



## FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 17-D

DEO TRANSMITTAL, JULY 26, 2017

### A. Application Summary

#### I. General Data

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<b>Project Name:</b>	<b>Lake Worth Commercial (LGA 2017-013)</b>
<b>Request:</b>	<b>CH/2 to CH/5 and to revise conditions</b>
<b>Acres:</b>	37.03 acres
<b>Location:</b>	Southwest corner of Lake Worth Road and Polo Road
<b>Project Manager:</b>	Bryan M. Davis, CNU-A, Urban Designer/Principal Planner
<b>Owner:</b>	Lake Worth Road Investors, LLC
<b>Applicant:</b>	Lake Worth Road Investors, LLC
<b>Agent:</b>	Urban Design Kilday Studios
<b>Staff Recommendation:</b>	Staff recommends <b>approval with conditions</b> based upon the findings and conclusions contained within this report.

#### II. Assessment & Conclusion

This amendment proposes to modify a previously adopted mixed use commercial and residential site that was adopted in 2008. The original amendment, Lake Worth Commercial (LGA 2008-009), requested a change from low residential to commercial future land use. Since the site was mid-block and did not meet the commercial location requirements, the County assigned strict conditions of approval to require design elements (such as a parking structure and main street) as part of a Lifestyle Commercial Center (LCC). Subsequent to the approval, the applicant has not been able to secure a developer, and is seeking to increase the density on the site from 2 units per acre to 5 units per acre and to eliminate some of the design elements. The applicant proposes to maintain the mixed use aspect of the project, while retaining the requirement for a mixture of uses consistent with the intent of the previous amendment to minimize impacts on the surrounding area. However, without a concurrent rezoning application, it is difficult to determine with certainty.

The applicant had met the Comprehensive Plan requirements for the amendment to modify the previous conditions of approval. However, the site does not meet the requirements to increase density outside of the Transfer of Development Rights (TDR) and Workforce Housing Programs (WHP) since the site is not identified in the West Lake Worth Road Neighborhood Plan at the requested density. As a result, staff is recommending a condition of approval to require 25% of the proposed 185 units to be developed as workforce housing and built on site in order to be consistent with the Comprehensive Plan policy for density increases.

### III. Hearing History

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**Local Planning Agency:** *Approval with conditions*, motion by Neil Merin, seconded by Michael Peragine passed in a 9-0 vote at the July 14<sup>th</sup> public hearing. There was minimal board discussion and no public comment.

**Board of County Commissioners Transmittal Public Hearing:** *Transmit with a modified condition*, motion by Commissioner Bernard, seconded by Commissioner Valeche passed in a 7-0 vote at the July 26<sup>th</sup> public hearing. The modification was to assign the 25% Workforce Housing condition only to units from the incremental increase in density from the existing 2 units per acre to 5 units per acre (see Exhibit 1 in double underline, double strike out). There was minimal Board discussion. A representative from the Lake Worth Road Coalition spoke in support of the amendment and stated that any Workforce Housing condition should be consistent with other projects in the Neighborhood Planning area (see additional letter in Exhibit 9 distributed at the meeting). A second member of the public spoke in opposition to the amendment.

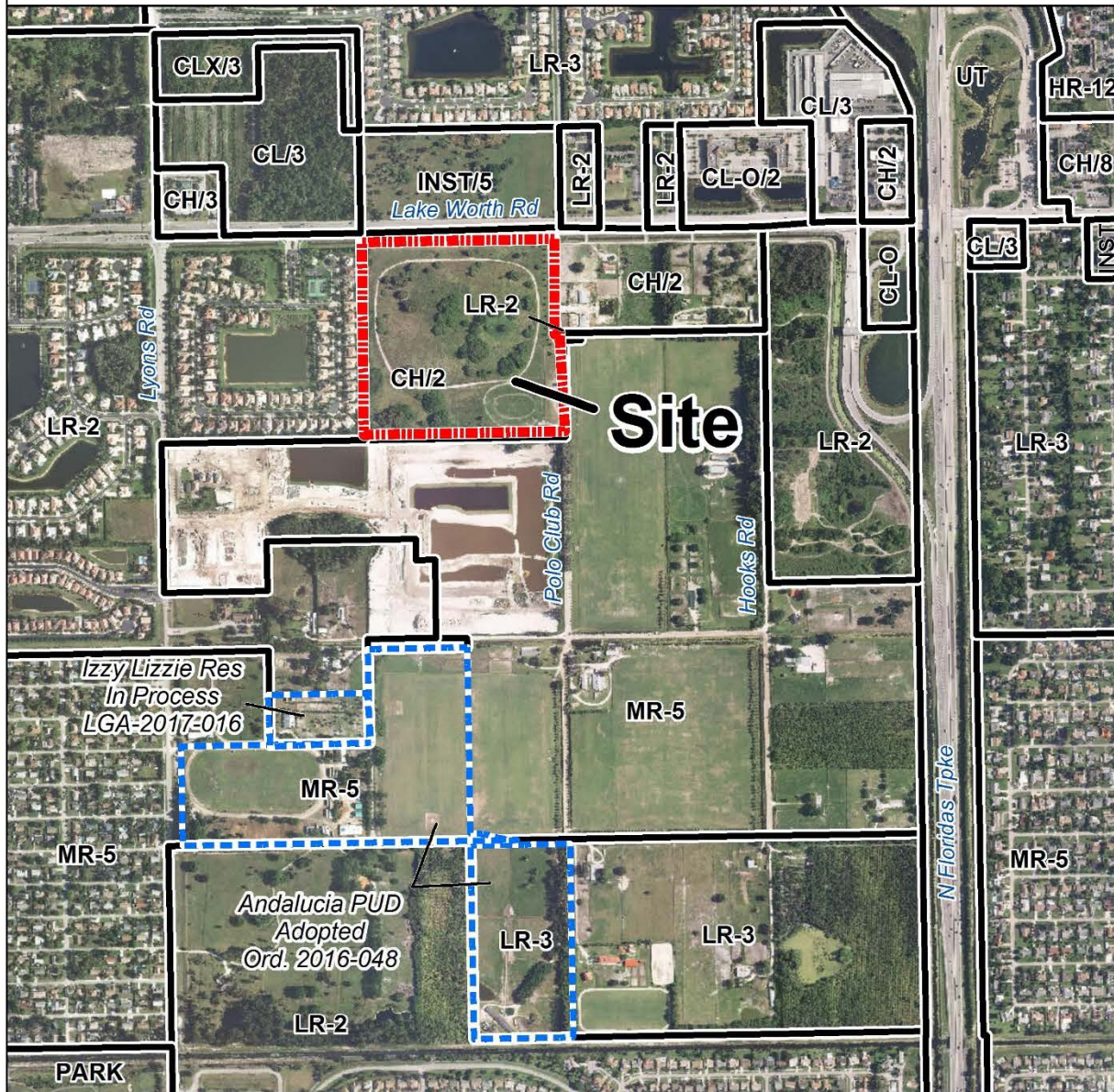
#### **State Review Comments:**

#### **Board of County Commissioners Adoption Public Hearing:**

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# Future Land Use Atlas Amendment

## Lake Worth Commercial (LGA 2017-013)



### Site Data

Size: 37.03 acres  
 Existing Use: Vacant  
 Proposed Use: Commercial & Residential  
 Current FLU: CH/2  
 Proposed FLU: CH/5

### Future Land Use Designations

LR-2	Low Residential, 2 units per acre	CL-O	Commercial Low Office
LR-3	Low Residential, 3 units per acre	CL-O/2	CL-O, underlying LR-2
MR-5	Medium Residential, 5 units per acre	INST/5	Institutional, underlying MR-5
CL/3	Commercial Low, underlying LR-3	UT	Utilities and Transportation
CH/2	Commercial High, underlying LR-2		
CH/5	Commercial High, underlying MR-5		

Date: 2/7/2017  
 Contact: Planning Division  
 Filename: AMEND\17-D\Site\17-13  
 Note: Map is not official, for presentation purposes only.



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



## B. Petition Summary

### I. General

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**Project Name:** Lake Worth Commercial (LGA 2017-013)  
**Request:** CH/2 to CH/5 and to revise conditions of approval  
**Acres:** 37.03 acres  
**Location:** Southwest corner Lake Worth Road and Polo Road  
**Project Manager:** Bryan Davis, Principal Planner  
**Applicant:** Lake Worth Road Investors, LLC  
**Owner:** Lake Worth Road Investors, LLC  
**Agent:** Urban Design Kilday Studios

### II. Site Data

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#### Current Future Land Use

**Current FLU:** Commercial High with an underlying 2 units per acre (CH/2)  
**Existing Land Use:** Vacant  
**Current Zoning:** Agricultural Residential  
**Current Dev. Potential Max:** Commercial uses, up to 396,000 sf & Residential uses, up to 74 units

#### Proposed Future Land Use Change

**Proposed FLU:** Commercial High with an underlying 5 units per acre (CH/5)  
**Proposed Use:** Mixed Use Development  
**Proposed Zoning:** Mixed Use Planned Development (MXPDP)  
**Dev. Potential Max/Conditioned:** Commercial uses, up to 396,000 sf & Residential uses, up to 185 units (to be limited by condition 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  
**Comm. District:** Commissioner Melissa McKinlay, District 6



## **C. Introduction**

### **I. Intent of the Amendment**

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The request is to increase the underlying density on a property with Commercial High with an underlying 2 units per acre (CH/2) to Commercial High with an underlying 5 units per acre (CH/5) on 37.03 acres, and to revise previously adopted conditions of approval regarding the mix of uses and design. The applicant's intent of the amendment is to increase the residential entitlement in order to allow the property to be purchased and developed with either residential or non-residential uses. There is no concurrent zoning application in process.

The applicant proposes that the residential development potential would increase from approximately 74 units (2 units/acre) to 185 units (5 units/acre) if the 37.03 acres was approved for a Mixed Use Planned Development (MXPD). The applicant is requesting to cap the residential development at 5 units per acre, with no additional density allowed. The applicant is requesting to modify the existing conditions to delete some design requirements such as structured parking, vertical integration of uses, creation of a main street within the project, as well as the requirement to develop the project as a Lifestyle Commercial Center (LCC). The proposed amendment is shown in Exhibit 1 with the conditions of approval revisions in strike out and underline.

### **II. Background and Overview**

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The 37.03-acre subject site is in the Urban/Suburban Tier and is located west of the Florida Turnpike at the southwest 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 property is currently vacant, but was until recently used as a training area for horses involved in polo events. The site is located in an area with low and medium residential, institutional and commercial FLU designations.

The site was the subject of a previous FLUA amendment in 2008, known as Lake Worth Commercial (LGA 2008-009). The amendment was adopted by the BCC via Ordinance 2008-048 from Low Residential, 2 units per acre (LR-2) to Commercial High with an underlying LR-2 (CH/2). Due to the site's mid-block location, the amendment included conditions of approval which required the site to be developed as a Lifestyle Commercial Center (LCC), a mixed use development pattern. The applicant is requesting to revise these conditions to provide some additional flexibility in the ultimate built form while still achieving a mixed use development consistent with long-standing County criteria. Initially under the prior amendment, that applicant had expressed interest in developing a 'big-box' retail center on the site. That interest and the resulting amendment spurred the community to work together with subsequent applicants for amendments to create the West Lake Worth Road Neighborhood Plan (WLWRNP). The Neighborhood Plan was completed and formally received and filed by the Board of County Commissioners in November 2009. The West Lake Worth Road Coalition developed and implements the Neighborhood Plan. Since that time, numerous FLUA amendments were approved by the BCC in the area that are generally consistent with the intent and provisions of the WLWRNP.

