



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT SMALL SCALE AMENDMENT

PLANNING COMMISSION PUBLIC HEARING, NOVEMBER 3, 2023

A. Application Summary

I. General Data

Project Name:	Northlake Commercial (SCA 2023-22)
Request:	Industrial (IND) to Commercial Low (CL)
Acres:	2.02 acres
Location:	Southwest corner of Northlake Boulevard and Burma Road
Project Manager:	Peter Germain, Planner I
Applicant:	3540 Northlake LP (Jeffrey Preston)
Owner:	3540 Northlake LP (Jeffrey Preston)
Agent:	Yoan Machado, WGI, Inc.
Staff Recommendation:	Staff recommends approval with conditions based upon the findings and conclusions contained within this report.

II. Assessment & Conclusion

This amendment proposes to change the future land use designation of the subject site from Industrial (IND) to Commercial Low (CL). The concurrent zoning application proposes to retain the existing 5,500 square foot retail store and add a 3,200 square foot restaurant with drive-through.

The 2.02-acre subject site is located within the Urban/Suburban Tier on the south side of Northlake Boulevard, approximately midway between Interstate 95 and N. Congress Avenue. The corridor supports primarily commercial uses fronting Northlake Boulevard including car dealerships, auto repair shops, and restaurants, with medium and high density residential uses further north and south. Much of the land area east of the Interstate is within the city limits of Palm Beach Gardens, with isolated areas such as the subject site lying within the Unincorporated County.

The proposed Commercial Low (CL) future land use designation is appropriate as this designation will reflect the commercial uses that have been on this site since at least 1969. In addition to the existing retail structure, a warehouse, and lumber yard was also developed on the subject site. In the early 1990's, an auto repair shop replaced the lumber yard. The proposed amendment is consistent with the land uses along the corridor, including the adjacent municipal future land use designations. In addition, staff is recommending conditions of approval, requiring cross access to the commercial site to the west and also to cap the maximum number of allowable trips on the site in order to comply with FLUE Policy 3.5-d.

Therefore, staff is recommending **approval with conditions** of the amendment.

III. Hearing History

Local Planning Agency:

Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

I. Site Data

Current Future Land Use

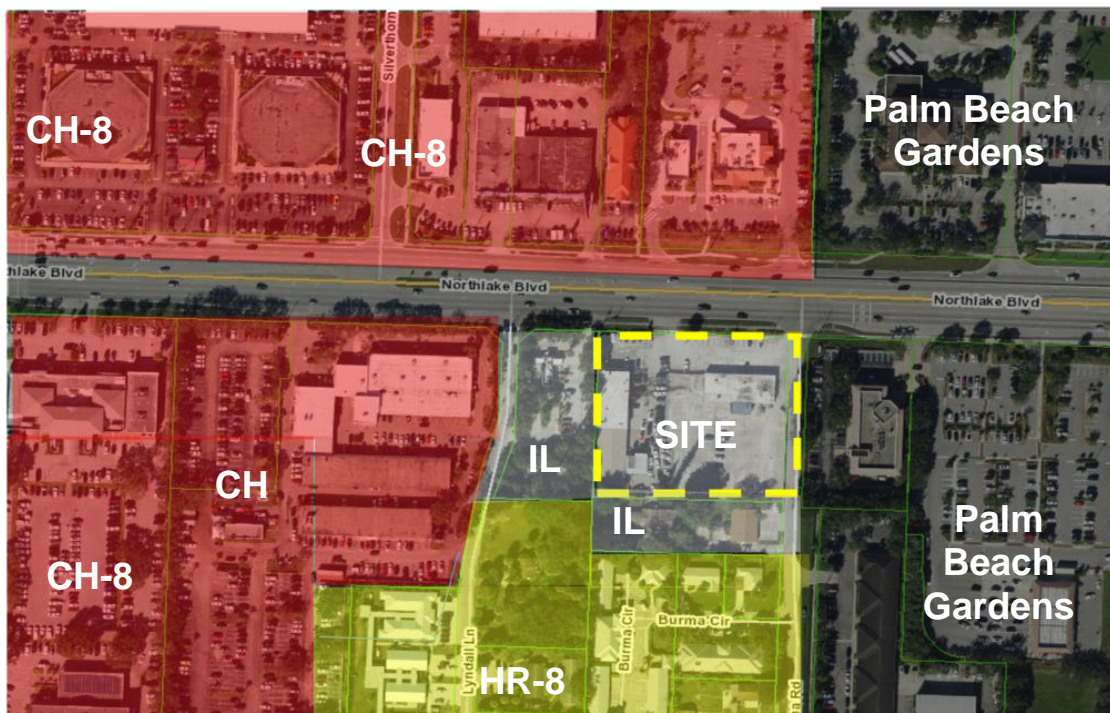
Current FLU: Industrial (IND)
Existing Land Use: Retail and Auto Repair
Current Zoning: Light Industrial (IL)
Current Dev. Potential Max: Industrial uses, up to 74,793 square feet (0.85 FAR)

Proposed Future Land Use Change

Proposed FLU: Commercial Low (CL)
Proposed Use: Commercial
Proposed Zoning: Multiple Use Planned Development (MUPD)
Dev. Potential Max/Conditioned: Commercial uses, up to 43,996 square feet (.50 FAR)

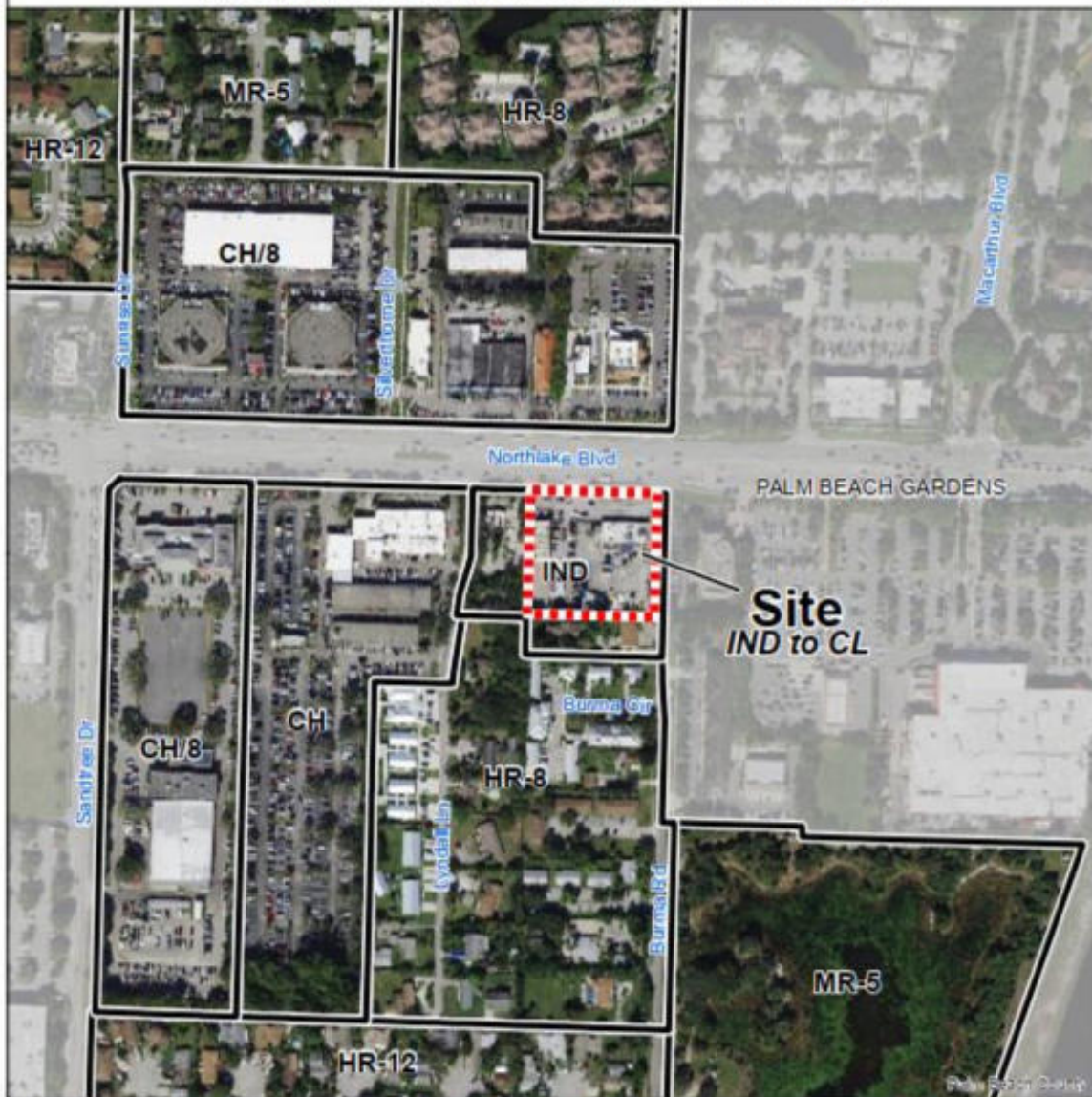
General Area Information for Site

Tier/Tier Change: Urban/Suburban Tier - No change
Utility Service: Seacoast Utility Authority
Overlay/Study: None
Comm. District: Commissioner Maria G. Marino, District 1



