



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

BCC ADOPTION PUBLIC HEARING, OCTOBER 31, 2018

A. Application Summary

I. General

Project Name:	Haley Farms Commercial (LGA 2018-023)
Request:	To revise previously adopted conditions of approval
Future Land Use:	Commercial High with underlying 2 units per acre (CH/2)
Acres:	8.83 acres
Location:	Southeast corner of Lake Worth Road and Polo Road
Project Manager:	Bryce Van Horn, Senior Planner
Applicant:	Haley Farms LLC
Owner:	Haley Farms LLC
Agent:	J Morton Planning & Landscape Architecture
Staff Recommendation:	Staff recommends Approval based upon the findings and conclusions contained within this report.

II. Assessment & Conclusion

This 8.83 acre amendment site proposes to modify a previously adopted mixed use commercial and residential site that was adopted in 2009. The original amendment, Lake Worth/Turnpike SW Commercial LGA 2009-006 (Ord. 2009-028) included 19.04 acres and requested a change from Low Residential 2 units per acre to Commercial High with underlying 2 units per acre (CH/2). Since the site was mid-block and did not meet the commercial location requirements, the County assigned conditions of approval to require design elements and development of a Lifestyle Commercial Center (LCC) with a cap of 300,000 square feet of non-residential uses. This requirement was also to compliment the previously approved 37 acre LCC site to the west. Subsequently, the County has deleted the LCC provisions from the Comprehensive Plan and approved an amendment to eliminate the LCC requirement for the site to the west (Lake Worth Commercial LGA 2017-013).

The proposed amendment is a request to delete conditions of approval requiring that the site be developed as an LCC, to delete mixed use related design conditions, and to allocate an equitable portion of the approved square footage to the subject site. The applicant proposes to retain connectivity requirements and a percentage of usable open space if developed as a mixed use project.

The applicant has provided an adequate justification, the amendment is compatible with surrounding area, and is consistent with Comprehensive Plan Policies. Staff will continue to work with the applicant regarding conditions of approval considering other projects in process in the area to ensure that the connectivity requirements of the neighborhood plan are met.

III. Hearing History

Local Planning Agency: *Approval with conditions*, motion by Neil Merin, seconded by Dr. Lori Vinikoor, passed in an 8-0 vote at the June 8th public hearing. The Board questioned usable open space requirement for mixed uses on the site and asked for clarification on the boundaries of the original 2009 amendment. There was no public comment.

Board of County Commissioners Transmittal Public Hearing: *Transmit*, motion by Comm. Abrams, seconded by Comm. Bernard, passed in a 7 to 0 vote at the July 23rd public hearing. There was no Board discussion. One member of the public expressed comments regarding loss of open space and increased traffic.

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

Board of County Commissioners Adoption Public Hearing: *Wednesday, Oct. 31, 2018*

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Future Land Use Atlas Amendment

Haley Farms Commercial (LGA 2018-023)



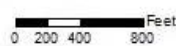
Site Data

Size: 8.83 acres
 Existing Use: Vacant
 Proposed Use: Commercial
 Current FLU: CH/2
 Proposed FLU: CH/2 (modify conditions)

Future Land Use Designations

LR-1	Low Residential, 1 unit per acre	CL-O	Commercial Low Office
LR-2	Low Residential, 2 units per acre	CL-O/2	CL-O, underlying LR-2
LR-3	Low Residential, 3 units per acre	CH/5	CH, underlying MR-5
MR-5	Medium Residential, 5 units per acre	CH/8	CH, underlying 8 units per acre
HR-12	High Residential, 12 units per acre	CLX/3	CL Crosshatching, underlying LR-3
CL/3	Commercial Low, underlying LR-3	INST	Institutional and Public Facilities
CH/2	Commercial High, underlying LR-2	INST/5	INST, underlying MR-5
CH/3	Commercial High, underlying LR-3	UT	Utilities and Transportation

Date: 02/02/2018
 Contact: Planning Division
 Filename: AMEND18-D\Sitel18-23
 Note: Map is not official, for presentation purposes only.



Planning, Zoning & Building
 2300 N. Jog Rd, WPB, FL 33411
 Phone (561) 233-6300



B. Petition Summary

I. General Data

Project Name: Haley Farms Commercial (LGA 2018-023)
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II. Site Data

Current Future Land Use

Current FLU: Commercial High with an underlying Low Residential, 2 units per acre (CH/2)
Existing Land Use: Residential and Equestrian
Current Zoning: Residential Transitional (RT)
Current Dev. Potential Max: Commercial uses up to 192,317 sf

Proposed Future Land Use Change

Proposed FLU: Commercial High with an underlying Low Residential, 2 units per acre (CH/2)
Proposed Zoning: Multiple Planned Use Development (MUPD)
Dev. Potential Max/Conditioned: Commercial uses up to 145,790 sf (amendment proposes to revise conditions of approval)

General Area Information for Site

Tier/Tier Change: Urban/Suburban Tier – No Change
Utility Service: Palm Beach County Water Utilities Department
Overlay/Study: West Lake Worth Road Neighborhood Plan (WLWRNP)
Annexation Area: None
Comm. District: Commissioner Melissa McKinlay, District 6

C. Introduction

I. Intent of the Amendment

The amendment is proposing to revise previously adopted conditions of approval on an 8.83 acre site with a future land use designation of Commercial High with an underlying Low Residential, 2 units per acre (CH/2). The CH/2 designation was adopted by Ordinance 2009-028 which included an additional approximately 9.3 acres, comprised of six parcels, located to the east of the site. The conditions of approval assigned a maximum commercial square footage, required that the site be developed as a Lifestyle Commercial Center (LCC), and established design requirements. The specific changes proposed by this application are provided in strike out and underline format in Exhibit 1. In summary, these changes propose to revise the following:

- Allocate an equitable share (145,790 square feet) of the approved square footage (300,000 square feet) to the subject site. The remainder would be for the remaining portion of the 6 parcels to the east subject to prior Ordinance 2009-028.
- Remove the requirement that the subject site be developed as a Lifestyle Commercial Center.
- Delete the majority of design guidelines .
- Add a condition of approval requiring cross access to the remaining properties in Ord. 2009-028 to the east.
- Retain design requirement for 5% useable open space if developed with both residential and commercial retail uses.

