



## COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 20-A2

### BCC TRANSMITTAL PUBLIC HEARING, JULY 28, 2020

#### A. Application Summary

##### I. General Data

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<b>Project Name:</b>	<b>Rise Soccer Park (LGA 2020-007)</b>
<b>FLUA Summary:</b>	<b>RR-10 to CR/RR-10</b>
<b>Acres:</b>	19.46 acres
<b>Location:</b>	Southwest corner of Indiantown Road and Rocky Pines Road
<b>Project Manager:</b>	Stephanie Gregory, Senior Planner
<b>Applicant:</b>	Ben Glinsky (BGTG Properties, LLC)
<b>Owner:</b>	Ben Glinsky (BGTG Properties, LLC)
<b>Agent:</b>	Brian Terry, Insite Studio
<b>Staff Recommendation:</b>	Staff recommends <b>denial</b> based upon the conclusions contained within this report

##### II. Assessment & Conclusion

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The applicant is requesting that the Board consider a future land use amendment on a 19.46 acre site from Rural Residential, 1 unit per 10 acres (RR-10) to Commercial Recreation (CR/RR-10) in order to develop a 42,380 square foot indoor soccer practice facility and 4 outdoor soccer fields. The site is located in the Rural Tier and within the Jupiter Farms Neighborhood Plan area.

The proposed CR future land use (FLU) designation is not compatible with the RR-10 and Conservation FLUs surrounding the site as the amendment could introduce commercial uses, such as hotel and restaurant, as allowed in the Unified Land Development Code (ULDC). In addition, this amendment could introduce the potential for commercial on a site that is not consistent with the intent of the commercial location policies in the Rural Tier to cluster non-residential development along intersections of major thoroughfares.

At this time, the only FLU designation for the requested use is the CR designation. Should the Board support allowing private recreation facilities, an alternative could be to direct staff to pursue a County initiated text amendment to eliminate the 'government owned' requirement for the Parks & Recreation (PARK) future land use designation and create a 'private park' use. However, even with a PARK future land use designation on the subject site, the proposed uses and intensity may not be appropriate at this location.

In conclusion, the amendment is not consistent with applicable Comprehensive Plan policies as the subject site is not an appropriate location for a CR designation and the intensity of the use is out of character with the Rural Tier. Finally, the amendment is not consistent with the Jupiter Farms Neighborhood Plan (JFNP). Therefore, staff is recommending denial of the amendment.

### III. Hearing History

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**Local Planning Agency: *Denial***, motion by Michael Peragine, seconded by Evan Rosenberg, passed in a 14 to 0 vote at the January 10, 2020 public hearing. Board discussion included questions regarding the approval process for public parks, usage of area parks, traffic impacts, and the approval process for schools. Under discussion, Commission members expressed that the proposed Commercial Recreation designation is not appropriate on this site, but that a private park future land use designation or zoning should be explored. Twenty five members of the public, including representatives of the Jupiter Farms Residents and Jupiter Farms Environmental Council, spoke in opposition citing incompatibility with the rural area, concerns regarding potential commercial uses, and increased traffic. One member spoke in support stating that the soccer facility would be a good project for the area. In addition, there were 44 comment cards submitted by members of the public who did not wish to speak, with 42 cards in opposition and 2 in support. As part of the staff presentation, staff noted that the applicant's voluntary condition of approval had been inadvertently omitted and would be added to the report in Exhibit 1.

**Note:** *Following the Planning Commission Hearing, the applicant requested and was granted a postponement until the April BCC hearing, which was delayed until June 29<sup>th</sup> due to Covid-19. The applicant asked for a postponement to October 28<sup>th</sup>, but the Planning Director granted a postponement only until the July 28<sup>th</sup> BCC transmittal hearing.*

**Board of County Commissioners Transmittal Public Hearing:**

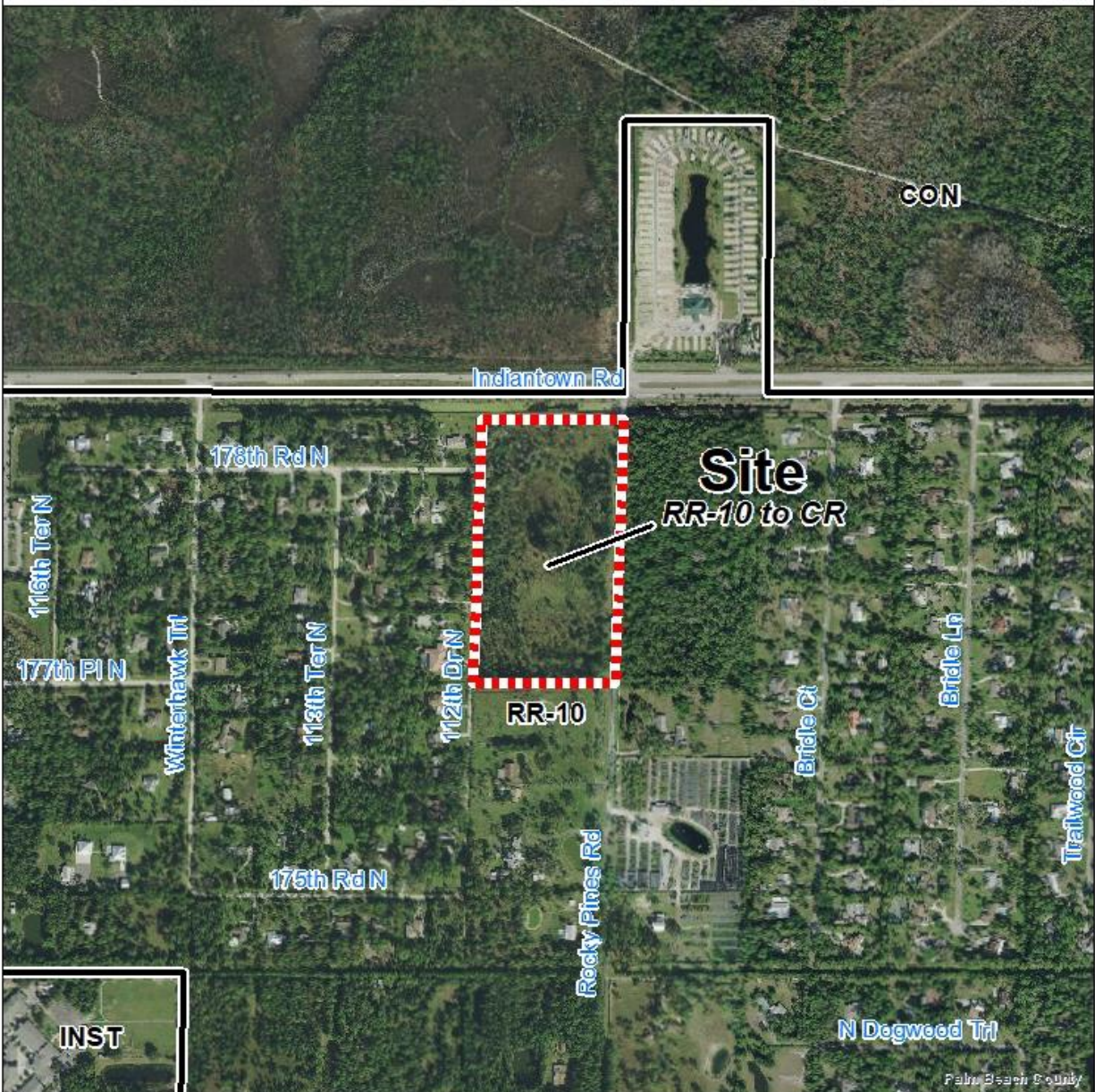
**State Review Comments:**

**Board of County Commissioners Adoption Public Hearing:**

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# Future Land Use Atlas Amendment

## Rise Soccer Park (LGA 2020-007)



### Site Data

Size: 19.47 acres  
 Existing Use: Vacant  
 Proposed Use: Athletic Fields  
 Current FLU: Rural Residential, 1 unit/10 acres (RR-10)  
 Proposed FLU: Commercial Recreation (CR)

### Future Land Use Designations

RR-10 Rural Residential, 1 unit/10 acres  
 CON Conservation  
 INST Institutional

Date: 7/10/2019  
 Contact: PBC Planning  
 Filename: T:\Planning\AMEND\20-A\Site Specific\20-07  
 Note: Map is not official, for presentation purposes only.



