CITY OF PALM BEACH GARDENS
DEVELOPMENT APPLICATION

Planning and Zoning Department
CITY OF PALM BEACH GARDENS
10500 North Military Trail
Palm Beach Gardens, FL 33410
(561) 799-4243 Fax (561) 799-4281

Request:

- [ ] Planned Community Development (PCD)
- [x] Planned Unit Development (PUD)
- [ ] Amendment to PCD, PUD or Site Plan
- [ ] Conditional Use
- [x] Amendment to the Comprehensive Plan
- [ ] Administrative Approval
- [ ] Administrative Appeal
- [ ] Annexation
- [x] Rezoning
- [ ] Site Plan Review
- [x] Concurrency Certificate
- [ ] Time Extension
- [ ] Miscellaneous
- [x] Other Concurrent Processing

Date Submitted: June 27, 2014

Project Name: Trevi Isle

Owner: Kennedy Homes, LLC

Applicant (if not Owner): Same

Applicant's Address: 6400 Congress Ave, #2175 Boca Raton, Fl 33487 Telephone No. 561-789-3194

Agent: Urban Design Kilday Studios

Contact Person: Anne Booth E-Mail: abooth@udkstudios.com

Agent's Mailing Address: 477 So. Rosemary Ave, Suite 225, West Palm Beach, Fl 33401

Agent's Telephone Number: 561-366-1100

FOR OFFICE USE ONLY

Petition Number: _____ Date & Time Received: _____

Fees Received

Application $ _____ Engineering $ _____

Receipt Number: _____

Architect: Specialty Engineering Consultants

Engineer: Messler and Associates

Planner: Urban Design Kilday Studios

Landscape Architect: Urban Design Kilday Studios

Site Information:

Note: Petitioner shall submit electronic digital files of approved projects. See attachment for details.

General Location: Northwest corner of Hood Road and Florida Turnpike

Address: Hood Road

Section: 27 & 34 Township: 41 Range: 42

Property Control Number(s): 52-42-41-34-00-000-1030 and 52-42-41-27-00-000-5010

Acreage: 12.39 Current Zoning: RL-2 Requested Zoning: RM

Flood Zone _____ Base Flood Elevation (BFE) – to be indicated on site plan _____

Current Comprehensive Plan Land Use Designation: RL- Residential Low

Existing Land Use: Vacant Requested Land Use: 50 residential units

Proposed Use(s) i.e. hotel, single family residence, etc.: Townhomes

Proposed Square Footage by Use: Please see attached floor plans

Proposed Number and Type of Dwelling Unit(s) i.e. single family, multifamily, etc. (if applicable):
50 attached townhomes

Justification

Information concerning all requests (attach additional sheets if needed.)
{Section 78-46, Application Procedures, Land Development Regulations.}

1. Explain the nature of the request: The applicant is requesting approval for concurrent processing of applications to allow a Comprehensive Land Use Plan amendment from RL to RM, rezoning from RL-2 to RM, and a PUD to allow 50 townhomes.

2. What will be the impact of the proposed change on the surrounding area?

The current zoning category allows up to 50 dwellings, the proposed development will allow the units to be attached which increases the community serving open space and allows for a more cohesive preservation area

No additional impacts are expected over the currently allowed development intensity.

3. Describe how the rezoning request complies with the City's Vision Plan and the following elements of the City's Comprehensive Plan - Future Land Use, Transportation, Housing, Infrastructure, Coastal Management, Conservations, Recreation and Open space, Intergovernmental Coordination and Capital Improvement.

Please see the attached project narrative for details on the proposed development.

4. How does the proposed project comply with City requirements for preservation of natural resources and native vegetation (Section 78-301, Land Development Regulations)?

The proposed plan of development includes the preservation of 1.93 acres of upland preserve area, which is in compliance with the Land Development Regulations for preservation of natural resources.

5. How will the proposed project comply with City requirements for Art in Public Places (Chapter 78-261, Land Development Regulations)?

The proposed project is a residential neighborhood and is not subject to the requirements of the AIPP section of the code.

6. Has project received concurrency certification?

A request for concurrency approval is included in this application.

Date Received: _____

Legal Description of the Subject Property

(Attach additional sheets if needed)

Or see attached deed for legal description.

Location

The subject property is located approximately 0 mile(s) from the intersection of Hood Road and the Fla Turnpike, on the ☑ north, ☐ east, ☐ south, ☐ west side of Hood Road (street/road).

Applicant's Certification

I/We affirm and certify that I/we understand and will comply with the land development regulations of the City of Palm Beach Gardens, Florida. I We further certify that the statements or diagrams made on any paper or plans submitted here with are true to the best of my/our knowledge and belief. Further, I/we understand that this application, attachments, and application filing fees become a part of the official records of the City of Palm Beach Gardens, Florida, and are not returnable.

Applicant is:

- ☐ Owner
- ☐ Optionee
- ☐ Lessee
- ☑ Agent
- ☐ Contract Purchaser

Signature of Applicant

Anne Booth

Print Name of Applicant

477 So. Rosemary Ave, Suite 225

Street Address

West Palm Beach, FL 33401

City, State, Zip Code

561-366-1100

Telephone Number

561-366-1111

Fax Number

abooth@udkstudios.com

E-Mail Address

AGENT CONSENT FORM

STATE OF FLORIDA
COUNTY OF PALM BEACH
_____/

BEFORE ME THIS DAY Douglas Jennings PERSONALLY APPEARED WHO BEING DULY SWORN, DEPOSES AND SAYS THAT:

1. He/she is the owner of the real property legally described in the Warranty Deed;

2. He/she authorizes and designates Anne Booth, Urban Design Kilday Studios to act in his/her behalf for the purposes of seeking a School Concurrency determination on the real property legally described in the Warranty Deed;

3. He/she has examined the foregoing School Concurrency application and he/she understands how the proposed change may affect the real property legally described in the Warranty Deed.

