



## FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 23-A

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### PLANNING COMMISSION PUBLIC HEARING, SEPT. 9, 2022

#### A. Application Summary

##### I. General

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<b>Project Name:</b>	<b>Hunter's Crossing (LGA 2023-008)</b>
<b>Request:</b>	<b>LR-1 to LR-2 on 24.5 acres &amp; LR-3 on 12.4 acres</b>
<b>Acres:</b>	36.90 total acres
<b>Location:</b>	South side of Lake Worth Road, approx. 0.20 mile east of State Road 7
<b>Project Manager:</b>	Inna Stafeychuk, Planner II
<b>Applicant:</b>	Charles and Charlotte Hendrix, Divosta Homes, LP. (Contract Purchaser)
<b>Owner:</b>	Charles and Charlotte Hendrix
<b>Agent:</b>	Tyler Woolsey, Urban Design Studio
<b>Staff Recommendation:</b>	Staff recommends <b>approval with modifications</b> based upon the following findings and conclusions found in this report.

##### II. Assessment & Recommendation

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This amendment proposes to change 36.90 acres of Low Residential, 1 unit per acre (LR-1) to Low Residential, 2 units per acre (LR-2) on 24.5 acres and Low Residential, 3 units per acre (LR-3) on 12.4 acres. This amendment results in an increase in residential development potential from 37 units to 86 units. In addition, the concurrent zoning application includes a requested 27 unit (31%) density bonus through the Workforce Housing Program (WHP) for a total of 113 units (3.06 units per acre). The applicant intends to develop the site with 11 single family and 102 zero lot line units.

The site is located within the West Lake Worth Road Neighborhood Plan area. Low density residential neighborhoods are located to the east and south of the site. The proposed amendment with bonus density is requesting a higher density than the surrounding neighborhoods, but is appropriate at this location. The proposed unit types are compatible with adjacent single family homes, and access to the site is limited to Lake Worth Road.

Through the zoning application, the applicant is proposing to provide 8 WHP units (7%) with no units identified to be provided on site, and no use of Transfer of Development Rights (TDRs). The amendment is inconsistent with the Comprehensive Plan policy that establishes TDRs as the required method of increasing density. By not using TDRs, and increasing the density primarily through a FLU amendment the proposed development is minimizing the amount of WHP units that would be required. The applicant's target of 113 units can be achieved with a FLU designation of LR-2 and use of available TDRs; the amount of WHP required would be 19 units, or 18%. Consistent with past amendments, staff recommends the LR-2 designation with conditions of approval capping the maximum units at 113, requiring the purchase of TDR units (39 units), and requiring 18% workforce housing units to be provided onsite.

### **III. Hearing History**

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**Local Planning Agency:**

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

**State Review Comments:**

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

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## B. Petition Summary

### I. Site Data

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#### Current Future Land Use

**Current FLU:** Low Residential, 1 unit per acre (LR-1)  
**Existing Land Use:** Residential  
**Current Zoning:** Agricultural Residential (AR)  
**Current Dev. Potential Max:** Residential, up to 37 dwelling units (without TDR or WHP)

#### Proposed Future Land Use Change

**Proposed FLU:** Low Residential, 2 units per acre (LR-2) on 24.5 acres and Low Residential, 3 units per acre (LR-3) on 12.4 acres  
**Proposed Use:** Residential  
**Proposed Zoning:** Residential Single Family (RS)  
**Dev. Potential Max/Conditioned:** Residential, up to 113 dwelling units (includes WHP density bonus)

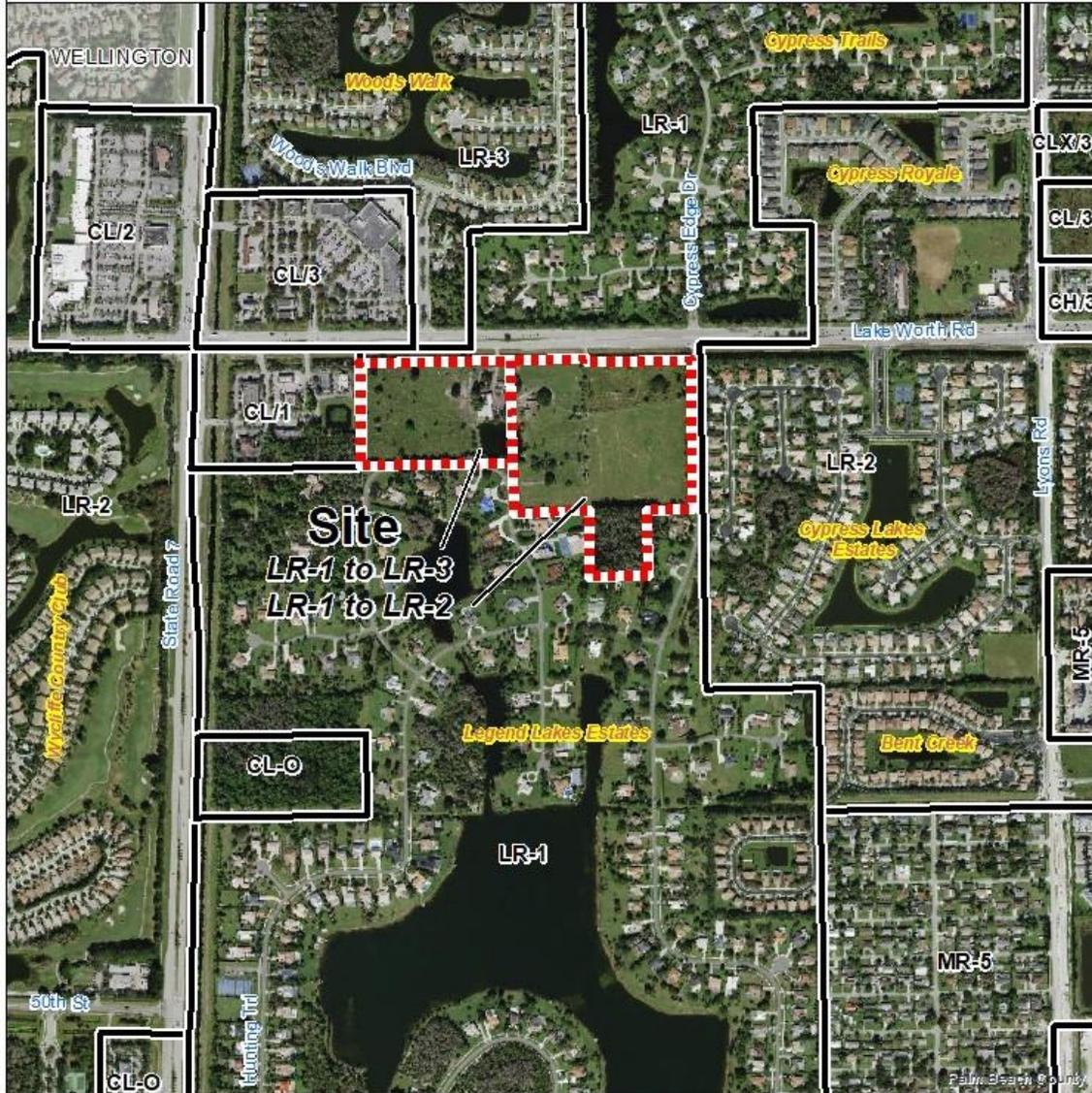
#### General Area Information for Site

**Tier/Tier Change:** Urban/Suburban Tier – No Change  
**Utility Service:** Palm Beach County Water Utilities Department  
**Overlay/Study:** West Lake Worth Road Neighborhood Plan  
**Comm. District:** Commissioner Melissa McKinlay, District 6



# Future Land Use Atlas Amendment

## Hunter's Crossing (LGA 2023-008)



### Site Data

Size: 36.90 acres  
 Existing Use: Residential & Agricultural  
 Proposed Use: Residential  
 Current FLU: LR-1  
 Proposed FLU: LR-2 (24.60 acres)  
 & LR-3 (12.4 acres)

### Future Land Use Designations

LR-1	Low Residential, 1 unit/acre	CL/2	Commercial Low, underlying LR-2
LR-2	Low Residential, 2 units/acre	CL/3	Commercial Low, underlying LR-3
LR-3	Low Residential, 3 units/acre	CL-O	Commercial Low - O office
MR-5	Medium Residential, 5 units/acre	CH/3	Commercial High, underlying LR-3
CL/1	Commercial Low, underlying LR-1	CLX/3	Commercial Low crosshatching, underlying LR-3

Date: 6/30/2022  
 Contact: PBC Planning  
 Filename: Planning\AMEND\23\ASiteSpecific  
 Note: Map is not official, for presentation purposes only.



Site



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



## C. Introduction & Review

### I. Intent of the Amendment

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This is a privately proposed amendment on a 36.90 acre site. A 0.411 acre section of right of way is included in this acreage, but it is contingent on the approval of the applicant's request for abandonment of the right of way through zoning application. The subject site is located within the Urban Suburban Tier within the West Lake Worth Road Neighborhood Plan, specifically on the south side of Lake Worth Road, approximately 0.20 miles east of State Road 7.

**Proposed Amendment:** The intent of the amendment is to change the future land use designation to increase density through the future land use amendment process, with additional density to be obtained through the use of WHP density bonus in the associated zoning applications. The request is to change the LR-1 future land use designation to LR-2 and LR-3. The current LR-1 designation allows a future land use density of 37 dwelling units, or up to 111 units with maximum use of TDRs and WHP bonus density. The requested LR-2 and LR-3 designations allow a base of 86 dwelling units and up to 259 units maximizing the TDR and WHP bonus density. The concurrent zoning application requests a total of 113 dwelling units.

**Background.** The subject site currently has a single family home and agricultural uses. The site was the subject of previous amendment applications, as described below:

- **Lake Worth/SR-7 Commercial (LGA 2010-007).** In 2010, the property owner submitted a future land use application request from LR-1 to Commercial Low with an underlying High Residential, 8 units per acre (CL/8). The request included 175 dwelling units and up to 163,350 square feet of commercial to be developed under the Lifestyle Commercial Center (LCC) regulations. Staff recommended denial and Planning Commission recommended denial. There was no associated zoning application submitted and the amendment application was withdrawn prior to the BCC Transmittal hearing.
- **Amber Woods (LGA 2021-012).** In early 2021, DR Horton (contract purchaser) submitted a request to change the future land use designation from LR-1 to LR-3 over the entire site. The associated zoning application included the use of the TDRs and WHP bonus density for a total of 199 units (5.45 units per acre). Staff recommended approval with conditions and the Planning Commission recommended approval. The application was denied by the Board of County Commissioners (BCC) at the May 5, 2021 Transmittal Hearing, in a 5 to 1 vote.
- **Amber Woods II (LGA 2022-005).** Following the denial, the same applicant as the previous amendment request, submitted a new application for LR-2 and LR-3 and reduced the requested units to 126 units. Due to a provision of the Comprehensive Plan that prohibits an application denied by the BCC from being reheard within two years following the denial, the applicant was required to obtain BCC approval to proceed with this application. Prior to the meeting when the Board was to reconsider the two year waiting period, the applicant withdrew the application.
- **FLUA reconsideration by the BCC.** In early 2022, the current contract purchaser, Divosta Homes, LP (AKA Pulte), submitted a formal request for the Board to reconsider the two year waiting period for processing of a FLUA amendment application to LR-2 and LR-3. The BCC authorized the FLUA submittal on March 24, 2022. The applicant submitted the current application in May of 2022.

**Zoning Application.** The concurrent associated zoning application, Z/CA-2022-00844, Hunter Crossing, Control number 2013-00360, consists of a request for rezoning from Agriculture Residential (AR) zoning district to Single Family Residential (RS) zoning district and Class A conditional use to allow zero lot line (ZLL) dwelling units in RS zoning district. The total request for 113 units includes 27 (or 31%) WHP bonus density units. The project is proposed to consist of a mix of single family and zero lot line units. The concurrent zoning application will include the abandonment of the 0.411 acre section of right of way.

## II. Data and Analysis Summary

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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.

**Overview of the Area.** The amendment is located within the boundaries of the West Lake Worth Road Neighborhood Plan, an area that has been the subject of multiple future land use amendments as summarized below.

- **Neighborhood Plan.** Beginning in 2008, various property owners in the area began submitting Future Land Use Atlas (FLUA) amendments to increase density and/or intensity. This activity prompted residents from eight of the surrounding communities to begin the formulation of the West Lake Worth Road (WLWR) Neighborhood Plan. The Lake Worth Road Coalition, Inc., is the primary stakeholder group established to monitor the implementation of the Neighborhood Plan recommendations. The Neighborhood Plan was completed and formally received and filed by the Board of County Commissioners in November 2009. The Neighborhood Plan depicted maximum densities, identifying that the westernmost portion of subject site should have a residential density no greater than 3 units per acre, whereas the rest of the site should have a density of 2 units per acre. The Neighborhood Plan encouraged that these be attained through a Plan amendment process that capped density at the desired FLU designation, so that no TDRs or WHP density bonus would be used to increase density beyond the density identified in the Neighborhood Plan. However, the NHP also recognized that the utilization of the TDR and WHP density bonus programs to increase density is available to these properties and is consistent with the Comprehensive Plan. The Neighborhood Plan has not been updated by the Coalition to reflect subsequent amendments in the area. See the discussion under Neighborhood Plans and Studies – FLUE Policy 4.1-c for a graphic of the Master Plan.
- **Future Land Use Amendments.** Since the inception of the Neighborhood Plan in 2008, the County has reviewed several privately proposed FLUA amendments within the Neighborhood Planning Area, primarily to increase density and non-residential intensity on the south side of Lake Worth Road and east of Lyons Road. Of the 24 amendments adopted by the Board of County Commissioners, 15 of the amendments were approved for density increases. Four of these 15 amendments (Lake Worth Royale, Polo Gardens, Fields of Gulfstream, Lake Worth Commercial) were approved for the densities exceeding the density recommended by the Neighborhood Plan. Although Neighborhood Plans are not mandatory, in 2011 the Board adopted an exemption to the mandatory Transfer of Development Rights Policy 2.4-b for projects proposing density consistent with the Neighborhood Plan's Master Plan.

