

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

Application No.:

Application Name:

Control No.:

Applicant:

Owners:

Agent:

Telephone No.:

Project Manager:

ZV/PDD-2015-00764

Gulfstream Polo Properties PUD

2005-00594

Pulte Home Corporation

Florida Polo Trust,
Dears Farm LLC,
Morning Mist Farms LLC,
G Carden,
Gulfstream Polo LLC,
Gulfstream Polo LLC & Florida Polo Trust,
Urban Design Kilday Studios - Chris Barry
Urban Design Kilday Studios - Wendy Tuma

(561) 366-1100, (561) 366-1100

Melissa Matos, Site Planner II

Hooks Road Properties LLC,
Muse Family Enterprises Ltd,
Gulfstream Barn LLC,
45th Street Investments LLC,
Kraml Property LLC,
Palm Tree Farms LLC.

TITLE: a Type II Variance REQUEST: to allow an increase in building coverage for Zero Lot Line and Single-family homes; and to allow an increase in sign face area, height, distance from the point of ingress and be located on a property that does not provide ingress or egress for an Off-site Sign.

TITLE: an Official Zoning Map Amendment to a Planned Development District REQUEST: to allow a rezoning from the Residential Transitional (RT) Zoning District to the Residential Planned Unit Development (PUD) Zoning District.

APPLICATION SUMMARY: Proposed are Type II Variances and an Official Zoning Map Amendment for the Gulfstream Polo Properties PUD. The 224.9 acre development has previous approvals granted by the Board of County Commissioners (BCC) for the Allie Polo Estates PUD and Gulfstream Groves PUD. These Development Orders (DO), however were revoked due to failure to comply with conditions of approval and by Article 2.E.2.D Monitoring, through resolutions R-2007-2131 and R-2008-0003, were rezoned back to the RT Zoning District.

The Applicant is proposing 351 Zero Lot Line (ZLL), 93 Single-family, and 494 Townhouse homes, for a total of 938 residential units. The Preliminary Master Plan (PMP) indicates 5 Residential Pods (220.85 acres), 1 public Civic Pod (4.52 acres), 5 Recreational Pod (5.83 acres), 45.98 acres of lake tracts, and 32.32 acres of open space. The Applicant is also requesting 6 Type II Variances to increase the building coverage (+10%) for ZLL and Single-family homes and to allow deviations from the requirements for Off-site Signage to allow an increase in sign face area (26 square feet (sq. ft.), height (+2 ft.), distance from the point of ingress (+1,450 ft.) and be located on a property that does not provide ingress or egress. There are 4 proposed access points from Polo Road.

SITE DATA:

Location:	East and west sides of Polo Road and north and south sides of 47th Place South approximately 650 feet south of Lake Worth Road and approximately 1,900 feet east of Lyons Road.
Property Control Number(s)	00-42-43-27-05-028-0141, 00-42-43-27-05-028-0200, 00-42-43-27-05-028-0311, 00-42-43-27-05-028-0331, 00-42-43-27-05-028-0371, 00-42-43-27-05-028-0472, 00-42-43-27-05-028-0490, 00-42-43-27-05-028-0510, 00-42-43-27-05-028-0621, 00-42-43-27-05-028-0132, 00-42-43-27-05-028-0191, 00-42-43-27-05-028-0300, 00-42-43-27-05-028-0332, 00-42-43-27-05-028-0372, 00-42-43-27-05-028-0471.
Existing Land Use Designation:	Low Residential (LR-2), Low Residential (LR-3), and Medium Residential (MR-5)
Proposed Land Use Designation:	No proposed change
Existing Zoning District:	Residential Transitional District (RT)
Proposed Zoning District:	Residential Planned Unit Development District (PUD)
Acreage:	224.90 acres

Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	West Lake Worth Road Neighborhood Plan
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	City of Greenacres

RECOMMENDATION: Staff recommends approval of the requested Rezoning and Type II Zoning Variances **V3** thru **V6** subject to 7 Conditions of Approval as indicated in Exhibit C-1 and 37 Conditions of Approval as indicated in Exhibit C-3; and,

Staff recommends denial of the requested Type II Zoning Variances **V1** and **V2** to increase the building coverage for both ZLL and Single-family units based upon the application of the standards enumerated in Article 2, Section 2.B.3.E of the Palm Beach County Unified Land Development Code (ULDC), which an Applicant must meet before the Zoning Commission (ZC) may authorize a variance. Should the ZC choose to approve the request, Staff recommends 8 Conditions of Approval as indicated in Exhibit C-2.

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received 0 contacts from the public regarding this project.

The Lake Worth Road Coalition has submitted a letter of support, but identifies concerns with increasing the number of townhomes and decreasing the number of single family homes. See Exhibit E. They make the following recommendations for the proposed development:

- 1- Concern of not utilizing Hooks Road for ingress/egress for the development.
- 2- The widening of Lyons Road to four (4) lanes from Lantana to Lake Worth Road completion to be as soon as possible in order to handle the increase of traffic.
- 3- The installation of traffic lights at both Polo Road and Lake Worth Road; and at 47th Place and Lyons Road, as soon as traffic warrants the need.

PROJECT HISTORY:

The proposed development consists of 18 separate parcels is within the boundaries of the West Lake Worth Road (WLWRD) Neighborhood Plan. The development has multiple Future Land Use Atlas (FLUA) designations as follows:

- Low Residential, 2 dwelling units per acre (du/ac) (LR-2): 18.43 acres
- Low Residential, 3 du/ac (LR-3): 60.45 acres
- Medium Residential, 5 du/ac (MR-5): 146.02 acres

Application No.	Request	Resolution	Approval Date
2005-00422 PDDW-2006-024	Allie Polo Estates PUD Rezoning from AR to PUD and Waiver for deviation from cul-de-sac requirement	R-2006-1548 and R-2006-1549	August 23, 2006
2005-00594 PDD-2005-01724	Gulfstream Groves PUD Rezoning from AR to PUD	R-2006-1551	August 23, 2006
2005-00594	Allie Polo Estates PUD Resolution correction for R-2006-1548	R-2006-2330	October 26, 2006
CR-2005-422	Status Report rezone from PUD to RT, revoking R-2006-1548	R-2007-2131	November 29, 2007
CR-2005-594	Status Report rezone from PUD to RT, revoking R-2006-1551	R-2008-0003	January 3, 2008
	West Lake Worth Road Neighborhood Plan Design Guidelines (WLWRD)	R-2009-2018	November 19, 2009
LGA 2010-010	Polo Club Residential FLUA from Low Residential LR-2 to Low Residential LR-3; 29.46 Acres; Density Restriction: Max. 88 units; Proposed: 75 units, 2.55 du/ac.	Ord. 2010-024	August 30, 2010
LGA 2011-002	Hooks Road FLUA from Low Residential LR-2 to Low Residential LR-3; 29.25 Acres; Density Restriction: Max.3 du/ac; Proposed: 87 units,	Ord. 2011-029	October 11, 2011

	2.97 du/ac.		
LGA 2014-001	Gulfstream Properties FLUA from Low Residential LR-2 & LR-3 to Medium Residential MR-5; 135.04 Acres; Density Restriction: Max. 675 units; Proposed: 653 units, 4.84 du/ac;	Ord. 2014-010	April 28, 2014
LGA 2014-002	Palm Tree Farms FLUA from Low Residential LR-2 to Medium Residential MR-5; 9.94 Acres; Density Restriction: Max. 49 dwelling units; Proposed: 47 units, 4.73 du/ac	Ord. 2014-011	April 28, 2014

SURROUNDING LAND USES:

NORTH:
 FLU Designation: Commercial High, with an underlying Low Residential (CH/2)
 Zoning District: Residential Transitional (RT) and Agricultural Residential (AR)
 Supporting: Residential and Equestrian

SOUTH:
 FLU Designation: Low Residential (LR-2)
 Zoning District: Residential Single-family
 Supporting: Residential (Lakes of Sherbrooke PUD, Control. No. 1974-00063)

EAST:
 FLU Designation: Low Residential (LR-2) and Utility and Transportation
 Zoning District: Residential Transitional (RT)
 Supporting: Vacant, Agriculture, and Florida Turnpike

WEST:
 FLU Designation: Commercial High, with an underlying Low Residential (CH/2)
 Zoning District: Agriculture Residential (AR)
 Supporting: Agriculture

FLU Designation: Medium Residential 5 units per acre (MR-5)
 Zoning District: Planned Unit Development (PUD)
 Supporting: Vacant approved for Residential (Gulfstream PUD, Control No. 2008-00297)

FLU Designation: Medium Residential (MR-5)
 Zoning District: Planned Unit Development (PUD)
 Supporting: Vacant approved for Residential (Andalucia PUD, Control No. 2008-00129)

TYPE II VARIANCE SUMMARY

	ULDC Article	Required	Proposed	Variance
V1	Art. 3.d.2.b Table 3.d.2.b Building Coverage for ZLL units	Maximum 50% building coverage for ZLL units	Maximum 55% building coverage for ZLL units	55% (+10%)
V2	Art. 3.e.2.d.1 Table 3.e.2.d Table 3.d.1.a Building Coverage	Maximum 40% building coverage for Single-family units	Maximum 44% building coverage for Single-family units	44% (+10%)
V3	Art. 8.h.1.b.2 Off-site signs	Off-site signs are only allowed on an adjacent property subject to a recorded document insuring ingress and egress to the parcel	Off-site sign on adjacent property not providing ingress and egress to the parcel	To allow an Off-site sign on an adjacent property that does not provide ingress and egress to the parcel
V4	Art. 8.h.1.b.4 Off-site signs	Off-site signs are only allowed on an adjacent property as long as the sign is within 50 feet of ingress point for the proposed project	Off-site sign on adjacent property within 1,500' of ingress point for the PUD	1500 feet from ingress point (+ 1,450 feet)
V5	Art. 8.h.1.b	Max. 24 sq. ft. of	Max. 50 sq. ft. of	50 sq. ft (+26 sq. ft.)

	Off-site signs table 8.h.1.b	allowable sign face area for an Off-site sign	allowable sign face area for an Off-site sign	
V6	Art. 8.h.1.b Off-site signs table 8.h.1.b	Max. 8 feet in height for an Off-site sign	Max. 10' in height for an Off-site Sign	10 feet high (+ 2 ft.)

FINDINGS:

Type II Concurrent Variance Standards:

When considering a Development Order application for a Type II Variance, the Zoning Commission shall consider Standards 1 through 7 listed under Article 2.B.3.E of the ULDC. The Standards and Staff Analyses are as indicated below. A Type II Variance which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

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:**

VI – V2: Applicant Justification: *While there was once the allowance for flexible regulations the provisions were removed in 2004 and, as such, the current building coverage requirements limit the provision of housing choices. This is because there are some single-story product types that wouldn’t physically fit on the single-family/ZLL lots. The increase in building coverage will allow for greater flexibility in the design of the proposed homes to best serve the target market.*

VI – V2: Staff Response NO: No special circumstances exist that are peculiar to this development that are not applicable to other developments within the same Zoning District. The Unified Land Development Code (ULDC) under Ordinance 2003-0067, Article 3 Property Development Regulations was modified to remove the language for flexible regulations, however it did not give an allowance to change the building coverage. The Flexible Regulations pertained to lot dimensions and side and rear setbacks. Additionally, the modifications to the ULDC did not change or modify the housing types/choices. If, as the Applicant states, the proposed one-story models would not fit on the minimum lot size, then the Applicant should propose a larger lot size that would accomadate such a building type.

The Applicant cites other examples of this Variance approval especially for the GL Homes developer. However, the Applicant fails to justify why this parcel of land is peculiar and warrants a need to increase building coverage other than making references to other applications that received approval for the same request in which Zoning Staff also recommended denial. These circumstances are not peculiar to this PUD project. Also previous ZV requests were for the one-story units only. The Applicant has specied if this is for one story product only. Staff therefore will recommend a condition that if the ZC approves the variance it shall be for one-story Single-family units only.

V3– V6: Staff Response YES: Special circumstances exist that are peculiar to the parcel of land is that the request for the proposed off-site sign that does not meet the location and size requirements is generated by special conditions and circumstances. The Applicant’s intent with this sign is to be a community identifier as well as identify the proposed PUD (Figure 12).

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

VI – V2: Applicant Justification: *The demand for larger, single-story product types is not a result of actions of the Applicant. This is a market-driven demand resulting from the desire of homeowner’s to spend more time indoors and/or to utilize the common recreation facilities within a given development for outdoor recreation rather than having a larger yard.*

VI – V2: Staff Response NO: The special circumstances and conditions are a result from the actions of the Applicant. The Applicant's Justification Statement states that there are circumstances that are market driven to meet the square footage needs of a prospective buyer in for one story unit. The reference made by the Applicant in the Justification Statement stating that other applications have been approved to allow Single-family residences to exceed the maximum building coverage

permitted by Code results from the Applicant's actions and is not peculiar to this PUD. The ULDC clearly states the requirements for Single-family and ZLL units. The Applicant has proposed the design of the lots, sizes, homes and sizes of the homes. The Applicant is clearly aware of the requirement to meet Code at time of application, and the Variance request is therefore a result of the Applicant's actions.

V3 – V6: Staff Response YES: Special circumstances and condition is this Variance request is not a result of actions as the Applicant is proposing the community identifying signage this is a provision that was not identified in the WLWRD Neighborhood Plan. The Applicant is taking lead on incorporating the identifier into the area so that it creates a sense of arrival to the area and identifies the proposed PUD.

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:**

VI – V2: Applicant Justification: *There are at least two other PUD's that have received similar variances. As such, allowing the Applicant to have additional building coverage will not confer any special privilege granted to other parcels within the same PUD Zoning District*

VI – V2: Staff Response NO: All Applicants must meet the minimum requirements of the Code at the time of application submittal. Granting of the variance would allow a deviation from Code requirements give the Applicant a special privilege denied by the Code. Previous approvals Do not justify a variance for this development. Additionally, the previous requests did not include ZLL homes which already have a 50% building coverage allowed. The previous requests were an increase in building coverage was requested only for single story models. The most recent PUD just west and adjacent of the subject development is Andalusia PUD. Andalusia did not seek variance requests and met the regulations of the Code and the Comprehensive Plan. The Applicant is requesting a special privilege.

V3 – V6: Staff Response YES: Special circumstances exist that is peculiar to the parcel of land. The configuration of the site requires the request for a combination of variances. Approval of the off-site signage would accommodate the Applicant's idea of providing a community identifying signage and signage for the PUD, and to compliment the WLWRD Neighborhood Plan with a sense of arrival to the area.

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:**

VI – V2: Applicant Justification: *Literal interpretation of the Code would deprive the Applicant the rights enjoyed by other PUD's that were granted variances to allow an increase in the maximum building coverage allowance. As such, this would cause an unnecessary and undue hardship as the Applicant would be unable to offer larger, single-story product types similar to what are being provided in other PUD's.*

VI – V2: Staff Response NO: Literal interpretation and enforcement of the terms and provisions of this Code would not deprive the Applicant of rights commonly enjoyed by other parcels of land in the same Zoning District, and would not work an unnecessary and undue hardship. The site can easily be designed to comply with Code since the Applicant could provide a larger lot and therefore a larger single story that meets the 40% maximum building coverage. Conversely, the Applicant can provide a smaller single story unit that meets the 40% maximum lot coverage as the lots are designed presently.

V3 – V6: Staff Response YES: 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 since and the configuration of the site requires the request for a combination of variances. Approval of the off-site signage would accommodate the Applicant's idea of providing a community identifying signage and signage for the PUD.

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

VI – V2: Applicant Justification: *Granting the requested variances for the maximum building coverage is the minimum variance needed to allow for the Applicant to offer larger, single-story product within the development.*

VI – V2: Staff Response NO: The Applicant's Justification Statement states that not every single family lot will utilize this variance due to different models proposed. Therefore, the Applicant has not requested the minimum variance to deviate from Code requirements. The Applicant is requesting a 10% variance (or a 4% increase in maximum building coverage from 40 to 44% for Single-family and an increase in maximum building coverage from 50 to 55% for ZZL units). As previously stated the Applicant had opportunity to

V3 – V6: Staff Response YES: Granting of the variance is the minimum variance necessary to make reasonable use of the parcel of land. The variance request is not as a result of the actions by the Applicant, this was a request of

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

VI – V2: Applicant Justification: *Allowing the Applicant to provide additional product types (through V1/V2) and community identifying signage (through V3-V6) will support the Applicant’s ingenuity and imagination in providing quality development.*

VI – V2: Staff Response NO: The granting of this Variance (Figure 10) would be inconsistent with the purposes, goals, objectives, and policies of the Code as the request is to deviate from Code requirements. The Applicant does not justify why or how their request is consistent with the Plan or the Code. This only states that granting the variance will support ingenuity and imagination in a quality development.

V3 – V6: Staff Response YES: The granting of this Variance will be consistent with the purposes, goals, objectives, and policies of the Code as the request is to deviate from Code requirements. Granting the requested variances to allow the off-site signage is the minimum variances needed to allow the Applicant to construct community and PUD identifying signage.

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

VI – V2: Applicant Justification: *Granting the requested variances for the maximum building coverage will not be injurious to the area involved as the exceedance in building coverage will only be noticeable from within the proposed development.*

VI – V2: Staff Response NO: An application for a rezoning shall comply with the ULDC to ensure that all Development Orders approved in unincorporated Palm Beach County are consistent with the Plan and Code. The Code establishes comprehensive and consistent standards and procedures for the review and approval of all proposed development of land. Further, the intent of the Code as relative to this Variance request is to prevent the overcrowding of land, facilitate adequate drainage, spacial separation, open space, and provide consistency in established regulations pursuant to Art. 1.A.1.C.

V3 – V6: Staff Response YES: The granting of this variance will not be injurious to the area involved or otherwise detrimental to the public welfare. Instead approval of the off-site signage would accommodate a community identifying and PUD signage and to compliment the WLWRD Neighborhood Plan with a sense of arrival to the area.

FINDINGS:

Rezoning Standards:

When considering a Development Order application for an Official Zoning Map Amendment to a Standard Zoning District or a rezoning to a PDD or TDD, the BCC and ZC shall consider Standards 1-7 listed under Article 2.B.1.B of the ULDC. The Standards and Staff Analyses are indicated below. An Amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

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

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

- Current Future Land Use (FLU) Designation: Low Residential 2 units per acre on 18.43 acres; Low Residential 3 units per acre on 60.45 acres; and, Medium Residential 5 units per acre (MR-5) on 146.02 acres, for a total of 224.90 acres.
- Consistency with the Comprehensive Plan: The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including densities and intensities of use.
- Prior Land Use Amendments: The request contains four areas that were the subject of previous Large Scale Land Use Amendments.

The central northwest 135.04 acres, known as LGA 2014-001 Gulfstream Properties, was adopted via Ordinance 2014-010, which changed the land use from Multiple Land Use (MLU) to Medium Residential 5 units per acre (MR-5). It was approved with one condition of approval which states,

“Development of the site is limited to a maximum of 5 dwelling units per acre, with no residential density increases permitted above 675 dwelling units. Vehicular and pedestrian connections shall be provided to all existing and future adjacent development as identified in the Lake Worth Road Neighborhood Master Plan (at a minimum).”

