

# 2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 1. Amendment Data

### A. Amendment Data

<b>Round</b>	21-A	<b>Intake Date</b>	May 20, 2020
<b>Application Name</b>	Military/Hypoluxo Commercial	<b>Control No.</b>	1992-007
<b>Acres</b>	31.98 acres	<b>Concurrent Zoning application?</b>	No
		<b>Text Amend?</b>	No
<b>PCNs</b>	00-42-45-01-00-000-5071, 00-42-45-01-00-000-5060, 00-42-45-01-00-000-5030		
<b>Location</b>	Northeast corner of Military Trail and Hypoluxo Road		
	<b>Current</b>	<b>Proposed</b>	
<b>Tier</b>	Urban/Suburban Tier	Urban/Suburban Tier	
<b>Use</b>	366,200 square feet of commercial uses and 30 live/work units	Commercial and Residential uses	
<b>Zoning</b>	Multiple Use Planned Development (MUPD), Community Commercial (CC), and Agricultural Residential (AR)	Multiple Use Planned Development (MUPD)	
<b>Future Land Use Designation</b>	Commercial High (CH)	Commercial High (CH)	
<b>Underlying Future Land Use Designation</b>	Medium Residential, 5 units per acre (MR-5)	Medium Residential, 5 units per acre (MR-5)	
<b>Conditions</b>	<p>Ordinance 2008-020</p> <p>1. The subject site shall be limited to a maximum of 366,200 square feet of commercial development;</p> <p>2. The subject site shall be developed with a minimum of 30 Live/Work and/or residential units on site;</p> <p>3. A master plan shall be provided with shows vehicular/pedestrian circulation throughout the subject site with a true cross access easement and a minimum of two (2) vehicular and two (2) pedestrian connections to the adjacent site to the north. The master plan requires approval by the Planning Division to ensure it demonstrates superior design and a functional integration of uses with sidewalks, shade trees and streetlights;</p> <p>4. The master plan and the final site plan for this property shall clearly indicate cross access easements with the proposed commercial development to</p>	<p>1. The subject site shall be limited to a maximum of 366,200 square feet of commercial <u>retail</u> development <u>or up to the equivalent number of daily trips</u>;</p> <p><del>2. The subject site shall be developed with a minimum of 30 Live/Work and/or residential units on site;</del></p> <p><del>3. A master plan shall be provided with shows vehicular/pedestrian circulation throughout the subject site with a true cross access easement and a minimum of two (2) vehicular and two (2) pedestrian connections to the adjacent site to the north. The master plan requires approval by the Planning Division to ensure it demonstrates superior design and a functional integration of uses with sidewalks, shade trees and streetlights;</del></p> <p><del>4. The master plan and the final site plan for this property shall clearly indicate cross access easements with the proposed commercial development to</del></p>	

	the north (Application LGA 2008-008) and a shared access road to Military Trail along the property line separating the two developments, at the general locations shown on the master plan; 5. A portion of the site (approx. 3.04 acres) along the eastern property line shall be restricted to water retention and landscaping only.	<del>the north (Application LGA 2008-008) and a shared access road to Military Trail along the property line separating the two developments, at the general locations shown on the master plan;</del> <del>5. A portion of the site (approx. 3.04 acres) along the eastern property line shall be restricted to water retention and landscaping only.</del>
<b>Density Bonus</b>	None	None

## B. Development Potential

	<b>Current FLU</b>	<b>Proposed FLU</b>
<b>Density/Intensity:</b>	Per conditions: 366,200 square feet of commercial uses and minimum of 30 live/work units (maximum 5 dwelling units per acre)	Maximum: 0.50 FAR and 5 dwelling units per acre
<b>Maximum Dwelling Units<sup>1</sup></b> (residential designations)	5 du/acre x 31.98 ac. = 160 units	5 du/acre x 24.04 ac. = 160 units
<b>Maximum Beds (for CLF proposals)</b>	160 max du x 2.39 = 382 beds	160 max du x 2.39 = 382 beds
<b>Population Estimate</b>	160 max du x 2.39 = 382 people	160 max du x 2.39 = 382 people
<b>Maximum Square Feet<sup>2, 4</sup></b> (non-residential designations)	0.50 FAR x 31.98 ac. = 696,524 SF of commercial uses	0.50 FAR x 24.04 ac. = 696,524 SF of commercial uses
<b>Proposed or Conditioned Potential<sup>3, 4</sup></b>	Per condition: 366,200 SF of commercial uses	0.50 FAR x 24.04 ac. = 696,524 SF of commercial uses
<b>Max Trip Generator</b>	General Commercial (ITE # 820)	General Commercial (ITE # 820)
<b>Maximum Trip Generation</b>	As conditioned – 9,782 trips per day At maximum – 12,977 trips per day	12,977 Trips per day
<b>Net Daily Trips:</b>	+3,195 trips per day (maximum minus current conditioned)	
<b>Net PH Trips:</b>	238 AM, 931 PM (conditioned) 359 AM, 1,244 PM (maximum) 359 AM, 1,244 PM (proposed)	

1. Maximum units per acre see Future Land Use Element;
2. Maximum FAR see FLUE. If the site's acreage is large enough to be a planned development, utilize the PDD maximum whether or not a PDD is proposed. If the site's acreage does not meet the minimum PDD thresholds, the non-PDD maximum may be utilized.
3. For applications with a voluntary condition for a maximum development potential and use which will become binding in the adopting ordinance;
4. FLUA Amendments with a concurrent zoning application must calculate maximum development potential at the typical use & trip generation (eg. General Retail for Commercial future land uses) and in addition, calculate the trip generation for the actual proposed zoning application.

