

2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 1. Amendment Data

A. Amendment Data

Round	19-B2	Intake Date	August 23, 2019																																																								
Application Name	Windsor Place	Concurrent?	Yes																																																								
Acres	40 acres	Text Amend?	No																																																								
PCNs	00-42-43-27-05-043-0240																																																										
Location	NW Corner of Hypoluxo Road and Lyons Road																																																										
	Current	Proposed																																																									
Tier	Urban/Suburban	Urban/Suburban																																																									
Use	Vacant	Fee Simple Townhomes, Multi-Family Residential, and Commercial																																																									
Zoning	MXPD	No Change																																																									
Future Land Use Designation	MLU (CH & LR-2)	MLU (CH & HR-8)																																																									
Underlying Future Land Use Designation	None	8 du/ac																																																									
Conditions	<div> <div> <p>Revise the land use matrix as shown:</p> <table border="1"> <thead> <tr> <th rowspan="2">Land Use</th> <th rowspan="2">Acreage</th> <th colspan="2">Intensity/Density</th> </tr> <tr> <th>Minimum</th> <th>Maximum</th> </tr> </thead> <tbody> <tr> <td>CH</td> <td>8.0 ac – 11.00 ac 11.0 ac – 16.0 ac</td> <td>80,000 SF (retail) 10,000 SF (Office)</td> <td>96,870 SF 112,800 SF (retail) 20,000 Sf (office)</td> </tr> <tr> <td>CH-0</td> <td>3.0 ac – 6.0 ac</td> <td>50,000 SF</td> <td>76,450 SF</td> </tr> <tr> <td>LR-2</td> <td>10.8 ac – 16.0 ac</td> <td>60 units</td> <td>80 units</td> </tr> <tr> <td>Open Space</td> <td>4.0 ac – No Max.</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td>Lake Tracts</td> <td>4.18 ac – 6.18 ac</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td>Total Acres</td> <td>40 acres</td> <td></td> <td></td> </tr> </tbody> </table> <p>A. Development of the site shall comply with the Conceptual Master Plan.</p> <p>B. Access to residential portions of the project shall not be controlled by gates, guardhouses or be otherwise separated from any non-residential portions.</p> <p>C. Prior to final DRO certification, a “unity of control” covenant for the non-residential portion of the site shall be entered into and signed by the applicant(s)/developer(s).</p> <p>D. At a minimum, 10% of the property must be committed to useable open space. Open space must functionally integrate the project’s land uses and may be applied to the recreation and/or parks requirements during the development review process, excluding right of way dedication. Water retention, lakes, drainage, and canals shall not be considered useable open space.</p> <p>E. Additional density may be allowed pursuant to Future Land Use Element Policy 4.4.2-b.1(a)(TDR, WHP, AHP).</p> </div> <div> <p>Revise the land use matrix as shown:</p> <table border="1"> <thead> <tr> <th rowspan="2">Land Use</th> <th rowspan="2">Acreage Range Min. - Max.</th> <th colspan="2">Intensity/Density</th> </tr> <tr> <th>Minimum</th> <th>Maximum</th> </tr> </thead> <tbody> <tr> <td>CH</td> <td>11.0 ac – 16.0 ac 3.0 ac. - 6.0 ac.</td> <td>80,000-sf (Retail) 10,000-sf (Office) 30,000 sq.ft. (Commercial)</td> <td>112,800-sf (Retail) 20,000-fl (Office) 45,000 sq.ft. (Commercial)</td> </tr> <tr> <td>LR-2 HR-8</td> <td>10.8 ac – 16.0 ac 34.0 ac. - 37.0 ac.</td> <td>60 units 240 units (6 du/ac)</td> <td>80 units 320 units (8 du/ac)</td> </tr> <tr> <td>Open Space</td> <td>4.0 ac. - no max</td> <td>* Part of both land uses</td> <td></td> </tr> <tr> <td>Lake Tract</td> <td>4.18 ac – 6.18 ac 4.0 ac. - 6.0 ac.</td> <td>* Part of both land uses</td> <td></td> </tr> <tr> <td>Total Acres</td> <td>40.0 ac.</td> <td></td> <td></td> </tr> </tbody> </table> <p>A. Development of the site shall comply with the Conceptual Master Plan.</p> <p>B. Access to residential portions of the project shall not be controlled by gates, guardhouses or be otherwise separated from any non-residential portions.</p> <p>C. Prior to final DRO certification, a “unity of control” covenant for the non-residential portion of the site shall be entered into and signed by the applicant(s)/developer(s).</p> <p>D. At a minimum, 10% of the property must be committed to useable open space. Open space must functionally integrate the project’s land uses and may be applied to the recreation and/or parks requirements during the development review process, excluding right of way dedication. Water retention, lakes, drainage, and canals shall not be considered useable open space.</p> <p>E. Additional density may be allowed pursuant to Future Land Use Element Policy 4.4.2-b.1(a)(TDR, WHP, AHP).</p> </div> </div>			Land Use	Acreage	Intensity/Density		Minimum	Maximum	CH	8.0 ac – 11.00 ac 11.0 ac – 16.0 ac	80,000 SF (retail) 10,000 SF (Office)	96,870 SF 112,800 SF (retail) 20,000 Sf (office)	CH-0	3.0 ac – 6.0 ac	50,000 SF	76,450 SF	LR-2	10.8 ac – 16.0 ac	60 units	80 units	Open Space	4.0 ac – No Max.	N/A	N/A	Lake Tracts	4.18 ac – 6.18 ac	N/A	N/A	Total Acres	40 acres			Land Use	Acreage Range Min. - Max.	Intensity/Density		Minimum	Maximum	CH	11.0 ac – 16.0 ac 3.0 ac. - 6.0 ac.	80,000-sf (Retail) 10,000-sf (Office) 30,000 sq.ft. (Commercial)	112,800-sf (Retail) 20,000-fl (Office) 45,000 sq.ft. (Commercial)	LR-2 HR-8	10.8 ac – 16.0 ac 34.0 ac. - 37.0 ac.	60 units 240 units (6 du/ac)	80 units 320 units (8 du/ac)	Open Space	4.0 ac. - no max	* Part of both land uses		Lake Tract	4.18 ac – 6.18 ac 4.0 ac. - 6.0 ac.	* Part of both land uses		Total Acres	40.0 ac.		
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B. Development Potential

	Current FLU	Proposed FLU																																																								
Density/ Intensity:	MLU (CH & LR-2)	MLU (CH & HR-8)																																																								
Maximum Dwelling Units (residential designations)	2 du/acre x 35.78 ac. = 72 units ⁵	8 du/acre x 40 ac. 320 DU																																																								
Maximum Beds (for CLF proposals)	_____ max du x 2.39 = ____	_____ max du x 2.39 = ____																																																								
Population Estimate	80 max du x 2.39 = 192	320 max du x 2.39 = 765																																																								
Maximum Square Feet (non-residential designations)	112,800 SF (Retail) & 20,000 SF (Office) ⁵	45,000 SF (Commercial)																																																								
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Maximum Trip Generation	5,186	4,437																																																								
Net Daily Trips:	-749 (maximum – current)																																																									
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2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 2. Applicant Data

A. Agent Information

Name	Yoan Machado
Company Name	WGI
Address	2035 Vista Parkway
City, State, Zip	West Palm Beach, FL, 33411
Phone / Fax Number	561-687-2220
Email Address	Yoan.Machado@WGInc.com

B. Applicant Information

Name	Charles Scardina
Company Name	Hatzlacha WP Holdings LLC
Address	7593 Boynton Beach Blvd. Ste. 220
City, State, Zip	Boynton Beach, FL, 33437
Phone / Fax Number	561-687-2220 (Agent)
Email Address	Yoan.Machado@WGInc.com (Agent)
Interest	Property Owner

2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 3. Site Data

A. Site Data

Built Features	The subject site is currently vacant. The adjacent areas consist of single-family residential, multi-family residential, and commercial uses. Please refer to Attachment F for the Built Features Inventory & Map
PCN	00-42-43-27-05-043-0240 Please refer to Attachment A for the Legal Description. Please refer to Attachment P for the Survey.
Street Address	None Assigned (NW Corner of Hypoluxo Road and Lyons Road)
Frontage	Approximately 1,690 feet of frontage along Hypoluxo Road and approximately 1,100 feet of frontage along Lyons Road.
Legal Access	Current legal access is from both Hypoluxo Road and Lyons Road. Proposed access will also be from Hypoluxo Road and Lyons Road.
Contiguous under same ownership	None
Acquisition details	00-42-43-27-05-043-0240 <ul style="list-style-type: none"> The property was purchased on December 27, 2017 for \$15,150,000.00 from Windsor Place, LLC.
Size purchased	+/- 40.0018 acres purchased. Deeds provided in Attachment A .

