



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 22-A

BCC ADOPTION PUBLIC HEARING, MAY 26, 2022

A. Application Summary

I. General

Project Name:	Fount MUPD (LGA 2020-011)
Request:	CH/8 to CH/12 & UT to HR-12
Acres:	27.66 acres
Location:	South side of Okeechobee Boulevard, approximately 1/3 of a mile west of Haverhill Road
Project Manager:	Carolina Valera, Senior Planner and Bryan Davis, Principal Planner
Applicant:	CRE Fund at Okeechobee Boulevard, LLC (lessee)
Owner:	Town of Palm Beach
Agent:	Schmidt Nichols
Staff Recommendation:	Staff recommends approval with conditions based upon the findings and conclusions contained within this report

II. Assessment & Conclusion

The amendment proposes to change the future land use designation on the 27.66 acre site from Commercial High with an underlying 8 units per acre (CH/8) to Commercial High with an underlying 12 units per acre (CH/12) on 3.5 acres and from Utilities and Transportation (UT) to High Residential, 12 units per acre (HR-12) on 24.16 acres, in order to develop a project with commercial and residential uses. The amendment results in an increase in residential development potential from 28 units to 332 units (12 units per acre). With additional bonus density through the Transfer of Development Rights and Workforce Housing programs, the application indicates a proposed total of 708 units (25.59 units per acre).

The request to allow higher density residential is appropriate considering the site's location in the Urban Redevelopment Area, adjacent to major roadways, near employment centers, and conditions of approval ensure compatibility with surrounding existing medium to high residential future land use designations.

Staff proposes several conditions, including providing 25% of all units as on-site workforce housing units, and purchasing all available Transfer of Development Rights (TDRs). The applicant agrees with all proposed conditions. As conditioned, the amendment is compatible with the surrounding land uses, does not negatively impact public facilities, and is consistent with associated policies and overlays in the Comprehensive Plan.

III. Hearing History

Local Planning Agency: **Approval with conditions**, motion by Lori Vinikoor, seconded by Spencer Siegel, passed in a 13 to 0 at the October 15, 2021 public hearing. Under discussion, Commission members expressed support for the construction of onsite workforce housing units and the opportunity for the environmental cleanup of the site. Commission members also asked questions regarding the location and proposed uses of the "brownfield" area on the site, and what contaminants were identified during environmental monitoring. One member of the public spoke in support of workforce housing, stating that the increased density is appropriate given the location but also expressed concerns regarding potential environmental issues on the site. One comment card in opposition was read into the record with concerns related to increased traffic and impacts to fire rescue service.

Board of County Commissioners Transmittal Public Hearing: **Transmit as recommended by staff**, motion by Commissioner Weiss, seconded by Commissioner Marino, passed in a 6 to 0 vote (with Commissioner Bernard absent) at the November 3, 2021 public hearing. Under discussion, Commissioners acknowledged that the site is a good location for multi-family. The Board discussed some concerns including the traffic impacts on Okeechobee Boulevard and the need for sufficient buffering for compatibility with adjacent residential. The Town Manager of Palm

Beach and one member of public spoke in support, citing the clean-up of the site and ability to provide Workforce Housing units.

State Review Agency Comments: The State Land Planning Agency reviewed this amendment under Round 21-08 ESR and issued a letter dated December 15, 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 ~~stricken out~~.

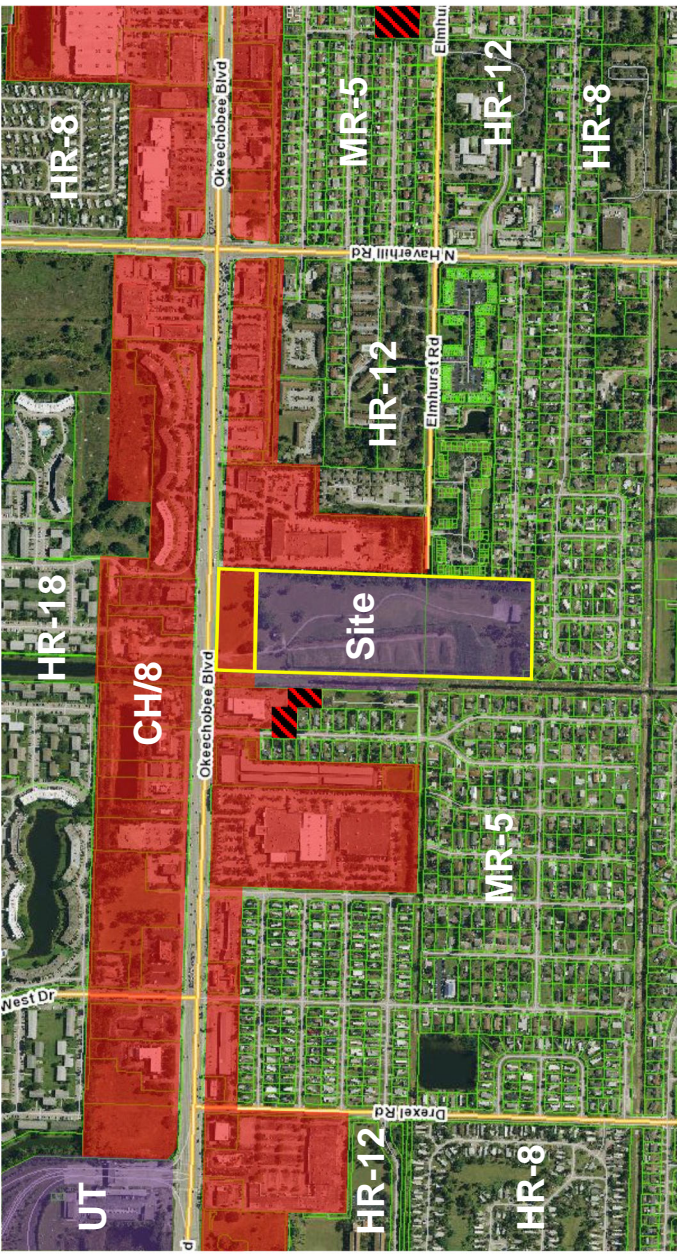
Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

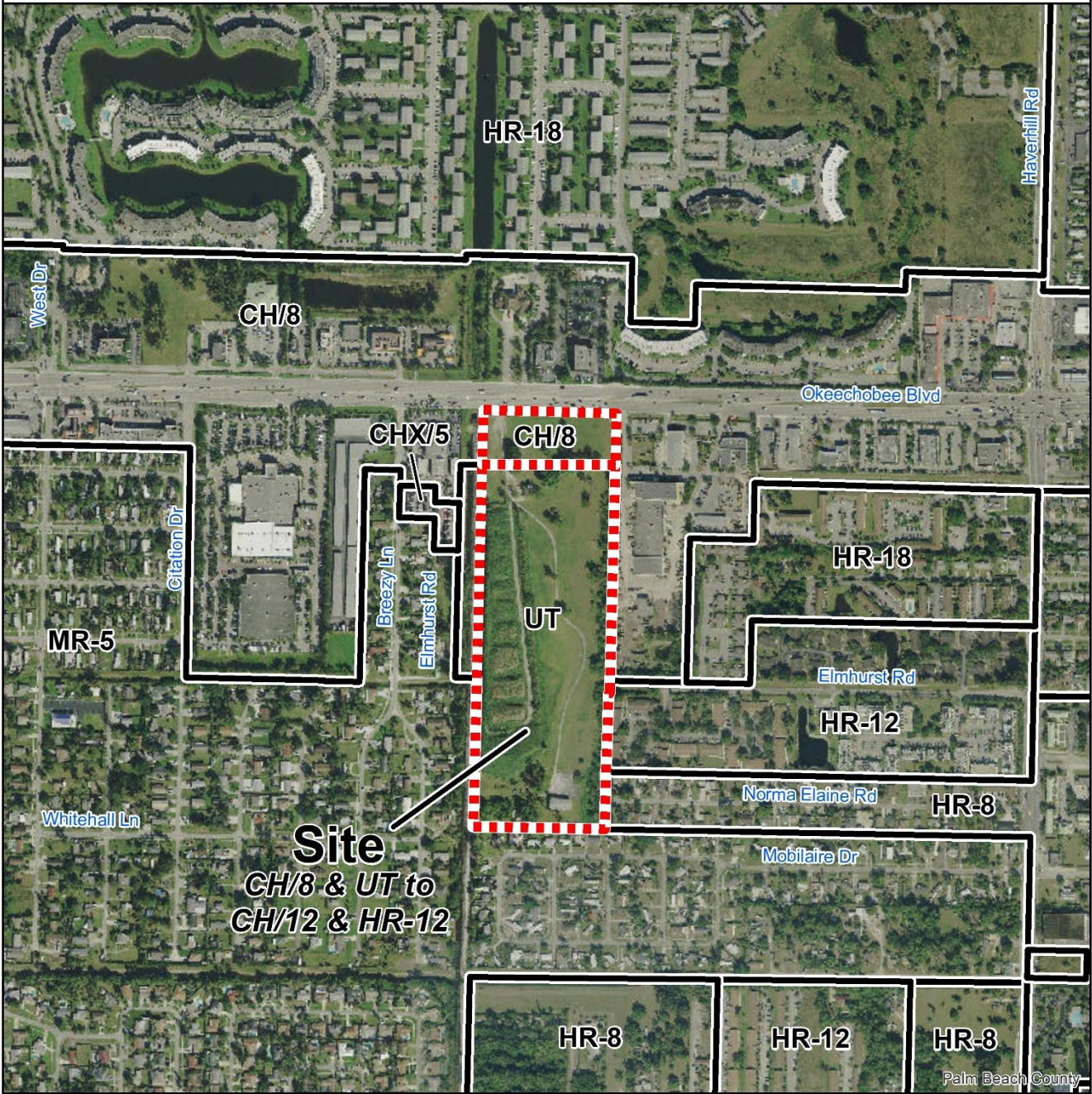
II. Site Data

Current Future Land Use	
Current FLU:	Commercial High with an underlying 8 units per acre (CH/8) on 3.5 acres, and Utilities and Transportation (UT) on 24.16 acres
Existing Land Use:	Vacant and Outdoor Storage
Current Zoning:	Residential High Density (RH)
Current Dev.	Commercial, up to 76,230 sq. ft. (0.5 FAR) or Residential up to 28 units on 3.5 acres, and up to 106,112 sq. ft. (0.1 FAR) of Utility/Transportation uses on 24.16 acres
Potential Max:	
Proposed Future Land Use Change	
Proposed FLU:	Commercial High with an underlying 12 units per acre (CH/12) on 3.5 acres, and High Residential, 12 units per acre (HR/12) on 24.16 acres
Proposed Zoning:	Multiple Use Planned Development (MUPD)
Dev. Potential Max/Conditioned:	Commercial, up to 76,230 sq. ft. (0.5 FAR), and Residential up to 332 dwelling units (plus 265 WFH units and 111 TDR units)
General Area Information for Site	
Tier/Tier Change:	Urban/Suburban Tier – No Change
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	Urban Redevelopment Area, Haverhill Road Neighborhood Plan
Annexation Area:	Town of Haverhill, City of West Palm Beach
Comm. District:	Commissioner Gregg Weiss, District 2



Future Land Use Atlas Amendment

Fount MUPD (LGA 2020-011)



Site Data

Size: 27.66 acres
Existing Use: Vacant, Outdoor Storage
Proposed Use: Commercial, Residential
Current FLU: CH/8 (3.5 ac) & UT (24.16 ac)
Proposed FLU: CH/12 (3.5 ac) & HR-12 (24.16 ac)

Future Land Use Designations

MR-5 Medium Residential, 5 units/acre
HR-8 High Residential, 8 units/acre
HR-12 High Residential, 12 units/acre
HR-18 High Residential, 18 units/acre
CL-O Commercial Low - Office
CH/8 Commercial High, underlying HR-8
CHX/5 Commercial High crosshatching, underlying MR-5
UT Utilities and Transportation

Date: 11/12/2019
Contact: PBC Planning
Filename: 20-B/Site/20-11
Note: Map is not official, for presentation purposes only.



