



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 24-A

STATE REVIEW TRANSMITTAL REPORT, NOVEMBER 1, 2023

A. Application Summary

I. General Data

Project Name:	Verdura Farms (LGA 2024-001)
FLUA Summary:	RR-10 to LR-2
Text Summary:	To amend the Comprehensive Plan and Map Series to expand the Trotting Center Overlay northward to include the subject site.
Acres:	96.14 acres
Location:	West of State Road 7, approximately 0.25 miles south of Hypoluxo Road
Project Manager:	Melissa Michael, Senior Planner & Stephanie Gregory, Principal Planner
Applicant:	DiVosta Homes (Aimee Carlson) – Contract Purchaser
Owner:	7501 S SR7, LLC (Thomas Yee), Cypress Polo Club, LLC (Martin Estrada)
Agent:	Ken Tuma & Tyler Woolsey, Urban Design Studio
Staff Recommendation:	Staff recommends approval with conditions based upon the conclusions contained within this report.

II. Assessment & Conclusion

The applicant proposes a future land use amendment on the 96.14 acre site from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2) for a maximum development potential of 192 units. The applicant intends to develop 145 single family and zero lot line homes units (1.5 units/acre). The request also includes text amendments to revise the Comprehensive Plan to expand the recently adopted Trotting Center Overlay northward to include the subject site, and designate the site as a Limited Urban Service Area (LUSA).

The site is located within Heritage Farms, an area primarily agricultural, rural residential, and equestrian uses. In February 2023, the Board adopted the Trotting Center Overlay which allows transitional residential densities that are compatible with the rural lifestyle of the area. The applicant is proposing a development which meets the intent and criteria of the Overlay, including the transition of lot sizes, providing expanded buffers with native vegetation and limiting site access from State Road 7 only. Staff concurs that the proposed amendment is justified considering the development pattern established by the Trotting Center.

In addition, staff recommends a condition limiting the site to 145 units with no further density increases permitted through density bonus programs. Consistent with past Board direction, staff is also recommending that 10 percent of the units be required as onsite workforce housing. However, should the Board direct that the applicant provide the workforce housing units offsite, staff has drafted an alternative condition in Exhibit 1, limiting the available disposition methods to the Off-site Construction/Same Developer or Offsite-Construction/Exchange Builder Option #1.

III. Hearing History

Local Planning Agency: *Approval with modifications*, motion by Penny Pompei, seconded by Sam Caliendo, passed in a 7 to 5 vote (with Barbara Roth, Lori Vinikoor, Angella Vann, Ankur Patel, Varisa Lall Dass dissenting and Kiley Harper-Larsen abstaining) at the September 8, 2023 public hearing. The modification included the offsite alternative for WHP condition #2 as proposed by the applicant. Board discussion included questions regarding the proposed use of the public civic site, traffic impacts, and available mass transit. Board discussion also included concerns with the compatibility of zero-lot line homes to the abutting large lot community, as well as developers providing workforce housing off-site instead of on-site. One member of the public spoke in support, but cited opposition to further development applications in Heritage Farms.

Board of County Commissioners Transmittal Public Hearing: *Transmit with modifications*, motion by Commissioner Bernard seconded by Commissioner Marino, passed in a 7 to 0 vote at the November 1, 2023 public hearing. The modification included revisions to condition #2 reflected in the add/delete and to allow the WHP units to be provided offsite as shown in strikeout and underlined text in Exhibit 1-A. The Board discussed the appropriateness of the workforce housing being built off-site within a much needed CRA project, as well as the need for the developer to build a resident-only daycare facility. One member of the public spoke in opposition, representing the Sierra Club Loxahatchee Group, citing concerns over development. One of the applicants spoke in support citing the similarities to the Trotting Center approval.

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: Rural Residential, 1 unit per 10 acres (RR-10)
Existing Land Use: Agricultural and Equestrian
Current Zoning: Agricultural Residential (AR)
Current Dev. Potential Max: Residential, up to 10 units

Proposed Future Land Use Change

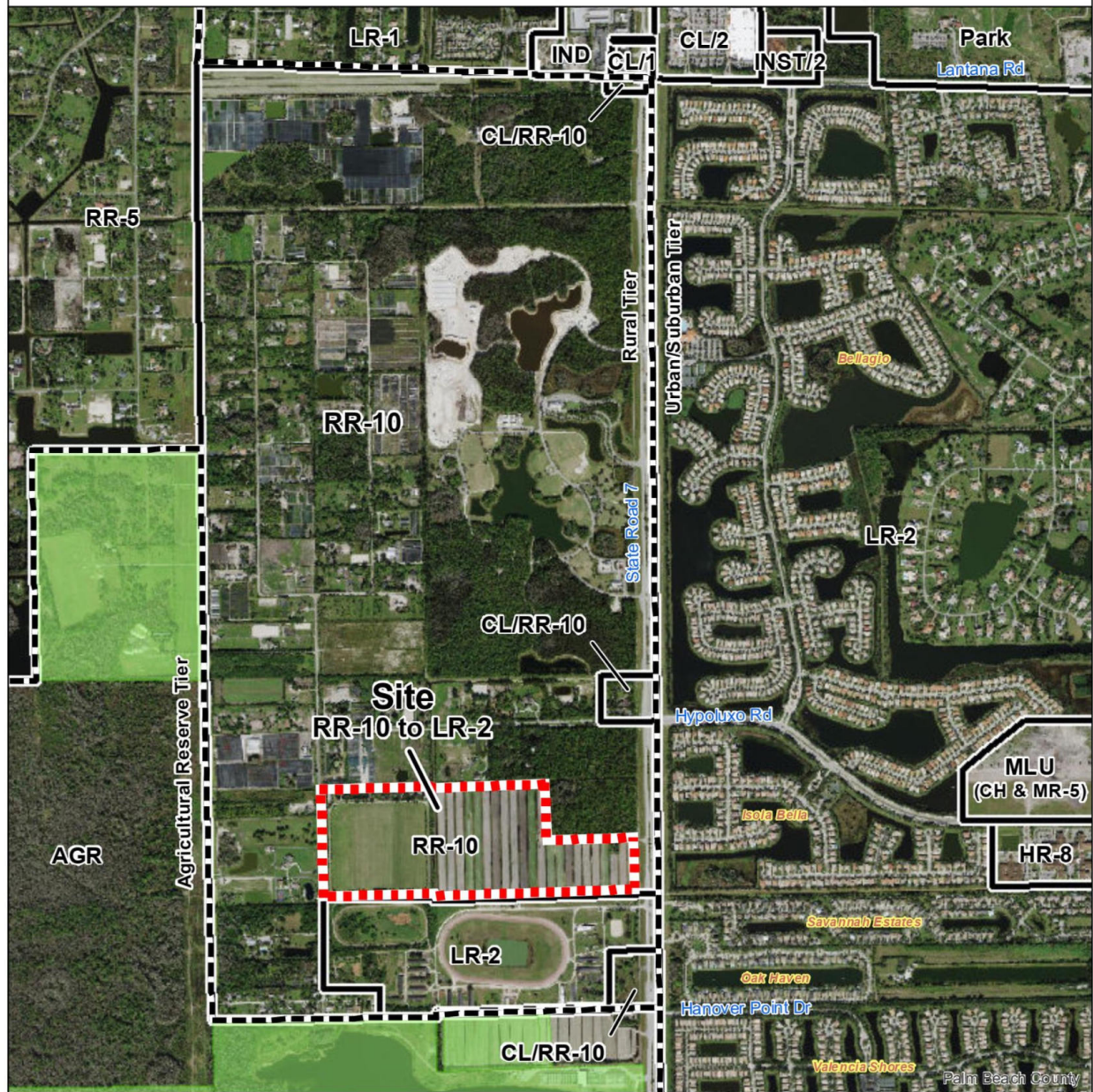
Proposed FLU: Low Residential, 2 units per acre (LR-2)
Proposed Use: Residential
Proposed Zoning: Planned Unit Development (PUD)
Dev. Potential Max/Conditioned: Residential, up to 192 units (conditioned at 145 units)

General Area Information for Site

Tier: Rural Tier – no change
Utility Service: Palm Beach County Water Utilities Department
Overlay/Study: West Boynton Area Community Plan (WBACP)
Comm. District: Commissioner Sara Baxter, District 6

Future Land Use Atlas Amendment

Verdura Farms (LGA 2024-001)



Site Data

Size: 96.14 acres
 Existing Use: Agricultural / Equestrian
 Proposed Use: Residential
 Current FLU: RR-10
 Proposed FLU: LR-2

Future Land Use Designations

RR-10	Rural Residential, 1 unit/10 acres	CL	Commercial Low
RR-5	Rural Residential, 1 unit/5 acres	CL/RR-10	Commercial Low, underlying RR-10
LR-1	Low Residential, 1 unit/acre	CL/1	Commercial Low, underlying LR-1
LR-2	Low Residential, 2 units/acre	CL/2	Commercial Low, underlying LR-2
HR-8	High Residential, 8 units/acre	MLU	Mixed Land Use
PARK	Park	IND	Industrial
AGR	Agricultural Reserve	INST/2	Institutional, underlying LR-2

Date: 6/12/2023
 Contact: PBC Planning
 Filename: T:Planning/Amend/24-A/SiteSpecific
 Note: Map is not official, for presentation purposes only.

 Site
 AGR Preserves

500 0 500 1,000 Feet



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



C. Introduction

I. Intent of the Amendment

The 96.14 acre subject site is located in the southern portion of the Rural Tier, north of the Agricultural Reserve Tier and west of the Urban/Suburban Tier. The site is located within Heritage Farms, an unrecorded subdivision comprising 172 parcels on just over 1,300 acres. Heritage Farms consists of a variety of agricultural uses such as nurseries, row crops, and equestrian uses as well as residential estates.

Background. The subject site is comprised of five parcels. The four western most parcels, totaling approximately 40 acres, are owned by Cypress Polo Club, LLC. The site is currently used as a polo field with accessory structures along the north property line, and access via Park Lane Road to the west. The approximately 56 acre eastern parcel fronting State Road 7 is known as the Yee Property. The Yee family purchased the property in 1984 and utilized the site for agricultural row crop production.

Future Land Use Amendment. The proposed future land use amendment is a request for a change from the Rural Residential, 1 unit per 10 acres (RR-10) future land use designation to Low Residential, 2 units per acre (LR-2). This increases the maximum residential development potential from 10 units to up to 192 units. The applicant is proposing a total of 145 units, consisting of single family and zero lot line homes. Staff is recommending a condition of approval limiting the site to a maximum of 145 units with no further density increases permitted through density bonus programs.

Proposed Text Amendment. The proposed text amendment was initiated by the Board of County Commissioners on February 1, 2023. At the time, the applicant submitted a privately initiated text amendment to create the Heritage Farms Transitional Overlay. The text language was nearly identical to the Trotting Center Overlay which was in process at the time. Following the Board's adoption of the Trotting Center Overlay on February 28, 2023, the applicant revised their text amendment by proposing to modify certain aspects of the adopted Trotting Center Overlay. The revisions include reducing the minimum development acreage from 100 to 95 acres and expanding the Trotting Center Overlay northward to include the subject site by revising the boundaries of the Overlay.

Zoning Application. The concurrent zoning application, PDD-2023-00853 with Control Number 2006-017, is requesting to rezone the site from Agricultural Reserve (AGR) zoning to Planned Unit Development (PUD) in order to develop a total of 145 units (49 zero lot line and 96 single family). The preliminary master plan also includes a 1.92 acre public civic pod and 2.08 acre recreation pod.

II. Background/History

A. Rural Tier Background

In 1999, the County adopted the Managed Growth Tier system to recognize the County's diverse geographic regions and lifestyles by establishing tiers that have common densities/intensities and public service availability. The subject site is located within the Rural Tier, an area established to support five and ten acre residential lots, as well as agricultural operations and equestrian uses. The unincorporated portions of the Rural Tier consist of 44,670 acres. Heritage Farms along with

the Homeland subdivision are within an isolated pocket of the Rural Tier. The Central Western Communities and Jupiter Farms consist of the remaining portions of the Rural Tier in the County. The purpose of the Tier is described in the Comprehensive Plan as Objective 1.4.

OBJECTIVE 1.4, Rural Tier. Palm Beach County shall plan for the impacts of growth outside of the Urban Service Area, recognizing the existence of both large undeveloped tracts as well as areas containing densities equal to or less than 1 dwelling unit per 5 acres established prior to the adoption of the 1989 Comprehensive Plan located in proximity to environmentally sensitive natural areas while protecting the Rural Tier lifestyle. The Rural Tier shall be afforded rural levels of service, except in special planning areas such as, but not limited to, the Western Communities Residential Overlay (WCRO) and the Trotting Center Overlay.

The Comprehensive Plan recognizes that this Tier is “*beginning to experience development pressure for urban densities and non-residential intensities.*” Therefore, policies were established to limit the maximum residential development potential to 1 unit per 5 acres and additional strategies were included to “*protect and enhance rural settlements that support agricultural uses and equestrian uses while also providing an alternative style of development in specific areas that further the goals of the Rural Tier.*” The alternative styles of development are outlined in Future Land Use Element Policy 1.4-d, which requires a minimum of 5 acre lots unless developed as a Rural Residential (RR) Cluster or Variable-Lot-Size development. These two rural residential planned unit development options allow for an alternative to a subdivision plan “*to accommodate low-density residential development in conjunction with the protection and maintenance of rural, equestrian, agricultural communities.*” Until recently, the traditional planned unit development, a development pattern which is primarily located only in the Urban/Suburban Tier, was only allowed in the Rural Tier with the Western Communities Residential (WCR) future land use designation.

In February 2023, the Board adopted **Objective 1.4.1: Trotting Center Overlay** with the intent of preserving “*the low density rural character of the [Heritage Farms] area, by allowing for transitional residential densities that are compatible with the rural lifestyle in Heritage Farms.*” The Overlay allows for low-density residential development in the Rural Tier at a maximum density of 2 units per acre as a Planned Unit Development.

B. Heritage Farms Background

The subject site is located within Heritage Farms, an unrecorded subdivision comprising 172 parcels on just over 1,300 acres. Heritage Farms is bordered to the north and east by the Urban/Suburban Tier and to the south and east by the Agricultural Reserve Tier. Heritage Farms was subdivided over a period of years beginning around 1958. Prior to the adoption of the 1989 Comprehensive Plan, parcels could develop at a density of up to one unit per 2.5 acres. The adoption of the 1989 Plan assigned parcels within Heritage Farms to Rural Residential, 1 unit per 10 acres (RR-10). Almost half of the lots are less than 5 acres in size, although these lots only account for 8% of the land area. There are 64 built dwelling units in the area under the RR-10 designation. The largest parcel is the South Florida National Cemetery, totaling 313.12 acres.

Heritage Farms Lot Analysis

Parcel Size	Parcels	%	Acres	%	Built Units
Less than 5 ac.	85	49%	103.35	8%	27
5 to 9.9 acres	57	33%	316.43	24%	21
10 to 24 acres	22	13%	241.53	19%	16
25 to 80 acres	7	4%	330.28	25%	0
313.12 acres	1	1%	313.29	24%	0
Totals	172	100%	1,304.88	100%	64

Source: PBC Planning Division, 2021 Existing Land Use, PBC Property Appraiser's Office

The majority of the land in the neighborhood is agricultural, residential or vacant residential. Agricultural uses include such uses as nurseries, cropland, and equestrian uses. Two communication tower sites are located at the northern end of the neighborhood, known as the hiatus area. As previously mentioned, the South Florida National Cemetery accounts for a significant portion of the acreage. Additionally, there are three commercially designated parcels located on State Road 7.

Heritage Farms Existing Land Uses

Existing Use	Parcels	Acres	Built Units
Ag/Equestrian	76	651.96	13
Recreation Camp	1	10.33	8
Residential	44	135.13	43
Vacant/Undeveloped	43	102.55	0
Utility (Towers)	4	75.43	0
National Cemetery	2	318.61	0
Other	2	10.87	0
Totals	172	1,304.88	64

Source: PBC Planning Division, 2021 Existing Land Use, PBC Property Appraiser's Office

Residential Land Uses in Heritage Farms. The Heritage Farms area has a predominately Rural Residential, 1 unit per 10 acres future land use designation. (See pages 4 and 9 for future land use designation and lot sizes map).

In 2001, the Board considered a County Initiated future land use amendment for the entirety of the Rustic Ranches and Homeland subdivisions as well as 11 acres in Heritage Farms. These 11 acres consisted of several parcels located west of Park Lane Road along Barn Road. County staff proposed Rural Residential, 1 unit per 5 acres (RR-5) for these parcels to reflect the existing land use pattern. However, at the transmittal hearing of the amendment, the Board voted to transmit only the RR-5 FLU for Rustic Ranches and Homeland. Two members of the public spoke in opposition to the amendment in reference to the Heritage Farms subdivision.

Subsequently, there have been two Privately Initiated future land use amendments for increased density within Heritage Farms.

