



## FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 25-B

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### PLANNING COMMISSION PUBLIC HEARING, APRIL 11, 2025

#### A. Application Summary

##### I. General

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|                              |                                                                                                                                              |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Project Name:</b>         | <b>Wellington Vista Phase II (LGA 2025-006)</b>                                                                                              |
| <b>Request:</b>              | <b>LR-2 to HR-8 on 0.33 acres with conditions, CH/2 to HR-8 on 3 acres and to revise conditions in Ordinance No. 2018-027 on 30.02 acres</b> |
| <b>Acres:</b>                | 30.35 acres total                                                                                                                            |
| <b>Location:</b>             | Southeast corner of Lake Worth Road and Hooks Road                                                                                           |
| <b>Project Manager:</b>      | Inna Stafeychuk, Senior Planner                                                                                                              |
| <b>Applicant/Owner:</b>      | Lake Worth Road Commercial, LLC (Juan Porro) and Lake Worth Road Villas, LLC (Armando Tabernilla)                                            |
| <b>Agent:</b>                | Brian Terry, Insite Studio                                                                                                                   |
| <b>Staff Recommendation:</b> | Staff recommends <b>approval with conditions</b> based upon the following findings and conclusions found in this report.                     |

##### II. Assessment & Recommendation

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The amendment proposes to change the future land use designation on 3 acres located just north of the existing Wellington Vista multifamily project, from Commercial High with underlying Low Residential, 2 units per acre (CH/2), to High Residential, 8 units per acre (HR-8). The proposed amendment would also change the future land use designation on 0.33 acres of abandoned right-of-way from Low Residential, 2 units per acre (LR-2) to HR-8, and to revise conditions of approval for the 27.02 acre Wellington Vista site. The intent of these changes is to designate the entire 30.35 acres as HR-8, allowing for development of 100 multi-family units on the remaining 3 acre portion, for a total of 470 units.

The 27.02 acre Wellington Vista portion that was previously amended to HR-8 was developed with 370 units, and included use of 51 Transfer of Development Rights (TDR) and 103 Workforce Housing Program (WHP) density bonus units. To achieve the additional 100 units, the applicant will use 63 WHP density bonus units and 10 TDR units to supplement the HR-8 FLU designation. Policy 2.4-b establishes the TDR program as the required method of increasing density; the applicant proposes to purchase and construct all available TDRs. The Wellington Vista project provided 70 WHP units; per ULDC requirements, the additional 100 units requires a 27% or 27 WHP unit obligation. In total, the entire 30.35 acre project would provide 97 WHP units.

The 100 additional units will be clustered on 3 acres, at 33.3 units per acre net density. Although this density is higher than that of the surrounding multifamily, townhomes and single family homes, the requested units will be located on a portion that doesn't directly impact the existing residential uses. The proposed amendment is appropriate, compatible, and consistent with the Comprehensive Plan policies to increase density with the conditions, including the requirement for WHP and the purchase of TDRs.

### **III. Hearing History**

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**Local Planning Agency:**

**Board of County Commissioners Transmittal Public Hearing:**

**State Review Comments:**

**Board of County Commissioners:**

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## B. Petition Summary

### I. Site Data

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#### Current Future Land Use

|                                    |                                                                                                                                                                                                |
|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Current FLU:</b>                | Commercial High with an underlying 2 units per acre (CH/2) on 3.00 acres, Low Residential, 2 units per acre (LR-2) on 0.33 acres, and High Residential, 8 units per acre (HR-8) on 27.02 acres |
| <b>Existing Land Use:</b>          | Vacant and Multifamily Residential                                                                                                                                                             |
| <b>Current Zoning:</b>             | General Commercial (CG) on 3.00 acres and Planned Unit Development (PUD) on 27.35 acres                                                                                                        |
| <b>Current Dev. Potential Max:</b> | Residential, up to 6 units, or Commercial by Ordinance No. 2018-027 on 3 acres, and Residential, up to 375 units on 27.35 acres                                                                |

#### Proposed Future Land Use Change

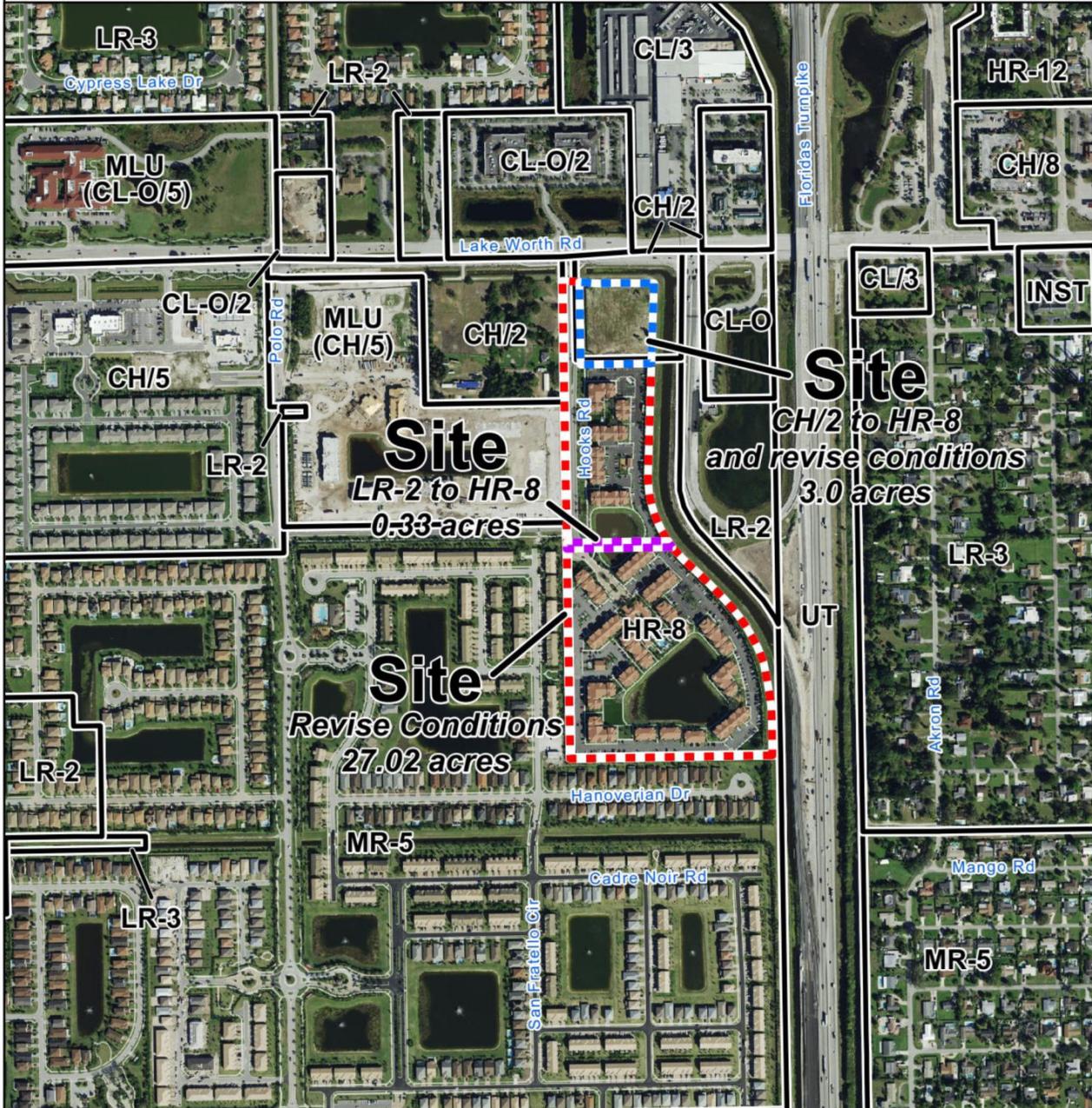
|                                        |                                                                      |
|----------------------------------------|----------------------------------------------------------------------|
| <b>Proposed FLU:</b>                   | High Residential, 8 units per acre (HR-8) on 30.35 acres             |
| <b>Proposed Use:</b>                   | Multifamily Residential                                              |
| <b>Proposed Zoning:</b>                | Planned Unit Development (PUD)                                       |
| <b>Dev. Potential Max/Conditioned:</b> | Residential, up to 100 units on 3 acres and 370 units on 27.35 acres |

#### General Area Information for Site

|                          |                                              |
|--------------------------|----------------------------------------------|
| <b>Tier/Tier Change:</b> | Urban/Suburban Tier – No Change              |
| <b>Utility Service:</b>  | Palm Beach County Water Utilities Department |
| <b>Overlay/Study:</b>    | West Lake Worth Neighborhood Plan            |
| <b>Comm. District:</b>   | Sara Baxter, District 6                      |

# Future Land Use Atlas Amendment

## Wellington Vista Phase II (LGA 2025-006)



**Site Data**

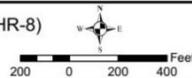
Size: 30.35 acres  
 Existing Use: Vacant and Residential  
 Proposed Use: Residential  
 Current FLU: CH/2, LR-2 & HR-8  
 Proposed FLU: HR-8

**Future Land Use Designations**

|        |                                        |      |                                     |
|--------|----------------------------------------|------|-------------------------------------|
| CH/2   | Commercial High, underlying LR-2       | HR-8 | High Residential, 8 units/acre      |
| CH/5   | Commercial High, underlying MR-5       | INST | Institutional and Public Facilities |
| CH/8   | Commercial High, underlying HR-8       | LR-2 | Low Residential, 2 units/acre       |
| CL-O   | Commercial Low-Office                  | LR-3 | Low Residential, 3 units/acre       |
| CL-O/2 | Commercial Low-Office, underlying LR-2 | MLU  | Multiple Land Use                   |
| CL/3   | Commercial Low, underlying LR-3        | MR-5 | Medium Residential, 5 units/acre    |
| HR-12  | High Residential, 12 units/acre        | UT   | Utilities and Transportation        |

Date: 3/20/2025  
 Contact: PBC Planning  
 Filename: T.Planning/AMEND/25-B  
 Note: Map is not official, for presentation purposes only.

- Site (CH/2 to HR-8)
- Site (LR-2 to HR-8)
- Site (Revise Conditions)



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



## C. Introduction & Review

### I. Intent of the Amendment

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This is a privately proposed amendment on a 30.35 acre site. The subject site is located within the Urban/Suburban Tier, on the southeast corner of Lake Worth Road and Hooks Road, just west of the Florida's Turnpike, within the boundaries of the West Lake Worth Road Neighborhood Plan (WLWRNP). The site consists of a 27.35 acres portion (Phase I) developed with multifamily use and a 3 acre vacant portion (Phase II). The 3 acre site, previously approved as Commercial High with underlying Low Residential, 2 units per acre (CH/2), is no longer intended to be developed with commercial uses.

**Proposed Amendment:** The purpose of this amendment is to change the FLU designation to High Residential, 8 units per acre (HR-8) on the northern 3.00 acre portion, and combine it with the land area for the Wellington Vista residential project to the south, in order to construct 100 units on the northern 3 acres.

The 27.35 acre existing residential portion (Phase 1) consists of 27.02 acres with CH/8 designation, and a 0.33 acre 30' wide Palm Beach Farms Co Plat No.3 right-of-way (ROW) that was not subject to the previous land use amendment and therefore, still has an LR-2 designation. The ROW was subsequently abandoned and became part of the existing multifamily development. The proposed amendment would also change the land use on this 0.33 acres of ROW to HR-8.

The applicant intends to use the proposed future land use amendment, with additional density to be obtained through the use of the TDR program and WHP density bonuses, to achieve the 100 units on the 3 acre portion. The total of 470 units would include 61 TDRs and 166 WHP bonus density units, and an overall density of 15.5 units per acre. The 27.35 acre portion has been developed with 370 units with a density of 13.5 units per acre. The proposed 100 units on the 3 acre site will result in 33.3 units per acre density. The applicant intends to operate two rental developments under the same ownership.

**Zoning Application.** The first concurrent associated zoning application ABN -2024-1878, Allie Polo Estates, Control #2018-189, is requesting abandonment of R-2018-1716 & R-2018-1717 which allowed General Daycare and Type 1 Restaurant with Drive-Thru on the 3 acre portion.

