

2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 1. Amendment Data

A. Amendment Data

Round	22-B	Intake Date	December 13, 2021
Application Name	Towns at Tidewater	Control No.	2014-014
Acres	9.24 acres	Concurrent Zoning application?	Yes
		Text Amend?	No
PCNs	00-42-45-10-01-008-0020 & 00-42-45-10-01-008-0030		
Location	South side of Hypoluxo Road approximately 0.83 miles east of Jog Road		
	Current	Proposed	
Tier	Urban/Suburban Tier	Urban/Suburban Tier	
Use	Single Family and Agriculture	Townhomes	
Zoning	Agricultural Residential (AR)	Single Family Residential (RS)	
Future Land Use Designation	Low Residential, 1 unit per acre (LR-1)	Medium Residential, 5 units per acre (MR-5)	
Underlying Future Land Use Designation	None	None	
Conditions	None	None	
Density Bonus	None	Workforce Housing Density bonus – 50% (23 units)	

B. Development Potential

	Current FLU	Proposed FLU
Density/ Intensity:	1 unit per acre	5 dwelling units per acre
Maximum Dwelling Units¹ (residential designations)	1 du/acre x 9.24 ac. = 9 dwelling units	5 du/acre x 9.24 ac. = 46 dwelling units 50% WHP Density Bonus = 23 dwelling units 46 du + 23 du = 69 dwelling units
Maximum Beds (for CLF proposals)	N/A	N/A
Population Estimate	9 max du x 2.39 = 22 people	69 max du x 2.39 = 165 people
Maximum Square Feet^{2, 4} (non-residential designations)	This application is a residential request	This application is a residential request
Proposed or Conditioned Potential^{3, 4}	----	No proposed conditions

Max Trip Generator	LU 220 – 9 Dwelling Units	LU 220 – 69 Dwelling Units
Maximum Trip Generation	Daily – 90 trips AM – 7 trips, PM – 10 trips	Daily – 505 trips AM – 32 trips, PM – 39 trips
Net Daily Trips:	415 (maximum minus current) 415 (proposed minus current)	
Net PH Trips:	25 AM, 29 PM (maximum) 25 AM, 29 PM (proposed)	

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

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Part 2. Applicant Data

A. Agent Information

Name	Lauren McClellan / Jennifer Morton
Company Name	JMorton Planning & Landscape Architecture
Address	3910 RCA Boulevard, Suite 1015
City, State, Zip	Palm Beach Gardens, FL 33410
Phone Number	(561) 721-4463 / (561) 371-9384
Email Address	lmcclellan@jmortonla.com / jmorton@jmortonla.com

B. Applicant Information

Name	Alexander Akel
Company Name	Medjool Nurseries LLC
Address	6111 Broken Sound Pkwy NW, Suite 200
City, State, Zip	Boca Raton, Florida 33487
Phone Number	(561) 395-3050
Email Address	alex@akelhomes.com
Interest	Property Owner

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Part 3. Site Data

A. Site Data

Built Features	There is currently a 1,254 SF one story aluminum building, a 6,564 SF greenhouse, a 3,351 SF green house, a 195 SF wood framed building, a 17,790 SF screened greenhouse, a 1,899 SF greenhouse, a 3,952 SF one-story CBS residence and a 880 SF one story CBS building. See Attachment F.
PCN	00-42-45-10-01-008-0020 & 00-42-45-10-01-008-0030
Street Address	5597 Ranches Road & 5660 Ranches Road
Frontage	333 feet & 334 feet of frontage along Hypoluxo Road
Legal Access	Hypoluxo Road
Contiguous under same ownership	There are no contiguous properties under same ownership.
Acquisition details	The Property was acquired on October 1, 2021, from Tal Kuperman by Special Warranty Deed. According to the Warranty Deed, the Property was granted for the consideration of \$10.00. See Attachment A for Warranty Deed.
Size purchased	9.24 acres

B. Development History

Control Number	None.
Previous FLUA Amendments	No previously FLUA amendments have been submitted for the Property.
Concurrency	No concurrency approval.
Plat, Subdivision	Palm Beach Ranches Unrecorded Subdivision.
Zoning Approvals & Requests	Application No. SPWN-2014-300 approved for wholesale nursery for 4.58 acres of property located at 5597 Ranches Road.

