

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:

- | | |
|--|---|
| <input type="checkbox"/> Planned Community Development (PCD) | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Rezoning |
| <input checked="" type="checkbox"/> Amendment to PCD, PUD or Site Plan | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Concurrency Certificate |
| <input type="checkbox"/> Amendment to the Comprehensive Plan | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Administrative Approval | <input type="checkbox"/> Miscellaneous |
| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Other <input type="text"/> |

Date Submitted:

Project Name: Alton PCD Amendment - Parcel G Revisions

Owner: See attached Owner Authorization forms

Applicant (if not Owner): _____

Applicant's Address: See Owner Authorization Forms Telephone No. _____

Agent: Ken Tuma of Urban Design Kilday Studios

Contact Person: Marty R.A. Minor, AICP E-Mail: mminor@udkstudios.com

Agent's Mailing Address: 610 Clematis Street, Suite CU-02, West Palm Beach FL, 33401

Agent's Telephone Number: 561-366-1100

FOR OFFICE USE ONLY	
Petition Number: _____	Date & Time Received: _____
<u>Fees Received</u>	
Application \$ _____	Engineering \$ _____
Receipt Number: _____	

Architect: _____

Engineer: Susan O'Rourke, P.E. _____

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: North of Hood Road, East of Florida's Turnpike _____

Address: _____

Section: 26 and 35 Township: 41 South Range: 42 East

Property Control Number(s): 52424126000003010, 52424126000007010, 52424135000003010
52424135000001110, 52424135000001020, 52424126000003020, 52424126000001080 6

Acreage: 681.89 acres Current Zoning: PCD (MXD) Requested Zoning: PCD (MXD)

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

Current Comprehensive Plan Land Use Designation: Mixed Use _____

Existing Land Use: Under Construction Requested Land Use: Mixed Use Community _____

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

Proposed Square Footage by Use: _____

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

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: This request is to amend the Alton PCD to reduce the overall number of units by 507 dwelling units or 18.7% of the total approved units. Please see the attached Project Narrative for the full details of the request.

2. What will be the impact of the proposed change on the surrounding area?
The proposed PCD Amendment will decrease the impact to the surrounding areas. Please see the attached Project Narrative for additional details.

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.

The proposed PCD Amendment is consistent with the City's Comprehensive Plan and Vision Plan. Please see the attached Project Narrative.

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

With the application, the approved upland preserve area have been slightly revised in location. The new upland preserve locations incorporate habitat which is as good or better than the approved preserve locations.

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

Not applicable.

6. Has project received concurrency certification?

Yes, in 2010.

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

, on the north, east, south, west side of Florida's

Turnpike (street/road).

Statement of Ownership and Designation of Authorized Agent

Before me, the undersigned authority, personally appeared _____

_____ who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.

2. That he/she is requesting _____ in the City of Palm Beach Gardens, Florida.

3. That he/she has appointed _____ to act as authorized agent on his/her behalf to accomplish the above project.

Name of Owner: SEE ATTACHED OWNER AUTHORIZATION FORMS

Signature of Owner

By: Name/Title

Street Address

City, State, Zip Code

P. O. Box

City, State, Zip Code

Telephone Number

Fax Number

E-mail Address

Sworn and subscribed before me this _____ day of _____, _____.

Notary Public

My Commission expires:

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:



Signature of Applicant

Owner

Marty R.A. Minor, AICP

Print Name of Applicant

Optionee

610 Clematis Street, CU-02

Street Address

Lessee

West Palm Beach, FL 33401

City, State, Zip Code

Agent

561-366-1100

Telephone Number

Contract Purchaser

366-366-1111

Fax Number

mminor@udkstudios.com

E-Mail Address

ALTON PCD AMENDMENT

Project Narrative

September 22, 2016

Urban Planning and Design
Landscape Architecture
Communication Graphics

Request

On behalf of KH Alton, LLC. And KG Donald Ross LLC, the property owner, please accept this request for an amendment to the Alton Planned Community Development (PCD) approval and its adopted Master Plan to modify the development order to increase the amount of Research & Development Use, add an Assisted Living Facility use, reduce the amount of apartments, multi-family units and retail area to allow for additional single family homes within the community.