III. Development History

Previous FLUA Amendments	<p><u>Ordinance 2014-033</u></p> <p>From Multiple Land Use (MLU) Commercial High (CH), Commercial High-Office (CH-O), Low Residential 2 units per acre (LR-2) to MLU (CH & LR-2)</p> <p><u>Ordinance 2005-038</u></p> <p>Modification to the Conditions of Approval, amending adopted land use matrix, reducing acreage and square footage for commercial high-office (CH-O) and Commercial High (CH), and increasing acreage for Low Residential, 2 units per acre (LR-2) with conditions.</p> <p><u>Ordinance 2000-023</u></p> <p>Future Land Use Atlas amendment from Low Residential, 2 units per acre, to Multiple Land Use with an underlying LR-2 designation.</p>
Zoning Approvals, Control Number	<p><u>CONTROL NUMBER: 2003-00079</u></p> <ul style="list-style-type: none"> R-2005-1798 <p>Rezoning from AR (Agricultural Residential) Zoning District to the MXPd district.</p> <ul style="list-style-type: none"> R-2005-1799 <p>Requested use to allow the Transfer of Development Rights for 52 units and to designate the parcel as a receiving area.</p>

	<ul style="list-style-type: none"> • R-2006-0015 Contract for the sale and purchase of Development Rights for 52 units at \$25,000 for each TDR unit. • R-2006-0016 Transfer of Development Rights Escrow Agreement for 52 TDR units (\$1,300,000.00) • R-2006-0017 Deed conveying development rights for 52 TDR units. Each development right units shall constitute one residential dwelling unit. • R-2010-0682 Development order amendment to reconfigure the Mater and Site Plans, add units and square footage, modify 3 Conditions of Approval (Planning, Landscape, and Zoning), and restart the development clock for the subject parcel. • R-2010-0683 Transfer of Development Rights to allow the approval of a Requested Use for the addition of 28 TDR units at \$1.00 per unit. • R-2015-0820 Development order amendment to modify/delete Conditions of Approval (Architectural, Landscape, and Planning); reconfigure the Master Plan, restart the commencement clock, and release the Restrictive Covenant on subject parcel. • R-2015-0821 Transfer of Development Rights to modify Conditions of Approval (Transfer of Development Rights) on subject parcel.
Concurrency	<p><u>Based on Existing Approval:</u> Residential Townhouse – Fee Simple: 184 units</p> <p>General Retail: 103,032 SF Office: 7,470 SF Financial Institution: 4,576 SF</p>
Plat, Subdivision	<p>Palm Beach Farms CO Plat No 3 Book: 2 Page: 45</p>

2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 4. Consistency

A. Consistency –

Justification	The proposed FLUA Amendments to modify the FLU from MLU (CH & LR-2) to MLU (CH and HR-8) are in compliance with the requirements of the County's Comprehensive Plan, as outlined in section G.1 of Attachment G.
Residential Density Increases	The Applicant is seeking a FLUA Amendment, in conjunction with utilizing the County's TDR Program and Workforce Housing Program Density Program, as the subject site is surrounded by existing residential and nearby commercial developments that support the proposed density, as outlined in section G.2 of Attachment G.
Compatibility	The surrounding uses vary and are found to be compatible with the proposed amendment. The site borders both mixed-use development to the east and high residential development to the south. It is not uncommon for this corridor to have a mix of land uses at major intersections, therefore justifying the proposed development program and FLU amendment, as outlined in section G.3 of Attachment G.
Comprehensive Plan	The following analysis demonstrates the proposal's consistency with the relevant Goals, Objectives and Policies of the Future Land Use Element of the Plan, as demonstrated throughout this report. Additionally, the proposed FLUA Amendment to MLU (CH & HR-8) are consistent with the development characteristics and the general development pattern of the surrounding area, as outlined in section G.4 of Attachment G.
Florida Statutes	The subject site creates an opportunity for development within the County's Urban/Suburban Tier. The development proposal offers a diversity of residential and commercial uses. Development of these uses in this location will allow the user to take advantage of existing infrastructure and PBC services, while maximizing an underutilized piece of land, as outlined in section G.5 of Attachment G.

• B. Surrounding Land Uses.

Adjacent Lands	Use	Future Land Use	Zoning
North	Bellagio – Single-Family Residential (POD F) 200 DU 95.51 AC	Low Residential (LR-2) 2.10 DU/AC	Planned Unit Development (Control No. 1995-00116)
South	Atria at Villages of Windsor-Multi-Family, Senior Living Nursing Facility - 100 Beds CLF Type III - 410 Residents	High Residential (HR-8) 9.48 DU/AC	Planned Unit Development (Control No. 1996-00081)
East	Town Commons – Commercial 94,900 SF Commercial Use	Multiple Land Use MLU (CH, CH-O, LR-2) FAR: 0.15	Multiple Use Planned Development (Control No. 2000-00039)
West	Bellagio – Single-Family Residential (POD F) 200 DU 95.51 AC	Low Residential (LR-2) 2.10 DU/AC	Planned Unit Development (Control No. 1995-00116)

2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 5. Public Facilities Information

A. Traffic Information		
	Current	Proposed
Max Trip Generator	General Commercial (ITE 820) Rate: $\text{Ln}(T) = 0.65 \text{ Ln}(X) + 5.83$ General Office (ITE 710) Rate: $\text{Ln}(T) = 0.76 \text{ Ln}(X) + 3.68$ Condo/Townhomes (ITE 230) Rate: $T = 6.65 * X$	General Commercial (ITE 820) Rate: $\text{Ln}(T) = 0.65 \text{ Ln}(X) + 5.83$ Apartment (ITE 220) Rate: $T = 6.65 * X$ Condo/Townhomes (ITE 230) Rate: $T = 6.65 * X$ Type 1 Restaurant +DT (ITE 934) Rate: $T = 496.12 * X$
Maximum Trip Generation	5,186	4,437
Net Daily Trips:	-749 (maximum – current)	
Net PH Trips:	260 (73/187) AM, 366 (217/149) PM (maximum)	
Significantly impacted roadway segments that fail Long Range	N/A	N/A
Significantly impacted roadway segments for Test 2	N/A	N/A
Traffic Consultant	Dr. Juan F. Ortega, P.E. – JFO Group, Inc.	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Bus Route Name: BYB X-TOWN via BOYNTON BEACH Route Number: 73	
Nearest Palm Tran Stop	Bus Stop Number: 6791 Bus Stop Name: BETHESDA HOSPITAL W @ TRML Distance: 4.2 Miles	
Nearest Tri Rail Connection	Boynton Beach Station Route Connection: 70, 71 <u>Sample Route:</u> Palm Tran Route 73 eastbound to Route 70 southbound, Route 70 southbound to Boynton Beach Station (Tri-Rail)	
C. Portable Water & Wastewater Information		
Potable Water & Wastewater Providers	PBCWUD	

Nearest Water & Wastewater Facility, type/size	<p>PBCWUD has the capacity to provide the level of service required for the existing FLU designation of MLU (CH & LR-2) and a Zoning District of MXP (Mixed Use Planned Development) and the proposed FLU designation of MLU (CH & HR-8).</p> <p>The nearest potable water is a 42" watermain located within Lyons Rd. right of way, a 24" watermain located within Hypoluxo Rd right of way and a 4" watermain in Caserta St. right of way. There is a 12" sanitary sewer forcemain located within Hypoluxo Rd right of way adjacent to the subject property.</p>
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D. Drainage Information

Windsor Place is part of the previously permitted 531 acre Towne Park (SFWMD No. 50-04620-P). The drainage system for the proposed "Windsor Place" project will consist of culverts, structures, exfiltration trenches, and wet detention areas, which will have two restricted discharge connections to the Towne Park Master System.

The project is within the SFWMD C-16 Basin, and the site will comply with the C-16 basin criteria, which allows a maximum discharge rate of 62.4 CSM (cubic feet per square mile) during the 25yr-72hr design storm. Internal control structures will retain runoff in the proposed exfiltration trenches which provide pretreatment for the commercial portion of the site. Overflow from these structures will be conveyed into the proposed wet detention areas which also collect runoff from the residential portion of the site.

Two control structures are proposed to restrict discharge from this 40 acre development to Towne Park. The control structures consists of v-notches with inverts at the control elevation for the site of 16.0 feet-NGVD. The required water quality treatment for the entire 531 acre Towne Park System including the subject project is 44.25 Ac-ft which is provided via existing and proposed wet detention facilities.

The site will be designed so that the minimum roadway elevations will be at or above the peak stage from the 10yr-1day design storm and the minimum proposed finished floors will be set at or above the peak stage from the 100yr-72hr zero discharge design storm, as required by code.

E. Fire Rescue

Nearest Station	Fire-Rescue station #48, which is located at 8560 Hypoluxo Road.
Distance to Site	The subject property is approximately .75 miles from the station.
Response Time	The estimated response time to the subject property is 4 minutes.
Effect on Resp. Time	For fiscal year 2017, the average response time (call received to on scene) for this stations zone is 7:58.

F. Environmental

Significant habitats or species	There were no REC's, HREC's, CREC's identified during performance of this Phase I ESA. Portions of the property are contained in the National Wetlands Inventory (USFWS 2017), and are subject to USACE and SFWMD wetlands assessment and mitigation guidelines. These areas are also subject to native tree species protection under Article 14 of the Palm Beach County ULDC.
Flood Zone*	X500
Wellfield Zone*	Not located within a Wellfield Protection Zone. Attachment M.