Future Land Use Atlas Amendment

Northlake Commercial (SCA 2023-022)



Site Data

Size: 2.02 acres
 Existing Use: Commercial
 Proposed Use: Commercial
 Current FLU: IND
 Proposed FLU: CL

Future Land Use Designations

MR-5 Medium Residential, 5 units/acre
 HR-8 High Residential, 8 units/acre
 HR-12 High Residential, 12 units/acre
 CH Commercial High
 CH/8 Commercial High, underlying HR-8
 IND Industrial

Date: 12/15/22

Contact: PBC Planning

Filename: T:\Planning\ARENDOUS-SCA\SCA23-022-19\04-workfile

Note: Map is not official, for presentation purposes only.



Site

100 0 100 200 Feet



Planning, Zoning & Building
 2300 N. Jog Rd, WPB, FL 33411
 Phone (904) 233-5300



C. Introduction

I. Intent of the Amendment

This is a privately proposed future land use amendment for a 2.02 acre site located in the Urban Suburban Tier. The intent of the amendment is to change the future land use designation on the subject site from Industrial (IND) to Commercial Low (CL) in order to develop 8,700 square feet of commercial uses including retail sales and a restaurant with drive-through.

Background: The amendment is comprised of one parcel located at the southwest corner of Northlake Boulevard and Burma Road, approximately one-half mile east of Interstate 95. The site is located within the boundaries of the Northlake Boulevard Corridor Overlay Zone (NBOZ), which is identified on the Special Planning Areas Map, LU 3.1 and implemented through the Unified Land Development Code (ULDC).

The site is currently developed with a 5,000 square foot auto repair shop and a 5,500 square foot retail store. The site has not been the subject of a prior land use amendment. The retail building has existed on the site since at least 1969. A warehouse and lumber yard were developed on the subject site in addition to the retail structure. In 1974, the subject site and the adjacent site to the west were rezoned from General Commercial (CG) to Light Industrial (IL) via Resolution R-1974-062. Subsequently, in the early 1990's, the existing auto repair shop replaced the lumber yard.

Zoning Application: The concurrent zoning application (ZV/SV/PDD/CA-2023-00374, Control No. 1973-000237) proposes to rezone the subject site from Light Industrial (IL) to Multiple Use Planned Development (MUPD) in order to develop approximately 8,700 square feet of commercial uses. The existing 5,500 square foot retail store will remain, while the vehicle repair and maintenance building will be demolished and replaced with a 3,200 square foot restaurant with drive-through. The application also includes a subdivision variance to allow access from a non-Plan collector road and two zoning variances to reduce the minimum lot size and minimum front setback in order to address existing development conditions. Future cross access to the adjacent site to the west is also depicted on the site plan and required as a condition of approval.

II. Data and Analysis Summary

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

Overview of the Area. The site is located along a corridor that supports primarily commercial uses and commercial future land use designations along the north and south sides of Northlake Boulevard. While much of the corridor east of Interstate 95 is located within the City of Palm Beach Gardens, there are pockets of land, such as the subject site, within the unincorporated County. A mix of residential uses extend beyond both sides of the commercial corridor. The site is located adjacent to existing commercial uses including a fast food restaurant (Checkers) to the west and commercial office uses to the east within the City of Palm Beach Gardens.

Appropriateness of the Amendment. The current Industrial (IND) FLU designation of the site has a development potential of up to 74,792 square feet of industrial uses. However, as detailed in the background section, with the exception of the auto body shop slated for removal, the site has continued to support a commercial use, as has the adjacent IND parcel to the west. The

amendment request for Commercial Low (CL) reduces the potential for intensive, industrial uses to develop in proximity to existing residential uses, and will reflect the current retail use on the site while also allowing for the development of a restaurant with drive-through and related site improvements. The proposed amendment is also consistent and compatible with the commercial development pattern in the corridor.

Compatibility: As mentioned, the site is located in a predominately commercial and residential corridor along Northlake Boulevard east of Interstate 95. The properties fronting the north and south sides of Northlake Boulevard support various commercial uses and a range of medium and high density residential uses exist beyond them to the north and south. More specifically, the site currently supports a commercial use, and is adjacent to commercial uses to the east and west with residential uses to the south. The proposed amendment to Commercial Low would complement the established development pattern and could provide a transition between the commercially designated properties along Northlake Boulevard and the residential uses to the south. As such, the proposed amendment is compatible and consistent with the adjacent uses and the character of the corridor.

Assessment and Recommendation. This amendment proposes to change the future land use designation of the subject site from Industrial (IND) to Commercial Low (CL). The concurrent zoning application proposes to retain the existing 5,500 square foot retail store and add a 3,200 square foot restaurant with drive-through.

The 2.02-acre subject site is located within the Urban/Suburban Tier on the south side of Northlake Boulevard, approximately midway between Interstate 95 and N. Congress Avenue. The corridor supports primarily commercial uses fronting Northlake Boulevard including car dealerships, auto repair shops, and restaurants, with medium and high density residential uses further north and south. Much of the land area east of the Interstate is within the city limits of Palm Beach Gardens, with isolated areas such as the subject site lying within the Unincorporated County.

The proposed Commercial Low (CL) future land use designation is appropriate as this designation will reflect the commercial uses that have been on this site since at least 1969. In addition to the existing retail structure, a warehouse, and lumber yard was also developed on the subject site. In the early 1990's, an auto repair shop replaced the lumber yard. The proposed amendment is consistent with the land uses along the corridor, including the adjacent municipal future land use designations. In addition, staff is recommending conditions of approval, requiring cross access to the commercial site to the west and also to cap the maximum number of allowable trips on the site in order to comply with FLUE Policy 3.5-d.

Therefore, staff is recommending ***approval with conditions*** of the amendment.

