



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 22-B2

DEO TRANSMITTAL REPORT, SEPTEMBER 1, 2022

A. Application Summary

I. General

Project Name:	Thomas Packing Plant II (LGA 2022-016)
Request:	MLU, CL & LR-2 to LR-2 and to delete the conceptual plan and conditions of approval in Ord 2016-014.
Acres:	37.40 total acres
Location:	Northeast corner of Clint Moore Road and State Road 7
Project Manager:	Bryce Van Horn, Senior Planner
Applicant:	Toll Bros., Inc. (Contract Purchaser); Westside Farms, Inc. and 7 T's Enterprises, Inc. (Stephen Thomas, MP)
Owner:	Westside Farms, Inc. and 7 T's Enterprises, Inc. (Stephen Thomas, MP)
Agent:	Ken Tuma, Urban Design Studio
Staff Recommendation:	Staff recommends approval with modifications based upon the following findings and conclusions found in this report.

II. Assessment & Conclusion

The subject site was previously located within the Agricultural Reserve Tier until 2016, when the site was the subject of a privately initiated future land use amendment from AGR to MLU with CL & LR-2, including a tier change to the Urban/Suburban Tier. The current future land use designation with conditions, limits the site to 185,130 sf of commercial retail, 44,431 sf of office and a 150 bed congregate living facility (CLF). Currently, the LR-2 designation can only be utilized for the calculation of CLF beds. Therefore, the proposed amendment request is to remove all commercial development potential on the site and to delete the conditions of approval related to the MLU, including the conceptual plan in Ordinance 2016-014. This would allow the site to utilize the density associated with the existing LR-2 FLU for a residential development, up to 75 units. The applicant intends to develop 70 single family homes (1.87 units per acre).

The proposed LR-2 is compatible with the existing development and character of the surrounding area. In addition, FLUE Policy 2.4-b establishes TDRs as the required method of increasing density. However, the request is not proposing to increase the density beyond the current LR-2 designation to a higher density FLU. Therefore, TDRs are not required. Consistent with Board direction for sites seeking density increases through the amendment process, staff recommends a condition requiring 10% of the units to be provided as onsite WHP units and to limit the site to 75 units with no further density increases permitted through density bonus programs. The proposed amendment is compatible with surrounding land uses, and consistent with the Comprehensive Plan. Therefore, staff recommends approval with the proposed conditions.

III. Hearing History

Local Planning Agency: *Approval with modifications*, motion by Lori Vinikoor, seconded by Dagmar Brahs, passed in an 11 to 0 vote at the June 10, 2022 public hearing. The modification consisted of deleting the onsite requirement for the 10% workforce housing condition of approval. Under discussion, Commission members expressed support for the amendment but recognized the challenges in providing onsite workforce housing units due to the product type that is proposed. Commission members asked questions regarding access points and other traffic management considerations such as signalization and median breaks, and questions related to provision of workforce housing offsite. There was no public comment.

Board of County Commissioners Transmittal Public Hearing: *Transmit with modifications*, motion by Commissioner Kerner, seconded by Commissioner Marino, passed in a 7 to 0 vote at the September 1, 2022 public hearing. The modification included a revision to condition #2 allowing for all workforce housing (WHP) disposition methods. This change is reflected in Exhibit 1 as double strikethrough. The Board supported considering the final WHP disposition method at the time of the zoning application but also expressed that they would not support the in-lieu (buy-out) option. Commissioners also discussed whether the development should have access onto State Road 7. One member of the public spoke in support of the amendment and the development of offsite workforce housing.

State Review Comments:

Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

I. Site Data

Current Future Land Use

Current FLU:	Multiple Land Use with Commercial Low and Low Residential, 2 units per acre (MLU, CL & LR-2)
Existing Land Use:	Packing Plant and Agriculture
Current Zoning:	Multiple Use Planned Development (MUPD)
Current Dev. Potential Max:	Commercial retail, up to 185,130 sf; Office, up to 44,431 sf; and 150 bed Congregate Living Facility

Proposed Future Land Use Change

Proposed FLU:	Low Residential, 2 units per acre (LR-2)
Proposed Use:	Residential
Proposed Zoning:	Single Family Residential (RS) District
Dev. Potential Max/Conditioned:	Residential, up to 75 dwelling units (without TDRs or WHP bonus density)

General Area Information for Site

Tier/Tier Change:	Urban/Suburban Tier – No Change
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	None
Comm. District:	Commissioner Maria Sachs, District 5

Future Land Use Atlas Amendment

Thomas Packing Plant II (LGA 2022-016)



Site Data

Size: 37.40 acres
Existing Use: Packing Plant and Agriculture
Proposed Use: Residential
Current FLU: MLU (CL & LR-2)
Proposed FLU: LR-2

Future Land Use Designations

LR-1	Low Residential, 1 unit/acre	MLU	Mixed Land Use
MR-5	Medium Residential, 5 units/acre		
PARK	Park		
AGR	Agricultural Reserve		
CL/5	Commercial Low, underlying MR-5		
CLX/5	Commercial Low crosshatching, underlying MR-5		

Date: 12/14/2021
Contact: PBC Planning
Filename: T:\Planning\AMEND\22-B
Note: Map is not official, for presentation purposes only.



Site

200 0 200 400 Feet



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



C. Introduction & Review

I. Background and Intent of the Amendment

This is a privately initiated amendment on a 37.40 acre site that is located within the Urban/Suburban Tier at the northeast corner of Clint Moore Road and State Road 7.

Proposed Amendment. The intent of the amendment is to change the future land use designation from Multiple Land Use with Commercial Low and Low Residential, 2 units per acre (MLU with CL & LR-2) to Low Residential, 2 units per acre. The applicant is proposing to delete the Land Use Matrix, the Conceptual Plan, and all conditions of approval adopted in Ordinance 2016-014. The current MLU designation is limited to commercial uses under the CL FLU and a Congregate Living Facility (CLF) use under the LR-2 FLU. The conditions of approval preclude the density associated with the LR-2 from being utilized for the development of any other residential use (i.e. single family homes). The proposed amendment would result in an elimination of the commercial development potential, and with deletion of condition 2 in the ordinance, increase the residential development potential of the site from 0 to up to 75 dwelling units. The applicant is not proposing TDR or WHP bonus density.

Background. The 37.40 acre subject site is located in the Urban/Suburban Tier at the northeast corner of Clint Moore Road and State Road 7 (SR-7/US 441), and is bordered on the north and east property lines by the Agricultural Reserve Tier. The property owners have operated a farm produce packing plant on the western 17.4 acre portion since 1981 with the remainder of the site currently utilized for equipment storage and row crops. The packing plant is currently developed at 163,093 square feet.

Amendment History. The subject site was previously located within the Agricultural Reserve Tier. For more information regarding the site's history within the Tier, see Exhibit 9. In 2015, the current property owners submitted a request for a tier change from the Agricultural Reserve Tier to the Urban/Suburban Tier. The concurrent future land use amendment requested a change from Agricultural Reserve to the Multiple Land Use designation (with Commercial High and High Residential, 8 units per acre). The applicant was proposing up to 238,500 square feet of commercial and 299 dwelling units. Staff recommended denial as the request was incompatible and out of character with the surrounding land uses. The proposed amendment was heard at the January 16, 2015 Planning Commission Hearing. The PLC voted 12-0 to recommend denial. At the January 22, 2015 BCC Transmittal Hearing, the Board postponed the amendment to the next amendment round. The applicant subsequently modified the request to MLU with CL & LR-2, lowering the intensity and density and limiting the residential use to a CLF only.

On January 27, 2016, the Board adopted the modified request for a tier change and a change in the future land use from AGR to MLU, CL & LR-2 with conditions, including a land use matrix and a conceptual plan. Planning staff and the Planning Commission (7-4) recommended approval of the amendments. The site is currently limited to 185,130 square feet of Commercial Retail uses, 44,431 square feet of Office uses and a 150 bed Congregate Living Facility. The BCC also approved zoning applications (known as Verde Commons MUPD) to rezone the property to the Multiple Use Planned Development district, to allow a Type III Congregate Living Facility (150 beds) and requested use approvals for five restaurants. The current approved final site plan reflects 166,320 square feet, including 89,380 square feet of retail, and the remaining square footage as restaurants, financial institution, medical office, and pharmacy. Four ingress/egress access points are shown on Clint Moore Road and one on State Road 7.

Zoning Application. The applicant submitted a concurrent zoning application on April 20, 2022, ABN/Z-2022-00681 (Control 2007-00288) with development order requests to abandon all requested use approvals for restaurants and the Type III CLF. The application includes a request to rezone the site from the MUPD district to the Residential Single Family (RS) district. The preliminary subdivision plan shows proposed development of 70 single family homes. Access is proposed via one ingress/egress point on Clint Moore Road.

II. Data and Analysis Summary

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

Overview of the Area. The amendment site is located within the Urban/Suburban Tier, at the northeast corner of State Road 7 and Clint Moore Rd. and approximately one and a half miles west of the Florida Turnpike just outside the southern boundary of the Agricultural Reserve Tier. The amendment site is adjacent to the north and east of the Agricultural Reserve Tier, with uses comprising mostly low density residential development, an animal hospital, and some agricultural uses. The area is mostly built out with a suburban land use pattern, predominately comprised of low density, largely single family residential development. Commercial uses are also located nearby and only one within close proximity at the southeast corner of the intersection. Within this area there are approximately 92 acres of commercial future land use, all of which have a Commercial Low (CL) future land use designation.

Compatibility. The Comprehensive Plan requires that the proposed future land uses be determined to be compatible with the surrounding area and that residential uses be protected from encroachment of incompatible future land uses. The subject site is adjacent to The Oaks AGR-PUD to the north and a veterinary clinic (Clint Moore Animal Hospital) to the east. Both of these sites are within the Agricultural Reserve and have an AGR future land use designation. The Reserve shopping center and Symphony Bay PUD with Commercial Low and Medium Residential, 5 units per acre respectively, are across Clint Moore road to the south with Stonebridge PUD with LR-1 to the west across State Road 7. The current mixed use project approval on the subject site was determined to be compatible and consistent with the character of the surrounding land use and development. Residential development in close proximity to the site in the Urban/Suburban Tier averages approximately 2.9 units per acre, and the density within the Agricultural Reserve averages 0.8 units per acre, or 2-3 units per acre net. The current proposed amendment to LR-2 is compatible with the surrounding densities and is also consistent with the character of the surrounding area.

Mandatory Use of TDRs. FLUE Policy 2.4-b of the Comprehensive Plan Future Land Use Element requires that density increases be accomplished through the use of TDRs, unless an applicant meets the criteria for an amendment, is using the workforce or affordable housing programs, or proposes density up to, but not exceeding, density proposed and supported by the neighborhood plan formally received by the BCC. The applicant is not proposing to increase the density through a change in the residential future land use category but is proposing to retain the existing residential LR-2 future land use from the MLU and eliminate the MLU and CL components and all conditions in the existing ordinance. Therefore the requirements in the policy that TDRs be used are not applicable.

