

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: Avenir Pod 20 Site Plan Amendment

Owner: Avenir Development, LLC

Applicant (if not Owner): Same

Applicant's Address: 777 S Flagler Dr, Suite 500 E, WPB, FL **Telephone No.:** 305-510-7958

Agent: Urban Design Studio

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

Agent's Mailing Address: 610 Clematis St, Suite CU-02, WPB, FL 33401

Agent's Telephone Number: 561-366-1100

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

Architect: Kolter Homes

Engineer: Balibe & Associates, INC. Surveyor: Caulfield & Wheeler

Planner: Urban Design Studio

Landscape Architect: Urban Design Studio

Site Information:

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

General Location: Southeast corner of Avenir Drive and Panther National Boulevard

Address: _____

Section: 28 Township: 41 Range: 41

Property Control Number(s): 52-41-41-28-01-001-0128

Acreage: 51.157 Current Zoning: MXD PCD Requested Zoning: MXD PCD

Flood Zone X Base Flood Elevation (BFE) – to be indicated on site plan N/A

Current Comprehensive Plan Land Use Designation: MXD

Existing Land Use: Vacant Requested Land Use: Mixed Use Community

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

Proposed Square Footage by Use: _____

Proposed Number and Type of Dwelling Unit(s) i.e. single family, multifamily, etc. (if applicable):
144 single family homes in the Pod 20 residential neighborhood

Justification

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

1. Explain the nature of the request: The Applicant is requesting a site plan amendment for
Avenir Pod 20 located at the southeast corner of Avenir Drive and Panther National Boulevard within the
Avenir Planned Community Development (PCD). The Applicant is seeking approval of 10 model home
elevations and a model row layout.

2. What will be the impact of the proposed change on the surrounding area?
This amendment proposes no change to the approved development program. The request will not create any
additional impacts to the surrounding area. See attached project narrative.

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.
Not Applicable. A rezoning is not requested.

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 Avenir Conservation area, Consisting of about 2,407-acres, was created through the adoption of Resolution 4, 2016. This site plan amendment application does not change the conservation area.

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

Not applicable as the requested site plan amendment will be for a residential community.

6. Has project received concurrency certification?

Yes it has. Resolution 4, 2016 confirmed the concurrency certification for the Avenir project.

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 ¹ _____ mile(s) from the intersection of Seminole
Pratt-Whitney & Northlake Blvd , on the north, east, south, west side of _____
Northlake Blvd (street/road).

Statement of Ownership and Designation of Authorized Agent

Before me, the undersigned authority, personally appeared Virginia Cepero
VP of Avenir Development, LLC 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 Pod 20 Site Plan Amendment in the City of Palm Beach Gardens, Florida.
3. That he/she has appointed Ken Tuma of Urban Design Studio to act as authorized agent on his/her behalf to accomplish the above project.

Name of Owner: Avenir Development, LLC

Virginia Cepero
Signature of Owner

Virginia Cepero, Vice President

By: Name/Title

777 S Flagler Dr, Suite 500 E

West Palm Beach, FL 33401

Street Address

City, State, Zip Code

P. O. Box

City, State, Zip Code

305-510-7958

Telephone Number

Fax Number

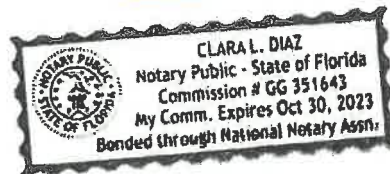
dlopez@waterstonebuilders.com

E-mail Address

Sworn and subscribed before me this 14th day of December, 2022.

Clara Diaz
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

Ken Tuma of Urban Design Studio

Print Name of Applicant

Optionee

610 Clematis St. #CU-02

Street Address

Lessee

West Palm Beach, FL, 33401

City, State, Zip Code

Agent

561-366-1100

Telephone Number

Contract Purchaser

Fax Number

ktuma@udsflorida.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.