200 0 200 400 Feet



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



## B. Petition Summary

### I. Site Data

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#### Current Future Land Use

**Current FLU:** Rural Residential, 1 unit per 10 acres (RR-10)  
**Existing Land Use:** Vacant  
**Current Zoning:** Agricultural Residential (AR)  
**Current Dev. Potential Max:** Residential, up to 2 dwelling units

#### Proposed Future Land Use Change

**Proposed FLU:** Commercial Recreation, with an underlying Rural Residential, 1 unit per 10 acres (CR/RR-10)  
**Proposed Use:** Indoor soccer practice facility and 4 outdoor soccer fields  
**Proposed Zoning:** Commercial Recreation (CRE)  
**Dev. Potential Max/Conditioned:** Commercial Recreation uses, up to 42,383 square feet (0.05 FAR)

#### General Area Information for Site

**Tier:** Rural Tier – No Change  
**Utility Service:** Town of Jupiter and Loxahatchee River Environmental Control District  
**Overlay/Study:** Jupiter Farms Neighborhood Plan  
**Comm. District:** Commissioner Hal R. Valeche, District 1



## C. Introduction

### I. Intent of the Amendment

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The applicant is requesting that the Board consider a future land use amendment on a 19.46 acre site from Rural Residential, 1 unit per 10 acres (RR-10) to Commercial Recreation with an underlying 1 unit per 10 acres (CR/RR-10) in order to develop up to 42,383 square feet of commercial recreation uses. The site is located in the Rural Tier and the Jupiter Farms Neighborhood Plan area.

**Site Background.** The site is currently vacant and was the subject of a previous amendment in 2016 known as Pirelli Park (LGA 2016-001) for a similar request to Commercial Recreation in order to develop two rugby fields, a clubhouse and spectator viewing stands. The amendment was withdrawn by the applicant prior to the scheduling of public hearings.

**Zoning Application:** There is a concurrent zoning application in process (Z-2019-1104) which proposes to rezone the site from Agricultural Residential (AR) to Commercial Recreation (CRE) in order to develop a 42,380 square foot indoor soccer practice facility and 4 outdoor soccer fields (Control Number 2019-00070).

### II. Data and Analysis Summary

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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 Comprehensive Plan policies, including justification, compatibility, public facilities impacts, intergovernmental coordination, and consistency with specific overlays and plans.

**Overview of the Area.** This site is located within the Jupiter Farms Neighborhood Plan (JFNP). The JFNP was created by the residents with technical assistance from the County's Planning, Zoning and Building Department as well as the Treasure Coast Regional Planning Council. The plan was adopted by the Board of County Commissioners on July 5, 1994 (R-94-833).

For a brief history of the area, residential development began to replace agriculture beginning in the early 1960's when the land was subdivided for future home sites. The first homes were subsequently built in the late 1960s and early 1970s. During the creation of the 1989 Comprehensive Plan, this area was assigned a future land use designation of Rural Residential, 1 unit per 10 acres despite the average density of the area being 1 unit per 1.7 acres.

**Compatibility.** The amendment proposes to introduce a private commercial recreation complex in an area that has predominately Rural Residential and Conservation future land use designations. The proposed CR future land use designation is not compatible due to the potential uses that could be allowed on the site with the proposed Commercial Recreation (CRE) zoning district. For example, in addition to recreational uses, the ULDC allows several commercial uses, such as hotel and restaurant, within the CRE and CR MUPD zoning districts. Therefore, this amendment could introduce incompatible commercial uses in a rural residential area approximately 1 mile west of the established commercial center in Jupiter Farms.

**Appropriateness of the Amendment.** The proposed private soccer facility is not allowed in the current RR-10 designation as the Comprehensive Plan, specifically FLUE Policy 2.2.1-o, discourages large-scale parks and recreational uses in residentially designated areas that are

designed to meet regional needs. Therefore, the applicant is applying for Commercial Recreation (CR). Although the CR FLU is not subject to the commercial location criteria in the Comprehensive Plan, this amendment is not consistent with the intent of the commercial location policies in the Rural Tier to cluster non-residential development along intersections of major thoroughfares, including arterial and collector roadways.

In addition, the proposed use of the site is out of character with recreational complexes developed in the Rural Tier, as existing government owned parks are far less intense in terms of the acreage of the park, the number of fields and parking spaces for participants and spectators. The intensity of recreational complexes similar to what the applicant is proposing is more common in the urban areas of the County.

**Assessment and Conclusion.** The applicant is requesting that the Board consider a future land use amendment on a 19.46 acre site from Rural Residential, 1 unit per 10 acres (RR-10) to Commercial Recreation (CR/RR-10) in order to develop a 42,380 square foot indoor soccer practice facility and 4 outdoor soccer fields. The site is located in the Rural Tier and within the Jupiter Farms Neighborhood Plan area.

The proposed CR future land use is not compatible with the RR-10 and Conservation FLUs surrounding the site as the amendment could introduce commercial uses, such as hotel and restaurant, as allowed in the Unified Land Development Code (ULDC). In addition, this amendment could introduce the potential for commercial on a site that is not consistent with the intent of the commercial location policies in the Rural Tier to cluster non-residential development along intersections of major thoroughfares.

At this time, the only future land use (FLU) designation for the requested use is the CR designation. Should the Board support allowing private recreation facilities, an alternative could be to direct staff to pursue a County initiated text amendment to eliminate the 'government owned' requirement for the Parks & Recreation future land use designation and create a 'private park' use. However, even with a PARK future land use designation on the subject site, the proposed uses and intensity may not be appropriate at this location.

In conclusion, the amendment is not consistent with applicable Comprehensive Plan policies as the subject site is not an appropriate location for a CR designation and the intensity of the use is out of character with the Rural Tier. Finally, the amendment is not consistent with the Jupiter Farms Neighborhood Plan (JFNP).

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

<b>Exhibits</b>	<b>Page</b>
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3. Comparison of Allowable Uses in AR vs. CRE	E-14
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## Exhibit 1

<b>Amendment No:</b>	<b>Rise Soccer Park (LGA 2020-007)</b>
<b>FLUA Page No:</b>	6
<b>Amendment:</b>	From Rural Residential, 1 unit per 10 acres (RR-10) to Commercial Recreation, with an underlying RR-10 (CR/RR-10)
<b>Location:</b>	Southwest corner of Indiantown Road and Rocky Pines Road
<b>Size:</b>	19.46 acres approximately
<b>Property No:</b>	00-41-41-02-00-000-1020

**Conditions:** Development under the Commercial Recreation future land use designation shall be limited to a soccer facility with a maximum of 6 fields and accessory facilities.





## Legal Description

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That part of the North 1369 feet of the West Half of the East Half of the Northeast Quarter of Section 2, Township 41 South, Range 41 East, lying South of that certain 50 foot canal right of way proximate to the North line of said Section 2 as shown on the replat of Jupiter Farms and Groves recorded in Plat Book 24, Page 7, Public Records of Palm Beach County, Florida.

Subject to an easement for road purposes over and across the East 30 feet thereof.

TOGETHER WITH an easement of ingress and egress and for utility purposes over, upon and across the following described property, to wit:

BEGIN at the point of intersection of the North line of Section 2, Township 41 South, Range 41 East, with a line 30 feet East of and parallel to the West line of the East Half of the East Half of the East Half of Section 2; thence Southerly, along said parallel line, to the South line of the North 1367 feet of the Southeast Quarter of said Section 2; thence Westerly, along said South line of the North 1367 feet, to the West line of the East Half of the West Half of the West Half of said Southeast Quarter of Section 2; thence Northerly, along said West line, to the South line of the North 1307 feet of said Southeast Quarter; thence Easterly, along said South line of the North 1307 feet, to a line 30 feet West of and Parallel to the East line of the West Half of the East Half of the East Half of said Section 2; thence Northerly, along said parallel line, to the said North line of Section 2; thence Easterly, along said North line of Section 2, a distance of 60 feet, more or less, to the POINT OF BEGINNING.

The total land area = 19.462 acres (847,764.72 square feet) more or less.