Site

200 0 200 400 Feet



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



C. Introduction

I. Intent and Background

This is a privately proposed amendment for a site located in the Urban/Suburban Tier on the south side of Okeechobee Boulevard, approximately 1/3 of a mile west of Haverhill Road. The site is owned by the Town of Palm Beach and leased by CRE Fund at Okeechobee Boulevard, LLC.

Proposed Amendment: The current future land use designation on the 27.66 acre site is Commercial High with an underlying 8 units per acre (CH/8) on 3.5 acres, and Utilities and Transportation (UT) on 24.16 acres. The intent of the amendment is to change the future land use designation to Commercial High with an underlying 12 units per acre (CH/12) on 3.5 acres, and High Residential, 12 units per acre (HR-12) on 24.16 acres in order to develop a project with commercial and residential uses. The amendment will not alter the current commercial development potential on the site of up to 76,230 sq. ft. (0.5 FAR). The future land use change results in an increase in residential development potential from 28 units to 332 units, plus additional units available through the density bonus programs in the Zoning process for a total of 708 units.

Background: The northern 3.5-acre portion was the subject of a County-initiated land use amendment (LGA-2001-087) that assigned Commercial High, with an underlying 8 units per acre (CH/8), to 225 parcels along Okeechobee Boulevard. The remaining 24.16 acres of the property have no prior future land use amendments. The site is mostly vacant, except for a 5,000 sq. ft. building that served as a clubhouse for the Fraternal Order of Police Associates #19. The site is approved for a Special Exception for the fraternal organization and club facilities use, and the governmental services and accessory buildings and structures, including recreation and club facilities uses. The approved site plan (Control number 1979-00268) depicts a 5,000 sq. ft. clubhouse with accessory buildings and a delineated landscaping waste area. Historically, this site has had a variety of uses over the years associated with the Town of Palm Beach. Such uses have reportedly included a gun range for the Town of Palm Beach Police in the 1940s-50s, recreational uses such as baseball fields, and the western portion of the site has served as the Town's yard waste and vegetative landfill site. The applicant has stated that the landfill site was utilized in the 1940's and 1950's as a solid waste disposal facility for the Town of Palm Beach and was temporarily closed in the 1950's but opened soon thereafter and has since operated as a yard trash disposal facility.

In 2019, the Town of Palm Beach entered into a 50 year lease agreement with CRE Fund at Okeechobee Boulevard, LLC. The Town intends to continue owning the property and leasing to the developer. The applicant notified staff that as part of their lease agreement with the Town of Palm Beach, they have performed environmental due diligence, which confirmed that soil and groundwater beneath the property exceed soil and groundwater cleanup target levels, and that site rehabilitation would be needed pursuant to Rule 62-780 of the Florida Administrative Code before or during site redevelopment to allow the proposed residential land use on the property (see Exhibit 10).

Concurrently with this application, the Town and applicant are in the process of formally closing the yard waste facility and are seeking a 'brownfield designation' on the site per Chapter 376.80 Florida Statutes. The County's Comprehensive Plan defines a "Brownfield" in the Introduction and Administration Element as, "an abandoned or under-used area which has actual or perceived contamination, but is well suited for redevelopment." The brownfield program is overseen by the Florida Department of Environmental Protection, with the brownfield designation being carried out by a resolution adopted by the jurisdictional local government. Palm Beach County is the jurisdictional government for brownfields located in the unincorporated Palm Beach County. Per the Florida Department of Environmental Protection's Brownfields Program website (<https://floridadep.gov/waste/waste-cleanup/content/brownfields-program>), the goals of the program "are to reduce public health and environmental hazards on existing commercial and industrial sites that are abandoned or underused due to these hazards; create financial and regulatory incentives to encourage voluntary cleanup and redevelopment of sites; derive cleanup target levels and a process for obtaining a "No Further Action" letter using Risk-Based Corrective Action principles; and provide the opportunity for environmental equity and justice." For proposed designations within the County, this process entails a review of the request by the Palm Beach County Department of Housing and Economic Development, notification to surrounding residents, followed by two BCC hearings, including consideration of a resolution by the Board of County Commissioners. The brownfield program is a separate process from the comprehensive plan and zoning approval process.

Zoning Application: The concurrent zoning application (ZV/ABN/PDD/CA-2021-00533) requests the abandonment of current uses and proposes to rezone the site from Residential High

(RH) to Multiple Use Planned Development (MUPD) zoning district to allow 22,700 sq. ft. of commercial uses in three 1-story buildings consisting of retail and restaurant uses along Okeechobee Boulevard. Additionally, the application includes requests for Workforce Housing Program (WHP) density bonus units and Transfer of Development Rights (TDR) units, for the development of three 3-story buildings and two 7-story multi-family buildings. The zoning application includes variances to reduce the required landscape buffer widths along Okeechobee Boulevard and northeast corner of the site; and to reduce the number of required parking spaces by 210, from the required 1,675 to 1,465 spaces.

II. Data and Analysis Summary

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

Overview of the Area. The site is located in the Urban/Suburban Tier on the Okeechobee Boulevard corridor, east of Florida's Turnpike and west of Haverhill Road. Uses in the area are comprised of medium to high density residential and commercial. The subject site is located within the boundaries of the Urban Redevelopment Area (URA) and Haverhill West Countywide Community Revitalization Team (CCRT) area. The purpose of the URA is to focus the County's redevelopment and infill efforts by promoting economic growth, improving the present conditions of infrastructure, investment and reinvestment in the area, and discouraging urban sprawl by directing development where infrastructure and resources exist. In addition, the southern portion of the site is within the boundaries of the Haverhill Neighborhood Plan. The Neighborhood Plan was created in 1991 by an inter-local agreement between Palm Beach County and the Town of Haverhill. The focus of the recommendations of the Neighborhood Plan are four main subjects: land use; airport noise within the PBIA-Overlay; code enforcement; and transportation.

Appropriateness of the Amendment. Currently the development potential for the site under the CH/8 and UT future land use designations is 76,230 sq. ft. (0.5 FAR) of commercial uses or up to 28 residential units on the 3.5 acre portion with CH/8, and up to 106,112 sq. ft. (0.1 FAR) of Utility/Transportation uses on the 24.16 acre portion with UT. The amendment request to CH/12 and HR-12, combined with the WHP and TDR programs will allow up to 708 dwelling units (25.59 units per acre).

The proposed amendment would establish multifamily units, of which a portion are utilizing the workforce housing program, in the vicinity of employment centers with nearby access to major roadways (Haverhill Road and Military Trail) and Florida's Turnpike. The subject site is located in an area with primarily commercial and residential uses. Most properties along the Okeechobee Boulevard corridor have a CH/8 land use designation. The residential future land uses surrounding the site include MR-5, HR-8 and HR-12.

- **Suitability for Residential Development.** Okeechobee Boulevard is an urban arterial corridor predominantly lined with suburban-scale, auto-oriented commercial development between I-95 and Florida's Turnpike. It is serviced by Palm Tran Route #43, the West Palm Beach Crosstown route that links the Intermodal Transit Center in downtown West Palm Beach with the Mall at Wellington Green. As such, the site is well suited for higher density residential development due to its proximity to a transit corridor, which provides alternative modes of transportation to employment centers, including downtown West Palm Beach. As the site already has a CH future land use designation on the northern 3.5 acres, fronting Okeechobee Boulevard, and no proposed change to the CH is contemplated, no analysis of the commercial potential is examined in this report.
- **Compatibility.** The site is located adjacent to commercial future land uses along approximately 2/3 of the east and 1/3 of the west boundaries at the northern portions of the site. The remainder of the site is surrounded by Medium and High Residential future land uses developed with single family, townhomes, and mobile homes, particularly south of Elmhurst Road. In order to achieve compatibility with surroundings single family and one story homes to the south, staff is recommending conditions of approval to ensure building height transition. In addition, a condition will require that the proposed Comprehensive Plan Future Land Use Amendment and the proposed rezoning be considered by the BCC at the same public hearing.
- **Utilization of the County's Density Bonus Programs.** The amendment is seeking a density that cannot be achieved with the current CH/8 and UT future land use designations, even if the available density bonus programs are fully utilized. Therefore, the applicant is seeking the future land use amendment to change from a base future land use density of CH/8 and UT to CH/12 and HR-12 (332 units) and a combination of the TDR bonus programs (111 units) and WHP (265 units). The applicant is proposing to

purchase all available TDRs and is requesting an 80% density bonus for a total of 708 multi-family dwelling units. The applicant has not indicated what percentage of WHP will be provided on site.

Assessment and Recommendation. The amendment proposes to change the future land use designation on the 27.66 acre site from Commercial High with an underlying 8 units per acre (CH/8) to Commercial High with an underlying 12 units per acre (CH/12) on 3.5 acres and from Utilities and Transportation (UT) to High Residential, 12 units per acre (HR-12) on 24.16 acres, in order to develop a project with commercial and residential uses. The amendment results in an increase in residential development potential from 28 units to 332 units (12 units per acre). With additional bonus density through the Transfer of Development Rights and Workforce Housing programs, the application indicates a proposed total of 708 units (25.59 units per acre).

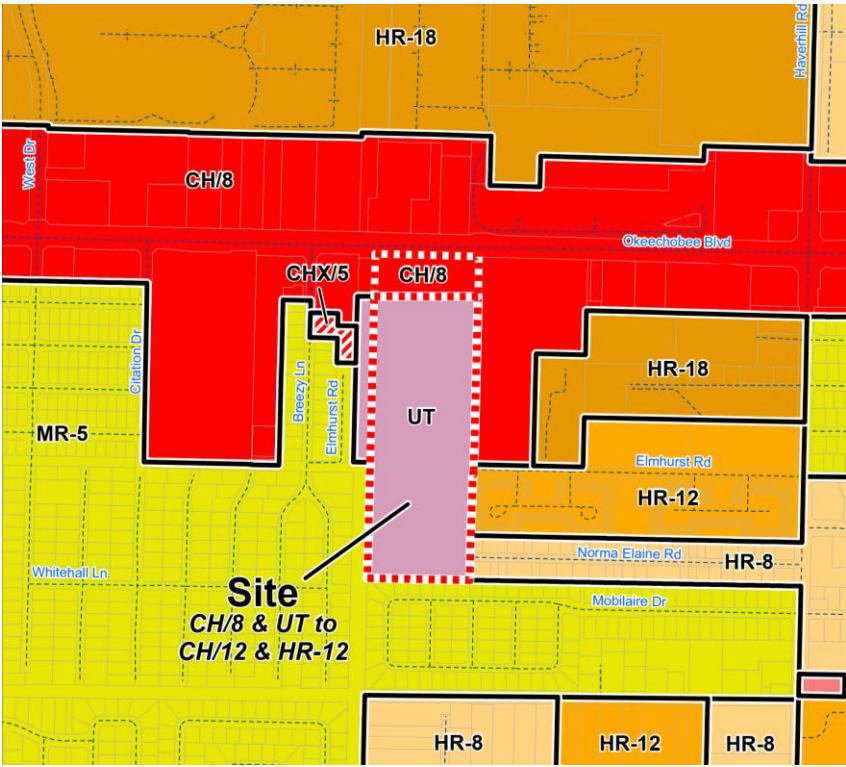
The request to allow higher density residential is appropriate considering the site’s location in the Urban Redevelopment Area, adjacent to major roadways, near employment centers, and conditions of approval ensure compatibility with surrounding existing medium to high residential future land use designations.

