

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

Application No.: ABN/PDD-2020-01894
Application Name: Reflection Bay
Control No./Name: 2011-00245 (Reflection Bay)
Applicant: Fairways, LLC
DR Horton, Inc.
Owners: Fairways, LLC
Agent: WGINC - Jeff Brophy & Doug Murray
Telephone No.: (561) 687-2220
Project Manager: Ryan Vandenburg, Senior Site Planner

TITLE: a Development Order Abandonment **REQUEST:** to abandon a Type 2 Variance to increase the maximum length of a block; exceed number of alley curb cuts; waive the alley requirement; eliminate the percentage of land designated for Single Family residential; exceed the building coverage for Neighborhood Center; exceed the maximum building height; waive the requirement for a centrally located neighborhood square or commons in a neighborhood; reduce the percentage of a neighborhood park perimeter abutting a street; and, to reduce the required seating area in a park.
TITLE: a Development Order Abandonment **REQUEST:** to abandon a Requested Use to allow a Type 3 Congregate Living Facility. **TITLE:** an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Traditional Neighborhood Development (TND) Zoning District to the Planned Unit Development (PUD) Zoning District.

APPLICATION SUMMARY: Proposed is a Development Order Abandonment and an Official Zoning Map Amendment for the Reflection Bay development. While the site is currently undeveloped, it was previously developed as a golf course, and is currently approved for a mixed residential and commercial development.

The Applicant is proposing to abandon the previously approved Type 2 Variances as outlined in the request above (Resolution ZR-2011-0029) and a Requested Use for a Type 3 Congregate Living Facility (R-2013-0209) and to rezone the subject site from the TND Zoning District to the PUD Zoning District. The Preliminary Master Plan (PMP) indicates a total of 707 proposed Townhouse units within one residential Pod, 4.24-acres of recreation space within two recreation Pods, and a 0.60-acre neighborhood park.

One access is proposed to Haverhill Road.

SITE DATA:

Location:	Southwest corner of Century Boulevard and Haverhill Road (approximately 630 feet north of Okeechobee Boulevard).
Property Control Number(s)	00-42-43-23-44-001-0000
Existing Future Land Use Designation:	High Residential (HR-18)
Proposed Future Land Use Designation:	No Change
Existing Zoning District:	Traditional Neighborhood Development District (TND) Multi-Family Residential (High Density) District (RH)
Proposed Zoning District:	PUD
Total Acreage:	57.32 acres
Affected Acreage:	57.32 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile:	Haverhill, West Palm Beach
Future Annexation Area:	West Palm Beach

RECOMMENDATION: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received five contacts from the public regarding this application, requesting additional information on the proposal.

PROJECT HISTORY:

In 1973, the developer of Century Village started construction for its final phase of development. At that time, they were stopped by the County, due to lack of proper zoning and approvals. This final phase consisted of three residential buildings, now known as South Hampton PUD. The Applicant filed an application to rezone the property from the General Commercial (CG) Zoning District to the Residential Multiple High (RH) Zoning District and the request was approved by the BCC on April 26, 1973 through Resolution R-1973-238.

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

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

In 2011, through concurrent applications ABN/DOA-2011-00632 and ZV/TDD/R-2011-01203, the golf course lands (57.54-acres) were deleted from the South Hampton PUD and were rezoned from Residential High to Traditional Neighborhood Development (TND) through Resolution R-2013-0208. Further, the Applicant at the time received BCC approvals for a Requested Use to allow a Type III Congregate Living Facility in the TND Zoning District (Resolution-2013-0209), as well as 10 Zoning Variances (see request for list) through Resolution ZR-2011-0029. Figure 5 provides the current approved Master Plan for the TND development.

Application	Request(s)	Resolution/Approval Date
1973-007	Rezoning from General Commercial (CG) to RH-Residential Multiple Family District (High Density) with no Conditions of Approval. [Century Village].	R-1973-238 May 8, 1973
1973-215	Rezoning from General Commercial (CG) to RH-Residential Multiple Family District (High Density) and The Further Special Exception to allow a Planned Unit Development. [Southampton PUD], Special Conditions referred to six 1973 Memos.	R-1973-815 December 18, 1973
1973-215A	Special Exception to amend the Southampton PUD Master Plan to add one additional Access Point from Haverhill Road with Conditions of Approval.	R-1993-333 March 16, 1993 [Revoked by R-2013-0206]
ZV/TDD/R-2011-01203	Type 2 Variances (Concurrent) for 10 Variances. (TND - 57.54-acre)	ZR-2011-029 December 2, 2011 [Proposed to be abandoned]
1973-215A	Revoking Resolution 1993-333 (Control No. 1873-00215) affirming the Legislative Abandonment of Zoning Application 1973- 215(A).	R-2013-0206 February 28, 2013
ABN/DOA 2011-00632	A DOA to delete land area and conditions of approval relating to the golf course use in the PUD Zoning	R-2013-0207 February 28, 2013

	District. (delete 57.54-acre from the Southampton PUD)	
ZV/TDD/R-2011-01203	A rezoning from the Residential High (RH) Zoning District to the Traditional Neighborhood Development (TND) Zoning District. (57.54-acre)	R-2013-0208 February 28, 2013
ZV/TDD/R-2011-01203	A Requested Use to allow a Type III Congregate Living Facility in the TND Zoning District. [57.54-acre]	R-2013-0209 February 28, 2013

SURROUNDING LAND USES:

NORTH (across Century Blvd.):
 FLU Designation: High Residential (HR-18)
 Zoning District: Multi-Family Residential (High Density) (RH)
 Supporting: Residential (Control Name and No. N/A)

SOUTH:
 FLU Designation: High Residential (HR-18)
 Zoning District: Residential Single Family/Special Exception (RS/SE)
 Supporting: Vacant (Century Village - Turtle Bay CC, Control No. 1973-00215)

FLU Designation: Commercial High, with an underlying HR-18 (CH/18)
 Zoning District: General Commercial (CG)
 Supporting: Commercial and Institutional (Village Marketplace, Control No. 1994-0002)

EAST (across Haverhill Road):
 FLU Designation: Medium Residential (MR-5)
 Zoning District: Multi-Family Residential (Medium Density) (RM)
 Supporting: Institutional (Congregation Aitz Chaim, Control No. 1984-00153)

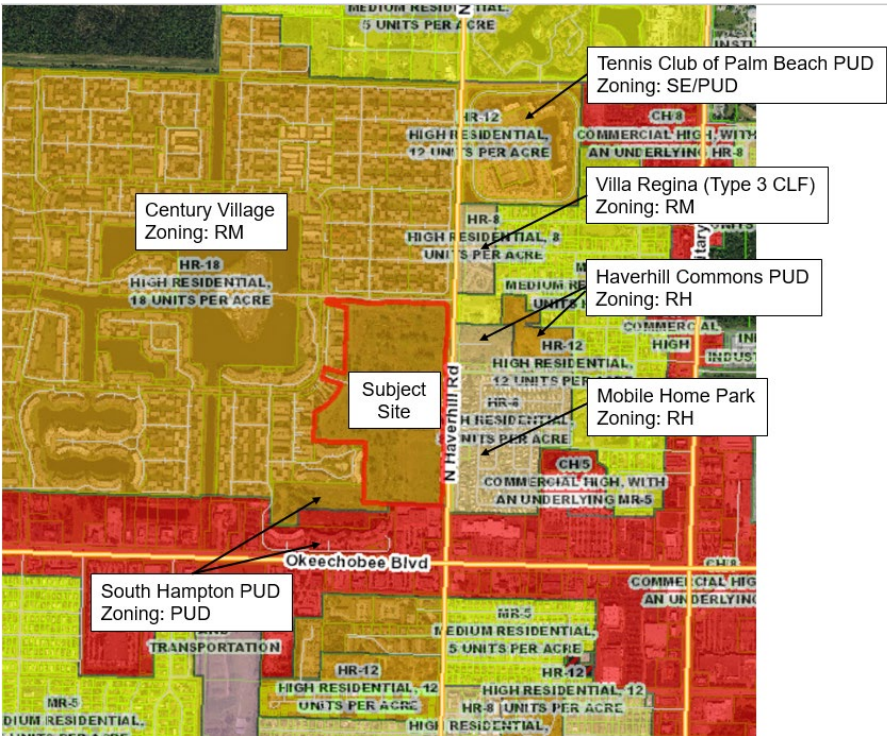
FLU Designation: High Residential (HR-8)
 Zoning District: Multi-Family Residential (High Density) (RH)
 Supporting: Residential (Haverhill Commons PUD, Control No. 1988-00135)

