

# 2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 1. Amendment Data

### A. Amendment Data

<b>Round</b>	18-D	<b>Intake Date</b>	February 2, 2018
<b>Application Name</b>	Haley Farms	<b>Concurrent?</b>	No
<b>Acres</b>	8.83 acres	<b>Text Amend?</b>	No
<b>PCNs</b>	00-42-43-27-05-028-0041 & 00-42-43-27-05-028-0042		
<b>Location</b>	Southeast corner of Lake Worth Road and Polo Club Road.		
	<b>Current</b>	<b>Proposed</b>	
<b>Tier</b>	Urban/Suburban Tier	Urban/Suburban Tier	
<b>Use</b>	Indicate the existing land use of the site, including built information including non-residential square footage and residential number of units. Provide a Built Feature and Inventory Map also as Attachment F.	Commercial/Retail Plaza	
<b>Zoning</b>	RT	MUPD	
<b>Future Land Use Designation</b>	Commercial High	Commercial High	
<b>Underlying Future Land Use Designation</b>	Low Residential, 2 units per acre	Low Residential, 2 units per acre	
<b>Conditions</b>	<ol style="list-style-type: none"> <li>The subject site is limited to a maximum of 300,000 SF of non-residential uses or equivalent traffic generating uses.</li> <li>The development of the subject site shall adhere to the following design guidelines and shall be developed as a Lifestyle Commercial Center (LCC) consistent with Policy 2.2.2-c (FLUE): <ul style="list-style-type: none"> <li>The project shall have a mix of at least three of the following uses: retail including restaurant, office, institutional, hotel, work/live and residential. One of these uses must be work/live or residential. Flexibility with the site's allocation and location of identified uses may be considered as permitted by the ULDC.</li> <li>The project shall provide public usable open space and/or institutional uses that may promote social and cultural activities. At least 5% of the project shall be prominently located and designated as public usable open space to create squares, greens and/or plazas.</li> </ul> </li> </ol>	<ol style="list-style-type: none"> <li>The <u>subject site land area within Ordinance No. 2009-028</u> is limited to a maximum of 300,000 SF of <del>non-residential</del> retail uses or equivalent traffic generating uses. <u>A maximum of 145,790 SF is assigned to the Property within this Ordinance identified as LGA 2018-xxx, with the remaining 154,210 SF assigned to the remainder of land area within Ordinance No. 2009-028.</u></li> <li><u>The following design guidelines do not apply to the Property within this Ordinance identified as LGA 2018-xxx.</u> The development of the <u>subject site remaining land area within Ordinance No. 2009-028</u> shall adhere to the following design guidelines and shall be developed as a Lifestyle Commercial Center (LCC) consistent with Policy 2.2.2-c (FLUE): <ul style="list-style-type: none"> <li>The project shall have a mix of at least three of the following uses: retail including restaurant, office, institutional, hotel, work/live and residential. One of these uses must be work/live or residential. Flexibility with the site's allocation and location of identified uses may be</li> </ul> </li> </ol>	

	<ul style="list-style-type: none"> <li>• Vehicular and pedestrian connections shall be provided to all existing and future adjacent development.</li> <li>• The interconnected vehicular and pedestrian circulation system shall provide on-street parking and access to transit stops and off-site pedestrian and bicycle systems where feasible.</li> <li>• The internal street network shall form a block structure to facilitate the pedestrian oriented design of the project. The largest block perimeter shall measure no more than 1,800 linear feet. At least three full block structures shall be created. Building mass, placement, and build to lines shall be utilized to provide a spatial definition along streets. The design shall incorporate human-scale elements along streets and in common areas that includes but is not limited to: seating, landscaping, lighting and water or art features.</li> <li>• Parking shall be located in structures parking, or shall require hardscape (e.g. sidewalks, arcades, arbors) and landscape treatments that enhance the pedestrian environment and preserve the spatial definition along streets created by building placement. Parking and access in front of buildings shall be limited to no more than one double row of pull-in parking accessed via a two lane drive aisle and dispersed to strengthen the pedestrian system.</li> <li>• The project shall demonstrate a vertical as well as horizontal integration of uses.</li> <li>• No single tenant shall exceed 65,000 SF. Single large tenants must have architectural façade treatments or liner tenants to reduce large single use facades along streets. All buildings shall provide four-sided architecture.</li> </ul>	<p>considered as permitted by the ULDC.</p> <ul style="list-style-type: none"> <li>• The project shall provide public usable open space and/or institutional uses that may promote social and cultural activities. At least 5% of the project shall be prominently located and designated as public usable open space to create squares, greens and/or plazas.</li> <li>• Vehicular and pedestrian connections shall be provided to all existing and future adjacent development.</li> <li>• The interconnected vehicular and pedestrian circulation system shall provide on-street parking and access to transit stops and off-site pedestrian and bicycle systems where feasible.</li> <li>• The internal street network shall form a block structure to facilitate the pedestrian oriented design of the project. The largest block perimeter shall measure no more than 1,800 linear feet. At least three full block structures shall be created. Building mass, placement, and build to lines shall be utilized to provide a spatial definition along streets. The design shall incorporate human-scale elements along streets and in common areas that includes but is not limited to: seating, landscaping, lighting and water or art features.</li> <li>• Parking shall be located in structures parking, or shall require hardscape (e.g. sidewalks, arcades, arbors) and landscape treatments that enhance the pedestrian environment and preserve the spatial definition along streets created by building placement. Parking and access in front of buildings shall be limited to no more than one double row of pull-in parking accessed via a two lane drive aisle and dispersed to strengthen the pedestrian system.</li> <li>• The project shall demonstrate a vertical as well as horizontal integration of uses.</li> <li>• No single tenant shall exceed 65,000 SF. Single large tenants must have architectural façade treatments or liner tenants to reduce large single use facades along streets. All buildings shall provide four-sided architecture.</li> </ul> <p>3. <u>The following conditions of approval apply to the Property within this</u></p>
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		<p>Ordinance identified as LGA 2018-xxx developed utilizing the Commercial High future land use designation:</p> <ul style="list-style-type: none"> <li>• <u>If the property is developed with both residential and commercial uses, the site shall provide at least 5% usable open space.</u></li> <li>• <u>Cross access shall be provided to the parcel to the east that is the remaining land area within Ordinance No. 2009-028.</u></li> <li>• <u>No single retail tenant shall exceed 65,000 SF.</u></li> </ul>
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## B. Development Potential

	Current FLU	Proposed FLU
<b>Density/ Intensity:</b>	<i>0.5 FAR or 2 units per acre (see below for existing conditions of approval)</i>	<i>0.5 FAR or 2 units per acre (see below for proposed conditions of approval)</i>
<b>Maximum Dwelling Units<sup>1</sup></b> (residential designations)	2 du/acre x 19.04 ac. = 38 dwelling units	2 du/acre x 8.83 ac. = 18 dwelling units 2 du/acre x 10.21 ac. = 20 dwelling units <i>Total – 38 dwelling units</i>
<b>Maximum Beds (for CLF proposals)</b>	_____ max du x 2.39 = _____	_____ max du x 2.39 = _____
<b>Population Estimate</b>	38 max du x 2.39 = 91 residents	38 max du x 2.39 = 91 residents
<b>Maximum Square Feet<sup>2, 4</sup></b> (non-residential designations)	0.5 FAR x 19.04 ac. = 414,691 SF of commercial uses	0.5 FAR x 8.83 ac. = 192,317 SF 0.5 FAR x 9.6 ac. = 222,374 SF <i>Total – 414,691 SF of commercial uses</i>
<b>Proposed or Conditioned Potential<sup>3, 4</sup></b>	300,000 SF on 19.04 acres	145,790 SF on 8.83 acres 154,210 on 9.6 acres <i>Total - 300,000 SF on 19.04 acres (0.87 acres dedicated as additional right-of-way for Polo Club Road, ORB 28941, pg. 7)</i>
<b>Max Trip Generator</b>	General Retail (No Change Proposed)	General Retail (No Change Proposed)
<b>Maximum Trip Generation</b>	No Change Proposed	No Change Proposed
<b>Net Daily Trips:</b>	Per 3.5-d letter dated December 5, 2008 - 12,010 trips per day (No Change Proposed)	
<b>Net PH Trips:</b>	Per 3.5-d letter dated December 5, 2008 - 227 AM, 1,136 PM (No Change Proposed)	

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

## Part 2. Applicant Data

### A. Agent Information

<b>Name</b>	Lauren McClellan / Jennifer Morton
<b>Company Name</b>	JMorton Planning & Landscape Architecture
<b>Address</b>	3910 RCA Boulevard, Suite 1015
<b>City, State, Zip</b>	Palm Beach Gardens, FL 33410
<b>Phone Number</b>	(561) 721-4463 / (561) 500-5060
<b>Email Address</b>	<a href="mailto:lmcclellan@jmortonla.com">lmcclellan@jmortonla.com</a> / <a href="mailto:jmorton@jmortonla.com">jmorton@jmortonla.com</a>

