

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

**ZONING COMMISSION STANDALONE VARIANCE STAFF REPORT**

**Application No.:** ZV-2020-02072  
**Application Name:** Boca Raton Golf Course PUD - Unit Type Variance  
**Control No./Name:** 1981-00019 (Boca Raton Golf Course PUD)  
**Applicant(s):** G. L. Acquisitions Corporation  
 City of Boca Raton  
**Owner(s):** City of Boca Raton  
**Agent(s):** G.L. Homes - Gladys DiGirolamo  
**Telephone No.:** (954) 753-1730  
**Project Manager:** Ryan Vandenburg, Senior Site Planner

**TITLE:** a Type 2 Variance **REQUEST:** to allow the elimination of one residential use type where two are required.

**APPLICATION SUMMARY:** Proposed is a Type 2 Variance for the Boca Raton Golf Course PUD development. The 193.51 acre site was originally approved by the Board of County Commissioners (BCC) on March 17, 1981, to allow a Public Golf Course and Recreation Facilities. The site was last approved by the BCC on June 27, 2019, for a Development Order Amendment to reconfigure the Master Plan, which included rezoning lands from Public Ownership (PO) to PUD and adding land area; increasing the size of the Public Civic Pod to allow for a Class A Conditional Use for a new 400 foot Self Support Communication Tower; and, five (5) Type 2 Waivers for the proposed Tower. The subject site is currently utilized as a Golf Course.

The Applicant is requesting a Type 2 Variance to allow for the overall Planned Unit Development (PUD) to be developed with one residential use type, whereas the Unified Land Development Code (ULDC) requires two use types for a PUD in excess of 100 acres and 300 dwelling units. As indicated on the Preliminary Master Plan (PMP), the Applicant proposed to construct a total of 563 detached (Zero Lot Line) units. No additional changes to the PMP are proposed at this time.

No changes are proposed to the previously approved singular access point to Golf Course Road.

**SITE DATA:**

Location:	Approximately 1,220 feet north of Glades Road on the west side of Florida's Turnpike.
Property Control Number(s)	00-42-43-27-05-076-0010; 00-42-47-17-00-000-1010
Existing Land Use Designation:	Low Residential (LR-3)
Proposed Land Use Designation:	No Change
Existing Zoning District:	Planned Unit Development District (PUD)
Proposed Zoning District:	No Change
Acreage:	193.51 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	Boca Raton
Future Annexation Area	N/A

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

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

**PROJECT HISTORY:**

<b>Application No.</b>	<b>Request</b>	<b>Resolution</b>	<b>Approval Date</b>
SE-1981-00019	Special Exception to allow a Public Golf Course and Recreation Facilities	R-1981-0318	March 17, 1981
SE-1981-00019	Amend Site Plan for Public Golf Course & Recreation Facility to include a Commercial Radio, Television, Microwave, Transmission and Relay Station and Tower	R-1987-1107	July 28, 1987
ABN/ZV/PDD/W-2018-00775	Type 2 Variance to allow a reduction of the buffer width, number of trees and medium shrubs in a Compatibility Buffer	ZR-2018-0025	October 4, 2018
ABN/ZV/PDD/W-2018-00775	A Development Order Abandonment to abandon the Special Exception to allow a Public Golf Course and Recreation Facilities; abandon a Special Exception to amend the Site Plan for a Public Golf Course and Recreation Facilities previously approved under Zoning Petition 1982-00019 to include a Commercial Radio, Television, Microwave, Transmission and Relay Station and Tower; Rezoning of 192.79 acres from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District; and, a Type 2 Waiver to allow a reduction of the required frontage on a public Right-of-Way.	R-2018-1708 R-2018-1709 R-2018-1710	October 31, 2018
ABN/Z/CAW-2018-00930	An Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District; a Class A Conditional Use to allow a Self Support/Lattice Tower; and, Type 2 Waivers to allow a reduction of the required setbacks.	R-2018-1711 R-2018-1712 R-2018-1713	October 31, 2018
ABN/DOA-2019-00101	A Development Order Abandonment to abandon a Class A Conditional Use to allow a Self Support/Lattice Tower; and, to abandon Type 2 Waivers to allow a reduction of the required setback for a Self Support/Lattice Tower.  A Development Order Amendment to add and delete land area.	R-2019-0913 R-2019-0914 R-2019-0915	June 27, 2019
CA/DOA/PDD/W-2019-00135	An Official Zoning Map Amendment to allow a rezoning from the Public Ownership (PO) Zoning District to the Planned Unit Development (PUD) Zoning District.  A Development Order Amendment to reconfigure the Master Plan, add and delete land area, and add uses.	R-2019-0916 R-2019-0917 R-2019-0918 R-2019-0919	June 27, 2019

	A Class A Conditional Use to allow a Self Support Communication Tower.  A Type 2 Waiver to allow a reduction of the required Tower separation distances and required setbacks.		
Z-2019-00758	An Official Zoning Map Amendment to allow a rezoning from the Planned Unit Development (PUD) Zoning District to the Public Ownership (PO) Zoning District.	R-2019-0920	June 27, 2019

**SURROUNDING LAND USES:**

**NORTH:**

FLU Designation: Low Residential (LR-3)  
 Zoning District: Residential Transitional District (RT)  
 Supporting: Residential (Brentwood Place PUD, Control No 1980-00009)

**SOUTH:**

FLU Designation: Medium Residential (MR-5)  
 Zoning District: Single-Family Residential District (RS)  
 Supporting: Residential (Wedgewood Estates PUD, Control No. 1985-00034)

FLU Designation: Medium Residential (MR-5)  
 Zoning District: Single-Family Residential District (RS)  
 Supporting: Residential (Boca Lakes North PUD, Control No. 1973-00124)

FLU Designation: Commercial High, with an underlying MR-5 (CH/5)  
 Zoning District: Multiple Use Planning District (MUPD)  
 Supporting: Commercial (Glades Road Storage, Control No. 1992-00044)

FLU Designation: Commercial High, with an underlying MR-5 (CH/5)  
 Zoning District: General Commercial District (CG)  
 Supporting: Commercial (No Control Name and No.)

**EAST:**

FLU Designation: Utilities and Transportation and Parks  
 Zoning District: Agricultural Residential  
 Supporting: Florida's Turnpike

FLU Designation: Industrial (IND)  
 Zoning District: Multiple Use Planning District (MUPD)  
 Supporting: Vacant (Boca Glades Storage, Control No. 1992-00044)

**EAST (across Florida's Turnpike):**

FLU Designation: Low Residential (LR-3)  
 Zoning District: Agricultural Residential District (AR) with Special Exception for a Planned Unit Development  
 Supporting: Residential (Boca West PUD, Control No 1985-00007)

**WEST:**

FLU Designation: Low Residential (LR-3)  
 Zoning District: Agricultural Residential District (AR)  
 Supporting: Agricultural (No Control Name and No.)

