

**ATTACHMENT G*****Minto West******Consistency and Compatibility Statement*****JUSTIFICATION STATEMENT:**

The attached Future Land Use Atlas (FLUA) amendment and associated Comprehensive Plan Text Amendments (“Text Amendments”) are submitted by Minto PBLH, LLC, and the Seminole Improvement District (“SID”) to amend the existing Callery Judge Agricultural Enclave to create a balanced, attractive and functional mixed-use community to enhance and support the existing sprawl-pattern development in the western communities. The proposed FLUA will amend the original Callery Judge Agricultural Enclave, created in 2008 pursuant to the Agricultural Lands and Practices Act, Section 163.3162(4), F.S., to develop the Minto West Agricultural Enclave with increased residential density and non-residential intensity, consistent with the surrounding development and to address the land use imbalance characteristic of the central western communities.

**Background**

The site is located East and West of Seminole Pratt Whitney Blvd., South of 60<sup>th</sup> Street North, and North of 50<sup>th</sup> Street N, East of Mead Hill Drive and 44<sup>th</sup> Street North, East of 190<sup>th</sup> Terrace North and West of 140<sup>th</sup> Avenue North. The 3,788.60-acre property is located in the Rural Tier and has a current FLUA designation of Agricultural Enclave and Rural Residential-10. The subject property is currently in active agricultural, with built parcels including a utility site and a packing plant.

The subject property is roughly co-extensive with SID, a legislatively-created special district with the authority to provide public infrastructure and services and to operate district facilities. SID provides drainage, water and wastewater services for the subject property, and owns a canal right-of-way and/or easement for access and drainage from the subject site running approximately four miles south to the C-51 Canal.

Currently, the land uses surrounding the Agricultural Enclave consist of residential, schools, commercial parcels and some public sites, all of which have been approved by the County since the grove was built. A great majority of the residential and nonresidential uses were built since the late 1980’s and were exempted from concurrency rules in the early 1990’s by the creation of the Acreage Unified Planning Area. The site is bounded by the M Canal on the North. Immediately North of the M Canal are single-family, residential properties in the unincorporated Acreage community. The Acreage is a sprawling, antiquated subdivision, consisting of 33 square miles of 1.25-acre lots, in the Exurban Tier. These lots are inclusive of road and drainage rights-of-way. An elementary and middle school are located on the adjacent land area in the northeast corner of the subject site. The adjacent land to the east is residential (the Acreage). The adjacent land area to the south is also residential and includes portions of

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the Acreage and the Town of Loxahatchee Groves, a primarily low-density residential community consisting of 7,650 acres. The site is bounded by the M Canal on the West. Across from the M Canal on the west are agricultural uses and rural residential. Along Seminole-Pratt Whitney Road through the site lie the Seminole Ridge High School, the packing facility and a commercial shopping center.

The subject site has been recognized for special planning by Palm Beach County for twenty years through a variety of planning efforts. These include the Sector Planning effort, which recognized the urbanized, sprawling residential development pattern of the surrounding area that is unsupported by sufficient non-residential uses.

### **Proposed Amendments**

Originally established as an Agricultural Enclave in 2008, 3745.58-acres of the site was approved with a gross density not to exceed .80 units per acre (2,996 units) and intensity not to exceed 235,000 square feet of non-residential uses. In support of the original request, an analysis of the residential density surrounding the site was prepared, per the requirements of the statute that the proposed agricultural enclave be consistent with the density and intensity of the surrounding community. That analysis, prepared by Warner and Associates, and included with this application<sup>1</sup> shows an average residential density of 2.11 units per acre within the five (5) mile study area. However, due to statutory Development of Regional Impact thresholds in place at the time, the prior owner limited the residential density to .80 units per acre in order not to subject the project site to DRI review. The small amount of non-residential requested and ultimately approved was also limited by the desire to avoid DRI status. Since that time, the DRI statute has been amended and the project, at the current proposed density and intensity, would not be subject to DRI review.

