



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT SMALL SCALE AMENDMENT

BCC ADOPTION PUBLIC HEARING, JUNE 27, 2019

A. Application Summary

I. General

Project Name:	Caliber Collision (SCA 2019-012)
Request:	CL/5 to CL/IND
Acres:	4.65 acres
Location:	West side of Haverhill Road, approx. 0.08 miles north of Lantana Road
Project Manager:	Melissa Michael, Senior Planner
Applicant:	Steven J. Rumsey, Cross Development CC Lake Worth, LLC
Owner:	Glenn I. Rasmussen, Curtis A. Rasmussen Revocable Trust
Agent:	Brian M. Seymour, Esq. and James K. Norquest, AICP; Gunster Law Firm
Staff Recommendation:	Staff recommends approval with conditions based upon the following findings and conclusions found in this report.

II. Assessment & Conclusion

The applicant proposes to change the underlying future land use designation on a site with Commercial Low future land use from an underlying 5 units per acre residential (CL/5) to industrial (CL/IND). The amendment would allow the site to be developed with a vehicle collision and repair facility as indicated in the justification of the concurrent zoning application. The site was initially approved with the Commercial Low designation in 2013 with a condition of approval limiting the northern 200 feet to water retention, landscaping, and/or drainage and depicted on the future land use map with crosshatched lines. The proposed amendment will retain that condition and apply to any use on the site.

The area consists of a mix of land uses including low and medium residential, institutional, and adjacent Commercial Low and Industrial future land use designations granted after the adoption of the 1989 Comprehensive Plan. The site is located adjacent to the 20.24 acre Able Lawnmower (Ord. 2016-038) site that was approved for the same request in 2016. This site is suitable for light industrial uses given its location near a commercial node and surrounding commercial and industrial land use designations. There is an adequate justification for the amendment, the amendment is compatible with surrounding land uses, and the amendment meets the applicable policies in the Comprehensive Plan.

III. Hearing History

Local Planning Agency: **Approval with Conditions**, motion by Angella Vann, seconded by Barbara Roth, passed in a 9-0 vote at the May 10, 2019 public hearing. Under discussion, two commission members questioned the proposed conditions. There was minimal Board discussion and no public comment.

Board of County Commissioners Adoption Public Hearing:

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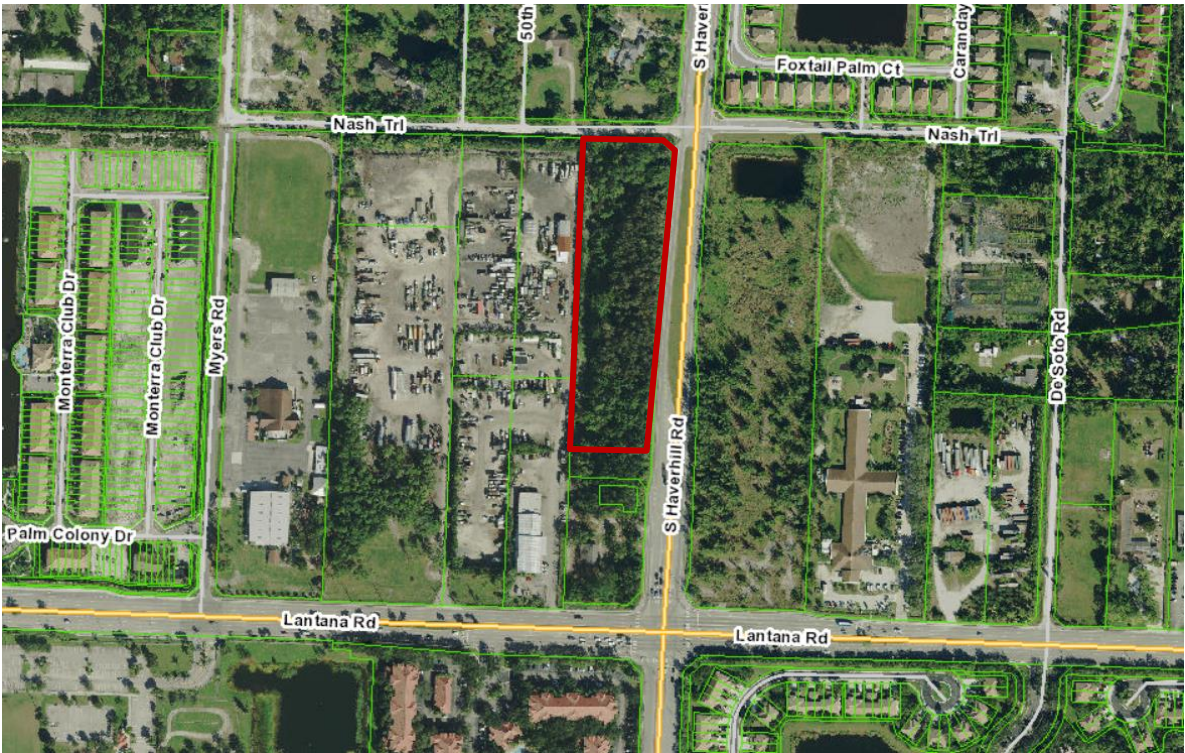
B. Petition Summary

I. Site Data

Current Future Land Use	
Current FLU:	Commercial Low with an underlying 5 units per acre (CL/5) to Commercial Low with an underlying Industrial (CL/IND)
Existing Land Use:	Vacant
Current Zoning:	Single Family Residential (RS)
Current Dev. Potential Max:	Commercial, up to 50,638 sf (0.25 FAR); or Residential, up to 23 units

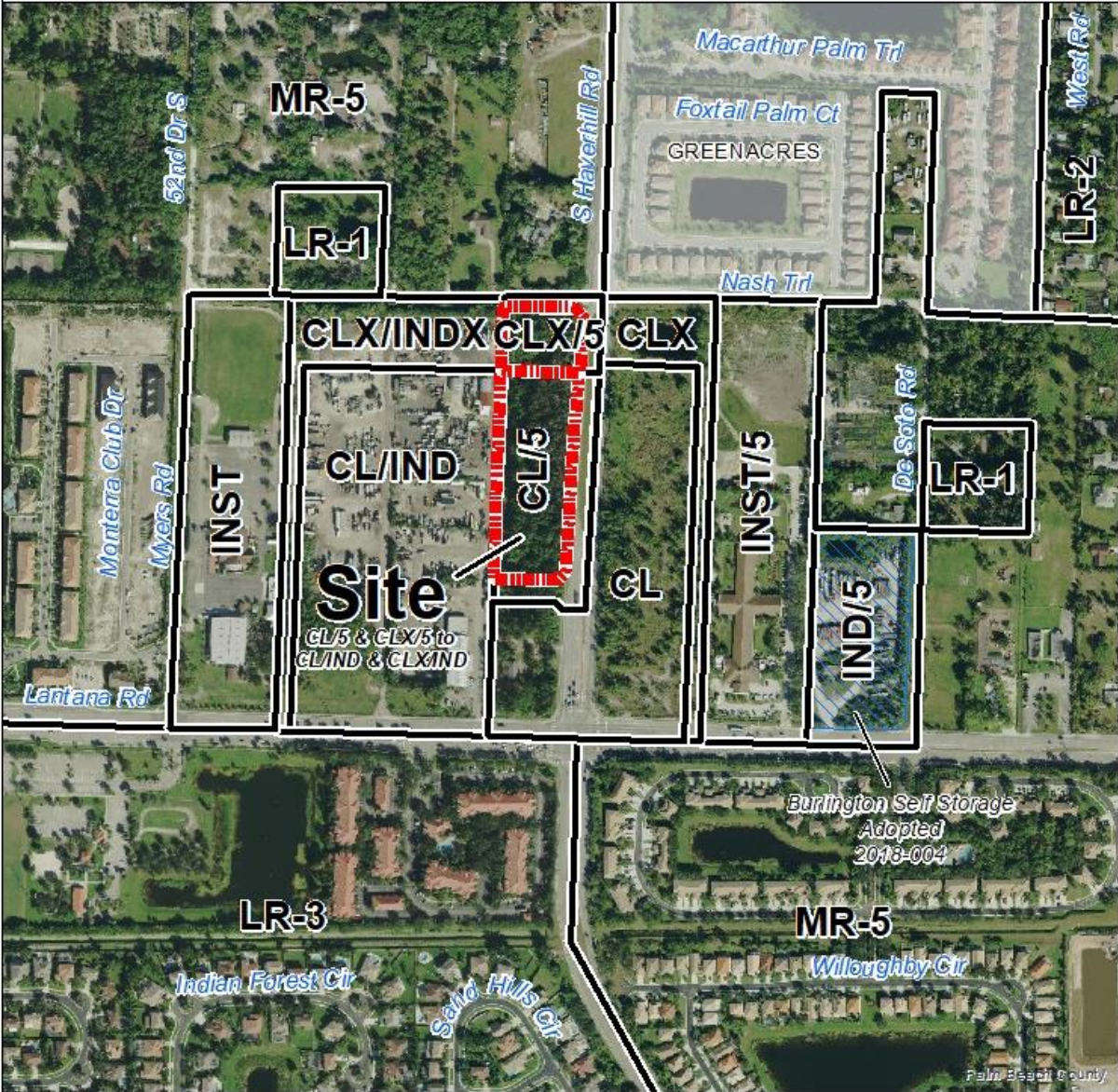
Proposed Future Land Use Change	
Proposed FLU:	Commercial Low with an underlying Industrial (CL/IND)
Proposed Use:	Vehicle Collision Repair Facility
Proposed Zoning:	Light Industrial (IL)
Dev. Potential Max/Conditioned:	Commercial, up to 50,638 sf (0.25 FAR); or Industrial, up to 172,171 sf (0.85 FAR)

