

**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 _____             |

Date Submitted: \_\_\_\_\_

**Project Name:** Bayhill Estates PUD - Pod 3A Site Plan Amendment

**Owner:** LYEC THREE INC

**Applicant (if not Owner):** Kovach Development Corporation

**Applicant's Address:** 167 Neptune Dr., Hypoluxo, FL 33462 Telephone No. \_\_\_\_\_

**Agent:** Urban Design Studio

**Contact Person:** Ken Tuma E-Mail: KTuma@udsflorida.com

**Agent's Mailing Address:** 610 Clematis Street, Suite CU02, West Palm Beach, FL 33401

**Agent's Telephone Number:** (561)366-1100

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

Architect: N/A

Engineer: Michael B. Schorah and Associates

Planner: UDS

Landscape Architect: UDS

**Site Information:**

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

General Location: The site is generally located at the southern terminus of Bayhill Drive

Address: 11923 EAGLES XING

Section: 42 Township: 41 Range: 52

Property Control Number(s): 52-41-42-26-04-000-0060

Acreeage: \_\_\_\_\_ Current Zoning: PUD Requested Zoning: N/A

Flood Zone X/AE Base Flood Elevation (BFE) – to be indicated on site plan -9999/18.6

Current Comprehensive Plan Land Use Designation: Residential Low

Existing Land Use: Vacant Requested Land Use: N/A

Proposed Use(s) i.e. hotel, single family residence, etc.: Residential Single-Family

Proposed Square Footage by Use: N/A

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

## 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: See attached narrative.

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

See attached narrative.

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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.

This is not a rezoning request. As such, this is not applicable.

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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)?

See attached environmental assessment.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

This is a residential project; as such, this section is not applicable.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Has project received concurrency certification?

Yes, via approval through Palm Beach County.

\_\_\_\_\_  
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 <sup>0</sup> \_\_\_\_\_ mile(s) from the intersection of \_\_\_\_\_  
Bayhill Drive and Torreyana Circle , on the  north,  east,  south,  west side of \_\_\_\_\_  
Torreyana Circle \_\_\_\_\_ (street/road).

**Statement of Ownership and Designation of Authorized Agent**

Before me, the undersigned authority, personally appeared Thomas Zagami, vice - President of LYEC Three, Inc. 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 Site Plan Amendment in the City of Palm Beach Gardens, Florida.
3. That he/she has appointed Urban Design Studio to act as authorized agent on his/her behalf to accomplish the above project.

Name of Owner: LYEC THREE INC

  
 Signature of Owner  
10500 LITTLE PATUXENT PKWY  
SUITE 650  
 Street Address

THOMAS ZAGAMI / VICE-PRES  
 By: Name/Title  
Columbia, Maryland 21044  
 City, State, Zip Code

P. O. Box

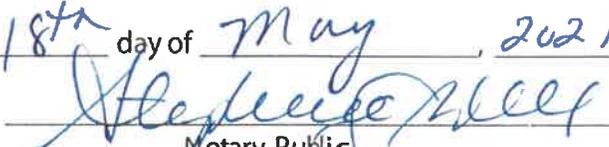
City, State, Zip Code

410-339-6741  
 Telephone Number

N/A  
 Fax Number

TZAGAMI17@gmail.com  
 E-mail Address

Sworn and subscribed before me this 18<sup>th</sup> day of May, 2021.

  
 Notary Public

My Commission expires:  
01-06-2022

### 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

Ken Tuma, Urban Design Studio

Print Name of Applicant

Optionee

610 Clematis St. #CU-02  
Street Address

Lessee

West Palm Beach, FL  
City, State, Zip Code 33401

Agent

561-366-1100  
Telephone Number

Contract Purchaser

Fax Number

KTUMA@URSFLOFLA.COM  
E-Mail Address



Palm Beach Gardens Planning and Zoning Department  
10500 North Military Trail, Palm Beach Gardens, FL 33410  
561-799-4230

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-imbusement 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.

LYEC THREE INC., OWNER  
By: Thomas Zagami, VICE-PRES  
Owner signature

5-18-21  
Date

LYEC THREE INC.  
Owner printed name

52-41-42-26-04-000-0060  
Property Control Number

**DESIGNEE/BILL TO:**  
Kovach Development Corp.  
167 Neptune Drive  
Hypoluxo, FL 33462

DocuSigned by:  
Edward Kovach  
830A5CC72D984D0...  
Designee Acceptance Signature

**NOTARY ACKNOWLEDGEMENT**

STATE OF Maryland

COUNTY OF Anne Arundel

I hereby certify that the foregoing instrument was acknowledged before me this 18<sup>th</sup> day of May, 2021, by Thomas Zagami, Vice President of Lyec Three, Inc. He or she is personally known to me or has produced \_\_\_\_\_ as identification.

