

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: ABN/ZV/PDD/CA-2018-01172
Application Name: Banyan Ridge Planned Unit Development
Control No.: 2009-02465
Applicant: AHS Development Group, LLC
 Florida Public Utilities Company
Owners: Florida Public Utilities Company
Agent: Schmidt Nichols - Josh Nichols
Telephone No.: (561) 684-6141
Project Manager: Carolina Valera, Senior Site Planner

TITLE: Development Order Abandonment **REQUEST:** to abandon a Class B (CB) Conditional Use for Retail Gas and Fuel Sales. **TITLE:** a Type 2 Variance **REQUEST:** to allow a reduction of an Incompatibility Landscape Buffer width; and, to allow a reduction of parking spaces. **TITLE:** an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Light Industrial (IL) Zoning District to the Planned Unit Development (PUD) Zoning District. **TITLE:** a Class A Conditional Use **REQUEST:** to allow a Transfer of Development Rights to a Planned Development; and, to allow Workforce Housing Program Density Bonus greater than 30 percent.

APPLICATION SUMMARY: Proposed is a Development Order Abandonment, Type 2 Variance, Official Zoning Map Amendment, and Class A Conditional Use for the Banyan Ridge PUD development. The 10.41-acre site was originally approved by the Board of County Commissioners (BCC) on January 28, 2010, for a rezoning from the Planned Industrial Park Development (PIPD) to the Commercial Recreation (CRE) Zoning District. Subsequently, on February 15, 2015, the BCC approved a rezoning from Commercial Recreation (CRE) Zoning District to the Light Industrial (IL) Zoning District. The subject site was last approved by the Zoning Commission (ZC) on October 1, 2015, for a Class B (CB) Conditional Use to allow Retail Gas and Fuel Sales.

The Applicant is proposing to abandon the CB Conditional Use and rezone to the PUD Zoning District, to allow for the development of 228 residential units, which includes 103 density bonus units being requested through the Workforce Housing Program (WHP), for 75 units; and, the Transfer of Development Rights (TDR) program, for 28 units. Also proposed are Variances to allow a reduction from the 515 required parking spaces to 398 (-117); and, to allow a reduction of the width of the Incompatibility Buffer along the south property line, from 20 feet to 10 feet (-10 feet).

The Preliminary Master Plan indicates 228 Multifamily units in 7 three-story height buildings, a 1.27-acre Recreation Pod, and 398 parking spaces. One access to the project is proposed from Cleary Road. The site is the subject of a concurrent Large Scale Future Land Use Atlas (FLUA) amendment (SCA 2019-01), to amend the future land use (FLU) from Commercial Recreation (CR) and Low Residential 2 units per acre (LR-2), to High Residential 12 units per acre (HR-12).

This application was reviewed for compliance with Unified Land Development Code (ULDC) Ord. 2003-067, Supplement 24.

SITE DATA:

Location:	Southwest corner of Belvedere and Cleary Road.
Property Control Number(s)	00-42-43-33-11-002-0000
Existing Future Land Use Designations:	Commercial Recreation (CR) and Low Residential (LR-2)
Proposed Future Land Use Designation:	High Residential 12 units per acre (HR-12)
Existing Zoning District:	Light Industrial (IL)
Proposed Zoning District:	Planned Unit Development (PUD)
Total Acreage:	10.41 acres
Affected Acreage:	10.41 acres
Tier:	Urban/Suburban
Overlay Districts:	Palm Beach International Airport Overlay, Turnpike Aquifer Protection Overlay District

Neighborhood Plan:	Haverhill Neighborhood Plan
CCRT Area:	N/A
Municipalities within 1 Mile	City of West Palm Beach
Future Annexation Area	Town of Haverhill, City of West Palm Beach

RECOMMENDATION: Staff recommends approval of the requests subject to 9 Conditions of Approval as indicated in Exhibit C-1, 17 Conditions of Approval as indicated in Exhibit C-2, 6 Conditions of Approval as indicated in Exhibit C-3, and 4 Conditions of Approval as indicated in Exhibit C-4.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received 2 contacts from the public indicating opposition to this request, without citing specific reasons.

PROJECT HISTORY: The initial rezoning of the subject property in 2010 changed the zoning district from PIPD to CRE with a Conditional Overlay Zone (COZ) (Resolution R-2010-0153) for the Fun Depot project, consisting of 61,758 square feet of Indoor Entertainment. This project was abandoned and approvals have expired. Later in 2015, the subject property was rezoned from the CRE Zoning District to the IL Zoning District (Resolution R-2015-0239). The subject site was last approved by the Zoning Commission (ZC) on October 1, 2015, for a Class B (CB) Conditional Use to allow Retail Gas and Fuel Sales.. The site remains undeveloped.

SURROUNDING LAND USES:

NORTH:

FLU Designation: Industrial (IND)
 Zoning District: General Industrial District (IG)
 Supporting: Industrial (US Block Corporation, Control No 1990-00043)

EAST:

FLU Designation: Low Residential (LR-2)
 Zoning District: Residential Planned Unit Development District (PUD)
 Supporting: Residential (Terracina PUD, Control No 2001-00076)

SOUTH:

FLU Designation: Low Residential (LR-2)
 Zoning District: Residential Planned Unit Development District (PUD)
 Supporting: Residential (Terracina PUD, Control No 2001-00076)

FLU Designation: Low Residential (LR-2)
 Zoning District: Light Industrial (IL)
 Supporting: Industrial (MPC III Business Park, Control No 2001-00076)

WEST:

FLU Designation: Utilities and Transportation (U/T)
 Zoning District: Light Industrial District (IL)
 Supporting: Florida's Turnpike

TYPE 2 VARIANCE SUMMARY:

	ULDC Article	Required	Proposed	Variance
V-1	6.A.1.B, Minimum Off-Street Parking and Loading Requirements	515 parking spaces: 2 spaces per unit (228 units = 456 Total Spaces), 1 guest parking space per 4 units with common parking area (228 units = 57 Spaces, and Maintenance Service Spaces for Clubhouse/Pool = 2 Spaces	398 parking spaces	- 117 parking spaces

V-2	7.C.2.C, Incompatibility Buffer Types	20-ft. wide Type 3 Incompatibility Buffer	10-ft. wide Type 3 Incompatibility Buffer (south Property Line)	Reduction of 10 ft. in width (-10 ft.) for Type 3 Incompatibility Landscape Buffer along the south property line
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FINDINGS - Type 2 Concurrent Variance Standards:

When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards listed under Unified Land Development Code (ULDC) Article 2.B.7.E.6, Standard for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 2 Variance which fails to meet any of these Standards shall be deemed averse to the public interest and shall not be approved.

- a. **Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same zoning district:**

V-1 – Yes: The Applicant states in the Justification Statement that the special conditions and circumstances are due to the nature and location of the proposed development with regard to the demographics of prospective tenants. During review of the Application, Staff was concerned with the low number of proposed parking spaces per unit (1.75 parking spaces/unit), and the lack of accessible public transportation to this development. Therefore, at Staff’s request, the Applicant provided a Traffic Statement (Exhibit F) signed by a Professional Traffic Engineer to demonstrate actual parking demand for similar developments targeting both a similar clientele and providing the same ratio of parking accommodations. Similar developments are projects with reduced parking with multi-family rental units targeting work-force housing occupants.

Data collection was performed at two developments located within the City of Lake Worth, the Village of Lake Worth and the Village at Lake Osborne, at 30 minutes intervals during a period of three days, as follows: on Thursday, January 3, 2019 from 5:00 a.m. to 7:00 a.m.; Wednesday, January 2, 2019 from 9:00 p.m. to 11:00 p.m.; and, Sunday, and January 6, 2019, from 9:00 p.m. to 11:00 p.m. The Applicant also discusses parking demand for two other developments, the Village at Lake Crystal, located in the City of Deerfield Beach, and Village at Mangonia Lake, located in the City of West Palm Beach. However, these projects have not been built at the time of this Staff Report, and therefore are not part of this analysis.

According to the Traffic Statement, the Village of Lake Worth has a total of 216 units consisting of 48 three-bedroom units, 144 two-bedroom units, and 24 one-bedroom units, with a 98 percent resident occupancy at the time of the data collection. Minimum required number of parking spaces for this development is 458, and actual provided is 312 (-146), a 32 percent reduction. The Village at Lake Osborne has a total of 118 units with 78 two-bedroom units and 40 one-bedroom units, with a 99.15 percent resident occupancy at the time of data collection. The subject project proposes 228 units with 144 two-bedroom units and 84 one-bedroom units. Minimum required number of parking spaces is 515, and proposed is 398 (-117), a 23 percent reduction.

Project Name	Location	No. of Units	Required Parking	Provided Parking	Parking Ratio (Provided/Unit)	Reduction (%)
Village at Lake Worth	City of Lake Worth	216	458	312	1.44	32%
The Village at Lake Osborne	City of Lake Worth	118	250	170	1.44	32%
Banyan Ridge (Subject Property)	Palm Beach County	228	515	398	1.75	23%

The data collected resulted in a peak demand of 1.23 parking spaces/unit for the Village of Lake Worth, and 1.27 parking spaces/unit for the Village at Lake Osborne, at almost full resident capacity. This parking demand is lower than the proposed 1.75 parking spaces/unit for the subject project. In addition, the parking reduction for this project is 23 percent, a 9 percent lower percent reduction when compared with the other two existing developments (32 percent.)

In addition to the data collected by the Applicant, on January 16, 2018, Zoning Staff reached out to the City of Lake Worth's Code Compliance Department to inquire about parking complaints at the two developments. The Code Compliance officer in charge of the area where these developments are located confirmed to Staff that as of the date of the inquiry, no complaints regarding parking were received (see Exhibit G.)

Staff has included Conditions of Approval to ensure that a minimum of one parking space is designated for each unit, and that the provided Parking Policy, dated December 12, 2018 (Exhibit G) be implemented in this project, so that parking is provided in an equitable and safe manner.

V-2 – Yes: There are special conditions and circumstances that exist that are peculiar to the parcel of land that is not applicable to other parcels of land in the same zoning district. The Applicant is requesting to reduce the Type 2 Incompatibility Buffer width along the south side of the project boundary, from 20-ft. to 10 ft. in width. The adjacent land to the immediate south is a narrow part of the MPC III Business Park that supports an existing billboard; however, the subject site is actually separated from the developed portion of the business park by a part of the Right of Way for Florida's Turnpike and a recorded conservation easement (ORB 27195 Page 727). In addition, the Applicant is not requesting to reduce the planting requirements.

b. Special circumstances and conditions do not result from the actions of the Applicant:

V-1 – Yes: The ULDC requirements for number of parking spaces is intended for typical projects within the County. In the case of the subject project, the Applicant has provided data that demonstrates actual peak demand for built developments similar to the subject project. In this regard, the Applicant had presented the special circumstances and conditions that justify the variance.

V-2 – Yes: The Unified Land Development Code (ULDC) requires a 20-ft. Type 3 Incompatibility Buffer between residential and industrial developments, such in the case of the subject project and the adjacent property to the south. ULDC Article 7.C.2.C.2.a, allows for 50 percent Buffer width reduction when a lot or a development is separated from another parcel of land that has an incompatible use or FLU designation by a canal, lake, retention, open space area with a minimum width of 100 feet, or combination thereof. The Applicant is not able to utilize this provision because of the odd shape and configuration of the adjacent parcel. However, the developed area of the Industrial development is approximately 800 ft. from the subject property and such distance is comprised of the recorded conservation easements and an open space area within the Florida's Turnpike R-O-W.

c. Granting the variance shall not confer upon the Applicant any special privilege denied by the Comprehensive Plan and this code to other parcels of land, structures or buildings in the same zoning district:

V-1 – Yes: The ULDC Article 2.B.7.E.8.b. Conforming, approval of a variance shall render a parcel of land, building or structure to be conforming. The ZC has granted Variances for parking reduction to other parcels, structures and buildings for residential zoned projects. Because the Applicant's request is unusually high, he has provided additional data to support the parking reduction. Therefore, the granting of the variance would not confer any special privilege to the Applicant.

V-2 – Yes: Although the Buffer width is proposed to be reduced by 50 percent, the Applicant proposes to install the required landscape material: one Canopy Tree per 20 linear feet (lf.), one Palm or Pine per 30 lf., one row of each: Small shrubs – One per two lf.; and Medium shrubs – one per four lf., and a six ft. high opaque wall.

d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship:

V-1 – Yes: ULDC Art 6.A.1.A, Purpose and Intent, states that the purpose and intent of the standards is to ensure the provision of off-street parking is in proportion to the demand created by each use. In this regard, literal interpretation of Table 6.A.1.B - Minimum Off-Street Parking and Loading

Requirements, would work an unnecessary and undue hardship and would deprive the Applicant of rights commonly enjoyed by similar projects.

V-2 – Yes: Literal interpretation of the provisions of the ULDC would create an unnecessary and undue hardship to the Applicant of rights commonly enjoyed by other properties in the same zoning district and FLU designation, as the Code provides for relief from the required Buffer width for parcels with typical configurations.

e. **Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:**

V1 and V-2 – Yes: Granting of the variance is the minimum variance will allow for the proposed development and meet the purpose and intent of the Code for parking and landscaping standards.

f. **Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code:**

V1 and V-2 – Yes: Granting of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code, as the Code allows for the granting of variances based on specific conditions and circumstances.

g. **Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:**

V1 – Yes: The variance will not be injurious to the residents of the project, and Conditions of approval ensure parking is provided to each unit and overall parking is managed in a manner that will not be detrimental to the public welfare. The Applicant has indicated that the development will be gated and that any visitors will be required check in, which will allow management to monitor and manage the number of parking spaces available for resident use. In addition, the Applicant has agreed to a staff recommended Condition of Approval requiring that parking spaces be assigned and marked for individual units, thus ensuring residents will have access to parking within a reasonable distance of their specific unit.

V2 – Yes: The proposed Incompatibility Buffer, although reduced in width, will meet the minimum landscaping and screening required by the Code required landscaping.

FINDINGS:

Rezoning Standards:

When considering a Development Order application for an Official Zoning Map Amendment to a Standard Zoning District or a rezoning to a PDD or TDD, the BCC and ZC shall consider Standards a-g listed under ULDC Article 2.B.7.B.2, Standards. The Standards and Staff Analyses are indicated below. An Amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

a. **Consistency with the Plan** - *The proposed amendment is consistent with the Plan.*

○ Consistency with the Comprehensive Plan: The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including densities and intensities of use.

Concurrent Land Use Amendment: The site is the subject of a concurrent Large Scale amendment known as Banyan Ridge (SCA 2019-01). The request is to amend the land use from Commercial Recreation (CR) and Low Residential 2 units per acre (LR-2), to High Residential 12 units per acre (HR-12). The Planning Commission heard the item October 12, 2018 and recommended approval in a 10-0 vote. The concurrent FLUA amendment was transmitted by the Board of County Commissioners (BCC) at a public hearing on October 31, 2018. Staff is recommending approval with the following conditions.

1. The development of the subject site shall include the purchase and construction of twenty eight (28) Transfer of Development Rights (TDR) units. The TDR units shall be purchased prior to issuance of first building permit.

2. The Zoning development order shall require at least 25 percent of the total residential density as workforce housing units subject to the following requirements:

a. The property owner shall provide these units on site, and between 60-140% of the Area Median Income ranges for the County, in four ranges (60-80%, >80 -100%, >100 -120%, and >120 - 140%); and

3. The proposed Future Land Use Amendment and the proposed rezoning shall be considered for adoption by the Board of County Commissioners at the same public hearing.

○ Density and Workforce Housing: The subject request for 228 units is less than the maximum 231 that could be achieved utilizing the land use and all bonus density. The Applicant is required to purchase 28 Transfer Development Rights (TDR) per condition of the companion Land Use Amendment, and is seeking to utilize a 60% (75 units) Workforce Housing (WHP) density bonus.

With the proposed HR-8 Future Land Use Designation, and utilizing the Full Incentive Development option on the subject 10.41-acre site, the permitted density and required Workforce Housing for the requested 228 units are calculated as follows:

Standard and WHP Bonus Density:

83	Standard units	4.15 WHP units (5%)
42	max units	6.72 WHP units (16%)
75	WHP Bonus units	25.5 WHP units (34%)
28	TDR Bonus units	9.8 WHP units (35%)
228	units total	46.17 or 46 required WHP per ULDC (rounded down)

Condition 2 of the amendment requires that 25% (57 units) be obligated for Workforce Housing. As of the writing of this report, the applicant is not in agreement with the proposed condition. Therefore, the following condition will be applied to the subject request, requiring all plans and documents be updated with whatever final condition the BCC approves.

1. Prior to Final approval by the Development review Officer (DRO), the site plans and justification shall be updated to be consistent with the conditions of approval contained within the companion Land Use Amendment LGA 2019-01.

Workforce Housing (WHP) Program: Since the request is greater than 10 units, participation in the Workforce Housing Program will be mandatory. The Workforce Housing Program provides housing for qualified buyers with an income that is 60 -140 percent of the Area Median Income (AMI). Currently for 2018, per HUD, Palm Beach County has an AMI of \$74,300.

The mandatory WHP program requires that a percentage of units be deed restricted for a specified term to be sold or rented. All designated WHP units will be offered to income qualified households with incomes from 60 percent to 140 percent of area medium income (AMI). In Palm Beach County, the 2018 median income is \$74,300 for a family of four (per HUD). The following are the current sales and rental prices per income category for 2018 in Palm Beach County. The income categories are the same for both programs. These homes cannot be sold or rented at a higher price, and any Utility Allowances are to be applied against gross maximum rent and the rental prices.

WHP Sales Prices: The sales prices are based on US HUD annual median income figure. Based on the 2018 Median Family Income of \$74,300, the following are the WHP for sale prices:

WHP Income Category: WHP Income Ranges: 2018 Sales Prices

Low (60-80% of AMI)	\$44,580 - \$59,440	\$156,030
Moderate-1 (>80-100% of AMI)	>\$59,440 - \$74,300	\$200,610
Moderate-2 (>100-120% of AMI)	>\$74,300 - \$89,160	\$245,190
Middle (>120-140% of AMI)	>\$89,160 - \$104,020	\$289,770

WHP Rental Prices: The WHP rents are based on the annual Florida Housing Finance Corporation (FHFC) Multi-Family Rental Figures, adjusted for number of bedrooms. The rental prices at 100% are determined by Planning Division staff. Any Utility Allowances are applied against gross maximum rent.

WHP Income Category: WHP Income Ranges:

Low (60-80% of AMI) \$44,580 - \$59,440
 Moderate-1 (>80-100% of AMI) >\$59,440 - \$74,300
 Moderate-2 (>100-120% of AMI) >\$74,300 - \$89,160
 Middle (>120-140% of AMI) >\$89,160 - \$104,020

WHP Rental Prices:

Income % 1 BR 2 BR 3 BR 4 BR

60% \$ 866 \$1,039 \$1,200 \$1,339
 80% \$1,155 \$1,386 \$1,600 \$1,786

>80% \$1,155 \$1,386 \$1,600 \$1,786
 100% \$1,444 \$1,733 \$2,000 \$2,233

>100% \$1,444 \$1,733 \$2,000 \$2,233
 120% \$1,732 \$2,079 \$2,400 \$2,679

>120% \$1,732 \$2,079 \$2,400 \$2,679
 140% \$2,021 \$2,425 \$2,800 \$3,125

- Special Overlay District/ Neighborhood Plan/Planning Study Area: The request is located within the Haverhill Area Neighborhood Plan (HNP) and the Palm Beach International Airport Overlay (PBAIO) as identified within the Comprehensive Plan.

- Haverhill Area Neighborhood Plan (HNP): The applicant contacted the Town of Haverhill. The Town provided a letter dated August 15, 2018 stating that there is a concern about the cumulative effect of this and other projected approvals intensities and the traffic impacts to the Town.

- Palm Beach International Airport Overlay (PBAIO): While the Overlay mostly encourages a transition to Industrial, for lands west of Jog Road, it does not preclude, or place hindrances upon, parcels from developing as residential. Therefore, the request is consistent with the Overlay.

b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

- Palm Beach International Airport Overlay (PBAIO): The purposes of the PBAIO district, are as follows: to protect neighborhoods surrounding the PBAIO from incompatible land development; to protect airport operations from incompatible land development, and provide development regulations that will assure safe, unobstructed access for all aircraft that enter and exit the airport; to allow property owners to initiate conversion to industrial use where appropriate; and, to allow property owner participation in the land use decision-making process. The Overlay covers the area west of the airport to the Turnpike, north to Belvedere Road and south to Southern Boulevard. Residential uses are permitted within the PBAIO, and as noted in the analysis for Consistency with the Plan, the proposed development is consistent with the PBAIO by providing a transitional use to the surrounding uses.

- Property Development Regulations: The subject PUD utilizes the Multifamily development regulations found within Table 3.D.1.A-17. The Code requires a minimum lot size of 3 acres; 65 ft. in width; 200 ft. of frontage; and, 75 ft. in depth. The lot is 10.41 acres; 1,097.27 ft. in width; has 1,097.27 ft. of frontage; and, has 645.42 ft. of depth. Therefore, the proposed development meets the minimum lot dimensions.

The maximum building coverage for a Multifamily development is 40 percent. The proposed buildings (Building A - Building I) are 221,689 sq. ft., or 20 percent building coverage including canopies. As required by Article 5.C.1.H.2.b., individual balconies and/or patios have been provided for a minimum of 20 percent of the total number of units within each building.

- Architectural Review: Staff reviewed the proposed elevations (Figure 6) for compliance with Article 5.C, Design Standards, and found that the buildings meet minimum Code requirements.
- Parking: The Applicant is requesting a Type 2 Variance to reduce the minimum required number of parking spaces from 515 to 398 (-117). The total amount of required spaces includes 456 spaces for the dwelling units (2/unit); 57 spaces for guest parking (4/unit); and, two spaces for the Clubhouse. Approval of the variance will render the amount of provided parking as conforming, per Art 2.B.7.E.8.b. Additionally, 9 spaces are required for disabled persons, and 16 are provided.
- Landscape/Buffering. The Code requires a 15-ft. wide R-O-W Buffer along the east property line, adjacent to Cleary Road. The PSP (Figure 4) depicts the required Buffer with a 5-ft. Utility Easement (U.E.) overlap, as permitted by Code. A 20-ft. wide R-O-W Buffer is required and provided along the west property, adjacent to the Florida's Turnpike.

Along the north, a 20-ft. wide R-O-W Buffer is required, adjacent to Belvedere Road. The Applicant is proposing a reduced Buffer width as permitted by Article 7.C.2.A.3.A, for projects adjacent to an 80-ft. canal, lake, retention, open space area, or combination thereof, as in the case of this project, which is adjacent to an 80 ft. Lake Worth Drainage District canal. Landscape buffers are typically located at the perimeter of the project. The Code also allows for easement overlap, which are typically located at the edge of the property line, shifting off the actual location of the Buffer from the project boundary. In the case of this project, the property line is overlapped by a 39-ft. Lake Worth Drainage District canal and a 15-ft. U.E., and the Applicant has obtained permission from the easement holder to allow a 15-ft. dog run. With the proposed dog run, the required R-O-W buffer will be shifted 15 ft.

Prior to certification for Public Hearings, the Applicant did not request the full 50 percent R-O-W Buffer width reduction permitted by Code, but proposed a 15-ft. R-O-W Buffer. However, following conversations with Parks and Recreation Staff, the Applicant has advised that the Buffer will be reduced to 10 ft. in order to accommodate a 20-ft. dog run area intended to satisfy a portion (0.65 acres) of the 1.37 acres of minimum recreation area required for this project (see Parks and Recreation analysis below, under f., Adequate Public Facilities.), thus also shifting the R-O-W Buffer 20 ft. off the property line. Given the intent of the Applicant to modify the PSP, and the fact that the Applicant is permitted by Code to reduce the Buffer width to 10 ft., Staff has included a Condition of Approval to require a 4-ft. high fence on both sides and along the full length of the dog run in order to avoid dogs trespassing into the R-O-W Buffer.

