



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

DEO TRANSMITTAL, OCTOBER 28, 2019

A. Application Summary

I. General

| | |
|------------------------------|--|
| Project Name: | Windsor Place (LGA 2018-021) |
| Request: | MLU (CH & LR-2) to MLU (CH & HR-8) |
| Acres: | 40.00 acres |
| Location: | Northwest corner of Hypoluxo Road and Lyons Road |
| Project Manager: | Bryce Van Horn, Senior Planner |
| Applicant/Owner: | Hatzlacha WP Holdings, LLC |
| Agent: | Wantman Group, Inc. (WGI) |
| Staff Recommendation: | Staff recommends approval with modifications based upon the findings and conclusions contained within this report |

II. Assessment & Conclusion

The 40 acre subject site has a Multiple Land Use with Commercial High and Low Residential, 2 units per acre (MLU with CH & LR-2) future land use designation. The site has the development potential for a multiple use project by Ordinance 2014-033. The site is approved for Mixed Use Planned Development zoning with an additional 24 Workforce Housing Program (WHP) bonus density units, and 80 Transfer of Development Rights (TDR) bonus density units, for a total of 184 units. The zoning approval is for 115,078 square feet of commercial uses.

The amendment proposes to increase the land area and units for the residential portion, and to decrease the land area and square footage for the commercial portion. The application proposes to increase the dwelling units from 184 to 400, for a 216 unit increase, and to decrease the maximum commercial from 132,800 s.f. to 45,000 s.f., a reduction of 87,800 s.f. The request is compatible with the surrounding land uses. The applicant has met the justification and Comprehensive Plan requirements for the reduction in intensity and increase in density, but not for the HR-8 future land use designation.

Comprehensive Plan Policy 2.4-b requires the use of the TDR program as the mandatory method of increasing density unless the applicant utilizes the Workforce Housing Program or can justify and demonstrate a need for the increase. The request for HR-8 future land use is inconsistent with Policy 2.4-b since the requested total number of units is possible utilizing an MR-5 designation. The use of the HR-8 designation serves only to reduce the number of required workforce housing units. Staff is recommending approval with modifications for an underlying MR-5 on the site, and additional conditions of approval including: requiring 25% of the units (80) be provided as workforce units and built onsite (25% of 320 excluding the 80 vested TDR units), requirements for the purchase and construction of the vested TDR units, and that the adoption hearing for the land use amendment and zoning is held on the same date.

III. Hearing History

Local Planning Agency: *Approval of staff recommendation*, motion by Lori Vinikoor, seconded by Barbara Roth, passed in a 13-0 vote at the October 11, 2019 public hearing. Under discussion, individual comments expressed included support for the efforts by the applicant and concerns regarding compatibility with the proposed increase in density. Board members questioned the difference between the applicant's request and staff recommendation, workforce housing calculations, the loss of commercial potential, and whether units could be age restricted. Two members from the public spoke. A representative of Savannah Estates spoke in opposition to the density increase, the impact on schools, and fast food restaurants. A representative of Bellagio spoke in support citing that the amendment would maintain the residential character, reduce commercial and traffic, and provide alternative housing options. Two letters were submitted for the record from COBWRA and the Bellagio HOA (added to the Exhibits).

Board of County Commissioners Transmittal Public Hearing: *Transmit staff recommendation*, motion by Vice Mayor Kerner, seconded by Commissioner Valeche, passed in a 7 to 0 vote at the October 28, 2019 public hearing. Under discussion, one Commissioner questioned the applicant regarding the staff proposed conditions of approval. The applicant's representative indicated that the applicant would continue to work with staff between transmittal and adoption. There was no public comment.

State Review Comments:

Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

II. Site Data

Current Future Land Use

Current FLU: Multiple Land Use with Commercial High, and Low Residential, 2 units per acre (MLU/CH & LR-2)

Existing Land Use: Vacant

Current Zoning: Mixed Use Planned Development (MXPD)

Current Dev. Potential Max: Residential, up to 80 units (184 with 80 TDRs & 24 WHP units); and Commercial, up to 112,800 s.f. Retail, and up to 20,000 s.f. Office

Proposed Future Land Use Change

Proposed FLU: Multiple Land Use with Commercial High, and High Residential, 8 units per acre (MLU/CH & HR-8)

Proposed Zoning: Mixed Use Planned Development (MXPD)

Dev. Potential Max/Conditioned: Residential, up to 320 units (400 including 80 TDRs units); and Commercial up to 45,000 sf

General Area Information for Site

Tier/Tier Change: Urban/Suburban Tier – No Change

Utility Service: Palm Beach County Water Utilities Department

Overlay/Study: West Boynton Area Community Plan (adjacent)

Annexation Area: None

Comm. District: Dave Kerner, District 3



Future Land Use Atlas Amendment

Windsor Place (LGA 2018-021)



Site Data

Size: 40.00 acres
 Existing Use: Vacant
 Proposed Use: Commercial & Residential
 Current FLU: Multiple Land Use (MLU) CH & LR-2
 Proposed FLU: Multiple Land Use (MLU) CH & HR-8

Future Land Use Designations

LR-2 Low Residential, 2 units/acre
 HR-8 High Residential, 8 units/acre
 CLR/2 Congregate Living, underlying MR-5
 MLU Mixed Land Use

Date: 9/24/2019
 Contact: PBC Planning
 Filename: Planning\Amend\20-A\Site\Windsor
 Note: Map is not official, for presentation purposes only.



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



C. Introduction

I. Intent and Background of the Amendment

The subject site has a Multiple Land Use (MLU) future land use designation with Commercial High and Low Residential, 2 units per acre. The Multiple Land Use (MLU) designation is a development option to serve as an optional integrated mixed use development pattern. The designation acts as an "umbrella" designation over other future land use designations. A minimum of two different land designations is required under the MLU, one of which must be residential. A land use matrix adopted with the MLU ordinance on this site provides for flexibility with minimum and maximum acreage ranges of the various land uses, including usable open space, and minimum and maximum ranges for density and intensity. The subject site is located at the northwest corner of Hypoluxo Road and Lyons Road, within the Urban Suburban Tier, and is currently vacant.

Proposed Amendment: The site's MLU ordinance allows for up to 132,800 SF of commercial, with minimum and maximum ranges for retail and office, and up to 80 units, with bonus density possible through the County's bonus density programs. The amendment proposes to increase the allowable density on the site by increasing the underlying residential designation from 2 units per acre to 8 units per acre (LR-2 to HR-8) and increase the land area dedicated to residential. A commensurate reduction of commercial from a maximum of 132,800 SF to a maximum of 45,000 SF and reduction of land area assigned for commercial use is proposed. The amendment is proposed for up to 400 dwelling units which is an increase from 80 units to 320 units plus 80 previously approved TDRs. This amendment also proposes to modify conditions of approval including to revise the adopted land use matrix and the Conceptual Master Plan.

Background: The site has held the Multiple Land Use (MLU) future land use designation since 2000. The site was subject to the three previous future land use amendments as follows:

1. **LGA 2000-85 MLU 1 (Windsor Place), Ord. 2000-023.** This amendment changed the original future land use designation from Low Residential 2 units per acre (LR-2) to Multiple Land Use (MLU with CH-O, CH, and LR-2). The amendment contained an allowable minimum/maximum land use matrix, eight specific conditions of approval, a Conceptual Master Plan and a Design Guideline manual.
2. **LGA 2005-13 (Windsor Place II), Ord. 2005-38.** This amendment changed the land use matrix chart, reducing the non-residential acreage and square footage, increasing the residential acreage, deleted all previous conditions, added 7 new conditions, and amended the Design Guideline manual.
3. **LGA 2014-010 (Windsor Place MLU), Ord. 2014-033.** This amendment modified conditions, amended the land use matrix, and amended for consistency with the revised MLU policies adopted in the Comprehensive Plan, including revising the land use matrix to change the CH-O component to CH, and decrease the square footage by 40,520 square feet.

Zoning Application: The site is approved for a Mixed Use Planned Development (MXPD) with 115,078 s.f. of commercial uses (retail, office, financial institution), and 184 townhomes. The residential density is achieved through the underlying LR-2 (80 units), a 2005 approval of Transfer of Development Rights (52 TDR units at regular price), and a 2010 approval for 30% Workforce Housing Bonus (24 units) and more Transfer of Development Rights (28 units \$1 each). A development order amendment in 2014 included a change to the 28 Transfer of Development

Rights resulting in fewer workforce housing units and a revised TDR price (28 TDR units at regular price). In total, the approval requires the provision of 18 workforce housing units of which 8 have been built offsite.

The applicant has submitted a concurrent zoning application (Application No. 2018-01723, Control No. 2003-00079) which is a request to reduce the acreage and intensity of the commercial portion down to 5.05 acres and 30,193 square feet, and to increase the residential to approximately 34.75 acres (including lakes) and 400 units. The site proposes 206 townhomes and 194 multifamily units.

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.

Overview of the Area. The site is located in the Urban Suburban Tier in a largely built out area west of Florida's Turnpike and east of State Road 7. Uses in the area are comprised of low density residential, commercial, and institutional. The subject site is located at the northern boundary of the West Boynton Area Community Plan (WBACP) which includes this intersection. The Coalition of Boynton West Residential Associations (COBWRA) is the main stakeholder group that advocates for implementation of any recommendations in the neighborhood plan related to this area.

Compatibility: The amendment proposes to reduce the amount of commercial uses and replace a majority of the commercial with additional multifamily and townhomes. Although the amendment proposes to increase the total number of units, the proposed amendment maintains the prior approval's design of locating townhomes and lakes around the perimeter of the site abutting the homes in the Bellagio PUD which is adjacent to the north and west. Therefore, the proposed amendment is compatible with the area and surrounding uses.

Appropriateness of the Amendment. This application essentially reduces the commercial portion of the site and increases land area and density on the residential portion. The site was initially approved for a multiple use project in 2000, and over the past 19 years has yet to be developed. The applicant has demonstrated that a reduction in commercial and increase in residential is appropriate. However, by proposing an increase in the underlying designation from LR-2 to HR-8, the resulting number of required workforce housing units is minimal, and the percentage of required units is actually reduced from a range of approximately 15 to 20%, to approximately 9%. As detailed in the TDR Analysis in the Consistency with the Comprehensive Plan Section, the applicant can attain the requested 400 units on the site through the assignment of the MR-5 future land use designation through either additional units through the TDR or WHP bonus programs (depending on whether the old version of the WHP program or the new version is chosen). The request for the HR-8 designation is inconsistent with Policy 2.4-b of the Comprehensive Plan, whereas the use of the MR-5 designation is consistent with this policy.