G. Historic Resources

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

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

H. Parks and Recreation - Residential Only

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	West Delray Regional Park	0.00339	+765	2.59
Beach	Ocean Ridge Hammock	0.00035	+765	0.27
District	Villages of Windsor Park	0.00138	+765	1.06

I. Libraries - Residential Only

Library Name	Lantana Road Branch		
Address	4020 Lantana Road		
City, State, Zip	Lake Worth, Florida 33462		
Distance	6.6 miles		
Component	Level of Service	Population Change	Change in Demand
Collection	2 holdings per person	+765	1,530
Periodicals	5 subscriptions per 1,000 persons	+765	3.83
Info Technology	\$1.00 per person	+765	\$765.00
Professional staff	1 FTE per 7,500 persons	+765	0.10
All other staff	3.35 FTE per professional librarian	+765	0.34
Library facilities	0.34 sf per person	+765	260 SF

J. Public Schools - Residential Only

	Elementary	Middle	High
Name	Manatee	Woodlands	Park Vista Community
Address	7001 Charleston Shores	5200 Lyons Road	7900 Jog Road
City, State, Zip	Lake Worth, FL 33467	Lake Worth, FL 33467	Lake Worth, FL 33467
Distance	3 miles	2.9 miles	4.2 miles



Residential
(Bellagio)
FLU: LR-2
Zoning: PUD

Subject Site
+/- 40 acres | Vacant
Existing FLU: MLU (CH & LR-2)
Existing Zoning: MXPB
Proposed FLU: MLU (CH & HR-8)
Proposed Zoning: No Change

Commercial
(Town Commons)
FLU: MLU
Zoning: MUPD

Residential
(Isola Bella Estates)
FLU: LR-2
Zoning: PUD

Residential
(Atria at Villages of Windsor)
FLU: HR-8
Zoning: PUD

WINDSOR PLACE

Built Feature Map





**JUSTIFICATION STATEMENT
LARGE SCALE FUTURE LAND USE ATLAS AMENDMENT
AMENDMENT ROUND 19-B2**

Windsor Place

ATTACHMENT G

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I. INTRODUCTION

The subject site, known as "Windsor Place" is located on the northwest corner of Hypoluxo Road and Lyons Road. The 40 acre property is identified by a Future Land Use (FLU) designation of MLU (Multiple Land Use), CH (Commercial High) and LR-2 (Low Residential, 2 dwelling units per acre) and a Zoning designation of MXPDP (Mixed Use Planned Development). The site associated with the request is as follows:

PCN	Acres	EXISTING FLU	EXISTING ZONING
00-42-43-27-05-043-0240	40	MLU (CH & LR-2)	MXPDP

II. PROPOSED FLUA MAP AMENDMENT

On behalf of the Applicant, WGI, is respectfully requesting a Future Land Use Atlas (FLUA) Amendment, in order to modify the FLU designation from MLU (CH & LR-2) to MLU (CH & HR-8). The property associated with the request is as follows:

PCN	Acres	EXISTING FLU	PROPOSED FLU
00-42-43-27-05-043-0240	40	MLU (CH & LR-2)	MLU (CH & HR-8)

Project History

Below is a summary of all previous approvals for the subject site:

Planning Approvals	<p><u>Ordinance 2014-033</u> From Multiple Land Use (MLU) Commercial High (CH), Commercial High-Office (CH-O), Low Residential 2 units per acre (LR-2) to MLU (CH & LR-2)</p> <p><u>Ordinance 2005-038</u> Modification to the Conditions of Approval, amending adopted land use matrix, reducing acreage and square footage for commercial high-office (CH-O) and Commercial High (CH), and increasing acreage for Low Residential, 2 units per acre (LR-2) with conditions.</p> <p><u>Ordinance 2000-023</u> Future Land Use Atlas amendment from Low Residential, 2 units per acre, to Multiple Land Use with an underlying LR-2 designation.</p>
Zoning Approvals	<p><u>CONTROL NUMBER: 2003-00079</u></p> <ul style="list-style-type: none">• R-2005-1798 Rezoning from AR (Agricultural Residential) Zoning District to the MXPDP district.• R-2005-1799 Requested use to allow the Transfer of Development Rights for 52 units and to designate the parcel as a receiving area.• R-2006-0015 Contract for the sale and purchase of Development Rights for 52 units at \$25,000 for each TDR unit.• R-2006-0016 Transfer of Development Rights Escrow Agreement for 52 TDR units (\$1,300,000.00)• R-2006-0017 Deed conveying development rights for 52 TDR units. Each development right units shall constitute one residential dwelling unit.

	<ul style="list-style-type: none"> • R-2010-0682 Development order amendment to reconfigure the Mater and Site Plans, add units and square footage, modify 3 Conditions of Approval (Planning, Landscape, and Zoning), and restart the development clock for the subject parcel. • R-2010-0683 Transfer of Development Rights to allow the approval of a Requested Use for the addition of 28 TDR units at \$1.00 per unit. • R-2015-0820 Development order amendment to modify/delete Conditions of Approval (Architectural, Landscape, and Planning); reconfigure the Master Plan, restart the commencement clock, and release the Restrictive Covenant on subject parcel. • R-2015-0821 Transfer of Development Rights to modify Conditions of Approval (Transfer of Development Rights) on subject parcel.
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G.1 Justification for Future Land Use Atlas Amendment

Both Lyons Road and Hypoluxo Road in this vicinity are considered to be well-travelled urban collector roadways, the intersection of which serves as an established commercial node with a mix of uses that complement the surrounding context. In 2016, a site plan for the subject site, which currently retains a MLU-CH & LR-2 land use designation, was approved to include 184 multi-family residential units on up to 16 acres and approximately 115,000 square feet of commercial space also on up to 16 acres. The previously approved plan and its' intensity along with the existing mix of uses at the Hypoluxo Road and Lyons Road intersection further established this intersection as a node for the area and lends itself to further mixed-use development.

The following sections provide justification for the commercial and residential portions of the current request.

Commercial Node in Urban/Suburban Tier

The subject site is located within the Urban/Suburban Tier in unincorporated Palm Beach County, which supports a diverse blend of land uses and development patterns. In addition, the site has been previously approved to provide up to 16 acres of big-box commercial development nearest to the Hypoluxo Road and Lyons Road intersection. Paired with the existing Town Commons shopping center to the East, and a 3-story multi-family development to the south, the site functions as a vital component of the existing node that is the Hypoluxo Road and Lyons Road intersection. In terms of the commercial portion of the site, the current request proposes to reduce the intensity and acreage allocated to commercial activity while still maintaining the character of the intersection as an activity node for the community.

The following analysis depicts such scenarios in the county:

COMMERCIAL NODES
Boynton Beach Blvd. & Jog Rd.



Lantana Road & Jog Rd.



Multi-Family, Townhomes, and HR-8 FLU

The current request seeks to modify the FLU designation of the site to meet the demand for more diverse residential options in the Urban/Suburban Tier, specifically in the western areas of the tier where the housing stock has become homogenous in character and density. Further, while the surrounding residential

communities retain low to medium density residential future land use designations, the proposed residential land use designation of HR-8 within the MLU is not uncommon at activity nodes such as the Hypoluxo Road and Lyons Road intersection. In fact, the subject site is adjacent to an existing HR-8 development, the Atria at Villages of Windsor.

The following are several examples of developments that have been approved under the HR-8 FLU designation and are in relatively close proximity to low or medium density residential communities. Also taken into consideration was the location of the multi-family developments adjacent to single family residential. The density ranges from 8 dwelling units per acre to 20.89 dwelling units per acre.

Project Name	Control #	FLU/ Zoning	Acreage	# du	Density	Surrounding Uses
Windsor Park Apartments (Summit Pines PUD)	84-160	HR-8 RS/PUD	11.49	240	20.89 du/ac	MF; SF
Worthington PRD (Winchester PUD)	89-47	HR-8 RM/PR D	37.6	300	8 du/ac	MF; SF
Technology Park PUD	93-54	HR-8 PUD	27.82	224	8 du/ac	SF; Commercial
Wyndham II PUD	04-08	HR-8 PUD	18.93	177	9.35 du/ac	MF; SF

Development Plan: Approved versus Proposed

The proposed modification to the FLU designation of the subject site will allow for a greater mix of residential dwelling units in comparison to the approved plan for the site. The approved site plan allocated significantly more commercial space to accommodate big box retail and a large shopping center. The following analysis shows how the proposed development plan will reduce the commercial intensity of the site to promote a more community-oriented development, while also affording the surrounding community with a residential use that will aid the transition from the more intensely used intersection to the single-family residential communities that surround the site. All while maintaining integrated usable open space areas and landscape buffers that exceed minimum code requirements. The proposed changes will be further detailed on the zoning application with 408 units total, 214 townhomes and 194 apartment units, and decrease of commercial development area within the ranges below.

Previously Approved Acreages, Intensities and Densities

Land Use	Acreage	Intensity/Density	
		Minimum	Maximum
CH	8.0 ac – 11.00 ac 11.0 ac – 16.0 ac	80,000 SF (retail) 10,000 SF (Office)	96,870 SF 112,800 SF (retail) 20,000 Sf (office)
CH-0	3.0 ac – 6.0 ac	50,000 SF	76,450 SF
LR-2	10.8 ac – 16.0 ac	60 units	80 units
Open Space	4.0 ac – No Max.	N/A	N/A
Lake Tracts	4.18 ac – 6.18 ac	N/A	N/A
Total Acres	40 acres		

Proposed Changes to Previously Approved Acreages, Intensities and Densities

Land Use	Acreage Range Min. - Max.	Intensity/Density	
		Minimum	Maximum
CH	11.0 ac – 16.0 ac 3.0 ac. - 6.0 ac.	80,000 sf (Retail) 10,000 sf (Office) 30,000 sq.ft. (Commercial)	112,800 sf (Retail) 20,000 fl (Office) 45,000 sq.ft. (Commercial)
LR-2 HR-8	10.8 ac – 16.0 ac 34.0 ac. - 37.0 ac.	60 units 240 units (6 du/ac)	80 units 320 units (8 du/ac)
Open Space	4.0 ac. - no max	* Part of both land uses	
Lake Tract	4.18 ac – 6.18 ac 4.0 ac. - 6.0 ac.	* Part of both land uses	
Total Acres	40.0 ac.		

