



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 19-A2

BCC TRANSMITTAL PUBLIC HEARING, JANUARY 28, 2019

A. Application Summary

I. General

Project Name:	Terra Nova (LGA 2018-020)
Request:	CH/5 to HR-12 (13.65 acres) and CL/5 (4.02 acres)
Acres:	17.67 acres
Location:	North side of Atlantic Avenue and west side of Hagen Ranch Road
Project Manager:	Stephanie Gregory, Senior Planner
Applicant/Owner:	Principal Development Group, LLC
Agent:	Wantman Group, Inc.
Staff Recommendation:	Staff recommends approval with conditions based upon the findings and conclusions contained within this report.

II. Assessment & Conclusion

The amendment proposes to change the future land use designation on a vacant parcel from Commercial High with an underlying Medium Residential, 5 units per acre (CH/5), to High Residential, 12 units per acre (HR-12) on 13.65 acres and Commercial Low (CL/5) on 4.02 acres. The development potential for the site under the current designation, is up to 389,208 square feet of commercial (.50 floor area ratio) and up to 88 units or 150 units (10.9 units/acre) including density bonuses through the Transfer of Development Rights (TDR) and Workforce Housing Program (WHP). The amendment proposes to retain 4.02 acres fronting Atlantic Ave as commercial.

For the residential portion, the base HR-12 designation allows up to 164 units; however, the applicant is requesting to develop 275 multifamily units (20 units/acre) with the purchase of 13 TDR units and 98 units the WHP density bonus program. For a 60% WHP density bonus, the ULDC requires that 19% of the total units are provided within the workforce housing ranges, and allows the non-TDR workforce units to be built offsite.

The applicant proposes a condition of approval matching the ULDC requirements; however, staff is recommending a condition of approval of a higher percentage (25%) to be built as workforce housing onsite. The minimum ULDC requirement is based on a 60% density increase, whereas the proposed increase is much greater since this project is using a combination of a future land use amendment, workforce bonus, and TDRs. Additional conditions include a capping the units at 275 with a requirement for concurrent amendment and zoning hearings to ensure that the project remain as represented. The amendment is consistent with Policy 2.4-b that requires the use of TDRs as the mandatory method of increasing density. The applicant has provided an adequate justification for the amendment, demonstrated that the amendment will be compatible with surrounding land uses, and meets the applicable policies in the Comprehensive Plan.

III. Hearing History

Local Planning Agency: *Provided in the January 28, 2019 BCC Hearing Agenda*

Board of County Commissioners Transmittal Public Hearing: *January 28, 2019*

State Review Agency Comments:

Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

I. Site Data

Current Future Land Use

Current FLU: Commercial High with an underlying Medium Residential, 5 units per acre (CH/5)

Existing Land Use: Vacant

Current Zoning: Multiple Use Planned Development (MUPD)

Current Dev. Potential Max: Residential uses, up to 88 dwelling units

Proposed Future Land Use Change

Proposed FLU: High Residential, 12 units per acre (HR-12) on 13.65 acres and Commercial Low with an underlying 5 units per acre (CL/5) on 4.02 acres

Proposed Use: Multi-Family Residential and Commercial uses

Proposed Zoning: Multiple Use Planned Development (MUPD) and Planned Unit Dev. (PUD)

Dev. Potential Max/Conditioned: Residential, up to 212 dwelling units and Commercial up to 43,778 sf (or additional 20 units)

General Area Information for Site

Tier/Tier Change: Urban/Suburban Tier - No change

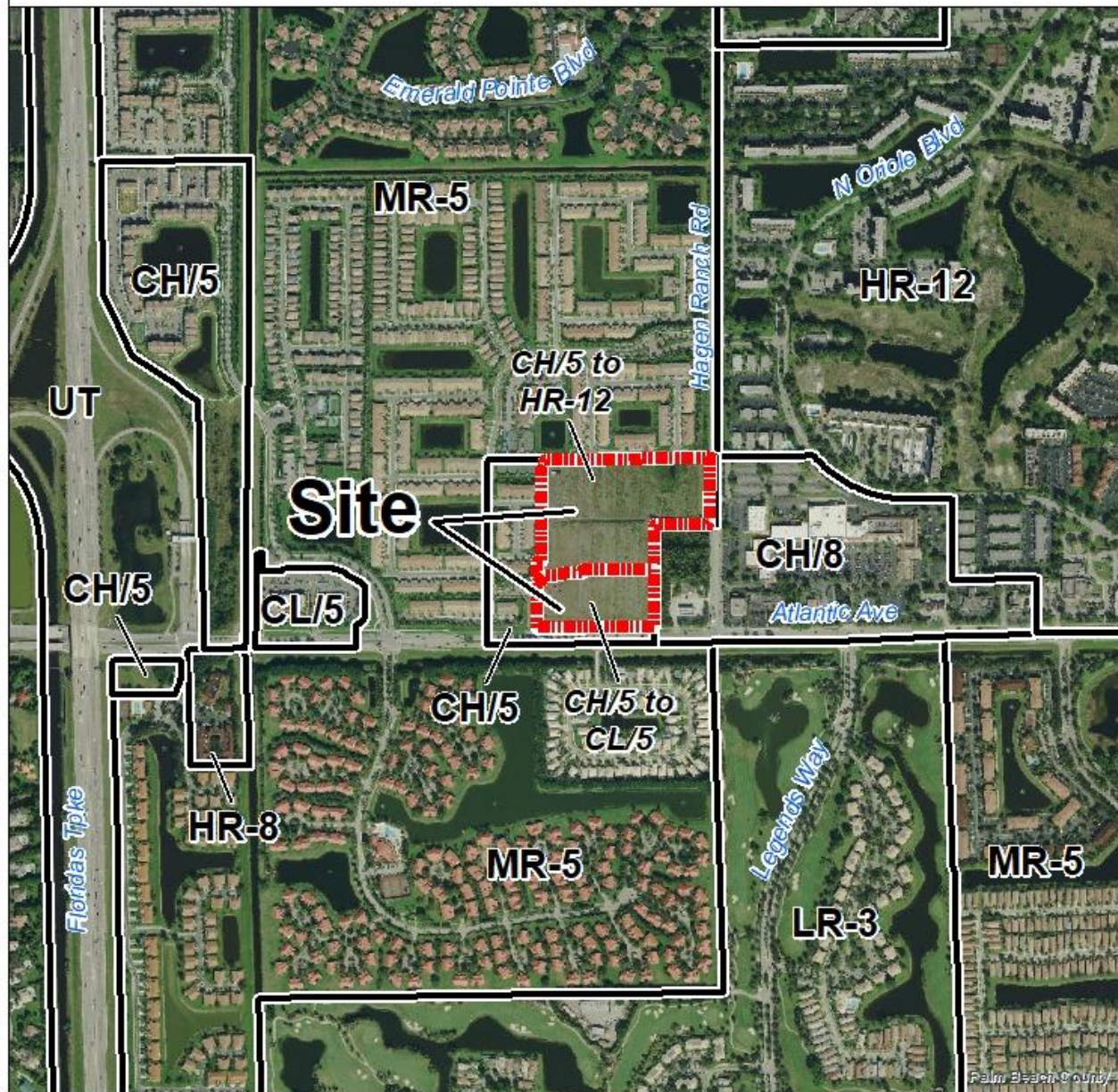
Utility Service: Palm Beach County Water Utilities Department

Overlay/Study: None

Comm. District: Commissioner Mary Lou Berger, District 5

Future Land Use Atlas Amendment

Terra Nova (LGA 2018-020)



Site Data

Size: 17.67 acres
 Existing Use: Vacant
 Proposed Use: Commercial & Residential
 Current FLU: CH/5
 Proposed FLU: CL/5 (4.02 acres)
 & HR-12 (13.65 acres)

Future Land Use Designations

LR-3	Low Residential, 3 units per acre	CH/5	Commercial High, underlying MR-5
MR-5	Medium Residential, 5 units per acre	CH/8	Commercial High, underlying HR-8
HR-8	High Residential, 8 units per acre	CH/12	Commercial High, underlying HR-12
HR-12	High Residential, 12 units per acre	UT	Utilities & Transportation
CL/5	Commercial Low, underlying MR-5		

Date: 02/05/2018
 Contact: Planning
 Filename: Planning\AMEND\18-D\Site\18-20
 Note: Map is not official, for presentation purposes only.



0 150 300 600 Feet

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



C. Introduction

I. Intent of the Amendment

The amendment is proposing to change the future land use designation of the 17.67 acre site from one future land use designation, Commercial High with an underlying Medium Residential, 5 units per acre (CH/5), to two future land use designations, High Residential, 12 units per acre (HR-12) on 13.65 acres, and Commercial Low with an underlying 5 units per acre (CL/5) on 4.02 acres. The site is located in the Urban Suburban Tier on Atlantic Avenue, west of Hagen Ranch Road within the Delray Alliance.

The development potential for the site under the current designation, is up to 389,208 square feet of commercial (.50 floor area ratio) and up to 88 units without density bonus, or 150 units (10.9 units/acre) including density bonuses through the Transfer of Development Rights (TDR) and Workforce Housing Program (WHP).

The site was approved for a Multiple Use Planned Development (MUPD) with 175,800 square feet of restaurant, retail, pharmacy, bank, and office/medical uses in 2004, but is currently unbuilt. Under the current designation, the site could be developed with both the commercial intensity and the residential density as a MUPD.

The amendment proposes to retain 4.02 acres of commercial fronting Atlantic Avenue that allows up to 43,778 square feet of commercial uses; however, the zoning application (CA/DOA 2018-1690) is requesting two restaurants and two retail uses, totaling approximately 21,000 square feet. Through the amendment, the development potential for the HR-12 residential portion allows up to 164 units; however, the zoning application (CA/PDD/ZV 2018-1689) is requesting 275 multifamily units (20 units/acre) with the purchase of 13 TDR units and 98 units through a 60% WHP density bonus. The Control Number is 2004-00457.

II. Data and Analysis Summary

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

Appropriateness of the Amendment. The proposed 275 units cannot be achieved using the existing MR-5 designation in combination with the available TDRs and WHP density bonus, and the applicant indicates that this number of units is necessary for a viable project. Infill development of the site at a higher density would be consistent with the intent of the Comprehensive Plan to focus urban development at appropriate locations within the Urban Suburban Tier. In addition, the site is adjacent on two sides to a Commercial High node and will serve as a transitional area from intense commercial uses at the intersection of Hagen Ranch Road and Atlantic Avenue, to the site which is proposed to be multifamily to the townhouse and single family homes in Villaggio Reserve. Also utilizing the existing Commercial High FLU, the site could be developed up to 389,208 square feet of commercial development as the Comprehensive Plan currently allows up to .50 floor area ratio. The site received a zoning approval in 2004 utilizing its current CH/5 future land use designation for a rezoning to Multiple Use Planned Development (MUPD) with 175,800 square feet of restaurant, retail, pharmacy, bank, and office/medical uses.

Compatibility: The applicant proposes 20.2 units per acre (275 units) in the zoning application, and this figure will be capped in this amendment by condition of approval. Without the cap at 275 units, this site through the proposed future land use designation, TDR and WHP bonus density programs could achieve up to 303 units (22.2 units per acre). The residential portion of the subject site is surrounded to the north and west by 5 unit per acre designations with net densities of 6-7 units per acre. The residential density proposed by the amendment is higher than the surrounding designation, however the associated zoning application demonstrates that the site can serve as a transition and tapering of density from the commercial uses at the intersection of Hagen Ranch and Atlantic Avenue to multifamily on the subject site and then to the existing townhouse and single family in Villaggio Reserve. The surrounding residential uses were built following the 2004 commercial approval on the site, and the wall and buffering took into account intense commercial uses on the subject site. The proposed site plan indicates that the setbacks between the proposed development are equal to or greater than the setbacks in the current approval for commercial. Through the development review process, consideration shall be given to the compatibility with adjacent future land uses by requiring adequate setbacks, landscape buffers and other considerations. Therefore, the proposed amendment is compatible with the residential area.

Workforce Housing Condition of Approval. The applicant proposes to condition the amendment to a minimum of 19% of the total units as workforce housing units, and per ULDC Article 5.G.1.G.1., Option 1 Off-Site Construction, that any or all workforce housing units may be transferred to Haverhill Residential (PDD-2018-00591), except those required with the purchase of TDR units. The percentage proposed by the applicant (19%) is required by the ULDC and based upon an existing HR-12 future land use designation receiving a 60% density bonus. However, the adopted future land use designation is 5 units per acre, so the overall density increase proposed through the combination of the future land use amendment and density bonus is much greater than 60%. Therefore, staff is recommending a condition of approval to require 25% of the units as workforce housing built on site consistent with other residential density increase amendments over the past several years.

Conclusion and Recommendation

The request is to change a site from a commercially approved plaza to a residential multifamily development with a smaller acreage of commercial. The commercial portion of the site meets all of the requirements of the Comprehensive Plan. For the residential portion of the amendment, the applicant is requesting a much higher residential density than currently allowed by the underlying 5 units per acre designation through both the amendment and the use of the density bonus programs. The proposed HR-12 designation allows up to 164 units; however, the applicant is requesting to develop 275 multifamily units (20 units/acre) with the purchase of 13 TDR units and 98 units through a 60% WHP density bonus. The ULDC requires that 19% of the total units are provided within the workforce housing ranges and that these units may be built offsite, and that the TDR workforce units are built on site. The applicant proposes a condition of approval matching the ULDC requirements and that allows the non-TDR workforce units to be transferred offsite to the Haverhill Residential (SCA 2018-019) project.

The amendment is consistent with Policy 2.4-b that requires the use of TDRs as the mandatory method of increasing density. The applicant has provided an adequate justification for the amendment, demonstrated that the amendment will be compatible with surrounding land uses, and meets the applicable policies in the Comprehensive Plan. Staff is recommending a condition of approval to require 25% of the units as workforce housing built on site since the request is increasing density through the amendment process and not the ULDC bonus programs alone. Additional conditions include a capping the units at 275 with a requirement for concurrent amendment and zoning hearings to ensure that the project remain as represented.