## D. Consistency and Compatibility

### I. Data and Analysis

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

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

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

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

The applicant has prepared a Justification Statement (Exhibit 2) which states that the proposed request is justified based on a several points. A summary of the applicant's justification are as follows:

- The proposed density increase being requested through the FLUA amendment process (as opposed to the TDR and Workforce Housing bonus density programs) is not inconsistent with the intent of the West Lake Worth Neighborhood Plan (WLWRNP). The subject property would act as a density transition from higher intensity non-residential to lower density residential uses. The proposed condition to limit the density to 5 units per acre is consistent with the intent of the West Lake Worth Road Neighborhood Plan.
- There has been a change in circumstances (increase demand for residential) that affects the subject property. The surrounding area has changed drastically since adoption of the 1989 Comprehensive Plan as evidenced by higher density residential approved in the Gulfstream Polo area and the subject site's intensification to commercial. The market has not yet supported developing the properties with commercial uses, however in recent years and current market trends continue to show an increase in residential home sales.
- A Lifestyle Commercial Center is not a marketable development type due to the required design elements. The revision of the adopted conditions of approval will allow for the property to develop with a mix of residential and commercial uses,

thereby promoting the Comprehensive Plan's objectives and policies to provide more mixed use development.

**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. With regard to the requested increase in density, whether or not additional density on a site contributes to it acting as a transitional use consistent with the WLWRNP is not adequate justification for a density increase, since the WLWRNP does not identify this site for an increase in density. In addition, the applicant could request additional density and rezoning through the Zoning process using the TDR and WFH bonus density. Further, the current market demands and other speculation is not an adequate justification and do not demonstrate that the current underlying LR-2 FLU is inappropriate. In considering recent proposed amendments for density increases, the Board of County Commissioners has sought to balance the benefits requested by applicants against the potential benefits to the community, and has applied conditions of approval on density increases. These conditions have included the requirement for at least 25% of the residential units as workforce housing units, and the requirement that these units be provided on site.

With regards to the proposed revisions to the previously adopted conditions of approval, the requested modifications retain the intent of the original approval and have presented an adequate justification to support the request. For additional discussion on the specific changes, see discussion under Lifestyle Commercial Center.

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.*

**Livable Communities.** *Promote the enhancement, creation, and maintenance of livable communities throughout Palm Beach County, recognizing the unique and diverse characteristics of each community. Important elements for a livable community include a balance of land uses and organized open space, preservation of natural features, incorporation of distinct community design elements unique to a given region, personal security, provision of services and alternative transportation modes at levels appropriate to the character of the community, and opportunities for education, employment, health facilities, active and passive recreation, and cultural enrichment.*

**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.*

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

**Staff Analysis:** Overall the proposed development supports several of the County Directions.

**Growth Management.** The proposed site is located within the County's Urban/Suburban Tier, which prevents urban sprawl, and meets the County's requirements for services.

**Land Use Compatibility.** Land use compatibility is discussed in Section C below.

**Staff Analysis:** The proposed amendment is consistent with the character and development pattern of the surrounding communities, which can be characterized as a emergent/built development pattern with higher density and higher intensity. The applicant seeks a similar underlying residential FLU designation of five units to the acre, as the adjacent parcel to the west. Overall, the proposed FLU promotes and furthers many of the County Directions, including **Direction 4 Land Use Compatibility**, given the surrounding FLUs and built environment, and **Direction 7 Housing Opportunity**, as additional opportunities for Workforce Housing would be provided at a higher density than the existing LR-2. With respect to land use compatibility, which is also addressed elsewhere, the proposed MR-5 FLU (as conditioned) is not in conflict with the surrounding land uses.

Promoting the enhancement, creation, and maintenance of livable communities is part of **Direction 1., Livable Community**. A Livable Community, as stated in the Future Land Use Element of the Comprehensive Plan under **1.D. Characteristics of a Livable Community**, comprises certain primary characteristics which either the existing surrounding community exhibits or the proposed FLU on the subject site will enhance, create, and maintain. Characteristics as stated under this section include the following: Employment opportunities; Civic uses, such as schools, places of worship, and libraries, parks, and government services; health facilities, adult and child care; higher density residential near commercial centers, transit routes, and parks; and compact, diverse mix of housing for a wide range of family and household types.

Under **Direction 2. Growth Management**, a key component and required method for most density increases is the TDR bonus density program. The applicant is not proposing to utilize the TDR program to attain the additional density above the existing LR-2. A density of up to approximately four-to-five dwelling units per acre may be possible without a FLUA amendment utilizing a combination of the maximum TDR bonus density allowed and a 50% WHP bonus density. Utilization of the TDR program would require workforce housing units to be built on site and provide funds for to support conservation lands. However, proposed conditions that will require a minimum percentage of workforce housing with no buy out (in lieu payment) option and that workforce housing units will be constructed on site will ensure that workforce housing opportunities will be provided in this specific area. Therefore, the proposed FLU amendment furthers this direction.

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:** There are no other parcels under the same or related ownership adjacent to the subject site that are not included in the proposed amendment whereby residual parcels would be created. Therefore, the proposed amendment would not constitute piecemeal development.



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

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

- 1. Policy 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:** As discussed in the background, at the time the initial amendment the request was inconsistent with the Comprehensive Plan since the site violated the requirement for commercial future land uses to be located at intersections unless developed as a Traditional Marketplace Development (TMD) or office only. The site was approved subject to new language established in the Plan concurrent with the approval that allowed sites to be mid-block if approved as a Lifestyle Commercial Center (LCC)—the conditions of approval in the ordinance along with a submitted set of design guidelines helped to ensure that the LCC vision would be realized without creating a new Zoning district. Subsequently, the parcel located immediately to the east was approved for an LCC by a FLUA amendment in 2009. The ULDC was then 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 of the approved sites developed using the LCC regulations, and the commonality with TMD. The only difference 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. In 2016, the County eliminated the LCC as a standalone zoning district and retained the term solely for the approved sites in the above referenced policy.

The conditions of approval adopted on the subject site as part of the original approval to ensure the development of the site as a mixed use LCC 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 is limited to maximum of 396,000 square feet of non-residential uses or equivalent traffic generating uses.*

**Staff Analysis:** The applicant is not proposing a change to this condition.

**Condition 2.** ~~*The subject site is limited to building permits for 65,500 square feet of retail development (the equivalent of 268 PM peak hour trips) until construction has commenced for the recommended improvements at the Lake Worth Road and Turnpike interchange, providing for new southbound ramps. If construction of these improvements has not been assured by the time of concurrency application for this Project, the property owner shall*~~

~~be solely responsible for assuring funding of this improvement or shall demonstrate by means of the concurrency traffic study at that time the improvement is no longer required to satisfy Test 2 of the County's Traffic Performance Standards for the proposed Project.~~

**Staff Analysis:** The applicant is proposing to delete this condition entirely. This language was required at the time of the original approval, but is no longer necessary since the condition has been met due to roadway improvements made since the 2008 approval.

**Condition 3.** ~~The development of the subject site shall adhere to the following design guidelines criteria and shall be developed as a Lifestyle Commercial Center (LCC): provide for a mixture of uses (commercial and residential) in accordance with the requirements established in the Unified Land Development Code (ULDC).~~

- ~~The project shall have a mix of at least three of the following uses: retail including restaurant, office, institutional, hotel, live/work and residential. One of these uses must be live/work or residential and commercial uses, with institutional and other accessory/ancillary/incidental uses permitted. 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.~~
- ~~The project shall have pedestrian oriented design that includes a main street and internal street networks. Vehicular and/or pedestrian connections shall be provided to all existing and future contiguous development where feasible. Building mass, placement, and build to lines shall be utilized to provide a spatial definition along streets. Additionally, 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 structured 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 in front of non-residential buildings shall be strictly limited 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 100,000 65,000 square feet and shall not be a big box. Single large tenants must have architectural facade treatments or liner tenants to reduce large single use frontage facades along streets. All non-residential buildings shall provide four-sided architecture.~~
- ~~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.~~

**Staff Analysis:** The revised condition #3 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 will still require a mixture of uses consistent with the intent of the previous amendment to minimize impacts on the surrounding area due to the site's mid-block location. The proposed changes do not hamper a site plan from ultimately including such provisions, simply they are removed from the guidelines. Regarding the requirement for vertical integration, staff is aware that the planning ideal is to feature vertical integration of residential units within the building with other non-residential uses. However, the realities of finance and building codes often

leads to vertical integration becoming an albatross for a development and can render it financially infeasible. By reducing the requirement to that of horizontally integrated mixed-use (i.e., uses mixed on the ground plane and organized around a common space, rather than within a single building) it allows for meaningful mixed use to occur in a manner that, while having the benefit of being more acceptable to finance and less complicated construction code requirements, is in keeping with many of the traditional downtown communities found in Palm Beach County (e.g., Lake Worth, Delray Beach).

**Condition 4.** *Residential density shall be limited to a maximum of five (5) dwelling units per acre, with no density increases permitted above five (5) dwelling per acre on site.*

**Staff Analysis:** The addition of condition #4 is appropriate as previous amendments in the WLWRNP area have similar conditions in order to cap the density consistent with the Plan.

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

1. *an applicant can **both justify and demonstrate a need** for a Future Land Use Atlas (FLUA) Amendment and demonstrate that the current **FLUA designation is inappropriate**, as outlined in the Introduction and Administration Element of the Comprehensive Plan, or*
2. *an applicant is using the Workforce Housing Program or the Affordable Housing Program as outlined in Housing Element Objectives 1.1 and 1.5 of the Comprehensive Plan and within the ULDC, or*
3. *an applicant proposes a **density increase up to, but not exceeding, the density proposed by and supported by a Neighborhood Plan** prepared in accordance with FLUE Objective 4.1 and formally received by the BCC. To date, the following Neighborhood Plan qualifies for this provision:*
  - a. *West Lake Worth Road Neighborhood Plan.*

**Applicant's Justification:** The applicant states that increasing the density through a FLUA amendment in lieu of utilizing the TDR and WHP Programs is not consistent with the "intent" of the West Lake Worth Road Neighborhood Plan (WLWRNP). However, the West Lake Worth Road Neighborhood Plan Master Plan does not identify this site for an increase in density. Therefore, the requested density is inconsistent with the Neighborhood Plan and inconsistent with this Policy and the Comprehensive Plan. There is no 'intent' indicated by the Master Plan that is open to interpretation. The Master Plan clearly designates this site for commercial and does not propose a density increase. Therefore, this proposed density increase is not proposed by or supported by the Neighborhood Plan.

**Staff Analysis:** Over the last several years, various property owners in the general vicinity have submitted FLUA amendments to increase density and/or intensity. This activity prompted residents from surrounding subdivisions to create the West Lake Worth Road Neighborhood Plan (WLWRNP), which includes the equestrian lands and seven planned residential communities in the surrounding area. Additionally, the Board approved site specific amendments for this area and a Comprehensive Plan text amendment to modify the TDR program provisions, Policy 2.4-b in the Future Land Use Element (FLUE) to add an exception from the requirement to use TDR's to increase density for projects that

propose density up to, but not exceeding, density proposed by the master plan of a neighborhood plan formally received by the BCC. The amendment to this policy was adopted by the BCC in July 2012, and specifically identifies the WLWNP. The subject site does not qualify for this Criterion since the Master Plan does not identify the site as having 5 units per acre residential development potential. The inference that the site already had a FLUA amendment for LCC, and therefore was already accounted for, albeit imprecisely, in the neighborhood plan. Furthermore, in a letter dated April 14, 2017, the Lake Worth Road Coalition, the neighborhood group who supported the WLWNP creation, supports the increase in residential density from two to five units per acre.