The Minto West Agricultural Enclave will contain a mix of residential housing types together with commercial, retail, office, education, and public and private civic facilities, as more specifically defined in the amended Conceptual Plan to be adopted with the proposed FLUA. The proposed gross density will not exceed approximately 1.2 units per acre and 2 million square feet of non-residential uses, a hotel and civic uses. The non-residential uses are designed to address the needs of the Minto West residential development as well as the latent demand for such uses created by the surrounding, single-use development pattern. This demand has been identified in numerous studies conducted by the County through its various sector planning efforts. The proposed mix of uses will incorporate appropriate new urbanism concepts as described in the Implementing Principals to be adopted as part of the FLUA, while maintaining compatibility with the surrounding community through generous buffers and lower density development along the perimeter of the project.

### **CONSISTENCY WITH DIRECTIVES, GOALS, OBJECTIVES, AND POLICIES:**

At the time of adoption of the Agricultural Enclave designation for the property, the Comprehensive Plan was amended to implement the Agricultural Lands and Practices Act, Section 163.3162(4), F.S., through an amendment package, which included text amendments and a FLUA amendment. The controlling policy, FLUE Policy 2.2.5, required the adoption of a Conceptual Plan with implementing principles and a Site Data table establishing the land uses and densities and intensities for the property consistent with the requirements of the Statute. Policy 2.2.5 also anticipates and provides for

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<sup>1</sup> An updated analysis is being prepared by Warner and Associates and will be submitted under separate cover.

amendment of the adopted Conceptual Plan as is proposed here. Minto West will contain a mix of residential housing types, commercial, retail, office, educational facilities, and recreational uses, which are consistent with those uses in the area and the uses already approved for the property.

### **C. County Directions**

*The Future Land Use Element was created and has been updated based on input from the public and other agencies through citizen advisory committees, public meetings, interdepartmental reviews, and the Board of County Commissioners. All contributed to the generation of the long-term planning directions, which provide the basis for the Goals, Objectives and Policies of the Future Land Use Element. These directions reflect the kind of community the residents of Palm Beach County desire.*

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

**Response:** Minto West furthers the livable community design of the approved Agricultural Enclave. As is depicted on the amended Conceptual Plan and in the Implementing Principles, Minto West now proposes an even greater balance and mixture of uses, clustering, and other new urbanism concepts with greater opportunities to discourage and remediate an existing pattern of urban sprawl, as required by Section 163.3162(4), F.S. The surrounding area is characterized by single use residential sprawl. The Minto West community will have a balanced mix of land uses, which will address the community's, and the surrounding area's, non-residential needs in a well planned community.

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

**Response:** Minto West proposes a sustainable, balanced development pattern consistent with the uses and intensities of development in the surrounding area as required by Section 163.3162(4). The surrounding pattern is not efficient and the Minto West community will provide much needed balance in the central western area. The proposed uses and increases in densities and intensities remain consistent with the surrounding area and allow for efficient use of the property, a greater balance of land uses and additional opportunities to remediate the established jobs to housing imbalance in the surrounding area. Public facilities and services to serve the additional densities and intensities will be provided in a cost-efficient and timely manner as documented in attached correspondence.

**3. Infill Development.** *Encourage infill development in urban areas to increase efficient use of land, and existing public facilities and services.*

**Response:** The proposed amendment increases the densities and intensities on an infill site already approved for development, enhances the site's multi-use development form resulting in more efficient use of land and of the related public facilities and services to be provided, in part, by SID.

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

**Response:** As discussed above, the Minto West development lies in the center of a vast area of committed, sprawl-pattern development. The central western communities have been the subject of numerous County studies and initiatives aimed at addressing the land use imbalance of the area. As an Agricultural Enclave, the densities and intensities proposed for Minto West are, by definition, consistent and compatible with this development.<sup>2</sup> More importantly, by incorporating new urbanism principals through the proposed Implementing Principles and by providing needed employment and commercial uses to serve residents within the entire central western communities, Minto West will alleviate, rather than exacerbate, the existing urban sprawl pattern development, thereby addressing an identified County planning need.