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## Part 2. Applicant Data

### A. Agent Information

<b>Name</b>	Lauren McClellan & Jennifer Morton
<b>Company Name</b>	JMorton Planning & Landscape Architecture
<b>Address</b>	3910 RCA Boulevard, # 1015
<b>City, State, Zip</b>	Palm Beach Gardens, Florida 33410
<b>Phone Number</b>	(561) 721-4463 & (561) 500-5060
<b>Email Address</b>	<a href="mailto:lmcclellan@jmortonla.com">lmcclellan@jmortonla.com</a> & <a href="mailto:jmorton@jmortonla.com">jmorton@jmortonla.com</a>

### B. Applicant Information

<b>Name</b>	Paul Okean
<b>Company Name</b>	Morningstar Nursery Inc
<b>Address</b>	203 Via Vizcaya
<b>City, State, Zip</b>	Palm Beach, Florida 33480
<b>Phone Number</b>	(561) 499-6000
<b>Email Address</b>	<a href="mailto:pzo@okeanholdings.com">pzo@okeanholdings.com</a>
<b>Interest</b>	Property Owner

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## Part 3. Site Data

### A. Site Data

<b>Built Features</b>	A 126 square foot produce stand, a 2,080 SF former single family residence now utilized for storage purposes associated with the produce stand and a 5,900 square foot former green house are currently developed on the Property. See Attachment F for Built Feature and Inventory Map.
<b>PCN</b>	00-42-45-01-00-000-5030, 00-42-45-01-00-000-5060, & 00-42-45-01-00-000-5071
<b>Street Address</b>	4361 Hypoluxo Road and 6900 South Military Trail
<b>Frontage</b>	Approximately 951 feet of frontage along Hypoluxo Road. Approximately 1,165 feet of frontage on Military Trail. Approximately 1,282 feet of frontage on 67 <sup>th</sup> Place South.
<b>Legal Access</b>	Military Trail and Hypoluxo Road
<b>Contiguous under same ownership</b>	None.
<b>Acquisition details</b>	PCN 00-42-45-01-00-000-5071 was purchased by Morningstar Nursery, Inc (Paul Okean) for \$1,800,000 on June 30, 2004 from William and Elisabeth Ennis, Thomas Ennis, Michael Ennis, Keith Ennis and Leslie Sokol. PCN 00-42-45-01-00-000-5060 was purchased by Morningstar Nursery, Inc (Paul Okean) for \$2,400,000 on July 30, 2003 from Ann Rothman, Kathleen Lipkins, Stephen Lipkins, and Kathleen B. Lipkins 1993 Revocable Trust dated 5/19/93. PCN 00-42-45-01-00-000-5030 was purchased by Flamboyant Enterprises, Inc (Paul Okean) for \$344,000 on August 11, 1981 from Joseph & Loretta Raspolich. See Warranty Deeds provided as Attachment A.
<b>Size purchased</b>	PCN 00-42-45-01-00-000-5071 is approximately 4.86 acres. PCN 00-42-45-01-00-000-5060 is approximately 8.08 acres. PCN 00-42-45-01-00-000-5030 is approximately 19.18 acres.

### B. Development History

<b>Control Number</b>	2001-005
<b>Previous FLUA Amendments</b>	<p><b>Ord. 2000-044 (Military/Hypoluxo 00-82 MLU 1)</b> – Amended FLUA designation from Medium Residential (MR-5) to Multiple Land Use with an underlying 5 units per acre (MLU/5)</p> <p><b>Ord. 2008-020 (Military/Hypoluxo Commercial LGA 2008-004)</b> – Amended FLUA designation for 24.04 acre property from Multiple Land Use with an underlying 5 units per acre (MLU/5) and Medium Residential, 5 units per acre (MR-5) to Commercial High with an underlying 5 units per acre (MR-5) with conditions</p> <p>Previous Amendment Applications not adopted included:</p> <ul style="list-style-type: none"> <li>• Military/Hypoluxo MLU II 2003-028 LGA – withdrawn by the Applicant prior to Transmittal</li> <li>• Military Hypoluxo Walmart LGA 2004-032 – withdrawn by the Applicant prior to Transmittal</li> <li>• Military Hypoluxo Walmart II LGA 2005-007 – not transmitted by BCC</li> <li>• Military Trail/Hypoluxo Road Commercial LGA 2007-003 – postponed by Applicant and amended to become LGA 2008-004</li> </ul>



<b>Concurrency</b>		None.			
<b>Plat, Subdivision</b>		Property has not been platted.			
<b>Zoning Approvals &amp; Requests</b>		See table below.			
<b>Reso. No.</b>	<b>App. No.</b>	<b>Status</b>	<b>Type</b>	<b>Description</b>	<b>Changes proposed (if any)</b>
R-2009-717	1992-007	Revoked	Status Report	Revoked previous approval for Planned Commercial Development (PCD) with drive-thru fast food restaurant, auto service station, and drive-thru financial institution	None at this time.
R-2001-2067	2001-005	Approved	Rezoning & Special Exception	Rezoning from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) and special exception approval of 2 daycares and a type 3 congregate living facility	None at this time.
R-2001-1354	1992-007	Approved	Status Report	Amended conditions of approval requiring compliance with architectural guidelines	Not valid
R-2000-1228	1992-007	Approved	Status Report	Amended condition of approval related to signage	Not valid
R-1996-826	1992-007	Approved	Status Report	Amended conditions including but not limited to extension of build out date and amended square footages	Not valid
R-1993-516	1992-007	Approved	Special Exception	Special Exception for Planned Commercial Development (PCD) with drive-thru fast food restaurant, auto service station, and drive-thru financial institution	Not valid
R-1993-515	1992-007	Approved	Rezoning	Rezoning from Multifamily residential (RM) and General Commercial (CG) to Community Commercial (CC)	None at this time.

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## Part 4. Consistency

### A. Consistency

<b>Justification</b>	See Attachment G, Section G.1.
<b>Residential Density Increases</b>	See Attachment G, Section G.2.
<b>Compatibility</b>	See Attachment G, Section G.3.
<b>Comprehensive Plan</b>	See Attachment G, Section G.4.
<b>Florida Statutes</b>	See Attachment G, Section G.5.

### B. Surrounding Land Uses.

<b>Adjacent Lands</b>	<b>Use</b>	<b>Future Land Use</b>	<b>Zoning</b>
<b>North</b>	Trails Charter School – 65,000 SF Elementary School (1,240 students)	High Residential, 8 units per acre (HR-8)	Residential, Multi-Family (RM) – Control No. 2013-085 & Agriculture Residential (AR)
<b>South</b>	Hypoluxo Trail Center – 70,079 SF of Self-Storage, 26,400 SF of Retail, 4,440 SF of Restaurants, & 2,780 SF Gas Station & Colony Club Apartments PUD – 214 Multi-family units	Commercial High, with an underlying 5 units per acre (CH/5) and Medium Residential, 5 units per acre (MR-5)	Commercial, General (CG) - Control No. 85-013 & Planned Unit Development (PUD) – Control No. 2001-029
<b>East</b>	Single-Family Residence	Medium Residential, 5 units per acre (MR-5)	Agriculture Residential (AR)
<b>West</b>	Wal-Mart Plaza – 140,403 SF of Retail, 3,042 SF of Restaurant, 1,104 SF Gas Station & Carwash	Commercial High, with an underlying 5 units per acre (CH/5)	Commercial, General (CG) – Control No. 1980-173

