



## COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 22-A

### DEO TRANSMITTAL REPORT, NOVEMBER 3, 2021

#### A. Application Summary

##### I. General Data

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<b>Project Name:</b>	<b>Reserve at Atlantic (LGA 2022-006)</b>
<b>FLUA Summary:</b>	<b>AGR to MLU (INST/AGR/12)</b>
<b>Text Summary:</b>	To amend the Comprehensive Plan to allow higher density residential development in the Agricultural Reserve Tier.
<b>Acres:</b>	38.88 acres
<b>Location:</b>	Southeast corner of Atlantic Avenue and Half Mile Road
<b>Project Manager:</b>	Lisa Amara, Zoning Director
<b>Applicant:</b>	Bove Investment Holdings, LLC
<b>Owner:</b>	The Taheri Grandchildren's Irrevocable Trust
<b>Agent:</b>	Lauren McClellan, JMorton Planning & Landscape Architecture
<b>Staff Recommendation:</b>	Staff recommends <b>Denial</b> based upon the conclusions contained within this report

##### II. Assessment & Conclusion

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The applicant proposes a future land use amendment on a 38.88 acre site from Agricultural Reserve (AGR) to Multiple Land Use with Institutional and Public Facilities, Agricultural Reserve with an underlying 12 units per acre (MLU, INST/AGR/12) with up to 480 multifamily units under the modified request, or up to 520 units through a rezoning with no future land use amendment under the initiated request. Under either version, the amendment proposes higher densities in the Agricultural Reserve Tier specifically for the development of residential planned developments for what the applicant refers to as Essential Housing Residential. Depending on the land area considered as the 'development area', this will result in 8, 12, or 20 units per acre density.

This private amendment requests changes to the Comprehensive Plan that represent major departures from nearly all of the fundamental policy concepts directed by the Board of County Commissioners, and adopted into the Comprehensive Plan, including requiring preserve area and limiting development in the Tier. Although there is a basis for considering a wider range of housing types within the Agricultural Reserve Tier, the applicant has failed to provide a compelling basis to support the reduction in preserve area, changes to preserve uses, and mechanisms proposed to increase density, whether through a rezoning or higher density on preserve area. Further, the applicant has failed to demonstrate any unique characteristics of this site that justify moving forward ahead of the upcoming BCC Workshop on October 26<sup>th</sup>. These policy changes are not appropriately addressed by a private applicant for an individual property, and need to be considered with regards to the Tier as a whole and taking into account the long range and service implications presented by increasing densities and revising preserve requirements within the Tier.

### III. Hearing History

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**Local Planning Agency: *Denial***, motion by Spencer Siegel, seconded by Eric Royal, passed in a 14 to 0 at the October 15, 2021 public hearing. Under discussion, Commission members spoke in support of staff's recommendation and expressed support for the project, but questioned the timing of the request considering the upcoming Ag Reserve workshop. Commission members asked questions regarding the lack of multifamily development built in the Tier to date, and whether there were housing or market studies demonstrating a need for workforce housing west of the Turnpike. Five members of the public spoke. Three spoke in support expressing the need for workforce housing in the Tier. Two members of the public, including a representative from the Sierra Club, spoke in opposition stating that the item is premature due to the upcoming Ag Reserve Workshop. Seven comment cards were read into the record, five were in support and two were in opposition. One letter from counsel representing 1,000 Friends of Florida and Sierra Club Loxahatchee Group was submitted for the record and added to the BCC report (see Exhibit 10).

**Board of County Commissioners Transmittal Public Hearing: *Transmit as modified***, motion by Commissioner McKinlay, seconded by Vice Mayor Weinroth, passed in a 5 to 1 vote with Mayor Kerner dissenting (Commissioner Bernard absent) at the November 3, 2021 public hearing. Prior to the hearing, the agent for the applicant submitted a new text version for Exhibit 1 (see Exhibit 1 and Exhibit 11). The motion reflected the transmittal of the newly proposed version of the text amendment submitted as part of the add/delete agenda with the applicant's modification to the workforce ranges and added roadway connector at the hearing (Exhibit 1). Under discussion, Commissioners questioned the multifamily approvals at the two traditional marketplace developments (TMDs), whether the planned connection of Smith Sundry and Half Mile Road be part of the project, and whether short-term rentals would be allowed on the site. The Board expressed support for workforce housing and questioned the specifics of the proposed housing ranges for this application. Subsequently, the agent for the applicant volunteered to limit the ranges to within the 60-120% income categories, and stated on the record that the connection of Smith Sundry and Half Mile Roads would be included within the final project. Twelve members of the public spoke in support of multifamily in the Tier and need for workforce housing located near employment centers. Two members of the public representing the Sierra Club spoke in opposition citing the eroding of rules in the Tier and opposition to land use changes on a case-by-case basis. A letter was submitted in opposition by Robert Hartsell, representing 1000 Friends and Sierra Club Loxahatchee Group 1000 Friends of Florida (see Exhibit 10).

#### **State Review Comments:**

#### **Board of County Commissioners Adoption Public Hearing:**

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## B. Petition Summary

### I. Site Data

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#### Current Future Land Use

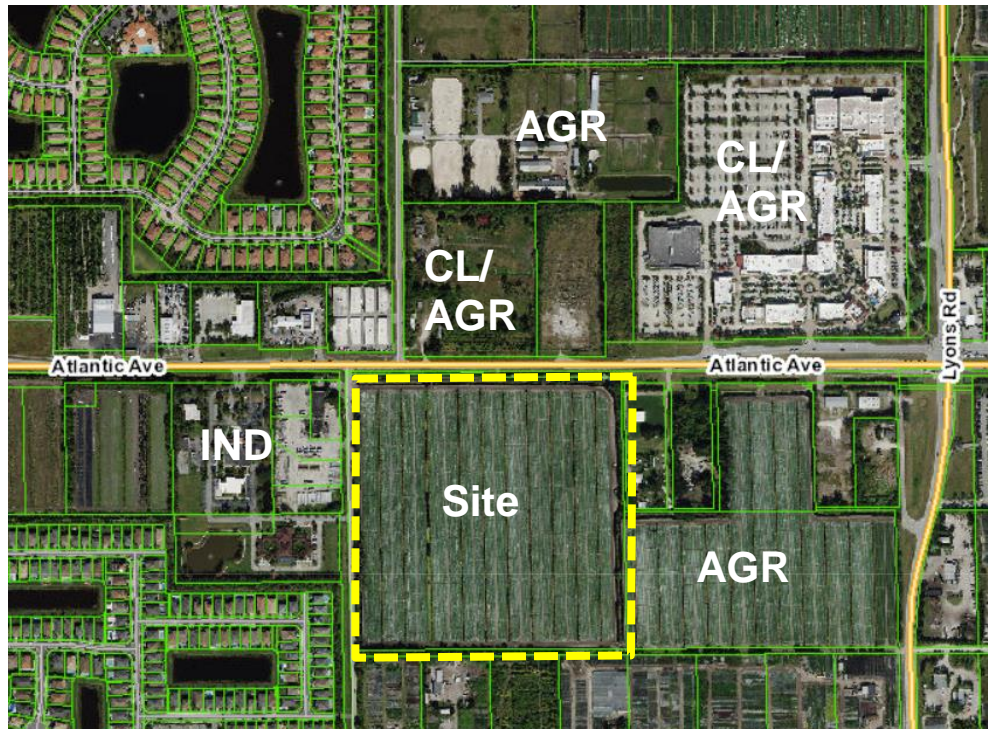
**Current FLU:** Agricultural Reserve (AGR)  
**Existing Land Use:** Agriculture  
**Current Zoning:** Agricultural Reserve (AGR)  
**Current Dev. Potential Max:** Agricultural uses, up to 254,042 sf (0.15 FAR)

#### Proposed Future Land Use Change

**Proposed FLU:** Multiple Land Use with Institutional & Public Facilities, AGR, and an underlying 12 units per acre (MLU, INST/AGR/12)  
**Proposed Use:** Residential, up to 480 units and 120 student daycare, and preserve area  
**Proposed Zoning:** Multiple Use Planned Development (MUPD)  
**Dev. Potential Max/Conditioned:** Residential, up to 480 units and 120 student daycare, and preserve area

#### General Area Information for Site

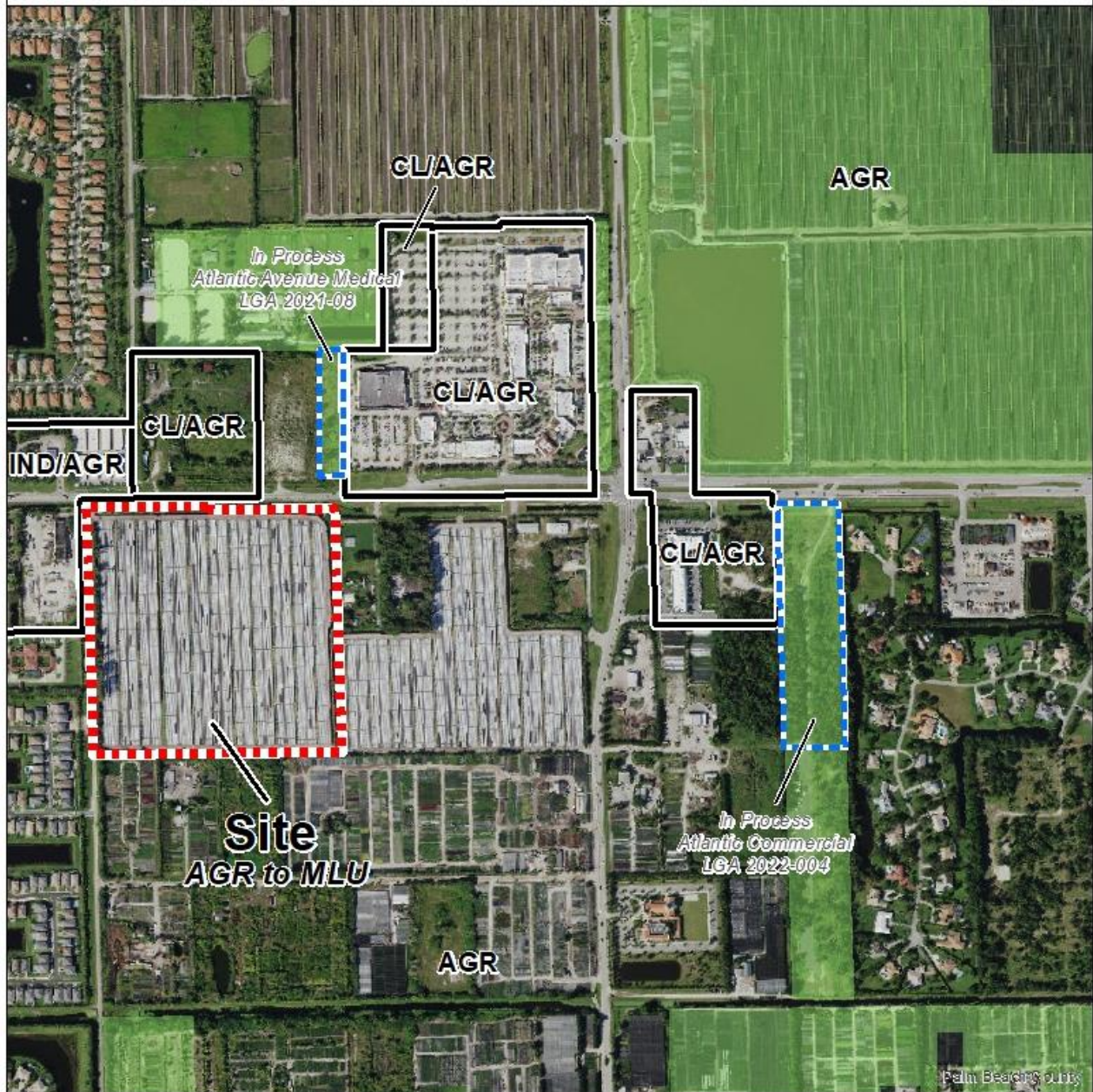
**Tier:** Agricultural Reserve Tier – No Change  
**Utility Service:** Palm Beach County Water Utilities Department  
**Overlay/Study:** Agricultural Reserve Master Plan  
**Comm. District:** Commissioner Maria Sachs, District 5





# Future Land Use Atlas Amendment

## Reserve at Atlantic (LGA 2022-006)



### Site Data

Size: 38.88 acres  
 Existing U se: Agriculture  
 Proposed Use: Residential & Daycare  
 Current FLU: Agricultural Reserve (AGR)  
 Proposed FLU: Multiple Land Use (MLU)

### Future Land Use Designations

AGR: Agricultural Reserve  
 CL/AGR: Commercial low, underlying AGR  
 IND/AGR: Industrial, underlying AGR

Date: 5/14/2021  
 Contact: PBC Planning  
 Filename: 22-B/Site/22-006  
 Note: Map is not official, for presentation purposes only.



230 0 230 460 Feet



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



## C. Introduction

### I. Intent of the Amendment

The 38.88 acre subject site is located in the central portion of the Agricultural Reserve Tier, at the southeast corner of Atlantic Avenue and Half Mile Road. The Atlantic Avenue corridor is fronted by industrial, commercial, and agricultural uses. The site is currently utilized as agriculture.

**Amendment Background:** The site has been the subject of two privately proposed text amendments requests for initiation.

- **BCC June 20, 2020.** The first request was withdrawn by the applicant prior to the hearing.
- **BCC May 5, 2021.** The second request was initiated by the Board of County Commissioners.

Name	Text Amendment	FLUA Amendment
<b>May 5<sup>th</sup> Initiation Version</b>	To add a new Essential Housing Residential (EHR) 60/40 AGR-PDD: <ul style="list-style-type: none"><li>• Allows a density up to 8 units per acre on <b>Total</b> land area (Development &amp; Preserve)</li><li>• Achieved in the AGR future land use with no FLUA amendment</li><li>• Creates new EHR AgR-PDD zoning requiring ULDC change to reduce PUD size</li><li>• Provide 60% preserve area</li><li>• Limit to Atlantic Avenue</li></ul>	<ul style="list-style-type: none"><li>• Change AGR designation to Industrial (IND) with 85,000 s.f. self-storage on 5+/- acres;</li><li>• Add conditions to AGR on to remain Ag Reserve (AGR) with density up to 8 units per acre on the <b>Total</b> land area (Dev. and Preserve) (<b>520 units</b>) with a 25% workforce and 35+/- acres</li><li>• Add a daycare</li><li>• Revise ULDC to reduce PUD size</li></ul>
<b>Original Application Intake Version</b>	Same as above	<ul style="list-style-type: none"><li>• Change AGR designation to Industrial (IND) with 85,000 s.f. self-storage on 5+/- acres;</li><li>• Add conditions to AGR on to remain Ag Reserve (AGR) with density up to 8 units per acre on the <b>Total</b> land area (Dev. and Preserve) (<b>560 units</b>) with a 25% workforce and 35+/- acres</li><li>• Add a 120 student daycare</li><li>• Revise ULDC to reduce PUD size</li></ul>
<b>Modified Application for Staff Report Version</b>	To add a new Essential Housing Residential (EHR) 60/40 AGR-PDD: <ul style="list-style-type: none"><li>• Allows a density up to 12 units per acre on <b>Development Area &amp; On-Site Preserve</b></li><li>• Achieved through FLUA amendment from AGR future land use to Multiple Land Use</li><li>• Utilizes existing MUPD zoning</li><li>• Revises uses allowed in the 60% Preserve to allow open space, park, and water features to count towards preserve</li><li>• Limit to Atlantic Avenue</li></ul>	<ul style="list-style-type: none"><li>• Industrial is no longer requested</li><li>• Change AGR designation to Multiple Land Use with Institutional and Public Facilities, AGR, and an underlying 12 units per acre (MLU, INST/AGR/12) on 38.88 acres</li><li>• Allow a density up to 12 units per acre on the <b>Development area and On-Site Preserve (480 units)</b> with 25% workforce housing</li><li>• Add a 120 student daycare</li></ul>

**Zoning Application.** There is no concurrent zoning application. The initial proposed text amendment requires a Privately Initiated Amendment to the Unified Land Development Code as it allows the site to be rezoned to a higher density without a future land use amendment (see Exhibit 1-A). Depending on the version of the text amendment that is transmitted by the Board, the applicant will either submit a PIA with rezoning application for AGR-PUD or will not need a PIA if Exhibit 1-B is initiated and the applicant submits an application for a Multiple Use Planned Development (MUPD).

## **II. Agricultural Reserve History**

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### **A. Agricultural Reserve Tier Introduction**

The Agricultural Reserve is a unique area of the County encompassing approximately 22,000 acres located west of the suburban unincorporated communities of West Boca, West Delray, West Boynton, and east of the Loxahatchee Wildlife Refuge. The purpose of the Agricultural Reserve is to preserve unique farmland and wetlands in order to enhance agricultural activity, environmental and water resources, and open space, by limiting uses to agriculture, conservation, low density residential development, and non-residential uses which serve the needs of farmworkers and residents of the Agricultural Reserve Tier. The area has been designated primarily for agricultural preservation and limited development options for the past 40 years, and was established as an individual tier as part of the Managed Growth Tier System adoption in 1999. The Agricultural Reserve Tier, as it is now called, was the subject of a Master Plan in the late 1990s, which was concluded with the adoption of policies in the Comprehensive Plan in 2001 that implemented Board direction at the time. Subsequent to the completion of the Master Plan (dated October 2000), the Tier has largely been developed as anticipated and the home of approximately 25,000 residents.

The Agricultural Reserve was the subject of a year-long “Roundtable” process directed by the Board of County Commissioners (BCC) in 2014 to consider changes to policies in the Tier. At the March 2015 Workshop, the BCC considered the input received during the Roundtable process and directed staff to proceed with specific actions and Plan amendments. Subsequently, the Board adopted several policy changes that will be discussed throughout this report, along with a series of privately proposed amendments for neighborhood serving commercial uses. The latest total acreages by future land use designation are provided in the Table 1 below.

**Table 1 - Future Land Use Designations in Agricultural Reserve Tier**

<b>Future Land Use Designation</b>	<b>Acres</b>
Agricultural Reserve	20,133
Commercial Low	136
Com. Low/Industrial	13
Conservation	1,463
Industrial	64
Institutional	207
Utilities	41
<b>Total</b>	<b>22,058</b>

The Agricultural Reserve Tier policies are uniquely independent of the other policies in the Comprehensive Plan, and largely captured in Objective 1.5.

**OBJECTIVE 1.5, The Agricultural Reserve Tier.** *Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to low densities and non-residential development limited to uses serving the needs of farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it.*

## **B. Residential Land Use in the Agricultural Reserve**

Residential development in the Ag Reserve Tier, excluding farmworker housing and grooms quarters, is limited to one of the following:

- 1 dwelling unit per 5 acres, or
- 1 dwelling unit per 1 acre clustered onto either 20% or 40% of the land area, with 80% or 60% preserve area through the Ag Reserve Planned Development (AGR-PUD) options.

The majority of the residential development that has occurred in the Tier since the Master Plan policies were adopted has been through 60/40 AGR-PUDs, with the residential development clustered onto 40% of the land area. The resulting net density of the development areas is typically 2.5 to 3 units per acre and constructed as zero lot line or single-family housing types. The two planned mixed-use developments approved at the commercial nodes of the Tier (Canyon Town Center at Boynton Beach Boulevard and Lyons Road, and Delray Market Place at Atlantic Avenue and Lyons Road) have approvals for residential multifamily development, but have not been constructed.

## **VI. Issues and Implications**

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Below is a discussion of each of the policy concepts in the Tier that is subject to the proposed For each concept, an overview, implementation, changes, current status, proposed amendments, and staff analysis of policy implications are presented.

### **A. Workforce Housing**

**Policy Directive:** To foster the development of workforce housing is a policy directive of the Comprehensive Plan for the Urban/Suburban Tier. There is no requirement for workforce housing obligation or workforce housing density bonus in the Agricultural Reserve Tier.

**Implementation Tool:** There is no policy requirement for units in the Tier to be set aside as workforce housing units, as is the case in the Urban/Suburban Tier; however, there is no prohibition on developers limiting units to the workforce housing ranges by their own accord. The Urban Suburban Tier requires that a percentage of all new developments of 10 units or more provide a portion of the units as workforce housing or be subject to an in lieu fee, and allows density bonus options in exchange for additional workforce housing units.

**Changes Over Time:** In 2006, at the time the inclusionary workforce housing was adopted by the Board, the WHP applied in the Urban/Suburban, Exurban, and Rural Tiers, as well as in the Scientific Community Overlay, and the Agricultural Reserve Area was specifically excluded. In 2009, during the transmittal public hearing for the Affordable Housing and Workforce Housing Programs, the Board of County Commissioners discussed whether to apply the Program in the Agricultural Reserve Tier. The Board directed that the Programs be limited to the Urban/Suburban Tiers. Subsequently, major amendments in the Rural Tier were required by adopting an ordinance to include a portion of the units as workforce housing.

**Current Status:** There are approximately 9,700 units built in the Agricultural Reserve Tier, none of which have a condition of approval requiring workforce housing units. The Delray Marketplace and the Canyon Town Center mixed use projects allow for 73 and 93 multi-family units, respectively, with 59 of the Canyons units assigned to the County owned pod of the development. Inclusion of these multi-family units was intended to provide the opportunity for diversity in housing types and prices, but the units are not required to be income-restricted as workforce housing. To date, the units are unbuilt.

**Proposed Reserve at Atlantic Amendment.** The request proposes a new Essential Housing Residential Option that provides a density increase to 480 units on a site that currently could achieve up to 38 units as a portion of an AgR-PUD or 7 units if subdivided. The proposed amendment requires a minimum of 25% percent of the units be built onsite as workforce housing units for household incomes from 60 to 140% of area median income.

**Staff Assessment and Policy Implications:** As previously discussed, the built housing diversity in the Tier is currently limited to single family, zero lot line, farm residences, and farmworker housing. There are 166 approved, but unbuilt, multifamily housing units in the two mixed use centers, none of which are proposed to be workforce housing units. The provision of workforce housing is an important policy directive for the County and directed by the Comprehensive Plan for the Urban/Suburban Tier. Continuing the discussion on fostering the provision of workforce housing in the Tier is warranted, but not on a case-by-case basis. To introduce the concept of workforce housing tied with higher densities requires the Board to consider whether the Workforce Housing would be applied throughout the Tier. To date, the ability to utilize the Workforce Housing density bonus program has been made on a Tier-wide basis, not on individual sites alone. Such a shift in policy needs to be analyzed holistically and also take into account whether the prior approved planned developments would be subject to the Program, or only new future planned developments in the Tier. Staff cannot support the text amendment until after policies are set by the Board for the Tier as a whole.

