

**PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS DEPARTMENT
LAND DEVELOPMENT DIVISION**

ZONING COMMISSION STANDALONE VARIANCE STAFF REPORT

Application No.: SV-2022-01117
Application Name: Reserve at Jupiter - Phase II
Control No./Name: 2018-00034
Applicant(s): DR Horton, Inc. - Karl Albertson
Owner(s): Ramon Villarino
Spriggs Dein P Profit Sharing Trust
Spriggs Dein P Trust
John Swearingen
Spriggs Dein P Profit Trust &
Agent(s): WGINC - Yoan Machado
Telephone No.: (561) 687-7220
Project Manager: Scott Cantor, Division Director IV

Title: a Subdivision Variance **Request:** to allow an increase in the maximum allowable daily trips over the 1,500 Average Daily Trip threshold for a local residential street.

APPLICATION SUMMARY: Petition of Yoan Machado, WGI, Inc., on behalf of DR Horton, Inc., requesting a variance to allow an increase in daily trips over the 1,500 average daily trip threshold for a local residential street. This application add 180 average daily trips (ADTs) to the already approved 2,254 ADTs. The subject land area will be added to a neighboring site also previously approved for 85 zero lot line (ZLL) homes. The increase in land area brings the total acreage to 24.11 acres, allowing for a request for an additional 18 ZLL units.

SITE DATA:

Location:	West side of Limestone Creek Road, approximately 0.3 miles north of Church Street
Property Control Number(s)	00-42-40-33-00-000-5260 00-42-40-33-00-000-5270 00-42-40-33-00-000-5280 00-42-40-33-00-000-5290 00-42-40-33-00-000-5300 00-42-40-33-00-000-5310 00-42-40-33-00-000-5680 00-42-40-33-00-000-5690
Existing Land Use Designation:	Medium Residential (MR-5)
Existing Zoning District:	Multi-Family Residential (High Density) District (RH)
Acreage:	24.11 acres
Tier:	URBAN/SUBURBAN
Overlay District:	Jonathan Dickinson State Park Greenline Overlay
Neighborhood Plan:	N/A
CCRT Area:	Limestone Creek
Municipalities within 1 Mile	Jupiter
Future Annexation Area	Jupiter
Commission District	01, Commissioner Maria G. Marino

STAFF RECOMMENDATION: Staff recommends Approval of the request subject to the standard Zoning Conditions of Approval as indicated in Exhibit C, based upon the following application of the standards enumerated in Article 2, Section 2.B.3.E of the Palm Beach County Unified Land Development Code (ULDC), which an applicant must meet before the Zoning Commission who may authorize a variance.

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received no contact from the public regarding this project.

PROJECT HISTORY:

The subject property currently has a Future Land Use designation of Medium Residential, 5 units per acre (MR) – 5 within the Multi-Family Residential (RH) Zoning District. The site is under Unincorporated Palm Beach County jurisdiction and lies within the boundaries of the Limestone Creek Community Revitalization Area (CCRT). The subject property is presently supporting 1 residential unit.

SURROUNDING LAND USES:

NORTH:

FLU Designation: Conservation (Town of Jupiter)
Zoning District: Conservation Preservation
Supporting: North Jupiter Flatwoods Natural Area
(No Control Name, Control No. N/A)

SOUTH:

FLU Designation: Medium Density Residential (MR-5)
Zoning District: Multi-Family Residential (RH)
Supporting: Single-Family Residential
(No Control Name, Control No. N/A)

EAST:

FLU Designation: Medium Density Residential/Institutional (MR-5/INST)
Zoning District: Multi-Family Residential (RH) and Institutional and Public Facilities (IPF)
Supporting: Single-Family Residential and Nonprofit Charter School (Els Center for Excellence, Control No. 1975-00168)

WEST:

FLU Designation: Recreation (Town of Jupiter)
Zoning District: PI (Town of Jupiter)
Supporting: Jupiter Community Park (No Control Name, Control No. N/A)

SUBDIVISION VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
11.E.2.A.2 Chart of Minor Streets	1,500 Average Daily Trips (ADT) threshold for a 60-ft ROW	An increase of 180 Projected Daily Trips (PDT) (2,254 ADT previously approved)	Exceed maximum allowable ADT by 2,434 PDT

FINDINGS:

Subdivision Variance Standards:

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

Table 11.E.2.A-2 in Article 11 of the Unified Land Development Code (ULDC), limits the number of average daily trips (ADT) to 1,500 on local residential streets. This variance application is to request site access from Limestone Creek Road, a County-maintained 63-foot right of way local residential street, for a 21.11 acre site located on the west side of Limestone Creek Road that would add more traffic to a roadway that already exceeds the ADT for this type of street per Table 11.E.2.A.2. This site is currently under construction and the Property Owner has been previously approved (Application Number SV-2020-0796) to allow an 85 unit zero lot line development, currently having 2,254 daily trips.

Based on the amount of ADT on Limestone Creek Road, Article 11 requires access be from a non-plan collector street. The applicant is requesting a subdivision variance to allow an additional 180 trips on Limestone Creek Road instead of requiring that the proposed development acquire additional right-of-way and reconstruct Limestone Creek Road to non-plan collector street standards. Previously, the subject site was 21.11 acres. This applicant is requesting the addition of eight (8) new parcels to the subject site, increasing the overall site to 24.11 acres. These eight parcels are all vacant, and do not have any preexisting or approved development. All eight parcels have a Future Land Use designation of MR-5 (medium Residential-up to 5 du/ac) and a zoning designation of RH. The parcels are included in the Urban/Suburban Tier and the Jonathan Dickinson State Park Overlay (JDSPGO).

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

Applicant's Response: The subject site has a FLU designation of MR-5 and a Zoning designation of RH, thus giving the subject site a maximum density of 121 dwelling units. The subject site's frontage on Limestone Creek, a local 63' ROW presents several special conditions specific to the subject site based on the fact that the current ADT for Limestone Creek Road is 2,254, exceeding the threshold of 1,500 ADT on Limestone Creek Road. Therefore, any development on the subject site would automatically

exceed the traffic capacity on Limestone Creek Road. To accommodate this additional development, we are requesting the addition of 180 ADT's, bringing the ADT to 2,434.

Special circumstances exist for the subject site in the form of the surrounding residential lots along Limestone Creek Road. In order for Limestone Creek Road, with a proposed 3,934 ADT, to be conforming to maximum ADT thresholds it would have to provide an 80' ROW, which allows for a maximum allowable ADT of 13,100 and would be classified as major street. To the south of the Reserve of Jupiter site are single-family lots that abut Limestone Creek Road. Per Article 11.E.9.B.2.a. of Palm Beach County's ULDC, residential lots are not allowed to have direct access to a major street. Therefore, requiring Limestone Creek Road to provide an 80' ROW would result in the residential lots directly south of the subject site to become non-conforming.