Staff recommends ***Approval with Conditions*** based upon the findings within this report.

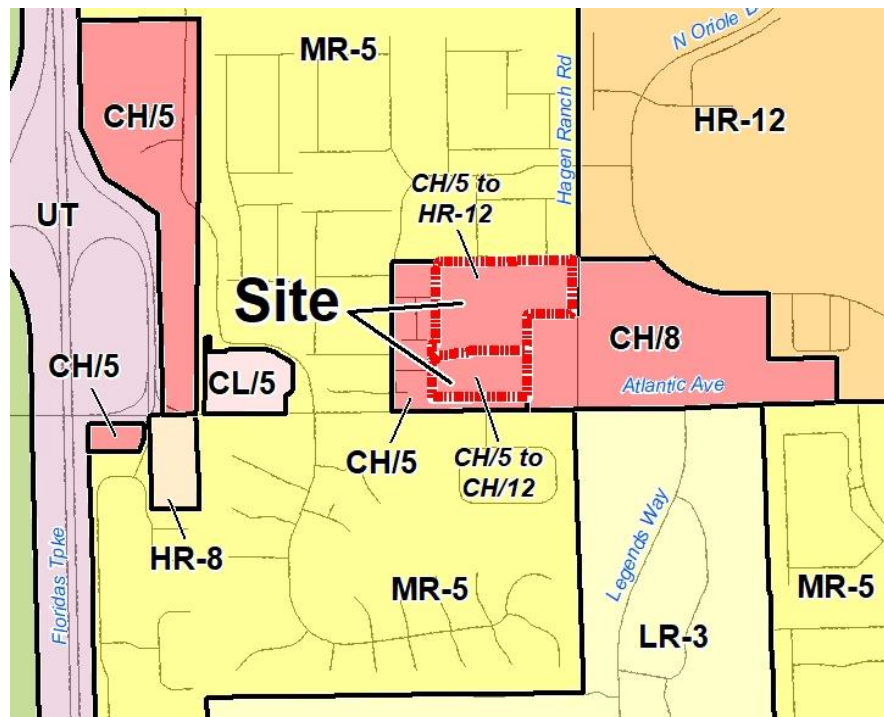
Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Consistency with Comprehensive Plan	E-4
3. Applicant's Justification/Consistency with Comprehensive Plan and Florida Statutes	E-17
4. Applicant's Public Facility Impacts Table	E-31
5. Applicant's Traffic Study (<i>available to the LPA/BCC upon request</i>)	E-34
6. Palm Beach County Traffic Division Letter	E-35
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8. Applicant's Disclosure of Ownership Interests	E-38
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10. Correspondence	E-44

Exhibit 1

Amendment No:	Terra Nova (LGA 2018-020)
FLUA Page No:	98
Amendment:	From Commercial High with an underlying Medium Residential, 5 units per acre (CH/5), to High Residential, 12 units per acre (HR-12) on 13.65 acres and Commercial Low with an underlying 5 units per acre (CL/5) on 4.02 acres
Location:	Northwest corner of Atlantic Avenue and Hagen Ranch Road
Size:	17.67 acres approx.
Property No:	00-42-46-16-00-000-7070

Conditions: Development of the site is subject to the following conditions:

1. The development of the subject site shall include the purchase and construction of thirteen (13) Transfer of Development Rights (TDR) units. The TDR units shall be purchased prior to issuance of first building permit.
2. The Zoning development order for the subject site shall require a minimum of 25% of the units to be built onsite as workforce housing units between 60-140% of the Median Household Income ranges for the County, in all four WHP ranges (60%-80%, >80-100%, >100-120%, and >120-140%).
3. The residential development on the subject site is limited to a maximum of 275 residential units.
4. The proposed Comprehensive Plan Future Land Use Amendment and the proposed rezoning shall be considered by the BCC at the same public hearing.



Legal Description

OVERALL TITLE COMMITMENT DESCRIPTION:

A PORTION OF THE PLAT OF SUBDIVISION OF S.E 1/4 AND W. 1/2 OF SECTION 16 TOWNSHIP 46S RANGE 42E, AS RECORDED PLAT BOOK 1, PAGE 158 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 16; THENCE S89°22'44"W ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 335.15 FEET; THENCE N00°17'18"E, A DISTANCE OF 78.54 FEET TO A POINT OF INTERSECTION WITH THE EXISTING NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC BOULEVARD), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93030-2510; THENCE CONTINUE N00°17'18"E, A DISTANCE OF 17.44 FEET TO A POINT OF INTERSECTION WITH THE PROPOSED NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC BOULEVARD), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93030-2510, AND THE POINT OF BEGINNING; THENCE N.89°16'46"W. ALONG SAID PROPOSED RIGHT-OF-WAY LINE, A DISTANCE OF 100.20 FEET; THENCE S.89°22'44"W. ALONG SAID PROPOSED RIGHT-OF-WAY LINE, A DISTANCE OF 578.68 FEET; THENCE N.00°05'39"W., A DISTANCE OF 393.35 FEET; THENCE N.89°54'26"E., A DISTANCE OF 26.02 FEET; THENCE N.00°05'34"W., A DISTANCE OF 522.20 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.69°25'52"E., A RADIAL DISTANCE OF 484.69 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07°21'00", A DISTANCE OF 62.18 FEET; THENCE N.88°57'37"E., A DISTANCE OF 948.25 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD, AS RECORDED IN OFFICAL RECORD BOOK 13275, PAGE 1342 OF SAID PUBLIC RECORDS; THENCE S.00°14'48"W. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 386.48 FEET; THENCE S.89°20'02"W., A DISTANCE OF 314.65 FEET; THENCE S.00°17'18"W., A DISTANCE OF 594.32 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

ALSO KNOWN AS:

OVERALL SURVEY DESCRIPTION:

A PORTION OF THE PLAT OF SUBDIVISION OF S.E 1/4 AND W. 1/2 OF SECTION 16 TOWNSHIP 46S RANGE 42E, AS RECORDED PLAT BOOK 1, PAGE 158 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT W, CHEVRON 51345, AS RECORDED IN PLAT BOOK 122, PAGES 62 AND 63 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.89°16'46"W. ALONG THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC AVENUE), AS RECORDED IN OFFICIAL RECORD BOOK 21624, PAGE 22 OF SAID PUBLIC RECORDS, A DISTANCE OF 100.20 FEET; THENCE S.89°22'44"W. ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 578.68 FEET TO THE SOUTHEAST CORNER OF VILLAGGIO ISLES PARCEL D REPLAT, AS RECORDED IN PLAT BOOK 119, PAGES 111 THROUGH 114 OF SAID PUBLIC RECORDS; THENCE

N.00°05'39"W. ALONG THE EAST LINE OF SAID VILLAGGIO ISLES PARCEL D REPLAT, AND THE EAST LINE OF VILLAGGIO ISLES PARCEL E REPLAT, AS RECORDED IN PLAT BOOK 120, PAGES 198 THROUGH 201 OF SAID PUBLIC RECORDS, A DISTANCE OF 339.35 FEET; THENCE N.89°54'26"E. ALONG THE EAST LINE OF SAID VILLAGGIO ISLES PARCEL E REPLAT, A DISTANCE OF 26.02 FEET; THENCE N.00°05'34"W. ALONG THE EAST LINE OF SAID VILLAGGIO ISLES PARCEL E REPLAT, AND THE EAST LINE OF VILLAGGIO ISLES PUD REPLAT, AS RECORDED IN PLAT BOOK 117, PAGES 102 THROUGH 109 OF SAID PUBLIC RECORDS, A DISTANCE OF 522.20 FEET TO THE POINT OF NON-TANGENCY WITH CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.69°25'52"E., A RADIAL DISTANCE OF 484.69 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF THE SOUTH LINE OF SAID VILLAGGIO ISLES PUD REPLAT, THROUGH A CENTRAL ANGLE OF 07°21'00", A DISTANCE OF 62.18 FEET TO A POINT OF NON-TANGENCY; THENCE N.88°57'37"E. ALONG THE SOUTH LINE OF SAID VILLAGGIO ISLES PUD REPLAT, AND THE SOUTH LINE OF VILLAGGIO ISLES PARCEL A-1 REPLAT, AS RECORDED IN PLAT BOOK 118, PAGES 181 AND 182 OF SAID PUBLIC RECORDS, A DISTANCE OF 948.25 FEET TO THE SOUTHEAST CORNER OF SAID VILLAGGIO ISLES PARCEL A-1 REPLAT; THENCE S.00°14'48"W. ALONG THE WEST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 12186, PAGE 1205 OF SAID PUBLIC RECORDS, A DISTANCE OF 386.48 FEET TO THE NORTHEAST CORNER OF REDGRAVE PLAT, AS RECORDED IN PLAT BOOK 121, PAGES 156 AND 157 OF SAID PUBLIC RECORDS; THENCE S.89°20'02"W. ALONG THE NORTH LINE OF SAID REDGRAVE PLAT, A DISTANCE OF 314.65 FEET TO THE NORTHWEST CORNER OF SAID REDGRAVE PLAT; THENCE S.00°17'18"W. ALONG THE WEST LINE OF SAID REDGRAVE PLAT AND SAID CHEVRON 51345, A DISTANCE OF 594.32 FEET TO THE POINT OF BEGINNING

SAID LANDS SITUATE IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 769,864 SQUARE FEET/17.6736 ACRES MORE OR LESS.

COMMERCIAL PARCEL DESCRIPTION:

A PORTION OF THE PLAT OF SUBDIVISION OF S.E 1/4 AND W. 1/2 OF SECTION 16 TOWNSHIP 46S RANGE 42E, AS RECORDED PLAT BOOK 1, PAGE 158 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT W, CHEVRON 51345, AS RECORDED IN PLAT BOOK 122, PAGES 62 AND 63 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.89°16'46"W. ALONG THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC AVENUE), AS RECORDED IN OFFICIAL RECORD BOOK 21624, PAGE 22 OF SAID PUBLIC RECORDS, A DISTANCE OF 100.20 FEET; THENCE S.89°22'44"W. ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 578.68 FEET TO THE SOUTHEAST CORNER OF VILLAGGIO ISLES PARCEL D REPLAT, AS RECORDED IN PLAT BOOK 119, PAGES 111 THROUGH 114 OF SAID PUBLIC RECORDS; THENCE N.00°05'39"W. ALONG THE EAST LINE OF SAID VILLAGGIO ISLES PARCEL D REPLAT, A DISTANCE OF 257.20 FEET; THENCE N.89°22'15"E., A DISTANCE OF 680.62 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID CHEVRON 51345; THENCE S.00°15'06"W. ALONG SAID WEST LINE, A DISTANCE OF 259.67 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 174,978 SQUARE FEET/4.0169 ACRES MORE OR LESS.

RESIDENTIAL PARCEL DESCRIPTION:

A PORTION OF THE PLAT OF SUBDIVISION OF S.E 1/4 AND W. 1/2 OF SECTION 16 TOWNSHIP 46S RANGE 42E, AS RECORDED PLAT BOOK 1, PAGE 158 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT W, CHEVRON 51345, AS RECORDED IN PLAT BOOK 122, PAGES 62 AND 63 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.00°17'18"E. ALONG THE WEST LINE OF SAID CHEVRON 51345, A DISTANCE OF 259.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.00°17'18"E. ALONG THE WEST LINE OF SAID CHEVRON 51345, AND THE WEST LINE OF REDGRAVE PLAT, AS RECORDED IN PLAT BOOK 121, PAGES 156 AND 157 OF SAID PUBLIC RECORDS, A DISTANCE OF 334.65 FEET TO THE NORTHWEST CORNER OF SAID REDGRAVE PLAT; THENCE N.89°20'02"E. ALONG THE NORTH LINE OF SAID REDGRAVE PLAT, A DISTANCE OF 314.65 FEET TO THE NORTHEAST CORNER OF SAID REDGRAVE PLAT; THENCE N.00°14'48"E. ALONG THE WEST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 12186, PAGE 1205 OF SAID PUBLIC RECORDS, A DISTANCE OF 386.48 FEET TO THE SOUTHEAST CORNER OF VILLAGGIO ISLES PARCEL A-1 REPLAT, AS RECORDED IN PLAT BOOK 118, PAGES 181 AND 182 OF SAID PUBLIC RECORDS; THENCE S.88°57'37"W. ALONG THE SOUTH LINE OF SAID VILLAGGIO ISLES PARCEL A-1 REPLAT, AND THE SOUTH LINE OF VILLAGGIO ISLES PUD REPLAT, AS RECORDED IN PLAT BOOK 117, PAGES 102 THROUGH 109 OF SAID PUBLIC RECORDS, A DISTANCE OF 948.25 FEET TO A POINT OF NON-TANGENCY WITH CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.62°04'52"E., A RADIAL DISTANCE OF 484.69 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF THE SOUTH LINE OF SAID VILLAGGIO ISLES PUD REPLAT, THROUGH A CENTRAL ANGLE OF 07°21'00", A DISTANCE OF 62.18 FEET TO A POINT OF NON-TANGENCY; THENCE S.00°05'34"E. ALONG THE EAST LINE OF SAID VILLAGGIO ISLES PUD REPLAT, AND THE EAST LINE OF VILLAGGIO ISLES PARCEL E REPLAT, AS RECORDED IN PLAT BOOK 120, PAGES 198 THROUGH 201 OF SAID PUBLIC RECORDS, A DISTANCE OF 522.20 FEET; THENCE S.89°54'26"W. ALONG THE EAST LINE OF SAID VILLAGGIO ISLES PARCEL E REPLAT, A DISTANCE OF 26.02 FEET; THENCE S.00°05'39"E. ALONG THE EAST LINE OF SAID VILLAGGIO ISLES PARCEL E REPLAT, AND THE EAST LINE OF VILLAGGIO ISLES PARCEL D REPLAT, AS RECORDED IN PLAT BOOK 119, PAGES 111 THROUGH 114 OF SAID PUBLIC RECORDS, A DISTANCE OF 1326.15 FEET; THENCE N.89°22'15"E., A DISTANCE OF 680.62 FEE TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 594,886 SQUARE FEET/13.6567 ACRES MORE OR LESS.

