



## PRIVATELY INITIATED TEXT AMENDMENT AMENDMENT ROUND 23-A

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

#### I. General Data

<b>Project Name:</b>	<b>Trotting Center Overlay Text Initiation</b>
<b>Proposed Text Amendment:</b>	<p>The privately proposed text amendment request is to revise the Future Land Use Element policies regarding the Rural Tier to establish an overlay for the subject site, specifically to:</p> <ul style="list-style-type: none"> <li>• Allow for a transitional density option of up to 2 units per acre on sites subject to acreage, location, access and design feature requirements;</li> <li>• Revise Map LU 1.1 Managed Growth Tier System to depict the overlay as a Limited Urban Service Area (LUSA);</li> <li>• Revise Map LU 2.1 Service Areas to change the overlay from the Rural Service Area to a Limited Urban Service Area; and</li> <li>• Revise Map LU 3.1 Special Planning Areas to depict the boundaries of the overlay.</li> </ul>
<b>Proposed FLUA Amendment:</b>	<p>The applicant submitted a future land use amendment in May 2022 for the 105.60 acre subject site from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2) with a tier change request from the Rural to the Urban/Suburban Tier. If the Board initiates the text amendment, the tier change request is no longer needed for the FLUA amendment to proceed.</p>
<b>Applicant:</b>	Lynx at Lake Worth LLC, Michael McCarty
<b>Owner:</b>	Lynx at Lake Worth LLC, Michael McCarty
<b>Agent:</b>	Matthew Barnes, WGI, Inc.
<b>Project Manager:</b>	Stephanie Gregory, AICP, Principal Planner
<b>Staff Recommendation:</b>	Staff recommends <b>to initiate</b> the proposed text amendment.

#### II. Item Summary

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

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

### **III. Meeting History**

---

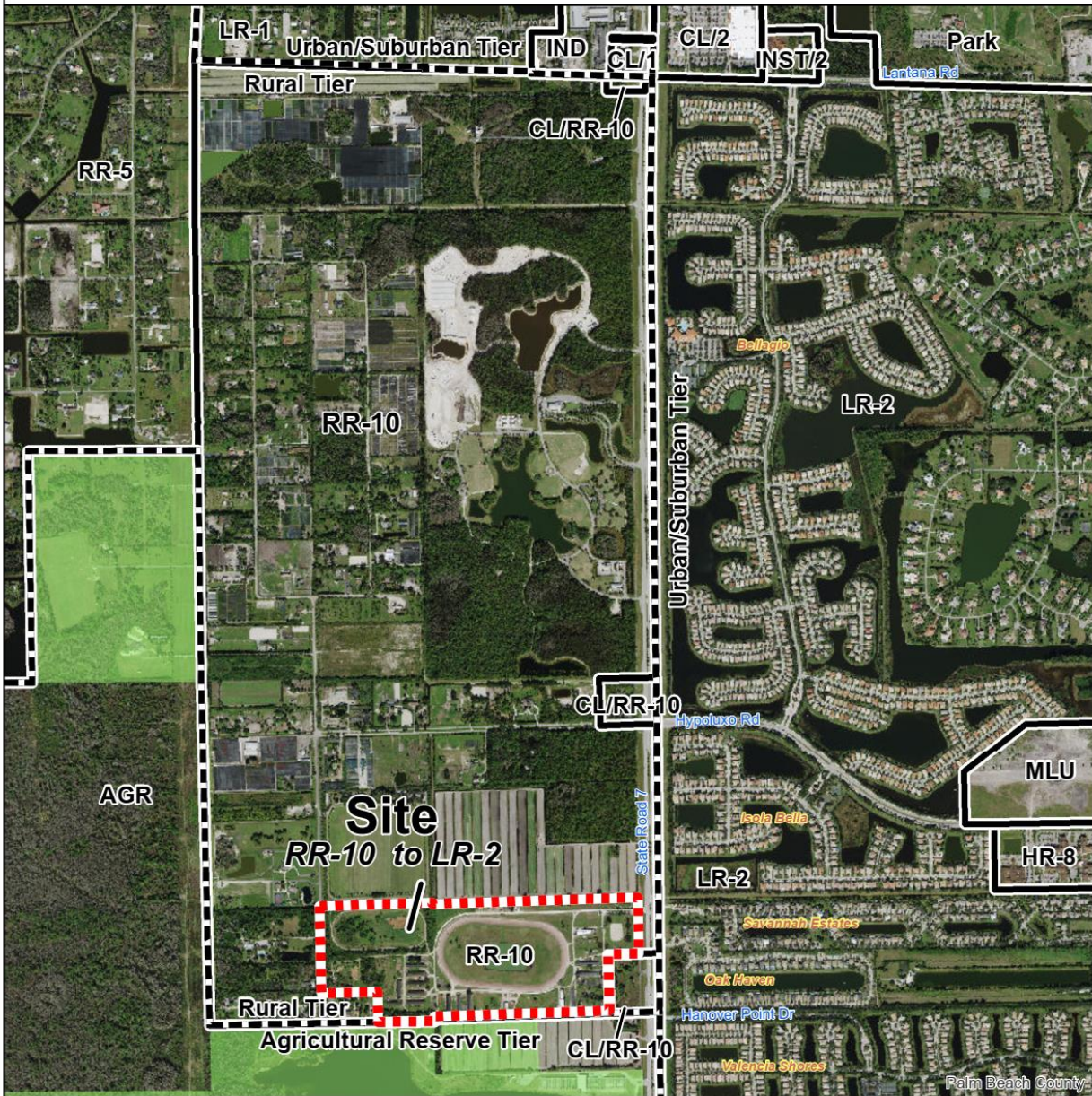
**Local Planning Agency/Planning Commission (LPA/PLC):**