Reso. No.	App. No.	Status	Type	Description	Changes proposed (if any)
None	SPWN-2014-300	Approved	Special Permit	Wholesale Nursery	Abandon Use

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Part 4. Consistency

A. Consistency

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

B. Surrounding Land Uses.

Adjacent Lands	Use	Future Land Use	Zoning
North	Winston Trails Golf Club – Single Family Homes & Suncoast Christian Academy 3.72 du/acre & 14,294 SF	Low Residential, 3 unit per acre (LR-3) & Medium Residential, 5 units per acre (MR-5)	Single Family Residential (RS) & Agricultural Residential (AR)
South	Single Family Home & Agricultural (4,362 SF) Single Family Home (1,319 SF) Single Family Home (2,646 SF) Single Family Home (3,017 SF)	Low Residential, 1 unit per acre (LR-1)	Residential Transitional (RT)
East	Presbyterian Church	Low Residential, 1 unit per acre (LR-1)	Residential Transitional (RT)
West	Residential – Single Family (5,771 SF)	Low Residential, 1 unit per acre (LR-1)	Agricultural Residential (AR)

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Part 5. Public Facilities Information

A. Traffic Information		
	Current	Proposed
Max Trip Generator	LU 220 – 9 Dwelling Units	LU 220 – 69 Dwelling Units
Maximum Trip Generation	Daily – 90 trips AM – 7 trips, PM – 10 trips	Daily – 505 trips AM – 32 trips, PM – 39 trips
Net Daily Trips:	415 (maximum minus current) 415 (proposed minus current)	
Net PH Trips:	25 AM, 29 PM (maximum) 25 AM, 29 PM (proposed)	
Significantly impacted roadway segments that fail Long Range	N/A	No significant links
Significantly impacted roadway segments for Test 2	N/A	No significant links
Traffic Consultant	McMahon Associates, Inc.	

B. Mass Transit Information	
Nearest Palm Tran Route (s)	There is no Palm Tran Route within close proximity of the Property. Route 3 is the closest route.
Nearest Palm Tran Stop	There are no Palm Tran Stops within close proximity of the Property. Bus stop 1077 is the closest stop which is 1.154 miles from the Property.
Nearest Tri Rail Connection	Route 71 provides a connection to the Boynton Beach Tri-Rail Station.
C. Portable Water & Wastewater Information	
See Attachment I for Potable Water & Wastewater Level of Service (LOS) comment letter.	
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department. Service capacity is available for the proposed development. Connections will require a lift station and forcemain extension. See Attachment I for letter from Palm Beach County Water Utilities Department.
Nearest Water & Wastewater Facility, type/size	A 10" potable water main located within Ranches Road adjacent to the property. A 12" wastewater forcemain located within Ranches Road approximately 1,700 feet west of the property.
D. Drainage Information	
The drainage system for the proposed project will consist of culverts, structures, and wet detention areas, which will have a legal positive into the Lake Worth Drainage District L-18 canal that runs along the north side of the Property. The Property is located within the SFWMD C-16 Basin, and the site will comply with the C-16 Basin requirements of discharge of 62.4 cubic feet per square mile. See Attachment J for Drainage Statement.	
E. Fire Rescue	
Nearest Station	Palm Beach County Fire-Rescue Station # 46, located at 7550 South Jog Road
Distance to Site	1.75 miles
Response Time	Average response time 6:58
Effect on Resp. Time	The proposed amendment will have minimal impact on the response time for Station # 46. See Attachment K.
F. Environmental	
Significant habitats or species	None. Please see map provided as Attachment L.
Flood Zone*	Zone X – Property is not within a Flood Zone.
Wellfield Zone*	The Property is not located within a Wellfield Protection Zone. See Attachment M.

G. Historic Resources

There are no significant historic resources present on the Property. See Attachment N for letter.

H. Parks and Recreation – Residential Only (Including CLF)

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	Okeeheelee Park 7715 Forest Hill Boulevard West Palm Beach, FL 33411	0.00339	+165 people	+0.56 ac.
Beach	Ocean Inlet Park 6990 N. Ocean Boulevard Ocean Ridge, FL 33435	0.00035	+165 people	+0.058 ac.
District	Canyon District Park 8802 Boynton Beach Boulevard Boynton Beach, FL 33437	0.00138	+165 people	+0.23 ac.

