

Alliance of Delray Residential Associations, Inc.

10290 West Atlantic Avenue #480504
Delray Beach, FL 33448
Phone: 561.495.4694
www.allianceofdelray.com

- *Serving more than 100 Communities between the Everglades and the Ocean in south Palm Beach County.*
- *Working Toward Sustainable Development*
- *Applying Resilience Thinking to Our Natural Resources*



April 22, 2025

Palm Beach County Board of County Commissioners
301 North Olive Avenue Suite 1201
West Palm Beach FL 33401

Re: West Delray RV Resort Applications for Comprehensive Plan Amendment Application # LGA 2024-011 & Rezoning Application # ZV/SV/PDD 2024-1422

Dear Commissioners:

Regarding the Comprehensive Plan Amendment and Rezoning applications (LGA2024-011 & ZV/SV/PDD2024-1422 respectively) for the West Delray RV Resort, it is understood that the developer will connect into water and sewer to service the RV lots, campsites, clubhouse, office, and recreational areas.

The resulting product should be a development commensurate with what would be expected to serve the needs of Agricultural Reserve residents and visitors to the nearby West Delray Regional Park and Arthur R. Marchall Loxahatchee National Wildlife Refuge.

The Alliance supports these applications and will continue to follow the development of what could also become an asset to tourist and economic development in Palm Beach County.

Sincerely,

York Freund

Director & Chair of the Alliance Ag Team

April 28, 2025

Palm Beach County Commissioners and Zoning Commission and Staff

The following is my statement of record in opposition to the proposed Nash Trail development Project application name, Nash Trail Z/CA-2024-01593. Abutting property owner's and neighbors of the Nash Trail development project proposed by WGI and Lennar Homes have not been given the opportunity to contest this proposed project in the presence of the Zoning Board commissioners.

My property abuts the proposed development project on the West side adjacent to the properties owned by Laura Fountain and Melodyne Abel Revocable Trust. I have been the sole property owner since 1999. The property has been utilized as an equine boarding and training facility since the 1970s.

I deeply oppose the proposed Nash Trail project in its' current form and the rezoning of the proposed density increase higher than the future development zoning of 5 units per acre as a result of the 1989 Future Development rezoning of 1989.

In the early 2000s, Palm Beach county established the Work Force Housing [WHP] program to establish housing opportunities for the "work force" in new residential developments.

In this case, WHP, will not be utilized for the working class. WHP will be manipulated by using the Builder exchange program. The result will benefit only the county tax base and the Lennar homes financial holdings.

My opposition to the Nash Trail project is as follows:

- 1] Currently, there is a 230 +/- unit development in the early stages of ground breaking, whereas, the actual impact of the development cannot be measured until the project is completed and sold out with 100 percent occupancy.

Access to current project and proposed Nash Trail project will share a single access road to Haverhill road .

In addition, the American German social club utilizes Nash Trail during events conducted on their property.

- 2] In the 2000s, when the development now called, Colony Reserve, located South of the proposed Nash Trail project was in the planning stages, site planners, county staff and builder representatives coordinated with the abutting property owners to come to reasonable solutions to the adverse impacts the high density development brought upon our semi-rural lifestyle.

The result of cooperation by all parties resulted in the most natural, vegetation property line buffer Zones possible, while allowing the developer to complete his project.

WGI and Lennar have offered nothing other than a hasty meeting at a coffee shop and very short notice for a zoom calls.

I object to the Nash Trail development due to minimum preservation of natural native vegetation habitat. Eliminating the WHP increase in density will certainly improve the project's compliance in keeping with the surrounding properties to the South and the West sides.

-
- 3] The current site plan does not include any type of physical wall at the property line set back.
I operate an equine business and only welcome previously announced guests on the property
After submitting signed liability disclaimers, prior to gaining access to my property.
Without a proper wall, anyone at anytime could gain access my property, especially a wandering
child from the “tot lot” proposed adjacent to my property in the site plan.
Construction of a 6 foot concrete wall on top of a four foot earth berm was a condition for the
Colony Reserve project. The same condition must be incorporated as a condition for approval
for the Nash Trail project.

I insist on the following:

- An in depth traffic study be conducted for the use of Nash Trail by two high density developments totaling in excess 285 units as well as an established social event venue for more than 500 members, guests and patrons.
- WHP not be implemented for the Nash Trail project in order to comply with abutting property usage.
- WGI and Lennar to be more communitive with the abutting property owners and surrounding neighbors to come to a reasonable agreement for the Nash Trail development project.