Exhibit 2

Consistency with Comprehensive Plan

This Exhibit examines the consistency of the amendment with the County's Comprehensive Plan, Tier Requirements, applicable Neighborhood or Special Area Plans, and the impacts on public facilities and services.

A. Consistency with the Comprehensive Plan - General

1. **Justification: FLUE Policy 2.1-f:** *Before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate. In addition, and the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:*
1. *The natural environment, including topography, soils and other natural resources; (see Public Facilities Section)*
 2. *The availability of facilities and services; (see Public Facilities Section)*
 3. *The adjacent and surrounding development; (see Compatibility Section)*
 4. *The future land use balance;*
 5. *The prevention of prevention of urban sprawl as defined by 163.3164(51), F.S.;*
 6. *Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and (see Neighborhood Plans and Overlays Section)*
 7. *Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1. (see Public and Municipal Review Section)*

The applicant has prepared a Justification Statement (Exhibit 2) which is summarized as follows:

- The site is infill development and the current designation allows for a mix of residential and commercial uses;
- The site is adjacent to existing facilities and services and creates an efficient and consistent pattern of land use;
- The site is located in an area with high density and intensity;
- The development of multifamily units will diversify the housing options in the surrounding area; and
- The site is located along a major roadway and allows for a transition to medium and low residential development;

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

The 17.67 acre subject site can be developed with residential uses at the current underlying density of 5 units per acre (88 units), or can pursue additional bonus density through the Transfer of Development Rights (TDR) and Workforce Housing Program (WHP) for up to 10 units per acre (137 units). In addition, utilizing the existing Commercial High FLU, the site could be developed up to 389,208 square feet of commercial development as the Comprehensive Plan currently allows up to .50 floor area ratio. The site received a zoning approval in 2004 utilizing its current CH/5 future land use designation for a rezoning to Multiple Use Planned Development (MUPD) with 175,800 square feet of restaurant, retail, pharmacy, bank, and office/medical uses. According to the applicant, this Development Order is still valid.

The applicant proposes to change the future land use designation to High Residential, 12 units per acre (HR-12) on 13.65 acres for up to 275 units (20.2 units per acre) and retain the 4.02 acres fronting Atlantic Avenue for commercial uses, up to 21,000 square feet as shown in most recent site plan. Through the TDR and WHP density bonus programs, this site with HR-12 can request up to 303 units (22.2 units per acre).

The applicant indicates 275 units are necessary for a viable project, and that this number cannot be achieved using the existing 5 units per acre designation in combination with the available TDRs and WHP density bonus. Infill development of the site at a higher density would be consistent with the intent of the Comprehensive Plan to focus urban development at appropriate locations within the Urban Suburban Tier. In addition, the site is adjacent on two sides to a Commercial High node and will serve as a transition from commercial at the intersection of Hagen Ranch and Atlantic Avenue, to the site which is proposed to be multifamily to the townhouse and single family homes in Villaggio Reserve.

Considering the findings above, and the inclusion of conditions of approval recommended by staff requiring that 25% of the dwelling units be workforce housing units provided on site, as well as the purchase 13 TDR units, the applicant has met the requirements for an adequate justification. However, in order to ensure that the design and density and intensity of the project remain as represented by the applicant, staff is recommending additional conditions of approval to cap the number of dwelling units at 275.

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

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

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

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

Staff Analysis: Development on this site would be considered infill given the surrounding future land uses of MR-5 immediately abutting the site and Commercial High land uses to the east which will contribute towards the efficient use of land and existing public facilities and services. With regard to housing opportunity, the applicant intends to build 275 multifamily units which increase housing options. The conditions of approval proposed

with this amendment are intended to help balance several competing objectives: promoting infill and increasing housing opportunity, while ensuring compatibility and respecting the characteristics of an area. Land use compatibility is discussed in Section C below.

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

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

4. **Strip Commercial – FLUE Policy 2.2.2-d:** *The County shall not designate additional commercial areas on the Future Land Use Atlas that would result in or encourage the proliferation of strip commercial development.*

Staff Analysis: The proposed amendment does not exhibit any of the characteristics of strip commercial development as defined in the Introduction and Administration Element of the Comprehensive Plan. Therefore, the proposed amendment does not violate this policy.

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

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

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

Staff Analysis: The amendment is proposing to utilize the County’s Workforce Housing bonus density program and to send the required units off site. However, consistent with past amendments seeking density increases, and considering that a significant portion of

the density increase is proposed through the future land use amendment process, staff is recommending a condition of approval requiring 25% of the units be developed as WHP units and on site to provide a range of housing options in this area. Whereas, the applicant proposes through conditions of approval that 19% of the units are developed as WHP (which is the ULDC requirement) and developed offsite. See the next policy for additional information.

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

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

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

Workforce Housing Mandatory Obligation: The County requires what is called a 'mandatory obligation' of workforce units within residential developments in the Urban/Suburban Tier for projects proposing ten or more dwelling units exclusive of any bonus density. This obligation requires a percentage of dwelling units to be provided as for-sale or rental workforce housing, affordable to households having 60% to 140% of area median income (2018 Area Median Income in Palm Beach County is \$74,300 for a family of four). The table below identifies the 'mandatory obligation' of workforce housing units if the site were developed today with 5 units per acre or 12 units per acre (without density bonus).

Table 1. Current and Proposed Future Land Use Units

	Acres	FLU	FLU Density	FLU Units	Workforce*	
					Units	%
Current	13.65	MR-5	5 du/ac	68	5	7.4%
Proposed FLU	13.65	HR-12	12 du/ac	164	14	8.5%
Increase	-	-	+7 du/ac	+96	+9	+1.1%

*Required Workforce Units based on Full Incentive Option of 5% of Standard Density and 16% of PUD density.

Workforce Housing Density Bonus: The County's Workforce Housing Program (WHP) also allows density increased without a future land use amendment through the WHP Bonus Density option. This option allows a density bonus in exchange for a larger percentage of units dedicated as workforce housing. Density bonuses are limited to a maximum of 30% for future land use designations of LR-1, LR-2, and LR-3, with higher bonuses up to 100% available for MR-5, HR-8, and HR-12. For MR-5 and above, the maximum bonus is initially determined based on the concentration of low and very low income households within the Census tract or tracts. Any request for WHP bonus density

above 30% in the MR-5 or higher categories requires a pre-application to be submitted to the Planning Division with a Zoning application for analysis and a bonus density determination. A request for 30% or less does not require verification based on census tract or a pre application.

The concurrent PUD zoning application is requesting 60% WHP bonus density which requires and analysis of census tract data and a pre-application. The Planning Division issued preliminary analysis letter, dated October 30, 2018, as well as a Density Bonus Determination letter, dated May 24, 2018, confirming that the subject site is eligible for a 60% workforce housing density bonus.

Staff Analysis: As demonstrated through the information provided above, the number of WHP units that would result from the applicant's proposal (52 units, or 19% of total units) is significantly higher than the units that would be required if the site was developed under the current 5 units per acre (5 units) or proposed 12 units per acre (14 units) without the WHP bonus or TDRs shown in Table 1.

The applicant proposes to condition the amendment to a minimum of 19% of the total units as workforce housing units (ULDC requirement), and per ULDC Article 5.G.1.G.1., Option 1 Off-Site Construction, that any or all workforce housing units may be transferred to Haverhill Residential (PDD-2018-00591), except those required to remain onsite with the purchase of TDR units. This ULDC percentage is based upon an existing HR-12 future land use designation receiving a 60% density bonus. However, the adopted future land use designation is 5 units per acre, so the overall density increase proposed through the combination of the future land use amendment and density bonus is much greater than 60%. Staff is proposing conditions of approval requiring that 25% of the dwelling units (69 units) are workforce housing units and built on site. With the proposed condition of approval, the amendment is contributing to furthering the provision of workforce units.

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

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

TDR Overview: The Comprehensive Plan Future Land Use Atlas identifies the maximum allowable number of dwelling units for each property in the County by the future land use designation. To further specific policy objectives, the Plan also provides several means to increase density where appropriate, without requiring amendments to the Comprehensive Plan. Properties seeking a higher density than allowed by the adopted future land use designation can apply for an increase as follows:

- purchase of Transfer of Development Rights (TDR) in designated receiving areas,
- use of density bonuses available through the Workforce Housing (WHP), and Affordable Housing (AHP) Programs.

Mandatory TDR Program. Since 1989, the TDR Program is the mandatory method of increasing density under Policy 2.4-b with a few exceptions, exceptions being unless the WHP or AHP density bonus is used, or a plan amendment can be justified.

The County's TDR Program was initially adopted in the 1980 Comprehensive Plan, with the intent to: *"1) redistribute population to urban areas; 2) protect conservation and coastal zone areas as well as environmentally sensitive lands; 3) protect prime agricultural lands; and 4) provide residential density incentives which would lower housing costs."* The TDR Program allows property owners within the County's Urban Suburban Tier/Urban Service Area to increase density without a FLUA Amendment by purchasing development rights from a private seller in a designated sending area, or from a TDR bank at a price that is regularly reviewed and adjusted by the BCC. The Program is applied during the development review process. A minimum of 35% of TDRs used must be provided as workforce housing units. The cost for a market rate TDR is established as 10% of the County's median home sales price. The County offers workforce housing TDR units at 5% of the market rate TDR price. The current prices are provided in Table 2 below.

Table 2. Transfer of Development Rights Unit Prices

PBC Median Sales Price (MSP)*	TDR Market Rate Price	TDR WHP Price
Single Family: \$348,000	\$34,800	\$1,740
Multi Family/Condo: \$177,000	\$17,700	\$885

* Data Source: Realtors Association of the Palm Beaches Median Sales Price, March 2018

Current and Potential Bonus Density: As previously stated, the County's optional bonus density TDR and WHP Programs allow property owners to increase density through the Zoning process without an amendment to change the future land use designation. The amount of bonus density available varies depending on the future land use designation and other variables. Unlike the TDR bonus density, which allows two, three, or four TDR's per acre based on a property's location in the Urban Suburban Tier, it should be noted that since the allowed WHP bonus density is a percentage of the units allowed by the residential future land use designation, higher residential designations would commensurately allow higher numbers of bonus units. For example, 67% of the units resulting from a property with HR-12 is significantly higher than 67% of an MR-5 designated property.

The Table 4 below provides a comparison of the density available on the subject site through the TDR and WHP Programs. The Table identifies the Future Land Use Units from the Table 1, and identifies the maximum allowable units using a combination of the TDR and WHP bonus programs to increase density. The table also indicates that the theoretical TDR range of the potential density that could be approved on the subject site and the price range which would vary depending upon how many units purchased were workforce housing TDR. Finally, the table below indicates the number of WHP units that currently would be required should the subject site develop pursuing the maximum density bonuses as compared to the proposed amendment.

In the Zoning application, the Applicant is seeking a WHP bonus density of 60% shown as “Applicant Zoning Request” in Table 3. This WHP bonus would increase the number of units from the 164 dwelling units allowed by proposed HR-12 designation to 262 units, which includes 98 WHP bonus density units. Of the 262 dwelling units, 52 are currently required WHP units. The applicant is also requesting 13 Transfer of Development Rights for a total of 275 units. Overall, the currently proposed zoning application would have a density of approximately 20.2 units per acre, although the HR-12 designation allows up to 22.2 units per acre potentially with the maximum TDR and WHP bonuses.

Table 3. Current and Potential Density with TDR and WHP Bonus

	FLU	FLU Units	TDR Bonus	WHP Bonus	Total		Workforce		TDR Value
					Units	Density	Units	%	
Current	MR-5	68	+41	+41	150	10.9 du/Ac	33	22%	\$36,285 to \$490,290
Next FLU	HR-8	109	+41	+66	216	15.8 du/Ac	45	21%	
Max w/FLU Proposed	HR-12	164	+41	+98	303	22.2 du/Ac	62	20%	
Applicant Zoning Request	HR-12	164	+13	+98	275	20.2 du/Ac	52	19%	\$146,025
Applicant Request Plus 25% Condition	HR-12	164	+13	+98	275	20.2 du/Ac	69	25%	\$146,025

Staff Analysis: Policy 2.4-b requires that density increases be accomplished through the use of TDRs, unless an applicant meets the criteria for an amendment, uses the workforce or affordable housing programs, or proposes density up to, but not exceeding, density proposed and supported by the master plan of a neighborhood plan formally received by the BCC.

As shown in Table 3, the site could achieve up to 150 dwelling units (10.9 units per acre) using a combination of TDR and WHP programs with the current future land use designations (MR-5). Since this figure is less than the 275 dwelling units (20.2 units per acre) requested in the zoning application, the applicant is seeking an amendment to achieve higher density. The applicant would not be able to achieve the 275 unit count using a combination of a future land use amendment, TDRs, and WHP bonus, the applicant under the next FLU designation, HR-8 designation as it would only yield 216 units.

Since the applicant has met the justification requirements for a future land use amendment, and incorporates WHP Bonus Density and TDR units, the proposed amendment is consistent with Policy 2.4-b.