Staff Response: CORRECT. The existing traffic on the road already exceeds the maximum allowable on a local residential road, therefore any development in this area would result in the need for the development to request this variance. For clarification, for Limestone Creek Road to be officially designated as a major street, Palm Beach County's Comprehensive Plan would have to be amended.

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

Applicant's Response: Special circumstances and conditions do not result from the granting of this variance. The combination of the approved Els Center of Excellence and the surrounding neighborhood, results in a current ADT of 2,254, which exceeds the 1,500 ADT threshold on the 63' ROW of Limestone Creek Road. The subject site has a FLU designation of MR-5 and a Zoning designation of RH, thus giving the subject site a maximum density of 121 dwelling units. The subject roadway is already above capacity absent of the subject site developing to the MR-5 FLU designation applied to the subject site by Palm Beach County, therefore, this is not a self-created hardship.

Staff Response: CORRECT. The proposed development did not cause the Average Daily Traffic to exceed the maximum allowed by code. Also, due to the built-out nature of the surrounding properties, purchasing additional right-of-way to construct a non-plan collector is not feasible. Even though the Applicant's response for the total new ADT states 2,254 (actually 3,934), it is only 180 additional trips being requested (approximately 5% more trips). For the purposes of Article 12 "Traffic Performance Standards", a 2 lane undivided roadway has the capacity of 15,200 daily trips and operates at a LOS D.

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

Applicant's Response: The proposed subdivision variance will not confer upon the Applicant any special privilege, as the subject site fronts on Limestone Creek Road, a local 63' ROW, which is already above traffic capacity. Absent this fact, the subject site could be developed as single family residential with the requirements of the RH zoning designation and MR-5 FLU designation. There is no special privilege granted as a result of the variance, the Applicant is simply requesting to develop the subject parcel in similar fashion to the other single family residential uses along the same ROW.

Staff Response: CORRECT. Granting this variance would allow the Property Owner to develop this property consistent with the current Zoning District and Future Land Use.

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

Applicant's Response: The literal interpretation of the Code would deprive the Applicant of developing the subject site at what is allowed under its current Zoning and FLU designations as the projected ADT on Limestone Creek Road exceeds what is allowed for its current width by 2,434 trips. The subject site has a FLU designation of MR-5 and a zoning designation of RH, thus giving the subject site a maximum density of 121 dwelling units, wherein the Applicant is proposing 103 dwelling units on the subject site. The current ADT on Limestone Creek Road is 2,254, thus any new development on the subject site will further increase the traffic capacity over the 1,500 ADT threshold allowed on Limestone Creek Road.

In order for Limestone Creek Road, with a proposed 3,934 ADT, to be conforming to maximum ADT thresholds it would have to provide an 80' ROW, which allows for a maximum allowable ADT of 13,100 and would be classified as a major street. To the south of the Reserve of Jupiter site are single-family lots that abut Limestone Creek Road. Per Article 11.E.9.B.2.a. of Palm Beach County's ULDC, residential lots are not allowed to have direct access to a major street. Therefore, requiring Limestone Creek Road to provide an 80' ROW would result in the residential lots directly south of the subject to become non-conforming.

Staff Response: CORRECT. Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same Zoning district and would work an unnecessary and undue hardship. For clarification, for Limestone Creek Road to be officially designated as a major street, Palm Beach County's Comprehensive Plan would have to be amended. Even though the Applicant's response for the current ADT on Limestone Creek Road stated above is 2,254, it is actually 3,754 average daily trips (ADT); however, not relevant to this specific criteria's explanation of satisfaction.

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

Applicant's Response: Granting of the subdivision variance is the minimum variance necessary to not impose an undue hardship on the Applicant and all that is necessary to adequately provide access to the subject site. The subject site has a FLU designation of MR-5 and a zoning designation of RH, thus giving the subject site a maximum density of 121 dwelling units, wherein the Applicant is proposing 103 dwelling units on the subject site. The subdivision variance is the minimum needed to develop the site at what is allowed under its current zoning and FLU designations. The Applicant is requesting to allow for a variance for the increase in 2,434 trips from the 1,500 ADT threshold for a 60' ROW in regard to Limestone Creek Road, where the Applicant is only adding 180 ADT to the already above traffic capacity.

In addition, the subdivision variance is the minimum variance necessary to not make the residential lots along Limestone Creek Road non-conforming. In order for Limestone Creek Road, with a proposed 3,934 ADT, to be conforming to maximum ADT thresholds it would have to provide an 80' ROW, which allows for a maximum allowable ADT of 13,100 and would be classified as major street. To the south of the Reserve of Jupiter site are single-family lots that abut Limestone Creek Road. Per Article 11.E.9.B.2.a. of Palm Beach County's ULDC, residential lots are not allowed to have direct access to a major street. Therefore, requiring Limestone Creek Road to provide an 80' ROW would result in the residential lots directly south of the subject to become non-conforming.

Staff Response: CORRECT. Granting this variance is the minimum needed for the reasonable use of the property. For clarification, for Limestone Creek Road to be officially designated as a major street, Palm Beach County's Comprehensive Plan would have to be amended. For the purposes of Article 12 "Traffic Performance Standards", a 2 lane undivided roadway has the capacity of 15,200 daily trips and operates at a LOS D.

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

Applicant's Response: Granting of the variance for the increase in 2,434 projected daily trips from the 1,500 ADT threshold for a 60' ROW will be consistent with the purposes, goals, objectives, and policies of the comprehensive plan and the ULDC. The subject site has a FLU designation of MR-5 and a zoning designation of RH, thus giving the subject site a maximum density of 121 dwelling units. The Applicant intends to develop the site with 103 dwelling units, 2 dwelling units below the maximum density. The subject site fronts Limestone Creek Road and requires access on the ROW to provide ingress/egress for the proposed development. The traffic capacity for Limestone Creek Road was already above the 1,500 ADT threshold before the proposed addition of 180 ADT to the ROW.

Staff Response: CORRECT. Granting this variance will allow this property to be developed in a manner consistent with the Comprehensive Plan and the ULDC, since the maximum number of units proposed is 18 dwelling units below the maximum density allowed.

