

Hilltop Gardens Site Plan Approval / PUD Overlay Rezoning / Comprehensive Plan Map Amendment

Justification Statement

July 1, 2025

Introduction

Gardens Business Center, Palm Beach, LLC (“Owner”) owns vacant property immediately north of Northlake Boulevard along the future Congress Avenue extension. The Kolter Group, LLC (“Applicant”), as the contract purchaser of this property, envisions transforming the site into a vibrant multi-family residential community that aligns with the city’s goals for high-quality, sustainable development.

To realize this vision, the Applicant is requesting approval for a Planned Unit Development (PUD) overlay with an underlying Residential High (RH) zoning district. Additionally, the Applicant seeks a Comprehensive Plan “Small Scale” Map Amendment to re-designate the property’s Future Land Use (FLU) from Commercial to Residential High (RH). These changes will allow for the creation of a thoughtfully designed community that provides a diverse housing mix while contributing to the city’s vision for balanced growth and a strong sense of place.

Specifically, the Application consists of the following requests:

1. Planned Unit Development (PUD) Overlay Rezoning: Application to rezone the property to a Planned Unit Development (PUD) district.
2. Comprehensive Plan “Small Scale” Map Amendment: Application to change the Future Land Use of the Parcel 1 from Commercial (C) to Residential High (RH).
3. Site Plan Approval: Application for a new site plan to add 432 units.

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Fees

Application Request	Fee
PCD Overlay Rezoning	\$3,000.00
Site Plan Approval (SPA) in conjunction with rezoning for the same project	\$250.00
Comprehensive Plan "Small Scale" Map Amendment (CPMA)	\$1,500.00
Open Space CAD Review	\$300.00
Advertising Security Deposit	\$1,000.00
Engineering Security Deposit	\$1,000.00
Traffic Security Deposit	\$1,000.00
Legal Security Deposit	\$1,500.00
TOTAL	\$9,550.00

Location

The property is generally located north of the intersection of Northlake Boulevard and Congress Avenue. The property is bordered by the Seacoast Authority's utility plant to the north, mobile home park to the east, commercial retail building along Northlake Boulevard to the south, and the C-17 canal to the west. The maps hereto enclosed show the property and the areas subject to this request.

Land Use & Zoning

The property has a future land use designation of Commercial (C) and is within the Commercial General (CG-1) zoning district, although there is a concurrent application to amend the land use designation or

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Parcel 1 to Residential High (RH) with PUD Zoning Overlay. The following table shows the land use designations and zoning districts of the surrounding properties.

DIRECTION	PROPERTY	FUTURE LAND USE DESIGNATION	ZONING DESIGNATION
NORTH	SUA TREATMENT PLANT	P	P/I
SOUTH	WALGREENS/POLLO TROPICAL/AT&T PEP BOYS	C C	CG-1 CG-1
EAST	MOBILE HOME PARK	RHD (PBC)	RH (PBC)
WEST	C-17 CANAL	-	-

Project History

In 2009, the City Council approved Ordinance 24, 2009 to amend the City’s Future Land Use Map to designate a 23.16-acre parcel, known as Hilltop Gardens, a Commercial (C) land use. In addition to the foregoing, the City Council approved Ordinance 25, 2009 rezoning the parcel from Residential Medium (RM) to Commercial General (CG-1) zoning district. Prior to the aforementioned ordinances, the property was utilized as a mobile home park. The mobile homes have since been removed and the property is currently vacant.

A plat for this property was recently approved and recorded in response to the new Congress Avenue Extension and discussions with the City and Palm Beach County to provide right of way for the extension at no cost to either government. This allowed the extension to be built more expeditiously as it has long been desired by both City and County. A copy of the certified plat is included as a reference within this petition.

Project Description

The subject site, commonly known as Hilltop Gardens, is a 23.17-acre property located in the southeastern portion of the city. Previously functioning as a mobile home park, the site has been cleared of all mobile homes, providing an opportunity for redevelopment. The Applicant plans to utilize 17.64 acres, designated as Parcel 1, to construct 432 multifamily dwelling units, along with parking, landscaping, and associated amenities. An additional 2.12 acres of the property has already been dedicated to the proposed Congress Avenue extension. Parcel 2 is 3.41 acres and is reserved for future commercial development.

This centrally located site, positioned within the Northlake Boulevard corridor, offers excellent connectivity to I-95 and other major north-south arterial roadways, making it an ideal location for the proposed development. The mix of residential and commercial uses is designed to complement the surrounding community and businesses, fostering a dynamic and cohesive neighborhood.

The Applicant’s proposal aligns with the City’s Comprehensive Workforce Housing Program, originally established by the City Council on November 5, 2020, through the adoption of Resolution 66-2020. This program introduced a series of incentive-based strategies, prioritized for implementation, to address the growing need for affordable housing. In June 2023, the program was further strengthened by Ordinance 4-2023, which codified key incentives such as density bonuses, expedited permitting, and fee waivers, while

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also broadening the program's reach and impact.

In support of these ongoing efforts, the Applicant proposes to designate 12.5% of the project's units as workforce housing, helping advance the City's goal of fostering a balanced and inclusive community. Specifically, the developer commits to restrict 54 units for individuals and families earning up to 120% of AMI. This commitment directly contributes to addressing housing affordability and enhancing residents' quality of life.