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

T:\Planning\AMEND\23-A\Site Specific\23-12 Trotting Center\Private Text\Trotting Center-Rpt.docx

# L o c a t i o n M a p

## Troting Center (LGA 2023-012)



### Site Data

Size: 105.60 acres  
 Existing Use: Residential and Agricultural  
 Proposed Use: Residential  
 Current FLU: RR-10  
 Proposed FLU: LR-2

### Future Land Use Designations

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

Date: 6/13/2022  
 Contact: PBC Planning  
 Filename: T:\Planning\Amend\23-A\SiteSpecific  
 Note: Map is not official, for presentation purposes only.

Site  
 Amendments in Process  
 AGR Preserves



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



## IV. Private Text Amendment Request

---

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

In May 2022, the applicant submitted a tier change from the Rural to the Urban/Suburban Tier with a future land use amendment on the subject site from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2). After discussions with residents of Heritage Farms, the applicant agreed to pursue a text amendment to create an overlay. This would allow the site to remain in the Rural Tier and a tier change would no longer be necessary to achieve the desired development goals.

**Proposed Text Amendment.** The privately proposed text amendment request is to revise the Future Land Use Element policies regarding the Rural Tier to establish an overlay for the subject site, specifically to:

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

**Associated Future Land Use Amendment.** If the Board initiates the text amendment, the tier change request is not needed for the FLUA amendment to proceed. The applicant would proceed with the request for a future land use amendment on the subject site from Rural Residential, 1 unit per 10 acres to Low Residential, 2 units per acre (LR-2). This future land use change would allow the site to develop with up to 211 residential dwelling units, greater than the 11 units currently allowed.

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

## V. Policy Background

---

### A. Rural Tier Background

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

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

***OBJECTIVE 1.4, Rural Tier.*** *Palm Beach County shall plan for the impacts of growth outside of the Urban Service Area, recognizing the existence of both large undeveloped*

*tracts as well as areas containing densities equal to or less than 1 dwelling unit per 5 acres established prior to the adoption of the 1989 Comprehensive Plan located in proximity to environmentally sensitive natural areas while protecting the Rural Tier lifestyle. The Rural Tier shall be afforded rural levels of service, except in special planning areas such as, but not limited to, the Western Communities Residential Overlay (WCRO).*

Density within the Rural Tier is limited to a maximum of 1 unit per 5 acres. Sites within this Tier are not able to utilize the density bonus increases provided by the Workforce Housing Program as the provisions apply only in the Urban/Suburban Tier. In addition, density increases through the Transfer of Development Rights (TDR) program are not available in the Tier as the program is only applicable within the Urban/Suburban Tier in order to promote infill and redevelopment initiatives.

**B. Heritage Farms Background and Land Uses**

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

**Heritage Farms Lot Analysis**

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

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

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

**C. Proposed Text Amendment**

The amendment language provided in Exhibit 1, proposes to establish an overlay which serves as an alternative to a tier change. This will allow the subject site to remain in the Rural Tier and develop at a density of up to 2 units per acre, which is not currently permitted. The applicant submitted a future land use amendment in May 2022 for the 105.60 acre subject site from Rural Residential, 1 unit per 10 acres to Low Residential, 2 units per acre (LR-2) with a tier change

request from the Rural to the Urban/Suburban Tier. After discussions with residents of Heritage Farms, the applicant agreed to pursue a text amendment to create an overlay, which would allow for the site to remain in the Rural Tier. So if the Board initiates the text amendment, the tier change request is not needed for the FLUA amendment to proceed. The future land use change would allow the site to develop with a maximum of 211 units.