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

Applicant's Response: Granting of the subdivision variance will not be injurious to the area involved or otherwise detrimental to the public welfare of the community at large since they are residential in nature. The Applicant is proposing to allow a variance for the increase in 2,434 projected daily trips from the 1,500 ADT threshold for the 60' ROW in regard to Limestone Creek Road. The existing traffic capacity for Limestone Creek Road was already above the 1,500-threshold capacity before the proposed development of 103 zero lot line homes on the subject site. Granting the variance, would allow for needed residential development to occur in this area, while not being detrimental to the surrounding residential uses.

Staff Response: CORRECT. Granting this variance will not be injurious to the public.

Engineering staff is recommending **APPROVAL** of the subdivision variance.

CONDITIONS OF APPROVAL

EXHIBIT C

DISCLOSURE

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

Z o n i n g A p p l i c a t i o n

Reserve at Jupiter - Phase II (SV-2022-01117)

Site Data

Size: 24.11 acres
 Existing Use: SFR, ZLL
 Proposed Use: SFR, ZLL
 Zoning: RH
 Zoning Quad: 40

Future Land Use Designations

MR-5 Medium Residential, 5 units/acre
 INST/5 Institutional, underlying MR-5

Date: 2/10/2023
 Contact: PBC Zoning
 Filename: X:\Planning Zoning Coordination\DRO-Maps\2023\5-May
 Note: Map is not official, for presentation purposes only.

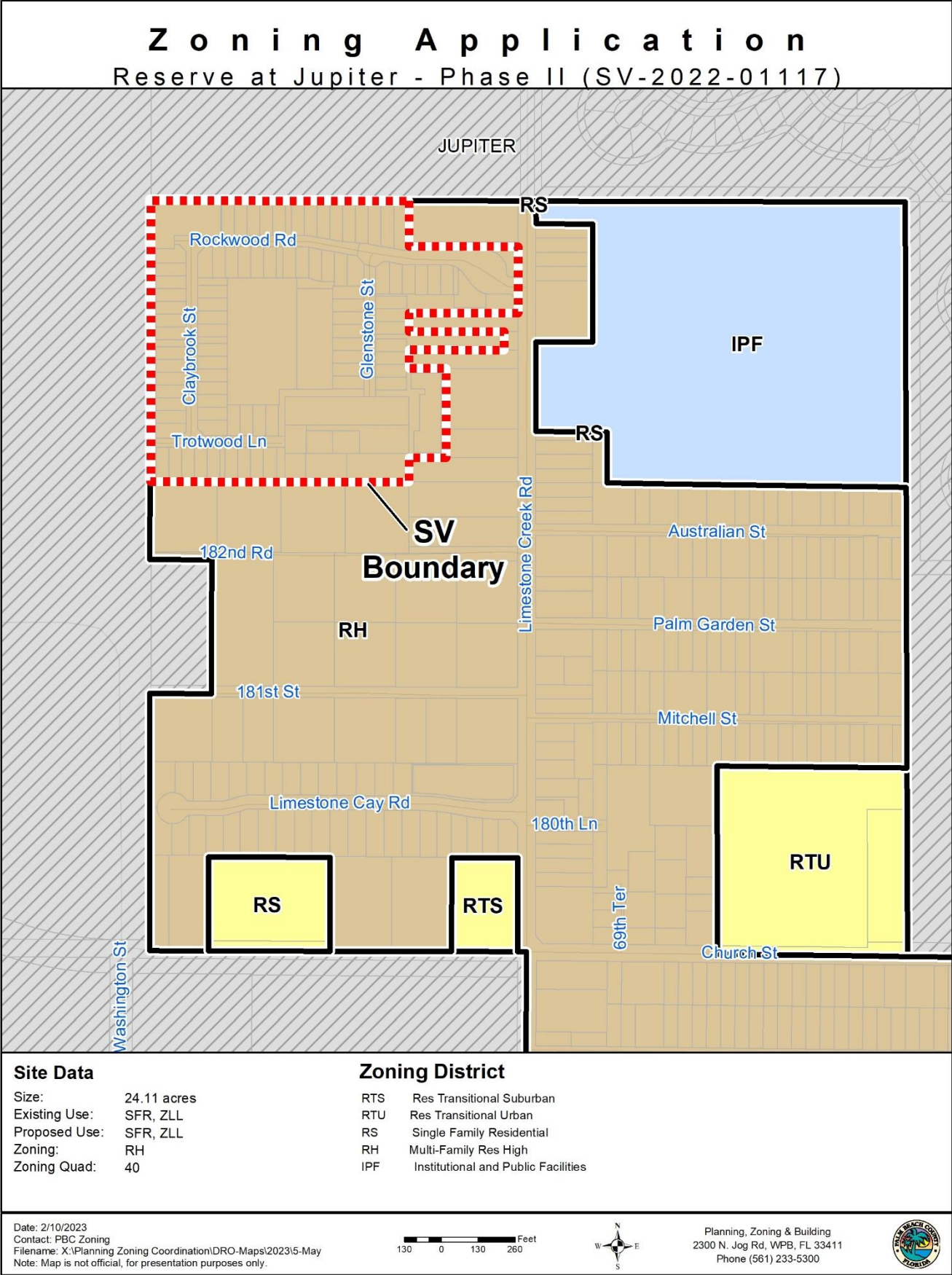
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Planning, Zoning & Building
 2300 N. Jog Rd, WPB, FL 33411
 Phone (561) 233-5300

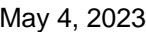
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 FLORIDA