**TYPE 2 VARIANCE SUMMARY**

#	ULDC Article	REQUIRED	PROPOSED	VARIANCE
V.1	Table 3.E.2.E.1.a, Range of Housing (Planned Unit Development Standards)	2 residential use types	1 residential use type (ZLL Homes)	1 residential use type

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

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

**YES.** As stated in the Applicants Justification Statement (Exhibit E), G.L Homes (the contract purchaser) and the current owner of the subject lands (the City of Boca Raton) have entered into an Interlocal Agreement for the construction of a new 400 ft. Communication Tower on the subject site. At this time, there is currently an existing Tower that is located on the east perimeter of the property, approximately 950 ft. from the south property line (see Figure 4). The existing Communication Tower does not meet the current needs and a new tower was approved through application CA/DOA/PDD/W-2019-00135. At the time of drafting this report, there was open litigation of the approved tower, as a neighboring landowner appealed the BCCs approval of the Class A Conditional Use. With the existing Tower encumbering approved residential lots due to the required fall zone, the Applicant has chosen to seek this variance to allow for all Zero Lot Line homes. If the Applicant is not approved for this Variance, the Applicant will lose 10 approved lots. With the approval of this variance, the Applicant will be able to build 563 lots, 1 less than what was previously approved (564 approved through CA/DOA/PDD/W-2019-00135). The Applicant will be providing varied housing types, albeit they will be provided in the form of Zero Lot Line homes. The Applicant has agreed to a Condition of Approval that will require the developer to build a minimum of twenty-five percent (25%) of lots at 62 feet in width, and a maximum of seventy-five percent (75%) of lots to be 50 feet in width (See Exhibit C, Conditions of Approval). These varied lot sizes will afford for a mix of Zero Lot Line housing types, which is the intent of the Code for Planned Unit Developments.

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

**YES.** As previously described, the Applicant agreed to provide a new 400 ft. Communication Tower for the City of Boca Raton within the south-east corner of the subject site, which limited the ability to provide residential lots within this area, as lots must be outside of the code-required fall zone (see Pod Limit in Figure A above). This was predicated on the understanding that the existing tower could be removed within a short period of time to allow for the development of residential lots within the fall zone for the existing tower. With ongoing litigation and the ability to appeal should the courts be in favor of the Boards approval of the existing Tower, the Applicant has indicated their desire to modify the plan to relocate residential development outside the existing fall zone. To limit the loss of residential lots the Applicant is seeking to modify the plan to all Zero Lot Line homes. It should be noted that, as per the Justification Statement, surrounding lands adjacent to the Golf Course also have one residential lot type (also Zero Lot Line homes), which includes Brentwood Estates to the north of the approved PUD, and Wedgewood development to the south west.

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

**YES.** The Applicant will be continuing to provide a mixture of housing types, albeit they will be all Zero Lot Line homes. As indicated in Standard A, the Applicant will be conditioned to provide a minimum of 25% of lots at 62 feet in width, and a maximum of 75% of lots will be 50 ft. in width. Per the Justification Statement provided, “requiring a minimum of 25% of the overall units built be 62’ wide, the resulting product mix is more diverse than that required under the current Development Order. The current approved mix with both SF and ZLL lots is 502 ZLL units (89%) and 62 SF lots (11%). The proposed unit mix, assuming approval of the variance, is a maximum of 422 - 50’ wide ZLL (or

75% of the units) and a minimum of 141 - 62' wide ZLL units (being 25% of the units)." The intent of the Table 3.E.2.E.1.a, Range of Housing, is to provide for a mixture of housing types so that all development is not the exact same. The Applicant will meet this requirement based on the Condition that they will be required to adhere to.

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

**YES.** As previously noted, the ongoing litigation regarding the proposed 400' Self Support Communication Tower, and the inability to remove the existing tower is an unforeseen and undue hardship. Even if the courts votes in favor of the Boards decision to approve the 400 ft. Communication Tower in the south east corner of the subject site, the current appellant may appeal the court's decision, which could further delay development around the existing tower. As such, the Applicant is seeking the variance for the ZLL homes over the entire PUD, and will be required to seek an additional administrative approval to modify the approved master plan around the existing tower, to provide for a lake where there is currently approved lots.

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

**YES.** As previously stated, the Applicant has been approved for 564 units, and with the requested variance, the Applicant will have the ability to build up to 563 units, as shown on the PSP on Figure 4. With the reconfiguration of the Site Plan that will be required through the Administrative process, the Applicant will be providing a Lake where there was previously approved residential development. The Variance allows for the Applicant to maintain their previous density approvals, less one lot.

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

**YES.** The Applicant will continue to provide for a range of housing types in the form of differing Zero Lot Line homes. This meets the intent of Table 3.E.2.E.1., Range of Housing Types. As previously discussed, Staff are requesting a Condition of Approval that was proposed by the Applicant to provide for a minimum of two lot widths for the Zero Lot Line homes, which will allow for different housing types. The Applicant provided Conceptual Plans with different model types for a 50 ft. and 62 ft. lot, which have been provided for informational purposes in Exhibit F, Conceptual Model Types.

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

**YES.** The approval of the variance will continue to allow for the development of the overall PUD. The Applicant has proposed a Condition of Approval which is supported by the Staff to provide for a minimum of 25 percent of total units to be 62 ft. wide lots, and a maximum of 75 percent of the total units to be located on 50 ft. wide lots. The differing widths in lots will allow for the Applicant to provide for a range of housing as shown conceptually in Figure F. The proposed variance will have no detrimental effect on the public welfare, as the intent of the code will be maintained.

**CONCLUSION**

Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the request, subject to the Conditions of Approval in Exhibit C.

## CONDITIONS OF APPROVAL

### EXHIBIT C - Type 2 Variance - Standalone

#### ALL PETITIONS

1. The approved Final Master Plan is dated February 8, 2021. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### USE LIMITATIONS

1. The overall residential development shall be required to provide the following:
  - a. A minimum of twenty-five percent (25%) of all residential lots shall be a minimum of sixty-two (62) feet in width.
  - b. A maximum of seventy-five percent (75%) of all residential lots shall be fifty (50) feet in width. (BLDGPMT/ONGOING: BUILDING DIVISION - Building Division)

#### COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
  - a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
  - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
  - d. Referral to Code Enforcement; and/or
  - e. Imposition of entitlement density or intensity.

