

**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 checked="" 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:** Midtown/Borland PUD

Owner: Ascend PGA Midtown, LLC

Applicant (if not Owner): Same

Applicant's Address: 500 NE Spanish River Blvd, St 108 Telephone No.                     

Agent: Anne Booth, Urban Design Kilday Studios

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

Agent's Mailing Address: 610 Clematis Street, WPB, FL 33401

Agent's Telephone Number: 561-366-1100

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

Architect: Cuhaci & Peterson Architects (Commercial), Sotolongo Salman Henderson Arch (Residential)

Engineer: Simmons and White

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: NE corner of PGA Blvd and Shady Lakes Drive, west end of Midtown PUD

Address: 4801 PGA Blvd, PBG, FL 33418

Section: 1 Township: 42 Range: 42

Property Control Number(s): 52-42-42-01-21-001-0010

Acreage: 8.96 Current Zoning: MXD/PUD Requested Zoning: No Change

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

Current Comprehensive Plan Land Use Designation: MXD PUD

Existing Land Use: Vacant Open Space Requested Land Use: Residential and Commercial

Proposed Use(s) i.e. hotel, single family residence, etc.: 63 Townhomes and Specialty Grocery

Proposed Square Footage by Use: Please see attached site plan

Proposed Number and Type of Dwelling Unit(s) i.e. single family, multifamily, etc. (if applicable):  
63 attached single family 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: A request to modify the approved master site plan of the Midtown  
MXD PUD to allow 63 residential townhomes and a 25,167 sf specialty grocery store.

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

The current parcel is vacant and designated as open space as a holding category for future development.

The proposed development completes the commercial frontage along PGA Blvd and provides for a  
complimentary residential use on the balance of the site.

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.

All elements of the City Vision Plan and Comprehensive Plan were addressed with the approval of the overall  
PUD. The proposed plan of development meets the standards of the City's MXD and PUD requirements and  
is consistent with the overall approved master site plan.

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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 requirements for preservation have been met through the dedication of preserve area and conditions for payment of off-site preservation mitigation.

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

The applicant will comply as required by code for any AIPP fees. At this point in time, no decision has been made with regard to art installation or contribution to the AIPP fund.

6. Has project received concurrency certification?

The applicant is requesting additional traffic concurrency with 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 PGA Blvd and Shady Lakes Drive, on the  north,  east,  south,  west side of PGA Blvd. (street/road).

**STATEMENT OF OWNERSHIP AND DESIGNATION OF AUTHORIZED AGENT**

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

1. That, he is the Principal & Authorized Representative for **ASCEND PGA MIDTOWN, LLC**, which is the owner of certain properties within the Borland Center PUD, as described in the attached legal description: *(See attached Exhibit A)*
2. That he is authorized to act on behalf of **ASCEND PGA MIDTOWN, LLC**, with regard to this application, and;
3. That, **ASCEND PGA MIDTOWN, LLC**, is requesting Major Site Plan Amendment, zoning approvals, plat and permits for a parcel of land within the Borland Center PUD as more specifically described in the attached Exhibit A, and;
4. That, **ASCEND PGA MIDTOWN, LLC**, has appointed **ANNE BOOTH** and **URBAN DESIGN KILDAY STUDIOS** to act as Agent on it's behalf to accomplish the above, and;
5. That, **ASCEND PGA MIDTOWN, LLC**, 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;
6. That **ASCEND PGA MIDTOWN, LLC**, 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;
7. That, **ASCEND PGA MIDTOWN, LLC**, commits to bind any successors in title to any commitments made in the approval.

**ASCEND PGA MIDTOWN, LLC**

By: \_\_\_\_\_  
**Dean Borg, Principal and Authorized Representative**

Sworn to and subscribed before me this 14<sup>th</sup> day of April, 2016.