Workforce Housing. The minimum amount of workforce that would be required by the Code for this project if it had an LR-2 FLU designation today would be either 3 or 5 units, (5% to 7%), depending on the options selected by the developer. However, this site cannot access the LR-2 FLU density without deleting the conditions of approval. Recognizing that amendment applicants receive a substantial benefit in the form of access to additional density through the amendment process, the Board has directed staff to recommend that projects resulting from amendments dedicate a specific percentage of units as on-site WHP units. The Board directed staff to recommend a minimum of 10% for single family projects, 20% for townhomes, and 25% for multifamily developments, provided that this exceeds the minimum that the WHP code requires for a project assuming use of the Full Incentive option. Consistent with Board direction, staff recommends a condition requiring 10% of single family units to be provided as WHP units on site. An additional condition proposed by staff includes limiting the site to 75 units with no further density increases permitted through density bonus programs.

Assessment and Recommendation. The subject site was previously located within the Agricultural Reserve Tier until 2016, when the site was the subject of a privately initiated future land use amendment from AGR to MLU with CL & LR-2, including a tier change to the Urban/Suburban Tier. The current future land use designation with conditions, limits the site to 185,130 square feet of commercial retail, 44,431 square feet of office and a 150 bed congregate living facility (CLF). Currently, the LR-2 designation can only be utilized for the calculation of CLF beds. Therefore, the proposed amendment request is to remove all commercial development potential on the site and to delete the conditions of approval related to the MLU, including the conceptual plan in Ordinance 2016-014. This would allow the site to utilize the density associated with the existing LR-2 FLU for a residential development, up to 75 units. The applicant intends to develop 70 single family homes (1.87 units per acre).

The proposed LR-2 is compatible with the existing development and character of the surrounding area. In addition, FLUE Policy 2.4-b establishes TDRs as the required method of increasing density. However, the request is not proposing to increase the density beyond the current LR-2 designation to a higher density FLU. Therefore, TDRs are not required. Consistent with Board direction for sites seeking density increases through the amendment process, staff recommends a condition requiring 10% of the units to be provided as on site WHP units and to limit the site to 75 units with no further density increases permitted through density bonus programs. The proposed amendment is compatible with surrounding land uses, and consistent with the Comprehensive Plan.

Staff recommends **approval with modifications** based upon the findings within this report.

Exhibits	Page
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1-B. Conceptual Plan to be deleted	E-5
2. Consistency with Comprehensive Plan	E-6
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4. Applicant's Public Facility Impacts Table	E-31
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Exhibit 1 – A

Amendment No:	Thomas Packing Plant II (LGA 2022-016)
FLUA Page No:	106
Amendment:	From Multiple Land Use, with Commercial Low and Low Residential, 2 units per acre (MLU, CL & LR-2) to Low Residential, 2 units per acre (LR-2) and to delete the conceptual plan and modify conditions of approval in Ord 2016-014.
Location:	Northeast corner of Clint Moore Road and State Road 7
Size:	37.40 acres
Property No:	00-42-43-27-05-070-1170 00-42-43-27-05-070-1160 00-42-43-27-05-070-1130



Conditions: All conditions including the conceptual plan adopted by Ord. 2016-014 are proposed to be deleted with deleted text ~~stricken out~~ below. Added conditions are shown below with text underlined.

Development of the site shall be subject to the following:

1. Residential dwelling units shall be limited to a maximum of 75 units with no further density increases permitted through density bonus programs.
2. The zoning development order shall require a minimum of 10% of the total dwelling units to be provided ~~built~~ as ~~onsite~~ workforce housing units. The workforce housing units are subject to the applicable requirements of the Workforce Housing Program (WHP) in Article 5.G.1 of ULDC.

Development of the subject site shall be subject to the following.

A. Land Use Matrix.

Land Use	Acreage Range Min. — Max.	Intensity/Density ¹	
		Minimum	Maximum
CL	5.0 ac — 28.6 ac.	54,450 sq. ft.	203,643 sq. ft.
LR-2 ² (Congregate Living Facility)	5.0 ac — 28.6 ac.	23 beds/ residents	178 beds/ residents
Usable Open Space ³	3.74 ac. — no max	N/A	N/A
Total Acres	37.40 ac.		

B. Conceptual Plan in Exhibit 2, including, but not limited to:

C. Conditions

1. ~~Since the residential uses are not integrated, the development of on the CL portion of the site is limited to calculations based upon a maximum of 50% of the land area (18.7) multiplied by the maximum FAR for Commercial Low as identified in Table III.C.2 of the Future Land Use Element. The maximum commercial general square footage is limited to a 0.25 for general commercial projects calculated on a maximum of 18.7 acres (up to 203,643 sf).~~
2. ~~Residential uses on the site are limited to a congregate living facility with up to a maximum of 150 residents / beds.~~
3. ~~At a minimum 10% of the property must be committed to Usable Open Space. Usable Open Space is defined as pervious, vegetated areas, parks and squares as well as impervious “hardscaped” areas which are openly accessible to the public, such as plazas, squares, and courtyards. This open space can be used for passive or active recreation as well as formal and informal gatherings; however, credit shall not be given for: any indoor or climate-controlled spaces, road rights-of-way, building setback areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, parking lots, and any pervious green area not intended for passive or active recreation or gathering of a formal or informal nature.~~
4. ~~Development of the site is limited to the equivalent number of traffic generating trips based upon a maximum of 185,130 square feet of commercial retail uses, 44,431 square feet of office general uses, and a congregate living facility with up to 150 beds.~~
5. ~~The Conceptual Plan depicts the following:~~
 - ~~The general location of useable open spaces where the functional integration of residential with non-residential land uses occur.~~

- ~~A vehicular and pedestrian circulation system that creates an integrated network within the project.~~
- ~~A cross-hatched area along the north of the site where no principal structures are allowed, extending 200 feet from the northern property line and 1,900 feet from the eastern property line.~~
- ~~Minimum landscape buffer widths of 30 feet on the northern and eastern property lines, and minimum 25 feet along the western and southern property lines.~~

Legal Description

PARCEL 1

TRACTS 113, 114 AND 115, BLOCK 70, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45-54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2

TRACTS 116, BLOCK 70, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3

TRACTS 117, 118 AND 119 OF BLOCK 70, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING IN SECTION 31, TOWNSHIP 46 SOUTH, RANGE 42 EAST, AND SECTION 6, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND CONTAINING 1,629,100 SQUARE FEET/ 37.399 ACRES, MORE OR LESS.

ALSO KNOW AS:

TRACTS 113, 114, 115, 116, 117, 118 AND 119, BLOCK 70, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45-54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 113; THENCE ALONG THE WEST LINE OF SAID TRACT 113, NORTH 01°27'31" WEST A DISTANCE OF 660.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT 113; THENCE ALONG THE NORTH LINES OF SAID TRACTS 113, 114, 115, 116, 117, 118 AND 119, NORTH 89°34'01" EAST A DISTANCE OF 2,474.24 FEET TO THE NORTHEAST CORNER OF SAID TRACT 119; THENCE ALONG THE EAST LINE OF SAID TRACT 119, SOUTH 00°25'59" EAST A DISTANCE OF 660.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 119; THENCE ALONG THE SOUTH LINES OF SAID TRACTS 119, 118, 117, 116, 115, 114 AND 113, SOUTH 89°34'01" WEST A DISTANCE OF 2,462.43 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN SECTION 31, TOWNSHIP 46 SOUTH, RANGE 42 EAST, AND SECTION 6, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND CONTAINING 1,629,100 SQUARE FEET (37.399 ACRES), MORE OR LESS.

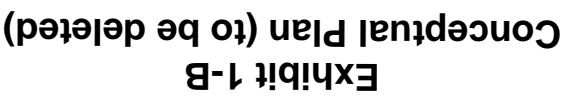


Exhibit 2

Consistency with Comprehensive Plan

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

A. Consistency with the Comprehensive Plan - General

1. **Justification: FLUE Policy 2.1-f:** *Before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate. In addition, and the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:*

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

The applicant has submitted a Justification Statement (Exhibit 3) which is summarized as follows:

- There are adequate existing commercial services for the surrounding community.
- The existing Verde Common MUPD under the current MLU designation is not feasible to be developed and the proposed LR-2 is more appropriate due to changes in consumer patterns and market conditions which have resulted in a hesitation to pursue congregate living facilities with a more stringent analysis of demand for in-person commercial retail, personal service uses, and restaurants.
- There is a continued increase in residential housing demand for a variety of housing options.
- The use is suitable and appropriate given the size and location at a major intersection and major east west corridor and State Road 7 and will provide adequate access.
- Consistency and compatibility of the proposed FLU with surrounding development and character of the area.

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 request proposes to change the future land use designation from MLU with CL and LR-2 (with conditions), to a single LR-2 future land use. The current MLU site has been rezoned to MUPD with approval of over 166,000 square feet of commercial uses and a 150 bed Congregate Living Facility but has not developed under the MLU future land use and zoning development order approvals.

The proposed LR-2 designation would allow for up to 75 dwelling units and the applicant has submitted a concurrent zoning application that includes 70 units, or just under 1.87 units per acre. No Transfer of Development Rights (TDR) or Workforce Housing Program (WHP) bonus density is proposed to exceed the LR-2 density.

Most of the applicant's points are related to market factors with regard to demand of commercial services and special needs housing facilities (i.e. a CLF). The amendment is justified as the proposed amendment is consistent with the character of the surrounding development and compatible with the future land use and development adjacent to the site. The site was already determined to be appropriate for the MLU designation with a more intensive development approval and the LR-2 designation is appropriate at this location.

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

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 reflects a decrease in intensity overall from the existing MLU future land use and MUPD zoning approval and a change from a mixed use project to single use residential development project. Although the Comprehensive Plan encourages mixed use compact development as reflected by the current MLU future land use and zoning approval, the proposed amendment does not detract from the general directions above.

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 amendment is being processed for all of the land area under the ownership by the applicants and therefore does not represent piecemeal development.

4. **FLUE 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 to LR-2 would foster a development that would be in character with the scale, mass, intensity, and height, of the surrounding area. See Section C – Compatibility for more discussion.

B. Consistency with Density Provisions of the Comprehensive Plan

The Comprehensive Plan offers several methods to increase density, including the TDR program, and the WHP density bonus program. Per Policy 2.4-b, TDRs are the required method unless using the WHP density bonus to increase density, or an amendment has been justified. Density increases obtained through the TDR program and the WHP density bonus are subject to higher percentages of WHP than density increases through the amendment process, to further certain County objectives. This section addresses consistency with the Comprehensive Plan density policies.

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

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

Staff Analysis. This policy requires that density increases be accomplished through the use of TDRs, unless an applicant meets the criteria for an amendment, is using the workforce or affordable housing programs, or proposes density up to, but not exceeding, density proposed and supported by the neighborhood plan formally received by the BCC. The applicant is proposing to retain and not exceed the LR-2 density. Therefore, the use of the programs is not applicable.

