

2021 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 1. Amendment Data

A. Amendment Data

Round	22-B	Intake Date	November 9, 2021
Application Name	Boca Raton Commerce Center	Control No.	1997-00032
Acres	4.77 (See Survey at Attachment P)	Concurrent Zoning application?	Yes (DOA, Class A Conditional Use, Type 2 Variance)
		Text Amend?	No
PCNs	00-42-47-20-20-000-0011; 0012		
Location	0.25 miles south of Glades Road, west of Boca Rio Road		
	Current	Proposed	
Tier	Urban/Suburban	Urban/Suburban	
Use	Professional Office and Vacant	Multifamily Residential	
Zoning	Multiple Use Planned Development (MUPD)	Multiple Use Planned Development (MUPD)	
Future Land Use Designation	Commercial Low-Office (CL-O)	Commercial Low-Office (CL-O)	
Underlying Future Land Use Designation	Industrial (IND)	High Residential, 12 dwelling units per acre (HR-12)	
Conditions	Ordinance No. 2010-054: No Conditions	None	
Density Bonus	None	TDR Bonus: 2 du/acre x 4.77 acres = 10 units WHP Full Incentive Bonus : 80% of 57 du = 46 units	

B. Development Potential

	Current FLU	Proposed FLU
Density/Intensity:	0 dwelling units per 1 acre/acre; 0.85 FAR	12 dwelling units per 1 acre; 0.00 FAR
Maximum Dwelling Units¹ (residential designations)	None	Multifamily Residential: 12 du/acre x 4.77 ac. = 57 units + 46 units WHP + 10 units TDR = 113 units
Maximum Beds (for CLF proposals)	None	None
Population Estimate	None	113 max du x 2.39 = 270 persons

Maximum Square Feet 2, 4 (non-residential designations)	0.45 FAR x 4.77 ac. = 93,502 SF	None
Proposed or Conditioned Potential 3, 4	None	113 Multi-Family Units
Max Trip Generator	Light Industrial, ITE #110 4.96 tpd/1,000 SF	Multi-Family Residential, #220 7.32 tpd/DU
Maximum Trip Generation	418 trips per day	827 trips per day
Net Daily Trips:	Decrease of 1 daily trip (maximum minus current) Increase of 409 daily trips (proposed minus current)	
Net PH Trips:	26 AM, 32 PM (maximum) 52 AM, 63 PM (proposed)	

1. Maximum units per acre see Future Land Use Element;
2. Maximum FAR see FLUE. If the site's acreage is large enough to be a planned development, utilize the PDD maximum whether or not a PDD is proposed. If the site's acreage does not meet the minimum PDD thresholds, the non-PDD maximum may be utilized.
3. For applications with a voluntary condition for a maximum development potential and use which will become binding in the adopting ordinance;
4. FLUA Amendments with a concurrent zoning application must calculate maximum development potential at the typical use & trip generation (eg. General Retail for Commercial future land uses) and in addition, calculate the trip generation for the actual proposed zoning application.

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Part 2. Applicant Data

A. Agent Information

Name	Josh Nichols, LEED AP
Company Name	Schmidt Nichols
Address	1551 N Flagler Drive, Ste. 102
City, State, Zip	West Palm Beach, FL 33401
Phone / Fax Number	561.684.6141 / 561.684.6142
Email Address	jnichols@snlandplan.com

	Applicant A
Name	Jack Pechter, MGR
Company Name	Boca Raton Commerce Center II LLC
Address	8230 210 th Street South
City, State, Zip	Boca Raton, FL 33433
Phone / Fax Number	Please Contact Agent
Email Address	Please Contact Agent
Type (Owner, Contract Purchaser)	Owner

	Applicant B
Name	Jack Pechter, D
Company Name	Pechter Community Foundation, Inc.
Address	8230 210 th Street South
City, State, Zip	Boca Raton, FL 33433
Phone / Fax Number	Please Contact Agent
Email Address	Please Contact Agent

Type (Owner, Contract Purchaser)	Owner
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	Applicant C
Name	Nancy Hurd, D
Company Name	Pechter Community Foundation, Inc.
Address	17 NW 15 th Street
City, State, Zip	Delray Beach, FL 33444
Phone / Fax Number	Please Contact Agent
Email Address	Please Contact Agent
Type (Owner, Contract Purchaser)	Owner

	Applicant D
Name	Anne Bright, D
Company Name	Pechter Community Foundation, Inc.
Address	700 Seasage Drive
City, State, Zip	Delray Beach, FL 33483
Phone / Fax Number	Please Contact Agent
Email Address	Please Contact Agent
Type (Owner, Contract Purchaser)	Owner

	Applicant E
Name	Shelly Himmelrich, D
Company Name	Pechter Community Foundation, Inc.
Address	8230 210 th Street South
City, State, Zip	Boca Raton, FL 33433

Phone / Fax Number	Please Contact Agent
Email Address	Please Contact Agent
Type (Owner, Contract Purchaser)	Owner

	Applicant F
Name	Stephanie Seibel, D
Company Name	Pechter Community Foundation, Inc.
Address	555 NW 4 th Street
City, State, Zip	Delray Beach, FL 33444
Phone / Fax Number	Please Contact Agent
Email Address	Please Contact Agent
Type (Owner, Contract Purchaser)	Owner

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Part 3. Site Data

A. Site Data

Built Features	The existing site is comprised of 2 parcels. Only one of the two (2) included parcels contains a structure. This parcel is PCN: 00-42-47-20-00-000-0011 and currently has a 14,986 square foot two-story office built on site that was constructed in 2012. An Inventory Summary & map are enclosed as Attachment F .
PCN	00-42-47-20-20-000-0011, 00-42-46-20-20-000-0012 See Legal Description as Application Attachment A and Survey as Attachment P
Street Address	8230 210th Street South
Frontage	None, Property Depth: 632'
Legal Access	210 th Street South
Contiguous under same ownership	All contiguous property under common ownership is included in the subject request
Acquisition details	

	00-42-47-20-20-000-0011; 0012: Acquired via a purchase via quit claim deed from Pechter Family Foundation on December 17, 2012. See attached warranty deeds as Attachment A .
Size purchased	The land purchased included the entire parcel, no residual parcels remain as a result of the purchase. See attached warranty deeds as Attachment A .