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

#### DISCLOSURE

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

Figure 1 – Future Land Use Map

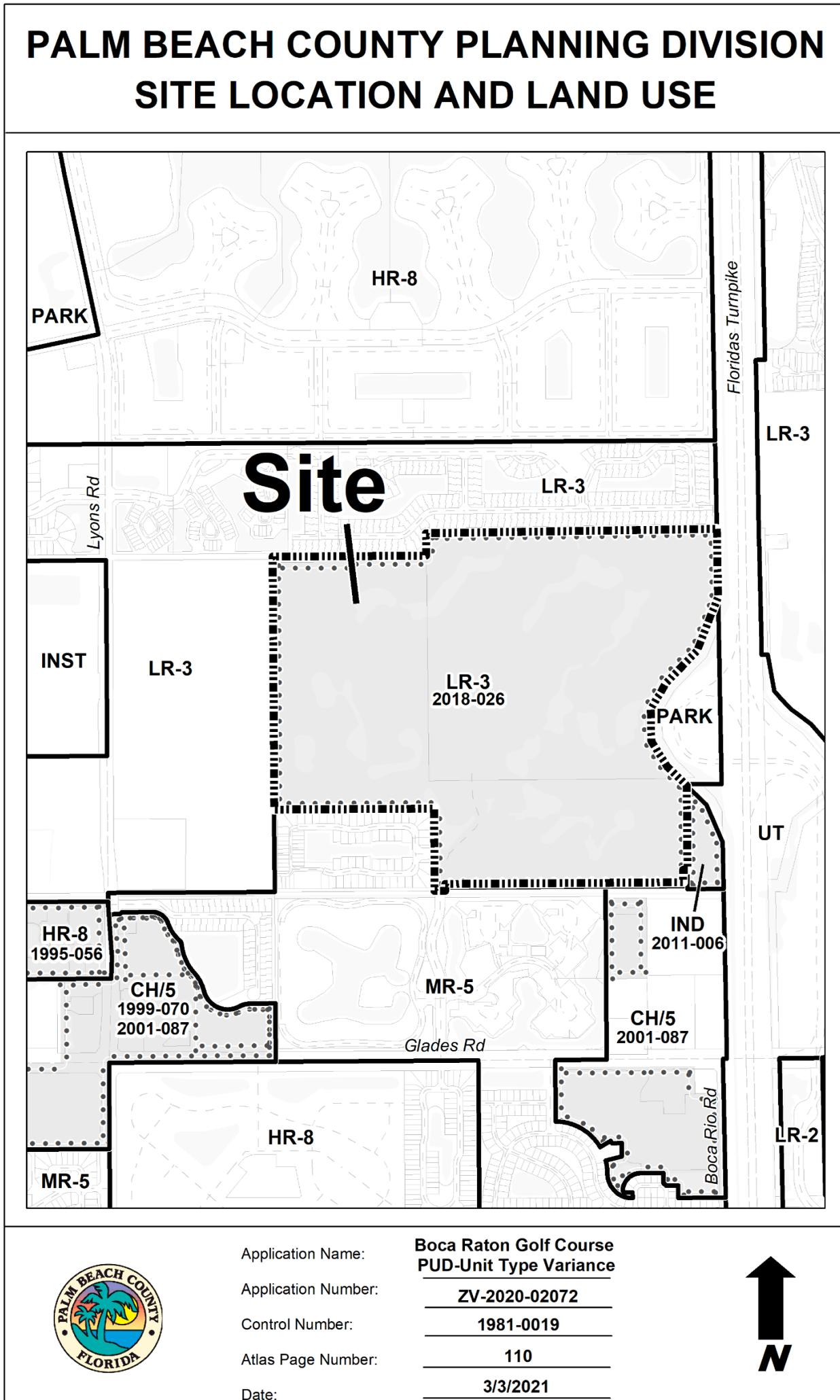


Figure 2 - Zoning Map

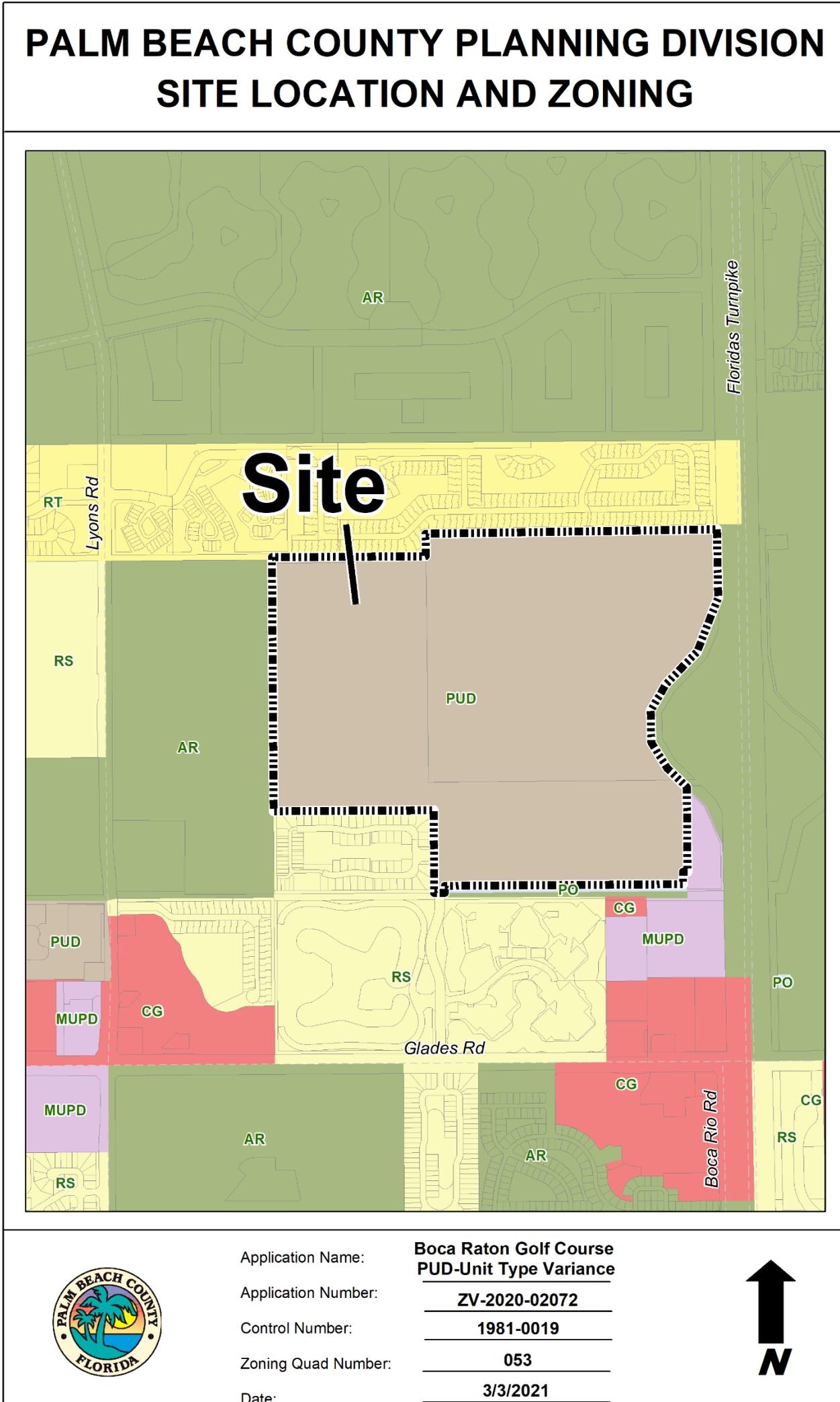
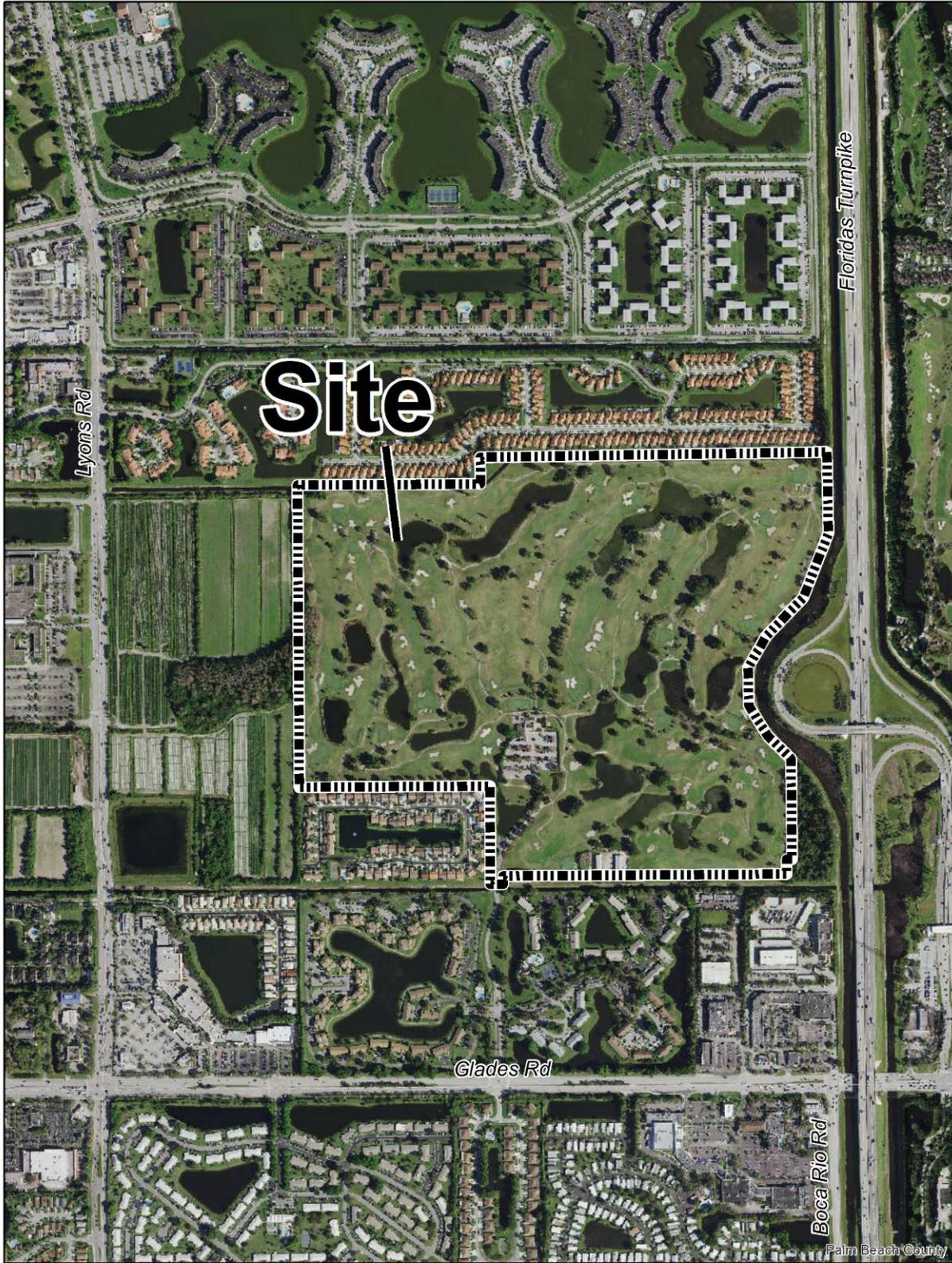
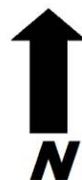