The proposed project includes 432 dwelling units on 19.76 acres including the right of way dedicated at no cost for the Congress Avenue right of way per discussions with both the City and County, resulting in a calculated density of 22.98 dwelling units per acre (DU/AC), which is below the potential maximum allowable density of 23 DU/AC. This is calculated on the base density of 21 DU/AC outlined in Table 4A of Section 78-59 of the Workforce and Affordable Housing Program. Additionally, Table 13 of Section 78-154, which governs the PUD Overlay District, allows for up to two additional bonus DU/AC, providing a potential maximum density of 23 DU/AC.

As noted, for the purpose of this calculation, the Applicant proposes to include Parcel 1 (17.64 acres) and a portion of the Congress Avenue Right-of-Way (1.16 acres of the total 2.12 acres), totaling 18.70 acres. The density is therefore calculated as 432 dwelling units ÷ 18.70 acres = 22.98 DU/AC.

Section 78-59 Workforce and affordable housing program:

Eligibility. The development regulations set forth hereinbelow shall apply to all residential projects and residential portions of mixed-use projects utilizing any workforce and/or affordable housing density and/or height bonuses, or other workforce and/or affordable housing incentives. Projects seeking to utilize bonuses and/or incentives must satisfy the following eligibility criteria:

- 1. Eligible projects must provide a minimum of ten (10) or more workforce and/or affordable dwelling units.*

Response: The applicant proposes 54 workforce housing units, representing 12.5% of the total 432 units, exceeding the minimum requirement.

- 2. A minimum of ten percent of the total units proposed must be reserved as workforce and/or affordable housing units. Additional units may be provided for additional fee waiver incentive consideration, as set forth herein.*

Response: The applicant is designating 54 workforce housing units, exceeding the requirement of 12.5% of the total 432 units and contributing to the city's workforce housing goals.

- 3. The unit mix (one- bedroom units, two- bedrooms units, etc.) provided as workforce and/or affordable housing dwelling units shall be proportionate to the mix of market-rate dwelling units, which shall be set forth in the development order for the project.*

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Response: The applicant commits to providing a unit mix for workforce housing that is proportionate to the mix of market-rate units.

4. *Proposed units shall meet the following income qualification criteria:*
 - i. *Proposed workforce housing units shall be for households earning from 80 to 120 percent of the Area Median Income (AMI).*
 - ii. *Proposed affordable housing units shall be for households earning less than 80 percent of the Area Median Income (AMI)*

Response: The developer intends to restrict 12.5% of the 432 units—totaling 54 units—for individuals and families earning up to 120% of the Area Median Income (AMI) in Palm Beach County. These units will be designated as workforce housing.

Site Design, Access, and Landscape Design

Situated adjacent to the Northlake Boulevard corridor, this project is centrally positioned between the Atlantic coast and I-95, providing excellent connectivity to major regional transportation routes. The surrounding context includes the Seacoast Utility Authority wellfields and the Palm Beach Gardens public safety facility to the north, while Howell L. Watkins Middle School and the Lake Catherine Sports Complex lie to the west, across the C-17 canal. This location ensures accessibility and proximity to key community facilities and amenities.

Access and Circulation

The site is designed with three access points along Congress Avenue, matching with the fully permitted Palm Beach County construction plans for Congress Avenue dated July 2024. These access points will support efficient circulation for residents, guests, and emergency services. The centrally located main entrance serves as the primary point of access for both residents and visitors. At this entry, guests may park in the designated visitor lot to access the clubhouse or residents and visitors may enter through two secure gates.

Two additional gated entrances—situated to the north and south of the main entrance—are reserved exclusively for resident use. These entrances enhance convenience for residents while maintaining site security. Turnaround areas are provided at each gate to accommodate guests or others who are unable to gain access. All gates are equipped with Click2Enter and Knox Box systems, ensuring seamless access for emergency responders, including the Fire Department and Seacoast Utility Authority. Additionally, the northernmost entrance is designed to function as an emergency access point, further enhancing overall safety and site accessibility.

Parking and Waste Management

The site's parking areas are designed to accommodate residents' and guests' needs while integrating practical solutions for waste management. Each building's parking area includes a designated striped zone that will serve as a centralized location for trash pickup, bulk item disposal, and moving day activities for residents. This arrangement minimizes disruption and promotes efficient site operations.

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Engagement with the Canal

The building layout takes advantage of its location adjacent to the C-17 canal, with structures positioned close to the water to foster visual and physical engagement with the natural feature. This design decision enhances the overall aesthetic and functional integration of the site with its surroundings. To facilitate this layout, the applicant is requesting a waiver to reduce the rear building setback, allowing the development to create a more dynamic and connected relationship with the canal.

Landscaping and Amenities

The site design incorporates enhanced landscaping along the property boundaries to create a visually appealing buffer and maintain compatibility with adjacent land uses. Pedestrian pathways and thoughtfully placed community amenities further contribute to a cohesive and inviting environment. The clubhouse, located near the main entrance, serves as a central hub for residents, providing recreational and social opportunities to enhance the quality of life within the development.

