PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION

Application No.: DOA-2013-01057
Application Name: Boca Del Mar PUD
Control No.: 1984-00152
Applicant: Mizner Trail Golf Club Ltd
Owners: Mizner Trail Golf Club Ltd
Agent: Land Design South, Inc. - Douglas Murray
Telephone No.: (561) 478-8501
Project Manager: Wendy Hernández, Zoning Manager

TITLE: a Development Order Amendment REQUEST: to modify the Master Plan to re-designate land uses, add units, add access points and reconfigure the recreation area.

APPLICATION SUMMARY: Proposed is a Development Order Amendment (DOA) for the Boca Del Mar Planned Unit Development (PUD). The 1,945.96-acre development was originally approved by the Board of County Commissioners (BCC) on August 19,1971 as a Conditional Use for a PUD. The development has been modified several times over the past 42 years, the majority of the amendments were relative to the Commercial and Civic Pods located within the development. The most recent application, reviewed by the Zoning Commission (ZC) and BCC, was DOA-2011-01165 to modify the Master Plan to re-designate land uses, add units, add access points and reconfigure the Recreation Pod. The modification would have allowed for 291 Single family, Zero Lot Line, and Multi-family units on approximately 127-acre Golf Course and renovation of the 3 acre Recreation facility. On September 26, 2011 the BCC denied the request with predjudice with a vote of 4-3.

The Applicant is currently requesting to modify the Master Plan to redesignate the 126.88-acre south Golf Course into 6 new Residential Pods consisting of 288 Zero Lot Line and Townhouse units. The Applicant is also proposing to renovate/rebuild the existing recreation parcel, located on the 3.01-acre parcel of Pod 69A. Also requested is the addition of ingress/egress points along Canary Palm Drive (2), Camino Del Mar (4) and Military Trail (1).

SITE DATA:

Location:	Generally located south of Camino Real; east of Powerline Road; west of Military Trail; and, north of SW 18th Street. More specifically, north and east sides of Canary Palm Drive; the east and west sides of Camino Del Mar; and northwest and southwest of Palm D'Oro Drive.
Property Control Number(s):	00-42-47-27-56-000-0691(Recreation); 00-42-47-26-05-641-0000 (Golf Course)
Existing Land Use Designation:	High Residential (HR-8)
Proposed Land Use Designation:	No proposed change
Existing Zoning District:	Agricultural Residential District (AR) with a Conditional Use for a Planned Unit Development (PUD)
Proposed Zoning District:	No proposed change
Tier:	Urban/Suburban
Acreage:	1945.96 acres (affected area: 129.89 acres)
Overall Gross Density:	Existing: 5.02 dwelling units per acre (du/ac) Proposed: 5.17 du/ac
Dwelling Units/Uses:	Overall Master Plan: 10,061[1] (9,773 existing + 288 proposed) Affected Area: 288 units 154 Zero Lot line 134 Townhouse Overall Development: No change - residential, civic, commercial, and recreational uses. Affected Area: (New Tracts)

	Tract 64A - Zero Lot Line (27du) Tract 64B - Zero Lot Line (50du) Tract 64C - Townhouse (30du) Tract 64D - Townhouse (55du) Tract 64E - Townhouse (49du) and Zero Lot Line (48du) Tract 64F - Zero Lot Line (29du) Tract 69A - Recreation Uses
Overlay District:	NA
Neighborhood Plan:	NA
CCRT Area:	NA
Municipalities within 1 Mile	City of Boca Raton
Future Annexation Area	City of Boca Raton

[1] See information under Finding-1 Consistency with the Plan. The unit count on the Master Plan indicated maximum density on some Tracts, versus the actual number of units' site planned and built.

RECOMMENDATION: Based upon the revised documents and Plans submitted by the Applicant, Staff has modified their recommendation to approval, subject to 51 Conditions of Approval as indicated in Exhibit C. The revised Findings are located under **UPDATE ON SUMMARY AND FINDINGS SINCE LAST BCC HEARING**.

ACTION BY THE ZONING COMMISSION: December 6, 2013: The Zoning Commission recommended approval of the request, as amended, with a vote of 5 to 4.

At the December 6, 2013 ZC Hearing, the project was presented by both staff and the Agent, Attorneys for both the Applicant and the Boca Del Mar Improvement Association (BDMIA), and several members of the public were in attendance. There were 64 comment cards submitted to the ZC (50 in opposition, 12 in support, and 2 not indicated). The Applicant presented a new Plan to the ZC that incorporated a 50-foot wide buffer in the areas where non-conformities would be created (**Exhibit L**). They also provided amended Conditions of Approval for landscaping (**Exhibit M**). The attorneys for the BDMIA presented a different plan that depicts the fairways being converted to a park. They stated that they had met with the Greater Boca Raton Beach and Park District on December 2, 2013 in order to obtain support.

After the presentations and hearing comments from all parties in support of and in opposition to the Application, the ZC members discussed its merits. The ZC members who voted in support of the project, cited that the design and layout were considerably better and that the developer had made efforts to meet with the residents. They were strongly concerned that the residents were creating a "stall" tactic by not meeting with the developer until a few days before the meeting. Those members of the Commission in opposition to the development felt the approval of the change in use would result in taking away the rights of the existing homeowners who reside adjacent to the golf course; they felt there were no development rights for residential housing. These homeowners had invested and paid taxes on their property for this amenity.

The vote was called by Commissioner Caliendo; he recommended approval with the amended conditions provided by the Agent. The motion was seconded by Commissioner Beatty. He also included in the motion additional conditions that the property owner would donate the open space to the BDMIA and/or maintain the open space area on the entire area; and will incorporate amenities including gazebos and other types of public amenities. The final vote was 5 to 4, with Commissioners Snider, Kanel, Anderson and Davis opposing the motion.

Following the vote, the Executive Director and Zoning Director requested clarification on the Conditions of Approval approved by the ZC, as Staff did not receive the revised conditions before the ZC Hearing. The ZC clarified to allow these Conditions to be included (**Exhibit M**).

ACTION BY THE BOARD OF COUNTY COMMISSIONERS (BCC): At the January 9th, 2014 BCC Hearing, the Application request was on the Regular Agenda. Jon MacGillis, Zoning Director, provided the BCC an update stating that there had been several meetings with the Applicant and his representatives working together to come to a point where Staff could support the application. Mr. MacGillis clarified that the remaining discussions have been focused on Pods 64B and 64D, where there is still a disagreement on the housing type and intensity. Because there was no agreement between Staff and the Applicant as of January 8, 2014, Staff maintained a

recommendation of denial based on Standards 2, 4, 6, and 8. Mr. MacGillis stated; however, if the BCC wanted to approve the project they would need to find the project meets those standards. Mr. MacGillis also updated the BCC on the revised Plans and Conditions that were presented to the ZC. He explained that Staff did not have an opportunity to review the documents prior to the ZC Hearing. As a result, Staff could not advise the ZC whether or not the Plans and documents were acceptable to address their concerns.

Following the introduction by Mr. MacGillis, presentations were made by Staff and the Applicant's Attorney, F. Martin Perry, Perry & Taylor, P.A, and the Agent, Robert Bentz, Land Design South.

Mr. Bentz's presentation started with a summary of the history and the proposed request. He then focused on the four standards of Staff's recommendation for denial.

- Consistency with the Code and Development Patterns
    1. Viable amenity (Open Space) – Mr. Bentz mentioned that the Property Owner would be willing to turn over or give the remaining "green areas" or open spaces, indicated on the Preliminary Master Plan, (Pods 64A, B, C and F) to the BDMIA, if they desired. The BDMIA would have control of these areas, making them more viable and usable to the residents.
    2. Non-conformities – Mr. Bentz discussed how his proposed Plans addressed setback non-conformities created by the development of the golf course. He advised that some of these units have reduced setbacks due to their location adjacent to a golf course. He explained that with the 50-foot wide open space placed next to those existing homes that took advantage of the original golf course, there should be no issue with the setback requirement.
    3. Development pattern – Mr. Bentz briefly mentioned that the proposal provides housing types consistent with those established in the community.
- Changed Circumstances
    1. Closure – Mr. Bentz reminded the BCC that the Golf course was closed in 2005, and will not be re-opened as a golf course for a variety of economic reasons including: people do not play golf as much today as they used to, and this golf course has not been utilized by the community that much over the years.
    2. Maintenance – Mr. Bentz presented pictures of the former fairways, and stated that they were being maintained at minimum code requirements of 25 feet along the perimeters, with the remaining areas going natural.
    3. Uncertainty – Mr. Bentz stated there is a degree of uncertainty within Boca Del Mar and that it is not going to get any better.
    4. Declaration of Restriction – The requirement for the site to be a golf course expired on December 31, 2012, and there are no other technical requirements for the land to be utilized as such.
- Design Minimizes Adverse Impact

  Mr. Bentz recognized that this is the most important standard, because it would address concerns raised by the residents. He stated that they had revised the plans a couple of times to appropriately fit units into the existing built environment. He presented a comparison of the Plans submitted in April to those he presented at the hearing. He then walked through the design elements of each of the proposed Pods, including descriptions of the lakes and open space tracts. He highlighted the areas that would remain as open space, including the 50-foot wide tracts for the non-conformities. He stated there would be no additional cost to the residents of Boca Del Mar to maintain the open space areas as they would be maintained by the residents of the proposed communities. His said the Applicant is proposing to either execute a conservation easement over the open space area, or donate the land to the BDMIA should they want to use it for some other recreational purpose.

In summary, Mr. Bentz presented the locations of the proposed residential pods and the open space tracts. He stated that the proposal is a sustainable plan, providing an economically viable use for the property while preserving the integrity of the Boca Del Mar Master Plan.

The Attorney for the BDMIA, Peter Sachs of Sachs, Sax, Caplan, presented information from the prior court case. He also discussed the possibility of an alternative design for a park use, and he requested the BCC to deny the application. He submitted a document that included exhibits for their presentation. Mr. Sachs stated that each application that is presented to the BCC should be

considered on its own merits and not based upon it being a little bit better than the last. He quoted verbiage from the staff report that stated failure to meet one Standard of the Code would require denial of the application request, and in this case they do not meet 4 of the 8 Standards. He summarized his presentation with the following points:

- Character of the Community – The most important theme is the character of the Boca Del Mar community. The character of the community is memorialized within the PUD Master Plan, and reflects the intent of the original developers of this community as approved by the County. This includes the amenities and aesthetics that permitted the PUD to be approved originally. The community is designed around the golf course; meandering throughout the entire community. It is a cohesive element that ties everything together. The proposed plan is an attempt to "shoehorn" in units that were never meant to be built or included. Buffers do not give open space. Community is a collection of different housing types, all tied together by the golf course.
- Economic Investment – Mr. Sachs discussed the Applicant's economic standing through those discussed in the court order as well as the economic investment of the homeowners adjacent to the golf course. He stated that the Applicant's argument about the inability to make money on the golf course due to the market downturn making it economically unfeasible should not be considered as a changed circumstance warranting a change of use. He stated that the closure was self serving based on the timing of ownership and applications made by the Applicant. The residents should not be responsible for bailing out the Applicant because he bought the property at an inflated price and was not able to make money. The Applicant's debt service, and not the viability of golf courses, is driving the requested application.
- Equitable Theme/Unclean Hands – Mr. Sachs presented to the BCC an argument for "unclean hands". He stated that it is an attempt to use bad behavior as a rationale for approving this development. The Applicant is using the condition of the site to say there is blight in the area in order to approve residential development. Additionally, the property owner has failed to pay their property taxes for the past two years.
- Economic Vitality – Mr. Sachs presented an alternative plan recommending that the golf course be used as a passive public park. He indicated that this plan that was prepared by an Environmental Design Firm and presented to the Greater Boca Raton Beach and Park District, in which they have interest and would be willing to manage it. He further stated that this plan would comply with the Master Plan, enhance the entire community, and would be consistent not adverse to the public interest. Additionally, the BDMIA has approved financing with 3 pre-term letters and have orgainized their association to have various votes to approve the transaction so they can fund their own debt service.

Mr. Sachs summarized the 3 reasons he felt the ZC supported this project: 1) the plan was better than the previous plans; 2) there is blight in the area; and, 3) the community association did not meet with the Applicant in an attempt to come to a consensus. He stated that these reasons are not part of the standards of the Code, and that the homeowners have no responsibility to meet with the Applicant. He pointed out that one of the ZC members, Sam Caliendo spoke a significant amount of time arguing with the Association and how they did not meet with the Applicant, and that the proposed plan offered by the Association was a stall tactic. Mr. Sachs stated that this ultimately shifted the burden of proof from the Applicant to the homeowners for not meeting with the Applicant. He stated that these are not reasons for approval. The development will have a negative effect on the adjacent homeowners.

Mr. Ralf Brooks, the Attorney representing Patio's Del Mar 2 and resident Dale Haley, also presented his case information, and requested the BCC deny the application. His presentation began with an objection to the disclosures by the BCC, quoting Jennings versus Dade County, stating there is inadequate specification on the disclosures by the BCC relative to the substance of the conversations, number of meetings, and how much time was devoted to meeting with lobbyists. He stated that staff has provided an opinion that the Application fails to meet 4 of the 8 standards and is ripe for Writ of Certiorari. Mr. Brooks' presentation compared the proposed request with another golf course conversion request within the Century Village development (ZV/RDD/R 2011-01203 and ABN/DOA 2011-00632). He stated that the size and shape of the golf course formerly part of Century Village was different in comparison to the Mizner Golf course that "serpentines" around the residential pods. He argued that the design was purposely done in order to cluster the density and create open space areas. Mr. Brooks' concluding statements discussed the opinion of County Staff and that if the BCC chose to "doubt" Staff, to trust Judge Gerber who

upheld the decision of denial on a prior request. He stated that it was disingenuous for the Applicant to present an application with only a reduction of three units.

Following Mr. Brooks' presentation, the Mayor opened the discussion for Public comment. Members of the public spoke at the hearing, some in support and some opposed. There was a total of 51 comment cards submitted, 11 members of the public spoke in support of the project and 40 spoke in opposition.

Those in support indicated that there is a need for change, the golf course will not come back; new homes will improve the quality of the existing neighborhoods, while supporting the institutions and businesses in the area; there will be an increase in the value of homes and the ecology will remain sound after development; a need to get rid of the blight created by the status of the closed golf course; and, a desire for sensible development.

Those in opposition voiced the following concerns at the hearing: increase in traffic; maintenance of the green space; residents bought their homes based on the Master Plan and because of the golf course/green space; developer/owner is not maintaining the property, acting as a bad neighbor; the current situation of golf course is created by the golf course property owners; the developer did not complete their due diligence before buying the property; the BCC should uphold decision by Judge Gerber; the proposed project will decrease in values of the existing homes where the open space adds value; views to green space are rare and the change will drastically impact the community; there are no residential development rights assigned to the golf course; negative effect on the existing homeowners where the views will be streets, lights, and backs of the homes; the design is tight and packed in; and, the area is too narrow for homes.

The last person to speak under the public comment was the Applicant, Mr. James Comparato, representing Mizner Trail. He requested a postponement to the February Public Hearing in order to continue discussions with Staff, to address concerns raised at the hearing by the residents, and to meet again with the residents to resolve issues amicably. Mr. Sachs agreed they would not oppose a postponement, but would like additional time, such as 90 days, to ensure adequate time to meet with all parties. Mr. Brooks agreed to more than 60 days, as he would not be available for the February Public Hearing. He also requested time for cross examination.

Commissioner Valeche made a motion to postpone to the March 27th Hearing, and Commissioner Vana seconded the motion. Commissioner Santamaria requested additional information from the Applicant that would provide substance on the reason for postponement, and asked what would change from this hearing to the future hearing. Commissioner Abrams stated that he encouraged both parties to meet, with no pre-conditions. He stated that he was part of prior negotiations and cautioned the residents on the proposal of a public park and what it would mean, open to the public, including additional parking and people walking, wandering, and utilizing the park. Also, though the BDMIA is not required to come up with a plan, a willing seller is necessary, and a plan would assist in the negotiations. He also stated that the County cannot deny a property owner their right to request to do something on their property. Commissioner Taylor stated that she had been to the site and something needed to be done. Commissioner Berger requested clarification from Bob Banks, Assistant County Attorney, regarding the procedures for the next meeting; if it started over or continued. Mr. Banks stated that if new plans were revised, members of the public could speak and make comment on the revised plans.

The motion was called to question for the postponement and passed with a vote of 6-1, with Commissioner Santamaria dissenting.

UPDATE ON SUMMARY AND FINDINGS SINCE LAST BCC HEARING

- **MEETINGS FOLLOWING JANUARY 9TH, 2014 PUBLIC HEARING:**
  Following the BCC Hearing in January, Staff met twice, on January 17th and February 7th, with the Applicant, his Attorney, and his Agent regarding the issues that were brought up at the Hearing, as well as the proposed changes to the Preliminary Plans, Justification Statement and the recommended Conditions of Approval. Staff reminded the Agent to meet with the residents as well as the City Engineer with the City of Boca Raton. Additionally, staff met with Mr. Sachs and Mr. Parke on February 5th regarding the Applicant's proposed changes to the Preliminary

Plans and the revised Justification Statement. They also discussed with Staff a proposed plan that they presented to the Applicant. This Plan proposed 202 residential units, located within three pods: the Recreation Pod (69A), and Pods 64E and 64F (adjacent to Tracts 67 Tuscany Pointe and La Residence; Tract 80 Wellesley Park, Somerset Place and Reflections; and, Boca Del Mar III aka La Joya (Control 1978-00045)).

The Applicant has also corresponded with Staff indicating that he met with Mr. Sachs and Mr. Parke on January 30, 2014. On February 10, 2014, the Applicant prepared letters to the individual Boca Del Mar Communities advising them that there were proposed changes to the Plans and requesting meetings with their communities. On February 19, 2014 Robert and Jeffrey Comparato made a presentation to the Tiburon 1 Board of Directors, eight people attended. In an email from Compson Development, dated February 25, 2014, Robert Comparato relayed that they were unable to accept the proposed plan presented by the BDMIA. The Applicant also indicated on February 26, 2014 they were in the process of scheduling meeting with the Ironwedge, LaResidence and LaJoya communities. On March 12, 2014, the Applicant provided memorandums that they met with the Ironwedge and Fairway Village Communities.

- **REVISED DOCUMENTS, PLANS AND REQUEST**

On January 31 and February 19, the Applicant submitted a revised Justification Statement, Master Plan, and Subdivision/Site Plans for each Pod, and a Visual Impact Analysis (***Exhibits 1,2, 3 and 4***). Staff reviewed the revised Plans and documents, and has provided a summary of the changes, as follows:

The Justification Statement was revised to describe the changes in the proposed Plans, and provided revised responses to 5 of the 8 Standards for the Development Order Amendment. The Applicant revised these Plans to address concerns expressed by the BCC, Staff and the residents. The Plans show a total of 288 units including 106 Multi-Family (MF) units; 42 Townhouse (TH) units; and 140 Zero Lot Line (ZLL) units. The request continues to propose renovations to the existing recreation facility in Pod 69A and 7 ingress/egress points. The table summarizes the differences between the plans that were certified (dated October 10, 2013) for the Public Hearing and the latest revised plan:

	October 10, 2013 (Plan presented at January 9th BCC Hearing)	**January 31, 2014 (Revised Plan)**	
Pod	**Housing Type/Use**	**Housing Type/Use**	**Change**
64A	27 ZLL	26 ZLL	-1 unit
64B	50 ZLL	35 ZLL and 16 TH (51)	+1 unit
64C	30 TH	26 TH	-4 units
64D	55 TH	57 MF	+2 units
64E	48 ZLL and 49 TH (97)	50 ZLL 49 MF (99)	+2 unit
64F	29 ZLL	29 ZLL	No change
Total:	288 units	288 units	No change
69A	Recreation Use	Recreation Use	No change

Clarification of Total Acreage for the Pods -The acreage was clarified in the revised justification indicating 1945.96 total acres for the PUD. The affected area includes: 129.89 acres of which the Recreation pod 69A is 3.01 acres and Pods 64A-F are a total of 126.88 acres. The Applicant also stated that 7.20 acres will be dedicated to the Lake Worth Drainage District. This area is located within the proposed Pods 64C and 64F (4.33 acres in Pod 64C and 2.87 acres in Pod 64 F).

Open Space - As part of the revision, the Applicant re-analyzed and re-calculated the open space described on the October 10, 2013 certified plans as 63.6% (82.62 acres) and the latest revised plans show 69.6% (90.45 acres) of open space. The Applicant has corrected the percentages to reflect “Open Space” as defined by the ULDC, Art.1.I.2.O.14.

Visual Impact Analysis - The Applicant modified the cross sections described within the Visual Impact Analysis to include the increased buffers and housing type changes.

- **PUBLIC COMMENT SUMMARY:**

Since the January 9th, 2014 BCC Hearing, Staff has received numerous emails in support and in opposition. In addition, Staff received additional responses to the County's Courtesy Notice as documented below:

County Courtesy Notice: Total mailed 1,927- Total Received: 1,631
In support: 333
In opposition: 1,298

- **FINDINGS:**

Staff has updated the report to provide a revised recommendation to the Development Order Amendment Standards based on: the revised documents and Plans submitted by the Applicant; comparison of prior applications with the current request; and, testimonials by all affected parties (Applicant, BDMIA and residents). The analyses are as follows:

Prior applications - It is important to note that between 2004 and 2013, there were 4 applications (DOA-2004-00826, ZV/DOA-2010-01728, DOA-2011-01165 and current DOA-2013-01057) requesting the conversion of the south golf course to residential use. With the exception of DOA 2004-00828, which consisted of 43 acres of the south golf course, the other two applications and the current request have the same affected area of 126.88-acres (residential pods 122.7 acres). However, the current request proposes the least number of units (288 units) when compared to ZV/DOA-2010-01728 (390 units) and DOA 2011-01165 (291 units). It also provides a similar amount of open space (90.45 acres) when compared to the last 2 requests, ZV/DOA-2010-01728 (80.35 acres) and DOA-2011-01165 (92.93 acres).

DOA-2004-00826	**ZV/DOA-2010-01728**	**DOA-2011-01165**	**DOA-2013-01057**	**Revised DOA-2013-01057**
43-acres	126.88-acres	126.88-acres	126.88-acres	126.88-acres
Not part of request	Pod 64A - 32 ZLL	Pod 64 A - 17 ZLL and open space	Pod 64 A - 27 ZLL and open space	Pod 64 A -26 ZLL and open space
Not part of request	Pod 64B -123 MF	Pod 64 B - 56 MF and open space	Pod 64 B - 50 ZLL and open space	Pod 64 B -35 ZLL/ 16 TH and open space
Not part of request	Pod 64 C - 16 ZLL and Park	Pod 64 C -16 ZLL and open space	Pod 64 C -30 TH and open space	Pod 64 C - 26 TH and open space
Not part of request	Pod 64 D - 17 ZLL	Pod 64 D - open space	Pod 64 D - 55 TH and open space	Pod 64 D – 57 MF and open space
	Pod 64 E -62 MF	Pod 64 E - 62 MF		
Pod 64 B -173 MF	Pod 64 F -124 MF	Pod 64 F - 124 MF	Pod 64E – 48 ZLL and 49 TH and open space	Pod 64E – 50 ZLL/ 49 MF and open space
Pod 64 C -31 ZLL and 12 MFR	Pod 64 G -16 SFR	Pod 64 G -16 SFR	Pod 64 F - 29 ZLL	Pod 64 F - 29 ZLL
236 Units	**390 Units**	**291 Units**	**288 Units**	**288 Units**

Compliance with Conditions of Approval - To assist in determining whether or not the current revised Plan could be supported, Staff has compared it with prior Application requests, those applicants chose not to revise their plans pursuant to Staff's recommended Conditions of Approval. However, the current Applicant has redesigned the Pods incorporating all Landscape Conditions of Approval. Therefore those issues related to compatibility and design that would minimize adverse impact has been addressed.

The following summarizes Staff's revised conclusions to the analyses of Standards 1, 2, 3, 4, 6 and 8:

1) Consistency with the Plan

The Applicant did not modify this Standard in the revised Justification Statement; however, they did introduce discussion of infill and redevelopment under Standards 6 and 8. Infill and Redevelopment is consistent with the County Directions under I.C.3 of the Future Land Use Element and Objective 1.1 of the Managed Growth Tier System.

STAFF's CONCLUSION: Based upon the review and analyses of the revised documents and Plans, Staff maintains that the request meets Standard 1, subject to Planning-Workforce Housing Conditions of Approval as indicated in Exhibit C.

2) Consistency with the Code and 4) Design Minimizes Adverse Impact

Based upon the revised documents and Plans, Staff has re-analyzed Standards 2 and 4 and has provided an update explaining how the revisions comply with these two standards utilizing the same headings as listed below in a-e. As previously stated in the January 9th report, these two Standards are closely related to determine compliance to meet layout, function and development characteristic, and design that minimizes adverse effects on adjacent properties.

a. Planned Development District - *Purpose and Intent;*
b. Property Development Regulations- *Setbacks and Nonconformities*;
c. Layout, Function and General Development Characteristics and Objectives and Standards for PDD and PUD *location and design of buildings and structures to minimize potential for adverse impact on adjacent properties*;
d. Open Space; and,
e. Exemplary Design and Visual Impact.

a. Planned Development District (PDD) - Purpose and Intent:

This PUD is located within the Urban/Suburban Tier. Pursuant to Objective 1.2 Urban/Suburban Tier – Urban Service Area of the Comprehensive Plan, the County's objective for this Tier is to accommodate approximately 90% of its existing and projected population. By adding residential units to this abandoned golf course, the Applicant has complied with the purpose and intent of a PDD. PDD projects are encouraged to promote the provision of an enhancement of the built environment, varied housing choices, and infill development and redevelopment.

b. Property Development Regulations- Setbacks and Nonconformities:

The Applicant revised the documents to address impacts on the existing residences that were approved under prior development regulations. The Applicant researched the Building Division prior records and has identified 31 units that have reduced setbacks because they were abutting the golf course. The current code, Art.3D.1.D.4, allows reduction for homes adjacent to a 50-foot wide open space. To address potential setback issues for these properties because of the proposed units, the Applicant has provided several design alternatives: maintaining a minimum 50-foot wide open space, an existing lake, or creating a new lake or a neighborhood park along the perimeter of these proposed pods.

c. Layout, Function and General Development Characteristics and Objectives and Standards for PDD and PUD location and design of buildings and structures to minimize potential for adverse impact on adjacent properties:

The closed golf course has served as a spatial separation between units for many years. Although there is still an impact on the adjacent properties with the decrease in the open space provided in each Pod, the Applicant has made several important modifications that are essential to mitigating the impact on adjacent properties. These proposed modifications include: changing the housing type in 3 of the 6 Pods, full compliance with all the Landscape Conditions of Approval, and placement of the proposed units in a manner that will address visual impact. The proposed layout of the Pods and how they function with the existing built environment is accomplished as follows:

- **Pod 64 A** – The Applicant has reduced the number of units from 27 to 26 ZLL units. This pod is surrounded to the east by existing multi-family units with single family units to its west. The proposed ZLL units will act as a transition between housing types from TH

to SF. Along the eastern property line adjacent to Tract 61A (Patios Del Mar II), an open space area or a lake area, a minimum of 50 feet in width has been provided. The area includes landscaping, open space, and recreational amenities connected by pathways.

- **Pod 64B** –The Applicant has changed the originally proposed 50 ZLL unit request to 35 ZLL units and 16 TH units. The request was modified to address Staff's concern related to the narrowness (270 feet) of the central portion of this pod, since there are existing MF units located to the east and west. Therefore, the TH type would be more consistent with the existing development due to constraints of the site. The Applicant has agreed to locate an "eight-unit" row of townhouses along both sides of the proposed street so that the open space is more evenly distributed within this pod.
- **Pod 64C** –The Applicant has reduced the number of units from 30 to 26 TH units. The housing type or unit layout was never an issue in the originally submitted plan.
- **Pod 64D**- This Pod was modified from 55 TH to 57 MF (condominium type of townhouse) units to be more consistent with the adjacent housing types to the north and south. The allowance of development in this area supports infill and redevelopment of the fallow land, while preserving larger open space areas (a total of 18.94 acres) around the perimeter of the Pod eliminating any creation of nonconformities for Tract 63, Camino Real Village (constructed under a prior Code). The change in housing type to MF also reduces the buildable envelope, and eliminates the option of creating lots, and reduces the widths of the internal roads.
- **Pod 64E** –The Applicant has changed the 48 ZLL and 49 TH units to 50 ZLL and 49 MF units. MF units are more suitable to be placed in the north section of this pod because it does not require subdivision of lots, and for the same reasons as listed under Pod 64D. The proposed 50 ZLL units are located on the southeast section of this pod, and this housing type was never an issue in this section as shown in the originally submitted plan. The only change is that the internal road has been shifted to the west to allow more spatial separation between the proposed units and the MF units of Tract 67.
- **Pod 64F** –The Applicant maintains the same 29 ZLL units in this pod. The housing type was never an issue in this pod, as shown in the originally submitted plan.

d. Open Space

The Applicant has addressed visual impact issues by complying with all Landscape Conditions 7-12. In the majority portions of each pod, an open space ranging from 45 feet to 105 feet in width is being provided between the proposed and existing pods. These open space areas include a 10-foot wide buffer, which will support canopy trees and shrubs/hedges. Staff recommends that additional landscaping to be installed in locations where effective visual screening is required. Staff also recommends that the Applicant submit Landscape Plans, at time of Final Approval by the Development Review Officer. These plans shall demonstrate the overall planting scheme for the redevelopment sites, and how planting could be provided to ensure effective screening where appropriate (Landscape Condition1). The following is a pod by pod analysis of how open space or an existing water feature is being provided or maintained:

- **Pod 64A** – At the north perimeter of this Pod is the 80-foot wide LWDD L-49 Canal, a 10-foot wide Compatibility buffer will be provided in the area where proposed units are fronting onto the Canal. Staff considers a 10-foot wide buffer is adequate because the existing Canal serves as a spatial separation between the proposed and existing units to the north. The majority portion of this pod where Pods 64A and B meet will be retained as open space. On the east side of this pod are existing TH units. The existing 1.5-acre lake will remain but will be modified at the south end to accommodate the 50-foot wide open space including a 10-foot wide buffer. In addition there will be a 0.45-acre neighborhood park located west of the lake. On the west side of this pod, there are existing single family homes, the Applicant is proposing a 0.71-acre lake, and a 0.55-acre open space, and a 50-foot wide open space with a 10-foot wide buffer along the perimeter of this pod to address visual impact and potential non-conformity issues.
- **Pod 64B** –The development area of this pod is surrounded by a canal to the north, existing SF to the south, a Congregate Living Facility to the east, and existing MF units to the west. The Applicant is proposing the 6.14-acre lake at the southwest section of the pod, and will provide a 0.26-acre neighborhood park. Along the east and west boundaries of the pod, an open space ranging from 50 to 74 feet in width will be provided. The proposed units will be located on both sides of the streets to maintain a

vista (reduced vista) for those existing units. There are 3 areas where the Applicant will be unable to maintain a 50-foot wide open space. The first area is at the north perimeter of the Pod where it abuts the 80-foot wide LWDD L-49 Canal, a 10-foot wide Compatibility buffer will be provided in the area where proposed units are backing onto the Canal. Staff considers a 10-foot wide buffer is adequate because the existing Canal serves as a spatial separation between the proposed and existing units north of the Canal. The open space area in combination with the Canal ranges in width from 95 feet to 120 feet.

As for the remaining two areas, the Applicant will maintain a minimum of 45-foot wide open space/separation to the existing units. The north and south shared property lines of Tract 78 Addison Pointe and Pod 64B is designed to include a 10-foot Incompatibility buffer with enhanced landscaping and additional open space ranging in widths between the proposed ZLL lines and the existing MF units. The existing units have setbacks from 25 to 35 feet, and in combination with the proposed 20 to 40 foot open space area, there will be 45 to 75 feet of spatial separation.

The Applicant is proposing a 10-foot wide Incompatibility buffer along the north and south shared property lines of Tract 62, Classic Residence, a Congregate Living Facility and Pod 64B, in addition with the existing 15-foot buffer that is located on Tract 62, there will be a 25-foot wide buffer area. The location of the CLF building is approximately 170 feet from the northern property line, separated by a parking lot and then the buffer.

- **Pod 64C** – This pod abuts existing MF units to its west, and more MF units across from Camino del Mar to the east. The Applicant is proposing a 0.41-acre neighborhood park, and a 50-foot wide open space with a 10-foot buffer for a total of 1.6-acres of open space along the west property line. In addition, a 1.46-acre lake tract will be located at the north end of this pod.
- **Pod 64D** – This pod abuts existing MF units to its west, and across from Camino del Mar to its east. There is a proposed 18.66-acre open space and a 0.28-acre neighborhood park that will be provided at the entrance to this pod.
- **Pod 64E** – This pod abuts existing MF units to its north and west. The Applicant is proposing a 10.27-acre open space along the west property line, and a 0.74-acre neighborhood park.
- **Pod 64F** – This pod abuts ZLL homes located in La Joya PUD to its west. The Applicant is proposing a 1.65 acre lake, and the existing 8.88-acre of the LWDD Lateral Canal (easement/open space) will remain at the north end of the pod.

Generally, the proposed open space will provide a spatial separation and visual screening for the existing homes from the proposed units. In some instances, the 250+ foot wide visual vista may be reduced; however, some of the vistas have been replaced with upgraded landscaping, a proposed lakes, or neighborhood parks. Staff considers visual impact of the proposed units could be effectively minimized with enhanced buffers pursuant to Landscape Conditions in Exhibit C.

e. Exemplary Design and Visual Impact:

The revised documents and Plans demonstrate all of the required Performance Standards for a PDD have been met. In addition exemplary design features are being proposed as follows:

- Decorative Pavers – will be provided at each Pod access, and other areas to depict non-vehicular pathways;
- Focal Points will be located at the terminus of the internal streets. The focal point may be in the form of a fountain, or landscaping;
- Fountain – a fountain will be provided within various proposed lake tracts;
- Neighborhood Park - a variety of small neighborhood parks will be provided in 5 of the 6 Residential Pods; and,
- Preservation of existing vegetation.

Visual Impact has also been addressed under c. Layout and Function and d. Open Space.

STAFF's CONCLUSION: Based upon the review and analyses of the revised documents and Plans, Staff has concluded that the request meets Standards 2 and 4 subject to Zoning-All Petition, Site Design and Landscape Conditions of Approval (All Petition 1-7, Site Design 1-9, and Landscaping 1-12).

3) Compatibility with Surrounding Uses

In addition to the Staff analysis previously reflected in the January 9th Staff Report, the revised development Plans (**Exhibits 2 and 3**) include a mix of ZLL, TH and MF housing types for both fee-simple ownership and condo ownership. Even with the addition of the MF housing type, the request maintains consistency with the residential uses that are directly adjacent to the parcels. The proposed residential uses would only create compatibility issues when there are differences in housing types or building height, such as Single-family (SF) adjacent to MF, or one story adjacent to three or more stories.

The ULDC addresses compatibility through the application of landscape buffers pursuant to Art.7.F.9.B. The widths of these buffers in the ULDC are minimum guidelines, and do not address all types of unique site situations. In the revised documents, the 5 to 10-foot wide buffers proposed along the perimeter of the new Pods were modified to include 10-foot to 50-foot buffers/open space tracts, and in some cases larger tracts and water bodies.

STAFF's CONCLUSION: Based upon the review and analyses of the revised documents and Plans, Staff maintains the same conclusion that the request meets Standard 3, subject to Zoning –Landscape 1-12 Conditions of Approval as indicated in Exhibit C.

4) Design Minimizes Adverse Impact

See analysis consolidated under Standard 2.

5) Design Minimizes Environmental Impact

The Applicant did not modify this Standard in the revised Justification Statement.

STAFF's CONCLUSION: Staff maintains the same conclusion that the request meets Standard 5, subject to the Health Department Conditions of Approval as indicated in Exhibit C.

6) Development Patterns

The Applicant revised their Justification Statement **(Exhibit 4)** on February 19, 2014 to correct statements pertaining to the proposed provision of ACLF's, schools, and churches within the PUD. The revised Statement describes a strategy to provide infill and redevelopment on the property that they state is no longer viable for a golf course, and the proposed units will address the current housing demand associated with the area.

Staff has determined that the established PUD was site planned as a golf course community now that the amenity (golf course) of the PUD has discontinued, housing is a logical alternative use for the vacated land.

As mentioned in Standard 1, Consistency with the Plan, Infill Redevelopment is one of the County's objectives, specifically for the Urban Suburban Tier. The Objective 1.2 is to encourage efficient and effective ways for utilization of land, services and facilities. In this scenario, the Boca Del Mar PUD is a forty plus year old community, it is a built-up community where public facilities such as sewer systems, roads schools and recreation areas are already in place. Therefore, the proposed infill residential redevelopment is a logical and timely change of use of the vacant land. The proposed redevelopment can easily be connected or expanded to the existing systems to facilitate the proposed residential units and recreational amenities.

STAFF's CONCLUSION: Based upon the review and analyses of the revised documents and Plans, Staff has determined that the request maintains the overall integrity of the Master Plan by balancing the residential units and open space; and meets Standard 6, subject to all applicable Conditions of Approval as indicated in Exhibit C.

7) Adequate Public Facilities

With the revisions to the documents following the January 9th, BCC hearing, the review and analysis for adequate public facilities was completed by Staff. The following Departments and Divisions had updates based on the revised documents.

Engineering:

TRAFFIC IMPACTS: In addition to the response provided in the January 9, 2014 staff report, and the revised Traffic Impact Analysis dated March 3, 2014, the total traffic expected from this project is 2,436 trips per day and 266 trips in the PM peak hour. Additional traffic increase will be subject to review for compliance with the Traffic Performance Standard.

Additionally, the Property Owner will be required to pay a proportionate share of 5.37% of the total cost of making the above improvements. This is a slight reduction from the previous analysis.

School Board: With the revisions to the documents, the concurrency determination has been revised to account for the changes to the unit types (140 SF and 148 MF units). The determination is valid for one year from February 26, 2014.

STAFF'S CONCLUSION: Based upon the review and analyses of the revised documents and Plans, Staff maintains the same conclusion that the request meets Standard 7, subject to Engineering, Health, Lake Worth Drainage District, and Schools Conditions of Approval as indicated in Exhibit C.

8) Changed Conditions or Circumstances

The applicant's Justification Statement breaks this standard down into four reasons there are changed circumstances for the proposed development. The applicant's revised justification focuses on several key areas as to how this finding has been satisfied.

1. *The Declaration of Restrictions has expired (December 31, 2012);*
2. *The number of golf courses developed after this site resulted in increased competition for revenues, while the popularity of Golf Courses has diminished, and therefore less revenues are generated to maintain the course; and,*
3. *Infill redevelopment and housing demand in the Urban area.*

The Boca Del Mar PUD golf course was site planned as an integral part of this residential community. However, the golf course was not dedicated to or owned by the BDMIA. The golf course was held by a separate entity which encouraged both internal residents and external customers to join the membership. Therefore, the BDMIA did not have control over the membership, the maintenance or the ability to impose mandatory golf course fees on the residents. In the past, the internal and external golf course memberships ensured the golf course had adequate paying members for the facility to flourish. However, as the Applicant states in his justification and testimony at past hearings, when memberships declined, it became more and more difficult to operate the course. The private Deed Restriction ensured the course use would remain limited to a golf course at least until the end of 2012. The Applicant states that in 2005 based on a significant drop in memberships, the Property Owner had to look for alternative viable options for the use of the golf course. Due to the location of the Boca Del Mar course inside a PUD and the aging course required upgrades, it became ever more challenging to maintain memberships.

In addition, a new public golf course, Osprey Pointe, located in the Burt Aaronson South County Regional Park, and located in the western area of Boca Raton opened in 2010. The current proposal to introduce a limited number of units on the course, while preserving open space is an acceptable alternative use of the land. The BDMIA has also put forth the use of the course for a public park, and 202 units adjacent to the existing rental units, further supporting that a golf course in this area does not have the necessary support of the community. Therefore, the Applicant is proposing to redevelop the golf course with a new use for housing with open space.

Staff has concluded that the use of the golf course for infill redevelopment to support housing is good use of an abandoned course, since the services and infrastructure are already in place and can be easily extended or expanded. The proposed site design also preserves open space for the residents, as well as provides an upgrade for the existing club house that is currently closed.

STAFF's CONCLUSION: Based upon the review and analyses of the revised documents and Plans, Staff has concluded the request meets Standard 8, subject to all applicable Conditions of Approval as indicated in Exhibit C.

CONCLUSION: If the BCC votes to approve the request, this application would be subject to all applicable Conditions of Approval as indicated in Exhibit C.

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received 587 emails from an online petition to oppose the residential construction on Mizner Trail, and 262 on-line petition emails from individuals supporting the project. Additionally we received documentation emails from interested parties in opposition siting environmental contamination.

On Novementer 18th 1,927 Courtesy Notices were sent to the surrounding residents, 1,706 certified and 221 regular mail. Of thoses notices mailed, to dates staff has received 270 responses in opposition and 29 in support. Additionally, Staff received response from the City of Boca Raton's City Traffic Engineer, T. Douglas Hess, responding opposition to the development and the proposed median opening on Military Trail, loss of landscaping installed by the city, a traffic study that requires a full analysis of peak hour conditions at Military and Palmetto Park Roads, with extensive backups (**Exhibit N**). Others in opposition state reasons relative to loss of open space, purchased homes as part of a golf course community, design squeezes/shoehornes houses, open space was meant to meander, loss of property value, increase in traffic, developer does not think of the existing residents, schools and libraries negatively affected, notice and congestion, and modification would undermine future planned developments. Those in support of the development stated that the development would make the community beautiful, increase in revenue, jobs, new residents.

PROJECT HISTORY:

The Boca Del Mar Development (originally known as Boca Granada) was approved at the August 19, 1971 BCC Hearing subject to Conditions of Approval, as indicated in a letter from the Zoning Director and Minutes from that hearing **(Exhibits E and F)**. The approval was for 10,576 units on 2,134 acres of land with a condition restricting the gross density to 5.47 du/ac (**Figure 4 Original Master Plan 1971)**. Following that approval, the development went through a series of site, subdivision and plat approvals.

On February 19, 1985, Calibre Boca Del Mar, LTD requested a Special Exception to amend the Master Plan for the Boca Del Mar PUD to allow the addition of 5 units to Tract 81. The BCC approved the request and added 7 new conditions to the existing Development Order contained within Resolution R-1985-288 (**Figure 5 Final Master Plan, Exhibit 3a**). The Master Plan, with Conditions of Approval, restricted the development to 5.47du/ac.

After the 1985 approval, several DOAs were approved for the Civic and Commercial Pods of the PUD. In addition, numerous administrative changes were approved by the Development Review Officer (DRO) for the different Pods within the development. Within the last 9 years, there have been 3 other applications reviewed by the BCC requesting the allowance of a conversion of the southern golf course to residential uses. The following table lists the history of the DOAs (the previously approved Master Plan referenced the term Tracts, the current ULDC terminology for Tract is Pod, these terms are being used interchangeably throughout the Staff Report).

Tract Number	Application, Resolution and Request	Approval Date
Tract 27- Civic Pod (YMCA)	1984-00152(A) Resolution R-87-1111: Special Exception to amend the Master Plan to allow a General Daycare on Tract 27.	July 28, 1987
	1984-00152(I) Resolution R2002-1004: DOA to add an access point, add square footage and reconfigure the Site Plan.	June 19, 2002
	1984-00152(DOA-2004-00224) Resolution R2004-1371: DOA to modify and delete Conditions of Approval.	June 14, 2004
	1984-00152(DOA-2005-00986) Resolution R2005-2293: DOA to modify a Condition of Approval.	November 17, 2005
Tract 62- Civic Pod: (Congregate Living Facility)	1984-00152(B) Resolution R88-1539: Special Exception to amend the Master Plan to include an Adult Congregate Living Facility.	August 27,1987
Tract 77 Commercial Pod (Shopping Center)	1984-00152(C) Resolution R91-1466: Special Exception to amend the Master Plan to include a child General Day Care.	July 25, 1991
	1984-00152(D) Resolution R95-107: Requested Use	January 26, 1995

	allowing a Fitness Center.	
	1984-00152(F) Resolution R95-1017: A DOA to add a Requested Use to allow an Indoor Entertainment.	July 27, 1995
	1984 -00152(G) Resolution R95-1321.3: DOA to increase square footage; increase number of children in the daycare.	September 28, 1995
Tract 15- Civic Pod (Place of Worship)	1984-00152(E) Resolution R95-115: DOA to add an access point.	January 26, 1995
	1984-00152(H) Resolution R2000-1944: DOA to add square footage; and modify and delete Conditions of Approval.	November 30, 2000
Tracts 80A, 80B, 81 and 82 (Residential)	ORD 4795-City of Boca Raton: Approval of the involuntary annexation, subject to referendum vote. The Referendum passed and the Master Plan was updated to note the deletion of these Pods.	September 8, 2004
Tracts 64B and C (Golf Course)	Application DOA-2004-00826 R2006-0283, to convert 43 acres of golf course to residential with 236 units. Resolution 2006-283 denied the request by the BCC 5-0. See below for additional information.	February 23, 2006
Tracts 64A-G and 69A (Golf Course and Recreation)	Application ZV/DOA-2010-01728 (no resolution), to convert 126.88 acres of golf course to residential with 390 units was withdrawn by the Applicant after their request to remand to the Zoning Commission was denied the by the BCC. See below for additional information	April 28, 2011
Tracts 64A-G and 69A (Golf Course and Recreation)	Application ZV/DOA-2011-01165 R2011-1458, to convert 126.88 acres of golf course to residential with 291 units was denied by BCC with a vote of 4-3 with prejudice. See below for additional information	September 26, 2011

DOA-2004-00826 History

Application 2004-00826 was submitted by Mizner Trail Golf Club, LTD in 2004, requesting to re-designate land uses; add units; and add access points on a 43-acre portion of the south golf course (Tracts 64B and C). Prior to the hearings in 2005, the Applicant closed the golf course. The project was presented at several ZC hearings (October 6, 2005 and December 1, 2005) each with lengthy discussions by the Boards and the public. At the third ZC hearing, which occurred on February 2, 2006, the final recommendation to the BCC was to deny the request with a vote of 4-3. On February 23, 2006, the application was denied by the BCC with a vote of 5-0 (Commissioner Koons and Commissioner Aaronson were absent). The denial was based on the failure to meet 3 of the 10 standards required for a DOA to be approved pursuant to Article 2.B.2.B of the Unified Land Development Code (ULDC), Ordinance 2003-67, and 5 findings of fact in Resolution R2006-0283:

ULDC Article 2.B.2.B-

- #4: Design Minimizes Adverse Impacts;
- #8: Other Standards; and,
- #10: Changed Circumstances.

Resolution R2006-0283

- The request is not consistent with the intent of the ULDC;
- The request does not minimize adverse effects on adjacent lands;
- The request would cause loss of an integral open space and recreation component and unifying element of an established community;
- The request was inconsistent with the provision of the ULDC regarding layout, function, and general development characteristics; and,
- The request was not supported by changed circumstances that require a modification.

The Applicant appealed the BCC's decision to the Fifteenth Judicial Circuit Court, a Petition for Writ of Certiorari challenging the County's denial of its application and asking the Court to direct

the County to reconsider its action. On September 11, 2006, the Circuit Court denied the petition without opinion. The Applicant brought a second amended complaint alleging, in sum, state and federal takings claims. On August 18, 2008, the Circuit Court Judge found in favor of the County.

ZV/DOA-2010-01728 History

In 2010, ZV/DOA-2010-01728, an application of Siemens Group, LLC, was a request to modify and redesignate uses, and add 7 Pod's, 390 units, and 9 access points on the Master Plan. At the March 3, 2011 ZC Hearing, the project was presented by both staff and the Agents, several members of the public were in attendance, with 88 comment cards submitted. After hearing comments from the public, the Agents and staff spoke to address their concerns. The Commissioners, who voted in support of the project, cited that the design and layout were reasonable, that the golf course was closed and most likely would not be open again. They stated that the development plan was providing a better situation for the residents. They were concerned about denial of the project and taking away the development rights of the Applicant.

Those ZC members who were in favor of Zoning Staff's recommendation (denial of the request) stated that the Applicant must explore other development designs and use options and these alternatives have not been presented to them. Another ZC member stated that by the developing the golf course it was a type of reverse taking, that the homeowners along the golf course had invested and paid taxes on their property for this amenity; and that the development of this golf course is different because it was part of a Master Planned community, versus being adjacent to an outside development with a golf course. Lastly, some ZC members felt that the area was not blighted and pointed out that the residents do enjoy and like the green ways and open areas.

Although there was a split vote of 5-3 in favor of staff's recommendation of denial, the ZC were generally consistent that they did not oppose some type of development on these fairways. However, the form, design, impact and loss of open/green space are of a great concern and 5 ZC members found the current request did not meet the ULDC standards for approval. With one member abstaining for conflict of interest, the ZC's vote was to deny the DOA with a vote of 5-3.

Following the ZC Hearing, the Applicant requested a postponement to the April 28, 2011 BCC hearing. At the BCC hearing the Applicant requested that the application be remanded back to the ZC so that they may present a revised plan, which reduced the number of units from 390 to 291. The BCC recommended denial of this request. The Applicant then withdrew the application.

DOA-2011-01165 History

The last public hearing application was DOA-2011-01165. This application, submitted immediately following the withdrawal in April 2011, the Applicant requested to modify the Master Plan to redesignate the golf course for 291 Single family, zero lot line, and Multi-family units. The Applicant proposed 7 new Residential Pods within the development. The Applicant also proposed to modify the recreation parcel, by renovating the existing clubhouse and accessory uses. Also requested was the addition of 7 ingress/egress points along Canary Palm Drive, Via De Sonrisa Norte; Camino Del Mar and Military Trail.

On September 1, 2011, the application was presented to the ZC by staff and the Agent. Several members from the public were in attendance. Attorney Ralf Brooks, representing the 2nd Coalition Against Mizner Development, was the first to speak from the public and made a presentation that the golf course was an integral open space element that unified the PUD. He quoted portions of Articles 1 and 3 of the ULDC he indicated that the ULDC allows vesting rights for information that is clearly shown on the approved Plan. He also mentioned the proposed plans, summarizing that the proposed plans and visual impact analysis were misleading and did not demonstrate design that is exemplary, imaginative or a reduction of visual impact. He had an expert witness, David Kier of Seminole Bay Land Company, testified on behalf of his client, offering other solutions to the development and use of the golf course.

Other members/interested parties of the public spoke or had their comments read into the record in opposition to the proposed development. These comments are summarized under these headings:

- Loss of green/open space.
- Decrease in property values when they are or have paid premium taxes for a golf course even though the golf course is no longer in operation.
- They oppose an increase in residential units and traffic. They do not want an additional impact on school system.

- The existing open space (prior golf course) is not in a blighted situation.

After hearing comments from the public, the Agent did his rebuttal to address the concerns of interested parties/homeowners. The public portion of hearing was closed and was turned over to discussion by the ZC members. Those members of the ZC who were in support of the project cited that the design and layout were much more reasonable that the prior application. They felt that the golf course was closed and would not be open again. They felt that the proposed Preliminary Master Plan provided a better situation for the property owner and the residents. They were concerned about denial of the project and taking away the development rights of the Applicant.

Those ZC members who were in favor of Zoning Staff's recommendation (denial of the request) stated that the Applicant must explore other development design and use options and these alternatives have not been presented to them. Another ZC member stated that he felt by developing the golf course it was a type of reverse taking, that the homeowners along the golf course had invested and paid taxes on their property for this amenity; and that the development of this golf course is different because it was part of a Master Planned community, versus being adjacent to an outside development with a golf course. Lastly, some ZC members felt that the area was not blighted and pointed out that the residents do enjoy and like the green ways and open areas.

Although there was a split vote of 4-3 in favor of staff's recommendation, the ZC members were generally consistent that they did not oppose a type of development on these fairways. However the form, design, impact and loss of open/green space are of a great concern and 4 ZC members found the current request did not meet the ULDC standards for approval. With one member abstaining for conflict of interest, the ZC's vote was to deny the DOA with a vote of 4-3.

On September 26, 2011, the application was presented before the BCC by staff and the Agent. The Applicant's attorney, Martin Perry, introduced the project and representatives who would speak on behalf of the application, including property values, marketability of the proposed units; ecological expert, and golf experts. The Applicant presented a petition of persons in support of the application and was received and filed. The Agent presented their findings of the standards of the ULDC for a DOA. The afternoon session of the hearing continued with the Applicant's expert testimony, from Ray Finch, a Golf Industry Expert, and Dr. Donald Richardson as a Preservation and Ecological Expert. Mr. Perry also submitted documentation prepared by Calloway and Price, a Real Estate Property Appraiser providing an analysis on the decrease in property values. Following the presentations by the Applicant, the hearing was open to public comment and testimony. Attorney, Ralf Brooks presented their findings submitting documents and expert testimony in opposition of the request.

The BCC requested clarification on the deed restriction that expired in 2012 and the Code requirements for approval or denial of the application. Bob Banks, Chief Assistant County Attorney, stated that the BCC renders their decision based on the expert testimony and evidence provided to them, and the Code requirements. Staff, the Applicant, and the residents are providing expert testimony for and against the application request; and, the Board makes its decision based on the current Land Development Code.

Several members of the public spoke in support and opposition of the application. The Applicant rebutted and closed, requesting that a decision be made. Robert Kraus, with the Environmental Resource Management spoke on the contamination, and stated that the Department of Environmental Protection (DEP) has been investigating and monitoring this issue for 15 years and have not come to a conclusion. Following the testimony, the Board discussed the testimony presented to them.

The BCC had a long discussion, providing their analysis of the request, and questioned Staff, the Applicant and Assistant County Attorney for clarification on issues with the testimony and evidence. The discussion was mixed relative to whether the Applicant had satisfied the Code requirements for redesign of the site, the request met the needs of the existing residents, and entitlement for residential. The meeting concluded with the majority not in support of the request, however, there was disagreement on the vote being with prejudice. Commissioner Santamaria recommended denial with prejudice with a second by Commissioner Abrams. Commissioner Taylor made a substitute motion to recommend denial without prejudice and Commissioner Vana seconded the motion. Commissioner Aaronson, Vana, and Taylor made statements that the

Applicant should be able to make another request rather than wait a year. The vote was called and it failed 3-4. The 1st motion was called for denial with prejudice and it passed 4-3.

o Comparison of Housing Types and Numbers between Applications DOA-2004-00826, ZV/DOA-2010-01728, DOA-2011-01165 and DOA-2013-01057

The table below is a comparison of the previous and current application for golf course conversion and the number of units and housing type proposed. Note that some of the Pods had different lettering but are the same areas.

DOA-2004-00826	ZV/DOA-2010-01728	DOA-2011-01165	DOA-2013-01057
43-acres	126.88-acres	126.88-acres	126.88-acres
Not part of the request	32 ZLL (Pod 64A)	17 ZLL and open space (Pod 64A)	27 ZLL and open space (Pod 64A)
Not part of the request	123 MF (Pod 64B)	56 MF and open space (Pod 64B)	50 ZLL and open space (Pod 64B)
Not part of the request	16 ZLL and Park (Pod 64C)	16 ZLL and open space (Pod 64C)	30 TH and open space (Pod 64C)
Not part of the request	17 ZLL (Pod 64D)	open space (Pod 64D)	55 TH and open space (Pod 64D)
	62 MF (Pod 64E)	62 MF (Pod 64E)	
173 MF (Pod 64B)	124 MF (Pod 64F)	124 MF (Pod 64F)	49 TH and 48 ZLL (Pod 64E)
31 ZLL and 12 MFR (Pod 64C)	16 SFR (Pod 64G)	16 SFR (Pod 64G)	29 ZLL (Pod 64F)
236 Units	**390 Units**	**291 Units**	**288 Units**

SURROUNDING LAND USES:

NORTH:
FLU Designation: High Residential (HR-8)
Zoning District: Residential Estate/Special Exception (RE/SE)
Supporting: Commercial, Recrecreation and Residential- Single family, Multi-family, Townhouses, and Zero Lot Line (Via Verde PUD, Control No 1981-00171)

FLU Designation: Low Residential (LR-2)
Zoning District: Residential Estate/Special Exception (RE/SE)
Supporting: Residential –Single family, Multi-family, and Townhouses (Boca Grove PUD, Control No 1980-00214)

SOUTH:
FLU Designation: Medium Residential (MR-5)
Zoning District: Residential Single family/Special Exception (RS/SE)
Supporting: Residential- Single family (Boca Point PUD, Control No 1973-00085)

FLU Designation: High Residential (HR-8)
Zoning District: Residential Single family/Special Exception (RS/SE)
Supporting: Townhouse; Multi-family (Boca Del Mar III PUD (Palm D'Oro), Control No 1980-00183 and Control 1978-00045)

FLU Designation: Open Space (S) and Multi-family (RM-15)
Zoning District: Open Space (S) and Multi-family (RM-15)
Supporting: Residential and open space (Deercreek Country Club; City of Deerfield Beach, Broward County)

EAST:
FLU Designation: RL, Residential Low,3.5 du/ac
Zoning District: R1A, Residential One Family dwelling- 2200 sqft and R1C, Residential One Family dwelling- 1500 sqft
Supporting: Residential (City of Boca Raton, Palm Beach County)

WEST:
FLU Designation: High Residential (HR-8)

Zoning District: Residential Single family/Special Exception (RS/SE)
Supporting: Single family (Boca Del Mar III, Control No 1978-00045)

o Surrounding Uses of the Affected Area of Tracts 64A-F

Twenty-five Tracts, within the Boca Del Mar PUD, are directly adjacent to the golf course, comprising of 3,113 units. Three other Developments, not part of the PUD, are adjacent to the golf course: Palm D'Oro (Control 1980-00183) with 136 residential units, Boca Del Mar III aka La Joya (Control 1978-00045) with 68 residential units; and, the third development is located within the City of Boca Raton comprising of residential units. Approximately 900 units have direct views of the golf course. The units directly adjacent to the proposed conversion comprise of a mix of residential use types: Single family, zero lot line, townhouses and Multi-family.

o Modification to reduce or reconfigure existing golf course, pursuant to Art.3.E.1.E.3:

Pursuant to Art.3.E.1.E.3 of the ULDC, any request for modifications to reduce the acreage or reconfigure the boundaries of a golf course previously approved on the Master Plan shall meet 3 criteria: Notice to Homeowners; Reduction of Open Space or Recreation; and Visual Impact Analysis Standards. In 2004-2005, the BCC directed Zoning Division Staff to prepare code amendments addressing golf course conversions. This code amendment (Ordinance 2006-004) addressed concerns related to the conversion of golf courses within the PUDs into residential uses. Before the 2006 code was adopted, the BCC required by policy that any Applicant requesting golf course conversion to satisfy the aforementioned criteria as part of the submittal requirements.

Staff has determined the Applicant has satisfied the above submittal requirements:

- Notice to Homeowners - Prior to submission of the application the Applicant sent 7,560 pieces of certified mail/return receipt, to property owners within the Boca Del Mar PUD. In accordance with Article 3.E.1.E.3, the Applicant must provide minutes **(Exhibit K)** of any Association membership meetings, including the vote concerning the subject request.

- Reduction of Open Space or Recreation – Boca Del Mar PUD was first approved under Resolution 3-Y-69. The regulations for PUDs at that time did not include requirements for open space. Golf courses within this PUD were platted separately from the remainder of the PUD, and were not part of any open space dedication. In late 2003, the Zoning Code for PUDs (Ordinance 2003-067) was amended to require dedication of a minimum of 40% of the gross land area for open space. Pursuant to Art.1.I.2.O.13, Open Space means "…*unbuilt land reserved for, or shown on the approved site plan or PDP, as one or more of the following uses: preservation, conservation, wetlands, well site dedicated to PBCWUD, passive recreation, greenway, landscaping, landscape buffer, and water management tracts. In the AGR district, open space shall also include unbuilt land area for bona fide agriculture uses*". The Code further states that any development approved prior to this requirement would be vested for the open space clearly shown on a development permit.

  The Applicant for Application DOA-2004-00826 submitted the Open Space Calculation and Analysis prepared by SPG, Sanders Planning Group, P.A. dated June 28, 2005. According to the study, Boca Del Mar currently provides 644.24-acres of open space located within the residential and park tracts of the PUD and 54.12 acres of civic for a total of 698.36 acres of open space, in accordance with Ordinance 2003-069, as amended through Supplement 15. (This figure does not include the golf courses and clubhouses). The prior Applicant was subject to the BCC's direction on golf course conversion and they were required to demonstrate that the conversion of part of the south golf course into residential uses will not result in reduction of open space or recreation. This was satisfied by a prior application per BCC's direction and code requirements.

  The BCC's direction of golf conversion was codified in 2006, and the current Applicant is subject to the 40% open space dedication (within the affected area) and has proven that the golf course conversion will not result in a decrease of existing opens space/recreational facilities. The Applicant states that (129.89 acres – i.e.126.88 acre of golf course and 3.01 acres of recreation Pod), the proposed development will be providing a 92.87 acres of open space (71.5%) through the form of landscape buffers, retention, and outdoor recreation facilities as shown on the Preliminary Subdivision Plans **(Figure 9)**.

Additionally, the current Applicant analyzed the recreational requirements for the proposed residential units and compared them against the existing recreation for the Boca Del Mar PUD as a whole. The Applicant proposes to renovate and/or replace the existing club house located in Tract 69A, and will include a clubhouse, fitness center, pool and lounging area.

- Visual Impact Analysis Standards- The purpose of the Visual Impact Analysis (VIA) is to assess the compatibility and impact of the proposed reconfiguration of the golf course on adjacent properties. Land Design South, Agent for the Applicant submitted the VIA (**Figure 10**) which included an aerial photograph showing adjacent structures/buildings located within a 1,000-foot radius of all property lines of the proposed site. In addition, the aerial shows the proposed residential layouts superimposed over the south golf course. A set of line of site illustrations (cross-sections) are also prepared to depict how their proposed development would integrate into the existing development with distances between the existing and the proposed homes.

  Staff utilized the Applicant's VIA to assess whether there are any compatibility issues and negative impact generated from this request on adjacent properties. Staff's analysis is found under the Standards 2 and 4 in the Findings portion of this report.

Ariel views of the subject golf course with adjacent Pod reference

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider Standards 1 – 8 listed in Article 2.B.2.B of the ULDC. The Standards and Staff Analyses are indicated below. A Conditional or Requested Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. Consistency with the Plan – ***The proposed 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.***

Applicant's Statement: The Applicant indicated in the Justification Statement **(Exhibit J)** that: "*The Development Order Amendment application is proposing to add 288 units to the PUD; with the addition of these units the overall density of the PUD will be 5.17 du/ac. This increased density is below the allowable 8 du/ac and above the minimum of 5 du/ac, thus is consistent with the Comprehensive Plan and consistent with the original approval which restricted the PUD density to a maximum 5.47 du/ac.*

Staff's Analysis: Staff has determined that the request is **in compliance** with Standard 1 based on the following analysis.

The Planning Division has reviewed the application and found the requests to be consistent with the Goals, Objectives and Policies of the Comprehensive Plan (PLAN). The Boca Del Mar Development was approved prior to the County implementing the PLAN. After the adoption of the PLAN in 1989, all lands that comprise Boca Del Mar were given a designation of High Residential 8 (HR-8).

Although the site's FLU designation allows a maximum density of HR-8 (15,567 du); the original 1971 approval restricted the PUD density to a maximum of 5.47du/ac (**Exhibits E and F and Figure 4)**. In 1985, through Conditions of Approval the BCC further reduced the unit count by 28 units for the overall Master Plan. The maximum allowed density and unit count were carried

forward on the Final Master Plan dated September 4, 1984 and then to the current approved plan dated September 27, 1995 (**Figures 5 and 6)**

It is important to note that a specific amount of units (density) were assigned to individual Pods of the Boca Del Mar PUD when it was first approved by the BCC and was shown on the Master Plan. Over time, each Pod was being constructed within its units/density shown on the Final Site or Subdivision plan; however, the Master Plan was never updated to reflect the actual built units in each Pod. Once these units are reduced or transferred at the final plan approval the concurrency affiliated with these units is also adjusted, and the units/density originally approved by the BCC are lost. This is why the Master Plan has a notation difference of 10,149 units versus the Site Planned/Built 9,773 units.

During the review of this application, the Applicant updated the Master Plan showing the existing and proposed unit count and density for the entire PUD. Therefore, the density designation for the entire PUD should reflect a density of 5.02du/ac (9,773 du on 1,945.96 acres). The current request to increase the density to 5.17du/ac will not exceed the maximum density as governed by the condition restriction unless a modification is being requested. No condition changes are proposed with this request.

