



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT SMALL SCALE AMENDMENT

BCC ADOPTION PUBLIC HEARING, OCTOBER 22, 2020

A. Application Summary

I. General

Project Name:	Lee's Landing (SCA 2020-001)
Request:	LR-1 to CLR/1
Acres:	9.33 acres
Location:	Northwest corner of Jog Road and Pioneer Road
Project Manager:	Stephanie Gregory, Senior Planner
Applicants/Owners:	Brandon Rinker, Arelis & Tairon Coronel, Colleen & James Gelsomino, Mary & James Baroni
Agent:	Josh Nichols, LEED AP, Schmidt Nichols
Staff Recommendation:	Staff recommends approval with conditions based upon the following findings and conclusions found in this report.

II. Assessment & Conclusion

The proposed amendment is a request to change the future land use designation on a 9.33 acre site from Low Residential, 1 unit per acre (LR-1) to the Congregate Living Residential (CLR) designation in order to develop a Congregate Living Facility (CLF) with 250 beds. The site would retain the LR-1 as an underlying future land use to be used if the site were to be developed with residential uses other than a CLF. The subject site is located on Jog Road at the edge of the Pioneer Road neighborhood which is largely comprised of low density residential and agricultural uses with an average lot size of 2.8 acres, with non-residential uses such as utilities and places of worship along Jog Road. The Pioneer Road Neighborhood Plan recommends against any future land use changes in order to maintain the character of the area, and was accepted by the Board of County Commissioners as an articulation of community desires in 2013.

The proposed CLF is at a higher density than the adjacent residences. However, the proposed site plan provides a transition and buffer to the adjacent residences by orienting the building towards Jog Road, limiting access to the intersection with Gun Club Road, capping the bed count at 250, and providing a significant buffer/retention area along the western side of the property. In order to ensure that the development of the site is consistent with the proposal as presented, staff is proposing conditions of approval to require a 150 foot minimum area on the west side of the site to be limited to landscaping, open space, wet or dry retention, and drainage, and to limit the development to a maximum of 250 beds.

In conclusion, the request is consistent with policies in the Comprehensive Plan, is compatible with adjacent uses, and meets all level of service standards.

III. Hearing History

Local Planning Agency: *Denial.* The failure to pass an affirmative vote resulted in a denial. A motion for approval with conditions made by Angella Vann, seconded by Jim Knight, was tied in a 6 to 6 vote with Barbara Roth, Spencer Siegel, Jim Knight, Angella Vann, Eric Royal and Edwin Ferguson for the motion, and David Dinin, Lori Vinikoor, Dagmar Brahs, Michael Peragine, Kiley Harper-Larsen and Evan Rosenberg dissenting. Under discussion at the March 13, 2020 public hearing, Commission members commented that the proposed density was too high for the area, the request would impact traffic, and need for coordination with the residents. Eight comment cards submitted by members of the public who did not wish to speak. Seven members of the public, including representatives of the Pioneer Road Property Owners Association and their legal representative, spoke in opposition to the amendment citing inconsistencies with the neighborhood plan, the proposed high density, impacts on traffic, need for more coordination with their neighborhood, and requesting a postponement of the hearing. Following the hearing, staff expanded upon the public notification section of this report to identify all of the notices that were provided from the County to the residents. The request was for 250 beds at this hearing.

PLEASE NOTE: Following the PLC hearing, but before the BCC hearing on June 25th, the applicant provided suggested conditions of approval (see Exhibit 8). Staff has agreed to some modifications of the conditions that were agreed upon by the applicant as shown in Exhibit 1 in double underline.

Board of County Commissioners Adoption Public Hearing: *Postpone* with requirement to return to the PLC, motion by Commissioner Weiss, seconded by Commissioner McKinlay, passed in a 7 to 0 vote at the June 25, 2020 public hearing. Board discussion included concerns with development encroaching westward into the neighborhood and desire to protect the area. Three members of the public, including a representative of the Estates of Pioneer Lakes spoke in opposition to the amendment citing compatibility concerns. Two representatives of the Pioneer Road Property Owners Association spoke in support of the amendment with the agreed upon conditions of approval. Additional letters were submitted before and at the hearing and are provided in Exhibit 8. The request was for 250 beds at this hearing.

Subsequent to Initial BCC Hearing: Following the BCC hearing, the applicant continued to coordinate with area residents and submitted a summary letter of these efforts (See Exhibit 8) with a modified voluntary condition of approval to cap the number of beds to 200 (equivalent to approximately 9 units per acre) down from the previous 250 beds. This is reflected in Exhibit 1. Staff sent a second 500 foot notice via USPS and an interested parties email providing the October public hearing dates as detailed on page E-13.

Local Planning Agency: *The results of the Planning Commission Public Hearing on Oct. 9, 2020, will be presented in the add/delete.*

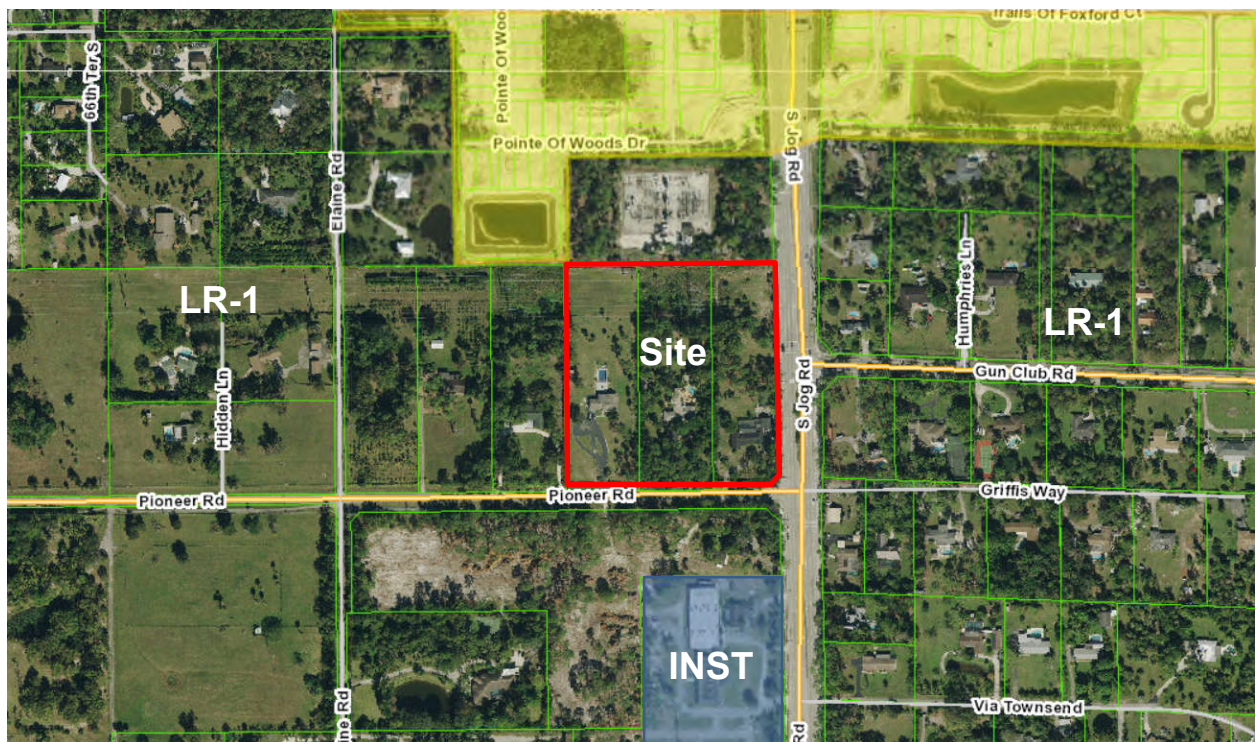
Board of County Commissioners Adoption Public Hearing: *Scheduled for Oct. 22, 2020*

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B. Petition Summary

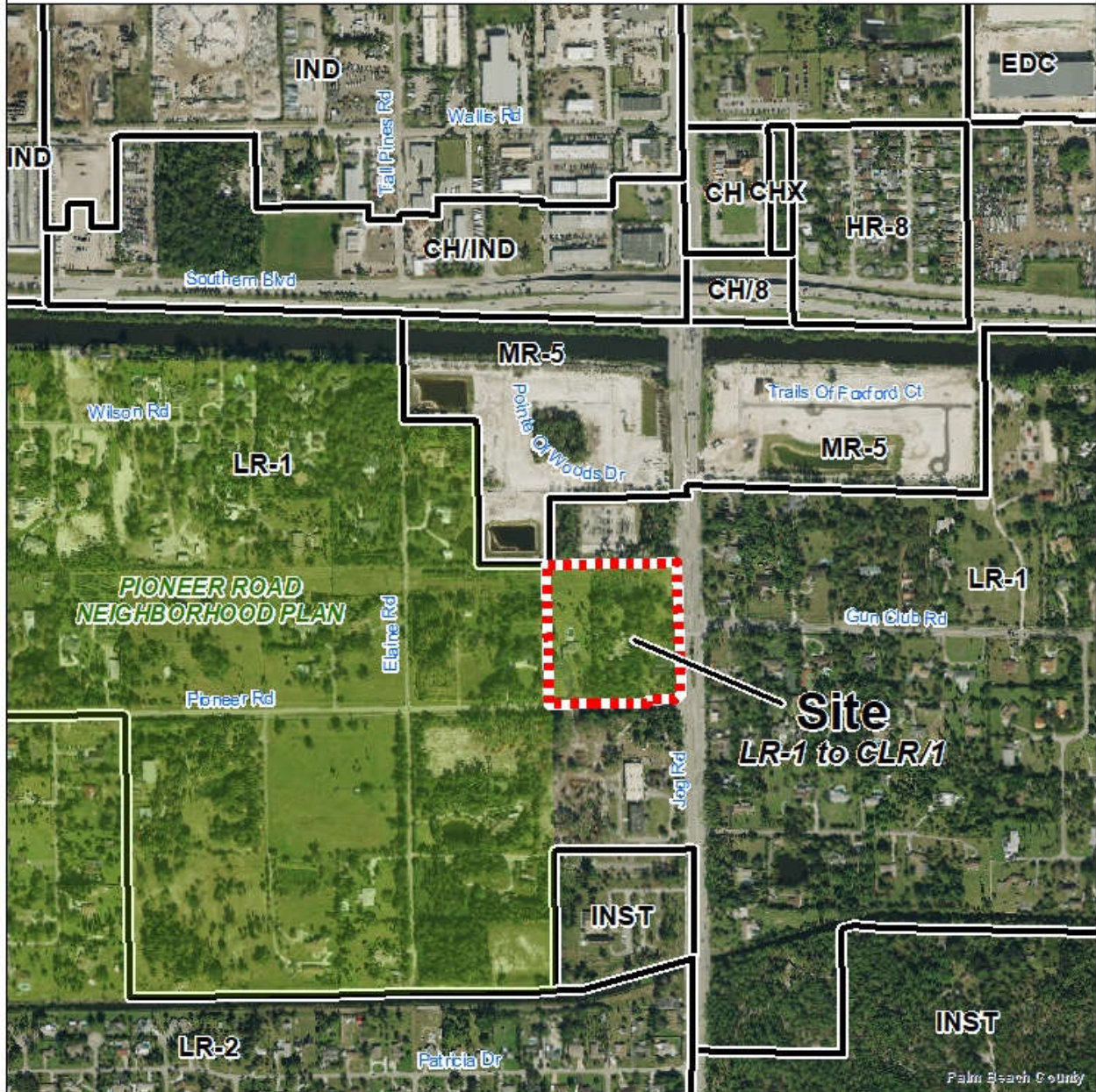
I. Site Data

	Current	Future land use
Current FLU:	Low Residential, 1 unit per acre (LR-1)	
Existing Land Use:	Single Family	
Current Zoning:	Agricultural Residential (AR)	
Current Dev. Potential Max:	Residential, up to 9 dwelling units	
	Proposed Future land use Change	
Proposed FLU:	Congregate Living Residential with an underlying 1 unit per acre (CLR/1)	
Proposed Use:	Congregate Living Facility (CLF)	
Proposed Zoning:	Planned Unit Development (PUD)	
Dev. Potential Max/Conditioned:	Residential, up to 268 Congregate Living Beds (12 du/acre)	
	General Area Information for Site	
Tier/Tier Change:	Urban/Suburban Tier – No Change	
Utility Service:	Palm Beach County Water Utilities Department	
Overlay/Study:	Pioneer Road Neighborhood Plan	
Comm. District:	Commissioner Gregg K. Weiss, District 2	



Future Land Use Atlas Amendment

Lee's Landing (SCA 2020-001)



Site Data

Size: 9.33 acres
 Existing Use: Single Family
 Proposed Use: Congregate Living Facility
 Current FLU: Low Residential, 1 unit/acre (LR-1)
 Proposed FLU: Congregate Living Residential, underlying LR-1 (CLR/1)

Future Land Use Designations

LR-1	Low Residential, 1 unit/acre	CH/IND	Commercial High, underlying IND
LR-2	Low Residential, 2 units/acre	CHX	Commercial High crosshatching
MR-5	Medium Residential, 5 units/acre	EDC	Economic Development Center
HR-8	High Residential, 8 units/acre	IND	Industrial
CH	Commercial High	INST	Institutional
CH/8	Commercial High, underlying HR-8		

Date: 5/14/2019
 Contact: PBC Planning
 Filename: Amend20-SCA/Site/20-01
 Note: Map is not official, for presentation purposes only.



Site



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



C. Introduction & Review

I. Intent of the Amendment

The amendment is proposed to change the future land use designation on a 9.33 acre site from Low Residential, 1 unit per acre (LR-1) to the Congregate Living Residential (CLR/1) designation with an underlying one unit per acre. The intent is to develop a Congregate Living Facility (CLF) Type 3. The number of beds allowed for a CLF Type 3 is calculated by multiplying the acreage of the site by the residential density, and then 2.39 persons per unit to determine the number of beds. Under the current future land use designation, the 1 unit per acre designation would allow up to 22 CLF beds (9.33 acres x 1 units/acre x 2.39). The proposed CLR future land use at 12 units per acre would allow for up to 268 beds on this site. However staff is proposing a condition to limit the development of the CLF to a maximum of 250 beds, which is the number of beds proposed in the concurrent zoning application. The site would retain the LR-1 as an underlying future land use to be used if the site were to be developed with residential uses other than a CLF.