## **B. Density**

**Policy Directive:** To limit the amount of dwelling units in the Tier was one of the policy directives established by the Board as part of the Master Plan process.

**Implementation Mechanism:** The Comprehensive Plan sets the maximum density in the Tier at 1 unit per 5 acres with the option for an Agricultural Reserve Planned Development at 1 unit per 1 acre. There are no future land use designations or density bonus programs that allow additional density, although there is no specific residential unit cap adopted in the Plan.



**Changes Over Time:** The Master Plan Consultant recommended that the County permit density bonuses in the non-agricultural, non-residential areas as a means of encouraging vertical integration of residential and non-residential uses. Staff dissented with this recommendation, noting that it was inconsistent with other recommendations which called for no density bonuses in the Agricultural Reserve. Staff also suggested that giving this density bonus was inconsistent with the commitments made during the bond referendum to endeavor to reduce the maximum number of residential units in the Agricultural Reserve through land acquisitions. The Board concurred with the staff recommendation and directed that densities remain at the levels that were set in 1980. During the development of the Master Plan it was often discussed that the estimated number of units in the Tier should be approximately 14,000 units through the limitations in development set by the purchases and retirement of density through the bond and from limiting density to 1 unit per acre clustered. This assumption was based upon either 1 unit per acre clustered or 1 unit per 5 acres. The change to allow farm residences (allowing a subdivided tracts as small as 5 acres to use all but one acre for their home-site as preserve and density) has increased the amount of potential units in the Tier. However, since each farm residence application must demonstrate agricultural uses at the time of application, it is not possible to calculate the total impact of additional units.

**Current Status:** Currently, there are approximately 10,758 dwelling units approved in the residential AGR-PDDs and approximately 8,726 built units within the AGR-PDDs. Overall in there are currently 9,135 built units in the Tier as a whole. Higher net densities are approved, but unbuilt, within the two mixed use center AGR-PDDs. Canyons Town Center and Delray Marketplace have the ability to develop up to 166 total multi-family units. The built residential development within the Agricultural Reserve Tier is nearly exclusively single family and zero lot line homes, with the exception of farm worker quarters. The cap on density at 1 unit per 1 acre yields a net density of approximately 3 units per acre within the AGR-PDD development areas. Unlike the Urban/Suburban Tier, which allows up to 12 units per acre future land use and additional density bonuses through the Transfer of Development Rights and Workforce Housing programs, there is no ability to increase density as the Board has decided that this area was not appropriate for density bonus programs.

**Proposed Reserve at Atlantic Amendment:** The amendment proposes 38.88 acres of land to be developed as 480 multifamily housing units through their newly proposed Essential Housing Residential AgR-PDD Option. Calculating density in the Agricultural Reserve is complicated since the density for planned developments is calculated on the total land area (development area and preserve) and clustered onto the development area. The following bullets explain the current AGR allowable density and options to achieve the requested 480 units.

- **Straight Subdivision – 7 units.** The base density in the Agricultural Reserve in Agricultural Reserve zoning is 1 unit per five acres. Today, as a straight subdivision, the site could be developed with 7 units on 7 lots at a minimum of five acres each.
- **AgR-PUD – 38 units.** The 38.88 acre site is too small to be developed as an AgR-PUD which requires a minimum of 250 total acres. However, if this site became part of an assemblage of properties meeting the minimum 250 acres that were subject to a rezoning to an AgR-PUD, the site's development potential would be 38 dwelling units.
- **Proposed Amendment EHR AgR-PDD.** The text amendment proposes to establish a policy in the Plan to allow higher densities for planned developments

in the Agricultural Reserve at a smaller minimum acres than the current 250 acres for an AgR-PUD. The applicant has proposed several options for a density increase through the course of this amendment request.

- **AgR-PUD – Initiated Request for Total Land Area.** The applicant's proposed amendment that was initiated on May 5<sup>th</sup> requested a higher density across both the Development Area and Preserve area for projects seeking the new EHR Option. As with all AgR-PDDs, the proposal clustered the density from the Preserve Area onto the Development Area. The initiation request was for a smaller land area since a portion of the site was proposed to be developed as industrial. The initiated request for 520 units proposed 8 units per acre across both the Development Area and Preserve Area to be developed on the 34.77 acre Development Area. This proposal utilized the current Comprehensive Plan requirements for 60% Preserve area, and would yield approximately 52 acres of Preserve Area.
- **AgR-PUD – Modified Request for Development Area & On-Site Preserve.** The applicant has modified the initial request proposed for initiation which requested a higher density across the Development Area and On-site Preserve area for projects seeking the new EHR Option. This modified request for 480 units eliminates the industrial acreage, and places the entire 38.88 acre site within a Development Area and On-site preserve, with a proposed density of 12 units per acre across the two portions of the site. The applicant's text amendment allows open space, buffers, and water features within the On-site Preserve, thereby reducing the Off-site Preserve area to a minimum of 20 acres. These changes are inconsistent with the Comprehensive Plan without the proposed text changes.

**Staff Analysis and Policy Implications:** Calculating density per acre in the Agricultural Reserve is complex since the density is clustered from the Preserve Area onto the Development Area. Staff was very opposed to the initiated request to increase the density in the Preserve Area above the currently allowed 1 unit per acre. The Preserve Areas are typically off-site and are frequently 'swapped' between various approved planned developments. It would be impossible to regulate or monitor off-site preserve areas with differences in density depending on the associated development area. Further, allowing increases in density for Preserve Areas introduces additional entitlement for one preserve area compared to another, when both preserves may be utilized for the same purpose. This approach does not make any sense from a policy stand point, or implementation stand point. Therefore, staff highly recommended to the applicant to modify the request to allow density bonuses ONLY for the Development Area. However, the applicant had modified the request to use a portion of the site for 'On-site' Preserve Area. By limiting the density increase only to the Development Area, the resulting density calculation equated to 20 units per acre. The applicant felt that this figure would appear too high, and proposed the current request for 12 units per acre across the Development area and the On-Site Preserve. Staff cannot support any density bonus on any preserve area. The proposal by the applicant acts as an incentive for a developer to gain a higher density for land used for open space, water features, and buffers rather than actual preserve uses of agriculture and environmentally sensitive lands, and reduces the 60/40 preserve under today's rules from 52 acres to 20 or so. This is inconsistent with the Comprehensive Plan's objectives and policies for the Agricultural Reserve.

Limiting the density in the Agricultural Reserve has been one of the policy foundations in the Tier since its inception. There is no basis to consider a piecemeal or incremental decision to allow additional densities on a case by case basis as presented by the

proposed amendment. Although the Master Plan anticipated that developers would cluster density for the development of multifamily at the same 1 unit per 1 acre density, this has not occurred and the housing in the Tier is nearly exclusively single family / zero lot line. Although increasing the diversity of housing types would benefit the housing balance in the Tier, Staff cannot support the text amendment until after policies are set by the Board for the Tier as a whole. In addition, staff cannot support the mechanics of the request to allow increased density on preserve areas, particularly preserve areas that consist of uses that are currently not allowed in a preserve area under today's Comprehensive Plan.

### **C. Preservation of Agriculture and Natural Lands.**

**Policy Directive:** To foster the preservation of agriculture and natural lands within this area of the County is the fundamental policy directive the Agricultural Reserve.

**Implementation Mechanism:** The two part approach to preserving land in the Agricultural Reserve was through the bond referendum and through the preserve requirements for new development. The Comprehensive Plan requires that all new residential (of any size) and new commercial planned developments (greater than 16 acres) establish preserve areas on a minimum of 60% of the land area through the Agricultural Reserve Planned Development (AGR-PDD) Options. The Bond Referendum approved by voters in March of 1999 provided \$150 million towards a land acquisition program for open space purposes to protect environmentally sensitive lands, land for water resources, greenways, agricultural lands and open space. The Board of County Commissioners directed that \$100 million of the proceeds of this bond be dedicated to land acquisitions in the Agricultural Reserve and that \$50 million be dedicated to land acquisitions throughout the County for the purchase of natural areas.

**Changes over Time:** There have been no changes to the percentage of preserve requirements for residential planned developments in the Tier since initially established with the settlement agreement in 1995 predating the Master Plan. Previously in 2015, the County eliminated the minimum 150 acre contiguous preserve area requirement, opening the door to the introduction of farm residences the following year. In 2016 the Board established a policy exemption for commercial sites less than 16 acres. In this same amendment, Policy 1.5.1-a was revised to include new industrial lands as one of the uses that should require preserve areas; however, specific requirements were not added.

**Current:** To date, approximately 13,000 total acres have been preserved through the bond, government ownership, and clustering options with the Agricultural Reserve planned developments (AGR-PDDs). The Bond Referendum as part of the Master Plan resulted in the County purchase of approximately 2,400 acres of land currently set aside for natural areas. Approximately 12,436 acres of the Agricultural Reserve Tier have been approved as AGR-PDDs. Of this acreage, approximately 7,455 acres have been set aside as AGR-PDD preserve areas, of which 4,698 acres are privately owned and 2,757 acres are owned by the South Florida Water Management District or the County.

**Proposed Reserve at Atlantic Amendment.** The request proposes a 38.77 acre site with their proposed Essential Housing Residential Option allowing multifamily housing in the Tier (see D. Workforce Housing). Exhibit 1-A provides the initiated amendment and Exhibit 1-B provides the applicant's modified text amendment request. The initiated request yielded approximately 52 acres of preserve area utilizing the current Comprehensive Plan list of allowable preserve uses for the initial request of 520 units.

The modified request includes approximately 20 acres of preserve area utilizing the current Comprehensive Plan list of allowable preserve uses, and an undetermined amount of on-site open space, water features, and buffers to be called 'on-site preserve'.

**Staff Analysis and Policy Implications:** To date the County has maintained the policy requirement for a minimum of 60% preserve area for all residential uses and commercial properties greater than 16 acres in size. At the time the amendment was initiated, the applicant indicated that the request would provide a 60% preserve area as any other 60/40 AgR-PDD. However, subsequently, the applicant has modified the request to propose a reduction in the preserve acreage by allowing traditional development features, such as onsite opens space, water features, and buffers to be used towards the preserve area. There are no unique attributes to the subject site that provides a basis for abandoning the fundamental preserve requirements of the Tier. To approve such a concept on a piecemeal, site by site basis would not be appropriate as such a change would alter the foundation of the Tier and bring into question the future of the approximately 4,698 acres in AGR-PDD preserve areas that are currently in private ownership. Staff cannot support the text amendment to modify preserve uses by placing typical development features within the preserve areas, nor support the concept of reducing preserve percentages.

## **B. Planned Development - Clustering and Minimum Size**

**Policy Directive:** To cluster large residential developments to foster the set aside of preserve area.

**Implementation Mechanism:** Rather than the base density of 1 unit per 5 acres, residential developers may choose one of the Agricultural Reserve Planned Development (AGR-PDD) options to achieve a five-fold density increase of 1 unit per 1 acre through clustering the density onto the development area of the site, thereby setting aside the preserve area from development. The minimum acreage for the residential planned developments are 250 total acres (for a 60/40 PUD) and 40 acres (for an 80/20 PUD). Please note that clustering is not to be confused with 'transfer of development rights', which is a separate County program for properties within the Urban/Suburban Tier to increase density. This clustering incentive of additional density is unique to the Agricultural Reserve. The Rural and Exurban Tiers do not allow additional density through clustering. Density bonuses in the Urban/Suburban Tier are through the Transfer of Development Rights and Workforce Housing Programs that result in contributions to the maintenance of natural lands or provision of workforce housing, respectively.

**Changes Over Time:** Since 1980, the Agricultural Reserve density has been 1 unit per 5 acres with the opportunity for up to 1 unit per acre provided that the units are clustered onto a portion of the land and the remainder preserved as some form of open space. Originally, this option was only available to properties greater than 40 acres which committed to the preservation of 75% of the land. In 1995, a second option was created for properties with at least 250 acres, permitting them to develop on 40% of the land area and preserve the remaining 60%. The Master Plan Consultants recommended that the minimum acreage for a 60/40 AgR-PDD be reduced to 100 acres, thereby allowing a 40 acre development area and 60 acre preserve area minimum per project. The Consultants recommended that off-site preserve areas be restricted to west of SR 7 or in the central core of the Agricultural Reserve east of SR 7. Staff and the Board disagreed with this recommendation, and the minimum acreage for an AGR-PUD was maintained at 250 acres with a 100 minimum acre development area and 150 minimum acre preserve area. During the Agricultural Reserve Roundtable process conducted between 2012 and 2014,



the Board considered reducing the minimum acreage, but ultimately decided not to revise this figure.

**Current status:** Approximately 12,212 acres of the Agricultural Reserve have been approved as residential AGR-PDDs, with approximately 4,744 acres of development area. Residential subdivisions, including farm residences, account for an additional 1,213 acres. The remaining lands in the Tier without development approvals are approximately 1,700 acres. Other than the shifting of land or adding of land to existing Planned Developments, there are no remaining clusters of land to meet the 100 minimum acre development requirement for a 60/40 AGR-PUD other than 578 acres of Whitworth Farms.

**Proposed Reserve at Atlantic Amendment:** The request proposes a 38.88 acre site for a newly proposed Essential Housing Residential Option which reduces the minimum acreage for an AGR-PUD from 250 acres to 70 acres subject to workforce housing requirements (see section D. Workforce Housing).

**Policy Implications:** The Policy implications for this item are largely the same as Item 1, Preserve Area, as these issues need to be addressed holistically. The amount of land that is currently ‘uncommitted’, meaning not developed for residential/non-residential uses, or set aside as preserve, does not appear to allow any new planned residential developments in the Tier. Staff cannot support the text amendment until after policies are set by the Board for the Tier as a whole.

## **F. Preserve Uses and Location**

**Policy Directive:** To ensure that preserve areas foster the preservation of agriculture and natural lands requires defining appropriate uses within the preserve areas.

**Implementation Mechanism:** Adopted policies in the Comprehensive Plan and associated language in the ULDC, limit the residential planned development preserve areas to a handful of agricultural uses. Comprehensive Plan FLUE Policy 1.5.1-n allows commercial mixed use center AGR-PDDs additional uses in the preserves, stating “*east of SR 7 and adjacent to a development area, for civic purposes such as schools, libraries, or fire stations.*” The Comprehensive Plan Policy 1.5.1-j requires that AGR-PDD preserve areas are subject to a conservation easement in favor of the County or deeded to the County.

**Changes Over Time:** The location requirements and preserve uses have been revised on several occasions over the past 20 years. The Comprehensive Plan initially limited preserve areas to ‘no high value added agricultural uses’; however in 2012 the Board adopted FLUE Policy 1.5-g to allow packing plants within preserve areas subject to limitations. In 2016, the Board adopted changes to allow farm residences and eliminated the requirement that new preserve areas must be adjacent to other preserve areas totaling 150 acres or more. These changes have resulted in the swapping out of some of the larger agricultural based preserve areas and being replaced with farm residences.

**Current Status:** The Board is also currently revising ULDC regulations on landscape services operating within preserve area parcels. Of the approximately 7,455 acres of AGR-PDD preserve area, approximately 3,636 acres are in agricultural related uses. Agricultural uses are predominately 2,122 acres of crops, 762 acres of equestrian, 110 acres of farm residences, and 642 acres of nursery or other agricultural uses. Approximately 3,449 acres are in open space and natural areas, including 673 acres of

privately owned natural lands, 2,271 acres of government owned natural lands, parkland and the rural parkway. The only approved and built civic uses in AGR-PDD preserves are schools.

**Proposed Reserve at Atlantic Amendment:** At the time of initiation, the Reserve at Atlantic Amendment did not propose to revise the list of uses in preserve areas identified by the Comprehensive Plan. However, subsequently, the applicant has modified the request to propose that uses typically associated with the development area, including open space, water features, and buffers, can be utilized for 'on-site preserve area' at a calculation of 12 units per acre.

**Staff Analysis and Policy Implications:** The introduction of development features as an allowable preserve uses would represent a major departure from current policy, and would put the 4,698 acres of privately owned preserve area up for consideration for similar uses. Further, if the Plan allowed these additional uses for the subject site, it is conceivable that the property owners of the privately held preserve areas in other AGR-PUDs would make the same request to place such uses in existing and future preserves. Staff cannot support the text amendment to modify preserve uses by placing typical development features within the preserve areas, nor support the concept of reducing preserve percentages.

## **H. Traffic Impacts.**

**Policy Directive:** Ensure that proposed future land use amendments do not negatively impact the long range transportation plan. This policy applies to proposed amendments throughout the County.

**Implementation Mechanism:** Comprehensive Plan FLUE Policy 3.5-d establishes that the County shall not adopt future land use amendments that negatively impact traffic by increasing density or intensity that generates additional traffic that significantly impacts any roadway segment projected to fail to operate at adopted level of service standard "D" (long range analysis), or results in a the failure of Test 2 (short range analysis).

**Changes Over Time:** On several occasions during the 30 year lifespan of FLUE Policy 3.5-d, the Board has adopted text amendments to exempt specific sites by policy.

**Current Status:** This policy applies to proposed amendments throughout the County (unless specifically exempted) and is not limited to the Agricultural Reserve Tier.

**Proposed Reserve at Atlantic Amendment:** The amendment initially proposed an exemption to Policy 3.5-d, but this request has been removed due to the ability for the requested density and intensity to pass the traffic requirements within the policy.

**Policy Implications for Discussion:** The current and planned roadway network in the Agricultural Reserve was developed using the assumptions that all residential development would be built at 1 unit per 1 acre maximum density, and that the commercial development was limited. The proposed amendments would impact existing and long range traffic, although at this time the full traffic analysis has not yet been completed in order to present the full and collective impacts. This amendment is requesting density and intensity increases that significantly stray from the vision for the Tier and would require a reevaluation of the road network as well as transit service. As part of the traffic analysis, the current right of way widths and proposed roadways on the County's Thoroughfare

Right of Way Identification Map need to be examined to determine if currently planned widths and segments are adequate for the resulting traffic impacts. Upon preliminary discussions with Traffic Engineering and the Florida Department of Transportation (FDOT), they concur that the traffic impacts resulting from the impacts of these policy changes should be assessed in the Tier as a whole. Specifically, FDOT states that: *“These amendments represent unplanned development potential that will generate traffic impacts beyond those already identified in the Palm Beach County Comprehensive Plan and the Palm Beach Transportation Planning Agency’s 2045 Long Range Transportation Plan. The Department recommends that the County consider how these land use changes, and other future changes resulting from the property owners’ requested shift in Agricultural Reserve Tier policy, will impact the future transportation infrastructure needs of the area. It is also recommended that the County avoid piecemeal/incremental assessments of traffic impacts and instead look at the cumulative effects these changes will bring on traffic demand. These amendments represent an opportunity for the County to confirm its vision for the future of the Ag Reserve and identify desirable land uses and an optimal transportation network to achieve the County’s vision at the adopted level of service standard for roadways. The Department supports continued outreach by the County in this regard, to include all affected transportation stakeholders, including property owners, the District Four Florida Department of Transportation, the Florida’s Turnpike, the Palm Beach Transportation Planning Agency, and the Treasure Coast Regional Planning Council.”*

## **I. Service Delivery & Impacts**

**Policy Directive:** Ensure that services are services are planned for and provided in a timely and cost-effective manner, reflective of the quality of life associated with each respective Tier.

**Implementation Mechanism:** Goal 3, Service Areas and Provision of Service Areas, of the FLUE of the Comprehensive Plan, plus its objectives and policies, are set to ensure that the County plans for effective service provision. Additional objectives and policies of this nature are adopted within the Transportation, Utilities, Fire Rescue, Parks and Recreation, Library Services, and Capital Improvement Elements.

**Changes Over Time:** One of the fundamental goals of the 1980 and 1989 Comprehensive Plans, as further expounded upon in the 1999 Managed Growth Tier System, was to ensure that services for anticipated growth are managed effectively. The Agricultural Reserve Master Planning process included extensive examination by various County departments to predict the impacts and service delivery needs based upon the 1 unit per 1 acre development options in the Tier.

**Current Status:** To date, the Ag Reserve has largely grown as anticipated and the current 2020 population of 25,000 residents is nearly exactly as planned in the Master Plan.

**Proposed Reserve at Atlantic Amendment:** This amendment would result in future land use changes that would generate higher density and/or intensity than previously anticipated.

**Policy Implications for Discussion:** The proposed amendment would result in increases in density and intensity on the subject site, and may lead to future requests for similar increases throughout the Agricultural Reserve Tier. Further, this amendment is located at the planned future alignment of Half Mile and Smith Sundry Roads. Although

these roadways are not currently identified on the Comprehensive Plan Map Series Thoroughfare Right of Way Identification Map (TE 14.1), their alignment is critical to the connectivity within this area of the Agricultural Reserve. As to be discussed at the October 26<sup>th</sup> Workshop, planning for public facility and service improvements as a result of growth is critical, and needs to run concurrent with proposed increases in density and intensity, particularly in the Agricultural Reserve that was planned for low densities. Securing the right of way necessary for the alignment of the two roadways is critical if the Board supports the proposed text and future land use amendments, and warrants additional conditions of approval to that end if the amendment is adopted.

## VII. Staff Recommendation

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This private amendment requests changes to the Comprehensive Plan that represent major departures from nearly all of the fundamental policy concepts directed by the Board of County Commissioners, and adopted into the Comprehensive Plan, including requiring preserve area and limiting development in the Tier. Although there is a basis for considering a wider range of housing types within the Agricultural Reserve Tier, the applicant has failed to provide a compelling basis to support the reduction in preserve area, changes to preserve uses, and mechanisms proposed to increase density, whether through a rezoning or higher density on preserve area. Further, the applicant has failed to demonstrate any unique characteristics of this site that justify moving forward ahead of the upcoming BCC Workshop on October 26<sup>th</sup>. These policy changes are not appropriately addressed by a private applicant for an individual property, and need to be considered with regards to the Tier as a whole and taking into account the long range and service implications presented by increasing densities and revising preserve requirements within the Tier.

Staff recommends **Denial** based upon the findings within this report.

