significant required landscape buffers along the property lines, and an extensive lake system throughout the site will provide a substantial area for littoral planting, which provides habitat for native wildlife. The low densities proposed for the overall development will not only benefit the environment but will lessen the impact on the area's roads and social services. Further, the development will protect a large 25+ acre portion of the site that is currently identified on PMP-1 as Preserve Area #2 (Polishing Pond) and Wetlands / Open Space Area. The proposed PUD is not expected to have any adverse or negative impact on the environmental planning aspects as it is carefully designed to contribute positively in this regard.

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

The development area will increase and promote the use of bicycle routes and other non-vehicular modes of transportation by providing an internal pedestrian transportation system. The proposed community provides direct connection to State Road 7 from Winners Circle/State Road 7, and the additional access

proposed at Cabernet Drive/State Road 7. In addition, the development will contain significant landscape buffers along the property lines.

c. *The creation of a continuous non-vehicular circulation system:*

The development area includes continuous sidewalks/pedestrian pathways that encourage walking and bicycle riding within the community, linking the development areas to the neighborhood parks, recreation areas, and State Road 7.

d. *The establishment of private civic and or public civic and recreation areas to serve the PUD:*

For the age-restricted residential housing area, the development includes a large 10.07-acre recreation pod which will serve all the residents of the community. In addition, the Multifamily development area includes two recreation parcels (Recreation Pod 1, 1.44 net acres, and Recreation Pod 2, 1.49 net acres) which will serve the residents residing in the multifamily development area. These Recreation Pods provide a central location for socializing between the residents and their guests. The proposal will avoid inappropriate development of lands by developing the property at its highest and best use, consistent with adjacent lands to the north, south and east. The proposal is consistent with surrounding communities and uses. Additionally, the strict development standards that apply to a PUD will ensure that the property is developed at its highest and best use. The PUD substantially exceeds the required Civic, by providing approximately 17.72 net-acres of Public Civic within Public Civic Pods 1 and 2, as well as providing for 12.38-acres of Private Civic within Pods 1 and 2.

e. *Provide for a limited amount of commercial uses to serve the residents of the PUD:*

The proposed recreation pods may include a clubhouse which could provide a limited amount of commercial uses including but not limited to a dining area for use by the residents and their invited guests. There is no commercial pod proposed for the overall development.

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

The proposal provides for the efficient use of land, resulting in logical network of utilities and streets, thereby lowering development costs. The master planned community has been designed to create the most efficient and cost-effective means for development. In addition, the master plan design includes sidewalks and pedestrian pathways that encourage pedestrian circulation

within the community to a centrally located Recreation Area that provides a place for residents to gather and socialize within their community. The PUD substantially exceeds the required civic, by providing approximately 17.72 net-acres of Public Civic within Public Civic Pods 1 and 2, as well as providing for 12.38-acres of Private Civic within Private Civic Pods 1 and 2, and also exceeds required recreational acreage by providing for a total of 12.85 net acres, where 7.66 acres is required. The civic and recreational uses have been located to best serve the area residents, as well as those outside the community that may utilize the civic areas.

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

The proposal meets this obligation by limiting the number of roads within the proposed community, providing for wide landscape buffers and including 22% of the development area as lakes. In addition, the overall project exceeds the 40% requirement for open space as identified on the Master Plan. The project has been designed to provide for the highest and best use of the property, thereby resulting in a well-planned community featuring a private recreation area with numerous amenities proposed within the development.

h. *The provision for flexible PDRs to promote innovative and quality site design:*

This project is not requesting any changes to the current PDR's for an AGR-PUD, the owner / developer is proposing an innovative and quality design for the residential dwelling units.

Exemplary Criteria (Art. 3.E.2.A.4):

The application includes a request to rezone AGR and AGR-PUD Preserve lands to an AGR-PUD and therefore must meet specific exemplary criteria. The Master Plan for the Hyder West AGR-PUD included in this application meets and exceeds the exemplary criteria by providing the following:

- The overall requested rezoning requests a density of 0.88 du/acre, which is consistent with the overall development area and meets Code requirements for density. The Master Plan provides a creative design including spine roads that will include lush landscape buffers on either side. There are 27 lakes proposed within the overall development which will attract a greater diversity of wildlife including wading birds, thus providing an aesthetic value for the future residents. The pedestrian pathway adjacent to the spine roads provides additional opportunities for recreation in addition to the proposed oversized recreation pod.
- AGR-PUD Buffers have been provided around the subject site, which includes 25 to 50 ft. buffer widths, with exception to the east and west side of the wetland area, in which a concurrent variance is being requested. The requested elimination of the buffers in these two areas have no negative impact on future

residents or neighboring lands and would have a negative impact if required on the existing natural environment.

