PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION

Application No.:	ZV/DOA-2010-01728
Control No.:	1984-00152
Applicant:	Siemens Group, Inc.
Owners:	Mizner Trail Golf Club Ltd
Agent:	Urban Design Kilday Studios - Wendy Tuma
Telephone No.:	(561) 366-1100
Project Manager:	Wendy Hernandez, Zoning Manager

Location: Generally located south of Camino Real; east of Powerline Road; west of Military Trail; and, north of SW 18th Street. More specifically, north and east sides of Canary Palm Drive; the east and west side of Camino Del Mar; and northwest and southwest of Palm D'Oro Drive (Boca Del Mar PUD)

TITLE: a Development Order Amendment REQUEST: to modify and redesignate uses, and add Pod's (Tracts), units, and access points on the Master Plan.

APPLICATION SUMMARY:

Proposed is a Development Order Amendment for the Boca Del Mar Development. The 1,945.96-acre development was originally approved by the Board of County Commissioners (BCC) on August 19,1971 as a Conditional Use for a Planned Unit Development (PUD). The development has been modified 13 times through the public hearing process since its original approval. The majority of changes were related to the commerical and civic pods located within the development. On February 23, 2006, a request to redesignate 43.29-acres of golf course to residential use, add 236 units and add access points was denied by the BCC. The current application is requesting to modify the Master Plan in order to redesignate 126.84-acres of golf course to accomodate 390 single family, zero lot line, and multi-family units. Additionally, the applicant proposes to modify an existing recreation parcel (Tract 69A); provide a new neighborhood park; and add 9 ingress/egress points along Canary Palm Drive, Via De Sonrisa Norte, Camino Del Mar and Military Trail to provide access for these new units.

PROJECT HISTORY:

The Boca Del Mar Development (originally known as Boca Granada) was approved at the August 19, 1971 BCC Hearing subject to conditions of approval as indicated in a letter from the Zoning Director and Minutes from that hearing (Exhibits E and F). The approval was for 10,576 units on 2,134 acres of land with a condition restricting the density to 5.47 dwelling units per acre (du/ac) (Figure 4 Original Master Plan 1971). Following that approval, the development went through a series of site, subdivision and plat approvals.

On February 19, 1985, Calibre Boca Del Mar, LTD requested a Special Exception to amend the Master Plan for the Boca Del Mar Planned Unit Development to allow the addition of 5 units to Tract 81. The BCC approved the request and add 7 new conditions to the existing Development Order contained within Resolution R-1985-288 (Figure 5 Final Master Plan, Exhibit 3a). The Master Plan, with conditions of approval, restricted the development to 5.47du/ac.

After the 1985 approval, several Development Order Amendments were approved and one was denied by the BCC. In addition, numerous administrative changes were approved by Zoning Division Staff for the different Pods within the development. The following table lists the history of the Development Order Amendments (Prior approved Master Plan referenced the term Tracts, the current ULDC terminology for Tract is Pod, these terms are being used interchangeably throughout the Staff Report).

Tract Number	Application, Resolution and Request	Approval Date
Tract 27- Civic Pod (YMCA)	84-152(A) Resolution R-87-1111: Special Exception to amend the master plan to allow a daycare center on Tract 27	July 28, 1987
	84-152 (I) Resolution R2002-1004: Development Order Amendment to add an access point, add square footage and reconfigure the site plan	June 19, 2002
	84-152 (DOA2004-224) Resolution R2004-1371: Development Order Amendment to modify and delete conditions of approval	Jun 14, 2004
	84-152 (DOA 2005-986) Resolution R2005-2293: Development Order Amendment to modify a condition of approval	November 17, 2005
Tract 62- Civic Pod: (Congregate Living Facility)	84-152 (B) Resolution R88-1539: Special Exception to amend the master plan to include an adult congregate living facility on Tract 62	August 27,1987
Tract 77 Commercial Pod (Shopping Center)	84-152 (C) Resolution R91-1466: Special Exception to amend the master plan to include a child day care center within Tract 77	July 25, 1991
	84-152 (D) Resolution R95-107: Requested Use allowing a fitness center within Tract 77	January 26, 1995
	84-152 (F) Resolution R95-1017: Order Amendment for a Requested use to allow an Indoor Entertainment within Tract 77	July 27, 1995
	84 -152 (G) Resolution R95-1321.3: Development Order Amendment to increase square footage; increase number of children in the daycare.	September 28, 1995
Tract 15- Civic Pod (Place of Worship)	84-152 (E) Resolution R95-115: Development Order Amendment to add an access point to Tract 15	January 26, 1995
	84-152 (H) Resolution R2000-1944: Development Order Amendment to add square footage; and modify and delete conditions of approval	November 30, 2000
Tracts 80A, 80B, 81 and 82	ORD 4795-City of Boca Raton: Approval of the involuntary annexation, subject to referendum vote. The Referendum passed and the Master Plan was updated to note the deletion of these Pods.	September 8, 2004
Tracts 64B and C (Golf Course)	Application 2004-826, Resolution 2006-283 denied the request by the BCC. See below for additional information.	February 23, 2006

The last application (Application 2004-826) was submitted by Mizner Trail Golf Club, LTD, requesting to re-designate land uses; add units; and add access points on a 43-acre portion of the south golf course (Tracts 64B and C). Prior to the hearings in 2005, the applicant closed the golf course. The project was presented at several Zoning Commission (ZC) hearings (October 6, 2005 and December 1, 2005) each with lengthy discussions. At the third ZC hearing on February 2, 2006, a final recommendation was to deny the request with a vote of 4-3 was made. On February 23, 2006, the application was denied by the BCC with a vote of 5-0 (Commissioner Koons and Commissioner Aaronson were absent). The denial was based on the failure to meet 3 of the 10 standards required for a Development Order Amendment (DOA)

to be approved pursuant to Article 2.B.2.B of the Unified Land Development Code (ULDC), Ordinance 2003-67, and 5 findings of fact in Resolution R2006-0283:

ULDC Article 2.B.2.B-

- #4: Design Minimizes Adverse Impacts;
- #8: Other Standards; and,
- #10: Changed Circumstances

Resolution R2006-0283

- The request is not consistent with the intent of the Palm Beach County Unified Land Development Code;
- The request does not minimize adverse effects on adjacent lands;
- The request would cause loss of an integral open space component and unifying element of an established community;
- The request was inconsistent with the provision of the Palm Beach County Unified land Development Code regarding layout, function, and general development characteristics; and,
- The request was not supported by changed circumstances that require a modification.

The applicant appealed the BCC decision to the Fifteenth Judicial Circuit Court, a petition for writ of certiorari challenging the County's denial of its application and asking the Court to direct the County to reconsider its action. On September 11, 2006, the Circuit Court denied the petition without opinion. The applicant brought a second amended complaint alleging, in sum, state and federal takings claims. On August 18, 2008, the Circuit Court Judge found in favor of the County.

MODIFICATION TO REDUCE OR RECONFIGURE EXISTING GOLF COURSE, PURSUANT TO ART.3.E.1.E.3:

Pursuant to Art.3.E.1.E.3 of the ULDC, any request for modifications to reduce the acreage or reconfigure the boundaries of a golf course previously approved on the Master Plan shall meet 3 criteria: Notice to Homeowners; Reduction of Open Space or Recreation; and Visual Impact Analysis Standards. In 2004-2005, the BCC directed Zoning Division Staff to prepare code amendments addressing golf course conversion. This code amendment (Ordinance 2006-004) addressed concerns related to the conversion of golf courses within the PUDs into residential uses. Before the 2006 code was adopted, the BCC required by policy that any applicant requesting golf course conversion to satisfy the aforementioned criteria as part of the submittal requirements.

Staff has determined the applicant has satisfied the above submittal requirements:

- Notice to Homeowners - Prior to submission of the application the applicant sent nearly 7,000 pieces of mail, certified mail/return receipt, to property owners within the Boca Del Mar PUD. Additionally, the applicant has indicated that they have met with the association directors and residents of 14 communities, which directly bordered the subject property. The applicant stated that 4 communities did not accept the invitation to meet with the applicant to discuss the proposal. Zoning Division staff has received a copy of the letter that the applicant sent to the residents prior to the submittal of this application. The applicant also attended meetings on August 11, 2010, September 28, 2010, and December 8, 2010 with the Boca Del Mar Master Improvement Association (BDMMIA).

- Reduction of Open Space or Recreation – Boca Del Mar PUD was first approved under Resolution 3-Y-69. The regulations for PUDs at that time did not include requirements for open space. Golf courses within this PUD were platted separately from the remainder of the PUD, and were not part of any open space dedication. In late 2003, the Zoning Code for PUDs (Ordinance 2003-067) was amended to require dedication of a minimum of 40% of the gross land area for open space. Pursuant to Art.1.I.2.O.13, Open Space means "…*unbuilt land reserved for, or shown on the approved site plan or PDP, as one or more of the following uses: preservation, conservation, wetlands, well site dedicated to PBCWUD, passive recreation, greenway, landscaping, landscape buffer, and water management*

tracts. In the AGR district, open space shall also include unbuilt land area for bona fide agriculture uses". The Code further states that any development approved prior to this requirement would be vested for the open space clearly shown on a development permit.

The applicant for Application 2004-826 submitted the Open Space Calculation and Analysis prepared by SPG, Sanders Planning Group, P.A. dated June 28, 2005. According to the study, Boca Del Mar currently provides 644.24-acres of open space located within the residential and park tracts of the PUD and 54.12 acres of civic for a total of 698.36 acres of open space, in accordance with Ordinance 2003-069, as amended through Supplement 8. (This figure does not include the golf courses and clubhouses). The prior applicant was subject to the BCC's direction on golf course conversion and they were required to demonstrate that the conversion of part of the south golf course into residential uses will not result in reduction of open space or recreation. The prior applicant satisfied both the BCC's direction and code requirements.

The BCC's direction of golf conversion was codified in 2006, and the current applicant is subject to the 40% open space dedication (within the affected area) and has proven that the golf course conversion will not result in a decrease of existing opens space/recreational facilities. The current applicant states that (129.89 acres – i.e.126.84 acre of golf course and 3.05 acres of recreation pod), the proposed development will be providing a minimum of 51.96 acres of open space (40%) through the form of landscape buffers, retention, and outdoor recreation facilities as shown on the Preliminary Site Plans (See Figure 9). The provision of this open space would bring the total open space acreage to 750.32 acres.

Additionally, the current applicant analyzed the recreational requirements for the proposed residential units and compared them against the existing recreation for the Boca Del Mar PUD as a whole. The applicant proposes to renovate the existing golf course club house (currently closed) for the use of the residents of the proposed residential units with open membership to the existing residents.

- <u>Visual Impact Analysis Standards-</u> The purpose of the Visual Impact Analysis (VIA) is to assess the compatibility and impact of the proposed reconfiguration of the golf course on adjacent properties. Urban Design Kilday Studios, agent for the applicant submitted the VIA (Figure 10) which included an aerial photograph showing adjacent structures/buildings located within a 1,000-foot radius of all property lines of the proposed site. In addition, the aerial shows the proposed residential layouts superimposed over the south golf course. A set of line of site illustrations (cross-sections) are also prepared to depict how their proposed development would integrate into the existing development with distances between the existing and the proposed homes.

  Staff utilized the applicant's VIA to assess whether there is any compatibility issues and negative impact generated from this request on adjacent properties. Staff's summary on the VIA is located within Standards 2 and 4 in the Findings portion of this report.

FINDINGS:

Development Order Amendments:

Applications for Conditional Uses, Requested Uses and Development Order Amendments must be found generally compatible with the other uses permitted in a district, but require individual review of their location, design, configuration, intensity and/or density and may require the imposition of conditions to ensure the appropriateness and compatibility of the use at a particular location.

When considering a Development Order application for a Development Order Amendment (DOA), the BCC and ZC shall consider standards 1 – 9 indicated below. A DOA, which fails to meet any of these standards, shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.2.B and provides the following assessment:

1. Consistency with the Plan – ***The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.***

Applicant's Statement:

The applicant indicated in the Justification Statement that: "*This application is proposing to increase the density to 5.22 units per acre by adding 390 units to the PUD. This increased density is below the allowable 8 dwelling units per acre and therefore consistent with the Comprehensive Plan*."

Staff's Analysis: Staff has determined that the request is **in compliance** with Standard 1 based on the following analysis.

The Planning Division has reviewed the application and found the requests to be consistent with the policies, purposes, goals and objectives of the Palm Beach County Comprehensive Plan (Plan). The Boca Del Mar Development was approved prior to the County implementing the Plan. After the adoption of the Plan in 1989, all lands that comprise Boca Del Mar were given a designation of High Residential 8 (HR-8). The HR-8 FLU designation requires residential development within the PUD District to achieve a minimum density of 5 dwelling units (du/ac) and allows for, but does not entitle the applicant to or require, development at a maximum density of 8du/ac.

o Densities-Unit Count for the Overall PUD

In the 1971 approval, the BCC granted the maximum number of units and density with the approval of the Conditional Use (Exhibits E and F and Figure 4). The maximum allowed density and unit count were carried forward on the Final Master Plan dated September 4, 1984 and then to the current approved plan dated September 27, 1995 (Figures 5 and 6). Over time, each pod was being constructed within its units/density shown on the Final Site or Subdivision plan; however, the Master Plan was never updated to reflect the actual built units in each pod. During the review of this application, the Zoning Division Staff required the applicant to update the Master Plan showing the existing and proposed unit count and density for the entire PUD. Therefore, the density designation for the entire PUD should reflect a density of 5.02du/ac (9,773 dwelling units on 1945.96 acres). It is important to note that a specific amount of units (density) were assigned to individual pods of the Boca Del Mar PUD when it was first approved by the BCC and was shown on the Master Plan. The number of units in some of these pods was reduced during the final approval by the Development Review Officer (DRO). Minor adjustment and limited transfer of units from one pod to another were allowed at DRO's final approval of each pod as long as the overall units and density approved by the BCC were not increased. Once these units are reduced or transferred at the final plan approval the concurrency affiliated with these units is also adjusted, and the units/density originally approved by the BCC are lost.

o Density Restriction versus FLU Designation

Although the site's FLU designation allows a maximum density of HR-8; the original 1971 approval restricted the PUD density to a maximum of 5.47du/ac. In 1985, through Conditions of Approval the BCC further reduced the unit count by 28 units for the overall Master Plan. Therefore, the current request to increase the density to 5.22du/ac will not exceed the maximum density as governed by the condition restriction unless a modification is being requested. No condition changes are proposed with this request. Planning Division staff determined that the current request will not create any inconsistencies with the Plan, and the Zoning Division staff also concluded that the updated unit count on the Master Plan will not create inconsistencies with the 1971 Density Condition of Approval.

o Workforce Housing (WFH)

Because the application is requesting more than 10 units, the development must be in compliance with the Workforce Housing Program (WHP) as regulated in the ULDC Article 5.G.1.C.2. The subject property has an HR-8 FLU designation and the applicant is not requesting for any density bonus.

Therefore the required Workforce Housing would be based on:
390 units x 2.5% of standard density = 9.75 (rounded up) or 10 units of WHP. The applicant has also chosen the Limited Incentive Option, which requires a commitment by the applicant to designate 50% of the required units under a range of income level, deed restricted these units as WFH for a period of 15 years.

CONCLUSION: If the BCC vote to approve the request, this application would be subject to Planning- Workforce Housing Conditions of Approval as indicated in Exhibit C.

2. Consistency with the Code - ***The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and***

general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.

Applicant's Statement:
The applicant's Justification Statement indicated that "…*the proposed amendment complies with all applicable standards and provisions of the Code for the use, layout, function, and general development characteristics, and all portions of Article 4.B, Supplementary Use Standards. The application is proposing three residential product types, Single-Family Residential, Zero Lot Line Residential and townhouse style Multifamily Residential. This application is consistent with the Article 4.B, Supplementary Use Standards and the additional property development regulations for specific house types found in Article 3 of the Code."*

Staff's Analysis:
Staff has determined that the request is **not in compliance** with Standard 2 based on the following analysis.

Standard 2 describes two requirements that must be met in order to comply with this standard. The first portion requires the applicant to demonstrate that: "*The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics*." The second portion of Standard 2 requires the applicant to demonstrate whether: "*The proposed use also complies with all applicable portions of Article 4.B, Supplementary Use Standards."*

It is important to note that even though the following analysis addresses Standard 2, there is a reason to include analysis of Standard 4 (Design Minimize Adverse Impact) as these two standards are closely interrelated in terms of demonstration of compliance to meet a) the layout, function and general development characteristics under Standard 2; and b) the proposed design minimizes adverse effects on adjacent properties under Standard 4.

As previously stated, the request is to allow 390 units consisting of 3 housing types of single-family, zero-lot-line and multi-family, and the proposed amendment is to modify and re-designate uses, i.e. to convert a golf course (which was shown on the Master Plan) for the addition of residential units into an existing master planned community; and to add residential tracts and access points. Staff has determined that the request does not comply with the first set of requirements under Standard 2, even though the proposed homes do satisfy the latter part (Supplementary Use Standards of Article 4.B) of Standard 2. Supplementary Use Standards only include definitions and property development regulations such as setbacks, lot dimensions for the proposed single-family (Art.4.B.122), zero lot line (Art.4.B.142) and multi-family (Art.4.B.87) units. The preliminary site/subdivision plans of the residential tracts submitted by the applicant meets the minimum requirement of Article 4.B, and property development regulations.

The following analysis explains why these requests are not in compliance with the applicable provisions pertaining to layout, function and general development characteristics and are presented under headings of:

- Planned Development District Purpose and Intent
- Layout, Function and General Development Characteristics –Property Development Regulations
- Objectives and Standards for PDD and PUD including Circulation, Access, and Cul-de-sac

Findings of Facts under each of these headings will also be utilized to determine whether the request is in compliance with Standard 4, Design Minimize Adverse Impact.

o Planned Development District Purpose and Intent

Boca Del Mar was approved as a Conditional Use to allow a PUD. It was a master planned community that incorporated some of the following planning principles with the golf course being a prime design feature of the PUD. Pursuant to Article 3.E, Planned Development District (PDD) of the ULDC, the purpose and intent of a PDD is to:

"…to provide opportunities for development patterns which exceed the expectations of the standard zoning districts, and allow for the creative use of land [Art.3.E.1.A.1]." These types of

planned developments are "…*to encourage ingenuity, imagination on the part of, architects, landscape architects, engineers, planners, developers and builders to create development that promotes sustainable living, address traffic impacts, encourages alternative modes of transportation, creates logical street and transportation networks, preserves the natural environment, enhances the built environment, provides housing choices, provides services to the community, encourage economic growth, encourage infill development and redevelopment and minimizes impacts on surrounding areas through the use of flexible and innovative land development techniques."* The ULDC further states under Art.3.E.2.A.1 that a Planned Unit Development (PUD) "…*is to promote imaginative design approaches to the residential living environments"*.

In addressing whether the proposed use and amendment are in compliance with Standard 2, Consistency with the Code, the applicant responded that the proposed housing types meet property development regulations of Art.4.B and Art.3. However, in the Justification Statement the applicant did not address whether the proposed modification to remove the golf course, which is a key design feature of the PUD, functioning as a green area/open space/recreation amenity and replacing it with 390 residential units, would allow the integrity of the Master Plan to be maintained. The applicant also did not address how the proposed layout and general development characteristics will enhance the built environment, and will minimize impacts on the surrounding areas. The issue here is not about availability of density. The golf course which was closed in 2005 may not be currently serving the community as originally intended; however, it still exists to provide a physical separation between residential pods. The responsibility lies with the applicant to demonstrate how the proposed amendments will be able to minimize the impacts on surrounding residential subdivisions when the golf course is redeveloped. This should be typically done through the use of flexible and innovative land development techniques or the promotion of imaginative design approaches to the existing residential living environments of a master planned community. In Staff's professional opinion, the applicant's design does not address adverse impacts created by the loss of the golf course on the existing residents.

- Layout, Function and General Development Characteristics - Property Development Regulations

The Preliminary Site and Subdivision plans are provided to show the proposed design of the new residential Tracts (Figure 9). Each of the proposed housing types would be required to meet the minimum property development regulations for the district which are generally:

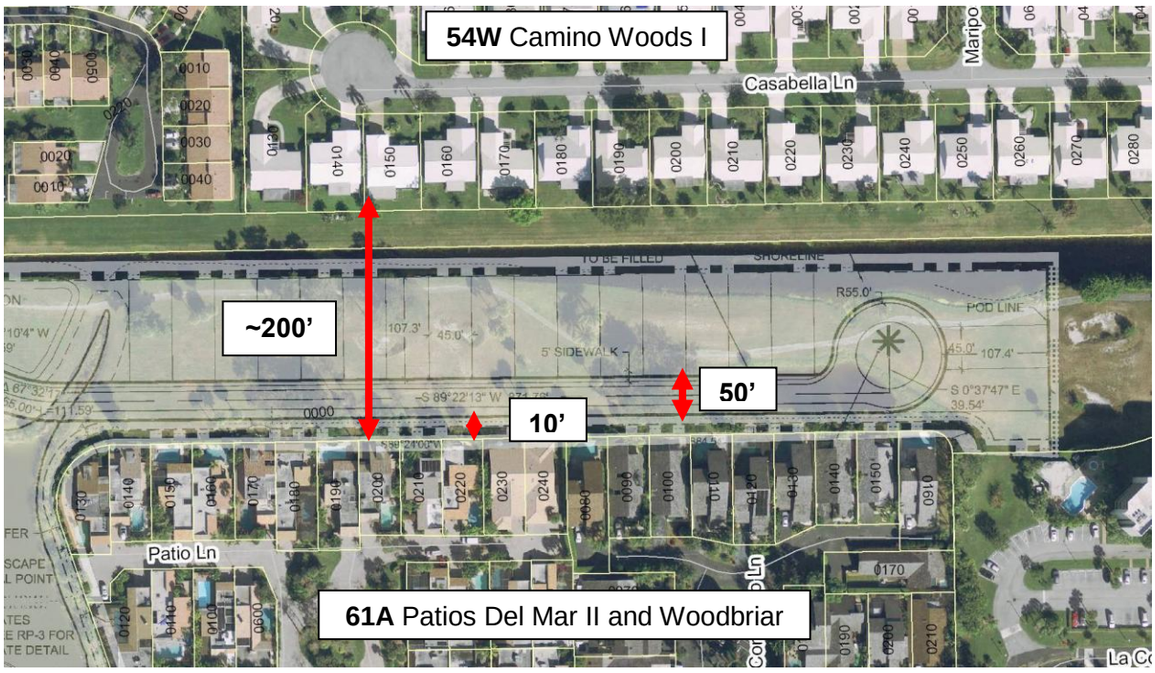
Front: 25'- single family, zero lot line and multi-family
Side: 0' and 10'- 15' zero lot line; 7.5' single family; and 15' multi-family
Rear: 10'-15' single family, zero lot line and multi-family

Many of the homes within the surrounding communities that abut the golf course have minimum setbacks based on the 1969 or 1973 Codes, as amended. The setbacks at that time were measured from roads (30 feet and 60 feet of road widths) and had separations from other residential structures (5 foot per storey per structure). Those units which were constructed adjacent to the golf course would have minimal to no setback. In addition, landscape buffers were intentionally not required in order to maintain the views to this amenity. Under the current code existing structures which do not meet the setback requirements of the current ULDC are considered non-conforming; however, they are vested under Article 1 for information clearly shown on the approved site or subdivision plans.

The current code would require setbacks of 7.5 feet to side property lines and 15 feet for rear property lines for single family homes, providing a minimum separation of 15 feet and 30 feet between two homes. In site planning new developments, the ULDC does not require compatibility buffers between Pods which have the same single-family residential uses. The code does require a minimum width of 10 feet buffers to be provided between single-family and multi-family Pods in order to address compatibility issues between the uses. However, the code is a minimum guideline and does not account for every site situation. The intent of the PDD code is to encourage ingenuity and imagination on the part of design professionals, and it is the responsibility of the applicant to demonstrate how this intent is met. The redevelopment of this master planned golf course affects the layout, function and character of the existing

homes which were designed to take advantage of views, and setbacks and separations provided by an open space/recreation amenity.

An example to support Staff's determination is Pod 64A. The golf course provided approximately 200 feet of separation (a fairway and a LWDD Canal 49) between the homes in Tract 54W (Camino Woods I) and Tract 61A (Patios Del Mar II and Woodbriar). With the development of Tract 64A, the rear of the homes in Tract 61A will be 10 feet from the new street versus what they have, which is a vista of an open space area and a canal.



This Master Planned development was designed to incorporate a golf course, or recreation amenity intertwined around 24 pods of the southern portion of Boca Del Mar. Removal of this integral design element of the PUD impacts the existing developments as it relates to layout and general development characteristics. A 43-acre recreational tract is being proposed with amenities that exceeds code. However, this amenity is reserved for the new homeowners and will be open for membership to others. The addition of this recreational amenity will not benefit the existing homeowners nor will it resolve their reliance that the golf course amenity would remain after they purchased their homes.

o Objective and Standards for PDD and PUD –Circulation/Access/Cul-de-sac

Article 3.E emphasizes the need for provision of a network of continuous non-vehicular circulation system connecting to buildings, and amenities within a PDD. This design objective is repeated in several areas of the ULDC, as follows:

Article 3.E.1.C Design Objectives (PDD)

b. Provide a continuous, non-vehicular circulation system which connects uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the PDD;

c. Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses;

Article 3.E.2.A.1. Purpose and Intent

c. the creation of a continuous non-vehicular circulation system; and

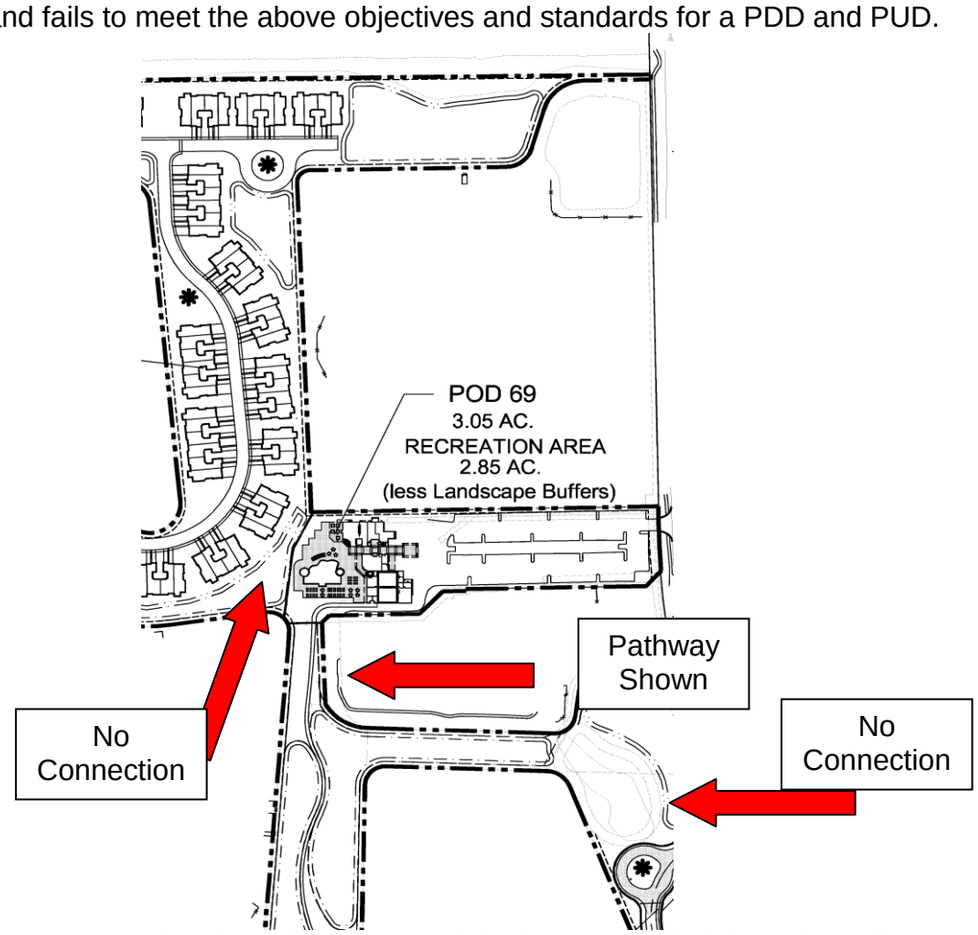
g. the reduction of land consumption by roads and other impervious surface areas; and

Article 3.E.2.B.1. Design Objectives (PUD)

b. Provide a continuous non-vehicular circulation system for pedestrians and non-motorized vehicles;

Staff's analysis focuses on how well the proposed layout of units/amenities/circulation is being integrated into an existing site design.

The applicant outlines in their justification statement that Boca Del Mar provides for a variety of uses connected by a hierarchy of streets including thoroughfare arterials, internal collector streets and local streets. These streets provide for the appropriate sidewalks, cross walks, and signalization at cross walks that allow for pedestrians to circulate through the development. The Justification Statement indicates that in all of the previous site plan approvals parking and pedestrian connections were made depending upon the type of use, including civic areas, assisted living facilities and multi-family projects. However, the Preliminary Master Plan and Site/Subdivision Plans depicted a different scenario. Even though the applicant has illustrated sidewalks running along each of the proposed new streets, there is no provision for interconnection with the existing tracts, the usable open space or recreation tract proposed with this plan. The lack of internal circulation requires the residents to drive to the recreation areas, open spaces or adjacent tracts, which in turn generates more traffic on the roads, and fails to meet the above objectives and standards for a PDD and PUD.



The graphic above is one example where inter-connectivity is not provided from the adjacent residential tracts to the park and recreation facility. The layout and function of the new tracts do not interrelate to one another as a PUD should be designed with cross connection minimizing access points along existing internal roads. In addition, the proposed access roads serve few residential units due to the narrow configuration of each pod. As seen in the Figure 9, the Preliminary Site/Subdivision Plan and the Figure 10 Visual Impact Analysis, these graphics clearly indicate that the applicant is creating new roads, each of which ends in cul-de-sacs.

On January 28, 2011, the applicant and his agent met with Zoning Division Staff to discuss improved circulation system, providing additional connecting links to establish a more cohesive sidewalk/pathway system between the existing and proposed residential tracts and amenities. Staff indicated that the improved circulation system will be further reviewed at Final Plan Approval by the Development Review Officer contingent upon the approval of the BCC on the development order amendment.

- Access

The applicant proposes to add 8 new access points internal to the PUD and 1 external access point is being added off Military Trail to accommodate the new residential and recreational tracts. The applicant concludes throughout the Justification Statement that they have taken great care to analyze and review the placement of these access points.

While the application may meet the minimum traffic regulations, the applicant's proposal and plan do not address and depict how the proposal satisfies Art.3.E.2.B.1.g, Purpose and Intent, which states: "…*the reduction of land consumption by roads and other impervious surface areas*". Rather, the proposed layout results in an increase of land consumption by roads and impervious surface areas by the addition of streets in the cul-de-sac form.

- Cul-de-sac

The applicant originally requested for a Type II Variance to allow 100% use of cul-de-sacs within the affected area, with their application submittal on July 21, 2010. Staff instructed the applicant to re-analyze the request, as it needed to include the entire street network for Boca Del Mar. Article 3.E.1.C.2 Performance Standards allows up to 40% of the streets in a PDD to terminate in a cul-de-sac or dead-end. An applicant may request a waiver from the BCC to allow an additional 25% and anything above that would require a Type II Variance. The PUD has a total of 226 local streets, with 81 (36.7%) terminating in a cul-de-sac. With the addition of 14 local streets, of which 8 will be dead-ends/cul-de-sacs the percentage will increase to 37.2%. Figure 11 Street Layout Plan, indicates that the request for the variance is no longer needed.

In light of the above issues related to pedestrian and vehicular circulation, staff has further analyzed the entire circulation pattern of the PUD, and determined that the applicant has not taken into consideration the existing vehicular/pedestrian network of the PUD when establishing the proposed walkway and road way system resulting in little or no inter-connectivity between the new Pods and the amenities. Only small portions of Pods 64-B, C and E are within close proximity to the recreation pod (69A) and the neighborhood park, and are designed with no connectivity. Pods 64A, D, F and G require the applicant to drive to the park or the recreation building as recreation amenities are not proposed within the individual Pods.

Additionally, although the development as a whole meets the code requirements for the number of cul-de-sacs, the proposed layout and function of the design will require residents to drive rather than encouraging them to use the pedestrian system which is an objective and standard as stated above.

CONCLUSION: If the BCC vote to approve the request, then this application would be subject to Zoning- Site Design and Landscape Conditions of Approval, which require the applicant to submit an improved pedestrian circulation plan, provide additional landscaping to address visual impact. It is important to note that these recommended conditions do not necessarily address all areas of impact relating to layout, function and the PDD purpose and intent because Staff cannot utilize conditions to address details of a redesign of this development.

3. Compatibility with Surrounding Uses – ***The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.***

Applicant's Statement:
The applicant indicated that "*The proposed layout of single family, single family* (zero lot line) *and multi-family units have been carefully designed to take into account the surrounding existing development in terms of types of homes (multi-family, townhomes, single-family), existing buffers, existing views, proximity to the proposed development area, and dimensions of the proposed development area. All of these factors helped determine the placement and type of the proposed homes as well as buffers, access locations, retention areas, and recreation areas…….In terms of density, these existing developments average 10.12 dwelling units per acre. The proposed project consists of similar types of units at an overall density of approximately 3 dwelling units per acre, well below the average densities of surrounding existing development which is 10.12 dwelling units per acre (per the plats)."*

Staff's Analysis:
Staff has determined that the request is **in compliance** with Standard 3 based on the following.

