

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



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**Application No.:** ZV/TDD/R-2011-01203  
**Control No.:** 2011-00245  
**Applicant:** Fairways Llc  
**Owners:** Fairways Llc  
**Agent:** Urban Design Kilday Studios - Wendy Tuma  
**Telephone No.:** (561) 366-1100  
**Project Manager:** Autumn Sorrow, Senior Site Planner

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**Location:** Southwest corner of Century Boulevard and Haverhill Road (Reflection Bay)

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**TITLE:** a Type II Zoning Variance **REQUEST:** to increase the maximum length of a block; exceed the number alley curb cuts; to waive the alley requirement; eliminate the percentage of land designated for single family residential; to exceed the building coverage for neighborhood center; exceed the maximum building height; waive the requirement for a centrally located neighborhood square or commons in a neighborhood; reduce the percentage of a neighborhood park perimeter abutting a street; and to reduce the required seating area in a park. **TITLE:** an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Residential High (RH) Zoning District to the Traditional Neighborhood Development (TND) Zoning District **TITLE:** a Requested Use **REQUEST:** to allow a Type III, Congregate Living Facility.

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**APPLICATION SUMMARY:** Proposed is the rezoning of a 57.54-acre site from the Residential High Zoning District to the Traditional Neighborhood Development (TND) Zoning District and a Requested Use to allow for a 100-bed, Type III, Congregate Living Facility (CLF). The 57.54-acre site was previously approved as a golf course located within the South Hampton development, originally approved in 1973 as a Special Exception for a Planned Unit Development.

The applicant is proposing 689 multi-family units (including 26 live/work units), 84,500 square feet of commercial uses, 15,000 square feet of recreation, and a 100-bed Type III, CLF. The Preliminary Master Plan indicates 3 neighborhoods with associated residential, commercial, and recreational uses contained therein. The Preliminary Site Plan indicates a 4-story, 100-bed Type III, CLF on 0.90-acre. The applicant also requests Variances to: increase the maximum length of a block; to exceed the number of alley curb cuts; to waive the alley requirement; to reduce the gross area for single family residential; to exceed the building coverage for a neighborhood center; to exceed the maximum building height; to waive the requirement for a centrally located neighborhood square or commons in a neighborhood; to reduce the percentage of a neighborhood park perimeter abutting a street; and to reduce the required seating area in a park. One (1) access point from Haverhill Road is proposed. This application is contingent upon application ABN/DOA 2011-632, South Hampton PUD, requesting to delete land area to allow for the creation of this TND.

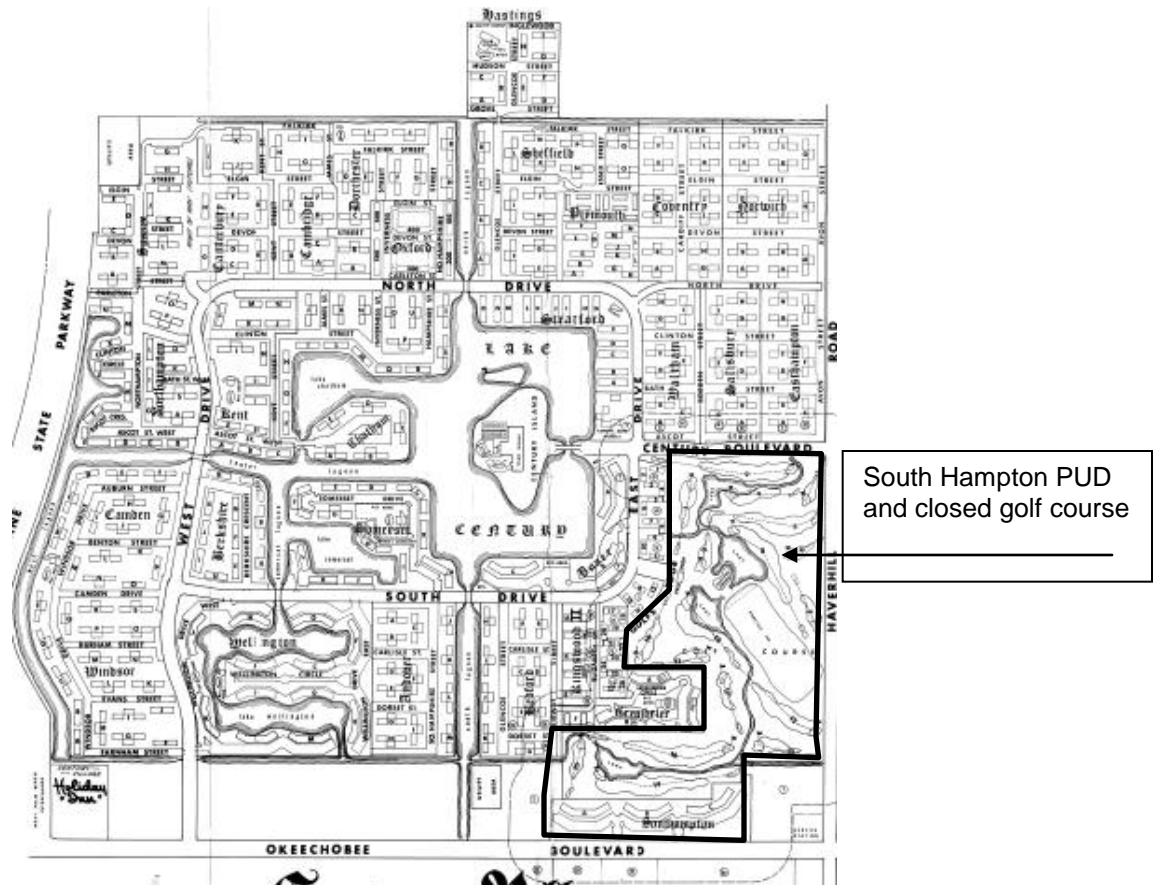
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**ISSUES SUMMARY:**

- o Project History

This application is contingent upon the approval of application ABN/DOA 2011-632, South Hampton PUD; which is a request to delete 57.54-acres from the PUD, (which was a part of a former 70.15-

acre golfcourse) to allow for the rezoning and development of a TND. South Hampton PUD is a small development which is part of the overall Century Village community located in central Palm Beach County. The Century Village development was built in the late 1960's under the regulations of the 1957, as amended Zoning Code, predating the regulations for PUD's (established in 1969), and approved as a subdivision through building permits.



Overall Century Village Master Plan

In 1973, the developer of Century Village started construction for its final phase they were stopped by the County, due to lack of proper zoning and approvals. This final phase consisted of 3 residential buildings, now known as South Hampton PUD. The applicant filed an application to rezone the property from the General Commercial (CG) Zoning District to the Residential Multiple High (RH) Zoning District and the request was approved by the BCC on May 8, 1973 through Resolution R-73-238.

Over the next few months following this approval, Century Village Inc. and County staff met and exchanged correspondence regarding the density of the proposed final phase, the approval process and conditions which would be required in order to complete the construction of the final phase. On December 18, 1973 the BCC approved a Rezoning from the General Commercial Zoning District to the Residential Multiple Family High Zoning District including a Special Exception to allow a Planned Unit Development through Resolution R 73-815. This approval included a number of Conditions which were documented in a series of letters and memorandums between the County and the applicant's attorney. The approval was granted for 240 residential units contained within 3 buildings and golf course to be utilized by the entire Century Village community.

On March 16, 1993, the BCC approved a Development Order Amendment to the south Hampton PUD to add an additional access point to Haverhill Road through Resolution R-93-333. This request was sought in order to make the golf course ingress/egress more accessible to the public, whereas before the golf course was only accessible to the residents and their guests of Century Village.

CONTROL NUMBER	ACTION	DATE	RESOLUTION NUMBER
1973-007	Rezone from CG to RH	05-08-1973	R-73-238

1973-215	Rezone from CG to RH and allow a PUD	12-18-1973	R-73-815
1973-215(A)	SE to amend PUD to add access point	03-16-1993	R-93-333
1973-215 (ABN/DOA 2011-632)	ABN of R-93-333 and DOA to delete land area and 3 conditions of approval	TBD	TBD

o Consistency with Comprehensive Plan

The Planning Division has determined that the requests are consistent with the Residential High 18 (HR 18) Land Use Designation designation of the Palm Beach County Comprehensive Plan. See Staff Review Analysis for additional Planning Division comments.

o Compatibility with Surrounding Land Uses

NORTH:

FLU Designation: High Residential (HR-18)  
 Zoning District: Multi-Family Residential (High Density) District (RH)  
 Supporting: Multi Family

SOUTH:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)  
 Zoning District: General Commercial District (CG)  
 Supporting: General Retail; Restaurant; Place of Worship (Control No 1994-002, Village Market Place)

SOUTH:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)  
 Zoning District: General Commercial District (CG)  
 Supporting: Professional and Medical Office (Control No 1974-011, Lassiter Auto Service)

SOUTH:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)  
 Zoning District: General Commercial District (CG)  
 Supporting: General Retail

SOUTH:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)  
 Zoning District: General Commercial District (CG)  
 Supporting: General Retail (Boat Supplies)

SOUTH:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)  
 Zoning District: General Commercial District (CG)  
 Supporting: Adult Entertainment (Control No 1979-025, Venture News and Book)

SOUTH:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)  
 Zoning District: Multiple Use Planned Development District (MUPD)  
 Supporting: Vehicle Sales and Rental (Control No 1979-133, Kelly Tractor)

EAST:

FLU Designation: Medium Residential (MR-5)  
 Zoning District: Multi-Family Residential (Medium Density) District (RM)  
 Supporting: Place of Worship (Control No 1984-153, Congregation Aitrz Chaim)

EAST:

FLU Designation: High Residential (HR-8)  
 Zoning District: Neighborhood Commercial District (CN)

Supporting: General Retail

EAST:

FLU Designation: High Residential (HR-8)

Zoning District: Multi-Family Residential (High Density) District (RH)

Supporting: Mobile Home Park

EAST:

FLU Designation: High Residential (HR-8)

Zoning District: Single-Family Residential District (RS)

Supporting: Day Care Center (Control No 1987-121, Mark Little)

EAST:

FLU Designation: High Residential (HR-8)

Zoning District: Multi-Family Residential (High Density) District (RH)

Supporting: Vacant approved for a Congregate Livign Vacility (Control No 1988-135, The Gables PUD)

WEST:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)

Zoning District: General Commercial District (CG)

Supporting: Professional and Medical Office (Control No 2003-050, Midtown Imaging)

WEST:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)

Zoning District: General Commercial District (CG)

Supporting: Multi Family (Control No 1980-025, Century Village)

WEST:

FLU Designation: High Residential, with cross-hatching (HR-8X)

Zoning District: Multi-Family Residential (High Density) District (RH)

Supporting: Multi Family

The 57.54-acre site is surrounded by residential uses (multi-family and mobile homes), commercial uses and a Place of Worship. The proposed development includes a mix of multi-family housing types, neighborhood parks, commercial uses, recreation facility, and a 100 bed Type III, Congregate Living Facility, consistent with the residential uses that directly abut the parcels. The proposed layout of the multi-family units have been designed to take into account the surrounding existing development in terms of types of homes (all multi-family), buffers, views, proximity to the proposed development area, and dimensions of the proposed development area. All of these factors helped determine the placement and type of the proposed homes as well as buffers, access locations, retention areas, and recreation areas.

o Traditional Neighborhood Development (TND)

The purpose of a TND is to: establish a specific neighborhood identity and focus with a pedestrian-oriented design; encourage mixed-uses and compact development that is pedestrian in scale; sensitive to environment; provide residences, shopping, employment, and recreational uses within close proximity with each other; provide a range of housing types and human-scale neighborhoods, with an efficient circulation systems; and a cohesive neighborhood identity.

The basic component of a TND is the neighborhood, organized in blocks around a neighborhood center. Each TND shall: 1) not include more than 4 neighborhoods, 2) shall contain a neighborhood center, 3) shall include a centrally located neighborhood square or commons, and 4) shall include a neighborhood park distributed throughout so that all dwelling units are within 1320 linear feet of the park.

As indicated on the Preliminary Master Plan, the applicant is proposing 3 neighborhoods with a total of 689 multi-family units (including 26 live/work units), 84,500 square feet of general retail uses,



15,000 square feet of recreation, and a 100-bed Type III, CLF. Refer to the following charts for a breakdown of the proposed neighborhoods.

Neighborhood 1 (located southwest of Century Boulevard and Haverhill Road)

Building	Units	Non-residential	Building Height
Single Family Style	17 MF	---	Max. Ht. 35'
Townhouse Style	10 MF	---	Max. Ht. 35'
Rear Loaded Townhouse Style	28 MF	---	Max. Ht. 35'
Cluster Style	58 MF	---	Max. Ht. 45'
Neighborhood Center 1		1.26 AC	
Commercial Building A	-	24,500 SF	Max. Ht. 45'
Neighborhood Square #1	-	1.35 AC	
Neighborhood Park #1		0.77 AC	
<b>Neighborhood TOTAL:</b>	<b>113 MF DU</b>	<b>26.34 AC</b>	

Neighborhood 2 (located south of Neighborhood 1)

Building	Units	Non-residential	Building Height
Rear Loaded Townhouse Style	68 MF	---	Max. Ht. 35'
Neighborhood Center 2		1.5 AC	
Neighborhood Center 2 B		0.85 AC	
Building E-2	10 MF		Max. Ht. 45'
Mixed Use Building B	96 MF 13 Live/Work	25,000 SF	Max. Ht. 62'* See Variance 5 stories max.
Mixed Use Building D	141 MF	10,000 SF	Max. Ht. 45'
Building E	60 MF	-	Max. Ht. 45'
Neighborhood Square #2	-	.46 AC	
Neighborhood Park #2		2.48 AC	
<b>Neighborhood TOTAL:</b>	<b>388 DU</b>	<b>14.65 AC</b>	

Neighborhood 3 (located south of Neighborhood 2)

Building	Units	Non-residential	Building Height
Townhouse Style	20 MF	---	Max. Ht. 35'
Rear Loaded Townhouse Style	31 MF	---	Max. Ht. 35'
Cluster Style	28 MF	---	Max. Ht. 45'

Neighborhood Center 3		1.5 AC	
Building F Type III CLF	100 bed (of 43 units)		Max. Ht. 45' 4 stories max.
Mixed Use Building C	96 MF 13 Live/Work	25,000 SF	Max. Ht. 62** See Variance 5 stories max.
Recreation Facility	-	15,000 SF	Max. Ht. 35'
Neighborhood Park #3	-	0.87 AC	
<b>Neighborhood TOTAL:</b>	<b>188 DU</b>	<b>16.55 AC</b>	

o Visual Impact Analysis (VIA)

A VIA is a requirement of any request to modify an existing golf course to reduce acreage or reconfigure the boundaries of a golf course previously approved on a Master Plan. A visual impact analysis has been prepared for the South Hampton PUD and the Reflection Bay TND application. The purpose the VIA is to assess compatibility and impact of the proposed reconfiguration of the golf course on the adjacent properties.

Line of Site Analysis:

The VIA includes 3 line of site sections through the Reflection Bay Property (**Exhibit 14**). The three specific points were chosen to reflect the three different neighborhoods being proposed within the Reflection Bay TND. The cross-sections were also chosen to depict the different building types proposed so the building massing could be analyzed. For example, the most intense uses and higher buildings were placed along Haverhill Road (**see rendering below**). The intensity and scale of the buildings then transition to the west so to minimize the impact on the surrounding residential buildings. The western edge of the community is enhanced through the addition of a lake, passive parks and planting areas.



o Requested Uses - Type III, Congregate Living Facility (CLF)

According to Article 2 of the ULDC, the BCC shall approve a Preliminary Site Plan (PSP) for a Requested use. However, according to Article 2 and Article 3, the BCC shall approve a Preliminary Master Plan for a TND. As such, the applicant has only prepared a PSP for the Type III, CLF with this application (**Figure 6**). The applicant will be required to file a subsequent application for Final Site Plan approval of the entire TND. The proposed 100-bed, Type III CLF is located on 0.90-acre within Neighborhood 3. The proposed building is 45 feet in height with a total of 50 parking spaces.

o Workforce Housing Program (WHP)

The WHP is applicable to new or existing projects proposing 10 or more dwelling units provided they are located within the Urban/Suburban Tier and have a residential FLU of LR-1, LR-2, LR-3, MR-5, HR-8, HR-12, or HR-18. For existing projects, the program applies to those units being added. Therefore, the proposed 663 MF units and 26 live/work units (total of 689 units) are subject to the program requirements. The applicant is proposing to provide the mandatory WHP units using the limited incentive program. This program requires 2.5% of the standard density units be WHP units and 8% of the PUD density units be WHP units. Below are the calculations which equate to a total of 30 WHP units.

Calculations:

**11.50** workforce units, Standard density (460 x 2.5% = 11.50)

**17.52** workforce units, PUD density (229 x 8.0% = 18.3)

**29.8 (30) workforce units**

Per the requirements of the Limited Incentive program, 50% of the WHP units shall be set aside for the low income households and 50% of the required WHP units shall be set aside for moderate 1 income households. All for sale WHP units shall be income restricted for a period of 15 years and all WHP rental units will be income restricted for a period of 30 years.

o Traffic

See Staff Review and Analysis for Traffic comments.

o Landscape/Buffering

The applicant is providing the required 20-foot right-of-way buffers along the north and east property lines adjacent to Century Boulevard and Haverhill Road and the required 5-foot compatibility buffer along the south and west property lines. The internal compatibility and incompatibility buffers required for TNDs will be reviewed once the subsequent Final Site Plan application is filed for the entire TND.

o Signs

The applicant is not proposing any signage at this time. Prior to final approval by the DRO, the applicant will be required to submit a sign plan consistent with signage requirements in Article 3 and Article 8 of the ULDC.

o Architectural Review

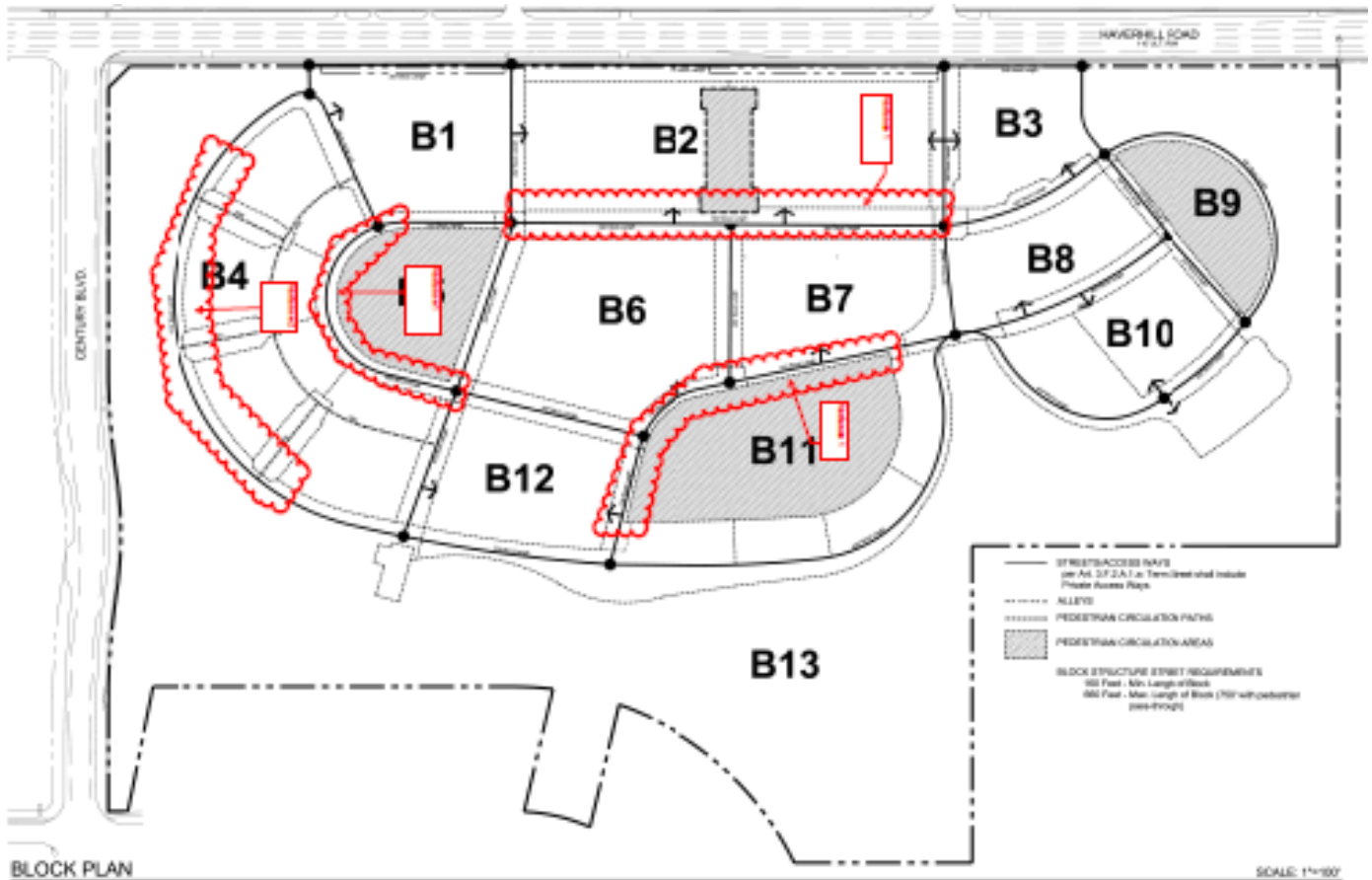
The applicant did not request to have the elevations reviewed at time of public hearing. The development is subject to ULDC Sections 5.C.1. Design Standards and Architectural Guidelines and Compatibility Standards 5.C.1.H. Staff is recommending Architectural Review 1 in Exhibit C-2 that final architectural elevations be submitted for review and approval at time of submittal for final DRO approval to ensure that the final architectural elevations are consistent with the BCC approved master plan and site plan (Type III CLF) and in compliance with Art. 5.C.

o Variance

The applicant is requesting the following variances from the ULDC:

	ULDC ARTICLE	REQUIRED	PROPOSED	VARIANCE
1	Article 3.F.2.A.1.b.2)	Maximum length of a block(BLK) 660 feet. Up to 750 feet with pedestrian pass-thru. Blocks subject of request have pedestrian pass-thru's.	Blk 2 - 783' Blk 4 - 1,137' Blk 11 - 920'	Blk 2 - 33' Blk 4 - 387' Blk 11 - 170'
2	Article 3.F.2.A.1.b.3)	Maximum number of alley curb cuts- Four per block and two per side.	Blk 4 - North Side 3 proposed	Blk 4 - one (1) additional on north side.
3	Article	A minimum of one alley shall	Waive alley	Waive alley requirement.

	3.F.2.A.1.e.	be required in all blocks, except blocks of single family and ZLL residential uses and AGR TMDs.	requirement.	
4	Article 3, Table 3.F.3.C.	25% Minimum Gross Area for Single Family (14.38 acres)	0% (0 ac)	100% (14.38 ac)
5	Article 3.F.3.E.1.a.5.	50% Maximum Building Coverage for Neighborhood Center	100%	100%
6	Article 3.F.3.E.1.c.	45' Maximum Building Height	62'	17'
7.a	Article 3.F.3.E.4.a.	Each neighborhood within a TND shall include a centrally located neighborhood square or "commons."	To allow Neighborhood Square or commons to not be centrally located in Neighborhoods #1 & #2.	To allow Neighborhood Square or commons to not be centrally located in Neighborhoods 1# & #2.
7.b	Article 3.F.3.E.4.a.	Each neighborhood within a TND shall include a centrally located neighborhood square or "commons."	To waive requirement for a centrally located neighborhood square or 'commons' in Neighborhood #3.	To waive requirement for a centrally located neighborhood square or 'commons' in Neighborhood #3.
8	Article 3.F.3.E.4.a.2)	A minimum of 75 percent of a square perimeter shall abut a street. (Perimeter 689 l.f. x .75 = 919')	104 l.f. (15.1%)	585 l.f. (84.9%)
9	Article 3.F.3.E.4.b.4)	A minimum of 50 percent of a neighborhood park perimeter shall abut a street.	#1 – 932' (40%) #2 – 641.5' (47%) #3 – 797' (29%)	#1 – 235' (10%) #2 – 37' (3%) #3 – 586' (21%)
10a	Article 3.F.3.E.4.b.6)	At least one lineal foot of seating area shall be provided for each 30 square feet of park area. (20,062 s.f. / 30 = 669 l.f. seating required for Neighborhood #2 Square)	72 l.f.	597 l.f.
10b	Article 3.F.3.E.4.b.6)	At least one lineal foot of seating area shall be provided for each 30 square feet of park area. (58,806 s.f. / 30 = 1,960 l.f. seating required for Neighborhood #1 Square)	72 l.f.	1,888 l.f.



Graphic for Variances 1-4

The first variance being requested is to Article 3.F.2.A.1.b.2), which allows for a maximum length of a block to be 750 feet in length, with the provision of pedestrian pass-thru. This variance request is applicable to Blocks 2, 4, and 11 as shown on the Block Structure Plan (**Figure 11**). Specifically, the variances are as follows:

	Proposed Length	Variance
Block 2	783 feet	33 feet
Block 4	1,137 feet	387'
Block 11	920 feet	170'

As the block structure plan indicates all of these blocks provide for pedestrian pass-thrus and circulation through the block structures, allowing the variance to be to the maximum length restriction of 750 feet. The applicant states that the issues associated with meeting the code in this regard are a result of the difficulties associated with providing for an urban form of development within an irregularly shaped infill parcel, compounded by the ability to provide for additional access points to the surrounding roadway network, which would allow for the creation of smaller blocks. In the case of Block 2, the length of the block slightly exceeds the code allowance by 33 feet. However, a large square central to the block is provided that not only provides for a noticeable break in the block structure, but also meets the goal of providing adequate public gathering space. Unfortunately, the project is limited to the amount of access points onto Haverhill Road, but the intent of breaking up the block and providing for a pedestrian circulation pattern throughout the block meets the intent of the code.

In regard to Block 4, the shape of the site resulted in a curvilinear design of the roadway network in this area providing for a more interesting pedestrian environment. Access to Century Boulevard to the north was not granted, which would have been able to create a street mid-block, breaking up the block length of 1,137 feet as proposed. To compensate for this, three alleys are provided on the north side of the block (Variance #2) which provide for both vehicular and pedestrian circulation, promoting alternative routes in line with the goals of urban infill redevelopment.

Block 11 is requiring a variance of 170 feet to allow for a maximum block length of 920 feet. Five (5) pedestrian circulation connections are provided within the block itself, while a 20 foot access drive is located around the perimeter of the block. Additionally, the entire center of the block is comprised of

a 2.48 acre park which has a pedestrian round around its entire perimeter, equating to 1,357 linear feet of pedestrian circulation route.

Variance 2 is to Article 3.F.2.A.1.b.3) which allows for a maximum of two alley curb cuts along any side of a block and the request applies only to Block 4. The applicant states that this variance is somewhat associated with Variance 1 and some of the criteria being addressed herein therefore addressed both variances. This block proposed three alley curb cuts along the north side of the block. While it would have been ideal to propose the mid-block be designed as a street to break up the block, the lack of any potential to connect the street through to Century Boulevard impacted the site design. The extra alley is proposed to provide for the appearance of a block grid network which provides for pedestrian and vehicular access to promote a compact infill development.