General Area Information for Site	
Tier/Tier Change:	Urban/Suburban Tier – No Change
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	Greenacres, Atlantis, and Palm Beach County Charrette Report
Comm. District:	Commissioner Greg Weiss, District 2



Future Land Use Atlas Amendment

Caliber Collision (SCA 2019-012)



Site Data

Size: 4.65 acres
 Existing Use: Vacant
 Proposed Use: Vehicle Repair
 Current FLU: CL/5 & CLX/5
 Proposed FLU: CL/IND & CLX/IND

Future Land Use Designations

LR-1	Low Residential, 1 unit per acre	CL/5	Commercial Low, underlying MR-5
LR-2	Low Residential, 2 units per acre	CLX/5	CLX, underlying MR-5
LR-3	Low Residential, 3 units per acre	CL/IND	CL, underlying Industrial
MR-5	Medium Residential, 5 units per acre	CLX/IND	CLX, underlying Industrial
CL	Commercial Low	CLX/INDX	CLX, underlying Industrial Cross Hatching
CLX	Commercial Low Cross Hatching	INST	Institutional
		INST/5	Institutional, underlying MR-5

Date: 12/20/2018
 Contact: Planning
 Filename: Planning\AMEND\19-SCA\Sitel\19-12
 Note: Map is not official, for presentation purposes only.



0 50 100 200 Feet

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



C. Introduction & Review

I. Intent of the Amendment

The amendment proposes to change the underlying future land use designation on the subject site from Commercial Low with an underlying Medium Residential, 5 units per acre (CL/5) to Commercial Low with an underlying Industrial (CL/IND). The northernmost 200 feet of the subject site has a condition of approval limiting the northern 200 feet to water retention, landscaping, and/or drainage and depicted on the future land use map with crosshatched lines. The condition will be retained by this amendment. Currently, the site is vacant and heavily wooded.

Background. The site was granted the CL/5 designation in 2013 as part of a 5.07 acre County Initiated amendment known as Rasmussen Commercial (SCA 2013-010) adopted by Ordinance 2013-020. Prior to the amendment, the site was part of a larger 7 acre property with a Medium Residential, 5 units per acre (MR-5) future land use designation. The southernmost 1.78 acres was subject to a privately proposed small scale future land use amendment request called Raceway Market (LGA 2013-001, adopted by Ordinance 2013-008). In response to concerns that the Raceway Market site represented piecemeal development, the County initiated an amendment at the Raceway Market adoption public hearing to assign commercial on parcel's remaining acreage. Also during the review of the Raceway Market amendment and concurrent rezoning, the subdivision of the 7 acre site required the dedication and platting of an 80 foot right of way (Rasmussen Way) between the Raceway Market and the subject site with a shared access agreement.

Zoning Application. The zoning application (ABN/Z-2018-02226) is requesting to rezone the site from Single Family Residential (RS) Zoning District to Light Industrial (IL) Zoning District, in order to develop a vehicle collision and repair facility totaling approximately 19,000 square feet. The Control Number is 2012-00580.

II. Data and Analysis Summary

This section of the report provides a summary of 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.

Overview of the Area. The subject site is located on the west side of Haverhill Road, north of Lantana Road in the eastern central part of the County in the Urban/Suburban Tier. The site is part of a planned suburban commercial node, with the future land use designations in the immediate vicinity include commercial with an underlying industrial, commercial, institutional, and residential.

Appropriateness of the Amendment. The area consists of a mix of land uses including low and medium residential, institutional, and adjacent Commercial Low and Industrial future land use designations granted after the adoption of the 1989 Comprehensive Plan. The site is located adjacent to the 20.24 acre Able Lawnmower (Ord. 2016-038) site that was approved for the same request in 2016. The proposed amendment is within the Treasure Coast Regional Planning Council Greenacres, Atlantis, and Palm Beach County Charrette Report which identifies the north side of the intersection of Lantana Rd and Haverhill Rd as a potential commercial node for mixed use development. Since the publishing of that report, existing industrial sites to the west were approved with more intense uses. The concurrent zoning application is consistent with the report recommendation to provide parking in the rear of the building. There is an adequate justification for the amendment, the amendment is compatible with surrounding land uses, and the amendment meets the applicable policies in the Comprehensive Plan.

Compatibility. The change to an underlying designation of Industrial is compatible with the surrounding uses through the separation and tapering, and transition of density/intensity. The site is bound by Nash Trail to the north, Haverhill Road to the east and Lantana Road to the south. The existing 200' crosshatching will be retained on the northern border to provide a transition from the site to the single family homes along Nash Trail. Directly abutting the site to the west is Able Lawnmower and east across Haverhill Road is a vacant parcel approved for commercial, both with similar and compatible uses to the proposed amendment. Lastly, recreational uses to the south are separated from the site by Lantana Road.

Assessment and Recommendation. There is an adequate justification for the amendment, the amendment is compatible with surrounding land uses, and the amendment meets the applicable policies in the Comprehensive Plan.

Staff recommends **approval with conditions** based upon the findings within this report.