Background. The subject site is comprised of three parcels at the northwest corner of Jog Road and Pioneer Road with a single family home on each lot. The site was the subject of a prior future land use amendment in early 2019 called Ruby's Cove (LGA 2019-016) for a change from LR-1 to Medium Residential, 5 units per acre (MR-5) on the subject site as well as several other adjacent parcels, totaling 24.31 acres. The applicant proposed 121 zero lot line homes. However, the application was withdrawn prior to public hearing.

Zoning Application. The concurrent Zoning application (PDD/CA/SV/ZV-2019-01090) is requesting a rezoning from Agricultural Residential (AR) to Planned Unit Development (PUD) to allow a three story 201,156 square foot Congregate Living Facility (CLF) Type 3 with 250 beds. There are also two associated variances: (1) to allow access to a major street of higher classification (Jog Road instead of Pioneer Road) and (2) to allow for the elimination of the west 160' of the north 20' Type 3 Incompatibility Landscape Buffer. The Control Number is 2019-00092.

II. Data and Analysis Summary

This section of the report provides a summary of the consistency of the amendment with the County's Comprehensive Plan. The chapters in Exhibit 2 detail the consistency of the amendment with Plan policies, including justification, compatibility, public facilities impacts, intergovernmental coordination, and consistency with specific overlays and plans.

Overview of the Area. The proposed development is located within the Pioneer Road Neighborhood Plan (PRNP) which is a low density residential area totaling approximately 558 acres located south of Southern Boulevard, west of Jog Road and east of Florida's Turnpike. The residents prepared the neighborhood plan in response to development pressures and the Plan was received and filed by the Board on July 24, 2013. The PNRP recommends against any future land use changes in order to maintain the character of the area. The goal of the Plan is to maintain the character of the area by retaining the current low residential future land use designations.

On October 31, 2018, the Board of County Commissioners initiated a text amendment with direction for staff to work with the Pioneer Road property owners to develop an overlay to recognize and provide protections for this area of the County. The overlay was requested by residents within the PNRP as a mechanism to implement the Rural Enclave Overlay policy in the Comprehensive Plan that was adopted at the same hearing via Ordinance 2018-031. However, due to the filing of a petition in November 2018 by the Palm Beach Farms Rural Preservation Committee requesting a formal administrative hearing of the Rural Enclave text amendment, staff was not able to proceed. Following the administrative hearing, on January 8, 2020 the presiding Administrative Law Judge entered a recommended order with the finding that the adopted Ordinance 2018-031 is in compliance and consistent with the Comprehensive Plan. The Florida Department of Economic Opportunity concurred with the recommended order and issued the Final Order on March 20, 2020. Following the issuance of the Final Order, a Notice of Appeal was filed by the petitioner on April 17, 2020. However, the Ordinance remains in effect unless the appellate court invalidates the Comprehensive Plan text amendment.

Appropriateness of the Amendment. The subject site is located along an arterial roadway with a variety of uses including low and medium density residential as well as institutional future land uses. The amendment will not change the type of use allowed on the site (as both the existing and proposed use is residential), rather the amendment proposes to change the allowable density for the calculation of a higher bed count needed for a CLF. The proposed amendment will introduce additional opportunities for senior housing by introducing a CLF facility to the area. In addition, the proposed site plan is designed in a manner that reduces impacts to the adjacent single family homes to the west by limiting access to Jog Road only and providing approximately

257 feet of separation from the adjacent single family home to the proposed CLF building. Although the amendment is located within the Pioneer Road Neighborhood Plan, which recommends the retention of existing low density future land uses, the subject site is on a major thoroughfare and adjacent to more intense densities and non-residential uses in comparison to the remainder of the neighborhood planning area. To the immediate north of the subject site is a Florida Power and Light substation with transmission lines extending to the west. Further north is the Solcera development (formerly known as Cheney Ranch LGA 2015-002) built at 2.7 units per acre. To the south across Pioneer Road are two places of worship, Winners Church and Community Christian Church. The site plan shows access to the site is directly from Jog Road aligned with entrance to Gun Club Road to the east. Therefore, the project will not have access to, nor increase traffic on, Pioneer Road.

Compatibility. The subject site is adjacent with low density future land use designations to the west and along a corridor with several non-residential uses including a school, utility site and churches. The proposed site plan with the associated zoning application separates the three story CLF from the residential property to the west by a 173 foot buffer/retention area. The zoning application also proposes 250 beds; whereas the future land use designation allows up to 269 beds. In order to ensure a transition and buffer to the adjacent residences to the west, and to ensure development of the site is consistent with the proposal as presented, staff is recommending conditions of approval for the ordinance.

Assessment and Recommendation. The subject site is located along the eastern edge of the Pioneer Road Neighborhood Plan area and adjacent to Jog Road. The Neighborhood Plan area is comprised of large lots with an average lot size of 2.8 acres with Low Residential, 1 and 2 units per acre future land use designations as well as several non-residential uses along Jog Road including utilities and churches. The proposed CLF is at a higher density than the adjacent residences. However, the proposed site plan provides a transition and buffer the adjacent residences by orienting the building towards Jog Road, limiting access to the intersection with Gun Club Road, capping the beds at 250, and providing a significant buffer/retention area along the western side of the property. In order to ensure that the development of the site is consistent with the proposal as presented, staff is proposing conditions of approval to require a 150 foot minimum area on the west side of the site to be limited to landscaping, open space, wet or dry retention, and drainage, and to limit the development to a maximum of 250 beds. The request is consistent with policies in the Comprehensive Plan, is compatible with adjacent uses, and meets all levels of service standards.

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

Exhibits	Page
1. Future land use Map & Legal Description	E-1
2. Consistency with Comprehensive Plan	E-3
3. Applicant’s Justification/Consistency with Comprehensive Plan	E-14
4. Applicant’s Public Facility Impacts Table	E-21
5. Palm Beach County Traffic Division Letter	E-24
6. Water & Wastewater Provider LOS Letter	E-26
7. Applicant’s Disclosure of Ownership Interests	E-27
8. Correspondence	E-55

Exhibit 1

Amendment No:	Lee's Landing (SCA 2020-001)
FLUA Page No:	64
Amendment:	From Low Residential, 1 unit per acre (LR-1) to Congregate Living Residential with an underlying 1 unit per acre (CLR/1)
CLF Density:	The CLR future land use designation allows a density of up to 12 units per acre for a Congregate Living Facility (CLF) use subject to conditions below.
Location:	Northwest corner of Jog Road and Pioneer Road
Size:	9.33 acres approximately
Property No:	00-42-43-27-05-013-0121; -0123; -0125
Conditions:	<ol style="list-style-type: none"> 1. Development of the site under the CLR designation is limited to a maximum of 200 congregat living facility beds; any other residential use is limited to the Low Residential, 1 unit per acre designation. 2. <u>Development of the site under the CLR designation requires</u> the westernmost 150 feet of the site <u>to be limited to landscaping, buffers, wet or dry retention, and drainage.</u> 3. <u>Development of the site under the CLR designation shall not have access to Pioneer Road.</u>

Legal Description

A PORTION OF TRACTS 11 AND 12, BLOCK 13, PALM BEACH FARMS COMPANY PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE S. 00° 29' 16" W. ALONG THE EAST LINE OF THE NORTHWEST ONE QUARTER OF SAID SECTION 3 FOR 1036.11 FEET; THENCE S. 89° 00' 39" W. FOR 92.87 FEET TO THE POINT OF POINT OF BEGINNING; THENCE S. 01° 50' 37" E. ALONG THE WEST LINE OF SAID PARCEL 139 FOR 620.36 FEET ; THENCE S. 43° 35' 24" W. FOR 35.62 ; THENCE S. 89° 01' 19" W. FOR 131.21 ; THENCE S. 00° 59' 01" E. FOR 15.00; THENCE S. 89° 01' 19" W. ALONG THE SOUTH LINE OF SAID TRACTS 11 AND 12 FOR 467.04 FEET; THENCE N. 01° 01' 28" W. FOR 660.54 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID TRACT 11; THENCE N. 89° 00' 53" E. ALONG SAID NORTH LINE OF TRACT 11 FOR 15.17 FEET; THENCE ; THENCE N. 89° 00' 40" E. ALONG THE NORTH LINE OF SAID TRACT 12 FOR 599.24 FEET TO THE POINT OF BEGINNING,

CONTAINING 406,358 SQ.FT. OR 9.3287 ACRES, MORE OR LESS.

Exhibit 2

Consistency with Comprehensive Plan

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

A. Consistency with the Comprehensive Plan - General

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

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

The applicant has prepared a Justification Statement (Exhibit 3) which is summarized as follows:

- *“The subject property is contiguous on its northern boundary to parcels with MR-5 FLU designations.”*
- *“The properties represent an assemblage of properties which have frontage and access directly to Jog Road, which serves as an arterial roadway.”*
- *“Properties which front Jog Road to the north and south of the subject development site have all be[en] developed as either higher density residential or non-residential uses.”*

Staff Analysis: This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above. The current development potential for the 9.33 acre site with Low Residential, 1 unit per acre (LR-1), future land use is up to 9 dwelling units or non-residential uses allowed in residential zoning. The applicant proposes the Congregate Living Residential (CLR) designation to allow up to 268 congregate living facility beds (up to 12 units per acre).

The applicant's justification for the amendment is based upon changed circumstances. As discussed in the Compatibility Section, there have been several approvals for increased density and the expansion of institutional uses for parcels fronting Jog Road on the west side located in the vicinity of the subject site. The Cheney Ranch site to the north had an adopted designation of LR-1 in 1989 and subsequently through privately initiated land use amendments over the years has had future land use changes to Commercial Low (for a portion), High Residential, 8 units per acre and finally its current land use of Medium Residential, 5 units per acre. In addition, two churches fronting Jog Road and south of the subject site have received zoning approvals for the expansion of their existing places of worship as well as the addition of new institutional uses such as daycare and private school.

The proposed amendment will introduce additional opportunities for senior housing and introduce a CLF facility to the area, designed in a manner that reduces impacts to the adjacent single family homes to the west by limiting access to Jog Road only and providing approximately 257 feet of separation from the adjacent single family home to the proposed CLF building. Therefore, in order to ensure that the appropriate transition and buffer to the existing single family homes remains, staff is proposing an additional condition of approval to require the westernmost 150 feet of the site to be limited to landscaping, open space, wet or dry retention, and drainage. Finally, an additional condition of approval proposed by staff would limit the number of CLF beds to 250, and the density would remain at 1 unit

per acre for any other residential development. Therefore, the applicant has met the requirements for an adequate justification.

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

Direction 1. 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.*

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

Direction 4. Land Use Compatibility. *Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.*

Staff Analysis: The proposed amendment would contribute toward livable, sustainable communities, while respecting the low-density residential character of the area. The development of a congregate living facility will provide additional opportunities for senior housing. In this respect, the proposed amendment furthers the Livable Communities and Growth Management Directions and would not detract from any of the County directions. Thus, this proposed amendment supports the County Directions.

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

Staff Analysis: The definition of piecemeal development in the Comprehensive Plan describes “A situation where land, under single ownership or significant legal or equitable interest (by a person as defined in Section 380.0651[4] F.S., is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole.” The subject site consists of three parcels under three separate ownerships. The applicant is a contract purchaser. No contiguous parcel in same ownership is left out of proposed amendment. Therefore, the proposed amendment is not piecemeal, and does not create a residual parcel.

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. **FLUE Policy 1.2-a:** *Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:*
 1. *Allowing services and facilities consistent with the needs of urban and suburban development;*
 2. *Providing for affordable housing and employment opportunities;*
 3. *Providing for open space and recreational opportunities;*
 4. *Protecting historic, and cultural resources;*
 5. *Preserving and enhancing natural resources and environmental systems; and,*

6. *Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.*

Staff Analysis: The proposed amendment is located in the Urban/Suburban Tier and would expand the diversity of housing options in the immediate area. Staff is recommending conditions of approval in order to ensure that the amendment is compatible with the scale, mass, intensity of use, height and character of the adjacent Pioneer Road neighborhood. This is discussed in several places in the staff report, including previously in the analysis for FLUE Policy 2.1-f, in analysis below for FLUE Policy 2.2.1-l and later in the Compatibility Section. For those reasons, this amendment is consistent with this policy.

2. **Policy 2.2.1-l: Congregate Living Residential.** *The purpose of the Congregate Living Residential (CLR) future land use designation is to facilitate the review of proposed Congregate Living Facilities (CLF) Type 3 that require a future land use amendment to increase residential density. The CLR designation is subject to the following:*

1. *Proposed future land use amendments requesting an increase in density for the purposes of developing a CLF Type 3 shall apply for the CLR designation unless the site is proposed within a project that has multiple or mixed land uses. Amendments requesting to be co-located non-residential uses may apply for a non-residential future land use designation with an underlying CLR and be subject to the location requirements of the non-residential designation.*
2. *Proposed future land use amendments to the CLR designation shall retain the original residential future land use designation as an underlying residential density to be used if the site is developed with residential uses other than a CLF Type 3.*
3. *Proposed future land use amendments to the CLR designation for a CLF Type 3 are subject to the maximum density depicted in FLUE Table 2.2.1-g.1. The maximum density for individual sites may be limited through the future land use amendment process to ensure compatibility with surrounding land uses. In order to determine the compatible maximum density and design of the site, proposed CLR amendments require a zoning application to be submitted within the amendment review process.*

Staff Analysis: The proposed amendment is to change the future land use designation of the site from Low Residential, 1 unit per acre (LR-1) to the Congregate Living Residential (CLR) future land use designation in order to develop a Type 3 Congregate Living Facility (CLF). The CLR land use allows for up to 12 units per acre in order to calculate the number of beds, resulting in a maximum of 268 beds. However, staff is proposing a condition of approval to limit the site to 250 beds (11.2 units/acre), which is proposed in the concurrent zoning application. The current residential LR-1 future land use designation is being retained as an underlying residential density to be utilized only if the site is developed with residential uses other than a CLF Type 3, through condition of approval in Exhibit 1.

A concurrent zoning application has been submitted, and indicates that the site will only have access on Jog Road. This will prevent additional traffic from the CLF on Pioneer Road, which is the sole access for the community to the west. However, this will require a Type 2 subdivision variance to be approved by the Zoning Commission. The proposed site plan also provides approximately 257 feet of separation from the adjacent single family home to the proposed CLF building. In order to ensure that the appropriate transition and buffer to the existing single family homes remains, staff is proposing an additional condition of approval to require the westernmost 150 feet of the site to be limited to landscaping, open space, wet or dry retention, and drainage. In conclusion, the proposed amendment is consistent with the policy.

