

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

ZONING COMMISSION VARIANCE

Application Name: Polo Trace PUD II
Project Manager: Lorraine Fuster, Site Planner II

APPLICATION NO.	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
ZV-2018- 01315	7.C.2.C.3, Landscape Requirements	One canopy tree per 20 linear feet and one palm or pine per 30 linear feet.	Relocation of the required plant material from buffer to Open Space Parcel No. 1.	Relocation of 100 % of the required Canopy trees and Palms or Pines from Buffer to adjacent Open Space Parcel No. 1.
		One row of each: small shrubs—one per two linear feet; and, medium shrubs—one per four linear feet.	Relocation of the required shrubs from buffer to adjacent Open Space Parcel No. 1.	Relocation of 100 % of the required shrubs from buffer to adjacent Open Space Parcel No. 1.
		Six–feet high fence or hedge	continuous row of Areca Palms to provide a minimum six foot high opaque barrier in lieu of six foot high fence or hedge	continuous row of Areca Palms to provide a minimum six foot high opaque barrier in lieu of six foot high fence or hedge
	3.E.2.B.1.c. [Related to Design Objectives and Perimeter Buffers]	Perimeter landscape areas to buffer incompatible residential uses adjacent usable open space areas.	Relocation of plant material required within a perimeter buffer (15-ft.)	Relocation of 100 % of the required plant materials from Buffer to adjacent Open Space Parcel No. 1.
SITUS ADDRESS:	Vacant			
AGENT NAME & ADDRESS:	Gladys DiGirolamo Polo Trace Associates, LLLP 1600 Sawgrass Corporate Pkwy Sunrise FL 33323			
OWNER NAME & ADDRESS:	1600 Sawgrass Corporate Pkwy Sunrise FL 33323			
PCN:	00-42-46-08-02-000-0030			
ZONING DISTRICT:	Residential Planned Unit Development (PUD)			

BCC DISTRICT:	05		
PROJECT MANAGER:	Lorraine Fuster, Site Planner II		
LEGAL AD:	ZV-2018-01315 Title: Resolution approving a Type 2 Variance application of Polo Trace Associates, LLLP by Polo Trace Associates, LLLP, Agent. Request: to relocate required Perimeter (Type 2 Incompatibility) Buffer landscape requirements including: one Canopy Tree per 20 linear feet; one Palm or Pine per 30 linear feet; one row of each: small shrubs - one per two linear feet; and, Medium shrubs - one per four linear feet; and, eliminate a six foot high landscape barrier. General Location: Approximately 0.60 miles north of Lake Ida Road on the west side of Hagen Ranch Road. (POLO TRACE PUD II) (1993-00057)		
ZONING DISTRICT:	Planned Unit Development (PUD)		
LAND USE:	Medium Residential, 5 units per acre (MR-5)	S/T/R: 08-46-42	
CONTROL #:	1993-00057		
LOT AREA:	20.35 acres +/-		
LOT DIMENSIONS:	N/A		
CONFORMITY OF LOT:	N/A	CONFORMITY OF ELEMENT:	N/A
TYPE OF ELEMENT:	Incompatibility Buffer	ELEMENT SIZE:	2,690 feet x 15 feet
BUILDING PERMIT #:	N/A	NOTICE OF VIOLATION:	N/A
CONSTRUCTION STATUS:	Land clearance has commenced.		
APPLICANT REQUEST:	to relocate required Perimeter (Type 2 Incompatibility) Buffer landscape requirements including: one Canopy Tree per 20 linear feet; one Palm or Pine per 30 linear feet; one row of each: small shrubs – one per two linear feet; and, Medium shrubs – one per four linear feet; and, eliminate a six foot high landscape barrier.		

STAFF RECOMMENDATION: Staff recommends approval of the request subject to 9 Conditions of Approval as indicated in Exhibit C.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contacts from the public regarding this project.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
Control No. Z/PDD-1977-00085	Rezoning from AG-Agricultural District to Residential Estate District (RE) and the Further Special Exception (SE) to allow a PUD	R-77-809	August 9, 1977
Control No. Z-1981-00215 Rezoning	Rezoning from the RE-Residential Estate District to RS-Residential Single Family District	R-82-627	June 29, 1982
Control No. PDD/SE-1981-00215	Further Special Exception to allow a Planned Unit Development, including an on-site water and sewage treatment facility	R-82-628 (Revoked by R-1994-366)	June 29, 1982
Control No. PDD/SE-1981-	For a Special Exception to allow a Planned Unit Development, including an	R-84-1841 (Revoked by	December 11, 1984

00215 (A)	on-site water and sewage treatment Plant	R-1994-366)	
Control No. Z-1981-00215 (B)	Rezoning from Residential Single Family (RS) District to Agricultural Residential District	R-85-275 (Revoked by R-1994-366)	February 19, 1985
Control No. DOA-1981-00215 (D)	Modification of Commission requirements to amend Conditions placed on Zoning Control No. 81-215 (A)	R-87-229 (Revoked by R-1994-366)	February 10, 1987
Control No. DOA-1981-00215 (E)	Special Exception to amend the master plan for Colony Lakes (PUD) previously approved under Zoning Control No. 81-215 by Resolution no. R-82-628; 81-215 (A) by Resolution no. R-84-184; 81-215 (B) by Resolution no. R-85-275; 81-215 (D) by Resolution no. R-87-229, to first redesign the site and second change the housing category	R-88-1635 (Revoked by R-1994-366)	October 4, 1988
Control No. DOA-1981-00215 (F)	Special Exception to amend the Master Plan for Pine Ridge at Delray Beach North PUD to first increase the density and second to change the housing category from A to B	R-89-726 (Revoked by R-1994-366)	April 25, 1989
Control No. Z-1981-00215	Rezoning from AR-Agricultural Residential Zoning District to RS-Single Family Residential Zoning District	R-89-1320	July 11, 1989
Control No. DOA/CA-1981-00215	Special Exception to (1) permit a Planned Residential Development, including (2) a Recreational Facility and Club (Private Golf Course)	R-89-1321	July 11, 1989
Control No. DOA-1981-00215 (B)	Modification of Commission requirements to delete Condition No. 16 (A) of Resolution R-89-1321 (Zoning Petition 89-19 – Polo Trace PUD), pertaining to traffic performance standards	R-91-382	March 26, 1991
DOA-1989-00019 (C)	Development Order Amendment in the Residential Single Family (RS) Zoning District, to amend master plan to delete acreage	R-94-0365	March 24, 1994
PDD-1993-00057	Official Zoning Map Amendment to allow a rezoning from the Residential Single Family (RS) Zoning District to the Planned Unit Development (PUD) Zoning District	R-1994-0366	March 24, 1994
Z/DOA-1993-00057	Official Zoning Map Amendment to allow a rezoning) from Agricultural Residential (AR) Zoning District to Residential Single Family (RS) Zoning District	R-1997-0020	January 6, 1997
	Development Order Amendment (DOA) to add land area (+20.6 acres) and units (+69 ZLL)	R-1997-0021	January 6, 1997
Z/DOA-1993-00057	Resolution correcting Resolution 1997-0021	R-1997-1095	January 6, 1997
ABN/PDD/DOA-2017-00574	Development Order Abandonment to abandon a Special Exception allowing a Recreational Facility and Club (Private Golf Course)	R-2017-1644	October 26, 2017
	an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Single Family Residential (RS) and the Agricultural Residential (AR) Zoning Districts to the	R-2017-1645	October 26, 2017

	Planned Unit Development (PUD) Zoning District		
	a Development Order Amendment to reconfigure the Master Plan; add land area; to re-designate Recreation (Golf Course) to Residential; add units; add Pods; modify and/or delete Conditions of Approval (Engineering, Planned Unit Development)	R-2017-1646	October 26, 2017
ZV-2018-00758	a Type 2 Variance to allow an increase in Building Coverage for single story Single Family units.	ZR-2018-019	August 2, 2018
Note: shaded rows indicate Resolutions revoked by R-1994-366.			

SURROUNDING LAND USES: (overall PUD)
NORTH:
 FLU Designation: Utilities and Transportation (U/T)
 Zoning District: Public Ownership District (PO)
 Supporting: Utilities (Water Utility Plant, Control No 1988-00024)

FLU Designation: Low Residential (LR-3)
 Zoning District: Planned Unit Development District (PUD)
 Supporting: Residential (In The Pines North PUD, Control No 2006-00503)

SOUTH:
 FLU Designation: Medium Residential (MR-5)
 Zoning District: Residential Planned Unit Development District (PUD)
 Supporting: Residential (Pine Ridge at Delray Beach, Control No 1986-00121)

EAST:
 FLU Designation: Medium Residential (MR-5)
 Zoning District: Residential Planned Unit Development District (PUD)
 Supporting: Residential (Valencia Grand Isles, Control No 1989-00019)

WEST:
 FLU Designation: Utilities and Transportation (UT) and Agricultural Reserve (AGR)
 Zoning District: Agricultural Reserve District (AGR)
 Supporting: Florida's Turnpike

o Surrounding Uses of the Affected Area
 There are four existing Residential Pods (A, B, C & D) adjacent to the Golf Course, comprising a total of 389 residential units, with one-story single-family dwellings and 388 Zero Lot Line (ZLL) homes.

designate Recreation (Golf Course) to Residential, add units, add Pods, and modify and/or delete Conditions of Approval (Engineering, Planned Unit Development). The PUD was last approved by the Zoning Commission (ZC) on August 2, 2018 for a Type 2 Variance to increase building coverage from 40 percent to 44 percent for single story Single-family units within Pod E.

The Applicant is requesting a Type 2 Variance to allow the relocation of 100 percent of the required Canopy and Palm or Pine trees, rows of shrubs and the continuous opaque landscape barrier from a Type 2 Incompatibility Buffer located along Florida’s Turnpike to the adjacent Open Space Parcel No. 1. In addition, in place of the six-foot (ft.) landscape barrier, the Applicant is proposing a continuous row of Areca Palms, which are existing within the southern ¾ of the buffer and proposed within the northern ¼ of the buffer. The total length of the buffer is 2,690.37 lineal feet.