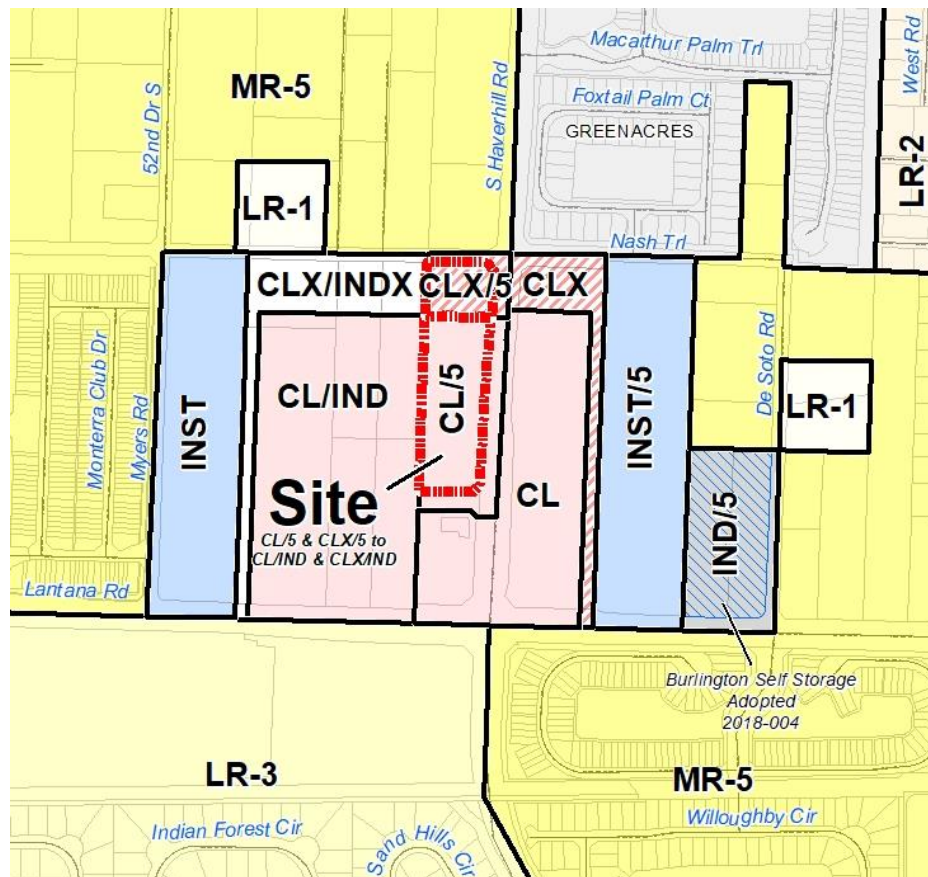
Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Consistency with Comprehensive Plan	E-3
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Exhibit 1

Amendment No:	Caliber Collision (SCA 2019-012)
FLUA Page No:	82
Amendment:	From Commercial Low with an underlying 5 units per acre (CL/5) with crosshatching on 4.65 acres to Commercial Low with an underlying Industrial (CL/IND) with crosshatching
Location:	West side of Haverhill Road, approximately 0.08 miles north of Lantana Road
Size:	4.65 acres
Property No:	00-42-44-35-24-002-0000

Conditions: The condition below was adopted by Ordinance 2013-020. Revisions are shown in strike out/underline.

~~Commercial~~ Development on the site shall be subject to the following: The northernmost 200 feet of the site, excluding access and/or publicly dedicated right of way for Nash Trail, shall be cross-hatched. The cross-hatched area shall be limited to water retention, landscaping, and/or drainage.



Legal Description

PARCEL 2 OF RACEWAY MARKET, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 121, PAGE 55 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

4.65 ACRES

Exhibit 2

Consistency with Comprehensive Plan

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 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 existing underlying land use designation is not appropriate as the subject property's very narrow 230' depth makes it unsuitable for residential development.
- Frontage along Haverhill Road and adjacency to commercial and industrial uses also make the subject site undesirable for residential uses.
- The amendment reflects the changed characteristics in the area, notably the 20 acre site directly west of the subject property, Able Lawnmower which in 2016 had a similar amendment (Ord. 2016-038).
- The existing underlying land use designation is not appropriate given the site's location on a commercial corridor and proximity to CL and IND designations and existing commercial and industrial zoning.

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 development potential of the subject site is currently either commercial uses, residential uses at a density of 5 units per acre, or non-residential uses allowed in residential zoning. The request would change the underlying residential to industrial, thereby eliminating the ability for residential uses on the site, and allowing industrial uses on the site.

With regards to the justification for the amendment, properties at this intersection have been the subject of several future land use amendments since the site was initially granted the 5 unit per acre density in 1989. Several non-residential land use amendments have occurred along Lantana Road (including the subject site, Cook's Lumber Yard, Raceway Market and Able Lawnmower) thereby increasing the amount of commercial uses since the adoption of the 1989 Comprehensive Plan. Considering the size and configuration of the site, its commercial designation, and its location between industrially designated Able Lawnmower to the west, Raceway Market planned convenience store with gas sales to the south, and planned commercial uses to the east, staff concurs that residential development on the property is no longer appropriate. The industrial underlying designation would allow uses consistent with the Able Lawnmower to the west, and will not be incompatible with the commercially designated properties to the east and south. Further, the retention of the 200 ft cross-hatching to the north will maintain the approved separation and buffering from residential properties to the north. Therefore, this amendment 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: The following 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 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 proposed amendment would allow for an additional use which is in character with an existing commercial corridor. Further, the subject site will retain the previous condition requiring 200' of crosshatching on the northern portion of the site to ensure compatibility and provide a buffer to the residential uses to the north. The proposed amendment would not detract from any of the County directions. Thus, there are no policy implications regarding the County Directions with regards to this amendment.

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.” The subject site has been designated commercial future land use previously and considering the commercial Raceway Market site, and the parent parcel was subdivided with a platted right of way between the two parcels. Therefore, this amendment does not represent piecemeal development or the creation of a residual parcel.

4. **Residual Parcel – FLUE Policy 2.1-i:** *As a means of promoting appropriate land development patterns the County shall discourage the creation of residual parcels within or adjacent to a proposed development. If such a situation is identified, and the residual parcels cannot be eliminated, then the development shall be designed to allow for inter-connectivity with the residual parcels through various techniques including, but not limited to, landscaping and pedestrian and vehicular access. In addition, the future land use designation and/or zoning district of the residual parcel shall also be considered by the Board of County Commissioners, concurrently with the development, to ensure that an incompatibility is not created.*

Staff Analysis: The Comprehensive Plan’s Introduction and Administration Element defines residual parcel as “a property under the same or related ownership that has been left out of a development area, resulting in a parcel which has limited development options and connections to surrounding properties.” The platted 80’ foot right of way to be built as Rasmussen Way was dedicated specifically to allow for the subject site and the Raceway Market site (on the corner of Haverhill Road and Lantana Road) to share access onto Haverhill Road and encourage interconnectivity. This amendment does not affect access nor create a residual parcel. Therefore, the 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 amendment would allow for a development that is compatible with surrounding land uses and is compatible with the scale, mass, and intensity of use with the area. Therefore, this amendment is consistent with this policy.

2. **Industrial, Policy 2.2.4-a:** *The County shall apply Industrial future land use categories at appropriate locations and intensities to satisfy the need for industrial space, provide opportunities for the retention and expansion of industrial and employment based economic activities, and to promote economic development consistent with the County's economic development directives. The County shall also encourage a broad range of employment opportunities and shall discourage Future Land Use Atlas amendments that result in the loss of industrially designated land.*

Staff Analysis: The proposed amendment is requesting an underlying industrial future land use designation rather than the current underlying residential designation. The change would allow a greater mix of employment based uses than currently allowed by the CL designation. The amendment is appropriate at this location, and therefore the amendment is consistent with this policy.

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.

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

North: North of the subject site, beyond Nash Road, are large-lot residential properties with a MR-5 future land use designation. The northern 200 feet of the subject site has a crosshatching (where only parking, water retention, or landscaping is allowed) condition that will be retained to provide a buffer.

East: To the east of the subject site, beyond Haverhill Road, is a 9.83 acre property that received a land use amendment known as Lantana/Haverhill Commercial (SCA 2004-003) in 2004 from MR-5 to CL with conditions for crosshatching (where only parking, water retention, or landscaping is allowed) on the easternmost 50 feet and northernmost 200 feet of the property as well as prohibiting access from the site to Nash Trail. This site is currently vacant but was previously Cook's Lumber and Treatment Facility. In addition, the site has zoning approvals for a Multiple Use Planned Development (MUPD) consisting of 83,577 square feet of commercial uses.