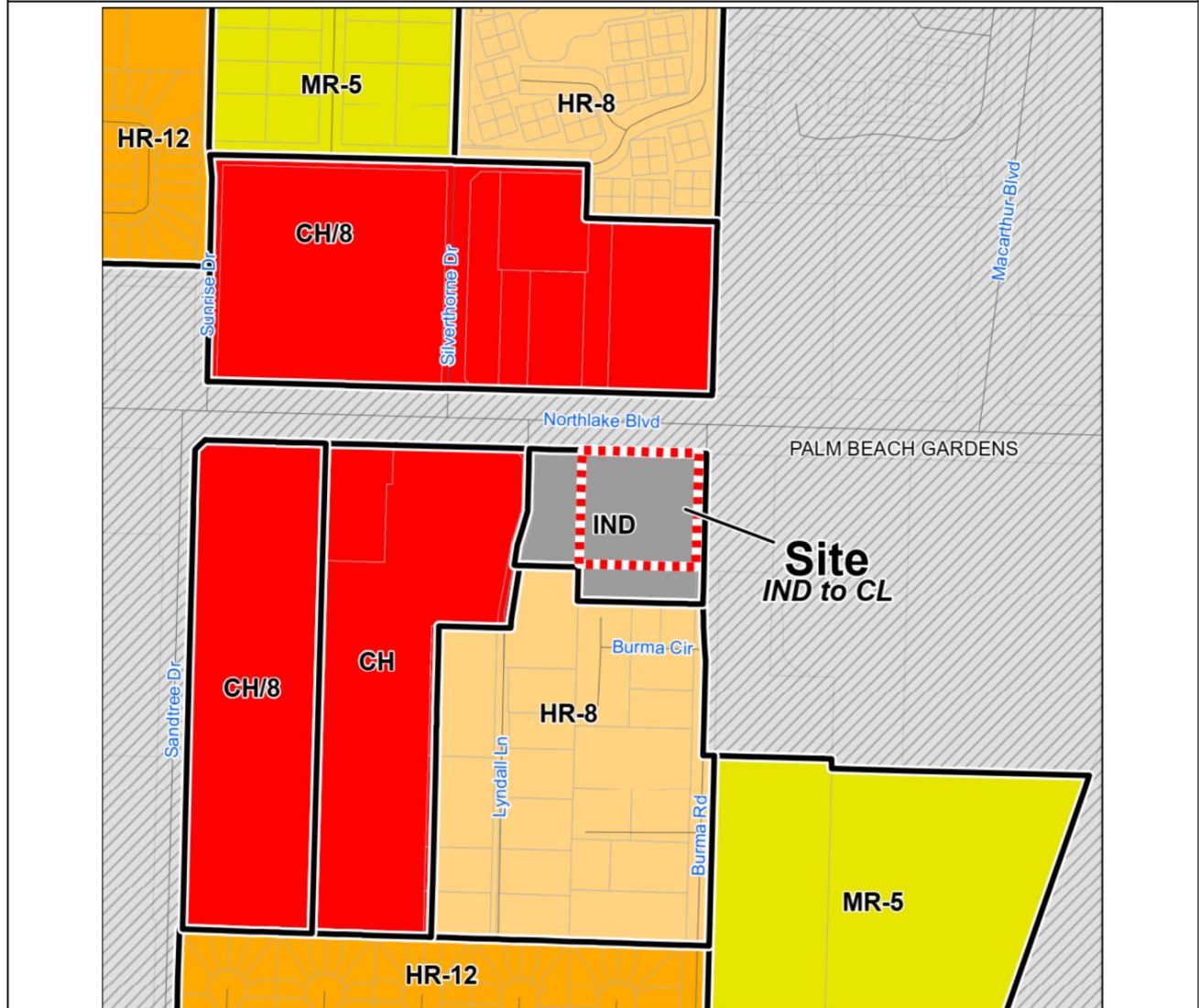
Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Consistency with Comprehensive Plan	E-3
3. Applicant's Justification/Consistency with Comprehensive Plan	E-11
4. Applicant's Public Facility Impacts Table	E-23
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Exhibit 1

Amendment No:	Northlake Commercial (SCA 2023-022)
FLUA Page No:	38
Amendment:	From Industrial (IND) to Commercial Low (CL) with conditions
Location:	Southwest corner of Northlake Boulevard and Burma Road
Size:	2.02 acres approximately
Property No:	00-43-42-19-00-000-3024

Conditions:

1. The site is limited to a maximum of 1,668 net daily trips, 46 net AM peak hour trips, and 139 net PM peak hour trips.
2. Vehicular cross access shall be provided to the parcel to the west.



Legal Description

Acres: 2.022

THE EAST 331.69 FEET OF THE NORTH 367 FEET OF THE EAST ONE-HALF (E-1/2) OF THE NORTHWEST ONE-QUARTER (NE-1/4) OF THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 30 FEET AND THE NORTH 75 FEET FOR ROAD RIGHTS OF WAY.

Exhibit 2

Consistency with Comprehensive Plan

This Exhibit examines the consistency of the amendment with Palm Beach 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 existing Industrial land use is no longer appropriate on the subject site due to its location along Northlake Boulevard.*
- *The property is surrounded by commercial development and therefore is appropriate for infill commercial development and adaptive reuse along the Northlake Boulevard corridor.*

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

The current development potential for the subject site is 74,793 square feet of industrial uses. The proposed amendment would allow a conditioned potential of up to 40,513 square feet of commercial uses. The concurrent zoning application is proposing a 5,500 square foot retail building and a 3,200 square foot restaurant with a drive-through and outdoor seating.

With regards to justification, the proposed Commercial Low (CL) future land use designation is appropriate as this designation will reflect the commercial uses that exist on this site. As documented in a Zoning Confirmation Letter issued May 25, 2022 (ZC-2022-778), the subject site has supported the 5,500 square foot retail building since at

least 1969. A warehouse and lumber yard were developed on the subject site in addition to the existing retail structure. In 1974, the subject site and the adjacent site to the west were rezoned from General Commercial (CG) to Light Industrial (IL) via Resolution R-1974-062. Subsequently, the 1980 Comprehensive Plan identified this corridor from Interstate 95 east to Palm Beach Gardens municipal limits as having a commercial potential. While much of the corridor was assigned a Commercial FLU designation with the adoption of the 1989 Comprehensive Plan, the subject site and parcel to the west were assigned an Industrial FLU, due to the sites' existing IL zoning. In addition, this particular section of Northlake Boulevard contains many of the parcels fronting the corridor that have been developed with commercial uses such as car dealerships, gas stations and restaurants with drive-through. Therefore, the proposed Commercial Low designation is consistent with other commercially-designated parcels along this corridor.

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 to allow commercial low uses would be consistent with the character and development pattern of this particular area, which can be characterized as a mixture of medium and high intensity commercial and residential uses. With respect to land use compatibility, which is also addressed elsewhere in this report, the proposed Commercial Low designation is appropriate and may serve as a transitional use between the commercial development along Northlake Boulevard and the residential uses to the south of the subject site. The proposed redevelopment and related improvements to the site further Directions 2 and 3 and would not detract from any of the 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.” The proposed amendment is consistent with this policy as there are no adjacent sites under common ownership.

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 inter-connectivity 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.

5. **Strip Commercial – FLUE Policy 2.2.2-d:** *The County shall not designate additional commercial areas on the Future Land Use Atlas that would result in or encourage the proliferation of strip commercial development. Strip Commercial Development is defined in the Comprehensive Plan Introduction and Administration Element as follows:*

STRIP COMMERCIAL DEVELOPMENT - A form of development that is designed primarily for vehicular access and is hazardous or inconvenient for pedestrians to use. Strip commercial development may include any of the following:

1. *Intense, largely non-residential development, which is shallow in depth, and lies along a length of roadway*
2. *Poorly coordinated site plan, with buildings organized in a linear pattern or in isolated “islands”*
3. *Separate driveways or curb cuts from adjacent properties*
4. *Separate parking lots from adjacent properties*
5. *Inadequate accessibility and circulation for pedestrians and bicycles*

Staff Analysis: The proposed amendment does not exhibit any of the characteristics of strip commercial development as defined in the Introduction and Administration Element of the Comprehensive Plan. The site is located on an established commercial corridor, and the concurrent site plan depicts a coordinated development that employs interconnectivity techniques. The subject request would not result in an isolated island, separate parking lots, or the other substantial characteristics of strip commercial development identified in this FLUE policy. In addition, staff is recommending a condition of approval for the site to provide vehicular cross access to the commercial designated parcels to the west. Therefore, the proposed amendment does not violate this policy.

6. **FLUE Industrial - Policy 2.2.4-a:** The County shall apply Industrial future land use categories at appropriate locations and intensities to satisfy the need for industrial space, provide opportunities for the retention and expansion of industrial and employment based economic activities, and to promote economic development consistent with the County's economic development directives. The County shall also encourage a broad range of employment opportunities and shall discourage Future Land Use Atlas amendments that result in the loss of industrially designated land.

Staff Analysis: This policy was adopted in 2015 by the Board to discourage the conversion of industrial future land use in the County, thereby preserving opportunities for economic development and a strong, diverse economy. However, the subject site at 2.02 acres is an unsuitable size to support an industrial use that could promote economic development and would not represent a significant loss of industrially designated land.

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 will allow for additional commercial uses consistent with the needs of urban and suburban development as Northlake Boulevard is a six-lane major thoroughfare consisting of commercial development including restaurant, office, and retail uses. The proposed development is compatible with the scale, mass, intensity of use, height, and character of the neighboring communities considering the proposed site design and the requested amendment to Commercial Low (CL), which can serve as a transitional use between Northlake Boulevard and residential to the south. To this end, staff may consider future requests to convert the two remaining adjacent IND parcels to more appropriate designations suitable for the existing uses and consistent with the development pattern.

