



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 20-B2

BCC ADOPTION PUBLIC HEARING, OCTOBER 22, 2020

A. Application Summary

I. General

Project Name:	R80 Residential PUD (LGA 2020-003)
Request:	MR-5 to HR-12
Acres:	11.46 acres
Location:	On the north side of Southern Boulevard/SR80, east of 1 st Street
Project Manager:	Inna Stafeychuk, Planner II
Applicant/Owner:	Southern & Jog Apartments, LLC
Agent:	Schmidt Nichols
Staff Recommendation:	Staff recommends approval with conditions based upon the following findings and conclusions found in this report.

II. Assessment & Conclusion

The amendment proposes to change the future land use designation on the 11.46 acre site from Medium-Residential, 5 units per acre (MR-5) to High Residential, 12 units per acre (HR-12). The development potential for the site under the MR-5 future land use designation is 57 dwelling units, or up to 149 dwelling units (13 units per acre) using a combination of the MR-5 designation and maximizing the Workforce Housing (WHP) and Transfer of Development Rights (TDR) programs. The amendment request to the HR-12 future land use, combined with the WHP and TDR programs, proposes to allow 288 units (25.13 units per acre).

The substantive aspects of this amendment are related to the appropriateness of the proposed density. The request to allow higher density residential is appropriate considering the site's location adjacent to major roadways and near employment centers. The proposed site plan positions the buildings in an east-west orientation in order to minimize visual impacts to residences to the west and provides 275 feet of separation. Further, access to the site has been aligned with Wallis Road.

The applicant has met the requirements to justify the amendment, the amendment is compatible with the surrounding land uses, does not negatively impact public facilities, and is consistent with associated policies and overlays in the Comprehensive Plan. The applicant has proposed conditions of approval requiring that 100% of the dwelling units built on site be designated as workforce housing units and a requirement for the purchase of 46 TDR units. In addition to the conditions proposed by the applicant, staff is recommending conditions of approval to ensure the development of the site is consistent with the proposed site plan, to specify the distribution of workforce housing units among the required income categories, and to require that the amendment and zoning hearings be held concurrently.

III. Hearing History

Local Planning Agency: **Approval with conditions**, motion by Lori Vinikoor, seconded by Evan Rosenberg, passed in a 13 to 0 vote at the July 10, 2020 public hearing. Under discussion, several Commission members expressed favorable comments on aspects of the request, including the incorporation of workforce housing into the project, the design, and the location within several overlapping overlays and study areas. There was no public comment.

Board of County Commissioners Transmittal Public Hearing: **Transmit**, motion by Commissioner Weiss, seconded by Vice Mayor Weinroth, passed in a 7 to 0 vote at the July 28, 2020 public hearing. Under discussion, the Board commented on the need for continued discussion on infrastructure needs (sanitary sewer) and traffic circulation. There were no public speakers; however, two comment cards were read into the record with one speaker in support and one expressing concerns regarding traffic.

State Review Agency Comments: The State Land Planning Agency reviewed this amendment under Round 20-07ESR and issued a letter dated August 28, 2020 stating that the Agency had no comment on the proposed amendment. There were no negative comments received from state agencies regarding this amendment.

Changes Between Transmittal and Adoption: Subsequent to transmittal, two conditions of approval were removed as they were determined to no longer be necessary. The condition language requiring the TDR units to be purchased prior to issuance of the first building permit is not necessary due to this requirement being part of the ULDC. The condition requiring concurrent approval of zoning and future land use applications was removed as it is moot with the scheduling of the hearings on the same date. Finally, the condition limiting structures to a maximum of 35 feet was revised to 3 stories.

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

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B. Petition Summary

I. Site Data

Current Future Land Use

Current FLU:	Medium-Residential, 5 units per acre (MR-5)
Existing Land Use:	Residential and vacant
Current Zoning:	Agricultural Residential (AR) and Single Family Residential (RS)
Current Dev. Potential Max:	Residential, 57 dwelling units (149 with TDR and WHP density bonus)

Proposed Future Land Use Change

Proposed FLU:	High Residential, 12 units per acre (HR-12)
Proposed Use:	Multifamily Residential
Proposed Zoning:	Planned Unit Development (PUD)
Dev. Potential Max/Conditioned:	Residential uses, up to 138 dwelling units (293 with TDR and WHP density bonus); 288 units proposed in concurrent zoning application

General Area Information for Site

Tier/Tier Change:	Urban/Suburban
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	Urban Redevelopment Area Overlay, Revitalization and Redevelopment Infill Overlay, Palm Beach International Airport Overlay, Turnpike Aquifer Protection Overlay, and the Haverhill Area Neighborhood Plan.
Comm. District:	Gregg Weiss, District 2

Future Land Use Atlas Amendment

R80 Residential PUD (LGA 2020-003)



Site Data

Size: 11.46 acres
 Existing Use: vacant, single family, storage
 Proposed Use: multi-family residential
 Current FLU: Medium Residential, 5 units/acre (MR-5)
 Proposed FLU: High Residential, 12 units/acre (HR-12)

Future Land Use Designations

LR-1	Low Residential, 1 units/acre	CH8	Commercial High, underlying HR-8
LR-2	Low Residential, 2 units/acre	CH/ND	Commercial High, underlying IND
LR-3	Low Residential, 3 units/acre	CHX	Commercial High cross-lotting
MR-5	Medium Residential, 5 units/acre	EDC	Economic Development Center
HR-8	High Residential, 8 units/acre	EDC/5	Economic Development Center, underlying MR-5
CH	Commercial High	IND	Industrial

Date: 6/22/2020
 Contact: PBC Planning
 File name: Amend20-A/Site/20-03
 Note: Map is not official, for presentation purposes only.



Planning, Zoning & Building
 2300 N. Jog Rd, WPB, FL 33411
 Phone: (861) 233-6300



C. Introduction & Review

I. Intent of the Amendment

This is a privately proposed amendment for an 11.46 acre site located in the Urban/Suburban Tier, on the north side of Southern Boulevard east of Jog Road.

Proposed Amendment: The amendment proposes to change the future land use designation on the entire 11.46 acre site from Medium Residential, 5 units per acre (MR-5) to High Residential, 12 units per acre (HR-12) in order to pursue the development of multifamily housing.

Background: The subject site comprises 11 parcels. The majority of the site is vacant, and one parcel has an existing single family house. There was no previous land use amendment on the site.

Zoning Application: There were two zoning approvals, one for a daycare facility on a 0.88 acre parcel and another for a security kennel on another portion of the subject site (4.02 acres). The associated zoning application (PDD/CA/ZV/ABN-2019-1200) includes a request to abandon the current approvals and is requesting a rezoning from Agriculture Residential (AR) and Single Family Residential (RS) to Planned Unit Development (PUD). The application is to increase density above the HR-12 designation through the use of the Transfer of Development Rights and Workforce Housing Density Bonus Program in excess of 30 percent. The applications also include variance requests to reduce parking spaces and allow access to a non-arterial or collector street (Wallis Road). Since the request was submitted prior to the adoption of the Zoning Ordinance 2019-033 that amended County's Workforce Housing Program (WHP), the zoning application is subject to WHP provisions contained in Supplement 25 of the ULDC which was in effect at the time of submittal.

II. Data and Analysis Summary

This section of the report summarizes the consistency of the amendment with the County's Comprehensive Plan. Exhibit 2 details the consistency of the amendment with Plan policies, including justification, compatibility, public facilities impacts, intergovernmental coordination, and consistency with specific overlays and plans. The substantive factors from Exhibit 2 are summarized below.

Appropriateness of the Amendment. Currently the development potential for the site under the MR-5 future land use designation is 57 dwelling units, or up to 149 dwelling units (13 units per acre) using a combination of the MR-5 and maximizing the WHP and TDR programs. The amendment request to HR-12, combined with the WHP and TDR programs will allow up to 288 dwelling units (25.13 units per acre) on the site.

- **Compatibility:** The proposed amendment site is suitable for a density increase. The proposal creates multifamily units in the vicinity of employment centers with nearby access to major roadways (Southern Boulevard and Jog Road) and Florida's Turnpike. The subject site is located in an area with primarily residential and industrial uses. To the north and to the east is a developing industrial park. On its southern boundary, the site abuts the ramp connecting Southern Boulevard to Jog Road. No compatibility concerns are anticipated to the north, east or south. To the west across 1st Street is the existing Boulevard Park Subdivision that was developed with mostly single story single family houses at approximately 6 du/acre under the HR-8 future land use designation. The proposed development with 288 apartments will serve as a transitional use between existing houses to the west and industrial uses to the north and to the east. During the amendment process, staff and the applicant worked on a site plan design to address privacy concerns with existing residences to the west, and to further ensure compatibility. The proposed site plan positions the buildings in an east-west orientation in order to minimize visual impacts to residences to the west and provides 275 feet of separation. The proposed site plan includes buildings up to five stories in height. In order to ensure that the site plan is not revised in the future to allow the height of buildings over the Code standard of 35 feet close to the existing single story homes to the west of the site, staff has included a condition of approval limiting any structures within 150 feet of the western property line to a maximum of three stories (which is the same as the 35 feet height allowed on the properties to the west). Access to the site has been aligned with Wallis Road, and improvements to Wallis Road will be required during zoning application approval, as a means to encourage vehicular traffic to be oriented towards Wallis Road with direct access to Jog Road.

- Utilization of the County’s Density Bonus Programs.** The Comprehensive Plan Future Land Use Element Policy 2.4-b establishes Transfer of Development Rights (TDRs) as the mandatory method of increasing density, unless the Workforce Housing Program (WHP) or Affordable Housing Program density bonuses are used, or a plan amendment can be justified. The amendment is seeking a density of over 25 units per acre that cannot be achieved with the current MR-5 future land use designation with the use of these density bonus programs. Therefore, the applicant is seeking the future land use amendment to change from a base future land use density from 5 units per acre (57 units) to 12 units per acre (138 units), and a combination of the WHP and TDR bonus programs to maximize available density. The applicant is proposing to purchase all 46 available TDRs and is requesting a 75.5% density bonus for an additional 104 units, for a total of 288 multi-family dwelling units (25.13 units per acre). In order to ensure that the design of the site can adequately accommodate the requested density, a condition is proposed requiring that the adoption and zoning hearings are held concurrently.
- Workforce Housing Obligation.** The minimum ULDC required Workforce Housing units for the associated zoning application is 63 of the 288 units (21.9%). However, the applicant is proposing voluntary conditions of approval requiring that 100% of the dwelling units built on site are workforce housing units and committing to the purchase and construction of all 46 TDR units. This is a significantly higher percentage than the 25% figure typically recommended by staff. The applicant is utilizing the WHP provision that allows the Planning Director to authorize a higher density bonus if the project serves to mitigate an existing concentration of very low and low incomes by including a mix of higher income workforce units. To meet the requirements of this provision as well as the requirements of the TDR program, staff is recommending a condition of approval to require these units be built on site, four WHP units in each of 60% to 80%, >80% to 100%, >100% to 120% and >120% to 140% of the Area Median Income range for the County and the rest of WHP units (272) in >80% to 140% AMI range. The applicant has agreed to this condition.

