



## PRIVATELY INITIATED TEXT AMENDMENT AMENDMENT ROUND 24-A

BOARD OF COUNTY COMMISSIONERS, FEBRUARY 1, 2023

### I. General Data

<b>Project Name:</b>	<b>Heritage Farms Transitional Overlay Text Initiation</b>
<b>Proposed Text Amendment:</b>	<p>The privately proposed text amendment request is to revise Future Land Use Element policies regarding the Rural Tier specifically to:</p> <ul style="list-style-type: none"> <li>• Establish an overlay for the subject site to allow for a transitional density option of up to 2 units per acre on sites subject to minimum acreage, location, access and design requirements;</li> <li>• Revise Map LU 1.1 Managed Growth Tier System to depict the overlay as a Limited Urban Service Area (LUSA);</li> <li>• Revise Map LU 2.1 Service Areas to change the overlay's designation from the Rural Service Area to a Limited Urban Service Area; and</li> <li>• Revise Map LU 3.1 Special Planning Areas to depict the boundaries of the overlay.</li> </ul>
<b>Proposed FLUA Amendment:</b>	If the text amendment is initiated by the Board, the applicant will submit a future land use amendment on the 96.91 acre site to change the future land use designation of the site from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2).
<b>Applicant:</b>	DiVosta Homes, L.P., Aimee Carlson (contract purchaser)
<b>Owner:</b>	7501 S SR 7, LLC (Thomas Yee) & Cypress Polo Club, LLC (Martin Estrada)
<b>Agent:</b>	Ken Tuma, Urban Design Studio
<b>Project Manager:</b>	Stephanie Gregory, AICP, Principal Planner
<b>Staff Recommendation:</b>	Staff recommends <b>to initiate</b> the proposed text amendment.

### II. Item Summary

**Initiation Phase I:** The item before the Board is to consider the initiation of a privately proposed amendment to the Comprehensive Plan, considered "Phase I". If the amendment is initiated, staff will accept the associated future land use amendment, and return to the Board with the text and future land use amendments through the public hearing process as part of "Phase II".

**Staff Assessment:** Staff supports the initiation of the proposed text amendment to provide opportunity for the Board to consider and direct policy. Initiation of this amendment does not indicate staff support for the final policy language or the associated future land use amendment. Should the Board initiate the amendment, staff will prepare data and analysis, and present a recommendation on the text and future land use amendment at subsequent public hearings.

### **III. Meeting History**

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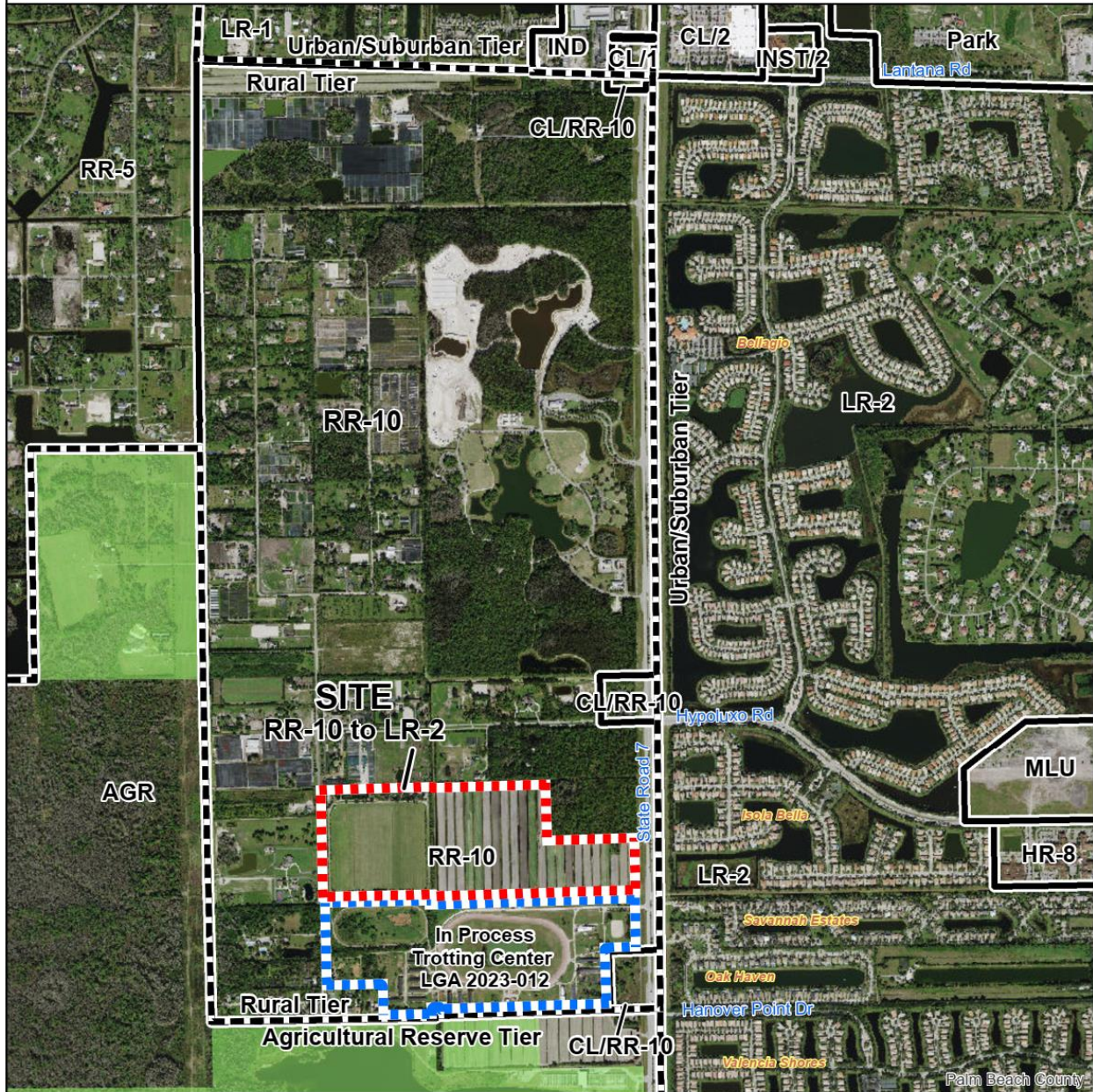
**Local Planning Agency/Planning Commission (LPA/PLC):** *To be provided in final agenda.*

**Board of County Commissioners (BCC):**

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# L o c a t i o n   M a p

## Heritage Transition Overlay



### Site Data

Size: 96.91 acres  
 Existing Use: Agricultural / Equestrian  
 Proposed Use: Residential  
 Current FLU: RR-10  
 Proposed FLU: LR-2

### Future Land Use Designations

RR-10	Rural Residential, 1 unit/10 acres	CL	Commercial Low
RR-5	Rural Residential, 1 unit/5 acres	CL/RR-10	Commercial Low, underlying RR-10
LR-1	Low Residential, 1 unit/acre	CL/1	Commercial Low, underlying LR-1
LR-2	Low Residential, 2 units/acre	CL/2	Commercial Low, underlying LR-2
HR-8	High Residential, 8 units/acre	MLU	Mixed Land Use
PARK	Park	IND	Industrial
AGR	Agricultural Reserve	INST/2	Institutional, underlying LR-2

Date: 11/30/2022  
 Contact: PBC Planning  
 Filename: T:Planning/Amend/24-A/Text/Private  
 Note: Map is not official, for presentation purposes only.

 Site  
 Amendments in Process  
 AGR Preserves

500 0 500 1,000 Feet



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





## IV. Private Text Amendment Request

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The intent of the privately proposed text amendment to the Comprehensive Plan and subsequent future land use amendment and rezoning is described below.

**Proposed Text Amendment.** The privately proposed text amendment request is to revise Future Land Use Element policies regarding the Rural Tier specifically to:

- Establish an overlay for the subject site to allow for a transitional density option of up to 2 units per acre on sites subject to minimum acreage, location, access and design requirements;
- Revise Map LU 1.1 Managed Growth Tier System to depict the overlay as a Limited Urban Service Area (LUSA);
- Revise Map LU 2.1 Service Areas to change the overlay's designation from the Rural Service Area to a Limited Urban Service Area; and
- Revise Map LU 3.1 Special Planning Areas to depict the boundaries of the overlay.

**Associated Future Land Use Amendment.** If the Board initiates the text amendment, the applicant would proceed with the request for a future land use amendment on the subject site from Rural Residential, 1 unit per 10 acres to Low Residential, 2 units per acre (LR-2). This future land use change would allow the site to develop with up to 194 residential dwelling units, which is greater than the 10 units currently allowed with the existing FLU.

**Associated Zoning Application.** The companion zoning application will request a rezoning from Agricultural Residential (AR) to Planned Unit Development (PUD).

## V. Policy Background

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### A. Rural Tier Background

In 1999, the County adopted the Managed Growth Tier system to recognize the County's diverse geographic regions and lifestyles by establishing tiers that have common densities/intensities and public service availability. The subject site is located within the Rural Tier, an area established to support five and ten acre residential lots, as well as agricultural operations and equestrian uses. The unincorporated portions of the Rural Tier consists of 44,670 acres. Heritage Farms, along with the Homeland subdivision, is an isolated pocket of the Rural Tier. The majority of the Rural Tier is located in the central-western and northern portions of the County.

The purpose of the Rural Tier is described in the Comprehensive Plan as Objective 1.4 below:

***OBJECTIVE 1.4, Rural Tier.*** *Palm Beach County shall plan for the impacts of growth outside of the Urban Service Area, recognizing the existence of both large undeveloped tracts as well as areas containing densities equal to or less than 1 dwelling unit per 5 acres established prior to the adoption of the 1989 Comprehensive Plan located in proximity to environmentally sensitive natural areas while protecting the Rural Tier lifestyle. The Rural Tier shall be afforded rural levels of service, except in special planning areas such as, but not limited to, the Western Communities Residential Overlay (WCRO).*

Density within the Rural Tier is limited to a maximum of 1 unit per 5 acres. Sites within this Tier are not able to utilize the density bonus increases provided by the Workforce Housing Program as the provisions apply only in the Urban/Suburban Tier. In addition, density increases through

the Transfer of Development Rights (TDR) program are not available in the Tier as the program is only applicable within the Urban/Suburban Tier in order to promote infill and redevelopment initiatives.