Lastly, the Applicant is requesting a Type 2 Variance to request a 50 percent reduction of the 20-ft. wide Incompatibility Buffer required along the south property line.

- Signs: Article 8 of the ULDC allows a maximum of two 8-ft. high signs per entrance with a maximum of 60 sq. ft. sign face area. The Applicant proposes one 8-ft. high sign with 200 sq. ft. of sign face area, located at the entrance of the project. Staff has included a Condition of Approval to reduce the sign face area to 60 sq. ft. at time of approval by the Development Review Officer (DRO.)
- Workforce Housing: ULDC Table 5.G.1.B, Workforce Housing Program (WHP), outlines the ranges of density bonus allowed for the WHP. To ensure compliance with the compatibility requirement of Housing Element Objective 1.5 of the Plan, projects in the Planned Development District (PDD) requesting a density bonus greater than 30 percent shall be subject to a Class A Conditional Use approval. The Applicant proposes an additional 75 units under the Workforce housing program or 60% of the 46 maximum units allow under the PUD Zoning District. The Applicant indicates in the Justification Statement that 57 WFH units (25%) will be provided on site. See additional analysis under the Findings for Consistency with the Plan.
- Transfer of Development Rights (TDR) Program: The TDR program is designed to redistribute population densities or development potential, and to encourage the most appropriate and efficient use of resources, services and facilities. Development rights for the TDR bank are generated from environmentally sensitive lands purchased by the County. The Planning Division has made the

determination that the subject site is located in an appropriate receiving area, and meets the requirements needed to qualify for the maximum increase in density permitted under the program. The Applicant is requesting to purchase 1 TDR per acre for a total of 28 TDRs at the following rates:

- 18 TDRs at \$17,700 = \$318,600 and,
10 TDRs at \$885 = \$8,850.
Total TDR Cost: \$327,450
- TDR Receiving Areas: Development rights shall only be transferred to those parcels that meet the qualifications for designation as receiving areas. There are five criteria the Applicant must comply with in order to qualify as a TDR Receiving Area:
 - a. Be located within the U/S Tier;
 - b. Be compatible with surrounding land uses and consistent with the Plan;
 - c. Meet all concurrency requirements;
 - d. Meet all requirements as outlined in the Code; and
 - e. Be compatible with adjacent Environmentally Sensitive Lands.

The Banyan Ridge PUD development complies with all the requirements to qualify as a Receiving Area for TDR's.

- c. Compatibility with Surrounding Uses** - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The proposed project is largely surrounded to the east and south by the Terracina PUD, a established Residential development. To the north and west, there is Industrial development located across Belvedere Road and the Florida's Turnpike. Also to the South, the MPC-III Industrial development is separated from the proposed development by a conservation easement and R-O-W open space. Therefore, the rezoning is compatible and generally consistent with the surrounding Residential use and FLU designations.

- d. Effect on Natural Environment** – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

PALM BEACH COUNTY HEALTH DEPARTMENT: This project meets the Florida Department of Health's requirements.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site has been developed as a golf course.

WELLFIELD PROTECTION ZONE: The property is located within a Wellfield Protection Zones 1 and 2.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water-sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non-stormwater discharge or the maintenance or use of a connection that results in a non-stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- e. Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The subject site is surrounded by properties developed Industrial developments to the north, south, and west; however, Florida's Turnpike, Belvedere Road, and additional Conservation Area to the South, separates the proposed development from directly abutting any industrial uses. Residential

development (Terracina PUD) is located to the east and southeast across North Cleary Road. Therefore, the proposed rezoning to PUD is consistent with the developed pattern of the community.

f. Adequate Public Facilities – *The proposed amendment complies with Art. 2.F, Concurrency.*

ENGINEERING COMMENTS:

The Property Owner shall obtain an onsite drainage review from Land Development prior to the issuance of the Building Permit.

The Property Owner shall construct a left turn lane at the project entrance prior to the issuance of the Certificate of Occupancy.

FIRE PROTECTION: Staff has reviewed the project and has no issues with the proposed project.

SCHOOL IMPACTS: In accordance with the adopted Coordinated Planning Interlocal Agreement, a School Capacity Availability Determination (SCAD) for 228 multi-family residential units had been approved on July 11, 2018 (SCAD Case #18070301D). The subject property is located in SAC 145A.

This project is estimated to generate approximately fifty-two (52) public school students. The schools currently serving this project area are: Grassy Waters Elementary School, Jeaga Middle School and Royal Palm Beach Community High School.

The School Capacity Availability Determination (SCAD) analysis for this application has determined that the proposal would exacerbate capacity deficiencies at the District elementary and high school levels. The additional twenty-five (25) elementary school students generated by this proposal will increase the utilization percentage of Grassy Waters Elementary School to 101 percent. The additional fifteen (15) high school students generated by this proposal will increase the utilization percentage of Royal Palm Beach Community High School to 102 percent.

The revised Preliminary Site Plan (dated 8/13/18) shows one (1) 10' by 15' public school bus shelter location. A bus shelter condition of approval has been applied to this request.

PARKS AND RECREATION: The proposed project has 228 dwelling units requiring 1.37 acres of onsite recreation. The plan provides for a 20-ft. wide, 640 ft. long fenced area along the canal that will be used as a dog run. This area does not meet the ULDC's minimum recreation width requirement, however it provides alternative recreation allowing the project to receive a 25 percent reduction in onsite recreation requirement. With the 25 percent reduction in place, 1.03 acres of recreation is required. The project provides for 0.65 acres of onsite recreation, the balance of the recreation will be "cashed-out". Petitioner will provide a check for \$293,788 payable to the PBC Board of County Commissioners to be used for the development and improvement of neighborhood and community level parks located within a five mile radius of the project at the time of building permit.

g. Changed Conditions or Circumstances – *There are demonstrated changed conditions or circumstances that necessitate the amendment.*

The Property has changed conditions or circumstances since the initial approval in 2010 to allow the rezoning from PIPD to CRE to allow indoor entertainment. Then in 2015, the property was rezoned to its current IL zoning district to allow later allow Retail Gas and Fuel Sales. The proposed rezoning to PUD and concurrent FLU amendment to HR-12, allow the Applicant the opportunity to develop the site with a Residential development that will enhance the transition between the Single-Family residences to the east and south and the Industrial Developments to the north, south and west.

CONCLUSION

Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the requests. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibit C-1 through C-4.

CONDITIONS OF APPROVAL

Exhibit C-1: Type 2 Variance - Concurrent

VARIANCE

1. This Variance is approved based on the layout as shown on the Preliminary Site Plan dated November 13, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Zoning Commission. (ONGOING: ZONING - Zoning)
2. The Development Order for this Standalone Variance shall be tied to the Time Limitations of the Development Order for ABN/ZV/PDD/CA-2018-01172. The Property Owner must secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - Zoning)
3. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (ONGOING: BUILDING DIVISION - Zoning)
4. A minimum of one parking space shall be assigned to each residential unit. The rental or lease agreement shall specify that the space is specifically reserved for use by the tenant, and the assigned space shall be clearly numbered with the applicable unit number. (ONGOING: CODE ENF - Zoning)
5. Each assigned parking space shall be located within a parking area closest to the correspondent residential unit. (ONGOING: CODE ENF - Zoning)
6. The Property Owner shall implement the AHS Residential Parking Policy outlined in the letter dated December 12, 2018 (Exhibit D). (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
 - a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
 - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
 - d. Referral to Code Enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

CONDITIONS OF APPROVAL

Exhibit C-2: PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Master Plan and Site Plan are dated November 13, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2023. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. NOISE MITIGATION

a. Prior to DRO certification of the Preliminary Development Plan, the Property Owner shall submit to the Palm Beach County Engineering Department and Zoning Division a detailed noise analysis acceptable to the Florida Department of Transportation. This noise study shall be in accordance with Florida State Statutes Chapter 335 as outlined in FDOT Project Development and Environmental Manual, Chapter 17. Any required mitigation as a result of the anticipated noise, such as a sound wall and landscape buffer, shall be shown on the Preliminary Development Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ENGINEERING - Engineering)

b. Construction of any required sound walls and landscape buffers as outlined in the Noise Analysis shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering)

3. Prior to the issuance of the first building permit, the Property Owner shall release the portions of the Limited Access Easement in conflict with the proposed driveways. (BLDGPMT: MONITORING - Engineering)

4. The Property Owner shall construct a left turn lane south approach on Cleary Road at the project entrance.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

5. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at Belvedere Rd and Cleary Rd. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. No Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPMT: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a

replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)

PLANNING

1. Prior to Final approval by the Development review Officer (DRO), the site plans and justification shall be updated to be consistent with the conditions of approval contained within the companion Land Use Amendment LGA 2019-01. (DRO: PLANNING - Planning)

2. Prior to the issuance of the first Building Permit, the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

Guarantees the attainability of all required workforce units required per ULDC Article 5.G. These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the requirements in ULDC Article 5.G. The site plan shall also be modified to include the OR Book and Page of the recorded document and provide a copy of the revised site plan to Planning. (BLDGPM: MONITORING - Planning)

3. On an annual basis, beginning December 1, 2021, or as otherwise stipulated in the Declaration of Restrictive Covenants, the owner of the WHP unit shall submit to the Planning Director, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. (DATE/ONGOING: MONITORING - Planning)

4. Per LGA-2019-01, condition 1, The development of the subject site shall include the purchase and construction of twenty eight (28) Transfer of Development Rights (TDR) units. The TDR units shall be purchased prior to issuance of first building permit. (BLDGPM/ONGOING: MONITORING - Planning)

SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner. (CO: MONITORING – School Board)

SITE DESIGN

1. Prior to Final Approval by the Development Review Officer (DRO), the Site Plan may be amended to depict 20-foot wide dog run and a 10-foot Right of Way Buffer along the north property line. (DRO: PARKS/ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Site Plan shall be amended to depict a 4-foot high fence on both sides and along the full length of the dog run to be located along the north property line, adjacent to the Right of Way Buffer. (DRO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application

process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

CONDITIONS OF APPROVAL

Exhibit C-3: Conditional Use Class A – Transfer of Development Rights

ALL PETITIONS

1. The approved Preliminary Site Plan is dated November 13, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

TRANSFER OF DEVELOPMENT RIGHTS

1. Prior to issuance of the first Building Permit, the Property Owner shall pay one hundred (100) percent of the Transfer of Development Rights (TDR) Funds to the Zoning Division. Upon payment of the funds, the TDR Deed shall be recorded by the Property Owner, and a copy shall be provided to the Zoning Division. (BLDGPM: MONITORING - Zoning)

2. Prior to Final Approval by the Development Review Officer, the Property Owner shall perform the following: a. Execute a Contract for Sale and Purchase of Transfer of Development of Rights (TDRs) in a manner and form approved by the County Attorney, and formally executed by the Executive Director of Planning, Zoning and Building Department. The Contract shall accommodate a maximum of 28 TDR units at a selling price of \$318,600 for 18 units (\$17,700 per unit), and \$8,850 for ten units (\$885 perunit), for a total TDR cost of \$327,450. (DRO: COUNTY ATTORNEY - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

CONDITIONS OF APPROVAL

Exhibit C-4: Conditional Use Class A – Workforce Housing Program Density Bonus

ALL PETITIONS

1. The approved Preliminary Site Plan is dated November 13, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Figure 1 – Land Use Map

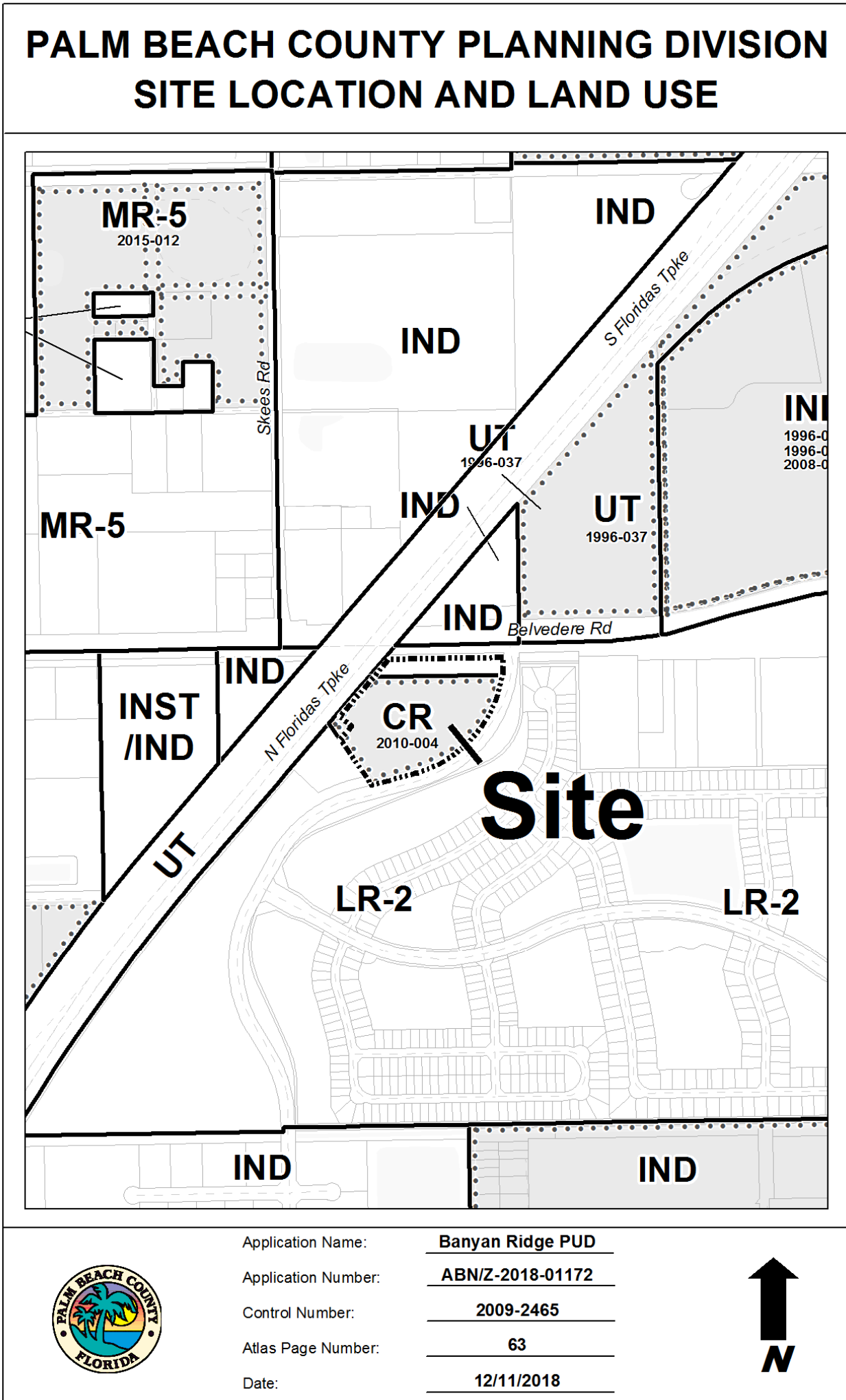


Figure 2 – Zoning Map

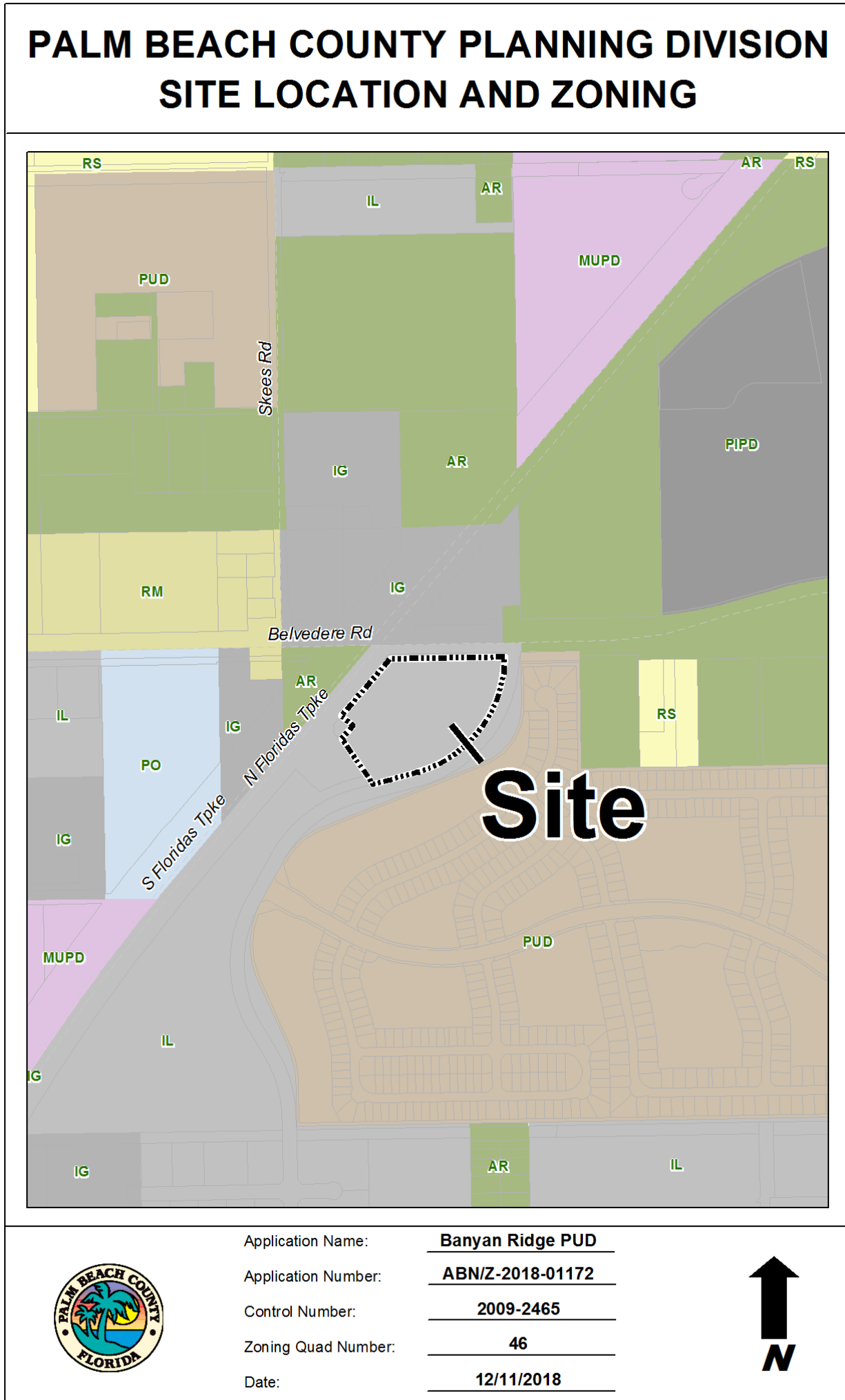
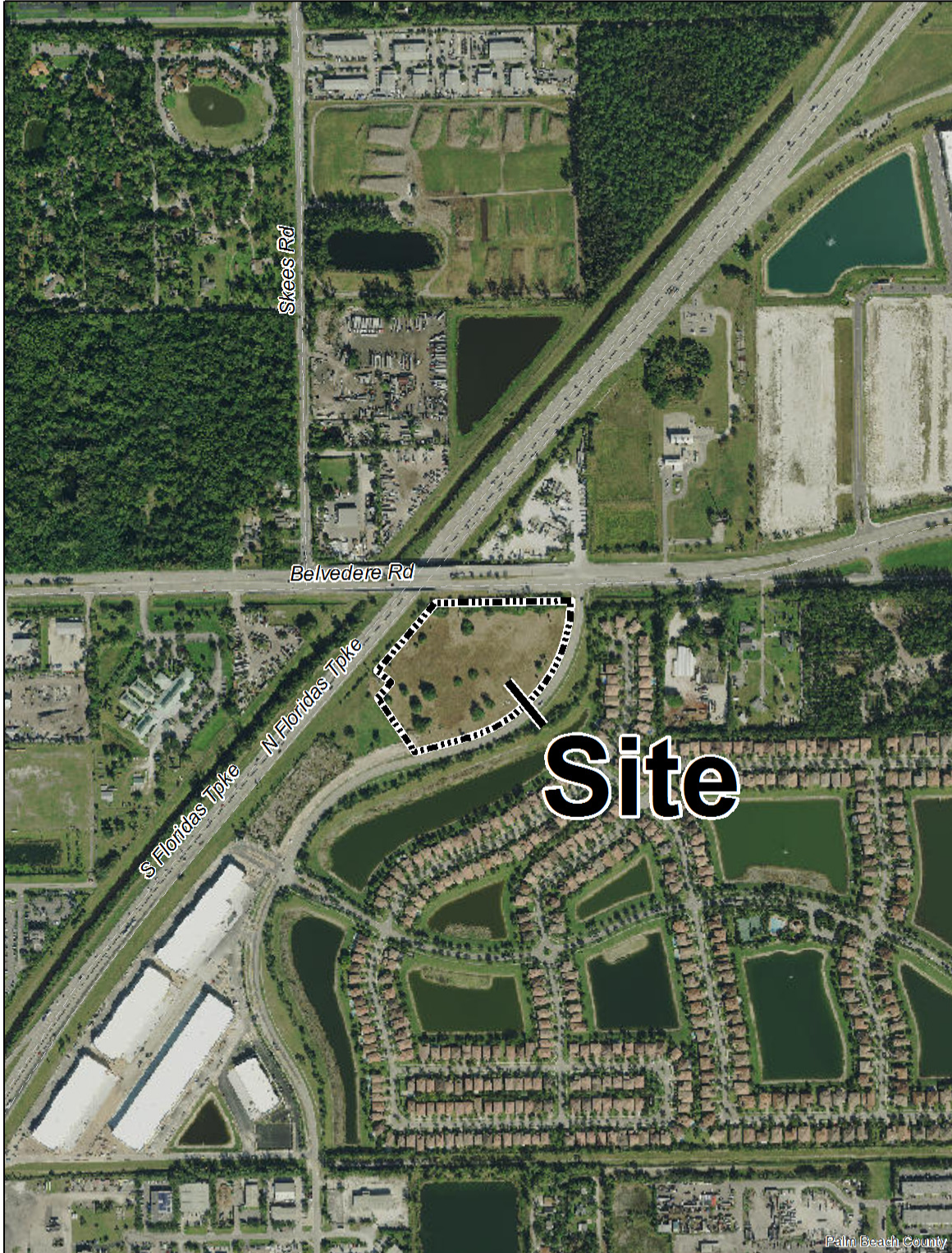


Figure 3 – Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	<u>Banyan Ridge PUD</u>
Application Number:	<u>ABN/Z-2018-01172</u>
Control Number:	<u>2009-2465</u>
Atlas Page Number:	<u>63</u>
Date:	<u>12/11/2018</u>



Figure 4 – Preliminary Master Plan dated November 13, 2018.