- Commercial Location Criteria. Policy 2.2.2-a:** *In order to discourage strip commercial development, to limit commercial development to nodes, to foster interconnectivity, and to promote the development of innovated mixed use projects inside the Urban Service Area,*

all new commercial future land use designations shall meet one of the following location requirements:

- *Intersection Location:*
 - *Commercial Low, High Office, or High future land use designations shall have frontage on two built roadway segments identified as an arterial road and a collector road, or two arterial roads.*
 - *Alternatively, new commercial future land use designations may be located on the north side of Southern Boulevard/State Road 80 at the intersection of Cleary Road on parcels no more than two acres in size.*
- *Contiguous Location – All new commercial future land use designations shall be contiguous to a lot(s) with a commercial future land use designation. Contiguous is defined as lot(s) that share a common border. Lots that touch point-to-point, and lots which are separated by waterways, streets, or major easements are not considered contiguous.*
- *Flexible Location – Mixed-use development patterns identified in the Future Land Use Element (e.g. LCC, TMD, TND) or Commercial Low-Office future land use designations may be allowed in any location along all arterial or collector roads.*

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

Staff Analysis: As the subject site already has a commercial designation of Commercial High (CH) and applicant is seeking to reduce the commercial portion to the 4.02 acres fronting Atlantic Avenue. Therefore, the proposed amendment from CH/5 to HR-12 and CL/5 does not violate this policy and its location requirements.

3. **Policy 2.2.2-b:** *All new Commercial High future land use designations shall be located on a roadway classified as an arterial on Figure TE 3.1 – Functional Classification of Roads.*

Staff Analysis: The proposed amendment is consistent with this policy as the site already has a Commercial High future land use designation.

C. Compatibility

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

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

North and West: To the north and east is the Villaggio Reserve Planned Unit Development with a mix of single family, zero lot line, and townhouse unit types and a future land use designation of Medium Residential, 5 units per acre. The entire PUD is developed at a density of 6.5 units/acre due to the utilization of the WHP density bonus program. The residential pod immediately north of the subject site consists of townhomes with a density of 7.6 units/acre. The pod to the east of the subject site has a density of 6.7 units/acre.

South: To the south of the subject site, beyond Atlantic Avenue, is the Gleneagles Country Club, a residential PUD with golf course and a Low Residential, 3 units per acre

(LR-3) future land use designation. Lexington Club and Eagle Point PUDs are also to the south with an MR-5 FLU.

East: To the east of the subject site is Commercial High FLU. Three of the parcels are vacant and the parcel at the corner of Hagen Ranch Road and Atlantic Avenue contains a gas station. East beyond Hagen Ranch Road is a large commercial node, known as Villages of Oriole Plaza with a CH/8 FLU.

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

Applicant’s Comments: The applicant states that the location of the site along the Atlantic Avenue corridor is appropriate for this density as there are “a variety of existing commercial and retail uses adjacent to the site and along the remaining corridor.” In addition, the applicant provides a map of existing land use demonstrating a range of residential density in the vicinity from 5 units per acre to 12 units per acre.

Staff Analysis: In the past several years, there have been an increasing number of amendments that seek to increase residential density through a combination of the future land use amendment process and the TDR and WHP density bonus programs. The review of these amendments make it increasingly apparent that these components cannot be analyzed independently, because the granting of an amendment has an impact on the amount of WHP density bonus and TDRs that become available to the project. Increasingly, requests for amendments, WHP density bonuses, and TDRs, or combinations of these, are for sites that represent infill, within existing patterns of development. Ultimately, the finding of compatibility that is required as part of the assessment of a proposed amendment must take into consideration the potential for additional density increases resulting from the density bonus programs, and the impacts of this density on the surrounding area, as part of the amendment process.

The residential request would change 13.65 acres that currently has the development potential for 5 units per acre (or 11 units per acre by maximizing density bonus) to 12 units per acre (or up to 22.2 units per acre maximizing the density bonus). The site also has an approval under the current CH land use for 175,800 square feet of restaurant, retail, pharmacy, bank, and office/medical uses and the maximum allowed under the CH FLU allows for 389,208 square feet of commercial development.

The applicant proposes 20.2 units per acre (275 units) in the zoning application, and this figure will be capped in this amendment by condition of approval. The residential portion of the subject site is surrounded to the north and west by 5 unit per acre designations with net densities of 6-7 units per acre. The residential density proposed by the amendment is higher than the surrounding designation, however the associated zoning application demonstrates that the site can serve as a transition and tapering of density from the commercial uses at the intersection of Hagen Ranch and Atlantic Avenue to multifamily on the subject site and then to the existing townhouse and single family in Villaggio Reserve. The surrounding residential uses were built following the 2004 commercial approval on the site, and the wall and buffering took into account intense commercial uses

on the subject site. The proposed site plan indicates that the setbacks between the proposed development are equal to or greater than the setbacks in the current approval for commercial. Therefore, the proposed amendment is compatible.

To ensure that the design and density of the project remain as represented by the applicant, staff is recommending additional conditions of approval to cap the number of dwelling units at 275 and to require that the proposed amendment and the proposed rezoning be considered by the BCC at the same public hearing.

D. Consistency with County Overlays, Plans, and Studies

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

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

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

Staff Analysis: The subject site is not located within a neighborhood plan or study area.

E. Public Facilities and Services Impacts

The proposed amendment will change the Future Land Use designation from CH/5 to HR-12 and CH/5 for the purposes of developing up to 275 multi-family units. Public facilities impacts are detailed in the table in Exhibit 3.

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

Staff Analysis: The proposed amendment has been distributed to the County service departments for review. Staff sent a request for departmental review of the proposed amendment to various County departments and external agencies for review of public facility impacts. No adverse comments were received from the following departments and agencies regarding impacts on public facilities for the Future Land Use Atlas Amendment:

Mass Transit (Palm Tran), Potable Water & Wastewater (PBC Water Utilities Dept.), Environmental (Environmental Resource Management), Historic Resources (PBC Archaeologist), Parks and Recreation, Office of Community Revitalization (OCR), ULDC (Zoning Division), Health (PBC Dept. of Health), Fire Rescue, Lake Worth Drainage District.

2. **Long Range Traffic - Policy 3.5-d:** *The County shall not approve a change to the Future Land Use Atlas which:*

- 1) *results in an increase in density or intensity of development generating additional traffic that significantly impacts any roadway segment projected to fail to operate at adopted level of service standard "D" based upon cumulative traffic comprised of the following parts a), b), c) and d):.....*

Staff Analysis: The Traffic Division reviewed this amendment based on the existing potential of 384,852 square feet of commercial retail. According to the County's Traffic Engineering Department (see letter dated January 14, 2019 in Exhibit 6) the amendment with proposed development would result in a reduction of 7,207 net daily trips at the proposed development plan and is consistent with Policy 3.5-d.

The Traffic Study (see Exhibit 5) was prepared by Pinder Troutman Consulting, Inc, 2005 Vista Parkway Suite 111, West Palm Beach, FL 33411. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at: <http://www.pbcgov.com/pzb/planning/activeamend/>

3. **School District Comments:** The School District provided two School Capacity Availability Determination letter, or SCAD, indicating the impacts of the proposed zoning application for 275 residential apartments.
4. **Zoning implications:** No adverse comments were provided. Any additional comments may be provided through the Zoning process.

II. Public and Municipal Review

The Comprehensive Plan Intergovernmental Coordination Element **Policy 1.1-c** states that *"Palm Beach County will continue to ensure coordination between the County's Comprehensive Plan and plan amendments and land use decisions with the existing plans of adjacent governments and governmental entities....."*

- A. **Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on December 20, 2018. To date, no objections through the IPARC process to this amendment have been received. As of the writing of this report, no comments have been received.
- B. **Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on December 21, 2018. In addition, on December 23, 2018, the Alliance of Delray Residential Association, several property owners who expressed interest in the project and the following Home Owners Associations were notified by mail: Gleneagles Country Club, Villaggio Reserve, Tuscany, Eagle Point, Evergreen 1 of Villages of Oriole, Lexington Club. Letters received are included in Exhibit 9.

- C. Informational Meeting:** The Planning Division hosted a meeting for area residents and interested parties to relay information regarding the amendment and development approval process on January 3, 2019. Twelve members of the public attended. All were opposed to the project with concerns regarding the increased density and compatibility with Villagio Reserve, inconsistency with between HR-12 request and proposed number of units, and existing traffic issues and impact from traffic to Atlantic Avenue.

Exhibit 3

Applicant's Justification

I. INTRODUCTION

The subject site, known as "Terra Nova", is located on the northwest corner of Atlantic Avenue and Hagen Ranch Road within the previously approved Villaggio Isles MUPD (Multiple Use Planned Development). The 17.67 acre property is identified by a Future Land Use Atlas (FLUA) designation of CH/5 (Commercial High, with underlying MR-5) and a zoning designation of MUPD. The site associated with the request is as follows:

Table 1: Requested FLUA Amendment

PCN	ACRES	EXISTING FLU	PROPOSED FLU	PROPOSED ZONING
00-42-46-16-00-000-7070	17.67	CH/5	CL/5 (4.02 acres) HR-12 (13.65 acres)	MUPD PUD

II. PROPOSED FLUA MAP AMENDMENT

On behalf of the Applicant, WGI is requesting a Future Land Use Atlas (FLUA) Amendment as detailed above, from a Commercial High FLUA designation to a mix of Commercial Low and High Residential FLUA designations. The aerial map below shows the location of the proposed FLU designations.

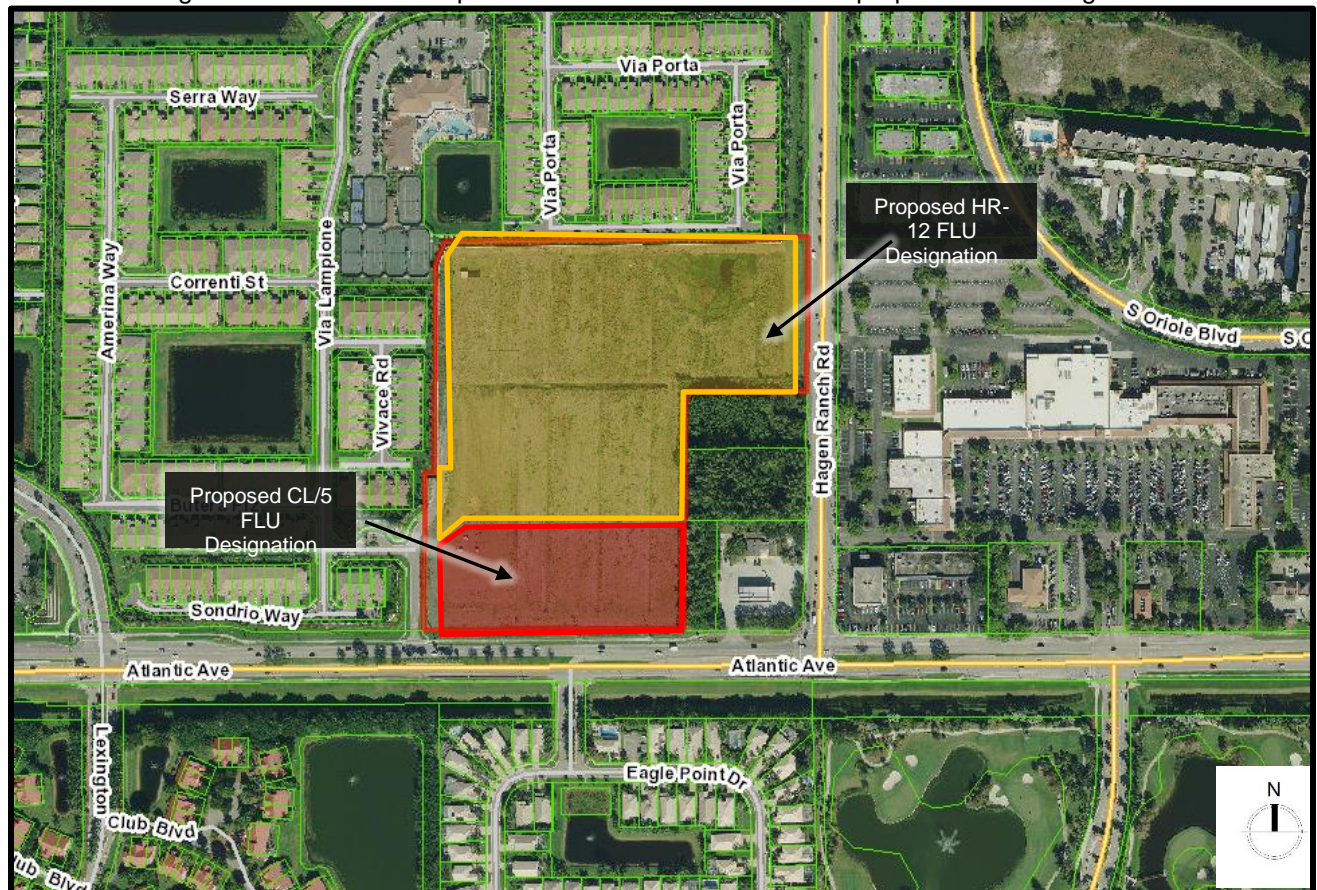


Figure 1: Proposed Future Land Use Atlas Designations

The split FLUA designations are necessary to accommodate multi-family residential on the HR-12 portion and commercial uses on the CL/5 portion.

Project History

Below is a summary of previous FLUA amendments and zoning approvals of the subject site.

Table 2: Rezoning Approvals for Subject Site

Planning Approvals	<u>Ordinance 2002-087</u> Amending the FLU to commercial categories of Commercial High (CH) or Commercial High-Office (CH-O) to for more than 120 commercially designated parcels totaling approximately 193 acres throughout Palm Beach County.
Rezoning Approvals	<u>CONTROL NUMBER: 2004-00457</u> The current development order is still valid. <u>R2005-2290</u> Rezoning, from the AR (Agricultural Residential) zoning district to the MUPD (Multiple Use Planned Development District). <u>R2011-0223</u> Development Order Amendment to increase square footage, reconfigure the site plan, modify/delete conditions of approval, and restart the development clock in the MUPD zoning district.