FURTHER AFFIANT SAYETH NOT.

The foregoing instrument was acknowledged before me this 21 day of May, 2014, by Douglas Jennings (Name of Person Acknowledging) who is personally known to me or who has produced _____(type of identification) as identification and who did (did not) take an oath.

Yesenia Padron
(Signature of Person Taking Acknowledgement)

Owner's Signature

Yesenia Padron
(Name of Acknowledger Typed, Printed, Stamped)

Douglas Jennings
Owner's Name (Print)

Notary
(Title or Rank)

1111 Brickell Ave, 29th Fl
Street Address

FF 4225
(Serial Number, if any)

Miami, FL, 33131
City, State, Zip Code

305-376-2483
Telephone Number

(Notary's Seal)

YESENIA PADRON
Notary Public - State of Florida
My Comm. Expires Mar 25, 2017
Commission # FF 4225

STATEMENT OF OWNERSHIP AND DESIGNATION OF AUTHORIZED AGENT

Before me, the undersigned authority, personally appeared **DOUGLAS JENNINGS**, who being sworn on oath, deposes and says:

1. That, he is a **SENIOR ASSET MANAGER** of **SABADELL UNITED BANK, N.A.**, which is the owner of certain properties, as described in the attached legal description, and;

2. That, he is authorized to act on behalf of **SABADELL UNITED BANK, N.A.**, with regard to this application, and;

3. That, **SABADELL UNITED BANK, N.A.**, has entered into a contract for purchase of the above described property with **KENNEDY HOMES, LLC**, and;

4. That, **KENNEDY HOMES, LLC**, has been given authority by **SABADELL UNITED BANK, N.A.,** to submit the applications necessary for various zoning and Land Use modifications for the above described property, to allow the development of the property as a residential multi-family community, and;

5. That, **SABADELL UNITED BANK, N.A.**, has appointed **STEPHEN GRAVETT, KENNEDY HOMES, LLC, ANNE BOOTH and URBAN DESIGN KILDAY STUDIOS** to act as Agents on it's behalf to accomplish the above, and;

6. That, **SABADELL UNITED BANK, N.A.,** and/or its successors or assigns, commits to proceed with the proposed development in accordance with the Ordinances and Resolutions of approval and such conditions and safeguards as may be set by the City Council in such Ordinance, and;

7. That, **SABADELL UNITED BANK, N.A.**, or its successors or assigns, commits to complete the development according to the plans approved by such Ordinance, and to continue operating and maintaining such area, functions, and facilities as are not to be provided, operated or maintained by the City of Palm Beach Gardens pursuant to written agreement, and;

8. That, **SABADELL UNITED BANK, N.A.**, commits to bind any successors in title to any commitments made in the approval.

SABADELL UNITED BANK, N.A.

By: _____
Douglas Jennings, Sr. Asset Manager

Sworn to and subscribed before me this 21 day of May, 2014.

Yesenia Padron
Notary Public, State of Florida
Commission Number FF 4225
My Commission Expires: 3-25-17

(Notary Seal)

YESENIA PADRON
Notary Public - State of Florida
My Comm. Expires Mar 25, 2017
Commission # FF 4225

Palm Beach Gardens Planning and Zoning Department
10500 North Military Trail, Palm Beach Gardens, FL 33410
561-799-4243

Permit #_____

Financial Responsibility Form

The owner understands that all City-incurred professional fees and expenses associated with the processing of this application request are ultimately the responsibility of the owner. A security deposit shall be deposited in an interest-bearing account with any accrued interest to be retained by the City of Palm Beach Gardens.

The owner and/or designee shall be invoiced on a monthly basis for professional fees such as, but not limited to, consultant engineering services, legal services, advertising costs, and/or any other costs attributable to the processing of the permit for which the City incurred during the previous month. The owner and/or designee shall reimburse the City within thirty (30) days from date of invoice. If payment is not received, the City may utilize the security deposit for re-imbursement purposes. **All activities related to the pending permit(s) will cease until any outstanding invoices are paid.**

The owner/designee further understands that transfer of this responsibility shall require a completed form, signed and notarized by the responsible party, and delivered to the City's Planning and Zoning Department if the name and/or address of the responsible party changes at anytime during the application review process.

Owner signature

5-21-14
Date

Douglas Jennings, Asset Manager, Sabadell United Bank
Owner printed name

52-42-41-34-00-000-1030 &
Property Control Number
52-42-41-27-00-000-5010

DESIGNEE/BILL TO:
Stephen Gravett, Kennedy Homes LLC

6400 Congress Avenue #2175

Boca Raton, Florida 33487

Designee Acceptance Signature

NOTARY ACKNOWLEDGEMENT

STATE OF Florida

COUNTY OF ~~Palm Beach~~ Dade

I hereby certify that the foregoing instrument was acknowledged before me this 21 day of May, 2014, by Douglas Jennings. He or she is personally known to me or has produced _____ as identification.

Yesenia Padrón
Notary public signature

Yesenia Padron
Printed name

State of Florida at-large

My Commission expires: 3-25-17

YESENIA PADRON
Notary Public - State of Florida
My Comm. Expires Mar 25, 2017
Commission # FF 4225

EXHIBIT A

LEGAL DESCRIPTION
TREVI ISLE

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 27 AND 34, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH HALF (S ½) OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 27, TOWNSHIP 41 SOUTH, RANGE 42 EAST, TOGETHER WITH THE EAST HALF (E ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 34, TOWNSHIP 41 SOUTH, RANGE 42 EAST.