2. **Policy 2.2.2-a:** *In order to discourage strip commercial development, to limit commercial development to nodes, to foster interconnectivity, and to promote the development of innovative mixed use projects inside the Urban Service Area, all new commercial future land use designations shall meet one of the following location requirements:*

- *Intersection Location:*

- *Commercial Low, High Office, or High future land use designations shall have frontage on built roadway segments identified as an arterial road and a collector road, or two arterial roads.*
- *Contiguous Location – All new commercial future land use designations shall be contiguous to a lot(s) with a commercial future land use designation. Contiguous is defined as lot(s) that share a common border. Lots that touch point-to-point, and lots which are separated by waterways, streets, or major easements are not considered contiguous.; or*
- *Flexible Location – Mixed-use development patterns identified in the Future Land Use Element (e.g. LCC, TMD, TND) or Commercial Low-Office future land use designations may be allowed in any location along all arterial or collector roads.*

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

Staff Analysis: As stated in the preface of the above FLUE policy, the location criteria standards were established in an effort to discourage strip commercial development in the Urban Service Area, which are oftentimes characterized by shallow, individual lots with linear-style buildings, poor interconnectivity and inadequate parking and/or pedestrian facilities. While the subject site has frontage along Northlake Boulevard (identified as an Urban Major Arterial listed in Figure TE 3.1, Functional Classification of Roads), it does not meet the Intersection Location criteria as Burma Road is not classified by Figure TE 3.1. The site is not considered contiguous to a lot with a commercial future land use designation because the nearest commercial FLU is separated from the subject site by Burma Road. Lastly, the site does not meet the flexible location criteria given it is not Commercial Low Office or considered a mixed land use.

Through consideration of the applicant's request and research of the site's development history, the development pattern of the corridor, and the uses and site design proposed in the zoning application, staff have determined that the request for Commercial Low meets the policy's objective and intent. The proposed request would not result in strip commercial development; fosters adaptive reuse and infill development intended for the Tier; and compliments the commercial nature of the corridor.

In addition, the proposed Commercial Low (CL) future land use designation is appropriate as this designation will reflect the commercial uses that exist on this site. As documented in a Zoning Confirmation Letter issued May 25, 2022 (ZC-2022-778), the subject site has supported the 5,500 square foot retail building since at least 1969. A warehouse and lumber yard were developed on the subject site in addition to the existing retail structure. In 1974, the subject site and the adjacent site to the west were rezoned from General Commercial (CG) to Light Industrial (IL) via Resolution R-1974-062. Subsequently, the 1980 Comprehensive Plan identified this corridor from Interstate 95 east to the City of Palm Beach Gardens municipal limits as having a commercial potential. While much of the corridor was assigned a Commercial FLU designation with the adoption of the 1989 Comprehensive Plan, the subject site and parcel to the west were assigned an Industrial FLU, due to the sites' existing IL zoning.

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. The applicant lists the surrounding uses and future land use designations and provides a compatibility analysis in Exhibit 3.

Surrounding Land Uses: Surrounding the subject site are the following:

North: Immediately north of the site (across Northlake Boulevard) is a 2.77 acre lot supporting an approximately 2,400 sq. ft. Chipotle and a 7,300 sq. ft. Olive Garden. To the east of this site, on a separate 0.66 acre lot also fronting Northlake Boulevard, is a 5,200 sq. ft. Trulieve retail store. Both sites have a Commercial High with an underlying High Residential, 8 units per acre (CH/8) future land use designation. Beyond these parcels to the north are residential uses within the HR-8 FLU designation.

South: To the south are two multifamily buildings on 0.65 acres. The site currently has an Industrial (IND) future land use designation and supports a residential use. Additional residential uses extend further south.

East: Immediately east across Burma Road is Cora Physical Therapy and various commercial and office uses with a Commercial (C) future land use designation within the City of Palm Beach Gardens.

West: Neighboring the site to west, fronting Northlake Boulevard, is a 713 square foot Checkers Fast Food Restaurant with drive-thru. This site currently has an Industrial (IND) future land use designation and is zoned Light Industrial (IL). The site received a Special Exception in 1974 to allow the commercial use in an industrial zoning district. Subsequently, in 1993, the site was granted a Special Exception to allow a drive-through restaurant (Checkers), which is still in operation today. Further west are parcels with a CH and CH/8 FLU designation supporting various additional commercial uses.

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 lists the surrounding uses and future land use designations in Exhibit 3. The applicant indicates that *“the subject site will act as transition and buffer between the six lane road (Northlake Boulevard) and the residential uses in the area.”*

Staff Analysis: The site is located in a predominately commercial and residential corridor along Northlake Boulevard east of Interstate 95. The properties fronting the north and south sides of Northlake Boulevard support various commercial uses and a range of medium and high density residential uses exist beyond them to the north and south. More specifically, the site currently supports a commercial use, and is adjacent to commercial uses to the east and west with residential uses to the south. The proposed amendment to Commercial Low would complement the established development pattern and could provide a transition between the commercially designated properties along Northlake Boulevard and the residential uses to the south. As such, the proposed amendment is compatible and consistent with the adjacent uses and the character of the corridor.

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 property is located within the Northlake Boulevard Overlay Zone (NBOZ) as shown on Special Planning Areas Map, LU 3.1. However, the specific requirements of the NBOZ are implemented through the Unified Land Development Code (ULDC) and the development proposal is reviewed for consistency with the overlay through the concurrent zoning application.

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 proposed amendment is not located within a Neighborhood Plan or Study Area listed within the Comprehensive Plan.

E. Public Facilities and Services Impacts

The proposed amendment will change the future land use designation from IND to CL on the entire site. For the purposes of public facilities impact analysis, the maximum intensity is based on 43,996 square feet (.50 FAR) of general commercial uses. Currently, the maximum development potential of the site is 74,793 square feet (0.85 FAR) of industrial uses. 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 Traffic Division reviewed this amendment at a maximum of 43,996 square feet of General Commercial (shop plaza without supermarket), as well as the proposed potential contained within the zoning application of 5,500 square feet of retail and 3,840 square feet of restaurant with drive-through. According to the County's Traffic Engineering Department, (see letter dated September 6, 2023 in Exhibit 5) the amendment would generate 839 net trips at the maximum conditional potential.

The Traffic letter concludes *"Based on the review, the Traffic Division has determined that the proposed amendment **meet** Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan **proposed conditional potential** density shown above."*

The Traffic Study was prepared by Dr. Ortega of JFO Group, Inc. Traffic studies and other supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

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

II. Public and Municipal Review

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

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on October 12, 2023. On the same date, a notification letter was sent to the City of Palm Beach Gardens regarding the amendment. To date, 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 and interested parties on October 12, 2023. Correspondence received will be added to Exhibit 8 throughout the public hearing process.

Exhibit 3

Applicant's Justification

Introduction

The 2.02-acre subject site, also referred to as Northlake Commercial, is located at the southwest corner of the intersection of Burma Road and Northlake Boulevard in Palm Beach County. The subject site is approximately 0.5 miles from the I-95 Northbound and Southbound ramps located on Northlake Blvd., an urban minor arterial road, and is identified by the following Parcel Control Number (PCN): 00-43-42-19-00-000-3024. The site has a Future Land Use designation of Industrial (IND), a zoning designation of Light Industrial (IL), and has two existing structures on site. An existing legally non-conforming 5,500 square foot retail sales (Curaleaf) is located on the northeast corner of the subject site. On the western property line, an existing 5,000 square foot repair and maintenance shop (Dave's Auto Body) and a 5,826 SF covered steel frame exists as an accessory structure to Dave's Auto Body. The site is located on the Northlake Blvd. corridor and within the Northlake Boulevard Overlay Zone (NBOZ) as adopted by Ordinance 2011-016. An aerial of the subject site (outlined in red) and surrounding areas has been provided below in **Figure 1**:

Figure 1: Location Map



Request

On behalf of the Applicant, WGI, Inc. requests a **Comprehensive Plan Future Land Use Atlas (FLUA) Amendment** to re-designate the FLU on the subject site from the Industrial (IND) FLU designation to the Commercial Low (CL) FLU designation. The existing site consists of a 5,500 SF retail store and a 5,000 SF vehicle repair shop. The proposed development will repurpose the existing 5,500 SF retail store into another retail store. The 5,000 SF repair shop will be demolished and an approximately 3,100 SF Type 1 restaurant with a drive through will be constructed in place. Both uses are classified as Commercial uses will be consistent with the CL Land Use designation.