Exhibits	Page
1. Future Land Use Map & Legal Description, and <u>Transmitted</u> Text Amendment	E-1
1A. Applicant's Initiated Text Amendment ( <u>Not Transmitted</u> )	E-5
1B. Applicant's Modified MLU Text Amendment ( <u>Not Transmitted</u> )	E-7
2. Consistency with Comprehensive Plan	E-10
3A. Applicant's Text Request Justification	E-25
3B. Applicant's FLUA Request Justification and Consistency with Comprehensive Plan	E-30
4. Applicant's Public Facility Impacts Table	E-41
5. Palm Beach County Traffic Division Letter	E-44
6. Water & Wastewater Provider LOS Letter	E-46
7. School District Letter	E-47
8. Applicant's Disclosure of Ownership Interests	E-48
9. Urban Sprawl Analysis	E-56
10. Correspondence	E-58
11. Applicant's Letter requesting Modifications – Nov. 3, 2021	E-69



## Exhibit 1

<b>Amendment No:</b>	<b>Reserve at Atlantic (LGA 2022-006)</b>
<b>FLUA Page No:</b>	102
<b>Amendment:</b>	From Agricultural Reserve (AGR) to Multiple Land Use with Institutional & Public Facilities, Agricultural Reserve, and an underlying 12 units per acre (MLU, INST/AGR/12)
<b>Location:</b>	Southeast corner of Atlantic Avenue and Half Mile Road
<b>Size:</b>	38.88 acres
<b>Property No:</b>	00-42-46-19-01-000-0050

**Conditions:** Development of the site is subject to the following:

1. Development of the site is limited to a total maximum net daily trips of 3,191 and a maximum net pm peak hour trips of 283, and shall include the connection between Smith Sundry and Half Mile Roads.
2. Residential dwelling units shall be limited to a maximum of 480 units with no further density increases through density bonus programs.
3. The zoning development order shall require a minimum of 25% of the total dwelling units (including density bonus) to be built as workforce housing units. These workforce housing units shall be for household incomes from 60 to 120% of area medium income and built onsite pursuant to the Workforce Housing Program in the ULDC.
4. At a minimum, 5% of the property must be committed to useable open space (as defined by the Introduction and Administration Element). Open space must functionally integrate the project's land uses and may not be applied to the recreation and/or parks requirements or other required civic dedication of land during the development review/re-zoning process, excluding right of way dedication. Any water bodies, including but not limited to, water retention, lakes, drainage, and canals shall not be considered usable open space.
5. The adoption of the text and future land use amendments and zoning application shall be held on the same date.



## Legal Description

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TRACTS 5, 6, 7, 8, 25, 26, 27 AND 28 IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THE PALM BEACH FARMS COMPANY PLAT No. 1, AS SAID PLAT IS RECORDED IN PLAT BOOK 2 AT PAGES 26,27 AND 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM THE NORTH TEN FEET OF SAID TRACTS 7 AND 8  
LESS AND EXCEPTING THEREFROM THE NORTH THIRTY-ONE FEET OF SAID TRACTS 5  
AND 6.

ALSO, LESS AND EXCEPT THAT PORTION OF TRACTS 7 & 8, LYING NORTH OF  
CHANCERY CASE 407, AS SHOWN ON STATE ROAD MAPS 806, SECTION #, 93030-2502.  
ALSO, LESS THAT PORTION OF TRACTS 8 & 25, AREA AS SHOWN ON ROAD BOOK 7,  
PAGE 169, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS MAINTENANCE  
FOR HALF MILE ROAD.

SAID PARCEL BEING 1693512.52± SQ.FT. OR 38.878± ACRES MORE OR LESS.

## Exhibit 1

### BCC Transmitted Text Amendment

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#### A. Future Land Use Element, Reserve at Atlantic Private Text

**REVISIONS:** To introduce attainable, workforce housing within the Agricultural Reserve Tier. The revisions are shown below with the added text underlined and the deleted text in ~~strike-out~~.

#### **Essential Housing Residential Option**

1. **NEW Policy 1.5.1-s:** The County shall foster the provision of workforce housing in the Agricultural Reserve Tier by allowing densities greater than one unit per acre for planned developments utilizing the Essential Housing Residential (EHR) Option for projects with the Multiple Land Use future land use designation (FLUE 4.4.2-a). The EHR Option is a 60/40 planned development (MUPD) that is subject to the following:
  1. **Acreage.** The total land area, consisting of the Development area and Preserve area, shall be a minimum of 35 acres. The minimum acreage for the Preserve Area is 21 acres.
  2. **Density.** The base density is up to 1 unit per acre for the total land area, clustered onto the Development Area. Additional density may be assigned to the Development Area by ordinance provided that a minimum of 25% percent of the total units are built on-site as workforce housing units for household incomes from 60 to 140% of area medium income up to a maximum of 8 units per acre for the total land area.
  3. **Location.** The Development Area is limited to sites located east of State Road 7, fronting on Atlantic Avenue and within ¼ mile of an AgR-TMD or IND future land use designation.
2. **REVISE Policy 1.5-h:** Residential uses shall be permitted within the Agricultural Reserve Tier under the Agricultural Reserve land use designation as further regulated by the Unified Land Development Code. Consistent with the provisions of Future Land Use Policy 2.1-b and Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density, the land shall be allowed to develop as follows:
  1. Within the Agricultural Reserve future land use designation with Agricultural Reserve zoning, the maximum density is ~~at a density of one dwelling unit per five acres;~~
  2. Within the Agricultural Reserve Tier with a Planned Development zoning, the maximum future land use densities are as follows, with density calculated for the total land area and clustered onto the development area of the projects.
    - a. Agricultural Reserve future land use designation with AgR-PUD zoning, the maximum density is up to one dwelling unit per acre;

- b. Commercial Low future land use designation with TMD or MUPD zoning, the maximum density is up to one dwelling unit per acre;
- c. Multiple Land Use future land use designation with MUPD zoning, the underlying future land use density pursuant to Policy 1.5.1-s.

~~(1DU/5AC), unless the property meets the requirements for an Agricultural Reserve Planned Development (AgR-PDD), Agricultural Reserve Multiple Use Planned Development AgR-MUPD), or Agricultural Reserve Traditional Marketplace Development (AgR-TMD) as described in Future Land Use Sub-Objective 1.5.1, in which case the land may be developed at a density of one dwelling unit per acre;~~

3. **REVISE Policy 1.5.1-d:** ~~Utilization of these planned development options may result in a maximum density for an AgR-PDD of 1 du/ac for a residential AgR-PDD except that the maximum number of units shall be reduced to reflect the number of farm worker quarters and/or grooms quarters located in the preserve area. For a residential AgR-PDD or an AgR-TMD, the Agricultural Reserve Planned Developments shall be subject to the following minimum preserve area requirements shall be established as:~~
  1. ~~a-80/20 AgR-PUD development, 75 percent of the total land area;~~
  2. ~~a-60/40 AgR-PUD development, 60 percent of the total land area; and~~
  3. ~~a-TMD or MUPD, 60 percent of the total land area pursuant to Policy 1.5.1-s.~~

#### 4. REVISE

**TABLE III.C  
FUTURE LAND USE DESIGNATION BY TIER**

Future Land Use	FLU Category	Tier				
		Urban/Sub & Glades USA	Exurban	Rural	Ag Reserve	Glades RSA <sup>1</sup>
Urban Residential	LR, MR, HR	<b>X</b>	---	---	<del>---</del> <b>X</b> <sup>3</sup>	---
Agriculture	AP	---	---	---	---	<b>X</b>
	SA	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	---
	AgR	---	---	---	<b>X</b>	---
	Ag Enclave	---	---	<b>X</b>	---	---
Traditional Town Development		<b>X</b>	---	---	---	---

1. and 2. *Unaltered and omitted for brevity*

3. Within the Agricultural Reserve Tier, residential future land use designations are allowed as an underlying density within the Essential Housing Residential MLU future land use designation pursuant to Policy 1.5.1-s.



**Exhibit 1-A**  
**Applicant's ~~Initiated~~ Text Amendment (not Transmitted)**

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**A. Future Land Use Element, Reserve at Atlantic Private Text**

**REVISIONS:** To introduce attainable, workforce housing within the Agricultural Reserve Tier. The revisions are shown below with the added text underlined and the deleted text in ~~strike-out~~.

**Essential Housing Residential Option**

1. **NEW Policy 1.5.1-t:** The County shall foster the provision of workforce housing in the Agricultural Reserve Tier by allowing densities greater than one unit per acre for planned developments utilizing the Essential Housing Residential (EHR) Option. The EHR Option is an AgR-PUD 60/40 that is subject to the following:
  1. The 250 minimum acres for an AgR-PUD is reduced to 70 minimum acres;
  2. The density calculation is up to 8 units per acre for the total land area;
  3. A minimum of 25% percent of the units shall be built onsite as workforce housing units for household incomes from 60 to 140% of area medium income.
  4. The Development Area is limited to east of State Road 7 with frontage on Atlantic Avenue and within ¼ mile of an AgR-TMD or IND future land use designation.
  5. The Preserve Area minimum acreage is reduced from 150 to 40 acres.
2. **REVISE Policy 1.5-h:** Residential uses shall be permitted within the Agricultural Reserve Tier under the Agricultural Reserve land use designation as further regulated by the Unified Land Development Code. Consistent with the provisions of Future Land Use Policy 2.1-b and Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density, the land shall be allowed to develop as follows:
  1. Within the Agricultural Reserve future land use designation with Agricultural Reserve zoning the maximum density is ~~at a density of~~ one dwelling unit per five acres;
  2. Within the Agricultural Reserve Tier with a Planned Development zoning, the maximum future land use densities are as follows, with density calculated for the total land area and clustered onto the development area of the projects.
    - a. Agricultural Reserve future land use designation with AgR-PUD zoning, the maximum density is up to one dwelling unit per acre or up to eight units per acre for AgR-PUDs utilizing the EHR Option;
    - b. Agricultural Reserve future land use designation with AgR-PUD zoning using the EHR Option, the maximum density is up to eight dwelling units per acre;
    - c. Commercial Low future land use designation with TMD or MUPD zoning, the maximum density is up to one dwelling unit per acre;

~~(1DU/5AC), unless the property meets the requirements for an Agricultural Reserve Planned Development (AgR-PDD), Agricultural Reserve Multiple Use Planned Development (AgR-MUPD), or Agricultural Reserve Traditional Marketplace Development (AgR-TMD) as described in Future Land Use Sub-Objective 1.5.1, in which case the land may be developed at a density of one dwelling unit per acre;~~

- 3. REVISE Policy 1.5.1-d:** ~~Utilization of these planned development options may result in a maximum density for an AgR-PDD of 1 du/ac for a residential AgR-PDD except that the maximum number of units shall be reduced to reflect the number of farm worker quarters and/or grooms quarters located in the preserve area. For a residential AgR-PDD or an AgR-TMD, the Agricultural Reserve Planned Developments shall be subject to the following minimum preserve area requirements shall be established as:~~

- ~~1. a-80/20 AgR-PUD development, 75 percent of the total land area;~~
- ~~2. a-60/40 AgR-PUD development, 60 percent of the total land area; and~~
- ~~3. 60/40 AgR-PUD with EHR Option, 60 percent of the total land area; and~~
- ~~4. a-TMD, 60 percent of the total land area.~~

**4. REVISE**

**Table 2.2.1-g.1  
Residential Future Land Use Designation Maximum Density**

Future Land Use Designation		Dwelling Units per Gross Acre <sup>5</sup>
Agricultural Reserve	AGR	0.20 / 1 <sup>3</sup> / 8 <sup>3</sup>

3. See Agricultural Reserve Policy 1.5-h.

## Exhibit 1-B

### Applicant's Modified MLU Text Amendment (not Transmitted)

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#### A. Future Land Use Element, Reserve at Atlantic Private Text

**REVISIONS:** To introduce attainable, workforce housing within the Agricultural Reserve Tier. The revisions are shown below with the added text underlined and the deleted text in ~~strike-out~~.

#### Essential Housing Residential Option

1. **NEW Policy 1.5.1-s:** The County shall foster the provision of workforce housing in the Agricultural Reserve Tier by allowing densities greater than one unit per acre for planned developments utilizing the Essential Housing Residential (EHR) Option for projects with the Multiple Land Use future land use designation (FLUE 4.4.2-a). The EHR Option is a 60/40 planned development (Agr-PUD or MUPD) that is subject to the following:
  1. **Acreage.** The total land area, consisting of the Development area and Preserve area, shall be a minimum of 49 acres. The minimum acreage for the Preserve Area is 20 acres.
  2. **Density.** The base density is 1 unit per acre calculated across the total land area clustered onto the Development Area. The Development Area and any On-site Preserve Area may be assigned additional density up to a maximum of 12 total units per acre provided that a minimum of 25% percent of the total units are be built on-site as workforce housing units for household incomes from 60 to 140% of area medium income.
  3. **Location.** The Development Area is limited to sites located east of State Road 7 with frontage on Atlantic Avenue and within ¼ mile of an AgR-TMD or IND future land use designation.
  4. **Usable Open Space.** The 5% minimum Usable Open Space required as part of the Development Area may be counted towards the On-site Preserve Area.
  5. **Preserve Area.**
    - a) A minimum of 10% of the land area within the MLU shall be On-site Preserve Area; and
    - b) Off-site Preserve Area shall allow for no more than one dwelling unit per acre to be transferred to the Development Area.
  6. **Preserve Area Uses.** Uses allowed within the Preserve Areas shall be those identified within Policy 1.5.1-n.5.b) and within the On-site Preserve Area, additional uses including open space, public green space or passive park uses that include pedestrian amenities, landscape buffer/streetscape areas, retention/detention areas (for Development and Preserve Area), or other similar uses that are accessible for public use.

2. **REVISE Policy 1.5-h:** Residential uses shall be permitted within the Agricultural Reserve Tier under the Agricultural Reserve land use designation as further regulated by the Unified Land Development Code. Consistent with the provisions of Future Land Use Policy 2.1-b and Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density, the land shall be allowed to develop as follows:

1. Within the Agricultural Reserve future land use designation with Agricultural Reserve zoning, the maximum density is at a density of one dwelling unit per five acres;
2. Within the Agricultural Reserve Tier with a Planned Development zoning, the maximum future land use densities are as follows, with density calculated for the total land area and clustered onto the development area of the projects.
  - a. Agricultural Reserve future land use designation with AgR-PUD zoning, the maximum density is up to one dwelling unit per acre;
  - b. Commercial Low future land use designation with TMD or MUPD zoning, the maximum density is up to one dwelling unit per acre;
  - c. Multiple Land Use future land use designation with MUPD zoning, the underlying future land use density pursuant to Policy 1.5.1-s.

~~(1DU/5AC), unless the property meets the requirements for an Agricultural Reserve Planned Development (AgR-PDD), Agricultural Reserve Multiple Use Planned Development (AgR-MUPD), or Agricultural Reserve Traditional Marketplace Development (AgR-TMD) as described in Future Land Use Sub-Objective 1.5.1, in which case the land may be developed at a density of one dwelling unit per acre;~~

3. **REVISE Policy 1.5.1-d:** ~~Utilization of these planned development options may result in a maximum density for an AgR-PDD of 1 du/ac for a residential AgR-PDD except that the maximum number of units shall be reduced to reflect the number of farm worker quarters and/or grooms quarters located in the preserve area. For a residential AgR-PDD or an AgR-TMD, the Agricultural Reserve Planned Developments shall be subject to the following minimum preserve area requirements shall be established as:~~

1. ~~a-80/20 AgR-PUD development, 75 percent of the total land area;~~
2. ~~a-60/40 AgR-PUD development, 60 percent of the total land area; and~~
3. ~~a-TMD or MUPD, 60 percent of the total land area pursuant to Policy 1.5.1-s.~~



4. REVISE

**TABLE III.C  
FUTURE LAND USE DESIGNATION BY TIER**

Future Land Use	FLU Category	Tier				
		Urban/Sub & Glades USA	Exurban	Rural	Ag Reserve	Glades RSA <sup>1</sup>
Urban Residential	LR, MR, HR	<b>X</b>	---	---	<del>---</del> <b>X</b> <sup>3</sup>	---
Agriculture	AP	---	---	---	---	<b>X</b>
	SA	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	---
	AgR	---	---	---	<b>X</b>	---
	Ag Enclave	---	---	<b>X</b>	---	---
Traditional Town Development		<b>X</b>	---	---	---	---

1. and 2. Unaltered and omitted for brevity

3. Within the Agricultural Reserve Tier, residential future land use designations are allowed as an underlying density within the Essential Housing Residential MLU future land use designation pursuant to Policy 1.5.1-s.

## Exhibit 2

### Consistency with Comprehensive Plan

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

#### A. Consistency with the Comprehensive Plan - General

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

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

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

- With regard to the site-specific FLUA amendment, the applicant states that the amendment will allow for “*additional housing opportunities within the Agricultural Reserve*” and will encourage balanced growth in an area with a “*homogenous development pattern*” which consists primarily of single-family homes. The proposed increase in density on the site “*allows the workforce in the area the opportunity to live closer to their place of employment*” and the site “*is well suited due to its location between the industrial uses to the west and the commercial uses to the east.*”
- With regard to the text amendment, the applicant indicates that allowing the MLU future land use designation in the Tier with increased densities will “*allow for the development of age restricted multi-family units, unrestricted multi-family units, attainable rental units for residents of all ages from millennials to seniors.*”

**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 text amendment proposes significant policy changes to the Agricultural Reserve Tier, including an eightfold density increase and reducing preserve requirements by changing the nature of preserve areas within AGR-PUDs.

This application brings forward a proposal that would help promote a sustainable land use pattern in the Agricultural Reserve Tier. Although a major focus of the policies adopted to implement the Agricultural Reserve Master Plan focused on the mechanics of residential Planned Developments with their required preserve areas, and the mixed use form and limitations on commercial land uses, the underlying theme of the Master Plan was to ensure that non-agricultural uses all be developed in a sustainable pattern. The vision in the Master Plan Phase II was to foster sustainable development that would *“serve area residents with respect to providing employment, shopping, recreation, services, and quality of life. Reducing the necessity for area residents to travel outside the area to receive services lessens the impact on surrounding area services and roads.”* This mixed-use, sustainable development was envisioned to promote an efficient pattern of development that would minimize infrastructure costs to reduce impacts on County tax payers. The Master Plan consultants recommended a wide range of housing types and residential institutional uses, including nursing homes, assisted living facilities, and multi-family housing. The final document prepared by the Agricultural Reserve consultants, the Phase II Plan, indicates that the recommendation was for a wide range of housing, including multifamily.

Currently, there are approximately 10,000 dwelling units with zoning approval in the Tier with up to an additional 2,500 or so allowable units (depending on future AGR-PUD approvals). This totals 12,500 dwelling units and a roughly 30,000 to 40,000 ultimate build-out population. All of the built and approved housing is single family or zero lot line development. Additional forms of institutional uses and housing opportunities were cited in the Master Plan as necessary for a balanced and thriving community. The concept of allowing expanded opportunities for a wider range of housing types and incomes within the Tier is warranted. However, this private amendment requests changes to the Comprehensive Plan that represent major departures from nearly all of the fundamental policy concepts directed by the Board of County Commissioners, and adopted into the Comprehensive Plan, including requiring preserve area and limiting development in the Tier. Although there is a basis for considering a wider range of housing types within the Agricultural Reserve Tier, the applicant has failed to provide a compelling basis to support the reduction in preserve area, changes to preserve uses, and mechanisms proposed to increase density, whether through a rezoning or higher density on preserve area. Further, the applicant has failed to demonstrate any unique characteristics of this site that justify moving forward ahead of the upcoming BCC Workshop on October 26<sup>th</sup>. These policy changes are not appropriately addressed by a private applicant for an individual property, and need to be considered with regards to the Tier as a whole and taking into account the long range and service implications presented by increasing densities and revising preserve requirements within the Tier.

**2. County Directions - FLUE Policy 2.1-g:** *The County shall use the County Directions in the Introduction of the Future Land Use Element to guide decisions to update the Future Land Use Atlas, provide for a distribution of future land uses in the*

*unincorporated area that will accommodate the future population of Palm Beach County, and provide an adequate amount of conveniently located facilities and services while maintaining the diversity of lifestyles in the County.*

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

**Direction 2. Growth Management.** *Provide for sustainable communities and lifestyle choices by: (a) directing the location, type, intensity, timing and phasing, and form of development that respects the characteristics of a particular geographical area; (b) requiring the transfer of development rights as the method for most density increases; (c) ensuring smart growth, by protecting natural resources, preventing urban sprawl, providing for the efficient use of land, balancing land uses; and, (d) providing for facilities and services in a cost efficient timely manner.*

**Direction 7. Housing Opportunity.** *Ensure that housing opportunities are compatible with the County's economic opportunities by providing an adequate distribution of low, moderate, and middle income housing, Countywide, through the Workforce Housing Program.*

**Direction 10. Level of Service Standards.** *Establish specific, public facility level of service standards that are directly linked to the Capital Improvement Program, to accommodate an optimum level of public facility and service improvements needed as a result of growth.*

**Staff Analysis:** The proposed amendment furthers **Direction 1, Livable Communities**, by fostering additional housing opportunities for existing and future residents of the Agricultural Reserve Tier. A Livable Community, as stated in the Future Land Use Element of the Comprehensive Plan under **1.D. Characteristics of a Livable Community**, which comprises certain characteristics which either the existing surrounding community exhibits a diverse mix of housing for a wide range of family and household types. With regards to **Direction 7. Housing Opportunity**, as further discussed under Workforce Housing, this proposed amendment introduces workforce housing into the Agricultural Reserve Tier which can increase housing diversity. With regards to **Direction 10. Level of Service Standards**, this amendment is located at the planned future alignment of Half Mile and Smith Sundry Roads. As discussed under the Public Facilities section of this report, securing the right of way for the alignment of the two roadways is critical if the Board supports the proposed text and future land use amendments, and warrants additional conditions of approval to that end if the amendment is adopted.

3. **Piecemeal Development – FLUE Policy 2.1-h:** *The County shall not approve site specific Future Land Use Atlas amendments that encourage piecemeal development or approve such amendments for properties under same or related ownership that create*

*residual parcels. The County shall also not approve rezoning petitions under the same or related ownership that result in the creation of residual parcels.*

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

## **B. Consistency with Agricultural Tier Requirements**

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

### **OBJECTIVE 1.5 The Agricultural Reserve Tier**

- Objective:** *Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to low densities and non-residential development limited to uses serving the needs of farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it.*

**Staff Analysis:** The applicant's proposed amendment does not preserve or enhance agricultural activity as it does not propose to preserve land for agriculture or foster low density development. Density in the Tier is allowed at 1 unit per 5 acres with the maximum Planned Development gross density at 1 unit per 1 acre, clustered into a smaller development area. The resulting net density in a development area is typically less than 2.5 units per acre with a 250 acre minimum 60/40 AgR-PUD. Even the highest of the low density Urban Suburban Tier residential categories of Low Residential, 3 units per acre (LR-3) results in a maximum of 3 units per acre. Low densities as stated in the Ag Reserve objective is supported by the current Policies that limit density to a maximum of 1 unit per acre. The applicant is proposing an Urban Suburban Tier for a net density of 12 to 20 units per acre (depending on whether 'onsite preserve area' is included in the 'net'). The resulting gross density would be 8 times that of the current maximum low density allowed in a current planned development.