The applicant has submitted justification for the amendment (See Exhibit 2) which is largely based upon the site's location and proximity to urban services. The applicant states that the proposed future land use is appropriate "by providing a residential use at a density that is both compatible with the current development trends in the community and unobtrusive to the surrounding uses."

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

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

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

---

The purpose of this Phase I report is to identify potential issues and implications of the concept proposed by the text amendment, for the Board to consider when making the policy decision on whether to initiate the privately proposed text amendment. From a mechanics perspective, the text amendment establishing a new overlay that will be confined to the 105-acre subject site. The intent is to allow for a transitional density residential development at two units per acre while remaining in the Rural Tier. The policy considerations of the applicant's text changes are described below:

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

- **FLUE Policy 3.5-d.** Finally, during the May 2022 intake of the future land use application, the applicant provided the public facilities impact analysis related to the traffic impacts of this request. The traffic study indicates that the future land use amendment to two units per acre meets the requirements in Future Land Use Element Policy 3.5-d.

## **VII. Staff Recommendation**

---

The text amendment proposes to establish an overlay allowing the subject site to remain in the Rural Tier and develop at a density of up to 2 units per acre as an alternative to a tier change to the Urban/Suburban Tier. The future land use request of Low Residential, 2 units per acre would allow the site to develop up to 211 units.

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

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

<b>Exhibits</b>	<b>Page</b>
1. Applicant’s Proposed Text Amendment	E-1
2. Applicant’s Justification	E-5
3. Applicant’s Disclosure of Ownership Interests	E-13
4. Correspondence	E-17

# Exhibit 1

## Applicant's Proposed Text Amendment

---

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

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

#### 1. REVISED OBJECTIVE 1.4 Rural Tier

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

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

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

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

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



**B. Future Land Use Element, Trotting Center Overlay**

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

**1. NEW Objective 1.12: Trotting Center Overlay**

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

**2. NEW Policy 1.12-a: Boundaries.** The boundaries of the Trotting Center Overlay are generally State Road 7 on the east, the LWDD Canal L-19 W on the north, Park Lane Road on the west and the boundary between the Rural Tier and Agricultural Reserve Tier on the south. The specific boundaries of the Trotting Center Overlay are depicted on the special Planning Areas Map, LU 3.1.

**3. NEW Policy 1.12-b: Transitional Density Option.** In order to allow a transition from the Urban Suburban Tier, the County shall allow residential development within the Trotting Overlay at transitional densities, subject to the following criteria:

**1. Approval Process.** A Future Land Use Atlas amendment shall be accompanied by a concurrent zoning application and master plan in order to demonstrate that the proposal meets the requirements of this policy;

**2. Acreage.** The minimum development acreage is 100 contiguous acres;

**3. Density.** The maximum density is 2 units per acre, and the maximum density shall be identified in the adopting ordinance. Pursuant to FLUE Policies 2.2.1 h and 2.4-f, because the Trotting Center Overlay is located within the Rural Tier, development within the Overlay cannot exceed the base density through the Transfer of Development Rights Program, the Workforce Housing Program or the Affordable Housing Program. Pursuant to Housing Element Policies 1.5-g and 1.5-i and ULDC Article 5, Chapter G, Section 1.A.1, the Workforce Housing Program and Affordable Housing are not applicable in the Rural Tier and are therefore not applicable in the Trotting Center Overlay;

**4. Location.** The site must be located contiguous to the Urban/Suburban Tier (contiguous includes being directly across a right-of-way) with frontage and access only onto State Road 7 and be located east of Park Lane and south of the LWDD Canal L-19 W;

**5. Design Features.** The lot sizes shall transition with the smallest lots located closest toward State Road 7 and the largest lots located towards the western property line. At a minimum, 20% of the land area of a development within the Overlay shall be comprised of lots that are a minimum of 0.5 acres in size. The land area the counts towards the 20% includes the platted lots greater than 0.5 acres and the right-of-way serving the platted lots that are greater than 0.5 acres;

**6. Expanded Buffers.** Development within the Trotting Center Overlay shall provide

a 50-foot buffer along the entire western boundary of the Overlay and along the portion of the southern boundary of the Overlay that abuts single-family homes which exist at the time of the adoption of the Overlay. Development within the Trotting Center Overlay shall provide a 30-foot buffer along the southern boundaries of the Overlay that do not abut single-family homes which exist at the time of the adoption of the Overlay. Development within the Overlay shall provide ULDC-required minimum buffers along the northern boundaries of the Overlay. The landscaping and vegetation within all buffers shall consist of 100% native species;

7. **Access.** All access to development within the Trotting Center Overlay (including access for emergency vehicles) shall only be through driveways that connect to State Road 7; and
8. **Urban Services.** All development within the Trotting Center Overlay shall connect to County water and sewer services located within the State Road 7 right-of-way.