With this request, the applicant is seeking approval for the following amendments to the Alton PCD development order and Master Plan:

- Amend the Alton development program to reduce the number of approved apartments, multifamily units and commercial area, increase the number of single family homes and amount of Research & Development use, and provide for an Assisted Living Facility within the community. Please note that the conversion of these uses will not create any additional traffic from the original DRI/PCD approval.
 - As a result of the requested amendment, the Alton PCD’s overall development program will be revised to reflect the following:

<u>Use</u>	<u>Original Approval</u>	<u>Current Approval</u>	<u>Proposed</u>	<u>Change</u>
Single Family Homes	600 units	600 units	1,018units	+418 units
Apartments	700 units	703 units	353 units	- 350 units
Multi-Family	1,400 units	1,396 units	681 units	- 715 units
Retail	500,000 s.f.	500,000 s.f.	450,000 s.f.	- 50,000 s.f.
Office	1,200,000 s.f.	1,200,000 s.f.	1,200,000 s.f.	No change
Ind/R&D/Biotech	2,600,000 s.f.	2,600,000 s.f.	2,632,000 s.f.	+ 32,000 s.f.
Hotel	300 rooms	300 rooms	300 rooms	No change
ALF	N/A	N/A	256 beds	+256 beds

As a result of this proposed amendment, the Alton development program will *decrease* by 647 dwelling units (a 24% drop in the overall number of units) and 50,000 square feet of commercial/retail space, while increasing the employment center uses by 32,000 square feet and adding an Assisted Living Facility (ALF).

- Amend the PCD and Map H master plans to reflect the following:
 - Adjust the Neighborhood District limits of Parcel G to reflect the proposed site plan for up to 485 upscale single family homes.
 - Add a future municipal park along Hood Road immediately west of the Alton Road extension.

- Eliminate Parcel H from the Master Plan. The approved 50,000 square feet of retail space will be converted to 32,000 square feet of R&D/Industrial space and 67 single family homes.
- The environmental preserves within the western and southeast portions of the PCD are being revised to accommodate the revised Parcels G, E and F. An Environmental Assessment, created by EW Consultants, has been provided with this application. The assessment, which addresses the change in the upland preserve boundaries, indicates that there is no significant change in the quality of upland preserve for the project. Please note that this proposed amendment will not reduce the amount of approved upland preserve area for the Alton site.
- Lakes and lake banks have been identified on Parcels B, C, D, E, F and G. With this additional information on the plan, the PCD Open Space calculations have been updated. With the additional lakes and the addition of the future municipal park and Alton Recreation Parcel, the amount of PCD open space has been increased by 60% from the currently approved amount of 107.81 acres to 172.17 acres, which is 25% of the area of the site. Since the PCD Open Space exceeds the requirement of 136.79 acres (20% of the total site area), the requirement for additional PCD Open Space within individual parcels has been addressed. As such, Condition of Approval #6 of Resolution 1, 2010, which addressed the additional open space requirement, has been satisfied. In addition, references to the additional open space to be provided within the individual parcels have been removed from the PCD master plan.
- The requested changes to the boundary of the PCD and Neighborhood District limits for Parcel G, E and F has required the modifications to PCD Buffers H2, H3, H4, J, J2, and N. Please note that some of the revised buffers now include upland preserve area, which is part of the 68.17 of upland and wetland habitats set for preservation under the Alton PCD requirement.

History

The Alton PCD (formerly known as the Scripps Florida Phase II/Briger Tract PCD) was approved via Resolution 1, 2010 on April 1, 2010. The PCD provided for a 681 acre mixed-use development located south of Donald Ross Road, north of Hood Road, and east and west of Interstate 95. The Project was approved for 2.6 million square feet of industrial/research and development/biotech, 1.2 million square feet of office, 300 hotel rooms, 500,000 square feet of commercial/retail development, and 2700 dwelling units. At the same public hearing, the following petitions were approved: Ordinance 18, 2009 for the Comprehensive Plan text and map amendment; Resolution 80, 2009 for the DRI Development Order; and Ordinance 33, 2009 for the Code amendment to establish zoning regulations and design guidelines for the PCD.

