



## FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT SMALL SCALE AMENDMENT

### PLANNING COMMISSION PUBLIC HEARING, APRIL 14, 2023

## A. Application Summary

### I. General

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<b>Project Name:</b>	<b>Lake Worth Crossing (SCA 2022-011)</b>
<b>Request:</b>	<b>To revise previously adopted conditions of approval in Ord 2009-028</b>
<b>Acres:</b>	9.15 total acres
<b>Location:</b>	Southwest corner of Lake Worth Road and Hooks Road
<b>Project Manager:</b>	Jerry Lodge, Planner II
<b>Applicant:</b>	Nita Yeung, KS Lake Worth LLC
<b>Owner:</b>	Nita Yeung, KS Lake Worth LLC
<b>Agent:</b>	Lauren McClellan, JMorton Planning & Landscape Architecture
<b>Staff Recommendation:</b>	Staff recommends <b>approval</b> based upon the following findings and conclusions found in this report.

### II. Assessment & Conclusion

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This amendment proposes to modify previously adopted conditions of approval in Ordinance 2009-028. The original amendment, Lake Worth/Turnpike SW Commercial LGA 2009-006, included the 9.15 acre subject site and the 8.83 acre site directly to the west, known as Haley Farms. The amendment requested a change from Low Residential, 2 units per acre (LR-2) to Commercial High with underlying 2 units per acre (CH/2). Since the site was mid-block and did not meet the commercial location requirements, conditions of approval were added to require design elements and development as a Lifestyle Commercial Center (LCC) with a cap of 300,000 square feet of non-residential uses. This requirement was included for consistency with the approved 37 acre LCC site further to the west known as Lake Worth Commercial (LGA 2008-009). More recently, the County has largely deleted the LCC provisions from the Comprehensive Plan which was only approved on three sites. The County has approved amendments eliminating the LCC requirement for two of the three sites, including Lake Worth Commercial in 2017 and Haley Farms in 2018. As a result, the subject site is the last parcel with a condition requiring development as an LCC.

The proposed amendment is requesting to delete conditions of approval that require the site be developed as an LCC, to delete mixed use related design conditions, and allocate the remaining portion of the approved square footage to the subject site from the Lake Worth/Turnpike SW Commercial amendment. The applicant proposes to retain connectivity requirements and retain the 65,000 square foot cap for any single retail tenant.

The applicant has provided an adequate justification, the amendment is compatible with surrounding area, and is consistent with Comprehensive Plan Policies.

### **III. Hearing History**

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**Local Planning Agency:**

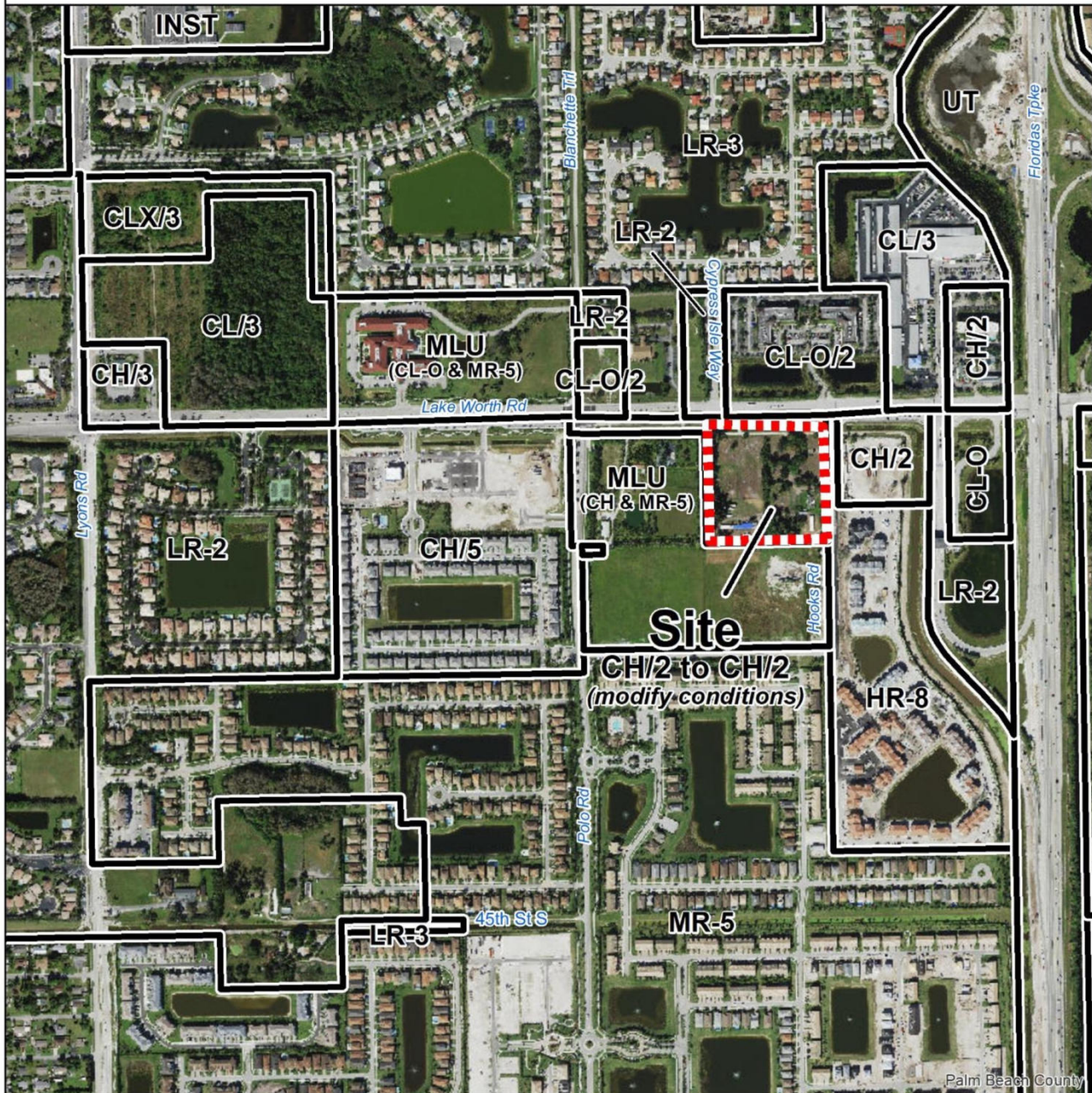
**Board of County Commissioners Adoption Public Hearing:**

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# Future Land Use Atlas Amendment

## Lake Worth Crossing (SCA 2021-011)



### Site Data

Size: 9.15 acres  
 Existing Use: Agriculture & Equestrian  
 Proposed Use: Retail, Hotel, Self-Storage & Office  
 Current FLU: CH/2 with conditions  
 Proposed FLU: CH/2 modify conditions

### Future Land Use Designations

LR-1	Low Residential, 1 unit/acre	CL-O/2	Commercial Low - Office, underlying LR-2
LR-2	Low Residential, 2 units/acre	CH/2	Commercial High, underlying LR-2
LR-3	Low Residential, 3 units/acre	CH/3	Commercial High, underlying LR-3
MR-5	Medium Residential, 5 units/acre	CH/5	Commercial High, underlying MR-5
HR-8	High Residential, 8 units/acre	CLX/3	Commercial Low crosshatching, underlying LR-3
HR-12	High Residential, 12 units/acre	MLU	Mixed Land Use
CL/3	Commercial Low, underlying LR-3	INST	Institutional
CL-O	Commercial Low - Office	UT	Utilities and Transportation

Date: 3/10/2022  
 Contact: PBC Planning  
 Filename: Planning/AMEND/22-SCA/SiteSpecific  
 Note: Map is not official, for presentation purposes only.