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

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

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

Staff Analysis: The County has a mandatory workforce housing requirement for all housing developments in the Urban/Suburban Tier with 10 units and greater (whether they are increasing density or not), and offers a density bonus in exchange for additional workforce housing units. The density bonus is based on how well the WHP units to be provided further County objectives, with the highest density bonuses (up to 100%) available for projects that will provide the WHP as on-site, for sale, single family units in areas with low concentrations of workforce housing. The WHP is also supported by the TDR program: a minimum of 34% of TDRs used must be provided as workforce housing units, and these WHP units must be provided on-site.

The applicant is proposing to attain the target 70 units for this site by retaining the LR-2 future land use and deleting all of the MLU conditions including the condition limiting the

LR-2 density to a CLF. No additional density through bonus density programs that would exceed the LR-2 is proposed as part of this current FLUA application.

Workforce Housing Obligation

If this site could enter the development approval process today to develop residential units at LR-2, it would become subject to the WHP program requirements, and the mandatory workforce housing obligation would be either 3 or 5 units (5% to 7%), depending on the options selected by the developer in the WHP.

However, this project is seeking a FLU amendment to remove conditions of approval to allow the use of the current LR-2 future land use for residential development. Recognizing that amendment applicants are receiving a substantial benefit in the form of access to additional density through the amendment process, the Board has directed staff to recommend that projects resulting from amendments dedicate a specific percentage of units as on-site WHP units.

For single family or zero lot line developments, staff recommends a minimum of 10% of the total units, to be built on site, provided that this exceeds the minimum that the WHP code requires for a project using the Full Incentive option of the WHP.

Maximum Number of Units

In several recent amendments, a condition has also been included to limit the maximum number of units to be developed. If an amendment were approved without such a condition, a project would potentially be able to seek additional density through the Workforce Housing Density Bonus and Transfer of Development Rights programs, after an amendment was approved, and where the total proposed density was not analyzed comprehensively with the Goals, Objectives, and Policies of the County's Comprehensive Plan, specifically the Future Land Use Element of the Plan. For this reason, staff has proposed a condition to limit the maximum number of units to the maximum allowed by the LR-2 (75 units) with no additional bonus density allowed.

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. Immediately abutting the site are the following:

Ag Reserve Tier

- **North** – The northern property line shares a common border and is contiguous to the Agricultural Reserve Tier to the north. Bordering the subject site to the north within the Agricultural Reserve Tier is the development area of the Rainbow AgR-PUD (aka The Oaks at Boca Raton AgR-PUD), a 60/40 Agricultural Reserve planned unit development with an Agricultural Reserve (AGR) FLU designation (Control No. 97-00104). The development area consists of 281.73 acres and the preserve area, which is not contiguous to the development area, consists of 431.50 acres for a total of over 713 acres gross acres. The net density is 1.7 units per acre
- **East** – The eastern property line shares a common border and is contiguous with the Agricultural Reserve Tier. Bordering the subject site to the east is the Clint Moore Animal

Hospital. The parcel is 4.77 acres, has an AGR future land use designation and is zoned AGR with a Special Exception for a veterinarian clinic. The clinic is approved for 13,047 square feet. The Oaks at Boca Raton also borders this parcel on its east side. To the northeast of the subject property is a 4.96 acre vacant parcel. The property has FLU and zoning designations of AGR. The property has no prior zoning approvals according to the Zoning map. However, a review of aeriels dating back to 2004 indicates that agricultural activities such as nursery activities have and are currently taking place on the site. The Oaks at Boca Raton also surrounds this parcel on three sides.

Urban Suburban Tier

- **South** – Across Clint Moore Road, immediately south of the site, is the Reserve at Boca Raton shopping center, a 17.96 acre site with a Commercial Low (CL) future land use designation, developed with a 143,750 square foot retail center anchored by a Publix grocery store. East of the Reserve shopping center is the 33.08 acre Symphony Bay residential development, a single family Planned Unit Development with MR-5 future land use which is developed at a density of 4.28 units per acre.
- **West** - Directly west across State Road 7 is Stonebridge, a single family residential development. This development consists of 399.89 acres, has a FLU designation of LR-1 and is zoned PUD. The density is 0.99 dwelling units per acre. Also to the west are two parcels under the ownership of Palm Beach County and are 6.86 acres and 18.3 acres. The first parcel (6.86 acres) is located in the civic tract of the Stonebridge PUD and is being utilized for County satellite offices and Sheriff sub-station. The approved site plan for these facilities show approvals for 34,818 square feet. The 18.3 acre parcel is a County park and has a FLU designation of Park and a zoning designation of AR. The park facilities include three (3) ball parks, picnic areas, and a playground.

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 residential FLU designation is suitable and appropriate for the Subject Property based on the existing character of the surrounding development pattern”.*

Specifically, the applicant states that *“the Subject Property is of sufficient size to adequately develop a residential community with functional open space, recreation amenities, and necessary infrastructure while providing appropriate landscape buffering, setbacks, and other design features to increase the compatibility of the site with surrounding uses. Surrounding properties are compatible with a residential community on the Subject Property.”*

Staff Analysis: The subject site is adjacent to The Oaks AgR-PUD, a single family community developed in the Agricultural Reserve Tier with comparable density in the development area to that which is proposed on the subject site. The Oaks community was required to provide a 50 foot landscape buffer to provide an adequate buffer between the existing Thomas Packing Plant and other agricultural use on the site and the residential

development within The Oaks. The buffer has already been established and represents additional buffering that is well beyond what is normally required between similar residential development and density. The proposed amendment and development on the subject site is compatible with other surrounding low density and intensity land uses.

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 property is not located within a neighborhood plan area.

E. Public Facilities and Services Impacts

The proposed amendment will change the future land use designation from Multiple Land Use with Commercial Low and Low Residential, 2 units per acre (MLU, CL & LR-2) to Low Residential, 2 units per acre (LR-2). For the purposes of the public facilities impact analysis, the maximum density is based on Low Residential, 2 units per acre, up to 75 dwelling units. 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 was distributed to the County service departments for review. 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:

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

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

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

Staff Analysis: The County Traffic Division reviewed this amendment at the maximum development potential of 75 units proposed by the amendment. According to the Traffic Division letter dated May 16, 2022 (Exhibit 5), the amendment would result in a decrease of 5,958 net daily trips (maximum – current) and 31 (-6/37) AM and 49 (42/7) PM (maximum) net peak hour trips:

The Traffic letter concludes *"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 maximum potential density shown above.*

Please note the proposed amendment will have a reduced impact on the long range analysis and an insignificant impact on Test 2 analysis."

The Traffic Study was prepared by Kimley-Horn and Associates Inc., 1920 Wekiva Way, West Palm Beach, FL 33411. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at: <http://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

3. **Palm Beach County School District Comments:** The School District comments are provided in the School Capacity Availability Determination letter, or SCAD, dated February 23, 2022 (Exhibit 7).

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 May 20, 2022. To date, no objections through the IPARC process to this amendment 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 May 20, 2022. In addition, on May 20, 2022 several interested parties were notified by mail including the West Boca Community Council, The Alliance of Delray, and homeowner and property owner associations within the immediate area. Letters received are added to Exhibit 10 during the course of the amendment process.
- C. **Informational Meeting:** The Planning Division hosted a meeting for area residents and interested parties to relay information regarding the amendment and development approval process on June 1, 2022. One member of the public attended and asked questions regarding the workforce housing requirement for the site and public hearing dates.

Exhibit 3

Applicant's Justification

A. REQUEST

On behalf of the property owners, 7 T's Enterprises, Inc. and Westside Farms, Inc., and the applicant, Toll Bros., Inc., Urban Design Studio (UDS), as agent, has prepared and hereby respectfully submits this application for a Future Land Use Atlas (FLUA) Amendment for the ±37.4-acre property generally located at the northeast corner of State Road 7 (US 441) and Clint Moore Road, hereinafter referred to as the Subject Property. The Subject Property is comprised of three parcels with the following parcel control numbers (PCNs):

- 00-42-43-27-05-070-1130
- 00-42-43-27-05-070-1160
- 00-42-43-27-05-070-1170

The Subject Property is located in unincorporated Palm Beach County (PBC), situated in the Urban/Suburban Tier with a Future Land Use Atlas (FLUA) designation of Multiple Land Use (MLU) with Commercial Low (CL) and Low Residential, 2 dwelling units per acre (LR-2) and within the Multiple Use Planned Development (MUPD) Zoning District. The Subject Property is not located in any neighborhood planned area, Redevelopment area, or Countywide Community Revitalization Team (CCRT) area. The proposed change to the FLUA designation of the Subject Property does not require text amendments to the County's Unified Land Development Code (ULDC).

The applicant is requesting approval of the following from the PBC Board of County Commissioners (BCC):

1. To amend the Future Land Use Atlas (FLUA) designation of the Subject Property from Multiple Land Use (MLU) with Commercial Low (CL) and Low Residential, 2 dwelling units per acre (LR-2) to Low Residential, 2 dwelling units per acre (LR-2)

B. BACKGROUND

The property currently supports the produce packing operations owned by the Thomas family, as well as a portion of the property being used for agricultural production. The operations specifically associated with the packing plant occupy approximately 17.38 acres, and the area utilized for row crops and equipment storage is approximately 20 acres. John Thomas started farming land in PBC in 1958 after he relocated to Florida from New York. In 1981, he expanded his operation to include packaging facilities at the northeast corner of U.S. 441/State Road 7 and Clint Moore Road. According to the applicant, at that time the family farmed approximately 5,500 acres of land in PBC. However, due to development within the Agricultural Reserve Tier pursuant to the provisions of the Agricultural Reserve Planned Unit Development (AgR-PUD), a considerable amount of land area previously available to the applicant for farming is no longer in agricultural production. Additionally, the impact of the North American Free Trade Act (NAFTA) resulted in tomato farming becoming infeasible in the general area, further impacting the sustainability of the packing plant operations.

The 1980 Comprehensive Plan (Plan) first designated the area of the Agricultural Reserve in PBC. The boundaries of the Agricultural Reserve were redrawn with the adoption of the 1989

Comprehensive Plan, in which more than 5,000 acres were removed from the Agricultural Reserve at that time, reflecting development approvals through the 1980s. A study of the Agricultural Reserve was called for, with a moratorium placed on new non-agricultural development pending completion of the study. That study was never completed and the moratorium was lifted in 1995.

The Plan was amended in 1995 to allow for the 60/40 AgR-PUD option within the Agricultural Reserve Tier, in addition to the 80/20 option already in place. This has resulted in a considerable amount of farmland being converted for utilization of the development areas of the 60/40 PUD's.

At the time that the PBC Agricultural Reserve Master Plan was published in October 2000, there were 11 packing houses located in the Agricultural Reserve Tier. The study at the time recognized an anticipated decrease in produce availability resulting from the changing nature of agriculture in South Florida and projected that the need for these types of facilities would be curtailed. Furthermore, the plan stated that the agricultural support infrastructure in the Everglades Agricultural Area (EAA) suggested a need to find alternative uses for some of these facilities.