B. Development History

Control Number	1997-00032				
Previous FLUA Amendments	Ordinance No. 2010-054 was adopted on October 28, 2010 that modified FLUA page 114 by changing a 4.79-acre parcel of land located at 600 feet west of Boca Rio Road and 1,400 feet south of Glades Road, from Industrial to Commercial-Low Office with an underlying Industrial				
Concurrency	Concurrency was previously secured for a 2-Story 14,986 s.f. Professional Office Building				
Plat, Subdivision	Boca Raton Commerce Center MUPD (PB Page 115, Page 117)				
Zoning Approvals & Requests	R-1997-2076, R-2005-1788, ZR-2010-0012, ZR-2010-0013, R-2010-1764, 1. Petition No. 1997-00032, App: 2010-3013; ZZR for a 2-Story 14,986 s.f. Professional Office Building A Final Site Plan was approved on August 9, 2011 for a 2-Story 14,986 s.f. Professional Office Building				
Reso. No.	App. No.	Status	Type	Description	Changes proposed (if any)
R-1973-0618, R-1980-0375	2013-1470	Approved	DRO	Please see above	Please see above

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Part 4. Consistency

A. Consistency – Provide responses in Attachment G as G.1 through G.5.

Justification Provide as G.1.	Please refer to Attachment G , Consistency with Comprehensive Plan and Florida Statutes
Residential Density Increases Provide as G.2.	Please refer to Attachment G , Consistency with Comprehensive Plan and Florida Statutes
Compatibility Provide as G.3.	Please refer to Attachment G , Consistency with Comprehensive Plan and Florida Statutes
Comprehensive Plan Provide as G.4.	Please refer to Attachment G , Consistency with Comprehensive Plan and Florida Statutes
Florida Statutes Provide as G.5.	Please refer to Attachment G , Consistency with Comprehensive Plan and Florida Statutes

B. Surrounding Land Uses. Indicate the following for each surrounding property:

- **Uses.** Indicate the existing land use, subdivision name, and existing units and density (residential) or square footage (non-residential).
- **FLUA Designations.** Indicate the future land use designations. No acronyms.
- **Zoning.** Indicate the Zoning and petition numbers. No acronyms.

Adjacent Lands	Use	Future Land Use	Zoning
North	Single Family Residential, West Lakes of Boca Raton Mobile Home (2.54 du/acre)	Medium Density Residential, 5 units per acre	Agricultural Residential
South	Post Office (24,439 S.F.)	Industrial	General Industrial, Petition No. 1979-00260
East	Self Service Storage, Multi-Access (76,516 S.F.); Self Service Storage, Limited Access (168,556 S.F.); Auto Repair (11,652 S.F.)	Industrial	Light Industrial, Petition No. 1984-00030
West	Residential Townhomes – Mizner Pointe of Boca Via Ancho (10.82 du/acre)	High Density Residential, 8 units per acre	Residential Planned Unit Development, Petition No. 1996-00048

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Part 5. Public Facilities Information

A. Traffic Information

In order to be accepted on the day of intake, the application must include a written letter from the County Engineering Department indicating compliance with Policy 3.5-d of the Future Land Use Element of the Comprehensive Plan. The letter must state if the traffic generation for the amendment meets Policy 3.5-d at the maximum density/intensity for the proposed future land use designation or the square footage/use proposed to be assigned as a voluntary condition of approval. For more information, contact the Traffic Division at 684-4030.

	Current	Proposed
Max Trip Generator	Light Industrial, ITE #110 4.96 tpd/1,000 SF	Multi-Family Residential, #220 7.32 tpd/DU
Maximum Trip Generation	418 trips per day	827 trips per day
Net Daily Trips:	Decrease of 1 daily trip (maximum minus current) Increase of 409 daily trips (proposed minus current)	
Net PH Trips:	26 AM, 32 PM (maximum) 52 AM, 63 PM (proposed)	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	Simmons & White – Kyle Duncan	

B. Mass Transit Information

Nearest Palm Tran Route (s)	Route 91 (Glades Road), Route 92 (Palmetto Park Road)
Nearest Palm Tran Stop	Stop 8326 (north side of Glades Road, approximately 130' west of the intersection of Glades Road & Boca Rio Road) is approximately 0.4 miles from the subject property.
Nearest Tri Rail Connection	Deerfield Beach Station, 1300 Hillsboro Road, Deerfield Beach, FL 33442 (approx. 6.3 miles)

C. Portable Water & Wastewater Information

The application must include a Potable Water & Wastewater Level of Service (LOS) comment letter as **Attachment I**. This letter should state the provider/s of potable water and wastewater is/are able to maintain their current level of service standard established by the potable water provider, while accommodating the increase of density/intensity of the proposed amendment.

Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department
Nearest Water & Wastewater Facility, type/size	PBCWUD has the capacity to provide the level of service required for the proposed land use designation of Commercial Low-Office (CL-O) w/ an underlying High Residential, 12 dwelling units per acre (HR-12). Potable water and sanitary sewer are currently provided to the northern parcel. Watermain extensions and lift station upgrades may be required. The nearest potable water is an 8" potable watermain located at the southern portion of the northern parcel. The nearest sanitary sewer is an 8" gravity sewer main located in the southeast corner of the northern parcel.
D. Drainage Information	
The site is within the boundaries of the Lake Worth Drainage District (LWDD) and South Florida Water Management District Hillsboro Drainage Basin. Legal positive outfall is available via connection to the Lake Worth Drainage District L-46 Canal adjacent to the north property line. Please refer to the Drainage Statement prepared by Simmons and White, Inc. being included as Attachment J with this application for more details.	
E. Fire Rescue	
Nearest Station	Station 57, 9030 Vista Del Lago
Distance to Site	Station 57 is 2.50 miles from the subject site
Response Time	Based on the information provided by PBC Fire-Rescue the estimated response time is 7 minutes and 30 seconds. PBC Fire Letter provided at Attachment K.
Effect on Resp. Time	PBC Fire-Rescue has determined that the proposed amendment will have some impact on fire rescue response time. Please see Attachment K.
F. Environmental	
Significant habitats or species	The subject property does not support any significant habitats or Listed Species. According to historic aerials, the subject property was drained and cleared of natural vegetation at some point between 1979 and 1969. The topography and soils remain relatively unchanged since the clearing of the site. Therefore, there will be minimal impact to the natural environment if the site is developed as intended.
Flood Zone*	The subject parcel is located in Flood Zone X
Wellfield Zone*	The subject property does not lay within any wellfield protection zones. The proposed planned development will have no negative impacts on the wellfield zones. A detailed map has been provided at Attachment M
* If the site is located within an A or V flood zone and/or within a Wellfield Protection zone, requests for greater intensity may be viewed unfavorable.	
G. Historic Resources	

The subject parcels do not contain any historic or architecturally significant resources located on or within 500 feet of the site. To the best of our knowledge the parcels do not contain or are located within 500 of the subject properties. Comment Letter as Attachment N.

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

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	Burt Aaronson South County Regional Park	0.00339	270	0.915
Beach	South Inlet Park	0.00035	270	0.095
District	Logger's Run Park	0.00138	270	0.373

I. Libraries - Residential Only (Including CLF)

Library Name	Glades Road Branch Library			
Address	20701 95 th Avenue S.			
City, State, Zip	Boca Raton, FL 33434			
Distance	2.0 miles			
Component				
Collection	2 holdings per person	270		540
Periodicals	5 subscriptions per 1,000 persons	270		1.35
Info Technology	\$1.00 per person	270		\$270.00
Professional staff	1 FTE per 7,500 persons	270		0.036
All other staff	3.35 FTE per professional librarian	270		0.121
Library facilities	0.34 sf per person	270		91.8

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

Based on the findings and evaluation of the proposed future land use atlas (FLUA) amendment, there will be negative impact on the public high school system.

	Elementary	Middle	High
Name	Del Prado Elementary School	Omni Middle School	Olympic Heights High School
Address	7685 S Military Trail,	5775 Jog Rd	20101 Lyons Road
City, State, Zip	Lake Worth, FL 33463	Boca Raton, FL 33496	Boca Raton, FL 33434

Distance	3.1 Miles	4.6 Miles	2.0 Miles
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Part 6. Attachments

- A. **PCN's, Legal Description and Warranty Deed** (include Legal in PDF & Word)
- B. **Agent Consent Form**
- C. **Applicant's Ownership Affidavit**
- D. **Applicant's Notice Affidavit, Property Appraiser List, and Labels**
- E. **Disclosure of Ownership Interests**
- F. **Built Feature Inventory & Map**
- G. **Consistency with the Comprehensive Plan and Florida Statutes** (include in PDF & Word)
- H. **Traffic Approval Letter & Traffic Study**
- I. **Water & Wastewater Provider LOS Letters**
- J. **Drainage Statement**
- K. **Fire Rescue Letter**
- L. **Natural Feature Inventory & Map**
- M. **Wellfield Zone**
- N. **Historic Resource Evaluation Letter**
- O. **Palm Beach County School District LOS Letter**
- P. **Survey**
- Q. **Text Amendment Application** (Part 7, if applicable, in PDF & Word)

Forms for Attachments B, C, D, and E are located on the web at:

<http://www.pbcgov.org/pzb/planning/Pages/Comprehensive-Plan-Amendment-Applications.aspx>

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**Attachment F – Built Feature Inventory & Map Detail
Boca Raton Commerce Center
Palm Beach County Future Land Use Atlas (FLUA) Amendment Submittal
Original Submittal: November 9, 2021**

Below is an aerial photograph taken in February 2021 with the subject property highlighted in red. The existing site is comprised of 2 parcels. Only one of the two (2) included parcels contains a structure. This parcel is PCN: 00-42-47-20-00-000-0011, 00-42-47-20-00-000-0012 and currently has a 14,986 square foot two-story office built on site that was constructed in 2012. Please see the following Aerial images for the entire site and each individual parcel.

