



# FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 22-B2

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## BCC ADOPTION PUBLIC HEARING, JANUARY 26, 2023

### A. Application Summary

#### I. General

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<b>Project Name:</b>	<b>Villages of Windsor SE Residential (LGA 2022-017)</b>
<b>Request:</b>	<b>CLR/2 to HR-8 and to delete conditions of approval in Ord 2019-002</b>
<b>Acres:</b>	11.84 total acres
<b>Location:</b>	Southeast corner of Hypoluxo Road and Lyons Road
<b>Project Manager:</b>	Inna Stafeychuk, Planner II
<b>Applicant:</b>	Alexander Akel and Ramzi Akel, Civic Hypoluxo Holding, LLC
<b>Owner:</b>	Ramzi Akel, Civic Hypoluxo Holding, LLC
<b>Agent:</b>	JMorton Planning and Landscape Architecture
<b>Staff Recommendation:</b>	Staff recommends <b>approval with modifications</b> based upon the following findings and conclusions found in this report.

#### II. Assessment & Conclusion

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The intent of the amendment is to change the future land use designation on an 11.84 acre site from Congregate Living Residential with an underlying 2 units per acre (CLR/2) to High Residential, 8 units per acre (HR-8). The proposed future land use (FLU) change results in an increase in residential development potential from Congregate Living Facility (CLF), up to 347 beds or Residential, up to 24 units, to up to 95 units. The concurrent zoning application includes a request for an 80% density bonus through the Workforce Housing Program (WHP) and the purchase of 16 Transfer of Development Rights (TDRs) for a total of 187 units (15.8 units per acre) in three and four story multi-family buildings. The applicant is also proposing to delete conditions of approval in the previously adopted ordinance related to the development of a congregate living facility.

The proposed development is at a higher density than the surrounding future land uses. However, the request for higher density is appropriate considering the site's location at the intersection of two major roadways. In addition, the site plan provides a transition and buffer to the adjacent residences by orienting the buildings towards Hypoluxo Road and providing a significant separation and retention area along the south side of the property. Staff is recommending conditions limiting development to 187 units and conditions of approval requiring that 25% of the units be built onsite (47 units) as workforce housing and full purchase of available TDR units (36). In order to ensure compatibility, staff is proposing additional conditions of approval to require separation and to limit the height of buildings on the southern portion of the site. In order to ensure that the development of the site is consistent with the proposal as presented, staff is proposing a condition of approval to require that the adoption of the future land use amendment and zoning application are held on the same date. With staff's proposed conditions, the amendment is consistent with the mandatory TDR Program, contributes to the provision of workforce housing, compatible with surrounding land uses, and consistent with the Comprehensive Plan.

#### III. Hearing History

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**Local Planning Agency:** **Approval with staff's modifications**, motion by Glenn Gromann, seconded by Penny Pompei, passed in an 8 to 2 vote (with Barbara Roth and Dagmar Brahs dissenting) at the April 8, 2022 public hearing. Under discussion, Commission member comments and questions included the affordability of WHP rental prices, the applicant's public outreach with neighboring communities and Coalition of Boynton West Residential (COBWRA), and the location and height of the proposed buildings. Three members of the public, including representatives of Valencia Shores and Savannah Estates HOAs, spoke in opposition to the four-story building and high density. A representative of COBWRA spoke citing concerns that the proposed amendment was not presented to their growth management committee in advance of the meeting.

*Following the Planning Commission, condition #2 in Exhibit 1 was modified to clarify that thirty four percent of the TDR units shall be purchased at WHP rates.*

*This amendment was postponed by the Board of County Commissioners at the May 4, 2022 public hearing.*

**Board of County Commissioners Transmittal Public Hearing:** ***Transmit with modifications***, substitute motion by Commissioner McKinlay, seconded by Commissioner Marino, passed in a 6 to 1 vote (with Commissioner Kerner dissenting) at the September 1, 2022 public hearing. An initial motion was made by Commissioner Kerner, seconded by Commissioner Bernard. The modification consisted of a revision to Condition #4 limiting all buildings to three stories in height. This change to Exhibit 1 is shown in double strikethrough. Board discussion included the appropriate density, building height and workforce housing requirement for the site. A representative for the Housing Leadership Council spoke in support of additional workforce housing that the project will provide. One member of the public spoke in support of the proposed density. Four members of the public, including representatives of the Coalition of Boynton West Residential Associations (COBWRA), Sherbrooke, Valencia Shores and Isola Bella HOAs, spoke in opposition citing concerns related to the proposed four story building, increased traffic and incompatible density.

**State Review Comments:** The State Land Planning Agency reviewed this amendment under Round 22-06ESR and issued a letter dated October 14, 2022 stating that the Agency had no comment on the proposed amendment.

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

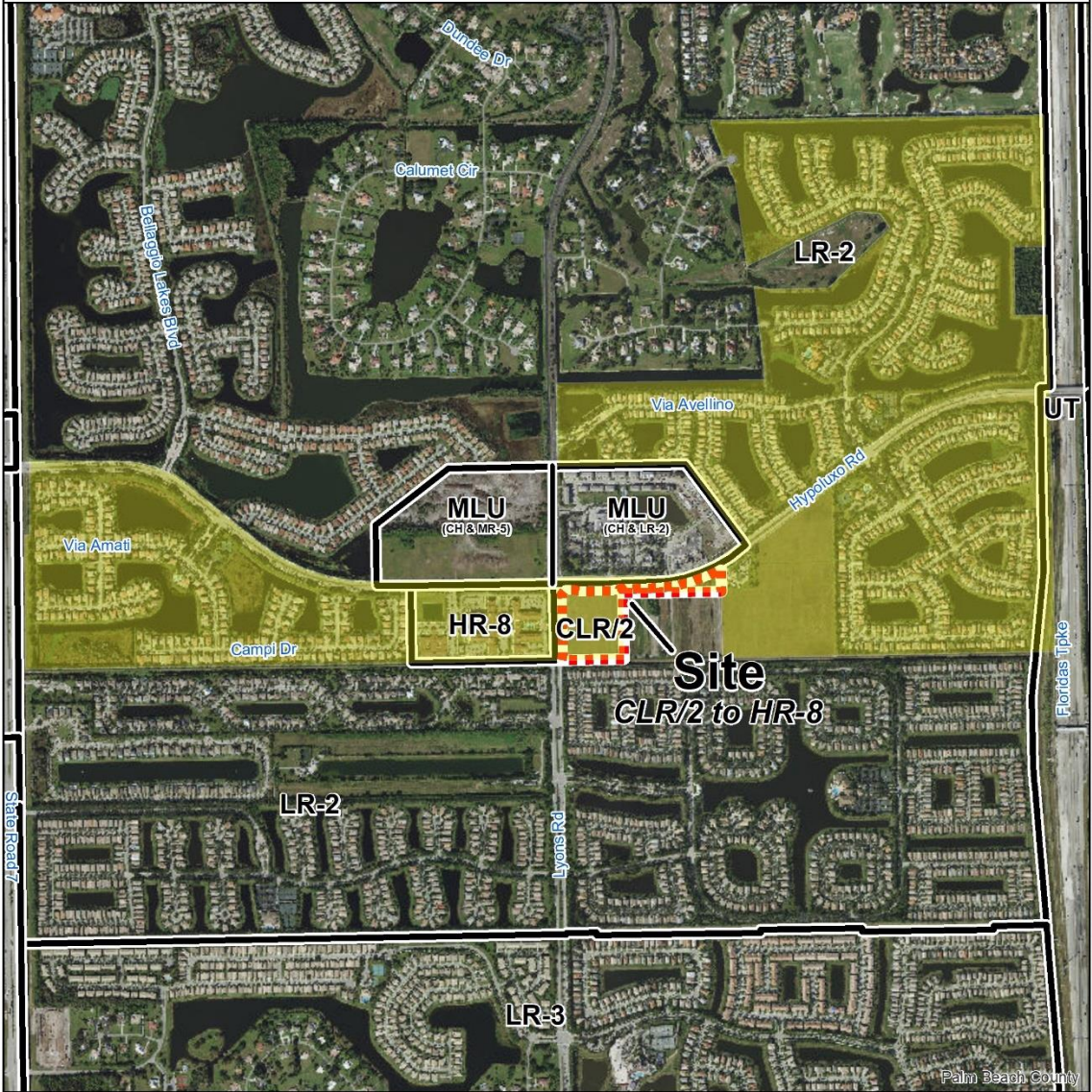
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B. Petition Summary