- **Workforce Housing (WFH)**

Because the application is requesting more than 10 units, the development must be in compliance with the Workforce Housing Program (WHP) as regulated in the ULDC Article 5.G.1.C.2, Supplement 15. The subject property has an HR-8 FLU designation and the Applicant is not requesting any density bonus.

The Applicant has chosen Workforce Housing Program (WHP) Option 2, Limited Incentive, has HR-8 FLU, only utilizing Standard Density not PUD density, and is requesting no density bonus. Therefore, the required Workforce Housing will be calculated as follows:

288 units x 2.5% of standard density = 7.27 (rounded down) = 7 units of WHP required

WHP Program Off-site Options: The Applicant has stated in the Justification Statement that they wish to utilize WHP Off-site Options, to buy-out of the 7 required WHP units. ULDC Article 5.G.1.G.4 Option 4, allows for an in-lieu payment for the WHP units. The payment shall be received by the Department of Economic Sustainability (DES), prior to the issuance of the first residential Building Permit.

Accordingly, the following Condition of Approval shall apply:

Prior to the issuance of the first residential Building Permit, the Applicant shall submit payment to Department of Economic Sustainability (DES) and a copy of a receipt for that payment to the Planning Division in the amount of $570,500 (7 units at $81,500 per WHP unit).

- **Future Annexation Areas:**

The subject site is within the future annexation area of the City of Boca Raton.

- **Intergovernmental Coordination:**

The subject site is located within one mile of the City of Boca Raton.

- **Special Overlay District/ Neighborhood Plan/Planning Study Area:**

The subject site is not within located within a special overlay district, neighborhood plan, or special planning area.

CONCLUSION: If the BCC vote to approve the request, this application would be subject to Planning- Workforce Housing Conditions of Approval as indicated in Exhibit C.

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

Applicant's Statement: The Applicant indicated in the Justification Statement **(Exhibit J)** that "*The proposed amendment complies with all applicable standards and provisions of the Code for the use, layout, function, and general development characteristics. Specifically, the proposed uses comply with all applicable portions of Article 4.B Supplementary Use Standards. The application is proposing zero lot line and townhome residential product types. The application is consistent with both the Article 4.B Supplemental Use Standards and the additional property development regulations for specific house types found in Article 3 of the Code. The integrity of the PUD is being upheld with the conversion of the abandoned golf course to residential. The residential units being proposed are consistent and compatible with the character of the PUD. Furthermore, the proposed modifications include the addition of lakes that offer scenic views to residents and minimize impacts on adjacent residents."* Additionally, the Applicant describes compliance with Article 3 of the Code for Modifications to Reduce or Reconfigure Existing Golf Courses, through the provision of notification to the residents of Boca Del Mar, and more specifically the 25 communities adjacent to the golf course and the provision of open space that exceeds the minimum required by Code.

Staff's Analysis: Staff has determined that the request is **not in compliance** with Standard 2 based on the following analysis.

Standard 2 describes two requirements that must be met in order to comply with this standard. The first portion requires the Applicant to demonstrate that: "*The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics*." The second portion of Standard 2 requires the Applicant to demonstrate whether: "*The proposed use also complies with all applicable portions of Article 4.B, Supplementary Use Standards."*

It is important to note that even though the following analysis addresses Standard 2, there is a reason to include analysis of Standard 4 (Design Minimize Adverse Impact) as these two standards are closely interrelated in terms of demonstration of compliance to meet a) the layout, function and general development characteristics under Standard 2; and b) the proposed design minimizes adverse effects on adjacent properties under Standard 4.

Staff has determined that the request does not comply with the first set of requirements under Standard 2, even though the proposed homes do satisfy the latter part (Supplementary Use Standards of Article 4.B) of Standard 2. Supplementary Use Standards only include definitions and property development regulations such as setbacks, lot dimensions for the proposed, Zero Lot Line (Art.4.B.142) and Townhouse (Art.4.B.132) units. The Preliminary Subdivision Plans of the residential tracts are submitted for information of general layout, final review and approval would be completed by the DRO if the application is approved by the BCC.

The following analysis explains why these requests are not in compliance with the applicable provisions pertaining to layout, function and general development characteristics and are presented under headings of:

- Planned Development District;
- Property Development Regulations;
- Layout, Function and General Development Characteristics; and,
- Objectives and Standards for PDD and PUD location and design of buildings and structures to minimize potential for adverse impact on adjacent properties.

Findings of Facts under each of these headings will also be utilized to determine whether the request is in compliance with Standard 4, Design Minimize Adverse Impact.

o Planned Development District Purpose and Intent:

Boca Del Mar was approved as a Conditional Use to allow a PUD. It was a Master Planned Community that incorporated some of the following planning principles with the golf course being a prime design feature of the PUD. Pursuant to Article 3.E, Planned Development District (PDD) of the ULDC, the purpose and intent of a PDD is to:

"…to provide opportunities for development patterns which exceed the expectations of the standard zoning districts, and allow for the creative use of land [Art.3.E.1.A.1]." These types of planned developments are "…*to encourage ingenuity, imagination on the part of, architects, landscape architects, engineers, planners, developers and builders to create development that*

promotes sustainable living, address traffic impacts, encourages alternative modes of transportation, creates logical street and transportation networks, preserves the natural environment, enhances the built environment, provides housing choices, provides services to the community, encourage economic growth, encourage infill development and redevelopment and minimizes impacts on surrounding areas through the use of flexible and innovative land development techniques." The ULDC further states under Art.3.E.2.A.1 that a Planned Unit Development (PUD) "*…is to promote imaginative design approaches to the residential living environments"*.

In addressing whether the proposed use and amendment are in compliance with Standard 2, Consistency with the Code, the Applicant responded that the amendment complies with all applicable standards and provisions of the Code for use, layout, function and general development characteristics. Specifically, the proposed uses comply with all applicable portions of Article 4.B Supplementary Use Standards. However, in the Justification Statement the Applicant did not address whether the proposed modification of the Master Plan to change the area master planned as golf course/open space, which is a key design feature of the PUD, functioning as a green area/open space/recreation amenity and replacing it with 288 residential units, would allow the integrity of the Master Plan to be maintained. The Applicant also did not address how the proposed layout and general development characteristics will enhance the built environment, and will minimize impacts on the surrounding areas.

The issue is not about availability of density. The golf course which was closed in 2005 may not be currently serving the community as originally intended; however, it still exists to provide a physical separation and open space between the residential Pods. The Planned Unit Development from the 1969 Ordinance was to provide alternative means of land development and to provide design latitude for the site planner. Planned Developments approved in the County provide a range of housing types, including the clustering of the units to provide for a means of open spaces, through the use of recreation, lakes, landscaping, and other amenities. The responsibility lies with the Applicant to demonstrate how the proposed amendments will be able to minimize the impacts on the existing residential subdivisions if the area is redeveloped with residential uses. This should be typically done through the use of flexible and innovative land development techniques or the promotion of imaginative design approaches to the existing residential living environments of a master planned community. In Staff's professional opinion, the Applicant's design does not address adverse impacts created by the loss of the open space (golf course) on the existing residents. The Applicant proposes to maximize units at a loss of the green space enjoyed or benefited from by for the current residents.

o <u>Property Development Regulations - Setbacks and Separation</u>:

The Preliminary Subdivision plans are provided to show the proposed design of the new residential Tracts (**Figure 9**). Each of the proposed housing types would be required to meet the minimum property development regulations for the district which are:

Zero Lot Line Setbacks

Setbacks				
Front	ZLL Side	Side	Side Street	Rear
10 – unit 25 – front loading garage 10 – side loading garage	0	10	10	10

Townhouse Setbacks and Separations

Setbacks and Separations (1)(2)					
Front < 25' Height	Front 25' – 35' Height	Side < 25' Height	Side 25' – 35' Height	Side Street	Rear
15 – unit 25 – front loading garage 15 – side loading garage or parking tract	20 – unit 30 – front loading garage 20 – side loading garage or parking tract	0 – interior unit 15 – end unit	0 – interior unit 25 – end unit	25 – end unit	25

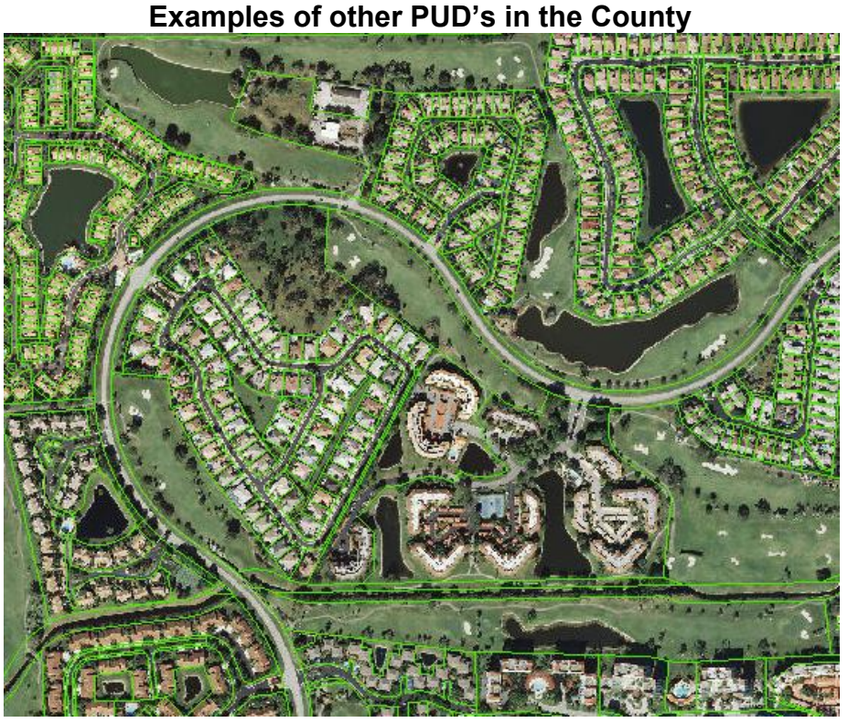
Many of the homes within the surrounding communities that abut the golf course have minimum setbacks based on the 1969 or 1973 Codes, as amended. The setbacks at that time were measured from the perimeter of the PUD and the roads (30 feet and 60 feet of road widths) and had separations from other residential structures (5 foot per story per structure). Those units which were constructed adjacent to the golf course would have minimal to no setback. In addition, landscape buffers were intentionally not required in order to maintain the views to this amenity. The current Code requires all structures to have setbacks from their fee simple lot lines and/or setbacks from other structures AND the perimeter Pod boundary. Additionally, the Code has language which allows property owners to reduce their setbacks when they are adjacent to open space 50 feet or wider. In the case of this development, some homes adjacent to the golf course/open space area took advantage of this allowance in the Code and reduced their setbacks. Removal of this open space amenity would create non-conformities in some homes adjacent to the golf course. The Code does not allow this. If the Board approves the development Staff has included a Condition of Approval, requiring a minimum of 50 feet of open space/landscape buffer along the perimeter of the subject Pod where non-conformities would be created.

- **<u>Layout, Function and General Development Characteristics and Objectives and Standards for PDD and PUD including location and design of buildings and structures to minimize potential for adverse impact on adjacent properties:</u>**

The Applicant indicated in the Justification Statement **(Exhibit J)** that: "*Great care was taken in developing a revised master plan for the PUD. The Applicant took into account the types and intensities of surrounding properties, existing views and existing access points. The proposed design provides minimum impact and maximum benefit in terms of utilizing an abandoned golf course for a residential project, which provides quality new homes that will enhance existing conditions and values. The type of design provides for landscape buffers and open space exceeding the minimum code requirements which will be maintained by the new homeowners' association to the benefit of the new development as well as the benefit of the surrounding developments, as discussed further under Changed Conditions and Circumstances.*"

This Master Planned development was designed to incorporate the open space of the golf course or recreation amenity, to intertwine around 25 Pods of the southern portion of Boca Del Mar. Removal of this integral design element of the PUD impacts the existing developments as it relates to layout and general development characteristics. Although the existing clubhouse is proposed to be renovated or redeveloped for the new residents' recreation amenity, the development of the residential homes adjacent to the existing residences will eliminate the green open space protecting and enhancing their development. Developers in the County have consistently utilized golf courses, green spaces, water bodies and recreation areas to cluster homes while providing amenities of views and special separations.

Examples of other PUD's in the County



An example to support Staff's finding is an analysis of Pods 63, 65 and proposed 64D, relative to lot configuration, housing type, layout, function and exemplary design. This proposed Pod is very long and narrow with the former fairways providing approximately 140 feet to 250 feet of separation between the buildings in Tract 63 (Camino Real Village) and Tract 65 (Palms of Boca Del Mar). This similar lot configuration is seen in the other Proposed Pods with lots widths averaging 200 feet to 250 feet.

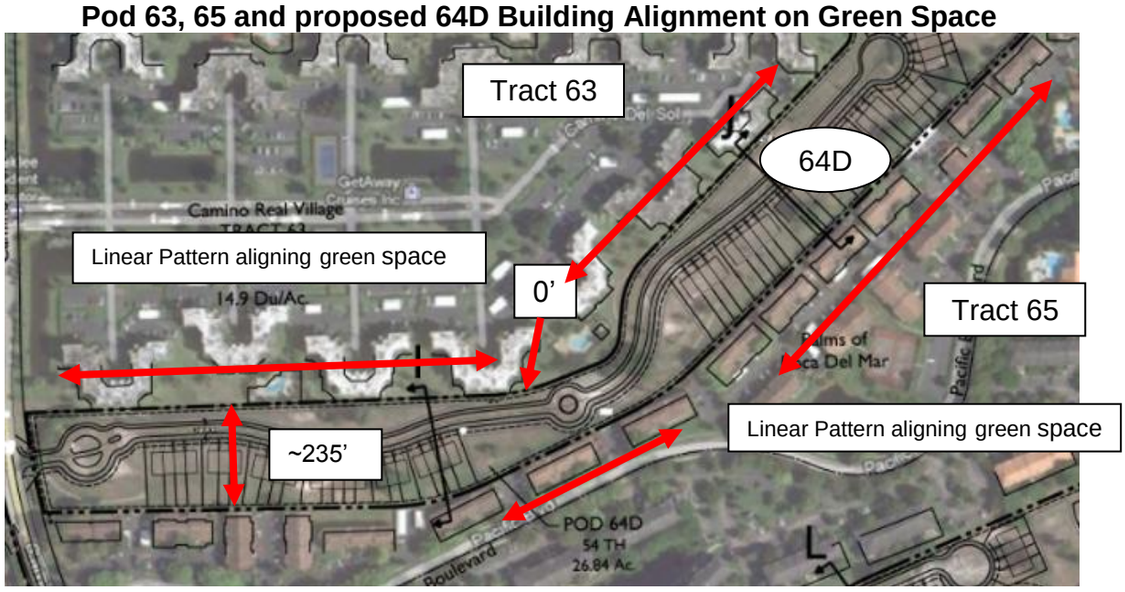
Pods 63 and 65 are a compatible housing type, both multi-families, though different in architecture. The Applicant is proposing a townhouse use between these Pods, which requires subdivision of lots for fee simple ownership. Though this housing type may be more desirable or marketable for the property owner it has additional restrictions to provide for minimum lots sizes, road Right of Way widths and buffers. This presents limitations in design and provision of green space.

The design and layout of Pods 63 and 65 were to maximize the view of the golf course, with their generally linear pattern of construction along the perimeter of the Pod boundaries. Additionally the location of the structures took advantage of minimal to no setback from the Pod boundaries because of this open/green/recreation area and with the creation of the units on the golf course there would be an increase in the non-conformity of the units which exist unless an open space of minimum 50 feet was retained adjacent to the existing Pods as stated above.

The function and layout of the proposed Pods, more specifically in Pods 64B, 64D and 64E, are long, narrow and provide a less than desirable design with homes on one side of the single street that terminates in cul-de-sacs. The layout gives an appearance as if the homes were "squeezed" in, creating almost a tunnel appearance, and having no relation to the existing built environment. In the developed areas the existing homeowners will also have the roads, parking, and lighting behind their houses/ The Visual Impact of the proposed layout to the existing homes will be discussed further under Standard 4.

In site planning new developments, the ULDC does not require compatibility buffers between Pods which have the same Single family residential uses. The code does require a minimum width of 10 feet buffers to be provided between Single family and Multi-family Pods in order to address compatibility issues between the uses. However, the code is a ***minimum*** guideline and does not account for every site situation. The intent of the PDD code is to encourage ingenuity and imagination on the part of design professionals, and it is the responsibility of the Applicant to demonstrate how this intent is met. Conversion of open space (prior golf course) of this master planned community has an impact on the layout, function and character of the existing homes which were designed to take advantage of views, and setbacks and separations provided by an open space/recreation amenity.

Pod 63, 65 and proposed 64D Building Alignment on Green Space



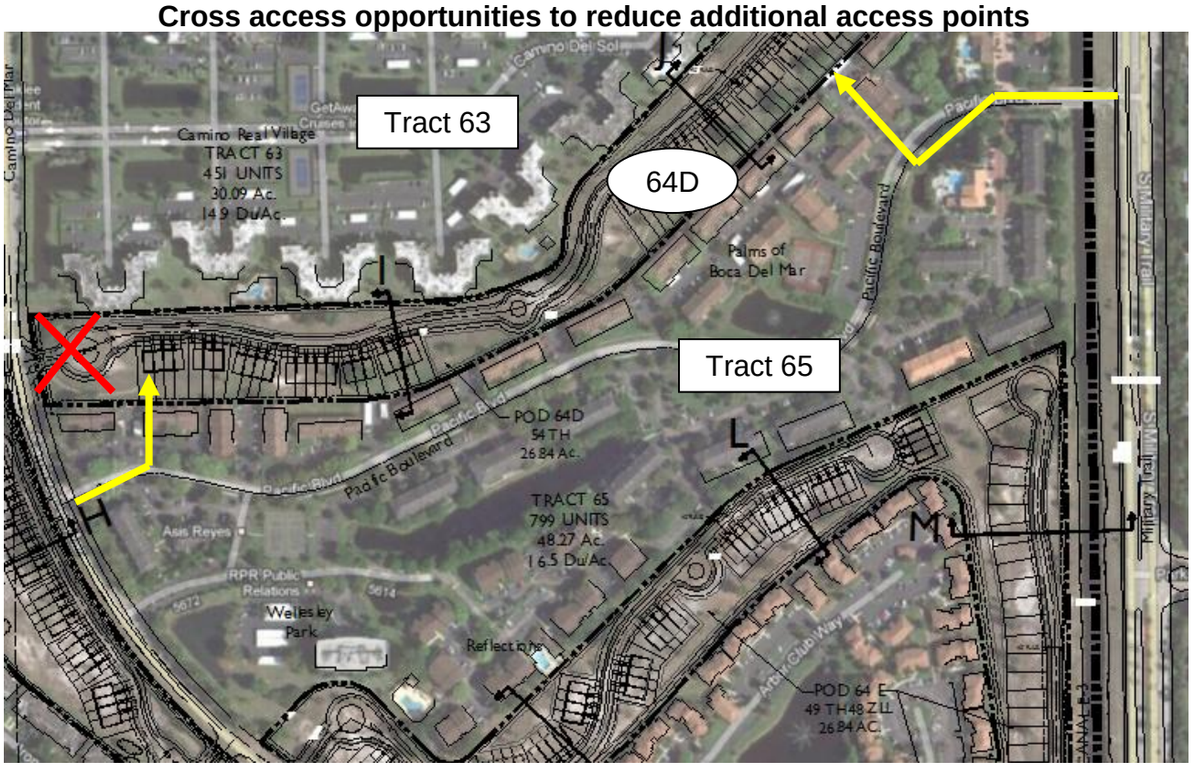
- **<u>Streets Layout, Access and Cross Access</u>:**

To continue the analysis for layout and function, the housing type and placement has a direct correlation with the street layout and design. Because of the fairway configuration there are limited design options. The proposed streets within Pods 64B, 64D, and 64E are approximately 1700 feet to 2300 feet (1/2 mile) in length with housing on a single side of a road.

The Applicant proposes to add 5 new access points internal to the PUD and 1 external access point is being added off Military Trail to accommodate the new residential and recreational tracts. The Applicant concludes throughout the Justification Statement that they have analyzed and reviewed the placement of these access points.

While the application meets the minimum traffic regulations, the Applicant's proposal and plan do not address and depict how the proposal satisfies Art.3.E.2.B.1.g, Purpose and Intent, which states: "…*the reduction of land consumption by roads and other impervious surface areas*". Rather, the proposed layout results in an increase of land consumption by roads and impervious surface areas by the addition of streets in the cul-de-sac form. The reduction in access points may have been accomplished with opportunities to expand existing Pods by sharing existing access points and incorporating cross access between the existing and proposed developments. This modification may lend to a different layout of the lots as well.

Cross access opportunities to reduce additional access points



The layout of this Master Planned Community incorporates golf courses/opens spaces, as well as the parks, lakes, and recreation areas as a unified and distinct green area corridor throughout the entire development. Even though the golf course is closed, it still functions as an open space or passive park type environment. The fairways had golf cart paths to serve has the linkage between the fairways. Staff has observed residents using this same path to walk pets and exercise. The Applicant's proposed conversion could have incorporated this existing pathway to provide an amenity to the community, while also creating interconnectivity and a pedestrian circulation.

CONCLUSION: If the BCC votes to approve the request, then this application would be subject to Zoning- All Petition, Site Design and Landscape Conditions of Approval (All Petition 1-7, Site Design 1-3, and Landscaping 1-12), which require the Applicant to submit an improved pedestrian circulation plan, provide additional landscaping to address visual impact, and provide open space. It is important to note that these recommended conditions do not necessarily address all areas of impact relating to layout, function and the PDD purpose and intent because Staff cannot utilize conditions to address details of a redesign of this development.

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

Applicant's Statement: The Applicant indicated in the Justification Statement **(Exhibit J)** that: "*The proposed density of the additional residential units, is compatible with the existing surrounding neighborhoods. The densities of the surrounding neighborhoods abutting the proposed additional units range from +/- 3.3 du/acre to +/- 19.54 du/acre. The proposed overall density of 2.2 du/acre is consistent and compatible with the established density of the PUD.*"

Staff's Analysis: Staff has determined that the request is **in compliance** with Standard 3 based on the following.

The 126.88-acre golf course parcel is intertwined within the existing PUD, abutting 25 existing residential Pods within Boca Del Mar and 3 external to the PUD. The proposed development includes a mix of Zero Lot Line and Townhouse for fee-simple housing types, consistent with the residential uses that directly adjacent to the parcels. The proposed residential uses will only create compatibility issues if there are differences in housing types (such as Single family versus Multi-family) or building height (such as one story versus three or more story). The ULDC addresses compatibility through the application of landscape buffers. The widths of these buffers in the ULDC are minimum guidelines, and do not address all types of unique site situations. In this scenario, a 5 to 10-foot wide buffer is being proposed along the perimeter of the new Pods. The widths of these buffers will be addressed under Standard 4, Design Minimizes Adverse Impact.

CONCLUSION: If the BCC vote to approve the request, this application would be subject to Zoning –Landscape 1-12 Conditions of Approval as indicated in Exhibit C.

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

Applicant's Statement:
The Applicant indicated in the Justification Statement **(Exhibit J)** that: "*Great care was taken in developing a revised master plan for the PUD. The Applicant took into account the types and intensities of surrounding properties, existing views and existing access points. The proposed design provides minimum impact and maximum benefit in terms of utilizing an abandoned golf course for a residential project, which provides quality new homes that will enhance existing conditions and values. The type of design provides for landscape buffers and open space exceeding the minimum code requirements which will be maintained by the new homeowners' association to the benefit of the new development as well as the benefit of the surrounding developments, as discussed further under Changed Conditions and Circumstances.*"

Staff's Analysis:
Staff has determined that the request is **not in compliance** with Standard 4 based on the analysis, and is presented under the following headings. Some of the Finding of Facts has been referenced in Staff Analysis of Standard 2.

- Planned Development District Purpose and Intent;
  - Layout, Function and General Development Characteristics;
  - Objectives and Standards for PDD and PUD location and design of buildings and structures to minimize potential for adverse impact on adjacent properties;
  - Open Space; and,
  - Exemplary Design and Visual Impact.

o <u>Planned Development District Purpose and Intent</u>:

See Staff's Analysis under Standard 2, Consistency with Code

o <u>Layout, Function and General Development Characteristics</u>:

See Staff's Analysis under Standard 2, Consistency with Code

o <u>Objectives and Standards for PDD and PUD location and design of buildings and structures to minimize potential for adverse impact on adjacent properties</u>:

See Staff's Analysis under Standard 2, Consistency with Code

o <u>Open Space</u>:

The Applicant states in the Justification Statement that great care has been taken in developing the subject site; analyzing the types of housing and intensities of the surrounding properties, taking into consideration existing views and access points. The Applicant contends that the design would provide a minimum impact and maximum benefit of the site, while enhancing existing conditions and values. The Applicant concludes that the design provided exceeds the minimum code requirements, that will be maintained by the new homeowners and benefit the existing developments.

The Applicant reduced the unit count of this application from 291 to 288 from the previous DOA request. Although the Applicant has modified the uses by changing house types from Single family, Zero Lot line and Multi-family to Zero Lot line and Townhouse, the layout is very similar to the previous two applications. The currently proposed housing types focus on a fee simple ownership. Though the change to a housing type with subdivided lots (fee simple ownership) may be thought to be a better product by some, it does have some differences in layout and general development characteristics as it relates to areas for open space. What is an open space or green area behind multi-family structures becomes the back yards with accessory structures and uses for the Zero Lot Line and Townhouse units.

When reviewing the proposed development one must consider the concept of a neighborhood: size, boundaries, open spaces and recreation, proximity to civic and commercial areas and the internal road and pedestrian networks. In this case, focus must be placed on the redevelopment of a master planned community and its effect on the surrounding neighborhoods. The Visual Impact Analysis (VIA) (**Figure 10**) is a planning tool used to assist the designer in visualizing how the proposed changes impact the existing development. The key issues of the request to convert master planned recreation use into residential uses revolve around the loss of usable open space and recreation, the vehicular and pedestrian circulation and interconnectivity; the layout and function of the design and their impacts on the existing community.

Open space is a major element in the design and analysis of a development, having two functions- recreation and environmental enhancement or protections. Although open space was not a requirement when Boca Del Mar PUD was approved in 1971, a letter from the then Zoning Director, Bill Boose, indicated that the golf course would be considered as open space. Boca Del Mar PUD as a whole meets the code requirements for open space. The golf course was included as an integral component of the development since its inception as evidenced by correspondence between the original developer and County Staff, and Conditions of Approval requested by the City of Boca Raton (**Exhibits G and H**).

Following the review of these documents, Staff has concluded that the conversion to allow the additional units will have a negative impact on the 25 residential Pods and approximately 3,000 units adjacent to the golf course. The integration of the golf course into the residential tracts provides visual and spatial separation between different housing types within the PUD. In addition, 3 other developments that are not part of the PUD are either contiguous or adjacent to the golf

course: Palm D'Oro (Petition 80-183) with 136 units, Boca Del Mar III (Petition 78-45) with 68 units, and the third development (Parkside) is located within the City of Boca Raton, east of Military Trail. Of these three developments, Boca Del Mar III would have the most impact with the development of the Zero Lot Line homes directly adjacent to the existing homes. Staff has determined that the original visual quality provided by the open space for the adjacent residences will be eliminated for some of the homes.

The 25 Pods adjacent to the golf course are designed in a manner that takes advantage of their proximity to the amenity. The building placement, circulation patterns, and other elements allow the residents to enjoy the direct access and views of the golf course. Though now expired, the preservation of the adjacent homeowners' views was discussed in the Restrictive Covent. As previously indicated under Standard 2, Consistency with the Code, the Applicant has failed to evaluate how the loss of this open space and replacement with residential units would impact the overall design, layout, and function of the existing community.

In the Justification Statement, the Applicant indicates that the plans that he submitted were based upon the analysis of the building types and placement of the existing structures. However, the Justification Statement does not support his assertion that the VIA depicts limited impact on the surrounding neighborhoods. Staff's professional analysis cannot conclude from the VIA that the overall layout and design will not have an impact on the adjacent property owners.

Although the installation of landscaping, buffering, and screening enhancements along perimeter site boundaries is typically an appropriate method of mitigating visual impacts, the proposed site plans do not utilize these tools sufficiently enough to accomplish the objectives in part, because the existing developments do not incorporate the same buffers. Furthermore, the physical constraints of the site, with its long, narrow configuration and central placement throughout the community make it difficult to provide a sufficient reduction in impact, while still achieving the intensity of use proposed by the Applicant.

o <u>Exemplary Design and Visual Impact</u>:

Pursuant to ULDC Art.3.E.2.A.4, Applicability for current PUD District requirements, a rezoning to the PUD District or a Development Order Amendment (DOA) to a previously approved PUD shall only be granted if a project exceeds the goals, policies and objectives in the Plan. In addition, the minimum requirements of the ULDC and the design objectives and performance standards in this Article, which include but are not limited to, sustainability, trip reduction, cross access, buffering aesthetics, creative design, vegetation preservation, recreation opportunities, mix of uses, mix of unit types, safety and affordable housing. The proposed Preliminary Subdivision/Regulating Plans for the 126.88-acre site provides the following in furtherance of the PUD exemplary design objectives in accordance with Art.3.E.2.A.4:

- 2 housing types;
- Landscape focal points within all of the cul-de-sac islands in the proposed development;
- An additional area of open space to be preserved in perpetuity, and maintained by the HOA;
- Decorative street lighting at the development entrances;
- A fountain to be located in the large water body; and,
- Incorporating existing vegetation that will remain within open space, recreation, civic and other miscellaneous areas.

While staff recognizes the majority of these amenities, features, and details as exemplary elements at the minimum level to comply with the ULDC, staff concludes that the overall layout of the proposal fails to reflect the exemplary design standards or applying of an imaginative design approach to retrofit residential units in a golf course that was originally incorporated into a residential community. Staff has identified the following areas of concern with the proposal:

- 8 of the 9 proposed streets terminate in a dead-end or cul-de-sac, thereby compromising a continuous and interconnected transportation network (see Staff's analysis of Cul-de-sac as listed above);
- The pedestrian circulation and connectivity to existing tracts, open spaces and recreation areas is minimal to non-existent; conflicting with the requirements to reduce traffic trips on the road and pervious areas. The Applicant responded that it was not applicable;
- The benches and play structures in the usable open space areas and along pathways was

noted in the Applicant's justification statement as not applicable;

- Pedestrian Circulation System. The Applicant could have enhanced this system by incorporating it into the design and layout of the proposed Pods and the existing Pods. The Applicant responded that this was not applicable. The conversion of this existing golf cart path to a pedestrian pathway could have been incorporated as a community amenity that supports a quality layout function, design and character between the proposed Pods and the existing residential Pods; and,
- Cross Access shall be provided to adjacent internal uses/properties. The Applicant states that they do have not legal ability to link to the adjacent properties.

Although this application differs from application DOA-2004-00826, Staff concludes that there are similar impacts of the design and redevelopment by the removal of the golf course/open space element and would have negative effects on the adjacent home owners. As stated earlier under Open Space, the use, design and integration of open space is a key land use element in development, providing separation, passive recreation, an environmental enhancement, and visual open corridors that created a function and character for the surrounding residents. The proposed density may not be as high as the prior 2004 request (number of units over land area); however, the negative impact expands upon more communities. The major design constraint is the narrowness of each tract of land.

The original intent of this land use is for a golf course/open space/recreation, and not as a residential use. If the intent was to have residential, the lot layouts would have been designed differently, not necessarily intertwining between the Tracts, or with the narrow widths in some cases. The VIA does not provide any conclusion that the installation of the homes does not have an impact on the adjacent residents. Placement of lot location or the addition of minimal buffers may not mitigate impact, but would require a significant redesign. There is little design effort proposed under the current plans, to incorporate innovative design to replace golf course views with open space/landscape buffers to compensate those neighbors that will be impacted by this proposed conversion of land use.

Installation of landscaping, buffering, and screening enhancements along perimeter site boundaries represents a fundamental approach to mitigate visual impacts. The Applicant proposes to increase the minimum buffer width from 5 feet to 10 feet, including additional shrub/hedge material adjacent to the abutting residential tracts. Staff considers this proposal to be inadequate to mitigate the visual impacts of the proposed development, particularly in light of the unique circumstances and integral nature of the subject site within the surrounding residential environment. To this end, staff considers the perimeter planting scheme to be far from adequate to offset the degradation of a visual asset that stands as an integral and fundamental component of an existing and master planned residential environment.

CONCLUSION: If the BCC votes to approve the request, then this application would be subject to Zoning- All Petition, Site Design and Landscape Conditions of Approval (All Petition 1-7, Site Design 1-3, and Landscaping 1-12), which require the Applicant to submit an improved pedestrian circulation plan, provide additional landscaping to address visual impact, and provide open space. It is important to note that these recommended conditions do not necessarily address all areas of impact relating to layout, function and the PDD purpose and intent because Staff cannot utilize conditions to address details of a redesign of this development.

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

Applicant's Statement: The Applicant indicated in the Justification Statement (Exhibit J) that: *"The proposed amendment does not result in any adverse impacts to the natural environment. The affected area contains limited amounts of existing native vegetation. However, all proper permitting will be completed for the removal of vegetation through PBC ERM."*

Staff's Analysis: Staff has determined that the request is **in compliance** with Standard 5 based on the following analyses.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The property has previously been developed.

CONTAMINATION ISSUE: The Florida Department of Environmental Protection (FDEP) is presently investigating the reports of on-site contamination at the golf course maintenance facility and its impact on surrounding properties. The FDEP investigation is ongoing and has not released any conclusions at this time.

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

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

ENVIRONMENTAL IMPACTS: Other than the FDEP investigation, there are no significant environmental issues associated with this petition beyond compliance with ULDC requirements

Information alleging contamination of the existing golf course has been submitted to the County. The County has forwarded this information tom the Florida Department of Environmental Protection (FDEP). The FDEP has acknowledged an open investigation into the golf course maintenance facility, but has not come to any conclusions at this time.

CONCLUSION: If the BCC vote to approve the request, this application would be subject to Health Department Conditions of Approval as indicated in Exhibit C.

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

Applicant's Statement: The Applicant indicated in the Justification Statement **(Exhibit J)** that: *"As previously stated, the proposed development of residential units in this section of Boca Del Mar is consistent with the established development pattern of single and Multi-family housing existing on the abutting properties. The Boca Del Mar PUD currently has one of the more intense residential Future Land Use designations permitted by the Comprehensive Plan (HR-8). This intensity was approved in this location due to the location of the PUD, in eastern Palm Beach County with many commercial services, employment opportunities, and transportation infrastructure located in close proximity.*

A review of the previous amendments approved for the Boca Del Mar PUD indicates favorably the need to adjust the original primarily residential master plan to provide a variety of uses needed to make a more diverse community, including ACLF's, schools, and churches. Given the extremely limited vacant residential land in eastern Palm Beach County (especially in south county), the proposed layout is entirely compatible with the immediate surrounding and regional development pattern for the area.

The proposed plan provides a balance between the changing circumstances of elimination of golf courses as a viable recreation amenity and at the same time provides alternative open space areas balanced with residential units that are consistent with the adjacent established density and development patterns."

Staff's Analysis: Staff has determined that the request is **not in compliance** with Standard 6 based on the following analysis.

The 126.88-acre subject site is surrounded by properties that have been developed for residential purposes. For the gross affected acreage (2.24 du/ac), the proposed development is generally consistent with the overall gross density of Boca Del Mar (5.02du/ac existing and 5.17du/ac proposed). The density assigned as a future land use designation does not entitle development, nor does it justify a development pattern in a built environment.

The Applicant utilized the same argument as the previous two applications stating that "…*the previous amendments approved for Boca Del Mar indicates favorably the need to adjust the original primarily residential master plan to provide a variety of uses needed to make a more diverse community including ACLF's, schools, and churches."*

This statement, however, does not support the actual request. The Applicant is not proposing ACLF's, Schools, or Places of Worship; and the contention that because there were 12 previous changes does not support the need for a change through the Public Hearing process or result in a justification as a development pattern. As stated earlier in the Project History summary, the development has not undergone any changes to the residential components since the 1985 approval. The 13 applications following that approval were for YMCA, Places of Worship and commercial Pods, requested changes to add square footage, new uses, and reconfiguration of the site plans, in order to make the tracts more viable to the community.

The Applicant states that the modifications to the Master Plan provide a balance between the changing circumstances of the elimination of the golf courses and the viable recreation amenity to the provide residential and alternative open space consistent with the established density and development pattern.

Based on Staff's review of this justification it fails to provide an analysis on how the conversion of a recreation/open space amenity is logical, orderly and timely development pattern for the area, or the built Boca Del Mar development.

CONCLUSION: If the BCC vote to approve the request, it would be subject to all applicable Conditions of Approval as indicated in Exhibit C.

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

Applicant's Statement: The Applicant indicated in the Justification Statement **(Exhibit J)** that: *"Boca Del Mar was granted a concurrency exemption for the project (No. 90-1128021). The extension was later converted to a permanent exemption in 2000. The PUD currently has concurrency consistent with the 9,773 units shown on the currently approved Master Plan. This proposed Development Order Amendment applications includes a companion Concurrency Reservation application for an additional 288 units. Adequate public facility capacities will be confirmed through review of the application."*

ENGINEERING COMMENTS:

TRAFFIC IMPACTS:
The Property Owner has estimated the build-out of the project to be December 31, 2017. Total traffic expected from this project is 2466 trips per day and 267 trips in the PM peak hour. Additional traffic is subject to review for compliance with the Traffic Performance Standard.

The following roadway improvements are required for compliance with the Traffic Performance Standards:

Modify the approaches of the intersection of SW 18th St and Military Trail as follows:

a. Modify the west approach to include 2 left turn, 1 through and 1 right turn lane.
b. Modify the east approach to include 1 left, 2 through, and 1 right turn lane.

The property Owner will be required to pay a proportionate share of 5.85% of the total cost of making the above improvements.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)
Segment: SW 18th St from Powerline Rd to Military Trail
Existing count: Eastbound=810 vehicles per hour, Westbound=1580 vehicles per hour
Background growth: Eastbound=47 vehicles per hour, Westbound=128 vehicles per hour
Project Trips: Eastbound=30 vehicles per hour, Westbound=42 vehicles per hour
Total Traffic: Eastbound=887 vehicles per hour, Westbound=1750 vehicles per hour
Present laneage: 4 (2 in each direction)
Assured laneage: 4 (2 in each direction)
LOS "D" capacity: 1770 vehicles per hour (directional)
Projected level of service: Eastbound=B, Westbound=D

Segment: Military Trail from SW 18th St to Camino Real
Existing count: Northbound=1161 vehicles per hour, Southbound=1732 vehicles per hour
Background growth: Northbound=82 vehicles per hour, Southbound=141 vehicles per hour

Project Trips: Northbound=11 vehicles per hour, Southbound=20 vehicles per hour
Total Traffic: Northbound=1254 vehicles per hour, Southbound=1893 vehicles per hour

Present laneage: 4 (2 in each direction)
Assured laneage: 4 (2 in each direction)
LOS "D" capacity: 1960 vehicles per hour (directional)
Projected level of service: Northbound=B, Southbound=D

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

PALM BEACH COUNTY HEALTH DEPARTMENT: No Staff Review Analysis

FIRE PROTECTION: No Staff Review Analysis

SCHOOL IMPACTS: In accordance with adopted school concurrency, a Concurrency Determination for 288 residential units (150 single family units and 138 multi-family units) had been approved on May 3, 2013 (Concurrency Case #13050201C). The subject property is located within Concurrency Service Area 21 (SAC 341B and SAC 341D). The Applicant has since proposed to add 4 single family units and to remove 4 multi-family units, bring the new totals to 154 and 134, respectively. The total number of units remains at 288. A Concurrency Determination for these 4 single family units had been approved on November 21, 2013 (Concurrency Case #13112101C).

This project is estimated to generate approximately sixty-nine (69) public school students. The schools currently serving this project area are: Verde Elementary School, Boca Raton Community Middle School, and Boca Raton Community High School.

The revised preliminary site plan (dated 8/26/13) shows several bus shelter locations within the affected areas of the development. A bus shelter condition of approval has been applied to this application.

PARKS AND RECREATION: Based on the proposed 288 du 1.67 acres of on site recreation is required. The plan submitted indicates there will be 3.01 acres of recreation provided, therefore, the Parks and Recreation Department standards have been addressed.

WATER/SEWER PROVIDER: City of Boca Raton

Overall Master Plan-Residential Units	+ 288 new units	Total: 10,061 du
Park/Recreation	3.01-acre	Total: 62.55 acres
Golf Course	Reduction in acreage	Total 124.50 acres
Tract 4-School, Public	No change	Total:73,200 sq ft (according to the Palm Beach County Property Appraiser web parcel information)
Tract 15- Place of Worship	No change	Total:48,132 sq ft Which includes: Sanctuary/social hall 14,574 sq ft Social hall: 9,452 sq ft Mikveh Bldg: 2,277sq ft Admin Bldg:5,740 sq ft Private School/youth & senior center: 16,089 sq ft
Tract 24-Fire Station	No change	Total 7,228 sq ft
Tract 26-School, Private/Place of Worship	No change	Total: 92,800sqft Which includes: 48,050 sq ft Place of Worship 44,750 sq ft Private School

Tract 27- YMCA	No change	Total: 75,063 Which includes: 55,309 sq ft recreation building 19,754 sq ft daycare (215 children)
Tract 32 Senior Motel	No change	Total: 192 units (according to the Palm Beach County Property Appraiser web parcel information)
Tract 40-Assembly non-profit	No change	Total: 8,500 sq ft
Tract 77-Shopping Center	No change	Total:76,714 sq ft which includes: 15,000 sq ft fitness center 9,570 sq ft billiard parlor 6,099 sq ft daycare (156 children)

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

CONCLUSION: If the BCC vote to approve the request, this application would be subject to Engineering, Health, Lake Worth Drainage District, and Schools Conditions of Approval as indicated in Exhibit C.

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

Applicant's Statement: The Applicant's Justification Statement breaks this standard down into four reasons there are changed circumstances for the proposed development.

4. *The Declaration of Restrictions has expired (December 31, 2012);*
5. *The popularity of Golf Courses aft diminished, and therefore less revenues to maintain the courses;*
6. *The property has become a nuisance.*
7. *The current status has reduced property values from the surrounding property owners*

The Applicant begins their justification of this standard by stating that the expiration of the Declaration of Restrictions (**Exhibit I**) is a changed circumstance that warrants the change of this recreation/open space area to residential. They state that because this has expired they are no longer bound to be a golf course.

The remainder of the Justification Statement, written by the Applicant, is comparable to the statements provided in the last two applications. They restate the argument that golf courses were historically a standard recreational amenity utilized by many PUDs and because of its popularity the courses were able to be maintained by the fees that were collected. The Applicant states that the National Golf Foundation states that the number of Golfers has reached a plateau and has been slowly declining. They quote that the Foundation expects to see a decline between 500-1000 golf courses in 2010.

The Applicant states that the "*The abandoned golf course at Mizner Trail is a changed of circumstances which currently affects many of the communities which abut the property*. *The residences which enjoyed the previous golf course views now look out onto vacant land that receives minimum amount of maintenance required by the County. Without any revenue, the property owner can only provide what is required.*"

Furthermore, the Applicant states, "… *the property becomes a nuisance*." They consider the site to pose potential health and safety risk to the residents states due to lack of maintenance, people trespassing , using all-terrain vehicles and infestation of pests- opossum, raccoons, and insects. The Applicant states that because of the uncertainty of the future, the home values could continue to decline if this proposed development does not act as the catalyst to cure the blight.

Staff's Analysis: Staff has determined that the request is **not in compliance** with Standard 9 based on the following analysis:

The Declaration of Restrictions was a private deed restriction between the Property Owner and the BDMIA, and not signed by Palm Beach County. The County considers the Master Plan as the

controlling document for this PUD, and only an amendment to that Plan allows for a change in use, regardless of the private restriction. As previously discussed, following the decision of the 2004 application, the Applicant sued the County and the Court determined that there was no entitlement to a residential use on the Golf Course.

According to Staff's research, the World Golf Foundation state its GOLF 20/20 Initiative is taking a lead role to better communicating the positive contributions of golf to society, including Golf's Economic Benefit, Human Benefit and Environmental Benefit. (http://www.worldgolffoundation.org/industry-initiatives/image-of-the-game/) The published information on their website indicates that there were two significant recessions in 2001 and 2007-2009, and state the decline was due to two industry segments: golf real estate and golf course capital investments. The following table, found on the Foundations website, indicates that the economy of golf is up since 2000, though not at its peak in 2005 when the Applicant chose to close the golf course in order to seek approval for residential use. (http://golf2020.com/media/31624/2011_golf_econ_exec_sum_sri_final_12_17_12.pdf). A CNN report on golf states "*Golf is nothing if not resilient. The deep recessions of 2008 in the United States did not spare the sport, but in recent years it has come out swinging as it moves towards the $75.9 billion it generated in 2005*." (http://www.cnn.com/2013/09/06/sport/golf/g)olf-economy-obama-fedex/)

Size of the U.S. Golf Economy by Industry Segment in 2000, 2005 and 2011 ($ millions)

Core Industries	**2000**	**2005**	**2011**
Golf Facility Operations	$20,496	$28,052	$29,852
Golf Course Capital Investment	$7,812	$3,578	$2,073
Golfer Supplies	$5,982	$6,151	$5,639
Endorsements, Tournaments & Associations	$1,293	$1,682	$2,045
Charities	$3,200	$3,501	$3,900
Total Core Industries	**$38,783**	**$42,964**	**$43,509**
Enabled Industries			
Real Estate	$9,904	$14,973	$4,745
Hospitality/Tourism	$13,480	$18,001	$20,555
Total Enabled Industries	**$23,384**	**$32,974**	**$25,300**
TOTAL GOLF ECONOMY	**$62,167**	**$75,939**	**$68,809**

Note: Columns sum based on rounding of individual estimates. Numbers also have not been adjusted for inflation but are expressed as nominal dollars.

The Justification and back up documentation from the Applicant, does not provide the actual numbers for the plateau in 2000 and the decline from 2010 nor does it provide any information prior to 2010, or when it closed to the present date 2013.

The Applicant states that the abandoned golf course has created a deteriorated or "blighted" condition for the surrounding property owners because the property owner does not have the revenue to maintain the golf course and has allowed the property to become "a visual eyesore" as indicated in the Justification statement including the provision of photos. Whether a property owner chooses to maintain his/her property at minimum standard does not justify a changed circumstance to allow a change in use. All property owners are required to maintain their property.

The Justification Statement documents a similar argument from the 2010 and 2011 applications that the property has now become a nuisance, whereby they are attracting trespassers which vandalize the property. It is the responsibility of all property owners to maintain their property pursuant to the Property Maintenance Code of Palm Beach County to remove hazardous objects which may likely attract vandals. Additionally, the Applicant states that the open space has caused complaints by residents over pests such as raccoons, opossums and insects. Many developments throughout the County are developed with open space or preserves. These areas have natural wildlife (mammals and birds) and insects. The fact that wildlife exists within a development does not necessarily result in a pest problem. Maintaining a property on a regular basis would deter unwanted pests.

The fourth reason stated under the Applicant's changed circumstance suggests that there has

been a reduction in property values for the adjacent homeowners to the golf course. The Applicant however, has not provided any documentation to support such a statement. Staff's research of the Palm Beach County Property Appraisal's website suggests that property values of homes and townhomes have gone up since 2011, as indicated on the Palm Beach County Property Appraisers website. The Applicant states that the new development will remove uncertainty as to the future of the site. Staff believes the uncertainty has been created by the Property Owner. The Master Plan has not been modified to suggest other uses approved for the development. Throughout the entire County many residents have had reductions in the values of their homes due to the economic times, but it does not lend itself to the suggestion of economic blight. The property owners in Boca Del Mar have a master planned community and they rely on that plan for what is certain and how it is to be developed. The Applicant does not provide information to conclude that the change in use cures what they conclude to be economic blight.

The Applicant states in the Justification Statement that there are no vacant residential parcels of any size which extend several miles from the site and that the development of this site supports eastern infill policies. The justification does not discuss or suggest that there is not a housing shortage nor does it justify why the change in use is better suited for this property. They present no testimony to address the supply, demand, and alleged importance of new housing opportunities as opposed to resale, rental, or other alternatives for existing housing opportunities within Boca Del Mar and the surrounding communities. The Applicant fails to support the concept that housing values would be increased from the change of view from open field, poorly maintained as it is, to intense housing and additional roadways. The Applicant must provide more facts and documentation in order to support his position.

During the hearing of Application DOA-2004-00826 (Mizner Trail Golf Club, LTD versus Palm Beach County), the Judge concluded that the economic value of the golf course parcel as housing was purposely diminished in order to increase density on surrounding residential Pods through an increase in density on each of these Pods. The idea is that the original developers/owners of the Boca Del Mar PUD had already received the financial value of the residential development potential of the golf course when they off-loaded the density to other residential Pods of this PUD.

The golf course/recreation/open space element is an integral part of the residential development. The importance of a master planned community is the security of the homeowners that the original vision will be sustained over time. Minor modifications or uses consistent with the original vision are allowed; however, in this case, the replacement of this area with the proposed residential uses is contrary to the original intent of this development designed with a vision of creating an innovative and sustainable community. Closing of a use or lack of maintenance of a property, at the decision of the property owner, does not qualify as a reason for changed circumstances to justify a need to change a use of a property to residential.

CONCLUSION: If the BCC vote to approve the request, this application would be subject to all applicable Conditions of Approval as indicated in Exhibit C.

FINAL CONCLUSION AND RECOMMENDATION

Since the Boca Del Mar Master Plan was first established in 1971 (**Figure 4**), the 1945.96-acre subject site has supported primarily residential uses, golf courses and ancillary uses. Additionally, through the original 1970's planning and preparation for the approval there were several pieces of correspondence between County staff and the developer that referred to density as well as the use of the golf course. The Golf Course was intended to be maintained as a Golf Course for use by the residents.

The site has been planned, designed, and constructed with this Open Space type element as the key design component for the entire development with emphasis on enhanced compatibility to the residential Pods abutting it. A Planned Unit Development is different than standard districts in its ability to provide alternative design options, through reduced setbacks, additional density allowances, variety of housing types and non-residential uses. This is accomplished through the amenities the development provides and the additional open space areas, whether it is through the use of recreation, lakes, or grassy open areas. The conversion of some of these areas to residential significantly impacts the existing design of the Pods and their locations adjacent to these open space areas (Golf Course) and thereby impacts the existing residents in a negative manner. As previously stated, a master plan community provides some levels of reliance to the residents that the key design feature of their community will remain and be maintained over time.

Minor modifications or uses consistent with the original vision are allowed; however, in this case, the removal of the open space elements that the golf course provides contrary to the original intent of this development designed in creating an innovative and sustainable community.

Staff's recommendation is for **denial** of the request to modify and redesignate uses, and add Pods, units, and access points on the Master Plan, for failure to comply with the following Standards of art.2.B.2.B of the ULDC:

- Standard 2 -Consistency with the Code;
- Standard 4 - Design Minimizes Adverse Impact;
- Standard 6 - Development Patterns; and,
- Standard 9 - Changed Conditions or Circumstances

If the ZC votes to recommend approval of the request, then Staff recommends the approval be subject to the Conditions of Approval as indicated in Exhibit C.

It should be noted that the listed Conditions of Approval may address some issues raised in the standards of review, such as pedestrian circulation, open space and landscape buffering; however, as stated under Staff's Analysis of the Standards 2, 4, 6 and 9, they do not address all areas of impact because conditions cannot be utilized to address details of a redesign of the development. The proposed Conditions of Approval would require the property owner to redesign the Subdivision Plans to incorporate larger open spaces areas/buffers and relocation/elimination of units in some of the proposed Pods. Some Pods, because of their existing configuration, size and locations (on the perimeter of existing Pods adjacent to streets) may allow the property owner to meet the requirements and have units. This would require some redesign of the subdivision including, shifting of the access, roads and possible loss of units.

The Conditions of Approval for the redesign of other Pods, mainly 64B, 64D and portion of 64E, would restrict them from having any units. The site configuration, open space conditions, and the placement of the homes and roads would limit the design options for conversion of these areas to residential.

CONDITIONS OF APPROVAL

EXHIBIT C
Development Order Amendment

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R88-1539 (1984-00152B)(Tract 62-CLF); R-95-1321.3 (DOA-84-152G)(Tract 77 Commercial Pod), R-2000-1944 (1984-00152H)(Tract 15-Place of Worship), and R-2005-2293 (DOA-2005-00986)(Tract 27-YMCA), remain in full force and effect. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. All previous Conditions of Approval applicablle to the subject property, as contained in the Memorandum dated August 23, 1971 and Minutes dated August 19, 1971 remain in effect. (ONGOING: ZONING-Zoning)

3. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-85-288 (Control 1984-00152), have been consolidated as contained herein. (ONGOING: MONITORING - Zoning)

4. The approved Preliminary Master and Regulating Plans are dated January 31, 2014. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

5. Previous Condition Number 7 of Resolution R-85-288 which reads:
   The Overall Master Plan for Boca Del Mar PUD shall be reduced by 28 units. This new Master Plan shall be certifed by the Site Plan Review Committee prior to certification of the site plan for this Tract.

   Is hereby amended to read:

   Prior to Final Plan approval by the Development Review Officer (DRO), the Property Owner shall:
   a. Update the Master Plan to indicate the built number of units for each residential Pod within Boca Del Mar; and,
   b. Revise the Site and/or Subdivision Plans for Pods adjacent to Tracts 64A-F, to remove notations of the Golf Course use and setbacks in accordance with Article 1. (DRO: ZONING Zoning)

6. Previous Condition Number 6 of Resolution R-85-288 which reads:
   There will be no more than 80 units in Tract 81. No further units may be added by Site Plan Review Committee approval.

   Is hereby deleted. (Reason: Tract 81 was annexed by the City of Boca Raton)

7. Prior to Final Master Plan approval by the Development Review Officer, the Property Owner(s) shall pay all outstanding Liens and Fines that were assessed on the property within the affected area of Application DOA 2013-01057. (DRO:CODE ENF- Accounting)

BUILDING

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (ONGOING-CODE ENFORCEMENT-Zoning) (Previous Condition 1 of Resolution R-85-288)

2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (ONGOING-CODE ENFORCEMENT-Zoning) (Previous Condition 2 of Resolution R-85-288)

ENGINEERING

1. Previous Condition 3 of Resolution R-1985-288, Control No. 1984-152, which currently states: This development shall retain on site the first one inch of the storm water runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.

   Is hereby deleted. [Reason: Drainage is a code requirement]

2. Previous Condition 4 of Resolution R-1985-288, Control No. 1984-152, which currently states: The developer shall construct concurrent with the issuance of the first building permit, a Left Turn Lane, East approach, on SW 18th Street at Marina Del Mar. (BLDG PERMIT: MONITORING Eng)

   Is hereby deleted. [Reason: This portion of the development is now within the City of Boca Raton]

3. Previous Condition 5 of Resolution R-1985-288, Control No. 1984-152, which currently states: The Developer shall pay a Fair Share Fee in the amount and manner required by "The Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently The Fair Share Fee for this project is $200.00 per approved Multi-family dwelling unit and $300.00 per approved Single family dwelling unit. (ONGOING: ENGINEERING - Eng)

   Is hereby deleted. [Reason: Code requirement]

4. 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, 2017. 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-Eng)

5. Prior to the issuance of the first Building Permit, the Property Owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for the expanded intersection right of way and corner clip on SW 18th Street at Military Trail. The right of way shall be dedicated in accordance with T-P-13 or as otherwise required by the County Engineer. All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first Building Permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare 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. (BLDG PERMIT/ONGOING: MONITORING-Eng)

6. Prior to the issuance of the first Building Permit, the Property Owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of:

   i. A right turn lane east approach on SW 18th Street at Camino Del Mar
   ii. A right turn lane east approach on SW 18th Street at Palm D'Oro Drive
   iii. A right turn lane west approach on Camino Real at Camino Del Mar

   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. The right of way should be continued across the intersecting roadway. The Property Owner may acquire the right of way independently or through an agreement with Palm Beach County Right of Way Acquisition Section. Either way, the Property Owner is responsible for all costs associated with acquiring all necessary right of way, including but not limited to, surveys, property owner maps, legal descriptions for acquisition and a title search for a minimum of 30 years. 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. (BLDG PERMIT: MONITORING-Eng)

7. The Property Owner shall construct:

   i. A right turn lane east approach on SW 18th Street at Camino Del Mar
   ii. A left turn lane north approach on Camino Del Mar at SW 18th Street
   iii. A right turn lane east approach on SW 18th Street at Palm D'Oro Drive
   iv. A right turn lane west approach on Camino Real at Camino Del Mar
   v. A left turn lane south approach on Military Trail at the proposed entrance to Pod 64E.

   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. Prior to the issuance of the first Building Permit, permits required from Palm Beach County for this construction shall be obtained. (BLDG PERMIT: MONITORING-Eng)

   b. Prior to the issuance of the first Certificate of Occupancy, construction shall be completed. (CO: MONITORING-Eng)

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 and shall not cause adverse stormwater management impacts to adjacent properties. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

   a. Prior to final approval of the Site Plan by the DRO, a drainage study shall be provided to the Land Development Division. (DRO: ENGINEERING-Eng)

   b. Prior to the issuance of the first Building Permit, any required drainage easements shall be recorded. (BLDG PERMIT: MONITORING-Eng)

9. Prior to issuance of the first Building Permit within a specific tract, the Property Owner shall plat the entire subject tract in accordance with provisions of Article 11 of the Unified Land Development Code. The platting of this project may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety, if any. (BLDG PERMIT: MONITORING-Eng)

10. Building Permits for more than 132 Town House units or 98 Single Family units or an equivalent number of trips for the site shall not be issued until the Property Owner makes a proportionate share payment in the amount of 5.37% of the total cost of the following improvements at the intersection of SW 18th St and Military Trail: i. modify the west approach to provide a total of 2 left turn lanes, 1 through lane, and 1 right turn lane, ii. modify the east approach to provide a total of 1 left turn lane, 2 through lanes, and 1 right turn lane. These modifications will also require appropriate widening and tapering of the roadways, in advance and beyond the intersection, as approved by the County Engineer. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit the mobility in the area impacted by the project, as determined by the County Engineer. The value of the improvement shall be based on an engineer's certified cost estimate provided by the Applicant and approved by the County Engineer or other method approved by the County Engineer at the time of payment. (BLDG PERMIT: MONITORING - Eng)

HEALTH

1. Architectural plans must be submitted to the institutional/child care section of the Palm Beach County Health Department in accordance with Rule 64E-13 F.A.C. prior to the issuance of a building permit. (BLDG: HEALTH/BLDG-Health) (Previous condition number D.1 of Resolution R-2005-2293; Control 1984-152) [NOTE: COMPLETED]

2. Since sewer and water service is available to the property, neither a septic tank or well shall be approved for use on the property. (BLDG:HEALTH/BLDG-Health) (Previous condition number D.2 of Resolution R-2005-2293; Control 1984-152) [NOTE: COMPLETED]

3. Prior to Final DRO approval the property owner shall meet with staff of the Palm Beach County Health Department and provide documentation, including, but not limited to, accurate architectural plans and site plans and a complete and current site survey, to clarify all compliance issues related to operation and design of the child care facility. (DRO: HEALTH-Health) (Previous condition number Health 3 of Resolution R-2005-2293; Control 1984-152) [NOTE: COMPLETED]

4. Prior to Final DRO approval, the property owner shall submit a health and safety plan that details the expected changes in the physical and operational aspects of the facility and the measures that will be implemented to ensure that the health and safety of children are protected during the construction phase of the project. (DRO: HEALTH - Health) (Previous condition number Health 4 of Resolution R-2005-2293; Control 1984-152) [NOTE: COMPLETED]

LANDSCAPE - GENERAL-AFFECTED AREA OF APPLICATION DOA-2013-01057

1. Prior to Final Plan approval by the Development Review Officer (DRO), the Property Owner shall submit Landscape Plan(s) to the Landscape Section for review and final approval. The Plans shall incorporate existing vegetation or replacement in accordance with Article 7.D.2.D Tree Credit and Replacement. The Plan(s) shall be prepared in compliance with the Conditions of Approval as contained herein and all ULDC requirements. (DRO: LANDSCAPE - Zoning)

2. A minimum fifty (50) foot wide open space shall be provided at the perimeter of each Pod boundary, adjacent to existing residential structures where non-conforming setbacks would be created. There shall be no street Right of Way or dedication within this area. (DRO: LANDSCAPE/ZONING-Zoning)

3. In addition to the ULDC requirements, a minimum of seventy-five (75) percent of all trees to be planted in the perimeter landscape buffers shall meet the following minimum standards at installation:
   a. tree height: fourteen (14) feet; and,
   b. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)

4. All palms required to be planted on the property by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
   a. palm heights: twelve (12) feet clear trunk;
   b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,

c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)

5. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)

6. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and amenities, and to accommodate transverse utility or drainage easements crossings and existing vegetation. All field adjustments shall be the minimum necessary to accommodate the aforementioned features and amenities. (BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPE – POD 64A

7. In addition to the ULDC requirements, landscaping and buffering along the following property lines of Pod 64A shall include:
   a. A fifteen (15) foot wide Right of Way Buffer along the perimeter adjacent to Canary Palm Drive and Via De Sonrisa Del Norte;
   b. A minimum of ten (10) foot wide Compatibility Buffer, approximately 800 lineal feet in length, along the north property line, adjacent to the proposed Zero Lot Line units;
   c. A minimum of fifty (50) foot wide open space, including a ten (10) foot wide Compability Buffer, shall be provided along the east and west property lines that are adjacent to Tracts 57 and 61A;
   e. One (1) palm for each twenty-five (25) linear feet of the length of each buffer and open space; and,
   f. One (1) pine for each twenty (20) linear feet of the length of each buffer and open space. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. Pines may be planted in clusters of five (5) to seven (7), and may be installed in the open space areas. Pine species shall be of South Florida Slash Pines or a similar species that is approved by the Landscape Section. (DRO: ZONING - Zoning)

LANDSCAPE – POD 64B

8. In addition to the ULDC requirements, landscaping and buffering along the following property lines of Pod 64B shall include:
   a. A fifteen (15) foot wide Right of Way Buffer along the perimeter adjacent to Canary Palm Drive;
   b. A minimum ten (10) foot wide Compatibility Buffer, approximately 1,400 lineal feet, along the north property line, adjacent to the proposed Zero Lot Line units;
   c. A ten (10) foot wide Type I Incompatiblity Buffer shall be provided along the north and south property lines adjacent to Tracts 62 and 78 where existing housing type has a compatbility difference with the proposed;
   d. A minimum of fifty (50) foot wide open space, including a ten (10) foot wide Compability Buffer, along the south, east and west property lines that are adjacent to Tracts 62, 72, and 78; and,
   e. One palm for each twenty-five (25) linear feet of the length of each buffer and open space.
   f. One (1) pine for each twenty (20) linear feet of the length of each buffer and open space. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. Pines may be planted in clusters of five (5) to seven (7), and may be installed in the open space areas. Pine species shall be of South Florida Slash Pines or a similar species that is approved by the Landscape Section. (DRO: ZONING - Zoning)

LANDSCAPE – POD 64C

9. In addition to the ULDC requirements, landscaping and buffering along the following property lines of Pod 64C shall include:
   a. A fifteen (15) foot wide Right of Way Buffer along the perimeter adjacent to Camino Del Mar and Palm D'Oro Road;
   b. A minimum of fifty (50) foot wide open space, including a ten (10) foot wide Compability Buffer, shall be provided along the west property line that is adjacent to Tract 71;
   c. One palm for each twenty-five (25) linear feet of the length of each buffer; and,
   d. One (1) pine for each twenty (20) linear feet of the length of each buffer and open space. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. Pines may be planted in clusters of five (5) to seven (7), and may be installed in the open space

areas. Pine species shall be of South Florida Slash Pines or a similar species that is approved by the Landscape Section. (DRO: ZONING - Zoning)

LANDSCAPE – POD 64D

10. In addition to the ULDC requirements, landscaping and buffering along the following property lines of Pod 64D shall include:
    a. A fifteen (15) foot wide Right of Way Buffer along the perimeter adjacent to Camino Del Mar;
    b. A minimum of fifty (50) foot wide open space, including a ten (10) foot wide Compability Buffer, shall be provided along the north and south property lines that are adjacent to Tracts 63 and 65;
    c. One palm for each twenty-five (25) linear feet of the length of each buffer; and,
    d. One (1) pine for each twenty (20) linear feet of the length of each buffer and open space. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. Pines may be planted in clusters of five (5) to seven (7), and may be installed in the open space areas. Pine species shall be of South Florida Slash Pines or a similar species that is approved by the Landscape Section. (DRO: ZONING - Zoning)

LANDSCAPE – POD 64E

11. In addition to the ULDC requirements, landscaping and buffering along the following property lines of Pod 64E shall include:
    a. A fifteen (15) foot wide Right of Way Buffer along the perimeter adjacent to Camino Del Mar;
    b. A ten (10) foot Right toWay Buffer shall be provided along the perimeter adjacent to Military Trail (reduced because of Canal);
    c. A twenty (20) foot wide Right-of-Way Buffer along the perimeter adjacent to SW 18th Street;
    d. A minimum of fifty (50) foot wide open space including a ten (10) foot wide Compatibility Buffer along the north and south property lines of the proposed multi-family units that are adjacent to Tracts 65 and 80 ;
    e. A minimum of fifty (50) foot wide open space, including a Type I Incompability Buffer, along the north and west property lines, adjacent to Tracts 65, 80 and 76, in the area proposed for Zero Lot Line homes;
    f. One palm for each twenty-five (25) linear feet of the length of each buffer; and,
    g. One (1) pine for each twenty (20) linear feet of the length of each buffer and open space. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. Pines may be planted in clusters of five (5) to seven (7), and may be installed in the open space areas. Pine species shall be of South Florida Slash Pines or a similar species that is approved by the Landscape Section. (DRO: ZONING - Zoning)

LANDSCAPE – POD 64F

12. In addition to the ULDC requirements, landscaping and buffering along the following property lines of Pod 64F shall include:
    a. A fifteen (15) foot wide Right of Way Buffer along the perimeter adjacent to Camino Del Mar;
    b. A twenty (20) foot wide Right of Way Buffer along the perimeter adjacent to SW 18th Street;
    c. A minimum of twenty-five (25) foot wide open space, including a ten (10) foot wide Compability Buffer, along the west property line abutting the existing residential development Boca Del Mar III aka La Joya (Control 1978-00045);
    d. One palm for each twenty-five (25) linear feet of the length of each buffer; and,
    e. One (1) pine for each twenty (20) linear feet of the length of each buffer and open space. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. Pines may be planted in clusters of five (5) to seven (7), and may be installed in the open space areas. Pine species shall be of South Florida Slash Pines or a similar species that is approved by the Landscape Section. (DRO: ZONING - Zoning)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit to the LWDD signed and sealed canal cross-sections for E-3, L-49 and L-50 Canals. The cross-sections must extend 50 feet beyond both sides of top of bank, and they are to be tied to an accepted horizontal control, either sectional or plat. The cross-sections shall delineate all features that may be relevant, (i.e. buildings, edge of pavement, curbs, sidewalks, guardrails,

grade breaks etc.). The cross-sections shall be a maximum of three hundred feet apart, and a minimum of three cross sections is required. The cross-sections are to be plotted at 1"=10', both horizontal and vertical for small canals, and 1"=20' for large canals. All tract and/or lot lines, block lines, sections lines and easements shall be clearly depicted showing existing LWDD Right of Way. Elevations shall be based on the NGVD ('29) datum, with a conversion factor to NAVD ('88) must be shown. The cross-sections will be used to determine if LWDD will need to have the Property Owner convey an easement back to LWDD. (DRO:LWDD-LWDD)

PLANNED DEVELOPMENT

1. Prior to the recordation of the first plat, all property included in the legal description of the application shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:
   a. Formation of a single property owner's association, automatic voting membership in the association by any party holding title to any portion of the subject property, and assessment of all members of the association for the cost of maintaining all common areas.
   b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.
   c. All open space tracts shall be deed restricted and remain in perpetuity as common areas for the use of the residents of the development. These areas shall be maintained by the POA/HOA in accordance with the Code requirements. At the time of turnover of the POA/HOA, the open space tracts/common areas shall be turned over to the association at no cost to the residents.
   d. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the development. This Declaration shall be amended when additional units are added to the development. (PLAT: CO ATTY - Zoning)

2. The Open Space Tracts within Pods 64A-F as shown on the Preliminary Master Plan dated January 31, 2014 shall be dedicated to the Boca Del Mar Improvement Association, the Greater Boca Raton Beach and Park District, or the Home Owners Association for Pod 64A-F. The Tracts shall be maintained as Open Space in perpetuity. (DRO/PLAT/ONGOING: ZONING/ENG/CODE ENF-Zoning)

3. The Open Space Tracts shall be maintained in their entirety, with heights of grass not exceeding seven (7) inches. If any of the Open Space Tracts, are proposed to be kept in their natural state, i.e. wild flowers field, the areas shall be identified on the Master Plan and shall include a described Maintenance Plan at final approval by the Development Review Officer, and shall be approved by the Zoning Division. (DRO/CODE ENF: ZONING/CODE ENF-Zoning)

PLANNING

1. Prior to the issuance of the first residential Building Permit, the Property Owner shall submit payment to Department of Economic Sustainability(DES) and a copy of a receipt for that payment to the Planning Division in the amount of $570,500 (7 units at $81,500 per WHP unit). (BLDG PERMIT: 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 be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD)

2. Prior to the issuance of the first Certificate of Occupancy (CO) for the residential phases of the development, the school bus shelters 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 shelters shall be the responsibility of the residential property owner. (CO: MONITORING - School Board.)

