



**FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT  
AMENDMENT ROUND 19-A**

**BCC ADOPTION PUBLIC HEARING, FEBRUARY 28, 2019**

**A. Application Summary**

**I. General**

<b>Project Name:</b>	<b>Banyan Ridge (LGA 2019-001)</b>
<b>Request:</b>	<b>CR (9.02 ac.) and LR-2 (1.40 ac.) to HR-12</b>
<b>Acres:</b>	10.42 acres
<b>Location:</b>	South side of Belvedere Road, east of Florida Turnpike at Cleary Road
<b>Project Manager:</b>	Inna Stafeychuk, Planner I
<b>Applicant/Owner:</b>	AHS Development Group, LLC
<b>Owner:</b>	Florida Public Utilities
<b>Agent:</b>	Schmidt Nichols
<b>Staff Recommendation:</b>	Staff recommends <b>approval</b> based upon the following findings and conclusions found in this report.

**II. Assessment & Conclusion**

The applicant proposes to change the future land use designation on the 10.42 acre site from Commercial Recreation (CR) and Low-Residential, 2 units per acre (LR-2) to High Residential, 12 units per acre (HR-12). Under the proposed HR-12, the future land use density would allow up to 125 dwelling units. The applicant is seeking to use the Transfer of Development Rights (TDR) Program for an additional 28 units and 60% Workforce Housing Program (WHP) Bonus for an additional 75 dwelling units, for a total of 228 multi-family dwelling units (21.9 units per acre). The current approval for a data information processing, warehouse, welding shop, covered storage, and gas and fuel retail is proposed to be abandoned.

Currently the development potential is for either commercial recreation uses under the CR designation, or industrial uses under the PBIA Overlay. The substantive aspects of this amendment are related to the appropriateness of reestablishing a residential designation on the site and the appropriateness of the proposed density. This proposed amendment to allow high density residential is appropriate on the subject site considering its location adjacent to roadways and in a vicinity of employment centers.

The applicant has met the requirements to justify the amendment, the amendment is compatible with the surrounding land uses, does not negatively impact public facilities, and is consistent with the density increase policy in the Comprehensive Plan. Staff is proposing conditions of approval to require the purchase of the requested TDRs and that the adoption of the amendment and the zoning application are held concurrently. Consistent with other recent Comprehensive Plan amendments, staff is recommending a condition of approval requiring 25% of units be provided on site as WHP, rather than the 19% required by the ULDC.

### III. Hearing History

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**Local Planning Agency:** *Approval with conditions*, motion by Lori Vinikoor, seconded by Angella Vann, passed in a 10-0 vote at the October 12, 2018 public hearing. Under discussion, commissioners questioned whether the amendment resulted in the loss of industrial land, and the distribution of workforce housing units. One commissioner questioned details of the zoning application variances. There was no public comment.

**Board of County Commissioners Transmittal Public Hearing:** *Transmit*, motion by Comm. Burdick, seconded by Comm. Bernard, passed in a 7 to 0 vote at the October 31<sup>st</sup> public hearing. Board discussion included comments regarding the importance of workforce housing within the project and the County. There was no public comment.

**State Review Comments:** The State Land Planning Agency issued a letter dated December 7, 2018 for this amendment round called 19-01 ESR stating the department had not comment on the proposed amendment. There were no other state agency comments received regarding this amendment. The Florida Department of Transportation issued Technical Assistance Comments (see Exhibit 10) regarding noise mitigation along the Turnpike. The concurrent zoning application for the subject site incorporates conditions of approval to ensure that noise mitigation measures are provided.

**Board of County Commissioners Adoption Public Hearing:** *Scheduled for February 28, 2019*

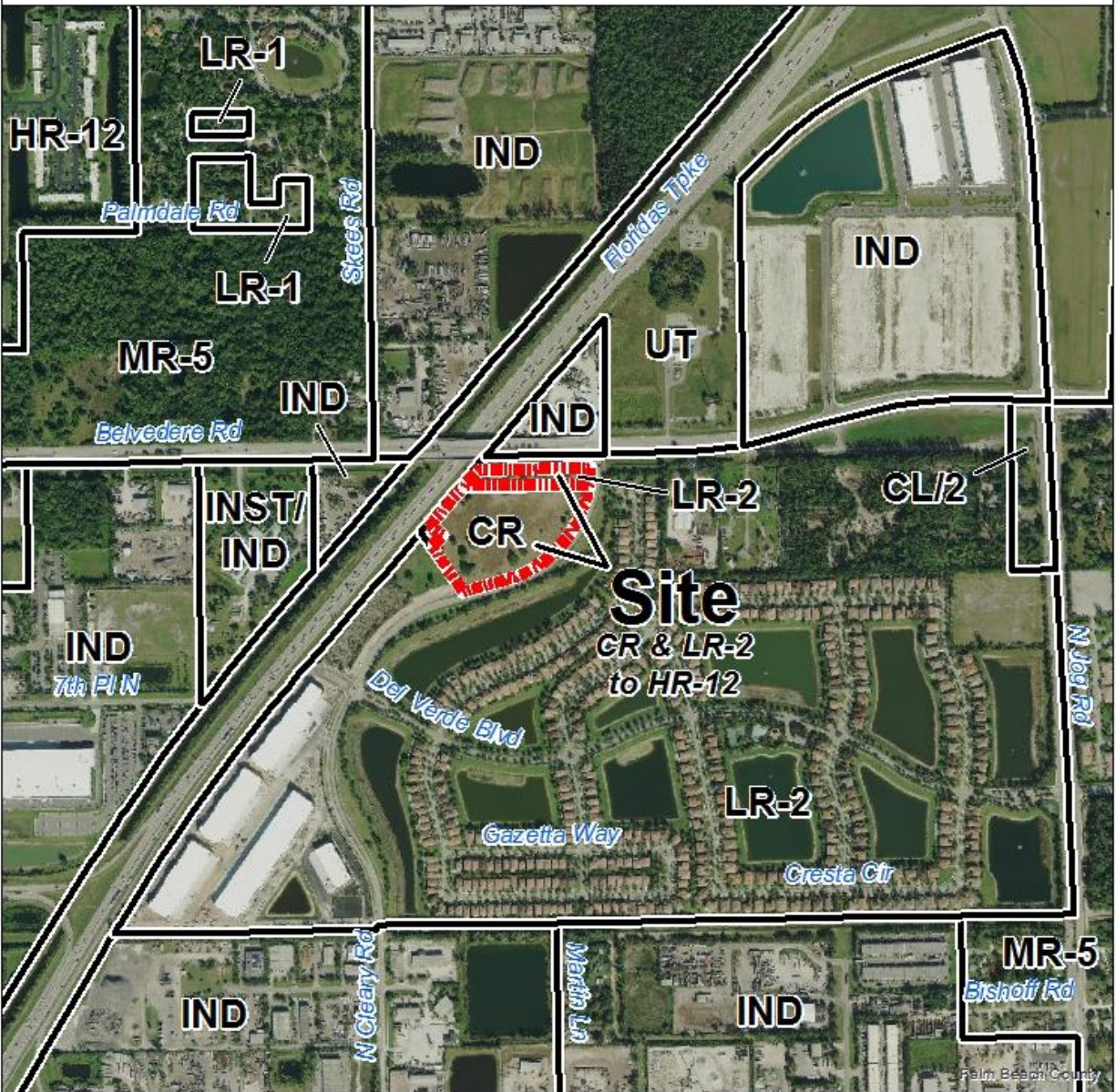
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B. Petition Summary

I. Site Data

Current Future Land Use	
Current FLU:	Commercial Recreation (CR) on 9.02 acres and Low Residential, 2 units per acre (LR-2) on 1.40 acres
Existing Land Use:	Vacant
Current Zoning:	Light Industrial (IL)
Current Dev. Potential Max:	Commercial Recreation uses on 9.02 ac.; Residential on 1.40 ac.
Proposed Future Land Use Change	
Proposed FLU:	High Residential, 12 units per acre (HR-12)
Proposed Use:	Multifamily residential
Proposed Zoning:	Planned Unit Development (PUD)
Dev. Potential Max/Conditioned:	Residential uses, up to 125 dwelling units (231 with TDR and WHP density bonus); 228 units proposed in concurrent zoning application
General Area Information for Site	
Tier/Tier Change:	Urban/Suburban
Utility Service:	Palm Beach County (PBC) Water Utilities Department
Overlay/Study:	the Palm Beach International Airport (PBIA) Approach Path Conversion Area Overlay, the Jog Road Corridor Study, the Turnpike Aquifer Protection Overlay, and the Haverhill Neighborhood Plan.
Comm. District:	Paulette Burdick, District 2

**Future Land Use Atlas Amendment**  
Banyan Ridge (LGA 2019-001)



**Site Data**

Size: 10.42 acres  
Existing Use: Vacant  
Proposed Use: Multi-Family Residential  
Current FLU: CR and LR-2  
Proposed FLU: HR-12

**Future Land Use Designations**

LR-1	Low Residential, 1 unit per acre	IND	Industrial
MR-5	Medium Residential, 5 units per acre	INST	Institutional & Public Facilities
HR-12	High Residential, 12 units per acre	INST/IND	INST, underlying IND
CR	Commercial Recreation	UT	Utilities & Transportation
CL/2	Commercial Low, underlying 2 units per acre		

Date: 9/20/2018  
Contact: Planning  
Filename: Planning\AMEND\19-A\Site\19-01  
Note: Map is not official, for presentation purposes only



Planning, Zoning & Building  
2300 N. Jog Rd, WPB, FL 33411  
Phone (561) 233-5300





## C. Introduction & Review

### I. Intent of the Amendment

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This is privately proposed amendment for a 10.42 acre vacant site located in the Urban/Suburban Tier, on the south side of Belvedere Road between Florida's Turnpike and Cleary Road. The site is within the boundaries of several Planning Overlays and Study areas, including the Palm Beach International Airport Approach Path Conversion Area Overlay (PBIA-O) and the Haverhill Neighborhood Plan.

The majority of the site (9.02 acres) was previously amended in 2010 from Low Residential, 2 units per acre, (LR-2) to the current Commercial Recreation (CR) in 2010 (Fun Depot, SCA-2010-001) via Ordinance 2010-004. The zoning approval was for 61,758 square feet of indoor entertainment. The zoning approval was subsequently abandoned. Since the subject site is within the PBIA-O, the site is able to achieve approval for industrial uses without a future land use amendment with the current CR designation. Pursuant to PBIA-O provision, the site was rezoned in 2015 to Light Industrial zoning district and received the current approval for a data information processing, warehouse, welding shop, covered storage, and gas and fuel retail for a total of 69,250 square feet. The zoning approval includes the 9.02 acres of CR and 1.40 acres of LR-2 along Belvedere Road that was not subject to the prior amendment. This strip was not included in the 2010 amendment anticipating a Florida Department of Transportation (FDOT) eminent domain action.

The amendment is proposed to change the future land use designation on the entire 10.42 acre site from CR on 9.02 acres and LR-2 on 1.40 acres to High Residential, 12 units per acre (HR-12) in order to pursue the development of 228 multifamily apartments.

The associated zoning application (CA/PDD/TDR/ZV-2018-1172) includes a request to abandon the current approval and is requesting a rezoning from Light Industrial (IL) to Planned Unit Development (PUD), to allow a Transfer of Development Rights, to allow Workforce Housing Density Bonus Program in excess of 30 percent, and variance requests to reduce landscape buffers and reduce parking spaces.

### II. Data and Analysis Summary

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This section of the report summarizes the consistency of the amendment with the County's Comprehensive Plan. The chapters in Exhibit 2 detail the consistency of the amendment with Plan policies, including justification, compatibility, public facilities impacts, intergovernmental coordination, and consistency with specific overlays and plans. The substantive factors from Exhibit 2 are summarized below.

**Appropriateness of the Amendment.** The subject site is requesting to establish a residential designation on the subject site and to achieve a density of up to 21.9 units per acre through a combination of the future land use amendment process and utilizing the Transfer of Development Rights (TDR) and Workforce Housing (WHP) programs.