Entire Site



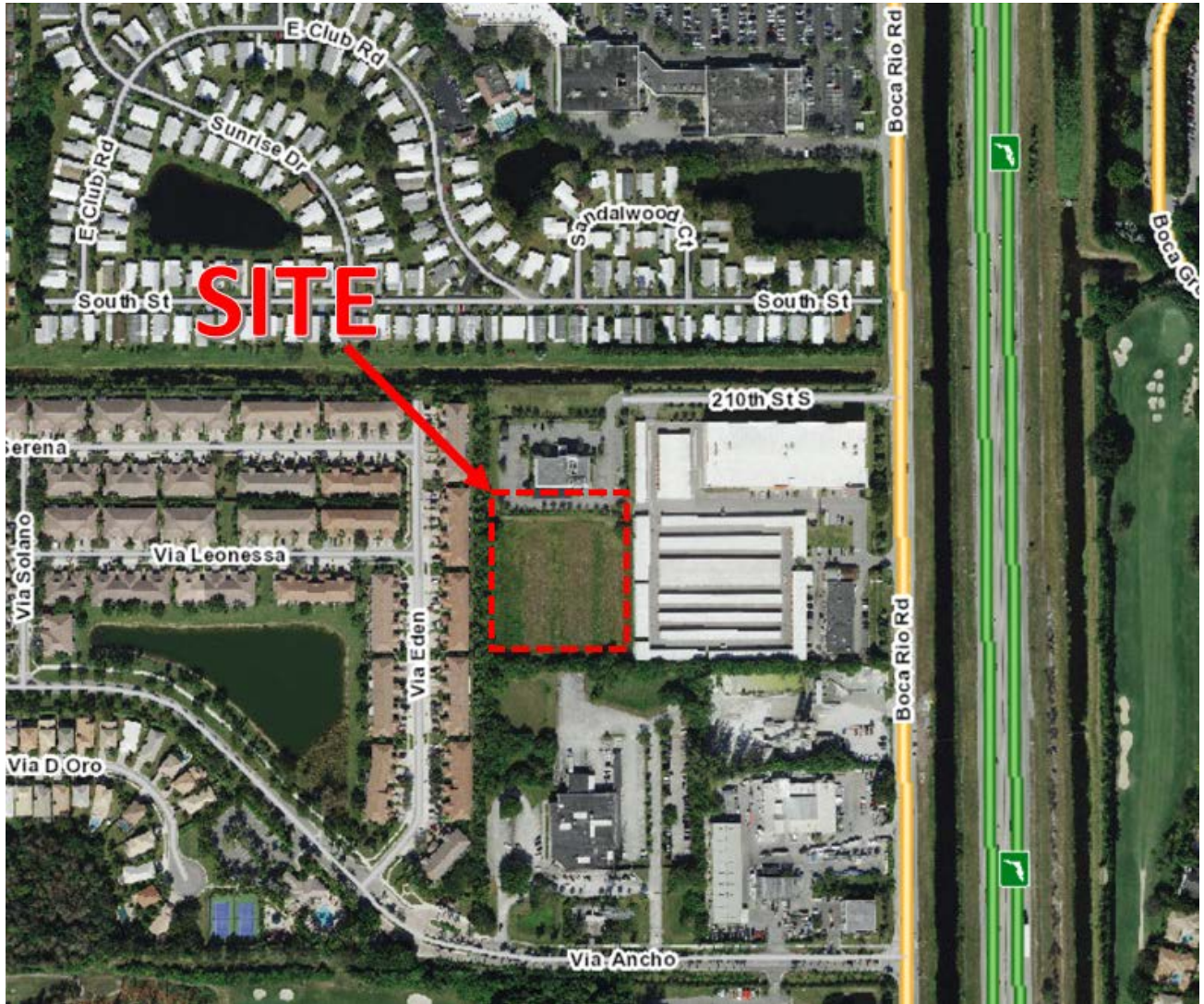
Aerial Imagery Photo of the site. Photo dated February 2, 2021 downloaded from GeoNav

PCN: 00-42-47-20-20-000-0011



Aerial Imagery Photo of the site. Photo dated February 2, 2021 downloaded from GeoNav

PCN: 00-42-47-20-20-000-0012



Aerial Imagery Photo of the site. Photo dated February 2, 2021 downloaded from GeoNav



Attachment G
Consistency with Comprehensive Plan & Florida Statutes
Boca Raton Commerce Center
Palm Beach County (PBC) Future Land Use Atlas (FLUA) Amendment
Submittal
Original Submittal: November 9, 2021

Request

The 4.77-acre subject property (PCN 00-42-47-20-20-000-0011; 0012) is located at the west terminus of 210th Street S., approximately 625 feet west of the intersection of 210th Street S. and Boca Rio Road. Currently the subject property supports a Future Land Use Atlas (FLUA) designation of Commercial Low Office with an underlying Industrial (CL-O/IND) and is currently has a Multiple Use Planned Development (MUPD) Zoning designation as approved via Resolution No. R-2010-1764 on October 28, 2010. Final site plan approval for a 14,986 square foot, two-story office building was approved on November 19, 2011. The two-story office building was constructed and is proposed to remain on the site.

Pechter Community Foundation, Inc. and Boca Raton Commerce Center, LLC, herein referred to as the "Applicant," requests a FLUA amendment from Commercial Low Office with Underlying Industrial (CL-O/IND) to Commercial Low Office with underlying High Density Residential, 12 units per acre (CL-O/HR-12) for the purposes of constructing a multifamily residential development. A companion application to the PBC Zoning Division for a Development Order Amendment will be submitted alongside the subject FLUA Amendment application. Below is a summary of surrounding properties:

Adjacent Lands	Uses	FLU	Zoning
Subject Property	Office; Vacant	CL-O/IND (Existing) CL-O/HR-12 (Proposed)	MUPD (Existing/Proposed)
North	Single Family	MR-5	AR
South	Post Office	IND	IG
East	Self Service Storage, Multi-Access; Self Service Storage, Limited Access	IND	IL
West	Residential Townhomes	HR-8	Residential PUD

Justification, Consistency & Compatibility

G.1 - Justification: The applicant is requesting to amend the FLUA designation of the subject property from CL-O/IND to CL-O/HR-12. Per Policy 2.1-f of the Future Land Use Element (FLUE) of the PBC Comprehensive Plan (Plan) an applicant must provide adequate justification for the proposed future land use. To be considered adequate, the justification must demonstrate consistency with the factors 1 and 2.

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

Response: The proposed multifamily residential use is suitable and appropriate for the subject site. The subject property was originally planned to be developed as a light industrial warehouse use with access through the office property to the north. However, a lack of market interest and the less than ideal access situation resulted in this plan being abandoned. In contrast, the proposed multifamily residential use is generally considered to be a low traffic generator, particularly with regards to truck traffic. Furthermore, demand for housing has increased exponentially in recent years, while supply has not been able to keep up. As a result of the recent population and employment boom in Palm Beach County, thousands of new residential units are needed to keep up with demand. The subject site is an ideal location for multifamily residential, as it is situated between low-impact industrial uses to the east, and high density residential uses to the west. Therefore, the proposed multifamily use would act as a transition zone between the two neighboring uses. Moreover, the office use to the north creates little impact to the proposed residential use, as offices are typically considered to be compatible with multifamily uses.