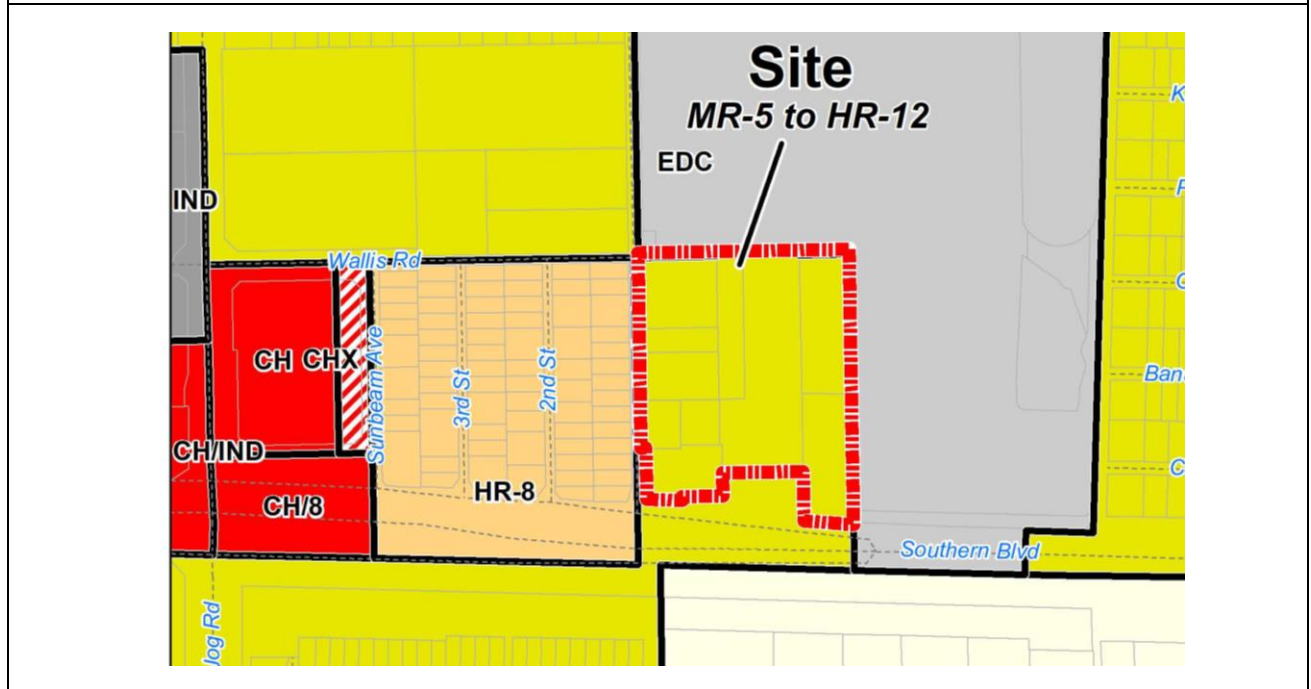
Assessment and Recommendation. The applicant has met the requirements to justify the amendment, the amendment is compatible with the surrounding land uses, does not negatively impact public facilities, and is consistent with associated policies and overlays in the Comprehensive Plan. The applicant has proposed conditions of approval requiring that 100% of the dwelling units to be built on site as workforce housing units and a requirement for the purchase of 46 TDR units. In addition to the conditions proposed by the applicant, staff is recommending conditions of approval to ensure the development of the site is consistent with the proposed site plan, to specify the distribution of workforce housing units among the required income categories, and to require that the amendment and zoning hearings be held concurrently.

Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Consistency with Comprehensive Plan	E-7
3. Applicant’s Justification/Consistency with Comprehensive Plan and Florida Statutes	E-17
4. Applicant’s Public Facility Impacts Table	E-24
5. Palm Beach County Traffic Division Letter	E-27
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7. Applicant’s Disclosure of Ownership Interests	E-30
8. School Capacity Availability Determination (SCAD) Letter	E-36
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Exhibit 1

Amendment No:	R80 Residential (LGA 2020-003)
FLUA Page No:	64
Amendment:	From Medium-Residential, 5 units per acre (MR-5) to High Residential, 12 units per acre (HR-12)
Location:	On the north side of Southern Boulevard/SR80, east of 1st Street
Size:	11.46 acres
Property No:	00-42-43-27-05-005-0420; -1590;-1591;-1600; -1611; -1620; -1630; -1640; -1710; -2240; -2250

- Conditions:** Development of the site under the HR-12 designation is subject to the following:
1. The development of the subject site shall be limited to a maximum of 288 dwelling units.
 2. The development of the subject site shall include the purchase and construction of forty six (46) Transfer of Development Rights (TDR) units. Thirty-four (34) percent (16 TDR units) to be purchased at the Revitalization, Redevelopment, and Infill Overlay (RRIO) Workforce rate and the remaining thirty (30) TDR units at the RRIO Market rate.
 3. The zoning development order shall require 100% of the units to be built on site as workforce housing subject to the following requirements:
 - a. Sixteen (16) workforce units shall be provided evenly (four each) in the 60% to 80%, >80% to 100%, >100% to 120% and >120% to 140% of the AMI ranges, and
 - b. The remaining units shall be workforce housing units in the >80% to 140% AMI range.
 4. Development of the site is limited to a maximum of three (3) stories within 150 feet of the west property line.



Legal Description

LEGAL DESCRIPTION

PARCEL 1:

THAT PART OF THE EAST 155 FEET OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, LYING NORTH OF THE NORTHERLY LINE OF STATE ROAD 80, AND LESS THE SOUTHERLY 500 FEET OF THE EAST 155 FEET OF SAID TRACT 62, AS CONVEYED IN OFFICIAL RECORDS BOOK 1919, PAGE 1622, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE RIGHT INGRESS AND EGRESS OVER THE WEST 30 FEET OF THE SOUTHERLY 500 FEET OF THAT PART OF THE EAST 155 FEET OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, LYING NORTH OF THE NORTHERLY LINE OF STATE ROAD 80 AND THE SOUTH 15 FEET OF 30 FOOT STRIP LYING NORTH OF AND ADJACENT TO BLOCK 5.

PARCEL 2:

THE SOUTHERLY 500 FEET OF THAT PART OF THE EAST 155 FEET OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, LYING NORTH OF THE NORTHERLY LINE OF STATE ROAD NO. 80, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THE NORTH LINE OF SAID SOUTHERLY 500 FEET TRACT TO BE PARALLEL TO THE NORTH LINE OF SAID TRACT 62, AND THE SOUTH 500 FEET IS TO BE MEASURED ALONG THE EAST LINE OF SAID TRACT 62.

PARCEL 3:

THE EASTERLY 84 FEET OF THE NORTHERLY 665 FEET OF THE WEST ½ OF TRACT 62, AND THE WESTERLY 175 OF THE NORTHERLY 665 FEET OF THE EAST ½ OF TRACT 62, IN BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE FOLLOWING DESCRIBED PROPERTY:

A PORTION OF TRACT 62, BLOCK 5, BEING THE NORTH 433 FEET OF THE EAST 80.83 FEET OF THE WEST 326.83 FEET OF TRACT 62, BLOCK 5, AND THE SOUTH 15 FEET OF 30 FOOT PLATTED ROADWAY LYING BETWEEN THE NORTHERLY EXTENSION

OF THE WEST AND EAST LINES OF SAID PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4: (COMPRISED OF SUBPARCELS A THROUGH D BELOW)

SUB PARCEL A

A PORTION OF TRACT 62, BLOCK 5, BEING THE NORTH 433 FEET OF THE EAST 80.83 FEET OF THE WEST 326.83 FEET OF TRACT 62, BLOCK 5, AND THE SOUTH 15 FEET OF 30 FOOT PLATTED ROADWAY LYING BETWEEN THE NORTHERLY EXTENSION

OF THE WEST AND EAST LINES OF SAID PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

SUB PARCEL B

THE NORTH 208 FEET OF THE WEST 246 FEET OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

SUB PARCEL C

A PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, AS IN PLAT BOOK 2, PAGES 11 THROUGH 18, WHERE SAID RIGHT-OF-WAY LINE INTERSECTS THE WEST LINE OF SAID TRACT 62; PROCEED NORTHERLY ALONG SAID WEST

BOUNDARY LINE A DISTANCE 617 FEET; THENCE RUN EAST, PARALLEL TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 80, 246 FEET; THENCE RUN NORTH, PARALLEL TO THE WEST LINE OF TRACT 62 AFORESAID 75 FEET; THENCE RUN WESTERLY PARALLEL TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80, 246 FEET TO THE WEST BOUNDARY OF SAID TRACT 62; THENCE SOUTHERLY ALONG SAID WEST BOUNDARY A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING.

AND

SUB PARCEL D

A PART OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST BOUNDARY OF SAID TRACT, WHERE IT INTERSECTS WITH THE NORTHERLY RIGHT-OF-WAY OF STATE ROAD 80; PROCEED NORTHERLY ALONG SAID WEST BOUNDARY A DISTANCE OF 467.08 FEET TO THE POINT OF BEGINNING, THENCE EASTERLY AT RIGHT ANGLES WITH SAID WEST BOUNDARY, A DISTANCE OF 246 FEET TO A POINT, THENCE NORTHERLY PARALLEL TO SAID WEST BOUNDARY, A DISTANCE OF 150 FEET TO A POINT, THENCE WESTERLY AT RIGHT ANGLES, A DISTANCE OF 246 FEET TO THE SAID WEST BOUNDARY OF SAID TRACT 62; THENCE SOUTHERLY ALONG THE WEST BOUNDARY, A DISTANCE OF 150 FEET TO THE POINT OF BEGINNING.

PARCEL 5:

THAT PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING NORTH OF THE NORTH LINE OF A PARCEL OF LAND DEEDED TO FRED D. TOSLAND, IN OFFICIAL RECORDS BOOK 344, PAGE 569, SAID PORTION DESCRIBED AS THE WEST 125 FEET OF SAID TRACT 62, BLOCK 5, LESS THE NORTH 433 FEET AND ALSO LESS THAT PORTION OF THE WEST 125 FEET LYING 317 FEET NORTHERLY OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80 AS IN ROAD PLAT BOOK 2, PAGE 11, AS MEASURED ALONG THE WEST LINE OF SAID TRACT 62, BLOCK 5, THE NORTH LINE OF SAID PORTION BEING PARALLEL WITH THE NORTH LINE OF SAID TRACT 62, BLOCK 5, TOGETHER WITH THAT PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45, LYING NORTH OF THE NORTH LINE OF A PARCEL OF LAND DEEDED TO FRED D. TOSLAND, IN OFFICIAL RECORDS BOOK 202, PAGE 525, SAID PORTION DESCRIBED AS THE EAST 121 FEET OF THE WEST 246 FEET OF THE SOUTH 144.31 FEET OF THE NORTH 577.31 FEET OF SAID TRACT 62, BLOCK 5.

