



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 21-A

DEO TRANSMITTAL, OCTOBER 28, 2020

A. Application Summary

I. General

Project Name:	Polo Gardens (LGA 2021-005) & Fields of Gulfstream (LGA 2021-010)
Request:	Parcel A – CH/2 (8.83 ac.) & MR-5 (16.97 ac.) to MLU (CH/5) (25.79 ac.) Parcel B – To revise conditions of approval on 207.93 acres
Acres:	233.73 total acres
Location:	Parcel A - South side of Lake Worth Road, east of Polo Club Road Parcel B - East & west sides of Polo Club Road, south of Lake Worth Rd
Applicant/owner:	Parcel A –Haley Farms, LLC; Dears Farm, LLC; Palm Tree Farms, LLC Parcel B - DiVosta Homes LP and various owners
Agent:	JMorton Planning and Landscape Architecture
Staff Recommendation:	Staff recommends approval with modifications based upon the following findings and conclusions found in this report.

II. Assessment & Conclusion

The amendment is a two part request that will result in 16.97 acres of land being relocated from an approved development, Fields of Gulfstream or Parcel B, to a new multiple use project called Polo Gardens or Parcel A. The amendment proposes to revise conditions of approval on the remaining acreage within Parcel B to allow an additional 4 units through the workforce housing program. The amendment for Parcel A will modify the existing 16.97 acres designated MR-5 and 8.83 acres designated CH/2 to Multiple Land Use (MLU, CH/8) in order to build a commercial and multifamily multiple use project. The amendment will retain conditions of approval to cap development on the commercial portion of Parcel A to 145,790 s.f. of commercial uses and require connectivity to the commercial parcel to the east.

The primary future land use change proposed by this amendment is to allow an increase in density on Parcel A from the current underlying 2 units per acre and 5 units per acre, to an underlying 8 units per acre with additional density bonuses through the Workforce Housing (WHP) and Transfer of Development Rights (TDR) programs. The associated zoning applications show a limited amount of commercial (less than 27,000 s.f.) and up to 348 dwelling units in 3 and 4 story multifamily buildings. A request to increase density for a multiple use project with multifamily housing is appropriate at this location. However, due to the character of the area and the Neighborhood Plan recommendations, staff recommends a reduction in the future land use designation to an underlying MR-5 future land use designation, which results in a maximum of 284 dwelling units using an 80% density bonus and full purchase of the available TDR units. Staff is recommending additional conditions of approval requiring that 25% of the units be built onsite as workforce housing, and that the height of buildings be limited to 3 stories maximum.

III. Hearing History

Local Planning Agency: *Approval with modifications presented by the applicant*, motion by Spencer Siegel, seconded by Lori Vinikoor, passed in an 8 to 5 vote at the October 9, 2020 public hearing. The motion reflected the applicant's modifications presented at the hearing to require 25% of the dwelling units as workforce housing and including the purchase of TDR units. The applicant's modifications are reflected in Exhibit 1 in the BCC Transmittal Report. Under discussion, PLC members expressed support for the proposed workforce housing condition and use of the Transfer of Development Rights Program. There were no public speakers. One letter from the Lake Worth Road Coalition was read into record requesting a cap of 5 units per acre, prohibition of fast food and gas sales, and other conditions (see Exhibit 10).

Board of County Commissioners Transmittal Public Hearing: *Transmit with staff recommended modifications*, motion by Vice Mayor Weinroth, seconded by Commissioner Valeche passed in a 6 to 0 vote with Commissioner Berger absent at the October 28, 2020 public hearing. The Board action is reflected in this report on page 1, the Petition Summary, and Exhibit 1. A prior motion for approval pursuant to PLC recommendation (at the request of the applicant), motion by Comm. McKinlay, seconded by Vice Mayor Weinroth failed in a 3 to 3 vote with Mayor Kerner, Comm. Bernard, Comm. Weiss dissenting and Comm. Berger absent. Under discussion, the Board discussed the timing of the completion of the connector road, the importance of workforce housing and balancing land uses, the reduction in commercial square footage and resulting reduction in future traffic, the net density compared to adjacent sites, and the neighborhood plan. Three members of the public, including representatives of the Cypress Wood and Cypress Lakes Property Owners Association spoke in opposition to the amendment citing inconsistencies with the neighborhood plan, the proposed high density, impacts on traffic, need for more coordination with their neighborhood. Two comment cards were read into the record, and one of the speakers read a letter from the Lake Worth Road Coalition supporting the staff recommendation into record in opposition. The letter has been added to Exhibit 10.

State Review Comments:

Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

I. Site Data

Current Future Land Use

Current FLU: Parcel A - 8.83 acres – Commercial High with underlying 2 units per acre (CH/2) & 16.97 acres – Medium Residential, 5 units per acre (MR-5)
Parcel B – 70.25 acres - Low Residential, 3 units per acre (LR-3) & 137.68 acres Medium Residential, 5 units per acre (MR-5)

Existing Land Use: Parcel A - Agricultural, Nursery, Equestrian
Parcel B – Residential

Current Zoning: Parcel A - 8.83 acres – Residential, Transitional (RT) & 16.97 acres – Planned Unit Development (PUD)
Parcel B - Planned Unit Development (PUD)

Current Dev. Potential Max: Parcel A – Commercial, 145,790 s.f. (by condition) and Residential, up to 103 units
Parcel B – Residential, up to 899 units

Proposed Future Land Use Change

Proposed FLU: Parcel A - 25.79 AC Multiple Land Use with Commercial High and Medium Residential 5 (MLU/CH, MR-5)
Parcel B – 70.25 acres - Low Residential, 3 units per acre (LR-3) & 137.68 acres Medium Residential, 5 units per acre (MR-5) (*change conditions of approval only*)

Proposed Use: Parcel A – Commercial and Residential
Parcel B – Residential

Proposed Zoning: Parcel A - Multiple Use Planned Development (MUPD)
Parcel B - Planned Unit Development (PUD)

Dev. Potential Max/Conditioned: Parcel A – Commercial, 145,790 s.f. (by condition) and Residential, up to 378 units (206 from future land use, plus bonus of 165 WHP and 7 TDR)
Parcel B – Residential, up to 903 units (899 from future land use plus 4 WHP bonus units)

General Area Information for Site

Tier/Tier Change: Urban/Suburban Tier – No Change

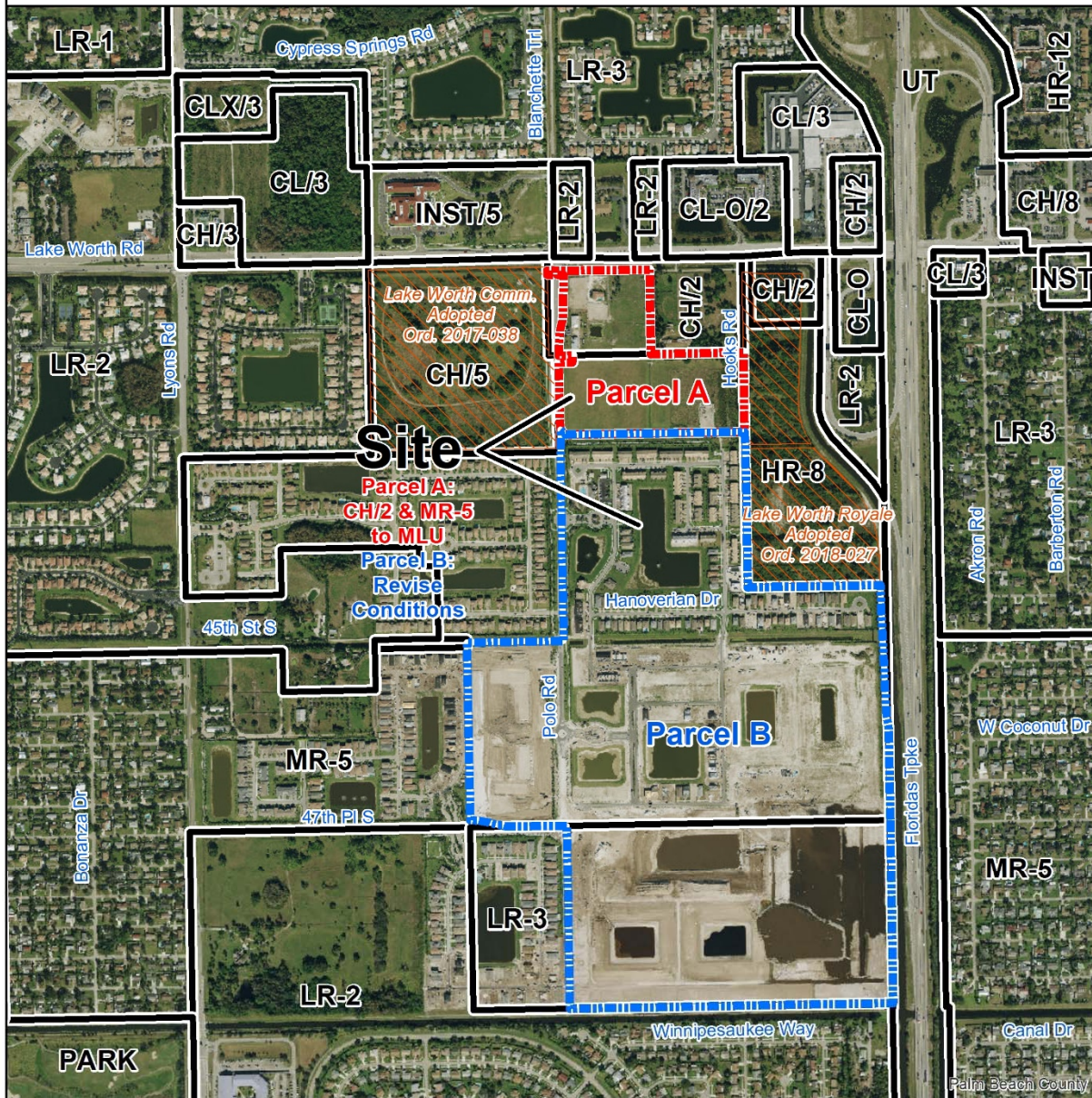
Utility Service: Palm Beach County Water Utilities Department

Overlay/Study: West Lake Worth Road Neighborhood Plan

Comm. District: Commissioner Melissa McKinlay, District 6

Future Land Use Atlas Amendment

Polo Gardens MLU (LGA 2021-05)



Site Data

Size: 230.38 total acres
 Existing Use: Residential & Vacant Commercial
 Proposed Use: Residential & Commercial
 Current FLU: LR-3, MR-5, and CH/2
 Proposed FLU: LR-3, MR-5, and MLU (CH, HR-8)

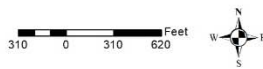
Future Land Use Designations

LR-1	Low Residential, 1 unit/acre	CL-O/2	Commercial Low - Office, underlying LR-2
LR-2	Low Residential, 2 units/acre	CH/2	Commercial High, underlying LR-2
LR-3	Low Residential, 3 units/acre	CH/3	Commercial High, underlying LR-3
MR-5	Medium Residential, 5 units/acre	CH/5	Commercial High, underlying MR-5
HR-8	High Residential, 8 units/acre	CH/8	Commercial High, underlying HR-8
HR-12	High Residential, 12 units/acre	CLX/3	Commercial Low crosshatching, underlying LR-3
PARK	Park	INST	Institutional
CL/3	Commercial Low, underlying LR-3	INST/5	Institutional, underlying MR-5
CL-O	Commercial Low - Office	UT	Utilities and Transportation

Date: 7/2/2020
 Contact: PBC Planning
 Filename: Amend/21-A/Site/21-05
 Note: Map is not official, for presentation purposes only.



Site - Parcel A
 Site - Parcel B



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



C. Introduction & Review

I. Intent of the Amendment

This is a privately proposed amendment on land area subject to multiple prior future land use amendments. The site is located within the Urban Suburban Tier within the West Lake Worth Road Neighborhood Plan.

Please note that this staff report was written to reflect the applicant's request of an underlying High Residential 8 on Parcel A. The BCC transmitted an underlying Medium Residential 5. Only the request on the first page, the Petition Summary, and Exhibit 1 have been revised to reflect this change.

Proposed Amendment: The amendment is a two part request that will result in 16.97 acres of land being relocated from an approved planned unit development, Fields of Gulfstream or Parcel B, to a new multiple use project called Polo Gardens MLU or Parcel A, which will join this land area with a prior amendment called Haley Farms.

- **Polo Gardens, Parcel A.** The amendment for Parcel A will modify the existing 16.97 acres designated MR-5 and 8.83 acres designated CH/2 to Multiple Land Use (MLU, CH/8) in order to build a commercial and multifamily multiple use project. The amendment will retain conditions of approval to cap development on the Polo Gardens site to 145,790 square feet of commercial uses and require connectivity to the commercial parcel to the east.
- **Fields of Gulfstream, Parcel B.** The amendment proposes to revise conditions of approval on the remaining acreage within the Fields of Gulfstream to allow an additional 4 units through the workforce housing program.

Background. The amendment land area has been the subject of multiple amendments over the past ten years. The following summarizes the most recent amendments.

- **Polo Gardens, Parcel A.** In 2018, the County approved an amendment called Haley Farms (LGA 2018-023) on 8.83 acres in order to modify conditions of approval that required the site to be developed as a mixed use project called a Lifestyle Commercial Center. The conditions of approval limiting commercial uses on the site to 145,790 square feet of non-residential uses or equivalent traffic generating uses was retained. (Ord. 2018-029). This site has had commercial future land use since the original Ordinance for the two parcels adopted by Ord. 2009-028.
- **Fields of Gulfstream, Parcel B.** The most recent amendment to this portion of the amendment was by the adoption of Ord. 2016-025 in 2016. That amendment consolidated multiple prior ordinances and modified conditions of approval, and changed a portion of the site from Low Residential, 2 units per acre (LR-2) to Low Residential, 3 units per acre (LR-3). The ordinance covered 224.90 acres of land of which 154.65 acres were Medium Residential, 5 units per acre (MR-5), and 70.25 acres were LR-3. This amendment included conditions of approval capping the density to the future land use designation density, thereby allowing no additional density increases through the Transfer of Development Rights or Workforce Housing Program, requiring consistency with the West Lake Work Road Neighborhood Plan Design Guidelines, and requiring that vehicular and pedestrian connections shall be provided to all existing and future adjacent developments identified in the Neighborhood Plan's Master Plan.

Zoning Application. The two zoning applications are summarized as follows:

- **Polo Gardens, Parcel A.** The zoning application (PDD/CA 2020-778) proposes to change the zoning from Residential Transitional (RT) and Planned Unit Development (PUD) zoning to Multiple Use Planned Development (MUPD), thereby adding 16.97 acres to Control number 2013-296 from Parcel B. The application includes requests for a Class A Conditional use for a Type 1 restaurant with drive-thru, and a Class A Conditional Use for a 69% Workforce Housing Density Bonus.
- **Fields of Gulfstream, Parcel B.** The site has Planned Unit Development (PUD) zoning. The zoning application (DOA 2020-775) with Control Number 2005-594 proposes a development order amendment to remove 16.97 acres for Parcel A, reduce the width of the connector road from 80 feet to 60 feet, transfer units and relocate the recreation area, reduce the number of dwelling units from 973 to 903, modify the workforce requirement from 36 units to 35 units, and make related changes.

II. Data and Analysis Summary

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

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

- **Neighborhood Plan.** Beginning in 2008, various property owners in the area began submitting FLUA amendments to increase density and/or intensity. This activity prompted residents from eight of the surrounding communities to begin formulation of the West Lake Worth Road Neighborhood Plan (WLWNP). The Lake Worth Road Coalition, Inc., is the primary stakeholder group established to monitor implementation of the Neighborhood Plan recommendations. The Neighborhood Plan was completed and formally received and filed by the Board of County Commissioners in November 2009. The Neighborhood Plan envisioned that the commercial portion of Parcel A would be commercial, and that the remainder of Parcel A (the 16.97 acre portion of MR-5) would be commercial office. The Neighborhood Plan has not been updated by the Coalition to reflect subsequent amendments in the area. The portion of the proposed amendment requesting an increase in density is not identified for density at all in the Master Plan, as it is identified as commercial. However, highest future land use designation on any residential parcel on the Master Plan is a maximum future land use designation of MR-5 with a cap of 5 units per acre. See Page E-19 for a graphic of the Master Plan.
- **Future Land Use Amendments.** Since the inception of the Neighborhood Plan in 2008, the County has reviewed 26 privately proposed future land use amendments within the Neighborhood Planning Area, 2 of which are currently in process. Of the 19 amendments adopted by the Board of County Commissioners, 12 of the amendments were approved for density increases. The maximum density recommended by the Master Plan is up to 5 units per acre with a cap at 5. Although Neighborhood Plans are not mandatory, in 2011 the Board adopted an exemption to the mandatory Transfer of Development Rights Policy 2.4-b for projects proposing density consistent with the Neighborhood Plan's Master Plan.

All but one of the amendments (Lake Worth Royale, now known as Catalina) were approved for the future land use density, and capped at that density, as recommended by the Neighborhood Plan.

- **Recent Amendments.** Since the adoption of the Neighborhood Plan in 2009, the bulk of the land area on the south side of Lake Worth Road in this area has been subject to Comprehensive Plan amendments increasing density or non-residential intensity. The properties fronting on Lake Worth Road have been granted commercial future land use designations, the properties further removed from the roadway have been assigned densities fostering townhome or multifamily developments, and those parcels further south are developed with zero lot line and single family housing. In 2018, the County adopted the Lake Worth Royale (LGA 2018-015) amendment on the 30.02 acre property to the east of the site, along the Turnpike, to increase the density from Low Residential, 2 units per acre (LR-2) to High Residential, 8 units per acre (HR-8) with additional density through the Transfer of Development Rights (TDR) and Workforce Housing (WHP) Programs for up to 375 units (13.88 units per acre) overall on the bulk of the site. The Lake Worth Royale property, as the subject site, was not identified for a density increase in the Master Plan as these sites were reflected with a future development of non-residential (Turnpike access by FDOT and commercial office respectively). A large part of the discussion during that amendment was the need for a connection roadway from Polo Road to the Lake Worth Royale site that was identified in the Neighborhood Plan Master Plan and required by conditions of approval in the Fields at Gulfstream ordinance.

Appropriateness of the Amendment. Parcel A, Polo Gardens, proposes to retain commercial potential on the portion of the site which already has commercial future land use, and proposes to increase the density on the overall new boundary (25.79 acres) in order to cluster the density onto the 16.97 acre portion of the site that is currently within the boundaries of Fields at Gulfstream, currently approved for townhomes on roughly half of this land area. The amendment proposes the same gross density as the Lake Worth Royale site (13.49 units per acre), although clustered onto a portion of the site for a net density of 17.45 units per acre, in part by utilizing the WHP and TDR programs. The changes to Parcel B, Fields at Gulfstream, consist of revising a condition of approval adopted by Ordinance 2016-25 capping the density at the future land use designations of Medium Residential, 5 units per acre (MR-5) and Low Residential, 3 units per acre (LR-3), to allow the site to increase density for four dwelling units through a WHP bonus.

