

2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 1. Amendment Data

A. Amendment Data

| | | | |
|---|---|--|-------------------|
| Round | 21-B | Intake Date | November 10, 2020 |
| Application Name | Valleybrook (formerly Legend Lakes) | Control No. | 2003-00015 |
| Acres | 13.795 | Concurrent Zoning application? | Yes |
| | | Text Amend? | No |
| PCNs | 00424327050270221; 00424327050270222 | | |
| Location | West side of State Road 7, approximately .42 mile south of Lake Worth Road | | |
| | Current | Proposed | |
| Tier | Urban/Suburban | No Change | |
| Use | Vacant | Townhomes | |
| Zoning | PCN: 0221 Residential Estate District (RE) PCN: 0222 Multiple Use Planned Development (MUPD) | Single Family Residential District (RS) | |
| Future Land Use Designation | PCN: 0221 Low Residential, 1 unit per acre (LR-1) on 4.2 acres PCN: 0222 Commercial Low Office (CL-O) on 9.6 acres | Low Residential, 3 units per acre (LR-3) | |
| Underlying Future Land Use Designation | None | None | |
| Conditions | None adopted by ordinance | TBD | |
| Density Bonus | None | Pending Analysis | |

B. Development Potential

| | Current FLU | Proposed FLU |
|--|---|---|
| Density/Intensity: | 0221 = 1 unit per acre 0222 = 0.5 FAR | 3 units per acre |
| Maximum Dwelling Units¹ (residential designations) | 1 du/ac x 4.2 = 4 du | 3 du/acre x 13.795 ac. = 41 du |
| Population Estimate | 4 max du x 2.39 = 10 | 41 max du x 2.39 = 98 61 max du x 2.39 = 146 |
| Maximum Square Feet^{2, 4} (non-residential designations) | 0.5 FAR x 9.6 ac. = 209,088 SF* | Not applicable for Residential |
| Proposed or Conditioned Potential^{3, 4} | None | Up to 61 units 41 units from LR-3 and 20 units from WHP |
| Max Trip Generator | Single Family (ITE 210): 10 Trips/DU Medical Office (ITE 720): 34.8 Trips/1KSF | Townhomes (ITE 220): 7.32 Trips/DU <i>(Based on the higher DU and will be revised)</i> |
| Maximum Trip Generation | 4,440 | 670 (Maximum) 1032 (Proposed) |
| Net Daily Trips: | _(3770)_ (maximum minus current) _(3408)_ (proposed minus current) | |
| Net PH Trips: | _50 (13 In/37 Out)_ AM, _69 (43 In/26 Out)_ PM (maximum) _65 (15 In/50 Out)_ AM, _79 (50 In/29 Out)_ PM (proposed) | |

2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 2. Applicant Data

A. Agent Information

| | |
|---------------------------|---------------------------|
| Name | Edwin Muller |
| Company Name | WGI, Inc. |
| Address | 2035 Vista Parkway |
| City, State, Zip | West Palm Beach, FL 33411 |
| Phone / Fax Number | 561-713-1705 |
| Email Address | Edwin.Muller@wginc.com |

B. Applicant Information

| | | | |
|---------------------------|------------------------------|------------------------------------|-------------------------|
| Name | Ashok Paul | Harry Dornbusch | Woody Hughes |
| Company Name | PAUL RAJ, INC. | LEGEND LAKES CENTER 18 LLC. | D.R. Horton, Inc. |
| Address | 4869 Southern Blvd. | 20200 West Dixie Hwy Suite 1206 | 6123 Lyons Road |
| City, State, Zip | West Palm Beach, FL 33415 | Aventura, FL 33180 | Coconut Creek, FL 33073 |
| Phone / Fax Number | Contact Agent | Contact Agent | Contact Agent |
| Email Address | Contact Agent | Contact Agent | Contact Agent |
| Interest | Owner (-0221) | Owner (-0222) | Contract Purchaser |

2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 3. Site Data

A. Site Data

| | |
|--|---|
| Built Features | The subject site is unimproved and vacant. See Attachment F – Built Feature Inventory List and Map |
| PCN | 00424327050270221; 00424327050270222 |
| Street Address | 4473 N State Road 7 |
| Frontage | The project site has approximately 700 feet of frontage along State Road 7 |
| Legal Access | Legal access will be provided from State Road 7 |
| Contiguous under same ownership | None |
| Acquisition details | -0221 Acquired in July 2004 for \$550,000.00 -0222 Acquired in September 2010 for \$1,100,000.00 |
| Size purchased | -0221 4.2 acres -0222 9.6 acres |

B. Development History

| Control Number | -0221 None -0222 2003-00015 | | | | |
|--|---|--------|----------|--------------------------|---------------------------|
| Previous FLUA Amendments | -0221 None -0222 SCA-2010-17 Ord. 2010-020, from Low Residential, 1 unit per acre (LR-1) to Commercial Low-Office (CL-O) | | | | |
| Concurrency | Professional Office – 92,253 SF Medical – 30,751 SF | | | | |
| Plat, Subdivision | Not Applicable | | | | |
| Zoning Approvals & Requests | -0221 None -0222 See below | | | | |
| Reso. No. | App. No. | Status | Type | Description | Changes proposed (if any) |
| 2003-1281 | Z2003-015 | - | Rezoning | From AR to RT with a COZ | |
| 2010-1342 | ZV/PDD-2010-00415 | Active | Rezoning | From RT to MUPD | MUPD to RS |

2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 4. Consistency

A. Consistency

| | |
|---|------------------|
| Justification Provide as G.1. | See Attachment G |
| Residential Density Increases Provide as G.2. | See Attachment G |
| Compatibility Provide as G.3. | See Attachment G |
| Comprehensive Plan Provide as G.4. | See Attachment G |
| Florida Statutes Provide as G.5. | See Attachment G |

B. Surrounding Land Uses

| Adjacent Lands | Use | Future Land Use | Zoning |
|----------------|--|--|--------------------------------|
| North | The Hunt PUD Control No. 1974-37 R-74-186 Land Use: SF Residential DU: 66 DU Density: 0.36 DU/AC | Low Residential, one unit per acre (LR-1) | Residential Estate (RE) |
| South | Legend Lakes Estates Control No. 1987-4 Land Use: SF Residential DU: 179 DU Density: 0.89 DU/AC | Low Residential, one unit per acre (LR-1) | Residential Transitional (RTS) |
| East | The Hunt PUD Control No. 1974-37 R-74-186 Land Use: SF Residential DU: 66 DU Density: 0.36 DU/AC | Low Residential, one unit per acre (LR-1) | Residential Estate (RE) |
| West | Wycliffe Golf & Country Club <i>Pod C</i> Control No. 1986-0104 Land Use: Residential DU: 110 DU Density: 5.9 DU/AC | Low Residential, two units per acre (LR-1) | Single Family Residential (RS) |

2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 5. Public Facilities Information

| A. Traffic Information | | |
|---|---|---|
| | Current | Proposed |
| Max Trip Generator | Single Family (ITE 210): 10 Trips/DU Medical Office (ITE 720): 34.8 Trips/1KSF | Townhomes (ITE 220): 7.32 Trips/DU <i>(Based on the higher DU and will be revised)</i> |
| Maximum Trip Generation | 4,440 | 670 (Maximum) 1032 (Proposed) |
| Net Daily Trips: | _(3770)__ (maximum minus current) _(3408)__ (proposed minus current) | |
| Net PH Trips: | _50 (13 In/37 Out)_ AM, _69 (43 In/26 Out)_ PM (maximum) _65 (15 In/50 Out)_ AM, _79 (50 In/29 Out)_ PM (proposed) | |
| Significantly impacted roadway segments that fail Long Range | None | None |
| Significantly impacted roadway segments for Test 2 | None | None |
| Traffic Consultant | Dr. Juan F. Ortega, PE JFO Group Inc. | |
| B. Mass Transit Information | | |
| Nearest Palm Tran Route (s) | RT. 62 - WLN - LKW via LAKE WORTH | |
| Nearest Palm Tran Stop | STOP 5930 - LAKE WORTH RD & WOODS WALK BLVD | |
| Nearest Tri Rail Connection | LAKE WORTH STATION | |
| C. Portable Water & Wastewater Information | | |
| Potable Water & Wastewater Providers | Palm Beach County Water Utilities | |

| | | | | |
|---|--|---|--------------------------|-------------------------|
| Nearest Water & Wastewater Facility, type/size | The nearest potable water is a 12" watermain located approximately 1200 south of the subject property within State Road 7 right of way. The nearest sanitary sewer connection is a 4" forcemain located approximately 2600 feet north of the subject property within Lake Worth Road. Please see Attachment I . | | | |
| D. Drainage Information | | | | |
| The subject site in the C-16 Basin of SFWMD and will discharge into the adjacent LWDD canal that will need to be crossed in order to gain access to the site for Legal Positive Outfall. The site will be developed to provide attenuation of the 25 year – 3 day storm events prior to discharge. A Drainage Statement is provided with this Application as Attachment J . | | | | |
| E. Fire Rescue | | | | |
| Nearest Station | PBC Fire Rescue Station #30 | | | |
| Distance to Site | Located at 9610 Stribling Way, approximately 3.5 Miles from the subject site. | | | |
| Response Time | Estimated response time to the subject site is 9 minutes 30 seconds | | | |
| Effect on Resp. Time | Minimal Impact per Attachment K, letter from Fire-Rescue. | | | |
| F. Environmental | | | | |
| Significant habitats or species | The site is heavily infested with Brazilian pepper and therefore does not contain any significant quality upland habitat. There is a highly disturbed cypress wetland in the northwest corner of the property that will be addressed through permitting with SFWMD and the USACE. No endangered species have been observed on the property and none are expected due to the condition of the habitats. A Natural Features Inventory Map is provided with this application as Attachment L . | | | |
| Flood Zone* | X500 A Flood Plain Statement is provided with this application as Attachment J . | | | |
| Wellfield Zone* | The subject site is located within Wellfield Zones 2, 3, & 4 A map is provided with this application as Attachment M . | | | |
| G. Historic Resources | | | | |
| Staffs 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 above referenced properties. A Historic Resource Letter is provided with this application as Attachment N . | | | | |
| H. Parks and Recreation - Residential Only (Including CLF) | | | | |
| Park Type | Name & Location | Level of Svc. (ac. per person) | Population Change | Change in Demand |
| Regional | Okeeheelee Park | 0.00339 | 146 | 0.49 |
| Beach | R.G. Kreusler | 0.00035 | 146 | 0.05 |

| | | | | |
|--|-------------------------------------|----------------------|-------------------------|------------------|
| District | Lantana District “I” | 0.00138 | 146 | 0.20 |
| I. Libraries - Residential Only (Including CLF) | | | | |
| Library Name | Greenacres Branch | | | |
| Address | 750 Jog Rd | | | |
| City, State, Zip | Greenacres, FL 33467 | | | |
| Distance | 4.3 miles | | | |
| Component | Level of Service | | Population Change | Change in Demand |
| Collection | 2 holdings per person | | 146 | 292 |
| Periodicals | 5 subscriptions per 1,000 persons | | 146 | 0.73 |
| Info Technology | \$1.00 per person | | 146 | \$146.00 |
| Professional staff | 1 FTE per 7,500 persons | | 146 | 0.019 |
| All other staff | 3.35 FTE per professional librarian | | 146 | 0.65 |
| Library facilities | 0.34 sf per person | | 146 | 49.6 |
| J. Public Schools - Residential Only (Not Including CLF) | | | | |
| | Elementary | Middle | High | |
| Name | Panther Run | Woodlands Middle | Palm Beach Central | |
| Address | 10775 Lake Worth Rd | 5200 Lyons Rd, | 8499 W Forest Hill Blvd | |
| City, State, Zip | Lake Worth, FL 33449 | Lake Worth, FL 33467 | Wellington, FL 33411 | |
| Distance | 1.4 Miles | 2.6 Miles | 4.5 Miles | |