SIGNS

1. At time of submittal of a Final Master Plan, the Applicant shall revise the Master Sign Plan to be compliant with the regulations of Article 8, indicating the locations and final details of the proposed signage. (DRO:ZONING-Zoning)

SITE DESIGN AFFECTED AREA OF APPLICATION DOA 2013-01057

1. Prior to Final Approval by the Development Review Officer (DRO), the Site and/or Subdivision Plan shall incorporate a minimum five (5) foot wide continuous concrete sidewalk internal to each Pod providing connectivity to the adjacent residential Pods or Recreational Pod and the neighborhood park. (DRO: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall provide pedestrian amenities for each Open Space as shown on the Preliminary Subdivision Plan Overall dated January 31, 2014, including but not limited to: shade structure, seating areas, tot lots. These areas shall incoporate canopy trees to provide shade and be connected by the pedestrian pathway. Details of each open space shall be provided on the Final Regulating Plan. (DRO: ZONING - Zoning)

3. Amenities shall be provided for Pod 64A in the following areas:
   a. decorative pavers shall be installed at the access point for a minimum of 1,200 square feet;
   b. decorative pavers shall be installed in the round about at the access point; and,
   c. a palm or ornamental tree that is of specimen size shall be installed in the roundabout area. (DRO:ZONING-Zoning)

4. Amenities shall be provided for Pod 64B in the following areas:
   a. decorative pavers shall be installed at the access point for a minimum of 1,000 square feet;
   b. decorative pavers shall be installed in the round about at the access point;
   c. a palm or ornamental tree that is of specimen size shall be installed in the roundabout area; and,
   d. a shade structure or a gazebo and a minimum of two (2) benches shall be provided in the neighborhood park. (DRO:ZONING-Zoning)

5. Amenities shall be provided for Pod 64C in the following areas:
   a. decorative pavers shall be installed at the access point for a minimum of 1,000 square feet; and,
   b. a palm or ornamental tree that is of specimen size shall be installed adjacent to the cul-de-sac. (DRO:ZONING-Zoning)

6. Amenities shall be provided for Pod 64D in the following areas:
   a. decorative pavers shall be installed at the access point for a minimum of 1,000 square feet;
   b. decorative pavers shall be installed in the round about at the access point and the internal roundabout areas;
   c. a palm or ornamental tree that is of specimen size shall be installed in each roundabout area; and,
   d. a shade structure shall be provided in the neighborhood park. (DRO:ZONING-Zoning)

7. Amenities shall be provided for Pod 64E in the following areas:
   a. decorative pavers shall be installed at the access point for a minimum of 1,500 square feet;
   b. decorative pavers shall be installed in the round about at the access point and each roundabout located in the internal access driveways/streets; and,
   c. a palm or ornamental tree that is of specimen size shall be installed in each roundabout area. (DRO:ZONING-Zoning)

8. Amenities shall be provided for Pod 64F in the following areas:
   a. decorative pavers shall be installed at the access point for a minimum of 2,000 square feet;
   b. decorative pavers shall be installed in the roundabout at the access point; and,

c. a palm or ornamental tree that is of specimen size shall be installed in the median located at the access point. (DRO:ZONING-Zoning)

9. Prior to Final Approval by the Development Review Officer, the Final Site or Subdivision Plans shall indicate four (4) fountains for the proposed lakes. (DRO:ZONING –Zoning)

COMPLIANCE

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

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

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

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

DISCLOSURE

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

Figure 1 Land Use Map

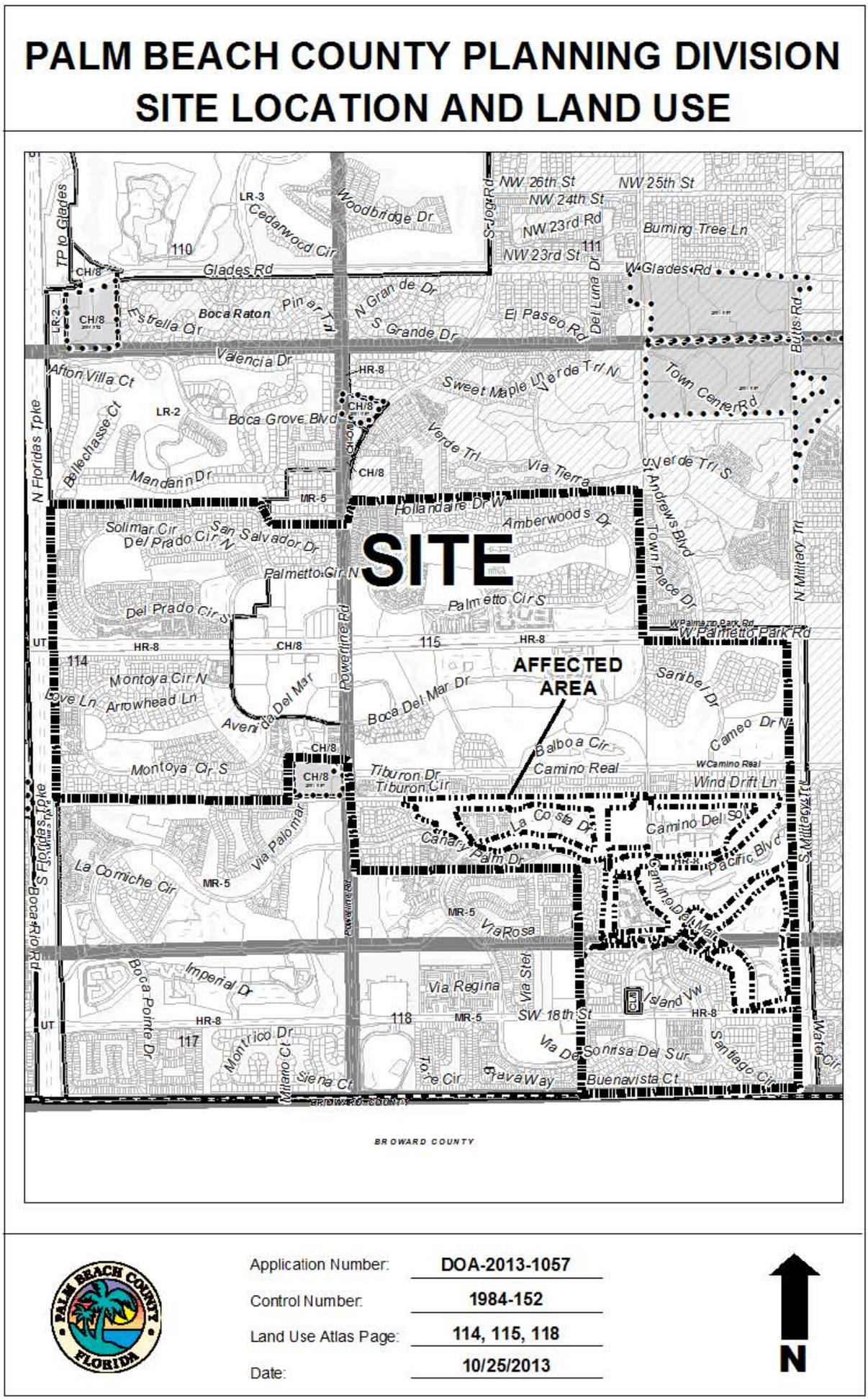


Figure 2 Zoning Map

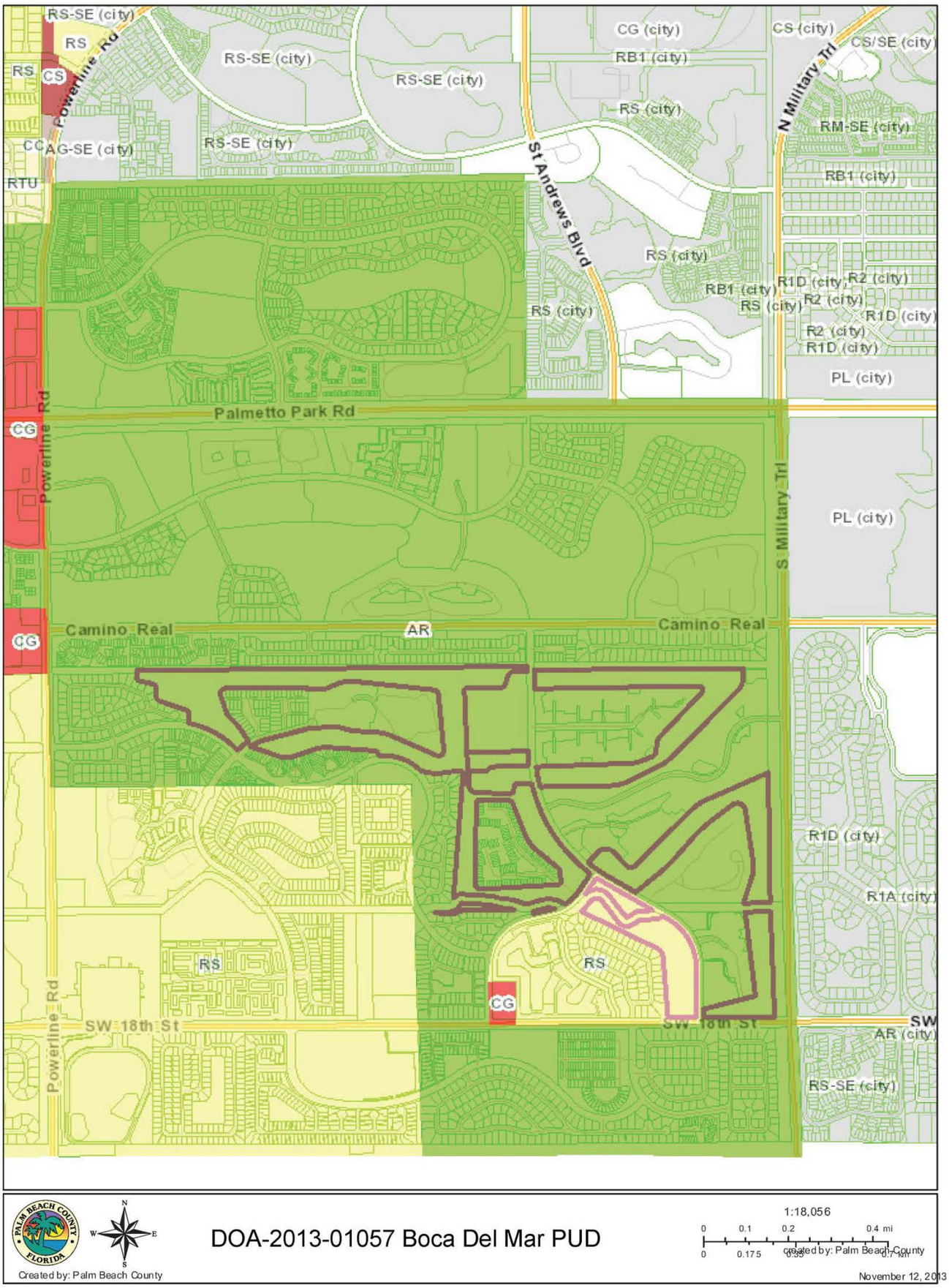


Figure 3 Aerial

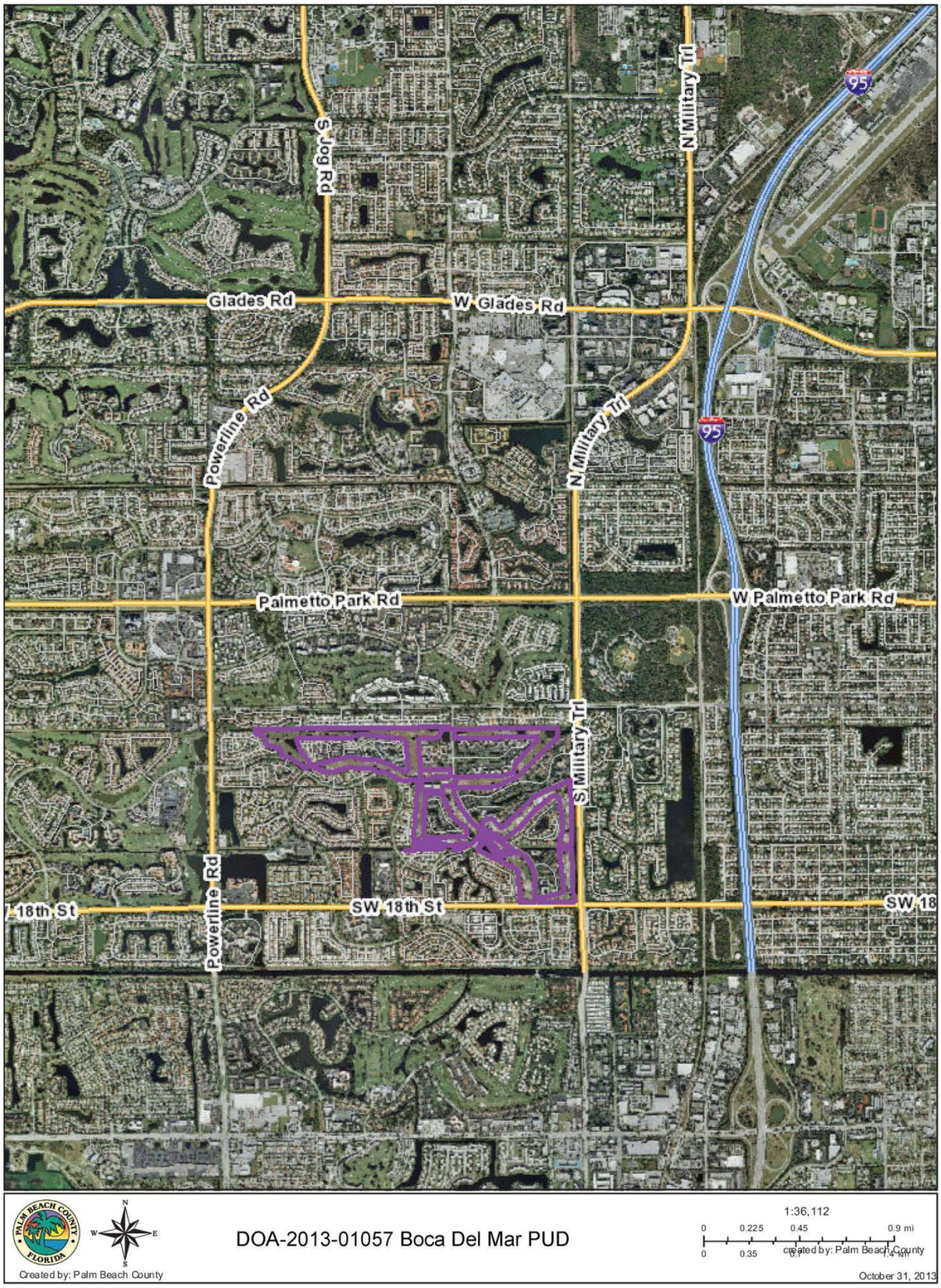


Figure 4 Final Master Plan dated 1971

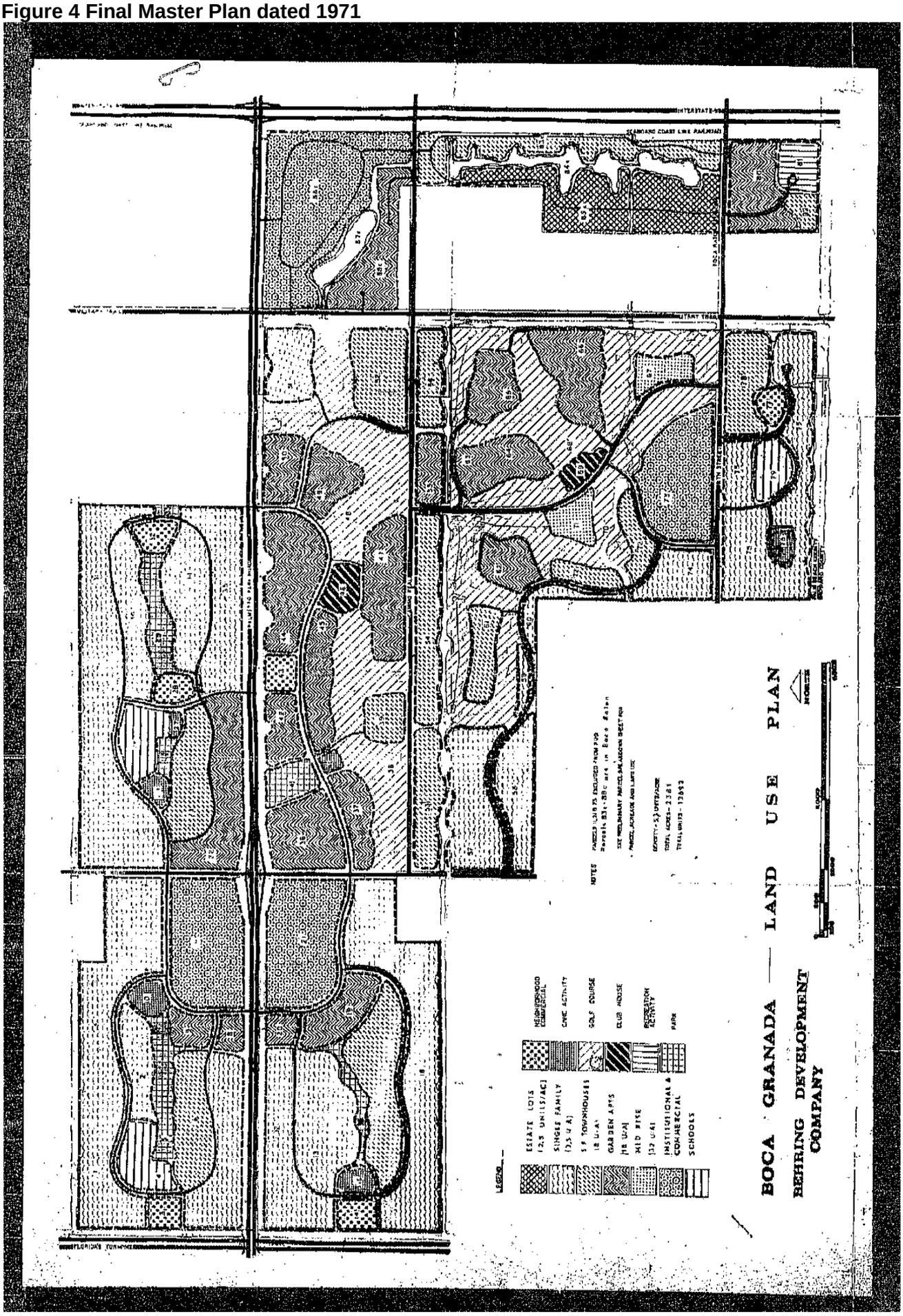


Figure 5 Final Master Plan dated September 4, 1984 Exhibit 3a

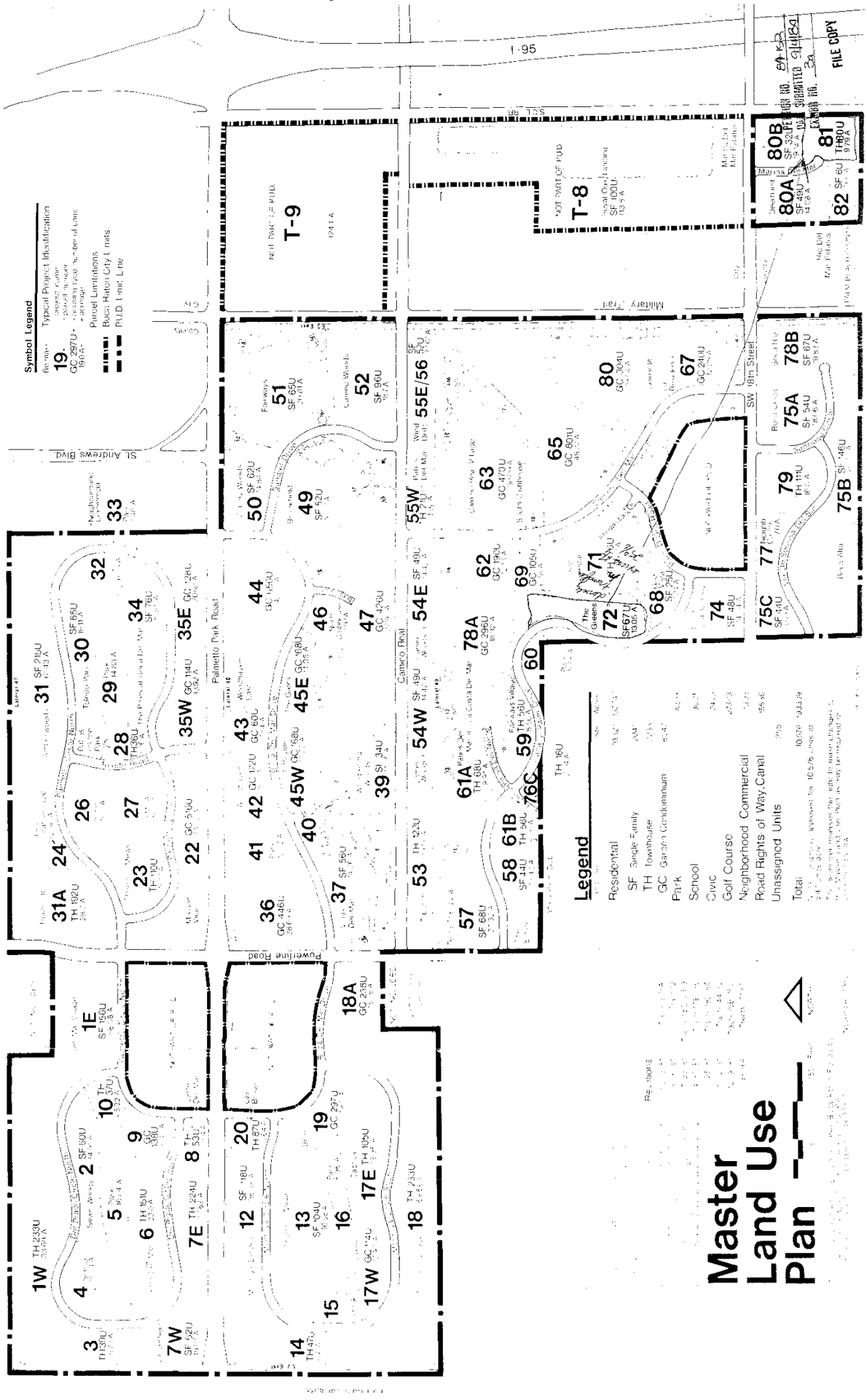
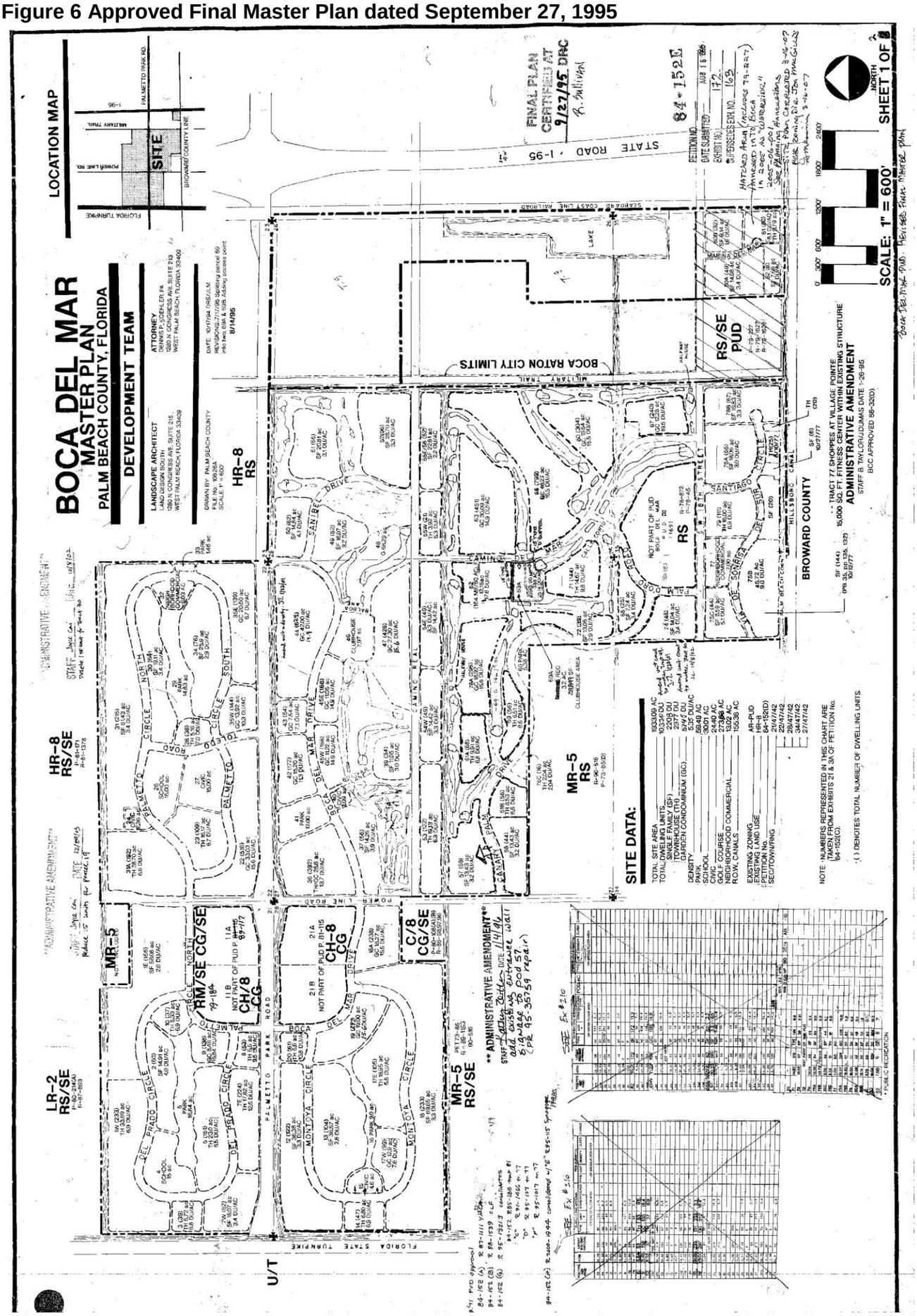
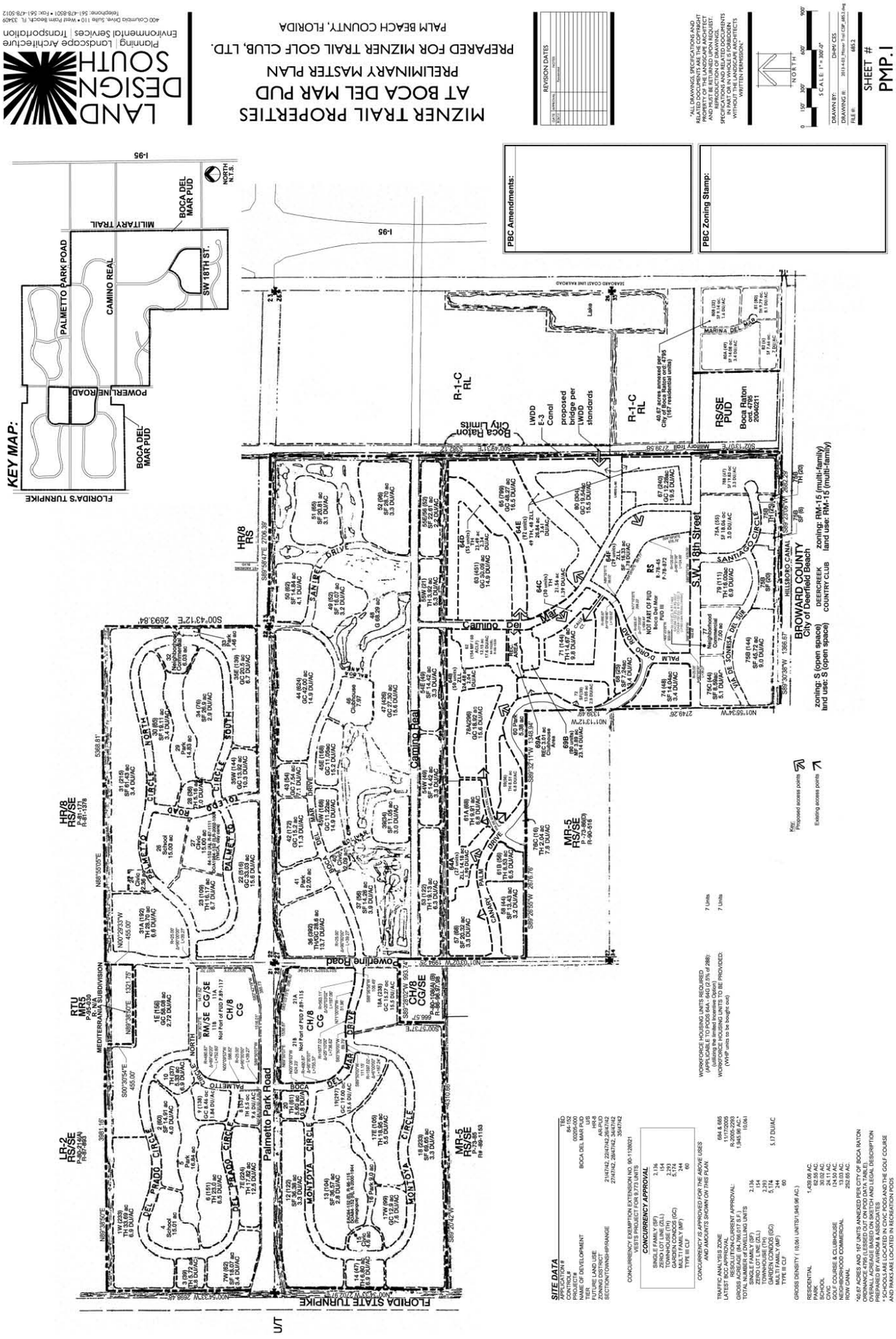


Figure 6 Approved Final Master Plan dated September 27, 1995



1 **Figure 7 Preliminary Master Plan Dated October 20, 2013 page 1**



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1 **Figure 7 Preliminary Master Plan Dated August 26, 2013 page 2**

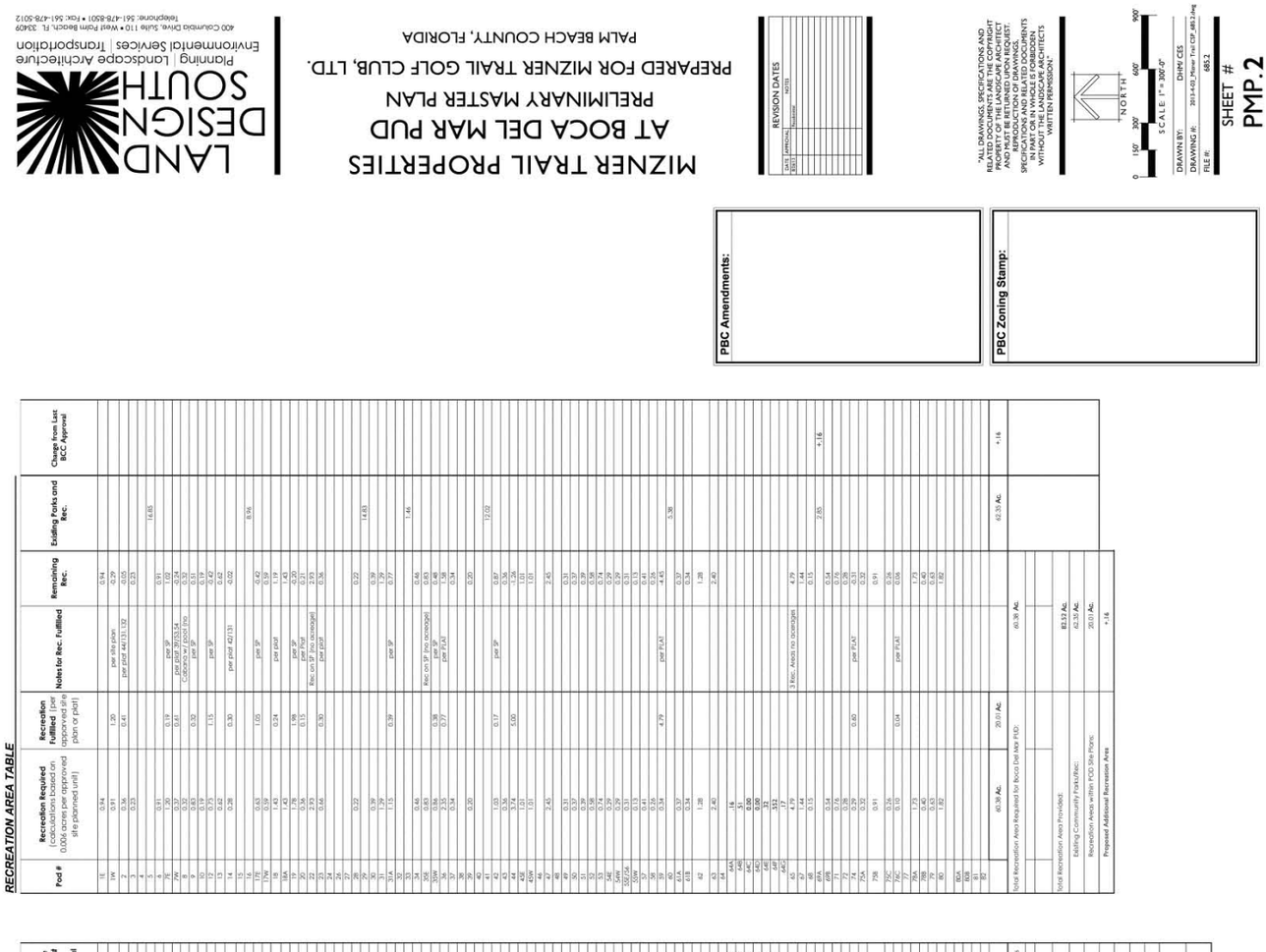

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Figure 8 Preliminary Regulating Plan Dated August 26, 2013 page 1

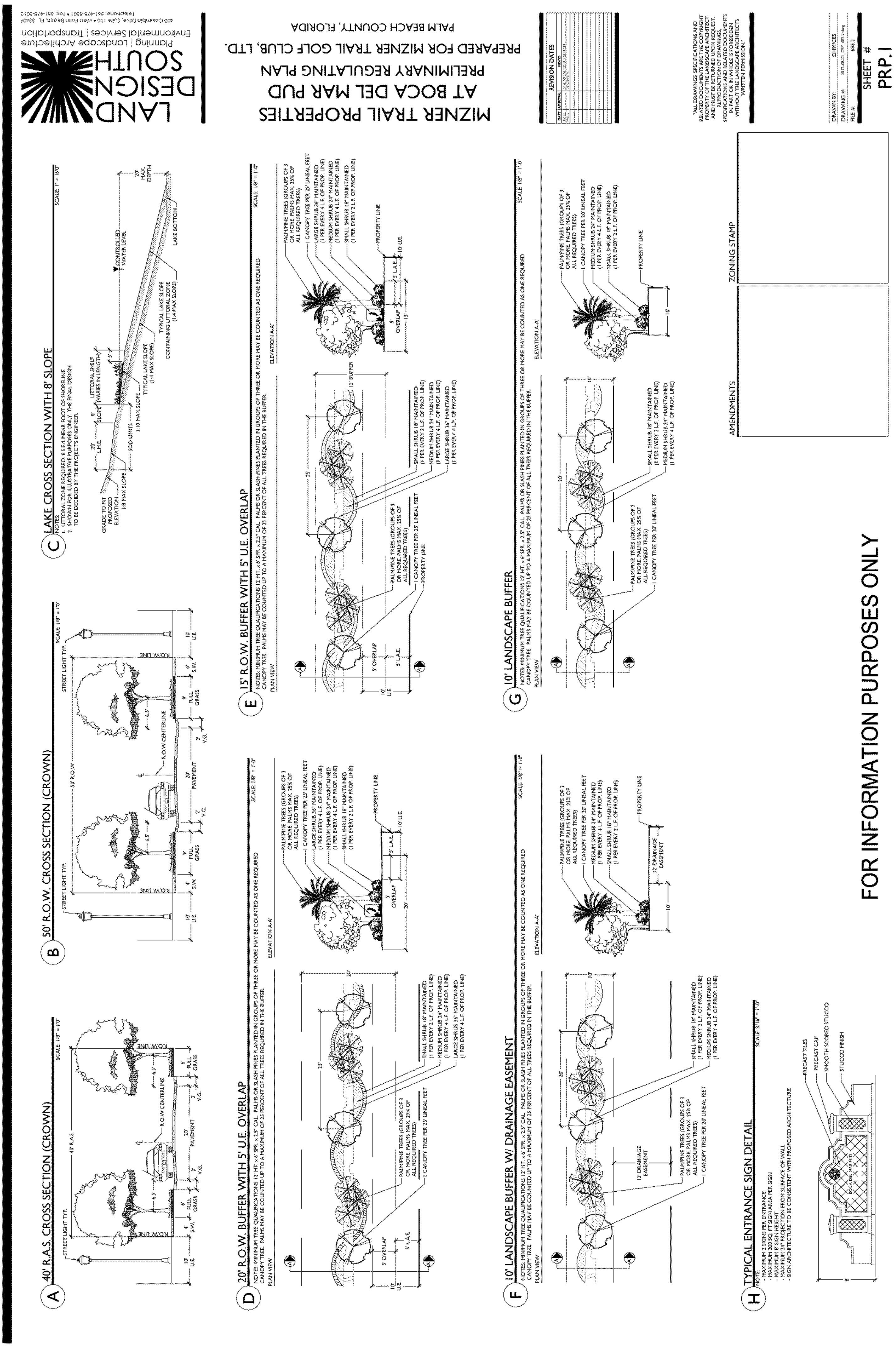


Figure 8 Preliminary Regulating Plan Dated October 10, 2013 page 2

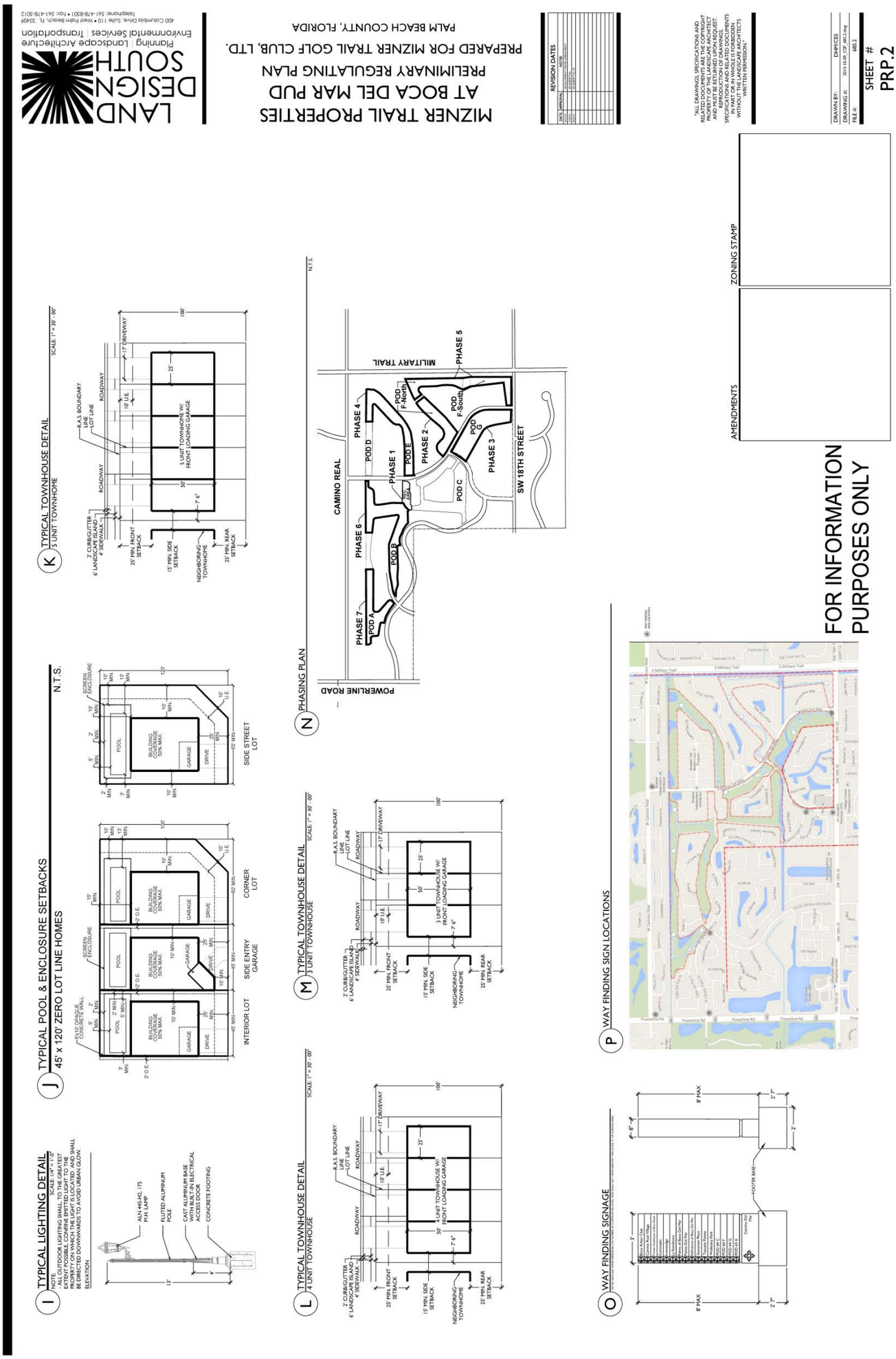


Figure 9 Preliminary Subdivision Plan Overall Dated October 20, 2013 page 1

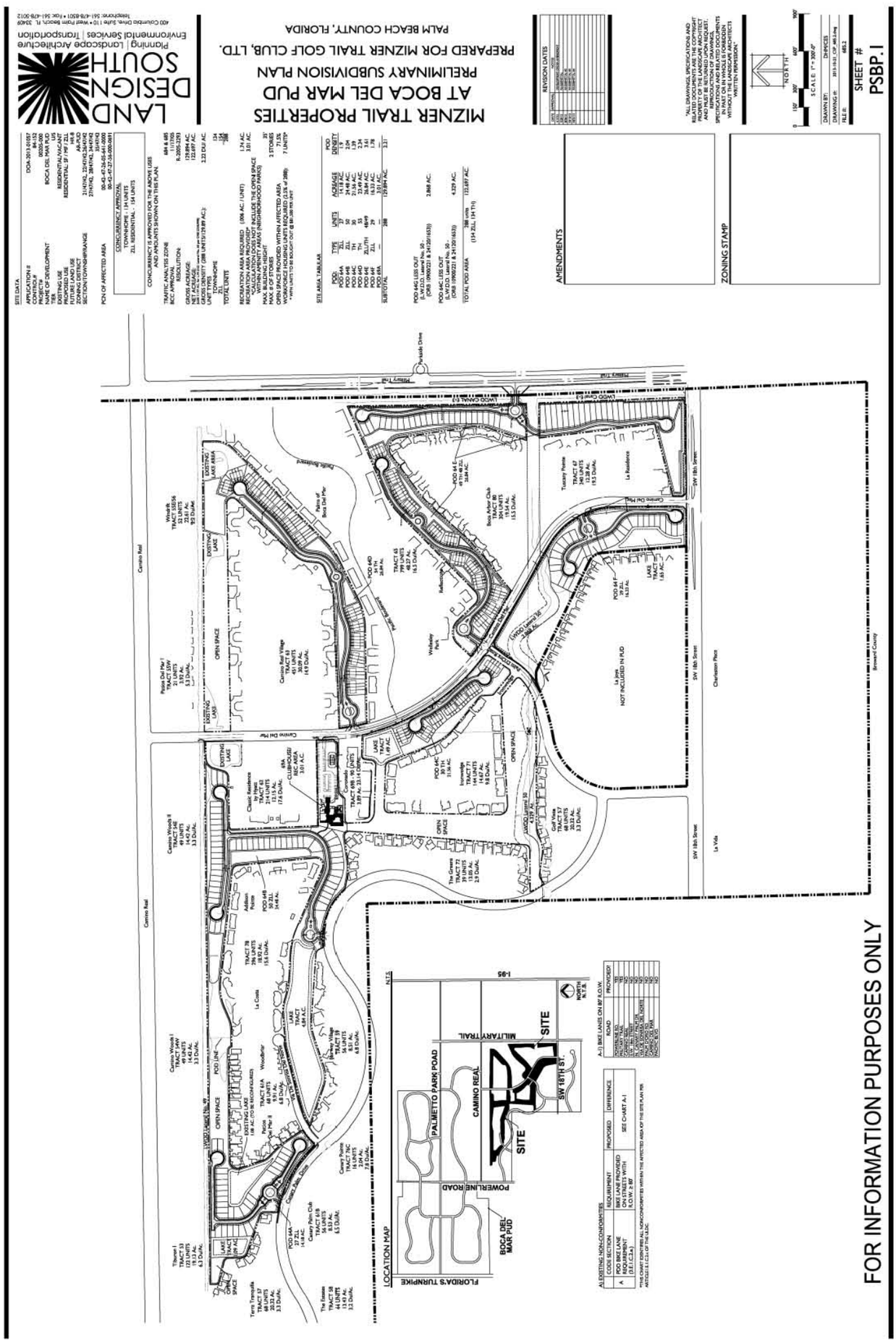


Figure 9 Preliminary Subdivision Plan Dated October 10, 2013 page 2

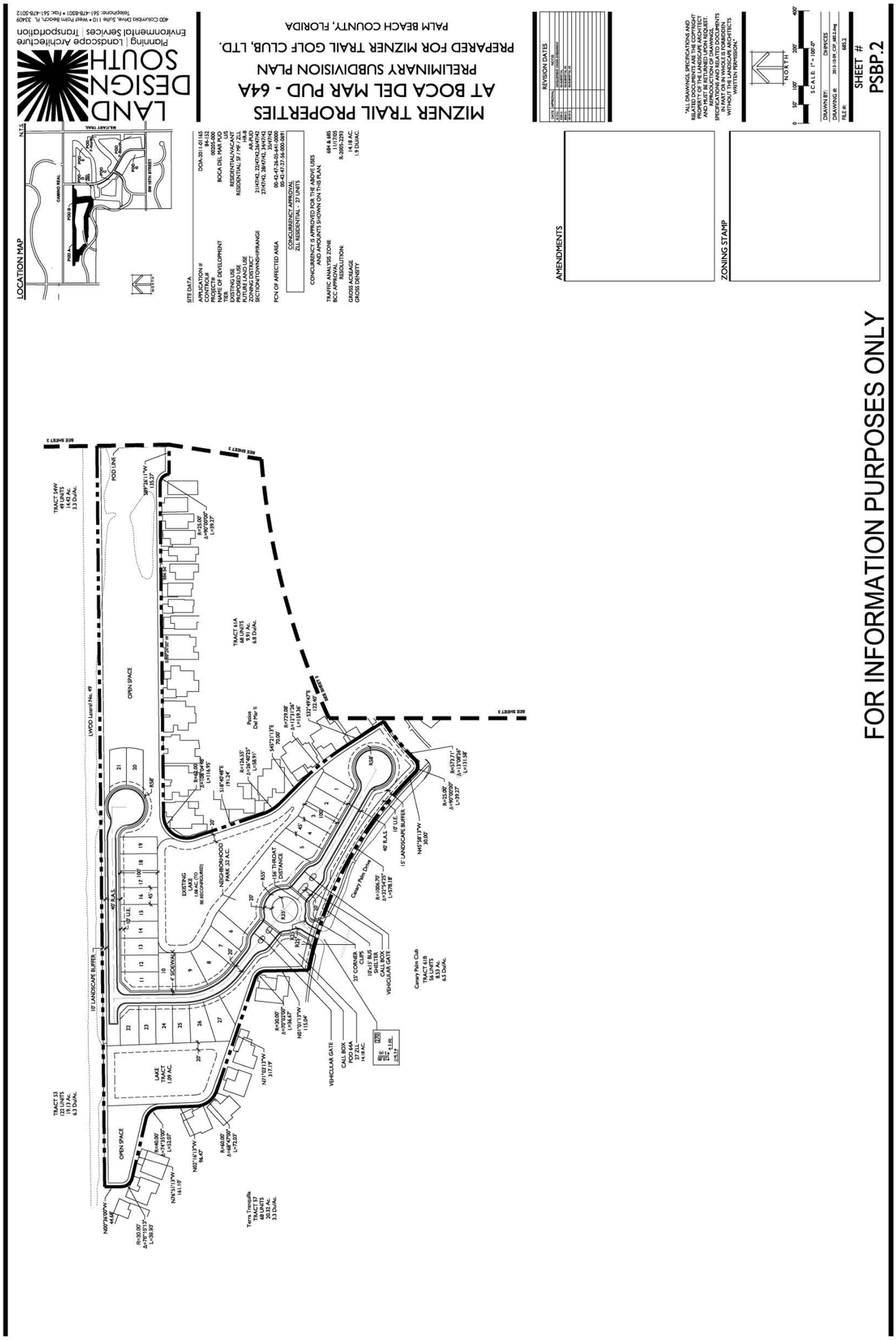


Figure 9 Preliminary Subdivision Plan Dated October 10, 2013 page 3

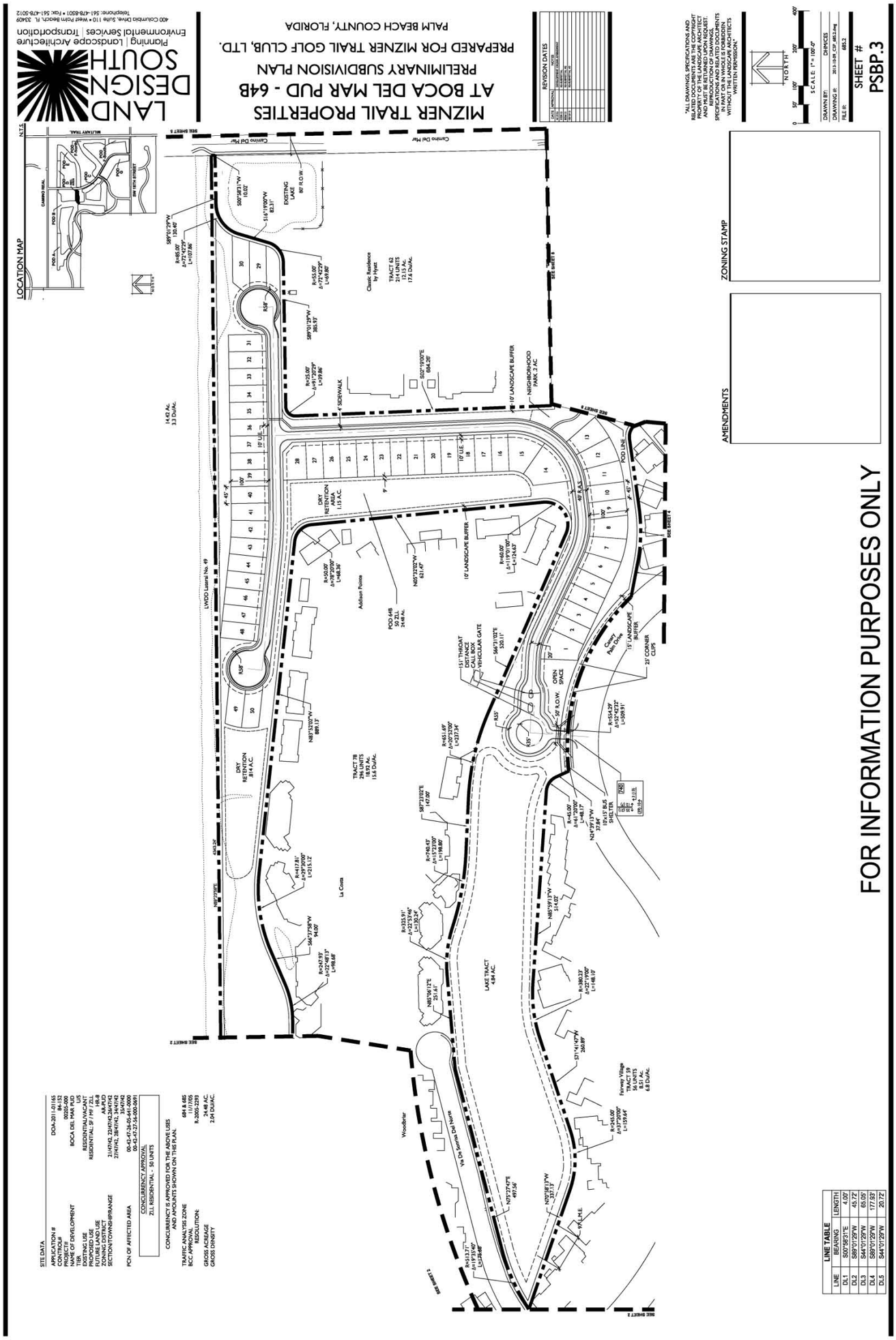


Figure 9 Preliminary Subdivision Plan Dated October 10, 2013 page 4

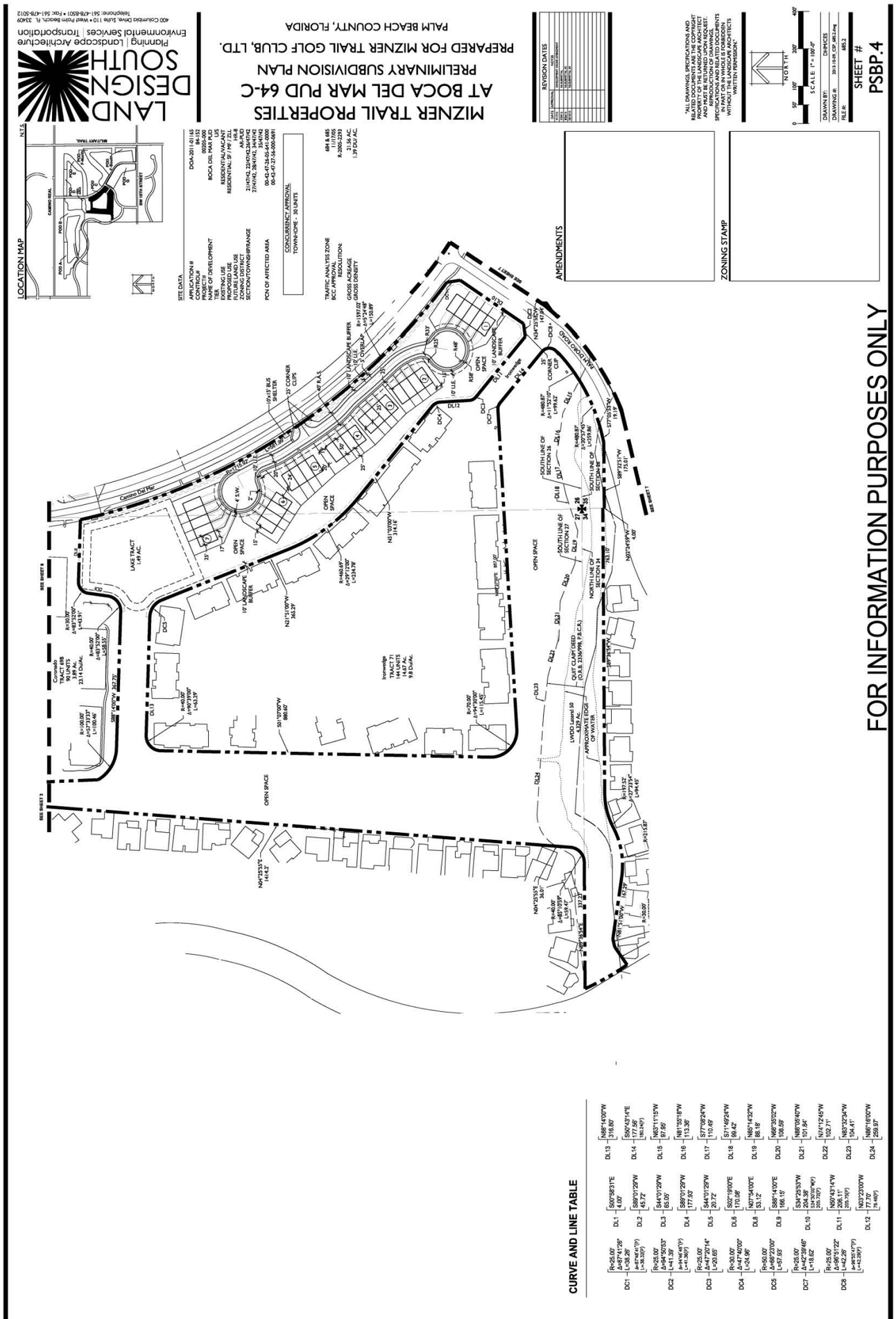
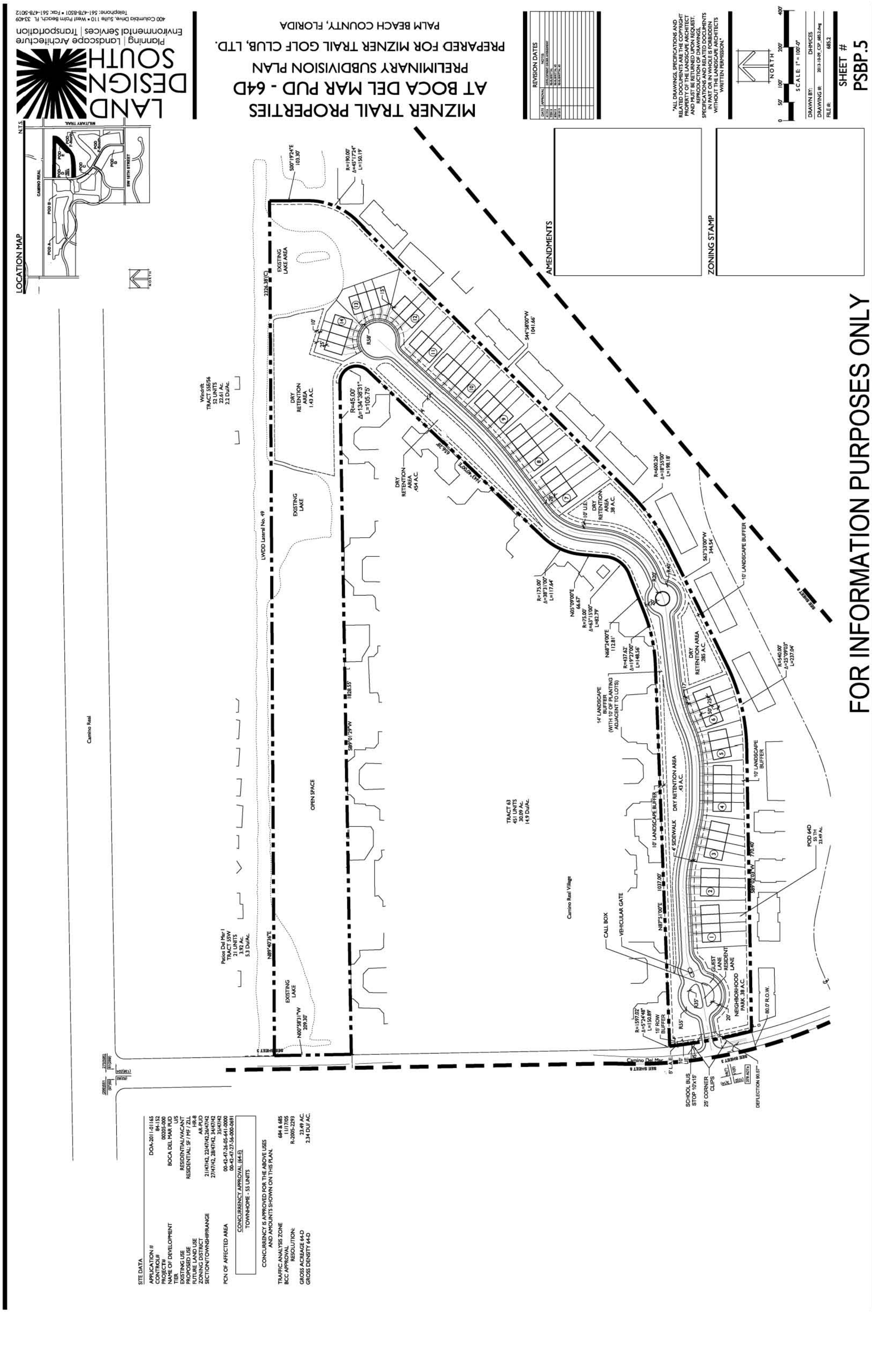