Concurrent/Pending Zoning Applications

A Rezoning application from Light Industrial (IL) to Multiple Use Planned Development (MUPD) and a Class A Conditional Use Application for the Type 1 restaurant use in the MUPD zoning district, will be submitted to the Zoning Division contingent upon the approval of the FLU Amendment.

Adjacent Land	Use	Future Land Use	Zoning
North	<p><u>Chipotle</u> Control No. 1986-0070 Land Use: Type 1 Restaurant Intensity: 2,398 SF</p> <p><u>Olive Garden</u> Control No. 1986-0070 Land Use: Type 2 Restaurant Intensity: 7,272 SF FAR:</p> <p><u>Trulieve</u> Control No. 1991-00014 Land Use: Retail Intensity: 5,200 SF</p>	Commercial High, with an underlying HR-8 (CH/8)	General Commercial (CG)
South	<u>Multifamily Residential</u>	Industrial (IND)	Multifamily Residential (RM)
East	<p><u>Cora Physical Therapy</u> City of Palm Beach Gardens Land Use: Office</p>	Commercial (C) City of Palm Beach Gardens	General Commercial (CG1) City of Palm Beach Gardens
West	<p><u>Checkers</u> Control No. 1973-00237 Land Use: Type 1 Restaurant Intensity: 713 SF</p>	Industrial (IND)	Light Industrial (IL)

G1. Justification for Future Land Use Atlas Amendment

Pursuant to Policy 2.1-f, this justification statement demonstrates the requests are consistent and in compliance with the County's Comprehensive Plan, Tier Requirements and the impacts on public facilities and services:

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

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

This FLUA Amendment request is consistent with Policy 2.1-f of the County's Future Land Use Element, as the proposal to modify the FLU designation on the subject site from IND to CL represents a more appropriate FLU designation for the site and location, as demonstrated within this justification statement. The proposed CL FLU designation will show to be consistent with the Goals, Objectives and Policies of the County's Comprehensive Plan, and complimentary to the development pattern that exists in the area, and compatible with the surrounding land uses, which meets the intent of the Northlake Boulevard Overlay Zone, as outlined herein.

The subject site currently represents a parcel of land that was first developed over a half-century ago. The property is surrounded by commercial development and therefore is appropriate for infill commercial development and adaptive reuse along the Northlake Boulevard corridor. While the current IND FLU designation may have once been appropriate for the location, the development pattern in this area has shifted over the decades, from one that was once primarily industrial and commercial, to one that supports general commercial uses at intensities that are necessary to support the needs associated with population growth in Palm Beach County. The purpose and intent of the NBOZ according to the Unified Land Development Code (ULDC) is "to encourage improvement, enhancement, renovation, and/or redevelopment of the Northlake Boulevard corridor and to provide criteria by which to review development/redevelopment within the Overlay Zoning District". Therefore, the existing industrial FLU designated for the subject site appears to be inconsistent with desired commercial FLU designations in this area.

The NBOZ supports increasing redevelopment and enhancement of commercial uses along the Northlake Blvd. corridor. The existing site is 100% impervious, with two structures that exist on the site, a 5,500 SF retail store, and a 5,000 SF repair and maintenance building, with an accessory shed. Infill redevelopment on underutilized land, such as the subject site, is an appropriate measure to improve the NBOZ in Palm Beach County, by removing incompatible uses, and enhancing the built environment to comply with the NBOZ design guidelines. The subject site represents an opportunity to redevelop an industrial parcel with intensities consistent with the current development pattern of the area, in line with market demands, and consistent with the overall purpose set forth in the NBOZ. The request to re-designate the existing land use to the CL FLU designation is compliant with the specific items identified in FLUE Policy 2.1-f, as justified below, starting on page 5:

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

The 5,500 SF retail store that exists on the site is a legally non-conforming use in the IL zoning district. The IND FLU category is compatible to the IL and the IG zoning districts, both of which do not allow a retail use. Therefore, the IND FLU is not suitable for the existing retail use. The proposed development will continue to reuse the existing retail structure as retail services, more specifically a medical cannabis dispensary. Further, the western portion of the property will be redeveloped to raze the existing structures related to the auto body repair operation and ultimately to develop a Type I restaurant. There are similar uses located in the immediate area, see **Figure 8**, which demonstrate that the proposed use is suitable and appropriate for the subject site, such as the recently developed Type 1 and Type 2 restaurants to the north of the subject site. The proposed FLUA Amendment, rezoning, and development would also eliminate the legally non-conforming use that currently exists on the site.

2) *There is a basis for the proposed amendment for the particular subject site based on 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;*

When the subject site was initially developed between 1965 and 1970, based on aerial imagery, Northlake Blvd. was not developed to the extent it is today. At the time of the initial development, there were very few surrounding uses that could be impacted by the intensity of an Industrial FLU designation and the land then was on the edge of development and not central to activity as it is today. **Figure 2** shows that development along the Northlake Blvd. corridor in 1970 was limited and the corridor was not the 6-lane roadway it is today. **Figure 3** and **Figure 4** demonstrate how the segment of Northlake Blvd evolved between

1981 and 1987. By 1987, the southwestern section of the segment (outlined in blue) was developed as Industrial and was assigned a FLU of IND. **Figure 4 and Figure 5**, demonstrates that the IND FLU and industrial uses are concentrated in one section today, and the subject site and adjoining parcels are an IND outlier. As Northlake Blvd. evolves as an urban minor arterial, commercial uses characterize the corridor, not industrial uses as it may have once did. Over the years, industrial uses have been developed off from Northlake Blvd. and not directly on the corridor, making the subject site an outlier.