Architecture

The architectural design of the project embodies the refined elegance of the British West Indies style, seamlessly blending traditional estate-inspired elements with a timeless and sophisticated appeal. This thoughtfully curated aesthetic celebrates superior craftsmanship and harmonizes effortlessly with the natural surroundings. The result is a community that radiates understated luxury, offering a serene and welcoming atmosphere while maintaining an air of exclusivity and elegance.

Clubhouse

At the heart of the development is a 10,000 square foot, two-story clubhouse, serving as the central hub for residents. The clubhouse is thoughtfully designed to include a range of amenities, such as a mailroom, leasing office, spacious lobby, state-of-the-art fitness center, and a modern co-working space. These amenities are carefully curated to meet the diverse needs of residents, offering spaces for recreation, work, and social interaction.

Residential Buildings

The residential component consists of five-story buildings, divided into three distinct architectural types: Type I, Type II, and Type III. These building types provide visual variety while maintaining a cohesive architectural language throughout the development. All three building types include an interior trash and recycling room, which is accessible to residents from inside the building and features direct exterior access for collection. Adjacent parking spaces have been designed to accommodate loading areas located directly next to these service rooms. Additionally, the Type II buildings include interior bicycle storage, with a total capacity of 68 bicycles split between the two buildings.

The unit mix is designed to cater to a wide range of lifestyles, with the following distribution:

- Studio units: 6%
- 1-bedroom units: 37%
- 1-bedroom + den units: 7%
- 2-bedroom units: 43%
- 3-bedroom units: 7%

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Overall, the architectural design combines functionality with aesthetic appeal, creating a high-quality living environment that enhances the development's value and reinforces its sense of place.

A maintenance building, identified as Building M, is located on the northern portion of the property. This building will be used by the property management team to store equipment, tools, and supplies necessary for ongoing maintenance, repairs, and the general upkeep of the community's facilities. It will also serve as a central hub for responding to emergencies such as power outages or equipment malfunctions.

Attached to the maintenance building is a bulk trash room, designated for the collection and temporary storage of large, non-organic waste items—such as bulk furniture and oversized household goods that cannot be accommodated in standard trash containers. This dedicated space will allow residents to properly dispose of these items, helping to maintain a clean, organized, and visually appealing development.

Lighting and CPTED

Lighting will be supplied in conformance with the LDRs. A photometric plan is included within the proposed project. The lighting plan addresses all vehicle use areas and pedestrian spaces included by the applicant's proposals. The color of the light will be in accordance with the recommendations of the City of Palm Beach Garden's Police Department.

Drainage/Utilities

Right-of-way runoff will be directed to on-site drainage infrastructure. Discharge will be accomplished through a control structure which outfalls into the C-17 canal which runs along the western boundary of the property. The proposed improvements fall within the wellfield protection zones. A wellfield protection zone map has been provided, refer to supporting document. According to this document the project is partially within Zone 1—4. As noted in the Unified Land Development Code Article 14, Chapter B – Wellfield Protection, Section 6(E)(2) *Exfiltration Systems – No new exfiltration system shall be constructed in Zone 1 or Zone 2 of a public drinking water wellfield.* The wellfield delineation of the three zones have been shown on the plans, refer to sheets C4.00, and C4.10-C4.17. Any exfiltration trench provided is being shown outside of Zone 1 and Zone 2.

An existing 36-inch drainage pipe, located within a drainage easement recorded in O.R. 465 PG 450, runs east to west, serving the community located east of the proposed commercial development site (folio number 52-43-42-18-29-002-0000). This easement is currently recorded as a 40-foot-wide easement.

Discussions have been held with Kathleen Farrell of the Palm Beach County regarding the potential to reduce the easement width to 20 feet and to reroute the drainage pipe. In an email dated November 20, 2024, Kathleen confirmed that Palm Beach County is amenable to reducing the easement to 20 feet. Additionally, separate correspondence confirmed that the pipe can be rerouted. To accommodate the proposed development, the pipe is planned to be rerouted south of the building located on the southwest corner of the site.

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Signage

The Applicant proposes one double-sided entry feature ground sign at the project’s main entrance, measuring approximately 8 feet in height and just under 11 feet in width. The architectural design of the signs is consistent with the overall aesthetic of the project and will feature internal illumination to ensure visibility and enhance the sense of arrival. A detailed sign design is included as part of the submitted petition.

Sec. 78-158.- Waivers to planned development district requirements.

TYPE	CODE	REQUIREMENT(S)	PROPOSED	DEVIATION
Rear Building Setback	78-141 Table 10	Rear Building Setback 20 Feet Plus One Foot of Each Building Height Greater Than 36 Feet	30 Feet	2 Feet
Ground Sign	78-285	Front landscaping minimum width shall not be less than height of sign	2-Sided Entry Sign: 8’ high sign; 3’ wide landscaping	2-Sided Entry Sign: 5’ landscaping width

Section 78-141 Table 10: Rear Building Setback

This waiver request seeks to reduce the rear building setback by 2 feet to facilitate a design that maximizes the functionality and aesthetic appeal of the development. By repositioning the buildings closer to the rear property boundary, the project enhances engagement with the adjacent canal, provides additional space for internal circulation, and incorporates improved pedestrian amenities. These design adjustments align with the city’s goals for high-quality development and demonstrate a commitment to creating a visually appealing, functional, and community-oriented project that offers significant public benefits while maintaining compatibility with surrounding uses.