With regard to Parcel B, although the Neighborhood Plan calls for a cap on future land use designations which essentially prohibits the use of the WHP Density Bonus and TDR programs, the utilization of these programs to increase density is consistent with, and fostered by, the Comprehensive Plan. The addition of four dwelling units on the overall 200 plus acre planned development will have no negative impacts, is compatible with surrounding densities, and consistent with the Comprehensive Plan.

With regard to Parcel A, the commercial intensity and land area allowed by the adopting ordinance will remain the same with or without the proposed amendment, and therefore, the amendment is consistent with the adopted Comprehensive Plan. The current residential development potential for Parcel A is 103 units under the adopted future land use designations, or up to 236 units maximizing the WHP and TDR density bonus programs (up to 9.15 units per acre maximum). The applicant is requesting to increase the density from the current 8.83 acres of underlying LR-2 and 16.97 acres of MR-5 to an underlying HR-8. With the use of the 80% WHP Density Bonus and up to 52 units available through the TDR Program, the applicant could theoretically request up to 422 dwelling units. However, the concurrent zoning application is requesting 348 dwelling units with a density of 17.45 units per acre net on the residential portion. This figure is higher

than the approved density on the adjacent Lake Worth Royale (13.49 du/ac), since the applicant for the subject site is clustering the density from the commercial portion to the residential portion.

Staff is recommending a lower future land use designation than requested by the applicant. The proposed underlying HR-8 designation would theoretically allow up to 423 units with an 80% WHP Density Bonus and full use of the available TDRs. As proposed, the applicant's requested density of 348 units would result in a net density significantly higher than adjacent parcels and be out of character with the area. Staff is recommending an underlying designation of MR-5 which would result in a maximum of 284 residential units with the maximum 80% WHP Density Bonus and purchase of all available TDRs. This resulting development is consistent with the character of the area and appropriate on the subject site.

- **Compatibility.** The land use changes on this amendment are primarily related to the density increase proposed for the residential portion of Parcel A. The multifamily residential uses proposed by the amendment will be situated between townhomes to the south and west, commercial to the north, and multifamily to the east. The proposed multifamily housing would be adjacent to commercial to the north and similar density multifamily to the east, and represents a transition of intensity between the commercial uses to the townhomes to the south and west. Multifamily housing at this location is an appropriate use of land and compatible with adjacent land uses. In order to ensure a suitable transition with the adjacent land uses, and for consistency with the character of the corridor, staff is recommending a condition of approval to ensure that any structures are limited to a maximum height of 3 stories (35 feet). The amendment to Parcel B, Fields of Gulfstream, to allow an additional 4 dwelling units through the Workforce Housing Program will represent a less than .005% density increase, and is compatible with the development and surrounding uses.

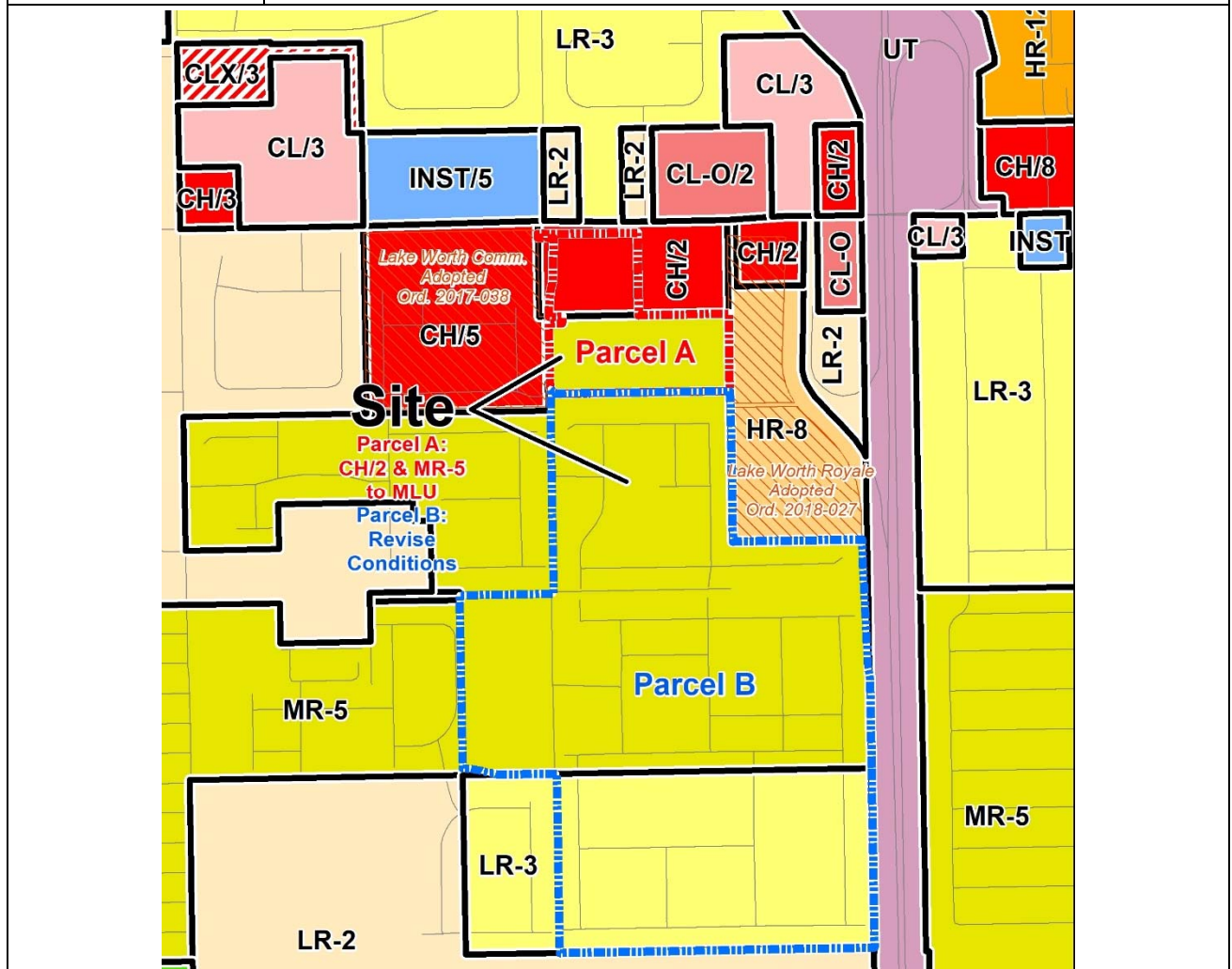
Assessment and Recommendation. The primary future land use change proposed by this amendment is to allow an increase in density on Parcel A from the current underlying 2 units per acre and 5 units per acre, to an underlying 8 units per acre with additional density bonuses through the Workforce Housing (WHP) and Transfer of Development Rights (TDR) programs. The associated zoning applications show a limited amount of commercial (less than 27,000 s.f.) and up to 348 dwelling units in 3 and 4 story multifamily buildings. A request to increase density for a multiple use project with multifamily housing is appropriate at this location. However, due to the character of the area and the Neighborhood Plan recommendations, staff recommends a reduction in the future land use designation to an underlying MR-5 future land use designation, which results in a maximum of 284 dwelling units using an 80% density bonus and full purchase of the available TDR units. Staff is recommending additional conditions of approval requiring that 25% of the units be built onsite as workforce housing, and that the height of buildings be limited to 3 stories maximum.

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

Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Consistency with Comprehensive Plan	E-8
3. Applicant's Justification/Consistency with Comprehensive Plan and Florida Statutes	E-24
4. Applicant's Public Facility Impacts Table	E-39
5. Palm Beach County Traffic Division Letter	E-43
6. Water & Wastewater Provider LOS Letter	E-45
7. School District Letter	E-46
8. Workforce Housing Letter	E-47
9. Applicant's Disclosure of Ownership Interests	E-50
10. Correspondence	E-62

Exhibit 1 – A

Amendment No:	Polo Gardens MLU (LGA 2021-005) – Parcel A
FLUA Page No:	76
Amendment:	Commercial High with an underlying 2 units per acre (CH/2) on 8.83 ac. and Medium Residential, 5 units per acre (MR-5) on 16.97 ac. to Multiple Land Use with CH and MR-5 (MLU-CH/5) and to revise conditions of approval shown in strike out and underline below.
Location:	South of Lake Worth Road at Polo Club Road
Size:	25.79 acres
Property No:	Parcel A - 00-42-43-27-05-028-0041, 00-42-43-27-05-028-0042, 00-42-44-29-05-001-0010, 00-42-44-29-05-001-0020, 00-42-44-29-05-001-0030



Conditions: The conditions below were adopted by Ordinance 2009-028 and revised by Ord. 2018-029. The revisions proposed below apply to the subject site only, and are shown with the deleted text in strike out and added text in underline format. Development of the site is subject to the following:

1. The land area within Ordinance No. 2009-028 is limited to a maximum of 300,000 s.f. of non-residential uses or equivalent traffic generating uses. The CH future land use designation and associated uses are limited to the 8.83 acres of CH identified in Ord. 2018-029. This land area is limited to a A maximum of 145,790 s.f. commercial retail or equivalent traffic generating uses, is assigned to the land area within the subject ordinance, with the remaining 154,210 s.f. assigned to the remainder of land area within Ord. 2009-028.
2. At a minimum, 5% of the property must be committed to useable open space (as defined by the Introduction and Administration Element). Open space must functionally integrate the project's land uses and may not be applied to the recreation and/or parks requirements or other required civic dedication of land during the development review/re-zoning process, excluding right of way dedication. Water retention, lakes, drainage, and canals shall not be considered usable open space. The following design guidelines do not apply to development under the Commercial High designation: If the property is developed with both residential and commercial uses, the site shall provide at least 5% usable open space
3. Vehicular and pedestrian cross access shall be provided to the parcel to the east within Ord. 2009-028.
4. No single retail tenant shall exceed 65,000 SF.
5. Residential dwelling units shall be limited to a maximum of 284 residential dwelling units with no further density increases through the density bonus programs. There is no maximum land area for residential uses.
6. The zoning development order shall require a minimum of 25% of the total dwelling units to be built onsite as workforce housing units pursuant to the Workforce Housing Program in the ULDC.
7. A minimum of 38 TDR units shall be purchased and constructed. No more than 34% of the TDR units shall be purchased at the Workforce Housing Program (WHP) rate and shall apply to the minimum number of workforce housing units required by this ordinance.
8. All structures shall be limited to a maximum of 3 stories in height.
9. The zoning development order shall include a condition of approval requiring the completion of the 60 foot connector road from Polo Road to Hooks Road.
10. The adoption of the future land use amendment and zoning application shall be held on the same date.

The conditions of approval adopted by Ord. 2016-025 for a portion of the subject site are deleted:

1. ~~Development of the site is limited to 5 dwelling units per acre in the MR-5 portion and 3 dwelling units per acre in the LR-3 portion, with no residential increases permitted above 983 dwelling units.~~
2. ~~Development of the site shall comply with the West Lake Worth Road Neighborhood Plan Design Guidelines dated November 19, 2009 and the following:~~
 - a. ~~Vehicular and pedestrian connections shall be provided to all existing and future adjacent developments identified in the West Lake Worth Road Neighborhood Plan Master Plan (at minimum).~~

Legal Description

A PORTION OF PARCEL A, FIELDS AT GULFSTREAM POLO PUD - PLAT ONE, AS RECORDED IN PLAT BOOK 123, PAGES 80 THROUGH 95, TOGETHER WITH A PORTION OF TRACTS 4 AND 5, BLOCK 28, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL A; THENCE S.00°56'30"E. ALONG THE EAST LINE THEREOF, A DISTANCE OF 644.74 FEET; THENCE DEPARTING SAID EAST LINE, S.89°03'30"W., A DISTANCE OF 1,275.60 FEET; THENCE N.47°56'30"W., A DISTANCE OF 52.25 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID PARCEL A; THENCE ALONG THE WEST LINE OF SAID PARCEL A, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; N.04°40'47"W., A DISTANCE OF 89.49 FEET; THENCE N.00°56'30"W., A DISTANCE OF 389.82 FEET; THENCE N.89°03'30"E., A DISTANCE OF 100.00 FEET; THENCE N.00°56'30"W., A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL A; THENCE S.89°03'30"W., A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 4, BLOCK 28; THENCE N.00°56'30"W. ALONG THE WEST LINE THEREOF, A DISTANCE OF 4.79 FEET; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF POLO ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 28941, PAGE 7 OF SAID PUBLIC RECORDS, THE FOLLOWING FIVE (5) COURSES AND DISTANCES; N.03°15'02"E., A DISTANCE OF 171.96 FEET; THENCE N.14°42'20"E., A DISTANCE OF 73.49 FEET; THENCE N.02°17'54"E., A DISTANCE OF 72.90 FEET; THENCE N.00°33'30"E., A DISTANCE OF 254.91 FEET; THENCE S.89°02'30"W., A DISTANCE OF 43.19 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 4, BLOCK 28; THENCE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 29.25 FEET; THENCE N.89°03'30"E. ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-12 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, A DISTANCE OF 659.82 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 4, BLOCK 26; THENCE S.00°56'30"E. ALONG SAID EAST LINE, A DISTANCE OF 603.90 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID PARCEL A; THENCE N.89°03'30"E. ALONG SAID NORTH LINE, A DISTANCE OF 659.82 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 5, BLOCK 28; THENCE S.00°56'30"E. ALONG THE EAST LINE THEREOF, A DISTANCE OF 52.14 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.00°56'30"E. ALONG SAID EAST LINE, A DISTANCE OF 33.22 FEET; THENCE S.89°02'30"W., A DISTANCE OF 40.00 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE EAST 40.00 FEET OF SAID TRACT 5, BLOCK 28; THENCE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 33.23 FEET; THENCE N.89°03'30"E. ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-12 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING

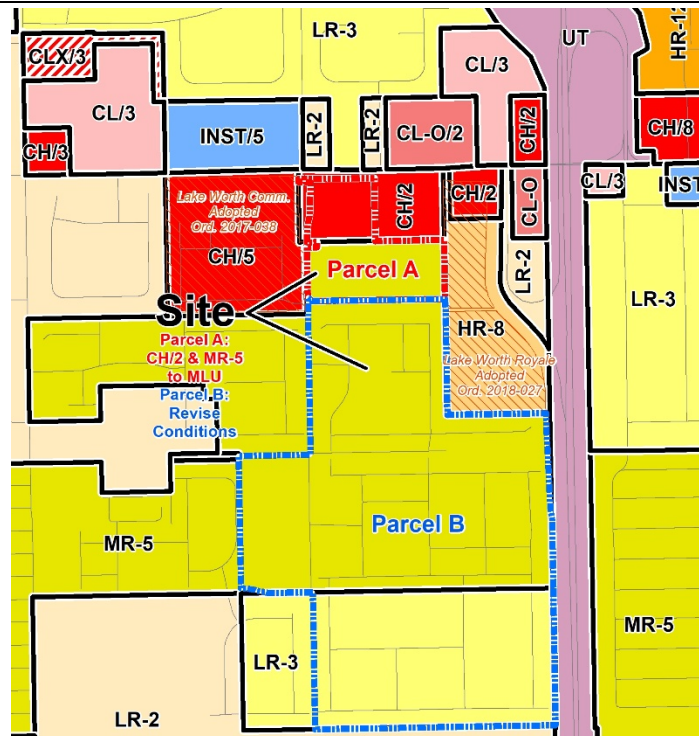
SAID LANDS LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST.
PALM BEACH COUNTY, FLORIDA. CONTAINING 1,123,577 SQUARE FEET/25.7938 ACRES
MORE OR LESS.

Exhibit 1 - B

Amendment No:	Fields of Gulfstream (LGA 2021-010) – Parcel B
FLUA Page No:	76 & 81
Future Land Use:	Low Residential, 3 units per acre (LR-3), on 70.25 acres, and Medium Residential, 5 units per acre (MR-5), on 137.68 acres
Amendment:	To revise conditions of approval
Location:	South of Lake Worth Road at Polo Club Road
Size:	207.93 total acres
Property No:	See legal description

Conditions: Development of the site is subject to the conditions of approval adopted by Ord. 2016-025 shown below with the deleted text struck out and added text underlined.

1. Development of the site is limited to a maximum of 903 dwelling units with no additional residential density increases. ~~5 dwelling units per acre in the MR-5 portion and 3 dwelling units per acre in the LR-3 portion, with no residential increases permitted above 983 dwelling units.~~
2. Development of the site shall include a 60 foot right of way dedication along the northern edge of the property in order to ensure the connectivity identified in ~~comply with the West Lake Worth Road Neighborhood Plan Design Guidelines dated November 19, 2009 and the following:~~
 - a. ~~Vehicular and pedestrian connections shall be provided to all existing and future adjacent developments identified in the West Lake Worth Road Neighborhood Plan Master Plan (at minimum).~~



Legal Description

OVERALL BOUNDARY

A PORTION OF TRACTS 37 AND 44, BLOCK 38, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 44; THENCE S.89°03'30"W. ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 352.20 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.00°28'31"W., A RADIAL DISTANCE OF 460.00 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 14°39'56", A DISTANCE OF 117.74 FEET; THENCE N.75°48'35"W., A DISTANCE OF 58.77 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 540.00 FEET AND A CENTRAL ANGLE OF 14°27'05"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 136.20 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 44; THENCE N.00°56'30"W. ALONG THE WEST LINE OF SAID TRACTS 37 AND 44, A DISTANCE OF 1,234.43 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-13 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, SAID RIGHT-OF-WAY LINE BEING 35.64 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 37; THENCE N.89°03'30"E. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 659.82 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 37; THENCE S.00°56'30"E. ALONG THE EAST LINE OF SAID TRACTS 37 AND 44, A DISTANCE OF 1,284.39 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

ALL OF TRACTS 14, 19, 20, 29 AND 30, TOGETHER WITH A PORTION OF TRACTS 13, 31 AND 32, TOGETHER WITH ALL THAT PORTION OF THE 30 FOOT WIDE RIGHT-OF-WAY LYING BETWEEN SAID TRACTS 13, 14 AND 19, 20, ALL IN BLOCK 38, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 29; THENCE N.00°56'30"W. ALONG THE WEST LINE OF SAID TRACTS 13, 20 AND 29, A DISTANCE OF 1,960.00 FEET; THENCE N.89°03'30"E ALONG A LINE 50.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL TO THE NORTH LINE OF SAID TRACT 13, A DISTANCE OF 100.00 FEET; THENCE N.00°56'30"W. ALONG A LINE 100.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL TO THE WEST LINE OF SAID TRACT 13, A DISTANCE OF 50.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID TRACT 13; THENCE N.89°03'30"E. ALONG THE NORTH LINE OF SAID TRACTS 13 AND 14, A DISTANCE OF 1,219.64 FEET TO THE NORTHEAST CORNER OF SAID TRACT 14; THENCE S.00°56'30"E. ALONG THE EAST LINE OF SAID TRACTS 14, 19 AND 30, A DISTANCE OF 1680.00 FEET; THENCE N.89°03'30"E. ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID TRACTS 31 AND 32, A DISTANCE OF 952.25 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-2W CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 24358,

PAGE 1061 OF SAID PUBLIC RECORDS, AND THE POINT OF CURVATURE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.88°51'16"E., A RADIAL DISTANCE OF 11,602.25 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01°37'48", A DISTANCE OF 330.05 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT 32; THENCE S.89°03'30"W. ALONG THE SOUTH LINE OF SAID TRACTS 29, 30, 31 AND 32, A DISTANCE OF 2,277.76 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

