



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 18-D

BCC ADOPTION PUBLIC HEARING, JUNE 27, 2019

A. Application Summary

I. General Data

Project Name:	Boynton Commons (LGA 2018-011)
Request:	CH-O/5 to CL/5
Acres:	10.10 acres
Location:	Northeast corner of Boynton Beach Blvd and Florida's Turnpike
Project Manager:	Melissa Michael, Planner II
Owner/Applicant:	Michael Puder
Agent:	Jeff Brophy / Jennifer Vail, Wantman Group, Inc.
Staff Recommendation:	Staff recommends approval with conditions based upon the findings and conclusions contained within this report.

II. Assessment & Conclusions

This amendment proposes to change the future land use designation on 10.10 acres of land from Commercial High Office with an underlying 5 units per acre (CH-O/5) to Commercial Low with an underlying 5 units per acre (CL/5) in order to develop a mix of uses on the site. The subject site was designated with the CH-O designation in 1996 and has remained unbuilt. The current CH-O/5 future land use designation allows nearly 220,000 s.f. (.50 FAR) of office uses, but does not allow a mix of different uses.

The proposed CL/5 designation allows the same 220,000 s.f. (.50 FAR) for office or self-storage square footage, or commercial retail up to nearly 110,000 s.f. (.25 FAR) with a combination of other types of non-residential uses, and residential. The applicant is proposing in the concurrent zoning application 16,000 s.f. of retail, 16,000 s.f. of medical office, 122,517 s.f. of self-storage, and 120 congregate living facility. The request includes a voluntary condition of approval to ensure that the development of the site is consistent with the proposed amendment application and traffic analysis. The applicant has demonstrated that allowing the proposed mix of uses on the site is justified, appropriate, and compatible with the surrounding land uses. The proposed amendment is consistent with Comprehensive Plan, meets all public facility requirements, and meets all levels of service.

III. Hearing History

Local Planning Agency: *Approval with modified conditions*, motion by Neil Merin, seconded by Edwin Ferguson, passed in a 10-0 vote at the July 13th public hearing. Staff and the applicant were in agreement with the modification, and the conditions of approval have been modified. The Board discussion included comments regarding ingress/egress on Orchard Grove Trail, and that limiting specific trip generation was more appropriate than limiting specific uses and square footages within the site. Two members of the public, one representative from the Orchard Grove community and one from COBWRA, spoke in opposition of the amendment stating concerns with access, drainage, and uses.

Board of County Commissioners Transmittal Public Hearing: *Transmit as modified at the hearing*, motion by Comm. Berger, seconded by Comm. Burdick, passed in a 7 to 0 vote at the July 23rd public hearing. The modification included an additional condition of approval to hold the adoption of the future land use amendment and zoning application concurrently as suggested by the Planning Director to address issues raised by the speakers (added to Exhibit 1). There was minimal board discussion. A representative of COBWRA and a representative of the adjacent neighborhood spoke in opposition to the amendment citing ingress/egress concerns and the lack of commitment by the applicant for a specific site plan and uses.

State Review Comments: The State Land Planning Agency issued a letter dated August 31, 2018 stating the Agency *"identified no comment related to important state resources and facilities within the Department's authorized scope of review that would be adversely impacted by the amendment if adopted."* There were no other state agency comments received regarding this amendment. The State review letter and the time extension letter sent to the State are provided in Exhibit 8, Correspondence.

Board of County Commissioners Adoption Public Hearing:

T:\Planning\AMEND\18-D\Reports-Agendas\4-BCCAdopt\June Zoning Hearing\18-D2_BoyntonCommons_Rpt.docx

Future Land Use Atlas Amendment

Boynton Commons II (LGA 2018-011)



Site Data

Size: 10.10 acres
 Existing Use: Vacant
 Proposed Use: Retail, Self-Storage and Congregate Living Facility
 Current FLU: CH-O/5
 Proposed FLU: CL/5

Future Land Use Designations

MR-5	Medium Residential, 5 units per acre	CH	Commercial High
AGR	Agricultural Reserve	MLU	Multiple Land Use
CL/5	Commercial Low, underlying MR-5	INST	Institutional and Public Facilities
CH/5	Commercial High, underlying MR-5	UT	Utilities and Transportation
CL-O/5	Commercial Low Office, underlying MR-5		
CH-O/5	Commercial High Office, underlying MR-5		

Date: 12/5/2017
 Contact: Planning
 Filename: Planning\AMEND\18-C\Site18-11
 Note: Map is not official, for presentation purposes only.



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



B. Petition Summary

I. General Data

Project Name: Boynton Commons (LGA 2018-011)
Request: CH-O/5 to CL/5
Acres: 10.10 acres
Location: Northeast corner of Boynton Beach Blvd and Florida's Turnpike
Project Manager: Melissa Michael, Planner II
Owner/Applicant: Michael Puder
Agent: Jeff Brophy / Jennifer Vail, Wantman Group, Inc.

II. Site Data

Current Future Land Use

Current FLU: Commercial High Office with an underlying 5 units per acre (CH-O/5)
Existing Land Use: Vacant
Current Zoning: Multiple Use Planned Development (MUPD)
Current Dev. Potential Max: Commercial Office, up to 219,978 sf (0.50 FAR), Residential, up to 50 du, Congregate Living Facility up to 120 beds

Proposed Future Land Use Change

Proposed FLU: Commercial Low with an underlying 5 units per acre (CL/5)
Proposed Zoning: Multiple Use Planned Development (MUPD)
Dev. Potential Max/Conditioned: General Commercial, up to 153,984 sf (0.35 FAR), Residential, up to 50 du, Congregate Living Facility up to 120 beds - max Office/Retail, up to 30,000 sf, Self-Storage, up to 90,000 sf, Congregate Living Facility up to 120 beds - conditioned

General Area Information for Site

Tier/Tier Change: Urban Suburban Tier - No Change
Utility Service: Palm Beach County Water Utilities Department
Overlay/Study: West Boynton Area Community Plan
Comm. District: Commissioner Berger, District 5

C. Introduction

I. Intent of the Amendment

The subject site is comprised of four parcels totaling 10.10 acres and is located in the Urban/Suburban Tier on the north side of Boynton Beach Boulevard directly east of Florida's Turnpike. Currently, the parcels are being used as a tree nursery. This amendment proposes to change future land use designation from Commercial High Office with an underlying 5 units per acre (CH-O/5) to Commercial Low with an underlying 5 units per acre (CL/5) in order to develop a multi-use project and to revise adopted conditions of approval in order to delete design guidelines.

The site (Control Number 2006-367) has a current zoning approval for 115,000 square feet of Medical Office with Multiple Use Planned Development (MUPD) zoning, and the applicant has submitted a concurrent Zoning application (DOA/CA-2018-00120) for a Development Order Amendment requesting the following uses:

- Retail up to 16,000 sf, Medical office up to 16,000 sf
- Self-Storage up to 122,517 sf
- Congregate Living Facility (CLF) Type 3 up to 120 beds utilizing the underlying 5 unit per acre designation over the entire site (10.10 ac. x 5 x 2.39 beds per acre)

II. Background and Overview

The site was the subject of two prior future land use amendment requests.

- In 1996, the amendment Indian Hills 96-89 COM 5 was part of a group of six privately initiated site specific requests known as the Boynton Corridor Amendments (BCA) which were combined into one application. All of the amendments were located east of the Turnpike within the vicinity of the intersection of Boynton Beach Boulevard and Hagen Ranch Road. The subject site request was to amend the FLU from Medium Residential, 5 units per acre (MR-5) to Commercial High Office with an underlying 5 units per acre (CH-O/5). At the time, the Comprehensive Plan held "Category Criteria" that required a surrounding future land use density of 5 units per acre or greater to qualify for the Commercial High category. Although this site met that criterion, during the amendment process the request was changed to Commercial Low (CL/5). The Planning Division recommended denial and proposed Commercial Low-Office (CL-O/5) as an alternative. The BCC adopted the CH-O/5 designation via Ord. 1996-065. This ordinance also included conditions of approval that development shall comply with the Boynton Beach Turnpike Interchange Design Guidelines & Standards.
- In 2016, a small scale amendment was proposed on the southern 3.81 acre portion of the subject site (SCA 2017-006) to change the future land use designation from Commercial High Office with an underlying 5 units per acre (CH-O/5) to Commercial High with an underlying 5 units per acre (CH/5). The application was withdrawn prior to public hearing in order to work with COBWRA and nearby residents on a plan for the full 10.10 acres.