LESS AND EXCEPTING THEREFROM THE RIGHTS OF THE WAY OF FLORIDA'S TURNPIKE, HOOD ROAD AND HOOD ROAD OVERPASS.

CONTAINING 539,627 SQUARE FEET OR 12.388 ACRES, MORE OR LESS.

PROJECT NARRATIVE
TREVI ISLE
June 27, 2014
Revised April 2, 2015
Revised March 18, 2016
Revised June 17, 2016
Revised August 19, 2016
Revised October 24, 2016

urban design kilday STUDIOS

Urban Planning and Design
Landscape Architecture
Communication Graphics

Request/Location

On behalf of the applicant, Kennedy Homes, LLC, Urban Design Kilday Studios hereby respectfully submits this application request for: Concurrency; the Concurrent processing of a Large-Scale Future Land Use Map Amendment to modify the current land use designation from Residential Low (RL) to Residential Medium (RM); a Rezoning from Residential Low (RL2) to Residential Medium (RM); and a Planned Unit Development (PUD) overlay for fifty (50) townhomes. The site is currently vacant and consists of three parcels for a total of 12.50 acres. The site is located on the northwest corner of Hood Road and Florida's Turnpike.

The proposed townhome development will be a continuation of the successful Trevi development built by the applicant on the southwest corner of Hood Road and I-95. The proposed development will be consistent with the density allowed under the RL-2 district and will provide an enhanced development plan which exceeds the community serving open space and amenities of a comparable single family detached development.

Although the proposed development at a density of 4 du's/acre is consistent with the density allowed under the RL2 and Residential Low zoning and Future Land Use categories, the development of an attached Townhome product is not allowed in the RL2 District. Restrictions on the Comprehensive Plan amendment, together with the proposed PUD and rezoning will restrict the development of the property to the same density levels allowed in the RL categories while allowing a quality townhome development. As part of the requested development approval the applicant is requesting a maximum limit of 50 units be set on the development approval through a note on the Comprehensive Plan. The proposed product type will be an excellent transitional use and buffer between the single family units in Eastpointe and the Turnpike and will provide a much higher percentage of open space and amenities than a standard single family development would otherwise be able to provide.

<u>History</u>

Twelve acres of the site were annexed into the City on June 17, 2010 via Ordinance 11, 2010. On October 21, 2010, via Ordinance 12, 2010 the property's Future Land Use designation was changed from Palm Beach County (PBC) Low Residential, two (2) units per acre (LR-2), to

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www.udkstudios.com
LCC000035

the City of Palm Beach Gardens Residential Low (RL), with a density allowance of up to four (4) units per acre under straight zoning and six (6) units per acre with a PUD. On December 16, 2010, via Ordinance 27, 2010, the property was rezoned from Palm Beach County Residential Single Family (RS) and Residential Estate (RE) to City of Palm Beach Gardens Residential Low (RL-2), which allows up to four (4) units per acre under straight zoning and six (6) units per acre under a Planned Development. There are no current Development Order conditions of approval for the site.

Existing Zoning and Future Land Use Plan Designations

The site is a long rectangular parcel with 1,258 linear feet of frontage on the Florida Turnpike, and 417 feet of frontage on Hood Road. The parcel is surrounded on the west and north by the Eastpointe County Club residential subdivision. Eastpointe was developed in the 1980s and early 1990s and is located in the unincorporated jurisdiction of Palm Beach County. To the south of the site are the Hood Road overpass, and the Marsh Pointe Elementary School, which is part of the Mirasol PCD and was built in 2008. To the east of the Florida Turnpike is the Scripps Phase II/Briger Tract DRI now known as Alton .

EXISTING USE	ZONING	FUTURE LAND USE
Subject Site: Vacant	Residential Low (RL-2)	Residential Low
TO THE NORTH: Eastpointe Country Club *(Palm Beach County)*	Single Family Residential (RS) Residential Estate (RE) Residential Transition (RT)	Low Residential, 2 DU/ AC (RL-2)
TO THE EAST: Florida Turnpike	N/A	N/A
TO THE SOUTH: Marsh Pointe Elementary	Planned Community Development *(Mirasol PCD)*	Residential Low
TO THE WEST: Eastpointe Country Club *(Palm Beach County)*	Single Family Residential (RS) Residential Estate (RE) Residential Transition (RT)	Low Residential, 2 DU/ AC (RL-2)

Concurrency

Included in this application is a request for concurrency for 50 residential units. The proposed project will comply with all required levels of service standards as adopted by

the city. Total capacity requirements of the proposed project will be available at the time of construction of the project as evidenced by the following:

***Roadway System**:* Attached is a traffic analysis which indicates that the project build-out date will be the end of 2019 and that no additional intersection modifications are required to the roadway system for acceptable operation.

***Wastewater**:* The Seacoast Utility Authority has provided a statement of service availability for the proposed project which indicates that wastewater service is available upon the payment of connection fees, administration fees and capacity reservation fees.

***Solid Waste**:* The Solid Waste Authority has provided a statement that capacity for solid waste is available through the year 2046.

***Drainage System**:* The drainage system has been designed to control all water within the site. The project will have a perimeter berm established that will meet the 25 year 3 day storm event requirements of the SFWMD and the City of Palm Beach Gardens. All offsite runoff will be discharged and controlled by the project control structure.

***Potable Water**:* The Seacoast Utility Authority has provided a statement of service availability for the proposed project which indicates that potable water service is available upon the payment of connection fees, administration fees and capacity reservation fees.