LEGAL DESCRIPTION (CONTINUED)

PARCEL 6:

A PARCEL OF LAND LYING IN TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING THE NORTH 160 FEET OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 344, PAGE 569, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE WEST 15 FEET THEREOF AS CONVEYED TO PALM BEACH COUNTY IN OFFICIAL RECORDS BOOK 6495, PAGE 88, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THE NORTH 160 FEET OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 202, PAGE 525, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. AFORESAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF SAID TRACT 62, WHERE IT INTERSECTS THE NORTH RIGHT OF WAY LINE OF STATE ROAD 80 AS SHOWN IN ROAD PLAT BOOK 2, PAGE 11, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°33'00" WEST ALONG SAID WEST LINE OF SAID TRACT 62, A DISTANCE OF 157.00 FEET; THENCE SOUTH 88°07'00" EAST ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID STATE ROAD 80, A DISTANCE OF 15.01 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°33'00" WEST ALONG A LINE PARALLEL WITH AND 15.00 FEET EAST OF, MEASURED AT RIGHT ANGLES TO SAID WEST LINE OF TRACT 62, A DISTANCE OF 160.00 FEET; THENCE SOUTH 88°07'00" EAST ALONG THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 344, PAGE 569, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 110.10 FEET; THENCE NORTH 00°33'00" WEST ALONG A LINE PARALLEL WITH AND 125.00 FEET EAST OF, MEASURED AT RIGHT ANGLES TO SAID WEST LINE OF TRACT 62, A DISTANCE OF 12.03 FEET; THENCE NORTH 89°27'00" EAST, ALONG A LINE PARALLEL

WITH AND 577.31 FEET SOUTH OF, MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID TRACT 62, A DISTANCE OF 128.00 FEET; THENCE SOUTH 00°33'00" EAST, ALONG THE WEST LINE AND THE NORTHERLY PROJECTION OF THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1098, PAGE 675, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA A DISTANCE OF 160.00 FEET; THENCE SOUTH 89°27'00" WEST A DISTANCE OF 128.00 FEET; THENCE SOUTH 00°33'00" EAST A DISTANCE OF 12.03 FEET; THENCE NORTH 88°07'00" WEST A DISTANCE OF 110.10 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT FROM THE ABOVE ANY PORTION CONTAINED WITHIN THE BOUNDARIES OF THE PROPERTY DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 13804, PAGE 1814; IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 13538, PAGE 737; AND IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 88.

QUIET TITLE ORDER PARCEL 1

A PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT BOOK 2, PAGES 45-54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, AS IN PLAT BOOK 2, PAGES 11 TO 18, WHERE SAID RIGHT-OF-WAY LINE INTERSECTS THE WEST LINE OF SAID TRACT 62; PROCEED NORTHERLY ALONG SAID WEST BOUNDARY LINE A DISTANCE 617 FEET; THENCE RUN EAST, PARALLEL TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 80, 246 FEET; THENCE RUN NORTH, PARALLEL TO THE WEST LINE OF TRACT 62 AFORESAID 75 FEET; THENCE RUN WESTERLY PARALLEL TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80, 246 FEET TO THE WEST BOUNDARY OF SAID TRACT 62; THENCE SOUTHERLY ALONG SAID WEST BOUNDARY A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING.

QUIET TITLE ORDER PARCEL 2

BEING A PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 62, RUN THENCE SOUTH 00°58'09" EAST ALONG THE WEST LINE OF SAID TRACT 62, A DISTANCE OF 208.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 208.00 FEET OF SAID TRACT 62 AND THE POINT OF BEGINNING.

THENCE NORTH 39°01'25" EAST ALONG A LINE 208.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 62, A DISTANCE OF 246.00 FEET TO A POINT ON THE EAST LINE OF THE WEST 246.00 FEET OF SAID TRACT 62; THENCE SOUTH 00°58'09" EAST ALONG A LINE 246.00' EAST OF AND PARALLEL WITH THE SAID WEST LINE OF TRACT 62; THENCE NORTH 88°34'07" WEST ALONG A LINE 692.00 FEET NORTH OF (AS MEASURED ALONG THE SAID WEST LINE OF TRACT 62) AND PARALLEL WITH THE NORTH LINE OF STATE ROAD 80 AS SAME IS SHOWN IN ROAD PLAT BOOK 2, PAGES 11 THROUGH 18, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 246.22 FEET TO A POINT ON THE SAID WEST LINE OF TRACT 62; THENCE NORTH 00°53'09" WEST ALONG SAID WEST LINE, A DISTANCE OF 1.29 FEET TO THE POINT OF BEGINNING.

PARCEL 7

A 30' PRIVATE ROAD WAY STRIP (WALLIS ROAD) LOCATED BETWEEN THE NORTH LINE OF TRACT 62, BLOCK 5 AND THE SOUTH LINE TRACT 59, BLOCK 5, OF THE PALM BEACH FARMS PLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF TRACT 62, BLOCK 5 (TRACT 62), THENCE N.0°58'09" W. ALONG THE EAST RIGHT OF WAY LINE OF FIRST ROAD, 30' TO THE SOUTHEAST CORNER OF SAID TRACT 59, BLOCK 5 (TRACT 59); THENCE N.89° 01' 25" E., ALONG THE SOUTH LINE OF TRACT 59, 659.92' TO A FOUND 5/8" IRON ROD WITH PERMANENT REFERENCE MONUMENT LB 4431 DISK; THENCE S.0°58'09" E., 30' TO THE NORTHEAST CORNER OF TRACT 62; THENCE S.89° 01' 25" W., ALONG THE NORTH LINE OF TRACT 62, 659.92' BACK TO THE POINT OF BEGINNING.

CONTAINING 499,385 SQUARE FEET OR 11.464 ACRES, MORE OR LESS.

ALSO DESCRIBED AS (OVERALL BOUNDARY)

BEING A PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY,

FLORIDA, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 59 SAID BLOCK 5, RUN THENCE SOUTH 00°58'09" EAST ALONG THE EAST LINE OF SAID TRACT 62, A DISTANCE OF 865.06 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80 AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 13538, PAGE 737, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID NORTH RIGHT-OF-WAY LINE ALSO BEING A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 6221.77 FEET (A RADIAL LINE PASSING THROUGH SAID POINT BEARS SOUTH 04°40'30" WEST); THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°06'21", A DISTANCE OF 120.08 FEET TO THE POINT OF TANGENCY; THENCE NORTH 84°49'09" WEST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINES, A DISTANCE OF 35.74 FEET TO A POINT ON THE EAST LINE OF PARCEL 135, AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 13791 PAGE 155, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°02'54" WEST ALONG SAID EAST LINE AND CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 160.97 FEET; THENCE SOUTH 88°59'35" WEST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 251.91 FEET; THENCE SOUTH 01°01'45" EAST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 78.76 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80 AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 13804, PAGE 1814, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°52'13" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 128.00 FEET; THENCE SOUTH 01°01'45" EAST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 11.93 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80 AS SAME DESCRIBED IN OFFICIAL RECORDS BOOK 13804, PAGE 1814, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°34'07" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 109.94 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FIRST STREET AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 6495, PAGE 88, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°58'09" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 160.16 FEET; THENCE NORTH 88°34'07" WEST CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 15.01 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 62 AND THE EAST RIGHT-OF-WAY LINE OF FIRST STREET; THENCE NORTH 00°58'09" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 614.29 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 59, THENCE NORTH 89°01'29" EAST ALONG THE SOUTH LINE OF SAID TRACT 59, A DISTANCE OF 659.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 499,385 SQUARE FEET OR 11.464 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:

- Circumstances have changed within the vicinity of the site, such as the creation of employment centers to the north and to the east.
- The proposed density of the site will serve as a transition from the lower density, single family residential uses to the west and the newly constructed Liberty Commerce Center to the east.
- Higher density residential should be located near employment centers and have efficient access to the road network.
- Compact infill development site with access to adequate public facilities without straining existing infrastructure.

Staff Analysis: This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above.

The development potential for the site under the MR-5 future land use designation is for 57 dwelling units, or up to 146 dwelling units (12.74 units per acre) using a combination of the MR-5 and maximizing the WHP and TDR programs. Under the proposed HR-12 designation, the future land use density would allow up to 138 dwelling units, with additional density available through the density bonus programs. The applicant is seeking to use the Transfer of Development Rights (TDR) Program for an additional 46 units and a 75.5% Workforce Housing Program (WHP) Bonus for an additional 104 dwelling units, for a total of 288 multi-family dwelling units (25.13 units per acre). The request would result in a 63 Workforce Housing unit obligation per the ULDC, however the applicant has proposed to restrict all proposed units as WHP units.

The applicant indicates that development of the site with residential multifamily at a higher density would be consistent with the intent of the Comprehensive Plan to focus urban development at appropriate locations within the Urban Suburban Tier. The applicant stated that higher densities are appropriate to be located near employment centers and with efficient access to the road network; the site represents such characteristics, as it is located in the vicinity of employment centers, close to major intersections and Florida's Turnpike. Staff concurs that an increase in density is appropriate at this location, and (as further discussed in the Compatibility Section) is compatible with adjacent land uses. Further, the applicant is maximizing the use of the TDR and WHP bonus programs. 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.*

Staff Analysis: Several County Directions are relevant to the proposed amendment:

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

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

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.*

Direction 7. Housing Opportunity. *Ensure that housing opportunities are compatible with the County's economic opportunities by providing an adequate distribution of very-low and low-income housing, Countywide, through the Workforce Housing Program.*

Staff Analysis: This proposal represents infill development, contributing toward the efficient use of land and existing public facilities and services, and in a vicinity of employment centers. With regard to housing opportunity, the applicant intends to build 288 multifamily units which increases housing diversity in the area and may support the industrial workforce in the vicinity. Therefore, this this amendment is consistent with 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.” No parcel in same ownership is left out of the proposed amendment. Therefore, the proposed amendment is not piecemeal, and does not create a residual parcel pursuant to this policy and definition.

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 would allow additional housing on a site which already has the ability to develop multifamily housing. The proposed amendment would allow for a development that is compatible with surrounding land uses and, furthermore, acts as a transition to the existing community. Therefore, this amendment is consistent with this policy.

2. Housing Element, Policy 1.1-o: *The County shall preserve affordability of affordable housing units developed through the Workforce Housing Program and the Affordable Housing Program as follows:*

1. *The Workforce Housing Program will target households with incomes ranging from 60%-140% of area median income.*
2. *The Affordable Housing Program will target households at or below 60% of area median income.*

The Workforce Housing Program and Affordable Housing Program units shall be made available at a rate affordable to the specified income groups, and only to income-eligible households for a period of time to be set forth in the Unified Land Development Code (ULDC). All Workforce Housing Program and Affordable Housing Program criteria shall be subject to the review and approval of the Board of County Commissioners.