The central eastern 9.94 acres, known as LGA 2014-002 Palm Tree Farms, was adopted via Ordinance 2014-011, which changed the land use from Low Residential 2 units per acre (LR-2) to Medium Residential 5 units per acre (MR-5). It was approved with one condition of approval which states,

“Development of the site is limited to a maximum of 5 dwelling units per acre, with no residential density increases permitted above 49 dwelling units. Vehicular and pedestrian connections shall be provided to all existing and future adjacent development as identified in the Lake Worth Road Neighborhood Master Plan (at a minimum).”

The south eastern 29.25 acres, known as LGA 2011-002 Hooks Road Residential, was adopted via Ordinance 2011-029, which changed the land use from Low Residential 2 units per acre (LR-2) to Low residential 3 units per acre (LR-3). It was approved with two conditions of approval which state,

1. No residential density increases permitted above 3 dwelling units per acre; and
2. Development of the site shall comply with the West Lake Worth Road Neighborhood Plan Design Guidelines dated November 19, 2009 and the following:
 - a. The project shall provide usable open space and /or institutional uses that may promote social and cultural activities. At least 5% of the project shall be designed as usable open space to create square, greens and/or plazas. Usable Open Space is defined in the Introduction and Administration Element.
 - b. Vehicular and pedestrian connections shall be provided to all existing and future adjacent development as identified in the Lake Worth Road Neighborhood Master Plan (at a minimum).

The south western 29.46 acres, known as LGA 2010-010 Polo Club Residential, was adopted via Ordinance 2010-024, which changed the land use from Low Residential 2 units per acre (LR-2) to Low residential 3 units per acre (LR-3). It was approved with two conditions of approval which state,

1. Development of the site is limited to a maximum of 3 dwelling units per acre, with no residential density increases permitted above 88 dwelling units.
2. Development of the site shall comply with the West Lake Worth Road Neighborhood Plan Design Guidelines dated November 19, 2009 and the following:
 - a. The project shall provide usable open space and /or institutional uses that may promote social and cultural activities. At least 5% of the project shall be designed as usable open space to create square, greens and/or plazas. Usable Open Space is defined in the Introduction and Administration Element.
 - b. Vehicular and pedestrian connections shall be provided to all existing and future adjacent development as identified in the Lake Worth Road Neighborhood Master Plan (at a minimum).

In conclusion, the request is consistent with the above land use ordinance conditions as follows: the overall plan outlines how each area containing an ordinance with conditions is within the density restrictions for each amendment and the neighborhood plan overall; provides a network of pedestrian connections throughout the project that also connects to adjacent parcels yet to be constructed; provides the minimum of 5% open space within Ord. 2010-24 and Ord. 2011-29, and provides several roundabouts along Polo Road with the primary and secondary buffers as described in the neighborhood plan.

○ Density & Workforce Housing Program (WHP): The Applicant is requesting a total of 938 units for this 224.71 acre site, which is consistent with the land use designations and is less than the maximum 947 units that are permitted for the overall site. The site consists of three residential Land Use designations: 19.21 acres of LR-2, 58.67 acres of LR-3 and 146.83 acres of MR-5. Based on these designations, the maximum density available without the use of any bonus density is as follows:

<u>Standard & PUD Density:</u>	<u>Workforce Housing (WHP):</u>
731 Standard density	36.55 WHP units (5%)
<u>216 PUD density</u>	<u>34.56 WHP units (16%)</u>
947 total units	71.11 or 71 required WHP (rounded down)

However, the Applicant is only requesting 938 units. Therefore, the density and required Workforce Housing will be calculated as follows:

<u>Standard & PUD Density:</u>	<u>Workforce Housing (WHP):</u>
731 Standard units	36.55 WHP units (5%)
<u>207 PUD units</u>	<u>33.12 WHP units (16%)</u>
938 units total	69.67 or 70 required WHP (rounded up)

Since the request is greater than 10 units, participation in the program will be mandatory. The Workforce Housing Program provides housing for qualified buyers with an income that is 60 -140% of the Area Median Income (AMI). Currently, per HUD, Palm Beach County has an AMI of \$64,900. Additionally, the Applicant has chosen WHP Option 1, No Incentive, to only utilize the maximum PUD density with no additional density bonus, and to construct the WHP units onsite.

The mandatory WHP program requires that a percentage of units be deed restricted for a specified term to be sold or rented. The following are the current sales and rental prices, per income category, for 2015 in Palm Beach County. These homes cannot be sold or rented at a higher price and any Utility Allowances are to be applied against gross maximum rent and the rental prices. Based on the Median Family Income of \$64,900, the following are the WHP sales and rental Prices:

<u>WHP Sales Prices:</u>	
<u>WHP Income Category:</u>	<u>2015 Sales Prices:</u>
Low (60-80%)	\$136,290
Moderate-1 (>80-100%)	\$175,230

Moderate-2 (>100-120%)	\$214,170
Middle (>120-140%)	\$253,110

WHP Rental Prices:

Income %:	1 BR:	2 BR:	3 BR:	4 BR:
60%	\$ 738	\$ 886	\$1,023	\$1,141
80%	\$ 985	\$1,182	\$1,365	\$1,522
100%	\$1,231	\$1,478	\$1,706	\$1,903
120%	\$1,477	\$1,773	\$2,047	\$2,283
140%	\$1,723	\$2,068	\$2,388	\$2,663

○ Special Overlay District/ Neighborhood Plan/Planning Study Area: This site is within the boundaries of the West Lake Worth Neighborhood Plan. The Neighborhood Plan was received by the BCC via resolution 2009-2018 on November 19, 2009 as recognition of the document articulating the desires and consensus of the community. As stated in “consistency with FLUA amendment conditions” above, the request is generally consistent with the design guidelines and the Neighborhood Plan Master Plan.

It should be noted that connections to Hooks Road, which is depicted on the neighborhood plan master plan, are not incorporated within the design of the project. Hooks Road is not a County road identified on the County thoroughfare roadway network. The road is in fact a private ingress easement that was dedicated as an easement between several private property owners. The Applicant intends to vacate the easement along and within the boundaries of the project. All parcels would utilize the new proposes street system, and no parcels would be rendered inaccessible. Furthermore, Hooks Road was depicted on the Neighborhood Plan Master Plan should those parcels have come in individually for independent Development Orders. As proposed, this request achieves the same goal in a coordinated and cohesive manner.

The Applicant has met with the neighborhood group on several dates: April 22, 2015, June 13, 2015, August 3, 2015 and August 25, 2015. The Lake Worth Coalition, Inc. provided a letter of support, dated September 1, 2015 (Exhibit E). The letter identified concerns regarding the number of townhomes versus Single-family homes and included three suggestions as follows: widen Lyons Road to 4 lanes, require connections to Hooks Road and install traffic lights at both Polo Road and Lake Worth Road and at the intersection of Lyons Road and 47th Place.

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

○ Exemplary Features: Pursuant to ULDC Section 3.E.2.A.4., Exemplary, a rezoning to the PUD District shall only be granted to a project exceeding the goals, policies and objectives in the Plan, the minimum requirements of this Code, and the design objectives and performance standards in this Article which include, but are not limited to, sustainability, trip reduction, cross access, buffering, aesthetics, creative design, vegetation preservation, recreational opportunities, mix of uses, mix of unit types, safety, and affordable housing the rezoning of property to the PUD district shall only be granted for projects that exceed the minimum ULDC requirements for a Planned Development District. The proposed Master Plan provides the following features to achieve the PUD exemplary design objectives in compliance with the ULDC and the WLWRD Plan:

The Lake Worth Road Neighborhood Plan Design Guidelines are contained within the WLWRD Neighborhood Plan which was formally received by the BCC via Resolution 2009-2018 on November 19, 2009. The request is generally consistent with the conditions and the Design Guidelines:

- a. Open Space: As shown on the Preliminary Master Plan the proposed open space provided within the project equates to 89.96 acres or 40% of the 224.9 acres;
- b. Future Cross-Access: Provides several locations consistent with the Lake Worth Road Neighborhood Master Plan;

d. Round-a-bouts: A total of three round-a-bouts along Polo Road and the new 80 foot right-of-way in accordance with the general locations shown on the Neighborhood Plan;

e. Primary and Secondary Buffers: The Applicant is providing 30 foot primary buffer with meandering pathways along Polo Road and 47th Place South and a 20 foot secondary buffer along the new 80 foot right-of-way leading to the public civic site in accordance with the Code and consistent with the Neighborhood Plan.

○ Focal Points: The proposed Single and Multi-Family housing development consists of 938 units that are designed with vehicular ingress/egress from/to an interior roadway system. Seven of the 26 roadways (or 27%) are terminated by landscape focal points, which is above the code minimum of 15%. There are seven focal points incorporated into the roadway design to provide a landscape feature.

○ Property Development Regulations: In addition to the consistency with maximum density restrictions and minimum open space as indicated above the proposed vehicular and pedestrian connection system for the PUD ensures that the plan is consistent with the conditions of approval requiring that connections be provided to all existing and future developments identified on the Neighborhood Plan. The Building Coverage requests are subject to ZC approval, should they be denied, the Applicant will need modify the PDR tables described on the Preliminary Master Plan and update the Regulating Plan for the typical lots.

○ Overlays: The Lake Worth Road Neighborhood Plan Design Guidelines are contained within the WLWRD Neighborhood Plan which was formally received by the BCC via Resolution 2009-2018 on November 19, 2009. The request is generally consistent with the conditions and the Design Guidelines and received a letter of support from the Lake Worth Coalition (Exhibit E), which represents the Neighborhood Plan.

○ Architectural Review: Compliance with Article 5.C. is not required for Single-family or townhouse development which does not exceed more than 16 units per building.

○ Signs: The Applicant is requesting a Type II Variance for off-site signage. Staff is in support of this request.

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

The proposed amendment for a PUD is compatible with the surrounding area which is located in the WLWRD Neighborhood. The subject site is adjacent to Polo Road and the Florida Turnpike to the east. A 20 foot Type 3 Incompatibility Landscape Buffer has been provided along the north property line with supports agricultural equestrian uses.

To the northeast are parcels currently owned by the FDOT which have residential FLUA designations and are within residential zoning districts. To the west are two previously approved, but not yet constructed, PUD's (Gulfstream PUD and Andalucia PUD) and to the south is an existing, built community known as the Lakes of Sherbrooke. The uses within the proposed PUD are defined as being compatible with these previously approved residential communities.

The design of the proposed residential development along with the separation provided by existing and proposed R-O-W's, LWDD Canal's L-13/L-14 and the proposed perimeter buffers, serves to make the proposed use compatible with the existing and proposed residential/equestrian/civic uses. Although some adjacent properties are currently developed at a lower density than the proposed gross density of 4.17 du/ac it should be noted that the subject property is being developed in compliance with the density guidelines in the WLWRD Neighborhood Plan.

4. **Effect on Natural Environment** – *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.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:
VEGETATION PROTECTION: The majority of the property has been previously cleared for agricultural uses. The remaining native trees that cannot be incorporated into the final plan shall be mitigated on the site.

WELLFIELD PROTECTION ZONE: The properties are not located with 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. The proposed zoning will not have adverse impacts on the natural environment.

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

The proposed amendment will result in a logical development pattern. Over the last five years there have been eight FLUA Amendments adopted that have increased the allowable intensity/density and has gradually altered the character of the surrounding area. Four of the FLUA Amendments approved have been within the boundaries of the subject property. Most recently, application LGA 2014-001, which requested to amend the FLUA of 135 acres from Multiple Land Use (MLU with CL-O/3 and LR-3) and LR-2 to MR-5, was approved through Ordinance No. 2014-010. The maximum development potential on this 135-acre parcel was amended from 366 du and 273,208 square feet of commercial office to 675 dwelling Units.

In their report to the Planning Commission the PBC Planning Division Staff summarized their recommendation by indicating that this proposed density increase “would be compatible, would not contribute to Urban Sprawl, and would meet all relevant level of service standards.” As such, it is evident that the surrounding area is continuing to evolve and, more recently, is trending towards supporting more residential units.

The proposed rezoning from the RT Zoning District to the PUD Zoning District will not alter the existing development pattern in the vicinity, and would have no adverse impact on the local development patterns, timing or trends.

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

ENGINEERING COMMENTS:
TRAFFIC IMPACTS

Total net new traffic expected from this project is 7,725 daily trips, 518 AM and 625 PM peak hour trips. This traffic is subject to review for compliance with the Unified Land Development Code Article 12 - Traffic Performance Standards (TPS). A 2022 buildout date was analyzed in the traffic study. The following conditions are required for compliance with TPS:

- * Contribution of a proportionate share payment of 22.1% of the cost for the widening of Lake Worth Road from Lyons Road to Polo Road from a six-lane-divided to an eight-lane-divided facility.
- * Contribution of a proportionate share payment of 9.3% of the cost for the widening of Lake Worth Road from Polo Road to the Turnpike from a six-lane-divided to an eight-lane-divided facility.
- * Phasing to the Assured Construction to widen Lyons Road from Lake Worth Road to Lantana Road from a two-lane to a four-lane-divided facility.

The project also requires Signalization at the intersection of Lake Worth Road and Polo Road as well as construction of an exclusive eastbound right-turn lane at this location.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)
Segment: Lake Worth Road from Lyons Road to Florida's Turnpike
Existing count: Eastbound = 1,727; Westbound = 2,224
Background growth: Eastbound = 494; Westbound = 588
Project Trips: Eastbound = 112; Westbound = 201
Total Traffic: Eastbound = 2,333; Westbound = 3,013
Present laneage: 6 Lanes
Assured laneage: 6 Lanes
LOS "D" capacity: 2,680 vehicles per hour (directional)
Projected level of service: below "D"

Prior to issuance of the first building permit the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code.

The Property Owner shall abandon all rights of way and easements not utilized in the final design.

The Property Owner shall finalize the alignment of Polo Road, and demonstrate that the through lanes for Polo Road and Blanchette Trail align across Lake Worth Road.

The Property Owner shall dedicate the right of way for Polo Road.

The Property Owner shall fund construction plans and the construction of Polo Road.

The Property Owner shall provide drainage for Polo Road.

The Property Owner shall obtain a Right of Way Permit from the Palm Beach County Engineering Department, Permit Section, for access onto 47th Place South and a permit from the Florida Department of Transportation for access onto Lake Worth Road.

The Property Owner shall notify potential purchasers of the Thoroughfare Roadways in and adjacent to the project.

The Property Owner shall provide sound mitigation for Florida's Turnpike.

PALM BEACH COUNTY HEALTH DEPARTMENT: Project meets all Department of Health requirements at this time.

FIRE PROTECTION: Staff has reviewed the project and has no issues at this time.

SCHOOL IMPACTS: In accordance with adopted school concurrency, a Concurrency Determination for 938 residential units (628 Single-family units, 310 multi-family units) had been approved on April 30, 2015 (Concurrency Case #15042801C). The subject property is located within Concurrency Service Area 15 (SAC 216A).

This project is estimated to generate approximately two hundred and thirty-eight (238) public school students. The schools currently serving this project area are: Discovery Key Elementary School, Woodlands Middle School and Park Vista Community High School.

The Preliminary Master Plan (dated 5/22/15) shows two (2) school bus shelter locations. A bus shelter condition of approval has been applied to this petition request.

PARKS AND RECREATION: Based on a proposed 938 dwelling units, a minimum of 5.63 acres of onsite recreation is required. The plan submitted indicates 5.85 acres of recreation will be provided, therefore Parks and Recreation Dept. standards have been addressed.

CONCURRENCY: Concurrency has been approved for 444 Single-family dwelling units and 494 Multi-Family dwelling units. The proposed amenedment complies with Article 2.F, Concurrency.

7. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate the amendment.*

The Applicant states that since the previous approvals were revoked in 2007 the residential housing market has shown a more positive growth trend. The proposed rezoning request allows the opportunity to provide for a well planned, suitable and functional development. The subject site represents an opportunity for enhancement and combination of existing properties for an overall Planned Development.

CONCLUSION

Staff has evaluated the standards listed under Article 2.B.2.B and Article 2.B.3.E determined that there is a balance between the need for change and the potential impacts generated by the Rezoning and Variances V3 to V6. Therefore, staff is recommending approval of these requests. 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-1 and C-3.

Based on the Standards of Article 2.B.3.E, Staff recommends denial of the Type II Variances **V1** to **V2** as it does not comply or meet these standards. Should the Zoning Commission approve the Type II Variances for V1 -V2, Staff recommends the approval be subject to the Conditions of Approval as indicated in Exhibit C-2.

CONDITIONS OF APPROVAL

Exhibit C-1

Type II Variance - Concurrent

(Variance V3 – V6 – Off-site Sign)

ALL PETITIONS

1. Development of the site is limited to the site design and location as approved by the Zoning Commission. The approved Preliminary Master Plan is dated August 25, 2015 and the Preliminary Master Sign Plan is dated August 13, 2015. All modifications to this Development Order must be approved by the Zoning Commission, unless the proposed changes are required to meet Conditions of Approval. (DRO/ONGOING: ZONING - Zoning)

VARIANCE

1. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for Application Number ZV/PDD 2015-00764. (ONGOING: MONITORING - Zoning)

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

SIGNS

1. Replacement or relocation of the off-site sign fronting on Lake Worth Road shall be limited as follows:

- a. maximum sign height - ten (10) feet measured from finished grade to highest point;
- b. maximum sign face area - fifty (50) square feet;
- c. maximum number of signs - one (1) and,
- d. style - community identifier sign only.