- The larger lake areas bordering the spine road also provide buffering to the residential units that would otherwise be backing up to the spine road.
- The Recreation Pods exceeds the required recreation area by over 60 percent of the required amount (7.66 net acres required, 12.85 net acres provided). The owner/ developer will provide typical amenities including but not limited to a recreation building/clubhouse, swimming pools, tennis courts, pickle ball courts and a pedestrian pathway meandering throughout the development.

Recreation Requirements (.006 X 1277 units)		
	Gross Acres	Net Acres
Required	N/A	7.66
Provided	13.15	12.85
Recreation Pod 1	1.55	1.44
Recreation Pod 2	1.53	1.49
Recreation Pod 3	10.07	9.92
Total	13.15	12.85

For Article 3.E.2. (Planned Unit Development) PUD, the preserve lands (WCR Exchange Bank lands) associated with this application meet the requirements noted in Article 3.E.2.F.3. including location, adjacency, uses, and configuration as described above. No rezoning of these lands is part of this request.

3.E.2.B. Objectives and Standards:

1. Design Objectives:

As noted above, the proposed projects meets or exceeds all of the design objectives noted in this section of the Code:

- a. The subject site is predominantly residential. In total, 1000 SF and ZLL units as well as 277 Multifamily units (152 Condo, 125 Rental) are proposed over the site area.
- b. The proposal will provide a continuous non-vehicular system for pedestrians and non-motorized vehicles. As shown on the Master Plan, a bike lane has been provided along the main drive aisle, as well as a 5 ft. sidewalk. Sidewalks will connect all residential development to open space areas, recreation areas, and State Road 7.
- c. A 25 to 50 ft. AGR-PUD Buffer is being provided around the entire perimeter of the proposed development, with exception of a minor portion on the east and west side of the identified wetlands, which are subject of a concurrent variance application.
- d. The Applicant is providing three enlarged recreation pods which may include amenities including a Clubhouse, tennis and pickleball courts, pools, etc.
- e. The project will promote a neighborhood character and identity by creating a unified HOA. Pedestrian connectivity will be provided throughout the development, linking the residential uses to the neighborhood parks, recreation pods, and State Road 7. GL developments generally offer a

- range of recreational activities within the Recreation Pod, which establishes a unique neighborhood character for those residing within the development.
- f. The project proposes to preserve and enhance the natural environment by providing an excessive lake system and preserving the existing wetland/polishing pond area to the south of Civic Pod 1 and Winners Circle. As indicated throughout the report, the Applicant is proposing to provide 909.31-acres of land area (within the WCR Exchange Bank area) which will contribute to the preserve area 60/40 requirements outlined in the ULDC. Text Amendments have been made through the Planning division to allow for revisions to the Comprehensive Plan to allow for this proposal.
 - g. Approximately 33-acres will be provided that will serve the Civic requirements for the subject site.

2. Required Performance Standards:

- a. Proximity to Other Uses: All residential units proposed on-site (ZLL, SF and MF) will be located within 1,320 ft. of the proposed Recreation Pods, as identified on the Master Plan.
- b. Focal Points: A Focal Point will be provided at the terminus of 15 percent of the streets within the project, as identified on the Street Layout Plan. In total, 7 focal points are being provided.
- c. Neighborhood Park: In addition to the three recreation pods, the project provides for a Neighborhood Park within the age-restricted development area, as identified on PMP-3.
- d. Decorative Street Lighting: As identified in the notes on the Master Plan, Decorative Street Lights will be provided in accordance with Code requirements.
- e. Decorative Paving: Decorative Paving will be provided at the entrance to the overall development, as well as the entrance to the Recreation Pods as identified on PMP-2, 3 & 4.
- f. Fountains: 2 fountains will be placed within the main water bodies or the largest lakes within the Residential areas, as identified on Master Plan.
- g. Benches or Play Structures may be provided within Open Space or along pedestrian pathways, at the discretion of the developer.
- h. Interspersed Housing: As previously identified, a total of 277 Workforce Housing units are proposed for the overall development proposal.
- i. Pedestrian Circulation System: An interconnected pedestrian system will be provided throughout the development, linking the residential pods to the recreation areas, as well as access for all Pods to State Road 7.

AGR-PUD Standards: Art. 3.E.2.F - 60-40 Option:

In accordance with Art. 3.E.2.F. (AGR-PUD) the 60/40 Preserve Option is being utilized for this application. The total acreage for purposes of density and acreage calculations consists of 1491.23 acres which exceeds the minimum 250 acres required for a 60/40 AGR PUD. There are 1000 age restricted single family dwelling units as well as 277 Workforce Housing Multifamily units for the site resulting in a gross density of 0.88 dwelling units per acre. The overall development area includes 581.92 gross acres. The preservation area from the

WCR Exchange Bank is 909.31-acres. The chart provided under Standard a., Consistency with the Plan, delineates the compliance of a 60/40 AGR-PUD.