Policy 2.4-b allows an increase in density through a FLUA amendment only if one of the following conditions is met:

- an applicant can both justify and demonstrate a need and demonstrate that the current FLUA designation is inappropriate, or
- an applicant proposes a density increase up to, but not exceeding, the density proposed by and supported by a Neighborhood Plan.

The applicant has not justified the amendment or shown that the current underlying density is inappropriate, as discussed in a previous section. The proposed density increase does not meet any of the Comprehensive Plan Policy 2.4-b requirements for increasing density through the FLUA amendment process and is inconsistent with the Comprehensive Plan without the inclusion of a requirement for TDR or Workforce Housing units.

In considering recent proposed amendments for density increases, the BCC has sought to balance the benefits requested by applicants against the potential benefits to the community, and therefore applied corresponding conditions of approval on density increases. These conditions included the requirement for at least 25% of the residential units are provided as workforce housing units, and the requirement that these units are provided on site. Staff is proposing that a condition is added in the amendment as shown as Condition 5 in Exhibit 1. With the inclusion of this condition, the proposed amendment meets Criterion 2 of Policy 2.4-b and is, therefore, consistent with the requirements of Policy 2.4-b.

### **C. Compatibility**

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use. The applicant provided a compatibility analysis in Exhibit 2 with regard to the WLWRNP transition concept and states that “allowing a mixture of uses (commercial to the north, residential to the south) on the subject property would act as an ideal transition between Lake Worth Road and the residential use to the south.”

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

**North:** North of the subject site beyond Lake Worth Road is an approved, unbuilt 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. Also, on the north side of Lake Worth Road are several properties including four single family home properties with direct access onto Blanchette Trail, and farther east is a 4.42-acre site with the Christian Missionary Alliance Church. 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, restaurant, and convenience store/gas sales.

**East:** Adjacent to the east of the site is the Lake Worth / Turnpike SW Commercial (LGA 2009-006) amendment site that was adopted from LR-2 to CH/2 via Ordinance 2009-028 on 19 acres. Commercial development is limited to 300,000 square feet with conditions of approval requiring LCC development type, similar to the subject site. The site is currently vacant/undeveloped.

**South:** To the south of the site 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 LR-3 or MR-5. These properties are identified in the WLWRNP for increased density through FLUA amendments in lieu of TDRs and WFH bonus programs.

**West:** To the west of the subject site the Cedar Creek PUD with an LR-2 FLU on 38.82 acres. Cedar Creek is developed 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.”*

**Staff Analysis:** This parcel already has a Commercial High FLU designation, which is appropriate given the WLWRNP designation for commercial uses at this location, and general land use practices of keeping commercial uses along corridors and at nodal locations. Furthermore, the Commercial High designation has already been determined to be consistent with the Plan, and compatible with the existing and planned development, based upon certain design criteria—although these are to be modified, the amended conditions do not substantially alter the original intent to have a mixed use development on the parcel. In fact, the condition to further restrict the largest single tenant footprint would arguably provide greater certainty that there will not be big box retail on site, in fact the 65,000 square foot limitation is greater than that used by most grocery store anchors in this market. Rather, the increase in residential density from two (2) dwelling units per acre to five (5) dwelling units per acre is the focus of this analysis.

In general, this portion of the unincorporated County in the Urban/Suburban Tier (the area west of Jog Road, south of Southern Boulevard, and north of the Agricultural Reserve) features a blanket of varying residential densities, largely between one-to-five units per acre, with select residential communities east of the Turnpike that are as high as eight-to-twelve units per acre. However, this site is adjacent to residential FLUs with densities ranging between two and five dwelling units per acre. The residential project to the east of the site is developing residential townhomes ranging from four-to-six units per acre. The proposed maximum development potential of the subject site would be a mixed use

development with up to 5 units per acre (with the applicant's voluntary condition to prohibit any further density increase), would provide a predictability for surrounding residents that the development would not surpass the proposed FLU designation (note that density bonuses for TDRs or WFH incentives would otherwise allow it to exceed its MR-5 proposed FLU designation). As of now, there are no such restrictions on the parcel, and the owner could avail themselves of the TDR and WFH density bonus programs through Zoning using the underlying LR-2 designation to achieve more than double the existing FLU designation.

Some additional guidance for local preferences regarding compatibility can be found within the WLWRNP. Within the neighborhood plan are some generalized design guidelines which include locating commercial uses along the Lake Worth Road corridor, and transitioning to medium density residential uses (which are defined as up to 5 units per acre in the County's FLU designations), before tapering down to lower residential densities. If the FLUA amendment is approved, these guidelines would be more appropriate for application at the zoning development order in formulation of the site plan, and as specific conditions of approval there to achieve the stated community vision.

Given the overall land use pattern of this part of the County, the proposed conditions of approval, the potential to apply the WLWRNP design guidelines with a subsequent development order, and the opportunity to address landscaping and buffering at the Zoning level, the increase in density for the proposed site and its corresponding FLU designation is compatible with existing and planned development within the vicinity of the amendment site.

#### **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 request, with the proposed condition, is not consistent with the Master Plan of the 2009 West Lake Worth Road Neighborhood Plan (WLWRNP). The Neighborhood Plan envisioned that the subject site would be developed with commercial since the Neighborhood Plan was established following the approval of the subject site for a LCC with a CH/2 FLU designation. The property could be developed as residential utilizing the existing underlying residential two units per acre. The Comprehensive Plan allows properties in the Neighborhood Plan to apply for a density increase through the FLUA amendment process without the requirement for TDR or WHP (as discussed previously) provided that the proposed density is identified in the Master Plan. Since the Master Plan does not identify a residential density of five units per acre, the applicant cannot avail himself of the exception in Policy 2.4-b. However, increasing the density for a mixed use project is not inconsistent with the Neighborhood Plan.



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

See also the above discussion under Compatibility for additional consideration of the neighborhood plan design guidelines.

A letter of support dated April 14, 2017, from the “Lake Worth Road Coalition” was received. In it, the coalition endorsed several changes, consistent with their stated desires and design guidelines. Many of their desired changes are incorporated in the proposed condition changes.

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

The proposed amendment is a request for a change of the underlying residential designation from 2 units per acre to 5 units per acre for an increase in development potential from 74 dwelling units to 185 dwelling units. The Public Facilities analyses were done on the initial request of 5 units per acre underlying and all data below takes the original request into account. The 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 Traffic Division reviewed this amendment based on a proposed potential increase from 74 units up to 185 units, an increase of 111 units. According to

the County's Traffic Engineering Department (see letter dated March 6, 2017 in Exhibit 5) the amendment would result in an increase of 1,230 net daily trips, and 94 AM and 115 PM net peak hour trips, from the prior approval.

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

The Traffic Study (see Exhibit 5) was prepared by Simmons & White. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

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

## **F. Florida Statutes (FS)**

1. **Consistency with Urban Sprawl Rule:** The proposed amendment is not considered sprawl as it is within the Urban/Suburban Tier and within the Urban Service Area Boundary. This tier is also the target of the County's redevelopment and revitalization strategies with the purpose of redirecting growth to older unincorporated areas, promoting mixed used development concepts, and transit oriented developments, where feasible, all with the explicit purpose of reducing sprawl. The applicant included a discussion of the Urban Sprawl rule with regards to this amendment (see Exhibit 2).

## **II. Public and Municipal Review**

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

- A. **Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on June 2, 2017 and again on June 30, 2017. To date, no objections through the IPARC process to this amendment have been received.
- B. **Other Notice:** Public notice by letter was mailed to the owners of properties within 500 feet of the perimeter of the site on June 23, 2017. In addition, interested parties were notified by mail which includes the following groups and residential communities/developments in the area: Lake Worth Coalition Inc., Summer Chase, Cypress Woods, Cypress Trails, Cypress Lake Estates, Silver Glen at Citrus Isles (Bent Creek), Woods Walk, Legend Lake Estates, Florida Gardens, and Cedar Creek. To date, one letter from an interested party (Lake Worth Coalition, Inc.), has been received (see Correspondence Exhibit).
- 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 July 6, 2017. Two members of the Lake Worth Road Coalition and the agent attended the informational meeting.

### III. Conclusions and Recommendation

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This amendment proposes to modify a previously adopted mixed use commercial and residential site that was adopted in 2008. The original amendment, Lake Worth Road Commercial (LGA 2008-009), requested a change from low residential to commercial future land use. Since the site was mid-block and did not meet the commercial location requirements, the County assigned comprehensive conditions of approval to require design elements (such as a parking structure and main street) as part of a Lifestyle Commercial Center (LCC). Subsequent to the approval, the applicant has not been able to secure a developer, and is seeking to increase the density on the site from two units per acre to five units per acre, and to modify and eliminate some of the design elements. The applicant proposes to maintain the mixed use aspect of the project, while retaining the requirement for a mixture of uses consistent with the intent of the previous amendment to minimize impacts on the surrounding area.

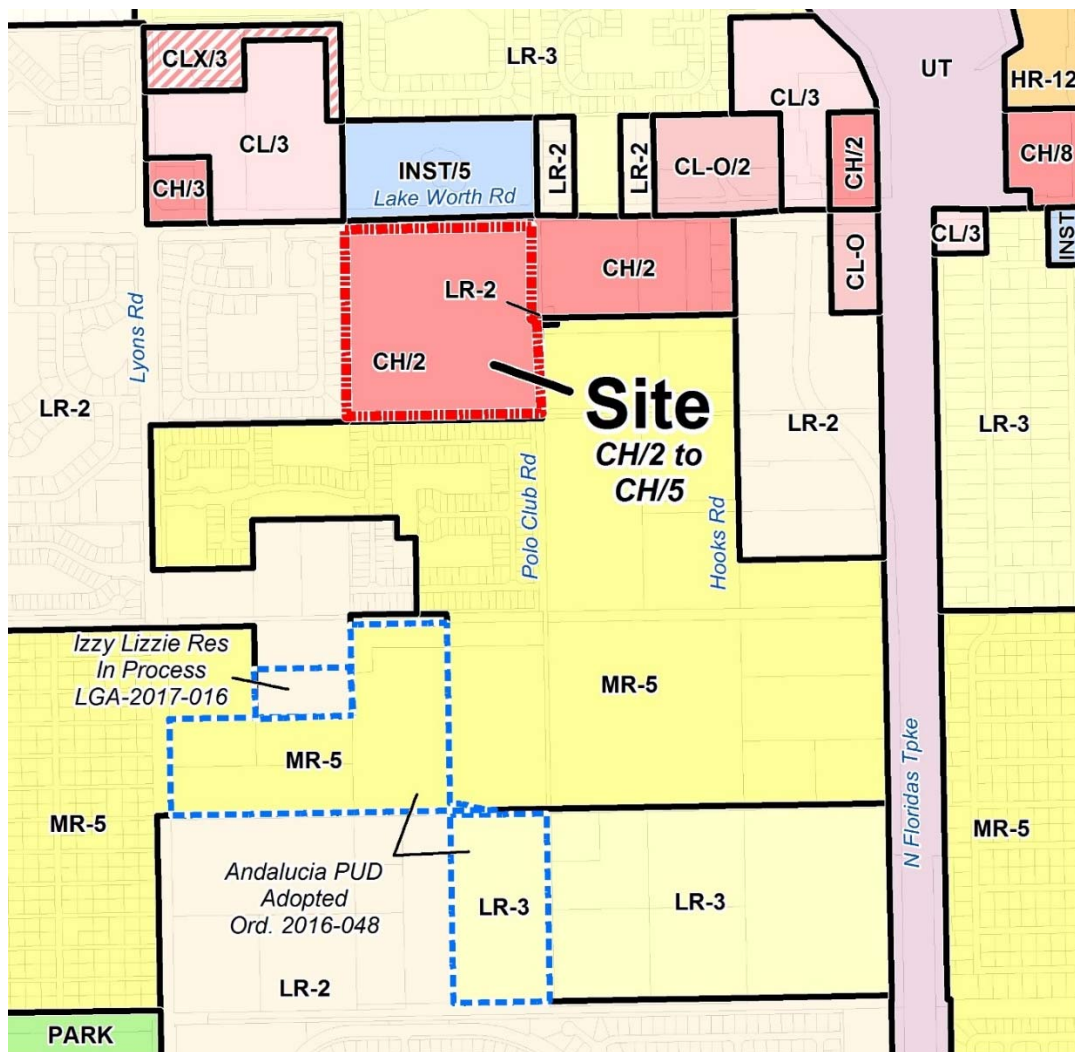
The applicant had met the Comprehensive Plan requirements for the amendment to modify the previous conditions of approval. However, the site does not meet the requirements to increase density outside of the Transfer of Development Rights (TDR) and Workforce Housing Programs (WHP) since the site is not identified in the West Lake Worth Road Corridor Neighborhood Plan at the requested density. As a result, staff is recommending a condition of approval to require 25% of the proposed 185 units to be developed as workforce housing and built on site in order to be consistent with the Comprehensive Plan policy for density increases.

