



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT SMALL SCALE AMENDMENT

BCC ADOPTION PUBLIC HEARING, DECEMBER 19, 2019

A. Application Summary

I. General

Project Name:	Vo Professional Office (SCA 2019-014)
Request:	LR-1 to CL-O/1
Acres:	3.11 acres
Location:	Northeast corner of Lantana Road and Colbright Road.
Project Manager:	Jonathon Butler, Planner I
Owner:	Annie Vo Yen Pham
Applicant:	Annie Vo Yen Pham
Agent:	Josh Nichols, LEED AP, Schmidt Nichols
Staff Recommendation:	Staff recommends denial based upon the findings and conclusions contained within this report.

II. Assessment & Conclusion

The amendment is proposed to change the future land use designation of the subject site from Low Residential, 1 unit per acre, (LR-1) to Commercial Low Office with an underlying 1 unit per acre (CL-O/1) for a 3.11 acre site located in the Urban Suburban Tier. The proposed CL-O designation allows up to 47,415 s.f. of office uses (.35 FAR). The concurrent zoning application is requesting 30,862 square feet of medical office uses.

The subject site is located in a low density suburban area surrounded by residential and institutional uses. Access to the site is from Colbright Road, a 0.84 mile dead end road shared by 31 residential parcels and a church ranging in size from 0.98 acres to 3.11 acres. Immediately east of the site is a 15,000 s.f. / 300 seat church, and to the west is a single family home built in 2016. There is no other commercial development in the area with the exception of the 11,000 s.f. Stunkel Medical Office building southeast of the site across Lantana Road at Hagan Ranch Road.

The proposed amendment is out of character with the surrounding area, incompatible with adjacent properties, and the applicant has not met the justification requirements to warrant the proposed amendment. The amendment is requesting to introduce commercial office uses at double and triple the intensity of existing non-residential uses that are located at the intersection of Lantana and Hagen Ranch Roads. The subject site is further away from the intersection, has no connectivity with the adjacent non-residential use on Lantana Road, and introduces commercial traffic on what is currently a local residential street.

