



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT SMALL SCALE AMENDMENT

BCC ADOPTION PUBLIC HEARING, JULY 30, 2020

A. Application Summary

I. General

Project Name:	Burlington Self-Storage of Lake Worth (SCA 2020-013)
Request:	MR-5 to IND/5 with a condition
Acres:	1.29 acres
Location:	West side of De Soto Road and approximately 633 feet north of Lantana Road.
Project Manager:	Carolina Valera, Senior Planner
Applicant:	Christopher M. Capozzoli; Burlington Self Storage of Lake Worth, LLC
Owner:	Steve Allain
Agent:	Joni Brinkman, Urban Design Kilday Studios
Staff Recommendation:	Staff recommends approval with a condition based upon the findings and conclusions contained within this report.

II. Assessment & Conclusion

This amendment proposes to change the future land use designation on a 1.29-acre site from Residential to Industrial in order to combine the subject site with the previously approved and adjacent self-storage facility also known as Burlington Self-Storage. The site plan indicates that the site will be used for outdoor storage. The site is located along a suburban corridor in an area with a mix of non-residential and residential future land use designations and uses. Since the 1989 Plan was adopted, future land use designations for five properties in the vicinity of the subject site have been amended from residential to commercial, industrial, and institutional.

The subject site is contiguous and will become part of the previously approved Burlington Self-Storage (SCA 2018-004) site that was approved for the Industrial future land use in 2018 with a condition of approval limiting the site to self-storage only. The proposed amendment includes the same condition of approval. Such facilities have a low trip generation, limited hours, and can be considered to be compatible with the adjacent uses. As demonstrated in this report, the proposed amendment is consistent with the character of the area, compatible with adjacent uses, meets all levels of service standards, and consistent with applicable policies in the Comprehensive Plan.

III. Hearing History

Local Planning Agency: *Approve with conditions*, motion by Lori Vinikoor, seconded by Angella Vann, passed in a 14 to 0 vote at the June 12, 2020 public hearing. There was minimal Board discussion. A representative of the owner of the property to the east of the subject site spoke on the record regarding zoning conditions of approval and provided a letter that was received and filed (see Exhibit 8).

Board of County Commissioners Adoption Public Hearing: *July 30, 2020*

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B. Petition Summary

I. Site Data

Current Future Land Use

Current FLU: Medium Residential, 5 units per acre (MR-5)
Existing Land Use: Residential Single Family
Current Zoning: Agricultural Residential (AR)
Current Dev. Potential Max: Residential, up to 6 dwelling units

Proposed Future Land Use Change

Proposed FLU: Industrial with an underlying 5 units per acre (IND/5)
Proposed Zoning: Light Industrial (IL)
Dev. Potential Max/Conditioned: Industrial uses, up to 47,763 sq. ft. (0.85 FAR), limited to self-storage uses

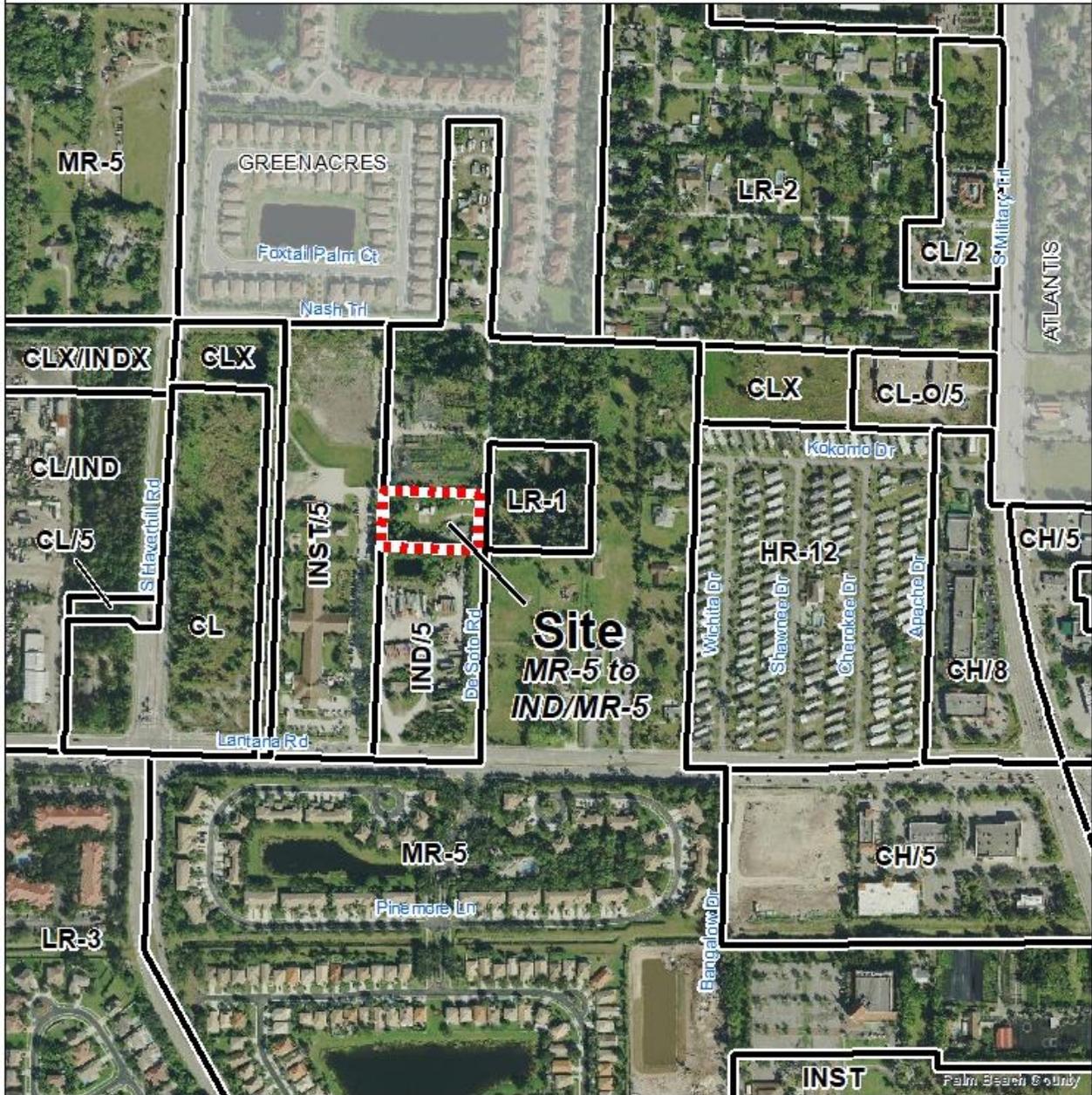
General Area Information for Site

Tier/Tier Change: Urban Suburban Tier – No Change
Utility Service: Palm Beach County Water Utilities Department
Overlay/Study: Palm Beach County/Greenacres/Atlantis Charette
Comm. District: Dave Kerner, District 3



Future Land Use Atlas Amendment

Burlington Self Storage of Lake Worth (SCA 2020-013)



Site Data

Size: 1.29 acres
Existing Use: Single Family
Proposed Use: Self Storage
Current FLU: MR-5
Proposed FLU: IND/MR-5

Future Land Use Designations

LR-1	Low Residential, 1 unit/acre	CL/IND	Commercial Low, underlying IND
LR-2	Low Residential, 2 units/acre	CL-O/5	Commercial Low - Office, underlying MR-5
LR-3	Low Residential, 3 units/acre	CH/5	Commercial High, underlying MR-5
MR-5	Medium Residential, 5 units/acre	CH/8	Commercial High, underlying HR-8
HR-8	High Residential, 8 units/acre	CLX	Commercial Low crosshatching
HR-12	High Residential, 12 units/acre	CLX/INDX	Commercial Low crosshatching, underlying IND crosshatching
CL	Commercial Low	IND/5	Industrial, underlying MR-5
CL/2	Commercial Low, underlying LR-2	INST	Institutional
CL/5	Commercial Low, underlying MR-5	INST/5	Institutional, underlying MR-5

Date: 11/7/2020
 Contact: PBC Planning
 Filename: 20-SCA/Site/20-13
 Note: Map is not official, for presentation purposes only.



Site



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



C. Introduction

I. Intent of the Amendment

The intent of the amendment is to change the future land use designation on a 1.29 acre site from Medium Residential, 5 units per acre (MR-5) to Industrial with an underlying 5 units per acre (IND/5), with a voluntary condition to limit development of the site to self-service storage facilities. The amendment and rezoning will combine the subject site with the property to the south which was approved for IND/5 future land use in 2018 by small scale amendment, Burlington Self-Storage (SCA 2018-004), which lies directly south of the subject site. Adopted Ordinance 2018-004 for the original site contains a condition that limits the use to a self-service storage facility.

Background. This amendment is comprised of one parcel located approximately 675 ft. north of Lantana Rd and on the west side of De Soto Road, approximately 675 ft. east of Haverhill Road. The subject site currently has a single-family residence and has not been the subject of a previous land use amendment.

