



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING & ZONING BOARD STAFF REPORT

170 Sherwood Forest Drive

Meeting	File No.	Application Type
September 20, 2021	2021-108-FLUM 2021-107-REZ	Land Use Map Amendment Rezoning & Master Development Plan
Applicant	Owner	Authorized Agent
Andrew Maxey, Pulte Group	Sherwood Park Golf Club, Inc.	Wendy Tuma and Sandra Megrue, Urban Design Studio

Request

Provide a recommendation to the City Commission on Ordinance Nos. 31-21 and 32-21, a privately initiated request associated with the redevelopment of the 37.31 acre Sherwood Golf Course located at 170 Sherwood Forest Drive, by amending the Land Use Map designation from Open Space (OS) to Low Density (LD), rezoning the property from Open Space Recreation (OSR) to Planned Residential Development (PRD), and amending the Sherwood Forest Master Development Plan (MDP) to accommodate the proposed 79-unit single-family home development with waivers from the requirements in Section 4.3.4(H)(3)(a) and Section 4.3.4(K) to reduce the minimum building separation requirement for zero lot line developments from 15 feet to 10 feet.

Background Information

The subject property is located at 170 Sherwood Forest Drive south of West Atlantic Avenue, west of Homewood Boulevard, and east of South Military Trail. The parcel is a vacant golf course associated with the Sherwood Forest development. The 37.31-acre property has a land use designation of OS and is zoned OSR.

The proposed Sherwood Park* development is part of the existing 74.91-acre Sherwood Forest PRD (see figure, area outlined in black). Sherwood Forest is a 28.5-acre, gated community consisting of detached 125 single-family residences surrounding the subject property to the west, south, and east. Legacy at Sherwood is a 9.08 acre, 72-unit single-family attached townhouse development to the north. The Hamlet, a gated a single-family community, is located to the south and east of the Sherwood Forest PRD, and County Club Acres, a traditional, non-gated single-family neighborhood, is located to the west. Carver Middle School, Highland Pines Trailer Park, and the Sunset Pines neighborhoods (fronted by neighborhood commercial development) are located across Atlantic Avenue to the north.



History

- October 1988.** The 74.91-acre Sherwood Park Golf Course, built in 1960, was voluntarily annexed from Palm Beach County, and a zoning designation of Low to Medium Density Planned Residential Development (PRD-L) was assigned through Ordinance No. 80-88. The property included the golf course area, a clubhouse, cart barn, and maintenance building. At the time of annexation, the property owner requested Conditional Use (CU) and Site Plan approvals for the construction of a 131-unit single family zero lot line subdivision surrounding the existing golf course portion of the property. The request for site plan approval was subsequently modified during the review process, and the 125 units that exist today as Sherwood Forest were approved October 25, 1988 with Resolution No. 67-88.

One of the conditions related to the approval was an agreement to restrict the development potential of the current golf course to an executive golf course, clubhouse and pro shop for 25 years, with 10-year automatic successive renewal periods unless revoked in

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Attachments:

- Applicant Justification Statement
- Ordinance No. 31-21, Land Use Map Amendment
- Ordinance No. 32-21, Rezoning
- Proposed Master Development Plan
- Map: Existing and Proposed Land Use and Zoning
- Traffic Study

writing by all parties. The use restriction was recorded as a Dedication agreement on March 21, 1990, in ORB 6392, Pages 287-288. This Dedication is a covenant running with the land and is binding upon Sherwood Park Golf, Inc. and its successors and assigns.

- **November 1989.** The City adopted an update to the Comprehensive Plan and Future Land Use Map. The land use map designation for the single-family component of the Sherwood Golf Course PRD was changed from Single Family to Low Density Residential (0-5 du/ac). The golf course was redesignated as Recreation and Open Space, and the driving range outparcels along Atlantic Avenue were redesignated as Medium Density Residential (5-12 du/ac). In October 1990, the Land Development Regulations (LDR) and Zoning Map were updated; as a result, the residential components of the Sherwood Forest PRD were rezoned from PRD-L to PRD (Planned Residential Development) and the golf course was rezoned from PRD-L to OS (Open Space).
- **June 17, 2002.** A modification to the Master Development Plan was approved, amending the PRD to include the redevelopment of the golf course driving ranges fronting on Atlantic Avenue as the Legacy at Sherwood Forest, with independent recreational amenities.
- **August 28, 2002.** The Class V site plan for Legacy at Sherwood Forest was approved by the Site Plan Review and Appearance Board (SPRAB), with the following conditions:
 - A dedication agreement between Sherwood Park Golf, Inc., Sherwood Forest Homeowner's Association, Inc., and the City of Delray Beach to restrict the development potential of the current golf course to an executive golf course, clubhouse and pro shop for 25 years, with 10-year automatic successive renewal periods (unless revoked in writing by all parties). The dedication declaration is a covenant running with the land and is binding upon Sherwood Park Golf, Inc. and its successors and assigns. The use restriction was recorded on March 21, 1990, in ORB 6392, Pages 287-288.
 - One third of the lots must contain 3-bedroom units, to support the character of the family character of the development.
 - A single-story limitation was placed on some of the lots adjacent to the Hamlet.
 - The open space from the golf course was counted towards the open space in the residential portion of the PRD, with no less than 15% of the total PRD as open space.
 - Upgrades to the golf course clubhouse, and a second-floor addition to be dedicated for use by the Sherwood Forest Homeowners Association. Homeowners in the Sherwood Forest HOA were given golf course membership opportunities at a reduced rate.
- **November 2020.** The Sherwood Forest HOA **voted to remove the deed restriction** (attached) for the property that restricted the subject property to a golf course use. The City must approve the release of the restriction on the property, as the open space and recreation use is inconsistent and impermissible with the proposed land use and zoning. The dedication may be resolved at the same hearing as the land use and zoning amendment, prior to the motion to approve the land use and zoning change.

NOTE: Palm Beach County has an existing plat with the name of Sherwood Park, within the City of Delray Beach. Prior to submission of the plat, the applicant must provide an alternative name for the development in order for Palm Beach County to record the plat.