**11. Linear Open Space and Park Systems.** *Enhance the appearance of the County by providing an open space network that will become a visual and functional organizer of recreational activities, natural resources and other open space areas. This should include public lands, passive as well as active recreation areas, beaches, and conservation areas.*

**Response:** Minto West's proposed Conceptual Plan and Implementing Principles continue to provide for linear open space throughout the project and on its perimeter, ensuring functional recreational opportunities and open space for the use of its residents while ensuring the development is appropriately buffered from the surrounding community.

**12. Environmental Integrity.** *Encourage restoration and protection of viable, native ecosystems and endangered and threatened wildlife by limiting the impacts of growth on those systems; direct incompatible growth away from them; encourage environmentally sound land use planning and development and recognize the carrying capacity and/or limits of stress upon these fragile areas.*

**Response:** Because the proposed amendment enhances the infill development on property, which today contains no natural environmental features, it reflects environmentally sound land use planning by directing growth away from environmentally sensitive areas. In addition, large open space areas and water features provide an opportunity for significant environmental enhancement where today no such features exist.

**13. Design.** *Promote the concept of design to direct development, in rural and urban areas. Design is used to prepare and implement policies and plans that guide the physical development of the built environment and make such development functional, orderly, efficient, visually pleasing, environmentally sound, economically viable, and supportive of generally accepted community goals.*

**Response:** Minto West is proposed on one of the few remaining sites large enough to accomplish

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<sup>2</sup> See attached analysis prepared by Warner and Associates.

functional, orderly, and efficient design on a meaningful scale, which allows an economically viable development form while also meeting accepted community and planning goals to address the lack of employment opportunities and services necessary for the surrounding community.

### ***Managed Growth Tier System***

**Response:** The property, which is located in the Rural Tier, is surrounded by land within the Exurban Tier and, within the study area, the Urban/Suburban Tier. The area is identified as Urban or as an Urban Designated Place by the U.S. Census Bureau according to the 2010 census results. The statutory mandate for any Agricultural Enclave requires consistency with surrounding development and the inclusion of new urbanism concepts, which aligns with the principles and provisions in the County's managed growth tier system. The underlying purpose of the managed growth tier system will be achieved through the distinct approach for creating agricultural enclaves, which includes the development of a Conceptual Plan and Implementing Principals that require the incorporation of appropriate new urbanism concepts while also providing transition and buffers between the project and surrounding development. Therefore, the proposed FLUA and text amendments are consistent with the underlying intent of the managed growth Tier system.

### ***GOAL 2 LAND PLANNING***

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

### ***OBJECTIVE 2.1 Balanced Growth***

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

**Response:** Minto West proposes intensity increases, which will allow for viable commercial development including employment opportunities to serve the residential densities on the property and within the surrounding area. The proposed amendment moves in the direction of accomplishing the County's goal of addressing the land use imbalance in the area as reflected in numerous County initiated studies and planning efforts. As such, the proposed amendment continues to direct future development to an appropriate location, specifically to address the need for balanced growth, the provision of services and employment opportunities.

### ***POLICY 2.1-f***

*Before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate. In addition, and the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall*

*evaluate its impacts on:*

*1. The natural environment, including topography, soils, and other natural resources;*

**Response:** There are no native and natural habitat features on the property. However, through the development of the site, a large amount of vegetation, lakes, and other natural features will be created.

*2. The availability of facilities and services;*

**Response:** Water, sewer, and wastewater capacity will be provided by SID, an existing service provider on site, which will ensure resources are used most efficiently. Capacity letters have been provided herein. Transportation facility needs will be addressed as required. The proposed mix of land uses will reduce vehicular trips eastbound and overall miles traveled by existing and future residents.