The latest Final Site Plan for the packing facility was approved by the PBC Development Review Committee (DRC), now known as the DRO, on December 21, 1999, via Petition No. 94-001. The plan was originally approved to allow for a total of 212,484 square feet of building area. This included future building expansions for four (4) new buildings depicted on the plan as Buildings A, B, C and D. The site plan is notated that the ability to construct Buildings A, B, and C was revoked on January 5, 2004 by the PBC Monitoring Division, and these buildings were crossed out on the plan. However, it appears that Building D should also have been depicted as losing the ability to be constructed per the Monitoring Section's notation on the plans.

The approved site plan also referenced prior Board of Adjustment approvals for variances related to the requirements for the landscape buffers, as well as variances to allow a Floor Area Ratio (FAR) of 0.29 and a Lot Coverage of 18.9%. Please note that we have requested to review all zoning files associated with this project, but the PBC Zoning Division has not been able to locate the files related to the original packing plant approval.

On January 27, 2016, the Boards of County Commissioners (BCC) adopted Ordinance 2016-014 approving a Tier Boundary Change request and Large-Scale FLUA Amendment request. This approval resulted in a change to the FLU designation from Agricultural Reserve (AGR) to Multiple Land Use (MLU) with Commercial Low (CL) and Low Residential, 2 units per acre (LR-2). These requests included the approval of a land use intensity matrix as included below.

Land Use	Acreage Range Min. – Max.	Intensity/Density	
		Minimum	Maximum
CL	5.0 ac – 28.6 ac.	54,450 sq.ft.	203,643 sq.ft.
LR-2 (Congregate Living Facility)	5.0 ac – 28.6 ac.	23 beds/residents	150 beds/residents
Usable Open Space	3.74 ac. – no max	N/A	N/A
Total Acres	37.40 ac.		

On August 25, 2016 the BCC approved application PDD/R-2015-02533 with conditions for an Official Zoning Map Amendment from the Agricultural Reserve (AGR) Zoning District to the Multiple Land Use Planned Development (MUPD) Zoning District and Requested Uses along with a Preliminary Site Plan including a mix of General Retail, Restaurants, and a Congregate Living Facility (CLF) under the project name Verde Commons MUPD.

On January 11, 2017, the DRO issued approval for application DRO/W-2016-01432 to finalize the plans approved by the BCC in connection with the rezoning of the site under the Verde Commons MUPD application. The DRO approved the finalized plans and related items including alternative buffer, a Type 3 CLF, a Type I Restaurant, four Type II Restaurants, revised control name, architectural review, and a reduction to loading zones for various buildings. These plans stand as the most recent approved site plans for the Subject Property.

Multiple time extensions have been filed with PBC to extend the expiration date for the Verde Commons MUPD approvals. Most recently, PBC Monitoring Division approved a time extension on June 26, 2020 resulting in an extension of the commencement of development and engineering condition due dates to August 21, 2027 and December 27, 2027, respectively. As such, the approved plans for Verde Commons MUPD remain valid.

C. SURROUNDING USES

Below is a description of the uses on the adjacent properties (or those on the other side of abutting R-O-W's) to the north, south, east and west of the overall property. Please see the Built Inventory Features Map in Attachment F for the following information overlaid on an aerial.

- **North:** To the north of the subject property is the following parcel:
 - **Multiple PCN's:** The Oaks at Boca Raton AgR-PUD. The development area of this PUD consists of 281.73 acres and has a FLUA designation of Agricultural Reserve (AgR) and is zoned as a Planned Unit Development (PUD). The net density on the development area is 1.69 units per acre (Control # 1997-00104). The Oaks at Boca Raton PUD is located within the Agricultural Reserve Tier.
- **South:** To the south of the subject property, across Clint Moore Road, are the following parcels:
 - **PCN 00-42-47-06-16-001-0000:** The Reserve at Boca Raton Shopping Center. This development is 17.96 acres in size and is owned by Stockbridge Reserve at Boca Raton, LLC. It has a FLUA designation of Commercial Low with underlying Medium Residential, 5 units per acre (CL/5) and Commercial Low (with cross hatching) with underlying Medium Residential, 5 units per acre (CLX/5), and is zoned Multiple Use Planned Development (MUPD). The FAR for the development is 0.18. The site contains 144,049 square feet of commercial development, inclusive of a Publix, restaurants, retail, and financial institutions (Control # 2001-00022). The eastern 250' is limited to the use of drainage, landscape and at grade parking and is developed as a drainage facility for the MUPD. The Reserve at Boca MUPD is located within the Urban/Suburban Tier.
 - **Multiple PCN's:** Symphony Bay. This development consists of 33.08 acres, and has a FLUA designation of Medium Residential, 5 units per acre (MR-5) and is zoned Planned Unit Development (PUD). The density is 4.28 dwelling units per acre (Control # 1994-00048). The Symphony Bay PUD is located within the Urban/Suburban Tier.
- **East:** To the east of the subject property are the following parcels:
 - **PCN 00-42-43-27-05-070-1050:** This is a 4.96-acre vacant parcel with FLUA and zoning designations of Agricultural Reserve (AgR). The property has no prior zoning approvals per PBC records. However, it appears from a review of the aerial that some sort of agricultural activities are taking place on site, potentially plant nursery activities. This parcel is located within the Agricultural Reserve Tier.
 - **PCN 00-42-43-27-05-070-1200:** Clint Moore Animal Hospital. The parcel is 4.77 acres in size and it has FLUA and zoning designation of Agricultural Reserve (AgR) with a Special Exception for a veterinarian clinic. The clinic is approved for 13,047

square feet, it has an FAR of 0.062 (Control # 1985-00067). The Clint Moore Animal Hospital is located within the Agricultural Reserve Tier.

- **West:** To the west of the subject property, across State Road 7 (US 441), are the following parcels:
 - **Multiple PCN's:** Stonebridge PUD. This development consists of 399.89 acres and has a FLUA designation of Low Residential, 1 dwelling unit per acre (LR-1) and is zoned PUD. The density is .99 dwelling units per acre (Control # 1983-00107). The Stonebridge PUD is located within the Urban/Suburban Tier.
 - **PCN 00-41-46-36-03-002-000/00-41-47-01-01-001-0010:** These parcels are under the ownership of PBC and are 6.86 acres and 18.15 acres in size respectively. The first parcel is located in the civic tract of the Stonebridge PUD and is being utilized for PBC Sheriff District 7 Substation. The approved site plan depicts approvals for 34,818 square feet of building area at a buildout FAR of 0.11. The second parcel is a County park owned and has a FLUA designation of Park and a zoning designation of Agricultural Residential (AR). The park amenities include three (3) ball parks, picnic areas, and a playground. These properties are also within the Urban/Suburban Tier.

Please see below table for a summary of the existing use, future land use, and zoning of adjacent properties.

Adjacent Lands	Use	Future Land Use	Zoning
North	The Oaks at Boca Raton (469 units; 0.66 DU/AC)	Agricultural Reserve	Agricultural Reserve-Planned Unit Development
South	Reserve at Boca Raton (144,049 SF)	Commercial Low with Underlying Medium Residential, 5 units per acre	Mixed-Use Planned Development
South	Symphony Bay (142 units; 4.28 DU/AC)	Medium Residential, 5 units per acre	Planned Unit Development
East	Clint Moore Animal Hospital (13,047 SF)	Agricultural Reserve	Agricultural Reserve
West	Stone Bridge (398 units; 0.99 DU/AC) & Pinewoods Park	Low Residential, 1 unit per acre & Park	Planned Unit Development & Agricultural Residential

D. CONSISTENCY

G.1 - Justification

Per Policy 2.1-f of the FLUE of the PBC Plan, before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use. The applicant is requesting to amend the current FLUA designation from Multiple Land Use (MLU) with Commercial Low (CL) and Low Residential, 2 dwelling units per acre (LR-2) to Low Residential, 2 dwelling units per acre (LR-2). The Subject Property is not located within the boundaries of any Neighborhood Plan.

The proposed FLUA amendment meets the required standard as follows:

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

Applicant's Response: The proposed Low Residential, 2 dwelling units per acre (LR-2) FLU designation, and the resulting residential development permitted, is suitable and appropriate for the Subject Property for a variety of reasons. The location of the Subject Property at the intersection of Clint Moore Road, a major east-west corridor, and State Road 7 (US 441), a major north-south corridor, will ensure adequate access for the site and provide for efficient residential trip distribution among the surrounding road network. Further, the Subject Property is of sufficient size to adequately develop a residential community with functional open space, recreation amenities, and necessary infrastructure while providing appropriate landscape buffering, setbacks, and other design features to increase the compatibility of the site with surrounding uses.

Surrounding properties are compatible with a residential community on the Subject Property. In fact, the property immediately across Clint Moore Road at the southeast corner of Clint Moore Road and State Road 7 (US 441), the Reserve at Boca shopping center, provides a variety of community serving commercial options including a Publix grocery store, restaurants, retail, and financial services. Additionally, the property at the southwest corner of Clint Moore Road and

State Road 7 (US 441) is the County-owned Pinewoods Park which provides three (3) baseball fields, picnic areas, and a playground. The proposed residential FLU designation is suitable and appropriate for the Subject Property based on the existing character of the surrounding development pattern.

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

Applicant's Response: Thomas Packing plant is surrounded by growth and development typically associated with an urban/suburban density and intensity pattern. This pattern of development has encroached over time (for reference see side-by-side aeriols below from 1968 and 2021 with the subject property bounded in the red dashed line). Neither the residential development nor the commercial development existing in the area is compatible with the existing packing plant use and presents unique challenges to the continued operation of the business. The uses were described in detail in the surrounding uses section above but, generally speaking, these uses have been developed in a suburban fashion. In addition to suburban residential uses there are County park facilities which provide for recreational opportunities which draw users from a large area, County governmental services, a veterinarian clinic, and a suburban, commercial shopping center adjacent to the subject property. The commercial shopping center approvals in place for a portion of the Subject Property under the current MLU FLU designation have not been realized for a variety of reasons, one of which being the adequate service the adjacent shopping center provides for the surrounding community. As such, changed FLU designations and the development pattern of the surrounding area over the years have resulted in a diminished ability to continue the existing use and reduced the feasibility of a mixed-use development under the MLU FLU designation.



1968



2021

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

Applicant's Response: The characteristics of the western area of the County within and surrounding the Agricultural Reserve have continued to evolve over the last few decades. A large amount of previously farmed lands have since been converted for the development of residential uses which severely impacted the ability to operate the packing plant. This situation prompted the previous FLUA Amendment designating the Subject Property with the MLU FLU and subsequent approvals for a mixed-use center including retail, restaurant, financial, and medical office uses in

addition to a 150-bed congregate living facility. The Verde Commons MUPD development plans approved under the MLU FLU designation have not been actualized due to a variety of factors. Since this approval, a number of commercial retail, personal service, financial institutions, and medical offices have been introduced in the surrounding area. The development of a shopping center at the Subject Property could result in duplicative services and draw from the success of surrounding and immediately adjacent retail and personal services that are currently adequately providing for the community. The approved Verde Commons MUPD plan calls for four (4) access openings along Clint Moore Road and one (1) direct access onto State Road 7 (US 441) which would require the creation of a new access opening onto State Road 7 (US 441). A residential community at the density proposed could be designed without this direct access to State Road 7 (US 441) and would represent a significant reduction of vehicle trips on surrounding roadways.