Overview of the Area

The subject site is within the West Boynton Area Community Plan, as discussed later in this report in the Consistency with County Overlays, Plans, and Studies section. The property is part of a large commercial corridor along Boynton Beach Boulevard which is comprised of Commercial High, Commercial Low, Multiple Land Use, and Commercial Low-Office designations.

D. Consistency and Compatibility

I. Data and Analysis

This section of the report 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;*
2. *The availability of facilities and services;*
3. *The adjacent and surrounding development;*
4. *The future land use balance;*
5. *The 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*
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 2) which is summarized as follows:

- The subject site already has a commercial designation but is limited to office uses, the proposed commercial low designation would allow a greater variety of uses which would promote balanced growth.
- The proposed amendment is consistent with the adjacent and surrounding development, and is part of a commercial corridor along Boynton Beach Blvd.
- The site has no historic/architecturally significant resources or natural features that require accommodation through development.
- The proposed development can be served by existing public services.
- The proposed amendment is consistent with the applicable policies for commercial designations within the Comprehensive Plan.

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 requested amendment is to change the category on an already designated commercial property from "Commercial High Office" to "Commercial Low" specifically for the mix of uses requested - retail, office, self-storage, and congregate living facility. Under the current CH-O future land use designation, the subject site could be developed with professional office, medical office, or hotel up to 219,978 square feet (.50 FAR). The applicant is proposing the CL designation in order to allow a greater variety of uses. The

proposed CL/5 designation allows the same amount of office or storage square footage, or commercial retail up to nearly 110,000 s.f. (.25 FAR) with a combination of other types of non-residential uses, and residential. The applicant is proposing in the concurrent zoning application 16,000 s.f. of retail, 16,000 s.f. of medical office, 122,517 s.f. of self-storage, and 120 congregate living facility. The request includes a voluntary condition of approval to ensure that the development of the site is consistent with the proposed amendment application and traffic analysis.

Table III.C.2 of the Future Land Use Element (FLUE page 122) identifies that retail development under the CL designation is capped at .25 FAR within an MUPD and .50 FAR for office and self-storage within an MUPD. The proposed development potential on the site 120,600 s.f. and 120 Congregate Living Facility beds is within the maximum FAR for the proposed uses. In addition, the Future Land Use Atlas Regulation Section of the Comprehensive Plan states that multiple use planned developments utilize residential density and commercial intensity on a site.

With regards to the justification, the property is part of a large commercial node along Boynton Beach Boulevard which is comprised of Commercial High, Commercial Low, Multiple Land Use, and Commercial Low-Office designations. The applicant is correct that the Commercial Low designation would offer a greater flexibility in the types of uses that would be allowed on the site. The site's unique configuration, specifically being part of an approved MUPD and directly off of the Florida Turnpike interchange, contribute to making this site appropriate for broader range of uses as allowed in a Commercial Low designation. Additionally, the site meets all levels of service and is consistent with all applicable policies in the Comprehensive Plan. The mix of uses will provide a transition from the newly proposed retail component along Boynton Beach Boulevard to the residential uses located to the north of the site. Therefore, the applicant has provided adequate justification for a land use amendment from Commercial High Office to Commercial Low specific to the proposed development plan.

Although the CH-O future land use designation allows for an overall greater FAR than the CL designation, the possible trips and impacts on the surrounding properties generated by the proposed future land use could be greater. The applicant has based the justification and data/analysis for this amendment on the specific proposed development plan identified in the concurrent zoning application. Staff finds that the mix of uses are justified and appropriate for the subject site.

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.*

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.

Staff Analysis: The applicant proposes three types of uses within the MUPD which would provide an efficient use of land and balancing land uses. In addition, the application includes a condition of approval to cap the maximum square footages for retail uses in order to ensure that the density and intensity is not in conflict with the surrounding area. Therefore, the amendment would not conflict with any of the County Directions.

3. **Strip Commercial - FLUE Policy 2.2.2-d:** *The County shall not designate additional commercial areas on the Future Land Use Atlas that would result in or encourage the proliferation of strip commercial development.*

Staff Analysis: Strip Commercial Development is defined in the Introduction and Administration Element as a form of development that is designed primarily for vehicular access and is hazardous or inconvenient for pedestrians to use and may include any of the following:

1. Intense, largely non-residential development, which is shallow in depth, and lies along a length of roadway;
2. Poorly coordinated site plan, with buildings organized in a linear pattern or in isolated “islands”;
3. Separate driveways or curb cuts from adjacent properties;
4. Separate parking lots from adjacent properties; and/or
5. Inadequate accessibility and circulation for pedestrians and bicycles.

The proposed amendment does not exhibit any of the characteristics of strip commercial development as defined in the Introduction and Administration Element of the Comprehensive Plan. In addition, there are no adjacent commercial properties nor adjacent properties for which a commercial future land use designation can be sought. Therefore, the proposed amendment is consistent with this policy.

4. **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 proposed amendment is consistent with this policy as the land use amendment will not encourage piecemeal development. All of the four parcels included in the land use amendment and there are no adjacent properties under common ownership. Therefore, the proposed amendment is consistent with this policy.

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 future land use is compatible with existing and planned development in the immediate vicinity given that the subject site fronts on part of a large commercial corridor along Boynton Beach Boulevard which extends from Hagen Ranch Road west to the Turnpike interchange. Additionally, this property already has a commercial future land use and therefore is not considered an encroachment of an incompatible future land use into a residential area. Therefore, this amendment is consistent with Policy 1.2-a.

2. **Commercial Location Criteria. Policy 2.2.2-a:** *In order to discourage strip commercial development, to limit commercial development to nodes, to foster interconnectivity, and to promote the development of innovative mixed use projects inside the Urban Service Area, all new commercial future land use designations shall meet one of the following location requirements:*

- *Intersection Location:*
 - *Commercial Low, High Office, or High future land use designations shall have frontage on built roadway segments identified as an arterial road and a collector road, or two arterial roads.*
- *Contiguous Location – All new commercial future land use designations shall be contiguous to a lot(s) with a commercial future land use designation. Contiguous is defined as lot(s) that share a common border. Lots that touch point-to-point, and lots which are separated by waterways, streets, or major easements are not considered contiguous.; or*
- *Flexible Location – Mixed-use development patterns identified in the Future Land Use Element (e.g. LCC, TMD, TND) or Commercial Low-Office future land use designations may be allowed in any location along all arterial or collector roads.*

Roadway classifications are listed in Figure TE 3.1, Functional Classification of Roads.

Staff Analysis: The proposed amendment is consistent with this policy as it already has a commercial future land use designation. In addition, the southern border of site is situated on Boynton Beach Boulevard which is classified as an Urban Principal Arterial (U-PA) road.

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.

Surrounding Land Uses: Immediately abutting the site are the following:

North: To the north is the multifamily portion of the residential subdivision known as The Grove with a Medium Residential, 5 units per acre (MR-5) FLU designation. The multifamily units were constructed around 1998 and are fully built-out.

South: To the south across Boynton Beach Boulevard is the north-bound entrance to Florida's Turnpike with a Transportation and Utilities (UT) FLU designation. Beyond the Turnpike entrance road to the east is the New Albany MLU. The 61.04 acre site has a Multiple Land Use (MLU) designation which includes commercial high, industrial, office, multi-family residential, congregate living facility (CLF), gas station, and retail uses.

East: To the east is the single family portion of the residential subdivision known as The Grove with a Medium Residential, 5 units per acre (MR-5) FLU designation. The single family units were constructed around 1997 and are fully built-out.

West: To the west the site is bordered by the Lake Worth Drainage District's E-2E Canal and then Florida's Turnpike with a Transportation and Utilities (UT) FLU designation.

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 maintained 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.”*

Applicant's Comments: The applicant lists the surrounding uses and designations in Exhibit 2 along with a summary of compatibility as follows:

- The area surrounding the subject site is primarily developed with commercial uses along Boynton Beach Boulevard and suburban residential uses surrounding...
- The proposed commercial uses allowed with the land use amendment to CL/5 are suburban in nature and will accommodate the increasing population within the Urban/Suburban Tier.