## 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 adjacent to Legend Lakes Estates to the south, a single family community with a density of less than 1 unit per acre. Cypress Lakes Estates, a single-family neighborhood with a density of about 2 units per acre, is located to the east of the site. To the west, the site is adjacent to property designated Commercial Low with an underlying Low Residential, 1 dwelling unit per acre (CL/1). The applicant's request for LR-2 and LR-3 future land use allows a base density of 2 and 3 units per acre (86 units), and with the WHP density bonus is seeking 113 single family and zero lot line units with a density of 3.06 units per acre. Although this figure is higher than the surrounding single family homes, there is no connectivity between the site and Legend Lakes, and buffers will separate the residential uses. The proposed single family and zero lot line adjacent to single family housing represents compatible residential uses and is consistent with the character of the surrounding area and corridor.
- **Appropriateness of the FLU:** In its assessment of a proposed amendment, staff recommends to the BCC the lowest FLU designation that can be used to achieve the target density, in conjunction with available density bonuses. The applicant's target of 113 units is achievable with an LR-2 designation in combination with TDRs. Under the applicant's proposal of LR-2 and LR-3, more of the proposed density increase would come from the amendment portion, and less from any density bonuses. As discussed below, this has the effect of reducing the amount of workforce housing required, because density obtained through an amendment is subject to a lower percentage of required workforce units than density obtained through density bonuses.
- **Mandatory Use of TDRs:** At the current LR-1 designation, the maximum TDRs and WHP density bonus available to the proposed project yields 111 units, not sufficient to achieve the target 113 units. The applicant is proposing to attain the target 113 units for this site through a FLUA amendment to LR-2 and LR-3, and a WHP density bonus, but without the use of mandatory TDRs.

Policy 2.4-b of the Comprehensive Plan Future Land Use Element requires that density increases be accomplished through the use of TDRs, unless an applicant meets the criteria for an amendment, is using the workforce or affordable housing programs, or proposes density up to, but not exceeding, density proposed and supported by the neighborhood plan formally received by the BCC.

In order to meet the criteria for an amendment without use of the mandatory TDRs, an applicant must both justify and demonstrate a need for a FLUA amendment and demonstrate that the current FLUA designation is inappropriate. The applicant has stated that the current designation of LR-1 is no longer appropriate given the current development pattern of the corridor, and that the higher density is justified given market demands for low density residential option. However, the current LR-1 designation provides low density residential option and is compatible with the surrounding developments and therefore is not inappropriate. In addition, the current LR-1 designation has the potential to achieve higher densities, up to a density of 3 units per acre, with full use of the TDR and WHP density bonus programs. Therefore, the applicant not met this criterion for an amendment without the use of mandatory TDRs.

As noted above, Policy 2.4-b also exempts projects proposing density consistent with the Neighborhood Plan's Master Plan from the mandatory use of TDRs to increase density. The WLWR Neighborhood Plan calls for a maximum density of 2 units per acre on 24.5 acres and 3 units per acre on 12.4 acres of this site. The amendment proposes LR-2 and LR-3, as identified in the WLWR Neighborhood Plan, but also proposes a further increase in density through a WHP density bonus, such that the total density would be 3.06 du/ac. Therefore, this application is not exempt from the requirement to use TDRs. TDRs are available to this site at a rate of a maximum of 2 units per acre. Per the Unified Land Development Code, a portion of any TDRs used would need to be provided as WHP units, on site. Through the zoning application, the applicant is proposing no use of TDRs. The amendment is inconsistent with the Comprehensive Plan policy that establishes TDRs as the required method of increasing density. By not using TDRs, and increasing the FLU density from LR-1 to LR-2 and LR-3, the proposed development is reducing the amount of WHP units that would be required.

- **Workforce Housing:** When a future land use amendment is involved, staff recommends to the Board the lowest FLU designation necessary to achieve the target number of units, and the use of available TDRs. Based on prior Board direction, staff also recommends to the Board that a percentage of the project units to be provided as WHP units, on site. The recommended percentage is the greater of either 10% (for single family or zero lot line projects), or the percentage required by the Unified Land Development Code resulting from application of the WHP Full Incentive option, as applied to the project using the lowest FLU and TDRs.

Staff applies the percentages associated with the Full Incentive Option of the WHP, as opposed to the Limited Incentive because the Full Incentive Option is applied to projects that are seeking to maximize density, and any project seeking a FLUA amendment is considered to be maximizing density. However, the applicant's Zoning application identifies an 8 WHP unit obligation which reflects the obligation if this parcel already had the requested FLU designations and were requesting the Limited Incentive Option of the WHP in the Zoning process which substantially reduces the workforce obligation. Applying the lower LR-2 FLU, the available TDRs and the Full Incentive percentages, the amount of WHP required would be 19 units, or 18%.

**Assessment and Recommendation.** The intent of the amendment is to change 36.90 acres of Low Residential, 1 unit per acre (LR-1) to Low Residential, 2 units per acre (LR-2) on 24.5 acres and Low Residential, 3 units per acre (LR-3) on 12.4 acres. This amendment results in an increase in residential development potential from 37 units to 86 units. In addition, the concurrent zoning application includes a requested 27 unit (31%) density bonus through the Workforce Housing Program (WHP) for a total of 113 units (3.06 units per acre). The applicant intends to develop the site with 11 single family and 102 zero lot line units.

The site is located within the West Lake Worth Road Neighborhood Plan area. Low density residential neighborhoods are located to the east and south of the site. The proposed amendment with bonus density is requesting a higher density than the surrounding neighborhoods, but is appropriate at this location. The proposed unit types are compatible with adjacent single family homes, and access to the site is limited to Lake Worth Road.

Through the zoning application, the applicant is proposing to provide 8 WHP units (7%) with no units identified to be provided on site, and no use of Transfer of Development Rights (TDRs). The amendment is inconsistent with the Comprehensive Plan policy that establishes TDRs as the required method of increasing density. By not using TDRs, and increasing the density primarily through a FLU amendment the proposed development is minimizing the amount of WHP units that would be required. The applicant's target of 113 units can be achieved with a FLU designation

of LR-2 and use of available TDRs; the amount of WHP required would be 19 units, or 18%. Consistent with past amendments, staff recommends the LR-2 designation, and conditions of approval capping the maximum units at 113, requiring the purchase of TDR units (39 units), and requiring 18% workforce housing units to be provided onsite.

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

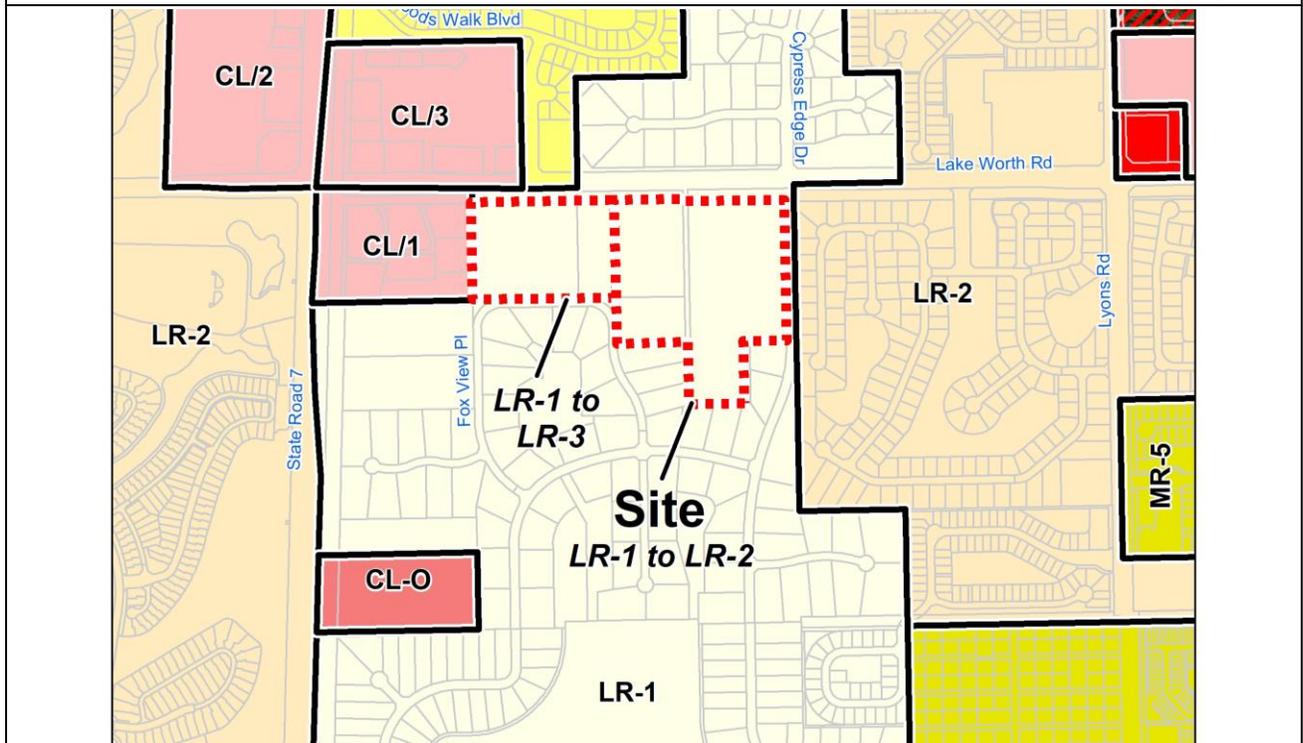
<b>Exhibits</b>	<b>Page</b>
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## Exhibit 1

<b>Amendment No:</b>	<b>Hunter's Crossing (LGA 2023-008)</b>
<b>FLUA Page No:</b>	76
<b>Amendment:</b>	From Low Residential, 1 unit per acre (LR-1), to Low Residential, 2 units per acre on 24.5 acres and Low Residential, 3 units per acre (LR-3) on 12.4 acres
<b>Location:</b>	South side of Lake Worth Road, approx. 0.20 mile east of State Road 7
<b>Size:</b>	36.90 acres
<b>Property No:</b>	00424327050270060; 00424327050270050; 00424327050270101; 00424327050270040

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

1. Residential dwelling units shall be limited to a maximum of 113 units with no further density increases through density bonus programs.
2. The zoning development order shall require a minimum of 18% of the total dwelling units to be built as on-site workforce housing units. The workforce housing units are subject to the applicable requirements of the Workforce Housing Program (WHP) in Article 5.G.1 of the ULDC.
3. A total of 39 Transfer of Development Rights (TDR) units shall be purchased and constructed. A minimum of thirty four percent of the TDR units shall be purchased at the WHP rate and shall apply to the minimum number of workforce housing units required by this ordinance; some or all of the remaining TDRs may be purchased at the WHP rate subject to ULDC requirements, but do not apply toward the 18%.
4. 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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### PARCEL 1:

TRACTS 5 AND 6, BLOCK 27, THE PALM BEACH FARMS CO. PLAT NO. 3. ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS PORTIONS TAKEN IN STIPULATED FINAL JUDGMENTS RECORDED IN OFFICIAL RECORD BOOK 6672, PAGE 610 AND OFFICIAL RECORD BOOK 6680, PAGE 1310, AND DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEASTERLY CORNER OF SAID TRACT 5, BLOCK 27; THENCE RUN SOUTH 00°56'59" EAST, ALONG THE EAST LINE OF SAID TRACT 5, BLOCK 27, A DISTANCE OF 5.63 FEET; THENCE RUN SOUTH 89°31'54" WEST, A DISTANCE OF 660.02 FEET TO THE POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 5, BLOCK 27; THENCE RUN NORTH 00°56'59" WEST ALONG THE WEST LINE OF SAID TRACT 5, BLOCK 27, A DISTANCE OF 0.08 FEET, TO THE NORTHWEST CORNER OF SAID TRACT 5, BLOCK 27; THENCE RUN NORTH 89°03'01" EAST ALONG THE NORTH LINE OF SAID TRACT 5, BLOCK 27, A DISTANCE OF 660.00 FEET TO THE POINT OF BEGINNING;

AND

BEGIN AT THE NORTHEASTERLY CORNER OF SAID TRACT 6, BLOCK 27; THENCE RUN SOUTH 00°56'59" EAST, ALONG THE EAST LINE OF SAID TRACT 6, BLOCK 27. A DISTANCE OF 0.08 FEET; THENCE SOUTH 89°31'54" WEST, A DISTANCE OF 9.83 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 6; THENCE NORTH 89°03'01" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 9.83 FEET TO THE POINT OF BEGINNING.

### PARCEL 2:

TRACT 4 (LESS THE EAST 60 FEET) AND TRACT 11 (LESS THE EAST 60 FEET) AND (LESS THE WEST 270 FEET OF THE EAST 330 FEET OF THE SOUTH 372.16 FEET) AND THE. NORTH 287.82 FEET OF THE EAST 426.70 FEET OF TRACT 10, ALL BEING IN BLOCK 27 OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45, PALM BEACH COUNTY RECORDS.

