



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 21-B

DEO TRANSMITTAL, MAY 5, 2021

A. Application Summary

I. General Data

Project Name:	Lantana SR 7 (LGA 2021-013)
FLUA Summary:	RR-10 to CL/RR-10
Acres:	1.03 acres
Location:	Southwest corner of Lantana Road and State Road 7
Project Manager:	Jerry Lodge, Planner and Stephanie Gregory, Senior Planner
Applicant:	Randy Tulepan, SR7 Lantana, LLC
Owner:	Randy Tulepan, SR7 Lantana, LLC
Agent:	Edwin Muller, WGI, Inc.
Staff Recommendation:	Staff recommends denial based upon the conclusions contained within this report

II. Assessment & Conclusion

The amendment consists of a site-specific future land use designation change on 1.03 acres from Rural Residential, 1 unit per 10 acres (RR-10) to Commercial Low (CL) in order to develop commercial uses. The site is located in the Rural Tier and adjacent to the Urban/Suburban Tier to the north and east.

The site has previously been the subject of a land use amendment in 1997, 2000 and 2017 for a similar request from RR-10 to CL. In 1997 and 2000, staff recommended denial and the applicant subsequently withdrew the amendment prior to public hearing. The most recent request from RR-10 to CL in 2017 also had a staff recommendation of denial and unanimous recommendation of denial by the Planning Commission. Ultimately, the Board of County Commissioners denied transmittal of the amendment at the May 2018 hearing.

The applicant's justification states that changed conditions since the adoption of the 1989 Comprehensive Plan have occurred at the intersection of State Road 7 and Lantana Road due to land use amendments, specifically from Low Residential, 1 unit per acre (LR-1) to Commercial Low and Industrial (IND). However, these amendments are located in the Urban/Suburban Tier with urban densities and intensities surrounding the sites and do not warrant the extension of commercial future land uses into the Rural Tier at this location. Therefore, the applicant has not met the requirements for an adequate justification. In addition, staff has concerns that the approval of this request may encourage additional land use amendments in the Rural Tier, resulting in further conversions from rural residential to commercial.

III. Hearing History

Local Planning Agency: *Approval*, motion by Evan Rosenberg, seconded by Barbara Roth, passed in an 8 to 4 vote with Marcia Hayden, Glenn Gromann, Sarah Pardue, and Edwin Ferguson dissenting at the April 23, 2021 public hearing. Under discussion, Commission members discussed the differences between this application and prior amendment requests and discussed flooding issues that occur at Lantana Road and State Road 7. There was no public comment.

Board of County Commissioners Transmittal Public Hearing: *Transmit*, motion by Commissioner Bernard, seconded by Commissioner McKinlay passed in a 6 to 0 vote (with Mayor Kerner) absent at the May 5, 2021 public hearing. Under discussion, the Board questioned the uses allowed under the current designation and uses allowed on the adjacent non-residential parcels. Two members of the public spoke. A representative of the Coalition of Boynton West Residential Associations (COBWRA) spoke in support of the amendment and spoke regarding flooding on Lantana Road west of SR7. A representative of the Sierra Club spoke in opposition.

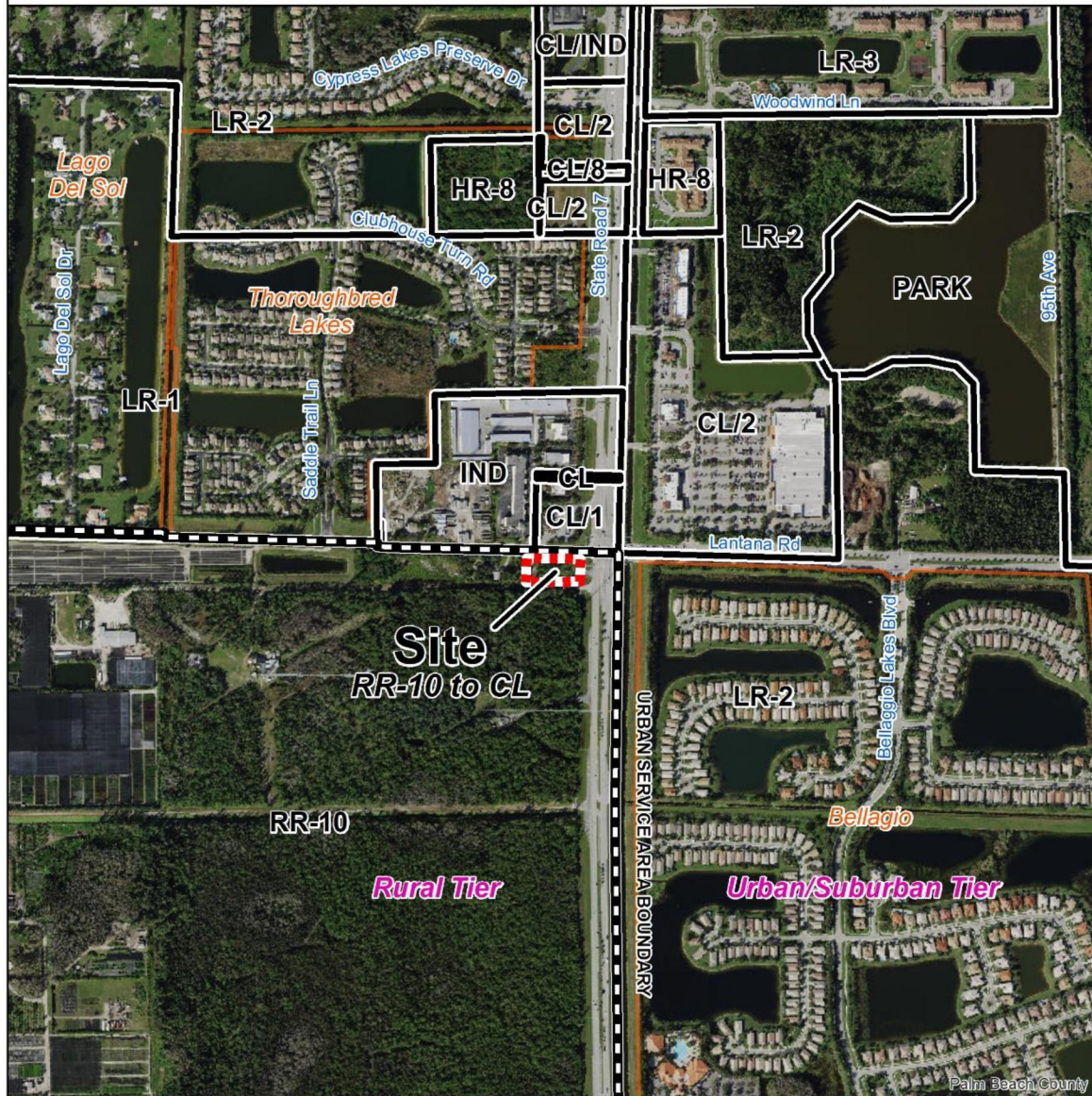
State Review Comments:

Board of County Commissioners Adoption Public Hearing:

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Future Land Use Atlas Amendment

Lantana & SR7 SW (LGA 2021-013)



Site Data

Size: 1.03 acres
 Existing Use: Vacant
 Proposed Use: Commercial/Retail
 Current FLU: RR-10
 Proposed FLU: CL

Future Land Use Designations

RR-10	Rural Residential, 1 unit/10 acres	CL	Commercial Low
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
LR-3	Low Residential, 3 units/acre	CL/8	Commercial Low, underlying HR-5
HR-8	High Residential, 8 units/acre	CL/IND	Commercial Low, underlying IND
PARK	Park	IND	Industrial

Date: 11/2/2020
 Contact: PBC Planning
 Filename: Planning/AMEND/21-SCA/Site/LantanaSR7
 Note: Map is not official, for presentation purposes only.



Site

260 0 260 520 Feet



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



B. Petition Summary

II. Site Data

Current Future Land Use

Current FLU: Rural Residential, 1 unit per 10 acres (RR-10)
Existing Land Use: Vacant
Current Zoning: Agricultural Residential (AR)
Current Dev. Potential Max: Residential, up to 1 dwelling unit

Proposed Future Land Use Change

Proposed FLU: Commercial Low (CL)
Proposed Use: Commercial
Proposed Zoning: Community Commercial (CC)
Dev. Potential Max/Conditioned: Commercial uses, up to 4,487 sf (.10 FAR)

General Area Information for Site

Tier: Rural Tier – No Change
Utility Service: Palm Beach County Water Utilities Department
Overlay/Study: None
Comm. District: Commissioner McKinlay, District 6



C. Introduction

I. Intent of the Amendment

The subject site is located in the Rural Tier on the southwest corner of State Road 7 and Lantana Road. The 1.03-acre site has a Rural Residential, 1 unit per 10 acres (RR-10) future land use designation.

Future Land Use Amendment. The proposed future land use amendment is a request to change the future land use designation on a 1.03-acre site in the Rural Tier from Rural Residential, 1 unit per 10 acres (RR-10) to Commercial Low (CL). The amendment will change the development potential on the site from one residential dwelling unit to 4,487 square feet of commercial uses.

Background. The subject site is currently vacant and has been the subject of a previous FLUA amendment multiple times as summarized below.