The site currently has a Residential Transitional (RT) zoning designation. The amendment does not have a concurrent zoning application.

II. Background/History

The 8.83 acre subject site is in the eastern central part of the County in the Urban/Suburban Tier and is located west of the Florida Turnpike at the southeast corner of Lake Worth Road and Polo Road. The site is located within the West Lake Worth Road Neighborhood Plan (WLWRNP) area and has a Future Land Use designation of Commercial High with an underlying Low Residential, 2 units per acre (CH/2). The properties in the immediate area surrounding the site have a range of low to medium residential, institutional and commercial FLU designations.

The site has a Residential Transitional (RT) Zoning District. The existing uses on the site include a single family home and equestrian activities.

In 2009, the County approved an amendment for the subject site and additional parcels adjacent to the east amending the future land use designation from Low Residential, 2 units per acre (LR-2), to Commercial High with an underlying LR-2 (CH/2) designation by Ordinance 2009-028 (Lake Worth/Turnpike SW Commercial - LGA 2009-006). The ordinance included conditions of approval which required the site to be developed as a Lifestyle Commercial Center (LCC), a mixed use development pattern which had been recently adopted into the Comprehensive Plan. The conditions also included design criteria, connectivity requirements, and square footage limitations for overall square footage and largest tenant size. The original assemblage of eight parcels totaled approximately 19.04 acres. The applicant is requesting a Comprehensive Plan Amendment to amend the conditions of approval for this 8.83 portion of the prior 19.04 acre Future Land Use Atlas amendment.

Overview of the Area

Beginning in 2008, various property owners in the area began submitting FLUA amendments to increase density and/or intensity. This activity prompted residents from eight of the surrounding communities to begin formulation of the West Lake Worth Road Neighborhood Plan (WLWNP). The Lake Worth Road Coalition, Inc., is the primary stakeholder group established to monitor implementation of the Neighborhood Plan recommendations. The Neighborhood Plan was completed and formally received and filed by the Board of County Commissioners in November 2009. Subsequently, the County has adopted several other amendments to establish commercial or increase residential density in the Neighborhood Plan area. The neighborhood plan establishes design guidelines and a Master Plan that recommends density increase up to, but not exceeding, a density of 5 units per acre in the vicinity of the subject site. The Master Plan also depicts properties that are planned for commercial such as the subject site.

D. Consistency and Compatibility

I. Data and Analysis Summary

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

A. Consistency with the Comprehensive Plan - General

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

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

The Applicant has prepared a Justification Statement (Exhibit 2) which is summarized as follows:

- The County has revised the Comprehensive Plan to largely eliminate the Lifestyle Commercial Center (LCC) concept, except for the prior approved ordinance at this intersection (including the subject site). The applicant states that this amendment and the recently adopted amendment on the neighboring site to the west last year

(Lake Worth Commercial LGA 2017-013) support the elimination of the LCC and related design conditions of approval on this site.

- At the time of the original approval in 2009, the site was assigned a mixed use form through the LCC in order to alleviate the site's inconsistency with the commercial location criteria that prohibited mid-block commercial. Subsequently the intersection of Lake Worth and Polo Club Roads has been established as a commercial node with a planned signal, thereby eliminating the requirement for mixed uses for consistency with the mid-block prohibition policy. Further, the applicant states that the site is too small for mixed uses, parking structures, and an urban block form of development with the change in ownership and a desire to move forward and develop this portion of the larger site.
- At the time the original amendment was adopted in 2009, the West Lake Worth Road Corridor Neighborhood Plan was not yet adopted. The applicant states that the adoption of a resolution to receive the Neighborhood Plan and inclusion of requirements for design eliminates the need for these items as conditions of approval within site specific amendment ordinances. The applicant states that the Neighborhood Plan's requirement for "a 30 foot wide landscape buffer adjacent to Lake Worth Road as well as Polo Club Road with a 10 foot meandering pathway" will reduce the amount of land available for development, and the condition to provide 5% usable open space for commercial development would result in additional loss of land. The applicant proposes to retain the requirement for usable open space if the site were to develop with a mix of commercial and residential instead. The applicant states that these conditions of approval are not necessary and redundant.

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 8.83 acre subject site was granted the CH/2 designation by ordinance 2009-028 with approximately 9.3 acres located adjacent to the east of the site. This prior ordinance encompassed approximately 19.04 acres with multiple owners as co-applicants on the prior amendment. The conditions of approval assigned a maximum commercial square footage, required that the site be developed as a Lifestyle Commercial Center, and established design guidelines. The entire 19.04 acre site subject to the prior amendment allowed up to 300,000 square feet of non-residential uses, with conditions of approval requiring a mix of uses including residential. Additional conditions of approval require pedestrian orientation, parking structures or hardscape and landscape treatments for parking and pedestrians, 5% usable open space, vertical integration of uses, and a maximum single tenant size of 65,000 square feet.

The applicant provides as justification for the amendment the approval of the amendment in 2017 (Lake Worth Commercial LGA 2017-013) on the original Lifestyle Commercial Center (LCC) to the west, the lack of viability for the mixed use requirements and structured parking, and that the LCC is no longer necessary since the site is now located at an intersection. The applicant states that the useable open space requirement is more appropriate for a mixed use project that includes residential. The applicant states however that the remaining design conditions of approval are no longer necessary since they are redundant with the requirements of the Neighborhood Plan.

Staff concurs that there is a basis for eliminating the LCC requirement due to the prior amendment eliminating the same, and that there is a basis for eliminating the mixed use

and parking design requirements due to the smaller size of the subject. However, there is no basis for eliminating 65,000 sf cap on the site.