*3. The adjacent and surrounding development;*

**Response:** The subject site is surrounded by sprawling residential development. This development pattern has caused the subject site to be described as the “hole in the doughnut.” The approval of increased densities and intensities on the property will fill the “hole in the doughnut” with a range of residential densities, consumer services, and employment opportunities currently lacking within the western communities.

*4. The future land use balance;*

**Response:** Currently, the western communities include a vast amount of residential units and a minimal amount of consumer services. Minto West will provide long-desired commercial, employment, and recreational opportunities to achieve a more balanced mix of land uses within the western communities.

*5. The prevention of urban sprawl as defined by 9J-5.006(5)(g), Florida Administrative Code (F.A.C.);*

**Response:** The site is currently surrounded by urban development. Per Section 163.3162, F.S., the subject site is presumed not to be urban sprawl, because the proposed development program is consistent with the uses and intensities surrounding the parcel. However, an analysis of the urban sprawl indicators is provided below.

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

**Response:** There are no community plans or special studies for the subject site. The Acreage residential community, which borders the subject site, does have a recognized Neighborhood Plan. Minto West is not within the boundaries of the Acreage Neighborhood Plan. As discussed above, the proposed densities and intensities of development and implementing principals address the existing land use imbalance characteristic of the area while providing transition and buffering between the proposed

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development and the surrounding community

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

**Response:** The proposed amendment will be processed and reviewed pursuant to the applicable requirements of the Intergovernmental Coordination Element.

***Policy 2.2-a: Future Land Use Provisions- General***

*All development approvals and actions within the unincorporated limits of the County shall be consistent with the provisions contained within the Comprehensive Plan, as amended. Such approvals shall also be consistent with any restrictions or special conditions attached to a Comprehensive Plan amendment, as referenced on the Future Land Use Atlas contained within the Ordinance adopting the amendment.*

**Response:** The County's system permits staff to view conditions, concept plans and applicable FLUA guidelines and implementing principles such as those adopted and proposed for Minto West. This ensures that conditions are carried forward through the development order and site planning processes, ultimately ensuring that the development of the property will conform to the requirement of the FLUA amendment including the Site Data table and Implementing Principles. Policy 2.2.5-d provides that these limiting conditions may only be amended through the FLUA amendment process.

***Policy 2.2.1-b:***

*Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintain[ed] to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan.*

**Response:** Minto West's mix of residential housing types - single and multi-family - is the same as that already approved for the property under the existing Agricultural Enclave designation. Therefore, the project does not place an incompatible future land use into an area designated for residential use. The subject property is already approved for development of commercial, office, recreational, educational and other civic uses. Design standards depicted on the Conceptual Plan, Site Data table and Implementing Principles continue to require that uses be located and organized so as to prevent encroachment of nonresidential uses on residential uses external to the project. Minto West's proposal continues to provide for landscape buffers, linear parks, and lakes to ensure transition and compatibility with external uses, all as depicted on the revised conceptual plan.

***Policy 2.4-b Residential Density Increases***

**Response:** Due to the Agricultural Lands and Practices Act, Section 163.3162(4), F.S., this Policy is not applicable to Agricultural Enclaves, and the Policy is being amended to reflect the same.

***Policy 3.5-d:***

**Response:** This policy is not applicable to an Agricultural Enclave pursuant the Policy itself and to Florida Statutes section 163.3162(5), F.S. See letter at Attachment H.

**Consistency with Section 163.3177(6)(a)9.a.**

Section 163.3162(4), F.S., states that an amendment for land defined as an Agricultural Enclave is presumed not to be urban sprawl. The following analysis demonstrates consistency with the urban sprawl requirements of Section 163.3177(6)(a)9.a. and Policy 2.1-f.

*9. The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.*

*a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:*

*(I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.*

**Response:** Minto West proposes a multi-use development form at increased intensities and densities that will minimize the external effect of the project through a balance of housing, employment, commercial, recreational and civic land uses to meet the needs of its residents and employees while offering opportunities to the residents of the surrounding community. The project does not trigger this indicator.