Figure 9 Preliminary Subdivision Plan Dated October 10, 2013 page 5



BCC
Application No. DOA-2013-01057
Control No. 1984-00152
Project No. 00205-389

March 27, ~~2013~~ 2014
BCC District 04

Figure 9 Preliminary Subdivision Plan Dated October 10, 2013 page 6

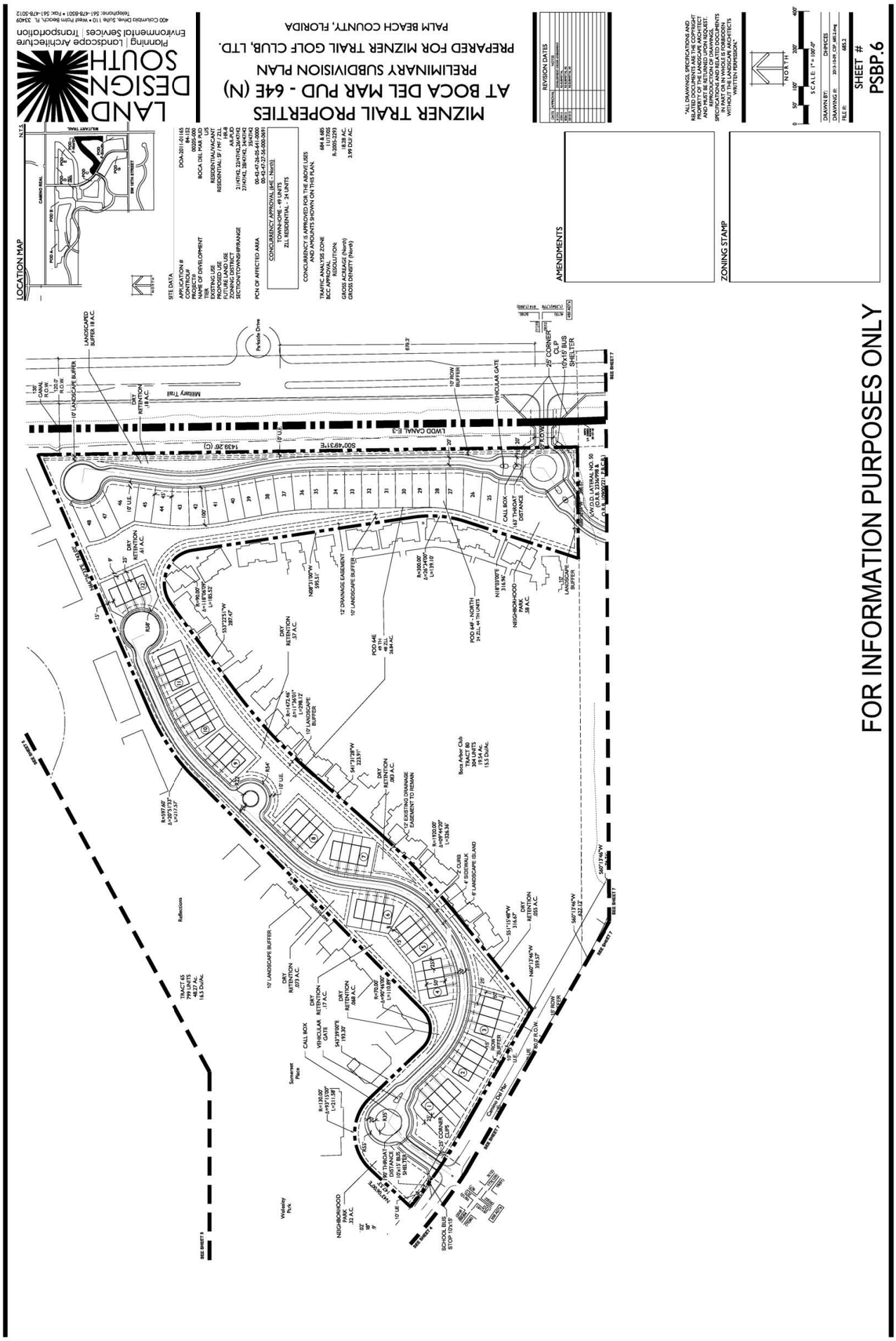


Figure 9 Preliminary Subdivision Plan Dated October 10, 2013 page 7

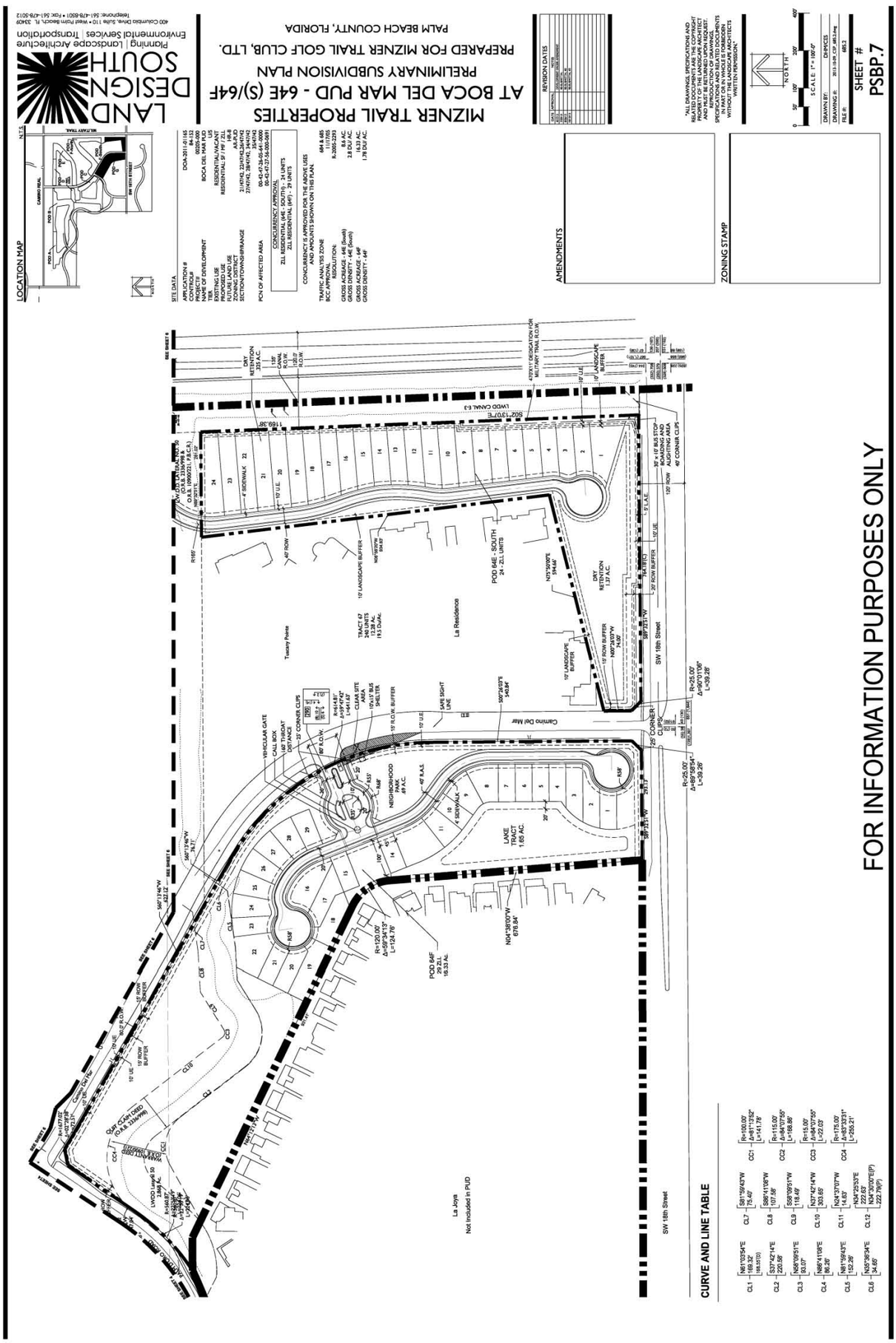
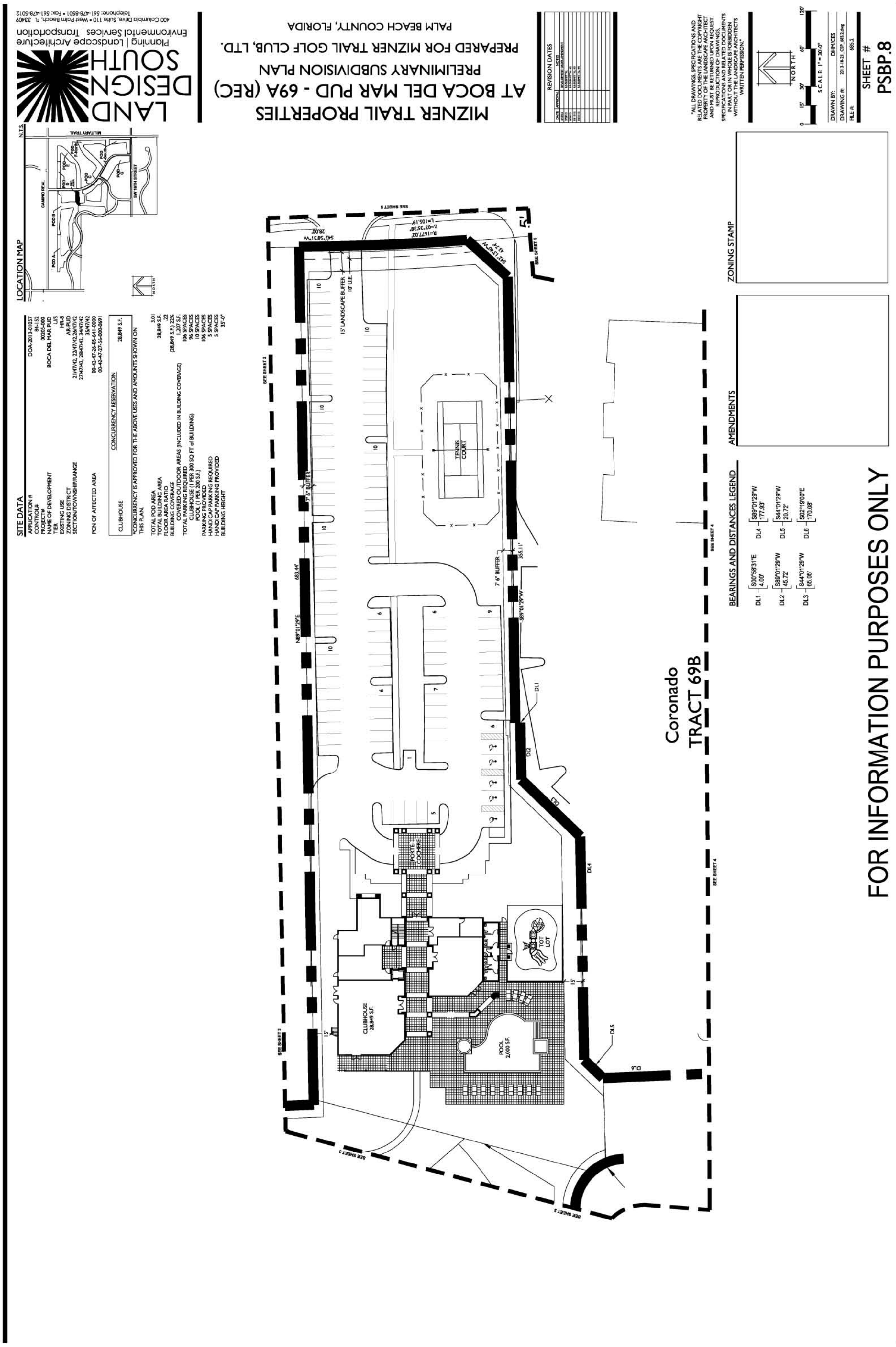


Figure 9 Preliminary Subdivision Plan Dated October 20, 2013 page 8



1 **Figure 10 Visual Impact Analysis dated August 26, 2013 page 1**

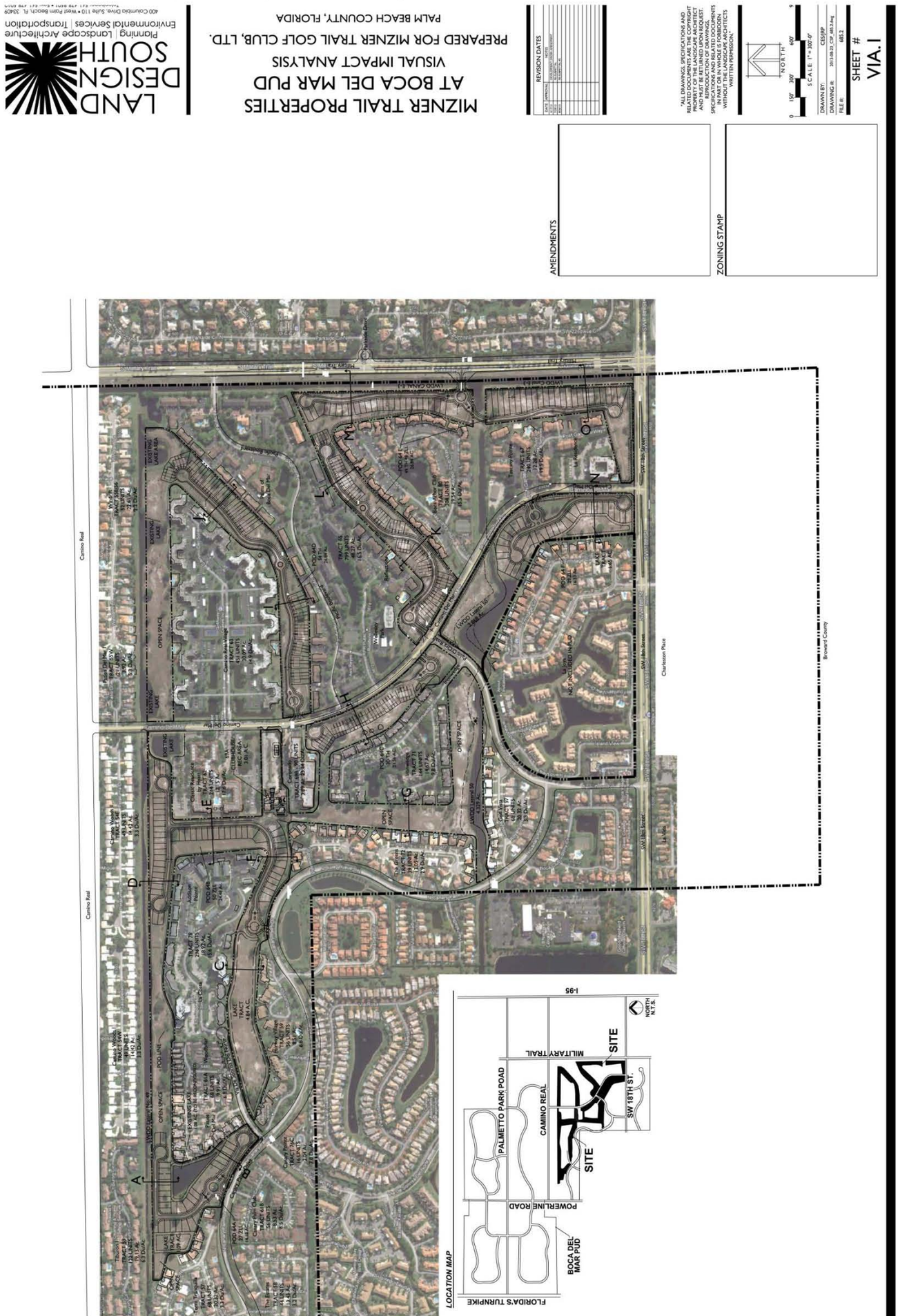


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Figure 10 Visual Impact Analysis dated August 26, 2013 page 2

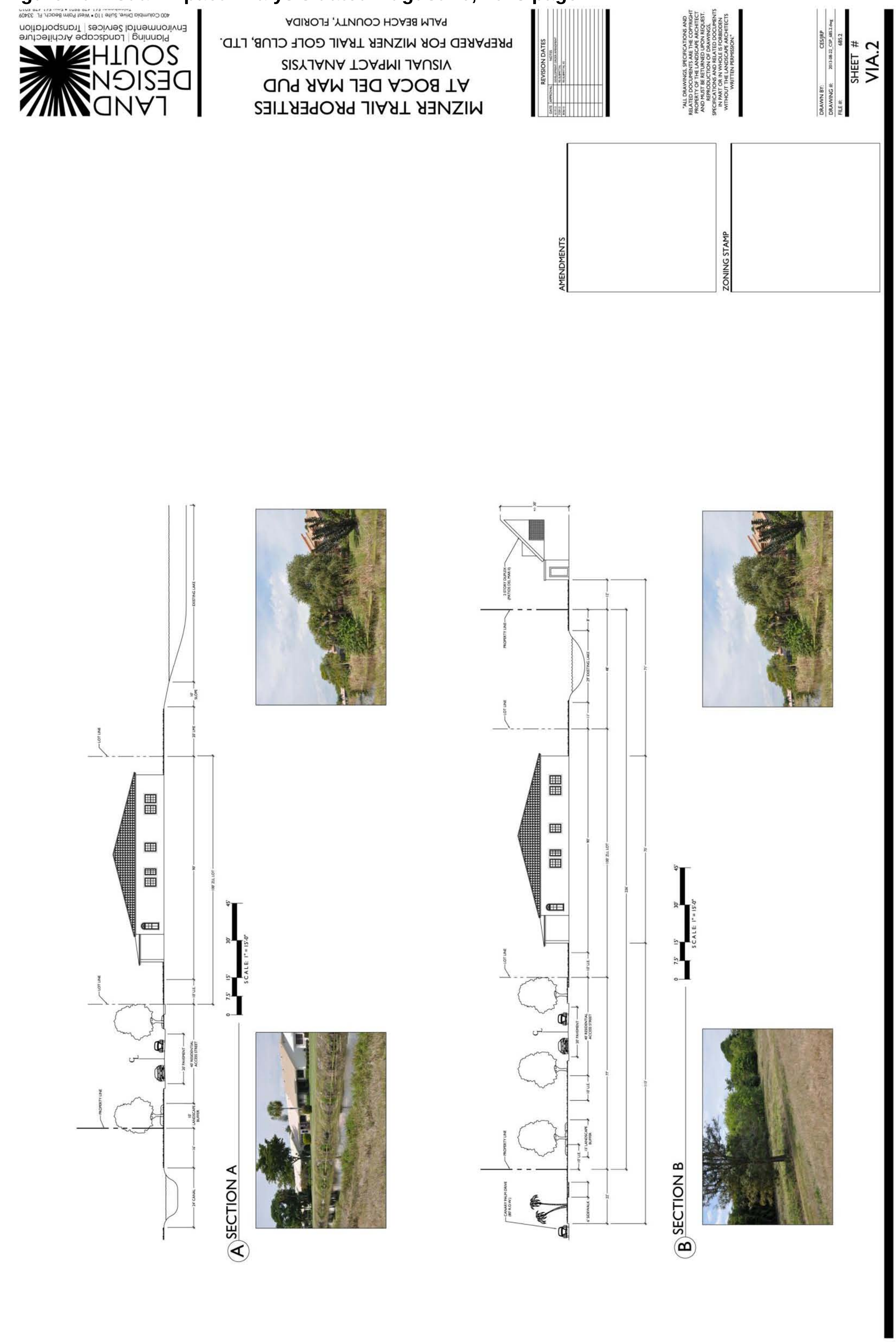


Figure 10 Visual Impact Analysis dated August 26, 2013 page 3

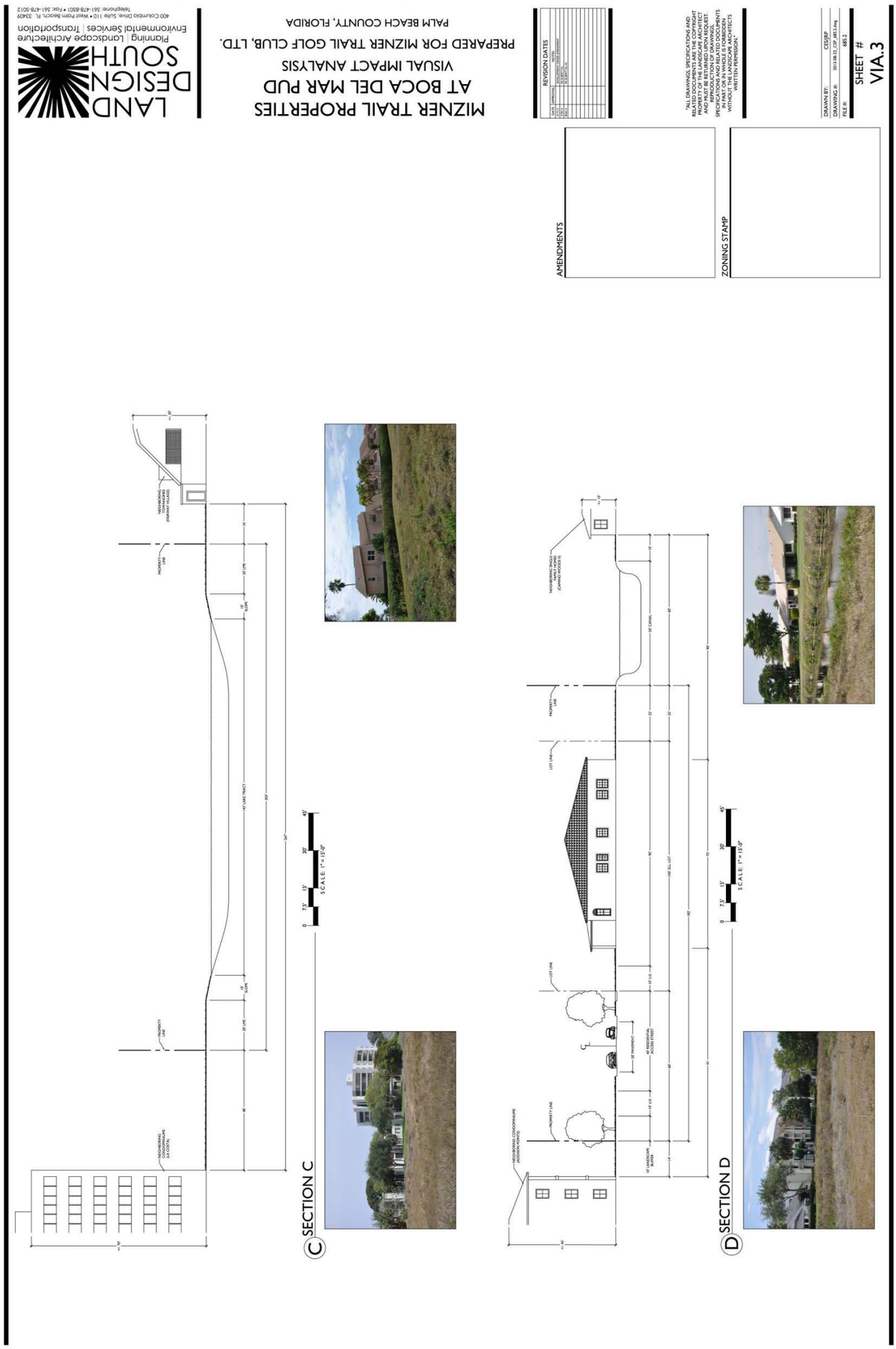


Figure 10 Visual Impact Analysis dated August 26, 2013 page 4

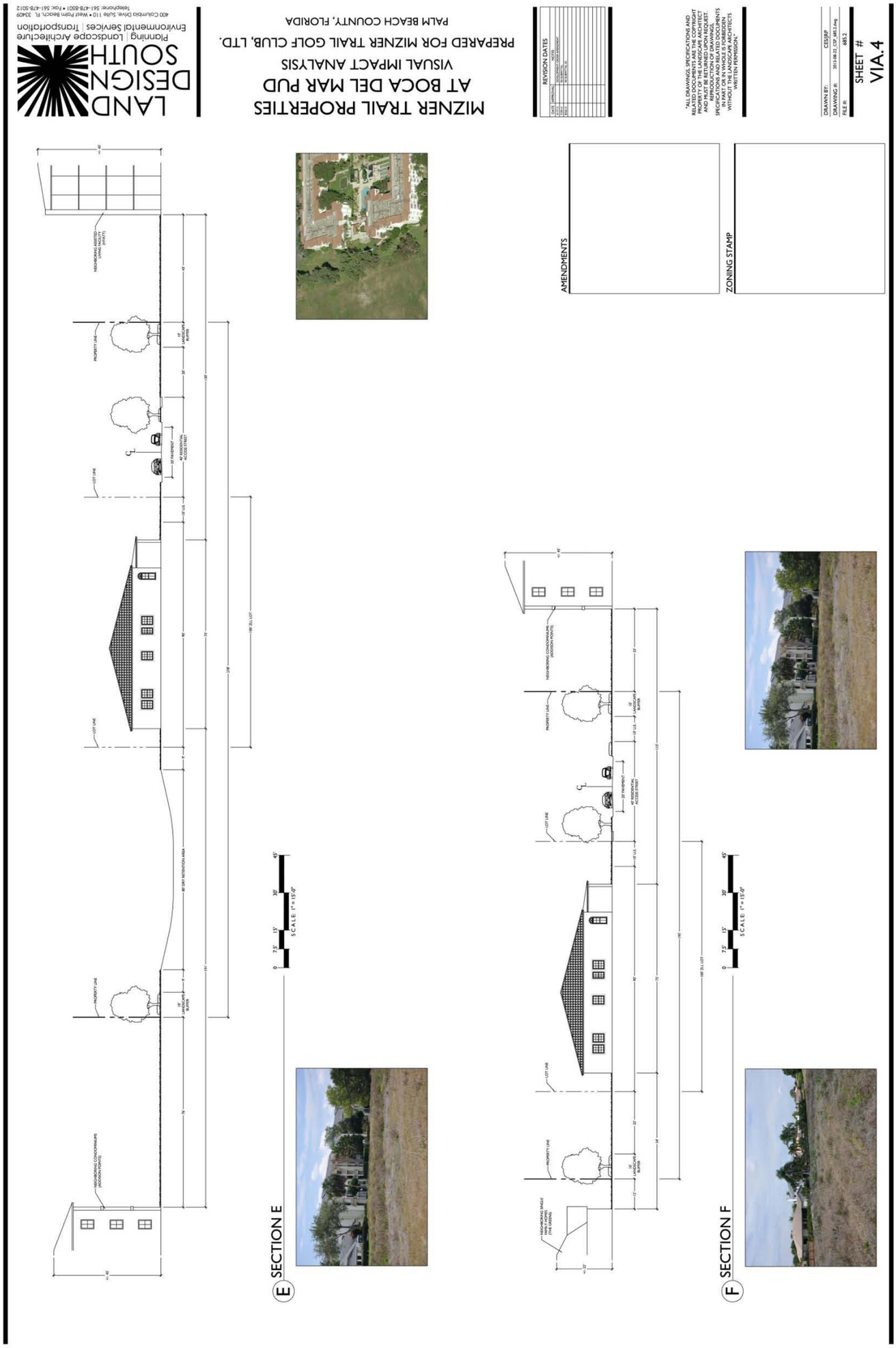


Figure 10 Visual Impact Analysis dated August 26, 2013 page 5

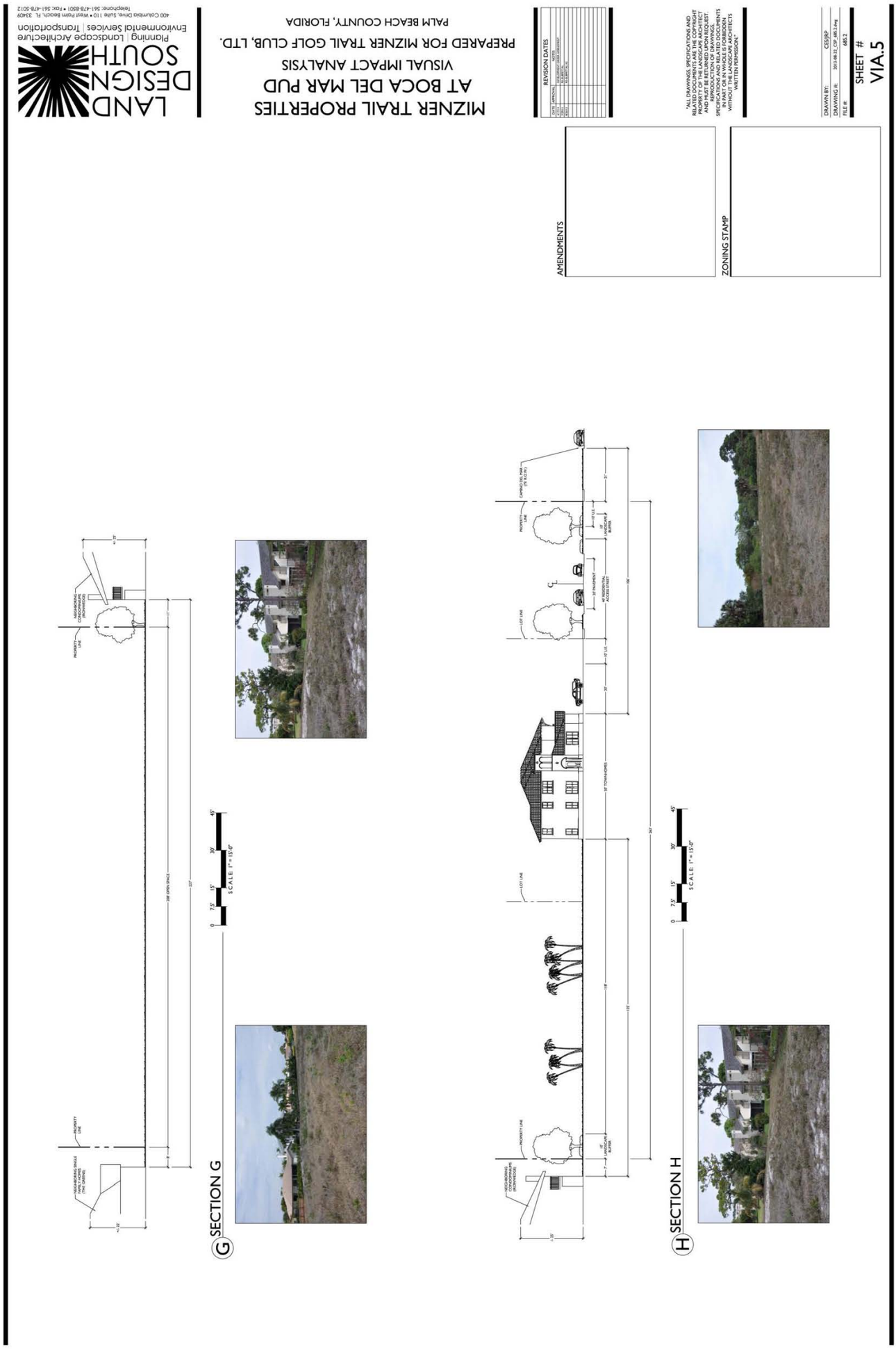


Figure 10 Visual Impact Analysis dated August 26, 2013 page 6

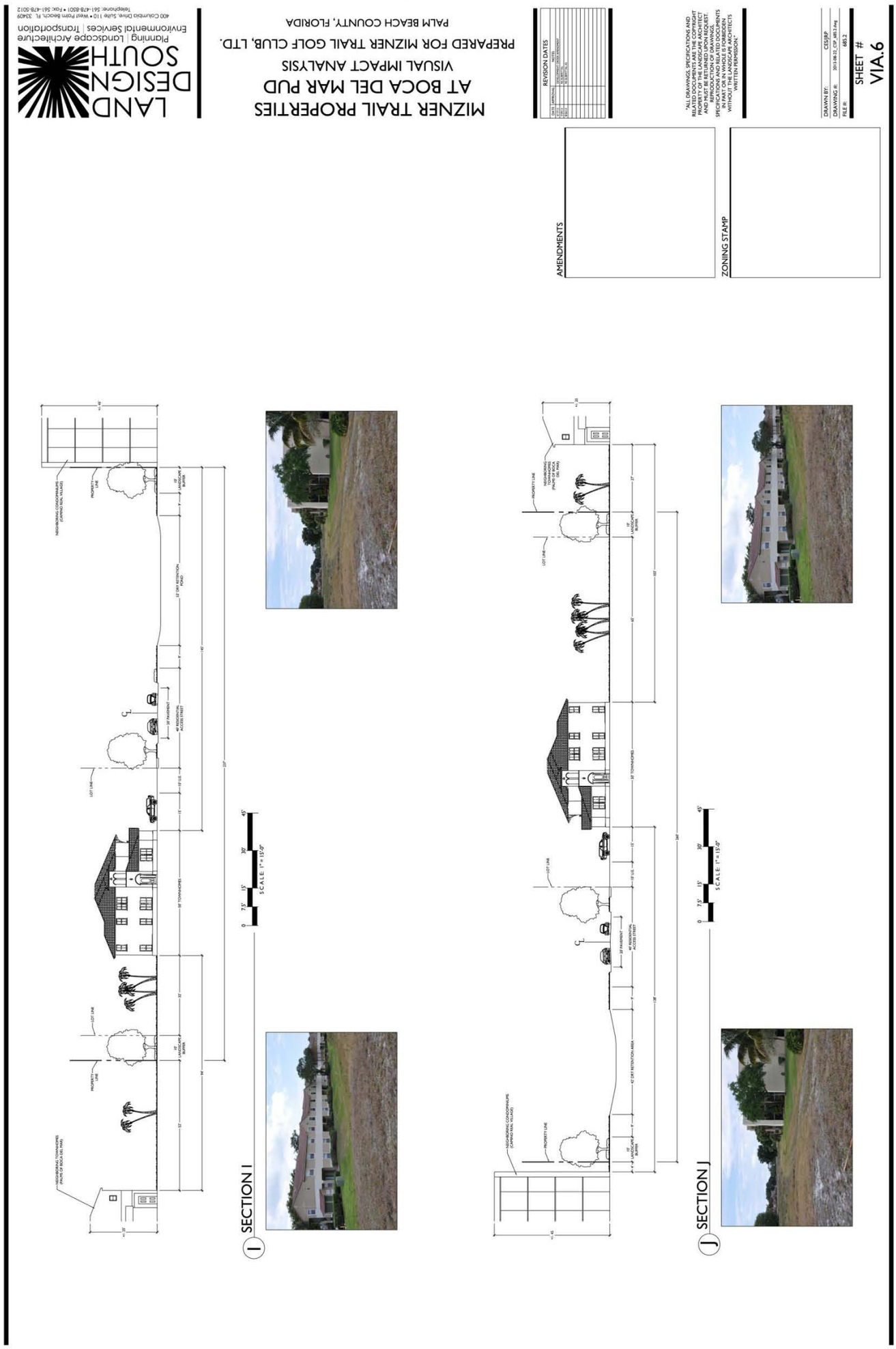


Figure 10 Visual Impact Analysis dated August 26, 2013 page 7

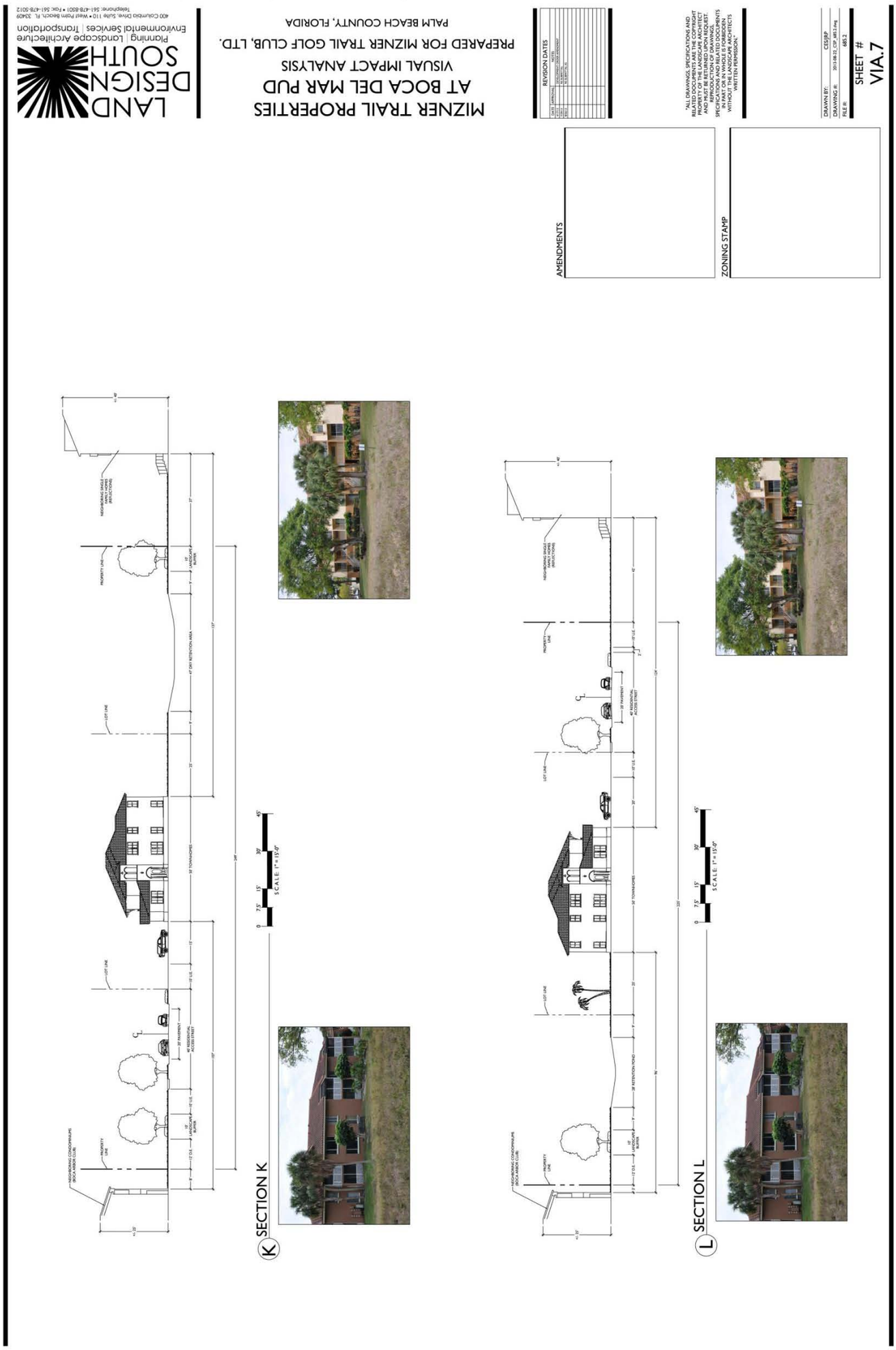


Figure 10 Visual Impact Analysis dated August 26, 2013 page 8

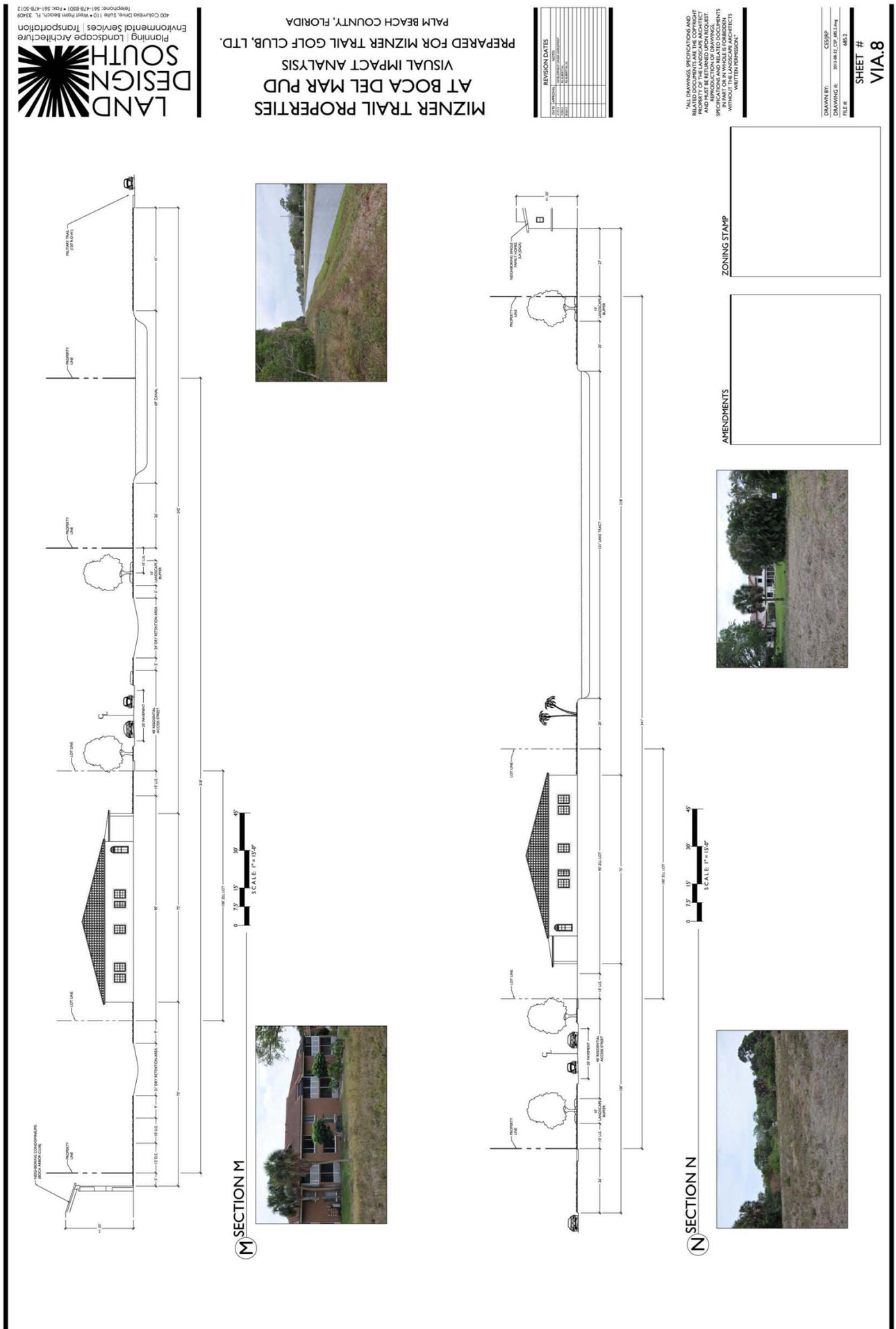


Figure 10 Visual Impact Analysis dated August 26, 2013 page 9

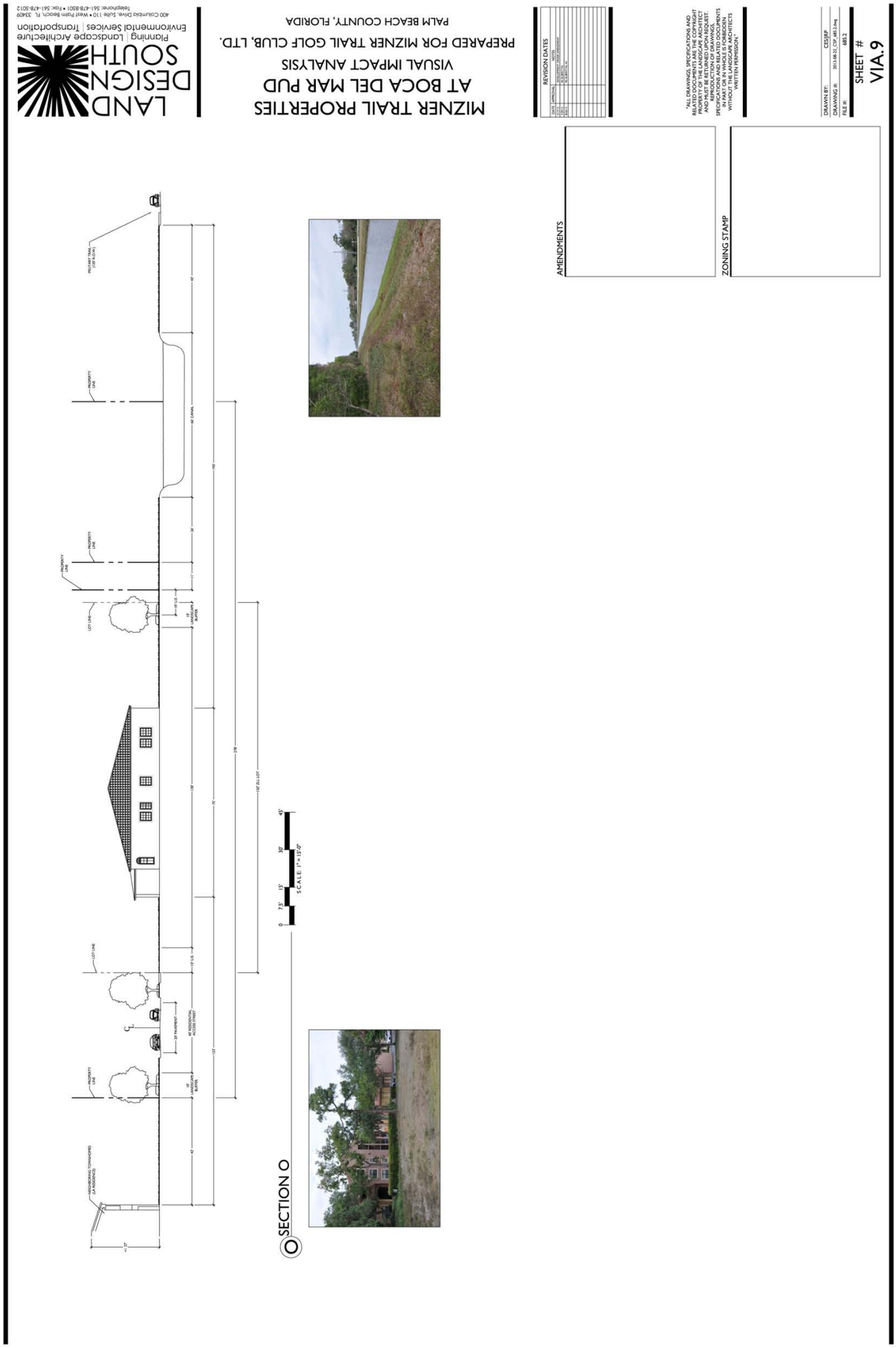
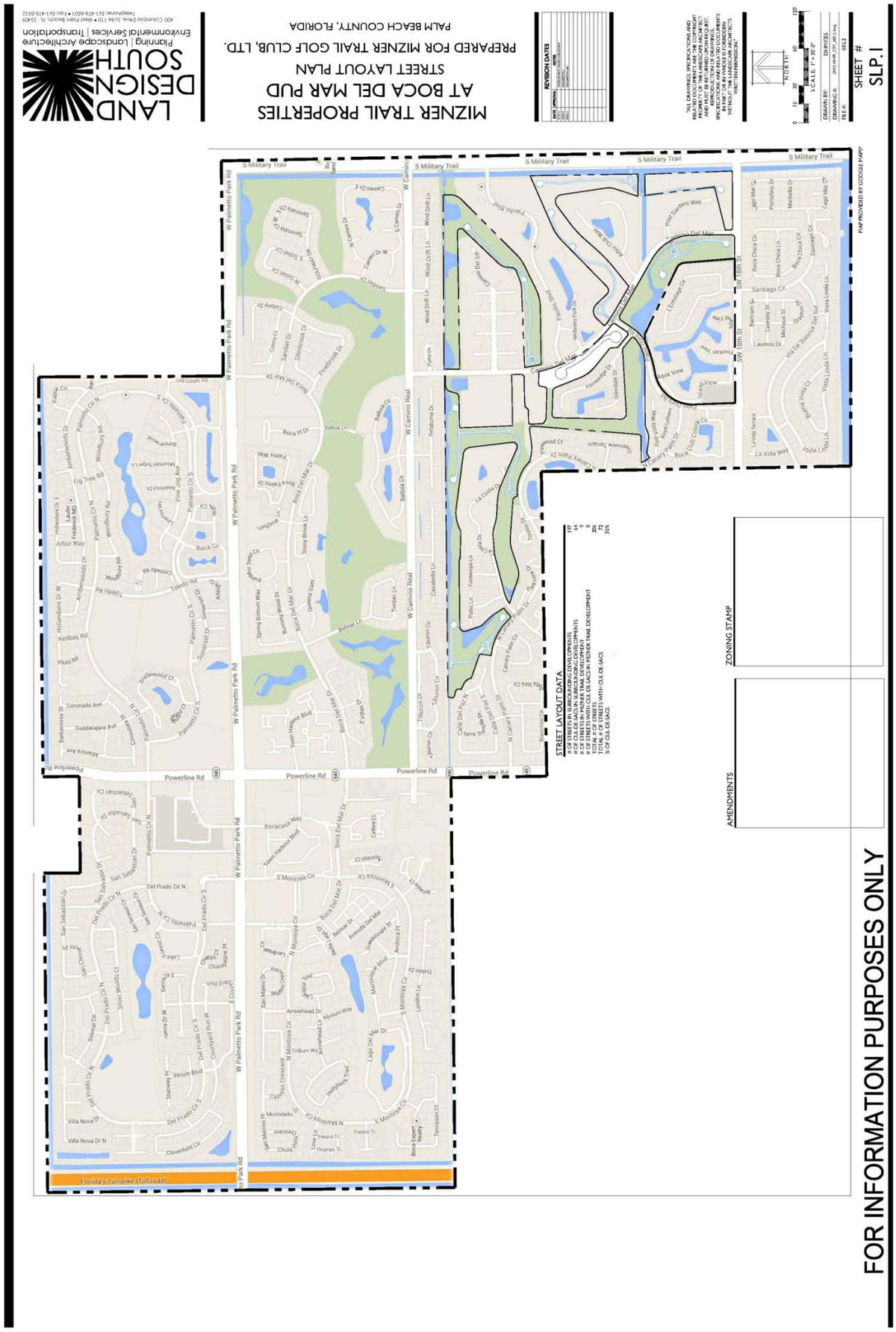


Figure 11 Preliminary Street Layout Plan dated October 10, 2013 page 1



1 **Figure 11 Preliminary Street Layout Plan dated August 26, 2013 page 2**

Tract	Subdivison Name	Street Name	St. W/ Cul De Sacs	Streets
1E	Del Mar Village	Nappa Ct	1	1
		San Clemente Pl		1
		San Germain Ave		1
		San Lorenzo	1	1
		San Salvador Dr		1
		San Sebastian Dr		1
		Sebastian Cir		1
		Sonoma Ct	1	1
1W	Solimar	Solimar Cir		1
		Villa Nova Dr	1	1
		Villa Nova Dr N		1
2	Silver Woods	Silver Woods Ct	1	1
3	Boca Casa	Boca Casa Trl		1
		Casa Monte Ct		1
		Magdelena Ter		1
6	Sierra Del Mar	Atrium Blvd		1
		Kenway Pl E	1	1
		Kenway Pl W	1	1
		Sierra Blvd		1
		Sierra Dr E	1	1
		Sierra Dr W	1	1
		Sierra Ter E		1
		Sierra Ter W		1
		Stanway Pl E	1	1
		Stanway Pl W	1	1
7E	Courtyards	Courtyard Run E		1
		Courtyard Run W		1
7W	Cloverfield	Cloverfield Cir		1
8	Castel Gardens	Chablis Ct		1
		Champagne Pl		1
9	The Woods	Lake Forest Cir		1
10	San Simeon	San Simeon Cir		1
12	Montoya Estates	Chula Vista Crescent		1
		Cypress Crescent		1
		Malibu Crescent		1
		Montebello Dr		1
		Montoya Dr		1
		San Marcos Pl	1	1
		San Matero Dr E	1	1
13	Thornhill Green	Alyssum Way	1	1
		Arrowhead Dr		1
		Arrowhead Ln		1
		Hollycock Trl		1
		Larkspur Trl		1
		Morning Glory Ter	1	1
		Primrose Way	1	1
		Trillium Way	1	1
		Verena Way	1	1
14	Boca Patio Village	Fresno Ter		1
		Little Ln		1
		Love Ln		1
		Thomas Ter		1
17	Captiva	Andorra Pl	1	1
		Dominca St		1
		Dorado Dr		1
		Guadeloupe St		1
		Largo Way		1
		Martinique Blvd		1
17W	Country Lakes	Lago Del Mar Cir		1
18	Boca Hamlet	Cummings Ln		1
		Tennyson Ct	1	1
		Whitman Dr		1
	Thornhill Mews	Arcadia Ct		1
		Carmel Ct		1
	Thornhills Estates	Carrick Ter	1	1
		Chester Ter	1	1
		Dublin Dr	1	1
		London Ln		1
		Newport Ter	1	1
		Stockton Ter	1	1
		Wexford Ter	1	1
	Thornhill Village	Thornhill Ct		1
	Palacio Del Mar	Palacio Del Mar Dr		1

Tract	Subdivison Name	Street Name	St. W/ Cul De Sacs	Streets
18A	Calibre Court	Calibre Ct		1
	Pineapple Walk	Pineapple Walk Dr		1
19	Belmar	Avenida Del Mar		1
		Bella Lago Dr		1
		Carmona Ter		1
20	Las Brisas	Las Brisas Cir		1
23	Thornhill Glen	Bridlewood Ct		1
28	Patios on the Park	Amarillo Ln		1
		Contado Rd		1
		La Rosa Ct		1
30	Toledo Park Homes	Fig Tree Rd		1
		Willow Tree Rd		1
		Woodbury Rd	1	1
31	Amberwoods	Amberwoods Dr	1	1
		Arbor Way		1
		Cavandish Rd	1	1
		Eucalyptus Way		1
		Hollandaire Dr E	1	1
		Hollandaire Dr W		1
		Kapok Cir		1
		Mahoe Rd	1	1
		Plum Rd	1	1
		Redbay Rd		1
		Sassafras Rd	1	1
		Toledo Rd		1
31A	Tiburon II	Altimra Ave		1
		Barbarossa St		1
		Consolata St		1
		Coronado Ave		1
		Escobar Ct		1
		Guadalajara Ave		1
34	The Pines	Banyanwood Rd	1	1
		Beachnut Dr	1	1
		Bridgewood Ter	1	1
		Elmwood Dr	1	1
		Linwood Way	1	1
		Mountain Sugar Ln	1	1
		Pine Jog Ave		1
35E	Lakes of Woodhaven	Old Court Rd		1
35W	Boca Walk	Boca Cir		1
		Walk Cir		1
36	Harbour Town	Town Harbour Blvd		1
37	Villas Del Mar	Villas Dr	1	1
		Villas Dr E	1	1
		Villas Dr S	1	1
		Villas Dr W	1	1
39	Whispering Woods	Timber Ln		1
42	Woodhave	Burning Wood Dr		1
		Spring Brook Way		1
		Woodhaven Dr.		1
43	Woodhaven East	Pumpkin Seed Cir		1
44	The Songs	Longboat Ln		1
	Boca Palms	Boca Palms Dr		1
		Palms Way		1
	Boca Colony	Boca Pl Dr		1
47	Whitehall at Camino Real	Balboa Cir		1
		Balboa Ln		1
49	Brookfield	Glenbrook Dr		1
		Glenbrook Way	1	1
		Pinebrook Dr		1
50	Colony Woods	Colony Court	1	1
		Colony Dr	1	1
52	Cameo Woods	Brentwood Cir	1	1
		Cameo Dr N	1	1
		Cameo Dr S		1
		Greentree Cir	1	1
		Pinecrest Cir	1	1
		Treetop Cir	1	1
		Wildwood Cir	1	1
53	Tiburon I	Tiburon Cir		1
		Tiburon Dr		1
54E	Camino Woods II	Petaluma Dr	1	1
		San Miguel Way		1

Tract	Subdivison Name	Street Name	St. W/ Cul De Sacs	Streets
54W	Camino Woods I	Casabella Ln	1	1
		Mariposa Dr		1
55	Patios Del Mar	Patio Dr		1
56	Wind Drift	Sanibel Dr		1
		Wind Drift Ln	1	1
		Wind Drift Terr		1
57	Terra Tranquila	Calle Del Paz N		1
		Calle Del Paz S	1	1
		Calle Del Paz W		1
		Terra Tranquila Dr	1	1
58	Boca Lane	Bella Rita Cir		1
		Bianchini Cir		1
		Boca Jean Ln		1
59	Fairway Village	Parkview Dr		1
		Toulon Dr		1
61A	Patios Del Mar II	Patio Ln		1
	Patios Del Mar Contempo	Contempo Ln		1
61B	Canary Palm Club	Canary Palm Cir		1
65	Summit Park	Wellesley Park Dr		1
67	Post Gardens	Post Gardens Way		1
68	Golf Vista	Golf Vista Way	1	1
		Royal Lytham Dr	1	1
71	Ironwedge	Glendale Dr		1
		Ironwedge Dr		1
72	The Greens	Greenview Ter	1	1
		Pinewood Ct	1	1
74	Boca Club Colony/The Colony at L'Ermitage	Boca Club Colony Cir		1
75A	Boca Chica	Boca Chica Cir		1
		Boca Chica Ln		1
75B	Buenavista/Boca Alta	Buenavista Ct		1
		Vista Linda Ln	1	1
	Brookhaven	Santiago Cir		1
75C	La Vida	La Vida Way		1
		La Vida Ter		1
	Boca Hermosa	Boca Hermosa Ln	1	1
78B	Boca Rio	Lago Mar Cir		1
		Marbella Dr		1
		Porto Fino Dr		1
		San Remo Dr	1	1
78A	The Pavilion Apartments	La Costa Dr		1
79	Charleston Place	Bartran St		1
		Catesby St		1
		Drayton Dr		1
		Laurens Dr		1
		Michaux St		1
80	The Arbor Club	Arbor Club Way		1
80A	Deerhurst	Deerhurst Crescent Cir		1
		Deerhurst Gate		1
80B	Marina Del Mar	Marina Cir		1
81	Heatherwood	Heatherhill Ln		1
82	Rio Del Mar Estates	Rio Del Mar Dr		1
Total			**64**	**197**

STREET LAYOUT DATA

# OF STREETS IN SURROUNDING DEVELOPMENTS	197
# OF CUL-DE-SACS IN SURROUNDING DEVELOPMENTS	64
# OF STREETS IN MIZNER TRAIL DEVELOPMENT	9
# OF STREETS WITH CUL-DE-SACS IN MIZNER TRAIL DEVELOPMENT	8
TOTAL # OF STREETS	206
TOTAL # OF STREETS WITH CUL-DE-SACS	72
% OF CUL-DE-SACS	35%

LAND DESIGN SOUTH
Planning | Landscape Architecture
Environmental Services | Transportation
400 Columbia Drive, Suite 110 • West Palm Beach, FL 33409
Telephone: 561-478-8501 • Fax: 561-478-5012

MIZNER TRAIL PROPERTIES
AT BOCA DEL MAR PUD
STREET LAYOUT PLAN
PREPARED FOR MIZNER TRAIL GOLF CLUB, LTD.
PALM BEACH COUNTY, FLORIDA

REVISION DATES

NORTH
0 15' 30' 60' 120'
SCALE: 1" = 30'-0"

DRAWN BY: DHM/CES
DRAWING #: 2013-08-23_CSP_685.2.dwg
FILE #: 685.2

SHEET #
SLP.2

AMENDMENTS

ZONING STAMP

FOR INFORMATION PURPOSES ONLY

2
3

Exhibit D Disclosures

PALM BEACH COUNTY - ZONING DIVISION FORM # 09

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 _____, 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] PRESIDENT-Compson *[position - e.g., president, partner, trustee]* of MIZNER TRAIL GOLF CLUB, LTD. *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

MIZNER TRAIL, INC. Its GENERA PARTNER

2. Affiant's address is: ~~[redacted]~~ 36 S.E. 3rd St.
BOCA RATON FL 33432 ~~[redacted]~~

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.

Disclosure of Beneficial Interest - Ownership form
Page 1 of 4

Revised 08/25/2011
Web Format 2011

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

FURTHER AFFIANT SAYETH NAUGHT.

Robert Comparato
Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 9th day of APRIL, 2013, by ROBERT COMPARATO, [X] who is personally known to me or [ ] who has produced _____ as identification and who did take an oath.

BEVERLY A SAMUELSON
Notary Public - State of Florida
My Comm. Expires Dec 26, 2013
Commission # DD 943744

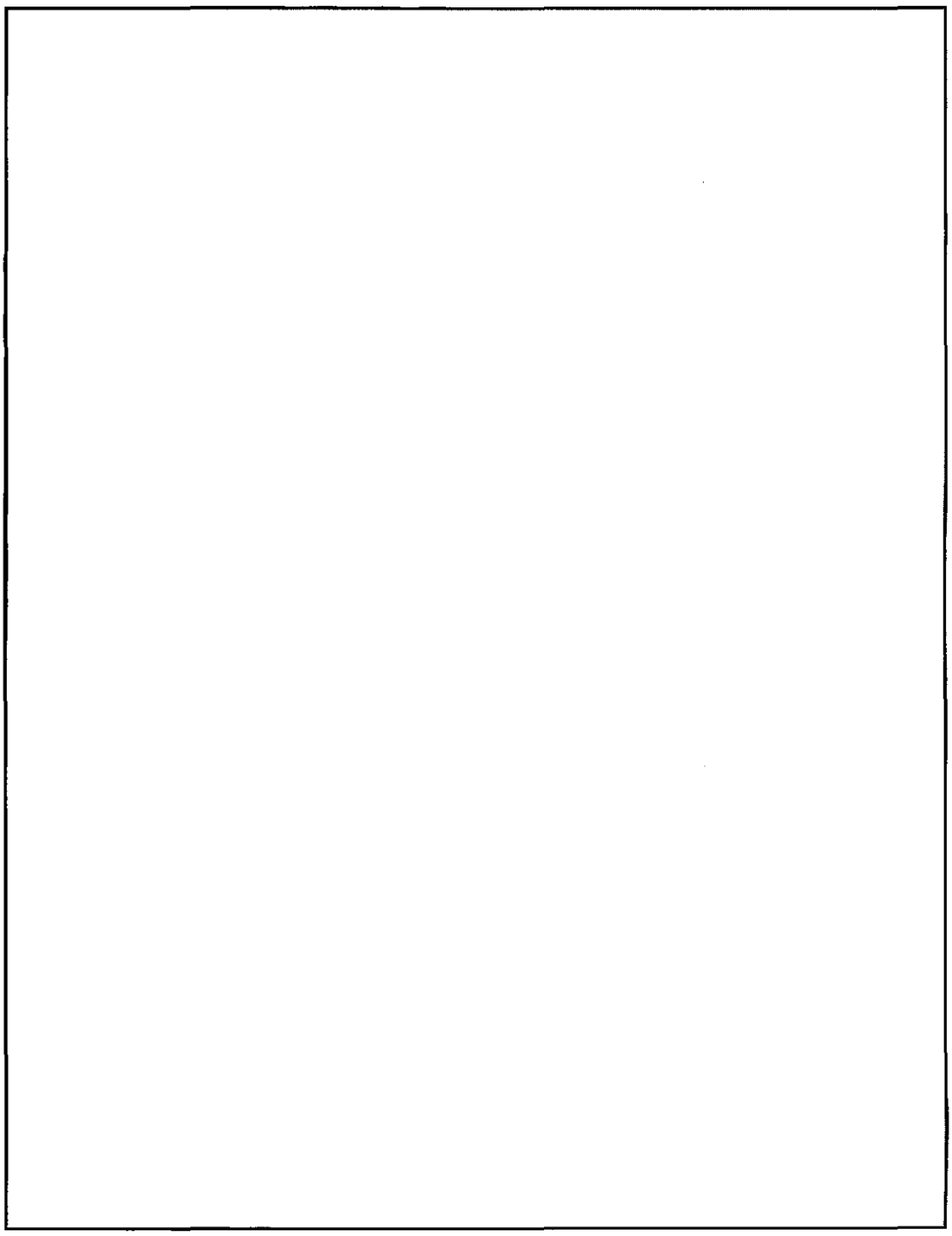
Beverly A Samuelson
Notary Public

BEVERLY A SAMUELSON
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 12/26/13

EXHIBIT "A"

PROPERTY



1

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address
Phillip Bliss	111 Boca Raton Rd., Boca Raton, FL 33432
Gerald Wochna	2095 N.W. 30th Rd., Boca Raton, FL 33431
Robert Comparato	36 S.E. 3rd St., Boca Raton, FL 33432
Anthony Comparato	36 SE. 3rd St., Boca Raton, FL 33432
Jeffrey Comparato	36 SE. 3rd St., Boca Raton, FL 33432
Bernhard Langer	1120 S.W. 21st Lane, Boca Raton, FL 33486

LAND DESCRIPTION:

Tracts 64 A, 64 B, 64 C and 64 D, BOCA DEL MAR NO. 7, P.U.D., according to the map or plat thereof as recorded in Plat Book 30, Pages 210 through 217 of the Public Records of Palm Beach County, Florida.