(Notary Seal)

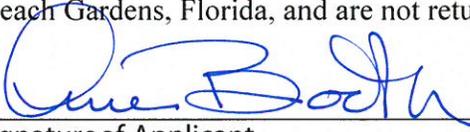
Stacy Hunt  
Notary Public, State of Florida  
Commission Number \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



**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

Anne Booth

Print Name of Applicant

Optionee

610 Clematis Street, Suite CU02

Street Address

Lessee

West Palm Beach, FL 33401

City, State, Zip Code

Agent

561-366-1100

Telephone Number

Contract Purchaser

561-366-1111

Fax Number

aboath@udkstudios.com

E-Mail Address



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 Planning and Zoning Department if the name and/or address of the responsible party changes at anytime during the application review process.

\_\_\_\_\_  
Owner signature

\_\_\_\_\_  
Date

4/14/16

Dean Borg

\_\_\_\_\_  
Owner printed name

52-42-42-01-21-001-0010

\_\_\_\_\_  
Property Control Number

**DESIGNEE/BILL TO:**

Assend PGA Midtown, LLC

\_\_\_\_\_  
500 NE Spanish River Blvd, Suite 108

\_\_\_\_\_  
Boca Raton, FL 33431

561-417-6201

\_\_\_\_\_  
Designee Acceptance Signature

**NOTARY ACKNOWLEDGEMENT**

STATE OF Florida

COUNTY OF Palm Beach

I hereby certify that the foregoing instrument was acknowledged before me this 14<sup>th</sup> day of April, 2016, by Dean Borg. He or she is personally known to me or has produced n/a as identification.

\_\_\_\_\_  
Notary public signature

\_\_\_\_\_  
Printed name

Stacy Hunt



State of Florida at-large

My Commission expires: 9/18/18

**PROJECT NARRATIVE**  
**Midtown PUD/Borland Center for**  
**Community Enrichment**  
**Pointe Midtown Townhomes and**  
**Specialty Grocery**  
*May 17, 2016*



Urban Planning and Design  
Landscape Architecture  
Communication Graphics

**Request/History/Location**

On behalf of the applicant, Ascend PGA Midtown, LLC, Urban Design Kilday Studios hereby respectfully submits this application request for: modification of the approved Midtown PUD/Borland Center for Community Enrichment master site plan and Traffic Concurrency to allow 63 single family attached units and 25,167 sf of retail for a Specialty Grocery.

The proposed area of development is currently vacant and is part of an overall PUD plan designated as additional Open Space. The PUD was approved by the City Council through Ordinance 13, 2004 and Resolution 92, 2004 which approved the rezoning of the MXD PUD and a master development plan to allow 64,533 square feet of cultural center and church facilities, 64,025 square feet for retail/commercial uses, 19,950 square feet for restaurant use, 10,900 square feet for professional office use, and 225 multifamily units. The approvals included a Conditional Use for a 500-seat theater/church and a 300-seat banquet facility. Subsequent approvals have been granted to allow a preschool, metes and bounds subdivision, and various applications to address signage, preserve areas and art. The overall PUD is 47.11 acres and the affected area of the subject application is approximately 8.9 acres. The PUD is located on the north side of PGA Boulevard between Garden Square Boulevard and Shady Lakes Drive.

The proposed townhome development will be a continuation of the successful Pointe 100 townhome development built by the applicant in Boca Raton. The retail portion of the plan will be a continuation of the existing plaza built and managed by RAM Real Estate Services. The proposed residential component will be consistent with the density allowed under MXD PUD and the commercial component will provide an anchor tenant to complete the commercial development along the frontage of PGA Boulevard. The proposed residential development has been designed to integrate the townhome lots into an urban setting with ample open space and landscaping to create private spaces and a sense of community. The retail building will be consistent with the existing plaza theme with a modification of the streetscape design to allow for more effective integration of pedestrian activity adjacent to the street.

The area of the master plan that is being submitted for approval has previously been designated as “additional” Open Space. The Open Space designation was used as an interim designation until a plan of development was proposed. All open space requirements have been met.