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

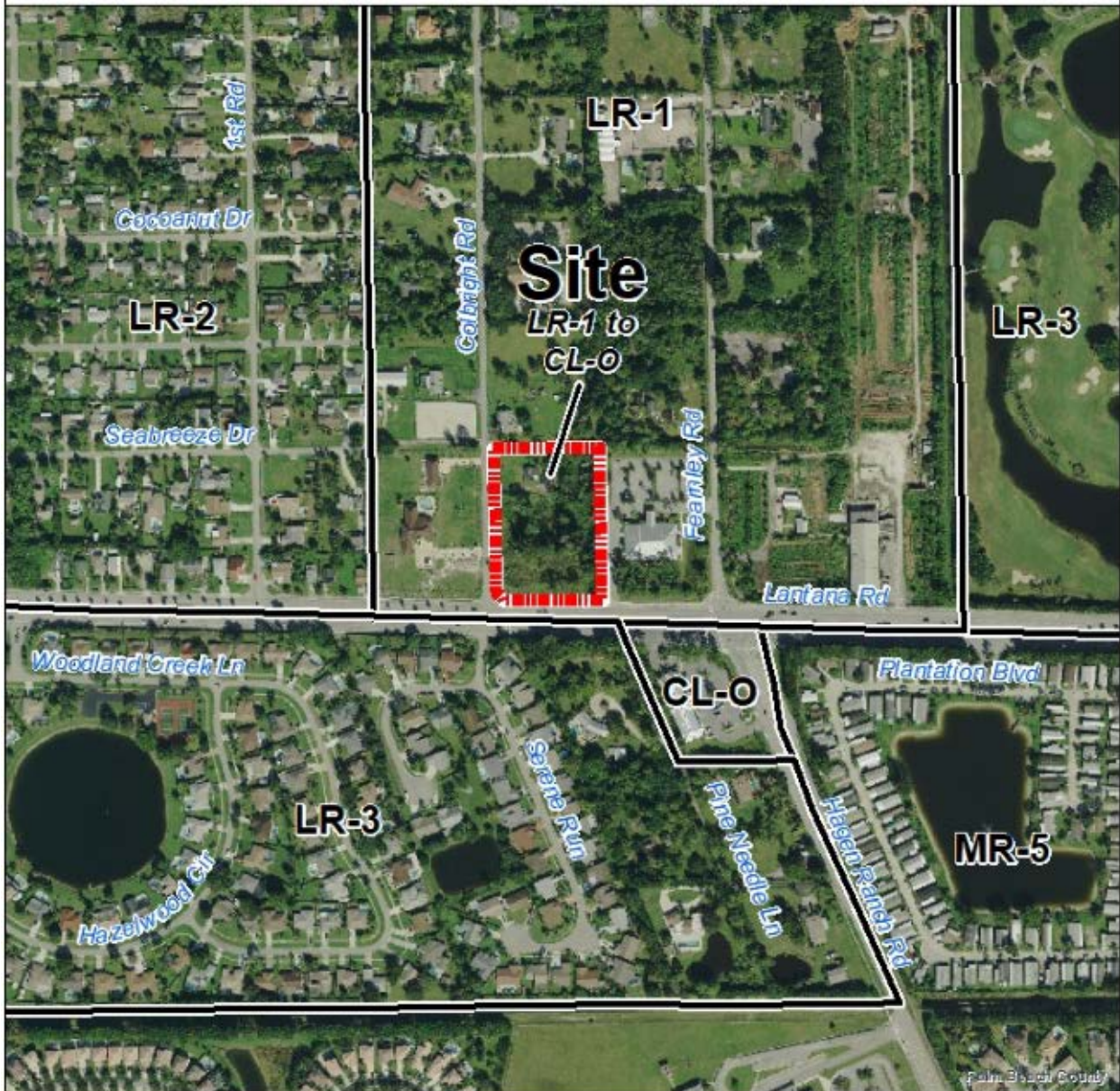
III. Hearing History

Local Planning Agency: **Denial**, motion by Cara Capp, seconded by Kiley Harper-Larsen, passed in a 13-2 vote (with Edwin Ferguson and Spencer Siegel dissenting) at the November 8, 2019 public hearing. A prior motion for Approval failed, motion by Spencer Siegel, seconded by Edwin Ferguson failed in a 2-13 vote (with Lori Vinikoor, David Dinin, Eric Royal, Marcia Hayden, Kiley Harper-Larsen Michael Peragine, Angella Vann, Evan Rosenberg, Barbara Roth, Alex Garcia, Cara Capp, Dagmar Brahs, and Jim Knight dissenting). Under discussion, commission members asked questions and made comments regarding traffic impacts, the introduction of commercial traffic onto a local roadway, the rural nature of the community, and the proposed uses on the site. One member of the public spoke in opposition stating that the amendment would increase traffic on Colbright Road and increased hazards at the intersection with Lantana Road.

Board of County Commissioners Adoption Public Hearing:

Future Land Use Atlas Amendment

Vo Professional Office (SCA 2019-014)



Site Data

Size: 3.11 acres
Existing Use: Single Family Residential
Proposed Use: Medical Professional Office
Current FLU: LR-1
Proposed FLU: CL-O

Future Land Use Designations

LR-1 Low Residential, 1 unit per acre
LR-2 Low Residential, 2 units per acre
LR-3 Low Residential, 3 units per acre
MR-5 Medium Residential, 5 units per acre
CL-O Commercial Low Office

Date: 12/20/2018
Contact: Planning
Filename: PlanningAMEND19-SCA/Sitel 19-14
Note: Map is not official, for presentation purposes only.



SITE



0 100 200 400 Feet

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



B. Petition Summary

I. Site Data

Current Future Land Use	
Current FLU:	Low Residential, 1 unit per acre (LR-1)
Existing Land Use:	Vacant
Current Zoning:	Agricultural Residential (AR)
Current Dev. Potential Max:	Residential, 1 unit per acre (3 units)
Proposed Future Land Use Change	
Proposed FLU:	Commercial Low-Office with an underlying 1 unit per acre (CL-O/1)
Proposed Use:	Medical and professional office
Proposed Zoning:	Commercial Low - Office (CLO)
Dev. Potential Max/Conditioned:	Commercial office, up to 47,415 sf (.35 FAR)
General Area Information for Site	
Tier/Tier Change:	Urban/Suburban Tier - No change
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	None
Comm. District:	Commissioner David M. Kerner, District 3



C. Introduction & Review

I. Intent of the Amendment

The amendment proposes to change the future land use designation for the subject site from Low Residential, 1 unit per acre (LR-1) to Commercial Low-Office with an underlying 1 unit per acre (CL-O/1) on a 3.11 acre site located in the Urban Suburban Tier. The request would allow up to 47,415 s.f. of office uses (.35 FAR).

Background. The site is currently vacant and there are no prior amendments or zoning approvals on the site.

Zoning Application. The concurrent zoning application (Z/CA 2018-02236) proposes to rezone the subject site from Agriculture Residential (AR) to Commercial Low-Office (CL-O), and is requesting 30,862 square feet of Medical Office in a two story building. (Control Number 2018-00157). The proposed site plan indicates that the access to the site will be limited to Colbright Road, with no direct access to Lantana Road or connectivity to the adjacent church.

II. Background and Overview

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

Overview of the Area. The subject site is located in a low density suburban area surrounded by residential and institutional uses. The uses surrounding the subject site include two churches, one of which that is just north of the subject site sharing Colbright Road and the other that is directly east. Access to the site is from Colbright Road, a 0.84 mile dead end road shared by 31 residential parcels and a church ranging in size from 0.98 acres to 3.11 acres. Immediately adjacent to the site to the east is a 15,000 s.f. / 300 seat church, and to the west is a single family home built in 2016. There is no other commercial development in the area with the exception of the medical office building southeast of the site across Lantana Road at Hagan Ranch Road. This site, known as Stunkel Medical Office, SCA 2011-001, was an amendment approved by the County in 2012 for a change from Low Residential, 3 units per acre (LR-3) to Commercial Low Office (CL-O/3). The site was built with 11,000 s.f. of office in 2015.