Art. 3.E.2.F.4. Development Area:

a. Location:

1. Frontage: the development parcel has frontage State Road 7.
2. Adjacency: the development parcel is adjacent to other AGR-PUD (development parcels). It lies south of the Rio POCO AGR-PUD. The site is also across the street from Hyder AGR-PUD, and to the south of the subject site is the Stonebridge Country Club PUD.
3. Connectivity: The development parcel is not adjacent to an existing or proposed TMD, or a Rural Parkway. Connectivity will be provided throughout the development via pedestrian pathways to the Recreation Pods and to State Road 7. Further, while a future connection was previously identified on the Plan between the existing Stonebridge development to the south and the proposed development, this access has been removed after discussions with the Stonebridge HOA. A limited access pathway is provided that would only be utilized by residents that have access to the Golf Course, and for emergency secondary access only. No cross access is proposed between the age-restricted housing area and the Civic/Multifamily development area, as the wetlands/polishing pond area will be preserved in place, and the age-restricted housing area will be its own gated community separate from the northerly residential uses.

b. Configuration:

- 1.a. As noted above, the subject site is located south of Preserve #1 for Hyder AGR-PUD, and beyond the Preserve Parcel is the Rio POCO AGR-PUD. Further, the Hyder AGR-PUD is located across State Road 7 to the east, and the Stonebridge Country Club development to the south.
- 1.b. The development area is designed as a single unified development with continuous common boundaries.
- 1.c. Isolated development and preservation areas are not proposed to be created as part of this requested development.
- 1.d. AGR-PUD Buffers have been provided around the entire perimeter of the subject development to provide the necessary buffering from adjacent uses, with the exception to the Variance request for buffer areas adjacent to the wetlands area.

Civic Requirements:

Per Table 3.E.2.C, PUD Land Use Mix, a PUD requires a minimum of 2 percent of the overall site dedicated as Civic. As such, a total of 11.64 acres of civic is required (581.92 acres x 2%). As shown on the Master Plan, a total of 20.61 gross acres of Public Civic is provided that will be dedicated to Palm Beach County (Civic Pods 1 and 2), as well as 12.38 acres of Private Civic (Private Civic Pods 1 and 2). As previously stated, for concurrency purposes the Civic Pods identify 200,000 sq. ft. of Government Services uses for the Public Civic Pods, as well as a 50,000

sq. ft. Place of Worship and 25,000 sq. ft. of Government Service use for the Private Civic Pod.

Per Art. 3.E.2.E.4, Civic Pod, Public Civic Pods are required to be located adjacent to publicly owned lands and shall front an Arterial or a Collector Street. As such, both Public Civic Pods are located adjacent to State Road 7/US 441. All Public Civic Uses (yet to be determined by PBC) will be required to meet the intent of Art. 3.E.2.E.4.c.1.c, Uses.

The proposed Private Civic Pods are consistent with Art. 3.E.2.E.4.c.2, Private Civic. As required, the Civic Pods are labelled as “Private” on the Master Plan, meets the PDR requirements for a Civic Pod, and uses will be consistent with the Use Limitations outlined within this section of the Code.

All Civic Pods will meet the minimum PDR requirements for size, width and frontage, and depth, as outlined in Table 3.E.2.D, PUD Property Development Regulations.

Multifamily Development:

As required by Article 5.C.1.B.1.c., when Multifamily buildings consist of more than 16 units or are more than 3 stories in height, Architectural Elevations may be required at the Public Hearing review stage. While the Applicant is proposing a total of 277 Multifamily Units, no building will contain greater than 10 units or 3 stories in height. As such, Architectural Elevations are not required for review through this approval process.

Recreation:

The Preliminary Master Plan includes approximately 13.15 gross acres and 12.85 net acres of recreation within the three Recreation Pods. The Code required recreation area is 7.66-acres based on 1277 units x 0.006-acres per Table 3.E.2.C, PUD Land Use Mix. Therefore, the PUD exceeds the ULDC minimum recreation area required by over 60 percent. A site plan detailing the recreation Pods, which may include uses such as a clubhouse, tennis courts, swimming pool(s), etc. will be provided during final approval of the project.

Open Space:

The required minimum 40% of Open Space has been provided on the plan which includes lake areas, buffers and numerous open spaces throughout the proposal. Much of the lake areas proposed within the project are incorporated throughout the housing areas as shown on the Master Plan.