6.1 JUSTIFICATION FOR FUTURE LAND USE ATLAS AMENDMENT

The subject site has a FLUA designation of CH/5 and located northwest of the intersection of Atlantic Avenue and Hagen Ranch Road. The proposed FLUA amendments of 4.02 acres of CL/5 and 13.65 acres of HR-12 are consistent with the existing development pattern of the surrounding area, which includes established commercial and multi-family residential uses. The proposed 4.02 acres of CL/5 FLU designation fronts Atlantic Avenue, an arterial roadway that includes multiple similar commercial designations as depicted on map below.

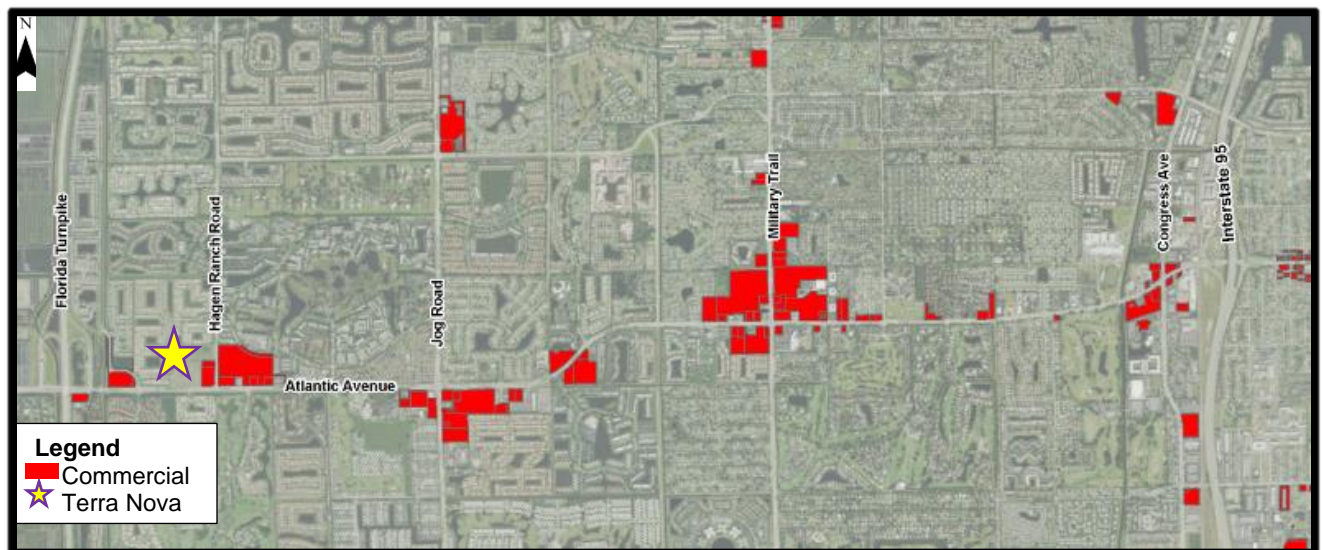


Figure 2: Commercially Designated Properties in the Atlantic Avenue Corridor

This property is adjacent to commercially designated areas which front either, or a combination of, an arterial or collector road, which complies with Future Land Use Element (FLUE) Policy 2.2.2-a. This

policy aims to limit commercial development to nodes by limiting their approval to tracts of land situated at intersections that are made up of, or a combination of, arterial and collector roadways. The policy also states that new commercial development shall be contiguous to lots with a commercial future land use designation. As such, the proposed commercial use and land use designation is in compliance with Policy 2.2.2-a.

The following map and corresponding table depicts five commercial developments within less than two miles from the site.



Figure 3: Vicinity Commercial Developments

Table 3: Vicinity Commercial Developments

Map Key	Project Name	Control #	FLUA/ Zoning	Acreage	Square Feet (SF)	Approx. Distance from subject site
1	Chevron 51345	1981-00067	CH8/CG	3.32	3,841	.02 miles
2	Atlantic Commons Commercial	2012-00646	CL5/CC	4.99	23,500	.20 miles
3	Villages of Oriole Plaza	1973-00039	CH8/CG	75.5	165,103	.08 miles
4	King's Point Shopping Center	1980-00140	CH8/CG	14.15	102,940	.91 miles
5	Bank Atlantic	2001-00010	CL5/CC	1.06	4,100	1.1 miles

This proposed FLUA amendment is supported by its consistency with the development pattern in the vicinity and the reduction of impacts including average daily trips associated with traffic as a result of the lower intensity of the new multi-family component.

Furthermore, the CL FLUA designation is commonly found on major intersections within Palm Beach County, similar to the subject site. Similar designations are shown in Figures 4-6 below.



Figure 4: Commercially-Designated Uses, Hypoluxo Road and South Military Trail



Figure 5: Commercially-Designated Uses Jog Road and Atlantic Avenue



Figure 6: Commercially-Designated Uses, Hagen Ranch Road and Boynton Beach Boulevard

Figures 4-6 justify the proposed FLUA amendment and designation is as the same designation has been approved for multiple commercial nodes in Palm Beach County.

The proposed 13.65 acres of HR-12 FLU designation is located towards the northern portion of the site, with part of the property fronting Hagen Ranch Road. The density of HR-12 is compatible with the property to the east across Hagen Ranch Road, as shown below.



Figure 7: Villages of Oriole along Hagen Ranch Road, Atlantic Avenue, and S Jog Road
Future Land Use: High Residential, 12 units per acre (HR-12)

Additionally, as shown in Figure 8, there are 11 nearby properties with similar multi-family designations.

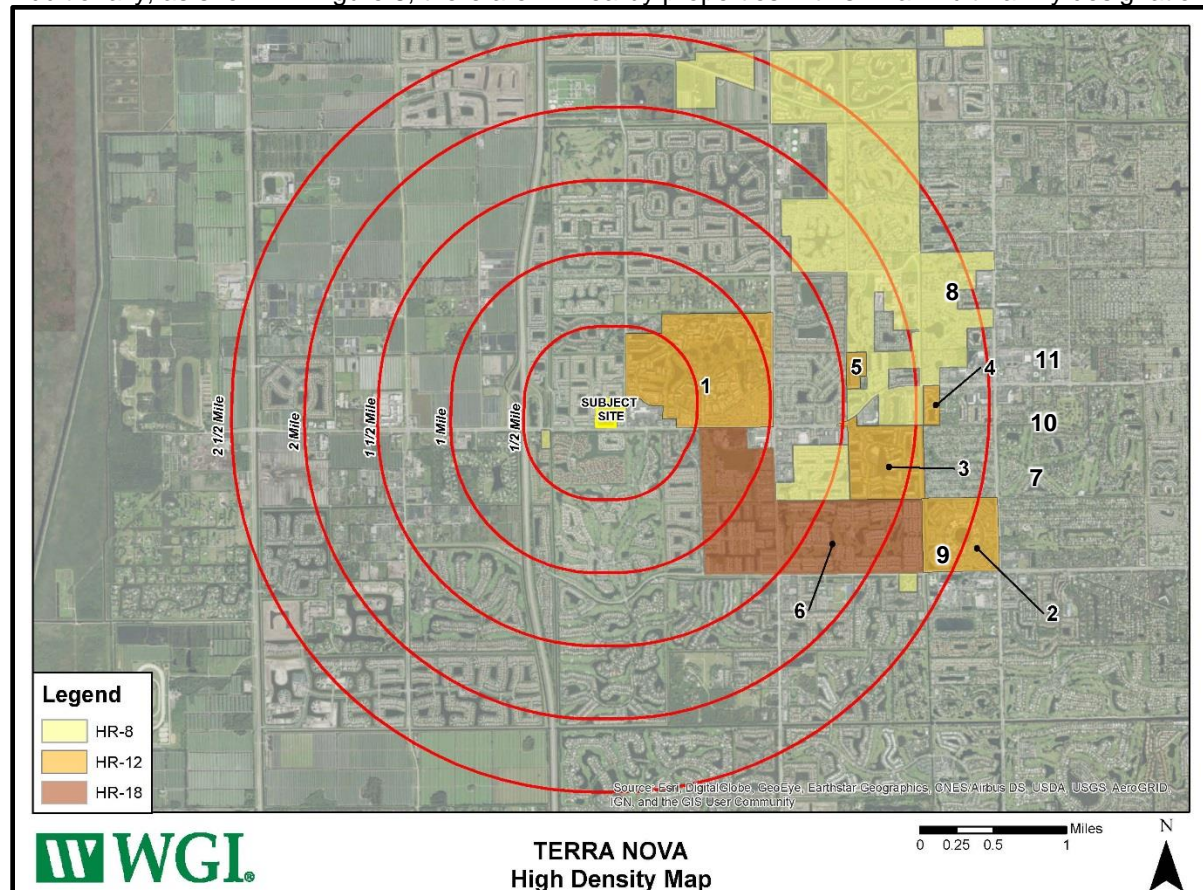


Table 4: High Residential Density FLUA Designations in the Vicinity

Map Key	Project Name	Control #	FLUA/ Zoning	Acreage	#DU	Density	Approx. Distance from subject site
1	Villages of Oriole	1981-00139; 1981-00140	HR-12/RH	448.13	4,263	9.51	.002 miles
2	Las Verde	1978-00186	HR-12/RM	See Exhibit 1			2.25 miles
3	Lakes of Delray	1992-00045	HR-12/RM	146.23	1408	8.3	1.6 miles
4	Enclave PUD	1998-40	HR-12/PUD	23.67	224	10.36	2.12 miles
5	Heritage Park of West Delray	1986-00128	HR-12 & MR/5 / RM&PUD	18.89	289	15.3	1.52 miles
6	Kings Point Place	1978-00186	HR-18/RH				.57 miles
7	Cameron Park	1993-0039	HR-8/PUD	40.55	324	8.0	1.91 miles
8	Delray Villas	1975-00151	HR-8/RS	272.16	1,308	4.08	1.75 miles
9	Floral Lakes PUD	1991-00040	HR-8/RM	101.8	589	5.78	1.25 miles
10	Heritage Park CLF	1984-00085	HR-8/RM	18.40	140 (170 beds)	FAR- 0.13	1.80 miles
11	High Point of Delray	1974-00066	HR-8/RM	170.5	1084	6.33	2.25 miles

The proposed FLUA amendment will follow the development pattern set by the developments listed in Figure 8 and Table 4.

As demonstrated previously in this report, the proposed FLU designations are representative of existing densities and intensities in the surrounding area. The proposed FLU designations of CL/5 (4.02 acres) and HR-12 (13.65 acres) create a viable development, provide diverse housing options, and are compatible with adjacent areas while maximizing an underutilized piece of land within the Urban Suburban Tier. These are all positive outcomes for Palm Beach County.

Compliance with Future Land Use Element Policy 2.1-F

The proposed FLUA Amendment must be found to be consistent with the Goals, Objectives and Policies of the Comprehensive Plan. Compliance with Future Land Use Element Policy 2.1-F requires that adequate justification for the proposed FLUA be provided. The proposed FLUA amendments to modify the FLUA from CH/5 to CL/5 and HR-12 are in compliance with the requirements of the County's Comprehensive Plan, as outlined below.

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

The proposed use is suitable and appropriate for the subject site. The proposed FLUA amendment provides infill redevelopment in the Urban/Suburban Tier, supported by FLUE Policy 1.2-b. With additional commercial uses and higher density housing that will diversify the housing stock of the area, the amendment fulfills the intent of FLUE Policy 1.2.2-a. Similar commercial and residential uses are currently established along Atlantic Ave and Hagen Ranch Road, meeting the intent of this policy to ensure compatibility of new development. Special care will be taken in the design of the property to comply with the property development regulations contained in the ULDC.

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

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

Over time, the area surrounding the subject site has seen a shift in development patterns, from lower-intensity commercial and residential uses to higher-density residential and more intense commercial uses. A change in the FLUA designation will offer the opportunity for infill development at a density that is compatible with uses in the vicinity while maintaining a commercial component that builds on an existing node. The 17.67 acre site is approved entirely now as a commercial development. The amount of commercial currently approved is in excess of what the area needs from a commercial market standpoint. The existing development pattern around the site is diverse, with residential and commercial uses on both sides of Atlantic Avenue, with commercial uses typically clustered around the intersections. The current site configuration and direct access from Atlantic Avenue and Hagen Ranch Road make this site a preferred location for higher density residential and commercial uses.

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

Since the time of the original assignment of the current FLUA designation, the development pattern within the area has changed. As land became more scarce development pressures have pushed westward where large tracts of developable land are more available. The westward movement of development leaves "pockets" of undeveloped land within the County's developed Urban/Suburban Tier. The results are underutilized tracts of land that do not take advantage of available infrastructure and services. Such sites are in need of FLUA amendments to allow for developments with viable density or intensity.

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

Changed circumstances include the presence of remnant parcels within established areas of the County, as referenced above, and the need to amend the FLUA to provide for infill

development of such parcels. Another example of changing circumstances is the reduction of demand for retail development due to online shopping. This shifts commercial development to parcels devoted to service and specialty retail uses that are smaller in size than this 17+-acre property.

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

As stated in the previous criterion response, the trend of diminishing bricks-and-mortar retail make this property more suited for a horizontal mixed-use development with a multi-family residential component rather than an all-commercially designated property.

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

The adopted CH/5 FLUA designation was not assigned in error.

G.2 RESIDENTIAL DENSITY INCREASES

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

1. An applicant can both justify and demonstrate a need for a Future Land Use Atlas (FLUA) Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in the Introduction and Administration Element of the Comprehensive Plan, or

The Applicant is seeking a FLUA Amendment, in conjunction with utilizing the County’s WHP and TDR Program to increase density on the site. It is the intent of the Applicant to request a 60 % bonus density through the Palm Beach County Workforce Housing Program (WHP). In addition to the 98 additional dwelling units obtained through the utilization of the WHP, the Applicant is requesting the purchase of 13 Transfer of Development Rights (TDR) units. The following table identifies the WHP requirements for the proposed development, which utilizes the Full Incentive Option:

Density		Workforce Requirement	
	# of du	% required as WFH	# of WFH du
Standard Density			
13.66 ac. x 8 du/ac	109 du	5%	5.45 du
Maximum Density			
13.66 ac. x 4 du/ac	55 du	16%	8.60 du
Bonus Density			
163 du x 60%	98 du	34%	33.32 du
TDR Density			
	13 du	35%	4.55 du
Total	275 du		52 du

The utilization of the density bonus programs result in a workforce housing obligation of 52 dwelling units (47 units required as part of the WHP and five (5) units as part of the TDR Program). The Applicant intends to transfer the obligation associated with the WHP (47 units) offsite to the proposed Haverhill Residential project (PDD-2018-00591). The five workforce housing units associated with the utilization of the TDR Program must be built onsite. Please refer to Exhibit 1 for the PBC Workforce Housing Sufficiency Letter dated October 30, 2018.

