



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 21-B2

BCC ADOPTION PUBLIC HEARING, NOVEMBER 22, 2021

A. Application Summary

I. General Data

Project Name:	Coconut Palm Plaza (LGA 2020-002)
FLUA Summary:	RR-20 to CL/RR-20
Acres:	11.25 acres
Location:	Southeast corner of Northlake Boulevard and Coconut Boulevard
Project Manager:	Bryce Van Horn, Senior Planner
Applicant:	BASM 11, LLC (Contract Purchaser)
Owner:	Northlake Coconut Property LLC
Agent:	Schmidt Nichols; Josh Nichols, LEED AP
Staff Recommendation:	Staff recommends approval with conditions based upon the findings and conclusions contained within this report

II. Assessment & Conclusion

The 11.25 acre subject site is located in the Exurban Tier at the northern edge of the area known as the Acreage in the Central Western Communities. The proposed amendment is a request to change the future land use designation from Rural Residential, 1 unit per 20 acres (RR-20) to Commercial Low with an underlying 1 unit per 20 acres (CL/RR-20). A concurrent zoning application is requesting the development of 49,005 square feet of commercial uses consisting of general retail and a convenience store with gas sales. The site was formerly owned by the United States Postal Service and proposed for a post office.

The site's location at the southeast corner of Northlake Boulevard, an arterial roadway, and Coconut Boulevard, a collector roadway, meets the Exurban Tier's Commercial Location Criteria. There is approved commercial at the other three corners of the intersection within unincorporated County to the west and within the City of Palm Beach Gardens to the north.

The amendment's justification is based upon changed conditions in the area since the last request to change the future land use to commercial on this site in 2013, in particular the 4,700 acre Avenir development under construction to the north. Staff concurs that this site is suitable and appropriate for the commercial request; however, staff is recommending conditions of approval to ensure that the adjacent residences to the south across Hamlin Boulevard are adequately buffered and that the adoption of the future land use amendment and zoning application are held on the same date.

The proposed amendment to commercial is consistent with applicable Comprehensive Plan policies and there are no service delivery or compatibility issues with the request.

III. Hearing History

Local Planning Agency: **Approval with conditions**, motion by John Carr, seconded by Rick Stopek, passed in a 14 to 0 vote at the July 9, 2021 public hearing. Under discussion, Commission members asked questions regarding water and sewer connections, fuel tank design and regulation, the proposed buffer, access, and the timing of the intersection improvements. One public member spoke in opposition to a gas station use and submitted a letter in opposition for the record (see Exhibit 10). Two comment cards in opposition were read into the record.

Board of County Commissioners Transmittal Public Hearing: **Transmit with modifications**, motion by Commissioner McKinlay, seconded by Commissioner Weiss, passed in a 7 to 0 vote at the July 28, 2021 public hearing. The motion included an additional condition of approval prohibiting access from the site to Hamlin Boulevard as reflected in Exhibit 1. Under discussion, the District Commissioner asked questions regarding Hamlin, stated that the gas station use would be addressed as part of the zoning application, and referenced a letter from Acreage Land

Owners Association to remove the access on Hamlin Boulevard. Two members of the public spoke. One public member spoke in opposition to a gas station use and submitted a letter for the record that she had distributed at the Planning Commission, and a letter was submitted from the Acreage Landowners Association (see Exhibit 10). A representative of the Sierra Club expressed concern about the gas station potentially impacting the water quality of the area and part of Loxahatchee River drainage.

State Review Comments: The State Land Planning Agency reviewed this amendment under Round 21-05ESR and issued a letter dated September 3, 2021 stating that the Agency had no comment on the proposed amendment. There were no negative comments received from state agencies.

Changes Subsequent to Transmittal: Subsequent to transmittal, the condition requiring concurrent approval of zoning and future land use applications was removed as it is moot with the scheduling of the hearings on the same date. The deletion is shown in ~~double strikethrough~~. In addition, the first condition was clarified to net maximum PM peak hour trips. This is shown in double underline.

Board of County Commissioners Adoption Public Hearing:

T:\Planning\AMEND\21-B2\Reports-Agendas\4-BCCAdopt\11-22-21 BCC Zoning Adopt\CoconutPalm-Rpt-11-22-21-legal.docx

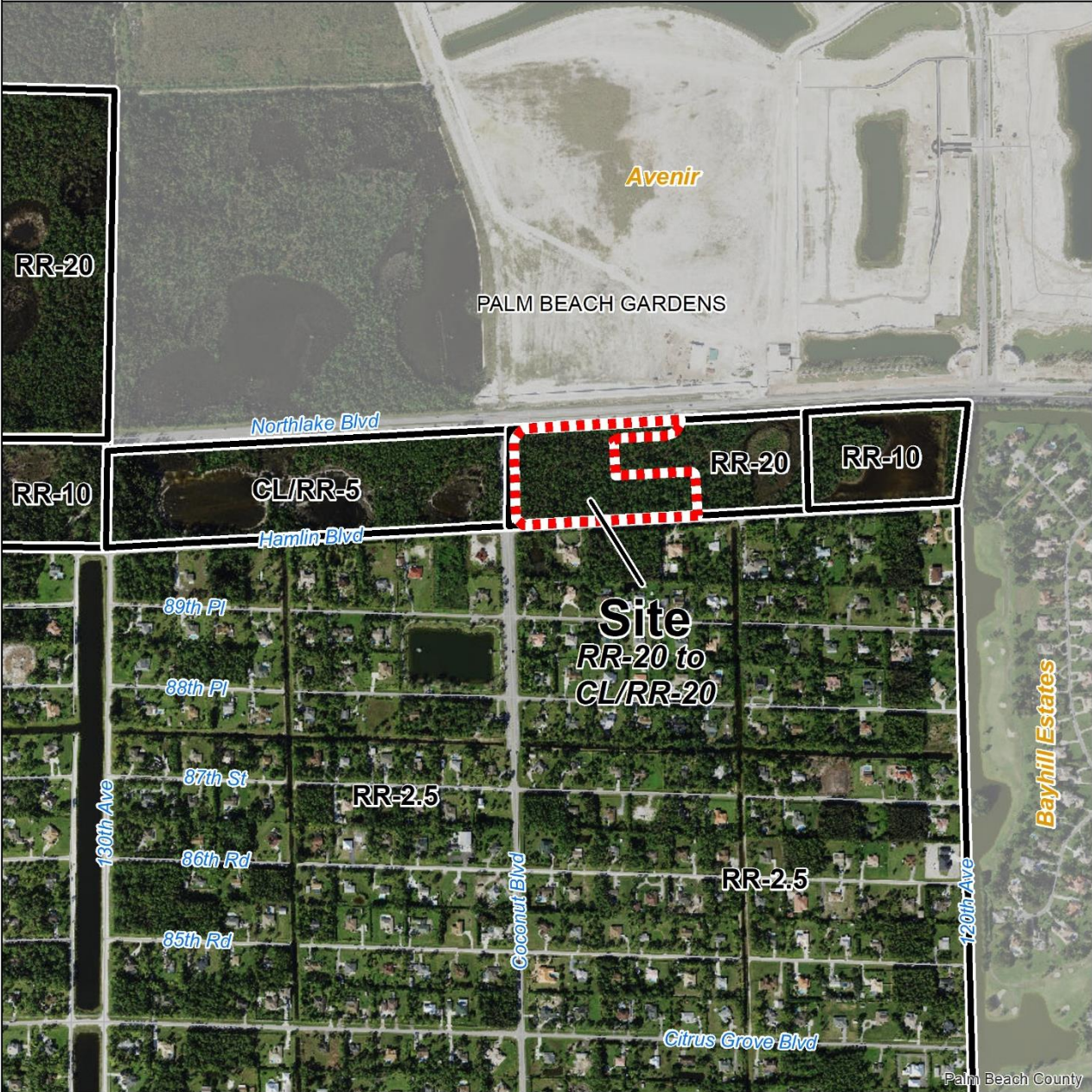
B. Petition Summary

I. Site Data

Current Future Land Use	
Current FLU:	Rural Residential, 1 unit per 20 acres (RR-20)
Existing Land Use:	Vacant
Current Zoning:	Public Ownership (PO)
Current Dev. Potential Max:	Residential, up to 1 dwelling unit or non-residential allowed in RR-20
Proposed Future Land Use Change	
Proposed FLU:	Commercial Low, with an underlying Rural Residential, 1 unit per 20 acres (CL/RR-20)
Proposed Use:	Commercial
Proposed Zoning:	Multiple Use Planned Development (MUPD)
Dev. Potential Max/Conditioned:	Commercial, up to 49,005 SF Max. (0.10 FAR)
General Area Information for Site	
Tier:	Exurban Tier – No Change
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	Western Northlake Corridor Land Use Study
Comm. District:	Commissioner McKinlay, District 6



Future Land Use Atlas Amendment
Coconut Palm Plaza (LGA 2020-002)



Site Data

Size: 11.25 acres
Existing Use: Vacant
Proposed Use: Convenience Store w/Fuel Sales, Retail
Current FLU: Rural Residential, 1 unit/20 acres (RR-20)
Proposed FLU: Commercial Low with underlying RR-20 (CL/RR-20)

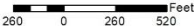
Future Land Use Designations

RR-20 Rural Residential, 1 unit/20 acres
RR-10 Rural Residential, 1 unit/10 acres
RR-2.5 Rural Residential, 1 unit/2.5 acres
CL/RR-5 Commercial Low, underlying RR-5

Date: 5/17/2020
Contact: PBC Planning
Filename: 21-B2/Site/20-02
Note: Map is not official, for presentation purposes only.



Site



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



C. Introduction

I. Intent and Background of the Amendment

This is a privately proposed future land use amendment on an 11.25 acre site located at the southeast corner of Northlake Boulevard and Coconut Boulevard in the Exurban Tier. The subject site is located in District 6 and adjacent to District 1, at the corner of two major County roadways, Northlake Boulevard, an arterial roadway, and Coconut Boulevard, a collector roadway. The site is adjacent to the northern edge of the area known as The Acreage (aka Royal Palm Beach Colony unrecorded subdivision) which is part of a larger overall area known as the Central Western Communities. Across Northlake Boulevard to the north is the Avenir Mixed Use Planned Community Development, currently under construction, within the City of Palm Beach Gardens.

Proposed Amendment: The intent of the amendment is to change the Rural Residential, 1 unit per 20 acres future land use designation to Commercial Low with an underlying 1 unit per 20 acres (CL/RR-20). The proposed amendment would change the current development potential of one residential home (or non-residential uses allowed in RR-20) to up to a maximum of 49,005 (.10 FAR) square feet of commercial uses.

Background. The subject site has approximately 430 feet of frontage on Coconut Boulevard at its western end and has an irregular boundary on its eastern end resulting in approximately 890 feet of frontage on Northlake Boulevard on its north side and 1,020 feet of frontage on Hamlin Boulevard, an Indian Trail Improvement District (ITID) roadway, on its south side. The site is the western portion of a previously larger 33+ acre parcel which formerly included an approximately 22 acre parcel adjacent to the east that has Rural Residential, 1 unit per 20 acres, and 1 unit per 10 acres (RR-20 and RR-10) future land use designations. The 22 acre parcel adjacent to the east is currently vacant and heavily vegetated, and has a Conservation Easement in place since 2001 based on an Environmental Resource Permit required by the SFWMD.

The subject site was formerly owned by the U.S. Postal Service from 2001 to 2012 and previously approved for an approximately 22,000 square foot U.S. Post Office facility. Subsequently, in 2013, the new owner submitted a future land use amendment application (Northlake & Coconut SE, LGA 2013-006). The proposed amendment was requesting the same change to Commercial Low that is being requested with the current proposed amendment. Staff had previously recommended denial of the amendment but has an alternative recommendation for the new Commercial Low request due to changed conditions to the north of the site. The Planning Commission recommended denial (8-0) of the previously proposed amendment on June 14, 2013 and the applicant requested a postponement at the July 24, 2013 BCC Transmittal hearing. The BCC denied the postponement request in order to hear the amendment and the applicant then withdrew the application at the hearing prior to the BCC taking any further action. No other proposed amendment applications have been submitted since 2013 until this current application.

Zoning Application: The applicant submitted a concurrent Zoning application (ZV/ABN/PDD/CA-2019-01808) in October, 2019. The applicant is proposing to abandon a Conditional Overlay Zone (COZ) approved with the prior rezoning for the post office, to allow a rezoning from the Public Ownership (PO) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, and requesting a Class A Conditional Use to allow Retail Gas and Fuel Sales with a Convenience Store. A Preliminary Site Plan submitted with the application includes four retail buildings consisting of 44,005 square feet, and a 5,000 square foot Convenience Store w/ Fuel Sales (20 fueling positions). A 1.45 acre upland preserve is proposed at the southeast corner of the site adjacent to Hamlin Boulevard. There are four access points proposed, with one egress (a right out only) on Hamlin Blvd. on the south side of the site near Coconut Blvd., one ingress (a right in only) on Coconut Blvd. on the west side of site, one ingress (right in only) on Northlake Blvd., and one ingress/egress also on Northlake Blvd. at the eastern end of the site. The applicant is providing a 50 foot rural parkway easement on the north side of the site along Northlake Boulevard per Policy 1.4-q in the Transportation Element of the County's Comprehensive Plan.

II. Data and Analysis Summary

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

Overview of the Area. The subject site is located along the Northlake Boulevard corridor, which includes lands within West Palm Beach, Palm Beach Gardens, and unincorporated Palm Beach County. There is commercial future land use to the west of the subject site and mixed uses to the north. The majority of land within unincorporated County in the immediate area is designated with rural residential future land use designations, including The Acreage with an RR-2.5 designation and comprised of single family homes on lots generally ranging from just over 1 acre to 2.5 acres. The predominant residential lot size is approximately 1.25 acres and include residential uses.