I. Libraries – Residential Only (Including CLF)

Library Name	Lantana Road Branch		
Address	4020 Lantana Road		
City, State, Zip	Lake Worth, FL 33462		
Distance	1.92 miles		
Component	Level of Service	Population Change	Change in Demand
Collection	2 holdings per person	+165 people	+330
Periodicals	5 subscriptions per 1,000 persons	+165 people	+0.83
Info Technology	\$1.00 per person	+165 people	+\$165.00
Professional staff	1 FTE per 7,500 persons	+165 people	+0.022
All other staff	3.35 FTE per professional librarian	+165 people	+0.074
Library facilities	0.34 sf per person	+165 people	+56.1

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

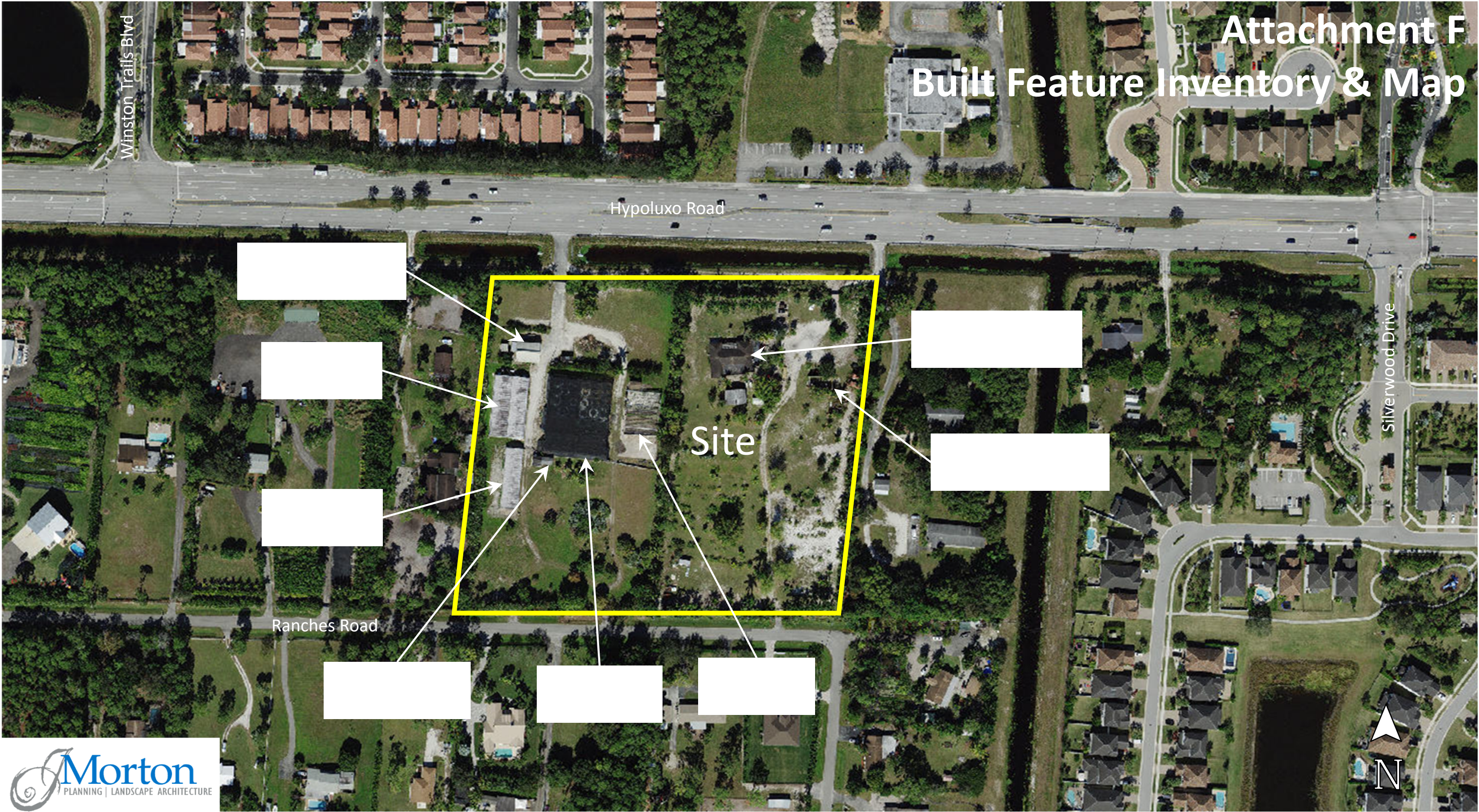
	Elementary	Middle	High
Name	Manatee Elementary School	Christa McAuliffe Middle School	Park Vista Community High School
Address	7001 Charleston Shores Boulevard	6500 Le Chalet Boulevard	7900 Jog Road
City, State, Zip	Lake Worth, FL 33467	Boynton Beach, FL 33472	Lake Worth, FL 33467
Distance	2.253 miles	4.4 miles	2.703 miles