C. Consistency with other Comprehensive Plan Elements

Housing Element Policy 1.4-c: *The County shall provide for foster care, group homes and other special needs facilities to be permitted in residential neighborhoods. Farm worker housing is currently permitted in the Agriculture Reserve (AGR), Agriculture Production (AP) and Special Agriculture (SA) land use categories.*

Staff Analysis: The proposed amendment is located along Jog Road and is surrounded by residential neighborhoods such as the Pioneer Road neighborhood to the west and West Gun Club neighborhood to the east. The proposed amendment is to facilitate a Congregate Living Facility to be located in a predominantly residential area. Therefore, this amendment is consistent with the intent of this policy.

Housing Element Policy 1.4-d: *The location of special needs and farmworker housing shall be guided by the following principles and criteria. Special needs housing shall be located in proximity to the appropriate support infrastructure, services and facilities including Palm Tran and existing transportation disadvantaged programs. Special needs housing shall be permitted in all appropriate residential, commercial and institutional land use categories, through the use of group homes, Congregate Living Facilities (CLF's), accessory apartments and rental housing associated with places of worship. Farmworker housing shall be located in proximity to areas of agriculture employment and shall require a minimum of twenty-five (25) acres. The Department of Housing and Community Development, with the assistance of the Planning, Zoning, and Building Department and the Community Services Department, shall be responsible for establishing any additional principles and criteria as may be necessary.*

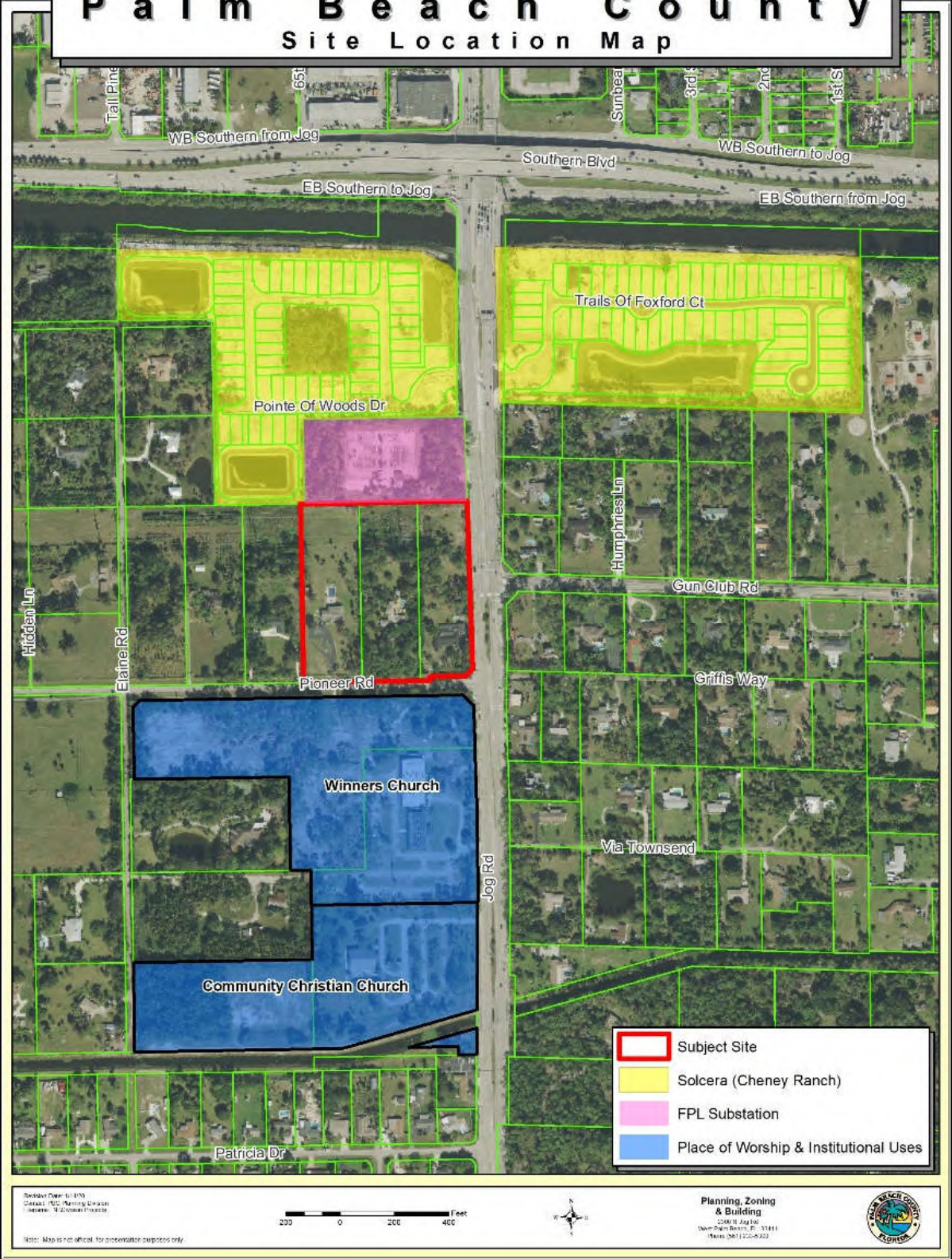
Staff Analysis: This proposed amendment allows Congregate Living Facilities in all appropriate residential, commercial and institutional land uses. The applicant is proposing to change the future land use designation to Congregate Living Residential (CLR), which is intended specifically for proposed CLFs that “require a future land use amendment to increase residential density” and is therefore the appropriate residential land use designation for the applicant to apply for. The proposed amendment site is located within proximity to urban services and infrastructure, and to commercial, medical, and entertainment uses that would be utilized by residents of the Congregate Living Facility. The site is located within 2.75 miles of Palm Beach County Fire Rescue Station #34. Therefore, this amendment is consistent with this policy.

D. Compatibility

Compatibility is defined in Section 163.3164, Florida Statutes as “a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.” For illustrative purposes, the map below identifies sites discussed in the subsequent data and analysis:

Palm Beach County

Site Location Map



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

- **North:** Directly north of the subject site is a Florida Power and Light (FPL) substation with a Low Residential, 1 unit per acre (LR-1) future land use designation. Further north, at the intersection of Southern Boulevard and Jog Road, is known as the Cheney Ranch property with a Medium Residential, 5 units per acre (MR-5) future land use. The Cheney Ranch property includes both the west (19.62 acres) and east sides (20.80 acres) of Jog Road, south of Southern Boulevard.

The “Cheney Ranch” site has been the subject of several land use amendments since the adoption of the 1989 Comprehensive Plan. The first occurred in 1994 (94-64 Com 1) when the BCC adopted a future land use change for 7.63 acres of the 19.62 acres on the west side of Jog Road from Low Residential, 1 unit per acre (LR-1) to Commercial Low with an underlying 1 unit per acre (CL/LR-1) and the remainder of the site remained LR-1. Subsequently, in 2006, the Board adopted a future land use designation change through Ordinance 2006-033 (LGA 2006-004) which amended the 19.62 acres west of Jog Road from CL/1 and LR-1 to High Residential, 8 units per acre (HR-8) and included a requirement to provide 25% of the units as workforce housing. At the same public hearing, through Ordinance 2006-032 (LGA 2006-002) the Board adopted a future land use change on the 20.80 acres east of Jog Road from LR-1 to Medium Residential, 5 units per acre (MR-5) and also included the 25% workforce housing requirement. Finally, in 2015, through Ordinance 2015-010 (LGA 2015-002), the Board adopted a future land use change for the 19.62 acres on the west side of Jog Road from HR-8 to its current future land use designation of MR-5 and included a condition limiting the site to 109 units. The ordinance also eliminated the condition of approval regarding workforce housing on both sites, west and east of Jog Road. The properties are currently being developed with single family homes in a development called Solcera, with 56 units on the east side and 53 units on the west side.

- **South:** South of the site, directly across Pioneer Road and fronting Jog Road, is a 9.63 vacant property owned by Winners Church International, whose place of worship is located adjacent on the 6.03 acre site to the south. Both of these sites have an LR-1 land use designation. The church was originally approved in 1985 for 32,343 square feet and 300 seats on 4.27 acres. In 1993 through Resolution 93-890, a 1.8 acre parcel to the south was added, and the 600-seat church was approved by the Board for 33,558 square feet on a total of 6.1 acres. The Board in 2009 through Resolution 2009-353 approved an additional 35,017 square feet for the place of worship with a total of 1,395 seats. Just south of the Winners Church is the Community Christian Church of West Palm Beach on almost 13 acres. The Board approved an expansion for the church in 2005 through Resolution 2005-2280 to allow an additional 11,250 square feet of worship area with 380 seats for a total of 21,950 square feet; a 3,100 square foot general daycare with a maximum capacity of 70 children and a 15,600 square foot elementary or secondary school with a maximum capacity of 111 students. To date, no expansions have been constructed at either place of worship.
- **East:** To the east of the subject site, beyond Jog Road, are single family homes within the West Gun Club Neighborhood Plan area with a Low Residential, 1 unit per acre future land use designation. In December of 2010, the West Gun Club Property Owner’s Association began the process towards creating their neighborhood plan and the plan was received and filed by the Board of County Commissioners on March 28, 2012.
- **West:** To the west of the subject site is the Pioneer Road Neighborhood Plan area with single family homes and some agricultural uses. The area is comprised of large lots with an average lot size of 2.8 acres with LR-1 and LR-2 future land use designations. In April 2013, the Pioneer Road Property Owners Association began the process towards creating their neighborhood plan and the plan was received and filed by the Board of County Commissioners in July 2013. Consistency with the neighborhood plan is provided in Section E.2. of this Exhibit.

FLUE Policy 2.1-f states that *“the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity.”* And **FLUE Policy 2.2.1-b states that** *“Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintain to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan.”*

Applicant’s Comments: The applicant states that the *“surrounding properties generally support lower densities and intensities, particularly to the south and west of the subject property. However, the subject property has frontage along Jog Road, is contiguous to MR-5 designated parcels to the north, and is more than large enough to support a Planned*

Unit Development which requires the Applicant to go beyond code minimum requirements with regards to landscaping, buffers, setbacks, etc”.

Staff Analysis: The amendment proposes to change the Low Residential, 1 unit per acre (LR-1), future land use designation to a Congregate Living Residential (CLR) designation to construct a Congregate Living Facility with a density of up to 12 units per acre, resulting in a maximum of 268 beds. This amendment will not change the type of use allowed on the site (as both the existing and proposed use is residential), rather the proposed change on the allowable density is for the purposes of calculating a higher bed count needed for a CLF. Proposed CLFs throughout the County typically seek an 8 or 12 unit per acre density for bed calculation. However, staff is proposing a condition of approval to limit the site to 250 beds, which is proposed in the concurrent zoning application.

As discussed under consistency with the CLR Policy, the current design of the site plan provides adequate buffering and separation between the proposed three story CLF and the adjacent single family homes to the west of the site. The concurrent site plan is designed in a manner that reduces impacts to the adjacent single family homes to the west by limiting access to Jog Road only and provides a 173 foot buffer/retention area that results in approximately 257 feet of separation from the adjacent single family home to the proposed CLF building. In order to ensure that the appropriate transition and buffer to the existing single family homes remains, staff is proposing an additional condition of approval to require a 150 foot minimum area limited to landscaping, wet or dry retention, and drainage on the west side of the site. Therefore, the proposed amendment is compatible with the surrounding uses through the separation distances.

E. Consistency with County Overlays, Plans, and Studies

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

Staff Analysis: The proposed amendment is located within the Pioneer Road Neighborhood Plan (PNRP) area but not located within an overlay. On October 31, 2018, the Board of County Commissioners initiated a text amendment with direction for staff to work with the Pioneer Road property owners to develop an overlay to recognize and provide protections for this area of the County. The overlay was requested by residents within the PNRP as a mechanism to implement the Rural Enclave Overlay policy in the Comprehensive Plan that was adopted at the same hearing via Ordinance 2018-031. However, due to the filing of a petition in November 2018 by the Palm Beach Farms Rural Preservation Committee requesting a formal administrative hearing of the Rural Enclave text amendment, staff was not able to proceed. Following the administrative hearing, on January 8, 2020 the presiding Administrative Law Judge entered a recommended order with the finding that the adopted Ordinance 2018-031 is in compliance and consistent with the Comprehensive Plan. The Florida Department of Economic Opportunity concurred with the recommended order and issued the Final Order on March 20, 2020. Following the issuance of the Final Order, a Notice of Appeal was filed by the petitioner on April 17, 2020. However, the Ordinance remains in effect unless the appellate court invalidates the Comprehensive Plan text amendment.

- 2. Neighborhood Plans and Studies – FLUE Policy 4.1-c** states *“The County shall consider the objectives and recommendations of all Community and Neighborhood Plans, including Planning Area Special Studies, recognized by the Board of County Commissioners, prior to the extension of utilities or services, approval of a land use amendment, or issuance of a development order for a rezoning, conditional use or Development Review Officer approval……”*

The proposed development is within the boundaries of the Pioneer Road Neighborhood Plan. As the applicant notes in Attachment G of the application, “the subject property is the only parcel within the plan’s boundaries to have frontage along Jog Road, an Urban Principal Arterial road according to Planning Map TE 3.1 Functional Classification of Roads.” The PRNP area consists of 558.92 acres and generally located south of Southern Boulevard, west of Jog Road, east of Florida’s Turnpike and north of Okeehetee Park and the municipal boundaries of the City of Greenacres. The Pioneer Road Neighborhood Plan area is a large lot community in the eastern portion of the County. The predominate future land use designation allows 1 dwelling unit per acre, but the average parcel size is 2.8 acres. The neighborhood plan was created by the community in 2013 as a result of development pressure in the area. The plan was formally received and filed by the Board of County Commissioners on July 24, 2013 and added to the list of neighborhood plans

recognized by the County through a text amendment to the Comprehensive Plan in April 2014.