Description of Proposal

The applicant is requesting a LUMA from OS to LD and a rezoning from OSR to PRD for the 37.31-acre parcel located at 170 Sherwood Forest Drive. Rezoning to PRD requires the submittal of an MDP; the subject property is already part of the existing Sherwood Forest MDP. Therefore, the request is for an amendment to the MDP, to redevelop the Sherwood Park Golf Course as a 79-unit single-family development with recreational amenities.

Land Use

Zoning



Existing

Proposed

Existing

Proposed

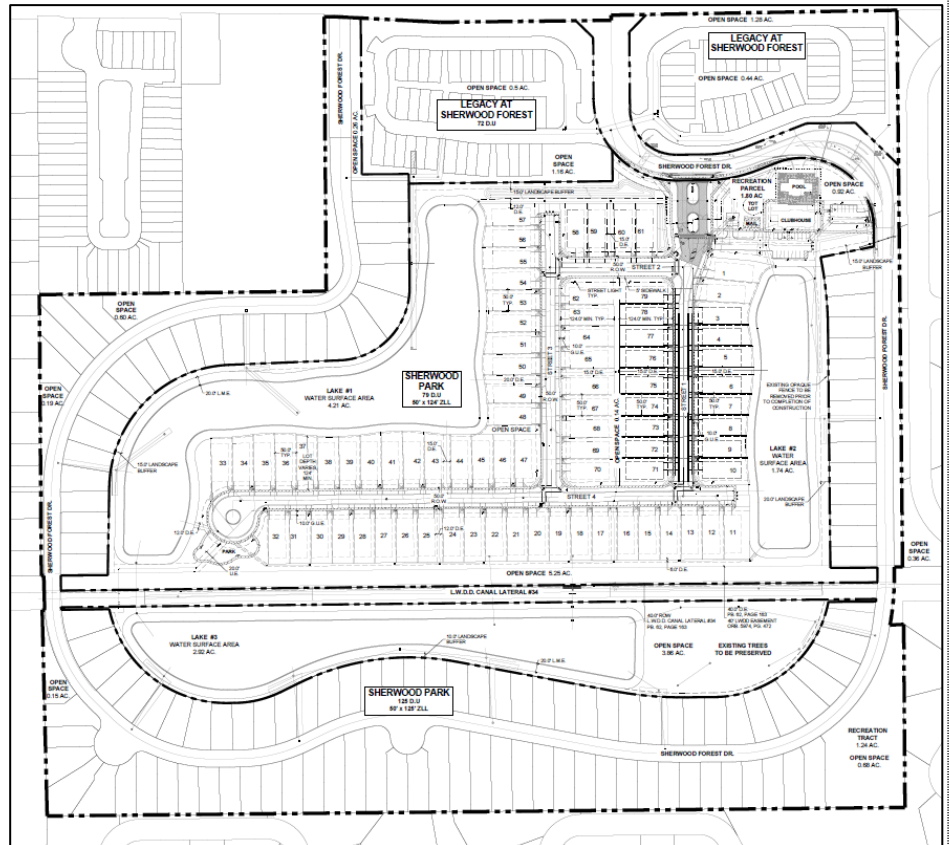
In addition to the 79 detached single-family residences, the proposed development includes a shared, non-gated access with Legacy at Sherwood Forest and Sherwood Forest from West Atlantic Avenue. Gated access is provided to the proposed development; access to the Sherwood Forest portion of the community is currently gated.

The proposed residences consist of a mix of one-story and one and a half-story building designs. Three lakes and additional open space areas are provided at the perimeter to provide buffering and separation between the proposed and existing communities.

The recreational amenities are proposed at the northeast corner of the development and includes a pool, clubhouse, tot lot and mailbox area. Access to the amenities is available to the Sherwood Park community, but the two parking areas are separated to maintain a restricted access by the residents of the two communities.

The MDP is accompanied by requests for waivers from two sections of the LDR:

- Section 4.3.4(H)(3)(a), which requires a minimum distance of 15 feet separation between zero lot line structures, to allow 10 feet of separation between structures.
- Section 4.3.4(K), which establishes minimum setback of 15 feet for structures in zero lot line developments, to allow a 10-foot setback.



The proposed right-of-way width, which is private and will be maintained by the HOA, is 50 feet. The applicant requested an increase in corner radii from 15 feet to 25 feet, and a reduction in the pavement width from 22 feet to 20 to allow for 10 foot lanes instead of 11 feet to allow greater area for the proposed street trees. The Development Services Management Group reviewed the request at its meeting on August 12, 2021 and voted to approve these changes.

Subsequent to the approval of the subject requests, a Class II Site Plan Modification will be reviewed by SPRAB. The review will include the landscape plan and elevations of the residences and clubhouse. Models are available with 2 to 4 bedrooms.

Review and Analysis

Land Use Map Amendment

Pursuant to **LDR Section 2.4.5(A), Amendments to the Comprehensive Plan**, amendments must follow the procedures outlined in the Florida Statutes. The LUM is adopted as part of the Comprehensive Plan. Therefore, the LUM amendment is being processed as a small-scale Comprehensive Plan amendment pursuant to Florida Statutes, F.S. 163.3184 through F.S. 163.3253.

Pursuant to **LDR Section 3.1.1, Required Findings**, prior to the approval of development applications, certain findings must be made. These findings relate to the Land Use Map, concurrency, consistency, and compliance with the Land Development Regulations.

(A) Land Use Map: *The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Land Use Map.*

Neighborhoods, Districts, and Corridors Element

Table NDC-1, Land Use Designation: Density, Intensity, and Implementing Zoning District, identifies the preferred and compatible implementing zoning districts for each land use designation. The existing land use designation of OS lists OSR zoning as a preferred implementing zoning district. The PRD zoning designation is not listed as an implementing zoning district for the OS land use designation. Therefore, the applicant has requested both a land use designation change and a rezoning to meet the consistency requirement.

The table below provides a comparison of density and intensity limitations for both the MD and CC land use designations. The proposed land use map amendment will increase the potential density of the parcel.

