

# Toll Brothers

AMERICA'S LUXURY HOME BUILDER®

June 13, 2024

Aaron,

Thank you for sending over the detailed list of community needs and requests. We appreciate the opportunity to clarify our position and provide a comprehensive response.

In our recent meeting, we collectively acknowledged and emphasized the importance of working cooperatively together on the issues raised by the HOA Board and members of the community. Throughout this process, Toll has always endeavored to act in good faith and work toward meaningful solutions with the HOA Board and members of the community and will continue to do so throughout the approval and development process. Along the same lines, it is our understanding that the Board recorded a document as part of the 2018/2019 development approval process that technically restricts the Board from negotiating with developers concerning proposed development of the subject property. We believe it would be a similar showing of good faith if the Board were to rescind this document and record a release or termination in the public records.

It appears the most significant concerns voiced by the Board and members of the community continue to relate to the existing environmental condition of the property and Toll's efforts to mitigate/remediate same. Toll has continuously acknowledged that they are acutely aware of the issues and is actively working with their professionals and the applicable government agencies to ensure that all required testing and other information are provided to ensure the remediation process is reviewed, approved, and executed to the satisfaction of all parties. Please recall that we discussed this during our recent meeting in Mr. Feaman's office and there appeared to be acknowledgement from all in attendance that Toll is limited in what can be shared until the required information has been submitted to the applicable regulatory agencies for review and approval. Toll has previously and continues to commit to sharing all information and documentation related to this (and any other) issue. While we may not be able to provide all documents immediately upon request due to the need to preserve regulatory processes, we assure you that all information requested will ultimately be shared with the Board.

When Toll started working on development plans for this property, we performed substantial due diligence to understand the underlying development rights, as well as the process and plans that were proposed for approval by another developer in 2018/2019. We reviewed the sequence of plans that included higher densities and substantially smaller lot sizes and unit types. Despite the County and courts reaffirming the underlying LR-2 land use designation for the subject property, which would allow a maximum of 245 units, Toll chose to start where the last developer ended, at 160 units, but with larger lots and lower density, understanding that Toll's luxury brand would add value to the site, and therefore offset the initial loss of units. Following our community outreach meetings and other meetings with members of the Board, we also made several significant changes to our proposed site plan, that included:

- Increased lot widths- All lots started at 65'. Half of the lots have been increased to 75', and the lots closest to existing homes (along Palo Verde) have been increased to 80' wide.
- Increased lot depths- All lots began at 130' deep. The lots closest to the existing homes (Palo Verde) were increased to 140' and ultimately to 150'.

- Increased buffer size: The compatibility buffer was increased from 8' to 10'. Toll and its consultants reviewed the lots one by one and increased their depths on a case-by-case basis to ensure that the most affected existing homes were pulled away as much as possible given the site design constraints. For example, the distance from the back of the homes on Palo Verde to the back of the new homes (wall to wall) is approximately 120'. Additionally, a tree preservation area was added in the corner of Palo Verde for additional buffering.
- Increased fence height within buffers- from 4' to 6'.
- Relocated recreation campus: The recreation campus was moved from the center of the new community to the front to ensure that any noise generated would not affect the existing residents.
- Further reduced density to 152 units from 160
- Introduced additional one-story models. We started with 2 one-story models and 6 two-story models and have increased that to 4 one-story models and 4 two-story models for buyers to choose from.
- Realigned roadways: We adjusted the alignment of certain roads to pull them further away from the adjacent community, thereby creating a larger buffer.

In addition, to the foregoing, please see below for a point-by-point response to the items outlined in your June 6, 2024, letter:

**Contribute \$3.5 million:** From our first meeting Toll has expressed a willingness to work with the Board on a variety of improvements that will benefit the Cypress Creek community. Such discussions included improvements related to entrance renovations, landscaping improvements, perimeter wall / fence improvements, gate replacement, perimeter buffering, road repairs and others. All these improvements will have a substantial financial impact that would benefit the community if agreed upon. Toll is again reiterating its commitment and willingness to engage in meaningful and reasonable discussions concerning such improvements for the community's benefit, which may also include certain financial contributions where it doesn't make sense for Toll to perform the work directly.

From our first meeting, Toll has expressed a willingness to work with the Board on a variety of improvements that will benefit the Cypress Creek community. Such discussions included improvements related to entrance renovations, landscaping improvements, perimeter wall/fence improvements, gate replacement, perimeter buffering, road repairs, and others. All these improvements will have a substantial financial impact that would benefit the community if agreed upon.

Toll is again reiterating its commitment and willingness to engage in meaningful and reasonable discussions concerning such improvements for the community's benefit, which may also include certain financial contributions where it doesn't make sense for Toll to perform the work directly.

However, we want to make it clear that the request of \$3.5 million is an unreasonable ask. We are certainly willing to discuss and prioritize the key improvement items and help where we can, within a more feasible financial contribution range.