### B. Applicant Information

<b>Name</b>	Sheldon Rubin
<b>Company Name</b>	Haley Farms LLC
<b>Address</b>	4600 Lyons Road
<b>City, State, Zip</b>	Lake Worth, FL 33467
<b>Phone Number</b>	(561) 225-1481
<b>Email Address</b>	<a href="mailto:sheldonwrubin@gmail.com">sheldonwrubin@gmail.com</a>
<b>Interest</b>	Property Owner



## Part 3. Site Data

### A. Site Data

<b>Built Features</b>	4,000 SF & 3,154 SF stable buildings & 1,923 SF Residential Structure - See Attachment F.
<b>PCN</b>	00-42-43-27-05-028-0041 & 0042-43-27-05-028-0042 See Legal Description as Attachment A.
<b>Street Address</b>	8450 Lake Worth Road
<b>Frontage</b>	660 feet on Lake Worth Road & LWDD L-12 Canal and 603 feet Polo Club Road
<b>Legal Access</b>	Lake Worth Road and Polo Club Road
<b>Contiguous under same ownership</b>	Two parcels to the south, (within the boundaries of the Fields at Gulfstream PUD 2005-594) are under same principal ownership (Sheldon Rubin) although different corporate entity names (Dears Farm, LLC & Palm Tree Farms, LLC). 00-42-44-29-05-001-0010 & 00-42-44-29-05-001-0020. See the Attached Warranty Deeds in Attachment A.
<b>Acquisition details</b>	The Property was acquired by the Applicant from AMKBJ Partners, Ltd. LLLP on February 21, 2014 for \$3,550,000 per the attached Special Warranty Deed included in Attachment A.
<b>Size purchased</b>	8.83 acres, the Property was not part of a bigger tract previously owned by AMKBJ Partners, Ltd. LLLP at the time.

### III. Development History

<b>Previous FLUA Amendments</b>	LGA 2009-006 Adopted Ordinance 2009-028
<b>Zoning Approvals, Control Number</b>	The Property was included was once part of the Allie Polo PUD (Control # 2005-422). Approval was granted by R-2006-1548 & R-2006-1549 to allow 422 dwelling units on 221 acres. A corrective resolution was approved to amend a condition of approval (R-2006-2330). On November 29,2007, the BCC revoked the development order based on Status Report CR-2005-422, due to the applicant's failure to perform on the required conditions of approval. That status report, R-2007-2131, rezoned the Property to RT. There are no outstanding Zoning approvals for this Property.
<b>Concurrency</b>	No concurrency approval
<b>Plat, Subdivision</b>	Palm Beach Farms Co. Plat No. 3, PB 2, pg. 45

## Part 4. Consistency

### A. Consistency – See responses in Attachment G as G.1 through G.5.

<b>Justification</b>	Provided as G.1.
<b>Residential Density Increases</b>	Provided as G.2.
<b>Compatibility</b>	Provided as G.3.
<b>Comprehensive Plan</b>	Provided as G.4.
<b>Florida Statutes</b>	Provided as G.5.

### B. Surrounding Land Uses.

Adjacent Lands	Use	Future Land Use	Zoning
<b>North</b>	Single Family & Place of Worship – Christian & Missionary Alliance Church of Lake Worth (20,268 SF)	Low Residential, 2 units per acre (LR-2) & Low Residential, 3 units per acre (LR-3)	Agriculture Residential (AR) & Residential Transitional (RT) (Control No. 1988-079)
<b>South</b>	Single Family and Townhouse Development – Fields at Gulfstream Polo (457 single-family homes & 516 townhomes – 4.3 dwelling units/acre)	Medium Residential, 5 units per acre (MR-5)	Planned Unit Development (PUD) (Control No. 2005-594)
<b>East</b>	Equestrian Uses	Commercial High, with an underlying 2 units per acre (CH/2)	Agriculture Residential (AR)
<b>West</b>	Vacant – Approved Lake Worth Commercial (LGA 2017-013) for 396,000 SF of non-residential & 5 dwelling units per acre	Commercial High, with an underlying 5 units per acre (CH/5)	Agriculture Residential (AR)

## Part 5. Public Facilities Information

### A. Traffic Information

	Current	Proposed
<b>Max Trip Generator</b>	<i>General Retail (No Change Proposed)</i>	<i>General Retail (No Change Proposed)</i>
<b>Maximum Trip Generation</b>	No Change Proposed	No Change Proposed
<b>Net Daily Trips:</b>	Per 3.5-d letter dated December 5, 2008 - 12,010 trips per day (No Change Proposed)	

<b>Net PH Trips:</b>	Per 3.5-d letter dated December 5, 2008 - 227 AM, 1,136 PM (No Change Proposed)	
<b>Significantly impacted roadway segments that fail Long Range</b>	None.	None.
<b>Significantly impacted roadway segments for Test 2</b>	None.	None.
<b>Traffic Consultant</b>	JFO Group Inc.	
<b>B. Mass Transit Information</b>		
<b>Nearest Palm Tran Route (s)</b>	Route 62 – Central County Via Lake Worth Road - Wellington to Lake Worth	
<b>Nearest Palm Tran Stop</b>	There is a Palm Tran Stop abutting the Property's frontage on Lake Worth Road at the intersection of Lake Worth Road & Polo Club Road	
<b>Nearest Tri Rail Connection</b>	Lake Worth Tri-Rail Station, Approximately 7 miles to the east.	
<b>C. Portable Water &amp; Wastewater Information</b>		
See Attachment I for the Potable Water & Wastewater Level of Service (LOS) comment letter.		
<b>Potable Water &amp; Wastewater Providers</b>	Palm Beach County Water Utilities Department	
<b>Nearest Water &amp; Wastewater Facility, type/size</b>	A 12" potable water main and 12" wastewater forcemain are located within the Lake Worth Road right-of-way.	
<b>D. Drainage Information</b>		
The drainage system for the project will consist of a combination of on-site lake, swales, inlets, and culverts, and will have legal positive outfall to the Lake Worth Drainage District L-13 Canal. The Property is included within the overall stormwater management system for Gulfstream Polo Properties PUD (SFWMD Permit No. 50-11013-P) as North Basin #N4. The Property is located within the SFWMD C-16 Basin and will comply with the C-16 Basin requirements of discharge. See Attachment J for the drainage statement.		
<b>E. Fire Rescue</b>		
<b>Nearest Station</b>	Palm Beach County Fire Rescue Station # 32, located at 4022 Charleston Street	
<b>Distance to Site</b>	1.75 miles	
<b>Response Time</b>	Average response time 6:52	

<b>Effect on Resp. Time</b>	The proposed amendment will have minimal impact on the response time for Station # 32. See Attachment K.			
<b>F. Environmental</b>				
<b>Significant habitats or species</b>	The site is greatly altered from historic clearing for residential and agricultural use, primarily for equestrian use. Today, the property is dominated by open lands with very little native plant species inhabiting this area. Please see Map provided as Attachment L.			
<b>Flood Zone</b>	Zone X – Property is not within a Flood Zone.			
<b>Wellfield Zone</b>	The Property is not located within a Wellfield Protection Zone. See Attachment M.			
<b>G. Historic Resources</b>				
There are no significant historic resources present on the Property. See Attachment N for letter.				
<b>H. Parks and Recreation - Residential Only – <i>This Application is not proposing to increase residential density</i></b>				
<b>Park Type</b>	<b>Name &amp; Location</b>	<b>Level of Svc. (ac. per person)</b>	<b>Population Change</b>	<b>Change in Demand</b>
Regional		0.00339		
Beach		0.00035		
District		0.00138		
<b>I. Libraries - Residential Only – <i>This Application is not proposing to increase residential density</i></b>				
<b>Library Name</b>				
<b>Address</b>				
<b>City, State, Zip</b>				
<b>Distance</b>				
<b>Component</b>	<b>Level of Service</b>	<b>Population Change</b>	<b>Change in Demand</b>	
Collection	2 holdings per person			
Periodicals	5 subscriptions per 1,000 persons			
Info Technology	\$1.00 per person			
Professional staff	1 FTE per 7,500 persons			
All other staff	3.35 FTE per professional librarian			
Library facilities	0.34 sf per person			

**J. Public Schools - Residential Only – *This Application is not proposing to increase residential density***

	Elementary	Middle	High
Name			
Address			
City, State, Zip			
Distance			

## Part 6. Attachments

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- A. **PCN's, Legal Description and Warranty Deed** (include Legal in PDF & Word)
- B. **Agent Consent Form**
- C. **Applicant's Ownership Affidavit**
- D. **Applicant's Notice Affidavit, Property Appraiser List, and Labels**
- E. **Disclosure of Ownership Interests**
- F. **Built Feature Inventory & Map**
- G. **Consistency with the Comprehensive Plan and Florida Statutes** (include in PDF & Word)
- H. **Traffic Approval Letter & Traffic Study**
- I. **Water & Wastewater Provider LOS Letters**
- J. **Drainage Statement**
- K. **Fire Rescue Letter**
- L. **Natural Feature Inventory & Map**
- M. **Wellfield Zone**
- N. **Historic Resource Evaluation Letter**
- O. **Survey**