- **Lantana Plaza (SCA 80 COM 1).** The first amendment was submitted in 1996 requesting a change to the future land use designation from Rural Residential, 1 unit per 10 acres (RR-10) to Commercial Low (CL) in order to develop a 3,200 square foot convenience store with gas sales. The site at this time was 1.94 acres and contained a vacant bar/restaurant. Staff recommended denial due to a lack of justification for the change and the potential to encourage further conversion from residential to commercial along State Road 7 and Lantana Road in the Rural Tier. The applicant ultimately withdrew the application prior to public hearing.
- **State Road 7/Lantana (00-80 COM 1).** The second amendment was proposed in 2000 for the same change in future land use from RR-10 to CL for a convenience store with gas sales. The acreage was reduced to its current 1.03 acres due to road widening in 1998 at which time the vacant bar/restaurant was also demolished. Planning staff recommended denial at the time due to lack of justification and the proposed CL as an incompatible future land use with adjacent rural residential uses. The applicant again withdrew the amendment prior to public hearing.
- **Remedial Plan Amendment.** In 2008, the subject site was included in a Remedial Plan Amendment adopted by the BCC via Ord. 2008-002 for an administrative challenge related to the Lantana SR7 Residential (LGA 2006-010) site, owned by Lantana Farms Associates, that is to the west of the site. The remedial amendment revised the Tier boundaries for the three parcels south of Lantana Road from Rural to Urban/Suburban. However, the administrative challenge conclusion was that the amendment and tier change was “not in compliance” and the Board subsequently rescinded the ordinance. A full history of this amendment is addressed in the compatibility section.
- **Lantana Road SR 7 (LGA-2018-005).** The most recent amendment request was proposed in 2017 which requested the same change in future land use from RR-10 to CL for the development of a 2,920 square foot convenience store with gas sales (12 fueling stations). Staff recommended denial due to lack of a sufficient justification and the potential for commercial uses to move further into the Rural Tier, consistent with the previous staff recommendations. The Planning Commission recommended denial with a 12-0 vote. At the subsequent BCC Transmittal hearing on May 2, 2018, the Board denied transmittal of the amendment in a 6-1 vote.

Zoning Application: There is a concurrent rezoning application in process (Z-2020-2117) for a rezoning from Agricultural Residential (AR) to Community Commercial (CC) in order to be consistent with the proposed Commercial Low future land use designation. The zoning application does not currently include a site plan as the request is for a straight rezoning. Control No. 1996-00127.

II. Data and Analysis Summary

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

- A. Overview of the Area.** The site is located at the northeast corner of the Rural Tier with the Urban/Suburban Tier to the north and east consisting of Commercial Low (CL), Industrial and Low Residential future land use designations. The two 30+ acre Rural Residential, 1 unit per 10 acres (RR-10) parcels to the south and west are heavily wooded and contain television communication towers.
- B. Appropriateness of the Amendment.** Staff concurs that given the site's size and location at the intersection of two major roadways, a single-family residence on this site is not likely to be developed. However, this is not an adequate justification to demonstrate that the current future land use designation is inappropriate, as other non-residential uses consistent with RR-10 are also available. Regarding the applicant's assertion that the amendment is justified due to changed conditions since the adoption of the 1989 Comprehensive Plan, the applicant is correct that there have been land use amendments which have occurred over the years at the northwest corner of State Road 7 and Lantana Road, specifically from Low Residential, 1 unit per acre (LR-1) to Commercial Low (CL) and Industrial (IND). However, these amendments are located in the Urban/Suburban Tier with urban densities and intensities surrounding the sites and do not provide an adequate justification for this amendment in the Rural Tier surrounded by rural residential designations.
- C. Compatibility.** The proposed amendment would change the future land use from RR-10 to CL. Considering the rural residential designations surrounding the site and the low suburban densities in the Urban Suburban Tier, this amendment may result in compatibility issues. In addition, the concurrent zoning application proposes commercial retail for the site and the lack of a site plan limits staff's ability to properly assess all potential compatibility issues.
- D. Assessment and Recommendation.** The amendment consists of a site-specific future land use designation change on 1.03 acres from Rural Residential, 1 unit per 10 acres (RR-10) to Commercial Low (CL) in order to develop a commercial retail use. The site is located in the Rural Tier and adjacent to the Urban/Suburban Tier to the north and east.

The site has previously been the subject of a land use amendment in 1997, 2000 and 2017 for a similar request from RR-10 to CL. In 1997 and 2000, staff recommended denial and the applicant subsequently withdrew the amendment prior to public hearing. The most recent request from RR-10 to CL in 2017 also had a staff recommendation of denial and unanimous recommendation of denial by the Planning Commission. Ultimately, the Board of County Commissioners denied transmittal of the amendment at the May 2018 hearing.

The applicant's justification states that changed conditions since the adoption of the 1989 Comprehensive Plan have occurred at the intersection of State Road 7 and Lantana Road due to land use amendments, specifically from Low Residential, 1 unit per acre (LR-1) to Commercial Low and Industrial (IND). However, these amendments are located in the Urban/Suburban Tier with urban densities and intensities surrounding the sites and do not warrant the extension of commercial future land uses into the Rural Tier at this location. Therefore, the applicant has not met the requirements for an adequate justification. In addition, staff has concerns that the approval of this request may encourage additional land use amendments in the Rural Tier, resulting in further conversions from rural residential to commercial.

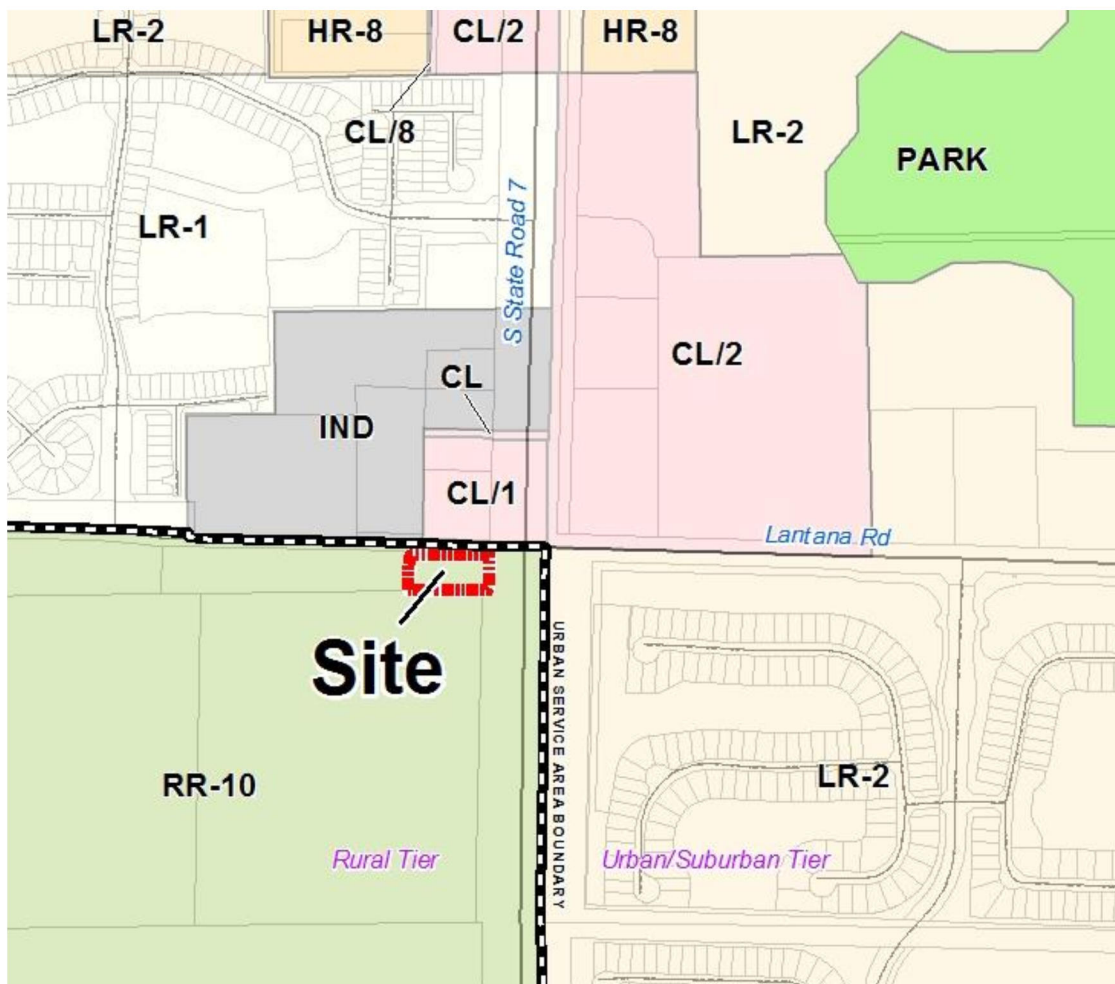
As such, staff recommends **denial** of the amendment.

Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Consistency with Comprehensive Plan	E-4
3. Applicant's Justification/Consistency with Comprehensive Plan & Florida Statutes	E-13
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Exhibit 1

Amendment No:	Lantana Road SR 7 (LGA 2021-013)
FLUA Page No:	80
Amendment:	From Rural Residential, 1 unit per 10 acres (RR-10) to Commercial Low with an underlying 1 unit per 10 acres (CL/RR-10)
Location:	Southwest corner of State Road 7 and Lantana Road
Size:	1.03 approximately
Property No:	00-41-44-37-00-037-0011

Conditions: None



Legal Description

A parcel of land in Lot 1, Block 37, LANTANA HIATUS, in Township 44 1/2 South, Range 41 East, more particularly described as follows:

From the U.S. Government Land Office concrete monument marking the Southeast corner of Section 36, Township 44 South, Range 41 East, which monument is also the Northeast corner of said Tract 37, run thence N. 88°08'25" W., along the North line of said Tract 37, which is the Township line, a distance of 64.65' to a point on the Westerly Right-of-Way line of State Road 7, as the same is now laid out and in use, said point being the Northeast corner and POINT OF BEGINNING of the parcel herein conveyed; thence; continue North 88°08'25" West, along said North line of Tract 37, a distance of 475' to the Northwest corner of the property herein conveyed; thence run South 1°37'50" West, a distance of 187.92' to a point on the South line of said Lot 1, in said Tract 37, the Southwest corner of the property herein conveyed; thence run North 89°42'20" East along said South line of Lot 1, Tract 37, a distance of 474.68' to a point on the said Westerly Right-of-Way line of said State Road 7, the Southeast corner of the property herein conveyed; thence run North 1°50 '10" East, along said Westerly Right-of-Way line of State Road 7, a distance of 170.06' to the POINT OF BEGINNING.