Zoning Application. The concurrent zoning application (Z/DOA-2019-02370) proposes to rezone the site from Agricultural Residential (AR) to Light Industrial (IL) in order to add the subject site to the prior Burlington approval to the south which contains a 151,337 sq. ft. self-service storage facility. The addition of the subject site will expand the outdoor vehicle storage from 7,875 sq. ft. (16 spaces) to 24,500 sq. ft. (52 spaces), with no new additional building square footage. Access to the subject site will be through the originally approved Burlington Self-Storage site, and no additional access points are proposed along De Soto Road.

II. Data and Analysis Summary

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

Overview of the Area. The subject site is located in the Urban Suburban Tier in a suburban area within the future annexation area of the City of Greenacres. Several properties in close proximity of the subject site have been the subject of future land use amendments since the adoption of the 1989 Comprehensive Plan. On the south side of the subject site is Burlington Self-Storage (SCA 2018-004) which amended the future land use designation from Medium Residential, 5 units per acre (MR-5) to Industrial with an underlying 5 units per acre (IND/5). Immediately west of the subject site is the Treatment Center of the Palm Beaches (LGA 2014-004) which was approved for a future land use amendment from Residential to Institutional and Public Facilities with an underlying 5 units per acre (INST/5) for the development of an institutional use. West of the Treatment Center, properties on both sides of Lantana and Haverhill Roads have been granted approval for Commercial Low future land use designations, most recently Raceway Market (LGA 2013-001) and Caliber Collision (SCA 2019-012) on the north side of Lantana Road. Just west of those properties is the Able Lawnmower Sales & Service (LGA 2015-010) which was approved for Commercial Low with underlying Industrial future land use (CL/IND). The property at the northeast corner of Lantana and Haverhill Roads was the subject of an amendment in 2004, Lantana/Haverhill Commercial (SCA 2004-003), which approved a change from MR-5 to CL. There are several other non-residential uses in the vicinity, including the German American Club to the west of Able Lawnmower, and a day care center located southeast of the site, beyond a vacant parcel. The subject site is located within the boundaries of The Treasure Coast Regional Planning Council (TCRPC) Greenacres, Atlantis, and Palm Beach County Charrette Report as further discussed in section D. Consistency with County Overlays, Plans, and Studies.

Appropriateness of the Amendment. Since the 1989 Plan was adopted, future land use designations for five properties located to the immediate west of the subject site have been amended from residential to commercial, industrial, and institutional. The amendment will change the Residential future land use of the site to Industrial with a condition, expanding the existing self-service storage use facility to the south. The subject site will be used for external storage, and no additional buildings will be built on the site. The proposed site plan limits access to the site through the self-service storage facility to the south. The amendment to expand the existing adjacent use subject to the same conditions of approval limiting the site to self-storage is appropriate on the subject site. No negative comments from the public, municipalities, or interested parties had been received by the publication of the Planning Commission Report.

Compatibility. The property is adjacent to industrial, institutional and single-family/nursery uses. With the condition of approval limiting the site to a self-storage use only, and given the surrounding conditions, the use is compatible with the adjacent uses. Such facilities have a low trip generation, limited hours, and can be considered to be compatible with the adjacent uses, and generally consistent with the character of the corridor.

Assessment and Recommendation. This amendment proposes to change the future land use designation on a 1.29-acre site from Residential to Industrial. The property is proposed to be combined with the property to the south in order to expand the self-storage facility use to the subject site with a condition of approval limiting development to self-storage only. The site will be used for outdoor storage. The proposed amendment is consistent with the character of the area, compatible with adjacent uses, consistent with applicable policies in the Comprehensive Plan, and meets all levels of service standards.

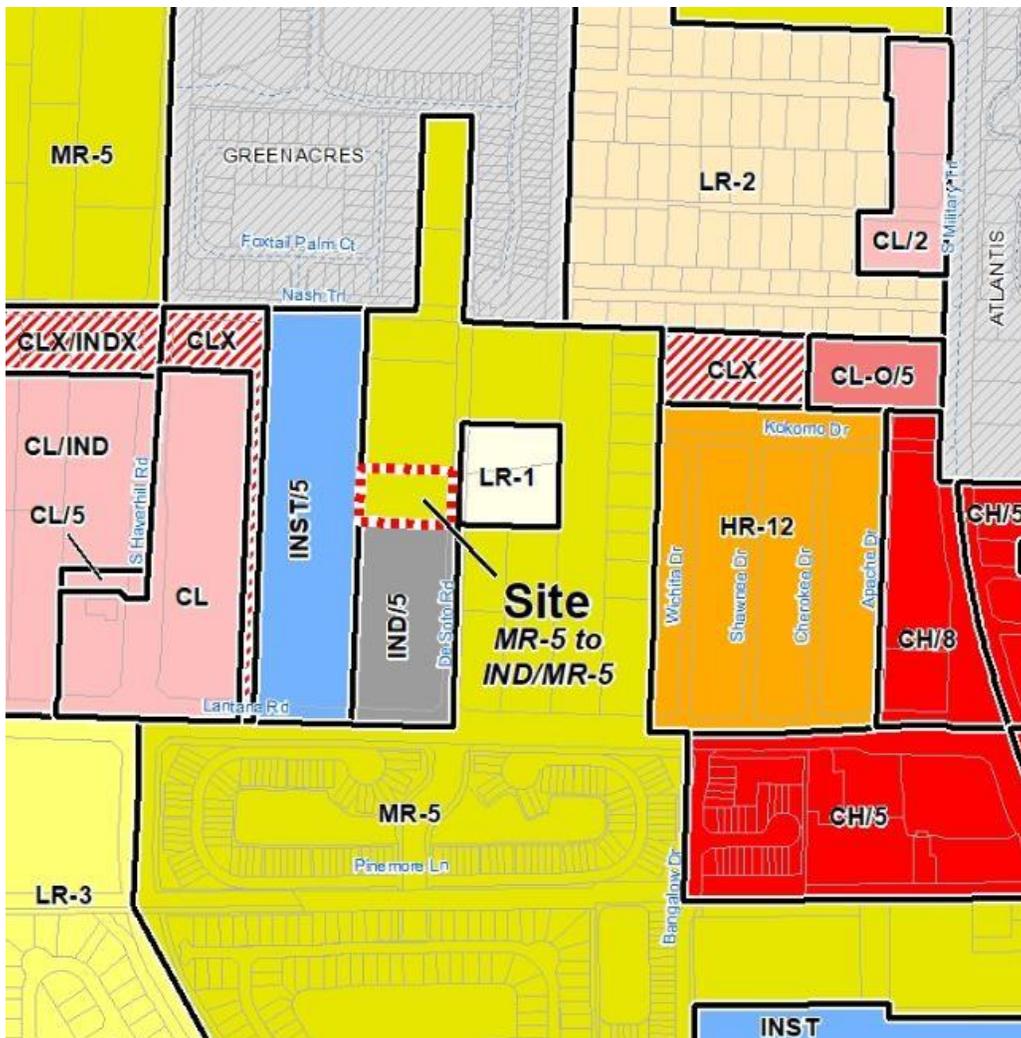
Therefore, Staff recommends ***approval with a condition*** based upon the findings within this report.

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Exhibit 1

Amendment No:	Burlington Self-Storage of Lake Worth (SCA 2020-013)
FLUA Page No:	82
Amendment:	From Medium Residential, 5 units per acre (MR-5), to Industrial with an underlying 5 units per acre (IND/5)
Location:	West side of De Soto Road, approximately 633 ft. north of Lantana Road
Size:	1.29 acres
Property No:	00-42-44-36-09-013-0030

Conditions: Development under the Industrial future land use designation shall be limited to a self-storage facility.



Legal Description

LEGAL DESCRIPTION OF:
5857 DE SOTO ROAD, LAKE WORTH, FL, 33463

THE NORTH ONE-HALF (1/2) OF TRACT THIRTEEN (13), LESS THE EAST TWENTY-FIVE (E 25 FT) THEREOF FOR ROAD RIGHT OF WAY, AND LESS THE NORTH FIVE HUNDRED TEN FEET (N 510 FT) THEREOF IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 10, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

Containing 1.29 Acres

Exhibit 2

Consistency with Comprehensive Plan

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

A. Consistency with the Comprehensive Plan - General

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

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

The applicant includes a Justification Statement (Exhibit 2) which states that this amendment is justified due to the following:

- The proposed land use designation is suitable and appropriate for the subject property.
- The site will be combined with the previously approved Burlington Self-storage facility located immediately south of the subject site and designated with the Industrial land Use Designation that was the subject of a similar land use change request in 2018 (Ordinance No. 2018-004).
- The site will be accessed internally through the Burlington Self-Storage property, currently under construction, and no additional access is proposed off of De Soto Road.
- The site will be used for storage of recreational vehicles, and no buildings will be proposed on the additional land area.

Staff Analysis: This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above. This amendment will change the development potential of the subject 1.29 acre site from six residential units to a development with self-storage (per the condition of approval) although the site plan identifies the site as used for outdoor storage only.