Staff Analysis: The subject site abuts a medium density residential community to the north and east and fronts on part of a large commercial corridor along Boynton Beach Boulevard which extends from Hagen Ranch Road west to the Turnpike interchange to the south. The proposed Congregate Living Facility, self-storage, retail and office uses are compatible with medium density residential and provide a buffer from the arterial roadway to the south. The subject site already has a commercial future land use and therefore is not considered an encroachment of an incompatible future land use into a residential area. Any compatibility issues that may result from any specific uses requested through the concurrent zoning process or subsequent zoning applications would be addressed

through specific site design and site planning. Therefore, the proposed amendment is consistent with these policies.

D. Consistency with County Overlays, Plans, and Studies

1. **Overlays – FLUE Policy 2.1-k** states *“Palm Beach County shall utilize a series of overlays to implement more focused policies that address specific issues within unique identified areas as depicted on the Special Planning Areas Map in the Map Series.”*

Staff Analysis: The subject site is not located within any overlays.

2. **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.....”*

The subject site is located within Coalition of Boynton West Residential Associations (COBWRA) boundary and the West Boynton Area Community Plan (WBACP). The WBACP was created in 1995 and was prepared in partnership with Palm Beach County and COBWRA in response to rapid growth and serves as a guide for new development. The WBACP is available at the following link:

<http://www.pbcgov.com/pzb/Planning/publications/index.htm>

Staff Analysis: The proposed amendment would change the existing future land use from CH-O/5 to CL/5, and result in a maximum intensity based on the proposed development potential of 120,600 square feet and 120 Congregate Living Facility beds. This amendment will maintain the commercial future land use designation therefore; the amendment will not change the balance of future land uses within the area.

The applicant’s request is consistent with the prevailing development pattern in the area and the WBACP recommendations concerning commercial development. It is consistent with the West Boynton Area Plan as it is in an identified commercial node and is within the square footage limits identified in the West Boynton Area Plan. In addition, it does not adversely impact the character of the neighborhood and it is located at the intersection of urban arterial and urban collector roadways. Therefore, the CL/5 future land use designation could be consistent with the recommendations of the WBACP.

E. Public Facilities and Services Impacts

The proposed amendment will change the FLU designation from CH-O/5 to CL/5. The amendment was reviewed at a proposed 15,600 s.f of retail, 15,000 s.f. medical office, 90,000 s.f. of self-storage, and 120 congregate living facility. Public facilities impacts are detailed in the table in Exhibit 3.

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 has been distributed to the County service departments for review and 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:

Zoning (ULDC), Mass Transit (Palm Tran), Potable Water & Wastewater (PBC Water Utilities Dept.), Environmental (Environmental Resource Management), Traffic (Engineering), Historic Resources (PBC Archeologist), Parks and Recreation, School Board, Health (PBC Dept. of Health), Fire Rescue, and Community Services (Health & Human Services).

The following comments were provided:

- **Zoning Division:** *“...the Applicant must clarify how density was determined for the CLF and commercial or non-residential square footage was calculated.”*
- **PBC Dept. of Health:** *“Water and wastewater connection required.”*

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 a proposed 15,600 s.f of retail, 15,000 s.f. medical office, 90,000 s.f. of self-storage, and 120 congregate living facility. According to the County’s Traffic Engineering Department (see letter dated July 13, 2018 in Exhibit 5) the amendment as proposed passed Policy 3.5-d. In order to insure compliance with Policy 3.5-d and to allow flexibility with the development of the site, the following condition of approval is required.

“Development of the site under the Commercial Low designation is limited to non-residential square footage and congregate living facility beds for a total maximum daily trips of 5,724 and a maximum net pm peak hour trips of 281.”

The concurrent zoning application has been revised to 16,000 s.f of retail, 16,000 medical office, 122,517 s.f. of self-storage, and 120 congregate living facility which falls within the traffic condition. The Traffic Study was reviewed by Dominique Simeus, P.E. (see Exhibit 5). 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>

II. Public and Municipal Review

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 May 21, 2018. To date, no objections through the IPARC process to this amendment have been received. In addition, the subject site is not located within the future annexation area of any municipality.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on June 29, 2018 and July 13, 2018. In addition, interested parties were notified by mail including the Coalition of Boynton West Residential Association (COWBRA) and The Grove at Boynton Beach Community Association. To date, two letters of opposition have been received and have been attached under Exhibit 8.
- C. Informational Meeting:** The Planning Division hosted a meeting with area residents and interested parties to relay information regarding the amendment and development approval process on June 20, 2018. Two members of the public attended, questions included allowable uses on the site under the current and proposed FLU, traffic generation, and access.

III. Conclusions and Recommendation

This amendment proposes to change the future land use designation on 10.10 acres of land from Commercial High Office with an underlying 5 units per acre (CH-O/5) to Commercial Low with an underlying 5 units per acre (CL/5) in order to develop a mix of uses on the site. The subject site was designated with the CH-O designation in 1996 and has remained unbuilt. The current CH-O/5 future land use designation allows nearly 220,000 s.f. (.50 FAR) of office uses, but does not allow a mix of different uses.

The proposed CL/5 designation allows the same 220,000 s.f. (.50 FAR) for office or self-storage square footage, or commercial retail up to nearly 110,000 s.f. (.25 FAR) with a combination of other types of non-residential uses, and residential. The applicant is proposing in the concurrent zoning application 16,000 s.f of retail, 16,000 s.f. of medical office, 122,517 s.f. of self-storage, and 120 congregate living facility. The request includes a voluntary condition of approval to ensure that the development of the site is consistent with the proposed amendment application and traffic analysis. The applicant has demonstrated that allowing the proposed mix of uses on the site is justified, appropriate, and compatible with the surrounding land uses. The proposed amendment is consistent with Comprehensive Plan, meets all public facility requirements, and meets all levels of service.

Therefore, staff recommends **approval with conditions** of the applicant’s request.

Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Applicant's Justification Statement	E-3
3. Applicant's Public Facility Impacts Table	E-10
4. Applicant's Traffic Study <i>(available to the LPA/BCC upon request)</i>	E-13
5. Palm Beach County Traffic Division Letter	E-14
6. Water & Wastewater Provider LOS Letter	E-16
7. Applicant's Disclosure of Ownership Interests	E-17
8. Correspondence	E-21

Exhibit 1

Amendment No:	Boynton Commons (LGA 2018-011)
FLUA Page No:	89
Amendment:	From Commercial High Office with an underlying 5 units per acre (CH-O/5) to Commercial Low with an underlying 5 units per acre (CL/5)
Location:	Northeast corner of Boynton Beach Blvd and Florida's Turnpike
Size:	10.10 acres approximately
Property No:	00-42-45-20-06-001-0000, 00-42-45-20-06-002-0000, 00-42-45-20-06-003-0000, 00-42-45-20-06-023-0000

Conditions:

1. Development of the site under the Commercial Low designation is limited to non-residential square footage and congregate living facility beds for a total maximum net daily trips of 5,724 and a maximum pm peak hour trips of 281.
2. Commercial retail uses are capped at 30,000 square feet.
3. The Boynton Beach Turnpike Interchange Design Guidelines & Standards adopted by Ord. 1996-065 are hereby deleted.



Legal Description

ALL OF PARCELS A, B, C AND THE WATER MANAGEMENT TRACT, BOYNTON COMMONS MEDICAL OFFICES MUPD, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 112, PAGES 81-82, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. CONTAINING 10.102 ACRES

SITUATE IN SECTIONS 20 & 21, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

Exhibit 2

Applicant's Justification Statement, Consistency, and Compatibility

REQUEST

On behalf of the property owner, Grove Nurseries Inc. ("Applicant"), WGI, has prepared and hereby respectfully submits this application for a Large Scale Future Land Use Atlas (FLUA) Amendment from Commercial High-Office with an underlying Medium Residential, 5 units/acre (CH-O/5) to Commercial Low (CL) with an underlying Medium Residential, 5 units/acre (CL/5) for the 10.10 acre site located at the northeast corner of Boynton Beach Boulevard and Orchid Grove Trail ("Subject Site").

A concurrent zoning application will be submitted to accompany the land use amendment request for the subject site. The zoning request will be for a Development Order Amendment to the existing approvals of the Multiple Use Planned Development (MUPD) currently known as Boynton Commons Medical Offices MUPD (aka The Grove MUPD) and Class A Conditional Use approval for a Type III CLF and Self-Storage facility. As required, the zoning application will include a Preliminary Site Plan that will define the proposed intensities of the subject site associated with the development.