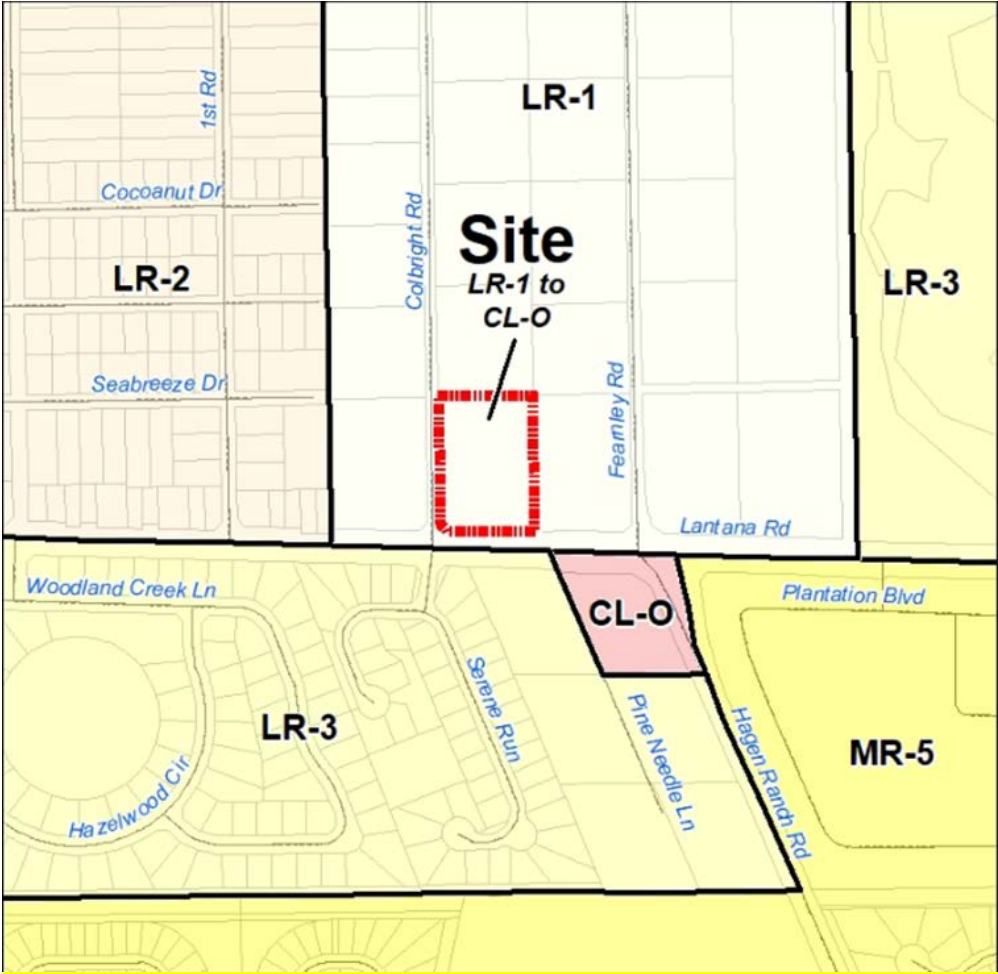
Appropriateness and Compatibility. The amendment is requesting to introduce commercial office uses at double and triple the intensity of existing non-residential uses that are located at the intersection of Lantana and Hagen Ranch Roads. The subject site is further away from the intersection, has no connectivity with the adjacent non-residential use or Lantana Road, and introduces commercial traffic on what is currently a local residential street.

Assessment and Recommendation. As demonstrated in this report, the proposed amendment is out of character with the surrounding area, incompatible with adjacent properties, and the applicant has not met the justification requirements to warrant the proposed amendment.

As such, staff recommends **denial** of the applicant’s request.

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Exhibit 1

Amendment No:	Vo Professional Office (SCA 2019-014)
FLUA Page No:	37
Amendment:	From Low Residential, 1 unit per acre (LR-1) to Commercial Low-Office with an underlying 1 unit per acre (CL-O/1)
Location:	Northeast corner of Lantana Road and Colbright Road
Size:	3.11 acres approximately
Property No:	00-42-43-27-05-032-3060
Conditions: None	
	

Legal Description

TRACT 100, BLOCK 32, OF PALM BEACH FARMS CO. PLAT NO. ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE WEST 20 FEET THEREOF, AND LESS THAT PORTION OF LOT 100 CONVEYED TO PALM BEACH COUNTY BY RIGHT-OF-WAY DEED, RECORDED IN OFFICIAL RECORDS BOOK 6300, PAGE 964, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THE AREA BEING 135,472 SQ.FT. OR 3.11 ACRES.

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.; (See Consistency with Florida Statutes)*
6. *Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and (see Neighborhood Plans and Overlays Section)*
7. *Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1. (see Public and Municipal Review Section)*

The applicant has prepared a Justification Statement (Exhibit 2) that is summarized by the following points:

- *The location along Lantana Road provides a great opportunity to allow for community serving office uses in an area that is generally lacking office space relative to other portions of the County. The surrounding area is clearly lacking in community serving professional and medical office type uses with much of the surrounding properties devoted to commercial, agricultural, and residential uses.*
- *Over the years, Lantana Road has been widened resulting in its current 110 foot maximum width when adjacent to the subject property. The result is an Urban Minor Arterial classification with a 45 mile per hour speed limit and 4-lanes with a dividing median. This makes the subject property no longer suitable for residential development, especially in the form regulated by its existing Future Land Use and zoning designations. The subject property does not lend itself well to residential development according to its current Future Land Use and zoning designations as its size and frontage along Lantana Road makes it unattractive to residential consumers.*

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

The development potential for the subject site is currently residential uses or non-residential uses allowed in a residential designation such as a church, daycare, etc. The density allowed by the LR-1 designation is 1 unit per acre (3 units) and additional dwelling units up to 6 total, are allowed through the Transfer of Development Rights (TDR) Program. The applicant proposes the Commercial Low Office designation allowing up to over 46,000 square feet of commercial office uses.