Section 78-285(2)a: Ground Sign Landscaping

The proposal includes the installation of one two-sided ground sign at the main entry of the project, located within the central entry median on Congress Avenue. The sign enhances the project’s aesthetic appeal and complements the overall architectural design. The sign’s dimensions, copy area, and letter height all comply with Code requirements.

However, Section 78-285 of the Code requires that landscaping be installed in front of a ground sign with a minimum width equal to the sign’s height. Based on the sign’s vertical design, this would require 8 feet of landscaping in front of each side of the sign. Due to the sign’s location within a narrow street median, providing the full 8 feet on both sides is not feasible. Therefore, the applicant is requesting a waiver to reduce the required landscaping width from 8 feet to 3 feet in front of each side of the sign.

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(i) **Waiver Criteria.** A request for the city council to approve a waiver from one or more of the standards and requirements applicable to a planned development, PUD, or PCD shall comply with a majority of the criteria listed below:

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

Rear Building Setback: *The proposed waivers meet the intent of the code sections that Applicant seeks to waive. These requests are consistent with Policy 1.1.3.3 to ensure that the desired character of the community is enhanced on development sites. The waiver request is necessary to accomplish the redevelopment of this vacant parcel by creating an aesthetically-pleasing design and to ensure this unique use functions properly on this site.*

Ground Sign Landscaping: *Policy 1.1.3.1.h of the Comprehensive Plan encourages safe and convenient on-site traffic flow and vehicle parking. The proposed waiver is consistent with this policy, as the sign's design and placement provide clear identification and wayfinding for both vehicles and pedestrians, enhancing overall site navigation. Additionally, the location and architectural integration of the sign contribute to a cohesive and attractive site entry, reinforcing a strong sense of arrival that supports the project's overall design intent.*

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

Rear Building Setback: *The purpose and intent of this section is to encourage development within a PUD that is innovative and creative, and utilizes planning, design, and architectural concepts that will benefit the City. The waiver request to reduce the rear building setback by 2-feet will allow for engagement to the canal and additional open space internal to the project for plantings and circulation.*

Ground Sign Landscaping: *The proposed ground sign incorporates creative design elements and architectural detailing that enhance the project's overall character. The waiver request aligns with the purpose and intent of this section, which encourages innovative residential projects that reflect thoughtful planning, quality design, and architectural expression that benefit the City. The sign's strategic placement supports both wayfinding and safety for all visitors, while contributing to the visual appeal of the entry experience. The sign design is both creative and functional, and is consistent with the goals of this section.*

(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.

Rear Building Setback: *The request to reduce the rear building setback by 2 feet supports the city's goals, objectives, and policies by enhancing the development's architectural significance and engagement with the adjacent canal, creating a visually appealing and functional design. The adjustment allows for improved internal circulation and the inclusion of pedestrian amenities and linkages, which promote connectivity and encourage walkability.*

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Ground Sign Landscaping: The requested waiver aligns with the City's broader goals and policies by supporting architectural distinction, enhancing the pedestrian experience, and reinforcing a strong sense of place. The proposed ground sign features a unique vertical design that complements the project's architecture and establishes a clear sense of arrival and identity. Its placement within the main entry landscape median on Congress Avenue serves both pedestrian and vehicular site visitors and future residents.

The request to reduce the required front landscaping is driven by the creative vertical sign design and the site-specific constraints of its location within the entry median. Despite the reduced landscape width, the overall project advances pedestrian-friendly design through enhanced infrastructure, including an 8-foot-wide sidewalk with shade trees along Congress Avenue and a designated future Palm Tran transit stop along the project frontage. Internally, the site features paver crosswalks, an 8-foot-wide sidewalk along the detention area, and pedestrian connections leading to all on-site amenities. In addition, improvements are proposed to the existing crosswalks at the Northlake Boulevard and Congress Avenue intersection, including the installation of stamped asphalt to enhance visibility and pedestrian safety. These improvements contribute to a walkable, accessible environment that aligns with the City's goals for connectivity, mobility, and high-quality urban design.

(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.

Rear Building Setback: Granting the requested waiver to reduce the rear building setback by 2 feet will result in a development that exceeds the minimum requirements for PUDs by optimizing the site layout to provide enhanced pedestrian amenities and internal circulation. The waiver allows for improved engagement with the adjacent canal. Additionally, the design prioritizes connectivity, walkability, and a sense of place, contributing to a superior development standard compared to the baseline requirements.

Ground Sign Landscaping: The request supports the City's overarching goals, particularly those promoting architectural significance, enhanced pedestrian experiences, and a strong sense of place. The ground sign complements the architectural elements of the project and establishes a distinctive sense of arrival and identity. Its placement within the main vehicular landscape median on Congress Avenue serves both pedestrian and vehicular users effectively.