Best regards,

Michael R. Gordon
Gateway Stables
5360 Oldsmobile Drive
Lake Worth, Florida
Email: rgsurveyor@aol.com
Phone: 954-612-6834

Exhibit C-1 - Conditions of Approval

Official Zoning Map Amendment- Conditional Overlay Zone

ENVIRONMENTAL

- 1. All existing native vegetation within the three Tree Preservation Areas as depicted on the Subdivision Plan shall be preserved and maintained in perpetuity. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

**** No power driven machinery to be utilized when removing nonnative vegetation in the designated preserve areas, so as not to disturb the earth surrounding the vegetation to be preserved.**

**** Native vegetation along west property line abutting Gordon Stables and Sadler property to remain intact and undisturbed within the 17 foot set back. No power driven machinery to be used to remove nonnative vegetation, so as not to disturb earth surrounding native vegetation to be preserved.**

- 2. Prior to final approval by the Development Review Officer (DRO), a Tree Preservation Area Management Plan shall be provided to ERM for review and approval for Tree Preservation Areas 1, 2 and 3 as depicted on the Subdivision Plan. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT- Environmental Resources Management)

DISCLOSURE

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

Exhibit C-2 Conditions of Approval

Class A TDR

ALL PETITIONS

1. The approved Preliminary Subdivision Plan is dated February 13, 2025. 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. (ONGOING: ZONING - Zoning)

**** 6 foot concrete wall on 4 foot earth berm be constructed around entire development property**

ENGINEERING

1. This Development Order is based upon an approved Traffic Study projecting a Build-out date of December 31, 2028. No Building Permits for the site may be issued after December 31, 2028 unless the site meets the Build-out requirements pursuant to Art. 12, or the Build-out date is revised through a time extension pursuant to the requirements of Art. 2.E of the Unified Land Development Code. The County Engineer may approve an Art. 2.E time extension to the build out date based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (DATE: MONITORING-Eng)

2. The Property Owner shall improve Nash Trail from 52nd Drive South to Haverhill Road in accordance with Palm Beach County's Land Development Design Standards for a Local Street, or as approved by the County Engineer.

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

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)
- b. Construction shall be completed prior to issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

3. The Property Owner shall improve 52nd Drive South from the intersection of Nash Trail to the project's entrance, and then transition to the existing road, in accordance with Palm Beach County's Land Development Design Standards for a Local Street, or as approved by the County Engineer.

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)
- b. Construction shall be completed prior to issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

4. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

- a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)
- b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: MONITORING - Engineering)

5. Property Owner shall construct a minimum 5 foot wide concrete sidewalk along the west side of 52nd Drive South from Nash Trail to the terminus for 52nd Drive South. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. The sidewalk shall be completed prior to the issuance of the first certificate of occupancy. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (CO: MONITORING - Engineering)

6. Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPM: MONITORING - Engineering)

PLANNING

1. The subject request for 53 units with a 4-unit Workforce Housing Program (WHP) obligation was calculated based on Limited Incentive Development Option with the WHP units to be provided off-site

utilizing the Exchange Builder option. A 39% (15du) WHP density bonus was utilized. Should a reduction in overall units occur, the WHP obligation may be reduced subject to a new analysis, and the timing mechanisms may be adjusted administratively accordingly. (ONGOING: PLANNING - Planning)

2. The minimum exchange price for the Exchange Builder shall be 80 percent of the applicable In-Lieu fee in effect at the time of the Development Order for subject development which equates to \$380,352 (4WHP X \$118,860 for Townhome = \$475,440 total In-Lieu fee)X 0.80 = \$380,352 total exchange price for Exchange Builder). (ONGOING: PLANNING - Planning)

3. Prior to the issuance of the first residential Building Permit, the Property Owner shall record in the official records of Palm Beach County a Notice of Disposition, in a form acceptable to the Palm Beach County Attorney. (BLDGPM: MONITORING - Planning)

4. Prior to the issuance of the first residential Building Permit, the Property Owner shall submit all required documentation as described in Art. 5. G.1.C.4.b.2. regarding utilization of the Exchange Builder options: (1) the Exchange Builder has been engaged and has all applicable documentation completed with prior approval by the County Attorney and Planning Division; or (2) No Exchange Builder has been engaged, provision of a guarantee acceptable to Palm Beach County and approved by the County Attorney's Office, for an amount equal to 100 percent of the in-lieu fee. The Guarantee for Option 1, at 80% of the In-Lieu Fee, equates to \$380,352 (4WHP X \$118,860 for Townhome \$475,440 total In-Lieu fee X 0.80 = \$380,352). The Guarantee for Option 2, at 100% of the In-Lieu Fee, equates to \$475,440 (4WHP X \$118,860 for Townhome = \$475,440 total In-Lieu fee). (BLDGPM: MONITORING - Planning)