The West Lake Worth Corridor Neighborhood Plan has been received and filed by the Board of County Commissioners, the County has no requirement to apply any of the recommendations. The County is required however to “consider” neighborhood plan recommendations. Many of the recommendations, mostly related to pathways and landscape buffers have been applied to the residential projects approved in the area. As the basis for the design guideline conditions was in part to implement development of an LCC and the fact that the LCC development type has been largely eliminated from the Comprehensive Plan as well as the Unified Land Development Code, there no longer is a basis for retaining most of the design guidelines. Eliminating these conditions of approval to allow this smaller project site to develop is warranted. Therefore, the applicant has met the requirements for adequate justification to support the request.

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

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

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

Staff Analysis: The proposed amendment does not introduce additional commercial in the area but seeks to amend conditions of approval related mainly to design of a mixed use development type. The design guidelines required currently are no longer warranted given the smaller site, the completion of the neighborhood plan, the elimination of the LCC provisions in the Comprehensive Plan, the elimination of the requirement for development of an LCC on the original and larger 37 acres site to the west, and the addition of Polo Road to the County Thoroughfare Identification Map (TIM), these events occurring after the adoption of the prior FLUA Ordinance on the site. The proposed deletion of the requirement to develop an LCC and most of the design guidelines does not detract from the above County Directions.

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

Staff Analysis: Although the subject site is part of a larger site that was subject to an amendment, the additional properties to the east within the prior ordinance are not under the same or related ownership. There are two parcels adjacent to the south that under related ownership (Dears Farm, LLC & Palm Tree Farms, LLC). However, these two parcels are part of an already approved residential Planned Unit Development known as Fields at Gulfstream Polo PUD, Pod A West, and have approval for 53 townhouse units. The proposed amendment to conditions will ensure an equitable distribution of the allowed square footage and conditions requiring cross access to the remainder commercial parcels to the east will further development of all the commercial parcels in a comprehensive manner. Therefore, the proposed amendment is consistent with this Policy.

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

Future Land Use Element Objective 1.1, Managed Growth Tier System, states that “*Palm Beach County shall implement the Managed Growth Tier System strategies to protect viable existing neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers.....*” The property is located in the Urban/Suburban Tier. The Comprehensive Plan contains several policies addressing future land uses in the Urban/Suburban Tier.

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 does not seek to change the future land use designation but proposes to amend conditions related to design guidelines for a mixed use type development. The proposed amendment does not seek to alter the character of the overall area. Therefore, the proposed amendment is consistent with this policy.

4. Policy 4.4.4-d: Lifestyle Commercial Center. *Lifestyle Commercial Center (LCC) Lifestyle Commercial Center is a type of Traditional Marketplace Development (TMD) that allows an individual tenant to occupy up to 100,000 sq. feet. The LCC is only allowed in the in the Urban Suburban Tier and only on the sites assigned a commercial future land use designation and condition of approval requiring the use of the LCC by Ordinance 2008-048 and 2009-028.*

Staff Analysis: At the time of submittal of the 2009 amendment in the 09-1 Amendment round for the subject site together with the 9.3 acres adjacent to the east , the request would have been inconsistent with the Comprehensive Plan if not proposed as an LCC, since the site violated the requirement for commercial future land uses to be located at intersections unless developed as Traditional Marketplace Development (TMD) or office only. The site was approved subject to language established in the Plan in the prior 08-1

Round of amendments that allowed sites to be mid-block if approved as a Lifestyle Commercial Center, a new mixed use development type.

The adoption of the prior 09-1 round amendment on the subject site was also consistent with the future land use amendment on the larger 37 acre site to the west in the 08-2 round known as Lake Worth Commercial (LGA-2008-009). The amendment on that 37 acres site included conditions requiring that site to develop as an LCC and develop consistent with numerous design guidelines. The conditions of approval in the ordinance with design guidelines helped to ensure that the LCC vision would be realized without creating a new Zoning district and were required as part of the previous Policy 4.4.4-d (formerly Policy 2.2.2-c). The ULDC was later amended to establish a corresponding LCC zoning district, which largely emulated the existing TMD requirements. It was later determined that the LCC zoning district was unnecessary, since neither the site to the west nor the subject site developed using the LCC regulations, and the commonality with the Traditional Marketplace (TMD) Zoning provisions. The only difference between them was the ability for an LCC to develop a single tenant up to 100,000 sf whereas the TMD was limited to a maximum tenant size of 65,000 sf. Furthermore, each amendment site had been adopted with conditions of approval in the FLUA amendment to guarantee minimum compliance with the LCC concept as originally envisioned.

This above referenced Policy was subsequently amended in January of 2017, largely deleting the LCC provisions in the Comprehensive Plan. Commensurately, the LCC Zoning District was deleted from the Unified Land Development Code the following August, eliminating the LCC as a standalone zoning district and retaining the term solely for the approved sites in the above referenced policy.

The 37 acre site to the west was then the subject of an amendment in October, 2017 to amend conditions and increase the density for underlying residential designation from LR-2 to MR-5. Among the adopted condition changes was the deletion of the requirement to develop as an LCC.

The conditions of approval adopted on the subject site as part of the original approval were meant to ensure the development of the site under the then newly created mixed use LCC development type. However, given the changes to the Policy and the subsequent deletion of the requirement to develop as an LCC on the larger site to the west, the deletion of the requirement to develop as an LCC and proposed changes to conditions are warranted. The adopted conditions are provided below with the discussion from the applicant and staff analysis for each, and the changes proposed by the applicant in strike out and underline.

Condition 1. *The subject site land area within Ordinance No. 2009-028 is limited to a maximum of 300,000 SF of non-residential uses or equivalent traffic generating uses. A maximum of 145,790 SF is assigned to this ordinance, with the remaining 154,210 SF assigned to the remainder of land area within Ordinance No. 2009-028.*

Staff Analysis: The applicant is proposing to equitably distribute the approved square footage, a maximum of 300,000 square feet, between the subject site and the properties remaining to the east within the original ordinance (Ord. 2009-028). There is no issue with this proposed change. This distribution reflects the dedication of .87 acres of the original 19.04 acres within the original ordinance, and an equitable distribution of the 300,000 SF to the subject site and remaining properties within the original ordinance.