With regard to the 'justification', the applicant's justification statement (Exhibit 2) indicates that a change from residential to office uses on the site is justified based on a perception that there is a lack of office in the area and that residential uses are undesirable fronting Lantana Road. The applicant has not provided any analysis indicating that there is a deficit of commercial office. In low density suburban areas of the County developed following the adoption of the 1989 Comprehensive Plan, the bulk of commercial and office development has been planned and constructed at large commercial nodes. Further, whether or not there is commercial office demand is not an adequate reason to justify a

land use change on this property. The subject site is located between a home and a church that are built with much less square footage, and not at major intersection, is not a suitable site for the introduction of commercial uses at the scale proposed by the applicant.

With regards to the 'lack of desirability' for residential fronting Lantana Road in this vicinity, there are several homes built in the area on much smaller lots with sole access to Lantana whereas the access from the subject site has access off of Colbright Road. There are 31 residential properties with direct access onto Lantana Road west of the site ranging from 0.12 to 0.32 acres in size. The 3 acre site located immediately west of the site also accesses Colbright Road, and was constructed in 2016 with a single family home. Further, there have been no amendments or developments that have impacted the subject site warranting consideration of the proposed land use change. The commercial office to the southeast known as the Stunkel property is built with approximately 1/3 of the square footage proposed by the applicant (11,000 s.f.), is at a lighted intersection of two major roadways (with 50% of the lot boundary facing these roadways), and is not visible from the subject property. The church to the east of the site is built with ½ the intensity proposed (15,000 s.f.). The applicant has not 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: The proposed amendment would not conflict with any of the County directions. Thus, there are no policy issues regarding the County Directions relevant to this 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 4. Land Use Compatibility. *Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.*

Staff Analysis: The proposed amendment is out of character with the immediately abutting uses and would introduce commercial traffic onto a roadway that is currently limited to residential uses at a much greater intensity than surrounding development, and other uses allowed in residential future land use and zoning. Therefore, the proposed amendment is inconsistent with Direction 2. Growth Management.

3. **Piecemeal Development – FLUE 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 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. The Comprehensive Plan Introduction and Administration Element defines 'Piecemeal Development' as follows:*

Staff Analysis: There are no parcels under the same or related ownership and no residual parcels that would be created. This proposed amendment would not encourage piecemeal development as defined in the Introduction and Administration Element of the Comprehensive Plan which describes 'piecemeal' as the development of "small portions of a larger, undeveloped property is developed in a sequential manner, such that land use decisions are being made for individual sub-areas of the original parent tract independent from the whole."

4. **Strip Commercial – FLUE Policy 2.2.2-d:** *The County shall not designate additional commercial areas on the Future Land Use Atlas that would result in or encourage the proliferation of strip commercial development. Strip Commercial Development is defined in the Comprehensive Plan Introduction and Administration Element as follows:*

STRIP COMMERCIAL DEVELOPMENT - *A form of development that is designed primarily for vehicular access and is hazardous or inconvenient for pedestrians to use.*

Strip commercial development may include any of the following:

1. *intense, largely non-residential development, which is shallow in depth, and lies along a length of roadway*
2. *poorly coordinated site plan, with buildings organized in a linear pattern or in isolated “islands”*
3. *separate driveways or curb cuts from adjacent properties*
4. *separate parking lots from adjacent properties*
5. *inadequate accessibility and circulation for pedestrians and bicycles*

Staff Analysis: The proposed amendment does not exhibit any of the characteristics of strip commercial development as defined in the Introduction and Administration Element of the Comprehensive Plan, and would not result in or encourage the proliferation of strip commercial development. The nearest commercial development is across the street on the southwest corner of Lantana Road and Hagen Ranch Road. Although approval and development on the subject site could ultimately result in an additional future commercial amendment requests on other parcels in the area, commercial office type uses are generally not considered indicative of ‘strip commercial’ development.

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

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

1. Policy 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 amendment proposes to allow commercial office uses up to 46,000 square feet (.35 FAR) development potential, and specifically 30,862 square feet in two stories of medical office through the proposed site plan. This intensity is significantly greater than the surrounding developments and the character of this corridor. The neighboring property to the west is built with a single family home on 3 acres, the church to the east, Palm Beach Chinese Christian, is built with 15,000 s.f., and the Stunkel commercial office at Lantana Road and Hagen Ranch is built at 11,000 s.f. The proposed amendment does not represent development that is “*compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities*”, and is inconsistent with this policy.