(BLDGPMPT: BUILDING DIVISION - Zoning)

COMPLIANCE

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

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)

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

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

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

DISCLOSURE

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

Should the Zoning Commission support the Variance V1 – V2 for Building Coverage the following conditions should apply:

CONDITIONS OF APPROVAL

Exhibit C-2

Type II Variance - Concurrent

(Variance V1 - V2 – Building Coverage)

ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved Preliminary Master Plan is dated August 25, 2015. All modifications to the Development Order must be approved by the Board of County Commissioners or Zoning Commission, unless the proposed changes are required to meet Conditions of Approval. (DRO/ONGOING: ZONING - Zoning)

VARIANCE

1. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for Application Number ZV/PDD 2015-00764. (ONGOING: MONITORING - Zoning)

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

3. Prior to application for a Building Permit the Final Subdivision Plan shall be amended to include the approved Variance Chart for any Single-family unit with a building coverage greater than 40% or any Zero Lot Line (ZLL) Unit with a building coverage greater than 50% in accordance with ZV/PDD 2015-00764. (BLDGPM: BUILDING DIVISION - Zoning)

4. The Variance building coverage greater than forty percent (40%) for the Single-family units shall only apply to the one (1) story Single-family units. (BLDGPM: BUILDING DIVISION - Zoning)

COMPLIANCE

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

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

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

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

DISCLOSURE

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

CONDITIONS OF APPROVAL

Exhibit C-3

PDD - Residential Planned Development District

ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved Preliminary Master Plan is dated August 25, 2015. All modifications to the Development Order must be approved by the Board of County Commissioners or Zoning Commission, unless the proposed changes are required to meet Conditions of Approval. (ONGOING: ZONING - Zoning)

ENGINEERING

1. TPS PHASING

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, 2022. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

b. No Building Permits for more than 248 single-family dwelling units and 240 townhome units (or development generating an equivalent number of external PM peak hour inbound trips) shall be issued until the Property Owner makes a proportionate share payment of 22.1% of the cost of the widening of Lake Worth Road from Polo Road to the Turnpike from a 6 lane divided facility to an 8 lane divided facility. This proportionate share payment, which is impact fee creditable, may be applied toward construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project. (BLDGPMPT: MONITORING - Engineering)

c. No Building Permits for more than 257 single-family dwelling units and 250 townhome units (or development generating an equivalent number of external AM peak hour inbound trips) shall be issued until the contracts have been let for the Assured Construction improvement to widen Lyons Road from Lake Worth Road to Lantana Road from a 2 lane facility to a 4 lane divided facility. (BLDGPMPT: MONITORING - Engineering)

d. No Building Permits for more than 272 single-family dwelling units and 270 townhome units (or development generating an equivalent number of external PM peak hour outbound trips) shall be issued until the Property Owner makes a proportionate share payment of 9.3% of the cost of the widening of Lake Worth Road from Lyons Road to Polo Road from a 6 lane divided facility to an 8 lane divided facility. This proportionate share payment, which is impact fee creditable, may be applied toward construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project. (BLDGPMPT: MONITORING - Engineering)

2. The Property Owner shall plat the subject property:

a. An approved boundary plat of all property within the project area shall be recorded prior to abandonment of any internal public rights of way. (ONGOING: ENGINEERING - Engineering)

b. Prior to issuance of the first building permit within a pod, the property shall be platted in accordance with Article 11 of the Unified Land Development Code. (BLDGPMPT/ONGOING: MONITORING - Engineering)

3. Prior to issuance of the first building permit, the Property Owner shall abandon all public rights of way and release, relocating as necessary, any easements that will not be utilized in the final design. (BLDGPMPT: MONITORING - Engineering)

4. The Property Owner shall provide to the Palm Beach County Roadway Production Division a road right of way deed and all associated documents as required by the County Engineer for Polo Road, forty (40) feet, measured from centerline of the proposed right of way for a total of eighty (80) feet in width on an alignment approved by the County Engineer from the southern terminus of Polo Road north to Lake Worth Road.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer,

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

5. Prior to the DRO approval of the master plan, the Property Owner shall finalize the alignment for Polo Road including alignment of the through lanes on Polo Road with the through lanes on Blanchette Trail on the north side of Lake Worth Road. (DRO: ENGINEERING - Engineering)

6. The Property Owner shall provide for the acquisition funding costs of the right of way for Polo Road from the south project limits with a connection to 47th Place South to Lake Worth Road to provide for a minimum of eighty (80) feet in width plus additional right of way for turn lanes in accordance with Palm Beach County's Thoroughfare Right of Way Identification Map and Palm Beach County's Expanded Intersection Standard Details. Final alignment for the right of way shall be subject to approval by the County Engineer. Funding shall include Palm Beach County staff and attorney costs. Acceptable surety shall be provided to the Roadway Production Division prior to March 31, 2016, or prior to the issuance of the first building permit, whichever first occurs. In the event that the Property Owner constructs all of Polo Road from Lyons Road to Lake Worth Road, the portion from Lyons Road to the eastern terminus of Polo Road shall be eligible for impact fee credits, in an amount as approved by the County Engineer. (BLDGPMT/DATE: MONITORING - Engineering)

7. Prior to recordation of a plat with Required Improvements, the Property Owner shall fund the construction plans and the construction of Polo Road as a two (2) lane road plus the appropriate tapers and turn lanes from 47th PI S, including a connection to that road, north to Lake Worth Road. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. Construction plan and construction costs shall be as approved by the County Engineer. All canal crossings (bridges and/or culverts) within the improvement limits shall be constructed to their ultimate configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. In the event that the Property Owner constructs all of Polo Road from Lyons Road to Lake Worth Road, the portion from Lyons Road to the eastern terminus of Polo Road shall be eligible for impact fee credits, in an amount as approved by the County Engineer. (PLAT: ENGINEERING - Engineering)

8. The Property Owner shall construct a Right Turn Lane, West Approach on Lake Worth Road at Polo Road.

a. Prior to the issuance of the first building permit, the property owner shall fund the acquisition to provide the Florida Department of Transportation (FDOT) by deed additional right of way for the construction of a right turn lane on Lake Worth Road at Polo Road. 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 FDOT. The right of way shall be free and clear of all encumbrances and encroachments. Property owner shall provide FDOT with sufficient documentation, which may include at minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from tax collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as

otherwise required and acceptable to FDOT. The Grantor must warrant that the property being conveyed to FDOT 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 and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and corner clips. (BLDGPMPT: MONITORING - Engineering)

b. Prior to issuance of the 50th Certificate of Occupancy or prior to the installation of the traffic signal on Lake Worth Road at Polo Road, whichever occurs first, the Property Owner shall construct a right turn lane, west approach on Lake Worth Road at Polo Road. 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 funding the acquisition of any additional required right of way. (BLDGPMPT/CO: MONITORING - Engineering)

9. NOISE MITIGATION CONDITIONS

a. The Property Owner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans, and related Site Plans contain a disclosure statement identifying that this site is adjacent to the Florida Turnpike and the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to the Florida Turnpike. Also, there shall be a statement included in the sales contracts and homeowner documents the noise levels residents may expect after any noise mitigation improvements will be constructed by the Property Owner. If the State of Florida guidelines does not require any noise mitigation improvements, all sales contracts and homeowner documents shall include a statement of the noise levels residents may expect, that noise mitigation were not required under the State of Florida Guidelines at the time of the approval, and that any noise mitigation measures requested in the future will not be constructed by Palm Beach County. The Property Owner shall submit documentation of compliance on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before December 31, 2016, and shall continue on an annual basis until all units within the development have been sold or the Property Owner relinquishes control to the homeowner's association. (DATE: MONITORING - Engineering)

b. Prior to DRO certification of the Final Master Plan, the Property Owner shall provide a required noise mitigation analysis. The Master Plan shall be revised to reflect compliance with the noise study. Any required mitigation as a result of the anticipated noise such as a sound wall and landscape buffer, shall be shown on the Final Master Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ENGINEERING - Engineering)

c. Construction of any sound walls and/or landscape buffers as outlined in the Noise Analysis shall be completed prior to the issuance of the 50th certificate of occupancy. (BLDGPMPT/CO: MONITORING - Engineering)

10. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Polo Road along the property frontage; and a maximum of an additional 800 feet of this adjacent roadway as well as drainage for any other portion of Polo Road that is constructed by this Property Owner. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage

easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: ENGINEERING - Engineering)

11. Within ninety (90) days notice by the County Engineer, the property owner shall provide a roadway construction easement to Palm Beach County along Polo Road. This roadway construction easement shall also contain an isosceles trapezoid connecting the any Corner Clips across this property's entrance(s). The property owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (ONGOING: ENGINEERING - Engineering)

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

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

b. Any required drainage easements shall be dedicated or recorded prior to or concurrent with recordation of the first plat with residenutal units. (PLAT: ENGINEERING - Engineering)

13. MAJOR THOROUGHFARE ROAD DISCLOSURE

a. Prior to the issuance of the first Building Permit., the Property Owner shall include in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying Florida's Turnpike, Lake Worth Road, Polo Road, and 47th Place South as planned thoroughfare roadways adjacent to or through this property. This shall also include the ultimate number of lanes for the road(s). Information which appears in written form shall appear in bold print. (PLAT: MONITORING - Engineering)

b. The Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before December 31, 2016, and shall continue on an annual basis until all units within the development have been sold or the Property Owner relinquishes control to the homeowners association. (DATE: MONITORING - Engineering)

14. SIGNALIZATION

The Property Owner shall fund the cost of signal installation when warranted as determined by the County Engineer and the Florida Department of Transportation at Lake Worth Road and Polo 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 50 dwelling units shall not be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPM: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)

15. The Proportionate Share Agreement dated October 22, 2015, is hereby adopted by reference. (ONGOING: ENGINEERING - Engineering)

HEALTH

1. Prior to the issuance of a building permit, the property owner shall be in receipt of a letter issued by the Florida Department of Environmental Protection (FDEP) stating that a determination on No further Action has been issued for the contaminated site, or that contamination assessment and clean-up of the site are addressed satisfactorily, and development may proceed subject to any institutional and/or engineering controls approved by FDEP. (BLDG PERMIT: MONITORING -Health) (BLDGPMT: MONITORING - Health Department)
2. The property owner shall not develop any area of the site that is identified as contaminated or potentially contaminated as determined through review by the Florida Department of Environmental Protection (FDEP) unless the property owner is in receipt of written approval from the FDEP for such development including details of any necessary institutional or engineering control or restrictions on such development. (ONGOING: CODE ENF- Health) (ONGOING: HEALTH DEPARTMENT - Health Department)
3. Prior to the final approval by the Development Review Officer (DRO), the property owner shall submit to the Palm Beach County Health Department copies of any Site Assessment Reports and Remedial Action Plans required by the Florida Department of Environmental Protection (FDEP). (DRO: HEALTH- Health) (DRO: HEALTH DEPARTMENT - Health Department)
4. The Property Owner shall adhere to the requirements pursuant to the approved Dust Control Letter during all applicable phases of construction. The Letter shall be posted alongside the Building Permit on the construction site. (ONGOING: HEALTH- Health)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting, the owner shall convey that portion of Tracts 33, 48, 49 & 64, Block 28, PBFCP3, PB 2, PG 45, lying within 215 feet from the centerline of the Florida Turnpike s Right-of-Way, less lands owned by LWDD, for the ultimate right-of-way for the E-2W Canal. PLAT: ENG-LWDD. (PLAT: ENGINEERING - Lake Worth Drainage District)
2. Prior to platting, the owner shall convey the north 45 feet of Tracts 33-37, Block 28, PBFCP3, PB 2, PG 45, less lands owned by LWDD, for the ultimate right-of-way for the L-13 Canal. PLAT: ENG-LWDD. (PLAT: ENGINEERING - Lake Worth Drainage District)

LANDSCAPE

1. Prior to Final Approval by the Development Review Officer, five (5) landscape focal points shall be shown on the Regulating Plan(s), and shall be subject to review and approval by the Landscape Section. (DRO/ONGOING: ZONING - Zoning)

PLANNED DEVELOPMENT

1. Prior to Final Approval by the Development Review Officer, the Subdivision and Regulating Plans shall be revised to indicate upgraded recreation amenities within each of the neighborhood parks. These additional amenities shall:
 - a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paving blocks, or other improved surface;
 - b. include a minimum of two (2) pedestrian benches;
 - c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench; [adjust numbers accordingly]; and,
 - d. include a shade structure (eg. trellis, gazebo, pergola), tot lot, fitness station, rest station, or similar recreation amenity; and,
 - e. details for all items indicated above shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)

PLANNING

1. Prior to the issuance 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 ULDC Article 5.G. These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the requirements in ULDC Article 5.G. The site plan shall also be modified to include

the OR Book and Page of the recorded document and provide a copy of the revised site plan to Planning. (BLDGPMT: MONITORING - Planning)

2. On an annual basis, beginning November 1, 2018, or as otherwise stipulated in the Declaration of Restrictive Covenants, the owner of the WHP unit shall submit to the Planning Director, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. (DATE/ONGOING: MONITORING - Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 4.5 acre public civic site (net usable area - excluding buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by June 1, 2017. Property Owner to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

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

b) Concurrency

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

c) Taxes

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

d) Site condition

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

e) Retention and Drainage

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

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

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

f) On-Site Inspections

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

g) Vegetation Permit

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

h) Buildable Grade

Prepare civic site to buildable grade under the direction of the FDO Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (at the discretion of FDO), all of which shall be to the satisfaction of FDO.

i) Water & Sewer

Property Owner to provide water, sewer, reclaim water stubbed out to the property line and other required utilities as determined by PREM. (DATE: PROPERTY REAL ESTATE MANAGEMENT - Monitoring)

2. The Property Owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by April 3, 2017. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

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

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

c) The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey. (DATE: PROPERTY REAL ESTATE MANAGEMENT - Monitoring)

3. The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by April 3, 2017. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

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

a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.

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

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

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS).

c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.

d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.

e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.

If the Phase I audit indicates that a Phase II is necessary, then the property owner shall be required to provide that audit as well. (DATE: PROPERTY REAL ESTATE MANAGEMENT - Monitoring)

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

SCHOOL BOARD

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

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not 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 - School Board)

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

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

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

COMPLIANCE

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

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

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject

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

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

DISCLOSURE

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

ZC
Application No. ZV/PDD-2015-00764
Control No. 2005-00594
Project No. 01000-086

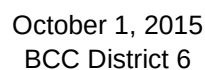


Figure 2 - Zoning Map

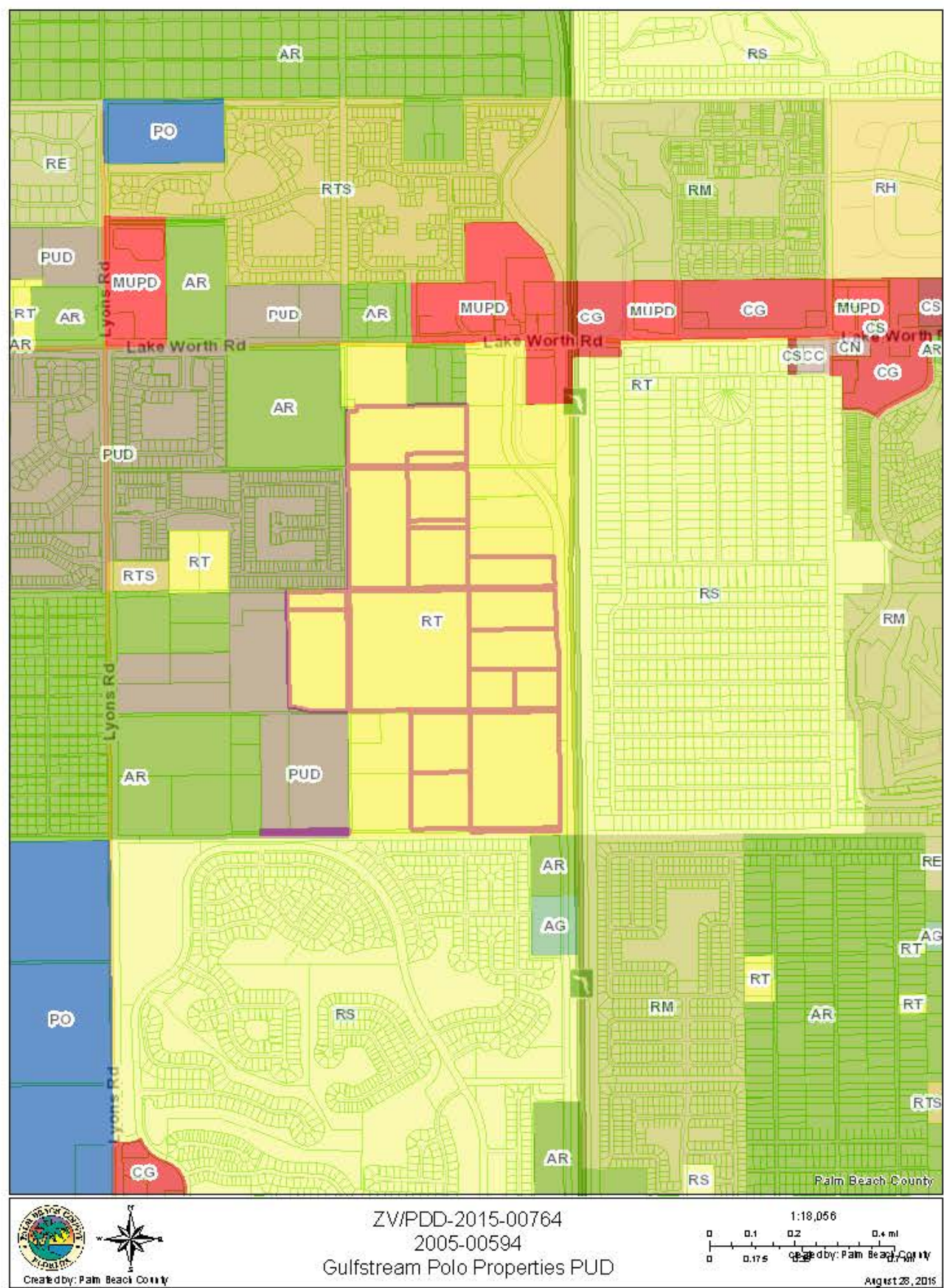
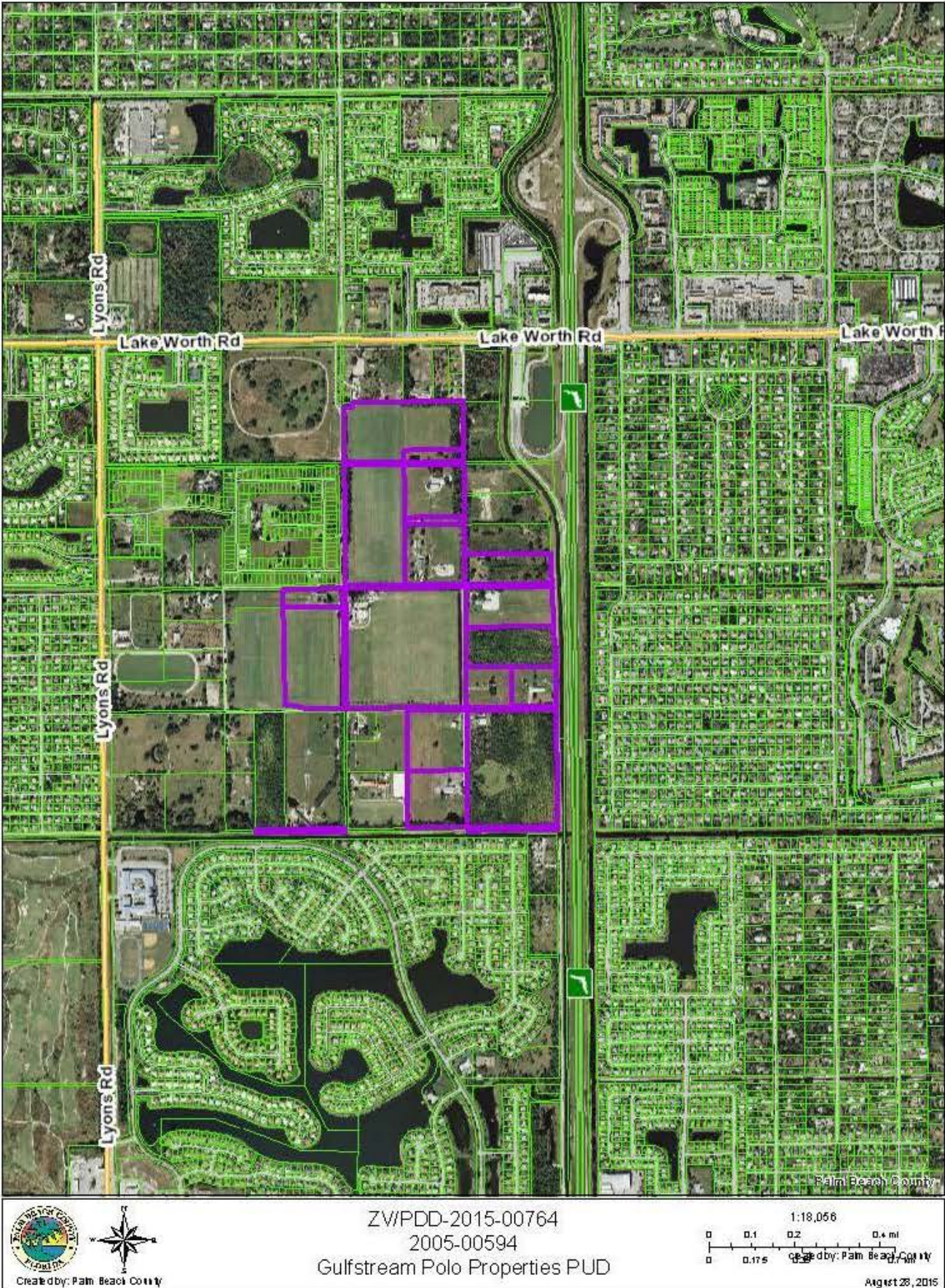