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

Applicant's Response: Since this approval, we have seen substantial changes in consumer patterns and market conditions across the County, region, and country. These changes have resulted in a hesitation to pursue congregate living facilities, a more stringent analysis of demand for in-person commercial retail, personal service uses, and restaurants, and a continued increase in residential housing demand for a variety of housing options. These changes have prompted a reconsideration of the highest and best use for the Subject Property. Based on a variety of factors as described throughout this justification, a residential community developed under the LR-2 FLU designation is believed to be the highest and best use to serve the needs of the current and future residents of the County.

d. Inappropriateness of the adopted FLU designation;

Applicant's Response: The adopted MLU FLU designation for the Subject Property is no longer the most appropriate based on the demands of current and future residents of the County. In order to effectively plan for the future of the County, it is necessary to consider these demands and pursue development patterns that will provide an adequate supply of housing options for various families at various levels of income. Even more critical is the location of urban/suburban residential densities near community serving commercial options such as the existing commercial shopping center located at the same intersection of the Subject Property. It is also critical to balance the concerns of surrounding communities in the consideration of redevelopment. As such, the current request for the LR-2 FLU designation is a more appropriate FLU designation for the Subject Property than the currently adopted MLU designation based on the needs of the County and comprehensive planning principles.

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

Applicant's Response: The adopted FLU designation of Multiple Land Use (MLU) with Commercial Low (CL) and Low Residential, 2 dwelling units per acre (LR-2) was not assigned in error. However, due to changes in market conditions, the Verde Commons MUPD development plan approved under the existing FLU designation is not feasible to be developed. The demand for additional housing options has increased across the state and within the County in particular with housing demand expected to continue to increase. This request represents an evolution of market demands and changed circumstances as discussed above.

G.2 Residential Density Increases

Per Future Land Use Policy 2.4-b the proposed FLUA Amendment meets the required factors to justify this request as the appropriate method for increasing density on the Subject Property as described below.

1. Justify and demonstrate a need for a FLUA Amendment;

Applicant's Response: Within the Urban/Suburban Tier, few properties of sufficient size remain for development to support the continued population growth expected in the County. Certain sites, such as the Subject Property, represent prime redevelopment opportunities for residential development in order to maintain a housing supply with a variety of housing options that accommodates the growing demand. The proposed LR-2 FLU designation is justified for the Subject Property due to its location within the Urban/Suburban Tier, the assigned FLU designation and actual built density of surrounding residential communities, proximity to community serving commercial uses, outdoor recreation options, and various County services including a nearby library. The proximity of this site to desirable services and its location among existing low density residential communities makes this site a prime location for the proposed LR-2 FLU designation.

2. Demonstrate that the current FLUA designation is inappropriate;

Applicant's Response: The adopted MLU FLU designation for the Subject Property is no longer the most appropriate based on the demands of current and future residents of the County. In order to effectively plan for the future of the County, it is necessary to consider these demands and pursue development patterns that will provide an adequate supply of housing options for various families at various levels of income. Even more critical is the location of urban/suburban residential densities near community serving commercial options such as the existing commercial shopping center located at the same intersection of the Subject Property. The approved 150-bed congregate living facility represents an underutilization of the Subject Property considering the location and surrounding services. As such, the current request for the LR-2 FLU designation is a more appropriate FLU designation for the Subject Property than the currently adopted MLU designation based on the needs of the County and comprehensive planning principles.

3. Explain why the Transfer of Development Rights, Workforce Housing, and/or Affordable Housing Programs cannot be utilized to increase density.

Applicant's Response: The current FLU designation of Multiple Land Use (MLU) with Commercial Low (CL) and Low Residential, 2 dwelling units per acre (LR-2) was requested in connection to a mixed-use development including a commercial shopping center with a variety of uses and a 150-bed congregate living facility on the balance of the site. The proposed FLUA Amendment would allow for the adoption of a single residential FLU designation, LR-2, for the entire Subject Property in order to provide for a more conventional residential community. The above options to increase residential density would not effectively modify the existing MLU FLU designation to facilitate the proposed development of a residential community with urban/suburban density.

G.3 - Compatibility

Compatibility is defined in the County's Unified Land Development code as: *"Land uses that are congruous, similar and in harmony with one another because they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar, contradictory, incongruous, or discordant activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise, vibration, smoke, hazardous odors, radiation, function and other land use conditions."*

Applicant's Response: Based on this definition and accepted growth management ideals, the proposed amendment to allow for a residential development remains compatible with the surrounding uses and adjacent lands and will not create or foster undesirable effects. The requested LR-2 FLU designation will allow for improvements to the property and surrounding roadways that will enhance the overall function and compatibility of uses along this portion of the Clint Moore Road corridor. The site is adjacent to existing residential to the north and will coordinate with the adjacent community to ensure adequate buffering is provided to prevent any impact on the existing residents. No compatibility concerns arise with any surrounding properties as most are developed with residential uses in an urban/suburban pattern or are providing commercial services that will be utilized by the new residents of the community. Appropriate landscaped buffers will minimize the visual impact from adjacent roadways and will reduce the noise pollution of passing vehicles within the community. A residential development is expected to be a more harmonious use in the context of surrounding developments than would result from the existing MLU FLU designation and the Verde Commons MUPD. Requirements for buffering, screening, landscaping, setbacks, and building height work to enhance the compatibility of the proposed use with adjacent properties and to prevent undesirable health, safety, or aesthetic impacts on the surrounding area, making the proposed FLU designation compatible with the surrounding area.

G.4 -Comprehensive Plan

The proposed amendment furthers several Goals of the Comprehensive Plan and is consistent with several Objectives and Policies. The following analysis is provided to demonstrate consistency with specific objectives and policies in the Plan.

- **C. County Directions**

Applicant's Response: The County Directions in the Future Land Use Element provide the basis for the Goals, Objectives and Policies in the Plan. The County Directions recognize the need for infill redevelopment to occur and that it should be informed by growth management principles to encourage livable communities, neighborhood integrity, housing opportunities, and a strong sense of integrity while maintaining land use compatibility and level of service standards. Allowing for the proposed FLUA amendment will result in efficient use of land, and existing public facilities and services currently available to the Subject Property within the County's Urban/Suburban Tier. The residential use, guided by development regulations, will result in a compatible redevelopment of the Subject Property that facilitates a livable community with neighborhood integrity to meet the high and growing demand for additional housing opportunities in the County. Several of these Directions support the proposed amendment, specifically Livable Communities; Growth Management; Infill, Redevelopment and Revitalization; Land Use Compatibility; Neighborhood Integrity; Housing Opportunity; and a Strong Sense of Community.

- **D. Characteristics of a Livable Community**

Applicant's Response: The Comprehensive Plan describes the concept of a Livable Community which contributes to sustainability and a high quality of life for the residents. The proposed LR-2 FLU designation will allow for the creation of such a community exhibiting the representative characteristics of a central neighborhood focal point in the form of a shared recreation center, proximity to a variety of potential employment opportunities, and convenient location relative to civic uses such as schools, places of worship, libraries, parks, and government services. Further, the development of the Subject Property with a residential community will improve the quality of life for surrounding properties by way of the elimination of the existing packing plant operation

which is largely incompatible with surrounding residential uses. In support of the County's Directions for livable communities in the Urban/Suburban Tier, the proposed FLUA amendment seeks to achieve a low-density residential community under the LR-2 FLU designation in close proximity to an existing commercial center, a park, and along two major roadways.

- **FLUE Goal 1 Strategic Planning**

Objective 1.1 Managed Growth Tier System:

1. Ensure sufficient land, facilities and services are available to maintain a variety of housing and lifestyle choices, including urban, suburban, exurban, and rural living;
2. Accommodate future growth but prohibit further urban sprawl by requiring the use of compact forms of sustainable development;
3. Facilitate and support infill development and revitalization and redevelopment activity through coordinated service delivery and infrastructure upgrades;

Applicant's Response: The proposed LR-2 FLU designation is appropriate for a property located within the Urban/Suburban Tier. Locating residential development within this tier serves to prevent the further encroachment of residential uses on agriculturally productive lands further west in the County. The housing demand continues to grow in the County with a focus on providing families with a variety of housing options available at various income levels. Allowing for the infill redevelopment of the Subject Property in a manner consistent with the regulations for the Urban/Suburban Tier works to prevent urban sprawl and facilitates the provision of much needed additional housing options at a location already provided with County services.

- **FLUE Goal 2 Land Planning:**

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

Applicant's Response: The Subject Property is located within the Urban Service Area where public facilities and services are available to serve the proposed development. The location of the Subject Property at a major transportation node where public facilities already exist will ensure the timely and cost-effective provision of services the proposed development. Further, the proposed LR-2 FLU designation will allow for a development which increases the number of residential units available within the Urban/Suburban Tier without the need to extend services or develop lands within the Agricultural Reserve Tier. The development of the site with a low-density residential community under the LR-2 FLU designation will better position the County to meet the growing housing demands for current and future residents in this area of the County.

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

Applicant's Response: As confirmed by the detailed analysis presented in application Attachments H through O, the Subject Property is adjacent to and able to connect to all necessary urban services including, but not limited to, the roadway network, water/wastewater, drainage facilities, and emergency services, at the density requested under the LR-2 FLU designation. Further, the level of service demand is expected to be reduced from those associated with the existing Verde Commons MUPD approval. Therefore, the requested FLU designation would not

exceed the manmade constraints of the site and will allow for efficient utilization of existing service capacities.

- **FLUE Policy 2.1-f:** The following will detail the impact of the proposed FLUA on the items listed:

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

Applicant's Response: Please see Application Attachment L for the Natural Features Map and graphics that show that this site does not support any existing habitat or natural communities. The site was previously cleared and has long been used as a packing plant with related agricultural operations. The absence of wetlands, relatively flat land, and previous use are key factors lending towards the viability of the Subject Property for a residential development. The development of this site, with significant landscape improvements and an emphasis on compatibility with surrounding properties, along with improvements in water quality, will serve to maintain the surrounding natural and built environment. Based on this assessment, there are no significant environmental resources or habitat existing on the property that would be negatively impacted by the proposed residential development.