Forms for Attachments B, C, D, and E are located on the web at:

<http://www.pbcgov.org/pzb/planning/Pages/Comprehensive-Plan-Amendment-Applications.aspx>

T:\Planning\AMEND\00Administration\Application-FLUA\2019 Application\2019-FLUA-Application-Form.docx



Location Address 8450 LAKE WORTH RD  
Municipality UNINCORPORATED  
Parcel Control Number 00-42-43-27-05-028-0041  
Subdivision PALM BEACH FARMS CO PL NO 3  
Official Records Book 26641 Page2  
Sale Date FEB-2014  
PALM BEACH FARMS CO PL NO 3 TR 4 (LESS NLY 499.65  
Legal Description FT OF SLY 574.65 FT OF WLY 43.18 FT & S 75 FT OF W 80  
FT) & E 40 FT OF

**Owners**

HALEY FARMS LLC

**Mailing address**

9210 EQUUS CIR  
BOYNTON BEACH FL 33472 4318

Sales Date	Price	OR Book/Page	Sale Type	Owner
FEB-2014	\$3,550,000	26641 / 00002	WARRANTY DEED	HALEY FARMS LLC
DEC-2010	\$1,500,000	24281 / 01990	WARRANTY DEED	AMKBJ PARTNERS LTD LLLP
APR-2003	\$850,000	15079 / 00465	WARRANTY DEED	TLHC 2 INC
JAN-1998	\$300,000	10240 / 00629	WARRANTY DEED	BOSTWICK RICHARD SKIDDY
MAR-1989	\$100	06011 / 00251	REP DEED	

No Exemption Information Available.

Number of Units 1 \*Total Square Feet 9665 Acres 9.5903  
Use Code 6800 - AG Classification EQUESTRIAN Zoning RT - Residential Transitional ( 00-UNINCORPORATED )

Tax Year	2017	2016	2015
Improvement Value	\$100,083	\$100,083	\$100,083
Land Value	\$2,397,575	\$2,597,500	\$2,597,500
Total Market Value	\$2,497,658	\$2,697,583	\$2,697,583

All values are as of January 1st each year

Tax Year	2017	2016	2015
Assessed Value	\$410,215	\$415,813	\$1,703,713
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$410,215	\$415,813	\$1,703,713

Tax Year	2017	2016	2015
Ad Valorem	\$7,179	\$7,477	\$31,678
Non Ad Valorem	\$1,501	\$1,528	\$1,508
Total tax	\$8,680	\$9,005	\$33,186



**Location Address** POLO CLUB RD

**Municipality** UNINCORPORATED

**Parcel Control Number** 00-42-43-27-05-028-0042

**Subdivision** PALM BEACH FARMS CO PL NO 3

**Official Records Book** 26641

**Page** 2

**Sale Date** FEB-2014

**Legal Description** PALM BEACH FARMS CO PL NO 3 S 75 FT OF W 80 FT OF  
TR 4 (LESS NLY 70.21 FT TRGLR PAR IN OR28385P1336)  
BLK 28

**Owners**

HALEY FARMS LLC

**Mailing address**

9210 EQUUS CIR

BOYNTON BEACH FL 33472 4318

Sales Date	Price	OR Book/Page	Sale Type	Owner
FEB-2014	\$3,550,000	26641 / 00002	WARRANTY DEED	HALEY FARMS LLC
DEC-2010	\$1,500,000	24281 / 01990	WARRANTY DEED	AMKBJ PARTNERS LTD LLLP
APR-2003	\$850,000	15079 / 00465	WARRANTY DEED	TLHC 2 INC
JAN-1998	\$300,000	10240 / 00629	WARRANTY DEED	
MAR-1989	\$100	06011 / 00251	REP DEED	

No Exemption Information Available.

**Number of Units** 0    **\*Total Square Feet** 0    **Acres** 0.1336  
**Use Code** 1000 - VACANT COMMERCIAL    **Zoning** RT - Residential Transitional ( 00-UNINCORPORATED )

Tax Year	2017	2016	2015
Improvement Value	\$0	\$0	\$0
Land Value	\$33,400	\$52,500	\$52,500
Total Market Value	\$33,400	\$52,500	\$52,500

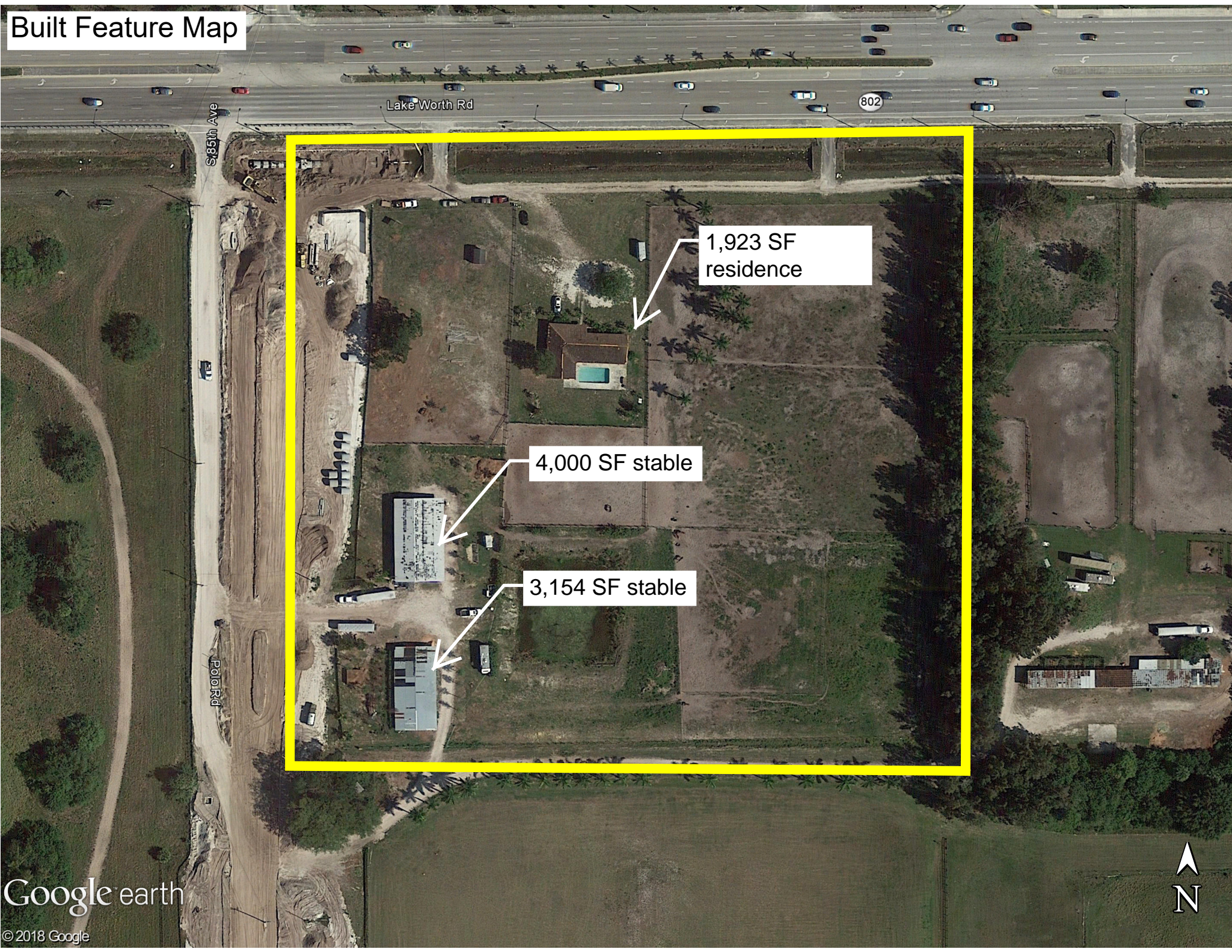
All values are as of January 1st each year

Tax Year	2017	2016	2015
Assessed Value	\$33,400	\$52,500	\$52,500
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$33,400	\$52,500	\$52,500

Tax Year	2017	2016	2015
Ad Valorem	\$585	\$944	\$976
Non Ad Valorem	\$48	\$47	\$45
Total tax	\$633	\$991	\$1,021



# Built Feature Map



Lake Worth Rd

802

S 85th Ave

Polo Rd

1,923 SF residence

4,000 SF stable

3,154 SF stable





## Attachment G

### Consistency with the Comprehensive Plan and Florida Statutes

#### **Introduction**

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment for the Haley Farms Property to amend conditions of approval originally imposed by Ordinance No. 2009-028. The Haley Farms Property is approximately 8.83 acres and is located at the southeast corner of Lake Worth Road and Polo Club Road ("Property"). The Property currently has a Future Land Use designation of Commercial High, with an underlying 2 units per acre (CH/2) and is subject to two conditions of approval which are further discussed below. The Property is currently developed with several equestrian stables and a single-family home and the Property has an agricultural tax exemption for the equestrian uses.