ALL OF TRACTS 45, 46, 47, 50, 51 AND 52, TOGETHER WITH A PORTION OF TRACTS 33, 34, 35, 36, 48, 49, 61, 62, 63 AND 64, TOGETHER WITH ALL THAT PORTION OF THE 30 FOOT WIDE RIGHT-OF-WAY LYING BETWEEN SAID TRACTS 45 THROUGH 48 AND 49 THROUGH 52, TOGETHER WITH THE EAST ONE-HALF OF THE 30 FOOT RIGHT-OF-WAY LYING WEST OF AND ADJACENT TO SAID TRACTS 52 AND 61, ALL IN BLOCK 38, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 36; THENCE S.00°56'30"E. ALONG THE WEST LINE THEREOF, A DISTANCE OF 43.56 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-13 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, SAID RIGHT-OF-WAY LINE BEING 43.56 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 36, AND THE POINT OF BEGINNING; THENCE N.89°03'30"E. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 659.82 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 36; THENCE S.00°56'30"E. ALONG THE EAST LINE OF SAID TRACT 36, AND THE SOUTH RIGHT-OF-WAY LINE OF SAID L-13 CANAL, A DISTANCE OF 2.64 FEET; THENCE N.89°03'30"E. ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID L-13 CANAL, SAID RIGHT-OF-WAY LINE BEING 46.20 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 34 AND 35, A DISTANCE OF 1,620.63 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-2W CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 24358, PAGE 1061 OF SAID PUBLIC RECORDS, AND THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.86°50'53"E., A RADIAL DISTANCE OF 11,602.25 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 00°40'12", A DISTANCE OF 135.66 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 7,495.75 FEET AND A CENTRAL ANGLE OF 02°48'44"; THENCE SOUTHERLY ALONG THE ARC OF SAID RIGHT-OF-WAY LINE, A DISTANCE OF 367.91 FEET; THENCE S.08°57'50"E. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 111.68 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE, AS RECORDED IN ROAD PLAT BOOK 11, PAGES 54 THROUGH 59 OF SAID PUBLIC RECORDS; THENCE S.00°58'26"E., A DISTANCE OF 1,974.96 FEET TO A POINT OF INTERSECTION WITH NORTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-14 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, SAID RIGHT-OF-WAY LINE BEING 34.98 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 61 THROUGH 64; THENCE S.89°03'30"W. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2,327.64 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF THAT CERTAIN 30 FOOT WIDE RIGHT-OF-WAY LYING WEST OF AND

ADJACENT TO SAID TRACTS 52 AND 61; THENCE N.00°56'30"W. ALONG SAID CENTERLINE, A DISTANCE OF 1,284.99 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT 52; THENCE N.89°03'30"E., A DISTANCE OF 15.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT 52; THENCE N.00°56'30"W. ALONG THE WEST LINE OF SAID TRACTS 36 AND 45, A DISTANCE OF 1,306.47 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 9,796,718 SQUARE FEET/224.902 ACRES MORE OR LESS.

EXCLUDING THE FOLLOWING:

A PORTION OF PARCEL A, FIELDS AT GULFSTREAM POLO PUD - PLAT ONE, AS RECORDED IN PLAT BOOK 123, PAGES 80 THROUGH 95, TOGETHER WITH A PORTION OF TRACTS 4 AND 5, BLOCK 28, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL A; THENCE S.00°56'30"E. ALONG THE EAST LINE THEREOF, A DISTANCE OF 644.74 FEET; THENCE DEPARTING SAID EAST LINE, S.89°03'30"W., A DISTANCE OF 1,275.60 FEET; THENCE N.47°56'30"W., A DISTANCE OF 52.25 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID PARCEL A; THENCE ALONG THE WEST LINE OF SAID PARCEL A, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; N.04°40'47"W., A DISTANCE OF 89.49 FEET; THENCE N.00°56'30"W., A DISTANCE OF 389.82 FEET; THENCE N.89°03'30"E., A DISTANCE OF 100.00 FEET; THENCE N.00°56'30"W., A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL A; THENCE S.89°03'30"W., A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 4, BLOCK 28; THENCE N.00°56'30"W. ALONG THE WEST LINE THEREOF, A DISTANCE OF 4.79 FEET; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF POLO ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 28941, PAGE 7 OF SAID PUBLIC RECORDS, THE FOLLOWING FIVE (5) COURSES AND DISTANCES; N.03°15'02"E., A DISTANCE OF 171.96 FEET; THENCE N.14°42'20"E., A DISTANCE OF 73.49 FEET; THENCE N.02°17'54"E., A DISTANCE OF 72.90 FEET; THENCE N.00°33'30"E., A DISTANCE OF 254.91 FEET; THENCE S.89°02'30"W., A DISTANCE OF 43.19 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 4, BLOCK 28; THENCE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 29.25 FEET; THENCE N.89°03'30"E. ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-12 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, A DISTANCE OF 659.82 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 4, BLOCK 26; THENCE S.00°56'30"E. ALONG SAID EAST LINE, A DISTANCE OF 603.90 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID PARCEL A; THENCE N.89°03'30"E. ALONG SAID NORTH LINE, A DISTANCE OF 659.82 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 207.932 ACRES MORE OR LESS.

Exhibit 2

Consistency with Comprehensive Plan

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

A. Consistency with the Comprehensive Plan - General

1. **Justification: FLUE Policy 2.1-f:** *Before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate. In addition, and the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:*

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

The applicant has prepared a Justification Statement (Exhibit 3) which is summarized as follows:

- The amendment to foster a multiple use project with both commercial and multifamily housing is appropriate at this location. The proposed multifamily housing will provide a transitional use between the commercial land uses and the surrounding townhomes. Further, the location and access of this site is suitable and appropriate for a commercial multiple use project.
- Since the adoption of the West Lake Worth Road Neighborhood Plan in 2009, there have been over ten future land use amendments adopted to increase density and intensity within this former equestrian area. Amendments have added to the non-residential employment opportunities in the area, and have increased densities without incorporation of Transfer of Development Rights (TDR) and Workforce Housing (WHP) density bonus programs. Therefore, this area has seen significant changes in the amount of employment opportunities without incorporation of workforce housing, as would have been required had the density increases been approved utilizing the density bonus programs. This amendment will incorporate additional multifamily housing options, including workforce housing, into the area consistent with the multifamily approval to the east of the site with a similar density (Lake Worth Royale/Catalina at Lake Worth), fostering the provision of housing in proximity to employment centers.

- This amendment will facilitate the dedication and construction of the connector roadway linking Hooks Road to Polo Club Road which is recommended by the Neighborhood Plan and required by conditions of approval on the subject sites already. This roadway will remain within the boundaries of the Fields at Gulfstream Polo PUD; however, the Applicant has worked collaboratively with the developer of the Fields at Gulfstream Polo (Pulte) to ensure that this critical connection is incorporated and provided as originally intended by the neighborhood plan.

Staff Analysis: This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above.

The amendment is a two part request that will result in the increase of 4 units through the Workforce Housing Program for Parcel B (Fields of Gulfstream) and will result in a density increase from up to 236 potential units to up to 348 units on Parcel A (Polo Gardens). The amendment will retain conditions of approval to cap development on the Polo Gardens site to 145,790 square feet of commercial uses and require connectivity to the commercial parcel to the east, while requiring the dedication and construction of the connector Road from Polo Club Road to Hooks Road. The amendment is centered on the transfer of 16.97 acres from the Fields of Gulfstream PUD to the existing 8.83 acres of commercial future land use, to become a multiple use project utilizing the Multiple Land Use future land use designation for (MLU, CH/8).

The applicant is correct in the summary of the future land use amendments in the area over the past 10 years. In fact, this area of the County is very different today than envisioned at the time the 1989 Plan assigned a Low-Residential, 2 units per acre (LR-2) designation) for this formerly equestrian area of the County. This area has seen many changes to commercial and institutional future land use designations, and multiple amendments to increase residential density. With regard to the change to allow four additional uses in Parcel B, Fields of Gulfstream, this request is consistent with the Comprehensive Plan and justified as it will allow the use of the Workforce Housing Density Bonus Program that is currently not allowed by the adopted condition of approval.

With regard to the 8.83 acre portion of Parcel A (existing commercial future land use), the proposed amendment is warranted as this change fosters the ability to develop the site together with the adjacent residential land area as a single cohesive project. With regard to the density increase proposed on the residential portion of Parcel A, this portion of the site is surrounded by commercial future land use to the north and west, High Residential, 8 units per acre (HR-8) to the east, and townhomes within the Fields of Gulfstream (MR-5) to the south. An increase in density to foster additional multifamily housing that will serve as a transitional use to the surrounding land uses is appropriate at this location. However, to truly function as a 'transitional' use, the development on the site cannot be more intense than all of the neighboring properties. The density proposed on the subject site is proposed to be nearly 3 units per acre higher than the multifamily housing to the east and over 6 units higher than the net density of the townhomes to the south and west. The increase to an underlying 8 units per acre is not justified, and therefore, staff is recommending an underlying 5 units per acre, which results in a net density of 14.23 units per acre which is higher, but consistent with the adjacent multifamily development and provides a transition between the proposed commercial development and the adjacent townhomes.

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

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

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

Direction 3. Infill, Redevelopment and Revitalization. *Address the needs of developed urban areas that lack basic services, and encourage revitalization, redevelopment, and infill development in urban areas to increase efficient use of land and existing public facilities and services.*

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

Staff Analysis: Development on this site would be considered infill given surrounding future land uses of MR-5 immediately abutting the site, various commercial land uses, and the site's location. Increases in density within the Tier do make efficient use of facilities and services that are already in place. The Growth Management direction calls for the transfer of development rights as the required method for density increases subject to exceptions. This direction is further implemented by Policy 2.4-b which is discussed in more detail below under Density Increases – Policy 2.4-b of this report. The amendment proposes to increase density on the site from 2 units per acre to 8 units per acre and the zoning applications include requests to utilize the TDR and WHP programs to increase the density further. The use of the TDR program, along with the proposed conditions of approval, make the amendment consistent with the Growth Management Direction. The amendment will foster the infill of this mixed use residential and commercial development by allowing a greater diversity of housing options, while remaining compatible with surrounding land uses (see Compatibility Section). Thus, there are no policy implications regarding the County Directions with regard to the maximum density and intensity proposed on this site.

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

Staff Analysis: The definition of piecemeal development in the Comprehensive Plan describes “A situation where land, under single ownership or significant legal or equitable interest (by a person as defined in Section 380.0651[4] F.S., is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole.” The amendment is being processed for all of the land area in ownership by the applicants, and is not piecemeal development.

B. Consistency with Urban/Suburban Tier Requirements for the Specific FLU

Future Land Use Element Objective 1.1, Managed Growth Tier System, states that “*Palm Beach County shall implement the Managed Growth Tier System strategies to protect viable existing neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers.....*” The property is located in the Urban/Suburban Tier. The Comprehensive Plan contains several policies addressing future land uses in the Urban/Suburban Tier.

1. **FLUE Policy 1.2-a:** *Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:*
 1. *Allowing services and facilities consistent with the needs of urban and suburban development;*
 2. *Providing for affordable housing and employment opportunities;*
 3. *Providing for open space and recreational opportunities;*
 4. *Protecting historic, and cultural resources;*
 5. *Preserving and enhancing natural resources and environmental systems; and,*
 6. *Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.*

Staff Analysis: The proposed amendment will modify this MLU project to provide a more diverse residential option and additional workforce housing. The entire MLU has been adopted in context of providing a mix of uses while ensuring a minimum percentage of the project is set aside for open space. The proposed commercial portion to a CH future land use designation fronts on Lake Worth Road and has an existing CH designated property to the west as well. The proposed amendment to MLU with underlying would foster a multifamily development that would contribute to the housing diversity in the area. However, the maximum density proposed by the applicant would result in development that would not be in character with the scale, mass, intensity, and height of the surrounding land uses. Staff’s recommendation of a reduced underlying future land use of 5 units per acre would result in a density and development that is consistent and compatible with the area.

2. **4.4.2 Multiple Land Use**

Policy 4.4.2-b: *The Multiple Land Use (MLU) future land use designation is established for multiple and mixed use projects proposed through the amendment process. The MLU is an umbrella category which requires a minimum of two different future land use designations at least one of which shall be residential. The allowable underlying land uses are identified in 2.2-e.1. The MLU is project specific is subject to the following:*

1. *Uses, Intensity, and Density. The application for a proposed future land use amendment to MLU shall identify the proposed uses, maximum intensity, and maximum density which shall be affixed in the adopting ordinance. The use of the Workforce Housing Program and/or Transfer of Development Rights program is required as part of the concurrent zoning application for proposed MLU amendments seeking an increase in density. The MLU adopting ordinance shall identify the underlying land uses, and include conditions of approval identifying whether the site may also utilize these programs following adoption for additional density, or whether the site is prohibited from future density increases.*
2. *Concurrent Zoning Application. The proposed amendment for an MLU requires the processing and adoption with a concurrent zoning application. The zoning application shall include a site plan or master plan depicting the functional integration of the proposed uses, and the maximum intensities and densities. The MLU adopting ordinance shall include conditions of approval as necessary to reflect the concurrent zoning application and may include the adoption of a conceptual site plan depicting the location of the various land uses, open space, and linkages which functionally integrate the different land use categories.*
3. *Usable Open Space. At a minimum, 5% of the property must be committed to usable open space (as defined by the Introduction and Administration Element). Open space must functionally integrate the project's land uses and may not be applied to the recreation and/or parks requirements or other required civic dedication of land during the development review/re-zoning process, excluding right of way dedication. Water retention, lakes, drainage, and canals shall not be considered usable open space. The usable open space requirement is not required for projects for which the residential use is limited to a congregate living facility.*
4. *Applicability. Proposed amendments for multiple and mixed use projects requesting an increase in residential density and a non-residential future land use in the Urban Suburban Tier are required to apply for the MLU designation. Exceptions to this requirement are proposed amendments described as follows:*
 - a. *Amendments seeking a traditional development designation;*
 - b. *Amendments for which the residential use limited to a congregate living facility.*

Staff Analysis: Parcel A, a component of the overall amendment, is the portion being revised from CH/2 and MR-5 to Multiple Land Use with CH and HR-8 future land uses. Additional conditions are proposed for consistency with the MLU Policy. The 8.83 acre CH/2 portion of the site is bound by several conditions of approval adopted by Ord. 2018-

29. These conditions are proposed to be revised as part of this amendment, and additional conditions of approval are proposed. There is no conceptual master plan proposed to be adopted with this amendment, although there are conditions of approval proposed to ensure that the development of the site is consistent with the concurrent zoning application. Subject to the incorporation of these conditions, the proposed amendment is consistent with MLU Policy 4.4.2-b.

Conditions: A summary of each revised and new condition is provided below.

- **Commercial uses.** The 8.83 acre portion of the site is subject to a condition of approval for a maximum commercial square footage (145,790 s.f.) is proposed to be retained. This amendment proposes a maximum land area of 8.83 acres for commercial uses within the MLU to ensure that the balance of land uses proposed in the zoning application is set by the Ordinance. The adopted condition establishing that no single retail tenant shall exceed 65,000 s.f. is being retained.
- **Compliance with the Neighborhood Plan.** The design guidelines within the West Lake Worth Road Neighborhood Plan conditions set a maximum height of two stories. The amendment proposes to delete the adopted condition of approval requiring compliance with the Design Guidelines as the proposed zoning application is requesting up to four stories. Staff is recommending conditions to limit the height to 3 stories. See the Neighborhood Plan section of this report for more discussion.
- **Connectivity.** This amendment proposes to delete the adopted condition of approval that vehicular and pedestrian connections shall be provided to all existing and future adjacent developments identified in the Neighborhood Plan's Master Plan. The adopted condition of approval requiring cross access with the adjacent commercial property to the east will be retained, and a condition of approval is proposed to ensure that the planned 60 foot connector road from Polo Road to Hooks Road is completed. The construction of this roadway is essential to the consistency with the Neighborhood Plan and for safe vehicular traffic connections in the area.
- **Usable Open Space.** Pursuant to Policy 4.4.2-b, a condition requiring 5% Usable Open Space is proposed, including the requirement that the open space must functionally integrate the uses on the site and may not be applied to the recreation and/or parks requirements or other required civic dedication of land during the development review/re-zoning process, excluding right of way dedication. Water retention, lakes, drainage, and canals shall not be considered usable open space. The site plan in the concurrent zoning application depicts sidewalks and pathways throughout the project providing linkages internally between the land uses and to adjacent parcels.
- **Residential Units.** This amendment includes a maximum density figure and condition of approval to ensure that there are no further density increases in order to be consistent with Policy 4.4.2-b.
- **Workforce Housing and Transfer of Development Rights.** The request includes conditions of approval related to workforce housing and transfer of development rights, as further discussed in the associated sections of this report.
- **Timing.** As required by Policy 4.4.2-b, this amendment has a concurrent zoning application that will be presented at an adoption public hearing (should the amendment be transmitted) at the same public hearing as the zoning application.

3. **Density Increases - Policy 2.4-b:** *The Transfer of Development Rights (TDR) Program is the required method for increasing density within the County, unless:*
1. *an applicant can **both justify and demonstrate a need** for a Future Land Use Atlas (FLUA) Amendment and demonstrate that the current **FLUA designation is inappropriate**, as outlined in the Introduction and Administration Element of the Comprehensive Plan, or*
 2. *an applicant is using the Workforce Housing Program or the Affordable Housing Program as outlined in Housing Element Objectives 1.1 and 1.5 of the Comprehensive Plan and within the ULDC, or*
 3. *an applicant proposes a **density increase up to, but not exceeding, the density proposed by and supported by a Neighborhood Plan** prepared in accordance with FLUE Objective 4.1 and formally received by the BCC. To date, the following Neighborhood Plan qualifies for this provision:*
 - a. *West Lake Worth Road Neighborhood Plan.*

Staff Analysis. Policy 2.4-b requires that density increases be accomplished through the use of TDRs, unless an applicant meets the criteria for an amendment, uses the workforce or affordable housing programs, or proposes density up to, but not exceeding, density proposed and supported by the master plan of a neighborhood plan formally received by the BCC. This policy mandates the use of the TDR program for the subject site as the request is proposing to increase density through the future land use amendment process and is not exempted by items 1, 2 or 3. This third provision regarding neighborhood plans does not apply to this site as the West Lake Worth Road Neighborhood Plan does not identify the subject site for additional density. The applicant is proposing a condition of approval requiring that all units above 310 be purchased as TDR units. If the site is approved and built at the applicant requested 348 units, this would result in 38 TDR units or 73% of the available TDRs. Staff recommends a condition of approval requiring that 73% of the available TDRs be purchased and built on site to ensure compliance with the mandatory TDR Program regardless of the number of units eventually built. With the condition of approval requiring purchase of TDR units, the proposed amendment is consistent with this policy.

The cost for a market rate TDR is established as 10% of the County's median home sales price. The TDR program requires that a minimum of 34% of TDRs must be provided as workforce housing units. The workforce housing TDR units are priced at 5% of the market rate TDR price. The Comprehensive Plan establishes a reduced price schedule for the Neighborhood Plan, reflecting a 25% reduction. The current prices are provided in Table 1 below. The 2019 prices are applicable to this request as the zoning application was found sufficient for processing in early 2020, while the 2019 prices were in effect.