The 126.84-acre parcel is intertwined within the existing PUD, abutting 24 existing residential Pods within Boca Del Mar and 3 external to the PUD. The proposed development includes a mix of single-family, zero-lot line, and multi-family housing types, consistent with the residential uses that directly abut the parcels. The proposed residential uses will only create compatibility issues if there are differences in housing types (such as single family versus multi-family) or building height (such as one story versus three or more story). The ULDC addresses compatibility through the application of landscape buffers. The widths of buffers in the ULDC are minimum guidelines, and do not address all types of unique site situations. In this scenario, a 5 to 10-foot wide buffer is being proposed along the perimeter of the new pods. The widths of these buffers will be addressed under Standard 4, Design Minimizes Adverse Impact.

CONCLUSION: If the BCC vote to approve the request, this applicationit would be subject to Zoning –Landscape Conditions of Approval as indicated in Exhibit C.

4. Design Minimizes Adverse Impact – ***The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.***

Applicant's Statement:
The applicant stated that: "…*great care was utilized in developing a Master Plan for the application property. Included in the project's initial analysis was a determination of the types and intensities of surrounding properties, existing views, and existing access points. Several housing types were considered and the current mix of single family, zero lot line and townhouse style multi-family (and the type of multi-family in terms of size, unit count, and architectural features) is the result of designing multiple layouts utilizing aerials in order to determine which design would provide minimum impact and a maximum benefit in terms of utilizing an abandoned golf course for a residential project which provides quality new homes which will enhance existing conditions and values. The type of design provides for landscape buffers and open space exceeding the minimum code requirements which will be maintained by the new homeowners' association to the benefit of the new development as well as the benefit of the surrounding developments, as discussed further under Changed Conditions and Circumstances*."

In addition, the applicant provided a comparative density analysis for the pods within the development. They concluded that the subject site is surrounded by similar unit types and their densities exceed those that are being proposed.

Staff's Analysis:
Staff has determined that the request is **not in compliance** with Standard 4 based on the analysis, and is presented under the following headings. Some of the Finding of Facts have been referenced in Staff Analysis of Standard 2.

- Planned Development District Purpose and Intent
- Layout, Function and General Development Characteristics
- Objectives and Standards for PDD and PUD Circulation, Access and Cul-de-sac
- Open Space
- Exemplary Design

o Planned Development District Purpose and Intent

See Staff's Analysis under Standard 2, Consistency with Code

o Layout, Function and General Development Characteristics

See Staff's Analysis under Standard 2, Consistency with Code

o Objectives and Standards for PDD and PUD Circulation, Access and Cul- de-sac

The layout of the parcels are existing and designed, developed and functioned as a golf course and open space until 2005 when it was closed, and is functioning as a fallow open space. There exists a pathway that serves the golf course/open space and residents as a connection between the homes and the open space. The applicant's proposed change in use, function and layout fails to demonstrate how the design incorporates the objectives by providing more

internal and non-vehicular circulation, reducing vehicular traffic which impacts on the existing residents. Also see Analysis under Standard 2.

o Open Space

The applicant states in the Justification Statement that great care has been taken in master planning the subject site; analyzing the types of housing and intensities of the surrounding properties, taking into consideration existing views and access points. The applicant contends that they analyzed multiple layouts utilizing aerials in order to determine which design would provide a minimum impact and maximum benefit of the site, while enhancing existing conditions and value, and minimizing the visual impacts. The applicant concludes that the design provided (Figures 7, 8 and 9 Preliminary Plans) landscape buffers and open space that exceed the minimum code requirements, and therefore, addresses the adverse impact on the surrounding communities.

Staff concluded that when reviewing the proposed development one must consider the concept of a neighborhood: size, boundaries, open spaces and recreation, proximity to civic and commercial areas and the internal road and pedestrian networks. In this case, focus must be placed on the redevelopment of a master planned community and its effect on the surrounding neighborhoods. The Visual Impact Analysis (VIA) (Figure 10) is a planning tool used to assist the designer in visualizing how the proposed changes impact the existing development. The key issues of the request to convert a golf course into residential use revolve around the loss of usable open space and recreation, the vehicular and pedestrian circulation and interconnectivity; the layout and function of the design and their impacts on the existing community.

Open space is a major element in the design and analysis of a development, having two functions- recreation and environmental enhancement or protections. Although open space was not a requirement when Boca Del Mar PUD was approved in 1971, a letter from the then Zoning Director, Bill Boose, indicated that the golf course would be considered as open space. Boca Del Mar PUD as a whole meets the code requirements for open space. The golf course was included as an integral component of the development since its inception as evidenced by correspondence between the original developer and County Staff, Conditions of Approval requested by the City of Boca Raton (Exhibits G and H) and the Declaration of Restrictions relating to Tracts 64-A, 64-B 64-C and 64-D (Exhibit I) further support this position. One of the restrictions of the Declaration limited the Property (golf course) to be used for "…*no purpose other than a golf course, and customarily related activities, including but not limited to, tennis and swimming"*. Although the Declaration of Restrictions has an expiration date of 2012, the approved Master Plan governs the use of the property. Any changes to uses indicated on a Master Plan would be subject to the procedures established in the ULDC.

Following the review of these documents, Staff has concluded that the conversion to allow the additional units will have a negative impact on the 24 residential pods and 3,281 units adjacent to the golf course. The integration of the golf course into the residential tracts provides visual and spatial separation between different housing types within the PUD. In addition, 3 other developments that are not part of the PUD are either contiguous or adjacent to the golf course: Palm D'Oro (Petition 80-183) with 136 units, Boca Del Mar III (Petition 78-45) with 68 units, and the third development (Parkside) is located within the City of Boca Raton, east of Military Trail. Of these three developments, Boca Del Mar III would have the most impact with the development of the single family homes directly adjacent to the existing homes. Staff has determined that the original visual quality provided by the golf course for the adjacent residences will be eliminated.

The 24 pods adjacent to the golf course are designed in a manner that takes advantage of their proximity to the amenity. The building placement, circulation patterns, and other elements allow the residents to enjoy the direct access and views of the golf course. As previously indicated under Standard 2, Consistency with the Code, the applicant has failed to evaluate how the loss of this open space and replacement with residential units would impact on the overall design, layout, and function of the existing community.

In the Justification Statement, the applicant indicates that the plans that he submitted were based upon the analysis of the building types and placement of the existing structures. However, the Justification Statement does not support his assertion that the VIA depicts limited

impact on the surrounding neighborhoods. On January 28, 2011, the applicant submitted a revised VIA plan with additional notes depicted the proposed layout to demonstrate that either there is no impact or all potential negative visual impact has been addressed through the placement of buildings or provision of open space. In staff's opinion, it provided additional information on where the applicant believes the impacts are; however, staff cannot conclude from the revised VIA that overall layout and design will not have an impact on the adjacent property owners.

Although the installation of landscaping, buffering, and screening enhancements along perimeter site boundaries is typically an appropriate method of mitigating visual impacts, the proposed site plans do not utilize these tools sufficiently enough to accomplish the objectives in part, because the existing developments do not incorporate the same buffers. Furthermore, the physical constraints of the site, with its long, narrow configuration and central placement throughout the community make it difficult to provide a sufficient reduction in impact, while still achieving the intensity of use proposed by the applicant.

o Exemplary Design

Pursuant to ULDC Art.3.E.2.A.4, Applicability for current PUD District requirements, a rezoning to the PUD District or a Development Order Amendment (DOA) to a previously approved PUD shall only be granted if a project exceeds the goals, policies and objectives in the Plan. In addition, the minimum requirements of the ULDC and the design objectives and performance standards in this Article, which include but are not limited to, sustainability, trip reduction, cross access, buffering aesthetics, creative design, vegetation preservation, recreation opportunities, mix of uses, mix of unit types, safety and affordable housing. The proposed Preliminary Site/Regulating Plans for the 126.84-acre site provides the following in furtherance of the PUD exemplary design objectives in accordance with Art.3.E.2.A.4:

- 3 housing types;
- Landscape focal points within all of the cul-de-sac islands in the proposed development;
- An additional 4.02-acre neighborhood park containing a fitness trail and workout equipment above the minimum requirements of Parks and Recreation requirements. In addition to the change in use of the golf course to residential, the applicant is proposing to renovate the existing golf course club house for the use a recreational amenity for the proposed residents and open to membership for existing residents;
- Decorative street lighting at the development entrances;
- Decorative paving treatment at the entrances of each tract and incorporated into the recreation area;
- A fountain to be located in the existing lake in Pod 64A;
- Incorporating existing vegetation to remain within open space, recreation, civic and other miscellaneous areas;
- Upgraded quality and quantity of plant materials within select perimeter landscape buffers; and,
- Decorative planting within the entrance median from Military Trail.

While staff recognizes the majority of these amenities, features, and details as exemplary elements at the minimum level to comply with the ULDC, staff does not find that the overall layout of the proposal to reflect the exemplary design standards or applying of an imaginative design approach to retrofit residential units in a golf course that was originally incorporated into a residential community. Staff has identified the following areas of concern with the proposal:

- 8 of the 14 proposed streets terminate in a dead-end or cul-de-sac, thereby compromising a continuous and interconnected transportation network (see Staff's analysis of Cul-de-sac as listed above);
- Building placement for the zero lot line and single family homes are situated in a standard layout on roads with minimal or no curvature;
- Plan layout is one-sided in almost all cases due to the narrow lot configuration and proposed intensity. The applicant could have proposed a more varied configuration if the number of units were reduced;
- The pedestrian circulation and connectivity to existing tracts, open spaces and

recreation areas is minimal to non-existent; conflicting with the requirements to reduce traffic trips on the road and pervious areas;

- The recreation and civic areas are isolated from the residential buildings rather than being integrated within each of the new tracts; and,
- The proposed development eliminates the community amenity that supports a quality layout function, design and character for the existing residential setting

Although this application differs from the previous application, DOA 2004-826, Staff concludes that there are similar impacts of the design and redevelopment by the removal of the golf course/open space element has negative affects on the adjacent home owners. As stated earlier under Open Space, the use, design and integration of open space is a key land use element in development, providing separation, passive recreation, an environmental enhancement, and visual open corridors that created a function and character for the surrounding residents.

Staff did ask the prior applicants to redesign with a less intense development plan along with compliance with other DOA standards of the Zoning Code; the prior applicant did not address these issues resulting in a denial of the request by the BCC. The current applicant has not submitted a less intense development plan instead the proposal extends over the entire 126.84 acres of golf course, close to triple the land area of the prior request, and proposes 390 units versus 236 units (+154). The proposed density may not be as high as the prior 2004 request (number of units over land area); however, the negative impact expands upon more communities. The major design constraint is the narrowness of each tract of land. The original intent of this land use is for a golf course/open space/recreation, and not as a residential use. If the intent was to have residential, the lot layouts would have been designed differently, not necessarily intertwining between the Tracts, or with the narrow widths in some cases. Although the applicant states in the VIA that they curved some of the roads, or placed the lots furthest from the existing residential units, these measures alone do not eliminate affects on the existing residents. The units proposed in Pods 64A, B and D (adjacent to LWDD Canal 49) for example, are long and linear with the homes on one side, road directly abutting the existing residential units. Placement of lot location or the addition of minimal buffers may not mitigate impact, but would require a significant redesign. There is little design effort proposed under the current plans, to incorporate innovative design to replace golf course views with open space/landscape buffer to compensate those neighbors that will be impacted by this proposed conversion of land use.

Installation of landscaping, buffering, and screening enhancements along perimeter site boundaries represents a fundamental approach to mitigate visual impacts. The applicant proposes to increase the minimum buffer width from 5 feet to 10 feet, including additional shrub/hedge material adjacent to the abutting residential tracts. Staff considers this proposal to be inadequate to mitigate the visual impacts of the proposed development, particularly in light of the unique circumstances and integral nature of the subject site within the surrounding residential environment. To this end, staff considers the perimeter planting scheme to be far from adequate to offset the degradation of a visual asset that stands as an integral and fundamental component of an existing and master planned residential environment.

CONCLUSION: If the BCC vote to approve the request, the applicant would be required to install additional landscaping to minimize impact as imposed by Zoning – Landscape Conditions of Approval. It is important to note that these conditions may not be able to address all areas of impact due to the physical constraints of the site while still achieving the intensity of use proposed by the applicant. Staff cannot utilize conditions to address details of a redesign of the development without remanding this application back to the Development Review Officer.

5. Design Minimizes Environmental Impact – ***The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.***

Applicant's Statement:

The applicant stated in the Justification Statement that: *"The proposed amendment does not result in significantly adverse impacts to the natural environment. The affected area contains limited amounts of existing native vegetation."*

Staff's Analysis:
Staff has determined that the request is **in compliance** with Standard 5 based on the following analyses.

The Department of Environmental Resource Management (ERM) indicates that the site contains limited amounts of existing native vegetation; is not located within a Well field Protection Zone; and that no significant environmental issues are associated with this application beyond compliance with ULDC requirements.

Information alleging contamination of the existing golf course has been submitted to the County. The County has forwarded this information tom the Florida Department of Environmental Protection (DEP). The DEP has acknowledged an open investigation into the golf course maintenance facility, but has not come to any conclusions at this time.

CONCLUSION: If the BCC vote to approve the request, this application would be subject to Environmental Resources Management Conditions of Approval as indicated in Exhibit C.

6. Development Patterns – ***The proposed use or amendment will result in a logical, orderly and timely development pattern.***

Applicant's Statement:
The applicant stated: *"…the proposed development of single and multi-family homes in this section of Boca Del Mar is completely consistent with the established development pattern of single and multi-family homes currently existing on the abutting properties. In many areas of the plan, the proposed intensity of development is significantly less than the intensity closes to it. As also previously indicated, Boca Del Mar PUD currently has one of the most intense residential land use permitted by the current Comprehensive Plan (HR-8). This intensity in this location with its wide variety of housing types is logical due to the location of Boca Del mar in the eastern part of Pam Beach County with many commercial services, employment opportunities, and transportation infrastructure located in close proximity.*

A review of the previous 12 amendments approved for Boca Del Mar indicates favorably the need to adjust the original primarily residential master plan to provide a variety of uses needed to make a more diverse community including ACLF's, schools, and churches. Given the extremely limited vacant residential land in the Eastern Palm Beach County area (especially in South County), the proposed thoughtful layout is entirely compatible with the immediate surrounding and regional development patter for the area."

Staff's Analysis:
Staff has determined that the request is **not in compliance** with Standard 6 based on the following analysis.

The 126.84-acre subject site is surrounded by properties that have been developed for residential purposes. At an average of 3.0du/ac for the gross affected acreage the proposed development is generally consistent with the overall gross density of Boca Del Mar (5.02du/ac existing and 5.22du/ac proposed). The density assigned as a future land use designation does not entitle development, nor does it justify a development pattern in a built environment.

The applicant construes in the justification that "…*the 12 previous amendments approved for Boca Del Mar indicates the need to adjust the original primarily residential master plan to provide a variety of uses needed to make a more diverse community including ACLF's, schools, and churches."*

This statement; however, does not support the actual request. The applicant is not proposing ACLF's, Schools, or Places of Worship; and the contention that because there were 12 previous changes does not support the need for a change through the Public Hearing process or result in a justification as a development pattern. As stated earlier in the Project History summary, the development has not undergone any changes to the residential components since the 1985 approval. The 13 applications following that approval were for YMCA, Places

of Worship and commercial pods, requested changes to add square footage, new uses, and reconfiguration of the site plans, in order to make the tracts more viable to the community. The proposed request diminishes a recreation and open space amenity that was thought to have been a part of the development since it original approval.

The applicant fails to justify the need for additional housing in the area, or how the proposed request is consistent with the development pattern for the area, or the built Boca Del Mar development.

CONCLUSION: If the BCC vote to approve the request, it would be subject to all applicable Conditions of Approval as indicated in Exhibit C.

7. Consistency with Neighborhood Plans – ***The proposed development or amendment is consistent with applicable neighborhood plans in accordance with BCC policy.***

Applicant's Statement:
The applicant stated that: "*Boca Del Mar is not located within the geographic boundaries of a neighborhood plan study area or overlay*".

Staff's Analysis:
Staff has determined that this Standard does not apply to the applicant's requests.

8. Adequate Public Facilities – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

Applicant's Statement:
The applicant stated that: "This *development order amendment application includes a companion Concurrency Reservation application for an additional 390 dwelling units… Adequate public facility capacities for other services will be confirmed through review of this application*."

Staff's Analysis:
Staff has determined that the proposed request is **in compliance** with Article 2.F Concurrency, subject to proposed conditions of approval as indicated in Exhibit C.

CONCLUSION: If the BCC vote to approve the request, this application would be subject to Engineering Conditions of Approval as indicated in Exhibit C.

9. Changed Conditions or Circumstances – ***There are demonstrated changed conditions or circumstances that necessitate a modification.***

Applicant's Statement:
The applicant alludes to the fact that golf courses were a standard recreational amenity utilized by many PUDs (Exhibits I and J), and because of its popularity the courses were able to be maintained by the fees that were collected. The applicant quotes the New York Times for the reason that the popularity of golf has dwindled and that fewer players provide for less revenue and in turn closure of golf courses.

The applicant considers the property to be "blighted" and this is a change of circumstance that currently affects the communities which abut the property. He stated 3 main reasons on how the blight affects the communities:

1. *The residences which enjoy the previous golf course views now look out at an open space which receives minimum maintenance required by the County.*
2. *The property becomes an attractive nuisance.*
3. *The current status quo has become an economic blight for the surrounding property owners.*

Furthermore, the applicant considers the site to pose potential health and safety risk to the residents states due to lack of maintenance, people trespassing and infestation of pests-opossum, raccoons, and insects. The applicant states that because of the uncertainty of the future, the home values could continue to decline if this proposed development does not act as the catalyst to cure the blight.

Staff's Analysis:
Staff has determined that the request is **not in compliance** with Standard 9 based on the following analysis:

The applicant states that the closing of the golf course has created a deteriorated or "blighted" condition for the surrounding property owners because they have to look out onto an area of open space which is minimally maintained. Whether a property owner chooses to maintain his/her property at minimum standard does not justify a changed circumstance to allow a change in use.

Secondly, the applicant suggests in their justification statement that the property has now become an "*attractive nuisance*", whereby they are attracting trespassers which vandalize the property. It is the responsibility of all property owners to maintain their property pursuant to the Property Maintenance Code of Palm Beach County to remove hazardous objects which may likely to attract vandals. Additionally the applicant states that the open space has caused complaints by residents over pests such as raccoons, opossums and insects. Many developments throughout the County are developed with open space or preserves. These areas have natural wildlife (mammals and birds) and insects. The fact that wildlife exists within a development does not necessarily result in a pest problem.

The third reason stated under the applicant's changed circumstance suggests that there is an economic blight for the surrounding property owners, due to the uncertainty of what the future holds for the property as well as the previous issues. Staff has not received any analysis on the economic blight of the surrounding homeowners. Throughout the entire County many residents have had reductions in the values of their homes due to the economic times, but it does not lend itself to the suggestion of economic blight. The property owners in Boca Del Mar have a master planned community and they rely on that plan for what is certain and how it is to be developed. The applicant does not provide information to conclude that the change in use cures what they conclude to be economic blight.

The applicant states in the Justification Statement that there are no vacant residential parcels of any size which extend several miles from the site and that the development of this site supports eastern infill policies. The justification does not discuss or suggest that there is a housing shortage nor does it justify why the change in use is better suited for this property. Unlike the previous application the applicant does not argue that a housing shortage in this area exists or why the subject site would be better suited for housing in this economic time. They present no testimony to address the supply, demand, and alleged importance of new housing opportunities as opposed to resale, rental, or other alternatives for existing housing opportunities within Boca Del Mar and the surrounding communities. The applicant fails to support the concept that housing values would be increased from the change of view from open field, poorly maintained as it is, to intense housing and additional roadways. The existing neighbors, through meeting discussions and written correspondence, do not agree with this assumption. The applicant must provide more facts and documentation in order to support his position.

During the hearing of Application 2004-826 (Mizner Trail Golf Club, LTD versus Palm Beach County), the Judge concluded that the economic value of the golf course parcel as housing was purposely diminished in order to increase density on surrounding residential pods through an increase in density on each of these pods. The idea is that the original developers/owners of the Boca Del Mar PUD had already received the financial value of the residential development potential of the golf course when they off-loaded the density to other residential pods of this PUD.

The golf course/recreation/open space element is an integral part of the residential development. The importance of a master planned community is the security of the homeowners that the original vision will be sustained over time. Minor modifications or uses consistent with the original vision are allowed; however, in this case, the removal of the golf course is contrary to the original intent of this development designed in creating an innovative and sustainable community. Closing of a use or lack of maintenance of a property, at the decision of the property owner, does not qualify as a reason for changed circumstances to justify a need to change a use of a property to residential.

CONCLUSION: If the BCC vote to approve the request, this application would be subject to all applicable Conditions of Approval as indicated in Exhibit C.

FINAL CONCLUSION AND RECOMMENDATION

Since the Boca Del Mar Master Plan was first established in 1971 (See Figure 4), the 1945.96-acre subject site has supported primarily residential uses, golf courses and ancillary uses. Additionally, through the original 1970's planning and preparation for the approval there were several pieces of correspondence between County staff and the developer that referred to density as well as the use of the golf course. The golf course was to be maintained as a golf course for use by the residents. The site has been planned, designed, and constructed with the golf course as the key design component for the entire development with emphasis on enhanced compatibility to the residential pods abutting it. The original design of the residential pods took advantage of the golf course through views of open and natural areas. The current proposal, in many cases, reduces or partially eliminates these amenities thereby impacting the existing residents in a negative manner. As previously stated, a master plan community provides some levels of reliance to the residents that the key design feature of their community will remain and be maintained over time. Minor modifications or uses consistent with the original vision are allowed; however, in this case, the removal of the golf course is contrary to the original intent of this development designed in creating an innovative and sustainable community.

Staff's recommendation is for **denial** of the request to modify and redesignate uses, and add PODs, units, and access points on the Master Plan, for failure to comply with the following Standards of art.2.B.2.B of the ULDC:

Standard 2 -Consistency with the Code;
Standard 4 - Design Minimizes Adverse Impact;
Standard 6 - Development Patterns; and,
Standard 9 - Changed Conditions or Circumstances

If the Board of County Commissioners vote to approve the request, then the approval shall be subject to the Conditions of Approval as indicated in Exhibit C. It should be noted that the listed Conditions of Approval may address some issues raised in the standards of review, such as pedestrian circulation and landscape buffering; however, as stated under Staff's Analysis of the Standards 2,4,6 and 9, they do not address all areas of impact because we cannot utilize conditions to address details of a redesign of the development.

ACTION BY THE ZONING COMMISSION:
January 7, 2011: Motion to postpone the application to March 3, 2011 with a vote of 6-0. March 3, 2011: Motion to deny the Development Order Amendment with a vote of 5-3, with one Commissioner abstaining do to conflict.

ACTION BY THE BOARD OF COUNTY COMMISSIONERS:
January 27, 2011: Motion to postpone the application to March 31, 2011 with a vote of 7-0.
March 31, 2011: Motion to postpone the application to the April 28, 2011 with a vote of 7-0

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o Postponement Request January 7, 2011 to March 3, 2011

The applicant requested a postponement of this application from the January 7, 2011 and January 27, 2011 hearings to the March 3, 2011 and March 31, 2011 hearings in order to review the staff report and meet with them to discuss issues.

o Meetings on January 19, 2011 and January 28, 2011

Subsequent to the request for postponement the applicant and agent met with staff to discuss issues and concerns the applicant had on the report. The applicant requested an opportunity to respond and/or submit additional documentation related to the issues staff wrote in the staff report. An additional meeting was held on January 28, where staff more specifically discussed the Visual Impact Analysis and the pedestrian circulation issues. At this meeting it was

determined that any new supportive information would be submitted at time of the hearing. The applicant's proposed changes to pedestrian circulation plan are to address proposed conditions and issues staff raised on Consistency with the Code and Design Minimizing Adverse Impact.

As a result of these meetings, staff also revised/reorganized the Staff Report to address some of the issues raised by the applicant and to clarify staff's findings, recommendations and conditions of approval to the Board.

ZONING COMMISSION (ZC) HEARING SUMMARY: On March 3rd, 2011, the project was presented before the Zoning Commission by staff and the agent. Several members from the public were in attendance, with 88 comments cards submitted.

Attorney Ralph Brooks, representing the 2nd Coalition Against Mizner Development, was the first to speak from the public representing that the golf course was an integral open space element that unified the PUD. He quoted portions the ULDC Article 1 and 3 summarizing that the Code vested information that was clearly shown on the approved plan, and that proposed plans and visual impact analysis were misleading and did not demonstrate design that is exemplary, imaginative or reduced impact. Additionally, he deferred to Mr. David Keir of Seminole Bay Land Company who spoke and presented his expert testimony for the 2nd Coalition Against Mizner Development. Mr. Keir highlighted several areas why the proposed plan is not exemplary and lacks imaginative design, as follow: the original master plan was designed with homes taking advantage of the views into a golf course, this also explain why many of these homes abut right into the fairways with minimum setbacks and no landscaping. He indicated that the presentation (Visual Impact Analysis) by the applicant is misleading. He highlighted the impact of the new development: addition of 14 new streets, new homes are located on streets that dead end into cul-de-sacs. He concluded that there were too many proposed units being placed into a very narrow land configuration.

Other members/interested parties of the public spoke or had their comments read into the record in opposition to the proposed development. These comments are being summarized under these headings:

- Lost of green/open space
- Decrease the property value when they are or have paid premium taxes for a golf course even the golf course is no longer in operations.
- No to increase in units and traffic. Do not want an impact on school system.
- The existing open space (prior golf course) is not in a blighted situation.

After hearing comments from the public, the agent did his rebuttal to address concerns of interested parties/homeowners. The public portion of hearing was closed and was turned over to discussion by the ZC members. Those members of the ZC who were in support of the project cited that the design and layout were reasonable, that the golf course was closed and most likely would not be open again. They felt that the development plan was providing a better situation. They were concerned about denial of the project and taking away the development rights of the applicant.

Those ZC members who are in favor of Zoning Staff's recommendation (denial of the request) stated that the applicant must explore other development design and use options and these alternatives have not been presented to them. Another ZC member stated that he felt by developing the golf course it was a type of reverse taking, that the homeowners along the golf course had invested and paid taxes on their property for this amenity; and that the development of this golf course is different because it was part of a Master Planned community, versus being adjacent to an outside development with a golf course. Lastly, some ZC members felt that the area was not blighted and pointed out that the residents do enjoy and like the green ways and open areas.

Although there was a split vote of 5-3 in favor of staff's recommendation, the ZC members were generally consistent that they did not oppose a type of development on these fairways. However the form, design, impact and loss of open/green space are of a great concern and 5 ZC members found the current request did not meet the ULDC standards for approval. With

one member abstaining for conflict of interest, the ZC's vote was to deny the Development Order Amendment with a vote of 5-3.

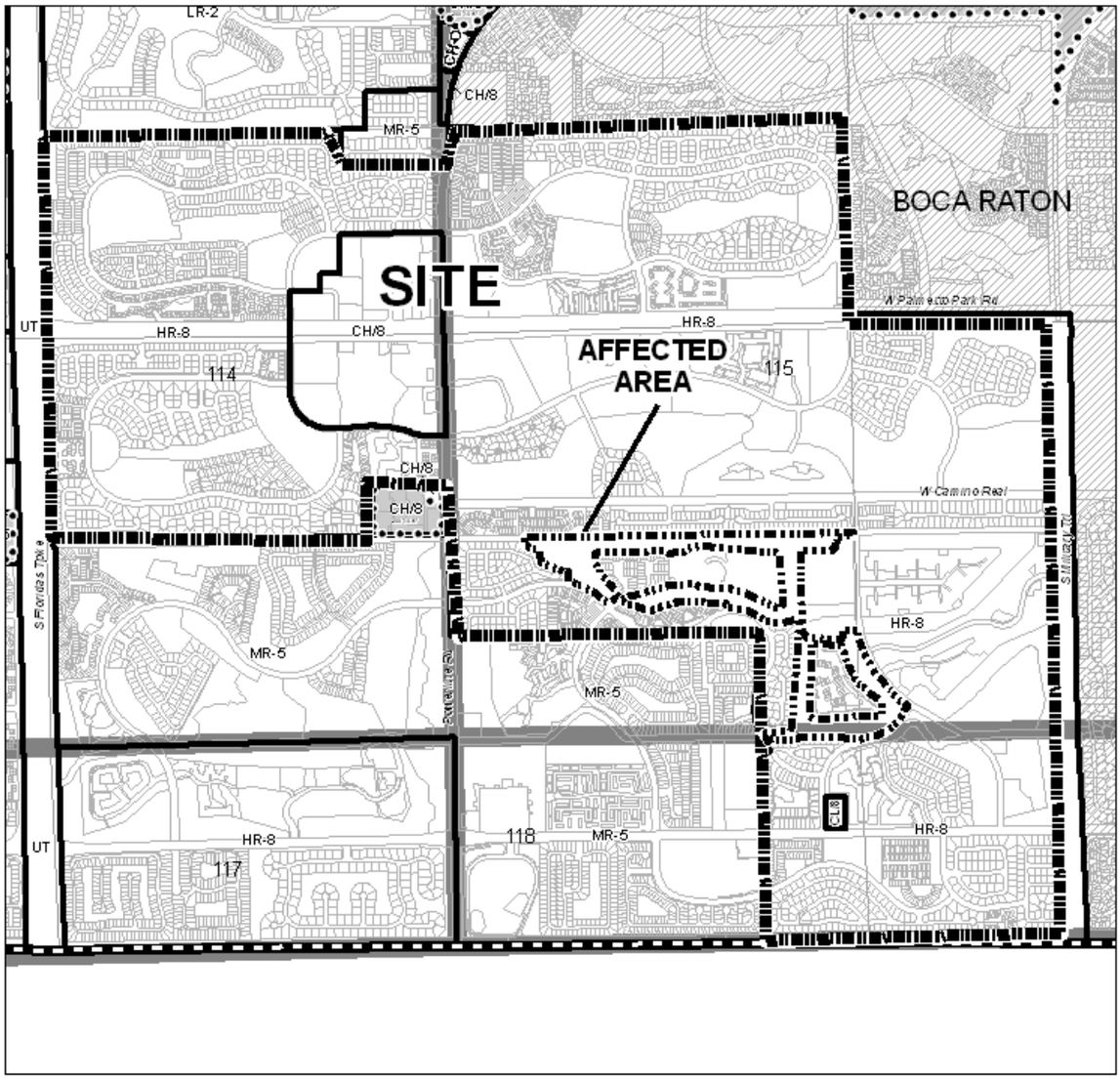
BOARD OF COUNTY COMMISSION (BCC) HEARING SUMMARY: On March 31, 2011 the application was on the amended agenda to postpone the item until the April 28, 2011 hearing. At the hearing, the Kerry Kilday requested a Remand of the application to the Development Review Officer in order to have the project re-reviewed due to the proposed changes shown on the latest plan(s). The Zoning Director recommended against the Remand due to the timing of the request, citing that the public has been very interested, requesting information on the progress and the dates of the hearings for the proposed application.

One member of the public spoke on the request for Postponement and Remand, who is a representative of the Second Coalition Against Mizner Development. He stated that the proposed postponement/remand is to allow the applicant to reduce units which has no standing with the recommendation of staff. Remanding the application on April 28 will cause an additional and unwarranted obstacle, which affects the resident's quality of life and financial burden upon which they will request to have their attorney and expert witness attend. The postponements and delays have direct affects on the residents who are trying to sell their homes. He requested that on April 28th the Board make a decision on the application rather than remand the application back for re-review. The Board recommended 7-0 to postpone the application until the April 28, 2011 hearing.

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received numerous contacts from the public in the form of letters, emails and phone calls. A total of 503 contacts were received prior to publication of this report, 459 in opposition and 44 in support. General reason's for opposition include lack of recreation areas, need for open space, devalue homes, overcrowding of the community; impact on infrastructure; environmentally toxic land; additional housing is not needed; amendment may be invalid; too many existing vacancies in the area, developer will degrade the quality of life; too much traffic, pollution, increased school class size, and detrimental to the wildlife that inhabits the area; additional units will be too close to existing units; roads will surround my units; many bought property for the golf course and open space view, do not want change. The few comments in support feel the development will be well planned have economic benefits, County could use taxes, jobs would be created and the area would be cleaned up.

Staff met with the Second Coalition Against Mizner Development on November 9, 2010 where they submitted copies of Petitions of 14 communities, which abut the golf course, in opposition to the development. Their documents indicate opposition in 892 households. On January 5, 2011 a revised document was submitted to the Zoning Division with signed resolutions from 20 communities, with 2,185 households in opposition to the proposed request. On February 28, 2011 the Coalitions submitted an email with an updated petition of 2,800 households in opposition. Additionally staff received an email that the Boca Del Mar Master Improvement Association voted against the proposed development on Wednesday December 8, 2010.