250 0 250 500 Feet



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



## B. Petition Summary

### I. Site Data

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#### Current Future Land Use

**Current FLU:** Commercial High with underlying Low Residential, 2 units per acre (CH/2)  
**Existing Land Use:** Agriculture, Equestrian, Residential Single Family (1 Unit)  
**Current Zoning:** Agricultural Residential (AR)  
**Current Dev. Potential Max:** Commercial uses, up to 154,210 square feet

#### Proposed Future Land Use Change

**Proposed FLU:** No Change  
**Proposed Use:** Hotel, Hospital and Medical Office  
**Proposed Zoning:** Multiple Use Planned Development (MUPD)  
**Dev. Potential Max/Conditioned:** Commercial uses, up to 154,210 square feet (by condition of approval)

#### General Area Information for Site

**Tier/Tier Change:** Urban/Suburban Tier - No change  
**Utility Service:** Palm Beach County Water Utilities Department (PBCWUD)  
**Overlay/Study:** None  
**Comm. District:** Commissioner Sara Baxter, District 6



## C. Introduction

### I. Intent of the Amendment

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The amendment is proposing to revise previously adopted conditions of approval on a 9.15 acre site with a future land use designation of Commercial High with an underlying 2 units per acre (CH/2). The CH/2 designation was adopted by Ordinance 2009-028 which included an 8.83 acre site located to the west known as Haley Farms. The conditions of approval assigned a maximum commercial square footage for the subject site and the site to the west together, required that the two sites be developed as a Lifestyle Commercial Center (LCC), and established design requirements. The applicant proposes to retain connectivity requirements and retain the 65,000 square foot cap for any single retail tenant. The specific changes proposed by this application are provided in strike out and underline format in Exhibit 1. In summary, these changes propose to revise the following:

- Allocate an equitable share (154,210 square feet) of the previously approved square footage (300,000 square feet) to the subject site. The remainder was allocated in 2018 to the site to the west subject to Ordinance 2018-029 (Haley Farms – LGA 2018-023);
- Remove the requirement that the site be developed as a Lifestyle Commercial Center;
- Delete the majority of design guidelines;
- Add a condition of approval requiring cross access to the remaining properties in Ord. 2009-028 to the west; and

**Zoning Application:** The concurrent zoning application (PDD/CA/W-2021-01526) with control number 2008-00296, is proposing a rezoning from Agricultural Residential (AR) to the Multiple Use Planned Development (MUPD) zoning district in order to develop a total of 109,808 square feet of commercial uses, including an 11,000 square foot hospital, a 51,899 square foot hotel containing 127 rooms and a 46,909 square foot medical office. The zoning application is also requesting approval of a Type 2 Waiver to allow a 24-hour operation for a business within 250 feet of a residential use.

### II. Data and Analysis Summary

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This section of the report summarizes the consistency of the amendment with the County's Comprehensive Plan. Exhibit 2 details the consistency of the amendment with Plan policies, including justification, compatibility, public facilities impacts, intergovernmental coordination, and consistency with specific overlays and plans. The substantive factors from Exhibit 2 are summarized below.

The 9.15 acre subject site is in the eastern central part of the County in the Urban/Suburban Tier and is located west of the Florida's Turnpike at the southwest corner of Lake Worth Road and Hooks Road. The site is located within the West Lake Worth Road Neighborhood Plan (WLWRNP) area and has a Future Land Use designation of Commercial High with an underlying 2 units per acre (CH/2). The properties in the immediate area surrounding the site have a range of low to high residential, institutional and commercial FLU designations.

**Overview of the Area.** Beginning in 2008, various property owners in the area began submitting FLUA amendments to increase density and/or intensity. This activity prompted residents from eight of the surrounding communities to begin formulation of the West Lake Worth Road Neighborhood Plan (WLWNP). The Lake Worth Road Coalition, Inc., is the primary stakeholder

group established to monitor implementation of the Neighborhood Plan recommendations. The Neighborhood Plan was completed and formally received and filed by the Board of County Commissioners in November 2009. Subsequently, the County has adopted several other amendments to establish commercial or increase residential density in the Neighborhood Plan area. The Neighborhood Plan establishes design guidelines and a Master Plan that recommends density increase up to, but not exceeding, a density of 5 units per acre in the vicinity of the subject site. The Master Plan also depicts properties that are planned for commercial, including the subject site.

**Lifestyle Commercial Center Background.** In 2008, the BCC adopted revisions to the Future Land Use Element to define Lifestyle Commercial Centers (LCC) within the Comprehensive Plan. Prior to the adoption of the LCC policies, the Comprehensive Plan prohibited all new isolated midblock commercial future land use designations along all arterials and collectors, unless the development was planned as a Traditional Neighborhood Development, Traditional Marketplace Development or a Multiple Use Planned Development (MUPD). The LCC was created to allow for a mid-block, mixed use development similar to a Traditional Marketplace Development with single tenants up to 100,000 square feet. It also included other design requirements including providing public open space, pedestrian oriented design with a main street and vertical and horizontal integration of uses.

**FLUA Amendments with LCC Requirement.** In 2008 and 2009, following the text revisions, the Board adopted land use amendments from LR-2 to CH/2 on three sites, including conditions for the site to be developed as an LCC with associated design criteria.

- Lake Worth Commercial (LGA 2008-009). This ordinance (Ord 2008-048) was for 37.85 acres to the west of the subject site.
- Lake Worth/Turnpike SW Commercial (LGA 2009-006). This ordinance (Ord 2009-028) includes the 9.15 acre subject site and additional parcels totaling 8.83 acres to the west known as Haley Farms. The conditions of approval also capped the sites to a total of 300,000 square feet of commercial uses combined.

In 2017, text amendments to the Future Land Use element (Ord 2017-004) largely eliminated the Lifestyle Commercial Centers provisions in the Comprehensive Plan since the sites previously approved as a LCC had not developed. In addition, the LCC provisions largely mirrored that of the Traditional Marketplace Development (TMD). Following these revisions, the property owners of two of the three sites (Lake Worth Commercial and Haley Farms) requested amendments to eliminate the LCC design requirements. These amendments were adopted by the Board in 2017 and 2019, respectively, thus leaving the subject site as the only remaining site requiring development as an LCC.

**Appropriateness of the Amendment.** The applicant provides justification for the amendment due to the approval of an amendment in 2017 (Lake Worth Commercial LGA 2017-013) which removed the condition of developing as a LCC on the original Lifestyle Commercial Center (LCC) located on the southwest corner of Lake Worth Road and Polo Road. The applicant also cites recent approvals removing the condition of developing as an LCC in the 2018 amendment (Haley Farms Commercial LGA 2018-029) directly west of the subject site, the lack of viability for the mixed use requirements and that the LCC is not feasible due to the subject site's size.

Staff concurs that there is a basis for eliminating the LCC requirement due to the prior two amendments (Lake Worth Commercial & Haley Farms) eliminating the requirement, and that there is a basis for eliminating the mixed use and parking design requirements due to the smaller size of the subject site. The minimum size requirement to develop as a LCC is 10 acres which the

subject site is below at 9.15 acres. The applicant is not proposing to delete the 65,000 square foot cap for a single retail tenant condition nor the connectivity requirements.

**Assessment and Recommendation.** This amendment proposes to modify previously adopted conditions of approval in Ordinance 2009-028. The original amendment, Lake Worth/Turnpike SW Commercial LGA 2009-006, included the 9.15 acre subject site and the 8.83 acre site directly to the west, known as Haley Farms. The amendment requested a change from Low Residential, 2 units per acre (LR-2) to Commercial High with underlying 2 units per acre (CH/2). Since the site was mid-block and did not meet the commercial location requirements, conditions of approval were added to require design elements and development as a Lifestyle Commercial Center (LCC) with a cap of 300,000 square feet of non-residential uses. This requirement was included for consistency with the approved 37 acre LCC site further to the west known as Lake Worth Commercial (LGA 2008-009). More recently, the County has largely deleted the LCC provisions from the Comprehensive Plan which was only approved on three sites. The County has approved amendments eliminating the LCC requirement for two of the three sites, including Lake Worth Commercial in 2017 and Haley Farms in 2018. As a result, the subject site is the last parcel with a condition requiring development as an LCC.

The proposed amendment is requesting to delete conditions of approval that require the site be developed as an LCC, to delete mixed use related design conditions, and allocate the remaining portion of the approved square footage to the subject site from the Lake Worth/Turnpike SW Commercial amendment. The applicant proposes to retain connectivity requirements and retain the 65,000 square foot cap for any single retail tenant.

