

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

**Application No.:** Z/CA-2022-00828  
**Application Name:** JackRBT Property  
**Control No./Name:** 1976-00058 (Schearbrook Land & Livestock Excavation)  
**Applicant:** Plute Home Company, LLC  
JackRBT Farms Inc.  
**Owners:** JackRBT Farms Inc.  
**Agent:** Urban Design Studio - Wendy Tuma  
Urban Design Studio - Tyler Woolsey  
**Telephone No.:** (561) 366-1100  
**Project Manager:** Cody Sisk, Senior Site Planner

**TITLE:** an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Residential Estate (RE) Zoning District to the Single Family Residential (RS) Zoning District on 43.64 acres

**TITLE:** a Class A Conditional Use **REQUEST:** to allow Zero Lot Line (ZLL) dwelling units on 43.64 acres

**APPLICATION SUMMARY:** Proposed is an Official Zoning Map Amendment (Z), and a Class A Conditional Use (CA) for the JackRBT Development. The site was last seen by the board in May 27, 1976 which approved a rezoning from AG to Residential Estate (RE) and a Special Exception to allow the Excavation and removal of muck, sand, rock, soil, or other Extractive Materials.

The Applicant is proposing to rezone the subject site from Residential Estate (RE) to Single Family Residential (RS). The Applicant is proposing a Class A (CA) Conditional Use is to allow Zero Lot Line (ZLL) dwelling units within the RS Zoning District. A total of 131 dwelling units are proposed with 99 of them being ZZL.

**SITE DATA:**

Location:	West side of Lyons Road approximately 1/4 miles south of intersection with Hypoluxo Road
Property Control Number(s)	00-42-43-27-05-043-0801
Existing Future Land Use Designation:	Low Residential (LR-2)
Existing Zoning District:	Residential Estate District (RE)
Proposed Zoning District:	Single Family Residential (RS)
Total Acreage:	43.64 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	West Boynton Community Plan
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	N/A
Commission District	District 6, Commissioner Melissa McKinlay

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

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

**PROJECT HISTORY:** There is one prior approval by the Board of County Commissioners (BCC) for this site. Resolution, R-1976-0479 approved the rezoning from AG, agricultural zoning district, to RE, residential estate zoning district, and the further special exception to allow the excavation and removal of muck, sand, rock, soil, or other extractive materials.

**FINDINGS:**

Official Zoning Map Amendment (Rezoning) to a Standards District:

When considering a Development Order application for a rezoning to a Standard Zoning District with or without a Conditional Overlay Zone (COZ), the BCC and ZC shall consider Standards a through g listed under Article 2.B.7.B.2, Standards. The Standards and Staff Analyses are indicated below. An

amendment that fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

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

PLANNING DIVISION COMMENTS

- *Consistency with the Comprehensive Plan:* The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- *Density and Workforce Housing Program (WHP):* The subject site contains no prior residential approvals. The current request seeks approval for 131 total units including includes a 50% (44du) Workforce Housing Density Bonus on the subject 43.64 acres, with the LR-2 Future Land Use designation. The request is utilizing the Limited Incentive Development Option and was achieved as follows:

<u>Standard, Max &amp; Bonus Density:</u>	<u>Workforce Housing (WHP):</u>
65.46 Standard units	1.64 WHP units (2.5%)
21.82 Maximum units	1.75 WHP units (8%)
<u>43.64 WHP Bonus (50%)</u>	<u>7.42 WHP units (17%)</u>
130.92 or 131 units total (rounded up)	10.81 or 11 required WHP (rounded up)

Per the WHP requirements, the request is obligated to designate and deed restrict a minimum of 11 units as Workforce Housing. The Applicant is choosing to utilize the In Lieu payment option, per ULDC Art.5.G.1.C.4.d., which for a single family product would be \$126,360 per required WHP unit for a total of \$1,389,960 (11 X \$126,360 for single family = \$1,389,960 total). The payment is required prior to the release of 50% of the building permits. Effective September 29, 2021, the in lieu fees are \$126,360 for Single Family, \$105,300 for Townhouses, and \$78,975 for Multifamily units.