## Exhibit 2

### Consistency with Comprehensive Plan

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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 provides a Justification Statement (Exhibit 5) which states that the amendment is justified on the basis of changes in the characteristics of the area that have occurred since the adoption of the County's Comprehensive Plan, new information or changes in circumstances which affect the site and the inappropriateness of the current future land use designation. The applicant's statement is summarized as follows:

- The applicant states that there is a high demand for additional soccer training facilities as County and Municipal fields are fully utilized.
- The applicant states that the existing future land use designation does not accommodate an Indoor or Outdoor Recreation use as the proposed facility is considered to be a regional use.

**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.

Regarding the applicant's assertion that the amendment is justified due to changes in characteristics of the general area, the applicant has not provided any support for this assertion, other than "roadway improvements have occurred along Indiantown Road." There have been no land use changes to any parcels within the immediate vicinity which would support that changes in characteristics of the area have occurred. In addition, whether or not there is a demand for soccer facilities is not an adequate reason to justify a land use change on this property.

Finally, the applicant is proposing the CR future land use designation and the proposed soccer field complex use is classified as indoor and outdoor entertainment in the Unified Land Development Code (ULDC). The only standard zoning district consistent with the proposed future land use designation is Commercial Recreation (CRE). In addition to recreational uses such as soccer fields, the ULDC allows several commercial uses within the CRE and CR MUPD zoning districts. Some of these allowable commercial uses include indoor auction, cocktail lounge, hotel/motel, personal services, type 1 and type 2 restaurants, and indoor theater. Therefore, this amendment could introduce incompatible commercial uses in a predominately rural residential area approximately 1 mile west of the established commercial center in Jupiter Farms.

As a result, this amendment has not met the requirements for an adequate justification to support the amendment.

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.*

**Staff Analysis:** The proposed amendment to change the land use designation on the subject site from RR-10 to CR would provide additional active recreation uses in support of the “Livable Communities” directive. However, in considering the “Growth Management” directive, the location and intensity of the proposed use is not consistent with the characteristics of the Rural Tier (see staff analysis for FLUE Policy 2.2.3-a). Therefore, the amendment is inconsistent with one of the County Directions.

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

**Staff Analysis:** There are no parcels under the same or related ownership and no residual parcels that would be created. This proposed amendment would not encourage piecemeal development as defined in the Introduction and Administration Element of the Comprehensive Plan which describes ‘piecemeal’ as the development of “*small portions of a larger, undeveloped property is developed in a sequential manner, such that land use decisions are being made for individual sub-areas of the original parent tract independent from the whole.*” Therefore the amendment is consistent with this policy.

## **B. Consistency with Rural Tier Requirements for the Specific FLU**

Future Land Use Element (FLUE) 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 Comprehensive Plan contains several policies addressing future land uses in the Rural Tier.

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

**FLUE Policy 1.4-a:** *The County shall protect and maintain the rural residential, equestrian and agricultural areas within the Rural Tier by:*

1. *Preserving and enhancing the rural landscape, including historic, cultural, recreational, agricultural, and open space resources;*
2. *Providing facilities and services consistent with the character of the area;*
3. *Preserving and enhancing natural resources; and,*
4. *Ensuring development is compatible with the scale, mass, intensity of use, height, and character of the rural community.*

**Staff Analysis:** The applicant is proposing a soccer complex with 4 fields, an indoor training facility and 266 parking spaces through the request of the Commercial Recreation (CR) future land use designation. Staff examined 459 parks throughout the County, including those owned by the County, municipalities, and special districts. Staff compared the acreage, number of playing fields, and parking spaces of each park with the proposed site plan. For the Urban Suburban Tier, staff identified one County park (Buttonwood at Lantana and Haverhill) and one municipal park (Anchorage in North Palm Beach) that are similar in acreage, number of fields and parking spaces to the subject site. These parks are located in urban areas and typically associated with a community center or other public facility. However, the subject site is located in the Rural Tier where existing County, municipal, and special district parks are much less intense than the recreational uses proposed on the site. In the Exurban and Rural Tiers of the County, there are 15 government owned park facilities, 7 of which have active playing fields. Active parks in the County include the Loxahatchee Groves Park, Jupiter Farms Community Park, and the County Pines District Park. The Loxahatchee Groves Park is comparable in size to the subject site at 27 acres, but is much less intense with only 2 fields and 30 parking spaces. The Jupiter Farms Park is over twice the size at 56 acres, has the same number of fields (4), but much less parking (143 spaces). The County Pines Park is three times the size

of the subject site acreage (62 acres), has 12 playing fields and 370 parking spaces. The most comparable non-County park in the rural area is the Acreage Community Park at 53 acres, 264 parking spaces, and 5 fields. This park is surrounded by a 124 acre natural area and 48 acre school site. In summary, the proposed intensity of the recreation uses on the site is out of character with parks developed in the Rural Tier, as existing government owned parks are far less intense than what is proposed on the subject site, which more often occurs in the urban areas of the County. Further, the proposed future land use designation of Commercial Recreation is not appropriate at this location (see Policy 2.2.3-a discussion below).

2. **FLUE Policy 2.2.3-a:** *The County shall apply the Commercial Recreation future land use designations at appropriate locations through the FLUA Amendment process.*

**FLUE, FLUA Implementation, Commercial Recreation Uses and Intensities.** *Commercial Recreation areas are designated on the Future Land Use Atlas to reflect and accommodate major public and private commercial recreation facilities that meet a portion of the recreational needs of residents and tourists. These facilities may be profit-making enterprises and/or may be held in private ownership. The Future Land Use Atlas may indicate two types of commercial recreation facilities: privately owned golf courses or uses such as fairgrounds, outdoor attractions and outdoor amphitheaters.*

*The following land uses shall be allowable in areas designated Commercial Recreation where permitted by the terms of the Unified Land Development Code: Outdoor and indoor recreational facilities including, but not limited to, tennis clubs, jai alai frontons, amusement and sport centers, outdoor amphitheaters, hunting and gun clubs, marinas, vehicular and non-vehicular race tracks, and outdoor wildlife attractions; Golf courses; Parks and Recreation; Mining and Excavation; and, Accessory facilities and activities that are an integral part and supportive of the recreational facility.*

**Staff Analysis:** The Commercial Recreation future land use designation allows for both public and private commercial recreational facilities that are intended to serve the needs of both residents and tourists. Currently, there are four golf courses with a CR designation as well as regional attractions such as the South Florida Fairgrounds, Lion Country Safari, Manheim Palm Beach Auto Auction and the Palm Beach International Raceway. The only other recreational designation available in the Comprehensive Plan is the Parks and Recreation (PARK) designation. However, the applicant's proposed development of four soccer fields and one indoor practice facility (classified as an indoor and outdoor entertainment use in the ULDC) would not be able to apply for the PARK future land use as that designation is limited to sites that are owned by a governmental entity. The only private park use currently allowed in the ULDC is for a 'passive park'.

Staff examined properties throughout unincorporated Palm Beach County with the Commercial Recreation (CR) future land use designation (see Exhibit 4). The Comprehensive Plan FLUA Regulation section states that this designation is assigned to two types of uses, golf courses and other uses such as '*fairgrounds, outdoor attractions, and outdoor amphitheaters*'. There are twelve sites in unincorporated Palm Beach County with the CR designation. Four of the sites are golf courses. Four of the sites have developed with non-recreation uses utilizing the underlying residential or industrial designation (three with homes and one with an auto auction). Only four of the sites have developed with commercial recreation uses, and all of these sites were assigned the CR

designation with the adoption of the 1989 Comprehensive Plan at the time the designation was created. These sites consist of:

- South Florida Fairgrounds is 122.87 acres and located within the Urban/Suburban Tier and includes a variety of intense uses anchored by the fairgrounds;
- Palm Beach International Raceway is 132.68 acres within the United Technologies Overlay and contains a variety of intense uses anchored by a racetrack;
- Crooked Hook RV Resort is 28.34 acres located within the Glades Tier with motor homes adjacent to Lake Okeechobee
- Lion Country Safari is 637.11 acres within the Exurban Tier and contains a drive-through zoo, entertainment attractions and an RV park.