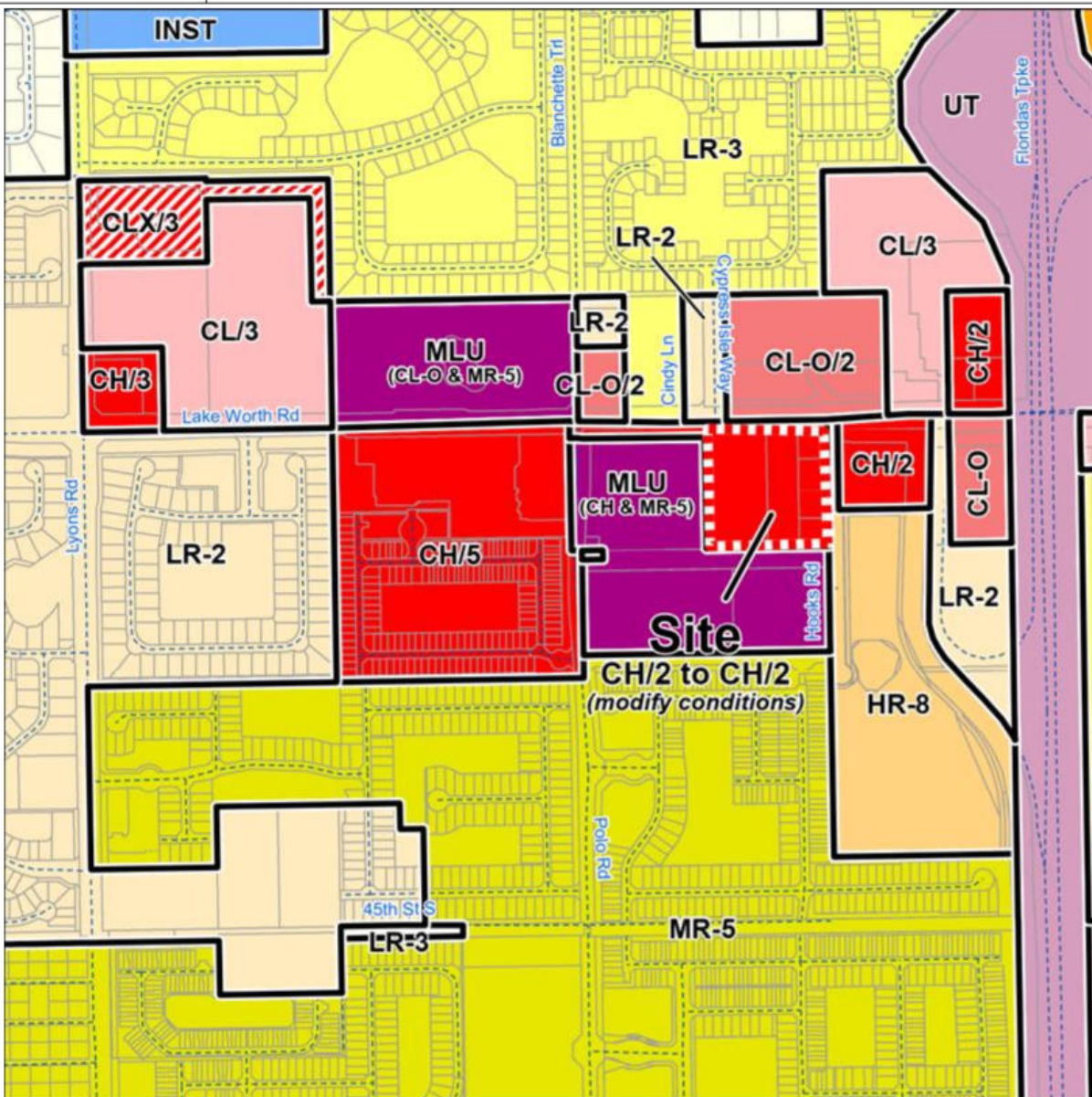
The applicant has provided an adequate justification, the amendment is compatible with the surrounding area, and is consistent with Comprehensive Plan Policies. As such, staff recommends **approval** of the applicant's request.



<b>Exhibits</b>	<b>Page</b>
1. Future Land Use Map & Legal Description	E-1
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## Exhibit 1

<b>Amendment No:</b>	<b>Lake Worth Crossing (SCA 2022-011)</b>
<b>FLUA Page No:</b>	76
<b>Amendment:</b>	To modify conditions of approval adopted by Ord. 2009-028
<b>Location:</b>	Southwest corner of Lake Worth Road and Hooks Road
<b>Size:</b>	9.15 total acres
<b>Property No:</b>	00-42-43-27-05-028-0035; 00-42-43-27-05-028-0033; 00-42-43-27-05-028-0032; 00-42-43-27-05-028-0036; 00-42-43-27-05-028-0031; 00-42-43-27-05-028-0034;



*The conditions below were adopted by Ordinance 2009-028. The revisions proposed below apply to the subject site only, and are shown with the deleted language in strike out and added language in underline format.*

Development of the site under the CH designation is subject to the following conditions:

1. The ~~subject site~~ land area within Ordinance No. 2009-028 is limited to a maximum of 300,000 s.f. of non-residential uses or equivalent traffic generating uses. This land area is limited to a maximum of 154,210 s.f. of commercial retail or equivalent traffic generating uses and is assigned to the land area within the subject ordinance, with the remaining 145,790 s.f. assigned to the remainder of land area within Ord. 2009-028.
2. Vehicular and pedestrian connections shall be provided to the parcel to the west within Ord. 2009-028.
3. No single retail tenant shall exceed 65,000 square feet.
2. ~~The development of the subject site shall adhere to the following design guidelines and shall be developed as a Lifestyle Commercial Center (LCC) consistent with FLUE Policy 2.2.2-c:~~
  - ~~The project shall have a mix of at least three of the following uses: retail including restaurant, office, institutional, hotel, work/live and residential. One of these uses must be work/live or residential. Flexibility with the site's allocation and location of identified uses may be considered as permitted by the ULDC.~~
  - ~~The project shall provide public usable open space and/or institutional uses that may promote social and cultural activities. At least 5% of the project shall be prominently located and designated as public usable open space to create squares, greens and/or plazas.~~
  - ~~Vehicular and pedestrian connections shall be provided to all existing and future adjacent development.~~
  - ~~The interconnected vehicular and pedestrian circulation system shall provide on-street parking and access to transit stops and off-site pedestrian and bicycle systems where feasible.~~
  - ~~The internal street network shall form a block structure to facilitate the pedestrian-oriented design of the project. The largest block perimeter shall measure no more than 1,800 linear feet. At least three full block structures shall be created. Building mass, placement, and build to lines shall be utilized to provide a spatial definition along streets. The design shall incorporate human-scale elements along streets and in common areas that includes but is not limited to: seating, landscaping, lighting and water or art features.~~
  - ~~Parking shall be located in structured parking, or shall require hardscape (e.g. sidewalks, arcades, arbors) and landscape treatments that enhance the pedestrian environment and preserve the spatial definition along streets created by building placement. Parking and access in front of buildings shall be limited to no more than one double row of pull-in parking accessed via a two-lane drive aisle and dispersed to strengthen the pedestrian system.~~
  - ~~The project shall demonstrate a vertical as well as horizontal integration of uses.~~
  - ~~No single tenant shall exceed 65,000 square feet. Single large tenants must have architectural façade treatments or liner tenants to reduce large single use frontage facades along streets. All buildings shall provide four-sided architecture.~~



## Legal Description

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### ALSO KNOWN AS DESCRIPTION:

A PORTION OF TRACT 3, BLOCK 28, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL A; THENCE S.89°03'30"W., ALONG THE NORTH LINE OF SAID PARCEL A, A DISTANCE OF 659.82 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 3, BLOCK 28; THENCE N.00°56'30"W. ALONG THE WEST LINE OF SAID TRACT 3, BLOCK 28, A DISTANCE OF 603.90 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-12 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS; THENCE N.89°03'30"E., ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 659.82 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 3, BLOCK 28; THENCE S.00°56'30"E., ALONG SAID EAST LINE, A DISTANCE OF 603.90 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 398,465 SQUARE FEET/9.1477 ACRES, MORE OR LESS.

## Exhibit 2

### Consistency with Comprehensive Plan

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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, the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:*

1. *The natural environment, including topography, soils and other natural resources; (see Public Facilities Section)*
2. *The availability of facilities and services; (see Public Facilities Section)*
3. *The adjacent and surrounding development; (see Compatibility Section)*
4. *The future land use balance;*
5. *The prevention of urban sprawl as defined by 163.3164(51), F.S.; (See Consistency with Florida Statutes)*
6. *Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and (see Neighborhood Plans and Overlays Section)*
7. *Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1. (see Public and Municipal Review Section)*

The applicant includes a Justification Statement (Exhibit 3) which provides the following factors as justification:

- “The 8.83 acre property to the west which was previously tied together with the subject property removed many of the site design and LCC related conditions of approval in 2018. This property was not part of that application submittal and is therefore still bound by those restrictions. Development of a small 9 acre property as a LCC would not be feasible.”
- “The LCC has been effectively eliminated from the County's Comprehensive Plan as it was never implemented on any properties. The Planning Division has not been imposing conditions of approval related to site design in recent times as these types of conditions have proven to be cumbersome and tend to limit creative development not contemplated at the time the conditions were imposed.”