PALM BEACH COUNTY PLANNING DIVISION
SITE LOCATION AND LAND USE



Application Number: ZV/DOA/2010-1728
Control Number: 1984-152
Land Use Atlas Page: 114, 115, 118
Date: 11/23/2010

N

Figure 1 Land Use Map

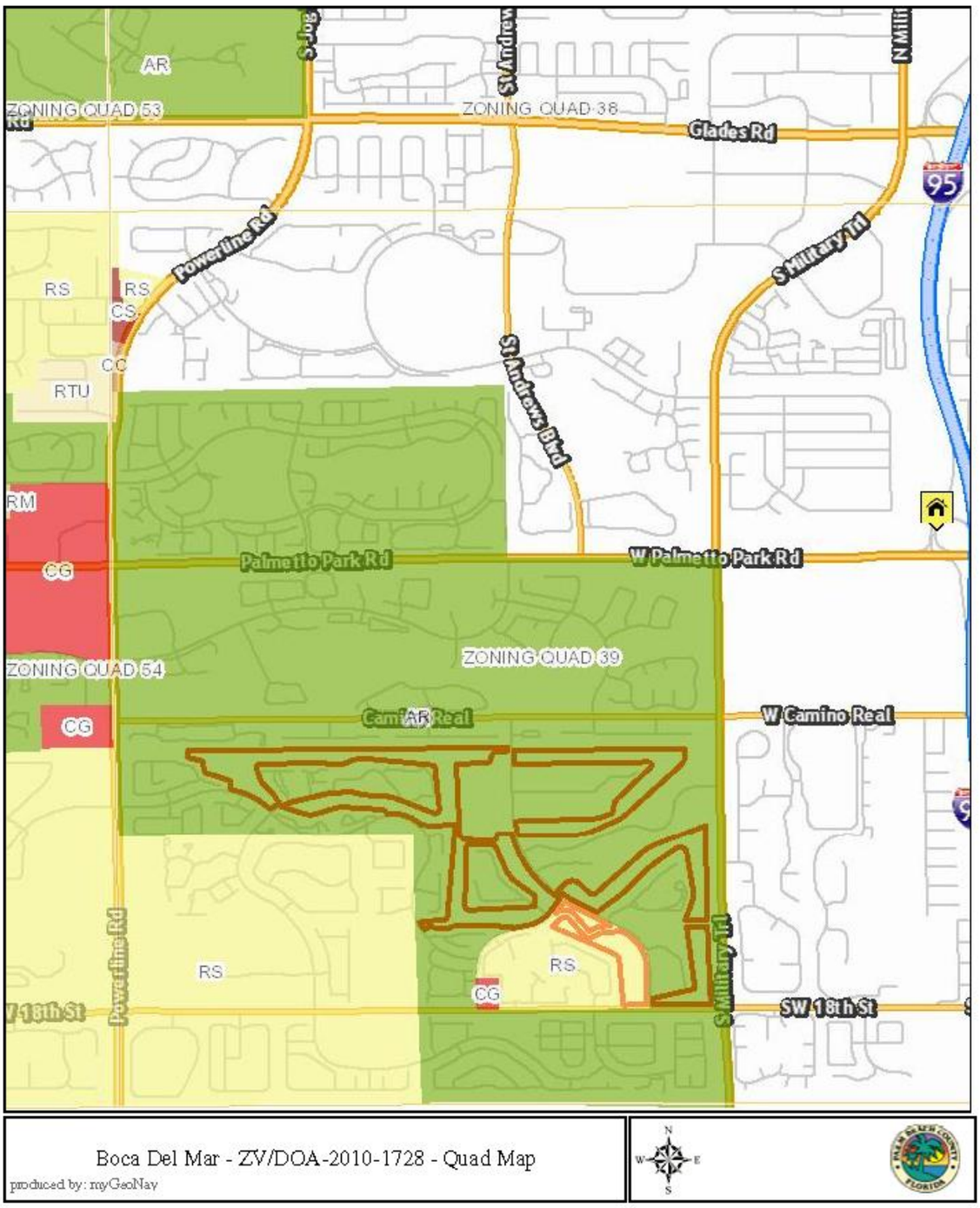


Figure 2 Zoning Map

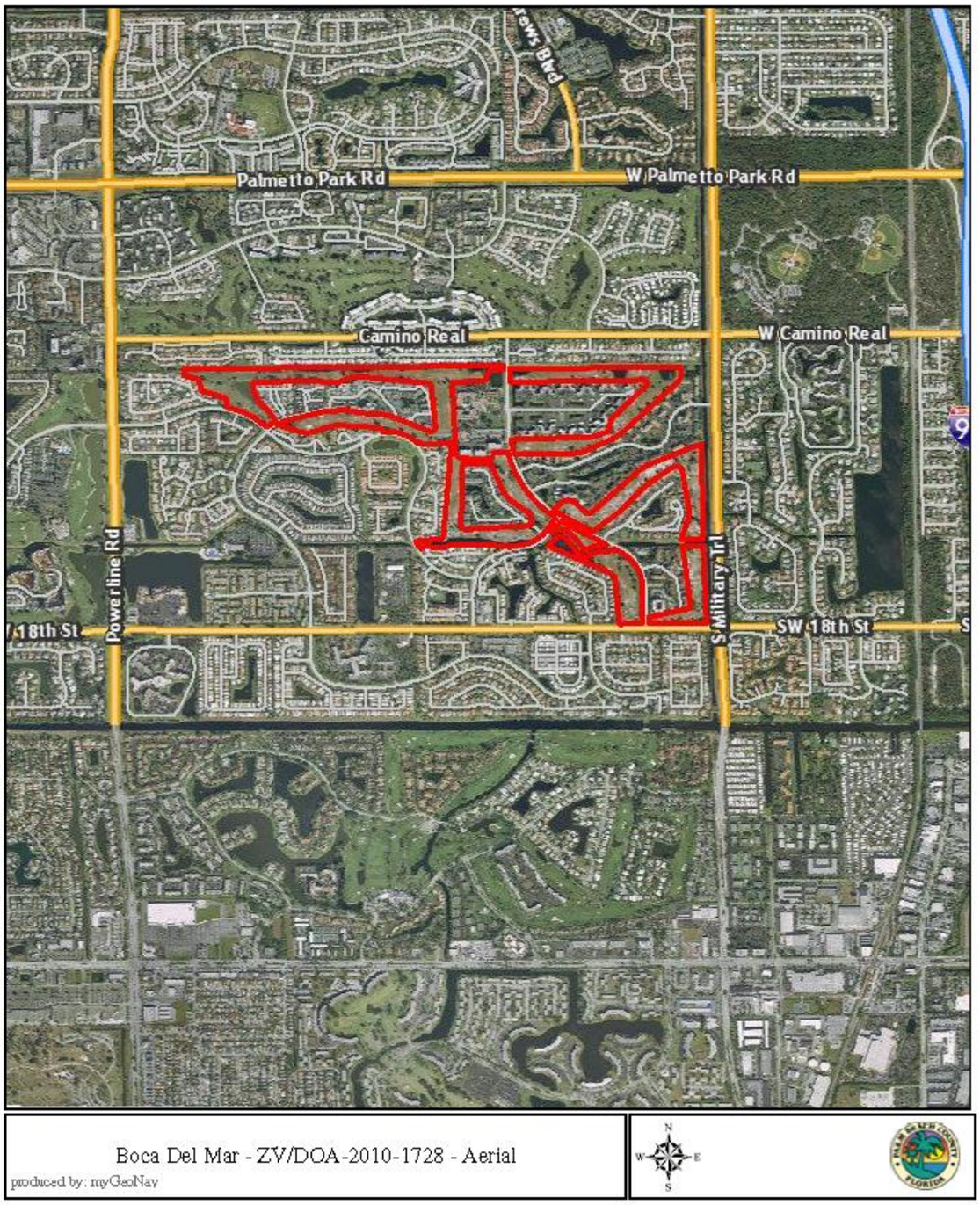


Figure 3 Aerial

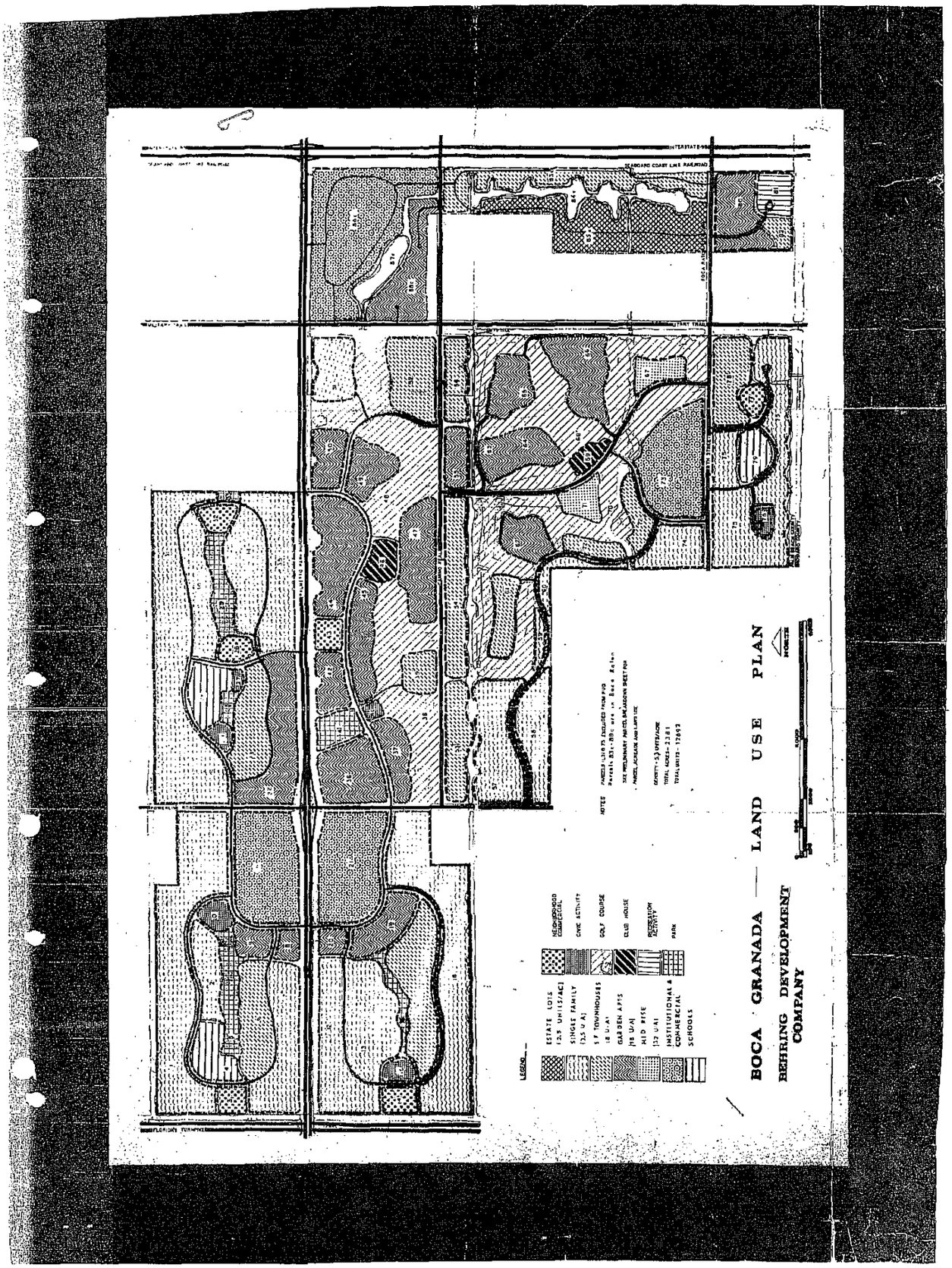


Figure 4 Final Master Plan dated 1971

Figure 5 Final Master Plan dated September 4, 1984 Exhibit 3a

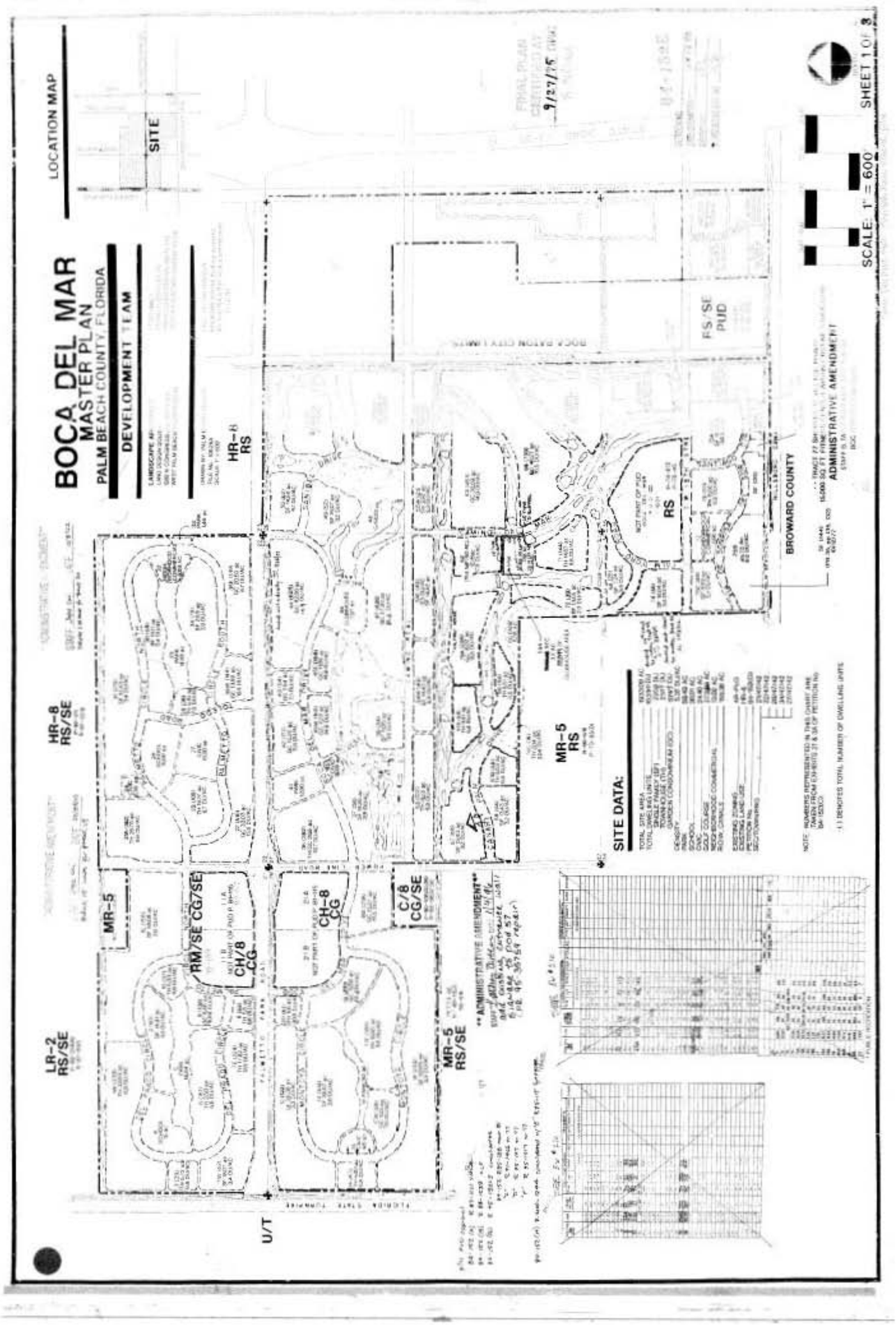


Figure 6 Approved Final Master Plan dated September 27, 1995

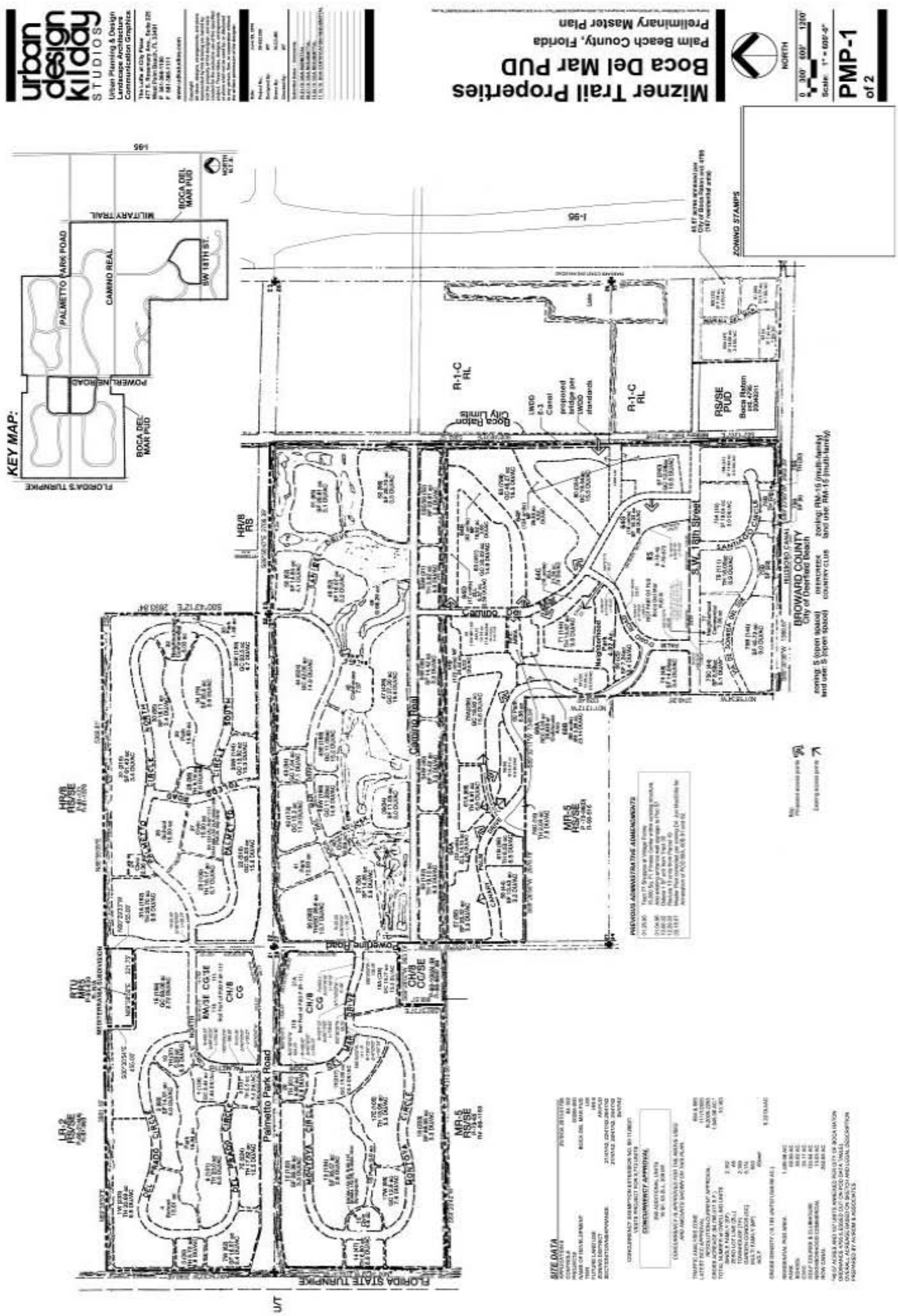


Figure 7 Preliminary Master Plan dated November 15, 2010 page 1 of 2

Figure 7 Preliminary Master Plan dated November 15, 2010 page 2 of 2

Figure 8 Preliminary Regulating Plan dated November 15, 2010 page 1 of 3

Figure 8 Preliminary Regulating Plan dated November 15, 2010 page 2 of 3

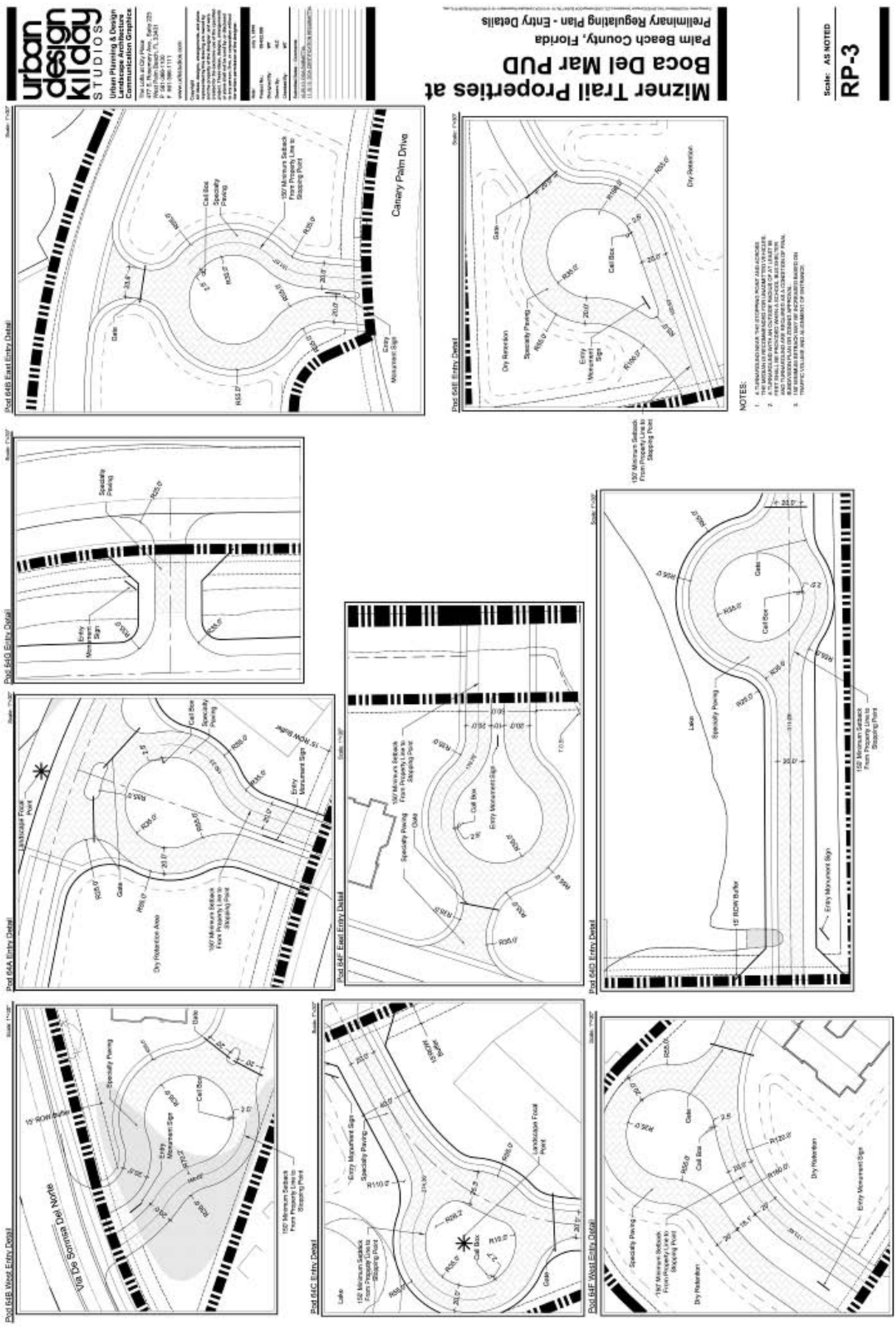


Figure 8 Preliminary Regulating Plan dated November 15, 2010 page 3 of 3

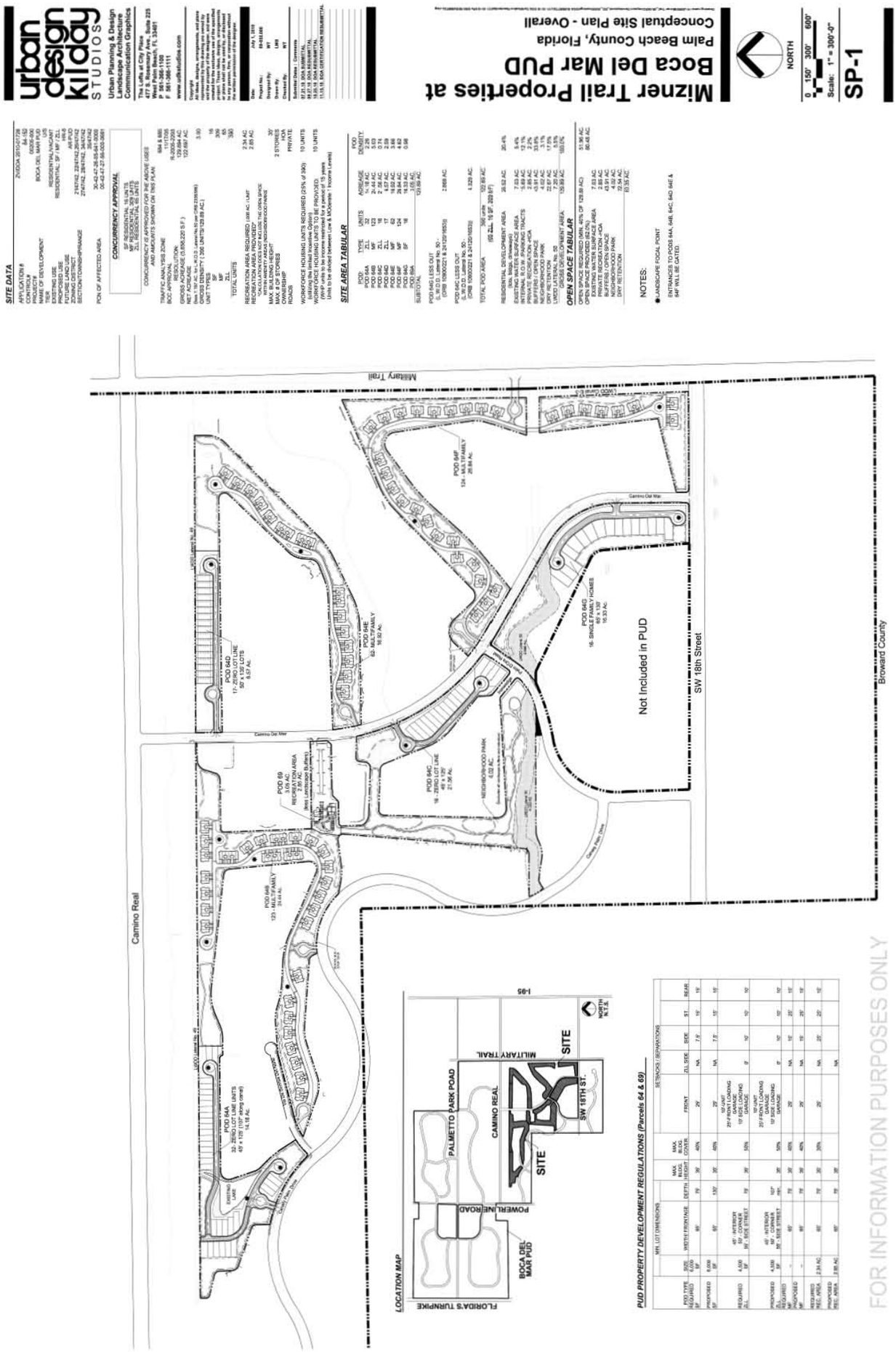


Figure 9 Preliminary Site and Subdivision Plans dated November 15, 2010 pages 1 of 7

Figure 9 Preliminary Site and Subdivision Plans dated November 15, 2010 pages 2 of 7

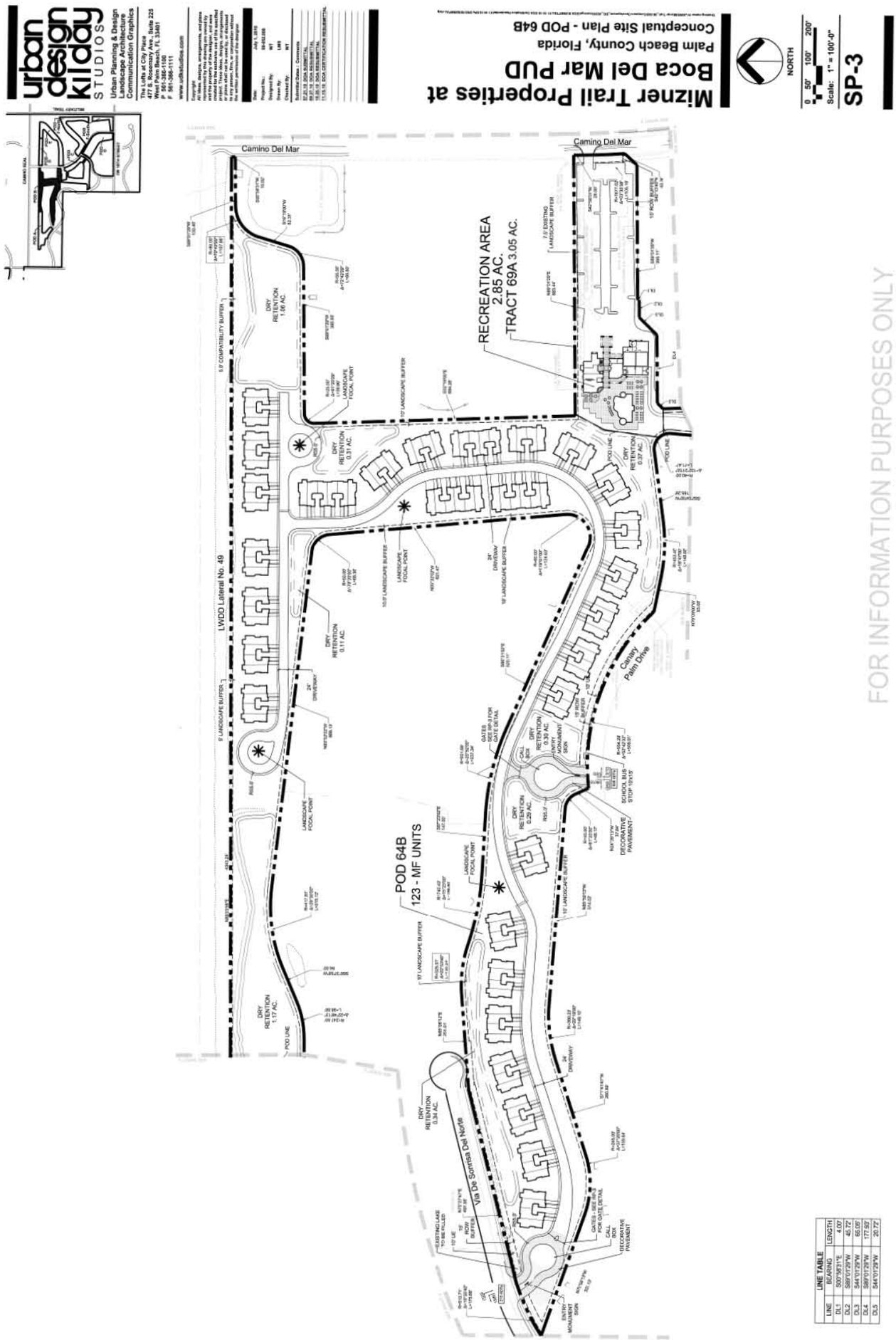


Figure 9 Preliminary Site and Subdivision Plans dated November 15, 2010 pages 3 of 7

Figure 9 Preliminary Site and Subdivision Plans dated November 15, 2010 pages 4 of 7

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Mizner Trail Properties at Boca Del Mar PUD
Palm Beach County, Florida
Conceptual Site Plan - POD 64C

SP-4

Scale: 1" = 100'-0"

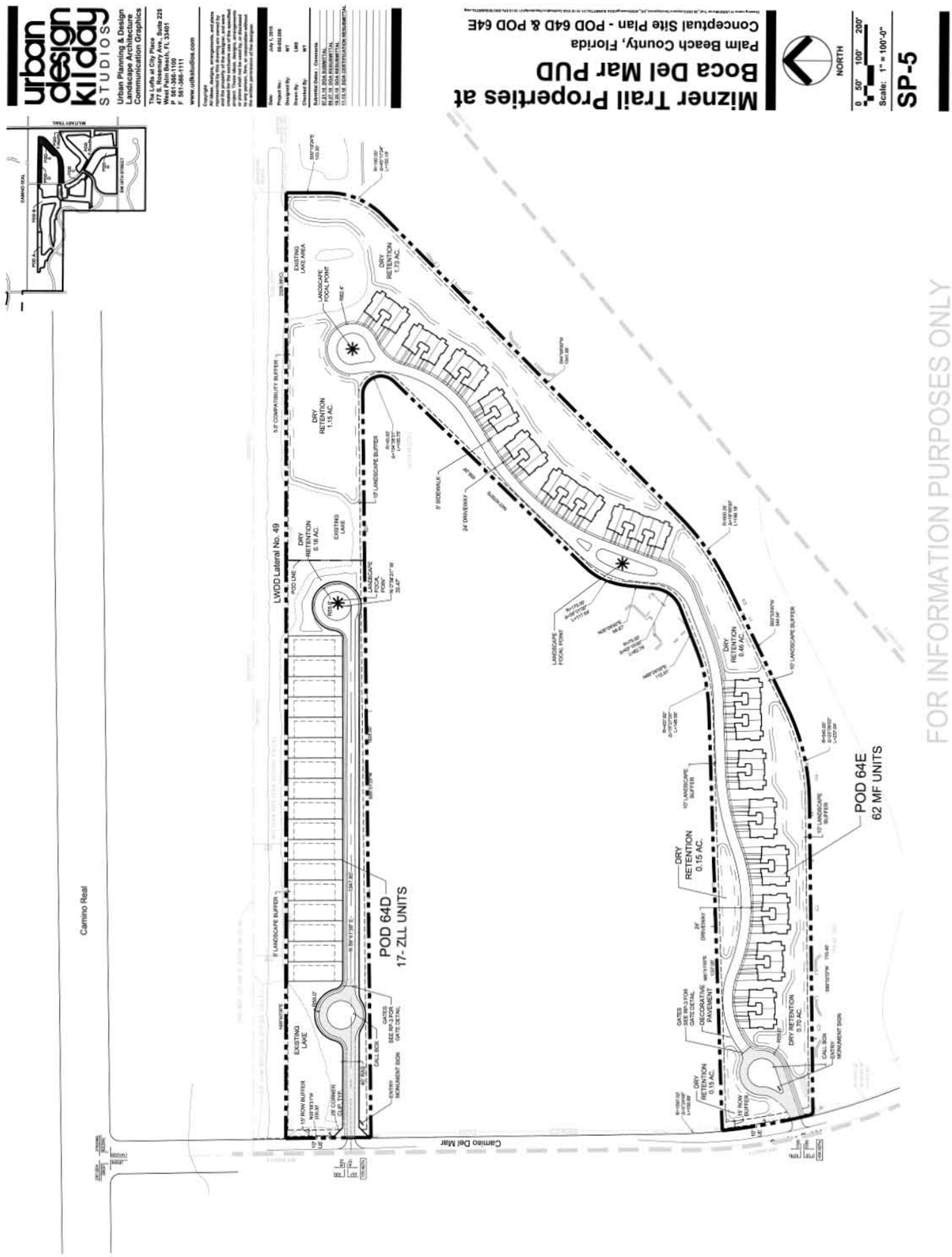

Figure 9 Preliminary Site and Subdivision Plans dated November 15, 2010 pages 5 of 7