I. Site Data

Current Future Land Use	
Current FLU:	Congregate Living Residential with an underlying 2 units per acre (CLR/2)
Existing Land Use:	Vacant
Current Zoning:	Planned Unit Development (PUD)
Current Dev. Potential Max:	Congregate Living Facility, up to 347 beds or Residential, up to 24 units
Proposed Future Land Use Change	
Proposed FLU:	High Residential, 8 units per acre (HR-8)
Proposed Use:	Residential
Proposed Zoning:	Planned Unit Development (PUD)
Dev. Potential Max/Conditioned:	Residential, up to 95 dwelling units (without TDR or WHP)
General Area Information for Site	
Tier/Tier Change:	Urban/Suburban Tier – No Change
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	West Boynton Community Plan
Comm. District:	Commissioner Sara Baxter, District 6

Future Land Use Atlas Amendment  
Villages of Windsor (LGA 2022-017)



Site Data		Future Land Use Designations			
Size:	11.84 acres	LR-2	Low Residential, 2 units/acre	CH	Commercial High
Existing Use:	Vacant	LR-3	Low Residential, 3 units/acre	CLR/2	Congregate Living Residential, underlying LR-2
Proposed Use:	Residential	MR-5	Medium Residential, 5 units/acre	MLU	Mixed Use
Current FLU:	CLR/2	HR-8	High Residential, 8 units/acre	UT	Utilities and Transportation
Proposed FLU:	HR-8				

Date: 03/15/2022  
Contact: PBC Planning  
Filename: T:\Planning\Amend\22-B  
Note: Map is not official, for presentation purposes only.

Site

Villages of Windsor

440 0 440 880

Feet

N  
W  
E  
S

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



## C. Introduction & Review

### I. Intent of the Amendment

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The 11.84-acre site is currently vacant and located on the southeast corner of Hypoluxo Road and Lyons Road within the Urban/Suburban Tier. The subject site is also located within the West Boynton Area Community Plan.

**Villages of Windsor PUD Background:** The subject site is located within the Villages of Windsor Planned Unit Development (PUD) (Control Number 1996-0081) boundaries. The PUD has a gross area total of 587.31 acres and it stretches along Hypoluxo Road on the south side from State Road 7 to The Florida's Turnpike and on north side of Hypoluxo Road from west of Lyons Road to the Florida's Turnpike. The PUD consists of 552.69 acres with Low Residential, 2 units per acre (LR-2) designation with two private civic pods and one public civic pod.

- One private civic pod is located immediately west of the site, at the southwest corner of Hypoluxo and Lyons Road, and is developed with a 410 bed congregate living facility and 100 bed nursing home with a High Residential, 8 units per acre (HR-8) future land use designation. A future land use amendment (Villages of Windsor INST, LGA 2010-013) was adopted by the Board in 2011 from LR-2 to HR-8 for the 22.5 acre site for the development of a Congregate Living Facility (CLF).
- The subject site is the second private civic pod. In 2010, the 12.12 acre site was approved as a civic pod with a 250 child daycare and 350-student private school via R-2010-1170. In 2019, the site was subject to a future land use amendment (see below) and was approved for a 290 bed CLF. The site remained a private civic pod of the PUD. A 0.28 acre section of right of way was subsequently dedicated after the approval and therefore is not part of this amendment. However, the acreage is used for base density calculation for the existing LR-2 future land use designation.
- The public civic pod is 34.1 acres and located east of the subject site and includes the existing Palm Beach County Fire Rescue station #48 on 2.5 acre portion and the remaining acreage will be developed as an active community park.

The residential development potential for the overall PUD is currently a total of 1,105 dwelling units on the 552.69 acre LR-2 portion, 347 beds or 24 units on the subject site and 410 congregate living facility beds and 100 nursing home beds on the 22.20 acre private pod. The LR-2 residential portion of the PUD is approved and built with 1,087 dwelling units. The amendment will not increase the development potential for the remainder of the PUD due to the proposed condition of approval which states that the density cannot be assigned to other portions of the PUD.

**Previous Future Land Use Amendment:** The Board adopted a Future Land Use Atlas amendment in 2019 (Villages of Windsor CLF, LGA 2018-024) which changed the future land use designation from LR-2 to CLR/2 with a maximum development potential of a 347 bed congregate living facility or 24 units via Ordinance 2019-002 with conditions. The condition stated that "the underlying 2 unit per acre density is for the purposes of density calculations for residential uses other than a CLF on the subject site only. This density cannot be assigned to other portions of the PUD." The Zoning application was approved for a three story, 290 bed CLF and the site remained a private civic pod of the PUD.

**Proposed Amendment:** This is a privately initiated amendment on an 11.84 acre site. The site's current future land use designation of Congregate Living Residential with underlying Low Residential, 2 units per acre (CLR/2) allows for up to 347 beds Congregate Living Facility (CLF) Type 3 or up to 24 residential units. The amendment proposes to change the future land use designation on the site to High Residential, 8 units per acre (HR-8) for up to 95 units. The applicant is also requesting additional density bonuses through the Workforce Housing (WHP) and Transfer of Development Rights (TDR) programs, for a total of 187 dwelling units (15.8 units per acre). Finally, the applicant is proposing to delete conditions of approval associated with Ordinance 2019-002 which limits the site to two units per acre for residential uses other than a congregate living facility.

**Zoning Application.** The concurrent associated zoning application (ABN/DOA/CA-2021-2125) Villages of Windsor – SE Residential, Control Number 1996-00081, consists of a request for 187 dwelling units, including 76 WHP bonus density units and the purchase of 16 TDRs. The project is proposed to consist of a multifamily residential rental complex that includes three and four story buildings. The application includes a request to redesignate the site from a private civic pod to a residential pod.

## 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. Exhibit 2 provides further detail regarding consistency of the amendment with Plan policies, including justification, compatibility, public facilities impacts, intergovernmental coordination, and consistency with specific overlays and plans.

**Overview of the Area.** The site is located in the Urban/Suburban Tier in a largely built out area west of Florida's Turnpike and east of State Road 7. Uses in the area are comprised of low and medium density residential, commercial, and institutional. The subject site is located within the boundaries of the West Boynton Area Community Plan (WBACP) and in the Coalition of Boynton West Residential Associations (COBWRA) area. The site is located at Lyons Road and Hypoluxo Road intersection with two 40-acre sites with Multiple Land Use (MLU) sites to the north, and a built CLF, with HR-8 future land use to the west. The built CLF is part of the Villages of Windsor PUD. In 2010, a FLUA Amendment was adopted (Villages of Windsor Institutional; Ordinance 2010-029) changing the FLU from LR-2 to HR-8 with a condition limiting the development to a CLF. The 40 acre MLU development on the north west corner of the intersection, Windsor Place MXPD, was recently the subject of a FLUA amendment to increase the underlying density from 2 units per acre to 5 units per acre. It was adopted with conditions limiting the site to a total of 400 units (10 units per acre) and 45,000 square feet of commercial. The area surrounding this node to the north, east, south and west is predominately single family low density residential developed with planned residential communities.

**Appropriateness of the Amendment.** The amendment proposes 15.8 units per acre by utilizing the requested HR-8 designation and the WHP and TDR programs. The site is located in the Urban/Suburban Tier at an intersection of two major thoroughfares, where commercial and increased densities have been approved. Since the adoption of the 1989 Comprehensive Plan, this area has been primarily developed with single family low residential communities with the exception of properties at the Lyons Road and Hypoluxo Road intersection. This intersection has seen several amendments that changed low density residential to Multiple Land Use designations with Commercial High and Low Residential, 2 units per acre at the northeast corner (Town Commons MLU) and to Commercial High and Medium Residential, 5 units per acre at the northwest corner (Windsor Place MLU). In addition, multifamily housing has been approved for the unbuilt Windsor Place MLU. Therefore the multifamily housing request is not inappropriate at this location and it will provide an additional housing option. Finally, the proposed site plan is designed in a manner that reduces impacts to the adjacent single family homes to the south. In addition, buffers and the Lake Worth Drainage District canal provide a separation between the residential uses. Staff is also recommending separation and a height limitation on the southern portion of the site to further ensure compatibility.

