

***Pod M-2, “Crossings” Site Plan Variance
Justification Statement
March 11, 2021***

Introduction

The Applicant is requesting approval of a variance to facilitate the site plan approval for Pod M-2, a residential pod located within the Residential 2 Land Use category, containing an R-2 zoning designation. Pod M-2 proposes 130 attached single family (townhome) units on 15.57 acres, and is centrally located within Westlake, adjacent to the future Town Center, east of Town Center Parkway South and north of Persimmon Boulevard East. The community will be known as Crossings of Westlake. Specifically, the applicant is requesting to exempt short dead-end vehicular alleys/courts from consideration as streets under Article 3.2.A.2.a of the Palm Beach County (PBC) ULDC Subdivision Code. The alleys/courts are primarily used as the means to access the attached single-family residences within the parcel. When excluding the alleys/courts, the percentage of streets onsite that contain dead ends is equal to 25%. This represents an overall increase of 5% above the maximum 20% requirement stated in Article 3.2.A.2.a. The total percentage comes from a singular street, Willow Creek Drive, which ends in a T-turnaround at the southern boundary, adjacent to Persimmon Boulevard East. (Please note that the access from Persimmon Boulevard East into the pod has been restricted due to the potential safety hazard posed by the proximity of the intersection.) A strict interpretation of the PBC ULDC Subdivision Code, which is applicable to the City of Westlake as no adopted subdivision code exists, considers the short vehicular alleys/courts as streets. When looking at alleys/courts in the perspective of Article 3.2.A.2.a of the ULDC, the percentage of streets in the pod that contain a dead end is equal to 77%. This equates to a 57% increase above the maximum 20% requirement.

Background

The Minto Westlake site is located East and West of Seminole Pratt Whitney Blvd., South of 60th Street North, and North of 50th Street N, East of Mead Hill Drive, and 44th Street North, East of 190th Terrace North and West of 140th Avenue North. Per the newly adopted Comprehensive Plan, the 3,788.60-acre property has FLUA designations of R1, R2, DTMU, Civic, OS&R and SE Overlay. To provide consistency with the Development Order and existing zoning, the plan states the FLUA designation as Agricultural Enclave. The property is currently in active construction.

Minto Westlake is roughly co-extensive with SID, a legislatively created special district with the authority to provide public infrastructure and services and to operate district facilities. SID provides drainage, water, and wastewater services for the subject property, and owns a canal right-of-way and/or easement for access and drainage from the subject site running approximately four miles south to the C-51 Canal.

Pod M-2 is located south of the future town center and the existing Westlake Adventure Park. Sky Cove, a single-family residential community exists to the east of Crossing within Pod M-1. The recently

approved Palm Beach County Tax Collector's Office exist on the west side of the community. Access to the site will be from Town Center Parkway South at the intersection Kingfisher Boulevard.

Historic and Recent Planning and Zoning Entitlements

On October 29, 2014, the property received approval from the Board of County Commissioners for a Comprehensive Plan Amendment (Ordinance 2014-030), Rezoning and Preliminary Master Plan (Resolution 2014-1646), and Requested Uses (Resolutions 2014-1647 and 1648).

Ordinance No. 2014-030 approved an amendment to the Comprehensive Plan for the site-specific Agricultural Enclave, including a Conceptual Master Plan and Implementing Principles. The Ordinance also made various text changes to the Plan related to the Agricultural Enclave Future Land Use. These Amendments were codified and are included as part of the Palm Beach County's Comprehensive Plan.

Resolution No. 2014-1646 approved the Zoning application for the Minto West Traditional Development District. The Resolution included rezoning the property from Agricultural Residential (AR) and Public Ownership (PO) Zoning Districts to the Traditional Town Development (TTD) Zoning District.

Resolution No. R-2014-1647 approved a Requested Use for a College or University to be located within the property.

Resolution No. R-2014-1648 approved a Requested Use for a Hotel to be located within the property.

The Board of County Commission approved a corrective resolution (No. R-2014-1892), which amended Engineering Condition E.9 of Resolution 2014-1646 to add "iii. Notwithstanding the foregoing, no connection of Persimmon Boulevard shall be made to 140th prior to the issuance of the 2700th dwelling unit permit."