Open Space Tabular	Acres
Open Space Required - 40% of net development (0.40 x 581.92)	232.77
Open Space Provided	251.62
Lake Tracts	129.88
Recreation Pods (net = 12.85 Acres)	13.15
Public Civic Pods (net = 17.72 acres)	20.61
Private Civic Pods (net = 11.87 acres)	12.38
OS / Wetland Area	16.77
Preserve Area #2	8.50
LWDD S-11 (Canal Easement) OS	2.15
Misc. Open Space (not in Pods)	48.18
Total Open Space	251.62

Access:

Two access points are proposed to the overall development along State Road 7/US 441. The northerly access will utilize the existing access on State Road 7 and Winners Circle, which will serve as the primary access to the Multifamily units and the Civic Pods. The southerly access is at an already signalized intersection, across from Cabemet Drive on the east, which will serve the 1000 age-restricted single-family units. An emergency only secondary access is provided to the south through the Stonebridge community for the age-restricted community only. This will be a fully gated access, that will be utilized primarily as a limited-access golf cart path but will be stabilized for emergency vehicles should there be an emergency vehicle access issue from State Road 7.

Signage:

As shown on the Master Sign Plan, the Applicant is proposing two Entrance signs for the development at the access point on State Road 7 across from Cabemet Drive, as well as the existing northerly access (Winners Circle) that will serve the Multifamily development, Civic Pods, as well as the Sunshine Meadows equestrian facility. These signs meet all requirements outlined in Table 8.G.2.C, Entrance Signs, including maximum sign area and height, as well as location. Directional signage is also proposed throughout the development, which is consistent with the requirements within Table 8.G.3.D, On-Site Directional Sign Standards. Entrance signs along State Road 7 will be setback a minimum of 25 ft. from the property line.

Landscape Buffers:

The required perimeter landscape buffers have been provided around the entire boundary of the proposed Hyder West AGR-PUD with exception to a minor portion adjacent to the identified wetlands/open space area between the civic pods and age-restricted residential development. As previously identified, the north-east limits of the age-restricted residential area is adjacent to an area proposed to be left as a wetland, and the Applicant has requested a Type 2 Variance to allow for the AGR-PUD buffer to be deleted along the east and west side of said wetland area (see Variance Standards below).

Along the north and west property line, a 50 ft. AGR-PUD perimeter buffer is being provided, in accordance with Art. 7.C.2.C.4, AGR-PUD Landscape Buffer. A 50 ft. perimeter buffer is also provided along the east property line adjacent to the age-restricted development area.

To the north of the wetlands area, to the east of Civic Pods 1 and 2 adjacent to State Road 7, a 25 ft. AGR-PUD Buffer is provided. The Applicant is utilizing the 50% reduction policy in Art. 7.C.2.C.4.a.1.a) (1), where a non-residential pod is adjacent to a R-O-W 50 ft. or greater.

Along the south property line, a 25 ft. AGR-PUD buffer is also provided. The Applicant is utilizing the 50% reduction policy in Art. 7.C.2.C.4.a.1.a) (3), where the buffer is adjacent to an open space area a minimum of 50 ft. in width. There are two minor locations along the south property line where the 50 ft. open space is not met, and in these two locations, a small portion of the buffer has been expanded to 50 ft. in width to meet Code requirements.

The Applicant is proposing to provide an 8 ft. wall along the frontage of State Road 7 adjacent to the age-restricted housing within the AGR-PUD Buffer area, which is supported by the noise study that has been submitted with this application. Per Art. 7.D.4.B.2., Noise Mitigation Walls, walls that abut a public street may increase the height of the wall with the noise analysis acceptable to Land Development.

c. Compatibility with Surrounding Uses.

This proposed application is compatible and generally consistent with the surrounding existing (and proposed) uses and zoning districts for both the development parcel and Exchange Bank lands.

The overall development parcel will provide an AGR-PUD buffer surrounding the subject site that will range from 25 to 50 ft. in width. The Applicant is utilizing the exception provisions within Art. 7.C.2.C.4.a.1 to allow for a 50 percent reduction in the buffer width in certain areas, as addressed in the Landscape Buffer analysis above. As shown on the Master Plan, a 50 ft. AGR-PUD buffer is provided along the north property adjacent to the Hyder AGR-PUD Preserve parcel #1, and further north, Rio Poco PUD (Control No. 1977-00142) which was approved in 1977 and includes 91 residential dwelling units (0.59 du/acre).