Condition 2. The following design guidelines do not apply to the parcels identified within this ordinance. 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.

Staff Analysis: The revised condition 2 which explicitly eliminates the Lifestyle Commercial Center (LCC) requirement as well as design elements such as structured parking, creation of a main street and vertical integration, and a mixture of uses, thereby eliminating the intent of the previous amendment to minimize impacts on the surrounding area due to the site's mid-block location. The applicant is also proposing to eliminate the 5% open space requirement, pedestrian orientation, and the limitation on a single tenant of 65,000 sf to prevent the development of 'big box' uses. The applicant has justified the elimination of the LCC, mixed use, and parking structure requirements; however there is no basis for the elimination of the 5% usable open space, vehicular and pedestrian connections to all existing and future adjacent development, and the cap on a single tenant. The applicant proposes to retain these provisions however in Condition 3, below.

Condition 3. The following conditions of approval apply to this ordinance that area 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.*

Staff Analysis: The applicant proposes Condition 3 in order to retain the 5% usable open space provision if developed with both commercial and residential, require connectivity to the remaining portion of Ord. 2009-028 to the east of the site, and to retain the single tenant cap. The requirements of this condition are appropriate to ensure that this site provides: appropriate usable open space if residential is developed with commercial, access to the site to the east for consistency with the Neighborhood Plan, and to prevent large big box type development consistent with the same limitation established in 2017 on the larger 37 acre site to the west and consistency with the Neighborhood Plan.

In addition, this amendment is requesting to replace this condition “*Vehicular and pedestrian connections shall be provided to all existing and future adjacent development.*” with this condition: “*Cross access shall be provided to the parcel to the east that is the remaining land area within Ordinance No. 2009-028.*” The County has in process another future land use amendment within the Neighborhood Plan area located to the immediate east of the boundaries of Ordinance 2009-028 called Lake Worth Royale LGA 2018-015. Connectivity is essential to ensure consistency with the Neighborhood Plan, and staff will continue to work with the applicant to ensure that the wording of the proposed revised condition meets the connectivity requirements.

C. Compatibility

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

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

North: Immediately abutting the site to the north is the Lake Worth Drainage District L-12 Canal. Lake Worth Road is the north of the canal and is a six lane arterial roadway. Directly across Lake Worth Road are several properties including four single family home properties, with LR-2 and with direct access onto Blanchette Trail. Blanchette Trail provides access to the Palm Beach Ranchettes subdivision, with 1 acre lots, about a half mile further north. Farther east is a 4.42-acre site with the Christian Missionary Alliance Church with LR-3. At the northwest corner of Blanchette Trail and Lake Worth Road is a Congregate Living Facility, Harbor Chase at Wellington Crossing with 156 residents on a 16.48-acre site. This site received a land use amendment in 2015 from LR-2 to INST/5. North of that site is the 150 acre, 152 single family unit western half of Cypress Woods PUD (Control No. 1986-98) with an LR-3 Land Use Designation. Cypress Woods is developed at a density of 1.01 units per acre. The eastern half of Cypress Woods (aka Summer Chase) is separated by Blanchette Trail. This portion is 70 acres and developed with 221 single family units at a density of 3.15 and accesses Lake Worth Road via Cypress Isle Way across from the subject site. Near the Turnpike, is a built office development on 12 acres with CL-O/2 FLU, built commercial with CL/3 FLU on 17.5 acres developed with self-storage and indoor entertainment (Skate Zone), and built commercial

with CH/2 FLU on 5.5 acres developed with a hotel, fast food restaurant, and convenience store/gas sales.

South: To the south is the Gulfstream Polo area, roughly 340 acres have been the subject of numerous residential FLUA amendments to increase the FLU density from LR-2 to MR-5, immediately to the south and LR-3 further south. These properties are identified in the WLWRNP for increased density through FLUA amendments in lieu of TDRs and WFH bonus programs. Directly abutting the site to the south is the approved but unbuilt Pod A West and Pod A East of Fields at Gulfstream Polo PUD with 53 and 37 townhomes approved respectively. The PUD is approved for 973 units on 221 acres with a mix of single family, townhouse, and zero lot line units at gross density of approximately 4.4 units per acre. This PUD home site are currently under construction. Gulfstream PUD (aka Gulfstream Preserve) is to the southwest and approved for 248 units on 64 acres with a density of 3.8 units per acre. This PUD is mostly built. Finally, Andalucia PUD further to the south is also developing and is approved for 246 units on 67 acres with a gross density of 3.7 units per acre. All of these developing communities have access to Polo Road and consequently access to the subject site from Polo Road.

East: To the east is the remaining 6 parcels, totaling roughly 9 acres that were part of the prior Future Land Use amendment, Ordinance 2008-028 with the subject site. These properties have a CH/2 designation and subject to conditions in the Ordinance. Further east is roughly 30 acres of vacant property owned by the Florida Department of Transportation (FDOT) with an LR-2 designation, Hooks Road, and then the Florida Turnpike south bound interchange facility and Florida Turnpike. The 30 acres FDOT property is surplus property remaining from construction of the interchange in 2011 and is currently under contract for sale and purchase. The contract purchaser has submitted an application for a future land use amendment (Lake Worth Royale 2018-015) and is in the 18-D round of amendments requesting to change the property's designation from LR-2 to CH/2 on 3 acres, and HR-8 on 27 acres.

West: The site abuts Polo Road, a roadway that was adopted as a 2 lane 80 foot right of way on the County Thoroughfare Identification Map (TIM) in November of 2009 and connects to both Lake Worth Road and to Lyons Road to the southwest via 47th Place South. Both segments were adopted on the County's TIM. These segments were added in order to minimize impacts on both of these external roadways, and to provide for a collector roadway to provide the proposed residential areas with access to the proposed commercial along Lake Worth Road without the need to travel on either Lyons or Lake Worth Roads. The intersection of Polo Road and Lake Worth Road is anticipated to be signalized.