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

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

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

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

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

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

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

*Text omitted for brevity*

4. Within the Trotting Center Overlay, the LR-2 future land use designation is allowed for sites that meet Objective 1.12 and criteria in Policy 1.12-b.

**E. Map Series, Managed Growth Tier System Map LU 1.1, [insert name] Overlay**

**REVISIONS:** To depict the [insert name] Overlay as a Limited Service Area.

**F. Map Series, Service Area Map LU 2.1, [insert name] Overlay**

**REVISIONS:** To depict the [insert name] Overlay as a Limited Service Area

**G. Map Series, Special Planning Areas Map LU 3.1, [insert name] Overlay**

**REVISIONS:** To identify the [insert name] Overlay on the Special Planning Areas map.

## Exhibit 2

### Applicant’s Justification for Text Amendment

#### I. INTRODUCTION

The subject site, known as the “Trotting Center”, is located along the west side of State Road 7 (SR 7), 0.38 miles south of the Hypoluxo Road and SR 7 intersection. The 105.60-acre property is in Palm Beach County’s (PBC) Rural Tier and is comprised of six parcels identified by a Future Land Use (FLU) designation of Rural Residential, 1 unit per 10 acres (RR-10), and a Zoning designation of Agricultural Residential (AR). The site’s property addresses, and Property Control Numbers (PCNs) are as follows:

Map Key	PCN	ADDRESS	EXISTING FLU	PROPOSED FLU	ZONING
1	00-42-43-27-05-044-0170	7563 S State Road 7	RR-10	LR-2	AR
2	00-41-45-12-00-000-7210	7563 S State Road 7	RR-10	LR-2	AR
3	00-41-45-12-00-000-7230	7563 S State Road 7	RR-10	LR-2	AR
4	00-41-45-12-00-000-7390	Park Lane Road	RR-10	LR-2	AR
5	00-41-45-12-00-000-7380	Park Lane Road	RR-10	LR-2	AR
6	00-41-45-12-00-000-3091	7660 Park Lane Road	RR-10	LR-2	AR

Figure 1 below corresponds to the information provided above and identifies each parcel that is subject to the Comprehensive Plan text amendment and concurrent future land use atlas amendment. The Trotting Center currently consists of 3 single-family homes, 6 mobile homes, 14 barns, 399 horse stalls, 50 groom quarters, a veterinarian lab building, an equipment maintenance building, and a restaurant. Additionally, the property has two equine exercise pools, 30 turn corals, an 11/16-mile trotter track, a 6/10-mile-deep sand track, and a ½ mile straight training strip.

**Figure 1: Location Map**



**II. PROPOSED COMPREHESIVE PLAN TEXT AMENDMENT**

On behalf of the Applicant, WGI is respectfully requesting a Comprehensive Plan Text Amendment to create the Trotting Center Overlay, which has a companion Large-Scale Future Land Use Atlas (FLUA) Amendment that was previously filed to amend the FLU designation of the aforementioned parcels from RR-10 to Low Residential – 2 du/ac (LR-2). The proposed amendments are required in order to accommodate the proposed residential use on the subject site.

**Project History**

Below is a summary of previous zoning approvals of the subject site:

<b>Zoning Approvals</b>	<b><u>CONTROL NUMBER: 1983-00017</u></b>  <u>R1984-1830:</u> Modify special conditions #2 and #5 placed on zoning petition No. 83-17 approved May 24, 1983.  <u>R1983-0612:</u> Special Exception to allow horse breeding and training farm including accessory buildings and structures and on-site water and sewage treatment plant.
-------------------------	--

The subject site does not have any previous Planning or FLUA Amendment approvals/ordinances.

**JUSTIFICATION FOR COMPREHENSIVE PLAN TEXT AMENDMENT**

This document demonstrates the requested Comprehensive Plan Text Amendment is consistent and in compliance with the County’s Comprehensive Plan.