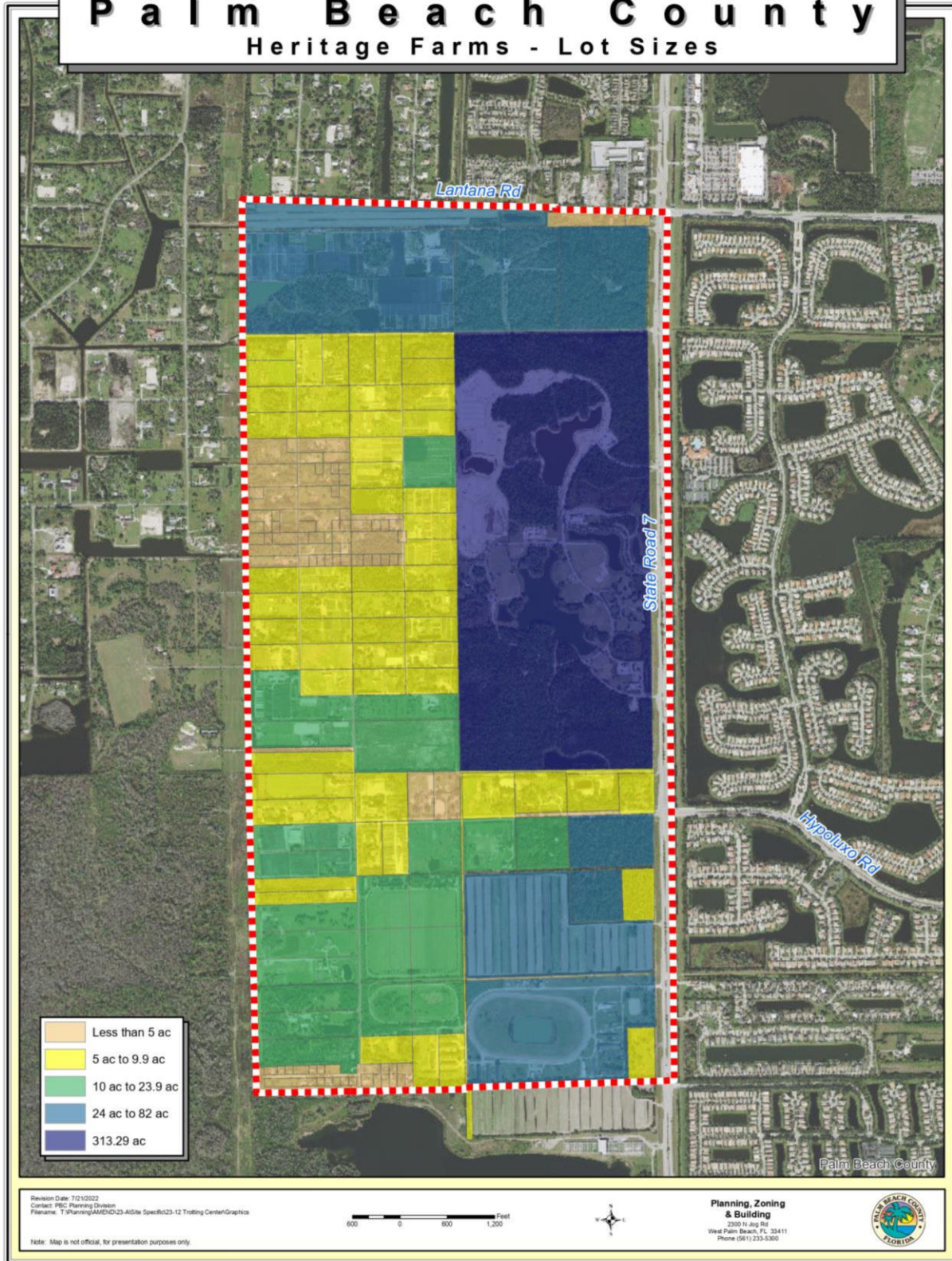
- **Lantana/SR 7 Residential (LGA 2006-010).** In 2006, a 26.33 acre parcel was the subject of a tier change request from the Rural to Urban/Suburban Tier and a change in the future land use designation from RR-10 to Low Residential, 1 unit per acre (LR-1). The Board

adopted the amendment via Ordinance 2006-029. Staff recommended denial stating that the “tier change may encourage adjacent properties in the area to seek similar requests and thereby promoting a piecemeal development pattern.” Following adoption by the Board, the Department of Community Affairs (DCA) found the amendment to be “not in compliance” and filed a petition with the Division of Administrative Hearings (DOAH) to challenge the amendment. Four additional parties, including 1,000 Friends of Florida, filed a petition to intervene and joined the challenge (DOAH Case No: 06-004544GM). Subsequently, a settlement agreement was entered into by the County and DCA which acknowledges the County’s submission of additional documentation and analysis in support of the challenged amendment, and would also require the adoption of a Remedial Plan Amendment, which would amend the current Tier Boundary for the Urban/Suburban Tier, to include the Lantana Farm Associates, Inc. property as well as the two parcels to the east at the intersection of Lantana Road and State Road 7. The intent was to avoid piecemeal tier re-designations. DCA agreed to the proposed settlement agreement and finding of the Comprehensive Plan amendment to be “in compliance.” The required Remedial Plan amendment to rescind Ord 2006-029 and change the three parcels south of Lantana Rd (including the subject site of LGA 2021-013) from the Rural to the Urban/Suburban Tier was adopted by the BCC on January 15, 2008 via Ordinance 2008-002. This ordinance also included a FLUA change for only the Lantana Farm Assoc. site from RR-10 to LR-1. Due to the settlement agreement, the DOAH hearing then continued with the parties realigned, Palm Beach County and DCA becoming joint respondents against petitioners Rosa Durando and 1,000 Friends of Florida. Following the hearing, the presiding administrative law judge entered a recommended order that DCA find the amendment not in compliance and the Secretary of DCA and the Administration Commission concurred. As directed by the Final Order, the Board adopted Ord 2009-003, which rescinded Ord 2008-002 and 2006-029 leaving all three sites to remain in the Rural Tier with a RR-10 future land use designation.

- **Trotting Center (LGA 2023-012) FLUA & Text.** In May of 2022, a FLUA amendment in the southeastern area of Heritage Farms known as the Trotting Center was submitted. The request initially submitted in May 2022 included a tier change from the Rural to the Urban/Suburban Tier. Following discussions with residents of Heritage Farms, the applicant agreed to instead pursue a text amendment to create an overlay. This would allow the site to remain in the Rural Tier and a tier change would no longer be necessary to achieve the desired development goals. On September 22, 2022, the Board of County Commissioners (BCC) initiated the applicant’s private text amendment and the request is concurrent with the FLUA application. The future land use amendment proposed a change from the Rural Residential, 1 unit per 10 acres (RR-10) future land use designation to Low Residential, 2 units per acre (LR-2). This increases the maximum residential development potential from 11 units to up to 211 units (conditioned to 166 units). The concurrent zoning application requests a total of 166 single family units. The text amendment request also includes the revisions to the Map Series of the Comprehensive Plan to depict the Trotting Center Overlay as a Limited Urban Service Area on Maps LU 1.1 and 2.1 as well as to identify the boundaries of the overlay on the Special Planning Areas Map LU 3.1. The amendment was transmitted by the Board at the November 28, 2022 public hearing, and subsequently adopted on February 23, 2023.

Palm Beach County

Heritage Farms - Lot Sizes



Commercial Uses in Heritage Farms. As previously mentioned, the majority of the parcels within the Heritage Farms area have an RR-10 future land use designation, with the exception of three parcels with Commercial Low FLU designations, two of which were the subject of FLUA amendments adopted by the Board of County Commissioners:

- **Galleria MUPD.** This site is located at the southwestern corner of the Rural Tier, adjacent to the Trotting Center. The 5.27 acre parcel was designated as Commercial Low on the Future Land Use Atlas at adoption of the 1989 Comprehensive Plan. A zoning application was approved in October of 2008 for a rezoning (PDD 2008-0449) to Multiple Use Planned Development (MUPD) in order to develop 23,908 square feet of retail and professional office uses. However, the site remains vacant.
- **State Road 7 Funeral Home (LGA 2006-014).** In 2006, the Board adopted an amendment to change the future land use designation on a 5.58 acre parcel on the northwest corner of State Road 7 and Heritage Farms Road from RR-10 to Commercial Low with an underlying RR-10 (CL/RR-10) in order to convert the existing Farm Credit Union building to a funeral home, known as Palm Beach National Chapel. Staff recommended denial of the amendment due to concerns with the midblock commercial at this location. The Department of Community Affairs found the amendment not in compliance. Subsequently the County and DCA entered into a stipulated settlement agreement and the County then adopted a remedial amendment in November of 2007 via Ordinance 2007-039. This site is conditioned in the adopting ordinance to be limited to permitted office uses or burial services and that any permanent structures on the site shall not exceed the footprint of the building existing on the site on the effective date of the amendment.
- **Lantana SR 7 (LGA 2021-013).** This site was the subject of a land use amendment four times (1996, 2000, 2018 and 2021) with each time the applicant requesting Commercial Low. Staff recommended denial all four times. In 2021, the Board adopted an amendment to change the future land use designation of a 1.03 acre site located at the northwestern corner of the Rural Tier from RR-10 to Commercial Low with an underlying RR-10 (CL/RR-10) allowing for a maximum potential of 4,487 square feet of commercial uses. The site is currently vacant.

Proposed 2009 Rural Protection Overlay. During the August 2008 BCC Adoption Public Hearing, a resident of the Heritage Farms area approached the Board of County Commissioners with a request that this area be recognized as a valuable area of agricultural production and buffer for the environmentally sensitive lands to the south and west. At the time, the area was experiencing potential development pressures. Subsequently, an amendment was proposed to support the County's Urban Suburban Tier/Urban Service Area Boundary as a clear line separating rural and urban land uses, and to support and protect agriculture. During public outreach regarding the Overlay, a significant number of residents expressed opposition citing concerns over the limitations that may be imposed on property owners' ability to request alternative future development of their property. Due to the large opposition, staff recommended that the amendment be withdrawn with the suggestion that the residents and property owners could return to the Board with a future amendment once consensus is achieved. The Planning Commission concurred unanimously with staff's recommendation to withdraw and the Board of County Commissioners on July 15, 2009 voted to withdraw the amendment.

Proposed 2022 Neighborhood Plan and Heritage Farms Rural Overlay. On May 4, 2022, the Board of County Commissioners initiated a neighborhood plan for the Heritage Farms community after a request from residents. Established in 1990, the Palm Beach County neighborhood

planning program provides a mechanism for residents of an area to identify issues and express a consensus decision regarding the direction of their community for consideration by the Board of County Commissioners. While the neighborhood planning process is resident-driven, Planning Staff met and communicated with some residents from the neighborhood to provide information on the steps and processes necessary to formulate a plan. To date, a completed neighborhood plan has not been submitted, however a draft has been received. On August 25, 2022, the Board initiated a text amendment to the Comprehensive Plan to establish an overlay for Heritage Farms area. At the February 1, 2023 hearing, the Board postponed the amendment to the August 30, 2023 to allow staff additional time to solicit additional feedback from property owners as to whether they support or oppose the Overlay. At the August 30th public hearing, the Board transmitted the amendment with modifications to exclude the subject site from the Overlay boundaries.

C. West Boynton Area Community Plan

The southern half of Heritage Farms is located within the West Boynton Area Community Plan (WBACP), which is governed by the Coalition of Boynton West Residential Association (COBWRA). The WBACP was formally recognized by the County in 1995, and was formulated to promote the “future development goals and vision” of the community. The Plan states the Agricultural Reserve and the southern part of Heritage Farms are in sub area 2 of the WBACP. According to the WBACP, all recommendations apply to sub area 1, east of the Turnpike, unless specifically noted. The WBACP describes Heritage Farms as having similar soil, water supply, and climate as the Agricultural Reserve. Although Recommendation 3 in the Plan states “Accept an agricultural future for the Agricultural Reserve”, and to “accept the direction given by the BCC establishing as a primary goal an agricultural future for the Agricultural Reserve area...”, staff could not identify any recommendations regarding Heritage Farms in the Plan.

III. Data and Analysis Summary

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

A. Overview of the Area. The subject site is located in the southern portion of the Rural Tier, on the west side of State Road 7. The west side portion of State Road 7 in this area consists primarily of residential, agricultural and equestrian uses. Other uses include institutional uses such as the U.S. Department of Veterans Affairs South Florida National Cemetery, utility uses comprised of two communication towers, and limited commercial uses including a funeral home.

B. Appropriateness of the Amendment.

- 1. Density of 2 units/acre in the Rural Tier.** The subject site is located within the Heritage Farms neighborhood, in the southern portion of the Rural Tier where the maximum residential density permitted in the Tier is 1 unit per 5 acres. The neighborhood is an area with primarily agricultural, rural residential, and equestrian uses. Since the adoption of the 1989 Comprehensive Plan, the Board has adopted amendment requests for higher densities beyond the maximum allowable future land use designation of RR-5 (0.2 units per acre) in the Rural Tier on three occasions, which are summarized below:

- **Callery Judge (LGA 2008-011) and Minto West (LGA 2014-007).** In 2008, the Board adopted a FLUA and text amendment for the 3,735 acre site from RR-10 to Agricultural Enclave (AGE), a newly created future land use designation. The AGE future land use allowed for up to 0.8 units per acre. Subsequently, in 2014, the Board adopted revisions to the conditions of approval for the site to allow up to 1.20 units per acre. Staff recommended approval as the site met the statutory requirements for an Agricultural Enclave and addressed regional deficiencies through the provision of public benefits for residents of the Central Western Communities (CWC).
- **Indian Trails Grove (LGA 2016-017).** In 2016, the Board adopted a FLUA and text amendment for the 4,871.57 acre site from RR-10 to Western Communities Residential (WCR), a new future land use designation. This designation allows for up to 0.8 units per acre. Staff recommended approval as the density was consistent with density contemplated for the parcel under the repealed CWC Sector Plan, which was intended to yield a conceptual master plan addressing regional issues including land use, services, infrastructure, and environment plan for the region's future.

The two sites described above utilized a privately initiated text amendment to increase density in the Tier, as the sites are not contiguous to the Urban/Suburban Tier and thus not eligible for a tier change.

- **Trotting Center (LGA 2023-012).** Described in previous section.

As demonstrated by the above, the Board has approved land use amendments on sites in the Rural Tier above the maximum residential density permitted in the Tier (1 unit per 5 acres) for sites with unique conditions or circumstances. The amendment request to Low Residential, 2 units per acre for the subject site is appropriate considering the established development pattern with the adoption of the Trotting Center amendment to LR-2. In addition, the Board established a mechanism for allowing transitional residential densities that are compatible with the rural lifestyle in Heritage Farms through the adoption of the Trotting Center Overlay. The applicant is requesting to expand the Trotting Center Overlay northward to include the subject site and proposes a development plan that is consistent with the criteria of the overlay.

2. **Workforce Housing Requirements.** As mentioned above, the subject site is proposed to remain in the Rural Tier and is not subject to the mandatory workforce housing program that applies in the Urban/Suburban Tier. However, the Unified Land Development Code (ULDC) in Article 5.G allows for the Board to require a workforce housing percentage through condition of approval in any Tier.

In recent years, staff sought direction from the Board of County Commissioners on the suitable minimum percentages of workforce housing to be required when density increases are requested through the future land use amendment process. In 2018, the Board directed staff to recommend conditions of approval for density increases requiring a minimum of WHP units, and requiring the units to be onsite - 10% for single family projects, 20% for townhomes, and 25% for multifamily developments.

Two of the previously mentioned density increases adopted by the Board within the Rural Tier, Minto West and Indian Trails Grove, included a condition, consistent with staff's recommendation, that the projects provide 10% of the total units as onsite workforce housing. Regarding the subject site, staff is recommending that 10 percent of the units be required as onsite workforce housing, consistent with past Board direction.

For the Trotting Center amendment, staff also recommended a 10% onsite WHP requirement. The applicant agreed to the 10% but requested at public hearings to provide the obligation offsite. The Board concurred with the offsite option and the amendment was adopted with a condition of approval.

In the justification statement for the subject site zoning application, the applicant stated that they "intend to provide the required WHP units under the Off-Site Construction Option #1 allowing the same developer to construct the WHP obligation units off-site pursuant to Article 5.G.1.C.4.b.1."

Through the zoning application, the applicant has indicated they would like to retain the ability to use a second off-site option available through the ULDC, the Exchange Builder Option 1. This option allows a developer to engage with an exchange developer to transfer the obligation to that builder's project through payment of an "exchange fee" between the two parties.

Therefore, should the Board opt to allow the applicant to provide the WHP units offsite, staff has drafted an alternative condition in Exhibit 1, limiting the disposition methods to the Off-site Construction/Same Developer or Offsite-Construction/Exchange Builder Option #1. These two options are intended to ensure that new WHP units are constructed, as they do not allow for the payment of an in lieu fee.

- C. Compatibility.** The applicant indicates that the proposed Low Residential, 2 units per acre (LR-2) future land use designation is consistent and compatible with the surrounding development pattern if developed within the transitional residential guidelines of the Trotting Center Overlay. The amendment to the LR-2 future land use designation allows for a maximum development potential of 192 units, but the concurrent site plan proposes 145 units (1.5 units/acre). Considering the agriculture uses adjacent to the north and the rural residential development to the west, the proposed inclusion of the subject site within the Trotting Center Overlay would provide a transitional density residential option that is compatible to the low-density existing uses, as well as the overall rural character of Heritage Farms. For consistency with the overlay, the development will be required to include design features such as lot size transition from larger lots west towards Park Lane Road tapering to smaller lots east towards State Road 7. In addition, the text amendment would require 50 foot buffers along portions of the overlay boundary where there are existing single family homes.
- D. Assessment and Recommendation.** The applicant proposes a future land use amendment on the 96.14 acre site from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2) for a maximum development potential of 192 units. The applicant intends to develop 145 single family and zero lot line homes units (1.5 units/acre). The request also includes text amendments to revise the Comprehensive Plan to expand the recently adopted Trotting Center Overlay northward to include the subject site, and designate the site as a Limited Urban Service Area (LUSA).