FLU Designation: High Residential (HR-18)
 Zoning District: Multi-Family Residential (High Density) (RH)
 Supporting: Residential – Mobile Home Park (Holiday Plaza, Control No 1996-50098)

FLU Designation: High Residential (HR-18)
 Zoning District: Multi-Family Residential (High Density) (RH)
 Supporting: Commercial (Hansel and Gretel Daycare, Control No. 1987-00121)

FLU Designation: High Residential (HR-18)
 Zoning District: Neighborhood Commercial (CN)
 Supporting: Commercial (Control No. DRC-1994-0)

WEST:
 FLU Designation: High Residential (HR-18)
 Zoning District: Multi-Family Residential (High Density) District (RH)
 Supporting: Residential (Century Village - Turtle Bay CC, Control No. 1973-00215)



FINDINGS:

Official Zoning Map Amendment to a PDD:

When considering a Development Order application for a Rezoning to a PDD, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Rezoning to PDD that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

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

o *Density and Workforce Housing Program (WHP):* The Planning Division reviewed the request for 707 residential units on the subject 57.32-acre site utilizing the High Residential, 18 units per acre (HR-18) land use designation, with no density bonus units requested.

Per the WHP requirements, the request is obligated to designate, and deed restrict a minimum of 31 units as Workforce Housing, which will be provided onsite as for-sale units.

The HR-18 future land use designation yields a maximum of 1,031.76 dwelling units (18 du/ac x 57.32 ac = 1,031.76). Therefore, the request for a total of 707 units is below the maximum available units. The request for a total of 707 units on the subject 57.32 acres, with the HR-18 future land use designation, and utilizing the Limited Incentive Development Option, was achieved as follows:

<u>Standard, Max & Bonus Density:</u>	<u>Workforce Housing (WHP):</u>
459 Standard units	11.46 WHP units (2.5%)
<u>248 Maximum units</u>	<u>19.88 WHP units (8%)</u>
707 units total	31.34 or 31 required WHP (rounded down)

o *Workforce Housing (WHP) Program:* The WHP has both a mandatory and a voluntary component. This program requires that a percentage of units in new residential developments of 10 or more units be provided as workforce housing, affordable to income qualified households having 60 to 140% of area Median Family Income (MFI). The program is applicable in the Urban/Suburban Tier of the unincorporated County, and in other areas where required by conditions of approval. The program’s optional component allows for a density bonus in exchange for a portion of the additional units being dedicated as workforce housing.

The application materials identify that the required 31 WHP units will be provided on-site as rental units, and the conditions applied to this application carry forward those requirements.

o *Workforce Housing (WHP) Program Pricing & Income Categories:* In Palm Beach County, the 2020 area Median Family Income (MFI) is \$79,100 for a family of four (per HUD). The following are the current sales and rental prices per income category for 2020 in Palm Beach County. The income categories are the same for both programs. These homes cannot be sold or rented at a higher price.

o *WHP Sales Prices:* The sales prices are based on US HUD annual median income figure.

WHP Income Category		2020 (WHP) Sales Prices	
Low	60 -80%) of MFI	\$47,460 - \$63,280	\$166,110
Moderate 1	>80 -100%) of MFI	>\$63,280 - \$79,100	\$213,570
Moderate 2	>100 -120%) of MFI	>\$79,100 - \$94,920	\$261,030
Middle	>120 -140%) of MFI	>\$94,920 - \$110,740	\$308,490*

*Does not apply to WHP units in projects approved under WHP Code adopted 8/22/2019.

○ **WHP Rental Prices:** The WHP rents are based on the annual Florida Housing Finance Corporation (FHFC) Multi-Family Rental Figures, adjusted for number of bedrooms and any Utility Allowances are applied against gross maximum rent. WHP prices are set annually, based on the provisions of Article 5.G.1.A.3.c.2 of the Unified Land Development Code reflected below, and the following:

WHP Income Category			1 BR	2 BR	3BR	4BR
Low	60-70% of MFI	\$47,460 - \$55,370	\$ 988 - 1,153	\$1,186 - \$1,384	\$1,370 - \$1,598	\$1,528 - \$1,783
	>70-80% of MFI	>\$55,370 - \$63,280	\$1,153 - \$1,318	\$1,384 - \$1,582	\$1,598 - \$1,827	\$1,783 - \$2,038
Moderate 1	>80-90% of MFI	>\$63,280 - \$71,190	\$1,183 - \$1,483	\$1,582 - \$1,780	\$1,827 - \$2,056	\$2,038 - \$2,293
	>90-100% of MFI	>\$71,190 - \$79,100	\$1,483 - \$1,648	\$1,780 - \$1,978	\$2,056 - \$2,284	\$2,293 - \$2,548
Moderate 2	>100-110% of MFI	>\$79,100 - \$87,010	\$1,648 - \$1,813	\$1,978 - \$2,176	\$2,284 - \$2,512	\$2,548 - \$2,803
	>110-120% of MFI	>\$87,010 - \$94,920	\$1,813 - \$1,977	\$2,176 - \$2,373	\$2,512 - \$2,740	\$2,803 - \$3,057
Middle	>120-130% of MFI	>\$94,920 - \$102,830	\$1,977 - \$2,142	\$2,373 - \$2,571	\$2,740 - \$2,969	\$3,057 - \$3,312
	>130-140% of MFI	\$102,830 - \$110,740	\$2,142 - \$2,306	\$2,571 - \$2,768	\$2,969 - \$3,197	\$3,312 - \$3,566

○ **Special Overlay District/ Neighborhood Plan/Planning Study Area:** The site is located within the Urban Redevelopment Area (URA) as identified in the Comprehensive Plan. However, there are no applicable policies that apply to this proposed development.

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

The proposed development was previously approved on February 23, 2018 and reviewed under the Code provisions of the Planned Development District Modifications to Reduce or Reconfigure Existing Golf Courses. At the time of that review the Applicant was required to provide notice to the homeowners of the development that there was a proposed change to the existing golf course, and an provide an analysis of the reduction of open space or recreation for the approved Planned Development. Additionally, the Applicant was required to provide a Visual Impact Analysis assessing the compatibility and impact of the proposed reconfiguration of the golf course on the adjacent properties. Through the public hearing procedures a Development Order was approved by the BCC to delete 57.54 acres from the South Hampton PUD in order to rezone to a Traditional Neighborhood Development that consisted of a mix of housing types, open space, recreation, and non-residential uses, which included 689 residential units, a 100 unit Congregate Living Facility and 84,500 sq. ft. of non-residential uses.