- *Special Overlay District / Neighborhood Plan / Planning Study Area:* The requests are within the boundaries of the West Boynton Community Plan. The subject request is not inconsistent with the West Boynton Community Plan. The Applicant was advised to meet with the neighborhood group. No correspondence has been received by Staff regarding the request.

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 subject site is currently zoned Residential Estate (RE) which is consistent with the current FLU designation of LR-2. The proposed Single Family Residential (RS) Zoning District is consistent with the LR-2 FLU and meets all sections associated with the RS Zoning District. The Zero Lot Line (ZLL) use is allowable in the RS zoning district, as a Conditional Use, and is subject to the analysis and standards of review below under FINDINGS, Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment.

- *Property Development Regulations:* The site is subject to the Single Family Residential (RS) PDR standards of Table 3.D.1.A – Property Development Regulations of the ULDC. In order to development the site with 131 units, it will require an administrative approval for the use and subdivision. Access to the development will be from Lyons Road, and each proposed lot will meet the required property development regulations on the proposed roads internal to the development.

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

The proposed rezoning will be consistent with the proposed LR-2 FLU. The 43.64 acres owned by JackRBT Farms Inc is compatible with the surrounding properties and uses. The subject site is developed with a Single Family Residence., and surrounded by Planned Unit Developments with a mix of detached housing types.

Along the north side is Diamond Shamrock PUD. To the east of the property is Valencia IV PUD, to the south is Valencia IV PUD. Along the west side of the property is Ladera PUD. Therefore the proposed development is compatible, and consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land.

d. **Effect on Natural Environment** – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

- *Vegetation Protection:* The majority of the site is cleared with a mixture of native and exotic vegetation remaining. The native trees shall be relocated or mitigated on the property.
  - *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 Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.
  - *Environmental Impacts:* There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.
- e. Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The surrounding area consist of a residential zoning designation. The request to rezone the subject parcel to a similar style residential zoning district along with the proposed residential use will result in a development pattern that is logical, orderly, and timely with the adjacent properties

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

ENGINEERING COMMENTS:  
The proposed 131 dwelling unit Single Family Home development, is expected to generate 1,310 net new daily trips, 97 net new AM peak hour trips, and 132 net new PM peak hour trips. The build out of the project is expected to happen by 2027.

Significantly impacted roadways have adequate capacity to accommodate the project traffic in the buildout year. The intersections of Hypoluxo Rd/Lyons Rd and Boynton Beach Blvd/Lyons Rd will have background deficiency without the proposed project traffic. However, as per State Statue 163.3180, the project will receive traffic concurrency approval without any improvements required by the Property Owner.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)  
Segment: Lyons Rd from Hypoluxo Rd to Boynton Beach Blvd  
Existing count: Northbound=1281, Southbound=678  
Background growth: Northbound=440, Southbound=339  
Project Trips: Northbound=42, Southbound=42  
Total Traffic: Northbound=1763, Southbound=1059  
Present laneage: 2 in each direction  
Assured laneage: 2 in each direction  
LOS "D" capacity: 1960 per direction  
Projected level of service: Better than LOS D in both directions

The Property Owner shall dedicate ROW to be consistent with the PBC Thoroughfare Identification Map, dedicate right-of-way for a right turn lane 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 prior to the Final Site Plan approved by the DRO.

PALM BEACH COUNTY HEALTH DEPARTMENT:  
This project has met the requirements of the Florida Department of Health.

FIRE PROTECTION:  
Staff has reviewed this application and have no comment. The subject site is within the boundaries of PBC Fire Station #48.

SCHOOL IMPACTS:  
In accordance with the adopted Coordinated Planning Interlocal Agreement, a School Capacity Availability Determination (SCAD) for 131 single family residential units had been approved on June 1, 2022 (SCAD



Case #22051301D). The subject property is located in SAC 227A.

This project is estimated to generate approximately fifty (50) public school students. The schools currently serving this project area are: Coral Reef Elementary School, Woodlands Middle School and Park Vista 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 middle and high school levels. The additional middle and high school students generated by this proposal will increase the utilization percentages of Woodlands MS to 130% and Palm Beach Lakes Community HS to 109%.

The revised Preliminary Subdivision Plan (dated 9/15/22) shows one (1) 10' by 15' public school bus shelter. A bus shelter condition of approval has been applied to this request.