**Compatibility:** The proposed development with 228 apartments at a 21.9 unit per acre density is consistent with density, mass, and scale of the housing pattern in the area. The proposed amendment is suitable for a density increase, given its location adjacent to roadways and the separation from the nearest existing residential. The proposal creates multi-family rental units in the vicinity of employment centers with nearby access to Florida's Turnpike. The subject site is located in an area with primarily residential and industrial uses. To the south and to the north, across Belvedere Road, are industrial sites. The site abuts Florida's Turnpike on its west boundary. No compatibility concerns are anticipated to the north, west or south. To the east across Cleary Road is the 406-home Terracina Planned Unit Development (PUD), comprising mostly two-story single family homes. A minimum of 250-280 feet will separate the proposed buildings from existing residential development in Terracina PUD: the 80 foot Cleary Road right of way, an open space tract, and a lake within Terracina PUD. This distance provides for sufficient separation between the proposed three story multifamily buildings and the existing two-story houses across the Cleary Road to the east and does not raise compatibility concerns.

**Additional Factors:** Further, the subject site is located in an area identified as appropriate for density increases as follows:

- Development of multifamily residential on the amendment site would serve as a transition between single family homes to the east and industrial uses to the south and Florida's Turnpike to the west.

- The request would increase housing opportunities in a vicinity of employment centers, furthering provisions of Comprehensive Plan Future Land Use Element (FLUE) Policy 2.1-g - County Directions.
- The proposed amendment is consistent with the PBIA Overlay and consistent with the associated special studies.
- The associated zoning application is requesting a variance to reduce parking by 22.5%. In order to ensure that that the design of the site can adequately accommodate requested density, a condition is proposed requiring that the adoption and zoning hearings are held concurrently.

**Utilization of the County’s Density Bonus Programs.** The Comprehensive Plan Future Land Use Element Policy 2.4-b establishes Transfer of Development Rights (TDRs) as the mandatory method of increasing density, unless the Workforce Housing Program (WHP) or Affordable Housing Program (AHP) density bonus are used, or a plan amendment can be justified. Since the majority of the subject site does not have a residential future land use designation, this Policy is not applicable. However, the applicant is voluntarily proposing to purchase 28 of the 31 available TDRs for this site. The applicant also proposes to use the optional density bonus component of the WHP to further increase density. The applicant is requesting the maximum 60% density bonus available to this site, which allows for an additional 75 units, for a total of 228 multi-family dwelling units (21.9 units per acre). This use of nearly all TDRs and the maximum WHP density bonus, in conjunction with the requested designation of HR-12, allows for the 228 units sought by the applicant.

**Workforce Housing Obligation.** The applicant’s requested designation along with the purchase of TDRs and WHP density bonus for this site would result in a total of 46 Workforce Housing units (20.2%). Recognizing that the applicant is receiving a significant benefit in the form of substantial density created through the amendment process, for similar amendments in recent years staff has recommended, and the Board has approved, a condition typically requiring 25% percentage of units to be provided as workforce, with the units to be provided on site. Staff is therefore recommending conditions of approval to require 25% of all dwelling units be provided on site as WHP units, and to require purchase of the 28 TDR units as requested in zoning application.

**Assessment and Recommendation.** Currently the development potential is for either commercial recreation uses under the CR designation, or industrial uses under the PBIA Overlay. The request will allow the site to be developed with up to 231 multifamily apartments. The substantive aspects of this amendment are related to the appropriateness of reestablishing a residential designation on the site and the appropriateness of the proposed density. As discussed in Exhibit 2, the applicant has met the requirements to justify the amendment, the amendment is compatible with the surrounding land uses and does not negatively impact public facilities, and is consistent with the density increase policy in the Comprehensive Plan. The subject site cannot utilize the Transfer of Development Rights (TDR) or Workforce Housing (WHP) Program to increase density without an amendment to establish a residential designation.

Staff is proposing conditions of approval to require the purchase of the requested TDRs, that 25% of the units are provided on site as workforce housing units, and that the adoption of the amendment and the zoning application are held concurrently.

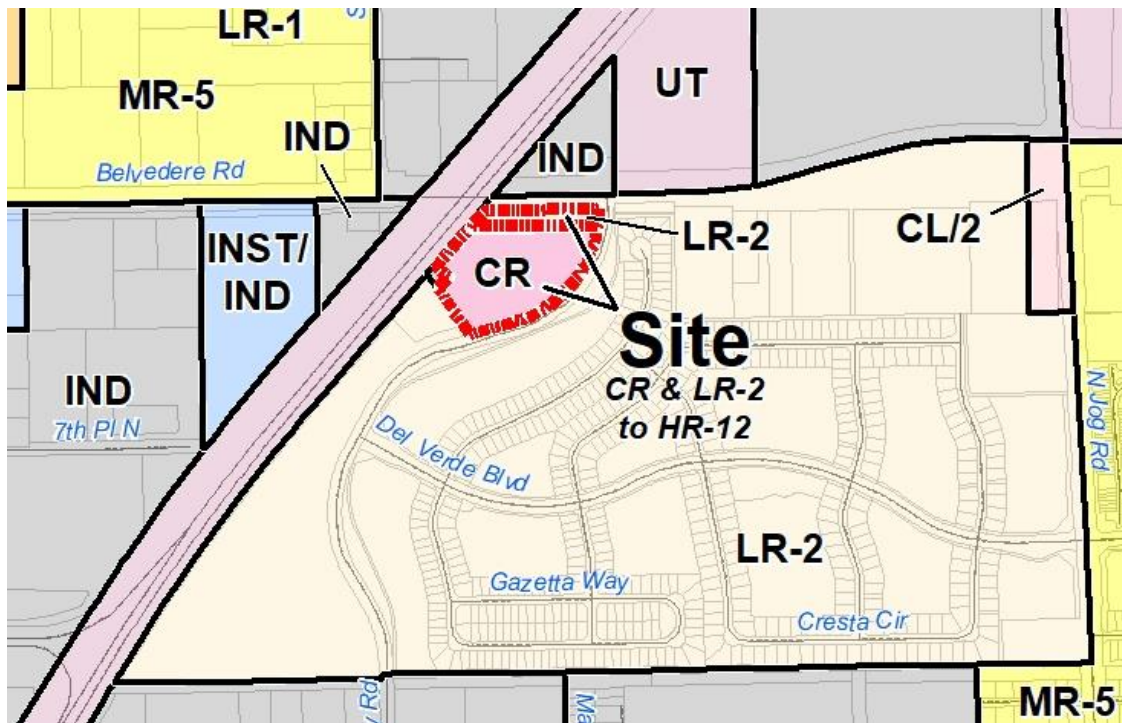
Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Consistency with Comprehensive Plan	E-3
3. Applicant’s Justification/Consistency with Comprehensive Plan and Florida Statutes	E-13
4. Applicant’s Public Facility Impacts Table	E-19
5. Applicant’s Traffic Study ( <i>available to the LPA/BCC upon request</i> )	E-22
6. Palm Beach County Traffic Division Letter	E-23
7. Water & Wastewater Provider LOS Letter	E-25
8. Applicant’s Disclosure of Ownership Interests	E-26
9. School Capacity Availability Determination (SCAD) Letter	E-34
10. Correspondence	E-35

## Exhibit 1

<b>Amendment No:</b>	<b>Banyan Ridge (LGA 2019-0001)</b>
<b>FLUA Page No:</b>	63
<b>Amendment:</b>	From Commercial Recreation (CR) on 9.02 acres and Low Residential, 2 units per acre (LR-2) on 1.40 acres to High Residential, 12 units per acre (HR-12)
<b>Location:</b>	South side of Belvedere Road, east of Florida Turnpike at Cleary Road.
<b>Size:</b>	10.42 acres
<b>Property No:</b>	00-42-43-33-11-002-0000

**Conditions:** Development of the site is subject to the following:

1. The development of the subject site shall include the purchase and construction of twenty eight (28) Transfer of Development Rights (TDR) units. The TDR units shall be purchased prior to issuance of first building permit.
2. The Zoning development order for the subject site shall require a minimum of 25% of the dwelling units to be built onsite as workforce housing units between 60-140% of the Median Household Income ranges for the County, in all four WHP ranges (60%-80%, >80-100%, >100-120%, and >120-140%).



## Legal Description

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THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:  
TRACTS "B", TURNPIKE BUSINESS PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 119, PAGE 126, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, CONTAINING A TOTAL OF 10.414 ACRES MORE OR LESS.

OTHERWISE DESCRIBED AS FOLLOWS:

BEING ALL OF TRACT "B", TURNPIKE BUSINESS PARK AS RECORDED IN PLAT BOOK 119, PAGE 126 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.  
BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT "B"; THENCE ALONG THE EAST LINE OF SAID TRACT "B" THE FOLLOWING THREE (3) COURSE, SAID EAST LINE ALSO BEING THE WESTERLY RIGHT OF WAY OF CLEARLY ROAD; THENCE SOUTH 03°03'19" WEST, 32.51 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 677.00 FEET AND THE CENTRAL ANGLE OF 71°49'28"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 848.67 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 74°52'47" WEST, 248.70 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "B"; THENCE ALONG THE SOUTHERLY LINE OF SAID TRACT "B" THE FOLLOWING THREE (3) COURSES; THENCE NORTH 34°27'35" WEST, 310.20 FEET; THENCE NORTH 40°39'09" EAST, 96.54 FEET; THENCE NORTH 49°20'51" WEST, 86.19 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "B"; THENCE NORTH 40°39'09" EAST ALONG THE WESTERLY LINE OF SAID TRACT "B", SAID LINE ALSO BEING THE EASTERLY RIGHT OF WAY OF THE FLORIDA TURNPIKE, 420.50 FEET TO THE NORTHWEST CORNER OF SAID TRACT "B"; THENCE NORTH 89°03'22" EAST ALONG THE NORTH LINE OF SAID TRACT "B", 645.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.414 ACRES MORE OR LESS.



## Exhibit 2

### Consistency with Comprehensive Plan

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This Exhibit examines the consistency of the amendment with the County's Comprehensive Plan, Tier Requirements, applicable Neighborhood or Special Area Plans, and the impacts on public facilities and services.

#### A. Consistency with the Comprehensive Plan - General

1. **Justification: FLUE Policy 2.1-f:** *Before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate. In addition, and the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:*

1. *The natural environment, including topography, soils and other natural resources; (see Public Facilities Section)*
2. *The availability of facilities and services; (see Public Facilities Section)*
3. *The adjacent and surrounding development; (see Compatibility Section)*
4. *The future land use balance;*
5. *The prevention of prevention of urban sprawl as defined by 163.3164(51), F.S.;*
6. *Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and (see Neighborhood Plans and Overlays Section)*
7. *Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1. (see Public and Municipal Review Section)*

The applicant has prepared a Justification Statement (Exhibit 3) which is summarized as follows:

- The site's size and location with nearby access to Florida's Turnpike are ideal for residential development that will “*accommodate the bulk of the population and its need for...goods and services...*”
- The property is surrounded by ROWs on all sides so there is no impacts to immediately adjacent properties
- Proposed amendment will provide a good transition for the single family homes to the east and south
- There was change in circumstances within the vicinity of the proposed development such as the creation of employment centers to the south
- The proposed residential development generates 1,536 trips per day which represents a decrease of 1,806 trips per day from the traffic associated with CR land use. This reduction in potential traffic trips relieves Cleary Road from future traffic concerns as this completes the development along this corridor.

**Staff Analysis:** This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above.

The site currently has a Commercial Recreation (CR) future land use on 9.02 acres, Low Residential, 2 units per acre (LR-2) future land use on 1.40 acres, and is vacant. Under

the current CR designation, the subject site could be developed with a maximum of 98,227 SF of "Recreational Community Center". Since the subject site is within the PBIA Overlay, the site is able to achieve approval for industrial uses without a future land use amendment. In 2015 the site received a zoning approval (Control Number 2009-02465) for a data information processing, warehouse, welding shop, covered storage, and gas and fuel retail uses for a total of 69,250 square feet.

Under the proposed HR-12 designation, the future land use density would allow up to 125 dwelling units with additional density through the density bonus programs. The applicant is seeking to use the Transfer of Development Rights Program for an additional 28 units and Workforce Housing Bonus for an additional 75 units dwelling units (60% bonus), for a total of 228 multi-family dwelling units (21.9 units per acre). The request would result in 46 Workforce Housing units obligation.