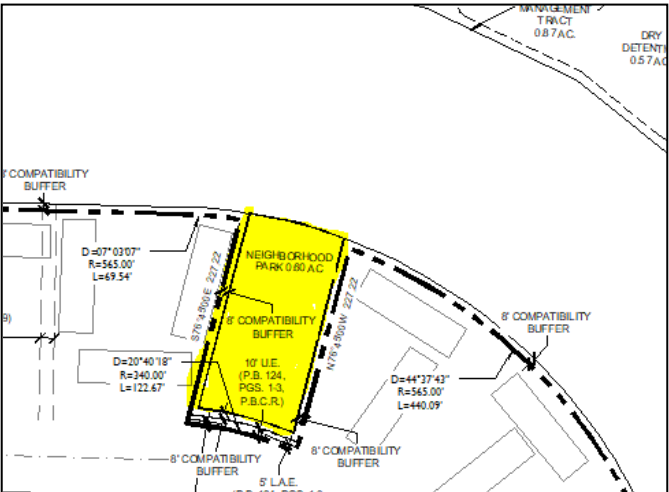
The current request did not requires the same review for modifications to reduce or reconfigure the existing golf course, as the approved Development Order did not include a golf course. The proposed amendment, however is subject to the standards contained herein, in which Staff have proposed Conditions of Approval that are required to meet these standards.

○ **Property Development Regulations (PDRs):** The subject site meets the required PDRs to be rezoned from TND to PUD. The site is a total of 57.32-acres, which is above the minimum 3-acre size for a PUD that has an HR-18 Future Land Use designation. The Preliminary Master Plan indicates three Pods; one Residential Pod with 707 Townhouse units, and two Recreation Pods with a total of 4.24 acres. A 0.60-acre neighborhood park has also been provided along the west property line, which is a requirement of Table 3.E.2.D, PUD Property Development Regulations. Lastly, the PSP indicates a total of 40% Open Space, which is a PUD requirement per Table 3.E.2.C – PUD Land Use Mix.

- **Exemplary Standards, Design Objectives and Performance Standards:** The purpose and intent of a Planned Development District is to provide opportunities for development patterns which exceed the expectations of a Standard Zoning District, and allow for the creative use of land. The development is to encourage ingenuity and imagination and encourage sustainable living, address traffic impacts, encourage alternative modes of transportation, preserve the natural environment, enhance the built environment, provide housing choices, and minimize impacts on surrounding areas through innovative land development techniques. Although the Applicant's Justification Statement indicates they meet and exceed the Design Objectives and Performance Standards within Art. 3.E.2.B, Staff concludes that it will only meet the exemplary requirements when subject to the proposed Conditions of Approval as indicated in Exhibit C.

The proposed 707 unit residential development, with the proposed 4.24-acre recreation areas may be improved in its ingenuity and imagination by including Staff's proposed conditions of approval that would be more in line with the purpose and intent, and reduce impacts on the surrounding area that were previously addressed in the prior approval and have not been carried forward into the Preliminary Master Plan. The Preliminary Plan significantly reduced amenities that were previously approved and not carried forward, or were diminished in size.

- **Preservation of Natural Environment:** The Applicant prepared an analysis of the existing vegetation, (see Figure 7 Preliminary Regulating Plan, Tree Disposition), identifying what is proposed to be preserved in place, relocated or mitigated, working closely with the Department of Environmental Resource Management (ERM) Staff. ERM Staff have requested Conditions of Approval (Exhibit C, Environmental Conditions 1 – 4) to continue to work with the Applicant prior to finalization of the Plans on tree preservation and mitigation.
- **Focal Points:** The Applicant did not provide the location or type of focal points within for their Preliminary Master Plan pursuant to their required Performance Standards. Staff is proposing a Condition of Approval requiring two plazas to be included throughout the development area. These plazas shall not be counted towards the recreation area requirements. The plazas shall be a minimum of 2,500 sq. ft. in area, with a minimum width of 50 feet. The plazas shall consist of a seating area and canopy tree installed at a minimum height of 16 feet, or an existing canopy tree(s) may be relocated to the plazas to satisfy this requirement. The plazas shall include a shade structure for the seating area (See Site Design Condition 5). In addition to the 2 plazas, three additional focal points shall be provided around the development area. This request is based on the previous approval which indicated six separate focal points.
- **Neighborhood Park:** A 0.60-acre neighborhood park has been provided, which will be required to include amenities such as but not limited to seating areas, tot lots or other features, and will be required to be connected to the overall pedestrian system for the development that is required for a PUD. Because the Applicant did not provide a Pedestrian Circulation Plan or the Street Layout Plan, Staff proposes a Condition of Approval (Site Design Condition 6) that requires the neighborhood park to abut a street or a plaza (beyond the requested Condition of Approval for Open Space). Staff want to ensure that the 0.60 acre park is not located behind the proposed housing or be inaccessible to the residents of the development.
- **Decorative Street Lighting:** A detail of the decorative lighting shall be provided on the Final Regulating Plan prior to final approval of the Master Plan. The lighting shall be provided not only at the main entrance, but along all of the streets 50 feet or greater in width. The lighting shall be directed downward, using lighting intensity that reduces glare on the adjacent residential homes.
- **Fountain:** A fountain has also been provided in the main waterbody, as per required performance objectives.



- *Pedestrian Circulation:* Applicant has indicated that a continuous pedestrian system will be provided within the development, linking to recreation and open spaces.

- *Range of Housing:* To bring the development further into compliance with the Purpose and Intent of the PUD, Staff suggests a Condition of Approval that requires a mix of housing options within the proposed development. Within the previous approval the Applicant was approved for 663 Multi-family units and 100 residents/bed within a Type 3 CLF (43 units) for what equated to 706 units. Though it only reference two housing types (MF and CLF), the Applicant previously proposed multiple different housing options within the development which included detached design with garages, an attached design such as townhomes, as well as condominium/apartment style multi-unit attached homes, and detached zero lot line style homes. The design was unique and innovative providing for a variety of styles of homes. The Applicants Justification Statement has not described how the proposed rezoning, which is proposed to include roughly the same number of units (707) and only one housing option is promoting sustainable living, and providing housing choices. Therefore Staff recommends a Condition of Approval requiring the Master Plan to be revised to provide a minimum of 15% of the proposed units (106) to be of another housing type.



- *Decorative Pavers:* In addition to the decorative pavers provided at the entrance of the development depicted on the Preliminary Master Plan, the Applicant is required to provide decorative paving within the recreational areas. Staff proposes an additional Condition of Approval to provide decorative paving for all crosswalks internal to the development, a minimum of 4 ft. in width (see Site Design Condition 8).

- *Landscape Buffers and Open Space:* The Applicant is proposing to provide Code compliant buffers along all property lines. This includes a 20 ft. R-O-W buffer along both Century Blvd. (north property line) and Haverhill Road (east property line), a 15 ft. Type 2 Incompatibility Buffer along the south property line, and a proposed 8 ft. Compatibility buffer along west property line.

Within the prior application and analysis for the golf course conversion the plan prepared and approved included five foot Compatibility buffers, along with a 12.94-acre lake area along the western property line adjacent to the existing RH zoned Century Village development. The lakes and open space area varied in dimension from 120 feet to 590 feet. These larger open space areas were part of the analysis for the golf course conversion and the impacts on the existing development.

With the proposed request the Applicant did not provide an updated Visual Impact Analysis, or provide justification describing how the proposed change to an eight foot buffer with housing along the buffer maintains or decreases impacts from what was previously approved. Staff are proposing through Conditions of Approval additional buffering and open space along the west property line. This includes a 20 ft. Type 3 Incompatibility buffer, and 80 feet of open space beyond the buffer. This will provide at minimum 100 feet of open space between the west perimeter buffer and residential development. The 80 foot open space area shall include pathways that connect the neighborhood park to the recreation areas, or to the focal point plazas that are required pursuant to another condition of approval. Further breakdown of this request is outlined under Standard D., Design Minimizes Adverse Impacts.

- *Parking:* While no parking spaces are provided on Preliminary Master Plans, the Site Data on the Plan indicates a total of 1,414 spaces, which equates to 2 spaces per Townhouse. This is

consistent with the parking requirements outlined in Table 6.B.1.B, Minimum Parking and Loading Requirements.

- *Signs:* The PSP indicates one Entrance sign to be located on the north side of the entrance to Haverhill Road. Signage will be required to be in compliance with Table 8.G.2.C, Entrance Sign Standards. No other signs shall be allowed, with exception of internal directional signs.