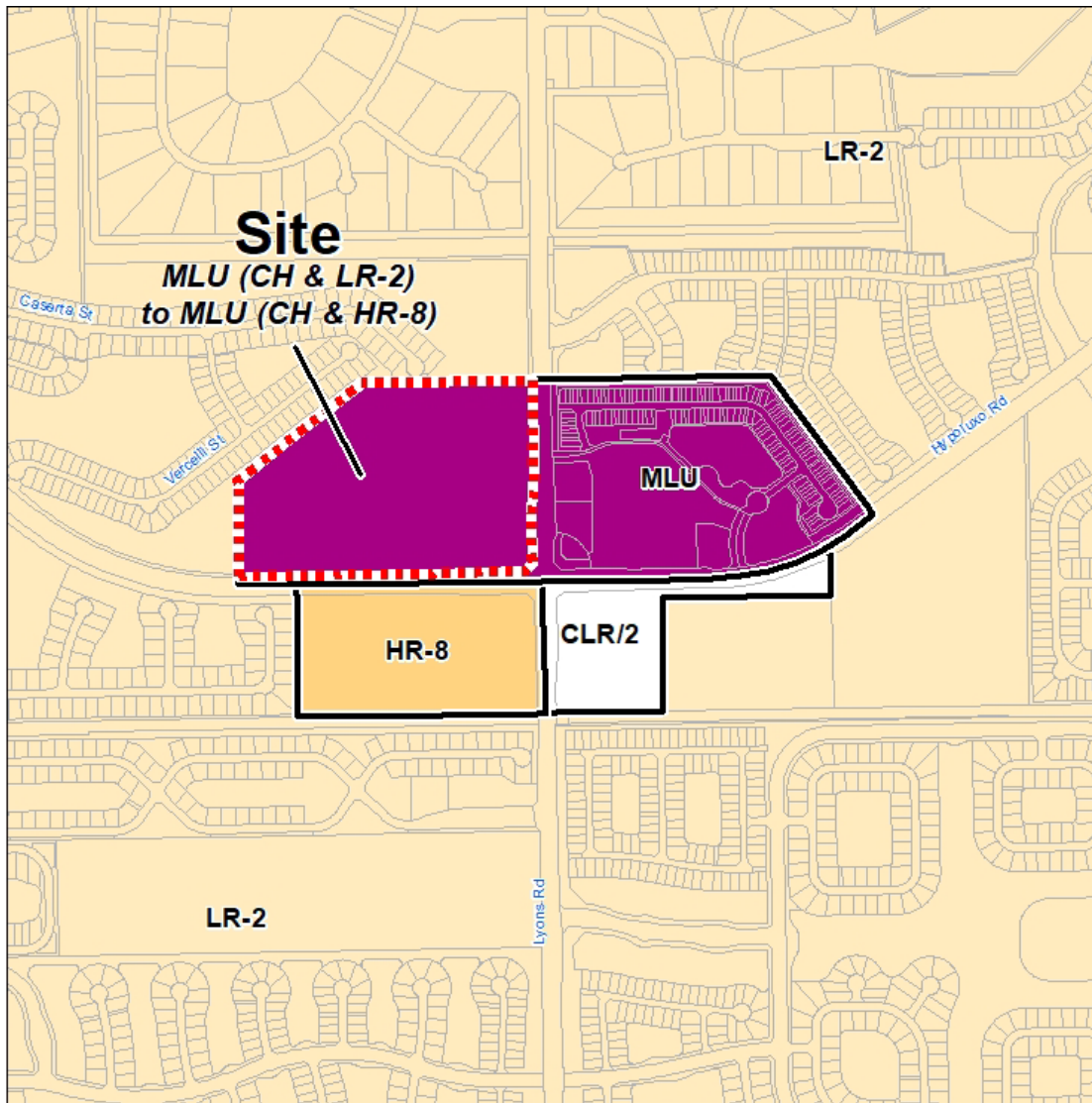
Assessment and Recommendation. The application proposes to increase the dwelling units from 184 to 400, for a 216 unit increase, and to decrease the maximum commercial from 132,800 square feet to 45,000 square feet. The request is compatible with the surrounding land uses. The applicant has met the justification and Comprehensive Plan requirements for the reduction in intensity and increase in density, but not for the HR-8 future land use designation.

Comprehensive Plan Policy 2.4-b requires the use of the TDR program is the mandatory method of increasing density unless the applicant utilizes the Workforce Housing Program or can justify and demonstrate a need for the increase. The use of the HR-8 designation serves only to reduce the number of required workforce housing units. Staff is recommending **approval with modifications for an underlying MR-5** on the site, and additional conditions of approval including: requiring 25% of the units (80) be provided as workforce units and built onsite (25% of 320 excluding the 80 vested TDR units), requirements for the purchase and construction of the vested TDR units, and that the adoption hearing for the land use amendment and zoning is held on the same date.

| Exhibits | Page |
|---|-------------|
| 1. Future Land Use Map & Legal Description | E-1 |
| 2. Conceptual Plan | E-5 |
| 3. Consistency with Comprehensive Plan | E-7 |
| 4. Applicant's Justification/Consistency with Comprehensive Plan and Florida Statutes | E-21 |
| 5. Applicant's Public Facility Impacts Table | E-34 |
| 6. Palm Beach County Traffic Division Letter | E-37 |
| 7. Water & Wastewater Provider LOS Letter | E-39 |
| 8. School District Letter | E-40 |
| 9. Applicant's Disclosure of Ownership Interests | E-41 |
| 10. Correspondence | E-45 |

Exhibit 1

| | |
|----------------------|---|
| Amendment No: | Windsor Place (LGA 2018-0021) |
| FLUA Page No: | 85 |
| Amendment: | From Multiple Land Use (MLU, with CH and LR-2) to Multiple Land Use (MLU, with CH and HR-8) |
| Location: | Northwest corner of Hypoluxo Road and Lyons Road |
| Size: | 40.00 acres |
| PCN: | 00-42-43-27-05-043-0240 |
| Conditions: | See next page |



To revise Conditions adopted by Ord. 2014-033 as shown with added text underlined & deleted text struck out:

A. Revise the land use matrix.

| Land Use | Acreage Range Min. – Max. | Intensity/Density | |
|--------------------------------|---|--|---|
| | | Minimum | Maximum |
| CH | 11.0 ac – 16.0 ac. <u>3.0 ac. – 6.0 ac.</u> | 80,000 sq. ft. (Retail) 10,000 sq. ft. (Office) <u>30,000 s.f.</u> | 112,800 sq. ft. (Retail) 20,000 sq. ft. (Office) <u>45,000 s.f.</u> |
| LR-2 <u>HR-8</u> | 10.8 ac – 16.0 ac. <u>30 ac. – 37 ac.</u> | 60 units <u>240 DU</u> <u>(6 du/ac)</u> | 80 units <u>320 DU</u> <u>(8 du/ac)</u> |
| Open Space | 4.0 ac. – no max | N/A | N/A |
| Lake Tracts | 4.18 ac – 6.18 ac. <u>4.0 ac. – 6.0 ac</u> | N/A | N/A |
| Total Acres | 40 ac. | | |

B. Revise the Conceptual Plan

C. Revise the previously adopted conditions shown below in strike out and underline

1. Development of the site shall comply with the Conceptual Master Plan.
2. ~~Access to residential portions of the project shall not be controlled by gates, guardhouses or be otherwise separated from any non-residential portions.~~
3. Prior to final DRO certification, a “unity of control” covenant for the non-residential portion of the site shall be entered into and signed by the applicant(s)/developer(s).
4. At a minimum, 10% of the property must be committed to useable open space. Open space must functionally integrate the project’s land uses and may be applied to the recreation and/or parks requirements during the development review process, excluding right of way dedication. Water retention, lakes, drainage, and canals shall not be considered useable open space.
5. Additional density may be allowed pursuant to Future Land Use Element Policy 4.4.2-b.1(a) (TDR, WHP, AHP).

Staff Proposed Conditions:

- For the MR-5 future land use designation in the Land Use Matrix table, the range will be a minimum 120 units and maximum of 200 units, and a maximum of 400 units overall (including density bonus programs). No additional Workforce Housing Program (WHP) density bonus is available to this project. The limited incentive option is not available.
- The zoning development order shall require at least 80 of the units to be built on site as workforce housing units between 60-140% of the Area Median Income ranges for the County, in four ranges (60-80%, >80 - 100%, >100 -120%, and >120 - 140%).
- The development shall include the purchase and construction of a minimum of 80 TDR units. The TDR units shall be purchased prior to issuance of first building permit. Workforce housing units required as part of these Transfer of Development Rights (TDRs) shall not be applied towards the minimum 80 workforce housing unit requirement in bullet 2.
- Should the applicant purchase additional TDRs pursuant to Future Land Use Element Policy 2.4-j, the 34% workforce housing units required of these TDRs shall be applied towards the minimum 80 workforce housing unit requirement in bullet 2. The remaining 66% of the TDRs shall be purchased at the market rate.
- The proposed future land use amendment and the proposed zoning development order shall be considered for adoption by the Board of County Commissioners at the same public hearing.

Legal Description

OVERALL SURVEY DESCRIPTION: LOCAL BEARING DATUM

A PARCEL OF LAND LYING IN BLOCK 43, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LEXINGTON 1 OF SHERBROOKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, PAGES 195 THROUGH 198, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE, NORTH 89° 26' 07" EAST, ALONG THE SOUTH LINE OF SAID PLAT OF LEXINGTON 1 OF SHERBROOKE, A DISTANCE OF 2610.00 FEET; THENCE, SOUTH 00° 33' 53" EAST, DEPARTING SAID SOUTH LINE, A DISTANCE OF 725.61 FEET, FOR A POINT OF BEGINNING; THENCE, CONTINUE SOUTH 00° 33' 53" EAST, A DISTANCE OF 530.50 FEET; THENCE, SOUTH 03° 12' 41" WEST, A DISTANCE OF 250.54 FEET; THENCE, SOUTH 00° 33' 53" EAST, A DISTANCE OF 300.00 FEET; THENCE, SOUTH 44° 26' 07" WEST, A DISTANCE OF 56.57 FEET; THENCE, SOUTH 89° 26' 07" WEST, A DISTANCE OF 289.00 FEET; THENCE SOUTH 88° 10' 30" WEST, A DISTANCE OF 250.06 FEET; THENCE, SOUTH 89° 26' 07" WEST, A DISTANCE OF 1144.50 FEET; THENCE, NORTH 00° 33' 53" WEST, A DISTANCE OF 570.00 FEET; THENCE, NORTH 52° 30' 57" EAST, A DISTANCE OF 925.60 FEET; THENCE, NORTH 89° 26' 07" EAST, A DISTANCE OF 1000.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 40.00 ACRES, MORE OR LESS.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

ALSO KNOWN AS

OVERALL SURVEY DESCRIPTION: GRID AND SURVEY DESCRIPTION

A PARCEL OF LAND LYING IN BLOCK 43, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT PRM 12, TOWNE PARK TRACT F, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 98, PAGES 95 THROUGH 101 OF SAID PUBLIC RECORDS; THENCE ON A GRID BEARING SOUTH 00° 58' 10" EAST, A DISTANCE OF 530.50 FEET; THENCE SOUTH 02° 48' 24" WEST, A DISTANCE OF 250.54 FEET; THENCE SOUTH 00° 58' 10" EAST, A DISTANCE OF 300.00 FEET, THE PREVIOUS THREE COURSES AND DISTANCES ARE ALONG THE WEST RIGHT-OF-WAY OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 9745, PAGE 1416 OF SAID PUBLIC RECORDS; THENCE SOUTH 44° 01' 50" WEST, A DISTANCE OF 56.57 FEET; THENCE SOUTH 89° 01' 50" WEST, A DISTANCE OF 289.00 FEET; THENCE SOUTH 87° 46' 13" WEST, A DISTANCE OF 250.06 FEET; THENCE SOUTH 89° 01' 50" WEST, A DISTANCE OF 1144.50 FEET, THE PREVIOUS FOUR COURSES AND DISTANCES ARE ALONG THE NORTH RIGHT-OF-WAY OF HYPOLUXO ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 10031, PAGE 692 OF SAID PUBLIC RECORDS TO PRM 15 OF SAID TOWNE PARK TRACT F. THENCE NORTH 00° 58'

10. WEST ALONG A BOUNDARY LINE OF SAID TOWNE PARK TRACT F, A DISTANCE OF 570.00 FEET TO PRM 14 OF SAID TOWNE PARK TRACT F; THENCE NORTH 52° 06' 40" EAST ALONG A BOUNDARY LINE OF SAID TOWNE PARK TRACT F, A DISTANCE OF 925.60 FEET TO PRM 13 OF SAID TOWNE PARK TRACT F; THENCE NORTH 89° 01' 50" EAST ALONG A BOUNDARY LINE OF SAID TOWNE PARK TRACT F, A DISTANCE OF 1000.00 FEET TO PRM 12 OF TOWNE PARK TRACT F TO THE POINT OF BEGINNING.