The second concurrent associated zoning application, PDD/DOA/CA-2024-01867, Wellington Vista Phase II, Control #2017-194, is requesting:

- A rezoning from General Commercial (GC) zoning district to Planned Unit Development (PUD) zoning district on 3 Acres,
- To modify the overall Master, Site, Regulating and Sign Plan; to add uses, to add square footage, to add access point, to add or delete land area, to add or delete units; and, modify conditions of approval on 30.02 acres, and
- A Class A conditional use to allow TDRs and WHP density bonus in excess of 2 units per acre combined.

The proposed site plan shows additional 100 units in a 5-story building on the northern 3 acre portion and the existing 370 units within 3-story multifamily structures on the southern 27.35 acre portion for a total of 470 units.

## II. Background/History

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The 30.35 acre subject site is in the Urban/Suburban Tier and is located on the south side of Lake Worth Road, west of the Florida's Turnpike southbound interchange, at Hooks Road, within the West Lake Worth Road Neighborhood Plan (WLWRNP) area. This site was part of a larger site encompassing 51 acres, all of which was acquired by the Florida Department of Transportation (FDOT) in 2007 and 2008 for a reconfiguration of the Turnpike interchange at Lake Worth Road. A new interchange was constructed utilizing 20 of the 51 acres to relocate the southbound on and off ramps from the north side of Lake Worth Road to this location, and to construct a toll plaza and drainage area. The remaining land area, now the subject of the proposed amendment, was not required for the interchange improvements and FDOT invited bids for the land as surplus.

The site has been the subject of one previous future land use amendment, Lake Worth Royal (LGA 2018-015), that changed the Future Land Use Designation from LR-2 designation to CH/2 on 3 acres and to HR-8 on 27.02 acres. The 27.02 acres did not include 0.33 acres of 30'wide Palm Beach Farms Co Plat No.3 right-of-way that was subsequently abandoned. The LGA 2018-015 was approved via Ordinance No. 2018-027 with conditions. The conditions of approval limited the 27.02 acre site to a maximum of 375 dwelling units, required purchase and construction of 51 TDR units, and required at least 19% of the total residential density to be provided as workforce housing units. The 3 acres under CH/2 was limited to a total maximum net daily trips of 1,147 and a maximum peak hour trips of 141.

After the abandonment of the ROW the 27.35 acre portion was developed with Wellington Vista rental community consisting of 370 multifamily units or at 13.5 units per acre density including the required 51 TDRs. The 70 units (or 19%) were restricted as workforce housing rental units on-site via a Master Declaration of Restrictive Covenants, recorded in Official Records Book 31397, Page 6. The 3 acre commercial portion remained vacant.

### Overview of the Area

Beginning in 2008, various property owners in the area began submitting FLUA amendments to increase density and/or intensity. This activity prompted residents from eight of the surrounding communities to create the WLWRNP. The Neighborhood Plan was completed and formally received and filed by the Board of County Commissioners in November 2009. The Neighborhood Plan established a Master Plan that recommended density increases up to, but not exceeding, a density of 5 units per acre in the vicinity of the subject site. However, subsequently, the County has adopted several amendments to establish commercial or residential density in the WLWRNP area that exceed the 5 units per acre density cap.

The most recent amendment, The Polo Gardens Multiple Land Use (LGA 2021-005), was approved for a total of 284 dwelling units at 11 units per acre density via Ordinance No. 2021-012. The 284 unit Polo Gardens rental community was constructed just west of the subject site. This previous amendment on the subject site, Lake Worth Royal (LGA 2018-015), received approval for 375 residential units at 13.8 units per acre density.

Several sites were approved and developed just below the 5 units per acre density such as Polo Legacy MXP (LGA 2017-013, Ord 2017-038, Control #2007-096, 184 units on 38.54 acres, 4.77 units per acre), and Fields at Gulfstream Polo (LGA 2021-210, Ordinance No. 2021-11, Control #2005-594, 903 units on 207.85 acres, 4.3 units per acre).

There were also several amendments to MR-5 in the vicinity; however, the sites were developed at lower densities: Gulfstream PUD was developed at 3.8 units per acre density (Lake Worth Lyons

Residential (LGA 2009-007, Ordinance No. 2009-029, Control #2008-297, 247 units on 64.75 acres 3.8 units per acre), several amendment sites were assembled in one development that has an overall density of 3 units per acre Andalusia Residential (LGA 2016-032, Ordinance No. 2016-048) together with Rubin Communities (LGA 2015-003, Ordinance No. 2015-011) and together with Izzy Lizzy Residential (LGA 2017-016, Ordinance No. 2017-037) for a total 246 units on 81.22 acres, Control #2005-422).

### III. Data and Analysis Summary

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

#### Consistency with Comprehensive Plan

- **Compatibility.** The Comprehensive Plan requires that the proposed future land uses be determined to be compatible with the surrounding area, and that residential uses be protected from encroachment of incompatible future land uses. The subject site is surrounded by commercial and medium density residential future land uses. The developed southern 27.35 acre portion is adjacent to medium density residential. All additional units will be clustered on the 3 acre portion. The 3 acre portion that will contain the requested 100 units is located along Lake Worth Road, between a vacant commercial parcel and the Florida's Turnpike. The applicant's request for HR-8 future land use allows a base density of 8 units per acre (243 units), and with the TDR and WHP density bonus, is seeking 470 multifamily rental units with a density of 15.5 units per acre over entire site. Although this figure is higher than the surrounding multifamily, townhomes and single family homes, the requested units will be located on a portion that doesn't directly impact the existing residential.
- **Appropriateness of the FLU:** In its assessment of a proposed amendment, staff calculates the lowest FLU designation necessary to achieve the target density, in conjunction with available density bonuses. The lowest FLU required to achieve the applicant's target of 470 units, in combination with available density bonuses, is the requested HR-8 designation.
- **Utilization of the County's Density Bonus Programs.** The Comprehensive Plan Future Land Use Element Policy 2.4-b establishes TDRs as the mandatory method of increasing density, unless the Workforce Housing Program or Affordable Housing Program density bonuses are used, or a plan amendment can be justified. The amendment is seeking an overall density of 15.5 units per acre that cannot be achieved with the current CH/2, LR-2 and HR-8 future land use designations with the use of these density bonus programs. Therefore, the applicant is seeking the future land use amendment to change from a base underlying future land use density from 2 units per acre (6 units) to 8 units per acre (24 units) on the 3 acre portion, and from 2 units per acre (1 unit) to 8 units per acre (3 units) on the 0.33 acre portion. The 27.02 RH-8 portion has a base density of 216 units. Applicant has also requested a combination of the WHP and TDR bonus programs to maximize available density.

The 27.35 acre portion has been developed with 370 units including 216 base density units, 51 TDRs and 103 WHP density bonus units. The 3 base density units from the 0.33 acre portion will be absorbed by the Phase II portion. The maximum number of available TDRs on the whole site is 61. The 51 TDRs have already been purchased and constructed on the Phase I portion, therefore the applicant is proposing to purchase the remaining 10 available TDRs. The applicant's request for 68.3% WHP density bonus results in 166 units. Since Phase I has already utilized 103 WHP density bonus units, the 63 WHP density bonus units will land in Phase II. The

total request of 470 multi-family dwelling units results in an overall density of 15.5 units per acre, however clustering of 100 units on the 3.00 acre portion results in 33.3 units per acre density. In order to ensure that the design of the site can adequately accommodate the requested density, a condition is proposed requiring that the future land use amendment and zoning adoption hearings are held concurrently.

- **Workforce Housing Obligation.** The 27.35 acre portion has an obligation of 19% or 70 WHP units consistent with the ULDC requirements and conditions of approval. The 70 required units are provided as 2-bedroom and 3-bedroom units by Ordinance. Based on the ULDC requirements, the required WHP obligation for the requested 100 units is 27% or 27 WHP units. Staff recommends these units to be provided on-site.
- **Neighborhood Plans.** The subject site is located within the W which anticipated that the subject site would be developed for Turnpike purposes as it was purchased by FDOT for planned interchange improvements. Given that the Neighborhood Plan does not identify the site for any increases, the site does not qualify for an exemption from utilizing the County's TDR bonus density program as listed in Policy 2.4-b. The Applicant has attempted to contact the Lake Worth Road Coalition representatives regarding the proposed amendment, but has not been successful. It would be speculation as to whether a 5 units per acre density would have been assigned in the neighborhood plan master plan to the subject site. Therefore, the proposed amendment is neither consistent nor inconsistent with the neighborhood plan.

**Assessment and Recommendation.** The amendment proposes to change the future land use designation on 3.00 acres located just north of the existing Wellington Vista multifamily project, from Commercial High with underlying Low Residential, 2 units per acre (CH/2), to High Residential, 8 units per acre (HR-8). The proposed amendment would also change the future land use designation on 0.33 acres of right-of way from Low Residential, 2 units per acre (LR-2) to HR-8, and revise conditions of approval for the 27.02 acre Wellington Vista site. The intent of these changes is to designate the entire 30.35 acres as HR-8, allowing for development of 100 multi-family units on the remaining 3 acre portion, for a total of 470 units.

The 27.02 acre Wellington Vista portion that was previously amended to HR-8 was developed with 370 units, and included use of 51 TDRs and 103 WHP density bonus units. To achieve the additional 100 units, the applicant will use 63 WHP density bonus units and 10 TDR units to supplement the HR-8 FLU designation. Policy 2.4-b establishes the TDR program as the required method of increasing density; the applicant proposes to purchase and construct all available TDRs. The Wellington Vista project provided 70 WHP units; per ULDC requirements, the additional 100 units requires 27% or a 27 WHP unit obligation. In total, the project would provide 97 WHP units.

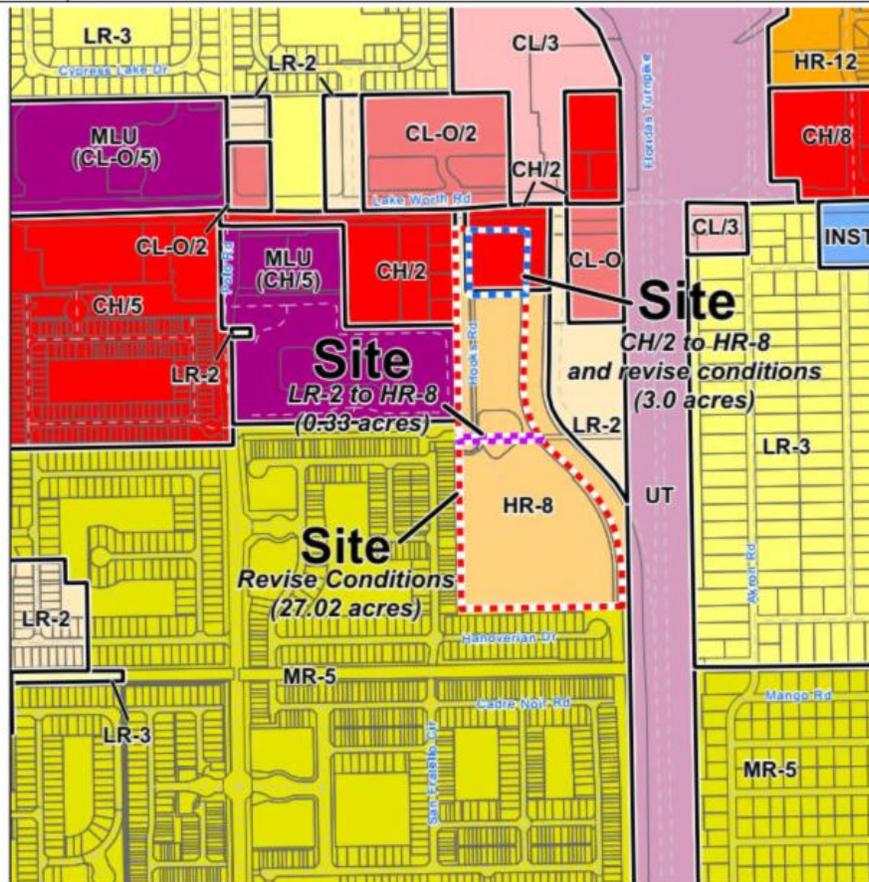
The site is located in a suburban area on Lake Worth Road, just west of the Florida's Turnpike and within the West Lake Worth Road Neighborhood Plan area. The 100 additional units will be clustered on 3 acres, at 33.3 units per acre net density. Although this density is higher than that of the surrounding multifamily, townhomes and single family homes, the requested units will be located on a portion that doesn't directly impact the existing residential area. The proposed amendment is appropriate, compatible, and consistent with the Comprehensive Plan amendment policies to increase density with the conditions, including the requirement for WHP and the purchase of TDRs.