The applicant indicates that development of the site from vacant to residential multifamily at a higher density would be consistent with the intent of the Comprehensive Plan to focus urban development at appropriate locations within the Urban Suburban Tier. The applicant stated that higher densities are appropriate to be located near employment centers and with efficient access to the road network; and, the site represents such characteristics, as it is located with nearby access to Florida's Turnpike and in vicinity of employment centers. Considering the findings above, the applicant has met the requirements for an adequate justification.

2. **County Directions – FLUE Policy 2.1-g:** *The County shall use the County Directions in the Introduction of the Future Land Use Element to guide decisions to update the Future Land Use Atlas, provide for a distribution of future land uses in the unincorporated area that will accommodate the future population of Palm Beach County, and provide an adequate amount of conveniently located facilities and services while maintaining the diversity of lifestyles in the County.*

**Staff Analysis:** Several County Directions are relevant to the proposed amendment:

**Direction 2. Growth Management.** *Provide for sustainable communities and lifestyle choices by: (a) directing the location, type, intensity, timing and phasing, and form of development that respects the characteristics of a particular geographical area; (b) requiring the transfer of development rights as the method for most density increases; (c) ensuring smart growth, by protecting natural resources, preventing urban sprawl, providing for the efficient use of land, balancing land uses; and, (d) providing for facilities and services in a cost efficient timely manner.*

**Direction 3. Infill, Redevelopment and Revitalization.** *Address the needs of developed urban areas that lack basic services, and encourage revitalization, redevelopment, and infill development in urban areas to increase efficient use of land and existing public facilities and services.*

**Direction 4. Land Use Compatibility.** *Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.*

**Direction 7. Housing Opportunity.** *Ensure that housing opportunities are compatible with the County's economic opportunities by providing an adequate*

*distribution of very-low and low-income housing, Countywide, through the Workforce Housing Program.*

**Staff Analysis:** This proposal represents infill development, contributing toward the efficient use of land and existing public facilities and services. It also represents residential development in a vicinity of employment centers. Land use compatibility is further discussed in this report. With regard to housing opportunity, the applicant intends to build 228 rental units which increases housing options and may support the industrial workforce in the vicinity. Therefore, this amendment is not in conflict with the County Directions.

3. **Piecemeal Development - Policy 2.1-h:** *The County shall not approve site specific Future Land Use Atlas amendments that encourage piecemeal development or approve such amendments for properties under the same or related ownership that create residual parcels. The County shall also not approve rezoning petitions under the same or related ownership that result in the creation of residual parcels.*

**Staff Analysis:** The definition of piecemeal development in the Comprehensive Plan describes “A situation where land, under single ownership or significant legal or equitable interest (by a person as defined in Section 380.0651[4] F.S., is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole.” No parcel in same ownership is left out of the proposed amendment. Therefore, the proposed amendment is not piecemeal, and does not create a residual parcel pursuant to this policy and definition.

## **B. Consistency with Urban/Suburban Tier Requirements for the Specific FLU**

Future Land Use Element Objective 1.1, Managed Growth Tier System, states that “Palm Beach County shall implement the Managed Growth Tier System strategies to protect viable existing neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers.....”

1. **Policy 1.2-a:** *Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:*

1. *Allowing services and facilities consistent with the needs of urban and suburban development;*
2. *Providing for affordable housing and employment opportunities;*
3. *Providing for open space and recreational opportunities;*
4. *Protecting historic, and cultural resources;*
5. *Preserving and enhancing natural resources and environmental systems; and,*
6. *Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.*

**Staff Analysis:** The proposed amendment would allow for a development that is compatible with surrounding land uses and, furthermore, acts as a transition to the existing community. Therefore, this amendment is consistent with this policy.

2. **Density Increases - Policy 2.4-b:** *The Transfer of Development Rights (TDR) Program is the required method for increasing density within the County, unless:*

1. *an applicant can **both justify and demonstrate a need** for a Future Land Use Atlas (FLUA) Amendment and demonstrate that the current **FLUA designation is***

- inappropriate, as outlined in the Introduction and Administration Element of the Comprehensive Plan, or*
2. *an applicant is using the Workforce Housing Program or the Affordable Housing Program as outlined in Housing Element Objectives 1.1 and 1.5 of the Comprehensive Plan and within the ULDC, or*
  3. *an applicant proposes **a density increase up to, but not exceeding, the density proposed by and supported by a Neighborhood Plan** prepared in accordance with FLUE Objective 4.1 and formally received by the BCC. To date, the following Neighborhood Plan qualifies for this provision:*
    - a. *West Lake Worth Road Neighborhood Plan.*

**Staff Analysis:** Pursuant to this policy, density increases are to be accomplished through TDRs or the workforce or affordable housing density bonuses, unless an applicant can both justify and demonstrate a need for a Future Land Use Atlas (FLUA) Amendment, and demonstrate that the current designation is inappropriate, or proposes a density increase supported by a Neighborhood Plan. In order for a site to increase density through the TDR Program, it must have a residential designation or underlying residential designation. The current land use on 9.02 acres of this 10.42 acre site is CR with no underlying residential density, and would not be required to use TDRs to increase density as this portion has no underlying residential density to be increased. The remaining portion of the subject site could achieve up to 7 dwelling units total (5 units per acre) using a combination of TDRs and WHP density bonus programs on 1.4 acres with LR-2 designation.

The applicant is proposing to use TDRs, and to also apply a WHP density bonus, to further increase density on the site beyond the requested designation of HR-12, as the HR-12 is insufficient to reach the applicant's desired number of units without additional density acquired through TDRs and WHP density bonus. The following describes the proposed use of these programs for this amendment:

**Density Increase through TDRs** The applicant's request for HR-12 designation would allow for 125 units on the site. For this site, located just west of the FL Turnpike, is eligible for up to three TDRs per acre to increase density. The applicant is requesting 28 of these 31 available TDRs. The cost for a market rate TDR is established as 10% of the County's median home sales price; workforce housing TDR units are prices at 5% of the market rate TDR price; for any TDRs used, 35% must be dedicated as WHP units and provided on site. The current prices are provided below.

#### **Transfer of Development Rights Unit Prices**

<b>PBC Median Sales Price*</b>	<b>TDR Market Rate Price</b>	<b>TDR WHP Price</b>
Single Family: \$348,000	\$34,800	\$1,740
Multi Family/Condo: \$177,000	\$17,700	\$885

\* Data Source: Realtors Association of the Palm Beaches Median Sales Price, March 2018

**Density Increase through WHP Optional Density Bonus:** Density increase is also permitted through the County's Workforce Housing Program (WHP) Density Bonus option, which allows a density bonus in exchange for a percentage of the bonus units being dedicated as workforce housing. For MR-5 and above, the maximum bonus is determined through a pre-application process, which considers census data, area amenities, and

other factors. For this project, the available density bonus as determined through a required pre-application process is 60%, which would result in an additional 75 units. The applicant has indicated the intent to use all of the 75 density bonus units available through the WHP density bonus.

**Combined Density Increases:** The following table summarizes the maximum development potential for this site, under current conditions, and under the proposed designation with TDRs and WHP density bonus. Based on the applicant's intent to develop 228 units, the HR-12 category is the lowest future land use which, in combination with the available TDRs and WHP, would yield the intended number of units.

**Current and Potential Density with TDR and WHP Bonus**

Development Potential Per FLU	Future Land Use Units	Available TDRs (3 du/ac.)	Available WHP Density Bonus 60%	Potential Total
Current CR 9.02 ac, LR-2 1.40 ac	3	3	1	7
Proposed Amendment HR-8 10.42 Ac	125	31	75	231
Proposed Zoning Application HR-8 10.42 Ac	125	28	75	228

**Proposed Zoning Application.** The associated zoning application is requesting 228 utilizing all of the units available with the 60% WHP density bonus and 28 of the 31.

**WHP Obligation:** The County's WHP program requires all developments of 10 or more units in the Urban Suburban Tier to provide a percentage of units as workforce housing. The program also requires a percentage of any WHP density bonus units to be provided as WHP units. Finally, a portion of any TDRs used must also be provided as WHP units. WHP units are to be provided as for-sale or rental housing, at prices affordable to households having 60% to 140% of area median income. (The 2018 Area Median Income in Palm Beach County was \$74,300 for a family of four.) For all WHP except those stemming from the use of TDRs, developers also have the option to provide the units off-site or pay an in-lieu fee.

The table below identifies the workforce housing obligation of the site if developed as proposed, pursuant to the WHP:

**WHP Obligation of Proposed Amendment**

	Units	WHP Obligation	
		Minimum %	WHP Units
<b>HR-12 (Proposed FLU)</b>	125	9%	11
<b>TDR</b>	28	35%	10
<b>WHP Density Bonus</b>	75	34%	26
<b>Total</b>	228	20%	46

The applicant's proposed amendment would increase the future land use density from LR-2 to HR-12 on 1.4 acres and from no CR to HR-12 on 9.02 acres, thereby increasing the future land use dwelling units from 3 to 125 units, plus additional density from TDRs and



WHP density bonus. If approved as proposed by the applicant, and then made subject to the WHP per the ULDC, the project would be required to provide 46 workforce housing units, with a minimum of 10 of those to be provided on site, and the balance eligible to be provided off-site or addressed through payment of an in-lieu- fee.

Recognizing that the applicant is receiving a substantial benefit in the form of a density increase through the amendment process, in recent years staff has recommended, and the Board has approved, a condition typically requiring 25% of units to be provided as workforce, with all the WHP units to be provided on site. Staff is therefore recommending conditions of approval to require 25% of all dwelling units be provided on site as WHP units and to require purchase of the TDR units. This condition of approval would increase the amount of WHP units from the ULDC required 46 (20%) by 11 units for a total of 57 WHP units:

#### **WHP Obligation with Conditions of Approval**

<b>Proposed FLU of HR-12</b>	<b>WHP Units</b>	<b>Percent of Total Units</b>
WHP Obligation per ULDC	46	20%
WHP Obligation w/ 25% Condition	57	25%

### **C. Compatibility**

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use.

**FLUE Policy 2.1-f states that** *“the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity.”* And **FLUE Policy 2.2.1-b** states that *“Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintain to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan.”*

The surrounding land uses immediately abutting the site are the following:

**North:** To the north and northeast, across Belvedere Road, are industrial uses such as aggregate storage and recently constructed Turnpike Crossing East PIPD that includes 974,445 SF of warehouse and wholesale uses.

**South:** Immediately to the south is MPC III Turnpike Business Park developed with 353,835 SF of warehouses. To the south and southeast, across Cleary Road and Open Space (tract D, Plat Book 119 Pg 126), is Terracina Johnson PUD - a 460 single family homes community that has future land use of LR-2 and was developed with density of 2.53 DU/A.

**East:** To the east, across Cleary Road and MPC III open space tract, is Terracina Johnson PUD - a 460 single family homes community that has future land use of LR-2 and was developed with density of 2.53 DU/A.

**West:** To the west is Florida's Turnpike. Various industrial and institutional uses are located on other side of FL Turnpike, including open storage, Palm Beach County Animal Care and Control and other.

**Applicant's Comments:** Applicant stated that higher density multifamily product is common along the Turnpike throughout South East Florida; the proposed development will be compatible with adjacent residential and non-residential uses; and, act as a transition to single family across Cleary Road.

**Staff Analysis:** There have been an increasing number of amendments that seek to increase residential density through a combination of the future land use amendment process and the TDR and WHP density bonus programs. The review of these amendments make it increasingly apparent that these components cannot be analyzed independently, because the granting of an amendment has an impact on the amount of WHP density bonus and TDRs that become available to the project. Increasingly, requests for amendments, WHP density bonuses, and TDRs, or combinations of these, are for sites that represent infill, within existing patterns of development. Ultimately, the finding of compatibility that is required as part of the assessment of a proposed amendment must take into consideration the potential for additional density increases resulting from the density bonus programs, and the impacts of this density on the surrounding area, as part of the amendment process.

The proposed three story multifamily buildings are separated from the two-story single family homes by 80 feet Cleary Road right of way, MPC III LLC Tract D that was recorded as an open space tract (Plat Book 119, Pg 126) that varies in width from 5 to 95 feet, and a lake within Terracina Johnson PUD. A minimum of 250-280 feet is the closest distance to residential parcels across Cleary Road from the proposed multifamily buildings. This distance provides for sufficient separation between the proposed three story multifamily buildings and existing two-story single family houses across the Cleary Road.