On June 20, 2016, the City of Westlake became the 39th municipality in Palm Beach County.

On January 23, 2017, the City approved an amendment to the Final Master Plan (MPA-2016-01), which allowed minor adjustments to the pod boundaries and acreages of Pods F, P, Q, R, L, and PC-1, dwelling unit allocations, and rights-of-way.

On November 13, 2017, the City approved an amendment (MPA-2017-01) to the Final Master Plan, which allowed minor adjustments to the pod boundaries, acreages, and dwelling units of Pods R and Q. Eleven dwelling units were transferred from Pod R to Pod Q.

On March 12, 2018, Ordinance No. 2017-05 approved the adoption of the City of Westlake Comprehensive Plan and Future Land Use Map.

Ordinance No. 2018-04 approved an amendment to the City's interim Land Development Code to modify the TDD Block Dimensions and Street Design Standards.

Ordinance No. 2018-05 approved an amendment to the City's interim Land Development Code to modify the TND land use, general standards, lot size and setback regulations.

On April 4, 2018, Resolution No. 2018-12 approved the final plat for Town Center Parkway South, Phase II.

On May 14, 2018, Resolution No. 2018-11 approved the final plat for Town Center Parkway Phase II.

On July 3, 2018, Resolution No. 2018-14 approved the amended final plat for Town Center Parkway South, Phase II.

On July 3, 2018, Resolution No. 2018-15 approved the final plat for Ilex Way Phase 1.

On July 24, 2018, the City approved an amendment (MPA-2018-01) to the Final Master Plan, which allowed minor adjustments to the pod dwelling units of Pods M, P, R and U and to modify the pod boundaries of Pods P, R, S and U. Minor adjustments were also approved for the Pod acreages of Pods I, J and K.

On September 10, 2018, Resolution No. 2018-16 approved the final plat for the Meadows of Westlake Phase 1.

On September 10, 2018, Resolution No. 2018-20 approved the final plat for Del Webb at Westlake. This application has been formally withdrawn.

On September 24, 2018, Resolution No. 2018-24 approved the final plat for the School Site C-3.

On September 24, 2018, Resolution No. 2018-25 approved the final plat for Persimmon Boulevard East, Plat 2.

On October 8, 2018, Resolution No. 2018-28 approved the final plat for Waters Edge Drive.

On December 14, 2018, the City of Westlake approved an amendment (MPA-2018-02) to the Final Master Plan, which allowed minor adjustments to the pod dwelling units of Pods M, O, P, S and to modify the pod acreages of Pods M, P, S, PC-2, and PC-3.

On January 14, 2019, Resolution No. 2019-01 approved the final plat for Ilex Way II.

On January 14, 2019, Resolution No. 2019-02 approved the final plat for Ilex Way III.

On January 14, 2019, Resolution No. 2019-03 approved the final Packing House plat.

On January 14, 2019, Resolution No. 2019-04 approved the final plat for Cresswind 'Pod P'.

On March 11, 2019, Resolution No. 2019-07 approved the final plat for Meadows of Westlake Phase II.

On March 11, 2019, Resolution No. 2019-08 approved the final plat for Westlake Civic Tract.

Pod M-2 "Crossings" Variance Request
Justification Statement
March 12, 2021

On March 20, 2019, The City of Westlake approved an amendment (MPA-2019-01) to the Final Master Plan, which allowed minor adjustments to the boundaries, acreages and dwelling unit allocation in Pods P, S, and N.

On April 8, 2019, Resolution No. 2019-10 approved the final plat for Sky Cove Phase 1A (Pod M).

On April 8, 2019, Resolution No. 2019-11 approved the final plat for Sky Cove Phase 1B (Pod M).

On July 8, 2019, Resolution No. 2019-12 approved the final plat for 7-Eleven Gas Station.

On July 8, 2019, Resolution No. 2019-15 approved the Site Plan for 7-Eleven Gas Station.

On July 8, 2019, Resolution No. 2019-16 approved the Requested Use for 7-Eleven Gas Station.

On August 12, 2019 Resolution No. 2019-18 approved the Plat for Pod K.