The proposed amendment is appropriate, compatible, and consistent with the Comprehensive Plan amendment policies to increase density with the conditions including the requirement for workforce housing and the purchase of TDRs.

| <b>Exhibits</b>                                                                       | <b>Page</b> |
|---------------------------------------------------------------------------------------|-------------|
| 1. Future Land Use Map & Legal Description                                            | E-1         |
| 2. Consistency with Comprehensive Plan                                                | E-5         |
| 3. Applicant's Justification/Consistency with Comprehensive Plan and Florida Statutes | E-16        |
| 4. Applicant's Public Facility Impacts Table                                          | E-26        |
| 5. Palm Beach County Traffic Division Letter                                          | E-29        |
| 6. Water & Wastewater Provider LOS Letter                                             | E-31        |
| 7. School District Letter                                                             | E-32        |
| 8. Applicant's Disclosure of Ownership Interests                                      | E-33        |
| 9. Correspondence                                                                     | E-41        |

## Exhibit 1

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Amendment No:</b> | <b>Wellington Vista Phase II (LGA 2025-006)</b>                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>FLUA Page No:</b> | 76                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Amendment:</b>    | <p><b>Parcel 1</b> – Low Residential, 2 units per acre (LR-2) to High Residential, 8 units per acre (HR-8) with conditions on 0.33 acres and to revise previously adopted conditions in Ordinance 2018-027 on 27.02 acres</p> <p><b>Parcel 2</b> - Commercial High, with an underlying 2 units per acre (CH/2) to High Residential, 8 units per acre (HR-8) on 3.00 acres and to revise previously adopted conditions in Ordinance No. 2018-027</p> |
| <b>Location:</b>     | Southeast corner of Lake Worth Road and Hooks Road                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Size:</b>         | 30.35 acres total                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Property No:</b>  | <p><b>Parcel 1 (27.35 acres):</b><br/>           00-42-44-29-15-001-0010<br/>           00-42-44-29-15-002-0000<br/>           00-42-44-29-15-001-0020<br/>           00-42-44-29-15-019-0000<br/>           00-42-44-29-15-023-0000</p> <p><b>Parcel 2 (3.00 acres):</b><br/>           00-42-43-27-05-028-0021</p>                                                                                                                                |



**Conditions:** The following conditions adopted by Ordinance 2018-027, are amended as follows:

Development of Parcel 1 containing 27.35 acres ~~the site~~ is subject to the following conditions:

1. Development of the ~~27.02~~ 27.35 acres of HR-8 is limited to a maximum of ~~375~~ 370 dwelling units with no further density increases permitted through density bonus programs, or other uses allowed in a residential future land use designation. Development of the 3 acres under the Commercial High designation is limited to a total maximum net daily trips of 1, 147 and a maximum peak hour trips of 141.
2. The residential development shall include the purchase and construction of fifty-one (51) TDR units. The TDR units shall be purchased prior to issuance of first building permit.
3. The residential Zoning development order shall require at least 19% of the total residential density as workforce housing units for Parcel 1 (27.35 acres) subject to the following requirements:
  - a. The property owner shall provide these workforce housing units on site, and between 60-140% of the Area Median Income ranges for the County, in four ranges (60-80%, >80 - 100%, >100-120%, and >120-140%); and
  - b. These workforce housing units shall be provided in units that have 2 bedrooms or greater.
4. Vehicular and pedestrian connections shall provide cross access to the commercial parcel to the west and a connection to the residential project to the west to provide for connectivity to Polo Road.

Development of Parcel 2 containing 3 acres is subject to the following conditions:

5. Development of the 3.00 acres of HR-8 is limited to a maximum of 100 dwelling units with no further density increases permitted through density bonus programs.
6. The residential development shall include the purchase and construction of ten (10) TDR units. The TDR units shall be purchased prior to issuance of first residential building permit.
7. The residential Zoning development order shall require at least 27% of the total residential density as workforce housing units (3 acres) subject to the following requirements:
  - a. The property owner shall provide these workforce housing units between 60-140% of the Area Median Income ranges for the County, in four ranges (60-80%, >80 - 100%, >100-120%, and >120-140%); and
  - b. These workforce housing units shall be provided on-site.
8. The proposed future land use amendment and the proposed zoning applications shall be considered for adoption by the Board of County Commissioners at the same public hearing.

## Legal Description

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### 3 ACRE PARCEL

A PARCEL OF LAND BEING A PORTION OF TRACT 2, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF TRACT B-1 OF THE PLAT OF "CATALINA AT LAKE WORTH P.U.D.", ACCORDING WITH THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 130, PAGES 147 THROUGH 150, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°48'42" EAST ALONG THE WESTERLY LINE OF THE LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 24358, PAGE 1059 OF SAID PUBLIC RECORDS, A DISTANCE OF 377.70 FEET; THENCE NORTH 89°27'29" WEST, ALONG THE SOUTHERLY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY, A DISTANCE OF 182.82 FEET; THENCE SOUTH 89°02'31" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 93.25 FEET; THENCE NORTH 85°23'17" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 75.86 FEET; THENCE SOUTH 00°56'30" EAST, ALONG THE EAST LINE OF TRACT S OF SAID "CATALINA AT LAKE WORTH P.U.D.", A DISTANCE OF 389.31 FEET; THENCE NORTH 89°03'30" EAST, ALONG THE NORTH LINE OF SAID TRACT B-1, A DISTANCE OF 333.37 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 130,698 SQUARE FEET (3.00 ACRES), MORE OR LESS.

### 27.35 ACRE PARCEL

ALL OF THE PLAT OF CATALINA AT LAKE WORTH P.U.D., ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 130, PAGE 147, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 27.354 ACRES MORE OR LESS

### 0.33 ACRE PARCEL

A PORTION OF A 30 FOOT WIDE RIGHT-OF-WAY LYING IN BLOCK 28, PALM BEACH FARMS COMPANY 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 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT 15, BLOCK 28, OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3, SAID POINT ALSO BEING A POINT ON THE EAST LINE OF FIELDS AT GULFSTREAM POLO PUD - PLAT ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 123, PAGE 80, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89°03'30" EAST, ALONG THE SOUTH LINE OF SAID TRACT 15, ALSO BEING THE NORTH LINE OF SAID 30 FOOT WIDE RIGHT-OF-WAY, A DISTANCE OF 477.40 FEET TO A POINT ON THE EXISTING WESTERLY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-2W CANAL RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 24358, PAGE 1059, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT BEING A POINT ON A 552.19 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST, AND WHOSE CENTER BEARS NORTH 56°10'11" EAST, FROM SAID POINT; THENCE SOUTHEASTERLY ALONG SAID EXISTING WESTERLY RIGHT-OF-WAY LINE, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°47'27", A DISTANCE OF 36.53 FEET TO A POINT OF NON-TANGENCY, SAID POINT BEING A POINT ON THE NORTH LINE OF TRACT 18, BLOCK 28 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3, ALSO BEING THE SOUTH LINE OF SAID 30 FOOT WIDE RIGHT-OF-WAY; THENCE SOUTH 89°03'30" WEST, ALONG SAID NORTH LINE OF TRACT 18 AND THE SOUTH LINE OF SAID 30 FOOT WIDE RIGHT-OF-WAY, A DISTANCE OF 498.24 FEET TO A POINT ON SAID EAST LINE OF FIELDS AT GULFSTREAM POLO PUD - PLAT ONE; THENCE NORTH 00°56'30" WEST ALONG SAID EAST LINE OF FIELDS AT GULFSTREAM POLO PUD - PLAT ONE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 14,627 SQUARE FEET OR 0.33 ACRES MORE OR LESS.

## Exhibit 2

### Consistency with Comprehensive Plan

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

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

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

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

The applicant has prepared a Justification Statement (Exhibit 3) which is summarized as follows:

- The area has evolved into a major corridor composed of moderate and high intensity and density.
- There is significant housing demand in Palm Beach County.
- The 3 acre site will be incorporated into Catalina at Lake Worth PUD creating a cohesive development pattern.
- The property is located in proximity to State Rd7/US 441 which became major center for large scale medical and commercial uses.
- The property has access to adequate public facilities without straining existing infrastructure.

**Staff Analysis:** This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above.

The applicant stated that there is a need for more multi-family residential buildings to accommodate an influx of residents, and the site is ideal for such development as it is near the Florida's Turnpike and close to employment opportunities in the large scale medical and commercial uses on State Road 7/441. Staff concurs that an increase in density is appropriate at this location, and as further discussed in the Compatibility Section, is compatible with adjacent land uses. Further, the applicant is maximizing the

use of the TDR and WHP bonus programs, and proposing the lowest designation that allows for the target number of units in combination with the density bonuses. Therefore, the applicant has met the requirements for an adequate justification.

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

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

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

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

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

**Staff Analysis:** Increases in density within the Urban/Suburban Tier typically make efficient use of facilities and services that are already in place. The Growth Management direction calls for the transfer of development rights as the required method for density increases subject to exceptions. This direction is further implemented by Policy 2.4-b which is discussed in more detail in the Density Increases – Policy 2.4-b Section of this report. The amendment proposes to increase density on the site, which also includes requests to utilize the TDR and WHP programs to increase the density further, while remaining compatible with surrounding land uses.

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

**Staff Analysis:** The definition of piecemeal development in the Comprehensive Plan describes “A situation where land, under single ownership or significant legal or equitable interest by a person as defined in Section 380.0651[4] F.S., is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole.” The amendment is being processed for all of the land area in ownership by the applicants, and is not piecemeal development.

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

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

**Staff Analysis:** The developed 27.35 acre portion of the amendment site has already been developed with 3-story multifamily structures that are compatible with the scale, mass, intensity of use, height, and character of adjacent communities. The proposed amendment to HR-8 would introduce a 5-story structure on the 3 acre portion along Lake Worth Road. The 5-story structure is higher than any building along western Lake Worth Road, however its location next to the Florida’s Turnpike and a vacant parcel with a Commercial High Future Land Use designation would not be incompatible with the scale, mass, and intensity of the adjacent uses. Additionally, it will provide more housing options within the area. See the Compatibility Section for additional analysis.

**B. Consistency with Density Provisions of the Comprehensive Plan**

The Comprehensive Plan offers several methods to increase density, including the TDR program and the WHP density bonus program. Per Policy 2.4-b, TDRs are the required method unless using the WHP density bonus to increase density, or an amendment has been justified. Density increases obtained through the TDR program and the WHP density bonus are subject to higher percentages of WHP than density increases through the amendment process, to further certain County objectives. This section addresses consistency with the Comprehensive Plan density policies.

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

1. *an applicant can **both justify and demonstrate a need** for a Future Land Use Atlas (FLUA) Amendment and demonstrate that the current **FLUA designation is inappropriate**, as outlined in the Introduction and Administration Element of the Comprehensive Plan, or*
2. *an applicant is using the Workforce Housing Program or the Affordable Housing Program as outlined in Housing Element Objectives 1.1 and 1.5 of the Comprehensive Plan and within the ULDC, or*
3. *an applicant proposes a **density increase up to, but not exceeding, the density proposed by and supported by a Neighborhood Plan** prepared in accordance*

*with FLUE Objective 4.1 and formally received by the BCC. To date, the following Neighborhood Plan qualifies for this provision:*

- a. *West Lake Worth Road Neighborhood Plan.*

**Staff Analysis.** The TDR Program is the mandatory method of increasing density under Policy 2.4-b with a few exceptions. Those exceptions are unless the WHP or AHP density bonus is used, or a plan amendment can be justified.

