



**2019 COMPREHENSIVE PLAN TEXT AND MAP SERIES
AMENDMENT APPLICATION**

Palm Beach County Planning Division
2300 North Jog Road, WPB, FL 33411, (561) 233-5300

2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION
Part 7. Text Amendment Application

A. Proposed Text Amendment Summary

<p>Elements & Policies to be revised</p>	<p><i>Future Land Use Element</i></p> <p><i>Goal 1 Strategic Planning</i></p> <p><i>Objective 1.3 Exurban Tier</i></p> <p><i>Policy 1.3-f</i></p>
<p>Purpose</p>	<p><i>The purpose of the overall application is to provide for the development of neighborhood scale commercial at an established major intersection where a CRALLS Intersection designation has been previously established as follows:</i></p> <ol style="list-style-type: none"> <i>1. Amend the language in Policy 1.3-f to create a new “Commercial Node” criteria to provide for new Commercial Low future land use designation at the intersection of an Arterial Road and Collector Road which contains an active CRALLS Intersection designation as listed on Map TE 15.1.</i> <i>2. (Phase II) Amend the Future Land Use Map for property on the west side of Seminole Pratt Whitney Road between Orange Boulevard and 70th Street North from RR-2.5 to Commercial Low.</i>
<p>Justification</p>	<p><i>See attached Justification Statement.</i></p>
<p>Consistency</p>	<p><i>This Phase I application demonstrates the need to expand and investigate the concept of providing new Commercial Nodes at intersections that meet specific standards. The Palm Beach County Future Land Use Element (FLUE) supports exploring methods to meet the expanding needs of its residents and creating livable communities. The proposed amendment is consistent with the intent of the FLUE and a more in-depth analysis can be found in the attached Justification Statement.</i></p> <p><i>If the Board of County Commissioners approves the Phase I application we will submit a full application to The Acreage Landowner Association for review as part of our Phase II submittal.</i></p>

Text Changes	<p>Policy 1.3-f: <i>The County shall prohibit new commercial future land use designations that do not have frontage on either: 1) one collector and one arterial roadway; or 2) two arterial roadways (as depicted on the Federal Functional Classification of Roads Map TE 3.1), unless it is shown that a vehicular cross connection can be established to an adjacent site with a non-residential future land use designation, or such development is planned as a Traditional Marketplace Development (TMD).</i></p> <p>Commercial Node – <u><i>New Commercial Low land use designations may be located at an intersection of an Arterial Road and Collector Road that contains an active CRALLS Intersection designation as listed on Map TE 15.1.</i></u></p>
ULDC Changes	<i>None required.</i>

2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 1. Amendment Data

A. Amendment Data

Round	19-A	Intake Date	February 8, 2018
Application Name	7-Eleven @ Seminole Pratt Whitney Road and Orange Boulevard	Concurrent?	Yes
Acres	3.56	Text Amend?	Yes
PCNs	00-40-42-25-00-000-6200 & 00-40-42-25-00-000-6210		
Location	West side of Seminole Pratt Whitney and Orange Boulevard intersection between 70 th Street North, to the north and Orange Boulevard to the south.		
	Current	Proposed	
Tier	Exurban Tier	Exurban Tier	
Use	Vacant	Convenience Store with Gas Sales	
Zoning	Agricultural Residential District (AR)	Community Commercial District (CC)	
Future Land Use Designation	Rural Residential 2.5 (RR-2.5)	Commercial Low (CL)	
Underlying Future Land Use Designation	None	None	
Conditions	None	None	

B. Development Potential

	Current FLU	Proposed FLU
Density/ Intensity:	2.5 du/ac.	.10
Maximum Dwelling Units¹	<u>0.4</u> du/ac. x <u>3.56</u> ac. = <u>1</u>	None
Maximum Beds (for CLF proposals)	None	None
Population Estimate	1 max du x 2.39 = 2.39	0 max du x 2.39 = 0
Maximum Square Feet^{2, 4} (non-residential designations)	<u>0</u> FAR x <u>3.56</u> ac. = <u>0</u>	<u>0.10</u> FAR x <u>3.56</u> ac. = 15,520 sq ft
Proposed or Conditioned Potential^{3, 4}	----	Requesting 3,976 sq ft (3,010 sq ft convenience store & 966 sq ft car wash)