2) There is a basis for the proposed amendment for the particular subject site based upon one or more of the following:

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

Response: The Future Land Use designations on adjacent properties and on properties in the immediate area generally follow a residential development pattern. The subject property is located in a transitional zone between a legacy industrial pocket surrounded by mostly medium and high density residential FLU designations. The proposed future land use designation of HR-12 is appropriate for the site based on surrounding uses as it creates a transition between the existing industrial uses to the east and south and the high and medium density residential uses to the west and north. Multifamily uses typically have minimal impacts to public facilities when

compared to industrial-type uses. Furthermore the site's existing underlying Industrial FLU designation, although compatible with the existing industrial uses to the east, is not ideal to be directly abutting residential to the west of the site.

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

Response: The area surrounding the subject property has changed significantly over the past 50 years. The subject site is situated within a small pocket of legacy industrial uses which have existed as such for approximately 40 years. Surrounding this small pocket of industrial development are a variety of residential subdivisions which were constructed in the decades following said legacy uses. Furthermore, the Applicant's original plan for the subject property was to construct a self-service storage facility. Since then, the adjacent property owner to the east has constructed a limited access self-storage facility in addition to the existing multi-access self-storage facility that already existed which, as a result, filled the market demand for this use. Demand for housing in Palm Beach County is rising, while supply lags behind, resulting in greater market pressure for housing in this area. Considering the high and medium density uses surrounding the site that have been developed over the last several decades, the site is an ideal location for a multifamily use.

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

Response: The subject site is situated in a small pocket of industrial land uses surrounded on nearly all sides by residential land uses of a suburban character. The site directly abuts a residential townhome development to the west with an HR-8 FLU designation. The subject site serves as a transitional zone between the industrial uses to the east and the adjacent residential uses to the west. Furthermore, the site's existing Industrial FLU designation is no longer the highest and best use for the site due to changes in the market. The Applicant had previous plans to develop the site as a self-service storage facility which would similarly have minimal external impact on the surrounding area. However, the property adjacent to the east recently constructed a limited access self-storage facility in addition to the existing multi-access facility which significantly impacted the supply of this use in the market. A recent boom in population has occurred in Palm Beach County that has put significant strain on the housing market, which is struggling with limited supply. Due to the COVID-19 pandemic, a large number of employers either moved their operations to Palm Beach County, or moved to a remote-work

environment, both of which resulted in a large migration of new residents into the County from elsewhere. These new residents now compete with existing residents for a limited supply of housing, resulting in price increases and other market impacts. Therefore, recent changed circumstances have significantly increased the feasibility of constructing new housing units, particularly in the multifamily housing sector. Therefore the proposed HR-12 FLU designation is the highest and best use for the site.

- *Inappropriateness of the adopted FLU designation;*

Response: The adopted FLU designation on the site is CL-O with an underlying IND. Generally, these two land uses produce relatively significant traffic demand, especially during peak hours. The subject site does not front a right-of-way which results in traffic being funneled through the existing office site to the north. Furthermore, the site is directly adjacent to a residential townhome development to the west which is not an ideal location for industrial development. Therefore, the proposed HR-12 FLU designation would be reasonable as it would create a transition between the residential uses to the west and the industrial uses to the east. Additionally, the proposed HR-12 FLU designation would allow for a multifamily residential development, which combined with the existing professional office, should result in minimal compatible traffic patterns with less overall impact to the vehicular circulation system and public facilities.

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

Response: The site's existing underlying IND FLU designation was assigned to the property when it was part of a larger industrial parcel. Since this time, the Applicant was approved to apply a Commercial Low Office FLU designation to the site and to change to zoning from Light Industrial (IL) to Multiple Use Planned Development (MUPD). Furthermore, prior to the applicant requesting the subject property be amended to allow a professional office, residential uses adjacent to the west were approved and constructed. This further reduces the compatibility of the subject property's existing underlying Industrial land use and surrounding uses.

G.2 – Residential Density Increases: Per Future Land Use Element Policy 2.4-b, provide a written analysis of the following:

- 1) *Demonstrate a need for the amendment.*

Response: Within the last several years, Palm Beach County has seen a population boom. The county is a prime destination for people

migrating out of the northern states in search of better weather, better taxes, and better public facilities. As a result of the COVID-19 pandemic, this migration pattern has been amplified, as a number a large employers have moved their operations into Palm Beach County, while others have gone to a remote-work environment which allows employees to live in a location of their choosing. These factors have resulted in a significant and novel increase in housing demand and have spurred a secondary significant and novel increase in housing prices. Housing supply remains low as a result of the development lull that occurred in the last decade following the Great Recession. Therefore, there is significant and unprecedented market demand for housing in Palm Beach County. While much of the market consists of fee-simple single family residences, the market for rental apartments has seen a very significant increase in demand and a subsequent increase in prices. As home prices have risen, a growing number of buyers have been pushed to the rental market as they need a place to live while working their way towards an ever increasing financial goal of homeownership. Moreover, a large percentage of Americans do not have enough savings to cover a major unexpected expense, indicating that renting is still a highly desired form of housing, as it requires less up-front costs to tenants. Therefore, there is a significant need for multifamily housing, as supply is lagging behind demand in Palm Beach County.

2) Demonstrate that the current FLUA designation is inappropriate. Provide a written explanation of why the Transfer of Development Rights, Workforce Housing, and Affordable Housing Programs cannot be utilized to increase density on the site.

Response: The existing underlying Industrial designation is no longer appropriate for this site. Industrial development typically results in high amounts of peak hour traffic demand, particularly for larger vehicles like tractor-trailers, box trucks, and delivery vans. The subject site has only one point of access, which is through the adjacent parcel to the north which holds an existing professional office use. This is not an ideal access and circulation situation for an industrial use and could result in negative external impacts to the neighboring parcel within the same MUPD. Therefore, the underlying IND designation is not appropriate for this site. With regards to the Transfer of Development Rights and Workforce Housing programs, the applicant proposes to utilize both of these programs to increase the proposed density, while also helping to provide much needed dwelling units that are affordable to the County's workforce.