The site is located within Heritage Farms, an area primarily agricultural, rural residential, and equestrian uses. In February 2023, the Board adopted the Trotting Center Overlay which allows transitional residential densities that are compatible with the rural lifestyle of the area. The applicant is proposing a development which meets the intent and criteria of the Overlay, including the transition of lot sizes, providing expanded buffers with native vegetation and limiting site access from State Road 7 only. Staff concurs that the proposed amendment is justified considering the development pattern established by the Trotting Center.

In addition, staff recommends a condition limiting the site to 145 units with no further density increases permitted through density bonus programs. Consistent with past Board direction, staff is also recommending that 10 percent of the units be required as onsite workforce housing. However, should the Board direct that the applicant provide the workforce housing units offsite, staff has drafted an alternative condition in Exhibit 1, limiting the available disposition methods to the Off-site Construction/Same Developer or Offsite-Construction/Exchange Builder Option #1.

Therefore, staff is recommending ***approval with conditions***.

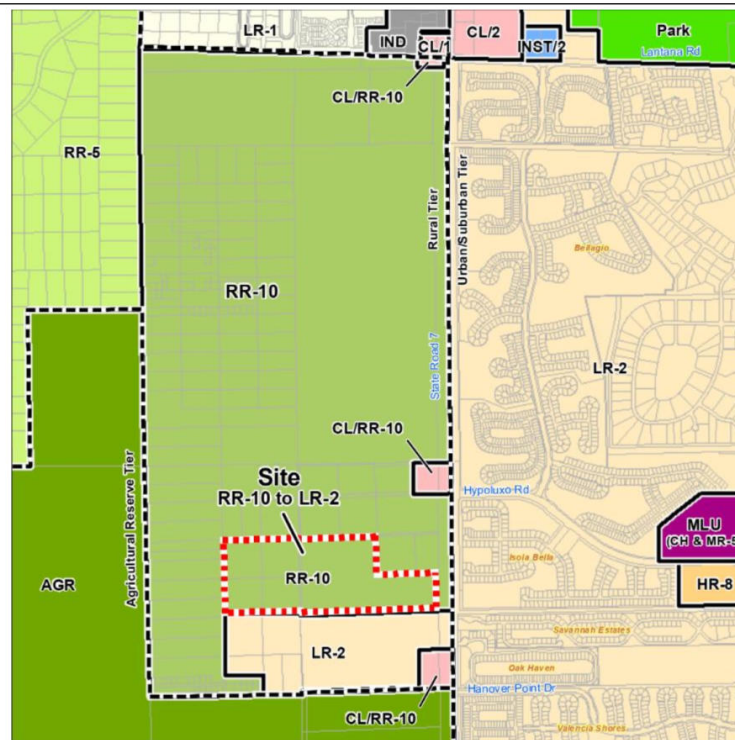
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Exhibit 1-A

Amendment No:	Verdura Farms (LGA 2024-001)
FLUA Page No:	84
Amendment:	From Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2) with conditions
Location:	West side of State Road 7, approximately 0.25 miles south of Hypoluxo Rd.
Size:	96.14 acres approximately
Property No:	00-42-43-27-05-044-0110, 00-41-45-12-00-000-3150, 00-41-45-12-00-000-3090, 00-41-45-12-00-000-7190, 00-41-45-12-00-000-7200

Conditions:

1. Residential dwelling units shall be limited to a maximum of 145 units with no further density increases permitted through density bonus programs.
2. ~~**Staff Proposed**~~ The zoning development order shall require a minimum of 10% of the total dwelling units to be provided 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. **OR**
2. ~~**Offsite Alternative**~~ The zoning development order shall require a minimum of 10% of the total dwelling units to be provided as offsite workforce housing units, through the Off-site Construction/Same Developer option or the Off-site Construction/Exchange Builder Option #1 of the Workforce Housing Program (WHP). The workforce housing units are subject to the applicable requirements of the WHP in Article 5.G.1 of ULDC.
3. The proposed future land use amendment and the proposed rezoning shall be considered for adoption by the Board of County Commissioners at the same public hearing.



Legal Description

ALSO KNOWN AS:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, BEING ALL OF TRACTS 76, 79 8 AND A PORTION OF TRACTS 75 AND 80 OF THE UNRECORDED PLAT OF HERITAGE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH QUARTER OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, THENCE SOUTH 01°03'36" EAST ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 12, A DISTANCE OF 1284.91 FEET TO THE NORTHEAST CORNER OF TRACT 79, OF THE UNRECORDED PLAT OF HERITAGE FARMS AND ALSO BEING THE POINT OF BEGINNING. THENCE SOUTH 88°14'43" WEST ALONG THE NORTH LINES OF TRACTS 79 AND 76 OF SAID PLAT, A DISTANCE OF 1332.11 FEET TO THE NORTHWEST CORNER OF TRACT 76 OF SAID PLAT. THENCE SOUTH 01°13'57" EAST ALONG THE WEST LINE OF TRACTS 76 AND 75, A DISTANCE OF 1304.47 FEET TO A POINT ON THE WEST LINE OF TRACT 75 OF SAID PLAT. THENCE NORTH 88°43'46" EAST A DISTANCE OF 1328.09 FEET TO A POINT OF THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 12. THENCE NORTH 01°03'36" WEST ALONG SAID QUARTER LINE OF SECTION 12 A DISTANCE OF 1315.74 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

TRACTS 11 THROUGH 16, BLOCK 44, PALM BEACH FARMS COMPANY'S PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 53, INCLUSIVE, ON FILE IN THE PUBLIC RECORDS OF THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

COMMENCE AT THE NORTH QUARTER OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, THENCE SOUTH 01°03'36" EAST ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 12, A DISTANCE OF 1269.31 FEET TO A POINT ON WEST RIGHT OF WAY FOR LAKE WORTH DRAINAGE DISTRICT CANAL S-8, AS RECORDED IN OFFICAL RECORDS BOOK 1585, PAGE 505 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THENCE NORTH 88°15'00" EAST A DISTANCE OF 50.74 FEET TO THE EASTERLY RIGHT OF WAY OF SAID CANAL AS RECORDED IN OFFICAL RECORDS BOOK 6495, PAGE 761 AND ALSO THE NORTH LINE OF A 30.00' PLATTED ROAD AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THENCE SOUTH 01°03'36" EAST ALONG SAID CANAL RIGHT OF WAY A DISTANCE OF 30.00 FEET TO THE SOUTH LINE OF SAID PLATTED ROAD AND THE POINT OF BEGINNING. THENCE CONTINUING SOUTH 01°03'36" EAST ALONG SAID EASTERLY CANAL RIGHT OF WAY A DISTANCE OF 1324.05 FEET TO THE NORTH LINE OF A 30.00 FOOT PLATTED ROAD AS RECORDED IN PLAT BOOK 2, PAGE 45 AND ALSO BEING THE NORTH LINE OF LAKE WORTH DRAINAGE DISTRICT L-19W CANAL, AS RECORDED IN OFFICAL RECORDS BOOK 1585, PAGE 505. THENCE NORTH 88°10'36" EAST ALONG THE NORTH LINE OF SAID 30.00 FOOT PLATTED ROAD A DISTANCE OF 2378.16 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY ON STATE ROAD 7, AS SHOWN IN F.D.O.T. MAP SECTION 93210-2525 PAGE 10 OF 32. THENCE NORTH 00°39'05" WEST ALONG SAID WESTERLY RIGHT OF WAY, A DISTANCE OF 660.68 FEET TO A POINT ON THE NORTH LINE OF TRACT 16, BLOCK 44 OF PLAT BOOK 2, PAGE 45. THENCE SOUTH 88°12'36" WEST ALONG THE NORTH LINE OF TRACTS 16 AND 15, A DISTANCE OF 1061.78 FEET TO THE SOUTHEAST CORNER OF TRACT 11, BLOCK 44. THENCE NORTH 01°47'36" WEST ALONG THE EAST LINE OF TRACT 11, A DISTANCE OF 661.09 FEET TO THE NORTHEAST CORNER OF TRACT 11, BLOCK 44. THENCE SOUTH 88°15'00" WEST ALONG THE NORTH LINE OF TRACTS 11 AND 12, A DISTANCE OF 1312.61 FEET TO THE POINT OF BEGINNING.

LANDS HEREON CONTAINS 4,187,755.538 SGFT (96.138 ACRES) MORE OR LESS AND IS SITUATED IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST IN PALM BEACH COUNTY, FLORIDA.

Exhibit 1-B

Proposed Text and Map Series Amendments

A. Future Land Use Element, Trotting Center Overlay Revisions

REVISIONS: To revise the Trotting Center Overlay policies and provisions. The revisions are shown below with added text underlined and deleted text shown in ~~strike through~~.

1. Objective 1.4.1: Trotting Center Overlay

REVISED Objective: The purpose of the Trotting Center Overlay is to preserve the low-density rural character of the area, by allowing transitional residential densities that are compatible with the rural lifestyle in Heritage Farms and promote the use of agriculture in those areas that are proximate to and have access from State Road 7, ~~and are located east of Park Lane Road and south of the LWDD Canal L-19 W.~~

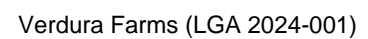
2. **REVISED Policy 1.4.1-a: Boundaries.** The ~~boundaries of the~~ Trotting Center Overlay ~~are~~ is located within the Rural Tier, generally bounded by State Road 7 on the east, ~~the LWDD Canal L-19 W~~ 700 feet south of Heritage Farms Road on the north, Park Lane Road on the west and the Agricultural Reserve Tier on the south. The specific boundaries of the Trotting Center Overlay are depicted on the Special Planning Areas Map, LU 3.1.

3. **REVISED Policy 1.4.1-b: Transitional Density Option.** In order to provide a transition from the Urban Suburban Tier, the County shall allow residential development within the Trotting Center Overlay at transitional densities, subject to the following criteria:

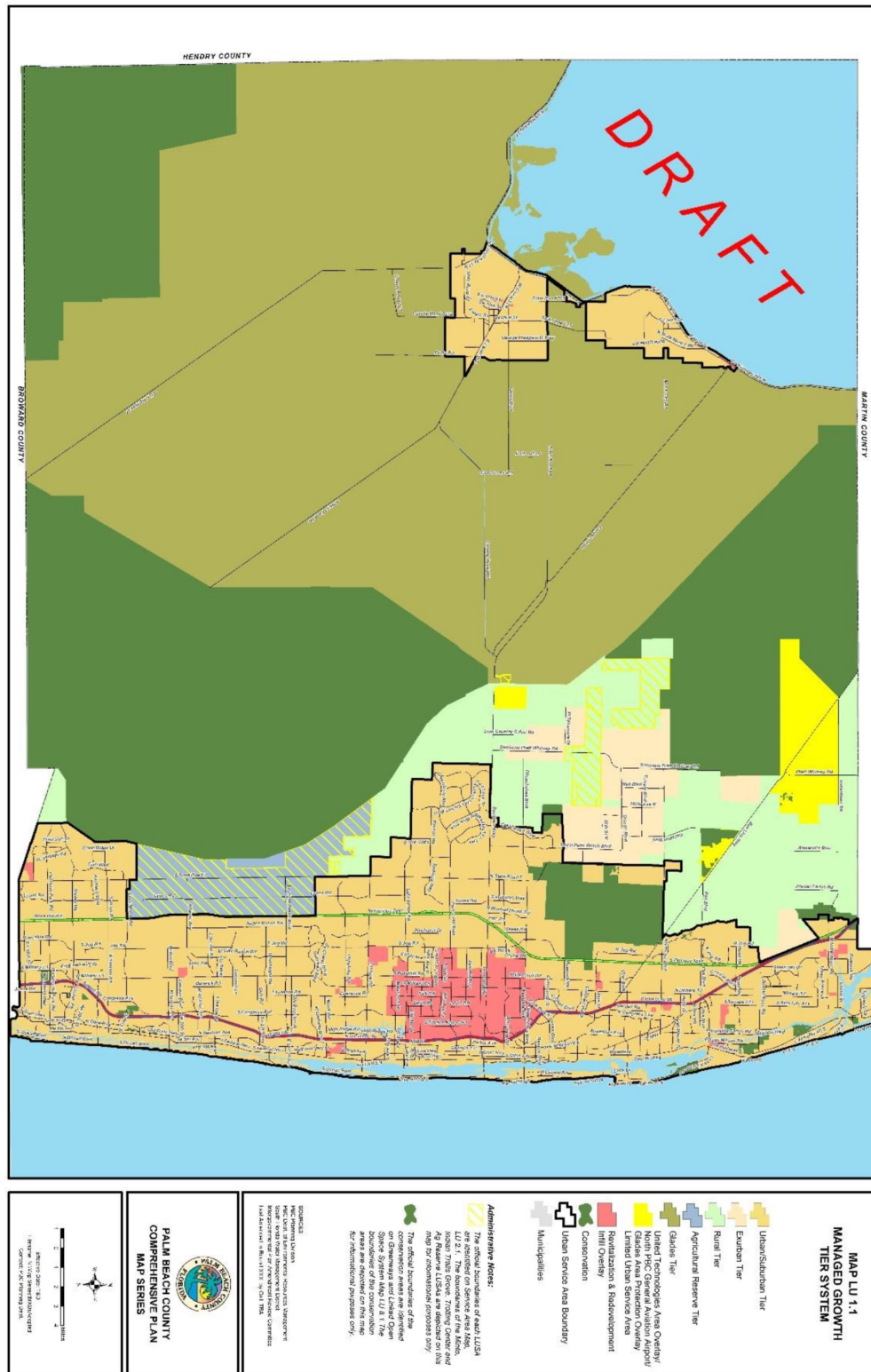
1. **Approval Process.** A Future Land Use Atlas amendment shall be accompanied by a concurrent zoning application and master plan in order to demonstrate that the proposal meets the requirements of this policy;
2. **Acreage.** The site shall be a minimum of ~~400~~ 95 contiguous acres;
3. **Density.** The maximum density is 2 units per acre with no further density increases permitted through density bonus programs, such as the Transfer of Development Rights Program, the Workforce Housing Program or the Affordable Housing Program. The maximum density shall be identified in the adopting ordinance;
4. **Workforce Housing.** Pursuant to Housing Element Policies 1.5-g and 1.5-i and ULDC Article 5, Chapter G, Sections 1 and 2, the Workforce Housing Program and Affordable Housing Program are not applicable in the Trotting Center Overlay;
5. **Location.** The site must be located contiguous to the Urban/Suburban Tier (contiguous includes being directly across a right-of-way) with frontage and access only onto State Road 7 and be located east of Park Lane; ~~and south of the LWDD Canal L-19 W;~~
6. **Design Features.** The lot sizes shall transition with the smallest lots located closest toward State Road 7 and the largest lots located towards the western property line. A minimum 20% of the planned unit development within the Overlay shall be comprised of lots (including the associated roadways serving these lots) that are a minimum of 0.5 acres in size;
7. **Expanded Buffers.** Residential planned development within the Overlay shall provide increased buffers for property lines coterminous with the boundaries of the Overlay as provided below:

- a. A minimum 50- foot buffer along the western property line;
 - b. A minimum 50-foot buffer along the southern property line abutting single-family properties that predate the adoption of the Overlay;
 - c. A minimum 30-foot buffer for any other southern property line; and
 - d. A minimum buffer pursuant to ULDC regulations along the northern property line.
8. **Native Vegetation.** 100% of the landscaping within the perimeter buffers shall be native vegetation;
9. **Access.** Access to development within the Trotting Center Overlay is limited to State Road 7; and
10. **Urban Services.** All development within the Trotting Center Overlay shall connect to County water and sewer services located within the State Road 7 right-of-way.