As such, staff recommends ***approval with conditions***.

Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Applicant's Justification Statement	E-6
3. Applicant's Public Facility Impacts Table	E-21
4. Applicant's Traffic Study ( <i>available to the LPA/BCC upon request</i> )	E-23
5. Palm Beach County Traffic Division Letter	E-24
6. Water & Wastewater Provider LOS Letter	E-25
7. School District Concurrency LOS Letter	E-26
8. Applicant's Disclosure of Ownership Interests	E-27
9. Correspondence	E-31

## Exhibit 1

<b>Amendment No:</b>	<b>Lake Worth Commercial (LGA 2017-013)</b>
<b>FLUA Page No:</b>	76
<b>Amendment:</b>	From Commercial High with an underlying 2 units per acre (CH/2) to Commercial High with an underlying 5 units per acre (CH/5) and to revise conditions.
<b>Location:</b>	Southwest corner of Lake Worth Road and Polo Road
<b>Size:</b>	37.03 total acres
<b>Property No:</b>	00-42-43-27-05-028-0051



The amendment proposed to revise the following conditions of approval adopted by Ordinance 2008-048. The applicant's proposed changes are shown with the deleted text ~~struck-out~~ and added text underlined.

**Conditions:** Development of the site under the CH designation is subject to the following conditions:

- 1) The subject site is limited to maximum of 396,000 square feet of non-residential uses or equivalent traffic generating uses.
- 2) ~~The subject site is limited to building permits for 65,500 square feet of retail development (the equivalent of 268 PM peak hour trips) until construction has commenced for the recommended improvements at the Lake Worth Road and Turnpike interchange, providing for new southbound ramps. If construction of these improvements has not been assured by the time of concurrency application for this Project, the property owner shall be solely responsible for assuring funding of this improvement or shall demonstrate by means of the concurrency traffic study at that time the improvement is no longer required to satisfy Test 2 of the County's Traffic Performance Standards for the proposed Project.~~
3. *The development of the subject site shall adhere to the following design guidelines criteria and shall be developed as a Lifestyle Commercial Center (LCC): provide for a mixture of uses (commercial and residential) in accordance with the requirements established in the Unified Land Development Code (ULDC).*
  - *The project shall have a mix of ~~at least three of the following uses: retail including restaurant, office, institutional, hotel, live/work and residential. One of these uses must be live/work or residential~~ and commercial uses, with institutional and other accessory/ancillary/incidental uses permitted. 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.
  - The project shall have pedestrian oriented design that includes ~~a main street and~~ internal street networks. Vehicular and/or pedestrian connections shall be provided to all existing and future contiguous development where feasible. ~~Building mass, placement, and build-to-lines shall be utilized to provide a spatial definition along streets. Additionally, 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 structured 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 in front of non-residential buildings shall be strictly limited 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 ~~100,000~~ 65,000 square feet and shall not be a big box. Single large tenants must have architectural facade treatments or liner tenants to reduce large single use frontage facades along streets. All non-residential buildings shall provide four-sided architecture.
  - 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.

- 4) Residential density shall be limited to a maximum of five (5) dwelling units per acre, with no density increases permitted above five (5) dwelling per acre on site.
- 5) The Zoning development order shall require at least 25% of the residential units above 2 units per acre ~~(46)~~ as workforce housing units subject to the following requirements:
  - a. The property owner shall provide these units on site, and between 60-140% of the Median Household Income ranges for the County, in all four WHP ranges (60-80%, >80-100%, >100-120%, and >120-140%); and,
  - b. The workforce housing units shall be provided in all unit types.



## Legal Description

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### PARCEL 1

TRACT 5, LESS THE NORTH 52.14 FEET AND LESS THE EAST 40 FEET THEREOF; TRACT 6, LESS THE NORTH 52.14 FEET THEREOF; TRACT 11 AND TRACT 12, ALL IN BLOCK 28, "PALM BEACH FARMS CO. PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THEREFROM THE FOLLOWING PARCELS A AND B:

### PARCEL A

A PORTION OF TRACTS 5 AND 12, BLOCK 28, "PALM BEACH FARMS CO. 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:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 12; THENCE SOUTH 89°03'30" WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 36.24 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 8,551.00 FEET (A RADIAL LINE FROM SAID POINT BEARS SOUTH 86°07'12" WEST); THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°15'53", A DISTANCE OF 39.52 FEET; THENCE NORTH 04°40'47" WEST, A DISTANCE OF 182.92 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 3,540.00 FEET AND A CENTRAL ANGLE OF 03°56'05"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 243.10 FEET; THENCE NORTH 00°44'43" WEST, A DISTANCE OF 188.22 FEET; THENCE NORTH 02°17'54" EAST, A DISTANCE OF 303.46 FEET; THENCE SOUTH 00°56'30" EAST 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 TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID TRACT 12; THENCE NORTH 89°03'30" EAST ALONG SAID NORTH LINE, A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT 12; THENCE SOUTH 00°56'30" EAST ALONG THE EAST LINE OF SAID TRACT 12, A DISTANCE OF 660.00 FEET TO THE POINT OF BEGINNING.

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

### PARCEL B

A PORTION OF TRACT 5, BLOCK 28, "PALM BEACH FARMS CO. 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 SOUTH 00°56'30" EAST ALONG THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 52.14 FEET; THENCE SOUTH 89°02'30" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-12 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°56'30" EAST, A DISTANCE OF 1.22 FEET;

THENCE NORTH 44°26'30" WEST , A DISTANCE OF 1.68 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT L-12 CANAL; THENCE NORTH 89°03'30" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1.16 FEET TO THE POINT OF BEGINNING.

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

AND

PARCEL 2

A PORTION OF TRACT 5, BLOCK 28, "PALM BEACH FARMS CO. 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 SOUTH 00°56'30" EAST, ALONG THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 85.36 FEET; THENCE SOUTH 89°02'30" WEST ALONG THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459 PACE 1957 OF SAID PUBLIC RECORDS, A DISTANCE OF 37.85 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE

SOUTH 89°02'30" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 2.15 FEET; THENCE SOUTH 00°56'30" EAST, 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 NORTH 02°17'54" EAST, A DISTANCE OF 28.12 FEET; THENCE NORTH 00°33'30" EAST, A DISTANCE OF 54.52 FEET; THENCE NORTH 02°11'32" WEST A DISTANCE OF 125.03 FEET; THENCE NORTH 00°33'30" EAST, 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 37.03 ACRES MORE OR LESS.

## Exhibit 2

### Applicant's Justification Statement, Consistency, and Compatibility

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#### **REQUEST**

On behalf of the property owner, Lake Worth Road Investors, LLC, (hereinafter referred to as the applicant), Urban Design Kilday Studios (hereinafter referred to as the agent) has prepared and hereby respectfully submits this application for a Future Land Use Atlas (FLUA) Amendment to allow the following:

- To amend the Future Land Use Atlas (FLUA) designation of the subject property from Commercial High with underlying Low Residential, two units per acre (CH/2) to Commercial High with underlying Medium Residential, five units per acre (CH/5) to allow for 185 dwelling units; and
- To amend conditions from Ordinance No. 2008-048.

This request is for a +/-37.03-acre property (hereinafter referred to as the subject property) located on the southwest corner of the intersection of Lake Worth Road and Polo Road. The subject property currently has a Future Land Use Atlas (FLUA) designation of CH/2 over the entire property. The subject property is within the Agricultural Residential (AR) Zoning District and located within the boundaries of the West Lake Worth Road Neighborhood Plan. The subject property is comprised of parcel control number (PCN) 00-42-43-27-05-028-0051.

#### **PROJECT HISTORY**

*On December 3, 2008, the PBC Board of County Commissioners (BCC), through Ordinance No. 2008-048, amended the FLUA designation of the +/-37.85-acre parcel from Low Residential, up to 2 dwelling units per acre LR-2 to CH/2., with conditions. Many of the conditions were based on the Lifestyle Commercial Center (LCC) design guidelines. The LCC district polices are being revised as part of a county initiated FLU Text Amendment. The amendment will be eliminating Lifestyle Commercial Center as a freestanding zoning district.*

*On May 2, 2016, the applicant sold approximately 0.83 acres to Pulte Home Corporation for dedication of right-of-way for Polo Road (Official Records Book 28279 Page 1477 and 1480). The dedication was part of efforts to finalize the alignment of Polo Road with Blanchett Trail, per engineering conditions in R-2016-0549 – one of the approvals related to the Gulfstream PUD (Control No. 2008-00297). This changed the overall acreage of the property from +/-37.85 acres to the current +/-37.03 acres.*

#### **SURROUNDING USES**

Below is a description of the uses on the adjacent properties (or those on the other side of abutting R-O-W's) to the north, south, east and west of the overall property. Please see the Built Inventory Features Map in Attachment F for the following information overlaid on an aerial.

- **North:** To the north of the subject property across Lake Worth Road (a right-of-way depicted on the Thoroughfare Identification Map with an ultimate width of 123') is one (1) parcel (details below):
  - **PCN 00-42-44-29-03-001-0000:** This 16.48-ac property is currently owned by SGD

Wellington Crossing LLC and has a FLUA designation of INST/5 and is within the PUD Zoning District. This property is a part of the Harbor Chase at Wellington Crossing PUD (Control No. 2004-0009). The proposed use is a Type 3 Congregate Living Facility (CLF) for 156 residents.