In addition, the impacts of the proposed text amendments are not limited to the subject site, and could facilitate similar requests in the future, further eroding the objective. The proposed text amendments would set up a situation in the Comprehensive Plan that will allow for other sites in the Ag Reserve to pursue rezonings (initiated version Exhibit 1-A) or future land use amendments (modified version 1-B) to also request high density in the Tier, but without a text amendment to the Plan. This request proposes to introduce new policies into the Comprehensive Plan through the existing private text amendment process. This represents a substantial deviation of long established planning principles and practice since the preparation of the Comprehensive Plan, and subsequent amendments to text (i.e. Policies) of the Plan, and which affect and potentially erode the implementation of Comprehensive Plan Objectives, are the task of professional staff for consideration and eventual adoption by the Board of County Commissioners. Allowing

the introduction of new policy by property owners has the potential to create internal inconsistencies and erode the integrity of the County's Comprehensive Plan as a whole. The proposed text changes open the Ag Reserve beyond the scope of this amendment. Because of both the site-specific and broader implications, compounded by preceding the Agricultural Reserve Workshop scheduled for October 26<sup>th</sup>, the amendment is inconsistent with the Objective.

2. **AGR Policy 1.5-h:** *Residential uses shall be permitted within the Agricultural Reserve Tier under the Agricultural Reserve land use designation as further regulated by the Unified Land Development Code. Consistent with the provisions of Future Land Use Policy 2.1-b and Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density, the land shall be allowed to develop at a density of one dwelling unit per five acres (1DU/5AC), unless the property meets the requirements for an Agricultural Reserve Planned Unit Development (AgR-PUD) , Agricultural Reserve Multiple Use Planned Development (AgR-MUPD), or an Agricultural Reserve Traditional Marketplace Development (AgR-TMD) as described in Future Land Use Sub-Objective 1.5.1, in which case the land may be developed at a density of one dwelling unit per acre.*

**Staff Analysis:** This policy sets the maximum density in the Agricultural Reserve Tier within the Agricultural Reserve future land use designation as 1 unit per acre. The applicant's two versions of amendments do not propose revisions to the policy and are in clear violation. Due to the policy issues outlined in Section IV. Issues and Implications of this report, this proposed text and future land use amendment is inconsistent with the Comprehensive Plan.

3. **AGR Policy 1.5.1-a:** *In order to preserve and enhance agricultural activity, environmental and water resources, open space, and sustainable development within the Agricultural Reserve Tier, all new residential, commercial, industrial, and/or mixed use developments shall be developed as an Agricultural Reserve Planned Development that contributes to the fulfillment of these objectives by meeting the preserve area requirements, subject to the provisions of this Element, with the exception of 1) Residential subdivisions predating the Ag Reserve Tier and those that are subdivided at 1 unit per 5 acre density; 2) pre-existing commercial sites identified in Policy 1.5-i which develop at the square footages identified within the Policy; and 3) the sites which received an industrial future land use designation as part of the adoption of the 1989 Comprehensive Plan.*

**Staff Analysis:** This policy sets the maximum density in the Agricultural Reserve Tier within the Agricultural Reserve future land use designation as 1 unit per acre. The applicant's two versions of amendments (Exhibit 1-A and Exhibit 1-B) propose revisions to the policy to allow higher density yielding multifamily housing in the Agricultural Reserve Tier. The increase in density is currently inconsistent with this policy as adopted, but would be consistent with either of the proposed revisions. Due to the policy issues outlined in Section IV. Issues and Implications of this report, this proposed text and future land use amendment is inconsistent with the Comprehensive Plan.

4. **AGR Policy 1.5.1-b:** *A residential AgR-PDD shall require the following:*
  1. *that the development area be compact, contiguous, and arranged as a unified whole and appropriately buffered so as not to interfere with the continued or future function of the preserve area. For this purpose, a meandering or intrusion of the*

- development area into the preserve area would only be considered in an equestrian community;
2. *that the development area be situated adjacent to other existing, planned, or projected development areas.*
  3. *that the development area provide an appropriate buffer between non-agricultural uses and adjacent agricultural uses to ensure that new non-agricultural uses do not adversely affect agricultural uses. When golf courses and similar amenities are provided in the development area, they shall be situated to serve as a buffer between non-agricultural uses and agricultural uses, though water features shall not have to be located adjacent to the buffers of the development;*
  4. *that preserve areas not be regarded as part of any development lot;*
  5. *that preserve areas be used only for agriculture or open space uses;*
  6. *that any structures built within preserve areas be for agricultural uses only (as further specified in the ULDC), and shall be considered common resources of the development's residents or agricultural users;*
  7. *that the dedication requirements (e.g. civic use) and calculations for land uses (e.g. non-residential pods) be based only upon the development area; and*
  8. *that the development area use native or drought tolerant species for at least 60% of any landscape requirement.*

**Staff Analysis:** This policy parameters for planned developments in the Agricultural Reserve, including the allowable uses in the Preserve Area. The initiated text amendment (Exhibit 1-A) is consistent with this policy; however, the modified text amendment (Exhibit 1-B) is inconsistent as it proposes revisions to the preserve areas. Due to the policy issues outlined in Section IV. Issues and Implications of this report, this proposed text and future land use amendment is inconsistent with the Comprehensive Plan.

5. **AGR Policy 1.5.1-d:** *Utilization of these planned development options may result in a maximum density for an AgR-PDD of 1 du/ac for a residential AgR-PDD except that the maximum number of units shall be reduced to reflect the number of farm worker quarters and/or grooms quarters located in the preserve area. For a residential AgR-PDD or an AgR-TMD, the preserve area requirement shall be established as:*

1. *a 80/20 development, 75 percent of the total land area;*
2. *a 60/40 development, 60 percent of the total land area; and*
3. *a TMD, 60 percent of the total land area.*

**Staff Analysis:** This policy sets the preserve area requirements for Planned Developments in the Agricultural Reserve Tier as a minimum of 60 percent. The applicant's two versions of amendments (Exhibit 1-A and Exhibit 1-B) propose revisions to the policy for internal consistency. Due to the policy issues outlined in Section IV. Issues and Implications of this report, this proposed text and future land use amendment is inconsistent with the Comprehensive Plan.

6. **AGR Policy 1.5.1-i:** *A 60/40 AgR-PUD shall require the following:*

1. *a minimum of 250 acres exclusive of right-of-way as shown on the Thoroughfare Identification Map;*
2. *that the development area be contained in one compact area and not exceed 40 percent of the gross acreage less right-of-way as shown on the Thoroughfare Identification Map. The development area shall contain uses normally associated*



*with a PDD such as the street system, water retention areas, water amenity areas, active recreational areas (including golf courses), open space, which is integral to the PDD, and civic center sites;*

3. *the development area and the protected area need not be contiguous;*
4. *that the development area shall be situated east of State Road 7 with frontage on either State Road 7, State Road 806 (Atlantic Avenue), State Road 804 (Boynton Beach Boulevard), Clint Moore Road, Lyons Road extending north of Boynton Beach Boulevard or Lyons Road extending south of Atlantic Avenue and Acme Dairy Road extending south of Boynton Beach Boulevard to the L-28 canal. Other roadways may be added to this list, by Plan amendment, consistent with the goal of preservation and perpetuation of agriculture in the Agricultural Reserve Tier;*
5. *the development area shall not be situated west of State Road 7; and*
6. *that the preserve area shall consist of, at least, 60 percent of the gross acreage less right-of-way identified on the Thoroughfare Identification Map and be maintained in agriculture, passive recreation or other open space use. The preserve area shall:*
  - a) *contain a minimum area of 150 acres; and, be utilized for crop production, pasture, equestrian purposes, retained as fallow land or, if designated by the South Florida Water Management District as a Water Preserve Area, or to serve regional water management purposes as certified by either Lake Worth Drainage District or South Florida Water Management District, or for water management purposes not directly related to the 60/40 AgR-PDD if approved by the Department of Environmental Resources Management, managed for environmental resource values. Accessory agricultural structures such as barns and pump structures shall be permitted. Agricultural support uses such as processing facilities, and the like shall not be accommodated in the protected area of an AgR-PDD, unless the parcel meets the criteria provided in Policy 1.5-h; nor shall new residential uses be accommodated thereon except for farm worker quarters as described in Future Land Use Policy 1.5.1-k and Housing Policy 1.4-d or grooms quarters as described in Future Land Use Policy 1.5.1-k; and*
  - b) *that in cases of preserve areas that are contiguous to the associated development area, these preserves be held in common ownership and control by an HOA or other party for access by, and on behalf of, residents of the AgR-PDD or agricultural users, and operate under common management of an HOA or third party.*

**Staff Analysis:** This policy sets the requirements for residential Agricultural Reserve planned developments. The applicant's initiated version of amendment (Exhibit 1-A) proposes exceptions to the minimum acreages, but is otherwise consistent with the preserve requirements policy. Due to the policy issues outlined in Section IV. Issues and Implications of this report, this proposed text and future land use amendment is inconsistent with the Comprehensive Plan.

7. **Policy 1.5.1-n: AGR-Traditional Marketplace Development.** *The Agricultural Reserve Traditional Marketplace Development (AgR-TMD) is a planned development intended to provide an integrated mix of uses. The AgR-TMD differs from that AgR-MUPD by requiring a minimum of 51% of the commercial square footage to be designed as a "Traditional Main Street" that allows the floors above the shops and offices to have the potential to be used for either housing or residential/business as live/work spaces. An Agricultural*

*Reserve Traditional Marketplace Development (AgR-TMD) shall meet the following requirements:*

- 1. The total land area shall be a minimum of 25 acres;*
- 2. The Development Area shall be contained in one compact area not to exceed 40 percent of the gross acreage less right-of-way as shown on the Thoroughfare Identification Map. The development area shall contain uses normally associated with commercial development such as the street system, parking and water retention areas;*
- 3. The Development Area shall be located within 1/4 mile of the intersections of Lyons Road and Atlantic Avenue or Lyons Road and Boynton Beach Boulevard;*
- 4. The Development Area shall meet the Ag Reserve Design Elements;*
- 5. The Preserve Area shall consist of at least 60 percent of the gross acreage less right-of-way identified on the Thoroughfare Identification Map. Up to 10 percent of the preserve area may be located within the development area for use as open space or public greenspace. Any portion of the preserve area not located within the development area:*
  - a) may be contiguous with the developed area;*
  - b) shall be utilized for crop production; pasture; equestrian purposes; if designated by the South Florida Water Management District as a Water Preserve Area, or to serve regional water management purposes as certified by either Lake Worth Drainage District or South Florida Water Management District, or for water management purposes not directly related to the AgR-TMD; or, if approved by the Department of Environmental Resources Management, managed for environmental resource values. Accessory agricultural structures such as barns and pump structures shall be permitted. Agricultural support uses such as processing facilities, and the like shall not be accommodated in the protected area of an AgR-TMD; nor shall new residential uses be accommodated thereon except for farm worker quarters or grooms quarters as described in Future Land Use Policy 1.5.1-o or, if located east of State Road 7 and adjacent to a development area, for civic purposes such as schools, libraries, or fire stations.*

**Staff Analysis:** This policy sets the requirements for Traditional Marketplace Agricultural Reserve planned developments, and the preserve requirements are also utilized for Multiple Use Planned Developments in the Agricultural Reserve. The applicant's modified version of amendment (Exhibit 1-B) proposes exceptions to preserve requirements policy to allow features associated with the development, including open space, water features, and buffers to be within the preserve area. Due to the policy issues outlined in Section IV. Issues and Implications of this report, this proposed text and future land use amendment is inconsistent with the Comprehensive Plan.

- 8. Proposed Text Amendment – Essential Housing Residential (EHR).** The specific proposed text changes are shown in Exhibit 1-A (Initiated Version) and Exhibit 1-B (Modified Version) in strike out and underline. These changes are summarized below.

**Initiated and Intake Text Amendment – Exhibit 1-A.** This amendment proposed to allow a higher density in the Agricultural Reserve Tier, up to 520 units on the subject site at time of initiation, and up to 560 units at time of intake. The request proposed to require

25% of the housing units as workforce housing and allow sites (subject to location requirements) to achieve 8 units per acre density across both the preserve and development areas through the rezoning process alone. This amendment allowed applicants to circumvent the legislative approval process of the Board of County Commissioners through the future land use amendment process. This text amendment did not make any changes to the 60% preserve requirement for AgR-PUDs, and proposed ULDC amendments to reduce the minimum acres for AgR-PUDs to foster the processing of the associated applications.

**Modified Text Amendment – Exhibit 1-B.** Following intake, staff was initially under the impression that the processing of the text and future land use amendment would be delayed until after the workshop. However, when the initial workshop date of August 31<sup>st</sup> was moved to October 26<sup>th</sup>, the decision was made to allow the proposed text and future land use amendment to move forward to Planning Commission prior to the workshop, with the transmittal hearing being held on November 3<sup>rd</sup>. In an effort to work with the applicant on the proposed amendment, staff recommended that the text amendment be modified to use the Multiple Land Use (MLU) future land use designation rather than creating a new type of AgR-PDD zoning. By using the MLU designation, a concurrent zoning application could be processed utilizing the Multiple Use Planned Development Zoning district rather than delaying the zoning application for the completion of ULDC revisions to accommodate the request. In addition, the use of the MLU designation kept the legislative authority intact. Staff cannot support changes to the Comprehensive Plan that would allow an eightfold increase in density through the zoning process alone without an associated future land use amendment. The modified version of the request (Exhibit 1-B) incorporates the MLU designation; however, the modified request includes changes to the preserve area uses and requirements above and beyond the use of the MLU. These revisions propose that ‘on-site preserve area’ is allowed to include uses such as open space, water features, and buffers that are typically part of the development area (and not allowed within preserve areas) to not only count towards the preserve requirement, but to also be assigned up to 12 units per acre.

**Staff Analysis:** Should the Board of County Commissioners support the proposed text and future land use amendment, staff recommends the use of the MLU future land use designation as described in Exhibit 1-B. However, staff cannot support any of the changes related to preserve areas within that Exhibit. With regards to the introduction of workforce housing into the Agricultural Reserve, such a concept is consistent with the overall Comprehensive Plan directions to foster attainable housing. Due to the policy issues outlined in Section IV. Issues and Implications of this report, this proposed text and future land use amendment is inconsistent with the objective of the Agricultural Reserve Tier.

#### 9. **4.4.2 Multiple Land Use**

**Policy 4.4.2-b:** *The Multiple Land Use (MLU) future land use designation is established for multiple and mixed use projects proposed through the amendment process. The MLU is an umbrella category which requires a minimum of two different future land use designations at least one of which shall be residential. The allowable underlying land uses are identified in 2.2-e.1. The MLU is project specific is subject to the following:*

1. *Uses, Intensity, and Density. The application for a proposed future land use amendment to MLU shall identify the proposed uses, maximum intensity, and maximum density which shall be affixed in the adopting ordinance. The use of the*

*Workforce Housing Program and/or Transfer of Development Rights program is required as part of the concurrent zoning application for proposed MLU amendments seeking an increase in density. The MLU adopting ordinance shall identify the underlying land uses, and include conditions of approval identifying whether the site may also utilize these programs following adoption for additional density, or whether the site is prohibited from future density increases.*

2. *Concurrent Zoning Application. The proposed amendment for an MLU requires the processing and adoption with a concurrent zoning application. The zoning application shall include a site plan or master plan depicting the functional integration of the proposed uses, and the maximum intensities and densities. The MLU adopting ordinance shall include conditions of approval as necessary to reflect the concurrent zoning application and may include the adoption of a conceptual site plan depicting the location of the various land uses, open space, and linkages which functionally integrate the different land use categories.*
3. *Usable Open Space. At a minimum, 5% of the property must be committed to usable open space (as defined by the Introduction and Administration Element). Open space must functionally integrate the project's land uses and may not be applied to the recreation and/or parks requirements or other required civic dedication of land during the development review/re-zoning process, excluding right of way dedication. Water retention, lakes, drainage, and canals shall not be considered usable open space. The usable open space requirement is not required for projects for which the residential use is limited to a congregate living facility.*
4. *Applicability. Proposed amendments for multiple and mixed use projects requesting an increase in residential density and a non-residential future land use in the Urban Suburban Tier are required to apply for the MLU designation. Exceptions to this requirement are proposed amendments described as follows:*
  - a. *Amendments seeking a traditional development designation;*
  - b. *Amendments for which the residential use limited to a congregate living facility.*

**Staff Analysis:** This policy parameters for Multiple Land Use (MLU), a future land use designation that is not currently utilized within the Agricultural Reserve Tier. The initiated text amendment (Exhibit 1-A) proposes to allow applicants to rezone to multifamily housing without a future land use amendment, which staff has strongly opposed. The applicant's modified text amendment (Exhibit 1-B) proposes the same development proposal, however using the MLU 'tool in the toolkit' already in place within the framework of the Comprehensive Plan. The specific MLU request would be for an underlying Institutional and Public Facilities for the purposes of the proposed 120 student daycare, proposed for the segment of the site west of the connection of Half Mile and Smith Sundry Roads. The underlying AGR designation would be retained to allow any onsite open space in the development area to be utilized for uses allowed in AGR. Finally, the underlying residential density is proposed to be High Residential, 12 units per acre. This density is not currently allowed within the Agricultural Reserve, and requests associated amendments as shown in Exhibit 1-B. If the text amendment is approved by the Board,

the MLU is a suitable future land use designation for the request. The future land use change could also work within this framework, subject to conditions as provided below.

- **Institutional Uses.** The adopting ordinance would need conditions of approval depicting the location and intensity of the proposed institutional uses. The applicant has indicated a 120 student daycare for the northwestern corner of the site located on the west side of the alignment of Half Mile and Smith Sundry Roads.
- **Usable Open Space.** Pursuant to Policy 4.4.2-b, a condition requiring 5% Usable Open Space is proposed, including the requirement that the open space must functionally integrate the uses on the site and may not be applied to the recreation and/or parks requirements or other required civic dedication of land during the development review/re-zoning process, excluding right of way dedication. Water retention, lakes, drainage, and canals shall not be considered usable open space. The adopting ordinance would be required to include a condition of approval regarding the usable open space requirement.
- **Residential Units.** The adopting ordinance would be required to include a condition of approval capping the number of allowable units.
- **Workforce Housing.** Transfer of Development Rights are not allowed currently in the Agricultural Reserve and not requested by the applicant. The adopting ordinance would require conditions of approval related to workforce housing as further discussed in the associated sections of this report.
- **Concurrent Zoning.** As required by Policy 4.4.2-b, this a concurrent zoning application would need to be submitted to run concurrent with the amendment application; or the applicant would need to propose revisions to the MLU to revise this requirement for sites within the Agricultural Reserve to exempt itself.

## 5. ULDC Implications.

**Initiated and Intake Text Amendment – Exhibit 1-A.** The Reserve at Atlantic initiated text amendment request provides potential ULDC changes as summarized below:

- **Art. 3.E.2.F.2.c.3) EHR AgR-PDD Option**
- The preserve area shall be required to be 60 percent of the gross land area of the PUD. If the workforce housing units include a deed restricted for-sale product, the maximum density may be increased to 8 dwelling units per acre.
- **Art.3.E.2.F.4.b.2) EHR AgR-PDD Requirements**
  - Provide a minimum of 25% of the total units as workforce housing
  - Provide civic or institutional services to support the residents of the development (i.e. daycare, place of worship, or similar uses)
  - Located within ¼ mile (walking distance) of employment opportunities (TMD or IND)

**Modified Text Amendment – Exhibit 1-B.** The Reserve at Atlantic modified text amendment request will require revisions to the ULDC related to the allowable uses and percentages of preserve areas.

**Staff Analysis:** Due to the policy issues outlined in Section IV. Issues and Implications of this report, this proposed text and future land use amendment is inconsistent with the objective of the Agricultural Reserve Tier.

### 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.

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

**North** – To the north of the site across Atlantic Avenue are industrially designated parcels which pre-dated the Agricultural Reserve Master Plan. At the northeast corner of Atlantic Avenue and Smith Sundry is the Delray Growers (LGA 2016-018) site which received a Commercial Low future land use in 2016. In the site was approved for 90,000 square feet of hospital uses and 30,000 square feet of Medical Offices in a zoning application known as Legent Delray Beach MUPD. Just east of that site is a parcel that was approved for a Type II Commercial Kennel and is currently vacant. Continuing east is an application in process for a 2.05 acre parcel known as Atlantic Avenue Medical (LGA 2021-008) which is requesting a land use amendment from AGR to Commercial Low Office (CL-O) in order to develop medical/professional offices. Finally, at the northwest corner of Atlantic Avenue and Lyons is the 36 acre Delray Marketplace TMD which was adopted in 2005. The Delray Marketplace TMD has a future land use designation of Commercial Low with an underlying Agricultural Reserve (CL/AGR) and is approved for 278,940 square feet of commercial uses.

**East** – to the east are several parcels with Agricultural Reserve (AGR) future land use with a 25 acre parcel utilized as agricultural production.

**South** – to the south are various 5 to 7 acre parcels with nursery and agricultural uses. These sites have an Agricultural Reserve (AGR) future land use designation.

**West** – to the west beyond half mile road are several parcels owned by the Diocese of Palm Beach with an Industrial future land use. Just west of the Diocese property is the Mountain Business Center (Young Property South) site which is currently in the zoning process for a rezoning to Multiple Use Planned Development (MUPD) and requesting 186,935 sf of warehouse and office. All these sites to the west of the subject site have Industrial future land uses which pre-date the Agricultural Reserve Master Plan.

**FLUE Policy 2.1-f states that** *“the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity.”* And **FLUE Policy 2.2.1-b** states that *“Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintain to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan.”*

**Applicant’s Comments:** The applicant lists the surrounding uses and future land use designations and provides a compatibility analysis in Exhibit 3-B. In addition, the applicant states, “Atlantic Avenue is currently developed with a mix of industrial, commercial, residential and agricultural uses” which makes the proposed future land use compatible

with adjacent land uses.

**Staff Analysis:** The proposed 480 unit apartment complex is out of character with the existing Agricultural Reserve suburban developments with low density residential and commercial land uses. The design of the site may incorporate buffers and increased landscaping to separate the site from surrounding development and agriculture to mitigate compatibility concerns.

