CITY OF PALM BEACH GARDENS
DEVELOPMENT APPLICATION

Planning and Zoning Department
CITY OF PALM BEACH GARDENS
10500 North Military Trail
Palm Beach Gardens, FL 33410
(561) 799-4243 Fax (561) 799-4281

Request:
☑ Planned Community Development (PCD)
☐ Planned Unit Development (PUD)
☐ Amendment to PCD, PUD or Site Plan
☐ Conditional Use
☐ Amendment to the Comprehensive Plan
☐ Administrative Approval
☐ Administrative Appeal
☐ Annexation
☐ Rezoning
☑ Site Plan Review
☐ Concurrency Certificate
☐ Time Extension
☐ Miscellaneous
☐ Other

Date Submitted:

Project Name: Avenir Site Plan #3 (Pods 6, 7 & 8) site plan review

Owner: Avenir Development, LLC

Applicant (if not Owner): Same

Applicant’s Address: 550 Biltmore Way, Suite 1110 Telephone No. (305) 461-2440

Agent: Urban Design Kilday Studios, Ken Tuma, Managing Principal

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

Agent’s Mailing Address: 610 Clematis Street, #CU-02, West Palm Beach, FL 33401

Agent’s Telephone Number: (561) 366-1100

FOR OFFICE USE ONLY

Petition Number: Date & Time Received: ____________________________
Fees Received

Application $ Engineering $
Receipt Number: ____________________________
Site Information:  
Note: Petitioner shall submit electronic digital files of approved projects. See attachment for details.

General Location: One mile east of Seminole Pratt-Whitney Rd. on north side of Northlake Blvd.

Address: 12001 Northlake Boulevard

Section: See attached  Township: 41, 42  Range: 41

Property Control Number(s): See attached

Acreage: 4,762.9 ac  Current Zoning: MXD PCD  Requested Zoning: MXD PCD

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

Current Comprehensive Plan Land Use Designation: MXD

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

Proposed Use(s) i.e. hotel, single family residence, etc.: N/A

Proposed Square Footage by Use: N/A

Proposed Number and Type of Dwelling Unit(s) i.e. single family, multifamily, etc. (if applicable): Not applicable
Justification

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

1. Explain the nature of the request: The Applicant is seeking site plan approval for Site Plan #3, which consists of Pods 6, 7, & 8. A total of 393 single family homes are proposed within the site plan.

Please see the Project Narrative for additional information.

2. What will be the impact of the proposed change on the surrounding area?

No proposed change in the development program with this request. As such, the request will not create any additional impacts to the surrounding area. Please see the attached Project Narrative for additional information.

3. Describe how the rezoning request complies with the City's Vision Plan and the following elements of the City's Comprehensive Plan - Future Land Use, Transportation, Housing, Infrastructure, Coastal Management, Conservations, Recreation and Open space, Intergovernmental Coordination and Capital Improvement.

Not applicable as this is not a rezoning request.
4. How does the proposed project comply with City requirements for preservation of natural resources and native vegetation (Section 78-301, Land Development Regulations)?

The 2,407-acre Avenir Conservation created through the adoption of Resolution 4, 2016. This request does not change the approved Conservation area.

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

Art in Public Places requirements will be addressed during the applicable site plan application.

6. Has project received concurrency certification?

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

Date Received: May 5, 2016

Legal Description of the Subject Property

(Attach additional sheets if needed)

Or see attached deed for legal description.

Location

The subject property is located approximately __ mile(s) from the intersection of __________

Pratt-Whitney & Northlake Blvd., on the ☑ north, ☐ east, ☐ south, ☐ west side of __________

Northlake Boulevard __________________________ (street/road).
Statement of Ownership and Designation of Authorized Agent

Before me, the undersigned authority, personally appeared Virginia Cepero, VP of Avenir Development LLC who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.

2. That he/she is requesting Site Plan Review of Avenir Site Plan #3 in the City of Palm Beach Gardens, Florida.

3. That he/she has appointed Ken Tuma of Urban Design Kilday Studios to act as authorized agent on his/her behalf to accomplish the above project.

