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October 10, 2023

Rossin & Burr, PLLC
The Forum -- Suite 101
1665 Palm Beach Lakes Blvd
West Palm Beach, FL 33401

RE: CYPRESS CREEK GOLF COURSE PROPOSED REDEVELOPMENT

Dear Mr. Burr:

It was a pleasure meeting with you, Aaron, Mikel and Jennifer at Toll Brother's offices on Wednesday, September 27, 2023 to discuss the below items included in the letter the Association submitted to the Palm Beach County Zoning Division dated September 12th, 2023. The Toll team in attendance at the meeting felt as though there was productive dialogue concerning each of the points noted below. While Toll continues to conduct due diligence related to its proposed development plans for the new community, we remain committed to keeping an open line of communication with the Association and community residents in an effort to provide useful information addressing the various concerns set forth below. To that end, please find point-by-point responses to each enumerated item summarizing the discussion points from our meeting:

1. **Reduce the density of the proposed development by reducing the total number of houses constructed on the golf course.** The proposed infill redevelopment project seeks to build 150 houses, nearly the same number (160) that was previously denied by both the Zoning Commission and the Palm Beach County Commissioners. That prior project proposal was referred to by a Commissioner as "ten pounds of poop in a two-pound bag" in his denial of the earlier application. County Commissioners also expressed concerns that the density of the project in sections contiguous to Cypress Creek was too high, as golf course lots in Cypress Creek are generally 0.33 to 0.50 acres.

Response: The existing LR-2 future land use allows a density of 2 du/ac, which totals 245 units. Our development proposes 160 single-family homes/lots, which equates to 1.31 du/ac. Our plan is different from previous applications, as we propose larger lots and larger homes. The proposed application complies with PBC development standards, including the Comprehensive Plan and all Zoning requirements. Lots in the existing Cypress Creek community measure their lot lines to the center line of the Right-of-Way (ROW), and have a lot area of around 12,000 to 14,000 square feet. When the proposed homes in the submitted application measure to the center line of the ROW, the lot area will primarily be 10,075 square feet and above.

2. **Distribute the houses across a larger portion of the golf course to reduce the apparent density of the proposed project.** Residents believe too many houses are crammed into a small portion of the golf course parcel. Increase the width of the lots on the perimeter of the development and

widen the side setbacks to be more compatible with Cypress Creek's surrounding estate style lots with wide side setbacks that require at least 30 feet between homes.

Response: As noted above, the proposed density is significantly lower than permitted by the underlying LR-2 future Land Use designation for the property. The current site plan actually does increase lot width and expands setbacks as compared to the prior developer's proposed plans. In addition, the proposed site plan layout utilizes vast lake areas in order to ensure that adequate drainage is provided to accommodate all historic drainage flow, as well as the proposed new development.

- 3. Limit and Deed-restrict the building height of the new houses around the perimeter of the proposed infill development to single story houses.** The custom-built homes in Cypress Creek were designed to maximize the views of the open green space of the golf course and were not designed to have two story houses behind them. Most of the existing homes along the golf course in Cypress Creek are one-story and will be dwarfed by any two-story houses constructed behind them. Large two-story houses can diminish the use and enjoyment of the existing homes by blocking light and view, diminish use of pool areas; and create problems for growing grass and landscaping.

Response: Our research reveals that there are multiple two-story homes located within the existing community, including adjacent to the abandoned golf course. The development proposes a minimum 20 ft. enhanced landscape buffer around the perimeter instead of the ULDC required 8 ft. buffer between residential uses. Certain locations along the north perimeter provide additional buffer area to accommodate drainage and utility easements. Toll intends to also include enhanced and upsized landscaping material within the perimeter buffer beyond the minimum required by Palm Beach County.

- 4. Increase the width of the compatibility buffers between the surrounding Cypress Creek homes that directly abut the golf course and the lots of the proposed development.** The previously denied application for infill development of the Cypress Creek Golf Course provided a minimum of 50-foot setbacks behind lots adjacent to Cypress Creek lots. Increasing the rear setbacks of the proposed house lots will also provide greater separation between the developments.

Response: As noted above, the development proposes a minimum 20 ft. enhanced landscape buffer around the perimeter instead of the code required 8 ft. buffer between residential uses. Certain locations along the north perimeter provide additional buffer area to accommodate drainage and utility easements. Toll intends to also include enhanced and upsized landscaping material within the perimeter buffer beyond the minimum required by Palm Beach County. In addition to landscape buffers and easement areas, the proposed homes have a minimum 15 ft. rear setback within the lots. For comparison purposes, with the exception of existing homes adjacent to the abandoned golf course, many of the homes within the Cypress Creek community have small backyards and minimal rear yard separation between existing homes (+/- 30 feet), whereas the proposed homes will have larger backyards and a minimum of +/- 35 feet of rear yard separation between existing and/or new homes.

- 5. Compatibility buffers and landscape plantings should be developed very early in the initial construction phase and include more mature plants and trees.** This effort is necessary to

minimize the dust/debris/noise/sight that will negatively impact the existing homeowners during every phase of infill construction.