REVISIONS: To depict the subject site (Verdura Farms) as a Limited Service Area. **Map to be deleted.**

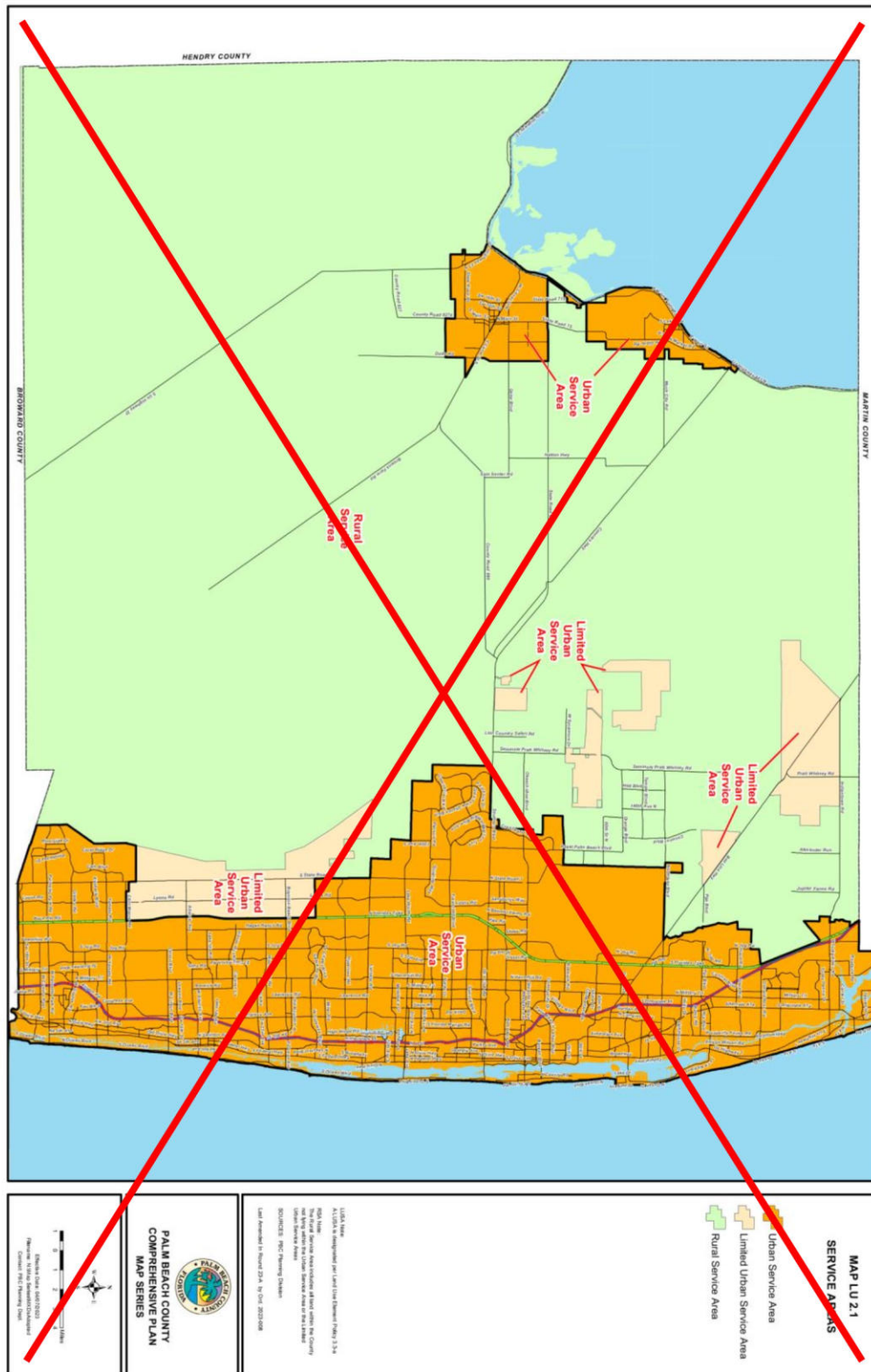


REVISIONS: To depict the subject site (Verdura Farms) as a Limited Service Area. Map to be added.

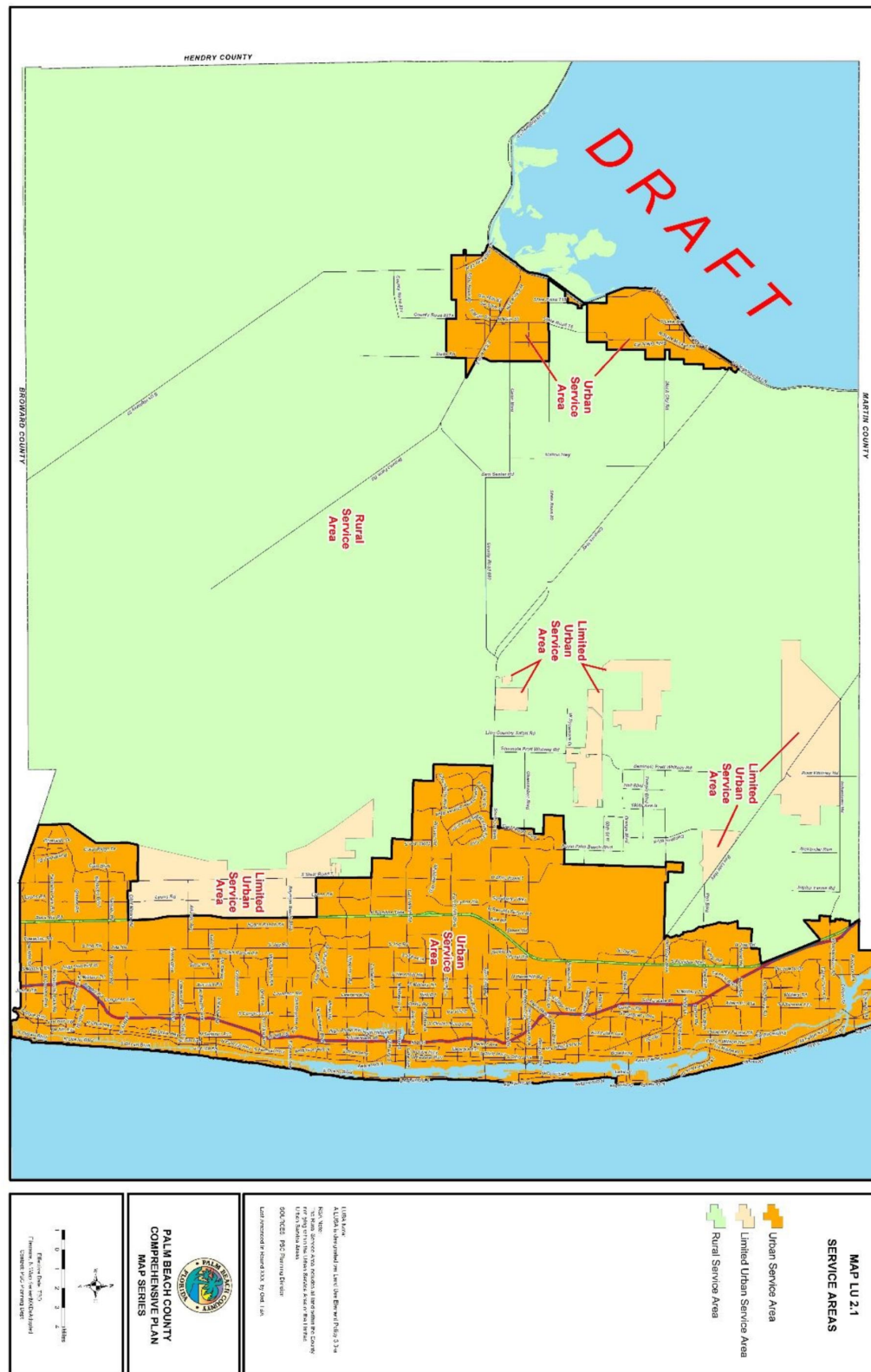


C. **Map Series, Service Area Map LU 2.1, Trotting Center Overlay Revisions**

REVISIONS: To depict the subject site (Verdura Farms) as a Limited Service Area. **Map to be deleted.**



REVISIONS: To depict the subject site (Verdura Farms) as a Limited Service Area. **Map to be added.**



REVISIONS: To expand the Trotting Center Overlay on the Special Planning Areas map to include the subject site (Verdura Farms). **Map to be deleted.**

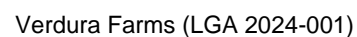


Exhibit 2

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

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

The applicant provides a Justification Statement (Exhibit 3) which states that the amendment is justified on the basis of changes in the characteristics of the area that have occurred since the adoption of the County's Comprehensive Plan. The applicant provides further justification to support the request and is summarized as follows:

- With regard to the site-specific FLUA amendment, the applicant states, "*The Subject Property is particularly appropriate for an increased residential density allowing up to 2 dwelling units per acre due to its location along the State Road 7 (US441) corridor, adjacency to the comparable Trotting Center PUD, the proximity of water and sewer infrastructure to serve the development, and suitable size to sustain a master planned residential community.*"
- With regard to the text amendment, the applicant indicates that "*...the BCC approved a comparable Planning Overlay for the adjacent property known as the Trotting Center Overlay. This overlay provides for nearly identical regulations as were proposed under the Heritage Farms Transitional Overlay. As such, the applicant has modified their proposed text amendment to revise the adopted Trotting Center Overlay to accommodate the Subject Property.*"

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. With regards to justification, there are several themes presented by this amendment that are discussed individually.

The Board recently approved the Trotting Center Overlay which provides a maximum density of 2 units per acre within the Rural Tier. The purpose of the Trotting Center Overlay is to preserve the rural character of the area by allowing for transitional residential densities that are compatible with the rural lifestyle in Heritage Farms. Staff concurs that the proposed future land use and text amendment is justified as the amendment will be consistent with the objective and criteria of the Overlay. The applicant is proposing a development which meets the intent and criteria of the Overlay including the transition of lot sizes, providing expanded buffers and native vegetation in the perimeter buffer and limiting access onto State Road 7 only. Staff concurs that the amendment is justified considering the development pattern established by the Trotting Center and the unique characteristics of the subject site such as frontage along the State Road 7 corridor.

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

Direction 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 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 County's Managed Growth Tier System is the primary vehicle by which the County Directions are realized. The Managed Growth Tier System identifies distinct geographic areas which together, offer lifestyle choices for all residents, and allow for sustainable communities. The associated Comprehensive Plan policies and land development regulations to implement each Tier also reflect the County Directions.

The proposed amendment furthers **Direction 1, Livable Communities** and **Direction 2, Growth Management** as it expands an existing Overlay which allows for residential development consistent with the rural character of the area. **Direction 4, Land Use Compatibility**, is discussed in the Compatibility section of this report.

3. **Piecemeal Development – 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 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: There are no other parcels under the same or related ownership adjacent to the subject site that are not included in the proposed amendment whereby residual parcels would be created. Therefore, the proposed amendment would not constitute piecemeal development.

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

Staff Analysis: The Comprehensive Plan's Introduction and Administration Element defines residual parcel as "a property under the same or related ownership that has been left out of a development area, resulting in a parcel which has limited development options and connections to surrounding properties." As there are no other parcels under the same or related ownership, the proposed amendment would not result in the creation of any residual parcels.

5. **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: The text amendment proposes to expand the recently adopted Trotting Center Overlay northward to include the subject site. Therefore, the site will stay within the Rural Tier and will be unable to utilize the density bonus increases provided by the Workforce Housing Program as the provisions apply only in the Urban/Suburban Tier. In addition, density increases through the Transfer of Development Rights (TDR) program are not available in the Tier as the program is only applicable within the Urban/Suburban Tier in order to promote infill and redevelopment initiatives. Therefore, the amendment is consistent with this policy.

6. **Overlays - Policy 2.1-k:** 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 site is proposed to be included in the Trotting Center Overlay, which was adopted by the Board to preserve the low-density rural character of Heritage Farms, by allowing transitional residential densities that are compatible with the rural lifestyle.

B. Consistency with Rural Tier Requirements

Future Land Use Element Objective 1.1, Managed Growth Tier System, states that *“Palm Beach County shall implement the Managed Growth Tier System strategies to protect viable existing neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers...”*

OBJECTIVE 1.4 Rural Tier

1. **General:** *The Rural Tier includes agricultural land and rural settlements that range in density from primarily 1 dwelling unit per 5 acres to 1 dwelling unit per 20 acres, except in special planning areas such as, but not limited to, the Western Communities Residential Overlay (WCRO) and the Trotting Center Overlay. These areas support large agricultural operations as well as single-family homes with small family-owned agricultural businesses, including equestrian related uses. Due to the declining availability of land and the increase in population in the Urban and Exurban Tiers, the Rural Tier is beginning to experience pressure for urban densities and nonresidential intensities normally associated with a more urban area. The strategies in the Rural Tier are established to protect and enhance rural settlements that support agricultural uses and equestrian uses while also providing an alternative style of development in specific areas that further the goals of the Rural Tier.*

Objective: *Palm Beach County shall plan for the impacts of growth outside of the Urban Service Area, recognizing the existence of both large undeveloped tracts as well as areas containing densities equal to or less than 1 dwelling unit per 5 acres established prior to the adoption of the 1989 Comprehensive Plan located in proximity to environmentally sensitive natural areas while protecting the Rural Tier lifestyle. The Rural Tier shall be afforded rural levels of service, except in special planning areas such as, but not limited to, the Western Communities Residential Overlay (WCRO) and the Trotting Center Overlay.*

Staff Analysis: Although the maximum density of the Rural Tier is 1 unit per 5 acres, the Comprehensive Plan allows for exceptions through special planning areas, such as the Trotting Center Overlay. Therefore, by expanding the Overlay to the subject site, the applicant can request up to 2 units per acre if the development is consistent with the objective and design features.

2. **Policy 1.4-a:** *The County shall protect and maintain the rural residential, equestrian and agricultural areas within the Rural Tier by:*
1. *Preserving and enhancing the rural landscape, including historic, cultural, recreational, agricultural, and open space resources;*
 2. *Providing facilities and services consistent with the character of the area;*
 3. *Preserving and enhancing natural resources; and,*

4. *Ensuring development is compatible with the scale, mass, intensity of use, height, and character of the rural community.*

Staff Analysis: The amendment further this policy as the Overlay has site development criteria that includes expanded buffers with 100 percent native landscaping and vegetation, would help to enhance and complement the existing natural resources and rural character of the existing community. In addition, the requirement for lot size transition assists in furthering compatibility. However, this amendment would convert an existing equestrian and agricultural uses into a more suburban style residential development.

3. **Policy 1.4-d:** Any parcel of land in the Rural Tier shall not be further subdivided to form additional parcels, nor reduced in size, unless: each parcel created is consistent with the minimum lot size required by its respective future land use designation or is developed as one of the following:

1. Rural Residential (RR) Cluster;
2. Variable-Lot-Size development;
3. Planned Unit Development developed under the Western Communities Residential (WCR) Future Land Use Category or within the Trotting Center Overlay.

Parcels may be subdivided for the purpose of enlarging other parcels in the subdivision. The overall number of units of the reconfigured lots may not exceed the original number of units calculated for the lots being reconfigured.

Staff Analysis: The Comprehensive Plan recognizes that this Tier is “*beginning to experience development pressure for urban densities and non-residential intensities.*” Therefore, policies were established to limit the maximum residential development potential to 1 unit per 5 acres and additional strategies were included to “*protect and enhance rural settlements that support agricultural uses and equestrian uses while also providing an alternative style of development in specific areas that further the goals of the Rural Tier.*” The alternative styles of development are outlined in Future Land Use Element Policy 1.4-d, which requires a minimum of 5 acre lots unless developed as a Rural Residential (RR) Cluster or Variable-Lot-Size development. These two rural residential planned unit development options allow for an alternative to a subdivision plan “*to accommodate low-density residential development in conjunction with the protection and maintenance of rural, equestrian, agricultural communities.*” Until recently, the traditional planned unit development, a development pattern which is primarily located only in the Urban/Suburban Tier, is only allowed in the Rural Tier with the Western Communities Residential (WCR) future land use designation.

In February 2023, the Board adopted **Objective 1.4.1: Trotting Center Overlay** with the intent of preserving “*the low density rural character of the [Heritage Farms] area, by allowing for transitional residential densities that are compatible with the rural lifestyle in Heritage Farms.*” The Overlay allows for low-density residential development at a maximum density of 2 units per acre as a Planned Unit Development. The proposed text amendment will expand the Trotting Center to the subject site; therefore, allowing the site to develop as a Planned Unit Development (PUD) in the Rural Tier.

2. **Objective 1.4.1, Trotting Center Overlay:** The purpose of the Trotting Center Overlay is to preserve the low-density rural character of the area, by allowing transitional residential

densities that are compatible with the rural lifestyle in Heritage Farms and promote the use of agriculture in those areas that are proximate to and have access from State Road 7 and are located east of Park Lane and south of the LWDD Canal L-19 W.

Staff Analysis: The Comprehensive Plan recognizes that the Rural Tier is “beginning to experience development pressure for urban densities and non-residential intensities.” Therefore, objectives and policies were established to limit not only maximum residential development potential but allow for special planning areas. The proposed text amendment is requesting to modify Objective 1.4.1 and subsequent policies by extending the northern boundary of the Overlay to encompass the subject site. The applicant proposes a development plan that is consistent with the criteria of the overlay, including the transition of lot sizes, providing expanded perimeter buffers with native vegetation and limiting access from State Road 7 only.

3. **Proposed Text Amendment – Trotting Center Overlay.** The specific proposed text changes are shown in Exhibit 1-B in strike out and underline. The proposed private text amendment requests the following changes:

Revise Objective 1.4.1. Revises the general location for clarification.

Revise Policy 1.4.1-a: Boundaries. Revises the boundaries of the Overlay to include the subject site.

Revise Policy 1.4.1-b: Transitional Density Option. Reduces the minimum acreage criteria from 100 to 95 acres and revises the location criteria to include the subject site.

Revise Map Series, Managed Growth Tier System Map LU 1.1 and Service Area Map LU 2.1, Revises maps to expand the Trotting Center Overlay to the subject site and to depict as a Limited Urban Service Area (LUSA).

Revised Map Series, Special Planning Areas Map LU 3.1, Revises maps to expand the boundaries of the Trotting Center Overlay to the subject site.