West: To the west is the Able Lawnmower Sales and Service property. This site received a land use amendment (01-82 COM 1 Lantana Rd Commercial 2) from MR-5 to Commercial Low with an underlying 5 units per acre (CL/5) with crosshatching on the northern 200 feet and western 50 feet of the property in 2001. The northern 3.48 acres were left with the MR-5 designation as that portion of the property was rented by the property owners to another small business, Regency Roofing. In 2016 the entire 20 acre site was amended to Commercial Low with an underlying Industrial (CL/IND) with crosshatching via Ordinance 2016-038.

South: In 2013 the subject site was part of a larger 7 acre parcel. Raceway Market intended to develop a gas station on the southern 1.78 acres which resulted in the parcel being subdivided. At the time of the subdivision an 80 foot right of way (Rasmussen Way) was platted between the two parcels with a shared access agreement as required by the Palm Beach County Engineering Department. The 1.78 acre parcel was concurrently the

subject of a future land use amendment known as Raceway Market (LGA 2013-001), the future land use on the site was amended from Medium Residential, 5 units per acre (MR-5) to Commercial Low (CL) and adopted by Ordinance 2013-008.

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.”*

Applicant’s Comments: Applicant stated that the subject property is in the center of a cluster of more intense commercial, institutional, and light industrial uses; the proposed development will be compatible with nearby residential and non-residential uses; and the crosshatching will ensure buffering and allow the site to act as a transition to single family across Nash Trail.

Staff Analysis: Regarding compatibility, staff concurs that the proposed amendment would be compatible with surrounding land uses as site is adjacent on the east, west and south with Commercial Low future land use designations. The proposed condition to require cross-hatching for the northern 200 feet of the subject site will further the compatibility by acting as a buffer between the uses on the site to the residential area to the north.

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 proposed amendment is not located within an overlay.

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.....”*

Staff Analysis: The subject site is located within the boundaries of The Treasure Coast Regional Planning Council (TCRPC) Greenacres, Atlantis, and Palm Beach County Charrette Report. The study was initiated by the Board of County Commissioners as a response to “community concerns over proposed housing projects in rural areas”. The BCC approved an interlocal agreement with these municipalities and TCRPC on May 18, 2004 to fund and participate in a joint charrette. With the assistance of the Treasure Coast Regional Planning Council, the weeklong planning process occurred in June of 2004. The results were compiled by the TCRPC in a report which was then presented to the BCC on May 26, 2005. The report was received and filed on the same day by the Board.

Since the publishing of the report, existing industrial sites to the west were approved with more intense uses. The concurrent zoning application is consistent with the report

recommendation to provide parking in the rear of the building. Recommendations from neighborhood plans, special studies and charrettes are one part of the review process and as this policy states are only to be considered and therefore not mandatory during the approval process of a land use amendment.

E. Public Facilities and Services Impacts

The proposed amendment will change the future land use designation from CL/5 to CL/IND. For the purposes of public facilities impact analysis, the maximum intensity is based on 91,149 square feet (.45 FAR) of industrial uses. Currently the potential development of the site is limited to general commercial, up to 40,511 sf (.20 FAR). 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: According to the County’s Traffic Engineering Department (see letter dated October 22, 2018 in Exhibit 5) development of the site at the maximum industrial development potential is less than the approved Commercial Low, and if built at .45 light industrial uses would result in a decrease of 1,695 net daily trips at the maximum potential of the proposed Industrial (IND) future land use designation with net peak hour trips of 64 AM and 57 PM.

The Traffic letter concludes *“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...”*

The Traffic Study was prepared by Whitehouse Group Inc., 401 East Jackson Street, Suite 3300, Tampa, FL 33602. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at: <http://discover.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 was sent to the County’s Intergovernmental Plan Amendment Review Committee (IPARC), a clearing-house for plan amendments, and the City of Greenacres and the City of Atlantis, on April 22, 2019. At the time of the printing of the Planning Commission Report, no municipal correspondence had been received.
- B. Other Notice:** Public notice by letter was mailed to the owner of properties within 500' of the perimeter of the site on April 22, 2019. Also on April 22, 2019, the Planning Division notified the following interested parties: the Verona Palms Homeowner’s Association, Verona Estates Homeowners Association, Winston Trails, Willoughby Farms Master Association, a representative of the Nash Trail homeowner's group, and the American German Club of the Palm Beaches. At the time of the printing of the Planning Commission Report, no public or interested parties correspondence had been received. Correspondence received is added to the exhibits.
- 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 May 1, 2019. No members of the public attended the meeting.

Exhibit 3

Applicant's Justification

I. INTRODUCTION

Gunster represents the Applicant, Cross Development CC Lake Worth LLC, regarding this Future Land Use Atlas ("FLUA") Amendment for land located on the west side of Haverhill Road north of its intersection with Lantana Road, known as **Caliber Collision Lake Worth** ("Subject Property"). The proposed Small Scale FLUA Amendment will modify the current Commercial Low with underlying Medium Residential-5 (CL/5) FLUA designation to the Commercial Low with underlying Industrial (CL/IND) FLUA designation. The northern 200 feet of the Subject Property has a cross-hatching designation, which is proposed to remain unchanged.

II. AMENDMENTS TO THE COMPREHENSIVE PLAN

Section II.E., Administration, of the Introduction and Administration Element of the Palm Beach County Comprehensive Plan ("Plan") provides that Small Scale Amendments must meet these criteria in order to be processed:

Small Scale Amendments

- a. The proposed amendment consists of a lot (or lots) which do not exceed a total of 10 acres in size (including all land necessary to support the proposed use including land necessary for drainage);
- b. The proposed amendment is located within the Urban Service Area Boundary; and
- c. The request is not to move the boundary of any tier.

The proposed amendment consists of a platted 4.65 acre lot located within the Urban Service Area Boundary. This application does not request the relocation of any tier boundary.

III. SITE DESCRIPTION

The Subject Property consists of ± 4.65 acres and is owned by the Rasmussen Trusts. Cross Development LLC is the Contract Purchaser of the property and is the Applicant for this request. The Subject Property currently contains no structures and is heavily vegetated.

The Subject Property was formerly part of a ± 6.88 acre parcel on the west side of Haverhill Road that extended from Lantana Road on the south to Nash Trail on the north. In 2013, the southern 1.78 acres were sold to RaceTrac Petroleum. That property was later rezoned to CC and approved for a convenience store with gas sales.

The entire ± 6.88 acre parcel has now been platted. This plat includes an 80' right-of-way perpendicular to Haverhill Road known as Rasmussen Way that lies between the Subject Property and the RaceTrac parcel and will provide access to the Subject Property from Haverhill Road.

The Subject Property is located within the Single Family Residential (RS) zoning district. Concurrent with this request, the Applicant is requesting to amend the zoning designation from the RS district to the Light Industrial (IL) district. The IL zoning district will be consistent with the underlying IND Future Land Use designation. The proposed use for the Subject Property is a state of the art automobile collision repair facility known as Caliber Collision. The Subject Property is located within the Urban/Suburban Tier of Palm Beach County; no Tier change is requested.

IV. DEVELOPMENT HISTORY

The Subject Property has been vacant for many years. The underlying future land use designation was changed in 2013 from MR-5 to CL with underlying MR-5 with cross-hatching. Also in 2013, the property was rezoned from AR to RS to allow 15 single family residential units. In 2014, a Final Subdivision Plan was approved for the overall 6.88 acre site, and a plat of the overall property depicting two development parcels was approved in 2016.