2. Policy 2.2.2-a: *In order to discourage strip commercial development, to limit commercial development to nodes, to foster interconnectivity, and to promote the development of innovated mixed use projects inside the Urban Service Area, all new commercial future land use designations shall meet one of the following location requirements:*

- **Intersection Location:**
 - *Commercial Low, High Office, or High future land use designations shall have frontage on built roadway segments identified as an arterial road and a collector road, or two arterial roads.*
- **Contiguous Location** – *All new commercial future land use designations shall be contiguous to a lot(s) with a commercial future land use designation. Contiguous is defined as lot(s) that share a common border. Lots that touch point-to-point, and lots which are separated by waterways, streets, or major easements are not considered contiguous.; or*
- **Flexible Location** – *Mixed-use development patterns identified in the Future Land Use Element (e.g. LCC, TMD, TND) or Commercial Low-Office future land use designations may be allowed in any location along all arterial or collector roads.*

Roadway classifications are listed in Figure TE 3.1, Functional Classification of Roads.

Staff Analysis: The subject site Flexible Location requirement as CL-O may be allowed in any location along all arterial or collector roads. All proposed commercial amendments must be consistent with this policy in order to be processed in the amendment process. Consistency with this policy is the bare minimum for processing, and does not justify a land use change on this site.

C. Compatibility

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

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

North: To the north of the subject site are large residential lots and a small church (Greenacres Congregation of Jehovah) between 2-3 acres in size and can only be developed with up to one unit each based on their (LR-1) designation. The proposed site shares Colbright Road with 31 other (LR-1) parcels. Colbright Road is a dead end private street with only ingress and egress to Lantana Road.

East: Just east is a 3.2 acre parcel developed as a Place of Worship known as Palm Beach Chinese Christian Chapel (15,000 s.f. / 300 seats). The chapel is located behind a 0.34 acre tree preservation area that abuts Lantana Road. Other properties further north along Fearnley Road, a dead end street, are mostly large lot single family residential with some agricultural uses such as equestrian and nursery uses. This area has a Low Residential, 1 unit per acre (LR-1).

West: West of the subject site across the street from Colbright Road is a large lot single family home that was built fairly recently in 2016. Further west are mostly other small lot single family homes and further west of that is Mecca Farms Inc. and the Florida Turnpike.

South: To the south, across Lantana Road is the neighborhood, Serena Estates with a total of 42 residential lots. Just east of Serena Estates is a large lot single family residents boarding Lantana Road and Pine Needle Lane and just east of that is the only commercial low office CL-O building in the area at the intersection of Lantana Road and Hagan Ranch Road.

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

Applicant’s Comments: The applicant states that the *“proposed development will serve as a good transition from Lantana Road, a Urban Minor Arterial thoroughfare to the residential uses to the north of the property”*.

Staff Analysis: The CL-O future land use designation can be considered a transitional use to buffer residential development from more intense commercial development such as retail commercial. However, there is no more intensity commercial retail to transition, and other uses allowed within the residential future land use and zoning (such as a church or daycare) would also further separate the residential uses on Colbright Road from Lantana Road. The site does not have proposed access onto Lantana Road, or connectivity with the church site to the east that would provide access to the signalized intersection at Lantana and Hagen Ranch Roads. All of the vehicular traffic will be limited to Colbright road, thereby resulting in the encroachment of commercial traffic onto a local residential roadway and encroachment of an incompatible use into a residential area.

D. Consistency with County Overlays, Plans, and Studies

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

Staff Analysis: The proposed amendment is not located within an overlay.

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

Staff Analysis: The property is not located within a neighborhood plan and therefore there are no recommendations to consider.

E. Public Facilities and Services Impacts

The proposed amendment will change the future land use designation from LR-1 to CL-O. For the purposes of public facilities impact analysis, the maximum intensity is 46,652 square feet (.35 FAR) of office uses; however, the traffic letter was capped at 35,000 square feet. 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 has been distributed to the County service departments for review and there are adequate public facilities and services available to support the amendment, and the amendment does not exceed natural or manmade constraints. No adverse comments were received from the following departments and agencies regarding impacts on public facilities:

Zoning (ULDC), Mass Transit (Palm Tran), Potable Water & Wastewater (PBC Water Utilities Dept.), Environmental (Environmental Resource Management), Traffic (Engineering), Historic Resources (PBC Archeologist), Parks and Recreation, Health (PBC Dept. of Health), Community Services (Health & Human Services) and Fire Rescue.

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 the MPO’s 2025 Long Range Transportation Plan dated March 18, 2002. Significant impact shall be as defined in Table 3.5 -1.” (Table omitted for brevity) “or; results in a project that fails Test 2 regulations adopted to implement TE Policy 1.1-b. This policy shall not be applicable to an Agricultural Enclave pursuant to Florida Statutes section 163.3162(5). This policy shall not be applicable to the area designated as SR-7 Economic Development Overlay (EDO).”*

Staff Analysis: The Traffic Division reviewed this amendment at a maximum of 35,000 square feet of medical office. According to the County’s Traffic Engineering Department (see letter dated October 22, 2018 in Exhibit 5) the amendment would result in an increase of 1,108 net daily trips and 76 (59/17) AM and 102 (29/73) PM net peak hour trips. Since the traffic analysis is based on less traffic than allowed by the maximum .35 FAR (46,652 s.f.) the amendment requires a condition of approval capping the development potential.