Figure 9 Preliminary Site and Subdivision Plans dated November 15, 2010 pages 6 of 7

Figure 9 Preliminary Site and Subdivision Plans dated November 15, 2010 pages 7 of 7

Figure 10 Preliminary Visual Impact Analysis dated September 27, 2010 pages 1 of 6

Figure 10 Preliminary Visual Impact Analysis dated September 27, 2010 pages 2 of 6

Figure 10 Preliminary Visual Impact Analysis dated September 27, 2010 pages 3 of 6

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www.udkstudios.com

Date:	July 1, 2010
Project No.:	09-032.000
Designed By:	LMR
Drawn By:	LMR
Checked By:	WT

Submittal Dates / Comments
Interim Submittal 09.27.10

Mizner Trail Properties
Boca Del Mar PUD
Palm Beach County, Florida
Visual Impact Analysis - Sections 3 & 4

NORTH
0 150' 300' 600'
Scale: 1" = 300'

VISUAL IMPACT ANALYSIS - SH-3

Figure 10 Preliminary Visual Impact Analysis dated September 27, 2010 pages 4 of 6

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www.udkstudios.com

Date:	July 1, 2010
Project No.:	09-052.000
Designed By:	LMG
Drawn By:	LMG
Checked By:	WT

Submittal Dates - Comments
Interim Submittal 09.27.10

Mizner Trail Properties
Boca Del Mar PUD
Palm Beach County, Florida
Visual Impact Analysis - Sections 5 & 6

NORTH

0 150' 300' 600'
Scale: 1" = 300'

VISUAL IMPACT ANALYSIS - SH-4

Figure 10 Preliminary Visual Impact Analysis dated September 27, 2010 pages 5 of 6

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Date:	July 1, 2010
Project No.:	99-002.359
Designed By:	LMS
Drawn By:	LMS
Checked By:	WT

Submittal Dates - Comments
Interim Submittal 09.27.10

Mizner Trail Properties
Boca Del Mar PUD
Palm Beach County, Florida
Visual Impact Analysis - Sections 7 & 8

NORTH
0 150' 300' 600'
Scale: 1" = 300'

VISUAL IMPACT
ANALYSIS - SH-5

Figure 10 Preliminary Visual Impact Analysis dated September 27, 2010 pages 6 of 6

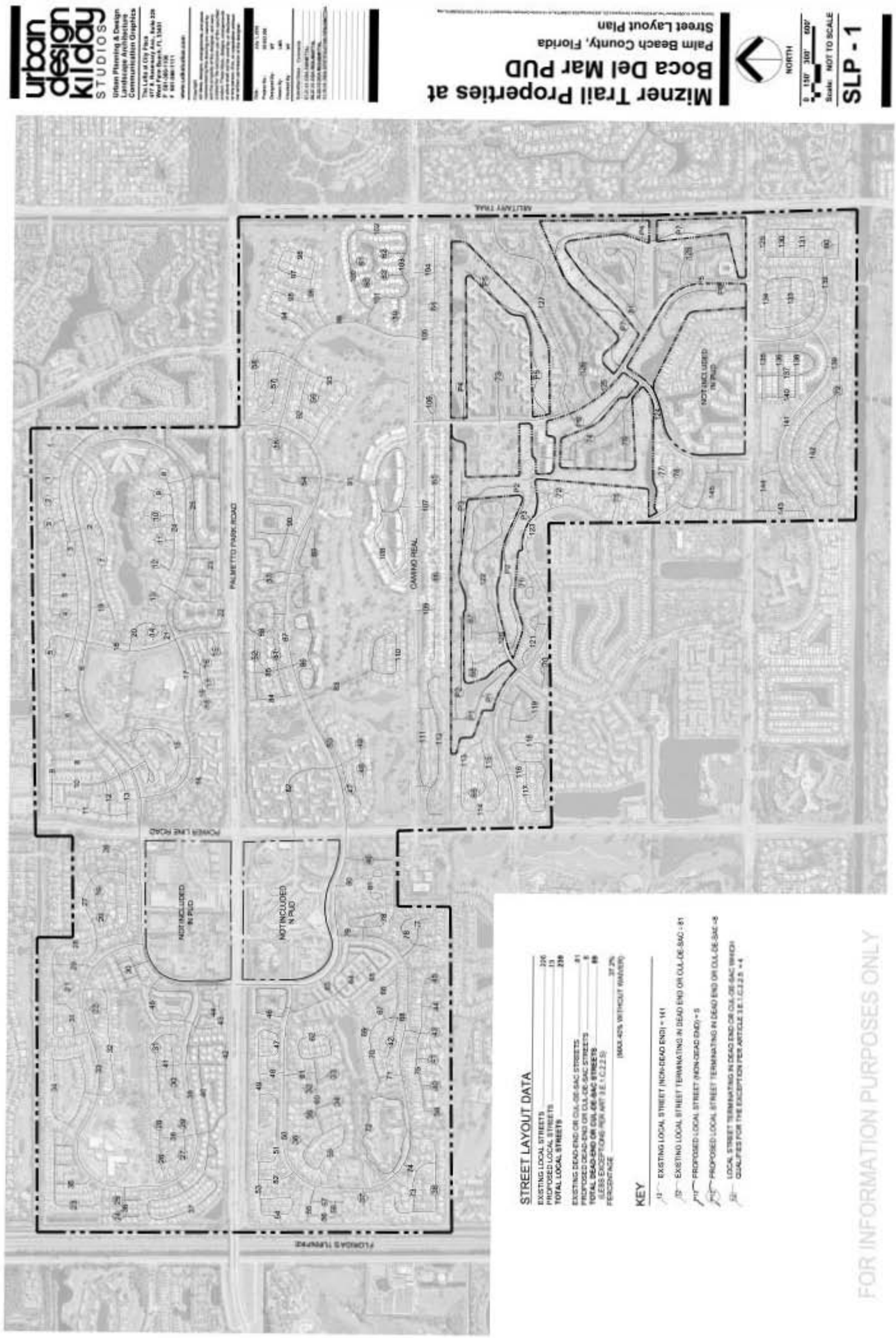

Figure 11 Preliminary Street Layout Plan dated 11/15/2010

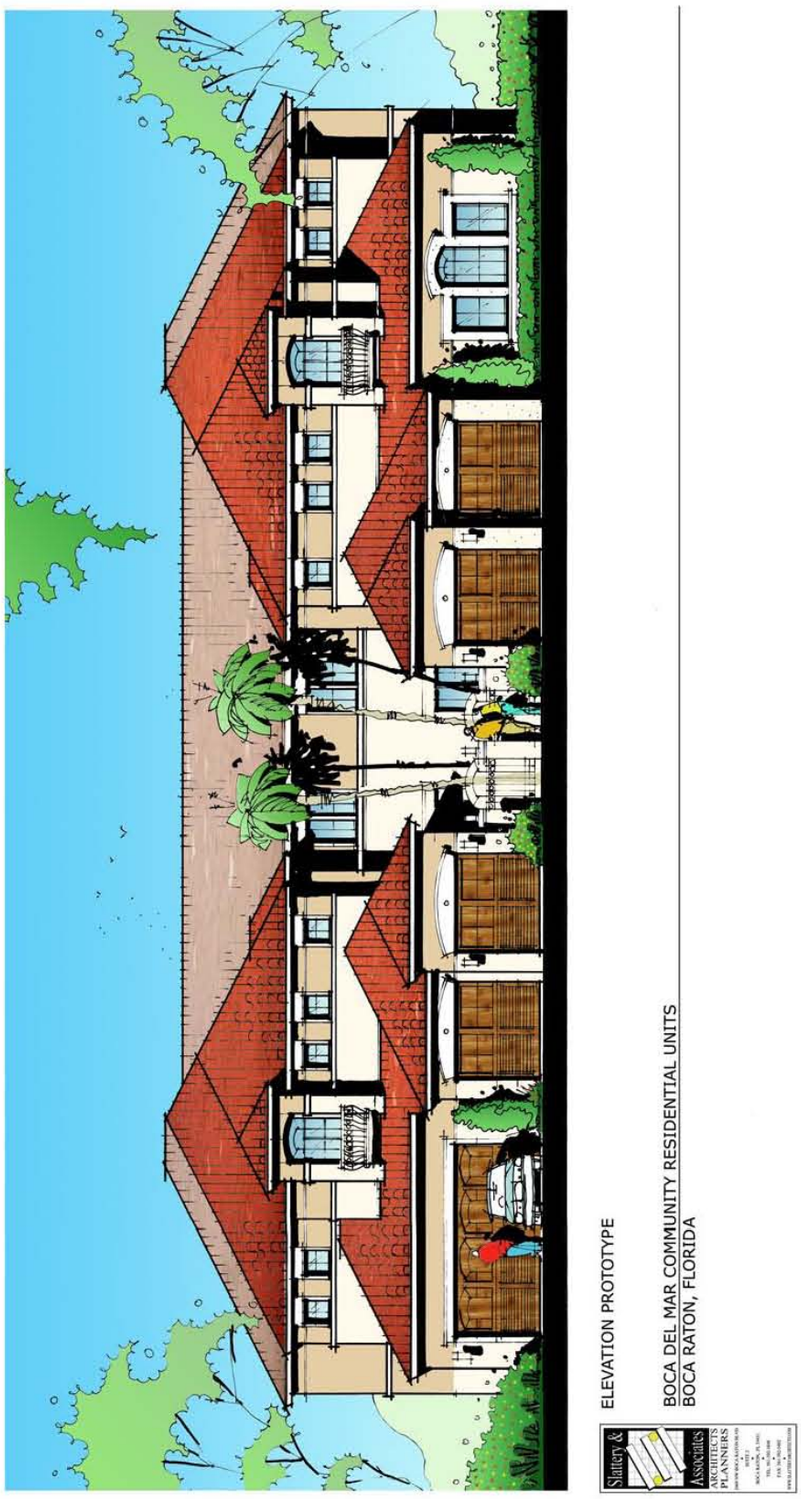

Figure 12 Conceptual Elevations dated 07/21/2010

Figure 12 Conceptual Elevations dated 07/21/2010

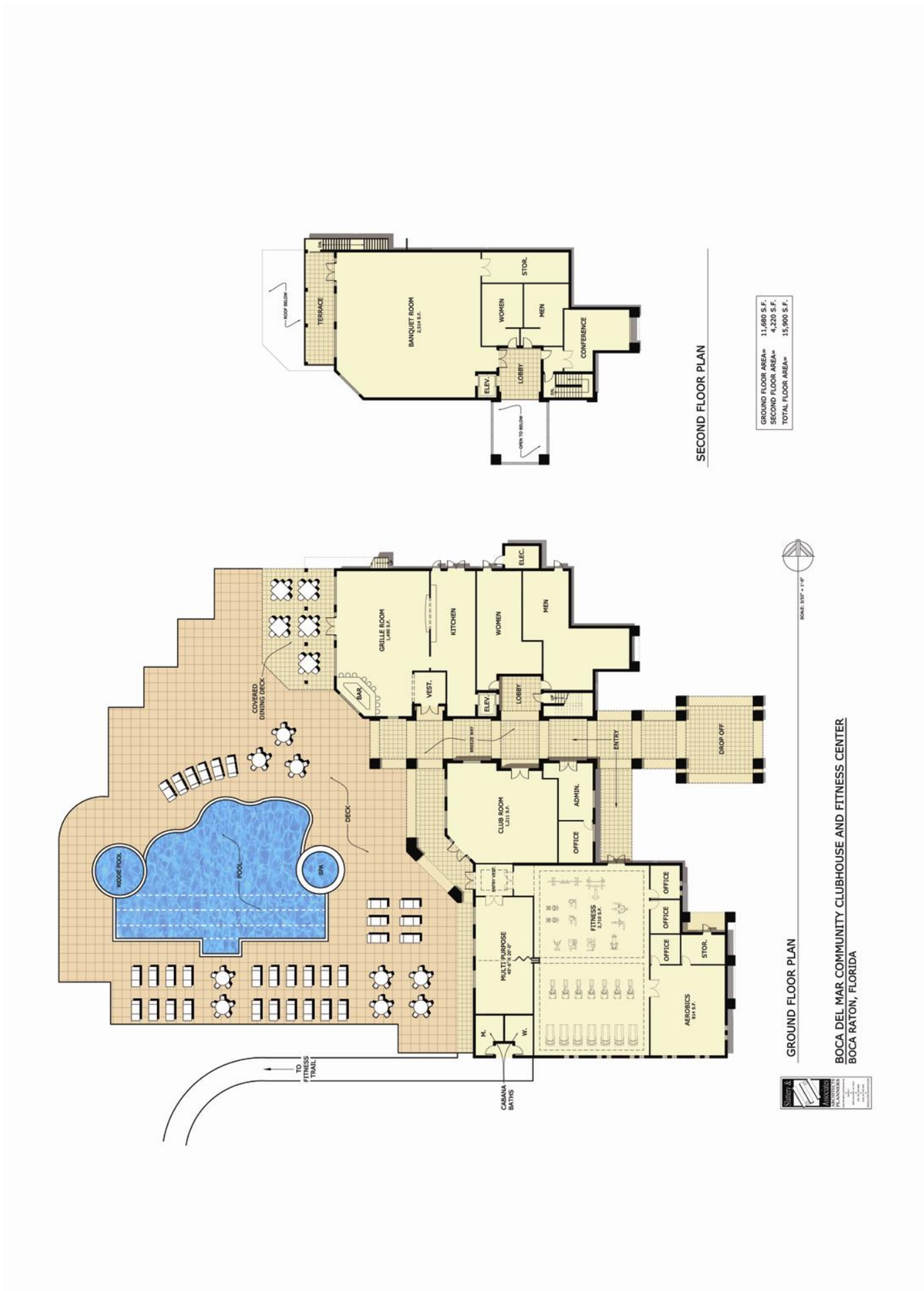

Figure 12 Conceptual Elevations dated 07/21/2010

TABULAR DATA:

	EXISTING	PROPOSED
Property Control Number(s)	00-42-47-27-56-000-0691 00-42-47-26-05-641-0000	Pending
Land Use Designation:	High Residential (HR-8)	Same
Zoning District:	AR with a Conditional Use for a Planned Unit Development	Same
Tier:	Urban/Suburban	Same
Use:	Overall Development: Planned Unit Development including residential, civic, commercial, and recreational uses. Affected Area: Tracts 64 A, B, C, and D-Golf Course; and Tract 69B- Recreation	Overall Development: Planned Unit Development including residential, civic, commercial, and recreational uses. Affected Area: (New Tracts) Tract 64A-Zero Lot Line Tract 64B-Multi-family Tract 64C-Zero Lot Line and Park Tract 64D-Zero Lot Line Tract 64E -Multi-family Tract 64F -Multi-family Tract 64G-Single-family Tract 69B-Recreation
Acreage:	Overall Development: 1945.96 acres	Overall Development: same Affected Area: 129.88 acres
Dwelling Units:	Overall Development: Master Plan: 10,149 units[1] Final Site/Subdivision Plans: 9,773 units (0 units located within the affected area)	Overall Development: 10,163 (9,773 + 390) Affected Area: 390 units 16 Single-family 65 Zero Lot line 309 Multi-family
Density:	Overall Development: 5.02 du/ac	Overall Development: 5.22du/ac
Access:	Multiple access points to the 88 existing Pods	9 new access points.

[1] See information under Findings-1 Consistency with the Plan. The unit count on the Master Plan indicated maximum density on some Tracts, versus the actual number of units site planned.

SURROUNDING LAND USES:

NORTH:
FLU Designation: High Residential (HR-8)
Zoning District: Residential Single Family/Special Exception (RS/SE)
Supporting: Residential (Via Verde, Control No 81-171)

NORTH:
FLU Designation: Low Residential (LR-2)
Zoning District: Residential Single Family/Special Exception (RS/SE)
Supporting: Residential (Boca Grove, Control No 80-214)

SOUTH:
FLU Designation: Medium Residential (MR-5)
Zoning District: Residential Single Family/Special Exception (RS/SE)
Supporting: Residential (Boca Pointe, Control No 73-085)

SOUTH (surrounded by Boca Del Mar):

FLU Designation: High Residential (HR-8)
Zoning District: Residential Medium Density/Special Exception (RM/SE)
Supporting: Residential (Palm D'Oro), Control No 1980-183)

SOUTH (surrounded by Boca Del Mar):
FLU Designation: High Residential (HR-8)
Zoning District: Residential Single Family/Special Exception (RS/SE)
Supporting: Residential Boca Del Mar III (Petition 78-45)

SOUTH:
FLU Designation: Open Space (S) and Multi-family (RM-15)
Zoning District: Open Space (S) and Multi-family (RM-15)
Supporting: Residential and open space: Deercreek Country Club
City of Deerfield Beach, Broward County

EAST:
FLU Designation: RL, Residential Low,3.5 du/ac
Zoning District: R1A, Residential One Family dwelling- 2200 sqft
R1C , Residential One Family dwelling- 1500 sqft
Supporting: Residential
City of Boca Raton, Palm Beach County

WEST:
FLU Designation: High Residential (HR-8)
Zoning District: Residential Planned Unit Development District (PUD)
Supporting: Residential (Boca Del Mar III, Control No 78-045)

Surrounding Uses of the Affected Area of Tracts 64A-D

Twenty-four Tracts, within the Boca Del Mar PUD, are directly adjacent to the golf course, comprising of 3,281 units. Three other Developments, not part of the PUD, are adjacent to the golf course: Palm D'Oro (Petition 80-183) with 136 residential units, Boca Del Mar III (Petition 78-45) with 68 residential units, and the third development is located within the City of Boca Raton comprising of residential units. Approximately 900 units have direct views of the golf course. The units directly adjacent to the proposed conversion comprise of a mix of residential use types, single family, zero lot line, townhouses and multi-family.

---

o Signage

The applicant proposes to incorporate ground mounted entrance signs for each new Tract. The Preliminary Regulating Plan, Figure 8 page 2, depicts an 8-foot high and 60 square feet dimensions for signage.

o Architecture

Preliminary elevation renderings were provided and can be seen in Figure 12. The proposed unit type and count does not require complying with Article 5.C.

o Recreation and Neighborhood Park

In addition to the change in use of the golf course to residential, the applicant is proposing to renovate the existing golf course club house for the use a recreational amenity for the proposed residents and open to membership for existing residents. An approximately 4 acre neighborhood park is also proposed adjacent to the clubhouse and Tracts 71 and 72 and the proposed Pods 64-B, C and E.

STAFF REVIEW AND ANALYSIS

FUTURE LAND USE (FLU) PLAN DESIGNATION: High Residential 8 units per acre (HR-8)

TIER: The subject site is in the Urban/Suburban Tier.

FUTURE ANNEXATION AREAS: The subject site is within the future annexation area of the City of Boca Raton.

INTERGOVERNMENTAL COORDINATION: The subject site is located within one mile of the City of Boca Raton, the City of Deerfield Beach and Broward County

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request for a Development Order Amendment (DOA) to allow for the conversion of the 126.84-acre golf course to a residential use and add 390 units to the existing Boca Del Mar PUD. The request is consistent with the site's HR-8 Future Land Use designation. The development was approved in 1971 as Conditional Use for a Planned Unit Development. Boca Del Mar, known as Boca Granada in 1971, was reviewed under the 1969 Code as a Conditional Use for a Planned Unit Development. At that time Palm Beach County did not have a Comprehensive Plan, but did address density based on zoning district and unit type.

District	Single-Family	Two-Family	Multi-family 1 or 2 store	Multi-family Over 2 story
A-1	5.8	5.8	8.7	12.44
R-1AA	5.8	6.7	10.88	12.44
R-1A	5.8	7.25	10.88	14.5
R-1	7.25	7.9	12.44	21.77
R-2	8.7	8.7	14.5	21.77

The zoning at the time of the original approval was A-1. Over the course of the review and then final decision the development was conditioned to 5.47 dwelling units per acre. The golf course ceased operation in 2005. There are no policies in the Comprehensive Plan that specifically address the conversion of recreational uses to residential uses within an established PUD.

DENSITY: The HR-8 Designation has been applied to the entire PUD, including the land area for the golf course at the implementation of the 1989 Comprehensive Plan. Currently the request for 390 units is less than the available standard density for the subject parcels for this DOA (129.89 acres, 779 units) and is less than the total dwelling unit potential for the entire Boca Del Mar PUD (5,794 units).

Maximum density for Boca Del Mar (with PUD Density):
1945.96ac x 8 units per acre = 15,567 units
Units approved per Site Plan = 9,773 units
Total dwelling unit potential for Boca Del Mar PUD = 5,794 units

Maximum density of affected area:
(Standard Density) 129.89ac x 6 units per acre = 779 units total
(With PUD Density) 129.89ac x 8 units per acre = 1039 units total
Total dwelling unit potential for subject parcels = 1039

WORKFORCE HOUSING: Since the request is greater than 10 units, compliance with the Workforce housing Program (WHP) will be mandatory.

Per the changes to the WHP (ORD 2010-005) the applicant must choose a Development option regarding the required WHP units (ULDC Article 5.G.1.C.2.). The applicant has chosen Option 2, Limited Incentive. This option is applicable when the request consists of a FLU designation of MR-5 through HR-18 and is requesting a density bonus of less than 50%. The applicant has HR-8 and is requesting 0% density bonus. Therefore the required Workforce Housing will be calculated as follows:

390 units x 2.5% of standard density = 9.75 (rounded up) = 10 units of WHP required

Since the request of 390 units does not utilize any PUD density or Density bonus the other percentage range requirements are not applicable.

Additionally, the Limited Incentive Option requires that the applicant shall designate 50% of the required units as Low Income: 60-80% Area Median Income (AMI); and 50% as Moderate Income: 80-100% AMI; and For Sale" units are deed restricted for a period of 15 years.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The subject site is not within located within a special overlay district, neighborhood plan, or special planning area.

FINDINGS: The request is consistent with the site's HR-8 land use designation of the Palm Beach County Comprehensive Plan.

ENGINEERING COMMENTS:

TRAFFIC IMPACTS
Petitioner has estimated the build-out of the project to be December 31, 2015. Total net new traffic expected from this project is 2,973 trips per day, 283 trips in the PM peak hour. Additional traffic is subject to review for compliance with the Traffic Performance Standard.

The following roadway improvements are required for compliance with the Traffic Performance Standards:

a. Second south approach left turn lane at Powerline and Camino Real
b. Second west approach left turn lane and exclusive east approach left turn lane at SW 18th St and Military Trail

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)
Segment: Military Trail from SW 18th St to Camino Real
Existing count: 3,177
Background growth: 247
Project Trips: 32
Total Traffic: 3,456
Present laneage: 4LD
LOS "D" capacity: 3,110
Projected level of service: D* (meets LOS D using arterial analysis)

PALM BEACH COUNTY HEALTH DEPARTMENT:

No Staff Review Analysis

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:
VEGETATION PROTECTION: The site has been previously cleared for a PUD with a golf course.

CONTAMINATION ISSUES: Information alleging contamination of the existing golf course has been submitted to the County. The County has forwarded this information tom the Florida Department of Environmental Protection (DEP). The DEP has acknowledged an open investigation into the golf course maintenance facility, but has not come to any conclusions at this time.

WELLFIELD PROTECTION ZONE: The property is not located with a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: In accordance with adopted school concurrency, a Concurrency Determination for 390 residential units (81 single-family, 309 multi-family) was approved on August 17, 2010 (Concurrency Case #10072601C). The subject property is located within Concurrency Service Area 21 (SAC 341B and SAC 342A).

This project is estimated to generate approximately seventy-nine (79) public school students. The schools currently serving this project area are Verde Elementary, Omni Middle, and Boca Raton Community High.

The Conceptual Site Plan (dated 11/15/10) shows two school bus shelter locations. A bus shelter condition of approval has been applied to this petition request.

PARKS AND RECREATION: Based on the proposed 390 dwelling units 2.34 acres of on site recreation is required. The plan submitted indicates there will be 2.85 acres of recreation provided, therefore, the Parks and Recreation Department standards have been addressed.

CONCURRENCY: Concurrency is approved for the following:

Overall Master Plan-Residential Units	+ 390 new units	Total: 10,163 dwelling units
Park/Recreation	+ .20-acre	Total: 62.55 acres
Golf Course	Reduction in acreage	Total 116.57 acres
Tract 4-School, Public	No change	Total:73,200 sq ft (according to the Palm Beach County Property Appraiser web parcel information)
Tract 15- Place of Worship	No change	Total:48,132 sq ft Which includes: Sanctuary/social hall 14,574 sq ft Social hall: 9,452 sq ft Mikveh Bldg: 2,277sq ft Admin Bldg:5,740 sq ft Private School/youth & senior center: 16,089 sq ft
Tract 24-Fire Station	No change	Total 7,228 sq ft
Tract 26-School, Private/Place of Worship	No change	Total: 92,800sqft Which includes: 48,050 sq ft Place of Worship 44,750 sq ft Private School
Tract 27- YMCA	No change	Total: 75,063 Which includes: 55,309 sq ft recreation building 19,754 sq ft daycare (215 children)
Tract 32 Senior Motel	No change	Total: 192 units (according to the Palm Beach County Property Appraiser web parcel information)
Tract 40-Assembly non-profit	No change	Total: 8,500 sq ft
Tract 77-Shopping Center	No change	Total:76,714 sq ft which includes: 15,000 sq ft fitness center

		9,570 sq ft billiard parlor 6,099 sq ft daycare (156 children)

WATER/SEWER PROVIDER: City of Boca Raton

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

CONDITIONS OF APPROVAL

EXHIBIT C
Development Order Amendment

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R88-1539 (84-152B), R-95-1321.3 (Petition DOA84-152G), R2000-1944 (84-152H), and R2005-2293 (Application DOA2005-986), remain in full force and effect. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. All previous conditions of approval applicable to the subject property, as contained in Resolution R-85-288 (Control 84-152), have been consolidated as contained herein. (ONGOING: MONITORING - Zoning)

3. The approved Master and Regulating Plans is dated November 15, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

4. Previous Condition Number 7 of Resolution 85-288 which reads:
The Overall Master Plan for Boca Del Mar PUD shall be reduced by 28 units. This new Master Plan shall be certifed by the Site Plan Review Committee prior to certification of the site plan for this tract.

Is hereby amended to read:

Prior to final plan approval by the Development Review Officer (DRO), the property owner shall:
a. update Master Plan to indicate the built number of units for each residential pod within Boca Del Mar;
b. revise the site or subdivision plan for each proposed residential pods to reflect the required buffer pursuant to Landscape Condition 2.
c. revised the site or subdivision plans adjacent to Tracts 64A-G to remove notations of the golf course use.(DRO: ZONING Zoning)

5. Previous Condition Number 6 of Resolution 85-288 which reads:
There will be no more than 80 units in Tract 81. No further units may be added by Site Plan Review Committee approval.

Is hereby deleted. (Reason: Tract 81 was annexed by the City of Boca Raton)

BUILDING

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (ONGOING-CODE ENFORCEMENT-Zoning) (Previous Condition 1 of Resolution 85-288)

2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby survace waters. (ONGOING-CODE ENFORCEMENT-Zoning) (Previouis Condition 2 of Resolution 85-288)

ENGINEERING

1. Previous condition 3 of Resolution R-1985-288, Control No. 1984-152, which currently states:

This development shall retain on site the first one inch of the storm water runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.

Is hereby deleted. [Reason: Drainage is a code requirement]

2. Previous condition 4 of Resolution R-1985-288, Control No. 1984-152, which currently states:

The developer shall construct concurrent with the issuance of the first building permit, a Left Turn Lane, East approach, on SW 18th Street at Marina Del Mar. (BLDG PERMIT: MONITORING Eng)

Is hereby deleted. [Reason: This portion of the development is now within the City of Boca Raton.]

3. Previous condition 5 of Resolution R-1985-288, Control No. 1984-152, which currently states:

The Developer shall pay a Fair Share Fee in the amount and manner required by "The Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently The Fair Share Fee for this project is $200.00 per approved multi-family dwelling unit and $300.00 per approved single-family dwelling unit. (ONGOING: ENGINEERING Eng)
Is hereby deleted. [Reason: Ordinance Requirement]

4. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2015. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

b. Building Permits for more than 32 single-family dwelling units from Pod A and 32 condo/townhome units from Pod B (or the equivalent of 61 peak hour trips from these two pods) shall not be issued until until construction commences to provide for two (2) south approach left turn lanes at the Camino Real/Powerline Road intersection. The turn lanes shall be a minimum length of 450 feet plus a 100-ft taper or as approved by FDOT. The construction shall also include any modifications to the receiving lanes determined to be necessary by FDOT. (BLDG PERMIT: MONITORING-Eng)

c. Building permits for more than 245 condo/townhome units (or the equivalent of 125 peak hour trips) shall not be issued until construction commences to provide the following geometry at the SW 18th Street/Military Trail intersection:

West Approach - 2 exclusive lefts, 1 through and 1 exclusive right
East Approach - 1 exclusive left, 2 throughs and 1 exclusive right.

5. Acceptable surety for the design, right of way acquisition, and the Construction Engineering and Inspection Costs as well as the construction for the offsite road improvements as outlined in Conditions No. E.4.b and E.4.c shall be posted with the Land Development Division on or before September 30, 2011 Surety in the amount of 110% shall be based upon an acceptable Certified Cost Estimate provided by the Developer's Engineer. At any time during the duration of the surety the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event such a determination is made, Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work. The County Engineer shall also have the authority to require that the surety amount be updated to reflect current anticipated costs at any time during the duration of the surety. (DATE: MONITORING-Eng)

6. The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for the expanded intersection right of way and corner clip on SW 18th Street at Military Trail. The right of way shall be dedicated in accordance with T-P-10-001 or as otherwise required by the County Engineer.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey.