Figure 3 - Aerial



ZC
Application No. ZV/PDD-2015-00764
Control No. 2005-00594
Project No. 01000-086

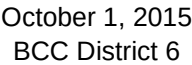


Figure 5 - Preliminary Master Plan dated August 25, 2015 - Sheet 2

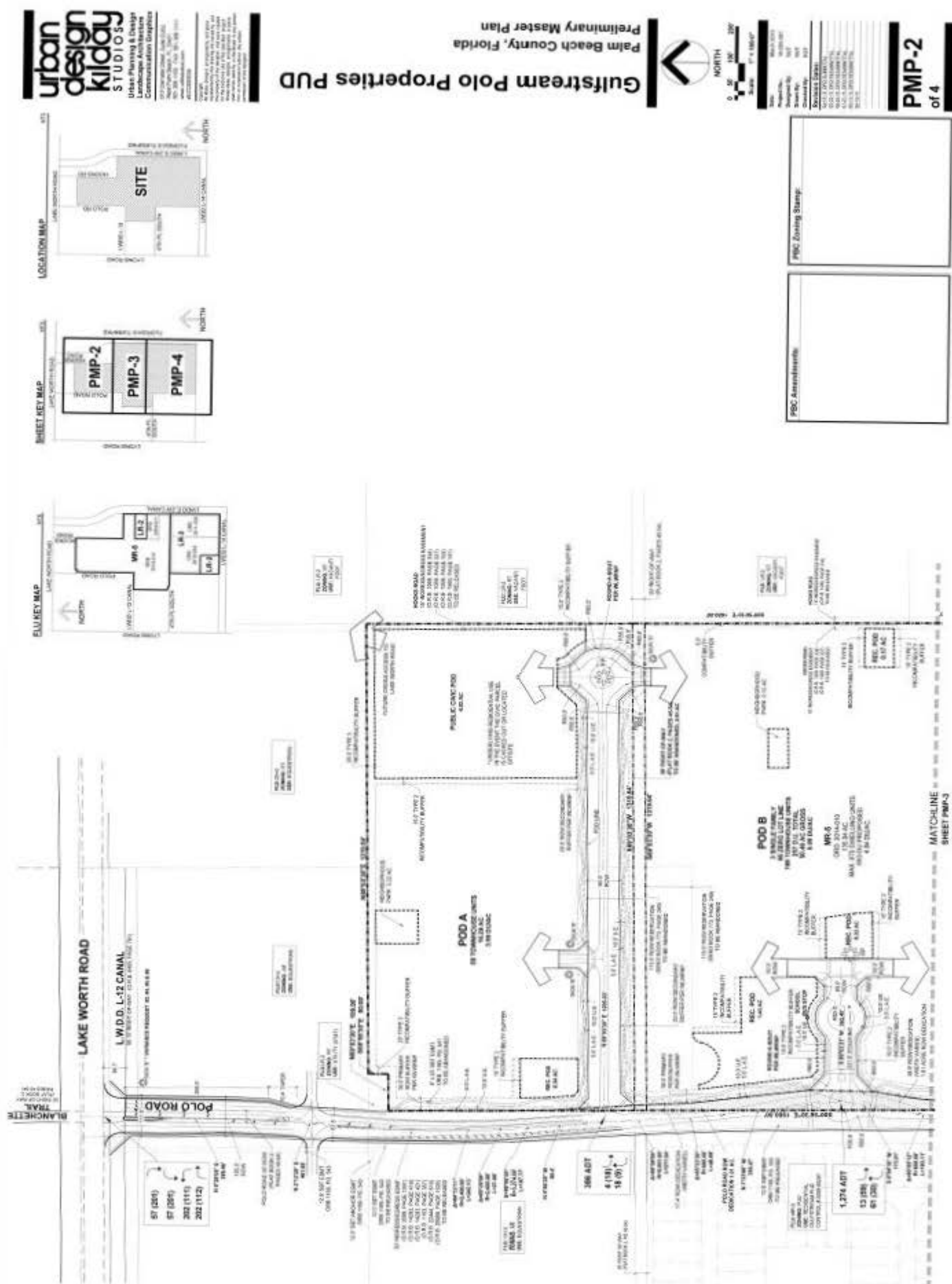


Figure 6 - Preliminary Master Plan dated August 25, 2015 - Sheet 3

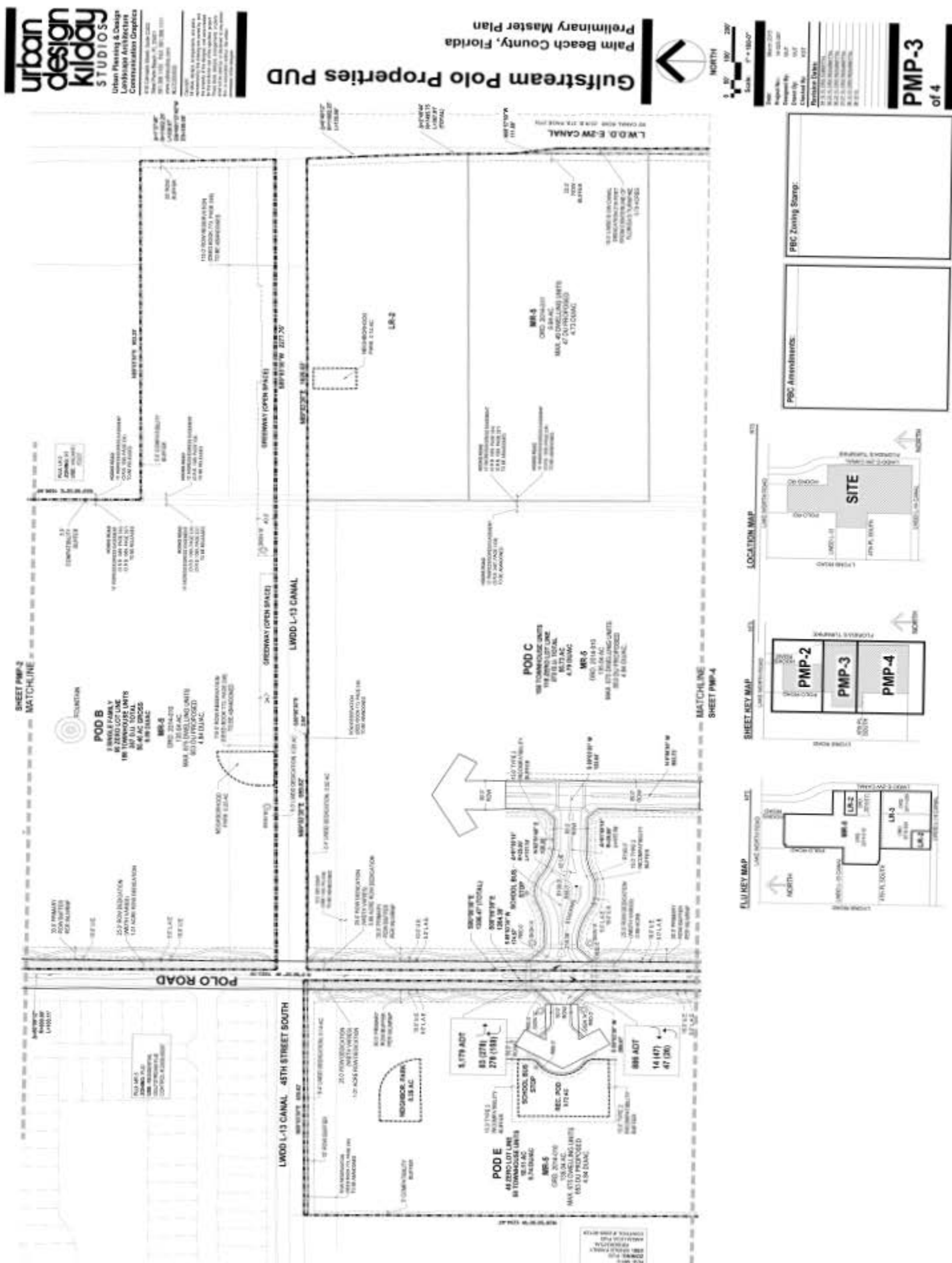
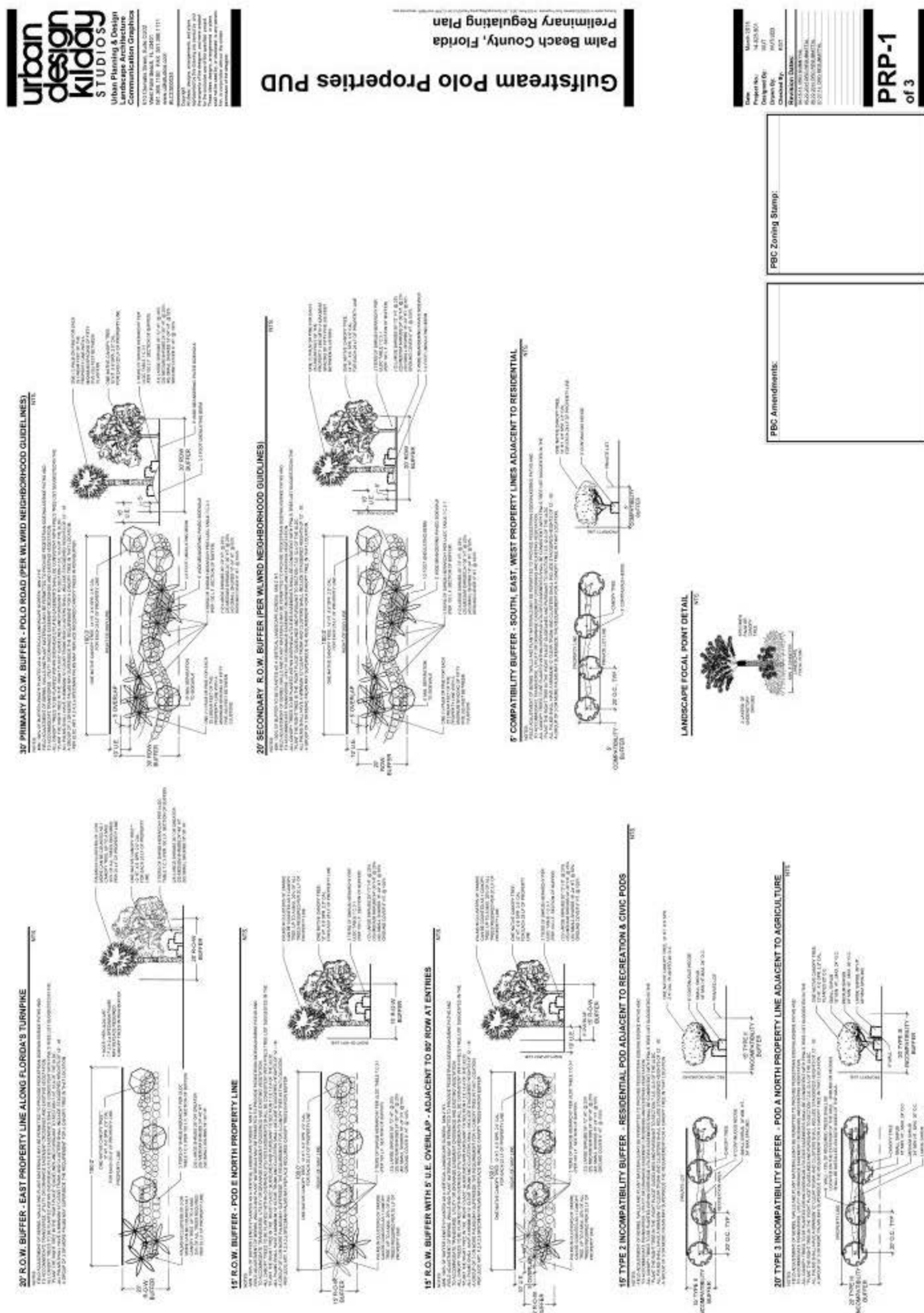


Figure 8 - Preliminary Regulating Plan dated August 13, 2015 – Sheet 1



ZC
Application No. ZV/PDD-2015-00764
Control No. 2005-00594
Project No. 01000-086



Figure 10 - Preliminary Regulating Plan dated August 13, 2015 – Sheet 3

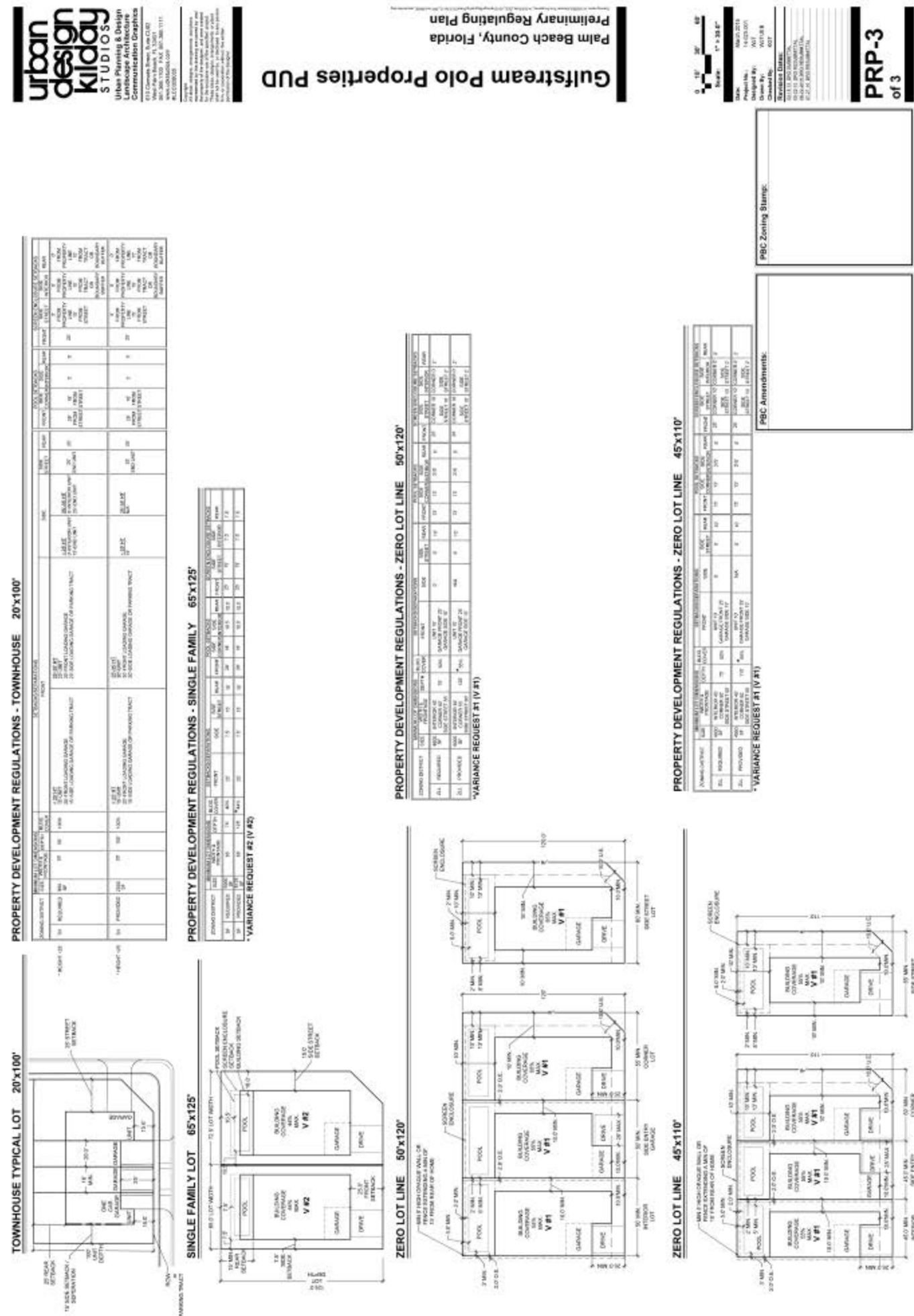
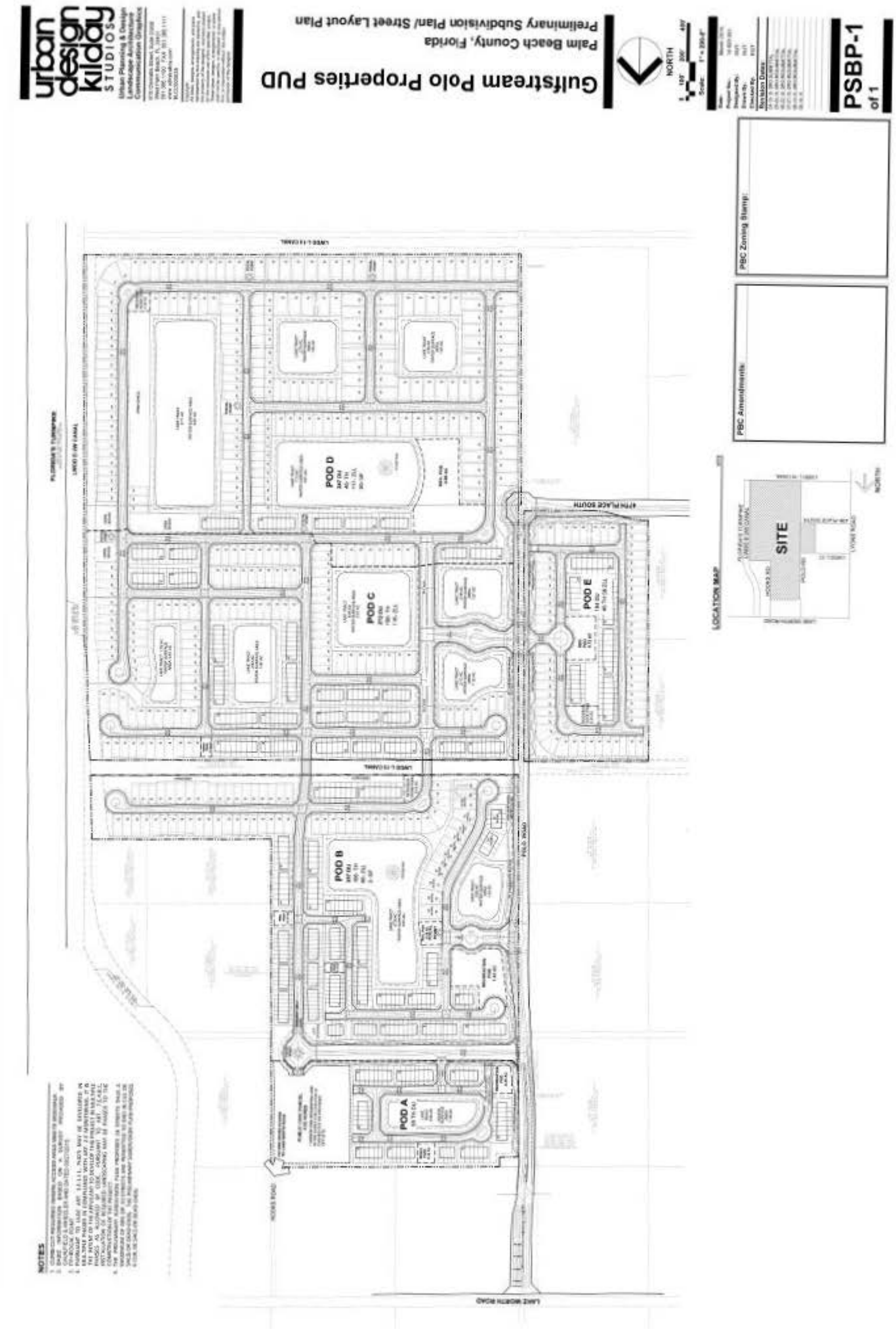


Figure 11 – Preliminary Street Layout Plan dated August 25, 2015



Date:	March 2019
Project No.:	18-028-001
Designed By:	WJT
Drawn By:	WJT/UE
Checked By:	WJT
Revision Dates:	
04-10-18, DRD SUBMITAL	
05-01-18, DRD REE/BARTAL	
06-07-18, DRD REE/BARTAL	
07-17-18, DRD REE/BARTAL	
08-13-18, DRD REE/BARTAL	

MASTER SIGNAGE KEY

LAKE WORTH ROAD

1500' TO INGRESS OF PUD

E* VARIANCE REQUEST #3, #4, #5 & #6

POD A

PUBLIC CIVIC POD

POD B

POD C

POD D

POD E

REC. POD

REC. POD

REC. POD

LWDD L-13 CANAL

LWDD L-14 CANAL

LWDD L-20 CANAL

47th PLACE SOUTH

FLORIDA'S TURNPIKE

MAX. SIGN
FACE AREA
PER SIGN
60 S.F.