Compliance with Comprehensive Plan FLUE Policy 2.1-F

The proposed FLUA Amendment must be found to be consistent with the Goals, Objectives and Policies of the Comprehensive Plan. Future Land Use Element Policy 2.1-f requires that adequate justification for the proposed FLU be provided. The proposed FLUA Amendments to modify the FLU from MLU (CH & LR-2) to MLU (CH & HR-8) are in compliance with the requirements of the County's Comprehensive Plan, as outlined below.

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

The proposed use is suitable and appropriate for the subject site, as it promotes a mix of commercial and residential uses in the Urban/Suburban Tier and at this established intensity node. The property development regulations contained in the ULDC will require the project to meet buffering and setback requirements to ensure compatibility between the proposed uses and the existing residential uses nearby. Special care will be taken in the design of the property, with the built environment of the proposed developed positioned in a favorable location, in relation to the adjacent single-family residential. Furthermore, amenities such as lakes and recreation space in addition to over four acres of usable open space with walking trails and multiple shade structures in the path will serve as additional separation and buffering, further negating any impacts on site as well as landscape buffers that exceed minimum standards to mitigate any adversities on adjacent uses.

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

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

Over time the area and intersection surrounding the subject site has seen a shift in development patterns, from lower density residential and agricultural uses to higher density residential, institutional and commercial uses. A change in FLUA designation will offer the opportunity for development at a density that has proven compatible in other areas of the County and commercial nodes. The existing development pattern surrounding the site is diverse and already at an intensity that promotes a diverse mix of residential and commercial uses. As referenced in the prior policy response, special care will be taken to ensure that no impacts result as part of the request.

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

As land becomes more scarce development pressures have pushed westward where large tracts of developable land are more available. The westward movement of development leaves "pockets" of undeveloped land within the County's developed, Urban/Suburban Tier. What results are underutilized tracts of land that do not take advantage of existing infrastructure and services available. Such sites often face constraints in the physical configuration of land area and site location, resulting in the need to amend the FLU designation, to allow for a development of viable density or intensity.

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

A need for a more diverse set of residential option in the western areas of the Urban/Suburban Tier necessitates the request to provide a mixed-use development that serves the community at large.

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

A change in FLU designation will offer the opportunity for development to include different housing types not found in the immediate area. The proposed HR-8 FLU designation within the MLU FLU represents density that creates a viable development, which offers a diversity of housing options, all of which would not be possible under the current FLU designations.

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

The adopted MLU (CH & LR-2) FLU designation was not assigned in error.

G.2 RESIDENTIAL 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

The Applicant is seeking a FLUA Amendment, in conjunction with utilizing the County’s WHP to increase density on the site, rather than solely utilizing the TDR Program, as the subject site is surrounded by existing residential and nearby commercial developments that support the proposed density.

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

The Applicant will utilize the WFH Program as identified within the ULDC.

G.3 COMPATIBILITY

The surrounding uses vary and are found to be compatible with the proposed amendment. The site borders both mixed-use development to the east and high residential development to the south. It is not uncommon for this corridor to have a mix of land uses at major intersections, therefore justifying the proposed development program and FLU amendment.

The following is a summary of the uses directly surrounding the subject site:

	Use	Future Land Use	Zoning
North	Bellagio – Single-Family Residential (POD F) 200 DU 95.51 AC	Low Residential (LR-2) 2.10 DU/AC	Planned Unit Development (Control No. 1995-00116)
South	Atria at Villages of Windsor Nursing Facility - 100 Beds CLF Type III - 410 Residents	High Residential (HR-8) 9.48 DU/AC	Planned Unit Development (Control No. 1996-00081)
East	Town Commons – Commercial 94,900 SF Commercial Use	Multiple Land Use MLU (CH, CH-O, LR-2) FAR: 0.15	Multiple Use Planned Development (Control No. 2000-00039)
West	Bellagio – Single-Family Residential (POD F) 200 DU 95.51 AC	Low Residential (LR-2) 2.10 DU/AC	Planned Unit Development (Control No. 1995-00116)

North: Immediately north of the subject site is the Bellagio, a single-family residential community. The Bellagio retains a FLU designation of LR-2 and a Zoning designation of PUD (200 DU | 95.51 AC).

South: Immediately south of the subject site is Hypoluxo Road. Further south, is a senior living community named Atria at Villages of Windsor. The Atria at Villages of Windsor is a senior-living community with a congregate living facility, memory care center, and skilled nursing facility that houses 410 residents and additional 100 beds. This property retains a FLU designation of HR-8 with a Zoning designation of PUD. The maximum height of the development is 38 feet.

East: Immediately east of the subject site is Lyons Road. Further east is the Town Commons community shopping center – 94,900 SF. This property retains a FLU designation of MLU (CH, CH-O, LR-2) and a Zoning designation of MUPD.

West: Immediately west of the subject site is the Bellagio, single-family residential community. The Bellagio retains a FLU designation of LR-2 and a Zoning designation of PUD (200 DU | 95.51 AC).

The area immediately adjacent to the subject site is a mix of residential uses (to the north, south, and west) and nonresidential (to the east). The development pattern in the context of the larger planning area is more diverse, with higher density residential situated along Hypoluxo Road, and more intense nonresidential commercial uses clustered near intersections. While there is an increase in residential density proposed on the subject site, this increase does not alter the character of the area, nor does it create any adverse impacts on adjacent communities and it remains compatible with the development patterns established along this (and similar) corridors.

G.4 CONSISTENCY WITH DIRECTIVES, GOALS, OBJECTIVES, AND POLICIES OF THE PBC COMPREHENSIVE PLAN

The Future Land Use Element (FLUE) of the Comprehensive Plan establishes the framework for future development within Unincorporated Palm Beach County and includes Goals, Objectives and Policies which guide this future growth. Section I.C of the FLU Element also establishes County Directions which reflect the type of community residents wish to see within Palm Beach County. The Directions particularly relevant to this application include:

- **Livable Communities;**
- **Growth Management;**
- **Infill Development;**
- **Land Use Compatibility;**
- **Neighborhood Integrity; and**
- **Housing Opportunity.**

The following analysis demonstrates the proposal's consistency with the relevant Goals, Objectives and Policies of the Future Land Use Element of the Plan, as demonstrated throughout this report. Additionally, the proposed FLUA Amendment to change the MLU's FLU composition to MLU (CH & HR-8) is consistent with the development characteristics and the general development pattern of the surrounding area.

Consistency with the PBC Future Land Use Element

Goals – The proposed FLUA Amendment furthers the County's goals as further described below.

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

The proposed project adds to Palm Beach County's livable communities by offering diverse housing options for residents at compatible intensities. The proposed density and intensity provides a distribution of housing types that balance the existing uses within the area and the character of this well-traveled mixed-use intersection. The proposed use will serve the needs of the residents of the Tier as the amendment will allow for the development of varying uses, which maintains a diversity of lifestyle choices within the Urban/Suburban Tier, specifically in areas that lack a variety of land development patterns.

Objectives – The proposed FLUA Amendment furthers the County's objectives as further described below.

- **Objective 1.2 Urban/Suburban Tier – Urban Service Area**
General: “This tier is expected to accommodate the bulk of the population and its need for employment, goods and services, cultural opportunities, and recreation. It supports a variety of lifestyle choices, ranging from urban to residential estate; however, the predominant development form in the unincorporated area is suburban in character. The older, communities are primarily in municipalities, within approximately 2 miles of the Atlantic Ocean. Most of the neighborhoods within the tier are stable and support viable communities. However, due to the period in which many of the coastal communities were built and the County's efforts to keep pace with rapid growth in its western area, some of the eastern areas did not receive a full complement of urban services. If the County is to meet its primary goal to create and maintain livable communities, balance growth throughout the County, protect natural

resources and provide a variety of lifestyle choices beyond the long term planning horizon, it is imperative that land, services and facilities be used efficiently and effectively.”

This request is consistent with this Objective as the MLU (CH & HR-8) FLU is permitted within the Urban/Suburban Tier. A change in FLU designation will offer the opportunity to develop the site appropriately, given the surrounding characteristics and increased development intensity, as well as the location along a highly traveled urban collector roadway.

Objective: “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.”

The Urban/Suburban Tier is to accommodate an array of land uses and development patterns, providing a land use pattern that situates higher intensity uses (such as commercial and high residential) near intersections and along major roadways, and lower density (such as single-family residential) to the interior creating a flow in development intensities that transitions from high to low.

Thus, the proposed amendment is consistent with the above Objective. The proposed FLUA Amendment will provide housing options with appropriate density and intensity with surrounding uses.

- **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.”

The proposed FLUA Amendment will allow for the development of needed alternatives in housing types, while protecting the environment and utilizing existing infrastructure. The proposed use offers the opportunity for populations within the area to be adequately served by providing a range of housing options.

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

The proposed FLUA Amendment is consistent with the County’s diverse character and future land use designations as the proposed use will offer housing options and create a transition between higher and lower intensity uses. Furthermore, as demonstrated within this section, the proposed amendment is consistent with the applicable Goals, Objectives and Policies of the Future Land Use Element of the Comprehensive Plan and exceeding minimum code standards.