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

The proposed development will be compatible with surrounding uses. To the north and west of the proposed development is Century Village, a residential development consisting of various multi-family structures that has a HR-18 Land Use Designation and a RH Zoning District. Along the north property line the Applicant is proposing a 20 ft. R-O-W Buffer which is compatible with Art. 7.C.2.A – Width of a R-O-W Buffer, and will be planted in accordance with Art. 7.C.2.A – R-O-W Buffer Landscape Requirements. Along the east property line the Applicant has indicated on the Master Plan an 8 ft. Compatibility buffer. Staff are requesting Conditions of Approval for a Type 3 Incompatibility Buffer as well as additional open space within this area. Further details on the request are outlined in Standard d., Design Minimizes Adverse Impact.

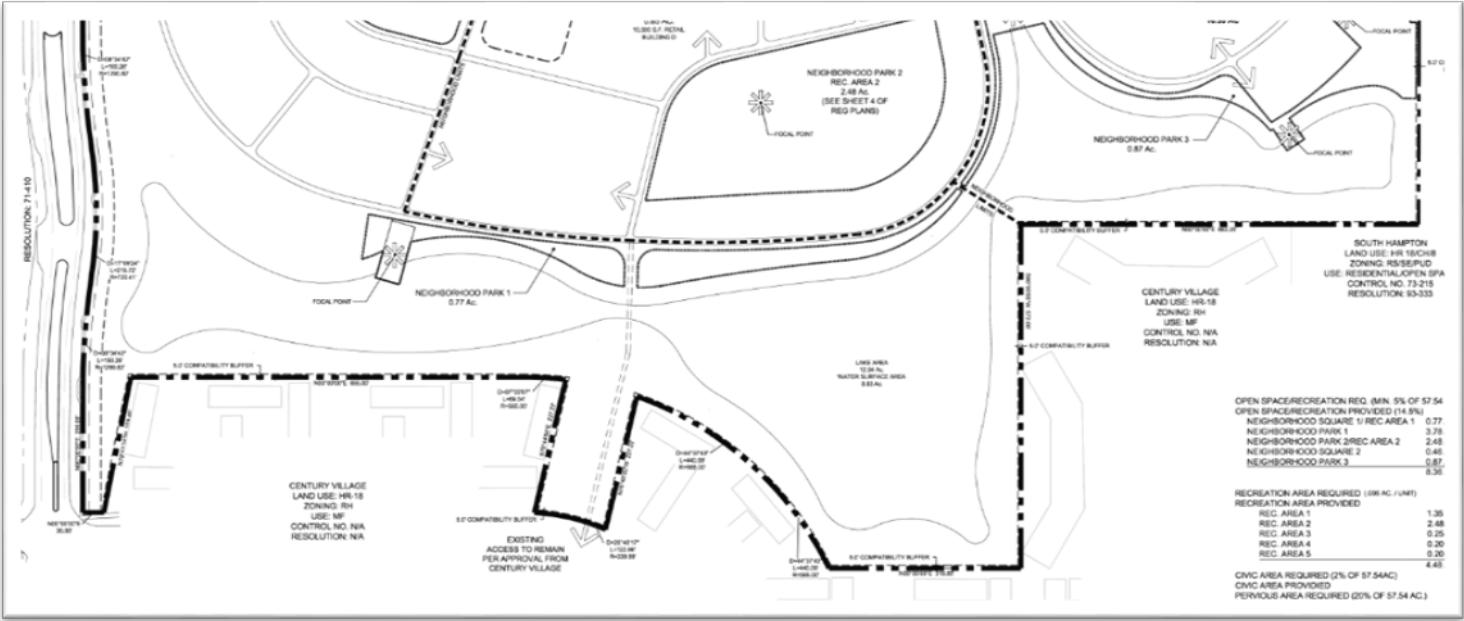
To the east across Haverhill Road is a long established Mobile Home park (Control No. 1996-50098). Haverhill Commons PUD, a recently approved Planned Unit Development (Control No. 1988-00135) that contains 270 multifamily units is also located across Haverhill Road. Across from Century Blvd. is a Place of Worship (Control No. 1984-00153). All uses across from Haverhill Road will be buffered from the proposed residential development by a 20 ft. R-O-W buffer,

To the south of the subject site (south-east corner) is a vacant parcel that was retained as part of the South Hampton PUD. To the west of the vacant parcel is a Commercial and Institutional parcel (northwest corner of Okeechobee Blvd. and Haverhill Road). The Applicant is proposing a 15 ft. Type 2 Incompatibility Buffer along the south property line to mitigate any visual impacts from the commercial development, which is consistent with Table 7.C.2.C – Incompatibility Buffer Types.

The housing type proposed is compatible with the multi-family development, and the condition to include an additional housing type would not create an incompatibility. The compatibility is furthered by the proposed Conditions of Approval as described under Standard c. Consistency with the Code.

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

In review of the proposed development and how this application meets this standard, Staff have reviewed both the current development proposal, the Applicant's Justification Statement, as well as the previous Staff report for the Golf Course Conversion and the rezoning of the subject site to TND. When the previous application was proposed to be rezoned from Residential High to TND through application ZV/TDD/R-2011-01203, there was concerns from both area residents within Century Village, County Commissioners as well as County Staff about minimizing impacts to residents to the west of the subject site. To protect existing homeowners, the Applicant proposed a lake to be provided between existing residential development to the west and the new development. See below a snippet from the approved Master Plan (Also provided in Figure 5).



As you can see, the lake provided a significant setback from the existing residential development within Century Village to any proposed development. Further, as outlined in the Staff report from the previous application, any Golf Course Conversion required a Visual Impact Analysis to be completed. The following Exhibit was provided in the previous staff report to provide Justification for support based on the Visual Impact Analysis at the time:



The minimum distance that was provided at that time was 100 feet to any proposed residential development. While the intensity of the proposed development differed from the current application, as it included non-residential uses, the density proposed with this application is consistent with the last. The Applicant at the time indicated that the least intensive residential-type of development would be located nearest the west property line, to provide a transition towards Haverhill Road and protect existing residents within Century Village. While the proposed development is no longer considered a Golf Course Conversion as the previous approvals have been vested (albeit not constructed), the subject site remains vacant, and current residents within Century Village along the west property limits have not been impacted in any way by development on the subject site. While a Visual Impact Analysis is not required for the proposed development, the previous VIA carries similar weight, in that visual impacts need to be considered and mitigated for existing residential development. Further, the Applicants Justification and analysis of the proposed development should have included changed reasons and circumstances to support the significant change in development along the west property line, and an analysis on the impacts on adjacent residents that was a significant matter in the previous approval. It should be noted as well that the existing residential development has minimal setbacks from the subject site property lines, with no approved landscape buffering. There are some existing trees that do provide limited visual buffering (see image below, Pictometry dated January 2020-May 2020) but limited to no buffering for the majority of existing development. The existing development consists of a mix of 2 to 4 story buildings.



Based on the existing development within Century Village, and while considering previous approvals and existing site conditions, Staff are recommending a setback for all proposed development to be a minimum of 75 feet from the west property line to proposed property lines for the new Townhomes, per Condition of Approval. Townhomes at minimum require a rear setback on 25 feet, per Table 3.D.2.A – Townhouse Property Development Regulations. A 75 foot setback to the property line with a 25 setback within each individual property will consistent with the minimum residential setback previously approved (100 feet total). With the elimination of the proposed lake, Staff are also requesting a Condition of Approval to provide a minimum 20 ft. Type 3 Incompatibility Buffer along the west property line. This buffer type requires a 6 ft. opaque wall or fence, which will provided additional security to the Century Village residents, which was significant concern on the prior approvals. The additional 80 feet beyond the buffer shall be utilized as Open Space, and Staff require through a Condition of Approval a meandering pedestrian pathway within this area (with associated pedestrian amenities such as benches) which shall connect with the proposed recreation areas. This is consistent with Art. 3.E.2.B.1.b, which states that a continuous non-vehicular circulation system shall be provided within a PUD. Landscaping shall be provided within this open space area to provide additional visual buffering and provide shade opportunities to those utilizing this area.