- **South:** To the south of the subject property is one (1) parcel located across a 30' right-of-way recorded in Plat Book 2 Page 45-54 (details below):
  - **PCN 00-42-44-29-02-012-0000:** This property is a part of a 15' right-of-way buffer for Pod A of the Gulfstream Reserve PUD, f.k.a Gulfstream PUD (Control No. 2008-00297). The property is owned by Lennar Homes Inc. and has a FLUA designation of MR-5 and is within the PUD Zoning District. The Gulfstream PUD was approved for a total of 248 single family units at an average 3.83 du/ac.
- **East:** To the east of the subject property, across Polo Road (an 80' right-of-way depicted on the Thoroughfare Identification Map) are multiple properties and owners (details below):
  - **PCN 00-42-43-27-05-028-0041 & 0042:** Portions of these parcels are adjacent to the subject property and are under the ownership of Haley Farms LLC. They have a FLU designation of LR-2/MR-5 and is within the RT Zoning District. They are currently used for equestrian purposes.
  - **PCN 00-42-43-27-05-028-0131:** This 0.11-acre property is owned by Bellsouth Telecommunications Inc. (AT&T). It is currently being used for utility purposes.
  - **PCN 00-42-43-27-05-028-0132:** This property is Pod A of the Fields at Gulfstream PUD, f.k.a Gulfstream Polo PUD (Control No. 2005-00594). It is located across Polo Road, a 30' right-of-way and had a FLU designation of MR-5 and is located in the PUD Zoning district. The 18.89-acre pod was approved for 90 townhouse units at 4.76 du/ac.
- **West:** To the west of the subject property is one (1) property which is part of planned development (details below):
  - **PCN 00-42-44-29-01-002-0000:** This property is a portion of the 10' landscape buffer owned by the Cedar Creek Ranch Association Inc. The property has a FLU designation of LR-2 and is within the PUD Zoning District. The Cedar Creek Ranch PUD (Control No. 2001-00016) has a total of 77 single family units and was developed at a density of 1.98 du/ac.

## **CONDITION AMENDEMENTS**

The applicant is proposing to make amendments to the conditions in Ordinance No. 2008-048 as described below

**Conditions:** Development of the site under the Commercial High designation is subject to the following conditions:

- 1) The subject site is limited to maximum of 396,000 square feet of commercial retail non-residential uses or equivalent traffic generating uses.
- 2) ~~The subject site is limited to building permits for 65,500 square feet of retail development (the equivalent of 268 PM peak hour trips) until construction has commenced for the recommended improvements at the Lake Worth Road and Turnpike interchange, providing for new southbound ramps. If construction of these improvements has not been assured by the time of concurrency application for this Project, the property owner shall be solely responsible for assuring funding of this improvement or shall demonstrate by means of the concurrency traffic study at that time the improvement is no longer required~~

~~to satisfy Test 2 of the County's Traffic Performance Standards for the proposed Project.~~

**Amendment Request:** *The applicant is proposing to delete Condition 2 as this condition has been met.*

**Basis:** *The improvements at the Lake Worth Road and Turnpike interchange detailed in this condition have been constructed.*

- 3) The development of the subject site shall adhere to the following design guidelines and ~~shall be developed as a Lifestyle Commercial Center (LCC); provide for a mixture of uses (commercial and residential) in accordance with the requirements established in the Unified Land Development Code (ULDC).~~
- The project shall have a mix of at least ~~three~~ two (2) of the following uses: retail including restaurant, office, institutional, hotel, live/work and residential. One of these uses must be live/work 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.
  - The project shall have pedestrian oriented design that includes ~~a main street and~~ internal street networks. Vehicular and/or pedestrian connections shall be provided to all existing and future contiguous development where feasible. ~~Building mass, placement, and build to lines shall be utilized to provide a spatial definition along streets.~~ Additionally, 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 structured 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 in front of non-residential buildings shall be strictly limited 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 ~~400,000~~ 65,000 square feet and shall not be a big box. Single large tenants must have architectural facade treatments or liner tenants to reduce large single use frontage facades along streets. All non-residential buildings shall provide four-sided architecture.
  - 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.

**Amendment Request:** *The applicant is proposing to modify Condition 3 to to eliminate the requirement for a Lifestyle Commercial Center (LCC) while still requiring a mixture of uses and still providing for the majority of the design elements.*

**Basis:** *First, the language for LCC 's has been modified. Mixed-use developments have similar design requirements and it is the applicant's intent to develop the property with a mix of residential and commercial uses, promoting the Plan's objectives and policies to provide more of this style of development.*

- 4) Residential density shall be limited to a maximum of five (5) dwelling units per acre, with no density increases permitted above five (5) dwelling per acre on site.

**Amendment Request:** *The applicant is proposing to limit the residential density.*

**Basis:** *The applicant is proposing to limit the residential density in accordance with the intent of the WLWRD Neighborhood Plan.*

### **CONSISTENCY & COMPATIBILITY**

1. **Justification:** The applicant is requesting to amend the FLUA designation of the subject property from CH/2 to CH/5. Per Policy 2.1-f of the FLUE of the PBC Plan an applicant must provide adequate justification for the proposed future land use.

*The subject property had historically been used as a training area for horses involved in polo events held in the surrounding area. The Polo Grounds, as the area was called, hosted multiple polo matches and equestrian related events. The equestrian activity has since moved to Wellington and much of the land is now being developed into single or multifamily homes. These changes have impacted the property owner and they now wish to obtain approvals to allow the subject property to support uses consistent with the redevelopment of the surrounding area. As such, the applicant is submitting the above-referenced request and asking that consideration be given to the subject property as a property with unique circumstances including, but not limited to changes to the characteristics and FLU designations of the surrounding area.*

Before detailing how the proposed request is consistent with the WLWRD Neighborhood Plan, it should be noted that the applicant did intend to develop the subject property as a Lifestyle Commercial Center (LCC) in accordance with The WLWRD Neighborhood Plan; however, the market has not supported that type of vertically-integrated, mixed-use development on the subject property. While the applicant will be maintaining a CH FLUA designation the request to increase the residential density from 2 du/ac to 5 du/ac is intended to increase the underlying residential density to allow the properties to react to current market trends which continue to show an increase in demand for residential in the surrounding area. The applicant's intent, which is reflected in the proposed condition amendment, is to require that the property be developed with a mixture of uses. Ideally the commercial uses would be located along the northern portion of the subject property fronting Lake Worth Road and residential uses would be provided in the southern portion of the subject property.

The WLWRD Neighborhood Plan called for allowing up to 5 du per acre for the approximately 273.13 acres in the Gulfstream Polo area immediately south of the proposed commercial sites to "provide a transition to lower residential densities to the south". As shown in the exhibit titled "Compatibility Transition Map" allowing a mixture of uses (commercial to the north, residential to the south) on the subject property would act as an ideal transition between Lake Worth Road and the residential uses to the south. As such, the proposed underlying residential density of 5 du/ac is consistent with the density transition intent of the WLWRD Neighborhood Plan as planned for the lands south of Lake Worth Road.

Next, the applicant is requesting a density increase through the FLUA Amendment process and is voluntarily agreeing to cap the density at 5 du/ac without any additional density bonuses. This is consistent with the recommendation of the WLWRD Neighborhood Plan to consider density increases through the FLUA Amendment process as an alternative to the County's Transfer of Development Rights (TDR) and Workforce



Housing Program (WHP). The applicant understands that the request is to be supported by the plan. The Coalition has been made aware of this request and submitted a letter of support for the requests to the Board of County Commissioners on April 14, 2017. Note that the Coalition had three requests that have been incorporated and/or retained in the proposed conditions of approval listed above. Furthermore, the applicant understands that the Coalition is required, at the applicant's request, to formally revise the WLWRD Neighborhood Plan to be consistent with this proposed request.

Next, while the existing CH FLUA designation would allow the property to be developed at an FAR of up to 1.0 (for properties within the MXP, TND, TMD and LCC Zoning Districts in the Urban/Suburban Tier) the applicant intends to carry forward condition of approval 1) from Ordinance No. 2008-048 that limits the project to a maximum of 396,000 square feet of commercial retail non-residential uses or equivalent traffic generating uses. This would equate to an FAR of 0.25 which, coincidentally, is consistent with the maximum allowable FAR for properties with a CL FLUA designation in the Urban/Suburban Tier. As such, the property will continue to be in conformance with the WLWRD Neighborhood Plan that calls for all commercial development within the boundaries of the Neighborhood Plan to be developed at an intensity that is consistent with the FAR of the CL FLUA designation.

Lastly, since the adoption of the Comprehensive Plan in 1989 the surrounding area has changed drastically. As shown in the two "Future Land Use Map" graphics enclosed as an exhibit to this attachment the land use pattern of the area, especially the Gulfstream Polo area, has changed from predominately low residential in 1989 to higher density residential in 2017. While this shows an intensification of uses in the surrounding area it also shows that the development pattern is continuing to evolve. The subject property is a prime example having gone from low density residential to commercial since 1989. The current request to allow medium density residential (in addition to commercial) on the property is part of that evolution and will provide a transition between lower and higher intensities.

As detailed above, allowing the CH/5 FLUA designation on the subject property with the voluntary conditions is justified because (1) the subject property will act as a density transition, (2) the proposed density increase is being requested through the FLUA Amendment process (as opposed to the TDR/WHP provisions), (3) there has been a change in circumstances (increase demand for residential) that affects the subject property and (4) the request is not inconsistent with the WLWRD Neighborhood Plan.

2. ***Residential Density Increases:*** Per Policy 2.4-b of the FLUE of the PBC Plan an applicant must respond to one of the three criteria in this policy. Criteria 3 states that an applicant can request a density increase up to, but not exceeding, the density proposed by and supported by a Neighborhood Plan prepared in accordance with FLUE Objective 4.1 and formally received by the BCC. The only formally accepted neighborhood plan that qualifies for this provision is the WLWRD Neighborhood Plan and, as stated previously, the proposed underlying density for will be consistent with the density transition intent of the Neighborhood Plan and the method to request an increase in density. As mentioned previously, the Neighborhood Coalition has provided a letter of support for the amendment. The applicant, per new condition 4) has agreed to limit the residential density and to not seek any density bonuses which was identical to the condition imposed on the Gulfstream Polo Properties (LGA 2016-007) FLUA Amendment request. In the Staff Analysis response to meeting Policy 2.4-b in the April 27, 2016 Staff Report for LGA 2016-007, Staff reiterated the direction of the Neighborhood Plan while concluding that "the

proposed amendment, as conditioned, is consistent with item 3 of Policy 2.4-b.” Since the proposed amendment is similar in nature, the same determination should be made for this request. It is worth noting that LGA 2016-007 was, in part, also a request to amend the FLUA designation on certain parcels from LR-2 to MR-5.

### **3. Comprehensive Plan, Florida Statutes and Compatibility:**

- **Objective 1.2:** The Urban/Suburban Tier is intended to accommodate the bulk of the County’s population along with the services and facilities consistent with the needs of urban and suburban development.
  - **Applicant’s Description:** The increase in the underlying residential density to increase the number of homes that will be developed in a suburban fashion will provide additional housing options to accommodate the growing population of PBC within the Urban/Suburban Tier. Based on the PBC 2015 Population Allocation model provided by the County Planning Division, the population for TAZ Area 739 (where the subject property is located) was 1,068 and is projected to be 4,570 by the year 2035. This is a projected population increase of approximately 3,502 over the next 20 years. Since the model was published, only one approval has been granted, the Fields at Gulfstream. Using the 2.39 persons per household (PPH) provided in the model, this approval would accommodate approximately 2,242 of the projected 3,502 persons in the TAZ area, leaving a projected 1,260 persons to be accommodated. The proposed residential increase would accommodate approximately 265 of the 1,260 projected persons in the TAZ area. As demonstrated, the proposed increase in residential density would be consistent with the surrounding area’s growth pattern.
- **Objective 2.1:** This objective states that PBC shall designate on the FLUA sufficient land area in each land use designation to manage and direct future development to appropriate locations to achieve balanced growth.
  - **Applicant’s Description:** Allowing the requested FLUA designation (with voluntary conditions) to allow an increase in residential density to provide housing for up to approximately 265 persons will accommodate the expected growth in the population of PBC and the TAZ. In addition, allowing the commercial FLUA designations to remain on the subject property will allow the property to be developed with a mixture of uses.
- **Policy 2.1-a:** Future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area and shall also not underutilize the existing or planned capacities of urban services.
  - **Applicant’s Description:** As shown in Attachments H through O the subject property is adjacent to and able to connect to all of the necessary urban services including, but not limited to, the roadway network, water/wastewater and drainage facilities, mass transit opportunities, etc.
- **Policy 2.1-b:** The County shall utilize a range of residential future land use categories to plan for growth.