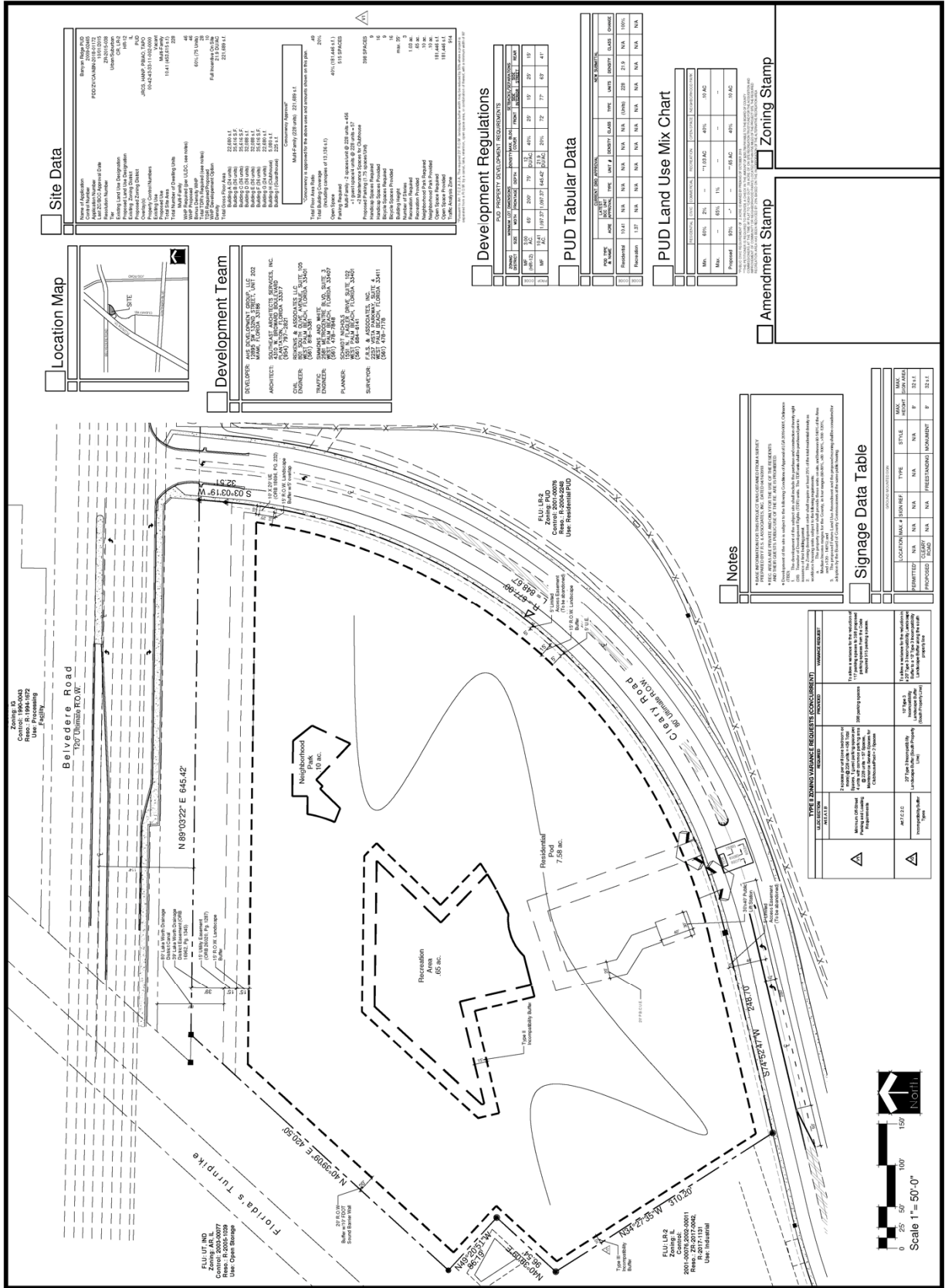
Banyan Ridge PUD

Palm Beach County, Florida

Date: 06/11/18
P: 30'-0"
Design By: JES
Drawn By: JES
Checked By: JES
Job No.: 18-214

REVISIONS / SUBMISSIONS
-08/11/18 Resubmittal
-10/02/18 Resubmittal
-11/13/18 Resubmittal

Preliminary
Master
Plan
PMP



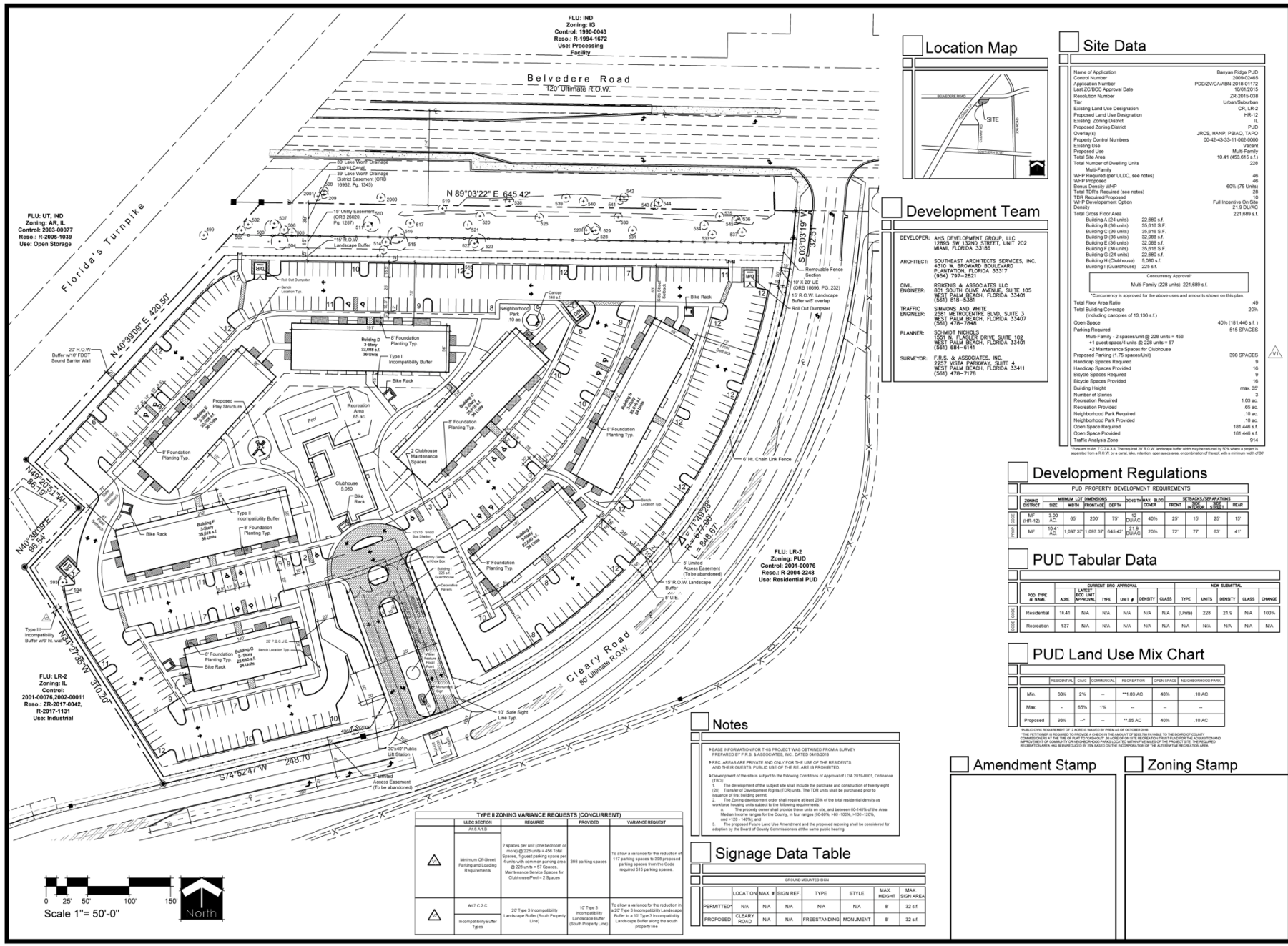


1551 N. Flagler Dr, Ste 102
West Palm Beach, FL 33401
Phone: 561.684.6141
Email: info@snlandplan.com
Website: www.snlandplan.com
License No: LC26000232

Banyan Ridge PUD

Palm Beach County, Florida

Figure 4 – Preliminary Site Plan dated November 13, 2018.



Site Data

Name of Application	Banyan Ridge PUD
Control Number	2008-02465
Application Number	PDD/ZV/CA/ABN/2018-01172
Last ZC/CC Approval Date	10/01/2015
Revision Number	28, 2018.01.018
Tier	Urban/Suburban
Existing Land Use Designation	DR, LR-2
Proposed Land Use Designation	HR-12
Existing Zoning District	IL
Proposed Zoning District	PUD
Overlay(s)	JRCS, HAMP, PBWD, TAPO
Property Control Numbers	00-42-43-33-1-002-0000
Existing Use	Vacant
Proposed Use	Multi-Family
Total Site Area	10.41 (463,615 s.f.)
Total Number of Dwelling Units	228
Multi-Family	46
MHP Required per L.L.C. (see notes)	46
MHP Proposed	46
Drive Driveway Varp	60% (75 Units)
Total TDR's Required (see notes)	28
TDR Required/Proposed	12
MHP Development Option	Full Incentive On Site
Cherry	21.9 DUGC
Total Gross Floor Area	221,689 s.f.
Building A (24 units)	22,890 s.f.
Building B (26 units)	35,816 s.f.
Building C (26 units)	35,816 s.f.
Building D (26 units)	32,288 s.f.
Building E (26 units)	32,288 s.f.
Building F (26 units)	35,816 s.f.
Building G (24 units)	22,890 s.f.
Building H (Clubhouse)	1,080 s.f.
Building I (Clubhouse)	221 s.f.
Multi-Family (228 units)	221,689 s.f.
Concomitantly Approved	
Multi-Family (228 units)	221,689 s.f.
Concomitantly approved for the above uses and amounts shown on this plan.	
Total Floor Area Ratio	48
Total Building Coverage	20%
Including canopies of 13,130 s.f.	
Open Space	40% (191,446 s.f.)
Parking Required	515 SPACES
Multi-Family, 2 spaces/unit @ 228 units = 465	
+1 guest spaces/unit @ 228 units = 57	
+2 Maintenance Spaces for Clubhouse	368 SPACES
Handicap Spaces Required	9
Handicap Spaces Provided	16
Bicycle Spaces Required	9
Bicycle Spaces Provided	16
Building Height	max. 35'
Number of Stories	3
Recreation Required	1.03 ac.
Recreation Provided	69 ac.
Neighborhood Park Required	10 ac.
Neighborhood Park Provided	10 ac.
Open Spaces Required	181,446 s.f.
Open Spaces Provided	181,446 s.f.
Traffic Analysis Zone	914

Development Team

DEVELOPER: AHS DEVELOPMENT GROUP, LLC
12805 SW 120th STREET, UNIT 202
MIAMI, FLORIDA 33186

ARCHITECT: SOUTHEAST ARCHITECTS SERVICES, INC.
4310 W. BROWARD BOULEVARD
PLANTATION, FLORIDA 33317
(561) 977-2627

CIVIL ENGINEER: REKERS & ASSOCIATES, LLC
851 SOUTH OLE AVENUE, SUITE 105
WEST PALM BEACH, FLORIDA 33401
(561) 618-3341

TRAFFIC ENGINEER: SIMMONS AND WHITE
2281 METROCHIEF BLVD, SUITE 3
WEST PALM BEACH, FLORIDA 33407
(561) 478-2640

PLANNER: SCHMIDT NICHOLS
1501 N. FLAGLER DRIVE, SUITE 102
WEST PALM BEACH, FLORIDA 33401
(561) 451-9141

SURVYOR: F.R.S. & ASSOCIATES, INC.
2257 VISTA PARKWAY, SUITE 4
WEST PALM BEACH, FLORIDA 33411
(561) 478-7178

Development Regulations

ZONING DISTRICT	MINIMUM LOT DIMENSIONS				DENSITY	MAX. BLDG. COVER	SETBACK/SEPARATIONS				
	MIN. WIDTH	MIN. DEPTH	MIN. FRONT	MIN. SIDE			MIN. REAR				
HR-12	120'	65'	200'	75'	0.25	40%	25'	15'	25'	15'	
MP	10-41'	AC	11,087.37'	1,087.37'	645.42'	21.9 DUGC	20%	72'	77'	63'	41'

PUD Tabular Data

PUD TYPE & NAME	AGE	CURRENT PRO APPROVAL				NEW SUBMITTAL				
		LOT #	DENSITY	CLASS	TYPE	UNITS	DENSITY	CLASS	CHANGE	
Residential	18-41	N/A	N/A	N/A	N/A	N/A	228	21.9	N/A	100%
Recreation	1-17	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

PUD Land Use Mix Chart

	RESIDENTIAL	COMMERCIAL	RECREATION	OPEN SPACE	NEIGHBORHOOD PARK
Min.	60%	2%	--	**1.03 AC	40%
Max.	--	65%	1%	--	--
Proposed	63%	--	--	**65 AC	40%

Notes

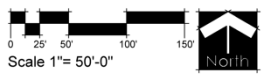
- ALL INFORMATION FOR THIS PROJECT WAS OBTAINED FROM A SURVEY PREPARED BY F.R.S. & ASSOCIATES, INC. DATED 06/05/18.
- REC. AREAS ARE PRIVATE AND ONLY FOR THE USE OF THE RESIDENTS AND THEIR GUESTS. PUBLIC USE OF THESE AREAS IS PROHIBITED.
- Development of the site is subject to the following Conditions of Approval of LCA 2018-0001, Ordinance (18-07):
 - The development of the subject site shall include the purchase and construction of twenty eight (28) Transfer of Development Rights (TDR) units. The TDR units shall be purchased prior to issuance of the building permit.
 - The zoning development order shall require at least 25% of the total residential density as transferable density to be used for the following requirements:
 - The property owner shall provide these units on site, and between 50-100% of the Area Reasonable Expect for the County, in four ranges (80-85%, 86-100%, 101-120%, and 121-140%) and
 - The proposed Final Land Use Amendment and the proposed recording shall be considered for relation to the Board of County Commissioners at the same public hearing.

Signage Data Table

PERMITTED/PROPOSED	GROUND MOUNTED SIGN				MAX. HEIGHT	MAX. SIGN AREA
	LOCATION	MAX. #	SIGN REF.	TYPE		
PERMITTED	N/A	N/A	N/A	N/A	N/A	8'
PROPOSED	CLEARY ROAD	N/A	N/A	PRESTANDING MONUMENT	8'	32 s.f.

TYPE II ZONING VARIANCE REQUESTS (CONCURRENT)

MISC SECTION	REQUIRED	PROVIDED	VARIANCE REQUEST
REC 41.5	2 spaces per unit (one bedroom or more @ 228 units = 448 Total Spaces, 3 green parking spaces per 4 units with entrance parking area @ 228 units = 57 Spaces, Maintenance Service Spaces for Clubhouse/Pool = 2 Spaces	503 parking spaces	To allow a variance for the reduction of 177 parking spaces to 303 proposed parking spaces from the Code required 480 parking spaces.
INT 2.2.C	20' Type 3 Incompatibility Landscape Buffer (South Property Line)	10' Type 3 Incompatibility Landscape Buffer (South Property Line)	To allow a variance for the reduction in 20' Type 3 Incompatibility Landscape Buffer to a 10' Type 3 Incompatibility Landscape Buffer along the south property line.



ZC
Application No. ABN/ZV/PDD/CA-2018-01172
Control No. 2009-02465
Project No. 05830-000

February 7, 2019
BCC District 2

Page 142

Date: 06/11/18
Scale: 1" = 50'-0"
Design By: JES
Drawn By: JES
Checked By: JAN
File No: 588.01
Job No: 18-14

REVISIONS / SUBMISSIONS
 08/13/18 Resubmittal
 09/17/18 Resubmittal
 10/09/18 Resubmittal
 11/13/18 Resubmittal

Preliminary Site Plan

PSP

Figure 5 – Preliminary Regulating Plan dated November 13, 2018 (Sheet 1).

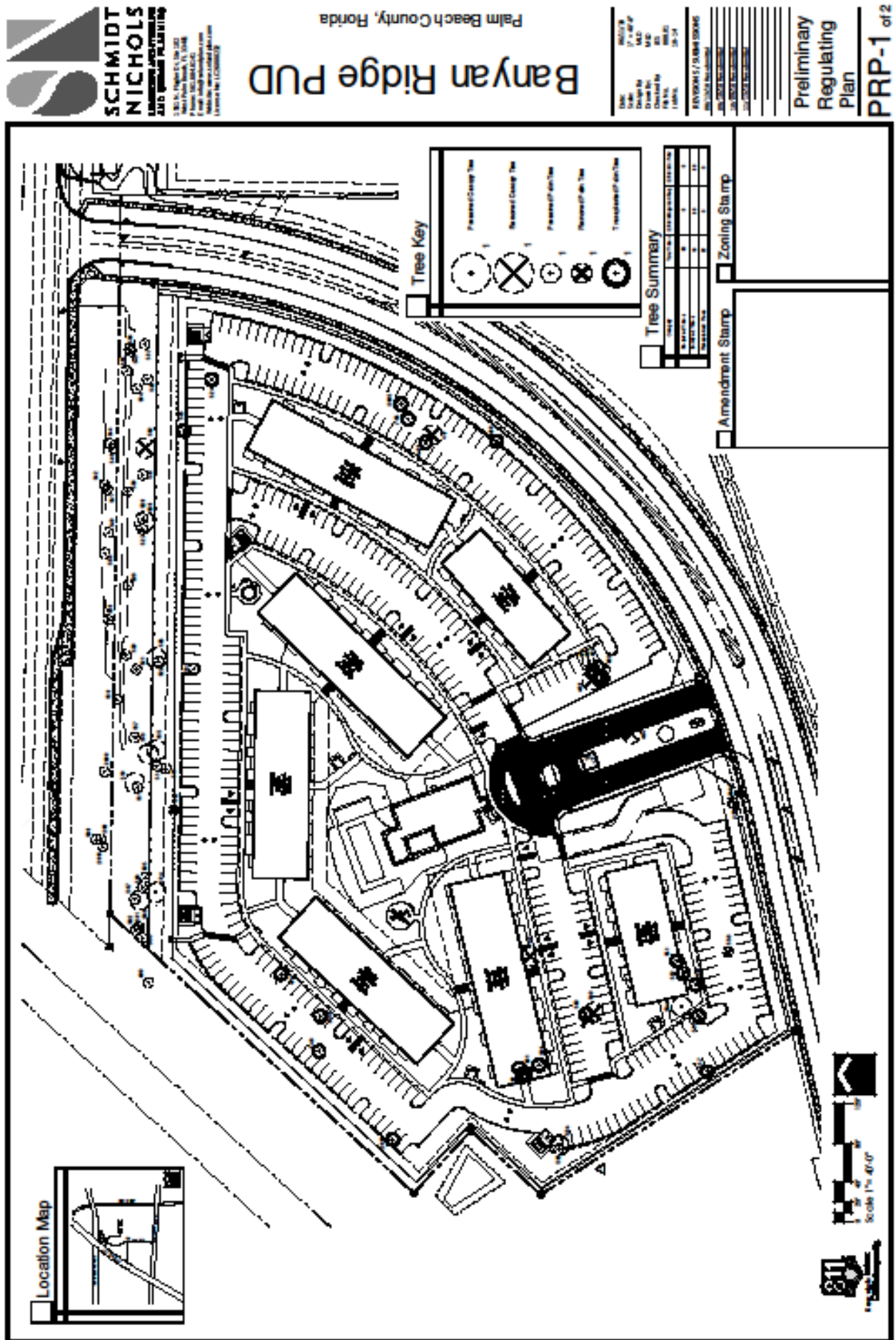


Figure 5 – Preliminary Regulating Plan dated November 13, 2018 (Sheet 2).

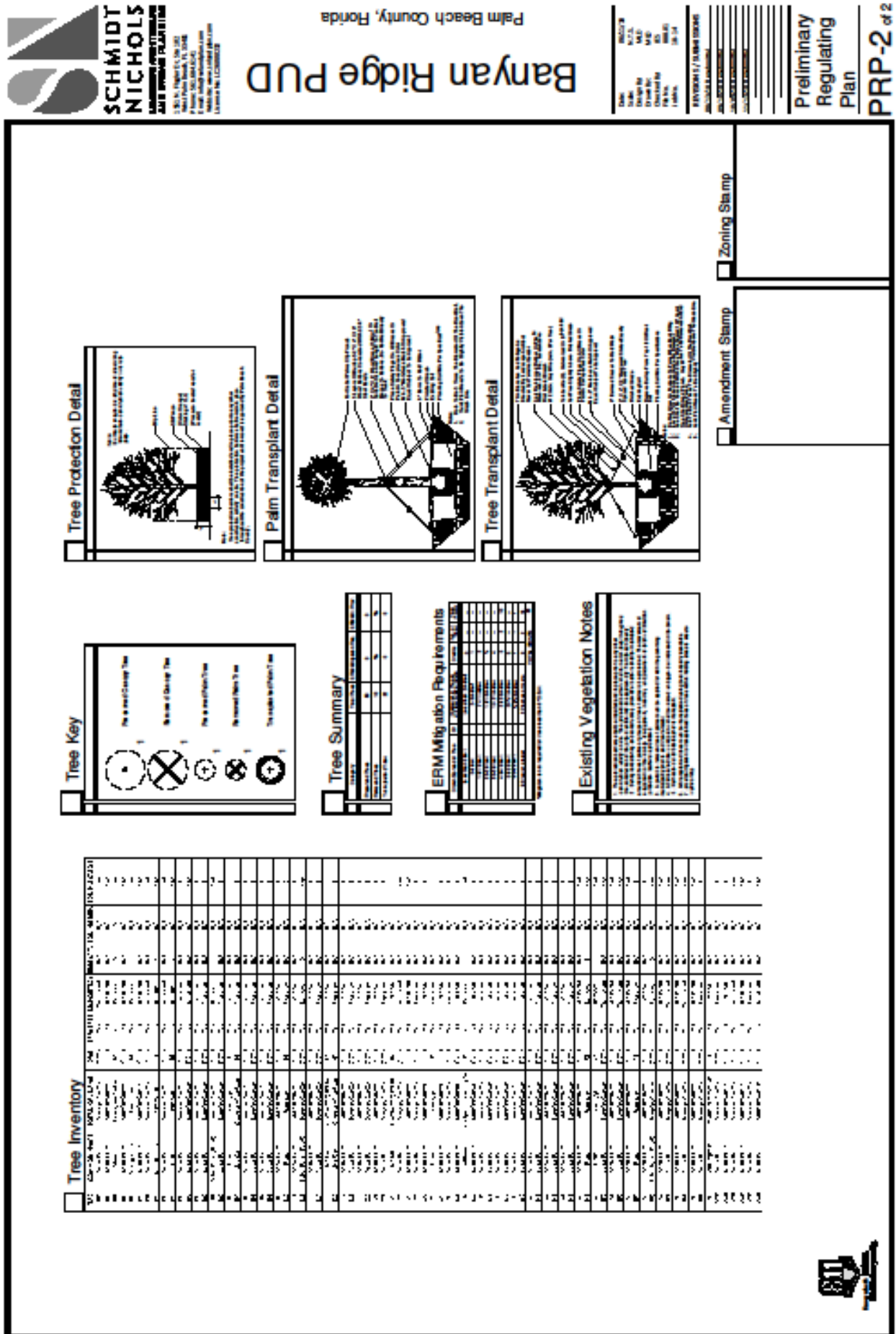


Figure 6 – Preliminary Architectural Elevations dated August 13, 2018. (Sheet 1)