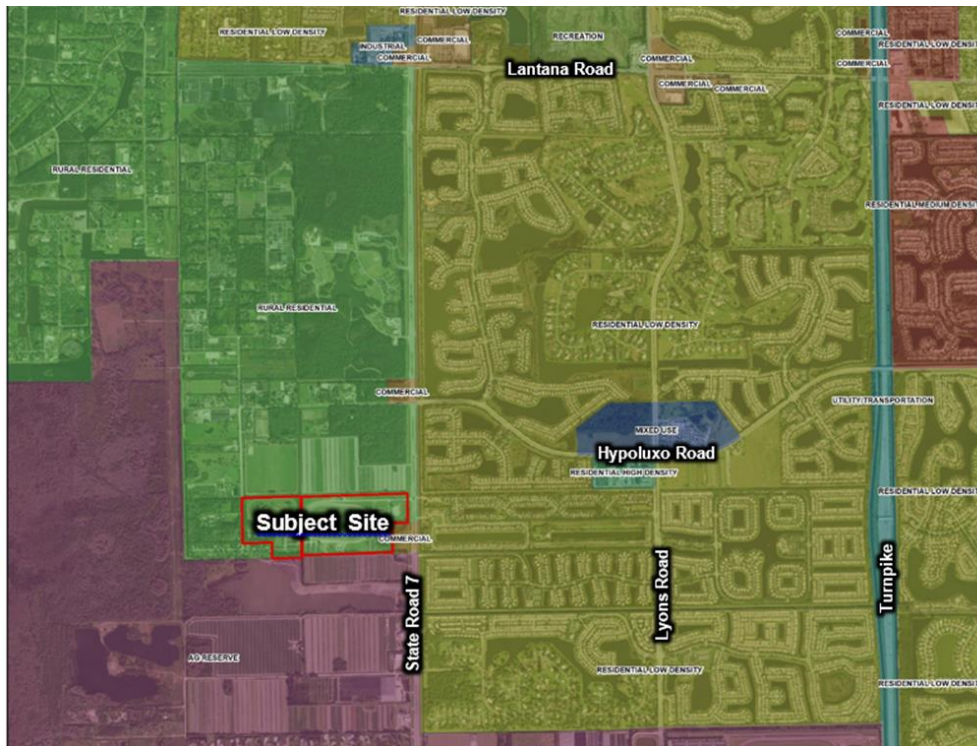
The Comprehensive Plan Text Amendment is consistent with Policy 2.1-f of the County’s Future Land Use Element, as the proposal to create the Trotting Center Overlay on the subject site and the concurrent application to change the future land use designation from RR-10 to LR-2 represents a more appropriate FLU designation for the site and location given its location on State Road 7 and proximity to urban services located within the State Road 7 right-of-way. The proposed Overlay and LR-2 FLU designation is consistent with the Goals, Objectives, and Policies of the County’s Comprehensive Plan, it is complimentary to the development pattern that exists in the area, it is compatible with the surrounding neighborhoods, and meets the intent of the West Boynton Area Community Plan, as outlined below.

The increasing westward expansion of residential development in unincorporated Palm Beach County can be attributed to continued population growth, ever-growing scarcity of developable land, and homogeneity of residential use types within the existing housing stock. As such, the proposed Comprehensive Plan Text Amendment and FLUA amendment intend to remedy the challenges by providing a residential use at a density that is both compatible with the current development trends in the community and unobtrusive to the surrounding uses.

While the FLU designations of the subject parcels were appropriately assigned at the inception of the Plan, the designation of RR-10 can now be considered to be outdated and incompatible because the subject parcels have access to State Road 7 and water and sewer services. Furthermore, and in contrast, the corridor today is characterized as a well-traveled arterial roadway that is surrounded by more intense commercial and residential developments than the now obsolete, “one unit per ten acres” land use designation. The RR-10 zoning is appropriate for parcels outside of the proposed Trotting Center Overlay because those parcels outside of the Overlay do not have direct access to State Road 7 and water and sewer services. The proposed residential use and intensity at LR-2 are compatible with the current lay of the land along the SR 7 corridor and do not represent an intensity that is atypical

or too intense for the character of the larger community. Pursuant to existing policies in the Comprehensive Plan and regulations in the ULDC<sup>1</sup> the County's Transfer of Development Rights, Workforce Housing Program and Affordable Housing Program are not applicable in the Rural Tier and are therefore not applicable in the proposed Trotting Center Overlay. This means that the base density of two units per acre cannot be exceeded. Directing growth on land that fronts onto State Road 7, which has all of the infrastructures in place to adequately serve more residential units, is sound planning practice and implements many elements of the County's Comprehensive Plan. Finally, the proposed Comprehensive Plan Text Amendment and FLUA amendment aim to relieve development pressures facing the Ag Reserve Tier by situating new residential development outside of the Ag Reserve Tier boundary, so as to not negatively impact or affect the Ag Reserve.