- **Applicant's Description:** Allowing the requested FLUA designation CH/5 will provide a range of residential future land use categories in the surrounding area, from LR-2 to MR-5.
- **FLUE Policy 2.1-f:** The following will detail how the impact of the proposed FLUA on the items listed:
  - The proposed use is suitable and appropriate for the subject site;

**Applicant's Description:** Per the FLUE of the Comprehensive Plan, the characteristics of a livable community include, but are not limited to, higher density residential near commercial centers, transit lines, and parks and a central neighborhood or community focal point, such as a civic space or commercial area. The subject property has frontage on Lake Worth Road where the Palm Tran Route 62 connects to the Lake Worth Tri-Rail Station making this road a major transit line. The applicant is intending to develop the site with both residential and commercial uses. The commercial uses would create a focal point for the surrounding community. The increase in residential density provides more opportunities for compact, diverse mix of housing. Furthermore, based on the applicant's agreement to carrying forward and enhancing prior conditions of approval, this amendment will require a development that has characteristics of a livable community with a mixture of uses, pedestrian friendly environment and connectivity.

In the Staff Analysis response to meeting Policy 2.1-f in the April 27, 2016 Staff Report for LGA 2016-007, Staff stated that "Due to the consistency with residential patterns in the area, and with the West Lake Worth Road Neighborhood Plan, the requested amendment is justified." As such, the same justified determination should be made for this request since it is consistent with the same residential patterns and is consistent with the Neighborhood Plan. It is worth noting that LGA 2016-007 was, in part, also a request to amend the FLUA designation on certain parcels from LR-2 to MR-5.

- There is a basis for the proposed FLU change for the particular subject site based upon one or more of the following:
  - *Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site;*

**Applicant's Description:** In 2010, Ordinance 2010-025 granted FLUA amendments for the 67.77-acre Andalucia PUD, located 0.26 miles south of the subject property. Approximately 58.03 acres were designated from LR-2 to LR-3. This allowed for the site to develop as a Planned Unit Development with 246 dwelling units. In 2016, Ordinance No. 2016-048 designated 58.03 acres from LR-3 to MR-5. The approved 246 dwelling units were not affected and remain the proposed number of units for this development.

In 2014, Ordinance No. 2014-010 granted FLUA amendments for the 135.04-acre Gulfstream Properties, now known as Gulfstream Reserve, which is located directly south of the subject property. Approximately 95.80 acres of the property were designated from Multiple Land Use with Low Residential three (3) units per acre and Office Low Commercial with an underlying three (3) units per acre (MLU, with LR-3 and CL-O/3) and 39.23 acres of LR-3 to MR-5. This allowed for the site to develop as a Planned Unit Development with 248 dwelling units (211 single-family and 37 multifamily units) at an average of 3.83 du/ac. The construction of the single-family units is underway.

Ordinance No. 2016-0025 granted FLUA amendments for the 224.90-acre Fields at Gulfstream PUD, located east of the subject property. Approximately 11.52 acres of the property were designated from LR-2 to LR-3 and 9.69 acres were designated from LR-2 to MR-5. This allowed for the entire site to develop as a Planned Unit Development with 983 dwelling units at an average of 4.17 du/ac. The majority of this property was historically used for agricultural and equestrian uses, most notably the “Polo Grounds” where many polo related event were held.

- *Changes in the access or characteristics of the general area and associated impacts on the subject site;*

**Applicant’s Description:** As previously stated, in recent years, the properties surrounding the subject property have been granted entitlement approvals to develop residential uses. Thus, changing characteristics of the area from agricultural and equestrian land uses to residential land uses.

- New information or change in circumstances which affect the subject site;

**Applicant’s Description:** When the applicant first took control of the subject property, there was still equestrian related activities occurring in the area, making horse training a compatible use on the land. Since much of the uses of surrounding properties are residential or will be converting in the near future, the subject property’s equestrian use is no longer the best use for land. Thus, there are changing circumstances affecting the subject property.

- The natural environment, including topography, soils and other natural resources;

**Applicant’s Description:** Please see Attachment L for the Natural Feature Inventory & Map.

- The availability of facilities and services;

- **Applicant’s Description:** Below is more detailed information on each of those facilities and services:

- a. *Traffic*: Please see Attachment H for the Comprehensive Plan Amendment Transportation Analysis prepared by Simmons & White.
- b. *Mass Transit*: The nearest Palm Tran bus route is Route 62 that stops at the northwest corner of the subject property. The closest Tri-Rail connection is the same Route 62 to the Lake Worth Tri-Rail Station.
- c. *Potable Water and Wastewater*: Please see Attachment I for the Level of Service letter from the PBC Water Utilities Department dated January 17, 2017.
- d. *Drainage*: Please see Attachment J for Drainage Statement prepared by Simmons & White.
- e. *Fire Rescue*: Please see Attachment K for the Fire Rescue letter dated January 13, 2017 which confirms that the nearest PBC Fire Rescue station is Station #32 located at 4022 Charleston Street and is approximately 2.1 miles from the subject property.

o The adjacent and surrounding development;

- **Applicant's Description:** As previously stated the subject property is located in the vicinity of residential future land use designations. The Fields at Gulfstream PUD, located to the east of the property, has LR-3 and MR-5 FLU designations. The Gulfstream PUD located directly south has LR-2 and MR-5 FLU designations and the Cedar Creek PUD, located west of the property, has a LR-2 FLU designation.

o The future land use balance;

- **Applicant's Description:** As stated previously, the proposed FLUA Amendment to CH/5, on the subject property will be in conformance with all of the provisions of FLUE Policy 2.1-f. As such, amending the FLUA designation on the subject property will continue to provide a balanced future land use in the area as it will allow both residential and non-residential uses.

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

- **Applicant's Description:** The subject property is within the West Lake Worth Road Neighborhood Plan. The Lake Worth Road Corridor Master Plan identifies the subject property as a commercial site. The Plan also encourages a residential density of up to five (5) units per acre north of 47<sup>th</sup> Place (aka 51<sup>st</sup> Place) on where as south of 47<sup>th</sup> Place, only three (3) units per acre is encouraged. As previously stated, the property will maintain the commercial FLU designation and since the property is located north of 47<sup>th</sup> Place, where higher residential density is encouraged, the request remains consistent with the WLWR Neighborhood Plan. The applicant will request support from the Lake Worth Road Coalition on the residential increase.

- **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.
  - **Applicant's Description:** The proposed amendment would allow an increase residential density and still maintain the commercial land use on the subject property. The property would assist in accommodating the projected increase to 4,570 residents in the TAZ Area by 2035, based on the previously demonstrated population projections. In the Staff Analysis response to meeting Policy 2.1-g in the April 27, 2016 Staff Report for LGA 2016-007, Staff stated that "The proposed amendment would not further, nor detract from any of the County directions. Thus there are no policy implications regarding the County Directions with regard to this amendment." Since the proposed amendment is similar in nature, the same determination should be made for this request. It is worth noting that LGA 2016-007 was, in part, also a request to amend the FLUA designation on certain parcels from LR-2 to MR-5.
- **Policy 2.1-h:** The County shall not approve site specific FLUA amendments that encourage piecemeal development.
  - **Applicant's Description:** The subject property is located in the vicinity of existing and proposed residential future land use designations. As such, the proposed infill amendment does not encourage piecemeal development, nor does it create residual parcels.
- **Policy 2.4-b:** The Transfer of Development Rights (TDR) Program is the required method for increasing density within the County, unless one of three criteria are met. One of the three criteria is that "an applicant proposes a density increase up to, but not exceeding, the density proposed by and supported by a Neighborhood Plan prepared in accordance with FLUE Objective 4.1 and formally received by the BCC. To date, the following Neighborhood Plan qualifies for this provision: a. West Lake Worth Road Neighborhood Plan."
  - **Applicant's Description:** The applicant is requesting a density increase through the FLUA Amendment process and is voluntarily agreeing to cap the density at 5 du/ac without any additional density bonuses. This is consistent with the recommendation of the WLWRD Neighborhood Plan to consider density increases through the FLUA Amendment process as an alternative to the County's Transfer of Development Rights (TDR) and Workforce Housing Program (WHP). The applicant understands that the request is to be supported by the plan. The Coalition has offered a letter of support for the request. Furthermore, the applicant understands that the Coalition is required, at the applicant's request, to formally revise the WLWRD Neighborhood Plan to be consistent with this proposed request.
- **Florida Statutes, Section 163.3177.(6).(a).9.a:** 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.
  - **Applicant's Description:** The applicant is requesting to increase the residential density from LR-2 to MR-5, providing additional residential units for a property that also has a CH designation and where both uses will be developed on the property.
- 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.
  - **Applicant's Description:** The property is within the Urban/Suburban Tier surrounded by developed lands. The property is located in close proximity to urban areas which include urban services such as police, fire rescue and water/wastewater/drainage utilities.
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
  - **Applicant's Description:** The development is not isolated in nature as existing development exists to the north, south, east and west within the Urban/Suburban Tier.
- 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.
  - **Applicant's Description:** This amendment does not fail to protect and conserve natural resources as the majority of property has been used for equestrian purposes and is mostly cleared. 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.
  - **Applicant's Description:** The property had been utilized for equestrian purposes in the past. The parcel 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, and, in fact, those activities many times are not compatible with the types of uses already existing in the corridor. As such, the proposed FLUA Amendment does not fail to adequately protect said activities.

- Fails to maximize use of existing public facilities and services.

- **Applicant's Description:** This amendment will maximize the use of existing facilities. PBCWUD has confirmed that it has capacity to service the subject property under its proposed FLUA amendment and facilities exist along Lake Worth Road.

- Fails to maximize use of future public facilities and services.

- **Applicant's Description:** The FLUA amendment will maximize the use of future public facilities and services as the property is located so as to concentrate the use of the facilities within an urban area. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing and future facilities.

- 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.

- **Applicant's Description:** As a result of the existing development located within this area, the proposed amendment will not increase the costs of providing services as they already exist in the area. The additional tax revenue from the proposed development will aid in maintaining the existing infrastructure

- Fails to provide a clear separation between rural and urban uses.

- **Applicant's Description:** Allowing an increase residential density on the subject property is consistent with the style of development in the Urban/Suburban Tier and the surrounding area. It is not envisioned to be a rural area therefore; the requested amendment discourages the proliferation of Urban/Suburban Sprawl.

- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

- **Applicant's Description:** This amendment will allow for what could be considered infill development as urban/suburban styles of development have occurred and/or approved in each direction from the property.

- Fails to encourage a functional mix of uses.

- **Applicant's Description:** The property will be developed with both commercial and residential uses in a mixed-use development. Therefore, it encourages a functional mix of uses.
- Results in poor accessibility among linked or related land uses
  - **Applicant's Description:** The development will be designed with pedestrian interconnectivity through required pathways. As such, this will provide for an inviting, interconnected pedestrian environment.
- Results in the loss of significant amounts of functional open space.
  - **Applicant's Description:** This amendment does not result in a loss of any functional open space, as the subject property's open space is not functional for use by the public. The property is privately owned and was used for private equestrian purposes.
- **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.
    - **Applicant's Description:** This amendment does not fail to protect and conserve natural resources as the subject property and surrounding parcels have either been developed or used for agriculture purposes.
  - Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
    - **Applicant's Description:** The amendment for a FLUA amendment will maximize the use of future public facilities and services existing and within an urban area. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities.
  - 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.
    - **Applicant's Description:** The development will be designed with pedestrian interconnectivity with pathways internal to the property and pedestrian required pathways to the adjacent roadways. Additionally, the development will provide for additional commercial choices for present and future population in the area and has 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.
- **Applicant's Description:** Increasing the residential density on the subject property will provide additional housing opportunities for the existing and future residents in the area.