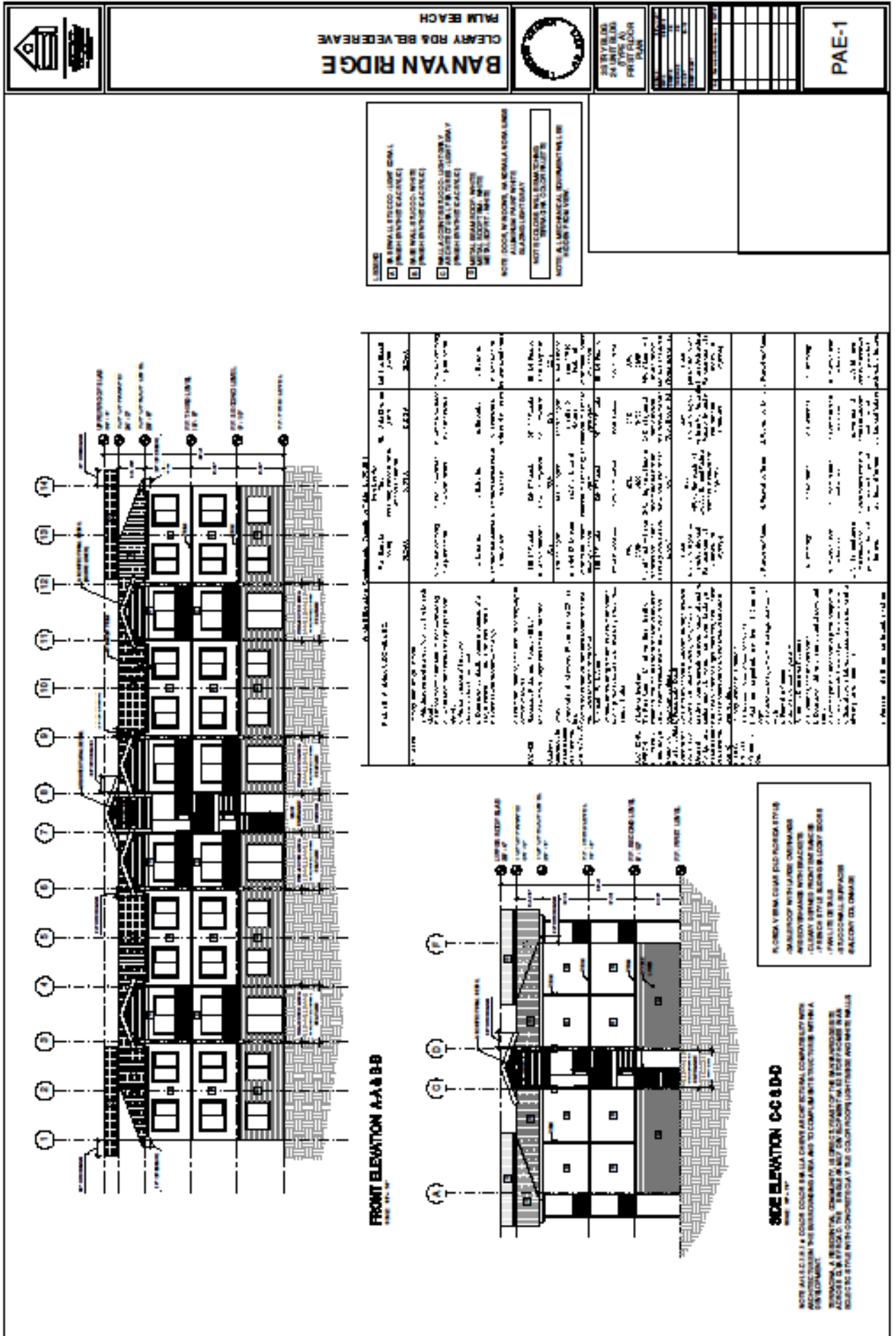


Figure 6 – Preliminary Architectural Elevations dated August 13, 2018. (Sheet 3)

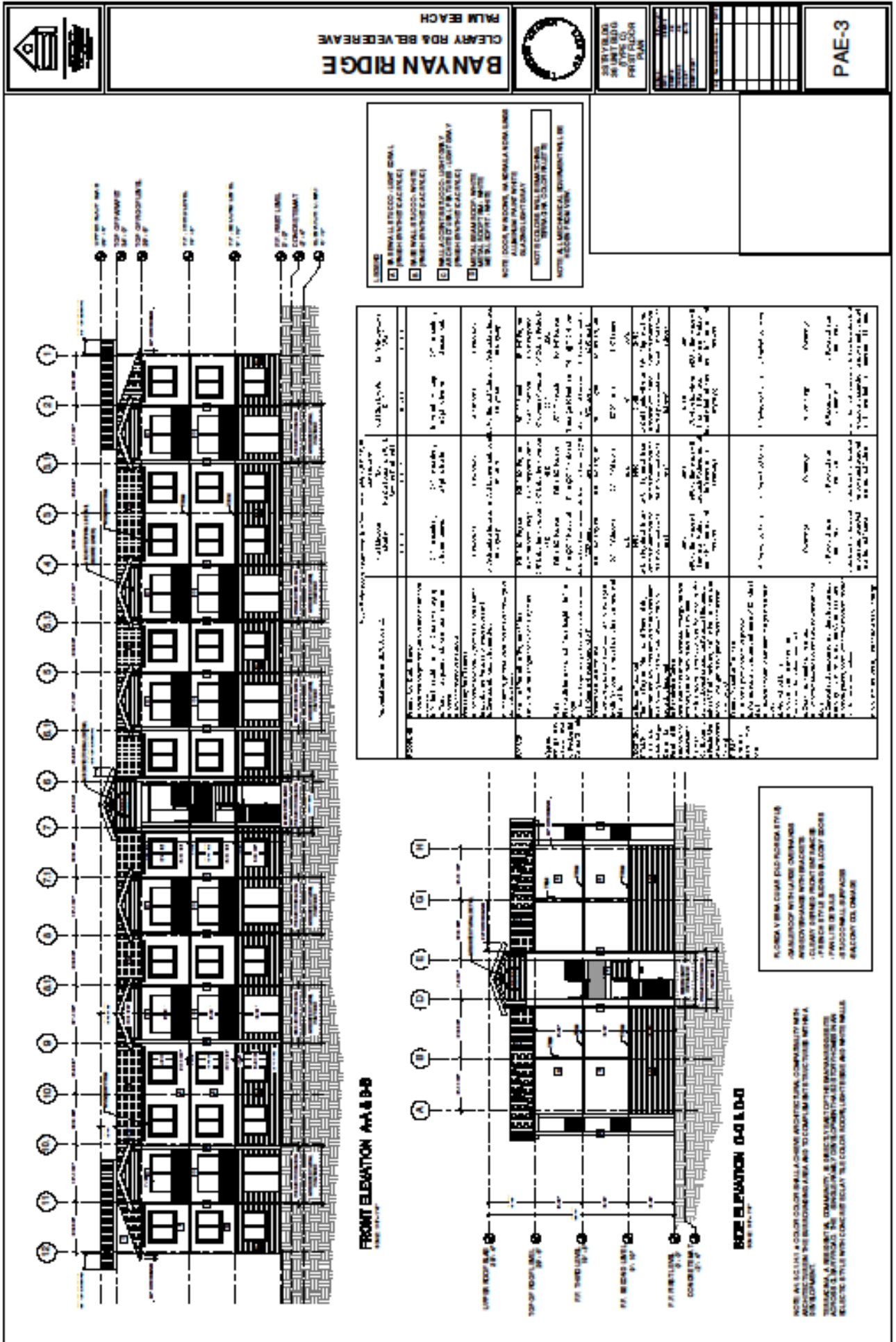


Figure 6 – Preliminary Architectural Elevations dated August 13, 2018. (Sheet 4)

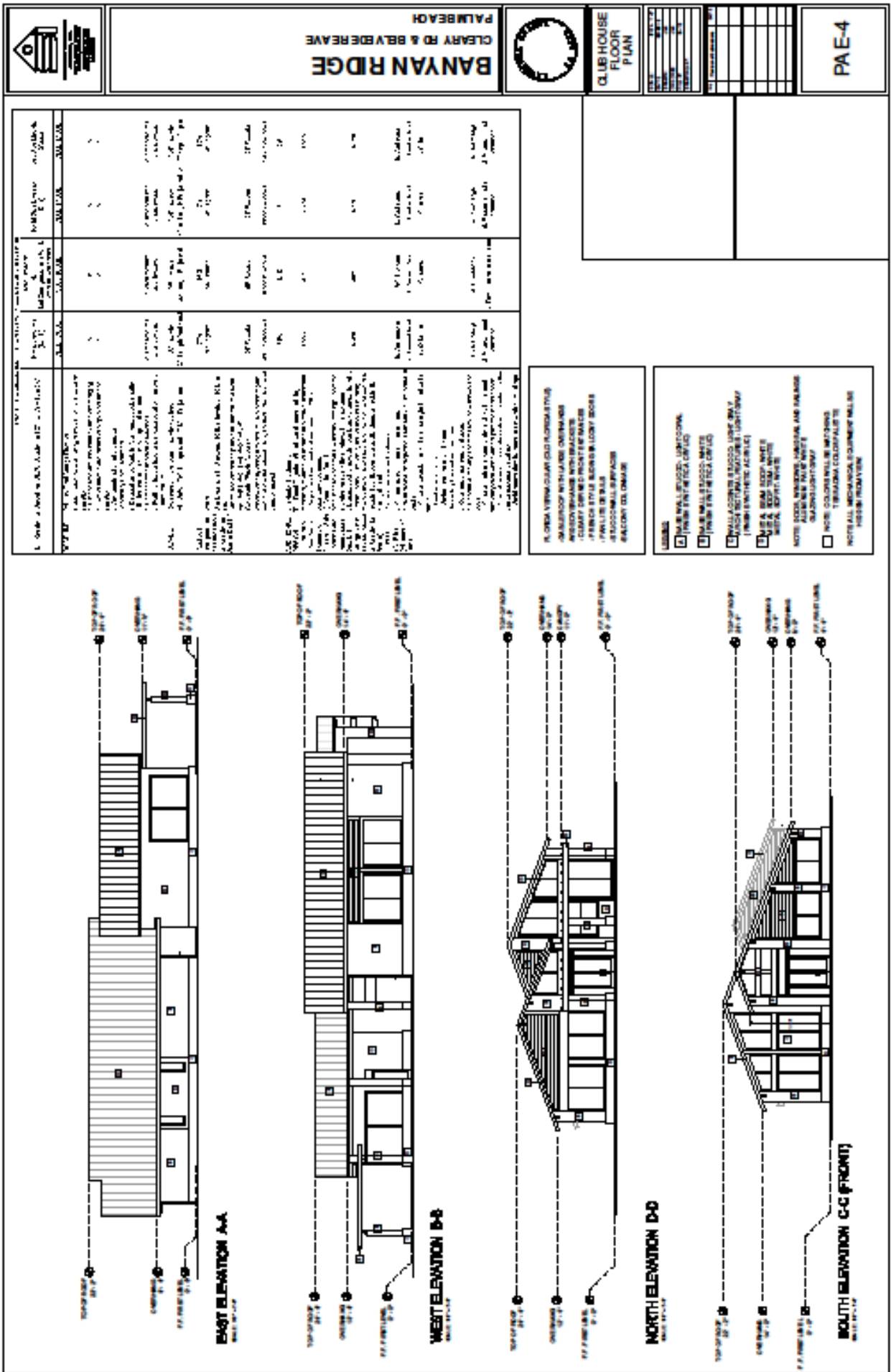


Figure 7 – Preliminary Master Sign Plan dated November 13, 2018.



**SCHMIDT
NICHOLS**
LANDSCAPE ARCHITECTURE
AND URBAN PLANNING
1551 N. Flagler Dr, Ste 102
West Palm Beach, FL 33401
Phone: 561.684.6141
Email: info@snlandplan.com
Website: www.snlandplan.com
License No: LC26000232

Banyan Ridge PUD

Palm Beach County, Florida

Date: 10/09/18
Scale: N.T.S.
Design By: JES
Drawn By: JES
Checked By: JES
File No. 888.01
Job No. 18-14

REVISIONS / SUBMISSIONS

11/13/18	Resubmittal

Preliminary
Master
Sign Plan

PMSP

Amendment Stamp



Zoning Stamp

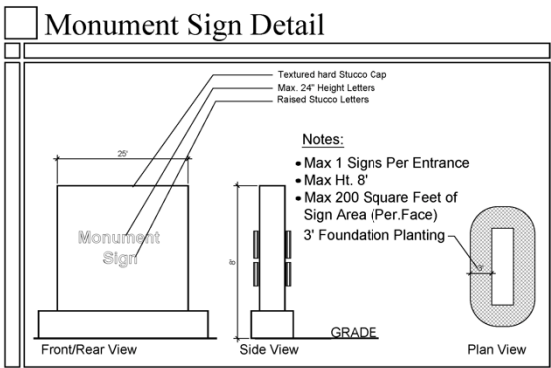


Exhibit D – Disclosures

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

(TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY)


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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

1. Affiant is the individual or President *[position—e.g., president, partner, trustee]* of AHS Development Group, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]*, (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 12885 SW 132nd Street, Unit 202, Miami, Florida 33186
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



 Ernesto Lopes, Affiant
 (Print Affiant Name)

The foregoing instrument was acknowledged before me this 24 day of April, 2018, by Ernesto Lopes, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



 Notary Public



Miriam Casuso

 (Print Notary Name)

NOTARY PUBLIC
 State of Florida at Large
 My Commission Expires: 12/20/2018

EXHIBIT "A"
PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:
TRACTS "B", TURNPIKE BUSINESS PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 119, PAGE 126, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, CONTAINING A TOTAL OF 10.414 ACRES MORE OR LESS.
OTHERWISE DESCRIBED AS FOLLOWS:
BEING ALL OF TRACT "B", TURNPIKE BUSINESS PARK AS RECORDED IN PLAT BOOK 119, PAGE 126 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.
BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT "B"; THENCE ALONG THE EAST LINE OF SAID TRACT "B" THE FOLLOWING THREE (3) COURSE, SAID EAST LINE ALSO BEING THE WESTERLY RIGHT OF WAY OF CLEARLY ROAD; THENCE SOUTH 03°03'19" WEST, 32.51 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 677.00 FEET AND THE CENTRAL ANGLE OF 71°49'28"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 848.87 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 74°52'47" WEST, 248.70 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "B"; THENCE ALONG THE SOUTHERLY LINE OF SAID TRACT "B" THE FOLLOWING THREE (3) COURSES; THENCE NORTH 34°27'35" WEST, 310.20 FEET; THENCE NORTH 40°39'09" EAST, 96.54 FEET; THENCE NORTH 49°20'51" WEST, 86.19 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "B"; THENCE NORTH 40°39'09" EAST ALONG THE WESTERLY LINE OF SAID TRACT "B", SAID LINE ALSO BEING THE EASTERLY RIGHT OF WAY OF THE FLORIDA TURNPIKE, 420.50 FEET TO THE NORTHWEST CORNER OF SAID TRACT "B"; THENCE NORTH 89°03'22" EAST ALONG THE NORTH LINE OF SAID TRACT "B", 645.42 FEET TO THE POINT OF BEGINNING.
CONTAINING 10.414 ACRES MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

	Name	Address
91%	Rubens Menin	12895 SW 132nd Street Miami, FL 33186
6%	Ernesto Lopes	Miami, FL (same)

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 Jeffry Householder, 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 [] President _____ [position - e.g., president, partner, trustee] of Florida Public Utilities Company [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: 909 Silver Lake Blvd., Dover, DE 19604

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.

Jeffrey Householder
Jeffrey Householder, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 30 day of April, 2018, by Jeffrey Householder, [] who is personally known to me or [] who has produced as identification and who did take an oath.

Christine Minton
Notary Public

Christine Minton
(Print Notary Name)

NOTARY PUBLIC
State of Florida of Large
My Commission Expires: August 23, 2021



EXHIBIT "A"

PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:
 TRACTS "B", TURNPIKE BUSINESS PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 119, PAGE 128, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, CONTAINING A TOTAL OF 10.414 ACRES MORE OR LESS.

OTHERWISE DESCRIBED AS FOLLOWS:
 BEING ALL OF TRACT "B", TURNPIKE BUSINESS PARK AS RECORDED IN PLAT BOOK 119, PAGE 128 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT "B"; THENCE ALONG THE EAST LINE OF SAID TRACT "B" THE FOLLOWING THREE (3) COURSE, SAID EAST LINE ALSO BEING THE WESTERLY RIGHT OF WAY OF CLEARLY ROAD; THENCE SOUTH 03°03'19" WEST, 32.51 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 677.00 FEET AND THE CENTRAL ANGLE OF 71°49'28"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 848.67 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 74°52'47" WEST, 248.70 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "B"; THENCE ALONG THE SOUTHERLY LINE OF SAID TRACT "B" THE FOLLOWING THREE (3) COURSES; THENCE NORTH 34°27'35" WEST, 310.20 FEET; THENCE NORTH 40°39'09" EAST, 96.54 FEET; THENCE NORTH 49°20'51" WEST, 86.19 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "B"; THENCE NORTH 40°39'09" EAST ALONG THE WESTERLY LINE OF SAID TRACT "B", SAID LINE ALSO BEING THE EASTERLY RIGHT OF WAY OF THE FLORIDA TURNPIKE, 420.50 FEET TO THE NORTHWEST CORNER OF SAID TRACT "B"; THENCE NORTH 89°03'22" EAST ALONG THE NORTH LINE OF SAID TRACT "B", 645.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.414 ACRES MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address	
Florida Public Utilities Company	909 Silver Lake Blvd., Dover, DE 19904	100%

Exhibit E – Justification Statement dated January 9, 2019

**Justification Statement
Banyan Ridge Planned Unit Development
Palm Beach County (PBC) Type II Variance (Concurrent)
Rezoning to PUD, Development Order Abandonment, and
Class A Conditional Use Application
Original Submittal: June 11, 2018
Resubmittal: August 13, 2018
Resubmittal: September 10, 2018
Resubmittal: October 9, 2018
Resubmittal: November 13, 2018
Revision: January 9, 2019**

Request

On behalf of the Applicant and Contract Purchaser, AHS Development Group LLC (“Applicant”) and the property owners, Florida Public Utilities Company (“Owners”), Schmidt Nichols respectfully requests your consideration of these applications for Rezoning, Class A Conditional Use, Development Order Abandonment, and Type II Variance applications for the project formerly known/approved as Florida Public Utilities Regional Operation. As part of this application, the property owner is requesting a Control Name Change Request from the current Control Name, Florida Public Utilities Regional Operation, (Control No. 2009-02465) to the proposed Control Name, Banyan Ridge Planned Unit Development. The 10.41-acre subject property is composed of a platted tract within a larger plat (PCN 00-42-43-33-11-002-0000) located on the southwest corner of Belvedere Road and Cleary Road in unincorporated Palm Beach County. (“subject property”). This parcel is Tract B of a larger industrial development; however, the subject site stands alone with regard to the processing of zoning entitlements. Proposed site development on the currently unimproved parcel consists of 228 apartment dwelling units with a project build-out of 2023. Site access is proposed via a full access driveway connection to Cleary Road.

The Applicant requests consideration of the following:

- Request 1: Rezoning Application** Light Industrial (IL) to Residential Planned Unit Development (PUD) District on 10.41 acres
- Request 2: Class A Conditional Use** for the Transfer of Development Right (TDR) Program and for the Workforce Housing Density Bonus Program (WHP) for 228 proposed dwelling units
- Request 3: Development Order Abandonment** of Resolution No. ZR-2015-038, which allowed a Class B Conditional Use for a Retail Gas and Fuel
- Request 4: Type II Variance Request** (To allow a variance for the reduction in a 20' Type 3 Incompatibility Landscape Buffer to a 10' Type 3 Incompatibility Landscape Buffer along the south property line; To allow a variance for the reduction of 117 parking spaces to 398 proposed parking spaces from the Code required 515 parking spaces)

Concurrent Application:

- Large Scale LUPA from CR & LR-2 to High Residential, 12 dwelling units per acre (HR-12) submitted to the Planning Division on May 4, 2018

A portion of the subject property (9.02 acres) supports a Future Land Use Atlas designation of Commercial Recreation (CR) and the balance of the parcel (1.4 acres) supports a Future Land Use Atlas designation of Low Residential with 2 Dwelling Units Per Acre (LR-2). The subject property is currently within the Light Industrial (IL) Zoning District. The subject property is located within the Palm

Beach International Airport Overlay (PBAIO), Turnpike Aquifer Protection Overlay (TAPO), and Haverhill Area Neighborhood Plan (HANP).

Below is a summary of surrounding properties:

Adjacent Lands	Uses	FLU	Zoning
Subject Property (Proposed)	Vacant	HR-12	PUD
North	Industrial Processing Facility	IND	IG
South	Residential Planned Unit Development (MPC III Turnpike Business Park) / Industrial	LR-2	IL
East	Residential Planned Unit Development (Terracina Johnson Property PUD)	LR-2	PUD
West	Florida's Turnpike, Industrial Open Storage	UT, IND	AR, IL

Consistency with County Overlays, Plans, and Studies

The proposed amendment is located within boundaries of the Palm Beach International Airport (PBIA) Approach Path Conversion Area Overlay, the Turnpike Aquifer Protection Overlay (TAPO), the Jog Road Corridor Study (JRCS), and the Haverhill Area Neighborhood Plan (HANP). Based on previous approvals and the proposed dynamics of the site, the proposal is consistent with each of the overlays. The overlays applicable to the property include:

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.”

Palm Beach International Airport (PBIA) Approach Path Conversion Area Overlay: The PBIA Overlay was developed to address the land use issues in neighborhoods/communities within the approach path of PBIA. The Overlay covers the area west of the airport to the Turnpike, north to Belvedere Road and south to Southern Boulevard. Several established neighborhoods in this area are excluded, but the subject site is not among them. The Comprehensive Plan provisions in Sub-Objective 1.2.4 PBIA Approach Path Conversion Area Overlay protects existing neighborhoods from incompatible uses and promotes conversion to industrial uses when parcels meet the proper size, site design and location requirements. The proposed development is consistent with the PBIA-O by providing a transitional use to the surrounding uses as discussed in the applicable Comprehensive Plan objectives.

As part of this proposed application, the applicant is protecting neighborhoods surrounding the PBIA from incompatible land development, protecting airport operations from incompatible land development. The proposed development is toward the western edge of the approach path, however, it will complement the single family to the east and light industrial to the south.

Turnpike Aquifer Protection Overlay (TAPO): This overlay is implemented in the comprehensive plan to protect freshwater resources in the county. The surficial aquifer is the primary source of freshwater for eastern Palm Beach County. The northern extension of the Biscayne Aquifer, locally known as the "Turnpike" Aquifer, encompasses one of the most productive portions of the surficial aquifer. The "Turnpike" Aquifer also serves as the present and future water supply for many of Palm

Beach County's water treatment plants. Due to the size of the proposed amendment site, relevant Comprehensive Plan policies do not apply. Additionally, the County's Department of Environmental Resources Management (ERM) requires the applicant to meet with ERM Wellfield Staff to discuss potential Wellfield issues and construction standards during Zoning review. Per applicant's statement, the site design will properly address drainage to avoid any ground water contamination.

The applicant is safeguarding public health, safety and welfare by enhancing the functions of natural groundwater recharge areas. The applicant is not proposing any potential adverse impacts on the surficial aquifer system by limiting or restricting certain incompatible uses and developments. (PBC Comp Plan Objective 5.5) Further, the applicant is proposing multifamily residential apartments, which would eliminate the potential contaminants which could have been introduced by the previous approval on the property. Previous approvals (i.e. ZR-2015-0038) allowed for a retail gas and fuel use on the subject property. The applicant is currently proposing 228 multifamily residential apartments as part of this proposed application.