Max Trip Generator		<i>Waived for Phase I</i>
Maximum Trip Generation	The trip generation for the maximum potential	The trip generation for the maximum potential AND the proposed potential
Net Daily Trips:	_____ (maximum minus current) _____ (proposed minus current)	
Net PH Trips:	_____ AM, _____ PM (maximum) _____ AM, _____ PM (proposed)	

1. Maximum units per acre see Future Land Use Element Table III.C.1;
2. Maximum FAR see FLUE Table III.C.2 for FAR. If the site's acreage is large enough to be a planned development, utilize the PDD maximum whether or not a PDD is proposed. If the site's acreage does not meet the minimum PDD thresholds, the non-PDD maximum may be utilized.
3. For applications with a voluntary condition for a maximum development potential and use which will become binding in the adopting ordinance;
4. FLUA Amendments with a concurrent zoning application must calculate maximum development potential at the typical use & trip generation (eg. General Retail for Commercial future land uses) and in addition, calculate the trip generation for the actual proposed zoning application.

2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 2. Applicant Data

A. Agent Information

Name	Brian M. Seymour, Esq. & Joshua I. Long, AICP
Company Name	Gunster Law Firm
Address	777 South Flagler Drive, Suite 500 East
City, State, Zip	West Palm Beach, FL 33401
Phone / Fax Number	561-650-0719 / 561-671-2417
Email Address	jlong@gunster.com

B. Applicant Information

Name	7-Eleven
Company Name	7-Eleven, Inc.
Address	3200 Hackberry Road
City, State, Zip	Irving, TX 75063
Phone / Fax Number	1-850-450-7492
Email Address	Daniel.tubb@7-11.com
Interest	Contract Purchaser

JUSTIFICATION STATEMENT

Palm Beach County Comprehensive Plan Future Land Use Element Privately Initiated Amendment (PIA) Phase I

Request

The purpose of the overall application is to provide for the development of neighborhood scale commercial within the Exurban Tier at an established major intersection where a CRALLS Intersection designation has been previously established as follows:

1. Amend the language in Policy 1.3-f to create new “Commercial Node” criteria to provide for new Commercial Low future land use designation at the intersection of an Arterial Road and Collector Road which contains an active CRALLS Intersection designation as listed on Map TE 15.1.
2. (Phase II) Amend the Future Land Use Map for property on the west side of Seminole Pratt Whitney Road between Orange Boulevard and 70th Street North from RR-2.5 to Commercial Low.

Justification

The Exurban Tier is a predominately residential area in Palm Beach County that is dependent on automobiles. The existing development pattern for the Exurban Tier provides very little in the way of employment centers and commercial centers. The majority of the residents that live within the Exurban Tier rely on their automobiles to drive to work and to obtain their commercial goods and services. The intent of this FLUE text amendment is to provide commercial services where the traffic already exists. The residential development patterns within the Exurban Tier create traffic by design. The logical location for commercial is where the traffic already exist (i.e. the major intersections). Utilizing the County’s existing roadway classification system (Map TE 3.1) and CRALL’s designation map (Map TE 15.1) is an effective tool to determine potential locations for future Commercial Nodes within the Exurban Tier.

If the Phase I application is approved our Phase II application would include a FLU Map Amendment application for property located on the west side of Seminole Pratt Whitney Road between Orange Boulevard and 70th Street North (the “Subject Property”). The Subject Property is located across from one half of an already existing developed commercial node. The Subject Property has never been developed, remaining vacant to this day. The Subject Property is located in the middle of The Acreage, which is a residential area that was developed prior to the adoption of the Palm Beach County Comprehensive Plan. The development pattern for The Acreage is classified as Urban

Sprawl, a low density development in historic agricultural areas with limited interconnection to goods and services, thus resulting in the automobile dependency of the residents to obtain basic goods and services that residential neighborhoods need to function efficiently and effectively.