5. Prior to the issuance of no more than 25 percent (13du) of the residential Building Permits, (Exchange Option 2) the Property Owner shall submit documentation regarding the engagement of the Exchange Builder. If an Exchange Builder is not engaged, the surety would be cashed out. (BLDGPM: MONITORING - Planning)

6. Prior to issuance of no more than 25 percent (13du) of the residential Building Permits in the subject development, (Exchange Option 2) the Developer of the subject development shall have the option to replace the guarantee provided at first Building Permit with items meeting the requirements of Art. 5.G.1.C.4.b.2)d)(1). If, at 25 percent of Building Permits, the required information has not been provided or is not approved by the County Administrator or designee, the developer may pay the full In-Lieu fees of \$475,440 (4WHP X \$118,860 for Townhome = \$475,440 total In-Lieu fee), and if not Palm Beach County shall file a claim against the guarantee for 100 percent of the in-lieu fees. Prepayment of the In-Lieu fee by the Developer shall not be allowed. The Site Plan and other appropriate document(s), as determined by the Planning Director or designee, shall be amended to reflect the number of WHP units, including the number in each applicable WHP income category, to be located on the Exchange Project(s). (BLDGPM: MONITORING - Planning)

7. Per Art. 5. G.1.C.4.b.; Since the subject site is Fee Simple Townhomes, the WHP obligation shall be 1.5 times the number of WHP units required, should any required WHP units be provided offsite as rentals. (ONGOING: PLANNING - Planning)

8. Prior to issuance of the first residential Certificate of Occupancy (CO), the Site Plan and other appropriate documents shall be modified to include the Official Record Book and Page of the recorded Documents, the name of the Off-Site Project(s), the total number of WHP units, the number in each applicable WHP income category and provide a copy of the revised Site Plan to Planning. (CO: MONITORING - Planning)

SCHOOL BOARD

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

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; 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: MONITORING - Zoning)

DISCLOSURE

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

Exhibit D - Project History

Application No.	Title & Request	Resolution	Decision	Approval Date
Z-1978-00229	Title: Official Zoning Map Amendment Request: Rezoning from AG-Agricultural District to RE-Residential Estate District	R-1978-01593	Approved As Amended	11/30/1978

ARTICLE 2

APPLICATION PROCESSES AND PROCEDURES

EXCERPT

Chapter B. Public Hearing Processes

Section 7 Types of Applications

A. Official Zoning Map Amendment (Rezoning) to a Standard District

1. Purpose

To provide a means for changing the boundaries of the Official Zoning Map for a parcel of land. This Section is not intended to relieve particular hardships or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant an amendment, the BCC shall consider, the consistency of the proposed amendment with the intent of the Plan set forth in this Section. [Ord. 2018-002]

2. Standards

When considering an application for Rezoning to a Standard Zoning District with or without a COZ, the BCC and ZC shall utilize Standards a through g indicated below. An amendment which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2007-001] [Ord. 2012-003] [Ord. 2017-007] [Ord. 2018-002]

a. Consistency with the Plan

The proposed amendment is consistent with the Plan. [Ord. 2007-001]

b. Consistency with the Code

The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. [Ord. 2007-001]

c. Compatibility with Surrounding Uses

The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district. [Ord. 2007-001]

**** Proposed project is not consistent with properties abutting West side boundry.**

d. Effect on the Natural Environment

The proposed amendment will not result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment. [Ord. 2007-001]

**** Nash Trail East cannot handle the heavy traffic volume for the 280+ new units**

Currently under construction and proposed Nash Trai development

**** 6 foot concrete wall on top of earth burm to be constructed on East, South and**

West propery lines. Chain link fence on top of earth burm to be contstruced at

North property line along established preserve are

e. Development Patterns

The proposed amendment will result in a logical, orderly, and timely development pattern. [Ord. 2007-001]

f. Adequate Public Facilities

The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards). [Ord. 2007-001]

g. Changed Conditions or Circumstances

There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment. [Ord. 2007-001] [Ord. 2018-002]

3. Effect of a Map Amendment

a. General

Approval of a rezoning shall be deemed to authorize only the particular zoning district for which it is approved.

b. Time Limitations

A Rezoning with a COZ may be reviewed pursuant to Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval. [Ord. 2005-002] [Ord. 2018-002]