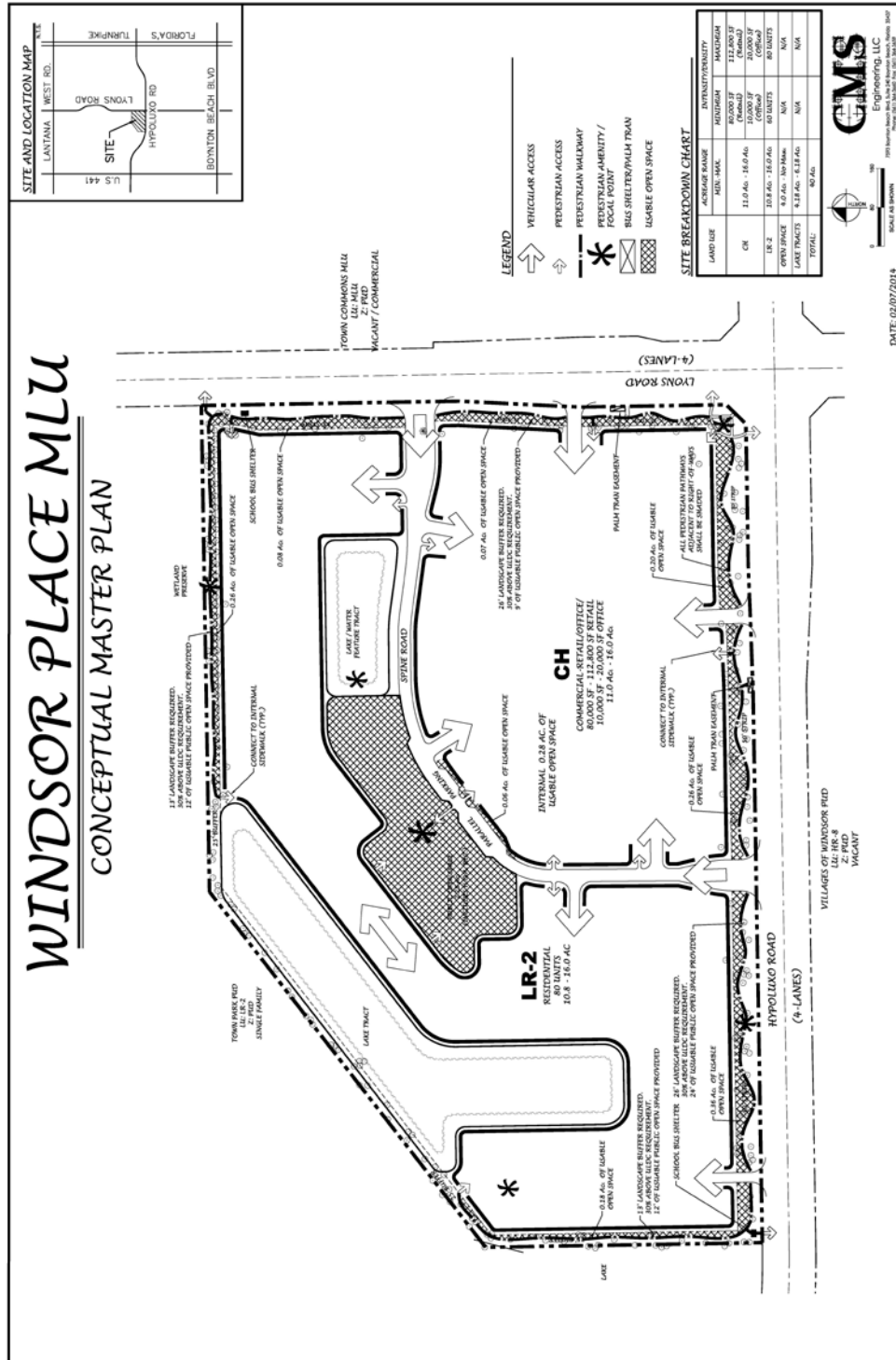
CONTAINING 40.00 ACRES, MORE OR LESS.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

Exhibit 2

Conceptual Plan Deletion

Adopted Conceptual Master Plan



[illegible]

Exhibit 3

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 prevention of urban sprawl as defined by 163.3164(51), F.S.;*
6. *Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and (see Neighborhood Plans and Overlays Section)*
7. *Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1. (see Public and Municipal Review Section)*

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

- The proposed HR-8 meets the demand for more diverse residential options in area where residential is homogeneous in character and density;
 - The proposed amendment will offer the opportunity for development to include different housing types not found in the immediate area
- Diverse residential developments associated with the requested land use designations of this petition have been disproportionately developed in the eastern portion of the Tier.
- The proposed amendment will reduce the commercial intensity of the site to promote a more community-oriented development.

Staff Analysis: This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above. The amendment proposes to reduce the commercial portion of the site and replace with additional residential density and development.

With regards to Justification, the applicant cites changed circumstances for the basis of the request including, that this intersection has become established as a node of higher density and intensity and that the subject site is therefore suitable for higher density, that a higher density promotes a more diverse residential option wherein the overall area

surrounding this node is low density and lacks diverse housing options, and that a less intense commercial component would promote a more community oriented development.

The adopted MLU ordinance currently allows for up to 16 acres of commercial and over 132,000 SF of commercial with existing commercial acreage shown on the approved zoning site plan at just over 13 acres and just over 115,000 SF of commercial. The applicant's proposed amendment to significantly reduce the existing commercial acreage and square footage directly at the corner of the intersection would result in a maximum potential acreage of 6 acres and up to 45,000 square feet. The proposed reduction would still provide for a mix of residential and non-residential uses at this established node.

Development of the site 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, while promoting a mix of housing opportunities, especially in an area that is largely built out with lower density single family and single family zero lot line communities. Therefore, the applicant has met the justification requirements to support reducing the commercial portion, and increasing density on the site. However, the applicant has not justified an increase to HR-8. Since the proposed density of 400 units is attainable under the MR-5 designation, staff is recommending MR-5, as discussed in the TDR Analysis section.

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

Direction 1. Livable Communities. *Promote the enhancement, creation, and maintenance of livable communities throughout Palm Beach County, recognizing the unique and diverse characteristics of each community. Important elements for a livable community include a balance of land uses and organized open space, preservation of natural features, incorporation of distinct community design elements unique to a given region, personal security, provision of services and alternative transportation modes at levels appropriate to the character of the community, and opportunities for education, employment, health facilities, active and passive recreation, and cultural enrichment.*

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

Direction 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.*

Staff Analysis: This proposed amendment will change the future land use designation by increasing density on the site and reduce the commercial intensity. It will also amend the Conceptual Master Plan and conditions of approval in the adopted ordinance, which is part of the Future Land Use Atlas. The proposed amendment would not violate any of the County directions. The amendment will foster the infill of this mixed use residential and commercial development by allowing a greater diversity of housing options, and be compatible with surrounding land uses (see Compatibility Section). Thus, there are no policy implications regarding the County Directions with regards to the maximum density and intensity proposed on this site.

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

Staff Analysis: The definition of piecemeal development in the Comprehensive Plan describes “A situation where land, under single ownership or significant legal or equitable interest (by a person as defined in Section 380.0651[4] F.S., is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole.” The amendment is being processed for the entire 40 acre subject site. Therefore the proposed amendment does not represent piecemeal development.

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

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

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

Staff Analysis: This site is currently vacant. The proposed amendment will modify this MLU project to provide a more diverse residential option and additional workforce housing. The entire MLU has been adopted in context of providing a mix of uses while ensuring a

minimum percentage of the project is set aside for open space. The proposed change is consistent with this policy.

2. 4.4.2 Multiple Land Use

Policy 4.4.2-b: *The following minimum standards shall apply to proposed MLU designations during the amendment review process and will be affixed to the approved MLU project in the adopting ordinance:*

1. *Underlying Land Use Designations: The MLU is an umbrella category which requires a minimum of two different future land use designations at least one of which shall be residential. The project shall have minimum and maximum intensities/densities for each land use. The following criteria shall apply towards the land use designations:*
 - a) *Residential Density: The maximum number of units for the parcel shall be calculated by multiplying the total acreage of the parcel by the density permitted through the residential designation. Additional density may be allowed, through the Transfer of Development Rights program, the Workforce Housing Program, or the Affordable Housing Program following an approval of an MLU project.*
 - b) *Non-residential Intensity: The maximum intensity for each proposed non-residential use shall be calculated by assigning all non-residential uses a percentage of the total site area, not to exceed 100% for vertically integrated projects; 50% for non-vertically integrated projects. The maximum intensity for each of the projects non-residential land use designations may be reduced by the County, during the review process considering the extent of integration of uses within the project.*
2. *Conceptual Master Plan: The project shall include a conceptual master plan, which depicts (in a generalized or conceptual map format) the location of the various land uses, specifically including the location of open spaces and linkages which functionally integrate the different land use categories. The conceptual master plan shall comply with the following criteria:*
 - a) *Land Use Integration: The project must demonstrate functional integration between the project's land uses in the master plan. To facilitate integration, the placement of an interconnected system of streets within both the residential and non-residential components is required.*
 - b) *Open Space: At a minimum, 10% of the property must be committed to usable open space (as defined by the Introduction and Administration Element). Open space must functionally integrate the project's land uses and may be applied to the recreation and/or parks requirements or other required civic dedication of land during the development review/re-zoning process, excluding right of way dedication. Water retention, lakes, drainage, and canals shall not be considered usable open space.*
 - c) *Pedestrian Oriented/Non-vehicular Pathways: The master plan must include a pedestrian/non-vehicular circulation system that integrates the project's land uses and open spaces. All rights-of-way or parking access drives must have shaded pedestrian pathways.*
 - d) *Mass Transit: The project and master plan must provide for mass transit and/or public transportation facilities.*

3. *Exceeding Code Requirements: The project must demonstrate that it exceeds minimum requirements in the ULDC and may concurrently submit an application for the Zoning review process for the entire site. In the event of a conflict between the project's development standards or design guidelines and the existing ULDC requirements, the more restrictive requirement shall prevail.*
4. *Design Guidelines: To ensure that the project exceeds minimum Code requirements, the project may include design guidelines to identify built form and site design requirements, which may include:*
 - a) *Vehicular and pedestrian circulation system, lighting, signage, recreation/open space/public amenities, buffering, landscaping requirements;*
 - b) *Conceptual landscape plans and streets cross-sections; and*
 - c) *Architectural features and use limitations may also be included.*
5. *Minimum Acreage: The minimum acreage for an MLU project is 10 acres.*
6. *Unity of Control: The non- residential portions of an MLU project shall be required to be the subject of a Unity of Control at the time of rezoning to ensure a consistent and cohesive project.*

Staff Analysis: The requested modifications to the conditions are generally consistent with the 6 criteria of this policy. The project will still provide for connections from the residential to the commercial. The amendment to increase density and reduce intensity are consistent with the MLU policies. The overall request is consistent with this policy. However, due to the specificity of the MLU requirements, a condition of approval requiring the adoption of the future land use amendment and zoning application concurrently is warranted in order to further the policies and ensure compliance. Specific changes to the conditions of approval are shown in Exhibit 1 and summarized below:

Land Use Matrix: This proposed amendment will increase the minimum and maximum acreage assigned to the residential future land use designation from between 10.8 and 16 acres, to between 34 and 37 acres; increase the minimum and maximum residential units (excluding bonus density) from between 60 and 80 units to between 240 and 320 units; decrease the minimum and maximum acreage assigned to the commercial future land use designation from between 11 and 16 acres, to between 3 and 6 acres; and decrease the minimum and maximum intensity in the commercial land use from between 80,000 and 12,800 SF feet of retail and between 10,000 and 20,000 SF of office, to between 30,000 and 45,000 SF of commercial.

Conditions: Conditions are proposed to be revised as follows.

- **Condition #2, Gates and separation of residential from non-residential:** requires that access to residential portions of the project not be controlled by gates, guardhouses or be otherwise separated from any non-residential portions. The residential portion is shown on the Conceptual Master Plan as having resident only vehicular and pedestrian access at two points between the residential portion and the non-residential portion. Although, the access points will likely have some type of controlled access, the residential portions would not be otherwise be separated from the non-residential portion and residents would be free to access commercial uses internally within the MLU site similar to that which is provided for in the current

adopted amendment. The zoning development order will be required to comply with the proposed access points as shown on the proposed Conceptual Master Plan for this amendment. Deleting the condition would not be inconsistent with MLU policy above that states the *project must demonstrate functional integration between the project's land uses in the master plan.*

Conceptual Site Plan: This amendment is requesting to modify the Conceptual Site Plan in order to reflect the land use change addressed in the application and modifications to the land use chart. The Conceptual Plan is proposed to be updated to show all of the conceptual location of all components and amenities required. As a proposed condition is proposed to require that the proposed amendment and zoning are heard concurrently at the same hearing, it may be necessary to make minor changes to the proposed Conceptual Master Plan so that the Zoning site plan and amendment Conceptual Master Plan are fully aligned and consistent with each other.

3. 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 a mandatory workforce housing obligation, and an optional density bonus program for Workforce Housing. Major revisions to the program were adopted into the Unified Land Development Code on August 22, 2019, and will be in effect on September 29th. The applicant has the choice of utilizing the old or new version of the program. Either way, the subject site cannot achieve the proposed 400 units through either of the two versions, and would need an increase in the underlying future land use designation as discussed in the TDR section below.

4. 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.

Policy 2.4-j: Receiving areas meeting one or both of the following criteria shall be eligible for an additional one (1) du/acre density bonus: 1) proximity to community services and amenities including parks, community commercial facilities, and mass transit; and/or 2) proximity to employment centers (defined as regional commercial facilities or major industrial facilities). The determination of the appropriate density increases shall be based upon location, compatibility with the surrounding land uses, and consistency with County Goals, Objectives and Policies.