As The Acreage has developed and built-out, the need for goods and services to accommodate the neighborhood has increased. The development pattern and layout of The Acreage provided limited opportunities for commercial development; there are very few locations to provide the neighborhood with the needed amenities that will limit vehicular trips onto Northlake Boulevard to the north and Okeechobee Boulevard to the south. This application provides the best potential location for new commercial within The Acreage, at an already half developed commercial node, to provide the goods and services that the residents of the Acreage use on a regular basis. There are very few paved roads within The Acreage and only a few large Arterial and Collector roads. Residents of The Acreage filter through the small unpaved and narrow residential roads to the larger roads and it is at the intersection of Seminole Pratt Whitney (which is an Arterial road) and Orange Blvd. (which is a Collector road) where the appropriate location for new commercial development exist with The Acreage.

Our Phase II application would provide an opportunity to provide much needed commercial at the most appropriate location within The Acreage. The intersection of Seminole Pratt Whitney Road and Orange Boulevard is a crucial commercial node intersection, a rare opportunity in the area. The two roads, which intersect at the Subject Property, connect properties within the Acreage to the north, south, east and west. This intersection represents the most central and geographically important intersection within The Acreage.

Orange Boulevard is the only road that connects directly with the center of the Western Communities Residential Overlay, which is an overlay of 4,871 acres of land with an approved capacity of 3,897 residential units, 300,000 square feet of commercial retail and 50,000 of commercial office. The future importance of Orange Boulevard must be recognized in that Orange Boulevard will be a major road that connects future western development with The Acreage and other communities to the west. The County is tasked with “planning for future growth beyond the planning horizon” (FLUE I.B.). Recognizing the development potential of the Western Communities Residential Overlay and its anticipated use of Orange Boulevard provides justification to provide more commercial at the Subject Property which is located at the intersection of two of the biggest and most important roads in the region.

Locating commercial uses at commercial nodes at the intersection of major roads is a well-established planning principle; commercial use are best located where people will already be in their car. The location of commercial at major intersections prevents unnecessary and excessive trip generation by providing the goods and services for the residents that live in the immediate area. The creation of a commercial node at the Subject Property will help alleviate some of the pre-existing issues that exist within The Acreage’s Urban Sprawl design. The proposal helps to lessen the traffic issues

associated with Urban Sprawl by providing commercial at one of the most convenient and most appropriate locations for new commercial in The Acreage.

Proper planning of large residential developments should include commercial nodes with residential density surrounding the node. These nodes should be located at intervals that allow residents that live within a certain radius (usually a ½ mile to 1 mile) to provide residents with alternative methods of transportation (walking, biking) to obtain the goods and services they desire. When there are no commercial facilities located within a reasonable distance the resident is forced to drive to get the goods and services they desire. These theories have been recognized by the County and exist within the FLUE, as an example the Traditional Marketplace Development standards (FLUE 4.4.4) share some of the same planning principles, though on a larger scale than proposed here, shared in this Justification Statement.

The Acreage has a dearth of goods and services within The Acreage. Proper planning of The Acreage, with its large residential population would have included properly placed commercial nodes throughout The Acreage had comprehensive planning been in place, however this did not occur and we now have a built out environment. The Subject Property is one of the only locations within the entire Acreage that meets the required planning principles for new commercial siting, the major roads already described in this Justification along with the location of existing commercial on the other side of the intersection provide the most appropriate location for expanded commercial with The Acreage.

Consistency

The Palm Beach County Comprehensive Plan Future Land Use Element (FLUE) is the County's guide to facilitate "balance and physical social education and cultural environment and economic needs and economic growth that pertains for current and future county residents; and to create and maintain livable communities" (FLUE I.A). Those needs are the driving force for this application. The FLUE addresses actions to correct unforeseen problems and opportunities of development by providing goals for the FLUE to follow. The County is tasked with "planning for future growth beyond the planning horizon" (FLUE I.B.). Recognizing the development potential of the Western Communities Residential Overlay and its use of Orange Boulevard and future impact on the intersection in question represents an opportunity for the County to plan for future growth.

Livable communities include providing for the neighborhoods' daily commercial needs by providing them next to neighborhoods based on commercial uses compatible with the character of the tier. (FLUE I. D.). The subject application provides the appropriate compatible limited mixed commercial that complies with the Comprehensive Plan. Creating a commercial node in the middle of an Urban Spall neighborhood complies with Objective 1.1 for the Managed Road Tier System by using compact forms of sustainable development. Commercial nodes provide services to the residents that live

within the immediate area; thus, bringing The Acreage's Urban Sprawl neighborhood into closer compliance with sustainable development.