Figure 3. Subject Site in 1970



Figure 4. Aerial Imagery of the Subject Site in 1981



Figure 5. Subject Site in 1987

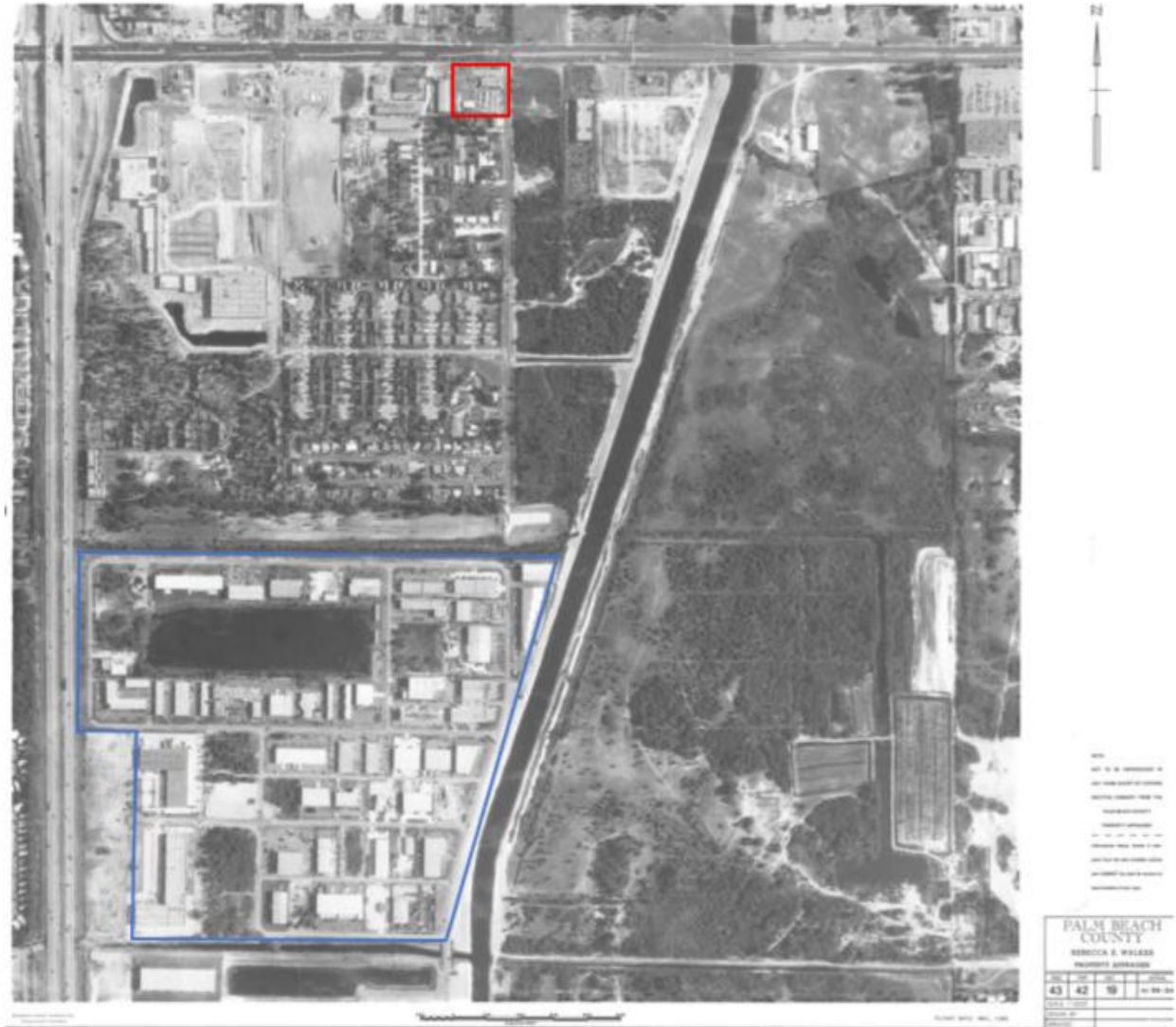


Figure 6: Future Land Use Map for Subject Site and Surrounding Area



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

Figure 7 is an aerial of the subject site in 1965. In 1965, a single-family home was located on the subject site and I-95 was not fully constructed. Figure 3 shows the dramatic change to the subject site in a five-year span between 1965 and 1970. Within those five years, the single-family home was demolished and replaced by two structures on the subject site. In addition, I-95 and the on/off ramp onto Northlake Blvd., appear to be under construction and Northlake Blvd. was not widened to 6 lanes until at least 1981, see **Figure 4**. These access improvements to the Northlake Blvd. corridor and I-95, no longer make Northlake Blvd. a suitable location for industrial uses based on the intensity of the uses, as it may

have been prior to 1970. Access changes, roadway expansions, recent development patterns, and the adoption of the NBOZ indicate that this segment of Northlake Blvd. is intended for commercial development and activity. The subject site's proximity to I-95, major commercial corridors such as Military Trail, Old Dixie Highway, and A1A and the purpose and intent to improve the Northlake Blvd. corridor consistent with the guiding documents, makes the subject site appropriate for commercial development and inappropriate for industrial development.

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

The adoption of the NBOZ design guidelines in 2002 demonstrates that the local municipalities, Palm Beach County, Palm Beach Gardens, Lake Park, and North Palm Beach intend to redevelop the corridor for more commercial development. The NBOZ Design Guidelines states the objective for the "redevelopment of the Corridor in order to build community pride, retain and attract commercial activity and improve the area's economic condition." This objective indicates that there is consistent desire from multiple municipalities to redevelop Northlake Blvd with more commercial activity and to improve the area's economic condition. The uses proposed are likely to bring in economic activity and jobs, consistent with the NBOZ objective. Redevelopment of the subject site will bring the site into compliance with the design guidelines and consistent with new development to the north of the subject site.

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

The subject site is adjacent to two IND parcels that are each less than one acre. This limited acreage makes the parcels very unlikely candidates for industrial development as industrial uses typically require greater acreage. The IND category appears an inappropriate category for the subject site, and the two adjacent IND parcels. The existing uses on the site and zoning districts of these parcels are not consistent with the IND FLU designation. The parcel to the west of the subject site (parcel 00-43-42-19-00-000-3160) is a Type 1 restaurant and has a zoning designation of Light Industrial (IL), which is one of the only two consistent zoning districts for a parcel with an IND FLU designation according to Table 2.2-f.1 in the Future Land Use Element (FLUE). According to Table 4.B.2.A – Commercial Use Matrix, the Type 1 restaurant is a prohibited use in the IL zoning district, and currently exists as a legally non-conforming use. The subject site (which also has an IND FLU and an IL zoning designation) has a retail sales use on site, which is a prohibited use according to Table 4.B.2.A and exists as a legally non-conforming use. The parcel to the south of the subject site (parcel 00-43-42-19-00-000-3020) is a multifamily residential building, with a Multifamily Residential (RM) zoning designation. According to FLUE Table 2.2-f.1, RM is not a consistent zoning district for a parcel with an IND FLU designation.

The non-conforming uses and inconsistent zoning districts that exist for the identified parcels in **Figure 6**, demonstrate the inappropriateness of the IND FLU designation for land located in this segment of Northlake Blvd. The proposed FLUA amendment to CL will bring the property into compliance and is more consistent with the development pattern of this corridor, demonstrated by the recent redevelopment along on this segment of Northlake Blvd. This new redevelopment directly across Northlake Blvd. included a multitenant commercial structure in Palm Beach Gardens (parcel 52-43-42-18-22-000-0020) and the Type 1 and Type 2 restaurants in unincorporated PBC (parcel 00-43-42-18-00-000-7040).

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

It does not appear that the FLU Designation was assigned in error, however, IND has not been compatible with the zoning designation and use classifications for the existing site and the two adjacent parcels.

G.2. Residential Density Increases

Not applicable.

G.3. Compatibility

The proposed retail store and Type 1 restaurant are consistent with the development pattern surrounding and along the Northlake Blvd. corridor. **Figure 8** lists the surrounding uses and the existing intensity for the uses located in unincorporated Palm Beach County. As demonstrated in **Figure 8**, multiple commercial uses exist near the subject site, such as retail and both Type 1 and Type 2 restaurants. Similar uses and intensities surrounding the subject site indicate that the proposed FLUA Amendment and proposed development is compatible to the uses along the corridor. Improvements consistent with the NBOZ design guidelines will be performed to enhance the subject site to be compatible with recent redevelopment along the corridor.

Figure 8: Surrounding Uses



Further, at the time when the proposed Rezoning and Class A Conditional Use applications are reviewed by the Zoning Division and other County Agencies, a Preliminary Site Plan and other regulating plans for this development will clearly identify the site layout, placement of buildings, height of buildings and the location of the required landscape buffers. The ULDC addresses compatibility issues through spatial separation such as setbacks, and the provision of buffers, all these required elements enhance compatibility and reduce any potential negative effects of functionally different land uses (despite that the proposed use is functionally similar to the surrounding uses).

G.4. Comprehensive Plan

The FLUA Amendment request to modify the FLU designation from IND to CL is consistent with and furthers the applicable Goals, Objectives, and Policies of the PBC Comprehensive Plan, as outlined below.

Future Land Use Element - County Directions I.C.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.

According to aerial imagery, see **Figure 3**, the site has been developed with the existing structures as early as 1970. As the Northlake Blvd. urban minor arterial evolves, more small-scale commercial uses have been

developed on this corridor, such as the restaurants on the north side of Northlake Blvd. The expansion of commercial uses is consistent with the purpose and intent of the NBOZ Design Guidelines, for the “Redevelopment of the Corridor in order to build community pride, retain and attract commercial activity, and improve the area’s economic condition.” A FLUA Amendment to reassign the 2.02-acre parcel from IND to CL supports infill development that is consistent with recent development and provides commercial activity to improve the area’s economic condition. In addition, the proposed development intends to adaptively reuse the existing retail building for a more modern use, while bringing the site into current development standards.

Future Land Use Element - County Directions I.C.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.

The subject site is located along Northlake Blvd. between I-95 and Canal C-17, which consists of land in unincorporated Palm Beach County and in the City of Palm Beach Gardens. Land to the north, south, and west of the subject site is in unincorporated Palm Beach County and land to the east is in the City of Palm Beach Gardens. This segment of the Northlake Blvd corridor consists of land with FLU designations of Commercial High (some parcels with an underlying High Residential-8 FLU) and Industrial from the land in unincorporated Palm Beach County. Land to the east in Palm Beach Gardens has a FLU designation of Commercial and Mixed Use. Therefore, most land in this segment along Northlake is commercial, and the existing IND FLU is inconsistent with the surrounding parcels.

The subject site currently has an FAR of 0.12 (not including the existing accessory structures) with the two existing structures. The proposed development is less intense than the existing development, with an FAR of 0.10, with the existing retail store and the proposed Type 1 restaurant. The Type 1 and Type 2 restaurant (Control No. 1986-0070) developed in 2020, to the north of the subject site has an FAR of 0.08. The proposed development reduces the existing intensity on the site and is more consistent with the intensity of recent redevelopments along Northlake Blvd, such as the restaurants previously mentioned.