LESS and EXCEPT the following described property as contained in that Order of Taking recorded in O.R. Book 10086, Page 1191, Public Records of Palm Beach County, Florida, described as follows:

That part of Lot 1, Tract 37 or Section 37, Township 44 1/2 South, Range 41 East, Hiatus between Township 44 South and Township 45 South, Range 41, all in Palm Beach County, Florida, said part being more particularly described as follows:

Commence at the found General Land Office Brass Disc in concrete marking the Northeast corner of said Tract 37 or Section 37; thence North 88°33'26" West along the North line of said Tract 37 or Section 37, a distance of 19.897 meters (65.28 feet) to the POINT OF BEGINNING; thence continue North 88°33'26" West along the North line of said Tract 37 or Section 37, a distance of 144.780 meters (475.00 feet); thence South 01°15'39" West, a distance of 12.192 meters (40.00 feet); thence North 88°33'26" East, a distance of 96.570 meters (316.83 feet); thence South 01°28'04" West, a distance of 41.154 meters (135.02 feet) to the South line of said Lot 1; thence North 89°16'04" East along the South line, a distance of 48.204 meters (158.15 feet) to a point on the Westerly Existing Right of Way line for State Road 7 (U.S. 441); thence North 01°27'57" East along said Westerly Existing Right of Way line, a distance of 51.517 meters (169.02 feet) to the POINT OF BEGINNING.

SURVEY:

From the U.S. Government Land Office monument marking the Southeast corner of Section 36, Township 44 South, Range 41 East, which monument is also the Northeast corner of said Tract 37; Thence North 88°33'16" West along the North line of said Tract 34, which is the Township line, a distance of 64.65 feet to a point on the Westerly Right-of-Way line of State Road 7, as same is now laid out and in use, said point being the Northeast corner and the POINT OF BEGINNING of the parcel herein conveyed; Thence continue North 88°33'16" West, along said North line of Tract 37, a distance of 475.00 feet to the Northwest corner of the property herein conveyed; Thence South 01°12'59" West, a distance of 187.92 feet to a point on the South line of said Lot 1, in said Tract 37, the Southwest corner of the property herein conveyed; Thence South 89°17'29" West along said South line of Lot 1, a distance of 474.68 feet to a point on the Westerly Right-of-Way line of said State Road 7; Thence North 01°24'48" East along said

Westerly Right-of-Way line of State Road 7, a distance of 170.08 feet to the POINT OF BEGINNING.

LESS and EXCEPT the following described property as contained in that Order of Taking recorded in O.R. Book 10086, Page 1191, Public Records of Palm Beach County, Florida, described as follows:

That part of Lot 1, Tract 37 or Section 37, Township 44 1/2 South, Range 41 East, Hiatus between Township 44 South and Township 45 South, Range 41, all in Palm Beach County, Florida, said part being more particularly described as follows:

Commence at the found General Land Office Brass Disc in concrete marking the Northeast corner of said Tract 37 or Section 37; thence North 88°33'16" West along the North line of said Tract 37 or Section 37, a distance of 64.65 feet to the POINT OF BEGINNING; thence continue North 88°33'16" West along the North line of said Tract 37 or Section 37, a distance of 475.00 feet; thence South 01°12'59" West, a distance of 40.00 feet; thence South 88°33'16" East, a distance of 316.54 feet; thence South 01°28'14" West, a distance of 136.04 feet to the South line of said Lot 1; thence North 89°17'29" East along the South line, a distance of 158.57 feet to a point on the Westerly Existing Right of Way line for State Road 7 (U.S. 441); thence North 01°24'47" East along said Westerly Existing Right of Way line, a distance of 170.08 feet to the POINT OF BEGINNING.

Subject to existing easements, rights-of-way, covenants, reservations and restrictions of record, if any.

Said lands contain 1.03 acres, more or less.

Exhibit 2

Consistency with Comprehensive Plan

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

A. Consistency with the Comprehensive Plan - General

1. **Justification - FLUE Policy 2.1-f:** *Before approval of a future land use amendment, the applicant shall provide an **adequate justification** for the proposed future land use and for residential density increases **demonstrate that the current land use is inappropriate**. In addition, 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.; (See Consistency with Florida Statutes)*
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 provides a Justification Statement (Exhibit 3) which states that the amendment is justified on the basis of changes in the characteristics of the area that have occurred since the adoption of the County's Comprehensive Plan and is summarized as follows:

- The applicant states that the site's location (adjacent to the Urban/Suburban Tier, specifically to the north and east, where urban residential densities have been constructed) and 1-acre parcel size is ideally suited for commercial uses.
- The applicant states that three previous land use amendments to parcels north of the subject site from Low Residential to Industrial and Commercial Low demonstrate that "CL FLU is the appropriate commercial land use for this growing commercial node."

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. With regard to justification, there are several themes presented by this amendment that are discussed individually.

Staff concurs that, given the site's size and location at the intersection of two major roadways, a single-family residence on this site is not likely to be developed. However, this is not an adequate justification to demonstrate that the current future land use designation is inappropriate, as other non-residential uses consistent with RR-10 are also available.

Regarding the applicant's assertion that the amendment is justified due to changed conditions since the adoption of the 1989 Comprehensive Plan, the applicant is correct that there have been land use amendments which have occurred over the years at the northwest corner of State Road 7 and Lantana Road, specifically from Low Residential, 1 unit per acre (LR-1) to Commercial Low (CL) and Industrial (IND). However, these amendments are located in the Urban/Suburban Tier with urban densities and intensities surrounding the sites and do not provide an adequate justification for this amendment in the Rural Tier surrounded by rural residential designations.

In addition, in 2001, the 11.87-acre site surrounding the gas station at the northwest corner, in the Urban/Suburban Tier, had a Low Residential, 1 unit per acre (LR-1) future land use and the applicant at the time proposed a mix of CL on 3.18 acres and IND on the remaining 8.68 acres. Staff supported the proposed Industrial FLU but did not support additional commercial at the node. The staff recommendation was for approval of an alternative amendment designating the whole site as Industrial. The BCC supported staff's recommendation at Transmittal. However, the applicant modified the application to slightly increase the CL (0.19 acres) at the corner to allow the previously approved CL parcel to meet minimum standards set forth in the ULDC and allow the remaining portion as IND. The BCC agreed with the modified request and adopted the amendment with the modifications and a condition limiting the site to light industrial uses.

It should also be noted that several of the surrounding sites were assigned non-residential future land use designations with the adoption of the 1989 Comprehensive Plan. For example, the site on the northeast corner of Lantana Road and State Road 7, which now contains a Target, has had a commercial designation since 1989. The Wellington Hay and Grain site located on the north side of Lantana Road adjacent to Thoroughbred Lakes Estates has had an Industrial designation since 1989. None of the changes that have occurred in the area warrant the extension of commercial future land uses into the Rural Tier at this location. Therefore, the applicant has not met the requirements for an adequate justification.

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

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

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

providing for the efficient use of land, balancing land uses; and, (d) providing for facilities and services in a cost efficient timely manner.

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

Staff Analysis: The proposed amendment to change the land use designation on the subject site from RR-10 to CL would not further, nor detract from any of the County directions. Thus, there are no policy implications regarding the County Directions with regard to this amendment.

3. **Piecemeal Development – 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 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: There are no other parcels under the same or related ownership adjacent to the subject site that are not included in the proposed amendment whereby residual parcels would be created. Therefore, the proposed amendment would not constitute piecemeal development.

4. **Strip Commercial – FLUE Policy 2.2.2-d:** The County shall not designate additional commercial areas on the Future Land Use Atlas that would result in or encourage the proliferation of strip commercial development.

Staff Analysis: This amendment is not considered strip commercial development as it does not meet the definition in the Comprehensive Plan's Introduction and Administration Element. However, staff has concerns that the approval of this request may encourage additional land use amendments, resulting in further conversions from residential to commercial southward along State Road 7 and westward along Lantana Road in the Rural Tier.

B. Consistency with Rural Tier Requirements

Future Land Use Element Objective 1.1, Managed Growth Tier System, states that *“Palm Beach County shall implement the Managed Growth Tier System strategies to protect viable existing neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers.....”*

1. **Policy 1.4-f:** *The County shall prohibit new commercial future land use designations that do not have frontage on either: 1) one collector and one arterial roadway; or 2) two arterial roadways (as depicted on the Federal Functional Classification of Roads Map TE 3.1), unless it is shown that a vehicular cross connection can be established to an adjacent site with a non-residential future land use designation, or such development is planned as a Traditional Marketplace Development (TMD).*

Staff Analysis: This policy provides locational requirements for new commercial future land use designations in the Rural Tier. State Road 7 is depicted as an Urban Principal Arterial on the Federal Functional Classification Map. Lantana Road, west of State Road 7, is not identified as either a collector or arterial. Therefore, the amendment does not

meet the first two criteria of this policy. Further, there is no concurrent site plan to demonstrate that the site can provide vehicular cross connection to the adjacent non-residential FLUs to the north.

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. The applicant lists the surrounding uses and designations and provides a compatibility analysis in Exhibit 3.