Staff analysis: The County has established a 'mandatory obligation' to provide workforce units within residential developments in the Urban/Suburban Tier. This obligation requires a percentage (approximately 7 to 9%, or up to 19% for projects using a density bonus) of dwelling units to be provided as for-sale or rental workforce housing, affordable to households having 60% to 140% of area median income. The 2019 Area Median Income in Palm Beach County was \$75,400 for a family of four. The applicant proposes a voluntary condition of approval to restrict all 288 proposed units to be affordable to households within WHP income ranges, and, therefore, the request is consistent with this policy.

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

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

Staff Analysis: Pursuant to this policy, density increases are to be accomplished through TDRs or the workforce or affordable housing program density bonuses, unless an applicant can both justify and demonstrate a need for a Future Land Use Atlas Amendment, and demonstrate that the current designation is inappropriate, or proposes a density increase supported by a Neighborhood Plan. The current land use of Medium Residential, 5 units per acre (MR-5), could achieve up to 149 dwelling units total (13 units per acre) using a combination of TDRs and WHP density bonus programs.

The applicant is proposing to use all 46 available TDRs, and to also apply a WHP density bonus, to further increase density on the site beyond the requested designation of HR-12, as the HR-12 is insufficient to reach the applicant's desired number of units without additional density acquired through TDRs and WHP density bonus. The following describes the proposed use of these programs for this amendment:

Density Increase through TDRs The applicant's request for HR-12 designation would allow for 138 units on the site from the base future land use designation of 12 units per acre. Since the site is located within Revitalization, Redevelopment, and Infill Overlay, it is eligible for the purchase of 4 TDRs per acre to increase density (46 units total). For any TDRs used, 35% must be dedicated as WHP units and provided on site. The cost for a

market rate TDR (Full TDR Price) is established as 10% of the County's median home sales price; the RRIO price is established as 25% of the Full TDR price. The RRIO workforce housing TDR units are priced at 5% of the RRIO TDR price. The current prices are provided in Table 1 below.

Table 1. Transfer of Development Rights Unit Prices

PBC Median Sales Price*	Full TDR Price	TDR RRIO Price	TDR RRIO WHP Price
Single Family: \$350,000	\$35,000	\$8,750	\$438
Multi Family/Condo: \$175,000	\$17,500	\$4,375	\$219

* Data Source: Realtors Association of the Palm Beaches Median Sales Price, March 2019

The applicant will purchase 16 TDRs at the workforce housing rate and the remaining available 30 TDRs at the RRIO rate. Per code, 35% of the requested TDRs or 16 units must be dedicated as WHP units in all four income ranges (60-80%, >80 -100%, >100 - 120%, and >120 - 140% of AMI). The applicant intends to restrict the remaining 30 TDR units purchased at the RRIO rate for households with income > 80% to 140% of AMI income range (see table 4).

Density Increase through WHP Optional Density Bonus: This request is subject to County's Workforce Housing Program (WHP) provisions that were in effect at the time of submittal (Supplement 25 of the ULDC). The WHP allows density to be increased through the WHP Bonus Density option. This Option allows a density bonus in exchange for a percentage of units being dedicated as workforce housing in addition to the standard obligation. Density bonuses are limited to a maximum of 30% for densities up to LR-3, with higher bonuses available for MR-5 and above. For MR-5 and higher density future land use designations, the maximum bonus is determined through a pre-application process, which considers census data, area amenities, and other factors. In census tract 32.01 where the subject site is located, the concentration of very low and low income households is 54.8%, which would yield a density bonus of up to 40%.

However, the WHP also allows the Planning Director to authorize a higher density bonus if the project serves to mitigate an existing concentration of very low and low incomes by including a mix of higher income market-rate units or higher income workforce units. The Planning Division issued a letter dated October 22, 2019 (Exhibit 9) authorizing the applicant's request for up to 80% density bonus based on this provision of the WHP. The letter indicates that the census tract where the subject site is located meets the concentration criterion. This authorization was based on the preliminary information provided by the applicant, and subject to compatibility considerations, access issues, property development regulations and other factors to be addressed in the development review process by the applicant; and, the inclusion of staff recommended conditions of approval. The purpose of the condition is to ensure that the intent of the policy to mitigate existing concentrations is met.

Combined Density Increases: Table 2 summarizes the maximum development potential for this site, under current conditions, and under the proposed designation with TDRs and WHP density bonus. Based on the applicant's intent to develop 288 units, the HR-12 future land use category is necessary, in combination with the available TDRs and WHP, would yield the intended number of units.

Table 2. Current and Potential Density with TDR and WHP Bonus

Development Potential Per FLU	Future Land Use Units	Available TDRs (4 du/ac.)	Available WHP Density Bonus 80%	Potential Total
Current MR-5	57	46	46	149
Proposed Amendment HR-12	138	46	110	293
Proposed Zoning Application HR-12	138	46	104	288

Proposed Zoning Application. The associated zoning application is requesting 288 dwelling units utilizing all of the units available with the 75.5% WHP density bonus (or 104 DU) and 46 TDRs.

WHP Obligation on Combined Density Increase: The applicant's proposed amendment would change the future land use designation from MR-5 to HR-12, thereby increasing the

number of dwelling units from 57 to 138 units, plus additional density from TDRs and WHP density bonus. For all WHP units except those stemming from the use of TDRs, developers have the option to provide the units on-site, off-site or pay an in-lieu fee. The applicant has also proposed conditions of approval requiring that 100% of the dwelling units built on site are workforce housing units and includes a requirement to purchase the 16 TDR units at the workforce housing rate and remaining 30 TDRs at the RRIO rate. The table below identifies the workforce housing obligation of the site if developed as proposed:

Table 3. WHP Obligation of Proposed Amendment

	Units	WHP Obligation		
		Minimum % Per code	As proposed	
			%	WHP Units
HR-12 (Proposed FLU)	138	9%	100%	138
TDR	46	35%	100%	46
WHP Density Bonus	104	34%	100%	104
Total	288	20%	100%	288

The ULDC requires WHP units to be affordable to households with incomes ranging from 60%-140% of area median income and to be provided in four ranges (60-80%, >80-100%, >100-120%, and >120-140%). For the purpose of mitigating existing concentrations as required by the WHP provision, Staff is recommending conditions of approval to require four WHP units in each of 60% to 80%, >80% to 100%, >100% to 120% and >120% to 140% of the Area Median Income range for the County and the rest of the WHP units (272) in >80% to 140% AML range. Table 4 describes the workforce housing units required by the condition of approval, as applied to the current proposal for 288 units and adjusted to ensure consistency with the ULDC requirements for the Workforce Housing Program and the Transfer of Development Rights Program.

Table 4. Planning Division Condition for Workforce Units

Income Category	Rental Range	Percentage of WHP Units	Number of WHP Units
Low (60- 80%)	\$941-\$1,940	%	4
Moderate 1 (>80-100%)	\$1,255-\$2,425	%	4
Moderate 2 (>100-120%)	\$1,569-\$2,910	%	4
Middle (>120-140%)	\$1,882 - \$3,395	%	4
Mod 1- Middle (>80-140%)	\$1,255-\$3,395		272
Total	\$941 - \$9,395		288

C. Compatibility

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

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.”*

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

North and East: To the north and east is the Economic Development Center (EDC) future land use designation. The Liberty Airport Center Park was approved for 660,740 sf of office/warehouse and manufacturing uses with maximum potential of 1,139,464 sf of light industrial uses. The industrial park is under development.

South: Immediately to the south is the ramp from westbound Southern Boulevard to Jog Road. Across Southern Boulevard are areas designated Low Residential, 1 unit per acre (LR-1) and Medium Density Residential, 5 units per acre (MR-5) designations. The LR-1 area

across Southern Blvd includes an equestrian use and existing single family homes. The MR-5 area across Southern Blvd is under development with zero lot line houses within the Solcera PUD.

West: To the west is Boulevards Park, a single family subdivision designated High Density Residential, 8 units per acre (HR-8). It has been developed with mostly single story single family houses at approximately 6 du/acre.

Applicant's Comments: Applicant stated that the proposed development will be compatible with both the residential and non-residential uses that surround the subject property.

Staff Analysis: The proposed development will serve as a transitional use between existing houses to the west and industrial uses to the north and to the east. The proposed four and five story multifamily buildings are separated from the one-story single family homes by the 30 foot right of way for 1st Street right of way. The proposed site plan positions the buildings in an east-west orientation in order to minimize visual impacts to residences to the west and provides 275 feet of separation. The proposed site plan includes buildings up to 5 stories in height. This distance provides for sufficient separation between the proposed four and five story multifamily buildings and existing one-story single family houses. In order to ensure that the site plan is not revised in the future to allow the height of buildings over the Code standard of 35 feet close to the existing single story homes to the west of the site, staff has included a condition of approval limiting any structures within 150 feet of the western property line to a maximum of 35 feet in height, which is the same maximum height allowed on the properties to the west. Additional details on landscape buffers will be required through the Zoning process that further screen and obscure the visibility of the proposed multifamily residences from the Boulevard Park subdivision. Improvements to Wallis Road will be required during zoning application approval to mitigate increased traffic.

To ensure that the design and intensity of the project remain as represented by the applicant, staff is recommending additional conditions of approval to cap the number of dwelling units at 288, to limit the building height within close proximity to the residences to the west, and to require that the proposed Comprehensive Plan Future Land Use Amendment and the proposed rezoning be considered by the BCC at the same public hearing.

D. Consistency with County Overlays, Plans, and Studies

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

Staff Analysis: The proposed amendment is located within boundaries of the Urban Redevelopment Area Overlay, Palm Beach International Airport Approach Path Conversion Area Overlay, the Turnpike Aquifer Protection Overlay, the Jog Road Corridor Study, and the Haverhill Neighborhood Plan.

Urban Redevelopment Area Overlay (URAO): The proposed amendment is consistent with the intent of the URAO Future Land Use Element (FLUE) Policy 1.2.2-a which calls for *“Balance housing, with employment, commercial, and civic uses”* within the Overlay.

Palm Beach International Airport (PBIA) Approach Path Conversion Area Overlay: The PBIA Overlay Policy 1.2.4-d protects several established neighborhoods in this area, including the subject site from conversion to industrial uses. The amendment request does not violate any of the PBIA Overlay policies.

Turnpike Aquifer Protection Overlay (TAPO): Future Land Use Element Policy 5.5-b requires that residential developments that are 25 to 50 acres in size within the Overlay *“shall be required to identify and, if applicable, dedicate well sites”*. The site is less than 25 acres and is not required to dedicate well sites.