[Signature]  
Notary public signature

Stephanie J. Bruce  
Printed name

State of Maryland at-large

My Commission expires: 01/06/2022

# PROJECT NARRATIVE

## BAY HILL ESTATES POD 3A SITE PLAN AMENDMENT

March 1, 2022



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Urban Planning and Design  
Landscape Architecture  
Communication Graphics

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### Request

The Applicant, Kovach Development Corporation, and the property owner, LYEC Three, Inc., are requesting a site plan amendment to Bay Hill Estates Planned Unit Development (PUD) to reconfigure the existing, unbuilt 34 platted lots within Pod 3A into a more efficient site plan.

The Bay Hill Estates Planned Unit Development (PUD) was annexed into the City on March 13, 2018 as part of an involuntary annexation referendum. The subject request concerns Bay Hill Pod 3, which consists of 34 undeveloped lots within Plat 3A. In 2019, the City approved a City land use designation of Residential Low (RL) and an underlying zoning district of Residential Low (RL-3).

The requested site plan will reconfigure the existing lots to 34 one-acre lots, which are consistent with the City's RL-3 zoning designations. With this reconfiguration, tracts originally indicated for future golf, preserve and lake will be modified with the requested amendment. The designated Bay Hill Estates Conservation Area at the southern portion of the PUD will not be impacted by this request.

### Location

The subject site is located within southern portion of the Bay Hill Estates PUD, which is located on the south side of Northlake Boulevard approximately 0.5 miles east of Coconut Boulevard. The Bay Hill Estates PUD is divided into five distinct pods and was annexed by referendum into the City of Palm Beach Gardens on March 13, 2018. The subject Pod 3 is located at the southern portion of the PUD.

### Future Land Use & Zoning

Prior to annexation into the City, the Bay Hill Estates PUD has a future land-use designation of PBC Rural Residential, 1 dwelling unit per 2.5 acres (RR-2.5) The previous County zoning designation for the subject site is Residential PUD District. The land uses and zoning designation of the properties surrounding the subject site are provided in the following table. The subject site has 34 undeveloped lots as well as platted preserve, golf and lake tracts. The site has a Future Land Use designation of Residential Low (RL) and an underlying zoning district of Residential Low (RL-3) for the PUD.

Existing Use	Zoning	Future Land Use
<u>Subject Property</u> Bay Hill Estates	Planned Unit Development (PUD)/Residential Low-3 (RL-3)	Residential Low (RL)
<u>North</u> Avenir, Ancient Tree & Rustic Lakes	Avenir (PCD/MXD) Ancient Tree (PUD/RL-2) Rustic Lakes – Agricultural Residential (AR) & Agricultural Estates (AE)	Avenir – Mixed Use (MXD) Ancient Tree – (RL) Rustic Lakes – Rural Residential (RR)
<u>South</u> County – The Acreage	County – Agricultural Residential (AR)	County – Rural Residential-2.5 (RR-2.5)
<u>East</u>		

Rustic Lakes WPB – Ibis Golf and Country Club	Rustic Lakes – (AR) Ibis - Residential PUD (WPB)	Rustic Lakes – (RR) Ibis – Residential Medium (WPB)
<u>West</u> County – The Acreage	County – Agricultural Residential (AR)	County – (RR-2.5) and Rural Residential-10 (RR-10)

**History**

On September 13, 1983, the Palm Beach County Board of County Commissioners (BOCC) approved Resolution No. R-83-1040 to rezone the subject property to the Residential Estate (RE) district. Further, on September 13, 1983, the BOCC approved Resolution No R-83-1041 for a special exception to allow a Planned Unit Development, including an on-site sewage treatment plant. The BOCC approved Resolution No. R-2004-2429 on January 10, 2005, to reconfigure the master plan for Phase II of the Residential PUD to allow for the development of 194 single family homes with a 170-acre wetland preserve area.

In 2005, the plat for the site (f.k.a. Stonewal Estates PUD, Plat 3A) was approved and recorded. On March 13, 2018, the registered voters of the area passed the referendum approving annexation into the City. The annexation became effective on March 24, 2018.