**Existing Zoning and Future Land Use Plan Designations**

The site has a zoning designation of Mixed-Use (MXD)/Planned Unit Development (PUD) Overlay and a Future Land-Use and Vision Map designation of Mixed-Use (MXD). The areas around the affected area have all been developed. Immediately abutting the site on the north is a lake, a preserve area and FPL Sub-station abuts the western property line, PGA Boulevard is to the south and the existing Midtown development is to the east.

<b>EXISTING USE</b>	<b>ZONING</b>	<b>FUTURE LAND USE</b>
<b>Subject Site:</b> Vacant	PUD/MXD	MXD
<b>TO THE NORTH:</b> Garden Lakes	Multi-Family Attached Townhomes (RM/PUD)	Residential Medium (RM)
<b>TO THE EAST:</b> Gardens Square	PUD/CG1	Commercial
<b>TO THE SOUTH:</b> PGA Boulevard, PGA Commons	PUD/MXD	MXD
<b>TO THE WEST:</b> .FPL sub-station, Shady Lakes Drive, Gardens of Woodberry	Multi-Family Residential (RM)	Residential Medium (RM)

**Concurrency**

Included in this application is a request for traffic concurrency for 63 single-family attached townhomes and 25,167 square feet of retail. The proposed project will comply with all required levels of service standards as adopted by the city. Attached is a traffic analysis which indicates that the project build-out date will be the end of 2018 and that no additional intersection modifications are required to the roadway system for acceptable operation.

**Water and Wastewater:** The existing PUD currently has existing utility lines which will be used to provide water and wastewater to the proposed development. The applicant will be required to pay for connection fees, administration fees and capacity reservation fees.

**Solid Waste:** Solid Waste capacity for Palm Beach Gardens is available through the year 2046.

**Drainage System:** The existing drainage system has been designed to accept the outfall from the affected area. The residential component of the project will have a system of yard drains between the residential lots and the commercial component will include exfiltration trenches which will be used to pretreat the water before discharge into the lake.

**Recreation:** The existing PUD provides a pool and tennis court for the existing residential community. The proposed residential units will also have a pool and recreation center. The proposed pavilion will include bathrooms and a large open veranda/loggia. The proposed pool and pavilion area are designed to front upon the lake for a peaceful and tranquil setting. The PUD provides 23 acres or 48% of the site in Open Space which far exceeds the Land Development Regulation requirements. The inherent nature of an urban residential community also includes the amenity to have convenient access and interaction with the non-residential components of the project.

## **PUD PROJECT DETAILS**

### **Density**

The current land use and zoning designations of MXD allow for a gross density of twelve (12) units per acre. The proposed net density of the PUD will go from 5.2 du's/ac to 6.11 du's/ac, still well below the density allowed.

### **Architectural Style and Special Features**

#### **Pointe Midtown Residential Townhomes:**

The proposed 2-story townhomes will have 4, 5 and 6 unit buildings, with 2 alternative floor plans. The end units are 2,490 square feet with a first floor master suite and three bedrooms upstairs. The center units are 2,174 square feet with an upstairs master along with two more bedrooms. Each home will have a 2 car garage as well as a full 20-22' long driveway to allow 4 cars to park. The coastal modern architectural style homes will have a combination of 4 color schemes for the buildings with alternating roof, paver and awnings fabric to provide a complementary blend of colors without duplicating building colors adjacent to each other. The color schemes are earth tones and soft pastels shades which will be complimentary to the other buildings in the PUD. Each home will include a patio with a canvas awning and an option to expand the patio by 5'.

Each unit/building includes roof line and façade variation to provide interest and articulation. The front and rear façade of each home includes shutters, a variation of materials and textures, cement tile roof, and decorative trim. Each home will include a 5' patio with a canvas awning in a color to complement the home. The homeowner will have the option to extend the pavers on the patio by 4', but will not be allowed to extend the awning. Patios will not be allowed to be enclosed and fences will not be allowed to enclose the lots. A dense planting of landscape material will provide separation between the units.