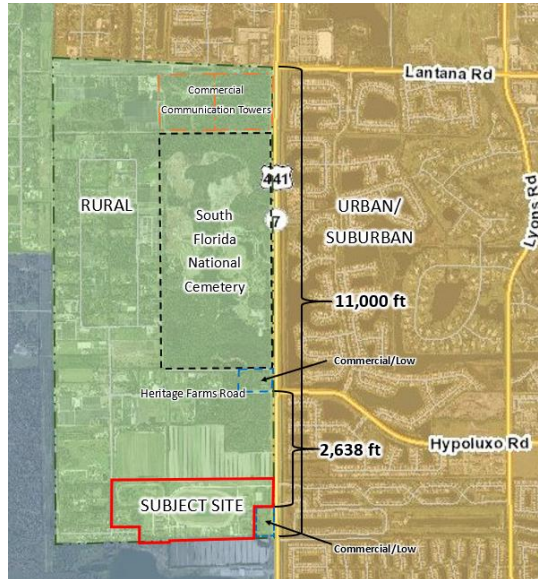
The density associated with the LR-2 FLU designation, two units per acre, which would be allowed in limited circumstances in the proposed Trotting Center Overlay, is not incompatible with the surrounding context of the subject site. All of the properties directly to the east of the subject site are developed at two units per acre. Moreover, the County considers this FLU designation to be "residential low density" in terms of the character of the developments that fall under the LR-2 designation. The map below shows the proximity of "residential low density" developments surrounding the subject site, as well as more intense commercial and mixed-use developments.



The subject site is situated uniquely in the County. There is only one stretch of the Rural Tier that fronts onto State Road 7 between the Broward County border and Okeechobee Blvd, which is the stretch between the subject site's southern border and Lantana Road. This stretch is approximately two miles (11,000 feet) long. The vast majority of the frontage of the Rural Tier onto State Road 7 in this stretch is taken up by the South Florida National Cemetery, which will never be developed. And there are two commercial communication tower properties in the Rural Tier on the south side of Lantana Road and the west side of State Road 7. And there are two properties with Commercial/Low land use designations in the Rural Tier. This leaves only approximately 2,600 linear feet of the 11,000 total linear feet of

<sup>1</sup> FLUE Policies 2.2.1-h and 2.4-f, Housing Element Policies 1.5-g and 1.5-i and ULDC Article 5, Chapter G, Section 1.A.1.

frontage onto State Road 7 in the Rural Tier that could theoretically be developed with residential development in the future. The subject site has approximately 675 feet of frontage onto State Road 7. All of the above is to say that for the subject site the RR-10 land use designation is outdated and outmoded in the current and future growth environment in the County. The graphic below illustrates the unique location of the subject in relation to the surrounding context of the Rural Tier adjacent to State Road 7.



The Applicant also proposes to develop the subject site with a concurrent rezoning to PUD and the master plan for the proposed project would only have access to and from State Road 7. There would be no vehicular access through Heritage Farms Road or any other local road in the Heritage Farms community. Therefore, there would be no adverse traffic impacts on the Heritage Farms community.

As shown on the prior page, the subject site is located adjacent to low-density residential uses to the east that are similar in character and density to the request of the Comprehensive Plan Text Amendment and concurrent FLUA amendment. The vicinity is made up of planned developments, as well as defined and established commercial nodes that will support the residential use proposed.

The applicant has had extensive discussions with the Heritage Farms community and community leaders in the months leading up to the submission of this application. This Comprehensive Plan Text Amendment is a result of those discussion and represents a mutually agreed to path forward for developing the subject site.

**The proposed FLUA Amendment must be found to be consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.**

The proposed Comprehensive Plan Text Amendment is consistent with and furthers the applicable Goals, Objectives, and Policies of the PBC Comprehensive Plan, as outlined below.

- Livable Communities
- Growth Management
- Infill, Redevelopment, and Revitalization
- Land Use Compatibility
- Neighborhood Integrity
- Housing Opportunity
- Design

The following analysis demonstrates the proposal's consistency with the relevant Goals, Objectives, and Policies of the Future Land Use Element of the Plan, as demonstrated throughout this report. Additionally, the proposed Comprehensive Plan Text Amendment is consistent with the residential development characteristics and patterns of the surrounding area. **The proposed Comprehensive Plan Text Amendment furthers the County's goals as further described below.**

**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."

The proposed Comprehensive Plan Text Amendment provides additional housing opportunities and residential use types to Palm Beach County residents. The proposed Comprehensive Plan Text Amendment would allow the LR-2 FLU designation in the proposed Trotting Center Overlay and the LR-2 FLU designation has been previously approved and is situated near the subject site, such as the Valencia Shores, Ladera, Savannah Estates and Villages of Windsor PUDs directly across State Road 7.