The Jog Road Corridor Study (JRCS): The Jog Road Corridor Study was completed in 1995 by the PBC Planning Division to investigate and determine the appropriate Future Land Use Atlas designations within the Jog Road corridor, given the expansion of Jog Road. During development, the JRCS recognized that this area was changing, as Jog Road was being extended and Belvedere Road was being expanded to six (6) lanes. The JRCS recommendations for this portion of the study area, known as subarea 6, suggest residential, commercial low office or a mixed-use development with limited commercial retail uses. The JRCS identifies topics of concern in subarea 6, with recently expanded roads and a gas compression station along Belvedere Road. The JRCS recognized that these noise generating uses could create compatibility issues with residential development. In addition, the Study recommends prohibiting general retail commercial uses or industrial uses in this subarea due to possible pollution of the wellfield and aquifer protection area. The proposed request is consistent with recommendations of JRCS.

Haverhill Area Neighborhood Plan (HANP): The HANP was completed in 1992 by the PBC Planning Division and Haverhill representatives. The intent of this neighborhood plan was to address land use, airport noise, code enforcement issues and transportation in the Haverhill area. The HANP short range recommendation (to 1996) suggests the subject site retain a residential designation. However, long term recommendations place this site in an industrial transition area (pg. 7a). The HANP identified Cleary Road as an access road for Industrial traffic, and recommended considerations to accommodate this traffic. Wellfield protection is also identified as a major concern in this area and conditions will be applied by the appropriate agencies during Zoning review to the subject site to prevent wellfield contamination. Therefore, this proposal is generally consistent with the recommendations of the HANP. As part of Intergovernmental Coordination, notification of this amendment was sent on September 21, 2018 to the Town of Haverhill.

As part of this proposed application, the applicant is not proposing any addition or expansion of travel through lanes and/or turning lanes along Belvedere and Haverhill Roads, including the intersection thereof, that would increase traffic volumes. Further, the proposed development has been estimated to generate 1,516 trips per day, 115 AM peak hour trips, and 141 PM peak hour trips at project build-out in 2023, which is a significant reduction from the number of trips per day for the existing development.

Haverhill Area Neighborhood Plan (HANP) Meeting: A meeting for Banyan Ridge Planned Unit Development was held on August 15, 2018 at the Town of Haverhill. The proposed project is within the Haverhill Neighborhood Plan, which is in District 2 (Commissioner Burdick). There were 0 members from the public that had attended. Agent Josh Nichols presented and a question and answer session followed wherein the Agent responded to questions about the project from the Town of Haverhill. The Agent discussed the proposed rezoning from the Industrial Light (IL) Zoning District to the Planned Unit Development (PUD) Zoning District and the proposed reduction of the required parking spaces and the Workforce Housing Density Bonus Program that is in excess of 30 percent. The Town of Haverhill has expressed concerns over the increased traffic. In a letter to Zoning Division dated August 15, 2018, the Town officially expressed concerns that cumulative effect of the approval of this project and other pending projects in that area will result in increased traffic along Haverhill Road and Belvedere Road within Town's jurisdictional boundaries. The site is proposed to be accessed on Cleary Road, on which the entrances to MPC III Turnpike Business

Park and Terracina PUD are also located. The County Traffic Engineering Division indicates that the amendment request represents a traffic reduction of 1,806 trips per day from the traffic associated with CR land use.

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 3, 2018. One member of the public attended the informational meeting and asked questions primarily regarding the zoning application processes, however, they did not object to the proposal.

Parking Reduction

In order to determine (or verify) the adequacy of the proposed parking supply at the subject property, parking observations were performed at four (4) similar (i.e. in terms of unit mix and demographics) residential apartment communities in south Florida. The communities selected for this analysis are as follows:

- Village at Crystal Lake, 3800 Crystal Lake Drive, Deerfield Beach (126 units)
- The Village at Lake Worth, Lake Worth (216 units)
- “The Village II” at Lake Osborne, 2340 Lake Worth Road, Lake Worth (118 units)
- Village at Mangonia Lake, West Palm Beach (228 units)

Project Name	Municipality	Number of Units	Code Required Parking	Provided Parking (Resident/Guest)	Parking Ratio	% Reduction
The Village at Crystal Lake	City of Deerfield	126	261	216	1.71 spaces per dwelling unit	17.24%
Village at Lake Worth	City of Lake Worth	216	458	312	1.44 spaces per dwelling unit	32%
“The Village II” at Lake Osborne	City of Lake Worth	118	250	170	1.44 spaces per dwelling unit	32%
Village at Mangonia Lake	City of West Palm Beach	228	461	344	1.51 spaces per dwelling unit	25.38%
Banyan Ridge (Subject Property)	Palm Beach County	228	515	398	1.75 spaces per dwelling unit	22.72%

Parking Inventory Analysis: Staff requested that the applicant study the two recently approved and operating facilities of similar size and provide an inventory of the parking space utilization rates. A full report of these findings has been provided within the updated Parking Reduction Study as prepared by Simmons and White. In summary, the parking rate for the Village at Lake Worth during the study period was 1.23 spaces per unit. The Village at Lake Osborne community counts resulted in 1.27 spaces per unit. Both communities were at almost 100% occupancy during the testing times. Banyan Ridge is proposed to provide 1.75 spaces per unit which far exceeds the parking utilization rates tested on properties owned and operated by the same applicant which have also implemented the same parking policies for tenants and guests that would be implemented at the Banyan Ridge community.

Village at Crystal Lake: The Village at Crystal Lake is a residential apartment community to be located on Crystal Lake Drive approximately 1,200 feet west of Military Trail in Deerfield Beach, Broward County, Florida. More specifically, the subject site is located at 3800 Crystal Lake Drive. The site, which is the location of the former Crystal Lake Country Club, is proposed to be redeveloped with 126 apartment dwelling units. The required number of parking spaces for this community is 261 parking spaces and the proposed parking supply is 216 parking spaces (17.24% reduction). The proposed parking supply is 216 parking spaces which would translate to 1.71 spaces per unit.

“The Village II” at Lake Osborne: The subject parcel is generally located between 2nd Avenue North and Lake Worth Road approximately ½ mile east of Congress Avenue in the City of Lake Worth, Florida and contains approximately 4.8 acres. Proposed site development on the currently unimproved parcel consists of 118 multi-family apartment units. The required number of parking spaces for this community is 250 parking spaces and the parking supply is 170 parking spaces (32% reduction). This parking count of 170 parking spaces translates to 1.44 spaces per unit. In addition to the above, the ITE Parking Generation Manual (3rd Edition) states that the average peak parking demand for multi-family apartments units (Land Use #221) is approximately 1.2 spaces per dwelling unit. Applying the methodology from ITE, a total of 149 parking spaces would be adequate for the development.

Village at Mangonia Lake: The Village at Mangonia Lake consists of 228 rental apartments, all of which are workforce housing units. The site is located on the west side of Australian Avenue, north of Palm Beach Lakes Boulevard in the City of West Palm Beach. The City of West Palm Beach code requires a total of 461 parking spaces and the space count is 344 parking spaces (25.38% reduction). The 344 parking spaces translates to 1.51 spaces per unit. Given the nature of the proposed workforce housing development and the location, actual parking demands are anticipated to be less than the City’s parking code requirements. The projected demographics of this development consist of lower income families and single people. Therefore, the majority of the dwelling units will have only vehicle. Using the ITE Parking Generation rate results in a demand of 274 spaces. Based on the development’s location, demographics, and proximity to mass transit, the proposed parking is anticipated to be adequate to meet the demands of the development.

Banyan Ridge (Subject Property): Banyan Ridge is located on the southwest corner of Belvedere Road and Cleary Road in unincorporated Palm Beach County. The required number of parking spaces for this community is 515 parking spaces and the proposed parking supply is 398 parking spaces (22.72% reduction). The proposed parking supply is 398 parking spaces which would translate to 1.75 spaces per unit. Based upon the three (3) similar (i.e. in terms of unit mix and demographics) residential apartment communities in south Florida, the subject property is requesting nearly the least amount of parking reduction (22.72%) compared to the local residential apartment communities in south Florida. The proposed unit breakdown consists of 144 two-bedroom units and 84 one-bedroom units. Based on that unit breakdown, the parking demand for the proposed development is 372 spaces. The proposed site plan will accommodate a greater number of spaces above and beyond the parking reduction standards as detailed above:

- 1 Bedroom Dwelling Unit – 1 Space per Unit
84 one (1) Bedroom Dwelling Units @ 1 Space per Unit = 84 Spaces
- 2 Bedroom Dwelling Unit – 2 Spaces per Unit
144 two (2) Bedroom Dwelling Units @ 2 Spaces per Unit = 288 Spaces
- Guest Parking Spaces Provided: 26 spaces

While you will read further in this parking write up that the ITE Parking Generation Manual suggests a minimum peak parking demand for multi-family of 1.23 spaces per unit what we’ve provided above allows for each 1 bedroom unit to have a space as well as each two bedroom unit to have 2 spaces along with providing 26 spaces for guests which have already been incorporated into the ITE calculation. The proposed development exceeds the ITE recommended parking calculation by 32% or 124 spaces.

Given the nature of the proposed development and the location, actual parking demands are anticipated to be significantly less. Based on the projected demographics for the residents targeted for the development, it is anticipated that the majority of the residents will have only one vehicle. Consequently, a high demand for vehicle parking is not anticipated. That said, an adequate number of guest parking spaces has been provided and the applicant has provided a parking policy statement which discusses the assignment of parking spaces, guest parking protocol, and requirements for registration of resident and guest vehicles.

In addition to the above, the ITE Parking Generation Manual (4th Edition) states that the average peak parking demand for multi-family apartment units (Land Use #221) is 1.23 parking spaces per unit. Applying the methodology from ITE, a total of 280 parking spaces would be adequate for the development. As previously stated, there are a total of 398 parking spaces provided on-site. Based on the nature of the proposed development as a targeted workforce housing lease priced community,

the proposed parking as shown is anticipated to be adequate to meet the demands of the development. This has been not only detailed through the other similar properties controlled by the applicant, ITE and other parking methodologies, and parking protocols that the proposed parking reduction is in line with other projects within a variety of local municipalities.

Proposed Density Calculation (HR-12 + WHP + TDR):

Density Increase through TDRs: The applicant’s request for HR-12 designation would allow for 125 units on the site. For this site, located just west of the FL Turnpike, is eligible for up to three TDRs per acre to increase density. The applicant is requesting 28 of these 31 available TDRs. The cost for a market rate TDR is established as 10% of the County's median home sales price; workforce housing TDR units are priced at 5% of the market rate TDR price; TDRs are required to set aside 35% as WHP units and must be provided on site. The subject request is consistent with the requirements of the WHP.

Density Increase through WHP Optional Density Bonus: Density increases are also permitted through the County’s Workforce Housing Program (WHP) Density Bonus option, which allows a density bonus in exchange for a percentage of the bonus units being dedicated as workforce housing. For MR-5 and above, the maximum bonus is determined through a pre-application process, which considers census data, area amenities, and other factors. For this project, the available density bonus as determined through a required pre-application process is 60%, which would result in an additional 75 units. The applicant has indicated the intent to use all of the 75 density bonus units available through the WHP density bonus full-incentive election.

Combined Density Increases: The following table summarizes the maximum development potential for this site, under current conditions, and under the proposed designation with TDRs and WHP density bonus. Based on the applicant’s intent to develop 228 units, the HR-12 category is the lowest future land use which, in combination with the available TDRs and WHP, would yield the intended number of units.

Current and Potential Density with TDR and WHP Bonus

Development Potential Per FLU	Future Land Use Units	Available TDRs (max 3 du/ac.)	Available WHP Density Bonus 60%	Potential Total
Current CR 9.02 ac, LR-2 1.40 ac	3	3	1	7
Proposed FLU Amendment HR-12 10.42 Ac	125	N/A	N/A	125
Proposed Zoning Application including TDRs and WHP @10.42 Ac	125	28	75	228

WHP Obligation: The County’s WHP program requires all developments of 10 or more units in the Urban Suburban Tier to provide a percentage of units as workforce housing. The program also requires a percentage of any WHP density bonus units to be provided as WHP units. Finally, a portion of any TDRs used must also be provided as WHP units. WHP units are to be provided as for-sale or rental housing, at prices affordable to households having 60% to 140% of area median income. (The 2018 Area Median Income in Palm Beach County was \$74,300 for a family of four.) For all WHP except those stemming from the use of TDRs, developers also have the option to provide the units offsite or pay an in-lieu fee. The table below identifies the workforce housing obligation of the site if developed as proposed, pursuant to the WHP:

WHP Obligation of Proposed Amendment

	Units	WHP Obligation	
		Minimum %	WHP Units
HR-12 (Proposed FLU)	125	9%	11
TDR	28	35%	10
WHP Density Bonus	75	34%	26
Total	228	20%	46

The applicant’s proposed amendment would increase the future land use density from LR- 2 to HR-12 on 1.4 acres and from CR to HR-12 on 9.02 acres, thereby increasing the future land use dwelling units from 3 to 125 units, plus additional density from TDRs and WHP density bonus. If approved as proposed by the applicant, and then made subject to the WHP per the ULDC, the project would be required to provide 46 workforce housing units, with a minimum of 10 of those to be provided on site, and the balance eligible to be provided off-site or addressed through payment of an in-lieu- fee. Recognizing that the applicant is receiving a substantial benefit in the form of a density increase through the amendment process, in recent years staff has recommended, and the Board has approved, a condition typically requiring 25% of units to be provided as workforce, with all the WHP units to be provided on site. Staff is therefore recommending conditions of approval to require 25% of all dwelling units be provided on site as WHP units and to require purchase of the TDR units. This condition of approval would increase the amount of WHP units from the ULDC required 46 (20%) by 11 units for a total of 57 WHP units:

WHP Obligation with Conditions of Approval

Proposed FLU of HR-12	WHP Units	Percent of Total Units
WHP Obligation per ULDC	46	20%
WHP Obligation w/ 25% Condition	57	25%

While the figures below are

not included as part of the Future Land Use Plan Amendment request it is the intent to seek additional density through the use of the Workforce Housing Program (WHP) as well as the Transfer of Development Rights (TDR) program.

The summary of the calculations is provided below:

Total Proposed Units: 228 dwelling units (10.41 acres x 12 du/ac)

***WHP Required/Proposed (Per ULDC):** 46

Bonus Density WHP: 60% (75 Units)

Total TDR’s Required per Condition of Approval No. 1 of LGA 2019-0001, Ordinance (TBD): 28

***TDR Required/Proposed as WHP per LGA 2019-0001, Ordinance (TBD):** 10

Proposed WHP Development Option: Full Incentive On-Site

Staff has proposed the conditions of approval as detailed below at the BCC Transmittal Public Hearing on October 31, 2018 to require the purchase of the requested TDRs and that the adoption of the amendment and the zoning application are held concurrently. Consistent with other recent Comprehensive Plan amendments, staff is recommending a condition of approval requiring 25% of units be provided on site as WHP, rather than the 19% required by the ULDC.

*Development of the site is subject to the following Conditions of Approval of LGA 2019-0001, Ordinance (TBD):

- 1) The development of the subject site shall include the purchase and construction of twenty-eight (28) Transfer of Development Rights (TDR) units. The TDR units shall be purchased prior to issuance of first building permit.

Response: Complies. The applicant will purchase and construction of twenty-eight (28) Transfer of Development Rights (TDR) units as part of this proposed application.

- 2) The Zoning development order shall require at least 25% of the total residential density as workforce housing units subject to the following requirements:

- a) The property owner shall provide these units on site, and between 60-140% of the Area Median Income ranges for the County, in four ranges (60-80%, >80 -100%, >100 -120%, and >120 – 140%)

Response: The applicant is currently working with staff as to the details in requiring 25% of the total residential density as workforce housing units. The income categories that the subject request will be targeting consist of those rental rates that will be between 60-140% of the Area Median Income ranges for the County, in four ranges (60-80%, >80 -100%, >100 -120%, and >120 -140%).

Workforce Housing Program Density Analysis

Mandatory Obligation, not including Density Bonus:

Standard Density:

Units Permitted: 83	(10.41 x 8 = 83 units)
Workforce Housing Obligation:	4.15 (83 x 5% = 4.15)

Maximum Density:

Units Permitted:	42 (10.41 x 12 = 125, 125 – 83 = 42)
Workforce Housing Obligation:	6.72 (42 x 16% = 6.72)
Total Units: 125 Units	(83 + 42 = 125)
Total Workforce Obligation: 10.87	(4.15 + 6.72 = 10.87)

60% Density Bonus:

Maximum % Bonus:	60% (125 x 60% = 75)
Total Bonus Units:	75
Workforce Units:	17 (75 x 34% = 25.5)

TDR Density:

TDR Eligibility:	2.68 TDR/acre
TDR Units Permitted:	28 (10.41 x 2.68 = 28)
Workforce Housing Obligation:	10 (28 x 35% = 10)
TDR Cost: \$327,450	
18 TDR @ \$17,700 = \$318,600	
<u>+ 10 TDR's @ \$885 = \$8,850</u>	
Total: \$327,450	

Combined Maximum Potential:

Maximum Total Units: 228	(125 + 75 + 28 = 228)
Workforce Housing Obligation: 46	(10.87 + 25.5 + 10) = 46

Workforce Housing (WHP) Program: The mandatory WHP program requires that a percentage of units be deed restricted for a specified term to be sold or rented. All designated WHP units will be offered to income-qualified households with incomes from 60 percent to 140 percent of area medium income (AMI). In Palm Beach County, the 2018 median income is \$74,300 for a family of four (per HUD). The following are the current sales and rental prices per income category for 2018 in Palm Beach County. The income categories are the same for both programs. These homes cannot be sold or rented at a higher price, and any Utility Allowances are to be applied against gross maximum rent and the rental prices.

- WHP Rental Prices: The WHP rents are based on the annual Florida Housing Finance Corporation (FHFC) Multi-Family Rental Figures, adjusted for number of bedrooms. The rental prices at 100% are determined by Planning Division staff. Any Utility Allowances are applied against gross maximum rent.

WHP Income Category:

Low(60-80% of AMI)	\$44,580 -\$59,440
Moderate-1 (>80-100% of AMI)	>\$59,440 – \$74,300
Moderate-2 (>100-120% of AMI)	>\$74,300 -\$89,160
(>120-140% of AMI)	>\$89,160 -\$104,020

Middle

WHP Rental Prices:

<u>Income %</u>	<u>1 BR</u>	<u>2 BR</u>	<u>3 BR</u>	<u>4 BR</u>	
60%	\$ 866	\$1,039	\$1,200	\$1,339	80%
\$1,155	\$1,386	\$1,600	\$1,786		
>80%	\$1,155	\$1,386	\$1,600	\$1,786	
100%	\$1,444	\$1,733	\$2,000	\$2,233	
>100%	\$1,444	\$1,733	\$2,000	\$2,233	
120%	\$1,732	\$2,079	\$2,400	\$2,679	
>120%	\$1,732	\$2,079	\$2,400	\$2,679	
140%	\$2,021	\$2,425	\$2,800	\$3,125	

A companion application to the Palm Beach County Planning Division has been submitted on May 4, 2018 and requests the use of the County’s Workforce Housing Density Bonus (WHP) program in an effort to reach the total of 228 dwelling units. The applicant has requested 60% bonus through the full incentive portion of the program and this has been accepted by the Planning Division.

History

On January 8, 2004 the subject property was approved by the Board of County Commissioners (BCC) for a rezoning from Agricultural Residential (AR) to Multiple Planned Unit Development (MUPD) for the development of 340,000 square feet of industrial uses (self-storage, light industrial and accessory office) in two buildings. On July 11, 2006 the subject property was approved by the Board of County Commissioners (BCC) for a rezoning from the MUPD Zoning District to the Planned Unit Development (PUD) Zoning District and a Requested Use for Transfer of Development Rights of 114 units. On September 29, 2008 the subject property was approved by the Board of County Commissioners (BCC) for a rezoning from the PUD Zoning District to the PIPD Zoning District for the development of 591,571 square feet (sq. ft.) of warehouse use in 11 buildings. On April 23, 2009 the subject property was approved by the Board of County Commissioners (BCC) for an Expedited Application Consideration to delete Landscaping Conditions of Approval pertaining to the landscape buffer fronting the west side of Cleary Road. On June 4, 2009 the subject property was approved by the Board of County Commissioners (BCC) for a Type II Variance to eliminate a Type III incompatibility landscape buffer along the perimeter of Parcel 1. On October 1, 2009 the subject property was approved by the Board of County Commissioners (BCC) to allow outdoor entertainment use activities to be operated outside of an enclosed building within the Palm Beach International Airport Overlay and to eliminate a landscape barrier wall.

On January 28, 2010 the subject property was approved by the Board of County Commissioners (BCC) for a Small-Scale Land Use Amendment to amend the future land use designation on 9.02 acres from Low Residential, 2 Units per Acre (LR-2) to Commercial Recreation (CR). Further, On January 28, 2010 the subject property was approved by the Board of County Commissioners (BCC) for a rezoning from PIPD to CRE with a COZ via Resolution No. for the Fun Depot project consisting of 61,758 square feet of indoor entertainment. However, this project has been abandoned and approvals have expired. On July 14, 2010 the subject property was approved by the Board of County Commissioners (BCC) for a rezoning from the PIPD Zoning District to the Industrial Light (IL) Zoning District. On February 05, 2015 and February 26, 2015 the subject property was approved by the Board of County Commissioners (BCC) for a Subdivision Variance to allow a subdivided lot to have access on a major street, however this application was withdrawn. The subject property was approved for a Type II Variance to eliminate the landscape barrier, to allow activities in an unenclosed building, to allow a fence in lieu of 100% opaque screening, to allow greater than five feet landscape overlap in easements, to eliminate interior landscape island, and to reduce the number of required parking spaces. Further, the subject property was approved by the Board of County Commissioners

(BCC) for a rezoning from the Commercial Recreation (CRE) Zoning District to the Light Industrial (IL) Zoning District.

Request 1: Rezoning Request Standards:

The applicant is requesting to rezone approximately 10.41 acres of land from the Light Industrial (IL) zoning district to the Planned Development (PUD) zoning district. A companion application for a large-scale future land use amendment was submitted to the Planning Division on May 4, 2018.

1. Consistency with the Plan – The proposed amendment is consistent with the Plan.

Response: The proposed rezoning to PUD is accompanied by a change in the land use to HR-12. The proposed rezoning request is consistent with the proposed 12 dwelling units per acre. The proposed use as multifamily residential apartments is also consistent with the HR-12 designation. The policies, statutes and administrative code applicable to the comprehensive plan change have been included below. Since the PUD is residential in nature there is no FAR limitation, only building coverage.