Future Land Use Element - County Directions I.C.6: Economic Diversity and Prosperity. Promote the growth of industries that have relatively high wages and that can diversify the economic base.

The cannabis industry has seen significant growth since states began legalizing medical cannabis sales. According to the [2022 annual jobs report from Leafly](#), the industry has over 428,059 full-time jobs nationwide and has grown at an annual rate of 27% or higher over the past five years. These statistics demonstrate how a medical cannabis dispensary can diversify the economic base along Northlake Blvd, and provide stable, full-time jobs for those living nearby in Palm Beach Gardens, Lake Park, and North Palm Beach.

Policy 1.2-a: Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:

- 1. Allowing services and facilities consistent with the needs of urban and suburban development;***
- 2. Providing for affordable housing and employment opportunities;***
- 3. Providing for open space and recreational opportunities;***
- 4. Protecting historic, and cultural resources;***
- 5. Preserving and enhancing natural resources and environmental systems; and,***
- 6. Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.***

The proposed FLUA Amendment is consistent with Policy 1.2-a, by encouraging infill redevelopment within the Urban Suburban Tier, and by using existing infrastructure, public facilities, and services. The proposed FLU designation of CL is a more appropriate FLU than the existing IND designation on the Northlake Blvd. urban minor arterial because of the development pattern of the area and CL implements the goal of the NBOZ Overlay and the Design Guidelines. Currently, the segment of Northlake Blvd. between I-95 and Canal C-17 has three parcels with an IND FLU designation, see **Figure 6**. The existing land uses and zoning districts of these parcels are not consistent with the IND FLU designation. The parcel to the west (parcel 00-43-42-19-00-000-3160) is a Type 1 restaurant and has a zoning designation of Light Industrial

(IL), which is one of the only two consistent zoning districts for a parcel with an IND FLU designation according to Table 2.2-f.1 in the Future Land Use Element (FLUE). According to Table 4.B.2.A – Commercial Use Matrix, the Type 1 Restaurant is a prohibited use in the IL zoning district, and currently exists as a non-conforming use. The subject site (which also has an IND FLU and an IL zoning designation) has a retail sales use on site, which is a prohibited use according to Table 4.B.2.A and exists as a non-conforming use. Parcel to the south (parcel 00-43-42-19-00-000-3020) is a multifamily residential building, with a Multifamily Residential (RM) zoning designation. According to FLUE Table 2.2-f.1, RM is not a consistent zoning district for a parcel with an IND FLU designation.

The non-conforming uses and inconsistent zoning districts that exist for the identified parcels in **Figure 6**, demonstrate the inappropriateness of the IND FLU designation for land located in this segment of Northlake Blvd. The proposed FLUA amendment to CL is more consistent with the suburban character of this corridor, demonstrated by recent redevelopment on this segment of Northlake Blvd, such as the multitenant commercial in Palm Beach Gardens (parcel 52-43-42-18-22-000-0020) and the Type 1 and Type 2 restaurants in unincorporated PBC (parcel 00-43-42-18-00-000-7040).

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

According to aerial imagery, see **Figure 3**, the site has been developed with the existing structures as early as 1970. As the Northlake Blvd. urban minor arterial evolves, more small-scale commercial uses are developed on this corridor, such as the restaurants on the north side of Northlake Blvd. A FLUA Amendment to reassign the 2.02-acre parcel from IND to CL supports infill development that is consistent with recent redevelopment. In addition, the proposed development intends to adaptively reuse the existing retail building for a more modern use. The proposed project supports sustainable urban development as it adapts a building that is over a half century old and redevelops the other site, while introducing more pervious surface to the site with landscaping.

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.

Aerial imagery of the subject site, see **Figure 3**, demonstrates that the site has been developed with an intensity of 0.12 FAR since at least 1970. The proposed development will reduce the existing intensity from 0.12 FAR to 0.10 FAR. The site has limited pervious surface or vegetation. The redevelopment of this parcel will bring more landscaping and pervious area to the site to improve this section of Northlake Blvd. and stormwater run-off in general.

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.

There are multiple parcels with a Commercial High (CH) FLU designation on this segment of Northlake Blvd., between I-95 and the C-17 canal. There are only three parcels (for a total of approximately 3.6-acres) with an IND FLU designation that front Northlake Blvd., in this segment. A FLUA Amendment to CL would be more consistent with development trends in the area. The existing uses on the two other IND parcels that border the subject site are not consistent with their FLU designation. There are no other properties under the same or related ownership that create residual parcels.

Policy 2.2-d: The County shall encourage the elimination or reduction of existing or previously approved land uses, and activities, which were lawful before the adoption of the Plan but are prohibited, regulated or restricted under the terms of this Plan. This shall be accomplished by limiting the enlargement, expansion, or extension of non-conforming future land use activity unless the action decreases the nonconformity. Non-conforming uses shall only be permitted to expand under limited circumstances, specified in the Palm Beach County Unified Development Code, which

are designated to curtail any substantial investment in non-conforming uses to preserve the integrity of the Comprehensive Plan.

The existing retail use is considered a legally non-conforming use in the IL zoning district. The proposed FLUA from IND to CL and Rezoning from IL to MUPD will eliminate the non-conforming future land use activity. A retail store is a permitted use in the MUPD zoning district (which is compatible with the CL FLU) and will no longer exist as a non-conformity. A FLUA Amendment and rezoning will ensure that the property is redeveloped in a manner consistent with the County's plans. If this change were not made the property could not expand, enlarge, or redevelop for consistency with the surrounding community.

Policy 2.2-e: Intensity. The County shall establish and maintain maximum floor area ratios (FAR) specific to each future land use designation in order to establish the maximum non-residential intensity of development, as specified in Table 2.2-e.1. The allowable intensity on a specific parcel may be reduced through the development review process in order to account for the attributes of the subject site, the scale of adjoining properties, and the character of the area. The maximum FAR applies to non-residential uses within these designations; for underlying residential designations and density governed by density in Table 2.2.1-g.1, the maximum FAR does not apply.

The subject site has a 0.12 FAR, which is under the maximum intensity for a parcel with an IND FLU designation. The proposed development will accommodate a lower intensity than the existing 0.12 FAR and will have an FAR of 0.10. The proposed FAR is less intense than the maximum FAR for the CL FLU designation of 0.50 (in the Urban/Suburban tier), according to Table 2.2-e.1 of the FLU Element of the County's Comprehensive Plan. Therefore, the intensity of the proposed development is less than the existing development and below the maximum for the CL FLU Category.

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.

The subject site is 2.02-acres and is proposed to have two separate structures and tenants on the parcel. The two proposed detached structures indicated do not result in strip commercial development. In addition, a CL FLU designation would not likely lead to a strip commercial development on a parcel as small as 2.02-acres because it is a part of the incremental implementation of the NBOZ corridor.

G.5. Florida Statutes – Consistency with Chapter 163.3177, F.S.

All mandatory elements for a FLUA amendment have been provided within this application and include, but are not limited to surveys, studies, community goals and vision, and all other pertinent data as required by Ch. 163.3177 of the Florida Statutes. The proposed amendment allows for the development of an infill commercial project that will maximize the utility of existing network of roadways and other infrastructural improvements that will better serve the Northlake Blvd. corridor. This amendment complies with Chapter 163.3177 of the Florida Statutes.

On behalf of the Applicant, we respectfully request and present the aforementioned justification for the FLUA amendment from IND to CL for the subject site.

Exhibit 4

Applicant's Public Facility Impacts Table

A. Traffic Information – See Traffic Letter in Exhibit 5	
Traffic Consultant	Dr. Juan Ortega, PE JFO Group Inc.
B. Mass Transit Information	
Nearest Palm Tran Route (s)	Route #20 – PBG to WPB Via Congress
Nearest Palm Tran Stop	Bus Stop #2232 is located on the south side of Northlake Boulevard, approximately 67 feet from the subject site.
Nearest Tri Rail Connection	Route # 21 – PBG to Mangonia Park TRS is the closest Tri Rail connection from the subject site to the Mangonia Park Tri Rail Station.
C. Potable Water & Wastewater Information	
Potable Water & Wastewater Providers	Seacoast Utility Authority Per Attachment I – there is sufficient water to serve the project and the nearest connection for sewer service is a manhole near the southwest corner of the property.
Nearest Water & Wastewater Facility, type/size	The subject site is served by a 10" watermain on the south side of Northlake Boulevard and there is manhole near the southwest corner of the property, the further manhole being approximately 215 feet. See Attachment I .
D. Drainage Information	
This project lies within the South Florida Water Management District (SFWMD) C-17 drainage basin and has an ultimate outfall to the C-17 canal. The site also is within the Northern Palm Beach County Improvement District (NPBCID) and there are no existing SFWMD Environmental Resource Permits for the project site. The site is also partially within the Zone AE Elevation 11 per FEMA FIRM Map Number 12099C0387F, effective October 5, 2017. See Attachment J	
E. Fire Rescue	
Nearest Station	Station #68 located at 1000 Park Avenue.
Distance to Site	1.75 miles from the Station #68
Response Time	Estimated response time to the subject site is 6 minutes.