Name of Owner: Avenir Development, LLC

Signature of Owner: Virginia Cepero

Address: 777 S. Flagler Drive, Suite 500 E

Street Address:

P. O. Box

(305) 562-7545

Telephone Number

mmato@waterstonebuilders.com

E-mail Address:

Sworn and subscribed before me this 4th day of January, 2019.

Notary Public

My Commission expires:

October 30, 2019
Applicant's Certification

I/we affirm and certify that I/we understand and will comply with the land development regulations of the City of Palm Beach Gardens, Florida. I/We further certify that the statements or diagrams made on any paper or plans submitted here with are true to the best of my/our knowledge and belief. Further, I/we understand that this application, attachments, and application filing fees become a part of the official records of the City of Palm Beach Gardens, Florida, and are not returnable.

Applicant is: 

[Signature of Applicant]

Owner

Ken Tuma, Urban Design Kilday Studios

Print Name of Applicant

Optionee

610 Clematis Street, #CU-02

Street Address

Lessee

West Palm Beach, FL 33401

City, State, Zip Code

Agent

(561) 366-1100

Telephone Number

Agent

(561) 366-1111

Fax Number

ktuma@

E-Mail Address
Financial Responsibility Form

The owner understands that all City-incurred professional fees and expenses associated with the processing of this application request are ultimately the responsibility of the owner. A security deposit shall be deposited in an interest-bearing account with any accrued interest to be retained by the City of Palm Beach Gardens.

The owner and/or designee shall be invoiced on a monthly basis for professional fees such as, but not limited to, consultant engineering services, legal services, advertising costs, and/or any other costs attributable to the processing of the permit for which the City incurred during the previous month. The owner and/or designee shall reimburse the City within thirty (30) days from date of invoice. If payment is not received, the City may utilize the security deposit for reimbursement purposes. All activities related to the pending permit(s) will cease until any outstanding invoices are paid.

The owner/designee further understands that transfer of this responsibility shall require a completed form, signed and notarized by the responsible party, and delivered to the City Planning and Zoning Department if the name and/or address of the responsible party changes at anytime during the approval review process.

Virginia Cepero, Vice President, Avenir Development, LLC  
Owner printed name

DESIGNEE/BILL TO:  
Avenir Development, LLC

550 Biltmore Way, Suite 1110  
Coral Gables, FL 33134

NOTARY ACKNOWLEDGEMENT

STATE OF Florida  
COUNTY OF Miami-Dade

I hereby certify that the foregoing instrument was acknowledged before me this ____________ day of January ____________, 2019, by Virginia Cepero._____________. He or she is personally known to me or has produced ____________ as identification.

Notary public signature

Printed name

State of Florida at-large  
My Commission expires: 10/30/2019
REQUEST

Avenir Development, LLC, the owner of the approved Avenir Planned Community Development (PCD), is requesting approval of proposed Site Plan #3, which consists of 391 single family homes located within three pods directly north and west of the approved Avenir Site Plan #2 (age-restricted community) and north of the project’s Economic Development parcel.

The proposed residential Site Plan #3 consists of a total of 391 residential dwelling units on approximately 152.55 gross acres. The net density for the Site Plan #3 will be 3.42 dwelling units per acre (391/114.47 net acres). Please note that this site plan approval request is consistent with the Avenir PCD approval and with the overall approved density of 0.81 unit per acre. The site plan also includes an extension of the approved Master Drainage Lake #5 and Coconut Boulevard Extension (Spine Road #2).

The requested three pod which comprise Site Plan #3 are:

- Pod 6: 245 homes on 50’ x 130’ lots
- Pod 7: 48 homes on 70’ x 130’ lots
- Pod 8: 98 homes on 70’ x 130’ lots

As indicated above, the proposed residential lots meet or exceed the minimum lot requirements of the Avenir Development Standards. The proposed development plans meet and exceed all open space, landscaping, and park requirements for the residential portion of the PCD.

One waiver from the City’s requirements is part of this request. The requested waiver would allow for the 3-foot clear area from mechanical equipment locations be provided on one side of the proposed home.