Land Use Designation	Density (Standard dwelling units/acre)	Intensity (Maximum Floor Area Ratio)
OS	---	0.10
LD	Up to 5	---




Residential uses are not permitted in the OS land use designation; therefore, OS does not have a residential density. The maximum intensity is 0.10 Floor Area Ratio (FAR). In the OSR zoning district, golf courses are allowed to have club-houses with restaurants, meeting rooms, proshops, and similar facilities. Structures for equipment storage are also allowed, and would typically be seen at a golf course. The maximum building square footage allowed on the property with the current land use and zoning is 162,522 square feet.

The existing OSR zoning district is used to “most appropriately identify parcels of land which are used primarily for recreational or public purposes in an outdoor setting (e.g. a swimming facility). The OSR District is generally applied to parks, golf courses, and properties where public recreational facilities may exist, and also accommodates the operation of activities licensed by the City” (LDR Section 4.4.27(A)). The requested PRD designation was established to provide “a residential zoning district with flexible densities in which multiple family and single family detached dwellings are designed together so as to: promote improved design, character, and quality of development; to preserve natural, scenic, and open space features of a site; and to accommodate flexibility in design” (LDR Section 4.4.6(A)). PRD zoning is permitted in LD, Medium Density (MD), and Transitional (TRN) land use, with the density regulated by the underlying land use and the MDP.

The NDC Policies listed below provide direction regarding the existing and proposed land use designations.

Objective NDC 1.1, Land Use Designation Establish compatible land use arrangements using land use categories appropriate for the diverse and difference neighborhoods, districts, and corridors throughout Delray Beach.

Policy NDC 1.1.2 *Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide:*

-  Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods.
-  Uses that meet the daily needs of residents.
-  Public open spaces that are safe and attractive.

Policy NDC 1.1.12 *Develop and redevelop remaining infill lots in residential neighborhoods using zoning that is identical or most similar to the zoning of adjacent properties or that results in same or less intense development.*

Policy NDC 1.1.14 *Continue to require that property be developed or redeveloped or accommodated, in a manner so that the use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.*

The adopted Comprehensive Plan anticipates the population of the city to increase from 70,520 in 2020 to 81,874 in 2024; additional housing inventory is needed to accommodate the projected population increase. The existing Sherwood Forest neighborhood and proposed Sherwood Park neighborhood within the Sherwood Forest PRD are similar in configuration. Lots in Sherwood Forest are zero lot line and are a minimum of 49 feet wide and 110 feet deep, with 11-foot side setbacks on some parcels. The proposed Sherwood Park neighborhood has lot minimums of 50 feet wide by 124 feet deep. Lots in Sherwood Forest range between 5,390 square feet and 9,400 square feet; Sherwood Park has a proposed minimum lot size of 6,200 square feet.

Objective NDC 1.2, Residential Land Use Designations *Apply the Low Density Residential and Medium Density Residential land use designations to maintain and enhance the City's established neighborhood characteristics, while supporting new and revitalized housing that compliments the desired development pattern and intensity.*

Policy NDC 1.2.3 *Allow the Low Density Residential land use designation on land that is or will be developed for detached, single family residential housing or for residential uses within a mix of housing types under a planned residential zoning district.*

Policy NDC 1.2.5 *Use the Low Density Residential land use designation to create and maintain low density residential neighborhoods up to five dwelling units per acre with high quality amenities.*

The subject property is surrounded by LD land use to the west, south, and east, and Medium Density (MD) land use to the north. The property to the north is a townhome development as part of the Sherwood Forest PRD, and the properties immediately to the west, south, and east are a zero lot line single family neighborhood as part of the PRD. The land use to the south, east, and west of the PRD are LD land use as part of the single family golf course community to the east and south (The Hamlet) and single family to the west (County Club Acres).

Objective NDC 1.5 Open Space Land Uses *Protect, preserve, enhance, and expand open and natural areas within the municipal boundaries that serve to benefit the public by applying the Open Space or Conservation land use designations.*

Policy NDC 1.5.1 *Preserve and protect areas with Conservation or Open Space land use designations to maintain a high quality of life for the residents and to prevent a reduction in the amount of open space in the city.*

Policy NDC 1.5.3 *Provide for the creation and retention of open space and the retention of natural resources within new development or redevelopment.*

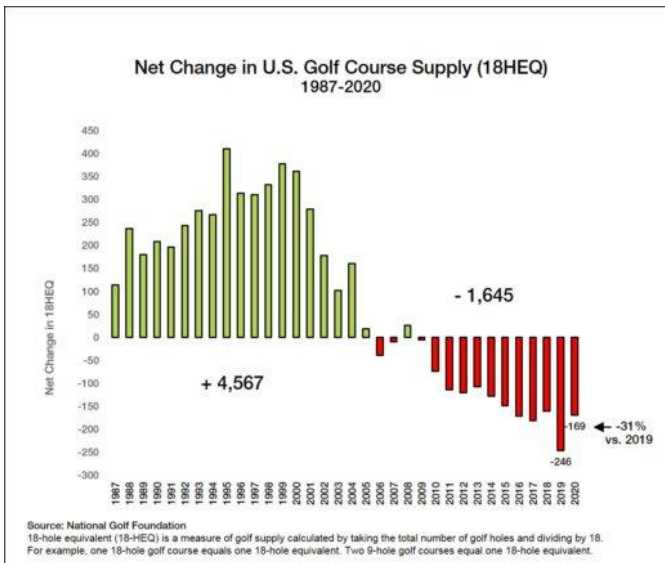
The proposed amendment eliminates 37.31 acres of land designated as Open Space on the land use map. PRDs are required to have 15 percent open space, and the MDP proposes a system of 8.87 acres of lakes and 15.79 acres of common open space (21.1 percent) for the MDP (10.17 acres or 27.2 percent) of open space for the subject property (this does not include the open space on individual lots, where the maximum lot coverage is 40 percent). However, the subject property will become a residential land use designation instead of an Open Space designation. There will be a net loss of open space for the Sherwood Forest MDP, from 70.9 percent open space to 21.1 percent open space.