West across Polo Rad is the 37 acre Lake Worth Commercial amendment site. This site's designation was amended from LR-2 to CH/2 in 2008 with conditions to develop as a Lifestyle Commercial Center (LCC) type development including design guidelines. Another amendment was recently adopted in 2017 to increase the underlying density changing the designation from CH/2 to CH/5 and amending the conditions to delete the requirement for an LCC and amendment design requirements.

Further west is the Cedar Creek PUD with an LR-2 FLU on 38.82 acres. Cedar Creek was approved and developed in 2001 and is constructed with 77 single family units at a density of 1.98 units per acre.

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: The applicant states that the proposed amendment is compatible with the surrounding uses based upon the following:

- *“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.”*

Staff Analysis: As stated in the prior final amendment staff report, dated August 25, 2009, for the subject site, the requirement at that time for an LCC, design guidelines, and a mixed use development was in part to mitigate any concerns regarding incompatibility and encroachment with the then LR-2 designated property to the south. The properties to the south have since been amended to MR-5 and are approved as the Fields of Gulfstream Polo PUD for development of 983 units. There are 90 townhouses approved (unbuilt) in the PUD pod immediately adjacent to the south. The subject site would, as proposed, still have the ability to develop with residential and commercial (mixed use) in the future if desired. However, since the subject site already has a CH/2 designation, there are no encroachment issues and given the MR-5 designation now adopted to the south, there are no incompatibility concerns. Therefore, the proposed amendment is consistent with this policy.

D. Consistency with County Overlays, Plans, and Studies

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

Staff Analysis: The subject site is not located within 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 West Lake Worth Road Neighborhood Plan which envisioned that the subject site as well as the 6 parcels adjacent

to the east within the prior Ordinance would be developed for Commercial. The property is not identified for any increase to the underlying residential LR-2 designation. However the applicant is not proposing an increase.

The Lake Worth Road Coalition, Inc., a major stakeholder in formulating the Plan, has not submitted any changes to the Neighborhood Plan for consideration for the BCC to receive and file since the formulation of the plan and its original receipt by the BCC in 2009.

The neighborhood plan contains some design guidelines related to connectivity, pathways along the main connector roadways, landscape buffers, and tenant size. A requirement for connectivity and the limitation on tenant size is proposed to be retained in the proposed conditions and the location of pathways have been implemented at the zoning stage for other development order approvals in the area. Therefore, the proposed amendment is consistent with the Neighborhood Plan.

E. Public Facilities and Services Impacts

The CH/2 future land use designation is not proposed to be amended. The proposed amendment proposes to amend conditions of approval to delete the requirement to develop as an LCC, delete design guidelines, and allocate a portion of the previously approved square footage to the subject site 8.83 acres. Public facilities impacts are detailed in the table in Exhibit 3.

- 1. Facilities and Services – FLUE Policy 2.1-a:** *The future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area, considering assessment of soil types, wetlands, flood plains, wellfield zones, aquifer recharge areas, committed residential development, the transportation network, and available facilities and services. Assignments shall not be made that underutilize the existing or planned capacities of urban services.*

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

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

- 2. Long Range Traffic - Policy 3.5-d:** *The County shall not approve a change to the Future Land Use Atlas which:*
 - 1) results in an increase in density or intensity of development generating additional traffic that significantly impacts any roadway segment projected to fail to operate at adopted level of service standard “D” based upon cumulative traffic comprised of the following parts a), b), c) and d):.....*

Staff Analysis: The amendment does not propose an increase in the intensity or density. Therefore there is no proposed additional traffic and the County's Traffic Engineering Department was not required to review this amendment for consistency with Policy 3.5-d.

A Traffic Study (see Exhibit 4 & 5) was not required to be submitted. A letter was submitted by the applicant's traffic engineer, JFO Group Inc., 11924 Forest Hill Blvd., Suite 10A-123, Wellington, FL 33414 confirming that the application does not represent an increase in traffic. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at: <http://www.pbcgov.com/pzb/planning/activeamend/>

II. Public and Municipal Review

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

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on May 21, 2018. To date, no objections through the IPARC process to this amendment have been received. As of the writing of this report, no comments have been received.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on May 18, 2018. In addition, on May 18, 2018, the Lake Worth Road Coalition, Inc. and the following Home Owners Associations within the West Lake Worth Road Neighborhood Plan area were notified by mail: Summer Chase, Cypress Trails, Bent Creek, Legend Lake Estates, Cypress Woods, Woods Walk, Cypress Lake Estates, and Cedar Creek Ranch. Letters received are included in Exhibit 9.
- 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 29, 2018. No members of the public attended.

III. Conclusions and Recommendation

This 8.83 acre amendment site proposes to modify a previously adopted mixed use commercial and residential site that was adopted in 2009. The original amendment, Lake Worth/Turnpike SW Commercial LGA 2009-006 (Ord. 2009-028) included 19.04 acres and requested a change from Low Residential 2 units per acre to Commercial High with underlying 2 units per acre (CH/2). Since the site was mid-block and did not meet the commercial location requirements, the County assigned conditions of approval to require design elements and development of a Lifestyle Commercial Center (LCC) with a cap of 300,000 SF of non-residential uses. This requirement was to compliment the previously approved 37 acre LCC site to the west. Subsequently, the County has deleted the LCC provisions from the Comprehensive Plan and approved an amendment to eliminate the LCC requirement for the site to the west (Lake Worth Commercial LGA 2017-013).

The proposed amendment is a request to delete conditions of approval requiring that the site be developed as an LCC, to delete mixed use related design conditions, and to allocate an equitable

portion of the approved square footage to the subject site. The applicant proposed to retain connectivity requirements and a percentage of usable open space if developed as a mixed use project.