With regards to the proposed buffering along the north (adjacent to Century Village Blvd.), east (adjacent to Haverhill Road), and south, Staff are satisfied that the Code required buffering identified on the Preliminary Master Plan (Figure 4) provide sufficient buffering from neighboring uses, and meets the intent of the Code.

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

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The proposed site area previously supported a Golf Course Use. Some of the existing vegetation is naturally occurring (e.g., the pines, some live oaks, red maple, sabal palms, and strangler figs) while other vegetation was planted for the golf course. Tree preservation protection is difficult at this time given the lack of technical drawings which generally show proposed lot lines and proposed infrastructure. Two particular trees of interest to ERM (which have been conditioned to be preserved in place and must be designed around) are Tree #1331 - a Live Oak believed to be over 100 years old and Tree #1569 - a large specimen-sized Ficus Aurea located near the west-most property line. Other trees must be reviewed once proposed elevations and proposed infrastructure are submitted for review.

SITE CONTAMINATION: Based on a Phase II Environmental Site Assessment dated October 3, 2016, the soil and groundwater qualities at the subject property have been impacted by its former use as a golf course. An analysis of the samples detected the presents of arsenic in the soil and groundwater. The property owner is working with the Florida Department of Environmental Protection to resolve the contamination issues. Additionally, a Restrictive Covenant, Soil Management Plan and No Further Action Letter is pending FDEP approval.

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

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

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

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

As previously discussed in Standard C., Compatibility with Surrounding Uses, the lands to the west and north (Century Village) are designated in the County’s Comprehensive Plan as High Residential, 18 units per acre (HR-18), as is the subject site. Across Haverhill Road is the existing mobile home park that is designated at HR-8, as well as Haverhill Commons which was recently constructed and has a HR-8 and HR-12 designation. These lands have been developed with a mixture of multifamily housing (with exception to the mobile home park). Further to the north, on the east side of Haverhill Road is a Type 3 Congregate Living Facility (Villa Regina CLF, Control No. 2000-00097) that has a HR-8 land use designation, as well as the Tennis Club of Palm Beach PUD (Control No. 1973-00065), a multifamily development located on the south-east corner of Haverhill Road and Community Drive. Staff have provided an aerial map in subsection Surrounding Land Uses to provide context of neighboring residential development which includes land uses and zoning. The proposal from a development pattern perspective is consistent with development along Haverhill Road.

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

ENGINEERING COMMENTS:

The proposed 707 dwelling unit apartment project is expected to generate 5,175 net daily trips; 325 net AM peak hour trips, and 396 net PM peak hour trips. The build out of the project is expected to happen by 2025.

The intersection of Okeechobee Blvd. and Haverhill Road currently has a CRALLS designation. The projects meets the intersection TPS through the CRALLS adopted LOS threshold. The other two intersections on Haverhill Road (at Century Blvd and the project driveway) meet the adopted LOS standard. For the link, Okeechobee Blvd. from the Turnpike to Haverhill Road meet the CRALLS volume standard. Haverhill Road meets the standard adopted LOS. No roadway improvements, beyond correcting the existing deficiency on Okeechobee Blvd., are required to meet TPS.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Segment: Haverhill Rd from Okeechobee Blvd. to Community Dr.

Existing count: Northbound=979, Southbound=1183

Background growth: Northbound=250, Southbound=200

Project Trips: Northbound=137, Southbound=112

Total Traffic: Northbound=1366, Southbound=1495

Present laneage: 2 in each direction

Assured laneage: 2 in each direction

LOS “D” capacity: 1770 per direction

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

The Property Owner shall take in the storm drainage runoff from Haverhill Road and plat the property prior to the issuance of the building permit.

The Property Owner shall submit a drainage study that identifies historical flows that currently enter the site and record any drainage easement necessary for legal positive outfall prior to the Final Site Plan approved by the DRO.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project meets the requirements of the Florida Department of Health

FIRE PROTECTION:

Staff has reviewed this application and have no comment.

SCHOOL IMPACTS:

In accordance with the adopted Coordinated Planning Interlocal Agreement, a School Capacity Availability Determination (SCAD) for 707 multi-family residential units had been approved on April 22, 2021 (SCAD Case #21040701Z/DO). The subject property is located in SAC 123B.

This project is estimated to generate approximately one hundred and fifty-seven (157) public school students. The schools currently serving this project area are: Grassy Waters Elementary School, Bear Lakes Middle School and Palm Beach Lakes Community High School.

The School Capacity Availability Determination (SCAD) analysis for this application has determined that the proposal would exacerbate capacity deficiencies at the District high school level. The additional forty-seven (47) high school students generated by this proposal will increase the utilization percentage of Palm Beach Lakes Community High School to 103%.

The revised Preliminary Master Plan (dated 4/12/21) shows one (1) 10' by 15' public school bus shelter location. A bus shelter condition of approval has been applied to this request.

PARKS AND RECREATION:

Project proposes 707 dwelling units requiring 4.24 acres of onsite recreation, petitioner is providing 4.24 acres of onsite recreation, therefore the recreational requirement is satisfied.

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

As outlined in the Applicants Justification Statement, the existing site had approvals for a Type 3 CLF and a mixed-use residential and commercial development from 2013 that has not begun. Per the Justification Statement, market conditions have shifted and the proposed development for the 707 townhouses are a more needed form of development that can provide affordability for housing. While site conditions have not changed since the 2013 approvals, the shifting market demand for more affordable type of housing is evident within Palm Beach County. The proposed townhouse development is within the development thresholds for the HR-18 land use, and is consistent with the residential development to the north and west.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B.7.B.2, Standards, and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff are recommending approval as per the Conditions of Approval in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C: Official Zoning Map Amendment - PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Master Plan is dated May 10, 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)

ENGINEERING

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

a. No Building Permits for the site may be issued after December 31, 2025, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at Project Entrance on Haverhill Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

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

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)

3. The Property Owner shall fund the construction plans and the construction to create an exclusive left turn lane south approach on Haverhill Road at the Project entrance road. This turn lane shall be a minimum 250 feet in length plus 50 foot paved taper or as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPMPT: MONITORING - Engineering)

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

4. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPMPT: ENGINEERING - Monitoring)

5. 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 Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

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

6. The Property Owner shall construct a right turn lane north approach on Haverhill Road at the project entrance.

Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the entire condition shall be considered satisfied. (BLDGPMT: MONITORING - Engineering)

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

7. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Haverhill Road at the project's entrance road. This right of way shall be south of the existing right turn lane right-of-way dedication and include the curb ramp on the south side of the entrance road, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way 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. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT/ONGOING: MONITORING - Engineering)

8. Prior to final approval of the Site Plan by the DRO, the Property Owner shall obtain and record proper drainage easements to allow for drainage from the project site to connect to the point of legal positive outfall. (DRO: ENGINEERING - Engineering)

9. 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 Haverhill Road along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. 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 through 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. (BLDGPMPT: MONITORING - Engineering)

ENVIRONMENTAL

1. The specimen-sized Live Oak and Strangler Fig (i.e., Tree #1331 and Tree #1569, respectively) shall be preserved in place and remain in perpetuity. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
2. Prior to the approval of the Final Master Plan by the DRO, the site configuration must be designed in a manner to maximize tree preservation and incorporate the native specimen-sized trees. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
3. Prior to the approval of the Final Master Plan by the DRO, ERM shall review and approve the vegetation disposition chart to ensure maximum preservation efforts and that the site design incorporates native vegetation. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
4. All mitigation plantings shall be planted on-site or as approved by ERM. (CO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - PERIMETER