The Haverhill Area Neighborhood Plan (HANP) and The Jog Road Corridor Study (JRCS). The subject site is located in an area encompassed by both the Haverhill Area Neighborhood Plan and the Jog Road Corridor Study. The HANP, created in 1992 to address land use, airport noise, code enforcement, and transportation issues in the area,

contained no specific long-range recommendations on future land use designations for the subject site. The JRCS was conducted in 1995 to determine appropriate future land use designations in the area, given the extension of Jog Road and expansion of Belvedere Road to six lanes. The JRCS recommended that residential future land use designation of 5 units per acre be retained in this area, consistent with a HANP general recommendation that densities in the area not exceed the septic tank carrying capacity in order to protect groundwater resources. The proposed amendment seeks a density higher than 5 units per acre but will be serviced by public water and sewer utilities. Therefore, this proposal is not inconsistent with the recommendations of the HANP or JRCS. As part of Intergovernmental Coordination, notification of this amendment was sent to the Town of Haverhill. See "Intergovernmental Coordination" Section for discussion.

E. Public Facilities and Services Impacts

The proposed amendment will change the Future Land Use designation from MR-5 to HR-12 for the purposes of developing 288 multifamily units. 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 and external agencies for review. There are adequate public facilities and services available to support the amendment, and the amendment does not exceed natural or manmade constraints. No adverse comments were received from the following departments and agencies regarding impacts on public facilities:

Mass Transit (Palm Tran), Potable Water & Wastewater (PBCWUD), 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 based on the existing potential of 57 single family dwelling units and the proposed potential of 288 dwelling units. According to the County's Traffic Engineering Department (see letter dated June 10, 2020 in Exhibit 5) the amendment would result in an increase of 997 net daily trips, and 104 AM and 127 PM net peak hour trips.

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

The Traffic Study 5 was prepared by Simmons & White, 2581 Metrocentre Blvd 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/>

- 3. School District Comments:** The School Board indicated that the proposed amendment will have negative impacts on the public school system. The School District recommends a condition to mitigate such impacts in the attached School Capacity Availability Determination (SCAD) Letter, Exhibit 8.
- 4. Zoning Implications:** The concurrent zoning application is currently under review by the Zoning Division and participating departments. The Zoning Division review memo included concerns with the proposed access to 1st Street and unpaid fees for a parking

variance request. Since the inception of the zoning application a variance request was added to allow access to non-arterial or collector street (Wallis Road). Given the uncertainty of granting the variances for parking and access and that the zoning application could be revised in a way that may affect the implementation of the proposed amendment, staff is recommending a condition of approval to require that the proposed amendment and the proposed rezoning be considered concurrently by the BCC at the same public hearing.

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 June 19, 2020. In addition, notice was sent on June 22, 2020 to the Town of Haverhill and City of West Palm Beach. The Town of Haverhill issued a letter dated June 29, 2020 (Exhibit 10), expressing concern that the cumulative effect of the approval of this project and other pending projects in that area will result in increased traffic along Haverhill Road and Belvedere Road within Town’s jurisdictional boundaries.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500’ of the perimeter of the site and all property owners in the Boulevard Park Subdivision, 7 Eleven gas station and Place of worship on Jog Road on June 22, 2020. At the time of the publication of the Planning Division report, no letters or emails had been received. Correspondence received are provided in Exhibit 10 throughout the amendment process.
- 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 June 30, 2020. One member of the public attended and did not have any questions or comments.

Exhibit 3

Applicant’s Justification

Introduction

On behalf of the Applicant and Owner, Southern & Jog Apartments, LLC (“Applicant”), Schmidt Nichols respectfully requests your consideration of an application for a Large-Scale Future Land Use Atlas (FLUA) Amendment. The 11.46-acre subject property is entirely platted as part of the Palm Beach Farms Co. Plat No. 3. within unincorporated Palm Beach County (“subject property”).

The entire property (11.46 acres) supports a Future Land Use Atlas designation of Medium Residential 5 units per acre (MR-5). The majority of the property (10.37 acres) is designated under the Agricultural Residential (AR) Zoning District with the balance (0.88 acres) zoned Single Family Residential (RS).

Below is a summary of surrounding properties:

Adjacent Lands	Uses	FLU	Zoning
Subject Property	Single Family Residential, Vacant (Existing) Multifamily Residential (Proposed)	MR-5 (Existing) HR-12 (Proposed)	AR, RS (Existing) PUD (Proposed)
North	Vacant, Industrial Park	EDC	MUPD
South	Vacant, Equestrian Uses, Single Family Residential	LR-1, MR-5	PUD, RT
East	Industrial Park	EDC	MUPD
West	Single Family Residential	HR-8	AR

Request

The Applicant is requesting the following:

- A large-scale Future Land Use Atlas (FLUA) Amendment from MR-5 to HR-12. The proposed FLU would allow for a maximum development potential of 138 residential units and a maximum floor area of 224,639 square feet.

A concurrent application to the Palm Beach County Zoning Division for an Official Zoning Map Amendment (rezoning) has been submitted on July 8, 2019, which is within the required ninety (90) days from this submission. This rezoning would change the subject property's zoning designation from AR and RS to PUD.

History

On September 12, 1989 a portion of the subject property (0.88 acres) was approved by the Board of County Commissioners (BCC) for a rezoning from Agricultural Residential (AR) to Single Family Residential (RS) for the development of a daycare with a maximum of 115 children. A concurrent Special Use Permit was approved on the same date for a Daycare in the RS zoning district, however this approval was revoked. On September 24, 1998 the Board of County Commissioners approved a Class A Conditional Use for a General Daycare (maximum 170 children) in the RS zoning district. For another portion of the subject property (4.02 acres) The Board of County Commissioners approved a Special Exception for a security kennel to be located on the property.

G.1 - Justification

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.

Below is the Applicant's justification and response to **Policy 2.1-f:**

The subject property is located within the Urban/Suburban Tier with frontage on Wallis Road, an Urban Minor Arterial roadway as identified by Map TE 3.1, Functional Classification of Roads. The subject property is ideal for residential development due to its size, location adjacent to residential uses to the west and to the south. The fact that the property is 11.46 acres enables the subject property to develop as a Planned Unit Development ("PUD") as the minimum lot size for a PUD is 5 acres. Therefore, it is appropriate to amend the subject property's Future Land Use from MR-5 to HR-12 to allow the reasonable development of multifamily residential apartments.

- 1) 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 [Urban/Suburban] is expected to accommodate the bulk of the population and its need for...goods and services..." When residents need to identify places to live, they will find multifamily residential apartments available to accommodate their growing needs. This amendment will provide a good transition from these residential uses to the west and to the south. Furthermore, this amendment is not piecemealed as there are clearly defined boundaries of industrial to the north and east.
- 2) Basis for the land use change.** The basis for the proposed amendment is based upon changed circumstances within the vicinity of the proposed development such as the creation of employment centers to the east, as well as those noted in the WHP bonus sector analysis. The subject site is also strategically located with nearby access to Florida's Turnpike for ease of service throughout the region. The current FLU of the property is Medium Density Residential, 5 units per acre (MR-5) for the entire site. The County is also under tremendous pressure to create housing options which seek to address the range of workforce housing income levels.

The site is adjacent to residential to the west, which allows for the subject site to serve as a transition to increased density abutting industrial to the east and to the north. The size of the property and adjacency to residential avails itself to transitional residential density to buffer from industrial to the east and to the north. If the County is going to seek solutions to workforce housing needs then density needs to be prescribed to properties with the characteristics inherent to the subject site such as:

1. The property is located immediately adjacent to the Southern Boulevard and is only approximately 1.5 miles from the Turnpike. This assists for access to the Turnpike and Southern Boulevard's flyovers at major intersections allow for easy access to the east and west.
2. The proposed density of the site will serve as a reasonable transition from the lower density, single family residential uses to the west and the newly constructed Liberty Commerce Center to the east.
3. Higher density residential should be located near employment centers and have efficient access to the road network.
4. Compact infill development site with access to adequate public facilities without straining existing infrastructure.

The Applicant has determined that it is the appropriate time to change the future land use designation to HR-12, and to develop the property consistent with the surrounding residential uses.

G.2 – Residential Density Increases

Demonstrate a need for the amendment

The subject property is located in an ideal area for high-density residential development. With frontage on Wallis Road, a Minor Urban Arterial thoroughfare, and close proximity to major centers of employment between Southern Boulevard and Okeechobee Boulevard, high density residential development would be ideal to meet demand for housing. As the county reaches build-out, and the population continues to inflate at a rapid pace, infill residential development is required to meet the demand for housing and to keep housing affordable for prospective residents by increasing the housing stock where appropriate.

Demonstrate that the current FLUA designation is inappropriate

As build-out is reached in Palm Beach County, residential densities must logically increase in areas ideal for infill. The subject property is one such case. The type of development typically associated with the site's existing MR-5 designation consists of single-family homes, often in a zero-lot-line configuration. The site is no longer ideal for this type of development for a few reasons. Additionally, the area around the site has developed as a major center of employment, such as the Liberty Airport Center planned development adjacent to the east. High density residential is less sensitive to frontages on major roadways and are also ideally located as close to job centers as possible, mainly due to the typical home renter who makes up the majority of the demand for these types of developments. Therefore, the site's existing MR-5 designation is inappropriate.

Provide a written explanation of why the Transfer of Development Rights, Workforce Housing, and Affordable Housing Programs cannot be utilized to increase density on the site.

The subject development will be utilizing density bonuses associated with the Transfer of Development Rights and the Workforce Housing Programs in addition to the requested density associated with the proposed HR-12 FLU designation. In order to meet the current

and future demand for conveniently located multifamily housing infill development in the urban/suburban tier that consists of 100% WHP units along a major arterial, the Applicant is requesting 104 units be assigned via the Workforce Housing Density Bonus Program and 46 units be purchased from the Transfer of Development Rights Program. These 150 units will be applied in addition to the 138 units allowed by the HR-12 FLU designation (11.46 acres x 12 = 137.52 or 138) resulting in a total of 288 units for the site. Additionally, the applicant is requesting a voluntary condition of 288 or 100% WHP units. Therefore, since there are no higher density FLU designations to choose from, it is necessary the Applicant request the maximum density in addition to density bonuses through the Workforce Housing Density Bonus and Transfer of Development Rights programs which also include the provision of workforce units.

G.3 - Compatibility

Continuation of Policy 2.1-f Stated Above: 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 property has been cleared over the years for the existing uses and very few natural features remain on the site. The proposed FLUA amendment will have a minimal impact on the natural environment on the subject property. There are a few trees which remain on the site, however, at preliminary review appear to be non-native ficus trees.