The Preliminary Master Plan (PMP) indicates 713 Single-family and Zero Lot Line (ZLL) units within 5 residential Pods, 7.94 acres of recreation space one access point will remain from Hagen Ranch Road.

V-1 7.C.2.C.3, Landscape Requirements	One canopy tree per 20 linear feet and one palm or pine per 30 linear feet.	Relocation of the required plant material from buffer to Open Space Parcel No. 1.	Relocation of 100 % of the required Canopy trees and Palms or Pines from Buffer to adjacent Open Space Parcel No. 1.
	One row of each: small shrubs—one per two linear feet; and, medium shrubs—one per four linear feet.	Relocation of the required shrubs from buffer to adjacent Open Space Parcel No. 1.	Relocation of 100 % of the required shrubs from buffer to adjacent Open Space Parcel No. 1.
	Six–feet high fence or hedge	Continuous row of Areca Palms to provide a minimum six foot high opaque barrier in lieu of six foot high fence or hedge	Continuous row of Areca Palms to provide a minimum six foot high opaque barrier in lieu of six foot high fence or hedge
V-3 3.E.2.B.1.c. [Related to Design Objectives and Perimeter Buffers]	Perimeter landscape areas to buffer incompatible residential uses adjacent usable open space areas.	Relocation of plant material required within a perimeter buffer (15-ft.)	Relocation of 100 % of the required plant materials from Buffer to adjacent Open Space Parcel No. 1.

This Application was reviewed under Unified Land Development Code (ULDC), Ord. 2003-067, Supplement 23.

FINDINGS OF FACT:

When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards listed under ULDC Article 2.B.7.E.6, Standards 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.

ANALYSIS OF ARTICLE 2, SECTION 2.B.7.E.6 VARIANCE STANDARDS

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:*

(V1-V3) YES: -Special conditions and circumstances exist that are peculiar to the parcel of land that are not applicable to other parcels of land, in the same zoning district. The affected area, Parcel No. 1, is 20.35 acres in size and is located adjacent to the Florida’s Turnpike within the overall Polo Trace II PUD. Open Space Parcel No. 1 is comprised of two recorded Environmental Resources Management (ERM) Conservation Easements for Slash Pines, Live Oaks, Sabal Palms, Laurel Oaks, and Red Maples which are proposed to be preserved in place. In addition, currently, the 15-ft. buffer includes a row of Areca Palms exists in the location of the required Perimeter Buffer (Type 2 Incompatibility), which the Applicant is proposing to maintain as a visual barrier between the development and the Turnpike. Per ULDC, Article 7.C.2.C.3., a 15 ft. Type 2 Incompatibility Buffer is required in Open Space Parcel No.1.

The Justification Statement indicates that the Applicant is not seeking to eliminate the 15-ft. buffer, but is requesting to relocate the required vegetative material and incorporate it into landscaped Open Space Parcel (i.e. within boundaries of Conservation Easement). The Applicants intent is to preserve and enhance an existing condition by providing to the community a meandering pathway with a gazebo within Open Space Parcel No. 1. It further states, that the existing Areca Palms have been established for many years and therefore provide a dense barrier. Without the variance approval, the existing Areca Palms would need to be removed to replant with shrubs and trees in accordance with

ULDC Landscape Planting requirements, which the Applicant indicates would not provide the visual screening to the Open Space Parcel that is already in place with the existing Areca Palms.

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

(V1-V3) YES - Special circumstances and conditions are not the result from the actions of the Applicant. The Applicant is requesting a Type 2 Variance to preserve in place the existing trees and Areca Palms within the Open Space Parcel to provide a natural buffer to the Florida's Turnpike.

ERM is requiring the conservation easement removal of exotic plants in the area; the proposed conservation of existing Areca Palms within the Type 2 Incompatibility Buffer located along Florida's Turnpike (2,690.37 of west Property Line), will be supplanted with additional Areca Palms to provide a continuous opaque buffer. Without obtaining a variance, the Property Owner would need to remove the existing Areca Palms from the 15- ft. Incompatibility Buffer and replace them with trees and shrubs, which would eliminate the current dense buffer. In addition, it is important to note that the northern portion, approximately ¼ of the length of the buffer within the Open Space Parcel includes exotic invasive species that will be removed and replanted with trees relocated from the former golf course parcel to the east. The Applicant is proposing to maintain in place the existing Areca Palms within the southern ¾ of the buffer to continue along the north property line.

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:

(V1-V3) YES - The granting of this variances does not confer any special privilege denied by the Comprehensive Plan or the ULDC to other parcels of land in the same zoning district and will not be disruptive to the surrounding area. The approval of the requested variance allows the Applicant to maintain the existing vegetation within the current 15-ft. Incompatibility Buffer and relocate any required Trees, Palms or Pines within the adjacent Open Space.

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:

(V1-V3) YES - The 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 Applicant states in the Justification that the current Property Owners within Polo Trace enjoy the privacy provided by the existing dense buffer of Areca Palms within the 15-ft. Incompatibility Buffer. The enforcement of the ULDC by the removal of said Areca Palms and the planting of new trees and shrubs within the buffer would not provide the same denseness and privacy that the Areca Palms currently provide.

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

(V1-V3) YES -

All of the plant material that would be required within the buffer will be installed in the Open Space Parcel directly abutting the 15-ft. Incompatibility Buffer. There will be no reduction in required planting material (with the exception of the deletion of the requirement to provide a six foot fence or hedge). The granting of the variance is the minimum variance that will make possible the reasonable use of the Open Space Parcel.

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

(V1-V3) YES - The granting of the variance will be consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this code. The Applicant will provide the intended buffering to residential uses. In addition, all the required plant materials will be relocated into adjacent Open Space Parcel No. 1. .

g. THE GRANT OF THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

(V1-V3) YES – By relocating the required planting material into the adjacent Open Space Parcel rom the 15-ft. buffer and substituting the existing Areca Palms in place of the shrub the ULDC requirements are addressed. The existing and proposed Areca Palms function as a buffer or dense visual barrier to the adjacent Florida Turnpike.

ZONING COMMISSION CONDITIONS

Exhibit C

Type 2 Variance - Standalone

VARIANCE

1. This Variance is approved based on the layout as shown on the Preliminary Master Plan dated June 26, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the 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 Standalone Variance shall be tied to the Time Limitations of the Development Order for ABN/PDD/DOA-2017.00574. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - Zoning)
3. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variances and any associated Conditions of Approval shall be shown on the Final Master Plan. (DRO:ZONING-Zoning)
4. 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 Plan to the Building Division. (BLDGPM: BLDG – Zoning)
5. Prior to issuance of the first Certificate of Completion, required canopy trees, palm or pine trees, and shrubs for the Type 2 Incompatibility Buffer located along Florida's Turnpike, shall be planted in the adjacent Open Space Parcel No. 1. (CO: ZONING - Zoning)
6. Prior to the issuance of the first Certificate of Completion, the existing Areca Palms within the Type 2 Incompatibility Buffer located along Florida's Turnpike (2,690.37' of west Property Line), shall be supplanted with additional Areca Palms to provide a continuous opaque buffer, as follows:
 - a. Minimum of six (6) feet in height at time of planting, and;
 - b. Shall be maintained at a minimum height of eight (8) feet. (CO: ZONING - Building Division)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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; 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; and/or
 - d. Referral to Code Enforcement; and/or
 - e. Imposition of entitlement density or intensity.

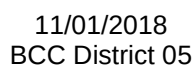
Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment,

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)

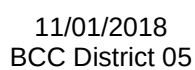
DISCLOSURE

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

ZC
Application No. ZV-2018-01315
Control No. 1993-00057
Project No. 00633-004



ZC
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Control No. 1993-00057
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ZC
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Application Name:	Polo Trace PUD II
Application Number:	ZV-2018-01315
Control Number:	1993-0057
Atlas Page Number:	98
Date:	10/2/2018



ZC
Application No. ZV-2018-01315
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Project No. 00633-004