The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the property owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT/ONGOING: MONITORING-Eng)

7. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of:
i. A right turn lane east approach on SW 18th Street at Camino Del Mar
ii. A right turn lane east approach on SW 18th Street at Palm D'Oro Drive
iii. A right turn lane west approach on Camino Real at Camino Del Mar

This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. The right of way should be continued across the intersecting roadway. The property owner is responsible for acquiring all necessary right of way and for all right of way acquisition costs, including but not limited to, surveys, property owner maps, legal descriptions for acquisition and a title search for a minimum of 30 years. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDG PERMIT/ONGOING: MONITORING-Eng)

8. The Property owner shall construct:

i. A right turn lane east approach on SW 18th Street at Camino Del Mar
ii. A left turn lane north approach on Camino Del Mar at SW 18th Street
iii. A right turn lane east approach on SW 18th Street at Palm D'Oro Drive
iv. A right turn lane west approach on Camino Real at Camino Del Mar
v. A left turn lane south approach on Military Trail at the proposed entrance to Pod 64F

Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

9. The Property owner shall construct:

i. A left turn lane northwest approach on Canary Palm Drive at Villa De Sonrisa Del Norte
ii. A left turn lane southwest approach on Villa De Sonrisa Del Norte at Canary Palm Drive
iii. A left turn lane northeast approach on Villa De Sonrisa Del Norte at Canary Palm Drive
iv. A left turn lane southeast approach on Camino Del Mar at Palm D'Oro Drive
v. A left turn lane southwest approach on Palm D'Oro Drive at Camino Del Mar

Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

10. The property owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage and shall not cause adverse stormwater management impacts to adjacent properties. The property owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING-Eng)

b. Any required drainage easements shall be recorded prior to issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

11. Prior to issuance of the first building permit within a specific tract, the property owner shall plat the entire subject tract in accordance with provisions of Article 11 of the Unified Land Development Code. The platting of this project may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety, if any. (BLDG PERMIT: MONITORING-Eng)

LANDSCAPE - GENERAL-AFFECTED AREA OF APPLICATION 2010-1728

1. Prior to final plan approval by the Development Review Officer (DRO), the property owner shall submit a Landscape Plan to the Landscape Section for review and final approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein and all ULDC requirements. (DRO: LANDSCAPE - Zoning)

LANDSCAPE - GENERAL-PODS 64 A THROUGH 64 G

2. Landscaping and buffering along the property lines of Pods 64 A-G, and shall consist the following:

a. Pods 64A,B, D, and E A Type I Incompatibility Buffer, a minimum width of thirty (30) feet along the property lines adjacent to residential units, and a minimum width of fifteen (15) feet along the north property line abutting LWDD Canal 49;

b. Pod 64C and G - A Type I Incompatibility Buffer, a minimum width of thirty (30) feet along the property lines that abuts the existing residential units except in areas where it abuts a street right-of-way. A R-O-W Buffer, a minimum width of fifteen (15) foot along all street right-of-ways;
c. Pod 64 F - A Type I Incompatibility Buffer, a minimum width of thirty (30) feet along all property lines except in areas where it abuts a canal or a street right-of-way. A R-O-W Buffer, a minimum width of twenty (20) feet where it abuts Canal E-3 adjacent to Military Trail and internal right-of-ways;
d. No easement encroachment shall be permitted in the above buffers; and
e. In addition to the ULDC requirements for a Type I Incompatiblity buffer, the quantity of plant materials shall include:
1) Palms- one for each 25 linear feet of buffer length; and,
2) Shrubs double quantity of the ULDC requirements. (DRO:ZONING-Zoning)

3. In addition to the ULDC requirements, a minimum of seventy-five (75) percent of all trees to be planted in the perimeter landscape buffers shall meet the following minimum standards at installation:
a. tree height: fourteen (14) feet; and,
b. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)

4. All palms required to be planted on the property by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
a. palm heights: twelve (12) feet clear trunk;
b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)

5. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)

6. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and amenities, and to accommodate transverse utility or drainage easements crossings and existing vegetation. All field adjustments shall be the minimum necessary to accommodate the aforementioned features and amenities. (BLDG PERMIT: LANDSCAPE - Zoning)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to final plan approval signed and sealed canal-cross Sections for E-3, L-49 and L-50 Canals shall be provided to LWDD. The cross-sections must extend 50 feet beyond both sides of top of bank, and they are to be tied to an accepted horizontal control, either sectional or plat. The cross-sections shall delineate all features that may be relevant, (i.e. buildings, edge of pavement, curbs, sidewalks, guardrails, grade breaks etc.). The cross-sections shall be a maximum of three hundred feet apart, and a minimum of three cross sections is required. The cross-sections are to be plotted at one inch = ten (10) feet both horizontal and vertical for small canals, and one inch = twenty (20) feet for large canals. All tract and/or lot lines, block lines, sections lines and easements shall be clearly depicted showing existing LWDD right of way. Elevations shall be based on the NGVD (29) datum, with a conversion factor to NAVD (88) must be shown. The cross-sections will be used to determine if LWDD will need to have the applicant convey an easement back to LWDD. (DRO: LWDD-ENG)

2. Prior to final plan approval the three (3) LWDD Canals be indicated on the Site Plan and Survey and all three canals must be labeled, tied to a horizontal control, either sectional or plat, and dimensioned as well as all recording information referenced above be shown on the Site Plan. (DRO: LWDD-ENG)

3. Prior to final plan approval all recording information per ORB 2217 PG 311, ORB 2217 PG 314, and ORB 2336 PG 998 shall be shown on the Survey and Site Plan. (DRO: LWDD-ENG)

PLANNED DEVELOPMENT

1. Prior to the recordation of the first plat, all property included in the legal description of the application shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:

a. Formation of a single property owner's association, automatic voting membership in the association by any party holding title to any portion of the subject property, and assessment of all members of the association for the cost of maintaining all common areas.

b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.

c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the development. This Declaration shall be amended when additional units are added to the development. (PLAT: CO ATTY - Zoning)

PLANNING

1. Prior to final approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

Guarantees the attainability of all required workforce units required per article 5.G. in the ULDC. These units are to be distributed among the categories consistent with the requirements in Article 5.G. in the ULDC. (DRO: PLANNING Planning)

2. On an annual basis, beginning February 1, 2012, or as otherwise stipulated in the Declaration of Restrictive Covenants for Workforce Housing, the property owner, Master Homeowners Association or individual Workforce Housing dwelling unit owner, shall submit an annual report/update to the Planning Division and HCD documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing. (DATE/ONGOING: MONITORING Planning/HCD)

SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING School Board.)

SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the Site or Subdivision Plan shall incorporate a minimum five (5) foot wide continuous concrete sidewalk internal to each pod providing connectivity to the adjacent residential pods or recreational pod and the neighborhood park. (DRO: ZONING - Zoning)

2. Prior to final approval by the Development Review Officer (DRO), the Site or Subdivision plans for Pods 64A through G shall provide:

a. A minimum separation distance of seventy-five (75) feet between the external facades of each existing residential building and proposed residential building.

b. A minimum setback of fifty feet measuring form the external facade to the adjacent residential property line. (DRO:ZONING-Zoning)

3. Prior to final approval by the Development Review Officer (DRO), the applicant shall provide amenities for each Open Space as shown on the Preliminary Site Plan Overall dated November 15, 2010, including but not limited to: shade structure, seating areas, tot lots. Details of each open space shall be provided on the Final Regulating Plan. (DRO:ZONING-Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy (CO); the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or

b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code (ULDC) at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or

d. Referral to code enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)

Print Form

PALM BEACH COUNTY - ZONING DIVISION FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Richard Siemens, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [ ] individual or [✓] Director - President *[position—e.g., president, partner, trustee]* of Siemens Group, Inc. *[name and type of entity—e.g., ABC Corporation, XYZ Limited Partnership]*, (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 5801 Congress Ave.
Boca Raton, Fl 33433.

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Richard Siemens, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 20th day of July, 20 10, by RICHARD SIEMENS, [✓] who is personally known to me or [ ] who has produced _____ as identification and who did take an oath.

Notary Public
Diane Bucci
(Print Notary Name) DIANE Bucci
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 2/28/11

NOTARY PUBLIC - STATE OF FLORIDA
Diane Bucci
Commission # DD629745
Expires: FEB. 28, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

NOTARY PUBLIC - STATE OF FLORIDA
Diane Bucci
Commission # DD629745
Expires: FEB. 28, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

EXHIBIT "A"

PROPERTY

LAND DESCRIPTION:

PARCEL 1:

Tracts 64-A, 64-B, 64-C and 64-D, BOCA DEL MAR NO. 7, P.U.D., according to the map or plat thereof as recorded in Plat Book 30, Pages 210 through 217 of the Public Records of Palm Beach County, Florida.

LESS AND EXCEPTING:

From Tracts 64-C and 64-D, those portions of said Tracts lying within the Lake Worth Drainage District Right-of-Way for Lateral Canal No. 50 as conveyed to Lake Worth Drainage District by that Quit Claim Deed recorded in Official Records Book 2336, Page 998 of the Public Records of Palm Beach County, Florida.

PARCEL 2:

Tract 69-A, CAMINO DEL MAR COUNTRY CLUB, according to the map or plat thereof as recorded in Plat Book 78, Pages 119 and 120 of the Public Records of Palm Beach County, Florida.

Said lands situate in the Palm Beach County, Florida and containing 5,395,417 square feet (123.85 acres) more or less.

PALM BEACH COUNTY - ZONING DIVISION FORM # 08

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	**Address**
Richard Siemens	500 SE 5 Ave. Boca Raton, FL. 33432

Disclosure of Beneficial Interest –Applicant form
Page 4 of 4

Created 01/30/2007
Web Format 2008

Print Form

PALM BEACH COUNTY - ZONING DIVISION FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Philip E. Bliss, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [ ] individual or [✓] Director *[position—e.g., president, partner, trustee]* of Mizner Trail Golf Club, Inc. *[name and type of entity—e.g., ABC Corporation, XYZ Limited Partnership]*, (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 111 E. Boca Raton Road
Boca Raton, Florida 33432.

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Philip E. Bliss, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by PHILIP E BLISS, [X] who is personally known to me or [ ] who has produced _____ as identification and who did take an oath.

Beverly A Samuelson
Notary Public

BEVERLY A SAMUELSON
Notary Public - State of Florida
My Comm. Expires Dec 26, 2013
Commission # DD 943744

BEVERLY A SAMUELSON
(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 12/26/13

EXHIBIT "A"

PROPERTY

LAND DESCRIPTION:

PARCEL 1:

Tracts 64-A, 64-B, 64-C and 64-D, BOCA DEL MAR NO. 7, P.U.D., according to the map or plat thereof as recorded in Plat Book 30, Pages 210 through 217 of the Public Records of Palm Beach County, Florida.

LESS AND EXCEPTING:

From Tracts 64-C and 64-D, those portions of said Tracts lying within the Lake Worth Drainage District Right-of-Way for Lateral Canal No. 50 as conveyed to Lake Worth Drainage District by that Quit Claim Deed recorded in Official Records Book 2336, Page 998 of the Public Records of Palm Beach County, Florida.

PARCEL 2:

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Said lands situate in the Palm Beach County, Florida and containing 5,395,417 square feet (123.85 acres) more or less.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	**Address**	
Philip Bliss	111 East Boca Raton Road	Boca Raton, FL 33432
Gerald Wochna	2095 NW 30th Road	Boca Raton, FL 33432

Print Form

PALM BEACH COUNTY - ZONING DIVISION FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Robert Comparato, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [ ] individual or [✓] Director *[position—e.g., president, partner, trustee]* of Compson Mizner Trail, Inc. *[name and type of entity—e.g., ABC Corporation, XYZ Limited Partnership]*, (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 1500 Gateway Blvd., Suite 201
Boynton Beach, Florida 33426.

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Robert Comparato

Robert Comparato, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by ROBERT COMPARATO, [X] who is personally known to me or [ ] who has produced _____ as identification and who did take an oath.

Beverly A Samuelson

Notary Public

BEVERLY A SAMUELSON
Notary Public - State of Florida
My Comm. Expires Dec 26, 2013
Commission # DD 943744

Beverly A SAMUELSON

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 12/26/13

EXHIBIT "A"

PROPERTY

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LESS AND EXCEPTING:

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Said lands situate in the Palm Beach County, Florida and containing 5,395,417 square feet (123.85 acres) more or less.

EXHIBIT "B"

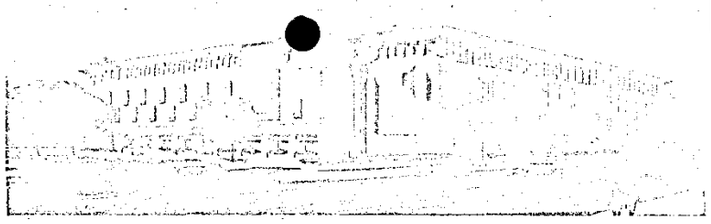
DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address	
Robert Comparato	1500 Gateway Blvd., #201	Boynton Beach, FL 33426
Anthony Comparato	1500 Gateway Blvd., #201	Boynton Beach, FL 33426
Bernhard Langer	1500 Gateway Blvd., #201	Boynton Beach, FL 33426

Exhibit E: Palm Beach County Letter of Approval dated August 23, 1971

PALM BEACH COUNTY
PLANNING, ZONING, AND BUILDING DEPARTMENT
P. O. BOX 1548
WEST PALM BEACH, FLORIDA 33402



August 23, 1971

Behring Development Company
2800 East Oakland Park Boulevard
Fort Lauderdale, Florida 33308

RE: Postponed Petition No. 1

Gentlemen:

Please be informed that the Board of County Commissioners of Palm Beach County, at the Public Hearing on August 19, 1971, approved your petition as advertised, subject to the following conditions:

The stipulations agreed to between the City of Boca Raton and Behring Corporation.

Density to be restricted to 5.3 dwelling units per gross acre. — City & County Together 5.47 - County

Plan to be developed as presented.

Reservation to be made of road rights-of-way existing or future as designated by the County Engineer.

Positive drainage to be adequately provided for.

Very truly yours,

William R. Boose
Interim Zoning Director

WRB:ff

cc: Raymond W. Royce, 450 Royal Palm Way, P. Bch., Fl. 33480
Jan Wolfe, Engineering Department
Lee Reed, Health Department

August 19, 1971

ADVERTISING - PROOF OF PUBLICATION; MEETINGS - ZONING

DOCUMENT FILED: Proof of Publication of The Palm Beach Post, issue of July 20, 1971, Notice No. 3403, Notice of Public Hearings to be held August 5 and August 19, 1971, on zoning matters, in the amount of $208.75.

ACTION: Motion to receive the Proof of Publication and approve for payment. Motion by Commissioner Weaver, seconded by Commissioner Culpepper and unanimously carried.

RESOLUTIONS; ZONING - AMENDMENT

DOCUMENT PRESENTED: Zoning Resolution Amending the Regulations Regarding Conditional Use.

INFORMATION: Interim Zoning Director Boose explained that the resolution would reword the conditional use section of the Zoning Code, basically a change in the wording from "may" to "shall."

ACTION: Motion to adopt the subject resolution. Motion by Commissioner Lytal, seconded by Commissioner Culpepper and unanimously carried.

(For Resolution R-71-294, see Minutes Resolution Book _____ at Page _____.)

PETITIONS - ZONING, POSTPONED # 1-4; COMMUNICATIONS; DELEGATIONS; COMPLAINTS

SUBJECT: Postponed Items #1-4, on which the Zoning Commission recommended approval unanimously, considered by County Commission on June 17, 1971, deferred to July 15, 1971 on Commission 2-2 tie vote, and postponed to August 19, 1971. The petitions are as follows:

Postponed Item # 1 - Petition of Behring Development Company by Conrad W. Schaefer and Walter Taft Bradshaw, Agents, for the conditional use for a planned unit development. The property is bounded partially on the west by Florida's Turnpike, partially on the south by the Hillsboro Canal and partially on the east by the corporated limits of Boca Raton and containing approximately 213⅘ acres in an A-1 Agricultural District, more particularly described in Agenda.

Postponed Item # 2 - Petition of Behring Development Company by Conrad W. Schaefer and Walter Taft Bradshaw, Agents, for the rezoning from A-1 Agricultural District to C-1 Neighborhood Commercial District. Said property located within the proposed planned unit development described in Postponed Petition # 1, and more particularly described in Agenda.

Postponed Item # 3 - Petition of Behring Development Company by Conrad W. Schaefer and Walter Taft Bradshaw, Agents, for the rezoning from A-1 Agricultural District to C-1 Neighborhood Commercial District. Said property is located within the proposed planned unit development described in Postponed Petition # 1, and more particularly described in Agenda.

Postponed Item # 4 - Petition of Behring Development Company by Conrad W. Schaefer and Walter Taft Bradshaw, Agents, for the rezoning from A-1 Agricultural District to C-1 Neighborhood Commercial District. Said property is located within the proposed planned unit development described in the above Postponed Petition # 1, and more particularly described in Agenda.

DELEGATES APPEARING: Raymond Royce, attorney for petitioner
Clair Andersen, consultant-coordinator for petitioner
Mayor Norman Wymbs, City of Boca Raton
Councilman William Miller, City of Boca Raton
Councilman William Archer, City of Boca Raton
Fred Bradfute, chairman, Federation of Homeowners of Boca Raton
Camil Robert Valcourt, President of the Boca Raton Square Civic Association, Inc.
Charles Fisk, representing Save Our Neighborhood Schools Association
Dorothy Wilkins, resident of University Park
Leslie Wilkins, chairman of conservation committee, Royal Palm Audubon Society
William Myer, member of Board of Directors, Country Club Village Homeowners Association
Willard Cook, member of Planning and Zoning Board of Boca Raton, also chairman of SONS
Tom McCarthy of the engineering firm of Mock, Roos & Searcy
George Bogard of Behring Corporation
Dallas Pratt
Martin (last name unintelligible)
John Hurdon
Curtis Clement
Dr. Howard J. Tees, coordinator of Environmental Biological Program, University of Miami
Taft Bradshaw, agent for Behring Development Company

DOCUMENTS FILED: Certified copy of draft of minutes of special meeting of City Council of Boca Raton held August 16, 1971,

Letter dated August 19, 1971 addressed to the County Commission from Boca Raton Square Civic Association, Inc., over signature of Camil Robert Valcourt, president,

Letter dated August 18, 1971 addressed to Board of County Commissioners from William L. MacMullen, Chairman, Board of Directors, Country Club Village Association,

Xerox copy of letter dated August 10, 1971 addressed to Clair G. Andersen from Lake Worth Drainage District over signature of James H. Ranson, Manager,

Petition to the County Commission signed by 107 residents of University Park,

Xerox copy of letter dated August 17, 1971 addressed to Mayor Wymbs from Behring Development Company over signature of G. T. Bogard, president.

PRESENTATION BY PETITIONER: Attorney Royce introduced Clair Andersen, consultant-coordinator, to outline to the Board what the Behring Corporation has done to cooperate with the City of Boca Raton regarding Petitions # 1-4.

Mr. Andersen reported in detail on various meetings and conferences held with representatives of the City, including workshops and regular council meetings. The principal concern of the city, he said, concerned population densities originally proposed for the development and annexation of the property into the City of Boca Raton. He read into the record portions of a letter dated August 3, 1971 written by Mr. Bogard to Mayor Wymbs outlining concessions to be made by the development company, as follows:

1. The company has presented to the city a contract agreement for Boca Raton to provide sewer and water services for Boca Granada, with the company paying the cost of force main extensions to the property and developing a distribution system at a cost of $5,000,000.

2. The company will reduce residential density for 2,181 acres to 5.3, conforming with density criteria provided in Boca Raton's Master Plan.

3. Total land area will be divided as follows: single family detached, 31%, single family town house, 11%, garden apartments 17%, mid-rise apartments, 1% -- so that of the total land area, 60% is residential.

4. In addition to two golf courses, parks and a marina on the Hillsboro Canal, there will be 35 acres in two lakes, one serving as a buffer for an 85-acre regional shopping center, and the other providing lake front estate sites.

5. A shopping center will be developed without depending on any existing development or adding to the traffic congestion of Boca Raton.

6. Behring will voluntarily annex the development into Boca Raton on a plat to plat basis.

7. Behring will equip a fire station, provide $5,000 for a police cruiser, and contribute up to $25,000 for a garbage pickup truck coincident with completion of its 2,000th house. Titles to these items, valued at approximately $230,000, will be vested in Boca Raton.

8. A fire department to cost approximately $100,000 will be dedicated to the City of Boca Raton by the developer.

9. Knowing the need for a municipal golf course, Behring will sell to the city land for an 18-hole golf course at actual out-of-pocket cost, or construct the facility for the city at actual out-of-pocket cost.

10. It is anticipated that the ad valorem taxes generated by the development will be more than enough to offset the cost of any services furnished by the city.

Mr. Anderson then filed with the clerk a certified copy of the draft of the minutes of a special meeting of the City Council of Boca Raton held August 16, 1971. He read into the record the motion passed by a 3-2 majority at this meeting, as follows:

"Upon motion by Councilman Honchell, which was seconded by Councilman Miller, it was moved that the City Council authorize and direct the Mayor or other members of the Council to notify the County Commission, and/or any other authorities involved, personally or by letter, that the City of Boca Raton is removing its opposition to the Behring Corporation's application under the County's Planned Unit Development Ordinance, contingent on City of Boca Raton receiving a letter from Behring Corporation expressing their intent to come into the City fully, when and if the City of Boca Raton has adopted a PUD ordinance similar to the county's ordinance, and also a further commitment limiting the density on the present 2143 acres under consideration to 5.47 per acre, which in no case is to exceed 11,738 actual living units; and further, that the Estate zoning and Regional Shopping Center zoning be held in abeyance."

The Behring Corporation then delivered to the City of Boca Raton a written commitment dated August 17, 1971, (on file at City Hall) expressing its intent to become annexed into the city subject to 1. a planned unit development ordinance being adopted by the city comparable to the county's PUD ordinance which would permit the Behring Development Company to build 11,738 living units on 2143 acres; 2. prior to annexation, zoning be granted for a planned unit development under the master plan heretofore submitted, allowing a maximum of 5.47 dwelling units per gross acre on 2143 acres now in the county.

Mr. Andersen concluded his presentation by declaring his clients have tried sincerely and honestly to meet the request of the Commission, expressed a month ago, in every respect, and have also tried to meet all the requests of the City of Boca Raton. He urged Board approval of the petitions.

ACTION: Motion that all documents presented today be accepted for filing. Motion by Commissioner Lytal, seconded by Commissioner Culpepper and unanimously carried.

CALL FOR OBJECTIONS AND COMMENTS: William Miller, City Councilman of Boca Raton, declared he believes one of the primary concerns of the city and county regarding the subject petitions is "people planning." He pointed out, the issue before the Boca Raton City Council was whether the planning for the development was acceptable, not whether the development itself was acceptable. While the majority of the council agreed that the plan is acceptable, he expressed misgivings as to its effect on residents of the area, particularly with regard to overcrowding of schools. He added, "I believe the people of the City of Boca Raton are not in favor of moving forward on the project."

Mayor Wymbs entered into the record a petition signed by residents of the University Park area. He stated the Board's overriding concern should be for people who are already in the area and expressed his opposition to indiscriminately inviting more people in when serious problems face present residents. The development would "add an intolerable situation to the present school system" as well as to present water and sewer facilities, he said, and urged the Board to reject the petitions.

William Archer, City Councilman, Boca Raton, concurred with Mayor Wymbs' statement and reported he voted against the motion passed August 16 because he felt "Boca Raton is not ready for the rapid growth that this type of development will place upon us," on account of the water situation and the school situation in the city.

Fred Bradfute stated his group represents 6,000 families in Boca Raton and has compiled a great deal of information on the proposal under discussion and also visited the Tamarac development of the Behring Corporation. He reported opposition to the corporation in Tamarac, particularly with regard to the recreation area of the development. His group is opposed to Boca Granada because it represents too much growth too soon, and recommends rejection of the proposal.

ACTION: Motion that each person speaking be limited to three or four minutes. Motion by Commissioner Culpepper, seconded by Commissioner Lytal and carried by a four to one majority, Commissioner Johnson voting Nay.

FURTHER OBJECTIONS AND COMMENTS: Camil R. Valcourt, president of the Boca Raton Square Civic Association, Inc. read into the record a letter opposing the Behring Corporation proposal.

Charles Fisk, representing the Save Our Neighborhood Schools Association urged the Board to consider the impact the proposed development would have on the Boca Raton and Delray Beach Schools. He asked the Board to reject the petitions until solution to school problems can be found.

Dorothy Wilkins, a resident of University Park, stated her agreement with Mr. Fisk that the school system should be straightened out before more children are added to the area.

Leslie Wilkins declared studies should be undertaken to determine what effect the proposed mass growth of people on the land will do to the natural environment.

William Myer read into the record a letter from the Board of Directors of Country Club Village Homeowners Group opposing the development.

Willard Cook pointed out the development offers golf courses, shopping centers and other fringe benefits but has made no provision for schools such as the dedication of land or a school building to house the children who will be brought into the development. If the City of Boca Raton changes Planned Unit Development requirements as to density for this development, other areas will also be changed to higher density, and according to Mr. Cook, "if you allow this, you are going to create problems for yourself that won't quit."

FURTHER PRESENTATION BY PETITIONER: Attorney Royce read into the record a letter from the Lake Worth Drainage District and introduced Tom McCarthy of the engineering firm of Mock, Roos and Searcy to answer questions as to drainage.

Commissioner Johnson inquired if the area would be flood-free in the event of a major wet hurricane. Mr. McCarthy replied the canal system is designed for a once in 25 years storm. Commissioner Weaver expressed his dissatisfaction with this reply; and Attorney Royce pointed out that all criteria of the Lake Worth Drainage District will be followed in the project. Mr. McCarthy then stated, "I feel there is no serious problem with this area being developed as an urban area and being drained properly."

As for schools, Attorney Royce stated his clients are willing to coordinate the entire project with the School Board and can provide sites for schools. He pointed out the tax revenue which will be generated from the development will be available to build schools. He added, his clients have been planning this project for more than a year, have worked with every agency involved, and are willing to provide a blueprint of the project and bind themselves to it. Since certain comments had been heard concerning the Tamarac development, he requested Mr. Bogard to comment on that and introduce several Tamarac residents present.

George Bogard explained that the Tamarac recreation lease is common to this part of Florida. The developer builds the facility and for a $10 monthly fee a resident can participate in the club facility including pool and shuffleboard courts.

Dallas Pratt, Martin . . . . . (last name unintelligible), John Hurdon and Curtis Clement, all Tamarac residents, expressed their satisfaction with the facilities offered.

Dr. Howard J. Tees explained he was employed as a consultant to review the area of development as to its ecological aspects. He stated the Behring Corporation has fulfilled its obligation to develop a plan consistent with the environment, particularly in its efforts to preserve natural features of the land.

Taft Bradshaw stated he had been employed by the Behring Company to develop a master plan for the proposed project which he has previously presented to the Board, and declared this plan has been endorsed by professional planners of every agency to which it has been presented. The merits of the plan have already been established and accepted by the County, by the city planning department and all other agencies involved, Mr. Bradshaw noted, and he requested that the plan be approved subject to the terms and conditions of the application as modified by the downward adjustment of density.

DISCUSSION BY BOARD AND STAFF MEMBERS: Commissioner Johnson inquired if the petition before the board is the amended petition or the original petition; and when Attorney Small replied it is the petition as amended by the downward density which is presently before the Board, Commissioner Johnson inquired if it is enforceable and Attorney Small answered in the affirmative. In reply to further questions, he explained that the method of review which accompanies the Planned Unit Development Plan offers a high degree of control, superior to any trust, since there are legal and practical engineering zoning requirements which can be followed, reviewed and controlled all during the plan. Mr. Boose added there is little danger of the County having on its hands an unfinished subdivision since sufficient surety will be required to insure that all public improvements such as streets are completed.

"I don't believe there has ever been a project that has generated more interest and received more consideration than this one," Commissioner Lytal commented, adding "We are confronted with the orderly development of a tremendously large area either by one person or by many people." He predicted the Board will be faced for many years to come with the development of the western part of the County, and it is the Board's responsibility to see that this development is done properly. "Growth means problems," he said, "and we are confronted with it every day, and I'm quite sure it's not going to stop. There are millions of people who want to move to Florida, and public officials on every level of government must do everything possible to make this growth orderly."

ACTION: Motion that, considering everything that has been said and done on the proposed plan and realizing that this is without a doubt one of the best unit development plans ever submitted to the County, the County go on record as approving the plans and all of the conditions and agreements made with the City of Boca Raton, and charging the staff with the responsibility of seeing to it that this project is carried out exactly as presented and approved, and to work closely with the officials of Boca Raton. Motion by Commissioner Lytal, seconded by Commissioner Culpepper.

DISCUSSION ON MOTION: Commissioner Weaver agreed that growth is inevitable and must be prepared for, but declared he is not convinced that the proposed plan is the best thing that could happen for Palm Beach County at this particular time.

Commissioner Culpepper commented the proposal has been in the planning stage for 14 months, during which time it was analyzed, scrutinized, restricted and modified. He stated in his opinion this is the best planned unit development that has been presented in Palm Beach County and possibly in the State of Florida; and he would prefer to see the area developed on an orderly, unified basis than to have it splintered into extremely high density by a number of developers. He therefore supports the plan.

Commissioner Johnson declared the Board has a mandate from the overwhelming majority of citizens of the area to oppose the plan. He further stated if the majority of the Commission grants the petition, they will be acting as "a cruel, outside political dictatorship against the interest of all the people of Boca Raton."

VOTE ON MOTION: The roll call vote on the motion was as follows:

Commissioner Lytal	- Aye
Commissioner Weaver	- Nay
Commissioner Culpepper	- Aye
Commissioner Johnson	- Nay
Chairman Warren	- Aye

COMMENT: Chairman Warren stated the plan is worthy of a chance.

(For Resolutions R-71-295, R-71-296 and R-71-297, see Minutes Resolution Book ____ at Page _____.)

PETITIONS - ZONING, POSTPONED #5; DELEGATIONS

SUBJECT: Postponed Item #5 - Petition of The Ford Leasing Development Company by Sidney Kelly, Assistant Secretary, for the Rezoning from A-1 Agricultural District to C-1 Neighborhood Commercial District, this matter having been postponed to this meeting from July 15, 1971 meeting, and having been unanimously approved by the Zoning Commission. The property is located at the southeast intersection of Boca Raton West Road and State Road 808 less the Cities Service Station site, more particularly described in Agenda.

DELEGATE APPEARING: Jack Eubank, Ford Motor Company.

INFORMATION: Commissioner Lytal inquired if the engineering department would comment on the petition, and Mr. Wolfe showed a map for Board review and stated the effect of the petition would be to require an additional 30 feet of right of way.

Mr. Eubank explained the land had been purchased in good faith in 1968 and the owners would cooperate with the right of way requirements if they are treated equally with other property owners. The setback will exceed the 100 feet required. Commissioner Lytal pointed out the Board could not make a change in zoning conditional on Right of Way dedication, although he hopes all property owners will cooperate in giving the County these Rights of Way.

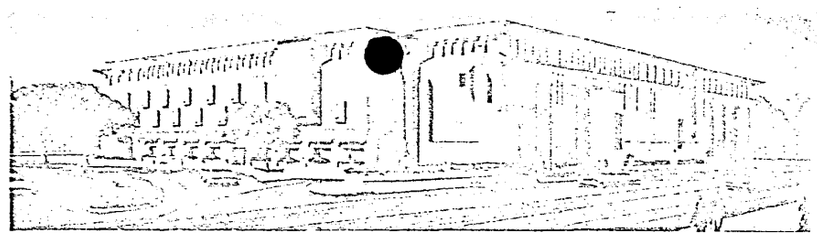
ACTION: Motion to approve Postponed Petition # 5. Motion by Commissioner Lytal, seconded by Commissioner Culpepper and approved by a 4 - 1 majority, Commissioner Johnson voting Nay.

(For Resolution No. R-71-298, see Minutes Resolution Book ____ at Page _____.)

PETITIONS - ZONING, ADVERTISED # 14; DELEGATIONS; COMPLAINTS

SUBJECT: Petition of Robert H. Ryan by McKeon Construction, Peter E. Frichette, President, for the Conditional Use to construct multiple family structures not to exceed four dwelling units per structure. Property is located at the southeast corner of Belvedere Road and Drexel Road in an R-1 Single Family Dwelling District, more particularly described in Agenda. Zoning Commission recommended approval unanimously.

ALM BEACH COUNTY
NG, ZONING, AND BUILDING DEPAR NT
P. O. BOX 1548
WEST PALM BEACH, FLORIDA 33402



December 3, 1971

Behring Development Company
1941 West Oakland Park Blvd.
Ft. Lauderdale, Florida 33311

Attn: Mr. Clair G. Andersen
Vice President

Dear Clair:

As a result of the technical review committee meeting on November 23, 1971 in which members of the Palm Beach County Planning, Zoning and Building Department, Engineering Department, and Legal and Health Departments met with you and other officials of the Behring Development Company, we have the following information to report to you.

Pursuant to the Agenda presented by your people denoting topics to be discussed at the above mentioned meeting, we can summarize our comments on items one through four by stipulating that the technical considerations and determinations involved therein will be handled by the Palm Beach County Land Development Division of the County Engineer's office under the direction of Mr. Jan Wolfe. We understand that we will be kept informed as to any new data or directional changes on these matters and will review such changes or alterations if the occasion necessitates.

We now direct your attention to item five of the November 23rd Agenda in which you pose several queries as enumerated A through F:

A. May the golf course be computed as open space for density purposes.

A golf course is viewed as one of the common open spaces in a Planned Unit Development. It shall be allowed density computation as open space if the golf course carries with it the necessary legal covenants recorded and running with the land to insure that it will remain as open space and for golf recreation purposes. Parties purchasing lots or renting units in the Planned Unit Development must not be barred from utilizing the golf course facilities by charging an excessive membership fee other than reasonable green fees and no fences or other barriers shall be erected around the golf course to prevent purchasers of lots or living units, including leasees, from visual utilization of the open space.

B. How shall ownership of the open areas be effectuated?

Ownership of open areas can be accomplished through a normal condominium association method, a property owners' association approach, or by the developer of the Planned Unit Development, or by an independent entity, all of which guarantee perpetual maintenance and control of the open areas. Of course, any change in ownership in the open areas will have to enter into those same covenants guaranteeing the open sapce to be left as open unimproved land.

C. May commercial property be counted in a computation of density?

Palm Beach County Zoning Resolution No. 3-57 under its Planned Unit Development provisions (26-2) does not envision density computations in portions of a Planned Unit Development that is devoted to commercial usage. Consequently, only those areas set aside for residential building can be considered in the total density/area computations.

D. May roads be computed in density/area figures including arterial, collector and local rights-of-way?

All roads within the boundaries of a Planned Unit Development may becomputed in density computations. This is an additional inducement to request that the developer donate the necessary rights-of-way to allow for expansion of existing road facilities and the planning of future road facilities which his project will necessitate to serve the residents therein.

E. May canals and lakes be computed in density figures?

Canals and lakes within the outer perimeter of the Planned Unit Development may be computed in density computations for a given Planned Unit Development. These will be deemed open space.

F. What flexibility is allowed in transferring unused density/area from one dwelling unit classification to another.

Palm Beach County Zoning Resolution No. 3-57 sets up density criteria for each zoning district and further delineates the density figures allotted to different types of dwelling units, i.e., 5.8 units per acre for single family construction; 8.7 dwelling units per acre for multiple family structures of one or two stories, hence, and so on. In the normal Planned Unit Development situation, the "pocket theory" is the system used to compute overall density. Thus, single family areas are checked for their compliance with the 5.8 dwelling units per acre criteria and if more density is included a corresponding amount of acreage is contributed to this development

section from adjacent open space.

In the Behring situation, an overall density has been established at 5.47 dwelling units per acre. Because of this ceiling limitation on the number of dwelling units per acre on the entire Planned Unit Development project and because acceptable density limitations have been denoted on the Boca Del Mar master plan per each developmental parcel, it is the feeling of the technical review staff that a transfer of built up or banked density can be effected in the Behring Planned Unit Development. A caveat exists here, however. The developer must insure that a bank of density credit must be maintained at all times prior to construction of an additional developmental phase of the project. This will alleviate any problems which could develop should the developer commit more density to specific development parcels than he has credit for under the undeveloped portions of the Planned Unit Development under the master plan.

We are hopeful that these comments have been helpful and responsive to the questions you raised at the technical review committee meeting of November 23, 1971, and urge you to contact us on any additional problems that might develop in the immediate future.