Table 1. Transfer of Development Rights 2019 Unit Prices

PBC Median Sales Price (MSP)*	TDR Market Rate Price	TDR WHP Price
Single Family: \$350,000	\$35,000	\$1,750
Multi Family/Condo: \$175,000	\$17,500	\$875
Neighborhood Plan Price		
Single Family: (75% of MSP)	\$26,250	\$1,313
Multi Family/Condo:(75% of MSP)	\$13,125	\$656

* Data Source: Realtors Association of the Palm Beaches Median Sales Price, March 2019

4. Housing Element, Policy 1.1-o: *The County shall preserve affordability of affordable housing units developed through the Workforce Housing Program and the Affordable Housing Program as follows:*

1. *The Workforce Housing Program will target households with incomes ranging from 60%-140% of area median income.*
2. *The Affordable Housing Program will target households at or below 60% of area median income.*

The Workforce Housing Program and Affordable Housing Program units shall be made available at a rate affordable to the specified income groups, and only to income-eligible households for a period of time to be set forth in the Unified Land Development Code (ULDC). All Workforce Housing Program and Affordable Housing Program criteria shall be subject to the review and approval of the Board of County Commissioners.

Staff Analysis: The County has a mandatory workforce housing obligation for all housing developments in the Urban Suburban Tier with 10 units and greater (whether they are increasing density or not). This application includes two prior approvals – the Polo Gardens (Parcel A) portion and the Fields of Gulfstream (Parcel B) portion. The amendment is proposed to remove 16.97 acres from the current Fields of Gulfstream boundaries and add to Polo Gardens as a Multiple Land Use project. With regard to the density increase on the Fields of Gulfstream (Parcel B) portion, the only change through this amendment (other than the loss of the 16.97 acres) is to modify a condition of approval that caps the density at the adopted future land use designations. This modification will allow the site to obtain four (4) additional dwelling units through the Workforce Housing Program.

The Polo Gardens (Parcel A) portion will be the focus of the remainder of the policy discussion. Parcel A, through the associated zoning application, is proposing to utilize the Workforce Housing Program (WHP) Bonus Density option to increase density and, in turn, provide a higher portion of workforce housing units. The Planning Division issued a Pre-Application density bonus determination letter, dated May 1, 2020 (Exhibit 8), which states that the amendment qualifies to request up to an 80% density bonus.

Table 2 below provides a comparison of the density available on Polo Gardens through the TDR and WHP Programs. The table identifies the Future Land Use units from Table 2, and identifies the maximum allowable units using a combination of the TDR and WHP bonus programs to increase density. Finally, Table 2 below indicates the number of WHP

units that would be required should the subject site develop pursuing the maximum WHP density bonus and the proposed TDR bonus utilizing the minimum ULDC requirements compared to the staff recommendation with conditions.

Table 2. Current and Potential Density with TDR and WHP Bonus

	FLU	FLU Units	TDR Bonus	WHP Bonus	Total Units	Density - du/ac		Workforce	
						Gross	Net	Units	%
Current	CH/2 (8.83 ac)	18	+18	+14 (80%)	49	5.6	5.60	12	24%
	MR-5 (16.97 ac.)	85	+34	+68 (80%)	187	11	11.00	41	22%
	Total	103	+52	82	236	9.15	9.15	53	23%
Proposed FLU Max.	MLU (CH/8)	206	+52	+165 (80%)	423	16.40	21.22	90	21%
Proposed Zoning		206	+39	+103 (50%)	348	13.49	17.49	64	18%
Staff Rec:	MLU (CH/5)	129	+52	+103 (80%)	284	11.00	14.23	71	25%

As shown in Table 2, the site could achieve up to 236 dwelling units (9.15 units per acre) using a combination of TDR and WHP programs with the current future land use designations. Since this figure is less than the applicant's proposed 348 dwelling units (13.49 units per acre), the applicant is seeking the future land use amendment. The amendment would change the future land use density from LR-2 and MR-5 to HR-8, thereby increasing the allowable number of dwelling units from 103 to 206 units, plus additional density from TDRs and WHP density bonus. The applicant is requesting an HR-8 underlying future land use designation with a request for a 50% Workforce Housing density bonus (up to 310 units) in the zoning application with a voluntary condition of approval limiting the density to 348 units and a requirement that any additional density be purchased through the TDR program up to the requested 348 dwelling unit maximum. Staff is recommending that the underlying future land use designation be MR-5 rather than HR-8 as shown in the last line of Table 2.

When applicants seek to maximize density through a future land use amendment the result is to minimize the use of the WHP from Density Bonus and TDRs, effectively lowering the percentage of required WHP. This is because the ULDC requires a percentage of density bonuses through the WHP and TDR Programs, whereas there is no WHP requirement for future land use amendments. Consequently, and based on prior Board direction, staff reports for future land use amendments to increase density include a staff recommendation for a condition of approval requiring a minimum percentage of Workforce Housing, on site, in exchange for the increased density being granted through the amendment. For multifamily developments, the recommended percentage is 25%. If the applicant's proposed amendment to HR-8 is approved and the standard WHP code requirement is applied, the project will be subject to an 18% workforce housing requirement resulting in 64 WHP units, which are not required to be provided on-site. These ULDC requirements were established for properties that already held the future land use designation subject to the bonus (in this case HR-8), not for sites seeking a concurrent future land use change. Applying the recommended 25% condition would increase the number of WHP units from 64 to 71, and require them to be provided on-site,

thereby increasing the availability of workforce units in the area. The portion of required TDR units that are required by ULDC to be WHP units would count toward the 25%.

C. Compatibility

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use. This section will focus on Parcel A, Polo Gardens, as the change to allow 4 units on Parcel B, Fields of Gulfstream, is not a future land use based density increase.

Surrounding Land Uses (Parcel A): Immediately abutting the site are the following:

North: To the north, the site is separated from Lake Worth Road by the Lake Worth Drainage District L-12 lateral canal. Across Lake Worth Road to the north at the northeast corner with Blanchette Trail are several smaller parcels with Low Residential, 2 units per acre (LR-2) and Low Residential, 3 units per acre (LR-3) future land use designations. The 4.66 acre LR-3 parcel is built with a 20,268 square foot Place of Worship (Christian & Missionary Alliance Church of Lake Worth). The smaller LR-2 parcels on either side of the church are developed with several single family homes, one of which is proposed for a small scale future land use amendment to Commercial Low Office (CL-O/2) called The Quartet Medical Office (SCA 2020-014) currently in process. The former amendment called Harbor Chase (LGA 2015-001) is located at northwest corner with an Institutional and Public Facilities with underlying 5 units per acre (INST/5) future land use designation and is constructed with a congregate living facility. Other built commercial office space with Commercial Low-Office (CL-O/2) future land use designation is located across Lake Worth Road to the northeast. Additional commercial space is located closer to the Turnpike with CL/3 and CH/2 and are built with a range of uses including, self-storage, indoor entertainment (skating rink), fast food restaurant, hotel, and a convenience store with gas sales.

East: To the east of the commercial portion of the proposed MLU site, between this portion of the MLU and the Turnpike are commercial properties including the 9.5 acre remainder of the of the land area within Ordinance 2008-029 with Commercial High with underlying 2 units per acre (CH/2) designation. This site does not have commercial zoning approval and is built with one single family home and agricultural (equestrian) uses. Further east is Hooks Road and a 3 acre commercial parcel that was approved for Commercial High with an underlying 2 units per acre (CH/2) as part of the Lake Worth Royale (LGA 2018-015) amendment. This commercial parcel is unbuilt with a Zoning approval for an office, restaurant, and day care.

To the east of the residential portion of the proposed MLU for Parcel A is the apartment complex now called Catalina at Lake Worth PUD which was approved as part of the Lake Worth Royal (LGA 2018-015) amendment. The amendment for this portion was a change from Low Residential, 2 units per acre (LR-2) to High Residential, 8 units per acre (HR-8) future land use adopted via Ordinance 2018-027 with additional density bonuses through the Transfer of Development Rights (TDR) and Workforce Housing (WHP) Programs. The property is currently vacant but is approved for 375 multifamily units in 3 story buildings. This approval included a 50% Workforce Housing Bonus density and 51 Transfer of Development Rights (TDRs) for a density of approximately 14 units per acre.

South & Southwest: To the south of the residential portion of the proposed MLU is the Fields at Gulfstream PUD (Parcel B). This property is subject to this amendment and

proposed for a reduction in overall units approved from 973 units to 903 units with the proposed deletion of 16.97 acres being transferred to Parcel A (Polo Gardens). The Fields of Gulfstream was last subject to a future land use amendment by the Gulfstream Polo Properties (LGA 2016-007) amendment that consolidated the prior approvals from LR-2 future land use to the current LR-3 and MR-5 designations. The ordinance included a condition of approval capping the density at 3 and 5 units per acre for consistency with the Neighborhood Plan, thereby prohibiting additional density through the TDR and WHP bonus programs. The overall density is 4.34 dwelling units per acre. The portion of Fields at Gulfstream that is directly adjacent is Parcel B (Polo Gardens) is built with 2 story townhomes with a 20 foot landscape buffer and 60 foot proposed connector road separating the projects. The remainder of the Fields at Gulfstream has a mix of single family, zero lot line, and townhomes and is currently under construction.

To the southwest of Parcel A is the Gulfstream Polo PUD (aka Gulfstream Preserve) that was approved for a future land use change from LR-2 to MR-5 in 2009 as Lake Worth/Lyons Residential (LGA 2009-007) during the preparation of the Neighborhood Plan. The adopting ordinance 2009-029 included a cap of 5 units per acre which eliminated future use of the TDR and WHP bonus programs, and a condition of approval requiring that 15% of all units on site be built as workforce housing. The site is approved for 247 zero lot line and multifamily units. The constructed units directly to the southwest across Polo Road are zero lot line units.

West: The property to the west of the commercial portion of Parcel A, across Polo Club Road, is a 38 acre property with a Commercial High with underlying 5 units per acre future land use designation. The property was initially granted a commercial future land use designation (CH/2) as Lake Worth Commercial (LGA 2008-009), and most recently amended by the amendment with the same name (LGA 2017-013) which increased the underlying density from 2 units per acre to 5 units per acre (CH/5) with a condition of approval to cap the density at 5 units per acre. This condition prohibits further density increases through the density bonus programs. The site has zoning approval known as Polo Legacy MXPD which is comprised 49,000 square feet of commercial uses and 184 dwelling units (152 townhomes and 32 multifamily units).

FLUE Policy 2.1-f states that *“the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity.”* And **FLUE Policy 2.2.1-b** states that *“Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintain to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan.”*

Applicant’s Comments: The applicant states that *“The higher density residential will provide a transition area between the Commercial High designations along Lake Worth Road and the single family/townhouse development currently under construction. It is also important to note that a comprehensive plan future land use amendment was just adopted for the Lake Worth Royale project which increased the density from LR-2 to HR-8 and allowed for additional density through the Workforce Housing Program and the Transfer of Development Rights Program. Lake Worth Royale is located to the east of the Property between Hooks Road and the Florida Turnpike. County staff deemed Lake Worth Royale to be compatible with the surrounding area. Therefore, as this application is proposing similar density/intensity, it is also compatible with the surrounding uses for similar*

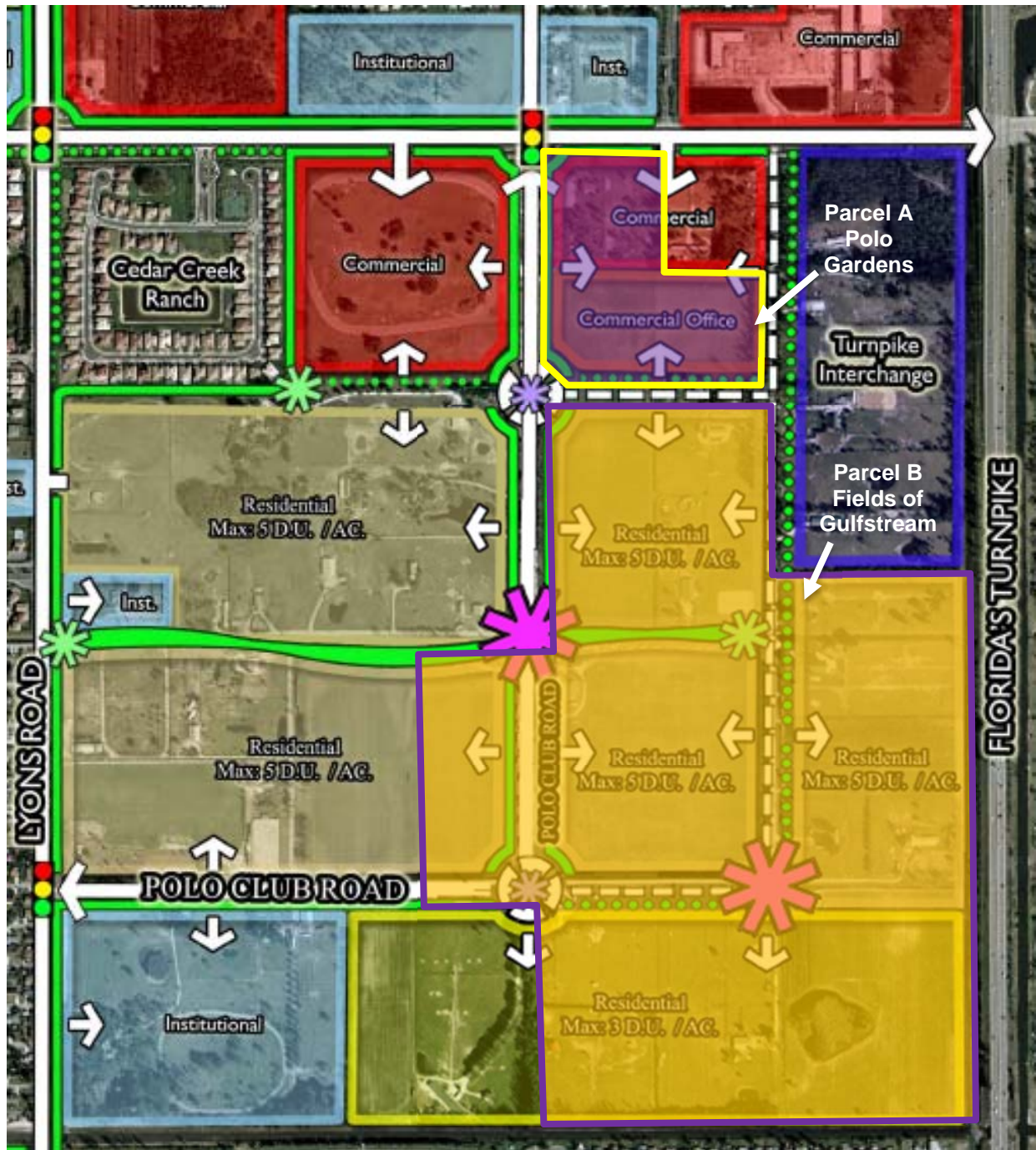
reasons.” Specifically, the applicant states that several factors demonstrate that the amendment is compatible with neighboring uses, including:

- *“Primary access is available from Lake Worth Road and Polo Club Road, both rights-of-way identified in the Neighborhood Plan, thus directing traffic away from local roads in the vicinity.*
- *The Property is located at a node that is identified in the West Lake Worth Road Neighborhood Plan. The Neighborhood Plan identifies the Property and the property to the west as Commercial High. 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 within the Neighborhood Plan and along the Lake Worth Road corridor.”*

Staff Analysis: The compatibility discussion will focus on the residential portion of Parcel A, Polo Gardens, as the change to allow 4 units on Parcel B, Fields of Gulfstream, is not a future land use based density increase, and there is no future land use change on the commercial portion of Parcel A.

The residential portion of Parcel A subject to the density increase is adjacent to multifamily 3 story housing to the east, 2 story townhomes to the south and west, and will be developed as a multiple use project with the commercial areas within Parcel A to the north. The adjacent townhome uses are built at a net density of more than 10 units per acre, and the adjacent multifamily is approximately 13.9 units per acre. The applicant proposes the an underlying future land use designation of HR-8, and the Multiple Land Use designation allows density calculated over the entire property to be clustered. The result, with the applicant’s proposed WHP Density Bonus and TDRs, is 348 units with a gross density of 13.5 units per acre, and a net density of 17.5 units per acre on the residential portion. This figure is 3 units per acre higher than the adjacent Lake Worth Royale and over 6 units per acre (net) than the adjacent townhomes to the south and west. This density is out of character with the area and would result in buildings as high as 4 stories. Multifamily uses on the site can be compatible with adjacent uses and consistent with the surrounding character. However, the density and height proposed by the applicant is not appropriate at this location. In order to maintain the character of the corridor, and be consistent with the adjacent uses, while providing a transitional density/intensity to the townhomes, staff is recommending a maximum of 3 stories as a conditions of approval.

West Lake Worth Road Neighborhood Master Plan



D. Consistency with County Overlays, Plans, and Studies

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

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

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

Staff Analysis: The subject site is located within the West Lake Worth Road Neighborhood Plan which envisioned that the commercial portion of Parcel A would be commercial, and that the remainder of Parcel A (the 16.97 acre portion of MR-5) would be commercial office. This portion was subject to an amendment to MR-5 in 2016; however, the Neighborhood Plan was not subsequently revised to reflect this change. The Lake Worth Road Coalition, Inc., a major stakeholder in formulating the Plan, has not submitted any changes to the Neighborhood Plan for consideration for the BCC to receive and file since the formulation of the plan and its original receipt by the BCC in 2009. See Page 6 Overview and the Compatibility sections for discussions of amendments in the area.

The commercial portion of Parcel A is currently subject to a condition of approval by Ordinance 2018-029 requiring that development on the site is consistent with the Neighborhood Plan's Design Guidelines. These Design Guidelines are not adopted into the Comprehensive Plan and represent the articulation of community desires as is the remainder of the Neighborhood Plan. There are a number of recommendations in the Design Guidelines related to non-residential uses, landscape buffers, lighting, signage, and recreation and amenities, including pathways, that are more appropriately addressed in the Zoning application and not the future land use amendment. However, the recommended height limitation is addressed below as it relates to character.

Given that Neighborhood Plan does not identify the site for any increases, the site does not qualify for an exemption from utilizing the County's TDR bonus density program as listed in Policy 2.4-b. However, the Neighborhood Plan Design Guidelines recommend a maximum height of 2 stories with the intent *“to ensure future development within the Neighborhood Plan is designed and constructed to preserve and define the character of the surrounding area”*. The adjacent Lake Worth Royale is approved for 3 story multifamily building with 375 units (14 units per acre density). The density requested for Parcel A is 17.45 units per acre net, and the concurrent zoning application is for the multifamily units in 3 and 4 story buildings. For the properties identified in the neighborhood plan with increases, the highest overall density is 5 units per acre, although with clustering the density on the adjacent townhomes to the west and south of the site are upwards of 11 units per acre. Even though the subject site is not identified specifically for a residential density, overall the maximum density supported by the neighborhood plan is 5 units per acre with a cap at that figure. Considering the Neighborhood Plan recommendations, and the maximum of 3 stories on the multifamily properties to the east and the west of the subject site as well as 2 stories to the south of the subject site, a limitation on the density to 5 units per acre and a limitation on height is warranted considering the suburban

character of the area. Therefore, staff is recommending that the future land use designation be approved at MR-5 rather than the HR-8 proposed by the applicant, and a condition of approval limiting the buildings to a maximum of 3 stories.