With regards to the justification, staff concurs that this site is located in an area where changes have occurred since the adoption of the 1989 Comprehensive Plan represent a change in conditions. The amendment proposes to change the Residential designation to Industrial to allow outdoor vehicle storage as part of a previously approved self-storage facility. The expansion of self-storage uses is not out of character or incompatible with the adjacent parcels and overall area. However, the proposed condition of approval limiting the site to self-storage uses as proposed by the applicant is essential to ensure that more intense industrial uses are not built on the site in the future. The land use character of the community has been evolving for some time and the proposed amendment (as conditioned) would not conflict with the integrity of this community. Therefore, the proposed amendment meets the requirements for adequate justification.

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

Direction 2. Growth Management. *Provide for sustainable communities and lifestyle choices by: (a) directing the location, type, intensity, timing and phasing, and form of development that respects the characteristics of a particular geographical area;*

Direction 5. Neighborhood Integrity. *Respect the integrity of neighborhoods, including their geographic boundaries and social fabric.*

Staff Analysis: Along the Lantana Road corridor in the immediate area, there are varying residential densities and a mix of non-residential future land use designations near the subject site. West of the subject site, at the intersection of Haverhill and Lantana Roads, commercial, industrial, and institutional future land use designations have been adopted on various properties through recent amendments. An Industrial future land use designation, expanding the existing use south of the property, with the proposed condition, at the site would not violate the County Directions.

3. **Piecemeal Development - Policy 2.1-h:** *The County shall not approve site-specific Future Land Use Atlas amendments that encourage piecemeal development or approve such amendments for properties under the same or related ownership that create residual parcels. The County shall also not approve rezoning petitions under the same or related ownership that result in the creation of residual parcels.*

Staff Analysis: The Comprehensive Plan's Introduction and Administration Element defines piecemeal development in part as "a situation where land, under single ownership or significant legal or equitable interest by a person (as defined in Section 380.0651[4] F.S. and Rule 73C-40.0275 F.A.C.), is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole." The proposed amendment is consistent with this policy as there are no adjacent sites under common ownership. Furthermore, the proposed development will be an expansion of the existing Industrial future land use designation to the south. Therefore, the land use amendment will not create a residual parcel or encourage 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." The amendment proposes to change the future land use designation of the subject site to the same Industrial designation as property to the south in order to expand that self-service storage site. As there are no other properties under related ownership, the proposed amendment would not result in a residual parcel and is therefore consistent with this policy.

B. Consistency with Urban/Suburban Tier Requirements for the Specific FLU

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

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

Staff Analysis: This policy promotes the placement of Industrial future land uses at appropriate locations. The proposed amendment is requesting an Industrial future land use designation in order to expand the future land use designation and self-service

storage use of the property to the south and combine the two properties into one homogeneous development. The proposed amendment is consistent with this policy.

C. Compatibility

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use. **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 maintained 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.”*

Surrounding Land Uses: Immediately abutting the site are the following:

North: Adjacent to the site, are five lots ranging between just over an acre to almost 3 acres with a future land use designation of Medium Residential, 5 units per acre (MR-5). These sites are utilized as single-family residences and nurseries. To the north, beyond Nash Trail, is an 11.9 acre planned 53 unit single-family residential development (Verona Estates) located within the municipal boundaries of the City of Greenacres. This site has a City of Greenacres Future Land Use designation of Residential Medium Density (RS-MD) and a Residential Medium Density 2 (7 units/acre) (RM-2) zoning district.

East: De Soto Road, an unimproved roadway, borders the eastern side of the site. To the east of De Soto Road, there are two properties with a future land use designation of Low Residential, 1 unit per acre (LR-1). These sites are utilized as single-family residences.

West: To the immediate west of the proposed site is the 10.25-acre Treatment Center for the Palm Beaches site with an Institutional future land use designation. Prior to 2013, the site was approved as a Congregate Living Facility and developed with an assisted living facility. The site was the subject of a land use amendment in 2013 from MR-5 to INST/5 in order to allow for outpatient services. The approval is for up to 320 beds totaling 107,159 sq. ft.

Further west of the Treatment Center at the northeast corner of Haverhill and Lantana Road is a 9.83 acre property that was the subject of a land use amendment known as Lantana/Haverhill Commercial (SCA 2004-003) in 2004 from MR-5 to CL. The site has zoning approvals for a Multiple Use Planned Development (MUPD) consisting of 83,577 square feet of commercial uses. This property is the eastern most parcel in the commercial node created through several land use amendments in recent years. On the eastern, northern and western edges of the node is crosshatching to create a natural buffer between the CL use and the residential uses nearby. Access to Nash Trail was prohibited by condition in the Amendment ordinance.

South: Adjacent to the site is the 5.69-acre property that is proposed to be combined with the subject site. That site was the subject of a land use amendment known as Burlington Self-Storage (SCA 2018-004) in 2018 from MR-5 to IND/5 future land use. Southeast of the site, and directly east of the Burlington Self-Storage site and across De Soto Road, are two vacant lots, the Sinai Missionary Baptist Church and Beginnings Pre School all with a future land use of MR-5. There is also a small pocket of LR-1 on the eastern side of the road. Bordering to the south of the Burlington Self-Storage is Lantana Road. Across Lantana Road is Willoughby Farms and Winston Trails. These communities have future land use designations of MR-5 and LR-3, respectively.

Applicant's Comments: The Applicant states that the proposed amendment is compatible with the adjacent and surrounding properties because the proposed self-storage use is a low trip generator, low impact, and typically a good neighbor to other uses. The applicant states that the site plan includes buffers, setbacks, etc., to mitigate any impact on the residential uses along the road, and that no additional access points are proposed.

Staff Analysis: The property is adjacent to industrial and institutional uses and located just north of the Lantana Road corridor that contains various institutional and civic uses including a day care facility, churches and the German American club. A majority of the residential developments in the area are south of the site across Lantana Road. The proposed Industrial future land use designation, without a condition of approval limited the

use to self-storage, would allow much greater intensity of uses on the subject site than the surrounding properties and may create compatibility issues. However, with the condition of approval limiting the site to a self-storage use only, the use is compatible with the adjacent Treatment Center of the Palm Beaches with an Institutional future land use and is not incompatible with the residential uses in the vicinity. Therefore, the proposed designation is compatible with the surrounding uses.

D. Consistency with County Overlays, Plans, and Studies

- 1. Overlays – FLUE Policy 2.1-k** states *“Palm Beach County shall utilize a series of overlays to implement more focused policies that address specific issues within unique identified areas as depicted on the Special Planning Areas Map in the Map Series.”*

Staff Analysis: The subject site is not located within any overlay.

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

Staff Analysis: The subject site is located within the boundaries of The Treasure Coast Regional Planning Council (TCRPC) Greenacres, Atlantis, and Palm Beach County Charrette Report. The study was initiated by the Board of County Commissioners (BCC) as a response to “community concerns over proposed housing projects in rural areas”. The BCC approved an interlocal agreement with these municipalities and TCRPC on May 18, 2004 to fund and participate in a joint charrette. With the assistance of the Treasure Coast Regional Planning Council, the weeklong planning process occurred in June of 2004. The results were compiled by the TCRPC in a report which was then presented to the BCC on May 26, 2005 and it was received and filed.

The charrette shows the subject site to be proposed as mixed use, with commercial and mixed use fronting along Lantana Road and single family homes located behind the mixed use buildings. The Treatment Center of the Palm Beaches was not approved for the site until after the Charrette. The Charrette, however, recognized that the prior use as an assisted living facility existed and proposed single-family homes adjacent to the facility. The Industrial future land use, or self-storage use is not included in the Charrette.

E. Public Facilities and Services Impacts

The proposed amendment would change the future land use designation from Medium Residential, 5 units per acre, to Industrial with an underlying 5 units per acre. For the purposes of the public facilities analysis, the maximum floor area ratio (0.85) at a trip generation of Light Industrial was applied for a maximum of 47,764 sq. ft., although the site will be conditioned to a self-storage use. Public facilities impacts are detailed in the table located in Exhibit 3.

- 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. The amendment does not exceed natural or manmade constraints. Staff sent a request for departmental review of the proposed amendment to the following County departments and external agencies for review of public facility impacts and no adverse comments were received:

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

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

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

Staff Analysis: The Traffic Division reviewed this amendment at a maximum floor area ratio of 0.85 and at a trip generation rate using the Light Industrial use, and limited to a maximum of 47,764 sq. ft. According to the County's Traffic Engineering Department (see letter dated October 17, 2019 in Exhibit 4) the amendment would result in an increase of 169 net daily trips and 30 (26 in/4 out) AM and 70 (4 in/23 out) PM net peak hour trips.