**PARKS AND RECREATION:**

Project proposes 131 dwelling units requiring 0.79 acres of on site recreation, 0.93 acres of onsite recreation are provided, therefore the recreational requirement is satisfied.

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

The single family residential use within the newly proposed RS zoning district is permitted by right. The Class A conditional use is for the Zero Lot Line homes in the RS zoning district. The Property Owner desires to utilize the property to meet the current residential housing market need for residential properties. The subject property will have a density three units per acre. The use of zero lot line dwelling units as well as the single family dwelling units within the proposed development for JackRBT is appropriate and the demand for low-density residential housing opportunities in the County. The proposed rezoning with the ZLL dwelling units mixed with single-family dwelling units will allow the Applicant to provide housing options to serve the high and growing demands for the housing market.

**FINDINGS:**

**Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:**

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHP), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

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

**PLANNING DIVISION COMMENTS**

- *Consistency with the Comprehensive Plan:* The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- *Density and Workforce Housing Program (WHP):* The subject site contains no prior residential approvals. The current request seeks approval for 131 total units including includes a 50% (44du) Workforce Housing Density Bonus on the subject 43.64 acres, with the LR-2 Future Land Use designation. The request is utilizing the Limited Incentive Development Option and was achieved as follows:

<u>Standard, Max &amp; Bonus Density:</u>	<u>Workforce Housing (WHP):</u>
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Per the WHP requirements, the request is obligated to designate and deed restrict a minimum of 11 units as Workforce Housing. The Applicant is choosing to utilize the In Lieu payment option, per ULDC Art.5.G.1.C.4.d., which for a single family product would be \$126,360 per required WHP unit for a total of \$1,389,960 (11 X \$126,360 for single family = \$1,389,960 total). The payment is required prior to the release

of 50% of the building permits. Effective September 29, 2021, the in lieu fees are \$126,360 for single-family, \$105,300 for townhouses, and \$78,975 for multi-family units.

o *Special Overlay District / Neighborhood Plan / Planning Study Area:* The request are within the boundaries of the West Boynton Community Plan. The subject request is not inconsistent with the West Boynton Community Plan. The Applicant was advised to meet with the neighborhood group. No correspondence has been received by Staff regarding the request.

**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 use is not in conflict with any portion of the Code, and is consistent with the stated purpose and intent of the Code as indicated on Article 4.B.10 - Zero Lot Lines which allows Zero Lot Lines only on RS Zoning District with an LR-2 or higher FLU designation. In addition the project has met the required standards and regulations in regards to Art. 3.D.2.B, ZLL Property Development Regulations for minimum lot dimensions and setbacks, Article 5.G, Workforce Housing Program; Article 6 regarding Parking, and Article 7, regarding Landscaping and Buffering; as indicated on the Preliminary Subdivision Plan (PSBP) submitted.

**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 of 99 Zero Lot Line (ZLL) homes and 32 Single Family Dwelling units are generally compatible and consistent with other surrounding properties in terms of density. The development of the subject property with a LR-2 future land use residential community is compatible with the surrounding uses and, the provided compatibility buffers will keep the compatibility of the developed site with surrounding uses. The surrounding uses are PUD's to the north, south, east and west. The proposed development and density are compatible with the surrounding area and land use.

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

The proposed subdivision consists of a mix of ZLL and SF Residential units. The Applicant is reconfiguring the previously excavated lake, to create four water management/detention tracts, with the housing abutting these features as amenities. The 99 Zero Lot Line (ZLL) units are adjacent to other PUD's. The development will include the incorporation of perimeter landscaping and a recreation area located at the entrance of the development. There are no adverse impacts to surrounding properties due to the layout and design of the project.

**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.*

See analysis under the Official Zoning Map Amendment (Rezoning) to a Standards District, **d.** Effect on Natural Environment, the proposed use does not create an additional impacts beyond the analysis provided to rezoning the development.

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

Along Lyons Road, the subject parcel is surrounded by other residential developments, approved with detached housing types of Single Family and Zero Lot line. The proposed development follows the existing general pattern of housing types. The site will be developed with Zero Lot Line homes and Single Family Dwelling uses with the additional density, in accordance with the Workforce Housing program. The proposed rezoning to the RS zoning district will allow for the development of these housing types, consistent with the exiting development pattern of the urban/suburban tier and the WBACP pattern for this area. The density, including the Work force Housing bonus, will allow three dwelling units per acre which makes a logical and orderly development pattern, and allowances by the Plan and ULDC..