The proposed amendment is for a site specific future land use amendment and does not involve a text change.

BACKGROUND

The Boynton Commons MUPD ("Boynton Commons") property is located within the Urban/Suburban Tier on the northeast corner of Boynton Beach Boulevard and the Florida Turnpike in unincorporated Palm Beach County and contains 10.10 acres. The Property Control Numbers (PCN) for the subject site includes 00-42-45-20-06-001-0000, 00-42-45-20-06-002-0000, 00- 42-45-20-06-003-0000 and 00-42-45-20-06-023-0000, all under common ownership. The subject site is currently designated as CH-O/5 on the Palm Beach County Comprehensive Plan.

In 1996, a Large Scale Land Use Amendment was approved for the overall property pursuant to Ordinance 1996-65 to change the Future Land Use Atlas designation from Medium Residential, 5 dwelling units per acre (MR-5) to CH-O/5. In 2007, the Board of County Commissioners (BCC) approved to rezone the overall property from Agriculture Residential (AR) to Multiple Use Planned Development (MUPD) through Resolution R-2007-0089. Additionally, in 2007, the Zoning Commission (ZC) approved a Type II Variance to allow for the relocation of a required wall to the north property line and to allow for 100% of the landscaping on the south side of the wall through ZR-2007-019. In 2008, the overall property received BCC approval for Development Order Amendments to reconfigure the Site Plan and modify/delete conditions of approval through Resolutions R-2008-0116 and R-2008-1361 as well as a Type II Variance approval by the ZC to allow the relocation of the landscape wall within 30' of the ficus trees through ZR-2008-038.

The existing approval on the overall project is for 3 medical office buildings to be constructed in three phases. The combined total building area is 115,000 square feet of medical office use.

Since the original approvals, the subject site has not been developed however the approvals are still valid with approved time extensions. At present, the property is agricultural and used for a tree nursery.

INTENT OF THE AMENDMENT

The subject site is currently designated as CH-O/5 on the Palm Beach County Comprehensive Plan. The CH-O land use designation has a maximum floor area ratio (FAR) of 0.50. Based on the subject site area of 10.10 acres, the maximum allowable building square footage for the subject site is 219,978 square feet as calculated below:

$$0.50 \text{ FAR} \times 10.10 \text{ ac} (439,956 \text{ sf}) = 219,978 \text{ sf}$$

When applying the underlying FLU with a maximum density of 5 dwelling units per acre and the site area consisting of 10.10 acres the maximum allowable number of dwelling units under the existing MR-5 land use designation is 50 dwelling units as calculated below:

$$5 \text{ du/acre} \times 10.10 \text{ ac} = 50 \text{ du's (120 beds)}$$

The Applicant has not been successful at marketing the current approved medical office use due to lack of market demand. The Applicant is requesting a change in the Subject Sites designation to CL/5 on the Palm Beach County Comprehensive Plan which will allow for a greater range of uses, including the retail, restaurant, CLF, medical office and self-storage use that will be proposed through the concurrent zoning application. In accordance with Table III.c.2 of this Future Land Use Element, the retail/restaurant building area will be based on a FAR of 0.25 and the self-storage and medical office building area will be based on an FAR of 0.50. The CLF use will be based on the proposed underlying residential density of 5 units per acre and the resident factor of 2.39 residents per unit as indicated in the ULDC, Article 4.B.1.C.1.d(3). In addition, per Future Land Use Element III.C.2 Commercial Uses, General, 9., Mixed or multiple planned developments may utilize up to 100% of the underlying residential density and the commercial intensity the subject to the requirements of this Element. Based on the subject site area of 10.10 acres, the maximum allowable building square footage for the subject site for general commercial is 109,989 square feet and for self-storage/medical office is 219,978 square feet as calculated below:

$$\begin{aligned} 0.25 \text{ FAR} \times 10.10 \text{ ac (439,956 sf)} &= 109,989 \text{ sf} \\ 0.50 \text{ FAR} \times 10.10 \text{ ac (439,956 sf)} &= 219,978 \text{ sf} \end{aligned}$$

There is no proposed change to the underlying FLU with a maximum density of 5 dwelling units per acre and the site area consisting of 10.10 acres the maximum allowable number of dwelling units under the proposed MR-5 land use designation is 50 dwelling units as calculated below:

$$5 \text{ du/acre} \times 10.10 \text{ ac} = 50 \text{ du's (120 beds)}$$

Accordingly the anticipated development plan will propose 15,600 square feet retail, 90,000 square feet of self-storage, 15,000 square feet of medical office and a Type III CLF with 120 residents. The change in future land use designation to CL/5 will allow the Applicant to market the subject site for uses that are suitable for the location.

COMPATIBILITY AND SURROUNDING USES

The 10.10 acre Subject Site is located along Boynton Beach Boulevard, east of Florida's Turnpike and across from the Florida Turnpike entrance within the Urban/Suburban Tier. The area surrounding the subject site is primarily developed with commercial uses along Boynton Beach Boulevard and suburban residential uses surrounding, consistent with the Comprehensive Plan and the West Boynton Community Plan. The property is located within the Community of Boynton West Residential Associations (COBWRA) Community Association and the Urban/Suburban Tier. These areas have a development pattern generally characterized as urban or suburban, considering the intensity and/or density of development. The proposed commercial uses allowed with the land use amendment to CL/5 are suburban in nature and will accommodate the increasing population within the Urban/Suburban Tier.

Currently zoning approval was granted for surrounding properties to the subject site along Boynton Beach Boulevard with existing commercial land use designations to include, but not limited to; Hagen Commercial MUPD, located at the northeast corner of Boynton Beach Boulevard and Hagen Ranch Road; IEP Hagen Ranch located at the southwest corner of Boynton Beach Boulevard and Hagen Ranch Road; Canyon Town Center located on the southeast corner of Boynton Beach Boulevard and Lyons Road and Cobblestone Plaza MUPD located at the northeast corner of Boynton Beach Boulevard and Lyons Road. Currently there is a pending land use amendment (AGR to CL) and zoning application (AGR to CN) in process for RaceTrac Market, a 2.5 acre site located at the northeast corner of Boynton Beach Boulevard and Acme Dairy Road. Immediately surrounding the subject site

to the north and east is The Grove PUD (aka Indian Hills PUD) with a future land use designation of MR-5 and west and south of the subject site are the Florida Turnpike and a Retention Pond with a land use designation of U/T as outlined in the graphic below:



The requested CL/5 land use designation will discourage urban sprawl by allowing the use of compact forms of sustainable development by providing commercial uses within the suburban area; facilitate sustainable infill development and revitalization and improve the character and identity of the surrounding community.

JUSTIFICATION

The proposed FLUA Amendment must be found consistent with the Goals, Objectives and Policies of the Comprehensive Plan. Future Land Use Element Policy 2.1.f requires that adequate justification for the proposed FLU be provided. The proposed FLUA amendment to modify the FLU from MR-5 to HR-8 is in compliance with the requirements of the County's Comprehensive Plan, as outlined below.

1. The proposed use is suitable and appropriate for the subject site; and

The subject site is located within an area that is primarily comprised of commercial uses along the Boynton Beach Boulevard corridor and medium to low density residential uses. The current land use is already approved with a Commercial High designation but limited specifically to office use (CH-O/5). With this amendment to CL/5, it will allow the Applicant to propose a mix of commercial uses presently marketable and consistent with the commercial character of the corridor and to serve the surrounding residential communities. In 2007 when the property received zoning and site plan approval, the original intent of the Applicant was to construct a medical office complex that included three buildings with 115,000 square feet of medical office use in anticipation of facilities for the Bethesda West Hospital located approximately 1.5 miles to the west of the subject site. Since this time, a number of medical office buildings have been constructed to support the Bethesda West Hospital and the demand for medical office use is saturated. Additionally, the requested CL/5 designation is more suitable and appropriate for the subject site due to the location of the subject property adjacent to the Florida Turnpike with direct access onto a major thoroughfare and the creation of an orderly and logical pattern of development from higher intensity along Boynton Beach Boulevard, the major thoroughfare, to lower intensity as you proceed outward from Boynton Beach Boulevard. As such, the proposed land use amendment to modify the future land use designation will allow the site to be developed more efficiently, will promote balanced growth and is more conducive and compatible to the uses surrounding the subject property. Furthermore, the CL/5 designation is compatible and consistent with the surrounding land uses in terms of development and availability of public services. Based on development in this locality, development trends and planning context of the area, it is considered that the subject site is an ideal location at which to locate commercial uses. It is logical to establish more intense land uses near major roadway systems, which further demonstrates that the proposed CL/5 designation is appropriate and suitable.