To the south of the subject site is the Stonebridge Country Club PUD. This PUD was approved in 1983 (Control No. 1983-00107) and contains 399 single family units (1 DU/AC). A 25 ft. AGR-PUD buffer is proposed along the majority of the south property line of the subject site which will provide visual buffering between the proposed and existing residential homes. There are two locations where a full 50 ft. AGR-PUD buffer is required, where there isn't 50 ft. of Open Space adjacent to the proposed Hyder West Development. These two areas are shown on PMP-1, with one area being south of Lake 15 and 1 being south on Lake 16. The two residential lots within Stonebridge to the south of these areas do not have 50 ft. of

Open Space between the lots and the Hyder West south property line, and as such 50 ft. of AGR-PUD buffer is required. For the rest of the buffer, the Applicant is utilizing the aforementioned exception in Art. 7.C.2.C.4.a.1.a.3 to reduce the buffer to 25 ft. in width.

For the southern development area, the lands to the west of Pod Q are vacant lands zoned PC, and as required by Code a 50 ft. AGR-PUD buffer will be provided along this property line. To the south east of the Sunshine Meadows development area, a 50 ft. AGR-PUD buffer will also be provided along the property line to provide Code required landscaping around this development. It should be noted that although not required, a 6 ft. wall will also be added around this development area, to provide additional noise and visual buffering from the proposed development to the Equestrian facility and the Stonebridge development to the south.

To the north side of the Sunshine Meadows property, south of Pod A, a 50 ft. AGR-PUD buffer will be provided, as well as to the west of Lake 4. And to the west of Pod A, a 25 ft. AGR-PUD buffer will be provided utilizing the permitted 50 percent reduction for the AGR-PUD buffer adjacent to Open Space. The lands to the west of Pod A are designated as Conservation and will remain as such (Arthur R. Marshall Wildlife Preserve).

To the east, along State Road 7, a 25 ft. AGR-PUD buffer is being provided for the northerly development area (50 percent reduction), adjacent to Civic Pod 1 and 2, and a 50 ft. AGR-PUD buffer for the southerly development area. On the east side of SR7 is the Hyder AGR-PUD, which contains 1205 units overall, and a density of 0.66 DU/AC. An 8 ft. wall will be provided within the buffer area for the southerly age-restricted development area, per the approved Noise Study also submitted with this development proposal.

With regards to the lands to be provided within the ITG area, the 60 percent preserve area will be contained within the 1600 acres of land that will be dedicated to Palm Beach County. This land will be utilized for agricultural and water resources and is consistent with the prevalent uses within the area.

d. Design Minimizes Adverse Impact

The design of the proposed development will limit adverse impacts on adjacent uses. As described in Standard b. and c. and identified on the Master Plan, the overall development will provide a 25 to 50 ft. wide AGR-PUD buffer around the perimeter of the development area. This is consistent with Code requirements, as identified in Art. 7.C.2.C.4, AGR-PUD Buffers. Further, from a density perspective the requested development will maintain a density of less than 1 units per acre, which is consistent with the development pattern in the overall area and will provide minimal impacts on the area (see Standard f. Development Patterns).

As previously noted, the Applicant is proposing to maintain the existing wetland area between the two development areas. It should be noted that this wetland area does not contribute to the required 60% preserve area requirements, and all required preserve lands will be utilized through the WCR contributing preserve area.

For the Stonebridge Country Club PUD to the south the subject site which would be impacted by the development, the Applicant has been working closely with the Stonebridge HOA to determine the route to reduce impacts on the existing residents. Further to discussions with the HOA, the Applicant has revised the plans to remove the previously identified cross access between Stonebridge and the Hyder West development, and only provide a 20 ft. wide Golf Cart path that will be limited to who can utilize this path (only a certain number of memberships to the existing Stonebridge Golf Course will be available to the Hyder West residents, and only those that have a membership will be able to utilize the Golf Cart path). The 20 ft. stabilized path will also act an emergency access route for emergency vehicles only, as required. With a proposed release of the L-39 LWDD canal, the Applicant will be providing a 25 ft. AGR-PUD buffer along the entire south property line, that will provide a visual buffer between the existing Stonebridge development and the proposed Hyder West community. It should be noted that within the Stonebridge community, with exception to two residential lots, the overall residential development is also buffered by the existing golf course within the Stonebridge community, which provides a greater setback between the existing residences and the proposed.

On the west side of the development area, a 50 ft. AGR-PUD buffer will be provided, which will provide a significant setback between both the existing Sunshine Meadows Equestrian area, and the Arthur R. Marshall Wildlife Preserve. This is also the same for the Rio POCO development to the north, which will also be buffered by a 50 ft. AGR-PUD buffer, and is also buffered by the Hyder Preserve Area #1.

From a traffic perspective, turn lanes will be provided along State Road 7 at the proposed entrances (Winners Circle already exists, as well as a signalized intersection at Cabernet Drive and State Road 7). These turn lanes will reduce impacts on those travelling north-south along this roadway.

