PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION

ZONING COMMISSION VARIANCE
Application Name: Arden PUD
Project Manager: Carolina Valera, Senior Site Planner

APPLICATION NO.	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
ZV-2018- 01180	3.E.1.E.1.h, Density Transfer	A maximum 30% transfer of the unbuilt units (approved by the BCC) from one Pod to another Pod in the same PDD	88% transfer of units to Pod I, from Pods G and H	Additional 58% transfer of units to Pod I

SITUS ADDRESS:	2835 Arden Park Drive, Loxahatchee, FL 33470		
AGENT NAME and ADDRESS:	Collene Walter Urban Design Kilday Studios 610 Clematis Street West Palm Beach, FL 33401 Shayne Broadnix Urban Design Kilday Studios 610 Clematis Street West Palm Beach, FL 33401		
OWNER NAME and ADDRESS:	Highland Dunes Associates Property LLC 500 Boylston Street Boston, MA 02116		
PCN:	00-40-43-27-01-006-0000 (affected area)		
ZONING DISTRICT:	Planned Unit Development (PUD)		
BCC DISTRICT:	06		
PROJECT MANAGER:	Carolina Valera, Senior Site Planner		
LEGAL AD:			
LAND USE:	LR-2	S/T/R: 27-43-40	
CONTROL No.:	2005-00394		
LOT AREA:	1209.96 acres +/-		
LOT DIMENSIONS:			
CONFORMITY OF LOT:	Conforming	CONFORMITY OF ELEMENT:	N/A
TYPE OF ELEMENT:	N/A	ELEMENT SIZE:	N/A
BUILDING PERMIT #:	N/A	NOTICE OF VIOLATION:	N/A
CONSTRUCTION STATUS:	Under construction.		
APPLICANT REQUEST:	to allow transfer of density from one Pod to another Pod in the same PDD in excess of 30 percent of the number of units approved by the Board of County Commissioners (BCC).		

RECOMMENDATION: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received 0 contacts from the public regarding this project.

APPLICATION SUMMARY: Proposed is a Type 2 Variance request for the Arden Planned Unit Development (PUD). The 1,209.96-acre site was last approved by the BCC on October 24, 2013, for

an Official Zoning Map Amendment to allow a rezoning from the Residential Transitional (RT) Zoning District to the Residential Planned Unit Development (PUD) Zoning District.

The Applicant is requesting to transfer a total of 165 units from Pods G and H, to Pod I. This change will increase the number of approved units within Pod I from 187, to a total of 352, or an 88 percent density tranfer. The Preliminary Master Plan indicates a total of 2,000 residential units within 11 Pods; a 5.68-acre Commercial Pod with 50,000 square feet of commercial or retail uses; a 24.22-acre Public Civic Pod which includes a 20-acre Park and 50,000 square feet of Offices for Government Services; and, a 15.66-acre Civic Pod for a 970-student Public Elementary School. All previously approved access points will remain from Southern Boulevard; the future extension of Okeechobee Boulevard to the north; and, one cross access point connecting to the east of the project.

This application was reviewed for compliance with the Unified Land Development Code (ULDC), Supplement 23.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
LGA-2004-00047	Future Land Use amendment from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2), concurrent with the Comprehensive Plan Amendment, the BCC adopted the Glades Area Protection Overlay (GAPO)	ORD 2004-066	December 13, 2004
DOA-2005-1173	To delete land area and modify conditions of approval for a Type Ill B Excavation for Zoning Application for Palm Beach Aggregates, Inc.	R-2006-0027 R-2006-0028 R-2006-0029	January 5, 2006
PDD/R/W-2005-01174	To rezone land area to PUD and a Requested Use for a secondary or elementary school and to allow a deviation from cul-de-sac and dead-end restrictions	R-2006-0030	January 5, 2006
ABN/Z/W/CA-2008-00444	To rezone the property to Residential Transitional Zoning District.	R- 2008-1144 R- 2008-1145	June 30, 2008
PDD/R/W-2005-1174	To abandon a Class A Conditional use for a bona fide agricultural use; to revoke the Requested Use approval for the secondary school together with waivers for cul-de-sac and dead-end restrictions	R- 2008-1146	June 30, 2008
ABN/PDD-2013-00499	A rezoning from the Residential Transitional (RT) Zoning District to the PUD Zoning District.	R-2013-1527	October 24, 2013
ZV-2016-01247	A Variance to eliminate the privacy wall or fence at the rear of a Zero Lot Line (ZLL) home.	ZR-2016-0050	October 17, 2016
ZV-2017-00363	A Variance to allow an increase in building coverage for single story Single-family dwelling units	ZR-2017-0016	May 4, 2017

SURROUNDING LAND USES:

NORTH:
FLU Designation: Rural Residential (RR-5)
Zoning District: Agricultural Residential District (AR)
Supporting: Residential (Single Family)

SOUTH:
FLU Designation: Village of Wellington
Zoning District: Village of Wellington
Supporting: Conservation (Village of Wellington)

EAST:
FLU Designation: Rural Residential (RR-10)
Zoning District: Agricultural Residential District (AR)
Supporting: Agriculture

WEST:
FLU Designation: Rural Residential (RR-10)
Zoning District: Special Agricultural District (SA)
Supporting: Utilitity and Excavation (Palm Beach Aggregates FPL Power Plant and SFWMD Reservoirs Control No. 1989-00052)

FINDINGS:
When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards listed under Unified Land Development Code (ULDC) Article 2.B.7.E.6, Standard for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 2 Variance which fails to meet any of these Standards shall be deemed averse to the public interest and shall not be approved.

a. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same zoning district:

YES: The ULDC limits the authority of the Development Review Officer (DRO) to modify a BCC approved Plan, by limiting the number of unbuilt units that can be administratively transferred from one Pod to another, to a maximum of 30 percent. Pods G, H and I are approved for the development of a total of 467 units. Pods G and H will be developed with Single Family homes, and Pod I will be developed with Zero Lot Line(ZLL) units on smaller lots. The Applicant states in the Justification Statement that current market conditions indicates a need for the development of ZLL type homes on small lots. The Applicants seeks to obtain a Variance to allow 88 percent density transfer into Pod I, in order to increase the number of units approved by the BCC, from 187 to a total of 352 units (+165). The request will not add units to the overall Arden Development, and the housing type within Pod G, H and I, will remain the same, that is detached units. In addition, The ULDC does not currently allow for the transfer from one Pod to another of Single Family units to ZLL homes. However, an amendment to the ULDC, which will be presented to the BCC at the January hearings, will allow for the transfer of any type of detached units between Pods.

b. Special circumstances and conditions do not result from the actions of the Applicant:

YES: Although the project was approved for a specific number of units and housing type within each Pod, the ULDC restricts the transfer between Pods of Single Family units to ZLL, even though these two type of units are detached, fee simple type of homes. As stated above, the proposed amendment to the ULDC, will allow for approval of the transfer of these units.

c. Granting the variance shall not confer upon the Applicant any special privilege denied by the comprehensive plan and this code to other parcels of land, buildings or structures in the same zoning district:

YES: The transfer of additional 165 units will not change the total number of approved units for the overall Arden PUD development, and necessary changes to the size and configuration for Pods G, H and I, are allowed by the ULDC through an Administrative approval by the DRO. In this regard, the Variance will not provide any special privilege denied by the Comprehensive Plan and this Code to be conferred to the Applicant.

d. Literal interpretation and enforcement of the terms and provisions of this code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship:

YES: The literal interpretation of the Code would create an unnecessary and undue hardship on the Applicant, as it would hinder the reallocation of the number of detached fee-simple units, Single Family and ZLL, even though there are no external or internal impacts, and no impacts on traffic

concurrency or infrastructure. In addition, the platted perimeter landscape buffer width along the north of Pod I is 148 feet (ft.), and 200 ft. along the east, well above the minimum ULDC requirements.

e. Granting of the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:

V-1 - YES: Granting of the variances are the minimum variances necessary to make possible reasonable use of the parcel of land. The intent of the limit of transfer of units approved by the BCC is to allow for review of potential impacts such as traffic, concurrency, and compatibility of the proposed development beyond the scope of the development approved by the BCC. The granting of the Variance will allow for a reasonable use of the land area to reallocate the currently approved detached units within three Pods.

f. Granting of the variance will be consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this code:

YES: Granting of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and ULDC, as all the units within the subject three Pods are approved and will be developed as detached homes, and the transfer of units will not change the total number of fee simple detached units approved for the overall PUD.

g. The granting of this variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

YES: The granting of this variance will not be injurious to the area involved or otherwise be detrimental to the public welfare, as the additional transfer of units creates no new internal or external impact, nor does it create any incompatibilities with adjacent properties.

CONCLUSION

Staff has evaluated the standards listed under Article 2.B.7.E and determined that the requests for Type 2 Variance is consistent with the Code. Therefore, Staff recommends **approval** of the Type 2 Variance, as they comply or meet these standards.