## B. Heritage Farms Background and Land Uses

The subject site is located within Heritage Farms, an unrecorded subdivision comprising 172 parcels on just over 1,300 acres. Heritage Farms is bordered to the north and east by the Urban/Suburban Tier and to the south and east by the Agricultural Reserve Tier. Heritage Farms was subdivided over a period of years beginning around 1958. Prior to the adoption of the 1989 Comprehensive Plan, parcels could develop at a density of up to one unit per 2.5 acres. The adoption of the 1989 Plan assigned parcels within Heritage Farms to Rural Residential, 1 unit per 10 acres (RR-10). Almost half of the lots are less than 5 acres in size, although these lots only account for 8% of the land area. There are 64 built dwelling units in the area under the RR-10 designation. The largest parcel is the South Florida National Cemetery, totaling 313.12 acres.

### Heritage Farms Lot Analysis

Parcel Size	Parcels	%	Acres	%	Built Units
Less than 5 ac.	85	49%	103.35	8%	27
5 to 9.9 acres	57	33%	316.43	24%	21
10 to 24 acres	22	13%	241.53	19%	16
25 to 80 acres	7	4%	330.28	25%	0
313.12 acres	1	1%	313.29	24%	0
<b>Totals</b>	<b>172</b>	<b>100%</b>	<b>1,304.88</b>	<b>100%</b>	<b>64</b>

*Source: PBC Planning Division, 2021 Existing Land Use, PBC Property Appraiser's Office*

The majority of the land in the neighborhood is agricultural, residential or vacant residential. Agricultural uses include such uses as nurseries, cropland, and equestrian uses. Two communication tower sites are located at the northern end of Heritage Farms. As previously mentioned, the South Florida National Cemetery accounts for a significant portion of the acreage. Additionally, there are three commercially designated parcels located on State Road 7, which total less than 12 acres.

More recently on November 28, 2022, the Board transmitted a future land use amendment and text amendment for the Trotting Center site (LGA 2023-012) which is south of the subject site. The proposed text amendment is very similar to the text transmitted by the Board except the location and boundary description, minimum acreage, which are applicable to the subject site only. In addition, the applicant is proposing expanded buffers for the north boundary; whereas, the Trotting Center Overlay proposes ULDC minimum buffers along the north property line.

## C. Proposed Text Amendment

The amendment language provided in Exhibit 1, proposes to establish an overlay which serves as an alternative to a tier change. This will allow the subject site to remain in the Rural Tier and develop at a density of up to 2 units per acre, which is not currently permitted. If the Board initiates the text amendment, the applicant will submit a future land use amendment in May 2023 for the 96.51 acre subject site from Rural Residential, 1 unit per 10 acres to Low Residential, 2 units per acre (LR-2). The future land use change would allow the site to develop up to 194 units.

The applicant has submitted justification for the amendment (See Exhibit 2) which is largely based upon the site's location and being similarly situated as the Trotting Center site. The applicant states that the proposed future land use is appropriate and will "allow for residential development of property at an appropriate scale and location in a manner that integrates with the existing development pattern to the east while acting as a buffer of transitional residential density for the rural residential community to the northwest."

#### **D. Unified Land Development Code (ULDC) Implications**

No ULDC amendment is necessary to implement the proposed text amendment to the Plan, or the subsequent future land use amendment.

### **VI. Issues and Implications**

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The purpose of this Phase I report is to identify potential issues and implications of the concept proposed by the text amendment, for the Board to consider when making the policy decision on whether to initiate the privately proposed text amendment. From a mechanics perspective, the text amendment establishing a new overlay that will be confined to the 96.91-acre subject site. The intent is to allow for a transitional density residential development at two units per acre while remaining in the Rural Tier. The policy considerations of the applicant's text changes are described below:

- **Rural Tier Density Provisions.** As previously mentioned, density within the Rural Tier is limited to a maximum of 1 unit per 5 acres. In addition, the use of Transfer of Development Rights (TDRs) and Workforce Housing density bonuses are not available in the Tier. Therefore, in order to achieve a higher density, a property owner must utilize the FLUA amendment process. Prior to 2012, a property owner seeking a density that exceeded the allowable density of the subject Tier would request a FLUA amendment along with a tier change. The creation of the privately initiated amendment process in 2012, now allows an alternative method to achieve the same result. Therefore, the applicant for the Heritage Farms Transitional Overlay is proposing a privately initiated text amendment to establish an overlay as a mechanism to allow two units per acre for only the subject site within the Rural Tier. There is an example for this type of geographically limited density increase mechanism in the Tier with the adoption of the Western Communities Residential Overlay in 2016. In addition, the Board on November 28, 2022 transmitted a text amendment for the Trotting Center site to allow for a similar request.
- **Overlay Provisions.** The bulk of the text amendment includes language for the creation of a new overlay for the subject site only. The overlay states that the purpose is to provide a transitional density residential option that is compatible to the low-density rural character of Heritage Farms. The overlay includes specific location, access and acreage requirements. In addition, design features related to lot size and expanded buffers are included to enhance compatibility with the surrounding residential and agricultural parcels.
- **LUSA Designation.** The proposed amendment includes revisions to the map series to designate the subject site as a limited urban service area (LUSA), which will allow for a mix of urban and rural levels of service.
- **FLUE Policy 3.5-d.** On September 30, 2022, the applicant provided the public facilities impact analysis related to the traffic impacts of this request. The traffic study indicates that

the future land use amendment to two units per acre meets the requirements in Future Land Use Element Policy 3.5-d.

## **VII. Staff Recommendation**

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The text amendment proposes to establish an overlay allowing the subject site to remain in the Rural Tier and develop at a density of up to 2 units per acre as an alternative to a tier change to the Urban/Suburban Tier. The future land use request of Low Residential, 2 units per acre would allow the site to develop up to 194 units.

The item before the Board is to consider the initiation of a privately proposed amendment to the Comprehensive Plan, considered “Phase I”. If the amendment is initiated, staff will accept the associated future land use amendment, and return to the Board with the two amendments through the public hearing process as part of “Phase II”.

Staff supports the initiation of the proposed text amendment to provide the opportunity for the Board to consider and direct policy. Initiation of this amendment does not indicate staff support for the final developed policy language or the associated future land use amendment. If the Board initiates the text amendment, staff will prepare data and analysis, and present the final recommendation on the text and future land use amendment at subsequent public hearings.

<b>Exhibits</b>	<b>Page</b>
1. Applicant’s Proposed Text Amendment	E-1
2. Applicant’s Justification	E-5
3. Applicant’s Disclosure of Ownership Interests	E-27
4. Correspondence	E-39

## Exhibit 1

### Applicant's Proposed Text Amendment

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#### A. Future Land Use Element, Rural Tier Revisions

**REVISIONS:** To revise the Rural Tier policies and provisions. The revisions are shown below with added text underlined and deleted text shown in ~~strike through~~.

##### 1. REVISED OBJECTIVE 1.4 Rural Tier

General: The Rural Tier includes agricultural land and rural settlements that range in density from primarily 1 dwelling unit per 5 acres to 1 dwelling unit per 20 acres, except in special planning areas such as, but not limited to, the Western Communities Residential Overlay (WCRO) and the Heritage Farms Transitional Overlay. These areas support large agricultural operations as well as single-family homes with small family-owned agricultural businesses, including equestrian related uses. Due to the declining availability of land and the increase in population in the Urban and Exurban Tiers, the Rural Tier is beginning to experience pressure for urban densities and non-residential intensities normally associated with a more urban area. The strategies in the Rural Tier are established to protect and enhance rural settlements that support agricultural uses and equestrian uses while also providing an alternative style of development in specific areas that further the goals of the Rural Tier.

Objective: Palm Beach County shall plan for the impacts of growth outside of the Urban Service Area, recognizing the existence of both large undeveloped tracts as well as areas containing densities equal to or less than 1 dwelling unit per 5 acres established prior to the adoption of the 1989 Comprehensive Plan located in proximity to environmentally sensitive natural areas while protecting the Rural Tier lifestyle. The Rural Tier shall be afforded rural levels of service, except in special planning areas such as, but not limited to the Western Communities Residential Overlay (WCRO) and the Heritage Farms Transitional Overlay.

##### 2. REVISED Policy 1.4-d: Any parcel of land in the Rural Tier shall not be further subdivided to form additional parcels, nor reduced in size, unless: each parcel created is consistent with the minimum lot size required by its respective future land use designation or is developed as one of the following:

1. Rural Residential (RR) Cluster; ~~or~~
2. Variable-Lot-Size development; ~~or as a~~
3. Planned Unit Development developed under the Western Communities Residential (WCR) Future Land Use Category or within the Heritage Farms Transitional Overlay.

Parcels may be subdivided for the purpose of enlarging other parcels in the subdivision. The overall number of units of the reconfigured lots may not exceed the original number of units calculated for the lots being reconfigured.



**B. Future Land Use Element, Heritage Farms Transitional Overlay**

**REVISIONS:** To establish a new objective and policies relating to the Heritage Farms Transitional Overlay. The revisions are shown below with added text underlined.

**1. NEW Objective 1.13: Heritage Farms Transitional Overlay**

**NEW Objective:** The purpose of the Heritage Farms Transitional Overlay is to establish policies that provide a framework to preserve the low-density rural character of the area, by allowing transitional residential densities that are compatible with the rural lifestyle and promote the use of agriculture in those areas that are proximate to and have access from State Road 7 and are located east of Park Lane and south of the LWDD Canal L-19 W.

**2. NEW Policy 1.13-a: Boundaries.** The Heritage Farms Transitional Overlay is depicted on the Special Planning Areas Map, LU 3.1, in the Map Series and consists of approximately 96 acres of land generally located approximately one quarter (0.25) mile south of the intersection of State Road 7 (US-441) and Hypoluxo Road.