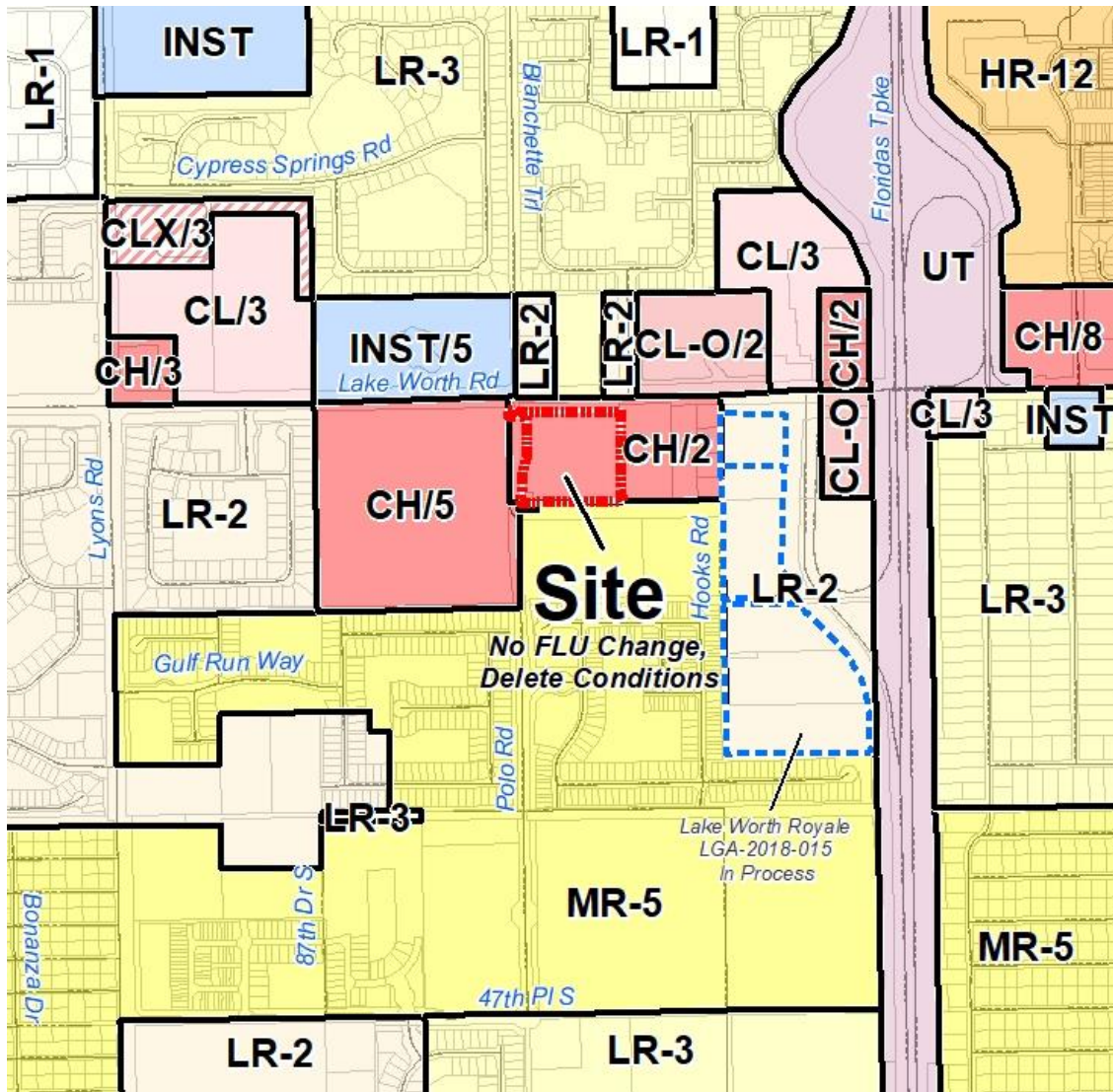
The applicant has provided an adequate justification for the proposed amendment, the amendment is compatible with surrounding designations and development and is consistent with Comprehensive Plan Policies given recent texts amendments to the LCC provisions and recent future land use amendments in the area. Staff will continue to work with the applicant regarding conditions of approval considering other projects in process in the area to ensure that the connectivity requirements of the neighborhood plan are met.

As such, staff recommends **approval** of the applicant's request.

Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Applicant's Justification/Consistency with Comprehensive Plan and Florida Statutes	E-6
3. Applicant's Public Facility Impacts Table	E-18
4. Applicant's Traffic Study (<i>available to the LPA/BCC upon request</i>)	E-20
5. Palm Beach County Traffic Division Letter	E-20
6. Water & Wastewater Provider LOS Letter	E-21
7. School District Concurrency LOS Letter	E-22
8. Applicant's Disclosure of Ownership Interests	E-23
9. Correspondence	E-27

Exhibit 1

Amendment No:	Haley Farms Commercial (LGA 2018-023)
FLUA Page No:	76
Future Land Use	Commercial High with an underlying 2 units per acre (CH/2)
Location:	Southeast corner of Lake Worth Road and Polo Club Road
Size:	8.83 acres
PCN:	00-42-43-27-05-028-0041; 00-42-43-27-05-028-0042
Conditions:	See Next Page



Conditions: The conditions below were adopted by Ordinance 2009-028. The revisions proposed below apply to the subject site only, and are shown with the deleted text in strike out and added text in underline format.

1. The ~~subject site~~ land area within Ordinance No. 2009-028 is limited to a maximum of 300,000 s.f. of non-residential uses or equivalent traffic generating uses. A maximum of 145,790 s.f. is assigned to the land area within the subject ordinance, with the remaining 154,210 s.f. assigned to the remainder of land area within Ord. 2009-028.

2. The following conditions of approval apply to development under the Commercial High designation:

- If the property is developed with both residential and commercial uses, the site shall provide at least 5% usable open space.
- Vehicular and pedestrian cross access shall be provided to the parcel to the east within Ord. 2009-028.
- No single retail tenant shall exceed 65,000 SF.