Although the request reduces the required landscaping in front of the sign, the overall development significantly exceeds minimum PUD requirements in other areas. These include an 8-foot-wide sidewalk with shade trees along Congress Avenue, an 8-foot-wide internal sidewalk along the detention area, paver crosswalks throughout the site, and sidewalks connecting all major on-site amenities. In addition, improvements are proposed to the existing crosswalks at the Northlake Boulevard and Congress Avenue intersection through the installation of stamped asphalt, further supporting pedestrian safety and connectivity. The project also identifies a future area for a Palm Tran transit stop along Congress Avenue. These features contribute to a walkable, well-connected, and thoughtfully designed community that goes above and beyond standard PUD criteria, supporting the justification for the requested waiver.

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(5) The request for one or more waivers results from innovative design in which other minimum standards are exceeded.

Rear Building Setback: The request to reduce the rear building setback by 2 feet exceeds other minimum standards by prioritizing pedestrian-oriented features and site functionality. This adjustment allows for better utilization of the site, including enhanced internal circulation and the creation of high-quality pedestrian amenities. It should also be noted that the north, west, and south landscape buffers exceed the minimum size and planting requirements.

Ground Sign Landscaping: The waiver request is a result of the project's overall innovative design approach, which exceeds several minimum development standards and significantly enhances the pedestrian experience both on and off site. This includes an 8-foot-wide sidewalk with shade trees along Congress Avenue, an 8-foot sidewalk running internally along the detention area, and paver crosswalks with connections to all on-site amenities. Additionally, the applicant is contributing to safety and mobility enhancements at the Northlake Boulevard and Congress Avenue intersection with stamped asphalt crosswalk improvements and has identified a future Palm Tran transit stop along the project frontage.

Collectively, these enhancements support the City's goals for mobility, connectivity, and high-quality urban design. The proposed ground sign complements these efforts by supporting clear wayfinding and a strong sense of place, further demonstrating that the waiver is justified by the project's commitment to design excellence and exceeding minimum standards.

(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.

Rear Building Setback: There are no natural resources on this vacant site. It should also be noted that the north, west, and south landscape buffers exceed the minimum size and planting requirements.

Ground Sign Landscaping: There are no natural resources on this vacant site. As part of the proposed improvements, a few existing oak trees and sabal palms are proposed to be relocated on site. Additionally, the landscape buffers along the north, west, and south property lines exceed minimum code requirements in both width and plant material.

(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.

Rear Building Setback: The requested reduction in the rear building setback by 2 feet provides several public benefits, including improved pedestrian connectivity through enhanced internal circulation and amenities that encourage walkability within the development. Additionally, the placement of buildings maximizes space for community-oriented features while maintaining architectural quality, contributing to the overall aesthetic and functional enhancement of the area.

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Ground Sign Landscaping: The proposed project provides clear public benefits, particularly through the inclusion of enhanced pedestrian amenities and linkages both within and beyond the project boundaries. These off-site improvements directly serve the public interest and promote greater connectivity and mobility in the surrounding area. Off-site, the project includes improvements along Congress Avenue, including the construction of an 8-foot-wide sidewalk with shade trees and the designation of a future Palm Tran transit stop. The applicant is also coordinating enhancements to the existing crosswalks at the Northlake Boulevard and Congress Avenue intersection, which will feature stamped asphalt for increased pedestrian visibility and safety.

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

Rear Building Setback: Sufficient screening and buffering measures are provided to ensure that adjacent uses are protected from any potential adverse impacts caused by the requested waiver. The landscape buffers along the south, west, and north boundaries have been widened, and the amount of landscaping in these areas has been increased to enhance privacy and aesthetic appeal. These improvements, combined with dense plantings and strategically placed vegetation, effectively screen the development while maintaining compatibility with surrounding uses and preserving the area's character.

Ground Sign Landscaping: The proposed reduction in landscaping in front of the ground sign has been carefully considered to ensure that no adverse impacts will result to adjacent uses. The sign is located within the interior landscape median and does not affect adjacent properties. Additionally, the applicant is enhancing the site's overall landscaping and buffering as part of a comprehensive landscape plan.

Along the south property line, widened landscape islands will accommodate large shade trees, strengthening visual screening. On the north side of the property, the plan includes native, water-tolerant plantings integrated into the detention area, which complement an 8-foot-wide pedestrian sidewalk. These improvements create an attractive and functional edge that contributes to both buffering and user experience. The waiver request supports an innovative sign design and strategic placement without compromising the intent of the Code to protect neighboring uses through sufficient screening and buffering.

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

Rear Building Setback: The waiver request is not based solely on economic reasons. This adjustment allows for the creation of a more functional and engaging site layout, enhancing connectivity to the adjacent canal, providing space for improved pedestrian circulation, and accommodating high-quality landscaping and public amenities.

Ground Sign Landscaping: This waiver request is based on the creative and thoughtful design of the proposed ground sign, as well as its strategic placement to enhance wayfinding and reinforce a strong sense of place. The request is not driven by economic considerations, but rather by the goal of delivering an engaging, functional, and aesthetically integrated signage solution.

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(10) The request will be compatible with existing and potential land uses adjacent to the development site.