Recreation: 3.7 acres of improved and neighborhood parks are required per 1000 permanent residents. The proposed development will generate the demand for .43 acres of improved park area based on 50 residential units. The proposed plan of development provides improved recreation areas of .5 acres in addition to the preservation area and lake. To meet the code requirement for 1 acre of recreation, three recreation areas are provided. Total Open space for the project far exceeds the Land Development Regulations for open space.

Concurrent Processing Request

The applicant is requesting approval to allow the Comprehensive Plan Amendment, Rezoning and Planned Unit Development Overlay applications to be processed concurrently for consideration by the City Council. The concurrent review of the applications will allow the City Council to have a more cohesive understanding of the proposed development, and will provide assurances with regard to development intensities and design limitations. The concurrent review process will also allow a more comprehensive review with regard to the compatibility of the project to the adjacent neighborhoods.

Proposed Future Land Plan Amendment Analysis

Land Use Compatibility with Surrounding Area

Included in this application are maps which show the location of the property in relation to the surrounding zoning and land uses. Immediately to the north and west of the site is the Eastpointe residential development which is located within the jurisdiction of Palm Beach County. Eastpointe is developed with a mixture of single family custom homes, zero lot line homes, attached patio/townhomes and a golf course. The overall gross density of 1.31 DU's/ac includes multiple parcels which are developed at net densities that range from 4.06 du's/ac to .50 du's/ac. The net density of the parcel immediately adjacent to the parcel is 1.32 du's/ac. Prices of homes in Eastpointe range from the mid-high $200's to $700's.

Development on the south side of Hood Road, west of the Turnpike, is part of the Mirasol PCD. Immediately south of the site are the Marsh Pointe Elementary School and Mirabella zero lot line homes. The density of the three Mirabella parcels range from 3.9 du's/ac to 6.69 du's/ac. The price range of the homes in Mirabella range from the low $400's to the mid $800's.

The existing zoning of RL-2 and Future Land Use of RL allow a density range of 4 DU's/ac under straight zoning to 6 du's/ac under a Planned Development. Although the proposed development will be restricted to 4 units per acre, the Land Development Regulations do not allow the construction of attached units therefore the applicant is requesting a change to the RM zoning and RM Future Land Use category to allow an attached unit to be constructed. The attached unit design in the site plan allows for a consolidation of open space which has been located to maximize the separation distance between the existing homes and the proposed homes. The site plan also provides a natural buffer and lake between the adjacent units, together with the construction of the sound barrier wall and placement of the homes, the proposed project will provide a beneficial sound and visual barrier between Eastpointe and the Turnpike.

Compatibility with the City's Vision Plan

At the time of the inception of the City's Vision Plan, the site was under the jurisdiction of Palm Beach County. The proposed development is however located within the Urban Growth Boundary of the City's Vision Plan and is consistent with the principals and objectives of the plan. The proposed development will provide a system of pedestrian sidewalks that will connect to the public sidewalk system as well as providing a proposed emergency and pedestrian connection to the Eastpointe community. The infrastructure required to service the project is currently in place and the proposed development has included security and traffic calming techniques which will enhance the safety and security of the community.

The proposed quality and pricing of the development will be consistent with the Trevi project located on the south side of Hood Road as well as the immediately surrounding Eastpointe and Mirasol developments. As noted in the City's Vision Plan, developments of higher intensities are acceptable adjacent to major roadways. In this case the proposed development is consistent with the lower density use by right. The proposed development plan will create a transitional buffer zone including a visual and sound barrier between the existing Eastpointe community and the Turnpike.

The plan of development is consistent and comparable to the net densities of the adjacent parcels. The proposed plan of development includes the protection and preservation of natural resources and preservation of environmentally significant lands. The preserve area will be enhanced by the addition of a pedestrian walkway for the enjoyment of the community. The project will provide a variety of recreational amenities including, a passive park area with Gazebo, a clubhouse complex with a pool, a lake and a natural preserve.

Consistency with the City's Comprehensive Plan

Economic Development Element

GOAL 13.1.: The economic goal of the city of Palm Beach Gardens is to achieve sustainable economic development through a balanced and diversified economy which is compatible with the city's quality built environment and protects important natural resources.

The proposed development will provide construction related jobs, as well as ongoing maintenance and service jobs once the development is complete. The proposed development will provide a high quality residential development which includes a 1.94-acre preservation area and 67% Open Space.

Future Land Use Element

The predominant dwelling types in the Residential Medium category are attached and detached single-family housing, duplexes, and townhomes. The compatible zoning districts for this category are RL1, RL2, RL3, and RM. The proposed development is within the urban service boundary and in accordance with Policy 1.1.1.4 the RM District serves as a transition between Residential Low and more intense land uses, such as the Turnpike. The site is centrally located with convenient access to shopping and employment opportunities. The site is centrally located with access to all required infrastructure and services.

Maximum allowable development

The maximum allowable development under the existing Residential Low - RL designation is 4 dwelling units per acre and up to 5 dwelling units per acre under a Planned Development. This designation would allow 50 units under standard zoning by right and 62 units under a Planned Development.

Under the proposed Future Land Use designation of Residential Medium – RM, the standard zoning density by right is 7 dwelling units per acre and up to 9 dwelling units per acre under a Planned Development. This designation will allow 87 units under standard zoning and 112 units under a Planned Development. The proposed plan of development intends to limit the maximum density to 50 dwelling units through a notation on the Comprehensive Plan map. The density levels of the proposed Planned Development plan are consistent with the density levels allowed under the existing Future Land Use designation and will not increase the intensity of the development as anticipated when the property was annexed.