Virginia Cepero
Owner signature

12/14/2022
Date

Virginia Cepero, VP of Avenir Development, LLC
Owner printed name

52-41-41-28-01-001-0128
Property Control Number

DESIGNEE/BILL TO:
Kolter Homes

105 NE 1st Street, Delray Beach, FL 33444
Attention: Scott Morton, Senior Vice President

[Signature]
Designee Acceptance Signature

NOTARY ACKNOWLEDGEMENT

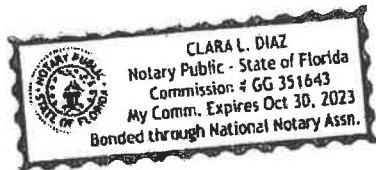
STATE OF Florida
COUNTY OF Miami-Dade

I hereby certify that the foregoing instrument was acknowledged before me this 14th day of December, 2022, by Virginia Cepero. He or she is personally known to me or has produced _____ as identification.

[Signature]
Notary public signature

Printed name

State of Florida at-large My Commission expires: _____



PROJECT NARRATIVE
AVENIR PCD
POD 20
SITE PLAN AMENDMENT

January 20, 2023



Urban Planning and Design
Landscape Architecture
Communication Graphics

Request

Avenir Development, LLC, the owner of the approved Avenir Planned Community Development (PCD), is requesting a site plan amendment to the approved Pod 20 site plan for the inclusion of 10 model homes and the establishment of a model row within the neighborhood, which consists of 144 single family homes located within 51.157 acres. Pod 20 is generally located in the southeast corner of Avenir Drive and Panther National Boulevard.

On November 3, 2022, the City Council adopted Resolution 67, 2022 which approved the Pod 20 site plan, which consists of 75, 55-foot by 130-foot single family lots and 69, 65-foot by 130-foot single family lots. The gross density for Pod 20 will be 2.82 units per acre.

The Applicant is seeking an amendment to this approval for the inclusion of 10 model home elevations, which will range in size 1,644 square feet to 2,781 square feet of livable space. In addition, the Applicant is requesting a model home on five lots immediately south of the Pod’s Avenir Drive entrance. The proposed model row will have two homes of 55-foot-wide lots and two models on 65-foot-wide lots.

One waiver from the City’s requirements is part of this request. The requested waiver would allow for the 3-foot clear area from mechanical equipment locations be provided on one side of the typical lot plans. This waiver request is identical to the waivers previously granted for Avenir Pods 1, 2, 3, 4, 5, 6, 9 and 15.

Location

Avenir is generally located in northeastern Palm Beach County within the municipal limits of the City of Palm Beach Gardens and is approximately 4.5 miles in its longest dimension (north-south), and 2.5 miles in its widest dimension (east-west). Pod 20 is a portion of a larger parcel with a property control of 52-41-41-28-01-001-0128.

The subject site has a Mixed Use (MXD) future land use designation and a Mixed-Use zoning designation with a Planned Community District (PCD) overlay. The site is currently vacant.

The table below summarizes the existing Land Use designation, Zoning designation, and use of the surrounding properties.

EXISTING ZONING AND LAND USE DESIGNATIONS			
DIRECTION	EXISTING USE	ZONING	LAND USE
North	Parcel A (Residential) (vacant)	PCD (MXD)	Mixed Use (MXD)
South	Parcel A (Residential) (Vacant)	PCD (MXD)	Mixed Use (MXD)

East	Parcel A (Residential) (Vacant)	PCD (MXD)	Mixed Use (MXD)
West	Parcel A (Residential) (Vacant)	PCD (MXD)	Mixed Use (MXD)

History

The Avenir PCD was approved on May 5, 2016 by City Council through the adoption of Ordinance 3, 2016, Ordinance 4, 2016 and Resolution 4, 2016. The initial PCD approval for the 4,763-acre project includes 2,407 acres of conservation area, 3,000 single family homes, 250 multi-family homes, 1,940,000, square feet of professional office, 200,000 square feet of medical office, 400,000 square feet of commercial space, 300 hotel rooms, 20 acres of agriculture, a 55-acre park, a 60-acre civic parcel, a 15-acre City annex site, and a 15-acre public school site.

Consistent with Condition of Approval #3 of Resolution 4, 2016, an administrative amendment was approved on December 19, 2016 which modified the development program to decrease the Single-Family units to from 3,000 to 2,690 units (-310 units); add 960 Age-Restricted residential units; and decrease the Professional Office use from 1,940,000 square feet to 1,800,000 square feet (-140,000 square feet).

On August 2, 2018, City Council adopted Resolution 44, 2018, which modified the internal PCD roadway network, internal parcel boundaries, development standards and conditions of approval.