Surrounding Land Uses: Surrounding the subject site are the following:

- **North** – Directly north of the subject site beyond Lantana Road is the Urban/Suburban Tier. The northwest intersection of Lantana Road and State Road 7 consists of a large non-residential node with Commercial Low and Industrial future land use designations as well as the Thoroughbred Lakes Estates Planned Unit Development with a Low Residential, 1 unit per acre (LR-1). The 1.7 acres at the corner contains a convenience store with gas sales. This site received a land use change in 1995 from Low Residential, 1 unit per acre (LR-1) to Commercial Low with an underlying LR-1 (CL/1) via Ordinance 1996-006. The surrounding commercial contains a Dunkin Donuts and Tires Plus. This site also received a land use designation from LR-1 to CL (on .19 acres) and IND (on 11.68 acres) in 2001 via Ordinance 2001-037. The Wellington Hay and Grain site is a 7.35-acre parcel on the north side of Lantana Road with outdoor storage use and has been designated as Industrial (IND) since the adoption of the 1989 Comprehensive Plan.
- **East** – East of the subject site beyond State Road 7 on the south side of Lantana Road is the Bellagio residential development with a Low Residential, 2 units per acre (LR-2) designation and located within the Urban/Suburban Tier. On the north side of Lantana Road is a shopping center with Target as the anchor tenant. This site received a land use amendment in 2003 from Commercial with an underlying two units per acre (C/2) to Commercial Low with an underlying two units per acre (CL/2) via Ordinance 2003-065 for the 12.4-acre site.
- **South** – South of the subject site are two large 30+ acre parcels in the Rural Tier that are heavily vegetated with a cell tower. One of the sites is owned by Scripps Howard Broadcasting Company. South of the cell tower parcels is the South Florida National Cemetery for veterans of the armed forces. All of the sites have a designation of Rural Residential, 1 unit per 10 acres (RR-10).
- **West** – West of the subject site along the south side of Lantana Road are two narrow RR-10 parcels extending past the terminus of the road and to the Homeland subdivision. The 3.89-acre parcel immediately west has a single family home on the site and received a General Commercial (CG) zoning district in 1972 via R-72-100. However, the site was not granted a commercial land use designation by either the 1980 or the 1989 Comprehensive Plan. The site further west along Lantana Road is a 26.33 acre parcel owned by Lantana Farms Associates and currently utilized for agricultural production. In 2006, this parcel was the subject of a future land use amendment, known as Lantana/SR 7 Residential (LGA 2006-010), for a tier change from the Rural to Urban/Suburban Tier and the future land use designation from RR-10 to Low Residential, 1 unit per acre (LR-1). The Board adopted the amendment via Ordinance 2006-029. Following adoption, the Department of Community Affairs (DCA) found the amendment to be “not in compliance” and filed a

petition with the Division of Administrative Hearings (DOAH) to challenge the amendment. Four additional parties, including 1,000 Friends of Florida, filed a petition to intervene and were allowed to join the challenge (DOAH Case No: 06-004544GM). Subsequently, a settlement agreement was entered into by the County and DCA which acknowledges the County's submission of additional documentation and analysis in support of the challenged amendment, and would also require the adoption of a Remedial Plan Amendment, which would amend the current Tier Boundary for the Urban/Suburban Tier, to include the Lantana Farm Associates, Inc. property as well as the two parcels to the east, one of which is the subject site of the current FLUA application (LGA 2021-013). The intent was to avoid piecemeal tier re-designations. DCA agreed to the proposed settlement agreement and finding of the Comprehensive Plan amendment to be "in compliance." The required Remedial Plan amendment to rescind Ord 2006-029 and change the three parcels south of Lantana Rd (including the subject site of LGA 2021-013) from the Rural to the Urban/Suburban Tier was adopted by the BCC on January 15, 2008 via Ordinance 2008-002. This ordinance also included a FLUA change for only the Lantana Farm Assoc. site from RR-10 to LR-1. Due to the settlement agreement, the DOAH hearing then continued with the parties realigned, Palm Beach County and DCA becoming joint respondents against petitioners Rosa Durando and 1,000 Friends of Florida. The presiding administrative law judge entered a recommended order that DCA find the amendment not in compliance and the Secretary of DCA and Administration Commission concurred. As directed by the Final Order, the Board adopted Ord 2009-003, which rescinded Ord 2008-002 and 2006-029 leaving all three sites to remain in the Rural tier with a RR-10 future land use designation.

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."*

Staff Analysis: The applicant indicates that the proposed Commercial designation is consistent and compatible with the surrounding development pattern. Considering the 1 unit per 10 acre parcels surrounding the site and the low suburban densities in the Urban Suburban Tier, this amendment may result in compatibility issues with the surrounding rural residential designations.

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: The property is not located within a neighborhood plan.

E. Public Facilities and Services Impacts

The proposed amendment was reviewed as general commercial up to 4,487 square feet for the proposed Commercial Low (CL) future land use designation. 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 has been distributed to the County service departments for review and 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:

Zoning (ULDC), Mass Transit (Palm Tran), Potable Water & Wastewater (PBC Water Utilities Dept.), Environmental (Environmental Resource Management), Traffic (Engineering), Historic Resources (PBC Archeologist), Parks and Recreation, Health (PBC Dept. of Health), Community Services (Health & Human Services) and Fire Rescue, School District.

Land Development provided the following comment: “Lantana Road (70ft local commercial) and State Road 7 (240ft TIM). The frontage on Lantana Rd is not on the Thoroughfare Identification Map (TIM). Access by code would be restricted to Lantana Road, but there possible issues with conflicting left turns. The shared access through the south neighbor on SR 7 should be explored as a potential access point.”

Zoning has indicated that for the site to access from State Road 7 a condition of approval will need be added to the zoning application stating that a cross access agreement must be obtained with the property to the south prior to final DRO or site plan approval. Otherwise, a lot depth variance would be needed for access from Lantana Road.

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

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

Staff Analysis: The Traffic Division reviewed this amendment at a maximum of 4,487 square feet of general commercial. According to the County’s Traffic Engineering Department (see letter dated December 16, 2020 in Exhibit 6) the amendment would result in an increase of 240 net daily trips and 1 (1/0) AM and 16 (7/9) PM net peak hour trips.

The Traffic letter concludes, *“based on the review, the Traffic Division has determined that the proposed amendment meets Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan at the proposed development density above”*

The Traffic Study dated October 10, 2020 was prepared by Shaun G. MacKenzie, P.E. 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>

F. Florida Statutes (FS) Consistency

- 1. Consistency with Urban Sprawl Rule:** Section 163.3177(6)(a)9.a., F.S., establishes a series of primary indicators to assess whether a plan amendment does not discourage the proliferation of urban sprawl. The statute states that the evaluation of the presence of these indicators shall consist of an analysis of the plan amendment within the context of features and characteristics unique to each locality. The analysis in Exhibit 8 indicates that the proposed amendment does not encourage the proliferation of urban sprawl.

If urban sprawl was indicated by any of these factors, staff would review the proposed amendment against the new section added in 2011 (sec. 163.3177(6)(a)9.b, F.S.) which establishes that the 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 eight additional criteria. However, since none of the factors in the first analysis were triggered, the second analysis is not necessary.

II. Public and Municipal Review

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

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on February 19, 2021. To date, no comments have been received.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 1000' of the perimeter of the site on February 19, 2021 and April 2, 2021. In addition, on February 19th and April 2nd, interested parties were notified by mail including the homeowners associations for Thoroughbred Lakes Estates, Lago Del Sol, and Bellagio. Notices were also sent to interested parties identified in the 2017 proposed amendment. Comment letters are added to Exhibit 10 as they are received during the course of the amendment process.
- C. Informational Meeting:** The Planning Division hosted a meeting with area residents and interested parties to relay information regarding the amendment and development approval process on April 13, 2021. No members of the public attended.

Exhibit 3

Applicant's Justification

JUSTIFICATION STATEMENT
LARGE SCALE FUTURE LAND USE ATLAS AMENDMENT
CONTROL NO. 1996-00127

SWC LANTANA ROAD & SR7
PROPOSED FLUA MAP AMENDMENT

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Introduction

The subject site, associated with the project known as “SWC Lantana and State Road 7”, is located at the southwest corner of Lantana Road and State Road 7. Situated within the Rural Tier of Palm Beach County, the 1.03 acre parcel is identified by a Future Land Use (FLU) designation of RR-10 (Rural Residential, One Unit per 10 Acres) and a Zoning designation of AR (Agricultural Residential). The site associated with the request is as follows:

PCN	Acres	EXISTING FLU	EXISTING ZONING
00-41-44-37-00-037-0011	1.03	RR-10	AR

Request

On behalf of the Applicant, WGI is requesting a Future Land Use Atlas (FLUA) amendment to modify the current FLU designation of RR-10 to CL (Commercial Low). This will allow the subject site associated with Property Control Number (PCN) 00-41-44-37-00-037-0011 to be used for a commercial use.

G.1 Justification for Future Land Use Atlas Amendment

Both State Road 7, an Urban Principal Arterial, and Lantana Road, an Urban Minor Arterial, in this vicinity are considered to be well-traveled urban roadways, the intersection of which serves as an established commercial node with a mix of commercial, industrial, and residential uses that complement the surrounding context. The following sections provide justification for the modification request to change the FLU designation of the subject site from RR-10 to CL.

Noncompatible for Residential or Agricultural Uses

The 1.03-acre subject site is located within the Rural Tier and is bordered by the Urban/Suburban Tier to the north and east, wherein a mix of uses are adjacent to the subject site. Please see below an aerial of the subject site in relation to Lantana Road and State Road 7 intersection and surrounding uses.



The current RR-10 FLU designation for the subject site establishes a density of one dwelling unit per 10 acres. The subject site, consisting of one small 1.03-acre lot, does not permit the development of a single-family use since it requires 10 acres for a dwelling unit. As shown below in Table 3.A.3.B of the Unified Land Development Code (ULDC), any site with a FLU designation of RR-10 is to have a zoning classification of Agricultural Residential (AR).