Staff proposes several conditions, including providing 25% of all units as on-site workforce housing units, and purchasing all available Transfer of Development Rights (TDRs). The applicant agrees with all proposed conditions. As conditioned, the amendment is compatible with the surrounding land uses, does not negatively impact public facilities, and is consistent with associated policies and overlays in the Comprehensive Plan.

Staff recommends **approval with conditions** based upon the findings within this report.

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-12
4. Applicant’s Public Facility Impacts Table	E-19
5. Palm Beach County Traffic Division Letter	E-22
6. Water & Wastewater Provider LOS Letter	E-24
7. School District Letter	E-25
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11. Correspondence	E-38

Exhibit 1

Amendment No:	Fount MUPD (LGA 2020-011)
FLUA Page No:	57
Amendment:	From Commercial High with an underlying 8 units per acre (CH/8) to Commercial High with an underlying 12 units per acre (CH/12) on 3.5 acres and from Utilities and Transportation (UT) to High Residential, 12 units per acre (HR-12) on 24.16 acres with conditions.
Location:	South side of Okeechobee Boulevard, approx. 1/3 of a mile west of Haverhill Road
Size:	27.66 acres
PCN:	00-42-43-26-05-004-0000, 00-42-43-26-00-000-1300, 00-42-43-26-00-000-1340
<p>Conditions: Development of the site is subject to the following:</p> <ol style="list-style-type: none">1. Residential dwelling units shall be limited to a maximum of 708 units with no further density increases through density bonus programs.2. Structures located on the portion of the site south of a line extending west from Elmhurst Road, are limited to a maximum of 3 stories in height.3. A total of 111 Transfer of Development Rights (TDR) units shall be purchased and constructed. The 34% of TDRS required to be provided as WHP per the Unified Land Development Code shall apply to the minimum number of workforce housing units required by this ordinance.4. The zoning development order shall require a minimum of 25% of the total dwelling units to be built as onsite workforce housing units.5. 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

THE WEST (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) AND THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE LANDS CONVEYED PURSUANT TO THE COUNTY DEED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT OFFICE RECORDED APRIL 12, 1989 IN OFFICIAL RECORDS BOOK 6029, PAGE 1155 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARITY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA: BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

1) COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 26

2) THENCE SOUTH 1° 24' 53" WEST, ALONG THE WEST LINE OF THE SAID NORTHEAST QUARTER A DISTANCE OF 64.02 FEET;

3) THENCE SOUTH 88° 26' 20" EAST, A DISTANCE OF 52.47 FEET TO THE POINT OF BEGINNING;

4) THENCE CONTINUE SOUTH 88° 26' 20" EAST, ALONG A LINE 64.02' SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 26, SAID LINE ALSO BEING THE SOUTH LINE OF THE CHANCERY CASE 407 AS RECORDED IN OFFICIAL RECORD BOOK 6495 PAGE 761 PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, A DISTANCE OF 616.83 FEET;

5) THENCE SOUTH 1° 21' 54" WEST, ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 26 A DISTANCE OF 1949.12 FEET;

6) THENCE NORTH 88° 57' 19" WEST, ALONG THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 617.53 FEET;

7) THENCE NORTH 1° 24' 53" EAST, ALONG THE EAST LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL PER OFFICIAL RECORD BOOK 6495 PAGE 761 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 672.90 FEET;

8) THENCE NORTH 88° 47' 00" WEST, AND CONTINUE ALONG THE SAID E-3 CANAL A DISTANCE OF 0.99 FEET;

9) THENCE NORTH 1° 24' 53" EAST, AND CONTINUE ALONG THE SAID E-3 CANAL A DISTANCE OF 1281.78 FEET TO THE POINT OF BEGINNING,

SAID PARCEL BEING 1204958.69SQFT OR 27.662 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 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 has prepared a Justification Statement (Exhibit 3) which is summarized as follows:

- The site's current Utilities and Transportation designation is no longer appropriate since the Town of Palm Beach is no longer utilizing the site as landscaping waste landfill.
- The properties adjacent to the site have future land use designations that are generally not considered compatible with the site's existing use. However, the adjacent uses are consistent with the general character of the area near the subject site, being of highly intense and relatively dense character.
- The proposed amendment is needed to allow for the infill of the subject property to its highest and best use, as the subject property is one of very few undeveloped properties located east of the Turnpike along Okeechobee Boulevard.
- Commercial development has nearly reached build-out along the Okeechobee Boulevard corridor. Therefore, the proposal which includes a portion of the site to be developed with commercial uses along Okeechobee Boulevard, and the remainder of the site to be developed as a multifamily residential, is a great opportunity for infill development.
- The maximum density allowed by the HR-12 designation is not sufficient for the site to be economically viable and meet current and future demand for conveniently located multifamily housing. Therefore, the subject development will be requesting density bonuses associated with the Transfer of Development Rights and the Workforce Housing Programs.
- The proposed future land use designations are compatible with the surrounding and adjacent uses:
 - The surrounding uses along the Okeechobee Boulevard corridor have Commercial High land use designations developed with relatively high intensity commercial and office uses.
 - The proposed HR-12 designation is consistent with surrounding land uses as they currently consist mainly of medium to high density housing with a considerable amount of aging multifamily housing stock.

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.

The current development potential for the site under the CH/8 and UT future land use designations is up to 76,230 sq. ft. (0.5 FAR) or Residential up to 28 units on 3.5 acres, and up to 106,112 sq. ft. (0.1 FAR) of Utility/Transportation uses on 24.16 acres. The amendment request to CH/12 and HR-12, combined with the density bonus programs will allow up to 708 dwelling units (25.59 units per acre).

As previously indicated, this site has served as a yard waste disposal location for the Town of Palm Beach, which the Town intends to close and repurpose for other uses. The applicant has demonstrated that the site's current Utilities and Transportation designation is no longer appropriate since the Town of Palm Beach is no longer utilizing the site as landscaping waste landfill. The justification statement also indicates that development of the site with commercial and residential multifamily at a higher density than the immediate area would be consistent with the intent of the Comprehensive Plan to foster infill development at appropriate locations within redevelopment areas of the Urban/Suburban Tier. The justification statement indicates that the higher densities are appropriate to be located near employment centers and with efficient access to the road network. The site represents such characteristics, as it is located in the vicinity of employment centers, close to major intersections and Florida's Turnpike. Staff concurs that an increase in density is appropriate at this location, and (as further discussed in the Compatibility Section) is compatible with adjacent land uses. Further, the applicant is maximizing the use of the TDR and WHP bonus programs. Therefore, the applicant 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.*

Direction 3. Infill, Redevelopment and Revitalization. *Address the needs of developed urban areas that lack basic services, and encourage revitalization, redevelopment, and infill development in urban areas to increase efficient use of land and existing public facilities and services.*

Direction 4. Land Use Compatibility. *Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.*

Staff Analysis: The proposed future land use amendment will further the Comprehensive Plan's direction of livable communities, growth management, infill/redevelopment, and compatibility of land uses. The proposed redevelopment will allow for cleanup and remediation on an otherwise underused large parcel on Okeechobee Boulevard and allow for mixed use redevelopment. The project would allow for direct access to the Okeechobee corridor and nearby Florida Turnpike as well as other major arterial roadways, affording convenient access to important elements of a livable community and public infrastructure, such as schools, employment, health facilities, and alternative modes of transportation, such as buses and trains. Furthermore, a mixed used development comprised of commercial and residential land uses, is in line with the Comprehensive Plan's direction to encourage infill, redevelopment and revitalization, by increasing services and adding workforce housing units in close proximity to facilities, services and employment. Staff has included conditions of approval, in order to ensure the appropriateness of the proposed future land use changes and to ensure land use compatibility between the existing and proposed uses.

3. **Piecemeal Development - Policy 2.1-h:** *The County shall not approve site specific Future Land Use Atlas amendments that encourage piecemeal development or approve*

such amendments for properties under the same or related ownership that create residual parcels. The County shall also not approve rezoning petitions under the same or related ownership that result in the creation of residual parcels.

Staff Analysis: The definition of piecemeal development in the Comprehensive Plan describes “a situation where land, under single ownership or significant legal or equitable interest (by a person as defined in Section 380.0651[4] F.S. and Rule 73C-40.0275 F.A.C.), is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole.” The amendment is consistent with this policy as it is proposed for the entire 27.66-acre site under single ownership and there are no adjacent sites owned by the same or related entity. Therefore, the land use amendment will not create a residual parcel or encourage piecemeal development.

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

Future Land Use Element Objective 1.1, Managed Growth Tier System, states that “*Palm Beach County shall implement the Managed Growth Tier System strategies to protect viable existing neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers.....*” The property is located in the Urban/Suburban Tier. The Comprehensive Plan contains several policies addressing future land uses in the Urban/Suburban Tier.

1. Policy 1.2-a: *Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:*

- 1. Allowing services and facilities consistent with the needs of urban and suburban development;*
- 2. Providing for affordable housing and employment opportunities;*
- 3. Providing for open space and recreational opportunities;*
- 4. Protecting historic, and cultural resources;*
- 5. Preserving and enhancing natural resources and environmental systems; and,*
- 6. Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.*

Staff Analysis: The proposed amendment to CH/12 and HR-12 is ideally located on a corridor that provides direct access to services and facilities as well as diverse employment centers. Furthermore, this amendment would foster development of non-residential uses that would add services to immediate and surrounding residential land uses, and add much needed units to the County’s workforce housing pool. It also presents an opportunity to potentially ameliorate the existing adverse environmental conditions of the site; plus, the amendment site provides both infill and redevelopment of a vacant/underutilized site, and affords a transition between existing established residential development surrounding the site and the busy Okeechobee Boulevard corridor.

2. Policy 4.4-d: *“Prior to a Planned Development District (PDD) being approved, the County shall ensure that the proposed PDD is reasonably compact and non-serpentine in form; does not create isolated pockets which are not able to be functionally tied to the PDD with respect to roadways, pedestrian pathways, bike paths, or architectural treatments; and does not result in the creation of incompatible uses being approved and the creation of residual parcels.”*

Staff Analysis: On the zoning application, the applicant shows direct access to the project from Okeechobee Boulevard, and from Elmhurst Road which connects to Haverhill Road. In providing a connection to Elmhurst Road, the proposed development prevents an isolated pocket at the southern end of the project from having restricted access while also affording more transportation network options for the project as a whole, while furthering Transportation Element, Policy 1.4-i:, which states that “*the County shall encourage new developments to include: 1) an interconnected system of streets in their development plans which consider appropriate adjacent parcels with potential for future compatible developments; 2) stub streets that connect to adjacent undeveloped parcels with a potential for future developments; and 3) stub streets that tie into existing adjacent stub streets.*”.