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## Part 5. Public Facilities Information

<b>A. Traffic Information</b>		
	<b>Current</b>	<b>Proposed</b>
<b>Max Trip Generator</b>	General Commercial (ITE # 820)	General Commercial (ITE # 820)
<b>Maximum Trip Generation</b>	As conditioned – 9,782 trips per day At maximum – 12,977 trips per day	12,977 Trips per day
<b>Net Daily Trips:</b>	+3,195 trips per day (maximum minus current conditioned)	
<b>Net PH Trips:</b>	238 AM, 931 PM (conditioned) 359 AM, 1,244 PM (maximum) 359 AM, 1,244 PM (proposed)	
<b>Significantly impacted roadway segments that fail Long Range</b>	None.	None.
<b>Significantly impacted roadway segments for Test 2</b>	None.	None.
<b>Traffic Consultant</b>	None. Not Applicable.	
<b>B. Mass Transit Information</b>		
<b>Nearest Palm Tran Route (s)</b>	Route 3 & Route 71	
<b>Nearest Palm Tran Stop</b>	Routes 3 & 71 – Stop 1191 – Located on Military Trail, immediately adjacent to Property Route 71 – Stop 6821 – Located on Hypoluxo Road, immediately adjacent to Property	
<b>Nearest Tri Rail Connection</b>	Boynton Beach Tri-Rail Station – Via Palm Tran Route 71	
<b>C. Portable Water &amp; Wastewater Information</b>		
<b>Potable Water &amp; Wastewater Providers</b>	Palm Beach County Water Utilities Department. Sufficient capacity is available for the proposed development. Upgrades and extensions to the existing infrastructure may be required. See Attachment I for letter from Palm Beach County Water Utilities Department.	
<b>Nearest Water &amp; Wastewater Facility, type/size</b>	A 10" potable waster main and a 12" wastewater forcemain are located within the Military Trail right-of way adjacent to Property.	

## **D. Drainage Information**

The proposed Application for elimination of conditions of application will not affect the drainage system. The previously approved drainage statements indicate that legal positive outfall is available to the Property via connections to the existing drainage system in place within Military Trail and Hypoluxo Road. The on-site stormwater drainage system will consist of conventional inlet catch basin and culvert type system with exfiltration as well as on-site detention/retention. See Attachment J for copies of previously provided and approved Drainage Statements.

## **E. Fire Rescue**

<b>Nearest Station</b>	Station # 43 – 5970 S. Military Trail
<b>Distance to Site</b>	1.75 miles
<b>Response Time</b>	6:31 minutes
<b>Effect on Resp. Time</b>	The proposed change will have minimal impact on Fire-Rescue facilities. See Attachment K for letter from Fire-Rescue Department.

## **F. Environmental**

<b>Significant habitats or species</b>	A majority of the Property has previously been cleared and utilized for agricultural purposes (pastureland, a nursery and produce stand). PCN 00-42-45-01-00-000-5060 contains numerous Slash Pine Trees and Sabal Palms which will be addressed during the site plan approval process.
<b>Flood Zone*</b>	The Property is located within Flood Zone X. Flood Zone X represents areas outside of the 500-year flood plain with less than 0.2% annual probability of flooding.
<b>Wellfield Zone*</b>	The Property is not located within a Wellfield Protection Zone. See Attachment M for Wellfield Zone Map.

## **G. Historic Resources**

There are no significant structures or identified historic or architecturally significant resources within 500 feet of the Property. See Attachment N for Historic Resources Letter.

**H. Parks and Recreation - Residential Only (Including CLF) – Not Applicable**

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional		0.00339		
Beach		0.00035		
District		0.00138		

**I. Libraries - Residential Only (Including CLF) – Not Applicable**

Library Name			
Address			
City, State, Zip			
Distance	Indicate the distance from the site to the nearest library.		
Component	Level of Service	Population Change	Change in Demand
Collection	2 holdings per person		
Periodicals	5 subscriptions per 1,000 persons		
Info Technology	\$1.00 per person		
Professional staff	1 FTE per 7,500 persons		
All other staff	3.35 FTE per professional librarian		
Library facilities	0.34 sf per person		

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

	Elementary	Middle	High
Name			
Address			
City, State, Zip			
Distance			

# 2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 6. Attachments

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- 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 – Not Applicable**
- 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. **Survey**

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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# Attachment F Built Feature Inventory & Map

Site

5,900 SF  
Former  
Greenhouse

2,080 SF  
Former Single  
Family House

126 SF  
Produce Stand





## Attachment G Consistency with the Comprehensive Plan and Florida Statutes

### Introduction

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment for the property located at the northeast corner of Military Trail and Hypoluxo Road (“Property”) to delete the conditions of approval imposed by Ordinance 2008-020.

### **I. PROPOSED FLUA MAP AMENDMENT**

The Applicant is requesting a Future Land Use Amendment to delete the following conditions imposed by Ordinance 2008-020:

1. The subject site shall be limited to a maximum of 366,200 square feet of commercial development;
2. The subject site shall be developed with a minimum of 30 Live/Work and/or residential units on site;
3. A master plan shall be provided which shows vehicular/pedestrian circulation throughout the subject site with a true cross access easement and a minimum of two (2) vehicular and two (2) pedestrian connections to the adjacent site to the north. The master plan requires approval by the Planning Division to ensure it demonstrates superior design and a functional integration of uses with sidewalks, shade trees and streetlights;
4. The master plan and the final site plan for this property shall clearly indicate cross access easements with the proposed commercial development to the north (Application LGA 2008-008) and a shared access road to Military Trail along the property line separating the two developments, at the general locations shown on the master plan;
5. A portion of the site (approx. 3.04 acres) along the eastern property line shall be restricted to water retention and landscaping only.

### Description of Site Vicinity

The Property is located at the northeast corner of Military Trail and Hypoluxo Road and has a Future Land Use designation of Commercial High with an underlying 5 units per acre (CH/5). To the north of the Property is the Trails Charter School. To the east of the Property is a single family residence and undeveloped property. To the south of the Property are commercial uses which include in-line retail, a fast food restaurant and self-storage facility. To the west of the Property are commercial uses including a Wal-Mart and gas station.