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

See analysis under the Official Zoning Map Amendment (Rezoning) to a Standards District, **f.** Adequate Public Facilities, as described above for the proposed rezoning, the use does not create any additional impacts on the provision of public facilities, beyond the analysis above, and thus complies with Concurrency.

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

The Property Owner desires to utilize the property to meet the current residential housing market need for residential properties. The subject property will have a density three units per acre. The use of zero lot line dwelling units as well as the single family dwelling units within the proposed development for JackRBT is appropriate and the demand for low-density residential housing opportunities in the County. ZLL dwelling units mixed with single-family dwelling units will allow the Applicant to provide housing options to serve the high and growing demands for the housing market.

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**CONCLUSION:** Staff finds that the application meets the standards for Class A Conditional Use under Article 2.B. and the WFH standards under Article 5.G. Staff has evaluated the standards 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 as indicated in Exhibit C-1 and Exhibit C-2.

## CONDITIONS OF APPROVAL

### EXHIBIT C-1

**Official Zoning Map Amendment acreage - 43.64 acres**

### DISCLOSURE

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

## CONDITIONS OF APPROVAL

### Exhibit C - 2

#### Class A Conditional Use - 43.64 acres

#### ALL PETITIONS

1. The approved Subdivision Plan is dated September 15, 2022. 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. (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, 2027, 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. 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. (BLDGPMT: MONITORING - Engineering)

3. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Lyons Road, 55 feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT/ONGOING: MONITORING - Engineering)

4. 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 Lyons Road at the project's entrance road. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by 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. (BLDGPM/ONGOING: MONITORING - Engineering)

5. The Property Owner shall construct a right turn lane north approach on Lyons Road at the project entrance road.

Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and 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. (BLDGPM/ONGOING: MONITORING - Engineering)

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

6. Within 90 days of the request of the County Engineer, the Property Owner shall convey a roadway construction easement to Palm Beach County at the Projects Entrance Road(s) at Lyons Road. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this Property Owner's road right of way. Construction by the Applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (ONGOING: ENGINEERING - Engineering)

7. The Property Owner shall fund any required signal modifications associated with the development of the site. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division, including installation of mast arm signal. 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 Permit 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. (BLDGPM/ONGOING: MONITORING - Engineering)

b. Full modification of the signal to accommodate the project traffic must be completed and accepted by the Traffic Division prior to issuance of the first Certificate of Occupancy. (BLDGPM/CO/ONGOING: MONITORING - Engineering)

c. 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 all required signal modifications have been completed and accepted by the Traffic Division. Traffic Division shall return the surety for the signal within 30 days after receiving this notice and verification of the acceptance of the signal construction. (ONGOING: ENGINEERING - Engineering)

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

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

b. Any required drainage easements shall be dedicated in conjunction with the plat. (PLAT: ENGINEERING - Engineering)

## **ENVIRONMENTAL**

1. Prior to final approval by the Development Review Officer, the Plans shall be revised to identify the specimen Live Oak species located West of the existing residential structure (identified as Tree # 3801 on the specific purpose survey completed by Caulfield and Wheeler, Inc., dated 05-18-2022) and identify its disposition on the Vegetation Disposition Chart as to be preserved in place or relocated to an appropriate area on the site, or as approved by ERM. If Tree #3801 is to be relocated, the general relocation area shall be identified on the Final Site Plan, or as approved by ERM. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

## **PLANNING**

1. The subject request for 131 single family units with an 11-unit Workforce Housing Program (WHP) obligation was calculated based on Limited Incentive Development Option and a 50% (44du) WHP bonus. The WHP units will be utilizing Fee In-Lieu. 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 66th Residential Building Permit (50% of 131du), the Applicant shall submit payment to the Department of Housing and Economic Sustainability (DHES) and a copy of a receipt for

that payment to the Planning Division in the amount of \$1,389,960 (11 X \$126,360 for single family = \$1,389,960 total) (BLDGPM: MONITORING - 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)