- 2. The availability of facilities and services;**
 - a. Response: Below is more detailed information on the availability of each of these 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 #40 (Southern Blvd) and Route #44 (East on Belvedere Rd).
 - 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 Attachment I.
 - iv. Drainage: Legal positive outfall for the project is available within the First Street right-of-way. Conveyance will be via piped drainage system constructed in First Street and discharging to the LWDD L-4 Canal, located north of the site. The site is located within the boundaries of Lake Worth Drainage District and the South Florida Water Management District C-51 Basin. On-site retention using exfiltration trench will not exceed the 3-year, 1-hour rainfall event. Any additional retention required will be achieved using dry retention located within the project. The recreational area is intended to be used as a portion of the dry retention area. The dry retention area invert elevation is designed to be at 13.1 NGVD, but the recreational area component within the dry retention area has its elevation set at 15.1 NGVD. The 3-Year, 1-Day peak stage is at 14.9, therefore the recreational field area will be dry during this event, conforming to Palm Beach County design criteria per the comprehensive plan. Allowable discharge and site grading to be in accordance with the SFWMD C-51 drainage basin criteria.
 - 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 (Attachment K).
 - vi.

3. The adjacent and surrounding development;

- a. Response: To the south and west of the subject property are residential land uses. Directly adjacent to the north and east is a light industrial flex space. Below are the existing FLUA designations for the surrounding properties:
 - i. North: EDC
 - ii. South: LR-1, MR-5 (across Southern Blvd.)
 - iii. East: EDC
 - iv. West: HR-8

The proposed development will be compatible with both the residential and non-residential uses that surround the subject property.

4. The future land use balance;

- a. Response: This FLUA amendment request is to allow high density multifamily residential development to occur on the subject property. The subject portion of the County is currently lacking in high density multifamily residential development potential relative to other uses such as single family residential and commercial.

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

- a. Response: The proposed FLUA amendment will prevent urban sprawl by allowing the development of high-density multifamily residences within a dense area of other industrial centers for employment. The clustering of residential development close to centers of employment in this area makes sense as it would allow for employees to locate close to their jobs and for employers in the area to have a higher density of potential employees close by.

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

- a. Response: The subject property is located within the Palm Beach International Airport Overlay (PBAO). The overlay was created to promote non-residential development within the approach path of the airport due to airplane noise concerns. Despite this, the subject property is located on the outer edge of the overlay, and a significant distance from the western edge of the runway. Additionally, modern construction materials and technology are capable of mitigating aircraft noise. The subject property is also located within the boundaries of the Haverhill Area Neighborhood Plan. The proposed amendment is in alignment with the goals of the plan in that it will improve the overall quality of life in the plan area. By converting the land use on the subject parcel from medium density residential to high density residential, some of the issues identified in the plan can be alleviated, such as improving the quality of life in the plan area by maintaining a quality housing stock.

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

- a. Response: The proposed amendment will have minimal impact on surrounding municipalities. The subject property is surrounded entirely by unincorporated Palm Beach County and is located in the future annexation area of West Palm Beach and Haverhill.

G.5 - Florida Statutes

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.

Response: *The subject amendment is to allow development of property within the urban service boundary which is able to be serviced by existing public facilities and services with direct access to Southern Boulevard. The subject property is located along a major arterial and surrounded by a mix of suburban uses which provide job opportunities and community serving commercial to*

complement the proposed multifamily development with ease of access to an international airport and West Palm Beach City center. This amendment seeks to add needed workforce housing units to the market while maximizing the use of the land to avoid the need to develop additional properties in a sprawling manner elsewhere in the County. This location within the urban/suburban tier along with the exceptional access provides a unique opportunity to not only allocate HR-12 but seek to add workforce units to an area where the workforce can seek transit routes to employment centers.

Other applicable policies related to this request are as follows:

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 there are clearly defined boundaries of residential land uses to the west, Southern Boulevard to the south, and an industrial employment center to the north and east. The subject amendment is an assemblage of properties which includes all of the remaining lots within the block.*

On behalf of the Applicant and the property owners, Southern & Jog Apartments, LLC (“Owners”), Schmidt Nichols requests your approval of this application for a Large-Scale Future Land Use Atlas Amendment.

Exhibit 4
Applicant's Public Facility Impacts Table

Part 5. Public Facilities Information

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Single Family Residential, # 210 10 tpd/unit	Multi-Family Mid-Rise Housing, #221 5.44 tpd/unit
Maximum Trip Generation	570 trips per day	Maximum – 745 trips per day Proposed – 1567 trips per day
Net Daily Trips:	Maximum: 745 tpd – 570 tpd = 175 trips per day Proposed: 1567 tpd – 570 tpd = 997 trips per day	
Net PH Trips:	AM Maximum: 49 pht – 42 pht = 7 peak hour trips AM Proposed: 104 pht – 42 pht = 62 peak hour trips PM Maximum: 60 pht – 59 pht = 1 peak hour trip PM Proposed: 127 pht – 59 pht = 68 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 1522 (Northeast corner of Southern Boulevard Westbound Service exit and Haverhill Road) is approximately 2 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 the Palm Beach County Water Utilities Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required at the current MR-5 and for the proposed HR-12 designation.	
Nearest Water & Wastewater Facility, type/size	The nearest potable water mains are located east and west of the subject property. There is a sanitary sewer main located north of the property. Additional engineering will be required to determine if offsite sanitary sewer/lift station improvements 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 South Florida Water Management District C-51 canal along the south side of Southern Boulevard. Please refer to the Drainage Statement prepared by Simmons and White, Inc. being included as Application Attachment J with this application for more details.		

E. Fire Rescue	
Nearest Station	Station 34, 231 S. Benoist Farms Rd.
Distance to Site	Station 34 is 2.75 miles from the subject site
Response Time	Based on the information provided by PBC Fire-Rescue the estimated response time is 8 minutes. PBC Fire Letter provided at Application 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 property does not support any significant habitats or Listed Species. According to historic aerials, the subject property was drained and cleared of natural vegetation at some point before 1952. The topography and soils remain relatively unchanged since the clearing of the site. Therefore, there will be minimal impact to the natural environment if the site is developed as intended.
Flood Zone*	The subject parcel is located in Flood Zone X & Flood Zone AE
Wellfield Zone*	The subject property does not lay within any wellfield protection zones. The proposed planned development will have no negative impacts on the wellfield zones. 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	184	0.62
Beach	R.G. Kreusler Park	0.00035	184	0.06
District	Haverhill Park	0.00138	184	0.25
I. Libraries - Residential Only				
Library Name	Okeechobee Boulevard Branch Library			
Address	5689 Okeechobee Boulevard			
City, State, Zip	West Palm Beach, FL, 33417			
Distance	3.3 Miles			
Component	Level of Service	Population Change	Change in Demand	
Collection	2 holdings per person	184	368	
Periodicals	5 subscriptions per 1,000 persons	184	0.92	
Info Technology	\$1.00 per person	184	\$184.00	
Professional staff	1 FTE per 7,500 persons	184	0.02	
All other staff	3.35 FTE per professional librarian	184	616.4	
Library facilities	0.34 sf per person	184	62.56 s.f.	
J. Public Schools - Residential Only				
	Elementary	Middle	High	
Name	Benoist Farms Elementary School	Jeaga Middle School	Royal Palm Beach High School	
Address	1765 Benoist Farms Road	3777 N Jog Road	10600 Okeechobee Boulevard	
City, State, Zip	West Palm Beach, FL, 33411	West Palm Beach, FL, 33411	West Palm Beach, FL, 33411	
Distance	4.4 Miles	4.8 Miles	6.2 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

■

**Palm Beach County
Board of County
Commissioners**

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

County Administrator
Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

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and recycled paper

June 10, 2020

Bryan Kelley, P.E.
Simmons & White
2581 Metrocentre Blvd. West, Suite 3
West Palm Beach, FL 33407

**RE: R80 PUD Residential
FLUA Amendment Policy 3.5-d Review
Round 2020-20-B2**

Dear Mr. Kelley:

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 2, 2020, 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:	NE corner of 1 st Street and Southern Boulevard	
PCN:	00-42-43-27-05-005-1620 <i>(Others on file)</i>	
Acres:	11.46 acres	
	Current FLU	Proposed FLU
FLU:	Medium Residential, 5 dwelling units per acre (MR-5)	High Residential, 12 dwelling units per acre (HR-12)
Zoning:	Agricultural Residential (AR) Single Family Residential District (RS)	Planned Unit Development (PUD)
Density/Intensity:	5 du/acre	12 du/acre
Maximum Potential:	Single Family Detached = 57 DUs	Multifamily Mid-Rise Housing 3-10 story (Apartment/Condo/TH) = 137 DUs
Proposed Potential:	None	Multifamily Mid-Rise Housing 3-10 story (Apartment/Condo/TH) = 288 DUs
Net Daily Trips:	175 (maximum – current) 997 (proposed – current)	
Net PH Trips:	49 (13/36) AM, 60 (37/23) PM (maximum) 104 (27/77) AM, 127 (77/50) PM (proposed)	
	<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>	



Bryan G. Kelley, P.E.
June 10, 2020
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 **proposed 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 DSimeus@pbcgov.org with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "DS", is placed above the typed name.

Dominique Simeus, P.E.
Professional Engineer - Traffic Division

DS:rb

cc: Addressee:
Quazi Bari, P.E., PTOE – Manager – Growth Management, 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-B2\R80 PUD Residential.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



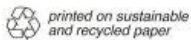
**Palm Beach County
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Gregg K. Weiss
Mary Lou Berger
Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
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February 24, 2020

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

RE: 11.46 Acre Site Located in the Northeast Corner of 1st Street and
Westbound Exit Ramp of Southern Blvd at Jog Rd
R80 PUD

PCN 00-42-43-27-05-005-0420, 00-42-43-27-05-005-1620, 00-42-
43-27-05-005-1630, 00-42-43-27-05-005-1710, 00-42-43-27-05-
005-1591, 00-42-43-27-05-005-2250, 00-42-43-27-05-005-1640,
00-42-43-27-05-005-1600, 00-42-43-27-05-005-2240, 00-42-43-27-
05-005-1590, 00-42-43-27-05-005-1611.

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 MR-5 (Medium residential, 5 dwelling units per acre) designation and for the proposed HR-12 (High Residential, 12 units per acre) designation. The nearest potable water mains are located east and west of the subject property. There is a sanitary sewer main located north of the property. Additional engineering will be required to determine if offsite sanitary sewer/lift station improvements 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 "Jackie Michels".

Jackie Michels, P.E.,
Plan Review Manager

Exhibit 7

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 3

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 Ernesto Lopes, 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 Southern & Jog Apartments, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 12895 SW 132nd Street, Suite 202, Miami, FL 33186

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.

[Signature]
Ernesto Lopes, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 13th day of February, 2020 by Ernesto Lopes (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

Dominga Rivera
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: April 20, 2021

NOTARY'S SEAL  DOMINGA RIVERA
MY COMMISSION # GG 096391
EXPIRES: April 20, 2021
Divided Three Budget Notary Service

EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION

PARCEL 1:

THAT PART OF THE EAST 155 FEET OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, LYING NORTH OF THE NORTHERLY LINE OF STATE ROAD 80, AND LESS THE SOUTHERLY 500 FEET OF THE EAST 155 FEET OF SAID TRACT 62, AS CONVEYED IN OFFICIAL RECORDS BOOK 1919, PAGE 1822, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE RIGHT INGRESS AND EGRESS OVER THE WEST 30 FEET OF THE SOUTHERLY 500 FEET OF THAT PART OF THE EAST 155 FEET OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, LYING NORTH OF THE NORTHERLY LINE OF STATE ROAD 80 AND THE SOUTH 15 FEET OF 30 FOOT STRIP LYING NORTH OF AND ADJACENT TO BLOCK 5.