2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

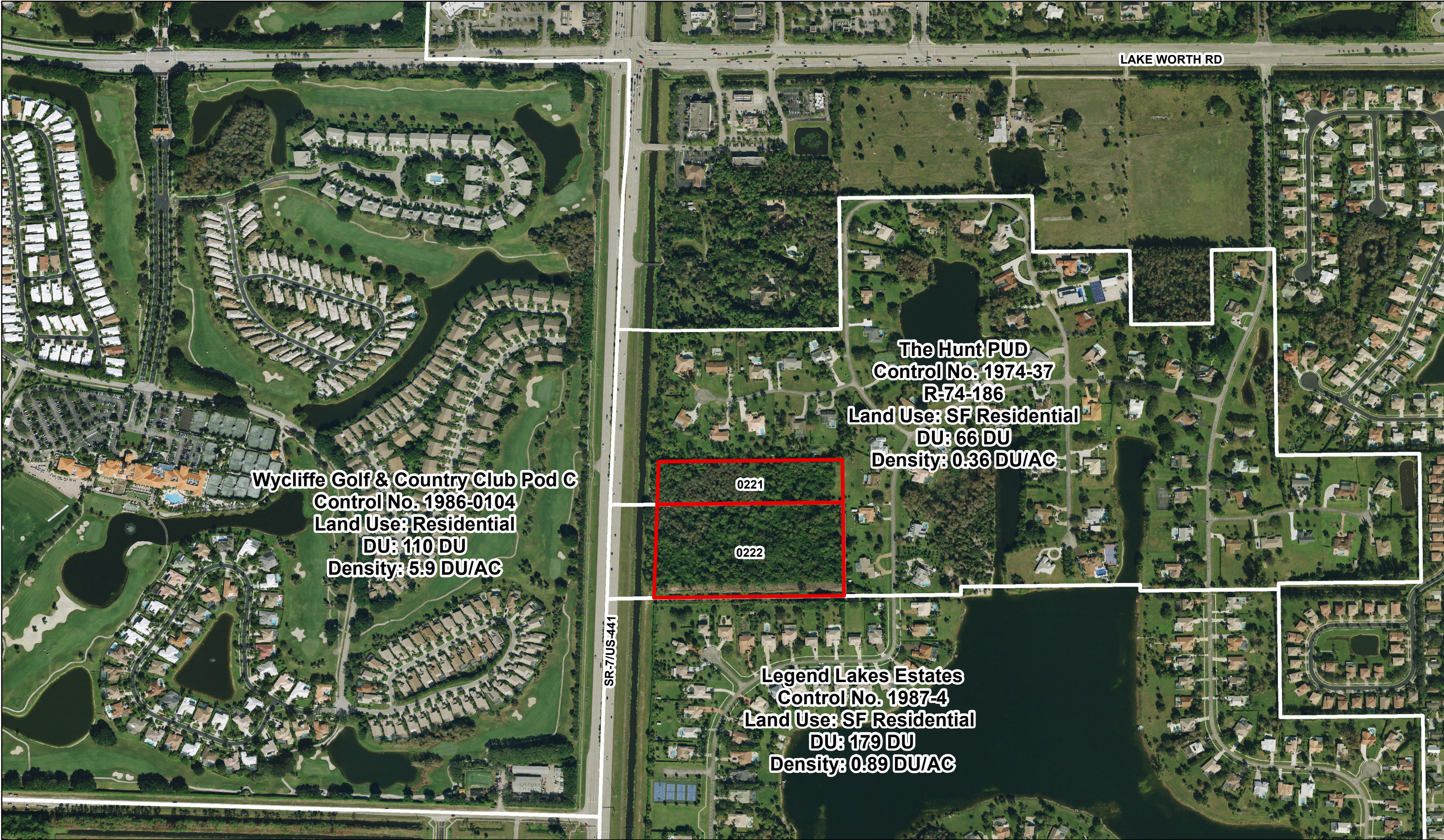
Part 6. Attachments

- A. **PCN's, Legal Description and Warranty Deed** (include Legal in PDF & Word)
- B. **Agent Consent Form**
- C. **Applicant's Ownership Affidavit**
- D. **Applicant's Notice Affidavit, Property Appraiser List, and Labels**
- E. **Disclosure of Ownership Interests**
- F. **Built Feature Inventory & Map**
- G. **Consistency with the Comprehensive Plan and Florida Statutes** (include in PDF & Word)
- H. **Traffic Approval Letter & Traffic Study**
- I. **Water & Wastewater Provider LOS Letters**
- J. **Drainage Statement**
- K. **Fire Rescue Letter**
- L. **Natural Feature Inventory & Map**
- M. **Wellfield Zone**
- N. **Historic Resource Evaluation Letter**
- O. **Palm Beach County School District LOS Letter**
- P. **Survey**
- Q. **Text Amendment Application** (Part 7, if applicable, in PDF & Word)

Forms for Attachments B, C, D, and E are located on the web at:

<http://www.pbcgov.org/pzb/planning/Pages/Comprehensive-Plan-Amendment-Applications.aspx>

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Wycliffe Golf & Country Club Pod C
Control No. 1986-0104
Land Use: Residential
DU: 110 DU
Density: 5.9 DU/AC

The Hunt PUD
Control No. 1974-37
R-74-186
Land Use: SF Residential
DU: 66 DU
Density: 0.36 DU/AC

Legend Lakes Estates
Control No. 1987-4
Land Use: SF Residential
DU: 179 DU
Density: 0.89 DU/AC

0221

0222

SR-7/US-441

LAKE WORTH RD



ATTACHMENT F - BUILT FEATURE INVENTORY & MAP

0 500 1,000 2,000 Feet

Subject Site





**JUSTIFICATION STATEMENT
LARGE SCALE FUTURE LAND USE ATLAS AMENDMENT
CONTROL NO. 1974-00037; 2003-00015**

**VALLEYBROOK (FKA LEGEND LAKES)
PROPOSED FLUA MAP AMENDMENT**

Attachment G

Prepared by:

WGI, INC.

2350 Vista Parkway
West Palm Beach, FL 33411
(561) 687-2220
www.wginc.com

Initial Submittal: November 10, 2020
Resubmittal: May 28, 2021



Palm Beach County - Planning Division

2300 North Jog Road, WPB, FL 33411, (561) 233-5300



Introduction

The 13.795-acre subject site, also referred to as Valleybrook, is located approximately ½ mile south of the Lake Worth Road and State Road 7 intersection and is identified by the following Parcel Control Numbers (PCNs): 00-42-43-27-05-027-0221 and 00-42-43-27-05-027-0222. The northern PCN retains a Future Land Use (FLU) designation of Low Residential – one dwelling unit per acre (LR-1) and a Zoning District classification of Residential Estate (RE), while the southern PCN retains a FLU designation of Commercial Low – Office (CL-O) and a Zoning District classification of Multiple Use Planned Development (MUPD). The subject site is primarily unimproved and vacant. It should be noted is included within the West Lake Worth Road Neighborhood Plan, as adopted by Resolution 2009-2018. An aerial of the subject site is included below:



Request

On behalf of the Applicant, WGI, Inc. is requesting a Comprehensive Plan Future Land Use Atlas (FLUA) Amendment to re-designate the FLU on a collection of parcels from the Low Residential, one unit per acre (LR-1) and Commercial Low Office (CL-O) FLU to Low Residential – three units per acre (LR-3) FLU designation on the 13.795-acre subject site. The proposed FLU designation is consistent with the FLU designation identified in the West Lake Worth Road Neighborhood Plan (WLWRNP).

It is the intent of the Applicant to utilize the County's Workforce Housing Program (WHP) to obtain additional density via the Limited Incentive Option. The bonus density requested through the WHP is 49%. The proposed residential development will accommodate 5 townhome units and 56 zero-lot line homes, totaling 61 dwelling units (with a workforce housing (WFH) obligation of 5 units). The Applicant intends to build the WFH obligation on-site and will be decided upon prior to Planning Commission (PLC).

The current request to modify the FLU designation from LR-1 and CL-O to LR-3 is being processed concurrently with a request to increase density through the County's Workforce Housing Program (WHP), for an ultimate density of 4.42 dwelling units per acre. The following is a summary of the proposed density analysis for the subject site:

| | |
|--|---------------------------------------|
| Proposed LR-3 FLU Designation @ 13.795 acres | 41 du (13.795-acres x 3 du/ac) |
| WHP Density Bonus | 20 dwelling units (49% density bonus) |
| Total | 61 dwelling units |



Below is an analysis of the WHP obligation for the proposed development.

| LR-3 FLU Designation | | | | | |
|----------------------|------|---------|---------------|-------|----------------|
| | | Acreage | Permitted DU | WHP % | WHP Obligation |
| Standard | 2 | 13.795 | 27 | 2.5% | 0.67 |
| Max | 1 | 13.795 | 14 | 8% | 1.12 |
| | | | 41 | | |
| WHP Density Bonus | | | | | |
| | DU's | Bonus % | Bonus Density | WHP % | WHP Obligation |
| Limited Incentive | 41 | 49% | 20 du | 17% | 3.40 |
| Total | | | | | |
| | | | DU's | | WHP Obligation |
| | | | 61 | | 5 WFH du |

Concurrent/Pending Zoning Applications

A Rezoning application from Residential Estate (RE) and Multiple Use Planned Development (MUPD) to Single-Family Residential (RS) will be submitted to the Zoning Division contingent upon the approval of the FLU Amendment and WHP applications.

State Road 7 Corridor & Surrounding Uses

The subject site has frontage and access on State Road 7, which over time has become a major corridor for both travel and development in the western area of Palm Beach County (PBC). The subject site's location along State Road 7, between Lake Worth Road to the north and Lantana Road to the south, contains a mix of land use designation ranging from low density residential to high density residential, as well as various non-residential commercial land uses. The development occurred along this corridor including major retail and residential developments changing the rural nature of the area to a suburban one. Valleybrook stands as one of the remaining vacant tracts not developed consistent with the rest of the corridor. The built environment along the corridor includes a range of use types, densities, and intensities, including single-family, zero lot line and multi-family residential, assisted living, retail, office, and restaurant and institutional uses. The subject site represents a pocket of underutilized land in contrast to the development patterns surrounding it and continues to lend itself as a prime location for infill development along this major arterial roadway. The chart on the following page summarizes the uses and approvals located immediately adjacent to the subject site.