TOGETHER WITH:

THAT PORTION OF THE 30 FOOT RIGHT-OF-WAY LYING BETWEEN TRACTS 4 AND 5 AND THE NORTH 287.82 FEET OF TRACTS 10 AND 11, LESS LAKE WORTH ROAD RIGHT-OF-WAY;

THE EAST HALF OF THE 30 FOOT RIGHT-OF-WAY LYING BETWEEN TRACTS 10 AND 11, LESS THE NORTH 287.82 FEET THEREOF;

THE NORTH HALF OF THE 30 FOOT RIGHT-OF-WAY LYING, BETWEEN TRACTS 11 AND 18, LESS THE EAST 330 FEET THEREOF;

ALL IN BLOCK 27, PALM BEACH FARMS CO. PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID PARCEL BEING 1607446.656± SQUARE FEET OR 36.902± ACRES MORE OR LESS.

**LEGAL DESCRIPTION: (LR-3)**

A PORTION OF TRACTS 5 AND 6, BLOCK 27, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 6, BLOCK 27; THENCE ALONG THE EAST LINE OF SAID TRACT 6, BLOCK 27, S01°00'08"E, A DISTANCE OF 55.36 FEET; THENCE N89°03'01"E, A DISTANCE OF 234.08 FEET TO THE POINT OF BEGINNING; THENCE S00°58'01"E, A DISTANCE OF 604.00 FEET; THENCE S89°00'11"W, A DISTANCE OF 894.13 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 6, BLOCK 27; THENCE ALONG SAID WEST LINE, N00°57'40"W, A DISTANCE OF 604.58 FEET; THENCE N89°03'01"E, A DISTANCE OF 894.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 540,359 SQUARE FEET/12.4049 ACRES, MORE OR LESS.

**LEGAL DESCRIPTION: (LR-2)**

A PORTION OF TRACTS 4 , 5, 10 AND 11, BLOCK 27, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF 30 FOOT RIGHT-OF-WAY LYING BETWEEN SAID TRACTS 4 AND 5, AND SAID TRACTS 10 AND 11, AS RECORDED IN OFFICIAL RECORDS BOOK 10266, PAGE 520 OF SAID PUBLIC RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 6, BLOCK 27; THENCE ALONG THE EAST LINE OF SAID TRACT 6, BLOCK 27, S01°00'08"E, A DISTANCE OF 55.36 FEET; THENCE N89°03'01"E, A DISTANCE OF 234.08 FEET TO THE POINT OF BEGINNING; THENCE N89°03'01"E, A DISTANCE OF 440.94 FEET; THENCE S01°02'23"E, A DISTANCE OF 14.56 FEET; THENCE N89°03'01"E, A DISTANCE OF 614.97 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 4, BLOCK 27 AND TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF HUNTING TRAIL, THE HUNT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, PAGES 119 THROUGH 125 OF SAID PUBLIC RECORDS; THENCE ALONG SAID EAST LINE AND WEST RIGHT-OF-WAY LINE, S01°01'09"E, A DISTANCE OF 878.01 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF 50.00 FEET BUFFER EASEMENT OF SAID THE HUNT PLAT; THENCE ALONG SAID NORTH LINE, S89°03'27"W, A DISTANCE OF 270.00 FEET; THENCE S01°01'09"E, A DISTANCE OF 387.16 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF LOTS 5, 6 AND 7, BLOCK 3 OF SAID THE HUNT PLAT; THENCE ALONG SAID NORTH LINE, S89°03'27"W, A DISTANCE OF 345.37 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF LOTS 1, 2 AND 3, BLOCK 3 OF SAID THE HUNT PLAT; THENCE ALONG SAID EAST LINE, N00°58'00"W, A DISTANCE OF 388.19 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF 50.00 FEET BUFFER EASEMENT OF SAID THE HUNT PLAT; THENCE ALONG SAID NORTH LINE, S89°00'11"W, A DISTANCE OF 441.70 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF FOX VIEW PLACE OF SAID THE HUNT PLAT; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE AND NORTHERLY PROLONGATION OF SAID EAST RIGHT-OF-WAY LINE, N00°58'01"W, A DISTANCE OF 891.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,067,088 SQUARE FEET/24.4970 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 subject property is one of few under-developed parcels along the corridor of sufficient size to adequately develop a residential community with functional open space, recreation amenities, and necessary infrastructure.
- The request to increase density for a single family development is consistent with the West Lake Worth Road Neighborhood Plan (WLWRNP) recommendations.
- The site is surrounded with residential communities of comparable densities.

**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 request is to change 36.90 acres of Low Residential, 1 unit per acre (LR-1) to Low Residential, 2 units per acre and Low Residential, 3 units per acre (LR-3). The current LR-1 designation allows a future land use density of 37 dwelling units or up to 111 units (3 units per acre) with maximizing a combination of Transfer of Development Rights (TDR) and Workforce Housing Program (WHP) bonus density. The requested LR-2 and LR-3 designations allow a base of 86 dwelling units and up to 259 units maximizing the TDR and WHP bonus density. The concurrent zoning application is requesting 113 dwelling units with 11 single family and 102 zero lot line units (3.06 units per acre).

Since the adoption of the 1989 Comprehensive Plan, the West Lake Worth Road Neighborhood Planning area has changed from a low density equestrian area to a suburban corridor with commercial and residential developments. This area has seen several amendments that changed low density residential to commercial or institutional future land use designations, and multiple amendments to increase residential density. The access to the site is limited to Lake Worth Road and the development would be buffered from the surrounding single family homes. Therefore, the proposed increase in density is appropriate at this location.

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 and the zoning applications include requests to utilize the WHP program to increase the density further, while remaining compatible with surrounding land uses (see Compatibility Section). However, the application does not include the use of TDRs, and so is inconsistent with the Growth Management Direction.

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 proposed amendment to LR-2 and LR-3 would foster a development that would be in character with the scale, mass, intensity, and height of other uses along the Lake Worth Road corridor and the Neighborhood Planning 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.** This policy requires that density increases be accomplished through the use of TDRs, unless an applicant meets the criteria for an amendment, is using the workforce or affordable housing programs, or proposes density up to, but not exceeding, density proposed and supported by the neighborhood plan formally received by the BCC. The applicant is not proposing the use of any TDRs to increase density on this site, instead proposing to increase the FLU designation from LR-1 to LR-2 and LR-3, and add additional density through the WHP density bonus program.

In order to meet the criteria for an amendment without use of the mandatory TDRs, an applicant must both justify and demonstrate a need for a FLUA amendment and demonstrate that the current FLUA designation is inappropriate. The applicant has stated that the current designation of LR-1 is no longer appropriate or suitable to enable the development of this site with a functional single-family residential community. However, the current LR-1 designation is compatible with the surrounding developments and has the potential to achieve higher densities, up to a density of 3 du/ac, with full use of the TDR and WHP density bonus programs. Therefore, the applicant has not met the criteria for an amendment without the use of mandatory TDRs.

Policy 2.4-b exempts projects proposing density consistent with the Neighborhood Plan from the mandatory use of TDRs to increase density. The WLWR Neighborhood Plan calls for a maximum density of 2 units per acre on approximately 24.9 acres and 3 units per acre on 12.4 acres of this site. The amendment proposes LR-2 and LR-3, as identified in the WLWR Neighborhood Plan, but also proposes a further increase in density through a WHP density bonus, such that the total density would be 3.06 du/ac. As this exceeds the 2 and 3 du/ac density identified in the Neighborhood Plan, the provision of Policy 2.4-b does not exempt this application from the requirement to use TDRs. TDRs are available to this site at a rate of a maximum of 2 units per acre.

If available TDRs are used, the proposed 113 units can be achieved with a FLU designation of LR-2 rather than a combination of LR-2 and LR-3, supplemented with WHP density bonus. The TDR program requires that a minimum of 34% of TDRs used must be provided as workforce housing units; these WHP units must be provided on-site. Following the Board's initiation of amendments related to density, staff is processing revisions to the Unified Land Development Code (ULDC) proposing to delete the on-site requirement for WHP obligation resulting from the use of TDRs' so that workforce housing units resulting from the use of TDRs are subject to the same regulations as workforce housing units that result from the Workforce Housing Program (WHP).

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 WHP as on-site, for sale, single family units in areas with low concentrations of workforce housing. The WHP is also supported by the TDR program: a minimum of 34% of TDRs used must be provided as workforce housing units, and these WHP units must be provided on-site.

The applicant is proposing to attain the target 113 units for this site through a FLUA amendment from LR-1 to LR-2 and LR-3, and 31% of the 100% WHP density bonus available to this development, but no use of TDRs, as discussed previously. In its assessment of a proposed amendment, staff determines the lowest FLU designation that can be used to achieve the target density, in conjunction with available density bonuses. The applicant's target of 113 units is achievable with an LR-2 designation in combination with TDRs. Under the applicant's proposal to increase a portion of the property to LR-3, more of the proposed density increase would come from the amendment portion, and less from any TDR or WHP density bonuses. This reduces the amount of workforce housing required, because density obtained through an amendment is subject to a lower percentage of required workforce units than density obtained through density bonuses.

In assessing the potential workforce housing obligation, staff applies the percentages associated with the Full Incentive Option of the WHP, as opposed to the Limited Incentive proposed by the applicant. This is because the Full Incentive Option is applied to projects that are seeking to maximize density, and any project seeking a FLUA amendment is considered to be maximizing density. The applicant's zoning application identifies a WHP unit obligation derived from the percentages associated with the Limited Incentive Option of the WHP, which substantially reduces the workforce obligation. Under the applicant's proposal, the WHP obligation would be 8 WHP units (7%) to be provided off-site for-sale 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.

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

	FLU	FLU Units	TDR Bonus	WHP Bonus	Total Units	Density - du/ac		Workforce	
						Gross	Units	%	
<b>Current FLU (full incentive)</b>	LR-1	37	+37	+37 (100%)	111	3.00	25	23%	
<b>Per Staff Recommendation (Target 113 du, full incentive)</b>	LR-2	74	+39	+0	113	3.06	19	18%	
<b>As Proposed by Applicant (Target 113 du, limited incentive)</b>	LR-2 (24.5 ac) & LR-3 (12.4 ac)	86	+0	+27 (31%)	113	3.06	8	7%	
<b>FLU as Proposed by applicant, but applying full incentive option (Target 113 du)</b>	LR-2 (24.5 ac) & LR-3 (12.4 ac)	86	+0	+27 (31%)	113	3.06	16	14%	

As shown in Table 1, the 36.90 acre site could achieve up to 111 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 113 dwelling units (3.06 units per acre), the applicant is seeking the future land use amendment.

As demonstrated under the Staff Analysis, the lowest future land use designation to achieve the requested 113 dwelling units is the LR-2 future land use designation. Using the LR-2 designation and available TDRs, the 113 units are achievable and would result in a WHP obligation of 19 units, or 18%.

The proposed amendment would change the future land use density from LR-1 to LR-2 and LR-3. This has the effect of reducing the WHP obligation, since a larger portion of the density would be subject to the lower WHP obligation associated with the future land use designation, and a smaller portion of the density would be subject to the higher percentage of WHP required from density bonuses. The applicant is requesting a 31% Workforce Housing density bonus in the zoning application, to be applied to the LR-2 and LR-3 future land use designation. The applicant is proposing that 7% (8 units) of the dwelling units be workforce housing and built off-site as for-sale units. However, Staff applies the percentages associated with the Full Incentive Option of the WHP, as opposed to the Limited Incentive. The Full Incentive Option is applied to projects that are seeking to maximize density, and any project seeking a FLUA amendment is considered to be maximizing density. Additionally, the 8 WHP unit obligation proposed by the applicant reflects the obligation if this parcel already had the requested FLU designations and were requesting the Limited Incentive Option of the WHP in the Zoning process which substantially reduces the workforce obligation.

In recent years, staff sought direction from the Board of County Commissioners on the suitable minimum percentages of workforce housing to be required when density increases are being requested through the future land use amendment process. The Board directed staff to recommend a minimum of 10% for single family projects, 20% for townhomes, and 25% for multifamily developments. However, these minimums are

exceeded in cases such as this one, where the percentages resulting from the Staff Analysis and application of Code provisions yield a higher percentage than would result from applying these minimums. Applying the staff recommended LR-2 FLU, the available TDRs and the Full Incentive percentages, the amount of WHP required would be 19 units, or 18%.

### 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 & Northeast:** 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 the communities of Cypress Trails with Low Residential, 1 unit per acre (LR-1) and the Woods Walk community with Low Residential, 3 units per acre (LR-3) future land use designations. Cypress Trails is a 119 acre community with 116 units (0.97 units per acre). Woods Walk is a 89.27 acre PUD with 225 units (2.52 units per acre). To the northwest is the Woods Walk Plaza with Commercial Low with an underlying Low Residential, 3 units per acre. This site is a fully developed commercial plaza with a shopping center, gas station, fast food restaurant, and other small businesses.

**East:** To the east of the subject site is Cypress Lakes Estates. This is a 137 dwelling unit planned development with Low Residential, 2 units per acre (LR-2) which consists of single family units (1.77 units per acre).

**South:** To the south of the subject site is Legend Lakes Estates (aka The Hunt), a 1974 approval, which has an LR-1 future land use designation and is developed with single family homes. The northern part of the development is developed at a lower density (0.37 units per acre) than the southern part. Overall Legend Lakes Estates is developed at a gross density of 0.6 units per acre and is currently built out.

**West:** The properties to the west of the site are a commercial center located at the corner of Lake Worth Road and State Road 7 with a Commercial Low with an underlying 1 unit per acre (CL/1) designation. This site was assigned with the CL FLU with the adoption of the 1989 Comprehensive Plan. The commercial parcels consist of a gas station, bank, fast food restaurant, convenient store, and other commercial uses.