V. JUSTIFICATION FOR THE FUTURE LAND USE AMENDMENT

Policy 2.1-f of the Plan requires that *“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, the FLUA Amendment application requires that the proposed FLUA Amendment demonstrate compliance with two (2) factors, which have been identified and addressed below:

- 1) *The proposed use is suitable and appropriate for the subject site; and*
- 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;*
 - ☐ *Changes in the access or characteristics of the general area and associated impacts on the subject site;*
 - ☐ *New information or change in circumstances which affect the subject site;*
 - ☐ *Inappropriateness of the adopted FLU designation; or*
 - ☐ *Whether the adopted FLU designation was assigned in error.*

The Applicant's request to amend the FLUA designation from CL/5 to CL/IND arises from the location of the site, the evolution of surrounding uses in recent years, and the ability of the Subject Property to support the intended use. This change will allow the approval of needed services and contribute to a balanced and sustainable development pattern in the area. The existing CL/5 FLUA designation is not a suitable designation due to the size, shape and location of the Subject Property, which consists of ±4.65 acres and is a very narrow (±230' deep) strip of land. The limited size and the shape of the Subject Property and its location and surrounding uses make it unsuitable for residential development. Frontage along Haverhill Road and adjacency to commercial and industrial uses also make the Subject Property undesirable for residential uses.

The CL/IND designation is more appropriate for the subject site due to 1) the proximity to nearby CL and IND FLUA designations and existing commercial and light industrial zoning and uses; 2) location of the Subject Property on an arterial roadway, with direct access onto the roadway via Rasmussen Way; 3) the need for additional services (such as vehicle repair) for roadway travelers as demonstrated by the traffic volumes on Haverhill Road and nearby Lantana Road; and 4) the creation of an orderly and logical pattern of development of higher intensity near major intersections. The proposed amendment to modify the Future Land Use designation will allow the

site to be developed more efficiently, will promote balanced growth and is compatible with the surrounding properties.

The FLUA Amendment reflects the changed characteristics in the area since the adoption of the 1989 Comprehensive Plan, resulting in the proposed designation being more appropriate for the Subject Property. To the west of the Subject Property is the Able Lawn Mower Sales and Service business, which was changed in 2016 from Commercial Low with underlying Medium Residential-5 to Commercial Low with underlying Industrial (Ordinance 2016-038). The Able facility, which forms the longest common property line with the Subject Property, consists of approximately 20 acres and contains indoor and outdoor commercial, repair, and storage uses. The CL/IND designation to the west is consistent with this request and the Able Lawn Mower facility and the other uses on that property are compatible with the use proposed.

To the east of the Subject Property, across heavily-traveled Haverhill Road, is the approved Lantana Plaza MUPD. Lantana Plaza has a future land use designation of Commercial Low (CL) and Commercial Low with crosshatching (CLX) (Ordinance 2004-053); it is approved for 83,577 square feet of commercial uses. The CL FLUA designation to the east is consistent with this request. South of the Subject Property is a 1.78 acre parcel that has a CL future land use designation and has been approved for a convenience store with gasoline sales. The proposed CL/IND designation is compatible with the existing CL as the Commercial Low category includes a limited range of neighborhood and automobile-oriented commercial activities designed primarily to provide services to adjacent residential uses. Thus the character of the area surrounding the amendment has changed through the years as evidenced by a number of future land use changes and rezonings in the vicinity. The proposed FLUA designation is compatible with the changes and appropriate for the Subject Property.

The Subject Property's existing FLUA designation of CL/5 will not allow the development of an auto collision repair facility, which is classified as "repair and maintenance, heavy" in the Unified Land Development Code ("ULDC"). This use requires either CG or IN zoning. CG zoning requires a CH future land use designation, which would provide for a much broader and more intense range of uses than a CL/IND future land use designation with Light Industrial zoning. It is noteworthy that repair and maintenance is considered to be a use of a commercial nature, rather than a industrial-type use as evidenced by its location on the Commercial Use Matrix instead of the Industrial Use Matrix in the ULDC. In other words, despite being available as a permitted use in the IN zoning district the use is considered to be more commercial than industrial in nature.

The proposed Future Land Use designation of CL/IND, and related commercial uses, are compatible with the surrounding area. Good planning principles require an orderly transition from more intense uses near the intersection of major thoroughfares to less intense uses further from the intersection. The Subject Property's location near the intersection of two major thoroughfares (less than 500' from Lantana Road) suggests more intense uses closer to that intersection, with lower intensity uses located further from the intersection. This logical development pattern is evident in the CL or CL/IND FLUA designations to the east and west of the Subject Property and along nearby Lantana Road, as well as industrial and institutional designations. The granting of the proposed FLUA Amendment will provide a smooth transition of land uses from the more intense uses along Lantana Road to less intense uses further from the thoroughfare.

Exhibit G.2. Applicant's Justification Statement, Residential Density Increases

This request seeks to amend the current CL/5 Future Land Use Designation by changing it to a CL/IND Future Land Use designation. It is our applicant's intent to develop the property for commercial/light industrial purposes. No residential component is envisioned. Therefore, there will no residential density increase as a result of this application, and in fact previously approved residential uses will be eliminated.

Exhibit G.3., Applicant's Justification Statement, Compatibility

Despite being used frequently in the Future Land Use Element ("FLUE") of the Comprehensive Plan ("Plan"), the term "compatibility" is not a defined term in the Plan.

The Introduction and Administration Element of the FLUE includes the following:

"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".

This term, which is found under "County Directions", provides some useful guidance on how to analyze land use compatibility. Further, Section 163.3164 Florida Statutes, defines compatibility as follows:

"Compatibility" means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such as no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

The Palm Beach County ULDC includes the following under its definition of compatible/compatibility:

"Land uses that are congruous, similar and in harmony with one another because they do not create or foster undesirable health, safety or aesthetic effects arising from direct association to similar, contradictory, incongruous, or discorded activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise, vibration, smoke, hazardous odors, radiation, function and other land use conditions."

Taken together these directions and definitions allow us analyze the compatibility of this proposed land use change in the context of surrounding and nearby properties.

North: Directly north of the Subject Property is Nash Trail, a 50 ft. right-of-way. To the north side of Nash Trail at this location are large lot single family residences. The land there has a future land use designation of MR-5 and Agricultural Residential (AR) zoning.

To the northeast of this property is the intersection of Nash Trail and Haverhill Road, a 100 ft. existing right-of-way with an ultimate right-of-way width of 106 ft. On the northeast quadrant of that intersection are smaller lot single family residential dwellings that are within the jurisdiction of the City of Greenacres.

East: To the east of the Subject Property is Haverhill Road built within its 100 ft. right-of-way. On the east side of Haverhill Road at this location is a parcel that has a CL land use designation and a CLX designation on its north end. That property totals about 9.8 acres. It is zoned Multiple Use Planned Development (MUPD) in Palm Beach County and it is approved for a commercial plaza. Formerly the site was occupied by a business called Cook's Lumber and Treatment.

South: Directly south of the Subject Property is a proposed 80' non-plan collector road right-of-way that has been platted and will be constructed as a road called Rasmussen Way. The purpose of Rasmussen Way is to provide access to Haverhill Road for the Subject Property, the property to the south and (potentially) the Able property to the west. Directly south of the proposed Rasmussen Way is a 1.78 acre parcel that lies on the corner of Lantana Road and Haverhill Road; it has a future land use designation of CL, and CC zoning. This property was previously approved for a RaceTrac convenience store with gasoline sales called Raceway Market. That property is currently before Palm Beach County with a request to add additional intensity.

West: Directly to the west of the Subject Property, and forming its longest contiguous property line, is Able Lawn Mower Sales and Service. This 20+ acre property consists of a number of parcels. The Able Lawn Mower business located on the south side of that property has been present since the early 1980s. The northern part of the property is a contractor's storage yard, a use that was recognized in 2016, when the overall property's future land use designation was changed from CL/MR-5 on 16.58 acres and MR-5 on 3.65 acres, to CL with underlying IND for the entire property. Also in 2016 the property was rezoned from AR, RS and RTU to MUPD. The existing uses on the property include repair services with accessory retail and a contractor's storage yard. Proposed uses on the latest approved site plan include additional repair services with accessory retail and additional contractor's storage.