2. The availability of facilities and services;

Applicant's Response: Below is more detailed information on each of those facilities and services:

- *Traffic:* Please see Application Attachment H for the Comprehensive Plan Amendment Transportation Analysis prepared by Kimley-Horn & Associates and corresponding Traffic Approval from PBC Traffic Division.
- *Mass Transit:* There are currently no Palm Tran routes serving the site but the Palm Tran Bus Route that runs nearest to this property is Route 91 – BOCA RATON XTOWN via GLADES with the closest stop located approximately 1.6 miles southeast of the Subject Property at Lyons Road and New England Boulevard.
- *Potable Water and Wastewater:* Please see Application Attachment I for the PBC Water Utilities Department letter wherein it is stated that capacity does exist for the proposed development via an existing watermain and force main within Clint Moore Road adjacent to the property. A lift station will be required for this connection.
- *Drainage:* Please see Application Attachment J for Drainage Statement prepared by Kimley-Horn & Associates. Legal positive outfall has already been established to LWDD L-40 Canal to the south along the north side of Clint Moore Road and the E-1 canal to the west along the east side of State Road 7 (US 441).
- *Fire Rescue:* Please see Application Attachment K for the Fire Rescue letter which confirms that the nearest PBC Fire Rescue station is Station #54 located at 18501 State Road 7. Station #54 is located approximately 1.25 miles from the Subject Property and that the estimated response time to the subject property is approximately 5 minutes.
- *School:* Please see Application Attachment O for the School Capacity Availability Determination (SCAD) application submitted to the School District of Palm Beach County and resulting SCAD letter.
- *Parks and Recreation:* The addition of units does not negatively impact the Palm Beach County level of service for parks and recreation as adequate parks land area and amenities already exist to serve the additional units.

3. The adjacent and surrounding development;

Applicant's Response: The proposed LR-2 FLU designation and resulting residential development is compatible with surrounding properties and consistent with existing land use designations along this portion of the Clint Moore Road and State Road 7 corridors within this area of the County. Please refer to Section G.3 - Compatibility and Surrounding Uses above.

4. The future land use balance;

Applicant's Response: The proposed addition of residential density at the Subject Property will not impact the area's future land use balance as this is the only property in the surrounding area that is poised for redevelopment. Surrounding properties are developed in accordance with an urban/suburban development pattern and include a balanced mix of residential, commercial, civic, and recreation uses. The balance of residential options would be increased with the approval of this request to allow a low-density residential product on the Subject Property. A variety of commercial retail and personal service uses exist in close proximity to service the needs of the future residents.

5. The prevention of urban sprawl as defined by 163.3164(51), F.S.;

Applicant's Response: The proposed FLUA amendment will prevent urban sprawl as it will allow for the redevelopment of an underutilized property located in the Urban/Suburban Tier. The Subject Property was previously utilized as a packing plant with associated agricultural production that has seen significant declines in viability of the years. Allowing for the redevelopment of a suitably sized parcel in the Urban/Suburban Tier will contribute to the preservation of lands within the Agricultural Reserve Tier. The development of a low-density residential community at this location will place residents in close proximity to various services, recreation areas, and employment opportunities to result in a better relationship between land use and transportation patterns.

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

Applicant's Response: The Subject Property is not governed by a community plan and is not located within a special planning area. However, the need for additional housing options is a known demand that exists County-wide and the Comprehensive Plan's Managed Growth Tier System is based on the concept that residential density is most appropriately located within the Urban/Suburban Tier in order to prevent the encroachment of urban/suburban development intensities towards agricultural lands in the western area of the County.

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

Applicant's Response: The Subject Property is not located adjacent to any municipality; however, the applicant and their consultants have coordinated with the County's Fire Department, Water Utilities District, and Historical Resources Section. Further, the applicant recognizes the application will be reviewed by the Treasure Coast Regional Planning Council (TCRPC) as well as the Intergovernmental Plan Amendment Review Committee (IPARC).

- **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.

Applicant's Response: As described above, the proposed LR-2 FLU designation is justified and supports a variety of County Directions and Comprehensive Plan policies. The resulting development will accommodate the growing population of the County by providing additional housing options available to families at a variety of income levels.

- **FLUE 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.

Applicant's Response: The proposed residential FLU and resulting development will not encourage piecemeal development, but a full utilization of available services at the Subject Property. Adjacent properties are currently in use for residential or commercial uses. As such, the approval of the proposed FLUA amendment will not encourage piecemeal development or result in residual parcels.

- **FLUE Table 2.2.1-g.1:** Designates the Low Residential, 2 dwelling units per acre, (LR-2) Future Land Use designation as allowing 2 units per acre based on gross land area.

Applicant's Response: The proposed change to the LR-2 FLU designation and the subsequent development plan will be consistent with this Table in providing a maximum of 75 residential units for the 37.4 acres Subject Property.

G.5. - Florida Statues

Please consider the following responses demonstrating consistency with Chapter 163.3177, F.S.

- **F.S., Section 163.3177.6(a)8:** Future land use map amendments shall be based upon the following analysis:
 - a. An analysis of the availability of facilities and services.

Applicant's Response: Supporting data and analysis demonstrating the availability of facilities and services is presented in Application Attachments H (Traffic Study), I (Water and Wastewater Service Letter), J (Drainage Statement), and K (Fire Rescue Letter).

- b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.

Applicant's Response: Supporting data and analysis demonstrating the proposed use is suitable based on the character of the Subject Property is presented in Application Attachments F (Built Features Inventory & Map), J (Drainage Statement), L (Natural Features Inventory & Map), M (Wellfield Zone Statement & Map), and N (Historic Resource Evaluation Letter).

- c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.

Applicant's Response: The Subject Property is a contiguous site of approximately 37.4 acres. There will be a concurrent zoning application which will serve to support the premise that this acreage is the minimum amount of land needed to ensure the Subject Property may be efficiently

developed with a residential community under the LR-2 FLU designation and prevent residual parcels or piecemeal development.

- **F.S., Section 163.3177.6(a).9:** The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.
 - a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:
 - (I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

Applicant's Response: The proposed FLUA change from MLU to LR-2 will facilitate the development of a residential community on a parcel surrounded by existing development on all sides. The site is located adjacent to but outside of the Agricultural Reserve Tier which the County has designated as the appropriate area for low-intensity and low-density development. The proposed change would allow single-use residential development in an already developed area of the County which would further the goal of locating urban/suburban levels of density outside of the Agricultural Reserve Tier.

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

Applicant's Response: The Subject Property is located within the Urban Service Area of the Urban/Suburban Tier. Despite the proximity to properties within the Agricultural Reserve Tier, the surrounding area is not considering rural in nature and urban services and facilities are established to service this area. County services are provided along Clint Moore Road and further west of State Road 7 (US 441) in this area of the County.

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

Applicant's Response: The Subject Property is not isolated and this amendment will not alter the development pattern of the surrounding area. There is existing development immediately to the north and east as well as to the south and west across abutting right-of-ways. The development of the Subject Property as made possible by this request will allow for the continued implementation of an urban/suburban development pattern at the intersection of State Road 7 (US 441) and Clint Moore Road.

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

Applicant's Response: The proposed FLUA change does not fail to adequately protect and conserve natural resources as no natural resources currently exist on the Subject Property. The resulting development will have no negative impacts on environmentally sensitive areas or other significant natural systems.

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

Applicant's Response: While the Subject Property was previously utilized for the production of vegetable row crops and an on-site packing plant. The site is not designated as a preserve parcel or restricted by a conservation easement. There are no preserve parcels or environmentally sensitive lands abutting the Subject Property. The proposed FLUA change will have no impact on the continuation of agricultural activities in other areas of the County.

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

Applicant's Response: Various letters of determination are provided as attachments to this FLUA amendment application to verify the availability and capacity of existing public facilities and services.

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

Applicant's Response: Various letters of determination are provided as attachments to this FLUA amendment application to verify the availability and capacity of existing public facilities and services.

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

Applicant's Response: Public facilities and services are currently available to the Subject Property and surrounding area and the proposed FLUA change would not increase the cost in time, money, or energy for providing and maintaining these facilities and services.

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

Applicant's Response: The Subject Property is located within the Urban/Suburban Tier and adjacent to properties within the Agricultural Reserve Tier. The proposed FLUA change discourages sprawl and supports the intent of the Agricultural Reserve as it proposes to locate a residential community of urban/suburban density outside of the Agricultural Reserve Tier and east of State Road 7 (US 441) in an area of the County surrounded by existing development.

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

Applicant's Response: The residential development of the Subject Property resulting from the approval of the proposed FLUA change could be considered infill redevelopment as developments currently exist further west of the Subject Property and to the north, south, and east. The location is ideal for the development of a residential community providing additional housing options in the County within an area with existing residential communities and neighborhood serving commercial uses.

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

Applicant's Response: The approval of the requested land use change would further the goal of providing a mix of housing types within the County and, more specifically, a range of housing options in this area of the County.

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

Applicant's Response: The proposed FLUA change and resulting development will not diminish the accessibility of surrounding properties.

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

Applicant's Response: The Subject Property is not currently utilized as functional open space and so no loss will occur with the approval of the proposed FLUA change. In fact, with the open space provided within the residential community, the proposal discourages sprawl by creating functional open space where none exists.

- **F.S., Section 163.3177.6.(a).9:** The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.
 - b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:
 - (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

Applicant's Response: The proposed amendment seeks to redevelop a property that was previously cleared of natural resources and located outside of a wellfield protection zone. As such, development of the Subject Property would not have an adverse impact on natural resources or ecosystems and the applicant will abide by County ULDC provisions with respect to addressing existing plant materials through the zoning approval process.

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

Applicant's Response: The proposed LR-2 FLU designation will allow for efficient use of existing public facilities and services available to the site along the Clint Moore Road corridor. The Subject Property is located along an area of existing development and would not require the extension of public facilities or services into a rural area of the County.

(III) 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.

Applicant's Response: The development resulting from the proposed land use change will result in a community design that creates a walkable and connected neighborhood through internal sidewalks and usable open spaces.

(IV) Promotes conservation of water and energy.

Applicant's Response: The development plan for the Subject Property will promote the conservation of water through stormwater management.

- (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

Applicant's Response: The amendment does not fail to protect adjacent agricultural areas, as the Subject Property is surrounded by development consistent with the Urban/Suburban Tier. Residential development of the Subject Property would lend towards increasing the housing supply within the County without impacting agricultural lands within the Agricultural Reserve Tier. Therefore, the proposal discourages the proliferation of urban sprawl.

- (VI) Preserves open space and natural lands and provides for public open space and recreation needs.

Applicant's Response: The Subject Property is not utilized as functional open space and features no natural lands. The development of a residential community with the required recreation areas will provide for adequate public open space within the community, thereby discouraging the proliferation of urban sprawl. Further, these residences would be located in close proximity to County-owned Park facilities.

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

Applicant's Response: The proposed amendment will introduce a residential community of urban/suburban intensity that would be adequately served by the existing commercial shopping center immediately south across Clint Moore Road. This plaza includes a number of personal service and community retail options including a grocery store. The proposed LR-2 FLU designation would lend towards the creation of a balance of land uses along the Clint Moore Road corridor.

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

Applicant's Response: The proposed FLUA change will allow residential development of a property within the Urban/Suburban Tier at a density appropriate for the Urban/Suburban Tier and consistent with the surrounding communities. The change will designate a suitable property with the residential density necessary to provide additional housing options in the southern portion of the County.