E. Public Facilities and Services Impacts

The proposed amendment will change the future land use designation on a portion of the amendment area and revise conditions of approval on the remainder. For the purposes of public facilities impact analysis, the maximum commercial intensity is based on 145,790 square feet of non-residential uses adopted by Ordinance 2018-29 that will remain the same with no increase due to the retention of the condition of approval. The residential increase examined is from a potential 103 units to a potential 348 units. The condition revision to Parcel B, to allow an additional 4 units through the zoning process using the Workforce Housing Program is not a future land use density change. Public facilities impacts are detailed in the table in Exhibit 4.

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

Staff Analysis: The proposed amendment was distributed to the County service departments for review. There are adequate public facilities and services available to support the amendment, and the amendment does not exceed natural or manmade constraints. Staff sent a request for departmental review of the proposed amendment to various County departments and external agencies for review of public facility impacts. No adverse comments were received from the following departments and agencies regarding impacts on public facilities:

Mass Transit (Palm Tran), Potable Water & Wastewater (Seacoast Utilities), Environmental (Environmental Resource Management), Historic Resources (PBC Archaeologist), Parks and Recreation, Office of Community Revitalization (OCR), ULDC (Zoning), Land Development (Engineering), School Board, Health (PBC Dept. of Health), Fire Rescue, Lake Worth Drainage District.

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

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

Staff Analysis: According to the County’s Traffic Engineering Department (see letter dated July 22, 2020 in Exhibit 5) development of the site at the maximum development potential proposed by the amendment .:

The Traffic letter concludes *“Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment meets Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the proposed potential density*

shown above. Therefore, this amendment requires a condition of approval, based on Transfer of Development Rights (TDR) and density bonus programs, to cap the project at the proposed development potential or equivalent trips. Please note the proposed change will have no significant impact for both long range and Test 2 analyses."

The Traffic Study was prepared by Simmons & White, 2581 Metrocentre Blvd West, Suite 3, West Palm Beach, FL 33407. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at: <http://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

3. **School District Comments:** The School District indicated in the School Capacity Availability Determination letter, or SCAD, dated May 5, 2020 (Exhibit 7) that the proposed amendment will negatively impact the Public School system for the Elementary, Middle, and High Schools in the area. A new high school is planned within the area. Greater WPB/LW Area HS (03-000) is being planned by the School District the construction phase of the project to begin in April/May of 2021. The school is scheduled to open in August of 2023.
4. **Zoning implications - PBC Engineering Dept.–Traffic Division:** As indicated in the conditions for the two projects above, Fields Of Gulfstream will be required to provide a 60 foot right-of-way at the northern edge of its parcel for a roadway that will connect Polo Rd with Hooks Rd. Polo Gardens, which will have access to the above connector roadway, will be required to construct this roadway which shall remain open to the public. The maintenance of this connector roadway will be the obligation of adjacent property owners.

The above connector roadway will allow traffic from parcels, mostly bordering Hooks Rd, to travel to Polo Rd and make a direct northbound left turn at the intersection of Lake Worth Rd and Polo Rd, which is expected to have a traffic signal soon, to travel westbound on Lake Worth Rd. Without this connector roadway, all of the exiting traffic from above parcels intending to go westbound on Lake Worth Rd will have to first make a right turn on Lake Worth Rd from Hooks Rd. A directional median break on Lake Worth Rd at Hooks Rd will not allow for left turns out to travel westbound. This creates a situation wherein a substantial portion of traffic exiting from Hooks Road will cross three eastbound through lanes on Lake Worth Rd within a very short distance to access a short eastbound left turn lane at the Turnpike Interchange signal in order to make a U-turn movement to travel westbound on Lake Worth Road. This short left turn lane may not only be inadequate to handle the substantial amount of left plus U-turn traffic, but in addition, may also pose safety issues. It is also anticipated that in many instances, there will be long eastbound queuing on Lake Worth Rd. that will make it difficult and uncomfortable for motorists to exit from Hooks Road. Thus, the requirement to provide a 60 foot right-of-way at the northern edge of Fields of Gulfstream parcel for a connector road will connect Polo Rd with Hooks Rd is crucial for the safety of this neighborhood.

II. Public and Municipal Review

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

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on September 21, 2020. To date, no objections through the IPARC process to this amendment have been received.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on September 21, 2020. In addition, on the same date, the Lake Worth Road Coalition, Inc. and the following Home Owners Associations within the West Lake Worth Road Neighborhood Plan area were notified by mail: Summer Chase, Cypress Trails, Bent Creek, Legend Lake Estates, Cypress Woods, Woods Walk, Cypress Lake Estates, and Cedar Creek Ranch. Letters received are included in Exhibit 10. On Sept. 4th, Planning and Zoning receive a letter from the Lake Worth Coalition president stating their objections to the request. See Exhibit 10.
- C. Informational Meeting:** The Planning Division hosted a meeting for area residents and interested parties to relay information regarding the amendment and development approval process on September 29, 2020, and a follow up meeting on the same date with representatives of the Lake Worth Coalition. Between the two meetings, 7 members of the public attended. Concerns expressed by the participants were related to traffic impacts, high density, and inconsistency with the Neighborhood Plan.

Exhibit 3

Applicant's Justification

Introduction

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment for the 25.79 acre Polo Gardens MLU Property to amend the future land use atlas designation from Commercial High, with an underlying 2 units per acre (CH/2) with conditions on 8.83 acres and Medium Residential, 5 units per acre (MR-5) with conditions on 16.96 acres to the Multiple Land Use designation. The Applicant is proposing the Multiple Land Use designation with Commercial High and High Residential, 8 units per acre (CH & HR-8). The 8.83 acre portion of the Property is currently developed with several equestrian stables and a single-family home and the Property has an agricultural tax exemption for the equestrian uses. The remaining 16.96 acres are currently vacant and included within the PUD approval for the Fields at Gulfstream Polo. This 25.79 acre property is collectively referred to as "Parcel A" in the accompanying application and as "Property" throughout this justification statement.

Additionally, included as part of this amendment application is the remaining 204.59 acre Fields at Gulfstream Polo PUD property. This area is included with this application in order to separate the 16.96 acres from the Ordinance previously imposed on the Fields at Gulfstream Polo PUD. A concurrent zoning Development Order Amendment application has been submitted for this Planned Unit Development in order to remove the 16.96 acres from the PUD and adjust the conditions of approval accordingly as discussed below. This 204.59 acre property is collectively referred to as "Parcel B" in the accompanying application and as "Fields at Gulfstream Polo PUD" throughout this justification statement.

I. PROPOSED FLUA MAP AMENDMENT

The Property is located at the southeast corner of Lake Worth Road and Polo Club Road, approximately 2,600 feet east of Lyons Road. The 8.83 acre Haley Farms Property (PCNs 00-42-43-27-05-028-0041 & 00-42-43-27-05-028-0042) and the 16.96 acre Palm Tree Farms/Dears Farm/DiVosta Property (PCNs 00-42-44-29-05-001-0010, 00-42-44-29-05-001-0020, and 00-42-44-29-05-001-0030) combine to total approximately 27.7 acres. A 1.92 acre portion of the Palm Tree Farms and DiVosta parcels are excluded from this application and will remain within the Fields at Gulfstream Polo PUD for the purpose of dedicating a right-of-way to connect Polo Club Road and Hooks Road. These parcels are collectively referred to as the Polo Gardens MLU Property. As discussed below, both portions of the Property have been the subject of several comprehensive plan amendments in the past. The Applicant is requesting to separate these parcels from the previous approvals in order to develop one cohesive mixed-use project. The request is for a Multiple Land Use designation that will include Commercial High as well as High Residential, 8 units per acre.

The Applicant has submitted a concurrent rezoning application to Multiple Use Planned Development (MUPD). This application is proposing a total of 378 multi-family dwelling units and 23,790 square feet of commercial as further referenced below. The Applicant will be requesting an 80% density increase through the Workforce Housing Program which totals 165 additional units of which 72 will be required to be provided as Workforce Housing units. Additionally, the Applicant will be requesting the purchase of 7 Transfer of Development Rights units. The attached Master Plan includes the minimum and maximum mix of uses as well as the acreages dedicated to each use.

Additionally, this application includes modifications to the conditions of approval for Parcel B to recognize the reduction in acreage as well as total number of units. The Fields at Gulfstream Polo PUD is requesting to increase the total number of units allowed under the current FLUA designation of 899 units by 4 units through the Workforce Housing Program bringing the total number of units to 903 units. This minor increase

was caused because the Planned Unit Development was previously in the process of shifting units around internal to the PUD, prior to DiVosta's negotiations with Sheldon Rubin. The increase of 4 units will allow DiVosta to continue moving forward with current permits and plat applications in process.

Two concurrent Zoning applications have been submitted to the County for this Property. Urban Design Studios has submitted a Development Order Amendment to the Fields at Gulfstream Polo PUD to remove 16.96 acres from the PUD (DOA-2020-775). JMorton Planning and Landscape Architecture has submitted a rezoning application to rezone the entire 25.79-acre Polo Gardens MLU Property to Multiple Use Planned Development (MUPD) (PDD/CA-2020-788).

Description of Site Vicinity

The Property is located within the West Lake Worth Road Neighborhood Planning area. Specifically, the Property's location at Lake Worth Road and Polo Club Road is important because this intersection has been identified as a commercial node within the planning area. It is important to note that the West Lake Worth Road Neighborhood Planning area has experienced a rapid amount of growth recently with the approval of several large planned unit developments.

The Property to the west, across Polo Club Road, was recently the subject of a Comprehensive Plan Future Land Use Atlas amendment in 2017. The Board of County Commissioners approved an amendment to increase the underlying density of the 37-acre parcel from 2 units per acre to 5 units per acre. Additionally, the Applicant requested several conditions of approval that required development in the form of a Lifestyle Commercial Center (LCC) to be modified. The County staff supported, and Board of County Commissioners approved both requests.

To the east of the Property, at the southwest corner of Lake Worth Road and the Florida Turnpike is a 30-acre property that was the subject of a Comprehensive Plan Future Land Use Atlas amendment that was adopted by the Palm Beach County Board of County Commissioners on October 31, 2018. The future land use designation was amended from Low Residential, 2 units per acre (LR-2) to Commercial High (CH) on 3 acres and High Residential, 8 units per acre (HR-8) on the remaining 27 acres. This future land use amendment was approved subject to several conditions which included the purchase of 51 Transfer of Development (TDR) units to increase the maximum number of units developed on the property to 375 units.

Land uses of the properties directly abutting the Project include the following:

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number	Resolution Number
North	LR-2	RS	Day Care	2005-001	R-2019-162
	LR-3	RT	Place of Worship – 28,291 SF)	1988-079	R-2019-160
South	MR-5	PUD	Fields at Gulfstream Polo PUD (SF, ZLL, & TH) - +/-920 units	2005-594	R-2018-123
East	CH/2	AR	Equestrian Uses	N/A	N/A
	HR-8	PUD	Catalina at Lake Worth PUD (Multi-family) - 370 units	2017-194	R-2019-901, R-2019-902, R-2019-903 & R-2019-904
West	CH/5	MXPDP	Polo Legacy MXPDP (Multi-Family &	2007-096	R-2019-558, R-2019-559 &

			Commercial) – 184 units & 459,500 SF		R-2019-560
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History

The Property and surrounding properties were historically used for polo related activities such as training areas for horses involved in polo events. The Polo Grounds, as the area was previously called, also hosted multiple polo matches and equestrian related events. Within recent times, the equestrian activity has relocated further west to the Village of Wellington. This former polo area is now being developed into single and multi-family residential communities. As this area started changing from equestrian uses to higher density residential and commercial, the adjacent neighborhood became very active in the interest of preventing urban levels of development and varied housing types from encroaching into their low density area and negatively impacting their lifestyle. The residents were also concerned that the higher density residential development brought an increased amount of workforce housing. The surrounding neighborhood created the West Lake Worth Road Neighborhood Plan in an effort to direct and control proposed development in their community and to prevent the utilization of the County's Workforce Housing and Transfer of Development Rights density bonus programs which promote the development of workforce housing units.

As referenced above, a comprehensive plan amendment was approved in August 2009 for a 19.04 acre Project (PCNs 00-42-43-27-05-028-0041, 00-42-43-27-05-028-0042, 00-42-43-27-05-028-0035, 00-42-43-27-05-028-0032, 00-42-43-27-05-028-0034, 00-42-43-27-05-028-0033, 00-42-43-27-05-028-0031, and 00-42-43-27-05-028-0036) that included the subject 8.83 acre portion of the Property. The Property has since changed hands. In 2017, the current property owner submitted a Comprehensive Plan Future Land Use Atlas amendment for the 8.83 acre portion to eliminate conditions of approval related to site design of the Property as well as assign proportionate shares of the commercial square footage to each property owner. This amendment (Ordinance No. 2018-029) was adopted on October 31, 2018.

Ordinance 2018-029 – Conditions that apply to Haley Farms parcel

1. The land area within Ordinance No. 2009-028 is limited to a maximum of 300,000 s.f. of non-residential uses or equivalent traffic generating uses. A maximum of 145,790 s.f. is assigned to the land area within the subject ordinance, with the remaining 154,210 s.f. assigned to the remainder of land area within Ord. 2009-028.
2. The following design guidelines do not apply to development under the Commercial High designation:
 - If the property is developed with both residential and commercial uses, the site shall provide at least 5% usable open space.
 - Vehicular and pedestrian cross access shall be provided to the parcel to the east within Ord. 2009-028.
 - No single retail tenant shall exceed 65,000 SF.

The remaining 12.6 acres of the Property were previously included in Ordinance Nos. 2010-026, 2014-010 and 2016-025 along with several other parcels. Ordinance No. 2010-026 (LGA 2010-009) amended the land use designation from Low Residential, 2 units per acre (LR-2) to Multiple Land Use (MLU) with Commercial Low, Office (CL-O) and Low Residential, 3 units per acre (LR-3). This ordinance included several conditions of approval related to density and site design. Subsequently Ordinance No. 2014-010 (LGA 2014-001) amended the future land use designation from MLU to Medium Residential, 5 units per acre (MR-5) and include conditions related to density. More recently Ordinance No. 2016-025 (LGA 2016-007) was adopted which modified several previous adopted ordinances including the two previous ones affecting the Property. This ordinance incorporated all previous ordinances and modified conditions of approval to limit density to a maximum of 5 units per acre and required development of the Property consistent with the West Lake Worth Road Neighborhood Plan.

Ordinance 2016-025 – Conditions that apply to Dears Farm, Palm Tree Farms and DiVosta parcels

1. Development of the site is limited to 5 dwelling units per acre in the MR-5 portion and 3 dwelling units per acre in the LR-3 portion, with no residential increases permitted above 983 dwelling units.
2. Development of the site shall comply with the West Lake Worth Road Neighborhood Plan Design Guidelines dated November 19, 2009 and the following:
 - a. Vehicular and pedestrian connections shall be provided to all existing and future adjacent development identified in the West Lake Worth Road Neighborhood Plan Master Plan (at minimum).

This 12.6 acre portion of the Property is currently included within the development area of the approved Planned Unit Development known as Fields at Gulfstream Polo (Control No. 2005-594), a project currently being developed as a single family and townhouse development by Pulte Homes. The Applicant acquired the 12.6 acre portion of the Property from Pulte in 2016 with the intent of assembling land and developing a cohesive mixed-use project.

The Fields at Gulfstream Polo was approved by the Board of County Commissioners on April 28, 2016. This approved Master Plan identified an eighty foot roadway connecting Polo Club Road to Hooks Road along the Property's southern boundary. The Applicant is proposing to retain that roadway connection but reduce the width to sixty feet per Palm Beach County Land Development minimum roadway standards.

In addition to the proposed land use change to Multiple Land Use, the Applicant is requesting to amend the conditions of approval that applies to the Field at Gulfstream Polo (Ordinance 2016-025) to reflect the removal of 12.6 acres, reduced total unit count, allow the density to be spread over the entire project as others have been permitted the same in the recent past, and allow a small density increase above 5 dwelling units per acre through the Workforce Housing Program.

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. The modifications proposed to the conditions of approval are discussed throughout the justification as well as more specifically below:

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

***Response:** The proposed use is suitable and appropriate for the Property as a Commercial High designation was previously applied to the 8.83 acre portion of the Property and is designated as Commercial High on the West Lake Worth Road Neighborhood Plan. The proposed land use amendment is requesting to incorporate the previously approved Commercial High designation into a Mixed Land Use designation with High Residential, 8 units per acre in order to develop the Property as a mixed-use project that will complement the recently approved project located at the southwest corner of Lake Worth Road and the Florida Turnpike. The proposed development will also support the intense commercial project proposed at the southwest corner of Lake Worth Road and Polo Club Road.*

The Property has access and frontage on Lake Worth Road, Polo Club Road, and Hooks Road giving the future residents and customers access from the major east/west thoroughfare as well as to Lyons Road, a major north/south thoroughfare. The Property's location within close proximity of the Florida Turnpike also contributes to the appropriateness of the proposed mixed-use project which incorporates commercial and multi-family uses.

The County's approval of multiple PUDs, including Andalucia, Gulfstream Polo and the Fields at Gulfstream Polo, as well as the recent adoption of Lake Worth Royale (LGA 2018-015), indicates that this area of the western Lake Worth Road corridor is changing from a rural area to a more suburban area. A significant amount of the housing in the area is single-family, with new homes being constructed

and priced starting in the \$400,000 range. It is important to ensure that various housing options are available to the current and future residents of Palm Beach County, especially on properties that are ideally located with access on multiple rights-of-way with easy access and connections to major thoroughfares.

The existing future land use designation limits the maximum density on the property to 2 dwelling units and 5 dwelling units per acre. The proposed amendment allows additional density necessary for the implementation of workforce housing by providing one of the needed incentives to offset the increasing cost of land and construction. This is a key component to provide a specific segment of the County's population with the housing that it desperately needs. The provision of Workforce Housing for the residents of Palm Beach County has been a significant topic raised by every Board of County Commissioner. Commissioners, as well as the County Administrator, have reiterated that Workforce Housing is a top priority for the entire County as the lack of affordable housing is a "crisis". This amendment will provide the needed incentive for the project developer to provide such housing in an area of Palm Beach County that is easily accessible to various transit routes and where utilities and public services are available.

Finally, approval of this proposed application will allow for the dedication of a connector roadway linking Hooks Road and Polo Club Road as originally intended by the West Lake Worth Road Neighborhood Plan. This link is critical for the future residents of the Lake Worth Royale (Catalina at Lake Worth) project to ensure access to a signalized intersection and ultimately travel west on Lake Worth Road. This link was originally included within the Fields at Gulfstream Polo PUD, however once that developer cashed out on the civic parcel obligation, the civic pod was converted into a residential pod and that roadway was erroneously removed from the approved Master Plan. This future land use application will allow for that roadway to be provided in compliance with the original PUD Master Plan and neighborhood plan.