EXHIBIT C

ZONING COMMISSION CONDITIONS

Type 2 Variance - Standalone

VARIANCE

1. The Preliminary Master Plan is dated July 23, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. The Development Order for this non-concurrent Variance shall be tied to the Time Limitations of the Development Order for ABN/PDD/R-2013-00499. The Property Owner must secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: ZONING - Zoning)

3. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Master Plan to the Building Division. (BLDGPMT: ZONING - Zoning)

USE LIMITATIONS

1. This Variance approval is limited to the transfer of a maximum of 88 percent of dwelling units from Pods G and H to Pod I, as shown in the Preliminary Master Plan dated July 23, 2018. (ONGOING: 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: ZONING - 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; 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; the 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 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 of Approval; 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: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit..

Figure 1 – Land Use Map

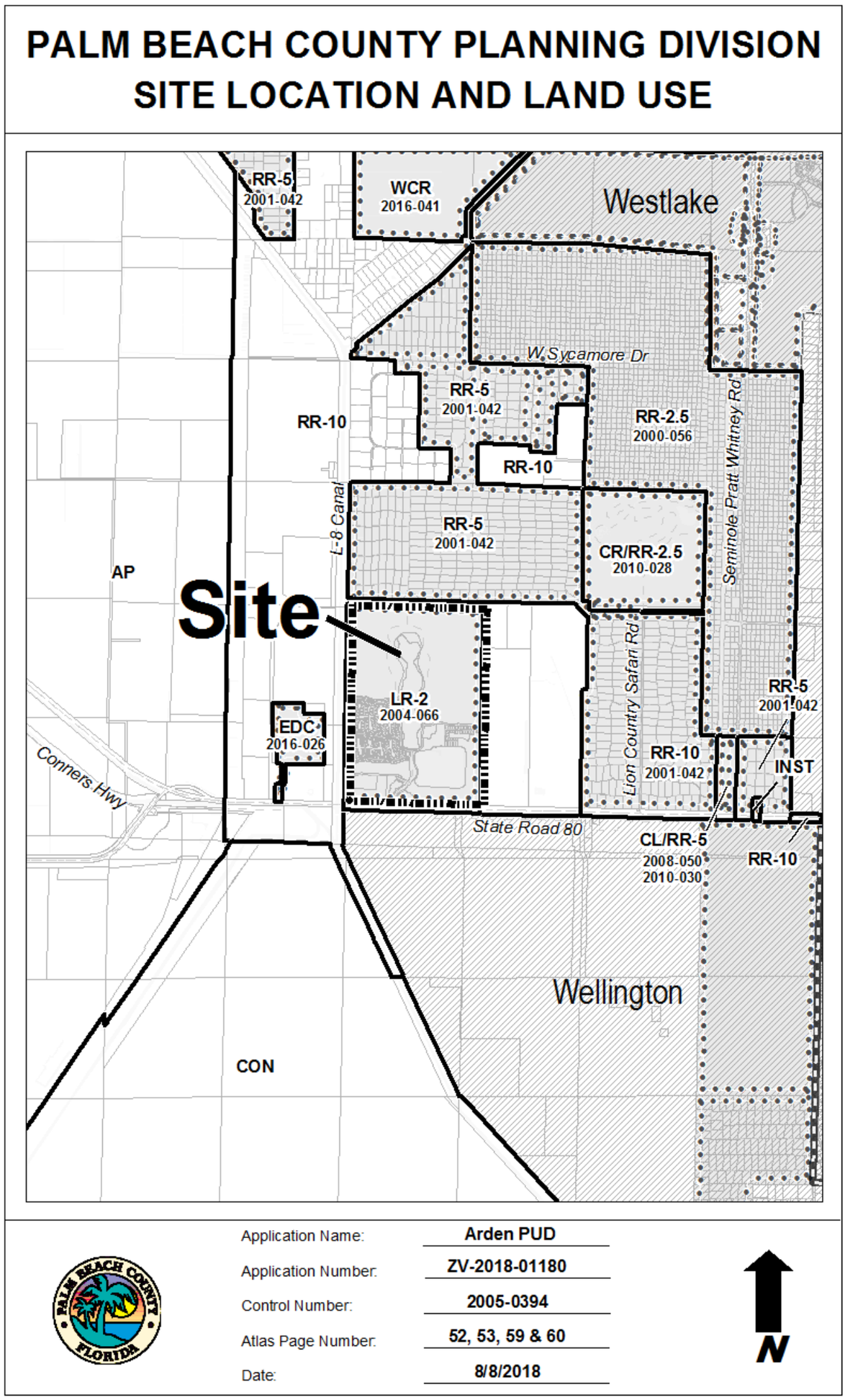


Figure 2 – Zoning Map

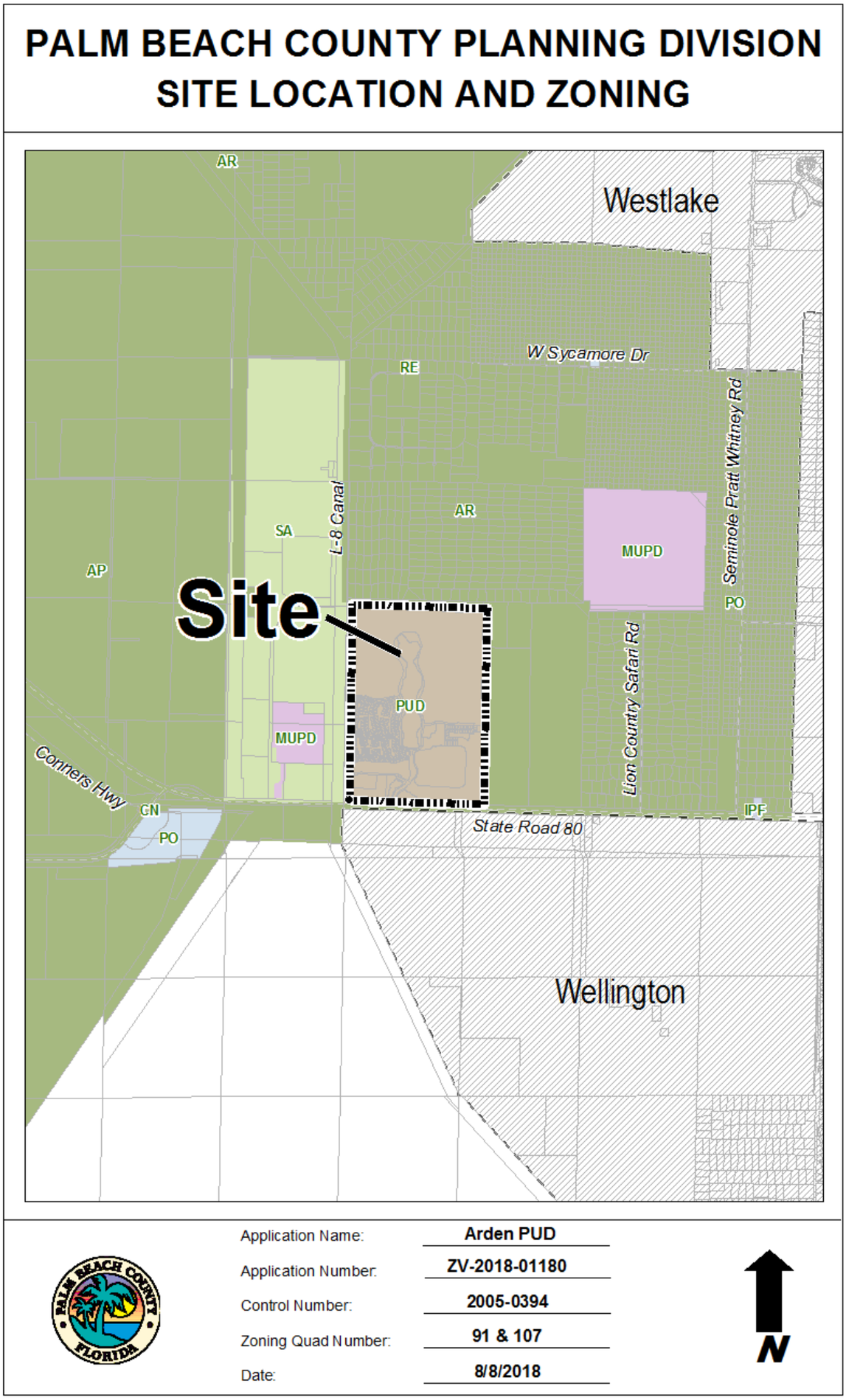
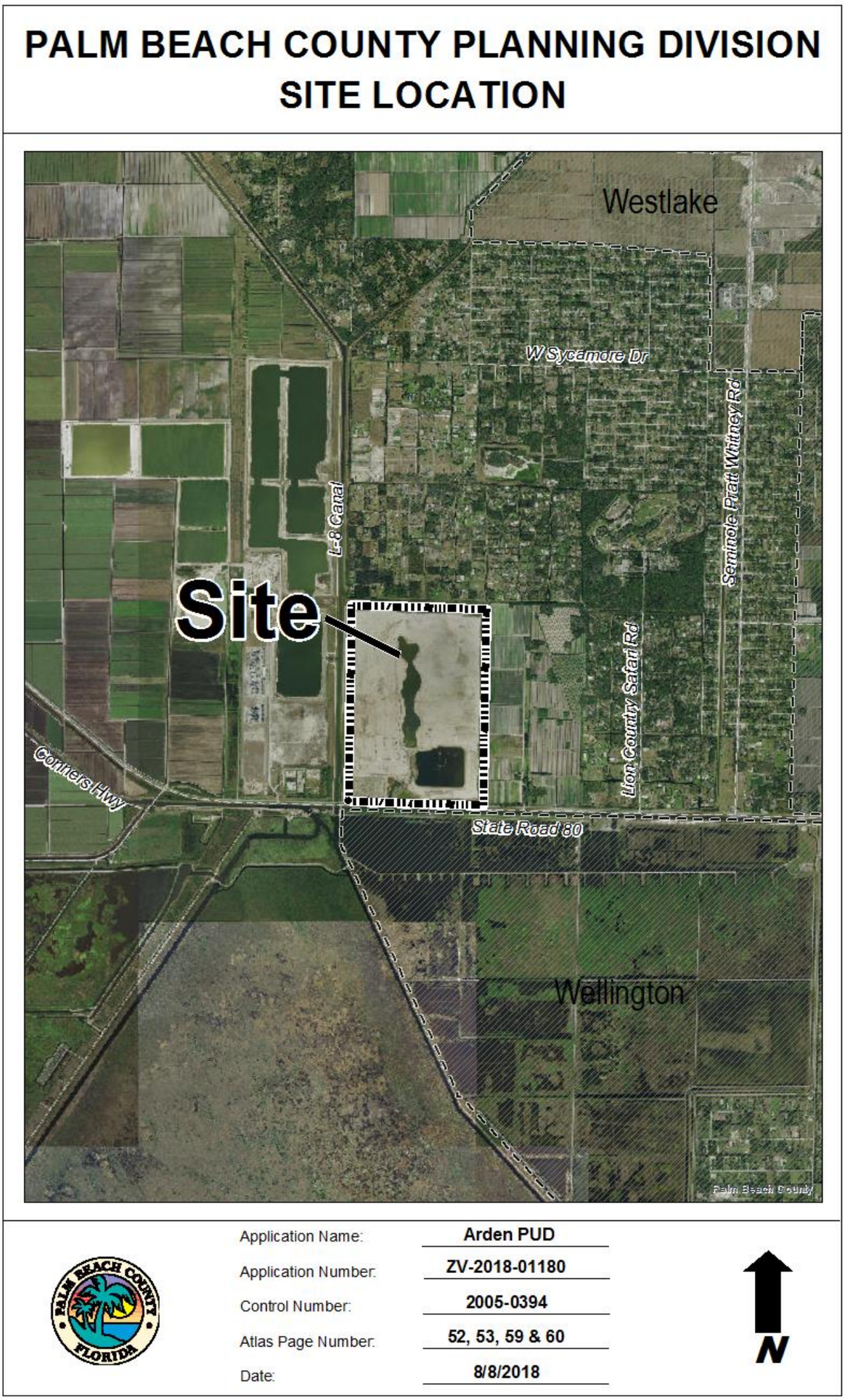