The third variance being requested is to Article 3.F.2.A.1.e., Alleys. This code section requires that a minimum of one alley be required in all blocks, except blocks of single family and zero lot line residences and AGR TMD's. The alleys must conform to the design standards as contained in Table 3.F.2.A. and Figure 3.F.2.A – Alley Design Standards. This site does propose some design issues associated with the irregular configuration of the property's western proposed property line, which is a result of accommodating the existing residential structures to the west. The applicant states that care was given to provide for a project design that provided additional buffering to these uses and allowed for the proposed lake and open space to provide for separation between the uses. The proposed plan does provide alleys meeting this requirement within the multi-family product area in the northern portion of the site and a 15-foot one-way alley south of Main Street. A 20-foot alley is also provided in the southwest area of the development. However, the remainder of the blocks in the development is surrounded by 20-foot street drives aisles or two-way 20-foot access drives. The 20-foot cross-sections for these areas allow for two-way access for the residents and visitors throughout the site and provide for circulation around the perimeter of the developed area. The proposed 20-foot width, with on-street parking on the segments coming off the Main Street, still meets the intent of the TND for a roadway cross-section that serves to reduce the speed of travel and promote a more urban form of development.

The fourth variance requested applies to the code minimum amount of single family lots required for the development. In this case, the overall number of dwelling units is 732 on 57.54 acres, resulting in a proposed density of 12.57 dwelling units per acre. Table 3.F.3.C. requires a minimum of 25% of the gross land area, or 14.38 acres be provided as Single Family residential. The ULDC defines Single Family as follows: "for the purposes of Article 4.B, the use of a lot or structure for one detached dwelling unit, excluding a mobile home but including manufactured buildings." The applicant states that In the case of this project's proposed design, 1.5 acres are associated with a Single Family detached dwelling unit, which equates to a percentage of 2.6%. These units, while being structures typically considered as Single Family type units, are not proposed to be sold as fee simple platted lots, but rather as a condominium ownership product. As such, discussions with staff have resulted in the variance request to this code section. The applicant maintains that the intent of the code to provide for a mix of housing types within the TND is met with the provision of these units, as it is the form of ownership that has resulted in the requirement for the variance.

[Note: no graphic for Variance 5-6]

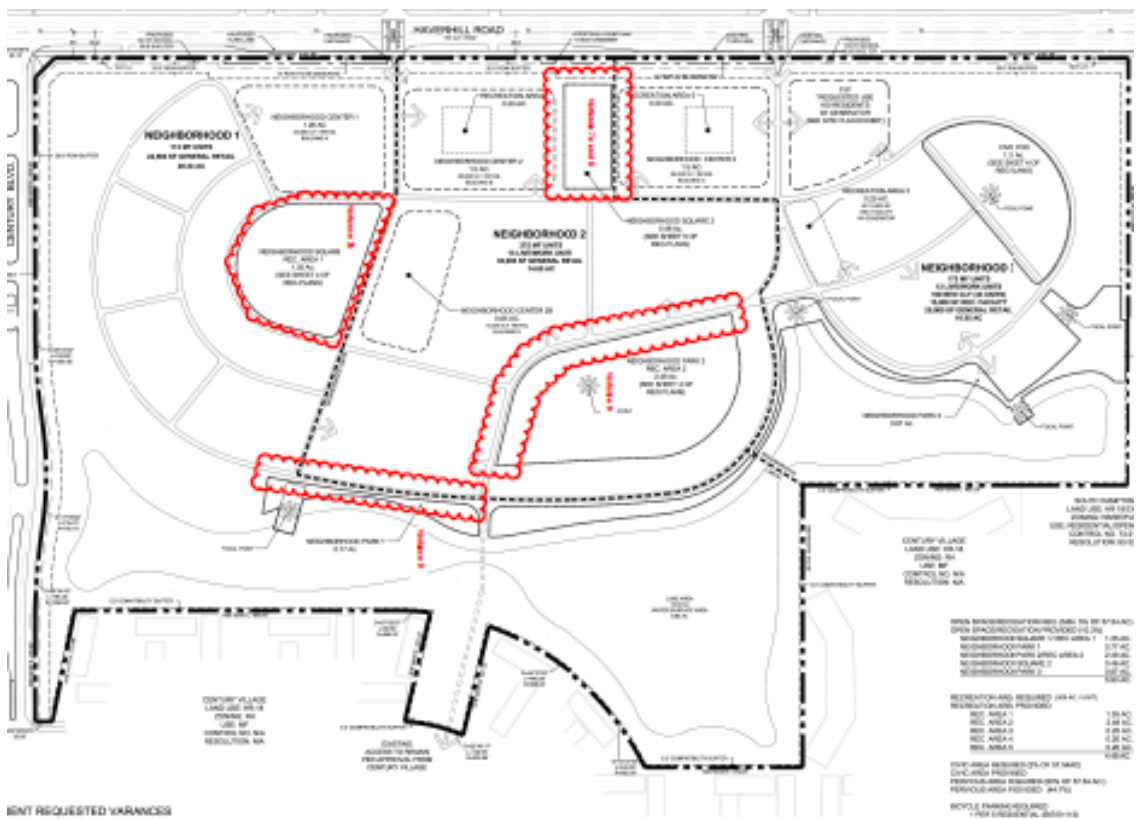
The fifth variance being requested to Article 3.F.3.E.1.a.5. is to allow for the four Neighborhood Centers to exceed the maximum 50% building coverage allowance in the ULDC. The proposed Preliminary Site Plan depicts three neighborhood centers, one associated with each proposed neighborhood. The acreages and proposed building coverage for each Neighborhood Center is as follows:

<u>Neighborhood Center</u>	<u>Acreage</u>	<u>Coverage</u>	<u>Proposed Variance %</u>
N.C. #1	1.09 AC	57.3%	7.3%
N.C. #2	1.5 AC	97.7%	47.7%
N.C. #2B	0.85 AC	69.2%	19.2%
N.C. #3	1.5 AC	97.7%	47.7%



The proposed building coverage's being requested above result in a variance percentage requested ranging from 7.3% for Neighborhood #1, to 47.7% for Neighborhood 2 and 3. The applicant states that the issues associated with providing for a site design that allows for the applicant to achieve the allowed amount of commercial in the neighborhood centers create the need for these variances. Each Neighborhood Center is allowed up to a maximum floor area ratio (FAR) of 1.0, but is limited to a maximum total floor area of 40,000 square feet per center. In order to provide for the project to develop with Neighborhood Centers with the mix of uses necessary to succeed and to provide for the needed services of the nearby neighborhoods, it is necessary to incorporate structured parking into the project's design. While structure parking does not count towards the maximum amount of FAR permitted, it does count towards the building coverage for the Neighborhood Center, necessitating the variance. The intent of not exceeding the maximum floor area ratio for the Neighborhood Centers is respected with this variance request, as well as recent County goals of providing a more urban form of development for infill projects within the Urban/Suburban Tier.

The sixth variance being requested is to the maximum height of the structures within the Neighborhood Centers. This variance only applies to Neighborhood Centers 1 and 3, those with buildings fronting along Haverhill Road. Article 3.F3.E.1.c. allows for a maximum building height of 45 feet for structures in the Neighborhood Centers. The variance being request is to allow for a maximum height of 62 feet only for the front facades of the buildings along Haverhill Road, equating to a maximum variance of 17 feet. These areas of the buildings are 62 feet in height and the height tapers down to the allowed code measurement of 45 feet where further removed from the Haverhill Road thoroughfare roadway and closer to the existing residential development to the west, providing for tiered building heights. Residential uses, as well as the significant open space area associated with the lake and internal pedestrian pathway system, buffer these building heights from the residential use to the west. It is important to note that the existing condominium unit buildings to the west are 4 story buildings, approximately 45 feet in height, and will exceed the residential building height restriction of 35 feet in place and being met for this project. The applicant states that this variance is also a direct result of planning the TND so as to accommodate the number of residential units necessary to create a well-balanced, diversified development project. The total number of residential units proposed for this development is 732, which equates to an overall density of 12.57 du/acre. This is still below the maximum density permitted for the land use designation for the property and is comparable to the existing density of the residential uses to the west.



**Graphic for Variances 7-8**

Variance 7 is to Article 3.F.3.E.4.a. which requires that each neighborhood within a TND shall include a centrally located neighborhood square or 'commons' and that each Neighborhood contain a Square. While the ULDC does not have a definition for 'commons', it does specifically group together neighborhood parks, neighborhood squares, and active or passive recreation areas together under ZC



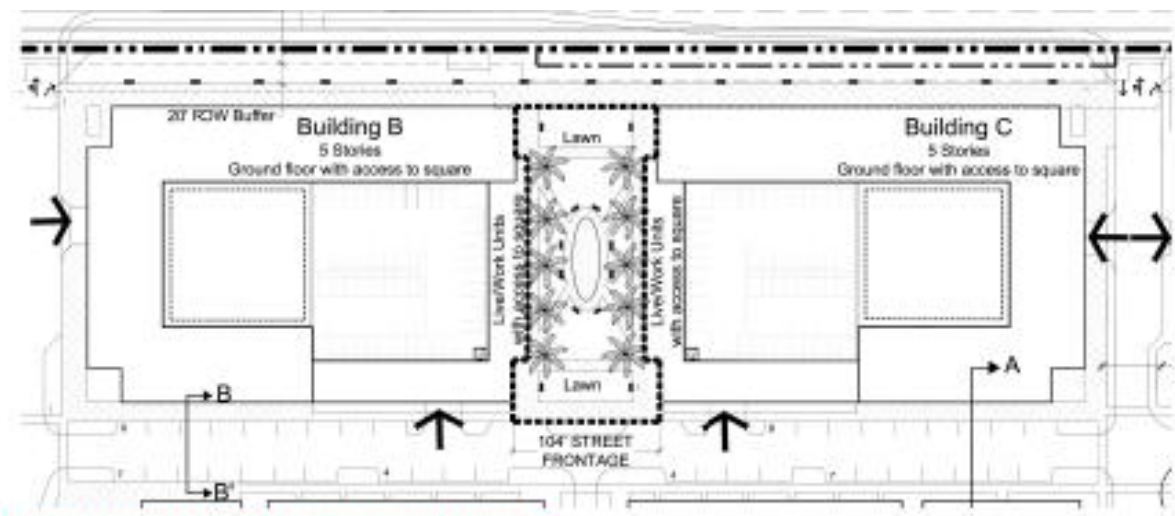
Open Space/Recreation area. The variances are broken down into two (2) parts. Variance 7.a. is to the requirement for the Neighborhood Squares in Neighborhoods #1 and #2 to be centrally located and Variance 7.b. is a request to waive the requirement for the Neighborhood Square in Neighborhood #2.

In regard to Variance 7.a., the Preliminary Master Plan for the development depicts a large Square in Neighborhood #1, located on the 'edge' of the neighborhood, west of Building A and south and east of the multi-family units. This Square meets the requirement of 75% of the frontage being adjacent to a street and is oversized at acreage of 1.35-acres. The location of the Square is in close proximity and provides for ease of access to all the residents in the Neighborhood. There is also the large Neighborhood Park #1 to the west of the residential units which is 3.78-acres in size which provides for additional passive recreational area near the western most dwelling units. In addition, a .16 acre courtyard associated with Building A which sited to provide for the appearance that the courtyard fronts on the street located between the courtyard and the Square. The applicant states that due to the anticipated degree of interaction between the Neighborhoods, the proposed location will not have any negative impact on the urban design or goals of the TND.

The Preliminary Master Plan for the development, supported by the Preliminary Site Plan, depicts a Square in Neighborhood #2, which would serve all residents in Buildings B, C, D, and E. The Square is located between Buildings B and C, easily accessible by the residents of Buildings D and E. While technically located on the 'edge' of the Neighborhood #2, the layout of the site provides for greater interaction between the neighborhoods, allowing for this Square to serve not only Neighborhood #2, but also Neighborhood #3. The large Neighborhood Park #2, located to the west of Buildings D and E, as well as the Neighborhood Park #3, being 2.48 acres and 10.35-acres in size respectively, also provided for additional gathering/recreation areas for the residents of these Neighborhoods, resulting in no negative impact to the quality of the residents life by the placement of the Square as proposed.

The applicant maintains that Variance 7.b., the request to waive the requirement for Neighborhood Square in Neighborhood #3 is justified by the amount of other civic, recreational and park area within the Neighborhood. This Neighborhood contains Neighborhood Park #4 located to the west of the development area which is 3.82-acres in size. Additionally, the Amphitheater Civic Pod is 1.31-acres in size and provides for seating for the residents. A 15,000 sq. ft. recreation facility is located in the northern portion of the Neighborhood and courtyard areas are provided associated with the two multi-family buildings. Finally, although not internal to the Neighborhood, the Neighborhood Square for Neighborhood #2 is sited such that it is also readily accessible and in close proximity to Buildings C and the proposed Congregate Living Facility. The development proposed to provide far in excess of the required amount of Open Space/Recreation area. The development is required to provide for 2.88-acres (5%) of Open Space/Recreation area and is providing for 21.21-acres (36.9%). This is provided with the oversized parks, the neighborhood square, and 16.92-acres of passive open space to in the western portion of the development which includes a walking trail on a portion of the lake and a proposed focal point, pool, pier and bulkhead.

Variance 8 is to code section 3.F.3.E.4.a.2), which requires that 75% of the perimeter of the square abut a street. The proposed Neighborhood Square complies with the minimum size requirement of 20,000. Additionally, a linear strip of land is provided to the east of Buildings B and C which serves to visually extend the useable square land area. By providing this additional land area in this design, it allows for additional pedestrian oriented space, with the appearance of the space as abutting Haverhill Road. The design of the square best serves the residents in the immediate neighborhoods and is it more easily accessible to the residents in Buildings B, C, D and E, meeting the intent of the square being provided for their benefit and use. **(refer to graphic above)**



NEIGHBORHOOD SQUARE 2		
TOTAL AREA	75,000 sq. ft.	1,714 sq. ft. (2.3%)
PERCULANEA	2,000 sq. ft.	2,000 sq. ft. (2.7%)
LINEAR FRONTAGE OF SQUARE	300' (100' x 300')	300' (100' x 300')
STREET FRONTAGE	300' (100' x 300')	300' (100' x 300')



NEIGHBORHOOD SQUARE 1 / REC. AREA 1		
TOTAL AREA	1,350 sq. ft.	1,350 sq. ft. (100%)
PERCULANEA	1,350 sq. ft.	1,350 sq. ft. (100%)
LINEAR FRONTAGE OF SQUARE	300' (100' x 300')	300' (100' x 300')
STREET FRONTAGE	300' (100' x 300')	300' (100' x 300')



NEIGHBORHOOD SQUARE SKETCH  
LOOKING NORTHEAST INTO NEIGHBORHOOD SQUARE 2

Graphic for Variances 9-10

Variance 9 is to Article 3.F.3.E.4.b.4), which requires that 50 percent of a neighborhood park perimeter abut a street. (refer to graphic above) The Variance request applies to all three parks proposed for the development as follows:

	<u>Perimeter</u>	<u>Provided</u>	<u>Variance</u>
Park #1	2,335 l.f.	932 l.f. (40%)	235 l.f. (10%)
Park #2	1,357 l.f.	641.5 l.f. (47%)	37 l.f. (3%)
Park #3	2,767 l.f.	797 l.f. (29%)	586 l.f. (21%)

In the case of Park #1 and Park #3, these are both open space areas which are situated just east of the existing lake system, which is proposed to be enlarged to meet drainage requirements. The expanded lake itself totals 12.94-acres in size, however this acreage is not included within the acreage associated with the parks. The applicant states that Park #1 is .77-acres in size and Park #3 is .87 acres in size and both parks are shallow in depth and linear in shape creating the necessity for the requested variances. The linear design is necessitated by the design and location of the lake required to meet drainage requirements, which utilizes the existing location of drainage facilities on the site. As such, the areas where the parks are able to extend further to the west to accommodate additional recreational amenities, such as fitness stations, gazebos, seating areas, dock/lookout area, and sand yard, create a larger perimeter than typically associated with a pure linear park. A true linear park would be closer to meeting this requirement, if it was consistently very shallow in depth. However, any increase in depth would proportionately increase the degree of variance from the code requirement. It appears that the TND regulations do not take into account the provision of a linear park within these types of developments.

In regard to Park #2, the minimal variance requested of 37 linear foot is a result of creating a larger park area of 2.48-acres, while providing for a site design that allows for the multi-family units to the west of the park to front directly on the park lawn for ease of access, while providing for water views of the lake. The applicant maintains that this design promotes a very aesthetically pleasing view of the lake for the residents, but also allows access to the park area without having to cross a vehicular use area. This meets the goals of the urban form of development while providing for safer access to the park. Providing an access street or drive between the units and the park would serve no purpose and could actually be seen as affecting the safety and welfare of the residents.

Variance 10 is to Article 3.F.3.E.4.b.6), which requires one lineal foot of seating area be provided for every 30 square feet of park area. **(refer to graphic above)** The variance is broken down into Variance 10.a. and 10.b., with 10.a. being to the required amount of benches for the Neighborhood Square within Neighborhood #2 and 7.b. being to the required amount of benches for the Neighborhood Square within Neighborhood #1.

The applicant states that upon review of the seating requirements for other types of residential developments mandated by the ULDC, it becomes somewhat apparent that this requirement is excessive. It far exceeds any other requirement for any other type of residential development. TMD's, which are a more commercialized form of urban development are only required one linear foot of seating area for every 200 square feet. This considering that the commercialize nature of those types of developments would allow for accommodating this amount of seating without a negative impact and would provide for greater ease of meeting the requirement.

In this TND, the code requires that a minimum of five percent (5%) of the development, or in this case, 2.88-acres, be provided as open space/recreation area. The applicant is proposing 21.2- acres (38.2%). The park areas associated with the Squares are also oversized, as the Square is proposed to be 20,062 sq. ft. for Neighborhood Square #2 and 58,806 sq. ft. for Neighborhood #1.

Additional seating in the overall TND in the amount of 90 linear feet is also proposed in the linear strip of land described above. Additional seating for the benefit of the residents is also provided in Neighborhood Parks 1 and 2, as well as the amphitheater pod. Due to the compactness of the overall development, there is more than adequate, easily accessible public seating area in close proximity of all the residents of the TND

In the case of Neighborhood Square #2, the code requires 669 linear feet of seating for the 20,062 sq.ft. of Square area. Even when using the current TMD requirement of one linear foot of seating for every 200 sq. ft. of area, which is for a more urban open space use, the square each park would only require 100 l.f. of seating. The applicant is proposing 72 linear feet of seating which would equate to 12 six foot benches.

In the case of Neighborhood Square #1, the code requires 1,960 linear feet of seating for the 58,806 sq. ft. of Square area. This Square is far above the minimum size of 20,000 sq. ft. One of the driving factors which resulted in the entire area being designated as a Square was the requirement for 75% of the Square's perimeter to be adjacent to a street. By designating the entire area as a Square, 100% of the Square is adjacent to a street. However, by meeting this requirement with the proposed design, it increases the variance request to the seating area which, again, is excessive when compared with other requirements for residential developments in the ULCD. The applicant is proposing 72 linear feet of seating which would equate to 12 six foot benches.

Again, the applicant maintains that the current code requirement is not warranted for the neighborhood square, which is by design meant to provide open space for the residents of the development. The fact that the provision of more than the amount of required park area in the square compounds this issue is not a result of the action of the applicant, but the result of a design that provides for a larger park area in the square for the benefit of the future residents of the development. The site plan depicts the provision of adequate seating along the six foot sidewalk in Neighborhood Park 2. Additional seating is provided along the linear area facing Haverhill Road adjacent to Square 2. The plan also provides for seating within the Amphitheater Civic Pod for the use of the residents. Overall, 72 l.f. of seating is provided in the Squares (with an additional 90 l.f. of seating in the linear open space strip to the east of Square #2), 43 l.f. of Seating in Neighborhood Park 2, and 78 l.f in the Amphitheater.

**TABULAR DATA**

	EXISTING	PROPOSED
<b>Property Control Number(s)</b>	00-42-43-23-40-036-0000	TBD
<b>Land Use Designation:</b>	Residential High 18 (HR-18)	Same
<b>Zoning District:</b>	Planned Unit Development (PUD)	Traditional Neighborhood Development (TND)
<b>Tier:</b>	Urban Suburban	Same
<b>Use:</b>	Golf Course	663 multi-family units; 26 live/work, 100-bed Type III CLF, 15,000 square feet of recreation, 84,500, and square feet of general retail use
<b>Acreage:</b>	57.54 acres	Same
<b>Dwelling Units (DU):</b>	0	663 multi-family units; 26 live/work, 100-bed Type III CLF
<b>Density:</b>	0	12.72 DU/AC
<b>Access:</b>	Haverhill Road (1)	2 access points off of Haverhill Road

**PUBLIC COMMENT SUMMARY:** At the time of publication, staff had received 0 responses from the public notices that were sent out regarding this project. [It is important to mention that the December 2, 2011 Zoning Commission packet was sent to publication early due to the holidays and the closure of County Offices; therefore responses from the property notices were not received by staff yet.] Staff is aware that there is public opposition from multiple residents within South Hampton PUD and the Century Village Community as a whole. The objecting residents have formed the “Proactive Committee” and have followed the project closely throughout Development Review Committee process. The main reasons cited for opposition is that the residents do not want any development on the golf course property that adjoins Century Village. The residents are in objection to both the companion South Hampton PUD application ABN/DOA-2011-632 and this application. The residents (nor other members of the public) have not provided staff with specific concerns or objections as it relates to the proposed TND plan.

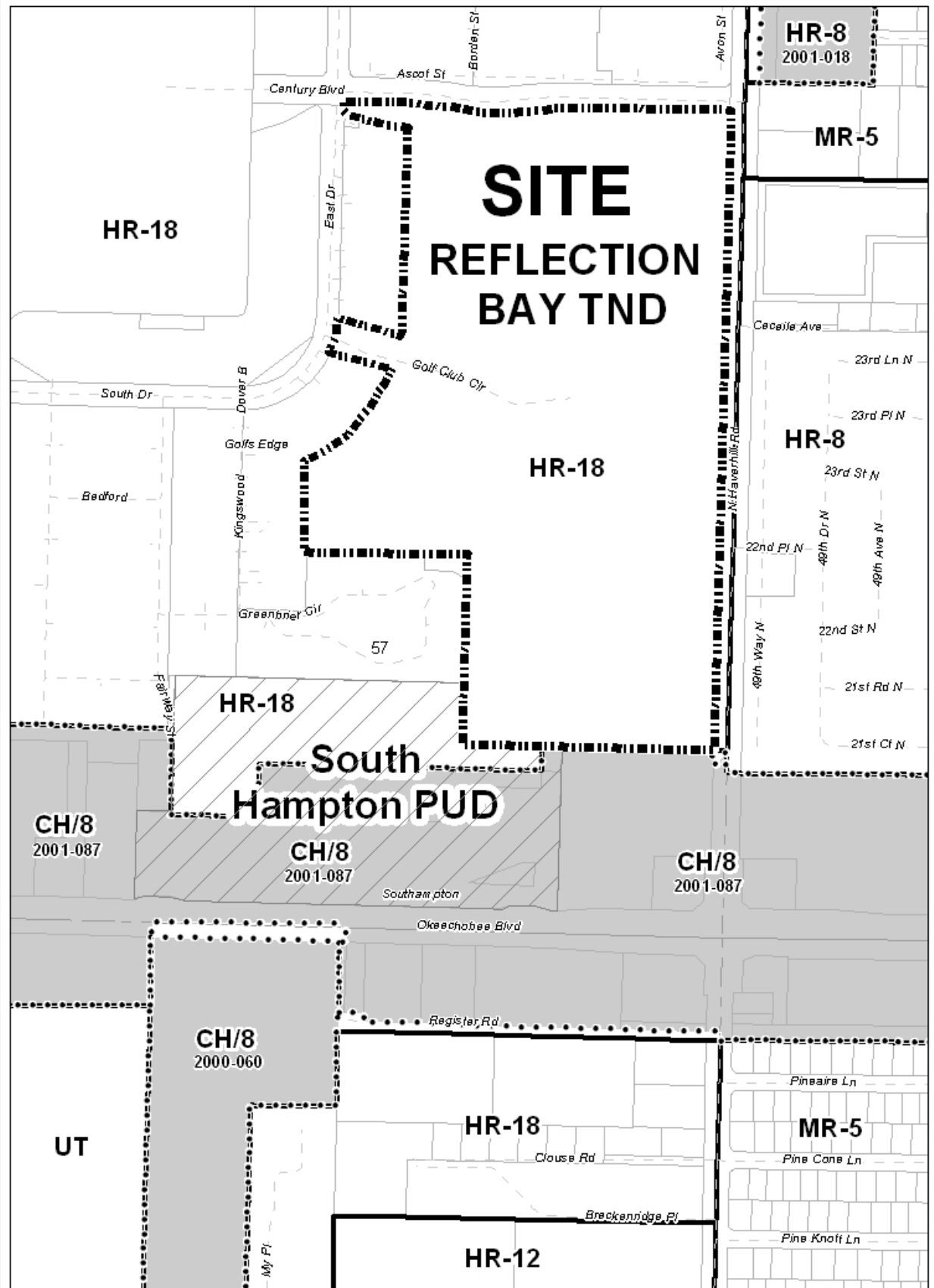
**RECOMMENDATION:** Staff recommends approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C-1, 28 Conditions of Approval as indicated in Exhibit C-2, and 4 Conditions of Approval as indicated in Exhibit C-3.

**MOTION:** To adopt a Resolution approving a Type II Variance to: to increase the maximum length of a block; to exceed the number alley curb cuts; to waive the alley requirement; to reduce the gross area for single family residential; to exceed the building coverage for neighborhood center; to exceed the maximum building height; to waive the requirement for a centrally located neighborhood square or comments in a neighborhood; to reduce the percentage of a neighborhood park perimeter abutting a street; and to reduce the required seating area in a park subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Planned Unit Development (PUD) Zoning District to the Traditional Neighborhood Development (TND) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of a Requested Use to allow a Type III, Congregate Living Facility subject to the Conditions of Approval as indicated in Exhibit C-3.

# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE

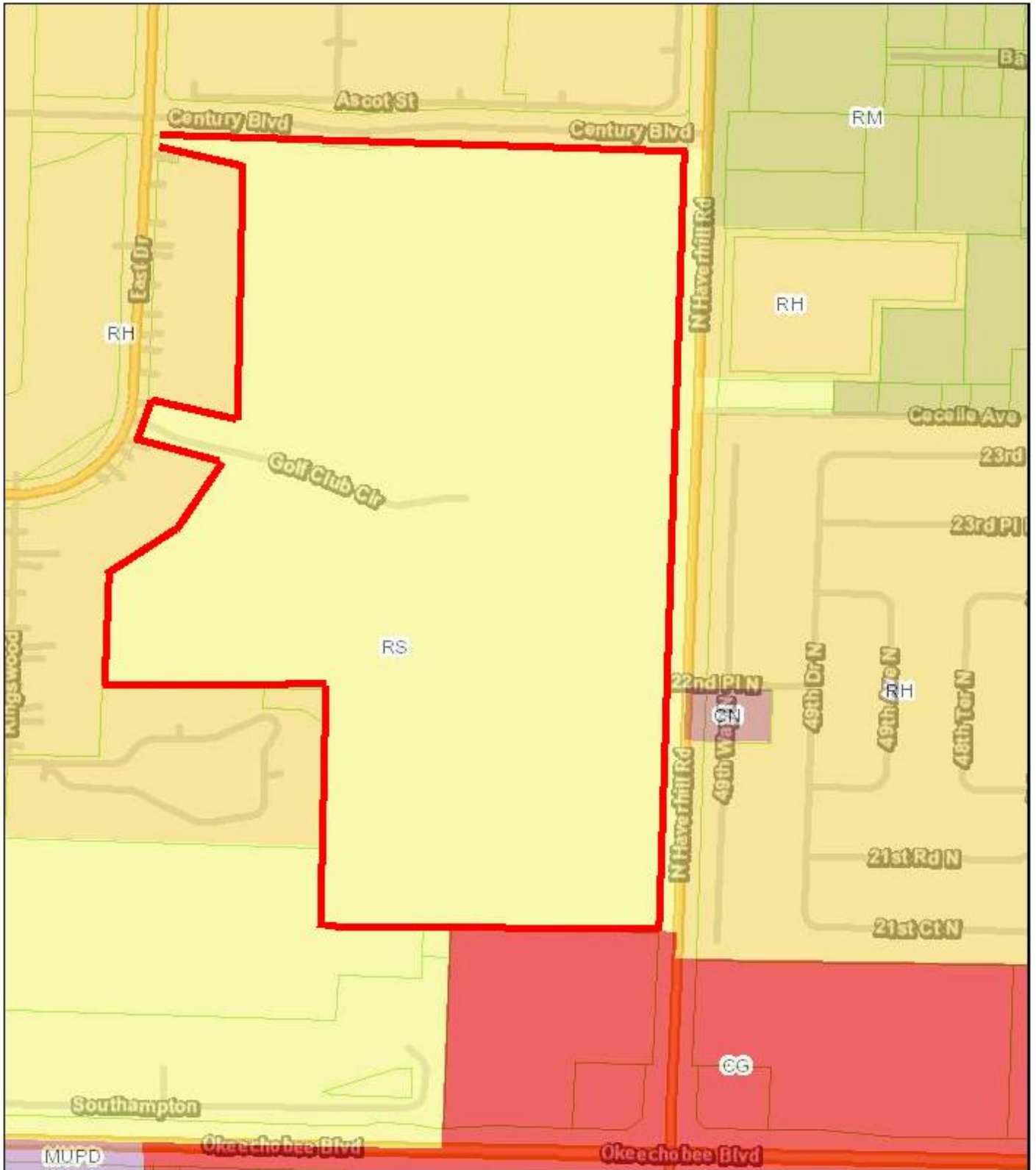


Application Number:	<u>ZV/TDD/R-2011-1203</u>
Control Number:	<u>2011-245</u>
Land Use Atlas Page:	<u>57</u>
Date:	<u>10/27/2011</u>



Figure 1 Future Land Use Map





ZV/TDD/R-2011-1203(2011-245) Reflection Bay - Quad  
 produced by: myGeoNav



**Figure 2 Zoning Quad Map**





ZV/TDD/R-2011-1203(2011-245) Reflection Bay Aerial

produced by: myGeoNav



Figure 3 Aerial









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FLC00000005

All ideas, designs, arrangements, and plans are preliminary and subject to change without notice. These drawings are not to be used for construction or other purposes without the written permission of the architect.



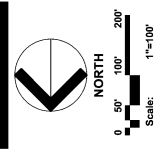
**KEY MAP**

PRP-1  
PRP-2  
PRP-3  
PRP-4  
PRP-5  
PRP-6  
PRP-7

**KEY MAP**  
LANDSCAPE BUFFERS  
PARKING DETAILS  
NEIGHBORHOOD PARKS  
NEIGHBORHOOD SQUARES  
BLOCK PLAN  
STREET SECTIONS



**Reflection Bay**  
Palm Beach County  
Preliminary Regulating Plan - Key Map



Date: 03.16.2011  
Project No.: 10061000  
Drawing No.: 10061000  
Checked By: LHM/WT  
Checked By: VT

**Revision Dates:**  
03.16.11 (Initial Design)  
04.17.11 (Revised Design)  
06.27.11 (Revised Design)  
07.26.11 (Revised Design)  
08.28.11 (Revised Design)

**PRP-1**  
of 7

PBC Zoning Stamp:

PBC Amendments:

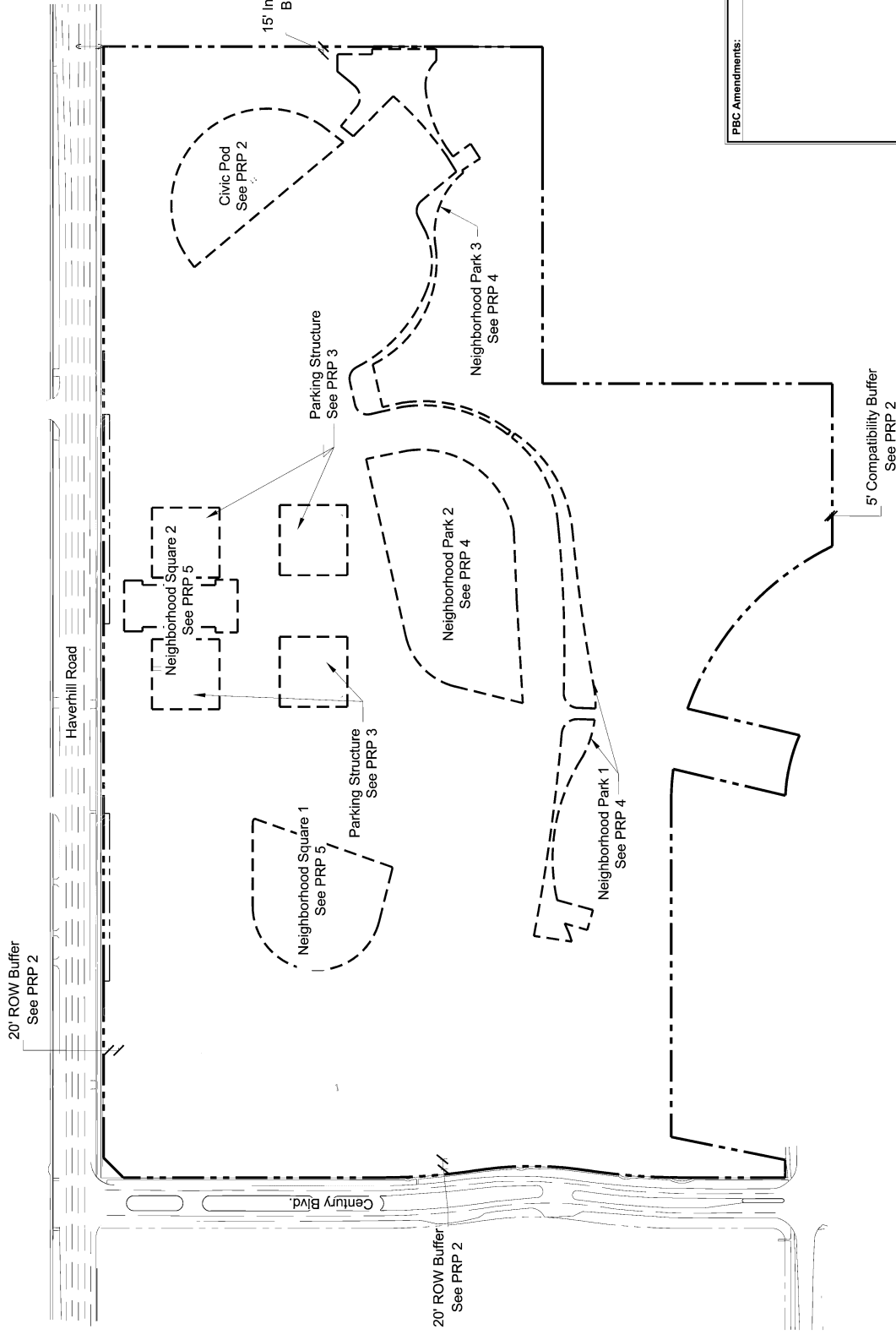
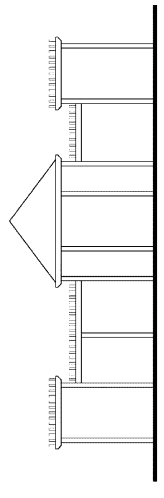
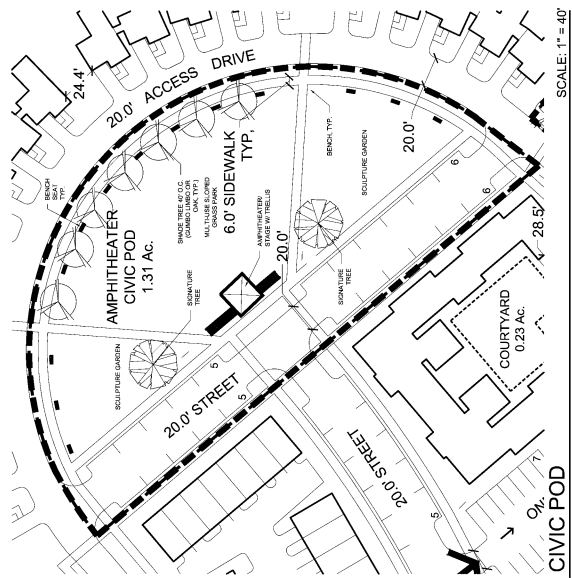


Figure 7 Preliminary Regulating Plan Key Map dated 10/12/11



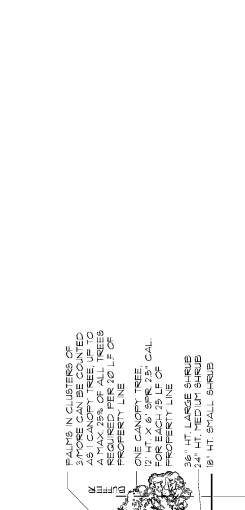
Scale: As Noted  
 Date: 03.16.2011  
 Project No.: 10066.0000  
 Project Name: Reflection Bay  
 Drawn By: LMR/WT  
 Checked By: WT  
 Revision Dates:  
 03.16.11 (Final Approval)  
 03.22.11 (Preliminary Approval)  
 03.27.11 (No-Zoning Approval)  
 03.28.11 (No-Zoning Approval)



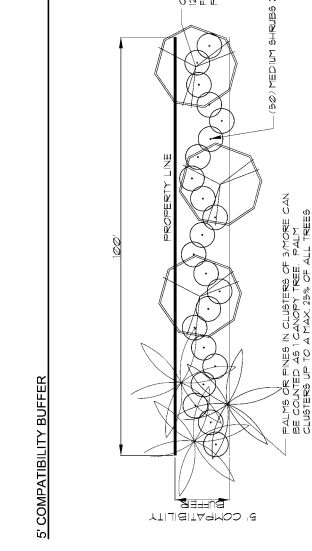
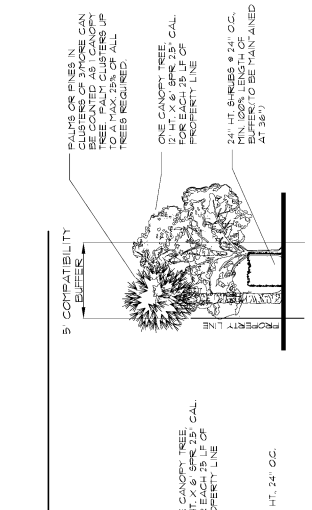
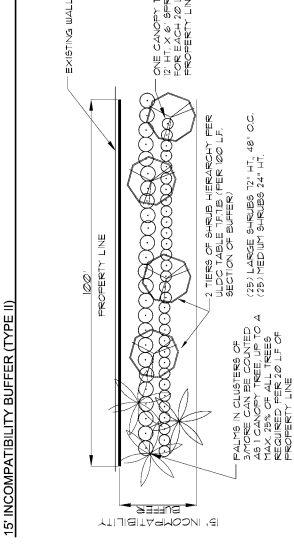
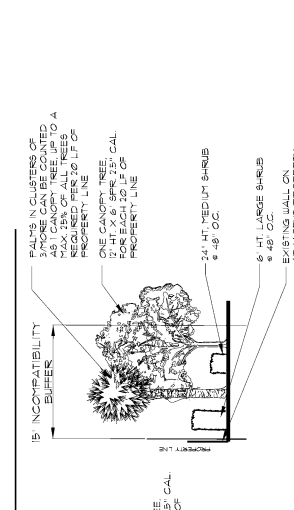
**AMPHITHEATER DETAIL**  
 ELEVATION  
 SCALE: NTS

PBC Amendments:

PBC Zoning Stamp:



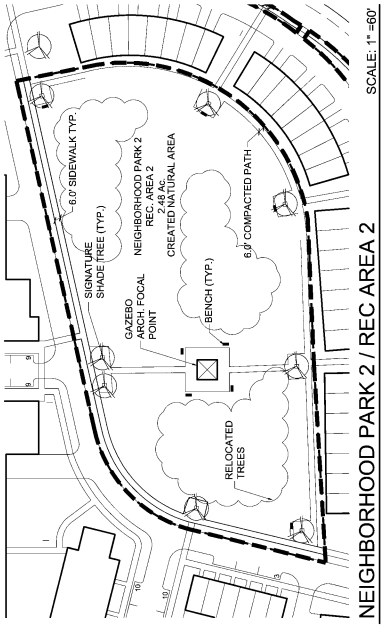
Note: ROW Buffer located east of Neighborhood Centers 1,2 & 3 to be subject to future ALP applications to allow commercial uses to interact with Haverrill Road. ALP will propose to relocate portions of shrub material to areas of buffer to the north and south of Neighborhood Centers.



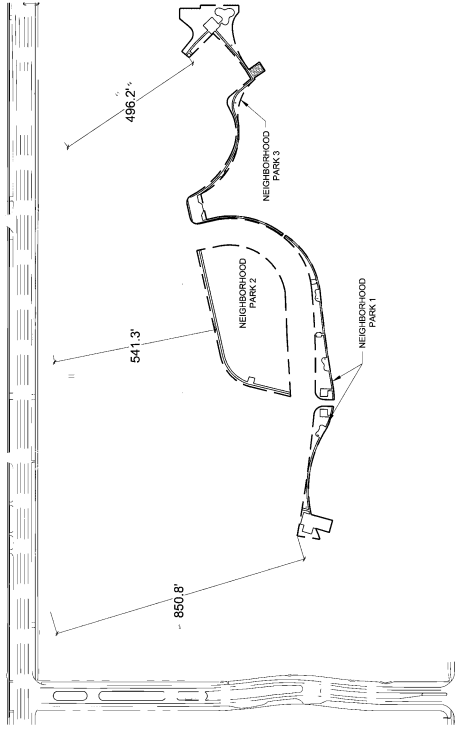
**REQUIRED LANDSCAPE CHART**

CATEGORY	CODE REQUIREMENTS	REQ.	PROVIDED
5' COMPATIBILITY BUFFER (3,862.47')	1 TREE PER 25' L.F.	154	154
	MED SHRUB (60 PER 100' LENGTH)	1,932	1,932
20' ROW BUFFER (3,551.54')	1 TREE PER 25' L.F.	143	143
	L.G. SHRUB (25 PER 100' LENGTH)	888	888
	MED. SHRUB (25 PER 100' LENGTH)	888	888
15' INCOMPATIBILITY BUFFER (600') (TYPE II)	1 TREE PER 20' L.F.	25	25
	L.G. SHRUB (25 PER 100' LENGTH)	125	125
	MED. SHRUB (25 PER 100' LENGTH)	125	125

Figure 8 Preliminary Regulating Plan Landscape Buffers dated 10/12/11



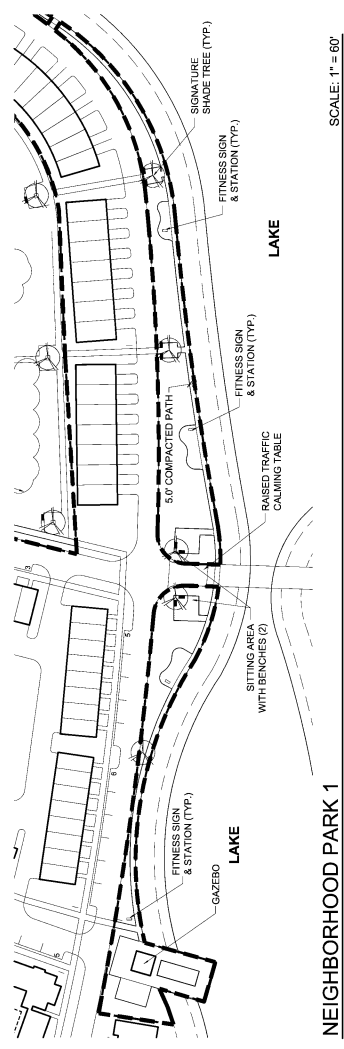
Urban Planning Design Consultant  
 RLC



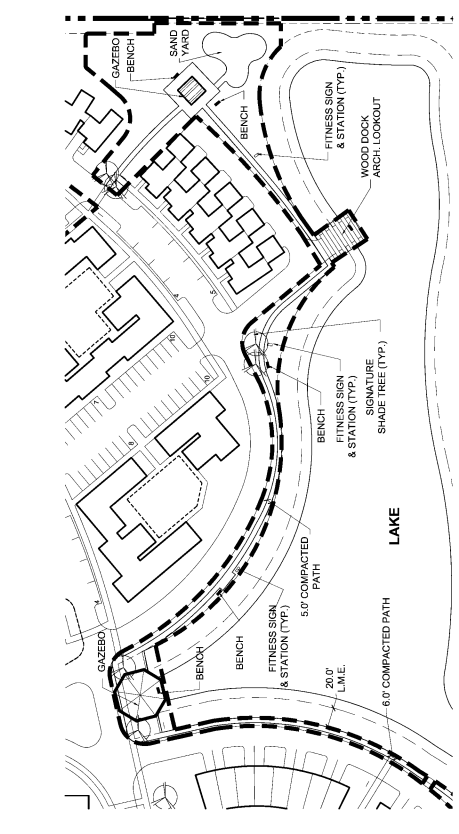
Urban Planning Design Consultant  
 RLC

PBC Amendments:

PBC Zoning Stamp:



Urban Planning Design Consultant  
 RLC



Urban Planning Design Consultant  
 RLC

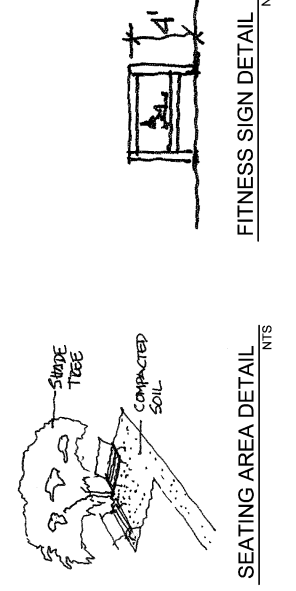
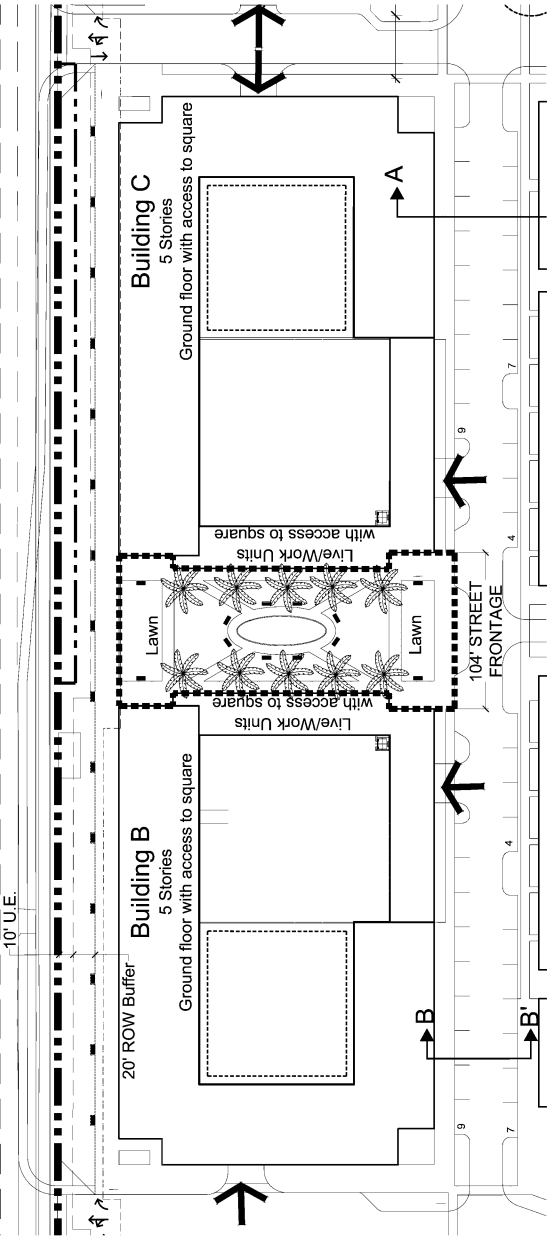
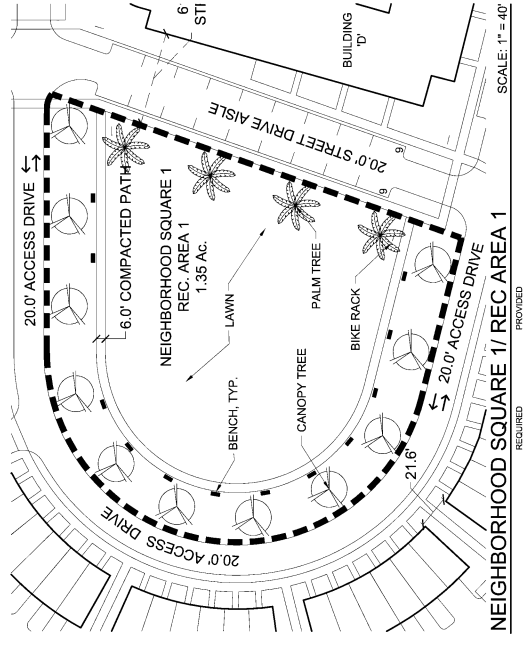


Figure 9 Preliminary Regulating Plan Neighborhood Parks dated 10/12/11



NEIGHBORHOOD SQUARE 2  
 SCALE: 1" = 40'



NEIGHBORHOOD SQUARE 1 / REC AREA 1  
 SCALE: 1" = 40'



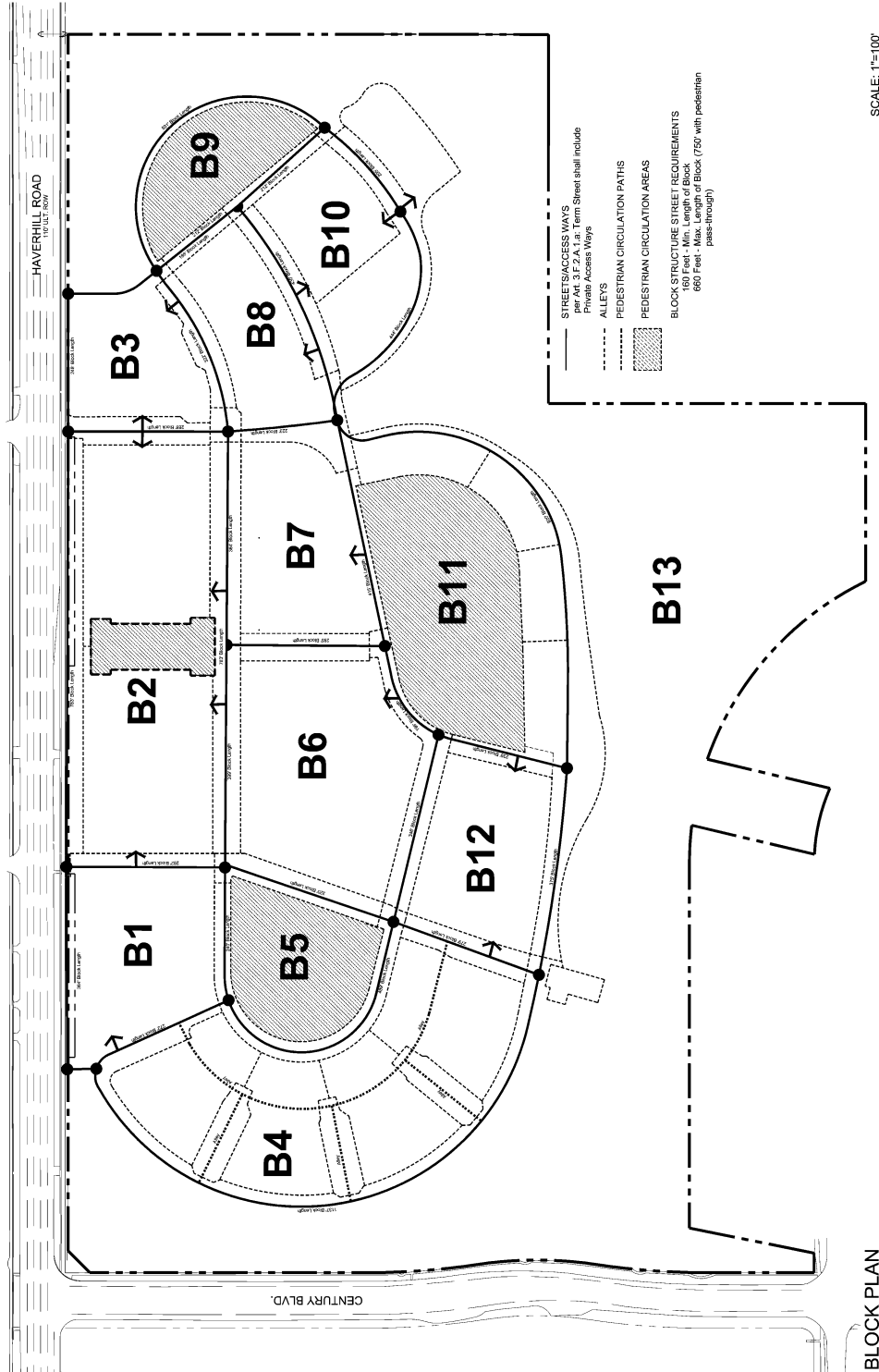
NEIGHBORHOOD SQUARE SKETCH  
 LOOKING NORTHEAST INTO NEIGHBORHOOD SQUARE 2

PBC Amendments:

PBC Zoning Stamp:

Figure 10 Preliminary Regulating Plan Neighborhood Square dated 10/12/11





BLOCK PLAN

SCALE: 1"=100'

**BLOCK STREETS LENGTHS**

Block	North	East	South	West
<b>BLOCK 1</b>	272	364	292	240
<b>BLOCK 2</b>	262	793	527	437
<b>BLOCK 3</b>	288	248	NA	322
<b>BLOCK 4</b>	1137	489	279	307
<b>BLOCK 5</b>	489	240	419	507
<b>BLOCK 6</b>	307	307	279	279
<b>BLOCK 7</b>	272	384	223	419
<b>BLOCK 8</b>	527	527	527	527
<b>BLOCK 9</b>	591	398	212	205
<b>BLOCK 10</b>	444	239	196	419
<b>BLOCK 11</b>	239	239	239	239
<b>BLOCK 12</b>	279	279	279	279

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**RLC**  
 Urban Planning Design Consultant

**Reflection Bay**  
 Palm Beach County  
 Preliminary Regulating Plan - Block Plan

Date: 03/16/2011  
 Project No.: 10491000  
 Prepared By: LMB/WJ  
 Drawn By: WT  
 Checked By: WT  
 Revision Dates:

03/16/11 (Initial Approval)  
 03/16/11 (Re-Zoning Approval)  
 03/22/11 (Re-Zoning Approval)  
 03/28/11 (Re-Zoning Approval)