**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 FLU designations and the resulting single-family residential community is a highly compatible use to the surrounding properties. Particularly, the proposed development is highly compatible with the adjacent residential communities to the north, east, and south and will be

complimentary to the nearby commercial uses.” Additionally, the applicant indicated that the proposed 113 unit single family development has received the support of the community.

**Staff Analysis:** The subject site is adjacent to Legend Lakes Estates to the south, a single family community with a density of less than 1 unit per acre. Cypress Lakes Estates, a single-family neighborhood with a density of about 2 units per acre, is located to the east of the site. To the west, the site is adjacent to property designated Commercial Low with an underlying Low Residential, 1 dwelling unit per acre (CL/1). The applicant’s request for LR-2 and LR-3 future land use allows a base density of 2 and 3 units per acre (86 units), and with the WHP density bonus is seeking 113 single family and zero lot line units with a density of 3.06 units per acre. Although this figure is higher than the surrounding single family homes, there is no connectivity between the site and Legend Lakes, and buffers will separate the residential uses. The proposed single family and zero lot line adjacent to single family housing represents compatible residential uses and is consistent with the character of the surrounding area.

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

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

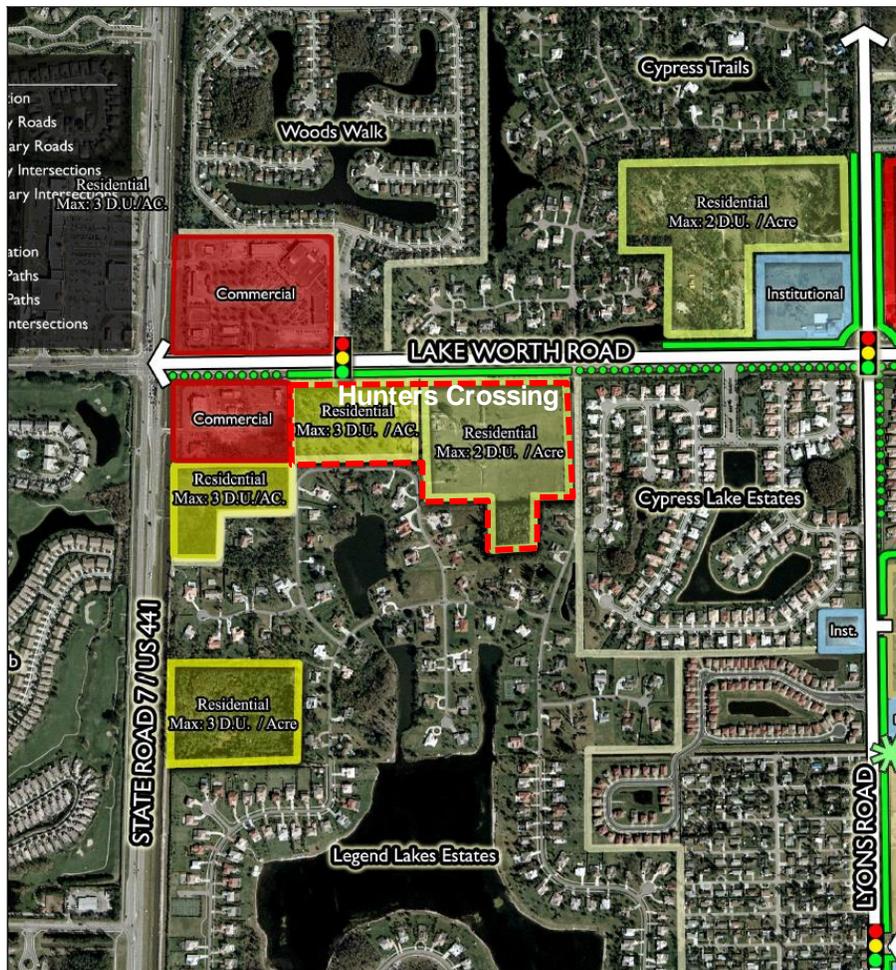
**Staff Analysis:** The proposed amendment is not located within an overlay.

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

**Staff Analysis:** Beginning in 2008, various property owners in the area began submitting Future Land Use Atlas (FLUA) amendments to increase density and/or intensity along the west Lake Worth Road corridor. This activity prompted residents from eight of the surrounding communities to begin formulation of the West Lake Worth Road (WLWR) Neighborhood Plan. The Lake Worth Road Coalition, Inc., is the primary stakeholder group established to monitor implementation of the Neighborhood Plan recommendations. The Neighborhood Plan was completed and formally received and filed by the Board of County Commissioners in November 2009. The Neighborhood Plan depicted maximum densities that were acceptable to the residents, identifying that the westernmost portion of subject site should have a residential density no greater than 3 units per acre, whereas the rest of the site should have a density of 2 units an acre. The Neighborhood Plan encouraged that these be attained through a Plan amendment process that capped density at the desired FLU designation, so that no TDRs or WHP density bonus would be used to increase density up to or beyond the density identified in the Neighborhood Plan. However, the Neighborhood Plan also recognized that the utilization of the TDR and WHP density bonus programs to increase density is available to these properties and is consistent with the Comprehensive Plan. The proposed density of 3.06 units per acre exceeds the density envisioned by the Master Plan.

Since the inception of the Neighborhood Plan, the County has reviewed several privately proposed FLUA amendments within the Neighborhood Planning Area, primarily to increase density and non-residential intensity on the south side of Lake Worth Road and east of Lyons Road. Of the 24 amendments adopted by the Board of County Commissioners, 15 of the amendments were approved for density increases. The Neighborhood Plan has not been updated by the Coalition to reflect subsequent amendments in the area.

### West Lake Worth Road Neighborhood Master Plan



#### E. Public Facilities and Services Impacts

The proposed amendment will change the future land use designation from Low Residential, 1 unit per acre to Low Residential, 2 units per acre and Low Residential, 3 units per acre. For the purposes of the public facilities impact analysis, the maximum intensity is based on Low Residential, 2 units per acre and Low Residential, 3 units per acre with up to 113 dwelling units. 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 (Seacoast Utilities), Environmental (Environmental Resource Management), Historic Resources (PBC Archaeologist), Parks and Recreation, Office of Community Revitalization (OCR), ULDC (Zoning), Land Development (Engineering), Health (PBC Dept. of Health), Fire Rescue, Lake Worth Drainage District.

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

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

**Staff Analysis:** The County Traffic Division reviewed this amendment at the maximum development potential proposed by the amendment. According to the Traffic Division (see letter dated May 26, 2022 in Exhibit 5):

The Traffic letter concludes "Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment meets Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the proposed potential density shown above. Therefore, this amendment requires a condition of approval, based on Transfer of Development Rights (TDR) and density bonus programs, to cap the project at the proposed development potential or equivalent trips. Please note the proposed change will have no significant impact for both long range and Test 2 analyses."

The Traffic Study was prepared by JFO Group Inc., 6671 W Indiantown Rd, 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 December 6, 2021 that the estimated response time to the subject property is 8 minutes compared to the 7 minutes, 11 seconds average response time for this station's zone for fiscal year 2022. Additionally, a follow up e-mail indicates 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 August 22, 2022. To date, no objections through the IPARC process to this amendment have been received.
  
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on August 19, 2022. In addition, on the same date, the Lake Worth Road Coalition, Inc. and the following Home Owners Associations within the West Lake Worth Road Neighborhood Plan area were notified by mail: Summer Chase, Silver Glen, Cypress Royale, Cypress Trails, Bent Creek, Legend Lake Estates, Cypress Woods, Lake Worth Road Villas, Woods Walk, Cypress Lake Estates, and Cedar Creek Ranch. Letters received will be included in Exhibit 9.
  
- C. Informational Meeting:** The Planning Division hosted a meeting for area residents and interested parties to relay information regarding the amendment and development approval process on August 29, 2022. No members of the public attended for this item.

## Exhibit 3

### Applicant's Justification

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

##### A. REQUEST

On behalf of the property owners, Charles W. and Charlotte Y. Hendrix, and the applicant, DiVosta Homes, L.P., Urban Design Studio (UDS), as agent, has prepared and hereby respectfully submits this application for a Future Land Use Atlas (FLUA) Amendment for the ±36.9-acre property generally located on the south side of Lake Worth Road approximately 900 feet east of the intersection with State Road 7 (US-441), hereinafter referred to as the Subject Property. The Subject Property is comprised of four parcels with the following parcel control numbers (PCNs):

- 00-42-43-27-05-027-0040
- 00-42-43-27-05-027-0050
- 00-42-43-27-05-027-0060
- 00-42-43-27-05-027-0101

The Subject Property is located in unincorporated Palm Beach County (PBC), situated in the Urban/Suburban Tier with a Future Land Use Atlas designation of Low Residential, 1 dwelling unit per acre (LR-1) and with the Agricultural Residential (AR) Zoning District. The Subject Property is included within the West Lake Worth Road Neighborhood Plan (WLWRNP). The proposed change to the Future Land Use Atlas designation of the Subject Property does not require text amendments to the County's Unified Land Development Code (ULDC) and is consistent with density anticipated by the neighborhood plan.

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

1. To amend the Future Land Use Atlas (FLUA) designation of the Subject Property from Low Residential, 1 dwelling unit per acre (LR-1) to a combination of Low Residential, 2 dwelling units per acre (LR-2) on 24.5 acres and Low Residential, 3 dwelling units per acre (LR-3) on the remaining 12.4 acres.

On March 24, 2022, the Board of County Commissioners (BCC) approved a formal request for consideration to allow the submittal and processing of this FLUA Amendment application.

##### B. BACKGROUND

There have been no previous FLUA Amendment, Rezoning, or Development Order applications approved for the Subject Property. Several applications by other applicants have been filed and later withdrawn or denied by the Board of County Commissioners in previous years. A brief summary of these previous applications is included below.

A FLUA amendment application was submitted in 2010 and later withdrawn (Application Number LGA-2010-0007). That amendment application requested to change the future land use designation from Low Residential, 1 unit per acre (LR-1), to Commercial Low with an underlying

High Residential, eight (8) units per acre (CL/8). The application was withdrawn by the applicant prior to public hearing.

A Large-Scale Future Land Use amendment under the name Amber Woods (Application Number LGA-2021-012) was submitted to Palm Beach County Planning Division on November 10, 2020 requesting to change the Future Land Use (FLU) designation from Low Residential, 1 unit per acre (LR-1), to Medium Residential, 5 units per acre (MR-5). That applicant later modified the request to propose a FLU designation of Low Residential, 3 units per acre (LR-3) for the entirety of the property. On May 3, 2021, the BCC denied transmittal of this amendment application from LR-1 to LR-3.

On May 12, 2021, the applicant for the Amber Woods project submitted another Large-Scale FLUA amendment application (Application Number LGA-2022-005) to change the FLU designation from Low Residential, 1 unit per acre (LR-1), to a split of Low Residential, 2 units per acre (LR-2) and Low Residential, 3 units per acre (LR-3). Based on the request to seek the LR-3 designation on a portion of the amendment site, the PBC Planning Division determined that the Board of County Commissioners (BCC) needed to authorize the processing of this request pursuant to the Comprehensive Plan. The request to consider the application was scheduled to be heard before the BCC; however, the applicant formally requested to withdrawal this revised amendment application on September 27, 2021 prior to the BCC hearing.

On January 4, 2021, an official Zoning Map Amendment and a Class A Conditional Use application was submitted for the project known as Amber Woods PUD (Control Number 2013-00360 / Application Number Z/CA-2021-00117). This application requested to rezone the Subject Property from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District and to allow a Class A Conditional Use for townhomes in the RS Zoning District. The request also proposed to utilize the County's Workforce Housing Program (WHP) with a request for a density bonus of 48% or 41 dwelling units for a residential development that would accommodate 126 dwelling units (with a workforce housing (WFH) obligation of 10 units). The development was proposed to consist of 85 single-family dwelling units and 41 zero lot line dwelling units. The prior applicant formally requested to withdraw this Rezoning and Class A Conditional application on September 27, 2021 simultaneous with the request to withdraw the concurrent FLUA Amendment application. There are currently no zoning approvals for the Subject Property.

### **C. SURROUNDING USES**

Below is a description of the uses on the adjacent properties (or those on the other side of abutting R-O-W's) to the north, south, east and west of the overall property. Please see the Built Inventory Features Map in Attachment F for the following information overlaid on an aerial.

- **North:** To the north of the Subject Property, across Lake Worth Road, properties are developed with the Cypress Trails residential community at roughly one dwelling unit per acre and the Woods Walk Plaza, a Publix-anchored shopping center, at the northeast corner of Lake Worth Road and State Road 7 (US 441). A small portion of the frontage along the north side of Lake Worth Road, across from the Subject Property, belongs to the Woods Walk residential community, a single-family subdivision developed at roughly 2.5 dwelling units per acre tucked behind and between the Woods Walk Plaza shopping center and Cypress Trails community.

- **South:** To the south of the Subject Property, single-family homes and an access drive abut the southern property line. These homes are part of the larger Legend Lake Estates community which consists of single-family homes on lots of one-half to one acre.
- **East:** To the east of the Subject Property, across Hunting Trail, is a residential subdivision of single-family homes developed at approximately 1.77 dwelling units per acre known as the Regency Lake Estates PUD with lots ranging from one-quarter up to one-half an acre.
- **West:** To the west of the Subject Property, a commercial shopping plaza with standalone retail and personal services including a pharmacy, gas station, fast food restaurant, automotive service, and bank occupies the southeast corner of Lake Worth Road and State Road 7 (US 441).