1. A minimum of seventy five percent of all (new and replacement) trees to be planted in the west landscape buffers shall be upgraded to fourteen feet in height at installation. (BLDGPMPT/ONGOING: ZONING - Zoning)

LIGHTING

1. Prior to final approval by the Development Review Officer, the Applicant shall submit a Regulating Plan for review and approval providing a detail of the decorative lighting to be provided at the development entrance and all streets 50 ft. in width or greater. Lighting shall be directed downward, using lighting intensity that reduces glare on the adjacent residential homes. (BLDGPMPT/DRO: ZONING - Zoning)

PLANNING

1. The subject request for 707 units with a 31 unit Workforce Housing Program (WHP) obligation was calculated based on Limited Incentive Development Option with the WHP units to be for-sale and will be provided onsite. No density bonus was utilized. Should any change occur to the calculation, the site shall require resubmittal and recalculation in whatever process it originated. (ONGOING: PLANNING - Planning)
2. Prior to the issuance of the first residential 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. 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. (BLDGPMPT: MONITORING - Planning)
3. Prior to the release of the 354th Building Permit (354 units), Fifty percent of WHP units (16) must receive certificates of occupancy. (BLDGPMPT: MONITORING - Planning)
4. Prior to the release of the 601st Building Permit (601 units), All WHP units (31) must receive certificates of Occupancy. (BLDGPMPT: MONITORING - Planning)
5. Prior to the release of the first building permit, the Developer shall provide documentation demonstrating compliance with the required design standards, such as compatible exteriors and the provision of a dry model. (BLDGPMPT: MONITORING - Planning)

6. The developer shall notify Planning and DHES at the commencement of sales. (ONGOING: PLANNING - Planning)

SCHOOL BOARD

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

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board)

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

SITE DESIGN

1. Prior to final approval by the Development Review Officer, the Master Plan shall be revised to provide for a Type 3 Incompatibility Buffer along to entire west property line. In addition to the required buffer, an 80 ft. open space tract shall be provided on the inside of the required buffer along the west property line. (DRO/ONGOING: ZONING - Zoning)

2. A six foot high decorative fence shall be installed within the Type 3 Incompatibility Buffer along the west property line. Height of the fence shall be measured from the highest grade of the two adjoining properties or from the nearest adjacent finished floor of the proposed structure. Method of measuring height shall be finalized subject to the approval by the Landscape Section to ensure screening is achieved for the adjacent property. (DRO: ZONING - Zoning)

3. Prior to final approval by the Development Review Officer, the Applicant shall provide a Regulating Plan for the 80 ft. Open Space to be provided adjacent to the Type 3 Incompatibility Buffer along the west property line. The open space area shall include a 5 ft. wide meandering pedestrian pathway that connects to the overall pedestrian circulation system for the development and connects to the recreational and open space areas. Benches and/or play structures shall be provided within this Open Space area in accordance with PUD performance standards. The pathway shall include the following:

- a. One native Canopy tree each 25 linear feet, with a maximum spacing of 50 feet between trees. Trees may be provided on alternating sides of the pathway; and,
- b. one bench or pedestrian amenity approved by the zoning division every 200 feet. (DRO: ZONING - Zoning)

4. Prior to final approval by the Development Review Officer, the applicant shall submit a Street Layout Plan for review and approval. The Plan shall be in accordance with the requirements of the Technical Manual and Art. 3.E.1.C.2.a.5. (DRO: ZONING - Zoning)

5. Prior to final approval by the Development Review Officer, the Applicant shall provide a Regulating Plan identifying two plazas, each being a minimum of 2,500 square feet in area. Each plaza must be a minimum of 50 feet in width. Each plaza shall include a seating area and canopy tree a minimum of 16 ft. in height. An existing canopy tree(s) may be relocated to the plazas to meet the canopy tree requirement. Each plaza must include a shade structure for the seating area. In addition to the required plazas, three additional focal points shall be provided around the development area, consistent with Art. 3.E. (DRO: ZONING - Zoning)

6. Prior to final approval by the Development Review Officer, the Applicant shall provide a Regulating Plan providing for the amenities for the proposed neighborhood park. In place of the required 6 ft.

opaque decorative fence required along the west perimeter, the Applicant may provide an alternative decorative fence type, a minimum of four feet in height around the Neighborhood Park. The Park is required to be connected to the overall pedestrian circulation system, and shall abut a street or a plaza. (BLDGPMT/DRO: ZONING - Zoning)

7. Prior to final approval by the Development Review Officer, the Master Plan shall be revised to indicate a second housing type, which shall be provided for a minimum of 15 percent of the proposed units. (DRO: ZONING - Zoning)

8. All crosswalks within the development area shall be a minimum of 4 feet in width and shall be made of decorative pavers or concrete, or similar paving treatment. (BLDGPMT: ZONING - Zoning)