Effect on Resp. Time	Minimal impact per Attachment K , letter from Fire-Rescue
F. Environmental	
Significant habitats or species	The subject site is entirely impervious made up of an asphalt parking lot and two buildings. There are numerous vehicles on the lot. There is no vegetation or significant habitat/species on the property. Due to the nature of the property being entirely paved, there are no natural resources present on the site. There does not appear to be suitable habitat for listed species that are not present and there are no jurisdictional wetlands located on the property. See Attachment L
Flood Zone*	Flood Zone AE and Flood Zone X
Wellfield Zone*	The subject property is located in wellfield zone 4 in Palm Beach County. See Attachment M
G. Historic Resources	
Staff's review of the County's survey of historic/architecturally significant structures, and of properties designated for inclusion in the National Register of Historic Places (NRHP), has identified no historic or architecturally significant resources on or within 500 feet of the above referenced properties. A Historic Resource Letter is provided with this application as Attachment N .	

Exhibit 5

Palm Beach County Traffic Division Letter



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

Palm Beach County Board of County Commissioners

Gregg K. Weiss, Mayor
Maria Sachs, Vice Mayor
Maria G. Marino
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Marci Woodward
Sara Baxter
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County Administrator
Verdenia C. Baker

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and recycled paper

September 6, 2023

Dr. Juan F. Ortega, P.E.
JFO Group Inc.
6671 W Indiantown Road, Suite 50-324
Jupiter, FL 33458

**RE: Northlake Boulevard Property aka Northlake Commercial - Revised
FLUA Amendment Policy 3.5-d Review
Round 2022-23-B**

Dear Dr. Ortega:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Study for the proposed Future Land Use Amendment for the above-referenced project, revised August 17, 2023, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	SW corner of Burma Road and Northlake Boulevard intersection	
PCN:	00-43-42-19-00-000-3024	
Acres:	2.02 Acres	
	Current FLU	Proposed FLU
FLU:	Industrial (IND)	Commercial Low (CL)
Zoning:	Light Industrial (IL)	General Commercial (CG)
Density/ Intensity:	0.85 FAR	0.50 FAR
Maximum Potential:	Research and Development = 74,793 SF	Shop Plaza (40-150ksf) w/o Sup Market = 43,996 SF
Proposed Conditional Potential:	None	Shop Plaza (40-150ksf) w/o Sup Market = 40,513 SF
Proposed Potential (Zoning):	None	Retail = 5,500 SF Fast Food Restaurant + DT = 3,840 SF
Net Daily Trips:	983 (maximum – current) 839 (proposed conditional – current) 197 (proposed – current)	
Net PH Trips:	31 (19/12) AM, 116 (57/59) PM (maximum) 28 (16/12) AM, 105 (52/53) PM (proposed conditional) 77 (37/40) AM, 55 (30/25) PM (proposed)	
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>		



Dr. Juan F. Ortega, P.E.
September 6, 2023
Page 2

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

Please note the proposed amendment will have an insignificant impact on both long-range and Test 2 analyses.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "DS", is written over the typed name.

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS
cc:

Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division
Lisa Amara – Director, Zoning Division
Bryan Davis – Principal Planner, Planning Division
Stephanie Gregory – Principal Planner, Planning Division
Khurshid Mohyuddin – Principal Planner, Planning Division
Kathleen Chang – Senior Planner, Planning Division
David Wiloch – Senior Planner, Planning Division
Alberto Lopez Tagle – Technical Assistant III, Traffic Division

File: General - TPS - Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\23-B\Northlake Boulevard Property aka Northlake Commercial - Revised.docx

Exhibit 6

Water & Wastewater Provider LOS Letter



June 9, 2023

WGI
Arianna Hilliard
2035 Vista Parkway
West Palm Beach, FL 33411

RE: Availability for 3540 Northlake Blvd., PBG, FL 33403
PCN: 00-43-42-19-00-000-3024

To Whom it May Concern:

As requested this letter is to inform you of the availability for water and sewer services provided by Seacoast Utility Authority. Be advised the property listed above is presently connected with water service from a 10" (ten) watermain on the south side of Northlake Blvd. Be advised the nearest connection for sewer service is a manhole near the southwest corner of the property. As there are multiple buildings on the property, the distance to the manhole from each building varies, the furthest being ± 215 feet.

3540 Northlake Blvd., PBG, FL 33403 is currently supplied with **water only** by Seacoast Utility Authority. The above referenced project lies within the water and sewer service area of Seacoast Utility Authority and capacity is available.

Sincerely,

SEACOAST UTILITY AUTHORITY
Laura H. Niemann
Engineering Technician II

Customer Service (561) 627-2920 • Admin/After Hours (561) 627-2900 • Fax (561) 624-2839 www.sua.com

Exhibit 7

Disclosure of Ownership Interests

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
Jeffrey W. Preston, 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 [x] Vice President of NADG (US) General Partner, Inc., the general partner [position -
e.g., president, partner, trustee] of 3540 Northlake LP, a Florida limited partnership [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: 360 South Rosemary Avenue Suite 400
West Palm Beach, FL 33401
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of
every person or entity having a five percent or greater interest in the Property.
Disclosure does not apply to an individual's or entity's interest in any entity registered
with the Federal Securities Exchange Commission or registered pursuant to
Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County
policy, and will be relied upon by Palm Beach County in its review of application for
Comprehensive Plan amendment or Development Order approval affecting the
Property. Affiant further acknowledges that he or she is authorized to execute this
Disclosure of Ownership Interests on behalf of any and all individuals or entities holding
a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to
reflect any changes to ownership interests in the Property that may occur before the
date of final public hearing on the application for Comprehensive Plan amendment or
Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the
penalties provided by the laws of the State of Florida for falsely swearing to statements
under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.



Jeffrey W. Preston, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25th day of October, 2022 by Jeffrey W. Preston (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did take an oath (circle correct response).

Michael A. Sulem
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 4/17/2026

NOTARY'S SEAL OR STAMP

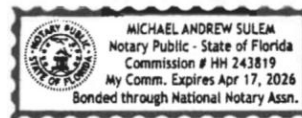


EXHIBIT "A"

PROPERTY

Acres: 2.022

THE EAST 331.69 FEET OF THE NORTH 367 FEET OF THE EAST ONE-HALF (E-1/2) OF THE NORTHWEST ONE-QUARTER (NE-1/4) OF THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 30 FEET AND THE NORTH 75 FEET FOR ROAD RIGHTS OF WAY.

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
[please refer to the following page]	

Name	Address
NADG Northlake LP	360 South Rosemary Ave, Suite 400, West Palm Beach, FL 33401
Randy Tulepan	360 South Rosemary Ave, Suite 400, West Palm Beach, FL 33401
Northlake FL LP	360 South Rosemary Ave, Suite 400, West Palm Beach, FL 33401
JWP Holdings LLC	360 South Rosemary Ave, Suite 400, West Palm Beach, FL 33401
Jeffrey W. Preston	360 South Rosemary Ave, Suite 400, West Palm Beach, FL 33401
SSBP Corp.	360 South Rosemary Ave, Suite 400, West Palm Beach, FL 33401
Stephen S.B. Preston	360 South Rosemary Ave, Suite 400, West Palm Beach, FL 33401
North American Shopping Center Corp.	360 South Rosemary Ave, Suite 400, West Palm Beach, FL 33401
John W.S. Preston	360 South Rosemary Ave, Suite 400, West Palm Beach, FL 33401
RSG (US) Corp.	2851 John Street, Suite One, Markham, Ontario L3R 5R7 CA
Robert Green	2851 John Street, Suite One, Markham, Ontario L3R 5R7 CA

Exhibit 8
Correspondence