4. Development Order Amendment to a Standard Zoning District with a COZ

A DO for a Standard Zoning District with a COZ may be modified through a DOA pursuant to the Conditions of Approval established with its original approval, or as otherwise set forth in this Code. The Applicant shall demonstrate and the BCC must find that a change of circumstances or site conditions has occurred which make it necessary or reasonable to amend, extend, vary, or alter the COZ. [Ord. 2005-041] [Ord. 2009-040] [Ord. 2018-002]

5. Rezoning of Mobile Home Parks

Any rezoning of property having an existing Mobile Home Park shall comply with the requirements of F.S. § 723.083, Governmental Action Affecting Removal of Mobile Home Owners. [Ord. 2017-025]

B Conditional Uses and Official Zoning Map Amendment (Rezoning) to a PDD or TDD

1. Purpose

Conditional Uses and Rezoning to a PDD or TDD, require individual review of the subject property's location, proposed design, site configuration, intensity or density to ensure the appropriateness, and compatibility of the use with its surrounding land uses. [Ord. 2007-001] [Ord. 2011-016] [Ord. 2017-007] [Ord. 2018-002]

2. Standards

When considering a DO application for a Rezoning to a PDD or a TDD, or a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHP), the BCC or ZC shall utilize the Standards a through h indicated below. An application which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2007-001] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2019-033]

a. Consistency with the Plan

The proposed use or amendment is consistent with the purposes, Goals, Objectives, and Policies of the Plan, including standards for building and structural intensities and densities, and intensities of use. [Ord. 2007-001]

b. Consistency with the Code

The proposed use or amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. [Ord. 2007-001] [Ord. 2018-002]

c. Compatibility with Surrounding Uses

The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. [Ord. 2007-001]

**** Proposed project is not consistent with properties abutting West side boundry.**

d. Design Minimizes Adverse Impact

The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

**** Nash Trail East cannot handle the heavy traffic volume for the 280+ new units**

Currently under construction and proposed Nash Trai development

**** 6 foot concrete wall on top of earth berm to be constructed on East, South and**

West property lines. Chain link fence on top of earth berm to be contstruced at

North property line along established preserve are

e. Design Minimizes Environmental Impact

The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment. [Ord. 2007-001]

**** No power driven machinery to be utilized in the designated native vegetation**

Preserves or west property set back areas.

f. Development Patterns

The proposed use or amendment will result in a logical, orderly, and timely development pattern. [Ord. 2007-001]

g. Adequate Public Facilities

The extent to which the proposed use complies with Art. 2.F, Concurrency (Adequate Public Facility Standards). [Ord. 2007-001]

h. Changed Conditions or Circumstances

There are demonstrated changed site conditions or circumstances, provided by the Applicant's Justification Statement that necessitate a modification. [Ord. 2007-001] [Ord. 2018-002]

3. Standards

When considering a DO application for a Conditional Use request for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHP), the BCC shall utilize the Standards indicated in Art. 5.G.1.B.2.e.2)b), Factors for Consideration. [Ord. 2019-033]

**** Nash Trail cannot handle increased WFH density. WFH density increase should**

Should not be granted for this project

4. Effect of an Issuance of a DO or a Map Amendment

a. General

Issuance of a DO for a Conditional Use or a Rezoning to a PDD or TDD shall be deemed to authorize only the particular site configuration, layout, and level of impacts which were approved pursuant to this Code. [Ord. 2018-002] [Ord. 2019-034]

1) Permitted uses may occur in conjunction with or in place of a Conditional Use; and [Ord. 2018-002]

2) Approval of a rezoning shall be deemed to authorize only the particular zoning district for which it is approved. [Ord. 2018-002]

b. Time Limitations

The DO shall be reviewed pursuant to Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval. [Ord. 2018-002]

c. Zoning Plan Compliance and Initiation of Use

Development, benefit, or use of a Conditional Use shall not be permitted until the Applicant has secured and complied with all other DOs and site improvements required by this Code. [Ord. 2017-007] [Ord. 2018-002]

The approval of a DO shall not ensure that subsequent approvals for other Development Permits will be granted unless the relevant and applicable portions of this Code are met. [Ord. 2018-002]

5. Authorized Class A Conditional Uses

Only those uses that are authorized as Class A Conditional Use in the Use Matrices in Art. 4, Use Regulations, may be approved as Class A Conditional Use, unless stated otherwise herein. The designation of a use as a Class A Conditional Use in a district does not constitute an authorization of such use or an assurance that such use will be approved under this Code. [Ord. 2017-007] [Ord. 2018-002]

6. Authorized Class B Conditional Uses

Only those uses that are authorized as Class B Conditional Use in the Use Matrices in Art. 4, Use Regulations, may be approved as Class B Conditional Use. The designation of a use as a Class B Conditional Use in a district does not constitute an authorization of such use or an assurance that such use will be approved under this Code. [Ord. 2017-007]

7. Requested Use

All prior approvals for a Requested Use shall correspond to a Conditional Use. [Ord. 2017-007]
[Ord. 2018-002]

April 28, 2025

Palm Beach County Commissioners and Zoning Commission Staff

The following is my statement of record in opposition to the proposed Nash Trail development Project application name, Nash Trail Z/CA-2024-01593.