#### **I. PROPOSED FLUA MAP AMENDMENT**

The Property is located at the southeast corner of Lake Worth Road and Polo Club Road, approximately 2,600 feet east of Lyons Road. The 8.83 acre Haley Farms Property is only a portion of the 19.04 acre property that was the subject of the previous Comprehensive Plan Future Land Use Atlas amendment adopted by Ordinance No. 2009-028 ("Project"). The Applicant is proposing to delete the conditions that are related to the development of the Property as a Lifestyle Community Center (LCC) and modify the maximum amount of square footage allowed to contain the pro rata share from the original approved ordinance. Below are the conditions of approval that are proposed to be amended, shown in ~~strike-out~~ & underline format.

1. ~~The subject site land area within Ordinance No. 2009-028 is limited to a maximum of 300,000 SF of non-residential retail uses or equivalent traffic generating uses. A maximum of 145,790 SF is assigned to the Property within this Ordinance identified as LGA 2018-xxx, with the remaining 154,210 SF assigned to the remainder of land area within Ordinance No. 2009-028.~~
2. The following design guidelines do not apply to the Property within this Ordinance identified as LGA 2018-xxx. The development of the subject site remaining land area within Ordinance No. 2009-028 shall adhere to the following design guidelines and shall be developed as a Lifestyle Commercial Center (LCC) consistent with Policy 2.2.2-c (FLUE):
  - The project shall have a mix of at least three of the following uses: retail including restaurant, office, institutional, hotel, work/live and residential. One of these uses must be work/live or residential. Flexibility with the site's allocation and location of identified uses may be considered as permitted by the ULDC.
  - The project shall provide public usable open space and/or institutional uses that may promote social and cultural activities. At least 5% of the project shall be prominently located and designated as public usable open space to create squares, greens and/or plazas.
  - Vehicular and pedestrian connections shall be provided to all existing and future adjacent development.
  - The interconnected vehicular and pedestrian circulation system shall provide on-street parking and access to transit stops and off-site pedestrian and bicycle systems where feasible.
  - The internal street network shall form a block structure to facilitate the pedestrian oriented design of the project. The largest block perimeter shall measure no more than 1,800 linear feet. At least three full block structures shall be created. Building mass, placement, and build to lines shall be utilized to provide a spatial definition along streets. The design shall incorporate human-scale elements along streets and in common areas that includes but is not limited to: seating, landscaping, lighting and water or art features.
  - Parking shall be located in structures parking, or shall require hardscape (e.g. sidewalks, arcades, arbors) and landscape treatments that enhance the pedestrian environment and preserve the spatial definition along streets created by building placement. Parking and access in front of buildings shall be limited to no more than one double row of pull-in parking accessed via a two lane drive aisle and dispersed to strengthen the pedestrian system.

- The project shall demonstrate a vertical as well as horizontal integration of uses.
  - No single tenant shall exceed 65,000 SF. Single large tenants must have architectural façade treatments or liner tenants to reduce large single use facades along streets. All buildings shall provide four-sided architecture.
3. The following conditions of approval apply to the Property within this Ordinance identified as LGA 2018-xxx developed utilizing the Commercial High future land use designation:
- If the property is developed with both residential and commercial uses, the site shall provide at least 5% usable open space.
  - Cross access shall be provided to the parcel to the east that is the remaining land area within Ordinance No. 2009-028.
  - No single retail tenant shall exceed 65,000 SF.

#### Description of Site Vicinity

The Property is located within the West Lake Worth Road Neighborhood Planning area. Specifically, the Property's location at Lake Worth Road and Polo Club Road is important because this intersection has been identified as a commercial node within the planning area. It is important to note that the West Lake Worth Road Neighborhood Planning area has experienced a rapid amount of growth recently with the approval of several large planned unit developments.

The Property to the west, across Polo Club Road, was recently the subject of a Comprehensive Plan Future Land Use Atlas amendment in 2017. The Board of County Commissioners approved an amendment to increase the underlying density of the 37 acre parcel from 2 units per acre to 5 units per acre. Additionally, the applicant requested several conditions of approval that required development in the form of a Lifestyle Commercial Center (LCC) to be modified. The County staff supported and Board of County Commissioners approved both requests.

Land uses of the properties directly abutting the Project include the following:

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number	Resolution Number
North	LR-2 & LR-3	AR & RT	Single Family & Place of Worship – Christian & Missionary Alliance Church of Lake Worth	1988-079 & 2013-345	R-1989-739, R-2017-364, & R-2017-365
South	MR-5	PUD	Single Family and Townhouse Development – Fields at Gulfstream Polo	2005-594	R-2016-549, ZR-2015-039, ZR-2015-040, & ZR-2016-045
East	CH/2	AR	Equestrian Uses	N/A	N/A
West	CH/5	AR	Vacant	N/A	N/A

#### History

The Property and surrounding properties were historically used for polo related activities such as training areas for horses involved in polo events. The Polo Grounds, as the area was previously called, also hosted multiple polo matches and equestrian related events. Within recent times, the equestrian activity has relocated further west to Wellington. This area is now being developed into single and multi-family residential communities. As this area started changing from equestrian uses to higher density residential and commercial, the adjacent neighborhood became very active in the interest of preventing urban levels of development from encroaching into their low density

area and negatively impacting their chosen lifestyle. The residents were also concerned that the higher density residential development brought an increased amount of workforce housing. The surrounding neighborhood created the West Lake Worth Road Neighborhood Plan in an effort to direct and control proposed development in their community.

Concurrent with the Lake Worth/Turnpike SW Commercial (LGA-2009-006) amendment, the West Lake Worth Road Neighborhood Plan was in process of being created. The conditions of approval that were imposed on the 19.04 acre Project ensured that any future development would be a mixed use project developed as a Lifestyle Commercial Center (LCC) and comply with the neighborhood plan (which was being drafted) as that neighborhood plan was not yet in effect. Subsequently, in November 2009, the Board of County Commissioners adopted the West Lake Worth Road Neighborhood Plan.

At the time Ordinance No. 2009-028 was adopted, the construction of Polo Club Road had not been completed. In order for Polo Club Road to be constructed, right-of-way had to be dedicated from the Property. A 0.87 acre portion of the Property was dedication to Palm Beach County as recorded in Official Records Book 28941, page 7. Because this 0.87 acre property was originally included in the total 19.04 acres governed by Ordinance No. 2009-028, the Applicant should be entitled to the square footage associated with it. Therefore, the Applicant has calculated the pro rata share of the approved 300,000 square feet and determined that the total square footage that should be allocated to the Property is 145,790 square feet.

As referenced above, a comprehensive plan amendment was approved in August 2009 for a 19.04 acre Project that included the subject 8.83 acre Property. The Property has since changed hands and the current property owner desires to move forward with developing his 8.83 acre Property separate from the other parcels that were originally included in the 2009 amendment.

### **G.1 Justification**

Each proposed FLUA amendment must be found to be consistent with the Goals, Objectives, and Policies (GOPs) of the Comprehensive Plan. Future Land Use Element Policy 2.1.f requires that adequate justification for the proposed future land use be provided. Further, the justification statement must demonstrate that a change is warranted and demonstrate the following two factors:

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

***Response:** The proposed use is suitable and appropriate for the Property as a Commercial High designation was previously applied to the subject site and adjacent property to the east. These properties have also been designated as Commercial High on the West Lake Worth Road Neighborhood Plan.*

*The proposed land use amendment is simply requesting to amend the square footage permitted on the Property for the pro rata share previously granted by Ordinance 2009-028 and to eliminate the conditions of approval that require development of the Property as a Lifestyle Commercial Center (LCC). It should be noted that there have been several staff initiated, Board of County Commissioner approved Comprehensive Plan text amendments related to mixed and multiple use planned developments. The County has recognized that several of the Comprehensive Plan requirements were a hindrance to mixed use development and that the market has not supported requirements such as vertically integrated mixed use development within the suburban areas of the County.*

*Furthermore, developing the small 8.83 acre Property as a Lifestyle Commercial Center is challenging as the Property is not large enough to provide block structured development with on street parking. Additionally, the property was conditioned to provide a mix of uses with vertical integration. This previous ordinance was approved prior to the adoption of the West Lake Worth Road Neighborhood Plan which put several policies in*

place related to design and site plan approval of commercial centers. Each condition is addressed in more detail below:

- *The project shall have a mix of at least three of the following uses: retail including restaurant, office, institutional, hotel, work/live and residential. One of these uses must be work/live or residential. Flexibility with the site's allocation and location of identified uses may be considered as permitted by the ULDC.*
  - *The Applicant only has control over the 8.83 acres of the Project currently subject to Ordinance No. 2009-028. The Property is not large enough to accommodate a mix of three different uses. Typically, projects that contain mixed uses have high intensity non-residential and high density residential designations. The West Lake Worth Road Neighborhood Plan discourages high density residential within its boundaries, thus further hindering development of the small property with mixed uses that include residential. Additionally, the Applicant intends to carry forward the square footage limitation originally imposed on the Property which would further hinder any type of mixed-use development.*

*In addition, it is in the best interest of Palm Beach County to develop the Property with uses that will thrive and be successful in the long term. The market is the best indicator of what uses should be located on a commercial site. For example, neither a hotel nor vertically integrated live/work units at this location would not be viable.*