LOCATION

Avenir is generally located in northeastern Palm Beach County within the municipal limits of the City of Palm Beach Gardens and is approximately 4.5 miles in its longest dimension (north-south), and 2.5 miles in its widest dimension (east-west). The site has been given a situs address of 12001 Northlake Boulevard. The list of property control numbers by which the Property Appraiser’s office identifies the property is included as part of the City’s Development Application.

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

The table below summarizes the existing Land Use designation, Zoning designation, and use of the surrounding properties.
### EXISTING ZONING AND LAND USE DESIGNATIONS

<table>
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<th>DIRECTION</th>
<th>EXISTING USE</th>
<th>ZONING</th>
<th>LAND USE</th>
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<td>PCD (MXD)</td>
<td>Mixed Use (MXD)</td>
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<tr>
<td>South</td>
<td>Parcel A (Residential)</td>
<td>PCD (MXD)</td>
<td>Mixed Use (MXD)</td>
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<td></td>
<td>Parcel C (Economic Development Parcel)</td>
<td>PCD (MXD)</td>
<td>Mixed Use (MXD)</td>
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<td></td>
<td>Pod 5 (Site Plan #2 – 469 Age-Restricted units)</td>
<td>PCD (MXD)</td>
<td>Mixed Use (MXD)</td>
</tr>
<tr>
<td>East</td>
<td>Conservation Area</td>
<td>PCD (MXD)</td>
<td>Mixed Use (MXD)</td>
</tr>
<tr>
<td></td>
<td>Pod 5 (Site Plan #2 – 469 Age-Restricted units)</td>
<td>PCD (MXD)</td>
<td>Mixed Use (MXD)</td>
</tr>
<tr>
<td>West</td>
<td>Coconut Boulevard &amp; Parcel A (Residential)</td>
<td>PCD (MXD)</td>
<td>Mixed Use (MXD)</td>
</tr>
</tbody>
</table>

### HISTORY

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

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

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

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

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

On January 10, 2019, the City Council adopted Resolution 3, 2019, which adopted Site Plan #1, which consists of 416 single-family homes on approximately 230.49 acres. In June 2019, the City
Council adopted Resolution 38, 2019 which approved the site plan for the Avenir Clubhouse and recreation area.

**SITE PLAN ANALYSIS**

As indicated above, Site Plan #3 will be comprised of three pods totaling 114.35 net acres and 391 single family lots. The subject parcels are connected a new access road which intersects with the Coconut Boulevard extension (Spine Road #2), which will feature a 12-foot wide multi-use pathway, an 8-foot wide sidewalk and a designated bicycle lane.

With this site plan, Coconut Boulevard is proposed to be constructed from the roundabout to a new access roadway, which will provide access to Pods 6, 7 and 8. The roadway will be constructed prior to the issuance of the first Certificate of Occupancy within the proposed site plan. The access road will have a minimum 80-foot wide cross-section which incorporates two lanes of travel, any turn lanes, 8-foot wide sidewalks on both sides and landscaping.

The landscaping at the intersection of Coconut Boulevard features Wild Date Palms with 12’ of clear trunk and multi-trunk Japanese Privet that are 10 feet in height at both ends of the median. A grove of Coconut Palms with 15-20 feet of grey wood sits in the center of the median. Triple Alexander Palms 12 feet of clear trunk occur along each side of the entry. Shrubs (Ixora, Split Leaf Philodendron, Variegated Schefflera, Red Tip Cocoplum, Variegated Pittosporum), ornamental grasses (Variegated Flax Lily, Muhly Grass, African Iris), and groundcovers (Green Island Ficus, Wax Jasmine, Dwarf Oyster Plant, Annuals) are proposed along both sides and within the median. A mix of Sabal Palms, Southern Live Oak, Gumbo Limbo, Jacaranda, Pigeon Plum, line the roadway as one drives further into the site. When the roadway crosses over Master Drainage Lakes #6 and #7, a mature canopy of specimen Live Oak and Gumbo Limbo trees with a dense understory (Dwarf Firebush, Horizontal Cocoplum, Florida Sword Fern, Blue Daze) create a park-like setting on both sides of the road.