On August 12, 2019, Resolution No. 2019-19 approved the Plat for Pod R (Meadows Phase 2).

On August 12, 2019 Resolution No. 2019-20 approved the Plat for Kingfisher.

On September 9, 2019, Ordinance No. 2019-06 established the Mandatory Signage Design.

On September 9, 2019, Ordinance No. 2019-07 established the Mandatory Landscaping Design and Buffers.

On September 23, 2019, Ordinance No. 2019-09 established Chapter 3 and Adopting of the Zoning Map.

On February 10, 2020, Ordinance No. 2019-10 established Regulations for Parking within the City of Westlake.

On October 28, 2019, Resolution No. 2019-28 approved the Re-plat of Persimmon West.

On October 28, 2019, Resolution No. 2019-32 approved the Requested Use for ISTF.

On October 28, 2019, Resolution No. 2019-31 approved the Site Plan for ISTF Phase 1A.

On October 28, 2019, Resolution No. 2019-33 approved the ISTF Plat.

On October 28, 2019, Resolution No. 2019-35 approved the 7-Eleven 2.0 Requested Use.

On October 28, 2019, Resolution No. 2019- 34 approved the Site Plan for 7-Eleven 2.0.

On October 28, 2019, Resolution No. 2019-36 approved the Plat for Pod H.

On November 4, 2019, Resolution No. 2019-29 approved the Plat for Ilex Way Phase III.

Pod M-2 "Crossings" Variance Request
Justification Statement
March 12, 2021

On November 4, 2019, Ordinance 2019-12 approved Chapter 1 (Administration).

On November 4, 2019, Ordinance 2019-13 approved Chapter 2 (Land Development).

On November 4, 2019, Resolution 2019-38 approved the Plat for Christ Fellowship Church West Campus.

On December 9, 2019, Resolution No. 2019-39 approved the Site Plan for Christ Fellowship Church West Campus.

On December 9, 2019, Resolution No. 2019-40 approved the Site Plan for the International Soccer Training Facility Phase 1B (ISTF).

On May 11, 2020, Resolution No. 2020-09 approved the Plat for Cresswind Palm Beach Phase 2 (Pod P), A/K/A (Pod P-1).

On May 11, 2020, Resolution No. 2020-08 approved the final plat for Persimmon Boulevard East Plat 3.

On June 08, 2020, Resolution 2020-10 approved the Plat for Sky Cove Phase 1B (Pod M).

On June 08, 2020, Resolution 2020-12 approved the Plat for Groves of Westlake (Pod O).

On June 08, 2020, Resolution 2020-13 approved the Plat for Tract PC-5 (PBC Tax Collector's and DMV offices)

On June 08, 2020, Resolution 2020-14 approved the Site Plan for the PBC Tax Collector's and DMV offices.

On July 13, 2020, Resolution 2020-16 approved the Site Plan for the Cresswind Palm Beach Amenity Center.

On July 13, 2020, Resolution 2020-11 approved the Final Plat for Green Lane.

On August 10, 2020, Resolution 2020-03 approved a Site Plan Amendment for 7-Eleven 1.0 .

On August 10, 2020, Resolution 2020-04 approved a Site Plan Amendment for 7-Eleven 2.0.

On August 10, 2020, Resolution 2020-05 approved the Final Plat for Persimmon Boulevard East Plat 4.

On August 10, 2020, Resolution 2020-22 approved the Final Plat for Groves of Westlake Phase 2.

On September 14, 2020, Resolution 2020-26 approved the Final Plat for Pod T – Estates of Westlake.

On November 09, 2020, Resolution 2020-32 approved the Final Plat for the Westlake Plaza (Publix).

On November 09, 2020, Resolution 2020-33, approved the Master Site Plan for the Publix at Westlake Plaza.

On November 09, 2020, Resolution 2020-34, approved the Site Plan for the Publix Grocery Store, Drive through Pharmacy, Liquor Store , and 9,600 sf of Inline retail.

On November 12, 2020, The City of Westlake approved an amendment (MPA-2020-04) to the Final Master Plan, which allowed minor adjustments to the dwelling unit allocations and land area in Pods N, S, and U.