My property abuts the proposed development project on the East side of 52 dr S. to the west & adjacent properties owned by Norman Speier and Melodyne Abel Revocable Trust.

I have been the sole property owner since 2003. The property is currently utilized as a single-family estate home.

I deeply oppose the proposed Nash Trail project in its current form and the rezoning of the proposed density increase higher than that of the future development zoning of 5 units per acre because of the 1989 Future Development rezoning of 1989.

In the early 2000s, Palm Beach County established the Work Force Housing [WHP] program to establish housing opportunities for the “work force” in new developments.

In this case, WHP, will not be utilized for the working class. WHP will be manipulated with builder exchange program. The result will benefit only the county tax base and the Lennar homes financial holdings.

My opposition to the Nash Trail project is as follows:

1] Currently, there is a 233-unit development in the early stages of groundbreaking, the full impact of the development impact of which cannot be measured until the project is completed and sold out with 100 percent occupancy.

Access to current project and proposed Nash Trail project will share the same single access road to Haverhill Road, which approximately 1300 feet for both projects.

In addition, the American German Social club utilizes Nash Trail during events conducted on their property.

2] In the 2000s, when the development now called, Colony Reserve, located South of the proposed Nash Trail project, was in the planning stages, site planners, county staff and builder coordinated with the abutting property owners to come to reasonable solutions to the adverse impacts the high-density development brought upon our semi-rural lifestyle.

The result of cooperation by all parties resulted in the most natural, vegetation property line buffer zones, while allowing the developer to complete his project.

WGI and Lennar have offered nothing other than a hasty meeting at a coffee shop and very short notice for a zoom call.

I object to the Nash Trail development due to minimum preservation of natural native vegetation habitat. Eliminating the WHP increase in density will certainly improve the project’s compliance in keeping with the surrounding properties to the South and the East & West sides.

3] The current site plan does not include any type of physical wall at the property line set back.

I have a single-family estate home on 2½ acres, and the proposed development will facilitate residents gravitating towards the open spaces near the rear of the property & along the canal and roadway. Without a proper wall anyone at any time could gain access my property, especially a wandering child/juvenile from the current planned development which abuts my property.

Construction of a 6-foot concrete wall on top of a four-foot earth berm was a condition for the Colony Reserve project. At a minimum, the same condition must be incorporated as a condition for approval for the Nash Trail project. In addition: the 52 Dr S Road needs to be improved/paved to my south property line along with the addition of Water & Sewer that is less than 600 feet south of my property line. This is keeping with PBC well & septic elimination.

Attached to this communication are my responses, underlined and highlighted to the following:

- Z-CA 2024-01593 Nash Trail Conditions Exhibit C-1 Conditions and Approval
- Article 2 Application Processes and Procedures

I insist on the following:

- An in- d e p t h traffic study be conducted for the use of Nash Trail by two high density developments totaling in excess of 233 plus 53 units as well as an established social event venue for more than 500 members, guests and patrons.
- WHP **NOT** be implemented for the Nash Trail project to comply with abutting property usage.
- The applicant has listed acres on the sworn affidavits contradicts what is shown on Palm Beach Property Appraiser website.
- No claim of infeasibility has been demonstrated by applicant to forgive them to fulfill the PBC complete streets.
- Based on verified national statistics, the applicant has misrepresented to this board the number of students by 300%.
- It is disingenuous for the applicant to grossly underestimate the impact of the services of PBC that this development represents. **As the photos included** are of the same development by this applicant.
- The number of vehicles & children are just two examples of the gross misrepresentation by the applicant
- WGI and Lennar to be more communitive with the abutting property owners and surrounding neighbors to come to a reasonable agreement for the Nash Trail development project.

Best regards,

Rob & Angelia Palahunik
5536 52 Dr South
Lake Worth, Florida
Email: rpalahunik1@gmail.com
Phone: 561-310-6951





April 28, 2025

Palm Beach County Commissioners and Zoning Commission Staff

The following is my statement of record in opposition to the proposed Nash Trail development Project application name, Nash Trail Z/CA-2024-01593.