The Traffic letter concludes *"Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment meets Policy 3.5-d of the Future land use Element of the Palm Beach County Comprehensive Plan at the maximum potential density shown above. The propose change will have no significant impact for both the long range and Test 2 analyses"*

The Traffic Study was prepared by Anna Lai, P.E., PTOE at Simmons and White, 2581 Metrocentre Boulevard West, Suite 3, West Palm Beach, FL 33407. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:
<http://www.pbcgov.com/pzb/planning/activeamend/>

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:** On May 26, 2020, the City of Greenacres and the City of Atlantis were notified of the amendment by mail. On May 28, 2020, email notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC). As of the publication of the Planning Commission Report, no objections to this amendment have been received through the IPARC process attended.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on May 26, 2020. In addition, on May 26, 2020, several interested parties were notified by mail including: Willoughby Farms Master Association Inc., Winston Trails CDD East, Winchester Woods HOA and others. As of the publication of the Planning Commission Report, no comments have been received.
- C. Informational Meeting:** The Planning Division hosted a meeting with area residents and interested parties to relay information regarding the amendment and development approval processes on June 2, 2020. No members of the public attended. As of the publication of the Planning Commission Report, no letters from the public had been received. Letters received are added to the Exhibits during the course of the amendment process. (see Exhibit 8).

Exhibit 3
Applicant's Justification Statement, Consistency, and Compatibility

**BURLINGTON SELF-STORAGE OF LAKE WORTH
CONSISTENCY WITH THE COMPREHENSIVE
PLAN & FLORIDA STATUTES
SMALL SCALE FLUA
NOVEMBER 6, 2019**

REQUEST

On behalf of the property owners Nancy B. Allain deceased, and Steve Allain, and the applicant, Burlington Self-Storage of Lake Worth, LLC, Urban Design Kilday Studios (UDKS) has prepared and hereby respectfully submits this application for a Small-Scale Future Land Use Atlas (FLUA) Amendment for the 1.29± acre parcel, consisting of one (1) property control number, PCN 00-42-44-36-09-013-0030, and herein referred to as the subject property. The subject property is located in the unincorporated area of Palm Beach County (PBC), situated in the Urban/Suburban (U/S) Tier and is within PBC's Urban Service Area. The subject property is generally located on the west side of DeSoto Road and approximately 633 feet north of the intersection of Lantana Road and DeSoto Road.

The site currently has a FLUA designation of MR5-Medium Residential and a Zoning designation of AR-Agricultural Residential District. It is located within the Treasure Coast Regional Planning Council, Greenacres, Atlantis and PBC Charrette Report area. The applicant is requesting to amend the land use designation to allow the IND-Industrial land use designation with an underlying MR5-Medium Residential 5 (existing), with a proposed condition to limit the site to a self-storage facility. The site will be combined with the previously approved Burlington Self-storage facility that is located immediately south of the subject site. The use of the additional land area will be for storage of recreational vehicles and stormwater management. The applicant will be filing the required Development Order Amendment to combine both sites.

PROJECT HISTORY

The subject property does not have any history of land entitlements. The site is currently developed with a single-family dwelling (and accessory structures) which was built prior to 1963 according to the Property Appraisers web site.

G.1 JUSTIFICATION

The Applicant is requesting to amend the FLUA designation of the subject property to allow for the IND-Industrial land use designation with an underlying MR5-Medium Residential 5 designation (existing). Per Policy 2.1-f of the FLUA of the PBC Plan, an applicant must provide adequate justification for the proposed future land use. The proposed land use designation is suitable and appropriate for the subject property. The site will be combined with the previously approved Burlington Self-storage facility that is located immediately south of the subject site and designated with the Industrial land Use Designation. That property was subject of a similar land use change request in 2018 (Ordinance No. 2018-004). The site will be accessed internally through the Burlington Self-Storage property, which is currently under construction. No additional access is proposed off of DeSoto Road. The additional land area will be used for storage of recreational vehicles. No buildings will be proposed on the additional land area.

The proposed use is suitable and appropriate for the Subject Property.

Applicant's Response:

Objective 1.2 of the Comprehensive Plan Future Land Use Element ("FLUE") states: "this tier [Urban/Suburban] is expected to accommodate the bulk of the population and its need for...goods and services..." Several of the Agriculture Residential (AR) properties in this area have been rezoned and converted into planned residential communities. With this population increase, there is a need for additional services to support these new residents. Unfortunately, the Home Owners' Associations ("HOA") in a majority of these planned residential communities do not allow accessory buildings, storage sheds, or allow storage of Recreational Vehicles ("RVs") and/or boats

on individual properties. When residents need to store additional items on their property, they must find self-storage facilities to accommodate their growing needs. This is a great opportunity to provide an expansion to the much-needed use of self-service storage to an area that already has a significant amount of existing residential development. Self-service storage is a low traffic generator and fits in well with the Institutional uses presently existing immediately to the west (Treatment Center of the Palm Beaches) and to the east along the north side of Lantana Rd. (Beginnings Preschool & Sinai Missionary Baptist Church). This amendment will provide a good transition from these Institutional uses to the west and along Lantana Rd. to the east, to the medium density residential to the north along De Soto Rd. Furthermore, this amendment is not piecemealed as there are clearly defined boundaries of the built Institutional use to the west, and De Soto Rd. to the east and it is an expansion of IND land use previously deemed appropriate for the area.

Policy 2.2.4-a of the Comprehensive Plan FLUE states: “The County shall apply Industrial future land use categories at appropriate locations and intensities to satisfy the need for industrial space, provide opportunities for the retention and expansion of industrial and employment based economic activities, and to promote economic development consistent with the County’s economic development directives. The County shall also encourage a broad range of employment opportunities and shall discourage Future Land Use Atlas amendments that result in the loss of industrially designated land.” This is an appropriate location for Industrial future land use category adjacent to existing Industrial land use previously deemed appropriate for the area.

Policy 2.2.4-c.3 further defines the allowable uses in Industrial Designations and specifically lists Institutional and Public Facilities as “permitted by the ULDC”. Therefore, the adjacent use of Institutional is deemed compatible with uses in an Industrial Designation via the implementation of buffering, setbacks, etc., as provided for in the Unified Land Development Code, the implementing document for the Plan. The self-service use proposed is considered a Light Industrial Use, which is further defined by **Policy 2.2.4-d**, as uses “not likely to cause undesirable effects, danger or disturbance upon nearby areas and typically does not create negative impacts on immediately adjoining uses. These uses typically do not cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration light, or other potentially objectionable effects beyond the boundaries of the lot on which the use is conducted.” Therefore, the light industrial use of self-service storage fits well within the area it is being proposed. Furthermore, the proposed future land use amendment is consistent with **Policy 3.5-d**, as shown by the Traffic Analysis provided by Simmons & White, Inc. Therefore, amending the subject property’s future land use designation to Industrial is consistent with the Comprehensive Plan, as well as consistent with the surrounding properties.

There is a basis for the proposed FLUA change for the Subject Property based upon one or more of the following:

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

Applicant’s Response:

The basis for the proposed amendment is based upon changed circumstances. The Changed Circumstance are that the recently approved Burlington Self Storage (Control Number 2005-00427) Future Land Use change in 2018 (Ordinance 2018-004) and Rezoning with a Conditional Overlay Zone and Class A Conditional Use for single use over 100,000 square feet in Industrial FLU in 2018 (SV/Z/CA 2017-01024; R-2018-0196 , R-2018-0197, ZR 2018-002 results in a prior determination that the use is appropriate for the area. The approved site plan shows 151,3379 square foot of self-storage (952 bays) and 7,875 square foot (16 spaces) of outdoor vehicle storage on the 4.55-acre site located immediately south of the subject site. The applicant wishes to add the subject parcel to the Burlington Self Storage site to provide additional outdoor vehicle storage, as it recently became available for development.

Previously, the Treatment Center of the Palm Beaches located immediately west of Burlington Self Storage was approved by the Board of County Commissioners (“BCC”) on June 17, 2016 pursuant to (Control 1988-00039), Future Land Use change in 2014 (Ordinance 2014-009) and Rezoning and Site Plan in 2016 (ZR-2016-0023; R-2016-0552; 0553 and 0554). The Treatment Center of the Palm Beaches is a drug and alcohol treatment center for both teens and adults. The approved site plan shows 107,159 square-feet and 320 beds in two (2) buildings with Building B being three (3) stories tall.

Additional recent Future Land Use amendments within a ¼ mile of the subject property have changed conditions to the area further justifying the need to evaluate the existing medium residential MR-5 designation. In all these cases, medium density residential land use (MR-5) was converted to commercial or industrial.