3. Density Increases - Policy 2.4-b: *The Transfer of Development Rights (TDR) Program is the required method for increasing density within the County, unless:*

- 1. an applicant can **both justify and demonstrate a need** for a Future Land Use Atlas (FLUA) Amendment and demonstrate that the current **FLUA designation is***

inappropriate, as outlined in the Introduction and Administration Element of the Comprehensive Plan, or

- 2. *an applicant is using the Workforce Housing Program or the Affordable Housing Program as outlined in Housing Element Objectives 1.1 and 1.5 of the Comprehensive Plan and within the ULDC, or*
- 3. *an applicant proposes a **density increase up to, but not exceeding, the density proposed by and supported by a Neighborhood Plan** prepared in accordance with FLUE Objective 4.1 and formally received by the BCC. To date, the following Neighborhood Plan qualifies for this provision:*
 - a. *West Lake Worth Road Neighborhood Plan.*

Staff Analysis: The Comprehensive Plan’s Future Land Use Element Policy 2.4-b establishes Transfer of Development Rights (TDRs) as the mandatory method of increasing density, unless the Workforce Housing Program (WHP) or Affordable Housing Program density bonuses are used, or a plan amendment can be justified. This direction is further implemented by Policy 2.4-b which is discussed in more detail under Density Increases – Policy 2.4-b of this report. The amendment is seeking a density of over 25 units per acre that cannot be achieved with the current CH/8 and UT even with the full use of these density bonus programs. Therefore, the applicant is seeking the future land use amendment to change from a base future land use density from CH/8 and UT (28 units) to CH/12 and HR-12 (332 units), and a combination of the WHP and TDR bonus programs to maximize available density. The applicant is proposing to purchase all 111 available TDRs and is requesting an 80% density bonus for an additional 265 units, for a total of 708 multi-family dwelling units (25.59 units per acre). Policy 2.4-b requires that density increases be accomplished through the use of TDRs, unless an applicant meets the criteria for an amendment, uses the workforce or affordable housing programs, or proposes density up to, but not exceeding, density proposed and supported by specific neighborhood plans formally received by the BCC. The neighborhood plan provision is not applicable to this site. The applicant has justified the proposed amendment per the requirements of this Policy and Policy 2.1-f, and as such would not be required to purchase TDRs; however, the applicant requires the purchase of TDRs to achieve the target density, as HR-12 is the highest future land use designation available to the site.

Regarding TDRs for this site, because it is located in the Haverhill West CCRT area it is eligible for up to four TDRs per acre to increase density. The applicant is requesting all 111 available TDRs. Due to its location in a CCRT area, this site is eligible for the Revitalization, Redevelopment, and Infill Overlay (RRIO) TDR pricing. Per the ULDC, when TDRs are used, a minimum of 34% of TDRs must be provided as workforce housing units. These are eligible for the RRIO/WHP pricing. The applicable prices are provided in Table 1. For this request, the 2020 prices apply, as the zoning application was found sufficient for processing on May 5, 2021, prior to the effective date of the 2021 prices.

Table 1—Transfer of Development Rights 2020 Unit Prices

PBC Median Sales Price (MSP)*	TDR Market Rate Price**	TDR WHP Price
Single Family: \$440,000	\$37,000	\$1,850
Multi Family/Condo: \$245,000	\$19,900	\$995
Neighborhood Plan Price		
Single Family: (75% of MSP)	\$27,750	\$1,388
Multi Family/Condo:(75% of MSP)	\$14,925	\$746
Revitalization, Redevelopment, and Infill Overlay (RRIO) Price		
Single Family: (25% of MSP)	\$9,250	\$463
Multi Family/Condo:(25% of MSP)	\$4,975	\$249

* Data Source: Realtors Association of the Palm Beaches Median Sales Price, March 2020
** TDR Bank Prices Effective July 1, 2020, based on date of application
*** Neighborhood Plan Price is limited to those sites which propose a density up to the figure proposed in the Neighborhood Plan Master Plan.
**** Revitalization, Redevelopment, and Infill Overlay (RRIO) Price includes Urban Redevelopment Area, Countywide Community Redevelopment Areas, and Lake Worth Park of Commerce Urban Redevelopment Area

4. **Housing Element, Policy 1.1-o:** *The County shall preserve affordability of affordable housing units developed through the Workforce Housing Program and the Affordable Housing Program as follows:*

1. *The Workforce Housing Program will target households with incomes ranging from 60%-140% of area median income.*
2. *The Affordable Housing Program will target households at or below 60% of area median income.*

The Workforce Housing Program and Affordable Housing Program units shall be made available at a rate affordable to the specified income groups, and only to income-eligible households for a period of time to be set forth in the Unified Land Development Code (ULDC). All Workforce Housing Program and Affordable Housing Program criteria shall be subject to the review and approval of the Board of County Commissioners.

Staff Analysis: The County has a mandatory workforce housing obligation for all housing developments in the Urban/Suburban Tier with 10 units and greater (whether they are increasing density or not), and offers a density bonus in exchange for additional workforce housing units. The density bonus is based on how well the WHP units to be provided further County objectives, with the highest density bonuses (up to 100%) available for projects that will provide the WHP as on-site, for sale, single family units in areas with low concentrations of workforce housing, and compatible with surrounding uses. The WHP is also supported by the TDR program: a minimum of 34% of TDRs used must be provided as workforce housing units, and these WHP units must be provided on-site.

This amendment proposes to utilize the Workforce Housing Program (WHP) Bonus Density option and utilize TDRs to increase the density of the proposed development. The Planning Division issued a workforce housing letter of determination, dated October 12, 2021 (Exhibit 9), which states that staff recommends up to 80% density bonus or 265 units workforce housing units, based on the two step point system and a compatibility review for requests greater than 50%. In assessing the potential workforce housing obligation, staff applies the percentages associated with the Full Incentive Option of the WHP, as opposed to the Limited Incentive. This is because the Full Incentive Option is applied to projects that are seeking to maximize density, and any project seeking a FLUA amendment is considered to be maximizing density. The applicant has indicated their intent to use all of the 265 density bonus units available through the WHP density bonus full-incentive option and all 111 TDRs, for a total of 708 units, or 25.59 dwelling units per acre for the site. In this scenario, the minimum workforce obligation would be 157 units.

In recent years, staff sought direction from the Board of County Commissioners on the suitable minimum percentages of workforce housing to be required when density increases are being requested through the future land use amendment process. The Board directed staff to recommend a minimum of 10% for single family projects, 20% for townhomes, and 25% for multifamily developments. These minimums are applied in cases where the percentages resulting from the Staff Analysis would yield a lower percentage than if these minimums were applied. The staff analysis results in 157 units, or 22%; therefore, staff is recommending a condition requiring a minimum of 25% (177 units) of the total dwelling units to be built as onsite workforce housing units.

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: Immediately abutting the site are the following:

North: Okeechobee Boulevard borders the subject site to the north. Most properties have a CH/8 land use designation along this 140 foot wide corridor. Directly north of the subject site and across Okeechobee Boulevard are four parcels with CH/8 future land use designation and developed with a fire station; a funeral home; an office building; and, the Southampton residential development, which is part of the greater Century Village residential development. The Century Village subdivision borders to the north all the commercial developments on the north side of Okeechobee Boulevard between Haverhill Road and the Florida Turnpike. Commercial development continues westward of the four aforementioned parcels to the edge of the Florida Turnpike, and include a carwash, offices, restaurants, the Okeechobee Boulevard Branch Library, financial institutions and a hotel. Further east of the Southampton development, the CH/8 designated parcels include the Village Market Place shopping center (Control No. 1994-0002) and a gas station located at the corner of Okeechobee Boulevard and Haverhill Road.

East: To the east of the subject site, and fronting Okeechobee Boulevard is a commercial development with a CH/8 land use designation and utilized as a tractor dealership. The site was the subject of a county-initiated land amendment known as Kelly Tractor (00-57-CHX 1) that removed crosshatching from the southern portion of the site, on approximately 5.62 acres. South of the dealership and on the south side of Elmhurst Road, which dead ends at the subject site, is the Bella Lago multi-family development, comprised of one and two story buildings with the HR-12 future land use designation. Further south of this development, and bordering the north and south of Norma Elaine Road, which also dead ends at the subject site, are small parcels ranging between 0.12 and 0.39 acres in size, with HR-8 future land use designation, and mostly developed with single-family and a few multi-family homes.

West: The Lake Worth Drainage District canal E-3 borders the site to the west. West of this canal, and fronting Okeechobee Boulevard, is a commercial parcel developed with a two-story car dealership. A majority of the site has a CH/8 future land use designation. However, the site was the subject of a small land use scale amendment known as Okeechobee Volvo (SCA-2007-018) that changed the designation from Medium Residential with an underlying 5 units per acre (MR-5) and Commercial Low with an underlying 3 units per acre (CL/3), to Commercial High Intensity with crosshatching and an underlying 5 units per acre (CHX/5). The crosshatching is located on the southern portion of the site and restricts development to landscaping, drainage and employee and inventory parking—preventing any building intensity from being located in the crosshatched portion, for compatibility purposes. This amendment and zoning approval allowed for an expansion of the dealership. South of the dealership, and bordering the E-3 canal, is a 1.62-acre long narrow lot, located within the Breezy Acres subdivision. The developed lots in this subdivision were the subject of a land use amendment known as Breezy Acres (01-57 RES 1) that changed the designation from Low Residential with an underlying 3 units per acre (LR-3), to Medium Residential with an underlying 5 units per acre (MR-5). Further south, and bordering the E-3 canal, are seven parcels with MR-5 future land use designation utilized as one-story multi-family and single-family homes, and which are part of the Plantation Village subdivision.

South: Properties directly to the south are small lots ranging between 0.17 and 0.27 acres in size that have MR-5 future land use designation and are developed with one-story single-family homes and mobile homes. These homes are part of the Mobilair mobile home park subdivision, which is bordered by the Lake Worth Drainage District L-2 canal to the south.

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 development will be compatible with both the residential and non-residential uses that surround the subject property as the adjacent commercial properties are developed with relatively high intensity commercial and office uses, and high density and medium density residential uses.