**COMPLIANCE**

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

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

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

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

**DISCLOSURE**

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



Figure 1 - Land Use Map





Figure 2 - Zoning Map



Zoning Commission

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JackRBT Property

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Zoning Commission  
Application No. Z/CA-2022-00828



Figure 5 – Preliminary Subdivision Plan Sheet 3 of 3 dated (September 15, 2022)

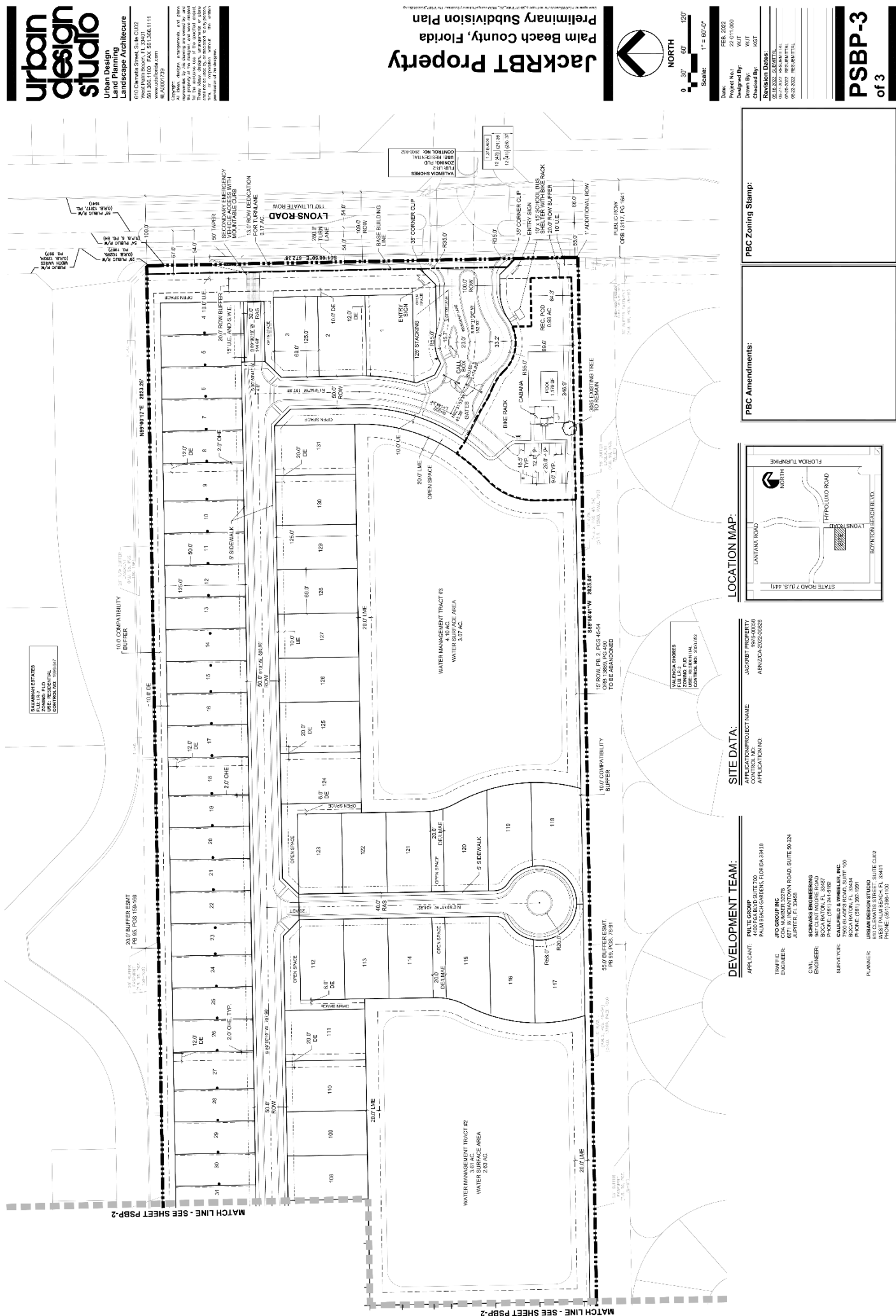


Exhibit D – Disclosure of Ownership

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 Aimee Carlson, 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] Director of Land Development [position—e.g., president, partner, trustee] of Pulte Home Company, LLC [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: 3350 Peachtree Road Northeast,  
Suite 150  
Atlanta, GA 30326
- 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.