Transportation Element

Attached is a traffic analysis which indicates that the project build-out date will be the end of 2019 and that no additional intersection modifications are required to the roadway system for acceptable operation.

Infrastructure Element

Required infrastructure was confirmed at the time of annexation. The proposed development is consistent with the intensity allowed under the existing zoning and Future Land Use Designations. All required infrastructure is currently in place for the proposed development.

Historical and Archeological Resources

The applicant is not aware of any historical or archeological resources on the site.

Environmental Issues and Land Suitability for Proposed Land Use

The site has been designed to protect and preserve 1.94 acres of upland preserve in addition to the perimeter buffers and open space throughout the site.

Sanitary Sewer

The Seacoast Utility Authority has provided a statement of service availability for the proposed project which indicates that wastewater service is available upon the payment of connection fees, administration fees and capacity reservation fees.

Potable Water

The Seacoast Utility Authority has provided a statement of service availability for the proposed project which indicates that potable water service is available upon the payment of connection fees, administration fees and capacity reservation fees.

Drainage

The drainage system has been designed to control all water within the site. The project will have a perimeter berm established that will meet the 25 year 3 day storm event requirements of the SFWMD and the City of Palm Beach Gardens. All offsite runoff will be discharged and controlled by the project control structure.

Solid Waste

The Solid Waste Authority has provided a statement that capacity for solid waste is available through the year 2046.

Parks and Recreation

Objective 7.1.1.: Provide open space areas, and active and passive recreation facilities and areas for residents of Palm Beach Gardens in a timely manner so as to comply with the Level of Service (LOS) standards set forth by this element and to maintain such compliance in subsequent years.

1. FLUP Recreation and Open Space LOS - 5 acres of improvement parks per 1000 permanent residents

.58 acres are needed to meet the City's FLUP Level of Service of 5 acres per 1000 residents for the estimated 2.35 persons per unit per 50 dwelling units.

2. Land Development Regulations LOS – 3.7 acres of Neighborhood and Community Park per 1000 permanent residents

.43 acres are needed to meet the City's LDR Level of Service of 3.7 acres per 1000 residents for the estimated 2.35 persons per unit per 50 dwelling units.

The project is proposing 8.41 acres of Open Space which includes .50 acres of recreation. The proposed recreation areas include a .18 acre Passive Park with Gazebo, .32 acre clubhouse and pool area, and preserve area amenities. In addition to the recreation areas, the project provides a community lake.

PUD PROJECT DETAILS

Density

The current land use and zoning designations of residential low allow for a density of four (4) units per acre, however the district does not allow for townhouse structures. The applicant is therefore requesting to modify the land use and rezone to the medium residential district to allow the townhouses. The applicant is further proposing that the project be conditioned to restrict the density of the site to the four (4) dwelling units per acre as is currently permitted on the site.

Architectural Style and Special Features

The proposed elevations of the townhomes are very similar to the Trevi development located just east of the site on the south side of Hood Road. The proposed townhomes will have 4 alternative models and will be constructed with 4 unit, 5 unit and 6 unit buildings. There are two alternative combinations of models for the 5 unit building which will allow for more variety along the street façade. Enhancements to the elevations have been included which include stone accent façades, decorative aluminum railings, decorative iron grills, shutters, “shutter dogs”, banding, wood trellis, stone headers and sills around the windows, varied roof lines and vibrant color tones. The clubhouse and gazebo will use the same colors and materials being used on the homes.

Access

Access to the site is proposed from Hood Road. Because of the grade changes and the proximity of the overpass to the front of the property, the proposed entrance design has been extensively reviewed. Included in the design is a dedicated right turn lane from the overpass for westbound traffic. The entrance will be constructed at an elevated grade with a gradual transition down into the site. The change in elevation on the entrance drive adjacent to the preserve will create a beautiful perspective as the residents enter the community. Included in the application are letters from Palm Beach County, and the Turnpike Authority along with design drawings for the entrance design from Wantman and Associates.

Pedestrian Connectivity

Due to concerns about a ‘mid-block” crossing the applicant has been asked by the County, not to continue the existing public sidewalk on Hood Road which currently

terminates on the overpass. The sidewalk will be brought into the community and continued for the length of the internal roadway providing access to the clubhouse and the park from each home. The applicant is also proposing to build a pedestrian pathway in the preserve area which will connect to the sidewalk at the entrance and will provide access for maintenance of the preserve and the MSE walls.

Project Signage

The proposed entrance sign has been incorporated into a landscape trellis feature in the center island of the entrance. The design is an adaptation of the Trevi entrance design, with the addition of unique features which complement the proposed home designs. Special features include stone, trellis, landscaping and lighting. Colors and materials will be consistent with the homes and buildings in the community. Landscaping, in accordance with City code requirements, will be planted at the base of the sign.

Lighting

All proposed lighting for the site will be in accordance with the City of Palm Beach Gardens Land Development Regulations. Special light shields will be added to the lights at the entrance to eliminate any light intrusion onto abutting properties.

Landscape Buffers and Foundation Plantings

The site has been designed with a 25' natural buffer for the majority of the site. Within the buffer along the Turnpike, the applicant is proposing the construction of a 16' sound wall offset to the east side of the buffer. Where the buffer adjoins the preserve area, planting will be an extension of the preserve area plantings. Adjacent to the SUA well easement, the buffer has been reduced to 20' to allow SUA more convenient access. Along the perimeters adjacent to Eastpointe, the existing trees and understory will be maintained to the greatest extent possible. Where exotic plants are removed, new native plant material will be planted to infill the buffer and preserve areas. The new preserve area will include an upgraded plant palette which will allow for a more immediate infill. A street tree program of Oaks, pines, flowering trees and palms will be used. An alternative street tree planting plan has been designed to provide trees on the east side of the main street. Foundation planting will include a variety of designs to provide a varied streetscape. Several areas have been designated to protect and preserve existing trees.