- **Abel Lawnmower (LGA 2015-010)** – This amendment on the north side of Lantana Road, just west of Haverhill Road. On August 22, 2016, the Palm Beach County Board of County Commissioners (“PBCBCC”) approved this land use change for 16.58 acres from MR-5 & Commercial Low with underlying 5 units/acre (CL/5) to CL/IND (Ordinance 2016- 038). It should be noted that staff recommended approval of this application with conditions.
- **Caliber Collision (SCA 2019-012)** – This small-scale future land use is the most recent amendment in the area and was for property located on the west side of Haverhill Road, approximately .08 miles north of Lantana Road. On June 27, 2019, the PBCBCC approved this land use change for 4.65 acres from CL/ MR-5 to CL/IND (Ordinance 2019-025). It should be noted that staff recommended approval of this amendment with seven (7) conditions.
- **Raceway Market (LGA 2013-001)** – This small-scale future land use change was for a property located at the northwest corner of Lantana Road and Haverhill Road. On April 25, 2013, the PBCBCC approved this land use change for 1.78 acres from MR-5 to CL (Ordinance 2013-008). The zoning approval (Control No. 2012-00253) was recently postponed from the October 24, 2019 Board of County Commission agenda to the December agenda for an item proposed to increase the number of pumps from 5 to 6 (12 fueling positions) and the building from 2,822 SF to 5,411 SF. The site plan under consideration was redesigned such that the use is permitted to operate 24 hours per day and the necessity for a variance for that code requirement is no longer required.
- **Lantana/Haverhill Commercial (SCA 2004-00003)** – This small-scale future land use change was for a 9.83-acre property located at the northeast corner of Lantana Road and Haverhill Road. On November 18, 2004, the PBCBCC approved this land use change from MR-5 to CL with conditions.

All the above amendments have further changed the residential nature of this area of Palm Beach County. With the potential increase in development potential of the RaceTrac, with possibility of hours of operation 24-7, and the future development of the Lantana/Haverhill Commercial, a commercial node will be created with non-residential land use designations radiating out from the intersection, including the development of the approved self-storage facility currently under construction to the south of the property. There are numerous residential developments within a 2-mile radius of the subject property, thus the need to convert some of the remaining MR-5 properties to service these residents.

The Applicant has determined that it is the appropriate time to change the future land use designation to IND/5, and to develop the property consistent with the surrounding Institutional and non-residential uses. This FLU Amendment request will be consistent with the recent Future Land Use designation changes on properties to the west (west and east sides of Haverhill Rd. north of Lantana Rd.).

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

Applicant's Response: The proposed amendment to the IND-Industrial land use designation with an underlying MR5-Medium Residential 5 on the subject property is based on changes in the characteristics of the general area as reviewed previously in this statement. The site is located within a suburban corridor in an area with a mix of non-residential and residential future land designations and uses with an established commercial node at the intersection of Lantana and Haverhill Roads. Since the 1989 Plan was adopted, future land use designations for five properties located to the immediate west of the subject site have been amended from residential to commercial, industrial, and institutional. Also, the approval of the Burlington Self-Storage allowed industrial uses limited to the use of the site to a self-storage facility on the property located south of this request. The applicant intends on combining the subject site with the Burlington Self-Storage for use of outdoor vehicle storage. There is a need for additional services to support the

development in the area. Unfortunately, the Home Owners' Associations ("HOA") in a majority of these planned residential communities do not allow accessory buildings, storage sheds, or allow storage of Recreational Vehicles ("RVs") and/or boats on individual properties. When residents need to store additional items on their property, they find self-service storage facilities to accommodate their growing needs. This is a great opportunity to provide additional much-needed use of self-service storage to an area that already has a significant amount of existing residential development. Self-service storage is a low traffic generator and fits in well with the Institutional uses presently existing immediately to the west (Treatment Center of the Palm Beaches) and to the east along the north side of Lantana Rd. The site will be combined with and solely accessed internally through the Burlington Self-Storage currently under construction. No additional access is proposed off of DeSoto Road and the existing access to the site from DeSoto Road will be not be utilized. The additional land area will be used for storage of recreational vehicles and boats. No structures other than screening walls will be proposed on the additional land area.

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

Applicant's Response: A change in circumstance exist in that the subject property has now become available on the market and provides for an opportunity to expand the availability in the area for RV and recreation vehicle storage. The site will be combined with the previously approved Burlington Self-Storage facility that is located immediately south of the subject site. The applicant will be filing the required Development Order Amendment to combine both sites and to allow for vehicle storage including recreational vehicles and boats storage.

Corresponding FLUA designation.

Applicant's Response:

According to Table 2.2. 1-j.1, Residential Future Land Use – Zoning Consistency, the current AR zoning is inconsistent with the subject property's future land use designation of MR5. Further, the subject property is not ideal for medium residential development due to its land size and access. The fact that the property is only 1.29 acres restricts the ability to develop as a Planned Unit Development (PUD) as the minimum lot size for a PUD is 5 acres. Additionally, the property would only yield 6 dwelling units based on the standard and maximum density allowed in the MR5 future land use. The proposed amendment to amend the FLUA of the subject property to add an Industrial land use designation will meet the need for additional services to support the development in the area. The previous approval of the Burlington Self-Storage allowed industrial uses limited to the use of the site to a self-storage facility. The subject site will be combined with Burlington Self-Storage and be limited to outdoor vehicle storage. Amending the subject properties future land use designation is consistent with the Comprehensive Plan, As well as consistent with the surrounding properties.

G.2 RESIDENTIAL DENSITY INCREASES

Per Future Land Use Element Policy 2.4-b, provide a written analysis of the following:

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

Applicant's Response: No Residential density increase is proposed under this application. Therefore, this section does not apply to the request.

G.3 COMPATIBILITY WITH SURROUNDING USES

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. 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. 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." The proposed amendment is compatible with the adjacent and surrounding properties specifically because the proposed self-storage use is a low trip generator, low impact and will be a good neighbor to the surrounding residential and non-residential uses. Additionally, the ULDC will required appropriate buffers,

setbacks, etc., to mitigate any impact on the remaining residential uses on the road, and no additional access points are proposed.

The surrounding uses are consistent and compatible with the proposed development program. The following is a summary of the uses surrounding the Subject Property. Additional information is included on the Built Features Inventory and Map at Attachment F.

Below is a description of the uses on the adjacent properties:

Adjacent Lands	Use	Future Land Use	Zoning
North	Single Family Residential/Plant Nursery	MR-5	AR
South	Self-Storage (Burlington Self Storage)	IND/MR5	IL
East	Single Family Residential	LR1	RS
West	Institutional – Medical Center & Nursing or Convalescent Center (The Treatment Center of the Palm Beach)	INST/5	IPF

• **North:** The property immediately north of the Subject Property is a 2.6416+/- acre parcel with a FLUA designation of MR-5 and a Zoning designation of Agricultural Residential (AR). The site includes a single-family dwelling and the property Appraisers records reflect an AG Classification. The property appraisers' aeriels reflect what appears to be a plant nursery on the site and signage on site supports this assumption. No previous zoning approvals were noted in the Palm Beach County records.

• **South:** The property immediately south of the Subject Property is under construction with a Self-Storage facility known as Burlington Self-Storage. A small-scale land use designation from the MR-5 to the Industrial with an underlying 5 units per acre -IND/5 was in 2014 per Ordinance 2014-009 (Application SCA 2018-001/Control No. 2005-00427). The development of the site under the Industrial future land use designation was limited to a self-storage facility. The Board of County Commissioners granted approval on February 22, 2018 pursuant to Application SV/Z/CA 2017-0124 to allow a rezoning to the Industrial zoning designation, a Class A conditional use and a Subdivision Variance for access to allow a Single Use over 100,000 square feet in the Industrial FLU (Resolution R-2018-0196, R-2018-0197 & ZR 2018-002). The FDRO approved site plan reflects a 151,337 SF (952 bay) self-storage facility with 7,875 square foot (16 spaces) outdoor vehicle storage. The applicant intends on combining the subject property with this site to provide additional outdoor vehicle storage. The previous approval of the Burlington Self-Storage allowed industrial uses limited to the use of the site to a self-storage facility. The subject site will be combined with Burlington Self-Storage and be limited to outdoor vehicle storage as well.

• **West:** The property immediately west of the subject site is zoned IPF and designated with the Institution/MR5 land use designation. The site is home to the Treatment Center of the Palm Beaches, a drug and alcohol treatment center for both teens and adults. The future land use designation from MR-5 to INSTUTIONAL with underlying MR-5 was approved by the Board of County Commissioners in 2014 per Ordinance 2014-009. Additionally, the Board of County Commissioners approved a Rezoning to Planned Unit Development and a Type 3 Congregate living facility per ZR-2016-0023; R-2016-0552; 0553 and 0554. The approved site plan shows 107,159 square-feet and 320 beds in two (2) buildings with Building B being three (3) stories tall.

• **East:** The 1.39 acres site located immediately to the west of the subject site includes a 1,820 square foot single family dwelling which was initially constructed in 1962 per the property appraiser records. The site is zoned RS-Residential Single Family and designated with the LR-2 Low Residential 2 land use designation. A rezoning from AG-Agricultural District to RS-Residential Single-Family District was granted by the Board of County Commissioners on March 1, 1977 per Resolution R-1977-232.

G.4 CONSISTENCY WITH COMPREHENSIVE PLAN

The following summary details the requested FLUA amendment compliance with the County's Comprehensive Plan.