Objective NDC 3.4, Land Use Map Amendments *Use a consistent set of standards to evaluate amendments to the Land Use Map.*

Policy NDC 3.4.1 *Amend the Land Use Map only when a demonstrated need for the requested land use is based upon circumstances that are verified and supported by data and analysis, such as shifts in demographic trends, changes in the availability of land, changes in the existing character and Land Use Map designations of the surrounding area, fulfillment of a comprehensive plan objective or policy, annexation into the municipal boundaries, or similar circumstances, and the following findings can be determined:*

- That the requested land use designation is consistent with the goals, objectives, and policies of the most recently adopted Comprehensive Plan; and,
- That development at the highest intensity possible under the requested land use designation meets the adopted concurrency standards; and,
- That the requested land use designation is compatible with the land use designations of the surrounding area; and,
- That the requested land use designations are compliant with the provisions and requirements of the Land Development Regulations.

Policy NDC 3.4.2 Use the development review process to determine development, redevelopment, and adaptive reuse is consistent with and complementary to adjacent development, regardless of the implementing zoning designations for each land use designation (See Table NDC-1).



The applicant indicates that the private golf course, which occupied the property since 1960, became untenable to operate due to rising maintenance costs and decreased public interest. Golf industry publications and planning research have documented a nationwide trend in golf course closures (see figure at left). Golf courses were overdeveloped over a 20-year period, creating an over-supply that the market has corrected through closures over a 15-year period that began in the early to middle 2000s. The Sherwood golf course ceased operations in 2018. The dilapidated cart barn and clubhouse remain on the property. Within the city, there are two municipal golf courses (located southeast of West Atlantic Avenue and Homewood Boulevard, and to the south of the subject property between Lawson Boulevard and Linton Boulevard), and two private golf courses (not including the non-operational Sherwood course).

The developments surrounding the subject property are a mix of densities. Country Club Acres, to the west, has a density of 5.33 dwelling units per acre (99 units on 18.58 acres). Sunset Pines and Highland Towers Park are located to the north across Atlantic Avenue. Sunset Pines has a density of 7.89 dwelling units per acres (66 units on 8.36 acres), and Highland Towers Park has a density of 10.61 dwelling units per acre. The Hamlet is a large golf course community to the south and west of the subject property. Including the golf course portion of the development, the density is 1.58 dwelling units per acre (475 units on 300 acres); excluding the golf course, the density is 3.1 dwelling units per acre (475 units on 153.34 acres). The property is also near to commercial development; Bank of America is located to the northwest, and small commercial and retail, including a gasoline station, are located to the north across Atlantic Avenue.

(B) Concurrency. Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.

The applicant's narrative is attached with a description of how the request meets the concurrency requirements, and staff analysis is below.

Schools. The School Capacity Availability Determination (SCAD) determination issued by the School District to the applicant anticipates that the proposal will generate 13 new elementary students, 7 new middle school students, and 10 new high school students. The District does not anticipate that the development will have a negative impact on the public school system.

Water and Sewer. The PRD as a whole is currently serviced by the City of Delray Beach for water and sewer service. In 2019, the City contracted with Mathews Consulting, a Baxter and Woodman Company (MC) to evaluate the capacities of the existing water and

wastewater systems within the Basin No. 86 sub-service area and to provide recommended upgrades related to the potential redevelopment of the Sherwood Forest Golf Course as an 85-unit single family development. Subsequent to the submittal of the request for land use map amendment and rezoning, Utilities provided confirmation of the availability of water and sewer service, and adequate treatment capacity to serve the project based on estimated sewage flow calculations. Any costs associated with the extension of mains or services, or upgrades to downstream lift stations will be the responsibility of the developer.

Solid Waste. Single-family units generate 1.99 tons of solid waste per unit per year. With the proposed land use providing a maximum development potential of 186 units, this represents 925 tons of solid waste per year and an increase from the limited waste generated by the existing clubhouse use. The landfill serving the property is projected to have sufficient capacity to meet the needs of city residents through the depletion year in 2054.

Drainage. The applicant has provided a signed and sealed drainage report indicating the proposed system’s ability to meet storm water requirements in accordance with the South Florida Water Management District regulations per LDR Section 2.4.3(D)(8); requirements in LDR Section 6.1.9 for the surface water management system; and signed and sealed calculations indicating current and proposed estimated flows into the City’s sewer system. The project discharges to the Lake Worth Drainage District (LWDD) L-34 canal, which bifurcates the subject property, and there is no discharge to the City’s storm sewer system. The applicant will be required to submit any required LWDD permits. The proposed site plan complies with 10-year and 100-year storm drainage requirements.

The applicant has provided conceptual lot grading plans; during the permitting process, each lot will be reviewed and compared to the conceptual plans ensure compliance with the approval.

Parks, Recreation, and Open Space. Park impact fees are assessed at \$500 per dwelling unit for all residential development and is collected prior to issuance of the building permit. The anticipated fee for the 79-unit development is \$39,500.

Traffic. The submitted traffic study, dated April 13, 2021, considers both the existing traffic generation, the anticipated impact from the intended development, and the maximum traffic generation possible with the proposed land use. The chart below reflects these traffic generation scenarios.

	Daily Traffic Generation	AM Peak Hour	PM Peak Hour
Existing Land Use	547 trips	32 trips	52 trips
Proposed Land Use (Proposed Potential)	790 trips	58 trips	81 trips
Proposed Land Use (Maximum Potential)	1,850 trips	137 trips	183 trips

The applicant received a Traffic Performance Standards (TPS) approval letter from Palm Beach County. The traffic study is attached.

(C) Consistency: *Compliance with performance standards set forth in Chapter 3 and required findings in LDR Section 2.4.5(D)(5) for the Rezoning request shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.*

The Board must determine if the requested land use designation is consistent with those applicable goals, objectives, and policies of the Comprehensive Plan that are analyzed throughout the report.

Applicable Comprehensive Plan Policies

Housing Element

Policy HOU 1.1.4 *Encourage walking, bicycling and transit use to benefit people of all ages, as a means to encourage social interaction and provide a sense of place in new developments and neighborhood improvements.*

The proposed MDP provides internal circulation through a system of sidewalks within Sherwood Park, but the MDP does not provide bicycle and pedestrian connectivity within the whole of the PRD. Staff analysis is provided below related to the proposed MDP.