**3. NEW Policy 1.13-b: Transitional Density Option.** In order to allow a transition from the Urban Suburban Tier, the County shall allow residential development within the Heritage Farms Transitional Overlay at transitional densities, subject to the following criteria:

- 1. Approval Process.** A Future Land Use Atlas amendment shall be accompanied by a concurrent zoning application and master plan in order to demonstrate that the proposal meets the requirements of this policy;
- 2. Acreage.** The minimum development acreage is 95 contiguous acres;
- 3. Density.** The maximum density is 2 units per acre with no further density increases permitted through density bonus programs, such as the Transfer of Development Rights Program, the Workforce Housing Program or the Affordable Housing Program. The maximum density shall be identified in the adoption ordinance;
- 4. Workforce Housing.** Pursuant to Housing Element Policies 1.5-g and 1.5-l and ULDC Article 5, Chapter G, Sections 1 and 2, the Workforce Housing Program and Affordable Housing Program are not applicable in the Heritage Farms Transitional Overlay;
- 5. Location.** The site must be located contiguous to the Urban/Suburban Tier (contiguous includes being directly across a right-of-way) with frontage and access only onto State Road 7 and be located east of Park Lane;
- 6. Design Features.** The lot sizes shall transition with the smallest lots located closest toward State Road 7 and the largest lots located towards the western property line. At a minimum, 20% of the residential development area within the Overlay shall be comprised of lots (including the associated roadways serving these lots) that are a minimum of 0.5 acres in size;
- 7. Expanded Buffers.** Residential planned development within the Overlay shall provide increased buffers for property lines coterminous with the boundaries of the Overlay as provided below:
  - a. A minimum 50-foot buffer along the western boundary of the Overlay;**

- b. A minimum 50-foot buffer along the northern and southern boundary of the Overlay where abutting single-family properties that predate the adoption of the Overlay;
- c. A minimum 30-foot buffer for any other portion of the northern or southern boundary of the Overlay.
- 8. **Native Vegetation.** A minimum of 100% of the landscaping within the perimeter buffers shall be native vegetation;
- 9. **Access.** All access to development within the Heritage Farms Transitional Overlay (including access for emergency vehicles) shall only be through driveways that connect to State Road 7; and
- 10. **Urban Services.** All development within the Heritage Farms Transitional Overlay shall connect to County water and sewer services located within the State Road 7 right-of-way.

**C. Future Land Use Element, Limited Urban Service Areas**

**REVISIONS:** To add the Heritage Farms Transitional Overlay to the list of identified Limited Urban Service Areas. The revisions are shown below with added text underlined and deleted text shown in ~~strike through~~.

- 1. **REVISED Policy 3.3-a:** The Limited Urban Service Area: The following are designated as Limited Urban Service Areas:
  - 1. the area described as the United Technology - Pratt and Whitney Overlay;
  - 2. the area defined as the General Aviation Facility/ North County Airport;
  - 3. the Agricultural Reserve; and
  - 4. areas within the Exurban Tier where the Legislature has granted a special district the authority to provide urban levels of service for potable water and/or sewer following the installation of centralized water and/or sewer systems; installation of a force main to serve a single project shall not constitute justification for a LUSA designation;
  - 5. the area east of the SFWMD L-8 Canal and 138.31 acres with Economic Development Center future land use designation west of the SFWMD L-8 Canal within the Glades Area Protection Overlay;
  - 6. an Agricultural Enclave pursuant to Policy 2.2.5-d; ~~and~~
  - 7. the Western Communities Residential Overlay-; and
  - 8. the Heritage Farms Transitional Overlay.

**D. Future Land Use Element, Future Land Use Regulation Section**

**REVISIONS:** To add a note to the table to establish an allowable density for the Overlay. The revisions are shown below with added text underlined and deleted text shown in ~~strike through~~.

**1. REVISED TABLE III.C, FUTURE LAND USE DESIGNATION BY TIER**

Future Land Use	FLU Category	Tier				
		Urban/Sub & Glades USA	Exurban	Rural	Ag Reserve	Glades RSA <sup>1</sup>
Rural Residential	RR-20, RR-10	---	X	X	---	---
	RR-5	---	X	X	---	---
	RR-2.5	---	X	---	---	---
Western Communities Residential	WCR	---	---	X	---	---
Urban Residential	LR, MR, HR	X	---	---	---	---

*Text omitted for brevity*

4. Within the Heritage Farms Transitional Overlay, the LR-2 future land use designation is allowed for sites that meet Objective 1.13 and criteria in Policy 1.13-b.

**E. Map Series, Managed Growth Tier System Map LU 1.1, Heritage Farms Transitional Overlay**

**REVISIONS:** To depict the Heritage Farms Transitional Overlay as a Limited Service Area.

**F. Map Series, Service Area Map LU 2.1, Heritage Farms Transitional Overlay**

**REVISIONS:** To depict the Heritage Farms Transitional Overlay as a Limited Service Area

**G. Map Series, Special Planning Areas Map LU 3.1, Heritage Farms Transitional Overlay**

**REVISIONS:** To identify the Heritage Farms Transitional Overlay on the Special Planning Areas map.

## Exhibit 2

### Applicant's Justification for Text Amendment

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#### **ATTACHMENT G**

#### **CONSISTENCY WITH THE COMPREHENSIVE PLAN & FLORIDA STATUTES**

##### **A. REQUEST**

On behalf of the property owners, 7501 S. SR7, LLC, and Cypress Polo Club, LLC, and the applicant, DiVosta Homes, L.P., Urban Design Studio (UDS), as agent, has prepared and hereby respectfully submits this application for a Privately-Initiated Text Amendment to the Palm Beach County (County) Comprehensive Plan (Plan).

The proposed text amendment has been prepared in response to current planning efforts, both privately- and County-initiated, relative to adjacent properties and the surrounding area known as Heritage Farms. This proposed text amendment would serve to create a more appropriate planning overlay as it would allow for the logical development of uniquely situated property in a manner consistent with surrounding properties while simultaneously serving to create a buffer of transitional density for properties with a rural development pattern to preserve characteristics of the surrounding area.

This request is submitted collectively by the owners of ±96.91 acres of property generally located on the west side of State Road 7 (US-441) approximately one quarter mile south of Hypoluxo Road, hereinafter referred to as the Subject Property. The Subject Property is comprised of five parcels with the following parcel control numbers (PCNs):

- 00-42-43-27-05-044-0110
- 00-41-45-12-00-000-3150
- 00-41-45-12-00-000-3090
- 00-41-45-12-00-000-7190
- 00-41-45-12-00-000-7200

The Subject Property is located in unincorporated Palm Beach County (PBC), situated in the Rural Tier with a Future Land Use Atlas (FLUA) designation of Rural Residential, 1 dwelling unit per 10 acres (RR-10) and within the Agricultural Residential (AR) Zoning District. The Subject Property is located within the West Boynton Community Plan area. The proposed text amendment, associated FLUA Amendment, and other applications required to pursue residential development of the Subject Property will not result in the need for any text amendments to the County's Unified Land Development Code (ULDC).

This application proposes to create a Planning Overlay over approximately 96 acres that will allow for the development of residential dwelling units at a low density and in a transitional and logical manner that effectively buffers properties developed at a rural density while integrating the area with the adjacent suburban level of development. The proposed text amendment would allow the included property to remain in the Rural Tier and be developed with up to 2 dwelling units per acre with specific requirements for the transition of density and lot sizes. If the proposed text amendment is initiated by the Board of County Commissioners (BCC), then the applicant will submit an associated FLUA Amendment under the provisions of the planning overlay.

The applicant is requesting approval of the following from the PBC Board of County Commissioners (BCC):

1. To amend the text of the Comprehensive Plan Future Land Use Element as follows:
  - a. Objective 1.4 to include the Overlay as a special planning area in the Rural Tier;
  - b. Policy 1.4-d to allow the development of a Planned Unit Development (PUD) within the Rural Tier;
  - c. Policy 3.3-a to designate the Overlay as a Limited Urban Service Area;
  - d. Table III.C to include a note specifying the applicable criteria to allow the use of the LR-2 future land use designation within the Overlay;
2. To introduce a new policy to the Comprehensive Plan Future Land Use Element
  - a. Objective 1.12 Heritage Farms Transitional Overlay and various sub-policies to provide specific criteria for the use of the Overlay including boundaries, location criteria, buffer standards, and requirements for transitional density, minimum acreage, design features, access, and urban services
3. To amend the following Comprehensive Plan maps to designate the Subject Property as a Planning Overlay and Limited Urban Service Area (LUSA)
  - a. Managed Growth Tier System Map LU 1.1
  - b. Service Areas Map LU 2.1
  - c. Special Planning Areas Map LU 3.1

A more detailed description of the request and resulting development is provided throughout this justification narrative.

## **B. SUBJECT PROPERTY BACKGROUND**

The ±96.91-acre Subject Property, located on the west side of State Road 7 (US-441) approximately one quarter mile south of Hypoluxo Road, is centrally located within unincorporated Palm Beach County. The Subject Property is an assemblage of five (5) parcels including one parcel addressed as 7501 S. State Road 7 and commonly known as the Yee Property and four parcels addressed as 7302 Park Lane Road known as the Cypress Polo Club.

The Yee Property of approximately 56.6 acres is currently in use for agricultural row crop production and is provided access via State Road 7 (US-441) to the east. Originally purchased by the Yee family in 1984, the family has managed the property for agricultural row crop production for nearly four decades.

The additional land area included within the Subject Property includes four parcels comprising the Cypress Polo Club property of approximately 41.4 acres. The site is in use as a polo pitch with supporting accessory structures along the north property line and access via Park Lane Road to the west.

There are no records of previous approvals for any modification to the Managed Growth Tier or FLU designation of the subject property since the adoption of the 1989 Comprehensive Plan. However, a portion of the subject property, the Yee Property, is assigned County Control No. 1983-00017 with which the following Zoning approvals are associated. These approvals are specific to the initial development of the adjacent South Florida Trotting Center and do not appear



to grant any development rights or burden the Subject Property or its owners with any development obligations.

### **C. HERITAGE FARMS BACKGROUND**

The County introduced the Managed Growth Tier system into the Comprehensive Plan in 1999 to recognize the diversity of the County's various geographies and the development patterns most appropriate for the character of these areas. The County established several tiers to categorize the level of development in each region based on comparable densities, intensities, and public service availability. The Rural Tier, in which the Subject Property is located, was an area established to support five to ten acre residential lots along with agricultural and equestrian uses. Since the creation of the tier system, the development patterns throughout the County have continued to evolve as development at urban and suburban densities continued to move west. Today, urban and suburban levels of development extend from the Atlantic Ocean to State Road 7 and beyond. The Comprehensive Plan recognizes that the Rural Tier is "beginning to experience development pressure for urban densities and non-residential intensities." As such, it is necessary to implement and administer effective planning strategies to preserve and enhance the relationship of lands at the boundary of the Urban/Suburban and Rural tiers.