**Compatibility.** The Comprehensive Plan requires that the proposed future land uses be determined to be compatible with the surrounding area, and that residential uses be protected from encroachment of incompatible future land uses. The subject site is adjacent to Valencia Shores to the south, a single family community with a density of 2.54 units per acre. Immediately to the east is a 15 acre vacant site that holds LR-2 designation, further to the east the site connects to the public civic site of the Villages of Windsor PUD. To the west across Lyons Road is another private civic site within the Villages of Windsor PUD that has been developed with a 410 bed congregate living facility and 100 nursing beds. Immediately to the north is Hypoluxo Road. Across Hypoluxo Road are two Multiple Land Use (MLU) sites that are developed with or approved for a mix of commercial and residential uses with overall gross densities of 3.3 units per acre (Town Commons MLU) and 10 units per acre (Windsor Place MLU). The applicant's request for HR-8 future land use allows a base density of 8 units per acre (95 units), and with the TDR and WHP density bonuses is seeking 187 multifamily units with a density of 15.8 units per acre.

Staff recommends maximizing TDRs, consistent with the Comprehensive Plan, and therefore recommends a condition of approval requiring the purchase of the 36 available TDRs. Additionally, staff is recommending conditions of approval requiring that 25% of the units be built onsite (47 units) as workforce housing. To ensure compatibility with the existing residential, staff is also proposing conditions of approval requiring no structures within the southern 150 feet of the property and limiting the height of buildings to a maximum of three stories within the southern 350 feet. The proposed four story building is oriented towards Hypoluxo Road and intensity is tapered down towards the single family houses to the south through the height limitation condition on the southern portion. This is consistent with the mass and scale of the current approval for a three story CLF and the existing three story CLF to the west. Additionally, the applicant is also proposing a minimum of 250 foot separation from the existing houses to the south to the closest building on the site.

**Mandatory Use of TDRs:** FLUE Policy 2.4-b establishes TDRs as the required method to increase density. At the current underlying LR-2 designation, the maximum TDRs and WHP density bonus available to the proposed project is not sufficient to achieve the proposed 187 units. The applicant is proposing to attain the target 187 units on this site through a FLUA amendment to HR-8, 80% WHP density bonus, and 16 TDRS. However, staff is recommending to maximize the TDR (36 TDRs available) for compliance with FLUE Policy 2.4-b with the remaining units obtained from the WHP density bonus.

**Workforce Housing:** County staff is recommending a condition of approval to require that 25% of the total units allowed by this amendment to be workforce housing units built on site. This condition is applied based on Board direction provided October 23, 2018, that staff should recommend such a condition for any FLUA amendment seeking a density increase for multi-family development.

**Assessment and Recommendation.** The proposed development is at a higher density than the surrounding future land uses. However, the request for higher density is appropriate considering the site’s location at the intersection of two major roadways. In addition, the site plan provides a transition and buffer to the adjacent residences by orienting the buildings towards Hypoluxo Road and providing a significant separation and retention area along the south side of the property. Staff is recommending conditions limiting development to 187 units and conditions of approval requiring that 25% of the units be built onsite (47 units) as workforce housing and full purchase of available TDR units (36). In order to ensure compatibility, staff is proposing additional conditions of approval to require separation and to limit the height of buildings on the southern portion of the site. In order to ensure that the development of the site is consistent with the proposal as presented, staff is proposing a condition of approval to require that the adoption of the future land use amendment and zoning application are held on the same date. With staff’s proposed conditions, the amendment is consistent with the mandatory TDR Program, contributes to the provision of workforce housing, is compatible with surrounding land uses, and is consistent with the Comprehensive Plan.

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

Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Consistency with Comprehensive Plan	E-4
3. Applicant’s Justification/Consistency with Comprehensive Plan and Florida Statutes	E-11
4. Applicant’s Public Facility Impacts Table	E-18
5. Palm Beach County Traffic Division Letter	E-21
6. Water & Wastewater Provider LOS Letter	E-23
7. School District LOS Letter	E-24
8. Applicant’s Disclosure of Ownership Interests	E-25
9. Correspondence	E-29

Exhibit 1

Amendment No:	Villages of Windsor SE Residential (LGA 2022-017)
FLUA Page No:	85
Amendment:	Congregate Living Residential with an underlying 2 units per acre (CLR/2) to High Residential, 8 units per acre (HR-8) and to delete conditions of approval in Ord 2019-002
Location:	Southeast corner of Hypoluxo Road and Lyons Road
Size:	11.84 acres
Property No:	00-42-45-08-08-001-0000

Conditions: See Next Page





The condition adopted by Ord. 2019-002 is proposed to be deleted with deleted text ~~stricken~~ out below. Added conditions are shown below with text underlined.

~~The underlying 2-unit per acre density is for the purposes of density calculations for residential uses other than a CLF on the subject site only. This density cannot be assigned to other portions of the PUD.~~

1. The subject site shall be limited to a maximum of 187 dwelling units. This density cannot be assigned to other portions of the Planned Unit Development (PUD).
2. A minimum of 36 Transfer of Development Rights (TDR) units shall be purchased and constructed onsite. ~~No more than 34%. Thirty four percent~~ of the TDR units shall be purchased at the WHP rate and shall apply to the minimum number of workforce housing units required by this ordinance.
3. The zoning development order shall require a minimum of 25% of the total dwelling units to be built as onsite workforce housing units. The workforce housing units are subject to the applicable requirements of the Workforce Housing Program (WHP) in Article 5.G.1 of ULDC.
4. ~~Within the southernmost 350 feet of the site,~~ Structures on the site shall be limited to a maximum of three stories in height.
5. The southernmost 150 feet shall be limited to landscaping, open space, wet or dry retention, drainage, and parking.
6. The proposed future land use amendment and the proposed zoning applications shall be considered for adoption by the Board of County Commissioners at the same public hearing.

## Legal Description

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PARCEL A, VILLAGES OF WINDSOR PLAT THREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 98, PAGES 131 THROUGH 138 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION CONVEYED TO PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS BY WARRANTY DEED RECORDED DECEMBER 29, 2020 IN OFFICIAL RECORDS BOOK 32043, PAGE 1740.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.  
CONTAINING 515,875 SQUARE FEET OR 11.8429 ACRES, 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 has prepared a Justification Statement (Exhibit 3) which is summarized as follows:

- The proposed use is suitable and appropriate as the property was previously approved for the development of a three story congregate living facility;
- Recent approvals of multiple use projects with higher densities at the intersection of Hypoluxo and Lyons Road indicates that the area is changing and the proposed multifamily development is consistent with other residential uses in the area;
- The proposed request will be an incentive for the developer to provide workforce housing and will allow for the use of the WHP and TDR density bonus programs; and
- The existing residential land use does not allow residential development above 2 dwelling units per acre. The proposed amendment will allow for the use of the Workforce Housing Program as well as the Transfer of Development Rights Program and will further address the deficit of Workforce Housing units.

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

The request is to change 11.84 acres of Congregate Living Residential with underlying Low Residential, 2 units per acre (CLR/2) to High Residential, 8 units per acre (HR-8). The current CLR/2 designation allows development of up to a 347 bed CLF or a future land use base density of 24 dwelling units, which could increase to 79 units (6.7 units per acre) with maximizing a combination of Transfer of Development Rights (TDR) and Workforce Housing Program (WHP) bonus density. The requested HR-8 designation allows a base of 95 dwelling units and up to 206 units (17.4 units per acre) maximizing the TDR and WHP bonus density. The concurrent zoning application is requesting 187 dwelling multifamily units (15.8 units per acre) and staff is proposing a condition of approval limiting the site to 187 units.