Staff Analysis: According to the neighborhood plan recommendations, the community "desires to maintain its existing low density lifestyle by keeping its current land use." As the applicant is requesting a land use amendment from LR-1 to CLR, the request is not consistent with the PRNP which states the community's wishes to retain its existing future land use designations on each parcel within the neighborhood plan area. Recommendations from neighborhood plans, special studies and charrettes are one part of the review process and as this policy states are only to be considered and therefore not mandatory during the approval process of a land use amendment.

F. Public Facilities and Services Impacts

The proposed amendment will change the Future land use designation from LR-1 to CLR on the 9.33 acre site. For the purposes of the public facilities impact analysis, impacts are based on a change from a maximum current potential of 9 dwelling units to a maximum proposed potential of 268 bed Congregate Living Facility. Public facilities impacts are detailed in the table in Exhibit 4.

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

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

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

2. **Long Range Traffic - Policy 3.5-d:** *The County shall not approve a change to the Future land use Atlas which:*

- 1) *results in an increase in density or intensity of development generating additional traffic that significantly impacts any roadway segment projected to fail to operate at adopted level of service standard "D" based upon cumulative traffic comprised of the following parts a), b), c) and d):.....*

Staff Analysis: The Traffic Division reviewed this amendment at a maximum of a 268 bed Congregate Living Facility Type 3. According to the County's Traffic Engineering Department (see letter dated June 10, 2019 in Exhibit 5) the amendment would result in an increase of 607 net daily trips and 51 (32 in/19 out) AM and 70 (27 in/43 out) PM net peak hour trips.

The Traffic letter concludes "Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment meets Policy 3.5-d of the Future land use Element of the Palm Beach County Comprehensive Plan at the maximum potential density shown above. The propose change will have an insignificant impact for both the long range and Test 2 analyses"

The Traffic Study was prepared by Robert F. Rennebaum, P.E., at Simmons and White, 2581 Metrocentre Boulevard West, Suite 3, West Palm Beach, FL 33407. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

<http://www.pbcgov.com/pzb/planning/activeamend/>

II. Public and Municipal Review

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

A. Intergovernmental Coordination: Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on February 21, 2020. In addition, notice was sent on February 21, 2020 to the City of Greenacres, as the site is located within their identified Future Annexation Area. At the time of the printing of the Planning Commission Report, no municipal correspondence had been received. Correspondence received is added to the exhibits.

B. Other Notice: Notice via email was sent on June 14, 2019 to representatives of the Pioneer Road Property Owners Association (PRPOA) and the Palm Beach Farms Rural Preservation Committee (PBFRPC) notifying them that the previously proposed Ruby’s Cove amendment was withdrawn by the applicant and that a new application for an amendment called Lee’s Landing was submitted. A summary of notifications to the public and interested parties are provided below. At the time of the printing of the Planning Commission Report, one email had been received (see Exhibit 8). Letters and emails are added to this exhibit as they are received.

- On December 20, 2019 an early courtesy notice email was sent to representatives of PRPOA and PBFRPC informing them that the County anticipated an early 2020 public hearing schedule for Lee’s Landing. The most up to date site plan was also attached.
- On February 21, 2020, public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site. On the same date, the Pioneer Road Property Owners Association and the Palm Beach Farms Rural Preservation Committee was notified by mail.
- On March 4, 2020, members of the public who attended the County’s Informational Meeting were sent an email with the public hearing schedule as well as directions to retrieve the zoning application. On the same date, representatives of PRPOA and PBFRPC were sent a reminder email regarding the public hearing schedule.
- On March 31, 2020 and April 21, 2020 representatives of PRPOA and PBFRC were provided updates via email regarding the rescheduling of public hearings due to the COVID-19 outbreak.
- Following the postponement of the item by the BCC at their June 25th hearing, staff send a notice regarding the subsequent hearings. On September 24, 2020, public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site regarding the October public hearings. Also, on September 29, 2020 interested parties received notice via email of the updated October hearing schedule.

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 March 3, 2020. Eleven members of the public attended, including representatives of the Pioneer Road Property Owners Association. Questions from the public included the origin of the CLR future land use and the status of the BCC directed overlay for the area. Concerns from the public included increased traffic, if the amendment would encourage other higher density applications within the Pioneer Road Neighborhood Plan area and the size of the proposed CLF.

Exhibit 3

Applicant’s Justification

Introduction

On behalf of the Applicant, Rinker Realty (“Applicant”), Schmidt Nichols respectfully requests your consideration of an application for a Small Scale Future land use Atlas (FLUA) Amendment. The 9.33-acre subject property is composed of 3 parcels PCNs: 00-42-43-27-05-013-0121, 0125, 0123 located on the northwest corner of Jog Road and Pioneer Road in unincorporated Palm Beach County (“subject property”).

The entire property currently supports a FLU designation of Low Density Residential, 1 unit per acre (LR-1). All three properties which make up the site support an Agricultural Residential (AR) zoning designation.

Below is a summary of surrounding properties:

Adjacent Lands	Uses	FLU	Zoning
Subject Property	Single Family Residential	LR-1 (Existing) CLR w/ underlying LR-1 (Proposed)	AR & RE (Existing) PUD (Proposed)
North	Vacant	MR-5, LR-1	PUD, AR
South	Vacant	LR-1	RE
East	Single Family Residential	LR-1	RT
West	Single Family Residential	LR-1	AR

Request

The Applicant is requesting the following:

- A Future land use Atlas (FLUA) Amendment from LR-1 to CLR with an underlying LR-1.

Proposed Density Calculation (CLR):

While the figures below are not included as part of the Future land use Plan Amendment request, it is the intent to seek standard density under the HR-12 designation. The summary of the calculations are provided below:

Proposed FLU Designation CLR: 268 beds (9.33 acres x 12 du/ac x 2.39)

A concurrent application to the Palm Beach County Zoning Division for an Official Zoning Map Amendment (rezoning) will be submitted within the required ninety (90) days from the submission of this FLUA amendment application. The objective is to rezone the entire property from AR to Planned Unit Development which will utilize the RM zoning property development regulations.

History

On August 9, 1988 a Rezoning application was approved by the Palm Beach County Board of County Commissioners which changed the zoning of the two northernmost parcels of the subject property from Agricultural Residential (AR) to Residential Estate (RE).

Justification and Consistency with the Comprehensive Plan & Florida Statutes

The proposed FLU is appropriate and suitable for the subject site. Objective 1.2 of the Comprehensive Plan Future land use Element (“FLUE”) states: “This tier is expected to accommodate the bulk of the population and its need for employment, goods and services, cultural opportunities, and recreation. It supports a variety of lifestyle choices, ranging from urban to residential estate; however, the predominant development form in the unincorporated area is suburban in character.”

The proposed FLUA would fall in line with the predominant suburban character of the Urban/Suburban (U/S) Tier in that the CLR designation allows for the construction of congregate living facilities which have a minimal external impact. This type of development would be compatible to the residential areas to the northeast of the site which supports an MR-5 FLU designation. Congregate Living Facilities generally tend to seek locations which are central and nearby to healthcare services. The subject property is located approximately five miles from Wellington Regional Medical Center, making it an ideal location. Furthermore, congregate living facilities generally tend to seek out locations which are within areas of residential character so as to blend with the community and provide comfort to their residents.

Basis for the land use change. The basis for the proposed amendment is based upon changed circumstances. Recently, on April 28, 2014, the Palm Beach County Board of County Commissioners approved and adopted the Pioneer Road Neighborhood Plan. This plan included a map series which outlines the boundary of the land area being overseen by this guiding document. The subject property was arbitrarily included within this boundary, however, consent from the owner was not given to the Pioneer Road Property Owners Association (not a formal organization) to do so. The subject property is the only parcel within the plan’s boundaries to have frontage along Jog Road, an Urban Principal Arterial road according to Planning Map TE 3.1 Functional Classification of Roads. The subject property has characteristics, such as its location along an Urban Principal Arterial road and its contiguity to MR-5 designated properties to the north, which make it incompatible with the Pioneer Road Neighborhood Plan, notwithstanding the lack of consent given to the neighborhood group who created the arbitrary boundaries. Furthermore, the subject property is contiguous on its northern boundary to parcels with MR-5 FLU designations. These parcels are part of an approved development called Pointe of Woods PUD (Control Number 2008-0290) which, along with the proposed development on the subject parcel, would act as a transition to the low density single-family residential the west along Pioneer Road. In addition, the properties which front Jog Road to the north and south of the subject development site have all be developed as either higher density residential or non-residential uses. The proposed development will provide a signalized access along a major arterial frontage. The subject parcels are directly adjacent to an FPL substation as well as a large place of worship to the south. This has shown a change in the make-up of the immediate vicinity, thus creating an opportunity to introduce a low impact use to complement and transitional use between the adjacent land uses and the low density residential to the West along Pioneer.

Other applicable policies related to this request are as follows:

Policy 1.2-a: Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:

1. Allowing services and facilities consistent with the needs of urban and suburban development;
2. Providing for affordable housing and employment opportunities;
3. Providing for open space and recreational opportunities;
4. Protecting historic, and cultural resources;
5. Preserving and enhancing natural resources and environmental systems; and
6. Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.

Response: The Applicant proposes complying with the aforementioned criteria with the proposed FLUA amendment. By allowing for the development of a congregate living facility, the Applicant is able to better utilize resources to provide affordable housing that is currently

in high demand. With the subsequent rezoning proposed for the subject property to a residential PUD, the Applicant proposes enhanced recreational facilities and open spaces for potential residents. Additionally, the proposed FLUA is compatible with the scale, mass, intensity of use, height and character of the suburban communities surrounding the subject property in that it will serve as a transition from the busy traffic of Jog Road to the less dense residential areas to the west of the site.

The applicant has assembled the subject parcels to create a subdivision which will have direct access at a signalized intersection on an arterial roadway (Jog Road). The Board of County Commissioners have initiated a rural enclaves project to prepare language to protect the rural lifestyles in areas such as the Pioneer neighborhood. That said, the applicant is in full agreement that this area should be protected west of Elaine Drive. All of the properties fronting on Jog Road and within the block east of Elaine Drive are not of a rural nature as they are developed either at PUD densities, places of worship, and utility substation. It is not reasonable to think that the properties at the entrance to over 500 acres of land will remain single family lots with access directly to a signalized intersection on an arterial roadway.

The proposed development program would remove the traffic from the 3 lots and through the subdivision process would redirect the proposed subdivision trips to a main entrance on Jog. This would then allow these parcels to stand alone much like the other properties north and south of the subject site with direct access to Jog. This creates a better sense of an entry to a rural community in creating a buffer from Jog Road and preserving the rural lots west of Elaine Drive. In addition, all project related traffic would not be utilizing Pioneer Road just as Winner's Church on the south side of Pioneer has been restricted to Jog Road.

In terms of preserving the rural lifestyle and large lots, Pioneer could be limited to a 60' ROW thus limiting future development east of the subject development.

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.

Response: The subject property is ideal for a congregate living facility development given its location adjacent to single family residential development to the east, south and west, its frontage along Jog Road, and contiguity to an MR-5 designated property with PUD density directly to the north. The subject property's size of 9.33 acres allows for it to be developed as a planned unit development ("PUD") as the Applicant intends to do, which would require them to go beyond standard code requirements with regards to landscaping, setbacks, open space, and recreation. The properties represent an assemblage of properties which have frontage and access directly to Jog Road, which serves as an arterial roadway. The proposed development will not have access to Pioneer Road, thus removing the impacts of the assemblage from the properties to the west with LR-1 land use. The development pattern along Jog Road with an average lot size of 2 acres in this area is not one unit an acre development. This land use no longer fits within the urban fabric and what has been developed in the immediate vicinity.

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.

Response: This amendment is not piecemealed as the properties lie within a clearly defined residential area of the unincorporated county. Despite being included without consent into the approved Pioneer Road Neighborhood Plan, the subject property is the only one within the boundaries to have frontage along Jog Road, an Urban Principal Arterial road making the subject property significantly less attractive for the low density residential development allowed by the current FLU and zoning district.

Florida Statutes related to this request are as follows:

Florida Statutes, Section 163.3177(6)(a)9.a: The indicators provided in this statute pertain to findings that would indicate a plan or plan amendment does not discourage the proliferation of urban sprawl. The subject Future land use Amendment and proposed development is within the urban service boundary and is ideal for medium density residential uses due to its location with frontage along Jog Road and along the edge of medium density residential development to the northeast.

Response: The subject amendment is to allow development of property within the urban service boundary which and is able to be serviced by existing public facilities and services with direct access to Jog Road. Congregate Living Facilities are very compatible with the surrounding residential uses.

Compatibility

Continued From Objective 1.2: 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;

- a. Response: The proposed FLUA amendment will have minimal impact on the natural environment within the subject property. The parcels which make up the amendment boundary are currently developed with single family homes, thus much of the lots have been previously disturbed. The proposed FLUA amendment would allow for a congregate living facility, which is compact in size relative to the number of units that can be constructed. Therefore, the proposed FLUA amendment would allow for a more efficient use of the land. A 160' section of the northern portion of the lots along Pioneer are encumbered by an FPL easement which has been entirely cleared of vegetation.

2. The availability of facilities and services;

- a. Response: As part of the previous development the availability of facilities and services had to be confirmed. Below is more detailed information on each of those facilities and services:
 - i. Traffic: Please see attached traffic analysis indicating compliance with Policy 3.5-d of the FLUE of the Comprehensive Plan.
 - ii. Mass Transit: The nearest Palm Tran Route is Route #43 (Okeechobee Blvd – West Palm Beach to Wellington).
 - iii. Potable Water and Wastewater: Potable water and wastewater service will be provided by Palm Beach County Water Utilities Department. See attached water and sewer capacity letter request to PBCWUD under Application Attachment I.
 - iv. Drainage: The site is within the boundaries of the Lake Worth Drainage District (LWDD) and South Florida Water Management District C-51 Drainage Basin. Legal positive outfall is available to the site via discharge to the Jog Road right-of-way drainage system along the east property line.
 - v. Fire Rescue: The nearest Palm Beach County Fire Rescue station is Station #34 located approximately 2.75 miles from the subject property. Palm Beach County Fire Rescue has determined that the amendment will have minimal impact on Fire Rescue. See Palm Beach County Fire Rescue letter (Application Attachment K).