Figure 3 - Aerial

# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	<b>Boca Raton Golf Course PUD-Unit Type Variance</b>
Application Number:	<b>ZV-2020-02072</b>
Control Number:	<b>1981-0019</b>
Atlas Page Number:	<b>110</b>
Date:	<b>3/3/2021</b>







**Exhibit D-1 – Disclosure of Ownership (Applicant)**

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

**DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT**

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

STATE OF FLORIDA  
COUNTY OF BROWARD

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

1. Affiant is the Vice President of G.L. Acquisitions Corporation, a Florida corporation (the "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for the real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and, to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

*N. Maria Menendez*

N. Maria Menendez, as the Vice President of G.L. Acquisitions Corporation, a Florida corporation

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 8<sup>th</sup> day of December 2020, by N. Maria Menendez, as the Vice President of G.L. Acquisitions Corporation, a Florida corporation,  who is personally known to me or  who has produced \_\_\_\_\_ as identification and who did take an oath.



*Colleen M. Colton*

Notary Public

*Colleen M. Colton*

(Print Notary Name)

NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: \_\_\_\_\_

**EXHIBIT "A"**

**PROPERTY**

**BOCA RATON GOLF COURSE PUD  
LEGAL DESCRIPTION:**

ALL OF TRACTS 1 THROUGH 3, INCLUSIVE, TRACTS 12 THROUGH 17, INCLUSIVE, TRACTS 30 THROUGH 34, INCLUSIVE, A PORTION OF TRACTS 29 AND 35, AND A PORTION OF ROAD, DYKE AND DITCH RESERVATIONS, ALL IN BLOCK 76, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT 17, ALSO BEING THE NORTHWEST CORNER OF WEDGEWOOD ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGE 115, SAID PUBLIC RECORDS, THENCE NORTH 00°21'35" WEST, ALONG THE WEST LINE OF SAID TRACTS 3, 12 AND 17 AND THEIR NORTHERLY EXTENSION, A DISTANCE OF 2,031.63 FEET; THENCE NORTH 89°37'44" EAST, ALONG THE NORTH LINE OF A SAID BLOCK 76, A DISTANCE OF 1,239.74 FEET; THENCE NORTH 00°54'13" WEST, ALONG THE EAST LINE OF BLOCK 75, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, SAID PUBLIC RECORDS, A DISTANCE OF 179.93 FEET TO NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17; THENCE NORTH 89°08'08" EAST, ALONG THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 2,347.82 FEET; THENCE SOUTH 01°04'52" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2W CANAL AS DESCRIBED IN OFFICIAL RECORDS BOOK 319, PAGE 275, SAID PUBLIC RECORDS, A DISTANCE OF 545.91 FEET; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2W CANAL AS DESCRIBED IN OFFICIAL RECORDS BOOK 25558, PAGE 1167, SAID PUBLIC RECORDS, FOR THE FOLLOWING SIX (6) DESCRIBED COURSES, SOUTH 21°25'08" WEST, A DISTANCE OF 463.58 FEET; THENCE SOUTH 43°55'08" WEST, A DISTANCE OF 367.79 FEET; THENCE SOUTH 29°53'08" WEST, A DISTANCE OF 239.99 FEET; THENCE SOUTH 01°04'52" EAST, A DISTANCE OF 255.40 FEET; THENCE SOUTH 32°02'52" EAST, A DISTANCE OF 243.71 FEET; THENCE SOUTH 46°04'52" EAST, A DISTANCE OF 218.14 FEET; THENCE ALONG THE EAST LINE OF SAID TRACT 35, BLOCK 76, ALSO BEING THE WEST LINE AND THE NORTHERLY EXTENSION THEREOF, OF GLADES ROAD SELF STORAGE, MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 122, PAGES 114 THROUGH 115, SAID PUBLIC RECORDS, SOUTH 00°24'15" EAST, A DISTANCE OF 674.97 FEET; THENCE SOUTH 89°36'40" WEST, 35.00 FEET; THENCE SOUTH 00°24'15" EAST ALONG A LINE 35.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF TRACT 35, A DISTANCE OF 100.50 FEET; THENCE SOUTH 89°36'40" WEST, ALONG A LINE 55.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF TRACTS 30 THROUGH 35, INCLUSIVE, SAID BLOCK 76, A DISTANCE OF 1920.40 FEET; THENCE SOUTH 00°21'11" EAST, ALONG A LINE 85.65 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID WEDGEWOOD ESTATES, A DISTANCE OF 55.00 FEET; THENCE SOUTH 89°36'40" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 29 AND 30, A DISTANCE OF 85.65 FEET; THENCE NORTH 00°21'11" WEST, ALONG THE EAST LINE OF SAID WEDGEWOOD ESTATES, A DISTANCE

OF 660.00 FEET; THENCE SOUTH 89°41'19" WEST, ALONG THE NORTH LINE OF SAID WEDGEWOOD ESTATES, A DISTANCE OF 1,290.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 193.510 ACRES, MORE OR LESS.