The property has approximately 408.71' feet of frontage along Boynton Beach Boulevard and has 796.25' feet of depth. The subject site is located within the boundaries of the Lake Worth Drainage District and South Florida Water Management District C-16 Drainage Basin. Legal positive outfall is available to the site via discharge to the Lake Worth Drainage District E-2E Canal adjacent to the parcel's west property line. The site will be served by Palm Beach County Water Utilities Department for water and sewer services. There are no historic/architecturally significant resources or archeological resources located on or within 500 feet of the subject site. Additionally, the change in future land use designation will not significantly impact any roadway segment. The subject site is located at a signalized intersection where access is readily available to the Florida Turnpike. Given the frontage along Boynton Beach Boulevard and Florida's Turnpike, approving the requested FLUA designation to allow commercial uses on the subject site will provide necessary commercial services for the surrounding population and travelers of the Florida Turnpike.

2. There is a basis for the proposed FLU change for the particular subject site based upon one or more of the following:

- **Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site;**

The subject site is located within an area that is primarily comprised of commercial uses along the Boynton Beach Boulevard corridor and medium to low density residential uses. The current land use is already approved with a Commercial High designation but limited specifically to office use (CH-O/5). With this amendment to CL/5, it will allow the Applicant to propose a mix of commercial uses presently marketable and consistent with the commercial character of the corridor and to serve the surrounding residential communities. In 2007 when the property received zoning and site plan approval, the original intent of the Applicant was to construct a medical office complex that included three buildings with 115,000 square feet of medical office use in anticipation of facilities for the Bethesda West Hospital located approximately 1.5 miles to the west of the subject site. Since this time, a number of medical office buildings have been constructed to support the Bethesda West Hospital and the demand for medical office use is saturated. Additionally, the requested CL/5 designation is more suitable and appropriate for the subject site due to the location of the subject property adjacent to the Florida Turnpike with direct access onto a major thoroughfare and the creation of an orderly and logical pattern of development from higher intensity along Boynton Beach Boulevard, the major thoroughfare, to lower intensity as you proceed outward from Boynton Beach Boulevard. As such, the proposed land use amendment to modify the future land use designation will allow the site to be developed more efficiently, will promote balanced growth and is more conducive and compatible to the uses surrounding the subject property. Furthermore, the CL/5 designation is compatible and consistent with the surrounding land uses in terms of development and availability of public services. Based on development in this locality, development trends and planning context of the area, it is considered that the subject site is an ideal location at which to locate commercial uses. It is logical to establish more intense land uses near major roadway systems, which further demonstrates that the proposed CL/5 designation is appropriate and suitable.

- **Changes in the access or characteristics of the general area and associated impacts on the subject site;**
Not applicable.
- **New information or change in circumstances which affect the subject site;**
Not applicable.
- **Inappropriateness of the adopted FLU designation; or**
Not applicable.

- **Whether the adopted FLU designation was assigned in error.**
Not applicable.

RESIDENTIAL DENSITY INCREASE

In addition to Policy 2.1-f, Applicants are also required to address the following criteria for Residential Density Increases, as required by Future Land Use Element Policy 2.4-b:

- Demonstrate a need for the amendment.
- Demonstrate that the current FLU designation is inappropriate.
- Provide a written explanation of why the Transfer of Development Rights, Workforce Housing and Affordable Housing Programs cannot be utilized to increase density on the site.

As indicated above, a component of the intended development plan is a Type III CLF. The CLF use is being proposed based on conversations with COBWRA and residents of the surrounding community. The CLF will provide a transition of use between the intensity of Boynton Beach Boulevard, the non-residential uses, and the existing homes in The Groves PUD. For the CLF use to be viable, a higher residential underlying density is required and is commonly approved throughout the County for this use.

COMPLIANCE WITH FLORIDA STATUTES CHAPTER 163.3177

Florida Statute, Chapter 163.3177 is the principle state statute governing the comprehensive plans and plan amendments for all the Counties within the State of Florida. Florida Statute, Chapter 163.3177–6.a. requires that a local government’s future land use plan element be based on a number of factors, including population projections, the character of undeveloped land, availability of public services and other planning objectives.

The proposed amendment from CH-0/5 to CL/5 has no significant difference to the criteria of this statute but it will allow for a greater range and different uses that are suitable to the property and more desired by the surrounding community. All public services needed to support the proposed development are currently available. Additionally, no significant natural habitats are located on the site, it is located outside of any flood zones and no historic resources are noted at this site.

COMPREHENSIVE PLAN

This section serves to demonstrate the application’s consistency with the Comprehensive Plan by outlining relevant specific Goals, Objectives and Policies.

FLUE II, Goal 1 – Strategic Planning; Objective 1.1 – Managed Growth Tier System and Objective 1.2 – Urban/suburban Tier-Urban Services Area:

These goals and objectives all refer to intelligent growth patterns. The proposed FLU amendment will offer the opportunity to develop the site appropriately, given the surrounding characteristics and varying development intensities. Additionally, the increased growth is exactly what the Strategic Planning goal of Palm Beach County anticipated where development is focused and intensified in the Urban/Suburban Tier within close proximity of needed services and transportation.

FLUE II, Goal 2 – Land Planning; Objective 2.1 – Balanced Growth “Palm Beach County shall designate on the Future Land Use Atlas sufficient land area in each land use designation to manage and direct future development to appropriate locations to achieve balanced growth. This shall be done to plan for population growth and its need for services, employment opportunities and recreation and open space, while providing for the continuation of agriculture and the protection of the environment and natural resources through land-range planning horizon.”

The proposed land use amendment from CH-0/5 to CL/5 will provide a transition of uses between the intensity of Boynton Beach Boulevard, the non-residential uses, and the existing homes of The Groves PUD while also creating local employment opportunities. The proposed lower density commercial use is a less intense property use than currently approved and the proposed uses would also offer the population within the area to be better and more adequately served with a range of services.

FLUE II, Goal 2 – Land Planning; Commercial Policy 2.2.2-a states: “In order to discourage strip commercial development, to limit commercial development to nodes, to foster interconnectivity, and to promote the development of innovated mixed use projects inside the Urban Service Area, all new commercial future land use designations shall meet one of the following location requirements: Intersection Location, Contiguous Location or Flexible Location:

The subject site meets the Intersection Location with frontage on Boynton Beach Boulevard and Orchid Grove Trail. Additionally, the Florida Turnpike is located immediately west of the property.

FLUE II, Goal 2 – Land Planning; Commercial Policy 2.2.2-d states: “The County shall not designate additional commercial areas on the Future Land Use Atlas that would result in or encourage the proliferation of strip commercial development.”

The proposed amendment to CL/5 will not result in the proliferation of strip commercial development. The subject site contains a commercial FLUA designation and existing commercial designations are present surrounding the subject site along the Boynton Beach corridor.

CONCLUSION

The applicant is requesting the land use designation change from CH-O/5 to CL/5 to allow for general commercial uses, medical office, a Type III CLF and self-storage facility on the subject site. To achieve the desired plan and still be in compliance with both the ULDC and the Comprehensive Plan, the applicant is requesting the CL/5 land use designation and will be submitting a concurrent zoning application to create a unified plan under the MUPD guidelines.

On behalf of the applicant, WGI, respectfully requests approval of this request to amend the FLUA designation on the subject site.