On December 14, 2020, Resolution 2020-36 approved he final plat for Pod N, Sky Cove South – Phase 1A.

On December 14, 2020, Resolution 2020-37, approved the Final Plat for Sky Cove South, Phase 1B (Pod N).

On December 14, 2020, Resolution 2020-38, approved the Master Sign Plan for 7-Eleven 1.0.

On December 14, 2020, Resolution 2020-39, approved the Master Sign Plan for the Publix at Westlake Plaza.

On December 15, the City of Westlake approved an amendment (MPA-2020-05) to the Final Master Plan, which allowed minor adjustments in Pod S.

On January 11, 2021, Resolution 2020-01, approved the Final Plat for Town Center Parkway South-West.

On January 11, 2021, Resolution 2020-02, approved the Final Plat for Pod G South-West.

On February 8, 2021, Resolution 2021-03, approved the Final Plat for Pod S, Orchards of Westlake.

VARIANCE REQUEST

The applicant is requesting a variance to allow short vehicular alleys/courts to be used to provide access to attached single family residential homes. On September 23, 2019, the city adopted Ordinance No. 2019-09 establishing Chapter 3 and Adopting of the Zoning Map. Chapter 3 establishes the zoning criteria for site plans including minimum lots sizes, setbacks open space and other criteria common to developing site plans for attached single family homes. The City, however, has not yet adopted subdivision regulation and platting requiring the applicant to rely on Article 11 of the Palm Beach County Unified Land Development Code. The county code is designed to be applied too broadly and does not recognize the unique nature of Westlake or the characteristics of the specific parcel. The City anticipate

adopting subdivision and platting regulations in the next few months. It is important to note that the proposed development plan is consistent with proposed code and would not require a variance if it was in place today.

Due to consumer demand and preference requests Minto is introducing the first attached single family home product to Westlake. To meet market demand and the 2021 season it is critical for the project to move forward immediately. The proposed variance request is consistent with the general intent of the code to provide for an organization of small, interconnected blocks and for the layout of streets to reduce travel distances. The applicant is requesting a variance to exempt residential alleys less than 175' in length, and providing access to not more than 5 attached single family homes from the requirements of Article 3 and Article 11 of the Palm Beach County Unified Development Code (ULDC).

As mentioned previously, the variance request to exempt short dead-end vehicular alleys/courts from consideration as streets under Article 3.2.A.2.a of the Palm Beach County (PBC) ULDC Subdivision Code results in a 25% total of streets onsite that contain dead ends. This represents an overall increase of 5% above the maximum 20% requirement stated in Article 3.2.A.2.a. A strict interpretation of the PBC ULDC Subdivision Code would consider the aforementioned alleys/courts to be streets and subject to the 20% maximum onsite dead end street requirements of Article 3.2.A.2.a. When looked at in this perspective, 77% of on-site streets contain a dead end. This equates to a 57% increase above the 20% maximum requirement. This is significantly larger than the 5% variance being requested. The language of the applicable sections of the ULDC is provided below.

ARTICLE 3. OVERLAYS & ZONING DISTRICTS (3.2 A.2.a)

2. Connectivity

All streets and alleys shall connect to other streets and alleys to form a continuous vehicular and pedestrian network within the district. Streets shall connect to streets in adjacent development or vacant parcels, except for AGR TMDs. The use of gates or other preventative barriers shall not be permitted on Collector Streets. **[Ord. 2005-041]**

a) Dead End Streets

No more than 20 percent of all streets may be dead end streets, such as cul-de-sacs and T-turnarounds. The maximum length for dead end streets shall be 660 feet and up to 750 feet, with a mid-block pedestrian pass thru. The maximum length for dead end streets shall be: **[Ord. 2005-002]**

(1) Single Family Residential

660 feet. Up to 750 feet with a mid-block pedestrian pass thru.

(2) All Others

500 feet.

ARTICLE 11. SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS (11.E.2.14)

14. Dead End Streets; Dead-end streets shall be designed and constructed with an appropriate terminal turnaround in accordance with the PBC Standards. Dead-end streets shall not exceed 1320 feet in length, except where natural geographic barriers exist necessitating a greater length.