#### **D. Consistency with County Overlays, Plans, and Studies**

**Neighborhood Plans and Studies – FLUE Policy 4.1-c** states *“The County shall consider the objectives and recommendations of all Community and Neighborhood Plans, including Planning Area Special Studies, recognized by the Board of County Commissioners, prior to the extension of utilities or services, approval of a land use amendment, or issuance of a development order for a rezoning, conditional use or Development Review Officer approval.....”*

**Staff Analysis:** The proposed amendment is located within boundaries of the Palm Beach International Airport (PBIA) Approach Path Conversion Area Overlay, the Turnpike Aquifer Protection Overlay, the Jog Road Corridor Study, and the Haverhill Neighborhood Plan.

**Palm Beach International Airport (PBIA) Approach Path Conversion Area Overlay:** The PBIA Overlay was developed to address the land use issues in neighborhoods adjacent to the airport. The Overlay covers the area west of the airport to the Turnpike, north to Belvedere Road and south to Southern Boulevard. Several established neighborhoods in this area are excluded, but the subject site is not among them. The Comprehensive Plan provisions in Sub-Objective 1.2.4 PBIA Approach Path Conversion Area Overlay protects existing neighborhoods from incompatible uses and promotes conversion to industrial uses when parcels meet the proper size, site design and location

requirements. As it was discussed earlier in this report, the proposed amendment is not incompatible with the existing uses.

**Turnpike Aquifer Protection Overlay (TAPO):** This overlay is implemented in the comprehensive plan to protect freshwater resources in the county. The surficial aquifer is the primary source of freshwater for eastern Palm Beach County. The northern extension of the Biscayne Aquifer, locally known as the "Turnpike" Aquifer, encompasses one of the most productive portions of the surficial aquifer. The "Turnpike" Aquifer also serves as the present and future water supply for many of Palm Beach County's water treatment plants. Due to the size of the proposed amendment site, relevant Comprehensive Plan policies do not apply. Additionally, the County's Department of Environmental Resources Management (ERM) requires the applicant to meet with ERM Wellfield Staff to discuss potential Wellfield issues and construction standards during Zoning review. Per applicant's statement, the site design will properly address drainage to avoid any ground water contamination.

**The Jog Road Corridor Study (JRCS):** The Jog Road Corridor Study was completed in 1995 by the PBC Planning Division to investigate and determine the appropriate Future Land Use Atlas designations within the Jog Road corridor, given the expansion of Jog Road. During development, the JRCS recognized that this area was changing, as Jog Road was being extended and Belvedere Road was being expanded to six (6) lanes. The JRCS recommendations for this portion of the study area, known as subarea 6, suggest residential, commercial low office or a mixed use development with limited commercial retail uses. The JRCS identifies topics of concern in subarea 6, with recently expanded roads and a gas compression station along Belvedere Road. The JRCS recognized that these noise generating uses could create compatibility issues with residential development. In addition, the Study recommends prohibiting general retail commercial uses or industrial uses in this subarea due to possible pollution of the wellfield and aquifer protection area. The proposed request is not inconsistent with recommendations of JRCS.

**The Haverhill Area Neighborhood Plan (HANP):** The HANP was completed in 1992 by the PBC Planning Division and Haverhill representatives. The intent of this neighborhood plan was to address land use, airport noise, code enforcement issues and transportation in the Haverhill area. The HANP short range recommendation (to 1996) suggests the subject site retain a residential designation. However, long term recommendations place this site in an industrial transition area (pg. 7a). The HANP identified Cleary Road as an access road for Industrial traffic, and recommended considerations to accommodate this traffic. Wellfield protection is also identified as a major concern in this area and conditions will be applied by the appropriate agencies during Zoning review to the subject site to prevent wellfield contamination. Therefore, this proposal is generally consistent with the recommendations of the HANP. As part of Intergovernmental Coordination, notification of this amendment was sent on September 21, 2018 to the Town of Haverhill. See "Intergovernmental Coordination" Section for discussion.

## **E. Public Facilities and Services Impacts**

The proposed amendment will change the Future Land Use designation from CR and LR-2 to HR-12 for the purposes of developing 231 multifamily units. Public facilities impacts are detailed in the table in Exhibit 4.

- 1. Facilities and Services – FLUE Policy 2.1-a:** *The future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or*

*manmade constraints of an area, considering assessment of soil types, wetlands, flood plains, wellfield zones, aquifer recharge areas, committed residential development, the transportation network, and available facilities and services. Assignments shall not be made that underutilize the existing or planned capacities of urban services.*

**Staff Analysis:** The proposed amendment was distributed to the County service departments for review. There are adequate public facilities and services available to support the amendment, and the amendment does not exceed natural or manmade constraints. Staff sent a request for departmental review of the proposed amendment to various County departments and external agencies for review of public facility impacts. No adverse comments were received from the following departments and agencies regarding impacts on public facilities:

Mass Transit (Palm Tran), Potable Water & Wastewater (Seacoast Utilities), Environmental (Environmental Resource Management), Historic Resources (PBC Archaeologist), Parks and Recreation, Office of Community Revitalization (OCR), ULDC (Zoning), Land Development (Engineering), School Board, Health (PBC Dept. of Health), Fire Rescue, Lake Worth Drainage District.

**2. Long Range Traffic - Policy 3.5-d:** *The County shall not approve a change to the Future Land Use Atlas which:*

- 1) *results in an increase in density or intensity of development generating additional traffic that significantly impacts any roadway segment projected to fail to operate at adopted level of service standard "D" based upon cumulative traffic comprised of the following parts a), b), c) and d):.....*

**Staff Analysis:** The Traffic Division reviewed this amendment based on the existing potential of 98,227 SF Recreation Community Center on 9.02 acres CR portion and 2 dwelling units on 1.4 acres LR-2 portion and the proposed potential of 231 dwelling units. According to the County's Traffic Engineering Department (see letter dated May 31, 2018 in Exhibit 6) the amendment would result in a reduction of 1,806 net daily trips, and 117 AM and 143 PM net peak hour trips.

The Traffic letter concludes *"Based on the review, the Traffic Division has determined the proposed amendment meets Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan at the maximum potential shown above".*

The Traffic Study (see Exhibit 5) was prepared by Simmons & White, 2581 Metrocentre Blvd West, Suite 3, West Palm Beach, FL 33407. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at: <http://www.pbcgov.com/pzb/planning/activeamend/>

- 3. Land Development Comments:** The Land Development Division indicated that the access will be restricted to Cleary Road
- 4. School District Comments:** The School Board indicated that the proposed amendment will have negative impacts on the public school system. The School District recommends a condition to mitigate such impacts in the attached School Capacity Availability Determination (SCAD) Letter, Exhibit 9.

5. **Zoning Implications:** The concurrent zoning application is currently under review by the Zoning Division and participating departments. The applicant has requested Zoning Variance for a 116 surface parking spaces reduction (or 22.5%) of the required parking citing *“location near a mass transit corridor with accessible bus routes and a Tri-Rail Station in down-town West Palm Beach”*. Zoning departmental review memo included indication of potential concerns with the reduced parking request, as the two nearby Palm Tran bus stations are approximately 1.2 miles to the west and to the south and sidewalks connecting the subject site with these transit stops are not provided consistently. Additionally, the zoning application has many unresolved issues at the time of publication of this report and additional comments may be provided through the Zoning process. Given the uncertainty of granting the variance and that the zoning application could be revised in a way that may affect the implementation of the proposed amendment and increase in density, staff is recommending an additional condition of approval to require that the proposed amendment and the proposed rezoning be considered concurrently by the BCC at the same public hearing.

## II. Public and Municipal Review

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The Comprehensive Plan Intergovernmental Coordination Element **Policy 1.1-c** states that *“Palm Beach County will continue to ensure coordination between the County’s Comprehensive Plan and plan amendments and land use decisions with the existing plans of adjacent governments and governmental entities.....”*

- A. **Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on September 21, 2018. In addition, notice was sent on September 21, 2018 to the Town of Haverhill and City of West Palm Beach.

**Town of Haverhill Comments:** The Town of Haverhill has expressed concerns over the increased traffic. In a letter to Zoning Division dated August 15, 2018, the Town officially expressed concerns that cumulative effect of the approval of this project and other pending projects in that area will result in increased traffic along Haverhill Road and Belvedere Road within Town’s jurisdictional boundaries. The site is proposed to be accessed on Cleary Road, on which the entrances to MPC III Turnpike Business Park and Terracina PUD are also located. The County Traffic Engineering Division indicates that the amendment request represents a traffic reduction of 1,806 trips per day from the traffic associated with CR land use.

- B. **Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on September 21, 2018. In addition, Terracina Home Owners Associations was notified by mail. To date, no letter or emails of opposition have been received. All letters received are provided in Exhibit 10 as they are received.
- C. **Informational Meeting:** The Planning Division hosted a meeting for area residents and interested parties to relay information regarding the amendment and development approval process on October 3, 2018. One member of the public attended the informational meeting and asked questions primarily regarding the zoning application.



## Exhibit 3

### Applicant's Justification

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#### **Introduction**

On behalf of the Applicant and Contract Purchaser, AHS Development Group LLC ("Applicant") and the property owners, Florida Public Utilities Company ("Owners"), Schmidt Nichols respectfully requests your consideration of an application for a Large Scale Future Land Use Atlas (FLUA) Amendment. The 10.41-acre subject property is composed of one (1) platted parcel (PCN 00-42-43-33-11-002-0000) located on the southwest corner of Belvedere Road and Cleary Road in unincorporated Palm Beach County. ("subject property"). This parcel is Tract B of a larger industrial development, however, the subject site stands alone with regard to the processing of a land use amendment.

A portion of the subject property (9.02 acres) supports a Future Land Use Atlas designation of Commercial Recreation (CR) and the balance of the parcel (1.4 acres) supports a Future Land Use Atlas designation of Low Residential with 2 Dwelling Units Per Acre (LR-2). The subject property is currently within the Light Industrial (IL) Zoning District. The subject property is located within the Palm Beach International Airport Overlay (PBIAO), and also lies within the Turnpike Aquifer Protection Overlay (TAPO).

Below is a summary of surrounding properties:

<b>Adjacent Lands</b>	<b>Uses</b>	<b>FLU</b>	<b>Zoning</b>
<b>Subject Property (Proposed)</b>	<b>Vacant</b>	<b>HR-12</b>	<b>PUD</b>
<b>North</b>	Industrial Processing Facility	IND	IG
<b>South</b>	Residential Planned Unit Development (MPC III Turnpike Business Park)	LR-2	PUD
<b>East</b>	Residential Planned Unit Development (Terracina Johnson Property PUD)	LR-2	PUD
<b>West</b>	Florida's Turnpike, Industrial Open Storage	UT, IND	AR, IL

#### **Request**

The Applicant is requesting the following:

- A Future Land Use Atlas (FLUA) Amendment from CR & LR-2 to HR-12 for the entire property.

**Proposed Density Calculation (HR-12 + WHP + TDR):**

While the figures below are not included as part of the Future Land Use Plan Amendment request it is the intent to seek additional density through the use of the Workforce Housing Program (WHP) as well as the Transfer of Development Rights (TDR) program.

The summary of the calculations is provided below:

**Proposed FLU Designation HR-12:** 125 dwelling units (10.41 acres x 12 du/ac)

**Proposed WHP Bonus Density:** 75 (60% WHP Bonus)

**Proposed TDR Units:** 28 (TDR Units @ 2.68 du/ac)

**Total Dwelling Units:** 228 Total Units

**WHP Units:** 46 WHP Units (included in the 228 units)

A concurrent application to the Palm Beach County Zoning Division for an Official Zoning Map Amendment (rezoning) will be submitted within the required ninety (90) days from this submission. The objective is to rezone the entire property from the IL to Planned Unit Development (PUD). A companion application to the Palm Beach County Planning Division has been submitted and requests the use of the County's Transfer of Development Rights (TDR) program in an effort to reach the total of 228 dwelling units. Based on the utilization of the WHP density bonus program and TDRs, the total proposed density of the project is 21.9 du/ac.