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT**

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

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

**Exhibit D-2 – Disclosure of Ownership (Property Owner)**

**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 George S. Brown, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [ ] individual or [x] Deputy City Manager [position - e.g., president, partner, trustee] of City of Boca Raton [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: 201 West Palmetto Park Road  
Boca Raton, FL 33432
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.

George S. Brown  
GEORGE S. BROWN, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

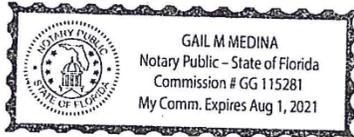
STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [] physical presence or [ ] online notarization, this 16 day of NOVEMBER, 2020 by GEORGE S. BROWN (name of person acknowledging). He/she is personally known  to me or has produced \_\_\_\_\_ (type of identification) as identification and did/did not take an oath (circle correct response).

GAIL M MEDINA  
(Name - type, stamp or print clearly)

Gail M. Medina  
(Signature)

My Commission Expires on: 8/1/21



**EXHIBIT "A"**

**PROPERTY**

**BOCA RATON GOLF COURSE PUD**  
**LEGAL DESCRIPTION:**

ALL OF TRACTS 1 THROUGH 3, INCLUSIVE, TRACTS 12 THROUGH 17, INCLUSIVE, TRACTS 30 THROUGH 34, INCLUSIVE, A PORTION OF TRACTS 29 AND 35, AND A PORTION OF ROAD, DYKE AND DITCH RESERVATIONS, ALL IN BLOCK 76, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT 17, ALSO BEING THE NORTHWEST CORNER OF WEDGEWOOD ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGE 115, SAID PUBLIC RECORDS, THENCE NORTH 00°21'35" WEST, ALONG THE WEST LINE OF SAID TRACTS 3, 12 AND 17 AND THEIR NORTHERLY EXTENSION, A DISTANCE OF 2,031.63 FEET; THENCE NORTH 89°37'44" EAST, ALONG THE NORTH LINE OF A SAID BLOCK 76, A DISTANCE OF 1,239.74 FEET; THENCE NORTH 00°54'13" WEST, ALONG THE EAST LINE OF BLOCK 75, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, SAID PUBLIC RECORDS, A DISTANCE OF 179.93 FEET TO NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17; THENCE NORTH 89°08'08" EAST, ALONG THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 2,347.82 FEET; THENCE SOUTH 01°04'52" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2W CANAL AS DESCRIBED IN OFFICIAL RECORDS BOOK 319, PAGE 275, SAID PUBLIC RECORDS, A DISTANCE OF 545.91 FEET; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2W CANAL AS DESCRIBED IN OFFICIAL RECORDS BOOK 25558, PAGE 1167, SAID PUBLIC RECORDS, FOR THE FOLLOWING SIX (6) DESCRIBED COURSES, SOUTH 21°25'08" WEST, A DISTANCE OF 463.58 FEET; THENCE SOUTH 43°55'08" WEST, A DISTANCE OF 367.79 FEET; THENCE SOUTH 29°53'08" WEST, A DISTANCE OF 239.99 FEET; THENCE SOUTH 01°04'52" EAST, A DISTANCE OF 255.40 FEET; THENCE SOUTH 32°02'52" EAST, A DISTANCE OF 243.71 FEET; THENCE SOUTH 46°04'52" EAST, A DISTANCE OF 218.14 FEET; THENCE ALONG THE EAST LINE OF SAID TRACT 35, BLOCK 76, ALSO BEING THE WEST LINE AND THE NORTHERLY EXTENSION THEREOF, OF GLADES ROAD SELF STORAGE, MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 122, PAGES 114 THROUGH 115, SAID PUBLIC RECORDS, SOUTH 00°24'15" EAST, A DISTANCE OF 674.97 FEET; THENCE SOUTH 89°36'40" WEST, 35.00 FEET; THENCE SOUTH 00°24'15" EAST ALONG A LINE 35.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF TRACT 35, A DISTANCE OF 100.50 FEET; THENCE SOUTH 89°36'40" WEST, ALONG A LINE 55.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF TRACTS 30 THROUGH 35, INCLUSIVE, SAID BLOCK 76, A DISTANCE OF 1920.40 FEET; THENCE SOUTH 00°21'11" EAST, ALONG A LINE 85.65 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID WEDGEWOOD ESTATES, A DISTANCE OF 55.00 FEET; THENCE SOUTH 89°36'40" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 29 AND 30, A DISTANCE OF 85.65 FEET; THENCE NORTH 00°21'11" WEST, ALONG THE EAST LINE OF SAID WEDGEWOOD ESTATES, A DISTANCE OF 660.00 FEET; THENCE SOUTH 89°41'19" WEST, ALONG THE NORTH LINE OF SAID WEDGEWOOD ESTATES, A DISTANCE OF 1,290.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 193.510 ACRES, MORE OR LESS.



## Exhibit E – Applicant’s Justification Statement dated February 8, 2021

**JUSTIFICATION STATEMENT  
BOCA RATON GOLF COURSE PUD  
Type 2 Variance – Stand Alone  
Control Number: 1981-00019  
December 7, 2020  
Resubmittal: February 8, 2021**

### **Request**

The contract purchaser, G.L. Acquisitions Corporation, hereby respectfully submits this application for approval of a Type 2 Variance – Stand Alone for the proposed Boca Raton Golf Course Planned Unit Development (PUD), approved for 564 detached residential units. The requested variance is to allow the elimination of the code requirement for two housing types within the PUD.

### **Overview**

The Boca Raton Golf Course PUD consists 193.51 acres and includes two (2) property control numbers (00-42-43-27-05-076-0010 and 00-42-47-17-00-000-1010). It is located approximately 1,220 feet north of Glades Road on the west side of Florida’s Turnpike, with access provided from Golf Course Road. The subject property is located in the unincorporated area of Palm Beach County (PBC), situated in the Urban/Suburban Tier and is within the County’s Urban Service Area and more specifically at 8111 Golf Course Road, Boca Raton, FL 33434. The subject property is not located in any neighborhood planned area, or Redevelopment or Countywide Community Revitalization Team (CCRT) area. The site currently has a Future Land Use of Low Residential with three dwelling units to the acre designation (LR-3) and a PUD zoning designation.

### **Zoning Approval History**

The subject property currently supports a public municipal golf course that opened in 1982. There is an 18-hole par 72 championship course and a 9-hole par 30 executive course. There also exists a clubhouse and commercial communications tower serving the City of Boca Raton for emergency services and including co-located user(s). The site has been built out based on the prior approvals.

On March 17, 1981 the Board of County Commission (BCC) approved a Special Exception to allow a Public Golf Course and Recreation Facilities via Resolution No. R-81-318.

On June 10, 1981 the Site Plan Review Committee Meeting (SPRCM) approved a Clubhouse Area Site Plan.