- *The project shall provide public usable open space and/or institutional uses that may promote social and cultural activities. At least 5% of the project shall be prominently located and designated as public usable open space to create squares, greens and/or plazas.*
  - *The Applicant is proposing to generally carry this condition forward should the Property be developed with residential and commercial uses. The West Lake Worth Road Neighborhood Plan requires the provision of a 30 foot wide landscape buffer adjacent to Lake Worth Road as well as Polo Club Road with a 10 foot meandering pathway. The zoning code has requirements for landscaping, foundation planting and buffering. In addition, all site plans are reviewed by Zoning and Landscape Staff and require the preparation of tree surveys and tree mitigation plans. Finally, before any site plan gets to public hearing, applicants have met with the neighborhood residents to review the proposed development for its compliance with the West Lake Worth Road Neighborhood Plan. Detailed issues such as percentage of open space and landscaping are best addressed at the Zoning phase of a project when the requirements can be reviewed against a site plan.*
- *Vehicular and pedestrian connections shall be provided to all existing and future adjacent development.*
  - *The Applicant is proposing to carry the condition forward to provide connectivity with the property to the east that is governed by Ordinance No. 2009-028. The property to the south is located within the approved residential development known as Fields at Gulfstream Polo, which is a walled and gated community. Therefore, it is only reasonable to connect to the property to the east.*
- *The interconnected vehicular and pedestrian circulation system shall provide on-street parking and access to transit stops and off-site pedestrian and bicycle systems where feasible.*
  - *The Property is only 8.83 acres which is not large enough to accommodate a block structure form of development. This would eliminate the ability to provide on-street parking. The West Lake Worth Road Neighborhood Plan requires the Applicant to provide a 30 foot wide landscape buffer with a 10 foot wide pedestrian pathway along the Lake Worth Road and Polo Club Road frontages. This condition is a duplication of what is now required by the neighborhood plan with respect to pedestrian circulation and connections.*
- *The internal street network shall form a block structure to facilitate the pedestrian oriented design of the project. The largest block perimeter shall measure no more than 1,800 linear feet. At least three full block*

*structures shall be created. Building mass, placement, and build to lines shall be utilized to provide a spatial definition along streets. The design shall incorporate human-scale elements along streets and in common areas that includes but is not limited to: seating, landscaping, lighting and water or art features.*

- *It is not practical to develop the Property with a block form of development and internal street network. Three blocks cannot be accommodated on the small 8.83 acre Property while also accommodating other requirements such as parking, landscaping, minimum drive aisle widths, etc.*
- *Parking shall be located in structures parking, or shall require hardscape (e.g. sidewalks, arcades, arbors) and landscape treatments that enhance the pedestrian environment and preserve the spatial definition along streets created by building placement. Parking and access in front of buildings shall be limited to no more than one double row of pull-in parking accessed via a two lane drive aisle and dispersed to strengthen the pedestrian system.*
  - *The small 8.83 acre Property will be required to provide large landscape buffers per the West Lake Worth Road Neighborhood Plan design guidelines. This landscaping reduces the amount of area that can be devoted to development. As referenced above, it is unrealistic to develop the Property utilizing a block structure form of development therefore no internal streets will be developed. Additionally, providing a parking structure for such a small property is not feasible. Pedestrian connectivity is a requirement in the design guidelines of the West Lake Worth Road Neighborhood Plan which will require the Applicant to provide pedestrian pathways and circulation throughout the development.*
- *The project shall demonstrate a vertical as well as horizontal integration of uses.*
  - *As mentioned above, the Property is too small to sufficiently accommodate a mix of uses that are vertically and horizontally integrated. Previous County initiated Comprehensive Plan text amendments have eliminated the requirement for mixed and multiple use future land use designations to provide vertical integration as it has proven to be a hindrance to development.*
- *No single tenant shall exceed 65,000 SF. Single large tenants must have architectural façade treatments or liner tenants to reduce large single use facades along streets. All buildings shall provide four-sided architecture.*
  - *The Applicant is proposing to carry the condition forward to not allow retail tenants in excess of 65,000 square feet. Additionally, it is important to note that the West Lake Worth Road Neighborhood Plan design guidelines prohibit single tenant development in excess of 65,000 square feet. It is also important to note that retail development is changing as internet shopping continues to become more popular. Many retailers are down-sizing their brick and mortar stores thereby no longer building the “Big Boxes” that used to cover the suburban landscape.*

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

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

***Response:** The property to the west, known as Lake Worth Commercial (LGA 2017-013), received approval to modify the conditions of approval to increase the residential density from 2 units per acre to 5 units per acre as well as relax the design restrictions imposed by the requirements associated with the Lifestyle Commercial Center development. The Lifestyle Commercial Center is difficult to implement and not marketable to developers due to the required design guidelines, thus necessitating the adopted amendment on the project to the west as well as the Applicant’s request due to the reduced size of the Property.*

**b. Changes in the access or characteristics of the general area and associated impacts upon the subject site.**



**Response:** *The Comprehensive Plan has policies in place that prohibit the development of new mid-block commercial designations unless developed as a mixed-use development. The Lifestyle Commercial Center was created as a method of approving commercial future land use designations in alternative locations that did not meet the location criteria. Therefore, the conditions of approval were originally imposed on the Property to ensure that any proposed development would comply with the Lifestyle Commercial Center and not encourage mid-block or strip commercial development. The West Lake Worth Road Neighborhood Plan was subsequently adopted which identified Polo Club Road as a significant roadway connecting the future residential developments to Lyons Road and Lake Worth Road. The West Lake Worth Road Neighborhood Plan also created a commercial node at this intersection to serve the residents of the west Lake Worth Road area. Polo Club Road has since been constructed and will soon become a signalized intersection. Therefore, the Property now meets the commercial location criteria and does not encourage strip commercial or mid-block commercial development.*

*Another important change that should be noted for the surrounding area is a change from equestrian uses to residential. Within the past 10 years this area of Palm Beach County has experienced significant residential development. Developing a commercial project that can serve the needs of this new residential is critical in order to reduce trip lengths and keep residents close to their homes rather than traveling farther distances to obtain needed services. The Applicant's request will allow for appropriate commercial development to be designed consistent with the zoning code and the West Lake Worth Road Neighborhood Plan.*

**c. New information or change in circumstances which affect the subject site.**

**Response:** *At the time of the original adoption of Ordinance No. 2009-028, the West Lake Worth Road Neighborhood Plan had yet to be adopted. With the adoption of the West Lake Worth Road Neighborhood Plan, the design guidelines are now included within the neighborhood plan and are reviewed and applied to all projects during the zoning and site plan review process. The conditions are repetitive and should be excluded from the Comprehensive Plan amendments.*

*After the adoption of this ordinance, the neighborhood plan was adopted and recognized by the Board of County Commissioners. The Property then changed hands and was subsequently acquired by the Applicant. The Applicant only acquired a portion of the Project governed by Ordinance No. 2009-028. The existing conditions of approval imposed on the entire 19 acre Project assumed that the entire 19 acres would be developed as one cohesive project. Unfortunately, the Applicant only has control over the 8.83 acre portion of that Project and cannot build a development that would comply with the adopted conditions of approval.*

*Additionally, it is important to note that although the Lifestyle Commercial Center designation has existed since 2009, there are only two projects designated as Lifestyle Commercial Development and actual vertical development in the form of a Lifestyle Community Center has not yet occurred anywhere in the County. The lack of interest in developing this type of mixed use is based upon the difficulty of meeting the design requirements associated with the Lifestyle Commercial Center. Ultimately staff initiated a Comprehensive Plan text amendment to limit that type of development to the only two existing Lifestyle Commercial Center properties: the parcel to the west and the Project governed by Ordinance 2009-028.*

**d. Inappropriateness of the adopted FLU designation.**

***Response:** The existing conditions imposed by Ordinance No. 2009-028 are inappropriate for the 8.83 acre Property. This ordinance governs the Property in addition to the +/- 9.6 acre property to the east. When Ordinance No. 2009-028 was adopted, it was intended that the entire 19.04 acre Project would develop as one cohesive project under unified control. The 8.83 acre Property has since changed hands and intends to develop the Property independent of the +/- 9.6 acre property to the east. As discussed above, the conditions required development to be in block form with a minimum of three blocks, a mix of three different uses one of which was required to be residential and the provision of usable open space for the public. As referenced and discussed above, these conditions were imposed on the project prior to the adoption of the West Lake Worth Road Neighborhood Plan. Applying these conditions to the small 8.83 acre Property is not practical nor feasible.*

*It is also important to note that Palm Beach County adopted a staff initiated Comprehensive Plan text amendment that eliminated the Lifestyle Commercial Center designation except for two locations, one being the southwest corner of Lake Worth Road and Polo Club Road and the other being the southeast corner for Lake Worth Road and Polo Club Road ("Project"). This staff initiated amendment was spurred by the lack of market demand in developing such projects as well as the development hindrances imposed by the design criteria contained within the Lifestyle Commercial Center designation.*

**e. Whether the adopted FLU designation was assigned in error.**

***Response:** N/A*

**G.2 Residential Density Increases**

This proposed FLU amendment is not requesting to increase residential density.