8.0'

Diagram illustrating the dimensions and labeling for the structure. The structure is shown with a base and a height of 8.0'. The diagram includes labels for the 'RHS SIDE FACE AREA PER SIDE 20 S.F.' and 'PROJECT NAME AND/OR LOGO ONLY'.

PLAN VIEW

ELEVATION

MAX. HT. 12'

DEWALK

SIGN FACE AREA
50 SF. MAX.

MAX. HT. 5'

MAX. HT. 12'

MAXIMUM NUMBER OF SIGNS - 3
MAX. SIGN FACE AREA - 50 SF. PER SIGN - VARIANCE REQUEST # 5
MAXIMUM HEIGHT - 10' - VARIANCE REQUEST # 8

MAXIMUM NUMBER OF SIGNS - 1
MAX SIGN FACE AREA - 50 S.F. PER SIGN - VARIANCE REQUEST #1
MAXIMUM HEIGHT - 10' - VARIANCE REQUEST #2

MAX. SIGN FACE AREA PER SIGN 60 S.F.

8' 0"

STANDARD PARKING GARAGE ENTRANCE SIGN
 MAXIMUM NUMBER OF SIGNS PER ENTRANCE
 MAX SIGN FACE AREA - 60 S.F.
 MAXIMUM SIGN HEIGHT - 8'

NOTE: THE AMOUNT OF DIRECTIONAL SIGNAGE AND THEIR LOCATIONS HAVE NOT BEEN IDENTIFIED. ALL DIRECTIONAL SIGNAGE WILL BE IDENTIFIED ON THE SPECIFIC SITE PLAN SUBMISSION PLAN AT THE TIME OF FINAL APPROVAL.

MAXIMUM NUMBER OF SIGNS - UNLIMITED
MAX SIGN FACE AREA - 24 S.F. PER SIGN
MAXIMUM HEIGHT 7'

PBC Zoning Stamp:

Exhibit D - Disclosures:

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Christopher Hasty, 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 ☒ Director [position—e.g., president, partner, trustee] of Pulte Home Corporation [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 24311 Walden Center Drive
Bonita Springs, FL 34134

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

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.

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

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

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

Disclosure of Beneficial Interest - Applicant form
Page 1 of 4

Revised 08/25/2011
Web Format 2011

ZC
Application No. ZV/PDD-2015-00764
Control No. 2005-00594
Project No. 01000-086

October 1, 2015
BCC District 6

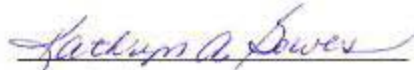
Page 316

FURTHER AFFIANT SAYETH NAUGHT.



 Christopher Hasty, Affiant
 (Print Affiant Name)

The foregoing instrument was acknowledged before me this 17th day of March
 2015, by Christopher Hasty _____, [☒] who is personally
 known to me or [☐] who has produced _____
 as identification and who did take an oath.



 Notary Public

KATHRYN A. BOWES
 (Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: _____



EXHIBIT "A"
PROPERTY

See attached.

Disclosure of Beneficial Interest - Applicant form
Page 3 of 4

Revised 08/25/2011
Web Format 2011

OF THE 30 FOOT RIGHT-OF-WAY LYING WEST OF AND ADJACENT TO SAID TRACTS 52 AND 61, ALL IN BLOCK 38, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 36; THENCE S.00°56'30"E. ALONG THE WEST LINE THEREOF, A DISTANCE OF 43.56 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-13 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, SAID RIGHT-OF-WAY LINE BEING 43.56 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 36, AND THE POINT OF BEGINNING; THENCE N.89°03'30"E. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 659.82 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 36; THENCE S.00°56'30"E. ALONG THE EAST LINE OF SAID TRACT 36, AND THE SOUTH RIGHT-OF-WAY LINE OF SAID L-13 CANAL, A DISTANCE OF 2.64 FEET; THENCE N.89°03'30"E. ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID L-13 CANAL, SAID RIGHT-OF-WAY LINE BEING 46.20 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 34 AND 35, A DISTANCE OF 1,620.63 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-2W CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 24358, PAGE 1061 OF SAID PUBLIC RECORDS, AND THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.86°50'53"E., A RADIAL DISTANCE OF 11,602.25 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 00°40'12", A DISTANCE OF 135.66 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 7,495.75 FEET AND A CENTRAL ANGLE OF 02°48'44"; THENCE SOUTHERLY ALONG THE ARC OF SAID RIGHT-OF-WAY LINE, A DISTANCE OF 367.91 FEET; THENCE S.08°57'50"E. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 111.68 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE, AS RECORDED IN ROAD PLAT BOOK 11, PAGES 54 THROUGH 59 OF SAID PUBLIC RECORDS; THENCE S.00°58'26"E., A DISTANCE OF 1,974.96 FEET TO A POINT OF INTERSECTION WITH NORTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-14 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, SAID RIGHT-OF-WAY LINE BEING 34.98 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 61 THROUGH 64; THENCE S.89°03'30"W. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2,327.64 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF THAT CERTAIN 30 FOOT WIDE RIGHT-OF-WAY LYING WEST OF AND ADJACENT TO SAID TRACTS 52 AND 61; THENCE N.00°56'30"W. ALONG SAID CENTERLINE, A DISTANCE OF 1,284.99 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT 52; THENCE N.89°03'30"E., A DISTANCE OF 15.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT 52; THENCE N.00°56'30"W. ALONG THE WEST LINE OF SAID TRACTS 36 AND 45, A DISTANCE OF 1,306.47 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 9,796,718 SQUARE FEET/224.902 ACRES MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name	Address
<u>Pulte Homes is a publicly traded company.</u>	

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared
Robert B. Payne, Jr., 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 ☒ Manager [position - e.g.,
president, partner, trustee] of 45th Street Investments, 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: PO Box 1477
Little Elm, Texas 75068
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of
every person or entity having a five percent or greater interest in the Property.
Disclosure does not apply to an individual's or entity's interest in any entity
registered with the Federal Securities Exchange Commission or registered pursuant
to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County
policy, and will be relied upon by Palm Beach County in its review of application for
Comprehensive Plan amendment or Development Order approval affecting the
Property. Affiant further acknowledges that he or she is authorized to execute this
Disclosure of Ownership Interests on behalf of any and all individuals or entities
holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to
reflect any changes to ownership interests in the Property that may occur before the
date of final public hearing on the application for Comprehensive Plan amendment
or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the
penalties provided by the laws of the State of Florida for falsely swearing to
statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

Robert B. Payne, Jr.
Robert B. Payne, Jr., Affiant
 (Print Affiant Name)

The foregoing instrument was acknowledged before me this 24th day of March, 20 15, by Robert B. Payne, Jr., [] who is personally known to me or [] who has produced TX D.L. as identification and who did take an oath.

Melissa Paradis
 Notary Public

Melissa Paradis
 (Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 11-27-17

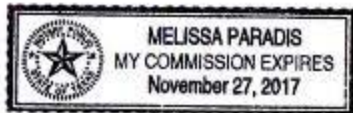


EXHIBIT "A"
PROPERTY

TRACT 30, BLOCK 28 AND THE FOLLOWING PORTION OF TRACT 19, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TO WIT:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 19; THENCE NORTH ALONG THE WEST LINE OF SAID TRACT 19 FOR A DISTANCE OF 79.93 FEET; THENCE NORTH 89°58'58" EAST FOR A DISTANCE OF 659.79 FEET TO THE EAST LINE OF SAID TRACT 19; THENCE SOUTH 00°00'28" WEST ALONG THE EAST LINE OF SAID TRACT 19 FOR A DISTANCE OF 80.17 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 19, THENCE SOUTH 89°59'49" WEST ALONG THE SOUTH LINE OF SAID TRACT 19 FOR A DISTANCE OF 659.78 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 19 AND THE POINT OF BEGINNING.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name

Address

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared
SHELDON RUBIN, 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 ☒ MANAGING MEMBER [position - e.g.,
president, partner, trustee] of Dears Farm, 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: 9210 Equus Circle
Boynton Beach, FL 33472
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of
every person or entity having a five percent or greater interest in the Property.
Disclosure does not apply to an individual's or entity's interest in any entity
registered with the Federal Securities Exchange Commission or registered pursuant
to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County
policy, and will be relied upon by Palm Beach County in its review of application for
Comprehensive Plan amendment or Development Order approval affecting the
Property. Affiant further acknowledges that he or she is authorized to execute this
Disclosure of Ownership Interests on behalf of any and all individuals or entities
holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to
reflect any changes to ownership interests in the Property that may occur before the
date of final public hearing on the application for Comprehensive Plan amendment
or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the
penalties provided by the laws of the State of Florida for falsely swearing to
statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.



Sheldon Rubin, Managing Director Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 14 day of April, 2015, by Sheldon Rubin, [X] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Notary Public

Bette Lent

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 4/30/16

EXHIBIT "A"

PROPERTY

PARCEL 1

THE SOUTH ONE-HALF (1/2) OF TRACTS 31 AND 32, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3 ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 45, LYING WEST OF THE WESTERLY BOUNDARY OF THE FLORIDA TURNPIKE AS ESTABLISHED BY THAT FINAL JUDGMENT IN FAVOR OF THE FLORIDA STATE TURNPIKE AUTHORITY RECORDED FEBRUARY 7, 1956, IN FINAL JUDGMENT BOOK 70, PAGE 3, PORTIONS WITHIN SAID FLORIDA TURNPIKE HAVING BEEN CONVEYED TO THE LAKE WORTH DRAINAGE DISTRICT BY DEED RECORDED IN O.R. BOOK 319, PAGE 275, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF THE SOUTH ONE-HALF (S 1/2) OF TRACT 32, BLOCK 28 OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A SET 5/8" IRON ROD & CAP (STAMPED "KHA LB 696") MARKING THE INTERSECTION OF THE SOUTHERLY LINE OF SAID TRACT 32 AND THE WESTERLY EXISTING CANAL RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-2-W PER OFFICIAL RECORD BOOK 319, PAGE 275; THENCE SOUTH 89° 03' 13" WEST, ALONG SAID SOUTHERLY LINE OF TRACT 32, A DISTANCE OF 33.38 FEET TO A POINT ON A CURVE CONCAVE NORTHEASTERLY, HAVING A CHORD BEARING OF NORTH 01° 57' 40" WEST AND A RADIUS OF 11,602.25 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 01° 37' 48", AN ARC DISTANCE OF 330.07 FEET TO THE INTERSECTION WITH (NORTH LINE OF SAID SOUTH ONE-HALF (S 1/2) OF TRACT 32; THENCE NORTH 89° 03' 13" EAST ALONG SAID NORTH LINE, A DISTANCE OF 39.06 FEET TO THE AFOREMENTIONED WESTERLY EXISTING CANAL RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-2-W; THENCE SOUTH 00° 58' 26" EAST, ALONG SAID WESTERLY EXISTING CANAL RIGHT OF WAY LINE, A DISTANCE OF 330.01 FEET TO THE POINT OF BEGINNING.

PARCEL 2

NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CONTAINED IN WARRANTY DEED FROM FLORIDA POLO, INC., A FLORIDA CORPORATION TO GEORGE C. SHERMAN, JR., DATED SEPTEMBER 22, 1964 AND RECORDED SEPTEMBER 30, 1964 IN OFFICIAL RECORDS BOOK 1093, PAGE 322, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS THE EAST FIFTEEN FEET (15') OF TRACTS 14, 19 AND 30, BLOCK 28 AND THE WEST FIFTEEN FEET (15') OF TRACT 18, BLOCK 28 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name

Address

There are no members owning a 5% or greater interest.

Disclosure of Beneficial Interest - Ownership form
Page 4 of 4

Revised 08/25/2011
Web Format 2011

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF ~~FLORIDA~~ Tennessee
COUNTY OF ~~PALM BEACH~~ Davidson

BEFORE ME, the undersigned authority, this day personally appeared
Martin Braden, Jr., 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 [☒ Manager] position - e.g.,
president, partner, trustee of Hooks Road Properties 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: 424 Church Street Suite 2800
Nashville, TN 37219
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of
every person or entity having a five percent or greater interest in the Property.
Disclosure does not apply to an individual's or entity's interest in any entity
registered with the Federal Securities Exchange Commission or registered pursuant
to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County
policy, and will be relied upon by Palm Beach County in its review of application for
Comprehensive Plan amendment or Development Order approval affecting the
Property. Affiant further acknowledges that he or she is authorized to execute this
Disclosure of Ownership Interests on behalf of any and all individuals or entities
holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to
reflect any changes to ownership interests in the Property that may occur before the
date of final public hearing on the application for Comprehensive Plan amendment
or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the
penalties provided by the laws of the State of Florida for falsely swearing to
statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.



Martin Brown, Jr., Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 18th day of March, 2015, by Martin Brown, Jr., [X] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Notary Public

Emily Harrison
(Print Notary Name)

NOTARY PUBLIC

State of ~~Florida~~ at Large Tennessee

My Commission Expires: November 3, 2015



EXHIBIT "A"
PROPERTY

THE WEST ONE-HALF (W 1/2) OF THE FOLLOWING DESCRIBED PROPERTY:
TRACT 47 AND THAT PORTION OF TRACT 48 LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE, LESS THE
NORTH 219.23' THEREOF, ALL IN BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED
IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address
Martin Brown, Sr	5214 Maryland Way, Suite 404, Brentwood, TN 37027
Martin Brown, Jr	208 Craighead Ave., Nashville, TN 37205
Susannah Scott-Barnes	700 Crescent Rd., Nashville, TN 37205
Eliza Brown	117 Laidley St., San Francisco, CA 94131
Nina de Clercq	125 Laidley St., San Francisco, CA 94131

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared
Stephen Orthwein, 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 ☒ Co-Trustee Kraml Property LLC* [position - e.g.,
president, partner, trustee] of Kraml Property 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. *LLC is owned by Orthwein Family
Dynasty Trust.
2. Affiant's address is: 10127 Manchester Road
St. Louis, MO 63122
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of
every person or entity having a five percent or greater interest in the Property.
Disclosure does not apply to an individual's or entity's interest in any entity
registered with the Federal Securities Exchange Commission or registered pursuant
to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County
policy, and will be relied upon by Palm Beach County in its review of application for
Comprehensive Plan amendment or Development Order approval affecting the
Property. Affiant further acknowledges that he or she is authorized to execute this
Disclosure of Ownership Interests on behalf of any and all individuals or entities
holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to
reflect any changes to ownership interests in the Property that may occur before the
date of final public hearing on the application for Comprehensive Plan amendment
or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the
penalties provided by the laws of the State of Florida for falsely swearing to
statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.



Stephen Orthwein Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 17 day of March, 2015, by Stephen Orthwein, [] who is personally known to me or [] who has produced driver's license as identification and who did take an oath.



Notary Public

(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____

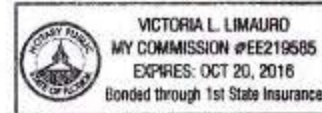


EXHIBIT "A"
PROPERTY

TRACT 49, LESS THE RIGHT-OF-WAY OF SUNSHINE STATE PARKWAY (A/K/A FLORIDA STATE TURNPIKE); TRACT 50; TRACT 63, LESS THE SOUTH 35 FEET THEREOF AND TRACT 64, LESS THE RIGHT-OF-WAY OF SUNSHINE STATE PARKWAY (A/K/A FLORIDA STATE TURNPIKE) AND LESS THE SOUTH 35 FEET THEREOF; ALL IN BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address
Stephen Orthwein	10127 Manchester Road, St. Louis, MO 63122
Peter Busch Orthwein	10127 Manchester Road, St. Louis, MO 63122
Adolphus Busch Orthwein, Jr.	10127 Manchester Road, St. Louis, MO 63122

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared
Marcy Zeltzer, 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 ☒ Manager [position - e.g.,
president, partner, trustee] of Morning Mist Farms 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: 176 Akron Road
Lake Worth, FL 33467
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of
every person or entity having a five percent or greater interest in the Property.
Disclosure does not apply to an individual's or entity's interest in any entity
registered with the Federal Securities Exchange Commission or registered pursuant
to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County
policy, and will be relied upon by Palm Beach County in its review of application for
Comprehensive Plan amendment or Development Order approval affecting the
Property. Affiant further acknowledges that he or she is authorized to execute this
Disclosure of Ownership Interests on behalf of any and all individuals or entities
holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to
reflect any changes to ownership interests in the Property that may occur before the
date of final public hearing on the application for Comprehensive Plan amendment
or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the
penalties provided by the laws of the State of Florida for falsely swearing to
statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

Marcy Zeltzer
Marcy Zeltzer, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 18 day of March, 2015, by Marcy Zeltzer, ☒ who is personally known to me or ☐ who has produced _____ as identification and who did take an oath.

Victoria Limauro
Notary Public

(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____

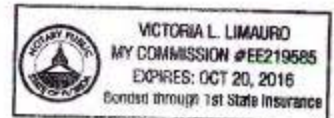


EXHIBIT "A"
PROPERTY

THE EAST 1/2 OF THE FOLLOWING DESCRIBED PROPERTY: TRACT 47, BLOCK 28, LESS THE NORTH 219.23 FEET THEREOF, AND THAT PORTION OF TRACT 48, BLOCK 28, LESS THE NORTH 219.23 FEET THEREOF, LYING WEST OF THE WEST RIGHT OF WAY LINE OF FLORIDA'S TURNPIKE ACCORDING TO THE PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name

Address

Jack Zeltzer 176 Akron Road, Lake Worth, FL 33467

Marcy Zellzer 176 Akron Road, Lake Worth, FL 33467

Disclosure of Beneficial Interest - Ownership form
Page 4 of 4

Revised 08/25/2011
Web Format 2011

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

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

STATE OF ~~FLORIDA~~ TEXAS
COUNTY OF ~~PALM BEACH~~ Dallas

BEFORE ME, the undersigned authority, this day personally appeared Gary L Horton, 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 Chief Investment Officer [position - e.g., president, partner, trustee] of Muse Family Enterprises LTD [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: 2100 McKinney Avenue Suite 1600
Dallas, Texas 75201
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

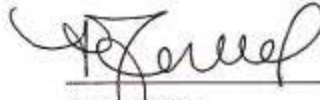
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



Gary L. Horton, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 8th day of April, 2015, by Gary L. Horton, [☒] who is personally known to me or [☐] who has produced _____ as identification and who did take an oath.