Figure 3 – Aerial



ZC
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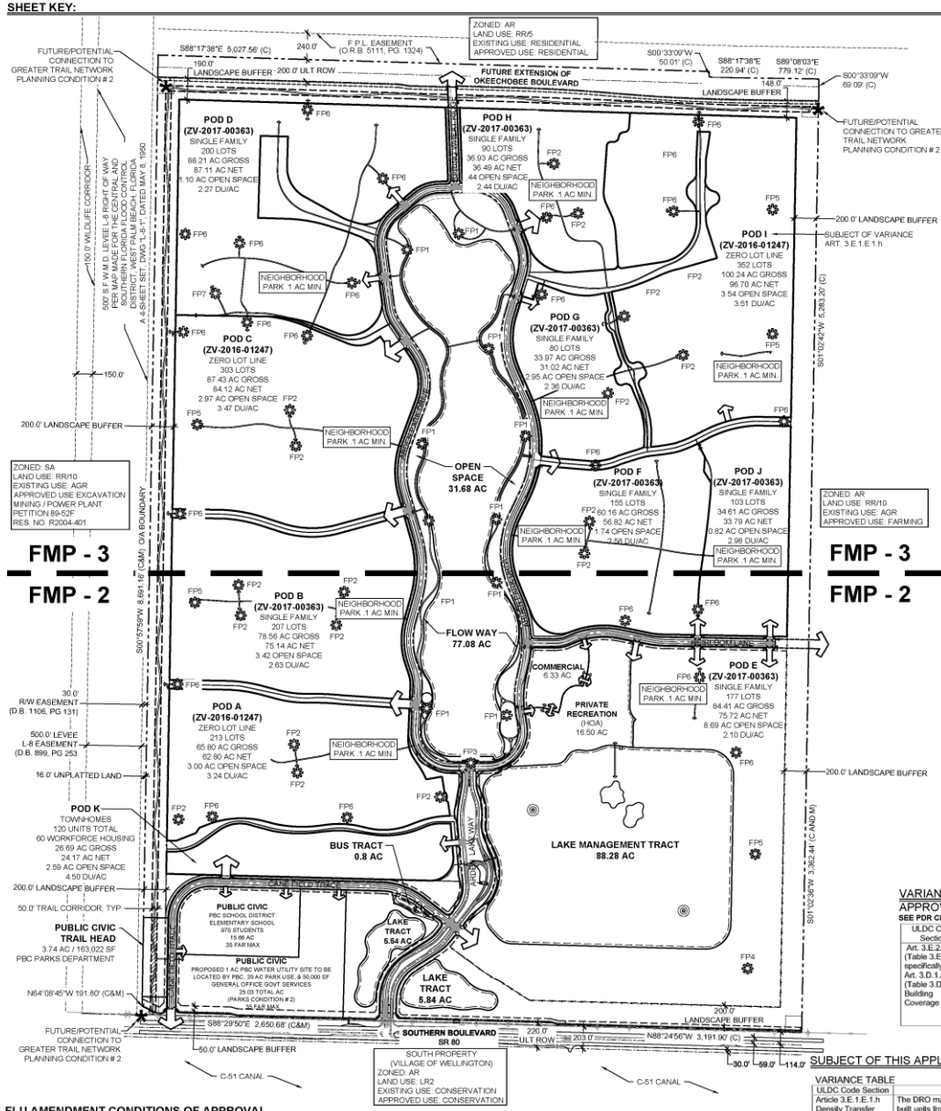
Figure 4 – Preliminary Master Plan 1 dated September 10, 2018

SHEET KEY:



SITE DATA

APPLICATION NAME	ARDEN PUD
APPLICATION NO.	DRO-2017-02206
CONTROL NUMBER	2005-394
PROJECT NO.	05168-000
ORDINANCE NO. (FLU AMENDMENT)	2004-066
LAST BCC DATE	10-24-2013
RESOLUTION NO.	R-2013-1528
TIER	NONE/LIMITED URBAN SERVICE AREA
LAND USE DESIGNATION	LR-2
USE	PUD
EXISTING ZONING	PUD - RESIDENTIAL PLANNED DEVELOPMENT
OVERLAY DISTRICT	GLADES AREA PROTECTION OVERLAY (GAPO)
SECTION, TOWNSHIP, RANGE	PORTIONS OF 8/21, 22, 27 & 34/T43S/R40E ALL OF 9/28 & 33/T43S/R40E
PROPERTY CONTROL NUMBERS (PCN)	00 40 43 33 00 000 1010 00 40 43 34 00 000 1010 00 40 43 28 00 000 1010 00 40 43 27 00 000 3020 00 40 43 21 00 000 5020 00 40 43 22 00 000 7040
GROSS SITE AREA	1,209.96 AC / (52,710,213.6 SF)
TOTAL UNITS ALLOWED BY LAND USE (ORD. 2004-066)	2,000 DU
TOTAL UNITS PROPOSED	2,000 DU
- ZERO LOT LINE	868 DU
- SINGLE FAMILY	1,012 DU
- TOWNHOMES	120 DU
GROSS DENSITY (2,000 UNITS / 1,209.96)	1.65 DU/AC

CONCURRENCY APPROVAL
DETACHED DWELLING UNITS 1,880 UNITS
CONDO / TOWNHOME 120 UNITS
COMMERCIAL / RETAIL 50,000 SF
ELEMENTARY SCHOOL 970 STUDENTS
CIVIC SITE: PARK 20.0 AC
MINOR UTILITY 1.0 AC
50,000 SF GENERAL GOVT OFFICE
* CONCURRENCY IS APPROVED FOR THE ABOVE USES AND AMOUNTS SHOWN ON THIS PLAN