Site Amenities

The proposed site plan design allows 67% of the site to be consolidated into community serving open space. Included in the design are a passive park with a gazebo, a clubhouse with pool, a lake and 1.94 acre preserve area. Many of the existing trees are

being preserved throughout the site for a natural and mature design. A majority of the homes have frontage on the preserve, the lake or a buffer. Ample guest parking has been provided throughout the community. The gazebo in the park will provide a pleasant location for passive activities. The clubhouse will provide a convenient location for mail collection in addition to a lush landscaped deck around the pool area. The tree lined lake can be used for fishing and other community activities. The preserve area will be enhanced with a pedestrian pathway to allow the residents to enjoy and explore the preserve.

Parking

Each residence will have a two-car garage with an additional two spaces provided in the driveway. There will be seven spaces at the clubhouse, 5 of which are guest spaces. There will be a total of 24 guest parking spaces provided in a variety of locations throughout the property. Stall sizes will vary between 9 and 9.5’ wide and 18.5’ long, except for the handicap spaces which will be 12’ wide and the driveway spaces which will be 20’ long.

Parking space width

Section 76-344 allows the City Council to approve a reduction in the width of parking spaces provided a corresponding increase in open space is provided. The applicant proposes to provide 9’ and 9.5’ x 18.5’ parking spaces. The criteria for approval for a reduction in the width of parking spaces requires additional open space be provided at a ratio of 1.5 square feet for each square foot of paved parking area that is reduced. The following formula demonstrates that the site exceeds the current code requirement for open space and meets the criteria for approval.

- There will be a total of 200 – 9’ parking spaces and 12-9.5’ parking spaces.
- The area of the reduced pavement area is 3,811 square feet (18.5' x 1' = 18.5 sf/space x 200 spaces = 3,700 sf, plus 18.5’ x .5’ = 9.25 sf/space x 12 spaces = 111, total = 3,811 sf).
- At a ratio of 1.5, we are required to provide 5,716.5 additional square feet of open space (3,811 sf x 1.5).
- The 40% open space requirement is 5.02 acres (218,671.2 sf). The open space provided on this site is 67% or 8.41 acres (366,339 sf).
- The site provides 3.39 acres (147,668 sf) more open space than is required by code which far exceeds the requirement for additional open space.

Drainage

The proposed drainage system will consist of curbing, inlets, pipes, a perimeter berm and an on-site lake. The runoff from the roadway will collect in the curbing and inlets while the pipes route it to the on-site lake. The perimeter berm will be designed to hold

the 100-year, 3-day storm event on-site. The Finished Floor elevation will be set a minimum of 6" above the same elevation. A control structure with a 3" bleeder at the wet season water table will connect the lake to the Turnpike to aid in recovery of the system in all rain events.

The system is designed so it will not connect to NPBCID or the Eastpointe existing lake network therefore the drainage system will have no adverse effect to adjacent properties.

Phasing

The proposed development will be constructed in one phase.

Platting

The applicant is requesting a waiver to allow permits for dry model homes to be issued prior to the plat being recorded. This request is consistent with waivers previously approved for Mirasol and Paloma and will allow construction to begin while the plat is being processed for review and approval.

Environmental

The City requires 25% of environmentally-significant lands be preserved on site or mitigated. Based on the City's environmental standards and the site conditions, 1.9 acres of upland habitat are required to be preserved. Included in this application is an environmental assessment which describes the condition of the property and the conditions which have impacted the site conditions. The entire property is surrounded by developed lands, roads and highways. The adverse effects of this type of urban setting reduces hydrology, and together with a lack of a natural fire regime, allows encroachment of exotic vegetation. There are no jurisdictional wetland areas observed on the property, nor were any gopher tortoises or other listed animal species observed.

The habitat on the property is considered disturbed based on the recent Environmental Study of the site, conducted by Environmental Services, Inc. The study further states that the upland preservation area contains some of the highest quality habitat that exists on the property and is located in an area dense with native oaks.

Through a Preserve Area Management Plan, the preserve area will be enhanced through the eradication of exotic and nuisance species and supplemental planting of native species where necessary. The enhancements and preservation of this habitat will ensure long-term functional viability. The newly planted preserve will include a pallet of plants that will enhance the existing preserve. The size and quantity of the

plants in the new preserve will be increased to achieve the desired habitat conditions more quickly.

Land Development Regulations

SITE ANALYSIS: Trevi Isle				
Comparison (per code unless otherwise noted)	**Allowed/Required**	**Proposed**	**Compliance**	**Waiver Requested**
Open Space (PUD)	40% min.	67%	Yes	
Minimum PUD Development Size	250 acre	12.50 acres		yes
Minimum Site Area (RM)	131,100 sf (Min. 7,500 sf for the first two-family unit, and min. of 5,150 sf for each additional unit)	544,500 sf	Yes	
Minimum Building Site Area (RM)	None	n/a	n/a	
Minimum Lot Width (RM)	100'	30’		yes
Maximum Building Lot Coverage (RM)	35%	67%		yes
Maximum Height Limit (RM)	36'	26’-7”	Yes	
Setbacks (RM)				
Front	30’	15’		yes
Side	10’	0’		yes
Side Facing Street	20’	n/a	n/a	
Rear	20’	7’		yes

SITE ANALYSIS: Trevi Isle				
Comparison (per code unless otherwise noted)	**Allowed/Required**	**Proposed**	**Compliance**	**Waiver Requested**
Parking				
Number Required	*169*	226		Yes
Stall Dimensions	10' x 18.5 feet	9.5' x 18.5' and 9' x 18.5'		Additional open space provided as required.
Loading Spaces	None	n/a	n/a	

Coordination with Eastpointe Home Owners Association

The applicant has made a commitment to coordinate with the Home Owners Association of the Eastpointe Planned Development in efforts to maintain open communication and to promote mutually beneficial improvements.