Heritage Farms is an unrecorded subdivision comprised of 172 parcels spanning approximately 1,300 acres. Beginning around 1958, three decades prior to the adoption of the County's Comprehensive Plan in 1989, a series of subdivisions began to create the neighborhood that exists as Heritage Farms today. At this time, parcels could be subdivided and developed at a density of up to one unit per 2.5 acres. With the adoption of the Comprehensive Plan in 1989, the County assigned the Rural Residential, 1 unit per 10 acres (RR-10) Future Land Use designation to the entirety of Heritage Farms, a four-fold reduction in permitted density. Today, almost half of the lots (85 of 172 parcels) within Heritage Farms are less than five acres in size. Conversely, nearly 50% of the land area of Heritage Farms is comprised of parcels greater than 25 acres in size with the majority of these parcels located on the eastern periphery of Heritage Farms and abutting State Road 7 which serves as the boundary of the Urban/Suburban Tier in this area.

Properties within Heritage Farms are primarily in use for residential and agricultural purposes as well as a number of vacant parcels. Agricultural uses include nurseries, pastures, row crop production, and equestrian uses at various scales. Three parcels with frontage on State Road 7 are designated with the Commercial Low FLU and the South Florida National Cemetery, accounting for 24% of the entire land area of Heritage Farms, occupies the majority of the neighborhood's frontage along State Road 7 from Lantana Road to Hypoluxo Road.

In 2001, the Board of County Commissioners (BCC) initiated a Comprehensive Plan text amendment to allow residential development under the Rural Residential, 1 unit per 5 acres (RR-5) FLU within an 11-acre portion of the Heritage Farms subdivision. During the transmittal hearing for this amendment, two members of the public spoke in opposition to the amendment in reference to the inclusion of Heritage Farms. In 2009, a member of the public requested that the BCC recognize the Heritage Farms community for its rural character and as a buffer for environmentally sensitive lands to the southwest through the creation of a Rural Protection Overlay. During the public outreach process in relation to this request, a significant number of residents expressed opposition and concerns over the additional limitations that would be imposed on property owners that may want to explore alternatives for future development of their property. As a result of the degree of opposition, the proposed amendment was withdrawn by the BCC on July 15, 2009.

More recently, on May 4, 2022, the BCC directed County Planning Division staff to begin planning efforts to create a neighborhood plan for Heritage Farms. There is not currently an approved or proposed neighborhood plan in place for Heritage Farms. However, on August 25, 2022, the BCC initiated a text amendment to the Comprehensive Plan to establish a Planning Overlay for the Heritage Farms neighborhood. This County-initiated text amendment drafted by County Planning Division staff through coordination with neighborhood residents and interested parties is intended to recognize and preserve the long-standing rural residential, agricultural, and equestrian character of the Heritage Farms area. The boundaries of the Heritage Farms Overlay proposed by the County includes the Subject Property but excludes comparable property immediately to the south which has historically been considered a part of Heritage Farms.

The County Planning Division has hosted multiple virtual and in-person workshop sessions to allow the community stakeholders an opportunity to discuss considerations and guide the creation of the Heritage Farms Overlay. Through these meetings, it is clear that property owners within Heritage Farms are not in agreement regarding the merits of the proposed overlay. A contingency of residents has expressed support for the overlay in an effort to maintain the rural character of their neighborhood while others have voiced opposition to the overlay due to concerns on additional regulations, obstacles to the development and use of property, and unfairness in the geographic application of the proposed overlay. Property owners in opposition to this County-initiated overlay have expressed concern that a blanket regulation is not appropriate considering the diverse nature of properties within the overlay area. Specifically, it is believed that large properties along the eastern and southern boundaries of Heritage Farms, where adjacent to State Road 7 and the boundary of the Urban/Suburban Tier, should allow for a more appropriate integration and transition of development patterns between tiers.

For example, the property immediately south of the Subject Property, historically known as the Trotting Center property, is currently the subject of multiple applications including a Privately-Initiated Comprehensive Plan Text Amendment proposing to create a distinct overlay for the site to allow for the development of a low-density residential subdivision at a density up to two dwelling units per acre. As a result of this application and proposed overlay, the County Planning Division has excluded this property from the concurrent planning efforts for the Heritage Farms Overlay. The applicant supports the concept that uniquely situated properties of appropriate size within Heritage Farms should be permitted to develop at a density above 1 unit per 10 acres; however, they believe it is most appropriate to consider the comprehensive implications of a planning overlay and its potential use throughout a community as opposed to a single property. As such, the proposed Heritage Farms Transitional Overlay, while limited to the Subject Property, may be the most effective planning tool for protecting the Heritage Farms community as a whole.

#### **D. WEST BOYTON AREA COMMUNITY PLAN**

A portion of Heritage Farms, including the Subject Property, is located within the West Boynton Area Community Plan (WBACP) formally recognized by the County in 1995. The WBACP was created to promote the community's goals as it relates to development patterns throughout the plan area. This plan is currently managed by the Coalition of Boynton West Residential Associations (COBWRA). Heritage Farms and the Subject Property are located within Sub-Area 2 of the WBACP and, despite general reference to the Heritage Farms neighborhood in relation to the Agricultural Reserve, the WBACP does not appear to include any specific recommendations regarding future development of the Heritage Farms neighborhood.

#### **E. PURPOSE**

Heritage Farms is bordered on the north and east by the Urban/Suburban Tier and to the south and west by the Agricultural Reserve Tier. When considering the municipal boundaries for the Village of Wellington, the Heritage Farms area can be seen as an isolated pocket within the Rural Tier wedged between the Urban/Suburban Tier and the Agricultural Reserve Tier. For this reason, it is logical to explore planning practices that would enable to preservation of the rural character of the Heritage Farms community and the continuation of equestrian and agricultural uses in this area. This can be accomplished while simultaneously integrating bordering properties with the adjacent urban and suburban levels of development through the development of residential uses at a low density in a manner that transitions from smaller to larger lots, effectively creating a transitional buffer for Heritage Farms neighborhood. The creation of the proposed overlay provides a mechanism to accomplish this transitional density and preserve the character of Heritage Farms without modifications to the Rural Tier.

The owners of the Subject Property recognize these ongoing planning efforts and are proposing this text amendment in order to assist in comprehensive planning efforts to establish the most appropriate planning overlay that would allow for development of the Subject Property in a manner that creates a buffer of transitional density within the southeastern portion of the Heritage Farms neighborhood. The applicant believes that the proposed Heritage Farms Transitional Overlay is the most appropriate planning tool to allow for residential development of property at an appropriate scale and location in a manner that integrates with the existing development pattern to the east while acting as a buffer of transitional residential density for the rural residential community to the northwest.

#### **F. SURROUNDING USES**

Below is a description of the uses on the adjacent properties (or those on the other side of abutting R-O-W's) to the north, south, east and west of the overall property.

- **North:** To the north of the Subject Property, various parcels ranging from five (5) to almost thirty (30) acres serve as a buffer between the Subject Property and Heritage Farms Road, a 110' roadway easement qualifying as a street as defined in the ULDC. Approximately 32 acres of property under common ownership comprises the largest parcel north of the site and comprises the land fronting State Road 7 from the norther project boundary to Heritage Farms Road. These remaining properties are developed with residences, pastureland, and nurseries.
- **South:** To the south of the Subject Property are three parcels included within the Trotting Center property which is the subject of a development application as described above.
- **East:** To the east of the Subject Property, across State Road 7 (US 441), is a portion of the Villages of Windsor PUD, a residential subdivision of 1,087 dwelling units. More specifically, Villages of Windsor Pods A and B are located directly east of the Subject Property which are developed with single-family and zero-lot-line units at densities of 2.97 and 3.41 dwelling units per acre, respectively.

- **West:** To the west of the Subject Property, across Park Lane Road, are several ten (10) acre parcels developed as single-family residences with accessory agricultural uses and two five (5) acre parcels in operation as a nursery.

Please see below table for a summary of the existing use, future land use, and zoning of adjacent properties.

Adjacent Lands	Use	Future Land Use	Zoning
North	Agriculture, Nursery, Residential, Vacant	RR-10	AR
South	Equestrian	RR-10	AR
East	Residential	LR-2	PUD
West	Nursery, Residential	RR-10	AR

## **G. CONSISTENCY**

### **G.1 – Justification: Text Amendment to Comprehensive Plan**

Pursuant to Policy 2.1-f of the FLUE of the PBC Plan, before approval of a text amendment to the Comprehensive Plan or a Future Land Use Atlas Amendment, the applicant shall provide an adequate justification for the proposed amendment. The applicant is requesting to designate the Subject Property with a planning overlay to allow residential development under the Low Residential, 2 dwelling units per acre (LR-2) FLU designation.

The proposed text amendment meets the required standard as follows:

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

**Applicant's Response:** The proposed Heritage Farms Transitional Overlay will allow for the development of the Subject Property with a low density residential subdivision providing for a range of lot size up to one-half (0.5) acre lots located along the western portion of the site to create a transition of density. The proposed residential use is both suitable and appropriate for the Subject Property.

#### **2) There is a basis for the proposed amendment for the particular site based upon on or more of the following;**

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

**Applicant's Response:** The Comprehensive Plan recognizes the Rural Tier has begun "to experience development pressure for urban densities and non-residential intensities". Since 2001, there have been multiple attempts to consider increased densities within Heritage Farms by both the County and property owners that have been met with hesitation or opposition from other property owners within the neighborhood on the grounds of preserving the existing rural character of the community. The applicant recognizes the varied perspectives of property owners within Heritage Farms and the previous planning efforts in relation to the neighborhood.

The applicant seeks to play a role in creating the most appropriate planning mechanism to effectuate a logical transition of residential density at the westward boundary of the Urban/Suburban Tier. Properties at the eastern border of Heritage Farms lie on the boundary of the Rural and Urban/Suburban tiers. With access and infrastructure from State Road 7, these properties are uniquely situated to allow development of residential subdivisions in a manner that locates smaller lots to the east with increasing lot size moving westward towards the interior of Heritage Farms. Transitional density in addition to expanded landscape buffer requirements will effectively create a developed, residential buffer for Heritage Farms. In this way, the long-range land use of the Subject Property becomes defined and its development closely regulated under a specifically planned design requirements serving to preserve the rural character of the Heritage Farms community.