Staff Analysis: The proposed residential future land use is generally consistent with the character of the corridor, given that the proposed CH/12 and HR-12 land use designations are consistent with the character of the Okeechobee corridor and its vicinity. The subject site is adjacent to high intensity commercial uses to the east, west and north across Okeechobee Boulevard. This land use pattern continues on both sides of the road for most of the length of this corridor. Residential land uses are typically located behind commercial corridors, and consist mostly of higher densities (at least in this portion of the

County). There are 2-story multi-family to the south east of the site, south of the tractor dealership. However, such patterns do not fully reflect the existing residential development that surround the subject site. As described in the Surrounding Land Uses of this report, there are old established residential subdivisions developed with one story single-family and mobile homes to the west/southwest, south, and southeast of the site. The current zoning application depicts 3 commercial buildings along Okeechobee Boulevard, and four 7-story residential buildings south of the commercial buildings. However, the applicant has communicated to staff their intent to reduce the height of the residential buildings located south of Elmhurst Road to three stories. Therefore, to achieve compatibility of the proposed amendment with surroundings homes and ensure that the design and of the project remains as represented by the applicant, staff is recommending additional conditions of approval to limit buildings to no more than 3-stories within the southern portion of the site south of a line extending west from Elmhurst Road. Furthermore, conditions will require that the proposed Comprehensive Plan Future Land Use Amendment and the proposed rezoning be considered by the BCC at the same public hearing.

D. Consistency with County Overlays, Plans, and Studies

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

Staff Analysis: The subject site is located within the Urban Redevelopment Area (URA) and the Revitalization, Redevelopment, and Infill Overlay. The County has designated the URA and implemented land use regulations to foster redevelopment and infill efforts. The amendment will be an infill type of development, as sought by the general directives of the URA. Furthermore, the amendment proposes a horizontally integrated mixed use development pattern (characterized by residential and non-residential uses located on the same property and functionally linked together through shared amenities, entrances, etc.) and would include workforce housing, which is encouraged by the Overlay. The site is also located within the Haverhill West Countywide Community Revitalization Team (CCRT) area. CCRT areas are communities within the County that have been identified by the Office of Community Revitalization (OCR), and the Board of County Commissioners as neighborhoods that would most benefit from targeted revitalization efforts.

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

Staff Analysis: The site is located within the boundaries of the Haverhill Area Neighborhood Plan. This Neighborhood Plan was created on March 12, 1991 by a negotiated inter-local agreement between Palm Beach County and the Town of Haverhill, and encompassed four main subjects: land use problems including maintaining the residential character and use of properties; issues relating to the airport including noise and the PBIA-Overlay; code enforcement (blight); and, transportation. Among the recommendations of the Neighborhood Plan is the preservation of the residential character of the area. Specifically, the plan discourages the conversion of land from residential to intense uses such as industrial. In this regard, the proposed amendment is generally consistent with the recommendations of the Neighborhood Plan, as it would replace the existing land uses that allow for the current landfill for landscape waste for a mix of mostly residential and some commercial uses.

The preservation of the existing residential character, as recommended in the Haverhill Area Neighborhood Plan, also entails assurances of compatibility of the proposed land uses and the surrounding existing neighborhoods; specifically, with established old subdivisions developed with one story single-family and mobiles homes. Therefore, staff is recommending a condition to address the transition between the new residential buildings and the surrounding/existing one-and-two-story homes.

E. Public Facilities and Services Impacts

The proposed amendment is to change the Future Land Use designation from Commercial High with an underlying 8 units per acre (CH/8) on 3.5 acres, and Utilities and Transportation (UT) on 24.16 acres, to Commercial High with an underlying High Residential, 12 units per acre (CH/12) on 3.5 acre, and High Residential, 12 units per acre (HR/12) on 24.16 acres for the purpose of developing a project with a mix of residential and commercial uses. The amendment proposes to increase the residential density while maintaining the current commercial intensity. Public facilities impacts are detailed in the table in Exhibit 3.

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

Staff Analysis: The proposed amendment was distributed to the County service departments for review. There are adequate public facilities and services available to support the amendment, and the amendment does not exceed natural or manmade constraints. Staff sent a request for departmental review of the proposed amendment to various County departments and external agencies for review of public facility impacts. No adverse comments were received from the following departments and agencies regarding impacts on public facilities:

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

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

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

Staff Analysis: The Traffic Division reviewed this amendment based on the existing development potential of 76,230 sq. ft. of commercial or 28 units of residential on 3.5 acres, and 105,241 sq. ft. of Utility/Transportation uses on 24.16 acres; as well as the proposed potential of 76,230 commercial sq. ft. on 3.5 acres, and 708 dwelling units, which includes density bonus units. According to the County’s Traffic Engineering Department (see letter dated September 24, 2021 in Exhibit 5), the proposed development would result in an increase of 2,459 trips per day at the maximum potential, with net peak hour trips of 255 (AM) and 312 (PM).

The Traffic letter concludes “Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment **meet** Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **proposed potential density** shown above”. Therefore, this amendment requires a condition of approval, based on Transfer of Development Rights (TDR) and density bonus programs, to cap the project at the **proposed** development potential or equivalent trips.”

The Traffic Study was prepared by Simmons & White, 2581 Metrocentre Boulevard West, Suite 3, West Palm Beach, FL 33407. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at: <http://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

3. **School District Comments:** The School District indicated in the School Capacity Availability Determination letter, or SCAD, dated April 22, 2021 (Exhibit 7).
4. **Concurrent Zoning Application:** The zoning application (ZV/ABN/PDD/CA-2021-00533) was submitted on April 5, 2021. As of the publication of this report, the application has not been certified for public hearings. Additional comments may be provided through the zoning process as the zoning application is further reviewed and revised that may impact the proposed Future Land Use application.

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) and also specifically to the Town of Haverhill for review on September 22, 2021. As of the publication of the PLC Report, no objections through the IPARC process to this amendment had been received.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on September 22, 2021. In addition, on September 22, 2021, the Planning Division notified United Civic Organization and the Park Place Townhomes Association. As of the publication of the PLC report, no letters or emails had been received. Letters received during the amendment process are included in Exhibit 9, Correspondence.
- C. Informational Meeting:** The Planning Division hosted a virtual web meeting for area residents and interested parties to relay information regarding the amendment and development approval process on October 5, 2021. No members of the public attended related to this amendment. As of the publication of the Planning Commission Report, no letters from the public had been received. Letters received are added to the Exhibits during the course of the amendment process. (See Exhibit 11)

Exhibit 3

Applicant’s Justification Statement, Consistency, and Compatibility

Request

The 27.66-acre subject property (PCN 00-42-43-26-05-004-0000; 00-42-43-26-00-000-1300; 1340) is located on the south side of Okeechobee Boulevard, approximately 1,950 feet west of the intersection of Okeechobee Boulevard and Haverhill Road. Currently the subject property supports a Future Land Use Atlas (FLUA) designation of Commercial High with an underlying High Density Residential, 8 units per acre (CH/8) on the north 3.5 acres of the site, with the remainder 24.16 acres supporting a Utilities and Transportation (UT) designation. The entire site currently has a Zoning designation of Multifamily Residential, High Density (RH). Final site plan approval for the existing landscaping disposal site and 5,000 square foot, one-story clubhouse building was approved on October 1, 1979.

Town of Palm Beach and CRE Fund at Okeechobee Boulevard, LLC herein referred to as the “Applicant,” requests a FLUA amendment from Commercial High with Underlying High Density Residential, 8 units per acre (CH/8) on the north 3.5 acres and Utilities and Transportation (UT) on the south 24.16 acres to Commercial High with underlying High Density Residential, 12 units per acre on the north 3.5 acres and High Density Residential, 12 units per acre on the south 24.16 acres for the purposes of constructing a multifamily residential development with a commercial development on the north 3.5 acres of the site.

A follow up application to the PBC Zoning Division for an Official Zoning Map Amendment (rezoning) from the RH Zoning District to the Multiple Use Planned Development (MUPD) has been submitted on April 5, 2021.

Below is a summary of surrounding properties:

Adjacent Lands	Uses	FLU	Zoning
Subject Property	Vacant; Clubhouse	CH/8 & UT (Existing) CH/12 & HR-12 (Proposed)	RH (Existing) MUPD (Proposed)
North	Fire Station; Funeral Home; Office; Multifamily Residential	CH/8	CG; RS
South	Single Family Residential	MR-5	RH
East	Vehicle or Equipment Sales & Rental; Multifamily Residential; Single Family Residential	CH/8; HR-12; HR-8	MUPD; RH
West	Vehicle Sales; Single Family Residential	CH/8; CHX/5; MR-5	CG; RM

Justification, Consistency & Compatibility

G.1 - Justification: The applicant is requesting to amend the FLUA designation of the subject property from CH/8 and UT to CH/12 and HR-12. Per Policy 2.1-f of the Future Land Use Element (FLUE) of the PBC Comprehensive Plan (Plan) an applicant must provide adequate justification for the proposed future land use. To be considered adequate, the justification must demonstrate consistency with the factors 1 and 2.

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

Response: The proposed addition HR-12 use is suitable and appropriate for the subject site. The subject property is currently used as a landfill for landscaping waste by the Town of Palm Beach. The proposed multifamily residential and commercial multiple use planned development is a higher and better use for the site. As the area surrounding the site has continually developed, infill sites such as the subject property have become more desirable for redevelopment. The market demand for workforce housing has recently begun to spike, resulting in housing communities becoming more feasible. Furthermore, the subject property is located on Okeechobee Boulevard, a major arterial roadway which can handle the additional traffic expected with the proposed use.

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

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

Response: The properties adjacent to the site have been assigned FLU designations that are generally not considered compatible with the site's existing operation as a landscaping waste site. However, the adjacent uses are consistent with the general character of the area near the subject site, being of highly intense and relatively dense character. The existing site's use as a landfill for landscaping waste for the Town of Palm Beach is an obvious exception to this character. Therefore, to be more in line with the character of the immediate vicinity around the site, as assigned by the Comprehensive Plan, the Applicant proposes to amend the site's FLU designation from Commercial High with underlying High Density Residential, 8 units per acre and Utilities and Transportation, to Commercial High with underlying High Density Residential, 12 units per acre and High Density Residential, 12 units per acre.

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

Response: The area surrounding the site has become relatively built out resulting in minimal vacant land for new development. Additionally, the market demand for housing has increased recently, making workforce housing developments a viable form of development. The general area around the site includes a major commercial corridor along Okeechobee Boulevard with residential development nestled behind these uses. The Applicant proposes a multiple use planned development for the site which includes a portion of the site being developed for commercial uses along Okeechobee Boulevard. The remainder of the site is proposed to be developed as a multifamily residential development. Recent amendments to the ULDC permit residential development within the MUPD zoning district which is proposed for the site. Therefore, the site is a great opportunity for infill development.

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

Response: The area surrounding the site has nearly reached build-out since the adoption of the Comprehensive Plan. Currently, there are very few vacant tracts of land of comparable size with direct access to a major arterial roadway such as Okeechobee Boulevard in the immediate area of the site. As population growth in the county begins to accelerate in the time since the 2008 recession, demand for housing will also continue to grow. Therefore, it is reasonable to allow new residential development in this portion of the County to meet this demand. Furthermore, the Applicant proposes to preserve the existing Commercial High land use at the northern end of the site directly fronting along Okeechobee Boulevard. Similar to

residential uses, commercial development has also nearly reached build-out along the Okeechobee Boulevard corridor in the immediate vicinity of the site. As the population continues to grow, demand for services and retail uses will also increase. The portion of the site proposed to preserve the existing Commercial High FLU designation is located in an ideal position on the site, directly fronting on Okeechobee Boulevard, a major urban arterial thoroughfare. Furthermore, the site has historically been used for the disposal of landscaping waste. The site has been underutilized since it was purchased in 1940, since, at that time, it was at the far western edge of development. Today, this is clearly no longer the case, which therefore constitutes infill development for the best and highest use.