On November 1, 2018, the City Council adopted Resolution 67, 2018, which approved a 469-unit age-restricted, single-family residential subdivision on 195 acres within Parcel A.

On January 10, 2019, the City Council adopted Resolution 2, 2019, which approved the boundary plat for Avenir. As part of the boundary plat approval, 130 acres were donated to the City for Civic/Recreational uses and a future municipal annex. In addition, the plat provides 50 acres for economic development purposes. In addition, 2.5 acres of land was provided to the Seacoast Utility Authority for a future facility.

On January 10, 2019, the City Council adopted Resolution 3, 2019, which adopted Site Plan #1, which consists of 416 single-family homes on approximately 230.49 acres. The City Council adopted Resolution 38, 2019 on June 6, 2019, which approved the Avenir Clubhouse and Recreation Area site plan. Plats for Avenir Pods 1, 2, 3, 4 and 5 have been approved by City Council.

An amendment to the PCD was approved by City Council through the adoption of Resolution 4, 2020 on January 9, 2020. The amendment grouped all approved medical uses within the project on Parcel D. In addition, 155,000 square feet of retail space was shifted from Parcel B to Parcel D. The amendment modified the location of a Parcel D driveway and permitted uses to include two uses: (1) Emergency health care/department and (2) recreation, private outdoor.

On June 4, 2020, the Avenir Site Plan #3 application was approved for 390 homes on 152.55 acres within Pods 6, 7 & 8 of the project. Model homes and typical lot landscaping plans for Pod 2 were approved on September 10, 2020 through the adoption of Resolution 53, 2020. The site plan for the FPL Substation, which will help provide electrical service to the community, was also approved on September 10, 2020. The FPL substation was approved through the adoption of Resolution 51, 2020.

On June 3, 2021, City Council approved Resolution 27, 2021 which amended the Avenir Master Plan, Development Standards and updated the PCD Buffers and roadway cross-sections. The amendment relocated

400,000 square feet of professional office space throughout the project and created another Workplace District (Parcel J).

The residential site plan for Pod 9 was approved on March 3, 2022, through the adoption of Resolution 9, 2022. The Pod 9 site plan was approved for 118 single family homes. On May 5, 2022, Avenir Pod 15 was approved by City Council through the adoption of Resolution 23, 2022. Pod 15 was approved for 562 single family homes. On August 4, 2022, the Avenir Town Center Site Plan was approved by City Council through the adoption of Resolution 46, 2022.

On November 3, 2022, the Avenir Townhomes site plan, which consists of 250 townhome units, was approved through the adoption of Resolution 66, 2022. On the same date, the Avenir Pod 20 site plan, which consists of a 144-lot subdivision, through the approval of Resolution 67, 2022.

Site Plan Analysis

Pod 20 is proposed to include 144 single family lots on 51.16 acres located directly east of Panther National Boulevard and directly south of Avenir Drive. The parcel will feature 75, 55-foot by 130-foot single family lots and 69, 65-foot by 130-foot in a gated neighborhood and will have vehicular access to both Panther National Boulevard and Avenir Drive. The neighborhood will feature two parks which are 0.85 and 0.89 acres in size and a boardwalk pathway through the adjacent conservation area. Each proposed lot will be within ¼ mile of the park areas. Within the parks, walking paths, a mail kiosk, benches, picnic tables, playground equipment and shade trees will be provided. In addition, 42,674 landscaping points have been provided within the project while 30,397 points are required.

The neighborhood will have three access points. The main entrance will be off of Avenir Drive and will be electronically gated. Additional access points have been provided along Panther National Boulevard. The northern exit is intended for resident egress and emergency vehicle ingress and egress. The southern access point will allow for resident ingress and egress.