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

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

Applicant's Response:

The subject property is located within the Urban/Suburban Tier with 182.95 of frontage along DeSoto Road. However, the applicant intends to *combine the subject property with the Burlington Self-Storage facility which is located immediately to the south, and request a Development Order Amendment to allow similar industrial uses which will be limited to outdoor vehicle storage. The Burlington Self-Storage has over 287 feet of frontage along Lantana Rd., an Urban Minor Arterial roadway as identified by Map TE 3.1, Functional Classification of Roads. Access will be limited through the previously approved Burlington Self-Storage and no additional access is proposed on DeSoto Road.*

According to Table 2.2.1-j.1, Residential Future Land Use – Zoning Consistency, the current AR zoning is inconsistent with the subject property's Future Land Use designation of MR-5. The subject property is not ideal for residential development due to its size, location adjacent to the Treatment Center of the Palm Beaches. The fact that the property is only 1.29 acres restricts the ability to develop as a Planned Unit Development ("PUD") as the minimum lot size for a PUD is 5 acres. Additionally, the property would only yield 6 dwelling units based on the standard and maximum density allowed in the MR-5 future land use. Additional properties would have to be combined to justify a feasible residential planned community with all the necessary buffers, civic requirements, roadways and recreational amenities. Therefore, it is appropriate to amend the subject property's Future Land Use from MR-5 to IND/5 to allow the development of self-service storage consistent with the previous approval for the Burlington Self-Storage.

The land use plan amendment application and supporting documentation supports the premise that the use will have no negative impact on the natural environment, there exists available facilities and services to support the development, is compatible with the surrounding uses, provides for a balance of land uses in the area and does not create urban sprawl. The proposed expansion of the previously granted Industrial Land Use Designation on the property to the south, and the proposed condition continuing to limit the use to a low impact self-storage facility is not inconsistent with the TCRPC Study Report. Finally, the municipalities within a mile will be notified and have an opportunity to participate in the review process in accordance with the Intergovernmental Coordination Element of the Plan.

Objective 1.2 Urban/Suburban Tier – Urban Service Area General: Objective 1.2 of the Comprehensive Plan Future Land Use Element ("FLUE") states: "this tier [Urban/Suburban] is expected to accommodate the bulk of the population and its need for...goods and services..."

Applicant's Response: Several of the Agriculture Residential (AR) properties in this area have been rezoned and converted into planned residential communities. With this population increase, there is a need for additional services to support these new residents. Unfortunately, the Home Owners' Associations ("HOA") in a majority of these planned residential communities do not

allow accessory buildings, storage sheds, or allow storage of Recreational Vehicles and boats on individual properties. When residents need to store additional items on their property, they find self-service storage facilities to accommodate their growing needs. As referenced previously in this statement, the Burlington Self-Storage received approval for a Self-storage including outdoor vehicles storage. The applicant intends to combine the subject property with the Burlington Self-Storage facility and request a Development Order Amendment which will be limited to self-storage for recreation vehicles. This is a great opportunity to provide a much-needed use of self-service storage to an area that already has a significant amount of existing residential development. Self-service storage is a low traffic generator and fits in well with the mix of non-residential and residential uses in the immediate area. The proposed FLU is appropriate and suitable for the subject site.

County Directions - 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 PBC, and provide an adequate amount of conveniently located facilities and services while maintaining the diversity of lifestyles in the County.*

Direction 2. Growth Management. *Provide for sustainable communities and lifestyle choices by: a) directing the location, type, intensity, timing and phasing, and form of development that respects the characteristics of a particular geographic area.*

Direction 5. Neighborhood Integrity. *Respect the integrity of neighborhoods, including their geographic boundaries and social fabric.*

Applicant's Response: Along the Lantana Corridor in the immediate area there are varying residential densities and a mix of non-residential future land use designations near the subject site. West of the subject site, at the intersection of Haverhill and Lantana Road, commercial, industrial, and Institutional future land use designations have been adopted on various properties through recent amendments. Major residential development is north and south of Lantana Road, allowing the subject site to provide services to nearby communities without infringing on their lifestyles. An Industrial future land use designation, with a limitation to combine with the existing self-storage facility would not violate the County Directions.

Piecemeal Development - Policy 2.1-h: *The County shall not approve site specific Future Land Use Atlas amendments that encourage piecemeal development or approve such amendments for properties under the same or related ownership that create residual parcels. The County shall also not approve rezoning petitions under the same or related ownership that result in the creation of residual parcels.*

Applicant's Response: The Comprehensive Plan's Introduction and Administration Element defines piecemeal development in part as "a situation where land, under single ownership or significant legal or equitable interest by a person (as defined in Section 380.0651[4] F.S. and Rule 73C-40.0275 F.A.C.), is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole." The proposed FLUA Amendment is consistent with this policy as there are no adjacent sites under common ownership. Therefore, the land use amendment will not create a residual parcel or encourage piecemeal development.

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

Applicant's Response: The Comprehensive Plan's Introduction and Administration Element defines residual parcel as "a property under the same or related ownership that has been left out of a development area, resulting in a parcel which has limited development options and connections to surrounding properties." The applicant intends on combining the subject property with the Burlington Self-Storage which is located to the south, and requesting industrial uses which will be limited to outdoor vehicle storage. As there are no other properties under related ownership,

the proposed amendment would not result in a residual parcel and is therefore consistent with this policy.

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

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

Applicant’s Response: This policy promotes the placement of industrial future land uses at appropriate locations to satisfy the need for industrial space and provide opportunities for the retention and expansion of industrial and employment based economic activities, and to promote economic development consistent with the County’s economic development directives. The proposed amendment will allow the expansion of the industrial land use in an area already deemed appropriate for this industrial use. The proposed amendment for the industrial future land use designation on this site does not violate this policy.

Consistency with County Overlays, Plans, and Studies

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.”*

Applicant’s Response: The subject site is not located within any overlay. It is within the TCRPC Charrette Report Study Area, but not inconsistent with same or the prior approval for the property to the south for use as a self-storage facility.

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.....”*

Applicant’s Response:

The subject property is within the Palm Beach County/Greenacres/Atlantis Study area. The Treasure Coast Regional Planning Council held a Charrette and produced a report regarding the study area in February 2005. Although the report did not specifically identify a plan for the subject property, it did show more intense development commercial-like development with buildings close to Lantana Rd. and a potential slip-street design along the corridor. Single-family lots were shown to the north of the subject property in the various graphics from the report. The proposed amendment does not conflict with any of the directives in the charrette report, and to date, nothing from this report has ever been implemented.

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, transportation network, and available facilities and services. Assignments shall not be made that underutilize the existing or planned capacities of urban services.*

Applicant’s Response: The proposed amendment would change the future land use designation from Medium Residential, 5 units per acre, to Industrial/MR5. For the purposes of the public facilities analysis, the maximum floor area ratio (.85) at a trip generation of light industrial was applied for a maximum of 47,763.54 square feet. However, the applicant intends on seeking development approvals to combine the subject site with the previously approved Burlington Self-storage facility, located immediately south of the subject site for use as outdoor vehicle storage.

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. The amendment does not exceed natural or manmade constraints and no adverse comments were received.

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...

Applicant's Response: The Traffic Division reviewed this amendment and determined that the proposed amendment meets Policy 3.5-d of the Future Land Use Element of the Comprehensive Plan at the maximum potential density. The proposed change will have no significant impact for the long range and Test 2 analyses. The Traffic Study included with this request was prepared by Simmons & White, 2581 Metrocentre Blvd West, Suite 3, West Palm Beach, FL 33407.

G.5 CONSISTENCY WITH FLORIDA STATUTES

The following summary details the requested FLUA amendment compliance with Florida Statutes.

Florida Statutes, Section 163.3177 – 6.a. Requires that a local government's future land use plan element be based on a number of factors, including population projections, the character of undeveloped land, availability of public services and other planning objectives.

Applicants Response: The subject property creates an opportunity for infill development within the PBC's U/S Tier. The proposed land use designation is suitable and appropriate for subject property. In the immediate area there are varying residential densities and a mix of non-residential future land use designations near the subject site. West of the subject site, at the intersection of Haverhill and Lantana Road, commercial, industrial, and Institutional future land use designations have been adopted on various properties through recent amendments. Major residential development is north and south of Lantana Road, allowing the subject site to provide services to nearby communities without infringing on their lifestyles. The site will be combined with the previously approved Burlington Self-storage facility that is located immediately south of the subject site and designated with the Industrial land Use Designation and conditioned to the self-storage use. The site will be accessed internally through the Burlington Self Storage which is currently under construction. No additional access is proposed off of DeSoto Road. The additional land area will be used for storage of recreational vehicles and boats. This type of development in this location will allow the user to take advantage of existing infrastructure and PBC services, while maximizing an underutilized piece of land.

Florida Statutes, Section 163.3177.(6). (a).9. a: *The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below along with the Applicant's descriptions. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment discourages urban sprawl.*

1. 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 Applicant is requesting to amend the current FLUA designation of the subject property to allow the IND-Industrial land use designation with an underlying MR5-Medium Residential 5 (existing). The site will be combined with the previously approved Burlington Self-storage facility that is located immediately south of the subject site. The applicant will be filing the required Development Order Amendment to combine both sites and to allow for vehicle storage including recreational vehicles and boats storage. The overall land area remains below 10 acres in size and would not be considered a substantial land area within the County.