~~2. 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):~~

- ~~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.~~

Legal Description

TRACT 4 AND THE EAST 40 FEET OF TRACT 5, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPT THEREFROM THAT PORTION OF SUBJECT PROPERTY TAKEN BY PALM BEACH COUNTY AS DESCRIBED IN THAT STIPULATED ORDER OF TAKING RECORDED MARCH 7, 1990 IN OFFICIAL RECORDS BOOK 6377, PAGE 854, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT: PARCEL I

A PORTION OF TRACTS 4 AND 5, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 4; THENCE N.00°56'30"W. ALONG THE WEST LINE OF SAID TRACT 4, A DISTANCE OF 4.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 569.86 FEET; THENCE N.89°02'30"E. ALONG THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459, PAGE 1957 OF SAID PUBLIC RECORDS, A DISTANCE OF 43.18 FEET; THENCE S.00°33'30"W., A DISTANCE OF 254.91 FEET; THENCE S.02°17'54"W., A DISTANCE OF 72.90 FEET; THENCE S.14°42'20"W., A DISTANCE OF 73.49 FEET; THENCE S.03°15'02"W., A DISTANCE OF 171.96 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 5; THENCE S.89°03'30"W. ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 40.00 FEET; THENCE N.00°56'30"W. ALONG A LINE 40.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 296.11 FEET; THENCE N.02°17'54"E., A DISTANCE OF 28.12 FEET; THENCE N.00°33'30"E., A DISTANCE OF 54.52 FEET; THENCE N.02°11'32"W., A DISTANCE OF 125.03 FEET; THENCE N.00°33'30"E., A DISTANCE OF 70.97 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459, PAGE 1957 OF SAID PUBLIC RECORDS; THENCE N.89°02'30"E. ALONG SAID SOUTH LINE, A DISTANCE OF 37.85 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 5; THENCE S.00°56'30"E. ALONG SAID EAST LINE, A DISTANCE OF 574.64 FEET TO THE POINT OF BEGINNING.

LANDS SITUATE IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL II

A PORTION OF TRACT 5, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF

PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 5; THENCE S.00°56'30"E. ALONG THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 85.36 FEET; THENCE S.89°02'30"W. ALONG THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459, PAGE 1957 OF SAID PUBLIC RECORDS, A DISTANCE OF 37.85 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°02'30"W. ALONG SAID SOUTH LINE, A DISTANCE OF 2.15 FEET; THENCE S.00°56'30"E. ALONG A LINE 40.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 278.52 FEET; THENCE N.02°17'54"E., A DISTANCE OF 28.12 FEET; THENCE N.00°33'30"E., A DISTANCE OF 54.52 FEET; THENCE N.02°11'32"W., A DISTANCE OF 125.03 FEET; THENCE N.00°33'30"E. A DISTANCE OF 70.97 FEET TO THE POINT OF BEGINNING.

LANDS SITUATE IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 384,464 SQUARE FEET OR 8.827 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

ALSO KNOWN AS:

TRACT 4 AND THE EAST 40 FEET OF TRACT 5, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPT THEREFROM THAT PORTION OF SUBJECT PROPERTY TAKEN BY PALM BEACH COUNTY AS DESCRIBED IN THAT STIPULATION ORDER OF TAKING RECORDED MARCH 7, 1990 IN OFFICIAL RECORDS BOOK 6377, PAGE 854, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 4; THENCE SOUTH 00°56'30" EAST ALONG THE EAST LINE OF SAID TRACT 4, TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT L-12 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS A DISTANCE OF 56.10 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°56'30" EAST ALONG SAID EAST LINE OF SAID TRACT 4 TO THE NORTH LINE OF PARCEL A, FIELDS AT GULFSTREAM POLO PUD - PLAT ONE, AS RECORDED IN OFFICIAL PLAT BOOK 123, PAGES 80-95, OF SAID PUBLIC RECORDS ALSO BEING THE SOUTH LINE OF SAID TRACT 4 A DISTANCE OF 603.90 FEET; THENCE SOUTH 89°03'30" WEST ALONG SAID PARCEL A, FIELDS OF GULFSTREAM POLO PUD-PLAT ONE A DISTANCE OF 659.82 FEET; THENCE NORTH 00°56'30" WEST ALONG THE WEST LINE OF SAID TRACT 4, A DISTANCE OF 4.79 FEET; THENCE NORTH 03°15'02" EAST, A DISTANCE OF 171.96 FEET; THENCE NORTH 14°42'20" EAST, A DISTANCE OF 73.49 FEET; THENCE NORTH 02°17'54" EAST, A DISTANCE OF 72.90 FEET; THENCE NORTH 0°33'30" EAST, A DISTANCE OF 254.91 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459, PAGE 1957 OF SAID PUBLIC RECORDS; THENCE SOUTH

89°02'30" WEST ALONG SAID SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT EASEMENT A DISTANCE OF 43.18 FEET TO A POINT OF INTERSECTION WITH SAID WEST LINE OF TRACT 4; THENCE NORTH 0°56'30" WEST ALONG THE WEST LINE OF SAID TRACT 4, A DISTANCE OF 29.25 FEET TO A POINT OF INTERSECTION WITH SAID SOUTH RIGHT-OF-WAY OF THE LAKE WORTH DRAINAGE DISTRICT L-12 CANAL; THENCE NORTH 89°03'30" EAST ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 659.82 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

THE EAST 40 FEET OF TRACT 5, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPT THEREFROM THAT PORTION OF SUBJECT PROPERTY TAKEN BY PALM BEACH COUNTY AS DESCRIBED IN THAT STIPULATION ORDER OF TAKING RECORDED MARCH 7, 1990 IN OFFICIAL RECORDS BOOK 6377, PAGE 854, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 5; THENCE SOUTH 00°56'30" EAST ALONG THE EAST LINE OF SAID TRACT 5, TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT L-12 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS A DISTANCE OF 55.14 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°56'30" EAST ALONG THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 33.22 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459, PAGE 1957 OF SAID PUBLIC RECORDS; THENCE SOUTH 89°02'30" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 40.00 FEET; THENCE NORTH 00°56'30" WEST, A DISTANCE OF 33.23 FEET TO THE SOUTH LINE OF SAID L-12 CANAL; THENCE NORTH 89°03'30" EAST ALONG SAID L-12 CANAL SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

LANDS SITUATE IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 384,464 SQUARE FEET OR 8.827 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

Exhibit 2

Applicant's Justification Statement, Consistency, and Compatibility

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.