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

The subject site is located near all of the necessary urban services including, but not limited to, the roadway network, water/wastewater and drainage facilities, mass transit, opportunities, etc. The proposed development will sufficiently utilize the existing urban services within the area. Furthermore, the proposed use will provide additional services to the community to help protect the health, safety and welfare of its residents.

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

- **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.”

The proposed FLUA Amendment is consistent with this policy as it is appropriate for the site. The subject site is located within the Urban/Suburban Tier, which encourages a variety of lifestyle living choices, ranging from urban to residential estate. The MLU (CH & HR-8) designation will create an opportunity to diversify living options within the surrounding area, while ensuring the infill development is compatible with the scale, mass, intensity of use, height, and character of the existing uses and traffic intensities.

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

The site is well suited for development as it is located along an urban collector roadway, and surrounded by existing developed parcels and established infrastructure.

- **Policy 2.1-a:** “Future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area and shall also not underutilize the existing or planned capacities of urban services.”

The subject site is located near all of the necessary urban services including, but not limited to, the roadway network, water/wastewater and drainage facilities, mass transit, opportunities, etc. The proposed development will sufficiently utilize the existing urban services within the area.

- **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.”

The proposed FLUA Amendment is consistent with the County’s diverse character and future land use designations as the proposed use will offer housing options and create a transition between higher and lower intense uses. Furthermore, as demonstrated within this section, the proposed amendment is consistent with the applicable Goals, Objectives and Policies of the Future Land Use Element of the Comprehensive Plan.

- **Policy 2.1-h:** “The County shall not approve site specific FLUA Amendments that encourage piecemeal development.”

The subject site is surrounded by existing residential, public/institutional, and nearby commercial developments. As such, the proposed amendment does not encourage piecemeal development, nor does it create residual parcels.

- **Policy 2.2.2-a:** In order to discourage strip commercial development, to limit commercial development to nodes, to foster interconnectivity, and to promote the development of innovated mixed use projects inside the Urban Service Area, all new commercial future land use designations shall meet one of the following location requirements:

Intersection Location: Commercial Low, High Office, or High future land use designations shall have frontage on two built roadway segments identified as an arterial road and a collector road, or two arterial roads. Alternatively, new commercial future land use designations may be located on the north side of Southern Boulevard/State Road 80 at the intersection of Cleary Road on parcels no more than two acres in size.

Contiguous Location – All new commercial future land use designations shall be contiguous to a lot(s) with a commercial future land use designation. Contiguous is defined as lot(s) that share a common border. Lots that touch point-to-point, and lots which are separated by waterways, streets, or major easements are not considered contiguous.

Flexible Location – Mixed-use development patterns identified in the Future Land Use Element (e.g. LCC, TMD, TND) or Commercial Low-Office future land use designations may be allowed in any location along all arterial or collector roads.

Roadway classifications are listed in Figure TE 3.1, Functional Classification of Roads.

The requested future land use designation pertaining to commercial activity on the site is not intended as a new land use designation for the site, rather the proposed development program seeks to reduce the footprint and intensity of the approved commercial land use designation of the site.

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

Designating the FLU of the site to accommodate the request would not encourage the proliferation of strip commercial development. In fact, the development plan proposed seeks to integrate a mixture of residential and commercial uses to provide cohesion with the surrounding uses.

Policy 4.4.2 Multiple Land Use

- **Policy 4.4.2-a:** The Multiple Land Use (MLU) future land use designation may be applied for through the Future Land Use Atlas amendment process. The MLU is project specific and is limited to projects that demonstrate a functional integration and mix of land uses which exceeds minimum zoning code requirements.

The proposed development will comply with the Code and is required to meet buffering and setback requirements to ensure compatibility between the proposed uses and the existing residential uses nearby. Special care will be taken in the design of the property, with the built features of the proposed developed positioned in a favorable location, to minimize any potential impacts on adjacent single-family residences. Furthermore, amenities such as lakes, recreation areas, and usable open space with walking trails and multiple shade structures in the path will serve as additional separation and buffering, further limiting any impacts on adjacent uses.

- **Policy 4.4.2-b:** The following minimum standards shall apply to proposed MLU designations during the amendment review process and will be affixed to the approved MLU project in the adopting ordinance:
1. **Underlying Land Use Designations:** The MLU is an umbrella category which requires a minimum of two different future land use designations at least one of which shall be residential. The project shall have minimum and maximum intensities/densities for each land use.

The proposed change to the existing FLU designation of the subject site will continue to provide multiple land use designations throughout the site. The proposed FLU configuration of MLU (CH & HR-8) is consistent and in compliance with this policy.

The following criteria shall apply towards the land use designations:

- **Residential Density:** The maximum number of units for the parcel shall be calculated by multiplying the total acreage of the parcel by the density permitted through the residential designation. Additional density may be allowed, through the Transfer of Development Rights program, the Workforce Housing Program, or the Affordable Housing Program following an approval of an MLU project.
- **Non-residential Intensity:** The maximum intensity for each proposed non-residential use shall be calculated by assigning all non-residential uses a percentage of the total site area, not to exceed 100%. The maximum intensity for each of the projects non-residential land use designations may be reduced by the County, during the review process considering the extent of integration of uses within the project.

The proposed changes to the existing MLU FLU mix from MLU (CH, LR-2) to MLU (CH, HR-8) complies with the land use designation criteria set forth by policy 4.4.2-b. The proposed changes to the acreage thresholds, densities, and intensities are outlined below:

Previously Approved Acreages, Intensities and Densities

Land Use	Acreage	Intensity/Density	
		Minimum	Maximum
CH	8.0 ac – 11.00 ac 11.0 ac – 16.0 ac	80,000 SF (retail) 10,000 SF (Office)	96,870 SF 112,800 SF (retail) 20,000 Sf (office)
CH-0	3.0 ac – 6.0 ac	50,000 SF	76,450 SF
LR-2	10.8 ac – 16.0 ac	60 units	80 units
Open Space	4.0 ac – No Max.	N/A	N/A
Lake Tracts	4.18 ac – 6.18 ac	N/A	N/A
Total Acres	40 acres		

Proposed Changes to Previously Approved Acreages, Intensities and Densities

Land Use	Acreage Range Min. - Max.	Intensity/Density	
		Minimum	Maximum
CH	11.0 ac – 16.0 ac 3.0 ac. - 6.0 ac.	80,000 sf (Retail) 10,000 sf (Office) 30,000 sq.ft. (Commercial)	112,800 sf (Retail) 20,000 fl (Office) 45,000 sq.ft. (Commercial)
LR-2 HR-8	10.8 ac – 16.0 ac 34.0 ac. - 37.0 ac.	60 units 240 units (6 du/ac)	80 units 320 units (8 du/ac)
Open Space	4.0 ac. - no max	* Part of both land uses	
Lake Tract	4.18 ac – 6.18 ac 4.0 ac. - 6.0 ac.	* Part of both land uses	
Total Acres	40.0 ac.		

2. Conceptual Master Plan: The project shall include a conceptual master plan, which depicts (in a generalized or conceptual map format) the location of the various land uses, specifically including the location of open spaces and linkages which functionally integrate the different land use categories. The conceptual master plan shall comply with the following criteria:

- Land Use Integration: The project must demonstrate functional integration between the project's land uses in the master plan. To facilitate integration, the placement of an interconnected system of streets within both the residential and non-residential components is required.

The proposed project will provide the functional integration between the proposed land uses throughout the site for both vehicular and non-vehicular circulation. Usable open space, ample pedestrian connectivity, and an interconnected system of streets will facilitate the cohesive integration of the uses proposed on the site.

- Open Space: At a minimum, 10% of the property must be committed to usable open space (as defined by the Introduction and Administration Element). Open space must functionally integrate the project's land uses and may be applied to the recreation and/or parks requirements or other required civic dedication of land during the development review/re-zoning process, excluding right of way dedication. Water retention, lakes, drainage, and canals shall not be considered usable open space.

The proposed project exceeds the usable open space requirement set forth by this policy. The conceptual master plan depicts 11.1% or 4.43 acres of usable open space. The open space is functionally integrated into the overall site and provides for the facilitation of integrated uses within the site.

- Pedestrian Oriented/Non-vehicular Pathways: The master plan must include a pedestrian/non-vehicular circulation system that integrates the project's land uses and open spaces. All rights-of-way or parking access drives must have shaded pedestrian pathways.

The proposed development program provides an ample and integrated pedestrian/non-vehicular circulation system throughout the site.

- Mass Transit: The project and master plan must provide for mass transit and/or public transportation facilities.

The proposed development is in compliance with the standards set forth by the Code and the Plan by providing connectivity and adequate facilities for the integration of mass transit/public transportation from within the site. A 10' by 30' Palm Tran easement has been provided on site and will serve the residents and patrons of the proposed land uses on the subject site.

3. Exceeding Code Requirements: The project must demonstrate that it exceeds minimum requirements in the ULDC and may concurrently submit an application for the Zoning review process for the entire site. In the event of a conflict between the project's development standards or design guidelines and the existing ULDC requirements, the more restrictive requirement shall prevail.

The proposed development exceeds code requirements in two general approaches: 1) to minimize adverse impacts on surrounding residents and neighborhoods, and 2) provide a cohesive integration of land uses, open space and recreation areas, pedestrian circulation, and interconnected roadways internal to the site. One such site design consideration that has been integrated into the site is the placement of the lake-tract area and increased buffer width along the northern edge of the property. These elements help to alleviate any adverse impacts on the surrounding residential uses.