Please see below for a table summarizing the approved and existing use, FLU, and zoning district for surrounding properties.

*Table 1. Surrounding Property Conditions*

Adjacent Lands	Use	Future Land Use	Zoning
North	Cypress Trails (1 DU/AC) Control No. 1980-60	Low Residential, 1 unit per acre (LR-1)	Residential Estate (RE)
North	Woods Walk PUD (2.5 DU/AC) Control No. 1985-71	Low Residential, 3 units per acre (LR-3)	Residential Transitional (RTS)
North	Woods Walk Plaza (134,608 SF) Control No. 1985-69	Commercial Low with underlying Low Residential, 3 units per acre (CL/3)	General Commercial (GC)
South	Legend Lake Estates (fka The Hunt PUD) (0.36 DU/AC) Control No. 1974-37	Low Residential, 1 unit per acre (LR-1)	Residential Estate (RE)
East	Regency Lake Estates (fka Kent Property PUD) (1.77 DU/AC) Control No. 1994-04	Low Residential, 2 units per acre (LR-2)	Planned Unit Development (PUD)
West	Lake Worth Road and State Road 7 MUPD (33,462 SF) Control No. 1999-04	Commercial Low with underlying Low Residential, 1 unit per acre (CL/1)	Multiple Use Planned Development (MUPD)

## **D. CONSISTENCY**

### **G.1 - Justification**

Per Policy 2.1-f of the FLUE of the County Comprehensive Plan, before approval of a FLUA amendment, the applicant shall provide an adequate justification for the proposed FLU. The applicant is requesting to amend the current FLU designation from Low Residential, 1 dwelling unit per acre (LR-1) to a combination of Low Residential, 2 dwelling units per acre (LR-2) on 24.5 acres and Low Residential, 3 dwelling units per acre (LR-3) on the remaining 12.4 acres. The proposed LR-2 FLU on 24.5 acres would allow 49 units and the LR-3 FLU on 12.4 acres would

allow 37 units for a total of 86 units on the Subject Property. The applicant intends to request a Workforce Housing Program Limited Incentive density bonus of 31% or 27 additional units to develop a community of 113 single-family homes. The Subject Property is included within the boundaries of the West Lake Worth Road Neighborhood Plan (WLWRNP) which contemplates the proposed split of LR-2 and LR-3 FLU designations for the Subject Property in the manner proposed by this application. The proposed FLUA amendment meets the required standards as follows:

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

**Applicant's Response:** The proposed split of LR-2 and LR-3 FLU designations, and the resulting residential development of 113 single-family homes, is suitable and appropriate for the Subject Property. The surrounding area is developed with residential communities of comparable densities. The Subject Property is one of few under-developed parcels along this corridor of sufficient size to adequately develop a residential community with functional open space, recreation amenities, and necessary infrastructure while providing appropriate landscape buffering, setbacks, and other design features to ensure a high-quality community that is compatible with surrounding uses.

The proposed split of LR-2 and LR-3 FLU designations is consistent with the approved West Lake Worth Road Neighborhood Plan (WLWRNP) created and maintained with the guidance of the surrounding community. Surrounding properties are compatible with a residential community on the Subject Property. In fact, properties to the immediate south and east as well as properties to the north across Lake Worth Road are all developed with single-family residential units as proposed for the Subject Property. In addition, properties at the northeast (Wood Walk Plaza), northwest (Marketplace at Wycliffe), and southeast corners of the intersection of State Road 7 and Lake Worth Road are developed with commercial plazas hosting a range of community serving commercial uses including grocery stores, pharmacies, restaurants, retail outlets, personal services, and financial services. The proposed residential FLU designation is suitable and appropriate for the Subject Property based on the existing character of the surrounding development pattern.

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

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

**Applicant's Response:** The Subject Property is located within an area of the Urban/Suburban Tier in unincorporated Palm Beach County that is developed with a range of low to medium residential densities and community-serving commercial uses. The existing LR-1 FLU designation of the Subject Property was assigned with the introduction of the original 1989 Comprehensive Plan. At that time, Lake Worth Road terminated at State Road 7 (US 441) and properties along this portion of the Lake Worth Road corridor west of the Florida Turnpike were primarily undeveloped or developed with very low-density residential estates or agricultural operations. Since that time, Lake Worth Road has been extended miles past State Road 7 (US 441) to serve as a major roadway connecting from the Village of Wellington to Lake Worth Beach. Further, the portion of the Lake Worth Road corridor from the Florida Turnpike to State Road 7 (US 441) has been substantially developed with a suburban development pattern including a range of commercial, institutional and residential developments of varying density. The Subject

Property remains as one of only a few undeveloped properties along this portion of the Lake Worth Road corridor. The changes in FLU designations of properties in this area of the County and the resulting suburban development leave the current use of the Subject Property out of context with the surrounding developments. The proposed FLU designations of LR-2 and LR-3 will allow for the development of the Subject Property with a residential community of comparable density to surrounding properties.

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

**Applicant's Response:** The Subject Property is located along the Lake Worth Road corridor between the Florida Turnpike and State Road 7 (US 441). The development of properties along this corridor since the adoption of the 1989 Comprehensive Plan have resulted in dramatic changes to the characteristics of the general area. This includes the widening and extension of surrounding roadways as well as the introduction of mass transit services in this area of the County. The location of the Subject Property near the intersection of Lake Worth Road and State Road 7 (US 441), proximity to the Florida Turnpike, and mass transit services are significant changes in the accessibility and mobility options poised to support residential development of the site. The location of the site adjacent to Lake Worth Road will ensure adequate access for residents and provide for efficient trip distribution among the surrounding road network. The nearby variety of commercial uses further supports residential development of the site by providing services and employment opportunities within walking distance of the site. All of these factors considered, the changes in the development pattern of the overall area and the improvement of adjacent roadways and transportation services lend towards the appropriateness of the requested LR-2 and LR-3 FLU designation and resulting single-family community on the Subject Property.

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

**Applicant's Response:** There have been significant changes in the development pattern of the Lake Worth Road corridor as well as changes in market demands and the needs of the County which affect the consideration for the most appropriate FLU designation for the Subject Property. There has been substantial growth within the County as a whole with suburban residential development pushing west past State Road 7 (US 441) and, ultimately, resulting in a scarcity of properties suitable for the development of residential communities yet the demand for low density residential communities has continued to grow. The Lake Worth Road corridor has evolved from rural residential estates and agricultural lands to higher density residential communities and a range of commercial and institutional uses. The need for additional low density housing options in this area of the County and the suburban development pattern that has occurred along the Lake Worth Road corridor support the requested FLU designation and resulting single-family community.

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

**Applicant's Response:** The adopted FLU designation is no longer the most appropriate designation for the Subject Property in the context of changes to the character of the

community, development patterns of this area, and the needs of the County. The current FLU designation of LR-1 limits the density on the site to one dwelling unit per acre. As discussed above, the current LR-1 FLU designation was assigned with the original adoption of the 1989 Comprehensive Plan. Over the last several decades, significant changes have occurred in this area of the County and particularly along this portion of the Lake Worth Road corridor. The LR-1 FLU is no longer appropriate or suitable to enable the development of this site with a functional single-family residential community.

Further, the West Lake Worth Road Neighborhood Plan (WLWRNP), adopted by the BCC in 2009, serves as a guiding document created with the input of the surrounding community. The WLWRNP includes a Master Plan for the Lake Worth Road corridor, an excerpt of which is included as Figure 1 below.



Figure 1. West Lake Worth Road Neighborhood Plan - Lake Worth Road Corridor Master Plan

The WLWRNP Master Plan contemplates a split FLU designation of LR-2 on approximately two thirds of the Subject Property and LR-3 on the remaining one-third of the site. The split of LR-2 and LR-3 FLU designation requested by this application is consistent with the intended FLU designation included on the WLWRNP Master Plan for the Lake Worth Road corridor as supported by the community. As such, the adopted FLU designation is no longer the most appropriate to facilitate the highest and best use of the Subject Property.

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

**Applicant’s Response:** The current FLU designation of the Subject Property was not assigned in error and was consistent with the development pattern and needs of the County at the time the original Comprehensive Plan was adopted in 1989. As described above, circumstances in the surrounding area and the County as a whole are substantially different today than at that time and the proposed split FLU designation is believed to be a more appropriate FLU in the context of the current development pattern and needs of the County.

**G.2 Residential Density Increases**

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

1. Justify and demonstrate a need for a FLUA Amendment;

**Applicant's Response:** Within the Urban/Suburban Tier, few properties of sufficient size remain available for development to support the continued population growth occurring in the County. Certain sites, such as the Subject Property, represent prime redevelopment opportunities for residential development in order to maintain a housing supply with a variety of housing options that accommodates the growing demand. The proposed split of LR-2 and LR-3 FLU designations is justified for the Subject Property due to its location within the Urban/Suburban Tier, the assigned FLU designation of surrounding properties, the actual built density of nearby residential communities, proximity to community serving commercial uses, and outdoor recreation options. The growing demand for low density residential option, the scarcity of available lands for the development of residential communities, and its location along an active development corridor makes this site a prime location for the proposed LR-2 and LR-3 FLU designation. Further, the approved WLWRNP prepared at the direction of the surrounding community contemplates the requested FLU designations for the Subject Property. The proposed FLU designations are consistent with the FLU designations identified for the Subject Property by the community within the WLWRNP Master Plan as adopted by the BCC.

2. Demonstrate that the current FLUA designation is inappropriate;

**Applicant's Response:** The adopted FLU designation is no longer the most appropriate designation for the Subject Property in the context of changes to the character of the community, development patterns of this area, and the needs of the County. The current FLU designation of LR-1 limits the density on the site to one dwelling unit per acre. As discussed above, the current LR-1 FLU designation was assigned with the original adoption of the 1989 Comprehensive Plan. Over the last several decades, significant changes have occurred in the County and particularly in areas along transportation corridors such as the Lake Worth Road corridor. In the context of the existing development pattern for the Lake Worth Road corridor and the housing needs of the County, the proposed FLU designations are more appropriate than the current LR-1 designation as they will allow for the development of a single-family residential community with functional open space, recreation amenities, and necessary infrastructure while providing appropriate landscape buffering, setbacks, and other design features to ensure a high-quality community.

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

**Applicant's Response:** The current FLU designation of LR-1 was assigned with the adoption of the original 1989 Comprehensive Plan. Pursuant to Policy 2.4-b.3 of the Future Land Use Element (FLUE) of the Comprehensive Plan, an application may request an increase in density that is consistent with and supported by a neighborhood plan approved by the BCC without utilizing Transfer of Development Rights, Workforce Housing, or Affordable Housing programs. The WLWRNP is the only qualified neighborhood plan currently approved by the BCC. The proposed split of LR-2 and LR-3 FLU is consistent with the FLU designations represented by the WLWRNP Master Plan for the Lake Worth Road corridor. Not only does the WLWRNP Master Plan

contemplate the proposed LR-2 and LR-3 split but the applicant has coordinated with the immediately adjacent communities in preparation of this application and has received the support of the community for a single-family development of 113 units.

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

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

**Applicant's Response:** In light of the above definition, the proposed FLU designations and the resulting single-family residential community is a highly compatible use to the surrounding properties. Particularly, the proposed development is highly compatible with the adjacent residential communities to the north, east, and south and will be complimentary to the nearby commercial uses. No aspect of the requested FLUA amendment or the resulting development will produce any degree of incompatibility with surrounding properties. Requirements for buffering, screening, landscaping, setbacks, and building height work to enhance the compatibility of the proposed use with adjacent properties and to prevent undesirable health, safety, or aesthetic impacts on the surrounding area, making the proposed FLU designations compatible with the surrounding area.

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

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

- **C. County Directions**

**Applicant's Response:** The County Directions in the Future Land Use Element provide the basis for the Goals, Objectives and Policies in the Plan. The County Directions recognize the need for infill redevelopment to occur and that it should be informed by growth management principles to encourage livable communities, neighborhood integrity, housing opportunities, and a strong sense of integrity while maintaining land use compatibility and level of service standards. Allowing for the proposed FLUA amendment will result in a more efficient use of land and existing public facilities and services currently available to the Subject Property within the County's Urban/Suburban Tier. The residential use, guided by development regulations, will result in a compatible redevelopment of the Subject Property that facilitates a livable community with neighborhood integrity to meet the high and growing demand for additional housing opportunities in the County. Several of these Directions support the proposed amendment, specifically Livable Communities; Growth Management; Infill, Redevelopment and Revitalization; Land Use Compatibility; Neighborhood Integrity; Housing Opportunity; and a Strong Sense of Community.

- **D. Characteristics of a Livable Community**

**Applicant's Response:** The Comprehensive Plan describes the concept of a Livable Community which contributes to sustainability and a high quality of life for the residents. The proposed LR-2 and LR-3 FLU designation will allow for the creation of such a community exhibiting the representative characteristics of a central neighborhood focal point in the form of a shared recreation center, access to major roadways and transit services, proximity to a variety of potential employment opportunities, and convenient location relative to civic uses such as schools, places of worship, libraries, parks, and government services. In support of the County's Directions for livable communities in the Urban/Suburban Tier, the proposed FLUA amendment seeks to achieve a low-density, single-family residential community under the LR-2 and LR-3 FLU designations in close proximity to existing commercial and employment centers with convenient access to major transportation facilities. The single-family community proposed in connection to this application will be compatible with the surrounding residential communities and within the context of the Lake Worth Road corridor.