3. The adjacent and surrounding development;

Response: The proposed FLUA amendment would have minimal impact on surrounding development. The surrounding properties generally support lower densities and intensities, particularly to the south and west of the subject property. However, the subject property has frontage along Jog Road, is contiguous to MR-5 designated parcels to the north, and is more than large enough to support a Planned Unit Development which requires the Applicant to

go beyond code minimum requirements with regards to landscaping, buffers, setbacks, etc. Below are the existing FLU designations for the surrounding properties:

- i. North: MR-5 (ZLL and utilities)
- ii. South: LR-1 (Place of Worship)
- iii. East: LR-1
- iv. West: LR-1

The proposed development will be compatible with the residential uses that surround the property on all sides.

4. The future land use balance;

Response: The proposed FLUA amendment would have minimal impact on the future land use balance. The proposed amendment would only increase the total acreage of Congregate Living designations by 9.33 acres, which is insignificant in terms of the 151,930 acres total of residential future land use designated property in the unincorporated county. The entire frontage of adjacent properties to the site along Jog Road as Medium Density residential or non-residential uses, making the subject site's existing LR-1 designation the odd one out in terms of the appropriateness of location along a major thoroughfare. The reality of single family homes fronting on a 6 lane arterial roadway is not in keeping with the recent development patterns and the proposed development would also be utilizing the existing fully signalized intersection for the project's entrance.

5. The prevention of urban sprawl as defined by 163.3164(51), F.S.;

Response: The proposed FLUA amendment does not promote urban sprawl according to the definition in section 163.3164(52) of the Florida Statutes. The proposed amendment increases the density potential for the subject property which is allowed within the Urban/Suburban Tier. The proposed density increase is compatible with the necessary infrastructure as the subject property has frontage along Jog Road, a 120' right of way according to the Palm Beach County Map TE 14.1 Thoroughfare Right of Way Identification Map.

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

Response: The property is not located within any Community Plans and/or Planning Area Special Studies areas.

7. Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1.

Response: The proposed FLUA amendment will not have a negative on municipalities in accordance with the Intergovernmental Coordination Element Objective 1.1. The subject property is surrounded entirely by unincorporated Palm Beach County.

On behalf of the Applicant, Schmidt Nichols requests your approval of this application for a Small Scale Future land use Atlas Amendment.

Exhibit 4
Applicant's Public Facility Impacts Table

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Single Family Residential ITE #210 10 trips per day / unit	Assisted Living Facility ITE #254 2.6 trips per day / bed
Maximum Trip Generation	90 trips per day	689 trips per day
Net Daily Trips:	689 tpd – 90 tpd = 599 trips per day	
Net PH Trips:	AM Peak Hour: 50 pht – 7 pht = 43 peak hour trips PM Peak Hour: 69 pht – 10 pht = 59 peak hour trips	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	Simmons & White – Kyle Duncan	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	40 (Southern Blvd), 4 (Haverhill Road)	
Nearest Palm Tran Stop	Stop 1434 (Northwest corner of Haverhill Road & Gun Club Road) is approximately 1.8 miles from the subject property.	
Nearest Tri Rail Connection	West Palm Beach, 209 South Tamarind Avenue	
C. Portable Water & Wastewater Information		
The application must include a Potable Water & Wastewater Level of Service (LOS) comment letter as Application Attachment I. This letter should state the provider/s of potable water and wastewater is/are able to maintain their current level of service standard established by the potable water provider, while accommodating the increase of density/intensity of the proposed amendment.		
Potable Water & Wastewater Providers	The property is located within Palm Beach County Water Utilities Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required at the current LR-1 designation and for the proposed future land use designation of CLR.	
Nearest Water & Wastewater Facility, type/size	The nearest potable water and wastewater facilities are located within Jog Road right of way adjacent to the property. Watermain extensions and the construction of a lift station and force main will be required.	
D. Drainage Information		
The site is within the boundaries of the Lake Worth Drainage District (LWDD) and South Florida Water Management District C-51 Drainage Basin. Legal positive outfall is available to the site via discharge to the Jog Road right-of-way drainage system along the east property line. Please refer to the Drainage Statement prepared by Simmons and White, Inc. being included as Attachment J with this application for more details.		
E. Fire Rescue		
Nearest Station	Station 34, 231 S. Benoist Farms Road	
Distance to Site	Station 34 is approximately 2.75 miles from the subject site	

Response Time	Based on the information provided by PBC Fire-Rescue the estimated response time is 6 minutes 46 seconds. PBC Fire Letter provided at Attachment K.			
Effect on Resp. Time	PBC Fire-Rescue has determined that the proposed amendment will have minimal impact on fire rescue response time. Please see Application Attachment K.			
F. Environmental				
Significant habitats or species	The subject site has sporadic trees on the property however, there is no presence of any significant habitats or species on the subject properties. An inventory map has been provided at Application Attachment L.			
Flood Zone*	The subject parcel is located in Flood Zone AE.			
Wellfield Zone*	The subject parcels do not support any of the three wellfield zone designations. A detailed map has been provided at Application Attachment M			
G. Historic Resources				
The subject parcels do not contain any historic or architecturally significant resources located on or within 500 feet of the site. To the best of our knowledge the parcels do not contain or are located within 500 of the subject properties. Comment Letter as Application Attachment N.				
H. Parks and Recreation - Residential Only				
Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	Okeeheelee Park	0.00339	247	0.8373
Beach	R.G. Kreusler Park	0.00035	247	0.08645
District	Haverhill Park	0.00138	247	0.34086
I. Libraries - Residential Only				
Library Name	Okeechobee Blvd. Branch			
Address	5689 West Okeechobee Blvd.			
City, State, Zip	West Palm Beach, FL 33417			
Distance	3.7 miles from the subject property			
Component	Level of Service	Population Change	Change in Demand	
Collection	2 holdings per person	247	494	
Periodicals	5 subscriptions per 1,000 persons	247	1.24	
Info Technology	\$1.00 per person	247	\$247	
Professional staff	1 FTE per 7,500 persons	247	0.03	
All other staff	3.35 FTE per professional librarian	247	827.45	
Library facilities	0.34 sf per person	247	83.98 s.f.	
J. Public Schools - Residential Only				
	Elementary	Middle	High	
Name	Melaleuca Elementary School	Okeeheelee Middle School	Palm Beach Central High School	
Address	5759 West Gun Club Road	2200 Pinehurst Drive	8499 W Forest Hill Blvd	
City, State, Zip	WPB, FL 33415	WPB, FL 33413	Wellington, FL 33411	
Distance	0.9 miles	2.5 miles	3.7 miles	

Exhibit 5

Palm Beach County 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

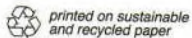
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**Palm Beach County
Board of County
Commissioners**

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

County Administrator
Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



June 10, 2019

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

**RE: Lee's Landing PUD
FLUA Amendment Policy 3.5-d Review
Round 2020-A**

Dear Ms. Lai:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Statement for the proposed Future Land Use Amendment for the above referenced project, revised June 7, 2019, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	West of Jog Road, north side of Pioneer Road	
PCN:	00-42-43-27-05-013-0121 (<i>others on file</i>)	
Acres:	9.33 acres	
	Current FLU	Proposed FLU
FLU:	Low Residential, 1 dwelling unit per acre (LR-1)	Congregate Living Residential (CLR)/Low Residential, 1 dwelling unit per acre (LR-1)
Zoning:	Agricultural Residential (AR)	Residential Planned Unit Development (PUD)
Density/Intensity:	1 du/acre	12 du/acre
Maximum Potential:	Single Family Detached = 9 DUs	Assisted Living Facility = 268 Beds
Proposed Potential:	N/A	N/A
Net Daily Trips:	607 (maximum – current)	
Net PH Trips:	51 (32/19) AM, 70 (27/43) PM (maximum)	
* <i>Maximum</i> indicates typical FAR and maximum trip generator. <i>Proposed</i> indicates the specific uses and intensities/densities in the zoning application.		



Robert F. Rennebaum, P.E.
June 10, 2019
Page 2

Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment **meets** Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the maximum potential density shown above. The proposed change will have an insignificant impact for both the long range and Test 2 analyses.

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

Sincerely,

A handwritten signature in black ink that reads "Quazi Bari".

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

QB:DS:je

cc: Kyle Duncan – VP, Simmons and White, Inc.
Dominique Simeus – Project Coordinator II, Traffic Division
Steve Bohovsky – Technical Assistant III, Traffic Division
Lisa Amara – Senior Planner, Planning Division
Khurshid Mohyuddin – Principal Planner, Planning Division
Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\20-A\Lee's Landing PUD.docx

Exhibit 6
Water & Wastewater Provider LOS Letter



**Water Utilities Department
Engineering**

8100 Forest Hill Blvd.
West Palm Beach, FL 33413
(561) 493-6000
Fax: (561) 493-6085
www.pbcwater.com



**Palm Beach County
Board of County
Commissioners**

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

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

printed on sustainable
and recycled paper

May 15, 2019

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

RE: 9.33 Acre Site Located in the NW Corner of Jog Road & Pioneer Road
PCN 00-42-43-27-05-013-0121, 00-42-43-27-05-013-0123 & 00-42-43-27-05-013-0125
Service Availability Letter

Dear Mr. Cole,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required at the current Low Residential, 1 dwelling unit per acre (LR-1) designation and for the proposed future land use designation of Congregate Living Residential (CLR).

The nearest potable water and wastewater facilities are located within Jog Road right of way adjacent to the property. Watermain extensions and the construction of a lift station and forcemain will be required.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD.

If you have any questions, please give me a call at (561)493-6116.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Michels".

Jackie Michels, P.E.,
Plan Review Manager

Exhibit 7
Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Brandon Rinker, 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 MGR _____ [position—e.g., president, partner, trustee] of Rinker Companies, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 225 Peruvian Avenue, Palm Beach, FL 33480

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Brandon Rinker
Brandon Rinker, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 29 day of April, 2019, by Brandon Rinker, M who is personally known to me or [] who has produced _____ as identification and who did take an oath.

C. Wright
Notary Public

CAROLINE WRIGHT
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 9-27-2019



EXHIBIT "A"
PROPERTY

LOT 4
DESCRIPTION:
TRACT 11, LESS THE WEST 645 FEET THEREOF AND THE WEST 200 FEET OF TRACT 12, BLOCK 13, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
TOGETHER WITH
LOT 5
DESCRIPTION:
THE EAST 215 FEET OF THE WEST 415 FEET OF THE TRACT 12, BLOCK 13, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE(S) 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
TOGETHER WITH
DESCRIPTION
LOT 6, OF AN UNRECORDED SUBDIVISION PLAT OF TRACTS 12, BLOCK 13, PALM BEACH FARMS CO., PLAT NO. 3, MORE FULLY DESCRIBED AS FOLLOWS:
TRACT # 12, BLOCK 13, PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45-54 THEREOF, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; LESS THE WEST 415 FEET THEREOF.
ALSO, THE FOLLOWING DESCRIBED PARCEL OF LAND: BEGIN AT THE NORTHEAST CORNER OF TRACT # 12, BLOCK 13, PALM BEACH FARMS CO., PLAT NO. 3, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE, RUN EASTERLY ALONG THE EXTENSION OF THE NORTH LINE OF SAID TRACT # 12, A DISTANCE OF 128 FEET, MORE OR LESS, TO THE POINT OF INTERSECTION WITH THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 3; THENCE, SOUTHERLY ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 3 TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT # 12 EXTENDED; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID TRACT # 12 EXTENDED A DISTANCE OF 121 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID TRACT # 12; THENCE NORTHERLY ALONG THE EAST LINE OF SAID TRACT # 12 TO THE POINT OF BEGINNING. LESS, THE EAST 40 FEET THEREOF FOR RIGHT OF WAY OF JOG ROAD.
SUBJECT TO AN EASEMENT OVER THE NORTH 160 FEET THEREOF, FOR FLORIDA POWER AND LIGHT.
ALSO KNOWN AS
A PORTION OF TRACTS 11 AND 12, BLOCK 13, PALM BEACH FARMS COMPANY PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE S. 00° 29' 16" W. ALONG THE EAST LINE OF THE NORTHWEST ONE QUARTER OF SAID SECTION 3 FOR 1036.11 FEET; THENCE S. 89° 00' 39" W. FOR 92.87 FEET TO THE POINT OF POINT OF BEGINNING; THENCE S. 01° 50' 37" E. ALONG THE WEST LINE OF SAID PARCEL 139 FOR 620.36 FEET ; THENCE S. 43° 35' 24" W. FOR 35.62 ; THENCE S. 89° 01' 19" W. FOR 131.21 ; THENCE S. 00° 59' 01" E. FOR 15.00; THENCE S. 89° 01' 19" W. ALONG THE SOUTH LINE OF SAID TRACTS 11 AND 12 FOR 467.04 FEET; THENCE N. 01° 01' 28" W. FOR 660.54 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID TRACT 11; THENCE N. 89° 00' 53" E. ALONG SAID NORTH LINE OF TRACT 11 FOR 15.17 FEET; THENCE ; THENCE N. 89° 00' 40" E. ALONG THE NORTH LINE OF SAID TRACT 12 FOR 599.24 FEET TO THE POINT OF BEGINNING,
CONTAINING 406,358 SQ.FT. OR 9.3287 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name	Address	
<u>Brandon Rinker</u>	<u>225 Peruvian Avenue, Palm Beach, Fl. 33480</u>	<u>100%</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 James Baron, 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 [] _____ [position - e.g., president, partner, trustee] of _____ [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: 6501 Pioneer Road, West Palm Beach, FL 33413

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

James Baroni
James Baroni, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 29 day of April, 2019, by James Baroni, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Caroline Wright
Notary Public

Caroline Wright
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 9-27-2019

EXHIBIT "A"

PROPERTY

LOT 6, OF AN UNRECORDED SUBDIVISION PLAT OF TRACTS 12, BLOCK 13, PALM BEACH FARMS CO., PLAT NO. 3, MORE FULLY DESCRIBED AS FOLLOWS:

TRACT # 12, BLOCK 13, PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45-54 THEREOF, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; LESS THE WEST 415 FEET THEREOF.

ALSO, THE FOLLOWING DESCRIBED PARCEL OF LAND: BEGIN AT THE NORTHEAST CORNER OF TRACT # 12, BLOCK 13, PALM BEACH FARMS CO., PLAT NO. 3, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE, RUN EASTERLY ALONG THE EXTENSION OF THE NORTH LINE OF SAID TRACT # 12, A DISTANCE OF 128 FEET, MORE OR LESS, TO THE POINT OF INTERSECTION WITH THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 3; THENCE, SOUTHERLY ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 3 TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT # 12 EXTENDED; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID TRACT # 12 EXTENDED A DISTANCE OF 121 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID TRACT # 12; THENCE NORTHERLY ALONG THE EAST LINE OF SAID TRACT # 12 TO THE POINT OF BEGINNING. LESS, THE EAST 40 FEET THEREOF FOR RIGHT OF WAY OF JOG ROAD. SUBJECT TO AN EASEMENT OVER THE NORTH 160 FEET THEREOF, FOR FLORIDA POWER AND LIGHT.