Aimee Carlson  
Aimee Carlson, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

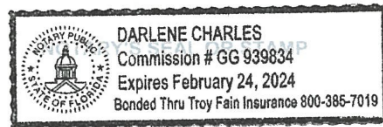
STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or  
[ ] online notarization, this 5 day of May, 2022 by  
Aimee Carlson (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)

Darlene Charles  
(Signature)

My Commission Expires on: \_\_\_\_\_



**EXHIBIT "A"****PROPERTY****LEGAL DESCRIPTION:**

A PARCEL OF LAND BEING ALL OF TRACTS 81 THROUGH 88, AND A PORTION OF TRACT 80, BLOCK 43, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL INCLUDING THE NORTHERLY 15.00 FEET OF THE 30 FOOT ROAD, DITCH AND DIKE RESERVATION AREA LYING IMMEDIATELY SOUTH OF AND CONTIGUOUS WITH THE SOUTH LINE OF SAID TRACTS 81 THROUGH 88 AND A PORTION OF TRACT 80, AND ALSO THAT PORTION OF THE ROAD, DITCH AND DIKE RESERVATION AREA LYING BETWEEN SAID TRACTS 80 & 81, SAID PARCEL ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE PLAT OF VALENCIA SHORES - PLAT 4, AS RECORDED IN PLAT BOOK 99, PAGE 79 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°58'41" EAST ALONG THE NORTH LINE OF SAID PLAT OF VALENCIA SHORES - PLAT 4, SAID COURSE LYING 15.00 FEET SOUTH OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF SAID TRACTS 73 THROUGH 79 AND A PORTION OF SAID TRACT 80, A DISTANCE OF 2458.50 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE HEREIN DESCRIBED; THENCE NORTH 00°59'42" WEST BISECTING A PORTION OF SAID TRACT 80, A DISTANCE OF 673.70 FEET; THENCE NORTH 89° 00'17" EAST ALONG THE NORTH LINE OF SAID TRACTS 81 THROUGH 88 AND A PORTION OF SAID TRACT 80, ALSO BEING THE SOUTH LINE OF SAVANNAH ESTATES, AS RECORDED IN PLAT BOOK 95, PAGE 161, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 2823.26 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 10295, PAGE 1967, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 01°08'50" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 672.38 FEET; THENCE SOUTH 88°58'41" WEST ALONG THE NORTH LINE OF SAID PLAT OF VALENCIA SHORES - PLAT 4, SAID COURSE LYING 15.00 FEET SOUTH OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF SAID TRACTS 81 THROUGH 88 AND A PORTION OF TRACT 80, A DISTANCE OF 2825.04 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 1,900,771 SQUARE FEET/43.6357 ACRES, MORE OR LESS.

SAID LANDS SITUATE IN SECTION 7, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name	Address
<u>Pulte Home Company, LLC is an entity of PulteGroup, Inc. which is</u>	
<u>a publicly traded company registered with the SEC</u>	
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**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 Rebecca C. Byrne, 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 ☒ President *[position - e.g., president, partner, trustee]* of JackRBT Farms, Inc. *[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: 320 Glenbrook Drive  
Atlantis, FL 33462
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.

Rebecca C. Byrne  
 Rebecca C. Byrne, Affiant  
 (Print Affiant Name)

NOTARY PUBLIC INFORMATION:

Utah  
 STATE OF ~~FLORIDA~~ UTAH  
 COUNTY OF ~~PALM BEACH~~ Summit

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 27 day of April, 2022 by Rebecca C. Byrne (name of person acknowledging). He/she is personally known to me or has produced driver license (type of identification) as identification and did/did not take an oath (circle correct response).

Greg Flint  
 (Name - type, stamp or print clearly)

Greg Flint  
 (Signature)

My Commission Expires on: 3/16/2025

NOTARY'S SEAL OR STAMP





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Name	Address
Rebecca C. Byrne	320 Glenbrooke Drive, Altantis, FL 33462
James Byrne	320 Glenbrooke Drive, Altantis, FL 33462

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