C. Consistency with Limited Urban Service Area (LUSA) Policies

1. **Objective 3.3 Limited Urban Service Areas (LUSAs)--*Palm Beach County shall allow for a mix of urban and rural levels of service in the Limited Urban Service Area. Designation of an area as a LUSA shall be based upon consideration of the following factors:***

- *The need for the proposed facilities;*
- *The ability of the proposed facilities to meet policy goals coupled with a demonstration of significant relative advantages of the area of the proposed LUSA over possible sites within the Urban Service Area; and*
- *The extent to which the designation would allow for significant public benefits, such as major economic development or environmental benefits.*

Staff Analysis: The Comprehensive Plan does not have a mechanism for addressing urban service delivery within the Rural Tier. Therefore, the proposed Overlay will confine urban levels of service to the subject site through a Limited Urban Service Area (LUSA) designation allowing for the provision of water and wastewater service. The infrastructure required to provide these services to the amendment site is already in place, which would enable the cost-effective provision of these services, and make better use of the existing

infrastructure. According to a letter from the PBC Water Utilities Department dated April 28, 2023 (see Exhibit 6), the nearest point of connection for potable water is a 16 inch water main approximately 400 feet away. The nearest point of connection to sanitary sewer is a 12 inch force main that is 1,000 feet from the site.

2. Policy 3.3-a: The Limited Urban Service Area: The following are designated as Limited Urban Service Areas:

1. the area described as the United Technology - Pratt and Whitney Overlay;
2. the area defined as the General Aviation Facility/ North County Airport;
3. the Agricultural Reserve; and
4. areas within the Exurban Tier where the Legislature has granted a special district the authority to provide urban levels of service for potable water and/or sewer following the installation of centralized water and/or sewer systems; installation of a force main to serve a single project shall not constitute justification for a LUSA designation;
5. the area east of the SFWMD L-8 Canal and 138.31 acres with Economic Development Center future land use designation west of the SFWMD L-8 Canal within the Glades Area Protection Overlay;
6. an Agricultural Enclave pursuant to Policy 2.2.5-d;
7. the Western Communities Residential Overlay ; and
8. the Trotting Center Overlay

Staff Analysis: The concurrent text amendment proposes to add the subject site to the Trotting Center Overlay, an identified LUSA, allowing for the provision of urban services, including water and wastewater as discussed above. This policy amendment is accompanied by corresponding revisions to the Comprehensive Plan Map Series to depict the LUSA accordingly.

D. Compatibility

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use. The applicant lists the surrounding uses and future land use designations and provides a compatibility analysis in Exhibit 3.

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

- **North** – Directly north of the subject site are agricultural and residential uses on 5 to 10 acre lots that are located in the Rural Tier with a future land use designation of Rural Residential, 1 unit per 10 acres (RR-10).
- **East** – Directly adjacent to the subject site, within the Rural Tier, are three vacant parcels totaling approximately 32 acres under common ownership. The properties comprise the largest parcel north of the subject site and include the remaining land fronting State Road 7 from the northern project boundary to Heritage Farms Road. Further east, across State Road 7, are PODs A & B of the Villages of Windsor PUD. This portion of the PUD has a Low Residential, 2 units per acre (LR-2) future land use designation and is built out with 209 single family homes.
- **South** – South of the subject site is the approximately 105 acre Trotting Center PUD. The PUD was recently approved for a future and use designation of Low Residential, 2 units

per acre (LR-2) as well as a tier specific overlay with the purpose of providing transitional residential densities which promote the low density, rural nature of the Heritage Farms neighborhood

- **West** – West of the subject site, beyond Park Lane Road, are agricultural and residential uses on 5 acre to 10 acre lots that are located in the Rural Tier with a future land use designation of Rural Residential, 1 unit per 10 acres (RR-10).

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.”*

Staff Analysis: The applicant indicates that the proposed Low Residential, 2 units per acre (LR-2) future land use designation is consistent and compatible with the surrounding development pattern as they are proposing to be consistent with the transitional residential criteria of the Trotting Center Overlay. The amendment to the LR-2 designation allows for a maximum development potential of 192 units, but the concurrent site plan proposes 145 units (1.5 units/acre). Considering the active agriculture adjacent to the north and the rural residential development to the west, the proposed inclusion of the subject site within the Trotting Center Overlay would provide a transitional density residential option that is compatible to the low-density existing uses, as well as the overall rural character of Heritage Farms. The overlay includes design features such as lot size transition from largest towards Park Lane Road tapering to smaller lots east towards State Road 7. In addition, the project is required to provide expanded buffers of 50 feet along portions of the overlay boundary where there are existing single family homes.

E. 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 currently located within an overlay. However, the applicant is proposing to expand the Trotting Center Overlay northward to the subject site which is depicted on the Special Planning Areas Map in the Map Series.

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

Staff Analysis: The subject site is located within the boundaries of the West Boynton Area Community Plan (WBACP).

The WBACP was published in 1995 and adopted by both the County and the City of Boynton Beach as a joint vision for development of the west Boynton area. This community

plan was created by representatives from the Coalition of Boynton West Residential Associations (COBWRA), the County, the City of Boynton Beach, the Hagen Ranch Road Association, the Rangeline Coalition, and other unaffiliated citizens. Staff reviewed the proposed future land use, text, and map series amendment in relation to the WBACP and the following recommendations of the WBACP apply.

The Plan states the Agricultural Reserve and the southern part of Heritage Farms are in sub area 2 of the WBACP. According to the WBACP, all recommendations apply to sub area 1, east of the Turnpike, unless specifically noted. The WBACP describes Heritage Farms as having similar soil, water supply, and climate as the Agricultural Reserve. Although Recommendation 3 in the Plan states “Accept an agricultural future for the Agricultural Reserve”, and to “accept the direction given by the BCC establishing as a primary goal an agricultural future for the Agricultural Reserve area...”, staff could not identify any recommendations regarding Heritage Farms in the Plan.

F. Public Facilities and Services Impacts

The proposed amendment was reviewed at the maximum development allowed under the Low Residential, 2 units per acre (LR-2) designation of 192 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 has been distributed to the County service departments for review and there are adequate public facilities and services available to support the amendment, and the amendment does not exceed natural or manmade constraints. No adverse comments were received from the following departments and agencies regarding impacts on public facilities:

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

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

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

Staff Analysis: The Traffic Division reviewed this amendment at a maximum potential of 194 units. According to the County’s Traffic Engineering Department (see letter dated November 8, 2022 in Exhibit 5), the amendment would result in an increase of 1,840 trips per day.

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 proposed maximum density shown above.”*

The Traffic Study dated May 9, 2023 was prepared by JFO Group Inc. 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. **Fire Rescue:** On April 18, 2023, Palm Beach County Fire Rescue provided the following comment: *“This property is primarily served by Palm Beach County Fire Rescue Station #48, which is located at 8560 Hypoluxo Road. The maximum distance traveled to subject property is approximately 2.75 miles from the station. The estimated response time to the subject property is 8 minutes. For fiscal year 2022, the average response time (call received to on scene) for this stations zone is 7:16. Changing the land use of this property will have some impact on Fire Rescue.”*

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 August 18, 2023. To date, no comments have been received.
- B. **Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on August 18, 2023. In addition, interested parties were notified by mail including the Coalition of Boynton West Residential Associations, Melrose Park POA, Verona Lakes HOA, Valencia Shores Master Association, Oak Haven POA, Savannah Estates HOA, Bellagio Residents Association, and Isola Bella Estates HOA. Letters are added to Exhibit 9 as they are received during the course of the amendment process.

Exhibit 3

Applicant's Justification/Consistency with Comprehensive Plan

A. REQUEST

On behalf of the property owners, 7501 S. SR7, LLC, and Cypress Polo Club, LLC, and the applicant, DiVosta Homes, L.P., Urban Design Studio (UDS), as agent, has prepared and hereby respectfully submits this application for a Future Land Use Atlas (FLUA) Amendment for the ±96.14-acre property generally located on the west side of State Road 7 (US-441) approximately one quarter mile south of Hypoluxo Road, hereinafter referred to as the Subject Property. The Subject Property is comprised of five parcels with the following parcel control numbers (PCNs):

- 00-42-43-27-05-044-0110
- 00-41-45-12-00-000-3150
- 00-41-45-12-00-000-3090
- 00-41-45-12-00-000-7190
- 00-41-45-12-00-000-7200

The Subject Property is located in unincorporated Palm Beach County (PBC), situated in the Rural Tier with a Future Land Use Atlas (FLUA) designation of Rural Residential, 1 dwelling unit per 10 acres (RR-10) and within the Agricultural Residential (AR) Zoning District. The Subject Property is located within the West Boynton Community Plan area. The proposed changes to the Tier Designation and FLUA designation of the Subject Property do not result in the need for any text amendments to the County's Unified Land Development Code (ULDC).

On November 8, 2022, the applicant submitted a separate application for a Privately-Initiated Text Amendment to the Comprehensive Plan under the application name of Heritage Farms Transitional Overlay. This application proposed to create a Planning Overlay for the Subject Property that would allow for the development of residential dwelling units at a low density and in a transitional and logical manner that effectively buffers properties developed at a rural density while integrating the area with the adjacent suburban level of development. The proposed text amendment would allow the included property to remain in the Rural Tier and be developed with up to 2 dwelling units per acre with specific requirements for the transition of density and lot sizes. The proposed text amendment was initiated by the Board of County Commissioners (BCC) on February 1, 2022. Subsequently, the BCC approved a comparable Planning Overlay for the adjacent property known as the Trotting Center Overlay. This overlay provides for nearly identical regulations as were proposed under the Heritage Farms Transitional Overlay. As such, the applicant has modified their proposed text amendment to revise the adopted Trotting Center Overlay to accommodate the Subject Property.

By way of the enclosed FLUA Amendment application materials, 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 Rural Residential, 1 dwelling unit per 10 acres (RR-10) to Low Residential, 2 dwelling units per acre (LR-2)

This application is accompanied by a request for the approval of a Comprehensive Plan Amendment to facilitate the proposed FLU designation as follows:

1. To amend the text of the Comprehensive Plan Future Land Use Element as follows:
 - a. Objective 1.4.1 to include the Subject Property within the boundaries of the Trotting Center Overlay;
 - b. Policy 1.4.1-a to modify the boundary description for the Trotting Center Overlay to include the Subject Property;
 - c. Policy 1.4.1-b.2 to reduce the minimum acreage for development in the Trotting Center Overlay from 100 contiguous acres to 95 contiguous acres;
 - d. Policy 1.4.1-b.5 to modify the location criteria of the Trotting Center Overlay to include the Subject Property.
2. To amend the following Comprehensive Plan maps to designate the Subject Property with the Trotting Center Overlay and Limited Urban Service Area (LUSA)
 - a. Managed Growth Tier System Map LU 1.1
 - b. Service Areas Map LU 2.1
 - c. Special Planning Areas Map LU 3.1

B. BACKGROUND

The +96.14-acre Subject Property, located on the west side of State Road 7 (US-441) approximately one quarter mile south of Hypoluxo Road, is centrally located within unincorporated Palm Beach County. The Subject Property is an assemblage of five (5) parcels including one parcel addressed as 7501 S. State Road 7, commonly known as the Yee Property, and four parcels addressed as 7302 Park Lane Road known as the Cypress Polo Club.

The Yee Property of approximately 56 acres is currently in use for agricultural row crop production and is provided access via State Road 7 (US-441) to the east. Originally purchased by the Yee family in 1984, the family has managed the property for agricultural row crop production for nearly four decades. The additional land area included within the Subject Property includes four parcels comprising the Cypress Polo Club property of approximately 40 acres. The site is in use as a polo pitch with supporting accessory structures along the north property line and access via Park Lane Road to the west.

There are no records of previous approvals for any modification to the Managed Growth Tier or FLU designation of the subject property since the adoption of the 1989 Comprehensive Plan. However, a portion of the subject property, the Yee Property, is assigned County Control No. 1983-00017. These approvals are specific to the initial development of the adjacent South Florida Trotting Center and do not appear to grant any development rights or burden the Subject Property with any development obligations.

C. HERITAGE FARMS BACKGROUND

The County introduced the Managed Growth Tier system into the Comprehensive Plan in 1999 to recognize the diversity of the County's various geographies and the development patterns most appropriate for the character of these areas. The County established several tiers to categorize the level of development in each region based on comparable densities, intensities, and public service availability. The Rural Tier, in which the Subject Property is located, was an area established to support five to ten acre residential lots along with agricultural and equestrian uses. Since the creation of the tier system, the development patterns throughout the County have continued to evolve as development at urban and suburban densities continued to move west. Today, urban and suburban levels of development extend from the Atlantic Ocean to State Road 7 and beyond. The Comprehensive Plan recognizes that the Rural Tier is "beginning to experience development pressure for urban densities and non-residential intensities." As such, it

is necessary to implement and administer effective planning strategies to preserve and enhance the relationship of lands at the boundary of the Urban/Suburban and Rural tiers.

Heritage Farms is an unrecorded subdivision comprised of 172 parcels spanning approximately 1,300 acres. Beginning around 1958, three decades prior to the adoption of the County's Comprehensive Plan in 1989, a series of subdivisions began to create the neighborhood that exists as Heritage Farms today. At this time, parcels could be subdivided and developed at a density of up to one unit per 2.5 acres. With the adoption of the Comprehensive Plan in 1989, the County assigned the Rural Residential, 1 unit per 10 acres (RR-10) Future Land Use designation to the entirety of Heritage Farms, a four-fold reduction in permitted density. Today, almost half of the lots (85 of 172 parcels) within Heritage Farms are less than five acres in size. Conversely, nearly 50% of the land area of Heritage Farms is comprised of parcels greater than 25 acres in size with the majority of these parcels located on the eastern periphery of Heritage Farms and abutting State Road 7 which serves as the boundary of the Urban/Suburban Tier in this area.

Properties within Heritage Farms are primarily in use for residential and agricultural purposes as well as a number of vacant parcels. Agricultural uses include nurseries, pastures, row crop production, and equestrian uses at various scales. Three parcels with frontage on State Road 7 are designated with the Commercial Low FLU and the South Florida National Cemetery, accounting for 24% of the entire land area of Heritage Farms, occupies the majority of the neighborhood's frontage along State Road 7 from Lantana Road to Hypoluxo Road.

In 2001, the Board of County Commissioners (BCC) initiated a Comprehensive Plan text amendment to allow residential development under the Rural Residential, 1 unit per 5 acres (RR-5) FLU within an 11-acre portion of the Heritage Farms subdivision. During the transmittal hearing for this amendment, two members of the public spoke in opposition to the amendment in reference to the inclusion of Heritage Farms. In 2009, a member of the public requested that the BCC recognize the Heritage Farms community for its rural character and as a buffer for environmentally sensitive lands to the southwest through the creation of a Rural Protection Overlay. During the public outreach process in relation to this request, a significant number of residents expressed opposition and concerns over the additional limitations that would be imposed on property owners that may want to explore alternatives for future development of their property. As a result of the degree of opposition, the proposed amendment was withdrawn by the BCC on July 15, 2009.

More recently, on May 4, 2022, the BCC directed County Planning Division staff to begin planning efforts to create a neighborhood plan for Heritage Farms. There is not currently an approved or proposed neighborhood plan in place for Heritage Farms. However, on August 25, 2022, the BCC initiated a text amendment to the Comprehensive Plan to establish a Planning Overlay for the Heritage Farms neighborhood. This County-initiated text amendment drafted by County Planning Division staff through coordination with neighborhood residents and interested parties is intended to recognize and preserve the long-standing rural residential, agricultural, and equestrian character of the Heritage Farms area. The boundaries of the Heritage Farms Overlay proposed by the County includes the Subject Property but excludes comparable property immediately to the south which has historically been considered a part of Heritage Farms.

The County Planning Division has hosted multiple virtual and in-person workshop sessions to allow the community stakeholders an opportunity to discuss considerations and guide the creation of the Heritage Farms Overlay. Through these meetings, it is clear that property owners within Heritage Farms are not in agreement regarding the merits of the proposed overlay. A contingency of residents has expressed support for the overlay in an effort to maintain the rural character of their neighborhood while others have voiced opposition to the overlay due to concerns on additional regulations, obstacles to the development and use of property, and unfairness in the

geographic application of the proposed overlay. Property owners in opposition to this County-initiated overlay have expressed concern that a blanket regulation is not appropriate considering the diverse nature of properties within the overlay area. Specifically, it is believed that large properties along the eastern and southern boundaries of Heritage Farms, where adjacent to State Road 7 and the boundary of the Urban/Suburban Tier, should allow for a more appropriate integration and transition of development patterns between tiers.

For example, the property immediately south of the Subject Property, historically known as the Trotting Center property, has recently received BCC approval for multiple applications including a Privately-Initiated Comprehensive Plan Text Amendment proposing to create a distinct overlay for the site, a FLUA Amendment from the RR-10 to the LR-2 FLU designation, and an Official Zoning Map Amendment to the Planned Unit Development (PUD) district to allow for the development of a low-density residential subdivision at a density up to two dwelling units per acre. As a result of this application and proposed overlay, the County Planning Division excluded the Trotting Center property from the concurrent planning efforts for the Heritage Farms Overlay.

The applicant supports the concept that uniquely situated properties of appropriate size within Heritage Farms should be permitted to develop at a density above 1 unit per 10 acres; however, they believe it is most appropriate to consider the comprehensive implications of a planning overlay and its potential use throughout a community as opposed to a single property. As such, an extension of the adopted Trotting Center Overlay to include the Subject Property is believed to be the most effective planning tool for protecting the Heritage Farms community and permitting transitional residential development as a buffer to more intense levels of development to the east.

D. WEST BOYNTON AREA COMMUNITY PLAN

A portion of Heritage Farms, including the Subject Property, is located within the West Boynton Area Community Plan (WBACP) formally recognized by the County in 1995. The WBACP was created to promote the community's goals as it relates to development patterns throughout the plan area. This plan is currently managed by the Coalition of Boynton West Residential Associations (COBWRA). Heritage Farms and the Subject Property are located within Sub-Area 2 of the WBACP and, despite general reference to the Heritage Farms neighborhood in relation to the Agricultural Reserve, the WBACP does not appear to include any specific recommendations regarding future development of the Heritage Farms neighborhood.