**G.3 Compatibility**

Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety, or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise vibration, smoke, hazardous odors, radiation, and other land use conditions. The definition of "compatibility" under the repealed Rule 9J-5, FAC, is "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted, directly or indirectly by another use or condition". With this definition in mind, the requested change would make the Property more compatible with the surrounding properties which have undergone land use amendments.

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can complement and support each other. For example, an industrial use can provide essential services to residents of surrounding neighborhoods, as well as the community at-large. In addition, buffering, screening, setback, height, and landscaping requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses.

Several factors lead to the conclusion that the proposed FLUA Map Amendment designation will be compatible with neighboring uses.

- Primary access is available from Lake Worth Road and Polo Club Road, both rights-of-way identified in the Neighborhood Plan, thus directing traffic away from local roads in the vicinity.
- The Property is located at a node that is identified in the West Lake Worth Road Neighborhood Plan. The Neighborhood Plan identifies the Property and the property to the west as Commercial High. On this basis, the proposed development concept at this location is determined to be compatible.



- The proposed use is consistent with the existing development pattern and adjacent uses that have occurred within the Neighborhood Plan and along the Lake Worth Road corridor.

The Property already has a Commercial High future land use designation, which is appropriate given the West Lake Worth Road Neighborhood Plan designation for commercial uses at this location, and general land use practices of keeping commercial uses along major transportation corridors and at nodal locations. The Commercial High designation has already been determined to be consistent with the Plan, and compatible with the existing and planned development based upon the design guidelines imposed by the adopted Neighborhood Plan. The above factors, coupled with setback, buffer and landscaping requirements will dictate that on-site structure(s) will be compatible with the neighboring properties and not create or foster undesirable health, safety, or aesthetic effects.

#### **G.4 Comprehensive Plan**

The proposed Future Land Use Atlas Amendment is consistent with various goals, objectives, and policies in the Palm Beach County Comprehensive Plan as detailed below. Furthermore, the proposed amendment is consistent with the West Lake Worth Road Neighborhood Plan goals, objectives, and policies.

**Goals** – The proposed FLUA amendment furthers the County’s goals as further described below.

- **Balanced Growth** – “...to recognize the diverse communities within the County, to implement strategies to create and protect quality livable communities respecting the lifestyle choices for current residents, future generations, and visitors, and to promote the enhancement of areas in need of assistance.”

*Response: Approval of this proposed FLU amendment will allow for the development of a commercial project that will provide needed services to the surrounding residential community. The West Lake Worth Road Neighborhood Plan identified the intersection of Lake Worth Road and Polo Club Road as a commercial node. Unfortunately due to the restrictive design guidelines of the Lifestyle Community Center neither the east nor the west side of Polo Club has been able to attract development. The Applicant only controls a small 8.83 acre portion of the previously approved Project governed by Ordinance No. 2009-028 and seeks to develop the Property with uses that will serve the existing and planned residential development in the area.*

- **Community Planning and Design** – “...to develop and implement strategies that will enhance the quality of life within its neighborhoods and communities by ensuring that these areas are well-planned, visually pleasing, safe, and devoid of substandard housing and blight.”

*Response: Approval of the proposed FLU amendment will allow for the development of an existing neighborhood serving commercial designation for the residents of the West Lake Worth Road Neighborhood Plan area. The very definition of a well planned community is one that is compact and self-contained with a mix of uses providing for the daily need to live, work, play, worship, dine, and shop. The redevelopment of an existing community serving commercial use would be a better use for the Property as appropriate buffers and landscaping would be incorporated into the project’s design. Additionally, commercial uses would provide needed services to those living and working within the immediate community that are not being provided in the existing regional commercial centers farther to the east along the Lake Worth corridor or to the west in Wellington.*

**Objectives** – The proposed FLUA amendment furthers the County’s objectives as further described below.

- **Objective 1.2 Urban/Suburban Tier** – “Palm Beach County shall plan to accommodate approximately 90% of the County’s existing and projected population through the long-range planning horizon within the Urban/Suburban Tier. The Urban/Suburban Tier shall include all land within the Urban Service Area, as depicted on the Service Areas Map in the Map Series. These areas have a development pattern generally

characterized as urban or suburban, considering the intensity and/or density of development. The Urban/Suburban Tier shall be afforded urban levels of service.

**Response:** *The Property is located within the Urban/Suburban Tier where services and public facilities are already available. The Property has already been designated as Commercial High and is located at a recognized commercial node for the West Lake Worth Road Neighborhood Plan area. The existing conditions imposed by Ordinance No. 2009-028 limit development of the Property and the adjacent parcels to a total of 300,000 square feet. This proposed amendment retains the limitation by revising the square footage limitation on the Property to the pro rata share of the 300,000 square feet.*

- **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 the long-range planning horizon.”

**Response:** *Although the Property has been designated as a commercial node with a Commercial High future land use designation, no development interest has occurred to date for any of the properties that make up the commercial node. This proposed amendment will loosen up the restrictive design guidelines for a small 8.83 acre property similar to that which was approved for the +/- 30 acre property at the southwest corner of Lake Worth Road and Polo Club Road. This commercial node was created to serve the existing and future residents of the western Lake Worth Road community. This area has quickly transformed from primarily equestrian/agriculture uses to residential development. This proposed amendment will ensure that the commercial node is developed to meet the growing needs and demands of the surrounding community.*

**Policies** – The proposed FLUA amendment furthers the County’s policies as further described below.

- **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 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.”

**Response:** *The Property is located within the Urban/Suburban Tier where services and public facilities are already available. The Property is part of an approved commercial node with a Commercial High future land use designation. The proposed amendment will loosen the restrictive design guidelines imposed on the Property that make development of the 8.83 acres nearly impossible. The Applicant is proposing to retain the square footage limitation and provide cross access to the remaining parcels to the east that are included within the original approved Ordinance No. 2009-028. The Applicant will also abide by the design guidelines of the West Lake Worth Road Neighborhood Plan that require additional landscape buffers and pedestrian amenities along the Property boundaries. All of this will ensure that the suburban character of the surrounding area remains unchanged.*

- **Policy 2.1-i: Residual Parcel:** 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 additional, 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.

**Response:** *The Property constitutes 8.83 acres of a larger 19.04 acre Project that was subject to Ordinance No. 2009-028. Since that ordinance was adopted, the Applicant acquired the 8.83 acre Property and desires to develop it independent of the remaining +/- 9.6 acres under separate ownership. The Applicant is not intending to create a residual parcel by this application, therefore cross access will be provided to the parcels to the east with the proposed amended conditions.*

- **Policy 4.1-c:** “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 rezoning, conditional use or Development Review Office approval...”

**Response:** *The Property is located within West Lake Worth Road Neighborhood Plan area. Ordinance No. 2009-028 was originally approved prior to the adoption of that neighborhood plan thus the reason for the strict imposition of the design related conditions. The Neighborhood Plan has now been adopted and the design guidelines are in place thus eliminating the need for such restrictions imposed on the Property by ordinance.*

### **G.5 Florida Statutes**

Data and analysis demonstrating that the proposed development can be supplied by necessary services without violating adopted LOS standards are presented in Attachment H (Traffic Letter and Study), J (Drainage Statement), K (Fire Rescue Letter), and I (Water and Wastewater Provider Letter). Data and analysis discussing environmental and historical resources impacts are presented in Attachments J (Drainage Statement), M (Wellfield Zone), L (Natural Features Inventory and Map) and N (Historic Resource Evaluation Letter). No negative environmental impacts are identified.

The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below along with the applicant’s descriptions. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment discourages urban sprawl.

- Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single use development or uses.
  - **Response:** *The applicant is requesting to modify several conditions of approval that do not impact the existing approved intensity of the Property. The amendment does not promote low intensity/density or single-use development.*
- Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
  - **Response:** *The Property is located in the Urban/Suburban Tier and within the Lake Worth Road corridor which is not rural in nature and urban services such as police, fire rescue and water/wastewater/drainage utilities are existing in the immediate area.*
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
  - **Response:** *The development is not isolated in nature as existing development exists to the north, south, east & west. Specifically, commercial uses have been developed and approved on the north side of Hypoluxo Road, a congregate living facility is under construction to the west of the Property, and residential uses are developed to the south of the Property. This proposed change would ultimately provide for infill development along a rapidly changing roadway corridor.*

- Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
  - **Response:** *This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The Property is mostly cleared as it has been used for equestrian purposes. There are no wetland conditions on the Property and any native trees will be mitigated according to County policies.*
- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
  - **Response:** *The Property is located within the Urban/Suburban Tier and it is not located within any zoning district or overlay which would mandate the continued use of the Property for agriculture. These types of activities are often not compatible with the urban/suburban level of development that is occurring within the Lake Worth corridor.*
- Fails to maximize use of existing public facilities and services.
  - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. In comparison to other uses that are allowed in private civic parcels, it is anticipated that the proposed congregate living facility will have much less impact on public facilities and services.*
- Fails to maximize use of future public facilities and services.
  - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. In comparison to other uses that are allowed in private civic parcels, it is anticipated that the proposed congregate living facility will have much less impact on public facilities and services.*
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
  - **Response:** *Public services and facilities are already available in the immediate vicinity. The proposed amendment will fit in with the existing land use pattern. The proposed congregate living facility will provide a transitional use between the non-residential uses on the north side of Hypoluxo Road and the existing residential to the south of the Property.*
- Fails to provide a clear separation between rural and urban uses.
  - **Response:** *The Property is located within the Urban/Suburban Tier and not adjacent to any other Tiers therefore defining a clear separation between rural and urban uses. Therefore, the proposal discourages the proliferation of Urban Sprawl.*
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
  - **Response:** *This amendment will allow for what could be considered infill development as urban/suburban styles of development have occurred and/or are approved in each direction from the Property.*
- Fails to encourage a functional mix of uses.
  - **Response:** *Approval of this proposed amendment will allow the development of a Property in conformance with the approved West Lake Worth Road Neighborhood Plan that has already determined the appropriate and functional mix of uses within the neighborhood plan boundaries.*
- Results in poor accessibility among linked or related land uses.
  - **Response:** *The development will be designed with pedestrian connections as required through the site plan approval process.*
- Results in the loss of significant amounts of functional open space.
  - **Response:** *This amendment does not result in a loss of any functional open space as the Property is currently not utilized as functional open space for public use.*

**Florida Statutes, Section 163.3177.(6).(a).9.b:** Of those criteria listed in this section the subject property will meet the following criteria which shows that it will discourage the proliferation of urban sprawl:

- Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
  - **Response:** *This amendment does not fail to protect and conserve natural resources as the Property is vacant of natural resources. The Property is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - **Response:** *The request for a FLUA amendment will maximize the use of future public facilities and services existing and within a relatively urban corridor. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl.*
- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
  - **Response:** *The Property will be designed with pedestrian connectivity as required by the West Lake Worth Road Neighborhood Plan with pedestrian pathways along the adjacent roadways and connections to the proposed development. Additionally, the development will provide for additional commercial choices for present and future population in the area as well as having access to the Palm Tran bus routes.*
- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
  - **Response:** *The Property is an existing Commercial High designation property within the Lake Worth Road Neighborhood Plan area. The proposed amendment will allow for a commercial development that will better serve the surrounding residential community.*

### **Conclusion**

As described above, the proposed FLU amendment to modify the existing conditions of approval is consistent with the Goals, Objectives, and Policies of Palm Beach County's Comprehensive Plan and the Florida State Statutes. The proposed amendment is also compatible with the surrounding area. The proposed amendment does not contribute to urban sprawl. The amendment is consistent with the adopted West Lake Worth Road Neighborhood Plan.

### **II. ULDC CHANGES**

No ULDC changes are needed in response to this proposed comprehensive plan future land use atlas amendment.





**Water Utilities Department  
Engineering**

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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

January 26, 2018

Morton  
3910 RCA Boulevard  
Palm Beach Gardens, FL 33410

RE: SE Corner of Lake Worth Road & Polo Road  
PCN 00-42-43-27-05-028-0041  
Service Availability Letter

Dear Ms. McClellan:

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for the maximum density of 151,576 sf of non-residential use associated with 9.62 acres or the proposed 300,000 sf of non-residential use /19.04 acres.

A 12" potable water main and 12" wastewater forcemain are located within Lake Worth Road right of way adjacent to the subject property. A watermain extension along Polo Road may 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



**CAULFIELD & WHEELER, INC.**  
Consulting Engineers • Surveyors & Mappers

Celebrating  
**30**  
years

Engineering EB0003591  
Surveying LB0003591  
Landscape Architecture LC0000318

January 24, 2018

Mrs. Joanne Keller, P.E.  
Palm Beach County Land Development  
2300 North Jog Road, 3<sup>rd</sup> Floor  
West Palm Beach, Florida 33411-2745

**Subject: Drainage Statement**  
**Haley Farms**  
**PCN #'s - 00-42-43-27-05-028-0041 & 0042-43-27-05-028-0042**  
**SE Corner of Lake Worth Road & Polo Road, South of LWDD L-12 Canal**  
**Palm Beach County, Florida**

Dear Mrs. Keller:

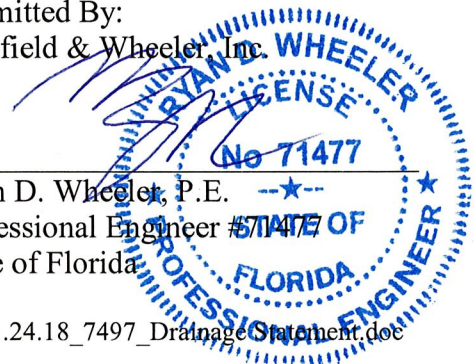
The drainage system for the proposed "Haley Farms" project will consist of a combination of on-site lake, swales, inlets, and culverts, and will have legal positive outfall to the Lake Worth Drainage District L-13 Canal. The proposed project is included within the overall stormwater management system for Gulfstream Polo Properties PUD (SFWMD Permit No 50-11013-P) as North Basin #N4. The land use breakdown for the proposed site will match or be close to the assumptions stated for this Basin within the overall permit as to not raise the flood stages specified in the existing permit. The final design for the site is predicated on the ultimate site plan configuration.

The project is within the SFWMD C-16 Basin, and the site will comply with the C-16 basin requirements of discharge requirements of 62.6 CSM (cubic feet per square mile).

The South Florida Water Management District criteria for this project will be a water control elevation of 14.50 feet NAVD. The proposed road and finished floor criteria will exceed the calculated 5-year and 100-year storm criteria as required by code. Control structure #1 within the Gulfstream Polo Properties PUD permit will regulate the discharge into the Lake Worth Drainage District L-13 Canal so as not to exceed the allowable discharge for the 25-year storm, 3-day event, which meets the required level of service for Palm Beach County.

Submitted By:  
Caulfield & Wheeler, Inc.

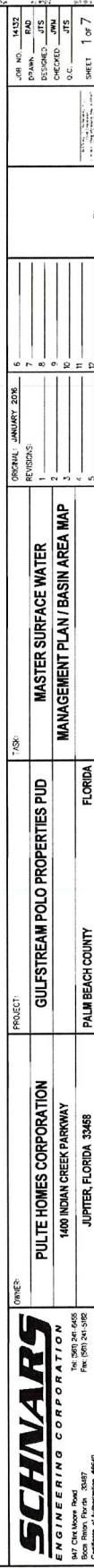
Ryan D. Wheeler, P.E.  
Professional Engineer #71477  
State of Florida



RDW:rw

P:\07497-00-00-00 navd88\eng-docs\permits\PBCLD\Drainage Statements\01.24.18\_7497\_Drainage Statement.doc









**Fire Rescue**

Chief Jeffrey P. Collins

405 Pike Road

West Palm Beach, FL 33411

(561) 616-7000

www.pbcgov.com



**Palm Beach County  
Board of County  
Commissioners**

Paulette Burdick, Mayor

Melissa McKinlay, Vice Mayor

Hal R. Valeche

Dave Kerner

Steven L. Abrams

Mary Lou Berger

Mack Bernard

**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"

Official Electronic Letterhead

January 9, 2018

JMorton

Attention: Christine Stivers

3910 RCA Boulevard Suite 1015

Palm Beach Gardens, FL 33410

Re: PCN: 00-42-43-27-05-028-0041

Dear Christine Stivers:

Per your request for response time information to the subject property located on the southeast corner of Lake Worth Road and Polo Road. This property is served currently by Palm Beach County Fire-Rescue station #32, which is located at 4022 Charleston Street. The subject property is approximately 1.75 miles from the station. The estimated response time to the subject property is 6 minutes. For fiscal year 2017, the average response time (call received to on scene) for this stations zone is 6:52.

Changing the land use of this property will have minimal impact on Fire Rescue.

If you have any further questions, please feel free to contact me at 561-616-6909.