Sincerely yours,

PALM BEACH COUNTY PLANNING,
ZONING AND BUILDING DEPARTMENT

William R. Boose
Director

cc: Messrs. Reed
Small
Wolfe

WRB:lmh;mp

Behring Development Company

February 17, 1972

Mr. Wm. R. Boose, Director
Planning, Zoning & Building Dept.
Palm Beach County
810 Datura St.
West Palm Beach, Fla. 33432

Dear Bill:

This is to verify and confirm our previous statements and commitments to you, as required under the open space provisions of the County PUD resolution, that we will so conduct, or cause to be conducted, the affairs of the two golf courses to be built in Boca del Mar so that all residents therein will always have an opportunity to play golf on either of said two golf courses. We will charge a nominal fee for membership, and the members will be allowed to use all of the facilities on the golf courses by paying the usual fees and other charges.

If either or both of said golf courses are conducted as a private club, membership will be open to all residents of Boca del Mar, be they owners or tenants, by paying the nominal membership fee.

We agree to be bound by this commitment, and agree to bind our successors and assigns.

Yours sincerely,

BEHRING DEVELOPMENT COMPAN

Clair G. Anders.

Clair G. Andersen
Vice President

CGA:vn

cc: Jim Lee

555 South Federal Highway, Suite 2-A, Boca Raton, Florida 33432 Phone 305 395-5776

Exhibit I: Declaration of Restrictions Relating to Tracts 64-A, 64-B, 64-C and 64-D

BOCA DEL MAR GOLF AND TENNIS CLUB

A General Partnership

TO

THE PUBLIC

DECLARATION OF RESTRICTIONS

RELATING TO:

Tracts 64-A, 64-B, 64-C and 64-D,
BOCA DEL MAR NO. 7

(Also known as South Golf course)

81 004330

BOCA DEL MAR GOLF AND TENNIS CLUB, a Florida general partnership, the owner of all the foregoing described lands, does hereby impress upon said land the covenants, restrictions and servitudes hereinafter set forth:

1. DEFINITIONS.

As used in this Declaration of Restrictions the following words have the following meanings:

(a) DEVELOPER means BOCA DEL MAR GOLF AND TENNIS CLUB, a Florida general partnership, its successors and assigns.

(b) PERSON means a person, firm, association, partnership, corporation, or any other entity permitted to exist under the laws of the State of Florida.

22.60

(c) PROPERTY means that land described in Exhibit "A" attached hereto and made a part hereof as though fully set forth herein.

(d) BOCA DEL MAR means that area known as BOCA DEL MAR I, a Planned Unit Development, approved by the Board of County Commissioners of Palm Beach County, Florida, on August 19, 1971, in Resolution No. 3-57; and Tract 73, BOCA DEL MAR NO. 7, as recorded in Plat Book 30, at Page 210, of the Public Records of Palm Beach County, Florida.

Note: Tract 73, or BOCA DEL MAR P.U.D. NO. 3, is included as a part of Boca Del Mar for the purposes of these Restrictions due to the fact that the total density allocated to the said Boca Del Mar P.U.D. NO. 3 was transferred from that area known as Boca Del Mar I.

B3442 P1203

(e) RESIDENT means any PERSON who actually resides within BOCA DEL MAR whether as owner of a DWELLING UNIT within BOCA DEL MAR or a PERSON who owns an unoccupied DWELLING UNIT within BOCA DEL MAR.

THIS INSTRUMENT PREPARED BY
AND RETURN TO:
Donald H. Reed, Jr., Esquire
DESCHLER, REED & CRITCHFIELD
555 South Federal Highway
Boca Raton, Florida 33432

(g) IMPROVEMENT ASSOCIATION means BOCA DEL MAR IMPROVEMENT ASSOCIATION, INC., a Florida corporation not for profit, its successors or assigns.

(h) GENDER. The use of any gender is deemed to include all genders; the use of the singular includes the plural and the use of the plural includes the singular.

(i) OWNER means the owner or owners of the PROPERTY from time to time.

2. USE.

The PROPERTY shall be used for no purpose other than for a golf course and customarily related activities, including, but not limited to, tennis and swimming. Such uses are further restricted as follows:

(a) The aforesaid uses shall be restricted to PERSONS who are RESIDENTS, except that PERSONS who are not RESIDENTS may be permitted to use the PROPERTY so long as such use does not prevent a RESIDENT from such use, subject to such reasonable rules, regulations, membership requirements, fees and charges, as may be imposed by OWNER.

(b) In the event the PROPERTY is used as a private or semi-private club or clubs, which type of use is hereby expressly permitted, membership in such private or semi-private club or clubs shall be first made available to RESIDENTS under such rules, regulations, membership requirements, fees and charges, as are reasonable under the circumstances, and no more restrictive than those rules, regulations, membership requirements, fees and charges imposed upon otherwise qualified non-RESIDENTS.

(c) In the event the total number of RESIDENTS exceeds the number of PERSONS which could reasonably use the PROPERTY, it is contemplated, and expressly permitted by these Restrictions, that a maximum number of memberships may be established by OWNER, which such maximum number may from time to time be changed. In the event such a maximum number of memberships is established, the intent of these Restrictions is that PERSONS otherwise qualified for memberships shall be admitted on a "first come-first served" basis; that further, at such

B3442 P1284

time as memberships equal the maximum number permitted, no RESIDENT otherwise qualified shall be denied membership on account of the existing membership of a non-RESIDENT for a period of more than twelve (12) months from the date of such RESIDENT'S application. Such shall be the case so long as there are members who are non-RESIDENTS. At such time as the maximum number of memberships is comprised solely of RESIDENTS, vacancies shall be filled solely by RESIDENTS so long as there are otherwise qualified RESIDENTS seeking membership; and thereafter memberships for otherwise qualified non-RESIDENTS shall be permitted only to the extent that there is not a sufficient number of otherwise qualified RESIDENTS to fill the maximum number of memberships permitted, and any such otherwise qualified non-RESIDENT membership shall be for not longer than one (1) year, so that there shall always be, to the extent of available memberships, the opportunity for membership by otherwise qualified RESIDENTS.

(d) No RESIDENT otherwise qualified shall be given preference over any other RESIDENT likewise qualified, based upon type of DWELLING UNIT, proximity to the PROPERTY, age, race, sex, religion, color, creed or national origin.

(e) It is further the intent of these Restrictions that the PROPERTY shall not be developed for residential use.

3. FENCES, WALLS OR OTHER BARRIERS.

No fence, wall or other barrier shall be permitted to be built along or around the periphery of the PROPERTY which would serve to obstruct the view of DWELLING UNIT owners or residents adjacent to the PROPERTY, it being the intention of this restriction to preserve to the adjacent DWELLING UNIT owners and residents a view of the golf course located upon the PROPERTY. PROVIDED HOWEVER, the foregoing shall not be deemed to prohibit the reasonable use of landscaping, including trees, hedges, bushes, and other foliage, designed to enhance the beauty of the PROPERTY, and not intended primarily to obstruct the view of DWELLING UNIT owners or residents.

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4. TRASH AND PARKING.

(a) All garbage and trash containers and oil and gas tanks must be placed and maintained and so constructed as to render the contents thereof hidden from view from adjoining properties. No garbage or trash shall be placed anywhere except in containers as aforesaid.

(b) The parking or storage of automobiles and other motor vehicles except upon paved areas or grass areas specifically provided for that purposed is prohibited.

(c) The parking or storage of boats and boat trailers, campers, trailers or other vehicles upon any lands in the PROPERTY is prohibited except in spaces expressly provided for same.

(d) Only vehicles bearing current license and registration tags and inspection certificates, as required pursuant to state law, shall be permitted to be parked or stored on any lands within the PROPERTY.

5. NUISANCES.

No noxious or offensive activity shall be carried on within the PROPERTY, except that any reasonable related use of the PROPERTY, such as, but not limited to, golf or tennis tournaments and exhibitions, shall not be deemed to be nuisance.

6. LIVESTOCK AND POULTRY.

No domestic animals, livestock or poultry of any kind shall be raised, bred or kept within the PROPERTY, except for security purposes.

7. NOTICE TO OWNER.

Notice to OWNER of a violation of any of these restrictions shall be in writing and shall be sufficient when delivered or mailed, postage prepaid, to the OWNER.

8. NON-LIABILITY OF DEVELOPER.

The DEVELOPER herein shall not in any way or manner be held liable or responsible for any violation of these restrictions by any person other than itself.

9. ENFORCEMENT.

These restrictions and requirements may be enforced by an action at law or in equity by a majority of the DWELLING UNIT owners in "Boca Del Mar" or by the DEVELOPER.

10. INVALIDITY CLAUSE.

Invalidation of any one of these covenants by a court of competent jurisdiction shall in no way affect any of the other covenants, which shall remain in full force and effect.

11. EXISTENCE AND DURATION.

The foregoing covenants, restrictions, reservations and servitudes shall be considered and construed as covenants, restrictions, reservations and servitudes running with the land and the same shall bind all persons claiming ownership or use of any portions of said land until the 31st day of December, 2012, at which time they shall terminate. This Declaration may be amended during the said term by an instrument signed by the OWNER of the PROPERTY and the IMPROVEMENT ASSOCIATION. Any amendment must be recorded in the Public Records of Palm Beach County, Florida, to be effective.

12. DISCLAIMER.

Nothing contained in this Declaration shall be deemed to give the IMPROVEMENT ASSOCIATION any rights in or to, or control of, the PROPERTY, nor shall the IMPROVEMENT ASSOCIATION be in any wise obligated to maintain the PROPERTY. The sole rights intended to be granted the IMPROVEMENT ASSOCIATION by these Restrictions are those related to the enforcement of same in behalf of the RESIDENTS of "BOCA DEL MAR".

IN WITNESS WHEREOF, BOCA DEL MAR GOLF AND TENNIS CLUB, a Florida general partnership, has caused this instrument to be executed in its partnership name, this 29th day of December, 1980.

B3442 P1287

BOCA DEL MAR GOLF AND TENNIS CLUB,
a Florida partnership

BY:

Signed, sealed and delivered in the presence of:

TEXACO BOCA DEL MAR INC.,
general partner

By: _____

(Corporate Seal)

STATE OF FLORIDA

COUNTY OF PALM BEACH

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid, to take acknowledgements, personally appeared R.J. Haden well known to me to be the Vice President of TEXACO BOCA DEL MAR INC., and that he acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in him by said corporation, and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid, this 29th day of December, 1980.

Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES MAR. 12 1982
BONDED THRU GENERAL INS. UNDERWRITERS

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF PALM BEACH

Personally appeared before me, the undersigned authority, R. J. Haden who being duly sworn deposes and says that he is the VICE PRESIDENT of TEXACO BOCA DEL MAR INC., a Delaware corporation authorized to do business in Florida, a partner in BOCA DEL MAR GOLF AND TENNIS CLUB, that the other partner is BOCA DEL MAR INC., a Delaware corporation authorized to do business in Florida, and that TEXACO BOCA DEL MAR INC., the partner executing this instrument had the authority to do so and that this instrument was made for carrying on in the usual way the business of the partnership.

SWORN TO AND SUBSCRIBED before me in the County and State aforeaid, this 29th day of December, 1980.

Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES MAR. 12 1982
BONDED THRU GENERAL INS. UNDERWRITERS

APPROVED AS TO:
Form 12-24-80
Terms 12.30.80
Description 12-30-80

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LEGAL DESCRIPTION

A parcel of land lying in Sections 26, 27, 34 and 35, Township 47 South, Range 42 East, Palm Beach County, Florida, said parcel being more particularly described as follows:

Tracts 64-A, 64-B, 64-C and 64-D, BOCA DEL MAR NO. 7, according to the Plat thereof, as recorded in Plat Book 30, at Pages 210 through 217, of the Public Records of Palm Beach County, Florida.

EXHIBIT "A"

B3442 P1289

urban design kilday STUDIOS

Urban Planning and Design
Landscape Architecture
Communication Graphics

JUSTIFICATION STATEMENT

Mizner Trail Properties

Boca Del Mar Planned Unit Development

Development Order Amendment Application

Submittal Date: July 21, 2010
Interim Submittal: November 15, 2010

Control Number: 1984-052
Application Number: ZV/DOA-2010-01728

Request

On behalf of Siemens Group, Inc., Urban Design Kilday Studios has prepared and hereby respectfully submits this application requesting a Development Order Amendment (DOA) to modify the Boca Del Mar Planned Unit Development (PUD), Control Number 1984-152. The affected area is comprised of 129.894 acres of former golf course land (Pod 64) and former Golf Course Club House (Pod 69A). It is comprised of two (2) property control numbers (PCN 00-42-47-26-05-641-0000 and 00-42-47-27-56-000-0691). Specifically, the proposed Development Order Amendment application is requesting the following:

- To re-designate approximately 127.00 acres of golf course to residential land area, Pod 64;
- To modify 2.88 acre Recreation Parcel, Pod 69A;
- To add 390 residential units;
- To add one (1) access point to the PUD from Military Trail and 8 additional access points to pods internal to the PUD.

A more detailed description of these requests is included in this Justification Statement. The initial application submittal included a variance request to allow for the percentage of dead-end or cul-de-sac streets. The calculations were revised to evaluate the overall Boca Del Mar PUD rather than only reviewing the proposed streets. The variance was no longer necessary and the variance application was withdrawn.

History / Background

Boca Del Mar PUD is located at the northwest corner of SW 18th Street and Military Trail. The PUD extends to the Florida's Turnpike on the west and north beyond Palmetto Park Road to LWDD Canal E-2. The prevailing master plan for the Boca Del Mar PUD indicates

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LCC000035

a total site area of 1,933.09 acres and a total of 10,330 dwelling units. On December 31, 2004, The City of Boca Raton annexed 40.67 acres of the PUD located on the east side of Military Trail into their City limits via Ordinance 4795. This included 167 units. This resulted in a total of 1,892.42 acres and 10,163 units located in Palm Beach County. The total number of units is based upon the Master Plan. The total number of units per the Pod Table located on the Master Plan is 10,063. There is a 100 unit discrepancy. At the direction of staff, we researched the Plats, historical Master Plans and various approved site/subdivision plans. All of this data has been added to page two of the Master Plan. There are several discrepancies and in order to come up with a total acreage and total unit count, we used the Plat site data when their where discrepancies. The project's surveyor, Avirom and Associates also prepared a sketch and legal description for the overall Boca Del Mar PUD. **As a result, the Master Plan has been revised to be consistent with the sketch and the area was changed to 1945.96 acres. We have calculated the total number of units existing to be 9,773. The proposed number of units is 10, 163 (adding 390 units).** These numbers less out the land and units annexed into the City of Boca Raton.

The affected area lies within the southeast quadrant of the overall PUD. The 129.89 acres of land is comprised of the former golf course that is not longer in operation (Pod 64) and Pod 69A, the recreation parcel consisting of the former Golf Club House.

Per the Palm Beach County Comprehensive Plan, the site lies within the Urban/Suburban Tier and has a Palm Beach County Future Land Use (FLU) designation of High Residential 8 (HR 8) per FLU Atlas Maps 114, 115 and 118 and lies within the Residential Planned Unit Development (PUD) Zoning District per Quad Maps 39 and 54. The following is a summary of the past Zoning Approvals:

Petition Number	Action	Date	Resolution Number
	Approval of a Condition Use to allow a Planned Unit Development in the A-1 Zoning District granted by the Palm Beach County Board of County Commissioners	August 19, 1971	
Petition 1984-152	Special Exception to amendment the master plan for Boca Del Mar PUD by adding 5 dwelling units to Tract 81	Feb. 19, 1985	R-85-288
Petition 1984-152(A)	Special Exception to amendment the master plan for Boca Del Mar PUD to allow a day care center on Tract 27	July 28, 1987	R-87-1111
Petition 1984-152(B)	Special Exception to amendment the master plan for Boca Del Mar PUD to allow an adult congregate living facility on Tract 62	August 27, 1988	R-88-1539
Petition 1984-152I	Special Exception to amendment the master plan for Boca Del Mar PUD to allow a child day care center for 85 children on Tract 77	July 25, 1991	R-91-1466
Petition 1984-152(D)	Development Order Amendment for a Requested Use to allow a fitness center in the Agricultural Residential (AR) Zoning District	January 26, 1995	R-95-107

Petition 1984-152(E)	Development Order Amendment to add an access point for the Boca Raton Synagogue	January 26, 1995	R-95-115
Petition 1984-152(F)	Development Order Amendment for a Requested Use to allow an Indoor Entertainment establishment on Tract 77	July 27, 1995	R-95-1017
Petition 1984-152(G)	Development Order Amendment to increase square footage (+2,000 sq. ft.) and children (+71) for an existing day care center on Tract 77	Sept. 28, 1995	R-95-1321.3
Petition 1984-152(H)	Development Order Amendment to increase square footage and modify/delete conditions of approval for the Boca Raton Synagogue	Nov. 30, 2000	R-2000-1944

Petition 1984-152(I)	Development Order Amendment to add an access point, increase square footage and reconfigure the site plan for the YMCA of Boca Raton	June 27, 2002	R-2002-1004
Petition DOA2004-224	Development Order Amendment modify/delete conditions of approval.	June 16, 2004	R-2004-1371
Petition 1984-152	Development Order Amendment to modify a condition of approval.	Nov. 17, 2005	R-2005-2293
Control No. 1984-152 Application No. DOA 2004-826	Denied Request to re-designate 43.29 acres of land area from golf course to residential, add 236 units and add an access point from Military Trail.	Feb. 23, 2006	R-2006-0283

Overview of Proposed Development Order Amendment

This Development Order Amendment application is proposing to re-designate Pod 64 of the Boca Del Mar PUD from Golf Course use to Residential. This Pod is 127.0 acres in size and is separated by several roadways and canals. Pod 64 is the former Mizner Trail Golf Course which has been out of operation since the fall of 2005. The property is fallow and vacant. The application is proposing to add 390 residential units, renovate the Club House and create a neighborhood park including a fitness trails. The residential units will be a mix of single family, zero lot line and multi-family townhouse style units. All of the units are for-sale products. Pod 64 has been broken down into seven pods as indicated below:

POD NAME	UNIT TYPE	NUMBER OF UNITS	ACREAGE	POD DENSITY
64 A	Zero Lot Line 45' x 125'	32	14.18	2.26
64 B	Multifamily	123	24.44	5.03
64 C	Zero Lot Line 45' x 125'	16	21.56	0.74
64 D	Zero Lot Line 50' x 135'	17	6.57	2.59

64 E	Multifamily	62	16.92	3.66
64 F	Multifamily	124	26.84	4.62
64 G	Single Family 65' x 103'	16	16.33	0.98

The proposed pod densities are at or below 5 dwelling units an acre with two pods actually less than one dwelling unit per acre. The average acreage density of the surrounding communities directly adjacent to the subject site is 10.12 dwelling unit per acre based on the acreages and units shown on the plats. The proposed application is one-third the density. Attached to the justification statement are two spreadsheets; a comparative density analysis of the proposed development and the adjacent communities and an assessment of the number of units directly adjacent to the proposed residential units.

Landscape buffers are proposed on all sides of the affected pods. The perimeter buffers (on the perimeter of the overall PUD) are either ROW buffers or a Compatibility Buffer adjacent to the LaJoya PUD (Pod 64G). The ULDC requires a 5' compatibility buffer adjacent to other residential development. This buffer has been upgraded to 10' in width and additional open space has been provided between the rear of the lots and the LaJoya PUD property line. Although the ULDC does not require landscape buffers between pods within the same PUD, we have proposed a 10' Landscape Buffer adjacent to other Boca Del Mar pods. In addition to the landscape buffers, most of the roadways within the affected area are single-loaded. This allows for more curvilinear roadways and also allows for the proposed residential units to be located further away from the surrounding uses.

The former golf course clubhouse, Pod 69A, will be renovated to include a fitness center and swimming pool. Pod 64C also includes a 4.02 acre neighborhood park which will include a fitness trail with workout stations along a meandering pathway.

PDD and PUD Objectives and Standards

PDD Design Objectives:
Article 3.E.1.C requires Planned Developments to meet the following PDD Design Objectives:

a. Contain sufficient depth, width, and frontage on a public street, or appropriate access thereto, as shown on the PBC Thoroughfare Identification Map to adequately accommodate the proposed use(s) and design;

The Boca Del Mar PUD is consistent with this PDD Design Objective. The PUD has frontage on Military Trail, SW 18th Street, Powerline Road, Florida's Turnpike and Palmetto Park Road. The overall PUD (approved as a Conditional Use in the AG Zoning District in 1971) contains 1,945.96 acres. Due to its size, the roads

referenced herein, not only are on the County's Thoroughfare Identification Map but bisect the PUD providing miles of frontage and multiple points of access.

b. Provide a continuous, non-vehicular circulation system which connects uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the PDD;

The Boca del Mar PUD provides a variety of uses connected by a hierarchy of streets including thoroughfare arterials, internal collector streets and local streets. All of the streets contain appropriate cross-sections which include sidewalks of appropriate widths to interconnect the various neighborhoods and non residential uses. Additionally, where major thoroughfares intersect appropriate crosswalks and crossing signalization is provided to allow pedestrian crossing of these busy thoroughfares. All of the internal collector streets and sidewalk areas are public as well as many of the local streets.

c. Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses;

Boca del Mar is primarily a residential community although a variety of non-residential uses are also constructed as well as a mix of residential housing. In all cases, individual site plans have been reviewed and approved prior to construction of pods to insure that appropriate parking and pedestrian connections are made depending upon the type of use which includes civic areas, assisted living facilities, and multifamily projects.

d. Preserve existing native vegetation and other natural/historic features to the greatest possible extent;

Boca del Mar PUD began construction in 1971 almost 40 years ago. Much of the property was in agricultural use prior to that time. Most of the existing vegetation was planted as part of the development process and through the years has matured. There is a mix of native and non-native landscaping throughout the project. The effected area of the current application was previously designed and operated as a golf course. At that time, little native vegetation was used and some of the vegetation planted at that time was later determined to be either invasive non native species which are currently not permitted or, at least, discouraged. The proposed modification to the PUD will include removal of invasive species and planting in accordance with current code which requires significant use of native species. Where there may be existing native species of plants to the greatest extent practical the plants will be preserved or relocated on site.

e. Screen objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, compactors) from public view and control objectionable sound;

Boca del Mar PUD generally has appropriate screening in those cases (non residential or multifamily) where mechanical equipment, loading, and dumpsters exist. However, it should be noted that some of the structures predate current screening requirements in the Code. The affected area of the amendment will be built as residential pods and all screening requirements will be met.

f. Locate and design buildings, structures, uses, pathways, access, landscaping, water management tracts, drainage systems, signs and other primary elements to minimize the potential for any adverse impact on adjacent properties;

Most of Boca del Mar has been constructed for many years. Buildings, structures, pathways, access, landscaping, water management tracts, drainage systems, and signs have been in place many years. Landscaping throughout the PUD has been allowed to mature and been modified over time to provide an attractive well buffered residential community where many different types and styles of residential housing from mid rise multifamily to single family coexist in harmony. The affected area of the application will continue this sensitivity to surrounding land uses. A great deal of analysis was undertaken in designing the low intensity use so as not to negatively affect surrounding established uses.

g. Minimize parking through shared parking and mix of uses.

Parking throughout the Boca del Mar has been designed to accommodate the type of use on each parcel. In some cases (civic and multifamily parcels) parking lots have been created in appropriate areas proximate to the specific uses and in other cases (single family neighborhoods) individual parking is provided utilizing driveways and garages. Due to the nature and age of the project, there are few if any opportunities for shared parking as the current mix of uses is primarily residential with a small amount of civic and commercial uses on separate designated tracts.

h. For PDD only, a minimum of one pedestrian amenity for each 100,000 square feet of GFA or fraction thereof shall be incorporated into the overall development to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to:
    1) public art;
    2) clock tower;
    3) water feature/fountain;
    4) outdoor patio, courtyard or plaza; and
    5) tables with umbrellas for open air eating in common areas and not associated with tenant use (i.e. restaurant) or outdoor furniture.

This PDD standard appears to apply to non residential PDD uses. Boca del Mar is an existing PUD which is primarily residential in nature. The affected area will however be designed to include appropriate focal points within each neighborhood.

PDD Performance Standards:
Planned developments shall comply with the following standards:

a. Access and Circulation

1) PDDs shall have a minimum of 200 linear feet of frontage along an arterial or collector street;

Finding: Boca Del Mar PUD exceeds this standard.

2) PDDs shall have legal access on an arterial or collector street;

Finding: Boca Del Mar PUD has numerous access points on both arterial and collector streets.

3) Vehicular access and circulation shall be designed to minimize hazards to pedestrians, non-motorized forms of transportation, and other vehicles. Merge lanes, turn lanes and traffic medians shall be required where existing or anticipated heavy traffic flows indicate the need for such controls;

Finding: Boca Del Mar PUD meets all standards for road design including where necessary turn lanes, traffic medians and signalization.

4) Traffic improvements shall be provided to accommodate the projected traffic impact;

Finding: Traffic improvements have been provided to meet existing traffic impacts and any additional improvements will be conditioned as necessary as part of the approval of the affected area.

5) Cul-de-sacs

The objective of this provision is to recognize a balance between dead end streets and interconnectivity within the development. In order to determine the total number of local streets that can terminate in cul-de-sacs, the applicant shall submit a Street Layout Plan, pursuant to the Technical Manual. The layout plan shall indicate the number of streets terminating in cul-de-sacs, as defined in Article 1 of this Code, and how the total number of streets is calculated. During the DRO certification process, the addressing section shall confirm the total number of streets for the development, which would be consistent with how streets are named. Streets that terminate in a T-intersection providing access to less than four lots, or a cul-de-sac that abuts a minimum 20 foot wide open space that provides pedestrian cross access between two pods shall not be used in the calculation of total number of cul-de-sacs or dead end streets.

a) 40 percent of the local streets in a PDD may terminate in a cul-de-sac or a dead-end by right.

Finding: A detailed analysis was undertaken of all of Boca Del Mar's streets and cul de sacs including the affected area. It was determined (See Street Layout Plan) that the PUD has 36% cul de sacs meeting this standard.

6) Nonresidential PDDs shall provide cross access to adjacent properties where possible, subject to approval by the County Engineer;

Finding: Not applicable.

7) Streets shall not be designed nor constructed in a manner which adversely impacts drainage in or adjacent to the project; and

Finding: All streets were constructed with appropriate drainage and permitted either by Palm Beach County or the Florida DOT.

8) Public streets in the project shall connect to public streets directly adjacent to the project. If no adjacent public streets exist, and the County Engineer determines that a future public street is possible, a connection to the property line shall be provided in a location determined by the County Engineer. This standard may be waived by the BCC.

Finding: Boca Del Mar is bisected or abutting several arterial roadways shown on the County's Thoroughfare Identification Map. All street connections were designed to meet all applicable standards and where streets crossed over arterials they were aligned. Additionally, where a street abutted an existing street a connection was made.

b. Street Lighting
Streetlights shall be a maximum of 25 feet in height and shall be installed along all streets 50 feet in width or greater. The light fixture shall be designed to direct light away from residences and onto the sidewalk and street and shall comply with Article 5.E, PERFORMANCE STANDARDS.

Finding: Street lighting has been provided in accordance with Article 5.E. PERFORMANCE STANDARDS.

c. Median Landscaping
Refer to the most recent Land Development Regulation Manual, available from the PBC Engineering Department.

Finding: Where medians exist they have been landscaped in accordance with the standards in place at the time of construction of said medians.

d. Street Trees
Canopy trees meeting the requirements of Article 7, LANDSCAPING, shall be spaced an average of 50 feet on center along both sides of all streets 50 feet in width or greater.

Finding: Mature street trees exist throughout Boca Del Mar PUD. Any new streets will be landscaped in accordance with Article 7, LANDSCAPING.

f. Mass Transit
All nonresidential PDDs over five acres and 50,000 square feet, and all PUDs over 50 units, shall comply with the following, unless waived by the DRO:

1) The location of a Bus Stop, Boarding and Alighting Area shall be shown on the master plan and/or final site plan prior to approval by the DRO, unless written conflicts that one is not required. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran;

2) Prior to the issuance of the first building permit, the property owner shall convey to PBC an easement for a Bus Stop, Boarding and Alighting Area, in a location and manner approved by Palm Tran. As an alternative, prior to Technical Compliance of the first plat, the property owner shall record an easement for a Bus Stop, Boarding and Alighting Area in a manner and form approved by Palm Tran. The property owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act (ADA) to and through the Bus Stop Boarding and Alighting Area; and

3) All PDDs with more than 100 units shall comply with the following requirement: Prior to the issuance of the building permit for the 100th unit, the petitioner shall construct a Palm Tran approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner.

Finding: The applicant has not been requested to provide any bus stop by Palm Tran as part of the DRO process. Boca Del Mar has been mostly built out for many years and Palm Tran routes and stops have been determined utilizing the several arterial thoroughfares that run adjacent to or through the PUD. The affected area is internal to the PUD and would trigger the need for any additional stop.

g. Utilities
All utility services located in a utility easement, such as telephone, cable, gas, and electric, shall be installed underground or combination/alternative acceptable to the DRO.

Finding: All utility services for the built portion of Boca Del Mar are in place. Utility services for the affected area shall comply with this Standard.

h. Parking

1) Residential Uses

Parking for residential uses shall comply with Article 6, PARKING. The DRO may require a covenant to be recorded limiting the affected area to a specific use or uses.

Finding: Residential uses comply with Parking requirements which were in affect at the time of the construction of these uses. Any new residential units will comply with Article 5, PARKING.

2) Nonresidential Uses
Nonresidential uses located within a PDD may apply the parking standards indicated in Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements or the minimum/maximum parking standards below. The site plan shall clearly indicate which parking standards are being utilized for the entire site.

Finding: Any existing nonresidential uses comply with the standards applicable at the time these uses were constructed. No new nonresidential uses are being requested as part of this amendment.

3) Design
Parking areas open to the public shall be interconnected and provide safe efficient flow of traffic. Parking areas directly adjacent to other parking areas in the same project shall have cross access.

Finding: Boca Del Mar is primarily a residential Planned Unit Development. All residential parking is private. The minimal non-residential uses have existing parking that complies with the Code in affect at the time the parking was constructed. There are no adjacent parking areas which would require cross access.

4) Cross Access
Cross access shall be provided to adjacent internal uses/properties, if required by the DRO.

Finding: Boca Del Mar PUD is mostly constructed and parking provided in compliance with the Code in affect at the time each pod was constructed. The affected area has no ability legally or physically to link cross access to any adjacent properties.

5) Location-Non-residential PDDs
A minimum of ten percent of the required parking shall be located at the rear or side of each building it is intended to serve.

Finding: Not applicable.

6) Distance

All parking spaces shall be located within 600 linear feet of a public entrance of the building which it is intended to serve.

Finding: Not applicable.

i. Way Finding Signs
Off-site directional signs, consistent with the on-site directional sign standards in Article 8, SIGNAGE, may be allowed along internal streets in the R-O-W, subject to approval by the County Engineer.

Finding: Any new off-site directional signs shall comply with this standard.

j. Recreation Clubhouse Emergency Generators
A permanent emergency generator shall be required for all PDD clubhouses 2,500 square feet or greater, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators.

Finding: Any new recreation construction will comply with this Standard.

PUD Design Objectives:

As a requirement of Article 3.E.2.A.4., Exemplary Standards, a Development Order Amendment application shall only be granted to a project exceeding the goals, policies and objectives of the Comprehensive Plan, the minimum requirements of the ULDC and the design objectives and performance standards which include such items as creative design, recreational opportunities and mix of unit types. The requested DOA application meets the following PUD Design Objectives and Performance Standards:

a. The proposed development is predominantly residential. We are proposing 390 residential units and an accessory recreation parcel and neighborhood park.

b. The proposed development provides a continuous non-vehicular circulation system for pedestrians. Each pod area has a continuous sidewalk along the roadway and leading to a public right-of-way.

c. The proposed development provides perimeter landscape buffers along all sides of the pods.

d. Although it may be allowed, the proposed development is not proposing limited commercial uses. Commercial Uses are designated and existing through-out the Boca Del Mar PUD.

e. The proposed development creates neighborhood character and identity. The project proposes three unique building types; single family homes, zero lot line homes and townhouse style multi-family units. The roadways are designed

to be curvilinear and the buildings are placed in a manner to create large areas of open space. Through the style of architecture, landscape materials and design elements, the project will have neighborhood character and identity.

f. The proposed development preserves the natural elements to the greatest extent possible. Where possible, the native trees will be preserved in place and we are not to alter the water bodies.

g. Boca Del Mar PUD contains several existing civic uses. The proposed application is proposing a private recreation facility.

PUD Performance Standards
The following performance standards are required:

a. Proximity to other uses: All residential pods with 5 or more residential units per acre shall be located within 1,320 feet provide a neighborhood park, recreation pod, private civic pod, commercial pod or public recreation facility.

Most of the proposed development does not have any pods greater than 5 du/acre. However, we are proposing a recreation pod and a neighbor park in a central location to the proposed units. Pod 64B has 5.03 units per acre and it is located directly adjacent to both the Recreation Parcel and the Neighborhood Park.

b. Focal Points: A focal point shall be provided at the terminus of 15% of the streets of the project.

The proposed development features focal points within all of the cul-de-sacs of the project, exceeding the minimum 15% requirement. Additional landscape focal points have been added through-out the pods.

c. Neighborhood Parks: Neighborhood parks shall have a direct connection to the pedestrian system and include a tot lot, gazebo, fitness station, rest station or similar recreation amenity.

The proposed development proposed a 4.02 acre neighborhood park which will contain a fitness trial including workout equipment.

d. Decorative Street Lighting: Decorative street lighting shall be provided along the development entrances.

Decorative street lighting will be provided along the development entrances.

In addition, the following three standards are being provided (2 required):

e. Decorative Paving: Decorative paving shall be provided at the development entrances and incorporated into the recreation areas.