Staff Analysis. Policy 2.4-b requires that density increases be accomplished through the use of TDRs, unless an applicant meets the criteria for an amendment, uses the workforce or affordable housing programs, or proposes density up to, but not exceeding, density proposed and supported by the master plan of a neighborhood plan formally received by the BCC. This third provision regarding neighborhood plans does not apply to this site. The current program requires that a minimum of 35% of TDRs must be provided as workforce housing units. The cost for a market rate TDR is established as 10% of the County's median home sales price. The County offers workforce housing TDR units at 5% of the market rate TDR price. The current prices are provided in Table 1 below

Table 1. Transfer of Development Rights Unit Prices

| PBC Median Sales Price (MSP)* | TDR Market Rate Price | TDR WHP Price |
|-------------------------------|-----------------------|---------------|
| Single Family: \$350,000 | \$35,000 | \$1,750 |
| Multi Family/Condo: \$175,000 | \$17,500 | \$875 |

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

Current Approval: The site is approved for 80 TDR units of which 10 are required to be WHP units. The site was granted 52 TDRs in 2005 that predated the 35% WHP requirement. A 2014 development order approval for an additional 28 TDRs was subject to the program and required 10 workforce housing units. The Code provides that previously approved TDRs, as long as they remain in force, shall not be affected by subsequent changes to the Count's TDR program (i.e. 35% required as workforce). In addition, a 2010 development order approval granted a 30% WHP density bonus (24 units), which required that 8 units be provided as WHP units. The 184 unit approval includes 18 WHP units, 10 from the TDR program and 8 through the Workforce Housing Program, which is 9.5% of the total units. The required 8 workforce units were provided in the now built Toscana Isles PUD (Application No. 2015-1072, Control No.2004-0458).

Current and Potential Bonus Density: The table below examines the total units and density bonus options for the current approval using LR-2, the proposed HR-8, and MR-5. The zoning application, submitted on September 9, 2019, is requesting to increase the total number of units from 184 to 400 using the increase from LR-2 to HR-8, while retaining the 80 previously approved TDR's, and no WHP bonus density.

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

| | FLU | FLU Units | TDR Bonus | WHP Bonus | Total | | Workforce | | TDR Value |
|---|-------------|-----------|--------------------------|-----------|-------|------------|------------|-------|----------------------------------|
| | | | | | Units | Density | Units | % | |
| Current approved* | LR-2 | 80 | 80 | 24 (30%) | 184 | 11.5 du/ac | 18 | 9.8% | \$1.3 mill, \$225,700 |
| Zoning Application | HR-8 | 320 | 80 | 0 | 400 | 10 du/ac | 35 | 8.8% | \$1.3 mill, \$225,700 |
| Scenarios under MR-5 Future Land Use | | | | | | | | | |
| Old WHP Code | MR-5 | 200 | 110 ¹ (80+30) | 90 (45%) | 400 | 10 du/ac | 66 (55+11) | 16.5% | \$1.3 mill, \$225,700, \$805,000 |
| New WHP Code Onsite | MR-5 | 200 | 80 | 120 (60%) | 400 | 10 du/ac | 59 | 14.8% | \$1.3 mill \$225,700 |
| New WHP Code Offsite | MR-5 | 200 | 80 | 120 (60%) | 400 | 10 du/ac | 79 | 19.8% | \$1.3 mill \$225,700 |

1. To achieve 400 units utilizing the 'old WHP code', the applicant would need to purchase 30 additional TDR units. The above calculation assumes 66% of the units at market rate (½ at SF rate and ½ at MF rate), and 35% at WHP rate for a total approximate cost of \$805,000.

Staff Analysis: As shown in Table 2, the request for HR-8 and existing TDRs minimizes the workforce housing units that would be required (35). As shown in Table 2, if the amendment were approved for the requested underlying HR-8, the required workforce units would be reduced from 9.8% of the total units to 8.8%. However, if the amendment were approved with an underlying MR-5 designation, there would be an increase in the percentage of workforce units whether the applicant chose to use the old or the new version of the program.

Under the old workforce housing ULDC language, this site qualifies for a 45% bonus density. Utilizing the old program with MR-5, the applicant can seek an additional 30 TDR units for a total of 66 workforce units (or 16.5%). In addition, due to the timing of the application, the applicant has the ability to instead utilize the revised Workforce Housing provisions adopted on August 22, 2019.

Under the new Code language, the site can also achieve the requested 400 units utilizing the MR-5 designation through one of the following options below. In either case, the applicant would also be responsible for the 10 WHP units associated with the TDRs.

- **Onsite:** Providing workforce housing units onsite would allow up to a 90% density bonus. These additional units (180) are more than necessary to achieve the applicant's desired 400 units, in conjunction with some or all the applicant's previously approved TDRs. The applicant could achieve the 400 units by using just a 60% density bonus. Assuming use of all of the applicant's approved TDRs and using the unit types and rent/sale (48.5%)/(51.5%) split the applicant has indicated in the zoning application, the applicant's WHP obligation would be 49 WHP Units, provided all on site with a combination of for sale and rental units. This figure reflects discounts applied to the WHP obligation under the new code, for provision of the WHP on site, and providing some WHP as for-sale townhome units. Incorporating the 10 WHP units from the applicant's TDRs, this option would require a total of 59 of the units (14.8%) to be workforce housing units.

- **Offsite:** Providing workforce housing units offsite would allow up to a 60% density bonus, assuming those units were to be provided as rental units at the applicant's Haverhill Residential project as previously suggested by the applicant. Under this scenario, the Windsor project could also achieve the desired 400 units, using the 60% density bonus and the 80 previously approved TDRs. The associated WHP obligation would be 69 units. This figure includes prorated application of a 1.5 multiplier required by the new Code when a for-sale project provides workforce units off-site as multi-family rentals. Incorporating the 10 WHP units from the applicant's TDRs, this option would require a total of 79 of the units (19.8%) to be workforce housing units.

Therefore, the proposed HR-8 underlying density is inconsistent with Policy 2.4-b, since the increase in density is available in the lower future land use designation of MR-5 and the change to HR-8 has not been justified. The assignment of an MR-5 designation would maximize the density bonus available through the TDR and/or WHP density bonus programs, and be consistent with Policy 2.4-b.

Staff is recommending approval with modifications to assign the MR-5 future land use designation and the following additional conditions of approval:

- Staff is recommending a condition of approval requiring 25% of the units (80) be provided as workforce units and built onsite. This figure is 25% of 320 excluding the 80 vested TDR units, and the workforce housing obligation generated by the 80 vested TDR units is excluded from the 80 workforce housing unit requirement. This condition is applied based on Board direction provided October 23, 2018, that staff should recommend such a condition for any FLUA amendment seeking a density increase.
- To ensure that the development plan remains as presented, staff is recommending a condition of approval requiring the purchase and construction of a minimum of 80 TDR's, and establishing a maximum of 400 units with no additional density bonus available.
- In order to achieve the requested 400 units under the old WHP code, the applicant may elect to purchase additional TDR units pursuant to Policy 2.4-j (up to a maximum of 400 overall units on the site). Staff is recommending a condition of approval establishing that the 34% of these TDRs that will be required to be provided as workforce housing units will be applied towards the 80 unit workforce housing requirement, and requiring the remaining 66% of these TDRs to be purchased at market rate.

C. Compatibility

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

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

North and West: Located directly adjacent to the north and west is the Bellagio residential community comprised of 200 units on 95,51 acres which has a Low Residential 2 units per acre (LR-2) designation. Pod F of the development is directly adjacent and comprised of zero lot line single family and single family 1 story units. A water management tract and area with conservation easement exists to the north as well as a water management tract to the west, both of which are within the Bellagio community.

East and Northeast: To the northeast of the subject site, on the east side of the Lyons Road, is the Villaggio at Villages of Windsor residential community, which has a Low Residential 2 units per acre (LR-2) designation. Directly to the east is the Town Commons mixed use project with an MLU/CH & LR-2 future land use. This site was the subject of a recent Land Use Amendment known as Town Commons MLU LGA 2018-018; Ordinance No. 2018-030 subject to three conditions of approval. This amendment changed a portion of the site's prior CH-O land use to CH. The commercial component is mostly developed and has the potential for up to 124,900 sf in the adopting ordinance with zoning site plan approval for approximately 110,000 sf. The residential portion has approval for 132 units and is under construction.

South: Property directly to the south was the subject of a previous amendment known as The Villages of Windsor Institutional LGA 2010-013; Ordinance No. 2010-029 which changed the land use from Low Residential 2 units per acre (LR-2) to High Residential 8 units per acre (HR-8) FLU designation subject to one condition limiting the use of the HR-8 density only for a Congregate Living Facility. The site received zoning approval for a 410 resident CLF and 100 bed Nursing facility.

Southwest: To the southwest on the south side of Hypoluxo Road is the Isolla Bella Estates with the Low Residential 2 units per acre (LR-2) designation.

Southeast: To the south on the southeast corner of the intersection are several properties which have the Low Residential 2 units per acre (LR-2) designation and are identified on the Villages of Windsor Master Plan as both private and public Civic. Both Civic parcel remain undeveloped. The 12 acre Civic parcel directly at the corner was the subject of a recent amendment (Villages of Windsor CLF, LGA 2018-024, Ord. 2019-002) to change the future land use designation from LR-2 to CLR/2 for development of a 290 resident/bed Congregate Living Facility (CLF). The other Civic parcel is a County owned 33 acre public civic site. A fire rescue station is developed on approximately 2,5 acres and the remainder is vacant. Between the two civic sites, the CLF and County site, there is also a vacant 15 acre parcel with LR-2 and no approvals.

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 proposes that since the site borders both mixed-use development to the east and high residential development to the south (i.e. a congregate living facility), a mix of land uses is appropriate at this location and while there is an increase in residential density proposed on the subject site, this increase does not alter the character of the area, nor does it create any adverse impacts on adjacent communities and remains compatible with the development patterns.

Staff Analysis: The site was deemed compatible with the surrounding land uses when the initial MLU land use designation was approved. The current request is not changing the overall MLU designation but increasing the acreage and future land use designation for the residential portion. The current approval allocates the commercial component at the corner of the site nearest the intersection and the 184 townhomes and water management tract approved on the site plan provide for a transition between the more intense commercial and the adjacent Bellagio community. The proposed zoning application's site plan proposes to reduce the commercial intensity at the corner of the site nearest the intersection and replace much of the site commercial land area with multifamily residential and townhomes. The proposed site plan retains the general location of townhome and lake tract along the perimeter of the site next to the Bellagio community. As such, the proposed amendment is compatible and consistent with the other surrounding residential existing and future development.

D. Consistency with County Overlays, Plans, and Studies

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

Staff Analysis: The subject site is not located within an overlay.

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

Staff Analysis: The subject site is located within the boundaries of the West Boynton Area Community Plan (WBACP). The following recommendations within the WBACP apply to the location:

Rec. 27: Provide exceptions to unified plans incorporating both residential and non-residential uses. In those cases, the total aggregated threshold should not exceed 300,000 square feet.

Rec. 29: The total size of aggregations (existing and proposed non-residential development) should not exceed 300,000 square feet.

Recommendations regarding layout and other provisions of the WBACP Plan:

Rec. 21: Create a 'proper balance' of land uses within the plan area that encourages continued residential, commercial and employment-based development, managed within a framework where excesses in each category are avoided. ('Proper balance' means that commercial uses would be primarily confined to aggregated nodes at intersections, that non-residential uses would avoid strip development patterns along major and minor arterials, and the ratio of non-residential to residential uses would correspond to the overall residential population so as to achieve a desirable (not over-built) market for goods, services and jobs.)

Staff Analysis/Comment: The proposal is generally consistent with the recommendations of the WBACP. The most significant recommendation in terms of consistency with the Plan and the request to modify conditions of approval for this MLU designation is Rec. 21. Rec. 21 reinforces the goals of the MLU land use designation, which is to integrate land uses.

The WBACP provides two scenarios for commercial development consistent with the neighborhood plan. The first are typical shopping centers located at identified commercial nodes, which are defined by the Plan. The second scenario for commercial development in the WBACP calls for pedestrian oriented projects, which integrate several different land uses in order to reduce the dependence upon the automobile. Therefore, the proposed amendment is generally consistent with the recommendations of the West Boynton Area Community Plan.

E. Public Facilities and Services Impacts

The proposed amendment is to change the Future Land Use designation from MLU with CH and LR-2, to MLU with CH and HR-8 and CH for the purpose of developing increasing the acreage and density of residential and decreasing the acreage and intensity of commercial. Public facilities impacts are detailed in the table in Exhibit 3.