Rear Building Setback: The proposal will develop an unsightly vacant parcel and will provide sufficient buffering techniques between it and the adjacent residential neighborhood. Due to other surrounding commercial and industrial uses, the proposed use is most compatible.

Ground Sign Landscaping: The waiver request is compatible with both existing and future surrounding land uses. The ground sign, supported by this waiver, enhances wayfinding and reinforces the overall identity of the site without creating any adverse impacts to neighboring properties. By improving safety, visibility, and site navigation, the sign contributes positively to the project's integration with the surrounding land use context and supports a cohesive, pedestrian-oriented environment.

(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.

Rear Building Setback: The waiver request is consistent with the general purpose and intent of these sections, which support the development of PUDs that are innovative and architecturally significant. The requested waiver will not be injurious or detrimental. On the contrary, it allows for a unique and high-quality use that will enhance the character of the area and benefit residents of the city.

Ground Sign Landscaping: This waiver request aligns with the intent of this section, which encourages residential projects that incorporate creativity, innovation, and thoughtful planning and design. The proposed ground sign reflects this vision through its distinctive design and integration with the site's architecture, helping to establish a strong sense of place and identity.

The waiver will not negatively impact surrounding areas or compromise public health, safety, or welfare. The sign's strategic placement enhances wayfinding and safety for all visitors, including future residents and guests who may be unfamiliar with the site. This approach supports a safe, functional, and visually cohesive development that is consistent with the city's long-term planning goals.

Planned Community Development (PUD) Overlay Rezoning and Comprehensive Plan Small Scale Map Amendment

Applicant is seeking a Comprehensive Plan Small Scale Map Amendment to change the existing Commercial designation to Residential High within Parcel 1. To be consistent with the new land use, the zoning district must be amended. Pursuant to Table 1-1 of the comprehensive plan, a rezoning from Commercial General (CG-1) to Planned Unit Development Overlay (PUD) would be in compliance with the consistency requirements of the city's comprehensive plan.

The proposed use for the property will comply with the LDRs and the comprehensive plan. The property will have access to the new Congress Avenue extension. Furthermore, the property will provide the

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requisite buffering between itself and the adjacent mobile homes and the anticipated buildings will be well in excess of the 75-foot minimum setback.

Sec. 78-154. - PUD—Planned unity development overlay district (PCD).

(a) Purpose and intent. The PUD planned unit development overlay district is established to permit and encourage more efficient and creative development or redevelopment of property; to encourage an economical and efficient arrangement of buildings; to provide maximum opportunity for application of innovative concepts of development in the creation of aesthetically-pleasing living, shopping and working environments on properties of adequate size, shape and location; to preserve the natural amenities and environmental assets of the land by encouraging the preservation and improvement of scenic and functional open areas; to provide architectural and design features which are aesthetically pleasing and supportive of an enhanced quality of life; provide one or more specifically-identifiable benefits to city residents; and to ensure that development occurs according to limitations of use, design, density, coverage, and planning as stipulated in an approved development plan. The PUD district is a flexible zoning district which is intended to provide an appropriate balance between the intensity of development and the ability to provide adequate capacity within the support service and facilities.

Response: The proposed development aligns with the composition and intent of the PUD overlay district by utilizing a master plan to guide the design and development of a cohesive and self-contained community. The project incorporates a mix of land use types and intensity levels, ensuring functionality and balance within the development. Thoughtful architectural and design elements have been integrated to create aesthetically pleasing spaces that enhance the quality of life for future residents and visitors.

(b) Land use. A PUD may be considered residential, commercial, professional office, industrial, or mixed use, dependent upon the underlying future land use plan designation.

Response: Residential and Commercial uses are proposed within the PCD.

(c) Zoning. Property shall be rezoned to both an underlying zoning district and a planned unit development overlay district. The underlying zoning district designation shall be consistent with the comprehensive plan. The PUD shall be developed consistent with the uses, property development regulations, and other standards applicable to the underlying zoning district. However, the city council may, as part of an overall PUD development order, establish use, property development, and similar regulations for a specific PUD. In that event, the requirements of the development order shall prevail over the underlying zoning district designation.

Response: The Residential High (RH) zoning district has been selected as the most appropriate underlying zoning classification for Parcel 1, given the proposed multifamily residential use. Parcel 2 will retain the CG-1 (General Commercial) zoning district to support future commercial development. Both zoning designations are consistent with the City's Comprehensive Plan and support the proposed Planned Unit Development (PUD) overlay.