On March 27, 1987 the BCC approved a Special Exception to amend the Site Plan for a Public Golf Course and Recreational Facilities to include a Commercial Radio, Television, Microwave, Transmission and Relay Station and Towers via Resolution No. R-87-1107.

On August 26, 1987 the SPRCM approved a Site Plan for the Radio Tower.

On February 2, 2018, the applicant filed a request as part of Round 18-D to amend the FLU from its current designation. The request modified the adopted FLU designation of Park to Low Residential 3 (LR-3). On October 31, 2018, G.L. Acquisitions Corporation, as the Applicant, was granted approval for a Large-Scale Land Use Amendment by the BCC, via Ordinance 2018-026, to change the Future Land Use designation from Parks and Recreation (Park) to Low Residential, 3 units per acre (LR-3) (*LGA 2018-022*) on the entire 193.68-acre site. Condition 2 of Ordinance 2018-026 states that, "Residential development on the site shall be limited to a maximum of 564 dwelling units."

Additionally, the applicant was granted approval to Rezone the 192.79-acre portion of the site to the residential PUD zoning district with up to 564 dwelling units (*PDD/ABN-2018-00775*) (Resolution R-2018-1709). As part of that approval, a 0.286-acre Public Civic Pod site was provided and located at the southeast portion of the PUD. Per Administrative Inquiry 2018-01, the BCC approved a reduction in size for the Public Civic Site in conjunction with a cash-out by the developer with the understanding that the site would be utilized for the location of a 400' emergency communication tower. Additionally, the BCC granted approval for a Development Order Abandonment of the current use of a municipal golf course and subsequently approved a Waiver to reduce the required frontage of the PUD on a public right-of-way (Resolutions R-2018-1708 and R-2018-1710 respectively). Also approved for the PUD was a Variance to deviate from the required 8' buffer width and planting requirements associated with the reduced frontage (ZR-2018-025).

More recently, on June 27, 2019, G.L. Acquisitions Corporation was granted approval for a Development Order Amendment (DOA) via Resolution R2019-0917, 0918, 0919, and 0920 for the following:

Reconfiguration of the Master Plan; increased the Public Civic Pod, increased the PUD lands from 192.79 to 193.51 acres, by adding in and rezoning .734 acres from PO to PUD and removing .012 acres and rezoning the .012 acres from PUD to PO; obtained a Class A Conditional Use for a new 400 foot Self Support Communication Tower within the Public Civic Pod along with five (5) type 2 Waivers for the proposed tower.

### **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.

- **North:** To the north of the subject property are multiple parcels that make up a portion of the Brentwood Place PUD (Control No. 80-09). The development areas directly north of the subject site, Phases 3 thru 6 that total 59.4 acres+/-, are built with 201 zero lot line detached units with a net density of 3.4 DU/Ac. The parcels are owned by a variety of individuals and have a Low Residential, 3 units per acre (LR/3) Future Land Use and RT Zoning designation.

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- **South:** To the south of the subject property from west to east are:
  - Multiple parcels that make up Wedgewood Estates PUD (Control No. 1985-34) of 19.5 acres+/- and consisting of 58 zero lot line and 20 townhome units with a gross density of 4 DU/Ac. The parcels are owned by a variety of individuals and have a MR-5 Future Land Use and RS Zoning designation, with a Special Exception for a PUD.
  - Multiple parcels that make up a portion of Boca Lakes North PUD (Control No. 1973-124) consisting of 456 multifamily units with a gross density of 5.91 DU/Ac. The parcels are owned by a variety of individuals and have a MR-5 Future Land Use and RS Zoning designation, with a Special Exception for a PUD.
  - One parcel supporting a landscape maintenance equipment business on 1 acre+/- in a 5,382 SF building (no known Control No.) with a CH/5 Future Land Use and CG Zoning designation.
  - Two parcels that make up Glades Road Storage (Control No. 1992-44), one of which wraps up the east side of the subject site. The site totals 13 acres+/- and supports 146,860 SF of building area. The southern parcel has a CH/5 Future Land Use and MUPD Zoning designation, and the eastern parcel has an Industrial Future Land Use and MUPD Zoning designation.
  
- **East:** To the east of the subject property is Florida's Turnpike and an interchange for access to Glades Road. To the east of Florida's Turnpike are multiple parcels that make up a portion of Boca West PUD (Control No. 1985-07) consisting of 3,551 units with a density of 2.47 DU/Ac. The property has a Low Residential, 3 units per acre (LR/3) Future Land Use and AR Zoning designation with a Special Exception for a PUD.
  
- **West:** To the west of the subject property is approximately 72 acres of land, one parcel, in active agricultural production. The property has a Low Residential, 3 units per acre (LR/3) Future Land Use and AR Zoning designation.

**Site Design Modifications due to incorporation of existing Tower**

The overall site plan that supports the previously approved Final Master Plan has been slightly reconfigured due to the reasons discussed below in the Variance Justification. Other revisions to the overall Master Plan include the following:

Pods A, C, D, and E, have all been revised slightly per the chart below:

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R2019-0917 Approved by BCC on June 27, 2019					Revisions pending DRO Amendment				
Pod	Unit Type	Total	Gross Acres	Density / Pod	Unit Type	Total	Gross Acres	Density / Pod	Change
A	ZLL	170	46.17	3.68	ZLL	164	47.05	3.49	6
B	ZLL	114	32.00	3.56	ZLL	114	32.00	3.56	0
C	SF	59	25.40	2.32	ZLL	63	25.40	2.48	-4
D	ZLL	108	29.25	3.69	ZLL	109	29.24	3.73	-1
E	ZLL	110	25.80	4.26	ZLL	113	25.81	4.38	0
	SF	3							
<b>Total</b>		<b>564</b>	<b>158.62</b>			<b>563</b>	<b>159.50</b>		<b>1</b>

The below Variance Request has been confirmed and discussed with Staff at a Pre-application Meeting on November 25, 2020.

### Type 2 Variance Request

ULDC	REQUIRED	PROPOSED	VARIANCE
<b>Article 3.E.2.E.1.a Housing Types</b>	2 residential use types	1 residential use type	1 residential use type

#### Variance Justification:

The existing litigation associated with an appeal to the prior approvals granted by the Board of County Commissioners on June 27, 2019 for the County tower proposed within the Civic Pod of the PUD (southeast corner) is not moving in the court systems due to the national pandemic (Covid). The attorneys handling the litigation for the County have no expectation as to when the court will opine on the litigation. It was discussed that even if the litigation is acted upon, the adjacent property owner could appeal that decision which would cause the process to continue even longer.

The City of Boca Raton and PBC have entered into an Interlocal Agreement (ILA) for construction of a new tower, however, until the new tower is built, by condition of approval, the contract purchaser (G.L. Acquisitions Corporation or GL) have to provide a 270' fall zone around the existing City tower that is located along the eastern perimeter within the PUD. Therefore, the current development plan (see Exhibit #1 included with application) would require an amendment to eliminate any units within said fall zone (no building permits for residential lots within 270' of existing tower). Furthermore, the current plan of development assumed that the existing City tower would be removed, or, a timeframe for said removal would be known by the time GL closed on the property and proceeded with development on that portion of the site. The current timeframe for closing is determined by the City of Boca Raton, the current property owner, and is now set to occur in October of 2021.