CONTAINING 122,274 FEET, OR 2.81 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address	
<u>James Baroni</u>	<u>6501 Pioneer Road, West Palm Beach, FL 33413</u>	<u>100%</u>

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 Mary Baroni, 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 [] _____ [position - e.g., president, partner, trustee] of _____ [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: 6501 Pioneer Road, West Palm Beach, FL 33413

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

Mary Baron
Mary Baron, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 29 day of April, 2019, by Mary Baron, [] who is personally known to me or [] who has produced as identification and who did take an oath.



Caroline Wright
Notary Public
Caroline Wright
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 9-27-2019

EXHIBIT "A"

PROPERTY

LOT 6, OF AN UNRECORDED SUBDIVISION PLAT OF TRACTS 12, BLOCK 13, PALM BEACH FARMS CO., PLAT NO. 3, MORE FULLY DESCRIBED AS FOLLOWS:

TRACT # 12, BLOCK 13, PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45-54 THEREOF, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; LESS THE WEST 415 FEET THEREOF.

ALSO, THE FOLLOWING DESCRIBED PARCEL OF LAND: BEGIN AT THE NORTHEAST CORNER OF TRACT # 12, BLOCK 13, PALM BEACH FARMS CO., PLAT NO. 3, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE, RUN EASTERLY ALONG THE EXTENSION OF THE NORTH LINE OF SAID TRACT # 12, A DISTANCE OF 128 FEET, MORE OR LESS, TO THE POINT OF INTERSECTION WITH THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 3; THENCE, SOUTHERLY ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 3 TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT # 12 EXTENDED; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID TRACT # 12 EXTENDED A DISTANCE OF 121 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID TRACT # 12; THENCE NORTHERLY ALONG THE EAST LINE OF SAID TRACT # 12 TO THE POINT OF BEGINNING. LESS, THE EAST 40 FEET THEREOF FOR RIGHT OF WAY OF JOG ROAD. SUBJECT TO AN EASEMENT OVER THE NORTH 160 FEET THEREOF, FOR FLORIDA POWER AND LIGHT.

CONTAINING 122,274 FEET, OR 2.81 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address	
Mary Baronl	6501 Pioneer Road, West Palm Beach, FL 33413	100%

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

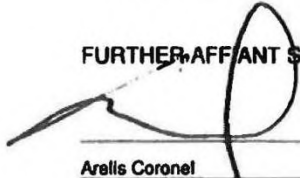
BEFORE ME, the undersigned authority, this day personally appeared Arellis Coronel, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the individual or _____ [position - e.g., president, partner, trustee] of _____ [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: 6529 Pioneer Road, West Palm Beach, FL 33413

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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


FURTHER AFFIANT SAYETH NAUGHT.



 Arellis Coronel, Affiant
 (Print Affiant Name)

The foregoing instrument was acknowledged before me this 29 day of April, 2019, by Arellis Coronel, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.





 Notary Public

Caroline Wright
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 9-27-2019

EXHIBIT "A"

PROPERTY

TRACT 11, LESS THE WEST 645 FEET THEREOF AND THE WEST 200 FEET OF TRACT 12, BLOCK 13, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 142,020 FEET, OR 3.26 ACRES, MORE OR LESS.

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 Talron Coronel, 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 [_____] *[position - e.g., president, partner, trustee]* of _____ *[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: 6528 Pioneer Road, West Palm Beach, FL 33413

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

Tairon Corone

Tairon Corone, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 29 day of April, 2019, by TAIRON CORONE, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.

Caroline Wright

Notary Public

Caroline Wright

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 9-27-2019



EXHIBIT "A"

PROPERTY

TRACT 11, LESS THE WEST 645 FEET THEREOF AND THE WEST 200 FEET OF TRACT 12, BLOCK 13, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 142,020 FEET, OR 3.26 ACRES, MORE OR LESS.

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 Colleen Gelsomino, 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 [] _____ [position - e.g., president, partner, trustee] of _____ [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: 8517 Pioneer Road, West Palm Beach, FL 33413

- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

Colleen Gelsomino

Colleen Gelsomino, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 29 day of April, 2019, by Colleen Gelsomino, who is personally known to me or [] who has produced as identification and who did take an oath.

Caroline Wright

Notary Public



Caroline Wright

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 9-27-2019

EXHIBIT "A"

PROPERTY

THE EAST 215 FEET OF THE WEST 415 FEET OF THE TRACT 12, BLOCK 13, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE(S) 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 142,030 FEET, OR 3.26 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address	
<u>Collaan Galsomino</u>	<u>6517 Pioneer Road, West Palm Beach, FL 33413</u>	<u>100%</u>

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 James Gelsomino, 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 [] _____ [position - e.g., president, partner, trustee] of _____ [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: 6517 Pioneer Road, West Palm Beach, FL 33413

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

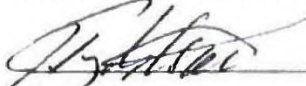
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

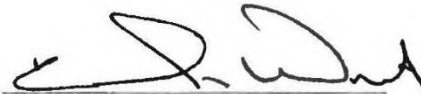
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.


James Gelsomino, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 29 day of April, 2019, by James Gelsomino, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Notary Public



Caroline Wright
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 9-27-19

EXHIBIT "A"

PROPERTY

THE EAST 215 FEET OF THE WEST 415 FEET OF THE TRACT 12, BLOCK 13, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE(S) 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 142,030 FEET, OR 3.26 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address	100%
James Galsomino	8517 Pioneer Road, West Palm Beach, FL 33413	100%

**Exhibit 8
Correspondence**

From: Clifford Fort <turkeytrot.cf@gmail.com>
Sent: Friday, March 06, 2020 10:38 AM
To: Lisa Amara A. <LAmara@pbcgov.org>; Stephanie Gregory <SGregor1@pbcgov.org>; Clifford Lee Fort <turkeytrot.cf@gmail.com>; Richard Carlson <richard.chip.carlson@usa.net>; Steve Hansen <steve@arminternational.com>
Subject: PIONEER ROAD PROPERTY OWNERS ASSOCIATION, INC.

6781 Pioneer Road
West Palm Beach, Florida 33413

March 6, 2020

FORMAL REQUEST FOR SIXTY DAY POSTPONEMENT FOR CONSIDERATION BY PLANNING COMMISSION FOR PROPOSED FUTURE LAND USE AMENDMENT OF LEE'S LANDING

Dear Planning Commission;

The Pioneer Road Property Owners Association is requesting that you postpone consideration of the Lee's Landing application sixty days to allow the Pioneer Road Property community to get property owners informed and a dialogue with the applicant.

Our area, including the property subject of the Lee's Landing petition, is recognized as a rural enclave, has Neighborhood Plan, and will be subject of a rural enclave overlay. The Pioneer Road community is over 560 acres with more than 200 individual properties. PRPOA represents more than half the properties in the community. The Pioneer Road Community needs to be briefed as to the "final Lee's Landing Plan" and Traffic Analysis. They need ample time to make an informed decision as to the proposed future density changes from Low Residential, 1 unit per acre (LR-1) of their low density neighborhood, with an average lot size 2.74 acres, to Congregate Living Residential (CLR) in order to develop an assisted living facility for up to 250 beds. This is a dramatic change to the Pioneer Road Community and should not be done without adequate information being provided to the community so that the residents may be properly informed.

Our PRPOA Association has been more than expeditious in our efforts to respond to Brandon Rinker and Schmidt Nichols despite conspicuous short notice of the recently finished proposed plan.

Our Board members have made numerous requests to Schmidt Nichols over the last six months as to the progress of their planning efforts on the Lee's Landing application. Only recently was the application moved into the public hearing process, and we were contacted by Josh Nichols on 22nd of February 2020 to tell us that Schmidt Nichols was ready to make a presentation of to our Board and that they had finally completed their technical review and had a plan to present.

Our Board immediately arranged for Jon Schmidt and Josh Nichols to make their presentation to the PRPOA Board members present just four days later on Thursday, the 26th of February.

Upon completion of their presentation our Board promised them that we would make every effort to expedite a meeting of the Pioneer Road Neighborhood comprised of all residents and property owners of the community.

We immediately set out to arrange a facility to accommodate the anticipated crowd for the Schmidt Nichols presentation. All the libraries were booked. Fortunately, a member of our PRPOA Association, Ray Titus, offered his facilities located at 2121 Vista Parkway for the presentation the evening of March 9, 2020 at 6:30 PM.

We emailed notice of the meeting, and requested attendance of, all residents, property owners and PRPOA members that we have in our records urging their attendance. However, with such short notice we expect that many people will not be able to attend.

We have bent over backwards to accommodate the applicant and the agents. Despite all of our efforts the applicant has rejected our request for a sixty-day postponement to give not only the community an opportunity to properly understand the application, but the agent to properly educate the community. It will also facilitate a dialogue that may address many of the concerns of the community. Without an adequate understanding of the application a meaningful dialogue cannot be had. As of the date of this letter, the Pioneer Road Property Owners Association respectfully requests a 60-day postponement to the Planning Commission hearing. We feel it is imperative to ensure all of our neighbors are thoroughly educated on such a profound decision affecting the future density of and entrance to their community.

Most Respectfully,

Clifford L. Fort
Director, Pioneer Road Property Owners Association

From: Cristina Gray <solidgray.gray@gmail.com>

Sent: Friday, March 13, 2020 4:02 AM

To: Gregg Weiss; Ryan Vandenburg; Dave Kerner M.; Robert Weinroth S.; Melissa McKinlay; Lisa Amara A.; Mack Bernard; Niels Heimeriks; Stephanie Gregory; MaryLou Berger; Ramsay Bulkeley

Subject: Lee's Landing Proposal (SCA 2020-001) Concerns

March 12, 2020

Dear Planning Commissioners.

Our neighborhood has been fighting developers off for the past several years. Palm Beach County finally listened to our concerns and needs and voted on a Comprehensive Plan Amendment that would recognize us as a rural enclave in the urban suburban tier. Unfortunately, a lawsuit challenge was filed against the proposed language and was only ruled in favor of the county recently. There is still one more waiting phase. Planning Staff could not proceed forward working with the Pioneer Road Community to strengthen the proposed language of the Comprehensive Plan Amendment to protect our Pioneer Road Neighborhood until the lawsuit was resolved.

Now the hearing officer ruled in favor of the county and the Planning Staff has been directed to meet with the Pioneer Road Property Owners Association to start work on the overlay.

The last development proposal was Ruby's Cove which went away and was replaced by Lee's Landing. That seemed to have stalled progress and we felt that with not only Pioneer Neighborhood but neighboring neighborhoods signing petitions, all the while hampered by the challenge, it would not come up to planning and zoning.

Then in February, suddenly, there are new developments being made and our community is facing a proposed 250 bed Assisted Living Facility on 9.33 acres at the entrance of our community. A community of nurseries and large homes on large lots. Over 65% is AR land which is hard to find. We have horses like in Wellington, as well as sheep, goats, chickens and bees.

Bees are endangered and necessary for our survival and there are multiple beekeepers in this neighborhood. In order to cultivate and keep bees, there must be substantial flora. Lighting or lack of at night is also important. Almost all bees are inactive at night. While the bees don't go to sleep, they are motionless, which retains their energy for the following day. Artificial lights can cause bees to think the sun is up. The denser the buildings become, there is more lighting, more activity, and less and less flora. As a rule of thumb, the foraging area around a beehive extends for two miles (3.2 km), although bees have been observed foraging twice and three times this distance from the hive.

Our neighborhood is over 500 acres and spans nearly 2 miles east and west and nearly a mile in some spots north and south. We also are adjacent to Okeehetee Park. Like the bees, many birds and animals make their home in our neighborhood. When the forest was taken down to clear for the Mattamy Homes project, these animals were found on Southern and Jog. The other livestock as well are affected by more and more development.

No matter what the zoning is called, LR1 with a CLR and perform an equation of maximum usage, it does not conform with our neighborhood. If you approve this high-density land use, this is just not even whittling but biting off pieces of our rural enclave. Once you change this and change the character of the front of our neighborhood, you can't take it back. Anymore than you can take back that my lot was part of a farm at one time.

This is cutting away at our entrance to rezone for what? Is there going to be a specific type of Assisted living facility? Is there a need or a shortage? No, this is just going to carve a piece out and make it there in case somebody wants to build it. There are 45 listed CLFs within a five-mile radius of us. They are not full. It is difficult to get the statistics as to how many beds are available, but they have room. There is a large one less than a mile and a half away from our neighborhood. Not full whatsoever and less than half the beds being proposed.

This project will impact not just our neighborhood, but our surrounding neighbors as well. Gun Club, Monmouth Estates, Sagewood and even the Mattamay Homes Project. Citizens of these neighborhoods are concerned and the new development may even have their sales impacted by what is built or approved on that land.

Please VOTE NO AGAINST A 250 BED FACILITY of 200,000 square feet. We need to be able to work together with the developer and applicant as a community and we have not had a chance to do so. Between the Challenge and now the Corona virus, it has been hard to let our neighbors know in time to let them make plans to come out. As it is, we have managed to meet with the developer once as a

board and then a portion of the community. Has the developer even been in contact with the new home builder for the Mattamy Homes?

The approval by the Planning Commission of this project with the proposed density and land use change will impact all of us and not in a positive way of any kind. The people you would be impacting would not benefit from this facility. Not in this scale.

Palm Beach County recognized our neighborhood plan and the approved Comprehensive Plan Amendment. A project of this density does not fit either. This community is sought after for the rural character. These are nice homes that people have saved for so they can have a piece of old Florida and pass it along to their children. This project is a concept that then will sit and beg for a buyer and its density though only on paper, will loom over all prospective buyers of the homes around it. Before we assign a project there, please let's be sure to take full consideration of the people who will be living with it. Mr. Rinker and the developer will sell it and never need to deal with it. As it is Mr. Rinker sold his home which would have been next to this project to a homeowner.