Sub-Policy 1 allows properties to be granted a future land use amendment to increase density if the applicant can justify and demonstrate a need for the change, and can demonstrate that the current designation is inappropriate. Sub-Policy 2 allows for increases if utilizing the Workforce Housing or Affordable Housing bonus density programs to achieve the higher densities. In addition, since 2012, Sub-Policy 3 allows properties within the WLWRNP area to achieve a density increase solely through the future land use amendment process, without the use of TDRs and WHP density bonuses, provided that the property is identified in the Neighborhood Plan with the proposed increase. The subject site is not addressed in the WLWRNP with respect to appropriate increases in density, therefore the site cannot utilize option 3 of this policy and must use the TDR program.

The current land use of CH/2 on 3 acres, LR-2 on 0.33 acres could achieve up to 20 dwelling units using a combination of TDRs and WHP density bonus programs. The current HR-8 on 27.02 acres is limited to 375 dwelling units by Ordinance. The total maximum number with current densities would be 395 units. The applicant is seeking the future land use amendment to change from a base future land use density from CH/2, and LR-2 to HR-8, to purchase all 61 available TDRs and to also apply a WHP density bonus (68.3%) to maximize available density and achieve the requested 470 units.

The existing 370 units that were developed on the 27.35 acres portion were achieved with purchase and construction of 51 TDRs required by Ordinance. This request for an additional 100 dwelling units will utilize the remaining 10 available TDRs along with the WHP density bonus units discussed below.

By purchasing all available TDRs, and requesting the lowest FLU designation that will achieve the target density in combination with the TDRs and WHP density bonuses, this project is consistent with Policy 2.4-b

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

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

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

**Staff Analysis:** The County has a mandatory workforce housing requirement for all housing developments in the Urban/Suburban Tier with 10 units and greater (whether they are increasing density or not), and offers a density bonus in exchange for additional workforce housing units. The density bonus is based on how the WHP units to be provided further County objectives, with the highest density bonuses (up to 100%) available for projects that will provide the workforce units as on-site, for sale, single family units in areas with low concentrations of workforce housing. This project is eligible for an 80% density bonus. The WHP is also supported by the TDR program: A minimum of 34% of TDRs used must be provided as workforce housing units.

Table 1 provides a comparison of the density available on the subject site using a combination of the TDR and WHP bonus programs to increase density, at various future land use designations.

As shown in Table 1 below, the 30.35 acre site could achieve up to 395 dwelling units using a combination of TDR and WHP programs with the current future land use designations. Since this figure is less than the applicant's proposed 470 dwelling units (15.5 units per acre), the applicant is seeking the future land use amendment.

The lowest future land use designation to achieve the requested 470 dwelling units is the HR-8 future land use designation. The requested 470 units is achievable by using the HR-8 designation, all available TDRs and 68.3% WHP density bonus.

The 370 units have already been constructed on the 27.35 acre portion. The additional 100 units requested involves a Future Land Use Atlas (FLUA) amendment on the 3.00 acre parcel, for that parcel to be incorporated into the adjacent Lake Worth Royal PUD (Wellington Vista Apartments) to the south; and, to draw available units, Transfer of Development Rights (TDRs), and Workforce Housing Program (WHP) density bonus up to 68.3% from the PUD for use on the 3 acre parcel.

**Table 1. Current and Potential Density with TDR and WHP Bonus**

|                                                      | FLU                                 | Ac    | FLU Units | TDR Bonus | WHP Bonus       | Total Units | Density - du/ac | Workforce |     |
|------------------------------------------------------|-------------------------------------|-------|-----------|-----------|-----------------|-------------|-----------------|-----------|-----|
|                                                      |                                     |       |           |           |                 |             | Gross           | Units     | %   |
| <b>Current FLU</b>                                   | CH/2                                | 3     | 6         | +6        | +5<br>(80%)     | 17          |                 | 4         | 25% |
|                                                      | LR-2                                | 0.33  | 1         | +1        | +1<br>(80%)     | 3           |                 | 1         | 33% |
|                                                      | HR-8 as approved                    | 27.02 | 216       | +51       | +108<br>(50%)   | 375         |                 | 71        | 19% |
| <b>Total</b>                                         |                                     | 30.35 | 223       | +58       | +114            | 395         | 13.01           |           |     |
| <b>Per Staff Recommendation</b>                      | RH-8 Phase I, max                   | 27.35 | 219       | +55       | +150<br>(68.3%) | 424         |                 |           |     |
|                                                      | RH-8 Phase I, as built              | 27.35 | 216       | +51       | +103            | 370         | 13.5            | 70        | 19% |
| Units available on Phase I to be shifted to Phase II |                                     |       | 3         | 4         | 47              | 54          |                 |           |     |
|                                                      | RH-8 Phase II By itself             | 3     | 24        | +6        | +16<br>(68.3%)  | 46          |                 |           |     |
|                                                      | RH-8 Phase II With density transfer | 3     | 27        | +10       | +63             | 100         | 33.3            | 27        | 27% |
| <b>Total:</b>                                        | RH-8                                | 30.35 | 243       | +61       | +166<br>(68.3%) | 470         | 15.5            |           |     |
|                                                      |                                     |       |           |           |                 |             |                 |           |     |

To achieve the target 100 units for the 3 acre addition at HR-8 will require the following:

**1) 46 units from 3 acre parcel:**

24 units from the HR-8 FLU (3 acres x 8 = 24)

6 TDRs (3 acres x 2 = 6)

16 from 68.3% density bonus (24 x 68.3% = 16.4 or 16 rounded)

**Subtotal 46 units**

The 27.35 acre portion the Wellington Vista Apartments was completed at 370 total units including 216 base density units, purchase of 51 TDRs and 103 WHP density bonus units. Any remaining base density units, Transfer of Development Rights (TDRs), and Workforce Housing Program (WHP) density bonus up to 68.3% from the 27.35 acre PUD will be stacked on the 3.00 acre site as follows:

**2) additional 54 units resulting from 27.35 acre parcel:**

3 remaining units from HR-8 FLU (27.35 acres x 8 =218.9 or 219 rounded, minus 216 already used = 3)

4 remaining TDRs (27.35 acres x 2= 54.7 or 55 rounded, minus 51 already used = 4)

47 from 68.3% density bonus minus 103 WHP DB units already used (219 x 68.3% = 149.6 or 150 rounded, minus 103 = 47)

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**Subtotal 54 units**

- The inclusion of the 0.33 acre abandoned ROW into the 27.35 acre Wellington Vista results in base density of 219 units. The 216 units have already been constructed on the 27.35 acre site. Therefore, 3 base density units from the 0.33 acre abandoned ROW will be arranged on the 3 acre site.
- The maximum number of available TDRs on the 27.35 acre portion is 54. The 51 TDRs have already been purchased and constructed, therefore the applicant is proposing to purchase the remaining 4 available TDRs and stack them on 3 acre site.
- The applicant's request for 68.3% WHP density bonus results in 150 WHP density units. Since, the 27.35 acre portion has already utilized 103 WHP density bonus units, the 47 WHP density bonus units will land on the 3 acre portion.

Phase II (3 acre portion) will include 24 + 3 = 27 base density units, 6 + 4 = 10 TDRs and 16 + 47 = 63 WHP density bonus or 27 + 10 + 63 = 100 units. The 46 units originate from the 3 acre site and 54 units are remaining base density units, Transfer of Development Rights (TDRs), and Workforce Housing Program (WHP) density bonus up to 68.3% from the 27.35 acre PUD.

The total request is of 470 multi-family dwelling units results in an overall density of 15.5 units per acre, however clustering of 100 units on the 3 acre portion results in a density of 33.3 units per acre. In order to ensure that the design of the site can adequately accommodate the requested density, a condition is proposed requiring that the future land use amendment and zoning adoption hearings are held concurrently.

**Workforce Housing Obligation.** The Phase I 27.35 acre portion has an obligation of 19% or 70 WHP units consistent with the ULDC requirements and conditions of approval. The 70 required units are provided as 2-bedroom and 3-bedroom units by Ordinance. Based on the ULDC requirements, the required WHP obligation for the requested 100 units is 27% or 27 WHP units. Staff recommends these units to be provided on-site.

**C. Compatibility**

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

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

**North:** To the north, the site is separated from Lake Worth Road by the Lake Worth Drainage District L-12 lateral canal. Across Lake Worth Road to the north are built commercial properties with Commercial High (CH/2), Commercial Low (CL/3), and Commercial Low-Office (CL-O/2) future land use designations with a range of uses including office, self-storage, indoor entertainment (skating rink), fast food restaurant, hotel, and a convenience store with gas sales.

**East:** To the east, is the Lake Worth Drainage District E-2 canal and the southbound Florida's Turnpike interchange.

**South and West:** To the south and west is Gulfstream Polo Properties PUD (aka Fields of Gulfstream), a 903 unit community with a mix of single family, zero lot line, and townhouse unit types currently under construction. Various portions of the PUD were subject to a number of previous Future Land Use amendments increasing the future land use from LR-2 to LR-3 or LR-2 to MR-5 with caps on density to 3 units per acre or 5 units per acre respectively adopted by Ordinance in the prior Future Land Use Amendments. This development with caps and with a mix of LR-3 and MR-5 is approved at a density of 4.3 dwelling units per acre.

**West:** To the west near Lake Worth Road is 9.15 acres with CH/2 future land use. There are multiple parcels that do not have commercial zoning approvals as yet and are currently developed with two single family homes and have equestrian uses or are vacant. South of the CH/2 site is Polo Gardens MLU residential portion developed with 284 units in 3 story apartment buildings at 11 units per acre.

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

**Applicant's Comments:** The applicant states that “The proposed HR-8 FLU designation is compatible with the surrounding uses, which consists of commercial, single-family and multi-family residential. The neighboring large-scale developments are composed of residential uses. The subject site which is vacant and surrounded by development, is also located in an area composed of moderate to high intensity and density.”

**Staff Analysis:** The subject site is surrounded by commercial and medium density residential future land uses. The applicant's request for HR-8 future land use allows a base density of 8 units per acre (243 units), and with the TDR and WHP density bonus is seeking 470 multifamily rental units with overall density of 15.5 units per acre. The Phase I southern 27.35 acre portion developed with 370 units at 13.5 units per acre is adjacent to medium density residential. To the west it is adjacent to Polo Gardens MLU developed with 11.1 units per acre. Across Hooks Road, it is adjacent to Fields at Gulfstream Polo developed with 4.3 units per acre. The requested 100 additional units will be clustered on the 3 acre portion along Lake Worth Road at 33.3 du/ac density. Although this figure is higher than the surrounding multifamily, townhomes and single family homes, the requested units will be located on a portion that doesn't directly impact the existing residential.

The prior amendment was objected to by the Lake Worth Road Coalition representatives. The main concern included increased traffic, incompatibility, and safety issues due to the lack of connection to Polo Road. Since the last approval, the connection road, Corvus Drive, was constructed connecting Wellington Vista to Polo Road. Additionally, the current request will generate less traffic than the traffic vested by Ordinance No. 2018-027 for commercial uses.

In order to ensure that the design of the site can adequately accommodate the requested density, a condition is proposed requiring that the future land use amendment and zoning adoption hearings are held concurrently.

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

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

**Staff Analysis:** The proposed amendment is not located within the boundaries of any Overlay.

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

**Staff Analysis:** The subject site is located within the West Lake Worth Road Neighborhood Plan which anticipated that the subject site would be developed for Turnpike purposes as it was purchased by FDOT for planned interchange improvements. Given that the Neighborhood Plan does not identify the site for any increases, the site does not qualify for an exemption from utilizing the County’s TDR bonus density program as listed in Policy 2.4-b. The proposed future land use of HR-8 with bonus densities of 15.5 units per acre is more than triple the surrounding MR-5 designation with caps at 5 units per acre. As seen in the compatibility section, however, actual densities vary directly adjacent to the subject site depending on how units are clustered within the Fields of Gulfstream PUD and Polo Gardens MLU. For the properties identified in the neighborhood plan with increases, the highest overall density is 5 units per acre. It would be speculation as to whether a 5 units per acre density would have been assigned in the neighborhood plan master plan to the subject site. Therefore, the proposed amendment is neither consistent nor inconsistent with the neighborhood plan.