Attached to this communication are my responses, underlined and highlighted to the following:

- Z-CA 2024-01593 Nash Trail Conditions Exhibit C-1, C-2 and Conditions of Approval
 - Article 2 Application Processes and Procedures
-
- The listed acres do not match PBC records
 - The number of vehicles & children are just two examples of the gross misrepresentation by the applicant
 - Based on verified national statistics, the applicant has misrepresented to this board the number of students by 300%.
 - This misrepresentation constitutes a material defect in the application.
 - This board would be failing the taxpayers and residents of PBC by not recognizing the actual statistics of and the same development as the one proposed today. **See attached photos** It is disingenuous for the applicant to grossly underestimate the impact of the services of PBC that this development represents. **As the photos included** are of the same development by this applicant.
 - There is no statute that relieves this board of its obligation to do due diligence in the review of said application, and once alerted to the material defects of the application, there is no statute allowing the board to disregard.
 - WGI and Lennar to be more communitive with the abutting property owners and surrounding neighbors to come to a reasonable agreement for the Nash Trail development project.

Best regards,

Rob & Angelia Palahunik

5536 52 Dr South

Lake Worth, Florida

Email: rpalahunik1@gmail.com

Phone: 561-310-6951

Exhibit C-1 - Conditions of Approval

Official Zoning Map Amendment- Conditional Overlay Zone

ENVIRONMENTAL

- 1. All existing native vegetation within the three Tree Preservation Areas as depicted on the Subdivision Plan shall be preserved and maintained in perpetuity. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
- 2. Prior to final approval by the Development Review Officer (DRO), a Tree Preservation Area Management Plan shall be provided to ERM for review and approval for Tree Preservation Areas 1, 2 and 3 as depicted on the Subdivision Plan. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT- Environmental Resources Management)
- 4. Tree Preservation Areas 4 to be added to NE dry retention area-area, of parcel 00-42-44-35-00-000-5410

DISCLOSURE

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

Exhibit C-2 Conditions of Approval

Class A TDR

ALL PETITIONS

1. The approved Preliminary Subdivision Plan is dated February 13, 2025. 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. (ONGOING: ZONING - Zoning)

ENGINEERING

1. This Development Order is based upon an approved Traffic Study projecting a Build-out date of December 31, 2028. No Building Permits for the site may be issued after December 31, 2027, unless the site meets the Build-out requirements pursuant to Art. 12, or the Build-out date is revised through a time extension pursuant to the requirements of Art. 2.E of the Unified Land Development Code. The County Engineer may approve an Art. 2.E time extension to the build out date based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (DATE: MONITORING-Eng)

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2. The Property Owner shall improve Nash Trail from 52nd Drive South to Haverhill Road in accordance with Palm Beach County's Land Development Design Standards for a Local Street, or as approved by the County Engineer.

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

- a. a-Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
- b. Property Owner shall extend at their cost water and sewer services to south boundary parcel number 00-42-44-35-00-000-5070. on east sided of 52 dr S, this will eliminate pockets of well & septic, which PBC wants to eliminate.

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

3. The Property Owner shall improve 52nd Drive South from the intersection of Nash Trail to the project's entrance, and then transition to the existing road, and then continue improvement to south boundary of parcel 00-42-44-35-00-000-5410 and then transition to existing road, the way the application reads now what is left as unimproved road would be impassable by emergencies vehicles -in accordance with Palm Beach County's Land Development Design Standards for a Local Street, or as approved by the County Engineer.

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- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
- b. Construction shall be completed prior to issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

4. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

- a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)
- b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: MONITORING - Engineering)

5. Property Owner shall construct a minimum 5 foot wide concrete sidewalk along the west side of 52nd Drive South from Nash Trail to the terminus for 52nd Drive South. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. The sidewalk shall be completed prior to the issuance of the first certificate of occupancy. Property Owner shall erect a block wall and a berm around the entire project, the west and east boundaries to be heavily landscape with mature trees and bushes, Per Palm Beach County Codes. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (CO: MONITORING - Engineering)
No claim of infeasibility has been demonstrated by applicant to forgive them to fulfill the complete streets of PBC.

6. Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPMT: MONITORING - Engineering)

PLANNING

1. ~~4.~~ The subject request for 53 units with a 4-unit Workforce Housing Program (WHP) obligation was calculated based on Limited Incentive Development Option with the WHP units to be provided off-site utilizing the Exchange Builder option. A 39% (15du) WHP density bonus was utilized. Should a reduction in overall units occur, the WHP obligation may be reduced subject to a new analysis, and the timing mechanisms may be adjusted administratively accordingly. (ONGOING: PLANNING - Planning)

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2. The minimum exchange price for the Exchange Builder shall be 80 percent of the applicable In-Lieu fee in effect at the time of the Development Order for subject development which equates to \$380,352 (4WHP X \$118,860 for Townhome = \$475,440 total In-Lieu fee)X 0.80 = \$380,352 total exchange price for Exchange Builder). (ONGOING: PLANNING - Planning)

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3. Prior to the issuance of the first residential Building Permit, the Property Owner shall record in the official records of Palm Beach County a Notice of Disposition, in a form acceptable to the Palm Beach County Attorney. (BLDGPMT: MONITORING - Planning)

4. Prior to the issuance of the first residential Building Permit, the Property Owner shall submit all required documentation as described in Art. 5. G.1.C.4.b.2. regarding utilization of the Exchange Builder options: (1) the Exchange Builder has been engaged and has all applicable documentation completed with prior approval by the County Attorney and Planning Division; or (2) No Exchange Builder has been engaged, provision of a guarantee acceptable to Palm Beach County and approved by the County Attorney's Office, for an amount equal to 100 percent of the in-lieu fee. The Guarantee for Option 1, at 80% of the In-Lieu Fee, equates to \$380,352 (4WHP X \$118,860 for Townhome \$475,440 total In-Lieu fee X 0.80 = \$380,352). The Guarantee for Option 2, at 100% of the In-Lieu Fee, equates to \$475,440 (4WHP X \$118,860 for Townhome = \$475,440 total In-Lieu fee). (BLDGPMT: MONITORING - Planning)

5. Prior to the issuance of no more than 25 percent (13du) of the residential Building Permits, (Exchange Option 2) the Property Owner shall submit documentation regarding the engagement of the Exchange Builder. If an Exchange Builder is not engaged, the surety would be cashed out. (BLDGPMT: MONITORING - Planning)

6. Prior to issuance of no more than 25 percent (13du) of the residential Building Permits in the subject development, (Exchange Option 2) the Developer of the subject development shall have the option to replace the guarantee provided at first Building Permit with items meeting the requirements of Art. 5.G.1.C.4.b.2)d)(1). If, at 25 percent of Building Permits, the required information has not been provided or is not approved by the County Administrator or designee, the developer may pay the full In-Lieu fees of \$475,440 (4WHP X \$118,860 for Townhome = \$475,440 total In-Lieu fee), and if not Palm Beach County shall file a claim against the guarantee for 100 percent of the in-lieu fees. Prepayment of the In-Lieu fee by the Developer shall not be allowed. The Site Plan and other appropriate document(s), as determined by the Planning Director or designee, shall be amended to reflect the number of WHP units, including the number in each applicable WHP income category, to be located on the Exchange Project(s). (BLDGPMT: MONITORING - Planning)

7. Per Art. 5. G.1.C.4.b.; Since the subject site is Fee Simple Townhomes, the WHP obligation shall be 1.5 times the number of WHP units required, should any required WHP units be provided offsite as rentals. (ONGOING: PLANNING - Planning)

8. Prior to issuance of the first residential Certificate of Occupancy (CO), the Site Plan and other appropriate documents shall be modified to include the Official Record Book and Page of the recorded Documents, the name of the Off-Site Project(s), the total number of WHP units, the number in each applicable WHP income category and provide a copy of the revised Site Plan to Planning. (CO: MONITORING - Planning)

There is no provision in the PBC codes to use WFH to increase density & zoning and then payoff and then not build the WFH. Everything that is done here has to be done per existing statutes, there is no statute that allows for using WFH for the purpose of rezoning and increasing density, and payoff and not build. This is tanamonut to buying rezoning and buying density. This subverts the goal of WFH and allows an applicant to subvert goal of WFH with money.

The applicant has misrepresented to this board the square footage available. The applicant/owner has gone as far as taking an affidavit an indicated more acres than is available. This misrepresentation constitutes a material defect in the application.

There is no statue that relives this board of its obligation to do due diligence in the review of said application, and once alerted to the material defects of the application, there is no statute allowing the board to disregard.

;

SCHOOL BOARD

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

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board)

COMPLIANCE

1. 1-In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

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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: MONITORING - Zoning)

Compatibility with Surrounding Uses- All of PBC surrounding uses are single family units, not multifamily townhomes. The applicant can't allege a consistence with zoning in another city.