LESS AND EXCEPT:

From Tracts 64 C and 64 D, those portions of said Tracts lying within the Lake Worth Drainage District Right-of-Way for Lateral Canal No. 50 as conveyed to Lake Worth Drainage District by Warranty Deeds recorded in Official Records Book 10900, Page 221 and Official Records Book 24120, Page 1653 of the Public Records of Palm Beach County, Florida.

LESS AND EXCEPT:

A portion of Tract 64 B, BOCA DEL MAR NO. 7, P.U.D., according to the map or plat thereof as recorded in Plat Book 30, Pages 210 through 217 of the Public Records of Palm Beach County, Florida, described as follows:

BEGIN at the most northerly northeast corner of said Tract 64 B, said point being on the west line of Lake Worth Drainage District E-3 Canal; thence S00°49'31"E, along the east line of Tract 64 B and along said west line of the E-3 Canal, 1439.26 feet to the south line of Tract 64 B and the north line of Section 35, Township 47 South, Range 42 East; thence S89°32'51"W, along said south line of Tract 64 B and north line of Section 35, a distance of 296.67 feet to the west line of Tract 64 B; thence continue along said west line of Tract 64 B and its northerly extension the following three (3) courses and distances; thence (1) N18°03'00"E, 316.96 feet to a point of curvature of a curve concave to the west; thence (2) northerly along the arc of said curve, having a radius of 300.00 feet and a central angle of 26°34'00", a distance of 139.10 feet to a point of tangency; thence (3) N08°31'00"W, 882.94 feet to the north line of said Tract 64 B; thence N66°26'33"E, along said north line, 324.03 feet to the POINT OF BEGINNING.

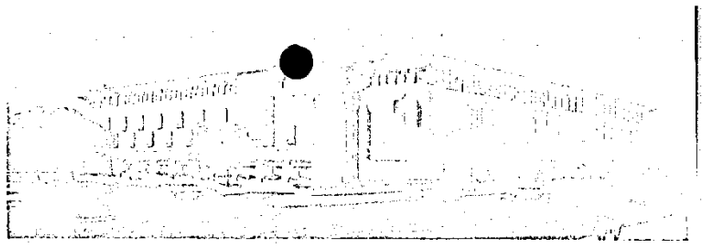
LESS AND EXCEPT:

All of that portion of Tract 64 B lying in Section 35, Township 47 South, Range 42 East, BOCA DEL MAR NO. 7, P.U.D., according to the map or plat thereof as recorded in Plat Book 30, Pages 210 through 217 of the Public Records of Palm Beach County, Florida, described as follows:

BEGIN at the most southerly southeast corner of said Tract 64 B, said point being on the north right-of-way line of S.W. 18th Street; thence S89°32'51"W, along the south line of Tract 64 B and along said north right-of-way line, 764.18 feet to a point of curvature of a curve concave to the northeast; thence northerly along the arc of said curve, having a radius of 25.00 feet and a central angle of 90°01'06", a distance of 39.28 feet; thence N00°26'03"W, 74.00 feet to a north line of said Tract 64 B, the previous two (2) courses

Exhibit E: Palm Beach County Letter of Approval dated August 23, 1971

PALM BEACH COUNTY
PLANNING, ZONING, AND BUILDING DEPARTMENT
P. O. BOX 1548
WEST PALM BEACH, FLORIDA 33402



August 23, 1971

Behring Development Company
2800 East Oakland Park Boulevard
Fort Lauderdale, Florida 33308

RE: Postponed Petition No. 1

Gentlemen:

Please be informed that the Board of County Commissioners of Palm Beach County, at the Public Hearing on August 19, 1971, approved your petition as advertised, subject to the following conditions:

The stipulations agreed to between the City of Boca Raton and Behring Corporation.

Density to be restricted to 5.3 dwelling units per gross acre. — City & County Together 5.47 - County

Plan to be developed as presented.

Reservation to be made of road rights-of-way existing or future as designated by the County Engineer.

Positive drainage to be adequately provided for.

Very truly yours,

William R. Boose
Interim Zoning Director

WRB:ff

cc: Raymond W. Royce, 450 Royal Palm Way, P. Bch., Fl. 33480
Jan Wolfe, Engineering Department
Lee Reed, Health Department

Exhibit F: August 19, 1971 Minutes- 7 pages

August 19, 1971

ADVERTISING - PROOF OF PUBLICATION; MEETINGS - ZONING

DOCUMENT FILED: Proof of Publication of The Palm Beach Post, issue of July 20, 1971, Notice No. 3403, Notice of Public Hearings to be held August 5 and August 19, 1971, on zoning matters, in the amount of $208.75.

ACTION: Motion to receive the Proof of Publication and approve for payment. Motion by Commissioner Weaver, seconded by Commissioner Culpepper and unanimously carried.

RESOLUTIONS; ZONING - AMENDMENT

DOCUMENT PRESENTED: Zoning Resolution Amending the Regulations Regarding Conditional Use.

INFORMATION: Interim Zoning Director Boose explained that the resolution would reword the conditional use section of the Zoning Code, basically a change in the wording from "may" to "shall."

ACTION: Motion to adopt the subject resolution. Motion by Commissioner Lytal, seconded by Commissioner Culpepper and unanimously carried.

(For Resolution R-71-294, see Minutes Resolution Book _____ at Page _____.)

PETITIONS - ZONING, POSTPONED # 1-4; COMMUNICATIONS; DELEGATIONS; COMPLAINTS

SUBJECT: Postponed Items #1-4, on which the Zoning Commission recommended approval unanimously, considered by County Commission on June 17, 1971, deferred to July 15, 1971 on Commission 2-2 tie vote, and postponed to August 19, 1971. The petitions are as follows:

Postponed Item # 1 - Petition of Behring Development Company by Conrad W. Schaefer and Walter Taft Bradshaw, Agents, for the conditional use for a planned unit development. The property is bounded partially on the west by Florida's Turnpike, partially on the south by the Hillsboro Canal and partially on the east by the corporated limits of Boca Raton and containing approximately 2134 acres in an A-1 Agricultural District, more particularly described in Agenda.

Postponed Item # 2 - Petition of Behring Development Company by Conrad W. Schaefer and Walter Taft Bradshaw, Agents, for the rezoning from A-1 Agricultural District to C-1 Neighborhood Commercial District. Said property located within the proposed planned unit development described in Postponed Petition # 1, and more particularly described in Agenda.

Postponed Item # 3 - Petition of Behring Development Company by Conrad W. Schaefer and Walter Taft Bradshaw, Agents, for the rezoning from A-1 Agricultural District to C-1 Neighborhood Commercial District. Said property is located within the proposed planned unit development described in Postponed Petition # 1, and more particularly described in Agenda.

Postponed Item # 4 - Petition of Behring Development Company by Conrad W. Schaefer and Walter Taft Bradshaw, Agents, for the rezoning from A-1 Agricultural District to C-1 Neighborhood Commercial District. Said property is located within the proposed planned unit development described in the above Postponed Petition # 1, and more particularly described in Agenda.

August 19, 1971

DELEGATES APPEARING: Raymond Royce, attorney for petitioner
Clair Andersen, consultant-coordinator for petitioner
Mayor Norman Wymbs, City of Boca Raton
Councilman William Miller, City of Boca Raton
Councilman William Archer, City of Boca Raton
Fred Bradfute, chairman, Federation of Homeowners of Boca Raton
Camil Robert Valcourt, President of the Boca Raton Square Civic Association, Inc.
Charles Fisk, representing Save Our Neighborhood Schools Association
Dorothy Wilkins, resident of University Park
Leslie Wilkins, chairman of conservation committee, Royal Palm Audubon Society
William Myer, member of Board of Directors, Country Club Village Homeowners Association
Willard Cook, member of Planning and Zoning Board of Boca Raton, also chairman of SONS
Tom McCarthy of the engineering firm of Mock, Roos & Searcy
George Bogard of Behring Corporation
Dallas Pratt
Martin (last name unintelligible)
John Hurdon
Curtis Clement
Dr. Howard J. Tees, coordinator of Environmental Biological Program, University of Miami
Taft Bradshaw, agent for Behring Development Company

DOCUMENTS FILED: Certified copy of draft of minutes of special meeting of City Council of Boca Raton held August 16, 1971,

Letter dated August 19, 1971 addressed to the County Commission from Boca Raton Square Civic Association, Inc., over signature of Camil Robert Valcourt, president,

Letter dated August 18, 1971 addressed to Board of County Commissioners from William L. MacMullen, Chairman, Board of Directors, Country Club Village Association,

Xerox copy of letter dated August 10, 1971 addressed to Clair G. Andersen from Lake Worth Drainage District over signature of James H. Ranson, Manager,

Petition to the County Commission signed by 107 residents of University Park,

Xerox copy of letter dated August 17, 1971 addressed to Mayor Wymbs from Behring Development Company over signature of G. T. Bogard, president.

PRESENTATION BY PETITIONER: Attorney Royce introduced Clair Andersen, consultant-coordinator, to outline to the Board what the Behring Corporation has done to cooperate with the City of Boca Raton regarding Petitions # 1-4.

Mr. Andersen reported in detail on various meetings and conferences held with representatives of the City, including workshops and regular council meetings. The principal concern of the city, he said, concerned population densities originally proposed for the development and annexation of the property into the City of Boca Raton. He read into the record portions of a letter dated August 3, 1971 written by Mr. Bogard to Mayor Wymbs outlining concessions to be made by the development company, as follows:

1. The company has presented to the city a contract agreement for Boca Raton to provide sewer and water services for Boca Granada, with the company paying the cost of force main extensions to the property and developing a distribution system at a cost of $5,000,000.

2. The company will reduce residential density for 2,181 acres to 5.3, conforming with density criteria provided in Boca Raton's Master Plan.

3. Total land area will be divided as follows: single family detached, 31%, single family town house, 11%, garden apartments 17%, mid-rise apartments, 1% -- so that of the total land area, 60% is residential.

4. In addition to two golf courses, parks and a marina on the Hillsboro Canal, there will be 35 acres in two lakes, one serving as a buffer for an 85-acre regional shopping center, and the other providing lake front estate sites.

5. A shopping center will be developed without depending on any existing development or adding to the traffic congestion of Boca Raton.

6. Behring will voluntarily annex the development into Boca Raton on a plat to plat basis.

7. Behring will equip a fire station, provide $5,000 for a police cruiser, and contribute up to $25,000 for a garbage pickup truck coincident with completion of its 2,000th house. Titles to these items, valued at approximately $230,000, will be vested in Boca Raton.

8. A fire department to cost approximately $100,000 will be dedicated to the City of Boca Raton by the developer.

9. Knowing the need for a municipal golf course, Behring will sell to the city land for an 18-hole golf course at actual out-of-pocket cost, or construct the facility for the city at actual out-of-pocket cost.

10. It is anticipated that the ad valorem taxes generated by the development will be more than enough to offset the cost of any services furnished by the city.

Mr. Anderson then filed with the clerk a certified copy of the draft of the minutes of a special meeting of the City Council of Boca Raton held August 16, 1971. He read into the record the motion passed by a 3-2 majority at this meeting, as follows:

"Upon motion by Councilman Honchell, which was seconded by Councilman Miller, it was moved that the City Council authorize and direct the Mayor or other members of the Council to notify the County Commission, and/or any other authorities involved, personally or by letter, that the City of Boca Raton is removing its opposition to the Behring Corporation's application under the County's Planned Unit Development Ordinance, contingent on City of Boca Raton receiving a letter from Behring Corporation expressing their intent to come into the City fully, when and if the City of Boca Raton has adopted a PUD ordinance similar to the county's ordinance, and also a further commitment limiting the density on the present 2143 acres under consideration to 5.47 per acre, which in no case is to exceed 11,738 actual living units; and further, that the Estate zoning and Regional Shopping Center zoning be held in abeyance."

The Behring Corporation then delivered to the City of Boca Raton a written commitment dated August 17, 1971, (on file at City Hall) expressing its intent to become annexed into the city subject to 1. a planned unit development ordinance being adopted by the city comparable to the county's PUD ordinance which would permit the Behring Development Company to build 11,738 living units on 2143 acres; 2. prior to annexation, zoning be granted for a planned unit development under the master plan heretofore submitted, allowing a maximum of 5.47 dwelling units per gross acre on 2143 acres now in the county.

Mr. Andersen concluded his presentation by declaring his clients have tried sincerely and honestly to meet the request of the Commission, expressed a month ago, in every respect, and have also tried to meet all the requests of the City of Boca Raton. He urged Board approval of the petitions.

ACTION: Motion that all documents presented today be accepted for filing. Motion by Commissioner Lytal, seconded by Commissioner Culpepper and unanimously carried.

CALL FOR OBJECTIONS AND COMMENTS: William Miller, City Councilman of Boca Raton, declared he believes one of the primary concerns of the city and county regarding the subject petitions is "people planning." He pointed out, the issue before the Boca Raton City Council was whether the planning for the development was acceptable, not whether the development itself was acceptable. While the majority of the council agreed that the plan is acceptable, he expressed misgivings as to its effect on residents of the area, particularly with regard to overcrowding of schools. He added, "I believe the people of the City of Boca Raton are not in favor of moving forward on the project."

Mayor Wymbs entered into the record a petition signed by residents of the University Park area. He stated the Board's overriding concern should be for people who are already in the area and expressed his opposition to indiscriminately inviting more people in when serious problems face present residents. The development would "add an intolerable situation to the present school system" as well as to present water and sewer facilities, he said, and urged the Board to reject the petitions.

William Archer, City Councilman, Boca Raton, concurred with Mayor Wymbs' statement and reported he voted against the motion passed August 16 because he felt "Boca Raton is not ready for the rapid growth that this type of development will place upon us," on account of the water situation and the school situation in the city.

Fred Bradfute stated his group represents 6,000 families in Boca Raton and has compiled a great deal of information on the proposal under discussion and also visited the Tamarac development of the Behring Corporation. He reported opposition to the corporation in Tamarac, particularly with regard to the recreation area of the development. His group is opposed to Boca Granada because it represents too much growth too soon, and recommends rejection of the proposal.

ACTION: Motion that each person speaking be limited to three or four minutes. Motion by Commissioner Culpepper, seconded by Commissioner Lytal and carried by a four to one majority, Commissioner Johnson voting Nay.

FURTHER OBJECTIONS AND COMMENTS: Camil R. Valcourt, president of the Boca Raton Square Civic Association, Inc. read into the record a letter opposing the Behring Corporation proposal.

Charles Fisk, representing the Save Our Neighborhood Schools Association urged the Board to consider the impact the proposed development would have on the Boca Raton and Delray Beach Schools. He asked the Board to reject the petitions until solution to school problems can be found.

Dorothy Wilkins, a resident of University Park, stated her agreement with Mr. Fisk that the school system should be straightened out before more children are added to the area.

Leslie Wilkins declared studies should be undertaken to determine what effect the proposed mass growth of people on the land will do to the natural environment.

William Myer read into the record a letter from the Board of Directors of Country Club Village Homeowners Group opposing the development.

Willard Cook pointed out the development offers golf courses, shopping centers and other fringe benefits but has made no provision for schools such as the dedication of land or a school building to house the children who will be brought into the development. If the City of Boca Raton changes Planned Unit Development requirements as to density for this development, other areas will also be changed to higher density, and according to Mr. Cook, "if you allow this, you are going to create problems for yourself that won't quit."

FURTHER PRESENTATION BY PETITIONER: Attorney Royce read into the record a letter from the Lake Worth Drainage District and introduced Tom McCarthy of the engineering firm of Mock, Roos and Searcy to answer questions as to drainage.

Commissioner Johnson inquired if the area would be flood-free in the event of a major wet hurricane. Mr. McCarthy replied the canal system is designed for a once in 25 years storm. Commissioner Weaver expressed his dissatisfaction with this reply; and Attorney Royce pointed out that all criteria of the Lake Worth Drainage District will be followed in the project. Mr. McCarthy then stated, "I feel there is no serious problem with this area being developed as an urban area and being drained properly."

As for schools, Attorney Royce stated his clients are willing to coordinate the entire project with the School Board and can provide sites for schools. He pointed out the tax revenue which will be generated from the development will be available to build schools. He added, his clients have been planning this project for more than a year, have worked with every agency involved, and are willing to provide a blueprint of the project and bind themselves to it. Since certain comments had been heard concerning the Tamarac development, he requested Mr. Bogard to comment on that and introduce several Tamarac residents present.

George Bogard explained that the Tamarac recreation lease is common to this part of Florida. The developer builds the facility and for a $10 monthly fee a resident can participate in the club facility including pool and shuffleboard courts.

Dallas Pratt, Martin . . . . . (last name unintelligible), John Hurdon and Curtis Clement, all Tamarac residents, expressed their satisfaction with the facilities offered.

Dr. Howard J. Tees explained he was employed as a consultant to review the area of development as to its ecological aspects. He stated the Behring Corporation has fulfilled its obligation to develop a plan consistent with the environment, particularly in its efforts to preserve natural features of the land.

Taft Bradshaw stated he had been employed by the Behring Company to develop a master plan for the proposed project which he has previously presented to the Board, and declared this plan has been endorsed by professional planners of every agency to which it has been presented. The merits of the plan have already been established and accepted by the County, by the city planning department and all other agencies involved, Mr. Bradshaw noted, and he requested that the plan be approved subject to the terms and conditions of the application as modified by the downward adjustment of density.

DISCUSSION BY BOARD AND STAFF MEMBERS: Commissioner Johnson inquired if the petition before the board is the amended petition or the original petition; and when Attorney Small replied it is the petition as amended by the downward density which is presently before the Board, Commissioner Johnson inquired if it is enforceable and Attorney Small answered in the affirmative. In reply to further questions, he explained that the method of review which accompanies the Planned Unit Development Plan offers a high degree of control, superior to any trust, since there are legal and practical engineering zoning requirements which can be followed, reviewed and controlled all during the plan. Mr. Boose added there is little danger of the County having on its hands an unfinished subdivision since sufficient surety will be required to insure that all public improvements such as streets are completed.

"I don't believe there has ever been a project that has generated more interest and received more consideration than this one," Commissioner Lytal commented, adding "We are confronted with the orderly development of a tremendously large area either by one person or by many people." He predicted the Board will be faced for many years to come with the development of the western part of the County, and it is the Board's responsibility to see that this development is done properly. "Growth means problems," he said, "and we are confronted with it every day, and I'm quite sure it's not going to stop. There are millions of people who want to move to Florida, and public officials on every level of government must do everything possible to make this growth orderly."

ACTION: Motion that, considering everything that has been said and done on the proposed plan and realizing that this is without a doubt one of the best unit development plans ever submitted to the County, the County go on record as approving the plans and all of the conditions and agreements made with the City of Boca Raton, and charging the staff with the responsibility of seeing to it that this project is carried out exactly as presented and approved, and to work closely with the officials of Boca Raton. Motion by Commissioner Lytal, seconded by Commissioner Culpepper.

DISCUSSION ON MOTION: Commissioner Weaver agreed that growth is inevitable and must be prepared for, but declared he is not convinced that the proposed plan is the best thing that could happen for Palm Beach County at this particular time.

Commissioner Culpepper commented the proposal has been in the planning stage for 14 months, during which time it was analyzed, scrutinized, restricted and modified. He stated in his opinion this is the best planned unit development that has been presented in Palm Beach County and possibly in the State of Florida; and he would prefer to see the area developed on an orderly, unified basis than to have it splintered into extremely high density by a number of developers. He therefore supports the plan.

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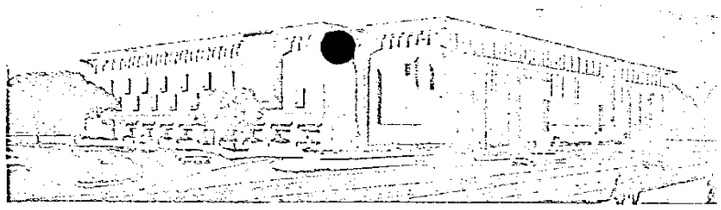
Exhibit G: Letter December 3, 1971 Density

ALM BEACH COUNTY
NG, ZONING, AND BUILDING DEPAR NT
P. O. BOX 1548
WEST PALM BEACH, FLORIDA 33402



December 3, 1971

Behring Development Company
1941 West Oakland Park Blvd.
Ft. Lauderdale, Florida 33311

Attn: Mr. Clair G. Andersen
Vice President

Dear Clair:

As a result of the technical review committee meeting on November 23, 1971 in which members of the Palm Beach County Planning, Zoning and Building Department, Engineering Department, and Legal and Health Departments met with you and other officials of the Behring Development Company, we have the following information to report to you.

Pursuant to the Agenda presented by your people denoting topics to be discussed at the above mentioned meeting, we can summarize our comments on items one through four by stipulating that the technical considerations and determinations involved therein will be handled by the Palm Beach County Land Development Division of the County Engineer's office under the direction of Mr. Jan Wolfe. We understand that we will be kept informed as to any new data or directional changes on these matters and will review such changes or alterations if the occasion necessitates.

We now direct your attention to item five of the November 23rd Agenda in which you pose several queries as enumerated A through F:

A. May the golf course be computed as open space for density purposes.

A golf course is viewed as one of the common open spaces in a Planned Unit Development. It shall be allowed density computation as open space if the golf course carries with it the necessary legal covenants recorded and running with the land to insure that it will remain as open space and for golf recreation purposes. Parties purchasing lots or renting units in the Planned Unit Development must not be barred from utilizing the golf course facilities by charging an excessive membership fee other than reasonable green fees and no fences or other barriers shall be erected around the golf course to prevent purchasers of lots or living units, including leasees, from visual utilization of the open space.

B. How shall ownership of the open areas be effectuated?

Ownership of open areas can be accomplished through a normal condominium association method, a property owners' association approach, or by the developer of the Planned Unit Development, or by an independent entity, all of which guarantee perpetual maintenance and control of the open areas. Of course, any change in ownership in the open areas will have to enter into those same covenants guaranteeing the open sapce to be left as open unimproved land.

C. May commercial property be counted in a computation of density?

Palm Beach County Zoning Resolution No. 3-57 under its Planned Unit Development provisions (26-2) does not envision density computations in portions of a Planned Unit Development that is devoted to commercial usage. Consequently, only those areas set aside for residential building can be considered in the total density/area computations.

D. May roads be computed in density/area figures including arterial, collector and local rights-of-way?

All roads within the boundaries of a Planned Unit Development may becomputed in density computations. This is an additional inducement to request that the developer donate the necessary rights-of-way to allow for expansion of existing road facilities and the planning of future road facilities which his project will necessitate to serve the residents therein.

E. May canals and lakes be computed in density figures?

Canals and lakes within the outer perimeter of the Planned Unit Development may be computed in density computations for a given Planned Unit Development. These will be deemed open space.

F. What flexibility is allowed in transferring unused density/area from one dwelling unit classification to another.

Palm Beach County Zoning Resolution No. 3-57 sets up density criteria for each zoning district and further delineates the density figures allotted to different types of dwelling units, i.e., 5.8 units per acre for single family construction; 8.7 dwelling units per acre for multiple family structures of one or two stories, hence, and so on. In the normal Planned Unit Development situation, the "pocket theory" is the system used to compute overall density. Thus, single family areas are checked for their compliance with the 5.8 dwelling units per acre criteria and if more density is included a corresponding amount of acreage is contributed to this development

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section from adjacent open space.

In the Behring situation, an overall density has been established at 5.47 dwelling units per acre. Because of this ceiling limitation on the number of dwelling units per acre on the entire Planned Unit Development project and because acceptable density limitations have been denoted on the Boca Del Mar master plan per each developmental parcel, it is the feeling of the technical review staff that a transfer of built up or banked density can be effected in the Behring Planned Unit Development. A caveat exists here, however. The developer must insure that a bank of density credit must be maintained at all times prior to construction of an additional developmental phase of the project. This will alleviate any problems which could develop should the developer commit more density to specific development parcels than he has credit for under the undeveloped portions of the Planned Unit Development under the master plan.

We are hopeful that these comments have been helpful and responsive to the questions you raised at the technical review committee meeting of November 23, 1971, and urge you to contact us on any additional problems that might develop in the immediate future.

Sincerely yours,

PALM BEACH COUNTY PLANNING,
ZONING AND BUILDING DEPARTMENT

William R. Boose
Director

cc: Messrs. Reed
Small
Wolfe

WRB:lmh;mp

Exhibit H: Letter February 17, 1972 Open Space/Golf Course

Behring Development Company

February 17, 1972

Mr. Wm. R. Boose, Director
Planning, Zoning & Building Dept.
Palm Beach County
810 Datura St.
West Palm Beach, Fla. 33432

Dear Bill:

This is to verify and confirm our previous statements and commitments to you, as required under the open space provisions of the County PUD resolution, that we will so conduct, or cause to be conducted, the affairs of the two golf courses to be built in Boca del Mar so that all residents therein will always have an opportunity to play golf on either of said two golf courses. We will charge a nominal fee for membership, and the members will be allowed to use all of the facilities on the golf courses by paying the usual fees and other charges.

If either or both of said golf courses are conducted as a private club, membership will be open to all residents of Boca del Mar, be they owners or tenants, by paying the nominal membership fee.

We agree to be bound by this commitment, and agree to bind our successors and assigns.

Yours sincerely,

BEHRING DEVELOPMENT COMPANY

Clair G. Andersen

Clair G. Andersen
Vice President

CGA:vn

cc: Jim Lee

555 South Federal Highway, Suite 2-A, Boca Raton, Florida 33432 Phone 305 395-5776

1 **Exhibit I Declaration of Restrictions**

BOCA DEL MAR GOLF AND TENNIS CLUB

A General Partnership

TO

THE PUBLIC

DECLARATION OF RESTRICTIONS

RELATING TO:

Tracts 64-A, 64-B, 64-C and 64-D,
BOCA DEL MAR NO. 7

(Also known as South Golf course)

81 004330

81 DEC 29 PM 2:13

BOCA DEL MAR GOLF AND TENNIS CLUB, a Florida general partnership, the owner of all the foregoing described lands, does hereby impress upon said land the covenants, restrictions and servitudes hereinafter set forth:

1. DEFINITIONS.

As used in this Declaration of Restrictions the following words have the following meanings:

(a) DEVELOPER means BOCA DEL MAR GOLF AND TENNIS CLUB, a Florida general partnership, its successors and assigns.

(b) PERSON means a person, firm, association, partnership, corporation, or any other entity permitted to exist under the laws of the State of Florida.

22.60

(c) PROPERTY means that land described in Exhibit "A" attached hereto and made a part hereof as though fully set forth herein.

(d) BOCA DEL MAR means that area known as BOCA DEL MAR I, a Planned Unit Development, approved by the Board of County Commissioners of Palm Beach County, Florida, on August 19, 1971, in Resolution No. 3-57; and Tract 73, BOCA DEL MAR NO. 7, as recorded in Plat Book 30, at Page 210, of the Public Records of Palm Beach County, Florida.

Note: Tract 73, or BOCA DEL MAR P.U.D. NO. 3, is included as a part of Boca Del Mar for the purposes of these Restrictions due to the fact that the total density allocated to the said Boca Del Mar P.U.D. NO. 3 was transferred from that area known as Boca Del Mar I.

B3442 P1283

(e) RESIDENT means any PERSON who actually resides within BOCA DEL MAR whether as owner of a DWELLING UNIT within BOCA DEL MAR or a PERSON who owns an unoccupied DWELLING UNIT within BOCA DEL MAR.

THIS INSTRUMENT PREPARED BY
AND RETURN TO:
Donald H. Reed, Jr., Esquire
DESCHLER, REED & CRITCHFIELD
555 South Federal Highway
Boca Raton, Florida 33432

2

(g) IMPROVEMENT ASSOCIATION means BOCA DEL MAR IMPROVEMENT ASSOCIATION, INC., a Florida corporation not for profit, its successors or assigns.

(h) GENDER. The use of any gender is deemed to include all genders; the use of the singular includes the plural and the use of the plural includes the singular.

(i) OWNER means the owner or owners of the PROPERTY from time to time.

2. USE.

The PROPERTY shall be used for no purpose other than for a golf course and customarily related activities, including, but not limited to, tennis and swimming. Such uses are further restricted as follows:.

(a) The aforesaid uses shall be restricted to PERSONS who are RESIDENTS, except that PERSONS who are not RESIDENTS may be permitted to use the PROPERTY so long as such use does not prevent a RESIDENT from such use, subject to such reasonable rules, regulations, membership requirements, fees and charges, as may be imposed by OWNER.

(b) In the event the PROPERTY is used as a private or semi-private club or clubs, which type of use is hereby expressly permitted, membership in such private or semi-private club or clubs shall be first made available to RESIDENTS under such rules, regulations, membership requirements, fees and charges, as are reasonable under the circumstances, and no more restrictive than those rules, regulations, membership requirements, fees and charges imposed upon otherwise qualified non-RESIDENTS.

(c) In the event the total number of RESIDENTS exceeds the number of PERSONS which could reasonably use the PROPERTY, it is contemplated, and expressly permitted by these Restrictions, that a maximum number of memberships may be established by OWNER, which such maximum number may from time to time be changed. In the event such a maximum number of memberships is established, the intent of these Restrictions is that PERSONS otherwise qualified for memberships shall be admitted on a "first come-first served" basis; that further, at such

B3442 P1284

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time as memberships equal the maximum number permitted, no RESIDENT otherwise qualified shall be denied membership on account of the existing membership of a non-RESIDENT for a period of more than twelve (12) months from the date of such RESIDENT'S application. Such shall be the case so long as there are members who are non-RESIDENTS. At such time as the maximum number of memberships is comprised solely of RESIDENTS, vacancies shall be filled solely by RESIDENTS so long as there are otherwise qualified RESIDENTS seeking membership; and thereafter memberships for otherwise qualified non-RESIDENTS shall be permitted only to the extent that there is not a sufficient number of otherwise qualified RESIDENTS to fill the maximum number of memberships permitted, and any such otherwise qualified non-RESIDENT membership shall be for not longer than one (1) year, so that there shall always be, to the extent of available memberships, the opportunity for membership by otherwise qualified RESIDENTS.

(d) No RESIDENT otherwise qualified shall be given preference over any other RESIDENT likewise qualified, based upon type of DWELLING UNIT, proximity to the PROPERTY, age, race, sex, religion, color, creed or national origin.

(e) It is further the intent of these Restrictions that the PROPERTY shall not be developed for residential use.

3. FENCES, WALLS OR OTHER BARRIERS.

No fence, wall or other barrier shall be permitted to be built along or around the periphery of the PROPERTY which would serve to obstruct the view of DWELLING UNIT owners or residents adjacent to the PROPERTY, it being the intention of this restriction to preserve to the adjacent DWELLING UNIT owners and residents a view of the golf course located upon the PROPERTY. PROVIDED HOWEVER, the foregoing shall not be deemed to prohibit the reasonable use of landscaping, including trees, hedges, bushes, and other foliage, designed to enhance the beauty of the PROPERTY, and not intended primarily to obstruct the view of DWELLING UNIT owners or residents.

B3442 P1285

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4. TRASH AND PARKING.

(a) All garbage and trash containers and oil and gas tanks must be placed and maintained and so constructed as to render the contents thereof hidden from view from adjoining properties. No garbage or trash shall be placed anywhere except in containers as aforesaid.

(b) The parking or storage of automobiles and other motor vehicles except upon paved areas or grass areas specifically provided for that purposed is prohibited.

(c) The parking or storage of boats and boat trailers, campers, trailers or other vehicles upon any lands in the PROPERTY is prohibited except in spaces expressly provided for same.

(d) Only vehicles bearing current license and registration tags and inspection certificates, as required pursuant to state law, shall be permitted to be parked or stored on any lands within the PROPERTY.

5. NUISANCES.

No noxious or offensive activity shall be carried on within the PROPERTY, except that any reasonable related use of the PROPERTY, such as, but not limited to, golf or tennis tournaments and exhibitions, shall not be deemed to be nuisance.

6. LIVESTOCK AND POULTRY.

No domestic animals, livestock or poultry of any kind shall be raised, bred or kept within the PROPERTY, except for security purposes.

7. NOTICE TO OWNER.

Notice to OWNER of a violation of any of these restrictions shall be in writing and shall be sufficient when delivered or mailed, postage prepaid, to the OWNER.

8. NON-LIABILITY OF DEVELOPER.

The DEVELOPER herein shall not in any way or manner be held liable or responsible for any violation of these restrictions by any person other than itself.

B3442 P1286

9. ENFORCEMENT.

These restrictions and requirements may be enforced by an action at law or in equity by a majority of the DWELLING UNIT owners in "Boca Del Mar" or by the DEVELOPER.

10. INVALIDITY CLAUSE.

Invalidation of any one of these covenants by a court of competent jurisdiction shall in no way affect any of the other covenants, which shall remain in full force and effect.

11. EXISTENCE AND DURATION.

The foregoing covenants, restrictions, reservations and servitudes shall be considered and construed as covenants, restrictions, reservations and servitudes running with the land and the same shall bind all persons claiming ownership or use of any portions of said land until the 31st day of December, 2012, at which time they shall terminate. This Declaration may be amended during the said term by an instrument signed by the OWNER of the PROPERTY and the IMPROVEMENT ASSOCIATION. Any amendment must be recorded in the Public Records of Palm Beach County, Florida, to be effective.

12. DISCLAIMER.

Nothing contained in this Declaration shall be deemed to give the IMPROVEMENT ASSOCIATION any rights in or to, or control of, the PROPERTY, nor shall the IMPROVEMENT ASSOCIATION be in any wise obligated to maintain the PROPERTY. The sole rights intended to be granted the IMPROVEMENT ASSOCIATION by these Restrictions are those related to the enforcement of same in behalf of the RESIDENTS of "BOCA DEL MAR".

IN WITNESS WHEREOF, BOCA DEL MAR GOLF AND TENNIS CLUB, a Florida general partnership, has caused this instrument to be executed in its partnership name, this 29th day of December, 1980.

B3442 P1207

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BOCA DEL MAR GOLF AND TENNIS CLUB,
a Florida partnership

BY:

Signed, sealed and delivered in the presence of:

TEXACO BOCA DEL MAR INC.,
general partner

By: R.J. Haden

(Corporate Seal)

STATE OF FLORIDA

COUNTY OF PALM BEACH

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid, to take acknowledgements, personally appeared R.J. Haden well known to me to be the Vice President of TEXACO BOCA DEL MAR INC., and that he acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in him by said corporation, and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid, this 29th day of December. 1980.

Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES MAR. 12 1982
BONDED THRU GENERAL INS. UNDERWRITERS

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF PALM BEACH

Personally appeared before me, the undersigned authority, R. J. Haden who being duly sworn deposes and says that he is the VICE PRESIDENT of TEXACO BOCA DEL MAR INC., a Delaware corporation authorized to do business in Florida, a partner in BOCA DEL MAR GOLF AND TENNIS CLUB, that the other partner is BOCA DEL MAR INC., a Delaware corporation authorized to do business in Florida, and that TEXACO BOCA DEL MAR INC., the partner executing this instrument had the authority to do so and that this instrument was made for carrying on in the usual way the business of the partnership.

SWORN TO AND SUBSCRIBED before me in the County and State aforeaid, this 29th day of December, 1980.

Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES MAR. 12 1982
BONDED THRU GENERAL INS. UNDERWRITERS

B3442 P1288

APPROVED AS TO:
Form 12-24-80
Terms 12.30.80
Description 12-30-80

LEGAL DESCRIPTION

A parcel of land lying in Sections 26, 27, 34 and 35, Township 47 South, Range 42 East, Palm Beach County, Florida, said parcel being more particularly described as follows:

Tracts 64-A, 64-B, 64-C and 64-D, BOCA DEL MAR NO. 7, according to the Plat thereof, as recorded in Plat Book 30, at Pages 210 through 217, of the Public Records of Palm Beach County, Florida.

B3442 P1289

EXHIBIT "A"

1 **Exhibit J Applicant Justification Statement dated October 21, 2013**

JUSTIFICATION STATEMENT
MIZNER TRIAL PROPERTIES
(BOCA DEL MAR PLANNED UNIT DEVELOPMENT)
Application #: DOA-2013-01057
Control No. 1984-00152
Development Order Amendment
Initial Submittal: April 17, 2013
Resubmittal: July 29, 2013
Resubmitted: August 26, 2013
Resubmitted: October 10, 2013
Resubmitted: October 21, 2013

REQUEST

On behalf of the Petitioner, Land Design South of Florida, Inc. is requesting a Development Order Amendment (DOA) to modify the Boca Del Mar Planned Unit Development (PUD) (Control No. 1984-152). The total affected area consists of 122.69 (net) acres of former golf course land and former golf course clubhouse. Specifically, the requested DOA application is requesting the following:

- To re-designate approximately 122.69 acres of abandoned golf course to residential land, of which 71.5% of the acreage will be dedicated open space (Pod 64) (The total acreage is 129.89 acres less canal area of 7.197 for a total acreage of 122.69);
- To modify the 3.01 acre Recreational Parcel (Pod 69A) (Decrease to 3.01, modify site elements);
- To add 288 residential units to the Planned Unit Development (134 townhome units and 154 ZLL units);
- To add one (1) external PUD access point to the PUD from Military Trail and five (5) additional access points to pods internal to the PUD.

SITE CHARACTERISTICS

The subject site is located on the north and east sides of Canary Palm Drive, the east and west side of Camino Del Mar, and northwest and southwest of Palm D'Oro Drive, within unincorporated Palm Beach County. The subject property lies within the Urban/Suburban Tier of Palm Beach County and the current Future Land Use designation on the site is HR-8 (High Residential – up to 8 du per acre) and the current Zoning designation is PUD (Planned Unit Development).

The prevailing Master Plan on file with Palm Beach County identifies 10,330 approved dwelling units, which differs from the total number of units listed under the Pod Table on the Master Plan. Additionally, on December 31, 2004, the City of Boca Raton annexed 40.67 acres of the PUD located on the east side of Military Trail into their City limits via Ordinance 4795, which included 167 dwelling units. The prior application for this property, which was denied in 2011, reconciled the discrepancies between the Master Plan, Plats and approved Site Plan and Subdivision Plans. As a result of this prior research and reconciliation, the acreage and unit count of the Boca Del Mar PUD consists of +/-1,945.96 acres and of 9,773 dwelling units.

The affected area of the proposed Development Order Amendment lies within the southeast quadrant of the overall PUD. The 122.69 (net) acres of affected land is comprised of the abandoned golf course, which has not been in operation since 2005 (Pod 64) and the recreation parcel which consists of the former Golf Club House (Pod 69A).

2

DEVELOPMENT HISTORY

The Boca Del Mar Development (originally known as Boca Granada) was approved at the August 19, 1971 Board of County Commissioners hearing subject to conditions of approval. The approval was for 10,576 units on 2,134-acres of land with a condition restricting the density to 5.47 dwelling units per acre. Following that approval, the development went through a series of site, subdivision and plat approvals. The following is a summary of the past Zoning Approvals:

Petition No.	Action	Date	Resolution No.
	Approval of a Condition Use to allow a Planned Unit Development in the A-1 Zoning District granted by the Palm Beach County Board of County Commissioners.	August 19, 1971	
1984-152	Special Expectation to amend the master plan for Boca Del Mar PUD to add 5 dwelling units to Tract 81.	February 19, 1985	R-85-288
1984-152(A)	Special Exception to amend the master plan for Boca Del Mar UD to allow a day care center on Tract 27.	July 28, 1987	R-87-1111
1984-152(B)	Special Exception to amend the master plan for Boca Del Mar PUD to allow an adult congregate living facility on Tract 62.	August 27, 1988	R-888-1539
1984-1521	Special Exception to amend the master plan for Boca Del Mar PUD to allow a child day care center for 85 children on Tract 77.	July 25, 1991	R-91-1466
1984-152(D)	Development Order Amendment for a Requested Use to allow a fitness center in the Agricultural Residential (AR) Zoning district.	January 26, 1995	R-95-107
1984-152(E)	Development Order Amendment to add an access point for the Boca Raton Synagogue.	January 26, 1995	R-95-115
1984-152(F)	Development Order Amendment for a Requested Use to allow an Indoor Entertainment establishment on Tract 77.	July 27, 1995	R-95-1017
1984-152(G)	Development Order Amendment to increase square footage (+2,000 sq. ft.) and children (+71) for an existing day care center on Tract 77.	September 28, 1995	R-95-1321.3
1984-152(H)	Development Order Amendment to increase square footage and modify/delete conditions of approval for the Boca Raton Synagogue.	November 30, 2000	R-2000-1944
1984-152(I)	Development Order Amendment to add an access point, increase square footage and reconfigure the site plan for the YMCA of Boca Raton.	June 27, 2002	R-2002-1004
DOA2004-224	Development Order Amendment to modify/delete conditions of approval.	June 16, 2004	R-2004-1371
1984-152	Development Order Amendment to modify a condition of approval.	November 17, 2005	R-2005-2293

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It is important to note that the 1971 approval was approved with Conditions of Approval, as outlined in a letter written by the Zoning Director on August 23, 1971 (a copy of this letter has been included as part of the submittal). The Applicant is not proposing to modify any prior Conditions of Approval.

There have been several zoning requests since the last approval, however those requests were either withdrawn or not approved.

OVERVIEW OF PROPOSED DEVELOPMENT ORDER AMENDMENT

The Development Order Amendment is proposing to re-designate Pod 64 of the Boca Del Mar PUD from a golf course use to residential. This Pod is part of the former Mizner Trail Golf Course, which has been out of operation since the fall of 2005. The property is currently unused and vacant. The Development Order Amendment is proposing to add 288 residential units and renovate the club house. The additional residential units will be a mix of zero lot line (ZLL) and townhome units. The ZLL units will be 45'x100' and the townhome units will be 25'x50' fee simple. The modifications being made to Pod 64 has been broken down as follows:

Pod #	Unit Type	Number of Units	Acreage	Pod Density
Pod 64A	ZLL	27 units	14.18 acres	1.9 du/ac
Pod 64B	ZLL	50 units	24.48 acres	2.04 du/ac
Pod 64C	Townhome	30 units	21.56 acres	1.39 du/ac
Pod 64D	Townhome	55 units	23.49 acres	2.34 du/ac
Pod 64E	ZLL & Townhome	48 ZLL & 49 TH	26.84	3.61 du/ac
Pod 64F	ZLL	29 units	16.33 acres	1.78 du/ac
Pod 69	Clubhouse/Rec Area	N/A	3.01 acres	N/A
	SUBTOTAL:	**288 units**	**129.894 acres**	**2.21 du/ac**

Pod 64A

This Pod is 14.18 acres in size; there are 27 ZLL homes being proposed within this Pod. There is a lake tract being proposed to the west of the residential units being added. An entry point from Canary Palm Drive is being added to this Pod.

Pod 64B

This Pod is 24.48 acres in size; there are 50 ZLL units proposed within this Pod. The ZLL units will be located at the eastern end of the Pod. There is a lake tract proposed on the west side of the ZLL units. An entry point from Canary Palm Drive is being added to this Pod.

Pod 64C

This Pod is 21.56 acres in size; there are 30 townhome units proposed within this Pod. There is a 2.81 acre lake tract located within the Pod.

Pod 64D

This Pod is 23.49 acres in size; 55 townhome units are proposed within this Pod. Dry retention and open space are proposed in this Pod.

Pod 64E

This Pod is 26.84 acres in size and is proposing 49 townhome units and 48 ZLL units. Additionally, dry retention areas are proposed throughout the Pod. An access point from Military Trail is being added to the PUD and will allow for entry within the Pod. Additionally, an access point is being added from Camino Del Mar.

Pod 64F

This Pod is 16.33 acres in size and is proposing 29 ZLL units. The ZLL units are located at the southern end of the Pod. There is open space being proposed throughout the Pod and dry retention areas being proposed at

the western end of the Pod. There is a 1.65 acre lake tract proposed at the western side of the Pod. There is an access point being added from Camino Del Mar. An access point is being proposed from Camino Del Mar that aligns with Palm D'Ora Road. A school bus stop 10'x15' is being proposed at the entrance of this Pod.

Pod 69
Modifications to the former golf course clubhouse parcel are being made. It will remain a clubhouse/recreation area.

The prevailing master plan for the Boca Del Mar PUD indicates a total site area of 1,933.09 acres and a total of 10,330 dwelling units. On December 31, 2004, The City of Boca Raton annexed 40.67 acres of the PUD located on the east side of Military Trail into their City limits via Ordinance 4795; the annexation included 167 dwelling units. The annexation and subsequent modification to the acreage and number of dwelling units located within the jurisdiction of Palm Beach County resulted in a total of 1,892.42 acres and 10,163 dwelling units. The Pod identification table located on the Master Plan identities a total of 10,063 dwelling units within the PUD. There is a discrepancy between the prevailing master plan, the total dwelling units that remain after the annexation and the Pod identification table. There was an application submitted for this PUD in 2011, during the review process, the Applicant researched the Plats, historical Master Plans and various approved site/subdivision plans. As part of the prior research, a Sketch and Legal was prepared for the project. As a result of the prior research that was completed for the project, the Master Plan has been revised to be consistent with the Sketch and Legal and the area of the PUD has been modified to 1,945.96 acres. The total number of dwelling units calculated as existing is 9,773; these numbers less out the land and units annexed into the City of Boca Raton.

The Boca Del Mar PUD has a Future Land Use designation of HR-8; based on the total acreage of 1,945.96, approximately 15,567 dwelling units are permitted within the PUD. The total number of built units, according to research conducted through the Palm Beach County Property Appraiser's Office is approximately 9,781 dwelling units. Thus, the number of remaining units within the PUD is approximately 5,786 dwelling units. This demonstrates that there is sufficient density available within the PUD to accommodate the addition of 288 dwelling units.

The BCC granted the maximum number of units and density within the approval of the conditional use of the PUD (5.47 du/ac). With the addition of the proposed units, the overall density of the PUD is less than the maximum density originally approved by the BCC, at 5.17 du/ac.

Workforce Housing
The project is subject to the Workforce Housing program (WHP) as it is proposing ten (10) or more dwelling units. The project is using Limited Incentive Program which is available to projects requesting less a bonus density below 50%. Since we are requesting a 0% density bonus, the project is allowed to utilize this program. The percentage of WHP units required is 2.5% of standard density, 8% of PUD density and 17% of WHP density bonus.

The subject site has a land use of HR-8 and the standard density for the HR-8 FLU is 6 du/acre. Mizner Trail is proposing a density of 2.21 du/acre for the affected area, with the overall density of the entire Boca Del Mar PUD is 5.17 du/acre. We would therefore be required to utilize the standard density WHP requirement of 2.5% for the 288 units. This equates to 7.2, or 7 workforce housing units. The seven (7) required workforce housing units fulfill the required ULDC section. The Applicant is proposing to buy-out the required workforce housing units.

Access Point
The following access points are being added to the Boca Del Mar PUD:

- One (1) access point from Military Trail, accessing Pod 64E.

- Two (2) access points from Canary Palm Drive, accessing Pods 64A and 64B.
- Four (4) access points from Camino Del Mar, accessing Pods 64C, 64D, 64E and 64F.

Open Space
There will be +/- 92.9 acres (71.5%) of dedicated open space.

Clubhouse
The existing 15,000 square foot building will be renovated or replaced and will include a fitness center, outdoor pool and lounging areas.

Phasing Plan
The project is proposed to be developed in phases. The following is the proposed phasing schedule for the development:

- Phase 1: Recreation Area
- Phase 2: Pod 64E North
- Phase 3: Pod 64F
- Phase 4: Pod 64D
- Phase 5: Pod 64E South
- Phase 6: Pod 64C
- Phase 6: Pod 64B
- Phase 7: Pod 64A

Existing Non-Conforming Setbacks
Several existing communities have reduced building setbacks along the proposed pods which were previously golf course. This reduction was permitted since it was considered open space. These setbacks and reductions were based on the 1969 and 1973 codes. Adjacent to these areas, the proposed plan provides areas of open space where possible to reduce the impact on the adjacent buildings and homes. These areas include lakes, dry retention, and buffers. Upon review of the proposed PDP with PBC Staff, 31 fee-simple lots have been identified for additional review to determine if the proposed development plan creates any non-conformities for these lots. Should additional revisions need to be made upon conclusion of the historical permit research, the applicant will revise the PDP accordingly to eliminate any non-conformities created that otherwise relied upon the adjacent golf course open space for a reduction in setbacks.

DEVELOPMENT ORDER AMENDMENT STANDARDS
The request is for a Development Order Amendment meets the following requirements set forth in Article 2.B.2.B of the Palm Beach County Unified Land Development Code (ULDC) for Development Order Amendment Approval.

1. **Consistency with the Plan**
   The Development Order Amendment request is consistent with the Purposes, Goals, Objectives and Policies of the County's Comprehensive Plan. The Boca Del Mar development was approved prior to the County implementing the Comprehensive Plan. After the adoption of the Plan in 1989, Boca Del Mar was given a FLUA designation of High Residential – 8 units per acre (HR-8). The HR-8 FLUA designation within a PUD Zoning classification is to achieve a minimum density of 5 units per acre and allows for development at a maximum of 8 units per acre.

   The Development Order Amendment application is proposing to add 288 units to the PUD; with the addition of these units the overall density of the PUD will be 5.17 du/ac. This increased density is below the allowable 8 du/ac and above the minimum of 5 du/ac, thus is consistent with the Comprehensive Plan and consistent with the original approval which restricted the PUD density to a maximum 5.47 du/ac.

2. **Consistency with the Code**

The proposed amendment complies with all applicable standards and provisions of the Code for the use, layout, function, and general development characteristics. Specifically, the proposed uses comply with all applicable portions of Article 4.B Supplementary Use Standards. The application is proposing zero lot line and townhome residential product types. The application is consistent with both the Article 4.B Supplemental Use Standards and the additional property development regulations for specific house types found in Article 3 of the Code. The integrity of the PUD is being upheld with the conversion of the abandoned golf course to residential. The residential units being proposed are consistent and compatible with the character of the PUD. Furthermore, the proposed modifications include the addition of lakes that offer scenic views to residents and minimize impacts on adjacent residents.

Standards for Modifications to Reduce or Reconfigure Existing Golf Courses

Article 3.E.1.E.3 of the Palm Beach County Unified Land Development Code (ULDC) requires that any modifications to reduce the acreage or reconfigure the boundaries of a golf course previously approved on a Master Plan to meet the following Criteria:

a. *Notice to Homeowners: At the time of submitting the zoning application to amend the Master Plan, the applicant shall provide documentation that the residents of the PUD are notified by certified mail and post notice at the appropriate common areas within the PUD.*

   As required in Article 3.E.1.E.3 of the County's ULDC, prior to the submission of the application the Applicant notified the residents of the PUD via certified mail of the proposed re-designation of the golf course. A copy of the notice has been included in the application.

b. *Reduction of Open Space or Recreation: The applicant must provide justification and documentation that the golf course land areas to be reduced in acreage or the reconfiguration of boundaries will not result in a reduction in required open space for the development.*

   Our office reviewed documents previously prepared and submitted for prior applications to the Boca Del Mar PUD. As a part of prior submittal for this project (Application DOA 2004-826), the agent for Mizner Trail Golf Club, Ltd, Sanders Planning Group, was required to review historic files and demonstrate that Boca Del Mar PUD met the minimum requirement for open space without Mizner Trail Golf Course, Pod 64. Sanders Planning Group conducted a comprehensive assessment of all pods of Boca Del Mar and verified that each pod satisfied or exceeded the minimum requirement for open space of the prevailing ordinance at the time of approval for each individual pod. During the review of this application, staff agreed with the data supplied by Sanders Planning Group. We have attached a copy of their open space assessment for your reference.

   The affected area included in this application will meet all open space criteria as a standalone development providing a minimum 92.9 acres of open space. Therefore, the overall requirement for open space will be continued to be met by the PUD as a whole after the development of the application parcel. The proposed application is providing 92.9 acres of open space or 71.5% of the project.

c. *Visual Impact Analysis Standards: The applicant must provide a Visual Impact Analysis.*

   A Visual Impact Analysis has been submitted as part of the Development Order Amendment application.

Thus, the proposed Development Order Amendment is consistent with the standards for modifications to reduce or reconfigure existing golf courses.

In addition, the proposal meets the PDD and PUD Objectives and Standards, as well as the regulations governing townhome developments.

The development proposal meets **Article 3.E.2.A.4. - Exemplary Objectives and Standards** for a DOA to a PUD as follows:

a) Designed as a predominantly residential district.

The parcel is being designed as a predominately residential district. The development proposal is to modify the use of the parcel from abandoned golf course to residential. The Applicant is proposing 288 residential units.

b) Provide a continuous non-vehicular circulation system for pedestrians and non-motorized vehicles.

The proposed development provides a continuous non-vehicular circulation system for pedestrians. Each pod area has a continuous sidewalk along the roadway and leading to a public right-of-way.

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

The proposed development provides perimeter landscape buffers adjacent to proposed development areas.

d) May offer limited commercial uses for the population of the PUD.

The proposed development is not proposing limited commercial uses. However, the Boca Del Mar PUD does have commercial uses existing throughout the development.

e) Establish neighborhood character and identity.

The proposed development creates neighborhood character and identity. The project proposes two unique building types; zero lot line homes and townhouse style multi-family units. The roadways are designed to be curvilinear and the buildings are placed in a manner to create areas of open space. Through the style of architecture, landscape materials and design elements, the project will have neighborhood character and identity. The plan was achieved after significant analysis of the size and the width of each development area and proximity and separation from surrounding existing development and the opportunities to provide significant landscape buffers.

f) Preserve the natural environment to the greatest extent possible.

The proposed development preserves the natural elements to the greatest extent possible. Where possible, the native trees will be preserved in place. Additionally, the plan sets aside significant acreage for the creation of natural landscape open space area.

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

Boca Del Mar PUD contains several existing civic uses. The proposed application is proposing a private recreation facility.

The development proposal meets **Article 3.E.1.C.1 – Design Objectives** for a PDD as follows:

a) *Contain sufficient depth, width, and frontage on a public street, or appropriate access thereto, as shown on the PBC Thoroughfare Identification Map to adequately accommodate the proposed use(s) and design.*

The Boca Del Mar PUD is consistent with this PDD Design Objective. The PUD has frontage on Military Trail, SW 18th Street, Powerline Road, Florida's Turnpike and Palmetto Park Road. The overall PUD (approved as a Conditional Use in the AG Zoning District in 1971) contains 1,945.96 acres. Due to its size, the roads referenced herein, not only are on the County's Thoroughfare Identification Map but bisect the PUD providing miles of frontage and multiple points of access.

b) *Provide a continuous, non-vehicular circulation system which connects uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the PDD.*

The Boca del Mar PUD provides a variety of uses connected by a hierarchy of streets including thoroughfare arterials, internal collector streets and local streets. All of the streets contain appropriate cross-sections which include sidewalks of appropriate widths to interconnect the various neighborhoods and non-residential uses. Additionally, where major thoroughfares intersect appropriate crosswalks and crossing signalization is provided to allow pedestrian crossing of these busy thoroughfares. All of the internal collector streets and sidewalk areas are public as well as many of the local streets. The new development areas will likewise contain sidewalks and interconnections as deemed appropriate.

c) *Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses.*

Boca Del Mar is primarily a residential community although a variety of non-residential uses are also constructed as well as a mix of residential housing. In all cases, individual site plans have been reviewed and approved prior to construction of pods to insure that appropriate parking and pedestrian connections are made depending upon the type of use which includes civic areas, assisted living facilities, and multifamily projects.

d) *Preserve existing native vegetation and other natural/historic features to the greatest possible extent.*

Boca Del Mar PUD began construction in 1971 almost 40 years ago. Much of the property was in agricultural use prior to that time. Most of the existing vegetation was planted as part of the development process and through the years has matured. There is a mix of native and non-native landscaping throughout the project. The affected area of the current application was previously designed and operated as a golf course. At that time, little native vegetation was used and some of the vegetation planted at that time was later determined to be either invasive nonnative species which are currently not permitted or, at least, discouraged. The proposed modification to the PUD will include removal of invasive species and planting in accordance with current code which requires significant use of native species. Where there may be existing native species of plants to the greatest extent practical the plants will be preserved or relocated on site.

e) *Screen objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, compactors) from public view and control objectionable sound.*

Boca del Mar PUD generally has appropriate screening in those cases (nonresidential or multifamily) where mechanical equipment, loading, and dumpsters exist. However, it should be noted that some of the structures predate current screening requirements in the Code. The affected area of the amendment will be built as residential pods and all screening requirements will be met.

f) *Locate and design buildings, structures, uses, pathways, access, landscaping, water management tracts, drainage systems, signs and other primary elements to minimize the potential for any adverse impact on adjacent properties.*

Most of Boca Del Mar has been constructed for many years. Buildings, structures, pathways, access, landscaping, water management tracts, drainage systems, and signs have been in place many years. Landscaping throughout the PUD has been allowed to mature and been modified over time to provide an attractive well buffered residential community where many different types and styles of residential housing from mid-rise multifamily to single family coexist in harmony. The affected area of the application will continue this sensitivity to surrounding land uses. A great deal of analysis was undertaken in designing the low intensity use so as not to negatively affect surrounding established uses. The plan submitted herein was undertaken after a detailed assessment of the surrounding built community and a determination where new residential units could be constructed with the minimal impact on adjacent properties.

g) *Minimize parking through shared parking and mix of uses.*

Parking throughout the Boca Del Mar has been designed to accommodate the type of use on each parcel. In some cases (civic and multifamily parcels) parking lots have been created in appropriate areas proximate to the specific uses and in other cases (single family neighborhoods) individual parking is provided utilizing driveways and garages. Due to the nature and age of the project, there are few if any opportunities for shared parking as the current mix of uses are primarily residential with a small amount of civic and commercial uses on separate designated tracts.

h. For PDD only, a minimum of one pedestrian amenity for each 100,000 square feet of GFA or fraction thereof shall be incorporated into the overall development to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to:

1) public art;
2) clock tower;
3) water feature/fountain;
4) outdoor patio, courtyard or plaza; and
5) tables with umbrellas for open air eating in common areas and not associated with tenant use (i.e. restaurant) or outdoor furniture.

This PDD standard appears to apply to non-residential PDD uses. Boca del Mar is an existing PUD which is primarily residential in nature. The affected area will however be designed to include appropriate focal points within each neighborhood.

The development proposal meets **Article 3.E.1.C.2 – Performance Standards** for a PDD as follows:

a. Access and Circulation

1) Minimum Frontage
PDDs shall have a minimum of 200 linear feet of frontage along an arterial or collector street unless stated otherwise herein.

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Boca Del Mar PUD exceeds this standard.

2) *PDDs shall have legal access on an arterial or collector street.*

Boca Del Mar PUD has numerous access points on both arterial and collector streets.

3) *Vehicular access and circulation shall be designed to minimize hazards to pedestrians, non-motorized forms of transportation, and other vehicles. Merge lanes, turn lanes and traffic medians shall be required where existing or anticipated heavy traffic flows indicate the need for such controls.*

Boca Del Mar PUD meets all standards for road design including where necessary turn lanes, traffic medians and signalization.

4) *Traffic improvements shall be provided to accommodate the projected traffic impact.*

Please refer to Traffic Study.

5) *Cul-de-sacs*
The objective of this provision is to recognize a balance between dead end streets and interconnectivity within the development. In order to determine the total number of local streets that can terminate in cul-de-sacs, the applicant shall submit a Street Layout Plan, pursuant to the Technical Manual. The layout plan shall indicate the number of streets terminating in cul-de-sacs, as defined in Article 1 of this Code, and how the total number of streets is calculated. During the DRO certification process, the addressing section shall confirm the total number of streets for the development, which would be consistent with how streets are named. Streets that terminate in a T-intersection providing access to less than four lots, or a cul-de-sac that abuts a minimum 20 foot wide open space that provides pedestrian cross access between two pods shall not be used in the calculation of total number of cul-de-sacs or dead end streets.

   a) *40 percent of the local streets in a PDD may terminate in a cul-de-sac or a dead-end by right.*

6) *Nonresidential PDDs shall provide cross access to adjacent properties where possible, subject to approval by the County Engineer.*

This standard is not applicable.

7) *Streets shall not be designed nor constructed in a manner which adversely impacts drainage in or adjacent to the project.*

All streets were constructed with appropriate drainage and permitted either by Palm Beach County or the Florida DOT.

8) *Public streets in the project shall connect to public streets directly adjacent to the project. If no adjacent public streets exist, and the County Engineer determines that a future public street is possible, a connection to the property line shall be provided in a location determined by the County Engineer. This standard may be waived by the BCC.*

Boca Del Mar is bisected or abutting several arterial roadways shown on the County's Thoroughfare Identification Map. All street connections were designed to meet all applicable

required. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran;

2) *Prior to the issuance of the first building permit, the property owner shall convey to PBC an easement for a Bus Stop, Boarding and Alighting Area, in a location and manner approved by Palm Tran. As an alternative, prior to Technical Compliance of the first plat, the property owner shall record an easement for a Bus Stop, Boarding and Alighting Area in a manner and form approved by Palm Tran. The property owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act (ADA) to and through the Bus Stop Boarding and Alighting Area; and*
3) *All PDDs with more than 100 units shall comply with the following requirement:*

Prior to the issuance of the building permit for the 100th unit, the petitioner shall construct a Palm Tran approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner.

Boca Del Mar has been mostly built out for many years and Palm Tran routes and stops have been determined utilizing the several arterial thoroughfares that run adjacent to or through the PUD.

g. *Utilities*
All utility services located in a utility easement, such as telephone, cable, gas, and electric, shall be installed underground or combination/alternative acceptable to the DRO.

All utility services for the built portion of Boca Del Mar are in place. Utility services for the affected area shall comply with this Standard.

h. *Parking*

1) *Residential Uses*
Parking for residential uses shall comply with Article 6, PARKING. The DRO may require a covenant to be recorded limiting the affected area to a specific use or uses.

Residential uses comply with parking requirements which were in affect at the time of the construction of these uses. Any new residential units will comply with Article 5, PARKING.

2) *Nonresidential Uses*
Nonresidential uses located within a PDD may apply the parking standards indicated in Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements or the minimum/maximum parking standards below. The site plan shall clearly indicate which parking standards are being utilized for the entire site.

Any existing nonresidential uses comply with the standards applicable at the time these uses were constructed. No new nonresidential uses are being requested as part of this amendment.

3) *Design*
Parking areas open to the public shall be interconnected and provide safe efficient flow of traffic. Parking areas directly adjacent to other parking areas in the same project shall have cross access.

Boca Del Mar is primarily a residential Planned Unit Development. All residential parking is private. The minimal non-residential uses have existing parking that complies with the Code

in affect at the time the parking was constructed. There are no adjacent parking areas which would require cross access.

4) *Cross Access*
Cross access shall be provided to adjacent internal uses/properties, if required by the DRO.

Boca Del Mar PUD is mostly constructed and parking provided in compliance with the Code in affect at the time each pod was constructed. The affected area has no ability legally or physically to link cross access to any adjacent properties.

5) *Location-Non-residential PDDs*
A minimum of ten percent of the required parking shall be located at the rear or side of each building it is intended to serve.

Not applicable.