In addition to the limiting of impacts, the three public civic pods being provided will provide an ample opportunity for Palm Beach County to provide necessary services for the overall area that would not only benefit the residential development on-site, but the surrounding communities as well.

e. Effect on the Natural Environment

The request to rezone all of the land included in the Hyder West AGR-PUD from AGR and AGR-PUD Preserve to AGR-PUD does not have a negative impact on the natural environment. The proposed development area minimizes

environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment. The added development land area has been under agricultural production for many years. The proposed development will minimize adverse impacts of development on the environment by incorporating landscape buffers, preserve and open areas and also by utilizing a dust control plan during construction. In addition, the community will include a homeowners association restrictive covenant, which will limit the areas uses; thus protecting the natural environment, while protecting the open areas. The extensive lake system will provide substantial littoral planting areas, which provide sanctuary for wildlife habitat. The Hyder West AGR-PUD is not located within a Wellfield Protection Zone. As previously noted, a wetland/open space parcel will be protected along the north perimeter of Pods C and D and will continue to provide a natural buffer between the northerly and southerly development area.

The preserve parcels associated with this project are within the ITG Exchange Bank lands, which will be dedicated to Palm Beach County. These lands will be used for water resources and agricultural purposes which will be at the discretion of the County.

f. Development Patterns

The development of the subject site will be consistent with the prevalent and established development patterns along the east and west side of State Road 7, between Atlantic Ave. to the north and Clint Moore Road to the south. The Hyder West lands are the only lands between Atlantic Ave. and Clint Moore Road (and even further south to Yamato Road) that is still utilized for Agricultural purposes. With the exception of a few small commercial and industrial zoned parcels of land, the lands along this corridor have a low residential development pattern. Rio Poco PUD is an established residential development to the north of the proposed development which represents the prevailing development pattern within this area. Other communities such as Hyder AGR-PUD to the east (across State Road 7), Sussman AGR-PUD to the north-east, Oaks at Boca Raton PUD to the south-east, and Stonebridge Country Club PUD to the south are all developed with low density residential uses. This is also consistent with development pattern further to the east along Lyons Road. As can be seen in the graphic provided (below), the prevalent development within this area is low density residential. The proposed development will continue that pattern, as the proposal is to develop at a density of 0.88 DU/Acre, utilizing the 60/40 requirements for development within the AGR Tier.



g. Adequate Public Facilities

The proposed uses which includes the 1000 age-restricted residential dwelling units, 277 Workforce Multifamily units and Civic uses will comply with Art. 2.F, Concurrency, of the ULDC by including an application to Palm Beach County Water Utilities to support the requested development. An affirmative determination of concurrency will be issued by Palm Beach County prior to certification of the proposed Rezoning to proceed to public hearings for approval.

h. Changed Conditions or Circumstances

This request is part of a “bundle” of related development order applications submitted concurrently which involve the proposed Hyder West AGR-PUD and the Indian Trails Grove WCR-PUD. The overall site and the property known as Hyder West is located west of SR 7 and south of Atlantic Avenue in the Agricultural Reserve Tier. A total of 1,600 acres of land within the ITG PUD will be designated for water resources and or agricultural purposes. It will be utilized to replace the AGR preserve area acres required within this application and for additional preservation for existing AGR PUDs utilizing land within the Hyder West property. It will allow preservation areas on the Hyder West property known as Hyder West AGR-PUD.

The regional benefits of this plan of development will be to create 1,600 acres to be owned and controlled by Palm Beach County that is contiguous to the L-8, MO and M Canals, providing potential to send fresh water flows to the Loxahatchee River, Grassy Waters and the Lake Worth Lagoon, and for potential water storage.

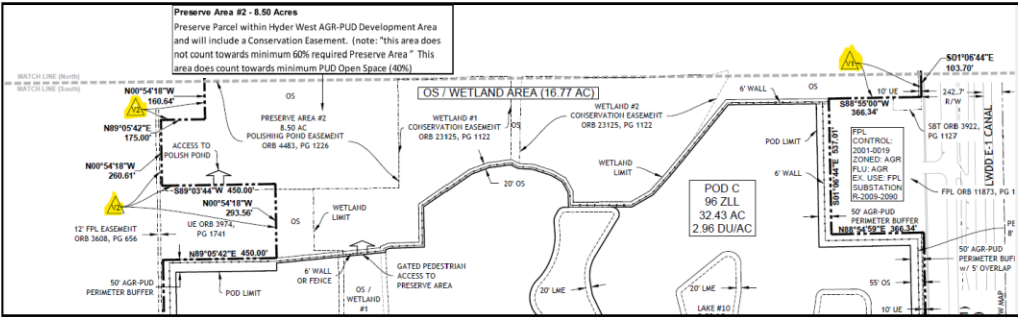
This land could create a potential flow way connecting the L-8 canal to the MO Canal. This land is also contiguous to the west to 640 acres within the PUD that has been previously committed to Indian Trail Improvement District (ITID) to increase stormwater storage for the Acreage that is adjacent to their existing +550-acre drainage impoundment area, and to the east to an additional 248.63 acres of open space designated for water resources or agriculture.