**PRP-6**  
 of 7

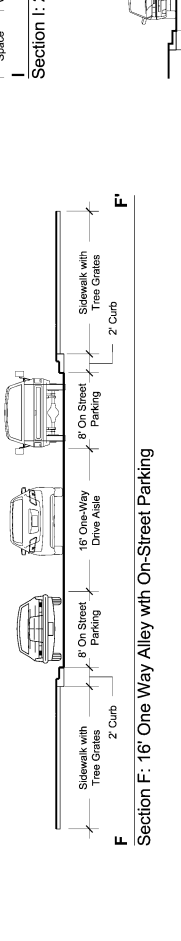
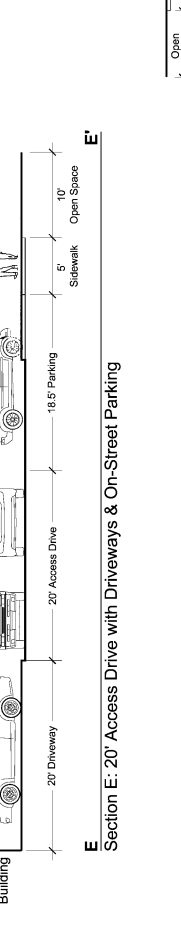
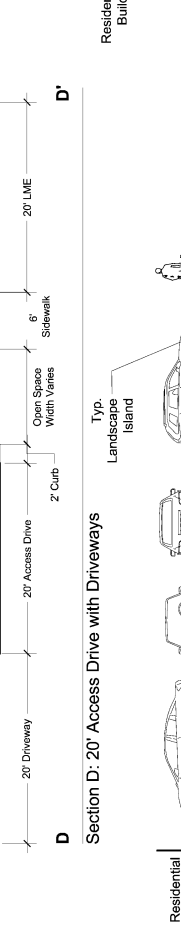
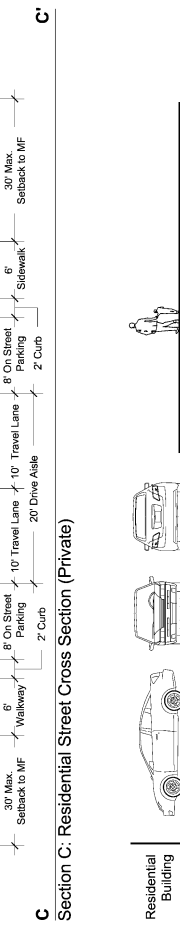
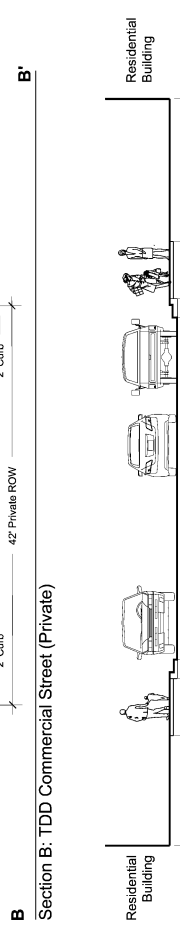
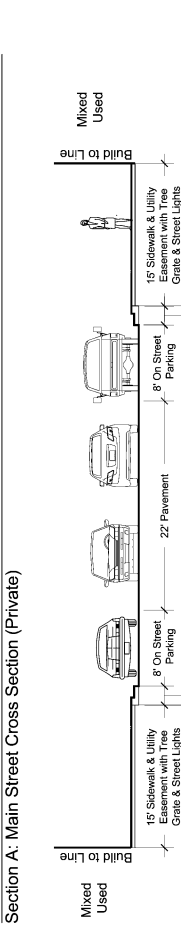
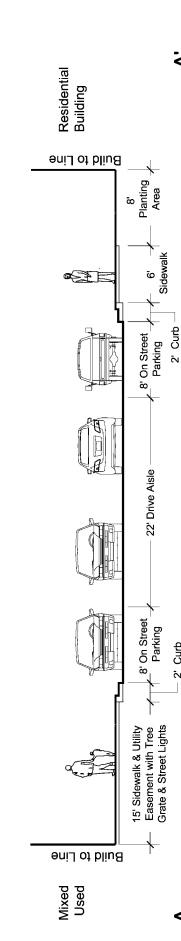
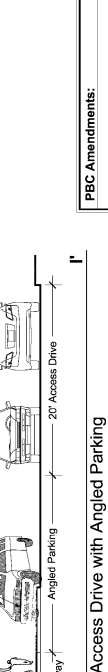
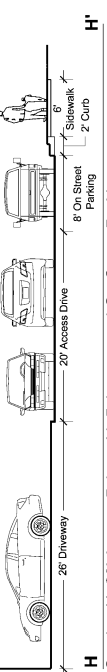
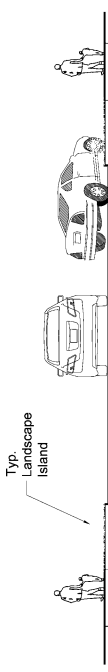
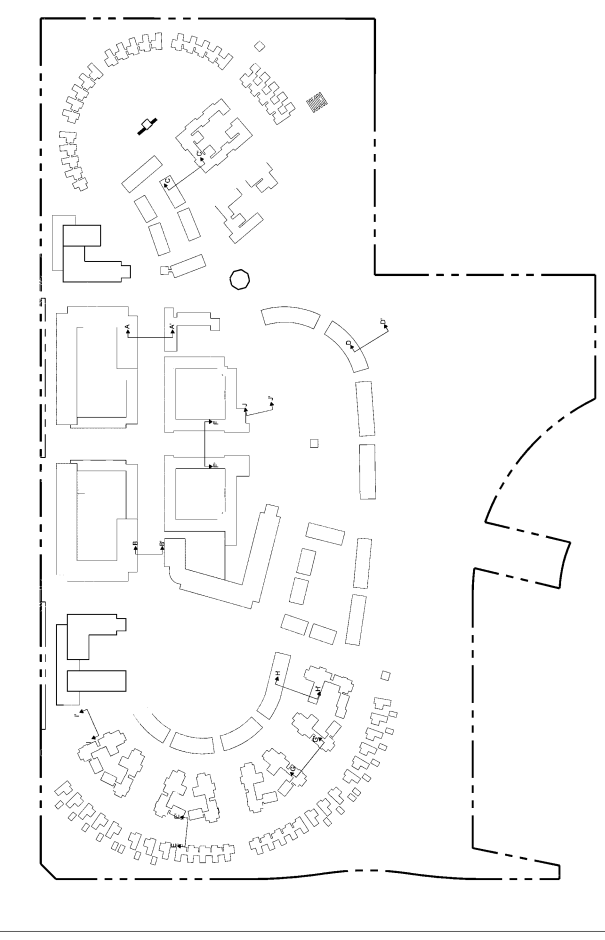
PBC Zoning Stamp:

PBC Amendments:

**CONCURRENT REQUESTED VARIANCES**

CODE SECTION	REQUIRED	PROPOSED	VARIANCE
1	Article 3.F.2.A.1.b.2) Maximum length of a block 650 feet. Up to 75% of the blocks subject of request have pedestrian paths.	Blk 2 - 763 Blk 4 - 387 Blk 11 - 920	Blk 2 - 53 Blk 4 - 387 Blk 11 - 170
2	Article 3.F.2.A.1.b.3) Maximum number of alley curb cuts- Four per block and two per side.	Blk 4 - North Side 3	Blk 4 - one (1) additional on north side.
3	Article 3.F.2.A.1.e. A minimum of one alley shall be required in all blocks, except blocks of single family and ZLL residential uses and AGR TMDs.	Wave alley requirement	Wave alley requirement

03.16.11 (Initial Submittal)
03.16.11 (Re-Zoning Submittal)
03.22.11 (Re-Zoning Submittal)
03.28.11 (Re-Zoning Submittal)



PBC Zoning Stamp:

PBC Amendments:

Figure 12 Preliminary Regulating Plan Street Section Plan dated 10/12/11







## STAFF REVIEW AND ANALYSIS

### PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: High Residential 18 units per acre (HR-18)  
TIER: Urban/Suburban Tier.

FUTURE ANNEXATION AREAS: City of West Palm Beach.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request to rezone 57.54 acres from the existing 83.38 ac. South Hampton Planned Unit Development (PUD) (Petition 73-215) to a Traditional Neighborhood Development (TND). The 57.54-acre tract is a part of the Turtle Bay Country Club. The corresponding deletion of the 57.54 acres from the PUD is through a concurrent DOA application, South Hampton PUD, Petition ABN/DOA - 2011-632. In addition to the rezoning, the applicant is also requesting to add 663 Multifamily Condo/Apartment units along with 26 Live/Work Units for a total of 689 Residential Units, 84,500 square feet of neighborhood-serving commercial uses, a 15,000 square foot recreation facility, a 100-bed Type III Congregate Living Facility (CLF), an additional external access point located on Haverhill Road, and ten (10) Type II variances from the provisions of the ULDC Code.

The total number of proposed residential units for the site equals 732 units. Maximum density for the affected area equates to 57.54 ac x 18 units per acre = 1031 units total (note that Article 3.F.1.D.3 allows for an additional bonus density of up to 2.0 units per acre for TNDs, which is not included in this density calculations). Since the request is greater than 10 units, compliance with the Workforce housing Program (WHP) will be mandatory. Of the proposed 663 residential units along with the 26 live/work units (689 units are subject to the WFH Program). The program requires 2.5% of the standard density units and 8% of the PUD density units be WFH units and calculated below.

11.50 workforce units, Standard Density ( $460 \times 2.5\% = 11.50$ )

18.30 workforce units, PUD Density ( $229 \times 8.0\% = 18.32$ )

29.82 = 29 WHP Units required

Per ULDC Table Article 5.G.1.B., all designated WHP for-sale or rental units will be offered at an attainable housing cost to households with incomes from 60% to 140% of area medium income (AMI). The WHP homes cannot be sold or rented at a higher price.

The maximum Floor Area Ratio (FAR) of 0.45 is allowed for non-residential uses, in a project with a HR-18 FLU designation ( $57.54 \text{ ac} \times 43,560 \times 0.45 = 1,127,889$  square feet maximum). The TND Neighborhood Centers, as proposed by the applicant, consists of 84,500 square feet of commercial uses, which equates to a FAR of 0.034. ( $84,500 / 2,506,442 = 0.0337$ ).

The Comprehensive Plan does not feature any policies that specifically address golf course conversions. However, the Plan has specific relevant policies that this project is consistent with or furthers. Specifically in the Urban Suburban Tier, Policy 1.2-a, requires the County to "protect the character of its urban and suburban communities by..ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities." Given the proposed development pattern, and intensity of the FLU designation, the development responds to adjacent development by placing the lowest densities and intensity of use nearest to the existing uses. There is some attempt through the proposed site design to afford views for the existing residents, used to the viewshed of a golf course, by providing more water features and trees than had previously existed before. The proposed project also furthers Policy 1.2-b, which states that "Palm Beach County shall encourage and support sustainable urban development, including restoration, infill and adaptive reuse." This project represents a good example of infill and sustainable urban development, in allowing new development where previously none had existed, and repurposing a parcel no longer in use. This furthers sustainable efforts, allowing new "near downtown" units to be constructed closer to downtown West Palm Beach, potentially shortening commute times closer to employment centers and reducing greenhouse gas emissions.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The subject site is not within the boundaries of any Special Overlay District/Neighborhood Plan or Planning Study Area. However, it is adjacent to the Urban Redevelopment Area (URA). In FLUE Sub-Objective 1.2.2, the stated purpose of the URA is to "focus the County's redevelopment and infill efforts by promoting economic growth, improving the present condition of infrastructure, investment and

reinvestment in the area, and discouraging urban sprawl by directing development where resources exist.” The proposed project, while adjacent to the URA, serves as a compliment to and does not detract from the stated purpose of the URA. Prior to submittal of the development application, the applicant made an inquiry to Planning, and informally questioned whether it would be beneficial for the boundaries of the URA to be amended to include the vacant golf course. The URA boundaries were the product of much study and were carefully selected in 2004. Its composition and limits were based on census block groups, identified Countywide Community Revitalization Team (CCRT) areas, and encompassed other County redevelopment efforts already underway. At that time the golf course was still in use, and had not been closed, and presumably was excluded from the URA for this reason. No consideration was given to potentially expanding the URA.

TND POLICY ANALYSIS: The Introduction and Administration Element (I&A) of the Plan defines a TND as “A type of mixed-use design concept which allows for, and expects, a mixture of land uses, including residential, retail, office, recreation, etc., located within close proximity to each other, in order to provide for a variety of housing, recreation, shopping, and employment opportunities.” The TND definition also includes a goal statement, or rationale for its use: “to create a more self-sustaining type of development pattern that limits adverse impacts on adjacent land uses.”

The Future Land Use Element (FLUE) of the Plan, through Policy 4.4.5-a, allows TNDs: “in all urban residential future land use categories.” There is no more intense residential FLU designation than HR-18 possible in the Urban/Suburban tier (other than perhaps the theoretical potential of the transect-based Urban Center FLU designation, which is only allowed at designated locations within the Priority Redevelopment Areas of the Urban Redevelopment Area).

Policy 4.4.5-a also requires interspersed uses that are “integrated with a recreation and pedestrian oriented open space system.” The policy further elaborates that “(TND) uses shall include an appropriate mix of residential housing types at a range of densities, commercial, and institutional uses.” This is more explicit than the earlier definition of a TND, which allows a mix of uses. This portion of Policy 4.4.5-a explicitly requires residential, commercial and institutional uses, and when taken in conjunction with the beginning of the policy, these uses are allowed in all urban residential future land use categories. Thus, the request for the Type III CLF complies with the institutional use requirement, and the request for commercial uses satisfies that portion of the requirement (further analysis on the extent and nature of the commercial uses is discussed later). Also, it was this explicit requirement for TNDs to provide non-residential uses that led to the Planning Division interpretation that a FLU Atlas amendment was not necessary, and that allowing commercial uses with a residential FLU designation served as an incentive to promote this “more self-sustaining type of development pattern that limits adverse impacts on adjacent land uses.” Furthermore, the project as proposed meets the requirements of the last sentence of the policy which states “At a minimum, 51% of the development shall be residential and a minimum of 5% of the development shall be usable, organized open space, in addition to the minimum park and recreation requirements established in the Recreation and Open Space Element.” This requirement is reiterated in Policy 4.4.5-b 2.d. The project needs a minimum of 2.88 ac. of open space (5% of 57.54 acres), and proposes 5.93 acres, or a little over 10% of the overall area.

The project furthers Policy 4.4.5-b, which among other things, “encourage(s) the location of TND's throughout the Urban/Suburban Tier, including areas defined as infill.” This policy also indicates that “the TND may include a mix of residential and commercial uses designed in a compact form.” The policy also allows for a mix of housing types. It does however, confuse specific use types, with general dwelling unit examples (that are not specific zoning uses), and Planning can extrapolate that the variety of dwelling unit forms and types of buildings meets this portion of the Policy (Policy 4.4.5-b 2.a)), regardless of whether the units are owned/leased or how they are disposed on lots. The configuration clusters a higher intensity of units near the proposed neighborhood centers along Haverhill Road, and tapers off the density toward the edges of the neighborhoods. Policy 4.4.5-b 2.c). requires that “when a TND is adjacent to a land use of a significantly different intensity or density, a buffer, which may be vegetated open space or a transitional use, shall be provided at the edge of the TND.” Given that the edge condition of the entire TND is either existing, developed Commercial High and/or HR-18 FLU designations, or fronts Haverhill Road, no additional buffer is needed, nor warranted. However, the proposed development pulls away from the existing Century Village development, proposing to fill the intervening space with landscaping both at the buffer and near to the proposed TND, with the intervening space filled with a water feature, denoting a clear and distinct break between the two development patterns. Each neighborhood features civic buildings and/or suitably located public spaces to serve as focal areas within the TND, furthering Policy 4.4.5-b.2.f. Per Policy 4.4.5-b.3, the transportation management (circulation) system within the TND meets the requisite principles for integration of land uses through the street network that augments the



pedestrian systems, linking sidewalks, plazas, recreational areas, and other pathways. Interconnectivity within the project is afforded to the existing development to the west, and all streets connect to the existing street network, themselves, or to adjacent parcels through potential future connections. This allows easy, convenient access for the entire TND to the proposed transit stop location along Haverhill Road. Furthermore, parking and loading functions reinforce, the pedestrian orientation of the neighborhood, as the automobile is generally subordinated, with prevalent use of on-street parking, structured parking, and is accessible internal to buildings or accessed by alleys.

The last part of Policy 4.4.5-b (under #4), addresses the composition of the required neighborhood center. Policy 4.4.5-b 4.b (“be encouraged to have residential units above the commercial or civic uses”) and 4.4.5-b 4.d (“be designed in accordance with the principles of a Traditional Marketplace”) address the form of the neighborhood center, and the development as proposed would create a vertically integrated mixed use area, with TMD-like characteristics. Policy 4.4.5-b 4.e addresses the location of the neighborhood center. Although it logically would appear to apply to centralized internal locations within the parcel, the Policy also allows for the neighborhood center to be located along an edge or at an important intersection. As the location and configuration of the property preclude an intersection location, the location was either internal or edge. The applicant selected an edge location which has the potential to ensure the success of commercial uses, as it would have visibility from Haverhill Road—an internalized location would feature almost no visibility. Furthermore, the proposed built form of the uses in this project, in a discernable mixed-use form, with residential uses above the ground floor, effectively precludes larger single tenant national retail chains (who typically prefer having little no restrictions on their leases, which would be necessary for any residential users). Thus, the form may help to reinforce the smaller, neighborhood scale commercial uses desired. This is also the preferred form of development in other parts of the County (see below under Special Overlay District/Neighborhood Plan/Planning Study Area). Policy 4.4.5-b 4.a, 4.c, & 4.f address the scale and intensity of the neighborhood center. Specifically, they are required to “contain shops and services serving the neighborhood. Such facilities shall include, but not be limited to: retail, offices, schools, day care, places of worship, libraries, government services, cultural facilities and banks.” Additionally, location restrictions are imposed in a TND for neighborhood centers to “be within 1/4 to \* mile (5-10 minute walk) from all residential land uses within the defined neighborhood or series of neighborhoods,” which the development meets (1/4 mile equates to 1,320 feet); no residential unit is proposed to be located more than 900 feet away from Haverhill Road, or exceeds 1,200 feet distance from a neighborhood center. Finally, neighborhood centers are to “be limited to serve a population within a one (1) to one and a half (1\*) mile radius.” The applicant offered a brief analysis based on 2010 US Census data to address this requirement in their justification. Citing that Okeechobee Boulevard is a retail commercial corridor with regional serving uses, comprised largely of national retail chains and automobile dealerships, and relative lack of neighborhood-serving uses directly adjacent to the existing Century Village, the project proposes uses such as “medical offices, dry cleaners, hair salons, coffee/bagel shops, postage centers and a small grocery store.” It should be noted that some neighborhood-serving uses such as these are within the vicinity of Century Village but require leaving the development, and traversing Haverhill Road and/or Okeechobee Blvd, depending upon the destination. However, by placing such uses proximate and contiguous to Century Village (west of Haverhill, and north of Okeechobee), plus a direct connection through existing interconnectivity between the TND and existing development, such neighborhood serving uses would be significantly nearer to the residents of Century Village, within a walkable distance, or sufficiently close as to not warrant automobile trips on arterial thoroughfares such as Okeechobee and Haverhill. Given the requirement of the TND to feature a neighborhood center with non-residential uses (Policy 4.4.5-a), an increase in commercial uses along Haverhill would be benign to the existing uses on Okeechobee. It may result in existing neighborhood serving uses relocating within the TND, potentially prompt older underutilized parcels along Okeechobee to redevelop in keeping with the regional serving character already identified there.

**TND BACKGROUND:** The TND is based on the process for rational town-making and town planning as it emerged and evolved over the late-nineteenth and early-twentieth centuries, before it was abandoned after World War II, in favor of standards that produce auto-oriented suburbia and the ensuing sprawl development pattern. Throughout the 1980s, a group of designers sought to reacquire and utilize old/abandoned methods (and establish new ones too) of sustainable neighborhood design, in an attempt to create new places, and revitalize existing, established places with authentic urbanism, as an alternative to the ubiquitous suburbanism that pervaded in post-war development patterns. An early effort in the region included the urban design study for Miami Beach

which helped to foster the discovery and celebration of its unique art deco architectural heritage. The seminal work was that of Seaside, Florida, an 80-acre resort town in Walton County, Florida (designed 1978-1982, and built over the succeeding 30 years). Seaside helped to popularize and disseminate many of the concepts and practices of traditional neighborhood and town planning. Contemporaneous with the design of Seaside, was that of Charleston Place, located in unincorporated Palm Beach County, just west of Boca Raton. Charleston Place is a 16-acre pod in the expansive Boca Del Mar PUD (Control # 84-152, pod 79), that attempted to incorporate traditional development patterns including a urban street network, closely framed by residences, as well as common open spaces in the manner of small towns that dot the southeastern US. Built with 107 units (for a density of approximately 6.7 DU/ac.), which are considered to be townhouses, it utilizes the "sideyard house" more common in the Carolina low-country but appropriated to provide some measure of privacy and separation from adjacent neighbors. The firm which designed the project, Duany Plater-Zyberk & Co. (DPZ), on their website acknowledges it was "Only the manipulation of certain zoning definitions [that] enable Charleston Place to be built. Streets were labeled 'parking lots' in order to circumvent excessive setbacks, walkways were labeled 'jogging paths,' and so on." The project highlighted what remains to this day as the fundamental difficulty in implementing "traditional development" in a conventional (Euclidean) zoning practice-the rigid proscription of suburban design standards over principled planning practices for creating and revitalizing neighborhoods and communities. Other self-acknowledged issues of this early project include the lack of connectivity to the adjacent commercial development for potential convenience, which fell short of making it "true neighborhood," and the lack of architectural diversity, which were critical lessons in the infancy of the traditional movement. These issues were addressed in the next example presented to the County.

In 1990-91, the Town of Wellington Development of Regional Impact (DRI) was submitted and later approved by the BCC (Control # 91-16). The project was located at the southwest corner of Southern Blvd., and Flying Cow Ranch Road, and consisted of nearly 1,500 acres. This development proposed 4,440 dwelling units across multiple neighborhoods, and included approximately 962,000 SF in office uses, 572,000 SF of retail uses, 119,000 SF of light industrial uses, 300,000 SF research park, 3 schools, and 1 university in a mixed use traditional development. In order to accommodate this, a whole new set of policies and regulations were necessary to implement such a development: the installation of a TND FLU designation, corresponding TND zoning district, and criteria for development were devised in the Plan and zoning code. From a Plan perspective, they were required to be within the Urban Service Area or contiguous to the existing USA if located outside of it. In the case of the Town of Wellington, the approval extended the USA and amended the FLU designation from RR-10 to TND 3/LR-1 (the TND provided an additional 2 dwelling units/acre density bonus over the underlying LR-1 designation). Standards mandated the mix and certain quantities of uses, a variety of residential densities and lot sizes, provisions for town and employment centers (the latter being for "sector balancing purposes"), minimum TND size (1,280 acres for a TND approval, 160 acre maximum size per neighborhood), separation requirements, street standards/cross sections, and walkable community provisions. It should be noted that this project was never built, due to the developer failing to uphold the time-specific conditions of approval for the development agreement, and ultimately resulted in the BCC revoking all the parcel-specific approvals for the project in 1993. However, the TND remained in the Plan and ULDC as an optional development pattern for future use. To place the County's efforts with the TND in context, Miami-Dade County adopted a TND ordinance in 1991. Palm Beach County's TND was one of the first to adopt a similar regulation. In 1993, the City of West Palm Beach initiated their Downtown Master Plan process which facilitated the development of what is now known as CityPlace, and many other examples of infill development in and expansion of the downtown area. This mirrored the earlier Mizner Place mixed use redevelopment of an older strip mall in downtown Boca Raton. These two local projects showed that the principles of traditional development could be applied successfully to infill and redevelopment efforts. Many subsequent examples based on traditional development were realized over the 1990s and after within the municipalities and also within the larger region. However, each time PBC encountered any type of traditional development, it required "creative interpretation" of existing land use and zoning practices to accommodate it, or proposed wholesale changes to accommodate a specific project (as was evidenced by Callery Judge Groves DRI, and the Urban Redevelopment Area).

In addition, PBC adopted of the Managed Growth Tier System (MGTS) in the Comprehensive Plan in the late 1990s and the advent of the Urban/Suburban Tier (which equates to the Urban Service Area), necessitated revisions to the TND, and renamed the FLU designation "Traditional Town Development" or TTD. This allowed for a distinction in terminology: in many jurisdictions, "TND"

could refer to the small single neighborhood of 40-or-so acres, or it could mean the large greenfield “new town” that was many hundreds of acres, as was the old Town of Wellington concept. The TTD now handled the large concept that became the FLU designation, and the original components were broken down into TMD and TND zoning districts, as components of the larger TTD FLU. Alternatively they could exist as separate individual districts. The revised traditional development districts were installed in the ULDC in 2004, and the TTD and TND were exclusive to the Urban/Suburban Tier. Only the TMD could be found in other Tiers, and is allowed in all Tiers except for the Glades Tier. However, it is apparent that the concept of the smaller TND remained focused and intended to be used in decidedly suburban, lower residential density settings, as many of the components do not appear to be suited for infill and/or higher density locations.

FINDINGS: The request is consistent with the HR-18 FLU designation and the Palm Beach County Comprehensive Plan.

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**ENGINEERING COMMENTS:**

**REQUIRED ENGINEERING RELATED PERMITS**

The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section, for access onto Haverhill Road.

**TRAFFIC IMPACTS**

Petitioner has estimated the build-out of the project to be December 31, 2016. Previously approved traffic from this project was 643 trips per day, 50 trips in the PM peak hour. Additional traffic expected from the proposed project is 7,283 trips per day, 686 trips in the PM peak hour, for grand total impact of 7,926 daily and 736 PM peak hour trips. Additional traffic is subject to review for compliance with the Traffic Performance Standard.

The proposed development is required to participate in the Okeechobee Blvd. CRALLS points system for compliance with the Traffic Performance Standards and the following two (2) mitigation strategies have been chosen by the developer and will be implemented by condition of approval:

- a. Provision of 182 covered bicycle parking spaces
  - b. Payment of an additional road mitigation fee in the amount of \$1,643,000.00 (68.6% of required roadway impact fees) - this payment will be in addition to the roadway impact fees assessed to the project.
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**PALM BEACH COUNTY HEALTH DEPARTMENT:**

No Staff Review Analysis

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**ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

VEGETATION PROTECTION: The property has been previously developed as a golf club.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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**OTHER:**

**FIRE PROTECTION:** The Palm Beach County Department of Fire Rescue will provide fire protection.

**SCHOOL IMPACTS:** In accordance with adopted school concurrency, a Concurrency Determination for 680 residential units (58 single family units, 200 multi-family units, 422 high rise apartment units) had been approved on April 12, 2011 (Concurrency Case #11032301C). The subject property is located within Concurrency Service Area 12 (SAC 123B).

This project is estimated to generate approximately sixty-two (62) public school students. The schools currently serving this project area are: Grassy Waters Elementary, Bear Lakes Middle, and Palm Beach Lakes Community High.

The revised preliminary Master Plan (dated 8/29/11) shows two 10' x 15' school bus shelter locations. A bus shelter condition of approval has been applied to this petition request.

**PARKS AND RECREATION:** No Staff Review Analysis

**CONCURRENCY:** Concurrency is approved for 663 Multi-family units, 26 live/work units, 100 bed, Type III CLF, 15,000 square foot recreation facility, and 84,500 square feet of general retail.

**WATER/SEWER PROVIDER:** Palm Beach County Water Utilities Division

**FINDING:** The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

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**FINDINGS:**

**Type II Concurrent Variance Standards:**

The Zoning Commission shall consider and find that all 7 criteria pursuant to Article 2.B.-3.E and listed below have been satisfied by the applicant prior to making a motion for approval, of a zoning variance:

- 1. 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 zoning district:**

**VARIANCE 1 & 2:** The subject land area represents a conversion of area from a previous use of a golf course to a TND. Special conditions associated with designing an infill development in this form are created due to the existence of residential uses to the west and the irregular lot configuration to accommodate the existing uses in the area and the site elements currently existing on the site. These special conditions include the site design constraints associated with the existing drainage system on the site and the location of same, as well the inability to provide any additional connections onto Haverhill Road and Century Blvd.

**VARIANCE 3:** The subject land area represents a conversion of area from a previous use of a golf course to a TND. Special conditions associated with designing an infill development in this form are created via the existence of residential uses to the west and the irregular lot configuration to accommodate the existing uses and provide for adequate buffering. The placement of the lakes to the south limits design alternatives in regard to meeting this code requirement.