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

**Applicant's Response:** The characteristics of the western area of the County within and surrounding this part of the Rural Tier and Heritage Farms, in particular, have continued to evolve over the last few decades. A large amount of previously farmed lands within the County have since been converted for the development of urban and suburban levels of density and intensity. Areas that were previously undeveloped or farm lands have seen development of sufficient density to support the creation of multiple municipalities that are primarily or entirely located west of State Road 7. This westward expansion of development has been facilitated by the concurrent provision of public facilities and infrastructure necessary to accommodate urban and suburban levels of development. As such, sufficient infrastructure exists adjacent to the eastern boundary of Heritage Farms and the Subject Property to connect to public services capable of servicing a low density residential subdivision as contemplated by the proposed text amendment. A residential community designed under the proposed text amendment would provide direct access to State Road 7 (US 441) and connect to existing infrastructure available within the State Road 7 corridor to make the highest and best use of the Subject Property and existing public facilities serving properties in this area.

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

**Applicant's Response:** Since this approval, we have seen substantial changes in consumer patterns and market conditions across the County, region, and country. These changes have resulted in a continued increase in residential housing demand for a variety of housing options. Coupled with a decrease in the productivity and viability of agricultural operation in the County, many property owners, especially those with parcels large enough for master planned development, have begun to contemplate their property's role in the future development of the County. These changes have prompted a reconsideration of the highest and best use for countless properties across the County, including the Subject Property. Based on a variety of factors as described throughout this justification, a residential community developed under the proposed Heritage Farms Transitional



Overlay is believed to be the highest and best use to serve the needs of the current and future residents of the County. More specifically, the proposed text amendment creates a framework to allow for the development of appropriately sized and located property within Heritage Farms with transitional density and expanded landscape buffers which serves to address the current County-wide housing crisis and looks forward to protect the rural character of the interior portion of Heritage Farms.

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

**Applicant's Response:** The adopted FLU designation is not inappropriate for the Subject Property; however, it is not the most appropriate FLU designation for the implementation of development regulations that will serve the intent of preserving the rural character of the Heritage Farms community from the expansion of urban levels of development. The Heritage Farms community benefits from the creation of a planning overlay which allows for low-density residential development with transitional density and substantial buffers for uniquely situated properties of sufficient size at the boundary of the community.

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

**Applicant's Response:** The adopted FLU designation was not assigned in error. The County's Rural Residential, 1 unit per 10 acres (RR-10) FLU designation allows for a range of agricultural and equestrian uses that exist on the Subject Property today. However, the FLU designation no longer accounts for the highest and best use of the Subject Property in the long-range planning horizon. Recognizing the unique rural character of the Heritage Farms neighborhood and the residents' desire to preserve this character, a planning mechanism that allows for low-density residential development in a transitional manner at the border of the Rural and Urban/Suburban tiers will work to define a more logical future land use and development pattern for the neighborhood as a whole. The resulting development pattern is one that naturally transitions from smaller lots in the east to larger lots and then to more rural densities of existing residential lots within the interior western portions of Heritage Farms. This is expected to allow for a complete development pattern through the area which appropriately addresses a transition from the Urban/Suburban Tier to the Rural Tier in this area.

## **G.2 Residential Density Increases**

Per Future Land Use Policy 2.4-b the proposed amendment meets the required factors to justify this request as the appropriate method for increasing density on the Subject Property as described below.

**1. Justify and demonstrate a need for a Future Land Use Atlas (FLUA) Amendment, and:**

**Applicant's Response:** The Subject Property is located within the southern portion of the Rural Tier in which the maximum density permitted is 1 unit per 5 acres under the RR-5 FLU designation. Further, no bonus density programs such as the Transfer of Development Rights (TDR) or Workforce Housing Program (WHP) are permitted to be utilized for development within the Rural Tier. As such, a FLUA Amendment is the necessary mechanism to increase the

residential density to allow for the proposed level of development. Since 2012, the County has allowed property owners to propose privately initiated text amendments to the Comprehensive Plan when necessary to address a specific planning function in relation to unique properties or circumstances.

The proposed text amendment recognizes the unique nature of the Heritage Farms community and the need for a planning mechanism that will aid in protecting the rural character of the neighborhood without restricting the rights of property owners and allow for a more appropriate transition of development from urban and suburban levels of density and intensity east of State Road 7 to the more rural level of development on properties within the interior western portion of Heritage Farms. The proposed Heritage Farms Transitional Overlay would allow the applicant to request a concurrent FLUA Amendment for the Subject Property and develop a low density master planned community under the LR-2 FLU. The use of the proposed planning overlay ensures that specific location and minimum size criteria limit the availability of this development option to appropriately sized and situated properties within the eastern boundary of Heritage Farms. Further, the use of the planning overlay allows the Subject Property to remain within the Rural Tier while connecting to available public services at the boundary of the Urban/Suburban Tier. In this way, the proposed planning overlay and a subsequent FLUA Amendment is the most appropriate planning mechanism to pursue an increase in residential density on the Subject Property.

## **2. Demonstrate that the current FLUA designation is inappropriate, or**

**Applicant's Response:** The adopted RR-10 FLU designation is not inappropriate for the existing use of the Subject Property; however, it is not the most appropriate FLU designation for the implementation of development regulations that will serve the intent of preserving the rural character of the Heritage Farms community from the expansion of urban levels of development. The Heritage Farms community benefits from the creation of a planning overlay which allows for low-density residential development with transitional density and substantial buffers for uniquely situated properties of sufficient size at the boundary of the community.

## **3. Explain why the Transfer of Development Rights, Workforce Housing, and/or Affordable Housing Programs cannot be utilized to increase density.**

**Applicant's Response:** The Subject Property is located within the southern portion of the Rural Tier in which the maximum density permitted is 1 unit per 5 acres under the RR-5 FLU designation. Further, no bonus density programs such as the Transfer of Development Rights (TDR), Workforce Housing Program (WHP) or Affordable Housing Program (AHP) are permitted to be utilized for development within the Rural Tier.

### **G.3 - Compatibility**

Compatibility is defined in the County's Unified Land Development code as: *"Land uses that are congruous, similar and in harmony with one another because they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar, contradictory, incongruous, or discordant activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise, vibration, smoke, hazardous odors, radiation, function and other land use conditions."*

**Applicant's Response:** Based on this definition and accepted planning principles, the proposed text amendment will create a planning overlay with the purpose of regulating the development of property to most appropriately create contextual and compatible development at the boundary of the Urban/Suburban and Rural tiers. The use of the LR-2 FLU designation in combination with requirements for transitioning from smaller to larger lots and expanded landscape buffering will guide the design of a highly compatible development of the Subject Property. More specifically, the proposed Heritage Farms Transitional Overlay includes the following provision to ensure the highest level of compatibility.

- Boundary for the availability of the overlay limited to the Subject Property;
- Concurrent processing of a zoning application and master plan for any property seeking to utilize the LR-2 FLU;
- Minimum acreage for development of 95 acres;
- Maximum density to 2 units per acre and prohibits the use of bonus density programs;
- Location criteria including a requirement for frontage and access to State Road 7, adjacency to the Urban/Suburban Tier boundary, and position east of Park Lane Road;
- Design features requiring the smallest lots to be located closest to State Road 7 and the largest lots located towards the western property line closest to existing residences;
- Design feature requiring a minimum of 20% of the land area to be comprised of lots that are a minimum of 0.5 acres;
- Expanded buffer requirements specifying a minimum 50-foot buffer along the entire west property line and where abutting lots developed with existing single-family homes and a minimum 30-foot buffer for portions of the property line where not abutting existing residences;
- Landscape buffer requirement for all vegetation within buffers to consist of 100% native species;
- Access restriction requiring all access, including emergency vehicle access, to driveways connecting to State Road 7 only;
- Specification to connect to County water and sewer infrastructure available within the State Road 7 right-of-way.

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

The proposed amendment furthers several Goals of the Comprehensive Plan and is consistent with several Objectives and Policies. The following analysis is provided to demonstrate consistency with specific objectives and policies in the Plan.

#### **• C. County Directions**

**Applicant's Response:** The County Directions in the Future Land Use Element provide the basis for the Goals, Objectives and Policies in the Plan. The County Directions recognize the need for infill redevelopment to occur and that it should be informed by growth management principles to encourage livable communities, neighborhood integrity, housing opportunities, and a strong sense of integrity while maintaining land use compatibility and level of service standards. Allowing for the proposed text amendment will result in the efficient use of land and existing public facilities and services currently available to the Subject Property. The residential use, guided by development regulations specified within this proposed planning overlay, will result in a compatible redevelopment of the Subject Property that contributes toward maintaining a livable community with neighborhood integrity for the larger Heritage Farms community. The proposed overlay

does not encourage suburban development within the Rural Tier but recognizes the unique nature of the Heritage Farms neighborhood and the Subject Property, in particular, which requires an added layer of planning considerations as proposed by this overlay. Several of the County's Comprehensive Plan Directions support the proposed amendment, specifically Livable Communities; Growth Management; Infill, Redevelopment and Revitalization; Land Use Compatibility; Neighborhood Integrity; Housing Opportunity; Design; and a Strong Sense of Community.

- D. Characteristics of a Livable Community

**Applicant's Response:** The Comprehensive Plan describes the concept of a Livable Community which contributes to sustainability and a high quality of life for the residents. Heritage Farms, by all accounts, is a Livable Community with a rural character that deserves recognition and respect as a uniquely situated pocket of rural development in this area of the County. The proposed planning overlay will create a path to allow for development along the eastern boundary of the Heritage Farms community to create an appropriate transition from the higher density of development seen east of State Road 7 to the rural densities found within the interior western portions of Heritage Farms.

The proposed overlay will not only contribute to protecting the Heritage Farms community by creating a higher degree of certainty for property with access to infrastructure capable of serving a low density residential community. The overlay would also allow for the creation of a compatible community within the Subject Property that exhibits the representative characteristics of a livable community including a central neighborhood focal point in the form of a shared recreation center, proximity to a variety of potential employment opportunities, and convenient location relative to civic uses such as schools, places of worship, libraries, parks, and government services. In support of the County's Directions for livable communities, the proposed text amendment seeks to facilitate the creation of a planning mechanism that will protect the community character of the larger Heritage Farms neighborhood by allowing for the development of the Subject Property with a unique neighborhood of transitional density under the LR-2 FLU designation to create a contextual buffer at the border of the Urban/Suburban and Rural tiers.