**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.

In 2009, The Board of County Commissioners adopted Ordinance 2009-028, a future land use amendment changing the future land use on 19.04 acres from LR-2 to CH/2. The 9.15 acre subject site was a part of this amendment along with the 8.83 acre property on the adjacent west side, known as Haley Farms. As the site did not meet the commercial location criteria at the time, conditions of approval were assigned to the entire 19.04 acre

site which allowed up to 300,000 square feet of non-residential uses while requiring a mix of uses including residential, pedestrian orientation, parking structures or hardscape and landscape treatments for parking and pedestrians, 5% usable open space, vertical integration of uses, and a maximum single tenant size of 65,000 square feet.

The applicant's justification includes recent revisions to the original amendment in 2009 (Lake Worth/Turnpike SW Commercial (LGA 2009-006), revising conditions of approval for 8.83 acres of the original 19.04 acre site as none of the three LCCs that were originally approved had been developed. The applicant states that the subject site was not included in that amendment and developing the subject site as an LCC would not be feasible. The applicant also states that the LCC requirements have been mostly eliminated from the Comprehensive Plan, leaving the subject site as the last remaining with LCC requirements.

Staff concurs that there is a basis for eliminating the LCC requirement due to the prior amendment eliminating the requirement, and that there is a basis for eliminating the mixed use and parking design requirements due to the smaller size of the site. The applicant is not proposing to eliminate the condition regarding the pedestrian and vehicular connectivity or the 65,000 square foot cap for a single retail tenant.

The West Lake Worth Corridor Neighborhood Plan has been received and filed by the Board of County Commissioners. The County is required to consider neighborhood plan recommendations, but there is no requirement to apply the recommendations. Many of the recommendations, mostly related to pathways and landscape buffers, have been applied to the residential projects approved in the area. The basis for the design guideline conditions was in part to implement development of an LCC. However, the fact that the LCC development type requirement has largely been eliminated from both the Comprehensive Plan and the Unified Land Development Code, there is no longer a basis for retaining most of the design guidelines. Eliminating these conditions of approval to allow this smaller project site to develop is warranted. Therefore, the applicant has met the requirements for adequate justification to support the request.

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:** The proposed amendment does not propose to change the future land use designation but seeks to amend conditions of approval related mainly to design of a mixed use development type. The required design guidelines are no longer warranted given the significantly smaller site, the completion of the neighborhood plan, the elimination of the LCC provisions in the Comprehensive Plan, the elimination of the requirement for development of an LCC on the original and larger 37 acres site to the west, and the removal of the LCC conditions of the adjacent parcel included in the original LCC amendment for the subject site. The proposed deletion of the requirement to develop an LCC and most of the design guidelines does not detract from the above County Directions.

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.” No parcel in same ownership is left out of the proposed amendment. Therefore, the proposed amendment is not piecemeal, and does not create a residual parcel pursuant to this policy and definition.

4. **Residual Parcel – FLUE Policy 2.1-i:** *As a means of promoting appropriate land development patterns the County shall discourage the creation of residual parcels within or adjacent to a proposed development. If such a situation is identified, and the residual parcels cannot be eliminated, then the development shall be designed to allow for interconnectivity with the residual parcels through various techniques including, but not limited to, landscaping and pedestrian and vehicular access. In addition, the future land use designation and/or zoning district of the residual parcel shall also be considered by the Board of County Commissioners, concurrently with the development, to ensure that an incompatibility is not created.*

**Staff Analysis:** The Comprehensive Plan’s Introduction and Administration Element defines residual parcel as “a property under the same or related ownership that has been left out of a development area, resulting in a parcel which has limited development options and connections to surrounding properties.” The proposed amendment will not create residual parcels as there are no adjacent sites under common ownership. Therefore, the proposed amendment is consistent with 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.....”*

**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 proposed amendment does not seek to change the future land use designation but proposes to amend conditions related to design guidelines for a mixed use type development. The proposed amendment does not seek to alter the character of the overall area. Therefore, the proposed amendment is consistent with this policy.

**2. Policy 4.4.4-d: Lifestyle Commercial Center.** *Lifestyle Commercial Center (LCC) Lifestyle Commercial Center is a type of Traditional Marketplace Development (TMD) that allows an individual tenant to occupy up to 100,000 sq. feet. The LCC is only allowed in the in the Urban Suburban Tier and only on the sites assigned a commercial future land use designation and condition of approval requiring the use of the LCC by Ordinance 2008-048 and 2009-028.*

**Staff Analysis:** At the time of submittal of the 2009 amendment for the subject site together with the 8.83 acres adjacent to the west, the request for Commercial would have been inconsistent with the Comprehensive Plan if not proposed as an LCC since the site was not located at an intersection and did not meet the commercial location criteria. Therefore, the amendment was approved subject to policies established in the Plan one year prior, through Ordinance 2008-033, which allowed mid-block sites to be if approved as a Lifestyle Commercial Center (LCC), a new mixed use development type at the time.

The adoption of the 2009 amendment on the subject site was also consistent with the future land use amendment on the larger 37 acre site on the southwest corner of Lake Worth Road and Polo Road known as Lake Worth Commercial (LGA 2008-009). The amendment on that 37 acre site included conditions requiring that site be developed as an LCC and included design guidelines. The design guideline conditions of approval helped to ensure that the LCC vision would be realized without creating a new Zoning district and were required as part of the previous Policy 4.4.4-d (formerly Policy 2.2.2-c). The ULDC was later amended to establish a corresponding LCC zoning district, which largely emulated the existing TMD requirements. It was later determined that the LCC zoning district was unnecessary, since neither the site on the southwest corner of Lake Worth Road and Polo Road nor the site west of the subject site developed using the LCC regulations, and the commonality with the Traditional Marketplace (TMD) Zoning provisions. The only difference between them was the ability for an LCC to develop a single tenant up to 100,000 sf whereas the TMD was limited to a maximum tenant size of 65,000 sf. Furthermore, each amendment site had been adopted with conditions of approval in the FLUA amendment to guarantee minimum compliance with the LCC concept as originally envisioned.

This above referenced Policy was subsequently amended in January of 2017, largely deleting the LCC provisions in the Comprehensive Plan. Subsequently, the LCC Zoning District was deleted from the Unified Land Development Code the following August, eliminating the LCC as a standalone zoning district and retaining the term solely for the approved sites in the above referenced policy.

The 37 acre site on the southwest corner of Lake Worth Road and Polo Road was the subject of an amendment in October 2017 to amend conditions and increase the density for underlying residential designation from LR-2 to MR-5. Among the adopted condition changes was the deletion of the requirement to develop as an LCC.

In 2018, The 8.83 acre site west of the subject site applied for a future land use amendment to remove the conditions to develop as a LCC. The land use amendment removed design criteria related to the LCC while maintaining square footage approvals related to the equitable allocation from the original 2009 land use approval. The site maintained conditions related to connectivity and cross access and also limited the size of a single retail tenant to a maximum of 65,000 square feet. The amendment was approved which made the subject site the last parcel with a condition requiring the site to be developed as a LCC.

The conditions of approval adopted on the subject site as part of the original approval were meant to ensure the development of the site under the then newly created mixed use LCC development type. However, given the changes to the Policy and the subsequent deletion of the requirement to develop as an LCC on the larger site at the southwest corner of Lake Worth and Polo Roads, and the adjacent site to the west that was formerly part of the current ordinance but has since been subject to two amendments, the deletion of the requirement to develop as an LCC and proposed changes to conditions are warranted. The first adopted condition is allocating the remaining square footage in Ord. 2009-028 to the subject site. The applicant is proposing to distribute the remaining approved square footage in Ord. 2009-028 to the subject site. In 2019, the Haley Farms parcel to the west, through revised conditions of approval, was allocated 145,790 square feet of the total 300,000 square feet allowed on the combined sites. This distribution reflects the equitable distribution of the 300,000 total square feet taking into account the right of way dedication of .87 acres of the original 19.04 acres. This results in 154,210 square feet for the subject site. There is no issue with the proposed change.