The following is a site plan analysis for Pod 20:

Requirement	Avenir Design Standards	Proposed	Consistent?
Front Setback	15 feet	15 feet	
- Front-Loaded Garage	20 feet	20 feet	Yes
Side Setback	5 feet	7.5 feet	Yes
Side Street Setback	10 feet	10 feet	Yes
Rear Setback	10 feet	10 feet	Yes
Pool/Screen Enclosure Setbacks:			
Side	5 feet	5 feet	
Side Street	10 feet	10 feet	
Rear	5 feet	5 feet	Yes
Minimum Lot Width	50 feet	55 & 65 feet	Yes
Maximum Lot Coverage	55%	55%	Yes
Minimum Open Space	35%	40%	Yes
Parks Requirement	0.75 acres within ¼ mile of each lot	0.75-acre park within ¼ mile of each lot	Yes

The Applicant is proposing six (6) models for the 77, 50-foot-wide lots and four (4) models for the 69, 65-foot-wide lots. Three (3) architectural themes, Tropical Modern, Mediterranean, and Florida Vernacular, are provided for the 10 proposed models. Standard and enhanced elevations have been provided in the attached elevations. Each of the proposed models have an option for a second-story bonus room which will provide additional variety on the proposed streetscape.

In addition, the Applicant is proposing the following anti-monotony standards which will help ensure variety within the neighborhood's streetscape.

ANTI-MONOTONY STANDARDS:

1. No Two Dwelling Units Having the Same Elevation Theme (Mediterranean, Tropical Modern, Florida Vernacular) Shall Be Built Adjacent to Or Across the Street From One Another Unless One Dwelling Unit Is One Story and The Other Dwelling Unit Is Two Story. This Exception Only Applies to A Maximum of Two Dwelling Units Adjacent to Or Across the Street From One Another.
2. No Two Dwelling Units Having the Same Color Package Shall Be Built Adjacent to Or Across the Street From One Another.
3. No More Than Three of The Same Floor Plan Models (Emily, Grace, Julia, Kimberly, Lila, Madison, Nicole, Paige, Riley, Sydney) Shall Be Constructed Next To One Another.
4. Proposed Fencing Shall Be the Black Aluminum Fencing Approved with Pod 20.
5. Upon Submittal Building Permits for Each Single-Family Home, The Applicant Shall Provide a Designation Plan Indicating the Floor Plan Model, Elevation Theme and Color Scheme Utilized on All Adjacent Lots.
6. If a Screen Enclosure Is Proposed, It Shall Be a Black Metal Frame with Black Screening.

The following is a summary of the proposed models:

50-foot-wide lots

- **Emily** model is one-story unit with a total living area of 1,668 square feet. The model features two bedrooms with an option for a third bedroom. The model provides a two-car garage with two additional parking spaces within the driveway. The model has an option for a second-story bonus room.
- **Grace** model is a one-story unit with a total living area of 1,826 square feet. The model features two bedrooms. The model provides for a two-car garage with two additional parking spaces within the driveway. The model has an option for a second-story bonus room.
- **Julia** model is a one-story unit with a total living area of 1,937 square feet. The model features two bedrooms. The model provides for a two-car garage with two additional parking spaces within the driveway. The model has an option for a second-story bonus room.
- **Kimberly** model is a one-story unit with a total living area of 1,983 square feet. The model features three bedrooms. The model provides for a two-car garage with two additional parking spaces within the driveway. The model has an option for a second-story bonus room.
- **Lila** model is a one-story unit with a total living area of 2,127 square feet. The model features three bedrooms. The model provides for a two-car garage with two additional parking spaces within the driveway. The model has an option for a second-story bonus room.
- **Madison** model is a one-story unit with a total living area of 2,290 square feet. The model features three bedrooms. The model provides for a two-car garage with two additional parking spaces within the driveway. The model has an option for a second-story bonus room.

65-foot-wide lots

- **Nicole** model is a one-story unit with a total living area of 2,293 square feet. The model features three bedrooms. The model provides for a two-car garage with two additional parking spaces within the driveway. The model has an option for a second-story bonus room.
- **Paige** model is a one-story unit with a total living area of 2,477 square feet. The model features three bedrooms. The model provides for a three-car garage with three additional parking spaces within the driveway. The model has an option for a second-story bonus room.
- **Riley** model is one-story unit with a total living area of 2,585 square feet. The model features three bedrooms. The model provides for a two-car garage with two additional parking spaces within the driveway. The model has an option for a second-story bonus room.
- **Sydney** model is a one-story unit with a total living area of 2,781 square feet. The model features three bedrooms. The model provides for three garage parking spaces and three driveway spaces. The model has an option for a second-story bonus room.