In conclusion, the property owners, applicant, and agent believe the justification contained herein demonstrates the requested FLUA Amendment from MLU to LR-2 is justified, consistent with the Plan and state statutes, and is compatible with the surrounding uses. On behalf of the property owners and applicant, UDS, respectfully requests approval of this request to amend the FLUA designation on the Subject Property. The Project Managers at UDS are Ken Tuma , KTuma@udsflorida.com, or Tyler Woolsey, TWoolsey@udsflorida.com.

Exhibit 4

Applicant's Public Facility Impacts Table

Part 5. Public Facilities Information

A. Traffic Information		
Please refer to Application Attachment H for the Traffic Statement prepared for this application. A written letter from the County Engineering Department indicating compliance with Policy 3.5-d of the Future Land Use Element of the Comprehensive Plan is forthcoming and will be included in Application Attachment H, upon receipt, along with the approved Traffic Study.		
	Current	Proposed
Max Trip Generator	General Commercial (ITE 820): Ln(T) = 0.68*Ln(X) +5.57 (Daily) 0.94 trips / 1000 SF (AM peak hour) Ln(T) = 0.74 * Ln(X) +2.89 (PM Peak Hour) General Office (ITE 710): (Ln(T) = 0.97 * Ln(X) +2.5 (Daily) Ln(T) = 0.94*Ln(X)+26.49 (AM Peak Hour) 1.15 trips / 1000 SF (PM Peak Hour) Assisted Living Facility (ITE 254): 2.60 trips/ bed (Daily) 0.19 trips/bed (AM peak hour)	Single-Family Housing (ITE 210): 10 trips/DU (Daily) 0.74 trips/DU (AM peak hour) Ln(T) = 0.96*Ln(X)+0.20 (PM peak hour)
Maximum Trip Generation	Daily:6,708 AM peak hour: 197 PM peak hour: 637	Daily: 750 AM peak hour: 56 PM Peak hour: 77
Net Daily Trips:	-5,958 (maximum minus current) -5,958 (proposed minus current)	
Net PH Trips:	-141 AM, -560 PM (maximum) -141 AM, -560 PM (proposed)	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	Kimley-Horn & Associates - Christopher W. Heggen, P.E.	
B. Mass Transit Information		

Nearest Palm Tran Route (s)	There are no Palm Tran Routes that directly service the subject site. The nearest Palm Tran Route to the subject site is Route 91 – BCR X-TOWN via GLADES.
Nearest Palm Tran Stop	The nearest Palm Tran stop is approximately 1.6 miles away from the subject site at Lyons Road & New England Blvd. (Stop ID 8142).
Nearest Tri Rail Connection	Boca Raton Tri-Rail Station, south side of Yamato Road on the east side of I-95, approximately 7.7 miles east of the subject site.

C. Portable Water & Wastewater Information

Please refer to Application Attachment I for the PBC WUD Service Availability Letter.

Potable Water & Wastewater Providers	The subject property is located within the Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has confirmed capacity exists to serve the proposed LR-2 FLU that would allow up to 75 dwelling units.
Nearest Water & Wastewater Facility, type/size	The nearest potable water is a 24" watermain located in Clint Moore Road adjacent to the subject property and an 8" force main located in Clint Moore Road adjacent to the subject property. A lift station is required for this connection.

D. Drainage Information

Please refer to Application Attachment J for the Drainage Statement prepared for this application.

The site is within the South Florida Water Management District (SFWMD) and Lake Worth Drainage District (LWDD) jurisdiction for surface water management. The Thomas Packing Plant lies within the C-15 Basin and currently discharges to the LWDD canal system. The site is immediately adjacent to the LWDD L-40 canal to the south and the E-1 canal to the west, providing legal positive outfall. This property does not have an existing SFWMD or LWDD approved permits and is within the Zone X flood plain as established by FEMA Flood Map number 12099C0965F (October 5, 2017).

The site does not appear to have any significant on-site surface water management system beyond the existing stormwater runoff to the adjacent canals. The maximum allowable canal discharge as specified by LWDD for Basin C-15 is 70 CSM. Both the L-40 and E-1 canals have a control elevation of 16.0' NGVD 1929 (14.47' NAVD 1988). Any future proposed stormwater system will require that the water quality provided onsite be increased by 50% to account for the Water Not Attained Standards (WNAS). The E-1 canal currently meets the WNAS as established by the Florida Department of Environmental Protection.

E. Fire Rescue

Nearest Station	PBC Fire Rescue Station #54, 18501 State Road 7
Distance to Site	Approximately 1.25 miles
Response Time	5 minutes
Effect on Resp. Time	Average response time (call received to on scene) for Station 54's zone is 7:18. This project is expected to have some impact on Fire Rescue. Please see Application Attachment K for PBC Fire Rescue Letter.

F. Environmental

Significant habitats or species	<p>Please refer to Application Attachment L for the Environmental Assessment prepared for this application.</p> <p>There are no significant environmental resources or habitat existing on this property. As a result of historical disturbance and current development on the property, vegetation consists of remnant native and exotic species including a dominance invasive exotic Brazilian pepper where any assemblages do exist. No listed plant or animal species were observed on the property and no jurisdictional wetlands were observed on the property. No significant impacts to natural resources are anticipated to result from this land use amendment. The surface waters will be quantified and accounted for as part of the future surface water management permitting process.</p>
Flood Zone*	According to Palm Beach County's Information Systems Services, the subject property is located within flood zone X. Flood zone X represents areas outside of the 500-year flood plain with less than 0.2% probability of annual flooding.
Wellfield Zone*	The subject property is not located within or adjacent to a wellfield protection zone. Please refer to Application Attachment M for the Flood and Wellfield Zone Statement prepared for this application

G. Historic Resources

Please see Application Attachment N for the PBC Historical and Archaeological Resource letter. Staff review has identified no known archaeological resources located on or within 500 feet of the subject property.

H. Parks and Recreation - Residential Only (Including CLF)

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	Burt Aaronson South County Regional Park, 11200 Park Access Rd., Boca Raton, FL 33498	0.00339	+179 persons	0.61 AC
Beach	Gulfstream Park, 4489 N. Ocean Boulevard, Gulfstream, FL 33483	0.00035	+179 persons	0.06 AC
District	West Boynton Park and Rec Center, 6000 North Tree Blvd. Lake Worth, FL 33463	0.00138	+179 persons	0.25 AC

I. Libraries - Residential Only (Including CLF)

Library Name	West Boca Raton Branch
Address	18685 State Road 7
City, State, Zip	Boca Raton, FL 33498
Distance	Approximately 1.1 miles

Component	Level of Service	Population Change	Change in Demand
Collection	2 holdings per person	+179 persons	358 holdings
Periodicals	5 subscriptions per 1,000 persons	+179 persons	0.90 subscriptions
Info Technology	\$1.00 per person	+179 persons	\$179.00
Professional staff	1 FTE per 7,500 persons	+179 persons	0.02 FTE
All other staff	3.35 FTE per professional librarian	+179 persons	0.08 FTE
Library facilities	0.34 sf per person	+179 persons	61 SF

J. Public Schools - Residential Only (Not Including CLF)

Please see Application Attachment O for the SCAD Application submitted to the School District of PBC.

	Elementary	Middle	High
Name	Whispering Pines	Eagles Landing	Olympic Heights
Address	909 Spanish Isles Blvd.	19500 Coral Ridge Dr.	20101 Lyons Road
City, State, Zip	Boca Raton, FL 33496	Boca Raton, FL 33408	Boca Raton, FL 33434
Distance	1.6 miles	3.4 miles	3.6 miles

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**

Robert S. Weinroth, Mayor

Gregg K. Weiss, Vice Mayor

Maria G. Marino

Dave Kerner

Maria Sachs

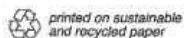
Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

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Affirmative Action Employer"



May 16, 2022

Christopher W. Heggen, P.E.
Kimley-Horn and Associates, Inc.
1920 Wekiva Way
West Palm Beach, FL 33411

**RE: Thomas Packing Plant - Revised
FLUA Amendment Policy 3.5-d Review
Round 2022-22-B**

Dear Mr. Heggen:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Analysis for the proposed Future Land Use Amendment for the above-referenced project, dated February 22, 2022, 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:	NE corner of Clint Moore Road and State Road 7	
PCN:	00-42-43-27-05-070-1130 (<i>others on file</i>)	
Acres:	37.40 Acres	
	Current FLU	Proposed FLU
FLU:	Multiple Land Use with Commercial Low and Low Residential, 2 units per acre – MLU (CL & LR-2)	Low Residential, 2 units per acre (LR-2)
Zoning:	Multiple Use Planned Development (MUPD)	Planned Unit Development (PUD)
Density/Intensity:	0.25 FAR for Commercial based on 50% of the land area And CLF maximum of 150 residents/beds	2 DUs/acre
Maximum Potential:	General Commercial = 185,130 SF General Office = 44,431 SF Assisted Living Facility = 150 Beds	Single Family Detached = 75 DUs
Proposed Potential:	None	None
Net Daily Trips:	-5,958 (maximum – current)	
Net PH	31 (-6/37) AM, 49 (42/7) PM (maximum)	



Christopher W. Heggen, P.E.
May 16, 2022
Page 2

Trips:	
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>	

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 **maximum potential** density shown above.

Please note the proposed amendment will have a reduced impact on the long-range analysis and an insignificant impact on Test 2 analysis.

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 be "DS", is written over the typed name.

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS/cw

cc: Addressee
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
Jorge Perez – Senior Planner, Planning Division

File: General - TPS - Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\22-B\Thomas Packing Plant - Revised.docx

Exhibit 6

Water & Wastewater Provider LOS Letter



**Water Utilities Department
Engineering**

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



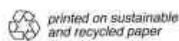
**Palm Beach County
Board of County
Commissioners**

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"



November 3, 2021

Urban Design Studios
508 E Boynton Beach Blvd.
Boynton Beach, FL 33435

RE: 37.4 Acre Parcel on NE Corner of Clint Moore Road & SR7
PCN: 00-42-43-27-05-070-1130, 00-42-43-27-05-070-1160 & 00-42-43-27-05-070-1170
Service Availability Letter

Dear Mr. Woolsey,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity for the existing approved 150 bed CLF and approximately 200,000 SF of commercial area and for the proposed HR-8 FLU that would allow up to 299 dwelling units in a townhouse community.

The nearest potable water is 24" watermain located in Clint Moore Rd. adjacent to the subject property and an 8" forcemain located in Clint Moore Road adjacent to the subject property. A lift station is required for this connection. Please note that the property is located within a PBC Mandatory Reclaimed Service Area.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD. If you have any questions, please give me a call at (561)493-6116.