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(d) *PGA Boulevard. All development along the PGA Boulevard corridor shall be rezoned to PUD or PCD, consistent with the PGA Boulevard corridor overlay zone of division 2 of article V.*

N/A

(e) *Permitted uses. Unless otherwise established by a PUD development order, the uses permitted in the PUD district shall be governed by the uses permitted in the underlying zoning district.*

Response: *The proposed uses are permitted within the proposed zoning districts.*

(f) *Unified control. All land included within a PCD or PUD shall be owned or under the control of the applicant. The applicant shall document unified control of the entire area within the proposed PUD. The applicant shall agree that the PUD will be developed in accordance with the master development plan approved by the city.*

Response: *The entire parcel is under common ownership.*

(g) *Density. The density permitted in a PUD district shall not exceed the allowable density permitted in the comprehensive plan. Residential densities permitted in a PUD shall comply with the standards provided below.*

1. *Residential PUD. Residential PUDs may comprise a mixture of residential dwelling unit types, limited to the maximum density set forth in Table 13, notwithstanding additional density bonuses as applicable in other sections of this code. The city council may approve the following bonus densities for areas developed as PUDs, as indicated in Table 13.*

Response: The property totals 19.76 acres, including the previously dedicated right of way (at no cost) for the Congress Avenue Extension. The proposed project includes 432 dwelling units. This results in a density of 22.98 dwelling units per acre (DU/AC), below the maximum permitted 23 DU/AC - a base density of 21 DU/AC as allowed under Table 4A of Section 78-59 (Workforce and Affordable Housing Program), plus up to two additional bonus DU/AC per Table 13 of Section 78-154 for PUD Overlay Districts. The project meets all applicable standards to qualify for the proposed bonus density.

2. *Density bonus. See section 78-59.*

Response: The proposed project is utilizing the density bonus provisions outlined in Section 78-59. A base density of 21 DU/AC is permitted under the Workforce and Affordable Housing Program, with an additional two bonus DU/AC allowed under the PUD Overlay District per Table 13. The resulting density of 22.98 DU/AC remains within the maximum allowable threshold and supports the provision of workforce and affordable housing consistent with the intent of the code.

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3. Commercial development in residential PUDs.
 - a. Limit. Not more than three percent of the gross land area of a residential PUD may be developed for development-serving commercial or office uses. Uses in residential PUD commercial areas shall be same as the permitted or conditional uses in the CN zoning district.
 - b. Building permits. Building permits shall not be issued for construction of any portion of a commercial structure in a residential PUD until at least 25 percent of the total number of dwelling units within the PUD are under construction. An applicant may request a waiver to reduce the required threshold for dwelling units under construction.
 - c. Location. Commercial development in residential PUDs shall be constructed in one or more locations that optimize availability to residents of the PUD. Commercial developments within a PUD shall be designated on the PUD master plan. The location of the commercial development is subject to the overall standards listed below.
 1. The size, intensity, and proposed uses within the proposed commercial development are appropriate as PUD-serving uses, and are not of a nature requiring a larger market area.
 2. The proposed commercial development may contain civic uses of a PUD-serving nature, including postal services, meeting facilities, recreation facilities, and administrative offices.
 3. The proposed commercial development site is not accessible from any public or private roads abutting the PUD.
 4. The proposed commercial development site is generally located at the center of a project.
 5. The proposed commercial development site is not visible from any public roads abutting the PUD.
 6. The proposed commercial development site is located approximately equidistant from dwellings to be located at the perimeter of the PUD.
 7. The proposed commercial development site is located at the intersection of two or more neighborhood collector or neighborhood-serving roads.
 8. The proposed commercial development site will not be advertised in any fashion on abutting public roads.
 9. The applicant may be required to provide a market study to demonstrate the restricted nature of the market area.

Response: While the specific amount of commercial development for Parcel 2 has not yet been determined, the intent is to develop a community-serving commercial use that supports the needs of the adjacent residential population. For planning purposes, a 35 percent lot coverage has been assumed. Any future development will comply with the permitted uses and development standards of the CG 1 zoning district, including regulations related to height, building coverage, and overall site design.

4. *Mixed use PUD.*

- a. *Establishment. Planned unit developments with an underlying mixed use future land use plan designation or more than one underlying future land use plan designation may be approved by the city council. Mixed use PUDs shall include a minimum of three types of land uses and shall be planned for a diversification of uses, structures, and open spaces in a manner compatible with surrounding land uses and development patterns. A single use shall not occupy more than 60 percent of the site area proposed for a mixed use PUD.*
- b. *Specific requirements. Requirements applicable to mixed use PUDs are established in [section 78-157](#).*
- c. *Density bonus. See [section 78-59](#).*

N/A

5. *Commercial recreation PUD. A PUD with an underlying commercial recreation future land use designation may be designed to accommodate major public and private commercial recreation facilities that meet a portion of the recreational need of residents and tourists. Uses permitted within this category include golf courses, outdoor and indoor recreational facilities such as tennis clubs, amusement and sports centers, outdoor amphitheaters, and outdoor wildlife attractions.*

N/A

6. *PGA Boulevard. Consistent with the PGA Boulevard planning and design regulations, all development along the PGA Boulevard corridor shall be restricted to promote and preserve the character of the corridor. The uses prohibited in the PGA Boulevard corridor overlay, as provided in division 2 of article V may not be waived by the City Council.*

N/A

7. *Development area. Minimum development sizes for PUDs are established in Table 14.*

Response: According to Table 14, the minimum development area for PUDs that include a commercial element is 20 acres. Our project exceeds this requirement.