The Comprehensive Plan states that Commercial Recreation areas are designated *“to reflect and accommodate major public and private commercial recreation facilities that meet a portion of the recreational needs of residents and tourists.”* The Plan lists allowable uses including *“tennis clubs, jai alai frontons, amusement and sport centers, outdoor amphitheaters, hunting and gun clubs, marinas, vehicular and non-vehicular race tracks, and outdoor wildlife attractions; golf courses; parks and recreation.”*

As detailed in Exhibit 3, the current Agricultural Residential zoning district allows residential and agricultural uses and the following non-residential uses:

- Recreational uses: passive or public park, zoo, and indoor shooting range
- Institutional uses: daycare, assembly non-profit institutional, and place of worship

In comparison to the existing zoning district, the ULDC allows a broad range of uses for the two zoning districts, Commercial Recreation (CRE) and Multiple Use Planned Development (MUPD) that are consistent with the CR future land use. In addition to the above uses allowed in AR, additional recreation, institutional, commercial and industrial uses are permitted including:

- Recreational uses: arena, auditorium or stadium, campground, indoor or outdoor entertainment, fitness center, golf course, and outdoor shooting range.
- Institutional uses: assembly non-profit membership
- Commercial and Industrial uses: indoor and outdoor auction, catering service, cocktail lounge, flea market, hotel or motel, marina, commercial parking, personal services, restaurant, single room occupancy, indoor theater, vocational school, and multi-media production.

The previously listed allowable commercial and industrial uses are many of the same uses that are also permitted in the Commercial Low (CL) and the Commercial High (CH) future land use designations.

Although the Comprehensive Plan intends that the CR designation be utilized for “major public and private commercial recreation facilities,” the list of allowable uses in the consistent zoning districts are more similar to the CL and CH future land use designations. In addition, there is no clear language in the ULDC limiting the allowable commercial uses to only being allowed when associated with a major recreation facility. Therefore, if the CR future land use designation is approved on the site, the full range of commercial uses listed could be developed on the subject site. The applicant has offered to voluntarily condition the subject site to restrict the use to only a soccer complex. However, the range



of uses allowed by the CRE and MUPD zoning districts are far too broad and commercial in nature for the subject site. Therefore, the site is not an appropriate location for the proposed amendment and inconsistent with this policy. However, should the Board support allowing the proposed soccer complex, an alternative consideration could be to direct staff to pursue a County initiated text amendment to the Comprehensive Plan to eliminate the 'government owned' requirement for the Parks & Recreation (PARK) future land use designation, as well as a County initiated text amendment to the ULDC to create a 'private park' type of use for recreation facilities. The staff analysis for the text amendment would examine the appropriate intensity of the uses and allowable uses within privately owned park facilities by taking into account factors such as number of fields proposed, location, access, and Tier. As stated under the analysis for Policy 1.4-a, the proposed number of fields and parking spaces on the site plan is greater than other County and municipal parks in the Rural Tier. As a result, even with a PARK future land use designation on the subject site, the proposed uses and intensity may not be appropriate at this location.

4. **FLUE Policy 1.4-h:** *The County shall promote the development of central community places where feasible, considering the existing development pattern, by clustering and co-locating neighborhood commercial uses, day care, places of worship, and public community-serving uses. Community-serving uses may include, but are not limited to, a mix of government satellite offices, meeting space, schools, parks and recreation facilities, and libraries. Buildings in these central community places should be sited to form a public common or green space for community use. Site planning, building orientation, architectural treatment, and landscaping of non-residential development should reflect the character of a rural community.*

**Staff Analysis:** As discussed under Policy 2.2.3-a, although the CR future land use designation is not subject to the commercial location criteria in the Comprehensive Plan, this amendment is not consistent with the intent of the commercial location policies in the Rural Tier to cluster non-residential development along intersections of major thoroughfares, including arterial and collector roadways. The ULDC allows several commercial uses within the CRE and CR MUPD zoning districts. Some of these allowable commercial uses include indoor auction, cocktail lounge, hotel/motel, personal services, type 1 and type 2 restaurants, and indoor theater. Therefore, this amendment could introduce incompatible commercial uses in rural residential area approximately 1 mile west of the established commercial center in Jupiter Farms. The amendment is therefore not inconsistent with this policy.

3. **FLUE Policy 1.4-i:** *Future development in the Rural Tier shall be consistent with native ecosystem preservation and natural system restoration, regional water resource management protection, and incorporation of greenway/linked open space initiatives.*

**Staff Analysis:** The concurrent rezoning will be required to preserve a portion of the site to address the existing wetlands. Therefore, the amendment will be consistent with this policy with the approval of the associated rezoning application.

## 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.

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

- **West:** To the west are single family homes with an RR-10 future land use designation.
- **North:** To the north, beyond Indiantown Road, is the Palm Beach Motorcoach Resort on 17.20 acres. This site has a future land use of Rural Residential, 1 unit per 10 acres (RR-10) and is zoned Recreational Vehicle Planned Development (RVPD) with 100 RV sites. Completely surrounding the RV Park is the 250-acre Cypress Creek Natural Area that is owned by the County and has a Conservation (CON) future land use.
- **East:** To the east is a vacant 19.46 acre parcel, owned by the Diocese of Palm Beach, with RR-10 future land use. Further east are single family homes, also with an RR-10 FLU.
- **South:** To the south are single family homes with an RR-10 future land use designation. Also further south down Rocky Pines Road is a nursery with RR-10 FLU.

**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 Analysis:** The applicant states that the proposed future land use is consistent and compatible with the surrounding development pattern without any support analysis.

**Staff Analysis:** The subject is located at the northern boundary of the Jupiter Farms Neighborhood Plan area at the south west corner of Indiantown Road and Rocky Pines Drive and is just under 20 acres in size. Immediately surrounding the property along the south side of Indiantown Road are lands primarily designated with rural residential land use designations which contain single family homes. To the north beyond Indiantown is a 17 acre recreational vehicle park with an RR-10 future land use designation and surrounding that is the Cypress Creek Natural area that is owned by the County with a Conservation future land use.

As previously discussed under the Rural Objective, the proposed intensity of the recreation use is out of character with the Rural Tier, and the CR designation introduces a wide range of uses, which are incompatible with the area. The proposed amendment is not compatible considering the primarily rural residential and conservation future land use designations that surround the site. The amendment could introduce commercial uses that are allowed in the CRE and CR MUPD zoning districts, such as restaurant or hotel, which would not be compatible with the surrounding uses. Further, as discussed in the analysis of Policy 1.4-a, the proposed number of fields and parking spaces on the site plan is greater than other County and Municipal parks in the Rural Tier. Therefore, the proposed intensity is out of character with the Tier.

**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 boundaries of Jupiter Farms Neighborhood Plan (JFNP). The study began in June of 1992 due to concerns in the community regarding a request for commercial uses in 1991. Written with the assistance of the Palm Beach County Planning Division, the plan was first presented to the Board of County Commissioners at a workshop on May 24, 1994. On July 5, 1994, the Board of County Commissioners adopted a resolution to acknowledge the Jupiter Farms Neighborhood Plan summary of recommendations “as a policy guide for use in the review of development proposals and Comprehensive Plan amendment requests”.

The JFNP extensively discusses the potential for the introduction of non-residential uses and the circumstances in which it would be supported by the community. The JFNP states, “The consensus among residents is that neighborhood-oriented, non-residential land uses should be allowed in Jupiter Farms if they do not produce excessive traffic and enable the community to become more self-sufficient.” The neighborhood plan acknowledges that non-residential uses could be appropriate provided that the use serves the Jupiter Farms community as opposed to the entire north County region.

In addition, the JFNP states that non-residential development must be compatible and consistent with the character of the area. This is demonstrated by recommendation R-10N which states, “All proposed non-residential development within the Jupiter Farms Planning Area should be evaluated for compatibility and consistency with the existing character when it is reviewed for approval by the Department of Planning, Zoning and Building and the Board of County Commissioners.”

The proposed amendment to Commercial Recreation could serve those living outside of the Jupiter Farms community as many uses allowed in the CR future land use designation are regional serving. In addition, due to the surrounding land uses of Rural Residential, 1 unit per 10 acres and Conservation, a CR future land use designation at this location is not compatible with the surrounding land uses. Therefore, the proposed amendment is not consistent with the neighborhood plan.

Recommendations from neighborhood plans, special studies and charrettes are one part of the review process and as this policy states are only to be considered and therefore not mandatory during the approval process of a land use amendment.

## E. Public Facilities and Services Impacts

The proposed amendment was reviewed for up to a maximum of 42,388 square feet of commercial recreation uses. Public facilities impacts are detailed in the table in Exhibit 6.