Notary Public

Meredith Ferrell

(Print Notary Name)

NOTARY PUBLIC Texas
State of Florida ~~at Large~~
My Commission Expires: 09.23.18

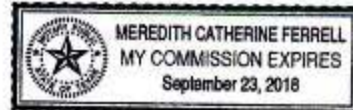


EXHIBIT "A"
PROPERTY

LESS AND EXCEPT THE FOLLOWING:

BEGIN AT A SET 5/8" IRON ROD & CAP (STAMPED "KHA LB 696") MARKING THE INTERSECTION OF A LINE BEING 439.66 FEET SOUTH OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID TRACT 33 AND THE WESTERLY EXISTING CANAL RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-2-W PER OFFICIAL RECORD THE NORTH 439.66 FEET OF TRACT 34, AND THAT PORTION OF THE NORTH 439.66 FEET OF TRACT 33, LYING WEST OF THE WEST RIGHT-OF-WAY OF FLORIDA'S TURNPIKE, BLOCK 28 OF PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BOOK 319, PAGE 275; THENCE SOUTH 89°03'13" WEST, ALONG SAID LINE BEING 439.66 FEET SOUTH OF AND PARALLEL WITH THE NORTHERLY LINE OF TRACT 33, A DISTANCE OF 16.39 FEET TO A POINT ON A CURVE, CONCAVE SOUTHWESTERLY, HAVING A CHORD BEARING OF NORTH 02°50'09" WEST AND A RADIUS OF 7,495.75 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°58'23", AN ARC DISTANCE OF 258.14 FEET TO A POINT OF REVERSE CURVATURE, CONCAVE NORTHEASTERLY, HAVING A CHORD BEARING OF NORTH 03°22'24" WEST AND A RADIUS OF 11,602.25 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°53'53", AN ARC DISTANCE OF 181.84 FEET TO THE INTERSECTION WITH THE NORTHERLY LINE OF SAID TRACT 33; THENCE NORTH 89°03'13" EAST ALONG SAID NORTHERLY LINE, A DISTANCE OF 32.39 FEET TO THE AFOREMENTIONED WESTERLY EXISTING CANAL RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-2-W; THENCE SOUTH 00°58'26" EAST ALONG SAID WESTERLY EXISTING CANAL RIGHT OF WAY LINE, A DISTANCE OF 439.66 FEET TO THE POINT OF BEGINNING.

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

AddressThis image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery.

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME the undersigned authority, this day personally appeared
Sheldon Rubin, 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 ☒ MANAGING MEMBER [position - e.g.,
president, partner, trustee] of Palm Tree Farms, 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: 9210 Equus Circle
Boynton Beach, FL 33472
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of
every person or entity having a five percent or greater interest in the Property.
Disclosure does not apply to an individual's or entity's interest in any entity
registered with the Federal Securities Exchange Commission or registered pursuant
to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County
policy, and will be relied upon by Palm Beach County in its review of application for
Comprehensive Plan amendment or Development Order approval affecting the
Property. Affiant further acknowledges that he or she is authorized to execute this
Disclosure of Ownership Interests on behalf of any and all individuals or entities
holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to
reflect any changes to ownership interests in the Property that may occur before the
date of final public hearing on the application for Comprehensive Plan amendment
or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the
penalties provided by the laws of the State of Florida for falsely swearing to
statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.



Sheldon Rubin Managing Member Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 14 day of April, 2015, by Sheldon Rubin, [4] who is personally known to me or [] who has produced _____ as identification and who did take an oath.





Notary Public

BETTE A LENT

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 4/30/16

EXHIBIT "A"

PROPERTY

PARCEL 1

TRACTS 33 AND 34, LESS AND EXCEPTING THE NORTH 439.66 FEET THEREOF, BLOCK 28, TOGETHER WITH THE NORTH 219.23 FEET OF TRACTS 47 AND 48, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3 ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 45, LYING WEST OF THE WESTERLY BOUNDARY OF THE FLORIDA TURNPIKE AS ESTABLISHED BY THAT FINAL JUDGMENT IN FAVOR OF THE FLORIDA STATE TURNPIKE AUTHORITY RECORDED FEBRUARY 7, 1956, IN FINAL JUDGMENT BOOK 70, PAGE 3, PORTIONS WITHIN SAID FLORIDA TURNPIKE HAVING BEEN CONVEYED TO THE LAKE WORTH DRAINAGE DISTRICT BY DEED RECORDED IN O.R. BOOK 319, PAGE 275, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF TRACT 33, BLOCK 28 OF PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A SET 5/8" IRON ROD AND CAP (STAMPED "KHA LB 696") MARKING THE INTERSECTION OF THE SOUTHERLY LINE OF SAID TRACT 33 AND THE WESTERLY EXISTING CANAL RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-2-W PER OFFICIAL RECORD BOOK 319, PAGE 275; THENCE NORTH 08°57'46" WEST, A DISTANCE OF 111.68 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE, SOUTHWESTERLY, HAVING A CHORD BEARING OF NORTH 01°25'47" WEST AND A RADIUS OF 7,495.75 FEET; THENCE RUN NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°50'21", AN ARC DISTANCE OF 109.77 FEET TO THE INTERSECTION WITH A LINE BEING 439.66 FEET SOUTH OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID TRACT 33; THENCE NORTH 89°03'13" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 16.39 FEET TO THE AFOREMENTIONED WESTERLY EXISTING CANAL RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-2-W; THENCE SOUTH 00°58'26" EAST ALONG SAID WESTERLY EXISTING CANAL RIGHT OF WAY LINE, A DISTANCE 220.36 FEET TO THE POINT OF BEGINNING.

PARCEL 2

NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT FOR THE BENEFIT OF PARCEL 1. SUPRA, AS RESERVED, SET FORTH AND DESIGNATED IN WARRANTY DEED FROM FLORIDA POLO, INC., A FLORIDA CORPORATION TO W. L. TAYLOR, TRUSTEE, DATED SEPTEMBER 2, 1964 AND RECORDED SEPTEMBER 23, 1964 IN OFFICIAL RECORDS BOOK 1089, PAGE 334, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS THE EAST FIFTEEN FEET (15') OF TRACTS 14, 19, 30, 35 AND 46, BLOCK 28 AND THE WEST FIFTEEN FEET (15') OF TRACTS 18 AND 31, BLOCK 28 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name

Address

STEDON RUBIN 4600 LYONS ROAD
LAKE WORTH FL 33467

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

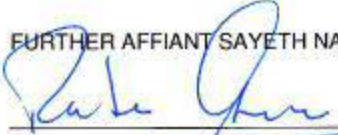
BEFORE ME, the undersigned authority, this day personally appeared
Ruben Gracida, hereinafter referred to as "Affiant," who
being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☒ individual or ☐ _____ *[position - e.g.,
president, partner, trustee] of _____ [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: 4820 Polo Road
Lake Worth, FL 33457
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of
every person or entity having a five percent or greater interest in the Property.
Disclosure does not apply to an individual's or entity's interest in any entity
registered with the Federal Securities Exchange Commission or registered pursuant
to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County
policy, and will be relied upon by Palm Beach County in its review of application for
Comprehensive Plan amendment or Development Order approval affecting the
Property. Affiant further acknowledges that he or she is authorized to execute this
Disclosure of Ownership Interests on behalf of any and all individuals or entities
holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to
reflect any changes to ownership interests in the Property that may occur before the
date of final public hearing on the application for Comprehensive Plan amendment
or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the
penalties provided by the laws of the State of Florida for falsely swearing to
statements under oath.

Qu

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.



Ruben Gracida, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 23 day of March, 2015, by Ruben Gracida, [X] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Notary Public

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: _____

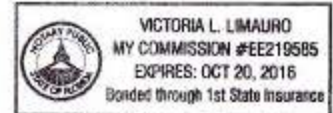


EXHIBIT "A"
PROPERTY

TRACT 61, LESS THE SOUTH 35 FEET THEREOF, BLOCK 28 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name

Address

Ruben Gracida 4820 Polo Road, Lake Worth, FL 33467

Disclosure of Beneficial Interest - Ownership form
Page 4 of 4

Revised 08/25/2011
Web Format 2011

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared
Theodore J. Brinkmann, 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 ☐ _____ *[position - e.g.,
president, partner, trustee] of _____ [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: 4782 Polo Road
Lake Worth, FL 33467
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of
every person or entity having a five percent or greater interest in the Property.
Disclosure does not apply to an individual's or entity's interest in any entity
registered with the Federal Securities Exchange Commission or registered pursuant
to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County
policy, and will be relied upon by Palm Beach County in its review of application for
Comprehensive Plan amendment or Development Order approval affecting the
Property. Affiant further acknowledges that he or she is authorized to execute this
Disclosure of Ownership Interests on behalf of any and all individuals or entities
holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to
reflect any changes to ownership interests in the Property that may occur before the
date of final public hearing on the application for Comprehensive Plan amendment
or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the
penalties provided by the laws of the State of Florida for falsely swearing to
statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.



Theodore J. Brinkmann, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 18 day of March, 2015, by Theodore J. Brinkmann, [] who is personally known to me or [☒] who has produced driver's license as identification and who did take an oath.



Notary Public

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: _____

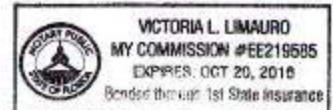


EXHIBIT "A"
PROPERTY

TRACT 52, BLOCK 28, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

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

Name**Address**Theodore J. Brinkmann 4782 Polo Road, Lake Worth, FL 33467

LAKE WORTH ROAD COALITION, INC.
8335 Lake Cypress Road
Lake Worth, Florida 33467

September 1, 2015

Mayor Shelley Vana
Palm Beach County
Board of County Commissioners
301 N. Olive Ave.
West Palm Beach, FL 33401

RE: Gulfstream Polo Properties PUD (2005-00594) Type II Zoning Variances & Rezoning Application

Dear Mayor Vana:

As the president of the Lake Worth Road Coalition, I would like to confirm that we have met with representatives of Pulte Homes (the developer) and Chris Berry of Urban Design Kilday Studios to discuss this proposed PUD. The Lake Worth Road Coalition is a group of residents that represent eight (8) residential communities, located between State Road 7 and the Florida Turnpike, along Lake Worth Road.

As you may recall, the Lake Worth Road Coalition developed a Neighborhood Plan, a Master Plan and Design Guidelines that regulate the future development of this area, which were accepted by Resolution by the Palm Beach County Board of County Commissioners.

The above referenced Gulfstream Polo Properties PUD is located within the West Lake Worth Road Corridor. The Coalition has reviewed the proposed variance and rezoning applications and find they are *consistent* with our Neighborhood Plan and therefore **support** the proposed changes. We are however *disappointed* that the last site plan we were shown increased the number of townhouses and reduced the number of single family homes.

We would also like to make the following suggestions:

1. Our Master Plan includes Hooks Road as an outlet to Lake Worth Road. We recognize that this is not a County designated road, however, we are concerned that having Polo Road as the only ingress and egress to Lake Worth Road could be a public safety hazard. We have no idea when 47th Place connecting Polo Road to Lyons Road will be completed.
2. The widening of Lyons Road to four (4) lanes from Lantana Road to Lake Worth Road should be completed as soon as possible in order to handle the increased traffic.
3. We would like to see the installation of traffic lights at both Polo Road and Lake Worth Road, and at 47th Place and Lyons Road, as shown on our Master Plan, as soon as traffic warrants the need.

Sincerely,
Gerald Bank
Gerald Bank, President
Lake Worth Road Coalition

cc: Vice Mayor Mary Lou Berger
Commissioner Hal Valeche
Commissioner Paulette Burdick
Commissioner Steven Abrams
Commissioner Melissa McKinlay
Commissioner Priscilla Taylor
Sussan Gash, Project Manager
Chris Barry, UDKS

**GULFSTREAM POLO PROPERTIES PUD
JUSTIFICATION STATEMENT**

Request: Concurrent Type II Zoning Variances, Official Zoning Map Amendment (Rezoning) & Official Control Name Change
Control Number(s): 2005-422 & 2005-594
Application Number: ZV/PDD-2015-00764
Re-Submittal 5: August 20, 2015



Urban Planning and Design
Landscape Architecture
Communication Graphics

OVERVIEW OF REQUESTS & PROPERTY INTRODUCTION

On behalf of the applicant, Pulte Home Corporation, and property owners (see attached Property Owners & PCN Information sheet for a full list of the property owners), Urban Design Kilday Studios (UDKS) has prepared and hereby respectfully submits these applications for the approval of (1) concurrent, Type II Zoning Variance requests, (2) an Official Zoning Map Amendment (rezoning) request and (3) an Official Control Name Change. The subject property, consisting of 18 separate property control numbers (PCN's listed below) and public Right-Of-Way's (R-O-W's) proposed for abandonment, is located in unincorporated Palm Beach County (PBC) and is within the boundaries of the West Lake Worth Road (WLWRD) Neighborhood Plan. The subject property is generally located on the east and west sides of Polo Road and north and south sides of 47th Place South approx. 650 lineal feet south of Lake Worth Road and approximately 1,900 lineal feet east of Lyons Road. The subject property is situated in the Urban/Suburban Tier and is within the County's Urban Service Area. The subject property is the following size:

- **Current Gross Site Area (pre-abandonments):** 221.96 acres
- **Proposed Gross Site Area (post-abandonments):** 224.90 acres
- **Proposed Net Site Area (post-dedications):** 220.85 acres

The subject property has multiple Future Land Use Atlas (FLUA) designations as follows (note that the designations listed below are only for the parcels currently owned by private individuals/corporations) and does not include the R-O-W's proposed to be abandoned (process to assign FLU designation):

- **Low Residential, 2 dwelling units per acre (du/ac) (LR-2):** 18.43 acres
- **Low Residential, 3 du/ac (LR-3):** 60.45 acres
- **Medium Residential, 5 du/ac (MR-5):** 146.02 acres

Also, the parcels currently owned by private individuals/corporations are entirely within the Residential Transitional (RT) Zoning District.

The applicant proposes to construct a 938-unit, single family, zero lot line (ZLL) and townhouse residential development on the subject property. The housing units will consist of 444 single family/ZLL units and 494 multi-family (townhouse) units. The applicant is not proposing to incorporate any bonus density through the Workforce Housing Program (WHP) provisions per Article (Art.) 5.G.1 of the PBC Unified Land Development Code

610 Clematis Street
Suite CU02
West Palm Beach, FL 33401
561.366.1100 561.366.1111 fax
www.udkstudios.com
LCC000035

(ULDC) and is utilizing the “No Incentive” Development Option while providing all WHP units on-site.

The following approvals are included within this request:

1. Concurrent Type II Zoning Variances to allow:
 - a. To allow a 10% increase in building coverage for ZLL units;
 - b. To allow a 10% increase in building coverage for single-family units;
 - c. To allow an off-site sign on an adjacent property that does not provided ingress and egress to the parcel;
 - d. To allow for a 1,450' increase in the distance from an off-site sign to the proposed ingress point for the PUD;
 - e. To allow for an increase of 26 s.f. in the allowable sign face area for an off-site sign; and
 - f. To allow for an increase of 2' in the allowable sign height for an off-site sign.
2. Rezoning of the 224.90+/- acres from the RT Zoning District to the PUD Zoning District; and
3. Official Control Name Change from Allie Pole Estates PUD, in part, and Gulfstream Groves PUD, in part, to Gulfstream Polo Properties PUD, in whole.

As previously stated that portion of the subject property in private ownership has a FLUA designation of LR-2, in part, LR-3, in part, and MR-5, in part and is within the RT Zoning District, in whole. The breakdown of the FLUA designations, PCN's and ownership of the 18 parcels is as follows:

Property Owner	Property Control Number [PCN]	Address (if applicable)	FLUA Designation
Florida Polo Trust & Robert Lipman Trust			
	00-42-43-27-05-028-0132	Hooks Road	MR-5
	00-42-43-27-05-028-0200	4550 Polo Road	MR-5
Alexander G. Carden			
	00-42-43-27-05-028-0141	4321 Hooks Road	MR-5
45 th Street Investments LLC			
	00-42-43-27-05-028-0191	Hooks Road	MR-5
	00-42-43-27-05-028-0300	8341 45 th Street South	MR-5
Dears Farms LLC			
	00-42-43-27-05-028-0311	4550 Hooks Road	MR-5
Muse Family Enterprises Ltd			
	00-42-43-27-05-028-0331	4550 Hooks Road	LR-2
Palm Tree Farms LLC			
	00-42-43-27-05-028-0332	Hooks Road	MR-5
Gulfstream Polo LLC			
	00-42-43-27-05-028-0371	4550 Polo Road	MR-5
Gulfstream Polo LLC & Florida Polo Trust			
	00-42-43-27-05-028-0372	Hooks Road	MR-5
Hooks Road Properties LLC			
	00-42-43-27-05-028-0471	4730 Hooks Road	MR-5

Morning Mist Farms LLC			
	00-42-43-27-05-028-0472	4740 Hooks Road	MR-5
Kraml Property LLC			
	00-42-43-27-05-028-0490	4750 Hooks Road	LR-3
Gulfstream Barn LLC			
	00-42-43-27-05-028-0510	4755 Hooks Road	LR-3
	00-42-43-27-05-028-0621	4937 Hooks Road	LR-3
Theodore J. Brinkman			
	00-42-43-27-05-028-0521	4782 Polo Road	LR-3
	00-42-43-27-05-028-0522	4782 Polo Road	LR-3
Ruben Gracida			
	00-42-43-27-05-028-0611	4820 Polo Road	LR-2

ZONING APPROVAL HISTORY

The properties currently support agricultural and equestrian and residential uses. Prior approvals were granted on portions (see PCN's below for reference) of the subject property for a 494-unit (Allie Polo Estates PUD, Control No. 2005-00422) residential development and a 272-unit (Gulfstream Groves PUD, Control No. 2005-00594) residential development for those parcels listed below. While the approvals for these two residential developments have since been rescinded the history of the approvals is still provided below. The portions included in these prior approvals were as follows (listed by PCN's):

- **Allie Polo Estates PUD (Control No. 2005-00422):**
 - 00-42-43-27-05-028-0132
 - 00-42-43-27-05-028-0141
 - 00-42-43-27-05-028-0191
 - 00-42-43-27-05-028-0200 (portion)
 - 00-42-43-27-05-028-0300
 - 00-42-43-27-05-028-0371
 - 00-42-43-27-05-028-0372
- **Gulfstream Groves PUD (Control No. 2005-00594):**
 - 00-42-43-27-05-028-0200 (portion)
 - 00-42-43-27-05-028-0311
 - 00-42-43-27-05-028-0331
 - 00-42-43-27-05-028-0332
 - 00-42-43-27-05-028-0471
 - 00-42-43-27-05-028-0472
 - 00-42-43-27-05-028-0490
 - 00-42-43-27-05-028-0510
 - 00-42-43-27-05-028-0621
 - 00-42-43-27-05-028-0521
 - 00-42-43-27-05-028-0522
 - 00-42-43-27-05-028-0611

Below is a more detailed breakdown of the prior zoning approvals associated with the subject property.