Exhibit 3 Applicant's Public Facilities Table

I. Public Facilities Information

A. Traffic Information			
	Current FLU	Maximum	Conditioned or Concurrent
Max Trip Generation	7146 trips per day	5719 trips per day	NA
Trip Increase Max.	Net Daily Trips: -1,427 (maximum – current) Net Daily Trips: -5,653 (proposed – current)		
Trip Inc. Conditioned or Concurrent	NA		
Significantly impacted roadway segments that fail Long Range	None	None	None
Significantly impacted roadway segments for Test 2	None	None	None
Traffic Consultant	Simmons & White, Inc. – Kyle Duncan		
B. Mass Transit Information			
Nearest Palm Tran Route (s)	Route 76 - Boynton Beach Crosstown via Boynton Beach Boulevard Distance: 0.259 miles		
Nearest Palm Tran Stop	Stop #6756 - Boynton Beach Boulevard @ Target Distance: 0.259 miles		
Nearest Tri Rail Connection	Boynton Beach Station Accessible by Palm Tran Route 73 and 70		
C. Portable Water & Wastewater Information			
A Utility Statement is provided as Application Attachment I. Potable Water & Wastewater Level of Service (LOS) comment letters have been requested and forthcoming. 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.			
Potable Water & Wastewater Providers	The site is located within the service boundaries of Palm Beach County Water Utilities.		

Nearest Water & Wastewater Facility, type/size	Potable water will be distributed to the site via connection to an 8” water main along Orchid Grove Trail north side of the site or connecting to a 16” water main along the north side of Boynton Beach Boulevard. The nearest wastewater infrastructure is an existing man hole for gravity sewer connection adjacent to the parcels north property line.
D. Drainage Information	
The subject site is located within the boundaries of the Lake Worth Drainage District (LWDD) and South Florida Water Management District C-16 Drainage Basin. Legal positive outfall is available to the site via discharge to the LWDD E-2E Canal adjacent to the parcel's west property line. A Drainage Statement prepared by Simmons & White is provided as Application Attachment J.	
E. Fire Rescue	
Nearest Station	Station #47 located at 7950 Enterprise Center Circle
Distance to Site	Approximately .75 miles from the station
Response Time	Estimated response time to the subject property is 4 minutes
Effect on Resp. Time	For the fiscal year 2015, the average response time for this stations zone is 7:02. A Fire Rescue letter is provided as Application Attachment K.
F. Environmental	
Significant habitats or species	The subject site is agricultural (tree nursery) and undeveloped. There are no known occurrences of significant species inhabiting the site. A natural inventory map is provided as Application Attachment L.
Flood Zone*	This site is located within Flood Zone X500.
Wellfield Zone*	The site is not located within a Wellfield Zone. A Wellfield Map is provided as Attachment M.
G. Historic Resources	
There are no historic or architecturally significant resources on or within 500 feet of the subject site. Historic Resource Letter is provided as Application Attachment N.	

Exhibit 4

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 5

Traffic Division Letter



July 13, 2018

**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

Robert F. Rennebaum, P.E.
Simmons & White
2581 Metrocentre Blvd West, Suite 3
West Palm Beach, FL 33407

**RE: Boynton Commons MUPD (fka The Grove MUPD)
FLUA Amendment Policy 3.5-d Review
Round 2018-C**

■

**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

Dear Mr. Rennebaum:

Palm Beach County Traffic Division has reviewed the Comprehensive Plan Amendment Traffic Statement for the proposed Future Land Use Amendment for the above referenced project, revised July 12, 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:

County Administrator
Verdenia C. Baker

Location:	NW corner of Boynton Beach Boulevard and Orchid Grove Trail	
PCN:	00-42-45-20-06-001-0000 (<i>others on file</i>)	
Acres:	10.10 acres	
	Current FLU	Proposed FLU
FLU:	Commercial High Office with MR-5 (CH-O/5)	Commercial Low (CL)/Medium Residential, 5 dwelling Units per acre (CL/5)
Zoning:	Mixed Used Planned Development (MUPD)	Mixed Used Planned Development (MUPD)
Density/Intensity:	0.50 FAR	0.35 FAR
Maximum Potential:	Medical Office Total: 219,978 SF	General Commercial Total: 153,984 SF
Proposed Potential:	N/A	Self-Storage = 90,000 SF Congregate Care Facility = 120 DUs General Commercial = 15,600 SF Medical Office = 15,000 SF
Conditioned		General Commercial = 75,000 SF
Net Daily Trips:	-1,429 (maximum - current) -3,944 (conditioned - current)	
Net PH Trips:	94 (59/35) AM, 509 (244/265) PM (maximum) 41 (26/15) AM, 281 (135/146) PM (conditioned)	
* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities in the zoning application.		

"An Equal Opportunity
Affirmative Action Employer"





Robert F. Rennebaum, P.E.
July 13, 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 conditioned potential density of 75,000 SF of general commercial or equivalent number of Daily and PM peak hour trips. Note that the proposed plan of development, as shown above, is within the above conditioned PM peak hour trips.

Please contact me at 561-684-4030 or email to dsimeus@pbcgov.org with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Simeus".

Dominique Simeus
Project Coordinator II - Traffic Division

QB:DS/bc

cc: Quazi Bari, P.E. – Senior Professional Engineer, 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
F:\TRAFFIC\Development Review\Comp Plan\18-C\Boynton Commons MUPD (fka The Grove MUPD) Revised.docx

Exhibit 6
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

December 8, 2017

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

RE:10.09 Acre property in the Northeast Corner of the Intersection
of Florida's Turnpike and Boynton Beach Blvd
PCN: 00-42-45-20-06-001-0000,00-42-45-20-06-002-0000,00-42-
45-20-06-003-0000 and 00-42-45-20-06-023-0000
Service Availability Letter

Dear Ms. Casusus,

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 at the current CH-O/5 (Commercial High office) designation and for the proposed CL/8 (Commercial Low) designation. The nearest potable water and wastewater facilities are located Boynton Beach Blvd. adjacent to the 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 7

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

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 Michael Puder _____, 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 []PSTD _____ [position - e.g., president, partner, trustee] of GROVE NURSERIES, INC. _____ [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: c/o 3930 MAX PLACE
BOYNTON BEACH, FL 33436

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.

Michael Puder
_____, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 23RD day of OCTOBER, 20 17, by MICHAEL PUDER, who is personally known to me or [] who has produced _____ as identification and who did take an oath.

Mary Becker

Notary Public

MARY BECKER

(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 11/14/20

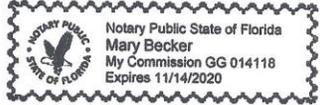


EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION:

ALL OF PARCELS A, B, C AND THE WATER MANAGEMENT TRACT, BOYNTON COMMONS MEDICAL OFFICES MUPD, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 112, PAGES 81-82, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
CONTAINING 10.102 ACRES
SITUATE IN SECTIONS 20 & 21, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

Exhibit 8 Correspondence

Melissa Michael

From: Alan Glinkenhouse <esquire189@aol.com>
Sent: Tuesday, March 06, 2018 10:20 AM
To: Francis Forman; Melissa Michael; Dominique Simeus; Robert Kraus
Cc: nibzsdad@comcast.net; ausball9797@gmail.com; jskpgk@gmail.com;
larrybokor@gmail.com; llkcon@aol.com; chesus@comcast.net; poppyrit@bellsouth.net;
ACiklin@ciklinlubitz.com
Subject: Boynton Commons MUPD/The Grove
Attachments: Grove Comment Letter.pdf; Tree Farm 1082018 Application Grove Comments rev
02192018.pdf

Attn: Robert M. Kraus
Francis Forman
Melissa Michael
Dominique Simeus

The undersigned is contacting you on behalf of The Grove, a residential community that abuts the proposed planned commercial development known as Boynton Commons MUPD, (Control Number 2006-367, Application Number CA/DOA-2018-00120).

The Grove committee created to oversee the proposed development and its impact to our community has been fervently involved as the project has moved along in the approval process. To further that end I have attached our comments to the project as currently proposed. There is also a summary attached for your convenience.

Alan Glinkenhouse
esquire189@aol.com
516-220-5080

Melissa Michael

From: Neil Katz <ausball9797@gmail.com>
Sent: Monday, July 2, 2018 4:09 PM
To: Melissa Michael
Subject: Boynton Commons Proposed Future Land Use Amendment
Attachments: Grove PBJ Comment letter 02192018.docx; Tree Farm 1082018 Application Grove Comments rev 02192018.docx

Melissa Michael, Planner II
Planning, Zoning & Building - Planning Division

Dear Ms. Michael:

You were recently visited by Jay Kranitz and Alan Glinkenhouse from The Grove in Boynton Beach, the community adjacent to the proposed Boynton Commons development. I am also a member of the committee representing The Grove.