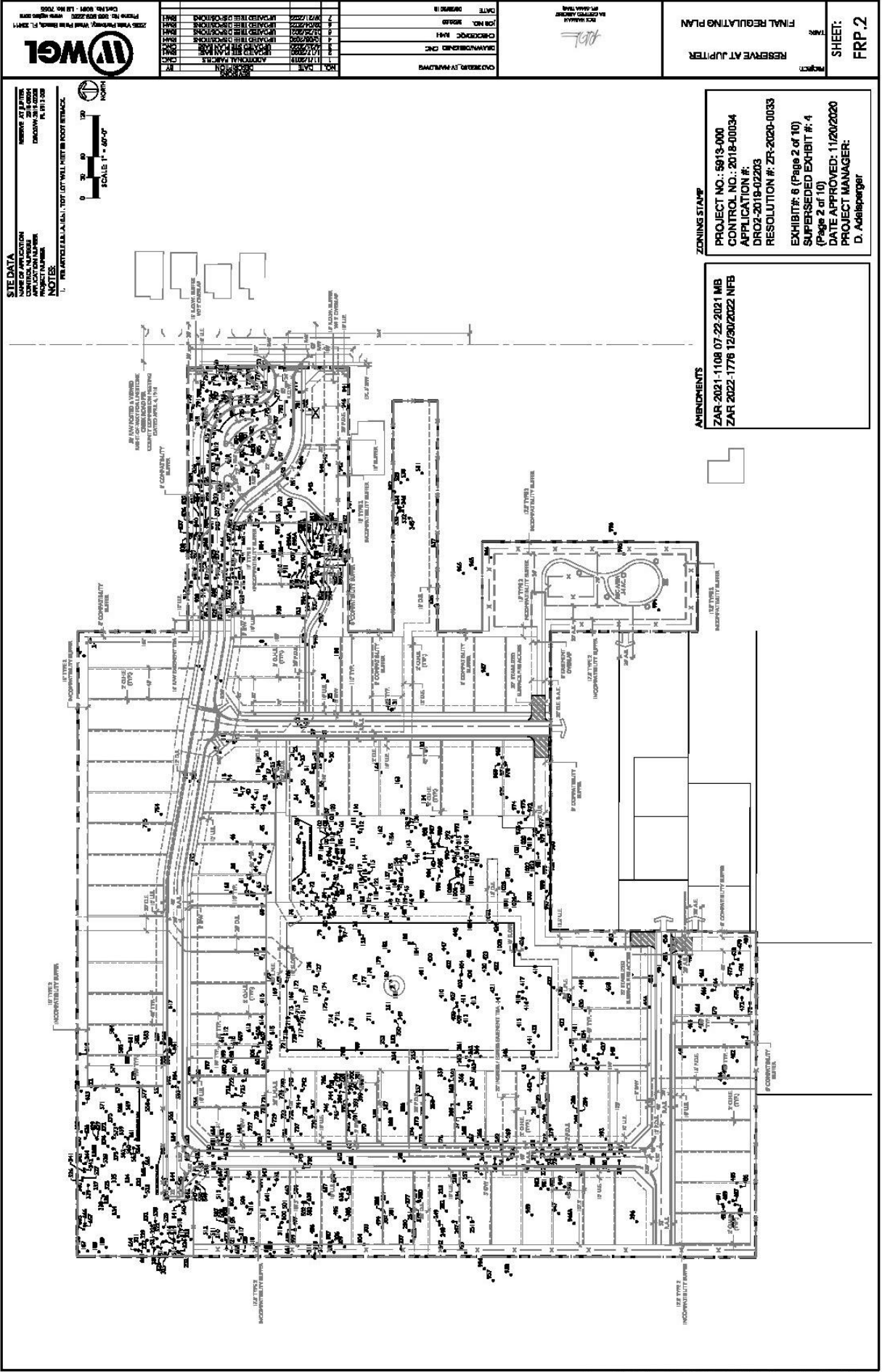
Figure 2 - Zoning Map



[illegible]

Zoning Commission
SV-2022-01117





SITE DATA
NAME OF APPLICANT: RESERVE AT JUPITER
DATE OF APPLICATION: 05/18/2022
PROJECT NUMBER: SV-2022-01117

NOTES:
1. PER ARTICLE 15.1.1.1, TOTAL LOT WALL HEIGHT IS 10 FEET.



WGL
WATER & LAND MANAGEMENT
10000 W. STATE ROAD 1
SUITE 100
JUPITER, FL 33457
TEL: 561.733.1000
WWW.WGLFL.COM

NO.	DATE	DESCRIPTION
1	05/18/2022	PRELIMINARY SITE PLAN
2	06/01/2022	REVISED SITE PLAN
3	06/01/2022	REVISED SITE PLAN
4	06/01/2022	REVISED SITE PLAN
5	06/01/2022	REVISED SITE PLAN
6	06/01/2022	REVISED SITE PLAN
7	06/01/2022	REVISED SITE PLAN
8	06/01/2022	REVISED SITE PLAN
9	06/01/2022	REVISED SITE PLAN
10	06/01/2022	REVISED SITE PLAN

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DATE: 05/18/2022
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CHECKED BY: [Signature]
APPROVED BY: [Signature]

PROJECT: RESERVE AT JUPITER
SHEET: FRP-2

ZONING STAMP
PROJECT NO.: 5913-000
CONTROL NO.: 2018-00034
APPLICATION #: DROZ-2019-02203
RESOLUTION #: ZR-2020-00333
EXHIBIT #: 6 (Page 2 of 10)
SUPERSEDED EXHIBIT #: 4 (Page 2 of 10)
DATE APPROVED: 11/20/2020
PROJECT MANAGER: D. Adelleberger

AMENDMENTS
ZAR-2021-1108 07-22-2021 MB
ZAR-2022-1776 12/30/2022 NFB

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PROJECT: ZAR-2021-1108 07-22-2021 MB
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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 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 D.R. 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: D.R. Horton, Inc.
6123 Lyons Road
Coconut Creek, FL
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the 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, Asst Sec., Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

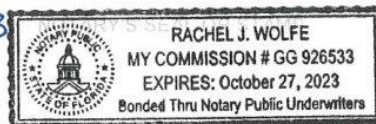
STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [] physical presence or
[] online notarization, this 2nd day of August, 20 22 by
Karl Albertson (name of person acknowledging) He is personally
known to me or has produced _____ (type of identification) as
identification and did/did not take an oath (circle correct response).

Rachel J. Wolfe
(Name - type, stamp or print clearly)

Rachel J. Wolfe
(Signature)

My Commission Expires on: October 27, 2023



PALM BEACH COUNTY - ZONING DIVISION

FORM # 8

EXHIBIT "A"

PROPERTY

See attached Legal Description.

*Disclosure of Beneficial Interest - Applicant form
Form # 8*

Page 3 of 4

*Revised 12/27/2019
Web Format 2011*



LEGAL DESCRIPTION:

Parcel ID: 00-42-40-33-00-000-5270

Commencing at the Northeast corner of the Southeast quarter of Section 33, Township 40 South, Range 42 East, Palm Beach County, Florida; thence South along the East line of Section 33, 788.84 feet; thence North 89°59' West 416.4 feet to the Point of Beginning; thence South 100 feet; thence North 89°59' West 435.6 feet; thence North 100 feet; thence South 89°59' East 435.6 feet to the Point of Beginning; being in the Northeast quarter of the Southeast quarter.