The second condition is requiring vehicular and pedestrian cross access to the parcel to the west. The current site plan submitted by the applicant in the concurrent zoning application ( PDD/W/CA-2021-01526) is proposing to keep cross access to the west (Polo Gardens MUPD) which is part of the original LCC approval (LGA 2009-006) that incorporated both the subject site and the adjacent site to the west. The condition for cross access to the west would comply with Policy 4.3-g, which requires that similar neighboring land uses shall employ access management techniques such as vehicular and/or pedestrian cross access between development projects to encourage inter-connectivity both within and between sites, and reduce the need to use the primary street system to access adjacent sites. Since the site was granted a commercial land use designation in 2009, it had to provide interconnectivity at the time due to existing policy language that required all new commercial future land use designations to include interconnectivity.

The final condition is retaining the requirement that no single retail tenant is to exceed 65,000 square feet. The applicant proposes Condition 3 in order to retain the single tenant



cap. The requirements of this condition are appropriate to ensure that this site provides the ability to prevent large big box retail type development consistent with the same limitation established in 2017 on the larger 37 acre site on the southwest corner of Lake Worth Road and Polo Road as well as the 8.83 acre Haley Farms site to the west and consistency with the Neighborhood Plan.

### **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:** Immediately abutting the site to the north is the Lake Worth Drainage District L-12 Canal. Lake Worth Road, a six lane arterial, is located north of the canal. Directly across Lake Worth Road is the Lake Worth Commons MUPD with a CL-O/2 FLU and 90,000 square feet of commercial uses. To the northwest of the subject site is the Quartet Medical Office site (SCA 2020-014), which had a recent future land use amendment from LR-2 to CL-O/2 on the 1.61 acre site. The site currently has approvals for 10,898 square feet of medical offices uses. North of the subject site is the 150 acre, 152 single family unit, western half of Cypress Woods PUD (Control No. 1986-98) with an LR-3 FLU. Cypress Woods is developed at a density of 1.01 units per acre. The eastern half of Cypress Woods (aka Summer Chase) is separated by Blanchette Trail. This portion is 70 acres and developed with 221 single family units at a density of 3.15 and accesses Lake Worth Road via Cypress Isle Way across from the subject site. Near the Turnpike, is a built office development on 12 acres with CL-O/2 FLU, built commercial with CL/3 FLU on 17.5 acres developed with self-storage and indoor entertainment (Skate Zone), and built commercial with CH/2 FLU on 5.5 acres developed with a hotel, fast food restaurant, and convenience store/gas sales.

**South:** Immediately south is the unbuilt multifamily residential portion of Polo Gardens MUPD with a MLU land use of CH and MR-5. The total site is 25.79 acres with 19.92 acres consisting of 284 dwelling units. Further south is the Fields at Gulfstream Polo PUD with the most adjacent pod (B) to the subject site having 227 dwelling units with a mix of zero lot line single family homes and townhouse units. Pod C is located south of Pod B along Polo Road and contains 347 dwelling units of both zero lot line single family homes and townhouse units.

**East:** To the east of the subject site is Lake Worth Royale, a land use amendment for 30.02 acres at the southeast corner of Lake Worth Road and Hooks Road. The amendment changed the FLU from LR-2 to CH/2 on 3 acres and from LR-2 to HR-8 on 27.02 acres. The site has approvals for 370 dwelling units which includes 51 TDRs and a 70 Workforce Housing Program density bonus units, in addition to a 70 unit workforce housing requirement. The 3 acre commercial portion of this site is located on the southeast corner of Lake Worth Road and Hooks Road, and has approvals for a 2,500 square foot Type 1 restaurant and a 12,998 square foot general daycare.

**West:** Directly West is Haley Farms, the 8.83 acre site that originally received approvals as a LCC along with the subject site of this amendment. The amendment included conditions limiting the site to 300,000 square feet of mixed used and required design elements including interconnectivity. The Haley Farms site received a land use amendment in 2018 deleting conditions of approval to be developed as an LCC, and allocated a proportionate share of the square footage between the two sites. Further west is Polo Legacy MXP, which consists of 184 dwelling units with a mix of multifamily and townhouses and a variety of commercial uses such as retail, convenience store, type 1 restaurant with and without drive thru and a car wash facility, totaling 48,849 square feet.

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

**Applicant’s Comments:** The applicant states that the proposed amendment is compatible with the surrounding uses based upon the following:

- *“Primary access is available from Lake Worth Road, a major east-west right-of-way designated as an Urban Arterial Road, thus directing traffic away from local roads in the vicinity*
- *“The Property is located at a node that is identified in the West Lake Worth Road Neighborhood Plan. The Neighborhood Plan identifies the Property and the property to the west as Commercial High. On this basis, the proposed development concept at this location is determined to be compatible.”*
- *“The proposed use is consistent with the existing development pattern and adjacent uses that have occurred within the Neighborhood Plan and along the Lake Worth Road corridor.”*

**Staff Analysis:** As stated in the prior final amendment staff report, dated August 25, 2009, for the subject site, the requirement at that time for an LCC, design guidelines, and a mixed use development was in part to mitigate any concerns regarding incompatibility and encroachment with the then LR-2 designated property to the south. However, since the subject site already has a CH/2 designation, there are no encroachment issues and given the MR-5 designation now adopted to the south, there are no incompatibility concerns. Therefore, the proposed amendment is consistent with this policy.

#### **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 proposed amendment is not located within an overlay.

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

*amendment, or issuance of a development order for a rezoning, conditional use or Development Review Officer approval.....”*

**Staff Analysis:** The subject site is located within the West Lake Worth Road Neighborhood Plan which envisioned that the subject site as well as the parcels adjacent to the west would be developed as Commercial. The property is not identified for any increase to the underlying residential LR-2 designation.

The Lake Worth Road Coalition, Inc., a major stakeholder in formulating the Plan, has not submitted any changes to the Neighborhood Plan for consideration for the BCC to receive and file since the formulation of the plan and its original receipt by the BCC in 2009.

The neighborhood plan contains some design guidelines related to connectivity, pathways along the main connector roadways, landscape buffers, and tenant size. A requirement for connectivity and the limitation on tenant size is proposed to be retained in the proposed conditions and the location of pathways have been implemented at the zoning stage for other development order approvals in the area. Therefore, the proposed amendment is consistent with the Neighborhood Plan.

## **E. Public Facilities and Services Impacts**

The CH/2 future land use designation is not proposed to be amended. The proposed amendment proposes to amend conditions of approval to delete the requirement to develop as an LCC, delete design guidelines, and allocate a portion of the previously approved square footage to the subject site 9.15 acres. Public facilities impacts are detailed in the table in Exhibit 4.

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

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

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

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

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

**Staff Analysis:** The amendment does not propose an increase in the intensity or density. Therefore there is no proposed additional traffic and the County's Traffic Engineering Department was not required to review this amendment for consistency with Policy 3.5-d. A Traffic Study (see Exhibits 4 & 5) was not required to be submitted.

## **II. Public and Municipal Review**

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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 March 24, 2023. To date, no objections to this amendment through the IPARC process have been received. In addition, on March 24, 2023, a municipal notice was sent to the City of Greenacres regarding the amendment. As of writing 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 March 24, 2023. On the same date, the Lake Worth Road Coalition, Inc. and the following Home Owners Associations were notified by mail: Summer Chase, Cypress Trails, Legend Lake Estates, Cypress Woods, Woods Walk, and Cedar Creek Ranch. Letters received throughout the public hearing process are added to Exhibit 8.

## Exhibit 3

### Applicant's Justification and Consistency with Comprehensive Plan

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#### Consistency with the Comprehensive Plan and Florida Statutes

##### Introduction

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment for the property located at the southwest corner of Lake Worth Road and Hooks Road ("Property") to revise the conditions of approval imposed by Ordinance 2009-028.