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

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

Mass Transit (Palm Tran), Potable Water & Wastewater (PBC Water Utilities Dept.), Environmental (Environmental Resource Management), Historic Resources (PBC Archaeologist), Parks and Recreation, Office of Community Revitalization (OCR), ULDC (Zoning Division), 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 80 Condo/Townhome dwelling units and the proposed potential 194

apartments, 214 condo/townhomes, 26,876 SF of general retail, and 3,317 sf of fast food restaurant with drive through. According to the County's Traffic Engineering Department (see letter dated September 18, 2019 in Exhibit 5) the amendment with proposed development would result in a reduction -1,272 net daily trips at the maximum potential and a reduction of -749 net daily trips at the proposed potential, and 176 (43/133) AM, and 351 (200/151) PM net peak hour trips.

The Traffic letter concludes *"Based on the review, the Traffic Division has determined that the traffic impacts if 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 (see Exhibit 5) was prepared by JFO Group Inc., 11924 Forest Hill Blvd., Suite 10A-123, Wellington, FL 33414. 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 District indicated in the School Capacity Availability Determination letter, or SCAD, dated 9/16/2019 (Exhibit 7) provides the impact of the amendment on the school system with a School District recommendation that the applicant enter into a voluntary condition of approval in the zoning application to contribute to the School District.
4. **Concurrent Zoning Application:** The revised Zoning application was submitted on September 9, 2019. As of the writing of the publication of this report, comments have not been provided. Additional comments may be provided through the Zoning process as the zoning application is further reviewed and revised that may impact the proposed Future Land Use application. In addition, due to the recently revised Zoning application, the Zoning Division has yet to determine whether the proposed development on the site meets the minimum property development regulations in the ULDC. Due to the specificity of the MLU requirements, a condition of approval requiring the adoption of the future land use amendment and zoning application concurrently is warranted.
5. **Zoning Approval History.** The subject site was rezoned from the Agricultural Residential (AR) zoning district to the Mixed Use Planned Development (MXPD) zoning district in 2005 via resolution R-2005-1798. The site was approved for 96,870 s.f of retail and 63,130 s.f of office. The residential component consisted of approval of 132 townhome units clustered around the north and west sides of the site which included the purchase of 52 Transfer of Development Rights (TDR's) above the 80 unit density allowed by the LR-2 designation. Per MLU Policy 4.4.2-b.1(a), an MLU may be allowed additional density via County bonus density programs (i.e. TDR and WHP bonus density). The TDR's were approved via resolution R-2005-1799 with the TDR contract, deed, and escrow agreement approved via resolutions R-2006-15, R-2006-16 and R-2006-17. A total of \$1,300,000 was placed into an escrow account by the property owner, for the purchase of the 52 TDR units, to be paid to the County prior to building permits. This approval predated the County's Workforce Housing Program and therefore no workforce housing units were required as part of either the 80 units or the 52 TDR units (132 units).

A subsequent development order approval in 2010 added 52 additional units comprised of 24 units utilizing a maximum 30% Workforce Housing Bonus Density and an additional 28 TDR's. The site's location west of Florida's Turnpike, allows a maximum of 2 TDR's per acre. This approval brought the total TDR's approved on the site (80 TDR's) up to the

maximum permitted to be requested under the TDR bonus density program. The approval included a reconfiguration of the Master Plan and additional non-residential square footage via R-2010-682 and R-2010-683 (TDR's) for a total of 160,270 s.f. of commercial and 184 total units, of which 38 were required to be provided as Workforce Housing. The required workforce units included 8 that were required as part of the 24 Workforce Housing bonus density units and all 28 TDRs. The BCC approved the sale of the 28 TDR's from the County's TDR Bank at \$1 dollar each subject to all 28 provided as Workforce units.

A subsequent approval on the site in 2015 was the last zoning development order approved by the BCC for the site and was approved via resolutions R-2015-820 and R-2015-821 (TDRs). This approval was to reconfigure the Master and Site Plans, modify Conditions of Approval (Architectural, Landscaping, and Planning, and Transfer of Development Rights); to restart the clock for development commencement. This application reflected a reduction in commercial square footage and included 115,078 s.f. of commercial uses (retail, office, financial institution). The applicant also requested to release the Restrictive Covenant related to the workforce housing units due to requested changes affecting the workforce housing obligation. There was no proposed change to the residential density as it was at the maximum allowed per the LR-2 future land use, the Workforce Housing Bonus density program, and the TDR program. However, the application resulted in a reduction of the workforce housing required units from 38 to 18, which included a reduction of the workforce housing required as part of the prior 28 TDRs from 28 to 10 workforce housing units, and providing for 8 workforce housing units required from the prior approved 24 WHP bonus density units to be provided offsite. Due to the requested changes, the property owner/applicant was required to provide Workforce Housing in accordance with the requirements in 2014, which included compliance with the TDR prices at that time. Therefore, a new TDR sale and purchase contract required the cost for the 28 TDRs to be amended to require payment of a total of \$225,700.

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 September 25, 2019. As of the publication of the PLC Report, no objections through the IPARC process to this amendment had 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 September 25, 2019. In addition, on September 25, 2019, the Planning Division notified the Bellaggio Residents Association, Coalition of Boynton West Residential Association (COBWRA), Isola Bella HOA, Savannah Estates HOA, Valencia Shores Master Association, Villages of Windsor HOA, Villagio at Villages of Windsor HOA, and Sherbrooke Home Owners Association. As of the publication of the PLC report, no letters or emails had been received. Letters received during the amendment process are included in Exhibit 10, Correspondence.
- 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 October 1, 2019. Nine members of the public attended and expressed concerns regarding the increase in density, a decrease in commercial opportunities, compatibility, school impacts, and services such as Fire Rescue. They also inquired as to the WHP program, the TDR program, the proposed mix of unit types, specific commercial uses, and other vacant properties and the effect of amendment on them. Some members relayed that they had met with the applicant and were supportive of the proposed changes to the existing project.

Exhibit 4

Applicant's Justification Statement, Consistency, and Compatibility

I. INTRODUCTION

The subject site, known as "Windsor Place" is located on the northwest corner of Hypoluxo Road and Lyons Road. The 40 acre property is identified by a Future Land Use (FLU) designation of MLU (Multiple Land Use), CH (Commercial High) and LR-2 (Low Residential, 2 dwelling units per acre) and a Zoning designation of MXPDP (Mixed Use Planned Development). The site associated with the request is as follows:

| PCN | Acres | EXISTING FLU | EXISTING ZONING |
|-------------------------|-------|-----------------|-----------------|
| 00-42-43-27-05-043-0240 | 40 | MLU (CH & LR-2) | MXPDP |

II. PROPOSED FLUA MAP AMENDMENT

On behalf of the Applicant, WGI, is respectfully requesting a Future Land Use Atlas (FLUA) Amendment, in order to modify the FLU designation from MLU (CH & LR-2) to MLU (CH & HR-8). The property associated with the request is as follows:

| PCN | Acres | EXISTING FLU | PROPOSED FLU |
|-------------------------|-------|-----------------|-----------------|
| 00-42-43-27-05-043-0240 | 40 | MLU (CH & LR-2) | MLU (CH & HR-8) |

Project History

Below is a summary of all previous approvals for the subject site:

| | |
|---------------------------|--|
| Planning Approvals | <u>Ordinance 2014-033</u> From Multiple Land Use (MLU) Commercial High (CH), Commercial High-Office (CH-O), Low Residential 2 units per acre (LR-2) to MLU (CH & LR-2) <u>Ordinance 2005-038</u> Modification to the Conditions of Approval, amending adopted land use matrix, reducing acreage and square footage for commercial high-office (CH-O) and Commercial High (CH), and increasing acreage for Low Residential, 2 units per acre (LR-2) with conditions. <u>Ordinance 2000-023</u> Future Land Use Atlas amendment from Low Residential, 2 units per acre, to Multiple Land Use with an underlying LR-2 designation. |
| Zoning Approvals | <u>CONTROL NUMBER: 2003-00079</u> <ul style="list-style-type: none">• R-2005-1798 Rezoning from AR (Agricultural Residential) Zoning District to the MXPDP district.• R-2005-1799 Requested use to allow the Transfer of Development Rights for 52 units and to designate the parcel as a receiving area.• R-2006-0015 Contract for the sale and purchase of Development Rights for 52 units at \$25,000 for each TDR unit. |

| | |
|--|---|
| | <ul style="list-style-type: none"> • R-2006-0016 Transfer of Development Rights Escrow Agreement for 52 TDR units (\$1,300,000.00) • R-2006-0017 Deed conveying development rights for 52 TDR units. Each development right units shall constitute one residential dwelling unit. • R-2010-0682 Development order amendment to reconfigure the Mater and Site Plans, add units and square footage, modify 3 Conditions of Approval (Planning, Landscape, and Zoning), and restart the development clock for the subject parcel. • R-2010-0683 Transfer of Development Rights to allow the approval of a Requested Use for the addition of 28 TDR units at \$1.00 per unit. • R-2015-0820 Development order amendment to modify/delete Conditions of Approval (Architectural, Landscape, and Planning); reconfigure the Master Plan, restart the commencement clock, and release the Restrictive Covenant on subject parcel. • R-2015-0821 Transfer of Development Rights to modify Conditions of Approval (Transfer of Development Rights) on subject parcel. |
|--|---|

G.1 Justification for Future Land Use Atlas Amendment

Both Lyons Road and Hypoluxo Road in this vicinity are considered to be well-travelled urban collector roadways, the intersection of which serves as an established commercial node with a mix of uses that complement the surrounding context. In 2016, a site plan for the subject site, which currently retains a MLU- CH & LR-2 land use designation, was approved to include 184 multi-family residential units on up to 16 acres and approximately 115,000 square feet of commercial space also on up to 16 acres. The previously approved plan and its' intensity along with the existing mix of uses at the Hypoluxo Road and Lyons Road intersection further established this intersection as a node for the area and lends itself to further mixed-use development.

The following sections provide justification for the commercial and residential portions of the current request.

Commercial Node in Urban/Suburban Tier

The subject site is located within the Urban/Suburban Tier in unincorporated Palm Beach County, which supports a diverse blend of land uses and development patterns. In addition, the site has been previously approved to provide up to 16 acres of big-box commercial development nearest to the Hypoluxo Road and Lyons Road intersection. Paired with the existing Town Commons shopping center to the East, and a 3-story multi-family development to the south, the site functions as a vital component of the existing node that is the Hypoluxo Road and Lyons Road intersection. In terms of the commercial portion of the site, the current request proposes to reduce the intensity and acreage allocated to commercial activity while still maintaining the character of the intersection as an activity node for the community.

The following analysis depicts such scenarios in the county:

COMMERCIAL NODES
Boynton Beach Blvd. & Jog Rd.



Lantana Road & Jog Rd.



Multi-Family, Townhomes, and HR-8 FLU

The current request seeks to modify the FLU designation of the site to meet the demand for more diverse residential options in the Urban/Suburban Tier, specifically in the western areas of the tier where the housing stock has become homogenous in character and density. Further, while the surrounding residential communities retain low to medium density residential future land use designations, the proposed residential land use designation of HR-8 within the MLU is not uncommon at activity nodes such as the Hypoluxo Road and Lyons Road intersection. In fact, the subject site is adjacent to an existing HR-8 development, the Atria at Villages of Windsor.

The following are several examples of developments that have been approved under the HR-8 FLU designation and are in relatively close proximity to low or medium density residential communities. Also taken into consideration was the location of the multi-family developments adjacent to single family residential. The density ranges from 8 dwelling units per acre to 20.89 dwelling units per acre.

| Project Name | Control # | FLU/ Zoning | Acreage | # du | Density | Surrounding Uses |
|---|-----------|--------------------|---------|------|-------------|---------------------|
| Windsor Park Apartments (Summit Pines PUD) | 84-160 | HR-8 RS/PUD | 11.49 | 240 | 20.89 du/ac | MF; SF |
| Worthington PRD (Winchester PUD) | 89-47 | HR-8 RM/PR D | 37.6 | 300 | 8 du/ac | MF; SF |
| Technology Park PUD | 93-54 | HR-8 PUD | 27.82 | 224 | 8 du/ac | SF; Commercial |
| Wyndham II PUD | 04-08 | HR-8 PUD | 18.93 | 177 | 9.35 du/ac | MF; SF |

Development Plan: Approved versus Proposed

The proposed modification to the FLU designation of the subject site will allow for a greater mix of residential dwelling units in comparison to the approved plan for the site. The approved site plan allocated significantly more commercial space to accommodate big box retail and a large shopping center. The following analysis shows how the proposed development plan will reduce the commercial intensity of the site to promote a more community-oriented development, while also affording the surrounding community with a residential use that will aid the transition from the more intensely used intersection to the single-family residential communities that surround the site. All while maintaining integrated usable open space areas and landscape buffers that exceed minimum code requirements. The proposed changes will be further detailed on the zoning application with 408 units total, 214 townhomes and 194 apartment units, and decrease of commercial development area within the ranges.