GOAL HOU 2 NEIGHBORHOOD ENHANCEMENT *Preserve the integrity of existing stable neighborhoods, stabilize and enhance neighborhoods that are in transition, and revitalize and rehabilitate neighborhoods that have declined.*

Policy HOU 2.1.4 *Support efforts to maintain the neighborhood integrity and quality of life for residents in Stable residential areas, and avoid allowing new development that may decrease or negatively impact the Stable classification of an area or neighborhood.*

The subject property is in the area characterized as Stable on the Residential Neighborhood Stabilization map (Always Delray Map AD-5). The proposed single-family zero lot line neighborhood is compatible with the surrounding existing low density, single-family, zero lot line Sherwood Forest neighborhood.

Objective HOU 3.2 Expansion of the Housing Supply *Expand the housing supply by allowing different unit types in a variety of locations for all income levels.*

Policy HOU 3.2.1 *Allow a variety of housing types to reflect the needs of all household types, including both rental and ownership opportunities for single people, couples, families, seniors, persons with disabilities and multi-generational families.*

Policy HOU 6.1.2 *Encourage income diversity by requiring a mix of unit types in new development.*

The proposed Sherwood Park neighborhood within the PRD is comprised of single-family zero lot line homes, which are a companion to the existing zero-lot line single-family Sherwood Forest neighborhood and Legacy at Sherwood townhome neighborhood. The variation in the model types with a range of 2 to 4 bedrooms will inherently encourage income diversity, along with a mix of family types and sizes, and ownership ages.

(D) Compliance with LDRs. *Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.*

The applicant has concurrently submitted an amendment to the existing approved MDP, required as part of the requested rezoning to Planned Residential Development. The proposed PRD zoning and MDP are subject to all applicable provisions and requirements of the Land Development Regulations.

Rezoning

LDR Section 2.4.5(D)(1)

The City Commission may amend the Official Zoning Map by ordinance after review and recommendation for approval by the Planning and Zoning Board. **LDR Section 2.4.5(D)(2)** outlines the procedures for a zoning change. Valid reasons for approving a change in zoning are:

- That the zoning had previously been changed, or was originally established, in error;
- That there has been a change in circumstance which makes the current zoning inappropriate;
- That the requested zoning is of similar intensity as allowed under the Future Land Use Map and that it is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.

The applicant justification statement specifies that the request is related to the second and third criterion (above). As discussed above, golf courses were over-built for a 20-year period. This resulted in a nationwide period of closures over a 15-year period, beginning in the early to middle 2000s, to correct the market. According to the applicant, the private golf course, which has occupied the subject property since 1960, became untenable to operate due to rising maintenance costs and decreased public interest.

PRD zoning is compatible with the adjacent properties. A chart of the land use, zoning, and built density of the surrounding properties is provided below.

Surrounding Developments					
	Development	Size / Units	Land Use	Zoning	Built Density
North	Sunset Pines, commercial Highland Park	66 units / 8.36 acres	TRN	RM/POC/NC/POD	7.89 du/acre
		133 units / 12.54 acres	TRN/GC	MH/GC	10.61 du/acre
South East	The Hamlet	475 units / 300 acres (including golf course); 153.34 acres (excluding golf course)	OS	R-1-A	1.58 du/acre (including golf course);
			LD	OSR OS	3.1 du/acre (excluding golf course)
West	Country Club Acres	99 units / 18.58 acres	LD TRN	R-1-A POC RM-9	5.32 du / acre

The requested rezoning would be appropriate if the land use map amendment from OS to LD is approved.

Section 3.2.2 - Standards for Rezoning Actions

Rezoning requests must meet five standards, which are described below as they relate to the proposed rezoning under consideration.

- (A) *The most restrictive residential zoning district that is applicable given existing development patterns and typical lot sizes shall be applied. Requests for rezonings to a different zoning designation, other than Community Facilities, Open Space, Open Space and Recreation, or Conservation shall be denied unless the proposed changes implement an adopted neighborhood or redevelopment plan.*

The Hamlet, to the south and east of the Sherwood Forest MDP is a golf course community with a similar mix of low-density residential zoning and open space. The surrounding neighborhoods are PRD, with single-family and townhomes built out in fulfillment of the approved Sherwood Forest MDP, the requested PRD zoning for the subject property is appropriate and applicable with respect to the adjacent development.

- (B) *Rezoning of land located west of Interstate-95 to accommodate auto dealerships or to AC (Automotive Commercial) is prohibited pursuant to Policy NDC 2.5.2 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan.*

Not applicable. Neither the existing OSR zoning nor the requested PRD zoning allows auto dealerships.

- (C) *Zoning changes that would result in strip commercial development shall be avoided. Where strip commercial developments or zoning currently exists along an arterial street, consideration shall be given to increasing the depth of the mixed-use zoning to provide for more substantive, mixed use projects that provide compatible transitions in form and use to the surrounding area.*

Not applicable. The requested zoning does not allow commercial development.

- (D) *Rezoning of land shall result in allowing land uses deemed compatible with adjacent and nearby land uses both existing and proposed; or that if an incompatibility may occur, that sufficient regulations exist to properly mitigate adverse impacts from the new use.*

The subject property is surrounded by PRD zoning, and the proposed PRD zoning amends the adopted Sherwood Forest MDP to include the subject property in the MDP. The individual neighborhoods within the Sherwood Forest MDP have different development standards, but generally are developed to conform to PRD development standards.

- (E) *Remaining infill lots within the Coastal High Hazard Area of the Coastal Planning Area shall be developed using zoning which is identical or similar to the zoning of adjacent properties or that results in less intense development.*

Not applicable. The property is not located within the Coastal Planning Area.

LDR Section 4.4.7 - Planned Residential Development (PRD) District

The requested PRD zoning “provides a residential zoning district with flexible densities in which multiple family and single family detached dwellings” are allowed to “promote improved design, character, and quality of development; to preserve natural, scenic, and open space features of a site; and to accommodate flexibility in design.” Single family conventional and zero lot line lot patterns are allowed within the PRD district. Rezoning to PRD must be accompanied by an MDP. The applicant has submitted an MDP, along with a request for two waivers (discussed below). Subsequent to approval of the MDP by the Planning and Zoning Board, the elevations and common area landscaping must be approved by the Site Plan Review and Appearance Board (SPRAB). Development standards for PRDs, provided in Subsection (F), are as follows:

- a) *At least 50 percent of the units must be in single family detached units where the overall density is six units per acre or less, or at least 40 percent where the overall density is greater than six units per acre;*

The proposed development is 100 percent single family detached units. The proposed density of the subject property is approximately 2.12 dwelling units per acre, and the density of the entire PRD is 3.68 dwelling units per acre.