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| Adjacent Lands | Use | Future Land Use | Zoning |
|----------------|--|--|--------------------------------|
| North | <u>The Hunt PUD</u> Control No. 1974-37 R-74-186 Land Use: SF Residential DU: 66 DU 107 acres Gross Density: 0.61 DU/AC | Low Residential, one unit per acre (LR-1) | Residential Estate (RE) |
| South | <u>Legend Lakes Estates</u> Control No. 1987-4 Land Use: SF Residential DU: 179 DU 201.74 acres Gross Density: 0.89 DU/AC | Low Residential, one unit per acre (LR-1) | Residential Transitional (RTS) |
| East | <u>The Hunt PUD</u> Control No. 1974-37 R-74-186 Land Use: SF Residential DU: 66 DU 107 acres Gross Density: 0.61 DU/AC | Low Residential, one unit per acre (LR-1) | Residential Estate (RE) |
| West | <u>Wycliffe Golf & Country Club</u> <i>Pod C</i> Control No. 1986-0104 Land Use: Residential DU: 110 DU 18.60 acres Net Density: 5.9 DU/AC | Low Residential, two units per acre (LR-1) | Single Family Residential (RS) |

[This space is intentionally left blank]



West Lake Worth Road Neighborhood Plan (WLWRNP)

The WLWRNP was adopted in 2009 by the PBC BCC and was intended to be a guiding document for this portion of the Lake Worth Road Corridor. The Master Plan assigns the subject site two separate FLU designations, as illustrated below.



As illustrated above, the Master Plan intended a FLU of LR-3 for the 13.795-acre subject site. The current FLUA Amendment request LR-3 is consistent with the WLWRNP.

Prior Approval History

As stated previously, the subject site is comprised of two parcels with split FLU and zoning district classifications. The southernmost property is currently approved for a non-residential commercial development (Legend Lakes Center, Control No. 2003-00015) at a proposed intensity of 123,004 square feet. The development consists of a mix of medical and professional offices and is currently proposed at a maximum height of 35 feet. It should be noted that the current approved commercial development is approved for up to 2,141 average daily trips, with a maximum of 207 trips in the AM and 214 in the PM peak hours. As part of the current request and concurrent zoning requests, the Applicant intends to abandon the current approval on the southernmost parcel in order to allow for the development of zero-lot line homes and townhomes as shown in this application.



G1. Justification for Future Land Use Atlas Amendment

Pursuant to Policy 2.1-f, a justification statement is required to demonstrate the requests are consistent and in compliance with the County's Comprehensive Plan, Tier Requirements, applicable Neighborhood Plan and the impacts on public facilities and services.

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

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

This FLUA Amendment request is consistent with Policy 2.1-f of the County's Future Land Use Element, as the proposal to modify the FLU designation on the subject site from LR-1 and CL-O to LR-3 represents a more appropriate FLU designation combination for the site and location. The proposed LR-3 FLU designation is consistent with the Goals, Objectives and Policies of the County's Comprehensive Plan, is complimentary to the development pattern that exists in the area, is compatible with the surrounding neighborhoods, and it complies with the West Lake Worth Road Neighborhood Plan, as outlined below.

The subject site currently represents a tract of underutilized land, ripe for infill residential development along the State Road 7 corridor. The current LR-1 and CL-O FLU designation of the subject site, coupled with an RE and MUPD zoning district classification may have once been appropriate; however, the development pattern across the corridor has proven to support higher residential densities such as the LR-3 FLU designation being requested. The change in development pattern has resulted in State Road 7 becoming a corridor that supports more intense residential and nonresidential development, serving residents of the County immediately adjacent to the site, as well as residents that travel from western areas of the County. The subject site represents an opportunity to develop residential at a density consistent with the current development pattern of the corridor, in line with market demands, and consistent with the WLWRNP and Master Plan. The request to re-designate the existing land use to the LR-3 FLU designation is justifiable and necessary, and is consistent with the WLWRNP, as the Master Plan anticipated a FLU of LR-3 on the subject site.

The request is compliant with FLUE 2.1-f, as outlined below:

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

The request to modify the land use designation of the subject site from LR-1 and CL-O to LR-3 to accommodate the development of 61 dwelling units is consistent with the development pattern in the immediate area. Residential uses with like densities are prominent along both State Road 7 and Lake Worth Road corridors, and the subject site's direct access onto State Road 7, accessibility to public transportation and major highway systems such as the Florida Turnpike, as well as availability to employment centers and non-residential uses such as retail and medical office, make this an ideal location in which to develop a residential use at the density being proposed.

The current FLU designation of LR-1 limits the density of the northern parcel to one dwelling unit per acre, while the FLU designation of CL-O limits the southern parcel to commercial. The current availability of land as well as the development patterns surrounding this site has driven the value much higher than what is prescribed under its land



use designation. In addition, the cost of labor and materials in today's construction market makes developing the site at such a low density nonviable. This is evident by the influx of multifamily developers requesting planning and zoning approvals within PBC and the surrounding area. The proposed amendment to modify the FLU designation to LR-3, combined with the Applicant's utilization of the County's WHP Program, allows for the additional density needed to develop a residential community that is compatible with the surrounding area.

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

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

The subject site is located on the State Road 7 corridor, between Lake Worth Road to the north and Lantana Road to the south. This section of the corridor contains a mix of land use designation ranging from low density residential to high density residential, as well as various non-residential commercial land uses. Over the years the corridor has developed and evolved to support a wide range of residential developments and commercial centers such as the Lake Worth Road and State Road 7 MUPD (multiple planned use development) north of the subject site. The West Lake Worth Road Neighborhood Plan anticipated that this site would be developed as lower density residential, consistent with what is proposed. Since the adoption of the Neighborhood Plan in 2009, market trends, pressure to push development east of State Road 7, scarcity of land in PBC and a subsequent shortage of available housing has resulted in a need for additional low density residential within the neighborhood planning area.

The recent change in those parcels with frontage on the corridor has shifted to primarily multifamily residential and nonresidential development, and has created a need for lower density housing, such as the zero-lot line homes and townhomes proposed on the subject site. When looking at recent amendments that front the Lake Worth Road corridor, the uses have been a mix of multifamily and townhouse uses, along with nonresidential commercial development. Behind these frontage parcels are additional single family and townhome developments. In the case of Valleybrook, it is not appropriate for multifamily housing along the frontage as it is still adjacent to lower density residential to the south and east. Therefore, the request for low density residential adjacent to the existing homes to the east is a compatible development pattern. The following is a summary of recent approvals, which demonstrates both the need and appropriateness of the development proposal.

Over the last decade, there are multiple FLUA Amendments that have been submitted and approved by the Board of County Commissioners (BCC), and these applications are summarized in the table below. All these approved FLU designation amendments signify that the western Lake Worth Road corridor has been changed and resulting in impacts on the subject site, as the latter remains vacant and underutilized for many years.

| Name of Application | LGA Application & Ordinance No. | Original FLU Designation | Approved FLU Designation |
|-------------------------------------|--|---------------------------------|---------------------------------|
| Lake Worth Lyons Residential | LGA 2009-007 Ordinance No. 2009-029 | LR-2 | MR-5 |
| Gulfstream Properties | LGA 2014-001 Ordinance No. 2014-010 | MLU (LR-3 & CL-O/3) LR-2 | MR-5 |
| Palm Tree Farms | LGA 2014-002 Ordinance No. 2014-011 | LR-2 | MR-5 |
| Harbor Chase of Wellington Crossing | LGA 2015-001 Ordinance No. 2015-009 | LR-2 | INST/5 |
| Rubin Communities | LGA 2015-003 Ordinance No. 2015-011 | LR-2 | MR-5 |



| | | | |
|----------------------------|--|------|-----------------------------------|
| Andalucia Residential | LGA 2016-032 Ordinance No. 2016-048 | LR-3 | LR-3 & MR-5 (amend conditions) |
| Gulfstream Polo Properties | LGA 2016-007 Ordinance No. 2016-025 | LR-2 | LR-3 & MR-5 (amend conditions) |
| Lake Worth Commercial | LGA 2017-013 Ordinance No. 2017-038 | CH/2 | CH/5 (amend conditions) |
| Izzy Izzy | LGA 2017-016 Ordinance No. 2017-037 | LR-2 | MR-5 |
| Lake Worth Royale | LGA 2018-015 Ordinance No. 2018-027 | LR-2 | HR-8 & CH/2 |

From the above FLU Amendment table, the recent change in the fabric of the corridor, which has shifted to primarily multifamily (MF) residential and non-residential development, has created an opportunity for residential development such as the low density residential being proposed on the subject site.

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

The tremendous amount of development that has occurred along the State Road 7 and Lake Worth Road corridors over the past several decades has changed the character of the area. From what was once estate style residential and agricultural uses it is now a major north south corridor in PBC that supports a range of uses at varying densities and intensities. The recent approvals referenced above in Section 2.a, is proof of that growth. Access directly onto State Road 7, accessibility to the Florida Turnpike and Lake Worth Road, and availability of public transit make this site ideal to develop at a residential density that is compatible with existing adjacent homes. The Lake Worth Neighborhood Plan designates the FLU designation of the subject site as a LR-3, the current request furthers the consistency and implementation of the Master Plan.

The original adoption of the County's Comprehensive Plan did not anticipate the level of unprecedented growth seen throughout the County, especially on the fringe of the western portions of the Urban Suburban Tier. Approval of this FLUA Amendment request to the LR-3 FLU designation is in line with recent approvals and upholds the original intent of the Lake Worth Road Neighborhood Plan, by developing the site at a density that is comparable to what was originally anticipated and compatible to what it is adjacent to.

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

Since the original assignment of the LR-1 FLU designation on the northern parcel and the subsequent approval of the southern parcel to the CL-O FLU designation, the development pattern in the immediate area has seen tremendous growth, at a level unanticipated in the original Comprehensive Plan on the western fringe of the Urban Suburban Tier. As developable land continues to become scarce, and development pushes further west, pressure to develop sites within the Urban Suburban Tier is critical in preserving natural resources outside of it by utilizing existing infrastructure and lessening the strain on stretching public services and facilities. The subject site represents an opportunity to develop residential that is complementary to the area, and at a density that implements the WLWRNP, as well as with what is both built and approved along the State Road 7 corridor.

The CL-O portion of the subject site was approved in 2010 but was never developed. Since the time of the original approval, there has been a surge of medical office square footage approved in this portion of the Tier. Most recently in 2019, Project Institute (located at the northeast corner of Lake Worth Road and Lyons Road) was approved for 350,000 square feet of office uses, with the Cleveland Clinic as the Applicant. Additionally, although not located within unincorporated PBC, Joe Di Maggio located a Children's Specialty Center to the northwest of the subject site, along US 441/SR7 that is approximately 32,000 square feet in size. Furthermore, there is 90,000 square feet of General Office use approved at the northwest corner of Lake Worth Road and the Florida Turnpike, known as the Nexus Wellington.



d. Inappropriateness of the adopted FLU designation; or

The current FLU designation of the subject site under the LR-1 and CL-O FLU designations are no longer appropriate as identified by the Master Plan and the character the State Road 7 corridor. This FLUA Amendment request from LR-1 and CL-O to LR-3 represents a more appropriate FLU designation for the site and location. The proposed LR-3 FLU designation is consistent with the Goals, Objectives and Policies of the County's Comprehensive Plan, is complimentary to the development pattern that exists in the area, is compatible with the surrounding neighborhoods, and implements the West Lake Worth Road Neighborhood Plan, which identifies these parcels as a LR-3 FLU designation. While the current LR-1 and CL-O FLU designations on the subject may have once been appropriate, the development pattern in this area has seen growth over the decades that was not anticipated in prior plans. It has changed from one that is primarily low residential and agriculture, to one that has been developed at densities and intensities that are in line with suburban patterns necessary to support this major north south State Road 7 and east west Lake Worth Road corridor in PBC. The change in development pattern has resulted in State Road 7 becoming a corridor that supports more intense residential rather the overabundance of non-residential, serving residents of the County immediately adjacent to the site, as well as residents that travel from western communities. The request to re-designate the existing land use to the LR-3 FLU designation is appropriate for the site.