Compliance with Comprehensive Plan FLUE Policy 2.1-F

The proposed FLUA Amendment must be found to be consistent with the Goals, Objectives and Policies of the Comprehensive Plan. Future Land Use Element Policy 2.1-f requires that adequate justification for the proposed FLU be provided. The proposed FLUA Amendments to modify the FLU from MLU (CH & LR-2) to MLU (CH & HR-8) are in compliance with the requirements of the County's Comprehensive Plan, as outlined below.

1. The proposed use is suitable and appropriate for the subject site; and

The proposed use is suitable and appropriate for the subject site, as it promotes a mix of commercial and residential uses in the Urban/Suburban Tier and at this established intensity node. The property development regulations contained in the ULDC will require the project to meet buffering and setback requirements to ensure compatibility between the proposed uses and the existing residential uses nearby. Special care will be taken in the design of the property, with the built environment of the proposed developed positioned in a favorable location, in relation to the adjacent single-family residential. Furthermore, amenities such as lakes and recreation space in addition to over four acres of usable open space with walking trails and multiple shade structures in the path will serve as additional separation and buffering, further negating any impacts on site as well as landscape buffers that exceed minimum standards to mitigate any adversities on adjacent uses.

2. There is a basis for the proposed FLU change for the particular subject site based upon one or more of the following:

- **Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site;**

Over time the area and intersection surrounding the subject site has seen a shift in development patterns, from lower density residential and agricultural uses to higher density residential, institutional and commercial uses. A change in FLUA designation will offer the opportunity for development at a density that has proven compatible in other areas of the County and commercial nodes. The existing development pattern surrounding the site is diverse and already at an intensity that promotes a diverse mix of residential and commercial uses. As referenced in the prior policy response, special care will be taken to ensure that no impacts result as part of the request.

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

As land becomes more scarce development pressures have pushed westward where large tracts of developable land are more available. The westward movement of development leaves "pockets" of undeveloped land within the County's developed, Urban/Suburban Tier. What results are underutilized tracts of land that do not take advantage of existing infrastructure and

services available. Such sites often face constraints in the physical configuration of land area and site location, resulting in the need to amend the FLU designation, to allow for a development of viable density or intensity.

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

A need for a more diverse set of residential option in the western areas of the Urban/Suburban Tier necessitates the request to provide a mixed-use development that serves the community at large.

- **Inappropriateness of the adopted FLU designation; or,**

A change in FLU designation will offer the opportunity for development to include different housing types not found in the immediate area. The proposed HR-8 FLU designation within the MLU FLU represents density that creates a viable development, which offers a diversity of housing options, all of which would not be possible under the current FLU designations.

- **Whether the adopted FLU designation was assigned in error.**

The adopted MLU (CH & LR-2) FLU designation was not assigned in error.

G.2 RESIDENTIAL 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

The Applicant is seeking a FLUA Amendment, in conjunction with utilizing the County’s WHP to increase density on the site, rather than solely utilizing the TDR Program, as the subject site is surrounded by existing residential and nearby commercial developments that support the proposed density.

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

The Applicant will utilize the WFH Program as identified within the ULDC.

G.3 COMPATIBILITY

The surrounding uses vary and are found to be compatible with the proposed amendment. The site borders both mixed-use development to the east and high residential development to the south. It is not uncommon for this corridor to have a mix of land uses at major intersections, therefore justifying the proposed development program and FLU amendment.

The following is a summary of the uses directly surrounding the subject site:

| | Use | Future Land Use | Zoning |
|-------|---|--------------------------------------|--|
| North | Bellagio – Single-Family Residential (POD F) 200 DU 95.51 AC | Low Residential (LR-2) 2.10 DU/AC | Planned Unit Development (Control No. 1995-00116) |

| | | | |
|--------------|---|--|--|
| South | Atria at Villages of Windsor Nursing Facility - 100 Beds CLF Type III - 410 Residents | High Residential (HR-8) 9.48 DU/AC | Planned Unit Development (Control No. 1996-00081) |
| East | Town Commons – Commercial 94,900 SF Commercial Use | Multiple Land Use MLU (CH, CH-O, LR-2) FAR: 0.15 | Multiple Use Planned Development (Control No. 2000-00039) |
| West | Bellagio – Single-Family Residential (POD F) 200 DU 95.51 AC | Low Residential (LR-2) 2.10 DU/AC | Planned Unit Development (Control No. 1995-00116) |

North: Immediately north of the subject site is the Bellagio, a single-family residential community. The Bellagio retains a FLU designation of LR-2 and a Zoning designation of PUD (200 DU | 95.51 AC).

South: Immediately south of the subject site is Hypoluxo Road. Further south, is a senior living community named Atria at Villages of Windsor. The Atria at Villages of Windsor is a senior-living community with a congregate living facility, memory care center, and skilled nursing facility that houses 410 residents and additional 100 beds. This property retains a FLU designation of HR-8 with a Zoning designation of PUD. The maximum height of the development is 38 feet.

East: Immediately east of the subject site is Lyons Road. Further east is the Town Commons community shopping center – 94,900 SF. This property retains a FLU designation of MLU (CH, CH-O, LR-2) and a Zoning designation of MUPD.

West: Immediately west of the subject site is the Bellagio, single-family residential community. The Bellagio retains a FLU designation of LR-2 and a Zoning designation of PUD (200 DU | 95.51 AC).

The area immediately adjacent to the subject site is a mix of residential uses (to the north, south, and west) and nonresidential (to the east). The development pattern in the context of the larger planning area is more diverse, with higher density residential situated along Hypoluxo Road, and more intense nonresidential commercial uses clustered near intersections. While there is an increase in residential density proposed on the subject site, this increase does not alter the character of the area, nor does it create any adverse impacts on adjacent communities and it remains compatible with the development patterns established along this (and similar) corridors.

G.4 CONSISTENCY WITH DIRECTIVES, GOALS, OBJECTIVES, AND POLICIES OF THE PBC COMPREHENSIVE PLAN

The Future Land Use Element (FLUE) of the Comprehensive Plan establishes the framework for future development within Unincorporated Palm Beach County and includes Goals, Objectives and Policies which guide this future growth. Section I.C of the FLU Element also establishes County Directions which reflect the type of community residents wish to see within Palm Beach County. The Directions particularly relevant to this application include:

- **Livable Communities;**
- **Growth Management;**
- **Infill Development;**
- **Land Use Compatibility;**
- **Neighborhood Integrity; and**
- **Housing Opportunity.**

The following analysis demonstrates the proposal's consistency with the relevant Goals, Objectives and Policies of the Future Land Use Element of the Plan, as demonstrated throughout this report. Additionally, the proposed FLUA Amendment to change the MLU's FLU composition to MLU (CH &

HR-8) is consistent with the development characteristics and the general development pattern of the surrounding area.

Consistency with the PBC Future Land Use Element

Goals – The proposed FLUA Amendment furthers the County’s goals as further described below.

- **Land Planning** – “It is the GOAL of Palm Beach County to create and maintain livable communities, promote the quality of life, provide for a distribution of land uses of various types, and at a range of densities and intensities, and to balance the physical, social, cultural, environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and improves the quality of the natural and manmade environment, respects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities and services.”

The proposed project adds to Palm Beach County’s livable communities by offering diverse housing options for residents at compatible intensities. The proposed density and intensity provides a distribution of housing types that balance the existing uses within the area and the character of this well-traveled mixed-use intersection. The proposed use will serve the needs of the residents of the Tier as the amendment will allow for the development of varying uses, which maintains a diversity of lifestyle choices within the Urban/Suburban Tier, specifically in areas that lack a variety of land development patterns.

Objectives – The proposed FLUA Amendment furthers the County’s objectives as further described below.

- **Objective 1.2 Urban/Suburban Tier – Urban Service Area**

General: “This tier is expected to accommodate the bulk of the population and its need for employment, goods and services, cultural opportunities, and recreation. It supports a variety of lifestyle choices, ranging from urban to residential estate; however, the predominant development form in the unincorporated area is suburban in character. The older, communities are primarily in municipalities, within approximately 2 miles of the Atlantic Ocean. Most of the neighborhoods within the tier are stable and support viable communities. However, due to the period in which many of the coastal communities were built and the County’s efforts to keep pace with rapid growth in its western area, some of the eastern areas did not receive a full complement of urban services. If the County is to meet its primary goal to create and maintain livable communities, balance growth throughout the County, protect natural resources and provide a variety of lifestyle choices beyond the long term planning horizon, it is imperative that land, services and facilities be used efficiently and effectively.”

This request is consistent with this Objective as the MLU (CH & HR-8) FLU is permitted within the Urban/Suburban Tier. A change in FLU designation will offer the opportunity to develop the site appropriately, given the surrounding characteristics and increased development intensity, as well as the location along a highly traveled urban collector roadway.

Objective: “Palm Beach County shall plan to accommodate approximately 90% of the County’s existing and projected population through the long-range planning horizon within the Urban/Suburban Tier. The Urban/Suburban Tier shall include all land within the Urban Service Area, as depicted on the Service Areas Map in the Map Series. These areas have a development pattern generally characterized as urban or suburban, considering the intensity and/or density of development. The Urban/Suburban Tier shall be afforded urban levels of service.”

The Urban/Suburban Tier is to accommodate an array of land uses and development patterns, providing a land use pattern that situates higher intensity uses (such as commercial and high residential) near intersections and along major roadways, and lower density (such as single-

family residential) to the interior creating a flow in development intensities that transitions from high to low.

Thus, the proposed amendment is consistent with the above Objective. The proposed FLUA Amendment will provide housing options with appropriate density and intensity with surrounding uses.

- **Objective 2.1 Balanced Growth** – “Palm Beach County shall designate on the Future Land Use Atlas sufficient land area in each land use designation to manage and direct future development to appropriate locations to achieve balanced growth. This shall be done to plan for population growth and its need for services, employment opportunities, and recreation and open space, while providing for the continuation of agriculture and the protection of the environment and natural resources through the long-range planning horizon.”

The proposed FLUA Amendment will allow for the development of needed alternatives in housing types, while protecting the environment and utilizing existing infrastructure. The proposed use offers the opportunity for populations within the area to be adequately served by providing a range of housing options.

- **Objective 2.2 Future Land Use Provisions – General** – “Palm Beach County shall ensure development is consistent with the County’s diverse character and future land use designations. All public and private activities concerning the use, development and redevelopment of a property, and the provision of facilities and services shall be consistent with the property’s future land use designation, and the applicable Goals, Objectives and Policies of this Element.”

The proposed FLUA Amendment is consistent with the County’s diverse character and future land use designations as the proposed use will offer housing options and create a transition between higher and lower intensity uses. Furthermore, as demonstrated within this section, the proposed amendment is consistent with the applicable Goals, Objectives and Policies of the Future Land Use Element of the Comprehensive Plan and exceeding minimum code standards.

- **Objective 3.1 Service Areas - General** – “Palm Beach County shall establish graduated service areas to distinguish the levels and types of services needed within a Tier, consistent with sustaining the characteristics of the Tier. These characteristics shall be based on the land development pattern of the community and services needed to protect the health, safety and welfare of residents and visitors; and, the need to provide cost effective services based on the existing or future land uses.”

The subject site is located near all of the necessary urban services including, but not limited to, the roadway network, water/wastewater and drainage facilities, mass transit, opportunities, etc. The proposed development will sufficiently utilize the existing urban services within the area. Furthermore, the proposed use will provide additional services to the community to help protect the health, safety and welfare of its residents.

Policies – The proposed FLUA Amendment furthers the County’s policies as further described below.

- **Policy 1.2-a:** “Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:
 1. Allowing services and facilities consistent with the needs of urban and suburban development;
 2. Providing for affordable housing and employment opportunities;
 3. Providing 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.”

The proposed FLUA Amendment is consistent with this policy as it is appropriate for the site. The subject site is located within the Urban/Suburban Tier, which encourages a variety of lifestyle living choices, ranging from urban to residential estate. The MLU (CH & HR-8) designation will create an opportunity to diversify living options within the surrounding area, while ensuring the infill development is compatible with the scale, mass, intensity of use, height, and character of the existing uses and traffic intensities.

- **Policy 1.2-b:** Palm Beach County shall encourage and support sustainable urban development, including restoration, infill and adaptive reuse.

The site is well suited for development as it is located along an urban collector roadway, and surrounded by existing developed parcels and established infrastructure.

- **Policy 2.1-a:** “Future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area and shall also not underutilize the existing or planned capacities of urban services.”