On December 1, 2011, the subdivision of the property for the Utility site was approved through the City's platting exception process with the adoption of Resolution 75, 2011. This approval amended condition number 29, allowing an electric utility to be subdivided as a plat exception as permitted through Section 78-428 of the City's Land Development Regulations. On August 15, 2013, the City Council adopted Resolution 44, 2013, which amended the required intersection improvements along Donald Ross Road during the buildout of the project.

On April 3, 2014, Resolution 21, 2014 was adopted which modified roadway cross-sections, buffers, utility easements and other items on the PCD Master Plan. With the April PCD amendment, the development program for the project was not changed. On June 5, 2014, a 360-unit single-family and townhouse neighborhood was approved through the adoption of Resolution 30, 2104. This neighborhood, known as

Neighborhood #1, is located at the southern portion of the Town Center District at the northeast corner of the intersection of Alton and Grandiflora Roads. On August 6, 2015, Resolution 31, 2015 was adopted which created the Alton Community Design Element (CDE) plan. This plan identified community signage and other design elements which are being provided for the common use within the project.

On October 8, 2015, City Council adopted Resolutions 44 and 45, 2016 which modified the PCD Master Plan and development order and granted site plan approval for 353 apartments within the Town Center District. Resolution 44, 2016 approved the conversion of uses, as permitted by Conditions #4 and 5 of Resolution 80, 2009, to convert four (4) multi-family units to three (3) apartments. The resolution also saw additions to the roadway cross-sections for the Alton Town Center District. Resolution 45, 2015 approved 353 luxury apartment units in a project known as Atlantico of Palm Beach Gardens.

Most recently, Resolution 46, 2015 was adopted by the City council, granting site plan approval for a 241,400-square-foot office building within Parcel B for United Technologies Corporation.

Location

The subject site is approximately 681 acres in size and is located south of Donald Ross Road, north of Hood Road and east and west of Interstate 95. The site is currently under development.

Land Use & Zoning

The land use designation of the site as shown on the City’s Future Land Use Map is MXD (Mixed Use). The site is currently zoned Mixed Use with a Planned Community Development Overlay (MXD/PCD). The zoning and land use designations of adjacent properties are as follows:

**ZONING CLASSIFICATION & LAND USE DESIGNATIONS OF
ADJACENT PROPERTIES**

EXISTING USE	ZONING	LAND USE
<u>Subject Property</u> Alton PCD	Mixed Use (MXD) Planned Community Development (PCD)	Mixed Use (MXD)
<u>North</u> Donald Ross Road Abacoa DRI (Town of Jupiter)	Mixed Use (MXD)	Mixed Use (MXD)
North Palm Beach Heights (Town of Jupiter)	Residential -1 (R-1) & Residential-2 (R-2)	Residential High (RH)
<u>South</u> Hood Road Westwood Gardens/ Westwood Lakes	Planned Unit Development (PUD) Residential Medium (RM)	Residential Low (RL)
Jewish Community Center PUD	Planned Unit Development (PUD)	Mixed Use (MXD)
<u>East</u> San Michele neighborhood	Planned Unit Development (PUD)	Residential Low (RL)
Legends at the Gardens	Planned Unit Development (PUD)/ Mixed Use (MXD)	Mixed Use (MXD)
Benjamin School	Planned Unit Development (PUD)/	Residential Low (RL)

	Public /Institutional (P/I)	
West Eastpointe neighborhood (Palm Beach County)	RE (Residential Estate)	LR-2 (Low Residential-2)
Franklin Academy	(MXD/PUD)	Mixed Use (MXD)

Conversion of Uses

Resolution 80, 2009 created the Development of Regional Impact for the Alton project. As part of that approval, a process was created to allow for the conversion of uses. A matrix was established to allow for the conversion of approved uses. Within the conversion matrix, the existing and proposed uses are compared using the generation rates for traffic, potable water, waste water and solid waste disposal municipal services.