**VARIANCE 4:** The project is located within the Urban/Suburban Tier and has frontage on a major roadway, Haverhill Road. Special circumstances are associated with the redevelopment of an infill parcel to meet the County's goals of providing for a more urban form of development. Specifically, the constraints associated with platting individual fee simple single family lots create design issues which inhibit the ability of the project to be designed to this form of development. The intent of the

Code is to allow for a compact, energy efficient design. In order to meet this goal, as well as the goal to provide for a mix of housing types, the applicant has determined that the form of ownership for these units will be condominium, thus necessitating a variance to the literal code requirement when, in fact, the product type is being provided within the project. As this is the first TND being proposed within the Urban/Suburban Tier of the County, this special circumstance is unique to this site.

**VARIANCE 5:** The goals of creating a more urban form of development and creating the mix of uses necessary for a successful development result in the necessity for this variance. It is the introduction of the parking garages within the Neighborhood Centers which creates the issue. While a parking garage promotes a more energy efficient land use design for the project and furthers the goals of urban infill development, it also creates the necessity to gain relief from the building coverage limitations of the ULDC.

**VARIANCE 6:** The necessity for a successful development of this type to provide for a critical level of residential units and the goals of designing an energy efficient land use pattern for the project result in the variance. By allowing the height to increase on the buildings fronting on Haverhill Road to accommodate multi-family dwelling units, it serves to create the desired urban environment along Haverhill Road, the furthest removed from the existing residential to the west, and furthers the goal of providing for a mix of housing types.

**Variance 7.a.:** The fact that the design proposed far exceeds the minimum acreage requirements for open space/recreation areas is not taken into account with the code requirements for neighborhood square or commons. With the provision for the oversized Neighborhood Parks 1, 2, 3, and 4, also considering the Amphitheater use in the civic pod, it is now apparent that these uses, while not centrally located within each neighborhood, fully meet the intent of the code to assure these areas are within walking distance of all of the residents of the proposed development.

**Variance 7.b.:** The overall design of the project, while creating three 'neighborhoods', meets the overall goal of compactness for the development. This compactness allows Square provided in Neighborhood #2 to serve the residents of Neighborhood #3. The fact that the design proposed far exceeds the minimum acreage requirements for open space/recreation areas is not taken into account with the code requirements for neighborhood square or commons. With the provision for the oversized Neighborhood Parks 1, 2, 3, and 4, also considering the Amphitheater use in the civic pod, it is now apparent that the design for these areas as provided, fully meet the intent of the code to assure these areas are within walking distance of all of the residents of the proposed development.

**Variance 8:** The proposed design is to allow the more intense uses and form of development to be placed closer to Haverhill Road, and further from the existing residential uses to the west. The buildings along Haverhill Road are placed closer to the right of way to promote the provision of the desired streetscape along the roadway, resulting in the location of the Square being designed closer to these more intense uses. However, in placing the Square internal to the site, between two of the higher use buildings, it limits the amount of frontage on roadways.

**Variance 9:** Special conditions associated with the site in regard to the existing drainage system on the site leads to the request for the variances to Parks #1 and #3, and the code does not address the provision of linear parks in the TND form of development. Additionally, the variance for Park #2 is affected by the special conditions associated with the irregular shape of the property and the goal of creating a compact form of development while striving to provide for the safest pedestrian circulation system within the development.

**Variance 10.a. and 10.b.:** The special circumstance is again related to the TND regulations being untested. The realization that the code compliant Squares provided results in an unreasonable amount of seating being required, was not anticipated until a project was submitted for review.

## **2. Special circumstances and conditions do not result from the actions of the applicant:**

**Variances 1 & 2:** The special conditions associated with the irregular shape of the site, the existing master drainage system on the property and the inability to provide additional vehicular connections to the surrounding roadway system are not a result of the applicant's actions.

**Variance 3:** The special conditions associated with the existing conditions in the vicinity of this infill projects are not created by the applicant, but by the site conditions and existing uses to the west of the property and the goals of meeting the intent of the TND to the greatest extent possible. The provision for the lake at the west end of the property is a result of mitigating any impacts to the surrounding area while meeting the intent of the TND by providing smaller road cross-sections consistently throughout the development.

**VARIANCE 4:** The special circumstance associated with the ownership methodology (condominium vs. fee simple ownership) is not due to the actions of the applicant, but rather the innovate design proposed in order to allow for a variety of housing types for the development. While the form of condominium ownership does not create 'lots', thereby necessitating the variance from the literal definition of a Single Family unit, the units themselves are still designed to meet the goals of the TND.

**VARIANCE 5:** The special circumstance associated with the building coverage variance are not the result of actions by the applicant, but rather the result of providing for an urban form of development envisioned for infill redevelopment TND projects. The provision for the structure parking, which is a more efficient land use design, creates the necessity for the variance.

**VARIANCE 6:** The special circumstance associated with the building height variance are not the result of actions by the applicant, but rather the result of providing for an urban form of development envisioned for infill redevelopment TND projects. This form of development requires a mix of housing types. The applicant states that the developer has determined the required amount of units in order for the project to be successful and the design to place a higher intensity of multi-family units along the Haverhill Road right of way supports the urban form desired for infill redevelopment.

**Variance 7.a. and 7.b.:** The special circumstance in regard to the realization that a development plan for an urban TND may have conflicts with the code requirements is not the result of the actions of the applicant, but rather the result of a development plan created to meet the intent of the code, while addressing the inherent issues associated with infill development. The proposed design allows for the compactness of the development to be maintained while also allowing for the provision of more than adequate and accessible squares/commons for the residents and visitors.

**Variance 8:** The special circumstance again is not the result of the applicant's actions, but the result of a response to the code requirements to provide for a sense of place and an urban form along Haverhill Road, while maintaining adequate separation from the residential uses to the west. The Square still provides for the visual appearance of 'abutting' the Haverhill Road right of way.

**Variance 9:** The special conditions associated with the irregular shape of the site, the existing master drainage system on the property are not a result of the applicant. Similarly, the issue associated with locating the multi-family units to the south of Park 2, allowing the residents to access the park without crossing a roadway, is not the result of the action of the applicant, but a result of innovative site planning to address the obstacles associated with this type of infill redevelopment.

**Variance 10.a. and 10.b.:** The special circumstance is not a result of the applicant, but a result of the code not anticipating the effect of the code requirement on Squares where there is more land area provided than the minimum required and the realization that the calculation methodology associated with the required number of benches is not reasonable.

**3. Granting the variance shall not confer upon the applicant any special privilege denied by the Comprehensive Plan and this code to other parcels of land, structures or buildings in the same zoning district:**

**VARIANCES 1 THROUGH 10:** The granting of the variances will not confer any special privilege denied by the plan or code to other parcels, as both documents allow for the granting of variances based on meeting the criteria set forth in the code. Granting these variances will further the goals of the Comprehensive Plan and ULDC, as it will allow for the creation of a community which provides for commercial, recreational and civic uses to alleviate the necessity for the residents to leave the development for such uses and activities.



**4. 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 zoning district, and would work an unnecessary and undue hardship:**

**VARIANCE 1 & 2:** The literal interpretation of this ULDC requirement would create an unnecessary hardship for the applicant if this variance is not approved. The intent of the code in regard to block lengths and the number of alleys per side of blocks is to provide for a network of streets and alternative pedestrian and vehicular routes within the development. This intent is met with the site design as proposed.

**VARIANCE 3:** The literal interpretation of this ULDC requirement would create an unnecessary hardship for the applicant if this variance is not approved. The intent of the code in regard to alleys is to provide for a network of streets and alternative traffic routes within the development, while keeping the size and configuration of the roadways in a design to foster reduced speeds. The roadway cross-sections proposed for the development of 15' and 20' meet the intent of the code.

**VARIANCE 4:** The literal interpretation of this ULDC requirement would create an unnecessary hardship for the applicant if this variance is not approved. The intent of this code in regard to the mix of residential product types for TND's is being met with the granting of the variance. The code requires that 14.38 acres, or 25% of the gross land area, be provided for a Single Family unit type. The form of ownership of residential units is not regulated by Palm Beach County. As such, the literal interpretation of the code would deprive the applicant with the ability to market the units as condominiums, where it would be permitted in other elsewhere. The applicant states that the condominium form of ownership is the best alternative and to not allow this form of ownership would work an unnecessary and undue hardship to the applicant.

**Variance 5:** The literal interpretation of the code would deprive the applicant from developing a project that provides for a mix of uses in a form more compact and sustainable, as allowed by other types of Traditional Developments. By requiring the development limit the size of parking structures to comply with the 50% building coverage limitation, the desired goals of urban infill redevelopment are being compromised. The compact design promoted by the introduction of the lined parking structures services to provide for a more efficient land use pattern for the project, while providing for the urban design the County wishes to see utilized for infill projects. As such, the intent of the Code is being met with the provision of the structure parking, necessitating the variance request.

**Variance 6:** The intent of the code is being met by the design of the development placing the mix of commercial uses and multi-family uses closer to the Haverhill Road frontage. The parking structures will be lined with the commercial/non-residential uses on the first floor of the structures. The height of the front facades, with the multi-family units being 62' in this area, allows the applicant to design a sustainable project, with no impact to the residential uses to the west. The height of the structures drops down at the parking structure level, allowing for only those units facing Haverhill to exceed the maximum height of 45'. This building height helps create an urban presence on the roadway frontage, furthering the urban design elements for the project.

**Variance 7.a. and 7.b.:** The literal interpretation would cause an undue hardship on the applicant. The design of the development as proposed buffers the more intense uses from the existing residential uses to the west and provides for 21.21-acres of Open Space/Recreation where only 2.88-acres are required. By providing this additional level of area, the size of the Square and Parks is increased considerably, allowing for easy of accessibility to open space to all the residents of the development. Additionally, a civic site 1.31-acres in size is provided which also serves to provide additional open space above and beyond the 21.21-acres. As such, the intent of the code to provide open space and gathering areas in close proximity to all the residents in the development is met with the locations of Squares #1 and #2 and the waiver for a separate Square in Neighborhood #3.

**Variance 8:** The intent of the code is met by the design proposed as the intent of this requirement is, again, to make public open space easily accessible. The location of the Square, fronting on Haverhill Road, gives the impression to the public that the entire area has frontage on the right of way. Additionally, the frontage as provided on the Main Street will provide access to all residents and customers patronizing the commercial uses in Buildings A, B, C, and D.

**Variance 9:** The literal interpretation of this ULDC requirement would create an unnecessary hardship for the applicant if this variance is not approved. The intent of the code to provide adequate park area within the TND is met with the parks as provided. The linear form of development for Parks #1 and #3 provide for amenities envisioned for this type of project, while in an alternative form apparently not anticipated by the code. In regard to Park #2, a 2.48 acre park area is provided in close proximity to residential units, fosters the pedestrian environment envisions with an urban form of development, while allowing some of the residents to access the park area without crossing a roadway.

**Variance 10.a. and 10.b.:** The intent of the code for the provision of adequate seating in the Neighborhood Squares is met via the provision in the Squares of seating consistent in design with that of Figure 3.F.3.E. – TND Neighborhood Park and Square for Square #2 and the design as proposed for Square #1. This supports the premise that the calculation rate mandated by the code is not warranted.

**5. Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:**

**Variance 1 & 2:** The granting of the variance is the minimum necessary to allow for an efficient design, meeting the intent of the code, and allowing for a compact, urban form of development within the site constraints associated with the property. These constraints resulted in a more curvilinear design of the roadway network which in turn results in the necessity for some of the blocks to exceed the maximum block length of 750' and that the north side of Block 4 provides for three, rather than two, alleys.

**Variance 3:** The granting of the variance is the minimum necessary to allow for an efficient design, meeting the intent of the code, and allowing for sufficient buffering of the properties to the west. The roadway sections are narrow enough to foster the urban environment envisioned by the TND ordinance, while allowing for a site design to place an aesthetically pleasing buffer mechanism (lakes and open space) between the developed portion of the project and the existing residential uses to the west.

**VARIANCE 4:** The granting of the variance is the minimum necessary to allow the applicant to achieve a reasonable density in relation to the HR-18 and CH/8 land use associated with the land, as well as to provide for a design that allows for a mix of residential housing types. The form of ownership has no impact on the actual structure being provided to allow for only single family use occupation.

**VARIANCE 5:** The granting of the variance is the minimum necessary to make reasonable use of the land. By allowing for the accommodation of the square footage associated with the parking structures, a compact, sustainable project design is proposed. In order to provide for the urban environment envisioned for infill redevelopment projects, the introduction of the parking structures is the minimum necessary to make reasonable use of the land.

**VARIANCE 6:** The granting of the variance is the minimum necessary to make reasonable use of the land. The placement of the Neighborhood Centers and more intense building form along the Haverhill Road frontage allows for the multi-family units to be placed furthest away from the existing residential uses to the west, while allowing the development to create the mix of uses critical to a successful project.

**Variance 7.a. and 7.b.:** The granting of the variance is the minimum necessary to allow for the provision of additional park and square area in the size sufficient to serve the residents of the community without the requirement to provide for an additional unnecessary third Square in the development. The distance requirements for the park space are met by the current design layout, and the requirement to provide and additional Square in Neighborhood #3, or relocate Squares #1 and #2, would not further any greater benefit to the residents or visitors to the development.

**Variance 8:** The granting of the variance is the minimum necessary to allow for the most intensive uses, including the Square which is anticipated to serve not only the residents, but the patrons of the business located in Buildings A, B, C, and D, to be placed the furthest away from the existing

residential to the west. Although it will not meet the perimeter requirements, it will appear to abut the right of way of Haverhill Road and serve all the residents and patrons shopping along Main Street.

**Variance 9:** The granting of the variance is the minimum necessary to allow for the provision of adequate park space in a design that promotes the safer use of Park #2 by the residents and provides for an alternative linear park design for Parks #1 and #3.

**Variance 10.a. and 10.b.:** The granting of the variance is the minimum necessary to provide for a reasonable amount of seating within the Neighborhood Squares. The applicant states that it is anticipated that any events would be held at the Amphitheater and the actual squares will only serve the residents and customers of the commercial uses unorganized, casual seating. As any organized events would be rare, if ever, there would be no draw for a large amount of people to be utilizing the seating in the Squares at any given time. The amount of seating proposed is more than adequate to meet this need.

**6. Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code:**

**VARIANCE 1 & 2:** The granting of the variance is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and Code. Specifically, they are consistent with Policy 4.4.5-b as follows:

Pedestrian and bikeway circulation systems shall functionally and physically integrate the various land uses.

A continuous interconnected street system shall form a grid, or traverse the neighborhood, to increase circulation both within and among adjacent land uses.

The variances requested do not cause the plan to be inconsistent with these policies within the plan and the Code anticipates that unusual site constraints such as the ones associated with this site may result in the applicant requesting variances as allowed by the Code.

**VARIANCE 3:** The granting of the variance is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and Code. The form of development proposed which necessitates the requested variance is consistent with objectives within the Managed Growth Tier System, such as Objective 1.1. The proposed development plan accommodates future growth but prohibits further urban sprawl by the use of compact forms of sustainable development and enhances existing communities to improve livability, character, mobility, and identity. The variance is consistent with Policy 4.4.5-b.3. as follows:

Pedestrian and bikeway circulation systems are still and physically integrate the various land uses.

- A continuous interconnected street system still traverses the neighborhood, to increase circulation both within and among adjacent land uses. The internal streets are narrow and designed with traffic calming features to control speed.
- At a minimum, mass transit facilities shall be provided at the neighborhood square.
- Parking and loading functions are located and designed to respect, and reinforce, the pedestrian orientation of the neighborhood. These functions shall provide for on-street parking, parking behind buildings or in side lots.
- Street design standards still address pavement and right-of-way widths, turning radii, on-street parking, and other design criteria for roads, alleys and lanes.

The variance requested is consistent with the Code as the code anticipates the granting of variances in certain situations, upon satisfactorily addressing the criteria.

**VARIANCE 4:** The granting of the variance is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and Code. The form of development proposed which necessitates the requested variance is consistent with objectives within the Managed Growth Tier System, such as Objective 1.1. The proposed development plan accommodates future growth but prohibits further urban sprawl by the use of compact forms of sustainable development and enhances existing communities to improve livability, character, mobility, and identity. The variance requested is consistent with the Code as the code anticipates the granting of variances in certain situations, upon satisfactorily addressing the criteria. Additionally, the variance meets the intent of providing a mix of housing types for the development pursuant to Policy 4.4.5-b.2. as it provides for a mix of detached homes and multi-family units. The proposed form of condominium ownership does not negate the fact that there will still be a mix of housing types.

**VARIANCE 5:** The granting of the variance is again consistent with Objective 1.1 of the Plan and is not inconsistent with the purposes and policies of the Code. Furthermore, it is consistent with Policy 4.4-b.2 of the Plan as the County encourages TND's within the Urban/Suburban Tier designed in a compact form. Additionally, Policy 4.4-b.3.d states that parking functions shall be designed to respect and reinforce the pedestrian orientation of the neighborhood, including parking behind buildings. The provision for the parking structures actually reinforces the pedestrian orientation as the buildings will be lined with commercial uses on the first floor and residential uses above, effectively screening the parking while providing for a more compact form of development.

**VARIANCE 6:** The granting of the variance is again consistent with Objective 1.1 of the Plan and Policy 4.4.5-b.2. of the Plan it is encouraged that multi-family units be located closest to the neighborhood center. Additionally, Policy 4.4.5-b.4.b. encourages that residential uses be located above commercial uses, such as is being proposed for those units along the front facades of the buildings fronting on Haverhill Road. The design accommodates future growth but prohibits further urban sprawl by the use of compact forms of sustainable development and the enhancement of existing communities to improve livability, character, mobility, and identity.

**Variance 7.a. and 7.b.:** The granting of the variances is consistent with Policy 4.4.5-a, as TND's may be are allowed in all urban residential future land use categories and shall include an interspersed mix of uses integrated with a recreation and pedestrian oriented open space system. The provision for and location of the Neighborhood Square and Parks, as well as the Amphitheater, serve to create an integrated recreation system where these types of uses are easily accessible to all of the residents in the development. Further, the TND includes an appropriate mix of residential housing types at a range of densities, commercial, and institutional uses and the amount of usable, organized open space far exceeds the minimum of 5% requirement.

The variance requested is consistent with the Code as the code anticipates the granting of variances in certain situations, upon satisfactorily addressing the criteria.

**Variance 8:** It appears that the intent of this code section may be to allow for ease of access and the creation of a focal point by the design of the Square abutting a significant amount of road right of way along its perimeter. However, the design as proposed is consistent with Policy 4.4.5-b. of the Plan as minimum of 5% of the land area in a TND is devoted to an organized open space system, inclusive of greens or squares, located within 1/4 mile of residences. This open space is provided in the form of passive open space, and gathering space throughout the neighborhood. The design of the Square does create a community focal point and the public space is placed and oriented to terminate the vista at the intersection of the Main Street and the one way drive aisle to the west.

The variance requested is consistent with the Code as the code anticipates the granting of variances in certain situations, upon satisfactorily addressing the criteria.

**Variance 9:** The variance is not in conflict with Policy 4.4.5-a as it does provide for interspersed mix of uses integrated with a recreation and pedestrian oriented open space system as well as considerably more than the Plan requirement of a minimum of 5% of the development for usable, organized open space, in addition to the minimum park and recreation requirements established in the Recreation and Open Space Element. The variance is also in compliance with the Code requirements in regard to the amount of required park space.

**Variance 10.a. and 10.b.:** The variance is consistent with the Plan and Code. 72 l.f. of seating is proposed for the park area of the Neighborhood Squares and the design is consistent with that of Figure 3.F.3.E. – TND Neighborhood Park and Square for Square #2 and more than adequate as proposed for Square #1. An additional 90 linear feet of seating is also proposed to the east of the Neighborhood Square #2 in the linear open space east of Buildings B & C. The fact that a variance is required when the design is consistent with that of the ULDC graphic is further evidence that the calculation of one linear foot of seating per 30 sq. ft. of park area is unreasonable and most likely not intended. The variance requested is consistent with the Code as the code anticipates the granting of variances in certain situations, upon satisfactorily addressing the criteria.

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

**VARIANCE 1 & 2:** The granting of the variances will not be injurious to the area involved or otherwise detrimental to the public welfare. The development will provide for adequate traffic circulation throughout the site via the provision of a curvilinear roadway network of a design which will promote a more urban form of development.

**VARIANCE 3:** The granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The development will provide for adequate traffic circulation throughout the site and the design of the system will promote a reduced travel speed and a more urban form of development.

**VARIANCE 4:** The granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The form on ownership has no impact on the physical attributes of the units themselves. They will still function as detached residential units and are placed on the site to assist in buffering adjacent existing residential uses from the Neighborhood Centers.

**VARIANCE 5:** The granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In fact, the inclusion of the parking structures in the design for the Neighborhood Centers furthers the goals associated with compact, sustainable project design. Additionally, the Neighborhood Centers are located central to the project to allow for buffering of the uses from the existing residential to the west and north. The higher maximum building coverage will also have no effect on neighboring properties from a drainage standpoint, as evidence by the drainage report submitted with the application materials.

**VARIANCE 6:** The granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The proposed locations of the Neighborhood Centers, and specifically the area subject to the height variance request, are located furthest from existing residential uses to the west and north. This location provides for the most mitigation to any perceived impacts while allowing for a sustainable development. The design of the plan additionally provides for retention areas and compatible residential units between the commercial uses and existing residential.

**VARIANCE 7.a. and 7.b.:** The granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The intent of all residents having convenient access to open space/recreation areas is met by the proposed number and locations of the Neighborhood Squares, Parks and Amphitheater. The amount of open space/recreation area proposed is far in excess of the amount required by the ULDC and serves to create a sustainable community.

**VARIANCE 8:** The granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The intent of creating a focal point and gathering area for residents is met. The design of the Neighborhood Square is easily accessible and fronts on the Main Street. While not abutting the Haverhill Road right of way, the continuation of the greenspace provided in front of the buildings on Haverhill, combined with the right of way buffers, provides for the impression of a much larger perimeter area of a square abutting a roadway.

**Variance 9:** The granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The provision of Parks #1 and #3 in a linear design still provides the

amenities envisioned for the residents and the design of Park #2 with the multifamily units adjacent to the park area promotes easier and safer pedestrian access to the park.

**VARIANCE 10.a. and 10.b.:** The granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The provision of the seating as proposed in the Neighborhood Square is consistent with the design detail in the ULDC and is more than adequate. Additionally, 90 linear feet of seating is also located in the area to the east of Buildings B and C, providing an additional gathering area. Neighborhood Parks 1 and 2, as well as the Amphitheater site, also provide for additional seating areas dispersed throughout the development.

#### **FINDINGS FOR THE REZONING AND REQUESTED USE:**

When considering a Development Order application for rezoning to a Planned Development Zoning district, the BCC and ZC shall consider Standards 1-8 pursuant to Art.2.B.1.B, and when considering a Development Order application for a Requested Use, the BCC and ZC shall consider Standards 1-9 pursuant to Art.2.B.2.B. If the applicant's requests failed to meet any of the applicable standards, the requests shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the requests for compliance with the standards that are established by Article 2.B.1.B.1-8 and Article 2.B.2.B.1-9, and provides the following assessment:

1. **Consistency with the Plan** – *The proposed amendment is consistent with the Plan.*

The Planning Division has reviewed the requests and has determined that the proposals are consistent with this parcel's Residential High, 18-units an acre (HR-18) Future Land Use Designation. The requests have no impact on consistency with Comprehensive Plan Policies. Additionally, the subject site is located within the Urban/Suburban Tier. See Planning Division Comments for additional information.

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

The proposed rezoning complies with all applicable standards and provisions of the Code for the use, layout, function, and general development characteristics. Specifically, the proposed uses comply with all applicable portions of Article 3.F.1, the Purpose and Intent for TDDs and Article 3.F.3, the Specific Purposes of a TND. Further, the request is consistent with Article 3 of the Code as it pertains to Modifications to Reduce or Reconfigure Existing Golf Courses. Prior to submittal of this application, all residents of the South Hampton PUD were notified via certified mailing and signs were posted in common areas documenting the proposed modification to the PUD. With the approval of the requested variances, the amendment is consistent with the Code.

The proposed requested use complies with all property development regulations for Planned Development Districts in Article 3.E and relevant and appropriate portions of Article 4.B, Supplementary Regulations of the Code. Per Table 4.B.1.A, the maximum permissible occupancy for a Type III CLF in the HR18 land use is 28.08 residents per acre; the applicant is proposing 100 beds. The proposed location along Haverhill Road meets the frontage requirements for a Type III CLF. In addition, the proposed location also meets the minimum distance requirements from a fire rescue station.

3. **Compatibility with Surrounding Uses** (Art.2.B.1.B.3, Art.2.B.2.B.3) - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The 57.54-acre site is surrounded by residential uses (multi-family and mobile homes), commercial uses and a Place of Worship. The proposed development includes a mix of multi-family housing types, neighborhood parks, commercial uses, recreation facility, and a 100 bed CLF, consistent with the residential uses that directly abut the parcels. The proposed layout of the multifamily units have been designed to take into account the surrounding existing development in terms of types of homes (all multi-family), existing buffers, existing views, proximity to the proposed development area, and dimensions of the proposed development area. All of these factors helped determine the placement



and type of the proposed homes as well as buffers, access locations, retention areas, and recreation areas.

The 100 bed Type III CLF is, consistent with the residential uses that currently exist. The proposed layout of the CLF has been designed to be located at the intersection of the southern most existing entrance of the TND and Haverhill Road, within Neighborhood 3. According to the Master Plan, the CLF will further be consistent with the proposed multi-family, commercial, and recreational uses surrounding it. As proposed and subject to the recommended conditions of approval, staff anticipates no adverse impacts to the surrounding properties from the requests.

4. **Effect on Natural Environment** (Art.2.B.1.B.4) and **Design Minimizes Adverse Impact** (Art.2.B.2.B.4) *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

The site is cleared. The property is not located within a Wellfield Protection Zone. Per Environmental Resources Management (ERM) there are no significant environmental issues associated with this petition beyond compliance with ULDC requirements. The affected area contains limited amounts of existing native vegetation. There are several mature ficus trees on the property that will be preserved or relocated to provide focal points for the new development.

5. **Development Patterns** (Art.2.B.1.B.5, Art.2.B.1.B.6) *The proposed amendment will result in a logical, orderly, and timely development pattern.*

As previously discussed in the section discussing Compatibility, the proposed development of single and multi-family homes on this property is consistent with the established developed multi-family homes currently existing on the abutting properties. Additionally, on the east side of Haverhill Road there is an established mobile home park also developed at a higher density. In laying out the various units types within the project, the densest uses were located in closest proximity to the major transportation network along Haverhill Road. The areas closest to existing development have been sited with less dense housing types and most significantly large areas of open space in the form of lake areas and/or significant green space.

The proposed Traditional Neighborhood Development proposes 84,500 square feet of general retail space to be located on the ground floors of several mixed-use (i.e. residential upper stories) buildings. These buildings have been centrally located for the convenience of the TND residents, but have also been located fronting on Haverhill Road to permit use of these facilities by residents of the surrounding communities. The applicant states that the types of neighborhood commercial uses being considered for Reflection Bay include medical offices, Dry Cleaners, Hair Salons, Coffee/bagel shops, postage centers and a small grocery store. These uses are not regional draws and will serve the residents for Reflection Bay and neighboring residents, such as Century Village.

The proposed Type III CLF is consistent with the established development of multi-family homes currently existing on the abutting properties. Additionally, on the East side of Haverhill Road there is an established mobile home park also developed at a higher density. The Type III CLF has been designed so that the most intense uses are located in close proximity to Haverhill Road; the proposed CFL is located along Haverhill Road and separated from existing development.