Discussion: To the north of the property are established residential uses that will remain and will be buffered. The future land use amendment that changed the land use designation of the Subject Property to Commercial Low also included a condition requiring cross hatching on the north 200 ft. of the property. The intent of the cross hatching is to limit use of the north 200 ft. to landscaping, retention or drainage with the clear idea of providing permanent separation between more intense uses on this property and the residential properties to the north. The intent of this land use amendment request is to change the designation from Commercial Low to CL/IND and to keep the cross hatching condition. The Subject Property will have no vehicular access to Nash Trail.

Examination of the Future Land Use Map indicates that the cross hatching in this vicinity extends onto the property west of the Subject Property (Able Lawn Mower site) as well as the property east of this site across Haverhill Road. Again, the obvious intent was to provide permanent buffering between the residential uses on the north side of Nash Trail and the non-residential uses south of Nash Trail.

South of Nash Trail and the cross hatching buffers, the future land use designations, zoning and existing land uses reveal a pattern of commercial, industrial and institutional uses extending north from the intersection of Lantana Road and Haverhill Road on both sides of Lantana Road. As noted, the Able Lawn Mower property was changed from CL/5 to CL/IND in 2016. The Burlington Self Storage Facility further east on Lantana Road was changed from Residential to Industrial in 2018. There are institutional uses to the east and west of the Lantana/Haverhill intersection. Thus, the Subject Property is in the center of a cluster of more intense commercial,

institutional and light industrial uses beginning along Lantana Road and extending almost to Nash Trail. This cluster of uses includes various commercial and light industrial uses. As long as the residential uses north of Nash Trail are properly buffered, as they will be, the use of this property for a light industrial/commercial use such as is proposed by the applicant will fit well onto this overall land use mix.

Exhibit G.4., Applicant's Justification Statement, Comprehensive Plan

Specific Objectives and Policies in the Comprehensive Plan and Special Plans or Overlays are addressed herein.

- FLUE Policy 2.1-g County Directions: *The County shall use the County Directions in the Introduction of the 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.*

A number of directions relevant to this request have been incorporated into the Plan. This Applicant's responses to these directions are found herein.

1. Livable Communities. An important component of livable communities is the provision of needed goods and services at convenient locations throughout Palm Beach County. As noted in **Objective 1.2 of the Plan**, approximately 90% of the County's existing and projected population is expected to be accommodated within the Urban/Suburban Tier. Because Palm Beach County is so large, needed goods and services should be available at a number of locations throughout the County. This proposed amendment will expand the availability of commercial/light industrial uses near the intersection of Haverhill Road and Lantana Road. Specifically the amendment will provide the opportunity for the construction of an automobile collision repair facility on Haverhill Road north of Lantana Road. This facility will fulfill a community need and serve the densely populated central Palm Beach County area.
2. Growth Management. The proposed Amendment will allow the Applicant to replace a commercial low with underlying residential future land use designation with a commercial low/industrial designation. The purpose of the industrial designation is to allow the construction of an automobile collision repair facility. The facility is compatible with surrounding land uses and will not negatively impact residential uses to the north. It is obvious after an examination of the immediately surrounding land uses that a use of this nature is compatible with the other existing and approval land uses in the vicinity of this major intersection.

Policy 2.2.4 of the Plan discusses the industrial land use designation. **Policy 2.2.4-a** indicates that:

The County shall apply industrial future land use categories at appropriate locations and intensities to satisfy the need for

industrial space, provide opportunities for the retention and expansion of industrial and employment based economic activities, and to promote economic development consistent with the County's economic development activities. The County shall also encourage a broad range of employment activities and shall discourage Future Land Use Atlas Amendments that result in the loss of industrially designated land.

Policy 2.2.4-d. indicates that Industrial uses shall be considered either Light or Heavy. The intended use on this site is of a light industrial/commercial nature.

This proposal increases industrially designated land for the light industrial/commercial use as well as promoting the policies included within Policy 2.2.4-a.

3. Infill, Redevelopment and Revitalization. This parcel lies within an area of the County near a major intersection that has undergone significant land use changes in recent years. It has in effect become an infill parcel which will round out the commercial, institutional and light industrial uses that are already approved or are present at surrounding properties near this intersection.
4. Land Use Compatibility. Analysis of the surrounding densities, intensities and land uses is provided earlier in this document. **See Exhibit G.3.**
5. Neighborhood Integrity. A light industrial use at this location is consistent with other uses in the vicinity to the west, south and east. The residential areas to the north will remain buffered by the provision of a 200 ft. cross hatched area on the north end at this site that will not be developed with vertical construction.
6. Economic Diversity and Prosperity. A Commercial/Industrial land use designation and light industrial zoning at this location will allow for the construction of a facility that will provide skilled jobs.
7. Housing Opportunity. Not applicable to this request.
8. Economic Activity Centers. Not applicable to this request.
9. Research and Development Communities. Not applicable to this request.
10. Level of Service Standards. This proposed use complies with all levels, service standards required by the Comprehensive Plan.
11. Linear Open Space and Park Systems. Not applicable to this request.
12. Environmental Integrity. This site is heavily wooded with invasive, exotic species. One low quality wetland has been identified on this site. It has been heavily impacted by exotic vegetation, but will be preserved to the extent possible.

13. Design. This site will be designed to be visually appealing and will be buffered from surrounding roadways and neighboring residential properties. The prototype building to be constructed on the site is attractive, and all bay doors have been oriented away from public view. The temporary storage of vehicles undergoing collision repair will be completely screened from all directions by the building itself or by a screen wall.
 14. A Strong Sense of Community. Not applicable to this request.
 15. Agricultural and Equestrian Industries. Not applicable to this request.
 16. Historic Preservation. Not applicable to this request.
 17. Climate Change. Locating the types of industrial/commercial uses as proposed within a neighborhood that includes a variety of different uses means that when the service is needed, fewer vehicle miles are necessary. This reduces the amount of greenhouse gasses, which are known to impact climate change.
 18. Externalities. The proposal has limited external impacts. The building will be located as far south (and thus as far from the residential uses) on this long and narrow site as is physically practical, and the building and surrounding parking will be well buffered. The north end of the Subject Property will not include any vertical construction and will be reserved for retention, buffering and landscaping. Existing vegetation will be preserved where possible, and an existing wetland will be cleared of exotics and preserved in large part. The remaining vegetation will help to buffer the use. It is also notable that the project to be constructed on this property will have no direct vehicular access to Nash Trail or Haverhill Road, with all direct access limited to Rasmussen Way, more than 850' from Nash Trail.
- FLUE Policy 2.2.2.a. - Strip Commercial. This land use policy indicates that 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 current future land use designation on this property is Commercial Low with an underlying Residential 5. The Commercial Low land use designation could lend itself to strip commercial on such a narrow and shallow site with a great deal of frontage on Haverhill Road. The Applicant's proposal results in the property being developed for a single, well buffered, light industrial use/commercial use instead of strip commercial.
 - FLUE Policy 2.1-h – Piecemeal Development. This policy indicates that *The County shall not approve site specific Future Land Use Atlas Amendments that encourage piecemeal development or approve such amendments for properties under same or related ownership that create residual parcels*. According to the Comprehensive Plan's Introduction and Administration Element, piecemeal development is *"a situation where small portions of a larger, undeveloped property is developed in a sequential manner, such that land use decisions are being made for individual sub-areas of the original parent tract independent from the whole. A situation where land, under single ownership or significant legal or equitable interest... is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole."*

The Subject Property is a portion of a larger 6.88 acre parcel that was formerly under one ownership. Even though the Subject Property has an underlying residential future land use designation, it also has a Commercial Low designation as does the property to the south which was formerly part of the same overall property. At one point, it was anticipated that the Subject Property might be developed for residential purposes. However that has not proved to be feasible primarily due to the small size and lack of depth of this parcel and its location with a great deal of frontage on a very busy road (Haverhill Road).