G.3 – Compatibility with Surrounding and Adjacent Uses: The subject property is located between high and medium density residential uses to the west and north and industrial uses to the east and south. The site

inherently serves as a transition between the residential uses and the industrial uses due to its unique location. The proposed HR-12 FLU designation is compatible with surrounding and adjacent uses as it creates a buffer between the residential to the west and the more intense industrial uses to the east. High density residential uses can serve as a transition between lower density residential uses and non-residential uses, as their property values are typically less sensitive to external impacts from adjacent uses and they are typically marketed as rental units. Therefore, the proposed HR-12 FLU is compatible with surrounding and adjacent uses.

G.4 - Consistency with Policies in the Comprehensive Plan: The proposed FLUA amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan as follows:

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

Response: Demand for housing has increased significantly in the last decade, mostly due to a new population boom from residents moving to Palm Beach County from other parts of the United States, Latin America, the Caribbean, and other parts of the state. Housing supply in Palm Beach County, however, has not kept up and resulted in rising housing costs and increased competitiveness amongst homebuyers and renters. Therefore, it is necessary to properly designate vacant developable lands in the County for residential development to meet the demand. The proposed FLU amendment from CL-O/IND to CL-O/HR-12 would do just that. Furthermore, the ideal housing density and type for this parcel of land is high density multifamily residential due to a number of factors. Its compact size makes it infeasible for low or medium density development, as the cost of construction infrastructure improvements would be infeasible for the current market. Furthermore, the site is located in a transitional zone between non-residential uses to the east and south and medium to high density residential uses to the north and west. This type of transitional zone is best suited to a high density multifamily rental community as it is less sensitive to external impacts and creates a buffer to the adjacent residential uses.

- **Future Land Use Element (FLUE) Policy 2.1-f:** *The following will detail how the impact of the proposed FLUA on the items listed:*

- *The natural environment, including topography, soils and other natural resources;*
 - **Applicant's Description:** Please see Attachment L for the Natural Feature Inventory & Map.
- *The availability of facilities and services;*
 - **Applicant's Description:** As part of the previous development the availability of facilities and services had to be confirmed. Below is more detailed information on each of those facilities and services:
 - *Traffic:* Please see Attachment H for the FLUA Amendment Traffic Analysis.
 - *Mass Transit:* The nearest Palm Tran bus routes are Route 91 and Route 92 and the closest Tri-Rail connection is the Deerfield Beach Tri-Rail Station.
 - *Potable Water and Wastewater:* Please see level of service letter from the Palm Beach County Water Utilities Department in Attachment I that confirms that the proposed FLUA can be accommodated by existing facilities and services.
 - *Drainage:* Legal positive outfall is available to the site via discharge to the Boca Rio Road drainage system along the north side of the property. The proposed project will meet all applicable rules and regulations for that outfall. Please refer to the Drainage Statement prepared by Simmons & White being included as Attachment J with this application for more details.
 - *Fire Rescue:* The nearest PBC Fire Rescue station is West Palm Beach Fire Rescue Station #57 located at 9030 Vista Del Lago that is approximately 2.1 miles from the subject property.
- *The adjacent and surrounding development;*
 - **Applicant's Description:**

To the north (across an 80 foot wide Lake Worth Drainage District canal) are seven single family homes; directly abutting the site to the south is a United States Post Office facility; directly abutting the site to the west are twenty five residential townhomes part of the Mizner Pointe of Boca Via Ancho subdivision; Directly abutting the site to the east is a self service storage facility which includes both multi-access and limited access facilities. Below are the existing FLUA designations for the surrounding properties:

- North: Medium Density Residential, 5 units per acre (MR-5)
- South: Industrial (IND)
- East: Industrial (IND)
- West: High Density Residential, 12 units per acre (HR-12)

Of the properties listed above the subject property only directly abuts the properties to the east, south, and west. Proper assurances will be made to ensure that the proposed development does not have a negative impact on the adjacent uses. Any incompatibilities among the properties will be addressed through landscaping, traffic circulation, and lighting.

- *The future land use balance;*
 - **Applicant's Description:** The area surrounding the site is mainly residential in nature. The subject property is part of a small pocket of bona-fide industrial uses which pre-date the medium to high density residential development that surrounds it. The demand for industrial designated properties has continually declined in the vicinity of the site. As the area surrounding the subject pocket of industrial development has been enveloped by residential uses, the viability and compatibility of these legacy industrial uses has been diminished. Therefore, it is reasonable for the applicant to propose the subject amendment to a Congregate Living Residential underlying FLU designation to create an ideal transition between the residential uses to the north and west and the industrial uses to the east and south. As the area surrounding the site continues to develop a primarily residential character, the appropriateness of industrial land uses is reduced significantly.
- *The prevention of urban sprawl as defined by 163.3164(52) in the Florida Statutes (F.S.);*
 - **Applicant's Description:** The request is not in conflict with Florida Statutes Section 163.3177.(6).(a).9.b in that:
 - As an infill development on a previously cleared site the proposed congregate living development would be directed to a geographic location that would not have an impact on natural resources or ecosystems;
 - The site is easily serviced by existing

- infrastructure;
 - Does not remove land intended for agricultural uses; and
 - Creates a balance of uses for the residential population in the area in that there are minimal commercial properties in the immediate area of the site.
- *Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and*
 - **Applicant's Description:** The subject property is not within the boundaries of a community plan or planning area special study recognized by the Board of County Commissioners.
- ***FLUE Policy 2.2.1-b:*** *Areas designated for residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintained to protect residential areas from adverse impacts of adjacent land uses.*

Response: The proposed HR-12 FLU designation is consistent with this policy. The subject FLU amendment will allow for the development of a high density multifamily residential complex. As a result, the site will serve as a transition from the industrial and commercial uses to the east and south to the residential uses to the west and north. In contrast, the site's current underlying IND designation would allow for uses which are not considered compatible with the residential uses to the west.