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Furthermore, the existing tower cannot be removed until the new tower is built as it provides emergency communication services for the City. If the County loses the litigation, it will be likely be appealed, and if County wins the litigation and it is appealed or the courts continue to delay action on the litigation, GL will be forced to modify the current development plan to accommodate the 270' fall zone around the existing City tower, and thus lose lots on the development plan (see Exhibit #2 included with application). The litigation does not involve the PUD approvals, only the County tower, but until the litigation is resolved, the current approved development plan is impacted and must be modified to account for the fall zone of the existing City tower. The contract purchaser (GL) should not be penalized by losing lots to accommodate the City of Boca Raton's need to keep the existing tower for an unknown timeframe or the courts failure to act on the litigation on the County's tower.

The ability to change the current 62 SF units to ZLL units results in the loss of 1 residential dwelling unit (564 lots to 563 lots). It has been determined that if the county does not approve the variance to eliminate one housing type, GL could ultimately lose a total of 5 lots (see Exhibit #3 included with application). GL should not be penalized for accommodating the City and/or County relative to the ongoing tower issues.

Also note that the Boca Raton Golf Course PUD does not abut any SF lots (north (Brentwood) and South (Wedgewood and Boca Glades) were approved and built as all ZLL or ZLL and attached product (ZLL, Villas and Condo's)).

GL is proposing, with approval of this variance, to develop two variations of ZLL units, 50' and 62' foot wide lots. By offering the two different product types, and multiple differing models within each of the two product types, the intent of the code in requiring two housing types is met. The intent being to limit the monotony of unit types within a planned development by requiring differing model homes for sales. In forcing GL to provide both ZLL and SF product type under the current code requirement, however, the County is mandating that GL lose residential lots in order to accommodate the fall zone of the existing tower. One could argue that GL could just reduce the width of the 50' ZLL units as approved to the code minimum 45' to make up for any lost lots. However, again, this would be forcing GL to modify its development program and intended market to accommodate the code provision when it's the tower appeal that is actually impacting GLs development program. Requiring GL to build smaller product (35' wide building envelope v. 40' wide building envelope) impacts the pricing and marketability of the units. GL believes that by offering the two different product types of the 50' ZLL units and the 62' ZLL units, the intent of the code provision is met without GL being forced to lose lots while accommodating the existing tower fall zone. Without the variance, we will lose lots under the two product rule of the ULDC.

Staff inquired if this issue will simply go away with time....meaning that eventually the litigation will be resolved one way or the other and the developer can proceed forward under the existing approval. This assumption is flawed for the following reasons:

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- 1) Assuming the County wins the current pending litigation, the adjacent owner could appeal that decision and timeframe for resolution of same is unknown. While this occurs, the developer is still forced to accommodate the 270' fall zone of the existing tower and could not sell any lots within the fall zone. Effectively, the developer would be forced to hold lots off the market with no knowledge as to if and when those lots could be sold and built. The revised development plan removes this uncertainty.
- 2) Assuming the adjacent owner wins the litigation, the County would appeal. While this occurs, the developer is still forced to accommodate the 270' fall zone of the existing tower and could not sell any lots within the fall zone. Effectively, the developer would be forced to hold lots off the market with no knowledge as to if and when those lots could be sold and built. The revised development plan removes this uncertainty.

In short, the revised development plan allows the developer to build the project without concern as to the eventual outcome of the litigation, as either way the developer is not restricted in holding lots off the market within the 270' fall zone. In the revised development plan, no lots are within the 270' fall zone. In short, the developer is in control and is not reliant upon the outcome of the litigation to determine the ultimate development plan.

Although the variance requested requires the elimination of the code required two housing types within a PUD per Art. 3.E.2.E.1.a., as noted above GL is still providing multiple variations in the models proposed for both 50 foot wide ZLL units and the 62 foot wide ZLL units. This will eliminate the monotony that could occur if less models were offered. Color renderings of the proposed models, both single story and two story have been included with the Variance application.

Furthermore, as discussed with staff, GL will agree to provide a minimum of 25% of the total units provided to be of the larger 62 foot wide lots and a maximum of 75% of the total units provided will be the 50 foot wide product. The current approved mix with both SF and ZLL lots is 502 ZLL units (89%) and 62 SF lots (11%). Also, as the project begins to sell units, GL may find a need to increase the number of 62 foot wide lots to accommodate the market demand. If that scenario occurs, the overall number of units on the plan may be reduced even further. The ultimate number of 62 foot wide lots could be further increased from the provided minimum 25% if the future homebuyers and the market demand same. If the number of 62 foot lots increases based on market demand then the overall number of 50 foot wide lots will be reduced accordingly to accommodate the additional number of 62 foot wide models. If GL decides to build more 62's and 50's due to the market and sales pace, that should be the decision of GL and should not be forced upon GL by the existing two product rule of the code.

As noted above, the current approved mix with both SF and ZLL lots is 502 ZLL units (89%) and 62 SF lots (11%). The proposed unit mix, assuming approval of the variance, is a maximum of 422 - 50' wide ZLL units and a minimum of 141 - 62' wide ZLL units.

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

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

**Response:**

**The existing tower and its fall zone is a special circumstance that is peculiar to the PUD. Towers are necessary as they provide support for emergency services to both the City and the County. The applicant is proposing a design solution to include the existing tower and it's required fall zone, but the solution requires a variance to eliminate the required two housing types in order to minimize the impact of losing units. To offset the impact of utilizing one single product type (ZLL units) the developer has agreed to provide a minimum of 25% of the total units built to be the larger lot size, 62 feet in width and a maximum of 75% of the total units to be 50 feet in width. The granting of the variance does not create any new special circumstance or condition which is a result from the actions of the applicant.**

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

**Response:**

**The existing tower and its fall zone is a special circumstance and is not the result of any action by the applicant. As stated above, the existing tower must remain in place until such time that a new tower is built in the southeast corner of the PUD which will provide the necessary infrastructure for the existing emergency services to be transferred from the existing tower to the new tower. The applicant is proposing a design solution which incorporates the existing tower and it's required fall zone with the loss of only one unit. The solution (variance request) does not create any new special circumstance or condition which are the result from the actions of the applicant. In fact, GL will be providing a multitude of models with various elevations to mitigate the loss of the code required two housing types. In addition, the Developer has offered to further mitigate the impact by providing a minimum of 25% of the overall housing units to be the larger size lot, 62 feet in width. The requested change will not be noticeable within the community.**

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

**Response:**

**The granting of this variance request does not confer any special privilege denied by the Plan and the ULDC to other parcels of land, buildings or structures as it is a result of need to retain an existing tower that is host for emergency services**

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necessary for the City of Boca Raton due to unforeseen litigation against a new tower to replace the existing tower. The need to redesign the PUD due to the required fall zone around the existing tower is unique and specific to this site. The requested variance provides the opportunity for the contract purchaser to pursue an approval that is economically feasible and creative while still providing the public with a variation in models offered for sale and still offering 2 different lot sizes, 62 feet in width and 50 feet in width. The variation in lot sizes and models will provide the project with a distinct visual affect desired by the two product rule. Additionally, by requiring that a minimum of 25% of the overall units built be 62' wide, the resulting product mix is more diverse than that required under the current Development Order. The current approved mix with both SF and ZLL lots is 502 ZLL units (89%) and 62 SF lots (11%). The proposed unit mix, assuming approval of the variance, is a maximum of 422 - 50' wide ZLL (or 75% of the units) and a minimum of 141 - 62' wide ZLL units (being 25% of the units).