Each of the pod entries are proposed to have a gated entry, which will have Click2Enter and Knox Key switches for public safety access.

Site Plan #3 provides 40% open space, while 35% is required. No architectural models are proposed at this time. The models will be submitted to the City for its review and approval at a future date. The proposed landscaping plan for Site Plan #3 exceeds the required number of landscape points by 71% (61,667 landscape points required; 105,503 points provided).

The following project elements will be constructed within Site Plan #3: Pod 6, 7, and 8; associated lakes; Coconut Boulevard extension (Spine Road #2), and associated buffers, from the roundabout intersection with Avenir Drive (Spine Road #4); and the expansion of the approved Master Drainage Lake #5.

Master Drainage Lake #5 was originally approved with the approval of Site Plan #2 (Pod 5), which was adopted through Resolution 67, 2018. With this request, the northern “middle” finger of Master Drainage Lake #5 is proposed to be amended to accommodate two land bridges connecting Pod 6 with Pod 8 and with the Site Plan #3 access road. As a result, Master Drainage
Lakes #6 and #7 were created. This lake system is interconnected and will have outfall to the Avenir Pump Station location northwest of Pod 7.

For each of the pods, the following site plan analysis is provided.

**Pod 6**

Pod 6 is proposed to include 245 single family lots on 64.48 acres located directly south and west of the Conservation Area and west of the northern portion of Site Plan #2 (Pod 5). The parcel will feature minimum 50 foot by 130 foot lots in a gated neighborhood and a centralized 1.41-acre park, which is located within a ¼ mile of each of the proposed lots. Within the parks, walking paths, trellis features, mail kiosk, playground equipment, trellis features with swings, dog waste stations, bicycle racks, shade trees and open play area have been provided. In addition, two trailhead connections have been provided to the future trailway system within the project’s large conservation area.

At the eastern portion of Pod 6, the site plan abuts the approved plan for Pod 5 (Site Plan #2). In this area, Pod 5 provides for a 12-foot wide landscape buffer with a six-foot high post and panel wall. With the design of Pod 6, another 12-foot wide landscape buffer has been provided. With this addition, a total of 24 feet of landscape buffer will exist between the Pods 5 and 6. The 6-foot high wall is proposed to be located at the top of a 3-foot high berm. Four-foot high aluminum fences are proposed at the rear of each lot adjacent to this buffer. In addition, the buffer will be planted with Live Oaks, Southern Magnolias, Sabal Palms, Saw Palmetto and a Clusia hedge.

Florida Royal Palms with 17 feet of clear trunk and Japanese Privet that are 6’ in height will be provided along the parcel’s entry drive. Within the entrance median, there are Medjool Date Palms with 20 feet of clear trunk and Japanese Privet that are 6’ in height. Red Tip Cocoplum, Variegated Schefflera, Red Sister Ti Plants, Podocarpus Pringles, and/or Annuals add a colorful understory in both areas. East Palatka Holly, 12 feet in height at planting and up to 30 feet at maturity, are proposed for the pod’s street trees. 38.3% of the Pod 6 site plan will be open space, while 35% is required. Within Pod 6, the required landscape points have been exceeded: 31,745 points required and 46,171 proposed.

The following is a site plan analysis for Pod 6:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Avenir Design Standards</th>
<th>Proposed</th>
<th>Consistent?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Setback - Front-Loaded Garage</td>
<td>15 feet 20 feet</td>
<td>15 feet 20 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Side Setback</td>
<td>5 feet</td>
<td>5 feet</td>
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<td>Side Street Setback</td>
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<td>10 feet</td>
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<tr>
<td>Rear Setback</td>
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<td>10 feet</td>
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<td>Side Street</td>
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<td>10 feet</td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>5 feet</td>
<td>5 feet</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Minimum Lot Width | 50 feet | 50 feet | Yes
Maximum Lot Coverage | 55% | 55% | Yes
Minimum Open Space | 35% | 38.4% | Yes
Parks Requirement | 0.75 acres within ¼ mile of each lot | 1.41-acre park within ¼ mile of each lot | Yes

Pod 7
Pod 7 is proposed to include 48 single family lots on 16.40 acres located west of the approved Town Center District. The parcel will feature minimum 70 foot by 130 foot lots and a 0.76 park, which is located at the northwest corner of Pod 7. Within the park, walking paths, trellis feature with swing, bicycle racks, benches, shade trees and a shaded tot lot have been provided.