G.5 Compliance with Florida Statutes Chapter 163.3177

Florida Statute, Chapter 163.3177 is the principle state statute governing the comprehensive plans and plan amendments for all of the Counties within the State of Florida. In 2011, Chapter 163, F.S. was substantially revised and Rule 9J-5 was repealed and removed from the Florida Administrative Code (House Bill 7207). Today, Chapter 163.3177(1) (f) states, "all mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government, that may include but not be limited to, surveys, studies, community goals and vision, and other data available on that particular subject at the time of adoption of the plan or plan amendment at issue."

The data and analysis presented in this application and justification statement support the request for amendment of the FLUA and demonstrate consistency with the Florida Statutes.

163.3177 – 6.a. Requires that a local government's future land use plan element be based on a number of factors, including population projections, the character of undeveloped land, availability of public services and other planning objectives.

The subject site creates an opportunity for development within the County's Urban/Suburban Tier. The development proposal offers a diversity of residential and commercial uses. Development of these uses in this location will allow the user to take advantage of existing infrastructure and PBC services, while maximizing an underutilized piece of land.

Conclusion

The requested FLUA Amendment from MLU (CH and LR-2) to MLU (CH and HR-8) is justified and consistent with the Palm Beach County Comprehensive Plan, State of Florida laws, and is compatible with surrounding uses. The subject site is in an ideal location in which to promote development. The current development program offers a diversity of uses including residential and commercial components. The development of these uses at this location improves an underutilized land area that is surrounded on all sides by the built environment. Like the other land areas analyzed earlier in this report, density at this level is established in other areas of the County, and has proven to be compatible and harmonious. The proposed FLUA amendment proposes significantly less commercial development provides for the development of multifamily apartments and townhomes, with special care being taken in the design, to negate any impacts on adjacent areas. Through the Zoning application, design considerations and conditions of approval will be utilized to ensure proper buffering.

On behalf of the applicant, WGI, respectfully requests approval of this request to amend the FLUA designation on the subject site.



**Water Utilities Department
Engineering**

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



**Palm Beach County
Board of County
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Mack Bernard, Vice Mayor
Hal R. Valeche
Paulette Burdick
Dave Kerner
Steven L. Abrams
Mary Lou Berger

County Administrator

Verdenia C. Baker

February 16, 2018

WGI
2035 Vista Parkway
West Palm Beach, FL 33411

RE: Windsor Place
PCN 00-42-43-27-05-043-0240
Service Availability Letter

Dear Ms. Libes,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for the existing FLU designation of MLU (CH & LR-2) and a Zoning District of MXPDP (Mixed Use Planned Development) and the proposed FLU designation of 34 acres of HR-8 (High Residential, 8 units per acre) and 6 acres of CH/8 (Commercial High with an underlying 8 units per acre).

The nearest potable water is a 42" watermain located within Lyons Rd. right of way, a 24" watermain located within Hypoluxo Rd right of way and a 4" watermain in Caserta St. right of way. There is a 12" sanitary sewer forcemain located within Hypoluxo Rd right of way adjacent to the subject property.

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

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

Sincerely,

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

Jackie Michels, P.E.,
Plan Review Manager



CAULFIELD & WHEELER, INC.

Consulting Engineers • Surveyors & Mappers

Celebrating
35
years

Engineering EB0003591

Surveying LB0003591

Landscape Architecture LC0000318

February 1, 2018

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

Subject: Drainage Statement
Windsor Place
NW Corner of Lyons Road and Hypoluxo Road
Palm Beach County, Florida

Dear Mrs. Keller:

Windsor Place is a 40 acre mixed-use development which is part of the previously permitted 531 acre Towne Park (SFWMD No. 50-04620-P). The drainage system for the proposed "Windsor Place" project will consist of culverts, structures, exfiltration trenches, and wet detention areas, which will have two restricted discharge connections to the Towne Park Master System.

The project is within the SFWMD C-16 Basin, and the site will comply with the C-16 basin criteria, which allows a maximum discharge rate of 62.4 CSM (cubic feet per square mile) during the 25yr-72hr design storm. Internal control structures will retain runoff in the proposed exfiltration trenches which provide pretreatment for the commercial portion of the site. Overflow from these structures will be conveyed into the proposed wet detention areas which also collect runoff from the residential portion of the site.

Two control structures are proposed to restrict discharge from this 40 acre development to Towne Park. The control structures consists of v-notches with inverts at the control elevation for the site of 16.0 feet-NGVD. The required water quality treatment for the entire 531 acre Towne Park System including the subject project is 44.25 Ac-ft which is provided via existing and proposed wet detention facilities.

Page 2 – Windsor Place
Drainage Statement

The site will be designed so that the minimum roadway elevations will be at or above the peak stage from the 10yr-1 day design storm and the minimum proposed finished floors will be set at or above the peak stage from the 100yr-72hr zero discharge design storm, as required by code.

Submitted By:
Caulfield & Wheeler, Inc.

**Ryan
Wheeler**

Digitally signed by Ryan Wheeler
DN: c=US, st=Florida, l=Boca
Raton, ou=Engineering,
o=Caulfield & Wheeler, Inc.,
cn=Ryan Wheeler,
email=ryan@cwiasoc.com
Date: 2018.02.01 16:37:02 -05'00'

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

RDW:rw

P:\04042-00-00-00 NAVD88\Eng Docs\Drainage Statement\02.01.18_4042_Drainage Statement.doc



Fire Rescue

Interim Chief Michael Mackey

405 Pike Road

West Palm Beach, FL 33411

(561) 616-7000

www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

Melissa McKinlay, Mayor

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Hal R. Valeche

Paulette Burdick

Dave Kerner

Steven L. Abrams

Mary Lou Berger

County Administrator

Verdenia C. Baker

February 1, 2018

WGI

Lindsay Libes

2035 Vista Parkway

West Palm Beach, FL 33411

Re: Windsor Place
PCNS: 00-42-43-27-05-043-0240

Dear Lindsey Libes:

Per your request for response time information to the subject property located at the NW corner of Hypoluxo Road and Lyons Road. This property is served currently by Palm Beach County Fire-Rescue station #48, which is located at 8560 Hypoluxo Road. The subject property is approximately .75 miles from the station. The estimated response time to the subject property is 4 minutes. For fiscal year 2017, the average response time (call received to on scene) for this stations zone is 7:58.

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

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

Sincerely,

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

Cheryl Allan, Planner
Palm Beach County Fire-Rescue

*"An Equal Opportunity
Affirmative Action Employer"*

Official Electronic Letterhead

**Phase I Environmental
Site Assessment**
39.70 Acre Windsor Place Parcel
NW of Hypoluxo and Lyons Roads
Lake Worth, Florida

File No. 53211.00

Prepared for and Certified to:

HATZLACHA-WP HOLDINGS, LLC
7593 Boynton Beach Boulevard, Suite 220
Boynton Beach, FL 33437

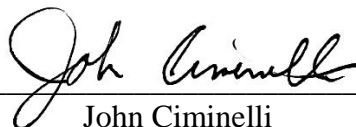
AND

City National Bank of Florida

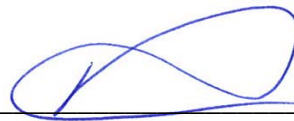
"The undersigned declare we meet the definition of an environmental professional, as provided in the Final AAI Rule (40 CFR Part 312.10), and have performed the all appropriate inquiries in general conformance with the standards and practices set forth in the Final AAI Rule."

Prepared by:

Solutech, Inc.
5841 Corporate Way, Suite 102
West Palm Beach, FL 33407

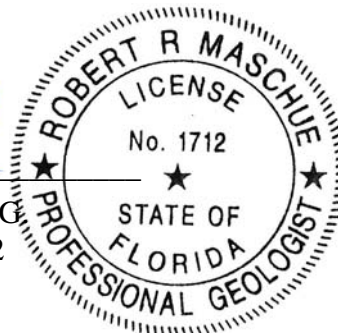


John Ciminelli
Senior Consultant



Robert R. Maschue, P.G.
FL License No. 1712

December 15, 2017



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Executive Summary

Mr. Charles Scardina, with Hatzlacha-WP Holdings, LLC (Hatzlacha-WP), retained Solutech, Inc. (Solutech) to conduct a Phase I Environmental Site Assessment (ESA) of the vacant 39.7 +/- Acre Windsor Place Parcel, northwest of the intersection of Hypoluxo and Lyons Roads, Lake Worth (unincorporated Palm Beach County), Florida (“the subject property”). The primary objective of the Phase I ESA was to provide an independent, professional opinion regarding *recognized environmental conditions* (RECs), *historical recognized environmental conditions* (HRECs), *controlled recognized environmental conditions* (CRECs), and *business environmental risks* (BERs) that may be associated with the subject property. The scope of services was conducted under an *Agreement for Environmental Services* between Hatzlacha-WP and Solutech, which includes the terms and conditions under which the work was performed. The site walk through took place December 8, 2017.

Solutech conducted the Phase I ESA according to 40 CFR Part 312 *Standards and Practices for All Appropriate Inquiries* (AAI) and the scope and limitations of American Society for Testing and Materials (ASTM) E1527-13, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*. Report Sections 1.2 and 8.0 outline exceptions, additions and deletions from the protocol.

The 39.7 +/- acre subject property (Parcel Control No. 0042327050430240) includes wooded and cleared land northwest of the intersection of Hypoluxo and Lyons Roads, approximately 1.0-mile west of Florida’s Turnpike, and 0.75-miles east of SR 7/US 441 (Figure 1, Figures Tab). The southern cleared half of the property was historically used for the propagation of row crops, with a central depression (wetland) and northern filled and re-forested area. In 1940, the site was a freshwater marsh. The southern portion of the property remains cleared and grass covered, while the northern portions of the site are heavily overgrown and wooded.