The required conversion matrixes detailing the requested amendment to the Alton development program has been included within the attached documents, prepare by Susan E. O'Rourke, PE, Inc.

Below is a summary of the approved and requested conversion of uses:

1. Four (4) east parcel multi-family units converted to three (3) east parcel apartments – Approved by Resolution 44, 2015.
2. Six hundred (600) west parcel multi-family units converted to 222 west parcel single family homes – Requested.
3. Thirty-five (35) west parcel apartments converted to 13 west parcel single family homes – Requested.
4. Three hundred and fourteen (314) west parcel apartments converted to 116 east parcel single family homes – Requested.
5. Thirty-five thousand (35,000) square feet of west parcel commercial area converted to 67 east parcel single family homes – Requested.
6. One (1) Apartment to PCD Credit Bank – Requested.
7. Fifteen thousand (15,000) square feet of west parcel commercial area converted to 32,000 square feet of east parcel Research & Development.
8. One hundred and fifteen (115) east parcel multi-family units converted to 256 bed ALF – Requested.

Upland Preserve Adjustment

With the requested reduction of the number of dwelling units by 647 units or 24% of the total approved, the PCD will be less intense than originally planned. With this reduction in the density and the elimination Parcel H, the Neighborhood District boundaries of Parcel G and the upland preserve have changed. The new upland preserve boundaries, as referenced in the attached report from EW Consultants, incorporated habitat with an equal or better habitat than what was originally proposed.

Buffer Revisions

With this request, the Applicant is requesting amendments to the various approved PCD Buffers and have included new buffer sections as the ultimate design of the Alton project has been further refined. The proposed amendments to the approved buffer section are as follows:

Buffer A - The Donald Ross Road buffer is proposed to be revised to include the final landscape design. Consistent with the landscape constructions permits issued by the City and Palm Beach County, the landscaping plan reflects the additional trees and shrubs which have been planted within the parkway buffer and the road right-of-way.

Buffer B2 - The PCD buffer has been revised to add the note: "Infill of native shrubs and trees will occur where necessary to ensure visual screening between land uses."

Buffer B3 – A new PCD buffer, B3, is proposed to depict the landscape buffer between San Michele neighborhood and Alton Parcel D and associated lake. The buffer has been designed to work with the adjacent lake littoral upland transition zone planting to create effective screening while maintaining continuity of the required fire break along the eastern portion of the buffer.

Buffer C - The PCD buffer has been revised to add the note: "Infill of native shrubs and trees will occur where necessary to ensure visual screening between land uses." Also, the FPL transition zone is also identified within the PCD Buffer.

Buffer D – The previously-approved Buffers D1 has been relabeled as Buffer D. The PCD buffer has been revised to add the note: "Infill of native shrubs and trees will occur where necessary to ensure visual screening between land uses."

Buffer E1 – The previously-approved Buffer D2 has been relabeled as Buffer E1. Within Buffer E1, a 16-foot high decorative screen wall with landscaping has been added to the plans.

Buffer E2 - PCD Buffer E2 has been created to provide more detail where existing 60" drainage pipe drains the western portion of the project under Interstate 95. A 16-foot, decorative screen wall is proposed along the Interstate 95 frontage in this location. A removable panel to the screen wall will be provided where it crosses the underground drainage pipe.

Buffer F – PCD Buffer F is proposed to be revised to include a decorative fence on the outside of the upland preserve area. Additional new landscaping has been proposed on the outside of the decorative fence and within the Hood Road right-of-way. In addition, the PCD Buffer section has been updated to include the final dimensions to the expanded Hood Road right-of-way.

Buffer G1 – The previously-approved PCD Buffer G has been relabeled as PCD Buffer G1. PCD Buffer G1 is located adjacent to Florida's Turnpike, where a 16-foot, decorative screen wall with landscaping is proposed.