The subject site is located near all of the necessary urban services including, but not limited to, the roadway network, water/wastewater and drainage facilities, mass transit, opportunities, etc. The proposed development will sufficiently utilize the existing urban services within the area.

- **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.”

The proposed FLUA Amendment is consistent with the County’s diverse character and future land use designations as the proposed use will offer housing options and create a transition between higher and lower intense uses. Furthermore, as demonstrated within this section, the proposed amendment is consistent with the applicable Goals, Objectives and Policies of the Future Land Use Element of the Comprehensive Plan.

- **Policy 2.1-h:** “The County shall not approve site specific FLUA Amendments that encourage piecemeal development.”

The subject site is surrounded by existing residential, public/institutional, and nearby commercial developments. As such, the proposed amendment does not encourage piecemeal development, nor does it create residual parcels.

- **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 two built roadway segments identified as an arterial road and a collector road, or two arterial roads. Alternatively, new commercial future land use designations may be located on the north side of Southern Boulevard/State Road 80 at the intersection of Cleary Road on parcels no more than two acres in size.

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.

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.

The requested future land use designation pertaining to commercial activity on the site is not intended as a new land use designation for the site, rather the proposed development program seeks to reduce the footprint and intensity of the approved commercial land use designation of the site.

- **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.

Designating the FLU of the site to accommodate the request would not encourage the proliferation of strip commercial development. In fact, the development plan proposed seeks to integrate a mixture of residential and commercial uses to provide cohesion with the surrounding uses.

Policy 4.4.2 Multiple Land Use

- **Policy 4.4.2-a:** The Multiple Land Use (MLU) future land use designation may be applied for through the Future Land Use Atlas amendment process. The MLU is project specific and is limited to projects that demonstrate a functional integration and mix of land uses which exceeds minimum zoning code requirements.

The proposed development will comply with the Code and is required to meet buffering and setback requirements to ensure compatibility between the proposed uses and the existing residential uses nearby. Special care will be taken in the design of the property, with the built features of the proposed developed positioned in a favorable location, to minimize any potential impacts on adjacent single-family residences. Furthermore, amenities such as lakes, recreation areas, and usable open space with walking trails and multiple shade structures in the path will serve as additional separation and buffering, further limiting any impacts on adjacent uses.

- **Policy 4.4.2-b:** The following minimum standards shall apply to proposed MLU designations during the amendment review process and will be affixed to the approved MLU project in the adopting ordinance:
 1. **Underlying Land Use Designations:** The MLU is an umbrella category which requires a minimum of two different future land use designations at least one of which shall be residential. The project shall have minimum and maximum intensities/densities for each land use.

The proposed change to the existing FLU designation of the subject site will continue to provide multiple land use designations throughout the site. The proposed FLU configuration of MLU (CH & HR-8) is consistent and in compliance with this policy.

The following criteria shall apply towards the land use designations:

- **Residential Density:** The maximum number of units for the parcel shall be calculated by multiplying the total acreage of the parcel by the density permitted through the residential designation. Additional density may be allowed, through the Transfer of Development Rights program, the Workforce Housing Program, or the Affordable Housing Program following an approval of an MLU project.

- Non-residential Intensity: The maximum intensity for each proposed non-residential use shall be calculated by assigning all non-residential uses a percentage of the total site area, not to exceed 100%. The maximum intensity for each of the projects non-residential land use designations may be reduced by the County, during the review process considering the extent of integration of uses within the project.

The proposed changes to the existing MLU FLU mix from MLU (CH, LR-2) to MLU (CH, HR-8) complies with the land use designation criteria set forth by policy 4.4.2-b. The proposed changes to the acreage thresholds, densities, and intensities.

2. Conceptual Master Plan: The project shall include a conceptual master plan, which depicts (in a generalized or conceptual map format) the location of the various land uses, specifically including the location of open spaces and linkages which functionally integrate the different land use categories. The conceptual master plan shall comply with the following criteria:

- Land Use Integration: The project must demonstrate functional integration between the project's land uses in the master plan. To facilitate integration, the placement of an interconnected system of streets within both the residential and non-residential components is required.

The proposed project will provide the functional integration between the proposed land uses throughout the site for both vehicular and non-vehicular circulation. Usable open space, ample pedestrian connectivity, and an interconnected system of streets will facilitate the cohesive integration of the uses proposed on the site.

- Open Space: At a minimum, 10% of the property must be committed to usable open space (as defined by the Introduction and Administration Element). Open space must functionally integrate the project's land uses and may be applied to the recreation and/or parks requirements or other required civic dedication of land during the development review/re-zoning process, excluding right of way dedication. Water retention, lakes, drainage, and canals shall not be considered usable open space.

The proposed project exceeds the usable open space requirement set forth by this policy. The conceptual master plan depicts 11.1% or 4.43 acres of usable open space. The open space is functionally integrated into the overall site and provides for the facilitation of integrated uses within the site.

- Pedestrian Oriented/Non-vehicular Pathways: The master plan must include a pedestrian/non-vehicular circulation system that integrates the project's land uses and open spaces. All rights-of-way or parking access drives must have shaded pedestrian pathways.

The proposed development program provides an ample and integrated pedestrian/non-vehicular circulation system throughout the site.

- Mass Transit: The project and master plan must provide for mass transit and/or public transportation facilities.

The proposed development is in compliance with the standards set forth by the Code and the Plan by providing connectivity and adequate facilities for the integration of mass transit/public transportation from within the site. A 10' by 30' Palm Tran easement has been provided on site and will serve the residents and patrons of the proposed land uses on the subject site.

3. Exceeding Code Requirements: The project must demonstrate that it exceeds minimum requirements in the ULDC and may concurrently submit an application for the Zoning review process for the entire site. In the event of a conflict between the project's development standards or design guidelines and the existing ULDC requirements, the more restrictive requirement shall prevail.

The proposed development exceeds code requirements in two general approaches: 1) to minimize adverse impacts on surrounding residents and neighborhoods, and 2) provide a cohesive integration of land uses, open space and recreation areas, pedestrian circulation, and interconnected roadways internal to the site. One such site design consideration that has been integrated into the site is the placement of the lake-tract area and increased buffer width along the northern edge of the property. These elements help to alleviate any adverse impacts on the surrounding residential uses.

G.5 Compliance with Florida Statutes Chapter 163.3177

Florida Statute, Chapter 163.3177 is the principle state statute governing the comprehensive plans and plan amendments for all of the Counties within the State of Florida. In 2011, Chapter 163, F.S. was substantially revised and Rule 9J-5 was repealed and removed from the Florida Administrative Code (House Bill 7207). Today, Chapter 163.3177(1) (f) states, “all mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government, that may include but not be limited to, surveys, studies, community goals and vision, and other data available on that particular subject at the time of adoption of the plan or plan amendment at issue.”

The data and analysis presented in this application and justification statement support the request for amendment of the FLUA and demonstrate consistency with the Florida Statutes.

163.3177 – 6.a. Requires that a local government’s future land use plan element be based on a number of factors, including population projections, the character of undeveloped land, availability of public services and other planning objectives.

The subject site creates an opportunity for development within the County’s Urban/Suburban Tier. The development proposal offers a diversity of residential and commercial uses. Development of these uses in this location will allow the user to take advantage of existing infrastructure and PBC services, while maximizing an underutilized piece of land.

Conclusion

The requested FLUA Amendment from MLU (CH and LR-2) to MLU (CH and HR-8) is justified and consistent with the Palm Beach County Comprehensive Plan, State of Florida laws, and is compatible with surrounding uses. The subject site is in an ideal location in which to promote development. The current development program offers a diversity of uses including residential and commercial components. The development of these uses at this location improves an underutilized land area that is surrounded on all sides by the built environment. Like the other land areas analyzed earlier in this report, density at this level is established in other areas of the County, and has proven to be compatible and harmonious. The proposed FLUA amendment proposes significantly less commercial development provides for the development of multifamily apartments and townhomes, with special care being taken in the design, to negate any impacts on adjacent areas. Through the Zoning application, design considerations and conditions of approval will be utilized to ensure proper buffering.

On behalf of the applicant, WGI, respectfully requests approval of this request to amend the FLUA designation on the subject site.

Exhibit 5

Applicant's Public Facility Impacts Table

VIII. Public Facilities Information

| | | | |
|---|---|----------------|----------------------------------|
| A. Traffic Information | | | |
| <p>The traffic study was submitted to Palm Beach County on October 6, per the schedule published by Palm Beach County for Round 18-C of Comprehensive Plan Submittals. A stamped receipt of The Palm Beach County Traffic Division accepting the report is provided in Application Attachment H as is a copy of the submitted Traffic Report.</p> | | | |
| | Current FLU | Maximum | Conditioned or Concurrent |
| Max Trip Generation | 5,186 | 6,537 | N/A |
| Trip Increase Max. | 1,351 | | |
| Trip Inc. Conditioned or Concurrent | N/A | | |
| Significantly impacted roadway segments that fail Long Range | | | |
| Significantly impacted roadway segments for Test 2 | | | |
| Traffic Consultant | Dr. Juan F. Ortega, P.E. - JFO Group. Inc. | | |
| B. Mass Transit Information | | | |
| Nearest Palm Tran Route | Bus Route Name: BYB X-TOWN via BOYNTON BEACH Route Number: 73 | | |
| Nearest Palm Tran Stop | Bus Stop Number: 6791 Bus Stop Name: BETHESDA HOSPITAL W @ TRML Distance: 4.2 Miles | | |
| Nearest Tri Rail Connection | Boynton Beach Station Route Connection: 70, 71 <u>Sample Route:</u> Palm Tran Route 73 eastbound to Route 70 southbound, Route 70 southbound to Boynton Beach Station (Tri-Rail) | | |
| C. Portable Water & Wastewater Information | | | |
| Potable Water & Wastewater Providers | Palm Beach County Water Utilities Department (PBCWUD) | | |

| | |
|---|--|
| Nearest Water & Wastewater Facility, type/size | <p>PBCWUD has the capacity to provide the level of service required for the existing FLU designation of MLU (CH & LR-2) and a Zoning District of MXP (Mixed Use Planned Development) and the proposed FLU designation of 34 acres of HR-8 (High Residential, 8 units per acre) and 6 acres of CH/8 (Commercial High with an underlying 8 units per acre).</p> <p>The nearest potable water is a 42" watermain located within Lyons Rd. right of way, a 24" watermain located within Hypoluxo Rd right of way and a 4" watermain in Caserta St. right of way. There is a 12" sanitary sewer forcemain located within Hypoluxo Rd right of way adjacent to the subject property.</p> |
|---|--|

D. Drainage Information

Windsor Place is part of the previously permitted 531 acre Towne Park (SFWMD No. 50-04620-P). The drainage system for the proposed "Windsor Place" project will consist of culverts, structures, exfiltration trenches, and wet detention areas, which will have two restricted discharge connections to the Towne Park Master System.

The project is within the SFWMD C-16 Basin, and the site will comply with the C-16 basin criteria, which allows a maximum discharge rate of 62.4 CSM (cubic feet per square mile) during the 25yr-72hr design storm. Internal control structures will retain runoff in the proposed exfiltration trenches which provide pretreatment for the commercial portion of the site. Overflow from these structures will be conveyed into the proposed wet detention areas which also collect runoff from the residential portion of the site.

Two control structures are proposed to restrict discharge from this 40 acre development to Towne Park. The control structures consists of v-notches with inverts at the control elevation for the site of 16.0 feet-NGVD. The required water quality treatment for the entire 531 acre Towne Park System including the subject project is 44.25 Ac-ft which is provided via existing and proposed wet detention facilities.

The site will be designed so that the minimum roadway elevations will be at or above the peak stage from the 10yr-1day design storm and the minimum proposed finished floors will be set at or above the peak stage from the 100yr-72hr zero discharge design storm, as required by code.