COMPLIANCE

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

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

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

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

DISCLOSURE

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

Figure 1 - Land Use Map

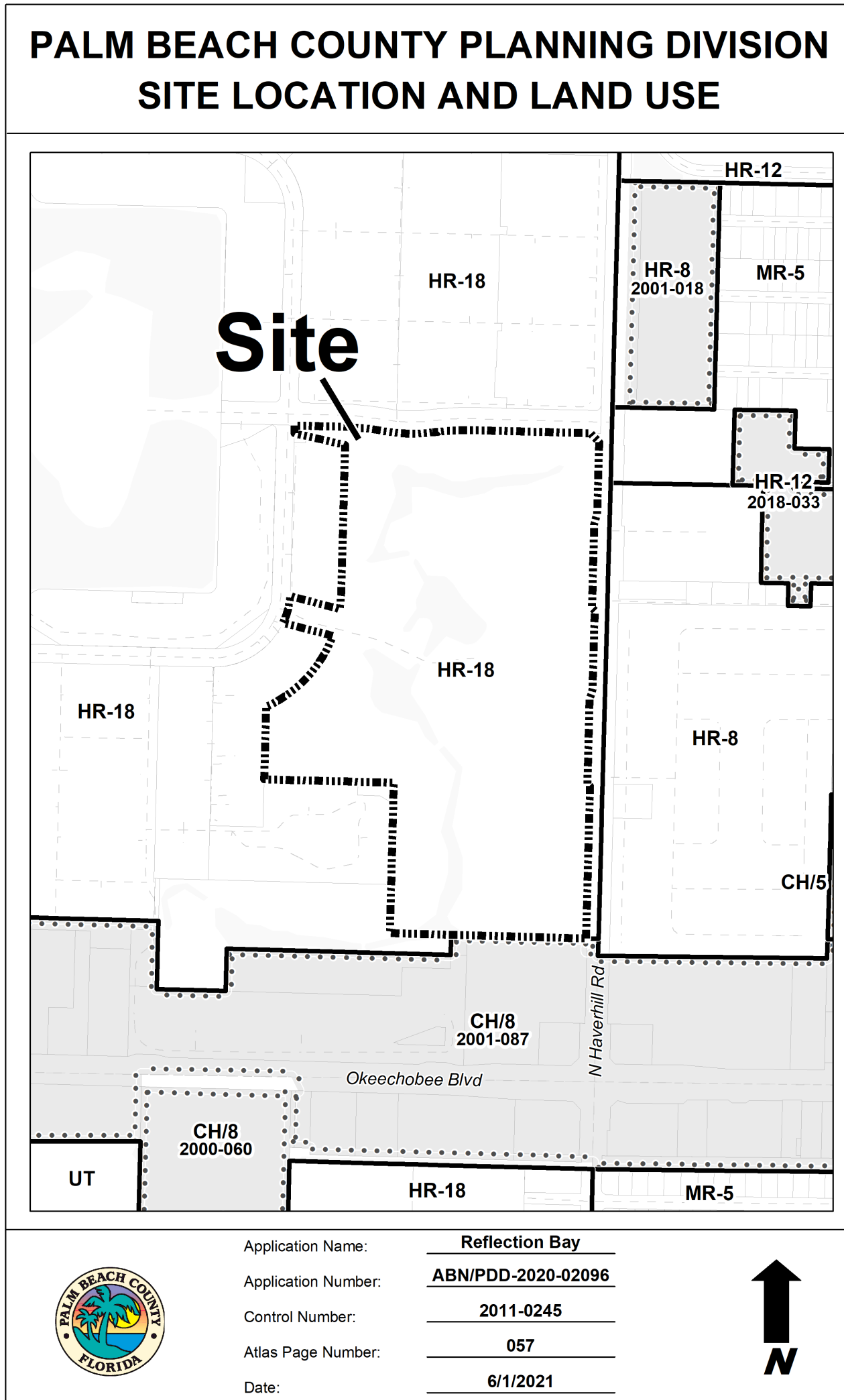


Figure 2: Zoning Map

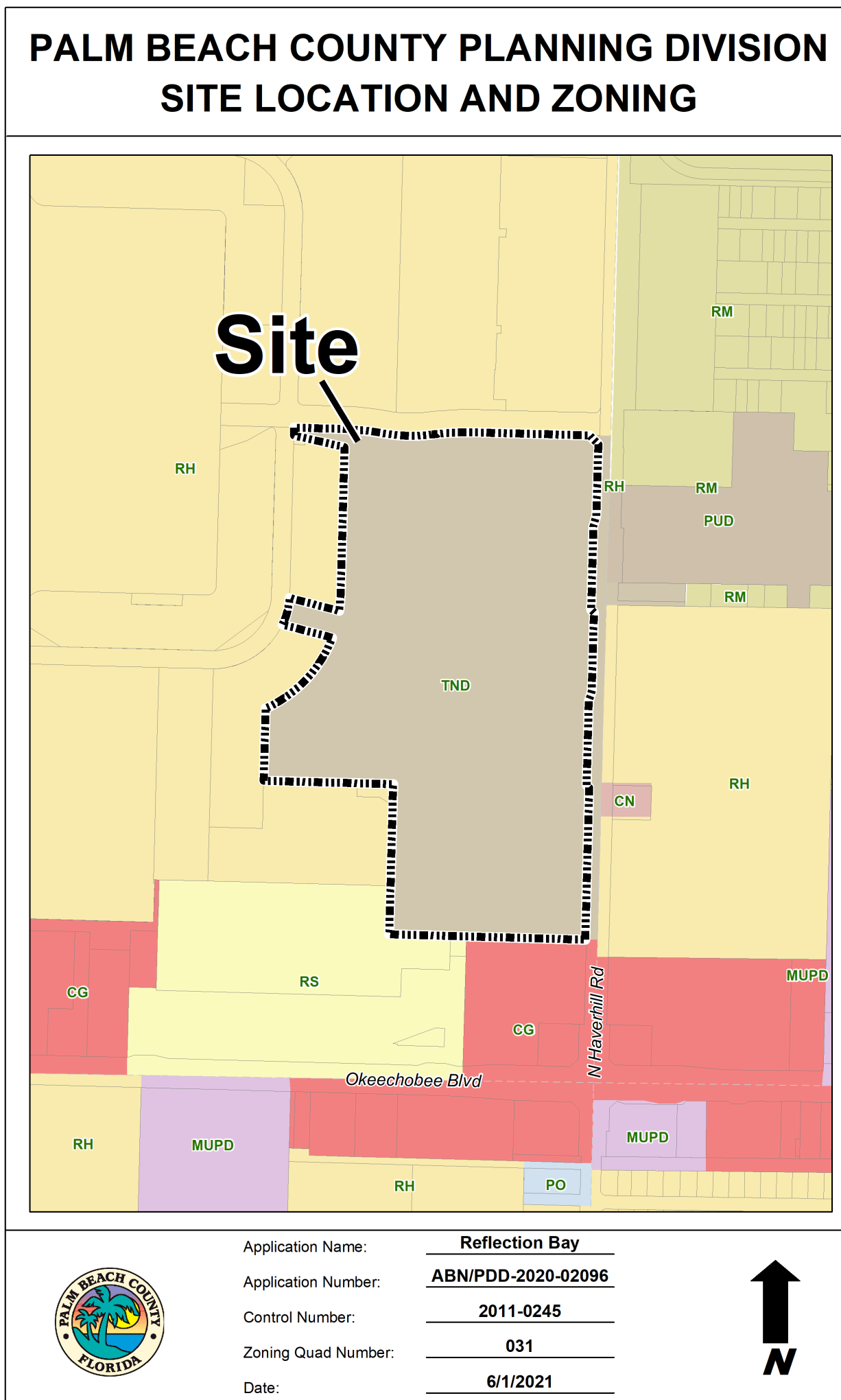
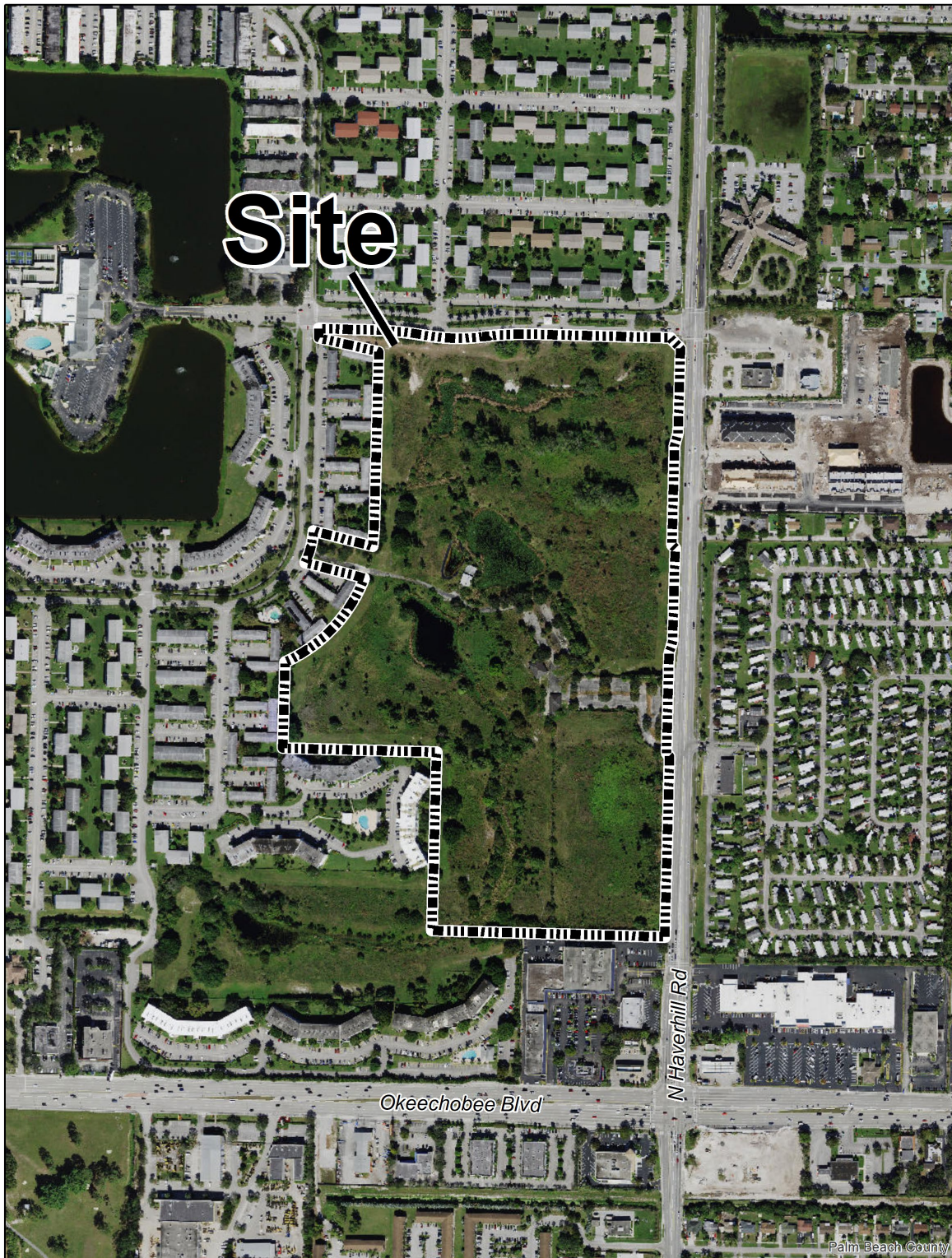