The subject site is within the Western Northlake Corridor Land Use Study area (WNCLUS), completed in 1998 and updated in 2010 and is adjacent to the northern boundary of the Acreage Neighborhood Plan area (ANP), a neighborhood plan that was formally received by the BCC in 1996. In addition, the site is within the Indian Trail Improvement District (ITID) boundaries which is responsible for canals and other drainage works and improvements, maintenance of certain roadways, and development and maintenance of recreational areas.

Compatibility: The amendment proposes to introduce commercial uses up to 49,005 square feet (.10 FAR). The Unified Land Development Code, as directed by the Comprehensive Plan, contains site design requirements for non-residential uses in general in the Exurban Tier, including commercial, in order to ensure compatibility with adjacent uses, and ensure protection of the character of the Tier and minimize impacts on surrounding uses. The ULDC generally requires additional landscaping, increased foundation plantings, porches, larger parking islands with fewer parking spaces between them, specific architectural elements, and specific signage requirements (i.e. size, location, and lighting). Compliance with these items is implemented in the concurrent zoning application to maintain the minimum standards.

The applicant's Preliminary Site Plan in the concurrent Zoning application is also proposing a 35 foot landscape buffer along Hamlin Boulevard which exceeds the minimum ULDC requirement of 15 feet. Staff is recommending a condition of approval to ensure the additional buffering between the site and the residential properties south of Hamlin. Staff is recommending a condition of approval requiring that the adoption of the future land use amendment and zoning application are held on the same date. The proposed amendment is compatible with the area and surrounding uses.

Appropriateness of the Amendment. In 2013 staff recommended denial of the prior amendment request to Commercial Low, and the applicant withdrew the application at the Board of County Commissioners transmittal public hearing. Although the current request is largely the same, significant changes in the area warrant reevaluation of the appropriateness of this site for commercial uses. Specifically the Avenir Mixed Use Planned Community Development approval within the City of Palm Beach Gardens has significantly changed the character of the immediate surrounding area and at the intersection. Further, this site is located at one of the few intersections eligible to meet the Exurban Tier commercial location criteria in the County's Comprehensive Plan, and does not represent strip commercial. Additionally, the Indian Trail Improvement District is conducting a study which currently identifies this intersection as a Higher Intensity Neighborhood Center Location. The establishment of commercial on this site will not contribute to the extension of commercial uses along Northlake Boulevard since the site is at the corner of the intersection and the site to the east is restricted by a conservation easement to the SFWMD.

Assessment and Recommendation. The 11.25 acre subject site is located in the Exurban Tier at the northern edge of the area known as the Acreage in the Central Western Communities. The proposed amendment is a request to change the future land use designation from Rural Residential, 1 unit per 20 acres (RR-20) to Commercial Low with an underlying 1 unit per 20 acres (CL/RR-20). A concurrent zoning application is requesting the development of 49,005 square feet of commercial uses consisting of general retail and a convenience store with gas sales. The site was formerly owned by the United States Postal Service and proposed for a post office.

The site's location at the southeast corner of Northlake Boulevard, an arterial roadway, and Coconut Boulevard, a collector roadway, meets the Exurban Tier's Commercial Location Criteria. There is approved commercial at the other three corners of the intersection within unincorporated County to the west and within the City of Palm Beach Gardens to the north.

The amendment's justification is based upon changed conditions in the area since the last request to change the future land use to commercial on this site in 2013, in particular the 4,700 acre Avenir development under construction to the north. Staff concurs that this site is suitable and appropriate for the commercial request; however, staff is recommending conditions of approval to ensure that the adjacent residences to the south across Hamlin Boulevard are adequately buffered and that the adoption of the future land use amendment and zoning application are held on the same date.

The proposed amendment to commercial is consistent with applicable Comprehensive Plan policies and there are no service delivery or compatibility issues with the request.

As such, staff recommends **approval with conditions**.

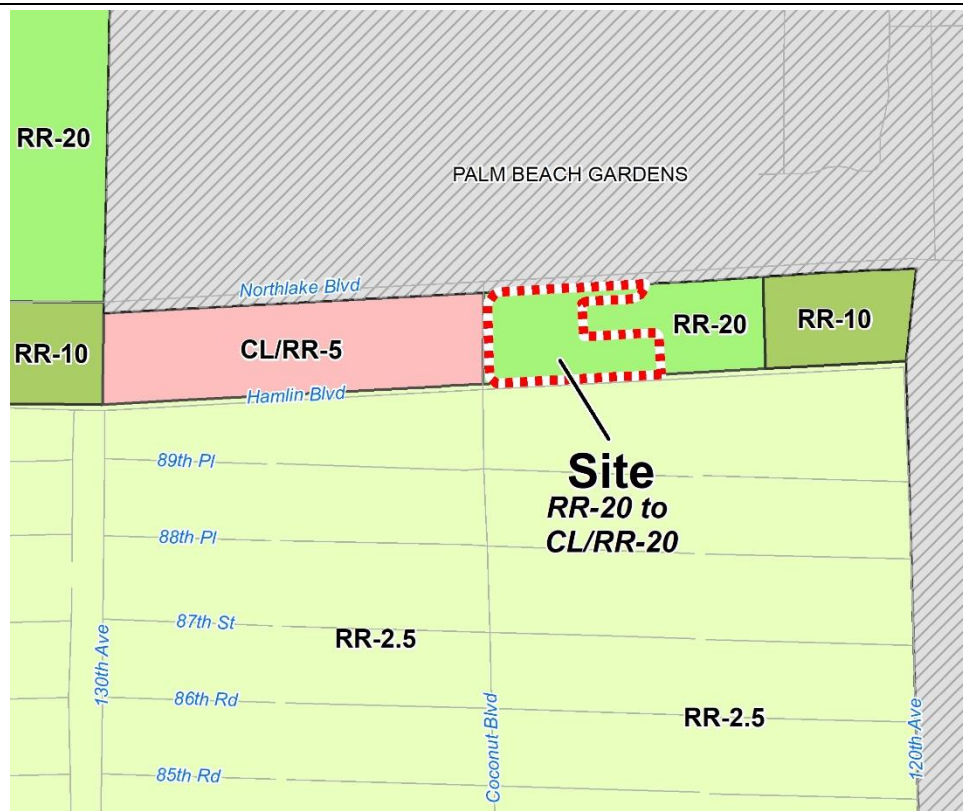
Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Consistency with Comprehensive Plan	E-3
3. Applicant’s Justification/Consistency with Comprehensive Plan and Florida Statutes	E-17
4. Applicant’s Public Facility Impacts Table	E-30
5. Palm Beach County Traffic Division Letter	E-32
6. Water & Wastewater Provider LOS Letter	E-34
7. Applicant’s Disclosure of Ownership Interests	E-35
8. Urban Sprawl Analysis	E-47
9. WNCLUS memorandum, 2010	E-50
10. Correspondence	E-52

Exhibit 1

Amendment No:	Coconut Palm Plaza (LGA 2020-002)
FLUA Page No:	29
Amendment:	From Rural Residential, 1 unit per 20 acres (RR-20) to Commercial Low, with an underlying Rural Residential, 1 unit per 20 acres (CL/RR-20)
Location:	Southeast corner of Northlake Boulevard and Coconut Boulevard
Size:	11.25 acres approximately
Property No:	00-41-42-15-00-000-5020

Conditions: Development of the site under the Commercial Low designation is subject to the following conditions of approval:

1. Development of the site is limited to a total maximum net daily trips of 3,108 and a maximum net pm peak hour trips of 236.
2. The site plan shall provide a minimum 35 foot landscape buffer along the southern property line excluding the area identified as an upland preserve wherein the ULDC provisions apply.
3. Vehicular ingress and/or egress to Hamlin Boulevard is prohibited.
4. ~~The proposed future land use amendment and the proposed rezoning shall be considered for adoption by the Board of County Commissioners at the same public hearing.~~



Legal Description

A PARCEL OF LAND LYING IN THAT PART OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD AND LYING EAST OF THE RIGHT-OF-WAY FOR COCONUT BOULEVARD, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE SOUTH 86°53'58" WEST ALONG THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 1522.70 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 86°53'58" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 1028.33 FEET TO THE INTERSECTION THEREOF WITH THE EAST RIGHT-OF-WAY LINE OF COCONUT BOULEVARD; THENCE NORTH 47°19'55" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 57.32 FEET; THENCE NORTH 01°33'46" WEST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 433.48 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 96.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AND CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 24°09'10", A DISTANCE OF 40.47 FEET TO THE END OF SAID CURVE; THENCE NORTH 39°13'08" EAST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 54.95 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 96.00 FEET AND WHOSE RADIUS POINT BEARS SOUTH 34°09'05" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 31°03'03", A DISTANCE OF 52.03 FEET TO THE POINT OF TANGENCY; SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID LAKE PARK WEST ROAD; THENCE NORTH 86°53'58" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 892.21 FEET TO A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 104.00 FEET AND WHOSE RADIUS POINT BEARS NORTH 84°48'28" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 81°42'26", A DISTANCE OF 148.31 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 86°53'58" WEST, A DISTANCE OF 266.42 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 45.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 41°27'32", A DISTANCE OF 32.56 FEET TO THE END OF SAID CURVE; THENCE SOUTH 03°06'02" EAST, A DISTANCE OF 206.05 FEET; THENCE NORTH 86°53'58" EAST, A DISTANCE OF 431.85 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°48'14", A DISTANCE OF 54.86 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 03°17'48" EAST, A DISTANCE OF 226.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.25 ACRES, MORE OR LESS

Exhibit 2

Consistency with Comprehensive Plan

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

A. Consistency with the Comprehensive Plan - General

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

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

The applicant 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 is summarized as follows:

- Recent approvals in the surrounding area such as the Avenir Planned Community Development and Ancient Tree, approved for 3,900 residential units and 97 units respectively have changed the context of the area and a proportionate increase for commercial uses in the immediate are warranted. The increase in residential density in the immediate area will significantly increase demand for commercial uses.
- The site's location at a major intersection serves as the main entry to Avenir and with approved commercial opposite the subject site at the southwest corner make the subject site ideal for commercial development. These significant changes to access and characteristics of the general area make the site ideal for commercial.
- There is a lack of need and/or desire for government services on the subject property
- Development of the property for a single family dwelling is unlikely given the location on an arterial roadway planned for 6 lanes of traffic and therefore the existing RR-20 future land use designation is no longer appropriate.

Staff Analysis: This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above. With regard to justification, there are several themes presented by this amendment that are discussed individually.

The intent of the amendment is to change the Rural Residential, 1 unit per 20 acres future land use designation to Commercial Low with an underlying 1 unit per 20 acres (CL/RR-20). The proposed amendment would change the current development potential of one residential home (or non-residential uses allowed in RR-20) to up to a maximum of 49,005 (.10 FAR) square feet of commercial uses. The zoning application's Preliminary Site Plan depicts four retail buildings consisting of 44,005 square feet, and a 5,000 square foot Convenience Store w/ Fuel Sales (20 fueling positions).

Staff concurs that given the significant changes in approvals in the area, the location at the intersection of two major roadways adjacent to a commercial approval to the west, and commercial at the other two corners to the north within Avenir, a single-family residence on this site is not likely to be developed. In 2013 staff recommended denial of the prior amendment request to Commercial Low, and the applicant withdrew the application at the Board of County Commissioners transmittal public hearing. Although the current request is largely the same, significant changes in the area warrant reevaluation of the appropriateness of this site for commercial uses. Since the prior amendment, there have been several approvals in the vicinity of the site. Further, this site is located at one of the few intersections eligible to meet the Exurban Tier commercial location criteria in the County's Comprehensive Plan, and does not represent strip commercial. Therefore, this amendment has met the requirements for an adequate justification.

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

Direction 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.*

Staff Analysis: The proposed amendment to change the land use designation on the subject site furthers the County Directions. Considering the land use pattern in the

Acreage, there are limited opportunities for commercial development. This site is at an intersection that meets the Exurban Tier commercial location requirements, and where commercial approvals exist at the other three corners. The site will be designed in a manner to ensure compatibility with surrounding residents as discussed in the Compatibility section of this report. Therefore, the proposed amendment is not inconsistent.

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 parcels under the same or related ownership and no residual parcels that would be created. The parcel is the western portion of a larger 33+ acre parcel for which a conservation easement was recorded by a prior owner on the eastern 22 acres. Since the eastern 22 acres is addressed via the conservation easement and restricted to preservation of the wetlands and uplands in that parcel, this proposed amendment would not encourage piecemeal development as defined in the Introduction and Administration Element of the Comprehensive Plan which describes ‘piecemeal’ as the development of “small portions of a larger, undeveloped property is developed in a sequential manner, such that land use decisions are being made for individual sub-areas of the original parent tract independent from the whole.” Therefore the amendment is not inconsistent with this policy.

4. **Strip Commercial – FLUE Policy 2.2.2-d:** The County shall not designate additional commercial areas on the Future Land Use Atlas that would result in or encourage the proliferation of strip commercial development.