- b) *Fifteen percent of the gross area of the site must be placed in common open space where the overall density is six units per acre or less, or at least 20 percent where the overall density is greater than six units per acre;*

The project has provided 21.1 percent open space, overall, which complies with the 15 percent open space minimum in PRD zoning. However, the percentage of open space varies greatly between each neighborhood within the PRD. Sherwood Forest has 7.86 percent open space, Legacy at Sherwood Park has 37.2 percent open space, and the proposed Sherwood Park neighborhood is 27.2 percent open space. The unequal distribution of open space throughout the MDP supports interconnectedness between the neighborhoods, as requested by staff and recommended during development review. Improved connectivity between the neighborhoods would make open space more accessible to all residents

- c) *Minimum site area is five acres.*

The site is 37.31 acres and complies with the minimum site area; the entire PRD contains 74.91 acres.

Master Development Plan

LDR Section 2.4.5(F) provides the criteria for MDP approval. Generally, “the approving body must make a finding that development of the property pursuant to the site plan will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.” The proposed PRD zoning amends the adopted Sherwood Forest MDP to redesignate the subject property from a golf course use to 79 single family zero lot line homes. The individual neighborhoods within the Sherwood Forest MDP have different development standards, but generally are developed in conformance to PRD development standards.

To approve a MDP associated with a PRD, the Planning and Zoning Board must make the following findings in **LDR Section 4.4.7(H)**:

- (a) *The development plan provides for an effective and unified treatment of the development potential of the site, making appropriate provisions for the preservation of scenic features and amenities of the site;*
- (b) *The development plan fosters harmony with existing or proposed development in areas surrounding the site.*
- (c) *Buildings in the layout shall be an integral part of the development and have convenient access to and from adjacent uses and blocks;*

The purpose and intent of PRD zoning is to provide “...a residential zoning district with flexible densities in which multiple family and single family detached dwellings are designed together so as to: promote improved design, character, and quality of development; to preserve natural, scenic, and open space features of a site; and to accommodate flexibility in design.” The other phases of the Sherwood Forest PRD are a mix of single-family zero lot line homes (Sherwood Forest) and townhomes (Legacy). As a single-family zero lot line development, the form of the proposed development is similar to the existing development in Sherwood Forest and compatible with Legacy. The proposed architecture and common area landscaping will be reviewed and approved separately after approval of the rezoning request, by the SPRAB, as part of the Class II site plan submitted concurrently.

No natural features exist on the site, but the lake features in the PRD are configured to provide homes in Sherwood Forest and the outer ring of the streets in Sherwood Park a view of the system of lakes, as well as separation between the two communities and for privacy purposes. A clubhouse and pool are located in the northeast corner of Sherwood Park near the main entry road. The applicant is treating the neighborhoods as separate entities through the proposed operations and the configuration of the site plan. The existing fence in Sherwood Forest will be removed following completion of construction in Sherwood Park, but no pathways are proposed to connect the neighborhoods, and no master homeowners association (HOA) is planned to govern the shared amenities or the shared access from West Atlantic Avenue.

- (d) *In the multiple family portion, individual buildings shall be related to each other in design, masses, materials, placement, and connections so as to provide a visually and physically integrated development. Treatment of the sides and rear of buildings shall be comparable in amenity and appearance to the treatment given to the front.*

The proposed development is a single-family development; the townhome portion of the MDP was previously approved and developed in compliance with this standard.

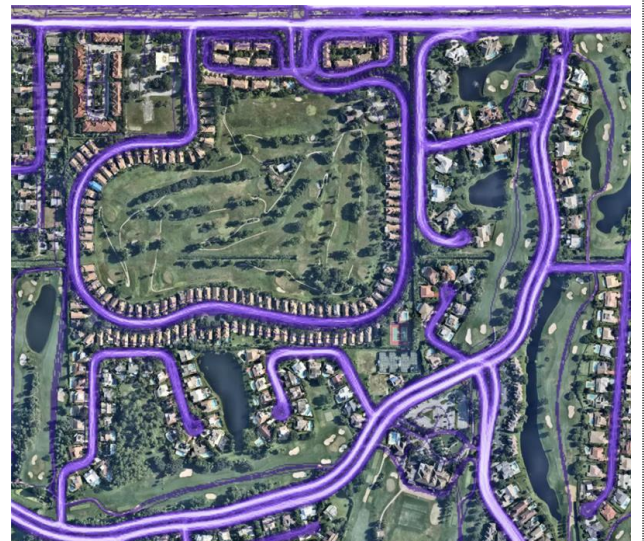
- (e) *The landscape treatment for plazas, streets, paths, and service and parking areas shall be designed as an integral part of a coordinated landscape and street furniture design.*
- (f) *The location, shape, size, and character of the common open space must be suitable for the contemplated development in terms of density, population characteristics, and housing types;*
- (g) *Common open space must be used for amenity or recreational purposes and must be suitably improved for its intended use. Natural features, worthy of preservation, shall be incorporated into the common open space system;*

Section 4.4.7(F)(2) requires that fifteen percent of the gross area of the site must be placed in common open space where the overall density is six units per acre or less. The development has provided 21.1 percent open space dispersed throughout the three Sherwood Forest PRD neighborhoods. The entire development meets the open space requirement, but not all phases provide equal open space. Waterbodies do not count towards open space requirements, but the MDP has provided significant lakes throughout the proposed development. Lakes comprise 11.8 percent of the total PRD, and 23.8 percent of the proposed Sherwood Park neighborhood. The subject property has functioned as a golf course since 1960, and the trees on the property are not natural habitat areas. The applicant is required to relocate and mitigate certain trees (relocation details are provided on the landscape plan).