Table 3.A.3.B – Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (1)(3)

FLU Designation		Zoning District				
Agriculture/Conservation						
AP	AP					
AGR	AGR					
CON	PC					
SA	AR	AGR				
Residential						
RR-20	AR					
RR-10	AR					
RR-5	AR					
RR-2.5	AR	RE				
LR-1	AR (2)	RE	RT	RS		
LR-2	AR (2)	RE	RT	RS		
LR-3	AR (2)	RE	RT	RS		
MR-5	AR (2)	RE	RT	RS	RM	
HR-8	AR (2)	RE	RT	RS	RM	
HR-12	AR (2)	RE	RT	RS	RM	
HR-18	AR (2)	RE	RT	RS	RM	
CLR					RM	
WCR	AR (4)					
Commercial						
CL-O	CLO	IR				
CL	CN	CC	CLO	IR		
CH-O	CLO	CHO	IR			
CH	CN	CC	CLO	CHO	CG	IR
CR	CRE					
UI	UI					
UC	UC					
Industrial						
IND	IL	IG	CRE			
Institutional/Public and Civic						
INST	IPF					
PARK	IPF					
U/T	PO	IPF				
[Ord. 2006-004] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2014-025] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001]						
Notes:						
1.	Unless exempted otherwise all applications for a Development Order shall require the subject site be rezoned to a shaded district.					
2.	Existing zoning districts by FLU designation that may qualify for SFD exemption in accordance with the exceptions listed below.					
3.	See Art. 3.A.3.B.1, Standard District Exceptions and Limitations below, for additional notes. [Ord. 2016-042]					
4.	The zoning district is consistent as described in the Plan. [Ord. 2019-005]					
	Typical example of a "shaded district."					

Based on the property development regulations (PDRs) for the AR district, the minimum size of a lot is to be 10 acres for lots with a FLU designation of RR-10, which the subject site does not meet since it is 1.03 acres in size. The minimum width of a lot within the AR district is 300 feet, which the subject site does not meet since it provides 136 feet along State Road 7. The minimum setbacks established in the AR district, a side street setback of 80 feet and a side setback of 50 feet, would not allow for the development for any proposed use on the subject site due to its small size. The PDRs for the AR district, under the RR-10 FL designation, do not allow for the development of any residential or non-residential uses on the subject site, thus a modification of the FLU designation is required to develop the subject site.

The AR district, under the FLU designation of RR-10, only allows residential uses in the form of single-family residences and congregate living facilities, both of which are not compatible with the surrounding commercial area. The non-residential uses allowed within the AR district are veterinary clinics, bed and breakfasts, and landscaping services, which all are not compatible with the commercial uses in the vicinity.

In addition, the Rural Tier is intended to support large agricultural operations and single-family homes on 5 to 20 acre lots. Being that the subject site is a one-acre lot on the corner of two arterial roads and it is not owned by the adjacent property owners, the parcel could not be developed to comply with the intent of the Rural Tier. Therefore, it is more appropriate for the subject site to be developed with a commercial use at an intensity suitable for the site.

Commercial Node for Both Rural and Urban/Suburban Tier

The subject site is located at the southwest corner of a major intersection between State Road 7 and Lantana Road, wherein the intersection is an established commercial node. Paired with the commercial uses to the north and the commercial shopping center to the east, industrial uses to the west, and residential developments to the east and west, the subject site functions as a vital component of the existing node that is the Lantana Road and State Road 7 intersection. The proposed amendment for the infill subject site would complete and enhance the commercial node. Both corridors, Lantana Road and State Road 7, have established commercial nodes that provide a mix of commercial uses. The analysis below depicts such scenarios in the county.

Intersection	Name	Control #	Resolution
Lantana Rd & Lyons Rd.	Sherbrooke Center	1989-0063	R-1990-0061
	Shoppes of Sherbrooke	2006-00218	R-2008-920
Lantana Rd. & Jog Rd.	Lantana Plaza	1981-00186	R-1981-1621
	Pinewood Square	1986-0008	R-1986-0573
	Lantana Square	1980-00089	R-1980-0912
State Road 7 & Lake Worth Road	Marketplace at Wycliffe	2013-00344	R-1996-0393
	Woods Walk Plaza	1985-00069	R-1985-1239
	Mixed Commercial	1999-00004	R-2000-0056

COMMERCIAL NODES

Lantana Rd. & Lyons Rd.



Lantana Rd. & Jog Rd.



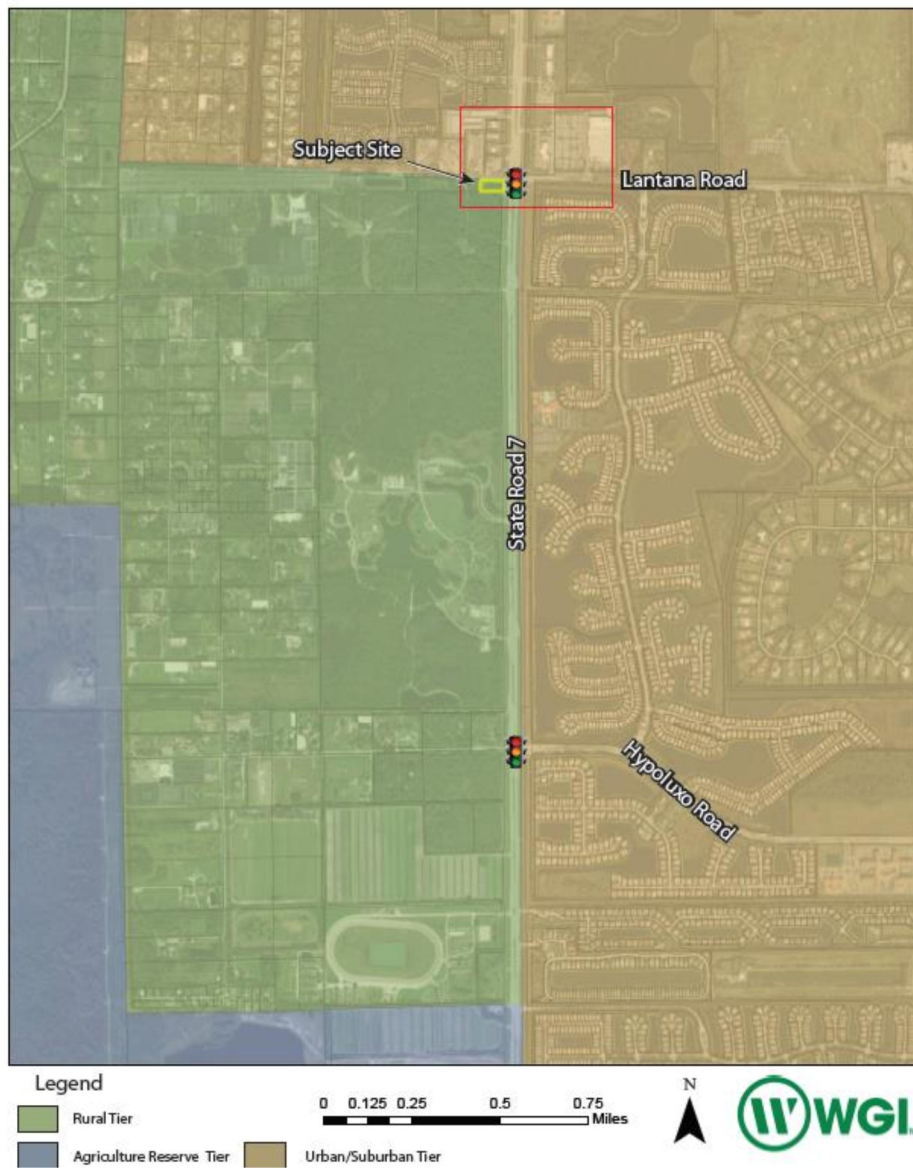
State Road 7. & Lake Worth Rd.



Site Specific Circumstances

The 1.03-acre subject site, located at the intersection of Lantana Road and State Road 7, provides special circumstances that do not apply to the rest of the Rural Tier. The portion of State Road 7 that runs parallel to the Rural Tier is only intersected by two roadways: Lantana Road and Hypoluxo Road. The intersection for Lantana Road and State Road 7 is a commercial node adjacent to the Rural Tier, that includes a mix of commercial, industrial, and residential uses, which is different from the character of the rest of the State Road 7 corridor that stretches along the Rural Tier. The intersection between Hypoluxo Road and State Road 7 is different from where the subject site is located since the surrounding uses are primarily residential, agriculture, or vacant land uses, thus commercial at the intersection is not compatible. The uses immediately south of the subject site, along State Road 7, are two large 30+ acre parcels in the Rural Tier that are heavily vegetated with a cell tower and the South Florida National Cemetery for veterans of the armed forces, which would not support a change to a commercial land use designation. The specific conditions of the commercial node intersection only apply to the subject site and would not encourage additional land use amendments in the Rural Tier, resulting in further conversions from residential to commercial southward along State Road 7 and westward along Lantana Road.

SWC Lantana Road and State Road 7 - Tier Map



Existing Commercial in Rural Tier

The request to modify the subject site's FLU designation from RR-10 to CL would not be unprecedented within the Rural Tier since several commercial future land use designations exist within the Rural Tier. Along the State Road 7 corridor, south of the subject site, exists two parcels of land with both FLU designations of CL with an underlying RR-10, wherein one parcel is located at the northwest corner of the intersection between Hypoluxo Road and State Road 7 and the other located to south on the border between the Rural Tier and the Agricultural Reserve Tier. The 5.58 parcel located at the intersection between Hypoluxo Road and State Road 7 was approved through Ordinance No. 2007-039, which modified the site from RR-10 to CL/RR-10 to allow for a funeral home use, while the 5.26 southern parcel had a non-residential FLU designation since the adoption of the 1989 Comprehensive Plan. The 5.26 acre site along State Road 7 was rezoned from AR and CG to MUPD through Resolution R-2008-1960, which approved a 23,908 square foot commercial

center. In addition, a commercial shopping center with office uses, Jupiter Farms Center, with a FLU designation of CL/RR-10 and CL-O/RR-10 and located at the intersection of Jupiter Farms Road and W Indiantown Road was approved within the Rural Tier since the 1989 Comprehensive Plan. The Jupiter Farms Center is not located at a commercial node and has not encouraged additional land use amendments for commercial. Please see analysis below showing the aforementioned scenarios. Commercial FLU designations exist within the Rural Tier, thus the request is not unprecedented and follows precedent.