6. **Consistency with Neighborhood Plan** – *The proposed zoning district is consistent with applicable neighborhood plans in accordance with BCC policy.*

The subject property does not fall within the boundaries of a neighborhood plan.

7. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency.*

Concurrency is approved for 663 Multi-family units, 26 live/work units, 100 bed, Type III CLF, 15,000 square foot recreation facility, and 84,500 square feet of general retail. Therefore the proposed amendments comply with Article 2.F, CONCURRENCY.

8. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or*

*circumstances that necessitate the amendment.*

The golf course is located at the southeastern most area of the Century Village development and only abuts a portion of the South Hampton PUD development and those residents in Green Briar and Golfs Edge. Staff has determined that the golf course was never designed nor intended to be an integral part of the residential development.

Staff has determined that the redevelopment of the former golf course land to a TND potentially better serve the needs of the surrounding residential communities along Haverhill Road and Okeechobee Boulevard as well as Century Village, which is an approximate 600-acre development with thousands of residents over the age of 55. The Resident Service Center, which is approved for: Retail Sales, General; Business or Professional Office; Medical or Dental Office; Financial Institution; Personal Services; and Limited Adult Daycare is currently the only place where residents can conveniently receive nonresidential goods and services. The TND will provide retail and services at a convenient location to the residents of Century Village and will prevent them from having to travel far outside of the development.

Staff has evaluated the standards listed under Article 2.B.2.B 1-9 and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, staff is recommending approval of the DOA request. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended conditions of approval as indicated in Exhibit C-2.

## CONDITIONS OF APPROVAL

### EXHIBIT C-1

#### Type II Variance - Concurrent

#### ALL PETITIONS

1. The approved Preliminary Master Plan is dated October 12, 2011. 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 (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. The Development Order for this variance shall be tied to the Time Limitations of the Development Order for ZV/TDD/R 2011-1203 (ONGOING: MONITORING - 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 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 (CO); 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; 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 (ULDC) 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)

EXHIBIT C-2  
Traditional Development District

ALL PETITIONS

1. The approved Preliminary Master Plan, Type III, Congregate Living Facility Site Plan, Preliminary Regulating Plans (Landscape Buffers, Parking Details, Neighborhood Parks, Neighborhood Square, Block Plan, Pedestrian Circulation Plan, Street Section) are dated October 12, 2011. 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 (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. The applicant shall execute a Unity of Control binding the owner of Tract 36 and the adjacent Traditional Neighborhood Development (Control 2011-245) to maintain the property as a natural area in compliance with all applicable maintenance requirements of the Palm Beach County Unified Land Development Code. (ONGOING: CO ATTY -Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for structures within the civic pod shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2016. 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-Eng)

b. To comply with Okeechobee CRALLS strategy 7, prior to final DRO approval the property owner shall identify 182 secure, covered bicycle parking spaces on the master plan within 75 feet of buildings cyclists will most likely use. (DRO:ENGINEERING-Eng)

c. To comply with Okeechobee CRALLS strategy 14, Building Permits for more than 103 multi-family apartment units (or development with equivalent peak hour directional traffic impacts) shall not be issued until the property owner makes an additional mitigation fee payment in the amount of \$1,643,000.00 (or 68.6% of the total roadway impact fees associated with the project as estimated at the time of the payment). This mitigation payment shall be in addition to the roadway impact fees assessed to the project, and shall be deposited into a separate Okeechobee Blvd. Mitigation Fee Account. (BLDG PERMIT: MONITORING-Eng)

ENGINEERING

2. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Haverhill Road at both the north and the south project entrance roads. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. The right of way should be continued across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments,

including a topographic survey. The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDG PERMIT/ONGOING: MONITORING-Eng)

## ENGINEERING

3. The Property Owner shall construct:

- i. a right turn lane north approach on Haverhill Road at the north project entrance road.
- ii. a right turn lane north approach on Haverhill Road at the south project entrance road.

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

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

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

4. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the north project entrance road and Haverhill Road. 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.

a. Building Permits for more than 200 multi-family dwelling units or 50,000 sf of non-residential uses shall not be issued until the developer provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING-Eng).

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-Eng)

## ENGINEERING

5. Prior to issuance of the first building permit, the property owner shall plat the subject property in accordance with provisions of Article 11 of the ULDC to remove the golf course restriction and define the boundaries of the TND Zoning District. This plat shall include a restriction for the portion of original Tract 36 as shown in PB30/PG 156 not re-zoned to TND to remain as open space with uses as permitted by the ULDC and that the open space tract shall not be considered for development purposes, other than development permitted by the ULDC, without the consent of the PUD beneficiaries in Tract 37 of PB30/PG156. (BLDG PERMIT: MONITORING-Eng)

6. The property owner shall:

a. Relocate the 60 foot drainage easement dedicated on "Century Village Plat No. ONE," PB28/PG194, to avoid conflict with proposed buildings and to a location as approved by the County Engineer at time of platting. (PLAT: ENGINEERING - Eng)

b. Abandon, and relocate if necessary, the existing 10 foot FPL easement located approximately 1300 feet south of Century Village Boulevard, along the eastern property line prior to final site plan approval by the DRO. (DRO: ENGINEERING - Eng)

#### HEALTH

1. Field adjustment of wall, fence, and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)

#### LANDSCAPE - GENERAL

1. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation:

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)

2. Prior to final approval by the Development Review Officer (DRO), the applicant shall submit a tree mitigation and relocation plan for review and approval by the Landscape Section. (DRO:LANDSCAPE - Zoning)

3. Prior to final approval by the Development Review Officer (DRO), the applicant shall revise the Master Plan to show the required buffer along the perimeter of the Traditional Neighborhood Development (TND). (DRO:LANDSCAPE - Zoning)

#### LANDSCAPE - INTERIOR-LANDSCAPE - INTERIOR-FOCAL POINT NORTH OF CIVIC POD

1. Prior to final approval by the Development Review Officer (DRO), the site and regulation plans shall indicate a street vista focal point at the terminus of the access drive on the north side of the Civic Pod. The design and location of this street vista shall be subject to Zoning Division review and approval. (DRO: LANDSCAPE - Zoning)

#### PALM TRAN

1. Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (BLDG PERMIT:MONITORING -Palm Tran)

#### PLANNED DEVELOPMENT-PLANNED DEVELOPMENT-TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

1. Prior to the recordation of the first plat, all property included in the legal description for the development area of this application shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:

- a. Formation of a single master property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.
- b. All indoor recreation space shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover to the POA/HOA, the indoor recreation space shall be turned over to the association at no cost to the residents.
- c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the traditional development. This Declaration shall be amended when additional units or square footage is added to the TMD. (PLAT: CO ATTY - Zoning)

#### PLANNING



1. Prior to the release of the first Building Permit, the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following: Guarantees the attainability of all required workforce units required per article 5.G. in the ULDC. These units are to be distributed among the categories consistent with the requirements in Article 5.G. in the ULDC. (BLDG PERM-MONITORING - Planning)

2. On an annual basis, beginning March 1, 2013, or as otherwise stipulated in the Declaration of Restrictive Covenants for Workforce Housing, the property owner, master homeowners association or individual Workforce Housing dwelling unit owner, shall submit an annual report/update to the Planning Division and HCD documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing. (DATE/ONGOING: MONITORING Planning/HCD)

#### SCHOOL BOARD

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

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD)

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

#### SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the Street Section Plan shall be revised to be consistent with the proposed Street Section for the Type III Congregate Living Facility. (DRO: ZONING - Zoning)

2. Prior to final approval by the Development Review Officer (DRO), a minimum of 50% of the required plaza seating shall be placed in shade locations. (DRO: ZONING - Zoning)

#### USE LIMITATIONS

1. Outdoor storage or placement of any material, refuse, equipment or debris shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

2. Repair or maintenance of vehicles shall not be permitted on the property, excluding incidental and emergency repairs. (ONGOING: CODE ENF - Zoning)

3. The storage of rental trucks/trailers or outside vendors shall not be permitted on the property, excluding events in the Amphitheater Plaza or other events authorized by a Special Permit. (ONGOING: CODE ENF - Zoning)

#### UTILITIES

1. The water and sewer concurrency sign-off is contingent upon the approval by the PBC Board of County Commissioners of a Development Agreement, pertaining to capacity reservation for the proposed improvements, and the phased payment schedule for Guaranteed Revenue Fees. (ONGOING: PBCWUD - PBCWUD)

#### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the 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 voluntary commitments 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 (CO); 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; 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 (ULDC) 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)

EXHIBIT C-3  
Requested Use

ALL PETITIONS

1. The approved Preliminary Master Plan, Type III, Congregate Living Facility Site Plan, Preliminary Regulating Plans (Landscape Buffers, Parking Details, Neighborhood Parks, Neighborhood Square, Block Plan, Pedestrian Circulation Plan, Street Section) are dated October 12, 2011. 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 (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for structures within the civic pod shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved master plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the 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 voluntary commitments 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 (CO); 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; 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 (ULDC) 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)

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

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

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

2. Affiant's address is: 1255 S Military Trail #200  
Deerfield Beach FL.

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

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

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

Disclosure of Beneficial Interest Ownership form

Created 01/22/2007  
Updated 01/31/2007

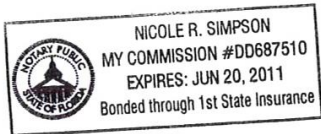
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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.

*[Signature]*  
Andrew Waldman, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 14 day of MARCH, 2011, by Andrew Waldman, [ ] who is personally known to me or [  ] who has produced FL. DRIVERS LICENSE as identification and who did take an oath.



*[Signature]*  
Notary Public  
Nicole Simpson  
(Print Notary Name)  
NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: June 20, 2011

**EXHIBIT "A"**

**PROPERTY**

TRACT 36, "CENTURY VILLAGE PLAT NO. FOURTEEN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGES 156 AND 157, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE EAST FOUR FEET THEREOF, AS DEDICATED TO THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY ON SAID PLAT.

ALSO LESS AND EXCEPT THAT PART CONVEYED TO PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY THE RIGHT-OF-WAY WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 7711, PAGE 1368 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS: A ONE FOOT STRIP OF LAND AND A FORTY FOOT SAFE CORNER LYING IN SAID TRACT 36, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 23; THENCE NORTH (PER SAID PLAT) ALONG THE EAST LINE OF SAID SECTION 23 FOR 656.00 FEET; THENCE NORTH 89°57'11" WEST, AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 23 FOR 54.00 FEET TO THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF HAVERHILL ROAD AND THE POINT OF BEGINNING; THENCE NORTH ALONG THE SAID RIGHT-OF-WAY LINE OF HAVERHILL ROAD FOR 2226.95 FEET TO THE NORTH LINE OF SAID TRACT NO. 36; THENCE WEST FOR 40.00 FEET; THENCE SOUTH 45°00'00" EAST FOR 55.15 FEET TO A POINT LYING 1.00 FEET WEST OF AND PERPENDICULAR TO THE SAID RIGHT-OF-WAY OF HAVERHILL ROAD; THENCE SOUTH ALONG A LINE 1.00 FEET WEST OF AND PARALLEL TO THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF HAVERHILL ROAD FOR 2187.95 FEET; THENCE SOUTH 89°57'11" EAST FOR 1.00 FOOT TO THE SAID WESTERLY RIGHT-OF-WAY LINE OF HAVERHILL ROAD AND THE POINT OF BEGINNING.

Disclosure of Beneficial Interest Ownership form

Created 01/22/2007  
Updated 01/31/2007







**JUSTIFICATION STATEMENT**

**REFLECTION BAY  
TRADITIONAL NEIGHBORHOOD DEVELOPMENT**

REZONING APPLICATION  
REQUESTED USE APPLICATION  
TYPE II CONCURRENT VARIANCE (10)

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Urban Planning and Design  
Landscape Architecture  
Communication Graphics

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Submittal Date: May 23, 2011  
Revised June 27, 2011  
Revised July 25, 2011  
Revised August 29, 2011  
Revised September 26, 2011  
Revised October 17, 2011

Control Number: 2011-00245  
Application Number: ZV/TDD/R-2011-01203

**REQUEST**

On behalf of Fairways, LLC, Urban Design Kilday Studios has prepared and hereby respectfully submits this application to rezone a 57.54-acre area from Planned Unit Development to Traditional Neighborhood Development. Reflection Bay is a portion of the former golf course known as Turtle Bay Country Club. The subject site is comprised of one (1) property control number. (PCN 00-42-43-23-40-036-0000) and is located on the west side of Haverhill Road and north of Okeechobee Boulevard. It was formally part of the South Hampton PUD. The land area is being removed from the PUD through a companion DOA application.

The South Hampton DOA application is also includes a request to abandon Resolution R-93-333. This Resolution was adopted as part of the approval of Zoning Petition 73-216(A) which was a request to Amend the South Hampton Planned Unit Development Plan to add one additional Access Point from Haverhill Road to the then existing Turtle Bay Country Club. The former golf course property is now the subject of a rezoning request to a Traditional Neighborhood Development which will be the subject of an entirely new set of development conditions related to the new use of the property. Therefore, the previous petition should be abandoned in conjunction with the granting a new zoning approval for the property. The original resolution for South Hampton PUD

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West Palm Beach, FL 33401  
561.366.1100 561.366.1111 fax  
www.udkstudios.com  
LCC000035

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(R-73-815) will remain in place with requested modifications for the portion of the PUD which will be retained.

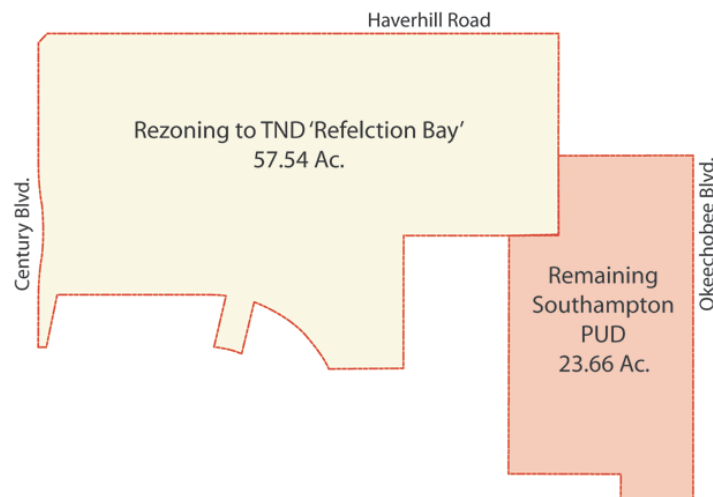
Specifically, the proposed application is requesting the following:

- **TO REZONE APPROXIMATELY 57.54 ACRES TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT;**
- **TO ADD 689 RESIDENTIAL UNITS (CONSISTING 26 LIVE/WORK UNITS (DRO APPROVAL) AND 663 MULTIFAMILY CONDO/APARTMENT UNITS) AND 84,500 SQUARE FEET OF GENERAL RETAIL, 15,000 SQUARE FOOT RECREATION FACILITY AND 100 BED CLF;**
- **TO ADD ONE (1) EXTERNAL ACCESS POINT FROM HAVERHILL ROAD;**
- **TO REQUEST ONE REQUESTED USE FOR A TYPE III CONGREGATE LIVING FACILITY;**
- **TO REQUEST TYPE II CONCURRENT VARIANCES TO TEN ULDC CODE SECTIONS.**

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

#### **HISTORY / BACKGROUND**

South Hampton PUD is located at the northwest corner of Haverhill Road and Okeechobee Boulevard. The official master plan for the South Hampton PUD indicates a total site area of 83.6 acres and a total of 240 dwelling units. As a companion application (DOA-2011-00632), the applicant is requesting a development order amendment to delete 57.54 acres from South Hampton PUD for the Reflection Bay TND.



Application No.2011-01

Reflection Bay TND  
Page 2 of 39

Oct. 17, 2011

According to the Palm Beach County Comprehensive Plan, the site lies within the Urban/Suburban Tier and has a Palm Beach County Future Land Use (FLU) designation of Residential High 18 (HR 18) as depicted on FLU Atlas Map 57. The property is currently designated as a Residential Planned Unit Development (RS/SE/PUD) Zoning District per Quad Map 31.

The following is a summary of the past Zoning Approvals:

CONTROL NUMBER	ACTION	DATE	RESOLUTION NUMBER
1973-007	Rezone from CG to RH	05-08-1973	R-73-238
1973-215	Rezone from CG to RH and allow a PUD	12-18-1973	R-73-815
1973-215(A)	SE to amend PUD to add access point	03-16-1993	R-93-333

**OVERVIEW OF PROPOSED DEVELOPMENT**

The applicant is proposing to rezone a majority the former Turtle Bay Country Club from PUD Golf Course use to a Traditional Neighborhood Development (TND). The golf course ceased operations in May of 2009 and is currently vacant. The application is proposing to construct the following utilizing a mixed-use traditional neighborhood development concept:

- 26 live/work units
- 663 MF condo/apartment units
- 100 bed Congregate Living Facility (Type III),
- 15,000 square foot recreation facility,
- 84,500 square feet of general retail

The overall TND will have an equitant total of 732 residential units (689 units plus a 100 bed CLF which equates to 43 units for a total of 732units.) The overall acreage of 57.54 acres equates to an overall density of 12.72 du/acre.

Reflection Bay is a sustainable, pedestrian-oriented network of mixed-use neighborhoods and parks exhibiting the proven principles of Traditional Neighborhood Design found in the best planned communities and cities throughout the world. Reflection Bay is designed to create favorable microclimatic conditions, promoting the qualities of tropical South Florida where the built environment both enhances and yields to the natural elements. The placement and the massing of the buildings, roads, lakes, parks, and canopy all combine passively to encourage continual breezes, shading, and evaporative cooling, as well as to channel and filter the annual rainfall, organically nurturing the landscape and the soul.

The extensive network of public and private settings is scaled to accommodate various life celebrations and gatherings, fostering feelings of belonging and place. The lakes, parks, squares, courtyards, pools, and theaters become identifiable landmarks unifying the community. A system of varying blocks with multiple styles and sizes of buildings coalesce with vehicular circulation and pedestrian pathways, continuously revealing a “beyond” encouraging exploration and an appreciation for one’s surroundings; further strengthening one’s sense of self and place.

Centrally located along the Haverhill road frontage is the main Neighborhood Square bounded by “Main Street” to the west and flanked by two mixed-use buildings varying in height up to five stories, situated north and south of the square. Moving away from this central Neighborhood Square towards the north and south perimeter, the density and massing of the buildings are maintained at the lowest scales with zero lot line, cluster, and townhome residences of two to three stories, showing care and respect for the neighboring development. (Please note all units are condo ownership but the style of the unit varies from single family dwelling to townhouse style to cluster buildings.) As the project continues to the west, a large park opens up to the community and is the foreground to a series of three story townhome residences located on its western edge. Along the entire western boundary to Century Village is a series of quiet, expansive lakes providing a natural and secure open buffer with beautiful vistas for all of its neighboring residents.

The following is a breakdown of the proposed buildings and uses by Neighborhood:

**NEIGHBORHOOD 1:**

<b>Building</b>	<b>Units</b>	<b>Non-residential</b>	<b>Building Height</b>
Single Family Style	17 MF	---	Max. Ht. 35'
Townhouse Style	10 MF	---	Max. Ht. 35'
Rear Loaded Townhouse Style	28 MF	---	Max. Ht. 35'
Cluster Style	58 MF	---	Max. Ht. 45'
Commercial Building A	-	24,500 SF	Max. Ht. 45'
Neighborhood Square #1	-	1.35 AC	
Neighborhood Park #1		0.77 AC	
<b>Neighborhood TOTAL:</b>	<b>113 MF DU</b>	<b>24,500 SF</b>	

**NEIGHBORHOOD 2:**

<b>Building</b>	<b>Units</b>	<b>Non-residential</b>	<b>Building Height</b>
Rear Loaded Townhouse Style	68 MF	---	Max. Ht. 35'
Building E-2	10 MF		Max. Ht. 45'
Mixed Use Building B	96 MF 13 Live/Work	25,000 SF	Max. Ht. 62** See Variance 5 stories max.
Mixed Use Building D	141 MF	10,000 SF	Max. Ht. 45'
Building E	60 MF	-	Max. Ht. 45'
Neighborhood Square #2	-	.46 AC	
Neighborhood Park #2		2.48 AC	
<b>Neighborhood TOTAL:</b>	<b>388 DU</b>	<b>35,000 SF</b>	

**NEIGHBORHOOD 3:**

<b>Building</b>	<b>Units</b>	<b>Non-residential</b>	<b>Building Height</b>
Townhouse Style	20 MF	---	Max. Ht. 35'
Rear Loaded Townhouse Style	31 MF	---	Max. Ht. 35'
Cluster Style	28 MF	---	Max. Ht. 45'
Building F Type III CLF	100 bed (of 43 units)		Max. Ht. 45' 4 stories max.
Mixed Use Building C	96 MF 13 Live/Work	25,000 SF	Max. Ht. 62** See Variance 5 stories max.
Recreation Facility	-	15,000 SF	Max. Ht. 35'
Neighborhood Park #3	-	0.87 AC	
<b>Neighborhood TOTAL:</b>	<b>188 DU</b>	<b>40,000 SF</b>	
<b>Grand Total</b>	<b>689 Units 100 Bed CLF</b>	<b>99,500 SF</b>	

Landscape buffers are proposed along the perimeter of the property. Twenty foot wide ROW buffers are proposed along Haverhill Road and Century Boulevard and five foot compatibility buffers and fifteen foot incompatibility buffers are proposed adjacent to the neighboring existing residential and commercial properties. In addition to the landscape buffers, a large lake, parks and open space provide for additional buffering along the west property line with a minimum separation of approximately 200 feet.

**VISUAL IMPACT ANALYSIS:**

A visual impact analysis (VIA) is a requirement of any request to modify an existing golf course to reduce acreage or reconfigure the boundaries of a golf course previously approved on a Master Plan. A visual impact analysis has been prepared for the South Hampton PUD and the Reflection Bay TND application. The purpose the VIA is to assess compatibility and impact of the proposed reconfiguration of the golf course on the adjacent properties.

**Methodology:**

The visual impact analysis was created by using both AutoCAD (survey and site plan) and aerial photography to create a base map. With this information, UDKS was able to create a document which was could be reproduced to a digital scale and items could be measured. UDKS was able to input the proposed design of Reflection Bay and use the VIA as a tool to create separation from existing and proposed uses. For example, the proposed design for Reflection Bay includes a large, naturalistic lake which creates separation and also a visual amenity for both the existing and proposed uses.

Upon creating the base information, UDKS was able to visit the site and gather additional information regarding existing features. Photos were taken to document the existing conditions.

**Line of Site Analysis:**

The VIA includes three (3) line of site sections through the Reflection Bay Property. The three specific points were chosen to reflect the three different neighborhoods being proposed within the Reflection Bay TND. The cross-sections were also chosen to depict the different building types proposed so the building massing could be analyzed. For example, the most intense uses and higher buildings were placed along Haverhill Road. The intensity and scale of the buildings then transition to the west so to minimize the impact on the surrounding residential buildings. The western edge of the community is enhanced through the addition of a naturalist lake, passive parks and planting areas.

**WORKFORCE HOUSING PROGRAM**

The Workforce Housing program (WHP) is applicable to new or existing projects proposing 10 or more dwelling units provided they are located within the Urban/Suburban Tier and have a residential FLU of LR-1, LR-2, LR-3, MR-5, HR-8, HR-



12, or HR-18. For existing projects, the program applies to those units being added. Therefore, the proposed 663 MF units and 26 live/work units (total of 689 units) are subject to the program requirements. The applicant is proposing to provide the mandatory WHP units using the limited incentive program. This program requires 2.5% of the standard density units be WHP units and 8% of the PUD density units be WHP units. Below are the calculations which equate to a total of 30 WHP units.

Calculations:

**11.50** workforce units, Standard density ( $460 \times 2.5\% = 11.50$ )

**17.52** workforce units, PUD density ( $229 \times 8.0\% = 18.3$ )

**29.8 (30) workforce units**

Per the requirements of the Limited Incentive program, 50% of the WHP units shall be set aside for the low income households and 50% of the required WHP units shall be set aside for moderate 1 income households. All for sale WHP units shall be income restricted for a period of 15 years and all WHP rental units will be income restricted for a period of 30 years.

#### **STANDARDS FOR REZONING:**

This proposal meets all requirements set forth in ULDC Article 2.B.1.B, Standards for considering a development order application for rezoning:

##### **1. CONSISTENCY WITH THE PLAN:**

The proposed amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan. The Future Land Use (FLU) element of the Palm Beach County Comprehensive Plan designates the affected area as Residential High 18 (HR 18) as depicted on FLU Atlas Map 57. According to the Land Use, a maximum of 1,035 units would be permitted on the subject site. The applicant is proposing the equivalent of 732 units, therefore the application is consistent with the Plan.

According to Policy 4.4.5-a, a Traditional Neighborhood Development is permitted in all of the urban residential future land use categories. Also according to this Policy, the development shall include an interspersed mix of uses integrated with a recreation and pedestrian oriented open space system. The proposed rezoning application is consistent with this Policy.

##### **2. CONSISTENCY WITH THE CODE:**

The proposed rezoning complies with all applicable standards and provisions of the Code for the use, layout, function, and general development characteristics. Specifically, the proposed uses comply with all applicable portions of Article 3.F.1, the

Purpose and Intent for TDDs and Article 3.F.3, the Specific Purposes of a TND. The application is proposing a wide range of residential styles and additionally, the neighborhood will include 100 beds of congregate living facilities, a community club house, nonresidential and commercial uses, and accessory recreation and civic facilities. The various housing types and nonresidential uses will be integrated into neighborhood and urban village patterns with the commercial and multifamily uses vertically integrated into the same buildings.

**GOLF COURSE REVISIONS:**

Further, the request is consistent with Article 3 of the Code as it pertains to Modifications to Reduce or Reconfigure Existing Golf Courses. Prior to submittal of this application, all residents of the South Hampton PUD were notified via certified mailing and signs were posted in common areas documenting the proposed modification to the PUD. The applicant has met with officers of the Century Village Master Association and informed them of his intent to make an application for the golf course conversion. The applicant intends to meet with all communities wishing to meet. The applicant will keep staff updated of any official meeting minutes or votes taken.

As a part of this application, documentation has been provided indicating that the reduction of the former golf course area will not result in a reduction of required open space. It has been demonstrated that the affected 70.15 acres complies with the current ULDC requirements of open space. This is met both through this TND application and through the DOA application for South Hampton. Lastly, the necessary Visual Impact Analysis is provided using the methodology consistent with the purposes and intent of the Code.

**3. COMPATIBILITY WITH SURROUNDING USES:**

The proposed layout of single family dwelling condos, townhouse style condos and multifamily units have been carefully designed to take into account the surrounding existing development in terms of types of homes (**all multi-family**), existing buffers, existing views, proximity to the proposed development area, and dimensions of the proposed development area. All of these factors helped determine the placement and type of the proposed homes as well as buffers, access locations, retention areas, and recreation areas.

Currently, the application property abuts midrise multi-family units on its south and west property lines. The property abuts a major arterial road (Haverhill Road) on its east property line and a major collector road (Century Village Haverhill Entrance) on its North Property line. In terms of density, these existing developments average similar to greater densities than the densities proposed by the new units.

Additionally, access, dwelling unit location, and landscape buffer areas have been designed to provide to minimize the affect of the new development on the surrounding

existing communities. Taking all these factors into account, the new project meets all standards utilized to make a determination of compatibility. Finally, as is the case in all projects reviewed by the County staff where a project abuts existing development, appropriate Conditions of Approval can provide for additional standards of buffering to assure compatibility.

#### **4. EFFECT ON THE NATURAL ENVIRONMENT:**

The proposed amendment does not result in significantly adverse impacts to the natural environment. The affected area contains limited amounts of existing native vegetation. There are several mature ficus trees on the property that will be preserved or relocated to provide focal points for the new development.