Triple-trunk Alexander Palms with 10 feet of clear trunk will be provided along the parcel’s entry drive. Medjool Date Palms with 20 feet of clear trunk and Japanese Privet that are 6 feet in height will be planted in the entry median. Muhly Grass and Annuals add a colorful understory in both areas. Southern Live Oak Trees, 12’ in height at planting and more than 40 feet at maturity, are proposed for the pod’s street trees. The required 15 foot width buffer will feature a canopy of Southern Live Oaks, Southern Magnolia trees, and Sabal Palms; a Cocoplum hedge; an understory of Saw Palmetto, African Iris, and Green Island Ficus; and a six-foot height wall. Pod 7 will have 51.5% open space, while 35% is required. Within Pod 7, the Applicant is providing 12,684 landscaping points while the requirement is 12,026 points.

The following is a site plan analysis for Pod 7:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Avenir Design Standards</th>
<th>Proposed</th>
<th>Consistent?</th>
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</thead>
<tbody>
<tr>
<td>Front Setback</td>
<td>15 feet</td>
<td>15 feet</td>
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<tr>
<td>- Front-Loaded Garage</td>
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<td>Pool/Screen Enclosure Setbacks:</td>
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<td>Minimum Open Space</td>
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<tr>
<td>Parks Requirement</td>
<td>0.75 acres within ¼ mile of each lot</td>
<td>0.76 acres within ¼ mile of each lot</td>
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</tr>
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</table>

Pod 8
Pod 8 is proposed to include 98 single family lots on 33.59 acres located northwest of the approved Town Center District. The parcel will feature minimum 70 foot by 130 foot lots and a 1.70-acre park area. The park is located within ¼ mile of each of the proposed lots. Within the
park, walking paths, bicycle racks, trellis features with swings, dog stations, benches, shade trees and open play area have been provided. Playground equipment has been provided within the southern portion of the park area within the pod.

Triple-trunk Alexander Palms with 10 feet of clear trunk will be provided along the parcel’s entry drive. Medjool Date Palms with 20 feet of clear trunk and Japanese Privet that are 6 feet in height will be planted in the entry median. Muhly Grass and Annuals add a colorful understory in both areas. Southern Live Oak Trees, 12’ in height at planting and more than 40 feet high at maturity, are proposed for the pod’s street trees. The required 15-foot wide buffer will feature a canopy of Southern Live Oaks, Southern Magnolia trees, and Sabal Palms; a Cocoplum hedge; an understory of Saw Palmetto, African Iris, and Green Island Ficus; and a six-foot height wall. Pod 8 will have 37.7% open space, while 35% is required. For Pod 8, 17,895 landscape points are required and the Applicant is providing 20,429 points.

The following is a site plan analysis for Pod 8:

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<thead>
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<td>Parks Requirement</td>
<td>0.75 acres within ¼ mile of each lot</td>
<td>1.70 acres within ¼ mile of each lot</td>
<td>Yes</td>
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</tbody>
</table>