Response: Toll agrees to install perimeter landscape buffers as early as feasible in the process after grading and required site preparation are completed.

6. **Lakes and retention ponds should be more evenly distributed throughout the proposed development to increase the compatibility buffers and distribute retention basins to better accommodate stormwater runoff.** The proposed site plan has lakes and retention ponds concentrated on the east half of the golf course. The west side of the proposed infill development is largely impermeable surfaces that will no longer absorb surface water and proposes limited ponding to accommodate the substantial runoff that will be generated in this area. This distribution of ponding may also be necessary to accommodate the drainage from the surrounding neighborhood as required by the decades old South Florida Water Management District's single drainage permit. This permit identifies the golf course as the drainage basin for the entire neighborhood of surrounding homes. There is existing drainage from the surrounding neighborhood into lakes that are proposed to be removed.

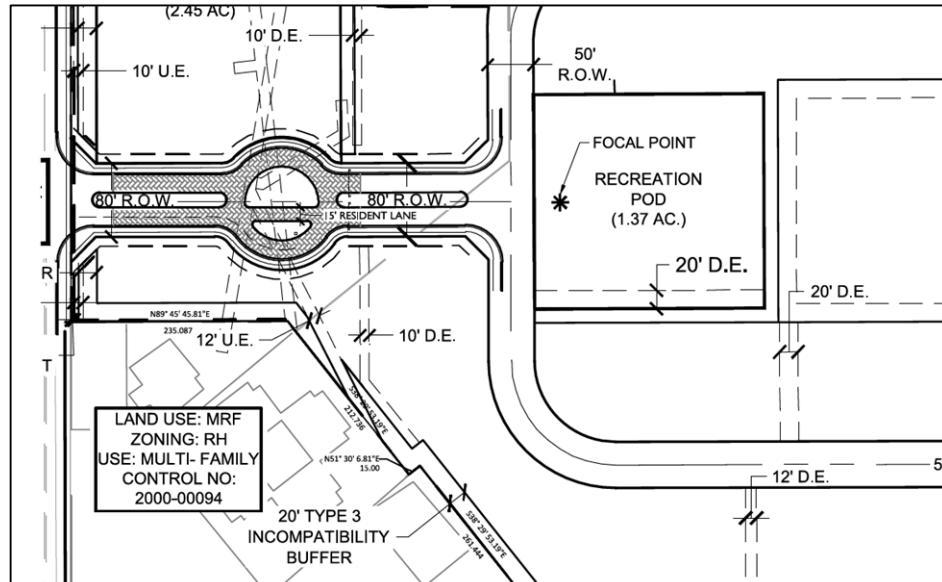
Response: We understand the concerns you raised during the meeting related to historic drainage flow for your community and use of the golf course for drainage purposes. All lakes are inter-connected, and the drainage system has been designed to accommodate historic drainage flow and the new development. We also appreciate some of the information you shared concerning proposed lakes on the southeast side of the property. We are currently conducting further investigation and following up with appropriate regulatory agencies to ensure these issues are satisfactorily addressed.

7. **The developer should be required to complete detailed hydrologic analysis prior to any recommendation by the County staff.** The existing drainage system has a successful 60 years of performance history. Please recognize that much of the land area of the new development will no longer absorb water. A detailed hydrologic analysis would provide assurances that the new replacement drainage system will satisfy the dramatically expanded drainage requirements created by the proposed infill project and that it could serve as an adequate replacement for the existing drainage system. Without these assurances, flooding risks are shifted to the surrounding neighborhood.

Response: A detailed hydrologic analysis will be provided as required by PBC and other required regulatory and permitting agencies. Our team is conducting pre-application meetings with LWDD and SFWMD and we will share any information at the appropriate time.

8. **Move the proposed recreation center away from the existing homes surrounding the proposed development and relocate it to the center of the new development and closer to Military Trail.** The burdens and inconvenience of noise, light, and the activities of the community center of the proposed development should not be placed on Cypress Creek residents. With the relocated recreation center, the future residents of the proposed infill development would have more control over the operation and usage of their facilities. Placing the recreation center adjacent to Cypress Creek disproportionately burdens existing homes with a facility where they have no access or benefit.

Response: Following our meeting we held several internal meetings with our development consultants in order to identify a suitable new location for the recreation center. As we update the site plan and resubmit our Zoning application for County review later this month, we intend on relocating the recreation center further west so it is located as you enter the new community off of Military Trail and will no longer be adjacent to any existing homes in the Cypress Creek community as requested.



9. **Direct the developer to retain at its sole expense an independent environmental assessment company to monitor, direct, and control all remediation efforts on the site.** Because there are 60 years of chemical toxins that have been applied to the golf course, strict mitigation protocols must be established and followed. This would reduce the exposures of all residents in the area (including Cypress Creek and those that may purchase in the proposed infill development) to hazards from known contaminations, as documented to the FDEP by prior chemical analysis and reporting.