#### **D. Consistency with County Overlays, Plans, and Studies**

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

**Staff Analysis:** The proposed amendment is not located within an overlay.

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

**Staff Analysis:** The property is not located within a neighborhood plan. It is located within the Agricultural Reserve Tier, which was the subject of the Ag Reserve Master Plan for which policies have already been adopted in the Comprehensive Plan in order to implement the Master Plan recommendations.

#### **E. Public Facilities and Services Impacts**

The proposed amendment was reviewed at a proposed potential of 85,000 square feet of self-storage, 45 single family units, 315 multifamily units, 200 55+ units, and 120 student day care. Public facilities impacts are detailed in the table in Exhibit 4.

1. **Facilities and Services – FLUE Policy 2.1-a:** *The future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area, considering assessment of soil types, wetlands, flood plains, wellfield zones, aquifer recharge areas, committed residential development, the transportation network, and available facilities and services. Assignments shall not be made that underutilize the existing or planned capacities of urban services.*

**Staff Analysis:** The proposed amendment has been distributed to the County service departments for review and there are adequate public facilities and services available to support the amendment, and the amendment does not exceed natural or manmade constraints. No adverse comments were received from the following departments and agencies regarding impacts on public facilities:

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



(PBC Dept. of Health), Community Services (Health & Human Services) and Fire Rescue, School District.

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

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

**Staff Analysis:** The Traffic Division reviewed this amendment at a proposed potential of 85,000 square feet of self storage, 45 single family units, 315 multifamily units, 200 55+ units, and 120 student day care. According to the County's Traffic Engineering Department (see letter dated July 20, 2021 in Exhibit 5) the amendment would result in 3,191 total trips per day for a net increase of 1,989 trips per day if the site was developed at the current maximum development potential of a 5 acre Nursery Garden Center and 33.88 acre Wholesale Nursery.

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 **proposed** density shown above."*

The Traffic Study dated May 28, 2021 was prepared by Rebecca Mulcahy, P.E of Pinder Troutman Consulting. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at: <http://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

- 3. Roadway Network.** This amendment is located at the planned future alignment of Half Mile and Smith Sundry Roads. Although these roadways are not currently identified on the Comprehensive Plan Map Series Thoroughfare Right of Way Identification Map (TE 14.1), their alignment is critical to the connectivity within this area of the Agricultural Reserve. As to be discussed at the October 16th Workshop, planning for public facility and service improvements as a result of growth is critical, and needs to run concurrent with proposed increases in density and intensity, particularly in the Agricultural Reserve that was planned for low densities. Securing the right of way necessary for the alignment of the two roadways is critical if the Board supports the proposed text and future land use amendments, and warrants additional conditions of approval to that end if the amendment is adopted.

## **II. Public and Municipal Review**

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

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on September 22, 2021. To date, no comments have been received.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on September 24, 2021. In addition, interested parties were notified by mail including the Alliance of Delray Residential Associations, Coalition of Boynton West Residential Associations, Four Seasons at Delray Beach HOA, Saturnia Isles HOA, and Delray Lakes Estates HOA. Letters are added to Exhibit 10 as they are received during the course of the amendment process.
- C. Informational Meeting:** The Planning Division hosted a meeting with area residents and interested parties to relay information regarding the amendment and development approval process on October 5, 2021. Two members of the public attended including representatives of the Coalition of West Boynton Residential Associations and the Alliance of Delray. The agent, real estate broker, and applicant also attended. There were no comments or questions from the public.

## **Exhibit 3-A**

### **Applicant's Text Request Justification**

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In 1980, Palm Beach County adopted the Managed Growth Tier System as part of a Comprehensive Planning effort. The purpose of the Tier System is to protect viable existing neighborhoods and communities while directing the location and timing of future development. A significant objective of the Tier System is to “provide development timing and phasing mechanisms in order to prioritize the delivery of adequate facilities and services to correct deficiencies in existing communities and accommodate projected growth in a timely and cost effective manner.” The population of Palm Beach County continues to grow as retirees continue to relocate to South Florida, existing businesses expand operations and hire additional workforce, and new companies relocate to Palm Beach County bringing new residents to the area. FLUE Policy 1.1-a states, the County shall develop and implement strategies for each unique community and/or geographic area based upon common characteristics, including physical development patterns and service provision.” To date residential development within the Agricultural Reserve has predominantly been single family residential development. Limited neighborhood commercial uses have been developed primarily at the commercial nodes.

The Agricultural Reserve Tier is 22,000 acres. The Agriculture Master Plan was adopted in 2000. To date, approximately 13,000 acres have been preserved through the County’s Bond Referendum, government ownership, and clustering options for AgR Planned Developments. The Bond Referendum allowed for the purchase of approximately 2,400 acres. Approximately 7,500 acres are preserved as part of approved AgR Planned Developments.

Since 2000, several large farming families have ceased operations and no longer farm, including Whitworth, Winsberg, Mazzonni, Amestoy, and Dubois. Over the past 20 years, these large tracts of farmland have been converted into single family residential planned developments, thus significantly impacting the development pattern of the Tier. A majority of the residential developments in the Agricultural Reserve are comprised of single family homes for the more affluent residents of the County. This Tier has been exempted from the County’s mandatory workforce housing program and has limited density of 1 dwelling unit per acre thus, the area is very homogeneous.

Other changes to the Agricultural Reserve include increases to the commercial square footage cap in order to meet the demand for retail, restaurants and other services by the residents of the Agricultural Reserve. This has allowed for more commercial parcels to be developed in addition to the originally designated TMDs located at Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road. Other non-residential uses have been developed in the area to support the residents of the Tier. A large regional hospital campus including 135,000 square feet of medical office buildings, several private and charter schools have been approved and developed along the Boynton Beach Boulevard corridor. These institutional uses serve the residents in the area as well as drawing in others from outside of the Agricultural Reserve Tier.

The latest changes to the Agricultural Reserve Tier include allowing sites as small as 5-acres to be utilized for preserve requirements for planned developments. This change allowed for additional

development parcels and therefore increased the number of residential units built in the Ag Reserve. The current Ag Reserve Tier now reflects a patchwork development pattern. Many of these 5 acre properties support small nurseries, landscape services, and pastureland for cows, horses, pigs, chickens, sheep and goats. These properties are often squeezed in between development and other preserve parcels which has resulted in incompatible and unsustainable development patterns. The increasing number of residents moving into the Ag Reserve creates more traffic along the main thoroughfares because the residents are required to drive east for services. In addition, the car and resident traffic conflicts with farm vehicles and other farming activity.

Twenty years have passed since the adoption of the Agricultural Reserve Master Plan. Significant changes have occurred in Palm Beach County over these same 20 years. The 2020 population for Palm Beach County is 1,466,494 which represents a 30% population increase from 2000. The projected 2030 population will be 1,649,079, an increase of 15% over the period of 10 years.

The Board of County Commissioners and the County Administrator have stated that Palm Beach County has a housing crisis. The County's Workforce Housing Program was recently revised in an attempt to provide more on-site construction of workforce housing and to ensure that units are being constructed and will meet the needs of the workforce population. The average home price in the Agricultural Reserve is approximately \$700,000 which is over 2½ times the \$261,030 home sales price for those in the moderate income category.

Local Housing Solutions (LHS) is a not-for-profit organization created by the National Community of Practice on Local Housing Policy to provide assistance and resources to local governments developing balanced local housing strategies and fostering inclusive neighborhoods. According to [the LHS](#), one of the 4 reasons why housing is unaffordable is due to "government regulation raise production costs and reduce overall supply of all types of housing. For example, limits on density restrict the number of homes that can be built on available land...cause developers to go elsewhere, making it difficult for the supply of housing to keep pace with increases in demand and rising housing prices..." Further this not-for-profit organization states, "to improve housing affordability, community leaders can adopt policies that encourage the production of additional housing units...the most important step is to change land use regulations that limit how much housing can be built." A solution proposed by this organization is to change ordinances and codes to allow for higher residential density. "Zoning codes can limit the number of housing units that can be developed, and those limits should be reassessed in light of what the market and infrastructure will bear."

The proposed comprehensive plan text amendment will allow for the development of age restricted multi-family units, unrestricted multi-family units, attainable rental units for residents of all ages from millennials to seniors. To date, the housing being provided in the Agricultural Reserve Tier serves the top 5% of Palm Beach County residents. The proposed amendments will allow for the additional density needed to develop attainable housing while still utilizing the 60/40 Planned Unit Development option. Workforce housing is needed in the Agricultural Reserve to meet the demand for additional housing options for the people working at the existing hospital, schools, post office, solid waste facility, retail, and restaurants located within the Tier.

## Applicant's Consistency with Comprehensive Plan

The objectives of the Agricultural Reserve Tier include the creation of a functional sustainable development pattern that minimizes the costs and impacts to County taxpayers. The current development pattern within the Agricultural Reserve is not sustainable as it requires most residents to travel into the Urban/Suburban Tier for services and employment opportunities while a majority of the workers within the Agricultural Reserve Tier come from the Urban/Suburban Tier. Many of the traffic related issues on Atlantic Avenue are caused by people traversing in and out of the Agricultural Reserve for services and/or housing. If additional housing options were available within the Ag Reserve Tier, much of the workforce would have the opportunity to live close to their place of employment.

The proposed exemption for Policy 3.5-d is being requested as a precaution as the Florida Department of Transportation is currently in process of widening various links of Atlantic Avenue. The timing of this expansion project for the portion of Atlantic Avenue east of the Florida Turnpike is currently unknown. By adding more housing options to the Agricultural Reserve Tier, travel distance and time is reduced. This reduction would lessen the impacts on the major rights-of-way in the Tier, thus decreasing the burden for service provision on County taxpayers. Reducing travel times also benefits the environment as it reduces carbon dioxide gas emissions.

This proposed Comprehensive Plan Text Amendment is consistent with the intent, objectives and policies of the Comprehensive Plan and Agricultural Reserve Master Plan, as follows:

Objective 1.5 Agricultural Reserve Tier - "Create a functional sustainable development pattern" and "minimize costs/impacts to County taxpayers".

*Response: As mentioned above, if additional housing options were available within the Ag Reserve Tier, much of the workforce would have the opportunity to live close to their place of employment. By adding more housing options to the Agricultural Reserve Tier, travel distance and time is reduced. This reduction would lessen the impacts on the major rights-of-way in the Tier, thus decreasing the burden for service provision on County taxpayers. Water and sewer lines have been installed along Atlantic Avenue to serve the various residential projects being developed within the Agricultural Reserve. All property owners with frontage along Atlantic Avenue were required to pay assessments for the extension of these water and sewer lines. Allowing development of the Property with a workforce housing project would be an efficient use of these existing public facilities. Another contribution to a sustainable development pattern would be the reduction of carbon dioxide gas emissions as travels times are reduced.*

Sub-Objective 1.5.1 Planned Developments – "To achieve the goal of farmland protection and agricultural perpetuation, unique planned development options, which ensure the preservation of significant open space may be permitted."

*Response: The proposed WHR AgR-PDD Option will allow for the development of an additional housing type within the Ag Reserve while still requiring a preservation set aside similar to all other planned developments in the AGR Tier.*

Policy 1.5.1-b: A residential AgR-PDD shall require the following:

1. That the development area be compact, contiguous, and arranged as a unified whole and appropriately buffered so as not to interfere with the continued or future function of the preserve area.
2. That the development area be situated adjacent to other existing, planned, or projected development areas.
5. That preserve areas be used only for agriculture or open space uses.

*Response: The proposed development will provide the appropriate percentage of preserve area similar to other planned developments within the AGR Tier. The proposed project is located on Atlantic Avenue. The proposed project will accommodate the future planned road alignment for Smith Sundry and Half Mile Roads which will contribute to better access to all area properties with existing development approvals and future development projects.*

### **County Goals.**

Balanced Growth and Land Planning. Balanced growth is one of the key elements for good land use planning. Balanced growth refers to the amount, distribution and inter-relationships of appropriate land uses, which provide for the physical, social, cultural and economic needs of a community within the constraints of environmental conditions.

*Response: Allowing additional housing opportunities within the Agricultural Reserve will encourage balanced growth. The Agricultural Reserve is comprised of affluent residents living in single family homes, most of which are planned gated communities. This is a homogeneous development pattern with little to no economic diversity. The recent changes to the Agricultural Reserve Master Plan have allowed increased services to be developed to support the increasing amount of residential development. However, no accommodation of housing for those working in the service, education, and healthcare industries has been provided.*

Housing Opportunity. Ensure that housing opportunities are compatible with the County's economic opportunities by providing an adequate distribution of very-low and low-income housing, Countywide, through the Workforce Housing Program.

*Response: As described above, the proposed comprehensive plan text amendment will allow for the development of multi-family units, rental workforce housing units as well as age restricted multi-family housing including an attainable housing component. Workforce housing is needed in the Agricultural Reserve to provide much needed housing options for the people working at the existing hospital, schools, post office, solid waste facility, retail, and restaurants located within the Tier.*

### **County Directions**

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 area; (b) requiring the transfer of development rights as the method for most density increases; (c) ensuring smart growth, by protecting natural resources, preventing urban sprawl, providing for the efficient use of land, balancing land uses; and (d) providing for facilities and services in a cost efficient timely manner.

*Response: Development in the Agricultural Reserve is comprised mainly of exclusive gated communities developed with single family homes. This homogeneous development pattern does*

*not contribute to smart growth or an efficient use of land. Incorporating various housing types ensures that those who work in the service, education, and healthcare industries are able to live close to their employment. As described above limiting density discourages the development of various housing types and ensures no provision for workforce housing.*

### **Agricultural Reserve Master Plan**

The Ag Reserve Master Plan recognized the need for affordable housing within the Ag Reserve by allowing and encouraging vertical and horizontal integration of residential units within the Traditional Marketplace Developments. However, this type of forced design was not affordable, feasible or marketable, especially at a density of 1 dwelling unit per acre. The Consultant recommended that the County permit density bonuses as a means of encouraging vertical integration and ensuring a greater diversity of housing types.

The Master Plan originally intended for development to be concentrated and radiate outward from two nodes (Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road). Preservation parcels were anticipated to be located west of State Road 7 and within the core of the Agricultural Reserve. The proposed text amendment will allow for development to occur along Atlantic Avenue in an area originally designated by the Master Plan as a location for development. *Response:* *The development of multi-family residential units will not occur in the AGR Tier unless density rates are increased. Initially, multi-family was intended to locate within the two approved TMDs. The residential units have yet to be constructed within these two projects. The proposed project will provide additional housing options within the AGR Tier that were originally contemplated but were never able to be developed. These units will be located within close proximity of the TMDs to ensure the intent of the AgR Master Plan is realized.*

## Exhibit 3-B

### Applicant's FLUA Request Justification

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#### **Introduction**

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment and Comprehensive Plan Text Amendment for the property located at the southeast corner of Atlantic Avenue and Half Mile Road/Smith Sundry Road ("Property") to amend the future land use designation from Agricultural Reserve (AGR) to Multiple Land Use (MLU) and impose conditions of approval to limit development to 480 residential units and a daycare. The Property is located within the Agricultural Reserve Tier and is currently utilized for agriculture row crops.

#### **I. PROPOSED FLUA MAP AMENDMENT**

The Applicant is requesting a Future Land Use Amendment from AGR to MLU and impose conditions of approval to allow for the development of 480 residential units and a daycare. The current future land use designation would allow for the development of eight (8) dwelling units or 254,042 SF of agricultural uses. The proposed future land use designation will allow for a maximum of 480 residential units and a daycare. The Applicant is proposing to pursue a rezoning to Multiple Use Planned Development (MUPD) or Planned Unit Development (PUD) based upon proposed Unified Land Development Code text amendments.

#### **Description of Site Vicinity**

The Property is located on the Atlantic Avenue corridor within the Agricultural Reserve Tier. To the west of the Property is the industrial corridor of the Agricultural Reserve. To the northeast of the property is the commercial node that includes a proposed medical office/hospital, kennel, and Delray MarketPlace TMD.

Land uses directly abutting the Property include the following:

<b>Adjacent Property</b>	<b>Land Use Designation</b>	<b>Zoning Designation</b>	<b>Existing Use</b>	<b>Control Number</b>	<b>Resolution Number</b>
<b>North</b>	IND	IL	Self-Storage Facility (+/-49,391 SF)	1982-136	R-1983-143
	CL/AGR	CG & AGR	Current – Vacant; Proposed Medical Office/Hospital	2015-118	R-3-Y-60
	AGR	AGR	Kennel and Veterinary Clinic (35,090 SF)	2013-315	ZR-2015-008
	AGR	TMD	Vacant (Preserve Parcel)	2004-616	R-2011-1110
<b>South</b>	AGR	AGR	Agricultural uses	N/A	N/A
<b>East</b>	AGR	AGR	Single Family Home	N/A	N/A
	AGR	AGR	Agriculture Row Crops	N/A	N/A
<b>West</b>	IND	IL	Contractor Storage Yard	1973-242 & 1976-077	R-1976-561, R-1974-066, R-3-B-65, & R-3-LL-65
	AGR	AGR	Place of Worship	1994-087	R-2009-1219
	AGR	AGR-PUD	Residential Planned Unit Development (743 Single Family & Zero Lot Line Units)	2000-032	R-2017-1641



## History

The Agricultural Reserve Master Plan was originally developed to preserve and enhance agricultural activity and environmental and water resources in the Ag Reserve. Since the adoption of the Ag Reserve related Comprehensive Plan policies, numerous residential developments have been built and the number of residents living within the boundaries of the Ag Reserve has significantly increased. The needs of those residents as well as good planning practices, have spurred additional changes in the Ag Reserve. These changes included increasing the commercial square footage cap to allow for additional smaller commercial projects, allowing 5-acre standalone preserve parcels, and allowing smaller commercial projects to develop without the need to provide preserve acreage. Additional changes have been approved to allow the development of congregate living facilities and self-storage facilities within the Ag Reserve. Finally, new site plan and zoning applications have been approved for numerous properties within the industrial corridor to the west of the Property. The large property to the east previously owned by the Mecca family has recently been acquired by GL Homes. The future development of this land will likely be similar to the many other GL Homes communities in the area such as Dakota which is located to the southwest of the Property.

### G.1 Justification

Each proposed FLUA amendment must be found to be consistent with the Goals, Objectives, and Policies (GOPs) of the Comprehensive Plan. Future Land Use Element Policy 2.1.f requires that adequate justification for the proposed future land use be provided. Further, the justification statement must demonstrate that a change is warranted and demonstrate the following two factors:

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

***Response:** The proposed future land use designation of MLU and related text amendments to allow for a smaller Planned Unit Development with density exceeding 1 dwelling unit per acre are suitable and appropriate for the Property. The Property is located on Atlantic Avenue which is a major east-west right-of-way that provides easy access to the Florida's Turnpike as well as State Road 7 and I-95. In collaboration with the Palm Beach County Engineering Department, the Applicant is proposing to align Smith Sundry Road and Half Mile Road as part of the concurrent zoning application. The area of land that will be created on the west side of the road will be adjacent to the existing Industrial future land use corridor along Atlantic Avenue between State Road 7 and Half Mile Road/Smith Sundry Road. The intersection will create a clear boundary between that industrial corridor and the remaining area to the east.*

*Allowing additional housing opportunities within the Agricultural Reserve will encourage balanced growth. The Agricultural Reserve is comprised of affluent residents living in single family homes, most of which are planned gated communities. This is a homogeneous development pattern with little to no economic diversity. The recent changes to the Agricultural Reserve Master Plan have allowed increased services to be developed to support the increasing amount of residential development. However, no accommodation of workforce housing for those working in the service, education, and healthcare industries has been provided. The Property is well suited due to its location between the industrial uses to the west and the commercial uses to the east. The proposed multi-family project will provide a transition between those intense uses on Atlantic Avenue and the existing and future single-family uses to the south.*

*The Master Plan envisioned the development of 2,520 multi-family units and 4,200 townhouse units. To date no townhouses or multi-family units have been developed and the Agricultural Reserve continues to be developed with large single-family homes generally priced above \$700,000. The consultants that prepared the Agricultural Reserve Master Plan recommended that the County allow density increases as a means of encouraging multi-family development and varied residential product types as well as encouraging integration between residential and non-residential uses. The development pattern of the*

*Agricultural Reserve is segregated as commercial is concentrated at the intersection of Lyons Road and Atlantic Avenue, industrial fronts along Atlantic between State Road 7 and Smith Sundry Road/Half Mile Road and the gated single family residential developments have primarily been developed with frontage/access on State Road 7 and Lyons Road. This type of development pattern requires residents to drive to and from the various services that they need. Additionally, the workforce of those various commercial businesses is typically not able to afford the high-priced housing within these exclusive residential developments. Approval of the proposed future land use and text amendments will allow for the development of a housing that will add a diverse and affordable housing option for the workers within the Agricultural Reserve Tier.*

*The density increase to 12 units per acre is necessary to accommodate the development of multi-family units. Higher density already exists for the In The Pines development that serves some of the farmworkers of the Tier. Additionally, the proposed Congregate Living Facility text amendment will allow for density at 8 dwelling units per acre. Preserve area is still required and that additional density increase is needed to offset the cost of acquiring preserve land and providing workforce housing.*

*The creation of additional housing options within the Ag Reserve Tier will allow the workforce in the area the opportunity to live close to their place of employment. By adding more housing options to the Agricultural Reserve Tier, travel distance and time is reduced. This reduction would lessen the impacts on the major rights-of-way in the Tier, thus decreasing the burden for service provision on County taxpayers. Water and sewer lines have been installed along Atlantic Avenue to serve the various residential projects being developed within the Agricultural Reserve. Allowing development of the Property with a workforce housing project would be an efficient use of these existing public facilities.*

**2. There is a basis for the proposed FLU change for the particular subject site based upon one or more of the following:**

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

***Response:** As previously mentioned, significant changes to the original master plan have been approved within the Agricultural Reserve Tier. The Board of County Commissioners approved several new commercial projects along the Atlantic Avenue corridor including Seneca, Feurring Commercial, Delray Growers, Fina Station, and Dells Suburban. With the approval of these new commercial projects, the cap on commercial square footage was increased, commercial was no longer limited to one corner within the Atlantic Avenue and Lyons Road intersection, the preserve requirement for commercial parcels less than 16 acres was eliminated, and the requirement to utilize the Traditional MarketPlace zoning designation was changed. Additionally, residential projects continue to be developed within the Tier.*

*Continued residential growth has created a need for additional services within the Agricultural Reserve Tier. The additional services that have been approved and developed along the Atlantic Avenue corridor require employees. The employees of these retail, restaurant, and other essential services that cater to the growing single family residential development often times cannot afford the expensive single-family housing that is currently being developed in the Agricultural Reserve. These essential service employees often reside within multi-family or townhouse projects as those housing product types are what is typically affordable for those working within the service industry.*