**COMPLIANCE WITH AVENIR DEVELOPMENT ORDER**

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

- Condition #17 – Dedication of additional right-of-way for Northlake Boulevard. – The proposed dedication of this right-of-way is provided for within the Avenir Plat, which was approved in January 2019.
• Condition #26 – Surety required for referenced traffic signal improvements. – The performance security for the required traffic signal improvements will be provided prior to the first permit for vertical construction.
• Condition #28 – Dedication of sufficient property for roadway connections to Northlake Boulevard. – The referenced area has been identified for dedication on the approved Avenir Plat.
• Conditions #34 and 37 – Evaluating alternative mobility options. - A variety of mobility options have been provided within the proposed Avenir community. The Coconut Boulevard extension, which will connect Site Plan #3 to Avenir Drive and Northlake Boulevard, will feature 8-foot and 12-foot wide multi-use pathways. These pathways will accommodate pedestrians, joggers, bicyclists and golf carts. Within the proposed site plan, additional pathways and connections to adjacent public spaces have been provided on the revised site plan. These mobility options will help decrease automobile traffic within the Avenir community and surrounding roadways.
• Condition #35 – Updated traffic impact analysis with a cumulative total of approved trips prior to each site plan approval. – An updated traffic impact analysis has been provided with this application.
• Conditions #38, 39, 40 and 93 – Provisions for the requirements within the plat. – The Avenir plat was recently approved by the City Council. The approved plat identifies the conservation area, dedications to the City and future rights-of-way.
• Condition #45 – Environmental survey of subject site prior to land alteration. – An environmental survey of the Site Plan #3 will be provided prior to any land alteration of that area.
• Condition #47 – Removal of exotic species. – Prior to construction within the subject site, all exotics will be removed from the pod in conformance with the PCD development order.
• Condition #51 – Impervious surfaces to be minimized. – The design of Site Plan #3 has been created to provide a minimum of 40% of the site or 51.77 acres as open space. The City and project requirement for residential neighborhoods is 35% open space.
• Condition #53 – Submittal of Best Management Procedures to City prior to first infrastructure permit. – Agricultural uses within Avenir is being minimized as the project is being developed for the approved mixed-use community. The project’s environmental consultant created Best Management Procedures for the project. The Avenir Community Development District will manage and monitor the BMPs.
• Conditions #55 and 59 – Determination of adequate potable water allocation from Seacoast Utility Authority. – Previously submitted to the City files is the October 10, 2016 letter from Seacoast Utility Authority confirming sufficient potable water supplies for the project.
• Condition #56 – Treated wastewater effluent is preferred source of irrigation water. - SUA currently has no facilities in the area to provide reclaimed water. According to the provided letter from SUA, “If the project is ultimately connected to the Seacoast sanitary sewage system, the resulting reclaimed water can be applied off-site”. Irrigation water for the project will be provided from the on-site lake or from wells. No residential lots will have individual wells.
• Condition #61 – Soil treatment and stabilization required. – The Applicant acknowledges this requirement and will comply with all National Pollutant Discharge Elimination System requirements.
• Condition #62 – Incorporation of green building principles within proposed buildings. – Impact and energy-efficient windows will be used in all of the proposed models. Water-saving fixtures in the bathrooms and kitchens will also be used.
• Condition #64 and 65 – Police and Fire Rescue levels of service provision. – Letters seeking confirmation from the City’s Police and Fire Rescue departments have been requested. Copies of those letters are attached for you review.
• Condition #120 – Sign Program submitted to the City for review and approval prior to the first Certificate of Occupancy. – Signs for each pod will be provided to the City for its approval.
• Condition #121 – Gateway sign installation. – The required City Gateway sign will be constructed consistent with the approved timeframe within the PCD development order.

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

Waiver Summary Table

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<th>PBG Code Section</th>
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<td>Section 78-181 (c)(3)(c)</td>
<td>Mechanical equipment to provide 3 foot clear area</td>
<td>Mechanical equipment with .75 foot clear area and 5 foot clear area on opposite side of house</td>
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The following is an analysis of each of the waiver requests and evidence of compliance with each of the code-required waiver criteria.