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

The adopted FLU designation was not assigned in error and was reflective of the rural character of the western portions of the corridor at that time. In addition, the subject site is located in the Urban Suburban Tier, which is anticipated by the County to house the majority of the residential population.

G.2. Residential Density Increases

Per Future Land Use Element Policy 2.4-b, the analysis below provides justification for the requested land use amendment.

1) Demonstrate a need for the amendment.

As previously stated, the subject site represents an ideal opportunity for residential development along the State Road 7 Corridor. The subject site is currently undeveloped and given the surrounding built fabric along the corridor, the site is no longer appropriate for the low density, estate-style residential development associated with the LR-1 FLU or commercial development associated with the CL-O FLU designations. The current availability and cost of land combined with the cost of labor and materials for construction in today's market makes developing the site at such a low density nonviable. The proposed amendment to modify the FLU designation to LR-3, combined with the Applicant's utilization of the County's WHP Program, allows for the additional density needed to develop a residential community that is compatible with the surrounding area and is consistent with the WLWRNP and Master Plan. This amendment would allow for not only the development of additional housing for county residents, but greatly reduce the impact of vehicle trips generated. The proposed residential development would greatly reduce the strain on the surrounding road network, as well as the impact on utilities, county services, and surrounding infrastructure.

2) Demonstrate that the current FLUA designation is inappropriate.

While the current LR-1 and CL-O FLU designation on the subject may have once been appropriate for the location, the development pattern in this area has seen unprecedented growth over decades, primarily in the form of low density residential and agriculture, to one that has been developed at densities and intensities that are necessary to support this major north-south corridor in PBC. The change in development pattern has resulted in State Road 7, west of the Florida Turnpike, becoming a corridor that supports more intense residential and non-residential, serving residents of the County immediately adjacent to the site, as well as residents that travel from western areas of the County to their employment centers. The request to re-designate the existing land use to the LR-3 FLU designation is appropriate for the site.



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

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

3. an applicant proposes a density increase up to, but not exceeding, the density proposed by and supported by a Neighborhood Plan prepared in accordance with FLUE Objective 4.1 and formally received by the BCC. To date, the following Neighborhood Plan qualifies for this provision:

a. West Lake Worth Road Neighborhood Plan.”

The subject site is located within the boundaries of the WLWRNP, of which the Master Plan assigned the subject site a FLU designation of LR-3. The proposed FLU amendment of LR-3 is consistent with the FLU mix as identified on the Master Plan, therefore the FLU amendment is in compliance with Policy 2.4-b.1a.3 of the County’s Comprehensive Plan and no TDRs are required for the subject site. Additionally, the WHP is being utilized, as outlined below.

| LR-3 FLU Designation | | | | | |
|----------------------|------|---------|---------------|-------|----------------|
| | | Acreage | Permitted DU | WHP % | WHP Obligation |
| Standard | 2 | 13.795 | 27 | 2.5% | 0.67 |
| Max | 1 | 13.795 | 14 | 8% | 1.12 |
| WHP Density Bonus | | | | | |
| | DU's | Bonus % | Bonus Density | WHP % | WHP Obligation |
| Limited Incentive | 41 | 49% | 20 du | 17% | 3.40 |
| Total | | | | | |
| | | | DU's | | WHP Obligation |
| | | | 61 | | 5 WFH du |

G.3. Compatibility

The proposed FLUA Amendment would make the subject property more compatible with the surrounding properties, which have undergone land use amendments. The changes in the development of the Lake Worth Road corridor, which has shifted to primarily multifamily residential and non-residential development, has created a need for a lower density housing type. The Valleybrook development proposal is consistent with the residential vision for this property that was part of the West Lake Worth Road Neighborhood Plan, and Lake worth Road Corridor Master Plan.

It is also important to note that “Compatibility” can be further attained when uses do not adversely affect each other but complement each other, e.g. neighborhood commercial uses supporting and providing services for the residential uses. At the time when the proposed zoning applications are reviewed by the Zoning Division and other County Agencies, a Preliminary Subdivision Plan and other regulating plans for this development will clearly identify the site layout, placement of buildings, height of buildings and the location of the required landscape buffers. The ULDC addresses compatibility issues through spatial separation such as setbacks, and the provision of buffers, all these required elements enhance compatibility and reduce the potential negative effects of functionally different land uses.



G.4. Comprehensive Plan

The FLUA Amendment request to modify the FLU designation from LR-1 and CL-O to LR-3, in combination with the utilization of the PBC WHP Program, is consistent with and furthers the applicable Goals, Objectives and Policies of the PBC Comprehensive Plan, as outlined below.

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

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

The proposed FLUA Amendment is consistent with Policy 1.2-a, by encouraging infill-style development within the Urban Suburban Tier, and by utilizing existing infrastructure, public facilities and services.

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

The approval of the proposed FLUA Amendment supports Policy 1.2-b, as it provides an opportunity to develop an infill parcel in the Urban Suburban Tier. The proposed development will utilize existing infrastructure and public services.

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

The proposed FLUA Amendment request, and subsequent development of 61 dwelling units on this site will not exceed the natural or manmade constraints of the area. To the contrary, there is a proposed 0.64-acre preserve area located on the northern parcel. In addition to meeting the policies of the Comprehensive Plan, the site implements the West Lake Worth Road Corridor Master Plan.

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

The definition of piecemeal development in the Comprehensive Plan describes “A situation where land, under single ownership or significant legal or equitable interest (by a person as defined in Section 380.0651[4] F.S., is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole.” The proposed Land Use change will allow these two individual parcels to be combined, and rezoned to a subdivision, and will utilize existing infrastructure. There are no other parcels under the ownership that will create residual parcels. Lastly, the parcel is one of only a few remaining unbuilt LR-1 parcels that front a major arterial or a collector road.

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

- 1. an applicant can both justify and demonstrate a need for a Future Land Use Atlas (FLUA) Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in the Introduction and Administration Element of the Comprehensive Plan, or***



2. *an applicant is using the Workforce Housing Program or the Affordable Housing Program as outlined in Housing Element Objectives 1.1 and 1.5 of the Comprehensive Plan and within the ULDC, or*
3. *an applicant proposes a density increase up to, but not exceeding, the density proposed by and supported by a Neighborhood Plan prepared in accordance with FLUE Objective 4.1 and formally received by the BCC. To date, the following Neighborhood Plan qualifies for this provision:*
 - a. *West Lake Worth Road Neighborhood Plan.*

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

3. an applicant proposes a density increase up to, but not exceeding, the density proposed by and supported by a Neighborhood Plan prepared in accordance with FLUE Objective 4.1 and formally received by the BCC. To date, the following Neighborhood Plan qualifies for this provision:

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

The subject site is located within the boundaries of the WLWRNP, of which the Master Plan assigned the subject site a FLU designation of LR-3. The proposed FLU amendment without TDR request is in compliance with Policy 2.4-b.1a.3 of the County’s Comprehensive Plan, since the proposed density is consistent with the FLU mix as identified on the Master Plan. The current request is consistent with this FLU designation. Additionally, the WHP is being utilized, as outlined below.

| LR-3 FLU Designation | | | | | |
|----------------------|------|---------|---------------|-------|----------------|
| | | Acreage | Permitted DU | WHP % | WHP Obligation |
| Standard | 2 | 13.79 | 27 | 2.5% | 0.67 |
| Max | 1 | 13.79 | 14 | 8% | 1.12 |
| WHP Density Bonus | | | | | |
| | DU's | Bonus % | Bonus Density | WHP % | WHP Obligation |
| Limited Incentive | 41 | 49% | 20 du | 17% | 3.40 |
| Total | | | | | |
| | | | DU's | | WHP Obligation |
| | | | 61 | | 5 WFH du |

Policy 2.4-f: Potential receiving areas shall be inside the Urban/Suburban Tier and shall include:

1. **Planned Development Districts (PDD) and Traditional Development Districts (TDD) that are requesting an increase in density above their current limits; and,**
2. **Subdivisions requesting a bonus density above the standard land use designation density.**

The subject site is compliant with Policy 2.4-f, as the subject site is located within the County’s Urban Suburban Tier and is within the parameters of the governing policies of a residential subdivision. The County anticipates the majority of the residential population is located in this Tier.

Policy 4.1-c: The County shall consider the objectives and recommendations of all Community Plans, Neighborhood Plans, Joint Planning Areas Agreements, Interlocal Service Boundary Agreements, and 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. Community Plans, Neighborhood Plans and Special Studies, including those adopted, accepted, or received by the Board of County Commissioners, are incorporated into the Future Land Use Support Document as reference guides to identify community needs and unique neighborhood characteristics within the associated document. The following is a list of the County’s neighborhood plans and studies:

Community and Neighborhood Plans

- **Haverhill Area Neighborhood Plan**
- **Jupiter Farms Neighborhood Plan**



- *Loxahatchee Groves Neighborhood Plan*
- *The Acreage Neighborhood Plan*
- *West Boynton Area Community Plan*
- *West Lake Worth Road Neighborhood Plan*
- *West Gun Club Road Neighborhood Plan*
- *Pioneer Road Neighborhood Plan*

The subject site is located within the West Lake Worth Road Neighborhood Plan Area. The intent of this Plan is to guide the overall gross residential density, to promote development that is similar to what is identified in the WLWRNP. However, the Plan recognizes that individual property owners may apply for density increases through either the FLUA amendments or through the WHP density bonus program.

The original adoption of the County's Comprehensive Plan did not anticipate the level of unprecedented growth seen in this area, especially on the fringe of the western portions of the Urban Suburban Tier and the eventual connection of Lake Worth Road to the Village of Wellington and other surrounding communities. Approval of this FLUA Amendment request to the LR-3 FLU designation is in line with recent approvals and upholds the original intent of the Lake Worth Road Neighborhood Plan, by developing the site at a density that is comparable to what was originally anticipated and compatible with the adjacent communities.

G.5. Florida Statutes – Consistency with Chapter 163.3177, F.S.

All mandatory elements for a FLUA amendment have been provided within this application and include, but is not limited to surveys, studies, community goals and vision, and all other pertinent data as required by Ch. 163.3177 of the Florida Statutes. The proposed amendment allows for the development of an infill residential development that will maximize the utility of existing network of roadways and other infrastructural improvements. This amendment complies Chapter 163.3177 of the Florida Statutes.

On behalf of the Applicant, we respectfully request and present the aforementioned justification for the FLUA amendment from LR-1 and CL-O to LR-3 for the subject site.



**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
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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"*

November 3, 2020

WGI
2035 Vista Parkway
West Palm Beach, Fl. 33411

RE: 4473 N State Road 7
00424327050270222, 00424327050270221
Service Availability Letter

Dear Mr. Muller,

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 Low-Residential (LR-1)/ Commercial Low Office (CL-0) and for the proposed change to Medium Residential (MR-5)

The nearest potable water is a 12" watermain located approximately 1200 south of the subject property within State Road 7 right of way. The nearest sanitary sewer connection is a 4" forcemain located approximately 2600 feet north of the subject property within Lake Worth Road.

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



ENGINEER'S DRAINAGE STATEMENT

Legend Lakes

WGI No. 07206196.00

November 9, 2020

The subject piece of land is approximately fourteen (14) Acres in size south of Lake Worth Road and east of State Road 7 (US 441) in Unincorporated Palm Beach County with Parcel Nos. 00424327050270084 and 00424327050270082.