Buffer G2 – This is a new PCD Buffer, which addresses the location at the northwest corner of the project. Within this buffer, a 16-foot decorative screen wall is proposed.

Buffer H1 – The previously-approved Buffer H has been split into several buffer sections in order to specifically address certain locational issues. Buffer H1 is located along the western boundary of the Franklin Academy. Buffer H1 depicts the 25-foot buffer and an eight-foot high panel wall, which will be located five feet from the property line.

Buffer H2 – Buffer H2 depicts the 25-foot wide buffer between Alton Parcel B and Interstate 95.

Buffer H3A and H3B – PCD Buffers H3A and H3B have been created to provide additional details on the buffer between Parcel B and Parcel E and the approved Amenity Site. Buffer H3A depicts the buffer section approved with the Amenity Site plan. Buffer H3B depicts the 25-foot buffer proposed between the adjacent parcels.

Buffer H4 – Buffer H4 has been created to depict the 25-foot buffer and upland preserve area along the eastern boundary with Mandel JCC.

Buffer I – Buffer I has been revised to incorporate the proposed upland preserve areas adjacent to the northern and eastern boundaries with the Franklin Academy. Currently, a 25-foot wide landscape buffer is proposed in these locations. Also, the PCD buffer has been revised to add the note: “Infill of native shrubs and trees will occur where necessary to ensure visual screening between land uses.”

Buffer J1 – The previously-approved Buffer J has been split into Buffer J1 and J2 in order to address specific locational issues. Buffer J1 depicts the proposed upland preserve area adjacent to Hood Road, west of the future Alton Road intersection. The buffer section has been revised to include the ultimate expansion of Hood Road.

Buffer J2 - This new buffer section at the southeast corner of the project reflects the ultimate expansion of Hood Road.

Buffer K - The PCD buffer has been revised to add the note: “Infill of native shrubs and trees will occur where necessary to ensure visual screening between land uses.”

Buffer L – PCD Buffer L has been updated to remove a drainage berm consistent with the approved engineering plans.

Buffer M - Buffer M has been redesigned to reflect the elimination of Parcel H, the addition of a SUA well site and additional upland preserve areas. The buffer also reflects the ultimate configuration of the Hood Road right-of-way.

Buffer N – PCD Buffer N has been completely redesigned to incorporate Gross Pointe Parkway, the new City Park, and the parkway landscaping.

Buffer O – Buffer O has been revised to include a 16-foot high, decorate screen wall with landscaping.

Waiver

The applicant would like to request one waiver with this request. The applicant is requesting 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 Florida’s Turnpike and Interstate 95. The installation of the wall is intended to lessen the visual and other impacts of these two expressways on the Parcel G, which will be an exclusive, single-family neighborhood. This waiver has been previously permitted for projects that are adjacent the Florida Turnpike and Interstate 95.

For your convenience, the waiver criteria found in the City’s Land Development Regulations have been replicated below in **bold**, while our responses follow in *italics*.

Waiver Criteria:

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

The proposed waiver is consistent with the provisions of the Land Development Regulations that allow for waivers in a PUD. Several policies within the City’s Comprehensive Plan, including Policy 1.2.4.6., requires

the buffering of residential homes against major roadways. The proposed waivers are consistent with 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. The proposed screen wall is consistent with LDR provision regarding the buffering of residential homes against excessive impacts from adjacent properties, which is created by the adjacent major highways, Florida's Turnpike and Interstate 95.

(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 providing a screen wall buffer from two adjacent major highways and using existing large trees for landscape buffers. This will allow for the development of a high-end single-family community in the City.

(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 waiver will allow for the development of a gated, single-family neighborhood within Parcel G of the Alton PCD. The Alton mixed use community features a variety of uses, including employment center, residential, office and commercial uses. The community exceeds the several of the City's minimum development standards, including open space, buffer widths and setbacks.