The applicant's justification for the amendment is also based upon changed circumstances. The intersection of Lyons Road and Hypoluxo Road has seen several amendments that changed low density residential to Multiple Land Use designations with Commercial High and Low Residential, 2 units per acre (Town Commons MLU) and to Commercial High and Medium Residential, 5 units per acre (Windsor Place MLU). The larger (40 acre each) MLU developments were approved as follows: the Town Commons MLU at the northeast corner has been developed with 111,020 square feet of commercial uses and 132 dwelling units for a total gross density of 3.3 units per acre achieved with the use of TDRs. The Windsor Place MLU at the northwest corner was approved for 45,000 square feet of commercial and 400 dwelling units for a total gross density of 10

units per acre, achieved with a combination of WHP and TDR density bonus programs. The land use amendment on the private civic pod just west of the subject site to High Residential, 8 units per acre (HR-8) was adopted exclusively for development of congregate living and nursing home facility.

As demonstrated above, the Board has adopted amendments which allowed for new commercial future land uses and increased density at an intersection of two major thoroughfares. Development of the site at a higher density would be consistent with the intent of the Comprehensive Plan to focus urban development at appropriate locations within the Urban Suburban Tier.

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

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

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

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

**Staff Analysis:** Increases in density within the Urban/Suburban Tier typically make efficient use of facilities and services that are already in place. The Growth Management direction calls for the transfer of development rights as the required method for density increases subject to exceptions. This direction is further implemented by Policy 2.4-b which is discussed in more detail in the Density Increases – Policy 2.4-b Section of this report. In addition, the proposed amendment would contribute toward livable, sustainable communities by expanding the housing opportunities available in the area. The request is therefore consistent with Growth Management Directions 1 and 2. Direction 4. Land Use Compatibility is discussed further in the Compatibility Section.

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

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

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

4. *Protecting historic, and cultural resources;*
5. *Preserving and enhancing natural resources and environmental systems; and,*
6. *Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.*

**Staff Analysis:** The proposed amendment to HR-8 would foster a development that would bring alternative housing options and provide workforce housing units. To ensure compatibility staff proposed conditions of approval limiting the maximum number of units on the site, separation and limiting the height of buildings to three stories maximum on the southern portion of the site. Staff is also recommending that the adoption of the future land use amendment and zoning application are held on the same date.

## **B. Consistency with Density Provisions of the Comprehensive Plan**

The Comprehensive Plan offers several methods to increase density, including the TDR program, and the WHP density bonus program. Per Policy 2.4-b, TDRs are the required method unless using the WHP density bonus to increase density, or an amendment has been justified. Density increases obtained through the TDR program and the WHP density bonus are subject to higher percentages of WHP than density increases through the amendment process, to further certain County objectives. This section addresses consistency with the Comprehensive Plan density policies.

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

**Staff Analysis.** Policy 2.4-b requires that density increases be accomplished through the use of TDRs, unless an applicant meets the criteria for an amendment, uses the workforce or affordable housing programs, or proposes density up to, but not exceeding, density proposed and supported by the master plan of a neighborhood plan formally received by the BCC. This third provision regarding neighborhood plans does not apply to this site. The applicant is proposing to purchase 16 of the 36 available TDRs; staff is recommending the purchase of all 36 available TDRs for compliance with this policy.

2. **Housing Element, Policy 1.1-o:** *The County shall preserve affordability of affordable housing units developed through the Workforce Housing Program and the Affordable Housing Program as follows:*
  1. *The Workforce Housing Program will target households with incomes ranging from 60%-140% of area median income.*
  2. *The Affordable Housing Program will target households at or below 60% of area median income.*

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

**Staff Analysis:** The County has a mandatory workforce housing requirement for all housing developments in the Urban/Suburban Tier with 10 units and greater (whether they are increasing density or not), and offers a density bonus in exchange for additional workforce housing units. The density bonus is based on a point system that accounts for how well the WHP units to be provided further County objectives, with the highest density bonuses (up to 100%) available for projects that will provide the WHP as on-site, for sale,



single family units in areas with low concentrations of workforce housing. The WHP is also supported by the TDR program: a minimum of 34% of TDRs used must be provided as workforce housing units, and these WHP units must be provided on-site. Based on the point system alone, the proposed project may be eligible for an 80% WHP density bonus. Table 1 provides a comparison of the density available on the subject site using a combination of the TDR and WHP bonus programs to increase density at various future land use designations.

**Current and Potential Bonus Density:** The table below examines the total units and density bonus options for the current approval using underlying LR-2, the requested HR-8, and with staff recommendations. The zoning application submitted is requesting to increase the total number of units to 187 using the increase from LR-2 to HR-8, 80% WHP density bonus and 16 TDRs. The density calculations in the table below are based on 11.84 acres. However, the 0.28 acres of previously dedicated ROW may add 0.28 acres x 2 units/acre = 0.56 unit to the total number of units. This 0.28 acre piece is not part of the amendment, therefore existing LR-2 is used for base density calculation and no density bonuses are available.

In recent years, staff sought direction from the Board of County Commissioners on the suitable minimum percentages of workforce housing to be required when density increases are being requested through the future land use amendment process. The Board directed staff to recommend a minimum of 10% for single family projects, 20% for townhomes, and 25% for multifamily developments. Therefore, staff is recommending a condition of approval to require that 25% of the total units to be workforce housing units built on site.

Table 1. Current and Potential Density with TDR and WHP Bonus

	FLU	FLU Units	TDR Bonus	WHP Bonus	Total		Workforce per ULDC		Workforce per Amendment Condition	
					Units	Density	WHP Units	%	WHP Units	%
Current land use	LR-2	24	36	19 (80%)	79	6.7 du/ac	21	27%		
Proposed by Applicant	HR-8	95	16	76 (80%)	187	15.8 du/ac	38	20%	47	25%
Staff proposal	HR-8	95	36	56 (59%)	187	15.8 du/ac	38	20%	47	25%

C. Compatibility

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use.

**Surrounding Land Uses:** Immediately abutting the site are the following:

**North:** Directly to the north across Hypoluxo Road is the Town Commons mixed use project with an MLU (CH & LR-2) future land use. This site was the subject of a recent future land use amendment known as Town Commons MLU (LGA 2018-018), Ordinance 2018-030 subject to three conditions of approval. This amendment changed a portion of the site's prior CH-O land use to CH. The commercial component is mostly developed and has the potential for up to 124,900 sf in the adopting ordinance with zoning site plan approvals for approximately 121,020 sf. The residential portion has approval for 132 units and is under construction at a gross density of 3.3 units per acre.

**Northwest:** To the northwest is a vacant 40-acre parcel with a MLU (CH & MR-5) future land use and Mixed Use Planned Development (MXPD) zoning designation. This site was the subject of a recent privately initiated large scale land use amendment known as Windsor Place (LGA 2018-021), Ordinance 2020-004, subject to eight conditions of approval. This amendment increased the allowable density on the site by increasing the underlying residential designation from 2 units per acre to 5 units per acre (including WHP bonus and TDRs) and increased the land area dedicated to residential. The commercial component was reduced as the land area assigned for commercial use was reduced and therefore the maximum allowable commercial was also reduced from 132,800 square feet

to 45,000 square feet. Up to 400 dwelling units were approved on this site at a gross density of 10 units per acre.

**South:** To the south is the 454-acre Valencia IV PUD with a LR-2 FLU that includes 1,143 single family and zero lot line units. The Valencia Shores community is developed at 2.54 units per acre including additional TDR units. To the southeast is a 70-acre Diamond Shamrock (aka Savannah Estates) PUD with a LR-2 FLU that includes 140 Single Family units. The Savannah Estates community is developed at 1.99 units per acre.

**East:** To the east is a vacant 15-acre parcel with a LR-2 FLU and Agricultural Residential (AR) Zoning designation. The parcel is not part of the Villages of Windsor PUD. Further east is the Villages of Windsor PUD public civic site with the PBC fire station #48 and a future Community level park.

**West:** To the west is a 22.5-acre Southwest Civic Pod in the Villages of Windsor PUD with HR-8 FLU. In 2010, a FLUA Amendment was adopted (Villages of Windsor Institutional; Ordinance 2010-029) changing the FLU from LR-2 to HR-8 with a condition limiting the development to a CLF. The site is currently developed as a Type 3 CLF with a maximum of 410 residents and Nursing Facility with a maximum of 100 beds.