**Site Plan Analysis**

As indicated above, the Applicant is requesting a site plan amendment to Pod 3A to reconfigure the platted 34 lots, lakes, golf tracts and preserve parcel into a more efficient site plan. The site is currently vacant. The new site plan will feature 34 one-acre lots for custom homes and landscaping. The lakes, golf tracts and preserve parcel are dedicated to Bay Hill Estates Property Owner Association, which is in support of the proposed site plan amendment.

As shown on the proposed site plan, the platted lots and streets have been reconfigured from the original approval. Access to the site will remain as approved with the PUD, which provides access from Northlake Boulevard through Stonewal Drive and Torreyanna Circle. Lots 7 to 21 will be serviced through a gated access. Elevation of the proposed gates are attached for your review.

The proposed custom homes and lot landscaping are required to meet the adopted Bayhill PUD standards (attached) and review by the Bay Hill Estates POA Architectural Review Committee. Pursuant to the POA standards, the setbacks for the subject site will be:

Yard	Setback	Structure	
Front:	50 feet	Pool	Same as Principal Structure
Side:	20 feet	Pool Enclosure	Same as Principal Structure
Side, Street:	25 feet		
Rear:	70 feet		

Potable water service will be provided by Palm Beach County Water Utility District through water mains located within the PUD. Sanitary sewer service will be provided by a small, private lift station, which will connect to the County’s sewer system.

A surface water management permit for the overall Bay Hill Estates project was issued by South Florida Water Management District (SFWMD) in 1984 for the initial site development (Permit No. 50-01111-S). That permit addresses SFWMD water quality and flood attenuation criteria for the entire development. A subsequent permit modification was issued in 2002 for the Phase 3 parcel which established land use and site grading

criteria. A digital copy of the SFWMD permit is attached for your reference. The backbone water management facilities, which include lakes, interconnecting pipes, master stormwater pump station and outfall into the ITWCD M-1 Canal system, were constructed as part of the previously approved Bay Hill Estates site improvements.

Legal positive outfall for the site will be provided through the onsite collection system and connection to the master stormwater system that was constructed with the overall Bay Hill Estates improvements. That system of lakes and interconnecting pipes includes the master stormwater pump station and outfall connection to the ITWCD M-1 Canal system which is the legal positive outfall for the entire development. The proposed areas of pervious, impervious and water surface will be evaluated based on the original permit requirements. No changes are anticipated to be made to the discharge volumes flowing from the main outfall system. Onsite facilities will be designed to maintain those criteria established in the permit. Final permit approvals/modifications from the SFWMD, Indian Trails Water Control District and the City will be made to recognize the proposed site plan modification.

Three community open space areas have been provided for the community. The two southern park area features amenities as walking paths, play areas, picnic pavilions, benches and dog waste stations. These areas overlook either a lake or Conservation Area. In the northern area, 8.44 acres of wetland and upland area will be maintained in its natural state.

Southern Live Oaks are proposed to be street trees within the reconfigured community. Littoral trees and plantings have been provided on lakes within the site plan. Internal buffers have been provided and the Bayhill PUD has already provided the perimeter buffers. A total of 25,955 landscape points is required and 32,536 landscape points have been provided.

For the lot landscaping, the POA requirements (attached) will apply to these 34 lots. Below is a comparison of the City and POA lot landscaping requirements:

**City Requirements:**

1 Tree or 2 Palms Per 1,000 SF of lot open space  
6 shrubs per 1,000 SF of lot open space

Lot size: 1 AC (43,560 SF)  
Max. Building Coverage 35% = 15,246 SF  
Max. Driveways/sidewalks 10% = 6,534 SF  
Open Space Calculated for Landscape = 21,780 SF

**Trees Required Per Lot = 22 Trees**  
**Shrubs Required Per Lot = 131 Shrubs**

**POA Requirements:**

A 1-acre lot will have a landscape budget of at least \$2.00 per SF of lot area, exclusive of sod, irrigation, installation, architect fees, and soil for berms.

Lot size: 1 AC (43,560 SF)  
**Budget Required: \$87,120 for landscape material**

**Example Design:**

**25 Trees @ \$800 = \$20,000**

**1,918 Shrubs @ \$35 = \$67,130**

(\$800 assumes Florida #1 shade tree from City's preferred plant list; \$35 assumes Florida #1 shrub min. 3 gallon 18" ht.)

The budgetary standard set forth in the POA Standards document and the stipulation that it is exclusive of sod, irrigation, installation, design fees, and soil, necessitate that greater quantities of landscaping be planted than utilizing the City's requirements alone.

Homes within the proposed site plan will have to conform with the POA's Architectural Standards (attached). The Applicant is working with POA to amend these standards to address fencing around each lot and garage/outbuilding structures.