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

**Staff Analysis:** The proposed amendment has been distributed to the County service departments for review and there are adequate public facilities and services available to support the amendment, and the amendment does not exceed natural or manmade constraints. No adverse comments were received from the following departments and agencies regarding impacts on public facilities:

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

The following departments provided comments:

- Zoning – “one of the proposed uses, Outdoor Entertainment, per Article 4.B.3.C.4.d, Location, is required to have access from an Arterial or Collector Street. Rocky Pines Road, where the sole access is proposed, is a local residential street. The Applicant/Agent will need to resolve this issue prior to certification for ZC and BCC hearings. Outdoor Entertainment is subject to DRO approval, and therefore the site plan was submitted for illustrative purposes, but the use does not comply with the Code as is currently stated.”
2. **Long Range Traffic – FLUE Policy 3.5-d:** *The County shall not approve a change to the Future Land Use Atlas which:*
    - 1) *results in an increase in density or intensity of development generating additional traffic that significantly impacts any roadway segment projected to fail to operate at adopted level of service standard “D” based upon cumulative traffic comprised of the following parts a), b), c) and d):...*

**Staff Analysis:** The Traffic Division reviewed this amendment at a maximum of 42,388 square feet of commercial recreation and at a proposed development potential of a six soccer field complex. According to the County’s Traffic Engineering Department (see letter dated May 7, 2019 in Exhibit 7) the amendment would result in an increase of 418 net daily trips and 6 (4 in/2 out) AM and 99 (65 in/34 out) PM net peak hour trips.

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 Land Use Element of the Palm Beach County Comprehensive Plan at the proposed potential density shown above.*” In addition, the letter states, “*Therefore, this amendment requires a*

*condition of approval to cap the project at the proposed development potential or equivalent trips.”*

The applicant has proposed a voluntary condition of approval and should the Board adopt the amendment it would be needed in order for the amendment to meet Policy 3.5-d. The proposed condition is included in Exhibit 1 and limits development under the Commercial Recreation FLU to the proposed development potential of a soccer facility with a maximum of six fields and accessory facilities.

The Traffic Study was prepared by Juan F. Ortega, P.E. of JFO Group Inc. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

<http://www.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

## **F. Florida Statutes (FS) Consistency**

1. **Consistency with Urban Sprawl Rule:** Section 163.3177(6)(a)9.a., F.S., establishes a series of primary indicators to assess whether a plan amendment does not discourage the proliferation of urban sprawl. The statute states that the evaluation of the presence of these indicators shall consist of an analysis of the plan amendment within the context of features and characteristics unique to each locality. The analysis in Exhibit 10 indicates that the proposed amendment does not encourage the proliferation of urban sprawl.

If urban sprawl was indicated by any of these factors, staff would review the proposed amendment against 163.3177(6)(a)9.b, F.S., which establishes that the plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of eight additional criteria. However, since none of the factors in the first analysis were triggered, the second analysis is not necessary.

## **II. Public and Municipal Review**

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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 December 20, 2019. As of the printing of the PLC Report, no comments 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 December 20, 2019. In addition, the Planning Division notified representatives of the Jupiter Farms Residents Association via mail on December 20, 2019. Notice to the Town of Jupiter was also mailed on December 20, 2019. By the time of the printing of the BCC Transmittal Report, hundreds of emails had been received. See Exhibit 11 for correspondence received during the course of the amendment process.

- C. Informational Meeting:** The Planning Division attended a meeting with area residents and interested parties to relay information regarding the amendment and development approval process on January 7, 2020 during a Jupiter Farms Resident Meeting at the Jupiter Farms Park Pavilion. Three Hundred and Twenty members of the public attended and concerns included increased traffic, other uses that could go on the site with CR FLU, hours for lighting, and the desire to maintain the rural residential character of the area.



### Exhibit 3

#### Comparison of Allowable Uses in AR vs. CRE

Use Type	AR	CRE	CRE MUPD
<b>Agricultural uses</b>			
Agriculture, R&D			P
Farmer's Market	D		P
<b>Institutional, Public and civic uses</b>			
Assembly, nonprofit institutional	A	D	D
Assembly, nonprofit membership	A		D
College or university			A
Day care center, limited	A	D	D
Day care center, general	A	A	A
Place of worship	D	D	D
<b>Recreational uses</b>			
Arena, auditorium or stadium		A	A
Campground		D	P
Entertainment, indoor		D	P
Entertainment, outdoor		D	P
Fitness center		P	P
Golf course		D	A
Park, Neighborhood infill	P	P	
Park, passive	D	P	P
Park, public	B	D	P
Shooting range, indoor		A	A
Shooting range, outdoor		A	A
Zoo		D	D
<b>Commercial uses</b>			
Auction, indoor		P	P
Auction, outdoor		A	A
Catering Service		P	P
Cocktail Lounge		A	A
Flea market, open		A	
Hotel, motel			A
Marina		B	A
Parking, commercial		A	A
Personal services		P	
Restaurant, Type 1		A	
Restaurant, Type 2		A	A
Single Room Occupancy (SRO)		A	

Use Type	AR	CRE	CRE MUPD
<b>Commercial uses (continued)</b>			
Theater & Performance		A	A
Vocational school			P
Work Live Space			
<b>Industrial uses</b>			
Multi-media production		D	D
<b>Transportation</b>			
Airport		A	A
Heliport or helipad		A	A
Seaplane Facility		A	A

**Key:**

Permitted	P
DRO Approval	D
ZC Approval	B
BCC Approval	A



## **Exhibit 5**

### **Applicant's Justification/Consistency with Comprehensive Plan**

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#### **Property Location**

The property is located at 17770 112<sup>th</sup> Dr N, approximately 3 ½ miles west of the Florida Turnpike, on the south side of Indiantown Rd. It is identified by property control number 00-41-41-02-00-000-1020 and consists of 19.46 acres.

#### **Property History**

The subject property currently has a Future Land Use designation of Rural Residential (RR) – 10 within the Agricultural Residential Zoning District. The site is under Unincorporated Palm Beach County jurisdiction and lies within the boundaries of the Jupiter Neighborhood Plan. Historically, the property has been utilized for cattle grazing, altering the land by creating a low cropped vegetative condition and removing a large portion of tree canopy. Aside from cattle grazing uses, the site has remained relatively undeveloped and vacant. In 2015, a Future Land Use Atlas (FLUA) amendment application was submitted to amend the FLU designation from Rural Residential (RR) – 10 to Commercial Recreation (CR), to allow the development of Rugby fields. In addition, there was a concurrent rezoning request along with the FLUA amendment. However, both applications were withdrawn. The site has no previous zoning approvals.

#### **Application Request**

The petitioner has submitted this application to request an amendment to the Palm Beach County Comprehensive Plan. The proposed intent is to amend the FLU designation of a 19.46-acre parcel of land from a Palm Beach County FLU designation of Rural Residential (RR) 10 to Palm Beach County Commercial Recreation (CR) FLU designation.

Additional applications will be filed concurrent to this request. A Rezoning application will be submitted to rezone the subject site, from PBC Agricultural Residential (AR) Zoning District to Commercial Residential (CRE) Zoning District.

The applicant is requesting this change in Land Use to accommodate for the development of a community-based soccer park that will provide field space for a newly formed competitive youth soccer club. Currently, Palm Beach County has very limited field space available in the North part of Palm Beach County and specifically the Jupiter area. The well established and highly successful youth recreation programs, that already exist in the Jupiter area, utilize all of the available facilities in both County and Municipal owned parks. Subsequently, the private development of a new soccer park will provide for the ability of Palm Beach County to extend additional youth soccer programs to their residents and provide for expanded facilities that can be utilized by the community.

### Surrounding Uses

Below are descriptions of the zoning and land uses of the adjacent properties:

**North:** Identified by PCN: 00-41-40-35-01-001-0010, located in Unincorporated Palm Beach County. The property directly north of subject site consists of approximately 250 acres and is currently a conservation area. The property has a Conservation (CON) FLU designation and is within the Agricultural Residential (AR) Zoning District. In addition, the property located northeast of the subject site is identified by multiple parcel control numbers and is also located in Unincorporated Palm Beach County. The neighboring property to the northeast, currently operates as Jupiter Motorcoach Resort (Control No. 2006-00185) and has a Rural Residential (RR) - 10 FLU designation and is within the Recreational Vehicle Planned Development District. On December 9, 2015, Palm Beach County Board of County Commissioners approved the Motorcoach Resort via Resolution No. 2015-1736 to allow 100 RV sites and a clubhouse with recreational courts, fitness facilities and a pool.