Transfer of 47 Workforce Housing Units to Haverhill Residential

As previously stated, the Applicant is requesting to transfer the 47 required workforce housing unit obligation as part of the density bonus program (WHP) to the proposed

Haverhill Residential project site. The Haverhill Residential subject site is located in the heart of the Urban/Suburban Tier, approximately 0.40 miles north of the Okeechobee Boulevard and Haverhill Road intersection. The subject site is in close proximity to a myriad of employment centers/opportunities, social services, civic and medical facilities, and other ancillary services that better serve the contingent residents of workforce housing units in contrast to the Terra Nova subject site. The Terra Nova subject site is located in close proximity to the Agricultural Reserve Tier, on the fringe of the U/S tier, an area characterized by homogenous commercial and retail uses that support the various planned communities in the vicinity. While the surrounding context is in need of a more diverse residential housing stock, the area does not lend itself to a diverse industry mix- one that would incentivize the location of the target population for a workforce housing unit to the site as proposed.

Furthermore, it should be emphasized that the Haverhill Residential subject site is located within three development and community overlay districts: the Old Trail CCRT area, the Urban Redevelopment Area (URA), and the Revitalization, Redevelopment, and Infill Overlay. These overlay districts are similar in aim and scope as they were implemented to reinvigorate distressed regions of Palm Beach County both in terms of development, employment opportunities, and population base. As such, the request to transfer the 47 workforce housing unit obligation from the Terra Nova site to the Haverhill Residential site is in agreement with the goals, objectives, and policies of the overlay districts.

2. An applicant is using the Workforce Housing Program or the Affordable Housing Program as outlined in Housing Element Objectives 1.1 and 1.5 of the Comprehensive Plan and within the ULDC, or

The Applicant will utilize the Workforce Housing Program as identified within the ULDC. Applicant to request a 60 % bonus density through the Palm Beach County Workforce Housing Program (WHP). In addition to the 98 additional dwelling units obtained through the utilization of the WHP, the Applicant is requesting the purchase of 13 Transfer of Development Rights (TDR) units. Please refer to Exhibit 1 for the PBC Workforce Housing Sufficiency Letter dated October 30, 2018.

G.3 COMPATIBILITY

The surrounding uses are found consistent and compatible with the proposed FLUA amendment. The subject site is located at the northwest corner of Atlantic Avenue and Hagen Ranch Road, both heavily travelled arterial roadways. The site is surrounded by a mix of residential uses (to the north, west and south) and nonresidential uses (to the east).

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

Table 5: Description of Adjacent Uses

	FLUA	Zoning District	Existing Use
North	MR-5	PUD	Multi-Family Residential (Villaggio Isles Pod A)
South	MR-5	RTU	Single Family Residential (Eagle Point), Atlantic Avenue ROW
West	MR-5 CH/5	PUD	Multi-Family Residential (Villaggio Isles Pod D) Multi-Family Residential (Villaggio Isles Pod E)
East	CH/8 HR-12	CG RH	Commercial/Retail (Chevron Gas Station; Villages of Oriole Plaza), Hagen Ranch Road ROW Villages of Oriole

- North:** Immediately north of the subject site is the multi-family residential development known as Villaggio Isles Pod Ay. This is an age-restricted townhome community that includes 83 dwelling units and retains a FLUA designation of MR-5 and a zoning designation of PUD.
- South:** Immediately south of the subject site, across Atlantic Avenue, is the Eagle Point single-family residential development. This subdivision includes 67 dwelling units and retains the FLUA designation of MR-5 with a zoning designation of RTU (Residential Transitional Urban District).
- West:** Immediately west of the subject site is the Villaggio Isles Pod E, a multi-family residential development. This age-restricted townhome development includes 25 dwelling units and retains a FLUA designation of CH/5) and a zoning designation of PUD. Further west is the Villaggio Isles Pod D multi-family residential development, including 150 age-restricted townhome units and with a FLUA designation of MR-5 and a zoning designation of PUD.
- East:** Immediately east of the subject site, across Hagen Ranch Road, is a 3,841 square foot Chevron Gas station which has a FLUA designation of CH/8 (Commercial High, with underlying HR-8) and a zoning designation of CG (General Commercial). Further east is a commercial/retail plaza, known as the Villages of Oriole Plaza. This 165,103 square foot shopping center has a FLUA designation of CH/8 and a zoning designation of CG. Northeast of the shopping center is a large multi-family residential development, The Villages of Oriole, with 3,742 dwelling units and a FLUA designation of HR-12 and zoning designation of RH (Multi-family Residential High Density District).

As previously stated, the increase in density and intensity does not alter the character of the area nor does it create adverse impacts on the adjacent communities.

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

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

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

The following analysis demonstrates the proposal's consistency with the relevant Goals, Objectives and Policies of the Future Land Use Element of the Plan, as demonstrated throughout this report. Additionally, the proposed FLUA Amendments to HR-12 and CL/5 are consistent with the development characteristics and the general development pattern of the surrounding area.

Consistency with the PBC Future Land Use Element

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

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

The proposed amendment adds to Palm Beach County's livable communities by offering housing options for residents and providing compatible commercial intensities. The proposed density and intensity provides housing types and commercial uses that are similar to existing uses in the vicinity. The proposed uses will serve the needs of the residents of the Tier as the amendment will allow for the development of varying residential and commercial uses, which maintains a diversity of lifestyle choices within the Urban/Suburban Tier. The infill development will enhance the efficient provision of existing urban services, and by providing a mix of uses which can reduce vehicle trips on area roads.

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

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

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

This request is consistent with this Objective as the HR-12 and CL/5 are permitted within the Urban/Suburban Tier. The proposed amendments further the goal of expanding lifestyle and housing choices while more efficiently utilizing public services and infrastructure.

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

The Urban/Suburban Tier accommodates a wide array of land uses and development patterns that situate higher intensity uses (such as commercial and high-density residential) in nodal locations around intersections and along major roadways, while locating lower density uses (such as single-family residential) to interior blocks. This provides for an appropriate transitional zoning pattern.

The proposed amendment is consistent with the above objective, providing housing and commercial opportunities of compatible density and intensity.

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

The proposed FLUA Amendment provides an appropriate location for additional medium-density residential development along with an accompanying commercial component.

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

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

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

The subject site is located near necessary urban services including, but not limited to, the roadway network, water/wastewater and drainage facilities, mass transit, the Hagan Ranch Road Library, a wide range of shopping opportunities, and other urban services and amenities. The proposed development will efficiently utilize existing urban services within the area.

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

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

The mix of medium density residential development and commercial uses are appropriate in this established suburban area. The proposed workforce housing will provide more affordable housing opportunities, and the development is compatible with the scale, mass, intensity of use, height, and character of the existing uses and traffic intensities.

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

The site is well suited for infill development as it is located on an arterial roadway (Atlantic Avenue) and a collector roadway (Hagen Ranch Road). The property is surrounded by existing developed parcels and established infrastructure.

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

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

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

By shifting from an exclusively commercial use to a mix of residential and commercial uses, the proposed amendment broadens the distribution of uses in the area.

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

This amendment is intended to encourage infill development which will in fact utilize a residual parcel, the antithesis of piecemeal development.

- **Policy 2.2.2-a:** In order to discourage strip commercial development, to limit commercial development to nodes, to foster interconnectivity, and to promote the development of innovated mixed use projects inside the Urban Service Area, all new commercial future land use designations shall meet one of the following location requirements:
- Intersection Location:
 - Commercial Low, High Office, or High future land use designations shall have frontage on two built roadway segments identified as an arterial road and a collector road, or two arterial roads.
 - Alternatively, new commercial future land use designations may be located on the north side of Southern Boulevard/State Road 80 at the intersection of Cleary Road on parcels no more than two acres in size.
- Contiguous Location – All new commercial future land use designations shall be contiguous to a lot(s) with a commercial future land use designation. Contiguous is defined as lot(s) that share a common border. Lots that touch point-to-point, and lots which are separated by waterways
- Flexible Location – Mixed-use development patterns identified in the Future Land Use Element (e.g. LCC, TMD, TND) or Commercial Low-Office future land use designations may be allowed in any location along all arterial or collector roads.”

The amendment meets the intent of this policy by retaining commercial frontage along an Atlantic Avenue, an arterial roadway, while the neighboring commercial parcel to the east fronts on Hagen Ranch Road, a collector roadway.

- **Policy 2.2.2-b:** All new Commercial High future land use designations shall be located on a roadway classified as an arterial on Figure TE 3.1 – Functional Classification of Roads.

The subject site currently has a CH/5 FLUA designation, but will be amended to the lower intensity Commercial Low FLUA, and is therefore not subject to this policy.

G.5 COMPLIANCE WITH FLORIDA STATUTES CHAPTER 163.3177

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

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

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

The subject site creates an opportunity for infill development within the County’s Urban/Suburban Tier. The development proposal offers a diversity of housing choices providing additional multi- family stock and commercial uses, which will offer various services to the surrounding community. Development of these uses in this location will allow the user to take advantage of existing infrastructure and PBC services, while maximizing an underutilized piece of land.

Conclusion

The requested FLUA Amendment from CH/5 to CL/5 and HR-12 is justified and consistent with the Palm Beach County Comprehensive Plan and the Florida Statutes, and is compatible with surrounding and vicinity uses. The subject site is in an ideal location for infill development. The proposed development entitlement offers multi-family residential developments (including apartments at a variety of income levels including workforce housing) and commercial uses which provide additional services for the surrounding community. The development of these uses at this location utilizes a remnant land area surrounded on all sides by commercial and residential uses of similar densities and intensities to what is proposed. The HR-12 FLUA designation will be utilized for multi-family residential, with special care being taken in the design to negate impacts on adjacent areas. Through the rezoning application, design considerations and conditions of approval will be utilized to ensure proper buffering of surrounding residential neighborhoods.

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

Exhibit 4
Applicant's Public Facility Impacts Table

Part 5. Public Facilities Information

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Retail; Code 820; Trip Equ: Ln(T)=0.65Ln(X)+5.83, OR Residential-Apartments; Code 220; Trip Equ: 6.65 /DU	Retail; Code 820; Trip Equ: Ln(T)=0.65Ln(X)+5.83, Fast Food Restaurant; Code 934; Trip Rate: 496.12 / 1,000 SF Residential-Apartments; Code 220; Trip Equ: 6.65 /DU
Maximum Trip Generation	Retail: 11,775 Daily Trips	Daily Trips Retail: 979 Fast Food Restaurant: 1,943 Residential-Apartments: 1,646 Total: 4,568
Net Daily Trips:	-8,792 (maximum minus current) -7,207 (proposed minus current)	
Net PH Trips:	308 (115/193) AM, 363 (208/155) PM (proposed)	
Significantly impacted roadway segments that fail Long Range		None
Significantly impacted roadway segments for Test 2		Atlantic Ave – Turnpike to Hagen Ranch Rd Hagen Ranch Rd – Atlantic Ave to Flavor Pict Rd
Traffic Consultant	Pinder Troutman Consulting, Inc.	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Route Name: DLB X-TWN via ATLANTIC Route Number: 81	
Nearest Palm Tran Stop	Bus Stop Name: ORIOLE PLZ @ RODS REST SVC RD Bus Stop Number: 6409 Bus Stop Location: Adjacent to Subject Site along Hagen Ranch Rd	
Nearest Tri Rail Connection	Delray Beach Station Route 81	

C. Portable Water & Wastewater Information	
Potable Water & Wastewater Providers	The Palm Beach County Water Utilities Department is the providers for the potable water and wastewater. Please refer to Application Attachment I.
Nearest Water & Wastewater Facility, type/size	The nearest potable water is a 42" watermain located within Atlantic Ave right of way, an 8" watermain stubbed out from the property north of the subject site and a watermain located within Hagen Ranch Road right of way. There is an 8" gravity sewer main and 6" forcemain located west of subject site. In addition to a 24" reclaim watermain located within Hagen Ranch Road. Please refer to Application Attachment I.
D. Drainage Information	
The project is within the limits of the SFWMD C-15 Basin, and the site will comply with the associated criteria which allows a maximum discharge rate of 70 CSM (cubic feet per square mile) during the 25yr-72hr design storm. This equates to a peak discharge rate of 12.78 cfs from the 116.88 acre master development. There is an existing control structure (CS-1) located along the northern property line of Villagio Isles which will limit the discharge to the allowable rate and therefore meet SFWMD and Palm Beach County Level of Service requirements. Runoff is discharged from this control structure to the LWDD L-33 Canal via a 36" pipe.	
E. Fire Rescue	
Nearest Station	The subject site is served currently by PBC Fire Rescue Station #42, which is located on 14276 Hagen Ranch Road.
Distance to Site	The subject site is approximately 1 mile from the station.
Response Time	The estimated response time to the subject site is 4 minutes 30 seconds.
Effect on Resp. Time	For fiscal year 2017, the average response time (call received to on scene) for this station zone is 7:11. Changing the land use of this property will have minimal of Fire Rescue. Please refer to fire rescue letter provided in Application Attachment K.
F. Environmental	
Significant habitats or species	Significant habitat occurs on the assessed parcel. No state or federal listed plant or animal species were located within the assessment area. Please refer to application attachment L.
Flood Zone*	The subject site is located in the 500-year zone (X500), which is minimal flood hazard designation.
Wellfield Zone*	The subject the site is not located in a Wellfield protection zone per County Water Utilities Department or Department of Environmental Resources Management. Please see Application Attachment M for Wellfield Map.
G. Historic Resources	
Staff review of the County's map known archaeological sites has identified no known archaeological resources on or within 500 feet of the subject site. Please refer to Application attachment N for Historic Resource Evaluation Letter.	