Additionally, the 3 acres and 27.02 acres were amended from LR-2 to CH/2 and HR-8 (correspondently) in 2018. The 27.35 acre portion was developed at overall density of 13.5 units per acre utilizing TDR and WHP density bonus units. During the prior approval the amendment was objected to by Lake Worth Road Coalition representatives. The main concern included increased traffic, incompatibility, and safety issues due to the lack of connection to Polo Road. Since the last approval, the connection road Corvus Drive was constructed, connecting Wellington Vista to Polo Road. Additionally, the current request will generate less traffic than the traffic for the commercial uses vested by the Ordinance No. 2018-027.

The Agent stated that despite multiple emails, calls and a certified return receipt letter to the Lake Worth Road Coalition point of contact Patrick Wilson, the project’s agent has not been able to connect to request a neighborhood meeting.

## E. Public Facilities and Services Impacts

The proposed amendment will change the future land use designation from Commercial High, with underlying Low Residential, 2 units per acre (CH/2) and Low Residential, 2 units per acre (LR-2) to High Residential, 8 units per acre (HR-8). Public facilities impacts are detailed in the table in Exhibit 4.

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

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

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

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

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

**Staff Analysis:** The County Traffic Division reviewed this amendment at the maximum development potential proposed by the amendment. (See letter dated November 4, 2024 in Exhibit 5):

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

The Traffic Study was prepared by JFO Group, 6671 W Indiantown Road, Suite 50-324, Jupiter, FL 33458. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at: <http://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

- 3. Fire Rescue Comments:** Palm Beach County Fire Rescue indicated in a letter dated January 14, 2025 that the estimated response time to the subject property is 6 minutes and 30 seconds compared to the 6 minutes, 58 seconds average response time for this

station's zone for fiscal year 2024. Additionally, the letter indicated that "changing the land use of this property will have some impact on Fire Rescue".

## II. Public and Municipal Review

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

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on March 20, 2025.
  
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on March 20, 2025. In addition, on the same date, the Lake Worth Road Coalition, Inc. and the following Home Owners Associations were notified by mail: The Fields Homeowners Association Inc., Gulfstream Preserve HOA Inc., Saddlewood Homeowners Association, Inc., Cedar Creek Ranch Association Inc., Andalucia PUD Homeowners Association Inc., Summer Chase Homeowners Association Inc., Cypress Woods Association Inc., C.L.E. Homeowners Association, Inc., Silver Glen at Citrus Isles HOA Inc., Legend Lake Estates, HOA, Inc., Cypress Royale Property Owners Association, Inc., Cypress Trails Property Owners Association Inc., Woods Walk Homeowners Association, Inc. Any letters received throughout the amendment process will be included in Exhibit 9.

## Exhibit 3

### Applicant's Justification

#### Property Location

The property is located on the southeast corner of Lake Worth Rd. and Hooks Rd. The property consists of 30.35 acres and is comprised of six parcels, identified by the Property Control Numbers (PCNs) below. Note although Parcel 3 and Parcel 4 are identified separately on the Property Appraiser's Map, they have the same PCN.

Parcel 1:

PCN: 00-42-44-29-15-001-0010

PCN: 00-42-44-29-15-002-0000

PCN: 00-42-44-29-15-002-0000

PCN: 00-42-44-29-15-001-0020

PCN: 00-42-44-29-15-023-0000

(27.35 acres)

Parcel 2: 00-42-43-27-05-028-0021

(3.00 acres)

The Catalina at Lake Worth PUD is approximately 27.35 acres composed of Parcels 1 and Parcel 2 is 3.00 acres.

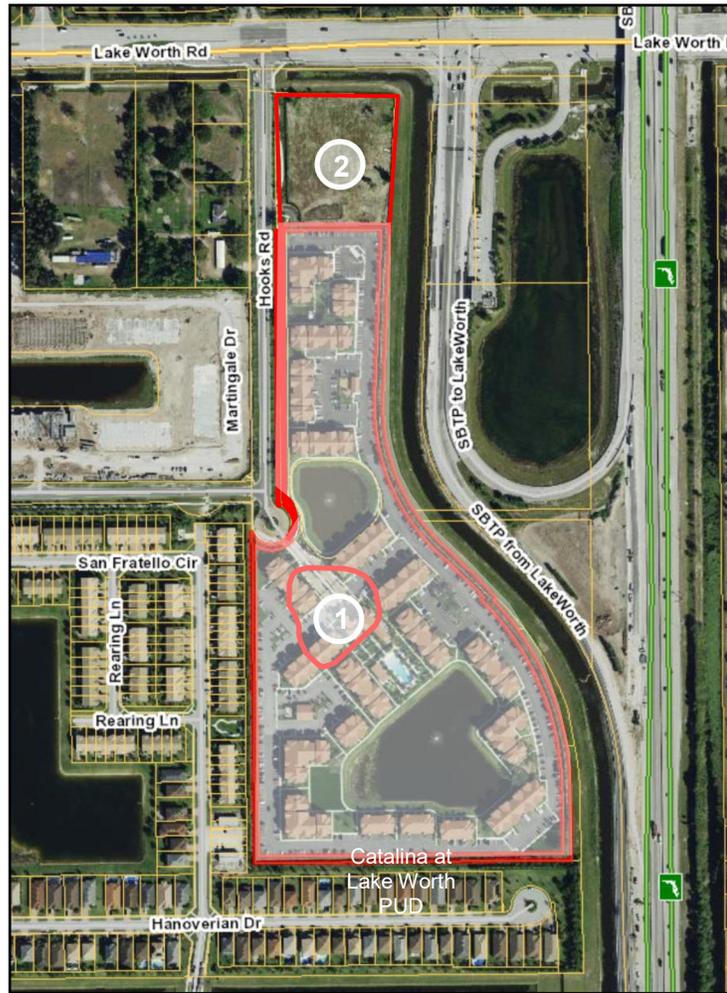


Figure 1: Subject Site, Parcel Designation

#### Property History

The subject property is within the jurisdiction of Unincorporated Palm Beach County and lies within the West Lake Worth Road Neighborhood Plan. Parcel 1 has a High Residential, 8 units per acre (HR-8) Future Land Use (FLU) designation and is within the Planned Unit Development Zoning District (PUD). Parcel 2 has a Commercial High, w/underlying Low-Residential 2 units per acre (CH/2) FLU designation and is within the Commercial General (CG) Zoning District.

In 2006, the property was part of a larger approved PUD known as Allie Polo Estates that was approved for 442 dwelling units on approximately 221 acres to the south and west and inclusive of the subject property. However, the developer failed to meet conditions included on the Development Order and the County invalidated the approval and rezoned the property from PUD to RT. The underlying FLU designation remained LR-2. The site was then acquired by the Florida Department of

Transportation (FDOT) in 2007 & 2008 to be included in the southbound interchange project at Lake Worth Road and Florida’s Turnpike. In the course of the FDOT planning and design process it was determined that the site was not necessary and became surplus.

In 2016, the Board of County Commissioners (BCC) adopted Resolution No. 2016-0549 granting approval for The Fields at Gulfstream Polo PUD, contiguous to the west (partially) and south of the subject property. Approval of the PUD included a Land Use Plan Amendment changing the designation from Low-Residential, 2 units per acre (LR-2) to Medium Residential, 5 units per acre (MR-5).

In 2018 the Board of County Commission (BCC) approved Ordinance No. 2018-27, which modified the Future Land Use of the southern 27 acres to HR-8 with conditions that limited the maximum intensity of the site to 375 units and required a total of 19% of all units to be provided as Workforce Housing (WFH). Additionally, Condition 2 required a total of 51 Transfer Development Rights (TDR) units to be purchased prior to the issuance of the first Certificate of Occupancy. The Ordinance also modified the northern 3.00 acres to the Commercial High with an underlying Low-Residential, 2 units per acre FLU designation.

Various Zoning applications have been approved since the last Comprehensive Plan Amendment, as outlined in the table below.

| <b>Previous Zoning Approvals</b> |                   |                      |                             |                                                                                                                                                                                                    |                                                                            |
|----------------------------------|-------------------|----------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| <b>Reso. No.</b>                 | <b>App. No.</b>   | <b>Status</b>        | <b>Type</b>                 | <b>Description</b>                                                                                                                                                                                 | <b>Changes proposed (if any)</b>                                           |
| <b>ZR-2020-0004</b>              | ZV-2019-01631     | Adopted w/Conditions | Type II Variance            | To eliminate the setback for a wall in a Landscape Buffer; reduce the planting width on the outside of a wall; relocate required buffer planting material; and, to reduce the Side Street setback. | Retained via concurrent zoning application submitted on December 18, 2024. |
|                                  | DR03/W-2019-01275 | Adopted w/Conditions | Administrative Modification | To allow a Type 3 Concurrent Review (Zoning, Land Development, Building).                                                                                                                          | Retained via concurrent zoning application submitted on December 18, 2024. |

|                    |                        |                      |                             |                                                                                                                                                                         |                                                                            |
|--------------------|------------------------|----------------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
|                    |                        |                      |                             | To allow a Type 1 Waiver to eliminate an incompatibility buffer between incompatible uses                                                                               |                                                                            |
|                    | DRO-2019-01274         | Approved             | Administrative Modification | Final Master Plan approval                                                                                                                                              | Retained via concurrent zoning application submitted on December 18, 2024. |
| <b>R-2019-0904</b> | ZV/DOA/CA/W-2018-02152 | Adopted w/Conditions | Type II Waiver              | To allow a reduction of the required frontage along an Arterial or Collector.                                                                                           | Retained via concurrent zoning application submitted on December 18, 2024. |
| <b>R-2019-0903</b> | ZV/DOA/CA/W-2018-02152 | Adopted w/Conditions | Class A Conditional Use     | To allow Workforce Housing Program density bonus greater than 30 percent; and, to allow Transfer of Developments Rights (TDRs) within a Planned Unit Development (PUD). | Retained via concurrent zoning application submitted on December 18, 2024. |
| <b>R-2019-0902</b> | ZV/DOA/CA/W-2018-02152 | Adopted w/Conditions | Class A Conditional Use     | To allow Workforce Housing Program density bonus greater than 30 percent; and, to allow Transfer of Developments Rights (TDRs) within a Planned Unit                    | Retained via concurrent zoning application submitted on December 18, 2024. |

|                     |                        |                       |                             |                                                                                                                                                                                                 |                                                                             |
|---------------------|------------------------|-----------------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
|                     |                        |                       |                             | Development (PUD).                                                                                                                                                                              |                                                                             |
| <b>R-2019-0901</b>  | ZV/DOA/CA/W-2018-02152 | Adopted w/Conditions  | Development Order Amendment | To reconfigure the Master Plan to add residential units.                                                                                                                                        | Amended via concurrent zoning application submitted on December 18, 2024.   |
| <b>ZR-2019-0019</b> | ZV/DOA/CA/W-2018-02152 | Approved w/Conditions | Type II Variance            | To allow relocation of a fence along the west property line; and, relocation of required planting material and reduction of the required planting width along the south and west property line. | Retained via concurrent zoning application submitted on December 18, 2024.  |
| <b>R-2018-1717</b>  | Z/CA-2018-00148        | Approved              | Class A Conditional Use     | To allow a Type 1 Restaurant w/Drive-Thru and a Daycare General.                                                                                                                                | Abandoned via concurrent zoning application submitted on December 18, 2024. |
| <b>R-2018-1716</b>  | Z/CA-2018-00148        | Approved              | Class A Conditional Use     | To allow a Type 1 Restaurant w/Drive-Thru and a Daycare General.                                                                                                                                | Abandoned via concurrent zoning application submitted on December 18, 2024. |
| <b>R-2018-1715</b>  | Z/CA-2018-00148        | Approved              | Rezoning                    | To allow a rezoning from the Residential Transitional (RT) Zoning District to the Commercial General (CG) Zoning District.                                                                      | Amended via concurrent zoning application submitted on December 18, 2024.   |

|             |                   |                      |          |                                                                                                                                   |                                                                            |
|-------------|-------------------|----------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| R-2018-1714 | PDD/CA-2018-00146 | Adopted w/Conditions | Rezoning | To allow a rezoning from the Residential Transitional (RT) Zoning District to the Planned Unit Development (PUD) Zoning District. | Retained via concurrent zoning application submitted on December 18, 2024. |
|-------------|-------------------|----------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|

**Application Request**

The Petitioner has submitted this application to request an amendment to the Palm Beach County Comprehensive Plan. The proposed intent is to amend the FLU designation of 3.00 acres (Parcel 2) from a Palm Beach County FLU designation of Commercial High with an underlying Low-Residential, 2 units per acre (CH/2) to the High-Residential, 8 units per acre (HR-8) FLU designation. Although Parcel 2 is the only parcel subject to the Future Land Use Amendment, it was discussed during our Pre-Application meeting on September 19<sup>th</sup>, 2024 with the Palm Beach County Planning Department, that since the acreage of the entire existing Catalina at Lake Worth PUD is being utilized to determine the proposed density, the entire site (30.35 acres) is required to be included in the application request.