PCN	Use	Control #	Resolution
00-42-43-27-05-044-0010	Funeral Home	2005-00515	R-2008-697
00-42-43-27-05-044-0240	Approved Commercial Center	2008-00052	R-2008-1960
00-41-41-01-05-001-0150; -0160; -0010; -0020	Commercial Shopping Center; office; gas station	1992-00017	R-1993-0171



Compliance with Comprehensive Plan FLUE Policy 2.1-F

The proposed FLUA Amendment must be found to be consistent with the Goals, Objectives and Policies of the Comprehensive Plan. Future Land Use Element Policy 2.1-f requires that adequate justification for the proposed FLU be provided. The proposed FLUA Amendment to modify the FLU from RR-10 to CL is in compliance with the requirements of the County's Comprehensive Plan, as outlined below.

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

The proposed CL designation is suitable and appropriate for the subject site. The subject site is surrounded by developed non-residential uses to the north, south and west. The subject site is located at a major intersection and a commercial Node which is an appropriate location for the CL land use. State Road 7 is an Urban Principal Arterial road and Lantana Road is an Urban Minor Arterial road; together their intersection is the ideal location for a commercial Node. The proposed commercial use, for which the CL FLU is needed, will complete and enhance the Commercial Node for this intersection. The nearest residential, Bellagio Subdivision, is located approximately 440' east of the Property. The subject site and the Bellagio Subdivision are separated by State Road 7 and the C-51 Canal. The next closest residential, Homeland Subdivision, is located to the west approximately 1,200 feet from the subject site and that community is separated from the subject site by an industrial use, The Wellington Hay and Grain Distributor.

2. There is a basis for the proposed FLU change for the particular subject site based upon one or more of the following:

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

Over time the area and intersection surrounding the subject site has seen a shift in development patterns, from undeveloped and agricultural land to commercial uses. Three (3) FLU amendments have been approved north of the subject site, each to provide for a more intensive commercial use than had been contemplated initially, two of which changed the FLU to the CL FLU designation. Ordinance No. 96-6 changed 2.7 acres of Low Residential ("LR-1") FLU to CL for the parcel located on the corner of State Road 7 and Lantana Road (directly north of the site). Ordinance No. 2001-037 changed 11.418 acres from Low Residential ("LR-1") to Industrial ("IND"), .27 acres from Commercial Low ("CL") to Industrial ("IND"), and .19 acres from Low Residential ("LR-1") to CL. Ordinance No. 2001-037 did not change the land use designation to CL, but did change the land use to a more intense industrial land use. Other changes include Ordinance No. 2003-0043LGA, which changed 7.12 acres on the west side of State Road 7 north of Lantana Road from C-2 to CL, and Ordinance No. 2003-0044LGA, which changed 12.4 acres on the northeast corner of Lantana Road and State Road 7 from C-2 to CL. These changes demonstrate that a CL FLU is the appropriate commercial land use for this growing commercial Node.

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

The proposed FLU amendment for the subject site is based on ongoing changes to the commercial character of the general area and specifically the intersection of State Road 7 and Lantana Road. The State Road 7 and Lantana Road corridor has significantly and drastically changed since the Comprehensive Plan adoption in 1989, including the intensity of the roadway network. Directly north of this site, a shopping center with multiple tenants including a convenience store gas station and several tire and oil change facilities was built. Also during this time, State Road 7 has become a

significant north-south thoroughfare, where in the rural residential land use would not be compatible with the adjacent major roadway and the surrounding commercial area.

- **Inappropriateness of the adopted FLU designation; or,**

The adopted FLU designation of RR-10 is not appropriate at the intersection of Lantana Road and State Road 7, since a proposed single-family residence or agricultural use at the intersection would not be appropriate with the surrounding commercial, industrial, and planned residential developments uses. In addition, the RR-10 FLU designation only permits one dwelling unit per 10 acres, however, the site is only one acre in size, thus the subject site cannot be developed with a single-family use. The change in FLU designation will offer the opportunity to develop the site with an appropriate use that complements the surrounding uses at the commercial node.

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

The adopted RR-10 FLU designation was not assigned in error.

G.2 Residential Density Increases

No residential density increases are requested as part of this application.

G.3 Compatibility and Surrounding Uses

The surrounding uses vary and are found to be compatible with the proposed amendment. The subject site borders commercial uses and low residential developments to the north and west. It is not uncommon for this corridor to have a mix of commercial and residential uses at major intersections, therefore justifying the proposed development program and FLU amendment. The following is a summary of the uses directly surrounding the subject site:

Adjacent Lands	Use	Future Land Use	Zoning
North	Speedway Gas Station	Commercial Low with an underlying Low Residential, 1 unit per acre (CL/1)	Community Commercial (CC) Control #2010-372
	Dunkin Donuts	Commercial Low with an underlying Low Residential, 1 unit per acre (CL/1)	Community Commercial (CC) Control #2002-002
	Tires Plus	Industrial (IND)	Mixed-Use Planned Development (MUPD) Control #2002-027
	Mixed Commercial Shopping Center	Industrial (IND)	Mixed-Use Planned Development (MUPD) Control #2018-00154
South	Cell Phone Antenna Towers	Rural Residential 10 (RR-10)	Agricultural Residential (AR) Control #1997-114
East	Target	Commercial Low with an underlying Low Residential, 2 units per acre (CL/2)	Mixed-Use Planned Development (MUPD) Control#2003-007
	Single-Family Residential (Bellagio)	Low Residential, 2 units per acre (LR-2)	Planned Unit Development (PUD)
West	Watchman Quarters	Rural Residential 10 (RR-10)	General Commercial (CG) Control# 2005-209

North: Directly north of the subject site beyond Lantana Road is the Urban/Suburban Tier. The northwest intersection of Lantana Road and State Road 7 consists of a large non-residential node with Commercial Low and Industrial future land use designations as well as the Thoroughbred Lakes Estates Planned Unit Development with a Low Residential, 1 unit per acre (LR-1). The 2.75 acres at the corner contains a convenience store with gas sales. This site received a land use change in 1995 from Low Residential, 1 unit per acre (LR-1) to Commercial Low with an underlying LR-1 (CL/1) via Ordinance 1996-006. The surrounding commercial contains a Dunkin Donuts, Tires Plus and Office building on 11.87 acres. This site also received a land use designation from LR-1 to CL (on .19 acres) and IND (on 11.68 acres) in 2001 via Ordinance 2001-037. The Wellington Hay and Grain site is a 7.35-acre parcel on the north side of Lantana Road with outdoor storage use, which retains a FLU designation of IND and a MUPD zoning classification since the adoption of the 1989 Comprehensive Plan.

South: Immediately south of the subject site are two large 30+ acre parcels in the Rural Tier that are heavily vegetated with a cell tower. One of the sites is owned by Scripps Howard Broadcasting Company. South of the cell tower parcels is the

South Florida National Cemetery for veterans of the armed forces. Both sites have a designation of RR-10 and an AR zoning classification.

East: East of the subject site beyond State Road 7 on the south side of Lantana Road is the Bellagio residential development with a Low Residential, 2 units per acre (LR-2) designation and located within the Urban/Suburban Tier. On the north side of Lantana Road is a shopping center with Target as the anchor tenant. This site received a land use amendment in 2003 from Commercial with an underlying two units per acre (C/2) to Commercial Low with an underlying two units per acre (CL/2) via Ordinance 2003- 044 for the 12.4-acre site.

West: West of the subject site along the south side of Lantana Road are two narrow RR10 parcels extending to the terminus of the road at the Thoroughbred Lakes Estates subdivision. The 3.89 acre site immediately west is vacant and received a General Commercial (CG) zoning district in 1972 via R-72-100. The site further west along Lantana Road is 25.17 acres and utilized for agricultural production., which retains a RR-10 future land use designation.

The area immediately adjacent to the subject site is a mix of commercial, industrial, and residential uses (to the north, west, and east) and cell phone towers (to the south). The 1.03-acre subject site will be designed to be compatible with the rural designations to the south.

G.4 CONSISTENCY WITH DIRECTIVES, GOALS, OBJECTIVES, AND POLICIES OF THE PBC COMPREHENSIVE PLAN

The Future Land Use Element (FLUE) of the Comprehensive Plan establishes the framework for future development within Unincorporated Palm Beach County and includes Goals, Objectives and Policies which guide this future growth. Section I.C of the FLU Element also establishes County Directions which reflect the type of community residents wish to see within Palm Beach County. The Directions particularly relevant to this application include:

- **Livable Communities;**
- **Growth Management;**
- **Infill Development;**
- **Land Use Compatibility;**
- **Neighborhood Integrity; and**
- **Housing Opportunity.**

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 FLUA Amendment to change the FLU designation from RR-10 to CL is consistent with the general development pattern and characteristics of the surrounding area.

Consistency with the PBC Future Land Use Element

Goals – The proposed FLUA Amendment furthers the County’s goals as further described below.

- **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 project adds to Palm Beach County’s livable communities by offering commercial services for residents at compatible intensities within the Rural Tier, while balancing with the existing uses within the area and the character of the well-travelled commercial node intersection.

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

- **Objective 1.4 Rural Tier** – “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.”

This request is consistent with this Objective as the CL FLU is permitted within the Rural Tier. A change in the FLU designation will offer the opportunity to develop the site appropriately given the surrounding characteristics and increased development intensity, as well as the location along a highly traveled urban collector roadway. CL FLU designations exist within the Rural Tier, thus the request does not establish an unprecedented FLU designation within the Rural Tier. The request to modify the subject site from RR-10 to CL will be developed to further the goals of the Rural Tier. The proposed commercial use will comply with the Rural Design Standards.