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: *Several land use amendments have been adopted in the immediate area which signify that the western Lake Worth Road corridor is changing. The following amendments, all located within the West Lake Worth Road Neighborhood Plan, have requested an increase to MR-5:*

- *Izzy Lizzy (LGA 2017-016)*
- *Lake Worth Commercial (LGA 2017-013)*
- *Gulfstream Polo Properties (LGA 2016-007)*
- *Andalucia Residential (LGA 2016-032)*
- *Rubin Communities (LGA 2015-003)*
- *Harborchase of Wellington Crossing (LGA 2015-001)*
- *Palm Tree Farms (LGA 2014-002)*
- *Gulfstream Properties (LGA 2014-001)*
- *Lake Worth/Lyons Residential (LGA 2009-007)*

Additionally, the property to the east, known as Lake Worth Royale (LGA 2018-015), received approval to increase the density from two units per acre to over 12 units per acre, which includes the approval of TDR and workforce housing units. As discussed earlier, the character of the area has changed from a large lot equestrian area with low density land use designations to planned unit developments with medium and high density land use designations. Because these future land use changes have impacted the area, as well as the Property, a mixed-use development along this

major transportation corridor is more appropriate. A mixed-use project within close proximity of the Florida Turnpike interchange will contribute to a more sustainable development pattern with the Lake Worth Road corridor.

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

Response: *The West Lake Worth Road Neighborhood Plan was adopted which identified Polo Club Road as a significant roadway connecting the many residential developments to Lyons Road and Lake Worth Road. The West Lake Worth Road Neighborhood Plan also created a commercial node at this intersection to serve the residents of the West Lake Worth Road area. Polo Club Road has since been constructed and will soon become a signalized intersection.*

Another important change that should be noted for the surrounding area is a change away from equestrian uses. Within the past 10 years this area of Palm Beach County has experienced significant residential development composed mainly of single-family development. A congregate living facility has been constructed within the area and a large medical office was recently adopted and is planned to be constructed along the Lake Worth Road corridor to the west of the Property. The proposed multi-family residential will provide additional housing options for employees of both of these facilities as well as the commercial project proposed for the southwest corner of Lake Worth Road and Polo Club Road. Development of various housing options throughout Palm Beach County ensures that residents are given the opportunity to live within close proximity of their place of employment and/or services, which ultimately helps reduce traffic by decreasing travel times as well as allowing the possibility for alternate transportation modes (i.e. pedestrian, bicycle, bus).

Approval of this mixed-use development will incorporate several access points to adjacent properties in compliance with the West Lake Worth Road Neighborhood Plan. The recent approvals of various PUDs have removed key access and roadway links originally shown on the Master Plan for the West Lake Worth Road area. This application is proposing a connection to the adjacent commercial property that was required by the previous Haley Farms Ordinance (Ord. No. 2018-029). Additionally, approval of this application will allow for the dedication of a roadway linking Hooks Road to Polo Club Road. This roadway will stay within the boundaries of the Fields at Gulfstream Polo PUD. The Applicant has worked collaboratively with the developer of the Fields at Gulfstream Polo (Pulte) to ensure that this critical connection is incorporated and provided as originally intended by the neighborhood plan.

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

Response: *The West Lake Worth Road Neighborhood Plan was adopted in 2009 and limited the maximum density to 5 dwelling units per acre for properties south of Lake Worth Road and a maximum of 3 units per acre south of 47th Place South. Palm Beach County recently adopted a future land use amendment for the 30 acre property located at the southwest corner of Lake Worth Road and the Florida Turnpike to increase the density from Low Residential, 2 units per acre to High Residential, 8 units per acre (HR-8). This approval was based upon that property's proximity to the Florida Turnpike as well as a critical need for workforce housing. The Applicant is requesting the same density and is proposing to provide additional workforce housing through the increased density per the Workforce Housing Program as well as through the Transfer of Development Rights Program. The Applicant is proposing to provide these Workforce Housing units to meet the severe deficit that exists in Palm Beach County, especially within the area west of the Florida Turnpike.*

The Property's location at the new signalized intersection of Lake Worth Road and Polo Club Road will ensure appropriate access to Lake Worth Road, Polo Club Road, and Lyons Road allowing traffic generated by the proposed application various routes to north/south and east/west collector rights-of-way. Furthermore, the Applicant is proposing to ensure that the connection roadway

linking Hooks Road and Polo Club Road is provided as originally shown on the West Lake Worth Neighborhood Plan as well as provide a future connection to the commercial project immediately to the northeast of the Property in compliance with previous conditions of approval per Ordinance No. 2018-029.

Additional changes in the area that affect the Property include the recent approval of a large hospital and medical facility at the intersection of Lake Worth Road and Lyons Road. Many of the employees of this medical facility will need housing within close proximity. A majority of the housing options within the immediate area are not attainable for the medical technicians, nurses, cafeteria workers and cleaning staff employed at that medical facility. Additional attainable housing options are needed for those employees as well as others in the vicinity.

d. Inappropriateness of the adopted FLU designation.

***Response:** The West Lake Worth Road Neighborhood Plan indicated a desire for mixed-use projects. The Applicant was recently granted approval of a Comprehensive Plan Future Land Use amendment to effectively withdraw from the Lifestyle Community Center (LCC) project that included the Haley Farms properties as well as the commercial properties immediately to the northeast of the Property in order to develop a cohesive mixed-use project without relying on the adjacent property owner. The Applicant intends to develop a project that is generally consistent with the neighborhood plan that will contribute to the area aesthetics and positively impact the surrounding area.*

The existing residential land use designation does not allow residential development above 5 dwelling units per acre. Mixed-use development requires high density to allow for the development of multi-family residential. Unfortunately, the density permitted by the Low Residential, 2 units per acre (LR-2) and Medium Residential, 5 units per acre (MR-5) designations do not provide for the density necessary for a mixed-use project. This area of the County is saturated with single family and townhouse units. The development of multi-family units is significantly lacking thus indicating that the existing future land use designation is no longer appropriate, especially given the deficit of workforce housing units.

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

***Response:** N/A*

Proposed Modifications to Conditions

The proposed modifications to the previously approved conditions are shown and discussed below. Ordinance 2016-025 applies to both Parcel A and Parcel B. The conditions are proposed to be modified separately as these conditions are no longer applicable to the Property (Parcel A) once removed from the Fields at Gulfstream Polo PUD. These conditions will remain in effect as modified for the new boundaries of Fields at Gulfstream Polo (Parcel B).

Property (Parcel A)

Ordinance 2016-025 - Applies to Dears Farm, Palm Tree Farms and DiVosta parcels

- ~~1. Development of the site is limited to 5 dwelling units per acre in the MR-5 portion and 3 dwelling units per acre in the LR-3 portion, with no residential increases permitted above 983 dwelling units.~~
- ~~2. Development of the site shall comply with the West Lake Worth Road Neighborhood Plan Design Guidelines dated November 19, 2009 and the following:~~
 - ~~a. Vehicular and pedestrian connections shall be provided to all existing and future adjacent development identified in the West Lake Worth Road Neighborhood Plan Master Plan (at minimum).~~

Response: *These two conditions no longer apply to the Property once separated and removed from the Fields at Gulfstream Polo Planned Unit Development. Compliance with the West Lake Worth Road Neighborhood Plan will be addressed in the following conditions and/or any others imposed by Staff thorough the amendment review process.*

Ordinance 2018-029 – Applies to Haley Farms parcel

1. The land area within Ordinance No. 2009-028 is limited to a maximum of 300,000 s.f. of non-residential uses or equivalent traffic generating uses. A maximum of 145,790 s.f. is assigned to the land area within the subject ordinance, with the remaining 154,210 s.f. assigned to the remainder of land area within Ord. 2009-028.

2. The following ~~design guidelines do not apply to development~~ conditions of approval apply to this ordinance area developed utilizing under the Commercial High future land use designation:

- If the property is developed with both residential and commercial uses, the site shall provide at least 5% usable open space.
- Vehicular and pedestrian cross access shall be provided to the parcel to the east within Ord. 2009-028.
- No single retail tenant shall exceed 65,000 SF.

Response: *The Applicant is proposing to retain Condition 1 as the previously approved square footage remains tied into a shared ordinance with the commercial property to the west. The Applicant is proposing to modify Condition 2 as the adopting ordinance contained a scrivener's error and did not match the attached Staff Report. The reworded condition matches the language in the staff report.*

Fields at Gulfstream Polo (Parcel B)

Ordinance 2016-025 - Applies to Dears Farm, Palm Tree Farms and DiVosta parcels

1. Development of the site is limited to ~~5 dwelling units per acre in the MR-5 portion and 3 dwelling units per acre in the LR-3 portion, with no residential increases permitted above 983~~ 903 dwelling units.
2. Development of the site shall comply with the West Lake Worth Road Neighborhood Plan Design Guidelines dated November 19, 2009 and the following:
 - a. Vehicular and pedestrian connections shall be provided to all existing and future adjacent development identified in the West Lake Worth Road Neighborhood Plan Master Plan (at minimum).

Response: *The Applicant is proposing to modify Condition 1 to allow for the density of the Fields at Gulfstream PUD to be spread over the entire project as per FLUE Policy 2.2.1-f. Additionally, the total number of units has been corrected to reflect the number of units proposed for the amended PUD (Zoning Application No. DOA-2020-775). It is important to note that this Future Land Use Amendment is not proposing to increase the allowable density for the Fields at Gulfstream Polo, however 4 additional units are being requested through the Workforce Housing Program. This increase would bring the allowable total number of units up from 899 to 903 in order to accommodate existing permit and plat applications currently in process by DiVosta.*

G.2 Residential Density Increases (Only Applies to Parcel A)

Per Future Land Use Element Policy 2.4-b, the proposed request for a density is consistent with the following criteria:

- Demonstrate a need for the amendment.
- Demonstrate that the current FLUA designation is inappropriate.
- 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.

a. Demonstrate a Need for the Amendment

Response: *As discussed above, Palm Beach County is in the middle of a Workforce Housing crisis. There is a significant deficit of workforce housing options available to working professionals such as teachers, police, nurses, etc. in Palm Beach County.*

	FLU	Units	TDR Bonus (2 du/acre)	WHP Bonus	Total Units	Density	WHP Units
<i>Current</i>	<i>LR-2 & MR-5</i>	<i>103</i>	<i>52</i>	<i>82</i>	<i>237</i>	<i>9 du/acre</i>	<i>53 units</i>
<i>Proposed</i>	<i>HR-8</i>	<i>206</i>	<i>7</i>	<i>165</i>	<i>378</i>	<i>15 du/acre</i>	<i>74 units</i>

As shown in the table above, the proposed amendment will increase the amount of available workforce housing units on the Property by 40%.

b. Demonstrate that the Current FLUA Designation is Inappropriate

Response: *As discussed above, the current future land use designation is inappropriate given the recent changes to increase density and intensity that have occurred in the area as well as the increasing need for workforce housing in Palm Beach County. The existing residential land use designation does not allow residential development above 5 dwelling units per acre. Mixed-use development requires high density to allow for the development of multi-family residential. Unfortunately, the density permitted by the LR-2 and MR-5 designations is minimal. This area of the County is saturated with single family and townhouse units. This low density contributes to a homogeneous community rather than providing for mixed income communities. Additionally, this low density is not the most efficient use of public facilities and utilities. The development of multi-family units is significantly lacking thus indicating that the existing future land use designation is no longer appropriate.*

c. Explanation of Why TDR, WHP and AHP Cannot be Utilized to Increase Density on the Property

Response: *The proposed amendment is proposing to utilize the Workforce Housing Program as well as the Transfer of Development Rights Program. The density increase through both of these programs will yield an additional 21 workforce housing units.*

This proposed application is similar to the Lake Worth Royale project recently adopted by the Board of County Commissioners and will further address the Workforce Housing crisis that has been cited by County staff and elected officials at public hearings as well as numerous articles in various South Florida newspapers.

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 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 Map Amendment designation will be compatible with neighboring uses.

- Primary access is available from Lake Worth Road and Polo Club Road, both rights-of-way identified in the Neighborhood Plan, thus directing traffic away from local roads in the vicinity.
- The Property is located at a node that is identified in the West Lake Worth Road Neighborhood Plan. The Neighborhood Plan identifies the Property and the property to the west as Commercial High. 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 within the Neighborhood Plan and along the Lake Worth Road corridor.

An 8.83 acre portion of the Property already has a Commercial High future land use designation, which is appropriate given the West Lake Worth Road Neighborhood Plan designation for commercial uses as this location, and general land use practices of keeping commercial uses along major transportation corridors and at nodal locations. The Commercial High designation has already been determined to be consistent with the Plan, and compatible with the existing and planned development based upon the design guidelines imposed by the adopted Neighborhood Plan. The above factors, coupled with setback, buffer and landscaping requirements will dictate that on-site structures will be compatible with the neighboring properties and not create or foster undesirable health, safety, or aesthetic effects.

Approval of the proposed amendment will allow for a mixed-use development which was originally contemplated by the Neighborhood Plan. The Property was originally approved as a Lifestyle Commercial Center (LCC) which is a type of mixed-use project. The LCC was never developed on the Property or any other parcel in Palm Beach County. Therefore, the proposed Mixed Land Use project is a logical evolution that will accomplish the mixed-use objectives identified in the adopted West Lake Worth Road Neighborhood Plan.

The higher density residential will provide a transition area between the Commercial High designations along Lake Worth Road and the single family/townhouse development currently under construction. It is also important to note that a comprehensive plan future land use amendment was just adopted for the Lake Worth Royale project which increased the density from LR-2 to HR-8 and allowed for additional density through the Workforce Housing Program and the Transfer of Development Rights Program. Lake Worth Royale is located to the east of the Property between Hooks Road and the Florida Turnpike. County staff deemed Lake Worth Royale to be compatible with the surrounding area. Therefore, as this application is proposing similar density/intensity, it is also compatible with the surrounding uses for similar reasons.

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. Furthermore, the proposed amendment is consistent with the West Lake Worth Road Neighborhood Plan goals, objectives, and policies.

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

- **Balanced Growth** – “...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 mixed-use project that will provide needed services to the surrounding residential community as well as an additional housing option for future residents. The proposed density increase will provide additional Workforce Housing units for area teachers, nurses, police, etc. The West Lake Worth Road Neighborhood Plan identified the intersection of Lake Worth Road and Polo Club Road as a*

commercial node. The Applicant is proposing to retain the commercial designation to address the shortage of services available to the existing and future residents.

- **Community Planning and Design** – “...to develop and implement strategies that will enhance the quality of life within its neighborhoods and communities by ensuring that these areas are well-planned, visually pleasing, safe, and devoid of substandard housing and blight.”

***Response:** Approval of the proposed FLU amendment will allow for the development of an existing neighborhood serving commercial designation for the residents of the West Lake Worth Road Neighborhood Plan area while incorporating a residential component. The very definition of a well-planned community is one that is compact and self-contained with a mix of uses providing for the daily needs to live, work, play, worship, dine, and shop. Additionally, commercial uses would provide needed services to those living and working within the immediate community that are not being provided in the existing and future regional commercial centers farther to the east along the Lake Worth corridor or to the west in Wellington.*

Increasing the residential density for the Property will ensure that the community has the needed Workforce Housing available for the teachers of nearby schools, the police that patrol the Lake Worth Road corridor, the nurses that work at the CLF on the north side of Lake Worth Road, and the future employees of the future regional medical office planned at the intersection of Lyons Road and Lake Worth Road.

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

- **FLUE Objective 1.2 Urban/Suburban Tier** – “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 where services and public facilities are already available. According to County Directions related to Growth Management and previous staff reports published by the Planning Division, “Increases in density within the [Urban/Suburban] Tier do make efficient use of facilities and services that are already in place.” The population of Palm Beach County is continuing to grow and housing those residents within the Urban/Suburban Tier is a County priority rather than increasing density and expanding services into other Tiers such as the Rural, Exurban and Ag Reserve Tiers.*

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

***Response:** The commercial node at the intersection of Lake Worth Road and Polo Club Road was created to serve the existing and future residents of the western Lake Worth Road community. This area has quickly transformed from primarily equestrian/agriculture uses to residential development. This proposed amendment will ensure that the commercial node is developed to meet the growing needs and demands of the surrounding community while accommodating an alternative housing option to serve the residents of the County that continue to be priced out of the housing market.*

- **FLUE Objective 4.4 Mixed-Use Development** – “Palm Beach County Shall encourage the development of variety of innovative types of mixed-use projects”

***Response:** Approval of the proposed amendment will allow for the development of the mixed-use project that was contemplated by the West Lake Worth Road Neighborhood Plan that encompasses commercial uses and alternative housing options for the residents. The very definition of a well planned community is one that is compact and self-contained with a mix of uses providing for the daily needs to live, work, play, worship, dine, and shop.*

Mixed-use development provides many benefits by bringing people closer to the things they need on a daily basis while not being entirely reliant upon their personal vehicles. Reducing reliance on personal vehicles reduces number of trips as well as travel distances. Additionally, by reducing the need for vehicle travel, mixed-use development also brings shared community space. Plazas, parks, and sidewalks foster interaction among community members—interaction that wouldn’t be as safe or possible under a sprawled, car-centric design model. Mixed-use is a sustainable development pattern as it provides an alternative for people that prefer to live near employment, shopping, and dining locations within a relatively compact area.

- **HE Objective 1.5 Concentrations of Affordable Housing** – “The County shall make adequate provisions to enable the public, private and not-for-profit sectors to provide affordable housing, and shall support the distribution of housing for very low, low, moderate and middle income households, to avoid undue concentrations of very low and low income households throughout the County through the Workforce Housing Program and the Affordable Housing Program.

***Response:** The Applicant is proposing to provide workforce housing units in conformance with the recently adopted revised Workforce Housing Program. Many of the recently approved residential projects have cashed out from their workforce housing requirements rather than providing the units on-site. The Applicant is proposing to provide the units on-site as the Property is ideally located on a Palm Tran route as well as within close proximity of several employment opportunities. The Property also can be accessed easily from major thoroughfares including Lake Worth Road via direct access and Lyons Road via Polo Club Road. The proposed development of the Property as a mixed-use project make it an ideal development for workforce housing due to the ability of residents to walk to shopping and employment locations.*

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

- **FLUE Policy 1.2-a:** “Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:
 1. Allowing services and facilities consistent with the needs of urban and suburban development;
 2. Providing for affordable housing and employment opportunities;
 3. Providing 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.”

***Response:** The Property is located within the Urban/Suburban Tier where services and public facilities are already available. The Applicant is proposing to increase the density and develop workforce housing units in conformance with the newly adopted revised Workforce Housing Program. As part of the Multiple Land Use Designation useable open space will be set aside as part of the design of the project. It is also important to note that no historic or natural resources exist on the Property. The Property is part of an approved commercial node with a Commercial High future land use designation. The proposed mixed-use development will provide a transition between the intense commercial uses and the single family development currently under construction. The Applicant will also abide by the design guidelines of the West Lake Worth Road*

Neighborhood Plan that require additional landscape buffers and pedestrian amenities along the Property boundaries.

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

Response: *The Property is located within West Lake Worth Road Neighborhood Plan area. This neighborhood plan calls for the development of a mixed-use project at the southeast corner of Lake Worth Road and Polo Club Road. The density proposed is consistent with the Lake Worth Royale amendment that was recently adopted. The Applicant is proposing to provide workforce housing units to address the significant need in a location that has access to Palm Tran, employment opportunities, and major County thoroughfares.*

The Applicant is proposing to provide a cross-access connection to the commercial property to the northeast per the previous condition of approval. The Applicant is also proposing to provide a right-of-way dedication along the south property line that will provide a portion of the connection from Hooks Road to Polo Club Road in conformance with the neighborhood plan.