Excepting: A parcel of land in Section 33, Township 40 South, Range 12 East, being more specifically described as follows: Commencing at the Northeast corner of the Southeast quarter of said Section 33, bear South along the East line of said section a distance of 788.84 feet, thence North 89°59' West in a distance of 416.4 feet; thence South a distance of 100 feet, thence West a distance of 267 feet to the Point of Beginning of the parcel herein described; thence North a distance of 80 feet, thence West a distance of 93.75 feet, thence South a distance of 80 feet, thence East a distance of 93.75 feet to the Point of Beginning.

Excepting: A parcel of land in Section 33, Township 40 South, Range 42 East, being more particularly described as follows: Commencing at the Northeast corner of the Southeast quarter of said Section 33, bear South along the East line of said Section a distance of 788.84 feet, thence North 89°59' West a distance of 416.4 feet, thence South a distance of 100 feet, thence West a distance of 173.25 feet to the Point of Beginning of the parcel herein described; thence North a distance of 80 feet, thence West a distance of 93.75 feet, thence South a distance of 80 feet, thence East a distance of 93.75 feet to the Point of Beginning.

Excepting: The West 75 feet of the East 852 feet of the South 100 feet of the North 888.84 feet of the Northeast Quarter of the Southeast Quarter of Section 33, Township 40 South, Range 42 East, Palm Beach County, Florida.

Together with Declaration of Access Easement recorded in Official Records Book 33085, Page 1763, of the Public Records of Palm Beach County, Florida

Parcel ID: 00-42-40-33-00-000-5680

The South 90.63 feet of the North 979.47 feet of the West 145.2 feet of the East 779.4 feet of the NE 1/4 of the SE 1/4 of Section 33, Township 40 South, Range 42 East, Palm Beach County, Florida.

Parcel ID: 00-42-40-33-00-000-5690

The South 100.63 feet of the North 989.47 feet of the West 435.6 feet of the East 852 feet of the Northeast 1/4 of the Southeast 1/4 of Section 33, Township 40 South, Range 42, less the North 90.63 feet of the West 217.8 feet thereof located in Palm Beach County, Florida.



Parcel ID: 00-42-40-33-00-000-5310

The North 90.63 feet of the West 145.2 feet of the South 100.63 feet of the North 989.47 feet of the West 435.6 feet of the East 852 feet of the Northeast Quarter of the Southeast Quarter of Section 33, Township 40 South, Range 42 East, Palm Beach County, Florida.

Less & Except that portion conveyed to Clarence Richardson and Jonnie Richardson by Quit Claim Deed recorded in Official Records Book 2376, Page 1949, Public Records of Palm Beach County, Florida, more particularly described as follows:

The East 72.6 feet of the North 90.63 feet of the West 145.2 feet of the South 100.63 feet of the North 989.47 feet of the West 435.6 feet of the East 852 feet of the Northeast Quarter of the Southeast Quarter of Section 33, Township 40 South, Range 42 East, Palm Beach County, Florida.

Together with Declaration of Access Easement recorded in Official Records Book 33085, Page 1763, of the Public Records of Palm Beach County, Florida.

Parcel ID: 00-42-40-33-00-000-5280

A parcel of land in Palm Beach County, Florida in Section 33, Township 40 South, Range 42 East, being more specifically described as follows:

Commencing at the Northeast corner of the Southeast quarter of said Section 33, bear South along the East line of said Section, a distance of 788.84 feet; thence North 89°59' West, a distance of 416.40 feet; thence South a distance of 100 feet; thence West, a distance of 173.25 feet to the Point of Beginning of the parcel herein described; thence North a distance of 80 feet; thence West a distance of 93.75 feet; thence South 80 feet; thence East, a distance of 93.75 feet to the Point of Beginning.

Together with Declaration of Access Easement recorded in Official Records Book 33085, Page 1763 of the Public Records of Palm Beach County, Florida.

Parcel ID: 00-42-40-33-00-000-5300

The West 75 feet of the East 852 feet of the South 100 feet of the North 888.84 feet of the Northeast Quarter of the Southeast Quarter of Section 33, Township 40 South, Range 42 East, Palm Beach County, Florida.

Together with Declaration of Access Easement recorded in Official Records Book 33085, Page 1763 of the Public Records of Palm Beach County, Florida.



Parcel ID: 00-42-40-33-00-000-5260

The South 100 feet of the North 788.84 feet of the West 435.6 feet of the East 852 feet of the Northeast Quarter of the Southeast Quarter of Section 33, Township 40 South, Range 42 East, Palm Beach County, Florida.

Parcel ID: 00-42-40-33-00-000-5290

The West 93.75 feet of the East 777.15 feet of the South 80 feet of the North 888.84 feet of the Northeast Quarter of the Southeast Quarter of Section 33, Township 40 South, Range 42 East, Palm Beach County, Florida.

2035 Vista Parkway, West Palm Beach, FL 33411 t: 561.687.2220 f: 561.687.1110

www.wantmangroup.com

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
NA- Publicly traded company on	
the New York Stock Exchange	

Exhibit E – Applicant’s Justification Statement dated November 28, 2022



JUSTIFICATION STATEMENT
Reserve at Jupiter – Phase II
Control No. 2018-00034 | Application No. SV-2022-1117
Subdivision Variance
Initial Submittal: July 20th, 2022; Resubmittal November 28th, 2022

REQUEST

On behalf of the Applicant, D.R. Horton, Inc, WGI is requesting the approval of the following:

- 1) **Standalone Subdivision Variance** to allow for the increase in 2,434 Projected Daily Trips from the 1,500 ADT threshold for a 60’ ROW on Limestone Creek Road.

Note that the site has already been approved for 85 ZLL units (Application Number PAC-2019-2192) and is currently under construction. Along with the approval for 85 Zero Lot Line Units, 2,254 Projected Daily Trips were approved (Application Number SV-2020-00796). WGI is requesting the addition of only 180 ADTs to the previously approved 2,254 Projected Daily Trips.

In addition to the request for an increase in 2,434 Projected Daily Trips, the Applicant will be submitting a Final DRO request for the addition of 18 Zero lot Line units to the previously approved 85 ZLLs. This approval will increase the total number of ZLLs to 103.

SITE CHARACTERISTICS

The previously approved subject site is 21.11 acres in size and is located on the west side of Limestone Creek Road, approximately 0.30 miles north of Church Street. A portion of the site has already been approved, comprised of 19 vacant parcels and 1 parcel that contains a single-family residential home.

The previously approved site has a Future Land Use designation of MR-5 (Medium Residential- up to 5 du/ac) and a zoning designation of RH (Multifamily Residential High Density). Per article 3.A.3.E.1.e. of the Unified Land Development Code (ULDC), the RH Designation shall correspond to the RM (Multifamily Residential District) Designation. The parcels are included in the Urban/Suburban Tier and the Jonathan Dickinson State Park Overlay (JDSPGO). The Limestone Creek Countywide Community Revitalization team (CCRT) coordinates stabilization/revitalization activities for the community, established by the Palm Beach County Board of County Commissioners in 1997. The site is not platted and has direct access to Limestone Creek Road.