DISCLOSURE

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

Exhibit D - Project History

Application No.	Title & Request	Resolution	Decision	Approval Date
Z-1978-00229	Title: Official Zoning Map Amendment Request: Rezoning from AG-Agricultural District to RE-Residential Estate District	R-1978-01593	Approved As Amended	11/30/1978

Application Nash Trail Z/CA-2024-01593

Imene Haddad

Senior Site Planner PBC

Unanswered Questions for Proposed Development

1. 50 ft ROW as shown on site plan vs 60 ft as dictated by PBC?
2. How is the unimproved road that gets rutted to be improved?
3. What are the plans for water & sewer for 52 Dr s?
4. What are provisions for the 106 plus cars that will use 1000 feet of road with the new PUD?
5. How is the Dr Horton community of 466 plus cars, that is several hundred feet away from this proposed entrance going to work?
6. What are the provisions for Berm & Walls around proposed development? What is county requirement?
7. What is justification for shoehorning in Townhomes between 2-5 acres Equestrian/Estate homes?
8. What are the provisions for truck traffic? County would be delinquent in not figuring services vehicles trips.
9. Proposed daily trips at a minimum of 1,144 trips, that is just two trips a day car only?
10. Where is approval of the development with its constraint for firetrucks and fire safety, trucks will be forced to use this dirt road sometimes seasonally impassable on certain times of the year.

These are just a few questions that we would like to have clarified. Please respond in writing, to better help us understand this position.

Robert & Angelia Palahunik

5536 52 Dr South

Lake Worth 33463

561-310-6951 mobile

Cc: JGFlores@pbc.gov

William & Debinique Sadler
Sadler Family Trust
5319 Oldsmobile Drive
Lake Worth, Florida 33463

April 28, 2025

To: Palm Beach County Commissioners and Zoning Commission Staff

Re: Letter of Opposition
Nash Trail Development Project
Project Application: Nash Trail Z/CA-2024-01593

Dear Zoning Commission Members:

The following represents our formal opposition of the proposed Nash Trail Development Project. We are the owners of the 5319 Oldsmobile Drive in Lake Worth, Florida. Our 3-acre property abuts the proposed Nash Trail project to the west extending from Oldsmobile Drive to the north limits of the proposed development. We purchased our property, we refer to as the “Ranch”, in 2009 for the primary purpose of raising and training horses for our family along with other farm animals. We originally were seeking property in the Loxahatchee area as we were unaware such a unique tract of land existed this far east in Palm Beach County. We immediately fell in love with the property as it was of the size we were seeking, very private and surrounded by tall trees and other mature vegetation trees and was close to shopping and restaurants. The property was situated at the terminus of Oldsmobile Drive and bordered to the west by a single-family estate style home and to the east by both by a single-family home and commercial landscape property, the proposed location of the Nash Trail project.

We understand that when the County review and considers a project for rezoning there are certain Standards that must be met. If a project fails to meet any of these Standards it shall be deemed adverse to the public interest and shall not be approved. One of the Standards is as follows:

Compatibility with Surrounding Uses

The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. [Ord. 2007-001]

Our property is zoned AR, Agricultural Residential District. By County definition, AR Zoning is as follows:

AR, Agriculture Residential District The AR district is to protect and enhance the rural lifestyle and quality of life of residents in areas designated rural residential, to protect watersheds and water supplies, wilderness and scenic areas, conservation and wildlife areas, and to permit a variety of uses that require non-urban locations but do not operate to the detriment of adjoining lands devoted to rural and residential purposes.

We formally object to the project as the proposed 53-Unit Nash Trail townhome development is not consistent with the uses and character of the land surrounding the proposed project. It will totally impact the rural lifestyle of adjacent properties and quality of life for us and my neighbors to the

Letter of Opposition
Nash Trail Development Project
Project Application: Nash Trail Z/CA-2024-01593
Page Two

south and west. It will destroy the very mature vegetation, have extensive impacts to the environment and disrupt existing wilderness.

We, as abutting neighbors to this multi-family community, insist on the following:

- Lower density of residential units.
- Preservation of more trees and vegetation.
- A concrete, not plastic, 6' high privacy wall bordering our property and the development for security purposes. The wall should be decorative and have thick and dense landscaping.
- Water and sewer service (at the developer's cost) extended to the east side of Oldsmobile Drive.

Best regards,



William & Debinique Sadler
Sadler Family Trust
5319 Oldsmobile Drive
Lake Worth, Florida 33463
wtS@seadiv.com
561-441-2521