Additional Zoning applications will be filed concurrent to this request which include a Rezoning request from Commercial General (CG) to the Planned Unit Development (PUD) Zoning District for Parcel 2 (3.00 acres). The proposed request includes incorporating Parcel 2 into the existing Catalina at Lake Worth PUD (27.35 acres). Additional requests include a Development Order Amendment (DOA) to amend the existing Master Plan, an Abandonment of the Type 1 Restaurant w/Drive-Through and General Daycare and a Class A Conditional Use to allow a Workforce Housing Program Bonus (WHP) and Transfer of Development Rights (TDR) in excess of 2 units per acre.

In addition to the requests above, the Petitioner is requesting modifications to the Conditions of Approval within Ordinance No. 2018-27, as shown below.

1. Development of the 27.02 acres of HR-8 is limited to a maximum of 375 dwelling units or other uses allowed in a residential future land use designation. ~~Development of the 3 acres under the Commercial High designation is limited to a total maximum net daily trips of 1,147 and a maximum peak hour trips of 141.~~

*The strike-through portion above is no longer relevant as the 3 acre commercial parcel is subject to a FLUA to a residential FLU and Zoning amendments to abandon the commercial uses.*

2. The residential development shall include the purchase and construction of fifty-one (51) TDR units. The TDR units shall be purchased prior to issuance of first building permit.

*No proposed modification at this time. The proposed development plan will include an additional purchase of 10 TDR units, however the Petitioner refers to the Palm Beach County Planning Department on recommended condition modifications or additions.*

3. The residential Zoning development order shall require at least 19% of the total residential density as workforce housing units for the southern 27.35 acres subject to the following requirements:
  - a. The property owner shall provide these workforce housing units on site, and between 60-140% of the Area Median Income ranges for the County, in four ranges (60-80%, >80 - 100%, >100-120%, and >120-140%); and
  - b. These workforce housing units shall be provided in units that have 2 bedrooms or greater.

*The proposed modification is necessary to indicate the above condition refers to the existing residential development and PUD to the south, comprised of approximately 27.35 acres. The original approval was permitted to provide 19% WHP units because the nature of the development allowed for larger units of 2 bedrooms or more, which was unique to the market and to the County. However, the new proposed units will be subject to the standard 25% WHP requirement, as the layout and design of the new building will not accommodate larger size units. The building will be primarily studio, one-bedroom and a few 2-bedroom units.*

4. Vehicular and pedestrian connections shall provide cross access to the commercial parcel to the west and a connection to the residential project to the west to provide for connectivity to Polo Road.

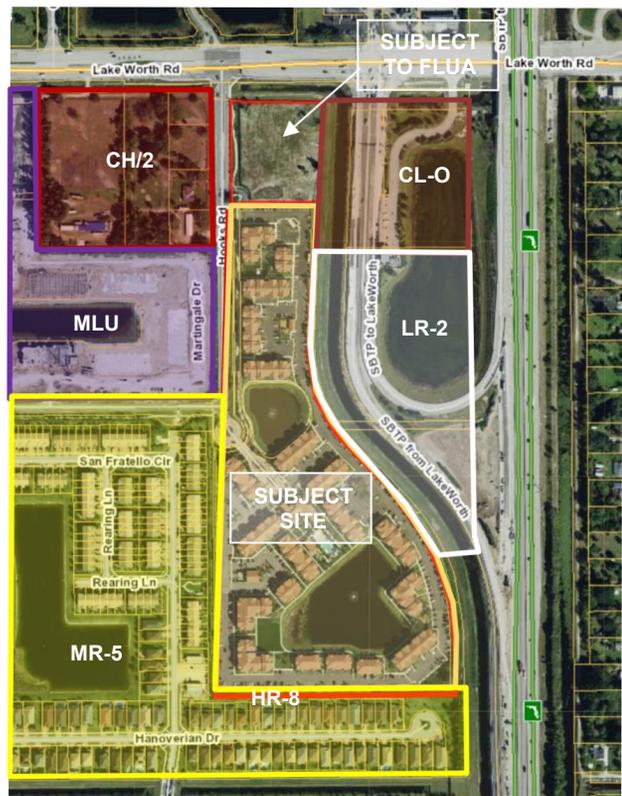
*No proposed modifications.*

### **Surrounding Uses**

Below are descriptions of the zoning and land uses of the adjacent properties:

**North:** Directly north is Lake Worth Road, across the roadway is Lake Worth Commons MUPD, Lake Worth Self-Storage MUPD and Exit 99 LLC MUPD, located in Unincorporated Palm Beach County. The properties have a Commercial Low Office with an underlying Low Residential 2 units per acre (CL-O/2), Commercial Low with an underlying Low Residential 3 units per acre (CL/3) and Commercial High with an underlying Low Residential 2 units per acre (CH/2) FLU designations and are within the Multiple Use Planned Development (MUPD) Zoning District.

**South:** Fields at Gulfstream Polo PUD, located in Unincorporated Palm Beach County. The residential development directly south of the subject site has a Medium Residential 5 units per acre (MR-5) FLU designation and is within the Planned Unit Development (PUD) Zoning District.



*Figure 2: Surrounding FLU Designations*

**East:** Multiple parcels owned by the State of Florida Department of Transportation, located in Unincorporated Palm Beach County. The parcels have a Commercial Low Office (CL-O) and Low Residential 2 units per acre (LR-2) FLU designations and are within the Multiple Use Planned Development (MUPD) and Residential Transitional (RT) Zoning Districts.

**West:** Fields at Gulfstream Polo PUD, Polo Gardens MUPD and multiple properties, located in Unincorporated Palm Beach County. The properties have a Medium Residential 5 units per acre (MR-5), Multiple Land Use (MLU) and Commercial High with an underlying Low Residential 2 units per acre FLU designations and are within the Multiple Use Planned Development (MUPD) and Planned Unit Development (PUD) Zoning Districts.

**FLUA Form - Part 4, A. Consistency**

**Comprehensive Plan Amendment Review Standards**

The petitioner shall indicate how the proposed FLU designation is consistent with the Comprehensive Plan review standards. Additionally, the proposed approved and proposed density for the subject site is summarized below.

**Approved/Proposed Density Summary:**

**Total PUD acreage: 30.35 AC**

Phase I: Residential PUD Parcel, 27.35 AC

Phase II: Commercial Parcel, 3.0 AC (Parcel subject to FLUA)

**Total Density: 470 DU**

Phase I: Approved/Existing Units, 370 (Located on 27.35 Parcel)

Phase II: Proposed Units, 100 (To be located on 3.0 AC Parcel)

Base Density: 243 DU

Phase I: 216 DU

Phase II: 27 DU

Total WHP Bonus (68%): 166 DU

Phase I: 103 DU

Phase II: 63 DU

Total TDR's: 61 (2 DU / AC)

Phase I: 51 DU (Located on 27.88 Parcel)

Phase II: 10 DU

As described above, the project will be participating in the County's Workforce Housing Program (WHP) which will require a 27% WHP dedication, as determined by the County's Unified Land Development Code and confirmed by the Planning Department. An outline of the dedication calculation is provided below.

|              | Phase I |                | Phase II |                |                                                      |
|--------------|---------|----------------|----------|----------------|------------------------------------------------------|
|              | Units   | WHP Obligation | Units    | WHP Obligation |                                                      |
| Base density | 216     |                | 27       | 2.12           | 5% from standard density: $20 \times 5\% = 1$        |
| WHP Bonus    | 103     |                | 63       | 21.42          | 16% on PUD density: $7 \times 16\% = 1.12$           |
| TDRs         | 51      |                | 10       | 3.4            | 34% from 63: $63 \times 34\% = 21.42$                |
| Total        | 370     | 70             | 100      | 27             | 34% from TDRs: $10 \times 34\% = 3.4$                |
| <b>WHP %</b> |         | <b>19%</b>     |          | <b>27%</b>     | Total: $1 + 1.12 + 21.42 + 3.4 = 26.94$ or <b>27</b> |

## Section G.1 Justification

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

In 2018, Parcel 2 (3.00 acres) received entitlement approvals for two commercial uses consisting of a Type 1 Restaurant w/Drive-Through and a General Daycare. Although the southern residential portion of the site, Catalina at Lake Worth PUD was developed, the commercial component to the north has remained vacant and undeveloped.

The subject property is located in an area that has evolved over the past decade to become composed of moderate to high intensity and density. Specifically, Lake Worth Road has been experiencing immense development as residents relocate to the new residential communities being constructed along the corridor. Directly west of the subject, a new Mixed-Use development, Polo Gardens MUPD, comprised of 284 multi-family units is under construction. Further south along the west property line and along the southern property line of the Catalina at Lake Worth PUD, is the Fields at Gulfstream Polo PUD comprised of 903 single-family units. In addition and as mentioned in the sections above, a concurrent Rezoning application has been submitted to incorporate the previous commercial parcel (3.00 acres) into the Catalina at Lake Worth PUD which would extend the existing multi-family residential use, creating a cohesive development pattern.

The subject site, located along Lake Worth Road is approximately 1.5 miles east of State Road 7, which over the past 20 years, has evolved into a major corridor, as western communities continue to experience extensive growth. Naturally, the lands near this corridor will continue to develop with more dense residential uses, compared to the equestrian or agricultural uses that previously existed. A large portion of the existing PUD (27.35 acres) has already been constructed and developed with 370 multi-family units. The remaining land (3.00 acres) has existing commercial entitlements listed above, but has remained vacant. At this time, the proposed multi-family units are more appropriate for the site than the previously approved Type 1 Restaurant w/Drive-Through and General Daycare, as there is a significant housing demand in Palm Beach County, and since the initial approval, various commercial developments have been developed in the surrounding area.

Due to ongoing growth in the area, there is a demand for residential development in close proximity to neighboring established services. Palm Beach County, areas specifically near State Road 7 / US 441, have become a major center for large scale medical, residential and commercial uses. Therefore, the proposed High Residential, 8 units per acre (HR-8) Future Land Use designation is suitable and appropriate for the subject site. The overall site consists of approximately 30.35 acres, allowing adequate capacity for an expansion of the existing Multi-Family Residential use. The proposed HR-8 FLU amendment will allow the development, which is consistent with the surrounding residential use make-up of the area.

The proposed development will be requesting to acquire Transfer Development Rights (TDRs) and to participate in the Workforce Housing Bonus Program in order to achieve the additional density. The proposal includes utilizing the entire acreage (30.35 acres) of the Catalina at Lake Worth PUD which will allow the density increase via the mechanism below.

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

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

- **New information or change in circumstances which affect the subject site;**
- **Inappropriateness of the adopted FLU designation; or**
- **Whether the adopted FLU designation was assigned in error.**

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

According to the 2020 US Census, Palm Beach County is the third largest county in the state, with a 13% growth since 2010. However, this data does not accommodate for the influx of residents that the state and county have experienced during the Covid-19 pandemic and currently. A report from the state’s Office of Economic and Demographic Research, revealed that between July 2020 and July 2024, the state gained more than approximately 800,000 new residents. In addition, multiple reports utilizing internal metrics and U.S. Census Bureau data, discovered that Florida is the top three most popular place to move in the past four years. The pandemic led to an increase of in-migration to southeast Florida, particularly to Palm Beach County which has further increased the housing demand. Due to relative affordability and attractive quality of life, the County was a magnet for households from high-cost-of-living markets. As the County’s population continues to grow, the housing demand has drastically risen, causing a need for residential development. Additionally, the acceptance of remote-work means that this high-quality in-migration is likely to continue for the foreseeable future.