#### **5. DEVELOPMENT PATTERNS:**

As previously discussed in the section discussing Compatibility, the proposed development of single and multi-family homes on this property is consistent with the established developed multi-family homes currently existing on the abutting properties. Additionally, on the east side of Haverhill Road there is an established mobile home park also developed at a higher density. In laying out the various units types within the project, the densest uses were located in closest proximity to the major transportation network along Haverhill Road with actual provisions made to locate a mass transit center along Haverhill Road in close pedestrian proximity to the multifamily units. The areas closest to existing development have been sited with less dense housing types and most significantly large areas of open space in the form of lake areas and/or significant green space. Due to the intense development already existing in the general area there are already many employment opportunities, and transportation infrastructure is located in close proximity.

The proposed Traditional Neighborhood Development proposes 84,500 square feet of general retail space to be located on the ground floors of several mixed-use (i.e. residential upper stories) buildings. These buildings have been centrally located for the convenience of the TND residents, but have also been located fronting on Haverhill Road to permit use of these facilities by residents of the surrounding communities.

Exhibit A which is attached depicts the one mile and one and one half mile radius as measured on an aerial from the TND's commercial nodes. The one mile node includes all of the existing Century Village to the Northwest, and also includes significant residential areas to the East and South. Most of these residential areas which include single family subdivisions, mobile home parks, and multifamily housing were built approximately 30+ years ago and generally consist of low to moderate priced housing. The intent of the TND is to provide neighborhood commercial services to the surrounding community that is designed for a pedestrian alternative (thus the 1 to 1.5 mile radius). The design of the TND meets this objective with the commercial uses

designed around Plaza areas with the primary plaza fronting on Haverhill Road being designed as a major mass transportation stop which also serves the surrounding communities and provides convenience for local residents to find transportation and commercial services in a single location.

Additionally it should be noted that the commercial services will be the only commercial uses along the Haverhill Road frontage within the radius area with the closest north commercial area at the intersection of Roebuck Road and Haverhill Road being outside the radius area. There are some commercial services within the radius area fronting on Okeechobee Boulevard. Although there is over 8 million square feet of non-residential uses within the 1.5 mile radius, most of the retail existing is of large scale and meant to serve a more regional population. These commercial areas were designed as typical suburban automobile oriented establishments designed more to capture regional based traffic. Examples of these uses include: Guitar Center, Babies-R-U's, Lowes, Auto Mobile sales, Petco, and Furniture stores as opposed to the types of local "neighborhood style" retail being proposed within the TND. Types of neighborhood commercial uses being considered for Reflection Bay include medical offices, Dry Cleaners, Hair Salons, Coffee/bagel shops, postage centers and a small grocery store. These uses are not regional draws and will serve the residents for Reflection Bay and neighboring residents, such as Century Village.

Of primary importance is the fact that Reflection Bay is adjacent to Century Village which is such a large retirement community that it has four census tracts. (See Exhibit B for Census Tracts) As of the census of 2010, there were 6573 people, 4853 households, and 1462 families residing in these census tracts. The population density was 6.573 persons per square mile. There were 7743 housing units at an average density of 12 units per acre. The racial makeup of the census tracts was 93.1% White, 3.7% African American, and 0.9% Asian. Hispanic or Latino of any race were 8.9% of the population. The 2010 racial makeup was compared with the 2000 racial makeup which indicated that the community has trended to a more diverse racial makeup over the past 10 years.

There were 4853 households out of which 0.2% had children under the age of 18 living with them reflective of the fact that Century Village is an age restricted community. The percentage of owner occupied units was 84%.The average household size was 1.37 persons per household.

The median age of the population was 74.4 years old indicating that Century Village is an aging adult community. Currently, primary commercial services within walking distance require crossing of Okeechobee Boulevard, a major arterial roadway unfriendly to pedestrian traffic. The proposed Neighborhood Style Commercial uses within Reflection Bay can service this large population within a short walking distance and without the need to cross a major arterial roadway. Internal access between reflection

Bay and Century Village exists and is intended to remain as part of the development plan.

**7. CONSISTENCY WITH NEIGHBORHOOD PLANS:**

The proposed project is not located within the boundaries of a neighborhood plan study area and therefore is not in conflict with this ULDC standard.

However, it should be noted that Reflection Bay represents a mixed use development infill development project which is consistent with many Goals, Objectives, and Policies of the Comprehensive Plan along with the principles of Eastward Ho!

**8. ADEQUATE PUBLIC FACILITIES:**

As part of this application, a Concurrency Application has been submitted indicating that the project meets all of Adequate Public Facility Requirements

**9. CHANGED CONDITIONS OR CIRCUMSTANCES:**

Due to the passage of time, some of the circumstances concerning this former portion of South Hampton PUD have been lost. However, it is known that the construction of the South Hampton PUD was the last piece of a long term straight zoning development known as Century Village. Most of the area where the three South Hampton Condominiums were constructed was designated commercial requiring a change of zoning resulting in the creation of the Planned Unit Development which consisted of the three buildings and the golf course. Originally, the entrance to the golf course was connected to the internal street network of Century Village requiring players to either already live in Century Village or to enter Century Village through its two guard gates to reach the Course. Ownership of the Course appears to have been private and not part of the greater Century Village recreation facilities which include a major clubhouse in the center of the project.

In 1993, a new owner of the golf course petitioned Palm Beach County (Petition 73-215A) to allow a direct entrance to the golf course (now known as Turtle Bay Country Club) from Haverhill Road. In approving the petition, a design was created with two separate parking areas: one for residents of Century Village to continue to use the internal access and one for the general public from Haverhill Road. The two parking areas were not interconnected to preserve Century Village's security.

The reason for requesting the entrance was to allow for a greater use by the general public as day to day use by the Century Village residents had declined with time to the point that the club could not be profitable without significant outside use and advertising. At that time, several improvements were also made to the golf course and the driving range.

Subsequently, the current owner and applicant bought the property and continued to operate it as a public course. However, due to the general decline in the popularity of golf, changes in area demographics, and style of this older course, the course was not longer able to support itself, even with use by the general public and convenient access from a major arterial, and closed in May of 2009.

Studies have indicated consistently that golf play has declined in recent years as has previously been cited. (New York Times overview at <http://www.nytimes.com/2008/02/21/nyregion/21golf.html>). The net result is that fewer players meant less revenue which meant less funds to keep up the course resulting in many golf courses. Since that time the vacant land which formerly included the golf course has been maintained to County minimum standards due to lack of income creating a blighted condition for surrounding property owners. (Note: The Board of County Commissioners recognized several years ago that the economic problems then facing golf courses would lead to the need for a method to evaluate conversions. An entire new section of the Unified Land Development Code was created providing additional notification and study of the effects of conversions through evaluations such as view shed analysis to permit a logical methodology for golf course conversions.)

This blighted condition is a change of circumstances which currently affects the communities which abut the property. The blight affects these communities in many ways. First, the residences which enjoyed the previous golf course views now look out at an open space which receives the minimum maintenance required by the County. Without any revenue, the property owner can only provide what is required. Photos of the existing property clearly indicate that the property is a visual eyesore when compared to the landscaping existing adjacent to it, which is maintained by individual property owners or homeowners' associations.

The current status quo has become an economic blight for surrounding property owners. While, in the past, these owners would advertise a residential property as having "golf course views", now adjacent to the former golf course is considered a negative attribute due to the uncertainty of what the future holds for the property as well as the previous issues discussed.

A reasonable redevelopment of the property can correct all of these issues. First, the proposal will provide for an upgraded landscape environment. Due to the size and shape of the existing property and the development of a compact walkable design significant spaces have been created to provide large lake areas and active and passive green spaces which benefit both the new and existing residents as well as provide continued security. Great care has been taken to allow sufficient room for upgraded landscape edges. These landscape areas will become the responsibility of the new homeowners' association of the application property. It is in the interest of the homeowners' association to maintain the new landscape to protect the value of the new

development which at the same time protects the interest of the adjacent property owners.

Finally, the new development will remove the current uncertainty as to the future of the site. The new homes will be built and sold at values which match or exceed the surrounding community values. Once in place, the new development provides a finished product (both homes and landscape buffers) which allows a potential homebuyer of adjacent property to know what to expect.

In addition to the proposed project acting as a catalyst to cure an existing blighted condition, the proposed development is in the right place. As previously discussed in this justification, the property is ideally suited for residential development in an area that provides a full range of services for the new residents. This particular property at the density proposed can meet all concurrency criteria while being located in the Eastward Ho! Corridor which is now supported by many Comprehensive Plan policies promoting Eastern infill.

The proposed amendment when viewed in the context described in this justification statement, meets all standards including Change of Conditions.

**STANDARDS FOR REQUESTED USE:**

As a part of this application, the applicant is requesting a Requested Use to allow for a Type III Congregate Living Facility. This proposal meets all requirements set forth in ULDC Article 2.B.2.B, Standards for considering a development order application for a requested use:

**1. CONSISTENCY WITH THE PLAN:**

The proposed requested use for a Type III CLF is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan. The Future Land Use (FLU) element of the Palm Beach County Comprehensive Plan designates the affected area as Residential High 18 (HR 18) as depicted on FLU Atlas Map 57. The 100 bed CLF equates to 43 residential dwelling units. When combined with the 689 units proposed, the project has a total of 732 residential units and a proposed density of 12.72 du/acre. This is consistent with the HR 18 future land use.

In addition, the proposed Type III CLF is consistent with Policy 4.45-a for Traditional Neighborhood Development. The Policy requires a mix of residential housing types. A CLF provides an additional much needed type of residential housing.

**2. CONSISTENCY WITH THE CODE:**



The proposed Type III Congregate Living Facility is consistent with all required Use Regulations in Article 4 of the ULDC. Per Table 4.B.1.A, the maximum permissible occupancy for a Type III CLF in the HR18 land use is 28.08 residents per acre. The 100 beds proposed are well below this threshold.

The proposed location along Haverhill Road meets the frontage requirements for a Type III CLF. In addition, the proposed location also meets the minimum distance requirements from a fire –rescue station.

### **3. COMPATIBILITY WITH SURROUNDING USES:**

The proposed layout of residential and commercial uses have been carefully designed to take into account the surrounding existing development in terms of types of building types, existing buffers, existing views, proximity to the proposed development area, and dimensions of the proposed development area. All of these factors helped determine the placement of the proposed Type III CLF.

Currently, the application property abuts midrise multi-family units on its west property lines. The property abuts a major arterial road (Haverhill Road) on its east property line and a major collector road (Century Village Haverhill Entrance) on its North Property line. In terms of density, these existing developments average similar to greater densities than the densities proposed by the new units.

### **4. DESIGN MINIMIZES ADVERSE IMPACT:**

As stated above in the discussion of Compatibility, great care was utilized in developing a Master Plan for the application property. Included in the project's initial analysis was a determination of the types and intensities of surrounding properties, existing views, and existing access points. Several housing types were considered and the current mix of single family, townhouse and multifamily (and the type of multifamily in terms of size, unit count, and architectural features) is the result of designing multiple layouts utilizing aerials in order to determine which design would provide minimum impact and maximum benefit in terms of utilizing an abandoned golf course for a residential project which provides quality new homes which will enhance existing conditions and values.

As the property abuts residential uses on only two sides (south and west) specific care was taken to provide sufficient separation between the new residential uses and the existing residences and utilizing the space for either large lake retention areas or significant green space. The proposed CLF is located along Haverhill Road and serves a transition on intensity between the mix-use buildings to the townhomes.

The type of design provides for landscape buffers and open space exceeding the minimum code requirements which will be maintained by the new homeowners' association to the benefit of the new development as well as the benefit of the surrounding developments, as discussed further under Changed Conditions and Circumstances.

**5. DESIGN MINIMIZES ENVIRONMENTAL IMPACT:**

The proposed amendment does not result in significantly adverse impacts to the natural environment. The affected area contains limited amounts of existing native vegetation. There are several mature ficus trees on the property that will be preserved or relocated to provide focal points for the new development.

**6. DEVELOPMENT PATTERNS**

The proposed Type III CLF is consistent with the established development multi-family homes currently existing on the abutting properties. Additionally, on the East side of Haverhill Road there is an established mobile home park also developed at a higher density. In laying out the various units types within the project, the densest uses were located in closest proximity to the major transportation network along Haverhill Road with actual provisions made to locate a mass transit center along Haverhill Road in close pedestrian proximity to the multifamily units. The proposed CFL is located along Haverhill Road and separated from existing development.

**7. CONSISTENCY WITH NEIGHBORHOOD PLAN:**

The proposed project is not located within the boundaries of a neighborhood plan study area and therefore is not in conflict with this ULDC standard.

However, it should be noted that Reflection Bay represents a mixed use development infill development project which is consistent with many Goals, Objectives, and Policies of the Comprehensive Plan along with the principles of Eastward Ho!

**8. ADEQUATE PUBLIC FACILITIES:**

As part of this application, a Concurrency Application has been submitted indicating that the project meets all of Adequate Public Facility Requirements

**9. CHANGED CONDITIONS OR CIRCUMSTANCES:**

The changed conditions or circumstances justifying the Type III Congregate Living Facility would be in keeping with the above findings discussed under the Changed

Conditions or Circumstances for the rezoning. As discussed early, the redevelopment of the property is ideally suited for residential development in an area that provides a full range of services for the new residents. The proposed CLF is a service needed by residents of area and community. This particular property at the density proposed can meet all concurrency criteria while being located in the Eastward Ho! Corridor which is now supported by many Comprehensive Plan policies promoting Eastern infill.

**TYPE II VARIANCES**

The Type II Variances being requested are:

	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
1	Article 3.F.2.A.1.b.2)	Maximum length of a block 660 feet. Up to 750 feet with pedestrian pass-thru. Blocks subject of request have pedestrian pass-thru's.	Blk 2 - 783' Blk 4 - 1,137' Blk 11 - 920'	Blk 2 - 33' Blk 4 - 387' Blk 11 - 170'
2	Article 3.F.2.A.1.b.3)	Maximum number of alley curb cuts- Four per block and two per side.	Blk 4 - North Side 3 proposed	Blk 4 - one (1) additional on north side.
3	Article 3.F.2.A.1.e.	A minimum of one alley shall be required in all blocks, except blocks of single family and ZLL residential uses and AGR TMDs.	Waive alley requirement.	Waive alley requirement.
4	Article 3, Table 3.F.3.C.	25% Minimum Gross Area for Single Family (14.38 acres)	0% (0 ac)	100% (14.38 ac)
5	Article 3.F.3.E.1.a.5.	50% Maximum Building Coverage for Neighborhood Center	100%	100%
6	Article 3.F.3.E.1.c.	45' Maximum Building Height	62'	17'
7.a	Article 3.F.3.E.4.a.	Each neighborhood within a TND shall include a centrally located neighborhood square or "commons."	To allow Neighborhood Square or commons to not be centrally located in Neighbor-	To allow Neighborhood Square or commons to not be centrally located in Neighbor-

			hoods #1 & #2.	hoods 1# & #2.
7.b	Article 3.F.3.E.4.a.	Each neighborhood within a TND shall include a centrally located neighborhood square or "commons."	To waive requirement for a centrally located neighborhood square or 'commons' in Neighborhood #3.	To waive requirement for a centrally located neighborhood square or 'commons' in Neighborhood #3.
8	Article 3.F.3.E.4.a.2)	A minimum of 75 percent of a square perimeter shall abut a street. (Perimeter 689 l.f. x .75 = 919')	104 l.f. (15.1%)	585 l.f. (84.9%)
9	Article 3.F.3.E.4.b.4)	A minimum of 50 percent of a neighborhood park perimeter shall abut a street.	#1 – 932' (40%) #2 – 641.5' (47%) #3 – 797' (29%)	#1 – 235' (10%) #2 – 37' (3%) #3 – 586' (21%)
10a	Article 3.F.3.E.4.b.6)	At least one lineal foot of seating area shall be provided for each 30 square feet of park area. (20,062 s.f. / 30 = 669 l.f. seating required for Neighborhood #2 Square)	72 l.f.	597 l.f.
10b	Article 3.F.3.E.4.b.6)	At least one lineal foot of seating area shall be provided for each 30 square feet of park area. (58,806 s.f. / 30 = 1,960 l.f. seating required for Neighborhood #1 Square)	72 l.f.	1,888 l.f.

**VARIANCE JUSTIFICATION**

The property owner, Fairways, LLC, is requesting the aforementioned variances for the Reflection Bay Traditional Neighborhood Development (TND) in order to promote a more compact, urban form of development, as well as more social interaction between the future residents of the development. With the revision of the application request to allow for a TND, the variances requested are to the TND provisions of the ULDC, but

are still requested in order for the infill development to provide for a more urban development form.

Palm Beach County has been in the process of creating overlays to foster this exact type of development. Two of the areas of focus of the efforts to date have been the creation of the Urban Redevelopment Area Overlay (URAO) and the Infill Redevelopment Overlay (IRO). While this project does not lie within either of these overlay areas, it is directly west of and contiguous to lands to the east which are included within the URA boundaries. Also, while the land is not within a designated IRO area, which at this point in time is limited to certain commercial corridors within the County, aspects of the proposed permitted uses within the neighborhood centers are consistent with those targeted in that overlay and the form of development envisioned. The premises of both of these overlays is to create a more urban form of development by locating structures closer to the road to create a greater presence and foster a more urban development, as do the placement of the structures closer to Haverhill Road for this project.

Also of importance is that consideration be given to the fact that this project is the first TND to be processed for property within the Urban/Suburban Tier in Palm Beach County. As such, the review process of the project's design can be considered somewhat of a **'truthing'** of the code requirements. As was evidence with the numerous code changes that were processed since the initial adoption of the Traditional Marketplace Development (TMD) code requirements, until an actual project is proposed under the previously untested regulations it is impossible to accurately anticipated all the code conflicts which arise during the project design. The project proposed, while not meeting all the current code regulations which necessitate the requesting of variances, still meets the planning intent of a TND.

The first variance being requested is to Article 3.F.2.A.1.b.2), which allows for a maximum length of a block to be 750 feet in length, with the provision of pedestrian pass-thru. This variance request is applicable to Blocks 2, 4, and 11 as shown on the Block Structure Plan submitted herewith. Specifically, the variances are as follows:

	Proposed Length	Variance
Block 2	783 feet	33 feet
Block 4	1,137 feet	387'
Block 11	920 feet	170'

As the block structure plan indicates all of these blocks provide for pedestrian pass-thrus and circulation through the block structures, allowing the variance to be to the maximum length restriction of 750 feet. The issues associated with meeting the code in this regard are a result of the difficulties associated with providing for an urban form of development within an irregularly shaped infill parcel, compounded by the ability to provide for additional access points to the surrounding roadway network, which would

allow for the creation of smaller blocks. In the case of Block 2, the length of the block slightly exceeds the code allowance by 33 feet. However, a large square central to the block is provided that not only provides for a noticeable break in the block structure, but also meets the goal of providing adequate public gathering space. Unfortunately, the project is limited to the amount of access points onto Haverhill Road, but the intent of breaking up the block and providing for a pedestrian circulation pattern throughout the block meets the intent of the code.

In regard to Block 4, the shape of the site resulted in a curvilinear design of the roadway network in this area providing for a more interesting pedestrian environment. Again, access to Century Blvd. to the north was not able to be obtained, which would have been able to create a street mid-block, breaking up the block length of 1,137 feet as proposed. To compensate for this, three alleys are provided on the north side of the block (Variance #2) which provide for both vehicular and pedestrian circulation, promoting alternative routes in line with the goals of urban infill redevelopment.

Block 11 is requiring a variance of 170 feet to allow for a maximum block length of 920 feet. Five (5) pedestrian circulation connections are provided within the block itself, while a 20 foot access drive is located around the perimeter of the block. Additionally, the entire center of the block is comprised of a 2.48 acre park which has a pedestrian round around its entire perimeter, equating to 1,357 linear feet of pedestrian circulation route. Again, the intent of the code to create a walkable, pedestrian friendly environment is provided via this design, while still providing for a reasonable traffic circulation plan for the overall development, with increases to the block length allowances.

Variance 2 is to Article 3.F.2.A.1.b.3) which allows for a maximum of two alley curb cuts along any side of a block and the request applies only to Block 4. This variance is somewhat associated with Variance 1 and some of the criteria being addressed herein therefore addressed both variances. This block proposed three, rather than two, alley curb cuts along the north side of the block. This variance is somewhat associated with the block length variance for the block in Variance 1. While it would have been ideal to propose the mid-block be designed as a street to break up the block, the lack of any potential to connect the street through to Century Blvd. impacted the site design. As such, the 'extra' alley is proposed to provide for the appearance of a block grid network which provides for pedestrian and vehicular access to promote a compact infill development. The design meets the intent of the urban form of development.

The third variance being requested is to Article 3.F.2.A.1.e., Alleys. This code section requires that a minimum of one alley be required in all blocks, except blocks of single family and ZLL reside and AGR TMD's. The alleys must conform to the design standards as contained in Table 3.F.2.A. and Figure 3.F.2.A – Alley Design Standards. This site does propose some design issues associated with the irregular configuration of the property's western proposed property line, which is a result of accommodating the

existing residential structures to the west. Care was given to provide for a project design that provided additional buffering to these uses and allowed for the proposed lake and open space to provide for separation between the uses. The proposed plan does provide alleys meeting this requirement within the multi-family product area in the northern portion of the site and a 15' one way alley south of Main Street. A 20' alley is also provided in the southwest area of the development. However, the remainder of the blocks in the development is 'framed' by 20' street drives aisles or two way 20' access drives. The 20' cross-sections for these areas allow for two way access for the residents and visitors throughout the site and provide for a 'ring road' around the perimeter of the developed area. The proposed 20' width, with on-street parking on the segments coming off the Main Street, still meets the intent of the TND for a roadway cross-section that serves to reduce the speed of travel and promote a more urban form of development.

The fourth variance requested applies to the code minimum amount of single family lots required for the development. In this case, the overall number of dwelling units is 732 on 57.54 acres, resulting in a proposed density of 12.57 dwelling units per acre. Table 3.F.3.C. requires a minimum of 25% of the gross land area, or 14.38 acres be provided via a Single Family product. The ULDC defines Single Family as follows:

“ . . . for the purposes of Article 4.B, the use of a lot or structure for one detached dwelling unit, excluding a mobile home but including manufactured buildings.”

In the case of this project's proposed design, 1.5 acres are associated with a Single Family detached dwelling unit, which equates to a percentage of 2.6%. These units, while being structures typically considered as Single Family type units, are not proposed to be sold as fee simple platted lots, but rather as a condominium ownership product. As such, discussions with staff have resulted in the variance request to this code section. The applicant feels that the intent of the code to provide for a mix of housing types within the TND is met with the provision of these units, as it is merely the form of ownership that has resulted in the requirement for the variance.

The fifth variance being requested to Article 3.F.3.E.1.a.5. is to allow for the four Neighborhood Centers to exceed the maximum 50% building coverage allowance in the ULDC. The proposed Preliminary Site Plan depicts three neighborhood centers, one associated with each proposed neighborhood. The acreages and proposed building coverage for each Neighborhood Center is as follows:

<u>Neighborhood Center</u>	<u>Acreage</u>	<u>Coverage Proposed</u>	<u>Variance %</u>
N.C. #1	1.09 AC	57.3%	7.3%
N.C. #2	1.5 AC	97.7%	47.7%
N.C. #2B	0.85 AC	69.2%	19.2%
N.C. #3	1.5 AC	97.7%	47.7%



The proposed building coverages being requested above result in a variance percentage requested ranging from 7.3% for Neighborhood #1, to 47.7% for Neighborhood 2 and 3. The issues associated with providing for a site design that allows for the applicant to achieve the allowed amount of commercial in the neighborhood centers create the need for these variances. Each Neighborhood Center is allowed up to a maximum floor area ratio (FAR) of 1.0, but is limited to a maximum total floor area of 40,000 square feet per center. In order to provide for the project to develop with Neighborhood Centers with the mix of uses necessary to succeed and to provide for the needed services of the nearby neighborhoods, it is necessary to incorporate structured parking into the project's design. While structure parking does not count towards the maximum amount of FAR permitted, it does count towards the building coverage for the Neighborhood Center, necessitating the variance. The intent of not exceeding the maximum floor area ratio for the Neighborhood Centers is respected with this variance request, as well as recent County goals of providing a more urban form of development for infill projects within the Urban/Suburban Tier.

The sixth variance being requested is to the maximum height of the structures within the Neighborhood Centers. This variance only applies to Neighborhood Centers 1 and 3, those with buildings fronting along Haverhill Road. Article 3.F3.E.1.c. allows for a maximum building height of 45' for structures in the Neighborhood Centers. The variance being request is to allow for a maximum height of 62' only for the front facades of the buildings along Haverhill Road, equating to a maximum variance of 17'. These areas of the buildings are 62' feet in height and the height tapers down to the allowed code measurement of 45' where further removed from the Haverhill Road thoroughfare roadway and closer to the existing residential development to the west, providing for tiered building heights. Residential uses, as well as the significant open space area associated with the lake and internal pedestrian pathway system, buffer these building heights from the residential use to the west. It is important to note that the existing condominium unit buildings to the west are 4 story buildings, approximately 45 feet in height, and will exceed the residential building height restriction of 35' feet in place and being met for this project.

This variance is also a direct result of planning the TND so as to accommodate the number of residential units necessary to create a well-balanced, diversified development project. The total number of residential units proposed for this development is 732, which equates to an overall density of 12.57 du/acre. This is still below the maximum density permitted for the land use designation for the property and is comparable to the existing density of the residential uses to the west.

Variance 7 is to Article 3.F.3.E.4.a. which requires that each neighborhood within a TND shall include a centrally located neighborhood square or 'commons' and that each Neighborhood contain a Square. While the ULDC does not have a definition for 'commons', it does specifically group together neighborhood parks, neighborhood

squares, and active or passive recreation areas together under Open Space/Recreation area. The variances are broken down into two (2) parts. Variance 7.a. is to the requirement for the Neighborhood Squares in Neighborhoods #1 and #2 to be centrally located and Variance 7.b. is a request to waive the requirement for the Neighborhood Square in Neighborhood #2.

In regard to Variance 7.a., the Preliminary Master Plan for the development, supported by the Preliminary Site Plan, depicts a large Square in Neighborhood #1, located on the 'edge' of the neighborhood, west of Building A and south and east and of the multi-family units. This Square meets the requirement of 75% of the frontage being adjacent to a street and is oversized at an acreage of 1.35 acres. The location of the Square is in close proximity and provides for ease of access to all the residents in the Neighborhood. There is also the large Neighborhood Park #1 to the west of the residential units which is 3.78 acres in size which provides for additional passive recreational area near the western most dwelling units. In addition, a .16 acre courtyard associated with Building A which sited to provide for the appearance that the courtyard fronts on the street located between the courtyard and the Square. Due to the anticipated degree of interaction between the Neighborhoods, the proposed location will not have any negative impact on the urban design or goals of the TND.

The Preliminary Master Plan for the development, supported by the Preliminary Site Plan, depicts a Square in Neighborhood #2, which would serve all residents in Buildings B, C, D, and E. The Square is located between Buildings B and C, easily accessible by the residents of Buildings D and E. While technically located on the 'edge' of the Neighborhood #2, the layout of the site provides for greater interaction between the neighborhoods, allowing for this Square to serve not only Neighborhood #2, but also Neighborhood #3. The large Neighborhood Park #2, located to the west of Buildings D and E, as well as the Neighborhood Park #3, being 2.48 acres and 10.35 acres in size respectively, also provided for additional gathering/recreation areas for the residents of these Neighborhoods, resulting in no negative impact to the quality of the residents life by the placement of the Square as proposed.