Decorative Paving will be provided that the entrances of each proposed development and incorporated into the recreation parcel.

f. Fountains: A minimum of one fountain shall be located in the main or largest lake or water body.

A fountain will be provided within the large existing lake located in Pod 64A.

g. Interspersed Housing: Workforce Housing Units shall be interspersed with market rate units within a pod.

The project is required to have 10 Workforce Housing Units. They will be interspersed with the market rate units.

Pre-Application Meeting

A pre-application meeting to discuss this Development Order Amendment application and submittal requirements to request to modifications to reduce or reconfigure a golf course took place on May 27, 2010. Participants in the meeting included Barbara Alterman, Maryann Kwok, Wendy Hernandez and Bob Banks (via telephone) from Palm Beach County Zoning, Richard Siemens and Justin Siemens of Siemens Group, Inc. and Kerry Kilday and Wendy Tuma from Urban Design Kilday Studios. The first item discussed was the notification requirements established in Article 3.E.1.E.3.a. It was established that all property owners within the Boca Del Mar PUD are required to be notified prior to submittal of the DOA application. The ULDC refers to the mailing as Registered Mailing. It was discussed and clarified that there was a glitch in the code and it was the intent to have the mailing sent via Certified Mail Service as Registered Mail is insured mail for highly secure valuables. The ULDC will be modified in amendment round 2010-01 to amend the word registered to read certified. This adoption of the 2010-01 amendments is scheduled for August 26, 2010. The next item discussed was the requirement for a visual impact analysis per ULDC Article 3.E.1.E.3.c. Staff provided names of other projects that have submitted similar analysis. Lastly, staff reviewed the conceptual site plans and there was a discussion regarding the previous application request.

An additional pre-application meeting was held on July 14, 2010 to discuss the proposed variance request from the maximum number of cul-de-sac allowed. Participants in the meeting were Maryann Kwok, Wendy Hernandez and Wendy Tuma.

Architectural Review

The Architectural Review design standards outlined in Article 5.C of the ULDC state multifamily buildings containing 16 or less units are exempt from Architectural Guidelines. In addition, recreational buildings within a PUD and single family residential buildings are also exempt form the standards. As a part of this application, conceptual architectural renderings have been submitted to illustrate the architectural character and theme of the project.

Concurrency

Boca Del Mar was granted concurrency exemption extension for the project, #90-1128021. The extension was later converted into a permanent exemption in 2000. The PUD currently has concurrency consistent with the 10,330 units shown on the current approved Master Plan. This development order amendment application includes a companion Concurrency Reservation application for an additional 390 dwelling units; 16 single family units, 65 zero lot line units and 309 multifamily units. Adequate public facility capacities for other services will be confirmed through review of this application.

Workforce Housing Program

The Workforce Housing program (WHP) is applicable to new or existing projects proposing 10 or more dwelling units provided they are located within the Urban/Suburban Tier and have a residential FLU of LR-1, LR-2, LR-3, MR-5, HR-8, HR-12, or HR-18. For existing projects, the program applies to those units being added. Therefore, the proposed 390 units are subject to the program requirements.

The project is using Limited Incentive Program which is available to projects requesting less a bonus density below 50%. We are requesting a 0% density bonus and therefore, are allowed to use this program. The percentage of WHP units required is 2.5% of standard density, 8% of PUD density and 17% of WHP density bonus.

The subject site has a land use of HR-8 and the standard density for the HR-8 FLU is 6-du/acre. Mizner Trail is proposing a density of 3-du/acre for the affected area. The overall density of the entire Boca Del Mar PUD is 5.22-du/acre. Regardless of which density calculation is used, both are below the standard density and therefore, would require the project to provide 2.5% WHP units for the 390 units. This equates to 9.75, or 10 WHP units. The 10 WHP units (for sale units) would be income restricted for a period of 15 years. The units would be divided between the Low and Moderate 1 income levels.

Open Space:

As a part of Application DOA 2004-826, the agent for Mizner Trail Golf Club, Ltd, Sanders Planning Group was required to review historic files and demonstrate Boca Del Mar PUD meets the minimum requirement for open space without Mizner Trail Golf

Course, Pod 64. Sanders Planning Group conducted a comprehensive assessment of all pods of Boca Del Mar verified that each pod satisfied or exceeded the minimum requirement for open space of the prevailing ordinance at the time of approval for each individual pod. During the review of Application DOA 2004-826, staff agreed with the data supplied by Sanders Planning Group. We have attached a copy of their open space assessment.

The affected area included in this application will meet all open space criteria as a stand alone development providing a minimum 51.96 acres (40% of 129.89 acres) of open space in the form of landscape buffers, retention, and outdoor recreation facilities as shown on the Conceptual Site Plans. Therefore, the overall requirement for Open Space will be continued to be met by the PUD as a whole after the development of the application parcel.

Standards for Development Order Amendment

This proposal meets all requirements set forth in ULDC Article 2.B.2.B, Standards for considering a development order application for a development order amendment:

1. Consistency with the Plan:

The proposed amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan. The Future Land Use (FLU) element of the Palm Beach County Comprehensive Plan assigns the subject property and the entire Boca Del Mar PUD a designation of High Residential 8 (HR-8). The HR-8 FLU designation requires residential development with the PUD zoning district to provide a minimum density of 5 dwelling units per acre and allows for development at a maximum density of 8 dwelling units per acre.

This application is proposing to increase the density to 5.22 units per acre by adding 390 units to the PUD (10,163 units on 1,945.96 gross acres). This increased density is below the allowable 8 dwelling units per acre and therefore consistent with the Comprehensive Plan.

2. Consistency with the Code:

The proposed amendment complies with all applicable standards and provisions of the Code for the use, layout, function, and general development characteristics. Specifically, the proposed uses comply with all applicable portions of Article 4.B, Supplementary Use Standards. The application is proposing three residential product types, Single Family Residential, Zero Lot Line Residential and townhouse style Multifamily Residential. The application is consistent with both the Article 4.B, Supplementary Use Standards and the additional property development regulations for specific house types found in Article 3 of the Code.

Golf Course Revisions:

Further, the request is consistent with Article 3 of the Code as it pertains to Modifications to Reduce or Reconfigure Existing Golf Courses. Prior to submittal of this application, all residents of the Boca Del Mar PUD were notified via certified mailing and signs were posted in common areas documenting the proposed modification to the PUD. The subject site is adjacent to 25 separate communities. Of these, 19 are owner occupied. The applicant has contacted each community and as of July 21, 2010, the Applicant has held meetings with eight of the adjacent communities. Additional meetings are scheduled and the applicant intends to meet with all communities wishing to meet. The applicant has also met with representatives of the South County Coalition.

As a part of this application, documentation has been provided indicating that the reduction of the former golf course area will not result in a reduction of required open space. It has been demonstrated that the affected 129.89 acres complies with the current ULDC requirements of open space. Documentation demonstrating that the remaining unaffected area is consistent with the requirements in place at the time of the original approval is also included as a part of this DOA application. Lastly, the necessary Visual Impact Analysis is provided using the methodology consistent with the purposes and intent of the Code.

3. Compatibility with Surrounding Uses:

The proposed layout of single family single family and multifamily units have been carefully designed to take into account the surrounding existing development in terms of types of homes (multi-family, townhomes, single-family), existing buffers, existing views, proximity to the proposed development area, and dimensions of the proposed development area. All of these factors helped determine the placement and type of the proposed homes as well as buffers, access locations, retention areas, and recreation areas.

Currently, the application property abuts 25 communities. These communities consist of 6 condo developments (891 units), 1 ACLF (214 units), 5 multifamily rental developments (1,230 units), 6 townhouse developments (422 units), and 7 single family developments (356 units). In terms of density, these existing developments average 10.12 dwelling units per acre. The proposed project consists of similar types of units at an overall density of approximately 3 dwelling units per acre, well below the average densities of surrounding existing development which is 10.12 dwelling units per acre (per the plats). Please refer to attached comparative density analysis for specific density comparisons.

Additionally, access, dwelling unit location, and landscape buffer areas have been designed to provide to minimize the affect of the new development on the surrounding existing communities. Taking all these factors into account, the new project meets all standards utilized to make a determination of compatibility. Finally, as is the case in all projects reviewed by the County staff where a project abuts existing development,

appropriate Conditions of Approval can provide for additional standards of buffering to assure compatibility.

4. Design Minimizes Adverse Impact:

As stated above in the discussion of Compatibility, great care was utilized in developing a Master Plan for the application property. Included in the project's initial analysis was a determination of the types and intensities of surrounding properties, existing views, and existing access points. Several housing types were considered and the current mix of single family, zero lot line and townhouse style multifamily (and the type of multifamily in terms of size, unit count, and architectural features) is the result of designing multiple layouts utilizing aerials in order to determine which design would provide minimum impact and maximum benefit in terms of utilizing an abandoned golf course for a residential project which provides quality new homes which will enhance existing conditions and values.

The type of design provides for landscape buffers and open space exceeding the minimum code requirements which will be maintained by the new homeowners' association to the benefit of the new development as well as the benefit of the surrounding developments, as discussed further under Changed Conditions and Circumstances.

5. Design Minimizes Environmental Impact:

The proposed amendment does not result in significantly adverse impacts to the natural environment. The affected area contains limited amounts of existing native vegetation.

5. Development Patterns:

As previously discussed in the sections discussing Compatibility and Impacts, the proposed development of single and multi-family homes in this section of Boca Del Mar is completely consistent with the established development pattern of single and multi-family homes currently existing on the abutting properties. In many areas of the plan, the proposed intensity of development is significantly less than the intensity closest to it. As also previously indicated, Boca Del Mar PUD currently has on of the most intense residential land use permitted by the current Comprehensive Plan (HR-8). This intensity in this location with its wide variety of housing types is logical due to the location of Boca Del Mar in the eastern part of Palm Beach County with many commercial services, employment opportunities, and transportation infrastructure located in close proximity.

A review of the previous 12 amendments approved for Boca Del Mar indicates favorably the need to adjust the original primarily residential master plan to provide a variety of uses needed to make a more diverse community including ACLF's, schools, and churches. Given the extremely limited vacant residential land in the Eastern Palm Beach County area (especially in South County), the proposed thoughtful layout is

entirely compatible with the immediate surrounding and regional development pattern for the area.

7. Consistency with Neighborhood Plans:

Boca Del Mar PUD is not located within the boundaries of a neighborhood plan study area and therefore is not in conflict with this ULDC standard.

8. Adequate Public Facilities:

Boca Del Mar was granted concurrency exemption extension for the project, #90-1128021. The extension was later converted into a permanent exemption in 2000. The PUD currently has concurrency consistent with the 9,773 units shown on the current approved Master Plan. This development order amendment application includes a companion Concurrency Reservation application for an additional 390 dwelling units; 16 single family units, 65 zero lot line units and 309 multifamily units. Adequate public facility capacities for other services will be confirmed through review of this application.

9. Changed Conditions or Circumstances:

When the Boca del Mar PUD was approved in 1971 (39 years ago), golf courses were a standard recreational amenity utilized by many Planned Unit Developments. Because of the popularity of golf as a recreational activity at that time, the fees paid by the golfers resulted in substantial funds which in turn could be utilized to maintain and improve the golf course. Since that time, however, the popularity of Golf has dwindled. (New York Times overview at http://www.nytimes.com/2008/02/21/nyregion/21golf.html). The net result is that fewer players meant less revenue which meant less funds to keep up the course resulting in many golf courses including Mizner Trail to close. Mizner Trail closed in the fall of 2005. Since that time the vacant land which formerly included the golf course has been maintained to County minimum standards creating a blighted condition for surrounding property owners. (Note: The Board of County Commissioners recognized several years ago that the economic problems then facing golf courses would lead to the need for a method to evaluate conversions. An entire new section of the Unified Land Development Code was created providing additional notification and study of the effects of conversions through evaluations such as view shed analysis to permit a logical methodology for golf course conversions.)

This blighted condition at Mizner Trail is a change of circumstances which currently affects the communities which abut the property. The blight affects these communities in many ways. First, the residences which enjoyed the previous golf course views now look out at an open space which receives the minimum maintenance required by the County. Without any revenue, the property owner can only provide what is required. Photos of the existing property clearly indicate that the property is a visual eyesore when compared to the landscaping existing adjacent to it, which is maintained by individual property owners or homeowners' associations.

Second, the property becomes an attractive nuisance. Despite the numerous signs against trespassing (picture included in this application) which are in themselves undesirable features along Boca del Mar's streets, the property has been repeatedly vandalized, utilized by a variety of off road bikes and all-terrain vehicles, the subject of graffiti of golf course buildings, and created an unsecured situation allowing rear access by trespassers to residential units. The vacant course has also lead to complaints from the residents over a growing pest problem (rodents, raccoons, opossums and insects) which are not only a nuisance, but also pose a potential health and safety risks to residents, their children and pets as these pest carry diseases.

Third, the current status quo has become an economic blight for surrounding property owners. While, in the past, these owners would advertise a residential property as having "golf course views", now adjacenct to the former golf course is considered a negative attribute due to the uncertainty of what the future holds for the property as well as the previous issues discussed.

The bottom line is that a reasonable redevelopment of the property can correct all of these issues. First, the proposal will provide for an upgraded landscape environment. Great care has been taken to allow sufficient room for upgraded landscape edges. These landscape areas will become the responsibility of the new homeowners' association of the application property. It is in the interest of the homeowners' association to maintain the new landscape to protect the value of the new development which at the same time protects the interest of the adjacent property owners.

Likewise, the redevelopment will remove the current attractive nuisance aspect of the property as the property will now be maintained and contain new residents (additional eyes on the street) providing additional safety and security.

Finally, the new development will remove the current uncertainty as to the future of the site. The new homes will be built and sold at values which match or exceed the surrounding community values. Once in place, the new development provides a finished product (both homes and landscape buffers) which allows a potential homebuyer of adjacent property to know what to expect.

In addition to the proposed project acting as a catalyst to cure an existing blighted condition, the proposed development is in the right place. As previously discussed in this justification, the property is ideally suited for residential development in an area that provides a full range of services for the new residents. Currently, a review of the aerials extending several miles from the site indicates that there are no vacant residential parcels of any size. This particular property at the density proposed can meet all concurrency criteria while being located in the Eastward Ho! Corridor which is now supported by many Comprehensive Plan policies promoting Eastern infill.

Finally, the proposed development will provide for additional recreation activities of benefit to the new residents as well as existing residents. Currently, the former golf course clubhouse is shuttered and only contributes to the existing blighted conditions

previously discussed. As part of this application, plans are being submitted to expand and enhance the clubhouse building to provide a variety of health and recreation activities to be utilized by the new residents with provisions for additional memberships for other Boca Del Mar residents. The expanded recreation building with activities geared to current times will be an added attraction to the variety of uses currently existing in Boca Del Mar.

The proposed amendment when viewed in the context described in this justification statement, meets all standards including Change of Conditions as have 12 previous amendments to the Boca Del Mar Master Plan which permitted modifications to permit day care centers, synagogues, Indoor Entertainment, civic uses (YMCA), and Adult Congregate Living Facilities within Boca Del Mar. All of these uses, while different than what was originally anticipated in 1971 reflect the changing conditions that occur with time in a residential community allowing the quality of the community to be maintained and enhanced.

On behalf of Siemens Group, Inc., Urban Design Kilday Studios respectfully requests favorable review and consideration of this Development Order Amendment Application. The project managers/agents at Urban Design Kilday Studios are Kerry Kilday and Wendy Tuma. Please feel free to contact the agents with any questions or for additional information in support of this development order amendment application.

COMPARATIVE DENSITY ANALYSIS

PROPOSED DEVELOPMENT					ADJACENT COMMUNITIES						VARIANCE	
POD	UNIT TYPE	ACRES	UNITS	DU/AC	COMMUNITY NAME	UNIT TYPE	ACRES	UNITS	DU/AC	AVG. DU/AC	DU/AC	AVG. DU/AC
A	ZLL	14.18	32	2.26	TIBURON I	TH	19.13	122	6.38	5.03	(4.12)	(2.77)
					CAMINO WOODS I	SF	12.99	49	3.77		(1.52)	
					TERRA TRANQUILA	SF	20.22	68	3.36		(1.11)	
					* PATIOS DEL MAR II	TH	5.61	35	6.24		(3.98)	
					* WOODBRIAR	TH	4.29	26	6.06		(3.80)	
					CANARY PALM CLUB	TH	8.55	56	6.55		(4.29)	
B	TH	24.70	123	4.98	CAMINO WOODS II	SF	13.40	49	3.66	9.42	1.32	(4.44)
					BACK BAY (ADDISON POINTE)	CONDO	10.82	172	15.90		(10.92)	
					LA COSTA	CONDO	8.10	116	14.32		(9.34)	
					* CASA DEL MAR	ACLF	12.15	214	17.61		(12.63)	
					* PATIOS DEL MAR II	TH	5.61	35	6.24		(1.26)	
					* WOODBRIAR	TH	4.29	26	6.06		(1.08)	
					FAIRWAY VILLAGE	TH	8.51	56	6.58		(1.60)	
					* THE GREENS	SF	12.89	46	3.57		1.41	
C	ZLL	7.57	16	2.11	* CORONADO	CONDO	3.89	90	23.14	11.69	(21.02)	(9.58)
					* IRONWEDGE	TH	14.67	127	8.66		(6.54)	
D	ZLL	6.57	17	2.59	* WINDRIFT	SF	21.88	52	2.38	8.70	0.21	(6.11)
					* CAMINO REAL VILLAGE	CONDO	30.09	400	13.29		(10.71)	
E	TH	16.92	62	3.66	* WINDRIFT	SF	21.88	52	2.38	11.56	1.29	(7.89)
					* CAMINO REAL VILLAGE	CONDO	30.09	400	13.29		(9.63)	
					PALMS OF BOCA DEL MAR	MF-RENTAL	14.83	320	21.58		(17.91)	
F	TH	26.85	124	4.62	SU CASA (SOMERSET)	MF-RENTAL	5.73	106	18.50	17.59	(13.88)	(12.97)
					REFLECTIONS	MF-RENTAL	16.11	320	19.86		(15.25)	
					WELLESLEY PARK	CONDO	4.50	53	11.78		(7.16)	
					ARBOR CLUB	MF-RENTAL	19.55	304	15.55		(10.93)	
					GARDENS ON THE FAIRWAY (TUSCANY POINTE)	MF-RENTAL	8.84	180	20.36		(15.74)	
					LA RESIDENCE	CONDO	3.44	60	17.44		(12.82)	
G	SF	16.33	16	0.98	LA JOYA	SF	20.17	67	3.32	3.32	(2.34)	(2.34)
REC	CLUBHOUSE/ FITNESS CENTER	16.77	0	0	* CASA DEL MAR	ACLF	12.15	214	17.61	9.87	(17.61)	(9.87)
					* CORONADO	CONDO	3.89	90	23.14		(23.14)	
					* THE GREENS	SF	12.89	46	3.57		(3.57)	
					* IRONWEDGE	TH	14.67	127	8.66		(8.66)	
					GOLF VISTA	SF	7.24	25	3.45		(3.45)	
POD COUNT:	**8**	**129.89**	**390**	**3.00**	**** COMMUNITY/UNIT COUNT:**	**25**	**307.60**	**3,113**	**10.12**		**(7.12)**	

COMBINED: PROPOSED & EXISTING UNITS (ADJACENT COMM.)					COMBINED: NO ADDITIONAL/PROPOSED UNITS (CURRENT STATUS)					VARIANCE	
POD/ COMMUNITY COUNT	UNIT TYPE	ACRES	UNITS	AVG. DU/AC	POD/COMMUNITY COUNT	UNIT TYPE	ACRES	UNITS	AVG. DU/AC	UNITS	AVG. DU/AC
3	ZLL	28.32	65	2.30	0	ZLL	28.32	0	0.00	65	N/A
9	TH	129.23	731	5.66	6	TH	129.23	422	3.27	309	2.39
8	SF	125.12	372	2.97	7	SF	125.12	356	2.85	16	0.13
1	CLUBHOUSE/ FITNESS CENTER	16.77	0	0.00	0	CLUBHOUSE/ FITNESS CENTER	16.77	0	0.00	0	N/A
6	CONDO	60.84	891	14.64	6	CONDO	60.84	891	14.64	0	0.00
5	MF-RENTAL	65.06	1,230	18.91	5	MF-RENTAL	65.06	1,230	18.91	0	0.00
1	ACLF	12.15	214	17.61	1	ACLF	12.15	214	17.61	0	0.00
33		437.49	3,503	8.01	25		437.49	3,113	7.12	390	0.89

NOTES:
* ADJACENT TO MORE THAN ONE POD.
** ADJACENT COMMUNITIES INCLUDE THOSE COMMUNITIES THAT BORDER THE PROPOSED DEVELOPMENT. 8 COMMUNITIES ARE LISTED TWICE; HOWEVER, THEY ARE ACCOUNTED FOR ONLY ONCE IN ALL CALCULATIONS.

IMPACTED UNIT ANALYSIS

PROPOSED DEVELOPMENT			ADJACENT/IMPACTED COMMUNITIES						
POD	UNIT TYPE	UNITS	COMMUNITY NAME	UNIT TYPE	UNITS	% OF COMM.	UNITS IMPACTED	% OF COMM.	% OF TOTAL
A	ZLL	32	TIBURON I	TH	122	3.9%	5	4.1%	0.2%
			CAMINO WOODS I	SF	49	1.6%	14	28.6%	0.4%
			TERRA TRANQUILA	SF	68	2.2%	5	7.4%	0.2%
			* PATIOS DEL MAR II	TH	35	1.1%	12	34.3%	0.4%
			* WOODBRIAR	TH	26	0.8%	9	34.6%	0.3%
			CANARY PALM CLUB	TH	56	1.8%	0	0.0%	0.0%
B	TH	123	CAMINO WOODS II	SF	49	1.6%	14	28.6%	0.4%
			BACK BAY (ADDISON POINTE)	CONDO	172	5.5%	60	34.9%	1.9%
			LA COSTA	CONDO	116	3.7%	44	37.9%	1.4%
			CASA DEL MAR	ACLF	214	6.9%	28	13.1%	0.9%
			* PATIOS DEL MAR II	TH	35	1.1%	0	0.0%	0.0%
			* WOODBRIAR	TH	26	0.8%	0	0.0%	0.0%
			FAIRWAY VILLAGE	TH	56	1.8%	51	91.1%	1.6%
			THE GREENS	SF	46	1.5%	0	0.0%	0.0%
C	ZLL	16	CORONADO	CONDO	90	2.9%	0	0.0%	0.0%
			IRONWEDGE	TH	127	4.1%	26	20.5%	0.8%
D	ZLL	17	* WINDRIFT	SF	52	1.7%	9	17.3%	0.3%
			* CAMINO REAL VILLAGE	CONDO	400	12.8%	112	28.0%	3.6%
E	TH	62	* WINDRIFT	SF	52	1.7%	0	0.0%	0.0%
			* CAMINO REAL VILLAGE	CONDO	400	12.8%	192	48.0%	6.2%
			PALMS OF BOCA DEL MAR	MF-RENTAL	320	10.3%	128	40.0%	4.1%
F	TH	124	SU CASA (SOMERSET)	MF-RENTAL	106	3.4%	28	26.4%	0.9%
			REFLECTIONS	MF-RENTAL	320	10.3%	40	12.5%	1.3%
			WELLESLEY PARK	CONDO	53	1.7%	0	0.0%	0.0%
			ARBOR CLUB	MF-RENTAL	304	9.8%	130	42.8%	4.2%
			GARDENS ON THE FAIRWAY (TUSCANY POINTE)	MF-RENTAL	180	5.8%	39	21.7%	1.3%
			* LA RESIDENCE	CONDO	60	1.9%	0	0.0%	0.0%
G	SF	16	* LA RESIDENCE	CONDO	60	1.9%	16	26.7%	0.5%
			LA JOYA	SF	67	2.2%	11	16.4%	0.4%
POD COUNT:	8	390	** COMMUNITY/TOTAL UNIT COUNT:	25	3,113	100.0%	973	31.3%	31.3%

UNITS WITHIN PROPERTY ASSOCIATIONS (INDIVIDUALLY OWNED)	TH	422	13.6%	103	24.4%	3.3%
	SF	356	11.4%	53	14.9%	1.7%
	CONDO	891	28.6%	424	47.6%	13.6%
TOTAL UNITS - HOMEOWNERS	19	1,669	53.6%	**580**	34.8%	**18.6%**
UNITS WITHIN RENTAL COMMUNITIES	MF-RENTAL	1,230	39.5%	365	29.7%	11.7%
	ACLF	214	6.9%	28	13.1%	0.9%
TOTAL UNITS - RENTALS	6	1,444	46.4%	393	27.2%	12.6%

NOTES:
* ADJACENT TO OR IMPACTED BY MORE THAN ONE POD.
** ADJUSTED TO PREVENT DOUBLE COUNTING WHERE APPLICABLE.

Mizner Trail Properties - Existing Site Photos

View of Former Golf Course

View of Former Golf Course

View of an Existing Cart Path

View of Former Golf Course adjacent to Military Trail

View of Existing Club House

View of Existing Club House

Examples of Vandalism

Examples of Vandalism

View of an Existing Cart Path

Existing Signage & No Trespassing Sign

View of Former Golf Course

SPG

28 June 2005

Eric McClellan, Senior Planner
Mary Ann Kwok, Principal Planner
Zoning Division – Public Hearing Section
PBC Dept. of Planning, Zoning, & Building
100 Australian Avenue, 4th Floor
West Palm Beach, Florida 33406

re: DOA 2004-00826 – Boca Del Mar P.U.D. – Mizner Trail
PUD Pods – Open Space Calculations and Analysis

Dear Mr. McClellan and Ms. Kwok:

As Agent for Mizner Trail Golf Club, Ltd., we are submitting the revised Development Order Amendment Application and revised Master Plan for Boca Del Mar PUD, which modifies a 43.29± acre portion **(holes 3-8 only)** of the 132.13± acre Mizner Trail Golf Club, Ltd. property. This area is currently platted in 2 pods as Boca Del Mar Plat No. 7 tract 64B & tract 64C.

Open space data for all Pods have been compiled into the attached 'open space chart' per direction established by Palm Beach County Staff in a meeting with the Applicants' Attorney on May 9, 2005. A package of Recorded Plats, Approved Site Plans, & aerials for Pod 4 is also attached with the data and/or areas of open space outlined in color, as appropriate. This shows that the existing golf course was not used to meet any Open Space requirement.

(All plats & site plans provided are 50% reductions of site plans obtained from PBC Zoning files and recorded plats. These plans are to scale @ 50% of the original plan scale on 12" x 18" sheets.)

The open space areas have been derived as follows:

- Data Provided on Recorded Plat
- Data Provided on Approved Site Plan
- Where no data or incomplete data was provided on Recorded Plat and the approved Site Plan provides complete data, the approved Site Plan data was used. If both the Recorded Plat and the Approved Site Plan have no data or incomplete data, area 'take off calculations' were prepared and the area is depicted on the Plat or Site Plan.
- Only on Pod 4, Del Prado Elementary School (#1741), no Plat or Site Plan was available in the County Records. Therefore, both a REDI aerial @ 1" = 150' (with the Pod Boundary drawn on) and a PBC Property Appraiser's aerial, with Pod Boundary

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depicted, are provided. These aerials depict a significant amount of open space on Pod 4 (the School in Pod 26 provides 61.3% open space).

PUD Open Space Requirements per Code:

- Ordinance (Resolution) 3-57 – No PUD Open Space Required
  (from 1957 to February 1973)

  No open space % was required per Section 14.26 Planned Unit Development **(revised 7-3-69)** of the Code in effect at the time on the original approval for Boca Del Mar **(5-13-57 thru 2-17-72)**. The overall PUD Master Plan and Pod 51 (part of Plat No. 1) were approved during this time when no PUD open space was required.

- Ordinance 73-2 & Subsequent Ordinances – 35% PUD Open Space Required
  (from February 1973 to June 16, 1992)

  Ordinance 73-2 Section 500.21.J.10 included within the 35% required open space all pervious area between lot lines & buildings, recreation areas & buildings, water bodies, parks, trails, & natural areas. Most of the Pods in Boca Del Mar were approved under the 35% open space. The Site Plan Review Committee required that all pods submitted during this time frame meet the 35% open space requirement on the pod itself. In many instances the site plan or plat data was incomplete, therefore, additional calculations are provided. The open space on lots was determined (where not provided) by using 40% lot coverage (Code) for buildings on single family lots (50% (code) for Zero lot line lots), 5% for driveways, and 10% for pools & patios (crediting only 5% per Code for open space). This resulted in 50% of the single family lot area and 40% of the zero lot line lot area as open space.

- Unified Land Development Code – No PUD Open Space Required
  (from June 16, 1992 to January 2004)

  Even though there was no PUD open space requirement (for PUDs outside the Ag Reserve) during this time, we have provided open space calculations for the 7 Pods approved and/or revised during this time period. The open space on these Pods varies from 43% to 61% (100% for Clubhouse).

- Unified Land Development Code – 40% PUD Open Space Required
  (January 2004 to Present)

No Site Plans or Plats were approved since January 2004. Mizner Trail will meet the ULDC PUD requirement of 40% open space **(including the L-50 canal/lake as open space)** within the 43.29 acres per the open space definition in Article 18 and Table 3.E.2.C-15. The site plans for the 43.29 acres **(Pods 64B-1, 64B-2, 64B-3, & 64C-1, 64C-2)** provide 26± acres of open space (60± %), 1.5 times the 40% required per Code.

In addition, the PUD contains approximately 60 acres of Parks that provided an additional open space reservoir.

Thank you for your consideration of our request and we look forward to your approval of this application.

Sincerely,

Marvin L. Sanders, Sanders Planning Group, p.a.
Agent for Mizner Trail Golf Club, Ltd.