Introduction & Administration Element Strip Commercial Development definition:
"A form of development that is designed primarily for vehicular access and is hazardous or inconvenient for pedestrians to use. Strip commercial development may include any of the following:

1. *intense, largely non-residential development, which is shallow in depth, and lies along a length of roadway*
2. *poorly coordinated site plan, with buildings organized in a linear pattern or in isolated “islands”*
3. *separate driveways or curb cuts from adjacent properties*
4. *separate parking lots from adjacent properties*
5. *inadequate accessibility and circulation for pedestrians and bicycles"*

Staff Analysis: The subject site proposes to add a commercial site at an intersection which currently includes three corners approved for commercial. The site’s location on the last remaining corner of the intersection from other approved commercial across a major roadway inherently does not result in or encourage strip commercial development. The adjacent property to the east is a 22 acre site subject to a conservation easement to the South Florida Water Management District. As long as the conservation easement remains in place, there is no ability for this 22 acre property to obtain commercial development wherein separate curb cuts and separate parking lots would be considered with respect to encouragement or proliferation of strip commercial development to the east of the subject site. Regarding the depth of the site, it may appear to be shallow in depth

compared to its width along Northlake Boulevard. However the site is over 430 feet in depth which is more than twice the minimum provision of 200 feet as required in the ULDC. This amendment is not considered strip commercial development as it does not meet the definition in the Comprehensive Plan's Introduction and Administration Element.

B. Consistency with Exurban Tier Requirements for the Specific FLU

Future Land Use Element (FLUE) 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.....”* The Comprehensive Plan contains several policies addressing future land uses in the Exurban Tier.

1. FLUE OBJECTIVE 1.3 Exurban Tier

Objective: *Palm Beach County shall plan for the impacts of growth outside of the Urban Service Area in antiquated subdivisions created prior to the adoption of the 1989 Comprehensive Plan with platted densities greater than 1 dwelling unit per 5 acres while protecting the exurban lifestyle. The Exurban Tier shall include The Acreage and Palm Beach Country Estates Subdivisions and shall be provided with a mix of urban and rural services.*

FLUE Policy 1.3-a: *The County shall protect and maintain the semi-rural residential, equestrian, and agricultural communities within the Exurban Tier by:*

- 1. Preserving and enhancing the rural landscape, including historic, cultural, recreational, agricultural, and open space resources;*
- 2. Allowing services and facilities consistent with the character of the area;*
- 3. Preserving and enhancing natural resources; and,*
- 4. Ensuring development is compatible with the scale, mass, intensity of use, height, and character of the exurban community.*

Staff Analysis: As explained under the compatibility section, the ULDC contains provisions requiring additional landscaping, increased foundation plantings, porches, larger parking islands with fewer parking spaces between them, specific architectural elements, and specific signage requirements (i.e. size, location, and lighting). Compliance with these items is implemented in the concurrent zoning application to maintain the minimum standards. In addition, the County's Environmental Resources Management (ERM) Department is requiring the preservation of 1.45 acres of upland on the site in the southeast corner adjacent to Hamlin Boulevard. Regarding the intensity of use, the maximum floor area ratio for a commercial project in the Exurban Tier is 0.10, which is less than half that allowed for commercial projects in the Urban Suburban Tier.

The applicant's Preliminary Site Plan in the concurrent Zoning application is also proposing a 35 foot landscape buffer along Hamlin Boulevard which exceeds the minimum ULDC requirement of 25 feet. A condition of approval is proposed for the amendment adopting ordinance that will further ensure the additional buffering between the site and the residential properties south of Hamlin.

2. **FLUE Policy 1.3-f:** *The County shall prohibit new commercial future land use designations that do not have frontage on either: 1) one collector and one arterial roadway; or 2) two arterial roadways (as depicted on the Federal Functional Classification of Roads Map TE 3.1), unless it is shown that a vehicular cross connection can be established to an adjacent site with a Commercial Low future land use designation, or such development is planned as a Traditional Marketplace Development (TMD).*

Staff Analysis: This policy provides locational requirements for new commercial FLUs in the Rural Tier. Northlake Boulevard is depicted as an Urban Minor Arterial on Map TE 3.1 Federal Functional Classification (FFC) Map. Coconut Boulevard is depicted as an Urban Collector on the FFC Map. Therefore, the amendment meets the first criteria of this policy and is consistent. The commercial intersection criteria in this policy was established in Amendment Round 05-1. At the time, only the intersection of Seminole Pratt Whitney Road and Southern Blvd/SR80 qualified for new commercial development in the Exurban and Rural Tiers according to this criteria. In Amendment Round 08-1, the Federal Functional Classification (FFC) table was replaced by the FFC Map adopted into the Comprehensive Plan. The new map established five new intersections where commercial may be allowed by this policy.

- Northlake Boulevard and 140th Avenue North
- Northlake Boulevard and Coconut Boulevard
- Royal Palm Beach Boulevard and 60th Street North
- Seminole Pratt Whitney Road and Northlake Boulevard
- Seminole Pratt Whitney Road and Okeechobee Boulevard

At the time the above intersections were added as meeting the commercial location criteria, the County was pursuing an overlay for the Central Western Communities (CWC) and the impacts of these additional locations were anticipated to be included in that effort. However, on February 3, 2009 the Board directed that the CWC Overlay effort be discontinued.

The subject site has frontage on built roadways segments identified as an arterial (Northlake Blvd.) and a collector (Coconut Blvd.) listed in the Comprehensive Plan map series, Map TE 3.1, Functional Classification of Roads, and therefore is consistent with this policy's commercial location requirements.

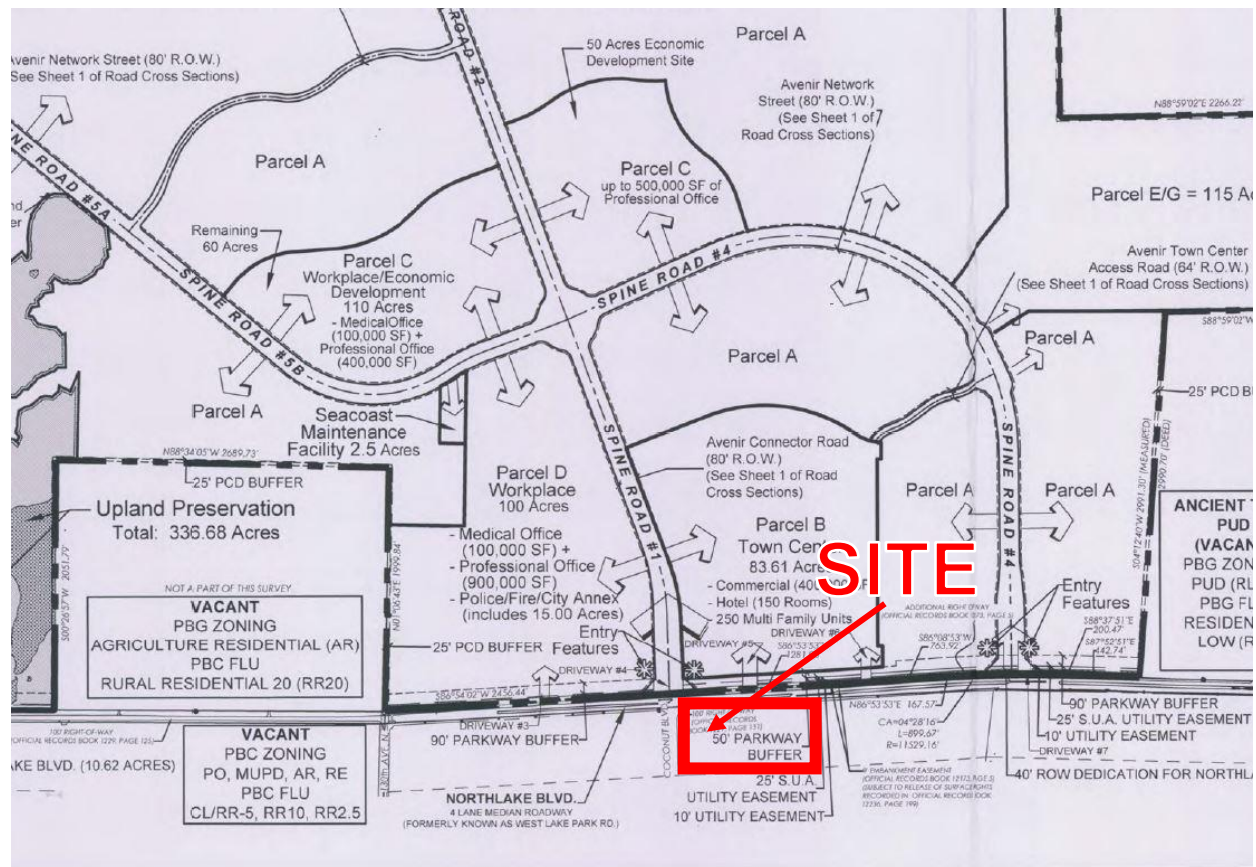
3. **Policy 1.3-g:** *Non-residential development shall be designed in the form of a Traditional Marketplace, or the development shall comply with rural design standards to ensure protection of the character of the Tier and to minimize impacts on surrounding uses. Standards for Traditional Marketplace Development shall also be developed to reflect the scale and character of the Exurban Tier.*

Staff Analysis: As explained under the Compatibility section and under Policy 1.3-a, the concurrent Zoning application is required to comply with design standards adopted in the ULDC. Further, a condition is proposed to ensure the design of the site will continue to incorporate a landscape buffer that exceeds the minimum standards to further ensure protection of the character of the Tier.

4. **Policy 1.3-h:** *The County shall promote the development of central community places where feasible, considering the existing development pattern, by clustering and co-locating neighborhood commercial uses, day care, places of worship, and public community-serving uses. Such uses may include, but are not limited to, a mix of government satellite offices, meeting space, schools, parks and recreation facilities, and libraries. Buildings in these central community places should be sited to form a public common or green space for community use. Site planning, building orientation, architectural treatment, and landscaping of non-residential development should reflect the character of a rural community.*

Staff Analysis: There is already a commercial site approved on the southwest corner of this intersection in unincorporated County, and the two corners to the north in Palm Beach Gardens are also approved for commercial. The approved site plan for the Avenir development (shown in the graphic below) depicts nearly 1 million square feet of office, and over 400,000 square feet of retail. Approving commercial development on the subject site will cluster and co-locate commercial uses that will serve the community and promote the development of central community places. The amendment is therefore consistent with this policy.

Avenir Site Plan



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:

- **West:** The vacant 30 acre site to the west across Coconut Boulevard, at the southwest corner of the intersection, known as Shops at Indian Trails, was approved for a change from RR-20 to CL/RR-5 in 2008 per a privately proposed future land use amendment, Coconut/Northlake Commercial III (LGA 2008-025) adopted by Ordinance 2008-049. One condition was adopted with the Ordinance limiting development of the site under the Commercial Low designation to 106,566 SF of non-residential uses. The parcel was subsequently rezoned from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) district in 2011 for a 106,566 square foot commercial center. The final site plan was approved in early 2018 via zoning application DRO-2017-811 and contains eight buildings including medical office, retail uses, pharmacy, financial institutions, convenience store with gas (16 fueling positions), car wash, and a type 1 restaurant with drive-thru.
- **North:** Most of the property directly to the north across Northlake Blvd. is within the City of Palm Beach Gardens and comprises approximately 4,700 acres formally known as the Vavrus property and now under development. Prior to 2016 the property had Palm Beach Gardens designations of RR-20 and RR-10. This site was the subject of a land use amendment to Mixed Use (MXD) and zoning change to MXD Planned Community Development (PCD) in the city which received approval May 5th, 2016 and is now known as Avenir. Overall, Avenir is comprised of over 2,300 acres of development area and over 2,400 acres of Conservation area and is approved for 3,900 dwelling units, 400,000 SF of commercial, 200,000 SF of Medical Office, 1.8 million SF of Professional Office, and Hotels (300 rooms/80,000 SF). The project also includes 55 acres of Park, 15 acres of land for Police, Fire, and City Annex, 60 acres dedicated for Civic/Recreation, Elementary School (600 students), and 20 acres of Agricultural areas. The town center in the development is located directly north of the subject site on the north-east corner of the intersection of Coconut Boulevard and Northlake Boulevard. This portion of the Avenir site is still under the development review process at Palm Beach Gardens. The town center parcel is 83.61-acres with the current 15-acre proposed phase 1 town center plans containing seven buildings which include a grocery store, a variety of general retail and a pharmacy with drive thru. The majority of the square footage will come from the 49,000 square foot Grocery store and the 13,000 square foot pharmacy with drive thru. The rest of the square footage will be a variety of general retail ranging from 4,000 square feet to almost 9,000 square feet and restaurant use ranging from 1,000 square feet to 5,000 square feet. To the north and east of the town center project is a 230 acre site under construction for 416 single-family detached dwelling units incorporated as part of the Avenir mixed-use community. To the north on the west side of the proposed Coconut Boulevard extension is currently projected to be 100 acres of workplace uses such as medical and professional offices as identified on the approved Avenir master plan. This parcel has not submitted for review with specific site details.

Further east and also within the City on the north side of Northlake Boulevard is the 97 acres single-family development known as Ancient Tree which is under construction and

approved for 97 units. This site was formerly within unincorporated County prior to being annexed by Palm Beach Gardens in 2016 and was known as the Balsamo parcel.

Two residential communities, Osprey Isles and Carlton Oaks, a cemetery, and the Palm Beach Gardens municipal golf course, are within a mile of the site to the east on the north side of Northlake Blvd. These communities and the cemetery were formerly approved and within unincorporated County but annexed into the City in 2017. There are also large tracts of County owned environmentally sensitive Conservation lands further east and surrounding the developments and facilities on the north side.

Further west on the north side of Northlake Blvd and surrounded by Avenir are five parcels in unincorporated County with Rural Residential, 1 units per 20 acres (RR-20) future land use designation and Agricultural Residential (AR) zoning totaling approximately 125 acres. One of the parcels (approximately 8 acres) contains several communication towers. The rest of the parcels are vacant and have no other zoning approvals.