In conclusion, the requested FLUA Amendment from CH/2 to CH/5 on the subject property is justified, consistent with the Plan and State of Florida laws and is compatible with surrounding uses.

On behalf of the applicants, Urban Design Kilday Studios, respectfully requests approval of this FLUA Amendment request to allow for the proposed development on the subject property. The Project Managers at Urban Design Kilday Studio are Joni Brinkman, Principal, and Sandra Megrue, Planning Project Manager, who can be reached at (561) 366-1100 or via email at [jbrinkman@udkstudios.com](mailto:jbrinkman@udkstudios.com)

### Exhibit 3 Applicant's Public Facilities Table

#### VIII. Public Facilities Information

A. Traffic Information			
	Current FLU	Maximum	Conditioned or Concurrent
Max Trip Generation	740 trips per day	1,230 trips per day	N/A
Trip Increase Max.	490 trips per day		
Trip Inc. Conditioned or Concurrent	N/A		
Significantly impacted roadway segments that fail Long Range	None	None	N/A
Significantly impacted roadway segments for Test 2	None	None	N/A
Traffic Consultant	Kyle Duncan, Vice President, Simmons & White		
B. Mass Transit Information			
Nearest Palm Tran Route (s)	Palm Tran Route 62 runs along Lake Worth Road north of the subject property.		
Nearest Palm Tran Stop	Stops number 5934 and 5973, 173 lineal feet west and at the northwest corner of the subject property, respectively.		
Nearest Tri Rail Connection	Same as above since Route 62 has a direct link to the Lake Worth Tri-Rail Station.		
C. Portable Water & Wastewater Information			
Please see Potable Water & Wastewater Level of Service (LOS) comment letter in Application Attachment I.			
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department. See Application Attachment I for LOS from PBCWUD.		
Nearest Water & Wastewater Facility, type/size	The nearest PBCWUD water owned water and sewer lines are located in Lake Worth Road, fronting the subject property. See Application Attachment I for LOS from PBCWUD.		

#### D. Drainage Information

The site is located within the boundaries of the Lake Worth Drainage District and South Florida Water Management District C-51 Drainage Basin. Legal positive outfall is available to the site via connection to the Lake Worth Drainage District L-12 Canal adjacent to the parcel's north property line. See Application Attachment J prepared by Simmons and White.

#### E. Fire Rescue

<b>Nearest Station</b>	PBC Fire Rescue Station #32, 4022 Charleston Street, Lake Worth
<b>Distance to Site</b>	Approximately 2.10 miles from the station to the subject property
<b>Response Time</b>	Estimated response time is 6 minutes 30 seconds. For fiscal year 2016, the average response time (call received to on scene) for this stations zone is 6 minutes, 43 seconds.
<b>Effect on Resp. Time</b>	The letter from Fire Rescue as Application Attachment K states that "changing the land use will increase the call volume to this area and could potentially increase fire rescue's response time."

#### F. Environmental

<b>Significant habitats or species</b>	Per the Environmental Assessment prepared by EW Consultants Inc. found in Attachment L, "there are no significant environmental resources or habitat existing on the property." Furthermore, the assessment states that, "no significant impacts to natural resources are anticipated to result from this land use amendment."
<b>Flood Zone*</b>	The subject site is located in Flood Zone X500. See Application Attachment M for Statement prepared by Simmons and White.
<b>Wellfield Zone*</b>	The subject site is not located near any wellfields. See Application Attachment M for wellfield map.

#### G. Historic Resources

Please see Application Attachment N for Historic Resource Evaluation Letter from the County Historic Preservation Officer/Archeologist that identified no historic or architecturally significant resources on or within 500 feet of the subject property.

#### H. Parks and Recreation - Residential Only

<b>Park Type</b>	<b>Name &amp; Location</b>	<b>Level of Svc. (ac. per person)</b>	<b>Population Change</b>	<b>Change in Demand</b>
<b>Regional</b>	Okeeheelee Park	0.00339	265	0.89835
<b>Beach</b>	R.G Kreusler Park	0.00035	265	0.09275
<b>District</b>	Park Ridge Golf Course	0.00138	265	0.3657

<b>I. Libraries</b>			
<b>Library Name</b>	Greenacres Branch		
<b>Address</b>	3750 S Jog Road		
<b>City, State, Zip</b>	West Palm Beach, FL, 33411		
<b>Distance</b>	2.34 miles		
<b>Component</b>	<b>Level of Service</b>	<b>Population Change</b>	<b>Change in Demand</b>
<b>Collection</b>	2 holdings per person	265	530
<b>Periodicals</b>	5 subscriptions per 1,000 persons	265	1.325
<b>Info Technology</b>	\$1.00 per person	265	\$265
<b>Professional staff</b>	1 FTE per 7,500 persons	265	0.035
<b>All other staff</b>	3.35 FTE per professional librarian	265	0.117
<b>Library facilities</b>	0.34 sf per person	265	90.1
<b>J. Public Schools</b>			
See Application Attachment O for Letter from PBC School District in which the impact review shows that this FLUA Amendment will not cause the schools to exceed the 100% utilization percentage.			
	<b>Elementary</b>	<b>Middle</b>	<b>High</b>
<b>Name</b>	Discovery Key Elementary school	Woodlands Middle School	Park Vista High School
<b>Address</b>	3550 Lyons Road	5200 Lyons Road	7900 Jog Rd
<b>City, State, Zip</b>	Lake Worth, FL,33467	Lake Worth, FL, 33467	Lake Worth, FL 33467
<b>Distance</b>	.75 miles	.98 miles	4.5 miles

## **Exhibit 4 Traffic Study**

**(Available to the BCC upon request)**

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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/>



## Exhibit 5 Traffic Division Letter



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

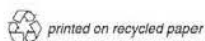
**Palm Beach County  
Board of County  
Commissioners**

Paulette Burdick, Mayor  
Melissa McKinlay, Vice Mayor  
  
Hal R. Valeche  
Dave Kerner  
Steven L. Abrams  
Mary Lou Berger  
Mack Bernard

**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"



March 6, 2017

Anna Lai, P.E., PTOE  
Simmons & White  
2581 Metrocentre Boulevard West, Suite 3  
West Palm Beach, FL 33407

**RE: Policy 3.5-d Review - Round 2017-D  
SW Corner of Lake Worth Rd & Polo Rd**

Dear Ms. Lai:

Palm Beach County Traffic Division has reviewed the traffic statement for the proposed Future Land Use Amendment for the above referenced project, dated December 29, 2016, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

<b>Location:</b>	SW corner of Lake Worth Road and Polo Road
<b>PCN #:</b>	00-42-43-27-05-028-0051
<b>Size:</b>	37.03 acres
<b>Existing FLU:</b>	CH/2
<b>Existing Zoning:</b>	Agricultural Residential (AR)
<b>Existing Use:</b>	Vacant
<b>Existing Max Potential:</b>	74 Single Family Detached DUs
<b>Proposed FLU:</b>	CH/5
<b>Prop. Zoning:</b>	Mixed Used Planned Development (MUPD)
<b>Proposed Use:</b>	Commercial and Residential
<b>Prop. Max Potential:</b>	185 Apartment DUs
<b>Net Daily Trips (max):</b>	1,230
<b>Net PH Trips (max):</b>	94 (19/75) AM, 115 (75/40) PM

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

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

Sincerely,

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

QB:DS/dd

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

File: General - TPS – Unincorporated - Traffic Study Review  
N:\TRAFFIC\Development Review\Comp Plan\17-D\SW Corner of Lake Worth Rd & Polo Rd.docx

## Exhibit 6

### Water & Wastewater Provider LOS Letter

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**Water Utilities Department  
Engineering**

8100 Forest Hill Blvd.  
West Palm Beach, FL 33413  
(561) 493-6000  
Fax: (561) 493-6113  
www.pbcwater.com



**Palm Beach County  
Board of County  
Commissioners**

Paulette Burdick, Mayor  
Melissa McKinlay, Vice Mayor  
  
Hal R. Valeche  
Dave Kerner  
Steven L. Abrams  
Mary Lou Berger  
Mack Bernard

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

printed on sustainable  
and recycled paper

January 17, 2017

Urban Design Kilday Studios  
610 Clematis Street, Suite CU02  
West Palm Beach, FL 33401  
Attn: Mr. Chris Barry

RE: Lake Worth Commercial (SW Corner of Lake Worth Road  
and Polo Road)  
**PCN 00-42-43-27-05-028-0051**  
Adequate Water and Wastewater Facilities Determination  
Your letter dated 01-06-2017

Dear Mr. Barry,

This is to confirm that Palm Beach County Water Utilities Department (PBCWUD) is the potable water, and wastewater service provider for the referenced property.

PBCWUD has the capacities to provide the utility level of service required for the above referenced site, based on the current FLUA Designation of Commercial High (CH/2) and the proposed FLUA Designation of Commercial High (CH/5).

The nearest PBCWUD water owned water and sewer lines are located in Lake Worth Road, fronting the subject property. No water and/or sewer services are being provided to the property at this time.

If you have any questions, please call me at (561)493-6122.

Sincerely,

A handwritten signature in blue ink that reads "Adam Galicki".

Adam Galicki  
Manager of Technical Services

AG/mb

# Exhibit 7

## Palm Beach County School District LOS Letter



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FL

KRISTIN K. GARRISON, AICP  
DIRECTOR

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

PLANNING AND INTERGOVERNMENTAL RELATIONS  
3300 FOREST HILL BOULEVARD, SUITE 8-102  
WEST PALM BEACH, FL 33406

STEPHEN BACKHUS  
ACTING CHIEF OF FACILITIES MANAGEMENT

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

### SCHOOL CAPACITY AVAILABILITY DETERMINATION

Application	Submittal Date	02/06/2017		
	SCAD #	17020601F – Future Land Use Atlas Amendment		
	FLU /Rezoning/D.O. #	Not Assigned		
	Property Address / PCN#	00-42-43-27-05-028-0051		
	Development Name	Lake Worth Commercial		
	Owner / Agent Name	Lake Worth Road Investors LLC		
	Planning Area / SAC No.	12/216A		
	Proposed Unit Number & Type	185 residential units (74 units permitted under the current designation)		
Impact Review		Elementary School	Middle School	High School
	# of New Students Generated	17	7	9
	Capacity Available	374	312	64
	Utilization Percentage	69%	78%	98%
Staff's Recommendation	<input type="checkbox"/> Approval			
	<input checked="" type="checkbox"/> Approval with Conditions	1- This approval is valid from 02/13/2017 to 02/12/2018 or the expiration date of the site-specific development order approved during the validation period. A copy of the approved D.O. needs to be submitted to the School District Planning Department prior to 02/12/2018 or this determination will expire automatically.		
	<input type="checkbox"/> Denial			
	<input checked="" type="checkbox"/> Comments	School age children may not be assigned to the public school closest to their residences.		

School District Representative Signature

Joyce C. Cai, Senior Planner

Print Name & Title of School District Representative

February 13, 2017

Date

[joyce.cai@palmbeachschools.org](mailto:joyce.cai@palmbeachschools.org)

Email Address

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

## Exhibit 8

### Disclosure of Ownership Interests

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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  
Robert S. Lipman, 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 ☒ Manager *[position - e.g.,  
president, partner, trustee]* of Lake Worth Road Investors, 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: 4550 Polo Road  
Lake Worth, FL 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.