PARCEL 2:

THE SOUTHERLY 500 FEET OF THAT PART OF THE EAST 155 FEET OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, LYING NORTH OF THE NORTHERLY LINE OF STATE ROAD NO. 80, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THE NORTH LINE OF SAID SOUTHERLY 500 FEET TRACT TO BE PARALLEL TO THE NORTH LINE OF SAID TRACT 62, AND THE SOUTH 500 FEET IS TO BE MEASURED ALONG THE EAST LINE OF SAID TRACT 62.

PARCEL 3:

THE EASTERLY 84 FEET OF THE NORTHERLY 665 FEET OF THE WEST 1/4 OF TRACT 62, AND THE WESTERLY 175 OF THE NORTHERLY 665 FEET OF THE EAST 1/4 OF TRACT 62, IN BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE FOLLOWING DESCRIBED PROPERTY:

A PORTION OF TRACT 62, BLOCK 5, BEING THE NORTH 433 FEET OF THE EAST 80.83 FEET OF THE WEST 326.83 FEET OF TRACT 62, BLOCK 5, AND THE SOUTH 15 FEET OF 30 FOOT PLATTED ROADWAY LYING BETWEEN THE NORTHERLY EXTENSION

OF THE WEST AND EAST LINES OF SAID PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4: (COMPRISED OF SUBPARCELS A THROUGH D BELOW)

SUB PARCEL A

A PORTION OF TRACT 62, BLOCK 5, BEING THE NORTH 433 FEET OF THE EAST 80.83 FEET OF THE WEST 326.83 FEET OF TRACT 62, BLOCK 5, AND THE SOUTH 15 FEET OF 30 FOOT PLATTED ROADWAY LYING BETWEEN THE NORTHERLY EXTENSION

OF THE WEST AND EAST LINES OF SAID PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

SUB PARCEL B

THE NORTH 208 FEET OF THE WEST 246 FEET OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

SUB PARCEL C

A PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, AS IN PLAT BOOK 2, PAGES 11 THROUGH 18, WHERE SAID RIGHT-OF-WAY LINE INTERSECTS THE WEST LINE OF SAID TRACT 62; PROCEED NORTHERLY ALONG SAID WEST BOUNDARY LINE A DISTANCE 617 FEET; THENCE RUN EAST, PARALLEL TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 80, 246 FEET; THENCE RUN NORTH, PARALLEL TO THE WEST LINE OF TRACT 62 AFORESAID 75 FEET; THENCE RUN WESTERLY PARALLEL TO THE NORTHERLY RIGHT-OF WAY LINE OF STATE ROAD 80, 246 FEET TO THE WEST BOUNDARY OF SAID TRACT 62; THENCE SOUTHERLY ALONG SAID WEST BOUNDARY A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING.

AND

SUB PARCEL D

A PART OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST BOUNDARY OF SAID TRACT, WHERE IT INTERSECTS WITH THE NORTHERLY RIGHT-OF-WAY OF STATE ROAD 80; PROCEED NORTHERLY ALONG SAID WEST BOUNDARY A DISTANCE OF 467.08 FEET TO THE POINT OF BEGINNING, THENCE EASTERLY AT RIGHT ANGLES WITH SAID WEST BOUNDARY, A DISTANCE OF 246 FEET TO A POINT, THENCE NORTHERLY PARALLEL TO SAID WEST BOUNDARY, A DISTANCE OF 150 FEET TO A POINT, THENCE WESTERLY AT RIGHT ANGLES, A DISTANCE OF 246 FEET TO THE SAID WEST BOUNDARY OF SAID TRACT 62; THENCE SOUTHERLY ALONG THE WEST BOUNDARY, A DISTANCE OF 150 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A"**PROPERTY****PARCEL 5:**

THAT PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING NORTH OF THE NORTH LINE OF A PARCEL OF LAND DEEDED TO FRED D. TOSLAND, IN OFFICIAL RECORDS BOOK 344, PAGE 569, SAID PORTION DESCRIBED AS THE WEST 125 FEET OF SAID TRACT 62, BLOCK 5, LESS THE NORTH 433 FEET AND ALSO LESS THAT PORTION OF THE WEST 125 FEET LYING 317 FEET NORTHERLY OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80 AS IN ROAD PLAT BOOK 2, PAGE 11, AS MEASURED ALONG THE WEST LINE OF SAID TRACT 62, BLOCK 5, THE NORTH LINE OF SAID PORTION BEING PARALLEL WITH THE NORTH LINE OF SAID TRACT 62, BLOCK 5, TOGETHER WITH THAT PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45, LYING NORTH OF THE NORTH LINE OF A PARCEL OF LAND DEEDED TO FRED D. TOSLAND, IN OFFICIAL RECORDS BOOK 202, PAGE 525, SAID PORTION DESCRIBED AS THE EAST 121 FEET OF THE WEST 246 FEET OF THE SOUTH 144.31 FEET OF THE NORTH 577.31 FEET OF SAID TRACT 62, BLOCK 5.

LEGAL DESCRIPTION (CONTINUED)**PARCEL 6:**

A PARCEL OF LAND LYING IN TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING THE NORTH 160 FEET OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 344, PAGE 569, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE WEST 15 FEET THEREOF AS CONVEYED TO PALM BEACH COUNTY IN OFFICIAL RECORDS BOOK 6495, PAGE 88, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THE NORTH 160 FEET OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 202, PAGE 525, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. AFORESAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF SAID TRACT 62, WHERE IT INTERSECTS THE NORTH RIGHT OF WAY LINE OF STATE ROAD 80 AS SHOWN IN ROAD PLAT BOOK 2, PAGE 11, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°33'00" WEST ALONG SAID WEST LINE OF SAID TRACT 62, A DISTANCE OF 157.00 FEET; THENCE SOUTH 88°07'00" EAST ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID STATE ROAD 80, A DISTANCE OF 15.01 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°33'00" WEST ALONG A LINE PARALLEL WITH AND 15.00 FEET EAST OF, MEASURED AT RIGHT ANGLES TO SAID WEST LINE OF TRACT 62, A DISTANCE OF 160.00 FEET; THENCE SOUTH 88°07'00" EAST ALONG THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 344, PAGE 569, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 110.10 FEET; THENCE NORTH 00°33'00" WEST ALONG A LINE PARALLEL WITH AND 125.00 FEET EAST OF, MEASURED AT RIGHT ANGLES TO SAID WEST LINE OF TRACT 62, A DISTANCE OF 12.03 FEET; THENCE NORTH 89°27'00" EAST, ALONG A LINE PARALLEL WITH AND 577.31 FEET SOUTH OF, MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID TRACT 62, A DISTANCE OF 128.00 FEET; THENCE SOUTH 00°33'00" EAST, ALONG THE WEST LINE AND THE NORTHERLY PROJECTION OF THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1098, PAGE 675, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA A DISTANCE OF 160.00 FEET; THENCE SOUTH 89°27'00" WEST A DISTANCE OF 128.00 FEET; THENCE SOUTH 00°33'00" EAST A DISTANCE OF 12.03 FEET; THENCE NORTH 88°07'00" WEST A DISTANCE OF 110.10 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT FROM THE ABOVE ANY PORTION CONTAINED WITHIN THE BOUNDARIES OF THE PROPERTY DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 13804, PAGE 1814; IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 13538, PAGE 737; AND IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 88.

QUIET TITLE ORDER PARCEL 1

A PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT BOOK 2, PAGES 45-54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, AS IN PLAT BOOK 2, PAGES 11 TO 18, WHERE SAID RIGHT-OF-WAY LINE INTERSECTS THE WEST LINE OF SAID TRACT 62; PROCEED NORTHERLY ALONG SAID WEST BOUNDARY LINE A DISTANCE 617 FEET; THENCE RUN EAST, PARALLEL TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 80, 246 FEET; THENCE RUN NORTH, PARALLEL TO THE WEST LINE OF TRACT 62 AFORESAID 75 FEET; THENCE RUN WESTERLY PARALLEL TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80, 246 FEET TO THE WEST BOUNDARY OF SAID TRACT 62; THENCE SOUTHERLY ALONG SAID WEST BOUNDARY A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A"**PROPERTY**QUIET TITLE ORDER PARCEL 2

BEING A PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 62, RUN THENCE SOUTH 00°58'09" EAST ALONG THE WEST LINE OF SAID TRACT 62, A DISTANCE OF 208.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 208.00 FEET OF SAID TRACT 62 AND THE POINT OF BEGINNING.

THENCE NORTH 39°01'25" EAST ALONG A LINE 208.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 62, A DISTANCE OF 246.00 FEET TO A POINT ON THE EAST LINE OF THE WEST 246.00 FEET OF SAID TRACT 62; THENCE SOUTH 00°58'09" EAST ALONG A LINE 246.00' EAST OF AND PARALLEL WITH THE SAID WEST LINE OF TRACT 62; THENCE NORTH 88°34'07" WEST ALONG A LINE 692.00 FEET NORTH OF (AS MEASURED ALONG THE SAID WEST LINE OF TRACT 62) AND PARALLEL WITH THE NORTH LINE OF STATE ROAD 80 AS SAME IS SHOWN IN ROAD PLAT BOOK 2, PAGES 11 THROUGH 18, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 246.22 FEET TO A POINT ON THE SAID WEST LINE OF TRACT 62; THENCE NORTH 00°53'09" WEST ALONG SAID WEST LINE, A DISTANCE OF 1.29 FEET TO THE POINT OF BEGINNING.

PARCEL 1

A 30' PRIVATE ROAD WAY STRIP (WALLIS ROAD) LOCATED BETWEEN THE NORTH LINE OF TRACT 62, BLOCK 5 AND THE SOUTH LINE TRACT 59, BLOCK 5, OF THE PALM BEACH FARMS PLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF TRACT 62, BLOCK 5 (TRACT 62), THENCE N.0°58'09" W. ALONG THE EAST RIGHT OF WAY LINE OF FIRST ROAD, 30' TO THE SOUTHEAST CORNER OF SAID TRACT 59, BLOCK 5 (TRACT 59); THENCE N.89° 01' 25" E., ALONG THE SOUTH LINE OF TRACT 59, 659.92' TO A FOUND 5/8" IRON ROD WITH PERMANENT REFERENCE MONUMENT LB 4431 DISK; THENCE S.0°58'09" E., 30' TO THE NORTHEAST CORNER OF TRACT 62; THENCE S.89° 01' 25" W., ALONG THE NORTH LINE OF TRACT 62, 659.92' BACK TO THE POINT OF BEGINNING.