- *Inappropriateness of the adopted FLU designation;*

Response: The adopted FLU designation for the site includes a portion of the site closest to Okeechobee Boulevard designated as Commercial High with underlying High Density Residential, 8 units per acre (CH/8). The remainder of the site is designated Utilities (UT). The site is no longer a primary location for landscaping waste for the Town of Palm Beach operations. Therefore, it is no longer appropriate for the site's UT designation to remain as it is no longer in use for this purpose. Additionally, the Applicant signed a lease with the Town of Palm Beach for use of their property for development signifying the Town of Palm Beach's desire to convert the property for purposes of revenue generation.

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

Response: The adopted FLU designation for the site was adopted with the intention of allowing the Town of Palm Beach a site for the disposal of landscaping waste which is easily accessible to the Town's facilities operations while also being relatively removed and separated from the most intense development in the unincorporated County. Since this time, the area surrounding the site has become a major site for high density and high intensity development which is not compatible with the site's historic operation as a landfill for landscaping waste. While the site's existing Utilities and Transportation FLU designation was not assigned as an error, it is clearly no longer an appropriate use and designation for a site used for landscape debris disposal and a clubhouse.

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

- *Demonstrate a need for the amendment.*

Response: The proposed amendment is needed to allow for the infill of the subject property to its highest and best use. The subject property is one of very few undeveloped properties located east of the Turnpike along Okeechobee Boulevard. The site's current Utilities and Transportation FLU designation is no longer appropriate for the site. Recently, there has been an increase in demand for multifamily housing in the South Florida region, particularly in areas of relatively urban character close to jobs and amenities. The subject property meets these geographic demands quite well and has the added benefit of being a previously undeveloped and currently underused. Furthermore, the proposed HR-12 FLU designation is consistent with surrounding land uses as they currently consist mainly of medium to high density housing with a considerable amount of aging multifamily housing stock.

- *Demonstrate that the current FLUA designation is inappropriate.*

Response: The current FLUA designation of Utilities and Transportation is inappropriate for the site. The subject property is one of the few remaining undeveloped parcels in the urban core of the County located between the Turnpike and I-95 on Okeechobee Boulevard, the County's central urban corridor. Now that the surrounding area has been entirely built out, the site is now ideal for infill development. The Utilities and Transportation FLU

designation is intended to allow for the operations of public utilities and transportation maintenance, storage, and support facilities, however, the site has never been utilized for this purpose. The majority of the site area is vacant land which has no inherent use. A small building on the south end of the property is used as a clubhouse for the Fraternal Order of Police, which therefore leaves it unused most of the time. Finally, a section on the western half of the site is partitioned off for a landscaping waste landfill for the Town of Palm Beach which is no longer being used and is therefore unutilized space. Overall, the site is almost never actively used and is therefore under-utilized for utilities and transportation purposed.

- *Provide a written explanation of why the Transfer of Development Rights, Workforce Housing, and Affordable Housing Programs cannot be utilized to increase density on the site.*

Response: The subject development will be utilizing density bonuses associated with the Transfer of Development Rights and the Workforce Housing Programs in addition to the requested density associated with the proposed HR-12 FLU designation. To make the subject development financially viable and to meet current and future demand for conveniently located multifamily housing, the Applicant is requesting 267 units be assigned via the Workforce Housing Density Bonus Program and 111 units be purchased from the Transfer of Development Rights Program. These 378 units will be applied in addition to the 332 units allowed by the HR-12 FLU designation (27.66 acres x 12 = 331.92 or 332) resulting in a total of 710 units for the site. The maximum density allowed by the HR-12 FLU designation is not sufficient for the site to be economically viable. Therefore, since there are no higher density FLU designations to choose from, it is necessary the Applicant request the maximum density in addition to density bonuses through the Workforce Housing Density Bonus and Transfer of Development Rights programs which also include the provision of workforce units.

G.3 – Compatibility with Surrounding and Adjacent Uses: The subject property which is proposed to have an HR-12 for the southern portion of the site with the northern 3.5 acres proposed to have a CH/12 FLU designation. The surrounding uses along the Okeechobee Boulevard corridor in the immediate vicinity of the site all fall under Commercial High use classifications. These adjacent commercial properties are developed with relatively high intensity commercial and office uses. Furthermore, the uses adjacent to the site south of Okeechobee Boulevard are high density and medium density residential uses. To the east of the site are multifamily residential subdivisions with HR-12 and HR-8 FLU designations. To the south and west of the site are subdivisions with Medium Density Residential FLU designations. These adjacent properties consist of multifamily condo and rental residential developments. Therefore, it is reasonable that the proposed FLU designation of HR-12 and CH/12 on the northern 3.5 acres of the site is compatible with the surrounding and adjacent uses.

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

- **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 43 and Route 44 and the closest Tri-Rail connection is the West Palm Beach Tri-Rail Station.
- *Potable Water and Wastewater:* Please see level of service letter from the Palm Beach County Water Utilities Department in Attachment I that confirms that the proposed FLUA can be accommodated by existing facilities and services.
- *Drainage:* The site is located within the boundaries of the Lake Worth Drainage District and South Florida Water Management District C-51 Drainage Basin. Legal positive outfall for the project is available to the LWDD E-3 Canal located along the western boundary of the property. After the project design meets all storm water management requirements, outfall will be directly to the LWDD canal. Please refer to the Drainage Statement prepared by HSQ Group, Inc. 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 #23 located at 5477 Okeechobee Boulevard that is approximately 135 feet from the subject property.
- The adjacent and surrounding development;
 - **Applicant's Description:** To the north (across Okeechobee Boulevard with a 140' ultimate right-of-way width) are three developed properties with Commercial High FLU designations; to the south, directly abutting the property are seven single family homes with Medium Density Residential, 5 units per acre FLU designations; directly abutting the site to the east are developed properties which contain a heavy vehicle sales and service facility with a Commercial High FLU designation, a multifamily residential condo development with a High Density Residential FLU designation, and two single family residences with High Density Residential FLU designations; to the west of the site (separated by a 100 foot wide Lake Worth Drainage District Canal) is a car dealership with a Commercial High FLU designation and eight residential properties, some of which are single family, others of which are multifamily, with a Medium Density Residential FLU designation. Below are the existing FLUA designations for the surrounding properties:
 - North: Commercial High with underlying High Density Residential, 8 units per acre.
 - South: Medium Density Residential, 5 units per acre
 - East: Commercial High with underlying High Density Residential, 8 units per acre; High Density Residential, 12 units per acre; High Density Residential, 8 units per acre.
 - West: Commercial High with underlying High Density Residential, 8 units per acre; Commercial High with cross hatching and underlying Medium Density Residential, 5 units per acre; Medium Density Residential, 5 units per acre.

Of the properties listed above the subject property directly abuts the properties to the east, south, and west, with the properties to the north being separated by the Okeechobee Boulevard right-of-way. Proper assurances will be made to ensure that the proposed development does not have a negative impact on the surrounding uses or any native species on the site.

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: The subject property is entirely surrounded by similar land uses. The site's current Utilities (UT) designation over the majority of the site area is no longer reasonable for the site. The proposed High Density Residential, 12 units per acre FLU designation over the majority of the site is consistent with the land uses in the immediate area of the site. Furthermore, the site is located east of Florida's Turnpike where the majority of medium and high-density residential land uses are located in unincorporated Palm Beach County. As development west of the Turnpike has continued, demand for infill development and redevelopment east of the Turnpike has increased substantially.
- 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:
 - The site was previously cleared and currently contains an existing landfill use for landscaping waste on the site. The site will be converted and remediated for residential uses and, therefore would not have an impact on natural resources or ecosystems;
 - The site is easily serviced by existing infrastructure, more specifically, Okeechobee Boulevard is a major urban arterial roadway which has the ability to handle additional traffic generated by the proposed use, water and wastewater capacity exists for the site, and legal positive outfall can be achieved;
 - Does not remove land intended for agricultural uses; and
 - Creates a balance of uses in the area as the applicant is proposing residential and commercial use designations similar to what exists in the immediate area surrounding the site.
- Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and
 - **Applicant's Description:** The subject property is not located within the boundaries of a community plan or planning area special study.
- **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." The proposed FLU designation will remove the site's existing Utilities designation. The site is located directly adjacent to other residential uses. The subject site is currently used as a landscaping waste landfill site for the Town of Palm Beach, this is not as ideal of a use adjacent to residential uses as the proposed High Density Residential designation.

- **Policy 2.2.1-o:** This policy outlines specific uses which are discouraged from locating in areas of predominant residential use. Specifically, some of the relevant uses discouraged from locating in predominantly residential use areas are Public Facilities, Utilities and Transportation uses serving regional needs, and solid waste disposal sites. The subject property falls under these three uses in some aspect as it is currently used by the Town of Palm Beach for the disposal of landscaping waste. Therefore, the proposed FLU designation amendment to replace the site's Utilities use with High Density Residential will rectify this and make the site consistent with this policy.

In conclusion, it is the agent's contention that the requested FLUA Amendment from UT and CH/8 to HR-12 and CH/12 is justified, consistent with the Plan and State of Florida laws and is compatible with surrounding uses.

Exhibit 4

Applicant’s Public Facility Impacts Table

Part 5. Public Facilities Information

A. Traffic Information		
	Current	Proposed
Max Trip Generator	General Commercial, ITE # 820 Ln(T) = 0.68 Ln(x) + 5.57 Utility, ITE # 170 13.24 tpd/1,000 SF	General Commercial, ITE # 820 Ln(T) = 0.68 Ln(x) + 5.57 Multi-Family Mid-Rise Apartment, ITE #221 5.44 tpd/Dwelling Unit
Maximum Trip Generation	1405 daily trips	1817 daily trips (maximum potential) 3852 daily trips (proposed potential)
Net Daily Trips:	412 daily trips (maximum minus current) 2447 daily trips (proposed minus current)	
Net PH Trips:	120 AM, 147 PM (maximum) 255 AM, 312 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)	43 (Okeechobee Boulevard), 44 (Belvedere Road)	
Nearest Palm Tran Stop	Stop 3285 (South side of Okeechobee Boulevard approx. 2,010' west of the intersection of Okeechobee Blvd. & Haverhill Road located on the subject site's frontage on Okeechobee Boulevard)	
Nearest Tri Rail Connection	West Palm Beach, 209 South Tamarind Avenue	
C. Portable Water & Wastewater Information		
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department	
Nearest Water & Wastewater Facility, type/size	Capacities are available, subject to a reservation agreement with PBCWUD. The nearest potable water mains are a 12" watermain located within Okeechobee Blvd road right of way adjacent to the subject property, an 8" watermain located within Elmhurst Road 250' from the subject property and 6" watermain located within Norma Elaine Road. Looping of the watermains will be required. The nearest sanitary sewer is a 4" forcemain located approximately 1200' east of the subject property on Okeechobee Blvd.	
D. Drainage Information		
The site is located within the boundaries of the Lake Worth Drainage District and South Florida Water Management District C-51 Drainage Basin. Legal positive outfall for the project is available to the LWDD E-3 Canal located along the western boundary of the property. After the project design meets all storm water		