**South:** Two parcels identified by PCN(s): 00-41-41-02-00-000-1660 & 00-41-41-02-00-000-1080 located in Unincorporated Palm Beach County. The properties consist of 10.16 acres and the current land use is Single-Family. They have a Rural Residential (RR) - 10 FLU designation and are within the Agricultural Residential (AR) Zoning District.

**East:** Identified by PCN: 00-41-41-02-00-000-1670 located in Unincorporated Palm Beach County. The property consists of approximately 19 ½ acres and is currently undeveloped. The property has a Rural Residential (RR) - 10 FLU designation and is within the Agricultural Residential (AR) Zoning District.

**West:** Multiple parcels identified by PCN(s): 00-41-41-02-00-000-1410, 00-41-41-02-00-000-1210, 00-41-41-02-00-000-1200 & 00-41-41-02-00-000-1370 and are within Unincorporated Palm Beach County. The properties consist of approximately 9 acres total and the current land use is Single-Family. They have a Rural Residential (RR) - 10 FLU designation and are within the Agricultural Residential (AR) Zoning District.

### Part 4, A. Consistency

#### Comprehensive Plan Amendment Review Standards

The petitioner shall indicate how the proposed FLU designation is consistent with the Comprehensive Plan review standards.

#### Section G.1 Justification

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

The proposed Commercial Recreation (CR) Future Land Use designation is suitable and appropriate for the subject site. The site is consisting of approximately 19.5 acres, allowing adequate capacity for a recreation use. The Palm Beach County ULDC identifies that Indoor and Outdoor Entertainment facilities are permitted uses with a CRE Zoning designation with RR-10 Land Use when they are community serving. Policy 2.2.1-o discourages uses within residential land uses that would create potential compatibility or suitability concerns. The proposed use for a community-based soccer park

would not be considered “Large-scale or Regional” park which would be discouraged. The site has significant frontage on Indiantown Road and is at the North end of the Jupiter Farms community. The proposed use is suitable and an appropriate use that will offer expanded recreational opportunities and field space for the families living within proximity of the site and are limited by use of the Jupiter Farms Park facilities.

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

- **Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site;**
- **Changes in the access or characteristics of the general area and associated impacts on the on the subject site;**
- **New information or change in circumstances which affect the subject site;**
- **Inappropriateness of the adopted FLU designation; or**
- **Whether the adopted FLU designation was assigned in error.**

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

Currently, there is high demand for additional field space within Palm Beach County. The success and growth of the population and youth recreation leagues within the area have created a shortfall of field space at both the County and Municipal level. Furthermore, roadway improvements have occurred along Indiantown Road, including a widening of four lanes and a left turn lane at Rocky Pines Rd. With access limited from Indiantown Road and Rocky Pines Road, there would be minimal impact to the overall Jupiter Farms residents as there is not outlet from this roadway to the East, South or West. The surrounding residential network of roads would not be impacted and all access would be from Indiantown Road, a designated Minor Arterial Roadway.

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

The creation of a new soccer club and recreation program to be offered to residents and youth within the community creates a new demand on the existing field space within the area. As previously mentioned, all available fields owned by Palm Beach County as well as the local municipalities are fully utilized. The county has no planned improvements to expand field space within existing or proposed parks in the vicinity of this property, subsequently, the private development of field space is appropriate.

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

The existing FLU designation does accommodate the use of property for “Indoor and Outdoor Recreation”, including soccer fields. This is permitted by the Comprehensive Plan and the Palm Beach County ULDC with the zoning of the property to CRE. The only limiting factor is if the facility is deemed to be a Regional, Large-Scale Park or recreation use per Policy 2.2.1-o. We believe that our proposed use and intensity of the property is consistent with a Community serving park space and should be permitted with the existing FLU designation and not require this proposed modification.

### Section G.2 Residential Density Increases

Per Future Land Use Element Policy 2.4-b, provide a written analysis of the following:

- 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.

Residential uses are not permissible within the Commercial Recreation Future Land Use Designation. Residential uses are not proposed.

### Section G.3 Compatibility

**Provide written data and analysis to demonstrate compatibility with the surrounding and adjacent land uses.**

The proposed CR FLU designation is compatible with the adjacent land uses. Although, the proposed FLU amendment will interrupt the contiguous FLU pattern of the adjacent properties, the request shall demonstrate compatibility. This is evident in that the Comprehensive Plan and ULDC, which allow Commercial Recreation uses within Residential land use categories specifically defined as Indoor and Outdoor recreation facilities, including soccer fields. The proposed request for CR FLU allows for generally the same uses which are permitted within the existing RR-10 FLU. In addition, the property located northeast of the subject site, Jupiter Motorcoach Resort, also promotes recreation-oriented uses and maintains the same RR-10 land use designation. Furthermore, the applicant will ensure compatibility by adhering to setback, height, screening, buffering and landscape requirements required by Palm Beach County ULDC.



## Exhibit 6

### Applicant's Public Facilities Table

<b>A. Traffic Information</b>		
Please refer to Application Attachment H – Traffic Approval Letter & Traffic Study		
	<b>Current</b>	<b>Proposed</b>
<b>Max Trip Generator</b>	ITE Code 210: Single Family Detached 10 Trips/DU	ITE 488: Soccer Complex 71.33 Trips/Field
<b>Maximum Trip Generation</b>	10	428
<b>Net Daily Trips:</b>	___ 418 ___ (maximum minus current) ___ 418 ___ (proposed minus current)	
<b>Net PH Trips:</b>	___ 6 ___ AM, ___ 99 ___ PM (maximum) ___ 6 ___ AM, ___ 99 ___ PM (proposed)	
<b>Significantly impacted roadway segments that fail Long Range</b>	None	None
<b>Significantly impacted roadway segments for Test 2</b>	None	None
<b>Traffic Consultant</b>	Juan Ortega, P.E.	
<b>B. Mass Transit Information</b>		
<b>Nearest Palm Tran Route (s)</b>	The nearest Palm Tran Route is approximately 5 miles east, along Indiantown Rd. It is identified by Route Number 10, N County X-Town via Military.	
<b>Nearest Palm Tran Stop</b>	The nearest bus stop is approximately 5.2 miles east, along Indiantown Rd east of Central Blvd. It is identified by Palm Tran Bus Stop Number 1719.	
<b>Nearest Tri Rail Connection</b>	The nearest connection to the Tri-County Commuter Rail Feeder Bus Route, is Palm Tran Route 10 to Palm Tran Route 20 to Mangonia Park Station. The Tri-County Commuter Rail Feeder Station is located at 1415 45 <sup>th</sup> St, West Palm Beach, 33407.	
<b>C. Portable Water &amp; Wastewater Information</b>		
Please refer to Attachment I for LOS letter from the Town of Jupiter and Loxahatchee River District.		

<b>Potable Water &amp; Wastewater Providers</b>	The site is located within the Town of Jupiter's potable water service area and Loxahatchee River District's (LRD) wastewater service area. Please refer to Application Attachment I - Water & Wastewater Provider LOS Letters
<b>Nearest Water &amp; Wastewater Facility, type/size</b>	The nearest potable water point of connection to the site is approximately 5,100 LF east of the site along W Indiantown Road. Thus, a water well is proposed as the source of potable water for the development, as is customary for other sites in the area. Per Loxahatchee River District as-builts, a 6" PVC C900 FM runs west along W Indiantown Road and ends at the NE corner of the project site. Please refer to Application Attachment I for plan sheet for as-built information. Loxahatchee River District has indicated that the LRD's Wastewater Treatment Plant current permitted capacity is 11.00 MGD (average daily flow). In addition, there currently are 0.239 MGD of outstanding flow commitments against the permitted capacity. Please refer to Application Attachment I - Water & Wastewater Provider LOS Letters.
<b>D. Drainage Information</b>	
Please refer to Application Attachment J – Drainage Statement	
<ol style="list-style-type: none"> <li>1. The site is located within the South Indian River Water Control District (SIRWCD). See Application Attachment J for Drainage Statement.</li> <li>2. The site is located within the SIRWCD West Basin. And FEMA flood Zone X.</li> <li>3. The site would discharge to Canal 1 at the north property line.</li> <li>4. The site shall be designed to not exceed the volumetric equivalent of 2.5 inches over the total area for any 24-hour period, per SIRWCD. Best Management Practices should be used prior to any discharge to surface or ground water. Additionally, the drainage design shall be in accordance with South Florida Water Management District (SFWMD) South Indian River Water Control District (SIRWCD) and Palm Beach County (PBC) for minimum finish floor elevation, perimeter berm elevation and water quality.</li> </ol>	
<b>E. Fire Rescue</b>	
<b>Nearest Station</b>	The fire rescue station that provides service to the site is Palm Beach County Station # 14, located at 12015 Indiantown Rd.
<b>Distance to Site</b>	The fire rescue station referenced above is approximately 0.8 miles west of the subject site, along Indiantown Rd.
<b>Response Time</b>	The response time from the fire rescue station PBC 14 to the subject property is approximately 5 minutes.
<b>Effect on Resp. Time</b>	The proposed Future Land Use amendment will have little impact on response time. Please refer to Application Attachment K – Fire Rescue Letter
<b>F. Environmental</b>	
<b>Significant habitats or species</b>	The subject site is partly wooded with slash pine, laurel oak, pond cypress and sabal palms. There are three wetlands areas located on the property which include a 0.40 acre forested, cypress wetland, a 0.98 acre forested, hydric pine flatwood wetland and a 0.11 acre herbaceous wetland.