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

**Response:**

This variance request results from an existing condition that limits the ability to retain the current design of the overall PUD utilizing the same number of units approved containing two housing types. Although the ULDC includes specific criteria for a PUD, the location of this PUD is nestled between existing communities that were developed under straight zoning districts and only required one housing type. It is also important to note that the overall project is further restricted by the Comp Plan at 564 units, therefore, it is not feasible to offer a different mix of units providing an even smaller lot size due to the maximum allowed per the Comp Plan. Nor should the developer be required to accommodate smaller product, affecting the marketability of the project, in addressing the fall zone issue created by the County, not the developer. The property to the north of the PUD, Brentwood Estates, is all ZLL units, the community to the southwest, Wedgewood, is all ZLL units, and the community to the southwest, Boca Glades, is multi-family attached. The variance requested is consistent with all of the adjacent communities. Literal interpretation and enforcement of the ULDC would require the applicant to modify the existing approved Master Plan which would result in a loss of 5 units. Instead, the applicant is requesting the Type 2 Variance for relief which gives them the ability to only lose one unit instead of five units. As mentioned above, if after opening for sales, the developer finds a greater demand for the larger of the 2 lot sizes offered, the 62 foot lot size, then they reduce the overall number of units and increase the % of the 62 foot wide lots. In other words, the market should dictate the number of 62's built v. a pre-determined code mandate. As previously mentioned, it is important to note that although GL is asking to eliminate the requirement for two housing types, they

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are still providing two different lot sizes and offering a vast selection of models and elevations thus eliminating the potential for a monotonous community.

The current approved mix with both SF and ZLL lots is 502 ZLL units (89%) and 62 SF lots (11%). The proposed unit mix, assuming approval of the variance, is a maximum of 422 - 50' wide ZLL units (75%) and a minimum of 141 - 62' wide ZLL units (25%).

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

**Response:**

The granting of the requested variance will allow the applicant / contract purchaser to make reasonable use of the parcel of land. Due to the current litigation against the proposed tower, GL is forced to maintain the existing tower in it's current location and incorporate said tower and the required 270 foot fall zone in the PUD. The 270 foot fall zone impacts the current approved plan and causes the loss of 10 units. However, the reconfiguration of the site plan and approval of the requested variance will reduce the overall unit loss to 1 unit. Although the variance is for the overall plan, it affects 62 lots which were previously approved to be Single Family (SF) Lots with a lot width of 67 feet. GL is only asking to convert those 62 SF lots from 67 feet wide to 62 feet wide and from SF to be ZLL (note that code minimum SF lot width is actually 65'). In addition to converting those lots to ZLL units, GL is willing to offset the variance request by increasing the overall number of 62 foot wide lots to 25% of the total number of units provided and thereby providing 75% of the overall number of units to the 50 foot wide lots. The difference in lot size from a Single Family unit per code is 3 feet (65 feet is required for a Single Family unit where GL is providing a 62 foot wide ZLL) - a 3 foot difference. One of the keys to a successful community is to offer a myriad of models with variations in elevations. Although the proposed community will be all ZLL units, it will offer a vast selection of models thus eliminating the monotony effect that the intent of the ULDC to require two housing types was meant for.

GL has strived to re-design the current approved site plan to allow for reasonable use of the land. With the approval of the requested variance the impact of the required fall zone will be mitigated or reduced significantly. In addition, with GLs commitment to offset the variance further by increasing the number of 62 foot wide lots to 25%, the impact of the said variance is reduced even more.

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

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**Response:**

Granting the variance allows GL to develop the PUD per the approved Master Plan with the exception of Code required two housing type PUD criteria. Although the variance request will eliminate the required two housing type criteria, the new plan still provides two lot sizes, a 50 foot wide lot and a 62 foot wide lot. The current plan approved utilized two housing types including a 50 foot wide lot (ZLL) and a 67 foot wide lot (SF), using just 10% in the SF category. Although the variance is requesting to eliminate the SF lots, it is still maintaining two different lot widths, a 50 foot wide lot (ZLL), as previously approved, and a 62 foot wide lot (ZLL). This solution furthers the purposes, goals, objectives, and policies of the Plan and ULDC. To mitigate any impacts associated with the variance, in addition to offering 25% of 62 foot wide lots vs 50 foot wide lots, GL is providing a vast selection of different product types within a ZLL footprint. The contract purchaser (GL) believes that approval of the variance is in keeping with the intent of the Plan and ULDC to allow for flexibility in design criteria.

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

**Response:**

Granting the requested variance will not be injurious to the area involved or the public welfare. As previously stated, the surrounding area includes housing types that are either ZLL or MF attached. GL is providing the minimum variance necessary to allow for the development of the PUD without losing more than one unit due to the accommodation of the fall zone around the existing tower. Given the design issues as the result of accommodating the fall zone (created by litigation due to the County's approval of a tower on the Civic Site), it is argued the developer should not be obligated to address the impact of the litigation by altering its intended product type, withholding of building permits for lots within the 270' fall zone, or waiting it out to see what happens. In short, the revised development plan puts the developer in complete control of the eventual product mix built (again with the obligation that a minimum of 25% of the product be 62' wide lots). The Developer has been successfully developing communities throughout Palm Beach County and understands and knows the market demands in the area. Without the requested variance, the PUD would lose five units or more. The requested variance is not detrimental to the area.

**Conclusion**

On behalf of the contract purchaser, G.L. Acquisitions Corporation, we respectfully request review and consideration of this application for the approval of a "Stand Alone Type 2 Variance" for the Boca Raton Golf Course PUD.

Control No. 1981-00019

Boca Raton Golf Course PUD  
Type 2 Variance Request  
Resubmittal: February 8, 2021  
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December 7, 2020

The project manager for G.L. Acquisitions Corporation is Gladys Digirolamo who can be reached at (954)775-4053 or via email at [Gladys.Digirolamo@glhomes.com](mailto:Gladys.Digirolamo@glhomes.com). If you have any questions or require any additional information, please contact us.

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**Exhibit F: Conceptual Model Types (50 ft. and 62 ft. wide lots)**





Boca Raton Golf Course PUD  
50 foot wide Model Home - ZLL  
"Conceptual Elevation"



Boca Raton Golf Course PUD  
50 foot wide Model Home - ZLL  
"Conceptual Elevation"



Boca Raton Golf Course PUD  
50 foot wide Model Home - ZLL  
"Conceptual Elevation"



Boca Raton Golf Course PUD  
50 foot wide Model Home - ZLL  
"Conceptual Elevation"





Boca Raton Golf Course PUD  
50 foot wide Model Home - ZLL  
"Conceptual Elevation"



Boca Raton Golf Course PUD  
50 foot wide Model Home - ZLL  
"Conceptual Elevation"



Boca Raton Golf Course PUD  
62 foot wide Model Home - ZLL  
"Conceptual Elevation"



Boca Raton Golf Course PUD  
62 foot wide Model Home - ZLL  
"Conceptual Elevation"



Boca Raton Golf Course PUD  
62 foot wide Model Home - ZLL  
"Conceptual Elevation"



Boca Raton Golf Course PUD  
62 foot wide Model Home - ZLL  
"Conceptual Elevation"