Provision of 3-foot clear area on opposite side of the house
Section 78-181(c)(3)(c), Accessory Structures, requires mechanical equipment to be located adjacent to the principal structure, provide a minimum clearance of three feet around any accessory structures, and be screened from view of adjoining properties. The Applicant is requesting a waiver from the three-foot clearance portion of this requirement to provide a 0.75 foot clearance and a minimum of five feet on the other side of the house. The equipment is located immediately adjacent to the homes and will be screened from view by hedge. The use of the hedge will provide a minimum of 0.75 feet of clearance between the mechanical equipment and the lot line. The external mechanical equipment will always be provided on one side of the home, providing the required 5-feet of clear area on the opposite side of the house for rear yard access. As part of the justification for this waiver request, the Applicant has provided 105,503
landscaping points within the project while 61,667 points are required. The Applicant is providing 171% of the required landscape points for the project, which will be beautifully landscaped.

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

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

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

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

The purpose and intent of this Section 78-158 is to promote creative and innovative design through the planned development process. With the waiver request, the Applicant is able to provide an attractive, residential community within Avenir. Please note that the applicant is providing more than 71% additional landscaping points than what is required for this application. The requested waiver will allow each home to provide mechanical equipment on one side of the house and a 5-foot clear area for rear yard access of the other side of the house. As such, the waiver request is consistent with the purpose and intent of Section 78-158.

(3) The request is in support of and furthers the city's goals, objectives, and policies to establish development possessing architectural significance, pedestrian amenities and linkages, employment opportunities, reductions in vehicle trips, and a sense of place.

With the requested waiver, the Applicant will be creating a typical lot layout that features all the desired amenities while still providing the required rear yard access for maintenance. It should be noted that the proposed site plan provides more than 6 miles of sidewalks throughout the community. This emphasis on pedestrian use within the community will promote an active, healthy lifestyle and reduce vehicular trips inside the neighborhood.

(4) The request demonstrates that granting of the waiver will result in a development that exceeds one or more of the minimum requirements for PUDs.

Site Plan #3 exceeds several of the minimum standards including the provision of open space and landscaping points. The site is proposing 40% open space while 35% is required. In addition, the proposed landscaping within the project exceeds the City’s landscaping standards by 71%. The proposed waiver meets this criterion.
(5) The request for one or more waivers results from innovative design in which other minimum standards are exceeded.

The proposed Avenir Site Plan #3 employs various innovative techniques in its design, such as creation of large park areas, and enhanced pedestrian facilities. The request for the referenced waiver is consistent with these efforts. The waiver will allow each home to have a pool, large patio area, enhanced landscaping and mechanical equipment while still providing rear yard access for maintenance activities. The waiver will allow future homeowners to have the desired amenities associated with each lot.

(6) The request demonstrates that granting of the waiver will result in preservation of valuable natural resources, including environmentally-sensitive lands, drainage and recharge areas, and coastal areas.

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

(7) The request clearly demonstrates public benefits to be derived, including but not limited to such benefits as no-cost dedication of rights-of-way, extensions of pedestrian linkages outside of the project boundaries, preservation of important natural resources, and use of desirable architectural, building, and site design techniques.

As required by the City’s Comprehensive Plan, Zoning Code and the Avenir Design Standards, Site Plan #3 features a pedestrian-oriented environment which includes more than 6 miles of sidewalks. The sidewalks provide linkages to the trails in the adjacent Conservation Area and to the other pods within the Avenir community. The provision of these pathways will encourage walking within the neighborhood and reduce internal vehicular trips.

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

The requested waiver will only affect the internal lot layout within Site Plan #3. The subject mechanical equipment will be screened from view by a hedge. The proposed waiver will not adversely affect any uses located off of the subject lot.

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

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

(10) The request will be compatible with existing and potential land uses adjacent to the development site.
The requested Avenir Site Plan #3, including the lot layout, is compatible to the Avenir PCD Master Plan and Design Standards. The waiver request is similar to waivers granted within other neighborhoods within the City and within Avenir. As such, the request meets this criterion.

(11) The request demonstrates the development will be in harmony with the general purpose and intent of this section, and that such waiver or waivers will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare.

The waiver request will allow for the provision of an optional generator on a lot, which will provide a benefit to future homeowners in the time of adverse weather. The optional generator will help provide benefits to the public health, safety and welfare during storm events. While the generator and other mechanical equipment are being provided and screened from view, the required 3-foot clear zone for rear yard access has been maintained on the opposite side of the house.