- **FLUE Policy 4.4-a:** “The County shall encourage and promote sustainable development by establishing mixed-use and multiple use future land use designations and planned development districts.”

Response: *The Applicant is proposing an MLU that will provide for residential and commercial uses. These uses will be functionally integrated by pedestrian connections and usable open space which will serve both the commercial and residential components of the project.*

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 increase the density for a property that is located along a prominent east/west arterial roadway along a major transportation node (Lake Worth Road and Florida Turnpike). The proposed application will encompass a mixed-use project that by definition is not and does not promote low intensity/density or single-use development.*
- 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 in the Urban/Suburban Tier and within the Lake Worth Road corridor which is not rural in nature and urban services such as police, fire rescue and water/wastewater/drainage utilities are existing 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 development is not isolated in nature as existing development exists to the north, south, east & west. Specifically, mixed-use developments are currently proposed west of the Property at the southwest corner of Lake Worth Road and Polo Club Road and east of the Property at the southwest corner of Lake Worth Road and the Florida Turnpike. Additionally, a congregate living facility is under construction to the west of the Property, a large medical office is proposed further to the west and residential uses are currently under construction to the south of the Property. This proposed change would ultimately provide for infill development along a rapidly changing roadway corridor.*
- 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 is mostly cleared as it has been used for equestrian purposes. There are no wetland conditions on the Property and any native trees will be mitigated according to County policies.*
- 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 and it is not located within any zoning district or overlay which would mandate the continued use of the Property for agriculture. These types of activities are often not compatible with the urban/suburban level of development that is occurring within the Lake Worth corridor.*
- 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.*
- 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.*
- 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 fit in with the existing land use pattern. The proposed mixed-use development will provide a transitional use between the more intense commercial uses along Lake Worth Road and the single family residential currently under construction to the south of the Property.*
- Fails to provide a clear separation between rural and urban uses.
 - **Response:** *The Property is located within the Urban/Suburban Tier and not adjacent to any other Tiers therefore defining a clear separation between rural and urban uses. Therefore, the proposal discourages the proliferation of Urban Sprawl.*
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
 - **Response:** *This amendment will allow for what could be considered infill development as urban/suburban styles of development have occurred and/or are approved in each direction from the Property.*
- Fails to encourage a functional mix of uses.
 - **Response:** *Approval of this proposed amendment will allow the development of a Property generally in conformance with the approved West Lake Worth Road Neighborhood Plan that has*

already determined the appropriate and functional mix of uses within the neighborhood plan boundaries.

- Results in poor accessibility among linked or related land uses.
 - **Response:** *The development will be designed with pedestrian and vehicular connections as required through the site plan approval process. Additionally, the Applicant is proposing to provide a right-of-way dedication along the southern Property line in conformance with the neighborhood plan as well as vehicular access to the commercial property to the northeast once that project moves forward with development approvals.*
- 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 Property is currently not utilized as functional open space for public use.*

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 Property 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 a relatively urban corridor. 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.*
- 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 Property will be designed with pedestrian connectivity as required by the West Lake Worth Road Neighborhood Plan with pedestrian pathways along the adjacent roadways and connections to the proposed development. Additionally, the development will provide for additional commercial choices for present and future population in the area as well as having access to the Palm Tran bus routes.*
- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
 - **Response:** *The 8.83 acre portion of the Property is an existing Commercial High designation property within the Lake Worth Road Neighborhood Plan area. The proposed amendment will allow for a mixed-use development that will better serve the surrounding residential community.*

Conclusion

As described above, the proposed FLU amendment 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 adopted West Lake Worth Road Neighborhood Plan.

II. ULDC CHANGES

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

Exhibit 4
Applicant's Public Facility Impacts Table

A. Traffic Information – <u>Applies to Parcel A Only. Parcel B no changes.</u>		
	Current	Proposed
Max Trip Generator <u>Parcel B no FLU changes</u>	<u>Parcel A</u> Multi-Family #221, 5.44 trips/DU Single Family #210, 10 trips/DU (Commercial No Change)	<u>Parcel A</u> Multi-Family #221, 5.44 trips/DU (Commercial No Change)
Maximum Trip Generation <u>Parcel B no FLU changes</u>	<u>Parcel A</u> 8.83 ac. x 2 = 18 units Single Family 16.97 x 5 = 85 units Multifamily Total = 103 units 5548 daily trips (Includes 145,790 s.f. Commercial)	<u>Parcel A</u> 25.79 ac. Multifamily 206 units maximum (FLU at 8 du acre) 378 units proposed (with density bonus) Maximum = 6027 daily trips Proposed = 6962 daily trips (Includes 145,790 s.f. Commercial)
Net Daily Trips: <u>Parcel B no FLU changes</u>	479 (maximum minus current) 1414 (proposed minus current)	
Net PH Trips: <u>Parcel B no FLU changes</u>	30 AM, 34 PM (maximum) 92 AM, 109 PM (proposed)	
Significantly impacted roadway segments that fail Long Range	None.	None.
Significantly impacted roadway segments for Test 2	None.	None.
Traffic Consultant	Simmons & White	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Route 62 via Lake Worth	
Nearest Palm Tran Stop	Lake Worth Road at Polo Rd, directly abutting the Property	
Nearest Tri Rail Connection	Lake Worth Tri-Rail Station – Via Palm Tran Route 62	

C. Portable Water & Wastewater Information	
Potable Water & Wastewater Providers	<p>Palm Beach County Water Utilities Department.</p> <p><u>Parcel A.</u> Sufficient capacity is available for proposed development. Upgrades and extensions to the existing infrastructure may be required. See Application Attachment I for letter from Palm Beach County Water Utilities Department.</p> <p><u>Parcel B.</u> Concurrency has previously been approved for The Fields PUD for a total of 973 units. The total land area and proposed units are decreasing. The Fields PUD will be requesting a small density increase of 4 units through the Workforce Housing Program.</p>
Nearest Water & Wastewater Facility, type/size	A 12" potable water main and a 12" wastewater forcemain are located within Lake Worth Rd; A 12" potable watermain located within Polo Rd; A 8" potable watermain located south east of the subject property.
D. Drainage Information	
<p>The site is located within the boundaries of the Lake Worth Drainage District and the South Florida Water Management District C-51 Drainage Basin.</p> <p><u>Parcel A.</u> It is proposed that runoff be directed to on-site dry retention by means of paved swales, inlets and storm sewer. Legal positive outfall for overflow and bleed-down is available via the Lake Worth Drainage District L-12 Canal located on the north side of the property. See Attachment J for Drainage Statement.</p> <p><u>Parcel B.</u> Drainage was previously approved for The Fields PUD which included a total of 973 dwelling units. The total land area and proposed units are decreasing. The Fields PUD will be requesting a small density increase of 4 units through the Workforce Housing Program.</p>	
E. Fire Rescue	
Nearest Station	<p>Palm Beach County Fire-Rescue Station #32 4022 Charleston Street Lake Worth, Florida 33467</p>
Distance to Site	2.0 miles
Response Time	6:30 minutes
Effect on Resp. Time	<p><u>Parcel A.</u> Changing the land use of this property will have some impact on Fire-Rescue. See Attachment K for letter from Fire-Rescue Department.</p> <p><u>Parcel B.</u> The total land area and proposed units are decreasing. The Fields PUD will be requesting a small density increase of 4 units through the Workforce Housing Program.</p>
F. Environmental	
Significant habitats or species	<p>See Application Attachment L for Map.</p> <p><u>Parcel A.</u> The Property has previously been cleared and utilized for agriculture/equestrian purposes and does not support any significant habitats or</p>

	<p>species. There are a number of palms that have been planted by the Property owner.</p> <p><u>Parcel B.</u> The Property has previously been cleared and developed with single family and townhomes. The Property does not support any significant habitats or species.</p>
Flood Zone*	The Property is not located within a flood zone.
Wellfield Zone*	The Property is not located within a Wellfield Zone. See Attachment M for copy of 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 Application Attachment N for Historic Resources Letter.

H. Parks and Recreation - Residential Only

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	Okeeheelee Park	0.00339	+657	+ 2.23 acre
Beach	R.G. Kreusler Park	0.00035	+657	+ 0.23 acre
District	West Boynton Park and Recreation Center	0.00138	+657	+ 0.91 acre

I. Libraries - Residential Only

Library Name	Palm Beach County Library – Greenacres Branch		
Address	3750 Jog Rd		
City, State, Zip	Greenacres, Florida 33467		
Distance	1.1 miles		
Component	Level of Service	Population Change	Change in Demand
Collection	2 holdings per person	+657	+ 1,314 holdings
Periodicals	5 subscriptions per 1,000 persons	+657	+ 3.29 subscriptions
Info Technology	\$1.00 per person	+657	+ \$657
Professional staff	1 FTE per 7,500 persons	+657	+ 0.09 FTE
All other staff	3.35 FTE per professional librarian	+657	+ 0.29 FTE
Library facilities	0.34 sf per person	+657	+ 232.41 sf

J. Public Schools - Residential Only

Parcel A. The proposed amendment will impact the public school system. It is important to note that a deficiency already exists in this area of the County. See Attachment O for School Capacity Availability Determination letter.

Parcel B. School Concurrency has previously been approved for The Fields PUD for a total of 973 units. See Attachment O for letter from School District of Palm Beach County.

	Elementary	Middle	High
Name	Discovery Key	Woodlands	Park Vista
Address	3550 Lyons Rd	5200 Lyons Rd	7900 Jog Rd
City, State, Zip	Lake Worth, FL 33467	Lake Worth, FL 33467	Lake Worth, FL 33467
Distance	0.7 miles	1.6 miles	6.8 miles

Exhibit 5

Palm Beach County Traffic Division Letter



July 22, 2020

Bryan G. Kelley, P.E.
Simmons & White
2581 Metrocentre Boulevard West, Suite 3
West Palm Beach, FL 33407

**Department of Engineering
and Public Works**

P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbcgov.com

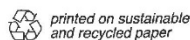
**Palm Beach County
Board of County
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Robert S. Weinroth, Vice Mayor
Hal R. Valeche
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Mary Lou Berger
Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker

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**RE: Polo Gardens MLU
FLUA Amendment Policy 3.5-d Review
Round 2020-21-A**

Dear Mr. Rennebaum:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Statement for the proposed Future Land Use Amendment for the above referenced project, revised June 3, 2020, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	SE corner of Lake Worth Road and Polo Road	
PCN:	00-42-43-27-05-028-0041 (<i>others in file</i>)	
Acres:	25.79 acres (Parcel A) Parcel B has no FLU change	
	Current FLU	Proposed FLU
FLU:	8.83 acres Commercial High/Low Residential, 2 dwelling units per acre (CH/2) with cap of 145,790 SF non-res uses by condition, and 16.97 acres as Medium Residential, 5 units per acre (MR-5)	8.83 acres remain same at 8 dwelling units per acre (CH/8) 16.97 acres High Residential, 8 dwelling units per acre (HR-8)
Zoning:	8.83 acres – Residential, Transitional (RT) and 16.97 acres – Planned Unit Development (PUD)	Multiple Use Planned Development (MUPD)
Density/Intensity:	8.83 acres at 0.50 FAR with cap of 145,790 SF by condition and 8.83 acres at 2 du/acre 16.97 acres at 5 du/acre	8.83 acres non res. remains same and 8.83 acres at 8 du/acre 16.97 acres at 8 du/acre (total 25.79 acres)
Maximum Potential: (Future Land Use)	General Commercial = 145,790 SF Single Family Detached = 18 DUs Multifamily Mid-Rise Housing 3-10 story (Apartment/Condo/TH) = 85 DUs	General Commercial = 145,790 SF Multifamily Mid-Rise Housing 3-10 story (Apartment/Condo/TH) = 206 DUs
Proposed Potential: (W/Bonus Density)		General Commercial = 145,790 SF Multifamily Mid-Rise Housing 3-10 story (Apartment/Condo/TH) = 378 DUs
Net Daily Trips:	479 (maximum – current) 1414 (proposed – current)	



Bryan G. Kelley, P.E.
July 22, 2020
Page 2

Net PH Trips:	74 (19/55) AM, 91 (56/35) PM (maximum) 136 (35/101) AM, 166 (101/65) PM (proposed) <i>(General Commercial of 145, 790 SF is excluded from the above peak hour trips since commercial portion is not part of the amendment).</i>
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>	

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Simeus".

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS/rb

cc: Addressee
Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division
Steve Bohovsky – Technical Assistant III, Traffic Division
Lisa Amara – Senior Planner, Planning Division
Khurshid Mohyuddin – Principal Planner, Planning Division
Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\21-A\Polo Gardens MLU.docx

Exhibit 6

Water & Wastewater Provider LOS Letter



**Water Utilities Department
Engineering**

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



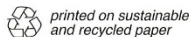
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Mack Bernard

County Administrator

Verdenia C. Baker

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March 24, 2020

Morton
3910 RCA Boulevard
Palm Beach Gardens, FL 33410

RE: Park Place- Rubin Farms
00-42-43-27-05-028-0041, 00-42-43-27-05-028-0042, 00-42-44-29-05-001-0010, 00-42-44-29-05-001-0020 & 00-42-44-29-05-001-0030
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 Commercial High with underlying 2 units per acre (CH/2) and Medium Residential, 5 units per acre (MR-5) and the proposed Commercial High with an underlying 8 units per acre (CH/8) and High Residential, 8 units per acre (HR-8). The proposed land use change will allow for a maximum development of 300 units and 100,000 SF of commercial users.

A 12" potable water main and a 12" wastewater forcemain are located within Lake Worth Rd. There is also a 12" potable watermain located within Polo Rd and an 8" potable watermain located south east of the subject property. Upgrades and extensions to the existing infrastructure may be required.

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

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

Sincerely,

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

Jackie Michels, P.E.
Plan Review Manager

Exhibit 7

School District Letter



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

KRISTIN K. GARRISON, AICP
DIRECTOR

WANDA F. PAUL
CHIEF OPERATING OFFICER

PLANNING AND INTERGOVERNMENTAL RELATIONS
3300 FOREST HILL BOULEVARD, SUITE B-102
WEST PALM BEACH, FL 33406

PHONE: 561-434-8020 / FAX: 561-434-8815
WWW.PALMBEACHSCHOOLS.ORG/PLANNING

SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

Application	Submittal Date	05/04/2020		
	SCAD No.	20050401F – FLU and 20050401Z - Rezoning		
	FLU /Rezoning/D.O. No.	Not provided – Palm Beach County		
	PCN No. / Address	00-42-43-27-05-028-0041/8450 Lake Worth Road and more		
	Development Name	Polo Gardens MUPD		
	Owner / Agent Name	Haley Farms LLC; Dears Farm LLC; Palm Tree Farms, LLC & DiVosta Homes LP / Lauren McClellan		
	SAC No.	216A		
	Proposed Amendments	Max. 378 Residential Units		
Impact Review		Discovery Key Elementary School	Woodlands Middle School	Park Vista High School
	New Students Generated	59	33	47
	Capacity Available	-89	-279	-200
	Utilization Percentage	107%	120%	106%
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 \$1,177,482 to the School District of Palm Beach County prior to 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). The contribution amount may be adjusted to reflect the actual unit number and type during the Development Order process.</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 05/05/2020 to 05/04/2021 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 05/04/2021 or this determination will expire automatically on 05/04/2021.</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

May 5, 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

The School District of Palm Beach County, Florida
A Top-Rated District by the Florida Department of Education Since 2005
An Equal Education Opportunity Provider and Employer

Exhibit 8

Workforce Housing Letter



**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

**Palm Beach County
Board of County
Commissioners**

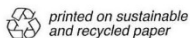
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Melissa McKinlay
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County Administrator

Verdenia C. Baker

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May 1, 2020

Lauren McClellan
J Morton Planning
3910 RCA Boulevard, Suite 1015
Palm Beach Gardens, FL 33410
Email: LMcClellan@jmortonla.com

Dear Lauren:

This letter of determination is in response to your inquiry regarding the referenced property. This letter is required for sufficiency in the zoning approval process.

This information provided in this letter is based on the project information you provided:

PCNs:	00424327050280041; 0042; 29050010010; 0020 & 0030
Total Acreage:	25.79 ACRES (Survey)
Future Land Use Designation:	CH/8 & HR-8 (HYPOTHETICAL)
Subject Development unit type:	MF
Subject Development: Rent or sale	RENT
WHP units to be addressed through:	ON-SITE
WHP units: Rent or Sale?	RENT
WHP unit type:	MF
Incentive Option: Limited or Full	FULL INCENTIVE
TDRs to be used, if any:	TBD

Per the WHP process for density bonuses greater than 50%, staff conducted a 2-step review of this request. First, a point system has been applied to determine the percentage of density bonus "earned" by the project's proposed approach to meeting its workforce housing obligation. Second, the total potential density for the project, including the bonus identified through the point system, was then reviewed for compatibility and appropriateness for the site. The result of this two-step process is summarized below, and forms the basis for staff's recommendation.

Staff recommendation:

Maximum total units: 378 units.
Density Bonus not to exceed: 80%, or 165.06 Density Bonus units.
Use of TDRs: 7 TDRs
WHP obligation: 74 WHP units

Summary of Staff Review and Basis for Staff Recommendation:

- Step 1: Density Bonus Earned Through Application of WHP Points System
- 80% (see Density Bonus Determination on page 3)



Step 2: Compatibility and Site-suitability Considerations:

- Review of existing development adjacent to subject site.
- Review of approved unbuilt development adjacent to subject site.
- Review of proposed development adjacent to subject site.

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

- *Density bonuses greater than 50% are available only under the Full Incentive Option.*
- *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, subject to 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 25% of the total units be required as on-site workforce housing units. (The 25% 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 recommendation 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.

Sincerely,

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

Michael Howe, Senior Planner

T:\Planning\CURRENT\WHP\Park Place-Rubin Farms\Park Place-Rubin Farms More than 50% - Final 7
TDR 050120.docx

Workforce Housing Program Analysis
Greater Than 50% Density Bonus (Full Incentive Only)
 Date: 05/01/2020

Property Information:

Property or PCN:	Park Place-Rubin Farms, PCNs: 00424327050280041; 0042; 29050010010; 0020 & 0030			
Acreage:	25.79 acres (Survey)			
Future Land Use Designation:	CH/8 & HR-8 (Hypothetical)			
Request:	Maximum Density, Full Incentive Option			
Part of PUD/Golf Course? (to be removed from Gulfstream Polo)	Existing LOD? Out of date	CHHA? No	CCRT Area? No	
Surrounding Land Uses:	N	S	E	W
Existing:	Res/Church	Residential	Vacant/Equestrian	Vacant
Future:	LR-2 & LR-3	MR-5	CH/2 & HR-8	CH/5
Potential FLU Density: (25.79 x 8 = 206.32 units)				

%

Density Component:	Required Percentage		Calculations	
	Rental WHP	For Sale WHP	Possible Units	WHP Obligation
Standard Density:	5%	4.375%	(25.79 x 6 = 154.74 units)	154.74 x 5% = 7.74
Maximum Density:	16%	14%	(25.79 x 2 = 51.58 units)	51.58 x 16% = 8.25
Density Bonus:	34%	29.75%	(206.32 x 80% = 165.06 DB units)	165.06 x 34% = 56.12
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				
TDRs, if any:	34%		7 TDR units	7 x 34% = 2.38
TOTALS			378.38 units	74.49 obligation

Alternative Unit Specific Calculation, if Requested: XXX Units

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			units	Xxx units

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.