Land uses directly abutting the Property include the following:

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number
<b>North</b>	HR-8	RM	Trails Charter School	2013-085
<b>South</b>	CH/5 & MR-5	CG & PUD	Hypoluxo Trail Center (including fast food restaurant, drycleaners, and other commercial uses) & Colony Club Apartments PUD	85-013 & 2001-029
<b>East</b>	MR-5	AR	Single Family Residence & vacant property	N/A
<b>West</b>	CH/5	CG	Wal-Mart Plaza (including gas station)	1980-173

### History



The Property has been the subject of several previous comprehensive plan amendment applications between 2000 and 2008. The first adopted future land use application amended the future land use designation from Medium Residential, 5 units per acre (MR-5) to Multiple Land Use (MLU). This adopted Ordinance No. 2000-044 included multiple conditions of approval regarding site design, maximum permitted density and maximum permitted intensity. Several comprehensive plan amendment applications were submitted when Wal-Mart desired to develop a new Supercenter on the Property rather than redevelop their existing store to the west. These applications were ultimately withdrawn by the applicant and/or not transmitted by the Board of County Commissioners. Finally, in 2008 the County approved Ordinance No. 2008-020. This approved a future land use amendment from MLU to Commercial High but retained and/or modified some of the conditions of approval related to site design, maximum density and maximum intensity. Since the adoption of this amendment, changes have occurred in the area. The Property to the north was not developed with multi-family residential as originally anticipated but rather with a charter school. The lifestyle center mandate has been widely unsuccessful especially those that require development of live/work units. The Property has remained undeveloped through all of the past future land use amendments and changes to the surrounding properties.

### **G.1 Justification**

Each proposed FLUA amendment must be found to be consistent with the Goals, Objectives, and Policies (GOPs) of the Comprehensive Plan. Future Land Use Element Policy 2.1.f requires that adequate justification for the proposed future land use be provided. Further, the justification statement must demonstrate that a change is warranted and demonstrate the following two factors:

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

*Response: The Applicant is not proposing to amend the existing future land use designation of Commercial High, with an underlying 5 units per acre (CH/5). The conditions of approval were originally imposed on the Property when a Multiple Land Use (MLU) project was proposed. This previous MLU was a mixed use project that was intended to have multiple, large commercial users while providing on-site housing options (live/work). Conditions were also imposed to ensure connectivity to adjacent properties that were anticipated to be developed with complimentary uses.*

*The Property's location at the major intersection of Military Trail and Hypoluxo Road is appropriate for the Commercial High future land use designation. The existing conditions of approval are no longer appropriate as they were put in place to implement a Multiple Land Use (MLU) project, developed as a Lifestyle Center. The MLU was reviewed as a land use designation. Although only a few lifestyle centers have been built in Palm Beach County, they have all struggled to retain commercial tenants, attract homebuyers and other residents. Examples of such projects include Delray Marketplace, Legacy Place, CityPlace and Downtown at the Gardens. Deleting the existing conditions imposed by the previous ordinances would not change the suitability of the Property for the Commercial High Future Land Use designation.*

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

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

*Response: The existing conditions of approval were initially imposed on the Property at the time that the Future Land Use designation was initially amended to the Multiple Land Use (MLU) designation. The previous MLU application was proposed to be developed with a mix of residential and commercial uses which would be vertically integrated. The future land use designation of the Property was later amended and the MLU was removed but the Commercial High and underlying Medium Residential, 5 units per acre remained. At that time, a separate application was in process for the property to the north to increase the residential density permitted on that parcel. As both applications were being processed concurrently, the*

conditions to require interconnectivity between the uses on the Property as well as to the parcel to the north were imposed.

The parcel to the north was not developed with higher density residential uses as anticipated but was developed with a charter school instead. The conditions of approval regarding connections to the adjacent parcel to the north are no longer relevant however the existing Commercial High with underlying 5 units per acre (CH/5) still remains appropriate for the Property. The Property will ultimately be designed to give consideration to the existing and future uses surrounding the Property. The condition limiting the eastern portion of the Property to retention and landscaping may not be appropriate as the single family residential parcel to the east has a future land use designation of Medium Residential, 5 units per acre (MR-5) and will likely be developed as a residential subdivision or planned unit development in the future. Any potential compatibility issues would be addressed during the site plan approval process and not be necessary at the land use level.

This intersection of Palm Beach County has significantly changed since the conditions of approval were originally imposed. Several residential projects have been developed in recent years. These residential projects are composed of single-family, townhouse and multi-family units. The commercial projects on the other corners of the intersection have experienced changes since the conditions of approval were imposed on the Property. Overall, the retail market has experienced a downturn and strip shopping center owners have been looking for ways to rejuvenate and revive dying plazas. It is anticipated that the Property will be developed with a mix of commercial and residential uses. Most likely, the other commercial projects at this intersection will also incorporate a mix of uses in the future should the retail market continue to decline.

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

**Response:** The characteristics of the area have changed since the conditions were originally imposed on the Property. Military Trail has become a major transportation route connecting the north portion of Palm Beach County to the south portion. The east and west segments of Hypoluxo Road were connected via a bridge across the Florida Turnpike making this roadway an east/west transportation route connecting State Road 7 to US 1. Hypoluxo Road has changed from a rural roadway serving many nurseries to a busy 4 and 6 lane divided thoroughfare serving numerous commercial and residential developments. The immediate area surrounding the Property has changed with nurseries becoming residential developments, mostly encompassing single family and townhouse units.

The Applicant is proposing to retain the Commercial High, with underlying 5 units per acre (CH/5) future land use designation. This will allow for the development of a mixed use project that will contain commercial and multi-family uses. Such a project will bring needed services and housing options to the area. The proposed amendment to delete the conditions of approval will allow for the development of a mixed use project that will fit in with the other development in the area as the surrounding properties continue to change from low intensity uses (i.e. large lot single family and nurseries) to more intense developments (i.e. townhouse developments and commercial plazas).

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

**Response:** The existing conditions of approval were originally imposed on the Property when mixed uses was a new concept in the suburban area of Palm Beach County. As development continues to move westward, more intense uses are being developed and constructed in the immediate area as well as to the west. The County Zoning Code is constantly being updated to ensure compatibility between uses and properties. Live-work units have not been a viable residential development option while the need for workforce housing has drastically increased.