E. 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, various parcels ranging from five (5) to almost thirty (30) acres serve as a buffer between the Subject Property and Heritage Farms Road, a 110' roadway easement qualifying as a street as defined in the ULDC. Approximately 32 acres of property under common ownership comprises the largest parcel north of the site and comprises the land fronting State Road 7 from the norther project boundary to Heritage Farms Road. These remaining properties are developed with residences, pastureland, and nurseries.
- **South:** To the south of the Subject Property are three parcels included within the Trotting Center property which is the subject of recent approvals for a comparable level of development as described above.

- **East:** To the east of the Subject Property, across State Road 7 (US 441), is a portion of the Villages of Windsor PUD, a residential subdivision of 1,087 dwelling units. More specifically, Villages of Windsor Pods A and B are located directly east of the Subject Property which are developed with single-family and zero-lot-line units at densities of 2.97 and 3.41 dwelling units per acre, respectively.
- **West:** To the west of the Subject Property, across Park Lane Road, are several ten (10) acre parcels developed as single-family residences with accessory agricultural uses and two five (5) acre parcels in operation as a nursery.

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	Agriculture, Nursery, Residential, Vacant	RR-10	AR
South	Residential	LR-2	PUD
East	Residential	LR-2	PUD
West	Nursery, Residential	RR-10	AR

F. CONSISTENCY

G.1 – Justification

Pursuant to 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 FLU designation from Rural Residential, 1 dwelling unit per 10 acres (RR-10) to Low Residential, 2 dwelling units per acre (LR-2). The Subject Property is located within the boundaries of the West Boynton Community 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 residential use of the Subject Property and associated text amendments are appropriate and consistent with the established development pattern in this portion of the County. The existing RR-10 FLU confirms the suitability of this site for residential development and the FLU designation of the adjacent Trotting Center site supports the proposed density requested of LR-2 for the Subject Property. The existing development pattern of this area of the County is dominated by low density residential development. The Subject Property is particularly appropriate for an increased residential density allowing up to 2 dwelling units per acre due to its location along the State Road 7 (US441) corridor, adjacency to the comparable Trotting Center PUD, the proximity of water and sewer infrastructure to serve the development, and suitable size to sustain a master planned residential community.

As discussed above, the intent of the Trotting Center Overlay is to protect the Heritage Farms community by allowing for low-density residential development in a transitional manner for properties on the eastern boundary of the community where the Rural Tier meets the Urban/Suburban Tier. The Trotting Center Overlay allows for development of limited properties west of State Road 7 within the Heritage Farms community to be developed with residential lots exhibiting a transition from smaller lots adjacent to State Road 7 to larger lots in the west where

abutting Park Lane Road. The Subject Property is of sufficient size, location, and conditions to allow a compatible master planned residential community to further the purpose of creating a buffer of transitional residential development thereby creating a cohesive land use pattern throughout the area.

Allowing an increased residential density at this site will create additional housing options in an area of the County with available services to maximize the development of land deemed suitable for residential uses. The development of this property will represent balanced growth in line with planning principles utilized to create the Trotting Center Overlay. The Trotting Center PUD was established as the westernmost residential development and granted a residential density of LR-2. The Subject Property represents an amalgamation of several properties directly abutting the Arden PUD of sufficient size to appropriately locate a master planned community utilizing existing infrastructure available in the area. Including the Subject Property in GAPO and designating the site as Limited Urban Service Area (LUSA) in connection with the approval of the proposed LR-2 FLU designation will serve to allow an appropriate master planned residential development compatible with the Arden PUD, surrounding communities, and the established development pattern of this portion of the County.

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: The Comprehensive Plan recognizes the Rural Tier has begun "to experience development pressure for urban densities and non-residential intensities". Since 2001, there have been multiple attempts to consider increased densities within Heritage Farms by both the County and property owners that have been met with hesitation or opposition from other property owners within the neighborhood on the grounds of preserving the existing rural character of the community. The applicant recognizes the varied perspectives of property owners within Heritage Farms and the previous planning efforts in relation to the neighborhood. Recently, the BCC approved the Trotting Center to assign a FLU designation of LR-2 for the adjacent property.

The applicant seeks to play a role in creating the most appropriate planning mechanism to effectuate a logical transition of residential density at the westward boundary of the Urban/Suburban Tier. Properties at the eastern border of Heritage Farms lie on the boundary of the Rural and Urban/Suburban tiers. With access and infrastructure from State Road 7, these properties are uniquely situated to allow development of residential subdivisions in a manner that locates smaller lots to the east with increasing lot size moving westward towards the interior of Heritage Farms. Transitional density, in addition to expanded landscape buffer requirements, will effectively create a developed, residential buffer for Heritage Farms. In this way, the long-range land use of the Subject Property becomes defined and its development closely regulated under a specifically planned design requirements serving to preserve the rural character of the Heritage Farms community.

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 this part of the Rural Tier and Heritage Farms, in particular, have continued to evolve over the last few decades. A large amount of previously farmed lands within the County have

since been converted for the development of urban and suburban levels of density and intensity. Areas that were previously undeveloped or farm lands have seen development of sufficient density to support the creation of multiple municipalities that are primarily or entirely located west of State Road 7. This westward expansion of development has been facilitated by the concurrent provision of public facilities and infrastructure necessary to accommodate urban and suburban levels of development. As such, sufficient infrastructure exists adjacent to the eastern boundary of Heritage Farms and the Subject Property to connect to public services capable of servicing a low-density residential subdivision as contemplated by the proposed text amendment. A residential community on the Subject Property would provide direct access to State Road 7 (US 441) and connect to existing infrastructure available within the State Road 7 corridor to make the highest and best use of the Subject Property and existing public facilities serving properties in this area.

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

Applicant's Response: Since the adoption of the Comprehensive Plan and the Managed Growth Tier system, the County seen substantial changes in consumer patterns and market conditions. These changes have resulted in a continued increase in residential housing demand for a variety of housing options. Coupled with a decrease in the productivity and viability of agricultural operation in the County, many property owners, especially those with parcels large enough for master planned development, have begun to contemplate their property's role in the future development of the County. These changes have prompted a reconsideration of the highest and best use for countless properties across the County, including the Subject Property. Based on a variety of factors as described throughout this justification, a residential community developed under the Trotting Center Overlay, as proposed to be amended, is believed to be the highest and best use to serve the needs of the current and future residents of the County. More specifically, the Trotting Center Overlay, as amended, creates a framework to allow for the development of appropriately sized and located property within Heritage Farms with transitional density and expanded landscape buffers which serves to address the current County-wide housing crisis and looks forward to protect the rural character of the interior portion of Heritage Farms.

d. Inappropriateness of the adopted FLU designation;

Applicant's Response: The adopted FLU designation is not inappropriate for the Subject Property; however, it is not the most appropriate FLU designation for the implementation of development regulations that will serve the intent of preserving the rural character of the Heritage Farms community from the expansion of urban levels of development. The Heritage Farms community benefits from the implementation of low-density residential development in accordance with the Trotting Center Overlay, as amended, which requires transitional density and substantial buffers for uniquely situated properties of sufficient size at the boundary of the community.

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

Applicant's Response: The adopted FLU designation was not assigned in error. The County's Rural Residential, 1 unit per 10 acres (RR-10) FLU designation allows for a range of agricultural and equestrian uses that exist on the Subject Property today. However, the FLU designation no longer accounts for the highest and best use of the Subject Property in the long-range planning horizon. Recognizing the unique rural character of the Heritage Farms neighborhood and the residents' desire to preserve this character, a development plan proposing low-density residential development in a transitional manner at the border of the Rural and Urban/Suburban tiers will work to define a more logical future land use and development pattern for the neighborhood as a

whole. The resulting development pattern is one that naturally transitions from smaller lots in the east to larger lots and then to more rural densities of existing residential lots within the interior western portions of Heritage Farms. This is expected to allow for a complete development pattern through the area which appropriately addresses a transition from the Urban/Suburban Tier to the Rural Tier in this area.

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 Future Land Use Atlas (FLUA) Amendment;

Applicant's Response: The Subject Property is located within the southern portion of the Rural Tier in which the maximum density permitted is 1 unit per 5 acres under the RR-5 FLU designation. Further, no bonus density programs such as the Transfer of Development Rights (TDR) or Workforce Housing Program (WHP) are permitted to be utilized for development within the Rural Tier. As such, a FLUA Amendment is the necessary mechanism to increase the residential density to allow for the proposed level of development. Since 2012, the County has allowed property owners to propose privately initiated text amendments to the Comprehensive Plan when necessary to address a specific planning function in relation to unique properties or circumstances.

This request recognizes the unique nature of the Heritage Farms community and the need for a planning mechanism that will aid in protecting the rural character of the neighborhood without restricting the rights of property owners and allow for a more appropriate transition of development from urban and suburban levels of density and intensity east of State Road 7 to the more rural level of development on properties within the interior western portion of Heritage Farms. The proposed amendments to the Trotting Center Overlay would allow the applicant to request a concurrent FLUA Amendment for the Subject Property and develop a low-density master planned community under the LR-2 FLU. The use of the proposed planning overlay ensures that specific location and minimum size criteria limit the availability of this development option to appropriately sized and situated properties within the eastern boundary of Heritage Farms. Further, the use of the planning overlay allows the Subject Property to remain within the Rural Tier while connecting to available public services at the boundary of the Urban/Suburban Tier. In this way, the use of the planning overlay and this FLUA Amendment represent the most appropriate planning mechanism to pursue an increase in residential density on the Subject Property.

2. Demonstrate that the current FLUA designation is inappropriate;

Applicant's Response: The adopted RR-10 FLU designation is not inappropriate for the existing use of the Subject Property; however, it is not the most appropriate FLU designation for the implementation of development regulations that will serve the intent of preserving the rural character of the Heritage Farms community from the expansion of urban levels of development. The Heritage Farms community benefits from the creation of a planning overlay which allows for low-density residential development with transitional density and substantial buffers for uniquely situated properties of sufficient size at the boundary of the community.

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 Subject Property is located within the southern portion of the Rural Tier. No bonus density programs such as the Transfer of Development Rights (TDR), Workforce Housing Program (WHP) or Affordable Housing Program (AHP) are permitted to be utilized for development within the Rural Tier.

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 planning principles, the use of the Trotting Center Overlay and the proposed FLUA Amendment will enable the development of the Subject Property in a manner that will most appropriately create contextual and compatible development at the boundary of the Urban/Suburban and Rural tiers. The use of the LR-2 FLU designation in combination with requirements for transitioning from smaller to larger lots and expanded landscape buffering will guide the design of a highly compatible development on the Subject Property. More specifically, the proposed amendments to allow the use of the Trotting Center Overlay will ensure the highest level of compatibility.

- Boundary restriction limit use of Trotting Center Overlay to large parcels in the southeastern periphery of the Heritage Farms community;
- Concurrent processing of a zoning application and master plan for any property seeking to utilize the LR-2 FLU;
- Minimum acreage for development of 95 acres;
- Maximum density to 2 units per acre and prohibits the use of bonus density programs;
- Location criteria including a requirement for frontage and access to State Road 7, adjacency to the Urban/Suburban Tier boundary, and position east of Park Lane Road;
- Design features requiring the smallest lots to be located closest to State Road 7 and the largest lots located towards the western property line closest to existing residences;
- Design feature requiring a minimum of 20% of the land area to be comprised of lots that are a minimum of 0.5 acres;
- Expanded perimeter buffer requirements specifying a minimum 50-foot buffer along the entire west property line and where abutting lots developed with existing single-family homes;
- Landscape buffer requirement for all vegetation within buffers to consist of 100% native species;
- Access restriction requiring all access, including emergency vehicle access, from driveways connecting to State Road 7 only;
- Specification to connect to County water and sewer infrastructure available within the State Road 7 right-of-way.

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 amendment will result in the efficient use of land and existing public facilities and services currently available to the Subject Property. The residential use, guided by development regulations specified within Trotting Center Overlay, will result in a compatible redevelopment of the Subject Property that contributes toward maintaining a livable community with neighborhood integrity for the larger Heritage Farms community.

The proposed overlay does not encourage suburban development within the Rural Tier but recognizes the unique nature of the Heritage Farms neighborhood and the Subject Property, in particular, which requires an added layer of planning considerations as codified by the Trotting Center Overlay. Several of the County's Comprehensive Plan Directions support the proposed amendment, specifically Livable Communities; Growth Management; Infill, Redevelopment and Revitalization; Land Use Compatibility; Neighborhood Integrity; Housing Opportunity; Design; 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. Heritage Farms, by all accounts, is a Livable Community with a rural character that deserves recognition and respect as a uniquely situated pocket of rural development in this area of the County. The adopted Trotting Center Overlay recognizes the unique nature of the adjacent community and works to create a path to allow for development along the eastern boundary of the Heritage Farms community. In this way, an appropriate transition is provided from the higher density of development seen east of State Road 7 in the Urban/Suburban Tier to the rural densities found within the interior western portions of Heritage Farms.

The proposed amendment will not only contribute to protecting the Heritage Farms community by creating a higher degree of certainty for property with access to infrastructure capable of serving a low-density residential community. The amendment and associated development would also allow for the creation of a compatible community within the Subject Property that exhibits the representative characteristics of a livable community including 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. In support of the County's Directions for livable communities, the proposed amendment seeks to utilize the planning mechanism introduced by the Trotting Center Overlay that will protect the community character of the larger Heritage Farms neighborhood while allowing for the development of the Subject Property with a unique neighborhood of transitional density under the LR-2 FLU designation to create a cohesive and contextual buffer at the border of the Urban/Suburban and Rural tiers.

- **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. Enhance existing communities to improve or maintain livability, character, mobility, and identity;
4. Facilitate and support infill development and revitalization and redevelopment activity through coordinated service delivery and infrastructure upgrades;

Applicant's Response: The proposed amendment is the most appropriate mechanism to address the development of a uniquely situated property of sufficient size located on the boundary of the Urban/Suburban Tier. The Subject Property is positioned adjacent to urban and suburban levels of development with direct access onto a major arterial roadway and available public facilities to support urban and suburban levels of development. Such properties are attractive for their potential to be developed as master planned communities; however, these properties must be addresses sensitively as they serve an important role at the boundary of two managed growth system tiers. As such, specific planning mechanisms may be necessary to adequately account for the unique circumstances of such properties.

The proposed amendment supports all components of Objective 1.1 listed above as it will work to:

1. Increase the variety of housing and lifestyle choices for residents of the County by providing a community with a transitional character blending elements of suburban and rural living;
 2. Accommodate future growth by providing additional homes in an area between properties developed at urban and suburban densities and existing lots developed with rural densities and accessory agricultural uses;
 3. Enhance the livability and preserve the character of the Heritage Farms community by creating an effective buffer from more impactful development to the east;
 4. Facilitate the infill development of a property with access to an arterial roadway and public facilities with sufficient capacity to accommodate the proposed level of development.
- **FLUA Objective 1.4 Rural Tier**
Policy 1.4-a: The County shall protect and maintain the rural residential, equestrian and agricultural areas within the Rural Tier by:
 1. Preserving and enhancing the rural landscape, including historic, cultural, recreational, agricultural, and open space resources;
 2. Providing facilities and serves consistent with the character of the area;
 3. Preserving and enhancing natural resources; and,
 4. Ensuring development is compatible with the scale, mass, intensity of use, height, and character of the rural community.

Applicant's Response: The proposed amendment works to support all elements of Policy 1.4-a through the use of a planning mechanism uniquely designed to accommodate the development of such properties at the southeastern periphery of the Heritage Farms community. First, the proposed amendment seeks to contribute to the preservation of the rural character by creating a residential buffer between the more rural and agricultural aspects of the community and the urban/suburban development across State Road 7. Second, public facilities and services are available to the Subject Property to allow for development of a low-density residential subdivision. Third, the development of the Subject Property would not result in any loss of natural resources. In fact, the proposed development will preserve an existing wetland and intends to create wildlife corridors within expanded perimeter landscape buffers. Finally, the development of a residential community with transitional density and substantial landscape buffers will ensure a high degree of compatibility by creating a transition of massing, scale, and density.

- **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 adjacent to State Road 7 where public facilities and services are available to serve the proposed level of development and currently serve residential subdivisions east of State Road 7. The location of the Subject Property along a major arterial where public facilities already exist will ensure the timely and cost-effective provision of services to the proposed development without the need to expand County infrastructure further west or into the Rural Tier. Further, the site lies on the boundary of the Urban/Suburban Tier and the Rural Tier which creates a unique circumstance and a need to address the provision of transitional density thereby creating a cohesive land use pattern between tier boundaries. The development of the site under the adopted Trotting Center Overlay will better position the County to allow for compatible development in a manner to protect and preserve the livability and character of existing communities while acknowledging the need for additional housing opportunities.

- **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: 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. Existing infrastructure within State Road 7 provides the necessary capacity to develop the Subject Property at a higher density than is proposed by this amendment. The adopted Trotting Center Overlay, as amended, accounts for the compatible integration of the Subject Property as transitional development from urban to rural density. Therefore, the proposed amendment and resulting low-density residential community would not exceed the manmade constraints of the site and would allow for more efficient utilization of existing infrastructure.