I am writing on behalf of our community to advise that we do not take a position for or against the proposed Future Land Use Amendment.

Although it may not be dispositive with respect to the proposed Amendment, we do wish to reiterate that we are opposed to various details of the developer's proposal, amongst the most significant of which are proposed points of vehicular ingress and egress from Orchid Grove Trail. This is in addition to access via Boynton Beach Boulevard. Orchid Grove Trail is NOT a public road, and we do not believe that the developer has a legal right of access.

Nevertheless, we have met with the developer and with respect to the issue of vehicular access, we have offered a proposal that would provide limited ingress and unlimited egress.

As mentioned above, there are other aspects of the developer's proposal with which we are concerned. Most of them are referenced in Mr. Glinkenhouse's letter dated February 19, 2018 to Bradley Miller as representative (at that time) of the developer and copied to various County staffers. (We were not aware of your involvement at that time.) A comment memo was transmitted with that letter. For your convenience, copies of that letter and memo are attached.

Your reply simply to acknowledge your receipt of this e-mail would be appreciated.

Thank you for your consideration.

Neil J. Katz

THE GROVE AT BOYNTON BEACH COMMUNITY ASSOCIATION, INC.

9697 Orchid Grove Trail
Boynton Beach, FL 33437

February 19, 2018

Miller Land Planning, Inc.
508 E. Boynton Beach Blvd.
Boynton Beach, FL 33435

Attn: Bradley Miller

Re: Boynton Commons MUPD Application for Development Order Amendment (Revision dated February 12, 2018, Control # 2006-367, Application #CA/DOA-2018-00120)

Dear Mr. Miller:

Our committee at The Grove that is tasked to work with your organization concerning the proposed development of your client's property at the NW corner of Boynton Beach Boulevard and Orchid Grove Trail) has reviewed the Project Background and Justification Statement ("PBJ"), Site Plan and related documents that you have provided to us, and we have consulted personnel from COBWRA as well as our attorney, Alan Ciklin. We appreciate the cooperative attitude that has prevailed so far in our exchanges relating to this Project.

Enclosed herewith please find our committee's comments on the PBJ. To summarize and highlight, the following are our primary areas of concern:

1. Site access and related traffic issues impacting Orchid Grove Trail, which is the only road into and out of our community.
2. Proposed medical office use of Building "D."
3. Sightline, privacy and security, and drainage concerns in connection with the proposed location of a wall on or proximate to the northern boundary line.
4. Limitations on uses of Buildings A and B.
5. Continuity of proposed open space

Sincerely yours,



Alan Glinkenhouse, Chairman

Cc: Palm Beach County Commissioner M. L. Berger
All persons named on attached distribution list

Distribution list

C. Rechenmacher, Palm Beach County
S. Cantor, Palm Beach County
C. Silvers, Palm Beach County
J. Leger, Palm Beach County
G. Yuan, Palm Beach County
J. Keller, Palm Beach County
J. Stiles, Palm Beach County Water
V. Leiva, Palm Beach County

A. Ciklin, Esq.

S. Oseroff, COBWRA
B. Roth, COBWRA
S. Slade, COBWRA

Grove "Tree Farm" Committee

WE APOLOGIZE TO ANYONE WHO SHOULD HAVE BUT HAS NOT BEEN SENT A COPY OF THIS COMMUNICATION. IF ANY RECIPIENTS BELIEVE THAT ANYONE NOT LISTED SHOULD RECEIVE IT, PLEASE HELP US BY PASSING IT ALONG.

COMMENTS OF THE GROVE AT BOYNTON BEACH COMMUNITY ASSOCIATION, INC.

To

APPLICATION FOR DEVELOPMENT ORDER AMENDMENT SUBMITTED BY MILLER LAND PLANNING, INC. ON BEHALF OF GROVE NURSERIES, INC. WITH RESPECT TO PROPOSED BOYNTON COMMONS MUPD, DATED JANUARY 8, 2018.

Control No. 2006-367

Application Number CA/DOA-2018-00120

This statement is submitted by "The Grove," the HOA that operates the 501-unit residential community situated on the east and west sides of Orchid Grove Trail, north of Boynton Beach Boulevard, which abuts the proposed Boynton Commons MUPD. All references herein are to either the Applicant's "Project Background and Justification Statement" ("PBJ") or Preliminary Site Plan ("PSP") submitted therewith.

A. In the 2nd full paragraph on page 2 of the PBJ, the Applicant states that "the surrounding community prefers the self-storage and Type 3 CLF uses over the medical office uses..." This statement omits context. The Grove has indeed opposed medical uses. We were asked what uses we might not object to if there were not to be medical offices. We did not actually express a preference for any particular use. While it might be said that we would acquiesce in a CLF under certain conditions, we did not do so unconditionally, and do not support nor even acquiesce in the inclusion of a medical office "add-on" due to our concerns over the increase in traffic that would result.

Furthermore, in discussions between the Applicant and The Grove regarding the CLF use, there was no suggestion until just prior to Applicant's preparation of this proposal that medical offices were to be included.

The Applicant itself, in its discussion (in Section 8 on page 8 of the PBJ) of "Changed Conditions or Circumstances," states that the "approved and/or built [medical] space" (referring to the contiguous Boynton Beach Boulevard corridor) "appears to be in surplus in comparison to the demand of medical office space." When the abundance of medical offices within a 1-mile radius of the location also is taken into account, this seems to contradict Applicant's hypothesis of a need for even more such space and opens it to serious question.

Also, after having discussed with us an 87-bed CLF, Applicant now has proposed to increase that capacity by almost 40%, to 120 beds.

It should also be noted that while the Applicant's traffic study "addresses" this concern (traffic), it does NOT do so in a manner that is satisfactory to us.

B. At the bottom of page 2, it is asserted that The Grove has "accepted" the architecture character of the proposed building. The Grove is appreciative of the co-operative approach that the Applicant has taken in submitting its proposals to us. While we have not found anything in the proposed architectural character to which we object, it goes a bit too far to say that we have "accepted" anything.

C. The north side of the CLF, Building D, will face a row of 2-storey residential apartment buildings. We were told that windows and coverings would be designed in such a way as to block sight lines from the CLF to these residences. We do not see anything specific in the proposal addressing that, and would like there to be a condition of approval that does address this. This is important to the residents of these units for privacy and security.

Further concerns about this matter are discussed in paragraph "I" below.

Furthermore, in the description of Building D on p. 4, it is stated that a loading area is depicted at the northeast corner. The PSP appears to show this area at the northwest corner.

D. We have serious issues with the "Site Access" discussion on p. 4. There are statements made regarding a previously approved driveway, and an easement that was "inadvertently omitted on the previous plat..." These references are to a claimed easement for access via Orchid Grove Trail that purportedly was created by an instrument recorded at ORB 8482 pg 111. The Grove has made it clear on multiple occasions that we challenge the effectiveness/validity of any easement purportedly created by this instrument, and the Applicant has no other basis for claiming any right to use Orchid Grove Trail for vehicular ingress or egress. In version 1 of DRO comments to predecessor Application DOA/R 2017-00189, comment No. 3 by LANDDEV dated 02/01/2017,

raised the issue whether there was a right of access via Orchid Grove Trail, a private roadway. The Applicant's response was to refer to the aforesaid instrument as support for its claim, but to the best of our knowledge, LANDDEV still views this as an unresolved issue.

It is The Grove's contention that access via Orchid Grove Trail can only be the result of an affirmative grant by The Grove taking the form of a formal contractual agreement (presumably to be recorded in official land records). In the interest of reaching such an agreement, we have made a suggestion to the Applicant of a means by which potential inbound traffic on Orchid Grove Trail could be minimized, but that suggestion has been rejected. The control over such traffic is one of our foremost concerns, if not the principal one.

E. The 1st full paragraph on page 5 of the PBJ (penultimate paragraph of section discussing "Site Amenities") refers to a pedestrian sidewalk system that includes a connection to "existing sidewalks" along Boynton Beach Boulevard and Orchid Grove Trail. The only sidewalk on Orchid Grove Trail is on its east side, across Orchid Grove Trail and NOT connected to the Applicant's property. There is no sidewalk connected to Applicant's property, so the creation of a sidewalk opening onto Orchid Grove Trail would lead pedestrians to a roadway for vehicles where there is no crosswalk, exposing them to danger and exposing The Grove to possible claims should there be injuries. This is unacceptable. Any sidewalk situated north of Buildings A and B and parallel to Boynton Beach Boulevard must be dead-ended before it reaches the eastern boundary line of the property so that it does NOT facilitate access to Orchid Grove Trail.