Thank you for your time and consideration
Cristina Gray
6561 Wilson Road WPB 33413

Richard W. Carlson, Jr., Esq.
2377 Crawford Court
Lantana, FL 33462-2511
Phone 561-632-5832
Email: rchipcarlson@outlook.com

Date: May 26, 2020

To: Ryan Vandenburg, Senior Site Planner
Palm Beach County Zoning Division

From: Chip Carlson

Subject: Petition PDD/CA/SV/VA-2019-01090 - Lee's Landing – Conditions Proposed by Pioneer Road Property Owners Association Board of Directors

Ryan:

I represent the Pioneer Road Property Owners Association, Inc., Board of Directors (PRPOA Board). As mentioned last week, I would like to discuss various conditions requested by the PRPOA Board. As I said in my voicemail of today, I have not seen the most recent conditions proposed by Zoning Staff in the Staff Report. The last version I have is for the April 2 meeting and I know there were some changes being done. I don't know if the Add/Delete was completed for this project before the Covid-19 delay.

We have continued discussions with Josh Nichols on trying to reach agreement. One major point of contention remains: the massing/bulk of the building and its effect on the character of the Pioneer Road Community. My client submits that the mass/bulk of the building can be addressed by limiting the bed count. The applicant is adamant about no reduction in the bed count.

I believe all other issues are resolved between the parties, with perhaps some discussion on how a 40-foot buffer would lay out relative to the Base Building Line. But obviously Josh must confirm whether Mr. Rinker agrees to what was discussed in a May 13 2020 meeting. I never received a confirmation of agreement from Josh after these were provided to him May 18.

Follows are the conditions requested by the PRPOA Board. Note that there is a group of conditions that we request be included in the Comprehensive-Plan-amending ordinance. But if those are not included in that ordinance, we request that they be included as zoning conditions. The conditions largely speak for themselves and where helpful I have included a note in uppercase font. Obviously the nomenclature may not reflect that currently used by Planning or Zoning. Thus, revisions to match current language are fine.

Again, I would like to sit down with you and whomever else is appropriate from Staff to review these in detail. Please email me, or text or call me at 561-632-5832. We look forward to your and Staff's thoughts.

Future Land Use Ordinance Conditions.

1. Development of the site under the CLR designation shall be limited to a maximum of 150 congregate living facility beds; any other use is limited to the Low Residential 1 unit-per-acre designation.
2. The westernmost 150 feet of the site shall be limited to landscaping, wet or dry retention, and drainage. No structures other than retaining walls or fences shall be placed within the west 150 feet. NOTE THAT 'OPEN SPACE' IS NOT INCLUDED BECAUSE IT COULD ALLOW THINGS SUCH AS PASSIVE RECREATIONAL ELEMENTS.
3. No access, including construction-access, on Pioneer Road shall be permitted to or from the subject property.
4. The subject property shall not serve as a means of access to or from Jog Road for the properties to the west, either by a private means of access or the extension/realignment of Gun Club Road/Pioneer Road through the subject property. There shall be no cross-access between the subject property and property to the west.
5. The subject property shall not be combined with any property to the west for a common development, Future Land Use amendment, or rezoning.

Rezoning to Planned Unit Development Conditions.

1. A 40' Landscape Buffer shall be platted and installed north of the base-building-line, being a line parallel to and lying 30' north of the Pioneer Road Centerline as shown on the Winners Church plat, Plat Book 121, Pages 20 and 21. In addition to the foregoing platted Landscape Buffer, landscaping shall be installed between the Pioneer Road north right-of-way line and the Landscape Buffer.
2. A 20' Landscape Buffer shall be platted and installed along the west property line.
3. The Landscape Buffer along the west property line, and the Landscape Buffer and the additional landscaping along the south property line, shall consist entirely of native plants, including native canopy trees with 30' minimum mature height (16' at planting) such as Live Oak, Calophyllum, and Gumbo Limbo. The foregoing canopy trees shall be a maximum of 30' apart, and shall be staggered with varying distances between trees. Sabal palms and/or Slash Pines shall be interspersed within the canopy trees. A lower canopy shall be installed to include Saw Palmetto, Red tip cocoplum, Clusia, Viburnum and Dwarf Firebush. The landscape plan shall provide for a natural, 'forested' - rather than a formal - character. A six-foot high black vinyl chain link fence or black aluminum fence shall be installed within the inside five feet of the south and west landscape buffers. The Landscaping Plan shall be approved by the Development Review Officer prior to Final Site Plan approval. NOTE: IT IS RECOGNIZED THAT THIS MAY REQUIRE ADDITIONAL PROCESSES OR PROCEDURES TO EFFECT. I'D LIKE TO DISCUSS HOW THIS CONDITION CAN BE ACCOMPLISHED. PERHAPS A DELAY TO THE EXISTING VARIANCE WITH AN AMENDMENT TO THAT APPLICATION IS THE EASIEST, MOST DIRECT, APPROACH.

BUT IT IS CRITICAL TO THE COMMUNITY THAT THE BUFFER PROVIDE AN EFFECTIVE COMPLETE SCREEN AND IS A 'FORESTED,' NATURAL LOOK WITH A RURAL CHARACTER.

4. A six-foot high chain-link black vinyl fence shall be installed along the west property line within the Florida Power and Light easement, with gate access only for utility-providers.
5. There shall be no parking along or within the Pioneer Road right-of-way.
6. There shall be no construction access to Pioneer Road.
7. Building height shall not exceed 25' within 100' of the Pioneer Road right-of-way.
8. Continuous or motion-activated security cameras with monitors and recordings shall be installed so as to provide complete coverage of the perimeter of the property at all times.
9. In addition to the foregoing fences, a minimum 6' high fence or wall shall be installed so as to create a complete fenced-site.
10. Access to the west and north retention areas shall be allowed only for maintenance or, in the case of the north retention area, public utilities.

Thanks much.

Respectfully,
s/ Chip
for the Pioneer Road Property
Owners Association, Inc., Board of Directors

- c: Josh Nichols, LEED, AP
Stephanie Gregory, Planning Division
Jon MacGillis, AICP, Director Zoning Division
Ramsay Bulkeley, Esq., Executive Director PZB
Neils Heimericks, Administrative Assistant Commissioner Gregg Weiss
Pioneer Road Property Owner's Association Board of Directors

From: Connie Ingram <cingram@ingramcounseling.com>

Sent: Saturday, March 28, 2020 1:14 PM

To: Gregg Weiss; Ryan Vandenburg; Dave Kerner M.; Robert Weinroth S.; Melissa McKinlay; Lisa Amara A.; Mack Bernard; Niels Heimeriks; Stephanie Gregory; MaryLou Berger; Ramsay Bulkeley

Subject: Lee's Landing Proposal

Planning Commissioners:

My family moved into this area because of the large yards and limited development; a great place to raise children.

We have been laboring to maintain this atmosphere for several years...especially lately when developers want to come in and upset our long standing rural symbiosis by building congregate living, low income housing, or other such structures as well as adding traffic to our already congested streets.

We have signed petitions and attended meetings to desperately hold on to the way of living that brought us here. Now, our communities are threatened by a proposed 250 bed facility using 9.33 acres which will sit at the entrance of our neighboring community. This compromises our wildlife, plant life, and vegetation, as well as horses, sheep, goats, and chickens. It also endangers the livelihood of those whose income depends on beekeeping.

This proposal is also a threat to our zoning. None of us who will be impacted by this proposal will be helped in any positive way...on the contrary.

Our communities have always been pursued for our rural atmosphere and we have lovely homes and land that we intend to have our children inherit. Please take our families and our livelihoods into consideration. Those who want this building project will not have to deal with the effects this will bring to our communities.

PLEASE vote NO AGAINST a 250 bed facility of 200,000 square feet in the Pioneer Road area.

Thank you for your consideration in protecting our families, our livelihood and our future.

Connie Ingram

6524 Patricia Drive

WPB, FL 33413

Neighbors, Friends, All those concerned for the protection of our rural community,

I write on the Lee's Landing project. My goal is to summarize what has transpired, where we are, and where we go from here in an effort to help you fully understand our current position on Lee's Landing with five days left before the final hearing of the Board of County Commissioners (BCC).

From the outset, we recognized this development request was going to be our toughest fight yet. With its frontage on Jog Road, with the fact it was in keeping with county code in almost every regard for its use and scope, and hearing from our own district commissioner that this was a favored use at this location, we chose our path. We could have gone down fighting or, instead, try and work to make what was almost certain a lesser negative. In the spirit of working with the powers that be - who have, historically, partnered with us in defense of our treasured, natural surroundings, i.e. approving our Neighborhood Plan in 2014 and passing the Rural Enclave Comprehensive Plan Amendment in 2018, - we chose ~~to~~ the path of negotiation towards mitigating the impacts that this Congregate Living Facility (CLF) would have on our entry and neighborhood.

To be clear, at our introduction to Lee's Landing, many of us - the PRPOA board included - wanted this project to go away. If we stayed with this mindset in light of the apparent writings-on-the-wall of our county officials, we would be looking at a very different development order up for approval. Allow me to illustrate the differences of the two paths in the table below:

PATH: JUST SAY NO TO LEE'S LANDING	PATH: NEGOTIATE, MITIGATE LEE'S LANDING
Pioneer Road ingress/egress for the project	No Pioneer Road ingress/egress for the project
No entry at Gun Club from Jog	Sole ingress/egress at traffic light from Jog & Gun Club
20' minimal landscape buffer along Pioneer Rd	35' forested landscape buffer along Pioneer Rd
Dedication of 80' right-of-way into our neighborhood	Maintain 70' right-of-way, impeding development
4' perimeter fence on only parts of the property	6' Black vinyl coated chain link perimeter fence on the entire property
Perimeter unmonitored	Perimeter surveillance cameras monitored 24/7
The westernmost 150 feet of the site shall be open space which could allow for other uses	The westernmost 150 feet of the site shall be limited to landscaping, wet or dry retention area
268 beds	210 Beds
Access through property to west unaddressed	No access through property to the west
Building setback 50'	Building setback 100' from Pioneer RD right-of-way
No community sign on Pioneer Road	Decorative stone community sign on Pioneer Road

Many of the 'starting points' were, in some sense, concessions of the developer even before they presented Lee's Landing. Remember this started with Ruby's Cove. But in any case, hopefully, you can see, many important conditions have been conceded which alleviate many of the negative impacts. The applicant will assert at the BCC meeting, this property will not be assembled with properties to the west and that no through access to the west will be allowed. Our goals were to isolate this from a sense-of-connection to the Pioneer Road community, and to avoid setting a precedent that enables further encroachment into the community. We were able to screen the use through buffering, and create a community identification through the community sign to be provided by the developer. And although we cannot as part of this process prevent another application for development to the west of Lee's Landing, we did accomplish clear impediments to that possibility by not allowing anything but landscape and water retention on the west 150 feet of the property, and prohibiting cross-access to the west. In our negotiations we sent another clear message that anything going west will be faced with unwavering opposition from the community. At the same time, we demonstrated that we can work with the 'powers that be' rather than just object.

I know there are some of you that still want this development to go away or be smaller or have more restrictions. Be assured we, the board, at many points in the negotiations went down those exact roads only to find dead ends or major obstructions due to county code or other constraints. In the final analysis, we saw the way, although full of potholes, to reach the end of this process with our community mostly spared.

And while many see this as a major defeat, there are some real benefits to having a residential, congregate living facility at this corner. With the never-ending development pressure, a much worse use could end up there. Political wisdom changes over time. We may not enjoy widespread support in the future, and this use, if built, locks down the corner with a low-intensity use against which any effort to the west will be measured. Instead of starting with a multifamily apartment complex at the corner or, in a worst-case scenario, a commercial or institutional use, we have a low-impact standard against which anything proposed to the west is evaluated.

This only resulted from intense, detailed and costly negotiations. Understand that both parties have compromised. However, at this time, with only a few more details in language and procedural issues remaining, we want you to know that your board has agreed to a letter of support for Lee's Landing that will be submitted prior to the BCC meeting this Thursday. It has been and continues to be our mission to be the watchdogs and protectors of our low-density, rural, natural, peaceful, and desirable community we have always been. We embrace your support and understanding.

Your support by attending and wearing a PRPOA provided sticker at the BCC meeting Thursday, or by sending emails, and/or letters to county commissioners is appreciated.

The BCC meeting will be held Thursday, June 25 at 9:30 am in the BCC Chambers 6th floor, 301 N. Olive Ave. West Palm Beach, FL 33401.

We have in front of us a much more important, and in many ways more difficult, task ahead. We as a community should begin pressing the County to do what it is required to do under the Rural Enclave policies adopted by the County in October, 2018. If we do it right, we can engender the support and help of County Staff through collaboration with the community. It should be done as a grass-roots effort, with participation and input from everyone in the community. As I noted in an earlier letter, each of us will not get exactly what we want, but with compromise and understanding, we can establish Pioneer Road as a protected rural enclave. Again, this is a critical step that can accomplish a great deal if we can work as a community.

Steve Hansen
For the Board
President, Pioneer Road Property Owners Association

Commissioners Email: BCC-AllCommissioners@pbcgov.org

PALM BEACH FARMS RURAL PRESERVATION COMMITTEE, LLC.

June 24, 2020

DAVE KERNER, Mayor, Palm Beach County
Palm Beach County Board of County Commissioners
301 North Olive Avenue
West Palm Beach, Florida 33401

VIA: EMAIL to Vismary Dorta per Palm Beach County Interim Options for Submitting Public Comments or Questions for the June 25, 2020 Board of County Commissioners (BCC) Zoning Hearing

Re: Board of County Commissioners June 25, 2020 Zoning Hearing Agenda #SCA-2020-00001, Lee's Landing PUD

Dear Commissioner Kerner,

Before the Palm Beach County Commission ("BCC") sitting as the Zoning Board is an application under Agenda Item SCA-2020-00001, Lee's Landing, seeking to change the future land use designation from Low Residential, 1 unit per acre (LR-1) to Congregate Living Residential with an underlying Low Residential, 1 unit per acre land use density for three parcels totaling approximately 9.33 acres.

Palm Beach Farms Rural Preservation Committee, LLC. is opposed to the BCC granting approval for this proposed land use change for these parcels.