	<p>A few potential species may inhabit the site, but not necessarily due to historic land alterations, current site conditions, surrounding environment and adjacent property conditions. These include:</p> <ul style="list-style-type: none"> <li>– Red-cockaded woodpecker – State-designated Threatened (ST), Federally-designated Endangered (FE)</li> <li>– Crested caracara - Federally-designated Threatened (FT)</li> <li>– Woodstork - Federally-designated Threatened (FT)</li> <li>– Everglades snail kite - Federally-designated Endangered (FE)</li> <li>– Eastern indigo snake – Federally-designated Threatened (FT)</li> <li>– Gopher tortoise – State-designated Threatened (ST)</li> <li>– American alligator – Federally-designated Threatened species due to similarity of appearance (FT (S/A))</li> </ul> <p>Please refer to Application Attachment L – Natural Feature Inventory &amp; Map for a thorough analysis of the current conditions, existing habitats and potential species.</p>
<b>Flood Zone*</b>	The subject site is located within Flood Zone X, an area of minimal flood hazard according to the FEMA Flood Map. Please refer to Application Attachment M – Wellfield Zone & Flood Zone.
<b>Wellfield Zone*</b>	Per the Department of Environmental Resources Management, the subject site is not located in a wellfield protection zone. Please refer to Application Attachment M – Wellfield Zone & Flood Zone.
<b>G. Historic Resources</b>	
Per the County Archaeologist, Christian Davenport, no known historically/architecturally significant or archaeological resources are identified on, or within 500 feet of the property identified by PCN: 00-41-41-02-00-000-1020. Please refer to Application Attachment N - Historic Resource Evaluation Letter.	

## Exhibit 7 Traffic Division Letter



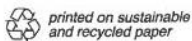
**Department of Engineering  
and Public Works**  
P.O. Box 21229  
West Palm Beach, FL 33416-1229  
(561) 684-4000  
FAX: (561) 684-4050  
www.pbcgov.com

■  
**Palm Beach County  
Board of County  
Commissioners**

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

**County Administrator**  
Verdenia C. Baker

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and recycled paper

May 7, 2019

Dr. Juan F. Ortega, P.E.  
JFO Group, Inc.  
11924 Forest Hill Boulevard, Suite 10A-123  
Wellington, Florida 33414

**RE: Soccer Park  
FLUA Amendment Policy 3.5-d Review  
Round 2020-A**

Dear Dr. Ortega:

Palm Beach County Traffic Division has reviewed the Traffic Impact for the proposed Future Land Use Amendment for the above referenced project, dated April 5, 2019, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

<b>Location:</b>	South of Indiantown Road, 3.6 miles west of Florida's Turnpike	
<b>PCN:</b>	00-41-41-02-00-000-1020	
<b>Acres:</b>	19.462 acres	
	<b>Current FLU</b>	<b>Proposed FLU</b>
<b>FLU:</b>	Rural Residential, 1 unit per 10 acres (RR-10)	Commercial Recreation (CR)/Rural Residential (RR)
<b>Zoning:</b>	Agricultural Residential (AR)	Commercial Recreation District (CRE)
<b>Density/ Intensity:</b>	0.1 du/acre	0.05 FAR
<b>Maximum Potential:</b>	Single Family Detached = 1 DU	Commercial Recreation Use = 42,388 SF
<b>Proposed Potential:</b>		Soccer Complex = 6 Fields
<b>Net Daily Trips:</b>	418 (proposed – current)	
<b>Net PH Trips:</b>	6 (4/2) AM, 99 (65/34) PM (proposed)	
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>		



Dr. Juan F. Ortega, P.E.  
May 7, 2019  
Page 2

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. The proposed change will have an insignificant impact for both the long range and Test 2 analyses.

Therefore, this amendment requires a condition of approval to cap the project at the **Proposed** development potential or equivalent trips.

Please contact me at 561-684-4030 or email to [QBari@pbcgov.org](mailto:QBari@pbcgov.org) with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Quazi Bari".

Quazi Bari, P.E.  
Senior Professional Engineer - Traffic Division

QB:DS:qg

cc: Dominique Simeus – Project Coordinator II, 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\20-A\Soccer Park.docx

## Exhibit 8 Water & Wastewater Provider LOS Letter

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### TOWN OF JUPITER

UTILITIES  
PO BOX 8900  
JUPITER FL 33468-8900  
FAX (561) 741-2539

April 30, 2019

Daniela Martinat  
Thomas Engineering Group  
125 W. Indiantown Rd, Ste. 206  
Jupiter, FL 33458

Re: Indiantown Road and Rocky Pines Road – Water Service Availability

Dear Ms. Martinat,

This letter is to confirm that the corner of Indiantown Rd and Rocky Pines Rd is located within our service area. However, the Town does not have any water mains nearby to service those properties as the closest water main ends east of that location in the Jupiter Farms Village Plaza at 10070 W. Indiantown Rd.

If there are any questions please feel free to contact me.

Sincerely,

Travis Sanders  
Accountant I

Cc: David Brown, Director of Utilities  
Jenna Guzman, Utilities Customer Service & Billing Manager

210 Military Trail • Jupiter, Florida 33458 • [www.jupiter.fl.us](http://www.jupiter.fl.us)  
Phone (561) 741-2300 • Email [traviss@jupiter.fl.us](mailto:traviss@jupiter.fl.us)



# Loxahatchee River District

Water Reclamation | Environmental Education | River Restoration

2500 Jupiter Park Drive, Jupiter, Florida 33458

Telephone (561) 747-5700 • Fax (561) 747-9929 • [www.loxahatcheeriver.org](http://www.loxahatcheeriver.org)



D. Albrey Arrington, Ph.D., Executive Director

May 2, 2019

Daniela A. Martinat, E.I.  
Thomas Engineering Group  
125 W. Indiantown Road, Suite 206  
Jupiter, FL 33458

Re: WWTF Capacity Verification

Dear Ms. Martinat:

The Loxahatchee River District's WWTF current permitted capacity is 11.00 MGD (Annual Average Daily Flow). The maximum previous 12 months was 7.57 MGD. The maximum three-month average daily flow over the last 12 month period was 7.33 MGD. The outstanding flow commitments against the permitted capacity is .239 MGD.

Should you have any questions or wish to discuss further please advise.

Sincerely,

Kris Dean, P.E.  
Deputy Executive Director/Director of Engineering Services

KD/lml

Gordon M. Boggie  
Board Member

Stephen B. Rockoff  
Board Member

Dr. Matt H. Rostock  
Chairman

Harvey M. Silverman  
Board Member

James D. Snyder  
Board Member

## Exhibit 9

### Disclosure of Ownership Interests

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PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

#### 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  
Ben Glinsky, hereinafter referred to as "Affiant," who  
being by me first duly sworn, under oath, deposes and states as follows:

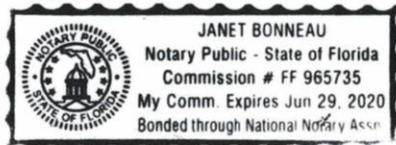
1. Affiant is the [ ☐ ] individual or [☒] Managing Member [position - e.g.,  
*president, partner, trustee*] of BGTG Properties, LLC [name and type of  
entity - e.g., *ABC Corporation, XYZ Limited Partnership*] that holds an ownership  
interest in real property legally described on the attached Exhibit "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: 6671 W. Indiantown Rd #50-291, Jupiter, FL 33458  
\_\_\_\_\_  
\_\_\_\_\_
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.