Control No.	Description	Action	Date	Resolution/ Ordinance No.
Allie Polo Estates PUD				
2005-00422	(1) Rezoning from AR to PUD and (2) Waiver for deviation from cul-de-sac requirement	Approved	August 23, 2006	(1) R-2006-1548 and (2) R-2006-1549
2005-00422	Resolution correction	Approved	October 26, 2006	R-2006-2330
2005-00422	Status Report to rezone from PUD to RT	Approved	November 29, 2007	R-2007-2131
Gulfstream Groves PUD				
2005-00594	Rezoning from AR to PUD	Approved	August 23, 2006	R-2006-1551
2005-00594	Status Report to rezone from PUD to RT	Approved	January 3, 2008	R-2008-0003

PLANNING APPROVAL HISTORY & CONSISTENCY

In addition to the above zoning approvals portions of the subject property were also part of previous FLUA Amendment approvals as detailed below. Attached with this justification statement is an aerial graphic that depicts the geographic location of these previous FLUA Amendment approvals. As well, the Preliminary Master Plans (Sheets PMP-1 through 4 of 4) depict the geographic location of these previous FLUA Amendment approvals and consistency with the prior conditions of approval. Note that there are discrepancies in the acreages.

- Ordinance No. 2010-024
 - **Acreage:** 29.46
 - **PCN's:**
 - 00-42-43-27-05-028-0510
 - 00-42-43-27-05-028-0521
 - 00-42-43-27-05-028-0522
 - 00-42-43-27-05-028-0621
 - **Density Restriction:** Maximum (Max.) 88 dwelling units
 - **Proposed Units:** 75 dwelling units, 2.55 du/ac
 - **Minimum Open Space Required:** 5% or 1.48 acres

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- **Provided Open Space:** 5% or 1.48 acres
- Ordinance No. 2011-029
 - **Acreage:** 29.25
 - **PCN's:**
 - 00-42-43-27-05-028-0490
 - **Density Restriction:** Maximum 3 du/ac
 - **Proposed Units:** 87 units, 2.97 du/ac
 - **Minimum Open Space Required:** 5% or 1.46 acres
 - **Provided Open Space:** 5% or 1.46 acres
- Ordinance No. 2014-010
 - **Acreage:** 135.04
 - **PCN's:**
 - 00-42-43-27-05-028-0132
 - 00-42-43-27-05-028-0141
 - 00-42-43-27-05-028-0191
 - 00-42-43-27-05-028-0200
 - 00-42-43-27-05-028-0300
 - 00-42-43-27-05-028-0311
 - 00-42-43-27-05-028-0371
 - 00-42-43-27-05-028-0372
 - 00-42-43-27-05-028-0471
 - 00-42-43-27-05-028-0472
 - **Density Restriction:** Max. 675 dwelling units
 - **Proposed Units:** 653 dwelling units, 4.84 du/ac
- Ordinance No. 2014-011
 - **Acreage:** 9.94
 - **PCN's:**
 - 00-42-43-27-05-028-0332
 - **Density Restriction:** Max. 49 dwelling units
 - **Proposed Units:** 47 dwelling units, 4.73 du/ac

In addition to the consistency with maximum density restrictions and minimum open space as indicated above the proposed vehicular and pedestrian connection system for the PUD ensures that the plan is consistent with the conditions of approval requiring that connections be provided to all existing and future developments identified on the neighborhood plan (see more details below).

The Lake Worth Road Neighborhood Plan Design Guidelines are contained within the WLWRD Neighborhood Plan which was formally received by the BCC via Resolution 2009-2018 on November 19, 2009. The request is generally consistent with the conditions and the Design Guidelines by incorporating the following:

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- Receiving a letter of support from the Lake Worth Coalition, which represents the Neighborhood Plan;
 - The applicant and the agent met with the Lake Worth Road Coalition informally on April 22, 2015, formally on June 13, 2015 and informally on August 3, 2015. The applicant and the agent will be meeting with the Coalition again on August 25, 2015 (formal presentation) to ideally secure a letter of support for the project.
- The usable open space provided within the project exceeds the minimum 11.25 acres (5%) required by the condition;
 - As shown on the Preliminary Master Plan the proposed open space provided within the project equates to 89.96 acres or 40% of the 224.9 acres. This acreage is being provided for the entire project (and not just the legislative boundaries of prior ordinances) because this section a compliance response for the entire project's open space as recommended by the Neighborhood Plan.
- Plans indicate "Future Cross-Access" points at several locations consistent with the Lake Worth Road Neighborhood Master Plan;
 - As shown on the Preliminary Master Plan prepared by the agent vehicular and pedestrian connections are provided to private properties and to existing/proposed public rights-of-way.
- The plans contain a block structure with pedestrian interconnectivity;
 - As shown on the Preliminary Master Plan prepared by the agent the internal street network is designed to form a block structure.
- The request is within the density restrictions of 5 dwelling units per acre (du/ac) maximum for that portion of the subject property north of 47th Place South and 3 du/ac maximum for that portion of the subject property south of 47th Place South;
- Round-a-bouts;
 - Per the Preliminary Master Plan the applicant is providing and constructing a total of four (4) round-a-bouts along Polo Road and the new 80' right-of-way in accordance with the general locations shown on the Neighborhood Plan.
- Primary and Secondary Buffers;
 - Per the Preliminary Master Plan the applicant is providing 30' primary buffers with meandering pathways along Polo Road and 47th Place South and is providing a 20' secondary buffer along the new 80' right-of-way leading to the public civic site in accordance with the Neighborhood Plan.
- Hooks Road exclusion.
 - It should be noted that the applicant is not providing any area for or buffers adjacent to what was labeled as Hooks Road on the Neighborhood Plan. The reason is because this is not actually a roadway and is rather a private ingress/egress easement. The applicant intends to release their interests in this easement once they acquire the property.

Attached with this justification statement are two documents detailing the calculations for the standard and maximum densities along with the required WHP unit

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requirements. Note that these documents provide an analysis including a 30% density bonus (only for those two parcels that are not subject to a density cap in an approving FLUA Amendment Ordinance); however, the applicant is not proposing to utilize the bonus density in accordance with the WLWRD Neighborhood Plan and is therefore utilizing the “No Incentive” Development Option while providing all WHP units on-site.

SURROUNDING USES

Below is a description of the uses on the adjacent properties (or those on the other side of abutting R-O-W's) to the north, south, east and west of the subject property. Note that the acreages listed are approximate acreages obtained from the Property Appraiser of PBC's website.

- **North:** To the north of the subject property are five (5) parcels (details below):
 - **PCN 00-42-43-27-05-028-0032:** This 2.45-acre parcel is currently owned by Hoi Sang and Hing Yu Yeung, has a FLUA designation of Commercial High with an underlying Low Residential, 2 du/ac (CH/2) and is within the Agricultural Residential (AR) Zoning District. Note that this parcel is taxed as use code 6800 – AG Classification Equestrian;
 - **PCN 00-42-43-27-05-028-0035:** This 0.56-acre parcel is currently owned by Hoi Sang and Hing Yu Yeung, has a FLUA designation of CH/2 and is within the AR Zoning District. Note that this parcel is taxed as use code 6800 – AG Classification Equestrian;
 - **PCN 00-42-43-27-05-028-0036:** This 4.89-acre parcel is currently owned by Hoi Sang and Hing Yu Yeung, has a FLUA designation of CH/2 and is within the AR Zoning District. Note that this parcel is taxed as use code 1000 – Vacant Commercial;
 - **PCN 00-42-43-27-05-028-0041:** This 10.39-acre parcel is currently owned by Haley Farms, LLC, has a FLUA designation of CH/2 and is within the RT Zoning District. This parcel was a part of the Allie Polo Estates PUD. Note that this parcel is taxed as use code 6800 – AG Classification Equestrian;
 - **PCN 00-42-43-27-05-028-0131:** This 0.11-acre parcel is currently owned by Bellsouth Telecommunications Inc. d/b/a AT&T Florida, has a FLUA designation of LR-2 and is within the RT Zoning District. This parcel was received approval for a Special Exception to allow a telephone equipment building by the PBC BCC on August 25, 1983 through Resolution No. R-83-1425 (Control No. 83-109). Note that this parcel is taxed as use code 9100 – Utility;
- **South:** To the south of the subject property, across LWDD Canal L-14, are twenty-four (24) parcels (details below):
 - **Multiple PCN's:** These are twenty-three (23) single family residential lots that are an average of 0.23 acres in size. The parcels are owned by a variety of individuals, have a FLUA designation of LR-2 and are within the Single Family Residential (RS) Zoning District. These parcels are within the 899-unit residential PUD (Control No. 1974-00063) known as the Lakes of Sherbrooke;
 - **PCN 00-42-43-27-05-033-0010:** This 5.03-acre parcel is currently owned by Sean M. Casey, has a FLUA designation of LR-2 and is within the AR

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Zoning District. Note that this parcel is taxed as use code 0100- Single Family;

- **East:** To the east of the subject property are five (5) parcels (details below). Note that this does not include those parcels to the east that are on the eastern side of Florida's Turnpike:
 - **PCN 00-42-43-27-05-028-0151:** This 6.1098-acre parcel is currently owned by the State of Florida Department of Transportation (FDOT), has a FLUA designation of LR-2 and is within the RT Zoning District. This parcel was a part of the Allie Polo Estates PUD. Note that this parcel is taxed as use code 8700 – State;
 - **PCN 00-42-43-27-05-028-0171:** This 4.6760-acre parcel is currently owned by the FDOT, has a FLUA designation of LR-2 and is within the RT Zoning District. This parcel was a part of the Allie Polo Estates PUD. Note that this parcel is taxed as use code 8700 – State;
 - **PCN 00-42-43-27-05-028-0172:** This 6.78-acre parcel is currently owned by the FDOT, has a FLUA designation of LR-2 and is within the RT Zoning District. This parcel was a part of the Allie Polo Estates PUD. Note that this parcel is taxed as use code 8700 – State;
 - **PCN 00-42-43-27-05-028-0181:** This 0.16-acre parcel is currently owned by the FDOT, has a FLUA designation of LR-2 and is within the RT Zoning District. This parcel was a part of the Allie Polo Estates PUD. Note that this parcel is taxed as use code 8700 – State;
 - **PCN 00-42-43-27-05-028-0312:** This 7.17-acre parcel is currently owned by the FDOT, has a FLUA designation of LR-2 and is within the RT Zoning District. This parcel was a part of the Allie Polo Estates PUD. Note that this parcel is taxed as use code 8700 – State;
- **West:** To the west of the subject property, across, in some instances, Polo Road (existing R-O-W of 30', proposed R-O-W of 80') and 47th Place South (existing R-O-W of 30', proposed R-O-W of 80'), are five (5) parcels (details below):
 - **PCN 00-42-43-27-05-028-0051:** This 38.59-acre parcel is currently owned by Lake Worth Road Investors, has a FLUA designation of CH/2 and is within the AR Zoning District. Note that this parcel is taxed as use code 6800 – AG Classification Equestrian;
 - **PCN 00-42-43-27-05-028-0381:** This 16.41-acre parcel is currently owned by Standard Pacific of South Florida, has a FLUA designation of MR-5 and is within the PUD Zoning District. This parcel is a part of the 246-unit residential PUD known as the Andalucia PUD (Control No. 2008-00129). Note that this parcel is taxed as use code 6800 – AG Classification Equestrian;
 - **PCN 00-42-43-27-05-028-0382:** This 3.59-acre parcel is currently owned by Standard Pacific of South Florida, has a FLUA designation of MR-5 and is within the PUD Zoning District. This parcel is a part of the 246-unit residential PUD known as the Andalucia PUD (Control No. 2008-00129). Note that this parcel is taxed as use code 6800 – AG Classification Equestrian;
 - **PCN 00-42-43-27-05-028-0441:** This 0.18-acre parcel is currently owned by Standard Pacific of South Florida, has a FLUA designation of MR-5 and is within the PUD Zoning District. This parcel is a part of the 246-unit

residential PUD known as the Andalucia PUD (Control No. 2008-00129). Note that this parcel is taxed as use code 6800 – AG Classification Equestrian;

- **PCN 00-42-43-27-05-028-0530:** This 19.47-acre parcel is currently owned by Standard Pacific of South Florida, has a FLUA designation of MR-5 and is within the PUD Zoning District. This parcel is a part of the 246-unit residential PUD known as the Andalucia PUD (Control No. 2008-00129). Note that this parcel is taxed as use code 6800 – AG Classification Equestrian;
- **PCN 00-42-44-29-02-012-0000:** This 7.67-acre parcel is currently owned by Lennar Homes, LLC, has a FLUA designation of LR-3 and is within the PUD Zoning District. This parcel is the perimeter buffer, etc. of the 248-unit residential PUD known as the Gulfstream PUD (Control No. 2008-00297). Note that this parcel is taxed as use code 9400 – R/W - Buffer;

SITE DESIGN

Access to the residential portion of the subject property will be provided via five (5) ingress/egress points (four [4] are full ingress/egress points and one [1] is for residents only) from/to Polo Road, 47th Place South (both are R-O-W's with an ultimate width of 80 feet and defined as a collector) and the new 80' R-O-W being dedicated that will also provide access to the public civic pod. The full ingress/egress points will be designed in a boulevard-style with swing gates (will either be controlled through a manned guardhouse or a call box) and will provide the necessary turn around for any school buses that will be picking up and dropping off children. Note that the public civic pod has an alternative ingress/egress point from/to the 30' ingress/egress easement that connects at the northeast corner of the pod.

The proposed single and multi-family housing development consists of 938 units that are designed with vehicular ingress/egress from/to an interior roadway system. Seven (7) of the 26 roadways (or 27%) are terminated by landscape focal points, which is above the code minimum of 15%. There are seven (7) focal points incorporated into the roadway design to provide a landscape feature.

A Street Layout Plan has been submitted to confirm that the number provided is under the minimum. Six (6) of the 26 roadways (or 23%) are terminated by a cul-de-sac or dead-end which is below the maximum allowed of 40%.

The site design includes 12 lake management tracts totaling 45.98 acres and five (5) recreational areas totaling 5.83 acres that will include a variety of recreational opportunities.

The site design incorporates a R-O-W dedication of approximately 25+ feet along those portions of the subject property that abut the R-O-W's of Polo Road and 47th Place South. These dedications will contribute to increasing the size of the R-O-W's to meet their ultimate width of 80 feet. In addition the site design incorporates an 80' dedication for a new east-to-west roadway that will provide access to the public civic pod.

The applicant has provided the opportunity for cross access to those portions of the Andalusia PUD (Control No. 2008-00129) abutting the subject property.

PERIMETER LANDSCAPE

Below is a description of the perimeter landscape that the applicant is proposing to buffer the subject property from adjacent properties to the north, south, east and west.

- **North (adjacent to PCN's 00-42-43-27-05-028-0032/0035/0036/0041/0131):** Since this portion of the proposed residential development abuts parcels that have support agricultural (equestrian) uses a 20' Type 3 Incompatibility Landscape Buffer has been provided along this property line. The applicant is respectfully requesting a condition of approval that states that if these properties are developed with commercial uses that the buffer requirement change to a 15' Type 2 Incompatibility Buffer in accordance with ULDC Art. 7.F.9.B, Table 7.F.9.B, Required Incompatibility Buffer Types.
- **North (adjacent to LWDD L-13 Canal):** Since this portion of the property abuts a 30' R-O-W a 15' R-O-W Landscape Buffer is provided. Crossing through the 15' R-O-W buffer are proposed 4' meandering pedestrian pathways or sidewalks that connect to the proposed 30' Primary Buffer along Polo Road per the WLWRD Neighborhood Design Guidelines.
- **South (adjacent to multiple PCN's and PCN 00-42-43-27-05-033-0010):** Since the parcels to the south of the subject property, across LWDD Canal L-14, are residentially zoned a 5' Compatibility Landscape Buffer has been provided along this property line.
- **East & North @ NE Corner (adjacent to PCN's 00-42-43-27-05-028-0151/0171/0172/0181/0312):** Note that the applicant is proposing to request to release the Hooks Road 30' ingress/egress easement and, as such, this portion of the subject property will abut the parcels currently owned by the Florida Department of Transportation that are residentially zoned. Where the public civic parcel will abut these parcels a 15' Type II Incompatibility Buffer is provided and where the residential properties will abut the residentially zoned land then a 5' Compatibility Landscape Buffer has been provided.
- **East (adjacent to Florida's Turnpike):** Since this portion of the subject property abuts the Florida's Turnpike (a R-O-W of 100 feet or greater) than a 20' R-O-W Landscape Buffer has been provided.
- **East, West and South (adjacent to Polo Road and 47th Place South):** Since these portions of the subject property abut Polo Road and 47 Place South (both with ultimate R-O-W width of 80') a 15' R-O-W Landscape Buffer would typically be required; however, per WLWRD Neighborhood Plan Design Guidelines Section V.(3) & V.(4) a 30' Primary Buffer with a six (6) foot wide meandering pedestrian pathway or sidewalk is required and provided.
- **West (adjacent to PCN's 00-42-43-27-05-028-0381/0382/0530):** Since the parcels to the west of the subject property are residentially zoned a 5' Compatibility Landscape Buffer has been provided along this property line.

All of the above buffers will meet the requirements of Art. 7.F of the PBC ULDC and/or the WLWRD Neighborhood Plan Design Guidelines Section V.

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REQUIRED RECREATION AREA

Based on PBC ULDC Art. 5.D.2.B.2, Calculation of Required Recreation, the subject property is required to provide 5.63 acres of recreation (see calculations below).

- 0.006 acres per unit X 938 units = 5.63 acres

As stated previously the applicant is proposing recreation areas totaling 5.83 acres. The applicant will also meet the minimum recreation costs to be spent on the following within the recreation parcels:

- **Pod B Recreational Pod:** Pool, cabana, tot lot, benches, passive open space, sidewalks, canopy trees and a ganged mailbox location; and
- **Pod D Recreational Pod:** Pool, clubhouse, tot lot, benches, passive open space, sidewalks, canopy trees and a ganged mailbox location.

REQUIRED CIVIC AREA

Per PBC ULDC Table 3.E.2.C, PUD Land Use Mix, the minimum civic requirement is 2% of the gross land area. With a gross land area of 224.9 acres the minimum civic requirement is 4.5 acres. As shown on the Preliminary Master Plan and Preliminary Subdivision Plan the applicant has provided a 4.5-acre public civic site with access from a new 80' R-O-W that connects to Polo Road.

Based on correspondence that the agent has had with Staff from the Facilities Development & Operations (FD & O) Department the agent understands that there is a possibility that the County will request that the civic pod be dedicated as a public civic site for a possible sub-station for the Palm Beach Sherriff's Office.

CONCURRENCY

Included with this application are the following documents related to the impact of the proposed project on public facilities:

- **Drainage:** Please see Drainage Statement prepared by Schnars Engineering dated June 14, 2015 in which the details of the proposed drainage system are provided.
- **Traffic:** Please see Concurrency Traffic Impact Analysis prepared by Pinder Troutman Consulting, Inc. dated August 10, 2015 in which the conclusion states that "this analysis shows that with the proportionate share payments and phasing plan, the proposed development meets the requirements of the Traffic Performance Standards of PBC."
- **Water/Wastewater:** The necessary request for the approval of a Utility Concurrency Reservation Agreements (UCRA) will be submitted to the PBC Water Utilities Department (PBCWUD) to reserve water and wastewater concurrency.