In addition to the above, PBC shall make a determination (PBC Comp Plan Policy 2.1-f) that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:

1. The natural environment, including topography, soils and other natural resources;
 - a. **Applicant’s Description:** The subject property does not support any significant habitats or Listed Species. The subject property was previously approved, however, never built. The property was cleared in the past and very little natural vegetation remains on the site. The topography and soils remain unchanged since the clearing of the site. Therefore, there will be no impacts to the natural environment if this site will develop as intended. The subject property has sporadic trees that are located on all sides of the property. LWDD L-2 canal is located directly to the north of the subject property and has removed the ability for the subject property to support any substantial wildlife habitats. In addition, there have been several disturbances to the perimeter of these properties for the expansion of the Turnpike and elevation of Belvedere Road.
2. The availability of facilities and services;
 - a. **Applicant’s Description:** As part of the application process for the FLUA the applicant is required to provide level of service letters from the utility provider. In this case Palm Beach County will be providing water/sewer service to the property. Below is more detailed information on each of those facilities and services:
 - i. **Traffic:** Please see the traffic study which indicates a decrease in average daily trips based on the change from CR & LR-2 to HR-12.
 - ii. **Mass Transit:** The nearest Palm Tran Route is Route 40 (Southern Blvd) and Route 44 (East on Belvedere Rd). The nearest palm Stop is Bus Stop 3735, which is located on the west side of Benoist Farms Rd, approximately 130’ from the intersection of Benoist Farms Rd & Belvedere Rd. Bus Stop 3735 is located approximately 1.1 miles from the subject property. Palm Tran does not anticipate service along Cleary Road as part of this proposed application. The applicant is proposing a 10’ x 15’ school bus shelter to the southeast of the proposed 5,080 s.f. clubhouse.
 - iii. **Potable Water and Wastewater:** Potable water and wastewater lines run within the right-of-way of Cleary Road and capacity has been confirmed through the Palm Beach County utilities with the level of service letter.
 - iv. **Drainage:** Outfall from the site will be connected to the LWDD L-3 canal adjacent to the parcel’s north property line. Please refer to the Drainage Statement prepared by McLeod, McCarthy & Associates with this application for more details.
 - v. **Fire Rescue:** The nearest PBC Fire Rescue station is Station 34 located approximately 2.5 mile from the subject property. PBC Fire Rescue has determined that the amendment will have little impact on Fire Rescue.
3. The adjacent and surrounding development;
 - a. **Applicant’s Description:** To the south and east of the subject property are residential

land uses, to the west is Florida's Turnpike and industrial open storage. Directly to the north is an industrial processing facility. Below are the existing FLUA designations for the surrounding properties:

- i. **North:** IND
- ii. **South:** LR-2
- iii. **East:** LR-2
- iv. **West:** UT, IND

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

4. The prevention of urban sprawl as defined by 9J-5.006(5)(g), Florida Administrative Code (F.A.C.);
 - a. **Applicant's Description:** This request is to allow the development of a vacant undeveloped property that will be serviced by available public facilities and services and with access via Cleary to Belvedere Road., which is a roadway that is classified as an Urban Minor Arterial (U-MA). The proposed project exemplifies the prevention of sprawl as it is infill development of a vacant property within the Urban/Suburban Tier.
 5. Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and
 - a. **Applicant's Description:** The subject property is located within the Palm Beach International Airport Overlay (PBIAO), Haverhill Neighborhood Plan (HNP), and also lies within the Turnpike Aquifer Protection Overlay (TAPO).
 6. Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1.
 - a. **Applicant's Description:** Response: The subject property is within 1-mile of the City of West Palm Beach.
- **Policy 2.1-f:** Before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate.

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

The subject property is located within the Urban/Suburban Tier with frontage along Cleary Rd., an Urban Minor Arterial roadway as identified by Map TE 3.1, Functional Classification of Roads. According to Table 2.2.1-j.1, Residential Future Land Use – Zoning Consistency, the current IL zoning is inconsistent with the subject property's Future Land Use designation of CR & LR-2. The subject property is ideal for residential development due to its size, location adjacent to the adjacent residential uses to the east and to the south. The fact that the property is 10.41 acres enables the subject property to develop as a Planned Unit Development ("PUD") as the minimum lot size for a PUD is 3 acres. Therefore, it is appropriate to amend the subject property's Future Land Use from CR & LR-2 to HR-12 to allow the reasonable development of multifamily residential apartments.

The proposed FLU is appropriate and suitable for the subject site. Objective 1.2 of the Comprehensive Plan Future Land Use Element ("FLUE") states: "this tier [Urban/Suburban] is expected to accommodate the bulk of the population and its need for...goods and services..." When residents need to identify places to live, they will find multifamily residential apartments available to accommodate their growing needs. This is a great opportunity to provide a much-needed use of multifamily residential apartments to an area that already has a significant amount of existing residential development. Multifamily residential apartments are a low traffic generator and fits in well with the residential uses presently existing immediately to the east and to the south. This amendment will provide a good transition from these residential uses to the east and to the south. Furthermore, this amendment is not piecemealed as there are clearly defined boundaries of industrial to the north and to the west.

Basis for the land use change. The basis for the proposed amendment is based upon changed circumstances. The Changed Circumstance are that recently approved Florida

Public Utilities Corporate Center (Control 2002-00011) Future Land Use change in 2010 (Ordinance 2010-004) and Rezoning and Site Plan in 2015 (ZR-2015-0038) result in the need to evaluate the surrounding residential land uses. The Applicant has determined that it is the appropriate time to change the future land use designation to HR-12, and to develop the property consistent with the surrounding residential uses.

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

Response: This amendment is not piecemealed as there are clearly defined boundaries of residential land uses to the south and east, Florida's Turnpike and industrial open storage to the west, and an industrial processing facility to the north. All of the property owned by the same entity has been submitted for review and is subject to the proposed FLUA amendment. The change will allow for a residential use to transition into the property, which is compatible with the existing residential surrounding the property.

Florida Statutes related to this request are as follows:

- Florida Statutes, Section 163.3177(6)(a)9.a: The indicators provided in this statute pertain to findings that would indicate a plan or plan amendment does not discourage the proliferation of urban sprawl. The subject FLUA change and subsequent development is within the urban service boundary and is the last developable site in the vicinity and seeks to reduce the presence of commercial development in a predominately residential area.
- The prevention of urban sprawl is also defined by 9J-5.006(5)(g), Florida Administrative Code (F.A.C.);

Response: The subject request is to allow development of property within the urban service boundary which is also surrounded by developed property which is able to be serviced by existing public facilities and services with direct access to Belvedere Road. Multi-family residential apartments are very compatible with the surrounding residential uses.

2. **Consistency with the Code – The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.**

Response:

Article 2: ULDC Article 2.B.1.B. Provides the standards for applications requesting rezoning. The responses below relate to the zoning request.

Article 3: Overlays and Zoning Districts – Pursuant to ULDC Article 3 and the proposed zoning designation of PUD, the following code provisions have been analyzed:

Table 3.E.1.B – PUD Density – The proposed FLUA will allow the property to be developed up to 12 du/ac.

Table 3.E.1.B - PDD Use Matrix indicates that the multifamily residential apartment use is a permitted use within the residential pod of a PUD.

PDD Objectives and Standards:

- a. The proposed site plan of record provides for adequate depth, width, and frontage on a public street with two points of access.
- b. The PUD provides a continuous pedestrian and vehicular circulation system which connects the building to the ROW and all associated parking.
- c. Existing vegetation has been incorporated where possible in the recreation and open space areas on the site plan.

- d. Objectionable features have been screened to the greatest extent possible while considering the health, safety, and welfare of the future residents and their use of the open spaces and recreational areas.
- e. Parking is provided for the single user of the property.
- f. Pedestrian amenities shall be provided for each 100,000 s.f. of GFA. Benches have been provided throughout the site.

Article 3.E.2.B.2.a-d PUD Performance Standards:

The ULDC requires that PUD Performance Standards a-d must be addressed within the site plan.

a. Proximity to other uses:

The subject property supports an excess of 21 dwelling units per acre, therefore the residential pod shall be located within 1,320 feet of a neighborhood park, recreation pod, private civic pod. The site is not a traditional PUD so the recreation pod and the neighborhood park are immediately adjacent to the building, therefore, meeting this requirement.

b. Focal Points:

The subject PUD does not have any ROWs in the traditional sense only drive aisles so we have provided a focal point at the entry to the south of the Building I Guardhouse as this is the main focal point as you enter the site. A note has been added to this location.

c. Neighborhood Park:

The ULDC requires a .10-acre neighborhood park within the development. A .10-acre neighborhood park has been provided internal to the site to the northeast of Building C.

d. Decorative Street Lighting:

The site plan has been upgraded to include a note that decorative street lights will be provided at the entrance to the site. Since we don't show street lights on the site plan we have provided the note and these lights will be provided on the photometric plan at time of building permit.

The ULDC requires that the applicant meet two of the four standards listed within e-h:

g. Benches or play structures:

We have provided several benches with covered pergolas for shading as well as meandering walking paths. A proposed play structure has been provided to the south of Building E.

i. Pedestrian Circulation System:

We have provided a pedestrian pathway throughout the neighborhood park as well as the recreation pod connecting these areas to the amenities and the building.

Article 3.E.1.C.2: Access and Circulation

1. PDDs shall have a minimum of 200 linear feet of frontage on an arterial or collector street. The subject site provides an excess of 500 linear feet of frontage on Cleary Road which is an arterial road.

Article 3.E.2 Planned Unit Development – The applicant has elected to proceed with a rezoning of the property to PUD district which requires the following:

Table 3.E.2.C – PUD Minimum Thresholds – a PUD supporting HR-12 future land use designation requires a minimum of 3 acres. The proposed site plan indicates 10.41 acres.

Table 3.E.2.C – PUD Land Use Mix: PUDs are required to provide a minimum of 60% of the PUD allocated to residential uses. Civic as applicable requires 2%, however, it has been determined by FD&O Department that a civic dedication was not required. Per a discussion with PREM, public civic pod is not required for the subject property. Recreation land use % for Residential is based on 1.37 acres (.006 x 228 units). The applicant is showing the fenced in area (.23 acres) along the north property line to accommodate for passive recreation/dog run area but the applicant is not taking credit for this area in the recreation calculations. The

applicant is utilizing the 25% reduction in recreation area based on the additional recreation area which brings the requirement down from 1.37 acres to 1.03 acres. Per the direction from Jean Matthews from the Parks & Recreation Department, the applicant modified the site plan to add back the “wings” on the main recreation area to bring this area to .65 acres. As a result, as indicated on the PUD data on the proposed site plan, the applicant is cashing out for the balance of .38 acres or \$293,788.00. The minimum open space is 40% (181,446 s.f.) with the proposal providing 40% (181,446 s.f.)

Table 3.E.2.D – PUD Property Development Regulations – the subject PUD utilizes the Multifamily development regulations found within Table 3.D.1.A-17.

The proposed buildings (Building A - Building I) is 221,689 s.f. or 20% building coverage including canopies. Per Art. 5.C.1.H.2.b., individual balconies and/or patios have been provided for a minimum of 20 percent of the total number of units within each building. Residential or density-based uses within PUDs do not have a limitation on FAR.

Total Gross Floor Area: 221,689 s.f.

- Building A: 22,680 s.f. (24 Units)
- Building B: 35,616 s.f. (36 Units)
- Building C: 35,616 s.f. (36 Units)
- Building D: 32,088 s.f. (36 Units)
- Building E: 32,088 s.f. (36 Units)
- Building F: 35,616 s.f. (36 Units)
- Building G: 22,680 s.f. (24 Units)
- Building H (Clubhouse): 5,080 s.f.
- Building I (Guardhouse): 225 s.f.

Article 4: Use Regulations:

Multifamily: The use of a structure designed for two or more dwelling units which are attached or the use of a lot for two or more dwelling units. The number of units is based on the land use designation.

Typical Uses:

Typical uses include apartments and residential condominium

HR-8, HR-12 or HR-18 FLU Designation

Multifamily units on parcels with an HR-8, HR-12 or HR-18 FLU designation, may be Permitted by Right unless Development Thresholds in Art. 4.A.9 are triggered. [Ord. 2017-025]

Article 5: Supplemental Regulations:

The applicant is proposing to utilize the Transfer of Development Rights program to increase the units on the subject property. The applicant is requesting 3 du per acre for a total of 31 TDR units.

Article 5.c: Architectural drawings consistent with Article 5.c will be provided at time of Final Site Plan approval. At this time, the architectural elevations, floor plans, roof plans, and the visual impact analysis have been provided.

Article 6: Parking

Multifamily uses are required to provide parking at a ratio of 2 spaces per unit (one bedroom or more) and 1 guest parking space per 4 units with common parking area. The proposed site plan indicates 515 required parking spaces.

Parking Required: 515 Spaces

Multifamily – 2 Spaces/unit @ 228 units = 456

+1 guest space/4 units @ 228 units = 57

Maintenance Service Spaces for Clubhouse/Pool = 2 Spaces

Proposed Parking (1.75 spaces/Unit): 398 Spaces

Handicap Spaces Required: 9 Spaces

Handicap Spaces Provided: 16 Spaces

Bicycle Spaces Required: 9 Spaces
Bicycle Spaces Provided: 16 Spaces

3. **Compatibility with Surrounding Uses – The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.**

Response: *The surrounding properties are currently zoned as predominately PUD which is compatible with the proposed rezoning. The immediate uses surrounding the subject property are residential land uses to the south and east, Florida's Turnpike and industrial open storage to the west, and an industrial processing facility to the north. The current zoning is not appropriate for the property as it is currently zoned IL with a CR & LR-2 FLU.*

4. Effect on the Natural Environment – The proposed amendment will not result in significantly adverse impacts on the natural environment including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Response: *The subject property does not support any significant habitats or Listed Species. The subject property was previously approved, however, never built. The property was cleared in the past and very little natural vegetation remains on the site. The topography and soils remain unchanged since the clearing of the site. Therefore, there will be no impacts to the natural environment if this site will develop as intended. The subject property has sporadic trees that are located on all sides of the property. LWDD L-2 canal is located directly to the north of the subject property and has removed the ability for the subject property to support any substantial wildlife habitats. In addition, there have been several disturbances to the perimeter of these properties for the expansion of the Turnpike and elevation of Belvedere Road. The amendment will not result in any adverse impacts on the natural environment*

5. Development Patterns – The proposed amendment will result in a logical, orderly, and timely development pattern.

Response: *The proposed use is consistent with the logical, orderly and timely development pattern for the subject property. The subject parcels currently support a CR & LR-2 FLU designation. The change in land use along with the rezoning will allow the properties to become compatible with the surrounding residential development.*

6. Adequate Public Facilities – The proposed amendment complies with Art. 2.F, Concurrency.

Response: *Potable water and wastewater lines run within the right-of-way of Cleary Road. Utility service will be provided by Palm Beach County utilities.*

7. Changed Conditions or Circumstances – There are demonstrated changed conditions or circumstances that necessitate the amendment.

Response: *The existing zoning designation is Light Industrial. This use and the FLU designation are not compatible with the surrounding residential development. The site doesn't lend itself to commercial development as the FLU would suggest which presents the opportunity to change the land use and bring it into conformance with the surrounding residential land uses.*

Request 2: Class A Conditional Use Standards:

Pursuant to Article 2.B.2.B, the applicant is required to address the Conditional Use standards for proposed Requested Use applications. The applicant is proposing 228 multifamily residential apartments and Transfer of Development Rights.

1. Consistency with the Plan – The proposed use or amendment is consistent with the purposes, goals, objectives, and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.

Response: The subject property is made up of one parcel of which is currently supporting a CR & LR-2 FLU designation. The proposed use and use of the TDR program is consistent with the surrounding residential properties. The surrounding uses are residential in nature and the proposed use is consistent with these uses.

2. Consistency with the Code – The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B SUPPLEMENTAL USE STANDARDS.

Response: The proposed use and implementation of the TDR program are consistent with the ULDC and more specifically Articles 4 and 5. The supplemental standards for Multifamily in Article 4 have been evaluated and incorporated into the proposed site plan. The proposed development fronts on and gains access from Cleary Road.

3. Compatibility with Surrounding Uses – The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.

Response: The subject properties are exceptionally situated for the multifamily residential apartments use as the immediate uses surrounding the subject property are residential land uses to the south and east, Florida's Turnpike and industrial open storage to the west, and an industrial processing facility to the north. The character of the immediate vicinity is little commercial or other uses along this stretch of Cleary Road. The proposed multifamily residential apartments provide a transition to the industrial open storage to the west and an industrial processing facility to the north.

4. Design Minimizes Adverse Impact – The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

Response: The proposed structures are designed to maximize views of the residential land uses to the south and east, Florida's Turnpike and industrial open storage to the west, and an industrial processing facility to the north.

5. Design Minimizes Environmental Impact – The proposed use and design minimizes environmental impact, including, but not limited to, water, air stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

Response: The subject property is well suited for the proposed uses as the site was previously developed and with this past development all of the natural vegetation was cleared.

6. Development Patterns – The proposed use or amendment will result in a logical, orderly and timely development pattern.

Response: The proposed use is consistent with the logical, orderly and timely development pattern for the subject property. The proposed multifamily residential apartments are consistent with all of the surrounding properties and will complement the local communities in providing a missing service.

7. Adequate Public Facilities – The extent to which the proposed use complies with Art. 2.F, Concurrency.

Response: Potable water and wastewater lines run within the right-of-way of Cleary Road and the site will be served by Palm Beach County.

8. Changed Conditions or Circumstances – There are demonstrated changed conditions or circumstances that necessitate a modification.

Response: The site is not suitable for commercial development as it's surrounded by residential development. The FLU is currently CR & LR-2. The demographics in this area of

the County indicate the need for additional multifamily residential apartments to serve the aging population in South Florida.

Request 3: Development Order Abandonment Request:

Pursuant to ULDC Article 2.A.1.Q.3.a.: Development orders which have been implemented or benefitted from may be administratively abandoned based on the following criteria:

- 1) All conditions of approval have been met.

Response: All conditions of approval contained within Resolution ZR-2015-038 are proposed to be deleted



- 2) There is no reliance by other parties on additional performance.

Response: There are no other parties which have ownership interest or other uses which are approved on the property.

- 3) Consent of all property owners has been received.

Response: The consent and disclosure of the property owner of the subject parcel has been provided with the application package.

Request 4: Type II Variance Request:

Variance	ULDC Section	Required	Provided	Variance
	ULDC Art. Art.6.A.1.B) Minimum Off-Street Parking and Loading Requirements	2 spaces per unit (one bedroom or more) @ 228 units = 456 Total Spaces, 1 guest parking space per 4 units with common parking area @ 228 units = 57 Spaces, Maintenance Service Spaces for Clubhouse/Pool = 2 Spaces	398 parking spaces	To allow a variance for the reduction of 117 parking spaces to 398 proposed parking spaces from the Code required 515 parking spaces.
	ULDC Article Art.7.C.2.C Incompatibility Buffer Types	20' Type 3 Incompatibility Landscape Buffer (South Property Line)	10' Type 3 Incompatibility Landscape Buffer (South Property Line)	To allow a variance for the reduction in a 20' Type 3 Incompatibility Landscape Buffer to a 10' Type 3 Incompatibility Landscape Buffer along the south property line

Per Unified Land Development Code (ULDC) Art.2.B.3.E, Standards, applications for Type II Variances must take the following standards into consideration:

VIII. VARIANCE INFORMATION:

Per ULDC Article 2.B.3,

requires a statement of special reason or the basis for the variance required. Article 2.A.3.E states that in order to authorize a variance, the Zoning Commission shall and must find that the conditions enumerated have been met. The Seven Standards below are one of the factors Staff uses in formulating their recommendations and opinions. Address each standard completely and attach additional information or documentation as necessary.

TYPE II VARIANCE SEVEN (7) STANDARDS

1. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME ZONING DISTRICT:

RESPONSE: Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same district.

Furthermore,

V1: The parking counts required for a multifamily development in the unincorporated portion of the County are not typical to other jurisdictions throughout the County. The configuration of the site lends itself to more of a multifamily design, however, due to the suburban site design regulations the parking code prohibits the ability to seek viable densities and also provide the code prescribed parking spaces. The proposed development is entirely developed at the workforce housing price point, therefore, not every unit will require two parking spaces per unit.

V2: Special conditions and circumstances exist that are peculiar to the subject parcel of land that are not applicable to other parcels of land in the same district such as the fact that the adjacent south parcel supports a residential use abutting an industrial use. Further, the current IL zoning is inconsistent with the subject property's Future Land Use designation of CR & LR-2. The subject property is surrounded by residential land uses to the south and east, Florida's Turnpike and industrial open storage to the west, and an industrial processing facility to the north, which indicates there is a changing makeup of properties abutting the subject property. The subject property has a Light Industrial (IL) zoning designation and has a Commercial Recreation (CR) and Low Residential, 2 units per acre (LR-2) Future Land Use (FLU) designation. The existing use on the adjacent parcel supports a single-family residential use which is also compatible with the subject property and uses therein.

2. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:

RESPONSE: There are special circumstances and conditions that apply that are not a result of actions by the applicant.

Furthermore,

V1: The conditions by which the multifamily required parking space count is

created is based on the fact that the applicant is proposing 228 multi-family apartment units, as the Palm Beach County Unified Land Development Code requires two (2) parking spaces per dwelling unit, plus one (1) guest parking space per four (4) units. The applicant is requesting the reduction of 117 parking spaces to 398 proposed parking spaces from the Code required 515 parking spaces. Based on the nature of the proposed development with regard to demographics, the location of the development, the proposed parking as shown is anticipated to be adequate to meet the demands of the development.

V2: The conditions by which the Type 3 Incompatibility landscape buffers are created are based on the fact that the adjacent property is industrially zoned and has been able to remain as such since the property lies within the airport overlay and does not require a future land use plan amendment to rezone to an industrial zoning district. The current IL zoning is inconsistent with the subject property's Future Land Use designation of CR & LR-2. While the property to the south is industrially zoned, the portion which abuts the subject property supports a billboard sign and preserve area so this land area will never be industrially developed. The subject property is surrounded by residential land uses to the south and east, Florida's Turnpike and industrial open storage to the west, and an industrial processing facility to the north, which indicates there is a changing makeup of properties abutting the subject property. The proposed development will remain equally protected from a 10' buffer with a wall as it would from a 20' buffer, however, this additional land area makes a positive difference in the design of the subject property to protect existing trees and include them into the site plan.

3. GRANTING THE VARIANCE SHALL NOT CONFER UPON THE APPLICANT ANY SPECIAL PRIVILEGE DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES IN THE SAME ZONING DISTRICT:

RESPONSE: Granting the variance will not confer any special privilege upon the applicant denied by the Comprehensive Plan and this Code to other parcels of land, buildings or structures in the same zoning district.

Furthermore,

V1: The proposed variances will not confer upon the applicant any special privilege as the parking counts required for a multifamily development in the unincorporated portion of the County are not typical to other jurisdictions throughout the County. The configuration of the site lends itself to more of a multifamily design, however, due to the suburban site design regulations the parking code prohibits the ability to seek viable densities and also provide the code prescribed parking spaces. The proposed development is entirely developed at the workforce housing price point, therefore, not every unit will require two parking spaces per unit.

V2: The proposed variances will not confer upon the applicant any special privilege as the proposed multifamily residential apartments are very typical for residential properties and is the preferred zoning designation for these types of uses. The area where the proposed multifamily residential apartments are proposed directly abuts a single-family residential use, which is residential in nature and will not have a negative impact on the adjacent property. The subject property is surrounded by residential land uses to the south and east, Florida's Turnpike and industrial open storage to the west, and an industrial processing facility to the north, which indicates there is a changing makeup of properties abutting the subject property. The subject property has a Light Industrial (IL) zoning designation and has a Commercial Recreation (CR) and Low Residential, 2 units per acre (LR-2) Future Land Use (FLU) designation. The proposed

variances would be expected to be granted on similar properties with adjacent properties supporting the same uses with an inconsistent zoning designation.

4. LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME ZONING DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:

RESPONSE: Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district and would work an unnecessary and undue hardship.

Furthermore,

V1: For multi-family residential developments, the Palm Beach County Unified Land Development Code requires two (2) parking spaces per dwelling unit, plus one (1) guest parking space per four (4) units. Based on a plan of development consisting of 228 multi-family apartment units, the total Code required parking for the proposed development is 515 spaces. The applicant is requesting the reduction of 117 parking spaces to 398 proposed parking spaces from the Code required 515 parking spaces. Based on the nature of the proposed development with regard to demographics, the location of the development, the proposed parking as shown is anticipated to be adequate to meet the demands of the development.