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

**Applicant’s Comments:** The applicant states that “the proposed FLUA Amendment designation will be compatible with neighboring uses.” Specifically, the applicant states that several factors demonstrate that the amendment is compatible with neighboring uses, including:

- Primary access is available from Lyons Road and Hypoluxo Road, thus directing traffic away from local roads in the vicinity.
- The Property is located at a major intersection where the other three corners are developed with higher intensity uses. On this basis, the proposed development concept at this location is determined to be compatible.
- The proposed use is consistent with the existing development pattern and adjacent uses that have occurred at this significant intersection as well as along the Hypoluxo Road and Lyons Road corridors.

**Staff Analysis:** The subject site is adjacent to Valencia Shores PUD to the south, a single family community with a density of 2.54 unit per acre. To the west, the site is adjacent to the private civic pod within Villages of Windsor PUD with High Residential, 8 units per acre (HR-8) that was adopted exclusively for development of congregate living and nursing home facility. To the north and northwest across Hypoluxo road are two large (40 acres each) Multiple Land Use sites, Town Commons MLU and Windsor Place MLU. Town Commons MLU has an underlying LR-2 designation and is developed at a gross density of 3.3 unit per acre. Windsor Place MLU has an underlying MR-5 designation and is approved for a gross density of 10 units per acre that is achieved thru the combination of WHP and TDR programs.

The current design of the site plan provides adequate buffering and separation between the proposed three story multifamily residential and the adjacent single family homes to the south of the site. The concurrent site plan is designed in a manner that reduces impacts to the adjacent single family homes to the south by providing a minimum of 174 foot buffer, retention and parking area that results in a minimum of 250 feet of separation from the adjacent single family home to the proposed building. Therefore, the proposed amendment is compatible with the surrounding uses through the separation distances. To ensure compatibility with the existing residential staff is proposing conditions of approval requiring no structures within the southern 150 feet and limiting the height of buildings to a maximum of three stories within the southern 350 feet. The four story building is oriented towards Hypoluxo Road and intensity is tapered town towards the single family houses to the south through the height limitation condition on the southern portion. This is consistent with the mass and scale of the current approval for a three story CLF and the existing three story CLF to the west. Additionally, staff is also recommending that the adoption of the future land use amendment and zoning application are held on the same date.

**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 the West Boynton Area Community Plan which is included in the Coalition of Boynton West Residential Associations (COBWRA). The County considers the objectives and recommendations of all Community and Neighborhood Plans prior to the approval of a future land use amendment. The WBACP is analyzed for consistency with the proposed amendment under the Consistency with County Overlays, Plans, and Studies section of this report.

The WBACP was published in 1995 and adopted by both the County and the City of Boynton Beach as a joint vision for development of the west Boynton area. This community plan was created by representatives from the Coalition of Boynton West Residential Associations (COBWRA), the County, the City of Boynton Beach, the Hagen Ranch Road Association, the Rangeline Coalition, and other unaffiliated citizens. Staff reviewed the proposal in relation to the WBACP. The following recommendations of the WBACP apply to the subject site and the requested FLUA designation.

**WBACP Recommendation 29 (Summary)**

Employ a map of "generalized future land uses" as a graphic portrayal of the plan's land use objectives.

**Staff Analysis:** The generalized future land uses map on page 53a of the WBACP serves as a cartographic interpretation of the recommendations in the WBACP regarding land use designations and uses. The proposed HR-8 designation is not consistent with the map, which depicts LR-2.

**E. Public Facilities and Services Impacts**

The proposed amendment will change the future land use designation from Low Residential, 2 units per to High Residential, 8 units per acre. For the purposes of the public facilities impact analysis, the maximum intensity is based on Low Residential, 2 units per acre and High Residential, 8 units per acre with up to 187 dwelling units. Public facilities impacts are detailed in the table in Exhibit 4.

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

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

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

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

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

**Staff Analysis:** The County Traffic Division reviewed this amendment at the maximum development potential proposed by the amendment. According to the Traffic Division (see letter dated January 11, 2022 in Exhibit 5):

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

The Traffic Study was prepared by Kimley Horn and Associates, Inc., 1920 Wekiva Way, Suite 200, West Palm Beach, FL 33411. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at: <http://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

3. **School District Comments:** The School District indicated in the School Capacity Availability Determination letter, or SCAD, dated November 2, 2021 (Exhibit 7) provides the impact of the amendment on the school system with a School District recommendation that the applicant enter into a voluntary condition of approval in the zoning application to contribute to the School District.

## **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 March 16, 2022. To date, no objections through the IPARC process to this amendment have been received.
- B. **Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on March 18, 2022. In addition, on March 18, 2022, several interested parties were notified by mail including the Coalition of Boynton West Residential Association (COBWRA), and homeowner and property owner associations within the immediate area including Bellagio HOA, Sherbrooke HOA, Villaggio at Villages of Windsor HOA, Isola Bella HOA, Savannah Estates HOA, Valencia Shores HOA, and Villages of Windsor HOA. Letters received will be added to the Exhibit 9 during the course of the amendment process.
- C. **Informational Meeting:** The Planning Division hosted a meeting for area residents and interested parties to relay information regarding the amendment and development approval process on March 29, 2022. No members of the public attended for this item.

**Exhibit 3**  
**Applicant’s Justification**

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**Introduction**

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment for the property located on the southeast corner of Hypoluxo Road and Lyons Road, (“Property”) to amend the future land use designation from Congregate Living Residential, with an underlying Low Residential, 2 units per acre (CLR/2), to High Residential, 8 units per acre (HR-8). The Applicant also wants to revise conditions of approval imposed by Ordinance 2019-002. The Property is located within the Urban/Suburban Tier and is currently vacant.

**I. PROPOSED FLUA MAP AMENDMENT**

The Applicant is requesting a Future Land Use Amendment from Congregate Living Residential, with an underlying Low Residential, 2 units per acre (CLR/2) to High Residential, 8 units per acre (HR-8) on 11.84 acres. The Property is currently vacant and is one of four approved Civic Pods of the Villages of Windsor PUD. The Applicant will be submitting a concurrent Development Order Amendment application to Zoning to redesignate this private civic pod as a residential pod. Additionally, the Applicant is proposing to submit a site plan application for a multi-family residential project.

The Applicant is also requesting to strike the following conditions imposed by Ordinance 2019-002:

~~The underlying 2 unit per acre density is for the purposes of density calculations for residential uses other than a CLF on the subject site only. This density cannot be assigned to other portions of the PUD.~~

**Description of Site Vicinity**

The Property is surrounded by residential uses to the south, a retail commercial plaza to the north across Hypoluxo Road, agriculture to the east, and the newly constructed Congregate Living Facility (CLF) called Atria at Villages of Windsor to the west across Lyons Road.

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

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number
North	MLU (CH, CH-O, & LR-2)	MUPD	Town Commons – Retail/Office (94,900 SF)	2000-039
		MUPD	Town Commons MUPD – Retail & Restaurants (16,120 SF)	2004-248
		PUD	Town Commons PUD – Townhomes (132 du)	2004-247
South	LR-2	PUD	Valencia Shores – SF and ZLL Residential (1,143 du)	2000-052
East	LR-2	AR	Agriculture	N/A
West	LR-2	PUD	Private Civic-CLF & Nursing Home (510 beds)	96-081

**History**

The Villages of Windsor PUD was originally approved in 1996 and includes four private civic sites totaling 34.62 acres and a 34.11-acre public civic parcel to accommodate a future public park and an existing County Fire-Rescue station. In 2019, the Property was approved for the development of a 290 bed congregate living facility. The following is the development approval history for the Villages of Windsor PUD and the Property:

App. No.	Request	Action	Date	Resolution No.
PDD-1996-081	Rezoning from AR to PUD	Approved	October 24, 1996	R-1996-1748
DOA-1996-081(A)	DOA to reconfigure Master Plan and re-designate housing types	Approved	July 27, 2000	R-2000-1083
PDD-1996-081(B)	Rezoning from AR to PUD & DOA to reconfigure Master Plan to add land area and units	Approved	June 19, 2002	R-2002-1015 & R-2002-1016
DOA-2005-473	DOA to add two access points	Approved	July 20, 2005	R-2005-1127
DOA/R-2009-3933	DOA to reconfigure the site plan & Requested Use Approval of a Daycare	Approved	July 22, 2010	R-2010-1170 & R-2010-1171





entire County as the lack of affordable housing is a “crisis”. This amendment will provide the needed incentive for the project developer to provide such housing in an area of Palm Beach County that is easily accessible to various transit routes and where utilities and public services are available.