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Part 6. Attachments

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

Attachment F Built Feature Inventory & Map



Attachment G Consistency with the Comprehensive Plan and Florida Statutes

Introduction

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment for the 9.24 acre Towns at Tidewater Property located on the south side of Hypoluxo Road, approximately 0.83 miles east of Jog Road (“Property”) to amend the future land use atlas designation from Low Residential, 1 unit per acre (LR-1) to Medium Residential, 5 units per acre (MR-5). The Property is located within the Urban/Suburban Tier and the Applicant is proposing to develop townhomes on the Property.

I. PROPOSED FLUA MAP AMENDMENT

The Applicant is requesting a Future Land Use Amendment from Low Residential, 1 unit per acre (LR-1) to Medium Residential, 5 units per acre (MR-5) on 9.24 acres. The Property is comprised of two parcels with Property Control Numbers (PCN) 00-42-45-10-01-008-0020 and 00-42-45-10-01-008-0030. The Property is currently being used for agriculture and single family residential uses.

The Applicant will be submitting a concurrent zoning application to rezone the Property to Planned Unit Development (PUD). The Applicant is proposing to utilize the workforce housing density bonus program and develop the property with a maximum of 72 townhomes.

Description of Site Vicinity

The Property is surrounded by residential uses to the west and south, a Presbyterian church to the east, and a Christian Academy as well as single family residences to the north across Hypoluxo Road.

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	MR-5	AR	Suncoast Christian Academy (14,294 SF)	1981-126	R-1981-1061
	LR-3	RS	Winston Trails Golf Club – Single Family Homes (3.72 du/acre)	1987-112	R-1996-1178
South	LR-1	RT	Single Family Home & Agricultural (4,362 SF)	2003-046	R-2003-1757
			Single Family Home (1,319 SF)		
			Single Family Home (2,646 SF) Single Family Home (3,017 SF)	2004-253	R-2004-2249
East	LR-1	RT	Presbyterian Church	1992-051	R-1993-0561
West	LR-1	AR	Single Family Home	N/A	N/A

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 Medium Residential, 5 units per acre (MR-5) designation is suitable and appropriate for the Property as the Property will have frontage and access on Hypoluxo Road. The Property is located just east of Jog Road in an area of the County that is experiencing rapid population growth. The Applicant intends to develop a townhouse development on the Property. The proposed townhouses will provide an alternative housing opportunity in an area that is comprised mainly of single-family development.*

The existing future land use designation limits the maximum density on the property to 1 dwelling per acre. Even with density bonuses, this density does not allow for the development of townhouses. The Applicant intends to offer an alternative housing option to future residents that desire to live in this area of the County. Properties with access and frontage on major roadways within this area of the Urban/Suburban Tier are where higher densities should be located as vacant land becomes more sparse.

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:** N/A*

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

***Response:** N/A*

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

***Response:** Recently many communities across the Country have enacted legislation that eliminates single family zoning districts in order to abolish exclusive single family zoning and encourage infill development and mixed housing options. Daniel Parolek authored a book entitled “Missing Middle Housing: Thinking Big and Building Small to Respond to Today’s Housing Crisis.” This book defines “Middle Housing” as duplex, fourplex, courtyard buildings, cottage homes, townhomes, medium scale multi-plex and live work housing options. Approval of the change from LR-1 to MR-5 will allow for the development of townhouses that will offer more housing choices and housing attainability to address the current housing crisis facing Palm Beach County.*

In an article entitled “Goodbye, Single-Family Zoning...Hello Neighborhood Residential Zoning?” published in The Urbanist on July 6, 2021, Natalie Bicknell Argerious writes, “Zoning decisions have real impacts on how cities grow, and single-family zoning has never been a neutral planning tool. It came into fashion alongside financial redlining...that excluded people of color and lower-income households from living in large segments of American cities... Because single-family zoning was aimed at keeping out more affordable, multifamily housing as well as the neighborhood businesses that make it possible to live without access to a vehicle, many housing affordability advocates have taken to using the term ‘exclusionary’ zoning in lieu of “single-family” zoning in order to highlight its real purpose and impact.” Across the Country increased density to allow for additional housing options is viewed by planners as an essential condition to support public transit, and by economists as the best means of making high-cost areas more affordable.