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PUD OBJECTIVES & STANDARDS

Article 3.E.2.B defines the design objectives and performance standards required for PUD's and those are addressed below.

Design Objectives:

1. Designed as a predominately residential district.

RESPONSE: The proposed project consists of 938 dwelling units made up of 444 single-family units and 494 multi-family units. Amenities include five (5) recreational pods totaling 5.83 acres. No non-residential uses are proposed and thus the project complies with this design objective.

2. Provides a continuous non-vehicular circulation system for pedestrians and non-motorized vehicles.

RESPONSE: The PUD provides for a continuous pedestrian and non-vehicular circulation system throughout the development via the sidewalk system along the internal roadway system, complying with this objective. Also note that the internal sidewalk system will connect with the proposed six (6) foot wide meandering pedestrian pathway or sidewalk in the 30' Primary Buffer along the subject property's frontage on Polo Road and 47th Place South and in the 20' Secondary Buffer along the subject property's frontage on the proposed east-to-west 80' R-O-W.

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

RESPONSE: Please see perimeter landscape details above.

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

RESPONSE: No commercial uses are proposed within the PUD.

5. Establish neighborhood character and identity;

RESPONSE: The proposed PUD provides for the creation of an integrated residential community with both clubhouse recreational facilities, as well as passive park type uses, with neighborhood parks through the development. The design will help foster the creation of a true 'neighborhood'.

6. Preserve the natural environment to the greatest extent possible; and

RESPONSE: The subject property currently supports agricultural and equestrian operations. As such, the subject property has previously been

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disturbed and developed so there is minimal native vegetation; however, any existing native vegetation will be assessed for potential relocation as part of this zoning process, resulting in no significantly adverse effects on the natural environment as a result of this project.

7. Provide incentives for civic uses to reduce public capital improvements and expenditures by encouraging joint acquisition, development and operation of publicly owned and operated facilities to serve the residents of the PUD and PBC.

RESPONSE: As shown on the Preliminary Master Plan and Preliminary Subdivision Plan the applicant has provided a 4.5-acre public civic site with two alternative ingress/egress points – one is from/to Polo Road via a proposed 80' R-O-W and the other is from/to the Hooks Road 30' ingress/egress easement.

Based on correspondence that the agent has had with Staff from the FD & O Department the agent understands that there is a possibility that the County will request that the civic site be dedicated as a public civic site for a possible sub-station for the Palm Beach Sheriff's Office.

Required Performance Standards

A PUD shall comply with the following standards: Standards a – d are required and must be met. A minimum of two of the four standards listed in e – h are required:

- a. **Proximity to Other Uses.** *All residential pods with five or more units per acre shall be located within 1,320 feet of a neighborhood park, recreation pod, private civic pod, commercial pod, or a public recreational facility.*

RESPONSE: Pod B will have a density of 5.09 du/ac or more and has a recreation pod within 1,320 feet of the residential pod.

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

RESPONSE: Seven (7) of the 26 roadways (or 27%) are terminated by landscape focal points, which is above the code minimum of 15%. There are seven (7) focal points incorporated into the roadway design to provide a landscape feature.

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

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RESPONSE: Six (6) neighborhood parks are dispersed throughout the community and are proposed to support a passive walking trail, green space, trees and/or a tot lot.

- d. Decorative Street Lighting.** *Decorative street lights shall be provided along the development entrances.*

RESPONSE: Decorative street lights will be provided along the development entrances.

- e. Decorative Paving.** *Decorative paving shall be provided at the development entrances and incorporated into recreational areas.*

RESPONSE: Decorative paving is provided at the full ingress/egress points to the development.

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

RESPONSE: The applicant has provided two fountains – one fountain is in Pod B and the other is in Pod D.

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

RESPONSE: Benches will be provided in the open space areas along the internal sidewalk system.

- h. Interspersed Housing.** *WFH units shall be interspersed with market rate units within a pod.*

RESPONSE: The applicant has elected to cluster the WFH units, as permitted by code.

- i. Pedestrian Circulation System.** *An interconnected pedestrian sidewalk, path or trail system shall be provided linking pods to recreational amenities within the development.*

RESPONSE: A continuous pedestrian sidewalk system is provided throughout the development allowing for access to all the amenities.

ARCHITECTURAL REVIEW

As this is a residential PUD and since none of the multi-family buildings contain more than 16 dwelling units, architectural review is not required for the project.

PLATTING

The applicant intends to further subdivide the subject property per ULDC Art. 11.B.

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PHASING

Pursuant to ULDC Art. 3.E.1.J.1, PUD's may be developed in multiple phases in compliance with Art. 2.E, Monitoring. It is the intent of the applicant to development the project in multiple phases as allowed by code. Per PBC ULDC Table 2.E.3.B the applicant intends to phase the project as follows:

- Phase 1
 - **Pod(s):** A & B
 - **Acreage:** 66.75
 - **Units:** 315
- Phase 2
 - **Pod:** C & E
 - **Acreage:** 74.84
 - **Units:** 376
- Phase 3
 - **Pod:** D
 - **Acreage:** 79.26
 - **Units:** 247

Additionally, pursuant to Art. 7.E.4.B.1, the installation of required landscaping may be phased to the construction of the project.

OFFICIAL ZONING MAP (REZONING) STANDARDS

As stated previously the applicant is requesting the approval of a Rezoning application to rezone the 224.9+/- acres from the RT Zoning District to the PUD Zoning District. Per ULDC Art. 2.A.1.B, Standards, see descriptions below of how the proposed project meets the seven (7) standards.

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

RESPONSE: As shown in the attached "Acreage & Density Analysis" the standard and max densities based on current FLUA designations as described above would allow a total of 938 units. Note that this analysis does not include the encapsulation of any proposed R-O-W abandonments. As shown in this chart the subject property (including the 30% WHP density bonus for those two parcels not subject to existing density caps) could support 948 units; however, the applicant is requesting approval of only 938 units. As such, the Official Zoning Map Amendment (Rezoning) proposes a development consistent with the Plan's allowed density.

Additionally, the proposed development is consistent with Objective 1.2 of the Plan in that it will provide additional homes for the projected population increase within the Urban/Suburban Tier.

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The subject property is also in compliance with the aforementioned density caps per previously approved FLUA Amendment Ordinances as follows (see Preliminary Subdivision Plan [Sheet PSBP-1 of 1] prepared by UDKS dated June 22, 2015 for reference):

- Ordinance No. 2010-024
 - **Density Restriction:** Maximum (Max.) 88 dwelling units
 - **Acreage:** 29.5
- Ordinance No. 2011-029
 - **Density Restriction:** Maximum 3 du/ac
 - **Acreage:** 29.25
- Ordinance No. 2014-010
 - **Density Restriction:** Max. 675 dwelling units
 - **Acreage:** 135.04
- Ordinance No. 2014-011
 - **Density Restriction:** Max. 49 dwelling units
 - **Acreage:** 9.94

Lastly, as stated previously, a 30' Primary Buffer with a six (6) foot wide meandering pedestrian pathway or sidewalk has been provided along those portions of the subject property that front Polo Road and 47th Place South in accordance with WLWRD Neighborhood Plan Design Guidelines Section V.(3) & V.(4). A 20' Secondary Buffer with a six (6) foot wide meandering pedestrian pathway or sidewalk has also been provided along those portions of the subject property that front the proposed 80' east-to-west R-O-W in accordance with WLWRD Neighborhood Plan Design Guidelines Section V.(5) & V.(6).

2. **Consistency with the Code:** *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

RESPONSE: The proposed project is consistent with the code in regard to use, layout, function and general development characteristics. Furthermore, the modified development plan will be in compliance with the PUD objectives and standards as previously described.

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

RESPONSE: Beyond adjacency to public rights-of-way the only adjacent and abutting parcels that are defined as being incompatible to the proposed uses on the subject property are those parcels to the north. These parcels to the north currently support agricultural (equestrian) uses and, as such, a 20' Type 3 Incompatibility Landscape Buffer has been provided along this property line. The applicant is respectfully requesting a condition of approval that states that

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if these properties are developed with commercial uses that the buffer requirement change to a 15' Type 2 Incompatibility Buffer in accordance with ULDC Art. 7.F.9.B, Table 7.F.9.B, Required Incompatibility Buffer Types.

To the northeast are parcels currently owned by the FDOT which have residential FLUA designations and are within residential zoning districts. The applicant can only assume that the intent of these parcels is to be developed with residential uses which are defined as compatible with the uses in the proposed PUD.

To the west are two previously approved, but not yet built, PUD's (Gulfstream PUD and Andalucia PUD) and to the south is an existing, built community known as the Lakes of Sherbrooke. The uses within the proposed PUD are defined as being compatible with these previously approved residential communities.

The design of the proposed single and multi-family residential project, coupled with the separation provided by existing and proposed R-O-W's, LWDD Canal's L-13/L-14 and the proposed perimeter buffers, serves to make the proposed use compatible with the existing and proposed residential/equestrian/civic uses. Although some adjacent properties are currently developed at a lower density than the proposed gross density of 4.17 du/ac it should be noted that the subject property is being developed in compliance with the density guidelines in the WLWRD Neighborhood Plan.

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

RESPONSE: As stated previously the subject property will be developed with the code required perimeter buffering and increased buffering from the WLWRD Neighborhood Plan that will minimize the adverse impact, if any, on surrounding properties. Next, the four (4) access points to the subject property will be to Polo Road and 47th Place South, both of which are intended to have an ultimate R-O-W width of 80'. As such, once constructed the subject property will not create an adverse impact on any local residential streets.

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

RESPONSE: The subject property currently supports agricultural/equestrian operations. As such, the subject property has previously been disturbed and developed so there is minimal native vegetation; however, any existing native vegetation will be assessed for potential relocation as part of this zoning

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process, resulting in no significantly adverse effects on the natural environment as a result of this project.

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

RESPONSE: Over the last five years there have been eight (8) FLUA Amendments adopted that have increased the allowable intensity/density and has truly altered the character of the surrounding area. Four (4) of the FLUA Amendments approved have been within the boundaries of the subject property. Most recently, application LGA 2014-001, which requested to amend the FLUA of 135 acres from Multiple Land Use (MLU with CL-O/3 and LR-3) and LR-2 to MR-5, was approved through Ordinance No. 2014-010. The maximum development potential on this 135-acre parcel was amended from 366 du and 273,208 square feet of commercial office to 675 du. In their report to the Planning Commission the PBC Planning Division Staff summarized their favorable recommendation by indicating that this proposed density increase “would be compatible, would not contribute to Urban Sprawl, and would meet all relevant level of service standards.” As such, it is evident that the surrounding area is continuing to evolve and, more recently, is trending towards supporting more residential units.

7. ***Adequate Public Facilities:*** *The extent to which the proposed use complies with Art. 2.F, Concurrency*

RESPONSE: Included with this application are the following documents related to the impact of the proposed project on public facilities:

- **Drainage:** Please see Drainage Statement prepared by Schnars Engineering dated June 14, 2015 in which the details of the proposed drainage system are provided.
- **Traffic:** Please see Concurrency Traffic Impact Analysis prepared by Pinder Troutman Consulting, Inc. dated June 19, 2015 in which the conclusion states that “this analysis shows that with the proportionate share payments and phasing plan, the proposed development meets the requirements of the Traffic Performance Standards of PBC.”
- **Water/Wastewater:** The necessary request for the approval of a Utility Concurrency Reservation Agreements (UCRA) will be submitted to the PBC Water Utilities Department (PBCWUD) to reserve water and wastewater concurrency.

8. ***Changed Conditions or Circumstances:*** *There are demonstrated changed conditions or circumstances that necessitate a modification.*

RESPONSE: Since the previous approvals were revoked in 2007 the residential housing market has shown a more positive growth trend. As such

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the applicant is proposing to develop one unified PUD in order to create a more aesthetically pleasing site design in order to meet the expected demand in new residential units in the surrounding area.

CONDITIONS OF APPROVAL MODIFICATIONS

Since the prior approvals were revoked, in a sense, there are no applicable conditions of approval to request amending.

TYPE II VARIANCE REQUEST & STANDARDS

As stated previously the applicant is requesting the approval of ten (10) concurrent, Type II Variances as follows:

#	ULDC SECTION	REQUIRED	PROPOSED	VARIANCE
1	Art. 3.D.2.B (Table 3.D.2.B) Building Coverage for ZLL Units	Maximum 50% building coverage for ZLL units	Maximum 55% building coverage for ZLL units	To allow a 10% increase in building coverage for ZLL units
2	Art. 3.E.2.D.1 (Table 3.E.2.D) (technically from Art. 3.D.1.A [Table 3.D.1.A]) Building Coverage	Maximum 40% building coverage for single-family units	Maximum 44% building coverage for single-family units	To allow a 10% increase in building coverage for single-family units
3	Art. 8.H.1.B.2	Off-site signs are only allowed on an adjacent property subject to a recorded document insuring ingress and egress to the parcel	Off-site sign on adjacent property not providing ingress and egress to the parcel	To allow an off-site sign on an adjacent property that does not provided ingress and egress to the parcel
4	Art. 8.H.1.B.4	Off-site signs are only allowed on an adjacent property as long as the sign is within 50' of ingress point for the proposed project	Off-site sign on adjacent property within 1,500' of ingress point for the PUD	To allow for a 1,450' increase in the distance from an off-site sign to the proposed ingress point for the PUD
5	Art. 8.H.1.B (Table 8.H.1.B)	Max. 24 s.f. of allowable sign face area for an off-site sign	Max. 50 s.f. of allowable sign face area for an off-site sign	To allow for an increase of 26 s.f. in the allowable sign face area for an off-site sign
6	Art. 8.H.1.B (Table 8.H.1.B)	Max. 8' in height for an off-site sign	Max. 10' in height for an off-site sign	To allow for an increase of 2' in the allowable sign height for an off-site sign

Per PBC ULDC Art. 2.B.2.G.3, Standards, the proposed Type II Variances requests will meet the seven (7) standards listed as follows:

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 district;

RESPONSE:

- **V1/V2:** Per ULDC Art. 3.E.1.A.1, Purpose and Intent, the intent of Planned Development Districts (PDDs) “is to *encourage ingenuity, and imagination* on the part of, architects, landscape architects, engineers, planners, developers, and builders to create development that promotes sustainable living, addresses traffic impacts, encourages alternative modes of transportation, creates logical street and transportation networks, preserves the natural environment, enhances the built environment, *provides housing choices*, provides services to the community, encourages economic growth, encourages infill development and redevelopment, and minimizes impacts on surrounding areas *through the use of flexible and innovative land development techniques*” (emphasis added). While there was once the allowance for flexible regulations the provisions were removed in 2004 and, as such, the current building coverage requirements limit the provision of housing choices. This is because there are some single-story product types that wouldn’t physically fit on the single-family/ZLL lots. The increase in building coverage will allow for greater flexibility in the design of the proposed homes to best serve the target market.

Other projects in the PUD Zoning District that received similar variances are as follows:

- **Valencia Assemblage (Control No. 2004-00369):** Increase in building coverage for single family lots from 40% to 44% approved by the PBC Zoning Commission (ZC) on February 7, 2013 through Resolution No. ZR-2013-004.
- **Hyder AGR-PUD (Control No. 2005-00455):** Increase in building coverage for single family lots from 40% to 44% and ZLL lots from 50% to 55% approved by the PBC ZC on September 16, 2013 through Resolution No. ZR-2013-024.
- **V3-V6:** The request for the proposed off-site sign that does not meet the location and size requirements for said sign type are generated by special conditions and circumstances. The applicant’s intent with this sign is to be a community identifier rather than an off-site sign for the proposed project only. So, while not technically an off-site sign for the development that is the only sign type (with the requested variances) that would cover the applicant’s intent of providing a community identifier.

2. Special circumstances and conditions do not result from the actions of the applicant;

RESPONSE:

- **V1/V2:** The demand for larger, single-story product types is not a result of actions of the applicant. This is a market-driven demand resulting from the desire of homeowner's to spend more time indoors and/or to utilize the common recreation facilities within a given development for outdoor recreation rather than having a larger yard.
- **V3-V6:** While the applicant is proposing the community identifying signage this is really a provision that should have been accounted for in the WLWRD Neighborhood Plan. The applicant is simply taking lead on incorporating the identifier into the area so that it creates a sense of arrival to the area.

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

RESPONSE:

- **V1/V2:** As stated in the response to criteria 1 there are at least two (2) other PUD's that have received similar variances. As such, allowing the applicant to have additional building coverage will not confer any special privilege granted to other parcels within the same PUD Zoning District.
- **V3-V6:** While the combination of variances needed to accommodate the applicant's idea of providing community identifying signage June be unique what the applicant is proposing is something that really should have been accounted for in the WLWRD Neighborhood Plan. The applicant is simply taking lead on incorporating the identifier into the area so that it creates a sense of arrival to the area.

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 district, and would work an unnecessary and undue hardship;

RESPONSE:

- **V1/V2:** Literal interpretation of the Code would deprive the applicant the rights enjoyed by other PUD's that were granted variances to allow an increase in the maximum building coverage allowance. As such, this would cause an unnecessary and undue hardship as the applicant would be unable to offer larger, single-story product types similar to what are being provided in other PUD's.
- **V3-V6:** Not allowing the combination of variances needed to accommodate the applicant's idea of providing community identifying signage would prevent the applicant from taking lead and petitioning the community on providing signage that identifies the area. Again, while this type of signage should have been thought through during the development

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of the WLWRD Neighborhood Plan, the applicant is willing and able to get the signage approved and built.

5. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure;

RESPONSE:

- **V1/V2:** Granting the requested variances for the maximum building coverage is the minimum variance needed to allow for the applicant to offer larger, single-story product within the development.
- **V3-V6:** Granting the requested variances to allow the off-site signage are the minimum variances needed to allow the applicant to construct community identifying signage.

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

RESPONSE:

- **V1-V6:** Per ULDC Art. 3.E.1.A.1, Purpose and Intent, the intent of Planned Development Districts (PDDs) “is to *encourage ingenuity, and imagination* on the part of, architects, landscape architects, engineers, planners, developers, and builders to create development that promotes sustainable living, addresses traffic impacts, encourages alternative modes of transportation, creates logical street and transportation networks, preserves the natural environment, enhances the built environment, *provides housing choices*, provides services to the community, encourages economic growth, encourages infill development and redevelopment, and minimizes impacts on surrounding areas *through the use of flexible and innovative land development techniques*” (emphasis added). Allowing the applicant to provide additional product types (through V1/V2) and community identifying signage (through V3-V6) will support the applicant's ingenuity and imagination in providing quality development.

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

RESPONSE:

- **V1/V2:** Granting the requested variances for the maximum building coverage will not be injurious to the area involved as the exceedance in building coverage will only be noticeable from within the proposed development.
- **V3-V6:** Granting the requested variances to allow community identifying signage will not be injurious and will rather be a benefit to the area involved.

On behalf of the applicant, Pulte Home Corporation, and property owners, UDKS respectfully requests favorable review and consideration of these applications for the

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approval of (1) concurrent, Type II Zoning Variances request, (2) an Official Zoning Map Amendment (rezoning) request and (3) an Official Control Name Change for the Gulfstream Polo Properties PUD.

The co-agents at Urban Design Kilday Studios are Wendy Tuma and Chris Barry who can be reached at the numbers above or via email at wtuma@udkstudios.com or cbarry@udkstudios.com. Please feel free to contact the agents with any questions or for additional information in support of the requested applications.

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