management requirements, outfall will be directly to the LWDD canal. Please refer to the Drainage Statement prepared by HSQ Group, Inc. being included as Attachment J with this application for more details.				
E. Fire Rescue				
Nearest Station	Station 23, 5477 Okeechobee Blvd.			
Distance to Site	Station 23 is 0.50 miles from the subject site			
Response Time	Based on the information provided by PBC Fire-Rescue the estimated response time is 3 minutes and 30 seconds. PBC Fire Letter provided at Attachment K.			
Effect on Resp. Time	PBC Fire-Rescue has determined that the proposed amendment will have minimal impact on fire rescue response time. Please see Attachment K.			
F. Environmental				
Significant habitats or species	The subject property does not support any significant habitats or Listed Species. According to historic aerials, the subject property was drained and cleared of natural vegetation. The topography and soils remain relatively unchanged since the clearing of the site. Therefore, there will be minimal impact to the natural environment if the site is developed as intended.			
Flood Zone*	The subject parcel is located in Flood Zone X & Flood Zone AE			
Wellfield Zone*	The subject property does not lay within any wellfield protection zones. The proposed planned development will have no negative impacts on the wellfield zones. A detailed map has been provided at Attachment M			
* If the site is located within an A or V flood zone and/or within a Wellfield Protection zone, requests for greater intensity may be viewed unfavorable.				
G. Historic Resources				
The subject parcels do not contain any historic or architecturally significant resources located on or within 500 feet of the site. To the best of our knowledge the parcels do not contain or are located within 500 of the subject properties. Comment Letter as Attachment N.				
H. Parks and Recreation - Residential Only (Including CLF)				
Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	Okeeheelee Park	0.00339	1,692	5.74
Beach	R.G. Kreusler Park	0.00035	1,692	0.59
District	Lake Lytal Park	0.00138	1,692	0.98
I. Libraries - Residential Only (Including CLF)				
Library Name	Okeechobee Boulevard Branch Library			
Address	5689 Okeechobee Boulevard			
City, State, Zip	West Palm Beach, FL, 33417			
Distance	0.3 Miles			
Component	Level of Service	Population Change		Change in Demand
Collection	2 holdings per person	1,692		3,384
Periodicals	5 subscriptions per 1,000 persons	1,692		8.46
Info Technology	\$1.00 per person	1,692		\$1,692.00
Professional staff	1 FTE per 7,500 persons	1,692		0.23
All other staff	3.35 FTE per professional librarian	1,692		.77

Library facilities	0.34 sq. ft. per person	1,692	575 s.f.
J. Public Schools - Residential Only (Not Including CLF)			
Based on the findings and evaluation of the proposed future land use atlas (FLUA) amendment, there will be negative impact on the public high school system.			
	Elementary	Middle	High
Name	Hope Centennial Elementary School	Bear Lakes Middle School	Palm Beach Lakes High School
Address	5350 Stacy Street	3505 Shenandoah Blvd.	3505 Shiloh Drive
City, State, Zip	West Palm Beach, FL, 33417	West Palm Beach, FL, 33409	West Palm Beach, FL, 33407
Distance	1.5 Miles	2.9 Miles	5.0 Miles

Exhibit 5

Palm Beach County 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



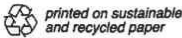
Palm Beach County
Board of County
Commissioners

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

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Affirmative Action Employer"



September 24, 2021

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

RE: Fount MUPD
FLUA Amendment Policy 3.5-d Review
Round 2020-22-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 August 27, 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:	South side of Okeechobee Boulevard, west of Haverhill Road	
PCN:	00-42-43-26-05-004-0000 (<i>others in file</i>)	
Acres:	27.66 acres	
	Current FLU	Proposed FLU
FLU:	3.5 Acres as Commercial High (CH/8)/High Residential, 8 dwelling units per acre (HR-8) 24.16 Acres as Utilities and Transportation (UT)	3.5 Acres as Commercial High (CH/12)/High Residential, 12 dwelling units per acre (HR-12) 24.16 Acres as High Residential, 12 dwelling units per acre (HR-12)
Zoning:	Multi-Family Residential (High Density) District (RH)	Multiple Use Planned Development (MUPD) and/or Planned Unit Development (PUD)
Density/ Intensity:	0.50 FAR (CH) 0.1 FAR (UT)	0.50 FAR (CH) 12 dwelling units per acre (HR-12)
Maximum Potential:	Retail = 76,230 SF Utility = 105,241 SF	Retail = 76,230 SF Multifamily Mid-Rise Housing 3-10 story (Apartment/Condo/TH) = 332 DUs
Proposed Potential:		Multifamily Mid-Rise Housing 3-10 story (Apartment/Condo/TH) = 708 DUs (with Bonus Density)
Net Daily Trips:	413 (maximum – current) 2,459 (proposed – current)	
Net PH Trips:	120 (31/89) AM, 146 (89/57) PM (maximum) 255 (66/189) AM, 312 (190/122) PM (proposed)	
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>		



Bryan G. Kelley, P.E.
September 24, 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. Therefore, this amendment requires a condition of approval, based on Transfer of Development Rights (TDR) and density bonus programs, 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/rb

cc: Addressee
Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division
Steve Bohovsky – Technical Assistant III, Traffic Division
Lisa Amara – Principal Planner, Planning Division
Khurshid Mohyuddin – Principal Planner, Planning Division
Stephanie Gregory – Principal Planner, Planning Division
Kathleen Chang – Senior Planner, Planning Division
Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\22-A\Fount MUPD.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**

Dave Kerner, Mayor
Robert S. Weinroth, Vice Mayor

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

County Administrator

Verdenia C. Baker

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August 10, 2021

Schmidt Nichols
1551 N Flagler Dr. Suite 102
West Palm Beach, FL 33401

Attn: Jordan Sperling

RE: Fount MUPD 27.66 Acres
PCN 00-42-43-26-05-004-0000, 00-42-43-26-00-000-1300 & 00-42-
43-26-00-000-1340
Service Availability Letter

Dear Mr. Sperling,

This is to confirm that Palm Beach County Water Utilities Department (PBCWUD) is the potable water and wastewater service provider for the referenced property. Capacities are available for the proposed development of +/- 713 multifamily residential dwelling units, 19,400 sf of retail sales and a 2,500 sf Type 1 restaurant with drive-thru.

The nearest potable water mains are a 12" watermain located within Okeechobee Blvd road right of way adjacent to the subject property, an 8" watermain located within Elmhurst Road 250' from the subject property and 6" watermain located within Norma Elaine Road. Looping of the watermains will be required. The nearest sanitary sewer is a 4" forcemain located approximately 1200' east of the subject property on Okeechobee Blvd. Forcemain extensions and improvements will be required to serve this property.

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

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

Sincerely,

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

Jackie Michels, P.E.
Project Manager

Exhibit 7

School District Letter



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

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

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

KRISTIN K. GARRISON
Director

WANDA F. PAUL, M.Ed., MBA
Chief Operating Officer

SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

Application	Submittal Date	04/22/2021		
	SCAD No.	21042201F – FLU and 21042201D – D. O.		
	FLU /Rezoning/D.O. No.	CA/ABN/PDD/ZV-2021-00533 – Palm Beach County		
	PCN No. / Address	00-42-43-26-05-004-0000, 00-42-43-26-00-000-1300/1340 5976 Okeechobee Blvd.		
	Development Name	Fount MUPD		
	Owner / Agent Name	Town of Palm Beach / Josh Nichols		
	SAC No.	137A		
	Proposed FLU Amendment Proposed D. O.	Maximum 713 Residential Units 713 High-Rise Apartment Units		
Impact Review		Hope Centennial Elementary School	Bear Lakes Middle School	Palm Beach Lakes High School
	New Students Generated	10	5	5
	Capacity Available	206	610	-88
	Utilization Percentage	78%	57%	103%
School District Staff's Recommendation	<p>Based on the findings and evaluation of the proposed development, there will be negative impact on the public school system. Therefore, if the proposed development is approved by Palm Beach County government, School District staff recommends the following condition to mitigate such impacts.</p> <p>In order to address the school capacity deficiency generated by this proposed development at the District high school level, the property owner shall contribute \$67,660.00 to the School District of Palm Beach County prior to the issuance of first building permit.</p> <p>This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied).</p> <p>Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on April 16, 2019.</p>			
Validation Period	<p>1) This determination is valid from 04/26/2021 to 04/25/2022 or the expiration date of the site-specific development order approved during the validation period.</p> <p>2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to 04/25/2022 or this determination will expire automatically on 04/25/2022.</p>			
Notice	<p>1) The SCAD letter under case# 20030602F and 20030602D expired on March 12, 2021.</p> <p>2) School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.</p>			



School District Representative Signature

Joyce C. Cai, Senior Planner

Print Name & Title

April 26, 2021

Date

joyce.cai@palmbeachschools.org

Email Address

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

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

Exhibit 8

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 8

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Carlos Gonzalez, 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 [x] AR [position—e.g., president, partner, trustee] of CRE Fund at Okeechobee Boulevard, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 12895 SW 132nd Street, Unit 202, Miami, FL 33186
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.



Carlos Gonzalez, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION: STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
☐ online notarization, this 12 day of March, 2021 by
CARLOS E. GONZALEZ (name of person acknowledging). He/she is personally
known to me or has produced _____ (type of identification) as
identification and did/did not take an oath (circle correct response).

Clara C. Rodriguez Clara Rodriguez
(Name - type, stamp or print clearly) (Signature)

My Commission Expires on: April 17, 2023



CLARA CORDELL RODRIGUEZ
Commission # GG 325014
Expires April 17, 2023
Served thru Budget Notary Services

EXHIBIT "A"**PROPERTY**

THE WEST (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) AND THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE LANDS CONVEYED PURSUANT TO THE COUNTY DEED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT OFFICE RECORDED APRIL 12, 1989 IN OFFICIAL RECORDS BOOK 6029, PAGE 1155 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARITY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA: BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

- 1) COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 26
- 2) THENCE SOUTH 1° 24' 53" WEST, ALONG THE WEST LINE OF THE SAID NORTHEAST QUARTER A DISTANCE OF 64.02 FEET;
- 3) THENCE SOUTH 88° 26' 20" EAST, A DISTANCE OF 52.47 FEET TO THE POINT OF BEGINNING;
- 4) THENCE CONTINUE SOUTH 88° 26' 20" EAST, ALONG A LINE 64.02' SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 26, SAID LINE ALSO BEING THE THE SOUTH LINE OF THE CHANCERY CASE 407 AS RECORDED IN OFFICIAL RECORD BOOK 6495 PAGE 761 PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, A DISTANCE OF 616.83 FEET;
- 5) THENCE SOUTH 1° 21' 54" WEST, ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 26 A DISTANCE OF 1949.12 FEET;
- 6) THENCE NORTH 88° 57' 19" WEST, ALONG THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 617.53 FEET;
- 7) THENCE NORTH 1° 24' 53" EAST, ALONG THE EAST LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL PER OFFICIAL RECORD BOOK 6495 PAGE 761 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 672.90 FEET;
- 8) THENCE NORTH 88° 47' 00" WEST, AND CONTINUE ALONG THE SAID E-3 CANAL A DISTANCE OF 0.99 FEET;
- 9) THENCE NORTH 1° 24' 53" EAST, AND CONTINUE ALONG THE SAID E-3 CANAL A DISTANCE OF 1281.78 FEET TO THE POINT OF BEGINNING,

SAID PARCEL BEING 1204958.69SQFT OR 27.662 ACRES MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name	Address
AHS Residential, LLC	12865 SW 132nd Street, Unit 202, Miami, FL 33186100% of CRE Fund at Okeechobee Blvd, LLC
AHS Development Group, LLC	12895 SW 132nd Street, Unit 202, Miami, FL 3318695.8% of AHS Residential, LLC
MRV (US) Holding Corporation, a Delaware Corporation	95.8% of AHS Development Group, LLC

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
Kirk Blouin, 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 [x] Town Manager [position - e.g., president, partner, trustee] of Town of Palm Beach, a political sub-division of the State of Florida [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: P.O. Box 2029, Palm Beach, FL 33480
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.