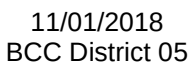


Figure 4 – Alternative Landscape Plan (ALP 2 of 6) dated August 9, 2018

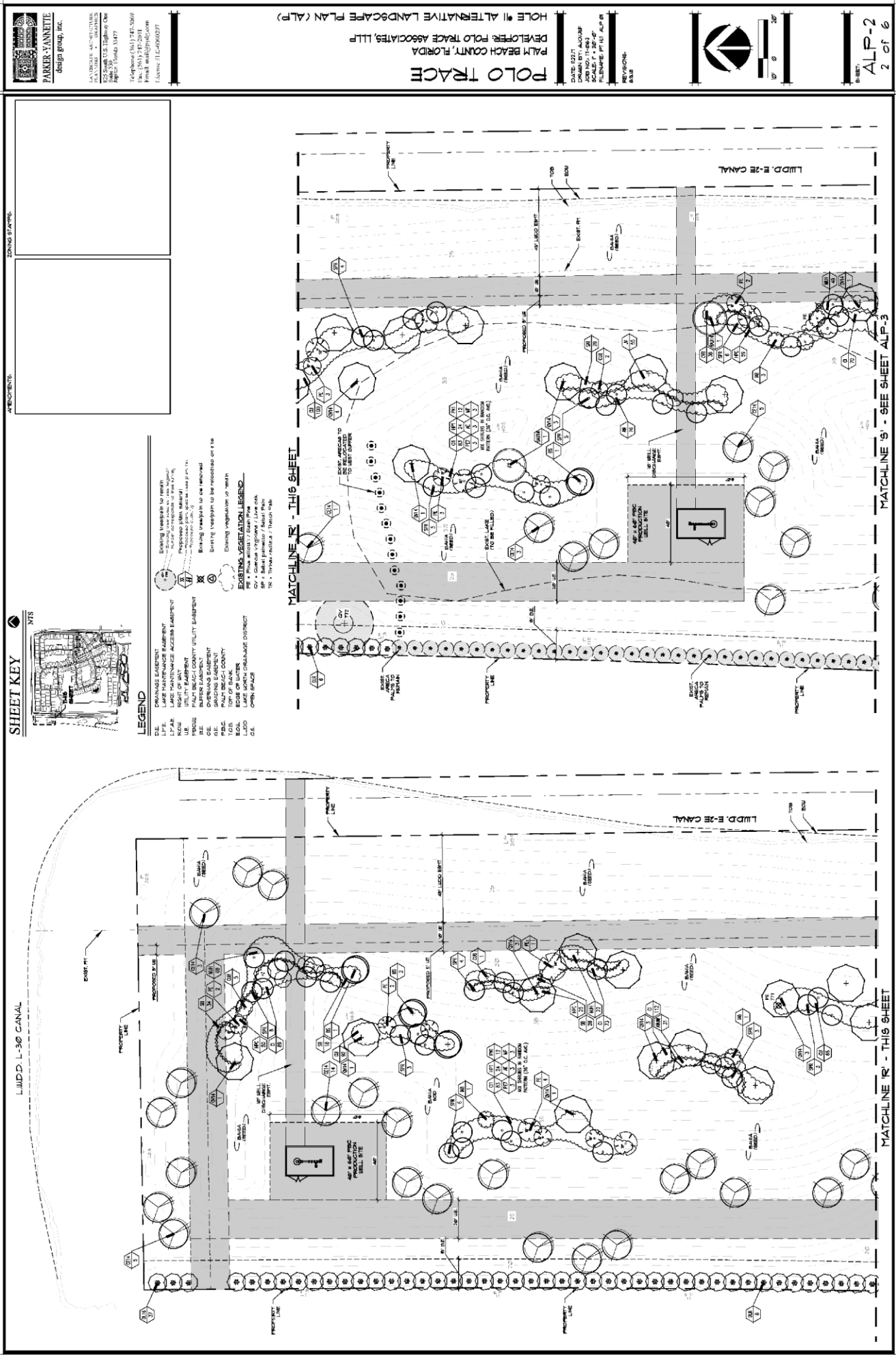


Figure 4 – Alternative Landscape Plan (ALP 3 of 6) dated August 9, 2018

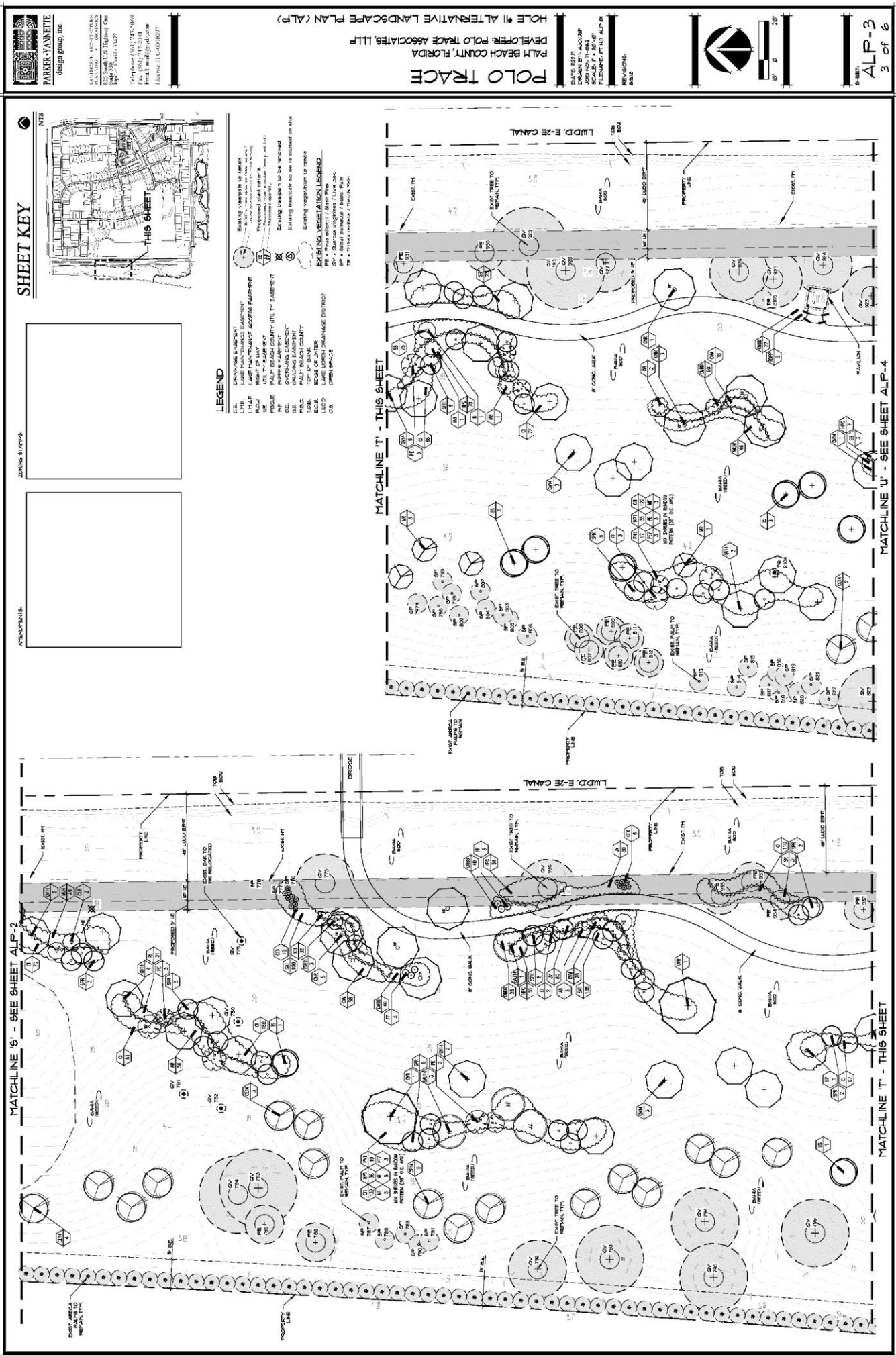


Figure 4 – Alternative Landscape Plan (ALP 4 of 6) dated August 9, 2018

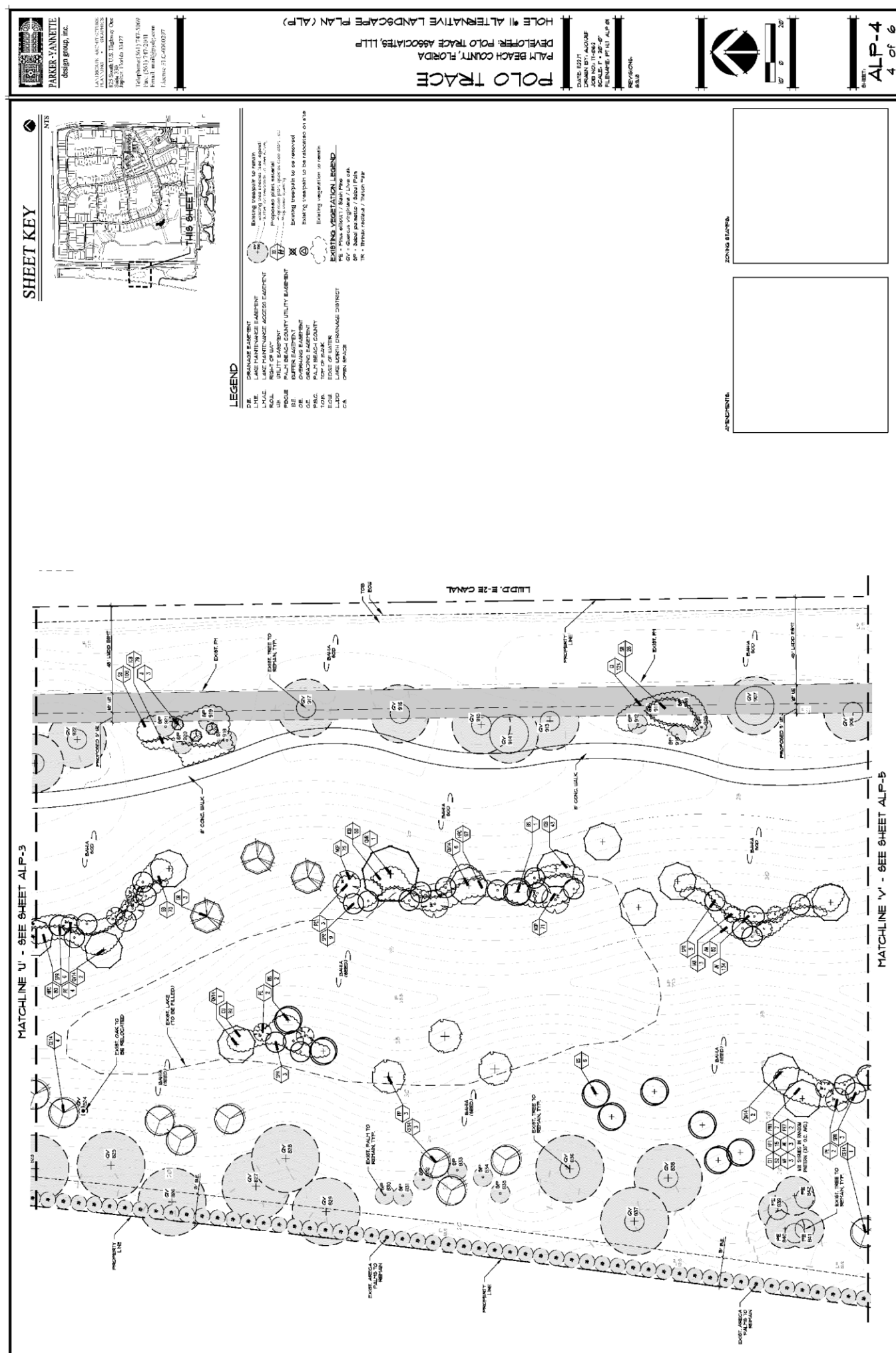


Figure 4 – Alternative Landscape Plan (ALP 5 of 6) dated August 9, 2018

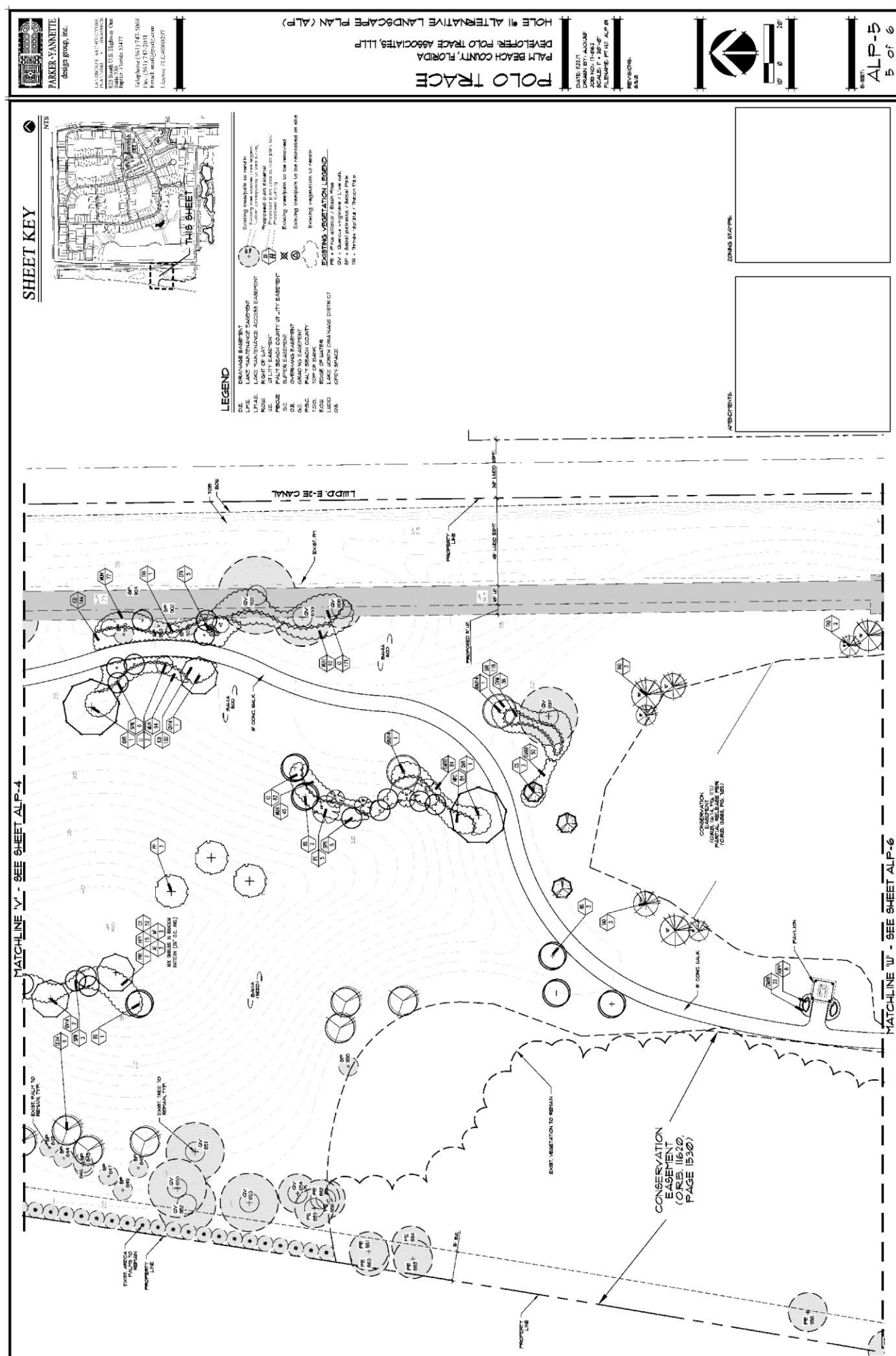
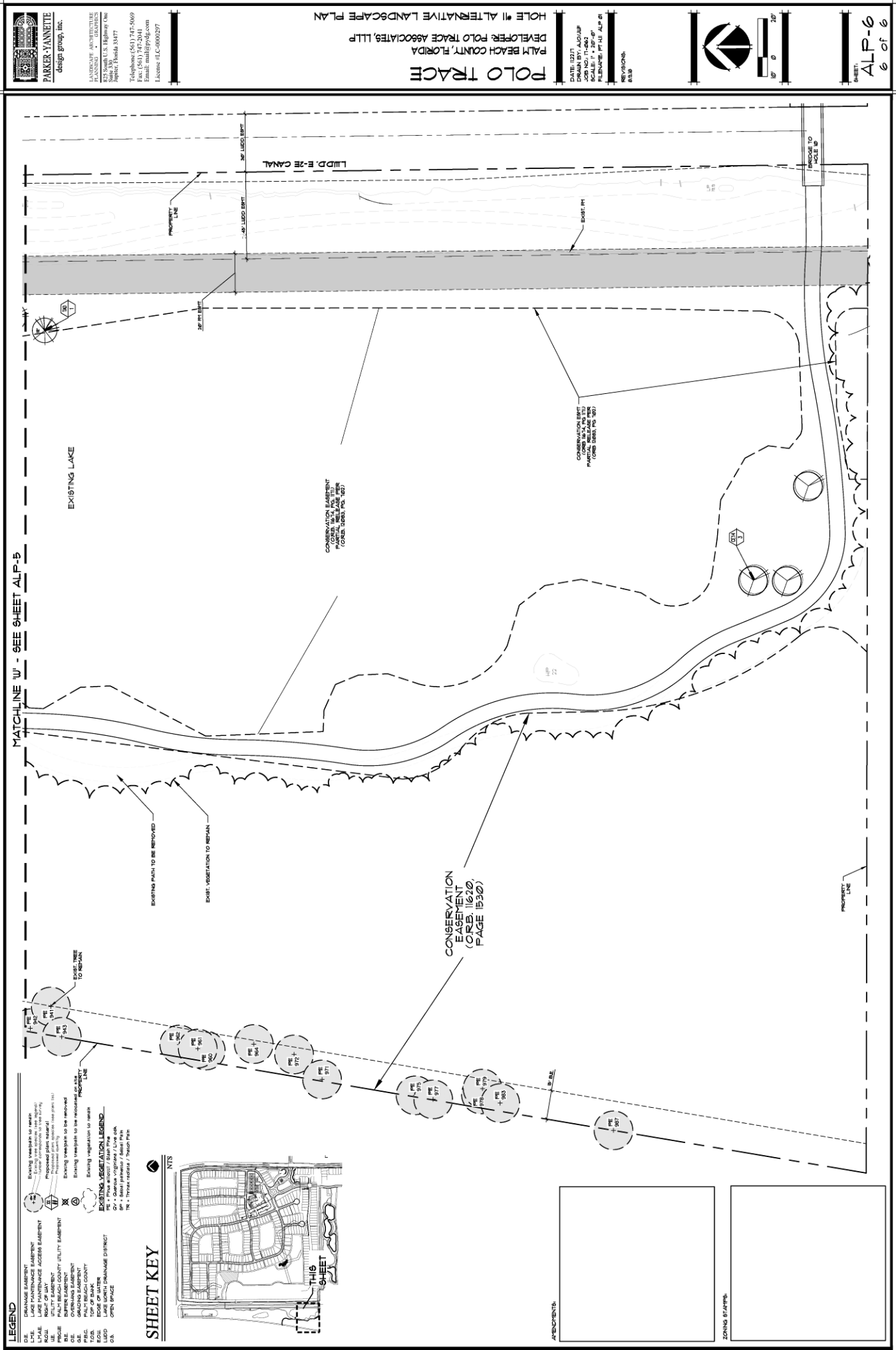
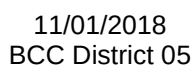


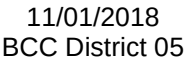
Figure 4 – Alternative Landscape Plan (ALP 6 of 6) dated August 9, 2018



ZC
Application No. ZV-2018-01315
Control No. 1993-00057
Project No. 00633-004



ZC
Application No. ZV-2018-01315
Control No. 1993-00057
Project No. 00633-004



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 BROWARD

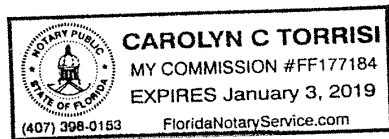
BEFORE ME, the undersigned authority, this day personally appeared N. Maria Menendez, hereinafter referred to as "Affiant," as the Vice President of Polo Trace Genpar Corporation, a Florida corporation, the general partner of Polo Trace Associates, LLLP, a Florida limited liability limited partnership, who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Vice President of Polo Trace Genpar Corporation, a Florida corporation, the general partner of Polo Trace Associates, LLLP, a Florida limited liability limited partnership (the "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for the real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
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

N. Maria Menendez
 N. Maria Menendez, as the Vice President of Polo Trace Genpar Corporation, a Florida corporation, the general partner of Polo Trace Associates, LLLP, a Florida limited liability limited partnership

The foregoing instrument was acknowledged before me this 7 day of June, 2018, by N. Maria Menendez, as the Vice President of Polo Trace Genpar Corporation, a Florida corporation, the general partner of Polo Trace Associates, LLLP, a Florida limited liability limited partnership, [X] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Carolyn C. Torrissi
 Notary Public
 Carolyn C. Torrissi
 (Print Notary Name)