CONTAINING 499,385 SQUARE FEET OR 11.464 ACRES, MORE OR LESS.

ALSO DESCRIBED AS (OVERALL BOUNDARY)

BEING A PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 59 SAID BLOCK 5, RUN THENCE SOUTH 00°58'09" EAST ALONG THE EAST LINE OF SAID TRACT 62, A DISTANCE OF 865.06 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80 AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 13538, PAGE 737, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID NORTH RIGHT-OF-WAY LINE ALSO BEING A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 6221.77 FEET (A RADIAL LINE PASSING THROUGH SAID POINT BEARS SOUTH 04°40'30" WEST); THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°06'21", A DISTANCE OF 120.08 FEET TO THE POINT OF TANGENCY; THENCE NORTH 84°49'09" WEST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINES, A DISTANCE OF 35.74 FEET TO A POINT ON THE EAST LINE OF PARCEL 135, AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 13791 PAGE 155, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°02'54" WEST ALONG SAID EAST LINE AND CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 160.97 FEET; THENCE SOUTH 88°59'35" WEST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 251.91 FEET; THENCE SOUTH 01°01'45" EAST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 78.76 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80 AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 13804, PAGE 1814, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°52'13" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 128.00 FEET; THENCE SOUTH 01°01'45" EAST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 11.93 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80 AS SAME DESCRIBED IN OFFICIAL RECORDS BOOK 13804, PAGE 1814, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°34'07" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 109.94 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FIRST STREET AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 6495, PAGE 88, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°58'09" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 160.16 FEET; THENCE NORTH 88°34'07" WEST CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 15.01 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 62 AND THE EAST RIGHT-OF-WAY LINE OF FIRST STREET; THENCE NORTH 00°58'09" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 614.29 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 59, THENCE NORTH 89°01'29" EAST ALONG THE SOUTH LINE OF SAID TRACT 59, A DISTANCE OF 659.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 499,385 SQUARE FEET OR 11.464 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	
Rubens Menin	12895 SW 132nd Street, Unit 202, Miami, FL 33186	91%
Ernesto Lopes	12895 SW 132nd Street, Unit 202, Miami, FL 33186	6%

Exhibit 8

School Capacity Availability Determination (SCAD) Letter



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

KRISTIN K. GARRISON, AICP
DIRECTOR


WANDA F. PAUL
CHIEF OPERATING OFFICER

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

PHONE: 561-434-8020 / FAX: 561-434-8815
WWW.PALMBEACHSCHOOLS.ORG/PLANNING

SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

Application	Submittal Date	03/06/2020		
	SCAD No.	20030601F – FLU and 20030601D – D. O.		
	FLU /Rezoning/D.O. No.	Not Provided - Palm Beach County		
	PCN No.	00-42-43-27-05-005-1600 / 6179 SOUTHERN BLVD		
	Development Name	R80 Residential PUD		
	Property Owner	Southern & Jog Apartments, LLC / Josh Nichols		
	SAC No.	145C		
	Proposed Amendment Proposed Unit No. & Type	Max. 288 Residential Units 288 High-Rise Apartment Units		
Impact Review		Benoist Farms Elementary School	Jeaga Middle School	Royal Palm Beach High School
	New Students Generated	4	2	2
	Capacity Available	336	323	-196
	Utilization Percentage	61%	74%	109%
School District Staff's Recommendation	<p>Based on the findings and evaluation of the proposed development, there will be negative impact on the public school system. Therefore, if the proposed development is approved by the Palm Beach County government, School District staff recommends the following condition to mitigate such impact.</p> <p>In order to address the school capacity deficiency generated by this proposed development at the District high school level, the property owner shall contribute \$26,180 to the School District of Palm Beach County prior to the issuance of first building permit.</p> <p>This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied).</p> <p>Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on April 16, 2019.</p>			
Validation Period	<p>1) This determination is valid from 03/13/2020 to 03/12/2021 or the expiration date of the site-specific development order approved during the validation period.</p> <p>2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to 03/12/2021 or this determination will expire automatically on 03/12/2021.</p>			
Notice	<p>School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.</p>			



School District Representative Signature

Joyce C. Cai, Senior Planner

Print Name & Title

March 13, 2020

Date

joyce.cai@palmbeachschools.org

Email Address

CC: Nancy Frontany, Site Plan Technician, Palm Beach County
Joyell Shaw, PIR Manager, School District of Palm Beach County

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



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

KRISTIN K. GARRISON
DIRECTOR

PLANNING AND INTERGOVERNMENTAL RELATIONS
3661 INTERSTATE PARK RD. N., STE 200
RIVIERA BEACH, FL. 33404

PHONE: 561-434-8020 / FAX: 561-357-1193

[HTTPS://WWW.PALMBEACHSCHOOLS.ORG/DEPARTMENTS/PLANNING AND INTERGOVERNMENTAL RELATIONS](https://www.palmbeachschools.org/departments/planning-and-intergovernmental-relations)

SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD) Sufficiency Checklist

Intake Date: 03/06/2020
 Project Name: R80 Residential PUD
 Application Type: FLU and DO
 Case No. 20030601F and 20030601D
 Application Status: **COMPLETE**
 Application Completion Date: 03/06/2020

- Insufficient application will be returned if not completed within 1 month from the 1st submittal date
- SCAD review fee is non-refundable

Required Documents

Submitted

Application Form		
- Signed by Agent in Part I	■	_____
- Signed by Local Government in Part II	■	_____
Brief Statement	■	_____
Application Fee	■	\$400 Ck# 24895
Property Deed	■	_____
Owner/Agent Consent Form	■	_____
Location Map	■	_____
PCN List (if applicable)	□	_____
Previous approval letter(s) (if applicable)	□	_____
Phasing Plan (if Applicable)	□	_____
Site Plan (if applicable)	□	_____
Survey (if applicable)	■	_____

Note: SCAD 19051001F issued on 5/15/19 for 288 SF

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

Exhibit 9
Correspondence



**Department of Planning,
Zoning & Building**

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

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

■

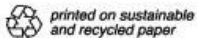
**Palm Beach County
Board of County
Commissioners**

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"*



October 22, 2019

Josh Nichols, LEED AP
Schmidt Nichols
1551 N Flagler Drive, Ste. 102
West Palm Beach, FL 33401

**RE: Workforce Housing Determination – R80 Residential PUD
Control Number 2018-158**

Dear Mr. Nichols,

This letter responds to your request for a determination on the applicability of a Workforce Housing Program provision to the site known as R-80 Residential Planned Unit Development (LGA 2020-003). The project consists of 10 parcels, totaling 11.01 acres, located on the north side of Southern Boulevard, approximately ¼ mile east of Jog Road. The amendment for the site is for a future land use amendment change from Medium Residential, 5 units per acre (MR-5) to High Residential, 12 units per acre (HR-12).

Through the concurrent zoning application (CA/ZV/ABN/PDD-2019-01808), the applicant is seeking a density bonus in excess of the 40% permitted under the standard provisions of the Workforce Housing Program (WHP) in effect at the time of submittal. Specifically, the applicant is seeking an 80% density bonus through the WHP (based on HR-12) and the purchase of 44 Transfer of Development Rights. If the future land use amendment to HR-12 is approved, and the 80% density bonus and 44 TDRs are used, the resulting maximum number of units would be 282.

The applicant is seeking to utilize a provision found in a footnote to Table 5.G.1.H of the Unified Land Development Code applicable to the WHP in effect at the time of the zoning application submittal. This states:

"The Planning Director may recommend a density bonus in excess of the Maximum Density bonus where the project serves to mitigate existing very low and low income concentrations by including a mix of higher income market rate units or Medium (mod) 1, Medium (mod) 2, and Middle Income WHP units."

An area is deemed to have a concentration if the level in the subject census tract exceeds 50%; the subject site is located in Census Tract 32.01, which has a 54.8% concentration of very low and low income households. At this time, Planning staff is recommending an 80% density bonus be applied under this provision of the code; the actual number of dwelling units that may be built on the parcel may be further limited by compatibility considerations, access issues, property



October 22, 2019
Pg. 2

development regulations, and other factors the applicant will need to address in the development review process.

As the intent of this provision of the Code is to mitigate the existing concentration, the percentage of Low Income units would need to be less than the 25% normally required under the Workforce Housing Program, with the additional workforce units to be provided among the higher Moderate 1, Moderate 2, and Middle Income levels. This limitation on low income units includes any Low income units required as a result of the purchase of TDRs.

It is staff's understanding that the applicant is proposing to condition the project so that 100% of the units are provided in the workforce housing price range. Consistent with other amendments in recent years, staff will recommend to the Board that a minimum of 25% of all units be provided as workforce.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Behn".

Patricia Behn
Planning Director

cc: Patrick W. Rutter, Assistant County Administrator
Ramsay J. Bulkeley, Esq., PZB Executive Director
Robert Banks, Chief Land Use County Attorney
Scott A. Stone, Esq., Asst. County Attorney
Lisa Amara, Principal Planner
Maria Bello, Principal Planner
Michael Howe, Senior Planner
Inna Stafeychuk, Planner II



Town Hall

4585 Charlotte Street
Haverhill, FL 33417-5911
(561) 689-0370
FAX: (561) 689-4317
www.townofhaverhill-fl.gov



Town Council

Jay G. Foy, Mayor
Lawrence Gordon, Vice Mayor
Mark C. Uptegraph
Dennis Withington
Ray Caranci

Town Administrator

Janice C. Rutan

Deputy Town Clerk

Jean Wible

**Community Services
Code Inspector**

Devon Kirms

Building Official

Bill Denison

June 29, 2020

Inna Stafeychuk, Planner II
Palm Beach County Department
of Planning, Zoning and Building
2300 North Jog Road
Haverhill FL 33417

RE: Notice of Proposed Future Land Use Atlas Amendment
Round 20-B@
R80 Residential PUD (LGA 2020-003)

Dear Ms. Stafeychuk:



The Town of Haverhill is receipt of the above captioned for future land use atlas amendment to request a future land use change from Medium Residential (MR-5) to High residential (HR-12)

The Town of Haverhill does have concern that the cumulative effect of the County's approval of this project, as well as other pending projects along Belvedere Road, Haverhill Road, Jog Road, Southern Boulevard and Okeechobee Boulevard could result in increased traffic along Haverhill Road and Belvedere Road within the Town's jurisdictional boundaries.

The Town of Haverhill has adopted policies to ensure that Belvedere Road, between Jog Road and Military Trail, remain as a four-lane divided roadway in perpetuity, and maintain that neither Haverhill Road or Belvedere Road be widened as it would destroy the residential character of the Town of Haverhill as well as violate the Haverhill Area Neighborhood Plan.

Thank you for the opportunity to comment on this project.

Sincerely,


Jay G. Foy, Mayor

Town of Haverhill