- **FLUE Goal 1 Strategic Planning**

**Objective 1.1 Managed Growth Tier System:**

1. Ensure sufficient land, facilities and services are available to maintain a variety of housing and lifestyle choices, including urban, suburban, exurban, and rural living;
2. Accommodate future growth but prohibit further urban sprawl by requiring the use of compact forms of sustainable development;
3. Enhance existing communities to improve or maintain livability, character, mobility, and identity;
4. Facilitate and support infill development and revitalization and redevelopment activity through coordinated service delivery and infrastructure upgrades;

**Applicant's Response:** The proposed text amendment is an appropriate mechanism to address the development of uniquely situated properties of sufficient size located on the

boundary of the Urban/Suburban Tier. Such properties are adjacent to urban and suburban levels of development and may have access onto major arterial or collector roads and access to public facilities available to support urban and suburban levels of development. These properties are attractive for their potential to be developed as master planned communities; however, these properties must be addressed sensitively as they serve an important role at the boundary of two managed growth system tiers. As such, specific planning mechanisms may be necessary to adequately account for the unique circumstances of such properties.

The Heritage Farms Transitional Overlay supports all components of Objective 1.1 listed above as it will work to:

1. Recognize and designate the Heritage Farms community as an area with a unique identity worthy of protection through comprehensive planning practices;
2. Accommodate future growth by providing additional homes in an area between properties developed at urban and suburban densities and existing lots developed with rural densities and accessory agricultural uses;
3. Enhance the livability and preserve the character of the Heritage Farms community by creating an effective buffer from more impactful development to the east;
4. Facilitate the infill development of a property with access to an arterial roadway and public facilities with sufficient capacity to accommodate the proposed level of development.

- **FLUA Objective 1.4 Rural Tier**

**Policy 1.4-a:** The County shall protect and maintain the rural residential, equestrian and agricultural areas within the Rural Tier by:

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

**Applicant's Response:** The proposed Heritage Farms Transitional Overlay works to support all elements of Policy 1.4-a through the creation of a planning mechanism uniquely designed to accommodate the Heritage Farms community. First, the proposed overlay seeks to contribute to the preservation of the rural character by creating a residential buffer between the more rural and agricultural aspects of the community and the urban/suburban development across State Road 7. Second, public facilities and services are available to the Subject Property to allow for development of a low density residential subdivision. Third, the development of the Subject Property would not result in any loss of natural resources. Finally, the development of a residential community with transitional density and substantial landscape buffers will ensure a high degree of compatibility by creating a transition of scale and density.

- **FLUE Goal 2 Land Planning:**



It is the GOAL of Palm Beach County to create and maintain livable communities, promote the quality of life, provide for a distribution of land uses of various types, and at a range of densities and intensities, and to balance the physical, social, cultural, environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and improves the quality of the natural and manmade environment, respects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities and services.

**Applicant's Response:** The Subject Property is located adjacent to State Road 7 where public facilities and services are available to serve the proposed development and currently serve residential subdivisions east of State Road 7. The location of the Subject Property along a major arterial where public facilities already exist will ensure the timely and cost-effective provision of services the proposed development without the need to expand County infrastructure further west or into the Rural Tier. Further, the site lies on the boundary of the Urban/Suburban Tier and the Rural Tier which creates a unique circumstance and a need to address the provision of transitional density to effectively address this tier boundary. The development of the site under the proposed planning overlay will better position the County to allow for compatible development in a manner to protect and preserve the livability and character of existing communities while acknowledging the need for additional housing opportunities.

- **FLUE Policy 2.1-a:** Future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area and shall also not underutilize the existing or planned capacities of urban services.

**Applicant's Response:** The Subject Property is adjacent to and able to connect to all necessary urban services including, but not limited to, the roadway network, water/wastewater, drainage facilities, and emergency services. Existing infrastructure within State Road 7 provides the necessary capacity to develop the Subject Property at a higher density than would be permitted under the proposed planning overlay. However, the proposed overlay accounts for the compatible integration of the Subject Property as transitional development from urban to rural density. Therefore, the proposed text amendment and resulting low density residential community would not exceed the manmade constraints of the site and would allow for more efficient utilization of existing service capacities.

- **FLUE Policy 2.1-f:** The following will detail the impact of the proposed FLUA on the items listed:

1. The natural environment, including topography, soils and other natural resources;

**Applicant's Response:** The creation of a planning overlay that allows for property along the periphery of the Heritage Farms community is expected to be the most effective planning mechanism to preserve the character and natural resources within the area. By allowing property along with tier boundary to develop with an appropriate transitional density including substantial buffers, the remainder of the community is more reasonably insulated from encroaching development pressure. The Subject Property was previously cleared and has long been used for agricultural operations in the form of row crop production and recreation as polo fields. A small pocket of wetlands exists in the along the north property line that would be maintained and incorporated into the expanded buffer. Otherwise, the Subject Property is clear of environmentally sensitive lands and

natural habitats. The minimal wetlands, relatively flat land, and previous uses are key factors lending towards the viability of the Subject Property for a residential development. The development of this site, with significant landscape improvements and an emphasis on compatibility with surrounding properties, along with improvements in water quality, will serve to maintain the surrounding natural and built environment. Based on this assessment, there are no significant environmental resources or habitat existing on the property that would be negatively impacted by the proposed amendment.

2. The availability of facilities and services;

**Applicant's Response:** Below is more detailed information on each of those facilities and services:

- *Traffic:* Please refer to the Traffic Study submitted on September 30, 2022 by JFO Group, Inc. for details on the traffic generation, distribution, etc.
- *Mass Transit:* There are no Palm Tran routes directly serving the Subject Property but the Palm Tran Bus Route that runs nearest to this property is Route 73 – BYB X-TOWN via BOYNTON BEACH with the closest stop located approximately 3 miles southeast of the Subject Property at Bethesda West Hospital on Boynton Beach Boulevard.
- *Potable Water and Wastewater:* Additional documentation verifying the availability of potable water and wastewater services will be provided with the concurrent FLUA Amendment following initiation of this text amendment.
- *Drainage:* The drainage provider for this area is both the South Florida Water Management District (SFWMD) and the Lake Worth Drainage District (LWDD). The site is located within the C-51 drainage basin and additional documentation regarding the legal positive outfall will be provided with the concurrent FLUA Amendment following initiation of this text amendment.
- *Fire Rescue:* The nearest PBC Fire Rescue station is Station #48 located at 8560 Hypoluxo Road. Station #48 is located approximately 1.75 miles from the Subject Property. Additional documentation from PBC Fire Rescue verifying the above information will be provided with the concurrent FLUA Amendment following initiation of this text amendment.
- *School:* A SCAD letter from the School District of Palm Beach County verifying the assigned schools and associated capacity will be provided with the concurrent FLUA Amendment following initiation of this text amendment.
- *Parks and Recreation:* The addition of units does not negatively impact the Palm Beach County level of service for parks and recreation as adequate parks land area and amenities already exist to serve the additional units.

3. The adjacent and surrounding development;

**Applicant's Response:** The proposed text amendment and resulting residential development is compatible with surrounding properties and consistent with existing land use designations along this portion of the State Road 7 corridor. The transitional density requirements and enhances landscape buffer requirements will ensure the resulting development is compatible with the adjacent properties. Please refer to Section G.3 - Compatibility and Surrounding Uses above.

4. The future land use balance;

**Applicant's Response:** The proposed addition of residential density at the Subject Property will not impact the area's future land use balance as the proposed overlay

contains specific restrictions on the size, location, access requirements, and provision of services that would allow for a property to qualify for development under this overlay. The proposed overlay acts to more appropriately balance conflicting development patterns between the Urban/Suburban Tier and the Rural Tier by creating a transition of density and character for a comprehensive balance of land use and development patterns in this area.

5. The prevention of urban sprawl as defined by 163.3164(51), F.S.;

**Applicant's Response:** The proposed text amendment will prevent urban sprawl as it will allow for the redevelopment of an underutilized property located at the boundary of the Urban/Suburban and Rural tiers. Further, the intention of the proposed overlay is to designate uniquely situated property of sufficient size that is appropriate for the development of a low density residential subdivision in a manner that provides a transition of density and creates a natural tapering of density from the east to west. This natural progression of decreasing density is believed to be a more appropriate planning mechanism and results in a more compatible pattern of development than maintaining a hard line distinction between the development of properties on either side of a managed growth tier boundary. Allowing for the redevelopment of a suitably sized parcel on the boundary of Rural Tier will contribute to the preservation of lands further west within the Rural Tier. The development of a low-density residential community at this location will place residents in close proximity to various services, recreation areas, and employment opportunities to result in a better relationship between land use and transportation patterns.

6. Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and

**Applicant's Response:** A portion of Heritage Farms, including the Subject Property, is located within the West Boynton Area Community Plan (WBACP) formally recognized by the County in 1995. The WBACP was created to promote the community's goals as it relates to development patterns throughout the plan area. This plan is currently managed by the Coalition of Boynton West Residential Associations (COBWRA). Heritage Farms and the Subject Property are located within Sub-Area 2 of the WBACP and, despite general reference to the Heritage Farms neighborhood in relation to the Agricultural Reserve, the WBACP does not appear to include any specific recommendations regarding future development of the Heritage Farms neighborhood. The applicant is coordinating closely with various representatives of the Heritage Farms community that have long been involved in planning efforts for the neighborhood.

7. Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1.

**Applicant's Response:** The Subject Property is not located adjacent to any municipality; however, the applicant and their consultants will coordinate with the County's Fire Department, Water Utilities District, and Historical Resources Section. Further, the applicant recognizes the application will be reviewed by the Treasure Coast Regional Planning Council (TCRPC) as well as the Intergovernmental Plan Amendment Review Committee (IPARC).

- **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.

**Applicant's Response:** As described above, the proposed planning overlay is justified and supports a variety of County Directions and Comprehensive Plan policies. The resulting development will accommodate the growing population of the County by providing additional housing options available to families at a variety of income levels while preserving the character and livability of the existing Heritage Farms community.

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

**Applicant's Response:** The proposed Heritage Farms Transitional Overlay is a comprehensive planning mechanism crafted based on a consideration of the Subject Property in the context of the larger Heritage Farms community. The intention of the proposed overlay is to recognize the Heritage Farms community for its unique character and location within an isolated pocket of the Rural Tier while simultaneously recognizing the unique location and size of the Subject Property to serve as a logical buffer of transitional development creating a cohesive development pattern between the Urban/Suburban and Rural tiers. The resulting development will not encourage piecemeal development, but a full utilization of available services at the Subject Property in a manner that respects the inclusion of the site in a larger community. The proposed overlay establishes a framework to address such uniquely situated property of sufficient size and characteristics that would serve as effective transitional developments.

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

Please consider the following responses demonstrating consistency with Chapter 163.3177, F.S.