A non-residential use of this property is more logical and coherent in the context of the surrounding lands than residential development would have been. At the time of the land use change to CL/5, the applicant indicated that there was no demand for additional commercial development at this location beyond the convenience store and gasoline sales that were subsequently approved on the south end of the property. This is no longer the case. A light industrial automobile related use at this location is available and is more consistent with the nature and fabric of this area.

The overall development demonstrates “*coordination or overall planning on this site as a whole*” because the northern and southern portions will be developed for compatible uses and will have coordinated access to Haverhill Road through the provision of an 80’ collector road to be known as Rasmussen Way, as encouraged by **Policy 4.3-g**. The two uses will be more coordinated and compatible than an automobile related use like Raceway Market on the south and a residential project on the Subject Property would have been.

- **FLUE Policy 2.1-i – Residual Parcel.** The Comprehensive Plan discourages “*the creation of residual parcels within or adjacent to a proposed development. If such a situation is identified, and the residual parcels cannot be eliminated, then the development shall be designed to allow for inter-connectivity with the residual parcels through various techniques including, but not limited to, landscaping and pedestrian and vehicular access. In addition, the future land use designation and/or zoning district of the residual parcel shall be considered by the Board of County Commissioners, concurrently with the development, to insure that an incompatibility is not created*”.

The Comprehensive Plan defines a Residual Parcel as “*A property under the same or related ownership that has been left out of a development area, resulting in a parcel which has limited development options and connections to surrounding properties*”. This property is not under the same ownership as the commercial parcel to the south (the proposed Raceway Market). The Subject Property is not a Residual Parcel because it is under separate, unrelated ownership. Additionally the Subject Property will share access to Haverhill Road via the 80’ right-of-way which is shown on the Raceway Market Plat and which will serve both sites. Rasmussen Way will also allow a direct physical vehicular connection (interconnectivity) among the Raceway Market use, the Caliber Collision use, and (potentially) the Able Lawn Mower property without vehicles having to drive on Haverhill Road.

- **Consistency with County Overlays, Plans and Studies.** Per **Policy 4.1-C**, this property is not within a County Comprehensive Plan Overlay, Community or Neighborhood Plan, or

Special Study Area. The property is located within the boundaries of the Treasure Coast Regional Planning Council (“TCRPC”), Greenacres, Atlantis and Palm Beach County Charette Report. This study, which was prepared in 2004 with the assistance of TCRPC, was presented to the Board of County Commissioners (“BCC”) in 2005. The report was received and filed by the BCC through no changes to the comprehensive plan or ULDC occurred as a result. This study suggested a commercial node at the northeastern and northwestern intersection quadrants of Lantana and Haverhill Road with mixed use buildings “which could be a great location for some future restaurants on the ground floors” and residential above. These buildings are recommended to address the streets with parking to the rear.

If this Amendment is approved, this site can be rezoned to Light Industrial and used for a single purpose and therefore will not have the dense urban form envisioned in the study except for having its parking primarily to the rear of the site. However, it should be noted that the other parcels along both sides of Lantana Road at this location have not developed consistently with the mixed used buildings envisioned by the study nor did the County adopt that vision. Almost 14 years have passed since the study was produced and the economy is very strong, so it is safe to say that that urban form is not viable for this particular location.

- Public Facilities and Services Impacts. The proposed Amendment proposes to change the Future Land Use Designation from CL/MR-5 to CL/IND. For purposes of a public facilities equivalency analysis, the maximum intensity would be based on a .20 floor area ratio (“FAR”), the Commercial FAR for this 4.65-acre site, which would then be compared to the proposed Industrial Land Use which would have a maximum .45 FAR. These calculations result in a potential commercial square footage on the site under the existing CL designation of 40,511 square feet and a potential 91,149 square feet of Light Industrial space. (These calculations are detailed and further expanded in Part 1 of the FLUA application.) Despite the theoretical increase in building size, however, the traffic impact of a light industrial use is far less than commercial because of the much lower traffic generation rate for industrial uses, and the building proposed on this site is only 18,635 square feet of light industrial use.
 1. FLUE Policy 2.1-a – Facilities and Services. Future Land Use Designations “*shall not exceed the natural or manmade constraints of an area . . .*”. The proposed Amendment proposes to change the CL/5 designation to CL/IND, with an intended Light Industrial use. As would any project, the proposed use will be analyzed for a number of County utilities and resources. The applicant has already provided favorable responses from Palm Beach County Water Utilities for water and wastewater, Palm Beach County Historic Resources for on-site and nearby historical or archeological features, and Palm Beach County Fire-Rescue for the potential impact on County response times. It is not anticipated that a change from CL or Medium Residential 5 to Commercial Low/Light Industrial will overburden or even negatively affect any required County services.
 2. FLUE Policy 3.5-d – Long Range Traffic. This policy indicates that the County should not approve a change to the Future Land Use Atlas which “*results in an increase in density or intensity of the development generating additional traffic that significantly impacts any roadway segment projected to fail to operate at adopted levels Service Standard D*” based upon cumulative traffic”

As is summarized in Part 1 of this application and detailed in the traffic analysis, a Commercial use of this site (as is currently approved) could have a far greater traffic impact on surrounding roads than a Light Industrial use. Even though a general commercial building could have a maximum FAR .20 that could result in a much smaller building than Light Industrial's .45 FAR, maximum potential general commercial traffic generated from that commercial building would have over 5 times the impact than the maximum amount of Light Industrial use potentially available on the Subject Property.

Exhibit G.5. Florida Statutes

Section 163.3177(6)(a) Florida Statutes requires that local governments' Future Land Use Plans be based on a number of factors. This application demonstrates that a change from CL/5 to CL/IND is a logical and appropriate request considering the number of land use changes that have occurred in the vicinity of this site since the adoption of the 1989 Comprehensive Plan. Further, with buffering and suitable limitations on uses, the proposed automobile collision repair facility can be designed and constructed in such a way that it will not be a negative influence on the vicinity and will fit well into the overall context of the area from a land use standpoint.

Florida Statutes also require that local governments examine the potential issue of urban sprawl as defined by 163.3164(51) F.S. This amendment would not result in or encourage urban sprawl since it is within the Urban/Suburban Tier, is within the Urban Service Boundary, and would help to provide additional urban services in an intensely developed area of the County. The Urban/Suburban Tier is also the target of the County's redevelopment and revitalization strategies with the purpose of redirecting growth to appropriate unincorporated areas. Therefore, by definition, this land use change does not result in urban sprawl.

Exhibit 4
Applicant's Public Facility Impacts Table

A. Traffic Information		
	Current	Proposed
Max Trip Generator	General Commercial $Ln(T) = .65Ln(X) + 5.83$ per 1000 SF	Light Industrial 6.97 per 1000 SF
Maximum Trip Generation	3,253 daily trip ends (before passerby capture)	452 daily trip ends 580 daily trip ends
Net Daily Trips:	-2,801 (maximum minus current) -2,673 (proposed minus current)	
Net PH Trips:	-108 AM, -221 PM (maximum) -130 AM, -220 PM (proposed)	
Significantly impacted roadway segments that fail Long Range	Not relevant because commercial uses are not being proposed	None
Significantly impacted roadway segments for Test 2	Not relevant because commercial uses are not being proposed	None
Traffic Consultant	Whitehouse Group	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	PalmTran Route 63 runs along Lantana Road	
Nearest Palm Tran Stop	Approximately one half mile east of Haverhill Road at Lantana and Military	
Nearest Tri Rail Connection	Routes 61 and 62 provide connection to the Lake Worth Tri Rail Station	
C. Portable Water & Wastewater Information		
Both water and wastewater will be provided by Palm Beach County Water Utilities, subject to a Capacity Reservation Agreement.		
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department	
Nearest Water & Wastewater Facility, type/size	The closest potable water connection is a 12" water main within the Haverhill Road right-of-way. The closest sanitary sewer connection is a 10" forcemain, also within the Haverhill Road right-of-way. See Application Attachment I.	