  
\_\_\_\_\_  
Ben Glinsky, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 2 day of May, 2019, by Ben Glinsky, ☒ who is personally known to me or ☐ who has produced \_\_\_\_\_ as identification and who did take an oath.



  
\_\_\_\_\_  
Notary Public

Janet Bonneau  
\_\_\_\_\_  
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: June 29, 2020

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

That part of the North 1369 feet of the West Half of the East Half of the Northeast Quarter of Section 2, Township 41 South, Range 41 East, lying South of that certain 50 foot canal right of way proximate to the North line of said Section 2 as shown on the replat of Jupiter Farms and Groves recorded in Plat Book 24, Page 7, Public Records of Palm Beach County, Florida.

Subject to an easement for road purposes over and across the East 30 feet thereof.

TOGETHER WITH an easement of ingress and egress and for utility purposes over, upon and across the following described property, to wit:

BEGIN at the point of intersection of the North line of Section 2, Township 41 South, Range 41 East, with a line 30 feet East of and parallel to the West line of the East Half of the East Half of the East Half of Section 2; thence Southerly, along said parallel line, to the South line of the North 1367 feet of the Southeast Quarter of said Section 2; thence Westerly, along said South line of the North 1367 feet, to the West line of the East Half of the West Half of the West Half of said Southeast Quarter of Section 2; thence Northerly, along said West line, to the South line of the North 1307 feet of said Southeast Quarter; thence Easterly, along said South line of the North 1307 feet, to a line 30 feet West of and Parallel to the East line of the West Half of the East Half of the East Half of said Section 2; thence Northerly, along said parallel line, to the said North line of Section 2; thence Easterly, along said North line of Section 2, a distance of 60 feet, more or less, 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**


## Exhibit 10

### Urban Sprawl Analysis

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
<b>Criteria Related to Land Use Patterns</b>		
Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.	This site is 19.46 acres and therefore this amendment does not promote, allow or designate a substantial area of the County to develop as low-intensity, low-density, or single-use development or uses.	No
Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.	This amendment does not designate urban development emanating from existing urban development.	No
Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.	This amendment does not discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities.	No
Fails to encourage functional mix of uses.	This amendment would not fail to encourage a functional mix of uses as the area as it would introduce a new use to the area.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment does not result in poor accessibility among related land uses as the site is proposed to be CR and as the adjacent surrounding land use designation is RR-10.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment on this site will not result in the loss of significant amounts of functional open space.	No
<b>Criteria related to sites located outside or at the edge of the Urban Service Area</b>		
Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development	The amendment does not promote, allow, or designate a significant amount of urban development to occur in rural areas at substantial distances from existing urban areas.	No
Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems	The property does contain wetlands and a portion will be preserved during the zoning process.	No
Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.	The amendment will not impact adjacent agricultural areas.	No
Fails to provide a clear separation between rural and urban uses.	This amendment would not fail to provide a clear separation between rural and urban uses.	No

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
<b>Criteria Related to Public Facilities</b>		
Fails to maximize use of existing public facilities and services.	Public facilities and services are available to the site.	No
Fails to maximize use of future public facilities and services.	The subject site could maximize the use of future public facilities available in the area as demonstrated in the department review of the amendment.	No
Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.	There are no adverse impacts to public facilities and services as indicated by service providers through department review.	No
<b>Overall Assessment:</b> As demonstrated above, the proposed amendment does not meet any of the indicators of urban sprawl, and would not contribute to urban sprawl in the County.		



## Exhibit 11 Correspondence

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Ms. Stephanie Gregory and Ms. Meredith Leigh  
Palm Beach County  
Department of Planning, Zoning & Building  
2300 North Jog Road  
West Palm Beach, FL 33411-2741

RE: Rise Soccer Park  
App. No. Z-2019-01104  
CTRL. No. 2019-00070

Dear Ms. Gregory and Ms. Leigh,

The above application has been brought to the attention of South Indian River Water Control District (SIRWCD) Board of Supervisors by the Jupiter Farms Residents. Upon review of the application, the Board would like to provide additional information pertaining to water and sewer services to the applicants site.

According to the applicant's sufficiency resubmittal dated July 8, 2019 under the justification section of the application section of "Official Zoning Map Amendment Standards – ULDC Section 2.B.7.A.2", Item f. Adequate Public Facilities, the applicant has stated that "the proposed development shall provide connections to the existing public services and utilities. The Rezoning approval will not have adverse effect on the abilities of the County to provide adequate public facilities to the surrounding area." The applicant also states under the 2019 Future Land Use Atlas Amendment Application, Section C, that "the nearest potable water point of connection to the site is approximately 5,100 LF east of the site along W Indiantown Road. Thus, a water well is proposed as the source of potable water for the development, as is customary for other sites in the area. Per Loxahatchee River District as-built, a 6" PVC C900 FM runs west along W Indiantown Road and ends at the NE corner of the project site." Yet, under the General Application-Public Hearing and DRO Administrative Processes, the applicant indicates under Section 12 that the water provider and the wastewater provider is Palm Beach County Water Utilities and does not indicate under item J, that they would be requiring a well/septic tank.

Although there is a 6-inch force main located on the south side of W. Indiantown Road, any connection to the main would require a permit through SIRWCD for crossing the canal right-of-way for Canal 1, which is located directly south and along W. Indiantown Road. Any permit for sanitary services as well as potable water would require the Board's approval and such approval in the past has been denied. Therefore, if public sewer and water is required for the zoning change from Agricultural Residential (AR) to Commercial Recreation (CRE) and Future Land Use Designation from Rural Residential (RR-10) to Commercial Recreation (CR), then Palm Beach County should reconsider the changes.

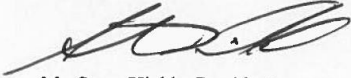
*A Florida Special District*  
15600 Jupiter Farms Road • Jupiter, Florida 33478-9399 • (561) 747-0550 • Fax (561) 747-9182  
[www.sirwcd.org](http://www.sirwcd.org) • [sirwcd@sirwcd.org](mailto:sirwcd@sirwcd.org)



We would also like to add that Rocky Pines Road is a SIRWCD maintained access easement. SIRWCD agrees with the Land Development Department's comments that a condition should be given to build Rocky Pines Road to non-plan collector standards, but the applicant will also need to coordinate with SIRWCD on the standards of the road.

Should you have any questions or need any further additional information concerning these items, please let us know.

Sincerely,



Mr. Steve Hinkle, President

Cc: Jupiter Farms Residents  
Lisa Amara, Palm Beach County  
Jon Mac Gillis, Palm Beach County  
Patricia Behn, Palm Beach County  
Kevin Fischer, Palm Beach County  
Patricia Weaver, Palm Beach County

As of the printing of the BCC Transmittal Report on January 15, Planning staff had received 642 letters and emails in opposition. The majority came in a form letter as shown below.

**Nicole Delsoin**

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**From:** Abraham Berkowitz <abecrna@gmail.com>  
**Sent:** Sunday, January 05, 2020 2:22 PM  
**To:** PZB Planning POC; +JFResidents@gmail.com  
**Subject:** Rise Soccer (LGA 2020-007)

\*\*\*\*\* Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. \*\*\*\*\*

To Whom It May Concern, I/We, the undersigned, stand with Jupiter Farms Residents and the Jupiter Farms Environmental Council when I/we ask the Planning Commission to vote NOT IN FAVOR of Rise Soccer Park's (LGA 2020-007) land use amendment. Planning Staff is recommending denial of the amendment - as does JFR and JFEC. Jupiter Farms has the first-ever PBC Neighborhood Plan (adopted by the PBC BCC) and this land use amendment to our zoning goes against everything codified in our JF Neighborhood Plan and would forever alter our community. Please do not let that happen - and vote against this change. Thank you for your kind attention, Abraham Berkowitz  
10710 164th Ct N Jupiter Fl 33478