The Traffic letter concludes *“Based on the review, the Traffic Division has determined that the proposed amendment meets Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan at the Maximum potential density.”*

The Traffic Study (see Exhibit 4) was prepared by Anna Lai of Simmons and White. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

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

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 October 21, 2019. To date, no comments have been received.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on October 18, 2019. At the time of the writing of this report, 1 email in opposition, particularly to the traffic on Colbright Road, has been submitted as shown in Exhibit 8. Additional correspondence received will added to Exhibit 8 during the course of the amendment process.
- C. Informational Meeting:** The Planning Division hosted two meetings with area residents and interested parties to relay information regarding the amendment and development approval process. The first meeting was held on July 2, 2019. One member of the public attended and expressed concerns regarding increased traffic on the amendment coupled with the existing traffic uses created by the place of worship on Colbright Road. The second meeting was held on October 30, 2019. Two members of the public attended and expressed concerns regarding increased traffic on Colbright Road and increased hazards at the intersection of Colbright Road and Lantana Road if the amendment were to be approved.

Exhibit 3

Applicant’s Justification/Consistency with Comprehensive Plan and Florida Statutes

Introduction

On behalf of the Applicant, Annie Yen Vo (“Applicant”), Schmidt Nichols respectfully requests your consideration of an application for a Small Scale Future Land Use Atlas (FLUA) Amendment. The 3.11-acre subject property is composed of one (1) platted parcel (PCN 00-42-43-27-05-032-3060) located on the southwest corner of northeast corner of Lantana Road and Colbright Road in unincorporated Palm Beach County (“subject property”).

The subject property is currently within the Low Density Residential, 1 unit per acre Future Land Use designation and also lay within the Agricultural Residential (AR) Zoning District. The subject property is located within the Palm Beach International Airport Overlay (PBIAO), and also lies within the Turnpike Aquifer Protection Overlay (TAPO).

Below is a summary of surrounding properties:

Adjacent Lands	Uses	FLU	Zoning
Subject Property	Single Family Residential (Existing) Commercial Office (Proposed)	LR-1 (Existing) CL-O (Proposed)	AR (Existing) CL-O (Proposed)
North	Single Family Residential	LR-1	RT
South	Single Family Residential	LR-3	AR, RS
East	Place of Worship	LR-1	RT
West	Single Family Residential	LR-1	AR

Request

The Applicant is requesting the following:

- A Future Land Use Atlas (FLUA) Amendment from LR-1 to CL-O for the entire property.

History

There is no documented entitlement history for the subject property. In 1971 the existing single family home was built.

Justification and Consistency with the Comprehensive Plan & Florida Statutes

The proposed FLU is appropriate and suitable for the subject site. Objective 1.2 of the Comprehensive Plan Future Land Use Element (“FLUE”) states: “this tier [Urban/Suburban] is expected to accommodate the bulk of the population and its need for employment, goods and services...” The subject property’s location along Lantana Road provides a great opportunity to allow for community serving office uses in an area that is generally lacking office space relative to other portions of the County. The subject property does not lend itself well to residential development according to its current Future Land Use and zoning designations as its size and frontage along Lantana Road makes it unattractive to residential consumers. Instead, the property presents a great opportunity for office type uses as they serve as a good transition between the thoroughfare (Lantana Road) and the residential uses and nurseries to the north.

Basis for the land use change. The basis for the proposed amendment is predicated upon changed circumstances. Over the years, Lantana Road has been widened resulting in its current 110 foot maximum width when adjacent to the subject property. The result is an Urban Minor Arterial classification with a 45 mile per hour speed limit and 4-lanes with a dividing median. This makes

the subject property no longer suitable for residential development, especially in the form regulated by its existing Future Land Use and zoning designations. It is no longer reasonable to anticipate a single family residential structure on the subject property fronting on Lantana Road as consumers are not likely to want a single family residence located along this right of way. The property is not large enough to support a subdivision of residential single family homes nor is the density such that would support multifamily development on the site. The properties to the east as you cross Hagen Ranch remain Agricultural Residential, but they support a working farm and winery. Therefore, the approval of the proposed Future Land Use Amendment would assist in establishing a clear transitional boundary in this area that separates the surrounding residential uses from Lantana Road, an Urban Minor Arterial thoroughfare. The surrounding area is clearly lacking in community serving professional and medical office type uses with much of the surrounding properties devoted to commercial, agricultural, and residential uses.

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

Other applicable policies related to this request are as follows:

Future Land Use Element Introduction Item D: Characteristics of a Livable Community: Among the County Directions is the concept of a Livable Community. A Livable Community comprises certain characteristics that contribute to sustainability and a high quality of life. The primary characteristics include:

For all tiers:

2. Employment opportunities;

Commercial centers addressing the neighborhoods daily needs include:

1. Limited mix of neighborhood-based commercial uses compatible with the character of the tier.

Response: The proposed FLUA amendment will allow for the establishment of centers of employment and neighborhood-based commercial uses. The location of the subject property along Lantana Road and adjacent to a place of worship and another CL-O designated property across the road makes it a viable location for these types of uses. The location of the subject property and the proposed FLU designation allows for the needs of the surrounding community to be more easily met, as there are very few community serving office land uses in the surrounding area.

Policy 2.1-f: Before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate.