In regard to Variance 7.b., the request to waive the requirement for Neighborhood Square in Neighborhood #3 is justified by the amount of other civic, recreational and park area within the Neighborhood. This Neighborhood contains Neighborhood Park #4 located to the west of the development area which is 3.82 acres in size. Additionally, the Amphitheater Civic Pod is 1.31 acres in size and provides for seating for the residents. A 15,000 sq. ft. recreation facility is located in the northern portion of the Neighborhood and courtyard areas are provided associated with the two multi-family buildings. Finally, although not internal to the Neighborhood, the Neighborhood Square for Neighborhood #2 is sited such that it is also readily accessible and in close proximity to Buildings C and the proposed Congregate Living Facility. The development proposed to provide far in excess of the required amount of Open Space/Recreation area. The development is required to provide for 2.88 acres (5%) of Open

Space/Recreation area and is providing for 21.21 acres (36.9%). This is provided via the oversized parks, the neighborhood square, and 16.92 acres of passive open space to in the western portion of the development which includes a walking trail on a portion of the lake and a proposed focal point, pool, pier and bulkhead. As such, the development far exceeds what would normally be expected in the provision of open space and parks located in such a manner that all residents will have easy access to the areas, meeting the intent of the code requirement.

Variance 8 is to code section 3.F.3.E.4.a.2), which requires that 75% of the perimeter of the square abut a street. The proposed Neighborhood Square complies with the minimum size requirement of 20,000. Additionally, a linear strip of land is provided to the east of Buildings B and C which serves to visually extend the useable square land area. By providing this additional land area in this design, it allows for additional pedestrian oriented space, with the appearance of the space as abutting Haverhill Road. The design of the square best serves the residents in the immediate neighborhoods and is it more easily accessible to the residents in Buildings B, C, D and E, meeting the intent of the square being provided for their benefit and use.

Variance 9 is to Article 3.F.3.E.4.b.4), which requires that 50 percent of a neighborhood park perimeter abut a street. The Variance request applies to all three parks proposed for the development as follows:

	<u>Perimeter</u>	<u>Provided</u>	<u>Variance</u>
Park #1	2,335 l.f.	932 l.f. (40%)	235 l.f. (10%)
Park #2	1,357 l.f.	641.5 l.f. (47%)	37 l.f. (3%)
Park #3	2,767 l.f.	797 l.f. (29%)	586 l.f. (21%)

In the case of Park #1 and Park #3, these are both open space areas which are situated just east of the existing lake system, which is proposed to be enlarged to meet drainage requirements. The expanded lake itself totals 12.94 acres in size, however this acreage is not included within the acreage associated with the parks. Park #1 is .77 acres in size and Park #3 is .87 acres in size and both parks are shallow in depth and linear in shape creating the necessity for the requested variances. The linear design is necessitated by the design and location of the lake required to meet drainage requirements, which utilizes the existing location of drainage facilities on the site. As such, the areas where the parks are able to extend further to the west to accommodate additional recreational amenities, such as fitness stations, gazebos, seating areas, dock/lookout area, and sand yard, create a larger perimeter than typically associated with a pure linear park. A true linear park would be closer to meeting this requirement, if it was consistently very shallow in depth. However, any increase in depth would proportionately increase the degree of variance from the code requirement. It appears that the TND regulations do not take into account the provision of a linear park within these types of developments.

associated with designing an infill development in this form are created via the existence of residential uses to the west and the irregular lot configuration to accommodate the existing uses in the area and the site elements currently existing on the site. These special conditions include the site design constraints associated with the existing drainage system on the site and the location of same, as well the inability to provide any additional connections onto Haverhill Road and Century Blvd.

**VARIANCE 3:** The subject land area represents a conversion of area from a previous use of a golf course to residential, commercial, recreational and civic uses, in the form of a Traditional Neighborhood Development. Special conditions associated with designing an infill development in this form are created via the existence of residential uses to the west and the irregular lot configuration to accommodate the existing uses and provide for adequate buffering. The placement of the lakes to the south limits design alternatives in regard to meeting this code requirement.

**VARIANCE 4:** Again, the subject land area represents a conversion of area from a previous use of a golf course to residential, commercial, recreational and civic uses, in the form of a Traditional Neighborhood Development. The project is located within the Urban/Suburban Tier and has frontage on a major roadway, Haverhill Road. Special circumstances are associated with the redevelopment of such an infill parcel to meet the County's goals of providing for a more urban form of development. Specifically, the constraints associated with platting individual fee simple single family lots create design issues which inhibit the ability of the project to be designed to this form of development. Ideally, the design of the project should allow for a compact, energy efficient design. In order to meet this goal, as well as the goal to provide for a mix of housing types, the applicant has determined that the form of ownership for these units will be condominium, thus necessitating a variance to the literal code requirement when, in fact, the product type is being provided within the project. As this is the first TND being proposed within the Urban/Suburban Tier of the County, this special circumstance is unique to this site.

**VARIANCE 5:** Special circumstances again apply to this request which do not apply to other parcels in the same zoning district. The goals of creating a more urban form of development and creating the mix of uses necessary for a successful development result in the necessity for this variance. It is the introduction of the parking garages within the Neighborhood Centers which creates the issue. While a parking garage promotes a more energy efficient land use design for the project and furthers the goals of urban infill development, it also creates the necessity to gain relief from the building coverage limitations of the ULDC.

**VARIANCE 6:** The request for the variance to the maximum height within Neighborhood Centers #1 and #3, is also associated with the special circumstances of designing the first TND within the Urban/Suburban Tier in the County. The necessity for a successful development of this type to provide for a critical level of residential units and the goals of designing an energy efficient land use pattern for the project result in the variance. By allowing the height to increase on the buildings fronting on Haverhill Road to accommodate multi-family dwelling units, it serves to create the desired urban environment along Haverhill Road, the furthest removed from the existing residential to the west, and furthers the goal of providing for a mix of housing types.

**Variance 7.a.:** The request for the variance to the requirement for each neighborhood to have a centrally located neighborhood square or commons, is also associated with the special circumstances of designing the first TND within the Urban/Suburban Tier in the County. The fact that the design proposed far exceeds the minimum acreage requirements for open space/recreation areas is not taken into account with the code requirements as they exist. With the provision for the oversized Neighborhood Parks 1, 2, 3, and 4, also considering the Amphitheater use in the civic pod, it is now apparent that these uses, while not centrally located within each neighborhood, fully meet the intent of the code to assure these areas are within walking distance of all of the residents of the proposed development.

**Variance 7.b.:** The request for the variance to waive the requirement for Neighborhood #3 to have a centrally located neighborhood square or commons, is also associated with the special circumstances of designing the first TND within the Urban/Suburban Tier in the County. The overall design of the project, while creating three 'neighborhoods', meets the overall goal of compactness for the development. This compactness allows Square provided in Neighborhood #2 to serve the residents of Neighborhood #3. The fact that the design proposed far exceeds the minimum acreage requirements for open space/recreation areas is not taken into account with the code requirements as they exist. With the provision for the oversized Neighborhood Parks 1, 2, 3, and 4, also considering the Amphitheater use in the civic pod, it is now apparent that the design for these areas as provided, fully meet the intent of the code to assure these areas are within walking distance of all of the residents of the proposed development.

**Variance 8:** Again, the special circumstance involves the fact that this is the first TND, which is proposed within the Urban Suburban Tier. The intent of the design is to allow the more intense uses and form of development to be placed closer to Haverhill Road, and further from the existing residential uses to the west. As envisioned in the regulations, the buildings along Haverhill Road are placed closer to the right of way to promote the provision of the desired

streetscape along the roadway, resulting in the location of the Square being designed closer to these more intense uses. However, in placing the Square internal to the site, between two of the higher use buildings, it limits the amount of frontage on roadways.

**Variance 9:** Again, special conditions associated with the site in regard to the existing drainage system on the site leads to the request for the variances to Parks #1 and #3, as well as the fact that it appears the code did not anticipate the provision of linear parks in the TND form of development. Additionally, the variance for Park #2 is affected by the special conditions associated with the irregular shape of the property and the goal of creating a compact form of development while striving to provide for the safest pedestrian circulation system within the development.

**Variance 10.a. and 10.b.:** The special circumstance is again related to the TND regulations being untested. The realization that the code compliant Squares provided results in an unreasonable amount of seating being required, was not anticipated until a project was submitted for review.

**2. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:**

**Variances 1 & 2:** The special conditions associated with the irregular shape of the site, the existing master drainage system on the property and the inability to provide additional vehicular connections to the surrounding roadway system are not a result of the applicant's actions, but are conditions that are not uncommonly associated with infill redevelopment proposals.

**Variance 3:** The special conditions associated with the existing conditions in the vicinity of this infill projects are not created by the applicant, but by the site conditions and existing uses to the west of the property and the goals of meeting the intent of the TND envisioned design. The provision for the lake at the west end of the property is a result of mitigating any impacts to the surrounding area while meeting the intent of the TND by providing smaller road cross-sections consistently throughout the development.

**VARIANCE 4:** The special circumstance associated with the ownership methodology (condominium vs. fee simple ownership) is not due to the actions of the applicant, but rather the innovate design proposed in order to allow for a variety of housing types for the development. While the form of condominium ownership does not create 'lots', thereby necessitating the variance from the literal definition of a Single Family unit, the units themselves are still designed to meet the goals of the TND.

**VARIANCE 5:** The special circumstance associated with the building coverage variance are not the result of actions by the applicant, but rather the result of providing for exactly the urban form of development envisioned for infill redevelopment TND projects. The provision for the structure parking, which is a more efficient land use design, creates the necessity for the variance.

**VARIANCE 6:** The special circumstance associated with the building height variance are not the result of actions by the applicant, but rather the result of providing for exactly the urban form of development envisioned for infill redevelopment TND projects. This form of development requires a mix of housing types. The developer has determined the required amount of units in order for the project to be successful and the design to place a higher intensity of multi-family units along the Haverhill Road right of way supports the urban form desired for infill redevelopment.

**Variance 7.a. and 7.b.:** The special circumstance in regard to the realization that a development plan for an urban TND may have conflicts with the code requirements is not the result of the actions of the applicant, but rather the result of a development plan created to meet the intent of the code, while addressing the inherent issues associated with infill development. The proposed design allows for the compactness of the development to be maintained while also allowing for the provision of more than adequate and accessible squares/commons for the residents and visitors.

**Variance 8:** The special circumstance again is not the result of the applicant's actions, but the result of a response to the code requirements to provide for a sense of place and an urban form along Haverhill Road, while maintaining adequate separation from the residential uses to the west. The Square still provides for the visual appearance of 'abutting' the Haverhill Road right of way.

**Variance 9:** The special conditions associated with the irregular shape of the site, the existing master drainage system on the property and the apparently code unanticipated effect of providing a linear park are not conditions created by the applicant. Similarly, the issue associated with locating the multi-family units to the south of Park 2, allowing the residents to access the park without crossing a roadway, is not the result of the action of the applicant, but a result of innovative site planning to address the obstacles associated with this type of infill redevelopment.

**Variance 10.a. and 10.b.:** The special circumstance is not a result of the applicant, but a result of the code not anticipating the effect of the code requirement on Squares where there is more land area provided than the



minimum required and the realization that the calculation methodology associated with the required number of benches is not reasonable.

3. **GRANTING THE VARIANCE SHALL NOT CONFER UPON THE APPLICANT ANY SPECIAL PRIVILEGE DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES IN THE SAME ZONING DISTRICT:**

**VARIANCES 1 THROUGH 10:** The granting of the variances will not confer any special privilege denied by the plan or code to other parcels, as both documents allow for the granting of variances based on meeting the criteria set forth in the code. Granting these variances will further the goals of the Comprehensive Plan and ULDC, as it will allow for the creation of a community which provides for commercial, recreational and civic uses to alleviate the necessity for the residents to leave the development for such uses and activities.

4. **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 ZONING DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:**

**VARIANCE 1 & 2:** The literal interpretation of this ULDC requirement would create an unnecessary hardship for the applicant if this variance is not approved. The intent of the code in regard to block lengths and the number of alleys per side of blocks is to provide for a network of streets and alternative pedestrian and vehicular routes within the development. This intent is met with the site design as proposed.

**VARIANCE 3:** The literal interpretation of this ULDC requirement would create an unnecessary hardship for the applicant if this variance is not approved. The intent of the code in regard to alleys is to provide for a network of streets and alternative traffic routes within the development, while keeping the size and configuration of the roadways in a design to foster reduced speeds. The roadway cross-sections proposed for the development of 15' and 20' meet the intent of the code.

**VARIANCE 4:** The literal interpretation of this ULDC requirement would create an unnecessary hardship for the applicant if this variance is not approved. The intent of this code in regard to the mix of residential product types for TND's is being met with the granting of the variance. The code requires that 14.38 acres, or 25% of the gross land area, be provided for a Single Family unit type. The form of ownership of residential units is not regulated by Palm Beach County. As such, the literal interpretation of the code would deprive the applicant with the ability to market the units as condominiums, where it

would be permitted in other elsewhere. It is the applicant's position that the code should apply design of the unit type, i.e. single family versus multi-family, rather than the form of ownership. The applicant has determined that the condominium form of ownership is the best alternative and to not allow this form of ownership would work an unnecessary and undue hardship to the applicant.

**Variance 5:** The literal interpretation of the code would deprive the applicant from developing a project that provides for a mix of uses in a form more compact and sustainable, as allowed by other types of Traditional Developments. By requiring the development limit the size of parking structures to comply with the 50% building coverage limitation, the desired goals of urban infill redevelopment are being compromised. The compact design promoted by the introduction of the lined parking structures services to provide for a more efficient land use pattern for the project, while providing for the urban design the County wishes to see utilized for infill projects. As such, the intent of the Code is being met with the provision of the structure parking, necessitating the variance request.

**Variance 6:** The intent of the code is being met by the design of the development placing the mix of commercial uses and multi-family uses closer to the Haverhill Road frontage. The parking structures will be lined with the commercial/non-residential uses on the first floor of the structures. The height of the front facades, with the multi-family units being 62' in this area, allows the applicant to design a sustainable project, with no impact to the residential uses to the west. The height of the structures drops down at the parking structure level, allowing for only those units facing Haverhill to exceed the maximum height of 45'. This building height helps create an urban presence on the roadway frontage, furthering the urban design elements for the project.

**Variance 7.a. and 7.b.:** The literal interpretation would cause an undue hardship on the applicant. The design of the development as proposed buffers the more intense uses from the existing residential uses to the west and provides for 21.21 acres of Open Space/Recreation where only 2.88 acres are required. By providing this additional level of area, the size of the Square and Parks is increased considerably, allowing for easy of accessibility to open space to all the residents of the development. Additionally, a civic site 1.31 acres in size is provided which also serves to provide additional open space above and beyond the 21.21 acres. As such, the intent of the code to provide open space and gathering areas in close proximity to all the residents in the development is met with the locations of Squares #1 and #2 and the waiver for a separate Square in Neighborhood #3.

**Variance 8:** The intent of the code is met by the design proposed as the intent of this requirement is, again, to make public open space easily accessible. The location of the Square, fronting on Haverhill Road, gives the impression to the public that the entire area has frontage on the right of way. Additionally, the frontage as provided on the Main Street will provide access to all residents and customers patronizing the commercial uses in Buildings A, B, C, and D.

**Variance 9:** The literal interpretation of this ULDC requirement would create an unnecessary hardship for the applicant if this variance is not approved. The intent of the code to provide adequate park area within the TND is met with the parks as provided. The linear form of development for Parks #1 and #3 provide for amenities envisioned for this type of project, while in an alternative form apparently not anticipated by the code. In regard to Park #2, a 2.48 acre park area is provided in close proximity to residential units, fosters the pedestrian environment envisions with an urban form of development, while allowing some of the residents to access the park area without crossing a roadway.

**Variance 10.a. and 10.b.:** The intent of the code for the provision of adequate seating in the Neighborhood Squares is met via the provision in the Squares of seating consistent in design with that of Figure 3.F.3.E. – TND Neighborhood Park and Square for Square #2 and the design as proposed for Square #1. This supports the premise that the calculation rate mandated by the code is not warranted.

**5. GRANTING OF THE VARIANCE IN THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:**

**Variance 1 & 2:** The granting of the variance is the minimum necessary to allow for an efficient design, meeting the intent of the code, and allowing for a compact, urban form of development within the site constraints associated with the property. These constraints resulted in a more curvilinear design of the roadway network which in turn results in the necessity for some of the blocks to exceed the maximum block length of 750' and that the north side of Block 4 provides for three, rather than two, alleys.

**Variance 3:** The granting of the variance is the minimum necessary to allow for an efficient design, meeting the intent of the code, and allowing for sufficient buffering of the properties to the west. The roadway sections are narrow enough to foster the urban environment envisioned by the TND ordinance, while allowing for a site design to place an aesthetically pleasing buffer mechanism (lakes and open space) between the developed portion of the project and the existing residential uses to the west.

**VARIANCE 4:** The granting of the variance is the minimum necessary to allow the applicant to achieve a reasonable density in relation to the HR-18 and CH/8 land use associated with the land, as well as to provide for a design that allows for a mix of residential housing types. The form of ownership has no impact on the actual structure being provided to allow for only single family use occupation.

**VARIANCE 5:** The granting of the variance is the minimum necessary to make reasonable use of the land. By allowing for the accommodation of the square footage associated with the parking structures, a compact, sustainable project design is proposed. In order to provide for the urban environment envisioned for infill redevelopment projects, the introduction of the parking structures is the minimum necessary to make reasonable use of the land.

**VARIANCE 6:** The granting of the variance is the minimum necessary to make reasonable use of the land. The placement of the Neighborhood Centers and more intense building form along the Haverhill Road frontage allows for the multi-family units to be placed furthest away from the existing residential uses to the west, while allowing the development to create the mix of uses critical to a successful project.

**Variance 7.a. and 7.b.:** The granting of the variance is the minimum necessary to allow for the provision of additional park and square area in the size sufficient to serve the residents of the community without the requirement to provide for an additional unnecessary third Square in the development. The distance requirements for the park space are met by the current design layout, and the requirement to provide an additional Square in Neighborhood #3, or relocate Squares #1 and #2, would not further any greater benefit to the residents or visitors to the development.

**Variance 8:** The granting of the variance is the minimum necessary to allow for the most intensive uses, including the Square which is anticipated to serve not only the residents, but the patrons of the business located in Buildings A, B, C, and D, to be placed the furthest away from the existing residential to the west. Although it will not meet the perimeter requirements, it will appear to abut the right of way of Haverhill Road and serve all the residents and patrons shopping along Main Street.

**Variance 9:** The granting of the variance is the minimum necessary to allow for the provision of adequate park space in a design that promotes the safer use of Park #2 by the residents and provides for an alternative linear park design for Parks #1 and #3.

**Variance 10.a. and 10.b.:** The granting of the variance is the minimum necessary to provide for a reasonable amount of seating within the Neighborhood Squares. It is anticipated that any events would be held at the Amphitheater and the actual Squares will only serve the residents and customers of the commercial uses unorganized, casual seating. As any organized events would be rare, if ever, there would be no draw for a large amount of people to be utilizing the seating in the Squares at any given time. The amount of seating proposed is more than adequate to meet this need.

**6. GRANTING OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:**

**VARIANCE 1 & 2:** The granting of the variance is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and Code. Specifically, they are consistent with Policy 4.4.5-b as follows:

Pedestrian and bikeway circulation systems shall functionally and physically integrate the various land uses.

A continuous interconnected street system shall form a grid, or traverse the neighborhood, to increase circulation both within and among adjacent land uses.

The variances requested do not cause the plan to be inconsistent with these policies within the plan and the Code anticipates that unusual site constraints such as the ones associated with this site may result in the applicant requesting variances as allowed by the Code.

**VARIANCE 3:** The granting of the variance is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and Code. The form of development proposed which necessitates the requested variance is consistent with objectives within the Managed Growth Tier System, such as Objective 1.1. The proposed development plan accommodates future growth but prohibits further urban sprawl by the use of compact forms of sustainable development and enhances existing communities to improve livability, character, mobility, and identity. The variance is consistent with Policy 4.4.5-b.3. as follows:

- Pedestrian and bikeway circulation systems are still and physically integrate the various land uses.
- A continuous interconnected street system still traverses the neighborhood, to increase circulation both within and among adjacent land

uses. The internal streets are narrow and designed with traffic calming features to control speed.

- At a minimum, mass transit facilities shall be provided at the neighborhood square.
- Parking and loading functions are located and designed to respect, and reinforce, the pedestrian orientation of the neighborhood. These functions shall provide for on-street parking, parking behind buildings or in side lots.
- Street design standards still address pavement and right-of-way widths, turning radii, on-street parking, and other design criteria for roads, alleys and lanes.

The variance requested is consistent with the Code as the code anticipates the granting of variances in certain situations, upon satisfactorily addressing the criteria.

**VARIANCE 4:** The granting of the variance is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and Code. The form of development proposed which necessitates the requested variance is consistent with objectives within the Managed Growth Tier System, such as Objective 1.1. The proposed development plan accommodates future growth but prohibits further urban sprawl by the use of compact forms of sustainable development and enhances existing communities to improve livability, character, mobility, and identity. The variance requested is consistent with the Code as the code anticipates the granting of variances in certain situations, upon satisfactorily addressing the criteria. Additionally, the variance meets the intent of providing a mix of housing types for the development pursuant to Policy 4.4.5-b.2. as it provides for a mix of detached homes and multi-family units. The proposed form of condominium ownership does not negate the fact that there will still be a mix of housing types.

**VARIANCE 5:** The granting of the variance is again consistent with Objective 1.1 of the Plan and is not inconsistent with the purposes and policies of the Code. Furthermore, it is consistent with Policy 4.4-b.2 of the Plan as the County encourages TND's within the Urban/Suburban Tier designed in a compact form. Additionally, Policy 4.4-b.3.d states that parking functions shall be designed to respect and reinforce the pedestrian orientation of the neighborhood, including parking behind buildings. The provision for the parking structures actually reinforces the pedestrian orientation as the buildings will be lined with commercial uses on the first floor and residential

uses above, effectively screening the parking while providing for a more compact form of development.

**VARIANCE 6:** The granting of the variance is again consistent with Objective 1.1 of the Plan and Policy 4.4.5-b.2. of the Plan it is encouraged that multi-family units be located closest to the neighborhood center. Additionally, Policy 4.4.5-b.4.b. encourages that residential uses be located above commercial uses, such as is being proposed for those units along the front facades of the buildings fronting on Haverhill Road. The design accommodates future growth but prohibits further urban sprawl by the use of compact forms of sustainable development and the enhancement of existing communities to improve livability, character, mobility, and identity.

**Variance 7.a. and 7.b.:** The granting of the variances is consistent with Policy 4.4.5-a, as TND's may be allowed in all urban residential future land use categories and shall include an interspersed mix of uses integrated with a recreation and pedestrian oriented open space system. The provision for and location of the Neighborhood Square and Parks, as well as the Amphitheater, serve to create an integrated recreation system where these types of uses are easily accessible to all of the residents in the development. Further, the TND includes an appropriate mix of residential housing types at a range of densities, commercial, and institutional uses and the amount of usable, organized open space far exceeds the minimum of 5% requirement.

The variance requested is consistent with the Code as the code anticipates the granting of variances in certain situations, upon satisfactorily addressing the criteria.

**Variance 8:** It appears that the intent of this code section may be to allow for ease of access and the creation of a focal point by the design of the Square abutting a significant amount of road right of way along its perimeter. However, the design as proposed is consistent with Policy 4.4.5-b. of the Plan as minimum of 5% of the land area in a TND is devoted to an organized open space system, inclusive of greens or squares, located within 1/4 mile of residences. This open space is provided in the form of passive open space, and gathering space throughout the neighborhood. The design of the Square does create a community focal point and the public space is placed and oriented to terminate the vista at the intersection of the Main Street and the one way drive aisle to the west.

The variance requested is consistent with the Code as the code anticipates the granting of variances in certain situations, upon satisfactorily addressing the criteria.

**Variance 9:** The variance is not in conflict with Policy 4.4.5-a as it does provide for interspersed mix of uses integrated with a recreation and pedestrian oriented open space system as well as considerably more than the Plan requirement of a minimum of 5% of the development for usable, organized open space, in addition to the minimum park and recreation requirements established in the Recreation and Open Space Element. The variance is also in compliance with the Code requirements in regard to the amount of required park space.

**Variance 10.a. and 10.b.:** The variance is consistent with the Plan and Code. 72 l.f. of seating is proposed for the park area of the Neighborhood Squares and the design is consistent with that of Figure 3.F.3.E. – TND Neighborhood Park and Square for Square #2 and more than adequate as proposed for Square #1. An additional 90 linear feet of seating is also proposed to the east of the Neighborhood Square #2 in the linear open space east of Buildings B & C. The fact that a variance is required when the design is consistent with that of the ULDC graphic is further evidence that the calculation of one linear foot of seating per 30 sq. ft. of park area is unreasonable and most likely not intended. The variance requested is consistent with the Code as the code anticipates the granting of variances in certain situations, upon satisfactorily addressing the criteria.

**7. THE GRANTING OF THIS VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:**

**VARIANCE 1 & 2:** The granting of the variances will not be injurious to the area involved or otherwise detrimental to the public welfare. The development will provide for adequate traffic circulation throughout the site via the provision of a curvilinear roadway network of a design which will promote a more urban form of development.

**VARIANCE 3:** The granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The development will provide for adequate traffic circulation throughout the site and the design of the system will promote a reduced travel speed and a more urban form of development.

**VARIANCE 4:** The granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The form on ownership has no impact on the physical attributes of the units themselves. They will still function as detached residential units and are placed on the site to assist in buffering adjacent existing residential uses from the Neighborhood Centers.



**VARIANCE 5:** The granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In fact, the inclusion of the parking structures in the design for the Neighborhood Centers furthers the goals associated with compact, sustainable project design. Additionally, the Neighborhood Centers are located central to the project to allow for buffering of the uses from the existing residential to the west and north. The higher maximum building coverage will also have no effect on neighboring properties from a drainage standpoint, as evidenced by the drainage report submitted with the application materials.

**VARIANCE 6:** The granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The proposed locations of the Neighborhood Centers, and specifically the area subject to the height variance request, are located furthest from existing residential uses to the west and north. This location provides for the most mitigation to any perceived impacts while allowing for a sustainable development. The design of the plan additionally provides for retention areas and compatible residential units between the commercial uses and existing residential.

**VARIANCE 7.a. and 7.b.:** The granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The intent of all residents having convenient access to open space/recreation areas is met by the proposed number and locations of the Neighborhood Squares, Parks and Amphitheater. The amount of open space/recreation area proposed is far in excess of the amount required by the ULDC and serves to create a sustainable community.

**VARIANCE 8:** The granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The intent of creating a focal point and gathering area for residents is met. The design of the Neighborhood Square is easily accessible and fronts on the Main Street. While not abutting the Haverhill Road right of way, the continuation of the greenspace provided in front of the buildings on Haverhill, combined with the right of way buffers, provides for the impression of a much larger perimeter area of a square abutting a roadway.

**Variance 9:** The granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The provision of Parks #1 and #3 in a linear design still provides the amenities envisioned for the residents and the design of Park #2 with the multifamily units adjacent to the park area promotes easier and safer pedestrian access to the park.

**VARIANCE 10.a. and 10.b.:** The granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The

provision of the seating as proposed in the Neighborhood Square is consistent with the design detail in the ULDC and is more than adequate. Additionally, 90 linear feet of seating is also located in the area to the east of Buildings B and C, providing an additional gathering area. Neighborhood Parks 1 and 2, as well as the Amphitheater site, also provide for additional seating areas dispersed throughout the development.

On behalf of Fairways, LLC., Urban Design Kilday Studios respectfully requests favorable review and consideration of this Development Order Amendment Application. The project managers/agents at Urban Design Kilday Studios are Kerry Kilday and Wendy Tuma. Please feel free to contact the agents with any questions or for additional information in support of this development order amendment application.