- **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: The adopted Trotting Center Overlay which facilitates development of limited properties along the periphery of the Heritage Farms community is expected to be the most effective planning mechanism to preserve the character and natural resources within the area. By allowing property along the tier boundary to develop with an appropriate transitional density including substantial buffers, the remainder of the community is more reasonably insulated from encroaching development pressure. The Subject Property was previously cleared and has long been used for agricultural operations in the form of row crop production and recreation as polo fields. A small pocket of wetlands exists along the north property line that would be maintained and incorporated into an expanded perimeter landscape buffer. Otherwise, the Subject Property is clear of environmentally sensitive lands and natural habitats. The minimal wetlands, relatively flat land, and previous uses 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 amendment.

2. The availability of facilities and services;

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

- *Traffic:* Please refer to Application Attachment H for the Traffic Study by JFO Group, Inc. for details on the traffic generation, distribution, etc.
- *Mass Transit:* There are no Palm Tran routes directly serving the Subject Property but the Palm Tran Bus Route that runs nearest to this property is Route 73 – BYB X-TOWN via BOYNTON BEACH with the closest stop located approximately 3 miles southeast of the Subject Property at Bethesda West Hospital on Boynton Beach 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 level of development via an existing 16" potable water main within State Road 7 adjacent to the site and a 12" sanitary sewer force main within State Road 7 approximately 1,000' north of the Subject Property.
- *Drainage:* Please see Application Attachment J for Drainage Statement prepared by Schnars Engineering. The surface water management regulator responsibility for the property lies within the governmental jurisdiction of the South Florida Water Management District C-51 Basin, Lake Worth Drainage District, Palm Beach County, and the Florida Department of Transportation. The LWDD S-8 canal is proposed to remain and will serve as the receiving body for the site. Additionally, an easement will be dedicated to LWDD for the creation of the LWDD L-19 canal along the south property line with a connection to the existing 60" culvert crossing SR7 to the LWDD E-1 canal at the SE corner of the property.
- *Fire Rescue:* Please see Application Attachment K for the Fire Rescue letter which confirms that the nearest PBC Fire Rescue station is Station #48 located at 8560 Hypoluxo Road. Station #48 is located approximately 2.75 miles from the Subject Property. The estimated response time to the Subject Property is 8 minutes and, for fiscal year 2022, the average response time for this station's zone is 7 minutes and 16 seconds.
- *School:* Please see Application Attachment O for the School Capacity Availability Determination (SCAD) application submitted to the School District of Palm Beach County. The SCAD letter will be provided to the Planning Division upon receipt from the School District of Palm Beach County.
- *Parks and Recreation:* This FLUA Amendment application includes an analysis of the impacts on regional and district parks and recreation facilities. The proposed development will not negatively impact the Palm Beach County level of service for parks and recreation as adequate parks land area and amenities exist to serve the additional units. Further, recreation areas and amenitized open space will be provided for residents within the development.

3. The adjacent and surrounding development;

Applicant's Response: The proposed amendment and resulting residential development is compatible with surrounding properties and consistent with existing land use designations along this portion of the State Road 7 corridor. Specifically, the Subject Property and proposed amendment features a high degree of similarity to the recently approved Trotting Center development. The transitional density requirements and enhances landscape buffer requirements

will ensure the resulting development is compatible with the adjacent properties. Please refer to Section G.3 - Compatibility and Surrounding Uses above.

4. The future land use balance;

Applicant's Response: The proposed increase to the maximum residential density at the Subject Property will not impact the area's future land use balance as the Trotting Center Overlay, as amended, contains specific restrictions on the size, location, access requirements, and provision of services that would allow for a property to qualify for development under this overlay. These criteria substantially limit the applicability of the overlay to properties along the southeastern periphery of the Heritage Farms community. The overlay acts to more appropriately balance conflicting development patterns between the Urban/Suburban Tier and the Rural Tier by creating a transition of density and character for a comprehensive balance of land use and development patterns in this area.

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

Applicant's Response: The amendment will prevent urban sprawl as it will allow for the redevelopment of an underutilized property located at the boundary of the Urban/Suburban and Rural tiers. Further, the overlay designates uniquely situated property of sufficient size that is appropriate for the development of a low-density residential subdivision in a manner that provides a transition of density and creates a natural tapering of density from the east to west. This natural progression of decreasing density is believed to be a more appropriate planning mechanism and results in a more compatible pattern of development than maintaining a hardline distinction between the development of properties on either side of a managed growth tier boundary. Allowing for the redevelopment of a suitably sized parcel on the boundary of Rural Tier will contribute to the preservation of lands further west within the Rural 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: A portion of Heritage Farms, including the Subject Property, is located within the West Boynton Area Community Plan (WBACP) formally recognized by the County in 1995. The WBACP was created to promote the community's goals as it relates to development patterns throughout the plan area. This plan is currently managed by the Coalition of Boynton West Residential Associations (COBWRA). Heritage Farms and the Subject Property are located within Sub-Area 2 of the WBACP and, despite general reference to the Heritage Farms neighborhood in relation to the Agricultural Reserve, the WBACP does not appear to include any specific recommendations regarding future development of the Heritage Farms neighborhood. The applicant is coordinating closely with various representatives of the Heritage Farms community that have long been involved in planning efforts for the neighborhood and will also coordinate with representatives of COBWRA's Growth Management Committee.

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 will coordinate with the County's Fire Department, Water Utilities District, and Historical Resources Divisions through the application process. 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 amendment 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 while preserving the character and livability of the existing Heritage Farms community.

- **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 adopted Trotting Center Overlay is a comprehensive planning mechanism crafted based on a consideration of a single property in the context of the larger Heritage Farms community. The proposed amendments to the Trotting Center Overlay to allow its applicability to the Subject Property works to apply the overlay to a larger area exhibiting nearly identical conditions to the Trotting Center property. The integration of the Subject Property into this adopted planning overlay will serve to avoid the creation of piecemeal development. The intention of the overlay is to recognize the Heritage Farms community for its unique character and location within an isolated pocket of the Rural Tier while simultaneously recognizing the unique location and size of properties along the southeastern periphery that are positioned to serve as a logical buffer of transitional development creating a cohesive development pattern between the Urban/Suburban and Rural tiers. The resulting development will not encourage piecemeal development, but rather a full utilization of available services at the Subject Property in a manner that respects the inclusion of the site in a larger community. The adopted Trotting Center Overlay, as amended, establishes a framework to address such uniquely situated property of sufficient size and characteristics that would serve as effective transitional developments. This amendment works to implement this adopted planning mechanism for an appropriately sized and located property.

- **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 no more than the maximum of 192 residential units for the 96.14-acre Subject Property.

G.5. - Florida Statutes

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), N (Historic Resource Evaluation Letter), and O (School Capacity Availability Determination 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 consists of approximately 96.14 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 transitional 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 RR-10 to LR-2 will facilitate the development of a residential community on parcels surrounded by existing development on all sides. The site is located adjacent to but outside of the Urban/Suburban Tier and is located within the Rural Tier which the County has designated as an 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 Rural Tier but abuts the boundary of the tier with the Urban/Suburban Tier. Despite the proximity to properties developed at a rural density to the west and north, properties to the east are largely developed at suburban densities with urban services and facilities. County services are provided along

State Road 7 (US 441) in this area of the County in order to serve a residential development within the Subject Property. The proposed amendment would allow for limited levels of transitional suburban development within a rural area of the County in order to more adequately buffer and preserve a rural development pattern through the interior of Heritage Farms.

- (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. Rather, the adopted Trotting Center Overlay, as amended to apply to the Subject Property, serves to encourage a cohesive development pattern that will fill a gap in the comprehensive planning considerations for properties which sit on the boundary of the Urban/Suburban and Rural tier in this portion of the County. The development of the Subject Property as made possible by this request will allow for the implementation of a transitional development pattern between the Urban/Suburban and Rural tiers to adequately protect the existing rural development pattern within the interior of the Heritage Farms community.

- (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 amendment does not fail to adequately protect and conserve natural resources as it does not exempt development using the planning overlay from any of the existing provisions within the Comprehensive Plan or Unified Land Development Code (ULDC) requiring the analysis, preservation, and protection of natural resources. Further, the enhanced buffer requirements with native landscaping will serve to maintain significant native vegetation on the site and allow for buffering to avoid any impacts to natural resources that may exist on adjacent properties.

- (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 a portion of the Subject Property was previously utilized for the production of row crops, 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 or within Heritage Farms. The proposed amendment is expected to have a positive impact on the continuation of agricultural activities in Heritage Farms by creating an effective buffer of transitional residential units and substantial landscaping. The creation of this buffer development is expected to insulate the interior lots of the Heritage Farms community, which are engaged in minor agricultural operations, from the potential encroachment of higher density development for the long-range planning horizon.

- (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 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 intent of this amendment and use of the Trotting Center Overlay is to establish a more appropriate method for addressing the transition between rural and urban uses that occurs at the boundary of the managed growth system tiers. The amendment supports the adopted planning overlay which requires a transition of density from smaller lots where closest to the Urban/Suburban Tier with the largest lots closest to existing rural lots. Development utilizing this planning mechanism will result in the most desirable relationship between rural and urban uses. This planning strategy allows the County to regulate the location, size, and design character of proposed transitional development to ensure the highest level of compatibility and a logical transition of development intensity for the Heritage Farms community.

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

Applicant's Response: The residential development of the Subject Property under the provisions of the adopted planning overlay as amended could be considered infill development as properties to the east are developed with urban/suburban density and properties on all other sides are developed in accordance with the Rural Tier. The location is ideal for the development of a transitional residential community providing additional housing options in the County while serving to create a buffer between rural development and higher density development to the east.

- (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. The adopted planning overlay requires all access to the Subject Property to be provided via State Road 7 in order to prevent any impact on the accessibility of existing development throughout the Heritage Farms community.

- (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 amendment and subsequent

development applications. With the open space expected to be provided within the residential community, the proposal discourages sprawl by creating functional open space within a residential development to serve the needs of the community.

- **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 utilize an established planning mechanism that would guide the redevelopment of a uniquely situated property that has been cleared of natural resources and is located outside of a wellfield protection zone. As such, the proposed amendment and resulting development of the Subject Property would not have an adverse impact on natural resources or ecosystems. The applicant will abide by County ULDC provisions with respect to addressing existing plant materials through the zoning approval process. The proposed overlay contains provisions requiring the use of 100% native vegetation through the enhanced landscape buffers which further contributes to the beneficial nature of the proposed amendment.

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

Applicant's Response: The proposed amendment will allow for efficient use of existing public facilities and services available to the site along the State Road 7 corridor. The Subject Property is located on the boundary of the Urban/Suburban and Rural tiers along an area of existing development to the east 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 amendment will produce a community design that creates a walkable and connected neighborhood through internal sidewalks and usable open spaces. The proposed amendment would also serve to improve the function of existing roadways within Heritage Farms by directing all traffic through access to State Road 7 and not through the community.

- (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 and increased efficiency in the use of existing public infrastructure facilities.

- (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. A small wetland along the north property line would be preserved in the course of site development. Residential development of the Subject Property using a transitional density would lend towards increasing the housing supply within the County without impacting agricultural lands within the Agricultural Reserve Tier or existing rural residences to the west and north. The development would serve as a transitional buffer for these uses which would prevent the encroachment of higher density uses in the future. The transitional density design regulations result in the creation of larger lots which could facilitate the creation of private gardens and micro-agricultural uses accessory to residences in line with the existing character of the surrounding community. Therefore, the proposal discourages the proliferation of urban sprawl and preserves agricultural areas in the Heritage Farms community.

- (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 with the exception of a small pocket of wetlands to be preserved. The development of a residential community with enhanced landscape buffers and the required recreation areas will provide for adequate public open space within the community, thereby discouraging the proliferation of urban sprawl. The design requirements for the proposed overlay result in a considerable portion of larger lots, particularly where closest to existing properties in Heritage Farms, which would include substantial private open space within each lot. Further, these residences would be located in close proximity to County-owned Park facilities. The proposed amendment will serve to encourage the preservation and creation of appropriate open space and natural lands to satisfy the needs of future residents and the Heritage Farms community.

- (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 transitional density that would be adequately served by the existing non-residential services provided in the surrounding area. The proposed overlay would create a more balanced and logical transition of residential density from the Urban/Suburban to Rural tier.

- (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 amendment utilizing the adopted overlay, as amended, will allow residential development of a property at the boundary of the Urban/Suburban and Rural tiers at a transitional density appropriate to create a natural progression of suburban to rural development pattern. The change will designate a suitable property with the residential density necessary to provide additional housing options in the central portion of the County while creating a buffer to preserve the rural character of the interior of the Heritage Farms community.

In conclusion, the property owners, applicant, and agent believe the justification contained herein demonstrates the requested FLUA Amendment from RR-10 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, and Tyler Woolsey, TWoolsey@udsflorida.com, who can be reached by phone at 561-366-1100.

Exhibit 4

Applicant's Public Facilities Table

A. Traffic Information		
Please refer to Application Attachment H for the Traffic Statement prepared for this application. The County Traffic Division Letter will be included with this application package upon issuance.		
	Current	Proposed
Max Trip Generator	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)	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: 100 AM Peak Hour: 7 PM Peak Hour: 11	Maximum Intensity Daily: 1,920 AM Peak Hour: 142 PM Peak Hour: 190 Proposed Daily: 1,530 AM Peak Hour: 107 PM Peak Hour: 144
Net Daily Trips:	+1,820 (maximum minus current) +1,430 (proposed minus current)	
Net PH Trips:	+135 AM, +179 PM (maximum) +100 AM, +133 PM (proposed)	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	JFO Group, Inc. – Dr. Juan F. Ortega, PE	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Route 73 BYB X-TOWN via Boynton Beach (3 miles SE of Subject Property)	
Nearest Palm Tran Stop	There are no Palm Tran routes directly serving the Subject Property but the Palm Tran Bus Route that runs nearest to this property is Route 73 – BYB X-TOWN via	

	BOYNTON BEACH with the closest stop located approximately 3 miles southeast of the Subject Property at Bethesda West Hospital on Boynton Beach Boulevard.
Nearest Tri Rail Connection	The Boynton Beach Tri-Rail Station located on the west side of I-95 north of Gateway Blvd. is the nearest Tri-Rail station approximately 11 miles east of the Subject Property.
C. Potable 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 and the development of up to 192 dwelling units subject to a Capacity Reservation Agreement.
Nearest Water & Wastewater Facility, type/size	There is a 16" potable watermain within State Road 7 adjacent to the Subject Property and a 12" wastewater force main located within State Road 7 approximately 1,000' north of the Subject Property available to serve the site.
D. Drainage Information	
Please refer to Application Attachment J for the Drainage Statement prepared for this application.	
The surface water management regulator responsibility for the property lies within the governmental jurisdiction of the South Florida Water Management District C-51 Basin, Lake Worth Drainage District, Palm Beach County, and the Florida Department of Transportation. The LWDD S-8 canal is proposed to remain and will serve as the receiving body for the site. Additionally, an easement will be dedicated to LWDD for the creation of the LWDD L-19 canal along the south property line with a connection to the existing 60" culvert crossing SR7 to the LWDD E-1 canal at the SE corner of the property.	
E. Fire Rescue	
Nearest Station	PBC Fire Rescue Station 48 – 8560 Hypoluxo Road
Distance to Site	2.75 miles
Response Time	7 minutes, 16 seconds
Effect on Resp. Time	For fiscal year 2022, the average response time for this Station 48's zone is 7:16. Please see Application Attachment K for PBC Fire Rescue Letter.
F. Environmental	
Significant habitats or species	Please refer to Application Attachment L for the Environmental Assessment prepared for this application. As a result of historical disturbance and current agricultural uses on the property, environmental resources such as native habitat and listed species utilization are very limited or absent. No nesting by listed species is anticipated as there is no ideal nesting habitat on the site. There is a small wetland that will require coordination with SFWMD.

Flood Zone*	According to Palm Beach County's Information Systems Services, the subject property is located primarily within flood zone AE with portions of the periphery of the site designated as flood zone X. Flood zone X-unshaded represents areas outside of the 500-year flood plain with less than 0.2% probability of annual flooding. Flood zone AE represents areas within the 100-year flood plain with a 1% probability of annual flooding.
Wellfield Zone*	<p>The subject property is not located within or adjacent to a wellfield protection zone. The nearest wellfield protection zone is located approximately 2.25 miles north of the Subject Property.</p> <p>Please refer to Application Attachment M for the Flood and Wellfield Zone Statement prepared for this application.</p>

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	Okeeheelee Park	0.00339	+459 people	1.56 AC
Beach	Ocean Inlet Park	0.00035	+459 people	0.16 AC
District	West Boynton Park and Recreation Center	0.00138	+459 people	0.63 AC

I. Libraries - Residential Only (Including CLF)

Library Name	Greenacres Library			
Address	3750 Jog Road			
City, State, Zip	Greenacres, FL 33467			
Distance	8.7 miles			
Component	Level of Service	Population Change	Change in Demand	
Collection	2 holdings per person	+459 people	918 holdings	
All staff	0.6 FTE per 1,000 persons	+459 people	0.28 FTE	
Library facilities	0.6 square feet per person	+459 people	275.4 SF	

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

Please see Application Attachment O for the SCAD letter obtained from the School District of PBC.