**History**

On January 8, 2004 the subject property was approved by the Board of County Commissioners (BCC) for a rezoning from Agricultural Residential (AR) to Multiple Planned Unit Development (MUPD) for the development of 340,000 square feet of industrial uses (self-storage, light industrial and accessory office) in two buildings. On July 11, 2006 the subject property was approved by the Board of County Commissioners (BCC) for a rezoning from the MUPD Zoning District to the Planned Unit Development (PUD) Zoning District and a Requested Use for Transfer of Development Rights of 114 units. On September 29, 2008 the subject property was approved by the Board of County Commissioners (BCC) for a rezoning from the PUD Zoning District to the PIPD Zoning District for the development of 591,571 square feet (sq. ft.) of warehouse use in 11 buildings. On April 23, 2009 the subject property was approved by the Board of County Commissioners (BCC) for an Expedited Application Consideration to delete Landscaping Conditions of Approval pertaining to the landscape buffer fronting the west side of Cleary Road. On June 4, 2009 the subject property was approved by the Board of County Commissioners (BCC) for a Type II Variance to eliminate a Type III incompatibility buffer along the perimeter of Parcel 1. On October 1, 2009 the subject property was approved by the Board of County Commissioners (BCC) to allow outdoor entertainment use activities to be operated outside of an enclosed building within the Palm Beach International Airport Overlay and to eliminate a landscape barrier wall.

On January 28, 2010 the subject property was approved by the Board of County Commissioners (BCC) for a Small Scale Land Use Amendment to amend the future land use designation on 9.02 acres from Low Residential, 2 Units per Acre (LR-2) to Commercial Recreation (CR). Further, On January 28, 2010 the subject property was approved by the Board of County Commissioners (BCC) for a rezoning from PIPD to CRE with a COZ via Resolution No. for the Fun Depot project consisting of 61,758 square feet of indoor entertainment. However, this project has been abandoned and approvals have expired. On July 14, 2010 the subject property was approved by the Board of County Commissioners (BCC) for a rezoning from the PIPD Zoning District to the Industrial Light (IL) Zoning District. On February 05, 2015 and February 26, 2015 the subject property was approved by the Board of County Commissioners (BCC) for a Subdivision Variance to allow a subdivided lot to have access on a major street, however this application was

withdrawn. The subject property was approved for a Type II Variance to eliminate the landscape barrier, to allow activities in an unenclosed building, to allow a fence in lieu of 100% opaque screening, to allow greater than five feet landscape overlap in easements, to eliminate interior landscape island, and to reduce the number of required parking spaces. Further, the subject property was approved by the Board of County Commissioners (BCC) for a rezoning from the Commercial Recreation (CRE) Zoning District to the Light Industrial (IL) Zoning District.

### **Justification and Consistency with the Comprehensive Plan & Florida Statutes**

**Policy 2.1-f:** Before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate.

Below is the Applicant's justification and response to **Policy 2.1-f:**

The subject property is located within the Urban/Suburban Tier with frontage along Cleary Rd., an Urban Minor Arterial roadway as identified by Map TE 3.1, Functional Classification of Roads. According to Table 2.2.1-j.1, Residential Future Land Use – Zoning Consistency, the current IL zoning is inconsistent with the subject property's Future Land Use designation of CR & LR-2. The subject property is ideal for residential development due to its size, location adjacent to the adjacent residential uses to the east and to the south. The fact that the property is 10.41 acres enables the subject property to develop as a Planned Unit Development ("PUD") as the minimum lot size for a PUD is 5 acres. Therefore, it is appropriate to amend the subject property's Future Land Use from CR & LR-2 to HR-12 to allow the reasonable development of multifamily residential apartments.

**The proposed FLU is appropriate and suitable for the subject site.** **Objective 1.2** of the Comprehensive Plan Future Land Use Element ("FLUE") states: "this tier [Urban/Suburban] is expected to accommodate the bulk of the population and its need for...goods and services..." When residents need to identify places to live, they will find multifamily residential apartments available to accommodate their growing needs. This amendment will provide a good transition from these residential uses to the east and to the south. Furthermore, this amendment is not piecemealed as there are clearly defined boundaries of industrial to the north.

**Basis for the land use change.** The basis for the proposed amendment is based upon changed circumstances within the vicinity of the proposed development such as the creation of employment centers to the south, as well as those noted in the WHP bonus sector analysis. The subject site is also strategically located with nearby access to Florida's Turnpike for ease of service throughout the region. The current FLU of the property is Commercial Recreation (CR) along with LR-2 for a small portion at the north end of the site. The commercial recreation land use is not consistent with the residential land uses which surround the property. The County is also under tremendous pressure to create housing options which seek to address the range of workforce housing income levels. The current approved use of the property is an office and storage facility for Florida Public Utilities, however, they are no longer utilizing this approval.

The site is adjacent to residential to the east which allows for the subject site to serve as a transition to increased density abutting industrial to the south as well as surrounded on the remaining two sides by the Turnpike and the elevated portion of Belvedere Road. The size of the property and adjacency to residential avails itself to transitional residential density to buffer from the Turnpike and industrial to the west and north. The traffic associated with CR land use generates 3,322 trips per day. The proposed residential development generates 1,536 trips per day which represents a decrease of 1,806 trips per day. This reduction is potential traffic trips

relieves Cleary Road from future traffic concerns as this completes the development along this corridor. If the County is going to seek solutions to workforce housing needs then density needs to be prescribed to properties with the characteristics inherent to the subject site such as:

1. The property is located immediately adjacent to the Turnpike and the elevated section of Belvedere Road. This assists for access to the Turnpike as well as provides a transition to lower densities to the east. The property is surrounded by ROWs on all sides so there is no impacts to immediately adjacent properties.
2. The property along the east side of Cleary is owned by MPC III, and this property serves as a buffer to the single family residential to the east and can never be built upon due to size limitations.
3. Higher density residential should be located near employment centers and have efficient access to the road network.
4. Compact infill development site with access to adequate public facilities without straining existing infrastructure.

The Applicant has determined that it is the appropriate time to change the future land use designation to HR-12, and to develop the property consistent with the surrounding residential uses.

Other applicable policies related to this request are as follows:

**Policy 2.1-h:** The County shall not approve site specific Future Land Use Atlas amendments that encourage piecemeal development or approve such amendments for properties under the same or related ownership that create residual parcels. The County shall also not approve rezoning petitions under the same or related ownership that result in the creation of residual parcels.

**Response: This amendment is not piecemealed as there are clearly defined boundaries of residential land uses to the south and east, Florida's Turnpike to the west, and an industrial facility to the north.**

Florida Statutes related to this request are as follows:

Florida Statutes, Section 163.3177(6)(a)9.a: The indicators provided in this statute pertain to findings that would indicate a plan or plan amendment does not discourage the proliferation of urban sprawl. The subject Future Land Use Amendment and proposed development is within the urban service boundary.

The prevention of urban sprawl is also defined by 9J-5.006(5)(g), Florida Administrative Code (F.A.C.);

**Response: The subject amendment is to allow development of property within the urban service boundary which and is able to be serviced by existing public facilities and services with direct access to Belvedere Road. Multi-family residential apartments are very compatible with the surrounding residential uses.**

### **Compatibility**

In addition, and the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:

**1. The natural environment, including topography, soils and other natural resources;**

- a. Response: The property was cleared for planting and very little natural vegetation remains on the site. The topography and soils remain unchanged since the clearing of the site. Therefore, there will be no impacts to the natural environment if this site is develop as intended.

**2. The availability of facilities and services;**

- a. Response: As part of the previous development the availability of facilities and services had to be confirmed. Below is more detailed information on each of those facilities and services:
- i. Traffic: Please see attached traffic analysis indicating compliance with Policy 3.5-d of the FLUE of the Comprehensive Plan.
  - ii. Mass Transit: The nearest Palm Tran Route is Route #40 (Southern Blvd) and Route #44 (East on Belvedere Rd).
  - iii. Potable Water and Wastewater: Potable water and wastewater service will be provided by Palm Beach County Water Utilities Department. The nearest potable water and wastewater facilities are located southwest of the subject property and an additional potable watermain is located northeast of the subject property. Potable water will be distributed to the site via connection to an 8" water main located in Cleary Road. Wastewater infrastructure service is by way of a 6" force main located in Cleary Road. An on-site lift station will be required to provide connection to the force main. See attached water and sewer capacity letter request to PBCWUD under Attachment I.
  - iv. Drainage: The site is within the boundaries of the Lake Worth Drainage District (LWDD) and South Florida Water Management District C-51 Drainage Basin. Legal positive outfall is available to the site via connection to the Lake Worth Drainage District L-3 canal adjacent to the parcel's north line. Please refer to the Drainage Statement prepared by Simmons and White, Inc. being included as Attachment J with this application for more details.
  - v. Fire Rescue: The nearest Palm Beach County Fire Rescue station is Station #34 located approximately 2.5 miles from the subject property. Palm Beach County Fire Rescue has determined that the amendment will have minimal impact on Fire Rescue. See Palm Beach County Fire Rescue letter (Attachment K).

**3. The adjacent and surrounding development;**

- a. Response: To the south and east of the subject property are residential land uses, to the west is Florida's Turnpike. Directly to the north is an industrial processing facility. Below are the existing FLUA designations for the surrounding properties:
- i. North: IND
  - ii. South: LR-2
  - iii. East: LR-2
  - iv. West: UT, IND

The proposed development will be compatible with both the residential and non-residential uses that surround the subject property in that the property is currently approved for a utility company storage yard and office with fuel storage. The approved land use currently allows for commercial recreational uses such as the



Fun Depot previously approved which is a high traffic generator and really does not fit into the community. The proposed residential land use while greater intensity than to the east, however, it acts as a transition to the single family across Cleary. This higher density multifamily product is very common along the Turnpike throughout South Florida.

**4. The prevention of urban sprawl as defined by 9J-5.006(5)(g), Florida Administrative Code (F.A.C.);**

- a. Response: This request is to allow the development of a vacant undeveloped property that will be serviced by available public facilities and services and with access via Cleary to Belvedere Road., which is a roadway that is classified as an Urban Minor Arterial (U-MA). The proposed project exemplifies the prevention of sprawl as it is infill development of a vacant property within the Urban/Suburban Tier.

**5. Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and**

- a. Response: The subject property is located within the Palm Beach International Airport Overlay (PBIAO), and also lies within the Turnpike Aquifer Protection Overlay (TAPO). These overlays

TAPO Objective 5.5 of the Comprehensive Plan discusses restricting uses within the overlay to ensure public drinking water and the surrounding lands do not become contaminated as these are sensitive lands which act as aquifer recharge areas. The proposed residential development will eliminate the current approval which had the potential for water contamination. While the site is not large enough for a well site we have coordinated with the project's civil engineer to ensure drainage is properly addressed to avoid any ground water contamination.

Sub-Objective 1.2.4 PBIA Approach Path Conversion Area Overlay allows properties with residential land use designations to seek industrial zoning. The Zoning division has required a subdivision of the subject property from the property developed to the south. The subject parcel again while within the PBIAO is also in the TAPO as discussed previously and for this reason it is reasonable seek residential land use designation to ensure environmental impacts are avoided.

**6. Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1.**

- a. Response: The subject property is within 1-mile of the City of West Palm Beach as well as the Town of Haverhill. A letter has been received from the Town in support of the project with a statement regarding their disapproval of any projects that would necessitate a widening of Belvedere Road. This project will not create the need to widen Belvedere Road.

On behalf of the Property Owner, Schmidt Nichols requests your approval of this application for a Large Scale Future Land Use Atlas Amendment.