Response: An environmental analysis will be prepared by qualified, Florida-licensed environmental professionals, complying with all regulatory requirements. Our team continues to work on a remedial action plan that we will share with you once we have completed our full due diligence and site investigation and consulted with the property owners and appropriate regulatory agencies.

The original letter also included several suggestions that the Association would like to see either incorporated into the new community or contributed by Toll for improvements to the Association. As noted above and during our meeting, we are still conducting research, investigation and due diligence on several items that could impact the site plan for the new community. With the exception of those items specifically noted below, we find these suggestions generally reasonable and remain open to further discussion and negotiation concerning these requests as we continue to work together on moving the new development plans and applications through the County approval and permitting process.

1. Walls along Lawrence Road and Military Trail. Landscaping at Existing gatehouses. Improvements to the appearance of the combined neighborhood by constructing and landscaping walls along Lawrence Road and Military Trail that are compatible with the existing perimeter walls along Old Boynton Road, along Military Trail, and along sections of the Association's private road Palo Verde Drive. The developer should also consider improvements to the landscaping at the CCPOA gate houses to reflect the landscaping proposed for its entry from Military Trail. This would also benefit the public and County by improving the appearance of the Community.

Response: We are open to further discussing the above items to better understand the specific requests and determine how Toll can best address possible impacts created by the new development.

2. Additional Compatibility Buffer. Additional compatibility buffer improvements were suggested that include increasing the height of the proposed 4' tall perimeter fencing, more mature initial plantings, and preserving the majority of the existing large, mature trees on the perimeter of the proposed project and to incorporate them into the landscaped buffers.

Response: We are open to further discussing the above items to better understand the specific requests and determine how Toll can best address possible impacts created by the new development. As noted in the earlier section of this letter, it is our intention to install an enhanced buffer that will include more and taller landscaping material than the minimum quantities and heights required by County regulations. As part of the Zoning application, we will meet with County staff on-site to determine the quality and location of existing vegetation and how best to incorporate it into the proposed plan.

3. Access to Lakes, Ponds, and Canals. Many of the neighbors would like continued access to the existing lakes, ponds, and canals distributed throughout the neighborhood. The proposed infill site plan illustrates the creation of a landscape buffer that could make continued bank maintenance of the existing retention ponds that will remain in the neighborhood difficult. Access should be continued and locked into place. The existing maintenance of these bodies of water has been the responsibility of the golf course owner and the Lake Worth Drainage District (LWDD) for 60 years. This maintenance obligation should not be transferred to the CCPOA because of the golf course sale. Likewise, many residents draw irrigation water from these bodies of water and that access and water usage should continue on a grandfathered basis and locked into any potential development approval.

Response: We are open to further discussing the above items to better understand the specific requests and determine how Toll can best address possible impacts created by the new development. Access to certain open space areas within the community may be an option, but we need the Association to understand that this would likely require negotiation of a shared use agreement that would need to include, at a minimum, insurance and indemnification requirements to protect the future residents/association of the new community. Maintenance of the water bodies will be the responsibility of the future association for the new community.

4. Additional Drainage Facilities. To further improve drainage within the entire area covered by the existing drainage permit, the developer should create additional out falls from Palo Verde Drive to the C. Stanley Weaver Canal to further reduce drainage demand on the new drainage system within the proposed infill redevelopment project.

Response: We do not believe that additional direct outfalls from Palo Verde Drive to the C. Stanely Weaver canal are permitted by the appropriate regulatory agencies.

5. Access to Green Space by Existing Cypress Creek Lots. If the proposed infill development project moves forward, the existing Cypress Creek development will become a nonconforming subdivision within the County codes with no open green space. The golf course provided the only open green space for the existing, surrounding neighborhood. Because the original developer honored the County's early PUD requirements, the golf course encompassed 42% of the overall development, consistent with the County's development requirements. The proposed new infill development should provide access to open green space for the existing surrounding development through the creation and maintenance of walkways and recreational park space in the expanded buffers. This should be locked into place by the development approval and by covenant.

Response: We are open to further discussing the above items to better understand the specific requests and determine how Toll can best address possible impacts created by the new development. As noted above, access to certain open space areas within the community may be an option, but we need the Association to understand that this would likely require negotiation of a shared use agreement that would need to include, at a minimum, insurance and indemnification requirements to protect the future residents/association of the new community.

6. Convey Existing Maintenance Area to CCPOA. It was also suggested by the survey respondents that because the maintenance area is not contiguous to the golf course, it's separated by the CCPOA's private road, will have difficult access directly to Military Trail, and is specifically excluded from the golf course plat transferring ownership and the special zoning exception for the golf course, that it is not an appropriate recreation area for the proposed development but could be deeded to the CCPOA.

Response: We continue to conduct due diligence on how best to incorporate this area in the new community. That said, we are also open to further discussing conveyance of the existing maintenance area to the Association.

We believe the information provided above accurately reflects the various discussion points covered during our meeting. Please contact me immediately by phone or email in the event anything contained above is inaccurate or does not conform to your understanding of what was discussed.

Sincerely,

Scott Backman

Scott Backman, Esq.

cc: Cypress Creek HOA
Toll Brothers, Inc.