Response: The subject property is located within the Urban/Suburban Tier with frontage along Lantana Road, an Urban Minor Arterial roadway as identified by Map TE 3.1, Functional Classification of Roads. The subject property is no longer ideal for residential development due to its size and location adjacent to Lantana Road, a 45 mile per hour, 4-lane divided thoroughfare that has been widened to its maximum width of 110 feet. Due to this frontage along Lantana Road, the property lends itself well to non-residential uses such as offices. The property is also located adjacent to the west of an institutional land use (Palm Beach Chinese Christian Chapel) which is located on a similarly sized parcel with frontage along Lantana Road. The proposed CL-O FLU designation is an appropriate designation for this parcel as it acts as a transition from the thoroughfare (Lantana Road) into the residential and agricultural uses to the north of the subject property.

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 north and west, Lantana Road to the south, and a place of worship

to the east.

Florida Statutes related to this request are as follows:

Florida Statutes, Section 163.3177(6)(a)9.a: The indicators provided in this statute pertain to findings that would indicate a plan or plan amendment does not discourage the proliferation of urban sprawl.

Response: The subject amendment is to allow development of property within the urban service boundary which and is able to be serviced by existing public facilities and services. This amendment would discourage urban sprawl by helping to diversify the types of uses in this area and efficiently utilize the space on the subject property for its highest possible use.

Compatibility

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 was cleared for planting and very little natural vegetation remains on the site. The topography and soils remain unchanged since the clearing of the site. Therefore, there will be no impacts to the natural environment if this site is develop as intended.

2. The availability of facilities and services;

- a. Response: As part of the previous development the availability of facilities and services had to be confirmed. Below is more detailed information on each of those facilities and services:
 - i. Traffic: Please see attached traffic analysis indicating compliance with Policy 3.5-d of the FLUE of the Comprehensive Plan.
 - ii. Mass Transit: The nearest Palm Tran Route is Route #63.
 - 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: The site is within the boundaries of the Lake Worth Drainage District (LWDD) and South Florida Water Management District C-16 Drainage Basin. Legal positive outfall is available to the site via discharge to the Lantana Road drainage system along the south side of the property. Please refer to the Drainage Statement prepared by Simmons and White, Inc. being included as Attachment J with this application for more details.
 - v. Fire Rescue: The nearest Palm Beach County Fire Rescue station is Station #46 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).

3. The adjacent and surrounding development;

- a. Response: To the south, north and west of the subject property are residential land uses, to the east is a place of worship. Below are the existing FLUA designations for the surrounding properties:
 - i. North: LR-1
 - ii. South: LR-3
 - iii. East: LR-1
 - iv. West: LR-1

The proposed development will serve as a good transition from Lantana Road, a Urban Minor Arterial thoroughfare to the residential uses to the north of the property.

4. The future land use balance;

- a. Response: There is a distinct lack of office type uses in the area surrounding the property. The proposed FLUA amendment would help to diversify land uses while also creating a transition from Lantana Road to the residential uses to the north of the property.

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

- a. Response: The proposed FLUA amendment would diversify the uses in this area, helping to alleviate the effects of urban sprawl generally caused by the spreading and separation of different types of land uses. Furthermore, the subject property is not ideal for residential development due to its size and location directly adjacent to a 4-lane divided thoroughfare. Therefore, the proposed amendment would make the most efficient use of the land as possible. The subject property is surrounded by developed parcels and this would represent an infill property.

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

- a. Response: The subject property is not located in any Community Plans nor in any Planning area Special Studies recognized by the Board of County Commissioners.

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

- a. Response: The subject property is surrounded entirely by unincorporated Palm Beach County and does not lay within any future incorporation areas.

On behalf of the Property Owner, 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

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Single Family Residential, #210 10 tpd/unit	Medical Office, #720, 36, 13 tpd/1000 SF
Maximum Trip Generation	30 trips per day	Maximum – 1517 trips per day Proposed – 1138 trips per day
Net Daily Trips:	Maximum: 1517 tpd – 30 tpd = 1487 trips per day Proposed: 1138 tpd – 30 tpd = 1108 trips per day	
Net PH Trips:	AM Maximum: 100 pht – 2 pht = 98 peak hour trips AM Proposed: 76 pht – 2 pht = 74 peak hour trips PM Maximum: 132 pht – 4 pht = 128 peak hour trips PM Proposed: 102 pht – 4 pht = 98 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)	63 (Lantana Road)	
Nearest Palm Tran Stop	Stop 6700 (East side of Jog Rd, approximately 610’ from the intersection of S Jog Road & Lantana Road) is 0.87 miles from the subject property	
Nearest Tri Rail Connection	Lake Worth, 1703 Lake Worth Road.	
C. Portable Water & Wastewater Information		
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department	
Nearest Water & Wastewater Facility, type/size	The nearest potable water mains are located east and west of the subject property and the property owner will be required to connect the two watermains. There is a sanitary sewer force main located east of the property within Lantana Road right of way	
D. Drainage Information		
The site is within the boundaries of the Lake Worth Drainage District (LWDD) and South Florida Water Management District C-16 Drainage Basin. Legal positive outfall is available to the site via discharge to the Lantana Road drainage system along the south side of the property. 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 46, 7550 S Jog Road	
Distance to Site	Station 46 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 property was cleared of natural vegetation at some point after 1968 and before 1979. The topography and soils remain relatively unchanged since the clearing of the site. Therefore, there will be no impacts to the natural environment if the site is developed as intended.
Flood Zone*	The subject parcel is located in Flood Zone X
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 map has been provided at Application Attachment M.
G. Historic Resources	
<div>1. 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.</div>	