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

***Response:** The characteristics of the area have changed significantly since the 1989 Comprehensive Plan was adopted. The Agricultural Reserve Master Plan originally intended that*

*more intense uses and development would occur along the major roadways and at nodes within the Tier. The Master Plan further intended for lower density residential to develop outside of the higher intensity core eventually transitioning to the Agricultural Preserve parcels. This development pattern has not occurred, rather development is disconnected. Contributing factors to this development pattern that were not anticipated include, several large farming families ceasing operations and no longer farming, including Whitworth, Winsberg, Mazzonni, Amestoy, and Dubois. Over the past 20 years, these large tracts of farmland have been converted into single family residential planned developments, thus significantly impacting the development pattern of the Tier. A majority of the residential developments in the Agricultural Reserve are comprised of single-family homes for the more affluent residents of the County. This Tier has been exempted from the County's mandatory workforce housing program and has limited density of 1 dwelling unit per acre thus, the area has become very exclusive and homogeneous.*

*In the twenty years that have passed since the creation of the Agricultural Reserve Master Plan, the population has significantly increased. The 2020 population for Palm Beach County is 1,466,494 which represents a 30% population increase from 2000. The projected 2030 population will be 1,649,079, an increase of 15% over the period of 10 years. The Board of County Commissioners and the County Administrator have stated that Palm Beach County has a housing crisis due to a lack of workforce housing. The County's Workforce Housing Program was recently revised in an attempt to provide more on-site construction of workforce housing and to ensure that units are being constructed and will meet the needs of the workforce population. The average home price in the Agricultural Reserve is approximately \$700,000 which is over 2½ times the \$261,030 home sales price for those in the moderate income category. The need for workforce housing is only being met by those developments within the Urban/Suburban Tier and being further exacerbated by the current development pattern and density limitations within the Agricultural Reserve. The median price of a home in Palm Beach County exceeds \$500,000 according to an article published in the Palm Beach Post on July 22, 2021.*

*Other changes to the Agricultural Reserve include increases to the commercial square footage cap in order to meet the demand for retail, restaurants and other services by the residents of the Agricultural Reserve. This has allowed for more commercial parcels to be developed in addition to the originally designated TMDs located at Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road. Other non-residential uses have been developed in the area to support the residents of the Tier. A large regional hospital campus including 135,000 square feet of medical office buildings, several private and charter schools have been approved and developed along the Boynton Beach Boulevard corridor. These institutional uses have numerous employees that are not able to afford the homes within the Agricultural Reserve and are therefore forced to travel into the Tier from the adjacent Urban/Suburban Tier.*

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

**Response:** *The Ag Reserve Master Plan recognized the need for affordable housing within the Ag Reserve by allowing and encouraging vertical and horizontal integration of residential units within the Traditional Marketplace Developments. However, this type of forced design was not affordable, feasible or marketable, especially at a density of 1 dwelling unit per acre. The Consultant recommended that the County permit density bonuses as a means of encouraging vertical integration and ensuring a greater diversity of housing types.*

*The Master Plan originally intended for development to be concentrated and radiate outward from two nodes (Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road). Preservation parcels were anticipated to be located west of State Road 7 and within the core of the Agricultural Reserve. The proposed text amendment will allow for development to occur along*

*Atlantic Avenue in an area originally designated by the Master Plan as a location for multi-family development.*

*The development of multi-family residential units will not occur in the AGR Tier unless density rates are increased. Initially, multi-family was intended to locate within the two approved TMDs. The residential units have yet to be constructed within these two projects. The proposed project will provide additional housing options within the AGR Tier that were originally contemplated but were never developed. These units will be located within close proximity of the TMDs to ensure the intent of the AgR Master Plan is realized.*

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

**Response:** *AGR is not the most appropriate FLUA designation for the Property to create an appropriate balance of land uses within the Agricultural Reserve Tier. Allowing an increase in density will allow for the original intent of the Master Plan which included a variety of housing types including multi-family to be realized. The existing density of 1 du/acre will not allow for the development of multi-family housing in the Agriculture Reserve. Many municipalities across the Country have recently begun to eliminate single family zoning and future land use designations as these categories have been determined by planners and government officials to be discriminatory to those residents with lower incomes. A Future Land Use category that allows multi-family development in addition to single family development would be more appropriate to ensure a diverse and economically strong locality.*

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

**Response:** *N/A*

**G.2 Residential Density Increases**

Per Future Land Use Element Policy 2.4-b, the proposed request for a density increase is consistent with the following criteria:

- 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.

**a. Demonstrate a Need for the Amendment**

**Response:** *As discussed above, Palm Beach County is in the middle of a Workforce Housing crisis. There is a significant deficit of workforce housing options available to working professionals such as teachers, police, nurses, etc. in Palm Beach County. The Applicant is proposing Comprehensive Plan Text and Map amendments that will require a minimum of 25% of the units to be provided as workforce housing and built on-site. In addition, the amendment provides for market rate multi-family housing which is a needed option for so many of Palm Beach County's workforce. The Agricultural Reserve has been exempted from the mandatory Workforce Housing Program that has been in place since the early 2000's. This exemption has allowed the development of very expensive residential development within a 22,000 acre portion of Palm Beach County without any contributions to the housing crisis occurring throughout the County. This continued exclusive development has only exacerbated the divide between the "haves" and the "have nots" in Palm Beach County. The average home price of \$700,000 is not affordable for many workers within the Agricultural Reserve including the nurses, hospital staff, retail workers, restaurant workers, teachers, and future County Parks and Library Staff.*

**b. Demonstrate that the Current FLUA Designation is Inappropriate**

**Response:** *As discussed above, the development of multi-family residential units will not occur in the Agricultural Reserve Tier unless density rates are increased. Initially, multi-family was intended to*

*locate within the two approved TMDs. The residential units have yet to be constructed within these two projects. The proposed project will provide additional housing options within the AGR Tier that were originally contemplated but were never able to be developed. These units will be located within close proximity of the TMDs to ensure the intent of the AgR Master Plan is realized.*

- c. **Explanation of Why TDR, WHP and AHP Cannot be Utilized to Increase Density on the Property**  
**Response:** *The Agricultural Reserve Tier is a sending area for the Transfer of Development Rights (TDR) Program and is exempt from the Workforce Housing Program (WHP). The proposed text amendment will create the ability to provide workforce housing and the proposed MLU land use amendment is the appropriate means for providing these units.*

### **G.3 Compatibility**

Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety, or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise vibration, smoke, hazardous odors, radiation, and other land use conditions. The definition of “compatibility” under the repealed Rule 9J-5, FAC, is “a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted, directly or indirectly by another use or condition”. With this definition in mind, the requested change would make the subject property more compatible with the surrounding properties which have undergone land use amendments.

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can complement and support each other. For example, a commercial use can provide essential services to residents of surrounding neighborhoods, as well as the community at-large. In addition, buffering, screening, setback, height, and landscaping requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses.

Several factors lead to the conclusion that the proposed FLUA Map Amendment designation will be compatible with neighboring uses.

- Access is available from Atlantic Avenue, a right-of-way designated as an Urban Arterial road, thus directing traffic away from local roads in the vicinity.
- Atlantic Avenue is currently developed with a mix of industrial, commercial, residential and agricultural uses. The proposed MLU will provide for additional housing opportunities along this important east-west corridor of the Agricultural Reserve and Palm Beach County. On this basis, the proposed development concept at this location is determined to be compatible.
- The proposed use is compatible with the existing development pattern and adjacent uses that have occurred along the Atlantic Avenue corridor.

The above factors, coupled with setbacks, buffers and landscaping requirements will dictate that on-site structure(s) will be compatible with the neighboring properties and not create or foster undesirable health, safety, or aesthetic effects.

### **G.4 Comprehensive Plan**

The proposed Future Land Use Atlas Amendment is consistent with various goals, objectives, and policies in the Palm Beach County Comprehensive Plan as detailed below.

**Goals** – The proposed FLUA amendment furthers the County’s goals as described below.

- **Balanced Growth** – “...to recognize the diverse communities within the County, to implement strategies to create and protect quality livable communities respecting the lifestyle choices for

current residents, future generations, and visitors, and to promote the enhancement of areas in need of assistance.”

**Response:** Approval of this proposed FLU amendment will allow for the development of multi-family residential units. Single-family residential development in the Agricultural Reserve has been growing substantially without any alternative housing options provided. Workers within the Agricultural Reserve continue to travel from outside of the Tier to work at various businesses, schools, and medical facilities. The proposed FLU amendment will bring additional housing opportunities to the Agricultural Reserve Tier catering to the current workers and future residents of the Tier thus enhancing the quality of life for those that have chosen to live within the western Delray Beach area.

- **Land Planning** – “...to create and maintain livable communities, promote the quality of life, provide for a distribution of land uses of various types, and at a range of densities and intensities, and to balance the physical, social, cultural, and environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities.”

**Response:** Allowing additional housing opportunities within the Agricultural Reserve will encourage balanced growth. The Agricultural Reserve is comprised of affluent residents living in single family homes, most of which are planned gated communities. This is a homogeneous development pattern with little to no economic diversity. The recent changes to the Agricultural Reserve Master Plan have allowed increased services to be developed to support the increasing amount of residential development. However, no accommodation of housing for those working in the service, education, and healthcare industries has been provided.

**Objectives** – The proposed FLUA amendment furthers the County’s objectives as further described below.

- **FLUE Objective 1.5 Agricultural Reserve Tier** – “Development areas should be concentrated east of SR7 (in the vicinity of Boynton Beach Boulevard and in the vicinity and south of Atlantic Avenue) in order to protect the environmentally sensitive lands within and surrounding the Loxahatchee National Wildlife Refuge, foster the preservation of agriculture in the center of the Tier, and to reduce infrastructure costs and impacts on tax payers.”

**Response:** As mentioned above, if additional housing options were available within the Ag Reserve Tier, much of the workforce would have the opportunity to live close to their place of employment. By adding more housing options to the Agricultural Reserve Tier, travel distance and time is reduced. This reduction would lessen the impacts on the major rights-of-way in the Tier, thus decreasing the burden for service provision on County taxpayers. Water and sewer lines have been installed along Atlantic Avenue to serve the various residential projects being developed within the Agricultural Reserve. All property owners with frontage along Atlantic Avenue were required to pay assessments for the extension of these water and sewer lines. Allowing development of the Property with a workforce housing project would be an efficient use of these existing public facilities. Another contribution to a sustainable development pattern would be the reduction of carbon dioxide gas emissions as travel times are reduced.

- **FLUE Objective 3.1 Service Areas - General** – “Palm Beach County shall establish graduated service areas to distinguish the levels and types of services needed within a Tier, consistent with sustaining the characteristics of the Tier. These characteristics shall be based on the land development pattern of the community and services needed to protect the health, safety and welfare of residents and visitors; and, the need to provide cost effective services based on the existing or future land uses.”

**Response:** The Property is located within the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA) where services and public facilities are already available. The Property’s

*location at a major transportation route with access/frontage on Atlantic Avenue and Half Mile Road, within a mile of State Road 7 and Florida Turnpike contribute to timely, cost effective service provision. The proposed project will better serve the immediate and future needs of the community as it will provide additional housing opportunities for those working for the existing retail, restaurant, and industrial businesses. Traffic on the east-west roadways in the Agricultural Reserve Tier is caused by the number of residents leaving the Tier in the mornings for work and service providers traveling into the area. This proposed amendment will allow for the creation of additional housing opportunities thus keeping workers west of the Florida Turnpike and off the major east-west roadways and ultimately having a positive impact on the safety and welfare of the existing residents.*

**Policies** – The proposed FLUA amendment furthers the County’s policies as further described below.

- **FLUE Policy 1.5.1-b:** “A residential AgR-PDD shall require the following:
  3. That the development area be compact, contiguous, and arranged as a unified whole and appropriately buffered so as not to interfere with the continued or future function of the preserve area.
  4. That the development area be situated adjacent to other existing, planned, or projected development areas.
  6. That preserve areas be used only for agriculture or open space uses.”

***Response:** The proposed development will provide the appropriate percentage of preserve area similar to other planned developments within the AGR Tier. The proposed project is located on Atlantic Avenue. The proposed project will accommodate the future planned road alignment for Smith Sundry and Half Mile Roads which will contribute to better access to all area properties with existing development approvals and future development projects.*

### **G.5 Florida Statutes**

Data and analysis demonstrating that the proposed development can be supplied by necessary services without violating adopted LOS standards are presented in Attachment H (Traffic Letter and Study), J (Drainage Statement), K (Fire Rescue Letter), and I (Water and Wastewater Provider Letter). Data and analysis discussing environmental and historical resources impacts are presented in Attachments J (Drainage Statement), N (Wellfield Zone), L (Natural Features Inventory and Map) and O (Historic Resource Evaluation Letter). No negative environmental impacts are identified.

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.

- Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single use development or uses.
  - ***Response:** The applicant is requesting to change the FLU of the Property from AGR to MLU which will provide additional housing opportunities within the Agricultural Reserve Tier. The Agricultural Reserve is an existing area of low intensity/density and single-use development. The proposed amendment will provide housing options not currently in existence within the Atlantic Avenue corridor of the Agricultural Reserve Tier. The proposed text change will allow for the development of multi-family residential units that will counteract the urban sprawl that has been occurring since the creation of the Agricultural Reserve Master Plan.*
- 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.

- **Response:** *The Property is located in the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA) and within the Atlantic Avenue corridor which is not rural in nature. Urban services such as police, fire rescue and water/wastewater/drainage utilities exist in the immediate area.*
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
  - **Response:** *The development is not isolated in nature as development surrounds the Property along the Atlantic Avenue corridor. Specifically, commercial uses have been approved and developed at the intersection of Atlantic Avenue and Lyons Road just to the east of the Property. There is an industrial corridor along the north and south sides of Atlantic Avenue between State Road 7 and Half Mile Road/Smith Sundry Road. The proposed development would be considered infill development at a major intersection and transportation node between the intense commercial/industrial projects along a rapidly changing roadway corridor.*
- 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.
  - **Response:** *This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The Property does not support any environmentally sensitive areas. No listed species were located on the property and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- 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.
  - **Response:** *The Property is located within the Agricultural Reserve Tier. Although it is currently utilized as agriculture row crops, the Property is not designated as a preserve parcel. The Property's location along a major right-of-way, bordered by development to the east and west is not an optimal location for agricultural uses. The overall development pattern for this corridor has been determined by the recent County approvals and existing uses (commercial, industrial, and residential).*
- Fails to maximize use of existing public facilities and services.
  - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. It is anticipated that the proposed industrial development will not negatively impact public facilities and services.*
- Fails to maximize use of future public facilities and services.
  - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. In comparison to other uses that are allowed in the 1 du/ac planned unit developments, it is anticipated that the proposed residential development will not negatively impact public facilities and services.*
- 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.
  - **Response:** *Public services and facilities are already available in the immediate vicinity. The proposed amendment will provide for infill development and fit in with the existing land use pattern.*
- Fails to provide a clear separation between rural and urban uses.
  - **Response:** *The Property is located within the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA). The Property is not adjacent to the Rural Tier therefore, the proposal discourages the proliferation of Urban Sprawl by locating goods, services employment, and alternative housing options in close proximity to where people live.*



- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
  - **Response:** *This amendment will allow for infill development as development exists on all sides of the Property. The proposed project will serve the current and future needs for the surrounding communities and will also provide a much needed alternative housing option.*
- Fails to encourage a functional mix of uses.
  - **Response:** *Approval of the proposed amendments will allow for a mix of uses. The proposed amendment will allow for the development of an alternative housing type within an area of the County that has historically only been developed with low intensity/density residential development. The proposed project will contribute to a functional mix of uses within the Atlantic Avenue corridor which has been relatively homogeneous in the past.*
- Results in poor accessibility among linked or related land uses.
  - **Response:** *The proposed development will be designed with pedestrian connections as required through the zoning process.*
- Results in the loss of significant amounts of functional open space.
  - **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. Additionally, the proposed text amendment will still provide for the required preservation land.*

**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.
  - **Response:** *This amendment does not fail to protect and conserve natural resources as the property is vacant of natural resources. The site is undeveloped and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - **Response:** *The request for a FLUA amendment will maximize the use of future public facilities and services existing and within a relatively urban corridor. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl by locating residential development near goods, services and employment adjacent to existing public infrastructure.*
- 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.
  - **Response:** *The development will be designed meeting the requirements for a planned development (PDD) project which includes pedestrian connections, bike racks, multi-use paths, and other elements that support a compact development.*
- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
  - **Response:** *Approval of this proposed amendment will allow the development of multi-family residential within an area of the County that has historically only been developed with low intensity/density residential development. The proposed project will contribute to a functional mix of uses within the Agricultural Reserve which has been relatively homogeneous in the past. The proposed uses will better serve the surrounding residential community as well as provide a much needed housing option for the workers within the Agricultural Reserve Tier.*

## **Conclusion**

As described above, the proposed future land use amendment from Agricultural Reserve (AGR) to Multiple Land Use (MLU) and Comprehensive Plan Text Amendment to allow increased density is consistent with the Goals, Objectives, and Policies of Palm Beach County's Comprehensive Plan and the Florida State Statutes. The proposed amendment is also compatible with the surrounding area. The proposed amendment does not contribute to urban sprawl. The amendment is consistent with the Agricultural Reserve Master Plan as well as provide a much needed service and alternative housing option to the area residents and workers that will not negatively impact service provision.

## **II. ULDC CHANGES**

Changes to AgR-PUD to incorporation criteria as detailed below:

### **Art. 3.E.2.F.2.c.3) EHR AgR-PDD Option**

The preserve area shall be required to be 60 percent of the gross land area of the PUD. If the workforce housing units include a deed restricted for-sale product, the maximum density may be increased to 12 dwelling units per acre.

### **Art.3.E.2.F.4.b.2) EHR AgR-PDD Requirements**

- Provide a minimum of 25% of the total units as workforce housing
- Provide civic or institutional services to support the residents of the development (i.e. daycare, place of worship, or similar uses)
- Located within ¼ mile (walking distance) of employment opportunities (TMD or IND)

## Exhibit 4

### Applicant's Public Facilities Table

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Nursery (Garden Center): 108.1/Acre Nursery (Wholesale): 19.5/Acre	Resid. Multi Family, MR: 5.44/DU Resid. Age-Restrict., Attached: 3.7/DU Daycare: 4.09/Student
Maximum Trip Generation	Daily: 1,202 AM: 23 PM: 55	Maximum: Daily: 3,428 AM: 269 PM: 315 Proposed Dev: Daily 3,191 AM: 227 PM: 283
Net Daily Trips:	2,226 (maximum minus current) 1,989 (proposed minus current)	
Net PH Trips:	269 AM, 315 PM (maximum) 227 AM, 283 PM (proposed)	
Significantly impacted roadway segments that fail Long Range		SR 7 from Winner's Circle to Atlantic Ave (at Maximum Potential)  None at Proposed Development Plan
Significantly impacted roadway segments for Test 2		Atlantic Ave from SR 7 to Turnpike: No failures.
Traffic Consultant	Pinder Troutman Consulting, Inc.	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Route 81 – Delray Beach via Atlantic Avenue	
Nearest Palm Tran Stop	Stop # 6409 - Oriole Plaza, Northeast corner of Hagen Ranch Road & Atlantic Avenue Approximately 2 miles to the east of Property	
Nearest Tri Rail Connection	Via Route 81 - Delray Beach TriRail Station, East side of Congress Avenue, approximately ¼ mile south of Atlantic Avenue Approximately 6.5 miles to the east of the Property	
C. Portable Water & Wastewater Information		
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department. Sufficient capacity is available for the proposed development. Connection to sewer will require a lift station and force main extension. See Attachment I for letter from Palm Beach County Water Utilities Department.	

<b>Nearest Water &amp; Wastewater Facility, type/size</b>	A 42" potable water main and a 12" wastewater forcemain are located adjacent to the Property within the Atlantic Avenue right-of-way. An 8" potable water main is also located within the Half Mile Road right-of-way adjacent to the Property.
<b>D. Drainage Information</b>	
Legal, positive outfall exists via the adjacent LWDD L-34 Canal on the north property line. The L-34 Canal flows west to the E-1 Canal which flows south the L-38 Canal. The L-38 Canal flows east through LWDD Control Structure No. 12 into the SFWMD C-15 Canal. Ultimate discharge is to the intracoastal waterway from the C-15 Canal via the SFWMD S-40 control structure.	
<b>E. Fire Rescue</b>	
<b>Nearest Station</b>	Station # 42 – 14276 Hagen Ranch Road
<b>Distance to Site</b>	Approximately 3.5 miles
<b>Response Time</b>	9:30 minutes
<b>Effect on Resp. Time</b>	The proposed change will cause approximately 75 additional calls per year to Station 42. See Attachment K for letter from Fire-Rescue Department.
<b>F. Environmental</b>	
<b>Significant habitats or species</b>	There are no significant habitats or species on the Property. The site has previously cleared and utilized for agricultural row crops. An aerial of the Property is provided as Attachment L.
<b>Flood Zone*</b>	The Property is located in Zone X, which is not a flood zone. See Flood Zone Map as Attachment M.
<b>Wellfield Zone*</b>	The Property is not located within a Wellfield Protect Zone. See Wellfield Map as Attachment N.
<b>G. Historic Resources</b>	
There are no significant historic resources on the Property or within 500 feet of the Property. See Attachment O.	

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

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	West Delray Regional Park 10875 Atlantic Avenue Delray Beach, Florida 33436	0.00339	+1,148	+3.89 acres
Beach	South Inlet Park 1100 S. Ocean Boulevard Boca Raton, Florida 33432	0.00035	+1,148	+0.40 acre
District	Lake Ida West Park 1455 Lake Ida Road Delray Beach, Florida 33444	0.00138	+1,148	+1.58 acres

**I. Libraries - Residential Only (Including CLF)**

Library Name	Hagen Ranch Road Branch		
Address	14350 Hagen Ranch Road		
City, State, Zip	Delray Beach, Florida 33446		
Distance	2.8 miles		
Component	Level of Service	Population Change	Change in Demand
Collection	2 holdings per person	+1,148	+2,296 holdings
Periodicals	5 subscriptions per 1,000 persons	+1,148	+5.74 subscriptions
Info Technology	\$1.00 per person	+1,148	+\$1,148
Professional staff	1 FTE per 7,500 persons	+1,148	+0.15 FTE
All other staff	3.35 FTE per professional librarian	+1,148	+0.51 FTE
Library facilities	0.34 sf per person	+1,148	+390.32 sf

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

School Comment Letter to be provided as Attachment O upon receipt from School District.