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 a 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 as 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 the 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 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.

***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.

Exhibit 3
Applicant's Public Facility Impacts Table

VIII. Public Facilities Information

A. Traffic Information			
The traffic study was submitted to Palm Beach County on October 6, per the schedule published by Palm Beach County for Round 18-C of Comprehensive Plan Submittals. A stamped receipt of The Palm Beach County Traffic Division accepting the report is provided in Application Attachment H as is a copy of the submitted Traffic Report.			
	Current FLU	Maximum	Conditioned or Concurrent
Max Trip Generation	No Change Proposed	No Change Proposed	No Change Proposed
Trip Increase Max.	No Change Proposed		
Trip Inc. Conditioned or Concurrent	No Change Proposed		
Significantly impacted roadway segments that fail Long Range			
Significantly impacted roadway segments for Test 2			
Traffic Consultant	JFO Group. Inc.		
B. Mass Transit Information			
Nearest Palm Tran Route (s)	Route 62 – Central County Via Lake Worth Road - Wellington to Lake Worth		
Nearest Palm Tran Stop	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		
Nearest Tri Rail Connection	Lake Worth Tri-Rail Station, Approximately 7 miles to the east.		
C. Portable Water & Wastewater Information			
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department		
Nearest Water & Wastewater Facility, type/size	A 12" potable water main and 12" wastewater forcemain are located within the Lake Worth Road right-of-way.		

D. Drainage Information	
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 Application Attachment J for the drainage statement.	
E. Fire Rescue	
Nearest Station	Palm Beach County Fire Rescue Station # 32, located at 4022 Charleston Street
Distance to Site	1.75 miles
Response Time	Average response time 6:52
Effect on Resp. Time	The proposed amendment will have minimal impact on the response time for Station # 32. See Application Attachment K.
F. Environmental	
Significant habitats or species	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 Application Attachment L.
Flood Zone*	Zone X – Property is not within a Flood Zone.
Wellfield Zone*	The Property is not located within a Wellfield Protection Zone. See Application Attachment M.
G. Historic Resources	
There are no significant historic resources present on the Property. See Application Attachment N for letter.	

Exhibits 4 & 5
Traffic Study & Letter

A traffic study and Traffic Engineering letter was not required since the proposed amendment is not changing the approved development potential for the subject site.

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

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

Exhibit 7

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Sheldon Rubin, 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 Authorized Member [position - e.g., *president, partner, trustee*] of Haley Farms, LLC [name and type of entity - e.g., *ABC Corporation, XYZ Limited Partnership*] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 4600 Lyons Road
Lake Worth, Florida 33467
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.



Sheldon Rubin, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 19 day of JAN, 2018, by Sheldon Rubin, [] who is personally known to me or [] who has produced N/A as identification and who did take an oath.



Notary Public

Bette A Lent

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 4/30/2020

EXHIBIT "A"
PROPERTY

DESCRIPTION:

TRACT 4 AND THE EAST 40 FEET OF TRACT 5, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPT THEREFROM THAT PORTION OF SUBJECT PROPERTY TAKEN BY PALM BEACH COUNTY AS DESCRIBED IN THAT STIPULATED ORDER OF TAKING RECORDED MARCH 7, 1990 IN OFFICIAL RECORDS BOOK 6377, PAGE 854, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT: PARCEL I

A PORTION OF TRACTS 4 AND 5, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH-WEST CORNER OF SAID TRACT 4; THENCE N.00°56'30"W. ALONG THE WEST LINE OF SAID TRACT 4, A DISTANCE OF 4.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 569.86 FEET; THENCE N.89°02'30"E. ALONG THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459, PAGE 1957 OF SAID PUBLIC RECORDS, A DISTANCE OF 43.18 FEET; THENCE S.00°33'30"W., A DISTANCE OF 254.91 FEET; THENCE S.02°17'54"W., A DISTANCE OF 72.90 FEET; THENCE S.14°42'20"W., A DISTANCE OF 73.49 FEET; THENCE S.03°15'02"W., A DISTANCE OF 171.96 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 5; THENCE S.89°03'30"W. ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 40.00 FEET; THENCE N.00°56'30"W. ALONG A LINE 40.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 296.11 FEET; THENCE N.02°11'54"E., A DISTANCE OF 28.12 FEET; THENCE N.00°33'30"E., A DISTANCE OF 54.52 FEET; THENCE N.02°11'32"W., A DISTANCE OF 125.03 FEET; THENCE N.00°33'30"E., A DISTANCE OF 70.97 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459, PAGE 1957 OF SAID PUBLIC RECORDS; THENCE N.89°02'30"E. ALONG SAID SOUTH LINE, A DISTANCE OF 37.85 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 5; THENCE S.00°56'30"E. ALONG SAID EAST LINE, A DISTANCE OF 574.64 FEET TO THE POINT OF BEGINNING.

LANDS SITUATE IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL II

A PORTION OF TRACT 5, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 5; THENCE S.00°56'30"E. ALONG THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 85.36 FEET; THENCE S.89°02'30"W. ALONG THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459, PAGE 1957 OF SAID PUBLIC RECORDS, A DISTANCE OF 37.85 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°02'30"W. ALONG SAID SOUTH LINE, A DISTANCE OF 2.15 FEET; THENCE S.00°56'30"E. ALONG A LINE 40.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 278.52 FEET; THENCE N.02°17'54"E., A DISTANCE OF 28.12 FEET; THENCE N.00°33'30"E., A DISTANCE OF 54.52 FEET; THENCE N.02°11'32"W., A DISTANCE OF 125.03 FEET; THENCE N.00°33'30"E. A DISTANCE OF 70.97 FEET TO THE POINT OF BEGINNING.

LANDS SITUATE IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 384,464 SQUARE FEET OR 8.827 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

Exhibit 8
Correspondence