TRAFFIC ANALYSIS ZONE (TAZ) 1,059

DEVELOPMENT TABULAR

GROSS FLOOR AREA (NON RESIDENTIAL)INTENSITIES		
COMMERCIAL		50,000 SF
SCHOOL		970 STUDENTS
CIVIC AREA REQUIREMENTS (.02 X 1209.96 AC. MIN.)		24.2 AC.
CIVIC AREA PROVIDED		60.83 AC.
CIVIC	25.03 AC.	SUBJECT OF VARIANCE ART. 3.E.1.E.1.h
ELEMENTARY SCHOOL	15.66 AC.	
PUBLIC TRAIL SYSTEM	16.40 AC.	
TRAIL HEAD DEDICATION	3.74 AC.	
TOTAL CIVIC PROVIDED	60.83 AC.	
RECREATION AREA REQUIRED		12.0 AC.
(1,000 AC X 2000 UNITS= 12.0 ACRES)		
RECREATION AREA PROVIDED		16.50 AC.
TOTAL OPEN SPACE		49.83%
MAX. BUILDING HEIGHT		35'
MAX.NO. STORES		2
FINISH FLOOR ELEVATION		22'+
OWNERSHIP OF COMMON AREAS & RECREATION AREAS		HOA
ROADS		PRIVATE

SITE AREA BREAKDOWN

	ACREAGE	PERCENT
RESIDENTIAL PODS*	663.88 AC.	54.90%
COMMERCIAL	6.33 AC.	0.52%
RECREATION	16.50 AC.	1.35%
CIVIC	25.03 AC.	2.07%
CIVIC-SCHOOL	15.66 AC.	1.29%
CIVIC-PUBLIC TRAIL	16.40 AC.	1.35%
LAKE MANAGEMENT TRACTS	99.66 AC.	8.27%
ROAD RIGHT OF WAYS	47.20 AC.	3.91%
BUS TRACT	0.80 AC.	0.07%
CIVIC TRAIL HEAD DEDICATION	3.74 AC.	0.30%
BUFFERS, FLOW WAY AND OPEN SPACES	314.76 AC.	25.97%
TOTAL ACREAGE	1209.96 AC.	100.00%

* PER ULDC ART. 3.E.2.c.3, NEIGHBORHOOD PARKS, WATER MANAGEMENT TRACTS AND LOCAL ROADS INTERNAL TO A RESIDENTIAL POD MAY BE CREDITED TOWARD THE MINIMUM RESIDENTIAL LAND AREA REQUIREMENT.

OPEN SPACE TABULAR

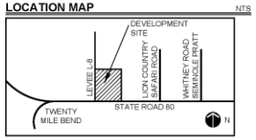
	ACREAGE		PERCENT
OPEN SPACE REQUIRED (40% OF 1209.96)		484 AC.	40%
OPEN SPACE PER BCC APPROVAL		516.37 AC.	43%
OPEN SPACE PROVIDED		598.86 AC.	49.49%
PRIVATE RECREATION	16.50 AC.		
PUBLIC TRAIL	16.40 AC.		
LAKE MANAGEMENT TRACTS	99.66 AC.		
BUFFERS, FLOW WAY AND INTERNAL OPEN SPACES	314.76 AC.		
OPEN SPACE WITHIN DEVELOPMENT PODS	151.54 AC.		
TOTAL	598.86 AC.		

POD AREA BREAKDOWN

POD A:	
ZERO LOT LINE	213 DU
ACREAGE	65.80
BUILDING COVERAGE	50%
DENSITY	3.24 DU/AC
POD B:	
SINGLE FAMILY	207 DU
ACREAGE	78.56
BUILDING COVERAGE	40% **
DENSITY	2.63 DU/AC
POD C:	
ZERO LOT LINE	303 DU
ACREAGE	87.43
BUILDING COVERAGE	50%
DENSITY	3.47 DU/AC
POD D:	
SINGLE FAMILY	200 DU
ACREAGE	88.21
BUILDING COVERAGE	40% **
DENSITY	2.27 DU/AC
POD E:	
SINGLE FAMILY	177 DU
ACREAGE	83.23
BUILDING COVERAGE	40% **
DENSITY	2.13 DU/AC
POD F:	
SINGLE FAMILY	155 DU
ACREAGE	60.16
BUILDING COVERAGE	40% **
DENSITY	2.58 DU/AC
POD G:	
SINGLE FAMILY	80 DU
ACREAGE	33.97
BUILDING COVERAGE	40% **
DENSITY	2.36 DU/AC
POD H:	
SINGLE FAMILY	90 DU
ACREAGE	36.93
BUILDING COVERAGE	40% **
DENSITY	2.44 DU/AC
POD I:	
ZERO LOT LINE	352 DU
ACREAGE	100.24
BUILDING COVERAGE	50%
DENSITY	3.51 DU/AC
POD J:	
SINGLE FAMILY	103 DU
ACREAGE	34.61
BUILDING COVERAGE	40% **
DENSITY	2.98 DU/AC
POD K:	
TOWNHOMES	120 DU
ACREAGE	26.69
BUILDING COVERAGE	100%
DENSITY	4.50 DU/AC

** SEE VARIANCE TABLE: ZV-2017-00363

LOCATION MAP



WORKFORCE HOUSING PROGRAM (WHP)

WHP Units Required 60 Units
WHP Units Proposed 60 Units
WHP UNITS MAY BE CLUSTERED ON SITE OR DISPERSED THROUGHOUT THE PROJECT.
TO COMPLY WITH PLANNING COA 1, A DECLARATION OF RESTRICTIVE COVENANTS FOR WORKFORCE HOUSING HAS BEEN RECORDED IN ORB 28675, PG. 1153.

NOTES

1. CURB CUT REQUIRED WHERE ACCESS AISLE MEETS SIDEWALK
2. BASE INFORMATION BASED ON A SURVEY PROVIDED BY SCHORAH & ASSOCIATES DATED FEBRUARY 2013 AND UPDATED 04/06/2015.
3. FP=FOCAL POINT (SEE REGULATING PLAN FOR DETAILS)
4. PRIOR TO IGNITING A FIRE IN THE OPEN FIRE PIT OR THE FIRE PLACE A BURN PERMIT WILL BE OBTAINED FROM PBC FIRE RESCUE. THE OPEN FIRE PIT AND THE FIRE PLACE WILL DISPLAY APPROPRIATE SIGNAGE IDENTIFYING THIS REQUIREMENT.
5. ALL RESIDENTS WILL HAVE ACCESS AND OWNERSHIP RIGHTS TO THE MAIN RECREATION AREAS
6. PURSUANT TO ULDC ART. 3.E.1.J.1, PUD'S MAY BE DEVELOPED IN MULTIPLE PHASES IN COMPLIANCE WITH ART. 2.E MONITORING. IT IS THE INTENT OF THE APPLICANT TO DEVELOP THIS PROJECT IN MULTIPLE PHASES AS ALLOWED BY CODE. PURSUANT TO ART. 7.E.4.B.1, INSTALLATION OF REQUIRED LANDSCAPING MAY BE PHASED TO THE CONSTRUCTION OF THE PROJECT.
7. PRIVATE NON-PLAN COLLECTOR ROADWAYS INTERNAL TO THE PUD ARE NOT SUBJECT TO ROW LANDSCAPE BUFFER REQUIREMENTS
8. BUFFERS MAY BE PROPOSED AT THE DISCRETION OF THE DEVELOPER (NOTED HEREIN AS "LA BUFFERS."

PLANNED DEVELOPMENT CHART

POD TYPE AND NAME	VARIANCE SUBMITTAL								BCC APPROVAL OCTOBER 24, 2013						% CHANGE
	NET ACRE	GROSS ACRE	TYPE	UNIT #	NET DENSITY	GROSS DENSITY	CLASS	TYPE	UNIT #	NET DENSITY	GROSS DENSITY	CLASS			
A	62.80	65.80	ZLL	213	3.39	3.24	DH	ZLL	185	3.33	2.92	DH	+ 15.10%		
B	75.14	78.56	SF	207	2.75	2.63	DH	SF	212	2.96	2.69	DH	- 2.36%		
C	84.12	87.43	ZLL	303	3.60	3.47	DH	ZLL	256	3.59	2.74	DH	+ 18.00%		
D	87.11	88.21	SF	200	2.30	2.27	DH	SF	204	2.38	2.19	DH	- 1.96%		
E	75.72	84.41	SF	177	2.33	2.10	DH	SF	246	2.60	2.27	DH	- 28.05%		
F	56.82	60.16	SF	155	2.73	2.58	DH	SF	200	2.18	2.03	DH	- 22.00%		
G	31.02	33.97	SF	80	2.57	2.36	DH	SF	104	2.60	2.42	DH	+ 5.78%		
H	36.49	36.93	SF	90	2.47	2.44	DH	SF	176	2.72	2.47	DH	+ 9.00%		
I	96.70	100.24	ZLL	352	3.64	3.51	DH	ZLL	187	3.51	2.86	DH	+17.00%		
J	33.79	34.61	SF	103	3.05	2.98	DH	SF	110	2.77	2.37	DH	- 6.00%		
K	24.17	26.69	TH	120	4.96	4.50	AH	TH	120	9.27	8.00	AH	0.0%		
COMMERCIAL	6.33								5.66				+ 1.14%		
CIVIC	25.03								24.22				+ 3.30%		
CIVIC SCHOOL	15.66								15.66				0.0%		
CIVIC/TRAIL	16.40								17.71				- 7.40%		
REC. AREA	16.50								13.61				+ 21.25%		
LAKES	99.66								96.51				+ 3.27%		
ROAD R/W	47.20								78.49				- 39.87%		
BUS TRACT	0.80								N/A				N/A		
CIVIC TRAIL HEAD DEDICATION	3.74								N/A				N/A		
BUFFERS, FLOW WAY & INTERNAL OPEN SPACES	314.76								275.73				+ 16.17%		
TOTAL	1209.96			2000					1209.96	2000					