This social and economic change that could not have been foreseen prior to 2020, has changed the demand of the area and the approved commercial uses for the 3.00 acre parcel which are no longer the highest and best use for the land. Based on the market analysis, a multi-family residential use will ensure success of the project.

Over the past ten years, inclusive of Covid job losses, Palm Beach County added nearly 125,000 jobs, growing at an annualized pace of 2.2% and employment more than double the US growth of 1.0% per year. Palm Beach County rebounded significantly in 2021, growing 5.0%, more than the national recovery of 2.8%

Over the next five years, Palm Beach County is projected to add more than 15,000 jobs per year, growing 2.3% per annum (vs. 1.4% in the U.S.). Apartment occupancy rose between 2016 and 2021, from 93% to 95%, in both the County and CMA for Apartments. Rents rose at a record pace in 2021, with the median rent in the CMA rising from \$1,767 to \$2,087, an 18% increase.

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

The site is subject to a previous approval to allow a Type 1 Restaurant w/Drive-Through and Daycare. However, there is no longer a demand for the approved uses, due to ongoing economic and population migration shifts that have occurred since the original approval in 2018. Multiple Type 1 Restaurants are now located just ¼ mile west of the subject site, located within the Polo Legacy MXP development. New daycares are also no longer in demand for the area. The developer of the Ternion MUPD located less than ¼ mile west of the site, on the northeast corner of Blanchette Trl. and Lake Worth Rd. also recognized the change in demand for daycares and abandoned the use in 2021. Due to this new information and changes within the surrounding market conditions, the Multi-Family Residential use is the most appropriate long-term use of the land.

**[Section G.2 Residential Density Increases](#)**

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

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

- **Demonstrate that the current FLUA designation is inappropriate.**
- **Provide a written explanation of why the Transfer of Development Rights, Workforce Housing, and Affordable Housing Programs cannot be utilized to increase density on the site.**

**Demonstrate a need for the amendment.**

As mentioned, the previous ordinance approving the current FLU designation limits the development of the property to either commercial uses or a Low-Residential, 2 units per acre use. This limitation in itself, urges a FLUA as the approved uses of a Type 1 Restaurant w/Drive-Through and General Daycare are no longer the most efficient or logical use of the property. Palm Beach County has experienced an influx of new residents since the pandemic in April 2020. As the population grows, as so does the housing market, the demand for rental housing including workforce housing has catapulted. As mentioned above and below, the proposed plan will purchase Transfer of Development Rights (TDRs) and participate in the Workforce Housing Bonus Program which will provide these housing opportunities on-site.

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

The current FLUA designation is inappropriate due to commercial uses that were approved in 2018 are no longer consistent with the current market demand. Although the current FLU has an underlying Low-Residential, 2 units per acre FLU which would allow residential units, the low density would not be appropriate or cohesive along Lake Worth Rd. and directly adjacent to two medium to high density residential projects to the west and south. The proposed FLUA will create consistency within the Catalina at Lake Worth PUD which has a High-Residential, 8 units per acre.

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

The proposed development will be utilizing the Transfer of Development Rights and Workforce Housing Programs. The Applicant is waiting to receive the WHP Determination Letter from PBC Planning Department.

**Section G.3 Compatibility**

**Provide written data and analysis to demonstrate compatibility with the surrounding and adjacent land uses.**

The proposed HR-8 FLU designation is compatible with the surrounding uses, which consists of commercial, single-family and multi-family residential. The neighboring large-scale developments are composed of residential uses. The subject site which is vacant and surrounded by development, is also located in an area composed of moderate to high intensity and density.

**Exhibit 4**  
**Applicant's Public Facility Impacts Table**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A. Traffic Information</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                   |
| See Exhibit 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                   |
| <b>B. Mass Transit Information</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                   |
| <b>Nearest Palm Tran Route (s)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 62, WLN – LKW (Lake Worth Rd)                                                                                                                                                                                     |
| <b>Nearest Palm Tran Stop</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Bus stop # 5977, at the Northwest corner of the Lake Worth Rd and Hooks Rd., on the north side of Lake Worth Rd., approximately 260 feet northwest of the subject site.                                           |
| <b>Nearest Tri Rail Connection</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Lake Worth, 1703 Lake Worth Rd.                                                                                                                                                                                   |
| <b>C. Potable Water &amp; Wastewater Information</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                   |
| <b>Potable Water &amp; Wastewater Providers</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Palm Beach County Water Utilities Department                                                                                                                                                                      |
| <b>Nearest Water &amp; Wastewater Facility, type/size</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <u>Water</u> : 2-8" watermain stub-outs North West and South West Property Line<br><u>Wastewater</u> : 8" sanitary sewer manhole and gravity sewer onsite provided by Wellington Vista ("Catalina at Lake Worth") |
| <b>D. Drainage Information</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                   |
| <p>The Wellington Vista Phase 2 project is a 5-story, 100-unit apartment complex planned for a 3-acre site in Palm Beach County, Florida. The project falls under the South Florida Water Management District (SFWMD), Lake Worth Drainage District (LWDD), and Palm Beach County jurisdictions. The drainage design includes a subsurface tank system beneath the parking area to manage water quality and stormwater storage.</p> <p>Stormwater treatment will follow SFWMD guidelines. The site will discharge into the LWDD L-14 Canal. The site is in FEMA Flood Zone X, indicating minimal flood risk.</p> |                                                                                                                                                                                                                   |
| <b>E. Fire Rescue</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                   |
| <b>Nearest Station</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | The fire rescue station that provides service to the site is Palm Beach County Station # 32, located at 4022 Charleston St., Lake Worth, 33467.                                                                   |
| <b>Distance to Site</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | The fire rescue station referenced above is approximately 1.50 miles from the subject site.                                                                                                                       |
| <b>Response Time</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | The response time from the fire rescue station PBC 32 to the subject property is approximately 5 minutes and 30 seconds.                                                                                          |

|                             |                                                                                                                                                                        |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Effect on Resp. Time</b> | For the fiscal year 2023, the average response time for this stations zone is 6:59. The proposed Future Land Use amendment will have an minimal impact on Fire Rescue. |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**F. Environmental**

|                                        |                                                                                                                                                                                                                                                                                                             |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Significant habitats or species</b> | The 3 acre commercial project site has previously attained all required federal, state, and local agency environmental permits and approvals. The current site conditions are completely void of any wetlands, upland habitat, or listed species. A few native, protected palms remain on the project site. |
| <b>Flood Zone*</b>                     | The subject site is located within Flood Zone X, Zone X is an area of minimal flood hazard, according to the FEMA Flood Map.                                                                                                                                                                                |
| <b>Wellfield Zone*</b>                 | The subject site is not located in a wellfield protection zone.                                                                                                                                                                                                                                             |

**G. Historic Resources**

Per the County Archaeologist, Christian Davenport, no known historically/architecturally significant or archaeological resources are identified on, or within 500 feet of the subject property.

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

| Park Type       | Name & Location                                                                                                  | Level of Svc.<br>(ac. per person) | Population Change | Change in Demand |
|-----------------|------------------------------------------------------------------------------------------------------------------|-----------------------------------|-------------------|------------------|
| <b>Regional</b> | Okeeheelee Park<br>7715 Forest Hill Blvd<br>West Palm Beach, FL 33413<br>(approx. 5.70 Miles)                    | 0.00339                           | 239               | 0.81             |
| <b>Beach</b>    | Ocean Inlet Park<br>6990 N Ocean Blvd<br>Ocean Ridge, FL 33435<br>(approx. 13.80 Miles)                          | 0.00035                           | 239               | 0.08             |
| <b>District</b> | West Boynton Park and<br>Community Center<br>6000 Northtree Blvd<br>Lake Worth, FL 33463<br>(approx. 6.60 Miles) | 0.00138                           | 239               | 0.33             |

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

|                         |                           |
|-------------------------|---------------------------|
| <b>Library Name</b>     | Greenacres Branch Library |
| <b>Address</b>          | 3750 Jog Rd.              |
| <b>City, State, Zip</b> | Greenacres, FL 33467      |
| <b>Distance</b>         | Approximately 2.5 miles   |

| Component                                                       | Level of Service           | Population Change       | Change in Demand        |
|-----------------------------------------------------------------|----------------------------|-------------------------|-------------------------|
| Collection                                                      | 2 holdings per person      | 239                     | 478                     |
| All staff                                                       | 0.6 FTE per 1,000 persons  | 239                     | 0.14                    |
| Library facilities                                              | 0.6 square feet per person | 239                     | 143.4                   |
| <b>J. Public Schools - Residential Only (Not Including CLF)</b> |                            |                         |                         |
|                                                                 | Elementary                 | Middle                  | High                    |
| <b>Name</b>                                                     | Discovery Key Elementary   | Woodlands Middle School | Dr. Joaquin Garcia      |
| <b>Address</b>                                                  | 3550 Lyons Rd              | 5200 Lyons Rd.          | 4906 Lyons Rd.          |
| <b>City, State, Zip</b>                                         | Lake Worth, FL 33467       | Lake Worth, FL 33467    | Lake Worth, FL 33467    |
| <b>Distance</b>                                                 | Approximately 1.8 miles    | Approximately 2.1 miles | Approximately 2.0 miles |

# Exhibit 5

## Palm Beach County Traffic Division Letter



**Department of Engineering  
and Public Works**  
P.O. Box 21229  
West Palm Beach, FL 33416-1229  
(561) 684-4000  
FAX: (561) 684-4050  
www.pbcgov.com

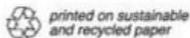
■

**Palm Beach County  
Board of County  
Commissioners**

Maria Sachs, Mayor  
Maria G. Marino, Vice Mayor  
Gregg K. Weiss  
Michael A. Barnett  
Marcy Woodward  
Sara Baxter  
Mack Bernard

**County Administrator**  
Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*



November 4, 2024

Dr. Juan F. Ortega, P.E.  
JFO Group, Inc.  
6671 W Indiantown Road, Suite 50-324  
Jupiter, FL 33458

**RE: Wellington Vista  
FLUA Amendment Policy 3.5-d Review  
Round 2024-25-B**

Dear Dr. Ortega:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Study for the proposed Future Land Use Amendment for the above-referenced project, revised October 30, 2024, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

|                                                                                                                                                                                 |                                                                              |                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <b>Location:</b>                                                                                                                                                                | Southeast corner of Lake Worth Road and Hooks Road                           |                                                                               |
| <b>PCN:</b>                                                                                                                                                                     | 00-42-43-27-05-028-0021                                                      |                                                                               |
| <b>Acres:</b>                                                                                                                                                                   | 3 acres                                                                      |                                                                               |
|                                                                                                                                                                                 | <b>Current FLU</b>                                                           | <b>Proposed FLU</b>                                                           |
| <b>FLU:</b>                                                                                                                                                                     | Commercial High/Low Residential, 2 units per acre (CH/2)                     | High Residential, 8 units per acre (HR-8)                                     |
| <b>Zoning:</b>                                                                                                                                                                  | General Commercial (CG)                                                      | Planned Unit Development (PUD)                                                |
| <b>Density/<br/>Intensity:</b>                                                                                                                                                  | 0.85 FAR                                                                     | 8 units per acre                                                              |
| <b>Maximum Potential:</b>                                                                                                                                                       | Ordinance 2018-027                                                           | Multifamily Low Rise = 24 DUs                                                 |
| <b>Proposed Potential:</b>                                                                                                                                                      | None                                                                         | Multifamily Mid-Rise = 100 DUs<br><i>(Using TDR and/or WHP Density Bonus)</i> |
| <b>Net Daily Trips:</b>                                                                                                                                                         | -985 (maximum – current)<br>-693 (proposed – current)                        |                                                                               |
| <b>Net PH Trips:</b>                                                                                                                                                            | 10 (2/8) AM, 12 (8/4) PM (maximum)<br>37 (9/28) AM, 39 (24/15) PM (proposed) |                                                                               |
| * <i>Maximum</i> indicates typical FAR and maximum trip generator. <i>Proposed</i> indicates the specific uses and intensities/densities anticipated in the zoning application. |                                                                              |                                                                               |



Dr. Juan F. Ortega, P.E.  
November 4, 2024  
Page 2

Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment **meet** Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **proposed potential** density shown above. As such, this amendment necessitates a condition of approval, based on the Transfer of Development Rights (TDR) and/or Workforce Housing Program (WHP), to limit the project to the equivalent trips for the proposed potential.