**Exhibit 4**  
**Applicant's Public Facility Impacts Table**

**Part 5. Public Facilities Information**

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Recreational Community Center ITE #495 33.82 tpd / 1000 SF Single-Family Apartments ITE#210 10 tpd/DU	Multi-Family Apartments ITE#185 6.65 tpd/DU
Maximum Trip Generation	3342 trips per day	Maximum (125 DU's) = 831 tpd Proposed (231 DU's) = 1536 tpd
Net Daily Trips:	Maximum (125 DU's) = Reduction of 2511 tpd Proposed (231 DU's) = Reduction of 1806 tpd	
Net PH Trips:	N/A – Proposed FLUA results in a reduction in traffic generation	
Significantly impacted roadway segments that fail Long Range	N/A	N/A
Significantly impacted roadway segments for Test 2	Jog Road from Florida Turnpike to Belvedere Road	Jog Road from Florida Turnpike to Belvedere Road
Traffic Consultant	Simmons & White – Kyle Duncan	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	40 (Southern Blvd), 44 (East on Belvedere Rd)	
Nearest Palm Tran Stop	Stop 3735 (West side of Benoist Farms Rd, approximately 130' from the intersection of Benoist Farms Rd & Belvedere Rd) is 1.1 miles from the subject property	
Nearest Tri Rail Connection	West Palm Beach, 209 South Tamarind Awvenue	
C. Portable Water & Wastewater Information		
The application must include a Potable Water & Wastewater Level of Service (LOS) comment letter as <b>Application Attachment I</b> . This letter should state the provider/s of potable water and wastewater is/are able		

to maintain their current level of service standard established by the potable water provider, while accommodating the increase of density/intensity of the proposed amendment.	
<b>Potable Water &amp; Wastewater Providers</b>	Palm Beach County Water Utilities Department
<b>Nearest Water &amp; Wastewater Facility, type/size</b>	The nearest potable water and wastewater facilities are located southwest of the subject property and an additional potable watermain is located northeast of the subject property. Potable water will be distributed to the site via connection to an 8" water main located in Cleary Road. Wastewater infrastructure service is by way of a 6" force main located in Cleary Road. An on-site lift station will be required to provide connection to the force main.
<b>D. Drainage Information</b>	
The site is within the boundaries of the Lake Worth Drainage District (LWDD) and South Florida Water Management District C-51 Drainage Basin. Legal positive outfall is available to the site via connection to the Lake Worth Drainage District L-3 canal adjacent to the parcel's north line. Please refer to the Drainage Statement prepared by Simmons and White, Inc. being included as <b>Application Attachment J</b> with this application for more details.	
<b>E. Fire Rescue</b>	
<b>Nearest Station</b>	Station 34, 231 S. Benoist Farms Rd.
<b>Distance to Site</b>	Station 34 is 2.5 miles from the subject site
<b>Response Time</b>	Based on the information provided by PBC Fire-Rescue the estimated response time is 7 minutes 30 seconds. PBC Fire Letter provided at <b>Application Attachment K</b> .
<b>Effect on Resp. Time</b>	PBC Fire-Rescue has determined that the proposed amendment will have minimal impact on fire rescue response time. Please see <b>Application Attachment K</b> .
<b>F. Environmental</b>	
<b>Significant habitats or species</b>	The subject site has sporadic trees on the property however, there is no presence of any significant habitats or species on the subject properties. An inventory map has been provided at <b>Application Attachment L</b> .
<b>Flood Zone*</b>	The subject parcel is located in Flood Zone X500.
<b>Wellfield Zone*</b>	The subject property lies within Wellfield Protection Zones 1-3. A detailed map has been provided at <b>Application Attachment M</b>
<b>G. Historic Resources</b>	
The subject parcels do not contain any historic or architecturally significant resources located on or within 500 feet of the site. To the best of our knowledge the parcels do not contain or are located within 500 of the subject properties. Comment Letter as <b>Application Attachment N</b> .	

H. Parks and Recreation - Residential Only				
Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	Okeeheelee Park	0.00339	298	1.01
Beach	R.G. Kreusler Park	0.00035	298	.10
District	Haverhill Park	0.00138	298	0.41
I. Libraries - Residential Only				
Library Name	Okeechobee Blvd. Branch			
Address	5689 West Okeechobee Blvd.			
City, State, Zip	West Palm Beach, FL 33417			
Distance	3.1 miles from the subject property			
Component	Level of Service		Population Change	Change in Demand
Collection	2 holdings per person		298	596
Periodicals	5 subscriptions per 1,000 persons		298	1.49
Info Technology	\$1.00 per person		298	\$298
Professional staff	1 FTE per 7,500 persons		298	0
All other staff	3.35 FTE per professional librarian		298	0
Library facilities	0.34 sf per person		298	101.32 s.f.
J. Public Schools - Residential Only				
	Elementary	Middle	High	
Name	The Academic Link	Jeaga Middle School	Cardinal Newman High School	
Address	970 Pike Road	3777 N. Jog Road	512 Spencer Drive	
City, State, Zip	WPB, FL 33411	WPB, FL 33411	WPB, FL 33409	
Distance	1.7 miles	4.6 miles	5.7 miles	

## **Exhibit 5**

### **Traffic Study**

---

Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

<http://www.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

## Exhibit 6

### Palm Beach County Traffic Division Letter



**Department of Engineering  
and Public Works**

P.O. Box 21229  
West Palm Beach, FL 33416-1229  
(561) 684-4000  
FAX: (561) 684-4050  
www.pbcgov.com

**Palm Beach County  
Board of County  
Commissioners**

Melissa McKinlay, Mayor

Mack Bernard, Vice Mayor

Hal R. Valeche

Paulette Burdick

Dave Kerner

Steven L. Abrams

Mary Lou Berger

**County Administrator**

Verdenia C. Baker

May 31, 2018

Robert Frederick Rennebaum, P.E.  
Simmons & White  
2581 Metrocentre Boulevard, West #3  
West Palm Beach, FL 33407

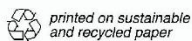
**RE: Banyan Ridge  
FLUA Amendment Policy 3.5-d Review  
Round 2019-A**

Dear Mr. Rennebaum:

Palm Beach County Traffic Division has reviewed the Comprehensive Plan Amendment LUPA Traffic Impact Statement for the proposed Future Land Use Amendment for the above referenced project, dated April 04, 2018, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

<b>Location:</b>	SW corner of Belvedere Road and N Cleary Road	
<b>PCN:</b>	00-42-43-33-11-002-0000	
<b>Acres:</b>	10.42 acres	
	<b>Current FLU</b>	<b>Proposed FLU</b>
<b>FLU:</b>	Commercial Recreation (CR) (9.02 acres) & Low Residential, 2 dwelling units per acre (LR-2) (1.4 acres)	High Residential, 12 dwelling units per acre (HR-12)
<b>Zoning:</b>	Industrial	Multi-Family Residential
<b>Density/ Intensity:</b>	2 du/acre 0.25 FAR x 9.02 ac (CR)	12 du/acre
<b>Maximum Potential:</b>	Single Family Detached Total: 2 DUs Recreational Community Center Total: 98,227 SF (FAR = 0.25)	Multi-Family Apartment Total: 125 DUs
<b>Proposed Potential:</b>	N/A	Multi-Family Apartment Units Total: 231 DUs
<b>Net Daily Trips:</b>	-1,806 (maximum - current)	
<b>Net PH Trips:</b>	117 (23/94) AM, 143 (93/50) PM (maximum)	
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities in the zoning application.</i>		

"An Equal Opportunity  
Affirmative Action Employer"





Robert Frederick Rennebaum, P.E.  
May 31, 2018  
Page 2

Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment meets Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the proposed potential density shown above.

Therefore, this amendment requires a condition of approval, based on Transfer of Development Rights (TDR) and density bonus programs, to cap the project at the **Proposed** development potential or equivalent trips.

Please contact me at 561-684-4030 or email to [qbari@pbcgov.org](mailto:qbari@pbcgov.org) with any questions.

Sincerely,

A handwritten signature in black ink, reading "Quazi Bari".

Quazi Bari, P.E.  
Senior Professional Engineer - Traffic Division

QB:DS/bc

cc: Dominique Simeus, E.I. – Project Coordinator II, Traffic Division  
Steve Bohovsky – Technical Assistant III, Traffic Division  
Lisa Amara – Senior Planner, Planning Division  
Khurshid Mohyuddin – Principal Planner, Planning Division  
Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review  
N:\TRAFFIC\Development Review\Comp Plan\19-A\Banyan Ridge.docx

## Exhibit 7

### Water & Wastewater Provider LOS Letter

---



**Water Utilities Department  
Engineering**

8100 Forest Hill Blvd.  
West Palm Beach, FL 33413  
(561) 493-6000  
Fax: (561) 493-6085  
www.pbcwater.com



**Palm Beach County  
Board of County  
Commissioners**

Melissa McKinlay, Mayor  
Mack Bernard, Vice Mayor

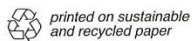
Hal R. Valeche  
Paulette Burdick  
Dave Kerner

Steven L. Abrams  
Mary Lou Berger

**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"



May 8, 2018

Simmons and White  
2581 Metrocentre Blvd. West, Suite 3  
West Palm Beach, FL 33407

RE: Southwest Corner of Belvedere Road and Cleary Road  
PCN 0042433110020000  
Service Availability Letter

Dear Ms. Casasus,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for HR-12 designation. The nearest potable water and wastewater facilities are located southwest of the subject property and an additional potable watermain is located northeast of the subject property.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD.

If you have any questions, please give me a call at (561)493-6116.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jackie Michels".

Jackie Michels, P.E.,  
Plan Review Manager



## Exhibit 8

### Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

#### DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

*[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]*


**TO:** PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE  
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared  
Ernesto Lopes, hereinafter referred to as "Affiant," who  
being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ individual or ☒ President *[position—e.g., president, partner, trustee]* of AHS Development Group, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]*, (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 12895 SW 132nd Street, Unit 202, Miami, Florida 33186  
\_\_\_\_\_  
\_\_\_\_\_
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Ernesto Lopes, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 24 day of April,  
2018, by Ernesto Lopes, [ ] who is personally  
known to me or [ ] who has produced \_\_\_\_\_  
as identification and who did take an oath.

  
\_\_\_\_\_  
Notary Public



Miriam Casuso  
\_\_\_\_\_  
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 12/20/2018

## EXHIBIT "A"

## PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:  
TRACTS "B", TURNPIKE BUSINESS PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 119, PAGE 126, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, CONTAINING A TOTAL OF 10.414 ACRES MORE OR LESS.

OTHERWISE DESCRIBED AS FOLLOWS:

BEING ALL OF TRACT "B", TURNPIKE BUSINESS PARK AS RECORDED IN PLAT BOOK 119, PAGE 126 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.  
BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT "B"; THENCE ALONG THE EAST LINE OF SAID TRACT "B" THE FOLLOWING THREE (3) COURSE, SAID EAST LINE ALSO BEING THE WESTERLY RIGHT OF WAY OF CLEARLY ROAD; THENCE SOUTH 03°03'19" WEST, 32.51 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 677.00 FEET AND THE CENTRAL ANGLE OF 71°49'28"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 848.67 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 74°52'47" WEST, 248.70 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "B"; THENCE ALONG THE SOUTHERLY LINE OF SAID TRACT "B" THE FOLLOWING THREE (3) COURSES; THENCE NORTH 34°27'35" WEST, 310.20 FEET; THENCE NORTH 40°39'09" EAST, 96.54 FEET; THENCE NORTH 49°20'51" WEST, 86.19 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "B"; THENCE NORTH 40°39'09" EAST ALONG THE WESTERLY LINE OF SAID TRACT "B", SAID LINE ALSO BEING THE EASTERLY RIGHT OF WAY OF THE FLORIDA TURNPIKE, 420.50 FEET TO THE NORTHWEST CORNER OF SAID TRACT "B"; THENCE NORTH 89°03'22" EAST ALONG THE NORTH LINE OF SAID TRACT "B", 645.42 FEET TO THE POINT OF BEGINNING.  
CONTAINING 10.414 ACRES MORE OR LESS.