The abovementioned variances are hereby requested in conjunction with the site plan for Pod M-2 and are justified as follows:

(A) Strict application of the LDRs creates an undue burden or a practical difficulty on the development of applicant's lot(s) or parcels and was not created by the actions of the applicant. YES

Westlake has been designed and planned as a unique community with a focus on walkability and alternative modes of transportation. Additionally, higher density parcels or pods have been strategically located closer to the center of town and future town center. Pod M 2 also known as "The Crossings" is uniquely positioned on the south side of Town Center Parkway South, east of Ilex Way and North of Persimmon Boulevard. The entrance to the community is directly opposite Kingfisher Blvd. which provides pedestrian and vehicular access to the Westlake Amenity Center (Adventure Park). Parcel M-2 is the closest residential parcel to the Amenity Center and future Town Center located on Pod L. The ULDC does not fully account for the unique nature of Westlake as contemplated in its Comprehensive Plan and the development patterns contemplated by the City's Zoning Code. While the ULDC contemplates the use of residential access streets to serve single-family homes it does not provide similar provisions for attached single-family homes, where because of its density, small alleys are appropriate. The proposed design ensures safe, convenient, and accessible access to each attached single-family home. Additionally, applying a limitation to the number short alleys inhibits creative design and adds unnecessary costs. The Provisions of the ULDC are focused on much longer streets from 660 feet to 1320 feet as opposed to the quaint alley or courts proposed by the applicant.

(B) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. YES

Westlake was the only Agricultural Enclave in Palm Beach County which makes it uniquely different from all other lands. Additionally, as noted the City has adopted its own Comprehensive Plan and zoning district regulations but has not yet adopted its subdivision and platting regulations. This is an extremely unique circumstance. It is anticipated that the proposed subdivision and platting regulations when approved will negate the needs for this variance request.

(C) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant. YES

There are no other properties with the same zoning district within the unincorporated area of Palm Beach County other than Westlake. An undue hardship is created by the fact that the applicant is regulated by an intended zoning code without the benefit of the subdivision and platting regulations being fully adopted.

(D) No negative impacts are or will be generated by the variance, and/or that any impacts caused by the variance can be adequately mitigated. YES

The proposed site design ensures full pedestrian, golf cart and vehicular connectivity. Travel distance and or time is not impacted by the proposed design.

(E) The grant of a variance will not confer upon the applicant any special privilege denied to any other owner of land, buildings, or structures located in the same zoning district. YES

The granting of the variances will not confer any special privilege because the circumstances are unique to Westlake.

(F) The variance granted is the minimum variance that will make possible the use of the land, building, or structure. YES

The variance request has been limited to the minimum required to make reasonable use of the land. The applicant proposes to limit the applicability to alley streets not greater than 175' in length providing access to not more than 5 attached single family homes.

(G) The grant of the variance will be in harmony with the general intent and purpose of this chapter and land development regulations. YES

The variance will facilitate the intended development plan of Westlake and is consistent with the development pattern and use of the surrounding developments which include Sky Cove and the PBC Tax Collector's Office. Additionally, the overall design of the plan provides full connectivity to the City's comprehensive multi-modal pathway and sidewalks system consistent with the requirements of the Westlake Comprehensive Plan.

(H) Financial hardship is not to be considered as sufficient evidence of a hardship in granting a variance. YES

Literal interpretation and enforcement of the terms and provisions of this code would only prevent the applicant from complying with the intended pattern of development for Westlake and the introduction of diverse housing products as contemplated by the City's Comprehensive Plan and Zoning Code.

(I) The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. YES

The requested Variance will not be injurious or detrimental to public health, safety, and welfare. The request has been fully vetted by the City's Engineering Department and PBC Fire Rescue who have both signed off on the site plan. Additionally, Minto has successfully completed several attached single-family home neighborhoods utilizing similar design techniques.

Conclusion

The Applicant is requesting approval of the Pod M-2 Variance Application. The applicant will work closely with Staff to achieve this approval as quickly as possible. The Applicant and the entire development team are available to answer any questions Staff might have and/or provide necessary information to supplement the information provided in the submittal.