Sincerely,

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

Jackie Michels, P.E.
Project Manager

Exhibit 7

School District Letter



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

KRISTIN K. GARRISON
DIRECTOR

JOSEPH M. SANCHES, MBA
CHIEF OPERATING OFFICER

PLANNING AND INTERGOVERNMENTAL RELATIONS
3661 INTERSTATE PARK RD. N., STE 200
RIVIERA BEACH, FL 33404

PHONE: 561-434-8020 / FAX: 561-357-1193
WWW.PALMBEACHSCHOOLS.ORG/PLANNING

SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

Application	Submittal Date	02/17/2022		
	SCAD No.	22021701F - FLU		
	FLU /Rezoning/D.O. No.	Not Provided – Palm Beach County		
	PCN No. / Address	00-42-43-27-05-070-1130; 1160; 1170 / 9845 and 9905 Clint Moore Road		
	Development Name	Thomas Packing Plant		
	Owner / Agent Name	Westside Farms, Inc. & 7T's Enterprises, Inc./ Urban Design Studio		
	SAC No.	311K		
	Proposed FLU Amendment	Max. 75 Residential Units		
Impact Review		Sunrise Park Elementary School	Eagles Landing Middle School	Olympic Height High School
	New Students Generated	12	7	10
	Capacity Available	-387	-588	-517
	Utilization Percentage	140%	146%	123%
School District Staff's Recommendation	<p>Based on the findings and evaluation of the proposed development, there will be a negative impact on the public school system. Therefore, if the proposed development is approved by the Palm Beach County government, School District staff recommends the following condition to mitigate such impacts.</p> <p>In order to address the school capacity deficiency generated by this proposed development at the District elementary, middle and high school level, the property owner shall contribute a total of \$307,235.00 to the School District of Palm Beach County prior to the issuance of first building permit.</p> <p>This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied). The contribution amount may be adjusted to reflect the actual unit number and type during the Development Order process.</p> <p>Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on April 16, 2019.</p>			
Validation Period	<p>1) This determination is valid from 02/23/2022 to 02/22/2023 or the expiration date of the site-specific development order approved during the validation period.</p> <p>2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to 02/22/2023 or this determination will expire automatically on 02/22/2023.</p>			
Notice	<p>1) This letter replaces the previous SCAD letter issued on 12/7/2021 under #21110901F.</p> <p>2) School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.</p>			

Joyce Cai

School District Representative Signature

Joyce C. Cai, Senior Planner

Print Name & Title

February 23, 2022

Date

joyce.cai@palmbeachschools.org

Email Address

CC: Patricia Behn, Planning Director, Palm Beach County
Kevin Fischer, Interim Planning Director, Palm Beach County
Joyell Shaw, PIR Manager, School District of Palm Beach County

The School District of Palm Beach County, Florida
A Top High-Performing A Rated School District
An Equal Education Opportunity Provider and Employer

Exhibit 8

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 8

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Fredrick W. Pfister, 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 ☒ Division President [position—e.g., president, partner, trustee] of Toll Bros., Inc. [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 1140 Virginia Dr.
Ft. Washington, PA. 19034
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.


Fredrick W. Pfister, 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 8th day of NOVEMBER, 2021 by
Fredrick W. Pfister (name of person acknowledging) (C) 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).

Denise Bourne
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 3/11/2025

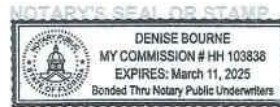


EXHIBIT "A"

PROPERTY

Tracts 113 through 119 inclusive, Block 70, PALM BEACH FARM CO. Plat #3 as record in Plat Book 2, Pages 45-54, Public Records of Palm Beach County, Florida.

EXHIBIT "B"**DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT**

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

Name	Address
Toll Holdings, Inc.	1140 Virginia Drive, Fort Washington, PA 19034
(Sole stockholder of Toll Bros., Inc.)	
Toll Brothers, Inc.	1140 Virginia Drive, Fort Washington, PA 19034
(Sole stockholder of Toll Holdings, Inc.)	
publicly-traded on the NYSE; registered	
with the SEC)	

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 Stephen M. Thomas, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ individual or ☒ President of TT's Enterprises, Inc. [position - e.g., president, partner, trustee] of TT's Enterprises, Inc. [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: 9905 Clint Moore Road
Boca Raton, FL 33496
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.

Stephen M. Thomas
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 8th day of November, 2021 by Stephen M. Thomas (name of person acknowledging). He/she is personally known to me or has produced Florida Driver's License (type of identification) as identification and did/did not take an oath (circle correct response).

Jessica Ignneri
(Name - type, stamp or print clearly)

Jessica Ignneri
(Signature)

My Commission Expires on: 09-03-2023



EXHIBIT "A"

PROPERTY

Tracts 116 through 119 inclusive, Block 70, PALM BEACH FARM CO. Plat #3 as record in Plat Book 2, Pages 45-54, Public Records of Palm Beach County, Florida.

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

John J. Thomas, Jr. 9905 Clint Moore Rd. Boca Raton, FL. 33496

Norman A. Thomas 9905 Clint Moore Rd. Boca Raton, FL. 33496

Jeffrey A. Thomas 9905 Clint Moore Rd. Boca Raton, FL. 33496

Stephen M. Thomas 9905 Clint Moore Rd. Boca Raton, FL. 33496

Jane H. Andershock 9905 Clint Moore Rd. Boca Raton, FL. 33496

Kathleen J. LaSalle 9905 Clint Moore Rd. Boca Raton, FL. 33496

Cynthia A. Thomas 9905 Clint Moore Rd. Boca Raton, FL. 33496

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 Stephen M. Thomas 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 ☒ Director/Secretary [position - e.g., president, partner, trustee] of Westside Farms, Inc. [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: 9905 Clint Moore Road
Boca Raton, FL 33496
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.

Stephen M. Thomas
Stephen M. Thomas, 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 8th day of November, 2021 by Stephen M. Thomas (name of person acknowledging). He/she is personally known to me or has produced Florida Driver's License (type of identification) as identification and did/did not take an oath (circle correct response).

Jessica Igneri
(Name - type: stamp or print clearly)

Jessica Igneri
(Signature)

My Commission Expires on: 09-03-2023



EXHIBIT "A"

PROPERTY

Tracts 113 through 115 inclusive, Block 70, PALM BEACH FARM CO. Plat #3 as record in Plat Book 2, Pages 45-54, Public Records of Palm Beach County, Florida.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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Name

Address

Stephen M. Thomas 9905 Clint Moore Rd. Boca Raton, FL. 33496

Norman A. Thomas 9905 Clint Moore Rd. Boca Raton, FL. 33496

John J. Thomas, Jr. 9905 Clint Moore Rd. Boca Raton, FL. 33496

Jeffrey A. Thomas 9905 Clint Moore Rd. Boca Raton, FL. 33496

Exhibit 9

Site's History in Agricultural Reserve Tier

Several text amendments to the Comprehensive Plan related to the site were adopted prior to the 2016 amendment and the site was the subject of several applications to change the development potential. With respect to the property's location in the Agricultural Reserve Tier prior to 2016 and its development potential then, the County has allowed residential development options that were designed to preserve agriculture in the Ag Reserve since 1980 and with the adoption of the 1989 Comprehensive Plan and subsequent text amendments, additional development options became available for both residential development and commercial development in the tier. The 80/20 AGR-PUD residential option was available prior to 1989 with a minimum of 40 acres and in 1995, the 60/40 Agricultural Planned Unit Development (AGR-PUD) became available with a minimum of 250 acres. The Oaks AGR-PUD, approved in 1998, to the north and east of the subject site, was one of the first residential projects approved in the tier under the 60/40 option. The subject was not proposed to be included as part of The Oaks and the site's 37.4 acres did not meet the minimum acreage requirements on its own for these residential AGR-PUD development options.

In 2001, the County added commercial development options with the requirements for preserves, as part of the implementation of the 1999 Ag Reserve Master Plan recommendations. Those initial commercial policies allowed for two Traditional Marketplace Developments (TMD), subject to Commercial Low (CL) future land use amendments, within 1/4 mile of the intersection of Lyons Road with Boynton Beach Boulevard or Atlantic Avenue. The TMDs were required to set aside 60% of the land area as preserve. A total of 750,000 square feet and 80 acres of CL designated land with development in the form of a TMD was initially established in the Comprehensive Plan for the Tier. The Local Planning Agency (Planning Commission) recommended the addition of the northeast corner of Clint Moore Road and SR-7 (the subject site) to this list of potential TMD sites at the public hearing. At the Board of County Commissioners' transmittal public hearing, the Board concurred. However, at the subsequent BCC adoption public hearing, the Board revised the proposed policies and adopted changes limiting a potential future land use designation to Commercial Low-Office (CL-O) only (i.e. no retail) and thereby limiting the major retail centers to the two more centrally located TMD sites on Atlantic Ave and Boynton Beach Boulevard. The requirement to develop as a TMD under a potential CL-O designation however remained until the following year wherein the requirement for the site to develop as a TMD was deleted from the Plan in 2002 (02-2 round of amendments).

This change was based on the recommendation of the consultant drafting the Tier System revisions to the ULDC that an office-only use would not be consistent with the mixed use purpose of a TMD. Although this provision was deleted, the 60% preserve requirement remained part of the CL-O policy provisions, as required for the two Commercial Low TMD locations that were more centrally located in the Agricultural Reserve Tier. As part of the 2002 amendment, the Plan was also revised to indicate that the 750,000 square foot commercial cap adopted in 2001 did not apply to any potential CL-O development on the subject site.

Although policies were adopted to allow the subject site to apply for a CL-O future land use designation, with preserve requirements, the property owner did not subsequently submit any applications to pursue a change from AGR to the CL-O designation. Instead, in 2007, the property owner initiated a Development of Regional Impact (DRI) application, known as the Verde DRI, with the Treasure Coast Regional Planning Council, with the intent to submit Comprehensive Plan amendments, including a request for future land use changes, tier re-designation to the Urban Suburban Tier, and Zoning development order applications. The development was proposed as

a TMD with up to 400 units, 800,000 sq.ft. of retail/office, a theater and a hotel. The application did not proceed and The Treasure Coast Regional Planning Council ultimately administratively withdrew the DRI application in 2009. As a result, none of the associated contemplated applications for Comprehensive Plan amendments and Zoning development orders were pursued.

In 2015, in Round 15-1, prior to adoption of the current Ordinance 2016-014, the property owners had initially submitted a request for a Tier change and the Multiple Land Use designation (with Commercial High and High Residential, 8 units per acre) proposing up to 238,500 square feet of commercial and 299 dwelling units. The proposed amendments were heard at the January 16th, 2015 Local Planning Agency Public Hearing. Staff recommended denial due in part to the high density and intensity incompatible and out of character with the surrounding land uses. The amendments were postponed to the 15-2 Round by the BCC at the January 22, 2015 BCC Transmittal Public Hearing. The applicant subsequently requested to postpone the amendments to the following 16-A Round and revised the request to MLU with CL & LR-2, lowering the intensity and density and limiting the residential use to a CLF only. Staff and the Local Planning Agency (Planning Commission) recommended approval of the amendments and the BCC adopted the changes on January 27, 2016 per the above ordinance.

Exhibit 10
Correspondence