**Objectives** – The proposed FLUA Amendment furthers the County's objectives as further described below.

- **Objective 1.4 Rural Tier**

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

The proposed Comprehensive Plan Text Amendment will add the proposed Trotting Center Overlay as a special planning area where densities higher than the rest of the Rural Tier are permitted. The proposed Comprehensive Plan Text Amendment and concurrent change in FLU designation will offer additional housing opportunities to the residents of Palm Beach County at a time when the County is experiencing high growth rates. The proposed Comprehensive Plan Text Amendment and FLUA Amendment will accommodate a residential use and density that is consistent and compatible with the surrounding development while also preserving and protecting the rural lifestyle in the area of Heritage Farms that lies outside of the Overlay by providing larger buffers with native landscaping for those portions of the Overlay that about existing single-family homes and transitioning density within the Overlay – with larger lots located at the western end of the Overlay. Development within the Overlay, due to its location within the Rural Tier, is not subject to the County's Transfer of Development Rights, Workforce Housing or Affordable Housing programs. This means that the base density of two units per acre cannot be exceeded.

**Objective:** "Palm Beach County shall plan for the impacts of growth outside of the Urban Service Area, recognizing the existence of both large undeveloped tracts as well as areas



containing densities equal to or less than 1 dwelling unit per 5 acres established prior to the adoption of the 1989 Comprehensive Plan located in proximity to environmentally sensitive natural areas while protecting the Rural Tier lifestyle. The Rural Tier shall be afforded rural levels of service, except in special planning areas such as, but not limited to, the Western Communities Residential Overlay (WCRO).”

The proposed Comprehensive Plan Text Amendment will add the proposed Trotting Center Overlay as a special planning area where densities higher than the rest of the Rural Tier are permitted. The subject site is situated along SR 7 in between two major activity nodes, Lantana Road/State Road 7 and Boynton Beach Boulevard/State Road 7. The proposed Comprehensive Plan Text Amendment and FLUA Amendment will provide housing opportunities, at an appropriate density for the immediate surrounding communities and in an area that has direct access to existing water and sewer facilities.

- **Objective 2.1 Balanced Growth** – “Palm Beach County shall designate on the Future Land Use Atlas sufficient land area in each land use designation to manage and direct future development to appropriate locations to achieve balanced growth. This shall be done to plan for population growth and its need for services, employment opportunities, and recreation and open space, while providing for the continuation of agriculture and the protection of the environment and natural resources through the long-range planning horizon.”

The proposed Comprehensive Plan Text Amendment and FLUA Amendment will help make way for much-needed residential development to support the existing and projected population growth of Palm Beach County, while protecting and preserving the quality of life for current Heritage Farms residents whose properties are located interior to the community away from State Road 7. This amendment will maintain the functionality of the immediate area by mitigating adverse impacts and protecting the environment.

- **Objective 2.2 Future Land Use Provisions – General** – “Palm Beach County shall ensure development is consistent with the County’s diverse character and future land use designations. All public and private activities concerning the use, development and redevelopment of a property, and the provision of facilities and services shall be consistent with the property’s future land use designation, and the applicable Goals, Objectives and Policies of this Element.”

The proposed Comprehensive Plan Text Amendment and FLUA Amendment is consistent with the County’s diverse character and future land use designations as the proposed use will offer additional housing opportunities for the existing and projected populations of the County in an area that has direct access to State Road 7 and existing water and sewer services. Furthermore, as demonstrated within this section, the proposed amendment is consistent with the applicable Goals, Objectives, and Policies of the Future Land Use Element of the Comprehensive Plan.

- **Objective 3.1 Service Areas - General** – “Palm Beach County shall establish graduated service areas to distinguish the levels and types of services needed within a Tier, consistent with sustaining the characteristics of the Tier. These characteristics shall be based on the land development pattern of the community and services needed to protect the health, safety, and welfare of residents and visitors; and the need to provide cost-effective services based on the existing or future land uses.”

The subject site is located adjacent to the U/S Tier, which is near all of the necessary urban services including, but not limited to, the roadway network, water/wastewater, drainage facilities, mass transit, opportunities, etc. The proposed development will sufficiently utilize the existing urban services within the area and ensure the proposed use will provide additional

services to the community without negatively impacting levels of service to help protect the health, safety, and welfare of its residents.

**Policies** – The proposed FLUA Amendment furthers the County’s policies as further described below.

- **Policy 1.4-a:** The County shall protect and maintain the rural residential, equestrian and agricultural areas within the Rural Tier by:
  1. Preserving and enhancing the rural landscape, including historic, cultural, recreational, agricultural, and open space resources;
  2. Providing facilities and services consistent with the character of the area;
  3. Preserving and enhancing natural resources; and,
  4. Ensuring development is compatible with the scale, mass, intensity of use, height, and character of the rural community.