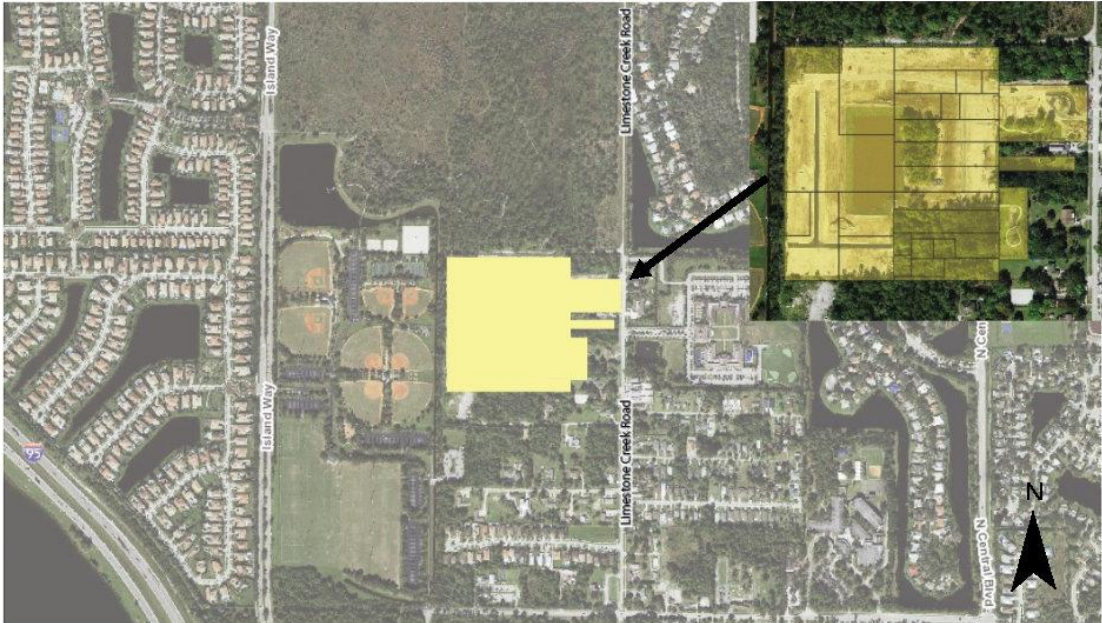
The Applicant is requesting the addition of 8 new parcels to the subject site, increasing the overall site to 24.11 Acres. The 8 parcels are all vacant, and do not have any preexisting or approved development. All 8 parcels have a Future Land Use designation of MR-5 (medium Residential- up to 5 du/ac) and a zoning designation of RH. The parcels are included in the Urban/Suburban Tier and the Jonathan Dickinson State Park Overlay (JDSPGO). The Limestone Creek Countywide Community Revitalization team (CCRT) coordinates stabilization/revitalization activities for the community, established by the Palm Beach County Board of County Commissioners in 1997. The site is not platted and has direct access to Limestone Creek Road.

The location maps on the following page show the previously approved site, and the subject area and affected parcels:

Figure 1: Proposed Addition of 8 Parcels



Figure 2: Site Including Additional 8 Parcels



Justification Statement
Reserve at Jupiter – Phase II
Subdivision Variance

November 28th, 2022
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The previously approved Property Control Numbers (PCNs) are as follows:

PCN			
1	00-42-40-33-00-000-5330	11	00-42-40-33-00-000-5710
2	00-42-40-33-00-000-5720	12	00-42-40-33-00-000-5730
3	00-42-40-33-00-000-5190	13	00-42-40-33-00-000-5320
4	00-42-40-33-00-000-5210	14	00-42-40-33-00-000-5200
5	00-42-40-33-00-000-5670	15	00-42-40-33-00-000-5660
6	00-42-40-33-00-000-5890	16	00-42-40-33-00-000-5700
7	00-42-40-33-00-000-5220	17	00-42-40-33-00-000-5250
8	00-42-40-33-00-000-5650	18	00-42-40-33-00-000-5110
9	00-42-40-33-00-000-5230	19	00-42-40-33-00-000-5240
10	00-42-40-33-00-000-5140	20	00-42-40-33-00-000-5640

The Property Control Numbers (PCNs) WGI is requesting to add to the site are as follows:

PCN			
1	00-42-40-33-00-000-5270	5	00-42-40-33-00-000-5690
2	00-42-40-33-00-000-5280	6	00-42-40-33-00-000-5260
3	00-42-40-33-00-000-5310	7	00-42-40-33-00-000-5300
4	00-42-40-33-00-000-5680	8	00-42-40-33-00-000-5290

SURROUNDING PROPERTIES

The surrounding uses are all compatible with the proposed development. The site is predominately surrounded by vacant parcels and a few single-family residential homes on the southern boundary and single-family residential and a charter school on the eastern boundary. Recreational facilities border the site on the western boundary, while a conservation area land abuts the northern boundary of the site.

The following is a summary of the uses surrounding the subject site:

	FLU Designation	Zoning District	Existing Use
North	Conservation (Town)	CP (Town)	Vacant (North Jupiter Flatwoods Natural Area)
South	MR-5	RH	Single-family Residential
East	MR-5/INST with an underlying MR-5	RH & IPF	Single-family Residential (Palm Gardens 1 st ADDN UNREC) Nonprofit Charter School (ELS Center of Excellence)
West	Recreation (Town)	PI (Town)	Recreation (Trowell Park)

North: The property to the immediate north of the subject property is a Palm Beach County nature preserve located in the Town of Jupiter and in the Conservation Zoning District with a FLU designation of Conservation.

South: To the south of the subject site are single-family residences with the occasional vacant lot. These properties are located in the Multifamily Residential High Density District (RH) with a FLU designation of MR-5.

East: Directly to the east of the subject site are vacant and single-family residential lots. Across Limestone Creek Road is the Els for Autism Foundation Inc., a nonprofit charter school, and 4

vacant residential lots owned by Autism Project of Palm Beach County. These are approved for 6 bed Type I CLF use. All are zoned RH with a FLU designation of MR-5.

West: The property to the west is the Jupiter Community Park, which is under jurisdiction of the Town of Jupiter. The Town of Jupiter zoning designation is PI Public/Institutional, and the FLU designation is Recreation. The park houses several baseball fields, soccer/football fields, tennis courts, and a playground.