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

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

County Administrator
Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



October 22, 2018

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

RE: VO Professional Office – 5768 Lantana Road
FLUA Amendment Policy 3.5-d Review
Round 2019-B

Dear Ms. Lai:

Palm Beach County Traffic Division has reviewed the Comprehensive Plan Amendment Traffic Statement for the proposed Future Land Use Amendment for the above referenced project, dated October 05, 2018, 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 Colbright Road and Lantana Road	
PCN:	00-42-43-27-05-032-3060	
Acres:	3.06 acres	
	Current FLU	Proposed FLU
FLU:	Low Residential, 1 dwelling unit per acre (LR-1)	Commercial Low Office (CL-O)
Zoning:	Agricultural Residential (AR)	Commercial Low Office (CL-O)
Density/ Intensity:	1 unit per acre	0.35 FAR
Maximum Potential:	Single Family Detached = 3 DUs	Medical Office = 35,000 SF
Proposed Potential:	N/A	N/A
Net Daily Trips:	1,108 (maximum – current)	
Net PH Trips:	76 (59/17) AM, 102 (29/73) PM (maximum)	
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities in the zoning application.</i>		



Anna Lai, P.E., PTOE
October 22, 2018
Page 2

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

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

Sincerely,

A handwritten signature in black ink, which appears to read "Quazi Bari".

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

QB:DS/dd

cc: Dominique Simeus – Project Coordinator II, Traffic Division
Steve Bohovsky – Technical Assistant III, Traffic Division
Lisa Amara – Senior Planner, Planning Division
Khurshid Mohyuddin – Principal Planner, Planning Division
Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\19-B\VO Professional Office – 5768 Lantana Road.docx

Exhibit 6
Water & Wastewater Provider LOS Letter



**Water Utilities Department
Engineering**

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



**Palm Beach County
Board of County
Commissioners**

Melissa McKinlay, Mayor
Mack Bernard, Vice Mayor

Hal R. Valeche

Paulette Burdick

Dave Kerner

Steven L. Abrams

Mary Lou Berger

County Administrator

Verdenia C. Baker

November 9, 2018

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

RE: 3.06 Acre Site 5768 Colbright Rd
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 LR-1 (Low residential, 1 dwelling unit per acre) designation and for the proposed CL-0 (Commercial Law Office) designation. The nearest potable water mains are located east and west of the subject property and the property owner will be required to connect the two water mains. There is a sanitary sewer forcemain located east of the property within Lantana Road right of way.

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

FORM# 09

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

1. Affiant is the [☒] individual or [☐] _____ [position - e.g., president, partner, trustee] of _____ [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

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.

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.



Annie Vo Yen Pham, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 18 day of October, 2018, by Yen Vo, [] who is personally known to me or [☒] who has produced FLDL as identification and who did take an oath.



Maryl Bacallao
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG148316
Expires 12/21/2021



Notary Public

Maryl Bacallao

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 12/21/21

EXHIBIT "A"
PROPERTY

Tract 100, Block 32, of PALM BEACH FARMS CO. PLAT NO. according to the Plat thereof, as recorded in Plat Book 2, Page 45, of the Public Records of Palm Beach County, Florida, less the West 20 feet thereof, and less that portion of Lot 100 conveyed to Palm Beach County by Right-of-Way Deed, recorded in Official Records Book 6300, Page 964, of the Public Records of Palm Beach County, Florida.
THE AREA BEING 135,472 SQ.FT. OR 3.11 ACRES.

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

9887 Royal Cardigan Way, Royal Palm Beach, FL 33411 100%

[illegible]

Exhibit 8 Correspondence

From: jones2457@bellsouth.net <jones2457@bellsouth.net>
Sent: Thursday, October 17, 2019 3:35 PM
To: Jonathon Butler <JButler1@pbcgov.org>
Subject: Z/CA-2018-02236

***** Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. *****

Hello Jonathon,

I'm writing today to ask about the current status of the proposed zoning change for this property. Our street along with Fearnley Road are designated mostly AR and everyone I've spoken with is concerned about the increased traffic that a project of this size will generate. Please let me know what the process moving forward entails.

Thank you,
Lisa M. Jones
5625 Colbright Road
Lake Worth, FL 33467
Phone (561) 662-8575

From: jones2457@bellsouth.net <jones2457@bellsouth.net>
Sent: Thursday, October 17, 2019 4:01 PM
To: Jonathon Butler <JButler1@pbcgov.org>
Subject: RE: Z/CA-2018-02236

***** Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. *****

Thank you for the quick response and for sending me a letter too, since only properties within 500 feet are included I don't receive the information. I don't think that many of the neighbors realize how big the proposed building is and how it will affect the traffic on our street, we already have a JW church and the traffic is ridiculous at times as they have 3 different congregations.

I'm so happy to hear that zoning is recommending denial of the project, it doesn't fit in our area at all. So are you saying that it's ultimately up to the Board of County Commissioners? I was just thinking about writing to David Kerner, I think he's the person responsible for our area..... Is there anything else you could recommend to me?

Thank you,
Lisa M. Jones
Jones Plastering
5625 Colbright Road
Lake Worth, FL 33467
Phone (561) 968-7525
Fax (561) 968-7526