By allowing the proposed Industrial to be developed on the subject property, PBC is promoting development of an infill parcel to provide a much-needed use of self-service storage to an area that

already has a significant amount of existing residential development. Self-service storage is a low traffic generator and fits in well with the mix of non-residential and residential uses in the immediate 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**

Applicant's Response: The subject property is within the U/S Tier surrounded by non-rural lands. The subject property is located in close proximity to urban areas which include urban services such as police, fire rescue and water/wastewater/drainage utilities. As such, it is not located in a rural area and meets the goals of infill development in an area suitable for same.

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

Applicant's Response: The proposed development is not isolated in nature as existing development exists to the immediate south, east, and west within the U/S Tier and could be considered infill development.

- **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: There are no significant environmental resources or habitats existing on the subject property. As a result of historical disturbance and current development on the property, vegetation consists of a combination of planted native and exotic species including a dominance of invasive exotic species. Native tree species consist of only slash pine. No listed plant or animal species were observed on the property and no jurisdictional wetlands were observed on the property. No significant impacts to natural resources are anticipated to result from this land use amendment. See Application Attachment L. for Environmental Information.

- **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: The subject property is located within the U/S Tier and in recent history, not been used for agriculture activities. There does appear to be a nursery to the north, which will not be impacted via the required buffers and setbacks required in the zoning approval process. Neither is it located within any zoning district or overlay which would mandate a continued use of agriculture. As such, the proposed FLUA Amendment does not fail to adequately protect said activities.

- **Fails to maximize use of existing public facilities and services.**

Applicant's Response: The subject property is located with access to the necessary public facilities and services. The applicant intends to combine the subject site with the previously approved Burlington Self-storage facility that is located immediately south of the subject site. The applicant will be filing a future Development Order Amendment to rezone and combine both sites to allow for outdoor vehicle storage. The combination of the parcels will maximum the use of the existing public facilities and promote compact, smart growth, while offering a self-storage facility for residents and business located in the immediate area. Therefore, the proposal discourages the proliferation of Urban Sprawl.

- **Fails to maximize use of future public facilities and services.**

Applicant's Response: The request to re-designate the subject site from the MR-5 land use designation to the IND land use designation will maximize the use of future public facilities and services as the subject property is located so as to concentrate the use of the facilities within an urban area. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing and future facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl.

- **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: The proposed amendment does not increase the costs of providing services as they already exist in the area. The additional tax revenue from the proposed development will aid in maintaining the existing infrastructure. Also, the proposed development will address stormwater management on the subject property and no significant off-site roadway improvements are anticipated due to the insignificant amount of traffic anticipated to be created by the proposed use. Therefore, the proposal discourages the proliferation of Urban Sprawl.

- **Fails to provide a clear separation between rural and urban uses.**

Applicant's Response: Allowing limited Industrial development on the subject property is consistent with the style of development in the U/S Tier, as well as adjacent areas. The subject property is located within PBC's U/S Tier and is not adjacent to rural uses. Therefore, the proposal discourages the proliferation of Urban/Sprawl.

- **Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.**

Applicant's Response: This amendment will allow for what could be considered infill development as U/S styles of development have occurred and/or been approved in the surrounding area.

- **Fails to encourage a functional mix of uses.**

Applicant's Response: As previously discussed the property located to the south was approved for a self-storage facility for Burlington Self-Storage. The applicant intends to combine the subject site with the previously approved Burlington Self-storage facility. The applicant will be filing a future Development Order Amendment to rezone and combine both sites to allow for outdoor vehicle storage. The combination of the parcels will offer a self-storage facility for residents and business located in the immediate area and the creation of jobs encouraging a functional mix of uses. There exist a mix of uses in the immediate area including residential, institutional and commercial.

- **Results in poor accessibility among linked or related land uses.**

Applicant's Response: As previously discussed the property located to the south was approved for a self-storage facility for Burlington Self-Storage. The applicant intends to combine the subject site with the previously approved Burlington Self-storage facility. Pedestrian and vehicular access will continue to be provided solely through the combined site to Lantana Road and DeSoto Road.

- **Results in the loss of significant amounts of functional open space.**

Applicant's Response: This amendment does not result in a loss of any functional open space as the subject property is currently not utilized as functional open space.

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

- **Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.**

Applicant's Response: This amendment does not fail to protect and conserve natural resources as it is the intent of the owner to protect onsite natural resources or potentially mitigate as permitted by code as part of the zoning application.

- **Promotes the efficient and cost-effective provision or extension of public infrastructure and services.**

Applicant's Response: The requested amendment maximizes the use of future public facilities and services existing and within an area. No facilities would be required to be installed in rural or sparsely populated areas. Therefore, the proposal discourages the proliferation of Urban Sprawl.

- **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: As previously discussed the property located to the south was approved for a self-storage facility for Burlington Self-Storage. The applicant intends to combine the subject site with the previously approved Burlington Self-storage facility. Pedestrian and vehicular connections will be provided through the combined site to connect to the existing sidewalks along Lantana Road.

- **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 would create a balance of land uses as it establishes additional services to support the residential and non-residential development in the immediate area. More specifically, the Home Owners' Associations ("HOA") in a majority of these planned residential communities do not allow accessory buildings, storage sheds, or allow storage of Recreational Vehicles and boats on individual properties. When residents need to store additional items on their property, they find self-service storage facilities to accommodate their growing needs. As referenced previously in this statement, the Burlington Self-Storage received approval for a Self-storage facility including outdoor vehicles storage. The applicant intends to combine the subject property with the Burlington Self-Storage facility and request a Development Order Amendment to allow similar industrial uses which will be limited to outdoor vehicle storage. This is a great opportunity to provide a much-needed use of self-service storage to an area that already has a significant amount of existing residential development. Self-service storage is a low traffic generator and fits in well with the mix of non-residential and residential uses in the immediate area.

In conclusion, the requested FLUA Amendment will allow the IND-Industrial land use designation with an underlying MR5-Medium Residential 5. The site will be combined with the previously approved Burlington Self-storage facility that is located immediately north of the subject site. The applicant will be filing the required Development Order Amendment to combine both sites and to allow for vehicle storage including recreational vehicles and boats storage and will also be conditioned to the use of self-storage. The request is justified and consistent with the Plan and State of Florida laws and is compatible with surrounding uses.

Exhibit 4
Applicant's Public Facilities Table

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Multi Family Low Rise (ITE#220)	Light Industrial (ITE#110)
Maximum Trip Generation	44 trips per day	213 trips per day
Net Daily Trips:	169 daily trips	
Net PH Trips:	30 (in 26/out 4) AM, 27 (in 4/out 23) PM (maximum)	
Significantly impacted roadway segments that fail Long Range	None	
Significantly impacted roadway segments for Test 2	None	
Traffic Consultant	Anna Lai, Simmons & White	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Palm Tran Route 63	
Nearest Palm Tran Stop	Palm Tran Stop 6824 is located .2 miles south of the site at Lantana Road and Wiloughby Farms residential development.	
Nearest Tri Rail Connection	Lake Worth Road	
C. Portable Water & Wastewater Information		
Potable Water & Wastewater Providers	A confirmation letter has been provided that confirms the subject parcel is located within the Palm Beach County Water Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required at the current land use designation of Medium Residential-MR5 and the proposed land use of Industrial-IND. See Application Attachment I for confirmation of LOS.	
Nearest Water & Wastewater Facility, type/size	The nearest PBC WUD portable water facility is an 8" watermain located west of the subject property. An ongoing project is extending a watermain to the southeast corner of the subject property. Future development will require the extension of this watermain. There is an existing gravity main located approximately 600 feet north of the subject property and the intersection of Nash Trail and De Soto Road. In addition, a 10" force main is located with Lantana Road right-of-way.	
D. Drainage Information		

The site is located within the boundaries of the Lake Worth Drainage District and South Florida Water Management District C-16 Drainage Basin. Legal positive outfall is available via connection to the De Soto Road drainage system adjacent to the east property line. Drainage Design is to address the following:

1. Onsite 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;
4. Parking lots to be protected from flooding during a 3-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.

See Application Attachment J for the Drainage Statement.

E. Fire Rescue

Nearest Station	PBC Fire Rescue Station #43, 5970 South Military Trail
Distance to Site	Station #43 is located .12 miles north of the intersection and De Soto Road.
Response Time	The average response time is 6 minutes and 24 seconds.
Effect on Resp. Time	Estimated response time is 4 minutes and 30 seconds. See Application Attachment K. for Fire Rescue confirmation letter.

F. Environmental

Significant habitats or species	There are no significant environmental resources or habitat existing on the subject property. As a result of historical disturbance and current development on the property, vegetation consists of a combination of planted native and exotic species including a dominance of invasive exotic species. Native tree species consist of slash pine, beggar ticks and grapevines. No listed plant or animal species were observed on the property and no jurisdictional wetlands were observed on the property. No significant impacts to natural resources are anticipated to result from this land use amendment. See Application Attachment L. for Environmental Information, prepared by EW Consultants.
Flood Zone*	The site is located in Flood Zone X as reflected on the FEMA Flood Rate Insurance Map Panel 175B of 245 (Palm Beach County)
Wellfield Zone*	The subject site is not located in a wellfield protection zone per attached engineer statement and map included as Application Attachment M.