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

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

*Response:* Several land use amendments have been adopted in the immediate area which signify that the western Hypoluxo Road corridor is changing. The following amendments, all located within the immediate vicinity, have requested increases in density:

- Windsor Place (LGA 2018-021) - Ord. No. 2020-004
- Town Commons MLU (LGA 2018-018) - Ord. No. 2018-030

As discussed earlier, the character of the area has changed from an area of single family suburbs to an area that includes more mixed uses and more intense residential development to serve the needs of the area and overall need for additional housing opportunities in the County. Because these future land use changes have impacted the area, as well as the Property, a multi-family development at this major intersection is more appropriate.

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

*Response:* As referenced above, the characteristics of the area have changed from low density suburbs to a more intense residential development. The County has approved multiple mixed use MUPDs with higher densities which indicate that the area is changing. Because of the recent COVID pandemic, changes in the market for independent and assisted living facilities have occurred. Hypoluxo Road is also turning into a major east/west connector. The southwest corner of Hypoluxo Road and Lyons Road has also changed from civic CLF to multifamily.

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

*Response:* As previously mentioned, due to the recent COVID pandemic, a change in the market occurred where the desire for civic CLF living was of not much interest and a change for independent and assisted living facilities became of higher demand. The approved and constructed congregate living facility to the west is not fully occupied.

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

*Response:* The existing residential land use does not allow residential development above 2 dwelling units per acre. The proposed amendment will allow for the use of the Workforce Housing Program as well as the Transfer of Development Rights Program and will further address the deficit of Workforce Housing units

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

*Response:* N/A

**Proposed Modifications to Conditions**

The proposed modifications to the previously approved conditions are shown and discussed below.

Ordinance 2019-002

~~The underlying 2-unit per acre density is for the purposes of density calculations for residential uses other than a CLF on the subject site only. This density cannot be assigned to other portions of the PUD.~~

*Response:* This condition no longer applies to the Property as it limits the maximum density on the property to 2 dwelling units per acre and wouldn't allow for the additional density necessary for the implementation of workforce housing.

**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 housing crisis. There is a significant deficit of workforce housing options available to working professionals such as teachers, police, nurses, etc. in Palm Beach County.

	FLU	Units	TDR Bonus (2 du/acre)	WHP Bonus	Total Units	Density	WHP Units
Current	CLR/2	290 beds	None	None	290 beds	23 beds/ac	None
Proposed	HR-8	97 units	24 units	78 units	199 units	16 du/acre	42 units

As shown in the table above, the proposed amendment will increase the amount of available workforce housing units on the Property by 80%.

**b. Demonstrate that the Current FLUA Designation is Inappropriate**

**Response:** As discussed above, the current future land use designation is inappropriate given the recent changes to increase density and intensity that have occurred in the area as well as the increasing need for workforce housing in Palm Beach County. The existing residential land use designation does not allow residential development above 2 dwelling units per acre. High density is needed to allow for the development of multi-family residential that includes workforce housing units. Unfortunately, the density permitted by the LR-2 designation is minimal and would only allow for the development of 24 units on the Property. This type of development would be an inefficient use of land within the Urban/Suburban Tier especially given the recent housing crisis that is facing Palm Beach County. This area of the County is saturated with single family and townhouse units; therefore, some addition housing options available to the working residents as well as retirees moving to the area that are on a fixed income and may not be able to afford the pricey single family homes that surround the Property. This low density contributes to a homogeneous community rather than providing for mixed income communities. Additionally, indicated above this low density is not the most efficient use of public facilities and utilities. Multi-family units are sparse in this area of western Boynton Beach, thus indicating that the existing future land use designation is no longer appropriate.

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

**Response:** The Applicant is proposing to utilize the Workforce Housing Density Bonus and Transfer of Development Rights Programs. The density increase through both of these programs will yield an additional 42 workforce housing units in an area of the County that is lacking affordable and attainable housing options. The density increase through the comprehensive plan amendment is necessary as some density has already been allocated from the Property to other areas withing the Villages of Windsor Planned Unit Development. The Applicant intends to develop a project that will efficiently utilize the public infrastructure already in place along Hypoluxo Road and Lyons Road.

**G.3 Compatibility**

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

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can complement and support each other. For example, a multi-family use can provide essential housing for those working within various retail and other service industries in the surrounding area, as well as the community at-large. In addition, buffering, screening, setback, height, and landscaping requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses.

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

- Primary access is available from Lyons Road and Hypoluxo Road, which are designated as Arterial roadways, thus directing traffic away from local roads in the vicinity.
- The Property is located at a major intersection where the other 3 corners are developed with higher intensity uses. On this basis, the proposed development concept at this location is determined to be compatible.
- The proposed use is consistent with the existing development pattern and adjacent uses that have occurred at this significant intersection as well as along the Hypoluxo Road and Lyons Road corridors.

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

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

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

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

- **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 multi-family project that will provide needed housing options for existing and future residents. The proposed density increase will provide additional Workforce Housing units for area teachers, nurses, police, etc.*

- **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 the needed Workforce Housing available for the teachers at nearby schools, the police that patrol the Hypoluxo Road corridor, the nurses that work at the CLF on the west side of Lyons Road.*

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

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

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

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

*Response: This intersection of Hypoluxo Road and Lyons Road has been designated as an area for more intense development as the two properties on the north side of the intersection have recently been the subject of Future Land Use Amendments to increase density. This area has quickly transformed from primarily low density suburban area to a more inclusive suburban area with a variety of housing options to serve the existing and future residents of Palm Beach County. This proposed amendment will ensure that this important node is developed to meet the growing needs and demands of the surrounding community while accommodating an alternative housing option to serve the residents of the County that continue to be priced out of the housing market.*

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

*Response: The Applicant is proposing to provide workforce housing units in conformance with the recently adopted revised Workforce Housing Program. Many of the recently approved residential projects have cashed out from their workforce housing requirements rather than providing the units on-site. The Applicant is proposing to provide the units on-site as the Property is ideally located on within close proximity of several employment opportunities. The Property also can be accessed easily from major thoroughfares including Hypoluxo Road and Lyons Road. The Property’s location makes it an ideal location for multi-family development that includes workforce housing due to the ability of residents to walk to shopping and employment locations.*

**Policies** – The proposed FLUA amendment furthers the County’s policies as further 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:
  - Allowing services and facilities consistent with the needs of urban and suburban development;
  - Providing for affordable housing and employment opportunities;
  - Providing open space and recreational opportunities;
  - Protecting historic and cultural resources;
  - Preserving and enhancing natural resources and environmental systems; and
  - Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.”

***Response:** The Property is located within the Urban/Suburban Tier where services and public facilities are already available. The Applicant is proposing to increase the density and develop workforce housing units in conformance with the newly adopted revised Workforce Housing Program. It is also important to note that no historic or natural resources exist on the Property. The Property is located at a major intersection in the west Boynton area of the County which is designated with more intense Future Land Uses and developed with mixed use developments. The proposed multi-family development will provide a transition between the intense commercial uses to the north and the single family development to the south.*

### **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 CLR/2 to HR-8 which will allow for multifamily 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 Applicant is requesting to increase the density for a property that is located along a prominent east/west arterial roadway at an important node (Hypoluxo Road and Lyons Road) within the western Boynton Beach 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 and along Lyons 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 does not support any environmentally sensitive areas. No listed species were located on the Property, and it is located outside of any wellfield protection zone. The Property is currently vacant.*
- 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. The Property is located on a major right-of-way, bordered by development to the west, north and south. The overall development pattern for this corridor has been designated for more intense development as determined by the recent County approvals of Windsor Place and Town Commons.*
- Fails to maximize use of existing public facilities and services.