**EXHIBIT "A"****PROPERTY****PARCEL 1**

TRACT 5, LESS THE NORTH 52.14 FEET AND LESS THE EAST 40 FEET THEREOF; TRACT 6, LESS THE NORTH 52.14 FEET THEREOF; TRACT 11 AND TRACT 12, ALL IN BLOCK 28, "PALM BEACH FARMS CO. PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THEREFROM THE FOLLOWING PARCELS A AND B:

**PARCEL A**

A PORTION OF TRACTS 5 AND 12, BLOCK 28, "PALM BEACH FARMS CO. 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:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 12; THENCE SOUTH 89°03'30" WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 36.24 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 8,551.00 FEET (A RADIAL LINE FROM SAID POINT BEARS SOUTH 86°07'12" WEST); THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°15'53", A DISTANCE OF 39.52 FEET; THENCE NORTH 04°40'47" WEST, A DISTANCE OF 182.92 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 3,540.00 FEET AND A CENTRAL ANGLE OF 03°56'05"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 243.10 FEET; THENCE NORTH 00°44'43" WEST, A DISTANCE OF 188.22 FEET; THENCE NORTH 02°17'54" EAST, A DISTANCE OF 303.46 FEET; THENCE SOUTH 00°56'30" EAST 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 TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID TRACT 12; THENCE NORTH 89°03'30" EAST ALONG SAID NORTH LINE, A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT 12; THENCE SOUTH 00°56'30" EAST ALONG THE EAST LINE OF SAID TRACT 12, A DISTANCE OF 660.00 FEET TO THE POINT OF BEGINNING.

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

**PARCEL B**

A PORTION OF TRACT 5, BLOCK 28, "PALM BEACH FARMS CO. 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 SOUTH 00°56'30" EAST ALONG THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 52.14 FEET; THENCE SOUTH 89°02'30" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-12 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°56'30" EAST, A DISTANCE OF 1.22 FEET; THENCE NORTH 44°26'30" WEST, A DISTANCE OF 1.68 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT L-12 CANAL; THENCE NORTH 89°03'30" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1.16 FEET TO THE POINT OF BEGINNING.

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

AND

**PARCEL 2**

A PORTION OF TRACT 5, BLOCK 28, "PALM BEACH FARMS CO. 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 SOUTH 00°56'30" EAST, ALONG THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 85.36 FEET; THENCE SOUTH 89°02'30" WEST 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 SOUTH 89°02'30" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 2.15 FEET; THENCE SOUTH 00°56'30" EAST, 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 NORTH 02°17'54" EAST, A DISTANCE OF 28.12 FEET; THENCE NORTH 00°33'30" EAST, A DISTANCE OF 54.52 FEET; THENCE NORTH 02°11'32" WEST A DISTANCE OF 125.03 FEET; THENCE NORTH 00°33'30" EAST, 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.

**EXHIBIT "B"****DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

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

<b>Name</b>	<b>Address</b>
John R. Ingram	C/O Ingram Barge Company P.O. Box 23049, Nashville, TN 37202
Orrin H. Ingram	C/O Ingram Barge Company P.O. Box 23049, Nashville, TN 37202
T. Garrick Steele	P.O. Box 1888, Middleburg, VA 20118
Stephen August Orthwein	107050 Baxter Road, Suite 150, Chesterfield, MO 63005
Marital Trust under the will of S.K.	Johnston Southern Company, LLC
	9337 Bradmore Lane, Ooltewah, TN 37363
Robert S. Lipman	411 Great Circle Rd., Nashville, TN 37228

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.

  
Robert S. Lipman, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of December, 2016, by Robert S. Lipman, [ ☒ ] who is personally known to me or [ ☐ ] who has produced \_\_\_\_\_ as identification and who did take an oath.

  
Notary Public

Antonia Moran

(Print Notary Name)

NOTARY PUBLIC

State of FL at Large

My Commission Expires: July 4, 2020



**Exhibit 9  
Correspondence**

---

**LAKE WORTH ROAD COALITION, INC.**

**8335 Lake Cypress Road  
Lake Worth, Florida 33467**

April 14, 2017

Mayor Paulette Burdick  
Palm Beach County  
Board of County Commissioners  
301 N. Olive Ave.  
West Palm Beach, FL 33401

**RE: Lake Worth Commercial (LGA 2017-013) Land Use Atlas Amendment**

Dear Mayor Burdick:

As the president of the Lake Worth Road Coalition, I would like to confirm that we have met with Joni Brinkman and Chris Barry of Urban Design Kilday Studios to discuss this proposed development. This proposed Land Use Amendment is a request to change the land use and amend conditions from a previous ordinance in order to allow for a multiple-use development on the property located on the southwest corner of Lake Worth Road and Polo Road.

As you may recall, the Lake Worth Road Coalition developed a Neighborhood Plan, a Master Plan and Design Guidelines that regulate the future development of this area, which were accepted by Resolution by the Palm Beach County Board of County Commissioners.

The above referenced Lake Worth Commercial project is located within the West Lake Worth Road Corridor. The Coalition has reviewed this proposed Future Land Use Atlas Amendment and we **support** the proposed changes with the understanding that the change in underlying residential units will be MR5, capped at 5, and will follow our Neighborhood Design Guidelines including but not limited to the following conditions:

1. The project shall have pedestrian oriented design. Vehicular and/or pedestrian connections shall be provided to all existing and future contiguous development where feasible. Additionally, 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
2. Parking shall require hardscape (e.g. sidewalks, arcades, arbors) and landscape treatments that enhance the pedestrian environment.
3. No single tenant shall exceed 65,000 square feet and shall not be a big box. All buildings shall provide four-sided architecture.

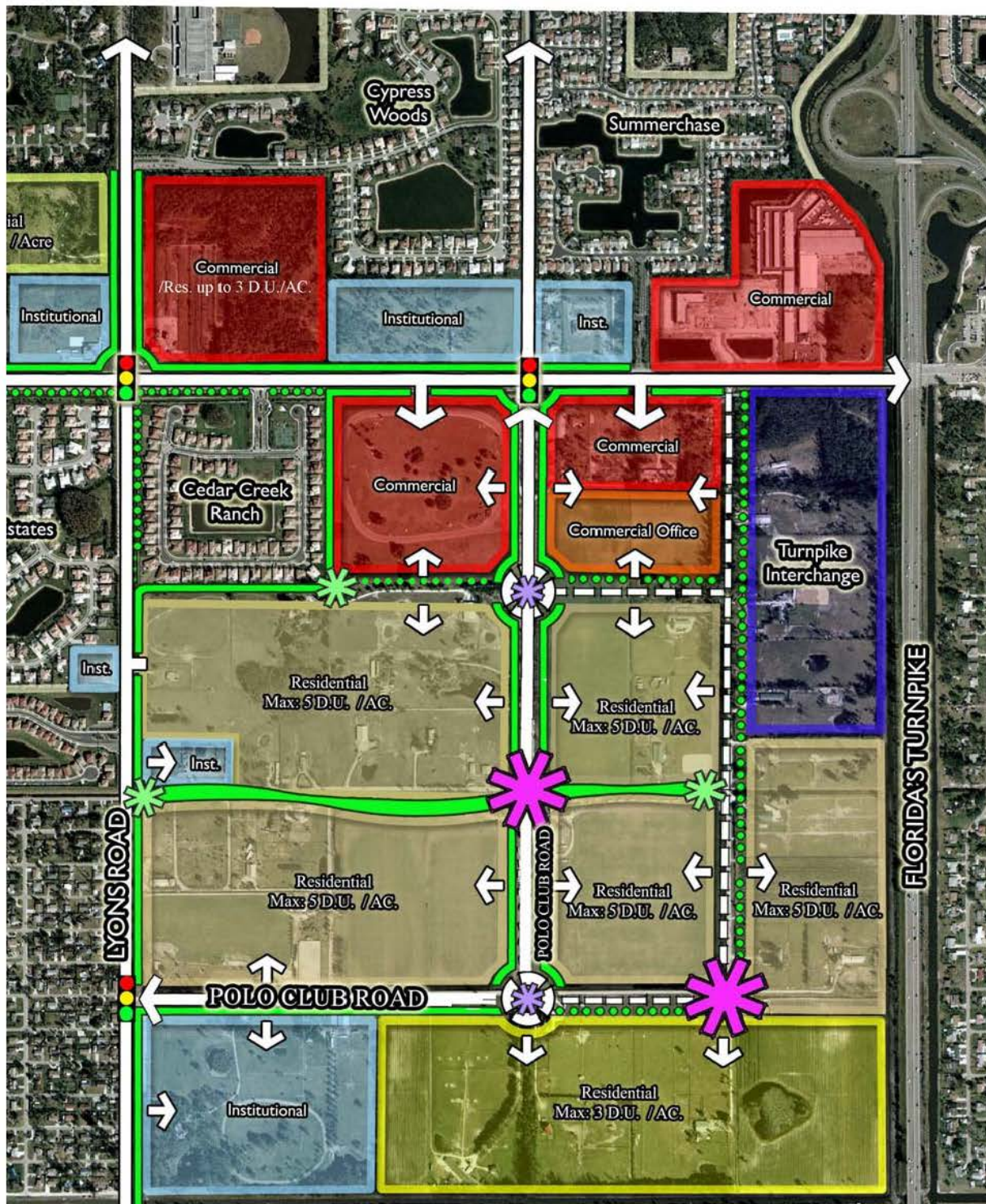
Sincerely,

*Gerald Bank*

Gerald Bank, President  
Lake Worth Road Coalition, Inc



cc: Vice Mayor Melissa McKinlay  
Commissioner Hal Valeche  
Commissioner Dave Kerner  
Commissioner Steven Abrams  
Commissioner Mary Lou Berger  
Commissioner Mack Bernard  
Bryan Davis, Project Manager  
Joni Brinkman and Chris Barry, UDKS



**LAKE WORTH ROAD COALITION, INC.**  
**8335 Lake Cypress Road**  
**Lake Worth, Florida 33467**

July 23, 2017

Mayor Paulette Burdick  
Palm Beach County  
Board of County Commissioners  
301 N. Olive Ave.  
West Palm Beach, FL 33401

**RE: Lake Worth Commercial (LGA 2017-013) Land Use Atlas Amendment**

Dear Mayor Burdick:

I sent you a letter of support on this proposed amendment on April 14, 2017 stating that the request to change for a portion of the property from commercial to MR-5 residential capped at five units per acre. This is compatible with our Neighborhood Plan's residential density on the property south of this parcel.

I understand that because our plan did not indicate an underlying residential density, Staff has taken the position that the applicant must include 25% of the increase from two units per acre to five units to be workforce housing. I want to point out that this property had been rezoned to a Lifestyle Commercial Center prior to the establishment of our Neighborhood Plan.. In fact, it was because of the BBC's approval of the LLC designation that we took a proactive position to develop our Plan. As this parcel was already zoned commercial we showed that zoning on our Master Plan.

It is our position that the required WFH should be reduced to a more reasonable percentage compatible with what has been required by other developments being built within our Master Plan. Thank you for your consideration..

Sincerely,

*Gerald Bank*

Gerald Bank, President  
Lake Worth Road Coalition, Inc

cc: Vice Mayor Melissa McKinlay  
Commissioner Hal Valeche  
Commissioner Dave Kerner  
Commissioner Steven Abrams  
Commissioner Mary Lou Berger  
Commissioner Mack Bernard  
Bryan Davis, Project Manager  
Ken Tuma and Joni Brinkman, UDKS

(See Attached Letter)