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

**Response:** *The existing Commercial High, with underlying 5 units per acre (CH/5) future land use designation remains appropriate for the Property. As discussed above, the conditions are no longer appropriate. Significant changes in development patterns in the immediate area surrounding the Property as well as current practices within the County's Planning Division have occurred. Mixed use development is now widely encouraged within urban, suburban and rural areas of the County. Policies as well as the County's Land Development Code have been updated to ensure compatibility between uses. Pedestrian and vehicular connections are often required when appropriate as conditions of the site plan approval. The Planning Division has not been imposing conditions of approval related to site design in recent times as these types of conditions have proven to be cumbersome and tend to limit creative development not contemplated at the time the conditions were imposed.*

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

**Response:** *N/A*

**G.2 Residential Density Increases**

This proposed FLU amendment is not requesting to increase residential density.

**G.3 Compatibility**

Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise vibration, smoke, hazardous odors, radiation, and other land use conditions. The definition of "compatibility" under the repealed Rule 9J-5, FAC, is "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted, directly or indirectly by another use or condition". With this definition in mind, the requested change would make the subject property more compatible with the surrounding properties which have undergone land use amendments.

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can complement and support each other. For example, an industrial use can provide essential services to residents of surrounding neighborhoods, as well as the community at-large. In addition, buffering, screening, setback, height, and landscaping requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses.

Several factors lead to the conclusion that the proposed FLUA Amendment designation will be compatible with neighboring uses.

- Primary access is available from Military Trail and Hypoluxo Road, two rights-of-way designated as an Urban Arterial road, thus directing traffic away from local roads in the vicinity.
- The Property is located at a major intersection and at a major transportation node (Military Trail and Hypoluxo Road). Hypoluxo Road is currently developed with a mix of institutional, commercial, residential and agricultural uses. Military Trail is currently developed primarily with commercial uses. The proposed mixed use development will provide for additional services along these important transit corridors of Palm Beach County. On this basis, the proposed development concept at this location is determined to be compatible.
- The proposed use is consistent with the existing development pattern and adjacent uses that have occurred along the Military Trail and Hypoluxo Road corridors.

The above factors, coupled with setbacks, buffers and landscaping requirements will dictate that on-site structure(s) will be compatible with the neighboring properties and not create or foster undesirable health, safety, or aesthetic effects.

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

The proposed Future Land Use Atlas Amendment is consistent with various goals, objectives, and policies in the Palm Beach County Comprehensive Plan as detailed below.

**Goals** – The proposed FLUA amendment furthers the County’s goals as described below.

- **Strategic Planning** – “...to recognize the diverse communities within the County, to implement strategies to create and protect quality livable communities respecting the lifestyle choices for current residents, future generations, and visitors, and to promote the enhancement of areas in need of assistance.”

***Response:** Approval of this proposed FLU amendment will allow for the development of a commercial, residential or mixed use project. The existing conditions significantly limit development of the Property. The area surrounding the Property is a mix of commercial and residential uses. The Applicant intends to develop a mixed use project that will have residential and commercial uses horizontally integrated within the same project boundary. This type of development has become more desirable than single use types of developments due to the convenience the mix of uses provides.*

- **Land Planning** – “...to create and maintain livable communities, promote the quality of life, provide for a distribution of land uses of various types, and at a range of densities and intensities, and to balance the physical, social, cultural, and environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities.”

***Response:** The Property is located within the Urban/Suburban Tier where services and public facilities are already available. The Property’s location at a major transportation node with access/frontage on Military Trail and Hypoluxo Road contribute to timely, cost effective service provision. The proposed future mixed use project will better serve the immediate and future needs of the community as it will provide additional housing and employment opportunities. As previously mentioned, the proposed development has become a desirable type of project because it ensures that residents are within close proximity of services and employment opportunities.*

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

- **FLUE Objective 1.2 Urban/Suburban Tier – Urban Service Area** – “Palm Beach County shall plan to accommodate approximately 90% of the County’s existing and projected population through the long-range planning horizon within the Urban/Suburban Tier. The Urban/Suburban Tier shall include all land within the Urban Service Area, as depicted on the Service Areas Map in the Map Series. These areas have a development pattern generally characterized as urban or suburban, considering the intensity and/or density of development. The Urban/Suburban Tier shall be afforded urban levels of service.”

***Response:** The Property is located within the Urban/Suburban Tier. Services and infrastructure are available to the Property. The proposed amendment to delete the existing conditions will allow for a commercial, residential or mixed use project to be developed at a density/intensity consistent with the existing Commercial High, with underlying 5 units per acre (CH/5) future land use designation as well as the other projects within the immediate area.*

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

***Response:** The Property will retain the existing Commercial High, with underlying 5 units per acre (CH/5) future land use designation. The proposed amendment to delete the conditions of approval will allow for the development of the northeast corner of Military Trail and Hypoluxo Road, a prominent intersection of Palm Beach County where facilities and services are available.*



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

*Response: The Property is located within the Urban/Suburban Tier. The proposed amendment will not change the land use designation, rather delete the existing conditions. The Property will eventually be developed with residential, commercial or mixed use which will utilize the existing services and infrastructure already in place.*

- **FLUE Objective 4.4 Mixed and Multiple Use Development** – “Palm Beach County shall encourage the development of a variety of innovative types of mixed use and multiple use projects.”

*Response: The Property will eventually be developed as a Multiple Use Planned Development (MUPD). The County’s zoning code has recently been amended to allow residential uses within MUPDs. The proposal to remove the conditions of approval from the Property remains consistent with this policy as the design of the project is significantly impacted by these conditions related to connections with the property to the north as well as requiring drainage or landscape adjacent to the property to the east. It is foreseeable that the parcel to the east may be included in the proposed project boundaries at some point in the future.*

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

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

*Response: The Property is located at the northeast corner of Military Trail and Hypoluxo Road. Much of the surrounding area has already been developed, thus making the Property one of the last undeveloped parcels. The proposed amendment to delete the conditions of approval will ensure that the Property is developed consistent with the surrounding properties as it is effectively an infill parcel.*

- **FLUE Policy 2.2.2-b:** “All new Commercial High future land use designations shall be located on a roadway classified as an arterial on Figure TE 3.1 – Functional Classification of Roads.”