KIRK BLUM Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25th day of MARCH, 2021 by KIRK BLUM (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

NINA M. TOSCANO
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: MAY 12, 2021



EXHIBIT "A"**PROPERTY**

THE WEST (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) AND THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE LANDS CONVEYED PURSUANT TO THE COUNTY DEED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT OFFICE RECORDED APRIL 12, 1989 IN OFFICIAL RECORDS BOOK 6029, PAGE 1155 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARITY DESCRIED AS FOLLOWS:

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA: BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

- 1) COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 26
- 2) THENCE SOUTH 1° 24' 53" WEST, ALONG THE WEST LINE OF THE SAID NORTHEAST QUARTER A DISTANCE OF 64.02 FEET;
- 3) THENCE SOUTH 88° 26' 20" EAST, A DISTANCE OF 52.47 FEET TO THE POINT OF BEGINNING;
- 4) THENCE CONTINUE SOUTH 88° 26' 20" EAST, ALONG A LINE 64.02' SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 26, SAID LINE ALSO BEING THE THE SOUTH LINE OF THE CHANCERY CASE 407 AS RECORDED IN OFFICIAL RECORD BOOK 6495 PAGE 761 PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, A DISTANCE OF 616.83 FEET;
- 5) THENCE SOUTH 1° 21' 54" WEST, ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 26 A DISTANCE OF 1949.12 FEET;
- 6) THENCE NORTH 88° 57' 19" WEST, ALONG THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 617.53 FEET;
- 7) THENCE NORTH 1° 24' 53" EAST, ALONG THE EAST LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL PER OFFICIAL RECORD BOOK 6495 PAGE 761 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 672.90 FEET;
- 8) THENCE NORTH 88° 47' 00" WEST, AND CONTINUE ALONG THE SAID E-3 CANAL A DISTANCE OF 0.99 FEET;
- 9) THENCE NORTH 1° 24' 53" EAST, AND CONTINUE ALONG THE SAID E-3 CANAL A DISTANCE OF 1281.78 FEET TO THE POINT OF BEGINNING,

SAID PARCEL BEING 1204958.69SQFT OR 27.662 ACRES MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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Name	Address	
Town of Palm Beach	P.O. Box 2029, Palm Beach, FL 33480	100%

Exhibit 9

Workforce Housing Letter



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

Dave Kerner, Mayor

Robert S. Weinroth, Vice Mayor

Maria G. Marino

Gregg K. Weiss

Maria Sachs

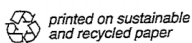
Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



October 12, 2021

Jordan Sperling
Schmidt Nichols
1551 N Flager Dr., Suite 102
West Palm Beach, FL 33401
Email: jsperling@snlandplan.com

Dear Jordan,

This revised letter of determination is in response to your request, and is required for sufficiency in the zoning approval process.

This information provided in this letter is based on the project information you provided:

PCN:	00-42-43-26-05-004-0000, 00-000-1300 & 1340
Acreage:	27.66 total acres (Agent)
FLU:	CH/12 & HR-12 (Hypothetical)
Request:	708 units requested
Subject Development unit type(s) (SF, TH, MF)	MF - Apartments
Subject Development: Rental or Sale?	Rental
WHP units: to be provided on or off-site?	On-site
WHP units: for-sale or rental?	Rental
WHP unit type:	MF - Apartments
Full Incentive or Limited Incentive Option	Full Incentive Option

You have requested a letter of determination based on your application for 708 units. As explained previously, the staff calculated a total potential of 708 units, using an 80% density bonus and all 111 available TDRs. The WHP obligation would be 157 units. This total is based on the two-step point system and compatibility review used by staff to review requests for density bonuses greater than 50%.

Summary of Staff Review and Basis for Staff Recommendation: Per the WHP process for density bonuses greater than 50%, staff applied the point system to determine the percentage of density bonus "earned" by the project's proposed approach to meeting its workforce housing obligation. Second, the total potential density for the project, including the bonus identified through the point system, was then reviewed for compatibility and appropriateness for the site. The result of this two-step process is summarized below, and forms the basis for staff's recommendation.

Step 1: Density Bonus Earned Through Application of WHP Points System

The project earned an 80% density bonus based on meeting its WHP obligation through the provision of multi-family rental units, on-site, in an area with a low concentration of households in the workforce income ranges. Additional points and potentially a higher percentage of density bonus would be earned if the WHP units provided were for-sale units and/or were provided as single-family or townhome units.



Step 2: Compatibility and Site-suitability Considerations:

A prior staff assessment indicated that existing residential uses should be considered when determining the placement and height of buildings along the south boundary and the southern 1/3 of the east boundary, in order to minimize impacts on existing residents.

The associated proposed future land use amendment (LGA 2020-011) includes a proposed condition of approval to require that structures located on the portion of the site south of a line extending west from Elmhurst Road be limited to a maximum of 3 stories in height. This condition will satisfy the staff-identified concern regarding compatibility of the density bonus.

In considering this information, please be aware of the following:

- o *Density bonuses greater than 50% are available only under the Full Incentive Option.*
- o *All WHP unit exteriors are required to be compatible with market rate units, if any, and models are required.*
- o *TDR units purchased shall proportionally reflect the unit mix of the non TDR units. Thirty-four percent (34%) of any TDR units used must be provided as WHP units, subject to WHP requirements. If any of the remaining, TDRs are purchased at TDR WHP prices, those units must be provided in the Low Income category. All TDRs must be built on site.*
- o *For proposed future land use amendments increasing residential density, the staff recommendation to the Board of County Commissioners typically includes conditions that TDRs be utilized, and for multi-family projects, that 25% of the total units be required as on-site workforce housing units. (The 25% includes required WHP TDRs, but does not include any additional TDRs that the applicant elects to purchase at WHP prices.) Should the Board approve the requested amendment with such a condition, a revised letter of determination and calculations will be required.*

In addition, note that the recommendation provided herein does not guarantee a certain number of units, and does not create additional property rights for a landowner. The actual number of dwelling units that may be built on a parcel may be further limited by the zoning district's property development regulations and other considerations in the development review process.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. Bello".

Maria Bello, Principal Planner

T:\Planning\CURRENT\WHP\Okeechobee Housing (Fount)\2021\Okeechobee_FI_100821.docx

Workforce Housing Program Analysis
Greater Than 50% Density Bonus (Full Incentive Only)
Date: 10/18/21

Property Information:

Property or PCN:	Okeechobee Housing (Fount MUPD), 00-42-43-26-05-004-0000, 00-000-1300 & 1340			
Acreage:	27.66 acres total (Agent)			
Future Land Use Designation:	3.5 acres CH/12 (Hypothetical) & 24.16 acres HR-12 (Hypothetical)			
Request:	Maximum Density, Full Incentive Option			
Part of PUD/Golf Course?	No	Existing LOD?	Out of date	CHHA? No
Surrounding Land Uses:	N	S	E	W
Existing:	Office/Com/Civic	Residential	Com/Residential	Com/Residential
Future:	CH/8	MR-5	CH/8, HR-8, HR-12	CH/8, CHX/5, MR-5
Potential FLU Density: (27.66 x 12 = 331.92 units)				

Density Bonus Determination:

Part 1: Point system based on proposed approach to meeting WHP obligation											
Proposed method to meet WHP obligation	WHP Objectives & Points										
	Delivers units?	Onsite?	WHP Unit type?			WHP Rental/ For-sale?		WHP Concentration in Census tract? CT 31.02 (30.1% Con)		POINTS EARNED	POTENTIAL DENSITY BONUS
	(1) to (6)	(10)	MF (1)	TH (3)	SF (10)	R (1)	FS (10)	>34% (0)	<34% (6)		
	6	10	1			1		6			
Part 2: Compatibility and Other Site Considerations: Future Land Use Amendment condition to address height of buildings along the portion of the site south of a line extending west from Elmhurst Road will satisfy the staff-identified concern regarding compatibility of the density bonus.											
Staff Recommendation for Density Bonus: 80%											

TDR Units, if applicable:

TDR Density: should Transfer of Development Rights be used, the following would apply:	
TDR Eligibility: 4 TDRs/acre	Haverhill West Area, CCRT #12
TDR Units permitted: 111	27.66 x 4 = 110.64 or 111
TDR units purchased shall proportionally reflect the unit mix of the non TDR units. The applicant may elect to purchase some or all of the non-WHP TDRs at TDR WHP prices; if purchased at WHP prices, those units must be restricted as Low Income category WHP units.	

WHP Obligation:

Density Component:	Required Percentage		Calculations	
	Rental WHP	For Sale WHP	Possible Units	WHP Obligation
Standard Density:	5%	4.375%	(27.66 x 8 = 221.28)	221.28 x 5% = 11.06
Maximum Density:	16%	14%	(27.66 x 4 = 110.64)	110.64 x 16% = 17.70
Density Bonus:	34%	29.75%	(331.92 x 80% = 265.54)	265.54 x 34% = 90.28
Multiplier for For-Sale projects providing WHP as off-site rentals: 1.5x obligation (Not applicable to TDRs)				xxx
Discount for on-site, For Sale WHP units: 20% for SF, 10% for TH				xxx
TDRs, if any:	34%		(27.66 x 4 = 110.64 or 111)	111 x 34% = 37.74
TOTALS			708.46 or 708	156.78 or 157 WHP obligation

Alternative Unit Specific Calculation, if Requested: XXXX Units

Density Component:	Required WHP Percentage		Calculations	
	Rental WHP	For Sale WHP	Units	WHP Obligation
Standard Density:	5%	4.375%		
Maximum Density:	16%	14%		
Density Bonus (XX%):	34%	29.75%		
1.5x Multiplier – For-Sale projects providing WHP as off-site rentals (Not applicable to TDRs)				
TDRs, if any:	34%		(ac x TDRs per acre)	TDRs x required %
TOTALS			Xxx units	Xxx obligation

The estimates provided in this worksheet do not guarantee a certain number of units, and do not create additional property rights for a landowner; the actual number of dwelling units that may be built on the parcel may be further limited by compatibility considerations, property development regulations and other factors in the development review process. Any hypothetical land use employed in the calculations is subject to the Comprehensive Plan amendment process, and may not be approved.

Exhibit 10

Applicant's Environmental Information

The applicant provided environmental information regarding the site which can be found at the link below:

<https://discover.pbcgov.org/pzb/planning/PDF/Amendments/FountEnviro.pdf>

Exhibit 11
Correspondence