6) *Distance*
All parking spaces shall be located within 600 linear feet of a public entrance of the building which it is intended to serve.
a) *Remote Parking Areas*
Paved pedestrian pathways shall be provided to all parking areas in excess of 400 feet from a public entrance. Pathways shall be unobstructed grade separated and/or protected by curbs, except when traversing a vehicular uses area, and clearly marked.

Not applicable.

i. *Way Finding Signs*
Off-site directional signs, consistent with the on-site directional sign standards in Article 8, SIGNAGE, may be allowed along internal streets in the R-O-W, subject to approval by the County Engineer.

The signage for the Boca Del Mar PUD was developed in accordance with the regulation in effect at the time of the original approval. Any new off-site directional signs shall comply with this standard.

j. *Emergency Generators*
A permanent emergency generator shall be required for all Type II and Type III CLFs, Nursing or Convalescent Facilities, and PDD clubhouses 20,000 square feet or greater, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators.

Any new recreation construction will comply with this Standard if necessary.

The development proposal meets **Article 3.E.2.B.2 – Required Performance Standards** for a PDD as follows:

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

None of the proposed pods are greater than 5 du/acre. However, the applicant is proposing a centrally located recreation pod and a neighborhood park within each pod.

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

Not applicable.

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

A neighborhood park will be provided within every residential pod.

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

Decorative street lighting will be provided.

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

Not applicable.

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

A fountain will be provided within the large water body.

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

Not applicable.

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

The project is required to have seven (7) Workforce Housing Units. It is the intent of the Applicant to buy-out these units.

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

Not applicable.

3. Compatibility with Surrounding Uses
The proposed development is compatible with the surrounding uses. The following summarizes the nature of the properties surrounding the subject property.

- **North**: To the north of the subject property is Via Verde (Control No. 81-171), a residential community. This property originally had a FLUA designation of High Residential - 8 (HR-8) and a Zoning classification of Residential Single Family/Special Exception (RS/SE). Via Verde was annexed and is now located within the City of Boca Raton.

  Also, located to the north of the Boca Del Mar PUD is the Boca Grove residential development (Control No. 80-214). This property originally had a FLUA designation of Low Residential -2 (LR-2) and a Zoning classification of Residential Single Family/Special Exception (RS/SE). Boca Grove was also annexed and is now located within the City of Boca Raton.

- **South**: To the south of the subject property is the Boca Pointe residential development (Control No.73-085). This property contains a FLUA designation of Medium Residential – 5 (MR-5) and a Zoning classification of Residential Single Family/Special Exception (RS/SE).

  Also, located to the south is the Palm D'Oro residential community (Control No. 1980-183), which is surrounded by Boca Del Mar. This property has a FLUA designation of High Residential – 8 (HR-8) and a Zoning classification of Residential Medium Density/Special Exception (RM/SE).

  Also, located to the south is the Boca Del Mar II residential community (Petition No. 78-45)), which is surrounded by Boca Del Mar. This property has a FLUA designation of High Residential – 8 (HR-8) and a Zoning classification of Residential Single Family/Special Exception (RS/SE).

  Also, located to the south is the Deercreek Country Club, located within the City of Deerfield Beach. This property has a FLUA designation of Open Space (S) and Mulit-Family (RM-15) and a Zoning classification of Open Space (S) and Multi-Family (RM-15).

- **East**: To the east are residential uses located within the City of Boca Raton. This property has a FLUA designation of Residential Low – 3.5 du/ac (RL) and a Zoning Classification of Residential – 1 family dwelling (2,200 sq. ft.) (R1A) and Residential – 1 family dwelling (1,500 sq. ft.) (R1C)

- **West**: To the west is the Boca Del Mar III residential community (Control No. 78-045). This property has a FLUA designation of High Residential – 8 (HR-8) and a Zoning classification of Residential Planned Unit Development (PUD).

The proposed density of the additional residential units, is compatible with the existing surrounding neighborhoods. The densities of the surrounding neighborhoods abutting the proposed additional units range from +/- 3.3 du/acre to +/- 19.54 du/acre. The proposed overall density of 2.2 du/acre is consistent and compatible with the established density of the PUD.

The proposed layout of the residential units have been designed to take into account the surrounding existing development in terms of types of homes, existing buffers, existing views, and proximity to the proposed development area. The layout of the new development areas have been designed to provide separation, buffering and open space between any new units and the existing units.

4. Design Minimizes Adverse Impact

Great care was taken in developing a revised master plan for the PUD. The Applicant took into account the types and intensities of surrounding properties, existing views and existing access points. The proposed design provides minimum impact and maximum benefit in terms of utilizing an abandoned golf course for a residential project, which provides quality new homes that will enhance existing conditions and values. The type of design provides for landscape buffers and open space exceeding the minimum code requirements which will be maintained by the new homeowners' association to the benefit of the new development as well as the benefit of the surrounding developments, as discussed

further under Changed Conditions and Circumstances.

5. **Design Minimizes Environmental Impact**
The proposed amendment does not result in any adverse impacts to the natural environment. The affected area contains limited amounts of existing native vegetation. However, all proper permitting will be completed for the removal of vegetation through PBC ERM.

6. **Development Patterns**
As previously stated, the proposed development of residential units in this section of Boca Del Mar is consistent with the established development pattern of single and multi-family housing existing on the abutting properties. The Boca Del Mar PUD currently has one of the more intense residential Future Land Use designations permitted by the Comprehensive Plan (HR-8). This intensity was approved in this location due to the location of the PUD, in eastern Palm Beach County with many commercial services, employment opportunities, and transportation infrastructure located in close proximity.

A review of the previous amendments approved for the Boca Del Mar PUD indicates favorably the ned to adjust the original primarily residential master plan to provide a variety of uses needed to make a more diverse community, including ACLF's, schools, and churches. Given the extremely limited vacant residential land in eastern Palm Beach County (especially in south county), the proposed layout is entirely compatible with the immediate surrounding and regional development pattern for the area.

The proposed plan provides a balance between the changing circumstances of elimination of golf courses as a viable recreation amenity and at the same time provides alternative open space areas balanced with residential units that are consistent with the adjacent established density and development patterns.

7. **Adequate Public Facilities**
Boca Del Mar was granted a concurrency exemption for the project (No. 90-1128021). The extension was later converted to a permanent exemption in 2000. The PUD currently has concurrency consistent with the 9,773 units shown on the currently approved Master Plan. This proposed Development Order Amendment applications includes a companion Concurrency Reservation application for an additional 288 units. Adequate public facility capacities will be confirmed through review of the application.

8. **Changed Conditions or Circumstances**
There have been numerous changed circumstances that have taken place since the original approval of the golf course. Notably, there was a prior Declaration of Restrictions document (Official Records Book 3442 / Page 1283) that was put into place by the Boca Del Mar Improvement Association, which limited the golf course land to use as a golf course and customarily related activities has since expired. The Restrictive document was executed on December 29, 1980 and was valid until December 31, 2012, at which time the document expired. The golf course is no longer required to remain as such by a binding document. This duration and subsequent expiration of this document further demonstrates that the viability of the golf course should be reexamined.

When the Boca Del Mar PUD was approved in 1971 (42 years ago), golf courses were a standard recreational amenity utilized by many Planned Unit Developments. Due to the popularity of golf as a recreational activity at the time, the fees paid by the golfers resulted in substantial funds which in turn could be utilized to maintain and improve the golf course. Since that time, however, the popularity of golf courses has dwindled and there is a vast reduction in golf consumer spending. The net result is that fewer players meant less revenue which meant fewer funds to maintain the course, which resulted in many golf courses including this one to close.

According to the National Golf Foundation, from the mid 1980's to the turn of the century, the number of golfers grew by approximately 50% - from 20 million to 30 million golfers. Since the year 2000, the

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number of golfers plateaued and has been slowly declining, in fact the number of golfers add in the 2000's is at -0.7%. The decline of the economy caused a further decline in the number of golfers. The National Golf Foundation expects to see a net decline of between 500 and 1,000 golf courses in the 2010's.

The Mizner Trail golf course closed in the fall of 2005. Since that time, the vacant land, which formerly included the golf course, has been maintained to Palm Beach County minimum standards, creating blighted condition for surrounding property owners. (Note: The BCC recognized several years ago that the economic problems then facing golf courses would lead to the need for a method to evaluate conversions. This resulted in a new section of the Unified Land Development Code to be created, which required additional notification and to study the effects of conversions through elevations such as view shed analysis to permit a logical methodology for golf course conversions).

The abandoned golf course at Mizner Trial is a change of circumstances that affects many of the communities which abut the property. The residents which enjoyed the previous golf course views now look out onto vacant land that receives the minimum amount of maintenance required by the County. Without any revenue, the property owner can only provide what is required. Photos of the existing property clearly indicate that the property is an eyesore when compared to the landscaping existing adjacent to it, which is maintained by individual property owners or the homeowners association.

In addition, the vacant golf course has become a nuisance to the residents. Despite the no trespassing signs along Boca Del Mar's streets (which are in themselves undesirable features), the property has been repeatedly vandalized, utilized by a variety of off road bike and all-terrain vehicles, the subject of graffiti of golf course buildings and has created an unsecured situation allowing rear access by trespassers to residential units. The vacant course has also led to complaints from the residents over a growing pest problem (rodents, raccoons, opossums and insects), which also pose a potential health and safety risk to residents, their children and pets as these rodents and insects carry diseases.

Third, the current condition of the former golf course has reduced property values for surrounding property owners. While, in the past, these owners would advertise a residential property as having "golf course views", now adjacent to the former golf course is considered a negative attribute due to the vacancy of the land and the previous issues discussed.

A well designed re-development of the property, as proposed in this application, will correct all of these issues. First, the proposal will provide for an upgraded landscape environment. Great care has been taken to allow sufficient room for upgraded landscape edges in the development areas.

Further, the redevelopment will remove the current attractive nuisance aspect of the property as the property will now be maintained and contain new residents (additional eyes on the street) providing additional safety and security.

Finally, the new development will remove the current uncertainty as to the future of the site. The new homes will be built and sold at values which match or exceed the surrounding community values. Once in place, the new development provides a finished product (both homes and landscape buffers and large natural open areas) which allows a potential homebuyer of adjacent property to know what to expect. The affected property is ideally suited for residential development in an area that provides a full range of services for the new residents. Currently, a review of the aerials extending several miles from the site indicates that there are no vacant residential parcels of any size. This particular property at the density proposed can meet all concurrency criteria.

The proposed development will provide for recreation activities of benefit to the new residents. The former golf course clubhouse is currently shuttered and only contributes to the existing blighted conditions previously discussed. As part of this application, plans are being submitted to enhance the

clubhouse building to provide a variety of health and recreation activities to be utilized by the new residents. The renovated recreation building with activities geared to current times will be an added attraction to the variety of uses currently existing in Boca Del Mar.

1 **Exhibit K Minutes from Association Meeting**

NEIGHBORING COMMUNITY MEETING SCHEDULE

Monday, September 23rd – Coronado at 7:00 P.M. At Sugar Sand Park, Boca Raton

Tuesday, October 8th – Fairway Village

Tuesday, October 15th - La Joya at 8:00 P.M.

Wednesday, October 16th - Parkside at 6:00 P.M.

9/16/13

2

MIZNER TRAIL GOLF CLUB, LTD

Mr. Frank Brand
Francisp43@aol.com
Wellesley Park

Dear Mr. Brand,

Kindly allow me to introduce myself, I am the managing general partner of the Mizner Trail Properties in Boca Del Mar.

I am writing to request the opportunity to present our development plan to your Board of Directors and association members. As a neighboring community we would like to make a presentation at the September or October board meeting or at your convenience.

I have attached a fact sheet about our development plan which contains pertinent information.

More information may be obtained online at www.pbcgov.org by referencing the Development Order Amendment number, DOA 2013-01057.

Please advise as to the availability of the Board and members for a presentation.

Sincerely,

Robert Comparato, President
Compson Mizner Trail, Inc.
General Partner

36 SE 3RD STREET • BOCA RATON, FLORIDA 33432
TEL (561) 391-4040 • compson@gate.net

1

MIZNER TRAIL GOLF CLUB, LTD

Mr. Frank Lewis
frankL55@yahoo.com
Terra Tranquilla

Dear Mr. Lewis,

Kindly allow me to introduce myself, I am the managing general partner of the Mizner Trail Properties in Boca Del Mar.

I am writing to request the opportunity to present our development plan to your Board of Directors and association members. As a neighboring community we would like to make a presentation at the September or October board meeting or at your convenience.

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TEL (561) 391-4040 • compson@gate.net

1

MIZNER TRAIL GOLF CLUB, LTD

Ms. Carole Velleca
cjvella@hotmail.com
La Costa

Dear Ms. Velleca,

Kindly allow me to introduce myself, I am the managing general partner of the Mizner Trail Properties in Boca Del Mar.

I am writing to request the opportunity to present our development plan to your Board of Directors and association members. As a neighboring community we would like to make a presentation at the September or October board meeting or at your convenience.

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1

MIZNER TRAIL GOLF CLUB, LTD

Ms. Carol Celestino
celestinocarol@gmail.com
La Joya

Dear Ms. Celestino,

Kindly allow me to introduce myself, I am the managing general partner of the Mizner Trail Properties in Boca Del Mar.

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Compson Mizner Trail, Inc.
General Partner

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1

MIZNER TRAIL GOLF CLUB, LTD

Ms. Karen Delano
Karendelano4@yahoo.com
Addison Pointe

Dear Ms. Delano,

Kindly allow me to introduce myself, I am the managing general partner of the Mizner Trail Properties in Boca Del Mar.

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General Partner

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TEL (561) 391-4040 • compson@gate.net

1

MIZNER TRAIL GOLF CLUB, LTD

Ms. Jo Cordone
jcordone@bellsouth.net
Camino Real Village

Dear Ms. Cordone,

Kindly allow me to introduce myself, I am the managing general partner of the Mizner Trail Properties in Boca Del Mar.

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General Partner

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TEL (561) 391-4040 • compson@gate.net

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MIZNER TRAIL GOLF CLUB, LTD

Ms. Helen Weintraub
helenweintraub@gmail.com
Coronado

Dear Ms. Weintraub,

Kindly allow me to introduce myself, I am the managing general partner of the Mizner Trail Properties in Boca Del Mar.

I am writing to request the opportunity to present our development plan to your Board of Directors and association members. As a neighboring community we would like to make a presentation at the September or October board meeting or at your convenience.

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General Partner

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MIZNER TRAIL GOLF CLUB, LTD

Ms. Barbara Mandell,
info@HRTRealty.com
La Residence

Dear Ms. Mandell,

Kindly allow me to introduce myself, I am the managing general partner of the Mizner Trail Properties in Boca Del Mar.

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TEL (561) 391-4040 • compson@gate.net

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MIZNER TRAIL GOLF CLUB, LTD

Mr. Robert Luthy
rluthy57@bellsouth.net
Tiburon I

Dear Mr. Luthy,

Kindly allow me to introduce myself, I am the managing general partner of the Mizner Trail Properties in Boca Del Mar.

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1

MIZNER TRAIL GOLF CLUB, LTD

Mr. Steve Foster
sjfoster@bellsouth.net
Fairway Village

Dear Mr. Foster,

Kindly allow me to introduce myself, I am the managing general partner of the Mizner Trail Properties in Boca Del Mar.

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General Partner

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TEL (561) 391-4040 • compson@gate.net

1

MIZNER TRAIL GOLF CLUB, LTD

Mr. Allen Greenberg
Agreenb900@aol.com
Windrift

Dear Mr. Greenberg,

Kindly allow me to introduce myself, I am the managing general partner of the Mizner Trail Properties in Boca Del Mar.

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1

MIZNER TRAIL GOLF CLUB, LTD

Mr. Brian Tight
briantight@yahoo.com
Fairway Village

Dear Mr. Tight,

Kindly allow me to introduce myself, I am the managing general partner of the Mizner Trail Properties in Boca Del Mar.

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TEL (561) 391-4040 • compson@gate.net

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MIZNER TRAIL GOLF CLUB, LTD

Mrs. Joan Grant
joan@grantmgmt.com
Coronado

Dear Ms. Grant,

Kindly allow me to introduce myself, I am the managing general partner of the Mizner Trail Properties in Boca Del Mar.

I am writing to request the opportunity to present our development plan to your Board of Directors and association members. As a neighboring community we would like to make a presentation at the September or October board meeting or at your convenience.

I have attached a fact sheet about our development plan which contains pertinent information.

More information may be obtained online at www.pbcgov.org by referencing the Development Order Amendment number, DOA 2013-01057.

Please advise as to the availability of the Board and members for a presentation.

Sincerely,

Robert Comparato, President
Compson Mizner Trail, Inc.
General Partner

36 SE 3RD STREET • BOCA RATON, FLORIDA 33432
TEL (561) 391-4040 • compson@gate.net

1

MIZNER TRAIL GOLF CLUB, LTD

Mr. Mark Ashton
mashton@parksideboca.com
Parkside

Dear Mr. Ashton,

Kindly allow me to introduce myself, I am the managing general partner of the Mizner Trail Properties in Boca Del Mar.

I am writing to request the opportunity to present our development plan to your Board of Directors and association members. As a neighboring community we would like to make a presentation at the September or October board meeting or at your convenience.

I have attached a fact sheet about our development plan which contains pertinent information.

More information may be obtained online at www.pbcgov.org by referencing the Development Order Amendment number, DOA 2013-01057.

Please advise as to the availability of the Board and members for a presentation.

Sincerely,

Robert Comparato

Robert Comparato, President
Compson Mizner Trail, Inc.
General Partner

36 SE 3RD STREET • BOCA RATON, FLORIDA 33432
TEL (561) 391-4040 • compson@gate.net

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MIZNER TRAIL GOLF CLUB, LTD

Mr. Louis Frangos,
lfrangos@comcast.net
Ironwedge

Dear Mr. Frangos,

Kindly allow me to introduce myself, I am the managing general partner of the Mizner Trail Properties in Boca Del Mar.

I am writing to request the opportunity to present our development plan to your Board of Directors and association members. As a neighboring community we would like to make a presentation at the September or October board meeting or at your convenience.

I have attached a fact sheet about our development plan which contains pertinent information.

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Please advise as to the availability of the Board and members for a presentation.

Sincerely,

Robert Comparato, President
Compson Mizner Trail, Inc.
General Partner

36 SE 3RD STREET • BOCA RATON, FLORIDA 33432
TEL (561) 391-4040 • compson@gate.net

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MIZNER TRAIL GOLF CLUB, LTD

Mr. William Reiter
reiterbunsic@bellsouth.net
The Greens

Dear Mr. Reiter,

Kindly allow me to introduce myself, I am the managing general partner of the Mizner Trail Properties in Boca Del Mar.

I am writing to request the opportunity to present our development plan to your Board of Directors and association members. As a neighboring community we would like to make a presentation at the September or October board meeting or at your convenience.

I have attached a fact sheet about our development plan which contains pertinent information.

More information may be obtained online at www.pbcgov.org by referencing the Development Order Amendment number, DOA 2013-01057.

Please advise as to the availability of the Board and members for a presentation.

Sincerely,

Robert Comparato, President
Compson Mizner Trail, Inc.
General Partner

36 SE 3RD STREET • BOCA RATON, FLORIDA 33432
TEL (561) 391-4040 • compson@gate.net

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MIZNER TRAIL GOLF CLUB, LTD

Mr. Mike Ward
fcreunions@aol.com
Woodbriar

Dear Mr. Ward,

Kindly allow me to introduce myself, I am the managing general partner of the Mizner Trail Properties in Boca Del Mar.

I am writing to request the opportunity to present our development plan to your Board of Directors and association members. As a neighboring community we would like to make a presentation at the September or October board meeting or at your convenience.

I have attached a fact sheet about our development plan which contains pertinent information.

More information may be obtained online at www.pbcgov.org by referencing the Development Order Amendment number, DOA 2013-01057.

Please advise as to the availability of the Board and members for a presentation.

Sincerely,

Robert Comparato, President
Compson Mizner Trail, Inc.
General Partner

36 SE 3RD STREET • BOCA RATON, FLORIDA 33432
TEL (561) 391-4040 • compson@gate.net

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NEIGHBORING COMMUNITY MEETING SUMMARIES

- **May 13, 2013 – Coronado, Sugar Sand Park at 7:00 P.M.**
  A meeting was held with the neighboring Coronado community at their HOA meeting. The Applicant and Land Design South presented the proposed 288 unit project at the meeting. No formal vote was taken in favor or against the proposed project.

- **September 23, 2013 – Coronado, Sugar Sand Park at 8:00 P.M.**
  A meeting was held with the neighboring Coronado community at their HOA meeting. The Applicant and Land Design South presented the proposed 288 unit project at the meeting outlining the changes made to the plan since the prior meeting held in May 2013. The residents raised concerns of the proximity of the proposed cul-de-sac and units to their existing units and asked if the proposed plan could be revised. The applicant agreed to make some revisions. No formal vote for or against the project was taken.

- **October 8, 2013 – Fairway Village at 7:30 P.M. (Clubhouse – 6400 Parkview Drive)**
  A meeting was held with the neighboring Fairway Village HOA Board and although the applicant requested the Board to inform residents of the meeting, only the HOA Board was in attendance. The Applicant and Land Design South presented the proposed 288 unit project at the meeting. The residents asked questions and raised concerns about the golf course closure, the overall project and traffic. No formal vote was taken for delivery to the applicant.

- **October 15, 2013 – La Joya at 8:00 P.M.**
  The Applicant and Land Design South presented the proposed 288 unit project at a meeting of the neighboring La Joya community. The residents asked questions and raised concerns about setbacks for the proposed units closest to the existing homes within La Joya. They asked questions and raised concerns about traffic and the ability of getting a signal at their entrance to SW 18th Street and the impacts of the proposed project at the intersection of Military Trail and SW 18th Street. The residents in attendance had a spokesperson state that they were not supporting the project as it was presented that evening.

- **October 16, 2013 – Parkside at 6:00 P.M.**
  The Applicant and Land Design South presented the proposed 288 unit project at a HOA meeting of the neighboring Parkside community located across Military Trail. The residents asked questions and raised concerns about traffic; specifically about aligning the proposed access to Military Trail with their existing access and the ability of getting a signal at their entrance. They also asked questions about the turning movements of the cars in and out of the proposed Military Trail access and the u-turns and the impacts of the proposed project at SW 18th Street. They raised questions about noise and dirt from the traffic along Military Trail. They asked questions about the proposed landscape buffer along Military Trail. The HOA did not take a vote at the meeting for or against the proposed project.

- **October 28, 2013 – Coronado, Sugar Sand Park at 8:00 P.M.**
  A meeting was held with the neighboring Coronado community at their HOA meeting. The Applicant and Land Design South presented the proposed 288 unit project at the meeting outlining the changes made to the plan as requested in the prior Coronado meeting held in September 2013. The residents took copies of the plan stating they would be posted in their buildings as well as petitions for support of the project. No formal vote for or against the project was taken.

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Boca Del Mar - Memorandum

RE: Meeting with Commissioner Abrams

Date: August 29, 2012

Attendees: Commissioner Steven Abrams, Rosemary Nixon, Felipe Martinez, Robert Brown (SFWMD), James Comparato, Robert Comparato

The following topics were presented and discussed:

1. Rosemary Nixon advised us that our proposed compromise of 194 townhouse lots and 64 condominium units was approved by their Steering Committee subject to satisfactory resolution of: 1) Funding for maintenance of the lakes and common areas, and 2) resolution of the concern regarding the arsenic on the golf course grounds.

2. The developer agreed to transfer all ground not being used in the proposed plan to a land trust or other entity such as BDMIA upon approval of the project with the Palm Beach County Commission and the expiration of any appeal period.

3. As part of the Developer's approval, the lakes and open space land parcels will be re-zoned to Recreation with a conservation easement that will preclude any further development on the open areas to be transferred to the BDMIA. The developer will also place a deed restriction on the property preventing any future development. These three restrictions will ensure all Boca del Mar residents that nothing will ever be built on the vacant land.

4. It was discussed that perhaps the most logical entity to take over ownership and maintenance of the lakes and open space would be BDMIA, if they are agreeable. The cost of maintenance was a serious concern for all Boca del Mar citizens.

5. Estimated Maintenance Costs

Maintain Lakes	$	640.00	month
Cut grass to 7"-8" height as previously maintained	$	2,000.00	month
Monthly Total	$	2,640.00	
Estimated Total Cost	$	31,680.00	annually

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*The foregoing costs are based upon bids received from independent contractors presently maintaining the lakes and cutting the grass areas.

6. In order to cover the proposed expense of maintaining the lakes and common areas to be transferred to the BDMIA, the developer will require the 194 new townhouse units and the 64 condominium homeowners to become members of the BDMIA. This will provide $30,960.00 for maintenance of the lakes based upon the current BDMIA dues structure of $120.00 per household. BDMIA could then allocate those funds to maintain the lakes and grass in this quadrant of Boca Del Mar. Accordingly, no additional maintenance expense will be passed on to BDMIA as a result of the lakes and common areas being deeded to them.

7. SFWMD is supportive of the proposed lakes but is unable to contribute to the maintenance. However, they may consider funding Xeriscape landscaping costs and design components. No guarantee of participation was assured by Mr. Robert Brown of SFWMD but an indication of some limited assistance was made.

8. The proposed lakes will be dug to approximately 3½ feet and conform to all SFWMD and county code requirements.

9. Ms. Nixon will present this compromise proposal to the BDMIA Board of Directors on September 12, 2012 for its consideration.

10. The compromise proposal has merit for many reasons including additional on-site water storage, maintains and improves water quality, is virtually revenue neutral to BDMIA, will improve neighborhood home values, and will resolve "a problem that is not going to go away" with the developer. The residents and the Developer have worked hard to arrive at what each believes is a fair compromise. This compromise will stop the annual submission of a new site plan for this property and limit the development as shown while adding a number of lakes and open space for the residents use and enjoyment.

11. The concern regarding arsenic was brought up by Rosemary Nixon. Commissioner Abrams and Mr. Brown noted that all golf course communities and in Florida have this problem and he believed that it can be handled with additional monitoring like the previous developments in Palm Beach County have that were located on a golf course.

12. A final request was made by Rosemary Nixon for the developer to go back to cutting the grass as it was previously done. It was specifically noted that the current level of lawn maintenance is fully in compliance with Palm Beach County ordinances. The Developer agreed to resume its previous level of maintenance for the grass areas subject to the receipt of approvals from BDMIA and the Palm Beach County Board of County Commissioners with respect to the development of the 194 townhouse units and 64 condominium units.

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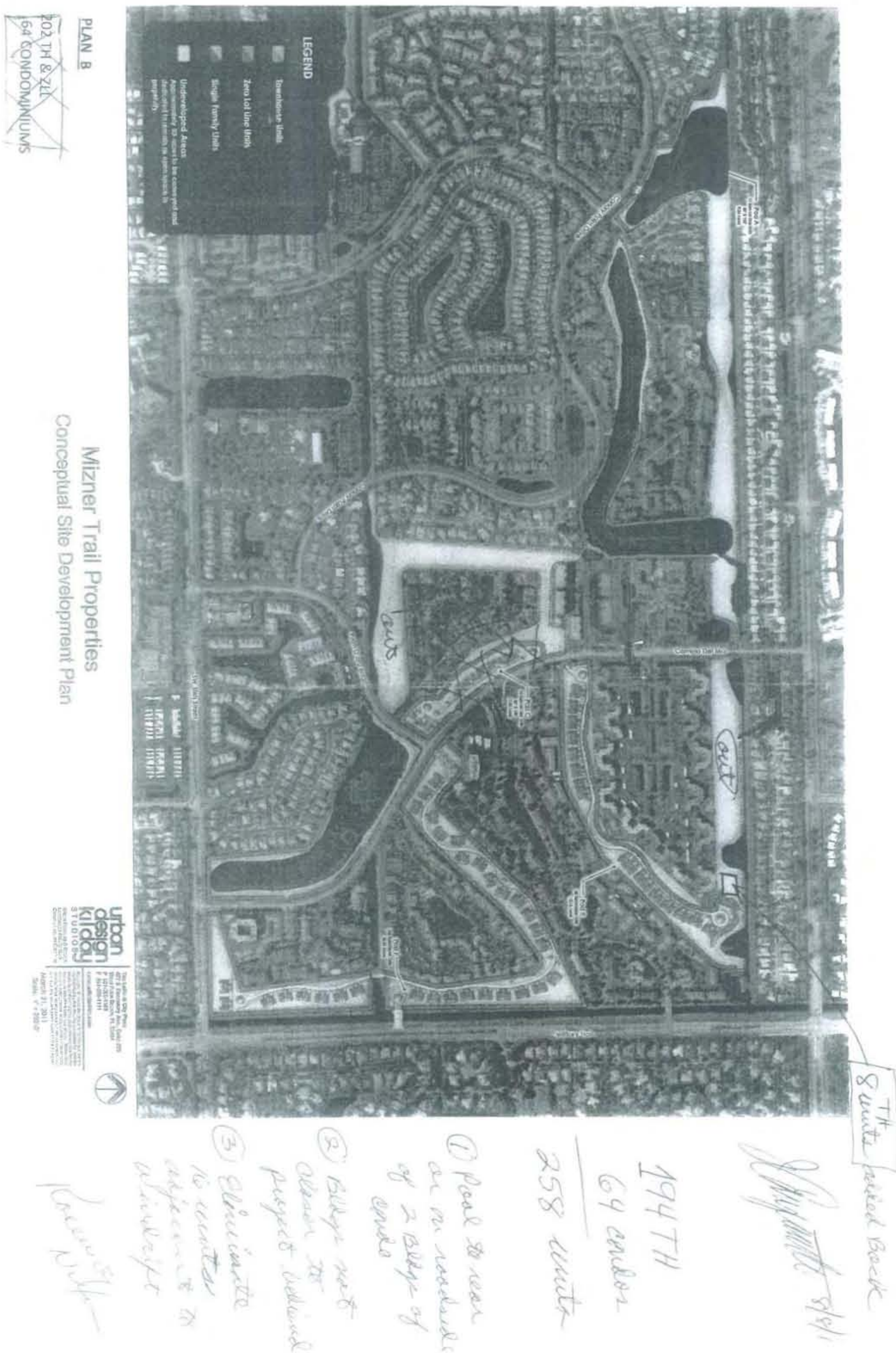
PLAN B
202 TH & ZLT
64 CONDOMINIUMS
LEGEND
Townhome Units
Zero Lot Line Units
Single Family Units
Undeveloped Areas
Mizner Trail Properties
Conceptual Site Development Plan
urban design kilday studios
TH 8 units
194 TH
64 condos
258 units

Brian Coleman
6444 La Costa Drive 202
Boca Raton, FL 33433
landmarkm@hotmail.com

September 26, 2012

Compson Development
36 SE 3rd Street
Boca Raton, FL 33432
Jim Comporato

Dear Mr. Comporato,

It is my understanding that on Tuesday night September 25, 2012 you attended the Coronodo monthly board meeting where it may have been communicated or misconstrued that I personally endorsed your recent plan to build on the fairways at Mizner Trail.

Please understand that I personally do not, and have not endorsed this plan and any communication by you or your associates otherwise would be a misrepresentation of fact and a false representation of my opinion on this matter.

Any attempt to gain support for this plan should be done on its own merits and may not include my endorsement.

Please conduct yourself accordingly.

Sincerely,

Brian Coleman

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Mr. Brian Coleman
6444 La Costa Drive, #202
Boca Raton, FL 33433

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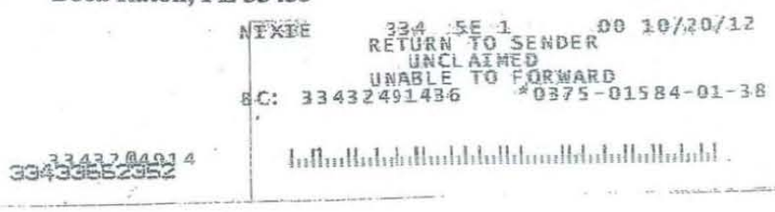

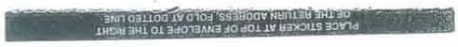

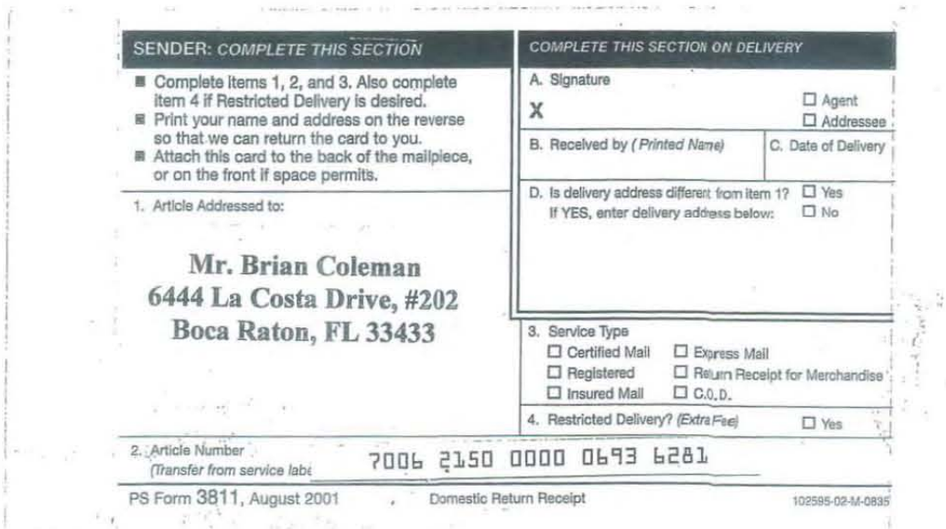

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mail
10/23

Mizner Trail Golf Club, Ltd.
36 SE 3rd Street
Boca Raton, FL 33432

October 1, 2012

Mr. Brian Coleman
6444 La Costa Drive, #202
Boca Raton, FL 33433

Dear Brian:

I am in receipt of your letter dated September 26, 2012. For the record, no mention of your endorsement of any plan was made at the meeting by me or any representative of our Company.

Your participation in the preparation, negotiation, and presentation of a compromise plan to Commissioner Abrams is a matter of fact. Your position that you now oppose the plan is disingenuous and an insult to the integrity of the negotiations that preceded the compromise plan that you previously agreed to at the Commissioner's office.

We intend to gain support for this plan with the community with or without your support.

Sincerely,

COMPSON MIZNER TRAIL, INC.
Its General Partner

Robert Comparato,
President

CC: J. Comparato

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We believe this proposal provides the Community with a first class development that will improve the values of all existing homes in the Boca Del Mar Community. We estimate the price of our townhouses to range from $375,000.00 to $475,000.00 and our condominiums to range from $275,000.00 to $350,000.00 depending upon size and location. We look forward to any comments or questions you may have and respectfully request BDMIA's support of this development proposal.

Sincerely,

MIZNER TRAIL GOLF CLUB, LTD.

Robert Comparato
President
COMPSON MIZNER TRAIL, INC.
Its General Partner

RC/sel

1

Mizner Trail Golf Club, Ltd.
36 SE 3rd Street
Boca Raton, FL 33432

October 4, 2012

Boca Del Mar Improvement Association
6018 SW 18th Street
Boca Raton, FL 33433

Dear Members of the Board:

We have been working with some of the members of your community to arrive at a plan for the development of a portion of the former Mizner Trail Golf Course. We have arrived at a site plan that is a compromise based upon the number of units to be built, the amenities we will provide, and the limitation of developed property. We respectfully request that the Boca Del Mar Improvement Association consider the following proposal:

1. **DEVELOPMENT PLAN**

We plan to build and develop 194 units of townhouses on the east side of Camino Del Mar together with 64 units of condominiums on the old clubhouse parcel on the west side of Camino Del Mar. The remainder of the former golf course will be designated recreational/preserve with deed restrictions and/or a conservation easement or other restriction acceptable to all parties concerned.

2. **TRANSFER OF OPEN SPACE/MAINTENACE EXPENSE**

We propose to transfer all property not used for the development of the 194 Townhouse units and 64 Condominium units to BDMIA, a land trust, or any other entity of your choice so the Association can be in control of the maintenance of the open spaces in your community in perpetuity. We have received proposals from contractors currently performing the work for maintaining all open space areas (proposed lakes and green open space) at a cost of approximately $32,000.00 annually. We propose these costs be paid for in the future by the requiring the purchasers of the 258 units of new townhouses and condominiums to become members of BDMIA and pay a fee of $120.00 per year or whatever increases in the rate BDMIA may impose on the entire community in the future.. This makes the maintenance of the new amenity package (the lakes and open green space areas) ***self-funding and revenue neutral*** provided those funds are allocated for the purpose of maintaining these specific open

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green space areas and lakes. We would propose the transfer of the lakes and greenway areas occur upon the issuance of permits to build our proposed development from all applicable County, State and Federal agencies and the completion of all necessary construction of all lakes and grading in the areas to be transferred.

3. **LAKES AND GREENWAY AREAS**

Our proposal includes the transfer of approximately 12.9 acres of completed lakes and approximately 70.17 acres of open green spaces. The lakes will be completed in accordance with all specifications dictated by South Florida Water Management District (SFWMD") approval standards and shall be a minimum of 3 ½ -4 feet deep. The depth of the lakes may be increased should additional fill be required or desired. The final design of the lakes will be dictated by the South Florida Water Management District regulations and we agree to conform to said design criteria in all respects. We have designed the shape of the lakes with an arborist in order to save as many as many larger stands of specimen trees as possible.

The estimates of costs provided for the maintenance of the open green space areas anticipates that the open green space areas of the remaining property will be cut to 7-8 inches in height monthly. Mizner Trail, or its affiliates, will be responsible for maintaining the lakes and the open green areas, cut to that agreed upon level, once all Federal, State and County approvals have been received and any appeal period to said approvals has expired. Mizner Trail, or its affiliates, will remain responsible for maintaining the lakes and the open green space areas until the townhouses and condominiums are completed and begin making payments to BDMAI directly. Thereafter BDMIA, or the record owner of the open spaces areas, will be responsible for all future maintenance expense which will be reimbursed from the annual fees paid to BDMIA from the newly developed homes.

4. **ACCESS**

We anticipate that the Military Trail entrance will service approximately 124 units of townhouses and will agree to control entry into that area from Camino Del Mar with a gate or traffic arm to discourage any "cut through" traffic exiting onto Military Trail.

5. **ENVIRONMENTAL CONCERNS**

There has been much discussion about the environmental condition of the property and the presence of arsenic on the golf course. Most people who live on or near a golf course are aware that arsenic is generally found on golf courses since it is part of the fertilizing process used to keep the golf course weed free and green. As a practical matter, once a site plan is approved for the property, the Developer will be required to submit a Site Assessment Report to the Florida Department of Environmental Protection ("FDEP") for their review and approval. FDEP will issue a report with specific recommendations and conditions that will

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need to be resolved prior to of any permit being issued to the Developer for development of the property in accordance with the final site plan approval.

As the Developer, we are obligated to comply with all conditions of FDEP's approval and will take whatever steps are necessary to conform to all FDEP standards for any remediation of the arsenic that is required. We will agree to remediate all property owned by us into compliance with FDEP standards for arsenic, including the lake areas and the open areas proposed to be transferred to BDMIA or other entity of your choice.
With respect to the maintenance facility, we have provided a report from Nutting Environmental of Florida, Inc. that was prepared for the BDMIA; regarding this issue dated June 21, 2010 (a copy of the letter is attached for your records). We are not, nor ever have been, the owner of that property and accordingly have no responsibility for any contamination that occurred prior or subsequent to our purchase of the adjacent golf course property. Accordingly, any remediation of this site is the sole responsibility of the owner, K&K Camino Boca Raton, Inc. or successors.

We have also included a letter from Nutting Environmental of Florida, Inc. regarding the claims made by Phyllis Greenberg in an email correspondence dated August 18, 2012. The conclusions set forth in the letter are very direct and dismiss her claims as "false" repeatedly.

6. **TIMING**

With respect to the timing of approvals, we anticipate beginning the submission process in November of 2012. Assuming the standard approval process timing, we would expect the site plan will be considered by the Palm Beach County Commission in early 2013. If approved, we will proceed simultaneously with the Environmental Assessment for FDEP's approval, finalizing our site plans and lake design drawings, obtaining approval from the South Florida Water Management District for drainage and lake design, and complete our building drawings for the proposed Townhouses and the Condominiums. We estimate that process could take approximately 6 to 8 months to complete. Once all conditions of proceeding to building permit are obtained from the South Florida Water Management District and FDEP with respect to any design changes or remediation requirements, we will then permit the project through Palm Beach County and commence work upon issuance of the permits. We anticipate that construction of the lakes and open space will commence simultaneously with work on our proposed development sites. It would be fair to estimate that it will take approximately 12 months from time of application before any construction would commence.

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Compson Development

From: drew dutton [drewadutton@yahoo.com]
Sent: Saturday, November 10, 2012 6:11 PM
To: compson@gate.net
Subject: Mizner Trail Golf Course Developement

This is a message for Robert Comparato....

Mr. Comparato: my name is Drew Dutton...I am one of the Board Members of the Ironwedge Homeowners Association. I received a copy of your letter dated 11/7/12, regarding your company's MTGC Developement Plan. I'm not speaking on behalf of our Board when I make the following comments... In Section 2 of your letter you mention $32000.00 as the estimated cost to maintain the approx 80 acres you propose to give to BDMIA... This is a laughable number...Our Ironwedge HOA spends nearly triple that amount of money to properly maintain the Ironwedge landscape and trees within our relatively small development. It sounds to me like you're proposing to maintain the 80 acres in a similar way that it's been maintained for the last 5 years...it looks very unsightly with high grass/fields and unkept/broken trees, etc...in other words like a dump!!! To properly maintain the 80 acres of landscape, lakes and trees would realistically cost multiple hundreds of thousands of dollars. In your letter you state the proposal would be to keep the landscape cut to 7-8" height once per month...that's totally unacceptable for any green space/recreational use...it would look unsightly like the acreage does today.

I would personally oppose any what you call gated ingress and egress into or out of the townhouse portions of your proposed developement onto Camino Del Mar Rd...only entry/exit from Military Trail would be acceptable to me. Even entry/exit of traffic from your proposed condo high rise onto Camino Del Mar will excessively overload traffic on this small street and is not acceptable to me.

In your closing paragraph...you state..."this proposal provides the community with a first class development..."....who's to say the community wants more residential development. As you know, the community as well as the PBC Commissioners have opposed residential development of the Mizner Trail Golf Course 2 times in the last 5 years. What the community wants is a working/properly maintained golf course or propery maintained lakes and green space.

Drew A. Dutton

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Mizner Trail Golf Club, Ltd.
36 SE 3rd Street
Boca Raton, FL 33432

November 28, 2012

Boca Del Mar Improvement Association
6018 SW 18th Street
Boca Raton, FL 33433

Dear Members of the Board:

Please be advised that we have decided to postpone our development proposal on the Mizner Trail property for approximately sixty (60) days in order to determine how we intend to proceed.

We will keep you advised.

Best Regards and Happy Holidays,

Robert Comparato
President
COMPSON MIZNER TRAIL, INC.
Its General Partner

RC/bs

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MEMO

TO: Frank Lewis, President, BDMIA

FROM: Robert Comparato

DATE: Monday, February 11, 2013

RE: Mizner Trail

CC: James Comparato, Commissioner Steven Abrams

Frank,

Good talking with you regarding the Mizner Trail /development re-submittal plans. I am hereby requesting the opportunity for our land planner, Bob Bentz of Land Design South, to meet with the board or your executive committee to discuss our plans at their convenience.

While Brian Coleman has chosen to reverse his position with respect to the compromise plan reached after months of negotiation, we would still like an opportunity to present our position to the entire board.

Thank you very much.

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Compson Development

From: Gordon Marts [bdmia3@aol.com]
Sent: Monday, June 10, 2013 9:46 AM
To: compson@gate.net
Subject: Re: Mizner Trail Development Proposal

Bob, The meeting is posted on our web site:boca del mar.org and open to all bdmia members. Gordon
-----Original Message-----
From: Compson Development <compson@gate.net>
To: 'Gordon Marts' <bdmia3@aol.com>
Cc: 'Jim Comparato' <jc@compson.com>; 'Bob Bentz' <bbentz@landdesignsouth.com>; 'Steven Abrams' <SAbrams@pbcgov.org>
Sent: Fri, Jun 7, 2013 2:21 pm
Subject: RE:Mizner Trail Development Proposal

Gordon,

I'm sorry to hear the board is "not interested" in listening to a presentation of our development proposal. I think it would benefit your board to understand the reasoning and improvements from the previously submitted plan, specifically traffic information, which has been revised significantly in reaction to neighbors input.

We have had meetings with several neighboring communities to explain the new maintenance plan for the open green spaces which is something your board should definitely be aware of. The new plan will assure the continued maintenance of the open green spaces at a 7'height throughout the undeveloped property.

IN OUR OPINION, FOR YOUR BOARD TO BLINDLY VOTE ON OUR DEVELOPMENT PROPOSAL WITHOUT HEARING ALL THE PERTINENT FACTS FROM THE LAND PLANNER AND DEVELOPER IS SHORT SIGHTED, UNFAIR TO BDMIA RESIDENTS/MEMBERS AND UNREASONABLE

Should the board change their position on a presentation we will make ourselves available.

Please advise me of the date of the meeting and if it is a public meeting open to all BDMIA members?

Best Regards,
Bob

From: Gordon Marts [mailto:bdmia3@aol.com]
Sent: Tuesday, June 04, 2013 3:49 PM
To: compson@gate.net
Subject:

Bob, The Boca Del Mar board of directors is not interested in a presentation of the Mizner Trail project at this time. They will vote to support or oppose the project at the June directors meeting. Gordon Marts prop mgr

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.2242 / Virus Database: 3184/5882 - Release Date: 06/04/13

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Checked by AVG - www.avg.com
Version: 2012.0.2242 / Virus Database: 3184/5882 - Release Date: 06/04/13

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.2242 / Virus Database: 3199/5898 - Release Date: 06/10/13

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GELFAND & ARPE, P.A.
ATTORNEYS AT LAW
1555 PALM BEACH LAKES BLVD.
SUITE 1220
WEST PALM BEACH, FL 33401

Telephone (561) 655-6224
Facsimile (561) 655-1361
www.gelfandarpe.com

MICHAEL J. GELFAND
BOARD CERTIFIED REAL ESTATE LAWYER
MARY C. ARPE

ILISA L. CARLTON
TANIQUE G. LEE
STACY L. KARGER

June 17, 2013

Robert Comparato
Mizner Trail Associates, Limited
980 North Federal Highway, Suite 400
Boca Raton, FL 33432

Re: Boca Del Mar Improvement Association, Inc.
/Mizner Trail

Dear Mr. Comparato:

You stated without equivocation "no deal." To reinforce your position, you stated "no compromise." Reinforcing your disregard for the Boca Del Mar Community, without consultation and without notice you submitted a proposed site plan to the County rejecting the discussions between the Association and you.

You have taken full advantage of the numerous venues to communicate to the Association. Pursuant to your request, your land planner presented your latest proposal in the manner and the forum of your choice. Earlier, you were provided an extraordinary opportunity to address the Association's membership at the Association's Annual Members' Meeting.

You know better than anyone else that your plan lives or dies by what has been filed on paper with the County, not an oral presentation to the neighborhood. The County will consider only what is filed with the County. No statement you now make to the Association will modify your unilateral filing with the County.

As for what you describe as a "new maintenance plan," again, if there was something new and material to consider, then your land planner would have stated that, or the "new" material would be conveyed in writing to the Association. To the extent you address only maintenance between now and construction, is this not "a little bit too little too late," the Association being subjected to the lack of maintenance. To the extent that your plan is to "maintain" open spaces at a seven inch height in perpetuity, considering the comments that have been made at Association meetings it would appear that you have grossly misunderstood the Community's concerns, or worse you do not desire to listen.

The bottom line is that the Association has sought to work with you, making repeated

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overtures. You rebuffed the Association's efforts to work with you. The Association's requests to you to explain how the project would integrate with the Association has been ignored, even though you promised to respond.

Now that you have heard that an Association meeting is scheduled, you sent a **BOLD FACE ALL CAPITALIZED** message, as if you are screaming at the Association. Your self-serving e-mail does not address that you have had months to work with the Association. You failed to acknowledge the repeated forums the Association has provided you.

Thus, in light of your email copied to Mayor Abrams, this matter has been referred to my attention as counsel for Boca Del Mar Improvement, Inc. Of course, the Association directors either have or will have the opportunity to review relevant materials and be up to speed. If there are supplemental materials provided to the County which you have not provided to the Association, then that is not the Association's fault and you are urged to provided the updated papers in a timely manner; however, it is noted that with the meeting approaching, time is rapidly waning for reviewing supplemental information, if the time has not already passed.

Very truly yours,

Michael J. Gelfand
For the Firm

MJG/cd
cc: Addressee via email: compson@gate.net
Mayor Steven Abrams via email: Sabrams@pbcgov.org
Boca Del Mar Improvement Association, Inc. via email

F:\WP\02794\130611ctocomparatomjg.wpd

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MIZNER TRAIL GOLF CLUB, LTD

August 20, 2013

Michael J. Gelfand, Esq.
Gelfand & Arpe, P.A.
1555 Palm Beach Lakes Blvd., Suite 1220
West Palm Beach, FL 33401

Dear Mr. Gelfand:

I am in receipt of your letter dated June 17, 2013. The accusations and assertions in your letter are simply untrue or you are very misinformed.

We have reached out to all of the neighboring associations and BDMIA and will continue to do so. In order to set the record straight I have summarized below our continued efforts to meet and compromise with BDMIA and our neighbors as well as the opposition leaders, now BDMIA board member, Mr. Brian Coleman and Ms. Rosemary Nixon.

With regard to Mr. Coleman and Ms. Nixon:

1) We met with Mr. Coleman, Ms. Nixon and Mayor Abrams numerous times beginning on January 12, 2012 through September 2012 in an effort to achieve a "compromise". We, in fact, agreed on a "compromise plan" with Mr. Coleman and Ms. Nixon consisting of 258 units on August 8, 2012 which was signed by Rosemary Nixon and James Comparato in the presence of Mayor Steven Abrams (copy attached for your reference).

   The "compromise plan" as it became known had all 258 units accessing Camino Del Mar at the suggestion and preference of Mr. Coleman and Ms. Nixon. We believe it was not ideal from a traffic standpoint, however it was agreed to in an effort to show good faith and get the needed support from both Mr. Coleman and Ms. Nixon.

   Since they represented to us that they would support the plan, privately and publicly, at neighborhood association meetings, at the Palm Beach County Planning & Zoning Commission hearing and the Palm Beach County Board of County Commissioners meeting we included three large new lakes, as you will note on the attached plan. As the leaders of the opposition in previous applications, we believed their support would be helpful to our application.

36 SE 3RD STREET ◦ BOCA RATON, FLORIDA 33432
TEL (561) 391-4040 ◦ compson@gate.net

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2) On August 16, 2012 we had a meeting at Mayor Abrams' office with Ms. Nixon, Bob Brown of South Florida Water Management District and others to discuss the lakes (memo attached for your reference).

3) On September 24, 2012 we made a presentation of the compromise plan to the Coronado Condominium Association. They were generally supportive but didn't like the four-story condominiums on the clubhouse parcel. Once again, in an effort to compromise we changed those units to two-story townhomes and extended them onto the former driving range parcel.

   At the Coronado meeting we mentioned that the compromise plan was reviewed, endorsed and signed by Rosemary Nixon, and that Brian Coleman also verbally endorsed the plan. On September 27, 2012, I received a registered letter from Mr. Coleman reversing his position on supporting the compromise plan, copy attached. Obviously we were very disappointed by his unexpected change of heart, his motivation throughout the negotiations are unclear. He refused our reply by registered letter dated September 1, 2012 (copy attached).

4) On October 22, 2012 we met at the Mizner property with Ms. Nixon to review the plan revision regarding the change to townhomes from condominiums on the clubhouse site per Coronado's request and seek her continued support. Unfortunately, at that meeting she told us she was not willing to follow up on the support she had pledged to us when she signed the compromise plan in Mayor Abrams' presence. Again, we were disappointed.

With regard to BDMIA:

1) On October 4, 2012 we sent a letter to the BDMIA board (copy attached), regarding the compromise plan requesting their feedback and support. Subsequent to that letter we met with BDMIA several board members to discuss and review the plan. After numerous other meetings the BDMIA board rejected the idea of BDMIA owning and maintaining the open spaces due to insurance and environmental concerns, even though it was free and revenue neutral regarding maintenance expenses because our new homeowners would join BDMIA and pay dues.

2) On October 8, 2012 we attended a public meeting of the BDMIA membership at which you were in attendance. At the conclusion of the meeting a presentation of the compromise plan was made by James Comparato followed by a question and answer session. Numerous people spoke at the meeting in opposition to the plan including Mr. Coleman, Phyllis Greenberg, William Vale (a board member) and Gail Hewitt, among others. Their comments were overwhelmingly opposed to the compromise plan. The board did not vote on the compromise plan and certainly did not seem inclined to support it.

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3) Soon thereafter we attempted to meet with numerous neighboring associations to present the compromise plan. The only association that agreed to a presentation was Wellesley Park Condominium which was overwhelmingly negative. We did receive a reply from one of the Ironwedge board members, Mr. Dutton, objecting to the plan (copy attached).

4) On April 17, 2013 Bob Bentz and Jennifer Vail of Land Design South met with Rosemary Nixon and two BDMIA board members to present the 228 unit plan and offered to make changes to the plan if they had suggestions. Bradly Rothenberg, Esq., one of the board members present, suggested a presentation to the full board.

   On May 10th, Jennifer Vail spoke to Gordon Marts; another meeting was not arranged because they "got in trouble" for the first meeting as it wasn't open to all board members.

   Gordon subsequently told Jennifer Vail that the June meeting was cancelled and he would try for the July 23rd meeting. As you are aware, the June meeting was held on June 17, 2103.

With regard to the current development application:

1) After working for over a year on the compromise plan we realized we had no support from Mr. Coleman, Ms. Nixon as promised or any neighborhood group, other than Coronado, so we decided to re-evaluate the plan. At that time we met with Commissioner Abrams to explain to him the sequence of events and non-support. We informed him that we would withdraw the compromise plan due to the lack of support we were promised.

2) After revising the plan to the current 288 unit plan we tried to present it to the BDMIA board numerous times but were continually refused the opportunity to present our plan (memo dated February 11, 2013 attached), even though BDMIA has supported all previous development applications.

3) After numerous delays, reversals, and continued rebuttals from the BDMIA board as well as Mr. Coleman and Ms. Nixon, we filed the 288 unit plan with Palm Beach County on April 17, 2013.

4) As you know, the BDMIA board held a public meeting on Monday, June 17, 2013 and voted to oppose our development proposal before the meeting was held, even though it had never seen a presentation of our development proposal from our land planner or ourselves.

We still feel that your board having voted on our development proposal without hearing all the pertinent facts, including traffic studies, and the new maintenance plan from the land planner and developer was short-sighted, unfair to BDMIA residents/members and unreasonable.

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As a clarification, the bold faced, all caps paragraph in my email was for *emphasis only*, not to be interpreted for your benefit/spin as if I were yelling or screaming at anyone, as I do not conduct business in that manner.

We still stand ready to make a presentation to BDMIA or to any association that will allow us to do so.

Sincerely,

MIZNER TRAIL GOLF CLUB, LTD.

Robert Comparato
President
COMPSON MIZNER TRAIL, INC.
It's General Partner

Enclosures

CC: Mayor Steven Abrams
Robert Bentz, Land Design South
Gordon Marts

RC/sel

Exhibit L- Preliminary Subdivision Plan Submitted to the Zoning Commission 12/6/2013

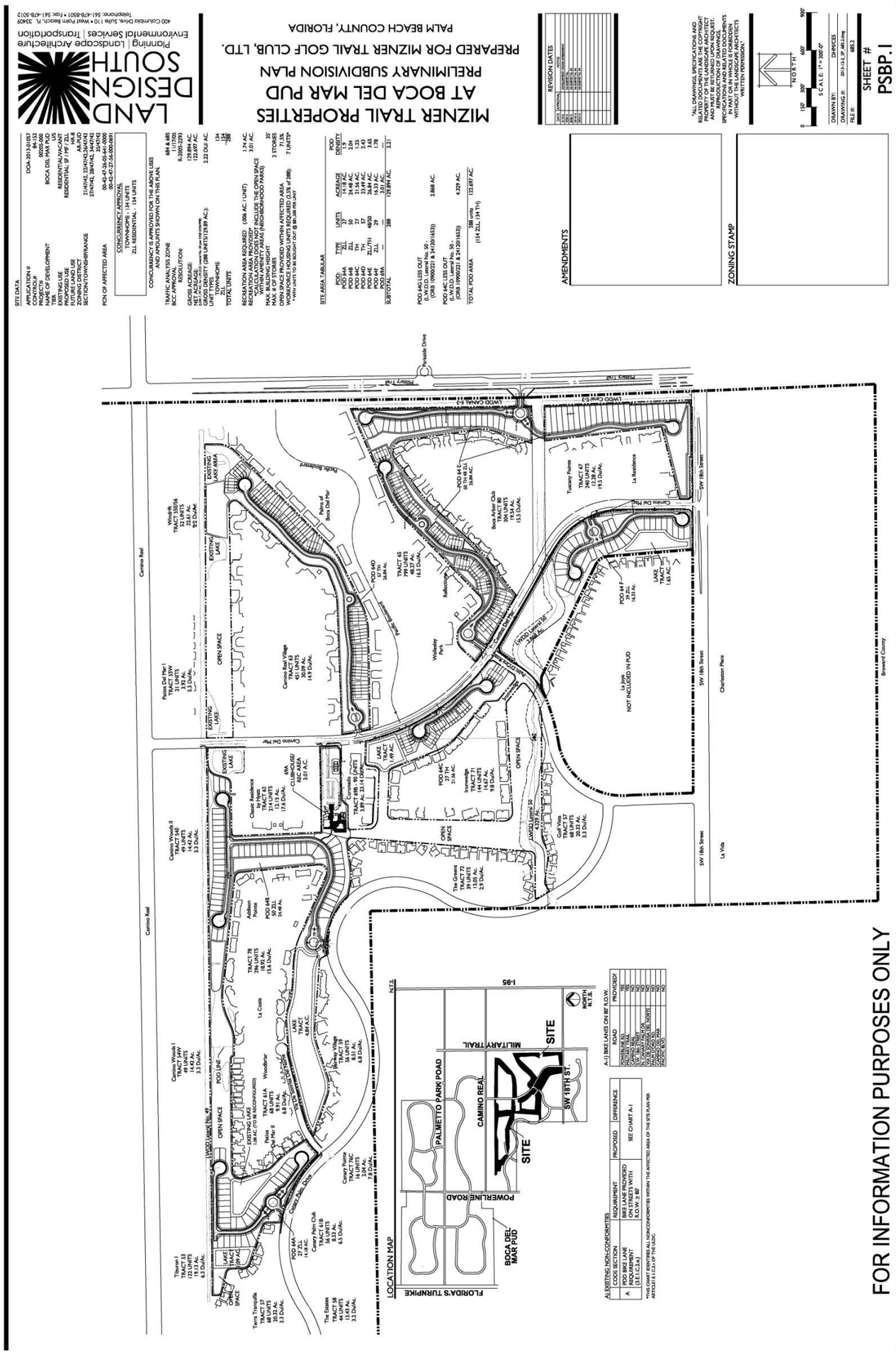

Exhibit M- Revised Conditions of Approval submitted by Applicant 12/6/2013

Boca Del Mar (DOA-2013-01057) Draft Add/Delete Conditions

LANDSCAPE – POD 64A
7. In addition to the ULDC requirements, landscaping and buffering along the following property lines of Pod 64 A shall include:
c. A minimum of fifty (50) feet of open space including a Compability Buffer shall be provided along the east ~~and west~~ property lines that abuts the existing residential Tracts ~~57 and~~ 61A.

LANDSCAPE – POD 64B
8. In addition to the ULDC requirements, landscaping and buffering along the following property lines of Pod 64 B shall include:
c. A minimum of fifty (50) feet of open space including a Compability Buffer shall be provided along the ~~east and west~~ south property line that abuts the existing residential Tracts ~~62~~, 72, ~~and 78~~;

LANDSCAPE – POD 64D
10. ~~Pod 64D shall be maintained as an open space tract in perpetuity. (DRO: ZONING - Zoning)~~
A minimum of fifty (50) feet of open space including a compatibility buffer shall be provided along the perimeter property line adjacent to Tract 63 where development is proposed.

LANDSCAPE – POD 64E
11. In addition to the ULDC requirements, landscaping and buffering along the following property lines of Pod 64E shall include:
~~c. A minimum of fifty (50) feet of open space including a Type I Incompability Buffer shall be provided along the north, south, and west property lines that abut the existing residential Tract 65, 67 and 80;~~
c. A Type I Incompatibility buffer shall be provided where zero lot line homes are adjacent to multifamily.

SITE DESIGN AFFECTED AREA OF APPLICATION 2013-01057
~~3. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise road layout within Pods 64A-F to provide a curvilinear design with the residential units placed on either side of the road. (DRO: ZONING-Zoning)~~

1 **Exhibit N Letter of Opposition City of Boca Raton**

RETURN TO:
Planning, Zoning and Building Department
PALM BEACH COUNTY ZONING DIVISION
Attn: Ms. Wanda Sanders, Zoning Technician
2300 N. Jog Road, 2"d Floor
West Palm Beach, FL 33411

Approve_____ Oppose_____

(Control No.1984-00152) Application No. DOA-2013-01057 (Boca Del Mar PUD)

Comments below from T. Douglas Hess, P.E., City Traffic Engineer:

The City borders this project immediately to the east, with the Parkside community located on the other side of Military Trail. Please be advised that City staff cannot support the proposed new median opening on Military Trail for safety reasons. It would serve as a minor access point for the Mizner Trail property and introduce new conflict points on a section of Military Trail which is over capacity during peak hours and experiences high speed traffic during off hours. This development already has at least 5 other access points and a new unsignalized full median opening on Military Trail would not be in the driving public's best interest. Also, the new median opening and left turn lane would remove extensive median vegetation, which the City has installed at considerable expense. We also believe the traffic study for this proposal should fully analyze the peak hour conditions at the intersection of Military Trail at Palmetto Park Road. That intersection is overcapacity and provokes extensive traffic backups, for which new residential-generated traffic will only worsen the condition of delay and safety hazards.

DATE: _____

NAME: _____ PHONE: _____
ADDRESS: _____ CITY/STATE/ZIP: _____

(Wendy Hernandez)

RECOMMENDATIONS AND POSTPONEMENTS: The Board may accept, reject or modify staff recommendations and take such other appropriate and lawful action including continuing said public hearings.

CONDUCT OF HEARINGS: Zoning hearings are quasi-judicial and must be conducted to afford all parties due process. Any communication that commissioners have outside of the public hearing must be fully disclosed at the hearing. Anyone who wishes to speak at the hearing will be sworn in and may be subject to cross-examination. Any person representing a group or organization must provide written authorization to speak on behalf of that group. Public comment is encouraged and all relevant information should be presented to the Board so a fair and appropriate decision can be made. Tapes are limited to three (3) minutes in length and are to be submitted to the Zoning Division one week prior to the meeting date for review. All tapes/information submitted for the public record will not be returned. Auxiliary aids or services will be provided upon request with at least three (3) days notice. Please contact the Zoning Division at 233-5041.

APPEALS: If a person decides to appeal any decision made by the Board, with respect to any matter considered at such hearing, they will need to provide their own court reporter to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence on which the appeal is to be based.