	Elementary	Middle	High
Name	Manatee	Woodlands	Park Vista
Address	7001 Charleston Shores Boulevard	5200 Lyons Road	7900 Jog Road
City, State, Zip	Lake Worth, FL 33467	Lake Worth, FL 33467	Lake Worth, FL 33467
Distance	5.0 miles	5.0 miles	6.3 miles

Exhibit 5 Traffic Division Letter



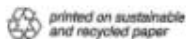
Department of Engineering
and Public Works
P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbcgov.com

**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

"An Equal Opportunity
Affirmative Action Employer"



November 8, 2022

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

**RE: 441 Assemblage Property
FLUA Amendment Policy 3.5-d Review
Round 2022-23-B**

Dear Dr. Ortega:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Study for the proposed Future Land Use Amendment for the above-referenced project, dated September 30, 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:	West side of State Road 7, approximately 0.25 mile south of Hypoluxo Road	
PCN:	00-42-43-27-05-044-0110 (<i>others on file</i>)	
Acres:	96.91 Acres	
	Current FLU	Proposed FLU
FLU:	Rural Residential, one unit per 10 acres (RR-10)	Low Residential, two units per acre (LR-2)
Zoning:	Agricultural Residential (AR)	Planned Unit Development (PUD)
Density/ Intensity:	1 unit per 10 acres	2 units per acre
Maximum Potential:	Single Family = 10 DUs	Single Family = 194 DUs
Proposed Potential:	None	None
Net Daily Trips:	1,840 (maximum – current)	
Net PH Trips:	136 (35/101) AM, 182 (115/67) PM (maximum)	
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>		



Dr. Juan F. Ortega, P.E.
November 8, 2022
Page 2

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

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

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

Sincerely,

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

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS
ec:

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

File: General - TPS - Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\23-B\441 Assemblage Property.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**

Gregg K. Weiss, Mayor
Maria Sachs, Vice Mayor
Maria G. Marino
Michael A. Barnett
Marci Woodward
Sara Baxter
Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



April 28, 2023

Urban Design Kilday Studios
610 Clematis Street Suite CU02
West Palm Beach, Fl. 33401

RE: PCN 00-42-43-27-05-044-0110, 00-42-45-12-00-000-3150, 00-41-45-12-00-000-3090, 00-41-45-12-00-000-7190 & 00-41-45-12-00-000-7200
441 Yee Cypress Polo
Service Availability Letter

Dear Tyler,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to provide the level of service required for the proposed LR-2 designation, which results in a maximum permitted density of 194 units.

The nearest point of connection is a 16" potable water main approximately 400 west of the subject property within SR7 and a 12" sanitary sewer force main approximately 1000' north of the subject property within SR7.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD. In addition, the addition of new developments/customers prior to service initiation to the property may affect the available capacity. PBCWUD does not make any representations as to the availability of capacity as of the future service initiation date.

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

Sincerely,

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

Jackie Michels, P.E,
Project Manager

Exhibit 7

Disclosure of Ownership Interests

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 Aimee Carlson, 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 of Land Development [position—e.g., president, partner, trustee] of DiVosta Homes, L.P. [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: 3350 Peachtree Road Northeast
Suite 150,
Atlanta, GA 30326
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.

Aimee Carlson
Aimee Carlson, Affiant
(Print Affiant Name)
Director of Land Development
DIVISTA HOMES, LP

NOTARY PUBLIC INFORMATION:

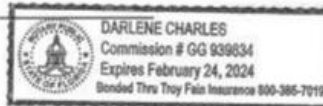
STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
[] online notarization, this 25 day of October, 2022, by
Aimee Carlson (name of person acknowledging). He/she is personally
known to me or has produced _____ (type of identification) as
identification and did/did not take an oath (circle correct response).

(Name - type, stamp or print clearly)

Darlene Charles
(Signature)

My Commission Expires on:



AL OR STAMP

EXHIBIT "A"

PROPERTY

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, BEING ALL OF TRACTS 76, 78 AND A PORTION OF TRACTS 75 AND 80 OF THE UNRECORDED PLAT OF HERITAGE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 15'28" EAST ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 12, A DISTANCE OF 1,283.97 FEET; THENCE SOUTH 89 DEGREES 03'29" WEST, A DISTANCE OF 1,332.10 FEET; THENCE SOUTH 00 DEGREES 25'52" EAST A DISTANCE OF 1,304.45 FEET; THENCE SOUTH 89 DEGREES 31'54" EAST, A DISTANCE OF 1,328.14 FEET TO THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12; THENCE NORTH 00 DEGREES 15'26" WEST ALONG SAID NORTH-SOUTH 1/4 LINE, A DISTANCE OF 1,315.47 FEET TO THE POINT OF BEGINNING.

BEING ONE AND THE SAME PARCEL AS:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, BEING ALL OF TRACTS 76, 78 AND A PORTION OF TRACTS 75 AND 80 OF THE UNRECORDED PLAT OF HERITAGE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 15'28" EAST ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 12, A DISTANCE OF 1,283.97 FEET; TO THE POINT OF BEGINNING, THENCE SOUTH 89 DEGREES 03'29" WEST, A DISTANCE OF 1,332.10 FEET; THENCE SOUTH 00 DEGREES 25'52" EAST A DISTANCE OF 1,304.45 FEET; THENCE SOUTH 89 DEGREES 31'54" EAST, A DISTANCE OF 1,328.14 FEET TO THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12; THENCE NORTH 00 DEGREES 15'26" (DEED) NORTH 15'24" (MEASURED) WEST ALONG SAID NORTH-SOUTH 1/4 LINE, A DISTANCE OF 1,315.47 (DEED) 1337.18 (MEASURED) FEET TO THE POINT OF BEGINNING.

LAND HEREON CONTAINS 1,742,464 SQFT (40.001 ACRES) MORE OR LESS AND IS SITUATED IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST IN PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACTS 11 THROUGH 16, BLOCK 44, PALM BEACH FARMS COMPANY'S PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 53, INCLUSIVE, ON FILE IN THE PUBLIC RECORDS OF THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT RIGHT OF WAY FOR STATE ROAD 7 DESCRIBED AS FOLLOWS:

THAT PART OF TRACT 16, BLOCK 44, 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, LYING IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISC MARKING THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE NORTH 89°05'04" EAST, A DISTANCE OF 1.716 METERS (5.63 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2525; THENCE NORTH 00°54'56" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 177.026 METERS (580.79 FEET); THENCE NORTH 00°39'09" WEST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 671.71 METERS (2,203.77 FEET); THENCE SOUTH 89°20'51" WEST ALONG A LINE AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441) AND THE POINT OF BEGINNING; THENCE SOUTH 88°11'37" WEST, A DISTANCE OF 48.169 METERS (158.03 FEET); THENCE NORTH 00°39'09" WEST, A DISTANCE OF 201.296 METERS (660.42 FEET) TO A POINT ON THE NORTH LINE OF SAID TRACT 16; THENCE NORTH 88°14'04" EAST ALONG SAID NORTH LINE, A DISTANCE OF 48.168 METERS (158.03 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441); THENCE SOUTH 00°39'09" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 201.261 METERS (660.31 FEET) TO THE POINT OF BEGINNING.

CONTAINING 2,479,131.92 SQUARE FEET/56.913 ACRES MORE OR LESS.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING A TOTAL 4,221,595.92 SQUARE FEET (96.914 ACRES) MORE OR LESS.

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

DiVosta Homes, L.P. is an entity of PulteGroup, Inc. which is a publicly
traded company 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 Thomas Yee, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ individual or ☒ MANAGER [position - e.g., president, partner, trustee] of 7564 S SR7, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 1469 Sailboat Circle
Wellington, FL 33414
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.

Thomas Lee
Thomas Lee, 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 23 day of Mar, 2022 by Thomas Lee (name of person acknowledging). He/she is personally known to me or has produced Florida Driver License (type of identification) as identification and did/did not take an oath (circle correct response).

Craig Thomas
 (Name - type, stamp or print clearly)

[Signature]
 (Signature)

My Commission Expires on: 12/19/2023

NOTARY'S SEAL OR STAMP



EXHIBIT "A"

PROPERTY

DESCRIPTION:

TRACTS 11 THROUGH 16, BLOCK 44, PALM BEACH FARMS COMPANY'S PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 53, INCLUSIVE, ON FILE IN THE PUBLIC RECORDS OF THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT RIGHT OF WAY FOR STATE ROAD 7 DESCRIBED AS FOLLOWS:

THAT PART OF TRACT 16, BLOCK 44, 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, LYING IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISC MARKING THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE NORTH 89°05'04" EAST, A DISTANCE OF 1.716 METERS (5.63 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2525; THENCE NORTH 00°54'56" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 177.026 METERS (580.79 FEET); THENCE NORTH 00°39'09" WEST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 671.71 METERS (2,203.77 FEET); THENCE SOUTH 89°20'51" WEST ALONG A LINE AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441) AND THE POINT OF BEGINNING; THENCE SOUTH 88°11'37" WEST, A DISTANCE OF 48.169 METERS (158.03 FEET); THENCE NORTH 00°39'09" WEST, A DISTANCE OF 201.296 METERS (660.42 FEET) TO A POINT ON THE NORTH LINE OF SAID TRACT 16; THENCE NORTH 88°14'04" EAST ALONG SAID NORTH LINE, A DISTANCE OF 48.168 METERS (158.03 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441); THENCE SOUTH 00°39'09" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 201.261 METERS (660.31 FEET) TO THE POINT OF BEGINNING.

CONTAINING 2,479,131.92 SQUARE FEET/56.913 ACRES MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name

Address

Nancy C. Yee	50%
1469 Sailboat Circle	
Wellington, Fl. 33414	
Thomas Yee	50%
1469 Sailboat Circle	
Wellington Fl. 33414	

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 Carolyn McKay, 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 ☒ Authorized Member *[position - e.g., president, partner, trustee] of* Cypress Polo Club, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 7302 Park Lane Road
Lake Worth, FL 33449
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.

Carolyn McKay
 Carolyn McKay, 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 21st day of April, 2023 by Carolyn McKay (name of person acknowledging). He/she is personally known to me or has produced Florida License (type of identification) as identification and ☒ did not take an oath (circle correct response).

Mustafa Mohamed
 (Name - type, stamp or print clearly)

Mustafa Mohamed
 (Signature)

My Commission Expires on: 06/27/2025

NOTARY'S SEAL OR STAMP



EXHIBIT "A"

PROPERTY

DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, BEING ALL OF TRACTS 76, 78 AND A PORTION OF TRACTS 75 AND 80 OF THE UNRECORDED PLAT OF HERITAGE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 15'28" EAST ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 12, A DISTANCE OF 1,283.97 FEET; THENCE SOUTH 89 DEGREES 03'29" WEST, A DISTANCE OF 1,332.10 FEET; THENCE SOUTH 00 DEGREES 25'52" EAST A DISTANCE OF 1,304.45 FEET; THENCE SOUTH 89 DEGREES 31'54" EAST, A DISTANCE OF 1,328.14 FEET TO THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12; THENCE NORTH 00 DEGREES 15'26" WEST ALONG SAID NORTH-SOUTH 1/4 LINE, A DISTANCE OF 1,315.47 FEET TO THE POINT OF BEGINNING.

BEING ONE AND THE SAME PARCEL AS:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, BEING ALL OF TRACTS 76, 78 AND A PORTION OF TRACTS 75 AND 80 OF THE UNRECORDED PLAT OF HERITAGE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 15'28" EAST ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 12, A DISTANCE OF 1,283.97 FEET; TO THE POINT OF BEGINNING, THENCE SOUTH 89 DEGREES 03'29" WEST, A DISTANCE OF 1,332.10 FEET; THENCE SOUTH 00 DEGREES 25'52" EAST A DISTANCE OF 1,304.45 FEET; THENCE SOUTH 89 DEGREES 31'54" EAST, A DISTANCE OF 1,328.14 FEET TO THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12; THENCE NORTH 00 DEGREES 15'26" (DEED) NORTH 15'24" (MEASURED) WEST ALONG SAID NORTH-SOUTH 1/4 LINE, A DISTANCE OF 1,315.47 (DEED) 1337.18 (MEASURED) FEET TO THE POINT OF BEGINNING.

LAND HEREON CONTAINS 1,742,464 SQFT (40.001 ACRES) MORE OR LEES AND IS SITUATED IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST IN 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
Carolyn McKay	7302 Park Lane Road, Lake Worth, FL 33449
Martin Estrada	7302 Park Lane Road, Lake Worth, FL 33449

Exhibit 8 Urban Sprawl Analysis

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Criteria Related to Land Use Patterns		
Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.	This amendment does not promote, allow or designate a substantial area of the County to develop as low-intensity, low-density, or single-use development or uses.	No
Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.	This amendment does not designate urban development emanating from existing urban development in a strip pattern.	No
Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.	This amendment does not discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities.	No
Fails to encourage functional mix of uses.	This amendment will introduce new housing opportunities.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment does not result in poor accessibility among related land uses.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment will not result in the loss of a significant amount of functional open space.	No
Criteria related to sites located outside or at the edge of the Urban Service Area		
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	The site is proposed to be a Limited Urban Service Area (LUSA) which allows for a mix of urban and rural levels of service, and therefore, does not promote, allow, or designate a significant amount of urban development to occur in rural areas at substantial distances from existing urban areas.	No
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	The property does not contain any environmentally sensitive areas. The site is not within a Wellfield Protection Area.	No
Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.	The amendment will not impact adjacent agricultural areas due to proposed expanded buffers.	No
Fails to provide a clear separation between rural and urban uses.	The amendment does provide a clear separation between rural and urban uses as it allows an transitional use between the Rural Tier and the Urban/Suburban Tier	No
Criteria Related to Public Facilities		
Fails to maximize use of existing public facilities and services.	Public facilities and services will be provided and water and wastewater will be available.	No

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Fails to maximize use of future public facilities and services.	The amendment proposes a LUSA, which is a mix of urban and rural levels of service. The subject site would maximize the use of future public facilities available in the area.	No
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.	There are no adverse impacts to public facilities and services as indicated by service providers through department review.	No
Overall Assessment: As demonstrated above, the proposed amendment does not meet any of the indicators of urban sprawl.		

Exhibit 9

Correspondence

Melissa Michael

Subject: FW: Verdura Farms LGA 2024-001

From: Michelle L <mlan@bstop.org>
Sent: Monday, August 21, 2023 4:07 PM
To: Melissa Michael <MMichael@pbcgov.org>
Subject: Verdura Farms LGA 2024-001

Melissa Michale

I received a notice regarding 96.14 acres Verdura Farms. I am against this proposed amendment. Please do not allow this change. I live across the street from this property and I do not want this change. I own three properties below and I am against this change

Michelle Lancianese
7405 Park Lane Rd
Lake Worth, FL 33449

Michelle Cloyd
7405 Park Lane
Lake Worth FL 33449

Margaret Lulfs
7457 Park Lane Rd
Lake Worth, FL 33449

Correspondence Received after the Planning Commission Hearing

From: Richard Moyroud <moyroud@prodigy.net>

Sent: Thursday, September 7, 2023 5:27 PM

To: PZB Planning POC <PZB-PlanPOC@pbcgov.org>

Cc: Andrew Maxey <andrew.maxey@pultegroup.com>; Ken Tuma <ktuma@udsflorida.com>; Melissa Moyroud <lxdesigns13@gmail.com>

Subject: Pulte/Yee Farms/Verdura Farms application

This Message Is From an External Sender

This message came from outside your organization.

Good afternoon Planning Commission members:

This letter is to confirm that community leaders in Heritage Farms have been working with the applicant in "good faith" negotiations to minimize impacts to our established agricultural/equestrian/low-density residential neighborhood, now recognized with an official overlay.

The adjacent "Trotting Center" overlay was designed to allow a density increase only with specific requirements on lot size, location, vegetation, lighting, etc., all while remaining in the rural tier. This applicant's request parallels the Trotting Center overlay and is best subsumed under that action, creating one unified overlay with all the same restrictions in place.

- Richard Moyroud
7667 Park Lane Road (Heritage Farms)
Lake Worth FL 33449

561.313.6661

From: Melissa Moyroud <lxdesigns13@gmail.com>
Sent: Thursday, September 7, 2023 6:34 PM
To: PZB Planning POC <PZB-PlanPOC@pbcgov.org>
Cc: Ken Tuma <ktuma@udsflorida.com>; Andrew Maxey <andrew.maxey@pultegroup.com>; Richard Moyroud <moyroud@prodigy.net>; Risa Mccarraher <mccarraherr@yahoo.com>; burnsdelray@aol.com; richard grosso <richardgrosso1979@gmail.com>
Subject: Pulte/Yee Farms/Verdura Farms application

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Dear Planning Commission,

At present, the community leaders of Heritage Farms are conditionally supporting the Pulte/Yee Farms/Verdura application as we are all working towards an agreement as was made with The Trotting Center Development in Heritage Farms. During these past several months of negotiating, the applicant has stated that they are willing to provide a, "Mirror," image of the Trotting Center Development, and we are meeting again with the applicant tomorrow afternoon to hopefully finalize that mirrored image agreement. My husband, Richard Moyroud, will send the 50 page agreement that was finalized with the Trotting Center Development (aka Lynx Development LLC) if you care to review. That agreement took close to two years to finalize, and it was created with the assistance of our land use attorney, Richard Grosso, and Heritage Farms leaders. My hope is that this agreement might possibly be a blueprint for like minded communities or even a consideration for some of the applications coming forth in the Ag Reserve to minimize the impact for rural areas like ours?

Thank you for your consideration,
Melissa McGaughey-Moyroud
954-592-2980