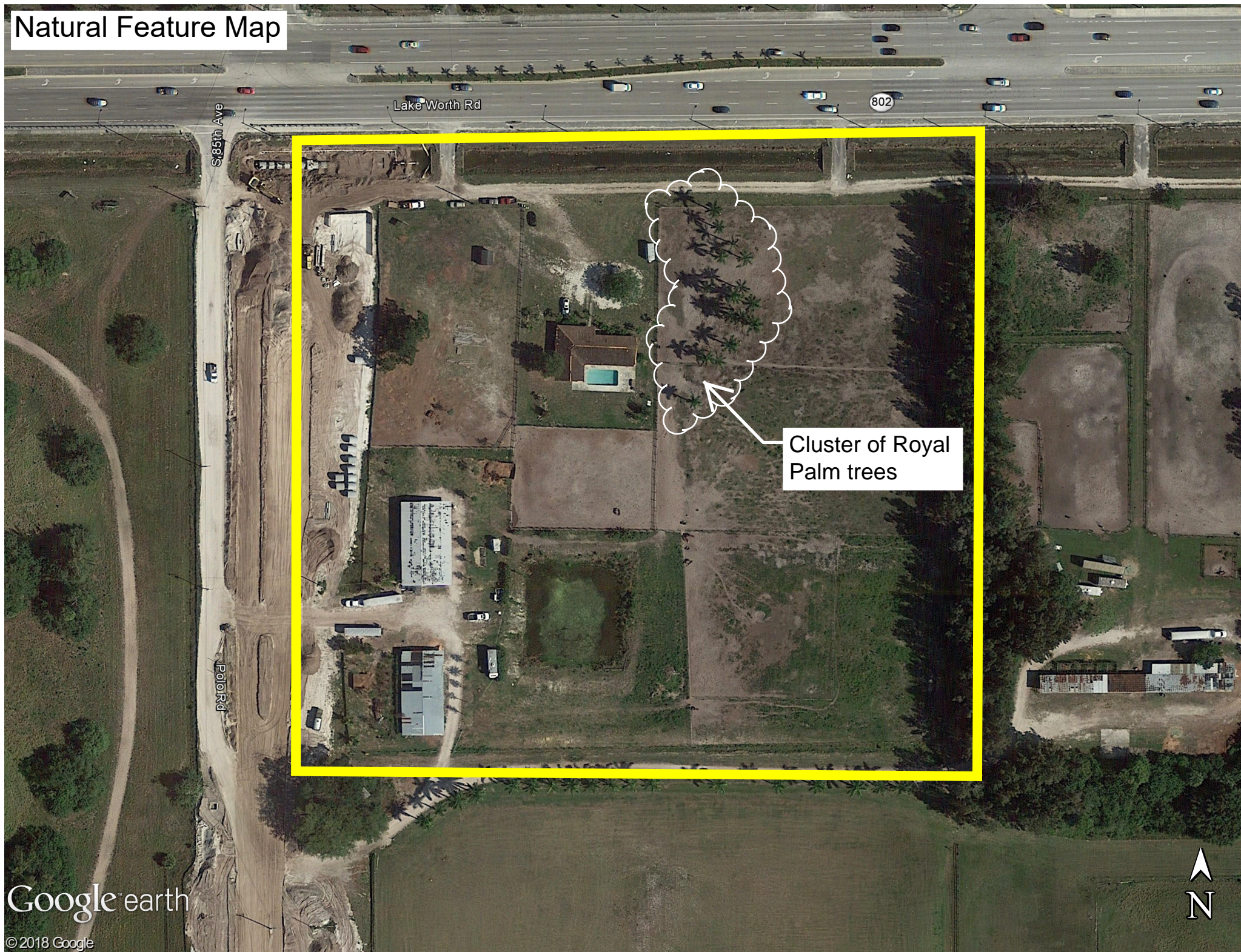
Sincerely,

Cheryl Allan, Planner

Palm Beach County Fire-Rescue



# Natural Feature Map



Lake Worth Rd

802

S 85th Ave

Potter Rd

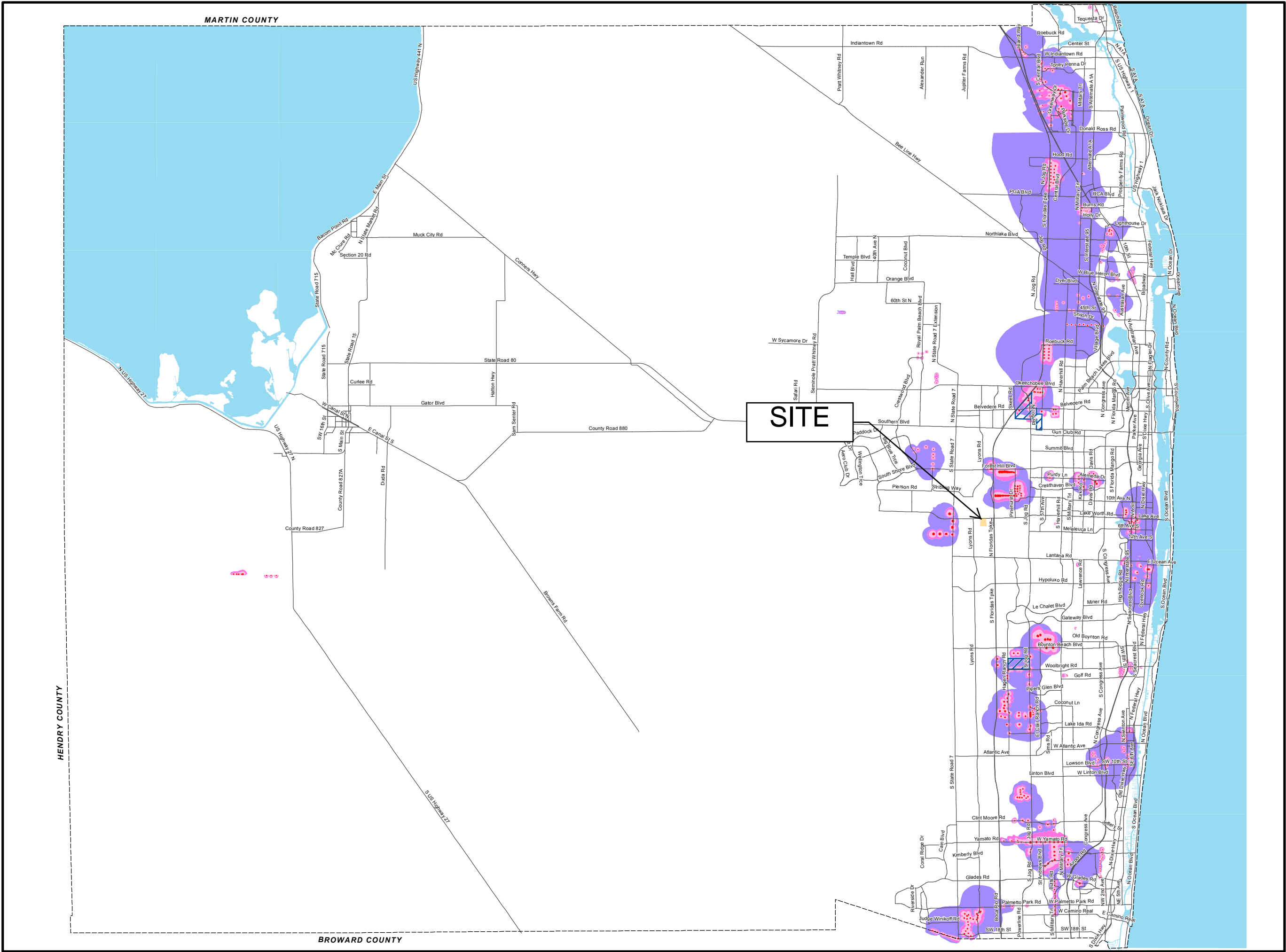
Cluster of Royal  
Palm trees

Google earth

© 2018 Google







MAP LU 4.1  
GENERALIZED  
WELLFIELD MAP

- Zone 1
- Zone 2
- Zone 3
- Zone 4
- Turnpike Aquifer Protection Overlay

SOURCES:  
PBC Dept. of Environmental Resources Management

Note: Official Wellfield Protection Maps are kept at, and can be obtained from, the Palm Beach County Department of Environmental Resources Management.

The information presented represents the most readily available data. No guarantee is made as to the completeness or accuracy of the information displayed. Consult appropriate County staff for final determination.

Last Amended in Round 15-1 by Ord. 2015-015



PALM BEACH COUNTY  
COMPREHENSIVE PLAN  
MAP SERIES



1 0 1 2 3 Miles

Effective Date: 6/12/2015  
Filename: N:\Map Series\WXDs\Adopted  
Contact: PBC Planning Dept.



**Department of Planning,  
Zoning & Building**

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

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



**Palm Beach County  
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Paulette Burdick

Dave Kerner

Steven L. Abrams

Mary Lou Berger

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

January 4, 2018

Christine Stivers  
J. Morton, Planning & Landscape Architecture  
3910 RCA Boulevard, Suite 1015  
Palm Beach Gardens, Florida 33410

**RE: Historical and Archaeological Resource Review for property located  
on the southeast corner of Lake Worth Road & Polo Road:  
PCN: 00-42-43-27-05-028-0041.**

Dear Ms. Stivers:

This correspondence is in reply to your request for a review of the above referenced property in regards to the identification of any cultural resources (historical and archaeological resources) located on or within 500 feet of the property.

Staff review of the County's survey of historic/architecturally significant structures, and of properties designated for inclusion in the National Register of Historic Places (NRHP), has identified no historic or architecturally significant resources on or within 500 feet of the above referenced property.

Staff review of the County's map of known archaeological sites has identified no known archaeological resources located on or within 500 feet of the above referenced property.

However, should any artifacts or skeletal remains be encountered during construction, per Florida Statue 872, construction must stop around the remains and the local sheriff and medical examiner contacted.

Should you have any questions or comments, please contact me at (561) 233-5331.

Sincerely,

Christian Davenport, MA, RPA  
County Historic Preservation Officer/ Archeologist