V2: The literal interpretation of the Code would require the applicant to provide a 20' Type 3 Incompatibility Landscape Buffer on the south property line. The subject property is surrounded by residential land uses to the south and east, Florida's Turnpike and industrial open storage to the west, and an industrial processing facility to the north, which indicates there is a changing makeup of properties abutting the subject property. The subject property has a Light Industrial (IL) zoning designation and has a Commercial Recreation (CR) and Low Residential, 2 units per acre (LR-2) Future Land Use (FLU) designation.

5. GRANTING OF THE VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

RESPONSE: Granting these variances are the minimum needed for the reasonable use of the property.

Furthermore,

V1: The granting of the 117 parking space reduction is the minimum needed to make reasonable use of the property. The applicant is requesting the reduction of 117 parking spaces to 398 proposed parking spaces from the Code required 515 parking spaces. As previously stated, there are a total of 398 parking spaces provided on-site. Based on the nature of the proposed development with regard to demographics, the location of the development, the proposed parking as shown is anticipated to be adequate to meet the demands of the development. The developer of the proposed project has completed similar successful developments and has found that parking provided as follows has been adequate to meet the parking demands of the development. The proposed unit breakdown consists of 144 two bedroom units and 84 one bedroom units. Based on that unit breakdown, the parking demand for the proposed development is 312 spaces. As shown on the proposed Site Plan, a total of 398 parking spaces are provided, 16 of which are handicapped spaces.

V2: The granting of the setback is the minimum needed to make reasonable use of the property. The applicant is requesting to reduce the required 20' Type 3 Incompatibility Landscape Buffer to a 10' Type 3 Incompatibility Landscape Buffer along the south property line. This is the minimum variance necessary to not impose an undue hardship on the applicant.

6. GRANTING OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

RESPONSE: Granting of the requested variances will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.

Furthermore,

V1: The variance request is consistent with the ULDC by providing safe, efficient circulation and traffic flow throughout the site. Granting the applicant the reduction of 117 parking spaces to 398 proposed parking spaces from the Code required 515 parking spaces will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.

V2: The variance request is consistent with the ULDC by providing safe, efficient circulation and traffic flow throughout the site. Reducing the required 20' Type 3 Incompatibility Landscape Buffer to a 10' Type 3 Incompatibility Landscape Buffer along the south property line will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.

7. GRANTING OF THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

RESPONSE: Granting of the requested variances will clearly not be injurious to the area involved or otherwise detrimental to the public welfare.

Furthermore,

V1: The proposed variance will not be injurious to the area involved or detrimental to the public welfare as the applicant is requesting the reduction of 117 parking spaces to 398 proposed parking spaces from the Code required 515 parking spaces. Based on the projected demographics for the residents targeted for the development, it is anticipated that the majority of the residents will have only one vehicle. Consequently, a high demand for vehicle parking is not anticipated.

V2: The proposed variances will not be injurious to the surrounding properties as they are residential in nature and the impacts are removed from any public right-of-way to avoid any potential impacts. The proposed variance will not be injurious to the area involved or detrimental to the public welfare. The applicant is only requesting to reduce the required 20' Type 3 Incompatibility Landscape Buffer to a 10' Type 3 Incompatibility Landscape Buffer along the south property line.

On behalf of the Applicant and Contract Purchaser, AHS Development Group LLC ("Applicant") and the property owners, Florida Public Utilities Company ("Owners"), Schmidt Nichols respectfully requests your approval of these Rezoning, Class A Conditional Use, Development Order Abandonment, and Type II Variance applications for Banyan Ridge Planned Unit Development

Exhibit F – Reduced Parking Statement dated December 12, 2018.

SIMMONS & WHITE
2581 Metrocentre Boulevard West Suite 3
West Palm Beach, Florida 33407
O 561.478.7848 | F 561.478.3738 www.simmonsandwhite.com
Certificate of Authorization Number 3452



REDUCED PARKING STATEMENT

BANYAN RIDGE PALM BEACH COUNTY, FLORIDA

Prepared for:

AHS Residential, LLC
12895 SW 132nd Street
Suite 202
Miami, Florida 33186

Job No. 18-046

Date: June 7, 2018
Revised: October 9, 2018
Revised: November 13, 2018
Revised: January 8, 2019

Digitally signed by Robert F.
Rennebaum, P.E.
Date: 2019.01.09 13:59:25 -05'00'

Robert F. Rennebaum, P.E.
FL Registration No. 41168

**Robert F. Rennebaum, P.E., State of Florida,
Professional Engineer, License No. 41168**

**This item has been electronically signed and
sealed by Robert F. Rennebaum, P.E. on 01/09/2019
using a SHA-1 Authentication Code.**

**Printed copies of this document are not considered signed
and sealed and the SHA-1 Authentication Code must
be verified on any electronic copies.**

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1.0 SITE DATA

The subject parcel is located on the southwest corner of Belvedere Road and Cleary Road in unincorporated Palm Beach County, Florida and contains approximately 10.42 acres. Figure 1 presents a vicinity map. The Property Control Number for the subject parcel is 00-42-43-33-11-002-0000. Proposed site development on the currently unimproved parcel consists of 228 apartment dwelling units with a project build-out of 2023. For additional information concerning site location and layout, please refer to the Site Plan prepared by Schmidt Nichols.

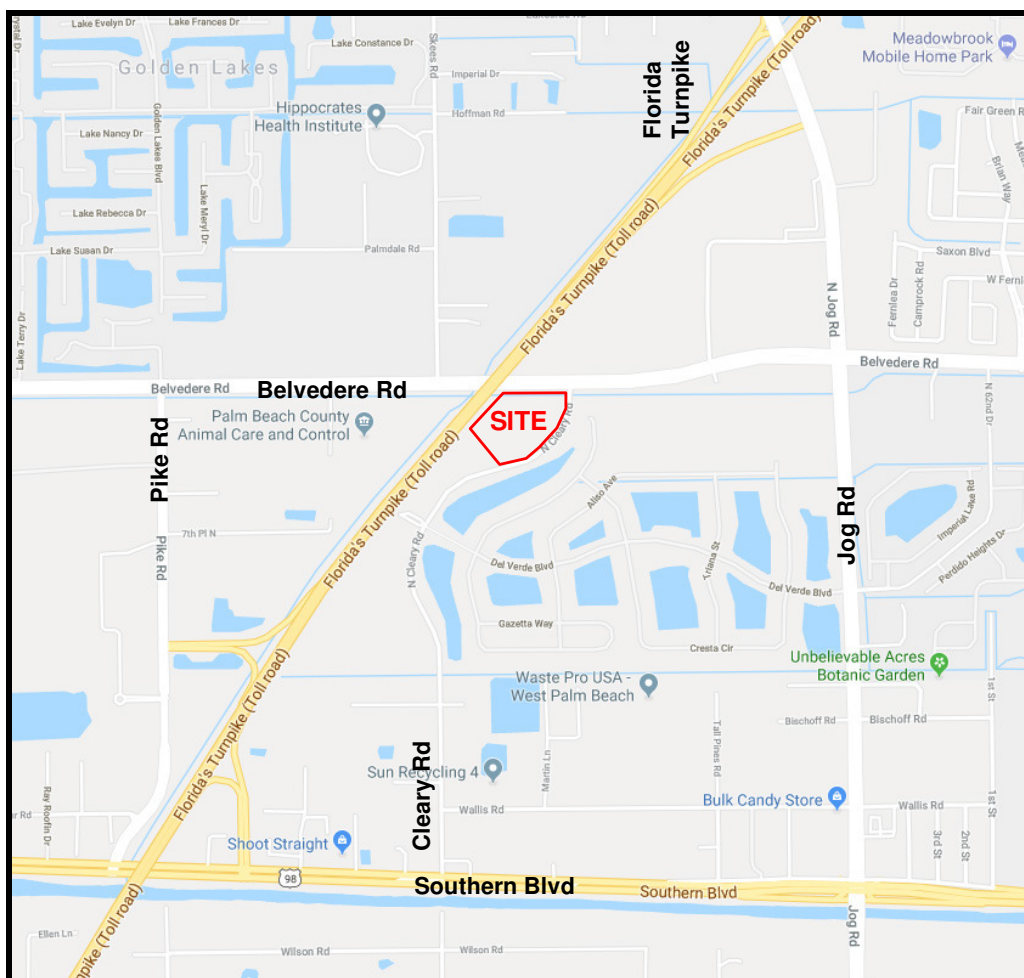


FIGURE 1. Vicinity Map
Banyan Ridge
Source: Google 2018 ©

2.0 CODE REQUIRED PARKING

For multi-family residential developments, the Palm Beach County Unified Land Development Code requires two (2) parking spaces per dwelling unit, plus one (1) guest parking space per four (4) units and two (2) spaces for clubhouse maintenance. Based on a plan of development consisting of 228 multi-family apartment units, the total Code required parking for the proposed development is 515 spaces calculated as follows:

228 D.U.'s x 2 Spaces per D.U.	=	456 Spaces
4 Guest Spaces per D.U.	=	57 Spaces
2 Clubhouse Maintenance Space	=	<u>2 Spaces</u>
TOTAL	=	515 Spaces

3.0 PARKING REDUCTION

The above calculations are shown for informational purposes only. Given the nature of the proposed development and the location, actual parking demands are anticipated to be significantly less. The Applicant owns and operates several similar communities within South Florida. Based on real world data gathering and parking policy followed by each community, the demand for parking is greatly reduced from the Palm Beach County Code requirement. The following provided parking counts have been distributed by number of units and the number of bedrooms:

- 1 Bedroom Dwelling Unit – 1 Space per Unit
- 2 Bedroom Dwelling Unit – 2 Spaces per Unit

The proposed unit breakdown consists of 144 two bedroom units and 84 one bedroom units. Based on that unit breakdown, the parking demand for the proposed development is 372 spaces. As shown on the proposed Site Plan, a total of 398 parking spaces are provided, 16 of which are handicapped spaces. The proposed Site Plan will accommodate a greater number of spaces above and beyond the parking reduction as detailed above.

In addition to the above, the ITE Parking Generation Manual (4th Edition) states that the average peak parking demand for multi-family apartment units (Land Use #221) is 1.23 parking spaces per unit. Applying the methodology from ITE, a total of 280 parking spaces would be adequate for the development.

4.0 FIELD – DATA COLLECTION

At the request of Palm Beach County, two commensurate developments were inventoried for occupied parking spaces to determine the parking ratio of the existing developments. The two developments studied were the Village at Lake Worth and the Village at Lake Osborne. Both developments are owned and operated by the Applicant and located on the north side of Lake Worth Road, just west of Interstate 95. Site plans for each development are attached.

Parking data was collected in accordance with previously approved methodology as outlined in the Parking Analysis for the Village of Crystal Lake (attached). Data was collected in 30 minute intervals on Thursday, January 3, 2019 from 5:00 AM to 7:00 AM, Wednesday, January 2, 2019 from 9:00 PM to 11:00 PM and Sunday, January 6, 2019 from 9:00 PM to 11:00 PM. As shown in the attached Tables, the peak parking rate for the Village at Lake Worth was 1.23 spaces per unit and 1.27 spaces per unit for the Village at Lake Osborne. The parking rate for each development is consistent with that outlined in the ITE Trip Generation Manual and well below the ratio of the proposed development.

5.0 CONCLUSION

As previously stated, there are a total of 398 parking spaces provided on-site which equates to a parking ratio of 1.75 spaces per unit which exceeds all of the studied communities provided parking counts and the actual parking demands for each community. Based on the nature of the proposed development with regard to demographics, the location of the development as well as documented parking characteristics of existing commensurate developments, the proposed parking as shown is anticipated to be adequate to meet the demands of the development.

sa: x:/docs/trafficdrainage/sps.18046.revIII

Study Location: Village at Lake Worth

Dwelling Units: 216

Date

Thursday, January 3rd 2019

Time Period	Parking Zone				TOTAL	Peak Parking Rate
	North	South	East	West		
5:00 - 5:30 AM	64	80	64	62	260	1.23
5:30 - 6:00 AM	61	79	63	62	265	
6:00 - 6:30 AM	59	76	59	61	255	
6:30 - 7:00 AM	53	74	56	62	245	

Wednesday, January 2nd 2019

9:00 - 9:30 PM	46	80	46	43	215
9:30 - 10:00 PM	48	80	52	48	228
10:00 - 10:30 PM	50	81	60	51	242
10:30 - 11:00 PM	55	82	60	54	251

Sunday	9:00 - 9:30 PM	57	83	53	47	240
January 6th	9:30 - 10:00 PM	58	84	55	48	245
2019	10:00 - 10:30 PM	61	85	59	48	249
	10:30 - 11:00 PM	64	85	64	49	262

1 Bedroom: 24 units
2 Bedroom: 144 units
3 Bedroom: 48 units

Total: 216 units
Occupancy: 98.0%

Study Location: Village at Lake Osborne

Dwelling Units: 118

Date

Thursday, January 3rd 2019

Time Period	Parking Zone				Peak Parking	
	North	South	East	West	TOTAL	Rate
5:00 - 5:30 AM	39	42		69	150	1.27
5:30 - 6:00 AM	39	42		69	150	
6:00 - 6:30 AM	39	42		67	148	
6:30 - 7:00 AM	36	37		62	135	

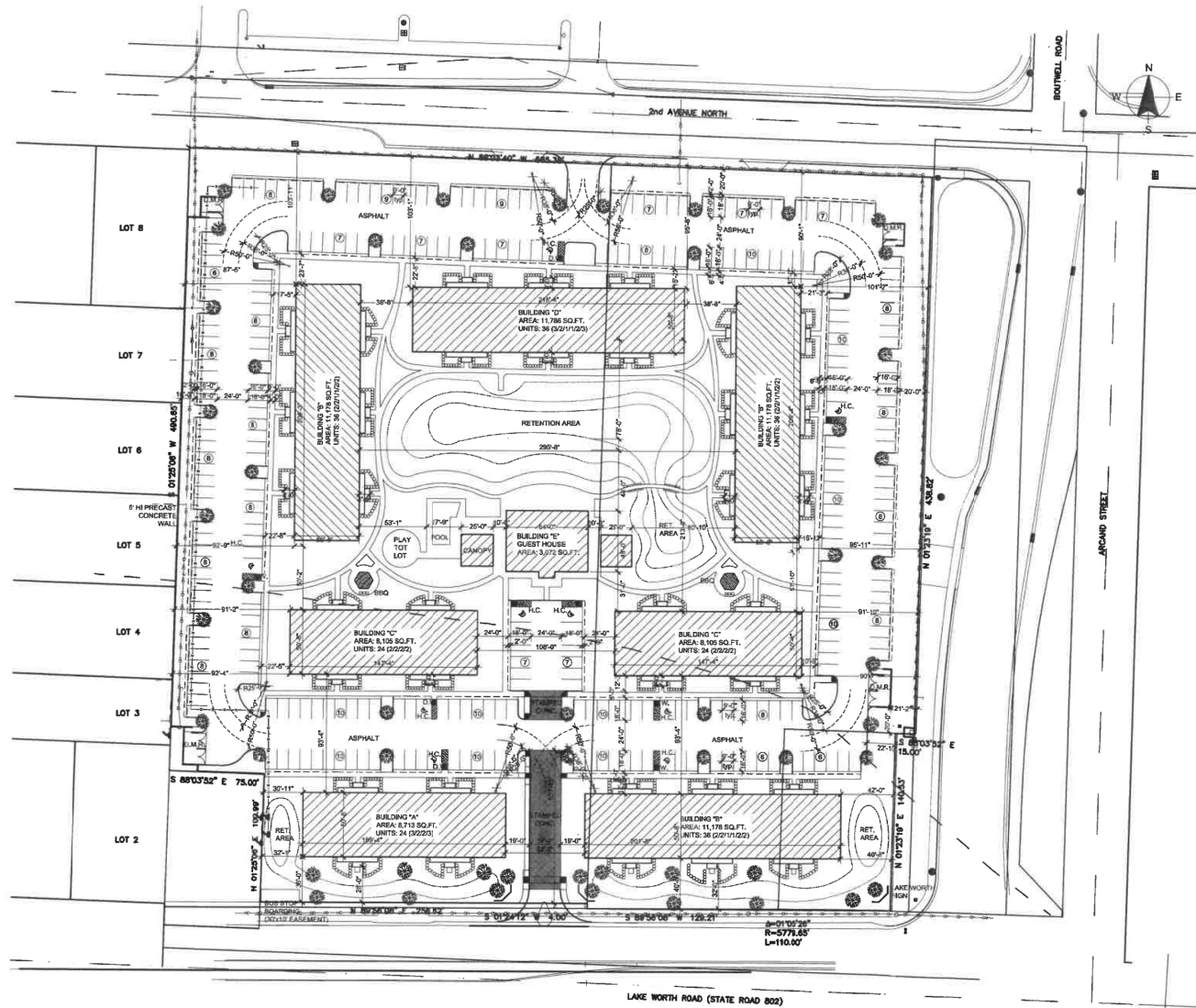
Wednesday, January 2nd 2019

9:00 - 9:30 PM	38	38		70	146
9:30 - 10:00 PM	37	37		69	143
10:00 - 10:30 PM	35	39		68	142
10:30 - 11:00 PM	37	43		70	150

9:00 - 9:30 PM	34	39		64	137
Sunday January 6th 2019	9:30 - 10:00 PM	36	41	69	146
	10:00 - 10:30 PM	39	42	70	113
	10:30 - 11:00 PM	39	42	70	151

1 Bedroom: 40 units
2 Bedroom: 78 units

Total: 118 units
Occupancy: 99.15%



1
 (SP-1) PROPOSED SITE PLAN SCALE: 1" = 40'-0"



2
 (SP-1) SCALE: 1" = 3'

LOCATION MAP

PROPERTY DESCRIPTION
 THE WEST 254 FEET OF TRACT 116, LESS THE EAST 15 FEET OF THE SOUTH 191.8 FEET,
 MODEL LAND COMPANY'S SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 42 EAST,
 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 79, PUBLIC
 RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXCLUDING: THE NORTH 25.00 FEET OF TRACT 116, "MODEL LAND COMPANY'S SUBDIVISION OF
 SECTION 20, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF AS
 RECORDED IN PLAT BOOK 5, PAGE 79, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

ALL OF TRACT 115, MODEL LAND COMPANIES SUBDIVISION, SECTION 20, TOWNSHIP 44
 SOUTH, RANGE 43 EAST, LESS THE WEST 75 FEET OF THE SOUTH 140 FEET THEREOF, BEING
 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF TRACT 115, MODEL LAND COMPANIES SUBDIVISION, SECTION 20, TOWNSHIP 44
 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE
 CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN
 PLAT BOOK 5, PAGE 79 EXCEPTING SO MUCH AS IS NOW FOR PUBLIC ROADS. ALL OF THAT
 PART OF DRY LAND BED LYING BETWEEN LOT 115 AND SOUTH LINE OF SECTION 20, MORE
 PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT A POINT WHERE THE EAST LINE OF
 LOT 115, PRODUCED SOUTH INTERSECTS SOUTH LINE OF SECTION 20; THENCE WESTERLY
 ALONG SOUTH LINE OF SECTION 20 TO A POINT WHERE WEST LINE OF LOT 115 PRODUCED
 ALONG SOUTH LINE OF SECTION 20 TO A POINT WHERE THE EAST LINE OF LOT 115 PRODUCED
 TO SOUTHWEST CORNER OF LOT 115; THENCE SOUTHEASTERLY ALONG SOUTH LINE OF LOT
 115 TO SOUTHEAST CORNER OF SAME; THENCE SOUTHERLY ALONG EAST LINE OF LOT 115
 COVERED BY PUBLIC RECORDS, LESS THE FOLLOWING: A TRACT OF LAND 75 FEET BY 140
 FEET; BEGINNING AT A POINT WHERE THE WEST BOUNDARY OF TRACT 115 PROJECTED
 SOUTHERLY WOULD INTERSECT STATE ROAD 174; THENCE RUNNING NORTHERLY 140 FEET;
 THENCE EAST 75 FEET; THENCE SOUTH 140 FEET; THENCE WEST 75 FEET TO THE POINT OF
 BEGINNING.

BUILDING:

BLDG A:
 (12)-3brd units +(12)-1brd units
 (0)-2brd units
 Total= 24 UNITS.-

BLDG B:
 (0)-3brd units +(12)-1brd units
 (24)-2brd units
 Total= 36 UNITS.-

BLDG C:
 (0)-3brd units +(0)-1brd units
 (24)-2brd units
 Total= 24 UNITS.-

BLDG D:
 (12)-3brd units +(12)-1brd units
 (12)-2brd units
 Total= 36 UNITS.-

TOTAL: (1)BLDG A+(3)BLDG B+(2)BLDG C+(1)BLDG D:
 24 units+108 units+48 units+36 units=216 units - 28.25 unitsacre.