- **East:** Adjacent to the east is a 22 acre parcel, owned by Northlake Maintenance LLC, with FLU designations of both RR-20 and RR-10. This property is zoned AR and is subject to a Deed of Conservation Easement to the South Florida Water Management District as recorded in ORB 12844, Pg. 1780 and further subject to an Affirmation of Existing Conservation Easement to the County as recorded in ORB 24065, pg. 0021. Two single-family residential communities of Bay Hill Estates, a Planned Unit Development, and Rustic Lakes, a large lot subdivision, which annexed into the City of Palm Beach Gardens in 2018, are located further to the east on the south side of Northlake Boulevard. Further east, within the City of West Palm Beach is the Ibis planned development community and the Shoppes at Ibis commercial plaza. The future proposed State Road 7 extension runs along the east side of the Ibis community and commercial center.
- **South:** South of Hamlin Blvd. is The Acreage, a large unrecorded subdivision, which is comprised predominantly of single family home lots of approximately 1.25 acres in size with a Rural Residential, 1 unit per 2.5 acres (RR-2.5) future land use designation. Some of the lots immediately to the south along Hamlin Boulevard are currently vacant.

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

Applicant’s Comments: The applicant states that the proposed amendment is compatible with surrounding uses and is proposing an enhanced buffer along the southern property line. The applicant’s Preliminary Site Plan in the concurrent Zoning application is also proposing a 35 foot landscape buffer along Hamlin Boulevard which exceeds the minimum ULDC requirement of 25 feet. A condition of approval is proposed for the amendment adopting ordinance that will further ensure the additional buffering between the site and the residential properties south of Hamlin.

Staff Analysis: The subject is located north of The Acreage at the south east corner of Northlake and Coconut Boulevards and is 11.25 acres in size. Immediately surrounding the property along south side of Northlake are lands primarily designated with low density

land use designations with the exception of a commercial property on the southwest corner of the intersection. The Avenir mixed use development with 3,900 dwelling units approved and commercial clustered near the intersection is to the north across an arterial roadway. The proposed amendment is compatible with the commercial approvals at the other three corners of the intersection, and will be designed to mitigate any impacts on the conservation lands to the east along Northlake. The proposed additional buffer and the Hamlin Blvd. right of way provide additional buffering and separation from the five adjacent residential homes to the south.

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. **Studies - Western Northlake Corridor Land Use Study - Policy 1.1-n:** *The Western Northlake Boulevard Corridor Planning Area shall be delineated as part of the Map Series of the 1989 Comprehensive Plan, as amended, as Map ICE 1.1. This area is generally located south of the Beeline Highway; west of the West Palm Beach Water Catchment Area; east of the J.W. Corbett Wildlife Management Area and Seminole Pratt Whitney Road; and north of the southern boundary of Ibis, Rustic Ranches, Bay Hill Estates, and Hamlin Boulevard. Through an Interlocal Agreement, the County, the City of Palm Beach Gardens, and the City of West Palm Beach shall provide for a means of enhanced intergovernmental cooperation in implementing the recommendations of the Western Northlake Corridor Land Use Study, dated June 8, 1998, as amended. The Interlocal Agreement shall also establish a procedure for “heightened review” of plan amendments and development applications.*

Staff Analysis: The subject site is located within the boundaries of the Western Northlake Corridor Land Use Study (WNCLUS), a joint effort between the County and the Cities of Palm Beach Gardens and West Palm Beach and implemented through an interlocal agreement signed in 1999. The purpose of the WNCLUS is to determine appropriate land uses within the western Northlake Boulevard area to preserve and enhance the rural character, while also recognizing and planning for limited urban development. The WNCLUS is listed by reference under Future Land Use Element Policy 4.1-c and as such required to be considered by the County. As part of the implementation of the Study recommendations, the three local governments entered into an interlocal agreement in order *“to ensure efficient and orderly development, intergovernmental coordination and cooperation, and provide heightened review of development proposals”* within the boundaries of the Study.

WNCLUS Update - 2010 Memorandum: Based on direction from the BCC in 2008, a team comprised of staff from the County, the cities of West Palm Beach and Palm Beach Gardens, and the Indian Trail Improvement District, began an effort to update the WNCLUS, in particular to evaluate changed conditions since 1999 and re-evaluate commercial needs. A first amendment to the interlocal agreement was approved by the County and the two municipalities at the same time, adding the ability to update the Study. The update consisted of a memorandum to the BCC dated October 14, 2010 and presented to the BCC on October 25, 2010 (see Memorandum in Exhibit 9) which indicated that by 2025 there was projected to be an excess of 75,000 sq. ft. of commercial

considering the projected population and built/approved projects. The total commercial and office approved totaled 587,885 square feet of which 189,463 square feet were built as of 2010 and the complete figure was anticipated to be built by 2025.

Staff Analysis: The proposed amendment is generally consistent with several of the recommendations of the WNCLUS that it will be limited to the uses allowed within the Commercial Low (neighborhood oriented) future land use designation, will be connected to water & sewer, is not considered strip commercial, and has over 100 feet of frontage, and will be located at a node. The landscape buffering recommendation is more appropriately addressed in the concurrent zoning application. However, it should be noted that the recommendation related to buffering in the WNCLUS is to use the recommendation that is within the Acreage Neighborhood Plan (ANP) for buffering. The site is not in the ANP however. The Shops at Indian Trails development approval, at the southwest corner of the intersection, to the west of the subject site incorporated additional landscape buffering along Hamlin Blvd. as part of its zoning approval for a total of 35 feet.

Most of the land area within the WNCLUS directly to the north of the subject site is within the City of Palm Beach Gardens consisting of 4,700 acres known formerly known as the Vavrus Ranch property. This land area was approved as Avenir for a large mixed use project after the 2010 WNCLUS update, for 3,900 dwelling units, 400,000 SF of commercial, 200,000 SF of Medical Office, and 1.8 million SF of Professional Office, and Hotels (300 rooms/80,000 SF). The 2010 WNCLUS Update analysis indicates an excess of commercial of over 75,000 square feet in this area by 2025. The proposed amendment is technically inconsistent with the recommendation of the WNCLUS. The findings of the WNCLUS are not adopted are not adopted policy statements but 'shall be considered' by the County during review of an amendment or development order. Considering the significant changes in the area since the 2010 update, the site's location at the intersection of an arterial roadway and a collector roadway with three corners approved for commercial development, the proposed expansion of Northlake to 6 lanes to Coconut Blvd., the site is more appropriate for non-residential uses than residential development.

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

Staff Analysis: The subject site is located adjacent to but not within the Acreage Neighborhood Plan (ANP), developed in 1996, and is within the Western Northlake Corridor Land Use Study area (WNCLUS), developed in 1998, and updated in 2010. Although not binding, the objectives and recommendations of neighborhood plans/studies recognized by the BCC shall be considered by the County prior to approval of a proposed land use amendment. An analysis of recommendations in the WNCLUS is provided below. Additionally, although the Acreage Neighborhood Plan boundaries technically end at Hamlin Boulevard on the south side of the site, and the recommendations within the ANP therefore do not technically apply to the subject site, an analysis is provided nonetheless for informational purposes only.

- a. **The Acreage Neighborhood Plan:** The ANP was received by the BCC in 1996 and was an independently written, community sponsored statement which reflects the desires of the Acreage Community as they related to land use and other matters. The

plan was prepared with oversight from the Planning Division. The ANP establishes the following goals, objectives and recommendations regarding commercial development:

OBJECTIVES

- *To provide criteria for the development of a commercial center(s) that provides design standards that account for the rural nature of the area, provides sufficient buffering, and makes use of the native vegetation.*
- L9. *Should commercial uses locate within The Acreage Unified Planning Area, a minimum of one hundred (100) feet (inclusive of all easements) shall be used as a vegetative setback (buffer) from property zoned AR (Agricultural Residential) or Public Ownership (PO). Parking shall not be allowed within the 100 foot setback. Commercially zoned property shall be one lot and have a minimum of ten (10) acres and a maximum of forty (40) acres. An overall maximum of one hundred and twenty (120) acres of commercially zoned property shall be permitted within the entire Acreage Unified Planning Area. Commercial property shall be located at the intersection of two (2) County arterials (roads) as designated on the Palm Beach County Thoroughfare Right of Way Identification Map. The maximum buildable floor area of a parcel of property shall be ten percent (10%).*

Staff Analysis: The proposed amendment site meets the recommendations in that it is greater than 10 acres, would not result in more than 120 acres of commercially zoned property within the Acreage Unified Planning Area (approximately 61 acres on three sites approved and unbuilt, or built currently), and would be limited to a maximum floor area ratio (FAR) of 0.10 by the Future Land Use Element. Although Northlake and Coconut Boulevards are on the County's adopted Thoroughfare Right of Way Identification Map in 1995 and are currently identified as 240 and 80 foot right of ways respectively, this location was not considered an intersection at the time as the definition of 'intersection' in the Comprehensive Plan required two roadways to cross and continue at grade.

As the property is approximately 430 feet in depth, it may be possible to comply with the 100 foot vegetative setback, either fully or to some degree, from property zoned AR, such as from the residential homes to the south across Hamlin Boulevard and from the property to the east that is also zoned AR and is subject to a conservation easement to the South Florida Water Management District. However, this provision would have to be evaluated through development review of the site design and layout through a zoning application for this part of the recommendation to be reviewed adequately. The proposed amendment, if within the ANP would generally be consistent with most of the elements in the recommendation. It should be noted that the Shops at Indian Trails to the west was not evaluated against the recommendations of the ANP in 2008 as that site is also outside the boundaries. Despite this, some additional buffering, totaling 35 feet, was incorporated into the site design along Hamlin Boulevard.

- L13. *The Acreage Community Plan endorses the current (January, 1995) commercial location criteria stated within the Land Use Element of the Palm Beach County Comprehensive Plan. The Acreage community supports the direction of the County's Comprehensive plan by prohibiting strip commercial development.*

Staff Analysis: Regarding L13, staff analysis regarding strip commercial indicated that the proposed amendment would not result in or encourage strip commercial development as defined in the Introduction and Administration Element of the Comprehensive Plan.

The Acreage Neighborhood Plan Update. The Acreage Land Owners Association (ALA) is one of the main stakeholders for the Neighborhood Plan. During the preparation of the Exurban & Rural Workshop presented to the Board on March 28, 2012, County staff met with the ALA and Indian Trail Improvement District (ITID) representatives regarding the Workshop and the ALA's efforts on updating the Acreage Neighborhood Plan. One of the items discussed was the need for the commercial language in the Neighborhood Plan to be reassessed considering the five additional intersections where commercial was now possible according to the criteria in FLUE Policy 1.3-f. Part of the Board Workshop packet included a resolution adopted by the ITID on March 14, 2012, stating that the ITID "*strongly supports the effort of the Acreage Landowners Association to revise the Acreage Neighborhood Plan and offers all reasonable assistance within its powers to enhance that effort.*" Also included was a second ITID resolution, adopted the same day, *urging the County Commission* to refer changing commercial land use location to the ALA for consideration in revisions to the Neighborhood Plan and requested that the County direct staff to provide information and technical assistance as necessary. The ALA was scheduled to provide an update to the Board on their efforts at the March 28th, 2012 Workshop, which was also the day that the Sluggett amendment was presented for Transmittal. However, the ALA representatives did not provide an update at the Workshop or subsequently.

E. Public Facilities and Services Impacts

The proposed amendment to Commercial Low (CL) for the 11.25 acre subject site was reviewed for the change from one dwelling unit or retail nursery uses to commercial, and the traffic analysis included an analysis at the proposed zoning application (see below). Public facilities impacts are detailed in the applicant's public facilities impact 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 the proposed maximum .10 square feet of general retail commercial for the CL future land use designation, and at proposed potential for the of 33,900 square feet (General Commercial); 2,800 square feet (Fast Food Restaurant with Drive Through); 5,000 square feet and 20 Fueling Positions (Gas Station with Convenience Store); and 1 Carwash (Automated). According to the County's Traffic Engineering Department (see letter dated June 30, 2021 in Exhibit 6) the amendment, at the proposed potential, would result in an increase of 1,892 net daily trips and 154 (79/75) AM, 236 (116/120) PM net peak hour trips.

The Traffic letter concludes, *"Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment meets Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the proposed potential density shown above. The proposed change will have an insignificant impact for Test 2 analysis. Therefore, this amendment requires a condition of approval to cap the project at the Proposed development potential or equivalent trips."*

The Traffic Study was prepared by Bryan Kelley, P.E. of Simmons and White. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

<http://www.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

F. **Florida Statutes (FS) Consistency**

1. **Consistency with Urban Sprawl Rule:** Section 163.3177(6)(a)9.a., F.S., establishes a series of primary indicators to assess whether a plan amendment does not discourage the proliferation of urban sprawl. The statute states that the evaluation of the presence of these indicators shall consist of an analysis of the plan amendment within the context of features and characteristics unique to each locality. The analysis in Exhibit 8 indicates that the proposed amendment does not encourage the proliferation of urban sprawl.

If urban sprawl was indicated by any of these factors, staff would review the proposed amendment against the new section added in 2011 (163.3177(6)(a)9.b) which establishes that the plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of eight additional criteria. However, since none of the factors in the first analysis were triggered, the second analysis is not necessary.

II. Public and Municipal Review

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

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on June 22, 2021. In addition, The Planning Division notified the City of West Palm Beach, Palm Beach Gardens, and the Indian Trail Improvement District on May 28, 2021. Written comments received are added to Exhibit 10.
- B. Other Notice and Correspondence:** Public Notice by letter was mailed to the owners of properties within 1,000' of the perimeter of the site on June 18th, 2021. Additional notification was provided to other interested parties as follows: mailed to home owner associations of residential communities within the immediate vicinity on June 18, 2021; via electronic mail to the Acreage Land Owners Association (ALA) on June 25, 2021. Written comments received are added to Exhibit 10.
- C. Informational Meeting:** The Planning Division hosted a virtual meeting with area residents and interested parties to relay information regarding the amendment and development approval process on June 29th, 2021. Several members of the public were present in the meeting. County staff attended from the Zoning Division, Environmental Resource Management Department, and the Engineering Department. One member of the public, a resident, expressed opposition to a gas station use proposed in the concurrent Zoning application citing concerns related to area residents' use of wells for water supply.