NOTARY PUBLIC
 State of Florida at Large
 My Commission Expires: 1/3/19

EXHIBIT "A"**PROPERTY**

BEING A REPLAT OF ALL OF PARCEL "A" AND ALL OF THE WATER MANAGEMENT TRACT ACCORDING TO POLO TRACE II GOLF COURSE, AS RECORDED IN PLAT BOOK 88 AT PAGES 160 THROUGH 170, A PORTION OF TRACT O-2 AND ALL OF TRACT S-1 (POLO TRACE DRIVE) ACCORDING TO POLO TRACE II PLAT NO. 1, AS RECORDED IN PLAT BOOK 75 AT PAGES 193 THROUGH 204, ALL OF TRACTS "A", "B" AND "C" ACCORDING TO POLO TRACE II PLAT NO. 2, AS RECORDED IN PLAT BOOK 77 AT PAGES 76 THROUGH 77 AND ALL OF TRACTS R-1 AND O-1 ACCORDING TO POLO TRACE II PLAT NO. 3 AS RECORDED IN PLAT BOOK 83 AT PAGES 1 THROUGH 3, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LYING IN SECTION 9, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID PARCEL "A"; THENCE, ALONG THE NORTH LINE OF SAID PARCEL "A" THE FOLLOWING FIFTEEN (15) COURSES, NORTH 89°12'15" EAST, A DISTANCE OF 323.56 FEET; THENCE SOUTH 00°38'59" EAST, A DISTANCE OF 2.50 FEET; THENCE NORTH 89°12'15" EAST, A DISTANCE OF 327.05 FEET; THENCE SOUTH 00°49'06" EAST, A DISTANCE OF 0.04 FEET; THENCE NORTH 89°12'15" EAST, A DISTANCE OF 327.09 FEET; THENCE NORTH 00°49'06" WEST, A DISTANCE OF 0.04 FEET; THENCE NORTH 89°12'15" EAST, A DISTANCE OF 327.19 FEET; THENCE SOUTH 00°49'06" EAST, A DISTANCE OF 0.04 FEET; THENCE NORTH 89°12'15" EAST, A DISTANCE OF 326.92 FEET; THENCE NORTH 00°49'06" WEST, A DISTANCE OF 0.04 FEET; THENCE NORTH 89°12'15" EAST, A DISTANCE OF 326.93 FEET; THENCE SOUTH 00°49'06" EAST, A DISTANCE OF 0.04 FEET; THENCE NORTH 89°12'15" EAST, A DISTANCE OF 327.05 FEET; THENCE NORTH 00°49'06" WEST, A DISTANCE OF 0.04 FEET; THENCE NORTH 89°12'15" EAST, A DISTANCE OF 298.96 FEET TO THE NORTHEAST CORNER OF SAID PARCEL "A" AND A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 688, PAGE 283, BOOK 696, PAGE 120, BOOK 704, PAGE 249, BOOK 706, PAGE 142 AND PALM BEACH COUNTY ENGINEERING DRAWING 3-56-027; THENCE, ALONG THE EAST LINE OF SAID PARCEL "A" AND SAID WEST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD THE FOLLOWING THREE (3) COURSES, SOUTH 17°37'16" EAST, A DISTANCE OF 5.90 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1869.86 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°32'26", A DISTANCE OF 605.07 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°55'10" WEST, A DISTANCE OF 1321.47 FEET TO THE SOUTH EAST CORNER OF SAID PARCEL "A" AND THE NORTHEAST CORNER OF SAID POLO TRACE II PLAT NO. 2; THENCE, ALONG THE EAST LINE OF SAID POLO TRACE II PLAT NO. 2 AND SAID POLO TRACE II PLAT NO. 1 SOUTH 00°54'32" WEST, A DISTANCE OF 297.96 FEET; THENCE, DEPARTING SAID EAST LINE OF SAID POLO TRACE II PLAT NO. 1, ALONG THE SOUTHERLY AND EASTERLY LINES OF TRACT O-2, SAID POLO TRACE II PLAT NO. 1, FOR THE FOLLOWING FIVE (5) DESCRIBED COURSES, NORTH 89°08'04" WEST, A DISTANCE OF 142.89 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 53.00 FEET FROM WHICH A RADIAL LINE BEARS SOUTH 51°43'04" WEST; THENCE NORTHWESTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 206°27'53", A DISTANCE OF 190.98 FEET TO A POINT OF CUSP; THENCE NORTH 89°08'04" WEST, A DISTANCE OF 77.12 FEET; THENCE SOUTH 00°51'56" WEST, A DISTANCE OF 170.55 FEET; THENCE NORTH 45°02'49" WEST, A DISTANCE OF 27.84 FEET; THENCE, ALONG EAST LINE OF SAID TRACT S-1, POLO TRACE II PLAT NO. 1, SOUTH 00°51'56" WEST, A DISTANCE OF 186.46 FEET; THENCE, SOUTH 89°02'25" WEST, ALONG THE SOUTH LINE OF SAID TRACT S-1, A DISTANCE OF 80.04 FEET; THENCE NORTH 00°51'56" EAST, ALONG THE WEST LINE OF SAID TRACT S-1, A DISTANCE OF 184.87 FEET; THENCE SOUTH 44°57'11" WEST, ALONG THE SOUTH LINE OF SAID TRACT O-1, A DISTANCE OF 34.79 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE, SOUTH 89°02'25" WEST, A DISTANCE OF 8.84 FEET; THENCE NORTH 00°57'35" WEST, ALONG THE WEST LINE OF SAID TRACT O-1, A DISTANCE OF 113.72 FEET; THENCE ALONG THE SOUTH LINE OF SAID TRACT R-1, POLO TRACE II PLAT NO. 3 FOR THE FOLLOWING FIVE (5)

DESCRIBED COURSES, SOUTH 89°02'25" WEST, A DISTANCE OF 111.12 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 861.00 FEET; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5°23'29", A DISTANCE OF 81.02 FEET TO THE POINT OF TANGENCY; THENCE NORTH 85°34'06" WEST, A DISTANCE OF 218.95 FEET; THENCE SOUTH 00°57'35" EAST, A DISTANCE OF 114.51 FEET; THENCE NORTH 85°34'06" WEST, A DISTANCE OF 94.11 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 1025.00 FEET; THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID TRACT R-1 AND THE SOUTH LINE OF SAID PARCEL "A", POLO TRACE II GOLF COURSE, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°19'14", A DISTANCE OF 184.63 FEET TO THE POINT OF TANGENCY; THENCE ALONG THE SOUTH LINE OF SAID PARCEL "A", POLO TRACE II GOLF COURSE FOR THE FOLLOWING NINE (9) DESCRIBED COURSES, SOUTH 84°06'40" WEST, A DISTANCE OF 212.39 FEET; THENCE NORTH 00°57'35" WEST, A DISTANCE OF 114.42; THENCE SOUTH 84°06'40" WEST, A DISTANCE OF 119.25 FEET; THENCE NORTH 60°01'41" WEST, A DISTANCE OF 10.24 FEET; THENCE SOUTH 84°06'40" WEST, A DISTANCE OF 17.34 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 855.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 4°55'45", A DISTANCE OF 73.56 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°02'25" WEST, A DISTANCE OF 183.64 FEET; THENCE SOUTH 58°19'26" WEST, A DISTANCE OF 19.58 FEET; THENCE SOUTH 89°02'25" WEST, A DISTANCE OF 507.58 FEET; THENCE NORTH 00°43'57" WEST, ALONG THE WEST LINE OF SAID WATER MANAGEMENT TRACT, POLO TRACE II GOLF COURSE, A DISTANCE OF 404.62 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 163.00 FEET FROM WHICH A RADIAL LINE BEARS NORTH 53°54'31" WEST; THENCE NORTHEASTERLY ALONG THE WEST LINE OF SAID WATER MANAGEMENT TRACT AND SAID PARCEL "A", ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 84°09'11", A DISTANCE OF 239.41 FEET TO A POINT OF INTERSECTION WITH A NON-RADIAL LINE; THENCE ALONG THE WESTERLY BOUNDARY OF SAID PARCEL "A", POLO TRACE II GOLF COURSE FOR THE FOLLOWING SEVEN (7) DESCRIBED COURSES, NORTH 00°43'57" WEST, A DISTANCE OF 569.66 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 175.00 FEET FROM WHICH A RADIAL LINE BEARS NORTH 33°37'41" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 111°18'31", A DISTANCE OF 339.97 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE NORTH 76°51'47" WEST, A DISTANCE OF 137.90 FEET; THENCE SOUTH 89°16'03" WEST, A DISTANCE OF 143.45 FEET; THENCE SOUTH 00°43'57" EAST, A DISTANCE OF 178.95 FEET; THENCE SOUTH 89°16'03" WEST, A DISTANCE OF 80.00 FEET; THENCE NORTH 00°43'57" WEST, A DISTANCE OF 1034.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 131.28 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.

1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
2. Maya Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
3. Misha Ezratti, individually and/or through trusts for his interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
4. Maxie Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

Exhibit D – Disclosures – Property Owner

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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 N. Maria Menendez, hereinafter referred to as "Affiant," as Vice President of Polo Trace Genpar Corporation, a Florida corporation, the general partner of Polo Trace Associates, LLLP, a Florida limited liability limited partnership, who being by me first duly sworn, under oath, deposes and states as follows:

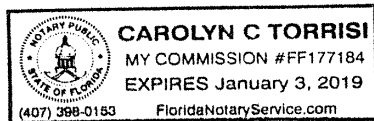
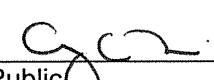
1. Affiant is the Vice President of Polo Trace Genpar Corporation, a Florida corporation, the general partner of Polo Trace Associates, LLLP, a Florida limited liability limited partnership, that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). 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: 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
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.
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.

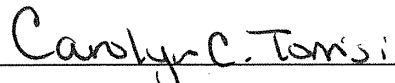
FURTHER AFFIANT SAYETH NAUGHT.