Accommodating a larger contiguous mosaic of lands for water resources and/or agriculture provides more flexibility in addressing both water management challenges, and/or supporting agricultural production in Palm Beach County. Reducing density/intensity in the ITG PUD in an area where infrastructure is minimal in exchange for increasing density in the AGR (Hyder West AGR-PUD) where infrastructure exists is prudent for long-range planning.

Type 2 Variance Request

Variance Application:				
	ULDC Code Section	Required	Proposed	Variance
V1	Article 7, Chapter C.2.C.4. AGR-PUD Landscape Buffer	50 ft. AGR-PUD Buffer along the east property line	Elimination of approx. 470 ft. of the AGR-PUD Buffer along the east property line	-50 ft. AGR-PUD Buffer (approx. 470 ft.)
V2	Article 7, Chapter C.2.C.4. AGR-PUD Landscape Buffer	50 ft. AGR-PUD Buffer along the west property line	Elimination of approx. 1350 ft. of the AGR-PUD Buffer along the west property line	-50 ft. AGR-PUD Buffer (approx. 1350 ft.)

As previously noted, G.L Homes is requesting the elimination of a portion of the east and west perimeter buffer as shown below:



In accordance with Article 2.B.7.E.6, the ZC shall consider and find that all seven criteria listed below have been satisfied by the Applicant prior to making a motion for approval, of a zoning or subdivision variance:

Standard 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;

Response: As discussed throughout the Justification Statement, G.L. Homes is requesting to develop the existing Hyder West Preserve Area into the Hyder West AGR-PUD, which will contain a total of 1277 units, which includes 1000 Single family (SF & ZLL) and Workforce Housing Multifamily (277 units). An existing heavily vegetated wetland (approx. 16.77-acres) and Polishing Pond Area (Preserve #2, 8.50 acres) which is currently recorded as a Conservation Easement is located between the proposed age-restricted and multifamily development area, just south of the existing Winners Circle roadway. This wetland / open space / preserve area, which is tied to the existing AGR-PUD Preserve area for Lyons West AGR-PUD (Control No. 2005-00003), will be released in conjunction with the proposed rezoning, and a new ERM Conservation Easement will be recorded in its place over the Polishing Pond area in its place. The Applicant is requesting to continue to maintain this area as a wetland preservation area and open space as it stands today. As can be seen in the exhibit above, a polishing pond easement is currently located in the north-west portion of the preservation area (ORB 4483, PG. 1226) and as previously discussed, will be maintained as Open Space and will have a new Conservation Easement recorded over it.

The purpose of a perimeter buffer is to provide visual buffering between the development areas and other adjacent uses, which in turn would reduce negative environmental, aesthetic, and compatibility impacts on the proposed development and its residents, as well as adjacent lands.

An AGR-PUD buffer within these two areas would provide no visual buffering to either the northerly Civic/Multifamily development area, or the age-restricted development area to the south. Further, the addition of buffers in these two areas would provide no visual benefit to the Sunshine Meadows equestrian use to the west.

As it stands, if the Variance were to be denied, the Applicant would be required to impact the wetland by installing an AGR-PUD buffer along the east and west property line, which would have a negative impact on the wetlands area and would be contradictory to the design objectives for a Planned Development as outlined in Art. 3.E., that seeks to protect environmental features to the greatest extent.

Standard b. Special circumstances and conditions do not result from the action of the Applicant;

Response: The wetland is an existing feature of the subject site and has not been utilized for agricultural purposes as has been done for the majority of the property. The Applicant is seeking to maintain this space as a wetland preservation area and leave the environmental feature undisturbed. The Applicant is seeking the aforementioned Variance to continue to maintain this area in its natural state, and not impact the environmental feature. The location of the wetland is unique to this

parcel of land, and granting of the Variance will protect this environmental element, while also continuing to provide the necessary buffering between the proposed age restricted development area and the multifamily and civic pods north of the wetlands.