Exhibit 3

Applicant's Justification/Consistency with Comprehensive Plan

Request

The 11.25-acre subject property (PCN 00-41-42-15-00-000-5020) is located at the southeast corner of the intersection of Northlake Boulevard and Coconut Boulevard. Currently the subject property supports a Future Land Use Atlas (FLUA) designation of Rural Residential, 1 Unit per 20 Acres (RR-20) and is currently within the Public Ownership (PO) Zoning District as was approved through Resolution No. R-2002-0503 on April 4, 2002. Final site plan approval for a 21,473 square foot government services use (United States Postal Service [USPS] facility) was approved on July 10, 2002.

The United States Postal Service facility was never constructed and the property has remained vacant. In April 2012, the United States Postal Service sold the subject property to Mr. Jorge Seguro who then quit claim deeded the property to Northlake Coconut Property LLC in May 2012. Northlake Coconut Property LLC is requesting a FLUA amendment from RR-20 to Commercial Low (CL) for the purposes of constructing community serving commercial uses on the subject property.

Furthermore, recent development approvals in the surrounding area such as the 3,900 residential unit Avenir planned development directly to the north, have changed the context of the area to justify the addition of commercial development opportunities. With such a significant increase in residential density, a proportionate increase for commercial uses in the immediate area will follow suit. The site's location at the southeast corner of the main entry into the Avenir development and across Coconut Boulevard from another Commercial Low property which was approved for a Publix shopping center in 2013 make it ideal for low commercial development.

A follow up application to the PBC Zoning Division for an Official Zoning Map Amendment (rezoning) from the PO Zoning District to the Multiple Use Planned Development (MUPD) will be submitted at a later date. Below is a summary of surrounding properties:

Adjacent	Uses	FLU	Zoning
Subject Property	Vacant	RR-20 (Existing) CL (Proposed)	PO (Existing) MUPD (Proposed)
North	Mixed Use Planned Development (Avenir)	MXD (Palm Beach Gardens)	PDA (Palm Beach Gardens)
South	Single Family Residential/Vacant	RR-2.5	AR
East	Conservation	RR-20	AR
West	Vacant	CL/RR-5	MUPD

Justification, Consistency & Compatibility

G.1 - Justification: The applicant is requesting to amend the FLUA designation of the subject property from RR-20 to CL. Per Policy 2.1-f of the Future Land Use Element (FLUE) of the PBC Comprehensive Plan (Plan) an applicant must provide adequate justification for the proposed future land use. To be considered adequate, the justification must demonstrate consistency with the factors 1 and 2.

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

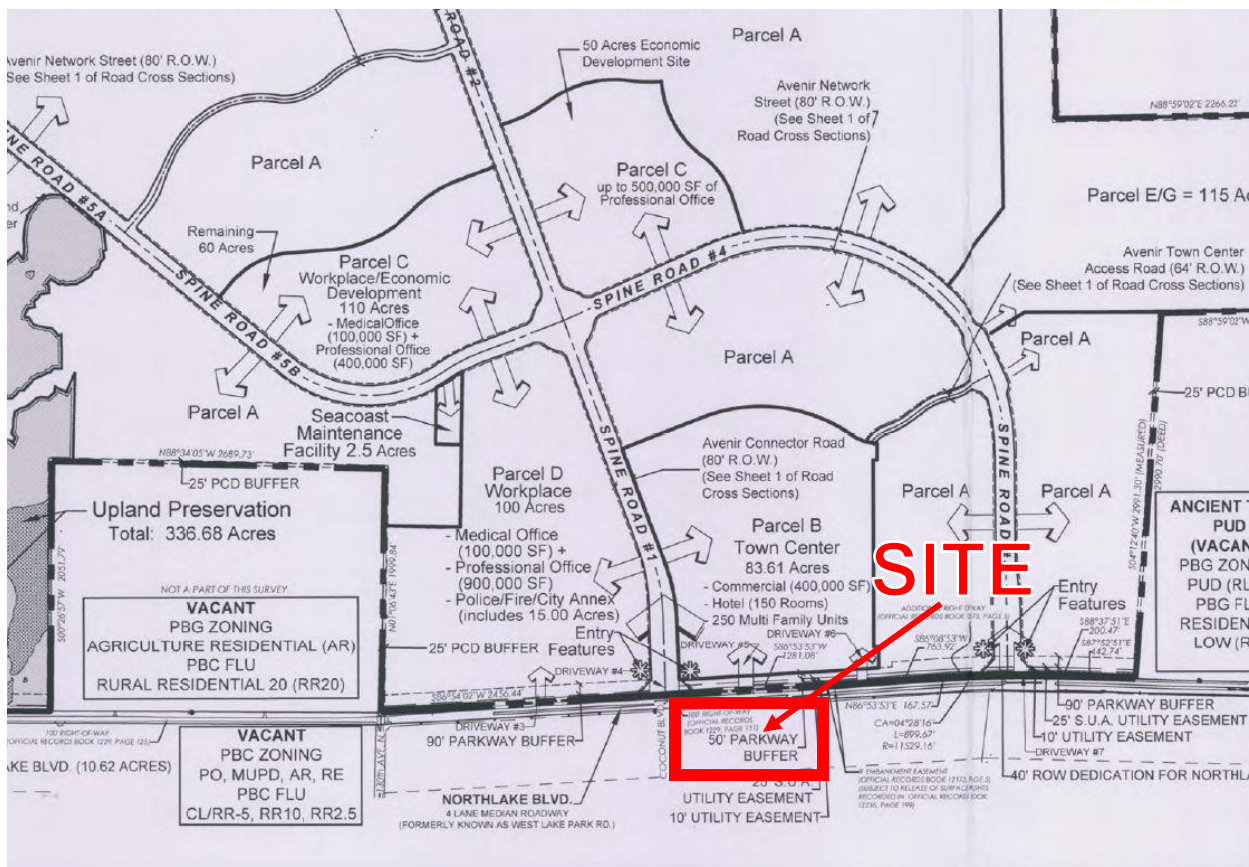
Response: As stated previously approvals were granted in 2002 on the subject property to allow a 21,473 square foot government services use (USPS facility). Since that approval was granted there have been a variety of factors that have resulted in the contraction of the USPS. Those factors include, but are not limited to, a plummeting of profits due to a decline in “snail mail”, an increase in administration costs due to increasing retirement benefit costs and a reduction in the Federal Budget allocation due to the recession that began in 2007. As a result of these factors the USPS began to close branches¹ throughout the country in 2011 which also meant that they would not be opening up any new branches. This contraction is what led to the USPS selling the property to Jorge Segurola as the USPS had no intent to open a new branch on the subject property. To the best of the agent’s knowledge there were no governmental agencies that expressed in interest in the subject property that could have implemented a different government services use on the subject property without needing to amend the FLUA designation or Zoning district. As such, it is the agent’s contention that this lack of need and/or desire for government services on the subject property. It is also important to recognize that most jurisdictions require that governmental uses change the land use to match the proposed zoning. That said, the land use would have already been changed to institutional or similar to address the previously approved US post office which would have then shown a major change in land use along the corridor 17 years ago. It has become apparent that community services and commercial uses are needed to serve the growing population in this portion of the County.

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

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

Response: Across Northlake Boulevard to the north of the subject property is Avenir, a residential planned development, recently approved by the City of Palm Beach Gardens for 3,900 residential units. This planned development will have two main entrance points to Northlake Boulevard, one of which connects directly with Coconut Boulevard on which the subject site has frontage on its entire western property line. This increased residential density in the immediate area of

the subject property will significantly increase demand for commercial uses that are conveniently located. The subject property's location at the southeast corner of Coconut Boulevard and Northlake Boulevard which is to be the location for the main entrance into the Avenir development is ideal to meet this new demand for commercial uses. This increased demand for commercial uses in this area can be easily exemplified by the fuel prices at the Sunoco gas station located approximately 2.1 miles to the east of the subject property in the Shoppes at Ibis plaza. This shopping plaza and gas station consist the only commercial development in a minimum 6 mile radius. The addition of 3,900 residential units in the immediate area will only exacerbate this very clear demand for commercial uses. Below is a screenshot of the Avenir master plan showing the relation of the subject property to its main entry.

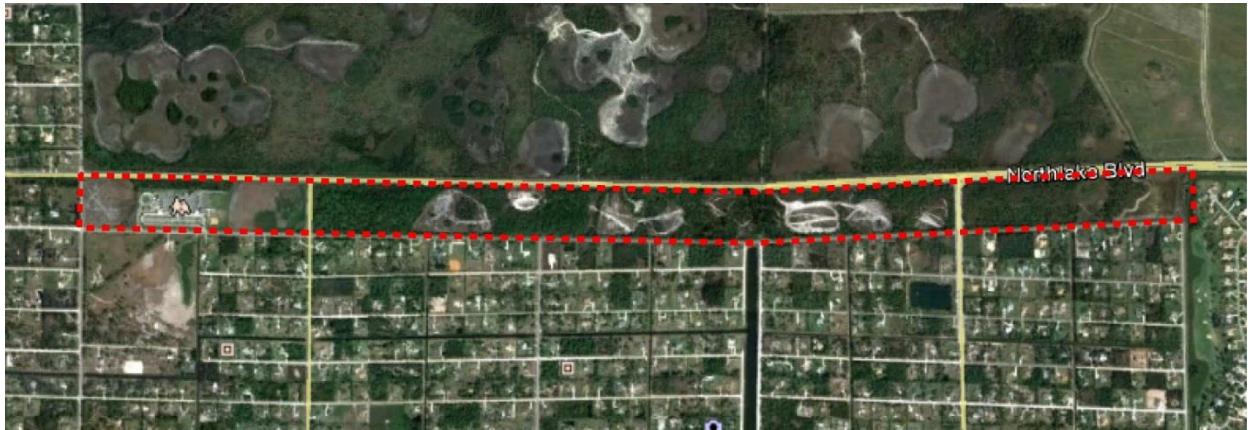


The FLUA designation of a nearby property located at the southwest corner of the intersection of Northlake Boulevard and Coconut Boulevard was amended from RR-20 to CL with an underlying Rural Residential, 1 unit per 5 acres (RR-5) through Ordinance No. 2008-049 that was adopted by the PBC Board of County Commissioners (BCC) on December 3, 2008. In the staff report prepared for the property, referred to as the Coconut/Northlake Commercial III (LGA 2008-025), that was presented to the PBC BCC on July 23, 2008 PBC Planning Division Staff were recommending denial of the amendment request. On page 5 of the staff

report under the staff analysis related to the Demonstration of Need PBC Planning Division Staff described that (1) the commercial needs of this area of the Central Western Communities (CWC) Overlay could be satisfied by existing retail centers and commercial approvals to the east of the site, (2) that the narrowness of the site equated to a strip style of development, (3) that approval of the petition could lead to similar applications along Northlake Boulevard showing patterns conducive to urban sprawl and (4) that the applicant did not adequately demonstrate how development of the site furthers the creation of a commercial node where the community's needs are addressed. As an exercise to demonstrate the changed context of the area surrounding the site, below are responses to those four points as they relate to the subject property.

- (1) Commercial Needs Already Met: The subject property is located directly to the south across Northlake Boulevard from the newly approved, 3,900 residential unit planned development called Avenir, located within the boundaries of Palm Beach Gardens. This development will significantly increase the residential density in the immediate area of the site, therefore creating a significant demand for commercial development. Additionally, there are very few existing commercial and potential commercial developments in the immediate area which can serve this need. The same is true for other low commercial uses such as printing and shipping storefronts, restaurants, barbers, banks, liquor stores, and more in this area. There are only a small handful of these uses within a 5-10 mile radius of the subject property, as such, given the recent changed circumstances through the approval of Avenir, the applicant wishes to take advantage of this untapped demand with their property.
- (2) Strip Style of Development: The agent agrees with PBC Planning Division Staff that the narrowness of the subject property (and the property on the southwest corner of the intersection of Northlake Boulevard and Coconut Boulevard) do lend themselves to a strip style of development; however, the alternative to that style of development would be to bring the buildings closer to the roadways which is more conducive to an urban setting. Any negative connotation associated with having a suburban style of development in the Exurban Tier is addressed through the design standards found in PBC ULDC Art. 5.C.1.H.1.g, Rural Design Elements. These design standards mandate that the architectural design of a non-residential project in the Exurban Tier be designed in a manner that is compatible to other buildings found in the Tier. Furthermore, the USPS facility previously approved on the subject property was designed in a manner that could have been classified as strip suburban development so the proposed low commercial design will not alter the design intent from 2002. The proposed structures will all be stand alone with landscaping surrounding each to avoid the strip center style of development seen in areas along corridors such as Military Trail or Congress.

- (3) Similar Applications along Northlake Boulevard: While it could be said that this application is a request to continue the pattern conducive to urban sprawl there is one very clear distinction between the subject property and the property located on the southwest corner of the intersection of Northlake Boulevard and Coconut Boulevard. That distinction is that the subject property was previously approved for a non-residential use whereas the other property had previously only had entitlements for residential uses. It is unlikely that large lot, single family houses will be built on any of the narrow properties fronting the south side of Northlake Boulevard (see area bounded by red in aerial graphic below) between the northerly extension of 120th Avenue North and Grapeview Boulevard. These properties front an Urban Minor Arterial roadway with an ultimate right-of-way width of 240 feet. Furthermore, for those properties in the area bounded by red east of Coconut Boulevard there will be 6 lanes of traffic. While there will only be 4 lanes of traffic west of Coconut Boulevard this stretch of Northlake Boulevard doesn't have existing single family homes fronting it until it goes west of Grapeview Boulevard.