The property is currently undeveloped. The site is bordered by residential land to the east, north and south. This project is within the South Florida Water Management District (SFWMD) C-16 Drainage Basin and the Lake Worth Drainage District (LWDD) jurisdictions.

The proposed improvements include development of a residential community with parking areas, swales, inlets, pipes, and detention areas. The subject piece of land is not part of an existing SFWMD permit. The proposed drainage system will be designed following the requirements of Palm Beach County, LWDD, and the SFWMD with the C-16 Basin criteria at build-out.

Water quality will be provided in the proposed detention areas. Water attenuation for the 25 year - 3 day storm event will be met using proposed detention areas prior to discharge. Legal positive outfall will be served to the LWDD E-1 Canal via a control structure limiting discharge to the allowable rates.

Wantman Group, Inc.

Respectfully submitted,

ADAM W. SCHILDMEIER, STATE OF FLORIDA, PROFESSIONAL ENGINEER, LICENSE NO. 69218
THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY ADAM W. SCHILDMEIER, PE. ON NOVEMBER 7, 2020 USING A SHA-1 AUTHENTICATION CODE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SHA-1 AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

Adam Schildmeier, P.E.

Florida License # 69218

Wantman Group, Inc. Cert. No. 6091



Fire Rescue

Chief Reginald K. Duren
405 Pike Road
West Palm Beach, FL 33411
(561) 616-7000
www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

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Dave Kerner, Vice Mayor

Hal R. Valeche
Gregg K. Weiss
Robert S. Weinroth

Mary Lou Berger
Melissa McKinlay

County Administrator

Verdenia C. Baker

October 27, 2020

WGI

Attention: Edwin Muller
2035 Vista Parkway
West Palm Beach, FL 33411

Re: Legend Lakes

Dear Edwin Muller:

Per your request for response time information to the subject property located at 4473 N State Road 7. This property is served currently by Palm Beach County Fire-Rescue station #30, which is located at 9610 Stribling Way. The subject property is approximately 3.50 miles from the station. The estimated response time to the subject property is 9 minutes 30 seconds. For fiscal year 2020, the average response time (call received to on scene) for this stations zone is 7:01.

Changing the land use of this property will have some impact on Fire Rescue. Residents will need to be aware of the extended response time to this property.

If you have any further questions, please feel free to contact me at 561-616-6909.

Sincerely,

Cheryl Allan, Planner
Palm Beach County Fire-Rescue



**ENVIRONMENTAL PERMIT FEASIBILITY REPORT
LEGEND LAKES CENTER
PALM BEACH COUNTY, FLORIDA**

PREPARED BY:
WANTMAN GROUP, INC.
2035 VISTA PARKWAY
WEST PALM BEACH, FL 33411
561-687-2220

PREPARED FOR:
D.R. HORTON

NOVEMBER 3, 2020

TABLE OF CONTENTS

| <u>SECTION TITLE</u> | <u>PAGE #</u> |
|--|----------------------|
| <i>INTRODUCTION</i> | <i>1</i> |
| <i>SOURCES OF INFORMATION</i> | <i>1</i> |
| <i>SITE DESCRIPTION</i> | <i>2</i> |
| <i>SOILS</i> | <i>2</i> |
| <i>EXISTING LAND USE.....</i> | <i>2</i> |
| <i>UPLAND COMMUNITIES</i> | <i>2</i> |
| <i>WETLANDS.....</i> | <i>3</i> |
| <i>THREATENED AND ENDANGERED SPECIES</i> | <i>4</i> |
| <i>FINDINGS AND DISCUSSION.....</i> | <i>5</i> |
| <i>CONCLUSION.....</i> | <i>8</i> |
| LOCATION MAP | EXHIBIT A |
| SOIL SURVEY | EXHIBIT B |
| FLUCCS MAP..... | EXHIBIT C |
| SITE PHOTOGRAPHS..... | EXHIBIT D |



ENVIRONMENTAL PERMIT FEASIBILITY REPORT
LEGEND LAKES CENTER
Palm Beach County, FL
November 3, 2020

INTRODUCTION

The intent of this environmental permit feasibility report is to provide a preliminary assessment of the natural features within the below identified property including wetlands, upland habitat, protected trees and other vegetation, and the potential for threatened and endangered species. Based upon the preliminary assessment of these natural features, WGI discusses the types of environmental permits that may apply and provides an opinion on the feasibility of obtaining the environmental permits.

The subject property consists of approximately 14.19 acres and is located on the east side of State Road 7 just south of Lake Worth Road in Palm Beach County, Florida (folio numbers 00-42-43-27-05-027-0222 and -0221). Single-family residences surround the property on all sides. Please refer to Exhibit A (Location Map) for details.

SOURCES OF INFORMATION

Literature reviews, agency database searches and coordination, and a field review were conducted to document existing habitat types within and around the property. The information collected and databases reviewed included:

- U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Map
- USDA NRCS Soil Survey of Palm Beach County, Florida, 1978;
- Florida Association of Professional Soil Classifiers, Hydric Soils of Florida Handbook, 4th ed. (Hurt et. al. 2007)
- U.S. Fish and Wildlife Service (FWS), Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et. al. 1979; 2013)
- Florida Natural Areas Inventory (FNAI)
- National Wetland Inventory Maps
- Various Florida Fish and Wildlife Conservation Commission (FWC) GIS data layers
- FWS, South Florida Ecological Services Office Wood Stork Florida Nesting Colonies Maps
- FWS Critical habitat for threatened and endangered species mapper
- Florida Department of Transportation (FDOT) Florida Land Use, Cover and Forms Classifications System (FLUCFCS), 3rd ed., January 1999
- Palm Beach County Property Appraiser's Website; <https://maps.co.palm-beach.fl.us/cwgis/papa.html>
- South Florida Water Management District ePermitting Website; <https://my.sfwmd.gov/ePermitting/MainPage.do>



SITE DESCRIPTION

Prior to the field review, the approximate boundaries of upland and surface waters within the property were mapped on true color aerial photographs. Each community type was classified using FLUCFCS (FDOT 1999).

WGI scientists familiar with Florida natural communities conducted a field review on November 3, 2020. During this review, each vegetative community type was walked and visually inspected to verify community boundaries, dominant vegetation, and the presence or potential for occurrence of threatened and endangered species. Based on in-house and the field review, two upland land use/cover types were determined to be present within the project area. A description of these habitat types and the soil type that comprises the property is provided below.

SOILS

Based upon the USDA NRCS Soil Survey for Palm Beach County, Florida, one soil type is mapped within the property. A soil map is included as Exhibit B. Listed below is the soil type found within the property and a general description of its characteristics.

(10) Boca fine sand, 0 to 2 percent slopes – This is a nearly level, poorly drained soil. The water table is within 10 inches of the surface for 2 to 4 months and lower in the driest months. Natural vegetation is slash pine, cabbage palm, saw palmetto, southern bayberry, inkberry, and a wide variety of native grasses. This soil is listed as not hydric by the *Hydric Soils of Florida Handbook* (2007).

EXISTING LAND USE

Within the subject property, statewide land use/land cover is listed as pine flatwoods, Brazilian pepper, and cypress wetland. Upon inspection in the field, it appears that the property is composed of vacant, disturbed land.

Existing land uses and natural habitats within the subject property were classified using the FLUCFCS (1999). Two upland land use/cover types were determined to be present within the project area. A map depicting the existing land use/cover types encountered within the property is attached as Exhibit C (Existing Land Use Map) and a general description the land use/cover type is provided below.

UPLAND COMMUNITIES

The upland portion of the subject property is comprised of vacant, disturbed land.

The following description of the upland habitat on the subject property is below.

411 – Pine Flatwoods (approx. 6.676 acres)

The pine flatwoods are heavily disturbed by Brazilian pepper however maintain a dominant canopy of slash pine. The pine flatwoods are generally located on the western half of the parcel.



422 – Brazilian Pepper (approx. 5,304 acres)

The eastern half of the subject property is dominated by Brazilian pepper trees along with earleaf acacia. This area is heavily disturbed with few native plants.

The following is a list of the dominant native and non-native plant species identified in the uplands on the property during the field review:

| <u>Common Name</u> | <u>Scientific Name</u> | <u>Designation</u> |
|--------------------|----------------------------------|--------------------|
| Slash pine | <i>Pinus elliotii</i> | Native |
| Live oak | <i>Quercus virginiana</i> | Native |
| Sabal palm | <i>Sabal palmetto</i> | Native |
| Strangler fig | <i>Ficus aurea</i> | Native |
| Spanish needles | <i>Bidens alba</i> | Native |
| Swamp fern | <i>Blechnum serrulatum</i> | Native |
| Brazilian pepper | <i>Schinus terebinthifolia</i> | Non-native |
| Earleaf acacia | <i>Acacia auriculiformis</i> | Non-native |
| Java plum | <i>Syzygium cumini</i> | Non-native |
| Golden rain tree | <i>Koelreuteria elegans</i> | Non-native |
| Carrotwood | <i>Cupaniopsis anacardioides</i> | Non-native |
| Mango | <i>Mangifera indica</i> | Non-native |
| Guava | <i>Psidium cattleianum</i> | Non-native |
| Weeping fig | <i>Ficus benjamina</i> | Non-native |
| Queen palm | <i>Syagrus romanzoffiana</i> | Non-native |
| Ceasar weed | <i>Urena lobata</i> | Non-native |
| Castor bean | <i>Ricinus communis</i> | Non-native |
| Wandering jew | <i>Zebrina pendula</i> | Non-native |
| Air potato | <i>Dioscorea bulbifera</i> | Non-native |

WETLANDS

WGI scientists familiar with Florida wetland communities conducted a field review of the subject property on November 3, 2020. The purpose of the field review was to delineate the limits of, and gather pertinent information about, any wetlands that may exist onsite. A cypress wetland was observed within the northwest corner of the subject property. It is WGI's opinion that these are jurisdictional wetlands located within the subject property.

Delineation of federally regulated jurisdictional wetlands is determined by the *Corps of Engineers Wetland Delineation Manual* (Technical Report Y-87-1) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (ERDC/EL TR-10-20). Delineation of wetlands regulated by FDEP and SFWMD is done according to Chapter 62-340 Florida Administrative Code (F.A.C.), Delineation of the Landward Extent of Wetlands and Surface Waters. The *Florida Wetlands Delineation Manual* (Gilbert et al., 1995) serves as a guide to Chapter 62-340. In this evaluation, WGI used the intent and methodology of both manuals to form the opinion that there are jurisdictional wetlands located within the boundaries of the subject property. WGI's opinion is based on the identification of hydric soils, hydrophytic vegetation, and wetland hydrologic



conditions within the boundaries of the subject property during the time of the field review. WGI also reviewed the FWS National Wetlands Inventory Mapper to support this opinion.

Below are the descriptions of each wetland including the habitat types, FLUCFCS and USFWS classifications, dominant vegetation, and the acreage for each wetland. A map depicting these wetlands is attached as Exhibit D (Wetland Boundary Map).

Wetland 1 (2.208 acres)

FLUCFCS: 621 Cypress Wetland

USFWS: PF01B Palustrine, Forested, Broad-leaved Deciduous, Seasonally Saturated

Wetland 1 is a freshwater forested cypress wetland. This wetland is located in the northwest corner of the property. Dominant vegetation within this wetland includes pond cypress (*Taxodium ascendens*), myrsine (*Myrsine guianensis*), swamp fern (*Blechnum serrulatum*), and Java plum (*Syzygium cumini*).