Exhibit 9

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Sheldon Rubin, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ individual or ☒ Managing Member *[position - e.g., president, partner, trustee]* of Dears Farm, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is:

7765 Lake Worth Road
320
Lake Worth, Florida 33467
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.




 Sheldon Rubin, Affiant
 (Print Affiant Name)

NOTARY PUBLIC INFORMATION:

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me by means of [☒] physical presence or [☐]
 online notarization, this 18 day of MARCH, 2020 by
 Sheldon Rubin (name of person acknowledging). He/she is personally known
 to me or has produced _____ (type of identification) as
 identification and did/did not take an oath (circle correct response).

Bette A. Lent
 (Name - type, stamp or print clearly)


 (Signature)

My Commission Expires on: 4/30/2024



EXHIBIT "A"**PROPERTY**

A PORTION OF TRACT A, OF FIELDS AT GULFSTREAM POLO PUD - PLAT ONE, AS RECORDED IN PLAT BOOK 183, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ALSO BEING A PORTION OF TRACT 13 AND 14 BLOCK 28, THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 13; THENCE N.89°03'30"E. ALONG THE NORTH LINE THEREOF, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.89°03'30"E. ALONG THE NORTH LINE OF SAID TRACTS 13 AND 14, A DISTANCE OF 1,219.64 FEET TO THE NORTHEAST CORNER OF SAID TRACT 14, THENCE S.00°56'30"E. ALONG THE EAST LINE OF SAID TRACT 14 A DISTANCE OF 110.00 FEET; THENCE S.89°03'30"W. ALONG A LINE 110.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AN PARALLEL WITH THE NORTH LINE OF SAID TRACTS 13 AND 14, A DISTANCE OF 1,319.64 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 13; THENCE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 60.00 FEET; THENCE N.89°03'30"E. ALONG A LINE 50.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 13, A DISTANCE OF 100.00 FEET; THENCE N.00°56'30"W. ALONG A LINE 100.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID TRACT 13, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name

Address

Sheldon Rubin

7765 Lake Worth Road, #320, Lake Worth, Florida 33467

*Disclosure of Beneficial Interest – Property form
Form # 9*

Page 4 of 4

Revised 12/27/2019
Web Format 2011

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Patrick Gonzalez, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ individual or ☒ Vice President _____ [position - e.g., president, partner, trustee] of DiVosta Homes, LP [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 4400 PGA Blvd.
Palm Beach Gardens, FL 33410
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.



Patrick Gonzalez, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 20th day of March, 2020 by Patrick Gonzalez (name of person acknowledging). He is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

Andrea Lambert
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 2/20/22

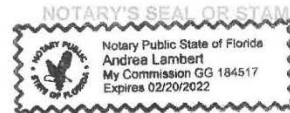


EXHIBIT "A"**PROPERTY****DESCRIPTION:**

ALL OF PARCEL A, FIELDS AT GULFSTREAM POLO PUD - PLAT ONE, AS RECORDED IN PLAT BOOK 123, PAGES 80 THROUGH 95, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE FOLLOWING

A PORTION OF TRACTS 13 AND 14, BLOCK 28, THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 13; THENCE N.89°03'30"E. ALONG THE NORTH LINE THEREOF, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.89°03'30"E. ALONG THE NORTH LINE OF SAID TRACTS 13 AND 14, A DISTANCE OF 1,219.64 FEET TO THE NORTHEAST CORNER OF SAID TRACT 14; THENCE S.00°56'30"E ALONG THE EAST LINE OF SAID TRACT 14, A DISTANCE OF 110.00 FEET; THENCE S.89°03'30"W ALONG A LINE 110.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 13 AND 14, A DISTANCE OF 1,319.64 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 13; THENCE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 60.00 FEET; THENCE N.89°03'30"E ALONG A LINE 50.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 13, A DISTANCE OF 100.00 FEET; THENCE N.00°56'30"W. ALONG A LINE 100.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID TRACT 13, A DISTANCE OF 50.00 FEET THE POINT OF BEGINNING.

TOGETHER WITH

A PORTION OF TRACTS 13 AND 14, BLOCK 28, THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name**Address**

DiVosta Homes LP is a wholly owned subsidiary of
Pulte Group, a publicly traded company.

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Sheldon Rubin, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ individual or ☒ Managing Member *[position - e.g., president, partner, trustee]* of Palm Tree Farms, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 7765 Lake Worth Road
320
Lake Worth, Florida 33467
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
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6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

Sheldon Rubin, Affiant

(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me by means of [☒] physical presence or [☐] online notarization, this 18 day of March, 2020 by Sheldon Rubin (name of person acknowledging). He/she is personally known to me or has produced (type of identification) as identification and did/did not take an oath (circle correct response).

Bette A. Lent
(Name - type, stamp or print clearly)

Bette A. Lent
(Signature)

My Commission Expires on: 4/30/2024



EXHIBIT "A"**PROPERTY**

A PORTION OF TRACT A, OF FIELDS AT GULFSTREAM POLO PUD - PLAT ONE, AS RECORDED IN PLAT BOOK 183, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ALSO BEING A PORTION OF TRACT 13 AND 14, CLOCK 28, THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 13; THENCE S.00°56'30"E. ALONG THE WEST LINE THEREOF, A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING; THENCE N.89°03'30"E. ALONG A LINE 110.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 13 AND 14, A DISTANCE OF 797.03 FEET; THENCE S.00°31'39"E., A DISTANCE OF 514.76 FEET; THENCE S.89°03'30"W. A DISTANCE OF 749.20 FEET; THENCE S.42°11'26"W. A DISTANCE OF 43.78 FEET; THENCE N.04°40'47"W. A DISTANCE OF 217.35 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 13; THENCE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 329.82 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

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Name	Address
Sheldon Rubin	7765 Lake Worth Road, #320, Lake Worth, Florida 33467

Exhibit 10

Correspondence

From: gfbank <gfbank@comcast.net>
Sent: Friday, September 04, 2020 2:05 PM
To: Carolina Valera <CValera@pbcgov.org>; Ryan Vandenburg <RVandenburg@pbcgov.org>
Cc: Jennifer Morton <jmorton@jmortonla.com>; Lauren McClellan <lmcclellan@jmortonla.com>
Subject: Polo Gardens PDD/CA 2020-788

Hi Carolina and Ryan,

Representatives of the Lake Worth Road Coalition met with Sheldon Rubin, owner, and with Jennifer Morton and Lauren McClellan of J. Morton Planning on Zoom this past Tuesday evening. We normally would like to meet with you to discuss our concerns and position on the subject proposal. However, with not knowing your current procedure for meetings during the corona virus epidemic I want to inform you what our position is on various portions of their proposal.

On the commercial portion we **do not support the construction of another gas station** with a convenience store and restaurant. Polo Legacy, which is on the west side of Polo Road has already been approved for a similar facility. There are currently 10 gas stations along Lake Worth Road from State Road 7 to Jog Road (**Which is only 3.5 miles**). With the addition of the one to be located in Polo Legacy right next to this property **there will be 6 stations from State Road 7 to the turnpike**. We **do not** see a need for another one.

On the residential portion, we are very much opposed to the increase in density from our master plan of MR/5 units per acre, capped at 5, to the request to increase the density to HR/8, and with the purchase of WFHs and density bonuses increase **to 13.5 units per acre**. **We are not opposed to workforce housing as our plan includes a certain percentage of the residential units to be WFH, but we do object to the use of WFH as a justification to allow for any additional increase in density.** The change to MR/5 in our Neighborhood Plan is already an increase to the underlying densities and the densities of the existing subdivisions within the corridor at the time of inception of our **neighborhood plan**. Also, the proposed residential units will be multi-family buildings 3 to 4 stories, and will be rentals. Again, our neighborhood plan has a limit of 2 stories and a limit of 35 feet. We are also opposed to a change in the land use designation that allows the residential units to **be** calculated on gross acreage including the commercial portion rather than only calculated on the residential portion. This allows an increase of an additional 82 units at 13.5 units per acre. This is no way consistent with the other communities in our plan corridor.

The owner is basing his proposal on the approval of the Florida Crystal Apartments project that was approved for similar density. Although our coalition was opposed to **the Florida Crystal project as** it was not consistent with our **neighborhood plan**, the Staff Report based the approval on the fact that our plan indicated that property was owned by FDOT for use on their new south interchange to Florida Turnpike at the time we established our plan. **Staff** stated that we should have amended our plan to re-designate the property. Therefore, it should not be included as part of our plan. **We still disagree with that approval as it was not in accordance with the it is o maximum density of any development in our corridor.** However, this current proposed project is included in our neighborhood plan and is designated as MR/5 capped at 5 and we will not support **any proposed increase in density**. As a result, it is our belief that the Florida Crystal approval **should not** set a precedent for approval of Polo Gardens.

We also discussed the following items:

We would like to see the LWDD canal relocated similar to Polo Legacy which would provide landscaping between Lake Worth Road and the canal and increase pedestrian safety.

We are concerned with the proximity of left turn lane into the Polo Road entrance.

We are concerned with the proximity of the right turn lane entrance on Lake Worth Road to the intersection of Polo Road and Lake Worth Road.

We suggest there should be an entrance to the property on the connector road south of the property, and there should be some type of speed control devices included in the design of the connector road. .

We recognize that this is a preliminary proposed site plan and the owner and J Morton Planning have indicated they will take into consideration our concerns and recommendations. However, we wanted to let you know the results from our original meeting.

We will be happy to answer any questions you may have.

Gerald Bank, President
Lake Worth Road Coalition, Inc.
ghbank@comcast.net
Home (561)966-2072
Cell (561) 543-6967

LAKE WORTH ROAD COALITION, INC.
8335 Lake Cypress Road
Lake Worth, Florida 33467

October 7, 2020

Mayor Dave Kerner
Palm Beach County
Board of County Commissioners
301 N. Olive Ave.
West Palm Beach, FL 33401

RE: Polo Gardens MLU (LGA 2021-005)

Dear Mayor Kerner

As the president of the Lake Worth Road Coalition, I would like to confirm that we met with the applicant, Sheldon Ruben, owner, and with Jennifer Morton and Lauren McClellan of J. Morton Planning on September 1, 2020. In addition we have had several discussions with Jennifer and Lauren since our meeting. The Lake Worth Road Coalition is a group of residents that represent eight (8) residential communities, located between State Road 7 and the Florida Turnpike, along Lake Worth Road. The following is a list of comments/concerns for the proposed project as it relates to the County approved West Lake Worth Road Neighborhood Plan.

On the commercial portion of this application we are asking for a condition that no gas stations or fast food type restaurants (such as McDonalds & Wendy's) are allowed.

Our major concern with the residential portion is the Staff recommended maximum units/density. Our neighborhood plan includes density capped at 5 units per acre regardless of the workforce housing requirements. This density was already an increase to the underlying density. The cap was created to help protect from the issues that result from overcrowding that was allowed to occur throughout the County. This overcrowding is not just an inconvenience, but results in safety issues that could lead to loss of life. The Staff approval includes 284 units for a density around 11 units per acre after bonuses. One of our concerns is the continued occurrence of the County approving higher densities to only later allow the developer to buy out or relocate their workforce housing requirements to lower income areas where the land is less valuable and cheaper to build. This neither helps the Work Force Housing Program nor the neighborhoods where the densities were ultimately increased, nor the surrounding areas.

If the Staff recommended density, or any density above 5 units per acre is ultimately approved, we would like the following conditions of approval added, as well as other conditions noted below in accordance with our Neighborhood Plan, along with those included in the Staff Report:

No buyouts or relocations of workforce housing are allowed. Any future reduction in on-site work force housing units would result in the loss of any associated bonus density.

All structures shall be limited to a maximum of 35 feet in height. No setbacks to increase heights are allowed.

The coalition must approve the design of the residential buildings and the landscaping, and if the property is sold to another party the approved designs and landscaping must be included.

The canal must be relocated to be in line with the relocation of the canal by Polo Legacy, along with the meandering sidewalk. This will enhance the beautification along Lake Worth Road.

We recognize that the County's housing requirements have changed over the past several years since our Neighborhood Plan was established. We just want to be sure that this project will be an acceptable addition to our corridor.

Please read this letter into the records for the Planning Commission and BBC meetings.

Sincerely,

Gerald Bank

Gerald Bank, President
Lake Worth Road Coalition

cc: Commissioner Mack Bernard
Commissioner Hal Valeche
Commissioner Gregg K. Weiss
Commissioner Robert S. Weinroth
Commissioner Melissa McKinlay
Commissioner Mary Lou Berger
Patricia Behn, PBC Planning Division Director
Lisa Amara, Project Manager
Sheldon Rubin
Jennifer Morton, J. Morton Planning
Lauren McClellan, J. Morton Planning

LAKE WORTH ROAD COALITION, INC.
8335 Lake Cypress Road
Lake Worth, Florida 33467

October 15, 2020
Mayor Dave Kerner
Palm Beach County
Board of County Commissioners
301 N. Olive Ave.
West Palm Beach, FL 33401

RE: Polo Gardens MLU (LGA 2021-005)

Dear Mayor Kerner

Twelve years ago eight communities along Lake Worth Road, west of the turnpike formed a coalition to stop a “big box” store from being built on undeveloped land on the south side of Lake Worth Road. We were successful, and the County Commissioners asked that we establish an overlay or master plan to indicate the future land use we would recommend for the undeveloped land in our corridor. We developed a neighborhood plan with a master plan and design guidelines. Our plan was read and accepted by the BCC in September, 2009.

The plan designated both commercial and residential land use. The designated residential density was split into 5 units per acre and 3 units per acre, capped at those densities. The 5 units per acre was a higher density than any of our member communities. The residential also included a requirement for workforce housing. Although our neighborhood was intended to be a guide to the County's future land use, Staff and the commissioners supported our plan's densities on the residential developments. However, in most instances the County allowed builders to either buy out or relocate the WFH off site. This was the County's program that allowed this, not ours. The one development that was required to build WFH's in their community has built out their non - WFH homes first, and has since put up only one multi-unit building for a portion of their WFH requirement located outside their main gate entrance.

However, recently the Crystal Sugar Apartments development was approved by the BCC for a much higher density than our designated 5 units per acre, capped at 5. At the time our plan was established this land was owned by FDOT to be used for drainage on the new turnpike southern interchange. The land ended up not being used. Staff stated in their report that we should have known the land was for sale by FDOT and we should have amended our plan to designate a residential density. Therefore, it is not included in our master plan. What's interesting is when Staff was asked if they knew the land was for sale they admitted they didn't.

This Polo Gardens proposed amendment is on land that is included in our master plan as both commercial and residential, with the designated residential at 5 units per acre, capped at 5. The proposed amendment is requesting 348 units with a net density of 17.45 units per acre. This is a higher density than even Florida Crystal. It also includes 4 story buildings which exceeds the 35 foot height. The applicant, Mr. Rubin, is trying to make the Florida Crystal approval of a higher density a precedent for approval of higher density in our master plan corridor. It should not.

Mr. Rubin has purchased and sold several parcels located in our master plan. He has not built anything. He is a business man who is requesting a higher density to increase the value of this land to sale at higher price.

In summary, this proposed land use amendment to increase the MR-5 to HR-8 is not consistent our neighborhood plan and the existing developments surrounding it, and even the Planning Staff Report. The Staff Report justification for the previous approval of the project being developed by Florida Crystal was based on the omission of density designation in our neighborhood plan. The proposed Polo Gardens project is clearly designated at 5 units per acre within our plan. County Staff recognized this and did not approve the requested increase to HR-8. The report recommended a reduction to MR-5 with a height limit of 3 stories. We understand that the County is going to approve TDR's and bonus densities to encourage additional work force housing, which the staff report also included.

Per our neighborhood plan, this property would have supported 129 units based on gross density. The applicant has requested 348 and the Staff recommended 284. However, the Planning Commission chose to ignore their own staff report and the opposition of the Lake Worth Road Coalition and approve the increase to HR-8 plus TDR's and bonus densities.

Our Coalition is not opposed to development, nor are we opposed to work force housing. But we are opposed to approvals of unreasonable densities at the detriment of our area in order to get additional work force housing due to the County's lack of enforcement for this program in the past. Several projects are still being developed to this day within our area at 5 units or less per acre. It is not unreasonable to think the 11 units per acre would not work and unconscionable that the Planning Commission would ignore Staff and the nearby residents and approve the full request for 348 units and 4 stories. We would hope that the County Commissioners would be more respectful of their constituents and recognize our concerns.

We implore the County Commissioners to kindly consider our request and the Planning Division Staff Report to limit this property to a max development of 5 units per acre plus TDR's and density bonuses for a total of 284 residential units with a maximum of 3 stories without a provision to increase height with additional setbacks. We would also request the commissioners to include a condition of approval to prohibit the buyout of any Work Force Housing without the respective loss of any associated bonuses.

Sincerely,

Gerald Bank

Gerald Bank, President
Lake Worth Road Coalition

cc: Commissioner Mack Bernard
Commissioner Hal Valeche
Commissioner Gregg K. Weiss
Commissioner Robert S. Weinroth
Commissioner Melissa McKinlay
Commissioner Mary Lou Berger
Patricia Behn, PBC Planning Division Director
Lisa Amara, Project Manager

Letter from Lake Worth Road Coalition
Read into Record at BCC Transmittal Hearing

Polo Gardens Project

Polo Gardens is located within the Lake Worth Road Coalition's Neighborhood Plan with a recommended residential density of 5 units per acre for future land use. It also includes work force housing.

Mr. Ruben, the owner of the property, is requesting an increase to 8 units per acre and adding additional work force housing and receiving density bonuses. He is asking for an increase to 348 residential units, which will give him a net residential density of 17.5 units per acre and allow for 4 story multiunit buildings which exceed the 35 feet maximum heights allowed. This request is in no way compatible with the surrounding communities which are capped at 5 units per acre.

The Planning Staff is recommending that the base residential density be at the 5 units per acre, as is in our neighborhood plan, but would allow for workforce housing and density bonuses that would increase the number of units to 284, and limit the buildings heights to a maximum of 35 feet.

Mr. Ruben is not a developer. He is a businessman who wants to maximize the value of his property by increasing the density and then sell at a substantial profit. He is not concerned with the impact his densities and building heights will have on the surrounding communities.

I know all of you have received a letter from me expressing our concerns about the high density the Polo Gardens project is requesting. I also know that you have received letters from residents in our communities expressing their opposition to the 348 residential units and 4 story buildings.

We are requesting that you do not approve Mr. Ruben's application for the 348 units. Although we would prefer a density of 5 units per acre, similar to the surrounding developments, we understand the need workforce housing and we are asking that you approve Staff's recommendation of 284 units and to limit building heights to a maximum of 35 feet with no setbacks allowed to increase heights. As our County Commissioners, we ask you to please support your residents.

Gerald Bank, President
Lake Worth Road Coalition