	Elementary	Middle	High
Name	Sunrise Park	Eagles Landing	Olympic Heights Community
Address	19400 Coral Ridge Dr.	19500 Coral Ridge Dr.	20101 Lyons Road
City, State, Zip	Boca Raton, FL 33498	Boca Raton, FL 33498	Boca Raton, FL 33434
Distance	6.6 miles	6.8 miles	6 miles

## Exhibit 5 Traffic Division Letter



**Department of Engineering  
and Public Works**

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

**Palm Beach County  
Board of County  
Commissioners**

Dave Kerner, Mayor  
Robert S. Weinroth, Vice Mayor  
  
Maria G. Marino  
Gregg K. Weiss  
Maria Sachs  
Melissa McKinlay  
Mack Bernard

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*



July 20, 2021

Rebecca J. Mulcahy, P.E.  
Pinder Troutman Consulting, Inc.  
2005 Vista Parkway, Suite 111  
West Palm Beach, FL 33411

**RE: Reserve At Atlantic  
FLUA Amendment Policy 3.5-d Review  
Round 2021-22-A**

Dear Ms. Mulcahy:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Transportation Analysis for the proposed Future Land Use Amendment for the above referenced project, revised May 28, 2021, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

<b>Location:</b>	SE corner of Atlantic Avenue and Half Mile Road	
<b>PCN:</b>	00-42-46-19-01-000-0050	
<b>Acres:</b>	38.88 acres	
	<b>Current FLU</b>	<b>Proposed FLU</b>
<b>FLU:</b>	Agricultural Reserve (AGR)	(Agricultural Reserve (AGR) on +/- 35 acres and Industrial (IND) on +/- 4.5 acres (To be determined following final right-of-way alignment of Smith Sundry Road and Half Mile Road))/ Agricultural Reserve (AGR)
<b>Zoning:</b>	Agricultural Reserve (AGR)	Agricultural Reserve Planned Unit Development (AGR-PUD) on +/- 35 acres and Light Industrial (IL) on +/- 4.5 acres
<b>Density/ Intensity:</b>	0.15 FAR	8 du/acre on +/- 70 acres (includes preserve area) 0.45 FAR on +/- 4.5 acres
<b>Maximum Potential:</b>	Nursery (Wholesale ) = 33.88 acres Nursery (Garden Center) = 5 acres	Light Industrial = 88,209 SF Resid. Single Family (AGR) = 45 DUs Resid. Multi Family-MR (AGR) = 315 DUs Resid. 55+ Attached (AGR) = 200 DUs Daycare (AGR) = 120 Students
<b>Proposed Potential:</b>	None	Self-Storage (IND) = 85,000 SF Resid. Single Family (AGR) = 45 DUs Resid. Multi Family-MR (AGR) = 315 DUs Resid. 55+ Attached (AGR) = 200 DUs Daycare (AGR) = 120 Students



Rebecca J. Mulcahy, P.E.  
 July 20, 2021  
 Page 2

<b>Net Daily Trips:</b>	2,226 (maximum – current) 1,989 (maximum – proposed)
<b>Net PH Trips:</b>	269 (117/152) AM, 315 (162/153) PM (maximum) 227 (75/152) AM, 283 (165/118) PM (proposed)
* <b>Maximum</b> indicates typical FAR and maximum trip generator. <b>Proposed</b> indicates the specific uses and intensities/densities anticipated in the zoning application.	

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

Please contact me at 561-684-4030 or email to [DSimeus@pbcgov.org](mailto:DSimeus@pbcgov.org) with any questions.

Sincerely,

Dominique Simeus, P.E.  
 Professional Engineer  
 Traffic Division

DS/rb

cc: Addressee  
 Quazi Bari, P.E., PTOE – Manager – Growth Management, 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  
 Kathleen Chang – Senior Planner, Planning Division  
 Stephanie Gregory – Principal Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review  
 N:\TRAFFIC\Development Review\Comp Plan\22-A\Reserve At Atlantic.docx

## Exhibit 6

### Water & Wastewater Provider LOS Letter

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**Water Utilities Department  
Engineering**

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



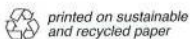
**Palm Beach County  
Board of County  
Commissioners**

Dave Kerner, Mayor  
Robert S. Weinroth, Vice Mayor  
Maria G. Marino  
Gregg K. Weiss  
Maria Sachs  
Melissa McKinlay  
Mack Bernard

**County Administrator**

Verdenia C. Baker

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Affirmative Action Employer"*



May 11, 2021

Morton  
3910 RCA Boulevard  
Palm Beach Gardens, FL 33410

RE: Southeast corner of Atlantic Avenue & Half Mile Road  
PCN 00-42-46-19-01-000-0050  
Service Availability Letter

Dear Ms. McClellan:

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for the proposed land use change from Agricultural Reserve (AGR) to Industrial (IND) on approximately 5 acres, aligning with Half Mile Road and Smith Sundry Road, and increasing the density to 8 du/ac. The proposed land use change will allow for the maximum development of 98,010 SF of industrial uses and +/- 480 multi-family units.

The nearest point of connection to potable water is a 42" potable water main located within W Atlantic Ave and an 8" potable water main located west of Half Mile Road adjacent to the subject property. The nearest point of connection to sanitary sewer is a 12" sanitary sewer forcemain located within W Atlantic Ave. adjacent to the subject property. This connection will require a lift station and forcemain extension.

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 School District Letter



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FL

KRISTIN K. GARRISON  
DIRECTOR

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

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

PHONE: 561-434-8020 / FAX: 561-357-1193  
[WWW.PALMBEACHSCHOOLS.ORG/PLANNING](http://WWW.PALMBEACHSCHOOLS.ORG/PLANNING)

### SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

<b>Application</b>	<b>Submittal Date</b>	05/19/2021		
	<b>SCAD No.</b>	21051801F - Future Land Use Atlas Amendment		
	<b>FLU /Rezoning/D.O. No.</b>	Not Provided - Palm Beach County		
	<b>Property Control No.</b>	00-42-46-19-01-000-0050		
	<b>Development Name</b>	Reserve at Atlantic		
	<b>Owner Name</b>	The Taheri Grandchildren's Irrevocable Trust Dated 12/28/92		
	<b>Agent Name</b>	Lauren McClellan		
	<b>SAC No.</b>	295C		
<b>Impact Review</b>	<b>Proposed Amendment</b>	Maximum 520 Residential Units		
		Sunrise Park Elementary School	Eagle's Landing Middle School	Olympic Heights High School
	<b>New Students Generated</b>	82	45	64
	<b>Capacity Available</b>	-260	-597	-472
<b>School District Staff's Recommendation</b>	<b>Utilization Percentage</b>	127%	146%	121%
	Based on the findings and evaluation of the proposed development, there will be negative impact on the public school system. Therefore, if the proposed development is approved by the Palm Beach County government, School District staff recommends the following condition to mitigate such impacts.			
	In order to address the school capacity deficiency generated by this proposed development at the District elementary, middle and high school level, the property owner shall contribute a total of \$1,652,743.00 to the School District of Palm Beach County prior to the issuance of first building permit.			
	This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied). The contribution amount may be adjusted to reflect the actual unit number and type during the Development Order process.			
<b>Validation Period</b>	Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on April 16, 2019.			
	1) This determination is valid from 05/26/2021 to 05/25/2022 or the expiration date of the site-specific development order approved during the validation period. 2) A copy of the approved document must be submitted to the School District Planning Dept. prior to 05/25/2022 or this determination will expire automatically on 05/25/2022.			
<b>Notice</b>	School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.			

*Joyce Cai*

May 26, 2021

School District Representative Signature

Date

Joyce C. Cai, Senior Planner

joyce.cai@palmbeachschools.org

Print Name & Title

Email Address

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

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

## Exhibit 8

### Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 8

#### DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT


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

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared  
Gabriel Bove, 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 ☒ Managing Member *[position—e.g., president, partner, trustee]* of Bove Investment Holdings, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]*, (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 354 Royal Tern Road S  
Ponte Vedra Beach, Florida 32082
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.

  
\_\_\_\_\_  
Gabriel Bove, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

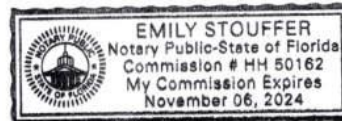
The foregoing instrument was acknowledged before me by means of ☒ physical presence or  
☐ online notarization, this 11<sup>th</sup> day of May, 20 21 by  
Gabriel Bove (name of person acknowledging). He/she is personally  
known to me or has produced PK (type of identification) as  
identification and did/did not take an oath (circle correct response).

Emily Stouffer  
(Name - type, stamp or print clearly)

Emily Stouffer  
(Signature)

My Commission Expires on: 11/06/2024

NOTARY'S SEAL OR STAMP



**EXHIBIT "A"**

**PROPERTY**

Tracts 5, 6, 7, 8, 25, 26, 27 and 28, in Section 19, Township 46 South, Range 42 East, The Palm Beach Farms Company Plat No. 1, as said plat is recorded in Plat Book 2 at pages 26, 27, and 28, Public Records of Palm Beach County, Florida. Less and excepting therefrom from the north ten feet of said Tracts 7 and 8 and less and excepting therefrom the north thirty-one feet of said Tracts 5 and 6.

### DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

[illegible]

**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 Linda T. Woodworth, 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 ☒ Trustee The Taheri Grandchildrens' Irrevocable Trust dated 12/28/92 [position - e.g., president, partner, trustee] of The Taheri Grandchildrens' Irrevocable Trust dated 12/28/92 [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: 1700 S. Dixie Highway, Suite # 300  
Boca Raton, Florida 33432
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.

Linda T. Woodworth

Linda T. Woodworth, Affiant

(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF ~~FLORIDA~~ Michigan  
COUNTY OF ~~PALM BEACH~~ Washtenaw

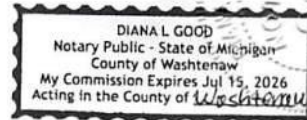
The foregoing instrument was acknowledged before me by means of [x] physical presence or [ ] online notarization, this 11 day of May, 2021 by Linda T. Woodworth (name of person acknowledging). He/she is personally known to me or has produced Drivers License (type of identification) as identification and did/did not take an oath (circle correct response).

Diana L Good  
(Name - type, stamp or print clearly)

Diana L Good  
(Signature)

My Commission Expires on: July 15, 2026

NOTARY'S SEAL OR STAMP





**EXHIBIT "A"**

**PROPERTY**

Tracts 5, 6, 7, 8, 25, 26, 27 and 28, in Section 19, Township 46 South, Range 42 East, The Palm Beach Farms Company Plat No. 1, as said plat is recorded in Plat Book 2 at pages 26, 27, and 28, Public Records of Palm Beach County, Florida. Less and excepting therefrom from the north ten feet of said Tracts 7 and 8 and less and excepting therefrom the north thirty-one feet of said Tracts 5 and 6.

**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.

<b>Name</b>	<b>Address</b>
Samuel B. Woodworth	PO Box 30, Jenner, California 95450
Abigail C. Woodworth	1362 Vermont Street, San Francisco, California 94110

## Exhibit 9 Urban Sprawl Analysis

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
<b>Criteria Related to Land Use Patterns</b>		
Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.	This amendment does not promote, allow or designate a substantial area of the County to develop as low-intensity, low-density, or single-use development or uses.	No
Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.	This amendment does not designate urban development emanating from existing urban development.	No
Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.	This amendment does not discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities.	No
Fails to encourage functional mix of uses.	This amendment will introduce new housing opportunities in the Ag Reserve.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment does not result in poor accessibility among related land uses.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment on this site will not result in the loss of significant amounts of functional open space.	No
<b>Criteria related to sites located outside or at the edge of the Urban Service Area</b>		
Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development	The site is located within in the Agricultural Reserve, a Limited Urban Service Area (LUSA) which allows for a mix of urban and rural levels of service, and therefore, does not promote, allow, or designate a significant amount of urban development to occur in rural areas at substantial distances from existing urban areas.	No
Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems	The property does not contain any environmentally sensitive areas. The site is not within a Wellfield Protection Area.	No
Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.	The amendment will not impact adjacent agricultural areas.	No

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Fails to provide a clear separation between rural and urban uses.	The AGR Tier is intended to support and preserve agricultural while allowing low density development and limited commercial development. The ULDC provides for regulations that are intended to allow for continuation of agriculture and implement the provisions in the Plan for the Tier.	No
<b>Criteria Related to Public Facilities</b>		
Fails to maximize use of existing public facilities and services.	Public facilities and services will be provided and water and wastewater will be available.	No
Fails to maximize use of future public facilities and services.	The AGR Tier allows for a mix of urban and rural levels of service. Future development east of State Road 7 would be expected to utilize public facilities and services. The subject site would maximize the use of future public facilities available in the area.	No
Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.	The site is within the AGR Tier, which intends that urban levels of service serve development. There are no adverse impacts to public facilities and services as indicated by service providers through department review.	No
<b>Overall Assessment:</b> As demonstrated above, the proposed amendment does not meet any of the indicators of urban sprawl, and would not contribute to urban sprawl in the county.		

## Exhibit 10

### Correspondence

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ROBERT N. HARTSELL, P.A.  
61 N.E. 1st Street, Suite C  
Pompano Beach, Florida 33060  
(954) 778-1052  
[www.Hartsell-Law.com](http://www.Hartsell-Law.com)

October 14, 2021

Planning Commission  
Palm Beach County, Florida  
2300 N. Jog Road  
West Palm Beach, FL 33411

Submitted via email: [pbehn@pbcgov.org](mailto:pbehn@pbcgov.org); [kfischer@pbcgov.org](mailto:kfischer@pbcgov.org); [rbulkeley@pbcgov.org](mailto:rbulkeley@pbcgov.org)

*Re: October 15, 2021, Planning Commission; Agenda Item III.A.2.a  
Reserve at Atlantic (LGA 2022-006)*

Dear Planning Commission of Palm Beach County:

On behalf of our clients, 1000 Friends of Florida ("1000 Friends") and Sierra Club Loxahatchee Group ("Sierra Club"), please kindly accept these comments and include them in the public record for the upcoming October 15, 2021, meeting regarding the following Agenda Item: III.A.2.a Reserve at Atlantic (LGA 2022-006).

1000 Friends is a statewide 501(c)(3) smart growth advocacy nonprofit organization with a substantial number of members that live and work in Palm Beach County. Similarly, Sierra Club is a national 501(c)(3) grassroots environmental organization with the Loxahatchee Group comprised of a substantial number of members that live and work in Palm Beach County. The members of both non-profit environmental organizations advocate for preservation of agricultural resources that are a much-needed buffer for the environmental vitality of the communities without encroachment of increased high-density residential, commercial, mixed-uses, and industrial uses. All members of these organizations residing within Palm Beach County are afforded the protections of the Palm Beach County Comprehensive Plan and will be directly affected by any amendments passed altering the Agricultural Reserve.

As you may be aware, 1000 Friends has been actively following and participating in Palm Beach County-wide planning for decades and specifically engaged in planning the Agricultural Reserve (Ag Reserve) since its inception. By invitation, 1000 Friends participated as a stakeholder in the Ag Reserve workshop in 2015 resulting in a directive from the Board of County Commissioners upon which all future Ag Reserve planning would be based. 1000 Friends has consistently provided planning expertise and local knowledge to the Commission on many occasions regarding the Ag Reserve. 1000 Friends and Sierra Club will be present at the Workshop on October 26, 2021, to continue to offer expertise and advocate for the preservation of the original intention of the Ag Reserve while balancing sustainable and smart land planning.

Since the 2015 workshop directives were issued, specific amendments were made to the comprehensive plan in solidarity with the overarching Objective 1.5 *"...to preserve unique farmland and wetlands in order to enhance agricultural activity, environmental and water resources, and open space, by limiting uses to agriculture, conservation, low density residential development, and non-residential uses which serve the needs of farmworkers and residents of the Ag Reserve Tier."*

As will be further detailed below, 1000 Friends and Sierra Club respectfully request that the Planning Commission **deny** the proposed Future Land Use (FLU) and Text Amendment for the Reserve at Atlantic. Converting the Agricultural Reserve (AGR) to a Multiple Land Use (MLU) designation zoned as a Multiple Use Planned Development (MUPD) or Planned Unit Development (PUD) exceeds the specific planning limits of the Ag Reserve Tier. This will result in incompatibility with the surrounding agricultural communities that will be adversely affected by the increased intensity and density of residential clustering, as well as the severing of preserve requirements that directly conflict with the Comprehensive Plan and policy directives aimed at preserving the Ag Reserve.

1000 Friends and Sierra Club have long raised concerns to Palm Beach County regarding future amendments in the Ag Reserve that summarily reduce, segregate, or altogether eliminate agriculture, conservation and preserve acreage, and very low-density residential development in favor of higher density developments that are in direct contradiction to the spirit of the Ag Reserve.

Specifically, 1000 Friends' position has remained steadfast since its participation in 2015 with the Ag Reserve workshop, in that contiguity and minimum size are fundamental requirements absolutely necessary to protect agriculture with the understanding that elimination of these requisites *would encourage development of the reserve* and discourage, and quite possibly endanger, the continued existence of farming by *chipping away at the critical mass necessary for continued viable farming operations*.

The approval of the Reserve at Atlantic flies in the face of Objective 1.5 as the amendments would significantly undermine the public investment within the Ag Reserve by, among other things, *reducing the critical mass of agricultural land, reducing the minimum acres for an AgR-PUD from 250 to 70, and reducing the Preserve Area minimum acreage from 150 to 40 acres*.

Accordingly, and as further detailed below, 1000 Friends and Sierra Club respectfully request that the Palm Beach County Planning Commission **deny** the privately proposed Future Land Use and Text Amendment for the Reserve at Atlantic.

### **Agenda Item III.A.2.a - Reserve at Atlantic**

Objective 1.5 of the Comprehensive Plan was created to protect the Ag Reserve Tier by promoting an agricultural and low-density residential lifestyle and discouraging growth that does not serve this unique community.

The 38.88 acres at the proposed lot is currently vacant and being utilized for row crops. The proposed changes of the FLU designation to MLU and zoning to MUPD or PUD will drastically alter the intensity and density of use on the property, to wit: the *current FLU allows for 8 units*, whereas the *proposed FLU will cluster 480 units* onto the same parcel, and construct a 120-student daycare, thereby raising the population estimate of *19 people* to *1,148 people*. This will nearly triple the daily trips onto the parcel and through the surrounding communities.

The Reserve at Atlantic proposal has been before this Commission before and comes once again with modifications, but still attempting to reduce preserve acreage and allow for higher density on smaller parcels in exchange for an allocated twenty-five (25) percentage of the development to be set aside for “workforce housing.” As stated by County Staff in the report for this proposal, the Ag Reserve does not require allocations for workforce housing, but rather has allowed for 166 multi-family units within mixed use projects “intended to provide the opportunity for diversity in housing types and prices” without the income restrictions defining the units as “workforce housing,” unlike units designed in the Urban/Suburban Tier.

“Workforce housing” at a cost of 180 acres reduction of the minimum acreage required for an AgR-PUD designation and a severe 110 acres reduction of the Preserve Area minimum acreage *will not provide for a unique need or current demand of the Ag Reserve residents*, and there is no evidence to suggest that it will not draw new developers seeking the same higher densities and reduced parcels or reduced preserve acreage by current landowners. *As such, approval of this application will undoubtedly create permanent and unanticipated consequences that will alter the purposes and policies of the Ag Reserve Tier.*

The Ag Reserve is falling victim to consequences not unlike the childhood story of “If You Give a Mouse a Cookie,” to wit: if you give developers an exception, they will always want more. The Ag Reserve is at risk of phasing out agricultural lands in favor of high density residential, increased commercial, minuscule or elimination of preserve parcels, and low industrial sectors, all of which have been used by the Applicant (and undoubtedly future applicants) as examples of the “good planning practices” that “have spurred additional changes in the Ag Reserve.” This concerning statement attempts to justify a piecemeal departure from the founding objectives of the Ag Reserve to protect the agricultural community when “good planning” mandates a holistic approach to such drastic changes in the Tier that would, ultimately, alter the foundation of the Ag Reserve Tier wholly inconsistent with the Comprehensive Plan.

Simply stated, *the death of the Ag Reserve by a thousand cuts must cease*. To allow for an incompatible increase of density and intensity will nullify the very spirit of the Ag Reserve and, as stated by County Staff, “represent major departures from nearly all of the fundamental policy concepts directed by the Board of County Commissioners, and adopted into the Comprehensive Plan, including requiring preserve area and limiting development in the Tier.”



Developers should not look to the Ag Reserve for exemptions from the fundamental preserve and density requirements unique to this Tier. "Balanced growth" does not mandate that the guiding policies and objectives of the Comprehensive Plan be displaced; rather, smarter, and more sustainable, development must be achieved in conformity with the regulations set forth to protect the Ag Reserve Tier.

The proposed Essential Housing Residential Option and FLUA Amendments are inappropriate for the Ag Reserve Tier as they severely reduces preserve acreage requirements, increases density up to 12 units per acre on the development area *and* on-site preserve, and revises uses allowed in the 60% Preserve to include open space, park, and water features.

There is a very specific reason why the development restrictions in the Ag Reserve Tier is distinct from that of the Urban/Suburban Tier, which allows for 12 units per acre and density bonuses such as Transfer of Development Rights and Workforce Housing programs: The purpose of the Ag Reserve is to *preserve unique* farmland and wetlands in order to *enhance* agricultural activity, environmental and water resources, and open space, *by limiting uses* to agriculture, conservation, low density residential development, and non-residential uses which *serve the needs* of farmworkers and residents of the Ag Reserve Tier.


Furthermore, as noted by County Staff, the proposal "acts as an incentive for a developer to gain a higher density for land used for open space, water features, and buffers rather than the actual preserve uses of agriculture and environmentally sensitive lands," thus reducing the 60/40 preserve requirements of the Ag Reserve.

*Approval of this application would undoubtedly lead to further degradation of the Ag Reserve, encourage similar applications to chip away at future preserved areas and, as noted by County Staff, "bring into question the future of the approximately 4,698 acres in AGR-EDD preserve areas that are currently in private ownership," and in all essence "alter the foundation of the Tier."*

Accordingly, 1000 Friends and Sierra Club respectfully request that the Palm Beach County Planning Commission deny Reserve at Atlantic (LGA 2022-006), as the application significantly departs from the fundamental policies in place for the Ag Reserve Tier. Allowing an exemption from the preserve requirements would initiate a piecemeal concept that is not conducive to the purpose of the Tier. The focus should remain on the Ag Reserve's long-standing purpose of limiting the density and intensity to low residential and ensure preserve requirements are not rendered meaningless.