The proposed Comprehensive Plan Text Amendment is consistent with policy 1.4-a by encouraging infill development within the Rural Tier but also providing certain protections regarding the character of the infill development, and by utilizing existing infrastructure, public facilities, and services. The Trotting Center Overlay requires the largest lots to be located at the western end of the Overlay, closest to existing single-family home lots, and the smaller lots are located at the eastern end of the Overlay, closest to State Road 7. The Overlay also requires larger buffers with native landscaping for those portions of the Overlay that abut existing single-family homes.

- **Policy 1.2-b:** Palm Beach County shall encourage and support sustainable urban development, including restoration, infill, and adaptive reuse.

Currently, the subject site does not represent a typical urban development, restoration, or infill development, the subject site is uniquely situated adjacent to U/S Tier developments that are similar to the requested FLUA amendment and FLU designation. The granting of such a request will represent a sustainable approach to remedying the increasing development pressures being put on the Ag Reserve Tier to the south.

- **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.

The proposed Comprehensive Plan Text Amendment and proposed residential use of the site do not exceed natural or manmade constraints of an area and do not underutilize the existing or planned capacities of urban services. In fact, the current designation of RR-10 would be an underutilization of the existing capacities of urban services available to the subject parcels that comprise the Trotting Center Overlay. The proposed Comprehensive Plan Text Amendment is compatible with the surrounding communities and will not negatively or adversely affect any neighboring uses.

- **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.”

The proposed Comprehensive Plan Text Amendment and proposed FLUA Amendment are consistent with the County's diverse character and future land use designations as the proposed use will offer housing options and create a transition between higher and lower intense uses. Furthermore, as demonstrated within this section, the proposed amendment is consistent with the applicable Goals, Objectives, and Policies of the Future Land Use Element of the Comprehensive Plan.

- **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."

The subject site is surrounded by existing residential developments. Therefore, the proposed amendments do not encourage piecemeal development, nor does it create residual parcels.

## **G.5 COMPLIANCE WITH FLORIDA STATUTES CHAPTER 163.3177**

Florida Statute, Chapter 163.3177 is the principle state statute governing the comprehensive plans and plan amendments for all of the Counties within the State of Florida. In 2011, Chapter 163, F.S. was substantially revised and Rule 9J-5 was repealed and removed from the Florida Administrative Code (House Bill 7207). Today, Chapter 163.3177(1) (f) states, "all mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government, that may include but not be limited to, surveys, studies, community goals and vision, and other data available on that particular subject at the time of adoption of the plan or plan amendment at issue."

The data and analysis presented support the request for the proposed Comprehensive Plan Text Amendment and demonstrate consistency with the Florida Statutes.

*163.3177 – 6.a.* Requires that a local government's future land use plan element be based on a number of factors, including population projections, the character of undeveloped land, availability of public services, and other planning objectives.

If granted, the proposed Comprehensive Plan Text Amendment would create an opportunity for a much-needed residential development within the Rural Tier classification for the subject site. The proposed Comprehensive Plan Text Amendment maximizes an underutilized piece of land by offering additional and diversity of housing choices to the existing and projected Palm Beach County population.

### **Conclusion**

**On behalf of the Applicant, we respectfully request approval of the proposed Comprehensive Plan Text Amendment.**

# Exhibit 3

## Applicant's 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 Michael McCarty, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- Affiant is the [ ] individual or [x] President *[position - e.g., president, partner, trustee]* of Lynx at Lake Worth, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- Affiant's address is: 2255 Glades Road  
Suite 324A  
Boca Raton, FL 33431
- 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.
- 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.
- 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.
- Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

[Signature]  
Michael McCarty, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF ~~FLORIDA~~ <sup>NEW JERSEY</sup>  
COUNTY OF ~~PALM BEACH~~ <sup>MONMOUTH</sup>

The foregoing instrument was acknowledged before me by means of [ x ] physical presence or [ ] online notarization, this 21<sup>st</sup> day of may, 2022 by Michael McCarty (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).

**ARLENÉ LIEBERMAN**  
**NOTARY PUBLIC OF NEW JERSEY**  
**My Commission Expires 10/15/2024**  
(Name)  
My Commission Expires on: \_\_\_\_\_

[Signature]  
(Signature)  
NOTARY'S SEAL OR STAMP

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

See attached.

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

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

<b>Name</b>	<b>Address</b>
RJMZ Real Estate, LLC	6131 Lyons Road STE 200, Coconut Creek, FL 33073
Lynx Asset Services, LLC	110 Fieldcrest Ave Raritan Plaza I Edison, NJ 08837

**Exhibit 4**  
**Correspondence**

---