DEVELOPMENT HISTORY

The previously approved subject site was improved with 1 single-family residence on the northeast portion of the site, while the rest of the site is vacant. Since approval, the site, including the single-family residence, has been cleared and construction is in process.

Below is a zoning summary history for the twenty previously approved parcels with 85 ZLLs:

Application	Request(s)	Resolution/Approval Date
DRO2/W-2019-02203	Approval of the development of 85 ZLL homes subject to conditions.	2019-02203 11/20/2020
SV-2020-00796	Approval to allow an increase in 2,254 projected daily trips subject to conditions.	ZR-2020-033 09/03/2020
ZAR-2021-01108	Approval of the modification of FSBP and FRP.	2021-01108 07/22/2021

On September 3, 2020, a Subdivision Variance (Application SV-2020-00796) was approved to allow an increase in 2,254 projected daily trips on the previously approved site. On November 20, 2020, A DRO Application was approved to allow the development of 85 ZLL homes subject to conditions.

Permit	PCN	Request(s)	Resolution/Approval Date
B-2005-013478-0000	00-42-40-33-00-000-5200	Approval for the reroofing of a Single-family Dwelling/Duplex.	03/17/2005
B-1970-530739-0000	00-42-40-33-00-000-5700	Approval to build a single-family dwelling.	04/28/1964

No zoning approvals are recorded for the previously approved parcels individually. However, PCNs 00-42-40-33-00-000-5200 and 00-42-40-33-00-000 5700 have permit records for the reroofing of a single-family dwelling unit and the construction of a single-family dwelling unit.

There is no zoning or permit history for the 8 new parcels, as they are vacant.

DEVELOPMENT PROGRAM

The Reserve at Jupiter project is proposed to be constructed in one single phase and will include 103 zero lot line (ZLL) single-family homes.

The development program is as follows:

Area	Use	Units	FLU Density	Density
24.11 AC	ZLL	103 DU	MR-5 Density 24.11 AC x 5 DU/AC = 121 DU	4.27 DU/AC

Access

Justification Statement
Reserve at Jupiter – Phase II
Subdivision Variance

November 28th, 2022
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Direct access will be provided to the development from Limestone Creek Road via a 63' right-of-way. The proposed development will be gated and have a call box at the front entrance. The front access point includes a 150-foot throat distance to the call box and 170 feet to the front gate. There are no access changes requested in this application.

Density

The subject site retains a FLU designation of MR-5, which allows for an overall density of five dwelling units per acre. The by right density under the MR-5 FLU and RM Zoning combinations equates to a total of 121 dwelling units. The previously approved dwelling unit count of 85 over 21.11 acres yielded a density of 4.02 dwelling units per acre. The proposed dwelling unit count of 103 over 24.11 acres yields a density of 4.27 dwelling units per acre, increasing the overall density of the site.

Building Height

All proposed structures will be designed to meet the 35' height maximum pursuant to Article 3.D.2.C.3. in regard to Zero Lot Line Standards.

Recreation Area

The project includes 33,977 square feet (0.87 acres) of recreation area, which meets the 0.62 acre required area. There is 0.21 acres of recreation area near the front of the subject site, while there is 0.66 acres of recreation area in the southeast corner of the subject site. All recreation area is accessible for all residents and will provide outdoor recreation amenities, which includes a fitness station, shade structures, seating areas, and a tot lot.

Buffering

The proposed development includes a 15-foot Type 2 Incompatibility buffer without a fence along the northern boundary adjacent to the North Jupiter Flatwoods Area, thus meeting the 15-foot requirement for the Type 2 Incompatibility buffer. A fence is not included along the northern portion of the subject site since a fence already exists on the inside of the North Jupiter Flatwoods Area to the north. A 15-foot right-of-way buffer with 5-foot overlap is provided along Limestone Creek Road, therefore meeting the buffer requirement.

A 17.5-foot-wide Type 2 Incompatibility buffer is provided on the western boundary adjacent to Trowell Park and southeast corner of the subject site. Per ULDC Section 7.D.4.D, an Incompatibly buffer that includes a fence must have the fence setback 10 feet from the property line, with 7.5 feet of planting width provided behind the fence (thus totaling 17.5 feet in width).

An 8-foot Compatibility buffer is proposed along the southern, eastern, and northern portions of the property boundary adjacent to vacant land uses. Wherever recreation is adjacent to residential within the proposed development, a 15-foot Type 2 Incompatibility buffer is proposed per ULDC Section 7.C.2.C. Please refer to the site plan for specific buffer types and buffer widths within the site boundary.

Setbacks

The current development proposal meets or exceeds all setback requirements. Pursuant to ZLL development requirements, setbacks are measured from the property line. The required and provided setbacks are provided below.

RM Zoning District	Zero Lot Line (ZLL) Setback Requirements				
	Setbacks/Separation				
	Front	ZLL Side	Side	Side Street	Rear
Required	10' – Unit 25' – Front Loading Garage 10' – Side Loading Garage	0'	10'	10'	10'
Proposed	10' – Unit 25' – Front Loading Garage 10' – Side Loading Garage	0'	10'	10'	10'

Justification Statement
Reserve at Jupiter – Phase II
Subdivision Variance

November 28th, 2022
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STANDARDS FOR ZONING VARIANCE: SUBDIVISION VARIANCE FOR TRAFFIC CAPACITY ON LIMESTONE CREEK ROAD

The Applicant respectfully requests consideration of a Concurrent Subdivision Variance request is in regard to Article 11.E.2.A-2. This variance will allow for the increase in 2,434 Project Daily Trips from the 1,500 ADT threshold for a 60' ROW in regard to Limestone Creek Road.

Variance	ULDC SECTION	REQUIRED	PROPOSED	VARIANCE
V1	Art.11.E.2.A-2	1,500 ADT threshold for a 60' ROW	3,934 projected daily trips	To allow for the increase in 2,434 Projected Daily Trips from the 1,500 ADT threshold for a 60' ROW

The approved Els Center of Excellence (not in operation at the time traffic counts were completed) located across the street from the Reserve at Jupiter, on the east side of Limestone Creek Road, is 50% built, and produces an ADT of 692, which brings the ADT of Limestone Creek Road to 2,904. The current state of 2,904 ADT on Limestone Creek Road, which has a 1,500 ADT threshold, existed before the proposed Reserve at Jupiter project.