ZLL = ZERO LOT LINE DH = DETACHED HOUSING SF = SINGLE FAMILY TH = TOWNHOMES AH = ATTACHED HOUSING

VARIANCE TABLE: ZV-2017-00363
APPROVED 05/04/17 ZONING COMMISSION ZR-2017-016

SEE FOR CHART ON SHEET FRP-1

ULDC Code Section	Required	Proposed	Variance
Art. 3.E.2.D1, (Table 3.E.2.D); specifically in Art. 3.D.1.A (Table 3.D.1.A) Building Coverage	Maximum 40% building coverage for single-family units	Maximum 44% building coverage for one story single-family units Two story single-family units will remain at a maximum 40%	To allow a 10% increase in building coverage for one story single-family units

VARIANCE TABLE: ZV-2016-01247 APPROVED 10/14/16 ZONING COMMISSION

SEE DETAIL ON SHEET FRP-1

ULDC Code Section	Required	Proposed	Variance
Figure 3.D.2.B-7 / Article 3.D.2.C.9.e.1)	A minimum five foot high opaque wall or fence shall be provided along the ZLL of a ZLL home, beginning at the end of a home with a zero setback and extending a distance of ten feet beyond the rear of the home toward the rear of the property. – all ZLL homes	Privacy wall or fence would not be required on ZLL Lots where the rear of the home is recessed a minimum of four feet from the ZLL.	To eliminate required privacy wall or fence where the rear of the home is recessed a minimum of four feet from the ZLL.

FLU AMENDMENT CONDITIONS OF APPROVAL

ORD # 2004-066 BCC ADOPTED ON DECEMBER 13, 2004

Conditions: This site is subject to the following conditions:

1. The subject site shall be limited to a maximum of 2000 dwelling units and a minimum of 30,000 square feet and a maximum of 50,000 square feet of PUD-Commercial.
2. Prior to Final DRO Master Plan approval, the applicant shall abandon all previous zoning approvals and mining permits on the subject site.
3. Prior to Public Hearing DRO Certification, the applicant shall reserve right-of-way for potential connections to Okeechobee Blvd. on the north and shall provide interconnectivity to the adjacent site to the east if developed with an employment center.
4. Prior to adoption of this site specific amendment and consistent with the purpose of the Glades Area Protection Overlay (GAPO), the applicant shall provide the County Attorney an executed restrictive covenant, approved by the County Attorney, which shall be recorded in the public records subsequent to the adoption of this site specific amendment, limiting the use of the property owned by the applicant or affiliated entities within the area covered by the GAPO to uses already approved by the County as listed in the application and in LU Policy 2.10-b of the GAPO. No development orders will be certified until after this restrictive covenant is recorded. Restrictive Covenant is recorded in O.R.B. 17900, PG. 257.
5. Prior to adoption of this site specific amendment the applicant shall provide the County Attorney an executed restrictive covenant, approved by the County Attorney, which shall be recorded in the public record subsequent to the adoption of this site specific amendment, prohibiting the property owned by the applicant or affiliated entities within the area covered by the GAPO from voluntarily annexing into a municipality, signing annexation petitions or otherwise consenting to annexation. No development orders will be certified until after this restrictive covenant is recorded. Restrictive Covenant is recorded in O.R.B. 17900, PG. 257
6. Prior to Public Hearing DRO Certification, the applicant shall provide and indicate on the master plan a 50 foot wide open space trail corridor for the entire northern and western boundaries of the property that can link to the planned CWC Sector Plan integrated trail network. In addition, a PUD buffer shall be required to utilize the Rural Tier ULDC landscape buffer requirements for compatibility purposes.

SUBJECT OF THIS APPLICATION

VARIANCE TABLE

ULDC Code Section	Required	Proposed	Variance
Article 3.E.1.E.1.h Density Transfer	The DRO may transfer a maximum of 30% of the un-built units from one pod to another pod in the same PDD. The maximum number of units transferred to a pod shall not exceed 30% above the number of units approved by the BCC for that pod.	Up to an 88% transfer of units	To allow up to an additional 58% transfer of units

PODS	PROPOSED PHASE 3 PLAN OF DEVELOPMENT				BCC APPROVAL: OCTOBER 24, 2013		
POD NAME	LOT TYPE	UNIT #	CLASS	% CHANGE	LOT TYPE	UNIT #	CLASS
G	SF	80	DH	23% DECREASE	SF	104	DH
H	SF	90	DH	49% DECREASE	SF	176	DH
I	ZLL	352	DH	88% INCREASE	ZLL	187	DH

SUBJECT OF THIS VARIANCE

PBC Amendments:

PBC Zoning Stamp:

04.27.2015 FDRO RESUBMITTAL
05.14.2015 FDRO RESUBMITTAL
05.19.2015 FDRO RESUBMITTAL
06.23.2015 AR SUBMITTAL
07.15.2015 FDRO SUBMITTAL
08.24.2015 FDRO SUBMITTAL
09.10.2015 FDRO RESUBMITTAL
09.22.2015 ZAR SUBMITTAL
02.09.2016 ZAR RESUBMITTAL
03.08.2016 ZAR RESUBMITTAL
07.20.2016 TYPE 2 VARIANCE
08.11.2016 TYPE 2 VARIANCE
10.25.2016 ZAR SUBMITTAL
11.08.2016 ZAR SUBMITTAL
11.29.2016 ZAR SUBMITTAL
12.20.2016 ZAR RESUBMITTAL
02.15.2017 TYPE 2 VARIANCE
03.09.2017 SF LOT CONV. RESUB
06.13.2017 ZZR SUBMITTAL
11.15.2017 DRO SUBMITTAL
12.22.2017 DRO RESUBMITTAL
06.11.2018 VAR. SUBMITTAL
07.23.2018 VAR. RESUBMITTAL
09.10.2018 VAR. RESUBMITTAL

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Arden P.U.D.

Palm Beach County, Florida
Preliminary Master Plan
Variance Application

NORTH
0 250' 500' 1,000'
Scale: 1" = 500'-0"

Date: 10.15.2014
Project No.: 13-001.003
Designed By: DEM
Drawn By: DEM/JEB
Checked By: CWW

Revision Dates:

10.15.2014 FDRO SUBMITTAL
11.24.2014 FDRO RESUBMITTAL
12.11.2014 FDRO RESUBMITTAL
01.15.2015 ZONING REVIEW SUBMITTAL
01.21.2015 FDRO SUBMITTAL (POD E)
01.26.2015 FDRO SUBMITTAL (NH PARKS)
02.12.2015 FDRO SUBMITTAL (UTILITY SITE)
02.23.2015 FDRO RESUBMITTAL
03.12.2015 FDRO RESUBMITTAL
03.18.2015 FDRO SUBMITTAL