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 Rural Tier is to accommodate a number of land uses and development patterns that support the rural settlements and populations that live in the area. Thus, the proposed amendment is consistent with the above Objective.

- **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 FLUA Amendment will allow for the development of a commercial use that will provide services to surrounding residential developments and the Rural Tier, while protecting the environment and utilizing existing infrastructure. The proposed use offers the opportunity for populations within the area to be adequately served by an established commercial node.

- **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 FLUA Amendment is consistent with the County’s diverse character and future land use designations as the proposed use will further offer a mix of commercial uses at the commercial node and create a transition between higher and lower intensity 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 and exceeding minimum code standards.

- **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 near the necessary urban services including, but not limited to, the roadway network, water/wastewater and drainage facilities, mass transit, opportunities, etc. The proposed development will sufficiently utilize the existing urban services within the area. Furthermore, the proposed use will provide additional services to the community 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 agriculture areas within the Rural Tier by:
2) Providing facilities and services consistent with the character of the area.

The proposed commercial use for the subject site is compatible for the established commercial node at the intersection between Lantana Road and State Road 7, and will be able to serve the residents of the surrounding area.

- **Policy 1.4-a:** “The County shall protect and maintain the rural residential, equestrian and agriculture areas within the Rural Tier by”:
4) Ensuring development is compatible with scale, mass, intensity, of use, height, and character of the rural community.

The design for the proposed commercial use will comply with the Rural Design standards ensuring compliance with the character of the rural community.

- **Policy 1.4-f:** “The County shall prohibit new commercial future land use designations that do not have frontage on either: 1) one collector and once arterial roadway; or 2) two arterial roadways (as depicted on the Federal Functional Classification of Roads TE 3.1), unless it is shown that a vehicular cross connection can be established to an adjacent site with a non-residential future land use designation, or such development is planned as a Traditional Marketplace Development (TMD).

Vehicular cross connection can be established with the other surrounding commercial uses at the intersection. The request is a logical and orderly pattern of growth and will meet the commercial location criteria contained within the Unified Land Development Code (ULDC).

- **Policy 1.4-g:** “Non-residential development shall be designed in the form of a Traditional Marketplace, or the development shall comply with rural design standards in the ULDC to ensure protection of the character of the Tier and to minimize impacts on adjacent neighborhoods. Standards for Traditional Marketplace Development shall also reflect the scale and character of the Rural Tier.”

The design for the proposed commercial use will comply with the Rural Design standards ensuring compliance with the character of the rural community.

- **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.”

The subject site is located near the necessary urban services including, but not limited to, the roadway network, water/wastewater and drainage facilities, mass transit, opportunities, etc. The proposed development will sufficiently utilize the existing urban services within the area.

- **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 amendment would provide CL FLU at the intersection of State Road 7 and Lantana Road and development of an infill parcel at a strategic commercial node within an area that consists of commercial, industrial, and residential uses. The proposed amendment would utilize an underdeveloped parcel and contribute to balancing the land use pattern within the area, while also complimenting the character of the community. This will allow for the provision of conveniently located services to the area.

- **Policy 2.1-h:** “The County shall not approve site specific FLUA Amendments that encourage piecemeal development.”

The subject site is surrounded by existing commercial, industrial, and residential developments. As such, the proposed amendment does not encourage piecemeal development, nor does it create residual parcels. There are no other parcels under the same or related ownership adjacent to the subject site that are not included in the proposed amendment whereby residual parcels would be created. Therefore, the proposed amendment would not constitute piecemeal development.

- **Policy 2.2.2-d:** The County shall not designate additional commercial areas on the Future Land Use Atlas that would result in or encourage the proliferation of strip commercial development.

Designating the FLU of the site to accommodate the request would not encourage the proliferation of strip commercial development and is not considered strip commercial development as it does not meet the definition in the Comprehensive Plan’s Introduction and Administration Element. Based on the special circumstances surrounding the subject site at the commercial node, at the intersection of Lantana Road and State Road 7, the request would not encourage additional land use amendments in the Rural Tier, resulting in further conversions from residential to commercial southward along State Road 7 and westward along Lantana Road.

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 in this application and justification statement support the request for amendment of the FLUA 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.

The subject site creates an opportunity for development within the County’s Rural Tier. The development proposal offers a commercial use that complements the existing adjacent commercial at the intersection of Lantana Road and State Road. Development of this use in this location will allow the user to take advantage of existing infrastructure and PBC services, while maximizing an underutilized piece of land.

Conclusion

The requested FLUA Amendment from RR-10 to CL is justified and consistent with the Palm Beach County Comprehensive Plan, State of Florida Statutes, and is compatible with surrounding uses. The subject site is in an ideal location to promote development. The development at this location improves an underutilized land area that is surrounded on all sides by built environment. The existing FLU designation does not allow for any development on the subject site as a result of the required PDRs under the AR district and the size of the parcel, thus a modification in the FLU designation is necessary. The subject site functions as a vital component of the existing commercial node at Lantana Road and State Road 7 intersection and could be utilized to service the residents of the Rural Tier. Through the Zoning application, design considerations and conditions of approval will be utilized to ensure proper buffering and compatibility with the surrounding area.

On behalf of the applicant, WGI, respectfully requests approval of this request to amend the FLUA designation on the subject site.

Exhibit 4

Applicant's Public Facilities Table

A. Traffic Information		
	Current	Proposed
Max Trip Generator	ITE 210 Single Family Detached 10 Trips per DU	ITE 820 General Commercial 125.61 Trips per 1,000 SF
Maximum Trip Generation	10	564
Net Daily Trips:	554 (maximum minus current) 554 (proposed minus current)	
Net PH Trips:	1 (1 in/0 out) AM , 16 (7 in/ 9 out) PM (maximum) 1 (1 in/ 0 out) AM, 16 (7in/ 9 out) PM (proposed)	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	Mackenzie Engineering & Planning INC.	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Route 63.	
Nearest Palm Tran Stop	Route 63 which provides a stop at the Pinewood Square Shopping Center on Lantana Road approximately 3.5 miles from the site.	
Nearest Tri Rail Connection	Boynton Beach Station which is accessible through a transfer from Palm Tran Bus Route 63 to 71.	
C. Portable Water & Wastewater Information		
Please see Potable Water & Wastewater Level of Service (LOS) comment letter as Attachment I.		
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department. See attached “water and sewer availability letter” as Attachment I.	
Nearest Water & Wastewater Facility, type/size	The nearest potable water is a 12” watermain within Lantana Road adjacent to the subject site and an existing 8” sanitary sewer force main located north of Lantana Road within the SR7 right of way. See Attachment I.	

D. Drainage Information

The site is situated in SFWMD C-51 Drainage Basin and within Lake Worth Drainage District service area. Dry retention areas or exfiltration trenches will be provided in order to meet storage and treatment requirements. See Drainage Statement as Attachment J.

E. Fire Rescue

Nearest Station	Palm Beach Fire Rescue Station #48.
Distance to Site	Located at 8560 Hypoluxo Road, approximately 2.9 miles from the subject site.
Response Time	8 minutes and 30 seconds
Effect on Resp. Time	Changing the land use would have some impact on Fire Rescue. See Attachment K.

F. Environmental

Significant habitats or species	No significant habitat occurs on the assessed parcel. See Attachment L.
Flood Zone*	Flood Zone B
Wellfield Zone*	None within or in close proximity to the subject site. See Attachment M.

G. Historic Resources

Staff reviewed the subject property to identify any cultural resources (historical and archaeological resources) located on or within 500 feet of the property.

Staff's review of the County's survey of historic/architecturally significant structures, and of properties designated for inclusion in the National Register of Historic Places (NRHP), has identified no historic or architecturally significant resources on or within 500 feet of the subject property.

Staff review of the County's map of known archaeological sites has identified no known archaeological resources located on or within 500 feet of the above referenced property.

Exhibit 5 Traffic Division Letter



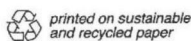
**Department of Engineering
and Public Works**
P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbcgov.com

**Palm Beach County
Board of County
Commissioners**

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

County Administrator
Verdenia C. Baker

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Affirmative Action Employer"



printed on sustainable
and recycled paper

December 16, 2020

Shaun G. MacKenzie, P.E.
MacKenzie Engineering & Planning, Inc.
1172 SW 30th Street, Suite 500
Palm City, FL 34990

**RE: Lantana Road and State Road 7
FLUA Amendment Policy 3.5-d Review
Round 2020-21-B**

Dear Mr. MacKenzie:

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, dated September, 2020, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	SW corner of State Road 7 and Lantana Road	
PCN:	00-41-44-37-00-037-0011	
Acres:	1.03 acres	
	Current FLU	Proposed FLU
FLU:	Rural Residential, 1 unit per 10 acres (RR-10)	Commercial Low (CL)
Zoning:	Agricultural Residential (AR)	Community Commercial (CC)
Density/ Intensity:	1 unit/10 acres	0.10 FAR
Maximum Potential:	Single Family Detached = 1 DU	General Commercial = 4,487 SF
Proposed Potential:	None	None
Net Daily Trips:	204 (maximum – current)	
Net PH Trips:	2 (1/1) AM, 17 (8/9) PM (maximum)	
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>		

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



Shaun G. MacKenzie, P.E.
December 16, 2020
Page 2

of the Palm Beach County Comprehensive Plan at the **maximum potential** density shown above.

Please note the proposed change will have no significant impact for both long range and Test 2 analyses.

Please contact me at 561-684-4030 or email to DSimeus@pbcgov.org with any questions.