*Response: The Property is already designated as Commercial High on the Future Land Use Atlas. The Property is also located on two major thoroughfares (Military Trail and Hypoluxo Road).*

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

*Response: The Property is already designated as Commercial High on the Future Land Use Atlas as well as located at a major intersection, thus would not result in or encourage the proliferation of strip commercial development.*

- **FLUE Policy 4.3-g:** “Where appropriate, similar and/or complementary neighboring land uses shall employ access management techniques such as shared entrances (to reduce the number of curb cuts) an vehicular and/or pedestrian cross access between like developments (to encourage inter-connectivity both within and between sites, and reduce the need to use the primary street system to access adjacent sites).

*Response: The Applicant is requesting to delete the previous conditions of approval as they require connection to the property to the north. Originally, when these conditions were imposed the two uses would have been related and complimentary. However, the property to the north was not developed as intended by the conditions, but rather with a charter school. It is no longer appropriate that the uses have interconnectivity.*

- **FLUE Policy 4.3-k:** “The County shall require, where feasible, that commercial land uses employ access management techniques, such as shared entrances and vehicular cross access, between adjacent existing and proposed commercial land uses.”

**Response:** The Applicant is requesting to delete the previous conditions of approval as they require connection to the property to the north. Originally, when these conditions were imposed, the two uses would have been related and complimentary. However, the property to the north was not developed as intended by the conditions, but rather with a charter school. It is no longer appropriate that the uses have interconnectivity. There are no other commercial uses adjacent to the Property, thus the connectivity requirement is moot.

- **FLUE Policy 4.4-b:** “All proposed mixed use and multiple use projects shall demonstrate that the land uses included on site are functionally integrated. Mixed use and multiple use projects with a residential component shall demonstrate functional integration through the use of connected open spaces, pedestrian systems, and street network in order to foster a sense of community by creating a stronger pedestrian orientation through design, placement and organization of buildings connected to a common public space of spaces.”

**Response:** The Property will eventually be developed as a Multiple Use Planned Development (MUPD). The County’s zoning code has recently been amended to allow residential uses within MUPDs. The proposal to remove the conditions of approval from the Property remains consistent with this policy as the design of the project is significantly impacted by these conditions related to connections with the property to the north as well as requiring drainage or landscape adjacent to the property to the east. It is foreseeable that the parcel to the east may be included in the proposed project boundaries at some point in the future.

- **FLUE Policy 4.4.7-b: “MUPD Design Objectives –** The Multiple Use Planned Development (MUPD) shall be subject to the following design objectives:
  1. Provide innovative building location and orientation;
  2. Protect adjacent residential uses from potential adverse impacts;
  3. Provide interconnection between uses in and adjacent to the project; and
  4. Allows for both residential and non-residential uses within a single project designed in a manner that fosters compatibility within the project and with adjacent properties.

**Response:** The Applicant is proposing to delete the conditions of approval. Most of the existing conditions are related to site design. This policy requires innovative site design as well as interconnectivity between uses within and adjacent to the proposed MUPD. Once the Applicant decides to move forward with the MUPD site plan, the site design will be thoroughly vetted through the development review process.

## **G.5 Florida Statutes**

Data and analysis demonstrating that the proposed development can be supplied by necessary services without violating adopted LOS standards are presented in Attachment H (Traffic Letter and Study), J (Drainage Statement), K (Fire Rescue Letter), and I (Water and Wastewater Provider Letter). Data and analysis discussing environmental and historical resources impacts are presented in Attachments J (Drainage Statement), M (Wellfield Zone), L (Natural Features Inventory and Map) and N (Historic Resource Evaluation Letter). No negative environmental impacts are identified.

The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below along with the applicant’s descriptions. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment discourages urban sprawl.

- Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single use development or uses.
- **Response:** The applicant is requesting to delete previous conditions of approval regarding site design. The existing future land use designation is Commercial High, with an underlying 5 units per acre (CH/5). The Applicant intends to develop a mixed use project in the future with commercial and multi-family residential

uses as the Property is located at the intersection of Military Trail and Hypoluxo Road, a prominent intersection in the southern part of Palm Beach County.

- Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
  - **Response:** *The Property is located within the Urban/Suburban Tier, which is not rural and urban services such as police, fire rescue and water/wastewater/drainage utilities exist in the immediate area.*
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
  - **Response:** *The Property is surrounded by development and would be considered infill development at a major intersection and transportation node within the Urban/Suburban Tier.*
- Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
  - **Response:** *This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The Property does not support any environmentally sensitive areas. No listed species were located on the property and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
  - **Response:** *The Property is located within the Urban/Suburban Tier. Although it is currently utilized for a farmer's market and other small agriculture uses, the Property is located at a major intersection and surrounded by other intense commercial and residential uses.*
- Fails to maximize use of existing public facilities and services.
  - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. The Property is located within the Urban Service Area (USA) and will not negatively impact public facilities and services.*
- Fails to maximize use of future public facilities and services.
  - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. The Property is located within the Urban Service Area (USA) and will not negatively impact public facilities and services.*
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
  - **Response:** *Public services and facilities are already available in the immediate vicinity. The proposed amendment will provide for infill development and fit in with the existing land use pattern.*
- Fails to provide a clear separation between rural and urban uses.
  - **Response:** *The Property is located well within the Urban/Suburban Tier and Urban Service Area (USA). The Property is not adjacent to the Rural Tier or the Agricultural Reserve Tier therefore, the proposal discourages the proliferation of Urban Sprawl by locating goods, services and employment in close proximity to where people live.*
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
  - **Response:** *This amendment will allow for infill development as development surrounds the Property on all sides. Future development on the Property will serve the current and future needs for the surrounding communities.*
- Fails to encourage a functional mix of uses.
  - **Response:** *Approval of this proposed amendment will allow the development of a mixed use/multiple use project consistent with the County Land Development Code and Comprehensive Plan. The proposed amendment to delete the conditions of approval will allow and encourage the mix of uses.*

- Results in poor accessibility among linked or related land uses.
  - **Response:** *The proposed development will be designed with pedestrian connections as required through the site plan approval process.*
- Results in the loss of significant amounts of functional open space.
  - **Response:** *This amendment does not result in a loss of any functional open space as the subject property is currently not utilized as functional open space.*

**Florida Statutes, Section 163.3177.(6).(a).9.b:** Of those criteria listed in this section the subject property will meet the following criteria which shows that it will discourage the proliferation of urban sprawl:

- Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
  - **Response:** *This amendment does not fail to protect and conserve natural resources as the property is vacant of natural resources. The site is currently undeveloped and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - **Response:** *The request for a FLUA amendment will maximize the use of future public facilities and services existing and within the Urban/Suburban Tier. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl by locating goods, services and employment adjacent to existing public infrastructure.*
- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
  - **Response:** *The future development will be designed meeting the requirements for a multiple use planned development (MUPD) project which includes pedestrian connections, bike racks, transit stops, if needed, and other elements that support a compact development.*
- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
  - **Response:** *Approval of this proposed amendment will allow the development of a mixed use project within an area of the County that has historically only been developed with low intensity/density residential development. The future MUPD project will contribute to a functional mix of uses within the Military Trail and Hypoluxo Road corridors. The proposed uses will better serve the surrounding community as it will provide for additional housing opportunities, services and employment opportunities.*

### **Conclusion**

As described above, the proposed FLU amendment from Agricultural Reserve (AGR) to Industrial, with an underlying Agricultural Reserve (IND/AGR) is consistent with the Goals, Objectives, and Policies of Palm Beach County's Comprehensive Plan and the Florida State Statutes. The proposed amendment is also compatible with the surrounding area. The proposed amendment does not contribute to urban sprawl. The amendment is consistent with the Agricultural Reserve Master Plan as well as provide a much needed service to the area residents that will not negatively impact service provision.

### **II. ULDC CHANGES**

No ULDC changes are needed in response to this proposed comprehensive plan future land use atlas amendment.





**Water Utilities Department  
Engineering**

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



**Palm Beach County  
Board of County  
Commissioners**

Dave Kerner, Mayor  
Robert S. Weinroth, Vice Mayor  
Hal R. Valeche  
Gregg K. Weiss  
Mary Lou Berger  
Melissa McKinlay  
Mack Bernard

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

March 23, 2020

Morton  
3910 RCA Boulevard  
Palm Beach Gardens, FL 33410

RE: NE Corner of Hypoluxo Road & Military Trail  
PCN 00-42-45-01-00-000-5071, 00-42-45-01-00-000-5060 & 00-42-45-01-00-000-5030  
Service Availability Letter

Dear Ms. McClellan:

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 required for the existing future land use designation of Commercial High with underlying 5 units per acre (CH/5). The proposed land use change will allow for the maximum development of 696,524 SF of commercial uses. Upgrades and extensions to the existing infrastructure may be required.

A 10" potable water main and a 12" wastewater forcemain are located within Military Trail right of way adjacent to the subject property. Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD.

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

Sincerely,

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

Jackie Michels, P.E.,  
Plan Review Manager



Planning  
Landscape Architecture  
Environmental Services  
Transportation

---

**LAND USE PLAN AMENDMENT APPLICATION  
PLANNING, ZONING AND BUILDING - PALM BEACH COUNTY**

PCNs: 00-42-45-01-00-000-5030  
00-42-45-01-00-000-5071

**SITE DATA**

The subject 24.02 acres parcel is located on the northeast corner of Military Trail and Hypoluxo Road. The property is currently designated as MLU (Multiple Land Use) on 19.18 acres and MR-5 (Medium Residential 5 units per acre) on 4.84 acres. The property owner is requesting a change in the approved land use to 24.02 acres of CH-5 (Commercial High), the maximum Floor Area Ratio (FAR) under this designation is 0.5 (523,155 SF). However, the applicant is proposing a 0.35 FAR to allow a maximum of 366,208 SF of commercial development.

**DRAINAGE STATEMENT**

The proposed site is located within the boundaries of the Lake Worth Drainage District (LWDD) and the South Florida Water Management District (SFWMD) C-16 Drainage Basin. Legal positive outfall is available to the site by discharge into the Lake Worth Drainage District L-18 Canal located south of the subject parcel on the south side of Hypoluxo Road or the existing drainage system in the adjacent County thoroughfares (Military Trail or Hypoluxo Road). The drainage system will be designed to meet all the requirements of LWDD, SFWMD and any other applicable regulation:

1. Minimum building finish floor elevations to be at or above the level produced by 100-year 3-day rainfall event, or FEMA flood level for the area, or 18 inches above the adjacent average crown of the road elevation.
2. On-site quality treatment of the first 1" runoff from the developed project or 2.5% of the impervious area, which ever is greater is required to meet water quality standards.
3. No runoff to leave the site except through an approved control structure up to a maximum of 62.6 CSM for the 25-year 3-day storm event.
4. The discharge control elevation for the L-18 canal is controlled at 8.5' NGVD or higher.

Sincerely,



Juan F. Ortega, P.E., Ph.D.  
Director  
FL Registration No. 63422

**PROFESSIONAL CONSULTING SERVICES**

**DRAINAGE STATEMENT  
FOR  
SOUTHERN TRAILS  
LDi Project No. 06-006**

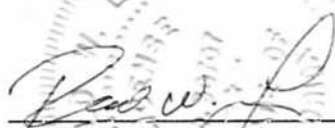
The project is a proposed Residential Development consisting of 406 Townhome units. The site is bounded to the north by Worthington PUD, to the south by vacant MLPD Zoning, to the east by AR Zoning and to the west by Military Trail. The project area is approximately 22.5 acres.

The project will utilize an internal lake combined with exfiltration trenches and dry detention areas to provide the required stormwater treatment and protection. The lake will be interconnected to the dry detention areas via a culvert piping system and controlled at elevation 13.50. The water management system will provide the necessary water quality treatment and provide the required storage for storm water runoff. Controlled discharge from the internal lake to the LWDD L-17 Canal will be utilized to return the lake system to its controlled elevation via a proposed control structure.

The onsite stormwater drainage system will consist of a conventional inlet catch basin and culvert type system with exfiltration to direct runoff to the lake system. The roadway drainage will be directed to the inlets via a gutter system adjacent to the roadway or swale system. The open space tracts run-off will be directed to the internal lake system via swales or yard drains will be provided as necessary and appropriate drainage easements will be utilized to direct run-off to the roadway drainage system. The gutter, swale, inlet and culvert system will be designed to meet or exceed Palm Beach County minimum technical standards.

Overall, the roadway system will be designed with the crown of road elevation above the projected 3-year or 5-year, 1-day storm event elevations as required. The finish floor elevation will be set at an elevation 18" higher than the crown of road or above the 100 year flood stage, whichever is higher. The storm water system will be designed in accordance with Palm Beach County, South Florida Water Management District and Lake Worth Drainage District criteria. The project will be designed with the latest engineering standards and Best Management Practices will be utilized wherever feasible.