Please do not hesitate to reach out with any questions or concerns at 561-684-4030 or [DSimeus@pbc.gov](mailto:DSimeus@pbc.gov).

Sincerely,

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

Dominique Simeus, P.E.  
Professional Engineer  
Traffic Division

DS:jb

cc:

Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division  
Bryan Davis – Principal Planner, Planning Division  
Stephanie Gregory – Principal Planner, Planning Division  
Khurshid Mohyuddin – Principal Planner, Planning Division  
Kathleen Chang – Senior Planner, Planning Division  
David Wiloch – Senior Planner, Planning Division  
Alberto Lopez Tagle - Technical Assistant III, Traffic Division

File: General - TPS -- Unincorporated - Traffic Study Review  
N:\TRAFFIC\Development Review\Comp Plan\25-B\Wellington Vista aka Allied Polo Estates.docx

**Exhibit 6**  
**Water & Wastewater Provider LOS Letter**

---



**Water Utilities Department**

8100 Forest Hill Blvd.  
West Palm Beach, FL 33413  
(561) 493-6000  
Fax: (561) 493-6008  
www.pbcwater.com



**Palm Beach County  
Board of County  
Commissioners**

Maria G. Marino, Mayor  
Sara Baxter, Vice Mayor  
Gregg K. Weiss  
Joel Flores  
Marcy Woodward  
Maria Sachs  
Bobby Powell, Jr.

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

Official Electronic Letterhead

December 9, 2024

Schnars Engineering Corporation  
947 Clint Moore Road  
Boca Raton, FL 33487

Attn: Jeffrey Schnars, P.E.

RE: Wellington Vista Phase 2  
4050 Hooks Rd  
Service Availability Letter

Dear Jeff,

This is to confirm that Palm Beach County Water Utilities Department (PBCWUD) is the potable water, wastewater and reclaim water provider for the referenced properties. This property was originally slated for commercial with a low water and sanitary sewer demand. The project is now requesting service availability for a 5-story 100 unit multifamily building on the roughly 3 acre site. Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to provide the level of service required for the proposed multifamily building however a lift station and offsite water and sewer extensions may be required. Reclaimed water is not available at this time.

There is an 8" watermain and a 4" sanitary sewer force main located within Hooks Road adjacent to the subject property.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD. In addition, the addition of new developments/customers prior to service initiation to the property may affect the available capacity. PBCWUD does not make any representations as to the availability of capacity as of the future service initiation date.

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

Sincerely,

  
Jackie Michels, P.E.  
Project Manager

# Exhibit 7

## School District Letter



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FL

KRISTIN K. GARRISON, AICP  
DIRECTOR

MICHAEL J. BURKE  
SUPERINTENDENT

PLANNING & INTERGOVERNMENTAL RELATIONS  
3661 INTERSTATE PARK ROAD NORTH, 200  
RIVIERA BEACH, FL 33404

JOSEPH M. SANCHES, MBA  
CHIEF OPERATING OFFICER

PHONE: 561-434-8020 / FAX: 561-434-8942  
[WWW.PALMBEACHSCHOOLS.ORG](http://WWW.PALMBEACHSCHOOLS.ORG)

### SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

|                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                    |                            |                                   |
|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|----------------------------|-----------------------------------|
| <b>Application</b>                                | <b>Submittal Date</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 11/06/2024                                         |                            |                                   |
|                                                   | <b>SCAD No.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 24220601F/FLU; 24220601Z/Rezoning; 24220601D/D. O. |                            |                                   |
|                                                   | <b>FLU /Rezoning/D.O. No.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Not Provided – Unincorporated Palm Beach County    |                            |                                   |
|                                                   | <b>PCN No. / Address</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 00-42-43-27-05-028-0021 / 4050 Hooks Road          |                            |                                   |
|                                                   | <b>Development Name</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Wellington Vista Phase II                          |                            |                                   |
|                                                   | <b>Owner / Agent Name</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Lake Worth Road Commercial LLC / Brian Terry       |                            |                                   |
|                                                   | <b>SAC No.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 216A                                               |                            |                                   |
| <b>Proposed FLU/Rezoning<br/>Proposed D. O.</b>   | <b>Maximum 24 Residential Units<br/>100 Mid-Rise Apt/Condo Units</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                    |                            |                                   |
| <b>Impact Review</b>                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Discovery Key<br>Elementary School                 | Woodlands<br>Middle School | Dr. Joaquin Garcia<br>High School |
|                                                   | <b>New Students Generated</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3                                                  | 2                          | 2                                 |
|                                                   | <b>Capacity Available</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | -149                                               | -11                        | -2                                |
|                                                   | <b>Utilization Percentage</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 113%                                               | 101%                       | 100%                              |
| <b>School District Staff's<br/>Recommendation</b> | <p>Based on the findings and evaluation of the proposed development, there will be a negative impact on the public-school system. Given the recent increases in school impact fees, effective January 1, 2023, much of these impacts will be mitigated. The impact fees, however, will not fully cover impacts to the school system. Therefore, if the proposed development is approved by Palm Beach County government and if the Developer voluntarily agrees, School District staff recommends the following condition to mitigate such impacts.</p> <p>In order to address the school capacity deficiency generated by this proposed development at the District elementary, middle and high school level, the property owner shall contribute a total of \$45,080.00 to the School District of Palm Beach County prior to the issuance of first building permit.</p> <p>This voluntary school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied).</p> <p>Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on September 13, 2022.</p> |                                                    |                            |                                   |
| <b>Validation Period</b>                          | <p>1) This determination is valid from 12/04/2024 to 12/03/2025 or the expiration date of the site-specific development order approved during the validation period.</p> <p>2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to 12/03/2025 or this determination will expire automatically on 12/03/2025.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                    |                            |                                   |
| <b>Notice</b>                                     | <p>School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                    |                            |                                   |

*Joyce Cai*

\_\_\_\_\_  
School District Representative Signature

**Joyce C. Cai, Senior Planner**

\_\_\_\_\_  
Print Name & Title

**December 4, 2024**

\_\_\_\_\_  
Date

**joyce.cai@palmbeachschools.org**

\_\_\_\_\_  
Email Address

CC: Kathleen Chang, Senior Planner, Palm Beach County  
Joyell Shaw, PIR Manager, School District of Palm Beach County

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

**Exhibit 8**  
**Disclosure of Ownership Interests**

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

**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 Armando A. Tabernilla, 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  Vice President [position - e.g., president, partner, trustee] of LAKE WORTH ROAD COMMERCIAL 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: 1 North Clematis Street, Suite 200  
West Palm Beach, FL 33401
  
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.

Armando A. Tabernilla  
Armando A. Tabernilla, Affiant  
(Print Affiant Name)



NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

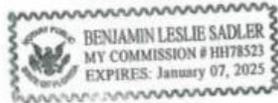
The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 11<sup>th</sup> day of November, 2024 by Armando A. Tabernilla (name of person acknowledging). He/she is personally known to me or has produced N/A (type of identification) as identification and did/did not take an oath (circle correct response).

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

B. L. Sadler  
(Signature)

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

NOTARY'S SEAL OR STAMP



**EXHIBIT "A"****PROPERTY**

A PARCEL OF LAND BEING A PORTION OF TRACT 2, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF TRACT B-1 OF THE PLAT OF "CATALINA AT LAKE WORTH P.U.D.", ACCORDING WITH THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 130, PAGES 147 THROUGH 150, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°48'42" EAST ALONG THE WESTERLY LINE OF THE LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 24358, PAGE 1059 OF SAID PUBLIC RECORDS, A DISTANCE OF 377.70 FEET; THENCE NORTH 89° 27'29" WEST, ALONG THE SOUTHERLY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY, A DISTANCE OF 182.82 FEET; THENCE SOUTH 89°02'31" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 93.25 FEET; THENCE NORTH 85° 23'17" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 75.86 FEET; THENCE SOUTH 00°56'30" EAST, ALONG THE EAST LINE OF TRACT S OF SAID "CATALINA AT LAKE WORTH P.U.D.", A DISTANCE OF 389.31 FEET; THENCE NORTH 89°03'30" EAST, ALONG THE NORTH LINE OF SAID TRACT B-1, A DISTANCE OF 333.37 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 130,698 SQUARE FEET (3.00 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                                                     |
|------------------------------|-------------------------------------------------------------|
| Florida Crystals Corporation | 1 N. Clematis Street, Suite 200, West Palm Beach, FL 33401  |
| BrandyTrust Crystals, LLC    | 7234 Lancaster Pike, Suite 300-A, Hockessin Delaware, 19707 |
| Woolsey S. de R.L.           | 499 Park Avenue, 24th Floor, New York, New York 10022       |
| Fanjul Corp.                 | 1 N. Clematis Street, Suite 200, West Palm Beach, FL 33401  |
| Fanjul, Alfonso              | 1 N. Clematis Street, Suite 200, West Palm Beach, FL 33401  |
| Fanjul, Alexander L.         | 1 N. Clematis Street, Suite 200, West Palm Beach, FL 33401  |
| Fanjul, Andres B.            | 1 N. Clematis Street, Suite 200, West Palm Beach, FL 33401  |
| Fanjul, Jose F.              | 1 N. Clematis Street, Suite 200, West Palm Beach, FL 33401  |
| Fanjul, Lillian              | 1 N. Clematis Street, Suite 200, West Palm Beach, FL 33401  |
|                              |                                                             |
|                              |                                                             |
|                              |                                                             |

**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 Armando A. Tabernilla, 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  Vice President *[position - e.g., president, partner, trustee]* of Lake Worth Road Villas 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.
  
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West Palm Beach, FL 33401
  
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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.

*[Signature]*  
Armando A. Tabernilla, Affiant  
(Print Affiant Name)



NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

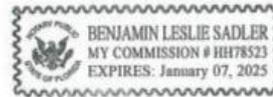
The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 11<sup>th</sup> day of November, 2024 by Armando A. Tabernilla (name of person acknowledging). He/she is personally known to me or has produced N/A (type of identification) as identification and did/did not take an oath (circle correct response).

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

*B. L. Sadler*  
(Signature)

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

NOTARY'S SEAL OR STAMP



**EXHIBIT "A"**

**PROPERTY**

Parcel 1:

All of the Plat of Catalina At Lake Worth P.U.D., according to the plat thereof recorded in Plat Book 130, Page 147, of the public records of Palm Beach County, Florida.

Parcel 2: Easements for the benefit of Parcel 1

1. Non-exclusive easement rights as created by and described in Entryway Easement Agreement between Lake Worth Road Commercial, LLC and Lake Worth Road Villas, LLC, recorded in Official Records Book 31397, page 37, Public Records of Palm Beach County, Florida.

2. Non-exclusive easement rights as created by and as described in Pathway Easement Agreement between Lake Worth Road Commercial, LLC and Lake Worth Road Villas, LLC, recorded in Official Records Book 31397, page 50, Public Records of 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                                                     |
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| Florida Crystals Corporation | 1 N. Clematis Street, Suite 200, West Palm Beach, FL 33401  |
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| Fanjul, Jose F.              | 1 N. Clematis Street, Suite 200, West Palm Beach, FL 33401  |
| Fanjul, Lillian              | 1 N. Clematis Street, Suite 200, West Palm Beach, FL 33401  |
|                              |                                                             |
|                              |                                                             |
|                              |                                                             |

**Exhibit 9**  
**Correspondence**

---