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

The proposed design of the Parcel G site plan provides for an innovative design for the gated, single-family community. Within the site plan, the majority of the single family homes will be adjacent to preserve areas or lakefront. The granting of the requested waiver will allow the applicant to address the unique site location adjacent to major roadways 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 requested waiver for the screen wall will help protect the Alton community, including the most environmentally-sensitive upland habitat. The site design incorporates open space and preservation area which will which creates more viable and useful area for the community. Please note that the PCD Master Plan exceeds the City's open space requirement by 25%.

(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 screen wall waiver will provide the future residents of the Parcel G neighborhood with an enhanced buffer from the noise and lights associated with the adjacent Interstate 95 and Florida's Turnpike. Please note that the preservation of environmentally-sensitive lands and an archeological site was part of the original approval for Alton. The proposed waiver is consistent with this criterion.

(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 screen wall will provide a visual barrier for one of the few communities in the City impacted directly by Interstate 95 and Florida's Turnpike. The proposed wall will be landscaped in order to enhance the buffer aesthetics. The proposed waiver will not adversely impact the adjacent roadways, as similar sound walls have been installed along these major roadways adjacent to residential neighborhoods.

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

The proposed screen walls are being installed to diffuse any impacts coming from traffic along Interstate 95 and Florida's Turnpike. The requested wall is being provided for the comfort of the future residents of the Parcel G neighborhood and not based solely or predominantly on economic reasons.

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

The proposed screen wall and upland preserves will provide a transitional separation between the intense use of the Turnpike and Interstate 95 and the future Alton neighborhood.

(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 waiver is 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 this waiver 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.

NOPC Criteria

Florida Statute 380.06 (19)(b) provides the following criteria in determining whether a proposed amendment should be considered a Substantial Deviation. As indicated in the analysis below, the proposed amendment does not meet the statutory criteria for the determination of a substantial deviation.

For your convenience I have provided the Substantial Deviation criteria in **bold** and our responses follow in *italics*.

Section 380.06 (b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 15 percent or 500 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 15 percent or 1,500 spectators, whichever is greater.

An attraction or recreational facility with dedicated parking is not approved as part of the DRI/PCD. As such, no proposed increase of parking for such of facility is requested. The subject request does not meet this criterion.

2. A new runway, a new terminal facility, a 25 percent lengthening of an existing runway, or a 25 percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.

No runways or airport facilities were approved as part of the DRI/PCD. As such, not proposed addition to these facilities are proposed. The subject request does not meet this criterion.

3. An increase in land area for office development by 15 percent or an increase of gross floor area of office development by 15 percent or 100,000 gross square feet, whichever is greater.

No increase in the land area for office development or gross floor area of office development is proposed with this request.

4. An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.

With this request, the number of overall dwelling units will be reduced by 647 dwelling units (a 24% drop in the overall number of units). As such, the subject request does not meet this criterion.

5. An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

No increase in the number of dwelling units is proposed with this request. This application will reduce the number of overall dwelling units by 24%. As such, the subject request does not meet this criterion.

6. An increase in commercial development by 60,000 square feet of gross floor area or of parking spaces provided for customers for 425 cars or a 10 percent increase, whichever is greater.

The overall amount of commercial development is proposed to be reduced by 50,000 square feet. As such, the subject request does not meet this criterion.

7. An increase in a recreational vehicle park area by 10 percent or 110 vehicle spaces, whichever is less.

No recreational vehicle park area is approved or proposed. As such, the subject request does not meet this criterion.

8. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

The amount of open space is not proposed to be decreased. As such, the subject request does not meet this criterion.

9. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or

exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.

The subject request and associated conversions of use, as allowed by the development approval, does not exceed the limits of the above criterion.

10. A 15 percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

The amount of external vehicle trips are proposed to be reduced and not increased. With the requested amendment, the AM peak hour trips will be reduced from it currently approved 5,361 trips to 5,263 trips and the PM peak hour trips will drop from its approved total of 5,528 trips to 5,486 trips.

11. Any change that would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State.

No areas of special preservation, such as the archaeological site, is proposed to be changed. As such, the subject request does not meet this criterion.