Public policy makers argue that separating housing types development patterns are ensured to make it less likely that renters would live among homeowners, or working-class families among affluent ones.

This area of the County is comprised of very low densities that contribute to a single-family residential development pattern. The Property has access and frontage on Hypoluxo Road therefore it is ideally situated to accommodate a different housing type from the other single-family properties to the south. As land becomes scarce in the Urban/Suburban Tier, densities must be increased to address the housing crisis and affordability crisis impacting Palm Beach County. Long gone are the days when residential developers were building large single-family golf course planned communities. The changing times must be acknowledged by allowing increases in density where appropriate such as with frontage and access on major rights-of-way within the Urban/Suburban Tier and within proximity to schools, employment, and other necessary services.

d. Inappropriateness of the adopted FLU designation.

Response: *As discussed above, the LR-1 Future Land Use designation is inappropriate given the current housing crisis impacting Palm Beach County, as well as the Country. Forbes magazine published an article on May 4, 2021, entitled “The Zombie That is Single-Family Zoning - Destroy It Before It Destroys Us”, Atticus LeBlanc writes, “Now, we’re in a situation where we need much more housing supply. We’ve needed it for a long time, and we still need the ability to create more housing much faster. Single-family zoning remains the biggest single obstacle standing in the way of rapid and cost-effective housing creation. Land-use professionals and policymakers inside local governments across the country know the history of these regulations. They know that these ancient policies were designed for a different era, for a completely different set of problems and for a completely different demographic of nuclear families that no longer exist.” LeBlanc continues and states that additional housing options such as townhouses, multi-family, and shared housing options increase housing supply and helps those that need it most. Alternative housing options can serve the growing number of single-parent households.*

By acknowledging higher density within the Urban/Suburban Tier, new opportunities are created for people to move for access to schools and jobs, as well as provide a way for aging residents to downsize without having to leave their neighborhoods. Ultimately, this is one step forward to helping ease the affordability crisis that is occurring across this County while still encouraging homeownership.

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

Response: *N/A*

G.2 Residential Density Increases

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 (3 du/acre)	WHP Bonus	Total Units	Density	WHP Units
Current	LR-1	9	30	5	44	5 du/acre	12 units
Proposed	MR-5	46	N/A	23	69	7.5 du/acre	11 units

It is the Applicant's intent to develop townhouses on the Property which will bring a much needed alternative housing option to the West Boynton Beach area. By allowing the development of a smaller housing type, the housing stock is increased in the area while still accommodating and encouraging the homeownership desires for the surrounding community. As discussed above the increasing population and limited housing stock has significantly contributed to the housing crisis facing the County. Encouraging increased densities east of the turnpike and east of Jog Road ensures that the future residents have access to public infrastructure and urban services.

b. Demonstrate that the Current FLUA Designation is Inappropriate

Response: *As discussed above, the current future land use designation is inappropriate given the recent housing crisis 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. Typical townhouse projects are developed at densities between 6 and 8 dwelling units per acre. Unfortunately, the density permitted by the LR-1 limits the housing type to single-family residential. This area of the County is saturated with low density and single family 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. By acknowledging higher density within the Urban/Suburban Tier, new opportunities are created for people to move for access to schools and jobs, as well as provide a way for aging residents to downsize without having to leave their neighborhoods. Ultimately, this is one step forward to helping ease the affordability crisis that is occurring across this County while still encouraging homeownership.*

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 to obtain a 60% density increase. The Transfer of Development Rights program is not feasible as any workforce units resulting from this additional density cannot be built off-site or cashed-out. The Applicant intends to build the workforce housing units off-site as it is not financially feasible to provide 13 for-sale workforce townhouse units on-site nor is it feasible to develop two different product types on-site.*

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 Hypoluxo Road, a major east/west thoroughfare, thus directing traffic away from local roads in the vicinity.
- The proposed use is consistent with the existing development pattern and adjacent uses that have occurred along the Hypoluxo Road corridor.