N. Maria Menendez, as Vice President of Polo Trace Genpar Corporation, a Florida corporation, the general partner of Polo Trace Associates, LLLP, a Florida limited liability limited partnership, Affiant

The foregoing instrument was acknowledged before me this 7 day of June, 2018, by N. Maria Menendez, as Vice President of Polo Trace Genpar Corporation, a Florida corporation, the general partner of Polo Trace Associates, LLLP, a Florida limited liability limited partnership, [X] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



 Notary Public


 (Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 1/3/19

EXHIBIT "A"**PROPERTY**

BEING ALL OF PARCEL "A" AND ALL OF THE WATER MANAGEMENT TRACT ACCORDING TO POLO TRACE II GOLF COURSE, AS RECORDED IN PLAT BOOK 88 AT PAGES 160 THROUGH 170, A PORTION OF TRACT O-2 AND ALL OF TRACT S-1 (POLO TRACE DRIVE) ACCORDING TO POLO TRACE II PLAT NO. 1, AS RECORDED IN PLAT BOOK 75 AT PAGES 193 THROUGH 204, ALL OF TRACTS "A", "B" AND "C" ACCORDING TO POLO TRACE II PLAT NO. 2, AS RECORDED IN PLAT BOOK 77 AT PAGES 76 THROUGH 77 AND ALL OF TRACTS R-1 AND O-1 ACCORDING TO POLO TRACE II PLAT NO. 3 AS RECORDED IN PLAT BOOK 83 AT PAGES 1 THROUGH 3, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LYING IN SECTION 9, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID PARCEL "A"; THENCE, ALONG THE NORTH LINE OF SAID PARCEL "A" THE FOLLOWING FIFTEEN (15) COURSES, NORTH 89°12'15" EAST, A DISTANCE OF 323.56 FEET; THENCE SOUTH 00°38'59" EAST, A DISTANCE OF 2.50 FEET; THENCE NORTH 89°12'15" EAST, A DISTANCE OF 327.05 FEET; THENCE SOUTH 00°49'06" EAST, A DISTANCE OF 0.04 FEET; THENCE NORTH 89°12'15" EAST, A DISTANCE OF 327.09 FEET; THENCE NORTH 00°49'06" WEST, A DISTANCE OF 0.04 FEET; THENCE NORTH 89°12'15" EAST, A DISTANCE OF 327.19 FEET; THENCE SOUTH 00°49'06" EAST, A DISTANCE OF 0.04 FEET; THENCE NORTH 89°12'15" EAST, A DISTANCE OF 326.92 FEET; THENCE NORTH 00°49'06" WEST, A DISTANCE OF 0.04 FEET; THENCE NORTH 89°12'15" EAST, A DISTANCE OF 326.93 FEET; THENCE SOUTH 00°49'06" EAST, A DISTANCE OF 0.04 FEET; THENCE NORTH 89°12'15" EAST, A DISTANCE OF 327.05 FEET; THENCE NORTH 00°49'06" WEST, A DISTANCE OF 0.04 FEET; THENCE NORTH 89°12'15" EAST, A DISTANCE OF 298.96 FEET TO THE NORTHEAST CORNER OF SAID PARCEL "A" AND A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 688, PAGE 283, BOOK 696, PAGE 120, BOOK 704, PAGE 249, BOOK 706, PAGE 142 AND PALM BEACH COUNTY ENGINEERING DRAWING 3-56-027; THENCE, ALONG THE EAST LINE OF SAID PARCEL "A" AND SAID WEST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD THE FOLLOWING THREE (3) COURSES, SOUTH 17°37'16" EAST, A DISTANCE OF 5.90 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1869.86 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°32'26", A DISTANCE OF 605.07 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°55'10" WEST, A DISTANCE OF 1321.47 FEET TO THE SOUTH EAST CORNER OF SAID PARCEL "A" AND THE NORTHEAST CORNER OF SAID POLO TRACE II PLAT NO. 2; THENCE, ALONG THE EAST LINE OF SAID POLO TRACE II PLAT NO. 2 AND SAID POLO TRACE II PLAT NO. 1 SOUTH 00°54'32" WEST, A DISTANCE OF 297.96 FEET; THENCE, DEPARTING SAID EAST LINE OF SAID POLO TRACE II PLAT NO. 1, ALONG THE SOUTHERLY AND EASTERLY LINES OF TRACT O-2, SAID POLO TRACE II PLAT NO. 1, FOR THE FOLLOWING FIVE (5) DESCRIBED COURSES, NORTH 89°08'04" WEST, A DISTANCE OF 142.89 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 53.00 FEET FROM WHICH A RADIAL LINE BEARS SOUTH 51°43'04" WEST; THENCE NORTHWESTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 206°27'53", A DISTANCE OF 190.98 FEET TO A POINT OF CUSP; THENCE NORTH 89°08'04" WEST, A DISTANCE OF 77.12 FEET; THENCE SOUTH 00°51'56" WEST, A DISTANCE OF 170.55 FEET; THENCE NORTH 45°02'49" WEST, A DISTANCE OF 27.84 FEET; THENCE, ALONG

EAST LINE OF SAID TRACT S-1, POLO TRACE II PLAT NO. 1, SOUTH 00°51'56" WEST, A DISTANCE OF 186.46 FEET; THENCE , SOUTH 89°02'25" WEST, ALONG THE SOUTH LINE OF SAID TRACT S-1, A DISTANCE OF 80.04 FEET; THENCE NORTH 00°51'56" EAST, ALONG THE WEST LINE OF SAID TRACT S-1, A DISTANCE OF 184.87 FEET; THENCE SOUTH 44°57'11" WEST, ALONG THE SOUTH LINE OF SAID TRACT O-1, A DISTANCE OF 34.79 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE, SOUTH 89°02'25" WEST, A DISTANCE OF 8.84 FEET; THENCE NORTH 00°57'35" WEST, ALONG THE WEST LINE OF SAID TRACT O-1, A DISTANCE OF 113.72 FEET; THENCE ALONG THE SOUTH LINE OF SAID TRACT R-1, POLO TRACE II PLAT NO. 3 FOR THE FOLLOWING FIVE (5) DESCRIBED COURSES, SOUTH 89°02'25" WEST, A DISTANCE OF 111.12 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 861.00 FEET; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5°23'29", A DISTANCE OF 81.02 FEET TO THE POINT OF TANGENCY; THENCE NORTH 85°34'06" WEST, A DISTANCE OF 218.95 FEET; THENCE SOUTH 00°57'35" EAST, A DISTANCE OF 114.51 FEET; THENCE NORTH 85°34'06" WEST, A DISTANCE OF 94.11 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 1025.00 FEET; THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID TRACT R-1 AND THE SOUTH LINE OF SAID PARCEL "A", POLO TRACE II GOLF COURSE, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°19'14", A DISTANCE OF 184.63 FEET TO THE POINT OF TANGENCY; THENCE ALONG THE SOUTH LINE OF SAID PARCEL "A", POLO TRACE II GOLF COURSE FOR THE FOLLOWING NINE (9) DESCRIBED COURSES, SOUTH 84°06'40" WEST, A DISTANCE OF 212.39 FEET; THENCE NORTH 00°57'35" WEST, A DISTANCE OF 114.42; THENCE SOUTH 84°06'40" WEST, A DISTANCE OF 119.25 FEET; THENCE NORTH 60°01'41" WEST, A DISTANCE OF 10.24 FEET; THENCE SOUTH 84°06'40" WEST, A DISTANCE OF 17.34 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 855.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 4°55'45", A DISTANCE OF 73.56 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°02'25" WEST, A DISTANCE OF 183.64 FEET; THENCE SOUTH 58°19'26" WEST, A DISTANCE OF 19.58 FEET; THENCE SOUTH 89°02'25" WEST, A DISTANCE OF 507.58 FEET; THENCE NORTH 00°43'57" WEST, ALONG THE WEST LINE OF SAID WATER MANAGEMENT TRACT, POLO TRACE II GOLF COURSE, A DISTANCE OF 404.62 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 163.00 FEET FROM WHICH A RADIAL LINE BEARS NORTH 53°54'31" WEST; THENCE NORTHEASTERLY ALONG THE WEST LINE OF SAID WATER MANAGEMENT TRACT AND SAID PARCEL "A", ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 84°09'11", A DISTANCE OF 239.41 FEET TO A POINT OF INTERSECTION WITH A NON-RADIAL LINE; THENCE ALONG THE WESTERLY BOUNDARY OF SAID PARCEL "A", POLO TRACE II GOLF COURSE FOR THE FOLLOWING SEVEN (7) DESCRIBED COURSES, NORTH 00°43'57" WEST, A DISTANCE OF 569.66 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 175.00 FEET FROM WHICH A RADIAL LINE BEARS NORTH 33°37'41" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 111°18'31", A DISTANCE OF 339.97 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE NORTH 76°51'47" WEST, A DISTANCE OF 137.90 FEET; THENCE SOUTH 89°16'03" WEST, A DISTANCE OF 143.45 FEET; THENCE SOUTH 00°43'57" EAST, A DISTANCE OF 178.95 FEET; THENCE SOUTH 89°16'03" WEST, A DISTANCE OF 80.00 FEET; THENCE NORTH 00°43'57" WEST, A DISTANCE OF 1034.50 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

BEING A PORTION OF TRACT S-1 (POLO TRACE DRIVE) AND TRACT O-2, POLO TRACE II PLAT NO. 1, AS RECORDED IN PLAT BOOK 75, PAGES 193 THROUGH 204, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE

PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT S-1; THENCE ALONG THE WESTERLY BOUNDARY OF SAID TRACT S-1 FOR THE FOLLOWING SEVEN (7) DESCRIBED COURSES, NORTH 00°51'56" EAST, A DISTANCE OF 225.34 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 12°05'01"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 21.09 TO A POINT OF TANGENCY; THENCE NORTH 11°13'05" WEST, A DISTANCE OF 44.12 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 12°05'03"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 24.25 TO A POINT OF TANGENCY; THENCE NORTH 00°51'58" EAST, A DISTANCE OF 4.60 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 15°13'43"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 30.57 TO A POINT OF TANGENCY; THENCE NORTH 16°05'42" EAST, A DISTANCE OF 28.02 FEET; THENCE DEPARTING SAID WESTERLY BOUNDARY, NORTH 89°02'25" EAST, A DISTANCE OF 82.64 FEET; THENCE ALONG THE EASTERLY BOUNDARY OF SAID TRACT S-1, SOUTH 00°51'56" WEST, A DISTANCE OF 100.98 FEET; THENCE NORTH 89°02'25" EAST, A DISTANCE OF 20.01 FEET; THENCE ALONG THE EASTERLY BOUNDARY OF SAID TRACT O-2, SOUTH 00°51'56" WEST, A DISTANCE OF 107.98 FEET; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID TRACT O-2, NORTH 45°02'49" WEST, A DISTANCE OF 27.84 FEET; THENCE ALONG THE EASTERLY BOUNDARY OF SAID TRACT S-1, SOUTH 00°51'56" WEST, A DISTANCE OF 186.46 FEET; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID TRACT S-1, SOUTH 89°02'25" WEST, A DISTANCE OF 80.04 FEET TO THE POINT OF BEGINNING.

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.