A clubhouse area with swimming pool and tot lot are proposed in the northeast corner of Sherwood Park (immediately south of the eastern portion of the Legacy neighborhood).

- (h) *Roads, pedestrian ways, and open space shall be designed as an integral part of the overall design and shall be properly related to buildings and appropriately landscaped;*
- (i) *There shall be an adequate amount of pedestrian ways and landscape spaces to limit pedestrian use of vehicular ways, and to separate pedestrian ways and public transportation loading places from general vehicular circulation;*

There is a single point of access into Sherwood Park from Sherwood Forest Drive, which serves as an entrance to the entire PRD. The applicant has provided 5-foot sidewalks internal to the development on both sides of the internal streets. Paved pedestrian crosswalks are provided at intersections within Sherwood Park. However, there are no pedestrian and / or bicycle pathways to connect to the other neighborhoods within the PRD; the applicant has intentionally separated each phase of the development. Strava Heatmaps is a location based mobile app that tracks recreation (walking, running, and bicycling)



across the world and provides insights into the community's desire for walking or running in this area. The purple lines on the map above illustrate the demand for walking routes in this area. Staff recommended that the development include paths for walking, running or slow bicycling around Lake #1, #2 and #3 and in various open space areas to enhance connectivity. While not explicitly required, although supported by the Comprehensive Plan, the applicant declined to provide such paths.

Always Delay Comprehensive Plan explicitly provides requirements for sidewalks and pathways in both the Neighborhoods, Districts, and Corridors Element and the Mobility Element:

Policy NDC 2.3.1 *Preserve common areas used or designated as open space or recreational amenities in planned developments to maintain a high quality of life for the residents.*

Policy NDC 2.3.2 *Seek opportunities west of Interstate 95 to enhance and augment the street, sidewalk, and bicycle route network and require new development and redevelopment to provide pedestrian, bicycle, and vehicular interconnections to adjacent properties.*

Policy NDC 2.3.3 / Policy MBL 3.1.1 *Include cross access between properties to reduce vehicular trips on the roadway network. Cross-connectivity shall include bicycle and pedestrian accommodations, except where not feasible due to natural or environmental constraints.*

Policy NDC 2.3.4 *Improve access to public and private recreation opportunities west of I-95 by providing bicycle and pedestrian connectivity between recreation amenities.*

Section 4.4.7(H)(2) clearly requires a "unified treatment of the development potential of the site," an "adequate amount of pedestrian ways and landscape spaces to limit pedestrian use of vehicular ways, and to separate pedestrian ways and public transportation loading places from general vehicular circulation," and pedestrian pathways that "emphasize desirable views of new and existing development." Sidewalk connections to the surrounding neighborhoods within the PRD would support this requirement. Providing these amenities to the community are not a requirement that PRDs can waive at will, or as a result of private agreements. Pedestrian and vehicular connections to adjacent neighborhoods can be provided, while maintaining control with fencing or other security measures (a feasible measure used within the PRD at the entrance into Sherwood Forest from Sherwood Forest Drive).

Keeping the different phases of the development separate does not provide a unified treatment and does not demonstrate compliance with these policies of the Comprehensive Plan. The PRD should have sidewalk connections between neighborhoods, at a minimum, so that residents of each neighborhood are able to utilize the entire street system for biking or exercise. Furthermore, the lack of connectivity could potentially negatively impact the residents of the neighborhoods. One example of how connectivity would benefit the entire Sherwood MDP is the need for a functional pedestrian and street system for the children in the community. The children in Sherwood Park and Sherwood Forest will likely attend the same schools and be involved in the same community activities, but there are no easy access points between the neighborhoods.

A cross-access agreement should be created for Parcel ID 12424613250050010 to ensure access for Sherwood Forest, Sherwood Park, and Legacy.

(j) The location and design of pedestrian ways should emphasize desirable views of new and existing development.

The development provides sidewalks throughout the development with trees at 40-foot intervals. The existing Sherwood Forest development and the proposed Sherwood Park development are separated by a system of lakes. The back of the dwelling units adjacent to the lakes in Sherwood Forest and Sherwood Park face each other.

*(k) Tot lots and recreational areas shall be a feature of all new housing developments which utilize PRD zone districts.
(OSR A-3.3)*

A fenced-in tot lot is proposed as part of the recreation parcel on the northeast portion of the development adjacent to the clubhouse and pool area.

The MDP is also subject to the provisions of **LDR Section 3.2.3, Standards for site plan and / or plat actions**; compliance with this section is discussed in Appendix "A."

Waivers

An MDP is also subject to the regulations in the applicable zoning district. The applicant has requested waivers to Section 4.3.4(H)(3)(a), which requires zero lot line structures to be coterminous to a side property line with a minimum distance of 15 feet separation between buildings, and Section 4.3.4(K), which establishes minimum setbacks. A summary of the requirements and requested waivers is provided below.

Requested Waivers		
	Required	Proposed
Section 4.3.4(H)(3)(a), Requirements for Zero Lot Line	15 feet building separation	10 feet building separation
Section 4.3.4(K), Table 4.3.2 Setback Requirements for Zero Lot Line Developments	0 / 15 feet	10 feet

Pursuant to **LDR Section 2.4.7(B)(5), Waivers: Findings**, prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

- a) *Shall not adversely affect the neighboring area;*

The requested waivers, to reduce the zero lot line side setbacks from 15 feet to 10 feet (coterminous to the side property line), and the building separation to 10 feet, are internal to this phase of the PRD, and should have no direct effect on the Sherwood Forest portion of the PRD, which has side setbacks smaller than the minimum required setback for some lots.

- b) *Shall not significantly diminish the provision of public facilities;*

The requested waivers to reduce the minimum side setbacks and building separation relate to the site plan layout and do not impact public facilities, including the provision of water and sewer, access by emergency responders, and the sidewalk infrastructure.

- c) *Shall not create an unsafe situation;*

The requested waivers allow sufficient space between the homes within the development for air circulation and landscaping.

- d) *Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.*

The same waiver was granted in October 2019 for the master development plan associated with the Banyan Court zero lot line development.