Standard 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;

Response: As noted under Standard A, Planned Developments are required to preserve existing native vegetation and other natural features to the greatest possible extent (Art. 3.E.2.C.1.d, PDD Design Objectives). This wetland feature, which spans the development area east to west, is proposed to be maintained in its current state. Providing a 50 ft. AGR-PUD buffer within these two areas will provide no benefits to the development areas, nor the Sunshine Meadows Equestrian facility to the west of the wetlands. The granting of this Variance will not provide any special benefits to the Applicant, and will only benefit the existing wetland areas.

Standard 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;

Response: Literal interpretation and enforcement of the Code would require the Applicant to provide a Landscape Buffer within an existing and established wetland area. In doing so, this would require significant alterations to the existing foliage and wetlands along the east and west property line. As indicated on PMP-1, the Applicant will continue to provide for the Code required buffers around the entire limits of the development, with exception to the wetland area. A denial of the proposed Variance would create an unnecessary and undue hardship as the intent providing sufficient perimeter buffering will continue to be maintained, and the establishment of the buffer outside the wetlands will in turn create a greater buffer between the age-restricted development area and the Civic/Multifamily development to the north of the wetland.

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

Response: The granting of this Variance is the minimum necessary to make reasonable use of the existing site given that the Applicant is requesting to delete only the portion of the east and west buffer that is encumbered by the wetland area. As previously indicated, a denial of the Variance would require the Applicant to make significant alterations to a proposed wetlands preservation area and the existing vegetation within this area. Further, a denial would have no positive impacts on both the proposed development to the north and south of the wetland

area.

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

Response: Granting of the Variance will allow for the Applicant to maintain the wetland preservation area in its current state. This is consistent with the goals and objectives outlined in Art. 3.E.2.C.1.d, PDD Objectives and Standards, where it's the goal to preserve existing vegetation areas to the greatest extent possible. Should the ZC vote to deny this variance request, the Applicant would have to make significant alterations to the wetlands area, which would have a detrimental impact on this environmental feature.

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

Response: The granting of the Variance will not be injurious to the area or detrimental to the public welfare. In actuality, the elimination of the proposed buffer will further protect environmental features on site within the wetland preservation area, while continuing to provide for the necessary visual buffering on the north and south side of the wetlands area.

Type 1 Waiver Request

ULDC	REQUIRED	PROPOSED	Waiver
Table 7.C.2.C, Incompatibility Buffer Types (Residential to Recreation)	15 ft. Type 2 Incompatibility Buffer between a Residential Pod and a Recreation Pod (Recreation Pod 3)	Elimination of the required Type 2 Incompatibility Buffer (0 ft. Buffer)	100 percent

In accordance with Art. 7.C.2.C, Incompatibility Buffer, and Table 7.C.2.C – Incompatibility Buffer Types, a 15 ft. Type 2 Incompatibility Buffer is generally required between Residential and Recreational uses/Pods.

Per Art. 7.C.2.C.1.a, a Type 1 Waiver may be sought to eliminate said buffer, subject to the Type 1 Waiver Standards outlined in Art. 2.C.5.F.3, Standards. The Applicant is requesting the elimination of the Type 2 Incompatibility Buffer where the Recreation Pod is adjacent to residential uses.

Standard a. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the Zoning District or Overlay.

Response: The requested waiver does not create any conflicts with other requirements in the ULDC as it is specific to the Recreation Pod only. The intent

of the required 15 ft. Type 2 Incompatibility Buffer is to buffer active recreation amenities from abutting residential lots. In this project, the overall design provides a lake on 3 sides of the recreation pod with widths equal to or greater than 175 feet in width. The remaining side of the recreation pod abuts the spine road where a buffer is not required.

Standard b. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development.

Response: The requested waiver will not cause a detrimental effect on the overall design of the project. The lake surrounding the recreation pod provides a spatial separation from residential lots which abut the lake. Future homeowners on the lake will be better served by having a lake view as a buffer in addition to a view of the proposed multi-million dollar recreation pod and associated amenities. A 15 ft. landscape buffer with a 6 ft. high hedge would hide the view of the luxurious amenities that future homeowners would be denied. The 15 ft. Type 2 Incompatibility Buffer would also shield the view of the lake from the recreation pod and its users, which is an amenity itself from a visual perspective.

Standard c. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties.

Response: The alternative design which includes utilizing the surrounding lake in place of a 15 ft. Incompatibility buffer provides an “enhancement” to adjacent properties as opposed to an “adverse” impact. The proposed recreation pod will include many amenities that future residents abutting the lake will be provided a view of from a distance. During landscape design of the Recreation Pod, the landscape architects work closely with the County’s Landscape Division to screen such amenities as the Tennis Courts which include tall fences.

On behalf of the contract purchaser, G.L. Acquisitions Corporation, we respectfully request approval of this proposal. The Project Manager is Ryan Vandenburg and Gladys DiGirolamo.

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