In conclusion it is the agent's contention that the requested FLUA Amendment from CL-O/IND to CL-O/12 is justified, consistent with the Plan and State of Florida laws and is compatible with surrounding uses.



November 3, 2021

Job No. 21-149

LAND USE PLAN AMENDMENT APPLICATION
STATEMENT OF LEGAL POSITIVE OUTFALL

Boca Raton Commerce Center
4.77 Acre Site
Palm Beach County, Florida

SITE DATA

The subject parcel is located on the westerly terminus of 210th Street South, just west of Boca Rio Road in Palm Beach County and contains approximately 4.77 acres. The Property Control Number (PCN) for the subject parcel are 00-42-47-20-20-000-0011 and 00-42-47-20-20-000-0012. The property is currently designated as Commercial Low Office (CL-O) with underlying Industrial (IND) on the Palm Beach County Comprehensive Plan. The property owner is requesting a change in the 4.77 acre parcel's designation to Commercial Low Office with underlying High Residential, 12 dwelling units per acre (CL/12) on the Palm Beach County Comprehensive Plan.

SITE DRAINAGE

The site is located within the boundaries of the Lake Worth Drainage District and South Florida Water Management District Hillsboro Drainage Basin. Legal positive outfall is available via connection to the Lake Worth Drainage District L-46 Canal adjacent to the north property line. Drainage Design is to address the following:

1. On-site retention of the runoff from the 3 year, 1 hour rainfall event.
2. No runoff to leave the site except through an approved control structure up to the level produced by the 25 year, 3 day rainfall event.
3. Building floor elevations to be at or above the level produced by the 100 year, 3 day rainfall event.

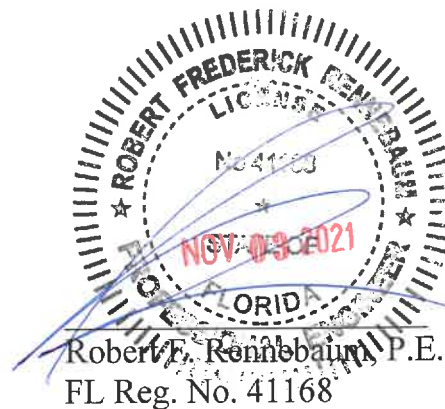
LUPA Statement of Legal Positive Outfall

Job No. 19-079B

October 23, 2019 -- Page 2

SITE DRAINAGE (CONTINUED)

4. Parking lots to be protected from flooding during a 3 year, 24 hour event, or the 5 year, 24 hour event if exfiltration trench is used.
5. Allowable discharge to be in accordance with South Florida Water Management District Basin criteria.
6. Due consideration to water quality.



Robert E. Rennebaum, P.E.
FL Reg. No. 41168



**Water Utilities Department
Engineering**

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



**Palm Beach County
Board of County
Commissioners**

Dave Kerner, Mayor
Robert S. Weinroth, Vice Mayor

Maria G. Marino
Gregg K. Weiss
Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker

November 3, 2021

Simmons and White
2581 Metrocentre Blvd. West, Suite 3
West Palm Beach, FL 33407

RE: West of Boca Rio Rd on 210th St. S- 4.77 Acres
PCN 00-42-47-20-20-000-0011 & 0042-47-20-20-000-012
Service Availability Letter

Dear Mr. Floyd,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for the proposed land use designation of Commercial Low-Office (CL-O) w/ an underlying High Residential, 12 dwelling units per acre (HR-12)

Potable water and sanitary sewer are currently provided to the northern parcel. Watermain extensions and lift station upgrades maybe required.

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

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

Sincerely,

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

Jackie Michels, P.E.,
Project Manager



Fire Rescue

Chief Reginald K. Duren
405 Pike Road
West Palm Beach, FL 33411
(561) 616-7000
www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

Mack Bernard, Mayor
Dave Kerner, Vice Mayor
Hal R. Valeche
Gregg K. Weiss
Robert S. Weinroth
Mary Lou Berger
Melissa McKinlay

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

Official Electronic Letterhead

October 12, 2021

Schmidt Nichols
Josh Nichols
1551 N Flagler Drive
Suite 102
West Palm Beach, FL 33401

Re: Boca Raton Commerce Center

Dear Josh Nichols:

Per your request for response time information to the subject property located at the westerly terminus of 210th Street South, just west of Boca Rio Road in unincorporated Palm Beach County. This property is served currently by Palm Beach County Fire-Rescue station #57, which is located at 9030 Vista Del Lago. The subject property is approximately 2.50 miles from the station. The estimated response time to the subject property is 7 minutes 30 seconds. For fiscal year 2018, the average response time (call received to on scene) for this stations zone is 7:03.

Changing the land use of this property will have some impact on Fire Rescue.

If you have any further questions, please feel free to contact me at 561-616-6909.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl Allan".

Cheryl Allan, Planner
Palm Beach County Fire-Rescue

Attachment L - Significant Habitats or Species Detail
Palm Beach County Future Land Use Atlas (FLUA) Amendment Submittal
Boca Raton Commerce Center
Original Submittal: November 9, 2021

Significant habitats or species:

Below is an aerial photograph with the subject property highlighted in red. The subject property does not support any significant habitats or Listed Species.

According to historic aerials, the subject property was drained and cleared of natural vegetation. The topography and soils remain relatively unchanged since the clearing of the site. Therefore, there will be minimal impact to the natural environment if the site is developed as intended.



**Attachment M - Wellfield Zone Map
Boca Raton Commerce Center
Palm Beach County Future Land Use Atlas (FLUA) Amendment Submittal
Original Submittal: November 9, 2021**

The subject property does not lay within any wellfield protection zones. The proposed planned development will have no negative impacts on the wellfield zones.