D. Drainage Information

The applicant will utilize the entire property to accommodate the development. The vertical development, parking and landscaping will be confined to the south (approx.) 2 acres of the 4.65 acre property. An existing 1.37 acre wetland will remain largely undisturbed. The developed area will drain via on-site drainage infrastructure into a new pond to be constructed along the western boundary and in the northern 200' restricted area. The pond will be sized per SFWMD requirements to provide treatment for water quality and attenuation of the 25 year, 72 hour storm. A drainage statement is attached as Application Attachment J.

The drainage provider for this site is Lake Worth Drainage District. The property lies within the Lake Worth Drainage Basin. Runoff drains to the County maintained road stormwater system along Haverhill Road and from there flows south to a receiving canal which flows into Lake Osbourne. As detailed in the drainage statement, the level of protection will include protection from flooding, water quality treatment, and stormwater quality management. See Application Attachment J.

E. Fire Rescue

Nearest Station	Palm Beach County Fire-Rescue Station #43, 5970 South Military Trail
Distance to Site	1.25 miles
Response Time	Average response time for 2017 was 6:29
Effect on Resp. Time	"Changing the land use of this property will have minimal impact on Fire Rescue." Pursuant to letter provided as Application Attachment K.

F. Environmental

Significant habitats or species	<p>A field review of this property was undertaken on January 18, 2018 by Mr. David Bogardus of Quest Ecology. Prior to the field visit Mr. Bogardus also conducted a database review of the site.</p> <p>The site is heavily impacted by invasive vegetation including Brazilian Pepper, Melaleuca, Australian Pine and others such as Bischofia and Schefflera. Native vegetation, primarily Slash Pine and Cabbage Palm was found to comprise about 20% of the upland area. A number of trees were mapped on a tree survey.</p> <p>A wetland of about 1.37 acres was identified and mapped on the property. It too was heavily invaded by exotic species.</p> <p>No listed or protected animal species were observed.</p> <p>It is anticipated that Palm Beach County ERM, South Florida Water Management District, and possibly Army Corps of Engineers permits will be needed to develop the property. Wetland mitigation may be indicated.</p>
Flood Zone*	Flood Zone X
Wellfield Zone*	Property is not in ERM Wellfield Protection Zone

G. Historic Resources

The County Historic Preservation Officer/Archeologist has indicated that there are no significant sites or resources on or within 500' of this property in letter provided as Application Attachment N.

Exhibit 5

Palm Beach County Traffic Division Letter



**Department of Engineering
and Public Works**

P.O. Box 21229
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**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

October 22, 2018

Vicki L. Castro, P.E.
Whitehouse Group, Inc.
401 East Jackson Street, Suite 3300
Tampa, FL 33602

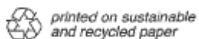
**RE: Caliber Collision – Lake Worth
FLUA Amendment Policy 3.5-d Review
Round 2019-B**

Dear Ms. Castro:

Palm Beach County Traffic Division has reviewed the Comprehensive Plan Amendment Traffic Impact Analysis for the proposed Future Land Use Amendment for the above referenced project, dated September 7, 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:

Location:	West side of Haverhill Rd, about 600 feet north of Lantana Rd	
PCN:	00-42-44-35-24-002-0000	
Acres:	4.65 acres	
	Current FLU	Proposed FLU
FLU:	Commercial Low (CL)	Industrial
Zoning:	Residential Single Family (RS)	Light Industrial (IL)
Density/ Intensity:	0.2 FAR	0.45 FAR
Maximum Potential:	General Commercial = 40,511 SF	Industrial = 91,149 SF
Proposed Potential:	N/A	Automobile Care Center = 18,635 SF
Net Daily Trips:	-1,695 (maximum - current) -1,567 (proposed – current)	
Net PH Trips:	64 (56/8) AM, 57 (7/50) PM (maximum) 42 (28/14) AM, 58 (28/30) PM (proposed)	
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities in the zoning application.</i>		

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Vicki L. Castro, P.E.
October 22, 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 maximum potential density shown above.

Please contact me at 561-684-4030 or email to 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:HA/dd

cc: Michael R. Yates, Whitehouse Group (myates@whitehousegroup.com)
Jim Norquest, Gunster (jnorquest@gunster.com)
Hanane Akif – 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-B\Caliber Collision - Lake Worth (2).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



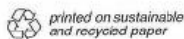
**Palm Beach County
Board of County
Commissioners**

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

*"An Equal Opportunity
Affirmative Action Employer"*



July 30, 2018

Gunster
777 South Flagler Drive, Suite 500 East
West Palm Beach, FL 33401

Re: Southwest Corner of Nash Trail and Haverhill Road
PCN 00-42-44-35-24-002-0000
Service Availability Letter

Dear Mr. Norquest,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Service capacities are available subject to a Capacity Reservation Agreement with PBCWUD.

The nearest potable water and sanitary sewer connections currently available are a 12" watermain and a 10" forcemain located within Haverhill Road right of way. A lift station and forcemain are required to connect to the forcemain. Extension of the watermain along Nash Trail may also be required.

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 # 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 TEXAS
COUNTY OF PALM BEACH DENTON

BEFORE ME, the undersigned authority, this day personally appeared Steven J. Rumsey*, 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 [☒] Managing Member [position—e.g., president, partner, trustee] of Cross Development CC Lake Worth, 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").

*by Steven J. Rumsey, Managing Member of Cross Development Management, LLC, Manager

2. Affiant's address is: 4336 Marsh Ridge
Carrollton, Texas 75010

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.

Cross Development CC Lake Worth, LLC by Steven J. Rumsey, Managing Member
of Cross Development Management, LLC, Manager

Steven J. Rumsey, Affiant

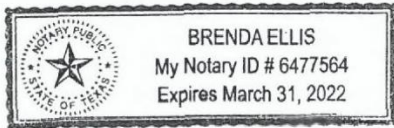
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 11th day of February
2019, by Steven J. Rumsey, [X] who is personally
known to me or [] who has produced _____
as identification and who did take an oath.

Brenda Ellis
Notary Public

Brenda Ellis

(Print Notary Name)



NOTARY PUBLIC
TEXAS

State of ~~Florida~~ at Large

My Commission Expires:

3/31/2022

EXHIBIT "A"

PROPERTY

LEGAL DESCRIPTION

PARCEL 2 OF RACEWAY MARKET, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 121,
PAGE 55 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

4.65 ACRES

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

Cross Development Single Box 1, LLC 4336 March Ridge Rd.
Carrollton, TX 75010

Cross Development Management, LLC 4336 Marsh Ridge
Carrollton, TX 75010

Steve Rumsey 4336 Marsh Ridge Rd Carrollton TX 75010

Casey Shires 4336 Marsh Ridge Rd Carrollton TX 75010

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

Revised 08/25/2011
Web Format 2011

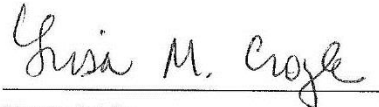
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



Glenn I. Rasmussen, Trustee, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 17th day of SEPTEMBER, 2018, by Glenn I. Rasmussen, Trustee, ☒ who is personally known to me or ☐ who has produced _____ as identification and who did take an oath.



Notary Public

LISA M. CROYLE

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 4-28-19

EXHIBIT "A"

PROPERTY

LEGAL DESCRIPTION

PARCEL 2 OF RACEWAY MARKET, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 121,
PAGE 55 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

4.65 ACRES

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an 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

Glenn Rasmussen 3837 NW 1st Drive, Deerfield Bch FL 33442
Jeanette Rasmussen 12707 80th Lane North, WPB, FL 33412

Exhibit 8
Correspondence