- (4) Commercial Node: Again, the subject property is distinct from the property on the southwest corner of the intersection of Northlake Boulevard and Coconut Boulevard in that it was previously approved for non-residential uses; however, an argument can be made that allowing the CL FLUA designation on the subject property will create a commercial node at the intersection of Northlake Boulevard and Coconut Boulevard based on the FLUA amendment approval granted for the property on the southwest corner of the intersection of Northlake Boulevard and Coconut Boulevard.

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

Response: As mentioned before, the recent approval by the City of Palm Beach Gardens of the Avenir mixed use planned development directly adjacent to the north of the subject property significantly changes the access and characteristics of the general area. One of the main entries into the Avenir development from Northlake Boulevard directly aligns with the Coconut Boulevard right-of-way,

along which the subject property has frontage. In addition to the significantly increased commercial demand caused by the approval of 3,900 residential units in the Avenir development, this new access point creates the ideal environment for commercial development on this site.

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

Response: Since the adoption of Palm Beach County's Comprehensive Plan, specifically within the past five to ten year period, circumstances within the subject portion of the county have changed significantly. Suburban and exurban development including significantly increased residential density have occurred west of the Turnpike, particularly within the area spanning from Bee-line highway to the north and Okeechobee Boulevard to the south. As mentioned many times in this application, the Avenir mixed use planned development which includes 3,900 residential units was approved by the City of Palm Beach Gardens directly to the north of the subject site. As such, the original vision for this portion of the county as being generally rural in nature is no longer applicable. New circumstances and market forces are now driving new development to the general area of the subject property to meet new demands.

- *Inappropriateness of the adopted FLU designation;*

Response: The subject site is one of the last remaining parcels of what was once a large portion of the Exurban Tier with RR-20 FLU designation. In the interim, large swaths of this land were annexed into the City of Palm Beach Gardens to eventually become what is known today as the Avenir planned development. As such, so few parcels of land can reasonably be developed and profitable with one residential unit per 20 acres of land that it is reasonable to assume that this FLU designation is no longer appropriate for this site.

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

Response: The site's existing RR-20 FLU designation was not explicitly assigned as an error. However, it is reasonable to assume that the only reason the FLU was not changed to accommodate the PO zoning for the previously proposed post office is based on the fact that the County allows for public facilities to rezone to PO without a consistent FLU. This situation of FLU/zoning consistency only exists for government/public uses and said use was obviously not compatible with RR-20. For more than a decade, the large swaths of land in the general area of the site which the county designated RR-20 and envisioned as large-lot, residential developments and similar, exurban or even rural development pattern have been subdivided, had their FLU designations changed to denser, more suburban designations, or outright incorporated into adjacent municipalities, as was the case with the "Vavrus Ranch" property to the north which then became the 3,900

residential unit Avenir planned development. As such, the site's RR-20 designation is "leftover" from past visions by the County which no longer apply today.

G.3 – Compatibility with Surrounding and Adjacent Uses: The proposed FLUA amendment is compatible with surrounding and adjacent land uses. The proposed FLU designation of CL will create a logical commercial node at the intersection of Northlake Boulevard and Coconut Boulevard. The recent change in land use to the north of the site to form the Avenir mixed use planned development will result in a significant increase in residential density in the immediate area around the site. In addition, another CL designated property lay directly to the west of the site across Coconut Boulevard which has the potential to contribute to the formation of a commercial node.

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

- **Introduction and Administration Element Growth Directive:** While the first directive states to "Redirect growth to the East where services and facilities can be provided and encourage the revitalization/redevelopment of the coastal communities" this is not a directive that the agent feels the proposed development is inconsistent with. First, the use of the subject property for non-residential uses was originally approved in 2002 and the zoning designation of the subject property that allowed that non-residential use does not currently correspond to the FLUA designation of the subject property. Based on that fact the subject property is being reallocated for a different non-residential use and does not constitute "growth" in a traditional sense. The applicant is not proposing to construct low commercial uses into an area previously undeveloped. Furthermore, providing non-residential uses to support the residents of the Acreage and prevent them from having to always drive east for their commercial needs allows those residents to not impact their lifestyle with excessive driving. Lastly, services and facilities (roadways, utilities, etc.) are ready and available for the subject property.
- **Future Land Use Element (FLUE) Policy 2.1-f:** The following will detail how the impact of the proposed FLUA on the items listed:
 - The natural environment, including topography, soils and other natural resources;
 - **Applicant's Description:** Please see Attachment L for the Natural Feature Inventory & Map.
 - The availability of facilities and services;
 - **Applicant's Description:** As part of the previous development the availability of facilities and services had to be confirmed. Below is more detailed information on each of those facilities and services:
 - *Traffic:* Please see Attachment H for the FLUA Amendment

Traffic Analysis.

- *Mass Transit:* The nearest Palm Tran bus routes are Route 3 and Route 20 and the closest Tri-Rail connection is the Mangonia Park Tri-Rail Station.
- *Potable Water and Wastewater:* Please see level of service letter from the Palm Beach County Water Utilities Department in Attachment I that confirms that the proposed FLUA can be accommodated by existing facilities and services.
- *Drainage:* Legal positive outfall is available to the site via discharge to the Northlake Boulevard drainage system along the north side of the property. The proposed project will meet all applicable rules and regulations for that outfall. Please refer to the Drainage Statement prepared by Simmons & White being included as Attachment J with this application for more details.
- *Fire Rescue:* The nearest PBC Fire Rescue station is West Palm Beach Fire Rescue Station #8 located at 10965 Northlake Boulevard that is approximately 2 miles from the subject property.
- The adjacent and surrounding development;
 - **Applicant's Description:** To the north (across Northlake Boulevard with a 240' ultimate right-of-way width) is vacant property intended for 3,900 single family homes; to the south (across Hamlin Boulevard with a 60' ultimate right-of-way width) to the east is property encumbered by a Deed of Conservation Easement (Official Records Book [ORB] 12844, Page [PG] 1780); and to the west (across Coconut Boulevard with a 92' ultimate right-of-way width) is vacant property intended for low commercial development. Below are the existing FLUA designations for the surrounding properties:
 - North: Mixed Use (approved for 3,900 residential units) (City of Palm Beach Gardens)
 - South: Rural Residential, 1 Unit per 2.5 Acres (RR-2.5)
 - East: RR-20
 - West: CL with underlying Rural Residential, 1 Unit per 5 Acres (RR-5)

Of the properties listed above the subject property only directly abuts the property to the east. Proper assurances will be made to ensure that the proposed development does not have a negative impact on the conservation area. Furthermore, the development of the subject property will require the removal of non-native and invasive species that would be a threat to the conservation area.

The subject property is separated from all three other properties by public rights-of-way that range in width from 60' to 240'. Any incompatibilities among the properties will be addressed through landscaping, traffic circulation, and limits on hours of operation and lighting.

- The future land use balance;
 - **Applicant's Description:** Recently, the City of Palm Beach Gardens approved the construction of 3,900 residential units within the Avenir planned development located directly to the north of the subject property across Northlake Boulevard. This has significantly increased the amount of land area devoted to residential uses in the immediate vicinity. As such, it is only logical to assume that this will create an increase in demand for commercial uses which are located as close as possible to this new development. The subject property's location at the southeast corner of Northlake Boulevard and Coconut Boulevard is highly advantageous for commercial development as this is to be the main entry into the Avenir development.
- The prevention of urban sprawl as defined by 163.3164(52) in the Florida Statutes (F.S.);
 - **Applicant's Description:** The request is not in conflict with Florida Statutes Section 163.3177.(6).(a).9.b in that:
 - As a commercial node the proposed low commercial development would be directed to a geographic location and would not have an impact on natural resources or ecosystems;
 - The site is easily serviced by existing infrastructure;
 - Does not remove land intended for agricultural uses; and
 - Creates a balance of uses for the residential population in the area in that there are minimal commercial properties in the immediate area of the site.
- Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and
 - **Applicant's Description:** The subject property is within the boundaries of the area covered by the Western Northlake Corridor Land Use Study (WNCLUS), the official version of which is dated June 8, 1998. A team was formed in 2008 to "evaluate changed conditions since 1999, and determine the need and supply of office and commercial space within the area of the study." However, it appears that the team found that the recommendations of the original study from 1998 remain valid. The subject property is a prime example of how conditions have changed.

In response to specific items listed within the study:

- *Purpose & Objectives, Page i of Executive Summary:* Four of the six objectives that are relevant to the request and a description of compliance:
 - **Discourage urban sprawl, strip commercial development and the premature conversion of rural land to urban uses:** The subject property was previously approved for a suburban style post office, therefore the requested commercial low land use designation would not be converting from rural uses, nor would the proposed development encourage urban sprawl. Additionally, the recent approval of the 3,900 residential unit development directly across Northlake Boulevard from the site called Avenir has significantly changed the context of the area, significantly increasing the residential density.
 - **Protect the natural environment:** It appears that a previous property owner (George Elmore, Trustee) granted a Deed of Conservation Easement (recorded in ORB 12844, PG 1780) on August 23, 2001 over 22.04-acres to the east of the subject property in exchange for being able to develop the 11.25-acre subject property. George Elmore, Trustee, sold the subject property to the United States Postal Service Facilities on November 27, 2001 (Special Trustee's Warranty Deed is recorded in ORB 13122, PG 649). As such, the actions of a previous property owner appear to show that 66% of an original 33.29-acre parcel was preserved for conservation purposes. Furthermore, with the Rural Parkway along Northlake Boulevard and the oversized buffers along the west and south property lines, a significant amount of existing native vegetation will be preserved on site.
 - **Enhance the community identity and the appearance along the roadway:** Requiring non-residential development to comply with the design standards found in PBC ULDC Art. 5.C.1.H.1.g, Rural Design Elements, will create a unified appearance along Northlake Boulevard.
 - **Encourage efficient traffic flow on Northlake:** The applicant is proposing an ingress point from Northlake Boulevard near the center of the property's frontage on Northlake Boulevard and an egress only near the eastern part of the property's frontage along Northlake Boulevard. In addition the applicant expects to be conditioned to construct a right hand turn lane to accommodate traffic utilizing the ingress only from Northlake Boulevard. This separate ingress/egress points and the turn lane will enhance the efficiency of the traffic flow on Northlake Boulevard.
 - *Summary & Conclusions – Rural Residential, Page iv of*

Executive Summary: In reference to the conclusion that land located between Hamlin Boulevard and Northlake Boulevard should be subdivided as 1 unit per 2.5 acres the agent feels that it is unlikely that large lot, single family houses will be built on any of the narrow properties fronting the south side of Northlake Boulevard (see area bounded by red in aerial graphic above) between the northerly extension of 120th Avenue North and Grapeview Boulevard. These properties front an Urban Minor Arterial roadway with an ultimate right-of-way width of 240 feet. Furthermore, for those properties in the area bounded by red east of Coconut Boulevard there will be 6 lanes of traffic. While there will only be 4 lanes of traffic west of Coconut Boulevard this stretch of Northlake Boulevard doesn't have existing single family homes fronting it until it goes west of Grapeview Boulevard.

- *Summary & Conclusions – Commercial, Page v of Executive Summary:* The study references that “Beyond the year 2010, a need arises for some neighborhood commercial uses, about 27,000 sq. ft., and by 2015, demand for neighborhood uses is projected to be approximately 73,000 sq. ft.” These numbers were based on demographic and economic data from 1998; whereas the Market Study prepared by Land Research Management, LLC for the subject property (see attached Market Study dated January 2013), which was based on data from 2012, there will be a demand in 2015 for 106,224 square feet (need for 581,684 square feet of commercial retail space whereas only 475,460 square feet will exist or have been approved including the commercial uses approved on the southwest corner and the proposed commercial uses being proposed by the applicant). The caveat to these numbers is that the study areas were different between the WNCLUS and the Market Study; however, it should be noted that the WNCLUS did not a majority of the Acreage within its boundaries. Since the proposed commercial uses on the subject property are meant to serve residents of the Acreage it only made sense to include that population as part of the Market Study analysis.

Next, the study states that only neighborhood commercial uses shall be permitted. This is somewhat of a subjective recommendation since “neighborhood commercial uses” isn't defined in the study. While the applicant will be proposing commercial uses primarily for the

neighborhood the property is located on Northlake Boulevard which is a major east-west corridor in northern PBC.

Next, the study states that new commercial uses should be planned in appropriate locations, in nodes or centers, to have a frontage of at least 100 feet on Northlake Boulevard and have a depth three times as deep as the property is wide. Again the subject property is now at what could be classified as a non-residential node since both properties on the south side of the intersection of Northlake Boulevard and Coconut Boulevard have been approved for non-residential uses. The subject property has over 100 feet of frontage on Northlake Boulevard (total of 892 feet); however, there are no properties within the study area on the south side of Northlake Boulevard that have three times as much depth as they do width. For the subject property that would mean it would have to have 2,676 feet of depth (it only has 433 feet of depth). Furthermore, a deeper property doesn't necessarily lend itself to a non-strip style of development. For instance the commercial shopping center located at the northeast corner of Seminole Pratt Whitney Road and Orange Boulevard, known as Pratt & Orange MUPD, has approximately 733 feet of width and 1,117 feet of depth. While there is greater depth than there is width this property was still designed as a strip commercial center with outparcels.

Lastly, there was a recommendation to develop design guidelines for any non-residential development which is located within the study area; however, to the best of the agent's knowledge, the only design guidelines are the design standards found in PBC ULDC Art. 5.C.1.H.1.g, Rural Design Elements. These standards apply to all non-residential development in the Rural and Exurban Tiers and are not specific to the study area.