Wellfield Protection Zones

- 1
- 2
- 3
- 4





November 3, 2021
Job No. 21-149

LAND USE PLAN AMENDMENT APPLICATION
WELLFIELD PROTECTION ZONE STATEMENT

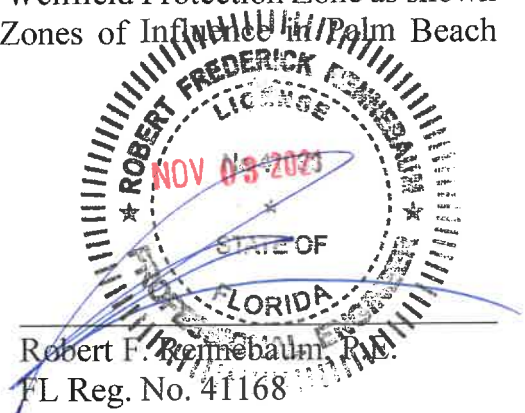
Boca Raton Commerce Center
4.77 Acre Site
Palm Beach County, Florida

SITE DATA

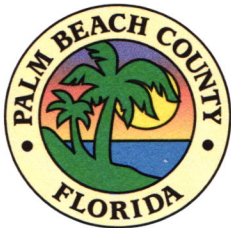
The subject parcel is located on the westerly terminus of 210th Street South, just west of Boca Rio Road in Palm Beach County and contains approximately 4.77 acres. The Property Control Number (PCN) for the subject parcel are 00-42-47-20-20-000-0011 and 00-42-47-20-20-000-0012. The property is currently designated as Commercial Low Office (CL-O) with underlying Industrial (IND) on the Palm Beach County Comprehensive Plan. The property owner is requesting a change in the 4.77 acre parcel's designation to Commercial Low Office with underlying High Residential, 12 dwelling units per acre (CL/12) on the Palm Beach County Comprehensive Plan.

WELLFIELD PROTECTION ZONE

The above referenced project is not located within any Wellfield Protection Zone as shown on the attached Exhibit from "Wellfield Protection Zones of Influence in Palm Beach County, Florida," adopted June 12, 2015.



sa: x:/docs/trafficdrainage/lupawellfield.21149



**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb



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Melissa McKinlay

Mack Bernard

County Administrator

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"An Equal Opportunity
Affirmative Action Employer"

October 13, 2021

Jordan Sperling
Schmidt Nichols, Landscape Architecture & Urban Planning
1551 N. Flagler Dr., Suite 102
West Palm Beach, Florida 33401

**RE: Historical and Archaeological Resource Review for the project
named Boca Raton Commerce Center, under PCN's: 00-42-47-20-20-
000-0011 & 00-42-47-20-20-000-0012.**

Dear Mr. Sperling:

This correspondence is in response to your request for a review of the above referenced properties in regards to the identification of any cultural resources (historical and archaeological resources) located on or within 500 feet of the properties.

Staff review of the County's survey of historic/architecturally significant structures, and of properties designated for inclusion in the National Register of Historic Places (NRHP), has identified no historic or architecturally significant resources on or within 500 feet of the above referenced properties.

Staff review of the County's map of known archaeological sites has identified no known archaeological resources located on or within 500 feet of the above referenced properties.

However, should any artifacts or skeletal remains be encountered during construction, per Florida Statute 872, construction must stop around the remains and the local sheriff and medical examiner be contacted.

Should you have any questions or comments, please contact me at (561) 233-5331.

Sincerely,

Christian Davenport, MA, RPA
County Historic Preservation Officer/ Archeologist

cc: Patricia Behn, Planning Director, PBC Planning Division
Bryan Davis, Principal Planner, CNU-A, PBC Planning Division

T:\Planning\Archaeology\County Departments\Planning\Land Use Amendments and Development Review\Schmidt Nichols\PCN's\0042472020000011_0042472020000012\BocaRatonCommerceCenterLtr 10-13-2021.doc



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and recycled paper



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

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

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

KRISTIN K. GARRISON
DIRECTOR

WANDA F. PAUL, M.Ed., MBA
CHIEF OPERATING OFFICER

SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

Revised

Application	Submittal Date	12/17/2021		
	SCAD No.	21121701F/FLU and 21121701D/D. O.		
	FLU /Rezoning/D.O. No.	Not Provided – Palm Beach County		
	PCN No. / Address	00-42-47-20-20-000-0012; 0011 / 8230 210 th Street South		
	Development Name	Boca Raton Commerce Center		
	Agent Name	Josh Nichols		
	SAC No.	331B		
	Proposed FLU Amendment Proposed D. O.	Max. 113 Residential Units 96 High-Rise Units		
Impact Review		Del Prado Elementary School	Omni Middle School	Olympic Heights High School
	New Students Generated	2	1	1
	Capacity Available	-21	-9	-544
	Utilization Percentage	102%	101%	124%
School District Staff's Recommendation	<p>Based on the findings and evaluation of the proposed development, there will be negative impact on the public school system. Therefore, if the proposed development is approved by the Palm Beach County government, School District staff recommends the following condition to mitigate such impacts.</p> <p>In order to address the school capacity deficiency generated by this proposed development at the District elementary, middle and high school level, the property owner shall contribute a total of \$32,529.00 to the School District of Palm Beach County prior to the issuance of first building permit.</p> <p>This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied).</p> <hr/> <p>Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on April 16, 2019.</p>			
Validation Period	<p>1) This determination is valid from 02/07/2022 to 02/06/2023 or the expiration date of the site-specific development order approved during the validation period.</p> <p>2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to 02/06/2023 or this determination will expire automatically on 02/06/2023.</p>			
Notice	<p>School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.</p>			

Joyce Cai

School District Representative Signature

Joyce C. Cai, Senior Planner

Print Name & Title

February 7, 2022

Date

joyce.cai@palmbeachschools.org

Email Address

CC: Patricia Behn, Planning Director, Palm Beach County
Vismary Dorta, Site Plan Technician, Palm Beach County
Joyell Shaw, PIR Manager, School District of Palm Beach County