Considerations

The Board should consider the following in reviewing the subject request:

Land Use Amendment: OS to LD

- Whether the elimination of private land designated as open space is appropriate.
- Whether policies supporting the expansion of the housing supply are more applicable to the request than those supporting open space preservation.

Rezoning: OSR to PRD

- Whether the proposed PRD zoning is the most appropriate for the property given the existing surrounding development.
- Whether the density of the PRD should be fixed as PRD-4.
- Whether there should be a Master HOA for the entire PRD to govern the use of common areas.
- Whether a cross-access agreement should be required for Parcel ID 12424613250050010 to ensure access for Sherwood Forest, Sherwood Park, and Legacy.

Master Development Plan

- Whether the proposed configuration results in a unified development, pursuant to the requirements for PRDs, particularly related to the lack of pedestrian and bicycle paths and treatment of open space.

Review By Others

The first and second reading dates by the City Commission are anticipated in October and November 2021.

Alternative Actions

Land Use Map Amendment

- Move a recommendation of **approval** of Ordinance No. 31-21, a privately-initiated request to amend the land use map from Open Space (OS) to Low Density (LD) for the property located at 170 Sherwood Forest Drive, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- Move a recommendation of **approval as amended** of Ordinance No. 31-21, a privately-initiated request to amend the land use map from Open Space (OS) to Low Density (LD) for the property located at 170 Sherwood Forest Drive, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- Move a recommendation of **denial** of Ordinance No. 31-21, a privately-initiated request to amend the land use map from Open Space (OS) to Low Density (LD) for the property located at 170 Sherwood Forest Drive, finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.
- Continue With Direction.**

Rezoning

- Move a recommendation of **approval** of Ordinance No. 32-21, a privately-initiated request to rezone 170 Sherwood Forest Drive from Open Space & Recreation (OSR) to Planned Residential Development (PRD), finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- Move a recommendation of **approval as amended** of Ordinance No. 32-21, a privately-initiated request to rezone 170 Sherwood Forest Drive from Open Space & Recreation (OSR) to Planned Residential Development (PRD), finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- Move a recommendation of **denial** of Ordinance No. 32-21, a privately-initiated request to rezone 170 Sherwood Forest Drive from Open Space & Recreation (OSR) to Planned Residential Development (PRD), finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.
- Continue With Direction.**

Master Development Plan and Waivers

- Approve** the amendment to the Sherwood Forest Master Development Plan for 79 zero lot line single family lots; with a waiver from LDR Section 4.3.4(H)(3)(a) to allow a reduction from the required 15 foot setback to 10 feet, and a waiver from LDR Section 4.3.4(K), which establishes minimum setbacks; finding that the approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.
- Approve** the amendment to the Sherwood Forest Master Development Plan, **as amended**, for 79 zero lot line single family lots; with a waiver from LDR Section 4.3.4(H)(3)(a) to allow a reduction from the required 15 foot setback to 10 feet, and a waiver from LDR Section 4.3.4(K), which establishes minimum setbacks; finding that the approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.
- Deny** the amendment to the Sherwood Forest Master Development Plan for 79 zero lot line single family lots; with a waiver from LDR Section 4.3.4(H)(3)(a) to allow a reduction from the required 15 foot setback to 10 feet, and a waiver from LDR Section 4.3.4(K), which establishes minimum setbacks; finding that the approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations.
- Continue With Direction**

Public and Courtesy Notices

X Courtesy Notices were sent to the following Homeowner Associations*:

- Sherwood Forest
- The Hamlet
- Highland Park
- Sunset Pines

* Country Club Acres and Legacy at Sherwood do not have an active HOA.

X Public Notice was posted at the property at least 7 calendar days prior to the meeting.

X Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting.

X Public Notice was published in the Sun Sentinel 10 calendar days prior to the meeting.

X Public Notice was posted to the City's website 10 calendar days prior to the meeting.

X Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.

X Agenda was posted at least 5 working days prior to meeting.

APPENDIX "A" - Section 3.2.3, Standards for Site Plan Actions

- A. Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.
- Not applicable
 Meets intent of standard
 Does not meet intent
- B. All development shall provide pedestrian, bicycle, and vehicular interconnections to adjacent properties, where possible, and include accessible routes from the entry points of publicly-accessible buildings to the sidewalk network in accordance with the Americans with Disabilities Act (ADA).
- Not applicable
 Meets intent of standard
 Does not meet intent
- C. Open space enhancements and recreational amenities shall be provided to meet Objective OPR 1.4 and other requirements of the Goals, Objectives, and Policies, as applicable, of both the Open Space, Parks, and Recreation Element and Conservation Element.
- Not applicable
 Meets intent of standard
 Does not meet intent
- D. Any proposed street widening or modification to traffic circulation shall be evaluated by the City, and if found to have a detrimental impact upon or result in the degradation of an existing neighborhood, the request shall be modified or denied.
- Not applicable
 Meets intent of standard
 Does not meet intent
- E. Remaining infill lots within the Coastal High Hazard Area of the Coastal Planning Area shall be developed using zoning which is identical or similar to the zoning of adjacent properties or that results in less intense development.
- Not applicable
 Meets intent of standard
 Does not meet intent
- F. Property shall be developed or redeveloped in a manner so that the use, intensity, and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.
- Not applicable
 Meets intent of standard
 Does not meet intent
- G. Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Objective B-2 of the Housing Element.
- Not applicable
 Meets intent of standard
 Does not meet intent
- H. Consideration shall be given to the effect a development will have on the safety, livability, and stability of surrounding neighborhoods and residential areas. Factors such as but not limited to, noise, odors, dust, and traffic volumes and circulation patterns shall be reviewed and if found to result in a degradation of the surrounding areas, the project shall be modified accordingly or denied.
- Not applicable
 Meets intent of standard
 Does not meet intent

- I. Development shall not be approved if traffic associated with such development would create a new high accident location, or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation.
- Not applicable
 Meets intent of standard
 Does not meet intent
- J. Tot lots and recreational areas, serving children, teens, and adults shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units.
- Not applicable
 Meets intent of standard
 Does not meet intent
- K. Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program; development in all other areas shall not exceed the Standard density.
- Not applicable
 Meets intent of standard
 Does not meet intent