- **F.S., Section 163.3177.6(a)8:** Future land use map amendments shall be based upon the following analysis:
  - a. An analysis of the availability of facilities and services.

**Applicant's Response:** Supporting data and analysis demonstrating the availability of facilities and services will be provided with a FLUA Amendment application in Application Attachments H (Traffic Study), I (Water and Wastewater Service Letter), J (Drainage Statement), and K (Fire Rescue Letter) to be submitted following initiation of this text amendment.

- b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.

**Applicant's Response:** Supporting data and analysis demonstrating the proposed use is suitable based on the character of the Subject Property will be provided with a FLUA Amendment application in Application Attachments F (Built Features Inventory & Map), J (Drainage Statement), L (Natural Features Inventory & Map), M (Wellfield Zone Statement & Map), and N (Historic Resource Evaluation Letter) to be submitted following initiation of this text amendment.

- c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.

**Applicant's Response:** The proposed overlay includes a minimum acreage of development at 95 acres. It is believed that properties under this size may not be capable of providing the necessary enhanced landscape buffers or appropriate transition of density to effectively serve as transitional buffers between the tiers. The Subject Property is a contiguous site of approximately 96.91 acres. There will be a concurrent zoning application which will serve to support the premise that this acreage is the minimum amount of land needed to ensure the Subject Property may be efficiently developed with a transitional residential community under the LR-2 FLU designation and prevent residual parcels or piecemeal development.

- **F.S., Section 163.3177.6(a).9:** The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.
  - a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:
    - (I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

**Applicant's Response:** The proposed planning overlay would allow single-use residential development in an already developed area of the County which would further the goal of locating urban/suburban levels of density outside of the Agricultural Reserve Tier.

- (II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

**Applicant's Response:** The Subject Property is located within the Rural Tier but abuts the boundary of the tier with the Urban/Suburban Tier. Despite the proximity to properties developed at a rural density to the west and north, properties to the east are largely developed at suburban densities with urban services and facilities. County services are provided along State Road 7 (US 441) in this area of the County in order to serve a residential development within the Subject Property. The proposed planning overlay would allow for limited levels of transitional suburban development within a rural area of the County in order to more adequately buffer and preserve a rural development pattern through the interior of Heritage Farms.

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

**Applicant's Response:** The Subject Property is not isolated and this amendment will not alter the development pattern of the surrounding area. Rather, the planning overlay would serve to fill a gap in the comprehensive planning considerations for properties which sit on the boundary of the Urban/Suburban and Rural tier in this portion of the County. The development of the Subject Property as made possible by this request will allow for the implementation of a transitional development pattern between the Urban/Suburban and Rural tiers to adequately protect the existing rural development pattern within the interior of the Heritage Farms community.

- (IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

**Applicant's Response:** The proposed text amendment does not fail to adequately protect and conserve natural resources as it does not exempt development using the planning overlay from any of the existing provisions within the Comprehensive Plan or Unified Land Development Code (ULDC) requiring the analysis, preservation, and protection of natural resources. Further, the enhanced buffer requirements with native landscaping will serve to maintain significant native vegetation on the site and allow for buffering to avoid any impacts to natural resources that may exist on adjacent properties.

- (V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

**Applicant's Response:** While a portion of the Subject Property was previously utilized for the production of row crops, the site is not designated as a preserve parcel or restricted by a conservation easement. There are no preserve parcels or environmentally sensitive lands abutting the Subject Property or within Heritage Farms. The proposed text amendment is expected to have a positive impact on the continuation of agricultural activities in Heritage Farms by creating an effective buffer of transitional residential units and substantial landscaping. The creation of this buffer development is expected to insulate the interior lots of the Heritage Farms community, which are engaged in minor agricultural operations, from the potential encroachment of higher density development for the long range planning horizon.

- (VI) Fails to maximize use of existing public facilities and services.

**Applicant's Response:** Various letters of determination will be provided as attachments to a concurrent FLUA amendment application to verify the availability and capacity of existing public facilities and services.

- (VII) Fails to maximize use of future public facilities and services.

**Applicant's Response:** Various letters of determination will be provided as attachments to a concurrent FLUA amendment application to verify the availability and capacity of existing public facilities and services.

- (VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement,

education, health care, fire and emergency response, and general government.

**Applicant's Response:** Public facilities and services are currently available to the Subject Property and surrounding area and the proposed planning overlay would not increase the cost in time, money, or energy for providing and maintaining these facilities and services. In fact, the ability to develop the Subject Property with a connection to existing infrastructure represents a more efficient use of existing public facilities in the area.

(IX) Fails to provide a clear separation between rural and urban uses.

**Applicant's Response:** The intent of the proposed overlay is to establish a more appropriate method for addressing the transition between rural and urban uses that occurs at the boundary of the managed growth system tiers. The applicant is proposing that a planning overlay requiring a transition of density from smaller lots where closest to the Urban/Suburban Tier with the largest lots closest to existing rural lots will result in the most desirable relationship between rural and urban uses. This planning strategy allows the County to regulate the location, size, and design character of proposed transitional development to ensure the highest level of compatibility and a logical transition of development intensity for the Heritage Farms community.

(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

**Applicant's Response:** The residential development of the Subject Property under the provisions of the proposed planning overlay could be considered infill redevelopment as properties to the east are developed with urban/suburban density and properties on all other sides are developed in accordance with the Rural Tier. The location is ideal for the development of a transitional residential community providing additional housing options in the County while serving to create a buffer between rural development and higher density development to the east.

(XI) Fails to encourage a functional mix of uses.

**Applicant's Response:** The approval of the requested land use change would further the goal of providing a mix of housing types within the County and, more specifically, a range of housing options in this area of the County.

(XII) Results in poor accessibility among linked or related land uses.

**Applicant's Response:** The proposed FLUA change and resulting development will not diminish the accessibility of surrounding properties.

(XIII) Results in the loss of significant amounts of functional open space.

**Applicant's Response:** The Subject Property is not currently utilized as functional open space and so no loss will occur with the approval of the proposed text amendment and subsequently development applications. In fact, with the open space expected to be provided within the residential community, the proposal discourages sprawl by creating functional open space where none exists.

- **F.S., Section 163.3177.6.(a).9:** The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.

- b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

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

**Applicant's Response:** The proposed amendment seeks to establish a planning mechanism that would guide the redevelopment of a uniquely situated property that has been cleared of natural resources and is located outside of a wellfield protection zone. As such, proposed text amendment and resulting development of the Subject Property would not have an adverse impact on natural resources or ecosystems. The applicant will abide by County ULDC provisions with respect to addressing existing plant materials through the zoning approval process. The proposed overlay contains provisions requiring the use of 100% native vegetation through the enhanced landscape buffers which further contributes to the beneficial nature of the proposed amendment.

- (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

**Applicant's Response:** The proposed planning overlay will allow for efficient use of existing public facilities and services available to the site along the State Road 7 corridor. The Subject Property is located on the boundary of the Urban/Suburban and Rural tiers along an area of existing development to the east and would not require the extension of public facilities or services into a rural area of the County.

- (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

**Applicant's Response:** The development resulting from the proposed text amendment will result in a community design that creates a walkable and connected neighborhood through internal sidewalks and usable open spaces. The proposed amendment would also serve to improve the function of existing roadways within Heritage Farms by directing all traffic through access to State Road 7 and not through the community.

- (IV) Promotes conservation of water and energy.

**Applicant's Response:** The development plan for the Subject Property will promote the conservation of water through stormwater management.

- (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

**Applicant's Response:** The amendment does not fail to protect adjacent agricultural areas. A small wetland along the north property line would be preserved in the course of site development. Residential development of the Subject Property using a transitional density would lend towards increasing the housing supply within the County without impacting agricultural lands within the Agricultural Reserve Tier or existing rural residences to the west and north. The development



would serve as a transitional buffer for these uses which would prevent the encroachment of higher density uses in the future. Therefore, the proposal discourages the proliferation of urban sprawl and preserves agricultural areas in the Heritage Farms community.

- (VI) Preserves open space and natural lands and provides for public open space and recreation needs.

**Applicant's Response:** The Subject Property is not utilized as functional open space and features no natural lands with the exception of a small pocket of wetlands to be preserved. The development of a residential community with enhanced landscape buffers and the required recreation areas will provide for adequate public open space within the community, thereby discouraging the proliferation of urban sprawl. The design requirements for the proposed overlay result in a considerable portion of larger lots, particularly where closest to existing properties in Heritage Farms, which would include substantial private open space within each lot. Further, these residences would be located in close proximity to County-owned Park facilities. The proposed overlay will serve to encourage the preservation and creation of appropriate open space and natural lands to satisfy the needs of future residents and the Heritage Farms community.

- (VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

**Applicant's Response:** The proposed amendment will introduce a residential community of transitional density that would be adequately served by the existing non-residential services provided in the surrounding area. The proposed overlay would create a more balanced and logical transition of residential density from the Urban/Suburban to Rural tier.

- (VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

**Applicant's Response:** The proposed planning overlay will allow residential development of a property at the boundary of the Urban/Suburban and Rural tiers at a transitional density appropriate to create a natural progression of suburban to rural development pattern. The change will designate a suitable property with the residential density necessary to provide additional housing options in the southern portion of the County while creating a buffer to preserve the rural character of the interior of the Heritage Farms community.

## **H. CONCLUSION**

The information presented within this justification narrative and the supporting materials included with this application serve to support the request for a Comprehensive Plan Text and Map Amendment to allow for the development of the Subject Property with a higher density of residential development comparable to the proposed development of the adjacent property utilizing the same regulatory mechanisms of the Planning Overlay and inclusion within the LUSA. The development of the Subject Property with a transitional density of residential units will serve as a buffer tying together the development pattern along this portion of the State Road 7 corridor and preventing further encroachment of development into the rural residential or agricultural lands within Heritage Farms. The requested amendments and proposed level of development are

justified and consistent with the County's Plan, State Statutes, and surrounding development as described herein.

In conclusion, the property owners, applicant, and agent believe the justification contained herein demonstrates the requested Text Amendment is justified, consistent with the Plan and state statutes, and improves the sites compatibility with the surrounding uses. On behalf of the property owners and applicant, UDS, respectfully requests approval of this request for a text amendment to the Comprehensive Plan to designate the Subject Property as the Heritage Farms Transitional Overlay. The Project Managers at UDS are Ken Tuma, [KTuma@udsflorida.com](mailto:KTuma@udsflorida.com), and Tyler Woolsey, [TWoolsey@udsflorida.com](mailto:TWoolsey@udsflorida.com).