E. Fire Rescue

| | |
|-----------------------------|---|
| Nearest Station | Fire-Rescue station #48, which is located at 8560 Hypoluxo Road. |
| Distance to Site | The subject property is approximately .75 miles from the station. |
| Response Time | The estimated response time to the subject property is 4 minutes. |
| Effect on Resp. Time | For fiscal year 2017, the average response time (call received to on scene) for this stations zone is 7:58. |

F. Environmental

| | |
|--|---|
| Significant habitats or species | There were no REC's, HREC's, CREC's identified during performance of this Phase I ESA. Portions of the property are contained in the National Wetlands Inventory (USFWS 2017), and are subject to USACE and SFWMD wetlands assessment and mitigation guidelines. These areas are also subject to native tree species protection under Article 14 of the Palm Beach County ULDC. |
| Flood Zone* | X500 |
| Wellfield Zone* | Not located within a Wellfield Protection Zone. Application Attachment M. |

G. Historic Resources

Staff's review of the County's survey of historic/architecturally significant structures, and of properties designated for inclusion in the National Register of Historic Places (NRHP), has identified no historic or architecturally significant resources on or within 500 feet of the above referenced property.
Staff review of the County's map of known archaeological sites has identified no known archaeological resources located on or within 500 feet of the above referenced property

H. Parks and Recreation - Residential Only

| Park Type | Name & Location | Level of Svc. (ac. per person) | Population Change | Change in Demand |
|-----------|---------------------------|-----------------------------------|----------------------|---------------------|
| Regional | West Delray Regional Park | 0.00339 | +573 | 1.94 |
| Beach | Ocean Ridge Hammock | 0.00035 | +573 | 0.20 |
| District | Villages of Windsor Park | 0.00138 | +573 | 0.79 |

I. Libraries - Residential Only

| Library Name | Lantana Road Branch | | | |
|--------------------|-------------------------------------|----------------------|---------------------|--|
| Address | 4020 Lantana Road | | | |
| City, State, Zip | Lake Worth, Florida 33462 | | | |
| Distance | 6.6 miles | | | |
| Component | Level of Service | Population Change | Change in Demand | |
| Collection | 2 holdings per person | +573 | 1,146 | |
| Periodicals | 5 subscriptions per 1,000 persons | +573 | 2.86 | |
| Info Technology | \$1.00 per person | +573 | \$573.00 | |
| Professional staff | 1 FTE per 7,500 persons | +573 | 0.08 | |
| All other staff | 3.35 FTE per professional librarian | +573 | 0.27 | |
| Library facilities | 0.34 sf per person | +573 | 194.82 SF | |

J. Public Schools - Residential Only

Please see SCAD Letter from Palm Beach County School provided as Application Attachment O.

| | Elementary | Middle | High |
|------------------|------------------------|-----------------|----------------------|
| Name | Manatee | Woodlands | Park Vista Community |
| Address | 7001 Charleston Shores | 5200 Lyons Road | 7900 Jog Road |
| City, State, Zip | LW, FL 33467 | LW, FL 33467 | LW, FL 33467 |
| Distance | 3 miles | 2.9 miles | 4.2 miles |

Exhibit 6

Palm Beach County Traffic Division Letter



**Department of Engineering
and Public Works**

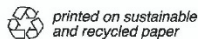
P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbcgov.com

**Palm Beach County
Board of County
Commissioners**

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

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Affirmative Action Employer"



September 18, 2019

Dr. Juan F. Ortega, P.E.
JFO Group Inc.
11924 Forest Hill Boulevard, Suite 10A-123
Wellington, FL 33414

**RE: Windsor Place (revised)
FLUA Amendment Policy 3.5-d Review
Round 2019-B2**

Dear Dr. Ortega:

Palm Beach County Traffic Division has reviewed the Comprehensive Plan Amendment Traffic Impact Analysis for the proposed Future Land Use Amendment for the above referenced project, revised August 22, 2019, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

| | | |
|----------------------------|---|---|
| Location: | NW corner of Hypoluxo Road and Lyons Road | |
| PCN: | 00-42-43-27-05-043-0240 (<i>others on file</i>) | |
| Acres: | 40 acres | |
| | Current FLU | Proposed FLU |
| FLU: | Multiple Land Use (MLU) with Commercial High (CH) & Low Residential, 2 units per acres (LR-2) | Multiple Land Use (MLU) with Commercial High (CH) & High Residential, 8 units per acre (HR-8) |
| Zoning: | Mixed Planned Development (MXPd) | Mixed Planned Development (MXPd) |
| Density/Intensity: | 2 du/ac 112,800 SF (Retail) 20,000 SF (Office) | 8 du/ac in 40 ac |
| Maximum Potential: | General Commercial Total: 112,800 SF General Office Total: 20,000 SF Condo/Townhomes Total: 80 DUs | General Commercial Total: 45,000 SF Apartment Total: 320 DUs |
| Proposed Potential: | N/A | Apartment Total: 194 DUs Condo/Townhomes Total: 214 DUs General Commercial Total: 26,876 SF Fast Food Rest+ DT Total: 3,317 SF |
| Net Daily Trips: | -1,272 (maximum - current) -749 (proposed - current) | |
| Net PH | 176 (43/133) AM, 351 (200/151) PM (maximum) | |



Dr. Juan F. Ortega, P.E.
September 18, 2019
Page 2

| | |
|--|--|
| Trips: | 260 (73/187) AM, 366 (217/149) PM (proposed) |
| <i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities in the zoning application.</i> | |

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 the long range analysis.

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

Sincerely,

A handwritten signature in blue ink that reads "Quazi Ammar Bari".

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

QB:DS/rb

cc: Dominique Simeus, P.E. – 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-B2\Windsor Place (revised).docx

Exhibit 7

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

"An Equal Opportunity
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February 16, 2018

WGI
2035 Vista Parkway
West Palm Beach, Fl. 33411

RE: Windsor Place
PCN 00-42-43-27-05-043-0240
Service Availability Letter

Dear Ms. Libes,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for the existing FLU designation of MLU (CH & LR-2) and a Zoning District of MXPD (Mixed Use Planned Development) and the proposed FLU designation of 34 acres of HR-8 (High Residential, 8 units per acre) and 6 acres of CH/8 (Commercial High with an underlying 8 units per acre).

The nearest potable water is a 42" watermain located within Lyons Rd. right of way, a 24" watermain located within Hypoluxo Rd right of way and a 4" watermain in Caserta St. right of way. There is a 12" sanitary sewer forcemain located within Hypoluxo Rd right of way adjacent to the subject property.

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 8

School District 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 | 09/16/2019 | | |
| | SCAD No. | 19091301F – FLU and 19091301D – D. O. | | |
| | FLU /Rezoning/D.O. No. | Not Provided – Palm Beach County | | |
| | PCN No. | 00-42-43-27-05-043-0240 | | |
| | Development Name | Windsor Place | | |
| | Owner / Agent Name | Hatzlacha-WP Holdings, LLC / Jeff Brophy | | |
| | SAC No. | 227C | | |
| | Proposed Amendment Proposed Unit No. & Type | Max. 320 Residential Units 206 Multi-Family and 194 Apartment Units (Total 400 Units) | | |
| Impact Review | | Manatee Elementary School | Christa McAuliffe Middle School | Park Vista High School |
| | New Students Generated | 39 | 17 | 22 |
| | Capacity Available | 12 | -407 | -175 |
| | Utilization Percentage | 99% | 131% | 106% |
| School District Staff's Recommendation | 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 impacts. | | | |
| | In order to address the school capacity deficiency generated by this proposed development at the District middle and high school level, the property owner shall contribute a total of \$365,558 to the School District of Palm Beach County prior to the issuance of first building permit. | | | |
| | This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied). | | | |
| Validation Period | 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 Update Study recommended by the PBC Impact Fee Committee for adoption/implementation in 2019. | | | |
| | 1) This determination is valid from 09/20/2019 to 09/19/2020 or the expiration date of the site-specific development order approved during the validation period. 2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to 09/19/2020 or this determination will expire automatically on 09/19/2020. | | | |
| Notice | 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. | | | |

School District Representative Signature

Joyce C. Cai, Senior Planner

Print Name & Title

September 20, 2019

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

Exhibit 9

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared
Charles M Scardina, 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 HATZLACHA-WP HOLDINGS, 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: 7593 Boynton Beach Boulevard, Suite 220
Boynton Beach, FL 33437
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.

Charles M Scardina, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 31st day of January, 2018, by Charles Scardina, [X] who is personally known to me or [] who has produced Florida Drivers license as identification and who did take an oath.

Cyndy Little
Notary Public

Cyndy Little
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 3-31-18



CYNDY LITTLE
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF108252
Expires 3/31/2018

EXHIBIT "A"

PROPERTY

PALM BEACH FARMS CO PL 3 TH PT OF TRS 24 THRU 34, 30 FT STRIP LYG WITHIN & HYPOLUXO RDIN OR9745P1450 LYG N OF & ADJ TO
HYPOLUXO RD & W OF & ADJ TOLYONS RD R/W'S K/A TOWNE PARK PARCEL 1 IN OR9286P524

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**

| | |
|--|--|
| | |
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| | |
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| | |
| | |
| | |

Exhibit 10
Correspondence

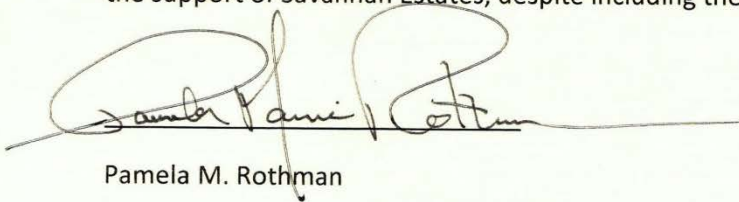
Bellaggio
Residents Association, Inc.

October 11, 2019

Dear Planning Commissioners,

The Bellaggio Residents Association has been working with Scardina and Associates for many months on a development plan for the Northwest Corner (Lyons and Hypoluxo Roads). A great deal of our discussion focused on three key areas of concern: density, traffic and maintaining the character of the neighborhood. The NW Corner area has been reconfigured to accommodate 206 privately owned Town Homes that boarder the Bellaggio wall; 194 Apartments, targeted for 55+ residents situated on the southeastern part of the property keeping line of sight issues to a minimum, and a greatly reduced parcel of commercial space, 30,000 square feet from the original 115,000 square feet on the corner. All three developed areas will have decel lanes. The apartment complex has been consolidated from 7 three story stand-alone buildings to one apartment complex designed to encourage senior living. One or two Town Homes will be relocated from their proximity to the Park area in Bellaggio to allow for uniform relief in distance between the closest homes in Bellaggio and the Windsor Town Homes.

We would like the Commission to know that we worked together with our neighbors to arrive at a mutually acceptable agreement. Our sister communities, Villaggio and Valencia Shores (in all totaling 2700+ homes) join Bellaggio in endorsing the plan that has been presented to you. We have not been able to gain the support of Savannah Estates, despite including them in all discussions.



Pamela M. Rothman

President, Bellaggio HOA

6525 Bellaggio Lakes Boulevard . Lake Worth, FL 33467 . Phone: (561) 439-8211 . Fax: (561) 439-8266
www.bellaggiofla.net

COBWRA
COALITION OF BOYNTON WEST
RESIDENTIAL ASSOCIATIONS

MANAGING GROWTH AND QUALITY OF LIFE
SERVING WEST BOYNTON SINCE 1981
112 Member Communities

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BETH RAPPAPORT
President

BARBARA ROTH
1st Vice President

STEVE SLADE
2nd Vice President

CHERYL DODES
Secretary

ANDREA LEVINE
Treasurer

DIRECTORS

BARBARA FINK

SALVATORE "SAM"
MANUELE

MELVYN MORRIS

VICTORIA MORTON

STEPHEN OSEROFF

STAN SHERMAN

PAST PRESIDENTS

PHILIP BARLAGE

MYRNA ROSOFF

GLEN HARVIE

STUART CAINE

KENNETH LASSITER

BARBARA KATZ

SANDRA GREENBERG

LEWIS DOCTOR

DAGMAR BRAHS

EUGENE SOKOLOFF

PAUL GELLIS

AL MILLER

PHILIP LESLIE

KENNETH SANDEN

DR. RICHARD
CARRINGTON

October 10, 2019

Mr. Jeff Brophy
WGI
2035 Vista Parkway
West Palm Beach, FL 33411

Via e-mail: Jeff.Brophy@wginc.com

Subject: Windsor Place
(LGA 2018-021)

Dear Mr. Brophy:

I am pleased to inform you that the above proposed project has been **recommended for approval** to the County by vote of the COBWRA Board on October 10, 2019 with the following condition:

- The rental building shall be a 2-story structure, not to exceed 130 units.

Please distribute to Chair Michael Peragine and the Planning Commissioners at the October 11, 2019 meeting. Do not hesitate to contact us should you have any further questions or concerns.

Sincerely,

COBWRA



BETH RAPPAPORT, President

cc: Ramsay J. Bulkeley, Esq., Executive Director
Patrick Rutter, Assistant County Administrator
Patricia Behn, Planning Director
Jon MacGillis, Zoning Director
Lisa Amara, Principal Planner
Carolina Valera, Senior Site Planner
Sussan Gash, Senior Planner
Stephen Oseroff, COBWRA Growth Management Chair
Barbara Roth, COBWRA Growth Management Vice Chair