THREATENED AND ENDANGERED SPECIES

In order to determine federal and state listed protected plant and animal species that have the potential to occur within the property, available site-specific data was collected and evaluated. In addition, a field review was conducted by WGI scientists on November 3, 2020. The purpose of the field review was to identify any listed species present within the subject property, to assess the potential for the occurrence of protected species within the subject property, and to identify any critical habitat that might be located within or adjacent to the subject property. During the field review, the property was canvassed for direct observations of listed species or signs of their presence, including trails, tracks, scats, nests (cavity or stick), burrows, or calls.

Based on the field review, apparent evidence of federal or state-listed plant and animal species or their habitats was not observed within the subject property.

The FWC wading bird rookery database was searched for active wading bird rookeries within one mile of the project area. According to this FWC database, there are no active wading bird rookeries within one mile of the project area.

The FWS wood stork colony website was searched for active wood stork colonies located within 15 miles of the project area. This 15-mile distance corresponds to the core foraging area (CFA) established by the FWS for the wood stork in the South Florida region. According to the FWS wood stork colony website, the project area is located within the 15-mile CFA of three wood stork nesting colonies.

The FWC eagle nest locator website was searched for bald eagle nests within one mile of the project area. According to the FWC database, there are no active bald eagle nests within one mile of the project area.

Florida Natural Areas Inventory (FNAI) biodiversity matrix identifies federal or state-listed plant and animal species as occurring or having the potential to occur within the property. The potential of occurrence for each species was ranked as Low, Moderate, or High based on the habitat requirements for each species, the presence of habitat within the property and documented



occurrences of the species within one mile of the property. A Low ranking indicates that preferred habitat for that species was found within the project area, but the species has not been documented within one mile of the project area. A Moderate ranking indicates that suitable habitat exists, and the species has been documented within one mile of the project area. A High ranking indicates that suitable habitat exists, and the species was observed during field reviews.

The following table lists the protected species, their federal or state protection status, preferred habitat, and a ranking of potential for occurrence within the property.

| Species | Designated Status | | | Habitat Preference | Potential for Occurrence On-Site |
|--|-------------------|-----|-------|--|----------------------------------|
| | FWS | FWC | DOACS | | |
| FAUNA | | | | | |
| REPTILIAN / AMPHIBIAN | | | | | |
| Eastern indigo snake <i>Drymarchon corais couperi</i> | T | | | Pine and scrubby flatwoods, high pine, dry prairie, edges of freshwater marshes, agricultural fields, coastal dunes, and human altered habitats | Low |
| AVIAN | | | | | |
| Wood stork <i>(Mycteria americana)</i> | T | T | | Wood storks nest in mixed hardwood swamps, sloughs, mangroves, and cypress domes/strands. They forage in a variety of wetlands including both freshwater and estuarine marshes, limited to depths of 10-12 inches. | Habitat not observed onsite |
| MAMMALS | | | | | |
| N/A | | | | | |

Legend:

FWS = United States Fish and Wildlife Service

FWC = Florida Fish and Wildlife Conservation Commission

DOACS = Florida Department of Agriculture & Consumer Services

E = Endangered

T = Threatened

SSC = Species of Special Concern

(S/A) = Threatened/Similarity of Appearance

N/A = Not Applicable

Low = Preferred habitat found within the project area, but no documented element occurrence of the species within one (1) mile of the project area and no observations were made during field reviews.

Moderate = Suitable habitat exists and the species has been documented within one (1) mile of the project area, but no observations were made during field reviews.

High = Suitable habitat exists and species was observed within the project area during field reviews.

*Observed onsite during the field reconnaissance.

**Wading birds were not observed onsite, and there is little to no suitable habitat for nesting and therefore no significant restriction to development is expected.

FINDINGS AND DISCUSSION

Based on the above findings, there are natural features present on the property that are regulated by local agencies and permits will be required as part of the entitlement process. The following is a summary of the processes and environmental permits required for each component of this subject property.



Wetlands and Other Surface Waters

It is the opinion of WGI that there are approximately 2.208 acres of wetlands located on the property. Wetland and surface water protection is mandated under federal and state regulations. The U. S. Army Corps of Engineers (USACE) regulates activities in Waters of the United States pursuant to the Clean Water Act (PL92-500, Section 404) as further defined in the USACE regulatory program (33 CFR 320-330).

The State of Florida Department of Environmental Protection (FDEP) has established the Environmental Resource Program (ERP) under Chapter 62-330, F.A.C. that governs the “construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and works (including docks, piers, structures, dredging, and filling located in, on or over wetlands or other surface waters, as defined and delineated in chapter 62-340, F.A.C.)”. The FDEP has delegated authority for certain ERP activities to the South Florida Water Management District (SFWMD). The SFWMD issued an informal wetland determination on May 31, 2019 that identified the extents of the wetland on the southern parcel (Application No. 190425-1374). The SFWMD determination did not include the northern parcel of the subject property. It appears that the identified wetland extends into the northern parcel so the northern portion of the wetland will need to be delineated. The SFWMD will require a standard permit and compensatory mitigation for impacts to the cypress wetland.

As of June 22, 2020, the new Navigable Waters Protection Rule went into effect in Florida for the USACE. This new rule could potentially affect the federal jurisdiction of the surface waters such that they would be considered non-jurisdictional to USACE. WGI recommends that an Approved Jurisdictional Determination be obtained from the USACE. If the new rule were to be challenged and a stay order put in place, the previously standing rule would be in effect and these wetlands would be under the jurisdiction of the USACE and a permit and mitigation would be required.

Both agencies (SFWMD and USACE) require avoidance and minimization of impacts to wetlands prior to considering mitigation for impacting wetlands. The agencies may require some portion of the wetland to be preserved and enhanced unless there is adequate justification for impacting. Preservation of the wetland will require a conservation easement and preserve area management plan that will require maintenance of the wetland in perpetuity.

Any impacts to the wetland will require compensatory mitigation. The preferred method of mitigation for the USACE is via the purchase of mitigation credits from an approved mitigation bank that services the project area. The only mitigation bank to service this project area is the Loxahatchee Mitigation Bank which has forested wetland credits available. It's *estimated* 1.4 mitigation credits will be required to offset wetland impacts. Currently, forested credits are selling for \$275,000 a credit at the Loxahatchee Mitigation Bank. The total amount of estimated mitigation credit likely needed to offset the impacts, 1.4 credits, would be \$385,000. The exact amount of mitigation credit needed would ultimately be determined by the USACE and the SFWMD during the permitting review process.

Threatened and Endangered Species

Listed species are afforded special protective status by federal and state agencies. This special protection is federally administered by the United States Department of the Interior, FWS pursuant to the Endangered Species act of 1973 (as amended). The FWS administers the federal list of animal



species (50 CFR 17.11) and plant species (50 CFR 17.12). Federal protection of marine species is the responsibility of the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS).

The State of Florida affords special protection to animal species designated as State designated threatened or species of special concern, pursuant to Chapter 68A-27, F.A.C., which is administered by the FWC. In November 2010, a revision to the FWC threatened species rules changed the designation of federal listed species that occur in Florida to federally designated endangered or federally designated threatened species. Those species that are only state listed are now designated as State threatened or State species of special concern.

The State of Florida also protects and regulates plant species designated as endangered, threatened or commercially exploited as identified on the Regulated Plant Index (5B-40.0055, F.A.C.), which is administered by the Florida Department of Agriculture and Consumer Services (DOACS), Division of Plant Industry, pursuant to Chapter 5B-40, F.A.C.

The project site is located within the FWS Consultation Area for the Wood Stork. As such, the FWS could require enhanced site review for potential wood stork habitat impacts. This coordination with FWS would take place as a Section 10 Consultation. Surface waters and wetlands with a seasonal high-water depth between 2 inches and 15 inches with 25 percent aquatic vegetation coverage or less are considered suitable foraging habitat for the wood stork. Suitable foraging habitat for the wood stork is not present on the site as there are no surface waters within the developable property. According to the FWS's Wood Stork Effect Determination Key, impacts to the existing suitable foraging habitat on the property would be "No Effect" following the path of A -> No Effect since there are no impacts to suitable foraging habitat.

Based on August 1, 2017 guidance from the FWS regarding consultation measures for the Eastern indigo snake (EIS), it is anticipated this project will "key out" for a determination of "not likely to adversely affect" to EIS habitat because the project is less than 25 acres in size and the *Standard Protection Guidelines for the Eastern Indigo Snake* will be used during construction. According to the 2017 programmatic key, this project would follow a path of A → B → C → D → E → NLAA.

The project site is located within the USFWS Consultation Area for the Everglades snail kite. Snail kite habitat consists of freshwater marshes and the shallow vegetated edges of lakes where apple snails can be found. These habitats occur as palustrine-emergent, long-hydroperiod wetlands. Snail kite foraging habitat consists of open water areas which are relatively calm and clear. It is WGI's opinion that suitable habitat or suitable foraging habitat for the Everglades snail kite is not present on the property. As such, it is anticipated that a USFWS consultation will not be required for this species.

The project site is located within the USFWS Consultation Area for the Florida scrub jay. Suitable habitat for the scrub jay includes xeric oak scrub, scrubby pine flatwoods, scrubby coastal strand, and sand pine scrub. It is WGI's opinion that suitable habitat for the Florida scrub jay is not present on the property. As such, it is anticipated that a USFWS consultation will not be required for this species.



During the field review on November 3, 2020, no apparent evidence of gopher tortoises or their burrows were observed on the property.

Uplands & Trees:

Palm Beach County will require a Vegetation Removal Permit in order to develop the site and impact any protected trees and palms. A tree inventory using a sub-meter accurate Global Positioning System (GPS) will need to be performed in order to identify the location, species, quantity, and size of the various on-site trees and palms. Palm Beach County prioritizes the preservation of trees where possible and may require changes to the site plan to preserve specimen and other healthy native trees. Palm Beach County will require the relocation of native trees that cannot be preserved in place unless such trees are deemed to not tolerate relocation by an experienced professional in the field (Certified Arborist or Licensed Landscape Architect). Native palms will be expected by Palm Beach County to be relocated from development areas into green spaces. Protected trees that cannot be preserved in place or relocated will need to be removed and will require mitigation. This is either in the form of planting trees and palms on-site into landscape buffers or open spaces (not allowed in private lots), or purchasing a buyout. The buyout cost is defined as the average wholesale cost of a 12' tall, 2.5" DBH tree or 8' clear trunk palm purchased from an area nursery multiplied by 3 for the first one hundred replacement trees, 2.5 for the next 900 replacement trees, and times 2 for any remaining replacement trees. PBC reviews these prices annually in March. The current wholesale costs being used are \$85 for palms and \$115 for trees.

The subject property appears to contain numerous slash pine trees, oak trees, and sabal palms. All of these species are protected species and will require mitigation for their removal or to be relocated if they cannot be preserved in place. While mitigation will be required to be in some combination of on-site planting and buyout, the **estimated** total cost to buyout all protected trees onsite could be as high as \$410,000. A tree inventory will be required to provide a more accurate number of the potential tree mitigation requirements.