1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
2. Maya Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
3. Misha Ezratti, individually and/or through trusts for his interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
4. Maxie Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

Exhibit F – Justification Statement dated August 27, 2018

JUSTIFICATION STATEMENT
Polo Trace PUD
Control Number 1993-0057
Type II Stand Alone Variance
July 9, 2018
Resubmittal: August 27, 2018

Polo Trace Associates, LLLP, the property owner of Polo Trace II PUD (northern portion) is requesting approval of a Perimeter Buffer Variance within the Open Space Parcel #1 located adjacent to (eastern side of) the Florida Turnpike within the overall Polo Trace II PUD. The overall project was approved by the Board of County Commissioners on October 26th, 2017, Resolution R-2017-1644; 1645; and 1646. Open Space Parcel #1 includes 20.35 acres and lies directly adjacent to the Florida Turnpike.

Request
The application is a request for a variance from Article 7.C.2.C.3., which includes the requirements for a Type 2 Incompatibility Buffer. The owner / developer is requesting to relocate both the Tree, and Pine or Palm requirement for a Type 2 Incompatibility buffer from the 15 foot buffer tract adjacent to the Turnpike to the adjacent Open Space Parcel #1; and eliminate the shrub requirement within a Type 2 Incompatibility Buffer and substitute them with a continuous row of Areca Palms which are existing within the southern ¾ of the buffer and proposed within the northern ¼ of the buffer. The total length of the buffer is 2690.37 LF. The (northern ¼) approximate 675 LF includes a request to install a row of Areca Palms in place of the required shrubs. The balance of the 15 foot Buffer (southern ¾) includes a dense row of existing Areca Palms (approximate 2015 LF) which the owner/developer is requesting to keep in place.

Variance Request:

Variance No.	ULDC Code Section	Required	Proposed	Variance
1.	7.C.2.C.3.	1 Canopy Tree per 20 LF within 15 foot buffer; 1 Palm or Pine per 30 LF within 15 foot buffer.	1 Canopy Tree per 20 LF outside the 15 foot buffer; 1 Palm or Pine per 30 LF outside the 15 foot buffer (relocation)	100%

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2.	7.C.2.C.3.	1 Row of small shrubs - one per 2 LF and, medium shrubs - one per 4 LF; 6 feet high, fence or hedge	0 Shrubs; substitute with continuous row of Areca Palms	100%
3.	3.E.2.B.1.c	Provide Perimeter Landscape Buffer to buffer incompatible uses	Relocation of plant material required within a perimeter buffer.	100%

Project Location / Description:

The Polo Trace project is located within Unincorporated Palm Beach County (PBC), north of Atlantic Avenue between Hagen Ranch Road and the Florida Turnpike, and south of the LWDD L-30 Canal. The site currently includes 389 existing residential dwelling units and an 18-hole golf course and clubhouse that is no longer in operation. The golf course and clubhouse is being re-developed to include 324 residential dwelling units and a new recreation pod which will service the entire 713 unit community. Open Space Parcel #1 is platted as Parcel C of Polo Trace II Golf Course, recorded in Plat Book 88, Page 160 of the Public Records of Palm Beach County Florida and includes a total of 20.35 acres.

Polo Trace is located on the west side of Hagen Ranch Road directly across from Valencia Falls, an adult restricted community. North of the L-30 Canal is “In the Pines” (migrant farmworker housing facility) and south of the overall community is Pine Ridge at Delray (planned residential development).

The land area included in the variance request is within the Open Space Parcel #1 as stated above. The variance requested is for the western limits (i.e. 15 foot Incompatibility Buffer) of the northern portion of the overall PUD. The variance is NOT requesting to remove or eliminate any other buffer requirements.

Project History:

Polo Trace II PUD had its beginnings under Petition No. 77-85 when in 1977, what is now a portion of the PUD, south of the LWDD L-31 Canal on the east and west sides of Hagen Ranch Road, was rezoned with a Special Exception to allow a PUD. In 1982, under Control No. 81-215, additional property on both the east and west sides of Hagen Ranch Road was rezoned and a Special Exception for a PUD granted for a project called Hidden Lakes of Delray. There were several Development Order Amendments to this PUD in the 1980's, when it also was renamed to Colony Lakes, and then later Pine Ridge at Delray North.

In 1989, the northern portion of what is now Polo Trace II PUD, north of the LWDD L-31 Canal, was rezoned for Rainberry Developers, together with properties on the east side of Hagen Ranch Road, under Control No. 89-019 that also included a Special Exception for a RPD and recreational facilities for a

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private golf course. In 1994, Polo Trace Country Club petitioned to have the golf course and club removed from the Rainberry PUD, leaving the balance of the PUD on the east side of Hagen Ranch Road.

Concurrent with the Development Order Amendment to delete land area from Rainberry PUD under Control No. 89-019, Polo Trace Country Club petitioned to rezone the area deleted from Rainberry PUD, and the area south of the LWDD L-31 Canal, totaling +234.97 acres, to the PUD-Planned Unit Development district under Control No. 93-057. Resolution R-94-0366 also extinguished most of the approvals granted under Control No. 81-215. This project became known as Polo Trace II PUD.

The Special Exception granted via Resolution No. R-89-1321 for a Planned Residential Development including a Private Golf Course under Control No. 89-019 no longer applies to the properties on the west side of Hagen Ranch Road as they were removed for the project boundaries via Resolution No. R-94-0365. Following a review of the available records, no separate entitlement approval was granted for the golf course. It was approved as part of the rezoning to the PUD district that occurred via Resolution No. R-94-0366.

In 1997, an application to rezone +20.6 acres of land, the “triangle parcel” bounded on the east by the LWDD E-2-E canal, the west by Ronald Reagan Turnpike and the south by the LWDD L-31 Canal, and to add this land area to the PUD was approved. Although the January 6, 1997 BCC Staff Report, and the resulting Resolution R-97-021 reflect the addition of +20.6 acres of land area to the PUD, it has been determined by Palm Beach County Zoning that this action was bungled, and that in fact only +15 acres of land was rezoned to RS and not to the PUD district. However, the current approved Final Master Plan, Exhibit No. 13, reflects a total of +255 acres of land area within the PUD, and the plat for Polo Trace II Golf Course (a Part of Polo Trace PUD) recorded in Plat Book 88, pages 160-170 matches the Final Master Plan and includes the “triangle parcel”.

A summary of the zoning history is reflected in the following table. For purpose of reviewing the Status of Conditions of Approval, only Resolution R-1997-21 approved under Control No. 93-057 have been addressed as this approval applies to Polo Trace PUD as it now is configured and consolidated past conditions.

	Resolution	Date	Action	Request
Control No. 81-215	R-77-809/ Pet. No. 77-85	Aug 9, 1977	Approved w/ Conditions	REZONING, FROM AG- AGRICULTURAL DISTRICT TO RE-RESIDENTIAL ESTATE DISTRICT AND THE FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT

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	Resolution	Date	Action	Request
				DEVELOPMENT
	R-82-0627	June 29, 1982	Approved	REZONING, FROM RE-RESIDENTIAL ESTATE DISTRICT TO RS-RESIDENTIAL SINGLE FAMILY DISTRICT
	R-82-0628	June 29, 1982 Mar. 24, 1994	Approved w/ Conditions Revoked by R-94-366	FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT, INCLUDING AN ON-SITE WATER AND SEWAGE TREATMENT FACILITY
	R-84-1841	Dec 11, 1984 Mar. 24, 1994	Approved w/Conditions Revoked by R-94-366	SPECIAL EXCEPTION TO ALLOW a PLANNED UNIT DEVELOPMENT INCLUDING ON-SITE WATER AND SEWAGE TREATMENT PLANT
	R-85-0275	Feb 19, 1985 Mar. 24, 1994	Approved Revoked by R-94-366	REZONING, FROM RS-RESIDENTIAL SINGLE FAMILY DISTRICT TO AR-AGRICULTURAL RESIDENTIAL DISTRICT
	R-87-0229	Feb 10, 1987 Mar. 24, 1994	Approved Revoked by R-94-366	MODIFICATION OF COMMISSION REQUIREMENTS TO AMEND CONDITIONS
	R-88-1635	Oct 4, 1988 Mar. 24, 1994	Approved w/ Conditions Revoked by R-94-366	SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR COLONY LAKES, A PLANNED UNIT DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 81-215 IN APRIL OF 1982 (RESOLUTION NO. R-82-5213, ADOPTED JUNE 29, 1982), ZONING PETITION NO. 81-215(A) ON JULY 31, 1984 (RESOLUTION NO. R-84-1841, ADOPTED DECEMBER 11, 1984), ZONING PETITION NO. 81-215(E) ON NOVEMBER 1, 1984 (RESOLUTION NO. R-85-275, ADOPTED FEBRUARY 19, 1985) AND ZONING PETITION NO. 81-215(D) ON SEPTEMBER 25, 1986 (RESOLUTION NO. R-87-229, ADOPTED FEBRUARY 10, 1987), TO 1) REDESIGN THE SITE AND 2) TO CHANGE THE HOUSING CATEGORY
	R-89-0726	April 25, 1989	Approved w/ Conditions	SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR PINE RIDGE

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	Resolution	Date	Action	Request
		Mar. 24, 1994	Revoked by R-94-366	AT DELRAY BEACH NORTH PLANNED UNIT DEVELOPMENT TO 1) INCREASE THE DENSITY AND 2) TO CHANGE THE HOUSING CATEGORY FROM A TO B
Control No. 89-019	R-89-1320	July 11, 1989	Approved	REZONING FROM AR-AGRICULTURAL RESIDENTIAL ZONING DISTRICT TO RS-SINGLE FAMILY RESIDENTIAL ZONING DISTRICT
	R-89-1321	July 11, 1989	Approved w/ Conditions	SPECIAL EXCEPTION TO (1) PERMIT A PLANNED RESIDENTIAL DEVELOPMENT, INCLUDING (2) A RECREATIONAL FACILITY AND CLUB (PRIVATE GOLF COURSE)
	R-91-0382	March 26, 1991	Approved	MODIFICATION OF COMMISSION REOUIREMENTS TO DELETE CONDITION NO. 16(A) OF RESOLUTION R-89-1321, (ZONING PETITION 89-19 - POLO TRACE PUD), PERTAINING TO TRAFFIC PERFORMANCE STANDARDS
	R-94-0365	March 24, 1994	Approved w/ Conditions	DEVELOPMENT ORDER AMENDMENT IN THE RESIDENTIAL SINGLE FAMILY (RS) ZONING DISTRICT, TO AMEND MASTER PLAN TO DELETE ACREAGE
Control No. 95-057	R-94-0366	March 24, 1994	Approved w/ Conditions	REZONING 234.97 ACRES FROM THE RESIDENTIAL SINGLE FAMILY (RS) ZONING DISTRICT TO THE PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT
	R-97-0020	Jan 6, 1997	Approved	REZONING FROM AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT TO RESIDENTIAL SINGLE FAMILY (RS) ZONING DISTRICT
	R-97-0021	Jan 6, 1997	Approved w/ Conditions	DEVELOPMENT ORDER AMENDMENT (DOA) TO ADD LAND AREA (+20.6 ACRES) AND UNITS (69 ZLL)
	R-97-1095	Aug 28, 1997	Approved	RESOLUTION CORRECTING RESOLUTION R-97-21

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	Resolution	Date	Action	Request
	R-2017-1644	Oct. 26, 2017	Approved	RESOLUTION TO ABANDON GOLF COURSE
	R-2017-1645	Oct. 26, 2017	Approved	RESOLUTION TO REZONE FROM RS AND AR TO A PUD
	R-2017-1646	Oct. 26, 2017	Approved	DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE, ADD UNITS, ADD LAND AREA, MODIFY CONDITIONS AND REDESIGNATE THE GOLF COURSE

Surrounding Uses:

Below is a description of the uses on the adjacent properties (or those on the other side of abutting R-O-W's) to the north, south, east and west of the subject property.