G. Historic Resources

There are no historical resources on the subject property. Please see Application Attachment N.

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

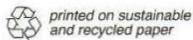
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**Palm Beach County
Board of County
Commissioners**

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"*



October 17, 2019

Anna Lai, P.E., PTOE
Simmons & White
2581 Metrocentre Boulevard West, Suite 3
West Palm Beach, FL 33407

**RE: Burlington Self Storage Expansion
FLUA Amendment Policy 3.5-d Review
Round 2020-B**

Dear Ms. Lai:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Statement for the proposed Future Land Use Amendment for the above referenced project, dated October 4, 2019, 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:	North of Lantana Road, west side of DeSoto Road	
PCN:	00-42-44-36-09-013-0030	
Acres:	1.29 acres	
	Current FLU	Proposed FLU
FLU:	Medium Residential, 5 dwelling units per acre (MR-5)	Industrial (IND)/Medium Residential, 5 dwelling units per acre (MR-5)
Zoning:	Agricultural Residential (AR)	Light Industrial (IL)
Density/Intensity:	5 dwelling units per acre	5 dwelling units per acre or 0.85 FAR
Maximum Potential:	Multifamily Low-Rise Housing up to 2 story (Apartment/Condo/TH) = 6 Dwelling Units	Light Industrial = 47,764 SF
Proposed Potential:		N/A
Net Daily Trips:	169 (maximum – current)	
Net PH Trips:	30 (26/4) AM, 27 (4/23) PM (maximum)	
* <i>Maximum</i> indicates typical FAR and maximum trip generator. <i>Proposed</i> indicates the specific uses and intensities/densities anticipated in the zoning application.		



Anna Lai, P.E., PTOE
October 17, 2019
Page 2

Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment **meets** Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the maximum potential density shown above. The proposed change will have no significant impact for the long range and Test 2 analyses.

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

Sincerely,

A handwritten signature in blue ink that reads "Quazi Bari".

Quazi Bari, P.E.
Manager - Growth Management
Traffic Division

QB:DS/rb
ec:

Dominique Simeus, P.E. – Project Coordinator II, Traffic Division
Steve Bohovsky – Technical Assistant III, Traffic Division
Lisa Amara – Senior Planner, Planning Division
Khurshid Mohyuddin – Principal Planner, Planning Division
Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\20-B\Burlington Self Storage Expansion.docx

Exhibit 6
Water & Wastewater Provider LOS Letter



Attachment I

**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**

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"*

printed on sustainable
and recycled paper

October 22, 2019

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

RE: Burlington Self Storage
PCN 00-42-44-36-09-013-0030
Approximately .12 miles north of the intersection of Lantana Road
and DeSoto Road
Service Availability Letter

Dear Ms. Polson,

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 at the current land use designation of MR5 (Medium Residential 5) and the proposed land use IND (Industrial).

The nearest potable watermain is an 8" watermain located west of the subject property. An ongoing project is extending a watermain to the southeast corner of the subject property. Future development of this site will require the extension of this watermain. There is an existing gravity main located approximately 600 feet north of the subject property at the intersection of Nash Trail and DeSoto Road. In addition, a 10" forcemain is located within Lantana Road right of way. Reclaimed water is not available at this location.

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,
Plan Review Manager

Exhibit 7 Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

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
Steve. Allain, 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 Steve Allain [position - e.g.,
president, partner, trustee] of _____ [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: 5857 Desoto Road
Lake Worth, FL 33463-6914

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.

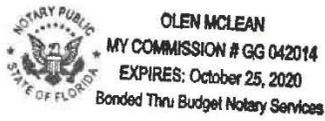
FURTHER AFFIANT SAYETH NAUGHT.

Steve P. Allain

Steve Allain, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 1 day of Nov, 2019, by Steve Allain, [] who is personally known to me or [] who has produced FL DRIVER'S license as identification and who did take an oath.



Olen McLean

Notary Public

Olen McLean

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: _____

EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION OF:

5857 DE SOTO ROAD, LAKE WORTH, FL, 33463

THE NORTH ONE-HALF (1/2) OF TRACT THIRTEEN (13), LESS THE EAST TWENTY-FIVE (E 25 FT) THEREOF FOR ROAD RIGHT OF WAY, AND LESS THE NORTH FIVE HUNDRED TEN FEET (N 510 FT) THEREOF IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 10, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

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 Christopher M. Capozzoli, 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 Burlington Self-Storage of Lake Worth, LLC 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: 144 West Street, Wilmington, MA 01887

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.

FURTHER AFFIANT SAYETH NAUGHT.



 Christopher M. Capozzoli, Affiant
 (Print Affiant Name)

The foregoing instrument was acknowledged before me this 15 day of October _____,
 20 19, by Christopher M. Capozzoli _____, [] who is personally
 known to me or [] who has produced _____
 as identification and who did take an oath.





 Notary Public

Linda Borsetti

 (Print Notary Name)

NOTARY PUBLIC

State of Florida ~~at Large~~ ^{MA}
 My Commission Expires: 9/11/26

EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION OF:

5857 DE SOTO ROAD, LAKE WORTH, FL, 33463

THE NORTH ONE-HALF (1/2) OF TRACT THIRTEEN (13), LESS THE EAST TWENTY-FIVE (E 25 FT) THEREOF FOR ROAD RIGHT OF WAY, AND LESS THE NORTH FIVE HUNDRED TEN FEET (N 510 FT) THEREOF IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 10, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR 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

Christopher Capozzoli 114 West Street Wilmington, MA 01887

L. Ron Capozzoli 114 West Street Wilmington MA 01887

**Exhibit 8
Correspondence**

J O N E S
F O S T E R

June 12, 2020

Via hand delivery:

Ms. Carolina Valera
Senior Planner
Palm Beach County Planning Division
2300 N. Jog Road
West Palm Beach, FL 33411-2741

Re: Plan Amendment for Burlington Self-Storage of
Lake Worth (SCA 2020-013) (Burlington)

Dear Ms. Valera:

Please distribute this to the members of the Planning Commission.

I represent David & Leighan Rinker (the Rinkers), the owners of the property across DeSoto Road from the above referenced self-storage facility. Leighan Rinker was the Founder and is the President of Palm Beach Atlantic University's Beginnings Pre-School Early Learning Center (Beginnings). In February of 2018, the developers of Burlington agreed to a number of conditions proposed by Beginnings which were incorporated as conditions to the approval of its self-storage facility. One such condition required Burlington to install a landscape buffer on the east side of De Soto Road across from Beginnings prior to pulling a building permit for the construction of the self-storage facility. *The construction of the self-storage facility is nearly complete, but Burlington did not fulfill its commitment to Beginnings and the County's condition to construct the landscape buffer prior to the issuance of a building permit until yesterday.*

Now Burlington is requesting a change in the future land use and a concurrent rezoning to allow for the expansion of its self-storage facility to the north by developing an outdoor storage yard. In its application, Burlington notes that there have been changes in the land uses within ¼ mile of the property and changes in the characteristics of the general area. However, Beginnings was approved in 1983 and has operated across De Soto Road from the Burlington site for more than 25 years. Burlington's expansion of the self-storage facility to include an outdoor storage yard remains of concern to the families who transport their children along DeSoto Road to Beginnings. *To ensure that the families of Beginnings are protected, the Rinkers request that if the Industrial land use designation with underlying MR5-Medium Residential 5 is approved, that this approval be conditioned such that the use of the Burlington property is limited to a self-storage facility.* I understand that this is the Planning Division's recommendation and I urge the Planning Commission to follow this recommendation.

E S T .
1 9 2 4

tbaird@
jonesfoster.com
561-650-8233 T
561-650-5300 F

4741 Military Trail
Suite 200
Jupiter
Florida 33458

Carolina Valera
Via hand delivery:
Page 2

Although this is not a zoning hearing, I do want to memorialize the Rinker's expectations as this application moves forward. Please note that there were conditions associated with the zoning approval that were imposed by the Board of County Commissioners on the self-storage facility, including the previously referenced landscaping. Consistent with the prior zoning approval, the Rinkers expectation is that opaque landscaping will be required and *will be timely installed* so that the outdoor storage yard is not visible from the roadway and Beginnings. Additionally, as part of the previous rezoning, Burlington agreed to record a restrictive covenant to limit the self-storage facility such that only vehicles customarily maintained by households for personal use, such as recreational vehicles or pleasure boats could be stored on site. The Rinkers expect that this same covenant will be recorded against the subject property. While it is understood that the Planning Commission's role does not permit it to impose such conditions as part of its land use approval, the Rinkers would appreciate it if Burlington confirms on the record that it will be meeting the Rinkers expectations as outlined herein. On behalf of the Rinkers, I thank the applicants agent for working with us.

Very truly yours,

JONES FOSTER P.A.



Thomas J. Baird

Florida Bar Board Certified City, County and Local Government Attorney

TJB:MRG

cc: client

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