(48)-1brd units+(144)-2brd units +(24)-3brd units
 FLOOR AREA RATIO = 0.567

PARKING:

REQUIRED:

1 BDR 1.0 SPACE/UNIT	48 spaces
2 BDR 1.5 SPACE/UNIT	216 spaces
3 BDR 2.0 SPACE/UNIT	48 spaces
TOTAL	312 spaces

PROVIDED:

303 STD PARKING
 9 HC PARKING

TOTAL PARKING PROVIDED: 312

TOTAL BUILDING COVERAGE:

SITE/PARCEL "A":	7.847 ACRES	333,095 SQ.FT.
BUILDING "A":	8,713 SQ.FT.	2.61%
(3)BUILDING "B":	33,534 SQ.FT.	10.06%
(2)BUILDING "C":	16,210 SQ.FT.	4.87%
BUILDING "D":	11,786 SQ.FT.	3.54%
BUILDING "E" & CANOPIES:	4,322 SQ.FT.	1.30%
PARKING & DRIVES:	96,853 SQ.FT.	28.77%
WALKS & PATIOS:	36,842 SQ.FT.	11.06%
GREEN AREA:	126,671 SQ.FT.	37.79%
IMPERVIOUS AREA:	207,224 SQ.FT.	62.21%
PERVIOUS AREA:	125,871 SQ.FT.	37.79%

BLDG	A	B	C	D	TOTAL
1 BDR	12	24	12	48	
2 BDR	12	24	24	144	
3 BDR	12		12	24	
TOTAL					216



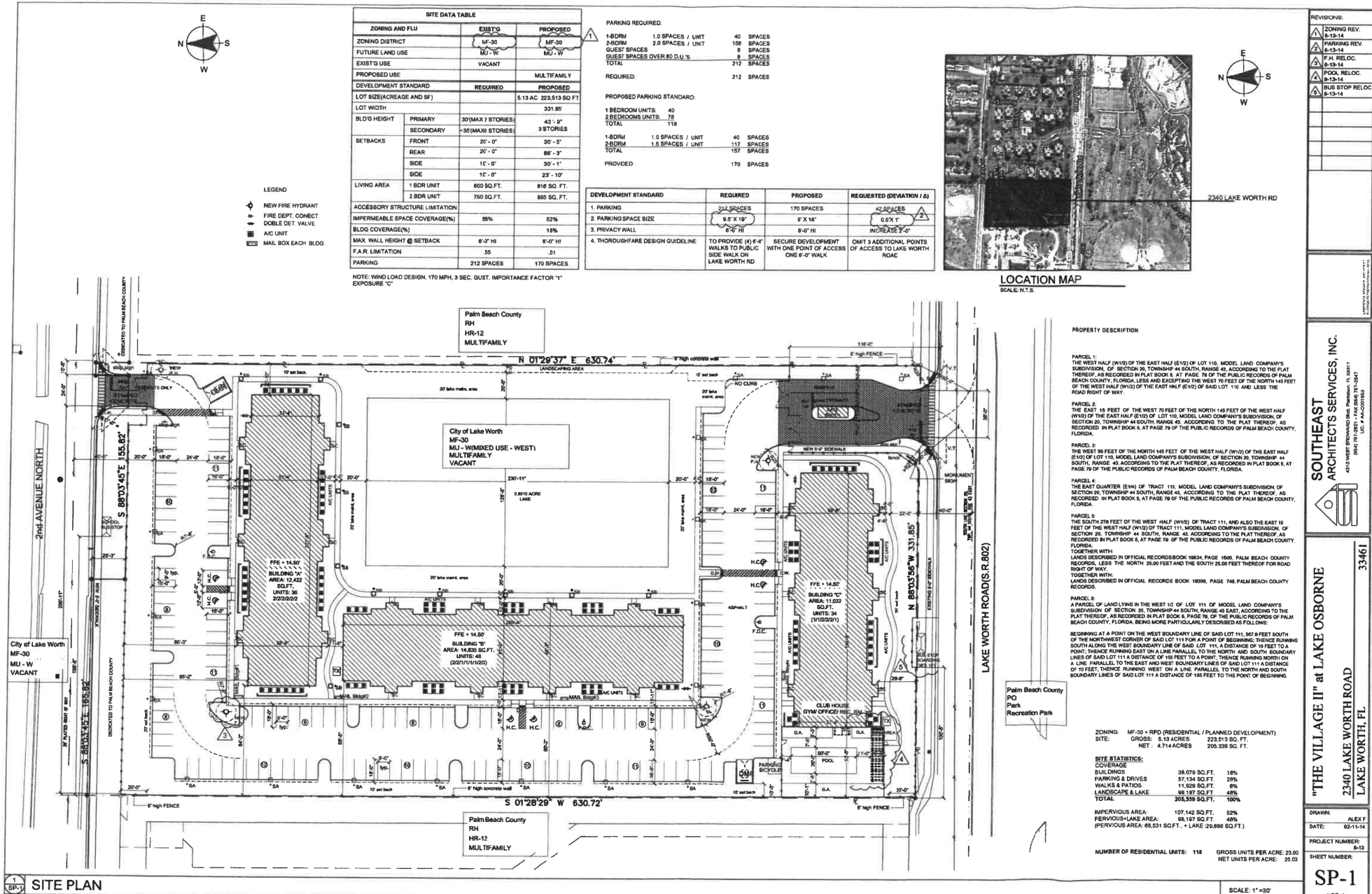
REVISIONS:

TRACTS 115 & 116

SOUTHEAST ARCHITECTS SERVICES, INC.
 410 WEST BIRCHWOOD DRIVE, SUITE 300, PALM BEACH, FLORIDA 33477
 PHONE: 561-840-1100 FAX: 561-840-1101
 WWW.SOUTHEASTARCHITECTS.COM LIC. # AC00000001

"THE VILLAGE" at LAKE WORTH
 Lake Worth Rd. & Arcano Dr.
 LAKE WORTH FLORIDA

DRAWN: L.B.
 DATE: 1-25-19
 PROJECT NUMBER: 05-12
 SHEET NUMBER: SP-1
 1 OF 1



SITE DATA TABLE		
ZONING AND FLU	EXIST'G	PROPOSED
ZONING DISTRICT	MF-30	MF-30
FUTURE LAND USE	MU - W	MU - W
EXIST'G USE	VACANT	
PROPOSED USE		MULTIFAMILY
DEVELOPMENT STANDARD	REQUIRED	PROPOSED
LOT SIZE (ACREAGE AND SF)		5.13 AC 223,513 SQ. FT.
LOT WIDTH		331.85'
BLDG HEIGHT	PRIMARY	30 (MAX 7 STORIES)
	SECONDARY	+30 (MAX 8 STORIES)
SETBACKS	FRONT	20' - 0"
	REAR	20' - 0"
	SIDE	10' - 0"
	SIDE	10' - 0"
LIVING AREA	1 BDR UNIT	600 SQ. FT.
	2 BDR UNIT	750 SQ. FT.
ACCESSORY STRUCTURE LIMITATION		
IMPERMEABLE SPACE COVERAGE(%)	55%	52%
BLDG COVERAGE(%)		18%
MAX. WALL HEIGHT @ SETBACK	6'-3" HI	6'-0" HI
F.A.R. LIMITATION	15	31
PARKING	212 SPACES	170 SPACES

PARKING REQUIRED.

1-BDRM	1.0 SPACES / UNIT	40 SPACES
2-BDRM	2.0 SPACES / UNIT	136 SPACES
GUEST SPACES		8 SPACES
GUEST SPACES OVER 80 D.U.'S		8 SPACES
TOTAL		212 SPACES

REQUIRED: 212 SPACES

PROPOSED PARKING STANDARD:

1 BEDROOM UNITS:	40
2 BEDROOM UNITS:	78
TOTAL:	118

1-BDRM 1.0 SPACES / UNIT 40 SPACES
 2-BDRM 1.8 SPACES / UNIT 117 SPACES
 TOTAL 157 SPACES
 PROVIDED 170 SPACES

DEVELOPMENT STANDARD	REQUIRED	PROPOSED	REQUESTED (DEVIATION / Δ)
1. PARKING	212 SPACES	170 SPACES	42 SPACES
2. PARKING SPACE SIZE	8.0' X 18'	9' X 40'	0.6X' ↑
3. PRIVACY HALL	8'-0" HI	8'-0" HI	0'-0" Δ
4. THROUGHFARE DESIGN GUIDELINE	TO PROVIDE (1) 6'-0" WALKS TO PUBLIC SIDE WALK ON LAKE WORTH RD	SECURE DEVELOPMENT WITH ONE POINT OF ACCESS ONE 6'-0" WALK	OMIT 1 ADDITIONAL POINTS OF ACCESS TO LAKE WORTH ROAD



PROPERTY DESCRIPTION

PARCEL 1: THE WEST HALF (W/2) OF THE EAST HALF (E/2) OF LOT 110, MODEL LAND COMPANY'S SUBDIVISION OF SECTION 26, TOWNSHIP 44 SOUTH, RANGE 43, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, AT PAGE 78 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPTING THE WEST 70 FEET OF THE NORTH 145 FEET OF THE WEST HALF (W/2) OF THE EAST HALF (E/2) OF SAID LOT 110 AND LESS THE ROAD RIGHT OF WAY.

PARCEL 2: THE EAST 18 FEET OF THE WEST 70 FEET OF THE NORTH 145 FEET OF THE WEST HALF (W/2) OF THE EAST HALF (E/2) OF LOT 110, MODEL LAND COMPANY'S SUBDIVISION OF SECTION 26, TOWNSHIP 44 SOUTH, RANGE 43, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, AT PAGE 78 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3: THE WEST 98 FEET OF THE NORTH 145 FEET OF THE WEST HALF (W/2) OF THE EAST HALF (E/2) OF LOT 110, MODEL LAND COMPANY'S SUBDIVISION OF SECTION 26, TOWNSHIP 44 SOUTH, RANGE 43, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, AT PAGE 78 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4: THE EAST QUARTER (E/4) OF TRACT 110, MODEL LAND COMPANY'S SUBDIVISION OF SECTION 26, TOWNSHIP 44 SOUTH, RANGE 43, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, AT PAGE 78 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 5: THE SOUTH 278 FEET OF THE WEST HALF (W/2) OF TRACT 111, AND ALSO THE EAST 10 FEET OF THE WEST HALF (W/2) OF TRACT 111, MODEL LAND COMPANY'S SUBDIVISION OF SECTION 26, TOWNSHIP 44 SOUTH, RANGE 43, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, AT PAGE 78 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH: LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1983A, PAGE 1600, PALM BEACH COUNTY RECORDS, LESS THE NORTH 25.00 FEET AND THE SOUTH 25.00 FEET THEREOF FOR ROAD RIGHT OF WAY.

TOGETHER WITH: LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1938A, PAGE 748, PALM BEACH COUNTY RECORDS.

PARCEL 6: A PARCEL OF LAND LYING IN THE WEST 1/2 OF LOT 111 OF MODEL LAND COMPANY'S SUBDIVISION OF SECTION 26, TOWNSHIP 44 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 78, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST BOUNDARY LINE OF SAID LOT 111, 30.0 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 111 FOR A POINT OF BEGINNING; THENCE RUNNING SOUTH ALONG THE WEST BOUNDARY LINE OF SAID LOT 111, A DISTANCE OF 10 FEET TO A POINT; THENCE RUNNING EAST ON A LINE PARALLEL TO THE NORTH AND SOUTH BOUNDARY LINES OF SAID LOT 111 A DISTANCE OF 10 FEET TO A POINT; THENCE RUNNING NORTH ON A LINE PARALLEL TO THE EAST AND WEST BOUNDARY LINES OF SAID LOT 111 A DISTANCE OF 10 FEET; THENCE RUNNING WEST ON A LINE PARALLEL TO THE NORTH AND SOUTH BOUNDARY LINES OF SAID LOT 111 A DISTANCE OF 155 FEET TO THE POINT OF BEGINNING.

ZONING: MF-30 + RPD (RESIDENTIAL / PLANNED DEVELOPMENT)
 SITE: GROSS: 5.13 ACRES 223,513 SQ. FT.
 NET: 4.714 ACRES 205,339 SQ. FT.

SITE STATISTICS:

COVERAGE		
BUILDINGS	38,076 SQ. FT.	18%
PARKING & DRIVES	57,134 SQ. FT.	26%
WALKS & PATIOS	11,928 SQ. FT.	6%
LANDSCAPE & LAKE	98,197 SQ. FT.	48%
TOTAL	205,339 SQ. FT.	100%

IMPERVIOUS AREA: 107,142 SQ. FT. 52%
 PERVIOUS-LAKE AREA: 98,197 SQ. FT. 48%
 (PERVIOUS AREA: 68,531 SQ. FT. + LAKE 29,666 SQ. FT.)

NUMBER OF RESIDENTIAL UNITS: 118 GROSS UNITS PER ACRE: 23.00
 NET UNITS PER ACRE: 25.03

REVISIONS:

1	ZONING REV.	6-13-14
2	PARKING REV.	6-13-14
3	F.H. RELOC.	8-13-14
4	POOL RELOC.	8-13-14
5	BUS STOP RELOC.	8-13-14

SOUTHEAST ARCHITECTS SERVICES, INC.
 4310 WEST BROWARD BLVD., SUITE 100, FORT LAUDERDALE, FL 33307
 (954) 370-3881 • FAX (954) 370-3847
 LIC # AA-000886

"THE VILLAGE II" at LAKE OSBORNE
 2340 LAKE WORTH ROAD
 LAKE WORTH, FL

DRAWN: ALEX F
 DATE: 02-11-14

PROJECT NUMBER: 8-13
 SHEET NUMBER: SP-1

SCALE: 1" = 30'

KBP CONSULTING, INC.

March 12, 2015

Mr. Larry Kramer
Southeast Architect Service
4310 W. Broward Boulevard
Plantation, Florida 33317

**Re: The Village at Crystal Lake – Deerfield Beach, Florida
Parking Analysis - UPDATE**

Dear Larry:

The Village at Crystal Lake is a proposed residential apartment community to be located on Crystal Lake Drive approximately 1,200 feet west of Military Trail in Deerfield Beach, Broward County, Florida. More specifically, the subject site is located at 3800 Crystal Lake Drive. The site, which is the location of the former Crystal Lake Country Club, is proposed to be redeveloped with 126 apartment dwelling units. The required number of parking spaces for this community is 261 parking spaces and the proposed parking supply is 216 parking spaces. The purpose of this technical memorandum is to determine if the proposed parking supply will be sufficient to accommodate the anticipated parking demand.

Parking Inventory

As mentioned previously, the parking required per Code for this development is 261 spaces. With 126 dwelling units, this translates to a parking rate of 2.071 spaces per dwelling unit. The proposed parking supply is 216 parking spaces which would translate to 1.71 spaces per unit. Based upon the experience of the development team, the proposed rate and corresponding parking supply is consistent with other comparable developments in south Florida with similar demographics.

Parking Analysis – Data Collection

In order to determine (or verify) the adequacy of the proposed parking supply at The Village at Crystal Lake, parking observations were performed at four (4) similar (i.e. in terms of unit mix and demographics) residential apartment communities in south Florida. The communities selected for this analysis are as follows:

- The Apartments at Crystal Lake, 3921 Crystal Lake Drive, Deerfield Beach (88 units)
- The Lakes at Deerfield, 1100 S Military Trail, Deerfield Beach (212 units)
- Waterview, 3621 Hillsboro Boulevard, Coconut Creek (192 units)
- Palm Club, 2425 Avenue N, Lake Worth (160 units)

For the purposes of determining the peak parking demand, field observations were performed on a typical weekday between 5:00 AM and 7:00 AM and between 9:00 PM and 11:00 PM. In addition, observations were performed on a typical Sunday evening between 9:00 PM and 11:00 PM. During these time periods, the number of occupied parking spaces was documented every 30 minutes and the overall peak parking demand rate was calculated based upon the peak parking demand for the entire observation time period.

8400 North University Drive, Suite 309, Tamarac, Florida 33321
Tel: (954) 560-7103 Fax: (954) 582-0989

KBP CONSULTING, INC.

Table 1 below summarizes the results of this data collection effort and the detailed data for this effort are included in Attachment A of this technical memorandum. (Attachment A also includes the unit mix for each community and the occupancy at the time of the field survey.)

Table 1 Parking Analysis The Village at Crystal Lake - Deerfield Beach, Florida			
Observation Location	Number of Dwelling Units	Peak Parking Demand	Peak Parking Rate
The Apts at Crystal Lake (Deerfield Beach)	88	121	1.38
The Lakes at Deerfield (Deerfield Beach)	212	311	1.47
Waterview (Coconut Creek)	192	287	1.49
Palm Club (Lake Worth)	160	236	1.48
Average Parking Rate:			1.46

As indicated above, the peak parking rates at the communities studied range from 1.38 spaces per dwelling unit at The Apartments at Crystal Lake to 1.49 spaces per dwelling unit at Waterview. As a result, the proposed parking rate of 1.71 spaces per dwelling unit at The Village at Crystal Lake is comparable to the actual field measured demand exhibited at similar communities in south Florida.

Conclusions

Based upon the foregoing data collection and analysis, the proposed parking rate (1.71 spaces per dwelling unit) and corresponding parking supply (216 parking spaces) at The Village at Crystal Lake is comparable to the observed peak parking demand at similar residential apartment communities in south Florida. Furthermore, due to the proximity of the site to existing Broward County Transit routes (along Sample Road), and the Pompano Beach Tri-Rail Station, it is expected that reliance upon automobiles will be less than that of other similar communities.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

KBP CONSULTING, INC.



Karl B. Peterson, P.E.
Senior Transportation Engineer

8400 North University Drive, Suite 309, Tamarac, Florida 33321
Tel: (954) 560-7103 Fax: (954) 582-0989

Attachment A

Parking Data

Study Location: The Apartments at Crystal Lake
Dwelling Units: 88

Date	Time Period	Parking Zone				Peak Parking	
		North	South	East	West	TOTAL	Rate
Wednesday, August 6, 2014	5:00 - 5:30 AM	19	22	64	16	121	1.38
	5:30 - 6:00 AM	18	22	64	16	120	
	6:00 - 6:30 AM	18	20	63	16	117	
	6:30 - 7:00 AM	15	20	58	12	105	
	9:00 - 9:30 PM	17	15	44	16	92	
Sunday August 10, 2014	9:30 - 10:00 PM	18	20	44	16	98	
	10:00 - 10:30 PM	18	19	48	16	101	
	10:30 - 11:00 PM	19	19	58	16	112	
	9:00 - 9:30 PM	19	18	44	16	97	
	9:30 - 10:00 PM	19	18	45	16	98	
August 10, 2014	10:00 - 10:30 PM	19	18	50	15	102	
	10:30 - 11:00 PM	18	18	54	16	106	

1 Bedroom: 39 units
2 Bedroom: 46 units
3 Bedroom: 3 units
Total: 88 units
Occupancy: 93.70%

Study Location: The Lakes at Deerfield
Dwelling Units: 212

Date	Time Period	Parking Zone				Peak Parking	
		North	South	East	West	TOTAL	Rate
	5:00 - 5:30 AM	126	103	37	45	311	1.47
	5:30 - 6:00 AM	125	103	36	44	308	
	6:00 - 6:30 AM	124	96	36	44	300	
	6:30 - 7:00 AM	121	96	36	44	297	
Wednesday, August 6, 2014	9:00 - 9:30 PM	90	94	28	29	241	
	9:30 - 10:00 PM	97	98	29	33	257	
	10:00 - 10:30 PM	105	99	31	37	272	
	10:30 - 11:00 PM	112	102	34	36	284	
Sunday August 10, 2014	9:00 - 9:30 PM	117	86	34	33	270	
	9:30 - 10:00 PM	118	91	33	30	272	
August 10, 2014	10:00 - 10:30 PM	121	100	33	29	283	
	10:30 - 11:00 PM	118	100	33	31	282	

1 Bedroom: 72 units
2 Bedroom: 108 units
3 Bedroom: 32 units
Total: 212 units
Occupancy: 93.40%

Study Location:		Waterview											Peak Parking	
Dwelling Units:		192											TOTAL	Rate
Date	Time Period	Parking Zone											TOTAL	Rate
		A	B	C	D	E	F	G	H	I	J	K		
Thursday September 11, 2014	5:00 - 5:30 AM	29	20	3	21	45	23	7	16	48	50	25	287	1.49
	5:30 - 6:00 AM	30	21	3	21	43	23	7	16	49	49	25	287	1.49
	6:00 - 6:30 AM	30	21	3	21	44	22	5	14	46	48	25	279	
	6:30 - 7:00 AM	30	21	0	19	45	20	6	13	41	47	23	265	
September 11, 2014	9:00 - 9:30 PM	29	16	2	18	43	22	4	16	37	44	24	255	
	9:30 - 10:00 PM	28	17	2	19	43	22	5	16	37	45	24	258	
	10:00 - 10:30 PM	29	17	2	20	46	22	4	17	41	46	26	270	
	10:30 - 11:00 PM	28	18	2	20	48	23	4	17	42	47	27	276	
Sunday September 14, 2014	9:00 - 9:30 PM	30	18	3	14	44	26	5	13	44	49	27	273	
	9:30 - 10:00 PM	31	17	3	18	45	26	5	12	44	49	27	277	
September 14, 2014	10:00 - 10:30 PM	30	19	3	16	45	26	5	14	45	49	28	280	
	10:30 - 11:00 PM	31	20	3	16	43	27	5	14	45	49	28	281	

1 Bedroom: 48 units
2 Bedroom: 144 units
Total: 192 units
Occupancy: 97.30%

Study Location: Palm Club
 Dwelling Units: 160

Date	Time Period	Parking Zone								Peak Parking	
		Lot 1				Lot 2				TOTAL	Rate
		North	South	East	West	North	South	East	West		
	5:00 - 5:30 AM	18	0	53	53	3	37	42	30	236	1.48
	5:30 - 6:00 AM	17	0	53	53	3	36	39	31	232	
	6:00 - 6:30 AM	17	0	51	53	3	35	40	30	229	
Tuesday	6:30 - 7:00 AM	16	0	50	51	3	31	38	29	218	
September 9, 2014	9:00 - 9:30 PM	17	0	40	45	1	29	34	28	194	
	9:30 - 10:00 PM	18	0	41	47	1	30	32	31	200	
	10:00 - 10:30 PM	18	0	39	50	1	32	33	30	203	
	10:30 - 11:00 PM	19	0	45	48	1	34	37	29	213	
	9:00 - 9:30 PM	16	1	40	46	6	32	40	24	205	
Sunday	9:30 - 10:00 PM	18	1	45	45	6	28	42	30	215	
September 7, 2014	10:00 - 10:30 PM	18	1	45	47	6	31	41	28	217	
	10:30 - 11:00 PM	20	1	47	49	6	33	43	26	225	

4 Bedroom: 160 units
 Total: 160 units
 Occupancy: 95.60%

Exhibit G – AHS Parking Policy dated December 12, 2018



12895 SW 132 St. – Ste. 202
Miami, FL 33186
Phone 305.255.5527
Fax 305.255.5589

November 12th, 2018

Palm Beach County, Planning and Zoning Division:

Re: AHS Residential's Parking Policy

The following parking policy is in place and enforced at all AHS Residential communities. It is a policy that has been designed and implemented keeping the residents' needs, convenience and safety in mind.

Assigned Parking:

- Residents renting a 1bed/1bath and a 2bed/2bath unit receive 1 assigned parking space.
- Based on availability, tenants are given the option to purchase additional parking space(s) for around \$25.00+ per month.
- All tenants are provided with a parking decal which corresponds to their assigned parking space. Said decal must be placed conspicuously on their vehicle(s) to allow for management to monitor parking within the community.
- Guest parking is based on availability. All guests are required to register their vehicle (license plate) with management. During business hours guests can register their vehicle by visiting the leasing office or they may simply register the vehicle online through our portal at any time.
- Vehicles found on the property that are not abiding by the above, or are otherwise improperly parked, are towed or booted with the vehicle owner being responsible for the cost.

Further, AHS Residential's lease agreement states the following, to which the residents must consent:

AHS may regulate the time, manner, and place of parking cars, trucks, motorcycles, bicycles, boats, trailers, recreational vehicles, and storage devices by anyone. We may have unauthorized or illegally parked vehicles towed under an appropriate statute. A vehicle is unauthorized or illegally parked in the apartment community if it:

- (1) Has a flat tire or other condition rendering it inoperable; or
- (2) is on jacks, blocks or has wheel(s) missing; or
- (3) has no current license plate or no current registration and/ or inspection sticker; or
- (4) takes up more than one parking space; or
- (5) belongs to a resident or occupant who has surrendered or abandoned the apartment; or
- (6) is parked in a marked handicap space without the legally required handicap insignia; or
- (7) is parked in space marked for manager, staff, or guest at the office; or
- (8) blocks another vehicle from exiting; or
- (9) is parked in a fire lane or designated "no parking" area; or
- (10) is parked in a space marked for other resident(s) or unit(s); or
- (11) is parked on the grass, sidewalk, or patio; or

Page 1 of 2



12895 SW 132 St. – Ste. 202
Miami, FL 33186
Phone 305.255.5527
Fax 305.255.5589

- (12) blocks garbage trucks from access to a dumpster; or
- (13) belongs to a resident and is parked in a visitor or retail parking space.

Exhibit H – E-mail Confirmation with City of Lake Worth dated January 16, 2019.

From: Carolina Valera
Sent: Wednesday, January 16, 2019 10:37 AM
To: 'bhicks@lakeworth.org'
CC: Jon MacGillis; William Cross
Subject: Question regarding parking complaints at Village at Lake Worth and Village at Lake Osborne

Bobby,

As I mentioned in my conversation with you this morning, there is a proposed development in the County that is similar to the Village at Lake Worth and Village at Lake Osborne, and located within the City of Lake Worth, with a number of parking spaces that is less than 2 parking spaces per unit.

Thank you for verifying that, to date, you have not received any complaints regarding parking issues at the Village at Lake Worth and Village at Lake Osborne.

Thank you,

Carolina Valera, MPA
Senior Site Planner
Zoning Division
Department of Planning, Zoning & Building
2300 North Jog Road
West Palm Beach, FL 33411
Tel: 561-233-5222
E-mail: CValera@pbcgov.org
<http://discover.pbcgov.org/pzb/zoning/Pages/default.aspx>



Please provide us feedback on our level of service by taking our Customer Survey at:
<http://survey.pbcgov.com/s3/Zoning-Customer-Service-Feedback>