- *Summary & Conclusions – Institutional/Public Facilities, Page v and vi of Executive Summary:* This section references the co-location of institutional uses along Northlake Boulevard east of Coconut Boulevard. Co-location may have been in reference to a future post office on the subject property; however, as stated previously, due to contraction the USPS sold the property due to a lack of interest in building an institutional use on the subject property. As such, there is really no institutional use along Northlake Boulevard east of Coconut Boulevard for others to be co-located with.
- **FLUE Policy 2.2.1-b:** This policy 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.” While the subject property currently supports a FLUA of RR-20 the intended and previously approved use of the property was a non-residential use. With a current FLUA designation of RR-20 the applicant is required to justify an amendment from a FLUA designation that supports low residential uses to a FLUA designation that supports non-residential uses which is somewhat misleading based on the previously approved use of the property.

- **Policy 2.2.2-a:** The subject property meets one of the location criteria listed in this policy in that it has frontage on two built roadway segments identified as an arterial road (Northlake Boulevard, which is defined as an Urban Minor Arterial) and a collector road (Coconut Boulevard, which is defined as an Urban Collector).
- **Policy 2.2.2-d:** The agent agrees with PBC Planning Division Staff that the narrowness of the subject property (and the property on the southwest corner of the intersection of Northlake Boulevard and Coconut Boulevard) do lend themselves to a strip style of development; however, the alternative to that style of development would be to bring the buildings closer to the roadways which is more conducive to an urban setting. Any negative connotation associated with having a suburban style of development in the Exurban Tier is addressed through the design standards found in PBC ULDC Art. 5.C.1.H.1.g, Rural Design Elements. These design standards mandate that the architectural design of a non-residential project in the Exurban Tier be designed in a manner that is compatible to other buildings found in the Tier. Furthermore, the USPS facility previously approved on the subject property was designed in a manner that could have been classified as strip suburban development so the proposed low commercial design will not alter the design intent from 2002.

In conclusion it is the agent’s contention that the requested FLUA Amendment from RR-20 to CL is justified, consistent with the Plan and State of Florida laws and is compatible with surrounding uses.

Exhibit 4

Applicant's Public Facilities Table

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Single Family Residential, ITE# 210 1 dwelling unit = 10 trips per day	General Commercial, ITE #820 Ln(T) = 0.68, Ln(x) + 5.57 Fast Food, ITE #934 470.95 tpd/1000 SF Gas Station/C-Store, PBC/FDOT Rate
Maximum Trip Generation	10 daily trips	1963 daily trips (maximum potential) 3801 daily trips (proposed)
Net Daily Trips:	1953 daily trips (maximum minus current) 3791 daily trips (proposed minus current)	
Net PH Trips:	23 AM, 169 PM (maximum) 201 AM, 281 PM (proposed)	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	Simmons & White – Kyle Duncan	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Palm Tran Route 3 and Palm Tran Route 20	
Nearest Palm Tran Stop	VA Medical Center – Palm Tran Route 3	
Nearest Tri Rail Connection	Mangonia Park Tri-Rail Station via Palm Tran Route 20	
C. Portable Water & Wastewater Information		
Potable Water & Wastewater Providers	The property is located within the Palm Beach County Water Utilities Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for the current future land use designation of RR-20 and the proposed future land use designation of CL.	

Nearest Water & Wastewater Facility, type/size	The nearest potable water mains and sanitary sewer forcemains are located north of the subject property within the Northlake Blvd right of way. Watermain extensions may be required.
D. Drainage Information	
The site is within the boundaries of the South Florida Water Management District and the Indian Trails Improvement District. Legal positive outfall is available via connection to the Coconut Boulevard drainage system adjacent to the west property line. Please refer to the Drainage Statement prepared by Simmons and White, Inc. being included as Application Attachment J with this application for more details.	
E. Fire Rescue	
Nearest Station	West Palm Beach Fire Rescue Station #8, 10965 Northlake Boulevard
Distance to Site	Station 8 is 2 miles from the subject site
Response Time	Based on the information provided by PBC Fire-Rescue the estimated response time is 6 minutes 30 second. PBC Fire Letter provided at Attachment K.
Effect on Resp. Time	PBC Fire-Rescue has determined that the proposed amendment will have minimal impact on fire rescue response time. Please see Application Attachment K.
F. Environmental	
Significant habitats or species	The property is bordered to the north by Northlake Boulevard; to the south by Hamlin Boulevard; to the west by Coconut Boulevard; and to the east by a previously approved 22.04-acre wetland conservation easement. The site is a vacant undeveloped property except for two built vehicular curb cuts located to the east on Northlake Boulevard and the southern portion of Coconut Boulevard. The site consists of primarily established upland pine Flatwoods. There are no significant habitats or species. Please refer to Attachment L for additional detail. Additionally, a site plan for the previously proposed post office, as approved on July 10, 2002, implies that there would be minimal impact to the natural environment, listed species, and significant habitats if the site were to be developed. Further, the post office site plan specifically planned the development as to mitigate any effects on the mentioned conservation area located adjacent to the east of the site.
Flood Zone*	The subject parcel is located in Flood Zone B
Wellfield Zone*	The subject property does not lay within any wellfield protection zones. The proposed planned development will have no negative impacts on the wellfield zones. A detailed map has been provided at Application Attachment M
G. Historic Resources	
The subject parcels do not contain any historic or architecturally significant resources located on or within 500 feet of the site. To the best of our knowledge the parcels do not contain or are located within 500 of the subject properties. Comment Letter as Application Attachment N.	

Exhibit 5 Traffic Division Letter



**Department of Engineering
and Public Works**

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

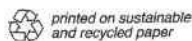
**Palm Beach County
Board of County
Commissioners**

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"



June 30, 2021

Bryan G. Kelley, P.E.
Simmons & White
2581 Metrocentre Boulevard West, Suite 3
West Palm Beach, FL 33407

**RE: Coconut Palm Plaza - Revised
FLUA Amendment Policy 3.5-d Review
Round 2020-A**

Dear Mr. Kelley:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Statement for the proposed Future Land Use Amendment for the above referenced project, revised June 17, 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:

Location:	SE corner of Northlake Boulevard and Coconut Boulevard	
PCN:	00-41-42-15-00-000-5020 (<i>Others on file</i>)	
Acres:	11.25 acres	
	Current FLU	Proposed FLU
FLU:	Rural Residential, 1 dwelling unit per 20 acres (RR-20)	Commercial Low (CL)
Zoning:	Public Ownership (PO)	Mixed Use Planned Development (MUPD)
Density/Intensity:	1 du/20 acres	0.1 FAR
Maximum Potential:	Nursery (Garden Center) = 11.25 acres	General Commercial = 49,005 SF
Proposed Potential:	None	General Commercial = 33,900 SF Fast Food Rest. + DT = 2,800 SF Gas Station w/Convenience Store = 5,000 SF Fueling Positions = 20 1 Carwash (Automated)
Net Daily Trips:	747 (maximum – current) 1,892 (proposed – current)	
Net PH Trips:	24 (15/9) AM, 170 (82/88) PM (maximum) 154 (79/75) AM, 236 (116/120) PM (proposed)	

** Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities in the zoning application.*



Bryan G. Kelley, P.E.

June 30, 2021

Page 2

Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment meets Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **proposed potential** density shown above. The proposed change will have an insignificant impact for Test 2 analysis. Therefore, this amendment requires a condition of approval to cap the project at the **Proposed** development potential or equivalent trips.

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

Sincerely,

A handwritten signature in blue ink, appearing to be "DS", is written over a horizontal line.

Dominique Simeus, P.E.
Professional Engineer - Traffic Division

DS/qg

cc: 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

File: General - TPS – Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\20-A\Coconut Palm Plaza - revised.docx

Exhibit 6

Water & Wastewater Provider LOS Letter



**Water Utilities Department
Engineering**

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



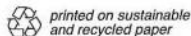
**Palm Beach County
Board of County
Commissioners**

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

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



May 16, 2019

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

RE: Coconut Palm Plaza 11.24 Acre Site
Southeast corner of Northlake Blvd. and Coconut Blvd.
PCN 00-41-42-15-00-000-5020
Service Availability Letter

Dear Mr. Cole,

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 current future land use designation of Rural Residential, 1 dwelling unit per 20 acres (RR-20) and the proposed future land use designation of Commercial Low (CL).

The nearest potable water mains and sanitary sewer forcemains are located north of the subject property within Northlake Blvd right of way. Watermain extensions may be required.

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

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

Sincerely,

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

Jackie Michels, P.E.,
Plan Review Manager

Exhibit 7

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

*(TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION
FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER)*

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared
Jorge Seguro, 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 ☒ MGR _____ [position - e.g.,
president, partner, trustee] of Northlake Coconut Property LLC [name and type of
entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership
interest in real property legally described on the attached Exhibit "A" (the "Property").
The Property is the subject of an application for Comprehensive Plan amendment or
Development Order approval with Palm Beach County.
2. Affiant's address is: 252 South Military Trail
West Palm Beach, FL 33415
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.

Jorge Seguro
Jorge Seguro, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 27th day of April, 2019, by Jorge Seguro, [] who is personally known to me or [] who has produced Driver's License as identification and who did take an oath.



Kathy Jo DeFranco
Notary Public
Kathy Jo DeFranco
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 7/13/21

EXHIBIT "A"

PROPERTY

A PARCEL OF LAND LYING IN THAT PART OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD AND LYING EAST OF THE RIGHT-OF-WAY FOR COCONUT BOULEVARD, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE SOUTH 86° 53'58" WEST ALONG THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 1522.70 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 86°53'58" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 1028.33 FEET TO THE INTERSECTION THEREOF WITH THE EAST RIGHT-OF-WAY LINE OF COCONUT BOULEVARD; THENCE NORTH 47° 19'55" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 57.32 FEET; THENCE NORTH 01°33'46" WEST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 433.48 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 96.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AND CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 24°09'10", A DISTANCE OF 40.47 FEET TO THE END OF SAID CURVE; THENCE NORTH 39°13'08" EAST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 54.95 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 96.00 FEET AND WHOSE RADIUS POINT BEARS SOUTH 34°09'05" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 31°03'03", A DISTANCE OF 52.03 FEET TO THE POINT OF TANGENCY; SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID LAKE PARK WEST ROAD; THENCE NORTH 86°53'58" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 892.21 FEET TO A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 104.00 FEET AND WHOSE RADIUS POINT BEARS NORTH 84°48'28" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 81°42'26", A DISTANCE OF 148.31 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 86°53'58" WEST, A DISTANCE OF 266.42 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 45.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 41°27'32", A DISTANCE OF 32.56 FEET TO THE END OF SAID CURVE; THENCE SOUTH 03°06'02" EAST, A DISTANCE OF 206.05 FEET; THENCE NORTH 86°53'58" EAST, A DISTANCE OF 431.85 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89° 48'14", A DISTANCE OF 54.86 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 03° 17'48" EAST, A DISTANCE OF 226.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.25 ACRES, MORE OR LESS

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name

Address

Jorge A. Segurota, MGR 252 South Military Trail, West Palm Beach, FL 33415 50%

Chantal C. Segurota, MGRM 252 South Military Trail, West Palm Beach, FL 33415 50%

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
Chantal C. Segurota, 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 ☒ MGRM Northlake Coconut Property LLC [position - e.g.,
president, partner, trustee] of Northlake Coconut Property LLC [name and type of
entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership
interest in real property legally described on the attached Exhibit "A" (the "Property").
The Property is the subject of an application for Comprehensive Plan amendment or
Development Order approval with Palm Beach County.
2. Affiant's address is: 252 South Military Trail
West Palm Beach, FL 33415
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.

Chantal Segurole

Chantal C. Segurole, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 30th day of April, 2019, by Chantal Segurole, [] who is personally known to me or [] who has produced Drivers License as identification and who did take an oath.



Kathy Jo DeFranco
Notary Public

Kathy Jo DeFranco

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 7/13/21

EXHIBIT "A"**PROPERTY**

A PARCEL OF LAND LYING IN THAT PART OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD AND LYING EAST OF THE RIGHT-OF-WAY FOR COCONUT BOULEVARD, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE SOUTH 86° 53'58" WEST ALONG THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 1522.70 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 86°53'58" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 1028.33 FEET TO THE INTERSECTION THEREOF WITH THE EAST RIGHT-OF-WAY LINE OF COCONUT BOULEVARD; THENCE NORTH 47° 19'55" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 57.32 FEET; THENCE NORTH 01°33'46" WEST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 433.48 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 96.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AND CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 24°09'10", A DISTANCE OF 40.47 FEET TO THE END OF SAID CURVE; THENCE NORTH 39°13'08" EAST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 54.95 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 96.00 FEET AND WHOSE RADIUS POINT BEARS SOUTH 34°09'05" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 31°03'03", A DISTANCE OF 52.03 FEET TO THE POINT OF TANGENCY; SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID LAKE PARK WEST ROAD; THENCE NORTH 86°53'58" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 892.21 FEET TO A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 104.00 FEET AND WHOSE RADIUS POINT BEARS NORTH 84°48'28" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 81°42'26", A DISTANCE OF 148.31 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 86°53'58" WEST, A DISTANCE OF 266.42 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 45.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 41°27'32", A DISTANCE OF 32.56 FEET TO THE END OF SAID CURVE; THENCE SOUTH 03°06'02" EAST, A DISTANCE OF 206.05 FEET; THENCE NORTH 86°53'58" EAST, A DISTANCE OF 431.85 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89° 48'14", A DISTANCE OF 54.86 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 03° 17'48" EAST, A DISTANCE OF 226.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.25 ACRES, MORE OR LESS

EXHIBIT "B"**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**


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

Name**Address**

Jorge A. Segurola, MGR 252 South Military Trail, West Palm Beach, FL 33415 50%


Chantal C. Segurola, MGRM 252 South Military Trail, West Palm Beach, FL 33415 50%

FURTHER AFFIANT SAYETH NAUGHT.