H. Parks and Recreation - Residential Only

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	Morikami Park and Japanese Gardens / SW of Addison Reserve Blvd & S Jog Rd	0.00339	+657	2.28
Beach	Gulf Stream Park / NW of Little Club Rd & N Ocean Blvd	0.00035	+657	0.23
District	Green Cay Wetlands / SE corner of Hagen Ranch Rd & Flavor Pict Rd	0.00138	+657	.91

I. Libraries - Residential Only

Library Name	Hagen Ranch Road Branch		
Address	14350 Hagen Ranch Rd		
City, State, Zip	Delray Beach, FL 33446		
Distance	Approximately 0.46 miles from subject site.		
Component	Level of Service	Population Change	Change in Demand
Collection	2 holdings per person	+657	1,314 holdings
Periodicals	5 subscriptions per 1,000 persons	+657	3.28 subscriptions
Info Technology	\$1.00 per person	+657	\$657.00
Professional staff	1 FTE per 7,500 persons	+657	.09 FTE
All other staff	3.35 FTE per professional librarian	+657	.30 FTE
Library facilities	0.34 sf per person	+657	223 sf

J. Public Schools - Residential Only

	Elementary	Middle	High
Name	Morikami Park	Carver Community	Atlantic Community
Address	6201 Morikami Park Rd	101 Barwick Rd	2455 W. Atlantic Ave
City, State, Zip	Delray Beach, FL 33484	Delray Beach, FL 33445	Delray Beach, FL 33445
Distance	Approximately 1.9 miles	Approximately 3.4 miles	Approximately 4.5 miles

Exhibit 5

Traffic Study

Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

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

Exhibit 6

Palm Beach County Traffic Division Letter



**Department of Engineering
and Public Works**
P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbcgov.com

**Palm Beach County
Board of County
Commissioners**

Mack Bernard, Mayor

Dave Kerner, Vice Mayor

Hal R. Valeche

Gregg K. Weiss

Robert S. Weinroth

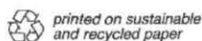
Mary Lou Berger

Melissa McKinlay

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



January 14, 2019

Ms. Andrea M. Troutman, P.E.
Pinder Troutman Consulting, Inc.
2005 Vista Parkway, Suite 111
West Palm Beach, FL 33411

**RE: Terra Nova FKA Atlantic & Hagen Ranch - Revised
FLUA Amendment Policy 3.5-d Review
Round 2019-A**

Dear Ms. Troutman:

Palm Beach County Traffic Division has reviewed the Comprehensive Plan Amendment Transportation Analysis for the proposed Future Land Use Amendment for the above referenced project, revised November 28, 2018, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	North of Atlantic Avenue, west of Hagen Ranch Road	
PCN:	00-42-46-16-00-000-7070	
Acres:	17.67 acres	
	Current FLU	Proposed FLU
FLU:	Commercial High (CH/5/MR-5)	Commercial Low (CL/5/MR-5) (4.02 acres) High Residential (HR-12) (13.65 acres)
Zoning:	Multiple Use Planned District (MUPD)	Multiple Use Planned District (MUPD) & Planned Unit Development (PUD)
Density/ Intensity:	0.5 FAR or 5 du/ac	12 du/ac & 0.25 FAR
Maximum Potential:	Retail = 384,931 SF Or Apartments = 88 DUs	Retail = 43,744 SF Residential – Apartments = 163 DUs
Proposed Potential:	N/A	Retail = 19,000 SF Fast Food Restaurant = 8,000 SF Residential – Apartments = 275 DUs
Net Daily Trips:	- 8,792 (maximum - current) -7,207 (Proposed – current)	
Net PH Trips:	100 (27/73) AM, 265 (144/121) PM (maximum) 308 (115/193) AM, 363 (208/155) PM (proposed)	
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities in the zoning application.</i>		



Ms. Andrea M. Troutman, P.E.
January 14, 2019
Page 2

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

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

Sincerely,

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

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

QB:DS/bc

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

File: General - TPS – Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\19-A\Terra Nova FKA Atlantic & Hagen Ranch- Revised.docx

Exhibit 7

Water & Wastewater Provider LOS Letter



**Water Utilities Department
Engineering**

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



**Palm Beach County
Board of County
Commissioners**

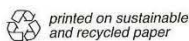
Melissa McKinlay, Mayor
Mack Bernard, Vice Mayor

Hal R. Valeche
Paulette Burdick
Dave Kerner
Steven L. Abrams
Mary Lou Berger

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



February 9, 2018

WGI
2035 Vista Parkway
West Palm Beach, Fl. 33411

RE: Atlantic & Hagen Ranch
PCN 00-42-46-16-00-000-7070
Service Availability Letter

Dear Ms. Libes,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for the existing +/- 17.67 acres with the current FLU designation of CH-5 (Commercial High, with an Underlying MR-5) and a Zoning District of MUPD (Multiple Use Planned Development District) and the proposed amendment to the FLU designation of the subject site to 4.5 acres of CH/12 (Commercial High, with an Underlying HR-12) and remaining 13.17 acres to HR-12 (High Residential, 12 units per acre) and a Zoning designation of MUPD/PUD (Planned Unit Development (PUD)).

The nearest potable water is a 42" watermain located within Atlantic Ave. right of way, an 8" watermain stubbed out from the property north of the subject property and a watermain located within Hagen Ranch Rd right of way. There is an 8" gravity sewer main and 6" forcemain located west of the subject property. In addition, there is a 24" reclaim watermain located within Hagan Ranch Road adjacent to the subject property. This property is located within a Mandatory Reclaim Area.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD.

If you have any questions, please give me a call at (561)493-6116.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jackie Michels".

Jackie Michels, P.E.,
Plan Review Manager

Exhibit 8

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

1. Affiant is the ☐ individual or ☒ MGR _____ *[position - e.g., president, partner, trustee]* of Principal Development Group, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 7593 Boynton Beach Boulevard, Suite 220
Boynton Beach, FL 33437

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Charles Scardina, Affiant
(Print Affiant Name)

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

Cyndy Little
Notary Public

Cyndy Little
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 3-31-18



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

EXHIBIT "A"

PROPERTY

16-46-42, PT OF NLY 973.66 FT OF SLY 1069.42 FT OF WLY 995.73 FT OF ELY 1015.16 FT OF SW 1/4 IN OR20708P1428
Close

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**

Exhibit 9

School Capacity Availability Determination (SCAD) Letter



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

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

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

KRISTIN K. GARRISON, AICP
DIRECTOR

WANDA F. PAUL
CHIEF OPERATING OFFICER

SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

Application	Submittal Date	11/7/018		
	SCAD No.	18101902Z – Rezoning and 18101902D - D. O.		
	FLU /Rezoning/D.O. No.	2018-1689 – Palm Beach County		
	PCN No. / Address	00-42-46-16-00-000-7070 / 7555 Umberto Place		
	Development Name	Terra Nova - Residential		
	Owner / Agent Name	Principal Development Group, LLC / Chad Riddle		
	SAC No.	277		
	Proposed Amendment Proposed Unit No. & Type	Max. 275 Residential Units 275 Apartment Units		
Impact Review		Hagon Road Elementary School	Carver Middle School	Spanish River High School
	New Students Generated	23	10	12
	Capacity Available	-119	376	-321
	Utilization Percentage	114%	75%	114%
School District Staff's Recommendation	Based on the findings and evaluation of the proposed development, there will be negative impact on the public school system. Therefore, if the proposed development is approved by the Palm Beach County government, School District staff recommends the following condition to mitigate such impacts.			
	In order to address the school capacity deficiency generated by this proposed development at the District elementary and high school level, the property owner shall contribute a total of \$207,274 to the School District of Palm Beach County prior to issuance of first building permit.			
	This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied).			
	Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Update Study recommended by the PBC Impact Fee Committee for adoption/implementation in 2019.			
Validation Period	1) This determination is valid from 11/09/2018 to 11/08/2019 or the expiration date of the site-specific development order approved during the validation period. 2) A copy of the approved D.O. must be submitted to the School District Planning Department prior to 11/08/2019 or this determination will expire automatically.			
Notice	School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.			

School District Representative Signature

Joyce C. Cai, Senior Planner

Print Name & Title

November 9, 2018

Date

joyce.cai@palmbeachschoools.org

Email Address

CC: Donna Adelsperger, Site Planner I, Palm Beach County Zoning Division
Kris Garrison, AICP, Director, School District of Palm Beach County

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



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

KRISTIN K. GARRISON, AICP
DIRECTOR

WANDA F. PAUL
CHIEF OPERATING OFFICER


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

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

SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

Revised on 10/31/2018

Application	Submittal Date	02/23/2018		
	SCAD No.	18022302F – Future Land Use Atlas Amendment (FLUA)		
	FLU /Rezoning/D.O. No.	2004-00457 – Palm Beach County		
	PCN No.	00-42-46-16-00-000-7070		
	Development Name	Terra Nova (formerly known as Atlantic & Hagen Ranch)		
	Owner / Agent Name	Principal Development Group, LLC/Lindsay Libes		
	SAC No.	277		
	Proposed Amendment	Max. 212 Residential Units		
Impact Review		Hagen Road Elementary School	Carver Middle School	Spanish River High School
	New Students Generated	20	11	16
	Capacity Available	-70	707	-207
	Utilization Percentage	108%	54%	109%
School District Staff's Recommendation	Based on the findings and evaluation of the proposed development, there will be negative impact on the public school system. Therefore, if the proposed development is approved by the Palm Beach County government, School District staff recommends the following condition to mitigate such impacts.			
	In order to address the school capacity deficiency generated by this proposed development at the District elementary and high school level, the property owner shall contribute a total of \$282,344 to the School District of Palm Beach County prior to issuance of first building permit. This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied). The contribution amount may be adjusted to reflect the actual unit number & type during the Development Order process. Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Update Study recommended by the PBC Impact Fee Committee for adoption/implementation in 2019.			
Validation Period	1) This determination is valid from 03/16/2018 to 03/15/2019 or the expiration date of the site-specific development order approved during the validation period. 2) A copy of the approved D.O. must be submitted to the School District Planning Department prior to 03/15/2019 or this determination will expire automatically.			
Notice	School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.			


School District Representative Signature

Joyce C. Cai, Senior Planner
Print Name & Title

10/31/2018
Date

joyce.cai@palmbeachschools.org
Email Address

CC: Lorenzo Aghemo, Director, Palm Beach County Planning Department
Kris Garrison, AICP, Director, School District of Palm Beach County

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

Exhibit 10 Correspondence



THE PRIVATE LAKEFRONT COMMUNITY FOR ACTIVE ADULTS

January 7, 2019

BY EMAIL: pbehn@pbcgov.org

By Fax: 561-233-5365

Ms. Patricia Behn, Interim Director

PBC Planning Commission

2700 N Jog Rd.

West Palm Beach, Florida 33411

RE: Terra Nova Proposed Planning/Zoning Amendment Application

To The Planning Commission and the Board of Commissioners:

The residents of the neighborhoods contiguous and adjacent to the proposed Terra Nova Development, and several others up and down Hagen Ranch Road, are opposed to the developer's requested amendment which increases the proposed residential density by more than three times that currently permitted. The developer wants to compare the impact of a commercial development with the impact of an overreaching overdevelopment plan for residential housing. However, the comparison is inapt because the commercial plan has been abandoned. Generally there is too much development here being approved in West Delay at the same time, all to our detriment.

The developer, a private entity, is asking that we PBC residents suffer improper overdevelopment solely in order to bring a profit to its investors. The developer filed this application based on its own findings that the development as approved, which is basically commercial, with some 80 residential units, would not be "viable". In layperson's terms, it means that the developer speculated...and lost. It is our position that with the proposed amendment the developer is overreaching, double dipping, and turning the intention of planned well managed development on its ear. The developer is asking that the character of our area be changed with a never before approved density of 275 units on some 11 acres (not including the recreational area).

PBC is not tasked with maximizing profits for developers in our county. What's good for them is to some extent good for the residents. Obviously the developer missed the window of opportunity for large commercial. However, that being said, nothing on the

7648 Emerald Pointe Blvd., Delray Beach, Florida 33446
561/495-5509

PBC side of the equation requires the developer to act now. The developer has decided to do so ONLY in the event that the character of the project be changed completely, and expanded to the point of being out-of-control.

Any such a result would be contradictory to the best interests of PBC residents. In addition, such result would be an abnegation and surrender by the government of its primary duty to represent and protect us and to fairly and competently manage the development of unincorporated West Delray Beach.

There was never, nor is there now a good reason for 275 residential units to be built here. As described in the "Concerns of Neighboring Property Owners..." annexed hereto, an increase to 12 d.u./acre would be adequate, without the proposed double-dipping afforded by TDR and Workforce Housing Programs. As further described in "Concerns of Neighboring Property Owners..." annexed hereto and made a part hereof, important issues have been raised which remain to be addressed and should be well before the Planning Advisory Board completes its review and certainly before it is placed on the agenda of the PBC Board of Commissioners for a vote.

The development as proposed will have significant negative impacts on our community. The attached document describes the nature and level of our many concerns particularly with regard to project density, traffic, visual and environmental impact, school capacity, and completeness of the application itself.

We therefore urge the Planning Commission to recommend denial of the Terra Nova amendment application, as is, to the PBC Board of Commissioners

Thank you for your consideration.