Figure 3: Aerial

PALM BEACH COUNTY PLANNING DIVISION

SITE LOCATION



Application Name:	Reflection Bay
Application Number:	ABN/PDD-2020-02096
Control Number:	2011-0245
Atlas Page Number:	057
Date:	6/1/2021



Zoning Commission
Application No. ABN/PDD-2020-01894
Reflection Bay

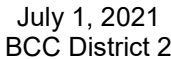


Figure 8: Preliminary Regulating Plan (PRP-2 of 7), dated May 10, 2021

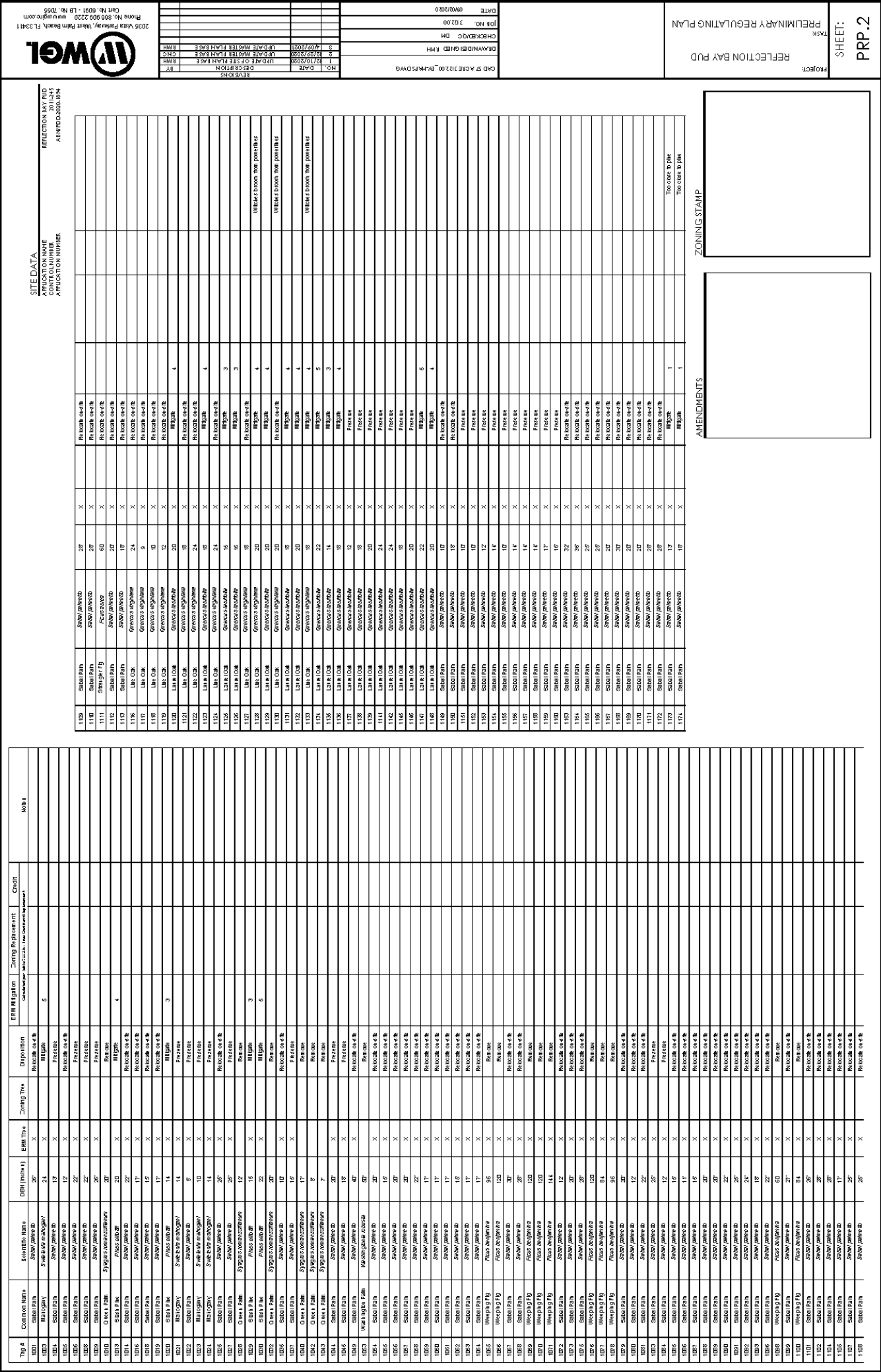


Figure 9: Preliminary Regulating Plan (PRP-3 of 7), dated May 10, 2021

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Figure 10: Preliminary Regulating Plan (PRP-4 of 7), dated May 10, 2021

[illegible]

Figure 11: Preliminary Regulating Plan (PRP-5 of 7), dated May 10, 2021

[illegible]

Exhibit D – Disclosure of Ownership – Applicant

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 Karl Albertson, 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] Assistant Secretary [position—e.g., president, partner, trustee] of DR Horton, Inc. [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: 6123 Lyons Road, Suite 100
Coconut Creek, FL 33073


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.



Karl Albertson, 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 08th day of Sept., 2020 by
Karl Albertson (name of person acknowledging). He/she is personally
known to me or has produced _____ (type of identification) as
identification and did/did not take an oath (circle correct response).

(Name - type, stamp or print clearly) 
(Signature)

My Commission Expires on: _____

 KRISTEN L. NORTHUP
Commission # HH 010440
Expires June 20, 2024
Bonded Thru Budget Notary Services

EXHIBIT "A"

PROPERTY

PARCEL 1 OF "REFLECTION BAY, PARCEL 1 A T.N.D., AND PARCEL 2 A P.U.D.", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 124 AT PAGES 1 THROUGH 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 57.319 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
N/A - Publically Traded Company on the NYSE.	

Exhibit D – Disclosure of Ownership – 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

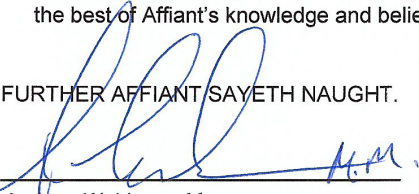
STATE OF FLORIDA
COUNTY OF PALM BEACH

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

- 1. Affiant is the [] individual or [x] Manager of Fairways, L.L.C. [position - e.g., president, partner, trustee] of Fairways, L.L.C. [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 1255 S. Military Trail, Suite 220
Deerfield Beach, FL 33442
- 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.



Andrew Waldman, Manager, 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 3 day of September, 2020 by Andrew Waldman (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).

Courtney Wood
(Name - type, stamp or print clearly)

Courtney Wood
(Signature)

My Commission Expires on: 11-22-2024

NOTARY'S SEAL OR STAMP



Courtney Wood
Notary Public
State of Florida
Comm# HH033319
Expires 11/22/2024

EXHIBIT "A"
PROPERTY

PARCEL 1 OF "REFLECTION BAY, PARCEL 1 A T.N.D., AND PARCEL 2 A P.U.D.", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 124 AT PAGES 1 THROUGH 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 57.319 ACRES, MORE OR LESS.