PMP-1
of 3

Figure 5 – Preliminary Master Plan 2 dated June 11, 2018

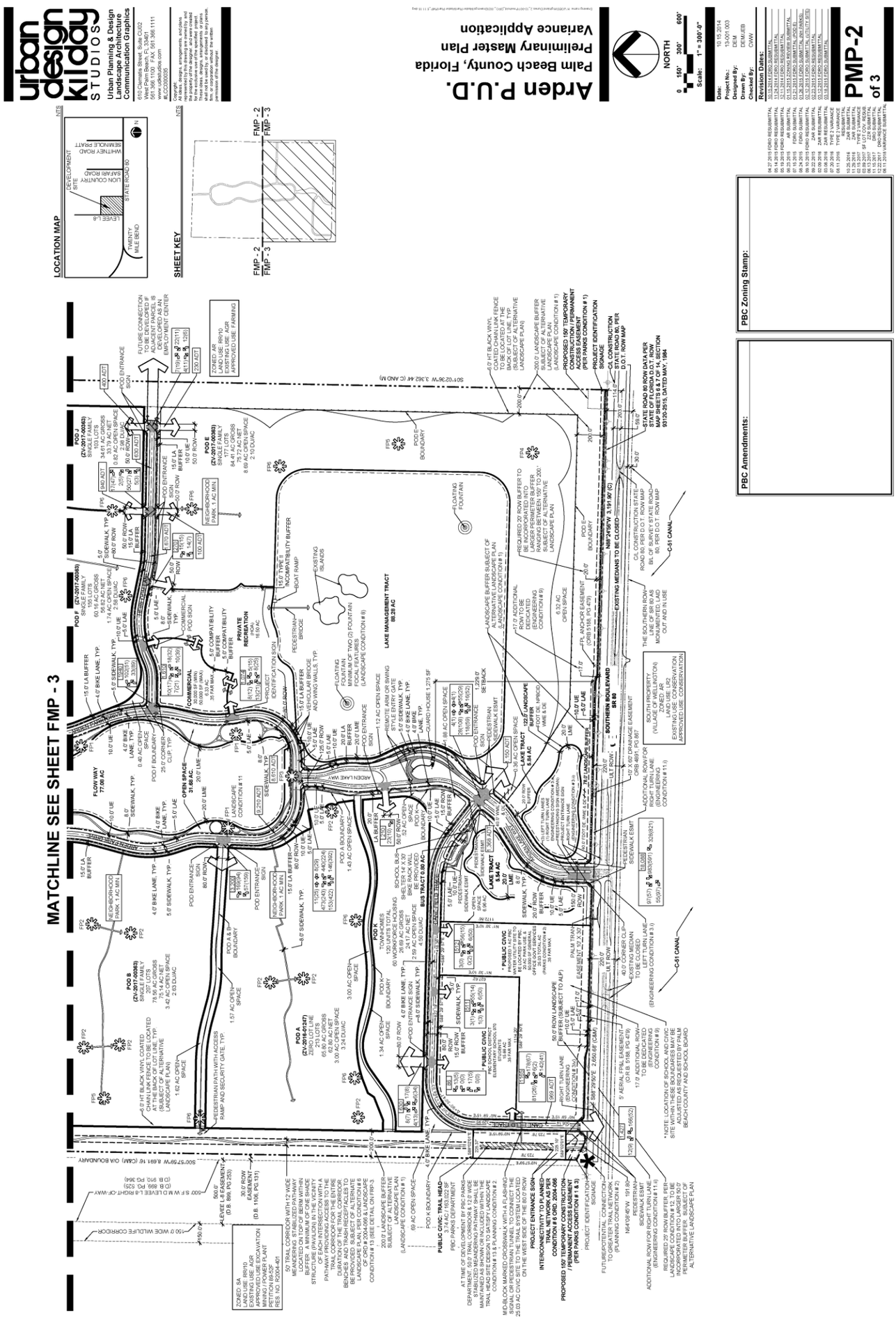

Figure 6 – Preliminary Master Plan 3 dated July 23, 2018

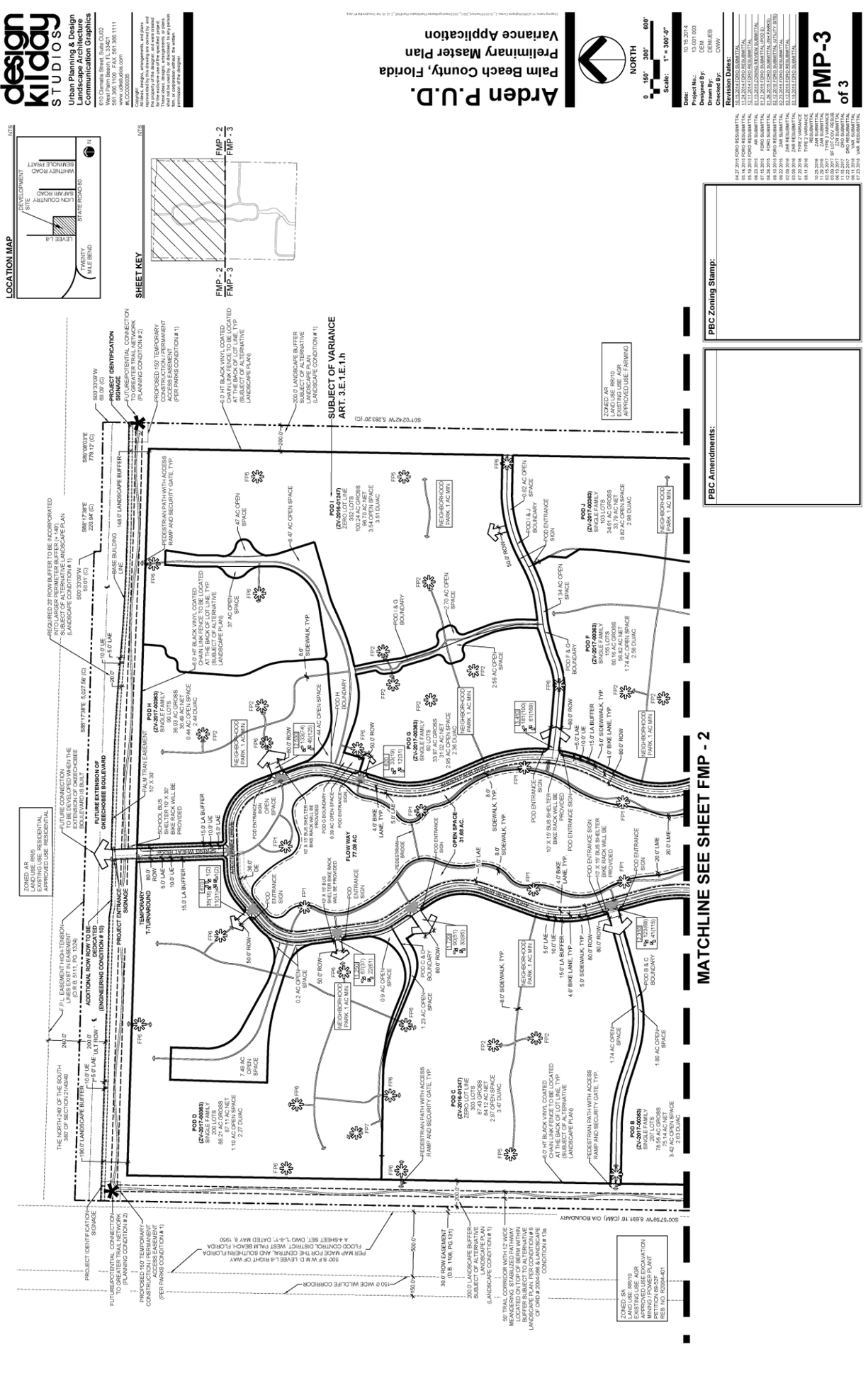

Exhibit D – Disclosures

PALM BEACH COUNTY - ZONING DIVISION FORM # 09

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

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 Jesse R. Baker, 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 [✓] Authorized Representative _____ *[position - e.g., president, partner, trustee]* of Highland Dunes Associates Property LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 500 Boylston Street Suite 2010
Boston, MA 02116

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 Property. 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 application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property 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.

Disclosure of Beneficial Interest - Ownership form
Page 1 of 4

Revised 08/25/2011
Web Format 2011

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.

Jesse R. Baker , Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 31st day of May, 2018, by Jesse R. Baker, [X] who is personally known to me or [ ] who has produced _____ as identification and who did take an oath.

SARAH MAHAN
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires On
October 25, 2024

Notary Public

Sarah Mahan
(Print Notary Name)

NOTARY PUBLIC
State ~~of Florida at Large~~ of Massachusetts
My Commission Expires: 10/25/2024

EXHIBIT "A"

PROPERTY

PARCEL 2:

THE SOUTH 360 FEET OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE NORTH 240 FEET OF THE SOUTH 360 FEET OF SAID SECTION 21; ALSO THE NORTH 50 FEET OF THE SOUTH 120 FEET OF THE EAST 220 FEET OF SAID SECTION 21.

PARCEL 3:

THE SOUTH 360 FEET OF THE WEST 780 FEET OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE NORTH 290 FEET OF THE SOUTH 360 FEET OF THE WEST 780 FEET OF SAID SECTION 22.

PARCEL 4:

THE WEST 780 FEET OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 5:

ALL OF SECTION 28, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 8:

ALL OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, LYING NORTH OF STATE ROAD 80 RIGHT-OF-WAY.

PARCEL 9:

THAT PART OF THE WEST 780 FEET OF SECTION 34, TOWNSHIP 43 SOUTH RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, LYING NORTH OF STATE ROAD 80 RIGHT-OF-WAY.

LESS AND EXCEPTING FROM PARCELS 2, 5 AND 8, THAT PORTION WHICH LIES WITHIN THAT STRIP OF LAND WHICH LIES 46.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE EASTERLY RIGHT OF WAY LINE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT L-8 CANAL AS PER THE RIGHT OF WAY MAP FOR SAID L-8 CANAL, DWG "L-8-1", AND DATED MAY 8, 1950 AND PROVIDED TO THIS OFFICE BY THE SOUTH FLORIDA WATER MANAGEMENT DEPARTMENT OF SURVEY.

TOTAL SITE ACREAGE = 1209.978 ACRES, MORE OR LESS

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an 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
Highland Dunes Associates Property LLC	c/o 500 Boylston Street, Suite 2010 Boston, MA 02116
Highland Dunes Associates LLC	c/o 500 Boylston Street, Suite 2010 Boston, MA 02116

Highland Dunes Associates LLC ("Sole Member") is the Sole Member of Highland Dunes Associates Property LLC ("Owner") the fee simple owner of the Property.