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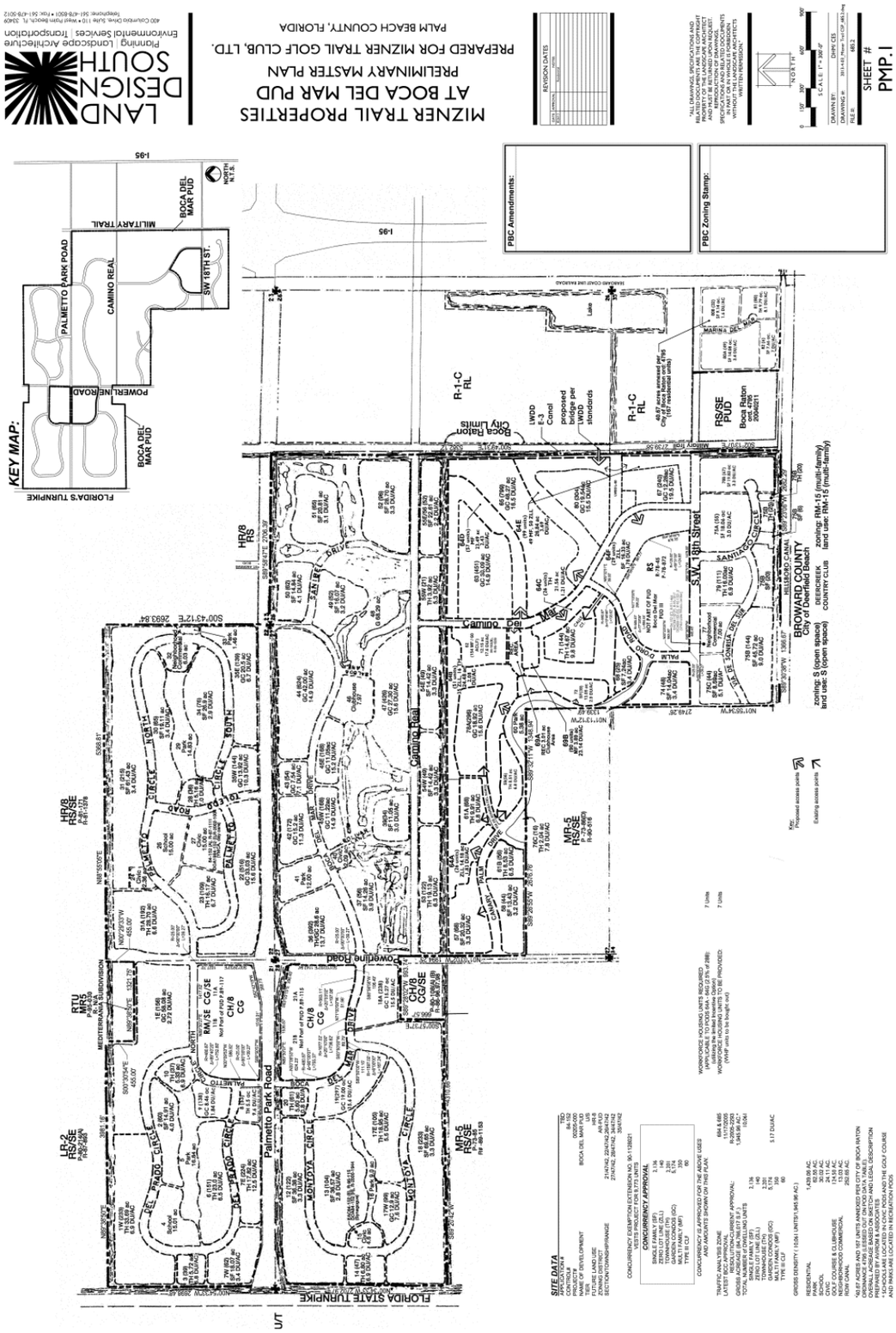
Exhibit 1 Revised Preliminary Master Plan page 1 dated January 31, 2014



1 **Exhibit 1 Revised Preliminary Master Plan page 2 dated January 31, 2014**

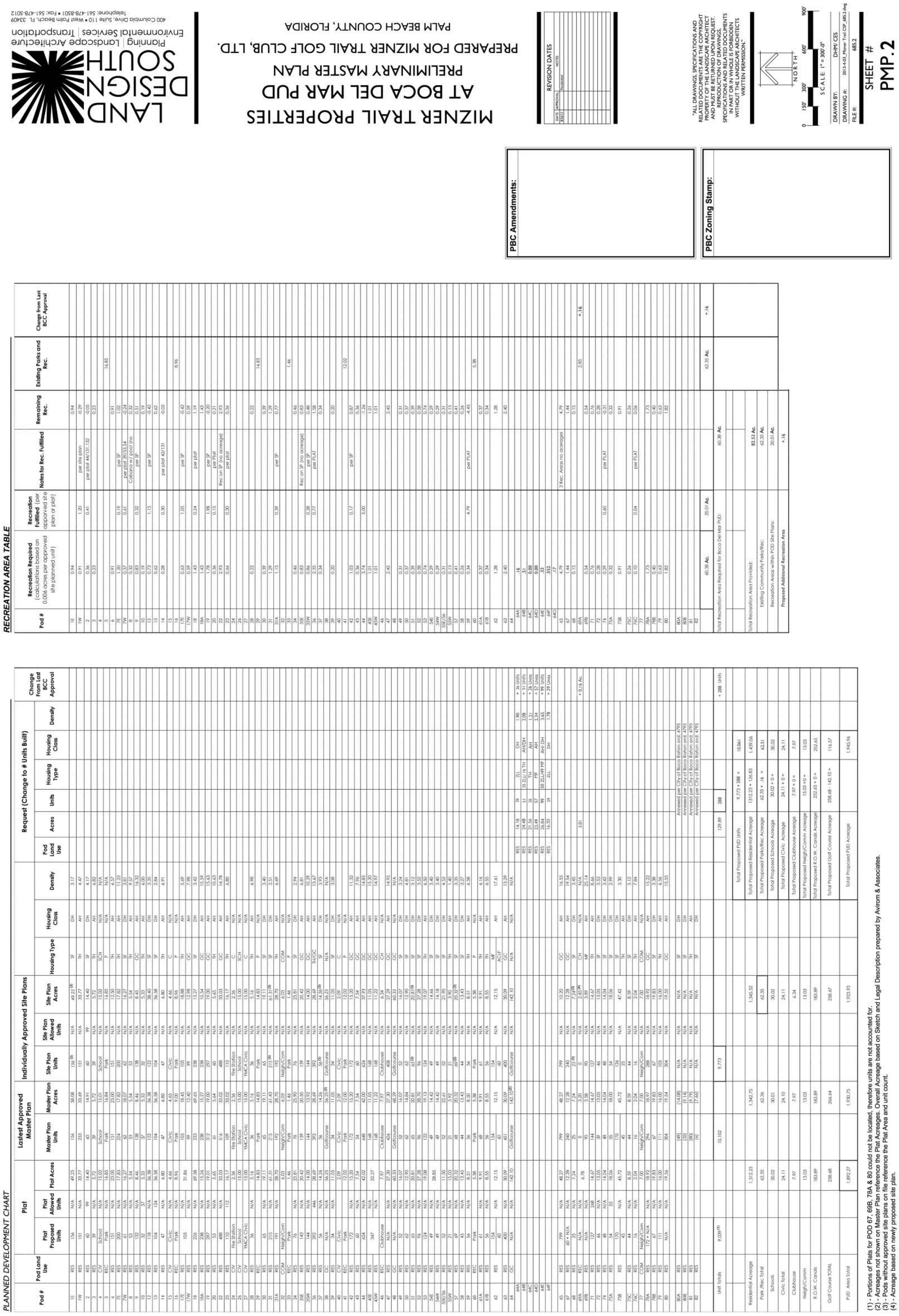


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Exhibit 2 Revised Preliminary Subdivision Plans page 1 dated January 31, 2014

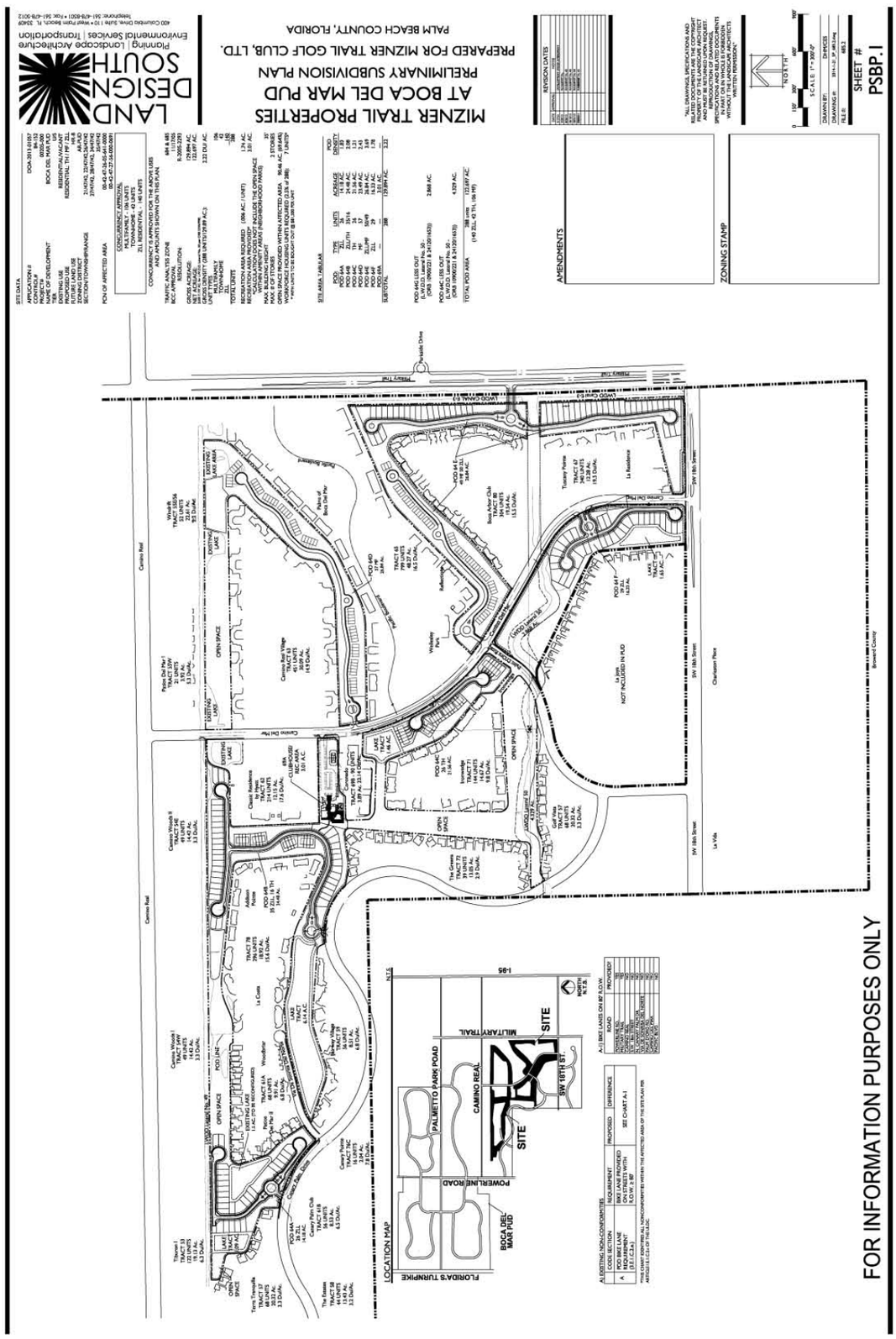


Exhibit 2 Revised Preliminary Subdivision Plans page 2 dated January 31, 2014

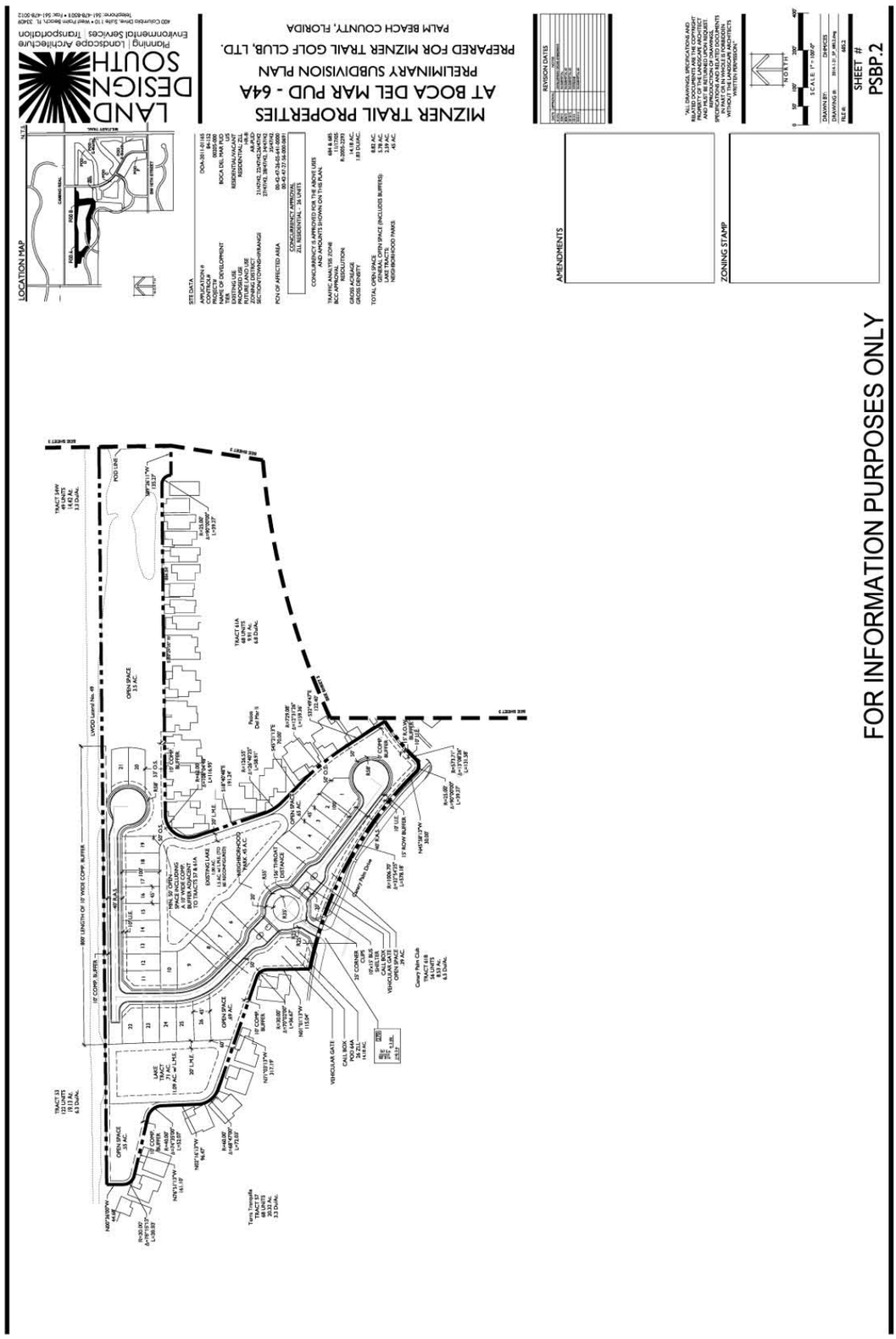
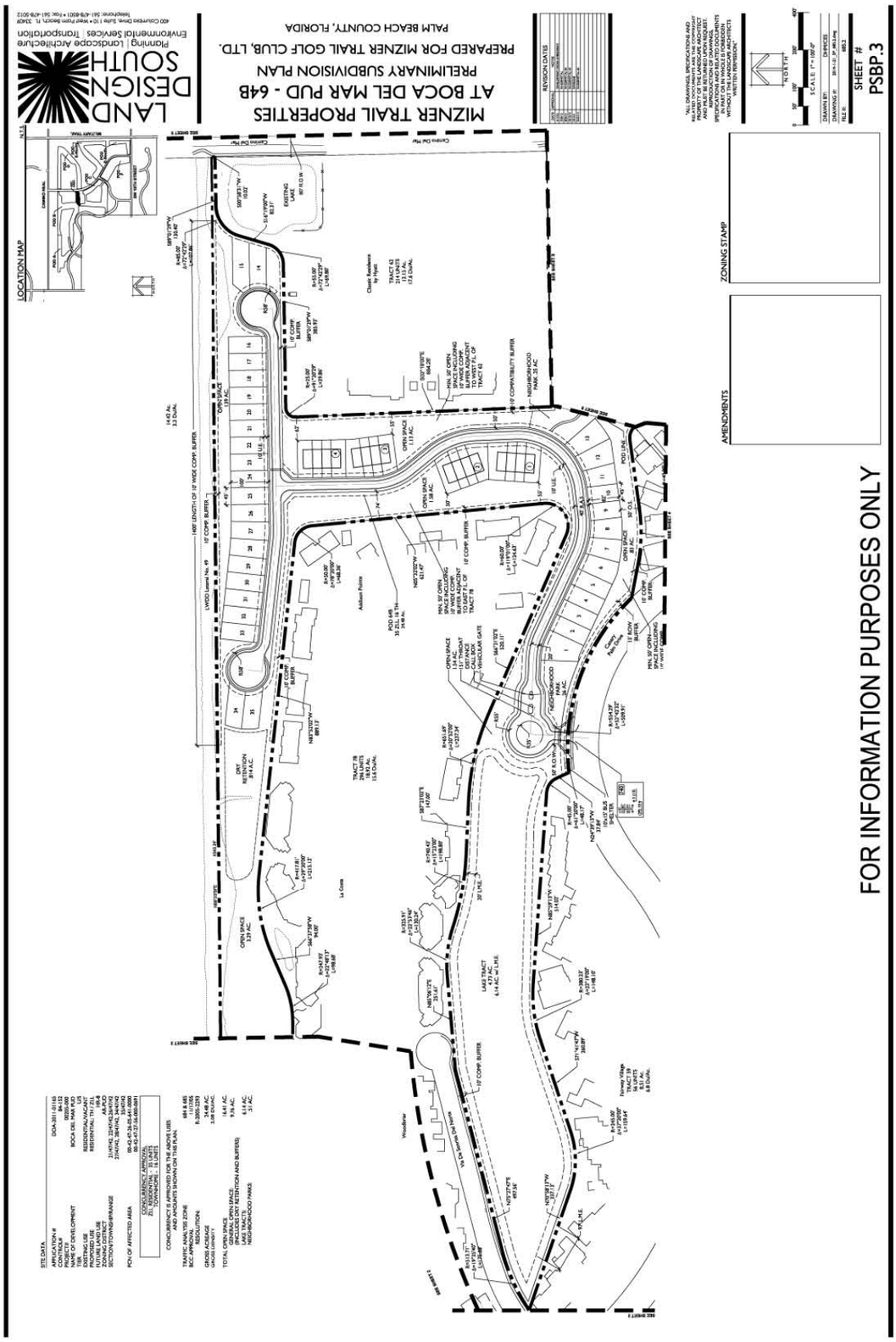


Exhibit 2 Revised Preliminary Subdivision Plans page 3 dated January 31, 2014



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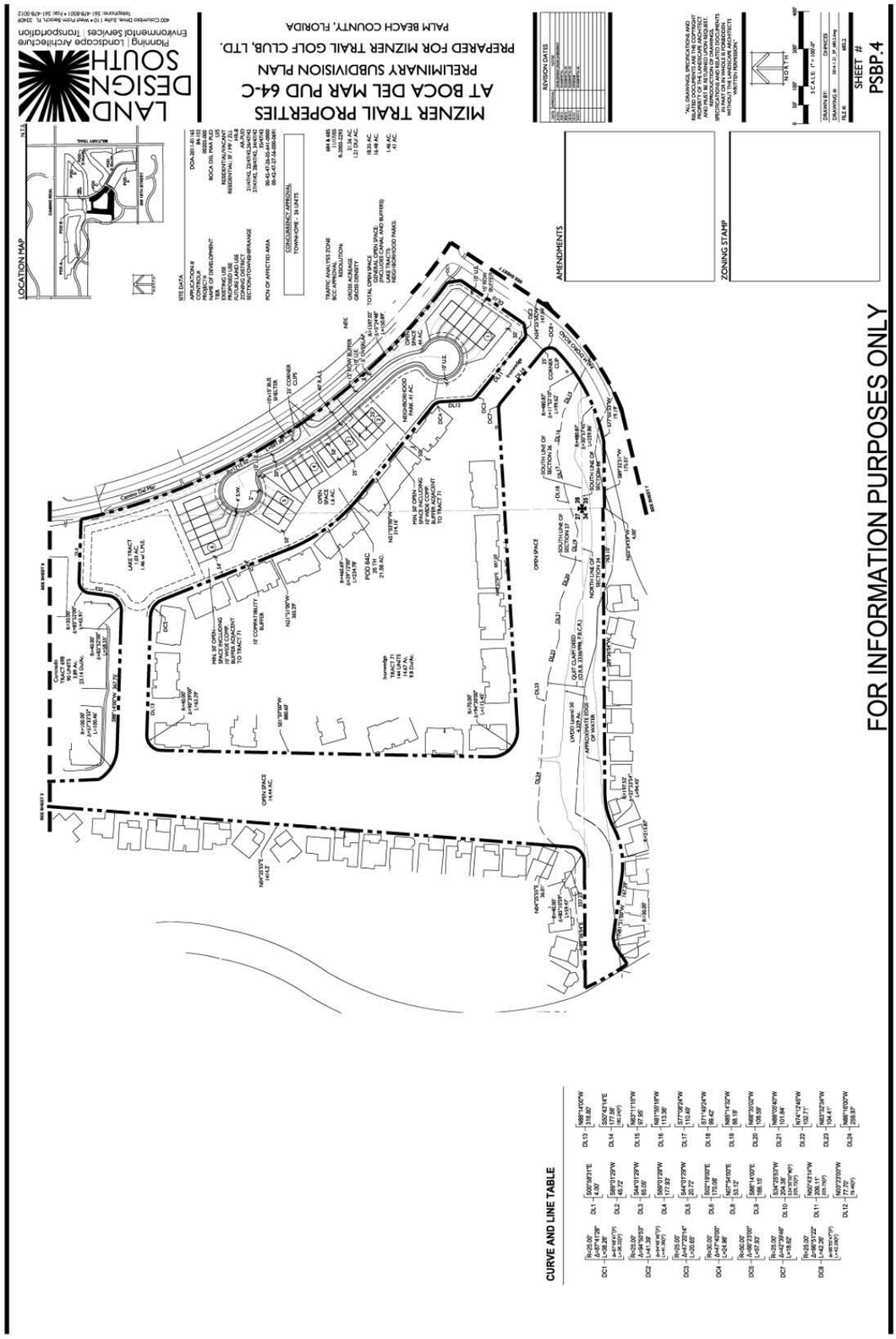


Exhibit 2 Revised Preliminary Subdivision Plans page 5 dated January 31, 2014

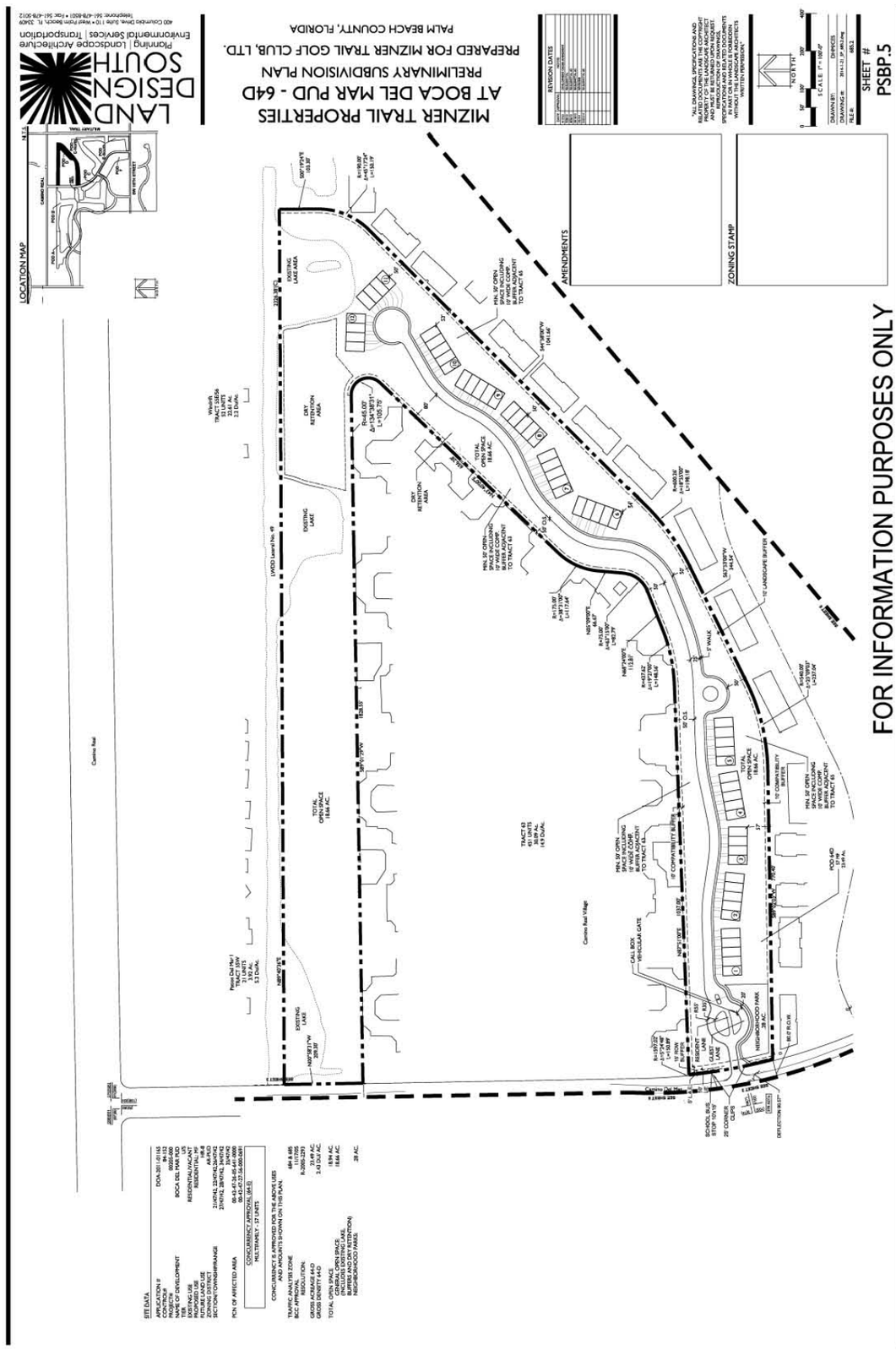


Exhibit 2 Revised Preliminary Subdivision Plans page 6 dated January 31, 2014

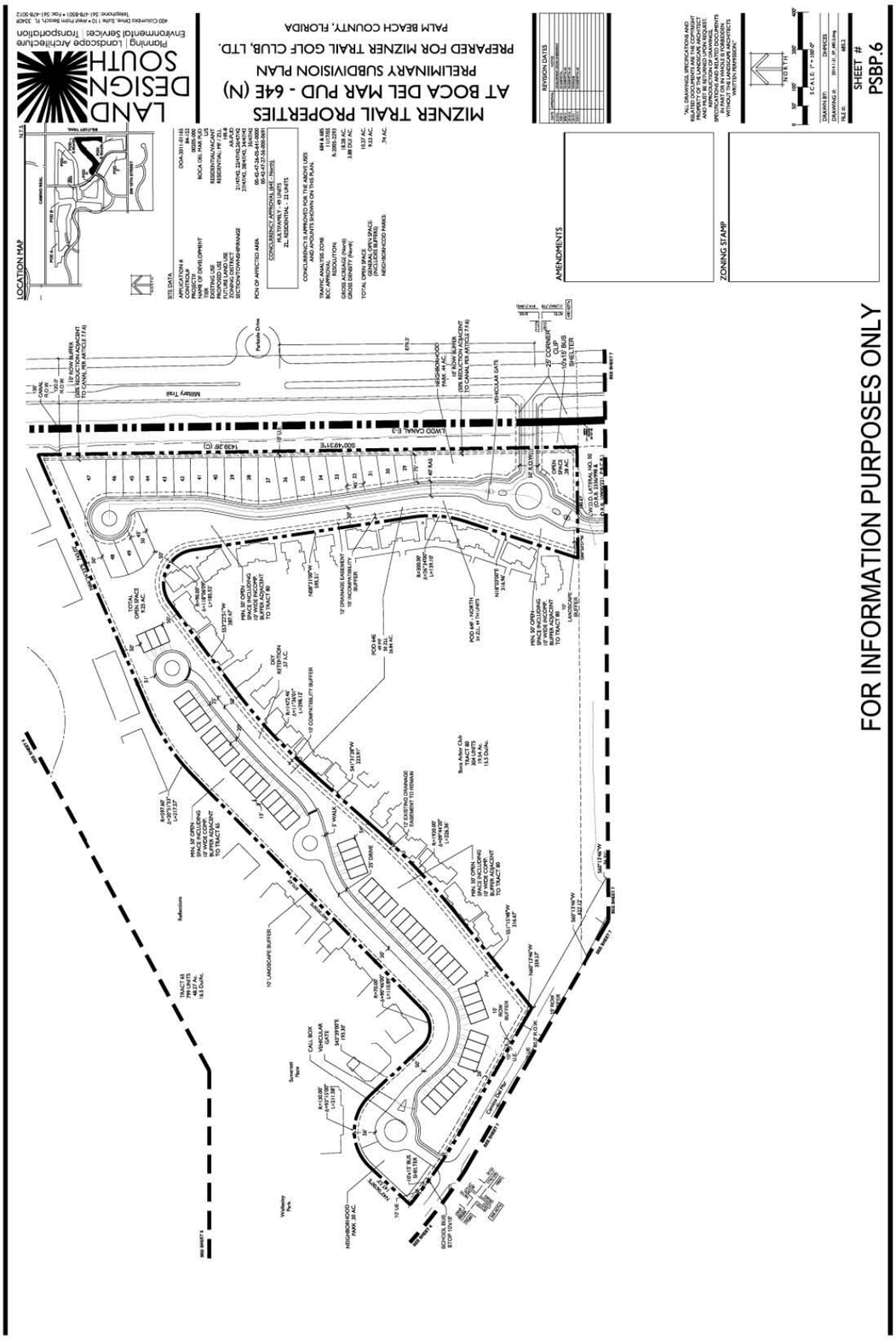


Exhibit 2 Revised Preliminary Subdivision Plans page 7 dated January 31, 2014

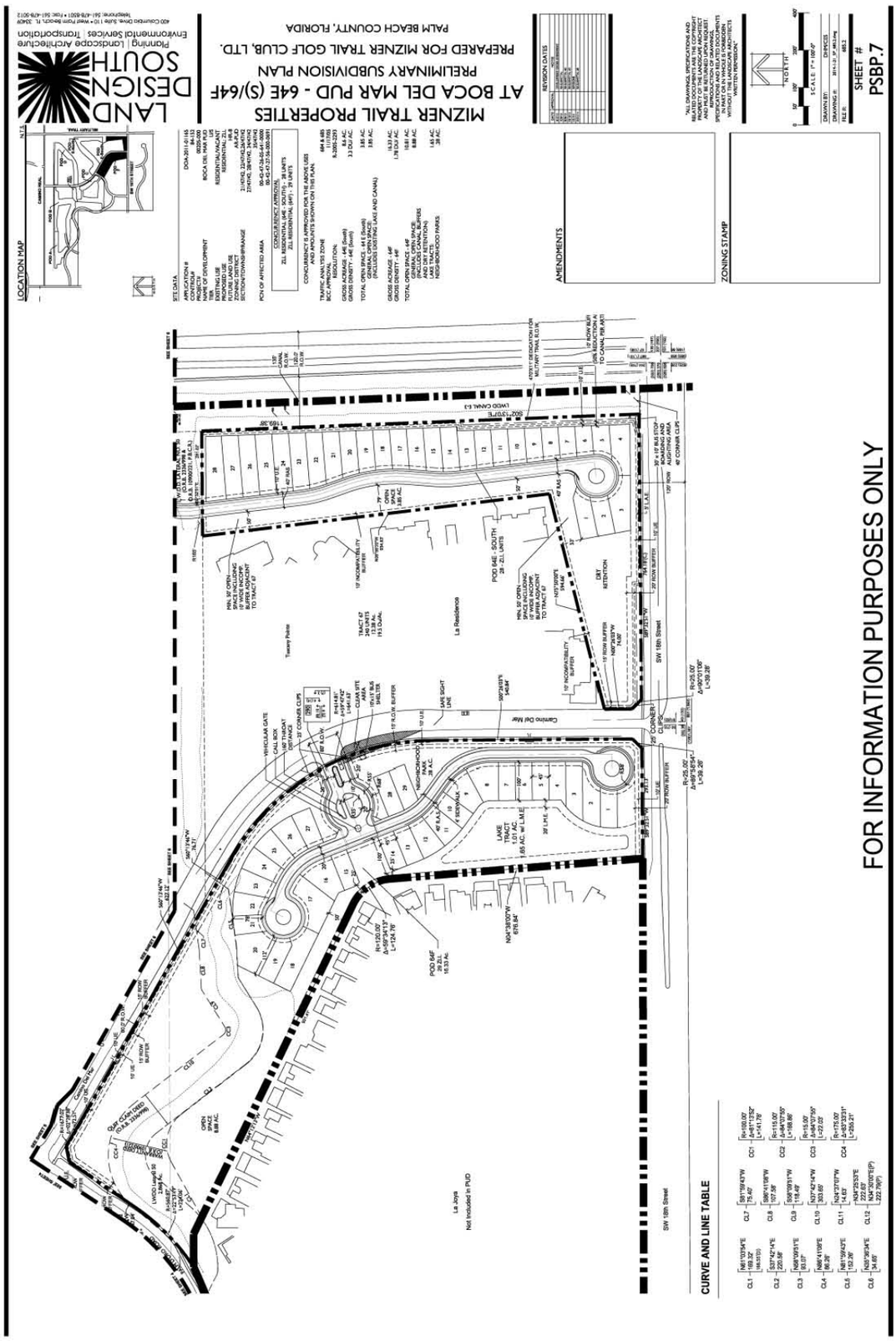


Exhibit 2 Revised Preliminary Subdivision Plans page 8 dated January 31, 2014

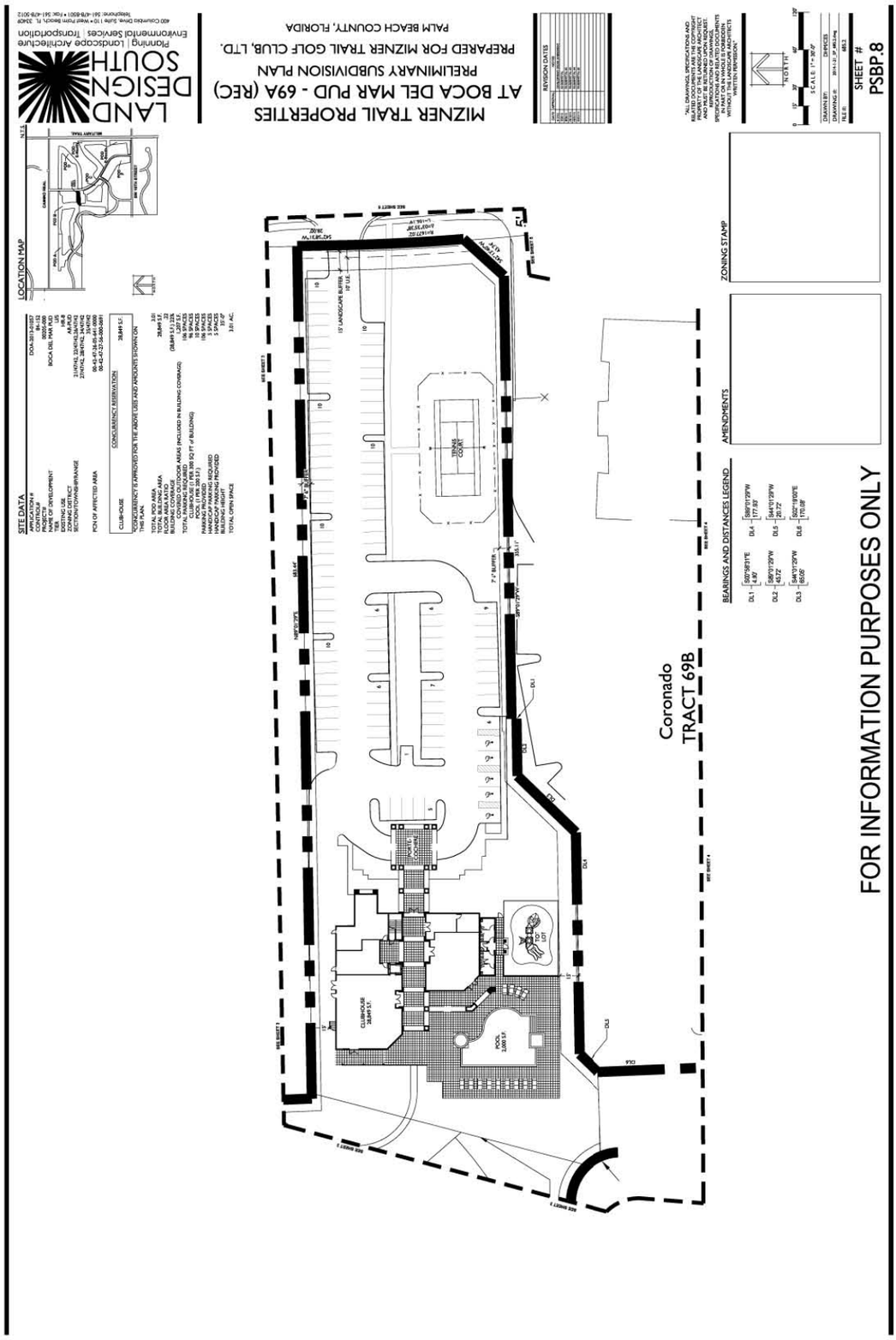


Exhibit 3 Revised Visual Impact Analysis page 1 dated February 19, 2014

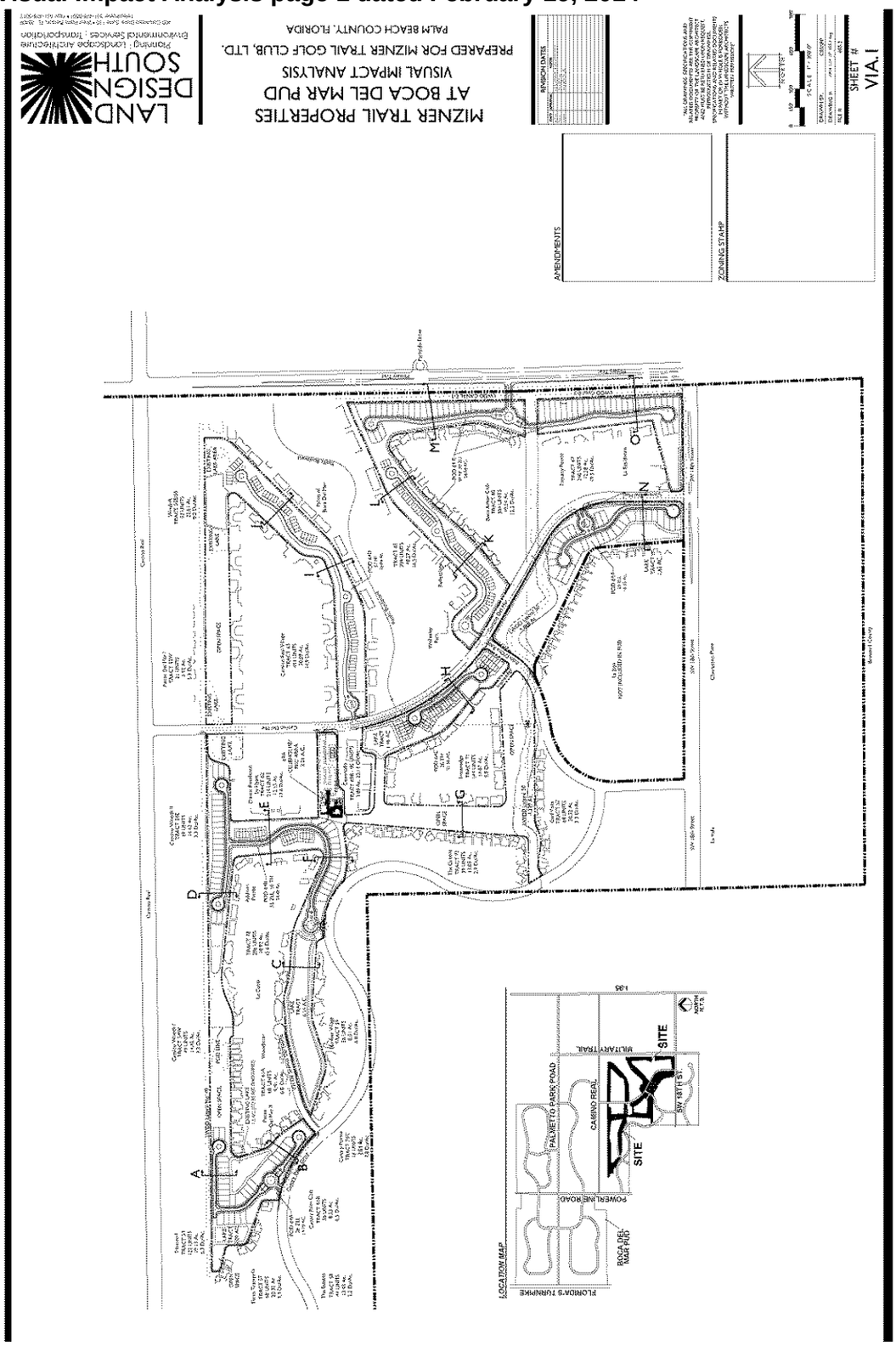
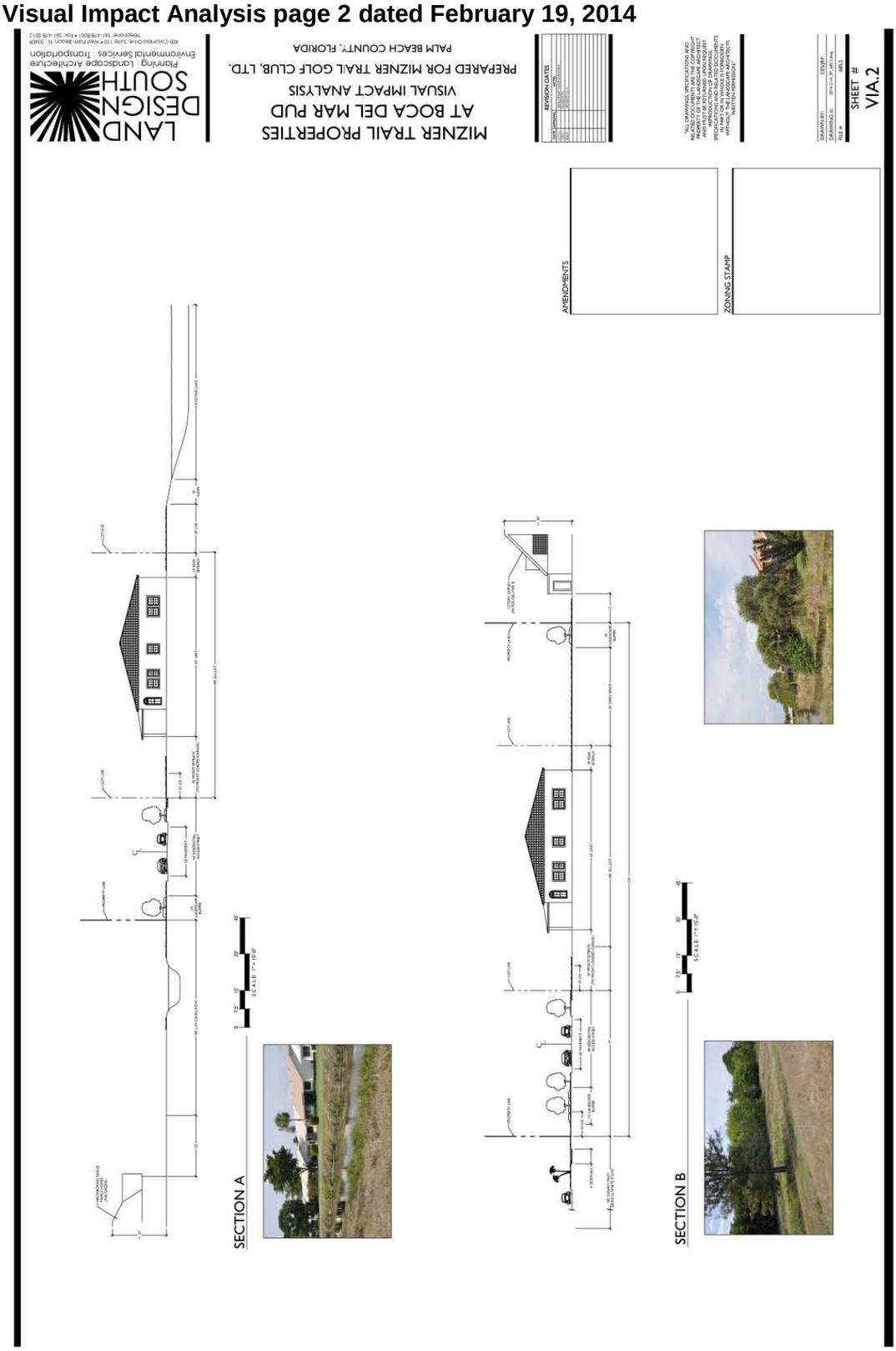


Exhibit 3 Revised Visual Impact Analysis page 2 dated February 19, 2014



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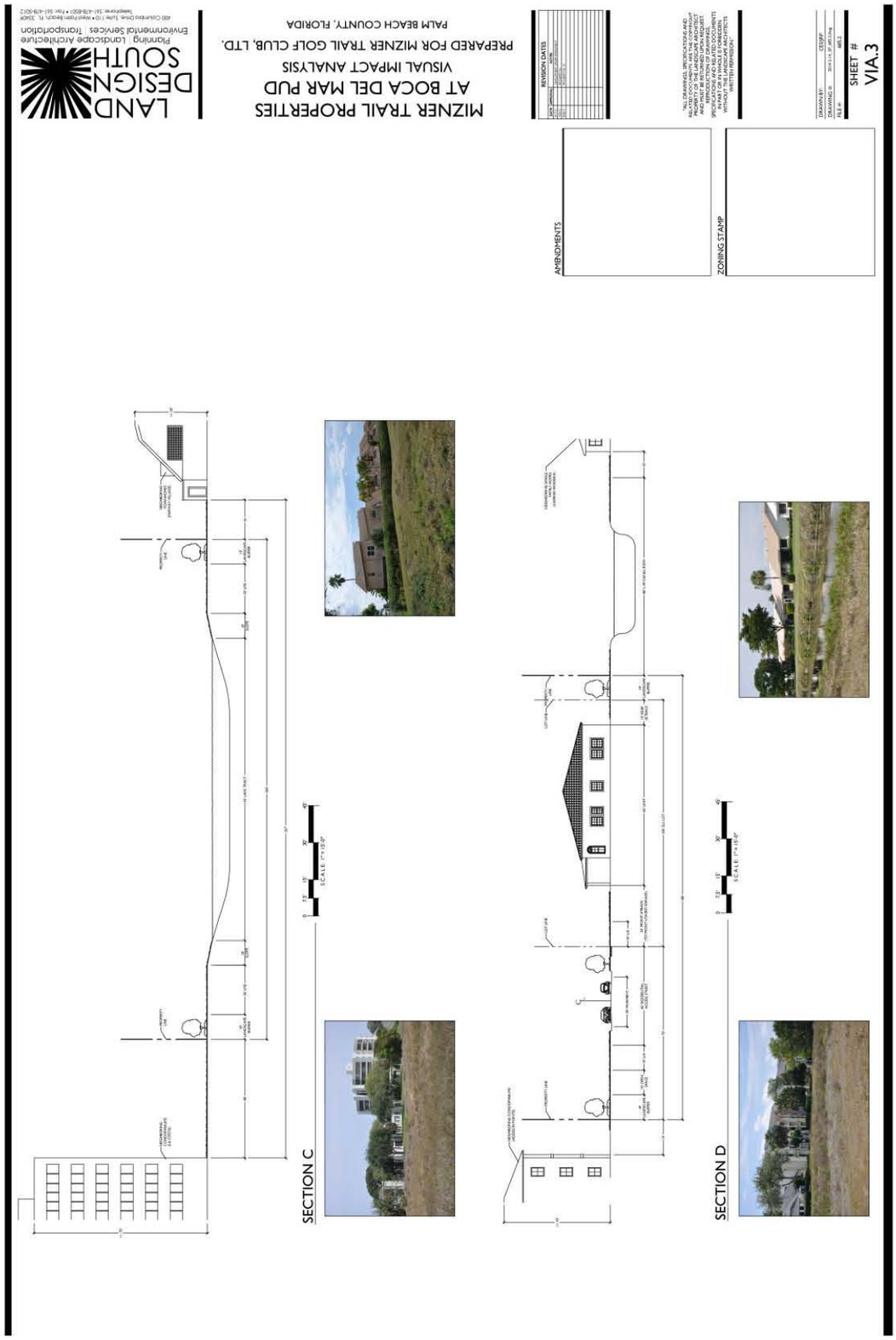

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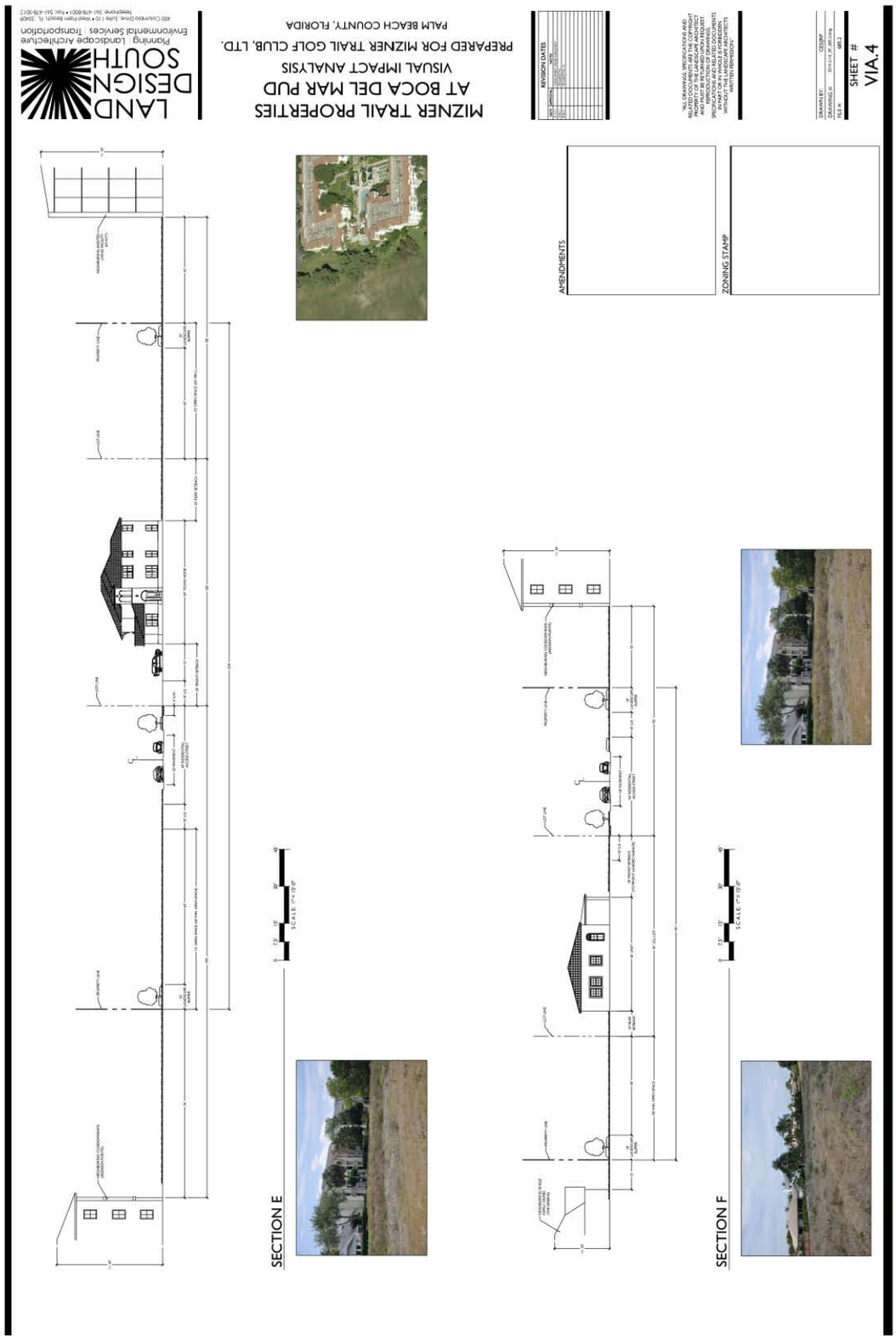

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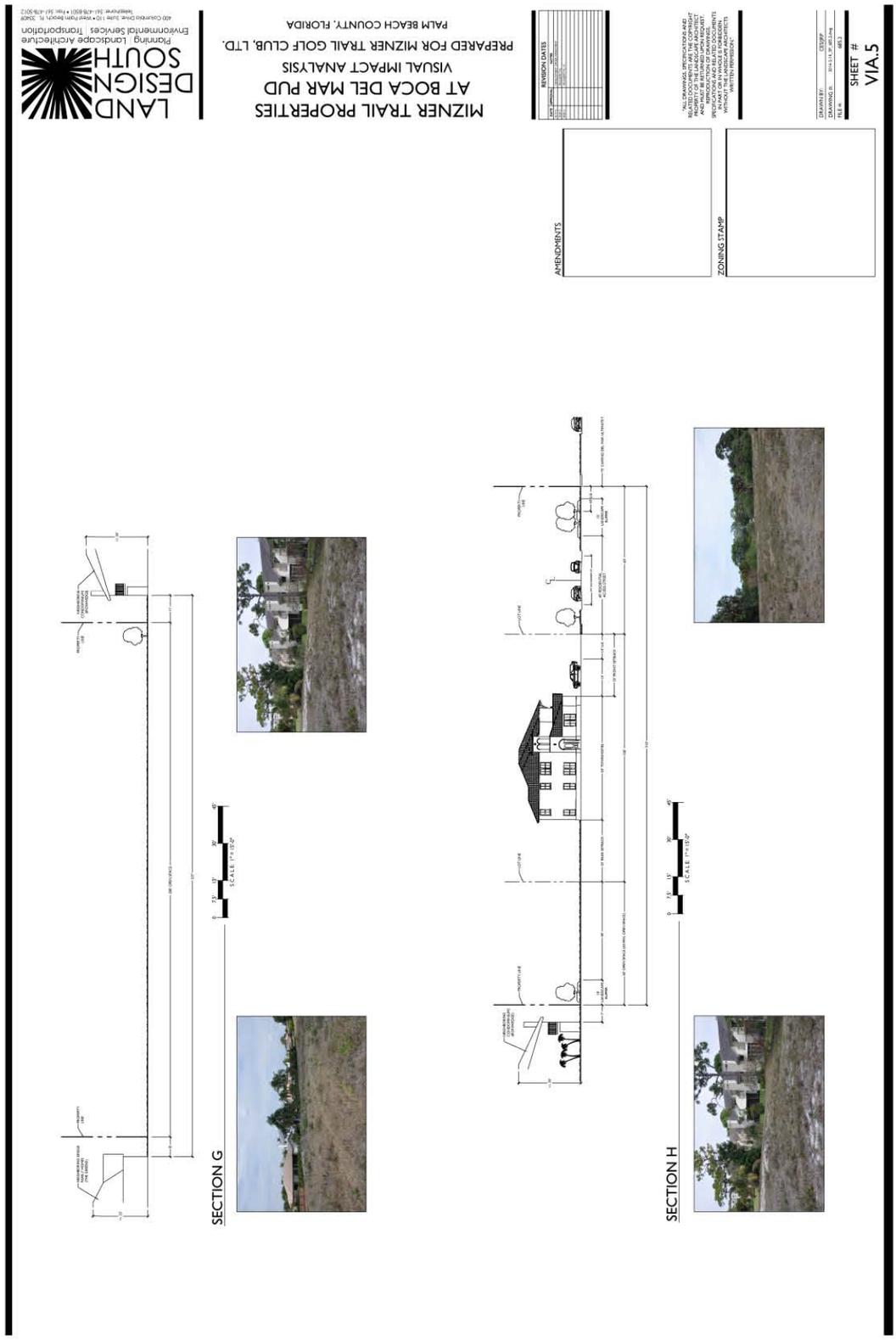

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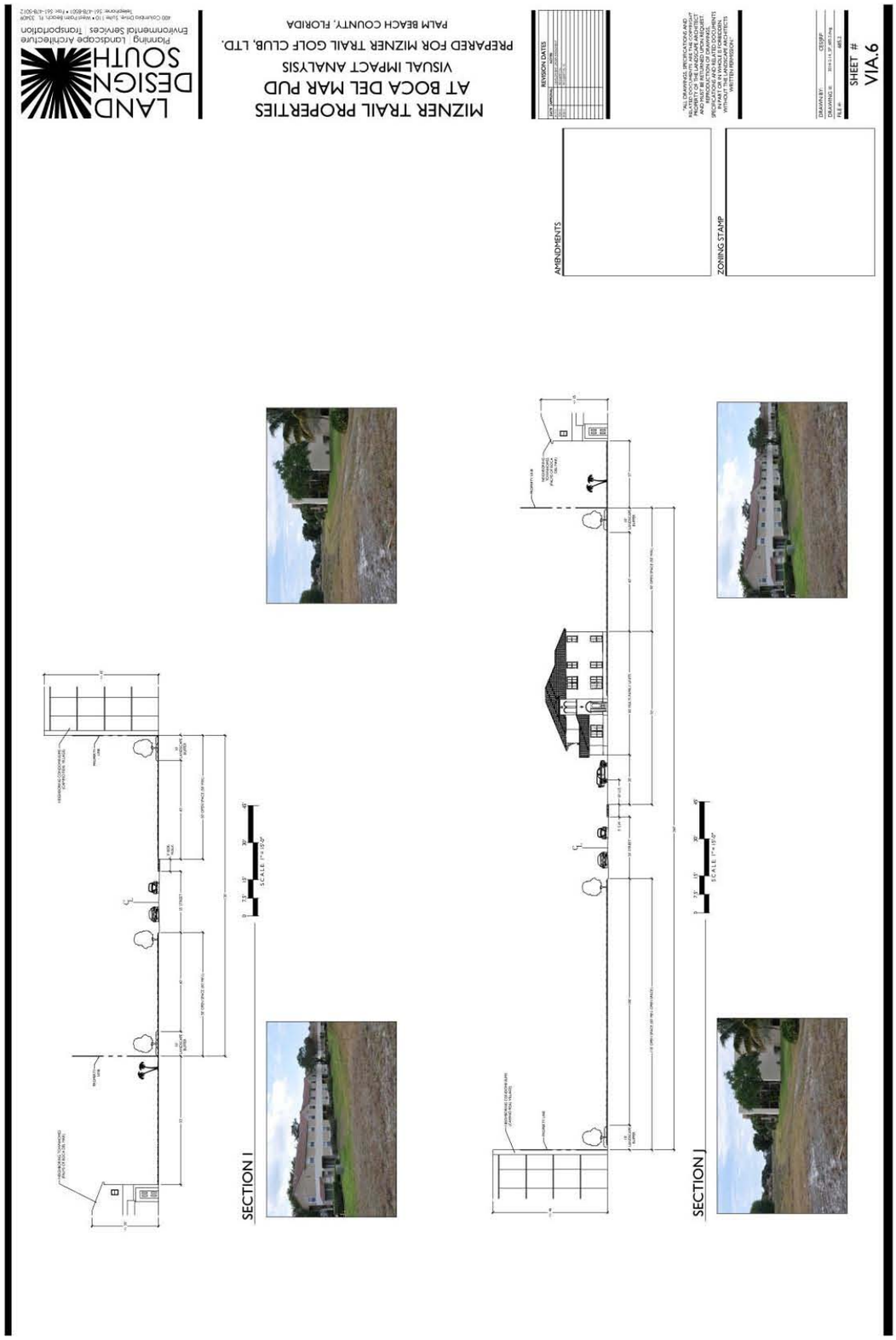

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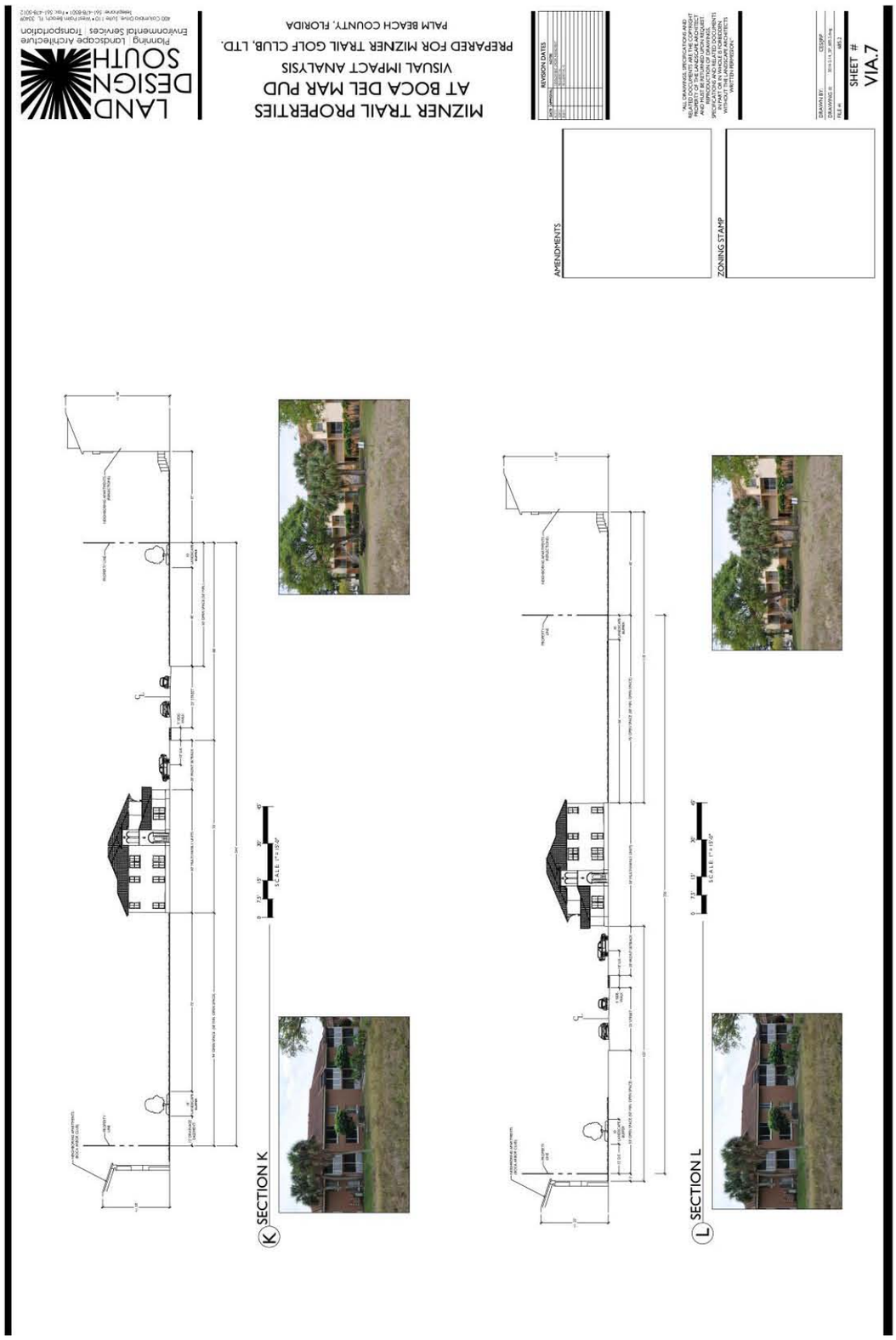