F. The same paragraph of the PBJ discusses open space. We request there to be a condition of approval prohibiting the open space discussed in this paragraph from being used for any business or commercial purpose without The Grove's prior consent as long as The Grove continues to operate as a residential community. We also request that Buildings C and D be subject to the same prior consent requirement should either of them ever be proposed to be converted to a use other than self-storage or CLF, respectively.

G. On p. 6, in the continuation of Section #2 dealing with ULDC Compliance, the Applicant states that hours of operation would be from 6 a.m. to 11 p.m. daily. We were told that closing would be at 10 p.m., and raised no objection in reliance on that. We do object to the proposed later closing time.

H. Regarding Section #3 on p. 6, we wish to reiterate our belief that it is somewhat misleading to identify proposed uses as having been “suggested” by us. Some might see this as splitting hairs, but we think the distinction between what we have stated as not objectionable differs from having been suggested.

I. This comment deals with Section #4 on p. 7 regarding the minimization of adverse impact by the proposed design. Prior to the Applicant’s preparation of the current PSP, we were asked if we had a preference for construction of the referenced 8-ft wall on the property line, or 15 feet below (south) of that. We now have been told that the proposed location will be on the property line. We find that we have further questions regarding the feasibility of the wall on that location, and, amongst others, the Applicant’s intentions regarding the possibility of removing existing mature ficus trees and/or shrubbery that provides visual screening between the Applicants proposed Building D and the residential units facing it. We have requested a visit by a representative of the Applicant to aid us in addressing these issues and understanding how the trees and shrubbery will be dealt with, how the proposed wall will be situated in relation to an existing berm, and related questions. As of this time, the Applicant has told us only that they “are working on it.” Hence, we reserve further comment.

J. The location of the wall also presents issues relating to rainwater runoff towards the facing residences. This is a separate and distinct issue from the general question of drainage from the property as a whole. In this regard, we are supportive of Applicant’s intent to provide site surface drainage through a system that will connect to the LWDD canal west of the property. We request that this be a condition of approval. However, it should be noted that because this proposal is concerned with “site surface,” it does not seem to address the question regarding runoff on the side of the facing residences within the Grove.

K. Except for the proposed 75-seat (max.) 5000-sq./ft restaurant (without drive-thru or outdoor-service windows), the proposal contains no specifics as to possible types of operations in proposed retail buildings A and B. There is a matrix of commercial uses (table 4.B.2.A from Article 4 - Use Regulations in Chapter B of the ULDC) that appear to be "Permitted by Right," and while we believe that many of the uses listed nevertheless would require prior governmental approval, there are many of them that would be objectionable to us. Attached to this memo, as Schedule A, is a list of those uses that we would like to be subject to prohibition without the prior written approval of The Grove for so long as The Grove continues to be a residential community.

Similarly, Table 4.B.1.A of the aforesaid Article 4 identifies permissible residential uses. We would like any residential uses other than Congregate Living Facility Type 3 as proposed to be subject to the same prohibition without consent.

L. Applicant's Preliminary Phasing Plan that it has submitted shows extended, sequential phases of development, with retail development of buildings A and B to be first. We feel that it should be a condition of approval that either prior to or simultaneous with the 1st phase, perimeter landscaping and the construction of all perimeter walls for the entire property should be completed.

Thank you for your consideration of these matters. Please address any comments and/or questions to the following:

Alan Glinkenhouse, c/o The Grove, 9697 Orchid Grove Trail, Boynton Beach, 33437; 516-220-5080; esquire189@aol.com

Neil Katz, c/o The Grove, 9697 Orchid Grove Trail, Boynton Beach, 33437, 716-430-8970; ausball9797@gmail.com

Jay Kranitz, c/o The Grove, 9697 Orchid Grove Trail, Boynton Beach, 33437, 516-662-5860, jskpgk@gmail.com

Feb. 19, 2018

SCHEDULE A – OBJECTIONABLE RETAIL USES

Gas & Fuel Sales
Green Market
Hotel or Motel
Kennel Type 2
Landscape Service
Laundry Service, wholesale dry cleaning service
Personal Services that are Tattoo Parlors or Driving Schools
Repair & Maintenance, Heavy
Adult Entertainment
Auction (Indoor or Outdoor)
Bed & Breakfast
Car Wash
Cocktail Lounge
Commercial Communication Tower
Dispatching Service that makes deliveries from the premises
Financial Institution with Drive-thru Facilities
Flea Market, indoor or outdoor
Repair & Maintenance, Light
Rooming & Boarding House
Multi-Access Self-Storage
Single room occupancy
Theater and Performance Venue
Vehicle and Equipment Sales, Heavy or Light
Veterinary Clinic for other than small animals, household pets
Vocational Institution

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

August 31, 2018

The Honorable Melissa McKinlay
Mayor, Palm Beach County
2300 North Jog Road
West Palm Beach, FL 33411-5000

Dear Mayor McKinlay:

The Department of Economic Opportunity (“Department”) has completed its review of the proposed comprehensive plan amendment for Palm Beach County (Amendment No. 18-03ESR) which was received on August 1, 2018. We have reviewed the proposed amendment pursuant to the expedited state review process in Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department’s authorized scope of review that will be adversely impacted by the amendment if adopted.

The County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the County. If other reviewing agencies provide comments, we recommend that the County consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

The Honorable Melissa McKinlay

August 31, 2018

Page 2 of 2

If you have any questions concerning this review, please contact Katherine Beck, Planning Analyst, by telephone at (850) 717-8498 or by email at Katherine.beck@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with the first name "James" being the most prominent.

James D. Stansbury, Chief

Bureau of Community Planning and Growth

JDS/kb

Enclosure: Procedures for Adoption

cc: Lorenzo Aghemo, Director, Palm Beach County Planning Department
Michael Busha, Executive Director, Treasure Coast Regional Planning Council



**Department of Planning,
Zoning & Building**
2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

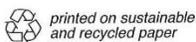
Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb

**Palm Beach County
Board of County
Commissioners**

Mack Bernard, Mayor
Dave Kerner, Vice Mayor
Hal R. Valeche
Gregg K. Weiss
Robert S. Weinroth
Mary Lou Berger
Melissa McKinlay

County Administrator
Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



February 26, 2019

D. Ray Eubanks, Planning Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison - MSC 160
Tallahassee, Florida 32399
Email: ray.eubanks@deo.myflorida.com

**RE: Palm Beach County Comprehensive Plan Amendment
Boynton Commons Time Extension**

Dear Mr. Eubanks:

The purpose of this letter is to notify the Department of Economic Opportunity (DEO) that Palm Beach County has agreed to extend the adoption for a privately proposed site specific Future Land Use Atlas (FLUA) amendment known as the Boynton Commons (LGA 2018-011). The amendment was transmitted as part of Amendment Round 18-03ESR. The DEO issued a review letter for this Round dated August 31, 2018 stating that the Department "*identified no comments related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that will be adversely impacted by the amendment if adopted*". Pursuant to Section 163.3184(3)(c)1, F.S., the second hearing is required to be held within 180 days of receipt of DEO comments or shall be considered withdrawn unless extended by agreement with notice to DEO.

This proposed amendment was transmitted with direction by the Board of County Commissioners to return for adoption at the same hearing as the associated zoning application. Delays with the zoning application have prevented the amendment from proceeding to an adoption hearing within the allocated 180 days of receipt of the State comments (February 28, 2019). The applicant has requested, and the County has agreed, to extend the adoption time frame for an additional 180 days (through August 28, 2019).

If you have any questions, please contact me at (561) 233-5332 or Lisa Amara, Senior Planner, at (561) 233-5334.

Sincerely,

Patricia Behn, Interim Planning Director

cc: Patrick Rutter, Assistant County Administrator
Ramsay J. Bulkeley, PZB Executive Director
Robert Banks, Chief Land Use County Attorney
Jon MacGillis, Zoning Director
Lisa Amara, Principal Planner
Melissa Michael, Senior Planner

T:\Planning\AMEND\19-A\Site Specific\DEO-BoyntonCommons-02-26-19.docx