## EXHIBIT "B"

## DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

	Name	Address
91%	Rubens Menin	12895 SW 132nd Street Miami, FL 33186
6%	Ernesto Lopes	Miami, FL (same)

**DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY**

**[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION  
FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]**

**TO:** PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE  
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared  
Jeffrey Householder, hereinafter referred to as "Affiant," who  
being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [ ] individual or [✓]President \_\_\_\_\_ [position - e.g.,  
president, partner, trustee] of Florida Public Utilities Company \_\_\_\_\_ [name and type of  
entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership  
interest in real property legally described on the attached Exhibit "A" (the "Property").  
The Property is the subject of an application for Comprehensive Plan amendment or  
Development Order approval with Palm Beach County.
2. Affiant's address is: 909 Silver Lake Blvd., Dover, DE 19904  
\_\_\_\_\_  
\_\_\_\_\_
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of  
every person or entity having a five percent or greater interest in the Property.  
Disclosure does not apply to an individual's or entity's interest in any entity  
registered with the Federal Securities Exchange Commission or registered pursuant  
to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County  
policy, and will be relied upon by Palm Beach County in its review of application for  
Comprehensive Plan amendment or Development Order approval affecting the  
Property. Affiant further acknowledges that he or she is authorized to execute this  
Disclosure of Ownership Interests on behalf of any and all individuals or entities  
holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to  
reflect any changes to ownership interests in the Property that may occur before the  
date of final public hearing on the application for Comprehensive Plan amendment  
or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the  
penalties provided by the laws of the State of Florida for falsely swearing to  
statements under oath.



7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



Jeffry Householder, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 30 day of April, 2018, by JEFFRY HOUSEHOLDER, [ ] who is personally known to me or [ ] who has produced \_\_\_\_\_ as identification and who did take an oath.

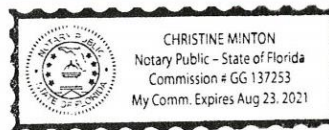
  
Notary Public

Christine Minton  
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: August 23, 2021



## EXHIBIT "A"

## PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:  
TRACTS "B", TURNPIKE BUSINESS PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 119, PAGE 126, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, CONTAINING A TOTAL OF 10.414 ACRES MORE OR LESS.  
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CONTAINING 10.414 ACRES MORE OR LESS.

## DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

### Address

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. At the bottom of the page, there is a faint header area containing several small, illegible icons or logos.



## Exhibit 9

### School Capacity Availability Determination (SCAD) Letter



**THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FL**

**KRISTIN K. GARRISON, AICP  
DIRECTOR**

**DONALD E. FENNOY II, Ed.D.  
CHIEF OPERATING OFFICER**

Planning & Intergovernmental Relations  
3300 FOREST HILL BOULEVARD, SUITE B-102  
WEST PALM BEACH, FL 33406

**WANDA F. PAUL  
CHIEF OF FACILITIES MANAGEMENT**

PHONE: 561-434-8020 / FAX: 561-434-8815  
[WWW.PALMBEACHSCHOOLS.ORG/PLANNING](http://WWW.PALMBEACHSCHOOLS.ORG/PLANNING)

#### SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

<b>Application</b>	<b>Submittal Date</b>	05/01/2018		
	<b>SCAD #</b>	18050101F – Future Land Use Atlas Amendment (FLUA)		
	<b>FLU /Rezoning/D.O. #</b>	Not Provided – Palm Beach County		
	<b>PCN No.</b>	00-42-43-33-11-002-0000		
	<b>Development Name</b>	Banyan Ridge		
	<b>Owner /Agent Name</b>	Florida Public Utilities Co. / Josh Nichols		
	<b>SAC No.</b>	145A		
	<b>Proposed Amendment</b>	Max. 231 Residential Units		
<b>Impact Review</b>		<b>Grassy Waters Elementary School</b>	<b>Jeaga Middle School</b>	<b>Royal Palm Beach High School</b>
	<b>New Students</b>	36	20	29
	<b>Capacity Available</b>	-18	219	-52
	<b>Utilization Percentage</b>	102%	82%	102%
<b>School District Staff's Recommendation</b>	Based on the findings and evaluation of the proposed amendment, there will be negative impact on the public school system. Therefore, if the proposed amendment is approved by the Palm Beach County government, School District staff recommends the following condition to mitigate such impacts.			
	In order to address the school capacity deficiency created by this proposed amendment at the District elementary and high school level, the property owner is required to contribute a total of \$ 456,570 to the School District of Palm Beach County prior to issuance of first building permit. This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied).  Please note that the school impact fee credit is calculated based on the fee schedule recommended by the PBC Impact Fee Committee for adoption in 2018.			
<b>Validation Period</b>	1) This determination is valid from 05/09/2018 to 05/08/2019 or the expiration date of the site-specific development order approved during the validation period. 2) A copy of the approved D.O. must be submitted to the School District Planning Department prior to 05/08/2019 or this determination will expire automatically.			
<b>Notice</b>	School age children may not be assigned to the public school closest to their residences.			

School District Representative Signature

**Joyce C. Cai, Senior Planner**

Print Name & Title

**May 9, 2018**

Date

**joyce.cai@palmbeachschools.org**

Email Address

CC: Lorenzo Aghemo, Director, Palm Beach County Planning Department  
Kris Garrison, AICP, Director, School District of Palm Beach County

The School District of Palm Beach County, Florida  
A Top-Rated District by the Florida Department of Education Since 2005  
An Equal Education Opportunity Provider and Employer

## Exhibit 10

### Correspondence

---

**From:** Hymowitz, Larry <Larry.Hymowitz@dot.state.fl.us>  
**Sent:** Monday, December 10, 2018 4:08 PM  
**To:** 'DCPexternalagencycomments' <DCPexternalagencycomments@deo.myflorida.com>; Lorenzo Aghemo <20190303LAgghemo@pbcgov.org>  
**Subject:** Palm Beach County 19-1ESR - FDOT District Four Review

I am writing to advise you that the Department will not be issuing formal comments for the proposed Palm Beach County comprehensive plan amendment with DEO reference number 19-1ESR.

The Department has the following technical assistance comment for the County to consider.

Traffic-generated noise from Florida's Turnpike, which abuts the site, is likely to be a concern to the future residents of the amendment. Noise walls are only considered when there is a project that changes the capacity (adds lanes) or alignment of the roadway, or when a new roadway is planned to be built. After a noise study is completed for a project during the Project Development & Environment Study (PD&E) and there has been a public hearing, an environmental document is approved. This approval date is called the Date of Public Knowledge. Residential buildings that were there, or had a building permit to be there before the Date of Public Knowledge are considered for noise walls through all phases of the project. Any residences that receive a building permit after the Date of Public Knowledge will not be included in future phases of the project. These residences can be included in a future project should the Florida's Turnpike Enterprise decide to widen a roadway on the Florida's Turnpike System or change the alignment in that area.

Please note that the PD&E for the Turnpike mainline widening from 4 to 8 lanes (MP 93 – 117) adjacent to the subject site (between MP 98 and 99) was approved in Year 2008. Based on the language shown above, any noise wall conclusions resulting from the latest noise study would remain valid if there is no major design change from the approved PD&E concept.

Therefore, the County should ensure appropriate noise attenuation measures are implemented to eliminate the potential for traffic noise intrusion into the residential development. The proper distance relationships need to be applied between residential units and the roadway. The Department recommends a 300-foot setback from the right of way line of the Turnpike. Additional enhancements to minimize interior noise, such as but not limited to double-glazed glass windows, sound absorptive insulation, and door treatments that meet HUD specifications for any above ground level units, are also encouraged.

The Department requests an electronic copy in Portable Document Format (PDF), of all adopted comprehensive plan amendment materials, including graphic and textual materials and support documents. Please ensure that this correspondence is included in the public record for this amendment.

Please don't hesitate to contact me if you have any questions.

Thank you.

Larry Hymowitz, Planning Specialist – Policy Planning & Growth Management  
Planning & Environmental Management - FDOT District Four  
3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421, [larry.hymowitz@dot.state.fl.us](mailto:larry.hymowitz@dot.state.fl.us)



**Town Hall**

4585 Charlotte Street  
Haverhill, FL 33417-5911  
(561) 689-0370  
FAX: (561) 689-4317  
[www.townofhaverhill-fl.gov](http://www.townofhaverhill-fl.gov)

■  
**Town Council**

Jay G. Foy, Mayor  
Lawrence Gordon  
Vice Mayor  
Mark C. Uptegraph  
Remar Harvin  
Daniel H. Sohn

**Town Administrator**

Janice C. Rutan

**Deputy Town Clerk**

Jean Wible

**Director of Public Services**

Joseph M. Roche

**Building Inspector**

Bill Denison

October 31, 2018

Inna Stafeychuk, Planner 1  
Department of Planning, Zoning & Building  
2300 North Jog Road  
West Palm Beach, FL 33411-2741

RE: Banyan Ridge (LGA 2019-001)  
Proposed Future Land Use Atlas Amendment Round 19-A

Dear Ms. Stafeychuk:

I attach a letter the Town of Haverhill had written to Palm Beach County Department of Planning, Zoning and Building dated August 15, 2018 opposing the request to allow Townhouse units; a Workforce Density bonus greater than 30 percent; and, a Transfer of Development Rights greater than 2 units per acre.

I understand the Board of County Commissioners approved the application for transmittal at today's public hearing. The Town continues to express its concern that the cumulative effect of the County's approval of this project, as well as its approval for several other projects along Belvedere Road, Haverhill Road, Jog Road and Southern Boulevard will result in increased traffic along Haverhill Road and Belvedere Road within the Town's jurisdictional boundaries.

The Town of Haverhill has adopted policies to ensure that Belvedere Road, between Jog Road and Military Trail, remain as a four-lane divided roadway in perpetuity, and we continue to maintain that neither Haverhill Road or Belvedere Road should ever be widened as it would destroy the residential character of the Town of Haverhill as well as violate the Haverhill Area Neighborhood Plan.

Please retain this letter as part of the file to be considered at the Board of County Commissioners Adoption Hearing. Thank you.

Sincerely,

Janice C. Rutan  
Town Administrator



**Department of Planning,  
Zoning & Building**

2300 North Jog Road  
West Palm Beach, FL 33411-2741  
(561) 233-5000

Planning Division 233-5300  
Zoning Division 233-5200  
Building Division 233-5100  
Code Enforcement 233-5500  
Contractors Certification 233-5525  
Administration Office 233-5005  
Executive Office 233-5228  
[www.pbcgov.com/pzb](http://www.pbcgov.com/pzb)

**Palm Beach County  
Board of County  
Commissioners**

Melissa McKinlay, Mayor  
Mack Bernard, Vice Mayor

Hal R. Valeche

Paulette Burdick

Dave Kerner

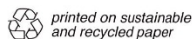
Steven L. Abrams

Mary Lou Berger

**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"



September 21, 2018

Janice Rutan, Town Administrator  
Town of Haverhill  
4585 Charlotte Street  
Haverhill, FL 33417

**RE: Notice of a Proposed Future Land Use Atlas Amendment Round 19-A**

Dear Ms. Rutan,

This letter is to inform you of a proposed amendment to Palm Beach County's Future Land Use Atlas that may be of interest due to its proximity to the Town of Haverhill for the 19-A Amendment Round. The amendment site, **Banyan Ridge (LGA 2019-001)**, is located on the southwest corner of Belvedere Road and Cleary Road to Florida Turnpike. The amendment is a request for a future land use change on a 10.42 acre total acre site from Commercial Recreation (CR) on 9.02 acres and Low Residential, 2 units per acre (LR-2) on 1.40 acres to High Residential, 12 units per acre (HR-12). Additional information is available on the Planning Division web site: <http://www.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

The Planning Division will host an informational meeting to answer questions and explain the process on **Wednesday, October 3, 2018, 3:30 p.m.**, Planning, Zoning and Building Department, 2nd Floor Meeting Room 2E-12, 2300 North Jog Road, West Palm Beach, FL.

The County will hold public hearings to consider the amendment as follows:

**Local Planning Agency (LPA):** Friday, October 12, 2018, 9:00 a.m., Planning, Zoning and Building Dept., 1st Floor Hearing Room 1W-47, 2300 North Jog Rd, West Palm Beach, FL

**Board of County Commissioners (BCC) Transmittal:** Wednesday, October 31, 2018, 9:30 a.m., 6th Floor Chambers, 301 North Olive Ave., West Palm Beach, FL

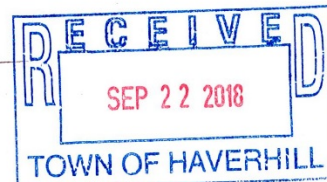
If the proposed amendment is transmitted by the BCC, an additional public hearing will be held in January 2019 to adopt the amendment by ordinance. Comments may be provided at the public hearings and/or submitted in writing to me at the address provided to the left. Should you have any questions, please contact me at (561) 233-5320.