Waivers/Justification

One of the general purposes and intentions of the Planned Unit Development overlay district is to "establish and encourage efficient and creative development or re-development of property; to provide maximum opportunity for the application of innovative concepts of development in the creation of aesthetically pleasing living, shopping and working environments on properties of adequate size shape and location...and to ensure that development occurs according to limitations of use, design, density, coverage, and planning as stipulated in an approved development plan". As a result of these concepts, the PUD Overlay District was created as a Flexible Zoning district that is intended to allow for deviations from standard Land Development Regulations. In turn, the applicant understands that they will be subject to conditions of approval. Deviations to the standard Land Development Regulations are accommodated through the waiver approval process. The granting of waivers allows innovative, and creative design concepts to be realized that will be a benefit to the city.

Along with the request for a rezoning to a PUD district, we have selected the "underlying" zoning district of Residential Medium (RM) for the purposes of comparing the proposed development plan with standard zoning district land development regulations, and which allows for the townhouse product. The purpose of the

comparison is to identify any deviations that may be proposed from the standard land development regulations.

The unique physical conditions of the parcel along with the desire of the applicant to develop the site as a townhome community, has required the applicant to request a number of waivers from the City's LDRs. It should be noted that because of the attached home design, the community serving open space can be consolidated, the separation between adjacent uses can be increased, and more amenities can be provided. The design allows a large number of the lots to abut the lake with the remaining units abutting some form of natural area or buffer. As an alternative to the concept of each lot enjoying an open space area, the proposed design provides these community serving open space areas as an amenity and a benefit for all residents of the community.

We believe that the design of this project is consistent with previously approved townhouse projects in the City, is consistent with the intent and purpose of the PUD district regulations, and is consistent with comparable development standards within other communities. The code does not address the allowance of an attached product type which requires the applicant to request a number of waivers. The approval of the waivers will also allow a project design that increases the separation between the existing homes in the Eastpointe community and creates more cohesive community serving open space. Because the proposed development has been designed to incorporate significant amenities into the design, the consolidated community serving open space allows for creativity in designing the homes and placement on the lots. For these reasons we feel the requested waivers should be approved and respectfully request your support.

The applicant is requesting nine (9) waivers:

1. The applicant would like to request a waiver from **Section 78-141, Table 10, Lot Width,** to allow the width of the individual townhome lots to be reduced from 100' to 30'. This waiver request is a result of the applicants desires to provide an attached product type and represents the width of the individual homes. The open space that would otherwise be included in the lot width has been incorporated into community serving open space.

2. The applicant would like to request a waiver from **Section 78-141 – Table 10, Lot Coverage,** to allow individual lot coverage to be increased from 35% to 67%. This waiver request is a result of the applicants desire to consolidate individual lot area open space into more cohesive community serving open space for the enjoyment of all the residents. This waiver is consistent with similar waivers granted for attached product types in other communities.

3. The applicant would like to request a waiver from **Section 78-141, Table 10, Front Setback,** to allow a Front setback of 15' for the non-garage portion of the home. In all

cases the garage portion of the home will meet a 20' front setback providing a minimum 20' driveway. This waiver is consistent with previously approved waivers for similar projects and will allow the townhouse product to be placed on the lots in a manner that continues to provide a full size driveway along with adjacent landscaping and utilities. The reduced front setback allows for a more flexible and creative approach to the design of the townhouse product.

4. The applicant would like to request a waiver from **Section 78-141, Table 10, Rear Setback** to allow a reduction of the rear setback of from 20' to 7' for buildings and screen enclosures. In all cases the rear of the units will face some form of open space which will provide a visual separation between uses. The homes are limited to the design and configurations presented with one option for patio and landscape alternatives. All yards will be maintained by the Master Association.

5. The applicant would like to request a waiver from **Section 78-141, Table 10, Side Setback** to allow the reduction of the required 10' side setback to allow an attached product type. All buildings will have a minimum 15' separation between structures.

6. The applicant would like to request a waiver from **Section 78-154, Table 14, Minimum Planned Development Size** requiring Planned Developments located north of PGA Boulevard and west of the Florida Turnpike to be a minimum of 250 acres. At the time of the creation of this code requirement, the property was not included within the boundaries of the city limits. Most of the land area within this geographic area can meet this requirement. This property has been in this configuration and size prior to the inception of the code provision and at the time of the annexation. Development of this property as a Planned Development provides the City and the abutting resident's assurances that the project will be completed as presented and affords the City the opportunity to impose conditions of approval to protect the existing residents.

7. The applicant would like to request a waiver from **Section 78-186(7)(a), Yards** to waive the perimeter wall height for residential communities from eight (8) feet to allow the construction of a 16' wall adjacent to the Florida Turnpike. The installation of the wall is intended to lessen the visual and noise impacts of the Turnpike. This waiver has been previously permitted for projects that are adjacent the Florida Turnpike and Interstate 95.