OPEN SPACE – BOCA DEL MAR PUD

4.26.05

DOA2004-826

(00) value calculated 00 (mp) acreage taken from Master Plan

POD NUMBER	POD (ACRES)	OPEN SPACE PER STATS ON SITE PLAN (ACRES)	OPEN SPACE WITHOUT SITE PLAN OR STATS (ACRES)	OPEN SPACE %	USES
1E	58.08 (mp)		20.33	35	SF
1W	33.69 (mp)		11.79	35	SF
2	14.91 (mp)		5.22	35	SF
3	5.716	3.583		62.7	TH
4	15.01 (mp)		-	-	school
5	16.84 (mp)		(16.84)	100	park
6	12.5 10.5 (mp)	8.42	 3.68	71.1 35	TH
7E	17.82	9.235		50.8	TH
7W	18.07 (mp)		6.32	35	SF
8 5.54 (mp)	5.538	2.54		45.8	TH
9 8.46 (mp)	8.45	3.41		28.76	GC
10 5.33 (mp)	5.331	2.84		53.3	TH
12 36.38 (mp)	38.4	32.49		(84.6)	SF
13 36.37 (mp)	36.586	6.82 (buffer)	+ 12.805 (19.625)	35	SF
14	6.8	4.1		60.3	TH
15 **4.6 (mp)**	4.657		-	-	civic
16	9.00 (mp)		(9.00)	100	park
17E 18.95 (mp)	18.88	5.03		21.1	SF
17W 12.90 (mp)	12.978	8.079		62.25	GC
18 69.65 (mp)	24.1 21.95 12.76 5.36 5.4 69.57	3.78 10.95 1.01 0.59 0.44 16.77		(15.7) 53 (8.9) (11.0) (8.2)	TH & SF
18A 15.27 (mp)	10.54 4.73 (mp)	5.9	 + 1.64 7.54	56 35	TH
19	19.00	8.2		43.2	MF

POD NUMBER	POD (ACRES)	OPEN SPACE PER STATS ON SITE PLAN (ACRES)	OPEN SPACE WITHOUT SITE PLAN OR STATS (ACRES)	OPEN SPACE %	USES
20 5.6 (mp)	5.645	3.06		52	GC & TH
22 33.03 (mp)	12.81 (mp) 12.68 7.54	 6.12 4.49 15.09	4.48	35 48.34 55.3	MF
23 16.17 (mp)	6.18 9.99 (mp)		2.163 + 3.5 5.663	35 35	TH
24	2.36 (mp)		-	-	civic (fire)
26	15.00		-	-	school
27	15.00			-	civic (YMCA)
28 5.16 (mp)	5.158	2.35		45.6	TH
29	14.88 (mp)		(14.88)	100	park
30 19.11 (mp)	19.114	12.21		(63.9)	SF
31 61.43 (mp)	26.695 34.735 (mp)	15.403	 + 12.16 27.563	(57.7) 35	SF
31 A 28.7 (mp)	28.695	15.403		(37.7)	TH
32 6.02 (mp)	6.03		2.11	35	ACLF
33	1.46		(1.46)	100	park
34 26.9 (mp)	25.81		9.03	35	SF
35E	20.5 (mp)	11.61		56.63	MF
35W 13.92 (mp)	14.0	8.25		58.5	TH
36 28.6 (mp)	28.586	15.946		(55.8)	GC
37	14.26 (mp)		4.99	35	SF
39	11.05		3.87	35	SF
40	2.09	-		-	civic
41	12.00 (mp)		(12.00)	100	park
42	15.2	0.14	+ 5.35 5.49	35	GC
43 7.54 (mp)	7.536		2.64	35	TH

POD NUMBER	POD (ACRES)	OPEN SPACE PER STATS ON SITE PLAN (ACRES)	OPEN SPACE WITHOUT SITE PLAN OR STATS (ACRES)	OPEN SPACE %	USES
44 42.0 (mp)	5.29 13.78 9.5 13.43 (mp)	3.02 7.8 5.0+ 0.22 16.04	 + 4.71 20.75	(57.1) 56.6 (52.6) 35	MF
45E	11.05 (mp)		3.87	35	GC
45W	11.22	6.57		58.56	GC
46 7.97 (mp)	6.341		-	-	clubhouse
47 27.3 (mp)	27.29	13.86		51	GC
49 16.07 (mp)	16.067		5.62	35	SF
50 14.84 (mp)	12.9	5.16		(40)	SF
52	27.28	18.97		69.3	SF
53	19.13 (mp)		6.69	35	TH
54E 14.42 (mp)	14.66	3.49		26	SF
54W 14.42 (mp)	14.18	3.29		25.3	SF
55E/56 22.61 (mp)	25.8		9.03	35	SF
55W 3.92 (mp)	3.9		1.37	35	TH
57	20.32 (mp)		7.11	35	SF
58	13.43	(5.9)		44	SF
59	8.51 (mp)		2.98	35	TH
60	5.38		(5.38)	100	park
61A 9.91 (mp)	4.29 5.62 (mp)	(1.89)	 2.0	44 35	TH
61B 8.53 (mp)	8.549		2.99	35	TH
62	12.15	5.81		47.8	MF ACLF
63 30.09 (mp)	30.087	17.48		56	MF
65	48.27 (mp)		16.89	35	MF
67	8.9 3.38 (mp)	3.7 + 0.8	 + 1.183 5.683	(50.6) 35	MF

POD NUMBER	POD (ACRES)	OPEN SPACE PER STATS ON SITE PLAN (ACRES)	OPEN SPACE WITHOUT SITE PLAN OR STATS (ACRES)	OPEN SPACE %	USES
68	7.24 (mp)		2.53	35	SF
69 A	3.20 (mp)		-	-	clubhouse
69 B	3.58 (mp)		1.25	35	MF
71	14.67 (mp)		5.13	35	TH
72 13.05 (mp)	13.046		4.57	35	SF
74	(14.04) mp		4.91	35	SF
75A	(18.06) mp		6.33	35	SF
75B 45.72 (mp)	3.029 1.53 3.08 38.08 (mp)	2.29 1.17 2.44+ 2.86 22.09	 13.33	(75.6) (76.4) (79.2) 35	SF & TH
75C	8.59		3.0	35	SF
76C 2.04 (mp)	2.041	1.31		64.4	TH
77	7.00 (mp)		-	-	commercial
78A	18.92	10.62		(56.1)	MF
78 B	19.83 (mp)		6.94	35	SF
79	16.0	8.2		(51.2)	TH
80 19.54 (mp)	14.079		4.93	35	MF

OPEN SPACE – BOCA DEL MAR PUD

DOA2004-826

(MP) – master plan P – plat M – measured SP – site plan n/a – non available O.S. – open space E – 35% estimated open space A – aerial
(open space calculations are shaded)
calculations for open space in lots: SF: 40% building coverage + 5% driveway + 10% pool/pool deck (with 5% O.S. credit) results in 50% open space
ZLL: 50% building coverage + 5% driveway + 10% pool/pool deck (with 5% O.S. credit) results in 40% open space

POD NUMBER	TYPE OF DOCUMENT	YEAR APPROVED	OPEN SPACE REQUIRED	OPEN SPACE PROVIDED	CALCULATIONS	SITE ACREAGE	PLAT / SITE PLAN
1E	Plat	02-03-77	35%	47.3% (P)	0.262 ac.+ 13.58 ac.= **13.84 ac. (41.3%)** (50% of 27.157 ac = 13.58 ac.)	33.486 ac.	Del Mar Village – sect.1 (32/131-133)
	Plat	12-14-78			**8.03 ac. (67.0%)**	11.987 ac.	Boca Del Mar Tract 1 – phase I (36/52,53)
	Plat	07-08-83			**1.42 ac. (37.6%)** (50% of 2.83 ac.)	3.78 ac.	Boca Del Mar Tract 1 - phase II (46/19)
1W	Plat	08-25-82	35%	45.3% (P)	2.732 ac. + 2.204 ac = **4.936 ac. (48.1%)** (40% of 5.510 ac = 2.204 ac.)	10.254 ac.	Solimar at Boca Del Mar - phase I (44/131,132)
	Plat	01-20-83			0.331 ac.+ 1.76 ac. = **2.091 ac. (34.6%)** (40% of 4.408 ac = 1.76 ac.)	6.047 ac.	Solimar at Boca Del Mar - phase II (45/56-58)
	Plat	02-28-85			4.008 ac. + 4.254 ac. = **8.262 ac. (47.3%)** (40% of 10.635 ac = 4.254 ac.)	17.468 ac.	Solimar at Boca Del Mar - phase III (50/123,124)
2	Plat	November 1978	35%	38.8% (P)	**2.18 ac. (37.5%)** (50% of 4.362 ac.)	5.811ac.	Silver Woods – phase I (35/177,178)
	Plat	03-22-79			**3.4 ac. (39.6%)** (50% of 6.792 ac.)	8.589 ac.	Silver Woods – phase II (37/28,29)
3	Plat	08-27-81	35%	62.7%(P)	**3.583 ac. (62.7%)**	5.716 ac.	Boca Casa PUD (43/29,30)
	Site plan	11-13-79			3.58 ac. (62.7%)	5.716 ac.	
4	aerial (11-02)		-	5.25 ac. (35%)	**5.25 ac. E**	15.01 ac. (MP)	School
5	Site plan	10-26-88	-	100%	**16.84 ac. (100%)**	16.84 ac. (MP)	Park
6	Plat	06-08-78	35%	53.1% (P)	**6.06 ac. (50.8%)**	11.93 ac.	Sierra Del Mar 1 (34/190,191)
	Plat	06-21-79			**6.16 ac. (55.6%)**	11.07 ac.	Sierra Del Mar 2 (37/140-142)
	Site plan	01-11-78			6.34 ac. (50.7%)	12.5 ac.	Sierra Del Mar 1
7	Site plan	07-08-80	35%	100% (SP)	**0.41 ac. (100%)**	0.41 ac.	Cloverfield Rec. area
7E	Plat	03-22-84	35%	51.4% (P)	**2.42 ac. (50.2%)**	4.82 ac.	Court Yards at Boca I (47/130,131)
	Plat	04-27-84			**6.72 ac. (51.6%)**	13.01 ac.	Court Yards at Boca II (47/194,195)
	Site plan	07-12-83			9.24 ac. (51.8%)	17.82 ac.	Court Yards at Boca I & II
7W	Plat	02-29-79	35%	53.7% (P)	4.08 ac. + 4.66 ac. = **8.74 ac. (53.7%)** (50% of 9.319 ac = 4.66 ac.)	16.269 ac.	Cloverfield I (39/53,54)
8	Plat	03-29-79	35%	49.5% (P)	**2.54 ac. (49.5%)**	5.537 ac.	Castel Gardens (37/39,40)
	Site plan	12-11-79			2.539 ac. (45.8%)		Castel Del Mar
	Site plan	04-14-81			2.54 ac. (45.9%)	5.537 ac.	Castel Royal
9	Site plan	09-09-81	35%	40.3% (SP)	**3.51 ac. (41.3%)**	8.49 ac.	The Woods at Boca Del Mar Condo (30/127,128)
10	Plat	07-20-78	35%		n/a	5.331 ac.	San Simeon (43/103)
	Site plan	08-12-80		53.3% (SP)	**2.84 ac. (53.3%)**	5.331 ac.	
11	-	-	-	-	-	-	NOT PART OF PUD

(MP) – master plan P – plat M – measured SP – site plan n/a – non available O.S. – open space E – 35% estimated open space A – aerial
(open space calculations are shaded)
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ZLL: 50% building coverage + 5% driveway + 10% pool/pool deck (with 5% O.S. credit) results in 40% open space

POD NUMBER	TYPE OF DOCUMENT	YEAR APPROVED	OPEN SPACE REQUIRED	OPEN SPACE PROVIDED	CALCULATIONS	SITE ACREAGE	PLAT / SITE PLAN
12	Plat	07-20-78	35%	49.6% (P)	**8.81 ac. (59.3%)**	14.85 ac.	Montoya Estates - unit 1 (35/29-31
	Plat	03-14-79			**8.03 ac. (42.0%)**	19.08 ac.	Montoya Estates – unit 2 (37/11)
	Site plan	02-08-78			29.41 ac. (76.6%)	38.4 ac.	Montoya Estates – units 1 & 2
13	Plat	03-30-78	35%	38.6% (P)	0.485 ac. + 13.63 ac. = **14.11 ac. (38.6%)** (50% of 27.255 ac. = 13.63 ac.)	36.584 ac.	Thornhill Green (34/95,96)
	Site plan	10-12-77			6.82 ac. + 5.33 ac. = 12.15 ac. (33.2%) (50% of 10.654 ac. = 5.33 ac.)	36.584 ac.	
14	Plat	06-02-81	35%	64.7% (P)	**4.4 ac. (64.7%)**	6.8 ac.	Boca Patio Village (42/131)
	Site plan	10-08-80			4.4 ac. (64.7%)	6.8 ac.	
15	Site plan	01-10-01	35%	53% (SP)	**3.47 ac. (53%) M**	6.547 ac.	Synagogue
16	Site plan	04-12-78	35%	100%	**9.0 ac. (100%)**	9.0 ac. (MP)	Park - Boca Del Mar No 6 (30/142,143)
17E	Site plan	04-07-81	35%	62.6% (SP)	**11.83 ac. (62.6%)**	18.88 ac.	Captiva (38,149-152)
17W	Site plan	06-12-84	35%	62.2% (SP)	**8.079 ac. (62.2%)**	12.979 ac.	Lago Del Mar Condo phases 1-15
18	Plat	10-28-82	35%	45.0% (P)	**7.46 ac (39.5%).** (50% of 14.91 ac.)	18.89 ac.	Boca Hamlet (45/8,9)
	Plat	02-18-82			2.757 ac. + 1.17 ac. = **3.93 ac. (71.2%)** (50% of 2.33 ac. = 1.17 ac.)	5.522 ac.	Palacio Del Mar (44/39,40)
	Plat	03-01-79			0.734 ac. + 9.50 ac. = **10.23 ac. (43.5%)** (50% of 19.005 ac. = 9.50 ac.)	23.509 ac.	Thornhill Estates (36/171)
	Plat	01-25-79			1.205 ac. + 4.81 ac. = **6.02 ac. (46.8%)** (50% of 9.612 ac. = 4.81 ac.)	12.874 ac.	Thornhill Mews (36/125)
	Plat	11-02-78			0.239 ac. + 1.9 ac. = **2.14 ac. (39.7%)** (50% of 3.799 ac. = 1.9 ac.)	5.387 ac.	Thornhill Village (35/183,184)
	Site plan	02-10-81			10.95 ac. (53.0%)	20.688 ac.	Boca Hamlet
	Site plan	04-16-80			3.23 ac. (60%)	5.4 ac.	Palacio Del Mar
	Site plan	11-07-78			5.01 ac. + 8.72 ac. = 13.73 ac. (57.0%) (50% of 17.44 ac. = 8.72 ac.)	24.1 ac.	Thornhill Estates
	Site plan	11-07-78			2.53 ac. + 4.48 ac. = 7.01 ac. (54.9%) (50% of 8.95 ac. = 4.48 ac.)	12.76 ac.	Thornhill Mews
	Site plan	05-10-78			0.12 ac. + 2.11 ac. = 2.23 ac. (40.7%) (50% of 4.22 ac. = 2.11 ac.)	5.48 ac.	Thornhill Village
18A	Plat	04-08-88	35%	55.5% (P)	**5.49 ac. (56.0%)**	10.54 ac.	Calibre Court (59/66,67)
	Plat	12-21-82			**2.98 ac. (63.1%)**	4.72 ac.	Pineapple Walk Townhouses (4/78)
	Site plan	08-26-87			5.9 ac. (56%)	10.54 ac.	Calibre Court

(MP) – master plan P – plat M – measured SP – site plan n/a – non available O.S. – open space E – 35% estimated open space A – aerial
(open space calculations are shaded)
calculations for open space in lots: SF: 40% building coverage + 5% driveway + 10% pool/pool deck (with 5% O.S. credit) results in 50% open space
ZLL: 50% building coverage + 5% driveway + 10% pool/pool deck (with 5% O.S. credit) results in 40% open space

POD NUMBER	TYPE OF DOCUMENT	YEAR APPROVED	OPEN SPACE REQUIRED	OPEN SPACE PROVIDED	CALCULATIONS	SITE ACREAGE	PLAT / SITE PLAN
19	Plat	06-12-80	35%		n/a	2.796 ac.	Belmar Phase I (40/4)
	Plat	07-29-81			n/a	n/a	Belmar Phase II (30/142,143)
	Site plan	05-31-89			8.9 ac. (46.8%)	19.0 ac.	Belmar Phases I, II, III, & IV (older drawing)
	Site plan	December 2003	(none req. in 2003)	43.2% (SP)	**8.2 ac. (43.2%)**	19.0 ac.	Boca Del Mar – Pod 19 phases I, II, III
20	Plat	02-14-86	35%		1.662 ac. + O.S.	4.904 ac.	Las Brisas (39/55,56)
	Site plan	11-13-84		52.0% (SP)	**2.94 ac. (52.0%)**	5.645 ac.	Las Brisas at Boca Del Mar
21	-	-	-	-	-	-	NOT PART OF PUD
22	Plat	02-09-80	35%		1.31 ac. + common O.S.	33.03 ac.	Mission Viejo (39/43,44)
	Plat	05-05-83			n/a		Kensington I (45/160,161)
	Plat	07-08-83			n/a		Kensington II (46/17,18)
	Plat	12-21-83			n/a		Kensington III (47/1,2)
	Site plan	08-08-79		52.8% (SP)	**6.8 ac. (53.1%)**	12.8 ac.	Mission Viejo
	Site plan	04-13-82			**4.49 ac. (59.5%)**	7.54 ac.	Mission Viejo
	Site plan	06-08-82			**6.13 ac. (48.34%)**	12.679 ac.	Kensington phases I, II, & III
23	Plat	01-13-80	35%	54.5% (P)	**8.81 ac. (54.5%) M**	16.17 ac.	Thorn Hill Glen (39/35)
	Site plan	06-09-81			n/a	n/a	Thorn Hill Glen north
	Site plan	05-28-85			n/a	6.18 ac.	Thorn Hill Glen south
24	Site plan	01-09-79	35%	77.7% (SP)	**1.82 ac. (77.7%)**	2.36 ac.	Fire Station
25	-	-	-	-	-	-	NOT ON MASTER PLAN
26	Site plan	12-20-96	none	61.3% (SP)	**9.2 ac. (61.3%) M**	15.0 ac. (MP)	School
27	Site plan	10-08-03	none	41.8% (SP)	**6.27 ac. (41.8%)**	15.0 ac. (MP)	YMCA (30/85,86)
28	Plat	03-13-80	35%		0.761 ac. + O.S.	5.158 ac.	Patios on the Park (39/93)
	Site plan	02-13-79		45.6% (SP)	**2.35 ac. (45.6%)**	5.158 ac.	
29	-	-	-	100%	**14.83 ac. (100%)**	14.83 ac. (MP)	Park
30	Plat	10-26-78	35%	39.2% (P)	**3.08 ac. (39.6%)** (50% of 6.165 ac.)	7.787 ac.	Toledo Park Homes – sec. 1 (33/109,110)
	Plat	09-08-77			**4.46 ac. (39.3%)** (50% of 8.919 ac.)	11.327 ac.	Toledo Park Homes – sec.2 (35/163,164)
	Site plan	01-12-77			12.21 ac. (63.8 %)	19.114 ac.	Toledo Park Homes sections 1 & 2
31	Plat	08-25-77	35%	38.3% (P)	**8.624 ac. (39.9%)** (50% of 17.248 ac.) **M**	21.598 ac.	Amberwoods of Boca (33/93-95)
	Plat	02-15-78			**7.39 ac. (37.8%)** (50% of 14.783 ac.) **M**	19.563 ac.	Amberwoods of Boca – first add. (34/26-28)
	Plat	05-04-78			**7.5 ac. (37.2%)** (50% of 15.0 ac.) **M**	20.148 ac.	Amberwoods of Boca – second add. (34/155-157)
31 A	Plat	04-20-79	35%		4.83 ac. (48.8%)	9.89 ac	PUD Tiburon II – phase I (37/77,78)
	Plat	09-17-79			7.03 ac. (41.0%)	17.12 ac.	PUD Tiburon II – phase II (38/40-42)
	Site plan	09-09-80		55.2% (SP)	**15.833 ac. (55.2%)**	28.695 ac.	Tiburon phases I, II, III, & IV
32	Site plan	01-29-85	35%	41.9% (SP)	**2.528 ac. (41.9%) M**	6.028 ac.	Hotel commercial
33	Site plan	10-29-86	-	81.2% (P)	**1.18 ac. (81.2 %)**	1.46 ac.	Park/maintenance

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(open space calculations are shaded)
calculations for open space in lots: SF: 40% building coverage + 5% driveway + 10% pool/pool deck (with 5% O.S. credit) results in 50% open space
ZLL: 50% building coverage + 5% driveway + 10% pool/pool deck (with 5% O.S. credit) results in 40% open space

POD NUMBER	TYPE OF DOCUMENT	YEAR APPROVED	OPEN SPACE REQUIRED	OPEN SPACE PROVIDED	CALCULATIONS	SITE ACREAGE	PLAT / SITE PLAN
34	Plat	12-20-79	35%	43.2% (P)	1.345 ac. + 9.80 ac. = **11.15 ac. (43.2%)**	25.8 ac.	The Pines at Boca Del Mar (38/196-198)
					(50% of 19.6 ac. – 9.80ac.)		
	Site plan	09-24-74			n/a		
35E	Plat	09-18-82	35%		6.23 ac. (55.5%)	11.21 ac	Lakes of Woodhaven phase 1 (44/167-169)
	Plat	02-02-84			0.594 ac. + O.S.	3.825 ac	Lakes of Woodhaven phase 2 (44/167-169)
	Plat	03-13-89			n/a	5.5839 ac.	Boca Park (62/80-82)
	Site plan	09-28-88		56.6% (SP)	**11.6 ac. (56.63 %)**	unreadable	Phase I & II
35W	Plat	11-17-83	35%	59.1% (P)	**8.28 ac. (59.1%)**	14.0 ac	Boca Walk (46/175-177)
	Site plan	04-26-83			8.28 ac. (59.1%)	14.0 ac.	
36	Plat	05-10-84	35%		6.673 ac. (23.3 %) + portion of passive O.S.	27.199 ac	Harbour Town of Boca (46/48-52)
	Site plan	04-23-85		55.6% (SP)	**15.946 ac. (55.6%)**	28.686 ac	
37	Plat	04-20-78	35%	62% (P)	**4.0 ac. (57%)**	7.02 ac.	Villas Del Mar – unit 1 (34/118,119)
	Plat	10-26-78			**4.85 ac. (67%)**	7.24 ac	Villas Del Mar – unit 2 (35/172,173)
38	-	-	-	-	-	-	NOT ON MASTER PLAN
39	Plat	03-21-78	35%	46.3% (P)	1.06 ac. + 4.06 ac.= **5.12 ac. (46.3%)**	11.05 ac	Whispering Woods (34/81,82)
					(50% of 8.11 ac.= 4.06 ac)		
	Site plan	07-14-76			n/a		
40	Site plan	06-28-00	35%	56.0% (SP)	**1.17 ac. (56%)**	2.09 ac.	Civic
41	Site plan	04-10-79	-	100%	**12.0 ac. (100%)**	12.00 ac.	Park
42	Plat	05-21-74	35%	59.5% (P)	**9.04 ac. (59.5%)**	15.2 ac.	Woodhaven Condos – phases 1, 2, 3 (30/183)
	Site plan	05-08-78			7.21 ac. (47.4%) **M**	15.2004 ac.	
43	Plat	10-15-79	35%		0.567 ac. + O.S.	6.583 ac.	Woodhaven East Condo (38/98,99)
	Site plan	12-12-78		62.1% (SP)	**4.68 ac. (62.1%)**	7.54 ac.	
44	Plat	02-18-82	35%		n/a	10.253 ac.	The Songs sect 1 (44/41,42)
	Plat	02-02-85			8.02 ac. (58.2%)	13.78 ac.	Boca Palms (47/71,72) (The Songs)
	Plat	09-22-83			n/a	18.84 ac.	Boca Colony – Boca Place (46/95,96)
	Site plan	05-24-83		54.9% (SP)	**8.02 ac. (58.2%)**	13.78 ac.	Wind Song phases II, III, & IV (The Songs)
	Site plan	08-10-82			**5.0 ac. (52.6%)**	9.50 ac.	Boca Colony
	Site plan	03-22-83			**4.777 ac. (51.1%) M**	9.347 ac.	Boca Place
	Site plan	12-08-93	none		**3.02 ac. (57.1%)**	5.29 ac.	Townhomes of Wind song phase I (The Songs)
45E	Plat	01-21-80	35%	44.6 ac. (P)	**4.24 ac. (44.6ac.) E**	11.049 ac.	The Glens (39/12,13)
45W	Site plan	08-12-80	35%	58.6% (SP)	**6.57 ac. (58.56%)**	11.22 ac.	Club Royale Condo
46	Plat	09-18-73	35%	100% (P)	**7.966 ac. (100%)**	7.966 ac.	Boca Del Mar No 2 (30/80,81)
	Site plan	02-09-94	(none req. in 1994)		6.341 ac. (100%)	6.341 ac.	Clubhouse

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ZLL: 50% building coverage + 5% driveway + 10% pool/pool deck (with 5% O.S. credit) results in 40% open space

POD NUMBER	TYPE OF DOCUMENT	YEAR APPROVED	OPEN SPACE REQUIRED	OPEN SPACE PROVIDED	CALCULATIONS	SITE ACREAGE	PLAT / SITE PLAN
47	Site plan	01-08-86		50.8% (SP)	**13.86 ac. (50.8%)**	27.29 ac.	Whitehall Condos at Camino Real (30/82-84)
48	-	-	-	-	-	-	GOLF COURSE
49	Plat	07-22-76	35%	38.4% (P)	**3.98 ac. (37.7%)** (50% of 7.952 ac.)	10.548 ac.	Brookfield – sect 1 (32/28,29)
	Plat	07-21-76			**2.19 ac. (39.7%)** (50% of 4.380 ac.)	5.519 ac.	Brookfield – sect 2 (32/30,31)
	Site plan	05-12-76			n/a	16.067 ac.	Brookfield – sections 1 & 2
50	Plat	07-21-77	35%	41.3% (P)	0.639 ac.+ 4.69 ac. = **5.33 ac. (41.3%)** (50% of 9.37 ac. = 4.69 ac.)	12.9 ac.	Colony Woods (33/49,50)
	Site plan	06-08-77			5.79 ac (44.88%)	12.9 ac.	
51	Plat	03-07-72	none	38.3% (P)	**7.97 ac. (38.3%)** (50% of 15.95 ac.) **M**	20.81 ac. (MP)	Portion of Boca Del Mar No 1 (29/148-150)
52	Plat	10-10-73	35%	52.0% (P)	7.498 ac. + 6.68 ac. = **14.18 ac. (52.0%)** (50% of 13.357 ac. = 6.68 ac.)	27.279 ac.	Cameo Woods (30/87,88)
	Site plan	06-26-73			18.89 ac. (69.2%)	27.28 ac.	
53	Plat	February 1975	35%	49.1% (P)	**2.83 ac. (57.7%) M**	4.9 ac.	Tiburon 1 – phase 1 (31/99)
	Plat	08-04-77			**1.57 ac. (48.9%)**	3.21 ac.	Tiburon 1 – phase 2 (33/69)
	Plat	May 1977			**1.07 ac. (39.6%)**	2.7 ac. **M**	Tiburon 1 – phase 3 (33/193)
	Plat	09-07-78			**0.27 ac. (26.5 %)**	1.02 ac.	Tiburon 1 – phase 4 (35/103)
	Plat	05-04-78			**1.8 ac. (57.5%)**	3.13 ac.	Tiburon 1 – phase 5 (34/148)
	Plat	07-26-78			**1.06 ac. (41.1%)**	2.56 ac.	Tiburon 1 – phase 6 (35/48)
54E	Plat	12-13-79	35%	53.7% (P)	3.14 ac.+ 4.85ac. = **7.19 ac. (53.7%)** (50% of 8.097 ac. = 4.85 ac.)	13.399 ac.	Camino Woods II (38/179)
	Site plan	01-09-79			3.49 ac. + 3.75 ac. = 7.24 ac. (54.0%) (50% of 7.49ac. = 3.75 ac.)	13.4 ac.	
54W	Plat	May 1978	35%	52.3% (P)	2.6 ac. + 4.20 ac. = **6.80 ac. (52.3%)** (50% lot 8.39 ac. = 4.20 ac.)	12.99 ac.	Camino Woods (36/34,44)
	Site plan	10-10-78			3.29 ac. + 3.75 ac. = 7.04 ac. (54.3%) (50% of 7.49 ac. = 3.75 ac.)	12.97 ac.	
55E/56	Plat	06-12-74	35%	43.7% (P)	**9.32 ac. (43.7%)** (50% of 18.64 ac.)	21.34 ac.	Wind Drift (30/186,187,188)
	Site plan	07-30-73			9.87 ac. (45.1%) E	21.88 ac.	
55W	Plat	03-10-76	35%	38.3% (P)	0.92 ac. + 0.58 ac. = **1.5 ac. (38.3%)** (40% of 1.45 ac. = 0.58 ac.)	3.92 ac.	Patios Del Mar (31/221)
	Site plan	04-14-76			2.1 ac. (53.8%) **M**	3.9 ac.	
57	Plat	10-22-74	35%	46.9% (P)	2.83 ac. + 6.71 ac. = **9.45 ac. (46.9%) M** (50% of 13.41 ac. = 6.71 ac.)	20.32 ac. (MP)	Terra Tranquilla (31/22)
58	Plat	07-28-77	35%	37.3% (P)	**5.02 ac (37.3%)** (50% of 10.03 ac.)	13.45 ac.	Boca Lane (33/64-66)
	Site plan	07-23-74			4.98 ac. (37.1%) (50% of 9.96 ac.) **M**	13.43 ac.	
59	Plat	08-05-80	35%	56.3% (P)	**4.788 ac. (56.3%)**	8.51 ac. (MP)	Fairway Village (40/55)

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60	n/a	n/a	-	100%	**5.38 ac. (100%)**	5.38 ac. (MP)	Park
61A	Plat	10-20-76	35%	44.0% (P)	**2.47 ac. (44.0%)**	5.61 ac.	Patios Del Mar II (32/63-65)
	Plat	11-30-77			**1.89 ac. (44.0%)**	4.29 ac.	Patios Del Mar Contempo (33/178,179)
	Site plan	03-26-86			1.89 ac. (44.0%)	4.29 ac.	Patios Del Mar Contempo
61B	Plat	March 1980	35%	58.4% (P)	**4.99 ac. (58.4%) M**	8.549 ac.	Canary Palm Club (39/102,103)
	Site plan	10-09-79			n/a	8.51 ac.	
62	Site plan	06-29-88	35%	47.8% (SP)	**5.81 ac. (47.8%)**	12.15 ac. (MP)	La Casa Del Mar (AGLF)
63	Plat	03-14-79	35%	56.2% (P)	**16.92 ac. (56.2%)**	30.87 ac.	Camino Real Village (37/13,14)
	Site plan	07-08-80			16.92 ac. (56.2%)	30.87 ac.	
64	-	-	-	-	-	-	MIZNER TRAIL GOLF COURSE
65	Plat	05-06-88	35%		0.36 ac. + common O.S.	38.0 ac.	Palms of Boca Del Mar (59/129-131)
	Plat	05-07-86			n/a	5.732 ac.	Summit Park (53/104)
	Plat	09-24-81			3.623 ac. (80.5%)	4.499 ac.	Wellesley Park at Boca Del Mar – phase 1 (43/66)
	Planting	02-25-87		56.8% (SP)	**21.17 ac. (55.7%) M**	38.0 ac.	Palms of Boca Del Mar
	Site plan	07-23-85			**2.6 ac. (45.4%) M**	5.732 ac.	Summit Park
66	-	-	-	-	-	-	NOT ON MASTER PLAN
67	Plat	06-10-88	35%		0.9 ac. + O.S.	8.84 ac.	Post Gardens of Boca Del Mar No 7 PUD (59/174,175)
	Plat	07-17-80			n/a	3.44 ac. (MP)	La Residence Condo (40/36)
	Site plan	07-29-87		53.4% (SP)	**4.5 ac. (50.6%)**	8.9 ac.	Post Gardens at Boca Del Mar
	Site Plan	07-29-87			**2.06 ac. (60.9%) M**	3.38 ac.	La Residence
67 maint. area	Site plan	09-08-76	-	91.2% (SP)	1.14 ac. (91.18%)	1.25 ac.	Golf course maintenance building
68	Plat	10-03-74	35%	41.8% (P)	0.42 ac. + 2.61 ac. = **3.03 ac. (41.8%)** (50% of 5.22 ac. = 2.61 ac.)	7.241 ac.	Golf Vista (31/6,7)
69 A	Site plan	10-11-95	none	100% (SP)	**2.893 ac. (100%)**	2.893 ac.	Clubhouse
69 B	Site plan	10-11-95	none	55.0% (SP)	**2.14 ac. (55.0%)**	3.89 ac.	Coronado at Boca Raton - phase 1 & 4 Condo
70	-	-	-	-	-	-	NOT ON MASTER PLAN
71	Plat	08-30-78	35%	36.6% (P)	**1.337 ac. (30.2%)**	4.422 ac.	Ironwedge (35/89,90)
	Plat	03-29-79			**4.039 ac. (39.4%)**	10.248 ac.	Ironwedge sec. 2 (37/43,44)
72	Plat	03-09-78	35%	42.2% (P)	**5.44 ac. (42.2%)** (50% of 10.87 ac.) **M**	12.89 ac.	The Greens (34/57,68)
	Site plan	10-12-77			5.49 ac. (42.1%) (50% of 10.97 ac.)	13.046 ac.	
73	-	-	-	-	-	-	NOT PART OF PUD

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74	Plat	04-26-79	35%	57.8% (P)	0.6 ac. + 1.75 ac. = **2.35 ac. (45.2%)** (50% of 3.494 ac. = 1.75 ac.)	5.2 ac.	PUD Boca Club Colony– phase 1 (37/85,86)
	Plat	08-31-84			3.5 ac. + 2.66 ac. = **6.16 ac. (64.7%)** (50% of 5.31 ac. = 2.66 ac.) **M**	9.52 ac. **M** 8.84 ac. (MP)	The Colony at l'Ermitage (49/40-42)
75A	Plat	01-25-79	35%	38.3% (P)	**6.92 ac. (38.3%)** (50% of 13.843 ac.)	18.059 ac.	Boca Chica (36/117)
75B	Plat	09-28-78	35%	44.5% (P)	3.947 ac. + 10.84 ac. = **14.79 ac. (45.4%)** (50% of 21.674 ac. = 10.84 ac.)	32.576 ac.	Buenavista (35/131,132)
	Plat	05-04-78			1.4 ac + 0.68 ac. = **2.08 ac. (34.8%)** (50% of 1.369 ac. = 0.68 ac.)	5.983 ac.	Boca Alta Sec. 2 (34/146,147)
	Plat	04-20-78			1.510 ac. + 2.13 ac. = **3.63 ac. (50.7%)** (50% of 4.268 ac. = 2.13 ac.)	7.162 ac.	Boca Alta (34/120,121)
	Plat	March 1990			0.2324 ac. + 0.41 ac. = **0.64 ac. (36.8%)** (50% of 0.8289 ac. = 0.41 ac.)	1.7376 ac.	Brook Haven of Boca Raton (65/181,182)
	Site plan	09-22-77			3.95 ac. + 10.91 ac. = 14.86 ac. (52.0%) (50% of 21.816 ac. = 10.91 ac.)	28.629 ac.	Buenavista
	Site plan	08-10-77			1.17 ac. (76.4%)	1.53 ac.	Boca Alta 2
	Site plan	01-28-87			2.29 ac. (75.6%)	3.029 ac.	Boca Alta 3
75C	Plat	07-30-87	35%	58.9% (P)	**5.057 ac. (58.9%)**	8.588 ac.	La Vida (57/83,84)
	Site plan	10-29-86			1.17 ac + 2.276 ac. = 3.45 ac. (40.1%) **M** (40% of 5.69 ac. = 2.276 ac.)	8.59 ac.	
76C	Plat	01-09-86	35%	64.4% (P)	**1.314 ac. (64.4%)**	2.041 ac.	Boca Hermosa Gardens (52/119)
	Site plan	03-10-93	none		1.31 ac. (64.4%)	2.041 ac.	
77	-	-	-	-	-	-	Neighborhood commercial
78A	Plat	08-14-89	35%		n/a	10.824 ac.	Back Bay Apts. – phase III (63/101,102)
	Site plan	10-26-88		56.1% (SP)	**10.62 ac. (56.1%)**	18.92 ac.	Phases I, II, & III
78 B	Plat	03-23-78	35%	42.9% (P)	1.394 ac. + 7.11 ac. = **8.50 ac. (42.9%)** (50% of 14.227 ac. = 7.11 ac.)	19.831 ac.	Boca Rio Development (34/90-92)
79	Plat	06-19-81	35%	54.4% (P)	5.999 ac. + 2.71 ac. = **8.71 ac. (54.4%)** (40% of 6.787 ac. = 2.71 ac.)	16.0 ac.	Charleston Place (42/146,147)
	Site plan	02-10-86			8.2 ac. (51.3%)	16.0 ac.	
80	Site plan	10-11-83	35%	53.7% (SP)	**10.5 ac. (53.7%)**	19.55 ac.	The Arbor Club

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