##### **I. PROPOSED FLUA MAP AMENDMENT**

The Applicant is requesting a Future Land Use Amendment to modify the following conditions imposed by Ordinance 2009-028 as follows:

1. The land area within Ordinance No. 2009-028 is limited to a maximum of 300,000 s.f. of non-residential uses or equivalent traffic generating uses. The CH/2 future land use designation and associated uses are limited to the 9.15 acres of CH/2 identified in Ordinance No. 2022-xxx. This land area is limited to a maximum of 154,210 s.f. commercial retail or equivalent traffic generating uses, with the remaining 145,790 s.f. assigned to the 8.83 acres of CH identified in Ord. 2021-012.
2. ~~The development of the subject site shall adhere to the following design guidelines and shall be developed as a Lifestyle Commercial Center (LCC) consistent with FLUE Policy 2.2.2-c:~~
  - ~~• The project shall have a mix of at least three of the following uses: retail including restaurant, office, institutional, hotel, work/live and residential. One of these uses must be work/live or residential. Flexibility with the site's allocation and location of identified uses may be considered as permitted by the ULDC.~~
  - ~~• The project shall provide public usable open space and/or institutional uses that may promote social and cultural activities. At least 5% of the project shall be prominently located and designated as public usable open space to create squares, greens and/or plazas.~~
2. ~~Vehicular and pedestrian connections shall be provided to all existing and future adjacent development.~~
  - ~~• The interconnected vehicular and pedestrian circulation system shall provide on-street parking and access to transit stops and off-site pedestrian and bicycle systems where feasible.~~
  - ~~• The internal street network shall form a block structure to facilitate the pedestrian-oriented design of the project. The largest block perimeter shall measure no more than 1,800 linear feet. At least three full block structures shall be created. Building mass, placement, and build to lines shall be utilized to provide a spatial definition along streets. The design shall incorporate human-scale elements along streets and in common areas that includes but is not limited to seating, landscaping, lighting and water or art features.~~
  - ~~• Parking shall be located in structured parking, or shall require hardscape (e.g. sidewalks, arcades, arbors) and landscape treatments that enhance the pedestrian environment and preserve the spatial definition along streets created by building placement. Parking and access in front of buildings shall be limited to no more than one double row of pull-in parking accessed via a two-lane drive aisle and dispersed to strengthen the pedestrian system.~~
  - ~~• The project shall demonstrate a vertical as well as horizontal integration of uses.~~
3. No single retail tenant shall exceed 65,000 square feet. Single large tenants must have architectural facade treatments or liner tenants to reduce large single-use frontage facades along streets. All buildings shall provide four-sided architecture.

### Description of Site Vicinity

The Property is located within the West Lake Worth Road Neighborhood Planning area. The Property is located at the southwest corner of Lake Worth Road and Hooks Road and has a Future Land Use designation of Commercial High with an underlying 2 units per acre (CH/2). To the north of the Property are commercial uses which include a construction company, an insurance agency, a property management company, an accountant office, an investment service office, a gold dealer, and a beauty salon. To the east of the Property are commercial and residential uses. To the south and the west of the Property is undeveloped property currently being used for agriculture purposes.

Land uses directly abutting the Property include the following:

<b>Adjacent Property</b>	<b>Land Use Designation</b>	<b>Zoning Designation</b>	<b>Existing Use</b>	<b>Control Number</b>
<b>North</b>	CL-O/2 & LR-2	MUPD & AR	Commercial (Lake Worth Commons)	2002-012
<b>South</b>	MLU	MUPD	Agriculture	2013-296
<b>East</b>	HR-8 & CH/2	PUD & CG	Residential & Commercial (Catalina)	2017-194
<b>West</b>	MLU	MUPD	Agriculture	2013-296

### History

The Property and surrounding properties were historically used for polo related activities such as training areas for horses involved in polo events. The Polo Grounds, as the area was previously called, also hosted multiple polo matches and equestrian related events. Within recent times, the equestrian activity has relocated further west to the Village of Wellington. This former polo area is now being developed into single and multi-family residential communities. As this area started changing from equestrian uses to higher density residential and commercial, the adjacent neighborhood became very active in the interest of preventing urban levels of development and varied housing types from encroaching into their low density area and negatively impacting their lifestyle. The residents were also concerned that the higher density residential development brought an increased amount of workforce housing. The surrounding neighborhood created the West Lake Worth Road Neighborhood Plan in an effort to direct and control proposed development in their community and to prevent the utilization of the County's Workforce Housing and Transfer of Development Rights density bonus programs which promote the development of workforce housing units.

As referenced above, a comprehensive plan amendment was approved in August 2009 for a 19.04 acre Project (PCNs 00-42-43-27-05-028-0041, 00-42-43-27-05-028-0042, 00-42-43-27-05-028-0035, 00-42-43-27-05-028-0032, 00-42-43-27-05-028-0034, 00-42-43-27-05-028-0033, 00-42-43-27-05-028-0031, and 00-42-43-27-05-028-0036) that included the subject 9.15 acre portion of the Property. In 2017, the property owner of the adjacent 8.83 acre property submitted a Comprehensive Plan Future Land Use Atlas amendment for the 8.83 acre portion to eliminate conditions of approval related to site design of the Property as well as assign proportionate shares of the commercial square footage to each property owner. This amendment (Ordinance No. 2018-029) was adopted on October 31, 2018. Subsequently in 2021, that 8.83 acre property was combined with 12.6 acres to the south to create a mixed use project with residential and commercial uses. The subject 9.15 acre Property was referenced in all previous ordinances as it was originally tied to the adjacent 8.83 acres in 2009. The Property has remained undeveloped since that time.



### **G.1 Justification**

Each proposed FLUA amendment must be found to be consistent with the Goals, Objectives, and Policies (GOPs) of the Comprehensive Plan. Future Land Use Element Policy 2.1.f requires that adequate justification for the proposed future land use be provided. Further, the justification statement must demonstrate that a change is warranted and demonstrate the following two factors:

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

**Response:** *The Applicant is not proposing to amend the existing future land use designation of Commercial High, with an underlying 2 units per acre (CH/2). The conditions of approval were originally imposed on the Property when a Lifestyle Commercial Center (LCC) was proposed. This previous LCC was a mixed use project that was intended to have commercial and residential uses integrated on the property along with live/work housing options. Conditions were also imposed to ensure connectivity to adjacent properties that were anticipated to be developed with complimentary uses.*

*The Property's location on Lake Worth Road is appropriate for the Commercial High future land use designation. The existing conditions of approval are no longer appropriate as they were put in place to implement a Lifestyle Center. Only a few lifestyle centers have been built in Palm Beach County, they have all struggled to retain commercial tenants, attract homebuyers and other residents. Examples of such projects include Delray Marketplace, Legacy Place, City Place and Downtown at the Gardens. Deleting the existing conditions imposed by the previous ordinances would not change the suitability of the Property for the Commercial High Future Land Use designation.*

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

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

**Response:** *Several land use amendments have been adopted in the immediate area which signify that the western Lake Worth Road corridor is changing. The following amendments, all located within the West Lake Worth Road Neighborhood Plan, have been approved:*

- Polo Gardens MLU (LGA 2021-012)*
- Fields of Gulfstream (LGA 2021-011)*
- Lake Worth Royale (LGA 2018-027)*
- Haley Farms Commercial (LGA 2018-029)*
- Izzy Lizzy (LGA 2017-016)*
- Lake Worth Commercial (LGA 2017-013)*
- Gulfstream Polo Properties (LGA 2016-007)*
- Andalusia Residential (LGA 2016-032)*
- Rubin Communities (LGA 2015-003)*
- Harborchase of Wellington Crossing (LGA 2015-001)*
- Palm Tree Farms (LGA 2014-002)*
- Gulfstream Properties (LGA 2014-001)*
- Lake Worth/Lyons Residential (LGA 2009-007)*

*The character of the area has changed from a large lot equestrian area with low density land use designations to planned unit developments with medium and high density land use designations. The Property is one of the last remaining undeveloped parcels in the*

area and the proposed commercial development would be considered as infill development.

Additionally, the 8.83 acre property to the west which was previously tied together with the subject Property removed many of the site design and LCC related conditions of approval in 2018. This Property was not part of that application submittal and is therefore still bound by those restrictions. Development of the small 9 acre property as an LCC would not be feasible.

**b. Changes in the access or characteristics of the general area and associated impacts upon the subject site.**

**Response:** As previously mentioned, the 8.83 acre property to the west was the subject of a Land Use amendment that removed conditions of approval requiring compliance with the development of a Lifestyle Commercial Center (LCC) that were imposed on both the 8.83 acre property to the west as well as the subject Property. Removal of those conditions from the adjacent property greatly impacts the development options for subject Property as the two projects will not be developed as one cohesive project.

**c. New information or change in circumstances which affect the subject site.**

**Response:** The existing conditions were originally imposed on the Property when mixed use developments were a newer concept in the suburban area of Palm Beach County. As development continues to move westward, more intense uses are being developed and constructed in the immediate area as well as to the west. The County Zoning Code is constantly being updated to ensure compatibility between uses and properties.

The existing conditions of approval were initially imposed on the Property at the time that the Property and adjacent parcel to the west were proposed to be developed with a mix of residential and commercial uses which would be vertically integrated. Unfortunately, the two parcels were not acquired by one developer with the intent of developing one cohesive mixed use project. Instead, the property to the west was incorporated with additional land to the south and a horizontal mixed use development was proposed. The Property is now being developed independently as an infill parcel and cannot meet the conditioned design requirements due to the parcel size.