The above factors, coupled with setbacks, buffers 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.

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 townhouse project that will fit in with the surrounding single-family residential uses, the institutional uses, the nurseries and can utilize the services that are available in the area.*

- **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 additional housing options to serve the community. 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. Increasing the residential density for the Property will ensure that the community has alternative housing options available for the teachers at nearby schools, the police that patrol the Hypoluxo Road corridor, and the single-parent households looking for smaller more attainable housing options.*

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:** As previously indicated, Palm Beach County is in the middle of a housing crisis, this same housing crisis appears to be impacting the entire Country. Professional planners and policymakers across the Country have indicated that low density limits that limits development solely to single-family development is detrimental to the economy, to communities, and ultimately contrary to good planning practices. Allowing increased density within the Urban/Suburban Tier ensures efficient use of facilities and public infrastructure while protecting the Rural Tier where these services are not available.*

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 an alternative housing option. The Property is located east of Jog Road and on a major east/west roadway where higher densities should be accommodated in order to offer a mix of housing types that do not create a homogeneous development pattern.*

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 change the FLU of the Property from LR-1 to MR-5 which will allow for a townhouse development within the Urban/Suburban Tier. The Property is located within the West Boynton Area Community Plan (WBACP) study area. This study encourages the appropriate mix of*

land uses that allows for higher density and non-residential infill development that will provide employment opportunities as well as mitigate additional traffic generation.

- 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 Hypoluxo Road corridor which is not rural in nature and urban services such as police, fire rescue and water/wastewater/drainage utilities exist in the immediate area.*
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
 - **Response:** *The development is not isolated in nature as residential development surrounds the Property immediately to the west, north and south. Residential uses have been developed along the corridor further to the east and west of Hypoluxo Road.*
- 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 agriculture purposes and a single family residence. 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 Hypoluxo Road 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.*
- 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 townhouse project within an area of the County that has historically only been developed with low intensity/density residential development. This project will contribute to a functional mix of uses within the Hypoluxo Road corridor.*

- Results in poor accessibility among linked or related land uses.
 - **Response:** *The proposed development will be designed with pedestrian connections as required through the site plan approval process.*
- Results in the loss of significant amounts of functional open space.
 - **Response:** *This amendment does not result in a loss of any functional open space as the 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 development will be designed to provide pedestrian connections, bike racks, and other elements that support a compact development.*
- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
 - **Response:** *Approval of this proposed amendment will allow the development of townhouse units within an area of the County that is primarily developed with single family housing.*

Conclusion

As described above, the proposed FLU amendment from Low Residential, 1 unit per acre (LR-1) to Medium Residential, 5 units per acre (MR-5) 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.

II. ULDC CHANGES

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



**Water Utilities Department
Engineering**

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

■
**Palm Beach County
Board of County
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Maria G. Marino
Dave Kerner
Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"

November 2, 2021
Morton
3910 RCA Boulevard
Palm Beach Gardens, FL 33410

RE: Hypoluxo Townhomes AKA Towns at Tidewater
PCN 00-42-45-10-01-008-0020 & 00-42-45-10-01-008-0030
Service Availability Letter

Ms. Velasco,

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 proposed 69 units. subject to a Capacity Reservation Agreement with PBCWUD.

The nearest point of connection to potable water is a 10" potable water main located within Ranches Road adjacent to the subject property. The nearest point of connection to sanitary sewer is a 12" forcemain located within Ranches Road approximately 1700' west of the subject property. This connection will require a lift station and forcemain extension.

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", is written over a horizontal line.

Jackie Michels, P.E.,
Project Manager



CAULFIELD & WHEELER, INC.

Consulting Engineers • Surveyors & Mappers

Celebrating
35
years

Engineering EB0003591
Surveying LB0003591
Landscape Architecture LC0000318

November 8th, 2021

Mrs. Joanne Keller, P.E.
Palm Beach County Land Development
2300 North Jog Road, 3rd Floor
West Palm Beach, Florida 33411-2745

**Subject: Drainage Statement
Towns at Tidewater
5560 & 5597 Ranches Road
Palm Beach County, Florida**

Dear Mrs. Keller:

The drainage system for the proposed 9.24 acre “Towns at Tidewater” project will consist of culverts, structures, and wet detention areas. The project will have a legal positive outfall into the Lake Worth Drainage District L-18 canal that runs along the north side of the property. The project is within the SFWMD C-16 Basin, and the site will comply with the C-16 basin requirements of discharge requirements of 62.4 CSM (cubic feet per square mile).