- **Response:** Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. The proposed multi-family development will not negatively impact public facilities and services.
- Fails to maximize use of future public facilities and services.
  - **Response:** Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. The proposed multi-family development will not negatively impact public facilities and services.
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
  - **Response:** Public services and facilities are already available in the immediate vicinity. The proposed amendment will provide for infill development and fit in with the existing land use pattern.
- Fails to provide a clear separation between rural and urban uses.
  - **Response:** The Property is located within the Urban/Suburban Tier and not adjacent to the 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 infill development as development exists both east and west of the Property. The proposed project will serve the current and future needs for the surrounding communities.
- Fails to encourage a functional mix of uses.
  - **Response:** Approval of this proposed amendment will allow the development of a multi-family use 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 subject property has previously been approved for development and is currently not utilized as functional open space.

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

- Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
  - **Response:** This amendment does not fail to protect and conserve natural resources as the property is vacant of natural resources. The site is undeveloped, and it is located outside of any wellfield protection zone.
- 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 an 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 by locating goods, services, and employment adjacent to existing public infrastructure.
- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
  - **Response:** The 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 a multi-family use within an area of the County that is primarily developed with single family housing.

### **Conclusion**

As described above, the proposed FLU amendment from Congregate Living Facility with underlying Low Residential, 2 units per acre (CLR/2) to High Residential, 8 units per acre (HR-8) 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.

Exhibit 4

Applicant’s Public Facility Impacts Table

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Congregate Living Facility Daily = 2.02 trips / unit AM = 0.07 trips / unit PM = 0.18 trips / unit	Multifamily Mid-Rise Daily = 5.44 trips / unit AM = 0.36 trips / unit PM = 0.44 trips / unit
Maximum Trip Generation	Daily: 293 trips AM: 10 trips PM: 26 trips	Daily: 511 trips AM: 34 trips PM: 41 trips
Net Daily Trips:	218 (maximum minus current) 218 (proposed minus current)	
Net PH Trips:	24 AM trips, 15 PM trips (maximum) 24 AM trips, 15 PM trips (proposed)	
Significantly impacted roadway segments that fail Long Range	None.	None.
Significantly impacted roadway segments for Test 2	None.	None.
Traffic Consultant	Kimley-Horn and Associates, Inc.	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	There is no Palm Tran Route within close proximity of the Property. Route 73 is the closest route.	
Nearest Palm Tran Stop	There are no Palm Tran Stops within close proximity of the Property. Bus stop 6744 is the closest stop which is 2.635 miles from the Property.	
Nearest Tri Rail Connection	Route 73 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 24” potable water main and an 8” wastewater forcemain are located within Hypoluxo Road adjacent to the property.	
D. Drainage Information		
The drainage system for the proposed project will consist of culverts, structures, and dry detention areas, which will have a legal positive outfall through the existing Villages of Windsor PUD stormwater management and roadway systems. The Property is located within the SFWMD C-16 Basin, and the site will comply with the C-16 Basin requirements of discharge as well as with the existing SFWMD Permit No. 50-00422-S-02 that governs the Villages of Windsor PUD. See Attachment J for Drainage Statement.		
E. Fire Rescue		
Nearest Station	Palm Beach County Fire-Rescue Station # 48, located at 8560 Hypoluxo Road	

Distance to Site	0.75 miles			
Response Time	Average response time 7:07 minutes			
Effect on Resp. Time	The proposed amendment will have minimal impact on the response time for Station # 48. See Attachment K.			
F. Environmental				
Significant habitats or species	The Property was previously cleared and has been vacant for many years. There are no significant habitats or species present on the Property. 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	+232 people	+0.74 ac.
Beach	Ocean Inlet Park 6990 N. Ocean Boulevard Ocean Ridge, FL 33435	0.00035	+232 people	+0.08 ac.
District	Canyon District Park 8802 Boynton Beach Boulevard Boynton Beach, FL 33437	0.00138	+232 people	+0.32 ac.

I. Libraries – Residential Only (Including CLF)				
Library Name	West Boynton Branch			
Address	9451 Jog Road			
City, State, Zip	Boynton Beach, FL 33437			
Distance	5.8 miles			
Component	Level of Service	Population Change	Change in Demand	
Collection	2 holdings per person	+232 people	+464	
Periodicals	5 subscriptions per 1,000 persons	+232 people	+1.16	
Info Technology	\$1.00 per person	+232 people	+\$232.00	
Professional staff	1 FTE per 7,500 persons	+232 people	+0.03	
All other staff	3.35 FTE per professional librarian	+232 people	+0.10	
Library facilities	0.34 sf per person	+232 people	+78.88	
J. Public Schools – Residential Only (Not Including CLF)				
	Elementary	Middle	High	
Name	Manatee Elementary School	Christa McAuliffe Middle School	Park Vista Community High School	

<b>Address</b>	7001 Charleston Shores Boulevard	6500 Le Chalet Boulevard	7900 Jog Road
<b>City, State, Zip</b>	Lake Worth, FL 33467	Boynton Beach, FL 33472	Lake Worth, FL 33467
<b>Distance</b>	2.253 miles	4.4 miles	2.703 miles

Exhibit 5  
Palm Beach County Traffic Division Letter



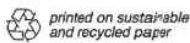
Department of Engineering  
and Public Works  
P.O. Box 21229  
West Palm Beach, FL 33416-1229  
(561) 684-4000  
FAX: (561) 684-4050  
www.pbcgov.com

Palm Beach County  
Board of County  
Commissioners

Robert S. Weinroth, Mayor  
Gregg K. Weiss, Vice Mayor  
  
Maria G. Marino  
Dave Kerner  
Maria Sachs  
Melissa McKinlay  
Mack Bernard

County Administrator  
Verdenia C. Baker

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January 11, 2022

Adam B. Kerr, P.E.  
Kimley-Horn and Associates, Inc.  
1920 Wekiva Way  
West Palm Beach, FL 33411

RE: Villages of Windsor  
FLUA Amendment Policy 3.5-d Review  
Round 2021-22-B

Dear Mr. Kerr:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Analysis for the proposed Future Land Use Amendment for the above referenced project, revised December 23, 2021, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	Southeast corner of Hypoluxo Road and Lyons Road	
PCN:	00-42-45-08-08-001-0000 (other on file)	
Acres:	11.84 acres	
	Current FLU	Proposed FLU
FLU:	Congregate Living Residential (CLR/2)/Low Residential, 2 units per acre (LR-2)	High Residential, 8 units per acre (HR-8)
Zoning:	Planned Unit Development (PUD)	Planned Unit Development (PUD)
Density/ Intensity:	12 DUs of CLF/acre	8 DUs/acre
Maximum Potential:	Congregate Care Facility = 142 DUs	Multifamily Mid-Rise = 95 DUs
Proposed Potential:	None	Multifamily Mid-Rise = 187 DUs (with Bonus Density)
Net Daily Trips:	230 (maximum – current) 730 (maximum – proposed)	
Net PH Trips:	34 (9/25) AM, 42 (26/16) PM (maximum) 57 (11/46) AM, 56 (36/20) PM (proposed)	
* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.		





Adam B. Kerr, P.E.  
January 11, 2022  
Page 2

Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment **meet** Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **proposed potential** density shown above. Therefore, this amendment requires a condition of approval, based on Transfer of Development Rights (TDR) and density bonus programs, to cap the project at the **proposed** development potential or equivalent trips.

Please note the proposed amendment will have an insignificant impact for the long-range and Test 2 analyses.