Surrounding land use is residential, with a commercial shopping center east of Lyons Road (Figure 2, Figures Tab). The parcel was not listed in government regulatory agency databases searched during this Phase I ESA (Appendix C; Sections 4.0/4.1).

Recognized Environmental Conditions (RECs)

Based on our December 8, 2017, site walk-through, historic data collection, and regulatory agency file review, there were no *recognized environmental conditions* (RECs) as defined by ASTM, found to be associated with the subject property.

Historical Recognized Environmental Conditions (HRECs)

An HREC as defined by ASTM E1527-13 is an environmental condition that in the past would have been identified as a REC, but has been adequately addressed by the regulatory agency having jurisdiction over the matter, and therefore no longer represents a REC. Solutech did not identify any HREC's during this Phase I ESA.

Controlled Recognized Environmental Conditions (CRECs)

A CREC as defined by ASTM E1527-13, is a REC resulting from a past *release of hazardous substances or petroleum products* that has been allowed to remain in-place by the applicable regulatory agency, subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional or engineering controls). Solutech did not identify any CREC's during this Phase I ESA.

Business Environmental Risks (BERs)

A BER as defined by ASTM E1527-13 is a non-scope consideration that may present a material environmental impact on the business associated with the current or planned use of the subject property. The central depressional area is identified on the National Wetlands Inventory (USFWS 2017) as a Palustrine, Forested Broad-leaved Deciduous, seasonally-flooded wetland (PFO1C). This 6.0 +/- acre area also corresponds to hydric soils classified as Tequesta muck, Riviera depressional and Boca sand (McCollum, et al. 1978). Since the area is greater than 0.50-acres, Wetlands Assessment and Delineation will be required during Environmental Resource Permitting (ERP) according to applicable US Army Corps of Engineers (USACE) and South Florida Water Management District (SFWMD) delineation criteria.

Additional upland issues include protection of native tree species (i.e., Slash pine) according to Article 14 of the Palm Beach County Unified Land Development Code (ULDC). A tree survey including all native, non-native and palm trees will be required prior to site plan approval and clearing.

Conclusions and Recommendations:

There were no REC's, HREC's, CREC's identified during performance of this Phase I ESA. Central portions of the property are contained in the National Wetlands Inventory (USFWS 2017), and are subject to USACE and SFWMD wetlands assessment and mitigation guidelines. These areas are also subject to native tree species protection under Article 14 of the Palm Beach County ULDC.

1.0 INTRODUCTION

Mr. Charles Scardina, with Hatzlacha-WP Holdings, LLC (Hatzlacha-WP), retained Solutech, Inc. (Solutech) to conduct a Phase I Environmental Site Assessment (ESA) of the vacant 39.7 +/- Acre Windsor Place Parcel, northwest of the intersection of Hypoluxo and Lyons Roads, Lake Worth (unincorporated Palm Beach County), Florida (“the subject property”). The primary objective of the Phase I ESA was to provide an independent, professional opinion regarding *recognized environmental conditions* (RECs), *historical recognized environmental conditions* (HRECs), *controlled recognized environmental conditions* (CRECs), and *business environmental risks* (BERs) that may be associated with the subject property. The scope of services was conducted under an *Agreement for Environmental Services* between Hatzlacha-WP and Solutech, which includes the terms and conditions under which the work was performed.

1.1 PURPOSE

The primary objective of the Phase I ESA was to provide an independent, professional opinion regarding RECs, HRECs, CRECs and BERs that may be associated with the subject property. According to American Society for Testing and Materials (ASTM) Standard Practice E1527-13, Section 1.1.1, the term *recognized environmental condition* means “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property due to: (1) any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.”

An HREC as defined by ASTM E1527-13 is an environmental condition that in the past would have been identified as a REC, but has been adequately addressed by the applicable

regulatory agency having jurisdiction over the matter, and therefore no longer represents a REC. A CREC as defined by ASTM E1527-13 is a REC resulting from a past *release of hazardous substances or petroleum products* that has been allowed to remain in-place by the applicable regulatory agency, subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls). A BER as defined by ASTM E1527-13 is a non-scope consideration that may present a material environmental impact on the business associated with the current or planned use of the subject property.

1.2 METHODOLOGY USED AND EXCEPTIONS

The Phase I ESA was conducted in general conformance with 40 CFR Part 312 *Standards and Practices for All Appropriate Inquiries* (AAI) and ASTM Designation E1527-13, *Standard Practice for Environmental Assessments: Phase I Environmental Site Assessment Process*, and included the following general components:

- A walk-through assessment of the subject property;
- A review of pertinent records for evidence of present and historical use of the subject and adjacent properties;
- A review of available government regulatory agency database information for sites of potential environmental concern listed within ASTM recommended search distances from the subject property;
- Interviews with local and State government officials; and
- An evaluation of the information gathered and development of this report.

This Phase I ESA does not include sampling or analysis of air, vapor intrusion, soil and groundwater, vegetation, asbestos containing building materials, mold and mildew, Chinese

drywall, radon, and lead in paint or drinking water. Although ASTM references a 50-year chain-of-title search and AAI includes an environmental cleanup lien search, these services were not performed during the preparation of this document at the request of the Client. We will review any title work performed by others if requested by the Client later, at an additional cost.

Mr. John Ciminelli, Solutech Senior Environmental Scientist, performed the site walk-through December 8, 2017, unaccompanied. Photographs taken during the walk-through are contained in Appendix A. The Phase I ESA report was prepared by Mr. Ciminelli and reviewed by Mr. Robert R. Maschue, P.G. (Florida License No 1712). Mr. Ciminelli and Mr. Maschue satisfy the AAI definition of Environmental Professional as provided in the Final AAI Rule (40 CFR Part 312.10), and have performed all appropriate inquiries in general conformance with the standards and practices set forth in the Final AAI Rule. Resumes of the individuals involved in the preparation of this document are contained in Appendix D.

1.3 SOURCES OF INFORMATION

Information required to complete the Phase I ESA was obtained from interviews with local government officials, a review of Federal and State records, and other references cited at the end of this document. This information, to the extent it was relied on to form our opinion, was assumed complete and correct. Solutech is not responsible for the quality or content of information from these sources.

1.4 USER SUPPLIED INFORMATION

The User, Mr. Charles Scardina (Hatzlacha-WP Holdings, LLC), has no knowledge of liens, valuation reduction or environmental issues. He provided copies of prior Phase I ESA's

(GLE 2003; 2006). He requested this Phase I ESA as part of due-diligence proceedings for real estate refinancing. A User Questionnaire was completed on his behalf (Appendix D).

2.0 PROPERTY DESCRIPTION

The 39.7 +/- acre subject property (Parcel Control No. 0042327050430240) includes wooded and cleared land northwest of the intersection of Hypoluxo and Lyons Roads, approximately 1.0-mile west of Florida's Turnpike, and 0.75-miles east of SR 7/US 441 (Figure 1, Figures Tab). The southern cleared half of the property was historically used for the propagation of row crops, with a central depression (wetland) and northern filled and re-forested area. The southern portion of the property remains cleared and grass covered, while the northern portion of the site is heavily overgrown with Brazilian pepper (*Schinus terebinthifolius*), Australian pine (*Casuarina spp.*) and Slash Pine (*Pinus elliotti var. densa*).

2.1 SITE AND VICINITY CHARACTERISTICS

The central depressional area is identified on the National Wetlands Inventory (USFWS 2017) as a palustrine forested broad-leaved deciduous seasonally flooded wetland (PFO1C). This area also corresponds to hydric soils classified as Tequesta muck, Riviera depressional and Boca sand (McCollum, et al. 1978). The approximate area of the designated wetland (USFWS-NWI) is 6.0-acres. The northern half of the property is heavily wooded and contains native and non-native invasive trees and understory.

Storm water percolates into near surface sandy soils with some runoff to adjacent roadways. Electrical service is provided by Florida Power and Light (FPL) through pad-mounted transformers in utility easements. Water and sewer service is provided by Palm Beach County Water Utilities. Surrounding land use is residential, with a commercial shopping center east of Lyons Road (Figure 2, Figures Tab), and includes:

North: Bellaggio Single Family Residential

East: Lyons Road followed Vellaggio Single Family Residential and Town Commons Shopping Center (6860 Lyons Road / 8785 Hypoluxo Road)
South: Hypoluxo Road followed by Atria at Villages of Windsor Apartments
West: Bellaggio Storm Water Pond

Adjacent properties do not present an environmental concern to the subject property at this time (Figure 2, Figures Tab; Section 4.0).

2.2 GEOLOGY/HYDROGEOLOGY

The subject property is located in the Gold Coast and Florida Bay Physiographic Province (Brooks 1981). According to the United States Geological Survey (USGS 1983), the subject property is flat at an approximate elevation of 19-feet above sea level based on the National Geodetic Vertical Datum of 1929 (Figure 3E, Figures Tab). Central hydric soils are classified as Tequesta muck, Riviera depressional and Boca sand, with the balance of the property including Riviera, Wabasso and Oldsmar fine sands (McCollum et al. 1978).