- **FLUE Goal 1 Strategic Planning**

- **Objective 1.1 Managed Growth Tier System:**

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

**Applicant's Response:** The proposed split of LR-2 and LR-3 FLU designations is appropriate for a property located within the Urban/Suburban Tier and within the Urban Service Area. Locating residential development within this tier serves to prevent the further encroachment of residential uses on agriculturally productive lands further west and within the Agricultural Reserve Tier. The housing demand continues to grow in the County with a focus on providing families with a variety of housing options available at various income levels. Allowing for the infill redevelopment of the Subject Property in a manner consistent with the regulations for the Urban/Suburban Tier works to prevent urban sprawl and facilitates the provision of much needed additional housing options at a location already provided with County services and surrounded by a comparable level of residential development along with supporting commercial and institutional uses.

- **FLUE Goal 2 Land Planning:**

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

**Applicant's Response:** The Subject Property is located within the Urban Service Area where public facilities and services are available to serve the proposed development. The location of the Subject Property along a major transportation corridor and near a major intersection where public

facilities already exist will ensure the timely and cost-effective provision of services the proposed development. Further, the proposed LR-2 and LR-3 FLU designations will allow for a development which increases the number of residential units available within the Urban/Suburban Tier without the need to extend services or develop lands within the Rural or Agricultural Reserve Tiers. The development of the site with a low-density residential community under the LR-2 and LR-3 FLU designations will better position the County to meet the growing housing demands for current and future residents in this area of the County.

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

**Applicant's Response:** As confirmed by the detailed analysis presented in application Attachments H through O, the Subject Property is adjacent to and able to connect to all necessary urban services including, but not limited to, the roadway network, water/wastewater, drainage facilities, and emergency services, at the density requested under the split of LR-2 and LR-3 FLU designations. Therefore, the requested FLU designation would not exceed the natural or manmade constraints of the site and will allow for efficient utilization of existing service capacities.

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

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

**Applicant's Response:** Please see Application Attachment L for the Environmental Assessment Report and supporting Natural Features Maps which detail and depict the environmental considerations for the site. The report summarizes a few environmental considerations of significance and concludes that, although this site does not support any existing native habitats or natural communities, certain mitigation and preservation actions will be employed to ensure the preservation of natural resources in the course of development.

The majority of the site was previously partially cleared and has been in use as a single-family residence with pasturelands prior to 1968. The Subject Property is relatively flat and includes both native and non-native vegetation of which certain native trees will be relocated or may require mitigation with the County. The majority of the site features Boca Fine sand while portions of the Cypress wetland feature Chobee Fine Sandy Loam as well as Riviera Fine Sand in the southeastern corner of the site. A Cypress wetland of approximately 3 acres is located in the southeast portion of the Subject Property and is proposed to be preserved on the site. All necessary permitting processes will be undertaken with the relevant agencies to ensure the proper protection of the natural environment and mitigation of any impacts. Based on the existing conditions and proposed improvements, the requested FLUA Amendment and resulting development will have no significant environmental impacts.

2. The availability of facilities and services;

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

- *Traffic:* Please see Application Attachment H for the FLUA Amendment Transportation

Analysis prepared by JFO Group, Inc. and corresponding Traffic Approval from PBC Traffic Division.

- *Mass Transit:* The portion of Lake Worth Road corridor is currently served by Palm Tran route 62 WLN – LKW which runs adjacent to the Subject Property along Lake Worth Road. The nearest Palm Tran stop (#5930) is located along the southern side of Lake Worth Road adjacent to the commercial plaza to the west. The site is located approximately 8 miles west of the Lake Worth Beach Tri-Rail Station located on the south side of Lake Worth Road and on the east side of I-95.
- *Potable Water and Wastewater:* Please see Application Attachment I for the PBC Water Utilities Department letter wherein it is stated that capacity does exist for the proposed development via an existing 10" watermain and 8" force main within Lake Worth Road adjacent to the property.
- *Drainage:* Please see Application Attachment J for Drainage Statement prepared by Schnars Engineering Corporation. Legal positive outfall has already been established to LWDD L-12 Canal running along the north property line on the south side of Lake Worth Road.
- *Fire Rescue:* Please see Application Attachment K for the Fire Rescue letter which confirms that the nearest PBC Fire Rescue station is Station #30 located at 9610 Stribling Way. Station #30 is located approximately 2.75 miles from the Subject Property and the estimated response time to the Subject Property is approximately 8 minutes.
- *School:* Please see Application Attachment O for the School Capacity Availability Determination (SCAD) letter provided by the School District of Palm Beach County.
- *Parks and Recreation:* The addition of units does not negatively impact the Palm Beach County level of service for parks and recreation as adequate parks land area and recreation amenities will be provided on the site to serve the proposed units.

3. The adjacent and surrounding development;

**Applicant's Response:** The proposed split of LR-2 and LR-3 FLU designation and the resulting low-density residential development is compatible with surrounding properties and consistent with existing land use designations along this portion of the Lake Worth Road corridor within this area of the County. Please refer to Section G.3 - Compatibility and Surrounding Uses above.

4. The future land use balance;

**Applicant's Response:** The proposed addition of residential density at the Subject Property will not impact the area's future land use balance as this is the only property in the surrounding area that is poised for redevelopment and the requested FLU designations remain consistent with the adopted neighborhood plan. Surrounding properties are developed in accordance with a suburban development pattern and include a balanced mix of residential and commercial uses. A variety of commercial retail and personal service uses exist in close proximity to service the needs of the future residents. The balance of land uses would be improved by the introduction of additional residential units in this area considering the extensive commercial options along the Lake Worth Road corridor and particularly at the intersection of Lake Worth Road and State Road 7 (US 441).

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

**Applicant's Response:** The proposed FLUA amendment will prevent urban sprawl as it will allow for the redevelopment of an underutilized property located in the Urban/Suburban Tier. The Subject Property has long been developed with a single-family home and associated small-scale agricultural uses that has since been discontinued at the site. Allowing for the redevelopment of a suitably sized parcel in the Urban/Suburban Tier will contribute to the preservation of lands within the Rural and Agricultural Reserve Tiers. The development of a low-density residential community at this location will place residents in close proximity to various services, recreation areas, and employment opportunities to result in a better relationship between land use and transportation patterns, thereby working to combat urban sprawl in the region.

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

**Applicant's Response:** The Subject Property is included within the boundaries of the West Lake Worth Road Neighborhood Plan (WLWRNP) area. The WLWRNP was approved by the BCC in 2009 and remains the only such neighborhood plan fully approved by the BCC and referenced within the Comprehensive Plan. The WLWRNP Master Plan depicts a FLU designation of LR-2 and LR-3 for the Subject Property in the same manner as proposed by this application. The community and the BCC by their approval of the WLWRNP have recognized the appropriateness of the proposed FLU designations on the Subject Property.

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

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

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

**Applicant's Response:** As described above, the request for the split LR-2 and LR-3 FLU designations is justified and supported by a variety of County Directions and Comprehensive Plan policies. The resulting development will accommodate the growing population of the County by providing additional housing options available to families at a variety of income levels.

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

**Applicant's Response:** The proposed FLU designation and resulting development will not encourage piecemeal development. On the contrary, the development of the Subject Property can be considered infill redevelopment which serves to achieve full utilization of available services in an area of the County developed with an existing suburban character. Adjacent properties are currently in use for residential or commercial uses. As such, the approval of the proposed FLUA amendment will not encourage piecemeal development or result in residual parcels.

- **FLUE Table 2.2.1-g.1:** Designates the Low Residential, 2 dwelling units per acre (LR-2) FLU designation as allowing up to 2 units per acre based on gross land area and the Low Residential, 3 dwelling units per acre (LR-3) FLU designation as allowing up to 3 units per acre based on gross land area.

**Applicant's Response:** The proposed split of the LR-2 FLU on 24.5 acres and LR-3 FLU on 12.4 acres will be used to determine the residential density for the Subject Property. The proposed LR-2 FLU on 24.5 acres would allow 49 units and the LR-3 FLU on 12.4 acres would allow 37 units for a total of 86 units on the Subject Property. The applicant intends to request a Workforce Housing Program Limited Incentive density bonus of 31% or 27 additional units to develop a community of 113 single-family homes. The proposed development is in compliance with the Comprehensive Plan and ULDC with respect to the proposed residential density.

#### **G.5. - Florida Statues**

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

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

**Applicant's Response:** Application Attachments H (Traffic Study), I (Water and Wastewater Service Letter), J (Drainage Statement), and K (Fire Rescue Letter) present supporting data and analysis demonstrating the availability of facilities and services to accommodate the proposed development of the Subject Property.

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

**Applicant's Response:** Application Attachments F (Built Features Inventory & Map), J (Drainage Statement), L (Natural Features Inventory & Map), M (Wellfield Zone Statement & Map), and N (Historic Resource Evaluation Letter) provide supporting data and analysis demonstrating the requested FLU designations and the proposed use is suitable for the Subject Property.

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

**Applicant's Response:** The Subject Property is a contiguous site of approximately 36.9 acres. There will be a concurrent zoning application which will serve to support the premise that this

acreage is the minimum amount of land needed to ensure the Subject Property may be efficiently developed with an enjoyable single-family residential community.

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

**Applicant's Response:** The proposed FLUA amendment from LR-1 to a split of LR-2 and LR-3 will facilitate the development of a residential community on a parcel surrounded by existing development on all sides. The proposed change would allow for the efficient development of a single-use, low-density residential neighborhood in an already developed area of the County which would further the goal of locating urban/suburban levels of density outside of the Rural and Agricultural Reserve Tiers in support of the goals, objectives, and policies of the Comprehensive Plan.

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

**Applicant's Response:** The Subject Property is located within the Urban Service Area and the Urban/Suburban Tier. The surrounding area is not considered rural in nature and urban services and facilities are established to service this area. County services are provided along Lake Worth Road and further west of State Road 7 (US 441) in this area of the County. Allowing the proposed FLU designations for the Subject Property serves to locate suburban density of residential development outside of rural and agricultural focused areas of the County.

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

**Applicant's Response:** The Subject Property is not isolated and this amendment will not alter the development pattern of the surrounding area. On the contrary, the Subject Property remains an under-developed site surrounded by suburban development. The development of the Subject Property with a low-density residential community as made possible by this request will allow for the continued implementation of a suburban development pattern along the Lake Worth Road corridor.

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

**Applicant's Response:** The proposed FLUA amendment does not fail to adequately protect and conserve natural resources. The Subject Property includes a small Cypress wetland at the southeast corner of the site which is proposed to be preserved in the course of development. There are no native habitats on the site and, as such, it is improbable that any listed animal

species occur on the site. The development of a single-family residential community which preserves and adequately protects the existing wetland on the site will adequately protect natural resources and will have no negative impacts on environmentally sensitive areas or other significant natural systems.

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

**Applicant's Response:** While the Subject Property was previously utilized as pasturelands, the site is not designated as a preserve parcel or restricted by a conservation easement. There are no preserve parcels or lands in use for agricultural activities adjacent to the Subject Property. The proposed FLUA change will have no impact on the continuation of agricultural activities in other areas of the County.

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

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

- (VII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

**Applicant's Response:** Public facilities and services are currently available to the Subject Property and surrounding area and the proposed FLUA amendment would not increase the cost in time, money, or energy for providing and maintaining these facilities and services.

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

**Applicant's Response:** The Subject Property and all surrounding properties are located within the Urban/Suburban Tier. The proposed FLUA amendment discourages urban sprawl by proposing infill development on a property surrounded by properties with a suburban development pattern. This request helps to improve the transition between urban and rural uses by placing low-density residential development east of State Road 7 (US 441) to buffer less dense residential and other rural uses located in other areas of the County.

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

**Applicant's Response:** The residential development of the Subject Property resulting from the approval of the proposed FLUA change could be considered infill redevelopment as developments currently exist further west of the Subject Property and to the north, south, and east. The location is ideal for the development of a residential community providing additional housing options in the County within an area with existing residential communities and neighborhood serving commercial uses.

- (X) Fails to encourage a functional mix of uses.

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

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

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

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

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

- **F.S., Section 163.3177.6.(a).9:** The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.
  - b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:
    - (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

**Applicant's Response:** The proposed amendment seeks to redevelop a property that has primarily been cleared of natural resources. The proposed development will preserve existing wetlands on the Subject Property and does not include the use of any hazardous chemicals which would impact the wellfield protection zone assigned to a portion of the Subject Property. As such, development of the Subject Property would not have an adverse impact on natural resources or ecosystems and the applicant will abide by County ULDC provisions with respect to addressing existing plant materials through the zoning approval process.

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

**Applicant's Response:** The proposed split of LR-2 and LR-3 FLU designations will allow for efficient use of existing public facilities and services available to the site along the Lake Worth Road corridor. The Subject Property is located along an area of existing development and would not require the extension of public facilities or services into a rural area of the County.

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

**Applicant's Response:** The development resulting from the proposed land use change will result in a community design that creates a walkable and connected neighborhood through internal sidewalks and usable open spaces. The location of this residential development and its proximity to adjacent commercial uses lends towards the creation of walkability between developments.

- (IV) Promotes conservation of water and energy.

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

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

**Applicant's Response:** The Subject Property has previously been in use for grazing lands but is not in agricultural production. This amendment does not fail to protect adjacent agricultural areas, as the Subject Property is surrounded by development consistent with the Urban/Suburban Tier. Residential development of the Subject Property would lend towards increasing the housing supply within the County without impacting agricultural lands within the Agricultural Reserve Tier. Therefore, the proposal works to preserve agricultural areas and activities consistent with the established goals, objectives, and policies of the County's Comprehensive Plan.