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

Sincerely,

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

Dominique Simeus, P.E.  
Professional Engineer  
Traffic Division

DS:qg

cc: Addressee

Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division  
Lisa Amara – Director, Zoning Division  
Bryan Davis – Principal Planner, Planning Division  
Stephanie Gregory – Principal Planner, Planning Division  
Khurshid Mohyuddin – Principal Planner, Planning Division  
Kathleen Chang – Senior Planner, Planning Division  
Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review  
N:\TRAFFIC\Development Review\Comp Plan\22-B\Villages of Windsor.docx

**Exhibit 6**  
**Water & Wastewater Provider LOS Letter**

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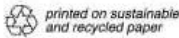
**Water Utilities Department  
Engineering**  
8100 Forest Hill Blvd.  
West Palm Beach, FL 33413  
(561) 493-6000  
Fax: (561) 493-6085  
www.pbcwater.com

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

Robert S. Weinroth, Mayor  
Gregg K. Weiss, Vice Mayor  
  
Maria G. Marino  
  
Dave Kerner  
  
Maria Sachs  
  
Melissa McKinlay  
  
Mack Bernard

**County Administrator**  
Verdenia C. Baker

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

RE: Villages of Windsor- SE Corner of Hypoluxo & Lyons  
PCN 00-42-45-08-08-001-0000  
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 187 dwelling units subject to a Capacity Reservation Agreement with PBCWUD.

The nearest point of connection to potable water is a 24" potable water main located within Hypoluxo Road adjacent to the subject property. The nearest point of connection to sanitary sewer is an 8" forcemain located within Hypoluxo Road adjacent to 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".

Jackie Michels, P.E,  
Project Manager

Exhibit 7

School District Letter



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FL

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](http://WWW.PALMBEACHSCHOOLS.ORG/PLANNING)

KRISTIN K. GARRISON  
DIRECTOR

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

SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

Application	Submittal Date	11/02/2021		
	SCAD No.	21110202F - FLU		
	FLU /Rezoning/D.O. No.	Not Provided – Palm Beach County		
	PCN No. / Address	00-42-45-08-08-001-0000		
	Development Name	Villages of Windsor		
	Owner / Agent Name	Civic Hypoluxo Holding LLC / Lauren McClellan		
	SAC No.	227C		
	Proposed Amendment	Maximum 187 Residential Units		
Impact Review		Manatee Elementary School	Christa McAuliffe Middle School	Park Vista High School
	New Students Generated	30	16	23
	Capacity Available	91	-313	-290
	Utilization Percentage	94%	124%	109%
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 \$493,124.00 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

The School District of Palm Beach County, Florida  
A Top High-Performing A Rated School District  
An Equal Education Opportunity Provider and Employer

Exhibit 8
Disclosure of Ownership Interests

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 Ramzi Akel, 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 [x] Manager of Civic Hypoluxo Holding, LLC [position - e.g., president, partner, trustee] of [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: 5300 W. Atlantic Avenue Suite 505 Delray Beach, FL 33484
- 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.

  
\_\_\_\_\_  
Ramzi Akel, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 5 day of OCTOBER, 2021 by Ramzi Akel (name of person acknowledging). He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did not take an oath (circle correct response).

Teresa Hugo Tigert  
(Name - type, stamp or print clearly)

Teresa Hugo Tigert  
(Signature)

My Commission Expires on: 3/8/2022



EXHIBIT "A"

PROPERTY

PARCEL A, VILLAGES OF WINDSOR PLAT THREE, ACCORDING TO THE PLAT THEREOF, AS  
RECORDED IN PLAT BOOK 98, PAGES 131 THROUGH 138 OF THE PUBLIC RECORDS OF  
PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.  
CONTAINING 528,046 SQUARE FEET OR 12.122 ACRES, MORE OR LESS.

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
Ramzi Alhel	1001



## Exhibit 9

### Correspondence

---

Correspondence provided at the Planning Commission Hearing

Agenda Item: III.A.2

8801 Arbor Walk Drive  
Lake Worth FL 33467  
March 22, 2022

Department Director  
Department of Housing and Economic Sustainability  
100 Australian Avenue, Suite 500  
West Palm Beach, FL 33406

Dear Director,

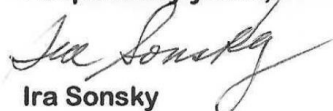
We live directly across the way from the project Villages of Windsor in Valencia Shores. We had a zoom meeting with the builder in which he presented the project and described where each item of the project is projected to be.

In his presentation he indicated that the southern part of the development will have a dog park, where residents pets can “do their business” and a drainage area for run-off water.

We, the residents being directly across from this area, in Valencia Shores feel that there will be a smell from the “dog park” and insects from the standing run-off water that will directly affect the life qualities of our homes. Sitting outside in the back of our homes would be horrendous.

Since there is nothing fronting the north side of the property except Hypoluxo Road, if the dog park and drainage area were put there, where it would have no effect on anyone, it would make a much better proposal. This would keep the residents directly across the way safer from possible smells and insects.

Respectfully yours,

  
Ira Sonsky



# VALENCIA SHORES

March 30, 2022

*Ms. Jennifer Morton and AKEL Management:*

*On behalf of Valencia Shores Master Association, Inc. (the "Association"), please accept this correspondence in connection with the potential apartment development project on the southeast corner of Hypoluxo and Lyons Road. Initially, the Association appreciates you reaching out to the Valencia Shores community to solicit our input.*

*After careful consideration, the Association is advised that AKEL is intending to reconfigure the project so that the apartment buildings are all three (3) stories with elevators, rather than including any four (4) story buildings. We appreciate this change and also appreciate AKEL looking into moving the dog run to a location which does not impact our residents, either visually or audibly.*

*To the extent you require further cooperation or input from the Association, please note that we are standing by to continue working with you and review all information you are able to provide, both now and moving into the future. In addition, we encourage you to continue working with COWBRA on all aspects of this matter.*

*Thank you.*

Larry Schleyer  
President, Valencia Shores Master Association, Inc

cc. COWBRA President Beth Rappaport via email

Correspondence provided prior to the 9/1/22 BCC Transmittal Hearing

**From:** Ed Brookes <ebrookesvs@gmail.com>  
**Sent:** Saturday, July 9, 2022 8:38:05 AM  
**To:** Lisa Amara A.; Beth Rappaport; Larry Schleyer; Jennifer Morton; Dave Kerner M.; Kevin Fischer; Melissa McKinlay; Joel Cohen  
**Subject:** Village Of Windsor Project

\*\*\*\*\* 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. \*\*\*\*\*

Jennifer - As the Valencia Shores HOA Board Representative on this issue I am formally adding our support to the attached COBWRA document. The residents in this 1140 home community are in full agreement on their position. We feel that as proposed the project is too tall and too dense for the property. Hopefully you will take our concerns seriously as you move forward.  
Sincerely,  
Ed Brookes



**MANAGING GROWTH AND QUALITY OF LIFE IN GREATER WEST BOYNTON SINCE 1981**  
**Over 110 Member Communities**

<b>OFFICERS</b>	June 21, 2022
Steve Wallace <i>President</i>	Jennifer Morton Lauren McClellan JMorton Planning & Landscape Architecture 3910 RCA Blvd. Palm Beach Gardens, FL 33410 Via Email: <a href="mailto:jmorton@jmortonla.com">jmorton@jmortonla.com</a> Re: Villages of Windsor SE Residential (LGA 2022-017)
Barbara Roth <i>First Vice President</i>	
Debbie Murphy <i>Second Vice President</i>	
Cheryl Dodes <i>Secretary</i>	Dear Ms. Morton and Ms. McClellan,
Robert Harding <i>Treasurer</i>	I would like to inform you of the outcome of the votes taken for the above proposed project as follows:
Beth Rappaport <i>Immediate Past President</i>	June 7, 2022 -Growth Management Committee recommended Denial, 14-0 June 7, 2022 -Executive Board recommended Denial, 10-0 June 15, 2022 -COBWRA Delegates recommended Denial, 56-1
<b>DIRECTORS</b>	The reasons for recommending Denial are:
Michael Chapnick	• Hyperdensity
Craig Ditman	• The 42-foot height and the number of stories (4) of one of the buildings
Victoria Morton	• The incompatibility of the project with the COBWRA area
Myrna Rosoff	
Gerri Seiberg	
Linda Wilson	Please do not hesitate to contact me should you have any questions or concerns.
<b>PAST PRESIDENTS</b>	Sincerely, <b>Steve Wallace</b> Steve Wallace President On behalf of the Coalition of Boynton West Residential Associations <a href="mailto:president@cobwra.org">president@cobwra.org</a>
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