Compliance with Avenir Development Order

With the approval of Resolution 4, 2016, which created the Avenir Planned Community Development, there were several conditions of approval which are to be addressed prior to each site plan approval. Below is a summary on how the Applicant and the submitted site plan are consistent with the requirements of these conditions.

- Condition #17 – Dedication of additional right-of-way for Northlake Boulevard. – The dedication of this right-of-way is provided for within the Avenir Plat, which was approved in January 2019.
- Condition #26 – Surety required for referenced traffic signal improvements. – The performance security for the required traffic signal improvements has been provided to the City.
- Condition #28 – Dedication of sufficient property for roadway connections to Northlake Boulevard. – The referenced area has been identified for dedication on the approved Avenir Plat.
- Conditions #34 and 37 – Evaluating alternative mobility options. - A variety of mobility options have been provided within the proposed Avenir community. The Panther National and Avenir Drive extensions, which will connect the proposed Pod 20 site plan to Northlake Boulevard, will feature 8-foot and 12-foot-wide multi-use pathways. These pathways will accommodate pedestrians, joggers, bicyclists and golf carts. Within the proposed site plan, additional pathways and connections to adjacent public spaces have been provided on the revised site plan. These mobility options will help decrease automobile traffic within the Avenir community and surrounding roadways.
- Condition #35 – Updated traffic impact analysis with a cumulative total of approved trips prior to each site plan approval. – An updated traffic impact analysis has been provided with this application.
- Conditions #38, 39, 40 and 93 – Provisions for the requirements within the plat. – The Avenir plat has been approved by the City Council. The approved plat identifies the conservation area, dedications to the city and future rights-of-way.
- Condition #45 – Environmental survey of subject site prior to land alteration. – An environmental survey of the site will be provided prior to any land alteration of that area.
- Condition #47 – Removal of exotic species. – Prior to construction within the subject site, all exotics will be removed from the pod in conformance with the PCD development order.
- Condition #51 – Impervious surfaces to be minimized. – The design of the Pod 20 site plan has been created to provide a minimum of 40% of the site or 20.59 acres as open space. The city and project requirement for residential neighborhoods is 35% open space.
- Condition #53 – Submittal of Best Management Procedures to City prior to first infrastructure permit. – Agricultural uses within Avenir are being minimized as the project is being developed for the

approved mixed-use community. The project’s environmental consultant created Best Management Procedures for the project. The Avenir Community Development District will manage and monitor the BMPs.

- Conditions #55 and 59 – Determination of adequate potable water allocation from Seacoast Utility Authority. – Previously submitted to the City files is the October 10, 2016 letter from Seacoast Utility Authority confirming sufficient potable water supplies for the project.
- Condition #56 – Treated wastewater effluent is preferred source of irrigation water. - SUA currently has no facilities in the area to provide reclaimed water. According to the provided letter from SUA, “If the project is ultimately connected to the Seacoast sanitary sewage system, the resulting reclaimed water can be applied off-site”. Irrigation water for the project will be provided from the on-site lake or from wells. No residential lots will have individual wells.
- Condition #61 – Soil treatment and stabilization required. – The Applicant acknowledges this requirement and will comply with all National Pollutant Discharge Elimination System requirements.
- Condition #62 – Incorporation of green building principles within proposed buildings. – Impact and energy-efficient windows will be used in all of the proposed models. Water-saving fixtures in the bathrooms and kitchens will also be used.
- Condition #120 – Sign Program submitted to the City for review and approval prior to the first Certificate of Occupancy. – Signs for each pod will be provided to the City for its approval.
- Condition #121 – Gateway sign installation. – The required City Gateway sign will be constructed consistent with the approved timeframe within the PCD development order.

Waiver

One waiver is being requested as a result of this Site Plan Review application request. The waiver request is to permit 0.75 feet (9 inches) of clear space between the proposed mechanical equipment and the lot line. The required 3-feet of clear area in order to access the rear of the yards will be provided on the opposite side of the house.

Waiver Summary Table

	PBG Code Section	Requirement	Proposed	Waiver Request
2	Section 78-181 (c)(3)(c)	Mechanical equipment to provide 3 foot clear area	Mechanical equipment with .75 foot clear area and 5 foot clear area on opposite side of house	Waiver of 2.25 feet for house side with mechanical equipment. Five-foot clear area provided on opposite side of house for rear yard access.