Objective 1.3 of the FLUE confirms that within the Exurban Tier an increase in population is causing an escalating increase with demand and services. This proposal provides the much needed services that residents within the Exurban Tier desire. Policy 1.3-a provides that the County will protect and maintain the semi-rural character of the Exurban Tier by allowing services and facilities consistent of the character of the area and insuring development is compatible in scale, mass and intensity of use for the Exurban Tier community. Providing commercial node at an existing major intersection provides the needed resources at an appropriate scale within the Exurban Tier.

**Attachment B
Agent Consent Form**

Application Name: 7-Eleven Seminole & Orange

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

BEFORE ME THIS DAY PERSONALLY APPEARED _____, WHO BEING DULY SWORN, DEPOSES AND SAYS THAT:

1. He/she is the owner of the real property legally described in Attachment A;
2. He/she authorizes and designates Gunster Law Firm to act in his/her behalf for the purposes of seeking a change to the Future Land Use Atlas designation of the real property legally described in Attachment A;
3. He/she has examined the foregoing Future Land Use Atlas amendment application and he/she understands how the proposed change may affect the real property legally described in Attachment A; and
4. He/she read the PZB refund Policy and understands the Future Land Use Atlas amendment application fee in no way guarantees approval of the proposed amendment and that any request for refund is subject to the current PZB refund policy.

FURTHER AFFIANT SAYETH NOT.

The foregoing instrument was acknowledged before me this 28th day of February, 2018, by Sheila M. Alam (Name of Person Acknowledging) who is personally known to me or who has produced _____ (type of identification) as identification and who did (did not) take an oath.

(Signature of Person Taking Acknowledgement)

MARIO MARRERO
(Name of Acknowledger)

Notary
(Title or Rank)

(Serial Number, if any)

(Notary's Seal)



Sheila M. Alam
Applicant's Signature

Sheila M. Alam
Applicant's Name (Print)

15020 SW 74th Avenue
Street Address

Palmetto Bay, FL 33158
City, State, Zip Code

786-303-0279
Telephone

**Attachment C
Applicant's Ownership Affidavit**

Application Name: 7-Eleven Seminole & Orange


**STATE OF FLORIDA
COUNTY OF PALM BEACH**

BEFORE ME THIS DAY PERSONALLY APPEARED _____, WHO BEING DULY SWORN, DEPOSES AND SAYS THAT:

1. He/she is the owner, or the owner's authorized agent, of the real property legally described in Attachment A;
2. He/she understands the Future Land Use Atlas amendment application fee in no way guarantees approval of the proposed amendment and that any request for refund is subject to the current PZB refund policy;
3. The statements within the Future Land Use Atlas amendment application are true, complete and accurate;
4. He/she understands that all information within the Future Land Use Atlas amendment application is subject to verification by County staff;
5. He/she understands that false statements may result in denial of the application; and
6. He/she understands that he/she may be required to provide additional information within a prescribed time period and that failure to provide the information within the prescribed time period may result in the denial of the application.

FURTHER AFFIANT SAYETH NOT.

The foregoing instrument was acknowledged before me this 28th day of February, 2018, by Shella M. Alam (Name of Person Acknowledging) who is personally known to me or who has produced _____ (type of identification) as identification and who did (did not) take an oath.

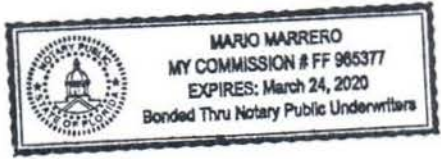

(Signature of Person Taking Acknowledgement)

MARIO MARRERO
(Name of Acknowledger)

Notary
(Title or Rank)

(Serial Number, if any)

(Notary's Seal)




Applicant's Signature

Shella M. Alam
Applicant's Name (Print)

15020 SW 74th Avenue
Street Address

Palmetto Bay, FL 33158
City, State, Zip Code

786-303-0279
Telephone