CONCLUSION

- If trees are to be removed or relocated as part of the site development, a Vegetation Removal Permit will be required by Palm Beach County. All trees (excluding nuisance species) greater than 6-inch DBH and palms greater than 8 feet to clear trunk are regulated by the County. Relocation onsite is preferred by the County. If onsite relocation is not feasible, the removal will require a mitigation fee of based upon Palm Beach County's Tree Credit Replacement Table. The ultimate requirements for mitigation will be determined by the County after their review of tree removal/relocation plans.
- A tree inventory should be conducted to locate all native trees and facilitate the determination of disposition (preserve, relocate, or mitigate) for each protected tree. A tree inventory plan should be prepared and submitted to the County for permitting review.
- The **estimated** total buyout amount for all required tree mitigation is \$410,000.
- It is WGI's opinion that a cypress wetland is present on the property. A wetland jurisdictional determination from the USACE should be performed to determine if permitting will be required with the USACE. The SFWMD will have jurisdiction and permitting will be required to address the wetland.





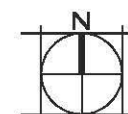
Source: Google Earth

LEGEND LAKES CENTER

PREPARED FOR D.R. HORTON

LOCATION MAP

EXHIBIT A



SCALE: NTS



| | |
|------------|--------------------|
| DRAWN BY: | RMH |
| DRAWING #: | 619600_EV-MAPS.dwg |
| FILE #: | 6196.01 |
| DATE: | 11/03/2020 |



10

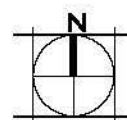
Source: Web Soil Survey

Soil Series
10 - Boca fine sand

LEGEND LAKES CENTER

PREPARED FOR D.R. HORTON

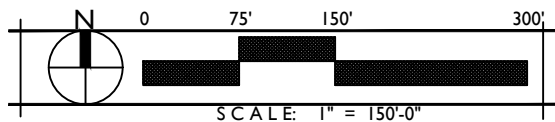
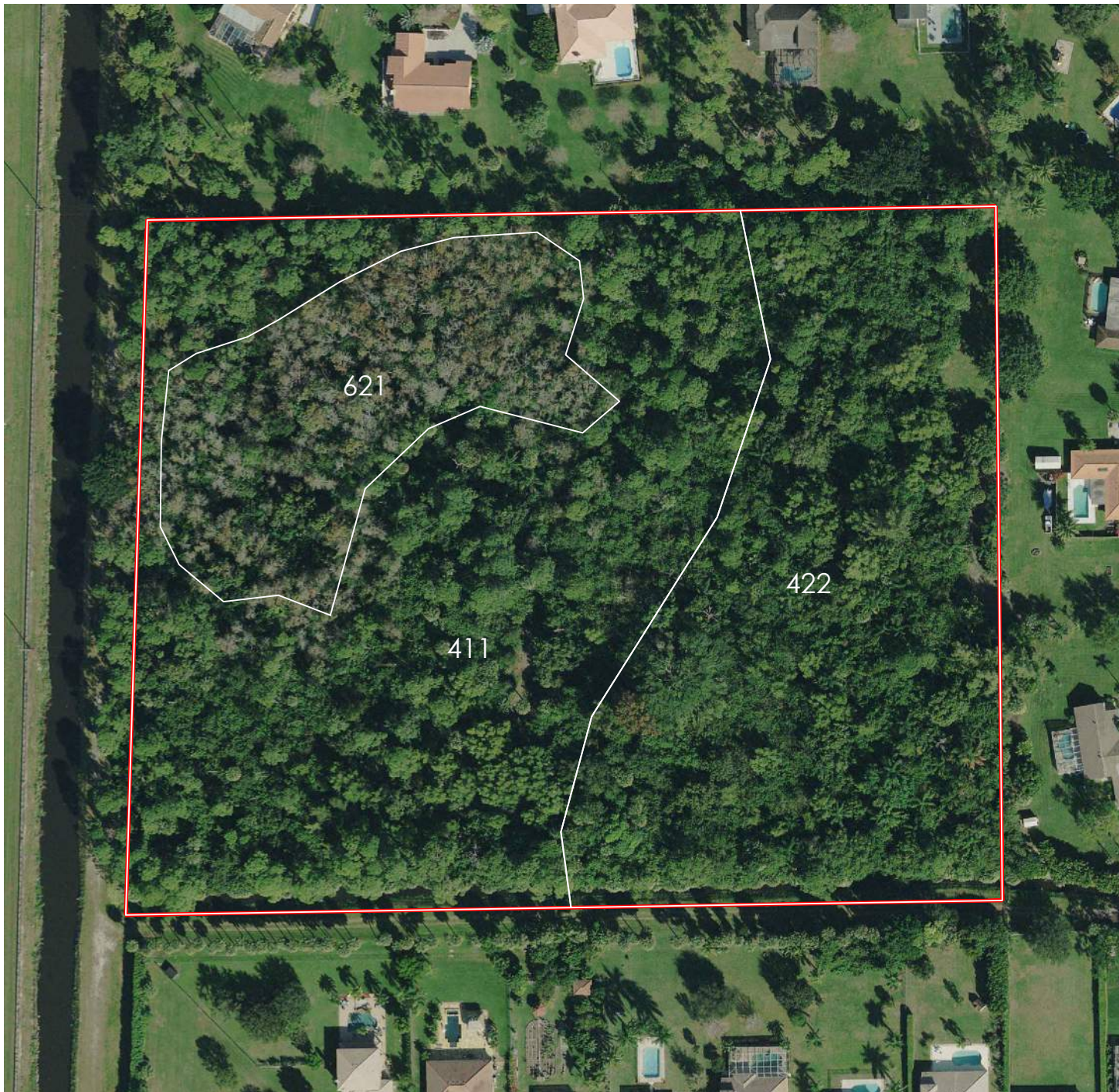
SOIL SURVEY



SCALE: NTS



| | |
|------------|--------------------|
| DRAWN BY: | RMH |
| DRAWING #: | 619600_EV-MAPS.dwg |
| FILE #: | 6196.01 |
| DATE: | 11/03/2020 |



Source: FDOT Aerials GIS

FLUCCS CODE

411 - Pine Flatwood - 6.676 ac.

422 - Brazilian Pepper - 5.304 ac.

621 - Cypress - 2.208 ac.

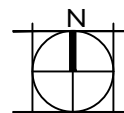
Total Acreage = 14.1898

LEGEND LAKES CENTER

PREPARED FOR D.R. HORTON

FLUCCS MAP

EXHIBIT C



SCALE: 1" = 150'0"



DRAWN BY: RMH

DRAWING #: 619600_EV-MAPS.dwg

FILE #: 6196.01

DATE: 11/03/2020

Exhibit D
Site Photographs



Photo 1: Typical view of disturbed portion of property. View is to the north.



Photo 2: Additional typical view of disturbed portion of property.



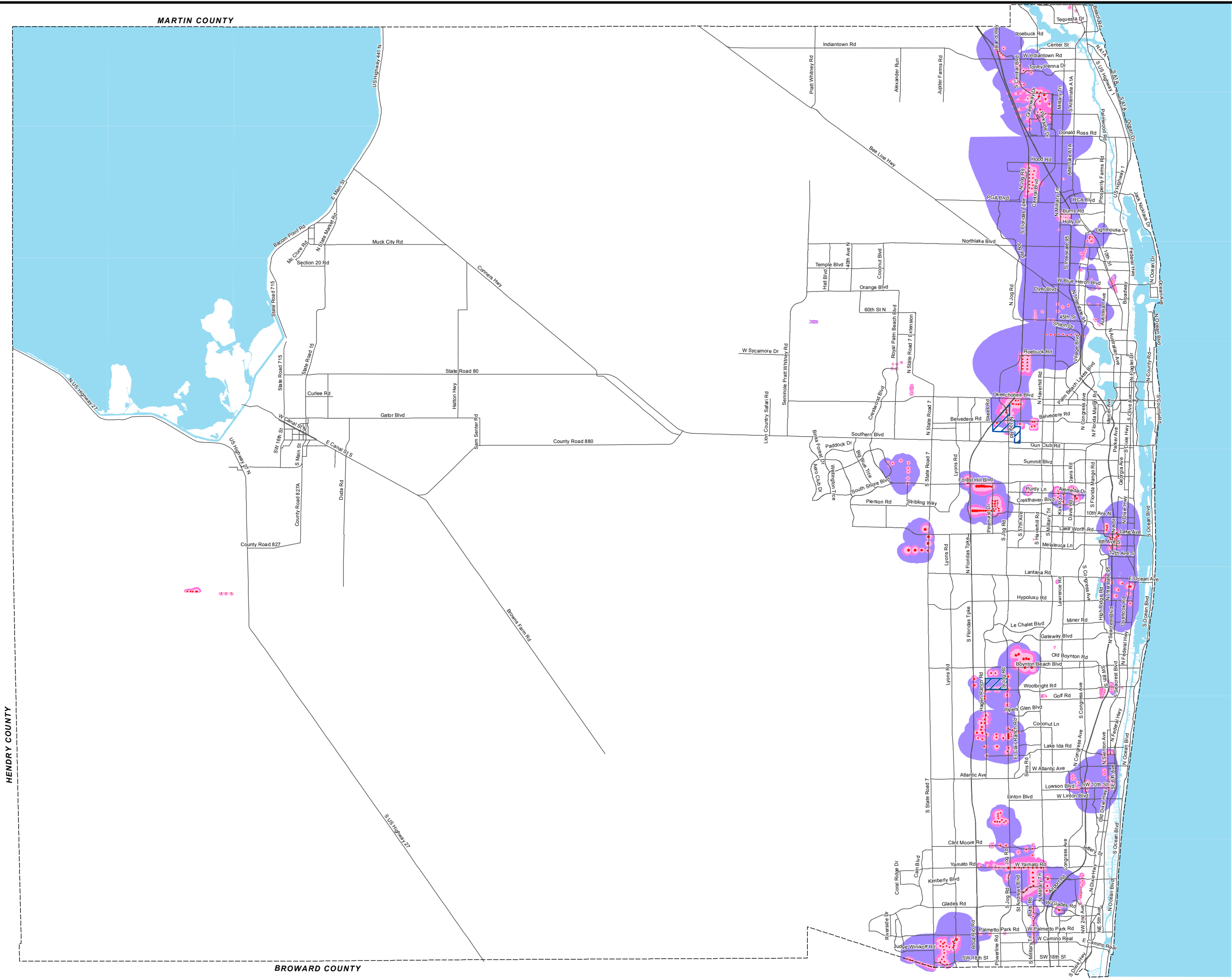


Photo 3: Typical view of pine flatwood area on western half of property.



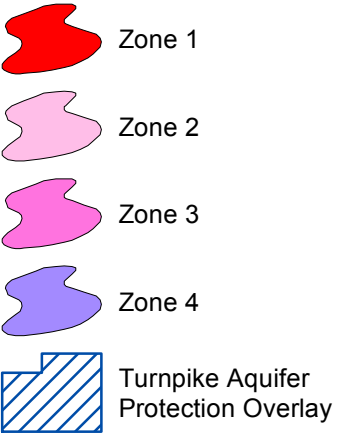
Photo 4: Typical view of cypress wetland in northwest corner of property.





MAP LU 4.1

GENERALIZED
WELLFIELD MAP



SOURCES:
PBC Dept. of Environmental Resources Management

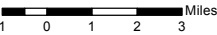
Note: Official Wellfield Protection Maps are kept at, and can be obtained from, the Palm Beach County Department of Environmental Resources Management.

The information presented represents the most readily available data. No guarantee is made as to the completeness or accuracy of the information displayed. Consult appropriate County staff for final determination.