# Exhibit 3

## Applicant's 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 Himee Carlson, 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 ☒ Director of Land Development [position—e.g., president, partner, trustee] of DiVosta Homes, L.P. [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: 3350 Peachtree Road Northeast,  
Suite 150,  
Atlanta, GA 30326
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.

Aimee Carlson  
Aimee Carlson, Affiant  
(Print Affiant Name)  
Director of Land Development  
DIVISTA HOMES, LP

NOTARY PUBLIC INFORMATION:

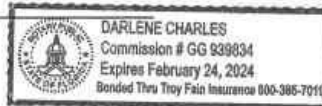
STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or  
[ ] online notarization, this 25 day of October, 2022, by  
Aimee Carlson (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).

\_\_\_\_\_  
(Name - type, stamp or print clearly)

Darlene Charles  
(Signature)

My Commission Expires on:



**EXHIBIT "A"****PROPERTY****LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, BEING ALL OF TRACTS 76, 78 AND A PORTION OF TRACTS 75 AND 80 OF THE UNRECORDED PLAT OF HERITAGE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 15'28" EAST ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 12, A DISTANCE OF 1,283.97 FEET; THENCE SOUTH 89 DEGREES 03'29" WEST, A DISTANCE OF 1,332.10 FEET; THENCE SOUTH 00 DEGREES 25'52" EAST A DISTANCE OF 1,304.45 FEET; THENCE SOUTH 89 DEGREES 31'54" EAST, A DISTANCE OF 1,328.14 FEET TO THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12; THENCE NORTH 00 DEGREES 15'26" WEST ALONG SAID NORTH-SOUTH 1/4 LINE, A DISTANCE OF 1,315.47 FEET TO THE POINT OF BEGINNING.

BEING ONE AND THE SAME PARCEL AS:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, BEING ALL OF TRACTS 76, 78 AND A PORTION OF TRACTS 75 AND 80 OF THE UNRECORDED PLAT OF HERITAGE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 15'28" EAST ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 12, A DISTANCE OF 1,283.97 FEET; TO THE POINT OF BEGINNING, THENCE SOUTH 89 DEGREES 03'29" WEST, A DISTANCE OF 1,332.10 FEET; THENCE SOUTH 00 DEGREES 25'52" EAST A DISTANCE OF 1,304.45 FEET; THENCE SOUTH 89 DEGREES 31'54" EAST, A DISTANCE OF 1,328.14 FEET TO THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12; THENCE NORTH 00 DEGREES 15'26" (DEED) NORTH 15'24" (MEASURED) WEST ALONG SAID NORTH-SOUTH 1/4 LINE, A DISTANCE OF 1,315.47 (DEED) 1337.18 (MEASURED) FEET TO THE POINT OF BEGINNING.

LAND HEREON CONTAINS 1,742,464 SQFT (40.001 ACRES) MORE OR LESS AND IS SITUATED IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST IN PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACTS 11 THROUGH 16, BLOCK 44, PALM BEACH FARMS COMPANY'S PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 53, INCLUSIVE, ON FILE IN THE PUBLIC RECORDS OF THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT RIGHT OF WAY FOR STATE ROAD 7 DESCRIBED AS FOLLOWS:

THAT PART OF TRACT 16, BLOCK 44, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISC MARKING THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE NORTH 89°05'04" EAST, A DISTANCE OF 1.716 METERS (5.63 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2525; THENCE NORTH 00°54'56" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 177.026 METERS (580.79 FEET); THENCE NORTH 00°39'09" WEST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 671.71 METERS (2,203.77 FEET); THENCE SOUTH 89°20'51" WEST ALONG A LINE AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441) AND THE POINT OF BEGINNING; THENCE SOUTH 88°11'37" WEST, A DISTANCE OF 48.169 METERS (158.03 FEET); THENCE NORTH 00°39'09" WEST, A DISTANCE OF 201.296 METERS (660.42 FEET) TO A POINT ON THE NORTH LINE OF SAID TRACT 16; THENCE NORTH 88°14'04" EAST ALONG SAID NORTH LINE, A DISTANCE OF 48.168 METERS (158.03 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441); THENCE SOUTH 00°39'09" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 201.261 METERS (660.31 FEET) TO THE POINT OF BEGINNING.

CONTAINING 2,479,131.92 SQUARE FEET/56.913 ACRES MORE OR LESS.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING A TOTAL 4,221,595.92 SQUARE FEET (96.914 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**

DiVosta Homes, L.P. is an entity of PulteGroup, Inc. which is a publicly  
traded company registered with the SEC

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## 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 Thomas Yee, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ individual or ☒ MANAGER [position - e.g., president, partner, trustee] of 7501 S SR7, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 1469 Sailboat Circle,  
Wellington, FL 33414
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.

Thomas Yee  
THOMAS YEE, 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 23 day of Nov, 2022 by Thomas Yee (name of person acknowledging). He/she is personally known to me or has produced Florida Driver License (type of identification) as identification and did/did not take an oath (circle correct response).

Craig Thomas  
(Name - type, stamp or print clearly)

(Signature)

My Commission Expires on: 12/19/2023

NOTARY'S SEAL OR STAMP





## EXHIBIT "A"

## PROPERTY

**DESCRIPTION:**

TRACTS 11 THROUGH 16, BLOCK 44, PALM BEACH FARMS COMPANY'S PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 53, INCLUSIVE, ON FILE IN THE PUBLIC RECORDS OF THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT RIGHT OF WAY FOR STATE ROAD 7 DESCRIBED AS FOLLOWS:

THAT PART OF TRACT 16, BLOCK 44, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISC MARKING THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE NORTH 89°05'04" EAST, A DISTANCE OF 1.716 METERS (5.63 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2525; THENCE NORTH 00°54'56" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 177.026 METERS (580.79 FEET); THENCE NORTH 00°39'09" WEST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 671.71 METERS (2,203.77 FEET); THENCE SOUTH 89°20'51" WEST ALONG A LINE AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441) AND THE POINT OF BEGINNING; THENCE SOUTH 88°11'37" WEST, A DISTANCE OF 48.169 METERS (158.03 FEET); THENCE NORTH 00°39'09" WEST, A DISTANCE OF 201.296 METERS (660.42 FEET) TO A POINT ON THE NORTH LINE OF SAID TRACT 16; THENCE NORTH 88°14'04" EAST ALONG SAID NORTH LINE, A DISTANCE OF 48.168 METERS (158.03 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441); THENCE SOUTH 00°39'09" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 201.261 METERS (660.31 FEET) TO THE POINT OF BEGINNING.

CONTAINING 2,479,131.92 SQUARE FEET/56.913 ACRES MORE OR LESS.

## EXHIBIT "B"

## DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name

Address

Nancy C. Yee	50%
1469 Sailboat Circle	
Wellington, Fl. 33414	
Thomas Yee	50%
1469 Sailboat Circle	
Wellington Fl. 33414	

**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  
Martin Estrada, 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 ☒ Authorized Member *[position -  
e.g., president, partner, trustee]* of Cypress Polo Club, LLC *[name  
and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an  
ownership interest in real property legally described on the attached Exhibit "A" (the  
"Property"). The Property is the subject of an application for Comprehensive Plan  
amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 7302 Park Lane Road,  
Lake Worth, FL 33449
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.

Martin Estrada  
Martin Estrada, Affiant  
 (Print Affiant Name)

**NOTARY PUBLIC INFORMATION:**

**STATE OF FLORIDA  
 COUNTY OF PALM BEACH**

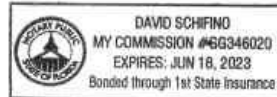
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 18 day of Nov, 2022 by Martin Estrada (name of person acknowledging). He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did/did not take an oath (circle correct response).

David Schifano  
 (Name - type, stamp or print clearly)

[Signature]  
 (Signature)

My Commission Expires on: \_\_\_\_\_

NOTARY SEAL OR STAMP



**EXHIBIT "A"****PROPERTY****DESCRIPTION:**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, BEING ALL OF TRACTS 76, 78 AND A PORTION OF TRACTS 75 AND 80 OF THE UNRECORDED PLAT OF HERITAGE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 15'28" EAST ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 12, A DISTANCE OF 1,283.97 FEET; THENCE SOUTH 89 DEGREES 03'29" WEST, A DISTANCE OF 1,332.10 FEET; THENCE SOUTH 00 DEGREES 25'52" EAST A DISTANCE OF 1,304.45 FEET; THENCE SOUTH 89 DEGREES 31'54" EAST, A DISTANCE OF 1,328.14 FEET TO THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12; THENCE NORTH 00 DEGREES 15'26" WEST ALONG SAID NORTH-SOUTH 1/4 LINE, A DISTANCE OF 1,315.47 FEET TO THE POINT OF BEGINNING.

BEING ONE AND THE SAME PARCEL AS:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, BEING ALL OF TRACTS 76, 78 AND A PORTION OF TRACTS 75 AND 80 OF THE UNRECORDED PLAT OF HERITAGE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 15'28" EAST ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 12, A DISTANCE OF 1,283.97 FEET; TO THE POINT OF BEGINNING, THENCE SOUTH 89 DEGREES 03'29" WEST, A DISTANCE OF 1,332.10 FEET; THENCE SOUTH 00 DEGREES 25'52" EAST A DISTANCE OF 1,304.45 FEET; THENCE SOUTH 89 DEGREES 31'54" EAST, A DISTANCE OF 1,328.14 FEET TO THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12; THENCE NORTH 00 DEGREES 15'26" (DEED) NORTH 15'24" (MEASURED) WEST ALONG SAID NORTH-SOUTH 1/4 LINE, A DISTANCE OF 1,315.47 (DEED) 1337.18 (MEASURED) FEET TO THE POINT OF BEGINNING.

LAND HEREON CONTAINS 1,742,464 SQFT (40.001 ACRES) MORE OR LEES AND IS SITUATED IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST IN PALM BEACH COUNTY, FLORIDA.

## EXHIBIT "B"

#### DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address
Carolyn McKay	7302 Park Lane Road, Lake Worth, FL 33449
Martin Estrada	7302 Park Lane Road, Lake Worth, FL 33449

Disclosure of Beneficial Interest – Property form  
Form # 9

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Revised 12/27/2019  
Web Format 2011

## **Exhibit 4**

### **Correspondence**

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