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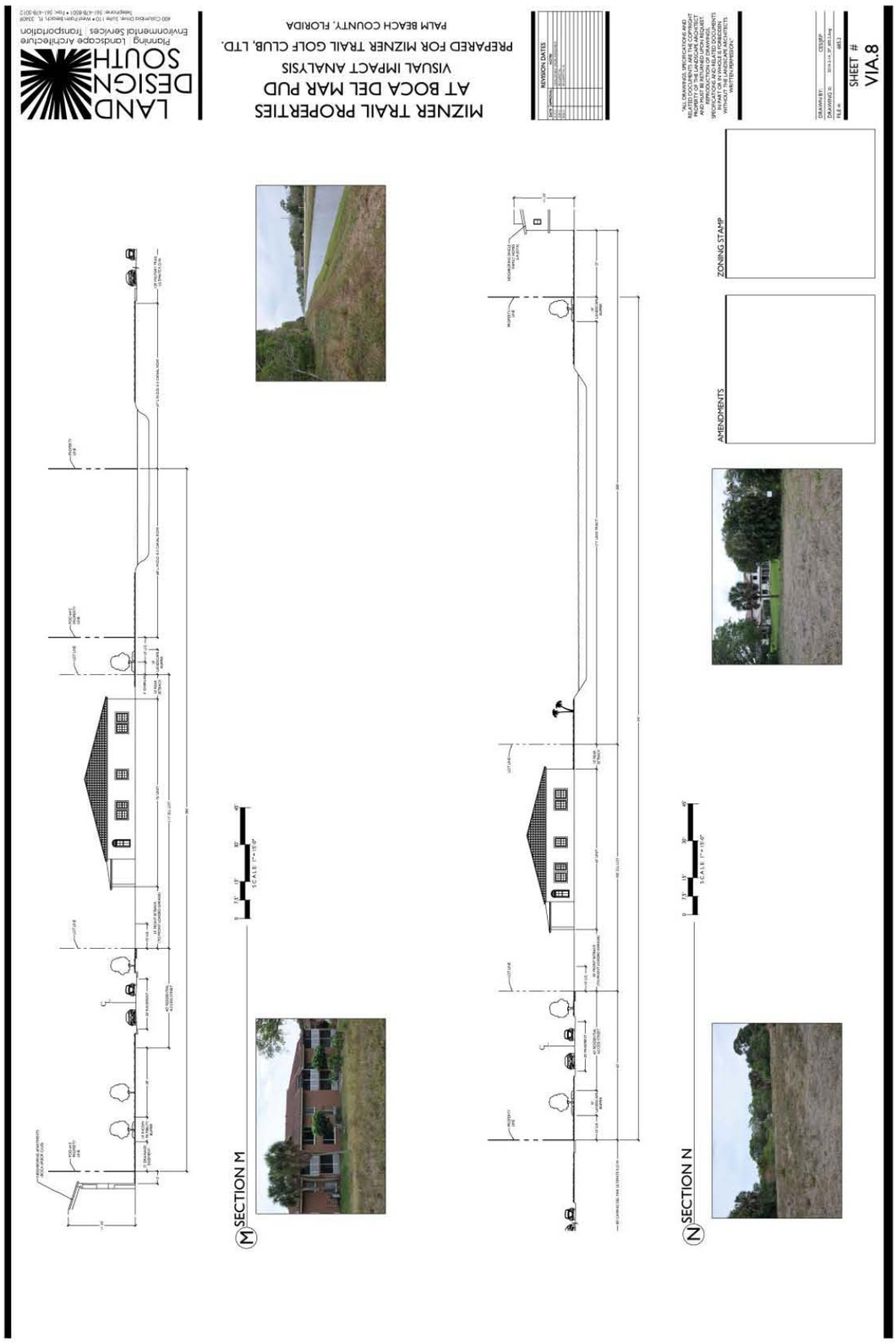

Exhibit 3 Revised Visual Impact Analysis page 9 dated February 19, 2014

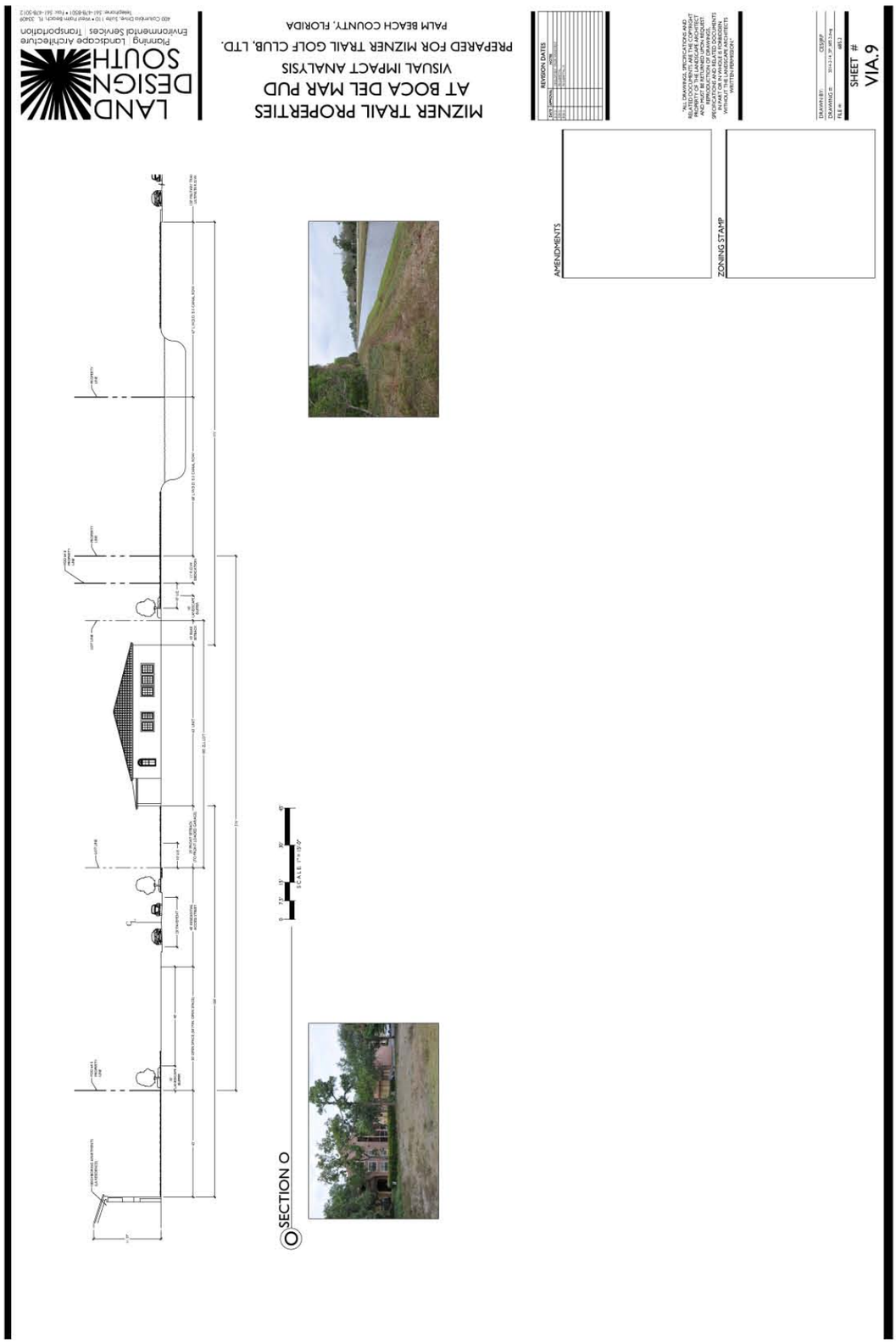

Exhibit 4 Revised Justification Statement dated February 19, 2014

LAND DESIGN SOUTH
Planning
Landscape Architecture
Environmental
Transportation
Graphic Design

www.landdesignsouth.com

JUSTIFICATION STATEMENT
MIZNER TRAIL PROPERTIES
(BOCA DEL MAR PLANNED UNIT DEVELOPMENT)
Application #: DOA-2013-01057
Control No. 1984-00152
Development Order Amendment
Initial Submittal: April 17, 2013
Resubmittal: July 29, 2013
Resubmitted: August 26, 2013
Resubmitted: October 10, 2013
Resubmitted: October 21, 2013
Resubmitted: January 31, 2014
Resubmitted: February 19, 2014

REQUEST

On behalf of the Petitioner, Land Design South of Florida, Inc. is requesting a Development Order Amendment (DOA) to modify the Boca Del Mar Planned Unit Development (PUD) (Control No. 1984-152). The total affected area consists of 122.69 (net) acres of former golf course land and former golf course clubhouse. Specifically, the requested DOA application is requesting the following:

- To re-designate approximately 122.69 acres of abandoned golf course to residential land. (The total acreage is 129.89 acres less canal area of 7.197 for a total acreage of 122.69). At the January 9, 2014 BCC hearing, 71.5% (92.87 acres) of the 122.69 acres was presented to be dedicated as open space. This calculation included the following elements: recreation area, neighborhood parks, lakes, canals, existing abandoned golf course areas proposed to remain undeveloped, landscape buffers, green spaces within proposed pod road right-of-ways and green space on proposed residential lots. The revised master plan includes 74.4% (96.64 acres) of open space based on area calculations consistent with those previously submitted as outlined above. However; to be consistent with the ULDC definition of open space (**Open Space -** land reserved or shown on an approved plan such as but not limited to: easements, preservation, conservation, wetlands, well site dedicated to PBCWUD, recreation, greenway, landscaping, landscape buffer, and water management tracts.) both plans (the plan presented at the January 9th BCC and the proposed plan) have been recalculated based on the ULDC open space definition with the January 9th plan having 63.6% (82.62 acres) of open space and the proposed plan including 69.6% (90.45 acres) of open space.
- To modify the 3.01 acre Recreational Parcel (Pod 69A) (modify site elements);
- To add one (1) external PUD access point to the PUD from Military Trail and six (6) additional access points to pods internal to the PUD for a total of seven (7) access points.
- To add 288 residential units to the Planned Unit Development (106 multifamily units, 42 townhouse units and 140 ZLL units). The proposed modifications vary from what was initially presented to the Palm Beach County Board of County Commissioners at their January 9, 2014 meeting. The altered proposed modifications are as follows:

Pod #	Unit Type Jan 9th BCC	Number of Units Jan 9th BCC	Unit Type Proposed	Number of Units Proposed	Changes
Pod 64A	ZLL	27 units	ZLL	26 units	-1 ZLL

Pod 64B	ZLL	50 units	ZLL/TH	35 ZLL & 16 TH	-15 ZLL & + 16 TH
Pod 64C	TH	30 units	TH	26 units	-4 TH
Pod 64D	TH	55 units	MF	57 units	+2 MF
Pod 64E	ZLL & TH	48 ZLL & 49 TH	ZLL/MF	50 ZLL & 49 TH	-2 ZLL
Pod 64F	ZLL	29 units	ZLL	29 units	0
Pod 69	Clubhouse/Rec Area	N/A	Clubhouse/Rec Area	N/A	0
	SUBTOTAL:	**288 units**	**SUBTOTAL:**	**288 units**	**0**

SITE CHARACTERISTICS

The subject site is located on the north and east sides of Canary Palm Drive, the east and west side of Camino Del Mar, and northwest and southwest of Palm D'Oro Drive, within unincorporated Palm Beach County. The subject property lies within the Urban/Suburban Tier of Palm Beach County and the current Future Land Use designation on the site is HR-8 (High Residential – up to 8 du per acre) and the current Zoning designation is PUD (Planned Unit Development).

The prevailing Master Plan on file with Palm Beach County identifies 10,330 approved dwelling units, which differs from the total number of units listed under the Pod Table on the Master Plan. Additionally, on December 31, 2004, the City of Boca Raton annexed 40.67 acres of the PUD located on the east side of Military Trail into their City limits via Ordinance 4795, which included 167 dwelling units. The prior application for this property, which was denied in 2011, reconciled the discrepancies between the Master Plan, Plats and approved Site Plan and Subdivision Plans. As a result of this prior research and reconciliation, the acreage and unit count of the Boca Del Mar PUD consists of +/-1,945.96 acres and of 9,773 dwelling units.

The affected area of the proposed Development Order Amendment lies within the southeast quadrant of the overall PUD. The 122.69 (net) acres of affected land is comprised of the abandoned golf course, which has not been in operation since 2005 (Pod 64) and the recreation parcel which consists of the former Golf Club House (Pod 69A).

DEVELOPMENT HISTORY

The Boca Del Mar Development (originally known as Boca Granada) was approved at the August 19, 1971 Board of County Commissioners hearing subject to conditions of approval. The approval was for 10,576 units on 2,134-acres of land with a condition restricting the density to 5.47 dwelling units per acre. Following that approval, the development went through a series of site, subdivision and plat approvals. The following is a summary of the past Zoning Approvals:

Petition No.	Action	Date	Resolution No.
	Approval of a Condition Use to allow a Planned Unit Development in the A-1 Zoning District granted by the Palm Beach County Board of County Commissioners.	August 19, 1971	
1984-152	Special Expectation to amend the master plan for Boca Del Mar PUD to add 5 dwelling units to Tract 81.	February 19, 1985	R-85-288
1984-152(A)	Special Exception to amend the master plan for Boca Del Mar UD to allow a day care center on Tract 27.	July 28, 1987	R-87-1111
1984-152(B)	Special Exception to amend the master plan for Boca Del Mar PUD to allow an adult congregate living facility on Tract 62.	August 27, 1988	R-888-1539

1

1984-1521	Special Exception to amend the master plan for Boca Del Mar PUD to allow a child day care center for 85 children on Tract 77.	July 25, 1991	R-91-1466
1984-152(D)	Development Order Amendment for a Requested Use to allow a fitness center in the Agricultural Residential (AR) Zoning district.	January 26, 1995	R-95-107
1984-152(E)	Development Order Amendment to add an access point for the Boca Raton Synagogue.	January 26, 1995	R-95-115
1984-152(F)	Development Order Amendment for a Requested Use to allow an Indoor Entertainment establishment on Tract 77.	July 27, 1995	R-95-1017
1984-152(G)	Development Order Amendment to increase square footage (+2,000 sq. ft.) and children (+71) for an existing day care center on Tract 77.	September 28, 1995	R-95-1321.3
1984-152(H)	Development Order Amendment to increase square footage and modify/delete conditions of approval for the Boca Raton Synagogue.	November 30, 2000	R-2000-1944
1984-152(I)	Development Order Amendment to add an access point, increase square footage and reconfigure the site plan for the YMCA of Boca Raton.	June 27, 2002	R-2002-1004
DOA2004-224	Development Order Amendment to modify/delete conditions of approval.	June 16, 2004	R-2004-1371
1984-152	Development Order Amendment to modify a condition of approval.	November 17, 2005	R-2005-2293
DOA2004-826	Denied - request to redesignate 43.29 acres of land area from golf course to residential, add 236 units and add an access point from Military Trail	February 23, 2006	R-2006-0283
ZV/DOA 2010-1728	Withdrawn – Proposed DOA to redesignate 129.89 acres from golf course to residential, add 391 units and add an access point from Military Trail.	April 28, 2011	N/A
DOA 2011-1165	Denied – Proposed DOA to redesignate 127 acres from golf course to residential, add 291 units and add an access point from Military Trail	September 26, 2011	R-2011-1458

It is important to note that the 1971 approval was approved with Conditions of Approval, as outlined in a letter written by the Zoning Director on August 23, 1971 (a copy of this letter has been included as part of the submittal). The Applicant is not proposing to modify any prior Conditions of Approval.

There have been several zoning requests since the last approval, however those requests were either withdrawn or not approved. Previous requests to amend the existing golf course were not approved due to concerns related to insufficient amounts of open space between current and future homeowners on land currently occupied by the abandoned golf course. Additionally, previous attempts to provide infill development on the course were insufficient with regards to their deviations from the community's master plan and its goals for optimizing the amount of public open and recreational space. This proposal seeks to validate the concerns established for the abandoned golf course by presenting an expanded amount of maintained open and recreational space while at the same time, providing an opportunity for new residents to enjoy the community's assets in a manner that will not affect existing residents of the PUD.

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OVERVIEW OF PROPOSED DEVELOPMENT ORDER AMENDMENT

The Development Order Amendment is proposing to re-designate Pod 64 of the Boca Del Mar PUD from a golf course use to residential. This Pod is part of the former Mizner Trail Golf Course, which has been out of operation since the fall of 2005. The property is currently unused and vacant. The Development Order Amendment is proposing to add 288 residential units and renovate the club house. The additional residential units will be a mix of zero lot line (ZLL), multifamily and townhouse units. The ZLL lots will be 45'x100' and the townhouse units will be 25'x50' fee simple. The multifamily units will be classified as condominium units. The modifications being made to Pods 64 and 69 have been broken down as follows:

Pod #	Unit Type	Number of Units	Acreage	Pod Density
Pod 64A	ZLL	26 units	14.18 acres	1.90 du/ac
Pod 64B	ZLL/TH	35 ZLL & 16 TH units	24.48 acres	2.08 du/ac
Pod 64C	Townhouse	26 units	21.56 acres	1.21 du/ac
Pod 64D	Multifamily	57 units	23.49 acres	2.43 du/ac
Pod 64E	ZLL/Multifamily	50 ZLL & 49 TH	26.84	3.65 du/ac
Pod 64F	ZLL	29 units	16.33 acres	1.78 du/ac
Pod 69	Clubhouse/Rec Area	N/A	3.01 acres	N/A
	SUBTOTAL:	**288 units**	**129.894 acres**	**2.22 du/ac**

Pod 64A

This Pod is 14.18 acres in size; there are 26 ZLL homes being proposed within this Pod. There is a lake tract being proposed to the west of the residential units being added. An entry point from Canary Palm Drive is being added to this Pod.

Pod 64B

This Pod is 24.48 acres in size; there are 35 ZLL and 16 townhouse units proposed within this Pod. The ZLL units will be located at the northern and southern ends of the Pod. There is a lake tract proposed on the west side of the ZLL units. An entry point from Canary Palm Drive is being added to this Pod.

Pod 64C

This Pod is 21.56 acres in size; there are 26 townhouse units proposed within this Pod. There is a 2.81 acre lake tract located within the Pod. An entry point from Camino del Mar is being added to this Pod.

Pod 64D

This Pod is 23.49 acres in size; 57 multifamily condominium units are proposed within this Pod. Dry retention and open space are proposed in this Pod. An entry point from Camino del Mar is being added to this Pod.

Pod 64E

This Pod is 26.84 acres in size and is proposing 49 multifamily condominium units and 50 ZLL units. Additionally, dry retention areas are proposed throughout the Pod. An access point from Military Trail is being added to the PUD and will allow for entry within the Pod. Additionally, an access point is being added from Camino Del Mar.

Pod 64F

This Pod is 16.33 acres in size and is proposing 29 ZLL units. The ZLL units are located at the southern end of the Pod. There is open space being proposed throughout the Pod and dry retention areas being proposed at the western end of the Pod. There is a 1.65 acre lake tract proposed at the western side of the Pod. There is an access point being added from Camino Del Mar. An access point is being proposed from Camino Del Mar that aligns with Palm D'Ora Road. A school bus stop 10'x15' is being proposed at the entrance of this Pod.

Pod 69
Modifications to the former golf course clubhouse parcel are being made. It will remain a clubhouse/recreation area, including a proposed Palm Beach County Sheriff substation within the renovated building. The renovated clubhouse/recreation area is proposed to be open to all new residents of the PUD.

Overall, the housing types for the proposed infill and redevelopment have been altered to what was initially presented to the Palm Beach County Board of County Commissioners at their January 9, 2014 public hearing. The increased diversity of the proposed housing stock was established as a means to develop the properties in a similar fashion to what currently exists throughout the Boca Del Mar PUD and to maintain consistency with the Code. Additionally, the proposed housing was altered in order to develop the community less intensely and with added attention paid towards open space areas between current and future residents.

The prevailing master plan for the Boca Del Mar PUD indicates a total site area of 1,933.09 acres and a total of 10,330 dwelling units. On December 31, 2004, The City of Boca Raton annexed 40.67 acres of the PUD located on the east side of Military Trail into their City limits via Ordinance 4795; the annexation included 167 dwelling units. The annexation and subsequent modification to the acreage and number of dwelling units located within the jurisdiction of Palm Beach County resulted in a total of 1,892.42 acres and 10,163 dwelling units. The Pod identification table located on the Master Plan identities a total of 10,063 dwelling units within the PUD. There is a discrepancy between the prevailing master plan, the total dwelling units that remain after the annexation and the Pod identification table. There was an application submitted for this PUD in 2011, during the review process, the Applicant researched the Plats, historical Master Plans and various approved site/subdivision plans. As part of the prior research, a Sketch and Legal was prepared for the project. As a result of the prior research that was completed for the project, the Master Plan has been revised to be consistent with the Sketch and Legal and the area of the PUD has been modified to 1,945.96 acres. The total number of dwelling units calculated as existing is 9,773; these numbers less out the land and units annexed into the City of Boca Raton.

The Boca Del Mar PUD has a Future Land Use designation of HR-8; based on the total acreage of 1,945.96, approximately 15,567 dwelling units are permitted within the PUD. The total number of built units, according to research conducted through the Palm Beach County Property Appraiser's Office is approximately 9,781 dwelling units. Thus, the number of remaining units within the PUD is approximately 5,786 dwelling units. This demonstrates that there is sufficient density available within the PUD to accommodate the addition of 288 dwelling units.

The BCC granted the maximum number of units and density within the approval of the conditional use of the PUD (5.47 du/ac). With the addition of the proposed units, the overall density of the PUD is less than the maximum density originally approved by the BCC, at 5.17 du/ac.

Workforce Housing
The project is subject to the Workforce Housing program (WHP) as it is proposing ten (10) or more dwelling units. The project is using Limited Incentive Program which is available to projects requesting less a bonus density below 50%. Since we are requesting a 0% density bonus, the project is allowed to utilize this program. The percentage of WHP units required is 2.5% of standard density, 8% of PUD density and 17% of WHP density bonus.

The subject site has a land use of HR-8 and the standard density for the HR-8 FLU is 6 du/acre. Mizner Trail is proposing a density of 2.21 du/acre for the affected area, with the overall density of the entire Boca Del Mar PUD is 5.17 du/acre. We would therefore be required to utilize the standard density WHP requirement of 2.5% for the 288 units. This equates to 7.2, or 7 workforce housing units. The seven (7) required workforce housing units fulfill the required ULDC section. The Applicant is proposing to buy-out the required workforce housing units.

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Access Point
The following access points are being added to the Boca Del Mar PUD:

- One (1) access point from Military Trail, accessing Pod 64E.
- Two (2) access points from Canary Palm Drive, accessing Pods 64A and 64B.
- Four (4) access points from Camino Del Mar, accessing Pods 64C, 64D, 64E and 64F.

Open Space
There will be +/- 96.64 acres (74.40%) of dedicated open space. Additional open space tracts have been added to the proposed plan since it was presented at the January 9, 2014 BCC, and will be discussed in greater detail later in the Justification Statement.

The open space calculations presented at the January 9th BCC meeting included recreation areas, neighborhood parks, lakes, canals, existing abandoned golf course areas proposed to remain undeveloped, landscape buffers, green spaces within proposed pod road right-of-ways and green space on proposed residential lots. Previously, we included all green space, including open space associated with individual lots and within right-of-ways. Recalculating the open space to only include what is defined as open space in the ULDC, we have calculated the open space for the original plan submitted to the County as well as the revised plan in an effort to provide an accurate comparison. The calculations of open space per the ULDC, generates the following comparison:

- Original Plan: +/- 82.62 acres (63.61%)
- Revised Plan: +/- 90.45 acres (69.64%)

This equates to a +/- 7.83 acres (6.03%) gain of open space between the plan presented at the January 9, 2014 BCC meeting and the proposed plan.

Clubhouse
The existing 15,000 square foot building will be renovated or replaced and will include a fitness center, outdoor pool and lounging areas. A Palm Beach County Sheriff substation is also proposed to be included within the center which would provide additional security and protection for all residents of the Boca Del Mar PUD. 1.74 acres of recreation space is required within the County's Unified Land Development Code however, 3.01 acres are proposed for this Development Order Amendment request.

Phasing Plan
The project is proposed to be developed in phases. The following is the proposed construction phasing schedule for the development:

- Phase 1: Recreation Area
- Phase 2: Pod 64E North
- Phase 3: Pod 64F
- Phase 4: Pod 64D
- Phase 5: Pod 64E South
- Phase 6: Pod 64C
- Phase 6: Pod 64B
- Phase 7: Pod 64A

It is important to note that the development is proposed to be approved entirely as one. The phasing plan merely identifies how the project will be built with the Recreation Area being first priority due to the presence of the proposed Palm Beach County Sheriff substation. This amenity will provide safety for all residents of the PUD and is of vital necessity for the continued exceptional quality of the community. The phasing plan is not tied to concurrency or traffic and is solely established for construction purposes.

Existing Non-Conforming Setbacks
Several existing communities have reduced building setbacks along the proposed pods which were previously golf course. This reduction was permitted since it was considered open space. These setbacks and reductions were based on the 1969 and 1973 codes. Adjacent to these areas, the proposed plan provides areas of open space where possible to reduce the impact on the adjacent buildings and homes. These areas include lakes, dry retention, and buffers. Upon review of the proposed PDP with PBC Staff, 31 fee-simple lots have been identified in an effort to determine if the proposed development plan creates any non-conformities for these lots. As a result, additional revisions were made, upon conclusion of the historical permit research. As such, the Applicant revised the PDP accordingly to eliminate any non-conformities created that otherwise relied upon the adjacent golf course open space for a reduction in setbacks. This was accomplished through open space tracts, which will be discussed in greater detail later in the Justification Statement.

DEVELOPMENT ORDER AMENDMENT STANDARDS
The request is for a Development Order Amendment meets the following requirements set forth in Article 2.B.2.B of the Palm Beach County Unified Land Development Code (ULDC) for Development Order Amendment Approval.

1. **Consistency with the Plan**
   The Development Order Amendment request is consistent with the Purposes, Goals, Objectives and Policies of the County's Comprehensive Plan. The Boca Del Mar development was approved prior to the County implementing the Comprehensive Plan. After the adoption of the Plan in 1989, Boca Del Mar was given a FLUA designation of High Residential – 8 units per acre (HR-8). The HR-8 FLUA designation within a PUD Zoning classification is to achieve a minimum density of 5 units per acre and allows for development at a maximum of 8 units per acre.

   The Development Order Amendment application is proposing to add 288 units to the PUD; with the addition of these units the overall density of the PUD will be 5.17 du/ac. This increased density is below the allowable 8 du/ac and above the minimum of 5 du/ac, thus is consistent with the Comprehensive Plan and consistent with the original approval which restricted the PUD density to a maximum 5.47 du/ac.

2. **Consistency with the Code**
   The proposed amendment complies with all applicable standards and provisions of the Code for the use, layout, function, and general development characteristics. Specifically, the proposed uses comply with all applicable portions of Article 4.B Supplementary Use Standards. The application is proposing zero lot line, multifamily condominium and townhouse residential product types. The application is consistent with both the Article 4.B Supplemental Use Standards and the additional property development regulations for specific house types found in Article 3 of the Code. The integrity of the PUD is being upheld with the conversion of the abandoned golf course to residential. With respect to the community's master plan, the proposed conversion will preserve the integrity established between the developer and the homeowners as it pertains to the preservation of open space. This proposed development order will set open space and resident quality of life as its highest priority. As such, the residential units being proposed are consistent and compatible with the character of the PUD. Furthermore, the proposed modifications include the addition of lakes that offer scenic views to residents and minimize impacts on adjacent residents. Large tracts of open space are being added throughout the proposed development in order to mitigate any adverse impacts or nonconformities that result from the development proposal.

   Standards for Modifications to Reduce or Reconfigure Existing Golf Courses
   Article 3.E.1.E.3 of the Palm Beach County Unified Land Development Code (ULDC) requires that any modifications to reduce the acreage or reconfigure the boundaries of a golf course previously approved on a Master Plan to meet the following Criteria:

a. *Notice to Homeowners: At the time of submitting the zoning application to amend the Master Plan, the applicant shall provide documentation that the residents of the PUD are notified by certified mail and post notice at the appropriate common areas within the PUD.*

As required in Article 3.E.1.E.3 of the County's ULDC, prior to the submission of the application the Applicant notified the residents of the PUD via certified mail of the proposed re-designation of the golf course. A copy of the notice has been included in the application.

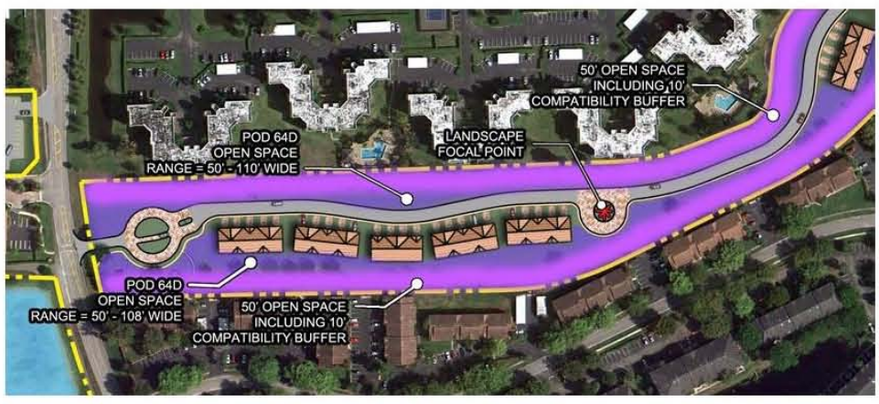
b. *Reduction of Open Space or Recreation: The applicant must provide justification and documentation that the golf course land areas to be reduced in acreage or the reconfiguration of boundaries will not result in a reduction in required open space for the development.*

Our office reviewed documents previously prepared and submitted for prior applications to the Boca Del Mar PUD. As a part of prior submittal for this project (Application DOA 2004-826), the agent for Mizner Trail Golf Club, Ltd, Sanders Planning Group, was required to review historic files and demonstrate that Boca Del Mar PUD met the minimum requirement for open space without Mizner Trail Golf Course, Pod 64. Sanders Planning Group conducted a comprehensive assessment of all pods of Boca Del Mar and verified that each pod satisfied or exceeded the minimum requirement for open space of the prevailing ordinance at the time of approval for each individual pod. During the review of this application, staff agreed with the data supplied by Sanders Planning Group. We have attached a copy of their open space assessment for your reference.

The affected area included in this application will meet all open space criteria as a standalone development providing a minimum 90.45 acres of open space. Therefore, the overall requirement for open space will be continued to be met by the PUD as a whole after the development of the application parcel. The proposed application is providing 90.45 acres of open space or 69.64% of the project.

c. *Visual Impact Analysis Standards: The applicant must provide a Visual Impact Analysis.*

A Visual Impact Analysis (VIA) has been submitted as part of the Development Order Amendment application. As a part of the VIA, cross-sections have been provided outlining the large open space tracts that have been provided between the existing residential units and the proposed development. In many places, the applicant has not only proposed the minimum 50' open space tract proposed as a condition by PBC, but the applicant has exceeded this open space width up to more than two times. Examples of this can be seen below in the plan graphics.



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Thus, the proposed Development Order Amendment is consistent with the standards for modifications to reduce or reconfigure existing golf courses.

In addition, the proposal meets the PDD and PUD Objectives and Standards, as well as the regulations governing townhome developments.

The development proposal meets **Article 3.E.2.A.4. - Exemplary Objectives and Standards** for a DOA to a PUD as follows:

a) *Designed as a predominantly residential district.*

The parcel is being designed as a predominately residential district. The development proposal is to modify the use of the parcel from abandoned golf course to residential. The Applicant is proposing 288 residential units.

b) *Provide a continuous non-vehicular circulation system for pedestrians and non-motorized vehicles.*

The proposed development provides a continuous non-vehicular circulation system for pedestrians. Each pod area has a continuous sidewalk along the roadway and leading to a public right-of-way. Pedestrian facilities will be included where feasible and shall feature amenities including but not limited to, decorative pavement crosswalks and benches. Furthermore, walking paths will be provided in certain open space areas for all current and future residents of the Boca Del Mar PUD to utilize. These paths will diverge on the proposed modified clubhouse located in Pod 69A.

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

The proposed development provides perimeter landscape buffers adjacent to proposed development areas. Additionally, as part of plan revisions, large open space tracts have been provided as follows:

Pod 64A
A 50' open space tract has been provided within this Pod, on the east side of the development, adjacent to the Patios Del Mar II development. Additionally, a 50' open space tract has been provided at the southwest corner of the site, adjacent to the Terra Tranquilla development. Lake tracts along the west and east sides of the pod as well as a neighborhood park close to the east side of the pod are also utilized as spatial separators between the existing single family and patio homes and the proposed single family zero lot line homes.

Pod 64B
Two (2) 50' open space tracts have been provided on both the east and west sides of the proposed development, adjacent to 5 Star Premier Residences and Addison Pointe, respectively. In both cases, the open space area actually meanders to increase from the minimum 50' width proposed to over 70' in width.

Pod 64C
A 50' open space tract has been provided on the west side of the proposed development, adjacent to the Ironwedge development. Again, the open space expands along a vast majority of the proposed units to exceed over 70' in width. In addition, the applicant has provided a

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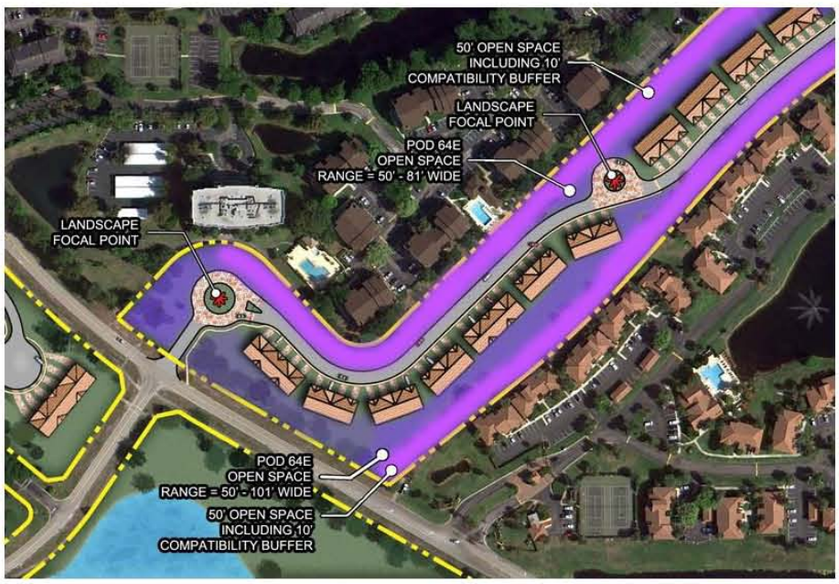
neighborhood park and a lake tract between the existing residential homes located in Ironwedge and Coronado and the proposed development to further spatial separations and maintain the integrity of the existing open space that was once golf course.

Pod 64D
Two (2) 50' open space tracts have been provided on both the north and south sides of the proposed development, adjacent to Camino Real Village and Palms of Boca Del Mar, respectively. These open space tracts meander along the curvilinear roadway and increase to over 100' in width.

Pod 64E
A 50' open space tract has been provided on the north side of the property, adjacent to the Reflections and Wellesley Park development. Additionally, a large, 50' open space tract has been provided, that wraps around the southern end of the proposed development, adjacent to Boca Arbor Club, Tuscany Pointe and La Residence. Again, in some instances, the open space meanders along the curvilinear roadway and increases to over 100' in width.



Pod 64F
A minimum 25' open space tract has been provided at the western end of the development, adjacent to La Joya. Please note that there is a 25' open space that is located on the side of La Joya. This, combined with the proposed open space tract constitutes a 50' open space tract in this area. This 50' separation is the minimum separation proposed as in most cases 50' of open space has been provided on the proposed pod in addition to the existing platted 25' landscape buffer on the LaJoya property. A large lake tract and neighborhood park also provide additional open space adjacent to the existing residential community and the proposed development.

These open space tracts provide additional separation between the proposed development and the existing communities. In addition to separation, tracts provide more open and green space throughout the development.

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d) *May offer limited commercial uses for the population of the PUD.*

The proposed development is not proposing limited commercial uses. However, the Boca Del Mar PUD does have commercial uses existing throughout the development.

e) *Establish neighborhood character and identity.*

The proposed development creates neighborhood character and identity. The project proposes three (3) unique building types; zero lot line homes, townhouses and multifamily condominium units. The roadways are designed to be curvilinear and the buildings are placed in a manner to create areas of open space. Through the style of architecture, landscape materials and design elements, the project will have neighborhood character and identity. The plan was achieved after significant analysis of the size and the width of each development area and proximity and separation from surrounding existing development and the opportunities to provide significant landscape buffers. Additionally, as mentioned above, large tracts of open spaces have been added to provide additional separation and open space in keeping with the integrity of the original master plan approval for open space tracts being provided and woven amongst the residential neighborhoods.

f) *Preserve the natural environment to the greatest extent possible.*

The proposed development preserves the natural elements to the greatest extent possible. Where possible, the native trees will be preserved in place. Additionally, the plan sets aside significant acreage for the creation of natural landscape open space area. The large open space tracts proposed along the perimeter edges of the existing abandoned golf course will permit the applicant to maintain the existing mature landscaping and berming that was once part of the golfcourse and enhance the plantings to provide additional open space and passive recreational amenities for all residents of the PUD to utilize.

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

The Boca Del Mar PUD contains several existing civic uses. The proposed application is proposing a private recreation facility for future residents. A Palm Beach County Sheriff's substation will be located within the Pod as well as a means to provide added safety and security for the entirety of the Boca Del Mar community.

The development proposal meets **Article 3.E.1.C.1 – Design Objectives** for a PDD as follows:

a) *Contain sufficient depth, width, and frontage on a public street, or appropriate access thereto, as shown on the PBC Thoroughfare Identification Map to adequately accommodate the proposed use(s) and design.*

The Boca Del Mar PUD is consistent with this PDD Design Objective. The PUD has frontage on Military Trail, SW 18th Street, Powerline Road, Florida's Turnpike and Palmetto Park Road. The overall PUD (approved as a Conditional Use in the AG Zoning District in 1971) contains 1,945.96 acres. Due to its size, the roads referenced herein, not only are on the County's Thoroughfare Identification Map but bisect the PUD providing miles of frontage and multiple points of access.

b) *Provide a continuous, non-vehicular circulation system which connects uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the PDD.*

The Boca del Mar PUD provides a variety of uses connected by a hierarchy of streets including thoroughfare arterials, internal collector streets and local streets. All of the streets contain appropriate cross-sections which include sidewalks of appropriate widths to interconnect the various neighborhoods and non-residential uses. Additionally, where major thoroughfares intersect appropriate crosswalks and crossing signalization is provided to allow pedestrian crossing of these busy thoroughfares. All of the internal collector streets and sidewalk areas are public as well as many of the local streets. The new development areas will likewise contain sidewalks and interconnections as deemed appropriate. Furthermore, walking paths will be provided in open space areas where feasible for all current and future residents to utilize. The termini of all walking paths will be the proposed redeveloped clubhouse in Pod 69A. Throughout the community, pedestrian facilities will feature amenities including but not limited to, decorative paving patterns and street furniture such as benches and shade elements created either by hardscape or landscape materials.

c) *Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses.*

Boca Del Mar is primarily a residential community although a variety of non-residential uses are also constructed as well as a mix of residential housing. In all cases, individual site plans have been reviewed and approved prior to construction of pods to insure that appropriate parking and pedestrian connections are made depending upon the type of use which includes civic areas, assisted living facilities, and multifamily projects.

d) *Preserve existing native vegetation and other natural/historic features to the greatest possible extent.*

The Boca Del Mar PUD began construction in 1971 almost 40 years ago. Much of the property was in agricultural use prior to that time. Most of the existing vegetation was planted as part of the development process and through the years has matured. There is a mix of native and non-native landscaping throughout the project. The affected area of the current application was previously designed and operated as a golf course. At that time, little native vegetation was used and some of the vegetation planted at that time was later determined to be either invasive nonnative species which are currently not permitted or, at least, discouraged. The proposed modification to the PUD will include removal of invasive species and planting in accordance with current code which requires significant use of native species. Where there may be existing native species of plants to the greatest extent practical the plants will be preserved or relocated on site.

e) *Screen objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, compactors) from public view and control objectionable sound.*

The Boca del Mar PUD generally has appropriate screening in those cases (nonresidential or multifamily) where mechanical equipment, loading, and dumpsters exist. However, it should be noted that some of the structures predate current screening requirements in the Code. The affected area of the amendment will be built as residential pods and all screening requirements will be met.

f) *Locate and design buildings, structures, uses, pathways, access, landscaping, water management tracts, drainage systems, signs and other primary elements to minimize the potential for any adverse impact on adjacent properties.*

Most of Boca Del Mar has been constructed for many years. Buildings, structures, pathways, access, landscaping, water management tracts, drainage systems, and signs have been in place many years. Landscaping throughout the PUD has been allowed to mature and been modified over time to provide an attractive well buffered residential community where many different types and styles of residential housing from mid-rise multifamily to single family coexist in harmony. The affected area of the application will continue this sensitivity to surrounding land uses. A great deal of analysis was undertaken in designing the low intensity use so as not to negatively affect surrounding established uses. The plan submitted herein was undertaken after a detailed assessment of the surrounding built community and a determination where new residential units could be constructed with the minimal impact on adjacent properties. The plan has proposed large open space tracts ranging from a minimum of 50' to well over 100' in width along with lake tracts and neighborhood parks that provide spatial separation between the existing residential homes and the proposed residential homes in keeping with the integrity of the original master plan approval for a residential community integrated amongst open space. Depicted below is just one example of the integration of the proposed residential townhomes amongst existing multifamily condominiums and a congregate living facility.

g) *Minimize parking through shared parking and mix of uses.*

Parking throughout the Boca Del Mar has been designed to accommodate the type of use on each parcel. In some cases (civic and multifamily parcels) parking lots have been created in appropriate areas proximate to the specific uses and in other cases (single family neighborhoods) individual parking is provided utilizing driveways and garages. Due to the nature and age of the project, there are few if any opportunities for shared parking as the current mix of uses are primarily residential with a small amount of civic and commercial uses on separate designated tracts.

h. For PDD only, a minimum of one pedestrian amenity for each 100,000 square feet of GFA or fraction thereof shall be incorporated into the overall development to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to:

1) public art;
2) clock tower;
3) water feature/fountain;
4) outdoor patio, courtyard or plaza; and
5) tables with umbrellas for open air eating in common areas and not associated with tenant use (i.e. restaurant) or outdoor furniture.

This PDD standard appears to apply to non-residential PDD uses. Boca del Mar is an existing PUD which is primarily residential in nature. The affected area will however be designed to include appropriate focal points within each neighborhood such as specimen landscaping within the cul-de-sacs, residential monument signage at the pod entrances, decorative pavement at the

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pod entrances and within the proposed streets and right-of-ways, as well as recreational elements within the neighborhood parks and along walking trails proposed in the open space areas.

The development proposal meets **Article 3.E.1.C.2 – Performance Standards** for a PDD as follows:

a. *Access and Circulation*

1) *Minimum Frontage*
PDDs shall have a minimum of 200 linear feet of frontage along an arterial or collector street unless stated otherwise herein.

The Boca Del Mar PUD exceeds this standard.

2) *PDDs shall have legal access on an arterial or collector street.*

The Boca Del Mar PUD has numerous access points on both arterial and collector streets.

3) *Vehicular access and circulation shall be designed to minimize hazards to pedestrians, non-motorized forms of transportation, and other vehicles. Merge lanes, turn lanes and traffic medians shall be required where existing or anticipated heavy traffic flows indicate the need for such controls.*

The Boca Del Mar PUD meets all standards for road design including where necessary, turn lanes, traffic medians and signalization.

4) *Traffic improvements shall be provided to accommodate the projected traffic impact.*

Please refer to the Traffic Study.

5) *Cul-de-sacs*
The objective of this provision is to recognize a balance between dead end streets and interconnectivity within the development. In order to determine the total number of local streets that can terminate in cul-de-sacs, the applicant shall submit a Street Layout Plan, pursuant to the Technical Manual. The layout plan shall indicate the number of streets terminating in cul-de-sacs, as defined in Article 1 of this Code, and how the total number of streets is calculated. During the DRO certification process, the addressing section shall confirm the total number of streets for the development, which would be consistent with how streets are named. Streets that terminate in a T-intersection providing access to less than four lots, or a cul-de-sac that abuts a minimum 20 foot wide open space that provides pedestrian cross access between two pods shall not be used in the calculation of total number of cul-de-sacs or dead end streets.

a) *40 percent of the local streets in a PDD may terminate in a cul-de-sac or a dead-end by right.*

6) *Nonresidential PDDs shall provide cross access to adjacent properties where possible, subject to approval by the County Engineer.*

This standard is not applicable as the PDD is residential in nature.

7) *Streets shall not be designed nor constructed in a manner which adversely impacts drainage in or adjacent to the project.*

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All streets were constructed with appropriate drainage and permitted either by Palm Beach County or the Florida DOT.

8) *Public streets in the project shall connect to public streets directly adjacent to the project. If no adjacent public streets exist, and the County Engineer determines that a future public street is possible, a connection to the property line shall be provided in a location determined by the County Engineer. This standard may be waived by the BCC.*

Boca Del Mar is bisected or abutting several arterial roadways shown on the County's Thoroughfare Identification Map. All street connections were designed to meet all applicable standards and where streets crossed over arterials they were aligned. Additionally, where a street abutted an existing street a connection was made.

b. *Street Lighting*
Streetlights shall be a maximum of 25 feet in height and shall be installed along all streets 50 feet in width or greater. The light fixture shall be designed to direct light away from residences and onto the sidewalk and street and shall comply with Article 5.E, PERFORMANCE STANDARDS.

Street lighting has been provided in accordance with Article 5.E. PERFORMANCE STANDARDS.

c. *Median Landscaping*
Refer to the most recent Engineering and Public Works Operations - Streetscape Standards available from the PBC Engineering Department.

Where medians exist they have been landscaped in accordance with the standards in place at the time of construction of said medians.

d. *Street Trees*
Street trees shall meet the Canopy tree requirements of Article 7, LANDSCAPING and planting standards pursuant to Engineering and Public Works Operations – Streetscape Standards, and as follows:

1) *Street trees shall be spaced an average of 50 feet on center. Palms meeting the requirements of Article 7, LANDSCAPING and Engineering and Public Works Operations - Streetscape Standards, may be planted as street trees if spaced an average of 40 feet on center.*
2) *Street trees shall be located along both sides of all streets 50 feet in width or greater and shall be planted between the edge of pavement and sidewalk. Appropriate root barrier techniques shall be installed where applicable.*
3) *Street trees shall be installed in accordance with the phasing of the Planned Development pursuant to Art. 7.E.4.B.1, Planned Developments. For Residential PDDs, planting of street trees shall be completed prior to the issuance of the final certificate of occupancy within that phase or pursuant to conditions of approval.*
4) *This requirement may be waived or modified by the County Engineer if the location of the proposed street trees conflict with requirements of Art.11, SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS.*

Mature street trees exist throughout Boca Del Mar PUD. Any new streets will be landscaped in accordance with Article 7, LANDSCAPING.

e. *Bike Lanes*

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Bike lanes shall be provided in all streets 80 feet in width or greater, unless an alternative is approved by the County Engineer in accordance with Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS.

Not applicable; however, bike paths are proposed within some of the proposed open space areas for all residents of the Boca Del Mar PUD to utilize..

f. Mass Transit

All nonresidential PDDs over five acres and 50,000 square feet, and all PUDs over 50 units, shall comply with the following, unless waived by the DRO:

1) The location of a Bus Stop, Boarding and Alighting Area shall be shown on the master plan and/or final site plan prior to approval by the DRO, unless written conflicts that one is not required. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran;

2) Prior to the issuance of the first building permit, the property owner shall convey to PBC an easement for a Bus Stop, Boarding and Alighting Area, in a location and manner approved by Palm Tran. As an alternative, prior to Technical Compliance of the first plat, the property owner shall record an easement for a Bus Stop, Boarding and Alighting Area in a manner and form approved by Palm Tran. The property owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act (ADA) to and through the Bus Stop Boarding and Alighting Area; and

3) All PDDs with more than 100 units shall comply with the following requirement:

Prior to the issuance of the building permit for the 100th unit, the petitioner shall construct a Palm Tran approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner.

Boca Del Mar has been mostly built out for many years and Palm Tran routes and stops have been determined utilizing the several arterial thoroughfares that run adjacent to or through the PUD.

g. Utilities

All utility services located in a utility easement, such as telephone, cable, gas, and electric, shall be installed underground or combination/alternative acceptable to the DRO.

All utility services for the built portion of Boca Del Mar are in place. Utility services for the affected area shall comply with this Standard.

h. Parking

1) Residential Uses

Parking for residential uses shall comply with Article 6, PARKING. The DRO may require a covenant to be recorded limiting the affected area to a specific use or uses.

Residential uses comply with parking requirements which were in affect at the time of the construction of these uses. Any new residential units will comply with Article 5, PARKING.

2) Nonresidential Uses

Nonresidential uses located within a PDD may apply the parking standards indicated in Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements or the

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minimum/maximum parking standards below. The site plan shall clearly indicate which parking standards are being utilized for the entire site.

Any existing nonresidential uses comply with the standards applicable at the time these uses were constructed. No new nonresidential uses are being requested as part of this amendment.

3) *Design*
Parking areas open to the public shall be interconnected and provide safe efficient flow of traffic. Parking areas directly adjacent to other parking areas in the same project shall have cross access.

Boca Del Mar is primarily a residential Planned Unit Development. All residential parking is private. The minimal non-residential uses have existing parking that complies with the Code in affect at the time the parking was constructed. There are no adjacent parking areas which would require cross access.

4) *Cross Access*
Cross access shall be provided to adjacent internal uses/properties, if required by the DRO.

Boca Del Mar PUD is mostly constructed and parking provided in compliance with the Code in affect at the time each pod was constructed. Pedestrian facilities will be enhanced with particular attention devoted to walkways on proposed open space areas. Paths will be provided for existing and future residents to travel from their neighborhoods to the clubhouse parcel, parks, playgrounds, and lake tracts which will ultimately create a greater communal and interconnected experience for families to enjoy.

5) *Location-Non-residential PDDs*
A minimum of ten percent of the required parking shall be located at the rear or side of each building it is intended to serve.

Not applicable.

6) *Distance*
All parking spaces shall be located within 600 linear feet of a public entrance of the building which it is intended to serve.
   a) *Remote Parking Areas*
   Paved pedestrian pathways shall be provided to all parking areas in excess of 400 feet from a public entrance. Pathways shall be unobstructed grade separated and/or protected by curbs, except when traversing a vehicular uses area, and clearly marked.

Not applicable.

i. *Way Finding Signs*
Off-site directional signs, consistent with the on-site directional sign standards in Article 8, SIGNAGE, may be allowed along internal streets in the R-O-W, subject to approval by the County Engineer.

The signage for the Boca Del Mar PUD was developed in accordance with the regulation in effect at the time of the original approval. Any new off-site directional signs shall comply with this standard.

j. *Emergency Generators*
A permanent emergency generator shall be required for all Type II and Type III CLFs, Nursing

or Convalescent Facilities, and PDD clubhouses 20,000 square feet or greater, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators.

Any new recreation construction will comply with this Standard if necessary.

The development proposal meets **Article 3.E.2.B.2 – Required Performance Standards** for a PDD as follows:

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

None of the proposed pods are greater than 5 du/acre. However, the applicant is proposing a centrally located recreation pod and a neighborhood park within each pod.

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

. Where feasible, focal points throughout the PUD will be enhanced through the use of fountains, pavers, and specimen landscaping.

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

A neighborhood park will be provided within every proposed residential pod. In addition, playgrounds, seating and shade structures will be incorporated within the neighborhood parks as a means to ensure that residents will enjoy a higher quality of life.

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

Decorative street lighting will be provided along development entrances as a means to preserve the community's aesthetics and in order to provide added security for residents wishing to traverse the PUD at night.

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

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.Decorative pavers will be utilized for all proposed entranceways and will be incorporated into the recreational areas to depict non-vehicular pathways.

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

Fountains will be provided within the various proposed lake tracts.

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

. Benches or play structures will be provided for current and future families utilizing the various pedestrian walkways and recreational amenities proposed within the new open space areas.

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

The project is required to have seven (7) Workforce Housing Units. It is the intent of the Applicant to buy-out these units.

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

As mentioned before, pedestrian facilities will be enhanced and provided for within open space areas for all residents of the Boca Del Mar PUD to utilize. The clubhouse located in Pod 69A will serve as a diverging focal point for utilization of the proposed 288 additional units within the PUD.

3. Compatibility with Surrounding Uses

The proposed development is compatible with the surrounding uses. The following summarizes the nature of the properties surrounding the subject property.

- **North:** To the north of the subject property is Via Verde (Control No. 81-171), a residential community. This property originally had a FLUA designation of High Residential - 8 (HR-8) and a Zoning classification of Residential Single Family/Special Exception (RS/SE). Via Verde was annexed and is now located within the City of Boca Raton.

  Also, located to the north of the Boca Del Mar PUD is the Boca Grove residential development (Control No. 80-214). This property originally had a FLUA designation of Low Residential -2 (LR-2) and a Zoning classification of Residential Single Family/Special Exception (RS/SE). Boca Grove was also annexed and is now located within the City of Boca Raton.

- **South:** To the south of the subject property is the Boca Pointe residential development (Control No.73-085). This property contains a FLUA designation of Medium Residential – 5 (MR-5) and a Zoning classification of Residential Single Family/Special Exception (RS/SE).

  Also, located to the south is the Palm D'Oro residential community (Control No. 1980-183), which is surrounded by Boca Del Mar. This property has a FLUA designation of High Residential – 8 (HR-8) and a Zoning classification of Residential Medium Density/Special Exception (RM/SE).

  Also, located to the south is the Boca Del Mar II residential community (Petition No. 78-45)), which is surrounded by Boca Del Mar. This property has a FLUA designation of High Residential – 8 (HR-8) and a Zoning classification of Residential Single Family/Special Exception (RS/SE).

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Also, located to the south is the Deercreek Country Club, located within the City of Deerfield Beach. This property has a FLUA designation of Open Space (S) and Mulit-Family (RM-15) and a Zoning classification of Open Space (S) and Multi-Family (RM-15).

- **East:** To the east are residential uses located within the City of Boca Raton. This property has a FLUA designation of Residential Low – 3.5 du/ac (RL) and a Zoning Classification of Residential – 1 family dwelling (2,200 sq. ft.) (R1A) and Residential – 1 family dwelling (1,500 sq. ft.) (R1C)

- **West:** To the west is the Boca Del Mar III residential community (Control No. 78-045). This property has a FLUA designation of High Residential – 8 (HR-8) and a Zoning classification of Residential Planned Unit Development (PUD).

The proposed density of the additional residential units, is compatible with the existing surrounding neighborhoods. The densities of the surrounding neighborhoods abutting the proposed additional units range from +/- 3.3 du/acre to +/- 19.54 du/acre. The proposed overall density of 2.2 du/acre is consistent and compatible with the established density of the PUD.

The proposed layout of the residential units have been designed to take into account the surrounding existing development in terms of types of homes, existing buffers, existing views, and proximity to the proposed development area. The layout of the new development areas have been designed to provide separation, buffering and open space between any new units and the existing units. Additional separation is accomplished through large open space tracts.

4. Design Minimizes Adverse Impact

Great care was taken in developing a revised master plan for the PUD. The Applicant took into account the types and intensities of surrounding properties, existing views and existing access points. The proposed design provides minimum impact and maximum benefit in terms of utilizing an abandoned golf course for a residential project, which provides quality new homes that will enhance existing conditions and values. The type of design provides for landscape buffers and open space exceeding the minimum code requirements which will be maintained by the new homeowners' association to the benefit of the new development as well as the benefit of the surrounding developments, as discussed further under Changed Conditions and Circumstances. Facilities such as focal points and pedestrian amenities also exceed what is depicted within the Code and will serve to maintain and preserve the quality of life of the Boca Del Mar PUD.

These changes to the PUD will enhance the overall quality of life by providing more open space areas than what was initially proposed in previous project submittals. Increased maintained separations and visual amenities between proposed and existing conditions will provide residents with an opportunity to enjoy space that was formerly occupied by an overgrown and dilapidated golf course. Similarly, the types of housing units have been altered to serve both current and future residents in order to develop the community less intensely and with particular attention paid towards open space areas. The increased diversity of the proposed housing will serve as a means to develop the parcels in a similar fashion to what currently exists throughout the PUD both aesthetically and in functionality and will maintain consistency with the ULDC.

5. Design Minimizes Environmental Impact

The proposed amendment does not result in any adverse impacts to the natural environment. The affected area contains limited amounts of existing native vegetation. However, all proper permitting will be completed for the removal of vegetation through PBC ERM.

6. Development Patterns

As previously stated, the proposed development of residential units in this section of Boca Del Mar is consistent with the established development pattern of single and multi-family housing existing on the abutting properties. The Boca Del Mar PUD currently has one of the more intense residential Future Land Use designations permitted by the Comprehensive Plan (HR-8). This intensity was approved in this location due to the location of the PUD, in eastern Palm Beach County with many commercial services, employment opportunities, and transportation infrastructure located in close proximity.

A review of the previous amendments approved for the Boca Del Mar PUD indicates favorably the need to adjust the original primarily residential master plan to provide a variety of uses needed to make a more diverse community. Given the extremely limited vacant residential land in eastern Palm Beach County (especially in south county), the proposed layout is entirely compatible with the immediate surrounding and regional development pattern for the area.

The proposed plan provides a balance between the changing circumstances of elimination of golf courses as a viable recreation amenity and at the same time provides alternative open space areas balanced with residential units that are consistent with the adjacent established density and development patterns. This revised strategy seeks to provide infill and redevelopment on property no longer deemed viable for golf and will meet the housing demand associated with this area of Palm Beach County. Providing a new housing stock within the Boca Del Mar PUD prevents the onus of urban sprawl by combining existing services and facilities with rising demand. It seeks to construct a diverse collection of new homes for residents wishing to live in Palm Beach County with direct attention paid to the proper allocation of land contiguous to existing community resources and residential identity. The focus on the preservation of open space and active transportation facilities will maintain what is and what will be established within the Boca Del Mar PUD.

7. Adequate Public Facilities

Boca Del Mar was granted a concurrency exemption for the project (No. 90-1128021). The extension was later converted to a permanent exemption in 2000. The PUD currently has concurrency consistent with the 9,773 units shown on the currently approved Master Plan. This proposed Development Order Amendment applications includes a companion Concurrency Reservation application for an additional 288 units. Adequate public facility capacities will be confirmed through review of the application.

8. Changed Conditions or Circumstances

There are at least four clear examples of changed circumstances justifying the approval of this Petition. These are: (1) the demonstrable non-viability of these lands as a golf course at the time of closure as well as for the foreseeable future, (2) the impact of the continuing uncertainty regarding the use of these lands on the values of the surrounding residences, (3) the expiration of a recorded restrictive covenant, and (4) the potential of this site as an excellent infill development site which is necessary to meet the rising demand for housing in the general area within and surrounding Boca Del Mar.

Non-viability as a Golf Course

While the Applicant recognizes that the Boca Del Mar PUD clearly was designed with golf courses as an amenity, the passage of time and an intervening, unexpected downturn in the economy has significantly altered the original expectations for this project. As was pointed out by Claire Anderson, one of the principals of the original developer, and recognized by then Executive Director William Boose at the time of the original approval, both golf courses were intended to be operated as profit oriented business amenities. It was operated as a golf course, including by the present owner, from its inception until 2005. Its closure was due to continued financial loss from operations due to a lack of rounds of golf played over a four year period (2002-2005, inclusive) resulting in significant documented losses approaching $2.0 Million. Unfortunately, notwithstanding the lack of play, the cost of operating the golf course and, specifically the maintenance thereof, remained static thereby leading to the significant losses.

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Future financial projections for the golf course at that time, as reflected in the report submitted by a certified public accountant, which is part of the record, reflected continuing significant financial losses leaving little hope for any alternative other than the closure of the golf course. These dire circumstances were not only supported by the National Golf Foundation (NGF) State of the Industry Symposium Report, which is also part of the record, but also, more significantly, supported by the testimony and evidence presented previously and to be presented again by a local golf course owner, operator and expert, Ray Finch.
In Mr. Finch's opinion, the NGF Report clearly demonstrated the dire then current (2010) economic conditions of the golf industry both locally and nationwide. However, he opined that it did not address the primary cause of the problem which, in his opinion, was the unprecedented number of new courses which were developed during the period 1990-2000 and the following years. According to Mr. Finch, during that same period the number of golfers increased only slightly resulting in an over-supply of golf courses leading to then current and continuing decline in the industry's economic viability. Additionally, Mr. Finch points out that during this same period the local governmentally owned courses increased significantly, including a Palm Beach County owned facility not far from the subject course. Since publicly owned courses do not operate under the same economic conditions as privately owned courses, the result is artificially lower rates leading to further economic viability problems for privately owned courses. It is believed that if municipally owned courses operated under the same financial realities as privately owned courses they would be considered financial failures as well.

In Mr. Finch's opinion, this region was in 2005 and currently is over supplied with golf courses many of which are suffering from the same economic challenges as those experienced by the owners of Mizner Trail in 2005. Mr. Finch has stated and will testify that there are several courses within forty minutes of Mizner Trail which are faced with the same economic challenges which led to the closure of Mizner Trail. Exemplary of this is the fact that 157.5 courses closed in the U.S in 2013; the other course at Boca Del Mar was sold through bankruptcy; a course in Royal Palm Beach closed; the Lacuna and Boca Lago PUD golf courses went through significant modifications and the addition of residential units; a golf course planned and approved as part of the Parcel 19 PUD in Jupiter in 2004 was never built; a golf course built as part of American Homes in west Boca was sold to Palm Beach County and became a publicly owned course; the golf course at Century Village in West Palm Beach was closed, went fallow and was approved for residential use; the Ritz Carlton golf course on Donald Ross Road was recently sold at auction for a sum that was a fraction of what it originally cost in order to avoid significant continuing operating losses; Hidden Valley Golf Course in Boca Raton closed in 2006; and more recently, the Patriot course, one of two courses built in the early 1970's as part of the Lands of the President development in West Palm Beach failed financially and was subsequently approved by the City of West Palm Beach to be converted to residential use.

Further, NGF, in a January 2014 Golf Course Openings and Closings Update (attached) has stated:

"the gradual market correction is expected to continue for the next few years. Annual net reduction of supply should be in the 130 – 160 range, helping us inch toward a healthier supply and demand balance."

Additionally, one need only look to the news ads run by both public and private courses to note the continuing intensity of the competition for players throughout the Treasure Coast, Palm Beach and Broward Counties. All of this was the basis for Mr. Finch's opinion two years ago as well as now that the Mizner Trail golf course has "no chance of survival as a golf course".

Continuing Uncertainty

These facts lead to the conundrum that has existed for some time and without resolution will continue. There was little choice, but to close the course in 2005. It was either close or face continuing losses with no end in sight. Over the years of this conflict and particularly in the past two there has been significant

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talk of the residents and then BDMIA purchasing the course. That has led nowhere. The uncertainty surrounding the issue, coupled with the fallow state of the course and the vandalism that has occurred has led to significant impact on adjacent properties not only from the standpoint of value, but also the ability to enjoy lifestyle. One thing is clear, there is little chance of this land ever being a golf course again.

Expiration of Restrictive Covenant

Additionally, this golf course was subsequently restricted for a defined period ending on December 31, 2012 by an instrument recorded in the Public Records. The restricted use was "for no other purpose other than such residential use as may be permitted by governmental authority and for a golf course clubhouse site and customarily related activities, including but not limited to golf, tennis and swimming." Irrespective of whether Palm Beach County was a party to that Restrictive Covenant, its recordation was record notice to every purchaser acquiring title to a home site in Boca Del Mar.

Infill Development Potential

The site is well situated as an excellent infill development site in the western Boca Raton area. The current plan has addressed and minimized the impact of such infill development on the existing residential subdivisions through the use of flexible and innovative land development techniques. Through the use of minimum 50 foot landscaped buffers to adjacent residences throughout the site and the creation of a necklace of integral open space throughout the site consisting of 90.46 acres of green area and landscaped buffers as well as lakes which open up views for the existing and proposed residences, we believe that we have submitted an exemplary plan justifying approval.
Based on data received from the Realtors Association of the Palm Beaches, as well as confirmed through other market sources, the Palm Beach County housing market currently has a relatively low 4.8 month's supply of resale homes. The County has limited developable land given the existing development pattern and the existing development constraints imposed by the Atlantic Ocean on the east and the conservation lands to the west. One need only look to Google Earth in the south county area to note that there are few infill sites available. This shortage of available housing supply has led to a significant increase in the median home price to $265,000.00 (a 15% increase in 2013).

Conclusion

This proposal meets and exceeds all of the required Development Order Amendment standards for approval, and provides an exceptional alternative to the golf course use through an innovative design that is not only visually attractive, but also functional and compatible with existing development patterns. This particular property, at the density proposed, can meet all concurrency criteria.

The project will provide for an upgraded landscape environment. Great care has been taken to allow sufficient room for upgraded landscape edges in the development areas. Further, the redevelopment will remove the current fallow aspect of the property as the property will now be maintained and contain new residents (additional eyes on the street) providing additional safety and security. This effort is proposed to commence immediately as a showing of good faith to the Boca Del Mar community.

Finally, the new development will remove the current uncertainty as to the future of the site. The new homes will be built and sold at values which match or exceed the surrounding community values. Once in place, the new development shall provide a finished product (both homes and significant landscape buffers and large natural open areas) which will allow a potential homebuyer of adjacent property to know what to expect. The affected property is ideally suited for residential development in an area that provides a full range of services for the new residents. Currently, as noted previously herein, a review of the aerials extending several miles from the site indicates that there are no vacant residential parcels of any size.

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