Last Amended in Round 15-1 by Ord. 2015-015



PALM BEACH COUNTY
COMPREHENSIVE PLAN
MAP SERIES



Effective Date: 6/12/2015
Filename: N:\Map Series\MXDs\Adopted
Contact: PBC Planning Dept.



**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb



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Board of County
Commissioners**

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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

Edwin Muller
WGI
2035 Vista Parkway
West Palm Beach, FL 33411

RE: Historical and Archaeological Resource Review for the following project named: Legend Lakes located at 4473 N. State Road 7 under PCN's #: 00-42-43-27-05-027-0222 and 0221.

Dear Mr. Muller:

This correspondence is in response to your request for a review of the above referenced properties in regards to the identification of any cultural resources (historical and archaeological resources) located on or within 500 feet of the properties.

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 above referenced properties.

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 properties.

However, should any artifacts or skeletal remains be encountered during construction, per Florida Statute 872, construction must stop around the remains and the local sheriff and medical examiner be contacted.

Should you have any questions or comments, please contact me at (561) 233-5331.

Sincerely,

A handwritten signature in black ink, appearing to read "Christian Davenport".

Christian Davenport, MA, RPA
County Historic Preservation Officer/ Archaeologist

cc: Patricia Behn, Planning Director, PBC Planning Division
Bryan Davis, Principal Planner, CNU-A, PBC Planning Division



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

KRISTIN K. GARRISON
DIRECTOR

WANDA F. PAUL, M.Ed., MBA
CHIEF OPERATING OFFICER

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

PHONE: 561-434-8020 / FAX: 561-357-1193
WWW.PALMBEACHSCHOOLS.ORG/PLANNING

SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

| | | | | |
|---|---|--|----------------------------|-----------------------------------|
| Application | Submittal Date | 12/21/2020 | | |
| | SCAD No. | 20113002F/FLU; 20113002Z/Re-Zoning; 20113002D/D.O. | | |
| | FLU /Rezoning/D.O. No. | Not Provided – Palm Beach County | | |
| | PCN No. / Address | 00-42-43-27-05-017-0221(0222) / 4473 N State Road 7 | | |
| | Development Name | Legend Lakes | | |
| | Owner / Agent Name | Legend Lakes Center 18, LLC and Paul Raj, Inc. / Edwin Muller | | |
| | SAC No. | 216C | | |
| | Proposed Amendments Proposed Unit No. & Type | Max. 69 Residential Units - Proposed FLU and Re-Zoning 140 Multi-Family Units - Proposed D.O. | | |
| Impact Review | | Discovery Key Elementary School | Woodlands Middle School | Palm Beach Central High School |
| | New Students Generated | 15 | 7 | 10 |
| | Capacity Available | -58 | -438 | -385 |
| | Utilization Percentage | 105% | 131% | 114% |
| School District Staff's Recommendation | <p>Based on the findings and evaluation of the proposed development, there will be negative impact on the public school system. Therefore, if the proposed development is approved by the Palm Beach County government, School District staff recommends the following condition to mitigate such impacts.</p> <p>In order to address the school capacity deficiency generated by this proposed development at the District elementary, middle and high school level, the property owner shall contribute a total of \$226,236.00 to the School District of Palm Beach County prior to the issuance of first building permit.</p> <p>This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied).</p> <p>Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on April 16, 2019.</p> | | | |
| Validation Period | <p>1) This determination is valid from 12/22/2020 to 12/21/2021 or the expiration date of the site-specific development order approved during the validation period.</p> <p>2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to 12/21/2021 or this determination will expire automatically on 12/21/2021.</p> | | | |
| Notice | <p>School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.</p> | | | |

Joyce Cai

School District Representative Signature

Joyce C. Cai, Senior Planner

Print Name & Title

December 22, 2020

Date

joyce.cai@palmbeachschools.org

Email Address

CC: Patricia Behn, Planning Director, Palm Beach County
Nancy Frontany, Site Plan Technician, Palm Beach County
Joyell Shaw, PIR Manager, School District of Palm Beach County



November 12, 2020

Edwin Mueller
WGI
2035 Vista Parkway
West Palm Beach, FL 33411
Email: Edwin.Muller@wginc.com

Dear Edwin:

This preliminary assessment is in response to your inquiry regarding the referenced Legend Lakes properties. A formal Workforce Housing Program Letter of Determination will be required for sufficiency in the zoning approval process. The information provided in this letter is based on the requested 140 units and other project information you provided:

| | |
|------------------------------------|--------------------------|
| PCNs: | 00424327050270221 & 0222 |
| Total Acreage: | 13.93 (Agent) |
| Future Land Use Designation: | MR-5 (Hypothetical) |
| Subject Development unit type: | TH |
| Subject Development: Rent or sale | Sale |
| WHP units to be addressed through: | Pending analysis |
| WHP units: Rent or Sale | SALE |
| WHP unit type: | TH |
| Incentive Option: Limited or Full | FULL |
| TDRs to be used, if any: | Pending analysis |

Assuming use of all 28 available TDRs, a density bonus of 61% would be required to achieve the 140 unit target. In total, at 140 units and utilizing all 28 TDRs, 25 units would be required as WHP.

Note that projects seeking density bonuses greater than 50% are subject to review for compatibility and appropriateness for the site. This will need to be completed as additional information becomes available regarding the proposed project; staff reserves the right to revisit the 61% density bonus in its recommendation, to address any compatibility issues that may be identified.

In considering this information, please be aware of the following:

- *This analysis reflects a reduced obligation based on the provision of the WHP units as townhouse, for-sale, onsite units.*
- *Density bonuses greater than 50% are available only under the Full Incentive Option.*
- *Any for-sale WHP units built under the Full Incentive option are priced in the Low, Moderate 1, and Moderate 2 categories only.*

**Department of Planning,
Zoning & Building**

2300 North Jog Road
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Mack Bernard

County Administrator

Verdenia C. Baker

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- For-sale WHP units require a minimum number and size of bedrooms, and specific minimum appliances.
- All WHP unit exteriors are required to be compatible with market rate units, if any, and models are required.
- TDR units purchased shall proportionally reflect the unit mix of the non TDR units. Thirty-four percent (34%) of any TDR units used must be provided as WHP units, and are subject to applicable WHP requirements. If any of the remaining TDRs are purchased at TDR WHP prices, those units must be provided in the Low Income category. All TDRs must be built on site.
- For proposed future land use amendments increasing residential density, the staff recommendation to the Board of County Commissioners typically includes conditions that TDRs be utilized, and that a percentage (20% for TH) of the total units be required as on-site workforce housing units. (The 20% includes required WHP TDRs, but does not include any additional TDRs that the applicant elects to purchase at WHP prices.)

In addition, note that the information provided herein does not guarantee a certain number of units, and does not create additional property rights for a landowner. The actual number of dwelling units that may be built on a parcel may be further limited by the zoning district's property development regulations and other considerations in the development review process.

Should you have any questions, please contact me at 561-233-5361 or at mhowe@pbcgov.org.

Sincerely,

A handwritten signature in black ink that reads "Michael Howe".

Michael Howe, Senior Planner

Workforce Housing Program Analysis
Greater Than 50% Density Bonus (Full Incentive Only)
Date: 11/12/20

Property Information:

| | | | | |
|--|--|-------------|------------------|-----------------------|
| Property or PCN: | Legend Lakes (South SR-7, 2 props), PCNs: 00424327050270221 & 0222 | | | |
| Acreage: | 13.93 acres (Agent) | | | |
| Future Land Use Designation: | MR-5 (Hypothetical) | | | |
| Request: | Full Incentive Option, 140 total units requested | | | |
| Part of PUD/Golf Course? No | Existing LOD? Out of date | CHHA? No | CCRT Area? No | Census Tract 77.10 |
| Surrounding Land Uses: | N | S | E | W |
| Existing: | Residential | Residential | Residential | Residential |
| Future: | LR-1 | LR-1 | LR-1 | LR-2 |
| Potential FLU Density: (13.93 acres x 5 = 69.65 units) | | | | |

Density Bonus Determination:

| Part 1: Point system based on proposed approach to meeting WHP obligation | | | | | | | | | | | |
|--|-------------------------|---------|----------------|-----|------|-----------------------|---------|------------------------------------|------|---------------|-------------------------|
| Proposed method to meet WHP obligation | WHP Objectives & Points | | | | | | | | | | |
| | Delivers units? | Onsite? | WHP Unit type? | | | WHP Rental/ For-sale? | | WHP Concentration in Census tract? | | POINTS EARNED | POTENTIAL DENSITY BONUS |
| | | | MF | TH | SF | | | >34% | <34% | | |
| | (1) to (6) | (10) | (1) | (3) | (10) | R (1) | FS (10) | (0) | (6) | | |
| | 6 | 10 | 3 | | | 10 | | 6 | | 35 | 100% |
| Part 2: Compatibility and Other Site Considerations: TBD, pending staff review | | | | | | | | | | | |
| Staff Recommendation for Density Bonus: TBD | | | | | | | | | | | |

TDR Units, if applicable:

| | |
|---|-------------------------|
| TDR Density: should Transfer of Development Rights be used, the following would apply: | |
| TDR Eligibility: 2 TDRs/acre | TDR Units permitted: 28 |
| TDR units shall proportionally reflect the unit mix of the non TDR units. The applicant may elect to purchase some or all of the non-WHP TDRs at TDR WHP prices; if purchased at WHP prices, those units must be restricted as Low Income category WHP units. | |

WHP Obligation:

| Density Component: | Required Percentage | | Calculations | |
|---|---------------------|--------------|-------------------|------------------------|
| | Rental WHP | For Sale WHP | Possible Units | WHP Obligation |
| Standard Density: | 5% | 4.375% | 13.93 x 4 = 55.72 | 55.72 x 4.375% = 2.44 |
| Maximum Density: | 16% | 14% | 13.93 x 1 = 13.93 | 13.93 x 14% = 1.95 |
| Density Bonus: 61% | 34% | 29.75% | 42.48 (61% DB) | 42.48 x 29.75% = 12.64 |
| Multiplier for For-Sale projects providing WHP as off-site rentals: 1.5x obligation (Not applicable to TDRs) | | | | NA |
| Discount for on-site, For Sale WHP units: 20% for SF, 10% for TH: (17.03 x 10% = 1.70) | | | | 17.03 - 1.70 = 15.33 |
| TDRs, if any: | 34% | | 28 | 28 x 34% = 9.52 |
| TOTALS | | | 140 units | 24.85 or 25 WHP |

Alternative Unit Specific Calculation, if Requested: ___ Units Requested

| Density Component: | Required WHP Percentage | | Calculations | |
|--|-------------------------|--------------|----------------------|-------------------|
| | Rental WHP | For Sale WHP | Units | WHP Obligation |
| Standard Density: | 5% | 4.375% | | |
| Maximum Density: | 16% | 14% | | |
| Density Bonus (XX%): | 34% | 29.75% | | |
| 1.5x Multiplier -- For-Sale projects providing WHP as off-site rentals (Not applicable to TDRs) | | | | |
| TDRs, if any: | 34% | | (ac x TDRs per acre) | TDRs x required % |
| TOTALS | | | Xxx units | Xxx obligation |

The estimates provided in this worksheet do not guarantee a certain number of units, and do not create additional property rights for a landowner; the actual number of dwelling units that may be built on the parcel may be further limited by compatibility considerations, property development regulations and other factors in the development review process. Any hypothetical land use employed in the calculations is subject to the Comprehensive Plan amendment process, and may not be approved.