#### Pointe Midtown Recreation Center:

The pavilion will include two restrooms and over 2000 sf of covered veranda. The pavilion will be available for all residents use. The architectural style, color and materials of the pavilion will be consistent with the townhomes. The proposed landscaping and the pool and deck lake orientation will create a lush and tranquil experience.

#### Specialty Grocery:

The proposed grocery has been designed to be consistent with the colors, materials and general style of the existing retail structures. The style of the grocery store also includes signature details associated with the grocery chain. The façade has included architectural towers, window treatments, banding, scoring and canopies. The roof line has varied heights to provide interest. All loading, deliveries and dumpster operations have been placed adjacent to the western buffer line for screening and separation from the existing plaza. Cart storage has been screened adjacent to the front of the building. An outdoor seating area has been provided to allow customers a place to rest. Benches will also be provided under the trellis along PGA Blvd. The plaza area has been designed to encourage pedestrian connectivity along PGA Blvd.

#### Access

Access to the site is proposed from PGA Boulevard and Shady Lakes Drive. Following conceptual approval from FDOT, the entrance along PGA Boulevard was redesigned to shift to the east to provide a more centrally located entrance. This entrance shift allows for a more efficient site plan design and more direct access into the PUD. Due to the FDOT decision to not allow a median access point on PGA Boulevard, the need for multiple exit lanes has been eliminated. The entrance has been designed to allow left and right turns and a through lane that connects to the main north/south drive.

There are two existing access points on Shady Lakes Drive. The southernmost entrance has been designed to accommodate the truck traffic which services the existing plaza. The proposed specialty grocery will also use this access way to enter and exit the site. The northernmost access drive on Shady Lakes Drive will be primarily residential and church related traffic.

### **Pedestrian Connectivity**

The applicant is proposing to continue the existing public sidewalk on PGA Boulevard with a plaza design which is intended to encourage more effective pedestrian connectivity to the grocery store. Sidewalk connections have also been provided throughout the residential community to connect to the proposed and existing commercial development.

### **Project Signage**

The relocation of the entrance drive will require the relocation of the three church signs. For consistency, the two main curved monument signs are proposed to be constructed at the same height of the other project monument signs while maintaining the same sign face area. The existing small Borland Center sign will be moved but will have a 50' separation from the main curved entrance signs, as required by the current code. The message on the small sign will now represent the school. The colors, materials, shape and design of the church signs will be consistent with their current construction.

The specialty grocery is requesting a waiver to allow a small ground sign, using the previously approved directional sign design. The applicant is also requesting approval for a small directional sign, at the southern entrance on Shady Lakes Drive. Both of these signs will be consistent with the signs that currently exist.

### **Lighting**

All proposed lighting for the site will be in accordance with the City of Palm Beach Gardens Land Development Regulations. The lighting in the parking lot of the grocery will be consistent with the lights in the existing commercial plaza. The lights in the residential community will be more contemporary to compliment the architectural style of the residential units. Special light shields will be added to the lights along the north side of the grocery parking lot to shield the residences to the north.

### **Landscape Buffers and Foundation Plantings**

The PUD buffer on the west side of the grocery has been included in this application, along with a redesign of the 55' PGA Blvd streetscape. The preserve area and buffers abutting the residential community are existing. Many of the existing trees are proposed to be relocated to the buffers and reutilized in the landscape design. The proposed landscape design includes plants predominantly listed on the preferred plant list. The proposed planting plan exceeds the code required points for residential and non-residential development.

### **Site Amenities**

The proposed site plan design allows 15.6% of the PUD to be consolidated into community serving open space. Included in the residential design are a pavilion and pool along with lush landscaping around and between the buildings. The commercial site has incorporated a direct connection to the PGA Blvd buffer to provide pedestrian friendly plaza areas and seating. The urban setting allows the residents to interact with the commercial development while still being able to enjoy private spaces.