Sincerely,

Inna Stafeychuk, Planner I

**Attachments:** Future Land Use Photo Map

cc: Patricia Behn, Deputy Director Planning  
Lisa Amara, Principal Planner



T:\Planning\AMEND\19-A\Site Specific\19-01 Banyan Ridge\Correspondence\Muni\_BanyanRidge\_10-12-18.doc



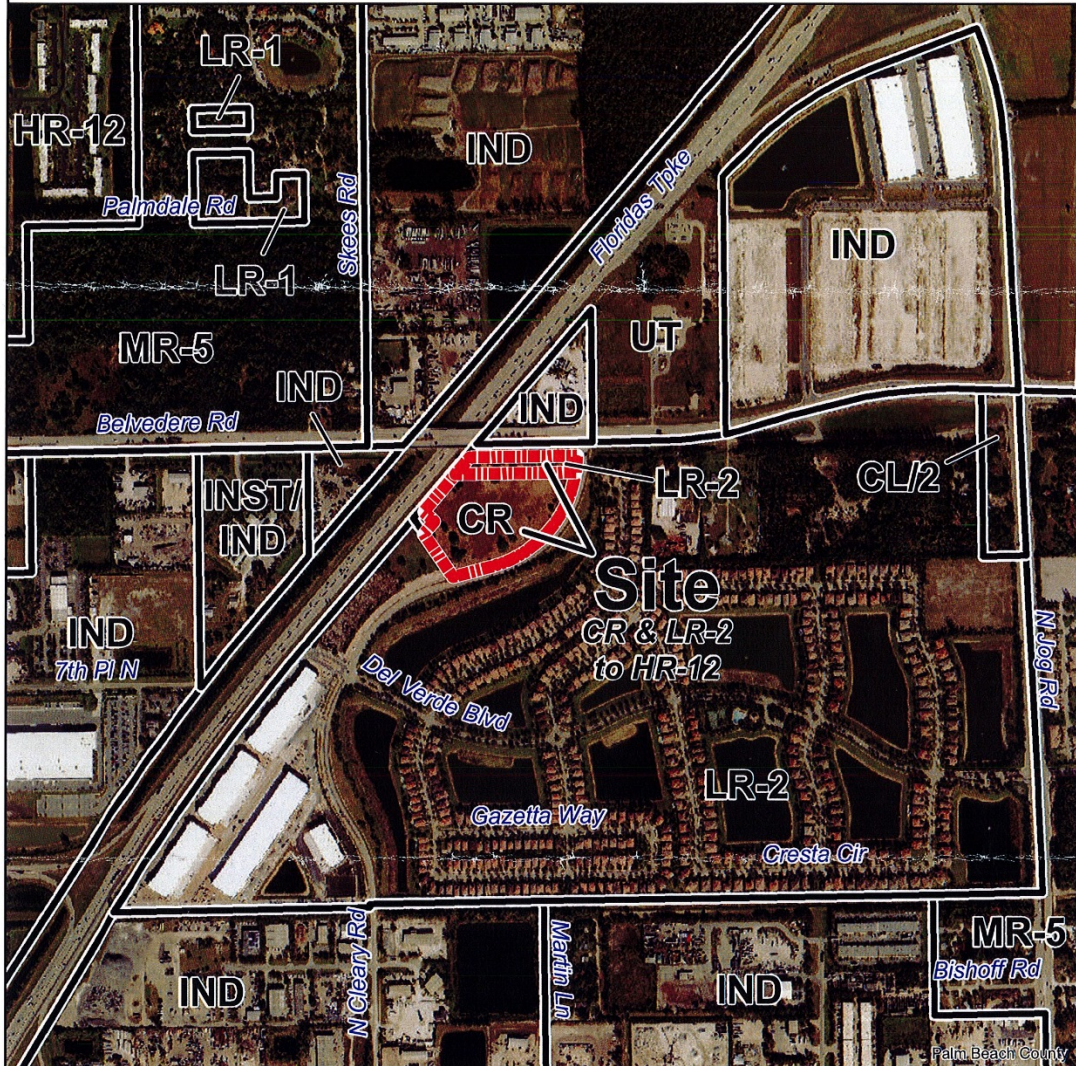
## Future Land Use Atlas Amendment Petition Summary

<b>Amendment Name</b>	<b>Banyan Ridge</b>	<b>Round Number</b>	<b>19-A</b>
<b>Amendment No.</b>	LGA 2019-001	<b>Intake Date</b>	5/4/2018
<b>Acres</b>	10.42	<b>Control No.</b>	2009-02465
<b>Location</b>	Southwest corner of Belvedere Road and Cleary Road to Florida Turnpike	<b>Zoning App No.</b>	CA/PDD/TDR/ZV-2018-1172
<b>Status</b>	In Process		
<b>Type</b>	Large Scale Privately Initiated		
<b>Project Manager:</b>			
<b>Applicant / Owner:</b>	AHS Dev. Group LLC (Applicant) Florida Public Utilities (Owner)		
<b>Agent</b>	Schmidt Nichols		
<b>Existing Use</b>	Vacant		
<b>Current FLU</b>	Commercial Recreation on 9.02 acres and Low Residential, 2 units per acre on 1.40 acres		
<b>Current Zoning</b>	Light Industrial (IL)		
<b>Current Potential</b>	Commercial Recreation uses or Residential		
<b>Proposed FLU</b>	High Residential, 12 units per acre (HR-12)		
<b>Proposed Zoning</b>	Planned Unit Development (PUD)		
<b>Proposed Potential</b>	Residential uses, up to 125 dwelling units (231 with density bonus)		
<b>Utility Service Area</b>	Palm Beach County Water Utilities Department		
<b>Annexation Area</b>	Town of Haverhill and City of West Palm Beach		
<b>Plans/Overlays</b>	Haverhill Neighborhood Plan		
<b>Tier</b>	Urban/Suburban Tier - No Change		
<b>Commissioner</b>	Paulette Burdick, District 2		
<b>Parcel Control Number(s)</b>	<b>Comments:</b>		
00-42-43-33-11-002-0000			



# Future Land Use Atlas Amendment

Banyan Ridge (LGA 2019-001)



## Site Data

Size: 10.42 acres  
 Existing Use: Vacant  
 Proposed Use: Multi-Family Residential  
 Current FLU: CR and LR-2  
 Proposed FLU: HR-12

## Future Land Use Designations

LR-1	Low Residential, 1 unit per acre	IND	Industrial
MR-5	Medium Residential, 5 units per acre	INST	Institutional & Public Facilities
HR-12	High Residential, 12 units per acre	INST/IND	INST, underlying IND
CR	Commercial Recreation	UT	Utilities & Transportation
CL/2	Commercial Low, underlying 2 units per acre		

Date: 9/20/2018  
 Contact: Planning  
 Filename: Planning\AMEND\19-A\Site\19-01  
 Note: Map is not official, for presentation purposes only



0 150 300 600 Feet

Planning, Zoning & Building  
 2300 N. Jog Rd, WPB, FL 33411  
 Phone (561) 233-5300





**Town Hall**  
4585 Charlotte Street  
Haverhill, FL 33417-5911  
(561) 689-0370  
FAX: (561) 689-4317  
[www.townofhaverhill-fl.gov](http://www.townofhaverhill-fl.gov)

**Town Council**  
Jay G. Foy, Mayor  
Lawrence Gordon  
Vice Mayor  
Mark C. Uptegraph  
Remar M. Harvin  
Daniel H. Sohn  
**Town Administrator**  
Janice C. Rutan  
**Deputy Town Clerk**  
Jean Wible  
**Director of Public Services**  
Joseph M. Roche  
**Building Official**  
Bill Denison

August 15, 2018

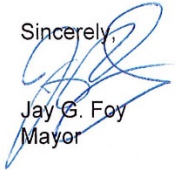
Carolina Valera  
Senior Site Planner  
Palm Beach County Department  
Of Planning, Zoning and Building  
2300 Jog Road  
West Palm Beach, FL 33411

RE: Zoning Application – PDD/ZV/CA-2018-01172  
Banyan Ridge Planned Unit Development  
Control Number: 2009-02465 Florida Public Utilities Regional  
Operation  
PCN: 00-42-43-33-11-002-0000

Dear Ms. Valera:

The Town of Haverhill has received notice of the pending application to allow for a rezoning from the Industrial Light (IL) Zoning District to the Planned Unit Development (PUD) Zoning District; to allow a reduction of the landscape buffer and a reduction of parking spaces and to allow a Transfer of Development Rights to a PDD and to allow Workforce Housing Density Bonus Program in excess of 30 percent. **The Town of Haverhill does have concerns that the cumulative effect of the County's approval of this project, as well as other pending projects along Belvedere Road, Haverhill Road, Jog Road and Southern and Okeechobee Boulevards will result in increased traffic along Haverhill Road and Belvedere Road within the Town's jurisdictional boundaries.**

The Town of Haverhill has adopted policies to ensure that Belvedere Road, between Jog Road and Military Trail, remain as a four-lane divided roadway in perpetuity, and maintain that neither Haverhill Road or Belvedere Road be widened as it would destroy the residential character of the Town of Haverhill as well as violate the Haverhill Area Neighborhood Plan.

Sincerely,  
  
Jay G. Foy  
Mayor





Department of Planning,  
Zoning & Building  
2300 North Jog Road  
West Palm Beach, FL 33411-2741  
(561) 233-5000  
  
Planning Division 233-5300  
Zoning Division 233-5200  
Building Division 233-5100  
Code Enforcement 233-5500  
Contractors Certification 233-5525  
Administration Office 233-5005  
Executive Office 233-5228  
[www.pbcgov.com/pzb](http://www.pbcgov.com/pzb)

**Palm Beach County  
Board of County  
Commissioners**

Melissa McKinlay, Mayor  
Mack Bernard, Vice Mayor

Hal R. Valeche  
Paulette Burdick  
Dave Kerner  
Steven L. Abrams  
Mary Lou Berger

County Administrator  
Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"

Official Electronic Letterhead

June 25, 2018

Town Manager  
4585 Charlotte St  
Haverhill, FL 33417

*Clearing Road  
and  
Benedere*

**Re: Zoning Application No.: PDD/ZV/CA-2018-01172 Banyan Ridge Planned Unit Development**  
**Control No.: 2009-02465 Florida Public Utilities Regional Operation**  
**PCN: 00-42-43-33-11-002-0000**

Dear Town Manager:

This letter is to notify you that the Palm Beach County Zoning Division, Community Development Section, has received a Public Hearing application on June 11, 2018 for review. The subject property is located within one mile of your municipal boundary or in your municipality's future annexation area. The application is PDD/ZV/CA-2018-01172 Banyan Ridge Planned Unit Development. The Applicant is requesting the following:

**TITLE:** an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Industrial Light (IL) Zoning District to the Planned Unit Development (PUD) Zoning District.

**TITLE:** a Type II Variance **REQUEST:** to allow a reduction of the landscape buffer width; and, to allow a reduction of parking spaces.

**TITLE:** a Class A Conditional Use **REQUEST:** to allow a Transfer of Development Rights to a PDD; and, to allow Workforce Housing Density Bonus Program in excess of 30 percent.

Should you have any questions or would like to have further information regarding this application, please contact Carolina Valera, Senior Site Planner at (561) 233-5222 or via [CValera@pbcgov.org](mailto:CValera@pbcgov.org).

For your convenience, the link below will take you to PBC PZB Property Information screen where you can research the application request by: Application Number, Control Number, Agent, Applicant, Address or PCN  
[http://www.pbcgov.com/epzbcommon/asp\\_html/epzbgateway.aspx?ReferrerID=einfo&FROM=EZ&TargetMenuItem=ControlNoHistory](http://www.pbcgov.com/epzbcommon/asp_html/epzbgateway.aspx?ReferrerID=einfo&FROM=EZ&TargetMenuItem=ControlNoHistory)

Very truly yours,

*William Cross*  
William Cross, AICP

WC/vd

**Digital Copy to:**  
Zoning Application PDD/ZV/CA-2018-01172

**Email Copy to:**  
Jon MacGillis, ASLA, Zoning Director  
Carolina Valera, MPA, Senior Site Planner  
Josh Nichols, Schmidt Nichols