Sincerely,

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

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS/rb

cc: Addressee

Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division

Steve Bohovsky – Technical Assistant III, Traffic Division

Lisa Amara – Senior Planner, Planning Division

Khurshid Mohyuddin – Principal Planner, Planning Division

Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review

N:\TRAFFIC\Development Review\Comp Plan\21-B\Lantana Road and State Road 7.docx

Exhibit 6

Water & Wastewater Provider LOS Letter



**Water Utilities Department
Engineering**

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



**Palm Beach County
Board of County
Commissioners**

Dave Kerner, Mayor

Robert S. Weinroth, Vice Mayor

Hal R. Valeche

Gregg K. Weiss

Mary Lou Berger

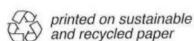
Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



October 26, 2020

WGI
2035 Vista Parkway
West Palm Beach, FL 33411

RE: SWC Lantana & SR7
PCN 00-41-44-37-00-037-0011
Service Availability Letter

Dear Mr. Bailey,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service for the existing land use of RR-10 and the proposed change to CL.

The nearest potable water is a 12" watermain located within Lantana Road adjacent to the subject property. The nearest sanitary sewer connection is an 8" forcemain located north of the subject property within SR 7.

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

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

Sincerely,

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

Jackie Michels, P.E.,
Plan Review Manager

Exhibit 7

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 Randy Tulepan, 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 ☒ Registered Agent [position - e.g., president, partner, trustee] of SR7 Lantana LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 8903 Glades Road, A-14
Boca Raton, FL 33434
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.


Randy Tulepan, 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 7th day of October, 2020 by Randy Tulepan (name of person acknowledging). He/she is personally known to me or has produced N/A (type of identification) as identification and did/did not take an oath (circle correct response).

Richard C Bittner Jr
 (Name - type, stamp or print clearly)


 (Signature)

My Commission Expires on: 07/31/2021



EXHIBIT "A"**PROPERTY**

A parcel of land in Lot 1, Block 37, LANTANA HIATUS, in Township 44 1/2 South, Range 41 East, more particularly described as follows:

From the U.S. Government Land Office concrete monument marking the Southeast corner of Section 36, Township 44 South, Range 41 East, which monument is also the Northeast corner of said Tract 37, run thence N. 88°08'25" W., along the North line of said Tract 37, which is the Township line, a distance of 64.65' to a point on the Westerly Right-of-Way line of State Road 7, as the same is now laid out and in use, said point being the Northeast corner and POINT OF BEGINNING of the parcel herein conveyed; thence; continue North 88°08'25" West, along said North line of Tract 37, a distance of 475' to the Northwest corner of the property herein conveyed; thence run South 1°37'50" West, a distance of 187.92' to a point on the South line of said Lot 1, in said Tract 37, the Southwest corner of the property herein conveyed; thence run North 89°42'20" East along said South line of Lot 1, Tract 37, a distance of 474.68' to a point on the said Westerly Right-of-Way line of said State Road 7, the Southeast corner of the property herein conveyed; thence run North 1°50'10" East, along said Westerly Right-of-Way line of State Road 7, a distance of 170.06' to the POINT OF BEGINNING. LESS and EXCEPT the following described property as contained in that Order of Taking recorded in O.R. Book 10086, Page 1191, Public Records of Palm Beach County, Florida, described as follows: That part of Lot 1, Tract 37 or Section 37, Township 44 1/2 South, Range 41 East, Hiatus between Township 44 South and Township 45 South, Range 41, all in Palm Beach County, Florida, said part being more particularly described as follows:

Commence at the found General Land Office Brass Disc in concrete marking the Northeast corner of said Tract 37 or Section 37; thence North 88°33'26" West along the North line of said Tract 37 or Section 37, a distance of 19.897 meters (65.28 feet) to the POINT OF BEGINNING; thence continue North 88°33'26" West along the North line of said Tract 37 or Section 37, a distance of 144.780 meters (475.00 feet); thence South 01°15'39" West, a distance of 12.192 meters (40.00 feet); thence North 88°33'26" East, a distance of 96.570 meters (316.83 feet); thence South 01°28'04" West, a distance of 41.154 meters (135.02 feet) to the South line of said Lot 1; thence North 89°16'04" East along the South line, a distance of 48.204 meters (158.15 feet) to a point on the Westerly Existing Right of Way line for State Road 7 (U.S. 441); thence North 01°27'57" East along said Westerly Existing Right of Way line, a distance of 51.517 meters (169.02 feet) to the POINT OF BEGINNING.

Subject to existing easements, rights-of-way, covenants, reservations and restrictions of record, if any.

Said lands contain 1.03 acres, more or less.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name

Address

The Kevin Roberts Trust 4 E. 80th Street, New York, NY 10075

The Kirk Roberts Trust 4 E. 80th Street, New York, NY 10075

Exhibit 8 Urban Sprawl Analysis

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Criteria Related to Land Use Patterns		
Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.	This site is 1.03 acres and therefore this amendment does not promote, allow or designate a substantial area of the County to develop as low-intensity, low-density, or single-use development or uses.	No
Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.	This amendment does not designate urban development emanating from existing urban development.	No
Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.	This amendment does not discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities.	No
Fails to encourage functional mix of uses.	This amendment would not fail to encourage a functional mix of uses as the area already has a mixture of residential, commercial and industrial FLUs.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment does not result in poor accessibility among related land uses as the site is proposed to be CL and the adjacent surrounding land use designation to the south and west is RR-10.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment on this site will not result in the loss of significant amounts of functional open space.	No
Criteria related to sites located outside or at the edge of the Urban Service Area		
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	The amendment does not promote, allow, or designate a significant amount of urban development to occur in rural areas at substantial distances from existing urban areas.	No
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	The property does not contain any environmentally sensitive areas. The site is not within a Wellfield Protection Area.	No
Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.	The amendment will not impact adjacent agricultural areas.	No

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Fails to provide a clear separation between rural and urban uses.	This amendment would not fail to provide a clear separation between rural and urban uses.	No
Criteria Related to Public Facilities		
Fails to maximize use of existing public facilities and services.	Public facilities and services will be provided and water and wastewater will be available.	No
Fails to maximize use of future public facilities and services.	The subject site would maximize the use of future public facilities available in the area as demonstrated in the department review of the amendment.	No
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.	There are no adverse impacts to public facilities and services as indicated by service providers through department review.	No
Overall Assessment: As demonstrated above, the proposed amendment does not meet any of the indicators of urban sprawl, and would not contribute to urban sprawl in the County.		

Exhibit 9 Correspondence

From: Stephanie Taylor <sdtaylor1031@yahoo.com>

Sent: Thursday, April 22, 2021 1:19 PM

To: Melissa McKinlay <MMcKinlay@pbcgov.org>; Jeff Brophy <jeff.brophy@wginc.com>; Lisa Amara A. <LAmara@pbcgov.org>; Scott Gregory <sgregory@pbcgov.org>; JLodge@pbcgov.org

Subject: Application Name SR7 Lantana Control No. 1996-00127 PCNs 00414437000370011

To:

Lisa Amara
Principal Planner

Melissa McKinlay
Commissioner

Stephanie Gregory
Senior Planner

Jerry lodge
Planner

Subject: Application Name SR7 Lantana Control No. 1996-00127 –PCN00414437000370011

To Whom It May Concern,

My name is Stephanie Taylor 10172 Clubhouse Turn Rd Lake Worth, FL 33449. and I am on the Board of Directors for Thoroughbred Lake Estates 5792 SR7 Lake Worth, FL 33449. I am writing to voice the concerns of our neighborhood about the road conditions on Lantana Road and SR7 and 441 that may worsen if they are not corrected before the possible development on the southwest corner of that intersection.

I want to bring to your attention the poor condition of the road and the impact on traffic on the West side of SR7 and 441. When faced with heavy or prolonged rains, the roadway consistently floods. This is neither safe nor sanitary.

Lantana Road West of SR7 is used by two neighborhoods, Thoroughbred lake Estates and Lago Del Sol, warehouses, and a Speedway gas station used by many service and maintenance businesses as access to 441. Because there is no designated right-hand turn lane on Lantana Road to go South on 441, it often causes Lantana Road to back up. Thus, vehicles have to wait for multiple light changes in order to travel through the intersection.

We kindly request you to look into these serious issues and resolve them before approving the development on the SW corner of SR7 and 441 and Lantana Road. At this time these are our only objections to changing the land use designation from RR-10 to CL of this property.

Please distribute this letter to the Planning Commissioners prior to the April 23, 2021 meeting.

Thank you for your consideration.

Yours sincerely,

Stephanie Taylor
Thoroughbred Lakes Estates Board of Directors



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Over 110 Member Communities

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Sandra Greenberg

Lewis Doctor

Dagmar Brahs

Eugene Sokoloff

Paul Gellis

Al Miller

Philip Leslie

Kenneth Sanden

Dr. Richard
Carrington

April 21, 2021

Randy Tulepan
SR7 Lantana LLC
8903 Glades Road, A-14
Boca Raton, Florida 33434

Via Email: Edwin.Muller@wginc.com

Re: 2021-013 - SW corner of Lantana Road and State Road 7

Dear Mr. Tulepan,

I would like to inform you of the outcome of the votes taken for the above proposed project as follows:

April 6, 2021: Growth Management Committee recommended for approval 18-1

April 6, 2021: Executive Board recommended for approval 6-0

April 21, 2021: COBWRA Delegates recommended for approval 61-8.

Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

BETH RAPPAPORT, President

On behalf of the Coalition of Boynton West Residential Associations

cc:

Patricia Behn, Planning Director PBehn@pbcgov.org

Lisa Amara, Principal Planner LAmara@pbcgov.org

Stephanie Gregory sgregor1@pbcgov.org

Edwin Muller, WGI Edwin.Muller@wginc.com

Dagmar Brahs, COBWRA Growth Management Chair nbrahs@gmail.com

Barbara Roth, COBWRA First VP, Growth Management V. Chair rothcosys@comcast.net

PO Box 740814, Boynton Beach, FL 33474-0814 • 561-572-9151

E-mail: info@cobwra.org • www.cobwra.org • www.facebook.com/COBWRA