All persons or entities holding a beneficial interest in the Property that are not otherwise disclosed in this Exhibit "B" either (i) hold less than a five percent beneficial interest in Sole Member, (ii) are entities whose interest is for sale to the general public, or (iii) are restricted from disclosure by confidentiality obligations.

Exhibit E – Justification Statement

Arden PUD
(FKA Highland Dunes PUD)
Control Number: 2005-394

JUSTIFICATION STATEMENT
Type II Stand Alone Variance
Submitted: June 11, 2018
Revised: September 10, 2018

urban design kilday STUDIOS

Urban Planning and Design
Landscape Architecture
Communication Graphics

Request

Urban Design Kilday Studios, as agent for Highland Dunes Associates Property, LLC, the property owner/applicant is requesting a variance from Article 3.E.1.E.1.h Density Transfer in the Palm Beach County Unified Land Development Code (ULDC) for Arden PUD. This variance seeks relief from the maximum 30% transfer of units from one residential Pod to another. This request would apply only to Pod I of the PUD.

The variance request is described in the following Table:

ULDC Code Section	Required	Proposed	Variance
Article 3.E.1.E.1.h Density Transfer	The DRO may transfer a maximum of 30% of the un-built units from one pod to another pod in the same PDD. The maximum number of units transferred to a pod shall not exceed 30% above the number of units approved by the BCC for that pod.	Up to an 88% transfer of units	To allow up to an additional 58% transfer of units

Property Location

Arden PUD is 1209.96-acres in size and is located approximately 2.5 miles west of Seminole Pratt Whitney Road on the north side of Southern Boulevard (SR 80). State Road 80 borders the southern boundary of the site while the western boundary is bordered by the L-8 Canal right-of-way, which is 500 feet in width. Immediately west of the L-8 Canal is a 400 foot wide wildlife corridor that was created at the time of the original excavation approval. It was created to provide a critical connection between publicly owned conservation areas to the north and south as well as to provide a buffer between the excavation activities and the established residential communities that are located north of the site on the east side of the L-8 Canal. South Florida Water Management District (SFWMD) utilizes the property to the south across Southern Boulevard, which is located in the Village of Wellington, for water storage purposes. The future westerly

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extension of Okeechobee Boulevard right-of-way borders the northern boundary of the site.

Project History

This site was part of a number of additional parcels that made up what was previously known as Palm Beach Aggregates Mining Area. The BCC adopted a Comprehensive Plan Amendment for Palm Beach Aggregates II-LGA 2004-00047 on December 13, 2004 changing the Future Land Use designation of the property from Rural Residential, 1 unit per 10 acres (RR10) to Low Residential, 2 units per acre (LR-2) with conditions via Ordinance Number 2004-066. Concurrent with the Comprehensive Plan Amendment, the BCC adopted an Overlay Area known as the Glades Area Protection Overlay (GAPO) which includes the Arden-PUD property and 1,844 acres to the west, for a total of approximately 3,063 acres. The intention of the Overlay was to protect the adjacent Everglades Agricultural Area (EAA) to the west from the encroachment of densities and intensities associated with urban/suburban uses. Included in the amended GAPO language was the re-designation of the area east of the SFWMD L-8 Canal as a Limited Urban Service Area (LUSA) and removing the property from the Rural Tier.

On January 5, 2006, the BCC approved via Resolution Number R-2006-0027, the deletion of land area and modification of conditions of approval for a Type III B Excavation for Zoning Application DOA2005-1173 for Palm Beach Aggregates, Inc. (PBA). This deletion allowed for the BCC, on the same agenda, to approve the rezoning for the land area that was deleted to Residential Planned Unit Development District via Resolution 2006-0028. The BCC also approved a "Requested Use" for a secondary or elementary school in the Planned Unit Development Zoning District and allowed a deviation from cul-de-sac and dead-end restrictions via Resolution Number R-2006-0029 and 2006-0030, respectively.

Due to economic conditions and at the request of the property owner, on June 30, 2008 the BCC approved a Development Order Abandonment to rezone the property to Residential Transitional Zoning District and to allow a bona fide agricultural use; to revoke the "Requested Use" approval for the secondary school together with waivers for cul-de-sac and dead-end restrictions via Resolutions 2008-11144, Resolution 2008-1145 and 2008-1146, respectively.

On October 24, 2013, the BCC approved a rezoning back to the Planned Unit Development Zoning District via Resolution Number R-2013-1527.

The current property owner/applicant, Highland Dunes Associates Property, LLC, a subsidiary of Freehold Communities, purchased the property on July 10, 2014. The owner envisioned a unique community and modified the site design from that approved by the BCC to promote their vision. Their design intention was to create a "destination" residential development that provides access to expanded recreational and open space amenities available for use by all of the residents. The owner renamed the new community "Arden", a takeoff on "garden". The design philosophy is the creation of a community that is intentionally planned to promote an active lifestyle with an emphasis on healthy living, interaction with the outdoors, and developing positive relationships with surrounding neighbors. The developer's forward-thinking land planning strategies and resulting site

design, and approach to building the project is unique to Palm Beach County. The owner is a land developer who is constructing the common infrastructure improvements. Individual lots are sold to builders to construct the homes. This approach offers residents a wide range of unique home design options, exceptional amenities and outdoor environments for recreation and relaxation. Similar communities throughout the United States have been very successful and attractive to buyers who prefer a quality and thoughtfully designed community as a destination to call home.

On October 15, 2014, a Final Master Plan application was submitted to the County. The Final Master Plan incorporated the development program proposed by the owner. Arden PUD consists of eleven (11) Residential Pods (Pods A-K). As part of this approval, density transfers between most of the Pods occurred as the overall site design changed and units were reallocated from Pod to Pod to facilitate the design intent. This is not unusual as conceptual design is just that – conceptual – and units are transferred from Pod to Pod as the lot layout is calculated, utility and drainage easements and water management tracts accommodated, and open space and recreation areas designed. Phase 1 development, including the main entry, main recreation area, community farm and three residential development Pods is well underway. Plats have been approved for three (3) additional Pods comprising Phase 2. Additional density transfers occurred in conjunction with approval of the Subdivision Plans for Phase 2 for the same reasons as stated above. Home sales are very strong and the project has been well received.

Overview of Variance Request and Justification Statement

Highland Dunes Associates Property, LLC is now marketing the development of Phase 3, comprised of the northern four (4) residential Pods. This variance request applies to Pod I specifically, and is related to Pods G and H, all which are located in the northeastern quadrant of the PUD.

As part of their marketing and sales discussions with builders, and seeking to promote diversity of residents and housing types, there is a desire to create an active adult community with the PUD. The first two phases of development provide for larger lot sizes for the detached product types of Single Family and Zero Lot Line, which are popular with families. The market indicates that active adults typically seek a smaller lot area with less private green space, however want to partake of common amenities and open space within a community. The design philosophy of Arden to promote healthy living, interaction with neighbors and the outdoors lends itself to the incorporation of an active adult component. The PUD is over 1,200 acres with 2,000 units and there is land area and units available to implement this initiative.

In the northeast quadrant Pods G, H and I are directly adjacent to each other and currently approved for a total of 522 detached units. Pod G has a housing type designation of Single Family with 110 units; Pod H has a housing type designation of Single Family with 192 units; and Pod I has a housing type designation of Zero Lot Line with 220 units. The ULDC currently does not allow for the Single Family housing type designation to be changed to Zero Lot Line administratively. Therefore, the designations must remain as the BCC initially

approved them. This is a hardship in creating additional smaller lots as the minimum lot size allowed in the ULDC for the Single Family housing type is 65 feet wide by 100 feet depth.

The ULDC does allow for units to be transferred from one Pod to another, up to a maximum of 30%, and as mentioned above, is a common occurrence as a project goes from conceptual design to plat. The transferred units take on the housing type designation of the Pod they are transferred into. To increase the ability to provide additional smaller detached lots, classified as Zero Lot Line with a minimum lot width of 45 feet, depth of 90 feet and lot area of 4,500 square feet, units could be transferred from Pods G and H to Pod I, up to 30% of the number of units approved by the BCC. This would allow Pod I to be increased to 243 units. However, market conditions support a larger number of smaller lots to create a viable active adult community. The only way currently to obtain a larger number of smaller lots is to seek a variance from the maximum 30% density transfer to allow a greater percentage. This application requests up to a maximum of 88%, which would support a transfer of up to 165 units to bring Pod I to a maximum of 352 units. The actual number of units/percentage of transfer will be determined based on market conditions and the final design for these Pods.