By:

  
Ronald W. Last, P.E.  
Florida Certificate No. 38707  
October 4, 2007



**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

*"An Equal Opportunity  
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Official Electronic Letterhead

March 13, 2020

JMorton  
Attention: Lauren McClellan  
3910 RCA Boulevard  
Suite 1015  
Palm Beach Gardens, FL 33410

Re: Military/Hypoluxo

Dear George Balaban:

Per your request for response time information to the subject property located on the northeast corner of Military Trail & Hypoluxo Road. This property is identified by PCNs: 00-42-45-01-00-000-5071, 00-42-45-01-00-000-5060, & 00-42-45-01-00-000-5030. This property is served currently by Palm Beach County Fire-Rescue station #43, which is located at 5970 S. Military Trail. The subject property is approximately 1.75 miles from the station. The estimated response time to the subject property is 6 minutes. For fiscal year 2019, the average response time (call received to on scene) for this stations zone is 6:31.

Changing the land use of this property will have minimal impact on Fire Rescue.

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

Sincerely,

A handwritten signature in blue ink that reads "Cheryl Allan".

Cheryl Allan, Planner  
Palm Beach County Fire-Rescue



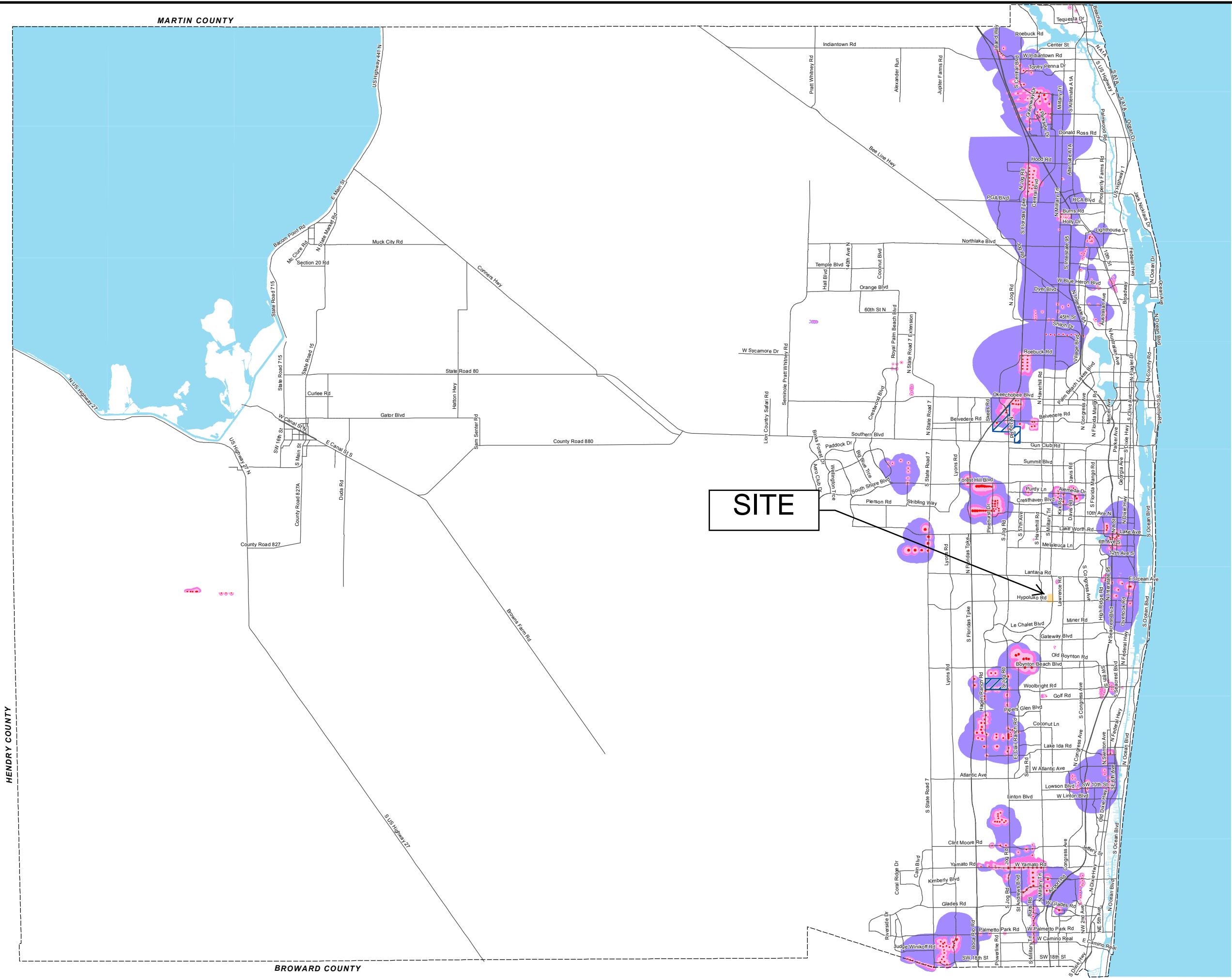
# Attachment L Natural Feature Inventory & Map

Site

Area containing numerous Slash Pine Trees and Sabal Palms. Trees will be addressed during the Site Plan approval process.







MAP LU 4.1

GENERALIZED  
WELLFIELD MAP

- Zone 1
- Zone 2
- Zone 3
- Zone 4
- Turnpike Aquifer Protection Overlay

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



1 0 1 2 3 Miles

Effective Date: 6/12/2015  
Filename: N:\Map Series\WXDs\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](http://www.pbcgov.com/pzb)



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Mack Bernard

**County Administrator**

Verdenia C. Baker

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March 13, 2020

Lauren McClellan  
J. Morton, Planning & Landscape Architecture  
3910 RCA Boulevard, Suite 1015  
Palm Beach Gardens, Florida 33410

RE: Historical and Archaeological Resource Review for properties located on the northeast corner of Military Trail & Hypoluxo Road, project named: Military/Hypoluxo under PCN's: 00-42-45-01-00-000-5071, 5060, and 5030.

Dear Ms. McClellan:

This correspondence is in reply 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 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 Statue 872, construction must stop around the remains and the local sheriff and medical examiner contacted.

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

Sincerely,

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

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

T:\Planning\Archaeology\County Departments\Planning\Land Use Amendments and Development Review\J. Morton\Military Trail & Hypoluxo Road -PCNs\_00424501000005071,5060, & 5030\_ 03-13-2020.doc