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

**Applicant's Response:** The Subject Property is not utilized as functional open space. A small wetland exists and is proposed to be preserved in the southeastern portion of the Subject Property. The development of a residential community with the required recreation areas will provide adequate public open space within the community, thereby providing functional open space where none exists today. Further, these residences would be located in close proximity to County-owned Park facilities and a variety of commercial recreation uses.

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

**Applicant's Response:** The proposed amendment will introduce a low-density residential community consistent with the surrounding residential development pattern that would be adequately served by the existing commercial shopping centers at the intersection of State Road 7 (US 441) and Lake Worth Road. These plazas include a number of personal service and community retail options including grocery stores, pharmacies, restaurants, retail outlets, financial services, and more. The proposed split of LR-2 and LR-3 FLU designations would allow for a single-family residential community which lend towards the creation of a balance of land uses along the Lake Worth Road corridor.

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

**Applicant's Response:** The proposed FLUA change will allow residential development of a property within the Urban/Suburban Tier at a density appropriate for the Urban/Suburban Tier and consistent with the surrounding communities. The change will designate a suitable property with the residential density necessary to provide additional housing options in the southern portion of the County. Proposed homes will be of comparable type, size, and value to existing homes in adjacent communities.

In conclusion, the property owners, applicant, and agent believe the justification contained herein demonstrates the requested FLUA Amendment from Low Residential, 1 dwelling unit per acre (LR-1) to a combination of Low Residential, 2 dwelling units per acre (LR-2) on 24.5 acres and Low Residential, 3 dwelling units per acre (LR-3) on the remaining 12.4 acres is justified, consistent with the Plan and state statutes, and is compatible with the surrounding uses. On behalf of the property owners and applicant, UDS, respectfully requests approval of this request to amend the FLU designation on the Subject Property. The Project Managers at UDS are Ken Tuma, [KTuma@udsflorida.com](mailto:KTuma@udsflorida.com), and Tyler Woolsey, [TWoolsey@udsflorida.com](mailto:TWoolsey@udsflorida.com).

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

**Part 5. Public Facilities Information**

<b>A. Traffic Information</b>		
Please refer to Application Attachment H for the Traffic Statement prepared for this application.		
	<b>Current</b>	<b>Proposed</b>
<b>Max Trip Generator</b>	Single-Family Housing (ITE 210): 10 trips/DU (Daily) 0.74 trips/DU (AM peak hour) $\text{Ln}(T) = 0.96 \cdot \text{Ln}(X) + 0.20$ (PM peak hour)	Single-Family Housing (ITE 210): 10 trips/DU (Daily) 0.74 trips/DU (AM peak hour) $\text{Ln}(T) = 0.96 \cdot \text{Ln}(X) + 0.20$ (PM peak hour)
<b>Maximum Trip Generation</b>	Daily: 370 AM Peak Hour: 27 PM Peak Hour: 39	Maximum Intensity Daily: 860 AM Peak Hour: 64 PM Peak Hour: 88  Site Plan (Max+WHP) Daily: 1,130 AM Peak Hour: 84 PM Peak Hour: 114
<b>Net Daily Trips:</b>	+490 (maximum minus current) +760 (proposed minus current)	
<b>Net PH Trips:</b>	+37 AM, +49 PM (maximum) +57 AM, +75 PM (proposed)	
<b>Significantly impacted roadway segments that fail Long Range</b>	None	None
<b>Significantly impacted roadway segments for Test 2</b>	None	None
<b>Traffic Consultant</b>	JFO Group, Inc. - Juan Ortega, PE	
<b>B. Mass Transit Information</b>		
<b>Nearest Palm Tran Route (s)</b>	Route 62 WLN – LKW via Lake Worth runs adjacent to the Subject Property.	

<b>Nearest Palm Tran Stop</b>	The nearest Palm Tran stop is located along the southern side of Lake Worth Road adjacent to the commercial plaza to the west. Stop 5930 Lake Worth Road and Woods Walk Plaza
<b>Nearest Tri Rail Connection</b>	Lake Worth Beach Tri-Rail Station located on the south side of Lake Worth Road on the east side of I-95 approximately 8 miles east of the Subject Property.
<b>C. Potable Water &amp; Wastewater Information</b>	
<b>Please refer to Application Attachment I for the PBC WUD Service Availability Letter.</b>	
<b>Potable Water &amp; Wastewater Providers</b>	The subject property is located within the Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has confirmed capacity exists to serve the proposed LR-2/LR-3 FLU and the development of 113 dwelling units.
<b>Nearest Water &amp; Wastewater Facility, type/size</b>	The nearest potable water is a 10" watermain located in Lake Worth Road and a 10" watermain located within Hunting Trail adjacent to the Subject Property. The nearest sanitary sewer connection is an 8" force main located north of the Subject Property in Lake Worth Road.
<b>D. Drainage Information</b>	
<b>Please refer to Application Attachment J for the Drainage Statement prepared for this application.</b>	
<p>This surface water management responsibility for the property lies within the governmental jurisdictional agencies of South Florida Water Management District (SFWMD) C-16 Drainage Basin, the Lake Worth Drainage District (LWDD), Palm Beach County, and the Florida Department of Transportation. Based on our field visit and review of the recent survey, the subject property is undeveloped except for several small residential building structures, 1.85 acres of other surface waters scattered throughout the site, and two 12" concrete pipes discharging to the LWDD L-12 canal. Permit file research confirmed there were no existing permits for this site. The LWDD L-12 canal located along the north side of the site will serve as the receiving body for the site. The entire site is anticipated to be demolished and filled to accommodate the new community.</p> <p>The subject site will discharge into the adjacent LWDD L-12 canal through a proposed control structure limiting flow to 62.6 CSM at the 25 year-3-day storm event. Adequate storm water retention shall be provided in the proposed on-site lakes to protect the finished floor elevations above the calculated 100 year - 3 day, zero discharge storm event, 18 inches above the crown of the adjacent road or FEMA elevation plus 1', whichever is higher. The calculated 25 year - 3 day routed storm event below the perimeter berm elevation. The crown of the onsite roads will be designed above the 5 year - 1 day routed storm event elevation. Lake Maintenance Easements will be located above the 3 year – 1 day routed storm event.</p>	
<b>E. Fire Rescue</b>	
<b>Nearest Station</b>	PBC Fire Rescue Station 30 – 9610 Stribling Way
<b>Distance to Site</b>	2.75 miles
<b>Response Time</b>	8 minutes
<b>Effect on Resp. Time</b>	For fiscal year 2020, the average response time for this Station 30's zone is 7:11. Per the PBC Fire Rescue Service Provider Letter, changing the land use will have some impact on Fire Rescue.

<b>F. Environmental</b>				
<b>Significant habitats or species</b>	<p><b>Please refer to Application Attachment L for the Environmental Assessment prepared for this application.</b></p> <p>The site consists of primarily open pastureland, one man-made reservoir, and two cypress wetland areas totaling 3.16 acres with both native and non-native vegetation throughout the property. No significant habitat occurs on the parcel and no state or federal listed plant or animal species were located in the area. There are a few environmental issues of significance on the subject property. The lack of habitat makes it improbable for any listed animal species to occur on the site.</p>			
<b>Flood Zone*</b>	<p>According to Palm Beach County's Information Systems Services, the subject property is located within flood zone X. Flood zone X represents areas outside of the 500-year flood plain with less than 0.2% probability of annual flooding.</p>			
<b>Wellfield Zone*</b>	<p>The Subject Property is within zones of influence 3 and 4 of public well #01-26-E.</p> <p><b>Please refer to Application Attachment M for the Floodplain and Wellfield Zone Statement and Maps prepared for this application.</b></p>			
<b>G. Historic Resources</b>				
<p><b>Please see Application Attachment N for the PBC Historical and Archaeological Resource letter.</b></p> <p>Staff review has identified no known archaeological resources located on or within 500 feet of the subject property.</p>				
<b>H. Parks and Recreation - Residential Only (Including CLF)</b>				
<b>Park Type</b>	<b>Name &amp; Location</b>	<b>Level of Svc. (ac. per person)</b>	<b>Population Change</b>	<b>Change in Demand</b>
<b>Regional</b>	Okeeheelee Park – 7715 Forest Hill Blvd.	0.00339	+270 people	0.92 AC
<b>Beach</b>	R.G. Kreuzler Park – 2882 S. Ocean Blvd.	0.00035	+270 people	0.095 AC
<b>District</b>	West Boynton Park & Recreation Center – 6000 Northtree Blvd.	0.00138	+270 people	0.37 AC
<b>I. Libraries - Residential Only (Including CLF)</b>				
<b>Library Name</b>	Greenacres Branch			
<b>Address</b>	3750 Jog Road			
<b>City, State, Zip</b>	Greenacres, FL 33467			
<b>Distance</b>	3.5 miles			

Component	Level of Service	Population Change	Change in Demand
Collection	2 holdings per person	+270 people	540 holdings
All staff	0.6 FTE per 1,000 persons	+270 people	0.16 FTE
Library facilities	0.6 square feet per person	+270 people	162 SF

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

Please see Application Attachment O for the SCAD Letter provided by the School District of PBC.

	Elementary	Middle	High
Name	Discovery Key	Woodlands	Palm Beach Central
Address	3550 Lyons Road	5200 Lyons Road	8499 W. Forest Hill Blvd.
City, State, Zip	Lake Worth, FL 33467	Lake Worth, FL 33467	Wellington, FL 33411
Distance	1.1 miles	1.9 miles	4.6 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

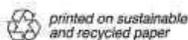
■

**Palm Beach County  
Board of County  
Commissioners**

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

**County Administrator**  
Verdenia C. Baker

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Affirmative Action Employer"*



May 26, 2022

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

**RE: Amber Woods AKA Hendrix Properties - Revised  
FLUA Amendment Policy 3.5-d Review  
Round 2022-23-A**

Dear Dr. Ortega:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Impact Analysis for the proposed Future Land Use Amendment for the above-referenced project, revised on April 18, 2022, 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>	0.20 mile east of State Road 7, south side of Lake Worth Road	
<b>PCN:</b>	00-42-43-27-05-027-0040 ( <i>others on file</i> )	
<b>Acres:</b>	36.9 acres	
	<b>Current FLU</b>	<b>Proposed FLU</b>
<b>FLU:</b>	Low Residential, 1 unit per acre (LR-1)	Low Residential, two units per acre (LR-2) on 24.5 acres Low Residential, three units per acre (LR-3) on 12.4 acres
<b>Zoning:</b>	Agricultural Residential (AR)	Residential-Single Family (RS)
<b>Density/ Intensity:</b>	1 du/acre	2 du/acre on 24.5 acres 3 du/acre on 12.4 acres
<b>Maximum Potential:</b>	Single Family Detached = 37 DUs	Single Family Detached = 86 DUs
<b>Proposed Potential:</b>	None	Single Family Detached = 113 DUs (Using WFH Density Bonus)
<b>Net Daily Trips:</b>	490 (maximum – current) 760 (proposed – current)	
<b>Net PH Trips:</b>	64 (16/48) AM, 88 (55/33) PM (maximum) 84 (21/63) AM, 114 (72/42) PM (proposed)	
	<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>	



Dr. Juan F. Ortega, P.E.  
May 26, 2022  
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. Therefore, this amendment requires a condition of approval, based on Transfer of Development Rights (TDR) and density bonus programs, to cap the project at the **proposed** development potential or equivalent trips.

Please note the proposed change will have an insignificant impact on both Long-Range and Test 2 analyses.

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

Sincerely,

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

Dominique Simeus, P.E.  
Professional Engineer  
Traffic Division

DS:ag

cc:

Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division  
Lisa Amara – Director, Zoning 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  
Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review  
N:\TRAFFIC\Development Review\Comp Plan\23-A\Amber Woods EKA Hendrix Properties - Revised.docx

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

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**Water Utilities Department  
Engineering**

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



**Palm Beach County  
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Maria G. Marino  
Dave Kerner  
Maria Sachs  
Melissa McKinlay  
Mack Bernard

**County Administrator**

Verdenia C. Baker

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Affirmative Action Employer"*



May 3, 2022

Urban Design Kilday Studios  
610 Clematis Street Suite CU02  
West Palm Beach, Fl. 33401

RE: Hendrix Property  
PCN 00-42-43-27-05-027-0040, 00-42-43-27-05-027-05-0050, 00-42-43-27-05-027-0060 and 00-42-43-27-05-027-0101  
Service Availability Letter

Dear Mr. Woolsey,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. 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 land use amendment from LR-1 to a mix of LR-2 and LR-3 to allow for the development of 113 dwelling units in single family and ZLL homes.

The nearest point of connection is a 10" potable water main and an 8" sanitary sewer forcemain adjacent to the subject property within Lake Worth Road. Offsite improvements and a lift station will be required.