8. *Building site size. There are no minimum building site size requirements for each individual structure proposed within the PUD development plan. However, open space shall be provided around each building to provide adequately for light, air, and proper relationship of the building to the site consistent with the level of service standards and policies set out in the comprehensive plan.*

Response: The proposed site plan provides ample open space around each building to ensure adequate light, air circulation, and appropriate spatial relationships between buildings and the surrounding site. The layout has been thoughtfully

designed to align with the level of service standards and policies outlined in the City's Comprehensive Plan, promoting a high-quality living environment while maintaining compatibility with the PUD framework.

9. *Building lot coverage. The maximum building lot coverage shall conform to the approved final PUD development plan.*

Response: The proposed project is well below the maximum permitted building lot coverage of 35%. The current design reflects a building lot coverage of only 16%, ensuring ample open space and demonstrating compliance with the City's development standards.

10. *Building height limit. The maximum building height in a PUD shall be established in the development order approved by the city council. Final determination of maximum building height shall consider the following:*
- a. the proposed uses of the structure;*
 - b. the bulk, mass, and context of adjacent structures or proposed structures;*
 - c. the compatibility with adjacent existing or proposed uses;*
 - d. the relationship to the adjoining uses and the surrounding development; and*
 - e. the provision of open space in the proposed PUD.*

Response: The proposed maximum building height for Parcel 1 (Residential Parcel) is 36 feet, and the proposed maximum building height for Parcel 2 (Commercial Parcel) is also 36 feet. Both heights are consistent with Section 78-1531, Table 12 of the City's Property Development Regulations for the CG-1 zoning district.

In determining the proposed height, the following considerations were addressed:

- **Proposed Uses:** The building heights are appropriate for the intended residential and commercial uses and support a balanced, human-scale development pattern.
- **Bulk, Mass, and Context:** The building massing has been carefully designed to remain compatible with adjacent development and surrounding context, particularly in height transitions and building orientation.
- **Compatibility:** The proposed heights maintain compatibility with both existing and anticipated adjacent uses, minimizing visual impact and ensuring a cohesive transition.
- **Relationship to Adjoining Uses:** The buildings have been situated and scaled to respect neighboring properties, with appropriate buffers and setbacks incorporated into the site design.
- **Open Space:** The project provides a significant amount of pervious area (40%) and incorporates meaningful open space through landscaped buffers, recreation areas, and pedestrian pathways, supporting the overall livability and visual appeal of the site.

These factors collectively support the proposed building heights and ensure the project is compatible with its surrounding context and consistent with the City's goals for PUD development.

11. *Setbacks required. The city council may impose appropriate setbacks along the perimeters of PUDs as a means to buffer the adjacent land uses. However, a setback shall be at least 20 feet for PUDs proposing commercial and industrial uses adjacent to lower intensity land uses such as, but not limited to, conservation, residential, recreational, and institutional uses.*
 - a. *Open space requirements. All residential and nonresidential PUDs shall provide, at a minimum, the open space required below.*
 1. *Residential PUDs: Forty percent of gross land area. The open space requirement for residential PUDs may be reduced to a minimum of 35 percent by the city council. The reduction may occur if at least 50 percent of the required open space consists of environmentally sensitive preserve areas or common open space; and*
 2. *Nonresidential PUDs: Fifteen percent of gross land area. The amount of required open space in a nonresidential PUD may be increased to a maximum of 25 percent, subject to the environmentally sensitive lands preservation requirements of division 4 of article V.*

Response: The project proposes 41% pervious area, which includes plantable green spaces, dry detention areas, and recreational spaces. In accordance with City code, 50% of these areas qualify toward meeting the open space requirements, supporting a well-balanced and integrated site design. Additionally, the project meets all required setbacks along the perimeter of the PUD and provides code-compliant landscape buffers to ensure compatibility with surrounding uses.

12. *Mixed use open space. The open space requirements of this section shall apply to the various parcels within a mixed use PUD. However, a minimum of 15 percent of gross land area shall be retained as open space within a mixed use PUD.*

N/A

13. *Open space determination. Open space shall be provided consistent with the requirements of [section 78-314](#).*

Response: Open space for the project is calculated and consistent with Section 78-314. The dry detention area is subtracted from the open space as permitted within this section.

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14. *Waivers. A development order application for a PUD may request one or more waivers from the standards applicable to the underlying zoning district, subject to the provisions of [section 78-158](#).*

Response: A waiver is requested for the rear building setback. Please see the waiver request within this narrative.

(h) Storage areas. The city council may allow PUDs to identify on the master PUD site plan a parcel or area to be established for residents to store boats, recreational vehicles, trucks, or similar items that normally cannot be parked or stored at a residence.

N/A

(i) Communication towers. Any PUD of 50 acres or more may, if so approved by the city council, allow for a potential communication tower site, to be identified on the master development plan of the PUD.

N/A

Conclusion

The proposed multi-family residential project is a thoughtfully planned development that aligns with the city's vision for balanced growth, housing diversity, and high-quality urban design. By incorporating the Planned Unit Development (PUD) overlay and seeking the Future Land Use (FLU) amendment, the project will transform a vacant property into a vibrant, inclusive neighborhood that enhances the surrounding area. With its strategic location, innovative site design, and commitment to workforce housing, the development will contribute meaningfully to the city's long-term goals for connectivity, sustainability, and livability. The Applicant looks forward to collaborating with the city to bring this transformative project to fruition.