The South Florida Water Management District criteria for this project will be a water control elevation of 14.50 feet NAVD. The proposed road and finished floor criteria will exceed the calculated 5-year and 100-year storm criteria as required by code for those storm events. A control structure will be installed on-site to regulate the discharge into the LWDD L-18 Canal to not exceed the allowable discharge for the 25-year storm, 3-day event, which meets the required level of service for Palm Beach County.

Submitted By:
Caulfield & Wheeler, Inc.

Ryan D. Wheeler, P.E.
Professional Engineer #71477
State of Florida

RDW:rw

P:\09630-00-00-00\engdocs\permits\PBCLD\submittals\Drainage Statement\2021-11-08_9630_Drainage Statement.doc



Fire Rescue

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



**Palm Beach County
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Melissa McKinlay

County Administrator

Verdenia C. Baker

October 13, 2021

JMorton
Planning, Landscape Architecture
Attention: Maryori Velasco
3910 RCA Boulevard
Suite 1015
Palm Beach Gardens, FL 33410

Re: Hypoluxo Townhomes

Dear Maryori Velasco:

Per your request for response time information to the subject property located on the south side of Hypoluxo Road approximately 0.83 miles east of Jog Road. This property is served currently by Palm Beach County Fire-Rescue station #46, which is located at 7550 S Jog Road. The subject property is approximately 1.75 miles from the station. The estimated response time to the subject property is 6 minutes. For fiscal year 2020, the average response time (call received to on scene) for this stations zone is 6:58.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Cheryl Allan".