In 2013, Palm Beach County received and adopted the Pioneer Road Neighborhood Plan establishing a boundary of an area identified as the Pioneer Road Neighborhood of which these parcels, which are the subject of this rezoning application, are included within the boundaries of this Plan. This Neighborhood Plan was purportedly suggested to the property owners within this community by the Palm Beach County Commissioners along with County Planning & Zoning staff to an organization entitled, "Pioneer Road Property Owners Association" ("PRPOA") as a method for preservation of the rural character of the community.

Several of the applicants on this rezoning application are the founding members and officers of PRPOA. James (Terry) Gelsomino, Colleen Gelsomino and Mary (Merke) Baroni were all directors of PRPOA as per the Articles of Incorporation for the organization as recorded with the Florida Secretary of State. (See Exhibit "A") Brandon Rinker, a son of Ruby S. Rinker who is also a founding director of PRPOA, is an applicant on this rezoning petition.

Curiously, Article III for the Incorporation of PRPOA states: "The specific purpose for which this corporation is organized is: TO PRESERVE THE CHARACTER AND NATURE AS A RURAL COUNTRY COMMUNITY, FREE OF DEVELOPMENT AND CONGESTION. TO PROVIDE REPRESENTATION FOR MEMBERS IN ALL MATTERS WHICH CONCERN THE QUALITY OF LIFE AND GENERAL WELFARE OF THE COMMUNITY." (See Exhibit "A")

Furthermore, in 2013 when PRPOA prepared their draft Neighborhood Plan for the Pioneer Road Neighborhood, on Page 16, Colleen and Terry Gelsomino were identified as part of the "Pioneer Road Property Owners Study Group/Planning Committee consisted of neighbors within the boundaries of

June 24, 2020
Dave Kerner, Mayor
Page Two

our community.” The acknowledgment within the Plan goes on to say, “All residents who helped in the planning process are truly appreciated for their hard work and deserve recognition for their efforts.” Mr. & Mrs. Gelsomino were indicated as having “owned/lived in our neighborhood” at that point for “32 years.” (See Exhibit “B”)

Colleen Gelsomino was no stranger to the issues facing the preservation of the rural character of the Pioneer Road Neighborhood as she was anointed “President” of PRPOA by the directors of PRPOA for “representation for members” of whom those members were mostly just the applicants on this petition for re-zoning. Mrs. Gelsomino and her associates conducted themselves to attempt to take this authority without the consent of the property owners of the Pioneer Road Neighborhood. This fact apparently caused PRPOA to be subsequently dissolved by the State of Florida as Mrs. Gelsomino possessed no authority to represent the property owners in the Pioneer Road Neighborhood as she consistently professed at public hearings on matters within Palm Beach County affecting the Pioneer Road Neighborhood.

However, despite Mr. & Mrs. Gelsomino's questionable incorporation of an organization alleging “to preserve the character and nature as a rural country community, free of development and congestion”, these two applicants continued on to be involved in the “Study Group/Planning Committee” to create a Pioneer Road Neighborhood Plan of which Palm Beach County adopted by resolution.

In 2016, PRPOA began to propose to the property owners of the Pioneer Road Neighborhood the creation of a “Rural Overlay” in order to further preserve the rural character of this community. Even after the adoption of County Ordinance 2018-031 on October 31, 2018 establishing that Palm Beach County create rural overlays for rural enclaves within the Urban Service Boundary, there still exists no “rural overlay” for the Pioneer Road Neighborhood. Lisa Amara, Palm Beach County Senior Planner, testified during her April 2019 deposition that the County can create a rural overlays without a Comprehensive Plan Amendment and that numerous rural overlays already exist within the County which have already been established as a part of this County's development plan.

These three parcels which are the subject of the rezoning application addressed herein are located within the proposed Pioneer Road Rural Enclave Protective Overlay boundaries set forth within Palm Beach County Ordinance 2018-031. This rezoning application for the land use change within this subject petition should be denied until such time that Palm Beach County has fulfilled its commitment to the citizens, property owners and taxpayers of the Pioneer Road Neighborhood for establishing the protections and preservation of the rural character of this community which Palm Beach County has consistently supported through its planning, zoning and land use deliberations for decades which has led us to this point. Approval of this land use change application, especially in light of the questionable involvement by several of these applicants, should be denied until a rural protective program has been formally established by the County and done in conjunction with the representation of ALL affected property owners within this community. The current proposed course of action if approved, could incur serious legal consequences.

June 24, 2020
Dave Kerner, Mayor
Page Three

Regards,



Joseph R. Byrne, Chairman

cc: Members, Palm Beach County Board of County Commissioners
Verdenia C. Baker, County Administrator
Denise Neiman, County Attorney

EXHIBIT

“A”

**Electronic Articles of Incorporation
For**

N08000001970
FILED
February 27, 2008
Sec. Of State
tburch

PIONEER ROAD PROPERTY OWNERS ASSOCIATION, INC.

The undersigned incorporator, for the purpose of forming a Florida not-for-profit corporation, hereby adopts the following Articles of Incorporation:

Article I

The name of the corporation is:

PIONEER ROAD PROPERTY OWNERS ASSOCIATION, INC.

Article II

The principal place of business address:

625 N. FLAGLER DRIVE
FLOOR 9
WEST PALM BEACH, FL. 33401

The mailing address of the corporation is:

625 N. FLAGLER DRIVE
FLOOR 9
WEST PALM BEACH, FL. 33401

Article III

The specific purpose for which this corporation is organized is:

TO PRESERVE THE CHARACTER AND NATURE AS A RURAL COUNTRY
COMMUNITY, FREE OF DEVELOPMENT AND CONGESTION. TO PROVIDE
REPRESENTATION FOR MEMBERS IN ALL MATTERS WHICH CONCERN THE
QUALITY OF LIFE AND GENERAL WELFARE OF THE COMMUNITY.

Article IV

The manner in which directors are elected or appointed is:

AS PROVIDED FOR IN THE BYLAWS.

Article V

The name and Florida street address of the registered agent is:

MARTIN V KATZ
625 NORTH FLAGLER DRIVE
9TH FLOOR
WEST PALM BEACH, FL. 33401

I certify that I am familiar with and accept the responsibilities of registered agent.

N08000001970
FILED
February 27, 2008
Sec. Of State
tburch

Registered Agent Signature: MARTIN V. KATZ

Article VI

The name and address of the incorporator is:

MARTIN V. KATZ, ESQ.
625 N. FLAGLER DRIVE
9TH FLOOR
WEST PALM BEACH, FL 33401

Incorporator Signature: MARTIN V. KATZ

Article VII

The initial officer(s) and/or director(s) of the corporation is/are:

Title: D
COLLEEN GELSOMINO
6517 PIONEER ROAD
WEST PALM BEACH, FL. 33413 US

Title: D
RUBY RINKER
6545 PIONEER ROAD
WEST PALM BEACH, FL. 33413 US

Title: D
MERKE BARONI
6501 PIONEER ROAD
WEST PALM BEACH, FL. 33413 US

Title: D
MARTIN V KATZ
7287 PIONEER ROAD
WEST PALM BEACH, FL. 33413 US

Title: D
DOC GILLIS
224 POSSUM PASS
WEST PALM BEACH, FL. 33413 US

Title: D
TERRY GELSOMINO
6517 PIONEER ROAD
WEST PALM BEACH, FL. 33413 US

Article VIII

The effective date for this corporation shall be:

02/27/2008

EXHIBIT

“B”

The Pioneer Road Property Owners Association Study Group/Planning Committee consisted of neighbors within the boundaries of our community. All residents who helped in the planning process are truly appreciated for their hard work and deserve recognition for their efforts. The names, addresses and number of years they have owned/lived in our neighborhood are listed below. All addresses are in West Palm Beach, FL 33413:

E.O. "Tad" Bussey, 846 Cleary Rd.	31 years
Richard & Ronda Chamberlain, 6913 Monmouth Rd.	8 years
Doug & Raeleen Clark, 239 Hidden Lane.	17 years
Gay Durrance, 7561 Pioneer Rd.	35 years
Cliff Fort, 161 Elaine Rd.	8 years
Mike Galvin, 180 Elaine Rd.	23 years
Colleen & Terry Gelsomino, 6517 Pioneer Rd.	32 years
Doc Gillis, 224 Possum Pass	13 years
Eric Gordon, 421 Possum Pass	4 years
Steve & Virginia Hansen, 6781 Pioneer Rd.	26 years
James & Nancy Harris, 270 Sand Run Rd	10 years
Pete & Lucy Holton, 370 Sand Run Rd.	23 years
Melodie Jones & Herbert E. Moebius, 7395 Pioneer Rd.	18 years
James Kerr, 348 Possum Rd.	37 years
Larry & Renae Murray, 451 Possum Pass	13 years
Barbara Reed, 7439 Pioneer Rd.	11 years
Pamela Shore-Loeb, 7479 Pioneer Rd.	17 years
Michele Malooley & William Lo Iacono, 6887 Monmouth Rd.	9 years
Ward & Nina Mitzelfeld, 375 Wayman Circle	40 years
Allen Pinkard , 6968 Pioneer Rd	16 years
Juan Restrepo, 6815 Monmouth Rd.	2 years
Virgil Schuster, 7210 Pioneer Rd.	37 years
Timothy & Joy Steinman, 780 Cleary Rd.	14 years
Maureen Taylor, 7406 Pioneer Rd.	13 years
René Tercilla, 7080 Wilson Rd.	11 years
Ray and Andrea Titus, 7084 Pioneer Rd	22 years

PIONEER ROAD PROPERTY OWNERS ASSOCIATION, INC.
6781 PIONEER ROAD
WEST PALM BEACH, FLORIDA, 33413

June 24, 2020

Palm Beach County Board of County Commissioners
301 North Olive Avenue, Twelfth Floor
West Palm Beach, FL 33401

Re: June 25, 2020 Board of County Commission Hearing – SCA-2020-001 and Petition
PDD/CA/SV/VA-2019-01090 - Lee's Landing – Pioneer Road Property Owners Association, Inc., -
PRPOA Support for Lee's Landing

Dear Commissioners:

The Pioneer Road Property Owners Association, Inc., (PRPOA) is a not-for-profit Florida corporation founded and dedicated to protecting the rural character of the Pioneer Road Community. The Pioneer Road Community is a 560-acre rural area which enjoys special status of the Board of County Commissioners by way of the Pioneer Road Neighborhood Plan, and the Rural Enclave Overlay comprehensive plan amendment.

The PRPOA is a voluntary association which has approximately 133 member-lots of the 204 lots in the community.

The proposed Lee's Landing is included in the Neighborhood Plan and the required Rural-Enclave overlay area. The Pioneer Road Community is the community most directly affected by the proposed Lee's Landing development.

After months of discussions with both the Applicant and County Officials, the Applicant and the PRPOA have entered into agreements to mitigate the impacts of the Lee's Landing development on the Pioneer Road Community, and have agreed on various conditions of approval in the Comprehensive Plan amendment ordinance and the various zoning resolutions for the Lee's Landing project. With the agreement and the agreed-upon conditions between the Applicant and the PRPOA, the PRPOA is in support of the proposed Lee's Landing CLR Future Land Use Atlas amendment, the Planned Unit Development rezoning, the Congregate Living Facility Conditional Use, and the accompanying variance and waiver.

The Pioneer Road Property Owners Association also supports the mast-arm signalization of the Gun Club/Jog Road intersection, with the County's participation in the funding for this mast arm as being a public benefit not only to the operations and safety of the Pioneer Road/Jog Road

intersection but with creating a 'hardened' signal for storm conditions and restoration of service in the event of storm damage. Clearly this hardened signal benefits not just the Lee's Landing property, but the public generally.

Finally, on behalf of the PRPOA Board, we wish to express our appreciation for the work of the Applicant's representatives, the District Commissioner's Staff, and County Staff for facilitating an improved proposal. We also express our appreciation to the residents of the Pioneer Road Community who provided their input on this important property at the entrance to the Pioneer Road Rural Enclave.

Respectfully,



Steve Hansen, President Pioneer Road
Property Owners Association, Inc.



September 25, 2020

Kevin Fischer, Deputy Planning Director
Lisa Amara, Principal Planner
Stephanie Gregory, Senior Planner
Palm Beach County, Planning Division
2300 North Jog Road
West Palm Beach FL 33411

RE: Lee's Landing PUD, SCA 2020-001 – October 9, 2020 PC Agenda Request

The purpose of this letter is to request that Application SCA 2020-001 be placed on the Planning Commission agenda for October 9, 2020. The Board of County Commissioners (BCC) required that the application be postponed for 90 days (from the June 25, 2020 meeting) to meet with the Pioneer Road Property Owner's Association (PRPOA) and also seek approval from the Planning Commission which previously resulted in a 6-6 tie vote (default denial recommendation). We have completed step one which is that we've conducted a meeting with the PRPOA members as well as other interested members of the public. This meeting took place on September 19, 2020 with approximately 30-40 residents at Mr. Hickie's residence. Additionally, Mr. Rinker has met on several occasions with Mr. Hickie to discuss the specifics of the proposal. Prior to the meeting our office prepared a 2-story building concept which maintained the same square footage and stretched the building to the west.

Our office reviewed both the current 3-story plan as well as the 2-story plan with the those in attendance at the September 19 meeting, and the feedback predominately favored the current 3-story plan due to the fact that it is more compact than the two-story design, creates a 150' setback from the west property line, and by code is limited to the same building height as the 2-story design – 35 feet.

The applicant has also agreed to the following as additional modifications to the request in response to the community's concerns:

1. Reduce the bed count to a maximum of 200 beds. This is a 25% reduction from the original request of 268 beds.
2. Record a deed restriction to restrict the development to senior care in perpetuity.

The applicant plans to proceed forward with the current request for a SCA to CLR/1 with the reduction from 250 beds to 200 beds. We also intend to proceed with the site plan as currently certified by the Zoning Division which does not require a remand to the DRO or Zoning Commission consideration.

1551 N Flagler Drive, Suite 102, West Palm Beach, FL 33401 | T: 561.684.6141 | www.snlandplan.com

You may reach me at the numbers listed below or via email jnichols@snlandplan.com.
Thank you.

Sincerely,



Josh Nichols, LEED AP

cc: Ramsay Bulkeley, Director PZB, via email
Jon MacGillis, Director, PBC Zoning Division, via email
William Cross, AICP, Principal Site Planner, PBC Zoning Division, via email
Ryan Vandenburg, Senior Site Planner, PBC Zoning Division, via email
Brandon Rinker, via email
Alfred J. Malefatto, Esq., LLW, via email