8. The applicant would like to request a waiver from **Section 78-345(d)(3), Number of Parking Spaces Required,** to allow an increase in the number of parking spaces provided. The code requires 1 space per bedroom plus 5% for guest parking. The proposed plan requires 161 spaces for the units, 8 guest parking spaces and 2 clubhouse spaces for a total of 171 spaces. The plan provides 4 spaces per unit, 19 guest spaces around the community and 5 guest spaces at the clubhouse for a total of 24 guest parking spaces together with two spaces for the clubhouse for a total of 55 extra spaces. The parking provided exceeds the code requirement for parking by 20

spaces. The additional spaces provided throughout the community will allow convenient access to guest parking spaces for the community as a whole and will provide off-street parking to avoid blocking the roadways. The code limits excess parking to an increase of 20% over the required parking (34 spaces). The proposed waiver exceeds the 20% allowance by 20 spaces.

9. The applicant would like to request a waiver from **Section 78-441(c),** Platting, to allow permits for vertical construction for Dry Models prior to the plat being recorded. Allowing the issuance of vertical construction permits prior to the approval and recording of the plat for the property allows the commencement of construction while the documents are being processed. There are previous approvals of this waiver included in similar projects. Conditions of approval prohibit the sale of the homes until the plat is recorded, and allow for construction related issues to be resolved prior to the plat being recorded.

Waiver Criteria:

(1) The request is consistent with the city's comprehensive plan.

The proposed waivers are consistent with the provisions of the Land Development Regulations that allow for waivers in a PUD. The proposed waivers are not in violation of the Comprehensive Plan.

(2) The request is consistent with the purpose and intent of this section.

This request is consistent with the provisions of the code that allow waiver requests within a Planned Unit Development district necessary to implement the site plan, based upon the most comparable zoning district.

(3) The request is in support of and furthers the city's goals, objectives, and policies to establish development possessing architectural significance, pedestrian amenities and linkages, employment opportunities, reductions in vehicle trips, and a sense of place.

The approval of the site plan and architectural design of the overall project satisfies the city's goals and objectives for a project with architectural significance, pedestrian amenities and linkages, and a sense of place. Approval of the requested waivers will enhance the proposed development by allowing for the proposed townhome development to reflect traditional design and characteristics of similar Townhome development in the City and allow for adequate parking for the residents and their guests.

(4) The request demonstrates that granting of the waiver will result in a development that exceeds one or more of the minimum requirements for PUDs.

The proposed waivers will allow for the development of the site as townhome community that will provide for residential amenities and adequate parking for the residents and their guests. In that City of Palm Beach Gardens' Land Development Code does not address the development requirements for a Townhome product, it is necessary that the applicant request these waivers in order to provide for a townhome community that is both innovative in its design, and provides exceptional community amenities. The applicant proposes to exceed the open space and landscape requirements for the site by 27 percent in the form of 1.94 acres of preserves, .18 acre park, .32 acre clubhouse area, natural buffers and a lake.

(5) The request for one or more waivers results from innovative design in which other minimum standards are exceeded.

The proposed design of the townhome community allows for an efficient circulation pattern on a uniquely situated parcel of land, allowing for convenient and safe access for the residents, along with a number of amenities that include a 1.47-acre accessible lake, a 480 square foot clubhouse and pool area, a park and a 1.94-acre preserve. The overall design of the site allows the consolidation of open space for the benefit of the community as a whole. The design also allows for the maximum separation between the existing Eastpointe homes and the proposed townhomes. The granting of the waivers will allow the applicant to address the unique site location and access constraints in a creative and innovative design.

(6) The request demonstrates that granting of the waiver will result in preservation of valuable natural resources, including environmentally-sensitive lands, drainage and recharge areas, and coastal areas.

The site design allows for the consolidation of open space and preservation area which will which creates more viable and useful area for the community. The proposed design will improve the quality of the habitat. The design will allow for appropriate drainage and recharge areas, while providing for community usable open space.

(7) The request clearly demonstrates public benefits to be derived, including but not limited to such benefits as no-cost dedication of rights-of-way, extensions of pedestrian linkages outside of the project boundaries, preservation of important natural resources, and use of desirable architectural, building, and site design techniques.

The proposed waivers will provide the residents of the PUD townhome community larger consolidated areas of preserve and lake that can be shared by the community as a whole and allows for the protection of a viable preserve area strategically located maintaining the natural buffer along Hood Road. The proposed development has been able to incorporate the construction of the public sidewalk system into the design of the entrance which will complete the sidewalk route along Hood Road. The consolidation of

open space allows an increase in the separation between the proposed units and the existing Eastpointe residential units.

(8) Sufficient screening and buffering, if required, are provided to screen adjacent uses from adverse impacts caused by a waiver.

The project has been designed to provide buffers and preserves along all perimeter property lines. The proposed sound wall will provide a visual and sound barrier for all adjacent communities. Careful attention has been given to protect and preserve many of the existing trees in the proposed buffers. All adjacent properties that could be affected by the proposed development are residential in nature and will be screened by both existing and proposed buffer and lake areas.

(9) The request is not based solely or predominantly on economic reasons.

The proposed waivers are necessary in that the City of Palm Beach Gardens' Land Development Code does not address the development requirements for a townhome product, or the unique conditions of the site. By granting approval of these waivers the applicant will be able to provide for a townhome community that is innovative in its design while providing residential amenities and exceeding open space and preserve requirements.

(10) The request will be compatible with existing and potential land uses adjacent to the development site.

The proposed development provides a transitional separation between the intense use of the Turnpike and the residential community of Eastpointe. The density proposed is consistent with the densities of the patio home parcels within Eastpointe and the zero lot line parcels in Mirasol.

(11) The request demonstrates the development will be in harmony with the general purpose and intent of this section, and that such waiver or waivers will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare.

The proposed waivers are in harmony with the intent of this LDR section as they will allow for unique development design solutions to a unique site, thereby providing for a quality residential community with quality amenities. The granting of these waivers will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare, but instead will allow a high quality residential community within the City.