**Protecting Cypress Creek from Toxins:** As noted above, we must ensure that all necessary applications are properly prepared and submitted before publicly disseminating information. Our testing results align with those recorded by FDEP in previous applications. We acknowledge that the site is contaminated above residential state standards and will be working with our environmental attorney and environment consultants as we follow all required regulatory requirements to ensure that the property and surrounding properties are remediated and protected in accordance with all state, county and other regulatory requirements. We are not introducing contamination to the site; we are actively working to remediate it and improve the environmental conditions and

will implement dust mitigation plans, use watering trucks, and take other protective measures to ensure the safety and health of the community. We are also working with our environmental attorney to prepare a summary of the process and timeline to share with the Board residents. As you know, Toll cannot pull permits for development of the property without addressing all regulatory requirements.

**Reimburse Residents for Irrigation Loss:** As you know, we had previously requested a list of affected residents, which was acknowledged during our June 4th meeting. Once we understand how many homes are affected, we can assess the situation and properly consider assisting those homeowners in finding an alternate solution.

**Enhanced Palo Verde Entrance and Maintenance Property Conveyance:** This was discussed during our June 4th meeting, and we were told it was not a priority and that the Board preferred we did not propose enhancements to the Palo Verde Entrance, as you did not want to draw attention to a resident-only gate. As we have expressed during several of our prior meetings, Toll remains willing to discuss improvements at the Palo Verde Entrance. Regarding the maintenance property, this parcel was used as an example to discuss access rights to open space for the residents and was not discussed for conveyance during our June 4th meeting. The conveyance of this parcel was discussed in prior meetings and correspondence but would require the community to accept the property in an “as is” condition, while also releasing Toll from future liability. Toll remains willing to continue discussions regarding this request subject to the above terms.

**Single-story homes on perimeter:** As we’ve indicated previously, Toll cannot agree to restrict the entire perimeter of the development to one-story homes. We are open to various options that may include restricting a select number of lots or establishing community standards that would only allow so many two-story homes adjacent to one another to avoid a lengthy row of two-story homes in a particular location. We are also willing to consider replacing some of the larger 80’ lots for 65’ lots for a handful of the most affected residents and restrict the new 65’ lots to a single story home, but only on a smaller lot.

**Adjust perimeter lots:** We have already adjusted the perimeter lots to ensure that they are the largest within the proposed community.

**Expand the compatibility buffer:** We have maximized the buffer size while prioritizing drainage concerns. As noted during prior meetings and correspondence, the proposed buffers exceed County requirements for single-family homes adjacent to one another. Regardless, Toll has continued to adjust the plan to increase buffer width, as well as size and quantity of landscaping material within the buffers. Toll has also increased lot size, depth and width in an effort to address Board and community concerns expressed during this process. It may be possible to further expand some of the perimeter buffers (i.e., Palo Verde), by reducing some of the lot depth that was previously increased to address proximity concerns. Please let us know if this is something the Board and community are interested in discussing further.

**Increase Side Setbacks:** As discussed during our June 4th meeting, Toll’s homes are 50’ and 60’ wide, which means that on an 80’ lot the side setbacks would naturally meet or exceed 10’. This is the case in many instances throughout the community, but the minimum 7.5’ side setback, which adheres to County Code requirements, is necessary for some of the smaller lots and models proposed within the community. While we recognize that some of the side setbacks within Cypress Creek are larger, our site plan and lot layout was designed to ensure consistency and compatibility as a whole, with wider and deeper lots spaced through the proposed community, many of which far exceed the lot depths that exist within Cypress Creek today.

**Redistribute drainage ponds and homes:** As we’ve discussed during prior meetings and correspondence, redistributing ponds and homes conflicts with the desire of all parties to optimize drainage to accommodate all stormwater for the existing Cypress Creek community and the proposed development.

**Build buffers and ponds early:** We have previously acknowledged that this is a priority for Toll, and we will develop the site to limit construction impacts. As soon as we have finalized engineering plans, we can start to develop a plan for phasing land development and construction activity to minimize impacts.

**Plant mature trees in buffers:** As noted above, it is our intention to increase size and quantity of landscape materials within the perimeter buffers. In addition, we will work with the County in an effort to preserve and relocate qualified mature trees to the perimeter and offer a higher-end landscaping package as we do with all Toll communities. This is one of those items that makes Toll Brothers a luxury brand.

**Relocate sewage lift station:** As you know, placement of the lift station is determined by engineering needs. We will continue to work with our team on location and will ensure it is well-buffered.

**Create a Connection Between East and West Properties:** This was raised by Board members as an example during our June 4th meeting as something requested by an individual homeowner and that this was not considered a priority by the Board. We acknowledge that the request for access to certain open spaces was requested during prior meetings and correspondence and Toll has expressed a willingness to identify locations subject to acknowledgment that the community understand the need to insure and indemnify Toll and the future HOA for any such access. We will revisit this with our planner understanding that it remains a priority for the Board.

**Rename the PUD:** We are renaming the community and the new name will not include references to Cypress Creek in an effort to avoid future confusion.

We hope this response clarifies Toll's position and demonstrates our commitment to working with the community within the practical constraints of the project. We look forward to continued dialogue and finding mutually agreeable solutions.

Sincerely,



Lindsay Parsons  
Vice President, Land Acquisitions  
Toll Brothers, Inc.