The following is an analysis of each of the waiver requests and evidence of compliance with each of the code-required waiver criteria.

Provision of 3-foot clear area on opposite side of the house

Section 78-181(c)(3)(c), Accessory Structures, requires mechanical equipment to be located adjacent to the principal structure, provide a minimum clearance of three feet around any accessory structures, and be screened from view of adjoining properties. The Applicant is requesting a waiver from the three-foot clearance portion of this requirement to provide a 0.75 foot clearance and a minimum of five feet on the other side of the house. The equipment is located immediately adjacent to the homes and will be screened from view by hedge. The use of the hedge will provide a minimum of 0.75 feet of clearance between the mechanical equipment and the lot line. The external mechanical equipment will always be provided on one side of the home, providing the required 5-feet of clear area on the opposite side of the house for rear yard

access. In addition, 32,077 landscaping points have been provided within the project while 32,196 points are required.

Waiver Criteria Compliance

Consistent with the requirements of Section 78-158 of the City's LDRs, the waiver request shall comply with a majority of the criteria listed within the code. The City's waiver criteria are listed below in **bold** and the responses follow in *italics*.

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

The request is consistent with the City's comprehensive plan, which calls for a variety of housing options to be provided. With this requested site plan and accompanying waiver, the Applicant will be providing needed housing options on two different lot sizes for City residents and future residents. The requested waiver will allow for the provision of these types of housing, along with a variety of amenities within the community and within each lot.

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

The purpose and intent of this Section 78-158 is to promote creative and innovative design through the planned development process. With the waiver request, the Applicant is able to provide an attractive, residential community within Avenir. Please note that the applicant is providing more landscaping points and park/open space than what is required for this application. The requested waiver will allow each home to provide mechanical equipment on one side of the house and a 5-foot clear area for rear yard access of the other side of the house. As such, the waiver request is consistent with the purpose and intent of Section 78-158.

(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.

With the requested waiver, the Applicant will be creating a typical lot layout that features all the desired amenities while still providing the required rear yard access for maintenance. It should be noted that the proposed site plan provides more than a mile of sidewalks throughout the neighborhood. This emphasis on pedestrian use within the community will promote an active, healthy lifestyle and reduce vehicular trips inside the neighborhood.

(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 Pod 9 site plan exceeds several of the minimum standards including the provision of open space, park area and landscaping points. The site is proposing 40% open space while 35% is required. A 1.82-acre, centralized park is proposed when a 0.75-park is proposed. The proposed waiver meets this criterion.

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

The proposed site plan employs various innovative techniques in its design, such as creation of large park areas, and enhanced pedestrian facilities. The request for the referenced waiver is consistent with these

efforts. The waiver will allow each home to have a pool, large patio area, enhanced landscaping and mechanical equipment while still providing rear yard access for maintenance activities. The waiver will allow future homeowners to have the desired amenities associated with each lot.

- (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 proposed waiver and site plan will not impact the 2,407-acre Conservation Area approved as part of the Avenir PCD. As such, this criterion has been met.

- (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.**

As required by the City's Comprehensive Plan, Zoning Code and the Avenir Design Standards, the Pod 20 site plan features a pedestrian-oriented environment which includes more than a mile of sidewalks. The sidewalks provide linkages to the trails to the Avenir pedestrian system which provides pathways to both the Conservation Area, the Town Center district, and to the other pods within the Avenir community. The provision of these pathways will encourage walking within the neighborhood and reduce internal vehicular trips.

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

The requested waiver will only affect the internal lot layout within the site plan. The subject mechanical equipment will be screened from view by a hedge. The proposed waiver will not adversely affect any uses located off of the subject lot.

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

The requested waiver allows for the functionality of each lot and provides each homeowner the options of having a pool and mechanical equipment. This option is not provided for solely or predominately economic reasons.

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

The requested Avenir Pod 20 site plan, including the lot layout, is compatible to the Avenir PCD Master Plan and Design Standards. The waiver request is similar to waivers granted within other neighborhoods within the City and within Avenir. As such, the request meets this criterion.

- (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 waiver request will allow for the provision and screening of the mechanical equipment that provide services to the home that provide benefits to the health, safety and welfare of the residents. While the mechanical equipment is being provided and screened from view, the required 3-foot clear zone for rear yard access has been maintained on the opposite side of the house.