Cheryl Allan, Planner
Palm Beach County Fire-Rescue

Attachment L Natural Feature Inventory & Map

Winston Trails Blvd

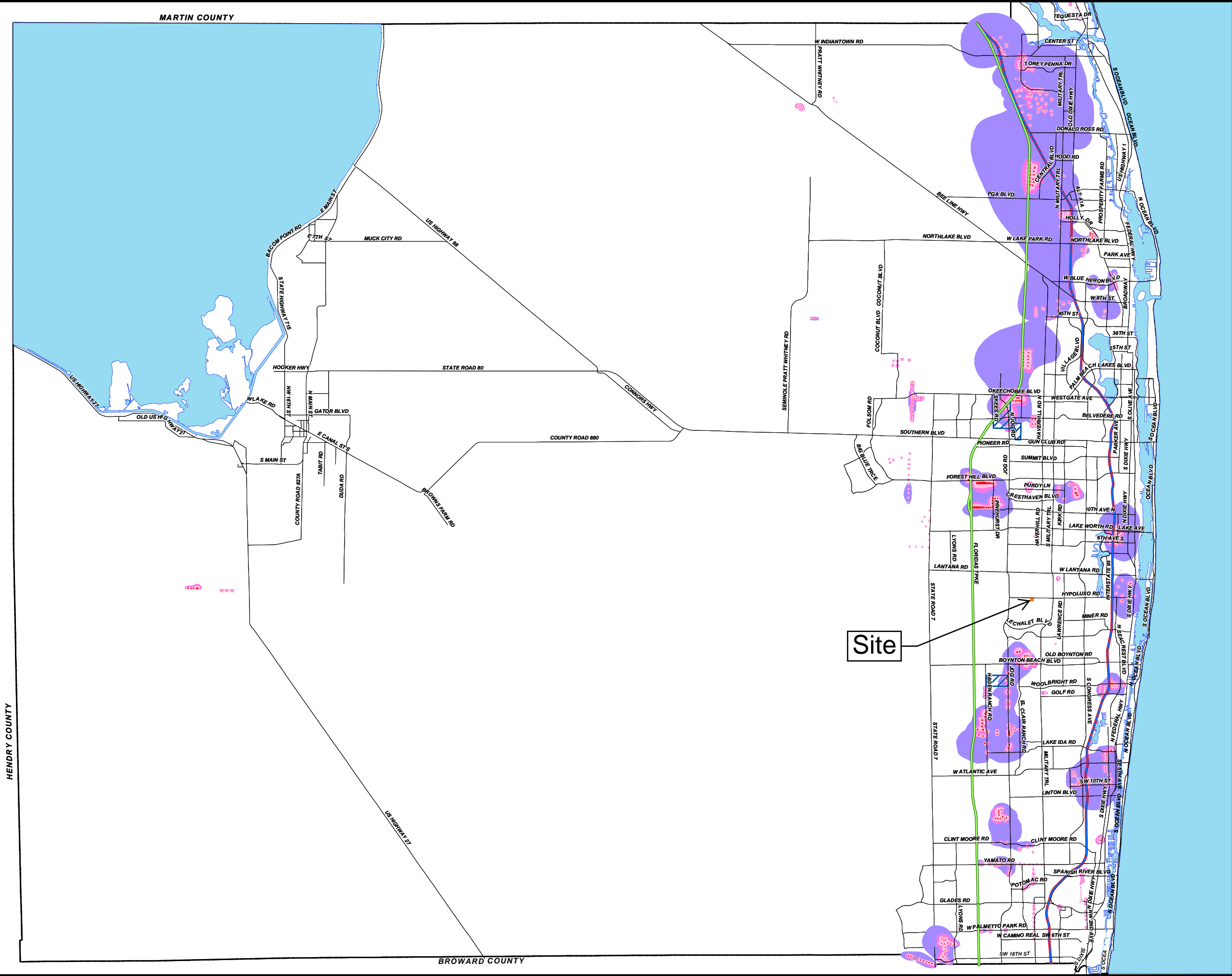
Hypoluxo Road

Silverwood Drive

Site

Ranches Road





MAP LU 4.1
WELLFIELD PROTECTION
ZONES IN PALM BEACH
COUNTY, FLORIDA

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

9J-5.006(4)(B)1
SOURCES:
PBC Dept. of Environmental Resources Management
Note: Official Wellfield Protection Maps are kept at, and can be obtained from, the Palm Beach County Department of Environmental Resources Management.
The information presented represents the most readily available data. No guarantee is made as to the completeness or accuracy of the information displayed. Consult appropriate County staff for final determination.



PALM BEACH COUNTY
COMPREHENSIVE PLAN
MAP SERIES



Effective Date: 10/29/04
Filename: N:\Map Series\MXD\Adopted
Contact: PBC Planning Dept.



**Department of Planning,
Zoning & Building**

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

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



**Palm Beach County
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Robert S. Weinroth, Vice Mayor

Maria G. Marino

Gregg K. Weiss

Maria Sachs

Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

September 30, 2021

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

RE: Historical and Archaeological Resource Review for project name: Hypoluxo Townhomes, under PCN's: 00-42-45-10-01-008-0020 and 00-42-45-10-01-008-0030.

Dear Ms. Velasco:

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

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

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

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

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

Sincerely,

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

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

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

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Affirmative Action Employer"

T:\Planning\Archaeology\County Departments\Planning\Land Use Amendments and Development Review\J. Morton\ Project:Hypoluxo Townhomes_PCN:0042450800010000&00424510010080030_ 9-30-2021.doc



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

KRISTIN K. GARRISON
DIRECTOR

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

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

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

SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

Application	Submittal Date	11/02/2021		
	SCAD No.	21110201F - FLU		
	FLU /Rezoning/D.O. No.	Not Provided – Palm Beach County		
	PCN No. / Address	00-42-45-10-01-008-0020; 0030 / 5597 & 5660 Ranches Road		
	Development Name	Towns at Tidewater		
	Owner / Agent Name	Medjool Nurseries / Lauren McClellan		
	SAC No.	236B		
	Proposed Amendment	Maximum 72 Residential Units		
Impact Review		Manatee Elementary School	Christa McAuliffe Middle School	Park Vista High School
	New Students Generated	12	7	9
	Capacity Available	121	-297	-267
	Utilization Percentage	92%	123%	108%
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 middle and high school level, the property owner shall contribute a total of \$198,491.00 to the School District of Palm Beach County prior to the issuance of first building permit.</p> <p>This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied). 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 11/11/2021 to 11/10/2022 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 11/10/2022 or this determination will expire automatically on 11/10/2022.</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

November 11, 2021

Date

joyce.cai@palmbeachschools.org

Email Address

CC: Patricia Behn, Planning Director, Palm Beach County
Joyell Shaw, PIR Manager, School District of Palm Beach County