Yours truly,



Murray Brenner, President

Attachment of 4 pages- Concerns of Neighboring Property Owners

cc:

Ramsay J. Bukeley Esq. Executive Director PBPZD – rbukeley@pbcgov.org

Stephanie Gregory, Project Manager - sgregor1@pbcgov.org

Lisa Amara, Principal Planner - lamara@pbcgov.org

Mary Lou Berger, District 5 Palm Beach County Commissioner mberger@pbcgov.org;

Vivienne Leiva, Development Liaison District 5 - vleiva@pbcgov.org



THE PRIVATE LAKEFRONT COMMUNITY FOR ACTIVE ADULTS

Concerns of Neighboring Property Owners In Support of a Planning Commission
Recommendation of Denial Relative to a Requested FLUA Amendment
for the Proposed Terra Nova Development (LGA 2018-020)

1. DENSITY

The proposed development of 275 residential units greatly exceeds the density currently anticipated in the ULDC. If the site designation (now at MR 5 = 5 dwelling units/acre) were merely amended to HR-12 (or 12 units/acre), the 13.65 acres slated for residential development would be eligible for construction of approximately **164 units**. In and of itself this would be more than twice the number of units currently allowed on the **entire** 17.67-acre property (88 units) and more than 1.5 times the number of units (69) that would be permitted on the acreage proposed for residential use (13.65 acres) without the requested amendment.

In requesting approval for 275 units, the developers are actually and aggressively seeking approval of a density of more than 20 dwelling units/acre through the application of Transfer of Development Rights and Workforce Housing Program bonuses layered on top of the requested ULDC amendment. The requested ULDC change to HR-12 is a clear misrepresentation; **275 residential units amounts to 4 times the currently allowable density and a 67% increase in the number of units on the site than an HR-12 designation without density bonuses would permit.** If the amendment request is approved to allow for 275 residential units, Terra Nova will house an estimated 657 persons and generate in excess of 1,646 daily trips, a threefold increase in impact above currently permitted levels of development

- At 20 d.u./acre, the proposed development will be **highly incompatible** with the majority of surrounding and adjacent residential units to the north, south and west of the site. Most of them are fully developed at a density of 5 or 6 units/acre (on the north and south) or 12 units/acre (on the east side of Hagen Ranch Road). It is difficult to believe that a viable “transition and tapering” between future commercial and existing residential uses could not have been achieved through a more moderate increase in density (say 8 – 10 units/acre) including any density bonuses
- The viability of a private development project should not have been, nor is it, at all relevant to the decision at hand. **It was the applicant’s own decision to abandon earlier approved plans for more intense commercial development at this location. The developer, not the County, has determined that “the amount of commercial currently approved is in excess of what the area needs from a commercial market standpoint”.** The developer should not be rewarded for speculating or for a self-created hardship at the expense of the surrounding community. It is the government’s responsibility to place the interests of the community above those of any particular developer.
- The Planning Staff has recommended that approval of a ULDC amendment be conditioned on 69 (or 25%) workforce housing units to be provided on site rather than offsite. The developer has proposed meeting his WHP requirement at an offsite location (Haverhill Road, West Palm Beach) which is not only more than 20 miles from the subject site but is also in a census tract (CT 19.09) characterized by high unemployment (9.2%), low median income (\$24,441) and a high

proportion of residents living below poverty level. Therefore, the staff's recommendation for the provision of workforce housing onsite, although appropriate, is nonetheless based on a proposed amendment plan for overdevelopment of the subject site

- Under a concurrent application, the developer has ALSO requested a variance to eliminate the guest parking spaces (69) required for a 275-unit complex. THIS IS STRONG EVIDENCE THAT THE REQUESTED DENSITY IS HIGHER THAN WARRANTED FOR THE SITE. Rather than reduce the available parking, the density of the development should be reduced, resulting in a lesser amount of required parking on a 13.65-acre site. The applicant reasoned that the elimination of guest parking onsite is offset by the proximity of retail and shared parking spaces at the adjacent commercial development. Since the commercial development proposed offers only a limited set of commercial opportunities, this argument is specious. The housing units will be within a gated community. Many of them will be located at a considerable distance from the adjacent commercial tract.

2. STRUCTURAL AND POPULATION CONSIDERATIONS

The proposed Terra Nova development is also incompatible with other adjacent and nearby residential existing and proposed development in terms of building height, open space, housing values and tenure. The plans include several 3-story buildings, all rental apartments with no age restrictions. In comparison, surrounding residential developments are and will continue to be largely comprised of owner-occupied, single-story or low-rise attached and detached units in age restricted (55+) communities. The people on adjacent properties have an expectation of low to medium density residential character for this neighborhood.

- At an allowable elevation of 35 feet, structures along the north and west sides of the proposed development will have adverse impacts on existing homes in the Villagio Reserve community. **Before** any land use amendment is considered, at the very least, the applicant should be required to provide a Line of Sight Analysis showing the proposed building elevations in relation to contiguous residentially developed properties. The Planning Commission needs this information in order to evaluate whether the combined height and required setbacks and buffers will be sufficient to protect the privacy and enjoyment of adjacent residential properties.

3. TRAFFIC IMPACTS

The area surrounding the proposed project is already heavily trafficked and frequently congested to the point of gridlock, particularly at peak hours, along Atlantic Avenue between Jog Road and the Florida Turnpike (running east and west of the project site) and along Hagen Ranch Road between Lake Ida and W. Atlantic Avenue. The proposed development will only add to the problems here. Additionally, there are several vacant tracts along W. Atlantic between the Turnpike and Lyons Rd. and between Lyons Rd. and 441 which are under current an imminent development which will further greatly exacerbate the level of traffic congestion and the hazards of driving.

- West Atlantic Avenue is already at a Level of Service E (very poor). To meet an acceptable LOS current plans call for the widening of W. Atlantic Ave from the Florida Turnpike to Jog Rd from 4 lanes divided to 6 lanes divided along with the addition of a 3rd westbound through-lane on Atlantic Ave at Jog Rd, east of the intersection. These capacity improvements are slated to commence no sooner than 2023. It is also reasonable to assume that the course of

improvements may be further postponed due to funding and physical constraints (e.g., significant conflict with existing land uses on the south side of Atlantic). Although the County requires payment of a proportionate share of the cost of the planned improvements by the developers of Terra Nova and other owners of new developments in the area, the fact remains that traffic conditions will become even more untenable than at present and will remain so for at least a decade or more. **HOLDING DENSITIES IN THE AREA TO SUSTAINABLE LEVELS IS MORE EFFECTIVE AND IMMEDIATE SOLUTION TO THE MITIGATION OF ADVERSE TRAFFIC IMPACTS.**

- Hagen Ranch Road in the vicinity of the proposed project has an unacceptable Level of Service particularly at Peak Hours. Moreover, the distance between the intersection of Hagen Ranch Road and the traffic signal at the entrance to Villagio Reserve and the Villages at Oriole is less than 1/3rd of a mile, and this stretch has a median for most of that distance. Turns from the two existing curb cuts on each side of Hagen Ranch between these two traffic signals are already dangerous and complicated. Many serious accidents have occurred and will increase exponentially with the additional traffic from new, sizeable developments under construction to the north and east as described below:
 - Avalon Trails at the Villages of Oriole (former Marina Lakes Golf Course property) has been approved for the construction of 521 new low density (5/ac), age restricted, residential units on 107.55 acres. This property is within the community adjacent to the subject property on the east and shares a main entrance point onto Hagen Ranch Road with Villagio Reserve
 - Approximately 320 new, age restricted single-family homes to be built on the former Polo Trace Golf Course (approx. 1.5 miles north of the subject site);
- A main point of ingress/egress to the site from W. Atlantic is proposed to be **through** the 4-acre commercial area adjoining the Terra Nova residential development. This proposal will undoubtedly increase traffic conflicts between different end users on the two properties (shoppers/residents/visitors) under review

4. NEED FOR ADDITIONAL AND/OR UPDATED STUDIES AND REVIEW PRIOR TO FINAL CONSIDERATION OF THE PLANNING COMMISSION

Several studies and analyses submitted in support of the amendment application are in need of updating.

- The Traffic Analysis submitted with the amendment application was completed over one year ago (December 2017). It is **based on a proposed development of 260 residential units, not 275 units as proposed**. Inasmuch as that analysis **was based on 2017 traffic statistics** and known committed new developments at that time, it is not reflective of current or future conditions. The traffic analysis fails to include **all** of the trips to be generated by **currently** committed new developments within a 2-mile radius of the site. **Therefore, any consideration of the subject amendment request should be postponed until an updated traffic analysis is prepared and submitted for review by the Planning Commission**
- The School Capacity Availability Determination in the application (Exhibit 9) is based on a maximum of **212** proposed units. Even at the lower incorrect number of units, the

determination indicates deficiencies in the school system's capacity to accommodate the anticipated increase in new students coming from the proposed development. **A new School Capacity Availability Determination should be required of the School District based on the actual 275 new residential units proposed**

- The Phase I Environmental Site Assessment submitted by the applicant's consultant was completed in **2013**. At that time the site was used primarily for propagation of vegetable row crops and some beekeeping. **There is no mention of the property being used for grazing of livestock**, but, in fact, there have been numerous cows on the property for the past several years. This may have negative environmental consequences resulting from soil contamination and **strongly suggests the need for requiring an updated ESA** prior to any consideration of the amendment request
- The review of the project by the PBC Department of Engineering and Public Works is also based on 260 residential units and is one year old (January, 2018). Considering that the number of units has been increased and conditions in the surrounding area may have changed, we believe that an updated review is warranted prior to any Planning Commission determination
- The amendment application **refers to an exhibit that is not included in the application, namely the PBC Workforce Housing Sufficiency Letter dated October 30, 2018**. This should be available for both the Planning Commission and the public to review prior to final consideration of the amendment application

Based on the aforementioned deficiencies and negative impacts of the proposed Terra Nova project, we as owners and residents of communities in proximity to the subject site, believe that the development as proposed (particularly in terms of density, character and traffic impacts) IS NOT COMPATIBLE with existing and planned development in the vicinity, does not meet the criteria for approval of the requested ULDC amendment and related zoning and variance approvals and should be recommended for denial by the Planning Commission in its role as advisory to the BCC.



THE PRIVATE LAKEFRONT COMMUNITY FOR ACTIVE ADULTS

Terra Nova Development Proposals

	ULDC Amendment Application	Zoning Application
Development Proposal	275 DU (HR – 12 + TDR and WHP bonuses)	Retail – 15,200 SF 2 Fast Food Rest. with drive-throughs –6,400 sf
Date of Traffic Analysis	December 21, 2017	September 6, 2018
	Based on 260 D.U.'s on 13.65 ac.	Based on 275 D.U.'s on 13.65 ac.
	Based on Commercial Proposed: <ul style="list-style-type: none"> • Medical Office – 30,000 • Drive-in Bank – 4,500 sf • High Turnover Sit-Down Restaurant – 5,000 sf (4.02 ac site) Total Retail sf: 39,500 sf	Based on Commercial Proposed: <ul style="list-style-type: none"> • Retail – 14,350 sf • Fast Food Rest. with Drive-through – 6,510 sf (4.02 acre site) Total Retail sf: 20,860 sf
Daily Trip Generation	Residential: 1,729 Medical Office: 1,084 Drive-in Bank: 667 Sit-Down Rest.:635 Total: 4,116	Residential: 1,829 Retail: 1,923 2 Fast Food Rest: 3,230 Total: 6,982
AM Peak Hour Traffic	Residential: 111 Medical Office: 72 Drive-in Bank: 54 Sit-Down Rest.:54 Total: 311	Residential: 138 Retail: 14 2 Fast Food Rest. 296 Total: 448
PM Peak Hour Traffic	Residential: 161 Medical Office: 99 Drive-in Bank: 109 Sit-Down Rest.:49 Total: 418	Residential: 171 Retail: 163 2 Fast Food Rest. 213 Total: 547

Additional Inconsistencies between Concurrent Applications (Amendment Application and Zoning Application) relative to Traffic Analysis and Proposed Uses:

As can be deduced from the above comparison of the information provided in the concurrent Land Use and Zoning Amendments:

1. The Amendment to be initially considered by the PC Advisory Board on January 11, 2019 relies on an outdated (December 2017) Traffic Analysis which in turn was based on a lower number. Therefore, the County's findings and recommendations relative to traffic impacts are based on outdated and inaccurate information.
2. The September 6, 2018 Traffic Analysis provided in the Zoning Application estimates **2,866 MORE Daily Trips** than the 2017 Analysis, an **increase of 69%**, in spite of a 47% decrease in commercial square footage proposed in the Zoning Application.
3. Peak Hour AM and PM traffic is estimated at 30% and 44% higher, respectively, in the 2018 Traffic Analysis than as estimated in the 2017 Traffic Study (made a part of the Amendment Application).

Other Traffic Considerations:

Additionally, proposed Ingress and Egress to the proposed commercial and residential developments are problematic because:

- The commercial development can only be accessed by the general public from two curb-cuts on Atlantic. These are within a short distance of each other. The proposed entrance into the commercial strip from Atlantic is only about 430 feet from the existing curb cut at Umberto Drive and 630 feet or so distant from the intersection of Hagen Ranch Road and Atlantic Ave.
- There are only 2 possible entrances/exits to the commercial strip for use by the general public, not 3, since the entrance from Hagen Ranch is gated (only open to the residential development)
- As noted elsewhere in our analysis, a shared entrance for the residential development through the commercial area is likely to increase the likelihood of traffic accidents
- It appears that the turning lanes into the commercial development are within the Atlantic Ave. ROW. If so, will there be sufficient ROW width for the future proposed widening of Atlantic and also sufficient room for on-site buffering of the commercial development?

Conclusion based on the above: The Planning Commission Advisory Board has inaccurate information on which to make a determination relative to the traffic impacts of the proposed development. Therefore, we request that the application be tabled and not brought to a public hearing until inconsistencies and inaccuracies in the traffic analysis, among other inconsistencies and deficiencies in the Amendment Application, are rectified.