Finally, the conditions requiring live-work units to be developed on the Property is not feasible. Live-work units have not been a viable residential development option while the need for workforce housing has drastically increased. If the Property is developed with residential uses, the developer will be required to abide by the current Workforce Housing Program Ordinance.

**d. Inappropriateness of the adopted FLU designation.**

**Response:** The existing Commercial High, with underlying 2 units per acre (CH/2) future land use designation remains appropriate for the Property. As discussed above, the conditions are no longer appropriate. Significant changes in development patterns in the immediate area surrounding the Property as well as current practices within the County's Planning Division have occurred. The LCC has been effectively eliminated from the County's Comprehensive Plan as it was never implemented on any properties. The Planning Division has not been imposing conditions of approval related to site design in recent times as these types of conditions have proven to be cumbersome and tend to limit creative development not contemplated at the time the conditions were imposed. Additionally, a Master Plan to be included as part of the adopting ordinance is no longer required by Planning Staff.

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

**Response:** N/A

**G.2 Residential Density Increases**

This proposed FLU amendment is not requesting to increase residential density.

**G.3 Compatibility**

Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise vibration, smoke, hazardous odors, radiation, and other land use conditions. The definition of “compatibility” under the repealed Rule 9J-5, FAC, is “a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted, directly or indirectly by another use or condition”. With this definition in mind, the requested change would make the subject property more compatible with the surrounding properties which have undergone land use amendments.

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can complement and support each other. For example, an industrial use can provide essential services to residents of surrounding neighborhoods, as well as the community at-large. In addition, buffering, screening, setback, height, and landscaping requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses.

Several factors lead to the conclusion that the proposed FLUA Amendment designation will be compatible with neighboring uses.

- Primary access is available from Lake Worth Road, a major east-west right-of-way designated as an Urban Arterial road, thus directing traffic away from local roads in the vicinity.
- The Property is located at a node that is identified in the West Lake Worth Road Neighborhood Plan. The Neighborhood Plan identifies the Property and the property to the west as Commercial High. On this basis, the proposed development concept at this location is determined to be compatible.
- The proposed use is consistent with the existing development pattern and adjacent uses that have occurred within the Neighborhood Plan and along the Lake Worth Road corridor.

The above factors, coupled with setbacks, buffers and landscaping requirements will dictate that on-site structure(s) will be compatible with the neighboring properties and not create or foster undesirable health, safety, or aesthetic effects.

**G.4 Comprehensive Plan**

The proposed Future Land Use Atlas Amendment is consistent with various goals, objectives, and policies in the Palm Beach County Comprehensive Plan as detailed below.

**Goals** – The proposed FLUA amendment furthers the County’s goals as described below.

- **Strategic Planning** – “...to recognize the diverse communities within the County, to implement strategies to create and protect quality livable communities respecting the lifestyle choices for current residents, future generations, and visitors, and to promote the enhancement of areas in need of assistance.”

**Response:** *Approval of this proposed FLU amendment will allow for the development of a commercial project. The existing conditions significantly limit development of the*

*Property. The area surrounding the Property is a mix of commercial and residential uses. The Applicant intends to develop a multiple use project that will have a variety of commercial uses that will better serve the needs of the surrounding community.*

- **Land Planning** – “...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, and environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities.”

**Response:** *The Property is located within the Urban/Suburban Tier where services and public facilities are already available. The Property's location along a major transportation node with access/frontage on Lake Worth Road contributes to timely, cost effective service provision. The proposed project will better serve the immediate and future needs of the community as it will provide additional employment opportunities. As previously mentioned, the proposed development has become a desirable type of project because it ensures that residents are within close proximity of services and employment opportunities.*

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

- **FLUE Objective 1.2 Urban/Suburban Tier – Urban Service Area** – “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.”

**Response:** *The Property is located within the Urban/Suburban Tier. Services and infrastructure are available to the Property. The proposed amendment to delete the existing conditions will allow for a commercial project to be developed at an intensity consistent with the existing Commercial High, with underlying 2 units per acre (CH/2) future land use designation as well as the other projects within the immediate area.*

- **FLUE 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 provisions 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.”

**Response:** *The Property will retain the existing Commercial High, with underlying 2 units per acre (CH/2) future land use designation. The proposed amendment to delete the conditions of approval will allow for the development of the southwest corner of Lake Worth Road and Hooks Road, one of the last undeveloped/unentitled properties within this corridor of Palm Beach County where facilities and services are available.*

- **FLUE 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.”

**Response:** The Property is located within the Urban/Suburban Tier. The proposed amendment will not change the land use designation, rather delete the existing conditions. The Property will eventually be developed with commercial uses which will utilize the existing services and infrastructure already in place.

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

- **FLUE Policy 1.2-b:** “Palm Beach County shall encourage and support sustainable urban development, including restoration, infill and adaptive reuse.”  
**Response:** The Property is located at the southwest corner of Lake Worth Road and Hooks Road. Much of the surrounding area has already been developed, thus making the Property one of the last undeveloped parcels. The proposed amendment to delete the conditions of approval will ensure that the Property is developed consistent with the surrounding properties as it is effectively an infill parcel.
- **FLUE 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.”  
**Response:** The Property is already designated as Commercial High on the Future Land Use Atlas. The Property is also located on a major thoroughfare (Lake Worth Road).
- **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.”  
**Response:** The Property is already designated as Commercial High on the Future Land Use Atlas as well as located on a major east/west arterial roadway, thus would not result in, or encourage the proliferation of strip commercial development.
- **FLUE Policy 4.3-g:** “Where appropriate, similar and/or complementary neighboring land uses shall employ access management techniques such as shared entrances (to reduce the number of curb cuts) and vehicular and/or pedestrian cross access between like developments (to encourage inter-connectivity both within and between sites and reduce the need to use the primary street system to access adjacent sites).”  
**Response:** The Applicant is proposing to retain connectivity to the property to the west. Additionally, the Property will have access to Hooks Road. Hooks Road will have access to Polo Club Road via a connector road to the south.
- **FLUE Policy 4.3-k:** “The County shall require, where feasible, that commercial land uses employ access management techniques, such as shared entrances and vehicular cross access, between adjacent existing and proposed commercial land uses.”  
**Response:** The Applicant will provide cross access to the commercial property to the west. Additionally, access will be provided to Hooks Road.

### **G.5 Florida Statutes**

Data and analysis demonstrating that the proposed development can be supplied by necessary services without violating adopted LOS standards are presented in Attachment H (Traffic Letter and Study), J (Drainage Statement), K (Fire Rescue Letter), and I (Water and Wastewater Provider Letter). Data and analysis discussing environmental and historical resources impacts are presented in Attachments J (Drainage Statement), M (Wellfield Zone), L (Natural Features Inventory and Map) and N (Historic Resource Evaluation Letter). No negative environmental impacts are identified.

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

- Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single use development or uses.
  - **Response:** *The Applicant is requesting to delete previous conditions of approval regarding site design. The existing future land use designation is Commercial High, with an underlying 2 units per acre (CH/2).*
- Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
  - **Response:** *The Property is located within the Urban/Suburban Tier, which is not rural and urban services such as police, fire rescue and water/wastewater/drainage utilities exist in the immediate area.*
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
  - **Response:** *The Property is surrounded by development and would be considered infill development on a major east-west roadway within the Urban/Suburban Tier.*
- Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
  - **Response:** *This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The Property does not support any environmentally sensitive areas. No listed species were located on the Property, and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
  - **Response:** *The Property is located within the Urban/Suburban Tier. Although it is currently utilized for agriculture uses, the Property is located on a major east-west arterial and surrounded by other intense commercial and residential uses.*
- Fails to maximize use of existing public facilities and services.
  - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. The Property is located within the Urban Service Area (USA) and will not negatively impact public facilities and services.*
- Fails to maximize use of future public facilities and services.
  - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. The Property is located within the Urban Service Area (USA) and will not negatively impact public facilities and services.*
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