- **North:** To the north of the subject property is the PBC Water Utilities Department Southern Region Water Reclamation Facility zoned PO, and a small residential project named “In The Pines North” that provides migrant worker housing zoned PUD.
- **South:** To the south of the subject property is an existing detached housing community called Pine Ridge at Delray and zoned PUD.
- **East:** To the east of the subject property across Hagen Ranch Road is an existing detached housing community called Valencia Isle developed by the Applicant, and zoned PUD.
- **West:** To the west of the subject property, across Ronald Reagan Turnpike is agricultural land in active production and zoned AGR.

Turnpike Aquifer Protection Overlay (TAPO) and Monitoring Wells

The site is in the TAPO, which is an overlay that protects natural groundwater recharge areas. There are two existing monitoring wells on site, both of which fall within Pod E. In addition, two other wells have been proposed within the open space parcel along the Florida Turnpike. The location of the wells has been shown on the overall Final Master Plan and also the Final Subdivision Plan for Pod E, Plat Five.

Variance Justification:

The Polo Trace II PUD, is planned as an up-scale family community. The justification for the variance requested is based on the following factors: (1) the location of the 15' Type 2 Incompatibility Buffer adjacent to the Florida Turnpike; (2) the location of the existing recorded Conservation Easement per OR Book 11620, Page 1530 within Open Space Parcel #1; (3) the proposed design for the

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Open Space Parcel including walking pathways, gazebos, berming and trees; (4) the existing vegetation and the planned vegetation for the parcel; and (5) the request by Palm Beach County Water Utilities to provide 2 well sites within the open space parcel.

Polo Trace II PUD is a re-development of a closed golf course located along the east side of the Florida Turnpike within the Urban Suburban Tier and north of Atlantic Avenue with the overall community including 253.38 acres. As stated above, the location of the requested variance falls within Open Space Parcel #1 including a total of 20.35 acres however, the 15 foot Type 2 Incompatibility Buffer is just under 1 acre of land or 15 feet wide by 2690.37 linear feet.

Adherence to All Other Buffer Requirements:

The owner/developer is not seeking variance relief to eliminate all of the required plant material, nor the elimination of the 15 foot buffer width, but rather the applicant is seeking to relocate the required trees, palms or pines from within the Type 2 Incompatibility Buffer to outside of the Buffer within the adjacent Open Space Parcel #1. The width of the buffer will remain. The overall shrub requirement within the 15 foot Type 2 Incompatibility Buffer is being replaced by a continuous row of Areca Palms which, as stated above are existing within the southern ¾ and are proposed within the northern ¼ of the Buffer. In effect, the variance requested is to allow the required plant material (mainly trees, palms, and pines) to be relocated within the existing adjacent open space parcel.

STANDARDS:

Section 2.B.3.E. of the Palm Beach County ULDC states that in order to authorize a variance, the Board of Adjustment shall and must find that the seven criteria listed below have been satisfied.

- 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 conditions do exist that are peculiar to the parcel of land which are not applicable to other parcels of land. The parcel is an open space parcel that is adjacent to the Florida Turnpike which includes a 15 foot Type 2 Incompatibility Buffer. It includes 2 recorded Conservation Easements that are not allowed to be disturbed or encroached upon. Also it includes an existing very dense tree canopy that are considered ERM Trees which include Slash Pines, Live Oaks, Sabal Palms, Laurel Oaks, and Red Maples which are intended to be preserved in place. The owner / developer does not want to eliminate the 15 foot buffer (width), rather, the applicant is seeking to relocate

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the required trees, palms or pines from the 15' perimeter and incorporate them into a lushly landscaped open space parcel that will serve all the residents of the community by providing a meandering pedestrian pathway incorporating a gazebo within the existing and proposed lush canopy. The existing 15 foot buffer currently includes an established row of dense Areca Palms which the owner / developer will maintain to provide a visual barrier between the project and the Turnpike. The existing site configuration and tree canopy are a special EXISTING condition that the applicant is proposing to enhance by creating said unique pedestrian pathway within a very large open space parcel. The granting of the requested variance does not create any special circumstance or condition which result from the actions of the applicant.

All the existing residential units in Polo Trace (prior to the golf course conversion approval) are approved and built as zero lot line residential units. The closest existing and proposed residential unit to the Turnpike is more than 350 feet to the western limits of the overall project. As part of the overall approval, the existing 389 residential property owners requested that the applicant maintain the existing Areca Palms within the existing 15 foot buffer as they provide a significant visual barrier to the adjacent Florida Turnpike. The existing Areca Palms have been established for many years and therefore provide a dense barrier. Without the variance approval, the existing Areca Palms would need to be removed to replant with code required trees, palms/pines and shrub, and thus would not provide the visual screening that is already in place with the existing Areca Palms.

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

Special circumstances and conditions are not the result from the actions of the applicant. The condition or reason for the variance is due to the location of the existing trees and Areca Palms within the Open Space Parcel which are being kept in place to provide a natural buffer to the Florida Turnpike. Without obtaining a variance the developer would need to remove the current Areca Palms from the 15' Incompatibility Buffer and replace them with small trees and shrubs which would eliminate the current dense buffer. In addition, it is important to note that the northern portion, approximately $\frac{1}{4}$ of the length of the buffer within the open space parcel includes many exotic invasive species that will be removed and replanted with trees being relocated from the golf course parcel to the east. In addition, the existing Areca Palms within the southern $\frac{3}{4}$ of the buffer will then

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continue all the way to the north property line in an effort for consistency.

- 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 comp plan or the ULDC to other parcels of land in the same zoning district and will not be disruptive to the surrounding area. It is simply providing the owner / developer the opportunity to maintain the existing vegetation within the current 15 foot Incompatibility Buffer and relocate any required Trees, Palms or Pines within the adjacent open space. It also allows the owner the ability to keep the existing Areca Palms within the 15 foot buffer within the southern $\frac{3}{4}$ of the Buffer and install new Areca Palms within the very northern portion of the buffer (the northern $\frac{1}{4}$) which currently includes exotic invasive species.

- 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 literal interpretation and enforcement of the terms and provisions of this code would cause an unnecessary and undue hardship upon the current property owners. The current property owners within Polo Trace enjoy the privacy provided by the current dense buffer of Areca Palms within the 15 foot Incompatibility Buffer. The enforcement of the ULDC by the removal of said Areca Palms and the planting of new trees and shrubs within the buffer would not provide the same denseness and privacy that the Areca Palms currently provide. The existing owners requested that every effort be made to keep the existing Areca Palms in place.

The granting of the variance will provide a greater diversity of plant material within the community by allowing the current plant material to remain with the relocation of the required trees/palms/pines to be installed within the adjacent open space. As stated above, the owner / developer does not want to eliminate the 15 foot buffer (width), rather, this application is seeking to relocate the required trees, palms or pines from the 15' perimeter and incorporate them into a lushly landscaped open space parcel that will serve all the residents of the community by

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providing a meandering pedestrian pathway incorporating a gazebo within the existing and proposed lush canopy.

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

The granting of the variance is the minimum variance that will make possible the reasonable use of the open space parcel to accommodate a greater diverse palate of trees, palms, and pines within said adjacent open space. All required plant material will be installed within the open space parcel directly abutting the 15 Incompatibility Buffer. There will be no reduction in required plantings (with the exception of the required shrub, which as noted is effectively replaced by the existing Areca Palms and proposed continuation of the Areca Palms in the northern ¼ of the buffer tract.

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

The Goals, Objectives and Policies of the Comprehensive Plan are consistent with the granting of this variance. The granting of the variance would provide a greater diversity in plant material (trees, palms and pines) within the community by allowing the existing Areca Palms to remain within the 15 foot Buffer and continuing said Areca Palms within the very northern ¼ of the 15 foot Buffer and relocating all required trees, palms and pines from the 15 foot Buffer into the Open Space Parcel directly adjacent to the Buffer. The required number of trees proposed to be relocated from the 15 foot Buffer into the adjacent Open Space Parcel is 135 Canopy Trees based on 1 tree per 20 LF and the proposed number of Palms or Pine Trees to be relocated is 90 Trees based on 1 Palm or Pine per 30 LF.

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

The granting of the variance will not be injurious to the area or detrimental to the public welfare. In relocating the required trees, palms and pines into the adjacent open space parcel from the 15 foot Buffer and substituting the existing Areca Palms in place of the shrub requirement the ULDC requirements are being met. The Areca Palms provide a dense visual barrier to the adjacent Florida Turnpike. As noted above, the existing residents requested that the owner/developer make every effort to keep the existing Areca Palms.

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Polo Trace Associates, LLLP, the owner / developer respectfully request approval of this application. The Project Manager for this application is Gladys DiGirolamo, and can be reached at (954) 753-1730.

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