### **Parking**

Each residence will have a two-car garage with an additional two spaces provided in the driveway. There will be twenty-two spaces at the recreation area with an additional 19 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 for the 23,931 sf of Specialty Grocery is provided at a ratio of 1 space per 200 sf. The 1,351 sf mezzanine within the grocery is parked at a ratio of 1 space per 2000 sf. and the outdoor seating is parked at 1 space per 200 sf. Parking spaces provided for the Specialty Grocery are 9.5' x 18.5'. In cases where parking spaces abut perimeter conditions, a 2' overhang has been included within the 18.5' dimension. Loading is provided on the west/rear of the store and is screened by a wall and landscaping.

### **Drainage**

The proposed drainage system will consist of curbing, inlets, and pipes and exfiltration which will connect to the existing lake. The runoff from the roadway will collect in the curbing and inlets while the pipes route it to the on-site lake. The on-site retention 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.

### **Phasing**

The proposed development will be constructed in three phases with the commercial and residential development being constructed separately. The applicant will be requesting approval to allow the relocation of the entrance drive as a separate request from this application.

**Land Development Regulations**

<b>SITE ANALYSIS:</b> Borland PUD				
<b>Comparison (per code unless otherwise noted)</b>	<b>Allowed/Required</b>	<b>Proposed</b>	<b>Compliance</b>	<b>Waiver Requested</b>
<i>Open Space (PUD)</i>	15% min.	15.6%	yes	
<i>Minimum PUD Development Size</i>	5 acres	47.11 acres	yes	
<i>Maximum Height Limit (MXD)</i>	49'	40' – Grocery 26' - Residential	yes	
<i>Setbacks (MXD)</i>				
Front	30'	23'		yes
Side	10'	0'		yes
Side Facing Street	20'	17'		yes
Rear	20'	8.9'		yes
<i>Parking</i>				
<i>Number Required</i>	1649	1733	yes	
<i>Stall Dimensions</i>	10' x 18.5 feet	9.5' x 18.5' (Com) and 8' x 20' (Res)	yes	
<i>Loading Spaces</i>	2	2	yes	
<i>Signage</i>				
<i>Directional Signs</i>	2	2	yes	
<i>Wall Signs</i>	2 @ 90 sf each	1 @ 90 sf 1 @ 200 sf	yes	yes

## **Waivers/Justification**

One of the general purposes and intentions of the Planned Unit Development and Mixed Use Development overlay districts are 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 and MXD Overlay Districts were created as Flexible Zoning districts that are 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.

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. 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 open space can be provided. The design allows lots to abut the preserve and common open space areas between the units. 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/MXD 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 more cohesive community serving open space. Because the proposed development has been designed to consolidate community serving open space it 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 seven (7) 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 90' to 24'-4". This waiver request is a result of the applicant's desire to provide an attached product type and represents the width of the smallest individual home. 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 54%. This waiver request is a result of the applicant's 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 23' for the non-garage portion of the home. In all cases the garage portion of the home will meet a minimum 27' 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 8.9" for buildings. 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 expansion of the patio by 4'. Screen enclosures are not allowed and the canopy will not be allowed to extend beyond the 5' patio. 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 0' setback for 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 78-141, Table 10, Side Street Setback** to allow the reduction of the required 20' side setback to allow 17' setback.

7. The applicant would like to request a waiver from **Section 78-285, Permitted Signs, Table 24, Maximum size of copy area**, to allow an increase in the square footage of the copy area from 90 square feet to 200 square feet. The proposed grocery store will be a standalone building and an anchor of the plaza. It will be important for the public to be able to see and read the sign prior to the entrance into the plaza. The building face area where the sign is proposed is proportionate to the proposed sign size.

**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.*

**(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 shaped parcel of land, allowing for convenient and safe access for the residents, along with amenities in an urban setting. The overall design of the site allows the consolidation of open space for the benefit of the community as a whole. 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 which will create more viable and useful area for the community. 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 open space that can be shared by the community as a whole. 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 throughout the site.*

**(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. All adjacent residential properties that could be affected by the proposed development 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 for the completion of the existing MXD development plan with transitional separation between the more intense use of the church and the adjacent residential community. The density proposed is consistent with the densities of the approved MXD and adjacent residential communities.*

**(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.*