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,

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

Jackie Michels, P.E.  
Project Manager

# Exhibit 7

## School District Letter



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FL

KRISTIN K. GARRISON  
DIRECTOR

JOSEPH M. SANCHES, MBA  
CHIEF OPERATING OFFICER

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

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

### SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

<b>Application</b>	<b>Submittal Date</b>	04/14/2022		
	<b>SCAD No.</b>	22041401F/FLU; 22041401Z/Re-Zoning; 22041401D/D.O.		
	<b>FLU /Rezoning/D.O. No.</b>	LGA 2021-012/Z/CA 2021-00117 – Palm Beach County		
	<b>PCN No. / Address</b>	00-42-43-27-05-027-0050/9584 Lake Worth Road and more		
	<b>Development Name</b>	Hendrix Property (FKA Amber Woods)		
	<b>Owner / Agent Name</b>	Charles Hendrix and Charlotte Hendrix/Urban Design Studio		
	<b>SAC No.</b>	216C		
<b>Impact Review</b>		Discovery Key Elementary School	Woodlands Middle School	Palm Beach Central High School
	<b>New Students Generated</b>	18	10	14
	<b>Capacity Available</b>	-76	-409	-363
	<b>Utilization Percentage</b>	106%	129%	113%
<b>School District Staff's Recommendation</b>	<p>Based on the findings and evaluation of the proposed development, there will be negative impact on the public school system. Therefore, if the proposed development is approved by the Palm Beach County government, School District staff recommends the following condition to mitigate such impacts.</p> <p>In order to address the school capacity deficiency generated by this proposed development at the District elementary, middle and high school level, the property owner shall contribute a total of <b>\$385,124.00</b> to the School District of Palm Beach County prior to the issuance of first building permit.</p> <p>This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied).</p> <p>Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on April 16, 2019.</p>			
<b>Validation Period</b>	<p>1) This determination is valid from <b>04/20/2022</b> to <b>04/19/2023</b> or the expiration date of the site-specific development order approved during the validation period.                  2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to <b>04/19/2023</b> or this determination will expire automatically on <b>04/19/2023</b>.</p>			
<b>Notice</b>	<p>1) This letter replaces the determination previously issued on August 30, 2021 for Hendrix Property under case #21081701F, 21081701Z and 21081701D.                  2) School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.</p>			

*Joyce Cai*

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

**Joyce C. Cai, Senior Planner**

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

**April 20, 2022**

\_\_\_\_\_  
Date

**joyce.cai@palmbeachschools.org**

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

CC: Kevin Fischer, Interim Planning Director, Palm Beach County  
 Vismary Dorta, Site Plan Technician, Palm Beach County  
 Joyell Shaw, PIR Manager, School District of Palm Beach County

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

# Exhibit 8

## Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 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 Charles W. Hendrix, 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  \_\_\_\_\_ *[position - e.g., president, partner, trustee]* of \_\_\_\_\_ *[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: 9584 Lake Worth Road  
Lake Worth Beach, FL 33467
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.

Charles W. Hendrix  
Charles W. Hendrix, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

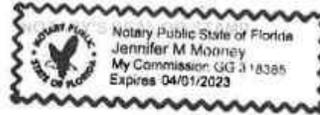
STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ]  
online notarization, this 18 day of April, 2023 by  
Charles W. Hendrix (name of person acknowledging). He/she is personally known  
to me or has produced \_\_\_\_\_ (type of identification) as  
identification and did/did not take an oath (circle correct response).

Jennifer M Mooney  
(Name - type, stamp or print clearly)

Jennifer M Mooney  
(Signature)

My Commission Expires on: 4/1/23



**EXHIBIT "A"****PROPERTY****LEGAL DESCRIPTION****PARCEL 1:**

TRACTS 5 AND 6, BLOCK 27, THE PALM BEACH FARMS CO. PLAT NO. 3. ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS PORTIONS TAKEN IN STIPULATED FINAL JUDGMENTS RECORDED IN OFFICIAL RECORD BOOK 6672, PAGE 610 AND OFFICIAL RECORD BOOK 6680, PAGE 1310, AND DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEASTERLY CORNER OF SAID TRACT 5, BLOCK 27; THENCE RUN SOUTH 00°56'59" EAST, ALONG THE EAST LINE OF SAID TRACT 5, BLOCK 27, A DISTANCE OF 5.63 FEET; THENCE RUN SOUTH 89°31'54" WEST, A DISTANCE OF 660.02 FEET TO THE POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 5, BLOCK 27; THENCE RUN NORTH 00°56'59" WEST ALONG THE WEST LINE OF SAID TRACT 5, BLOCK 27, A DISTANCE OF 0.08 FEET, TO THE NORTHWEST CORNER OF SAID TRACT 5, BLOCK 27; THENCE RUN NORTH 89°03'01" EAST ALONG THE NORTH LINE OF SAID TRACT 5, BLOCK 27, A DISTANCE OF 660.00 FEET TO THE POINT OF BEGINNING;

AND

BEGIN AT THE NORTHEASTERLY CORNER OF SAID TRACT 6, BLOCK 27; THENCE RUN SOUTH 00°56'59" EAST, ALONG THE EAST LINE OF SAID TRACT 6, BLOCK 27, A DISTANCE OF 0.08 FEET; THENCE SOUTH 89°31'54" WEST, A DISTANCE OF 9.83 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 6; THENCE NORTH 89°03'01" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 9.83 FEET TO THE POINT OF BEGINNING.

**PARCEL 2:**

TRACT 4 (LESS THE EAST 80 FEET) AND TRACT 11 (LESS THE EAST 60 FEET) AND (LESS THE WEST 270 FEET OF THE EAST 330 FEET OF THE SOUTH 372.18 FEET) AND THE NORTH 287.82 FEET OF THE EAST 426.70 FEET OF TRACT 10, ALL BEING IN BLOCK 27 OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45, PALM BEACH COUNTY RECORDS.

TOGETHER WITH:

THAT PORTION OF THE 30 FOOT RIGHT-OF-WAY LYING BETWEEN TRACTS 4 AND 5 AND THE NORTH 287.82 FEET OF TRACTS 10 AND 11, LESS LAKE WORTH ROAD RIGHT-OF-WAY;

THE EAST HALF OF THE 30 FOOT RIGHT-OF-WAY LYING BETWEEN TRACTS 10 AND 11, LESS THE NORTH 287.82 FEET THEREOF;

THE NORTH HALF OF THE 30 FOOT RIGHT-OF-WAY LYING, BETWEEN TRACTS 11 AND 18, LESS THE EAST 330 FEET THEREOF;

ALL IN BLOCK 27, PALM BEACH FARMS CO. PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID PARCEL BEING 1607446.656± SQUARE FEET OR 36.902± ACRES MORE OR LESS.



**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 Charlotte Y. Hendrix, 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  \_\_\_\_\_ *[position - e.g., president, partner, trustee] of \_\_\_\_\_ [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: 9584 Lake Worth Road  
Lake Worth Beach, FL 33467
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.

Charlotte Y. Hendrix  
Charlotte Y. Hendrix, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

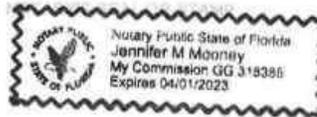
STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [  ] physical presence or [  ]  
online notarization, this 18 day of April, 2023 by  
Charlotte Y. Hendrix (name of person acknowledging). He/she is personally known  
to me or has produced \_\_\_\_\_ (type of identification) as  
identification and did/did not take an oath (circle correct response).

Jennifer M. Mooney  
(Name - type, stamp or print clearly)

Jennifer M. Mooney  
(Signature)

My Commission Expires on: 4/1/23



**EXHIBIT "A"****PROPERTY****LEGAL DESCRIPTION****PARCEL 1:**

TRACTS 5 AND 6, BLOCK 27, THE PALM BEACH FARMS CO. PLAT NO. 3. ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS PORTIONS TAKEN IN STIPULATED FINAL JUDGMENTS RECORDED IN OFFICIAL RECORD BOOK 6672, PAGE 610 AND OFFICIAL RECORD BOOK 6680, PAGE 1310, AND DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEASTERLY CORNER OF SAID TRACT 5, BLOCK 27; THENCE RUN SOUTH 00°56'59" EAST, ALONG THE EAST LINE OF SAID TRACT 5, BLOCK 27, A DISTANCE OF 5.63 FEET; THENCE RUN SOUTH 89°31'54" WEST, A DISTANCE OF 660.02 FEET TO THE POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 5, BLOCK 27; THENCE RUN NORTH 00°56'59" WEST ALONG THE WEST LINE OF SAID TRACT 5, BLOCK 27, A DISTANCE OF 0.08 FEET, TO THE NORTHWEST CORNER OF SAID TRACT 5, BLOCK 27; THENCE RUN NORTH 89°03'01" EAST ALONG THE NORTH LINE OF SAID TRACT 5, BLOCK 27, A DISTANCE OF 660.00 FEET TO THE POINT OF BEGINNING;

AND

BEGIN AT THE NORTHEASTERLY CORNER OF SAID TRACT 6, BLOCK 27; THENCE RUN SOUTH 00°56'59" EAST, ALONG THE EAST LINE OF SAID TRACT 6, BLOCK 27, A DISTANCE OF 0.08 FEET; THENCE SOUTH 89°31'54" WEST, A DISTANCE OF 9.83 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 6; THENCE NORTH 89°03'01" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 9.83 FEET TO THE POINT OF BEGINNING.

**PARCEL 2:**

TRACT 4 (LESS THE EAST 60 FEET) AND TRACT 11 (LESS THE EAST 60 FEET) AND (LESS THE WEST 270 FEET OF THE EAST 330 FEET OF THE SOUTH 372.16 FEET) AND THE NORTH 287.82 FEET OF THE EAST 426.70 FEET OF TRACT 10, ALL BEING IN BLOCK 27 OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45, PALM BEACH COUNTY RECORDS.

**TOGETHER WITH:**

THAT PORTION OF THE 30 FOOT RIGHT-OF-WAY LYING BETWEEN TRACTS 4 AND 5 AND THE NORTH 287.82 FEET OF TRACTS 10 AND 11, LESS LAKE WORTH ROAD RIGHT-OF-WAY;

THE EAST HALF OF THE 30 FOOT RIGHT-OF-WAY LYING BETWEEN TRACTS 10 AND 11, LESS THE NORTH 287.82 FEET THEREOF;

THE NORTH HALF OF THE 30 FOOT RIGHT-OF-WAY LYING, BETWEEN TRACTS 11 AND 18, LESS THE EAST 330 FEET THEREOF;

ALL IN BLOCK 27, PALM BEACH FARMS CO. PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID PARCEL BEING 1607446.656± SQUARE FEET OR 36.902± ACRES MORE OR LESS.



**DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT**

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

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Andrew Maxey, 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 of Land Acquisition [position—e.g., president, partner, trustee] of DiVosta Homes, L.P. [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 3350 Peachtree Road Northeast  
Suite 150,  
Atlanta, GA 30326
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

Andrew Maxey  
Andrew Maxey, 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 6 day of June, 2022 by  
Andrew Maxey, VPLand #4 (name of person acknowledging). He/she is personally  
known to me or has produced \_\_\_\_\_ (type of identification) as  
identification and did/did not take an oath (circle correct response).

Mary E. Warren  
(Name - type, stamp or print clearly)

Mary Warren  
(Signature)

My Commission Expires on: 10-15-25

NOTARY'S SEAL OR STAMP



Mary E. Warren  
Comm.: HH 180353  
Expires: Oct. 15, 2025  
Notary Public - State of Florida

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

## LEGAL DESCRIPTION

## PARCEL 1:

TRACTS 5 AND 6, BLOCK 27, THE PALM BEACH FARMS CO. PLAT NO. 3. ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS PORTIONS TAKEN IN STIPULATED FINAL JUDGMENTS RECORDED IN OFFICIAL RECORD BOOK 6672, PAGE 610 AND OFFICIAL RECORD BOOK 6680, PAGE 1310, AND DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEASTERLY CORNER OF SAID TRACT 5, BLOCK 27; THENCE RUN SOUTH 00°56'59" EAST, ALONG THE EAST LINE OF SAID TRACT 5, BLOCK 27, A DISTANCE OF 5.63 FEET; THENCE RUN SOUTH 89°31'54" WEST, A DISTANCE OF 660.02 FEET TO THE POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 5, BLOCK 27; THENCE RUN NORTH 00°56'59" WEST ALONG THE WEST LINE OF SAID TRACT 5, BLOCK 27, A DISTANCE OF 0.08 FEET, TO THE NORTHWEST CORNER OF SAID TRACT 5, BLOCK 27; THENCE RUN NORTH 89° 03'01" EAST ALONG THE NORTH LINE OF SAID TRACT 5, BLOCK 27, A DISTANCE OF 660.00 FEET TO THE POINT OF BEGINNING;

## AND

BEGIN AT THE NORTHEASTERLY CORNER OF SAID TRACT 6, BLOCK 27; THENCE RUN SOUTH 00°56'59" EAST, ALONG THE EAST LINE OF SAID TRACT 6, BLOCK 27. A DISTANCE OF 0.08 FEET; THENCE SOUTH 89°31'54" WEST, A DISTANCE OF 9.83 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 6; THENCE NORTH 89°03'01" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 9.83 FEET TO THE POINT OF BEGINNING.

## PARCEL 2:

TRACT 4 (LESS THE EAST 60 FEET) AND TRACT 11 (LESS THE EAST 60 FEET) AND (LESS THE WEST 270 FEET OF THE EAST 330 FEET OF THE SOUTH 372.16 FEET) AND THE NORTH 287.82 FEET OF THE EAST 426.70 FEET OF TRACT 10, ALL BEING IN BLOCK 27 OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45, PALM BEACH COUNTY RECORDS.

## TOGETHER WITH:

THAT PORTION OF THE 30 FOOT RIGHT-OF-WAY LYING BETWEEN TRACTS 4 AND 5 AND THE NORTH 287.82 FEET OF TRACTS 10 AND 11, LESS LAKE WORTH ROAD RIGHT-OF-WAY;

THE EAST HALF OF THE 30 FOOT RIGHT-OF-WAY LYING BETWEEN TRACTS 10 AND 11, LESS THE NORTH 287.82 FEET THEREOF;

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SAID PARCEL BEING 1607446.656± SQUARE FEET OR 36.902± ACRES MORE OR LESS.



**Exhibit 9**  
**Correspondence**

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