Babak Ebrahimzadeh, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 25th day of April,
2019, by Babak Ebrahimzadeh, [☒] who is personally
known to me or [☐] who has produced _____
as identification and who did take an oath.



Notary Public

(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 5/13/19

Ivana Garbowski
Notary Public, State of New York
No:02GA6280701
Qualified in Queens
Commission Expires: 5/13/2019

EXHIBIT "A"**PROPERTY**

A PARCEL OF LAND LYING IN THAT PART OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD AND LYING EAST OF THE RIGHT-OF-WAY FOR COCONUT BOULEVARD, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE SOUTH 86°53'58" WEST ALONG THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 1522.70 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 86°53'58" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 1028.33 FEET TO THE INTERSECTION THEREOF WITH THE EAST RIGHT-OF-WAY LINE OF COCONUT BOULEVARD; THENCE NORTH 47° 19'55" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 57.32 FEET; THENCE NORTH 01°33'46" WEST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 433.48 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 96.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AND CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 24° 09'10", A DISTANCE OF 40.47 FEET TO THE END OF SAID CURVE; THENCE NORTH 39°13'08" EAST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 54.95 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 96.00 FEET AND WHOSE RADIUS POINT BEARS SOUTH 34°09'05" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 31°03'03", A DISTANCE OF 52.03 FEET TO THE POINT OF TANGENCY; SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID LAKE PARK WEST ROAD; THENCE NORTH 86°53'58" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 892.21 FEET TO A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 104.00 FEET AND WHOSE RADIUS POINT BEARS NORTH 84°48'28" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 81°42'26", A DISTANCE OF 148.31 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 86°53'58" WEST, A DISTANCE OF 266.42 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 45.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 41°27'32", A DISTANCE OF 32.56 FEET TO THE END OF SAID CURVE; THENCE SOUTH 03°06'02" EAST, A DISTANCE OF 206.05 FEET; THENCE NORTH 86°53'58" EAST, A DISTANCE OF 431.85 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°48'14", A DISTANCE OF 54.86 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 03°17'48" EAST, A DISTANCE OF 226.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.25 ACRES, MORE OR LESS

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

[illegible]

Exhibit 8 Urban Sprawl Analysis

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Criteria Related to Land Use Patterns		
Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.	This 11.25 acre site 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. The subject site is located in an area that is already substantially developed as low density residential and will contribute to retrofitting an area of existing sprawl with a mix of uses at an appropriate location.	No
Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.	The southwest corner of this intersection is already designated with Commercial Low FLU. The subject site is eligible for a Commercial Low request as well and is located at the intersection of two main roadways within an area that is largely already developed with low density semi rural residential development. The proposed amendment would not promote any of these patterns as it would be part of a node of commercial land use.	No
Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.	As the site is within the Exurban Tier, an area generally regarded as existing sprawl development (e.g. low intensity, low density, single use development), the proposed amendment would contribute to a mix of uses and would not discourage infill or redevelopment further east within the Urban/Suburban Tier.	No
Fails to encourage functional mix of uses.	Given the size of the property (11.25 acres) This amendment would not fail to encourage a functional mix of uses as it would introduce new commercial uses in an area that is substantially developed with low density residential.	No
Results in poor accessibility among linked or related land uses.	The site is at the intersection of two major roadways where commercial has already been established on 30 acres at the SW corner of the intersection. Multiple related commercial uses are approved and planned for that site. Commercial is also approved at the other corners of the intersection within Avenir in Palm Beach Gardens. The subject site is also of sufficient size to have multiple related commercial uses. The amendment does not result in poor accessibility among linked or related land uses.	No
Results in the loss of significant amounts of functional open space.	This site was already approved for a postal facility previously. The proposed amendment to commercial will not result in the loss of significant amounts of functional open space.	No

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Criteria related to sites located outside or at the edge of the Urban Service Area		
Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development	As the site is within the Exurban Tier, an area generally regarded as existing sprawl development (e.g. low intensity, low density, single use development), the proposed amendment will serve to mitigate this pattern of development at an appropriate location.	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	This site was already proposed to be developed as a postal facility. A 22 acre site adjacent to the east containing wetlands was required to be preserved in perpetuity with the issuance of Environmental Resource Permit by SFWMD for the prior post office approval. A conservation easement remains in place for the 22 acres. The County's Environmental Resource Management department has indicated that a 25% upland set aside may be required to preserve or mitigate existing native vegetation. The concurrent Zoning application provides a 1.45 acre upland preserve area within the subject site's 11.25 acres in order to comply with County requirements.	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
Fails to provide a clear separation between rural and urban uses.	The site fronts on two major roadways and is bounded to the south by a local street. The area to the south (The Acreage) is already substantially developed as low density single family development and is designated as Exurban or semi-rural. There are 30 acres of commercial lands at the SW corner of the intersection and mixed use approved to north within the Avenir project. The proposed amendment would not fail to provide a clear separation.	No
Criteria Related to Public Facilities		
Fails to maximize use of existing public facilities and services.	Public facilities and services are available to the site. A Potable water main and wastewater force main are located within 100 feet in the right of way of Northlake Boulevard.	No
Fails to maximize use of future public facilities and services.	The subject site would not fail to maximize the use of future public facilities available.	No

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
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.	According to the service providers, there are no adverse impacts to public facilities and services.	No
Overall Assessment: 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 9

WNCLUS commercial and office needs update memorandum, 2010



Department of Planning, Zoning & Building

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

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

Palm Beach County Board of County Commissioners

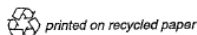
Burt Aaronson, Chair
Karen T. Marcus, Vice Chair

Shelley Vana
Steven L. Abrams
Jess R. Santamaria
Priscilla A. Taylor

County Administrator

Robert Weisman

"An Equal Opportunity
Affirmative Action Employer"



MEMORANDUM

TO: The Honorable Burt Aaronson, Chair, and Members of the Board of County Commissioners

FROM: Lorenzo Aghemo, Planning Director
Planning, Zoning and Building Dept. *L. Aghemo*

DATE: October 14, 2010

RE: Western Northlake Corridor Land Use Study (WNCLUS)
commercial and office needs update

The WNCLUS was prepared and adopted in 1998, with a Status Report in 1999. The original study recommended periodically updating the commercial and office square footage estimates. This update determines the mid and long-term commercial and office needs analysis of the subject area (see Map 1). With the findings outlined below, both the City of Palm Beach Gardens, and the City of West Palm Beach have approved similar resolutions approving this update to the study.

After reviewing buildout figures, land use approvals, and growth in the last 10 years, the main finding of the update is that, based upon approved and existing uses, the commercial and office needs of the WNCLUS area are met through buildout (expected to occur around 2025), according to Future Land Use designations and densities.

To date, commercial and/or office approvals in the WNCLUS Market Area total 587,885 SF, of which 189,463SF have been built (table 6). It is expected that the entirety of the approved square footage will be exercised as the area develops. To determine the existing commercial/office needs of the market area, the staff team agreed that 27SF per person was an adequate multiplier, and that said number is consistent with approved/existing square footage per capita, recent research produced as part of the Central Western Communities Overlay, the county's Commercial Needs Analysis, and national averages. As of 2008, the WNCLUS Market Area has a population of 16,443 (table 1); which would necessitate 443,961SF of commercial/office space. By the expected 2025 buildout, staff anticipates that the population of 18,982 would need 512,514SF of commercial/office space based on the multiplier above; therefore, approvals to date exceed the buildout demand of the area by 75,371SF.

An alternative analysis can be performed using the 2008 population (16,443 people) and the current amount of households (6,277), the people per household number for the area is 2.61 persons/household. At buildout of the area (8,126 homes), the area would house 21,208 people, who would need 572,616 SF of commercial office, using the 27SF multiplier.

Using either method, land use approvals in the area have the capacity to provide the needs for commercial and office uses to 2025 or buildout, respectively. As the group has discussed, it is expected that if/when Vavrus develops, it will incorporate various uses and will take care of any additional need for commercial/office uses.

As part of the collaborative efforts, the staff team presented these findings to the about 50 community members on January 12, 2010, at Seminole Ridge Community High School. Residents stressed their desire to be notified earlier when land development proposals are filed with the local governments.

CC: Barbara Alterman, Esq., Executive Director, PBC Planning, Zoning and Building
Verdenia Baker, Deputy County Administrator
Bob Banks, Esq. Assistant County Attorney
Isaac Hoyos, Principal Planner, Palm Beach County Planning
Natalie Wong, Growth Management Administrator, City of Palm Beach Gardens
Tanya Quickel, District Administrator, Indian Trail Improvement District
Charles Wu, Planning Director, City of West Palm Beach

T:\Planning\CURRENT\NEIGHPLN\WNCLUS\Update\Final BCC Version.doc

Exhibit 10 Correspondence

Yudesqui Hermans
12251 89Th Place North
West Palm Beach, FL. 33412

TO: Palm Beach County Florida
Department of Planning, Zoning & Building

RE: Coconut Palm Plaza (LGA 2020-002) Proposed Amendment

I am here because I am against Gas Station on this site on Northlake Blvd.
We all have Water Wells. We live on the Canal closest to that property.
There are approximately 41 homes adjacent to this particular Canal, and
homes even closer to that property. Our Canals overflow all the time, that we
even get catfish swimming in our yards. Canals are like water hoses to All our Wells.

I am not against progress. We would go, the back way,
when Northlake was just a dirt road, to get to the beach.
We would not be living here if there weren't any progress.

We applied for our Permit to build our homes. And, from the
Health Department we all received our Permits for our Water Wells.
All this area is "Water Catchment" for our Wells.
We wash, we cook, and yes, We Drink The Water!

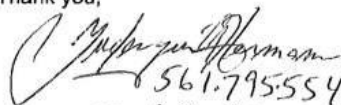
Any number of Gas Station should try to get a permit at the "Water Catchment"
Aria for West Palm Beach, also located on Northlake Blvd, just West of Beeline,
and see if they accomplish that Permit.
This is our "Water Catchment Aria" here in the Acreage,
that the Health Department approved for. And now they want these
amendments again! As if the Acreage does not matter.
We say No to any more Gas Stations on Northlake Blvd.
We All Have Water Wells.

At meetings, the presenters for this property said something like this, that the Gas is too expensive
at Ibis and that competition will bring the price down. We did not move to the Acreage for "Cheap Gas".
Also, in 2013, I believe that was the last time they tried this. When asked what kind of "Filter System"
do you have for the property? They said that they will use "Landscape", meaning to me, goes in the ground!

I would like also to speak of the driving hazard that will be created at
Northlake, Coconut, and Hamlin, if you approve any of these amendments.
In other words, accidents. This property was designated for Low Intensity,
and not for the supposed daily trips that they want to generate.

I would like to say that very few homes received this letter dated June 18, 2021,
to inform them about these proposal.
I believe that it is your duty here at the Building Department, and
the Health Department to protect the people of
"All The Acreage", and their Water Wells.

Thank you,


561.795.5544
07.09.2021



7040-25 Seminole Pratt Whitney Road, Box #60
Loxahatchee, FL 33470
P: (305) 975-4392
www.acreagelandowners.com
Established 1992

July 27th, 2021

Re: Coconut Palm Plaza – Northlake and Coconut Blvds.

(Please read into records, I am unable to attend the meeting due to having a day job)

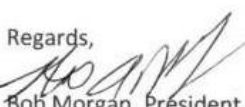
To the attention of the Palm Beach County Commissioners;

The Acreage Landowners Association held a meeting on June 28th which included the local community and the Coconut Palm Plaza attorneys/committee members in which a presentation of the project was provided. This was the outcome of that meeting and our concerns;

As it has been made known to the Coconut Palm Plaza committee, the community feels 20 gas pumps is outrageous when a 16-pump station has already been approved on the SW corner of the same intersection. One of Coconut Palm's reasons for having this many pumps was to "drive down prices for the IBIS gas station. I feel this is NOT a reason to build another gas station. We fully understand the new laws that have taken place not being able to "refuse" a fuel supply company, so that is not in question. Another reason was to supply fuel for the new development, Avenir. I'm sure Avenir has plenty of room to place this gas station if this is to be supporting them, but again, the new laws are now in place. We also asked if there had been a study done to see if such a large requirement is needed, it was not done. We stated that we feel there should be a study and that it must include the 3 gas stations Westlake has or is currently planned, the IBIS gas station on Northlake Blvd, as well as the Circle K gas station on Orange and Seminole Pratt Whitney Blvds., but did not get any answers back on if this was to be done or if it will even be considered. We have not seen any type of traffic/fuel requirement studies done to date. We also highly disagree with any type of access to/from the Coconut Palm Plaza via Hamlin Blvd. This is a privately owned road and is not capable of handling the traffic expected for a dirt road. Even if that portion was to be paved, it is still a privately owned road maintained by ITID, not PBC and would be a serious nuisance for those that live along that portion of Hamlin Blvd.

The ALA and the community's stance is, we request a study to determine if it is feasible or overkill to install this many pumps, and we completely disagree with any access to Hamlin Blvd. The Acreage Landowners Association is trying every possible way to save our small urban community from the traffic within our boundaries at all costs where it makes the most sense. We are constantly losing our equestrian/urban community standards to these massive projects building around our community. We feel it isn't asking too much for a study to be done to see if it is sensible for this size of a station. As for the Hamlin Blvd access, th is seems to be legal trespassing.

Regards,


Bob Morgan, President
Acreage Landowners Association
305-975-4392