- **Response:** *Public services and facilities are already available in the immediate vicinity. The proposed amendment will provide for infill development and fit in with the existing land use pattern.*
- Fails to provide a clear separation between rural and urban uses.
  - **Response:** *The Property is located well within the Urban/Suburban Tier and Urban Service Area (USA). The Property is not adjacent to the Rural Tier or the Agricultural Reserve Tier therefore, the proposal discourages the proliferation of Urban Sprawl by locating goods, services, and employment in close proximity to where people live.*
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
  - **Response:** *This amendment will allow for infill development as development surrounds the Property on all sides. Future development on the Property will serve the current and future needs for the surrounding communities.*
- Fails to encourage a functional mix of uses.
  - **Response:** *Approval of this proposed amendment will allow the development of a multiple use commercial project consistent with the County Land Development Code and Comprehensive Plan. The proposed amendment to delete the conditions of approval will allow for the development of a commercial MUPD.*
- Results in poor accessibility among linked or related land uses.
  - **Response:** *The proposed development will be designed with pedestrian connections as required through the site plan approval process.*
- Results in the loss of significant amounts of functional open space.
  - **Response:** *This amendment does not result in a loss of any functional open space as the subject property is currently not utilized as functional open space.*

**Florida Statutes, Section 163.3177.(6).(a).9.b:** Of those criteria listed in this section the subject property will meet the following criteria which shows that it will discourage the proliferation of urban sprawl:

- Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
  - **Response:** *This amendment does not fail to protect and conserve natural resources as the property is vacant of natural resources. The site is currently undeveloped, and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - **Response:** *The request for a FLUA amendment will maximize the use of future public facilities and services existing and within the Urban/Suburban Tier. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl by locating goods, services, and employment adjacent to existing public infrastructure.*
- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
  - **Response:** *The future development will be designed meeting the requirements for a multiple use planned development (MUPD) project which includes pedestrian connections, bike racks, transit stops, if needed, and other elements that support a compact development.*



- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
- **Response:** *Approval of this proposed amendment will allow the development of a multiple use project that will have a variety of commercial uses within an area of the County that has historically only been developed with low intensity/density residential development. The future MUPD project will contribute to a functional mix of uses within the Lake Worth Road corridor. The proposed uses will better serve the surrounding community as it will provide for additional services and employment opportunities.*

### **Conclusion**

As described above, the proposed FLU amendment to amend the conditions of approval associated with the previous Multiple Land Use is consistent with the Goals, Objectives, and Policies of Palm Beach County's Comprehensive Plan and the Florida State Statutes. The proposed amendment is also compatible with the surrounding area. The proposed amendment does not contribute to urban sprawl. The amendment is consistent with the Comprehensive Plan and will not negatively impact service provision.

### **II. ULDC CHANGES**

No ULDC changes are needed in response to this proposed comprehensive plan future land use atlas amendment.

**Exhibit 4**  
**Applicant's Public Facility Impacts Table**

A. Traffic Information		
	Current	Proposed
Max Trip Generator	General Commercial (ITE # 820)	General Commercial (ITE # 820)
Maximum Trip Generation	No change proposed for traffic generation	
Net Daily Trips:	No change proposed for daily trips	
Net PH Trips:	No change proposed for peak hour trips	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	None. Not applicable	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Route 62.	
Nearest Palm Tran Stop	Route 62 – Stop 5935 – Located on Lake Worth Road, immediately adjacent to Property.	
Nearest Tri Rail Connection	Lake Worth Beach Tri-Rail Station – Via Palm Tran Route 62.	
C. Portable Water & Wastewater Information		
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department. Service capacity is available for the proposed development. Connections will require a lift station and forcemain extension. See Attachment I for letter from Palm Beach County Water Utilities Department.	
Nearest Water & Wastewater Facility, type/size	A 12” potable water main and a 12” sanitary sewer forcemain are located within Lake Worth road adjacent to the Property.	

## **D. Drainage Information**

The site is located within the boundary of South Florida Water Management District C-16 Drainage Basin and lies south of the Lake Worth Drainage District L-12 canal which will have a legal positive outfall to the Lake Worth Drainage District L-12. The proposed project will be designed to meet the established design criteria for water quality treatment as well as water quantity attenuation for the South Florida Water Management District, the Lake Worth Drainage District, Palm Beach County, and the Florida Department of Transportation. See Attachment J for Drainage Statement.

## **E. Fire Rescue**

<b>Nearest Station</b>	Station # 32 – 4022 Charleston Street
<b>Distance to Site</b>	1.4 Miles
<b>Response Time</b>	6 minutes
<b>Effect on Resp. Time</b>	Changing the land use of this property will have some impact on Fire Rescue. See Attachment K for letter from Fire Rescue Department.

## **F. Environmental**

<b>Significant habitats or species</b>	Most of the Property has previously been cleared and utilized for agricultural and equestrian purposes.
<b>Flood Zone*</b>	The Property is located within FEMA Zone X, which is a zone that is outside the floodplain, so no floodplain impacts or compensation is anticipated.
<b>Wellfield Zone*</b>	The Property is not located within a Wellfield Protection Zone. See Attachment M for Wellfield Zone Map.

## **G. Historic Resources**

There are no significant structures or identified historic or architecturally significant resources within 500 feet of the Property. See Attachment N for Historic Resources Letter.

**Exhibit 5**  
**Palm Beach County Traffic Division Letter**

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A traffic study and 3.5-d letter was not required since the proposed amendment is not changing the approved development potential for the subject site.

## Exhibit 6

### Water & Wastewater Provider LOS Letter

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**Water Utilities Department  
Engineering**

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



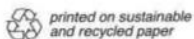
**Palm Beach County  
Board of County  
Commissioners**

Dave Kerner, Mayor  
Robert S. Weinroth, Vice Mayor  
Maria G. Marino  
Gregg K. Weiss  
Maria Sachs  
Melissa McKinlay  
Mack Bernard

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*



August 5, 2021

Morton  
3910 RCA Boulevard  
Palm Beach Gardens, Fl. 33410

RE: SW Corner of Lake Worth Road and Hooks Road  
PCN 00-42-43-27-05-028-0035, 00-42-43-27-05-028-0032, 00-42-43-27-05-028-0034, 00-42-43-27-05-028-0033, 00-42-43-27-05-028-31 & 00-42-43-27-05-028-0036  
Service Availability Letter

Ms. Velasco,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Service capacities are available subject to a Capacity Reservation Agreement with PBCWUD.

The nearest point of connection to potable water is a 12" potable water main located within Lake Worth Road adjacent to the subject property. The nearest point of connection to sanitary sewer is a 12" forcemain located within Lake Worth Road adjacent to the subject property. This connection will require a lift station and forcemain extension.

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.,  
Project Manager

## Exhibit 7

### Disclosure of Ownership Interests

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PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

#### 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

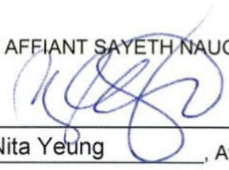
STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared  
Nita Yeung, 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 ☒ Manager [position -  
e.g., president, partner, trustee] of KS Lake Worth 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: 4531 Ponce De Leon Boulevard,  
Suite 300,  
Miami, FL 33146
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.

  
\_\_\_\_\_  
Nita Yeung, Affiant  
(Print Affiant Name)

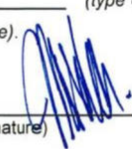
NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA

COUNTY OF ~~PALM BEACH~~ Miami-Dade

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ]  
online notarization, this 29 day of July, 20 21 by  
NITA YEUNG (name of person acknowledging). He/she is personally known  
to me or has produced \_\_\_\_\_ (type of identification) as  
identification and did/did not take an oath (circle correct response).

JOHANA GRANADA  
(Name - type, stamp or print clearly)

  
(Signature)

My Commission Expires on: 04/06/2025



JOHANA GRANADA  
Commission # HH 114390  
Expires April 6, 2025  
Bonded Thru Budget Notary Services



**EXHIBIT "A"****PROPERTY**

A PORTION OF TRACT 3, BLOCK 28, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL A; THENCE S.89°03'30"W., ALONG THE NORTH LINE OF SAID PARCEL A, A DISTANCE OF 659.82 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 3, BLOCK 28; THENCE N.00°56'30"W. ALONG THE WEST LINE OF SAID TRACT 3, BLOCK 28, A DISTANCE OF 603.90 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-12 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS; THENCE N.89°03'30"E., ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 659.82 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 3, BLOCK 28; THENCE S.00°56'30"E., ALONG SAID EAST LINE, A DISTANCE OF 603.90 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.  
CONTAINING 398,465 SQUARE FEET/9.1477 ACRES, MORE OR LESS.

## EXHIBIT "B"

## DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name

Address

Hoi Sang yeung 2011 Family Trust

4531 Ponce de Leon Blvd, Ste 300

Coral Gables, FL 33146

Hing Yu yeung 2011 Family Trust

4531 Ponce de Leon Blvd, Ste 300

Coral Gables, FL 33146

## **Exhibit 8 Correspondence**

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