Thank you for your time and consideration of these comments.

Respectfully,

  
Heidi Mehaffey, Esq.  
Robert N. Hartsell, P.A.  
Fla. Bar No. 118806

CC: 1000 Friends of Florida  
Sierra Club Loxahatchee Group



**Correspondence Provided to the BCC at the Transmittal Hearing – November 3, 2021**

Items: 2, 3.A.5, 4.A.1, 5.C.1, 5.C.2



ROBERT N. HARTSELL, P.A.  
61 N.E. 1st Street, Suite C  
Pompano Beach, Florida 33060  
(954) 778-1052  
[www.Hartsell-Law.com](http://www.Hartsell-Law.com)

November 2, 2021

Palm Beach County Commissioners  
301 N. Olive Avenue  
West Palm Beach, 33401

Submitted via email:

[DKerner@pbcgov.org](mailto:DKerner@pbcgov.org); [RWeinroth@pbcgov.org](mailto:RWeinroth@pbcgov.org); [MMarino@pbcgov.org](mailto:MMarino@pbcgov.org); [GWeiss@pbcgov.org](mailto:GWeiss@pbcgov.org);  
[MSachs@pbcgov.org](mailto:MSachs@pbcgov.org); [MMcKinlay@pbcgov.org](mailto:MMcKinlay@pbcgov.org); [MBernard@pbcgov.org](mailto:MBernard@pbcgov.org); [PBehn@pbcgov.org](mailto:PBehn@pbcgov.org);  
[KFischer@pbcgov.org](mailto:KFischer@pbcgov.org); [RBulkeley@pbcgov.org](mailto:RBulkeley@pbcgov.org); [RBanks@pbcgov.org](mailto:RBanks@pbcgov.org);  
[PZB-PlanPOC@pbcgov.org](mailto:PZB-PlanPOC@pbcgov.org)

*Re: November 3, 2021, Commissioner Meeting Agenda Items 2; 3.A.5; 4.A.1; 5.C.1; 5.C.2*

Dear Mayor Kerner and Commissioners of Palm Beach County:

On behalf of our clients, 1000 Friends of Florida ("1000 Friends") and Sierra Club Loxahatchee Group ("Sierra Club"), please kindly accept these comments and recommendations regarding the November 3, 2021, Commissioner Meeting Agenda Items: 2, *BCC WORKSHOP (Agricultural Reserve) – Continuation from October 26, 2021*; 3.A.5, *LWDD AGR Preserve Areas*; 4.A.1, *Final Adoption Unified Land Development Code Amendment for LWDD Canals as Preserve Areas*; 5.C.1, *Las Farms (LGA 2022-001)*; and 5.C.2, *Reserve at Atlantic (LGA 2022-006)*, and please include these comments in the public record.

1000 Friends is a statewide 501(c)(3) smart growth advocacy nonprofit organization with a substantial number of members that live and work in Palm Beach County. Similarly, Sierra Club is a national 501(c)(3) grassroots environmental organization with the Loxahatchee Group comprised of a substantial number of members that live and work in Palm Beach County. The members of both non-profit environmental organizations advocate for preservation of agricultural resources that are a much-needed buffer for the environmental vitality of the communities without encroachment of increased high-density residential, commercial, mixed-uses, and industrial uses. All members of these organizations residing within Palm Beach County are afforded the protections of the Palm Beach County Comprehensive Plan and will be directly affected by any amendments passed altering the Agricultural Reserve Tier.

*Agenda Item 2: BCC WORKSHOP (Agricultural Reserve) – Continuation from October 26, 2021*

On October 26, 2021, this Commission, County staff, and interested citizens dedicated the day to discussing the Agricultural Reserve Tier, its original intention and vast benefits to the County as a whole of preserving agricultural, environmental and water resources, and open space. The discussion also centralized around requested amendments for altering the Tier to allow for additional industrial uses not contemplated by the Comprehensive Plan and increased residential densities that would reduce the requirements for preserved areas in exchange for “workforce housing” not required within this unique Tier.

As was fully detailed in our comment letter dated October 25, 2021, and incorporated by reference herein, 1000 Friends and Sierra Club requested that the Commissioners “Stick with the Plan” and look to the Comprehensive Plan goals, policies, and objectives that govern the Ag Reserve for guidance on the issues at hand.

It is important to note, that there are no “vacant” lands in the Ag Reserve necessitating development. Open space has value to Palm Beach County above and beyond the fruits of its agricultural labors, to wit: (1) preserving agricultural lands, environmental and water resources, and open space, (2) buffering detrimental impacts from development on water quality, (3) improving flood control, (4) engaging in highly beneficial carbon sequestration that reduces air pollution and mitigates climate change, (5) providing wildlife habitat for native flora and fauna, as well as threatened and endangered species, and a safe haven for transient and migratory wildlife, especially those in the adjacent Arthur R. Marshall Loxahatchee National Wildlife Refuge.

Palm Beach County Board of Commissioners has the unique opportunity and responsibility of preserving the vast majority of remaining natural resources and open space in the tri-counties. This Commission has always had the foresight to protect the County’s resources that not only provide ecological economic benefits today, but also protect the environmentally sensitive areas for generations to come. Remaining steadfast in growth management guided by these principles is of the utmost importance in protecting the original intent of Ag Reserve.

Please accept the following comments in response to issues raised by Commissioners at the October 26, 2021, Workshop to be taken into consideration when directing Staff on proposed amendments that may seem minor to resolve immediate issues, but have the potential to result in a cumulative impact that will shape the future landscape of the Ag Reserve Tier to its demise.

Industrial Uses

Staff reiterated many times that allowing for industrial uses would take the review process out of the hands of the Commissioners and directly into the permitting department to ensure that a checklist of requirements had been completed. This carte blanche permitting process will remove the consideration of environmental impacts and sensitive lands that may surround proposed industrial uses in the Ag Reserve where the Comprehensive Plan did not anticipate any additional industrial uses be incorporated.

1000 Friends and Sierra Club concur with the Treasure Coast Regional Planning Council that expressed valid concerns in relation to the Sunflower Industrial application that the allowance of light industrial into the Ag Reserve could reduce the potential for agricultural related uses and “degrades the integrity of the process used to guide development activity in the Agricultural Reserve by creating yet another ‘special case’ revision to the general rules.”

*To this end, additional industrial uses have no place in the Ag Reserve, and County Staff should be directed to determine a more appropriate solution of how to incorporate landscape services in the Tier without opening up a light industrial designation and maintaining the review of proposals by the commission with public participation.*

#### Higher Densities / “Workforce Housing”

A resounding concern during the Ag Reserve Workshop was a need for more affordable housing. However, there was very limited discussion regarding the already approved 166 multi-family units approved but not yet built in the Ag Reserve that were intended to provide the opportunity for diversity in housing types and prices. A resolution to the housing crisis must not result in inconsistent density bonuses in the Ag Reserve that would make it more like the Urban / Suburban Tier. So long as the multi-family units can be built within the preserve area requirements, the County should focus on incentivizing those units being constructed, rather than holding the Ag Reserve hostage in a housing crisis in exchange for density bonuses by implementing a workforce housing requirement.

There is a very specific reason why the development restrictions in the Ag Reserve Tier are distinct from those of the Urban/Suburban Tier, which allows for 12 units per acre and density bonuses such as Transfer of Development Rights and Workforce Housing programs: The purpose of the Ag Reserve is to *preserve unique farmland and wetlands in order to enhance agricultural activity, environmental and water resources, and open space, by limiting uses to agriculture, conservation, low density residential development, and non-residential uses which serve the needs of farmworkers and residents of the Ag Reserve Tier.*

Palm Beach County does need more affordable housing, but a workforce housing program is simply inappropriate for the Ag Reserve as it does not fall in line with the bond referendum for purchasing preserve space as it created an inconsistent and unreliable pattern of density bonuses. The County would be better served focusing on public transportation for workers to come into the Ag Reserve rather than altering the Ag Reserve to accommodate incompatible residential densities.

The Ag Reserve Tier has achieved the preservation of acreage that would otherwise have been overdeveloped and the environmental benefits forever lost. There is still a need to maintain the integrity of the Tier to ensure that all that has been preserved is not degraded by increased densities and intensities of uses inappropriate for this unique agricultural area endowed with environmental and water resources and open spaces to act as a rural “safe haven” and environmental buffer from the urban and suburban tiers. Developers should not look to the Ag Reserve for exemptions from the fundamental preserve and density requirements unique to this Tier. “Balanced growth” does not mandate that the guiding policies and objectives of the Comprehensive Plan be displaced; rather, smarter, and more sustainable, development must be achieved in conformity with the regulations already set forth to protect the Ag Reserve Tier.

*To this end, County Staff should be directed to review and determine incentives to building out the already approved 166 multi-family units rather than fundamentally altering the Ag Reserve Tier by introducing a work force housing – density bonus program.*

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#### ***Agenda Item 3.A.5: LWDD AGR Preserve Areas***

As stated in a public comment letter in opposition, dated May 4, 2021, 1000 Friends and Sierra Club have long raised concerns to the Commissioners regarding the allowance of developmental overreach in the Ag Reserve that summarily reduces, segregates, or altogether eliminates agriculture, conservation, and very low-density residential development in favor of higher density developments that are in direct contradiction to the spirit of the Ag Reserve. The very purpose of this Tier, composed of unique farmlands and wetlands, is to ensure preservation primarily for agricultural use. The 60/40 requirement is an incentive to preserve land in the Ag Reserve *that otherwise would be developed*, while allowing low-density residential development to serve the needs of the community. This land development systematic plan ensures balance as conservation easements on these preserve areas are set in place to “support, preserve, perpetuate bona-fide agricultural and open space uses of the Property, and to preserve any environmentally significant upland or wetland habitats.”

1000 Friends and Sierra Club maintain the belief that the Comprehensive Plan never intended for canal rights-of-ways to be utilized as a setoff due to the very nature of a canal as one for water management and not for the displacement of large areas of preserved lands. The request to remove restrictions on large parcels of preserved areas in exchange for preserving canal rights-of-way from future development negates these very principles. Objective 1.5, as written, specifically and unambiguously prohibits the removal of 276.127 acres of AGR-PUD preserve (row crops) and replacement with 63 segments of LWDD owned canal rights-of-way totaling 281.96 acres which are utilized for right-of-way purposes. Despite that belief, the additional language of the text amendment reiterating the obvious protections for preserve areas is not objectionable.

However, the amendment language exempting canal rights-of-way contemplated specifically in application PDD/DOA-2021-0122 creates an internal inconsistency within the Comprehensive Plan and subverts the 60/40 requirement for clustered development within the AGR-PUD. The existing Comprehensive Plan language requires the County to *preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier by limiting uses to agriculture and conservation with residential development restricted to low densities and non-residential development limited to uses serving the needs of farm workers and residents of the Tier*. Creating an exemption for PDD/DOA-2021-0122 violates that language, results in an internal inconsistency, and violates years of precedent denying such applications.

*Accordingly, 1000 Friends and Sierra Club respectfully request that the Motion to adopt an ordinance for the LWDD AGR Preserve Areas amendment be denied, or in the alternative, amended to remove the exemption for PDD/DOA-2021-0122 and reiterate that canal rights-of-way are not to be used as preserve areas for density purposes, with a required unanimous vote of commissioners if any changes were to be made in the future to this provision.*

***Agenda Item 4.A.1: Final Adoption Unified Land Development Code Amendment for LWDD  
Canals as Preserve Areas***

As reiterated above, 1000 Friends and Sierra Club oppose the use of canal rights-of-way as preserve areas, and respectfully request that *Motion to adopt an ordinance be denied, or in the alternative, amended to remove the exemption for FDD/DOA-2021-0122 and reiterate that canal rights-of-way are not to be used as preserve areas for density purposes, with a required unanimous vote of commissioners if any changes were to be made in the future to this provision.*

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***Agenda Item 5.C.1 Las Farms (LGA 2022-001)***

The requested FLUA Amendment to deviate from an AGR designation to Industrial with an underlying Agricultural Reserve may be site specific, yet it has the potential to open a Pandora's box for the incorporation of industrial uses into a Tier that has been set aside from the rest to preserve the agricultural integrity of the County. Such an intrusion was never contemplated by the Master Plan in order to uphold the Goals and Objectives of the Ag Reserve, and should not be entertained now. A light industrial use designation in the Ag Reserve will create another special case revision to the long-standing principles set in place to distinguish this unique Tier from the urbanized tiers and surrounding counties, and will remove such applications out of the commissioners and public hearing sphere for a mere checklist of requirements that can result in unintended degradation of the Ag Reserve.

Simply stated, *the death of the Ag Reserve by a thousand cuts must cease.* To allow for the continued increase of density and intensity beyond the original intention of the Comprehensive Plan will nullify the very spirit of the Ag Reserve and will mutate the environmentally sensitive and rural lands into an urbanized area indistinguishable from the rest of Palm Beach County.

*The appropriate resolution for this issue is not to introduce an industrial light designation into the Ag Reserve, despite a conditional overlay zone, but rather to take the time and consideration of resolving a more overreaching issue of the appropriate location for a landscape service operation.*

*Accordingly, 1000 Friends and Sierra Club respectfully request that the Commissioners second and pass the Motion to deny the Las Farms amendment.*

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***Agenda Item 5.C.2 Reserve at Atlantic (LGA 2022-006)***

Objective 1.5 of the Comprehensive Plan was enacted to protect the Ag Reserve Tier by promoting an agricultural and low-density residential lifestyle and discouraging growth that does not serve this unique community. Despite its name, Reserve at Atlantic, is not suitable for the Ag Reserve Tier. The proposed changes of the FLU designation will drastically alter the intensity and density of use on the property, to wit: *the current FLU allows for 8 units, whereas the proposed FLU will cluster 480 units onto the same parcel, and construct a 120-student daycare, thereby raising the population estimate of 19 people to 1,148 people.* This will nearly triple the daily trips onto the parcel and through the surrounding communities.



The Reserve at Atlantic proposal has been before this Commission before and comes once again with modifications, but still attempting to reduce preserve acreage and allow for higher density on smaller parcels in exchange for an allocated twenty-five (25) percent of the development to be set aside for "workforce housing." As previously stated, the Ag Reserve does not require allocations for workforce housing, but rather has allowed for 166 multi-family units within mixed use projects "intended to provide the opportunity for diversity in housing types and prices" without the income restrictions defining the units as "workforce housing," unlike units designed in the Urban/Suburban Tier.

"Workforce housing" at a cost of 180 acres reduction of the minimum acreage required for an AgR-PUD designation and a severe 110 acres reduction of the Preserve Area minimum acreage will not provide for a unique need or current demand of the Ag Reserve residents, and there is no evidence to suggest that it will not draw new developers seeking the same higher densities and reduced parcels or reduced preserve acreage by current landowners. As such, approval of this application will undoubtedly create permanent and unanticipated consequences that will alter the purposes and policies of the Ag Reserve Tier.

To allow for an incompatible increase of density and intensity will nullify the very spirit of the Ag Reserve and, as stated by County Staff, "represent major departures from nearly all of the fundamental policy concepts directed by the Board of County Commissioners, and adopted into the Comprehensive Plan, including requiring preserve area and limiting development in the Tier."


The proposed Essential Housing Residential Option and FLUA Amendments are inappropriate for the Ag Reserve Tier as they severely reduce preserve acreage requirements, increase density up to 12 units per acre on the development area and on-site preserve, and revise uses allowed in the 60% Preserve to include open space, park, and water features.

As noted by County Staff, the proposal "acts as an incentive for a developer to gain a higher density for land used for open space, water features, and buffers rather than the actual preserve uses of agriculture and environmentally sensitive lands," thus reducing the 60/40 preserve requirements of the Ag Reserve. Approval of this application would undoubtedly lead to further degradation of the Ag Reserve, encourage similar applications to chip away at future preserved areas and, as noted by County Staff, "bring into question the future of the approximately 4,698 acres in AGR-PDD preserve areas that are currently in private ownership," and in all essence "alter the foundation of the Tier."

**Accordingly, 1000 Friends and Sierra Club respectfully request that the Commissioners second and pass the Motion to deny the Reserve at Atlantic amendment.**

Thank you for your time and consideration of these comments.

Respectfully,

  
Heidi Mehaffey, Esq.  
Robert N. Hartsell, P.A.  
Fla. Bar No. 118806

CC: 1000 Friends of Florida  
Sierra Club Loxahatchee Group

## Exhibit 11

### Applicant's Letter requesting modifications

Item 5.C.2



October 28, 2021

Lisa Amara  
Principal Planner  
Palm Beach County Board of County Commissioners  
2300 North Jog Road  
West Palm Beach, FL 33411

VIA ELECTRONIC MAIL ONLY - [LAmara@pbcgov.org](mailto:LAmara@pbcgov.org)  
Cc: [pbehn@pbcgov.org](mailto:pbehn@pbcgov.org); [sgregory@pbcgov.org](mailto:sgregory@pbcgov.org); [PRutter@pbcgov.org](mailto:PRutter@pbcgov.org); [gabe@bovecompany.com](mailto:gabe@bovecompany.com)

Re: Reserve at Atlantic

Dear Lisa:

Thank you for taking the time yesterday afternoon to discuss the results of the AgR workshop and next steps for the Reserve at Atlantic. As we discussed, our client's primary objective is to receive the approvals necessary to deliver 480 multifamily units with 120 units being set aside as WFH units.

Please find attached an update to our proposed text amendment language. We are limiting the text amendment for Reserve at Atlantic to address the following:

1. Allow a density of 8du/ac with a 25% workforce housing requirement.
2. Reduce the size of the Planned Development to 35ac.

As a result of the workshop on Monday, it appears that more discussion will be taking place as it relates to preserve uses, civic uses on preserves, mixed use, etc. Therefore, in an effort to receive support from the Board of County Commissioners to transmit the proposed text and Comp Plan amendment requests, we have simplified the Text.

Should you have any questions, please let us know. As always, we appreciate the many hours you and your staff have put forth on this project.

Sincerely,

**JMorton Planning & Landscape Architecture, Inc.**

A handwritten signature in blue ink that reads 'Jennifer L. Morton'.

Jennifer Morton, PLA, LEED AP

Cc: Patricia Behn  
Stephanie Gregory  
Patrick Rutter  
Gabe Bove

Attachment

**A. Future Land Use Element, Reserve at Atlantic Private Text**

**REVISIONS:** To introduce attainable, workforce housing within the Agricultural Reserve Tier. The revisions are shown below with the added text underlined and the deleted text in ~~strike-out~~.

**Essential Housing Residential Option**

1. **NEW Policy 1.5.1-s:** The County shall foster the provision of workforce housing in the Agricultural Reserve Tier by allowing densities greater than one unit per acre for planned developments utilizing the Essential Housing Residential (EHR) Option for projects with the Multiple Land Use future land use designation (FLUE 4.4.2-a). The EHR Option is a 60/40 planned development (MUPD) that is subject to the following:
  1. **Acreage.** The total land area, consisting of the Development area and Preserve area, shall be a minimum of 35 acres. The minimum acreage for the Preserve Area is 21 acres.
  2. **Density.** The base density is up to 1 unit per acre for the total land area, clustered onto the Development Area. Additional density may be assigned to the Development Area by ordinance provided that a minimum of 25% percent of the total units are built on-site as workforce housing units for household incomes from 60 to 140% of area medium income up to a maximum of 8 units per acre for the total land area.
  3. **Location.** The Development Area is limited to sites located east of State Road 7, fronting on Atlantic Avenue and within ¼ mile of an AqR-TMD or IND future land use designation.
2. **REVISE Policy 1.5-h:** Residential uses shall be permitted within the Agricultural Reserve Tier under the Agricultural Reserve land use designation as further regulated by the Unified Land Development Code. Consistent with the provisions of Future Land Use Policy 2.1-b and Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density, the land shall be allowed to develop as follows:
  1. Within the Agricultural Reserve future land use designation with Agricultural Reserve zoning the maximum density is at a density of one dwelling unit per five acres;
  2. Within the Agricultural Reserve Tier with a Planned Development zoning, the maximum future land use densities are as follows, with density calculated for the total land area and clustered onto the development area of the projects.
    - a. Agricultural Reserve future land use designation with AqR-PUD zoning, the maximum density is up to one dwelling unit per acre;
    - b. Commercial Low future land use designation with TMD or MUPD zoning, the maximum density is up to one dwelling unit per acre;
    - c. Multiple Land Use future land use designation with MUPD zoning, the underlying future land use density pursuant to Policy 1.5.1-s.



(1DU/5AC), unless the property meets the requirements for an Agricultural Reserve Planned Development (AgR-PDD), Agricultural Reserve Multiple Use Planned Development (AgR-MUPD), or Agricultural Reserve Traditional Marketplace Development (AgR-TMD) as described in Future Land Use Sub-Objective 1.5.1, in which case the land may be developed at a density of one dwelling unit per acre;

3. **REVISE Policy 1.5.1-d:** ~~Utilization of these planned development options may result in a maximum density for an AgR-PDD of 1 du/ac for a residential AgR-PDD except that the maximum number of units shall be reduced to reflect the number of farm worker quarters and/or grooms quarters located in the preserve area. For a residential AgR-PDD or an AgR-TMD, the Agricultural Reserve Planned Developments shall be subject to the following minimum preserve area requirements shall be established as:~~
  1. ~~a-80/20 AgR-PUD development, 75 percent of the total land area;~~
  2. ~~a-60/40 AgR-PUD development, 60 percent of the total land area; and~~
  3. ~~a-TMD or MUPD, 60 percent of the total land area pursuant to Policy 1.5.1-s.~~

4. **REVISE**

**TABLE III.C  
FUTURE LAND USE DESIGNATION BY TIER**

Future Land Use	FLU Category	Tier				
		Urban/Sub & Glades USA	Exurban	Rural	Ag Reserve	Glades RSA <sup>1</sup>
Urban Residential	LR, MR, HR	<b>X</b>	---	---	--- <b>X<sup>2</sup></b>	---
Agriculture	AP	---	---	---	---	<b>X</b>
	SA	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	---
	AgR	---	---	---	<b>X</b>	---
	Ag Enclave	---	---	<b>X</b>	---	---
Traditional Town Development		<b>X</b>	---	---	---	---

1. and 2. *Unaltered and omitted for brevity*

3. Within the Agricultural Reserve Tier, residential future land use designations are allowed as an underlying density within the Essential Housing Residential MLU future land use designation pursuant to Policy 1.5.1-s.