The previously approved 85 unit zero lot line development, Reserve at Jupiter, resulted in an additional ADT of 850, thus bringing the ADT of Limestone Creek Road to 3,754. We are requesting the addition of 180 ADTs since we are only adding 18 ZLLs, thus bringing the ADT of Limestone Creek Road to 3,934.

The ZC shall consider and find that all seven criteria listed below have been satisfied by the Applicant prior to making a motion for approval, of a zoning or subdivision variance: [Ord. 2006-036).

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

Variance 1:
The subject site has a FLU designation of MR-5 and a zoning designation of RH, thus giving the subject site a maximum density of 121 dwelling units. The subject site's frontage on Limestone creek, a local 63' ROW presents several special conditions specific to the subject site based on the fact that the previously approved ADT for Limestone Creek Road is 2,254, exceeding the threshold of 1,500 ADT on Limestone Creek Road. Therefore, any development on the subject site would automatically exceed the traffic capacity on Limestone Creek Road. To accommodate this additional development, we are requesting the addition of 180 ADTs, bringing the ADT to 2,434.

Special circumstances exist for the subject site in the form of the surrounding residential lots along Limestone Creek Road. In order for Limestone Creek Road, with a proposed 3,934 ADT, to be conforming to maximum ADT thresholds it would have to provide an 80' ROW, which allows for a maximum allowable ADT of 13,100 and would be classified as major street. To the south of the Reserve of Jupiter site are single-family lots that abut Limestone Creek Road. Per Article 11.E.9.B.2.a. of Palm Beach County's ULDC, residential lots are not allowed to have direct access to a major street. Therefore, requiring Limestone Creek Road to provide an 80' ROW would result in the residential lots directly south of the subject to become non-conforming.

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

Variance 1:

Justification Statement
Reserve at Jupiter – Phase II
Subdivision Variance

November 28th, 2022
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Special circumstances and conditions do not result from the granting of this variance. The combination of the approved Els Center of Excellence and the surrounding neighborhood, results in a current ADT of 2,254, which exceeds the 1,500 ADT threshold on the 63' ROW of Limestone Creek Road. The subject site has a FLU designation of MR-5 and a zoning designation of RH, thus giving the subject site a maximum density of 121 dwelling units. The subject roadway is already above capacity absent of the subject site developing to the MR-5 FLU designation applied to the subject site by Palm Beach County, therefore, this is not a self-created hardship.

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

Variance 1:

The proposed subdivision variance will not confer upon the Applicant any special privilege, as the subject site fronts on Limestone Creek Road, a local 63' ROW, which is already above traffic capacity. Absent this fact, the subject site could be developed as single-family residential with the requirements of the RH zoning designation and MR-5 FLU designation. There is no special privilege granted as a result of the variance. The Applicant is simply requesting to develop the subject parcel in similar fashion to the other single-family residential uses along the same ROW.

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

Variance 1:

The literal interpretation of the Code would deprive the Applicant of developing the subject site at what is allowed under its current zoning and FLU designations as the projected ADT on Limestone Creek Road exceeds what is allowed for its current width by 2,434 trips. The subject site has a FLU designation of MR-5 and a zoning designation of RH, thus giving the subject site a maximum density of 121 dwelling units, wherein the Applicant is proposing 103 dwelling units on the subject site. The current ADT on Limestone Creek Road is 2,254, thus any new development on the subject site will further increase the traffic capacity over the 1,500 ADT threshold allowed on Limestone Creek Road.

In order for Limestone Creek Road, with a proposed 3,934 ADT, to be conforming to maximum ADT thresholds it would have to provide an 80' ROW, which allows for a maximum allowable ADT of 13,100 and would be classified as a major street. To the south of the Reserve of Jupiter site are single-family lots that abut Limestone Creek Road. Per Article 11.E.9.B.2.a. of Palm Beach County's ULDC, residential lots are not allowed to have direct access to a major street. Therefore, requiring Limestone Creek Road to provide an 80' ROW would result in the residential lots directly south of the subject to become non-conforming.

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

Variance 1:

Granting of the subdivision variance is the minimum variance necessary to not impose an undue hardship on the Applicant and all that is necessary to adequately provide access to the subject site. The subject site has a FLU designation of MR-5 and a zoning designation of RH, thus giving the subject site a maximum density of 121 dwelling units, wherein the Applicant is proposing 103 dwelling units on the subject site. The subdivision variance is the minimum needed to develop the site at what is allowed under its current zoning and FLU designations. The Applicant is requesting to allow for a variance for the increase in 2,434 trips from the 1,500 ADT threshold for a 60' ROW in regard to Limestone Creek Road, where the Applicant is only adding 180 ADT to the already above traffic capacity.

In addition, the subdivision variance is the minimum variance necessary to not make the residential lots along Limestone Creek Road non-conforming. In order for Limestone Creek Road, with a proposed 3,934 ADT, to be conforming to maximum ADT thresholds it would have to provide an 80' ROW, which allows for a maximum allowable ADT of 13,100 and would be classified as major street. To the south of the Reserve of Jupiter site are single-family lots that abut Limestone Creek Road. Per Article 11.E.9.B.2.a. of Palm Beach County's ULDC, residential lots are not allowed to have direct access to a major street. Therefore, requiring Limestone Creek Road to provide an 80' ROW would result in the residential lots directly south of the subject to become non-conforming.

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

Variance 1:

Granting of the variance for the increase in 2,434 projected daily trips from the 1,500 ADT threshold for a 60' ROW will be consistent with the purposes, goals, objectives, and policies of the comprehensive plan and the ULDC. The subject site has a FLU designation of MR-5 and a zoning designation of RH, thus giving the subject site a maximum density of 121 dwelling units. The Applicant intends to develop the site with 103 dwelling units, 2 dwelling units below the maximum density. The subject site fronts Limestone Creek Road and requires access on the ROW to provide ingress/egress for the proposed development. The traffic capacity for Limestone Creek Road was already above the 1,500 ADT threshold before the proposed addition of 180 ADT to the ROW.

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

Variance 1:

Granting of the subdivision variance will not be injurious to the area involved or otherwise detrimental to the public welfare of the community at large since they are residential in nature. The Applicant is proposing to allow a variance for the increase in 2,434 projected daily trips from the 1,500 ADT threshold for the 60' ROW in regard to Limestone Creek Road. The existing traffic capacity for Limestone Creek Road was already above the 1,500-threshold capacity before the proposed development of 103 zero lot line homes on the subject site. Granting the variance, would allow for needed residential development to occur in this area, while not being detrimental to the surrounding residential uses.

Based on the above and attached information, the Applicant respectfully requests the approval of the Subdivision Variance request.

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