Below is the proposed Density Transfer Table including the maximum change to Pod I that would be permitted by this variance:

PODS	EXISTING PHASES 1 & 2, AND PROPOSED PHASE 3				# OF UNITS TRANS-FERED	BCC APPROVAL: OCTOBER 24, 2013		
POD NAME	LOT TYPE	UNIT #	CLASS	% CHANGE		LOT TYPE	UNIT #	CLASS
A	ZLL	213	DH	15% INCREASE	28	ZLL	185	DH
B	SF	207	DH	2% DECREASE	(5)	SF	212	DH
C	ZLL	303	DH	18% INCREASE	47	ZLL	256	DH
D	SF	200	DH	1.96% DECREASE	(4)	SF	204	DH
E	SF	177	DH	28.05% DECREASE	(69)	SF	246	DH
F	SF	155	DH	22% DECREASE	(45)	SF	200	DH
G	**SF**	**80**	**DH**	**23% DECREASE**	**(24)**	**SF**	**104**	**DH**
H	**SF**	**90**	**DH**	**49% DECREASE**	**(86)**	**SF**	**176**	**DH**
I	**ZLL**	**352**	**DH**	**88% INCREASE**	165	**ZLL**	**187**	**DH**
J	SF	103	DH	6% DECREASE	(7)	SF	110	DH
K	TH	120	AH	NONE	0	TH	120	AH
TOTAL LOTS:		2,000			240		2,000	

When viewed based on the PUD as a whole, the prior and proposed density transfers will result in an increase in Pod density of a total 240 units, including the proposed change to Pod I. Based on the total density of the PUD, this results in a 12% density transfer if viewed on a gross basis instead of per Pod. Alternatively, if only the affected Pods G, H and I are considered, the BCC approved a total of 467 units in the northeast quadrant. Proposed is 522 units, also equivalent to a 12% density transfer into this area. Therefore, even though there is a greater net density transfer in Pod I individually, when considered on an overall or phased basis, the percentage is low.

The justification for this variance is based on the following factors:

There is no change in impacts. The number of units in the PUD and in this quadrant does not change. Units would be transferred between the three pods however the total of 522 detached units will remain unchanged. As all of the units are classified as "detached", there is no change in impacts (i.e. traffic concurrency, average daily trips on internal roads, recreation requirement, etc.) There are no existing residential lots directly adjacent to these three Pods nor does this change create any incompatibility issues with adjoining properties as the impacts remain unchanged. The existing platted perimeter buffers to the east of Pod I is 200 feet in width and to the north is 148 feet in width.

The configuration of the Pods will change as Pod I will be increased in land area to accommodate the transfer of units. Pod G and H will reduce in both unit count and land size. The code allows for a reconfiguration of the Pods. The amount of open space in this quadrant will increase based on the percentage of transfer. As there will be an increased number of smaller lots and there is no increase in the number of units proposed, the residual land area within each Pod will become part of the community's interconnected open space system, that includes ample green spaces that back up to most every lot and a nineteen (19) mile trail system.

This density transfer could be facilitated through a Development Order Amendment process. However, approval of a Development Order Amendment will establish a new "BCC approved" number of units for each Pod and will not allow for the flexibility afforded through the Type 2 Variance process. The applicant desires flexibility as the actual number of units/percentage of transfer will be the result of market conditions and site design. The Development Order Amendment process also is a lengthy review that requires the submission of documents not impacted by this change. The Type 2 Variance process is a shorter process that focuses only on the requested change and any ramifications of same. Both processes require a pubic hearing so adjacent property owners are notified of the requested change and have the opportunity to review and comment. This approach allows for the developer to bring to market more quickly an additional product line to further diversify the housing in the PUD to attract a demographic that have shown a strong interest in the Arden community and all of the amenities, including the extensive open space, community farm and significant recreation area, but who would prefer a smaller lot at this stage in their life.

Variance Criteria

Section 2.B.7.E.6 of the Palm Beach County ULDC states that in order to authorize a variance, the Palm Beach County Zoning Commission shall and must find that the seven criteria listed below have been satisfied. The justification to satisfy each criteria for the variance request follows:

1. **Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same zoning district:**

   Special circumstances do exist that are peculiar to this parcel of land that are not applicable to other parcels of land in this same zoning district. The plan of development for Arden PUD is unique due to its size and design intent. The PUD is over 1,200 acres with 2,000 units, larger than several municipalities in Palm Beach County. It includes 11 development pods and almost 600 acres of usable open space consisting of lakes, private recreation, public trails, extensive landscape buffers and community green space amenities that are accessible to all residents. When planning for a phased development of this size in this location somewhat remote from similar developments the developer cannot anticipate all of the market conditions. Allowing for greater flexibility to internally shift detached units from one pod to another with no external impacts is peculiar to this parcel that are not applicable to other PUDs as no adjacent properties will be impacted such as one would find in a more developed suburban area of the County.

2. **Special circumstances and conditions do not result from the actions of the applicant:**

   Special circumstances and conditions are not the result of the actions of the applicant. The special circumstances are a result of restrictions in the land development code that did not envision current market trends and the potential for changing lot sizes. The active adult market is dictating smaller homes on smaller lots. Homebuyers are not desiring smaller homes on large lots as they would prefer less maintenance and to enjoy the common open spaces. The current code prohibits changing Pod Housing Types from Single Family to Zero Lot Line even though both are a detached fee-simple product type, although the reverse is allowed. Zoning Staff is initiating an amendment to the code to allow for this change as both the Single Family and Zero Lot Line housing types of considered "detached" units and have the same impacts for traffic, etc. However, the code amendment process will take several months to facilitate, and the developer wishes to proceed with this change more expeditiously to take advantage of the momentum the Arden community has garnered based on current sales and market conditions, and to be in a position to pursue Subdivision Plan approvals for Phase 3 development.

3. **Granting the variance shall not confer upon the applicant any special privilege denied by the comprehensive plan and this code to other parcels of land, buildings or structures in the same zoning district:**

The granting of this variance does not confer any special privilege denied by the comprehensive plan and the ULDC to other parcels of land in the same zoning district, and will not be disruptive to the surrounding area. If another property owner demonstrated the same or similar conditions on a property as the subject property with the same type of use, and adequate support for the required variance criteria provided, the variance would also be granted. This variance request is simply to allow greater flexibility to shift very similar residential units from one Pod to another in excess of the established threshold when considered on a per Pod basis per code. This accommodation will allow for a diversity of product type in the third phase of development, however the difference in product type is limited to the size of the lot and not the type of home.

4. Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship:

The granting of the variance would provide a greater diversity in unit size in the last phase of development by allowing for an increase in the number of smaller lots available to meet market demand. Literal interpretation of the Code would deprive the applicant of the right to reallocate the number of detached fee-simple units between Single Family and Zero Lot Line even though there are no external or internal impacts, and no impacts on traffic concurrency or infrastructure. Due to regulations in the code that limit the percentage of density transfer, the ability to change Housing Type for Single Family to Zero Lot Line, and minimum lot dimensions for each housing type, the applicant's ability to respond to market conditions quickly is very limited. A code amendment to address the limitations on change in housing type has been initiated however the time line for the change is an undue hardship on the applicant.

5. Granting of the variance in the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:

The granting of the requested variance for up to a 88% density transfer into Pod I is the minimum variance anticipated to allow maximum flexibility for a forthcoming design for an active adult community in this Pod. The adjacent Pods G and H will have a corresponding reduction in unit count and land area and the total number of units within this quadrant of the PUD remains unchanged. This will allow for a reasonable use of the land area to reallocate the currently approved detached units within these three Pods.

6. Granting of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code:

Pursuant to ULDC Art. 3.E.1.A.1, Purpose and Intent, the intent of Planned Development Districts (PDDs) "is to encourage ingenuity, and imagination on the part of, architects, landscape architects, engineers, planners, developers, and

builders to create development that promotes sustainable living, addresses 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, encourages economic growth, encourages infill development and redevelopment, and minimizes impacts on surrounding areas through the use of flexible and innovative land development techniques". Granting of the variance will be consistent with the goals and objectives of the Comprehensive Plan and the Code as the request would provide a greater flexibility to reallocate detached units of similar character between adjacent Pods without creating any negative external of internal incompatibilities and will provide a diversity of housing types and to meet market conditions. Allowing for an active adult component in Arden will further strengthen the viability of the overall community and provides for a housing type not already established in the vicinity.

7. **The granting of this variance will not be injurious to the area involved or otherwise detrimental to the public welfare:**

Granting the requested variance for an increase in density transfer for Pod I of up to 88% will not be injurious to the area involved or to the public welfare as the additional flexibility that would be allowed creates no new internal or external impact, nor does it create any incompatibilities with adjacent properties. This variance does not result in any increase in the overall number of units in the PUD, or in this quadrant of the project. All of the units remain detached housing on fee-simple lots. The amount of open space will increase based on the percentage of units transferred. The existing perimeter buffers, 200 feet to the east and 148 feet to the north, will remain unaltered and continue to provide for compatibility for the adjacent properties. For all of these reasons, the change to provide more smaller lots is not injurious to the area nor detrimental to the public welfare.

On behalf of the applicant, Urban Design Kilday Studios respectfully request approval of this request. The Project Managers at Urban Design Kilday Studios is Collene Walter and Shayne Broadnix, can be reached at 561-366-1100.

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