*(II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*

**Response:** Minto West is not proposed within a rural area. The Census Bureau defines the surrounding area as urban. The property is surrounded by a large urban residential subdivision. There are no undeveloped lands, available for development of a multi-use development as is proposed here, between the property and the urban development to the east. Consistent with the County's sector planning efforts, the property continues to be the appropriate location for the development types and intensities proposed as a means to address the existing single-use sprawl pattern development surrounding the project. The project does not trigger this indicator.

*(III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.*

**Response:** The property's size and shape allow for master planning which will continue to allow uses to be designed in a balanced and efficient manner. The project is not isolated as it is proposed on a site that is surrounded by significant residential uses. The project does not trigger this indicator.

*(IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.*

**Response:** There are no natural environmental features on the site. The proposed changes to the

approved development pattern for the property will not result in failure to protect and conserve the listed natural resources. The project does not trigger this indicator.

*(V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.*

**Response:** The predominant adjacent land use is residential subdivision. The proposed changes to the approved development pattern will not result in reduced protections for any accessory agricultural uses in the area since the buffering and separation in the approved conceptual plan is similar to that proposed in the amendment. The project does not trigger this indicator.

*(VI) Fails to maximize use of existing public facilities and services.*

**Response:** The increased intensities proposed for Minto West will further maximize use of the existing public facilities and services to be provided by the SID including the central water and sewer facilities. The proposed development, including the mix of uses, will improve traffic patterns in the area. The project does not trigger this indicator.

*(VII) Fails to maximize use of future public facilities and services.*

**Response:** See above response to indicator (VI).

*(VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.*

**Response:** Minto West will continue to allow for balanced, sustainable development resulting in the efficient provision of services. The project does not trigger this indicator.

*(IX) Fails to provide a clear separation between rural and urban uses.*

**Response:** The property is surrounded by a large suburban residential subdivision denominated as urban by the most recent U.S. Census Bureau data. The property is already approved for residential and nonresidential uses similar in type and scale to that proposed for Minto West. As is depicted on the concept plan for the project, the commercial, office, workplace and educational uses will continue to be located towards the center of the subject parcel along Seminole Pratt Whitney Road to maximize separation between those uses and the surrounding residential community. Additionally, buffers along the perimeter of the property remain in place and density transition requirements will be implemented. The project does not trigger this indicator.

*(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.*

**Response:** Minto West continues to encourage and provide for infill development by providing a rare opportunity for a multi-use development form in a location with the ability to remediate the existing single use, small lot development pattern of the surrounding community. The project does not trigger this indicator.

*(XI) Fails to encourage a functional mix of uses.*

**Response:** Minto West's proposal to increase nonresidential intensity focused economic development center uses, continues to encourage a functional mix of uses. The workplace and commercial uses will create functionality for the surrounding residential community. The project does not trigger this indicator.

*(XII) Results in poor accessibility among linked or related land uses.*

**Response:** Access to the property is through Seminole Pratt-Whitney Road. The roadway is planned for widening to six lanes. The concept plan continues to depict a cohesive plan for interconnected roadways ensuring the project will be coordinated and developed in an efficient manner. The project does not trigger this indicator.

*(XIII) Results in the loss of significant amounts of functional open space.*

**Response:** The Conceptual Plan continues to incorporate open useable space throughout the site. The existing agricultural use does not provide any accessible open space for use by the public. Therefore, the project does not trigger this indicator.

As demonstrated above, the proposed amendment does not meet any of the indicators of urban sprawl and would, instead, remediate existing urban sprawl development patterns in the County. Because no indicators of urban sprawl are triggered by the proposed amendment, an analysis of whether the project incorporates a development pattern or urban form components that reflects discouragement of urban sprawl as provided for in Section 163.3177(6)(a)9.b is not required. However, the proposed amendment:

(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

(II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

(III) Promotes walkable and connected communities and provides for compact development, where appropriate, and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

(VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

(VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

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