The Surficial Aquifer System is the main source of potable water in Palm Beach County. The Surficial Aquifer System is comprised of several stratigraphic units, which include the basal Caloosahatchee Marl (Pliocene) up to the surficial Pleistocene sands of the Atlantic Coastal Ridge. Discharge from the unconfined, nonartesian Surficial Aquifer System occurs through groundwater flow to the Atlantic Ocean, public wellfield pumping, and evapotranspiration (Shine, et al. 1989). The depth to groundwater in the site area is approximately 5 to 6-feet with shallow flow southeast towards the Atlantic Intracoastal Waterway.

3.0 HISTORICAL RECORDS REVIEW

The land use history of the site area was reviewed for information concerning past owners or operators who may have stored, handled, generated, or discharged hazardous materials or wastes and/or petroleum products. The information was compiled from the following sources:

- 1. City Directories:** The site has been vacant agricultural land and improved pasture as early as 1948, and there are no City Directory address listings for the site, other than recent residential and shopping center listings east.
- 2. Aerial Photographs:** Aerial photographs of the site and surrounding area were obtained from the Florida Department of Environmental Protection (FDEP 1940), Florida Department of Transportation (FDOT 1964, 1969, 1973, 1975, 1986 and 1991), and Google Earth (1995, 1999, 2002, 2004, 2005, 2006, 2009, 2014, 2016 and 2017; Appendix B).
- 3. Fire Insurance Maps:** Sanborn Fire Insurance Maps are not available for the site and surrounding area.
- 4. Topographic Maps:** USGS (1945, 1950, 1967, 1973, 1983, 2012 and 2015) Greenacres, Florida, 7.5-Minute Series Topographic Quadrangle Maps were reviewed (Figures 3A to 3G, Figures Tab).
- 5. Title Search Report:** A chain-of-title summary was not prepared by Solutech, and the Client did not provide one.
- 6. Environmental Lien Search:** An environmental lien search was not prepared by Solutech and one was not provided by the Client.
- 7. Prior Reports:** Prior Phase I ESA's (GLE 2003; 2006) were provided for review (Appendix B).
- 8. Interviews:** Interviews were conducted with Mr. Charles Scardina (Hatzlacha-WP Holdings, LLC) and local and State government agencies.

Aerial photographs (1940, 1964, 1969, 1973, 1975, 1986, 1991, 1995, 1999, 2002, 2004, 2005, 2006, 2009, 2014, 2016 and 2017), topographic maps (1945, 1950, 1967, 1973, 1983, 2012 and 2015), prior reports (GLE 2003; 2006), and property records maintained by Palm Beach County were reviewed. The Palm Beach County Property Appraiser lists site ownership as Windsor Place Acquisition LLC (Appendix B).

Aerial imagery from 1940 depicts the subject property and surrounding areas as a freshwater marsh with road infrastructure under construction. The southern cleared half of the property was historically used for the propagation of row crops as early as 1948, with a central depression (wetland) and northern improved pasture. The southern portion of the property remains cleared and grass covered, while the northern portions of the site have become heavily overgrown and wooded. Available historic information satisfies ASTM E1527-13, Section 8.3.2 *Uses of the Property* which states: *all obvious uses of the property shall be identified from the present back to the property's first developed use, or back to 1940, whichever is earlier.*

3.1 CITY DIRECTORIES

The site has been vacant agricultural land and improved pasture as early as 1948, and there are no City Directory address listings for the site, other than recent residential and shopping center listings east.

3.2 AERIAL PHOTOGRAPHS

Aerial photographs of the site and surrounding area were obtained from FDEP (1940), FDOT (1964, 1969, 1973, 1975, 1986 and 1991) and Google (1995, 1999, 2002, 2004, 2005, 2006, 2009, 2014, 2016 and 2017). The aerial photographs are contained in Appendix B and summarized as follows:

- FDEP 1940:
The subject and adjacent properties are undeveloped Florida flatwoods and freshwater marsh areas. Road infrastructure construction grading is visible in the southern portion of the site.

- FDOT 1964/69/73/75:
The site and surrounding area have been drained with ditches and plowed for the propagation of row crops. There are two (2) unplowed wet, depressional areas and a ditch roughly in the center of the site. By 1973, two ponds have been excavated north and the material spread over the northern half of the site and property adjacent north.
- FDOT 1986/91; Google 1995/99:
The southern half of the property remains plowed for the propagation of row crops. Two (2) long and narrow borrow-pits are visible south of future Hypoluxo Road. Property north is under development as single family residential in 1986 and 1991. By 1995, these developments are no longer active.
- Google 2002/04/05/06/09/14:
Bellaggio is under construction northwest, Vellaggio northeast, and Town Commons southeast, with construction completed by 2005. Fill placement is visible on the south half of the site in 2006
- Google 2016/17:
The site is similar to existing conditions. Atria Apartments are under construction in 2016, with substantial completion by 2017.

The southern cleared half of the property was historically used for the propagation of row crops, with a central depression (wetland) and northern filled and re-forested area. The southern portion of the property remains cleared and grass covered, while the northern portions of the site are heavily overgrown and wooded. No readily apparent evidence of *recognized environmental conditions* was noted on the aerial photographs reviewed.

3.3 FIRE INSURANCE MAPS

Sanborn Fire Insurance Maps are not available for the site or surrounding area.

3.4 TOPOGRAPHIC MAPS

USGS (1945, 1950, 1967, 1973, 1983, 2012 and 2015) Greenacres, Florida, 7.5-Minute Series Topographic Quadrangle Maps were reviewed (Figures 3A to 3G, Figures Tab). The 1945 through 1983 topographic maps depict a low, wet depressional area in the center of the site, with drainage ditches southwest. The 2012 and 2015 orthophoto maps depict the site and surrounding area similar to current, except the apartments have yet to be constructed south. No readily apparent evidence of *recognized environmental conditions*, as defined by ASTM, was noted on the topographic maps reviewed.

3.5 TITLE SEARCH REPORT

Solutech did not prepare a chain-of-title summary and the Client did not provide one. The Palm Beach County Property Appraiser lists the current Owner as Windsor Place Acquisition, LLC. Property ownership records were obtained from the Palm Beach County Recorder and are contained in Appendix B. Available ownership records do not present an environmental concern to the subject property at this time.

3.6 ENVIRONMENTAL LIEN SEARCH

An environmental lien search was not prepared by Solutech and one was not provided by the Client.

3.7 PRIOR REPORTS

Prior Phase I ESA's (GLE 2003; 2006) were provided for review (Appendix B). GLE did not identify any *recognized environmental conditions* during preparation of either document.

The reports were prepared according to the former ASTM E1527-05 guideline, which did not require addressing potential *business environmental risks*, such as wetland and upland issues.

3.8 INTERVIEWS

Interviews were conducted with Mr. Charles Scardina (Hatzlacha-WP Holdings, LLC) and local and State government agencies. Mr. Scardina has no knowledge of liens, valuation reduction or environmental issues. He requested this Phase I ESA as part of due-diligence proceedings for real estate refinancing, and provided copies of prior Phase I ESA's (GLE 2003; 2006). Additional interviews with local and State government agencies are provided in Section 4.1.

4.0 STANDARD ENVIRONMENTAL RECORD SOURCES, FEDERAL, STATE, AND LOCAL

Readily available government database information was reviewed to evaluate both the subject property and sites listed within ASTM recommended search distances (Appendix C). The subject property is not listed in the databases reviewed (Envirosearch 2017). Database listings for nearby sites, within ASTM recommended search distances, are further discussed in the following sections.

Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS)

CERCLIS contains data on potentially hazardous waste sites reported to the United States Environmental Protection Agency (USEPA) by State or local government agencies, or private individuals or companies, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLIS contains facilities or sites proposed for inclusion in the National Priority List (NPL), or are within the screening and assessment phase for inclusion in the NPL. There are no CERCLIS sites within 0.50 miles of the subject property (Envirosearch 2017).

National Priorities List (NPL)

The Federal NPL is a subset of CERCLIS, and contains facilities within the United States having the highest cleanup priority ranking. There are no Federal NPL facilities listed within 1.0 mile of the subject property (Envirosearch 2017).

Emergency Response Notification System (ERNS)

The subject property has not reported any release of toxic or hazardous substances to the United States Coast Guard, Palm Beach County Fire/Rescue, or the Treasure Coast Regional Planning Council and is not listed in the ERNS Database (Envirosearch 2017).

Resource Conservation and Recovery Information System (RCRIS)

The Resource, Conservation and Recovery Act Information System (RCRIS) includes data on sites that generate, transport, store, treat and/or dispose of hazardous substances or waste as defined by the Federal Resource, Conservation and Recovery Act (RCRA) of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984. Sites can be listed as treatment storage and disposal (TSD) facilities, large quantity generators (LQG), small quantity generators (SQG), or conditionally exempt small quantity generators (CESQG). CESQG facilities generate less than 100 kilograms of hazardous waste in a calendar month, SQG facilities produce between 100 kilograms (220 pounds) and 1,000 kilograms (2,200 pounds), and LQG facilities produce greater than 1,000 kilograms in a calendar month. There are no registered TSD facilities listed within 0.50 miles of the subject property, and no LQG, SQG or CESQG within 0.25 miles (Envirosearch 2017).

Registered and Leaking Underground Storage Tanks (LUST)

The Florida Department of Environmental Protection (FDEP) Underground/Aboveground Storage Tank (UST/AST) Database was reviewed for registered storage tanks within 0.25 miles of the subject property, and leaking USTs (LUST) and ASTs (LAST) within 0.50 miles of the subject property. There are no LUST/LAST sites listed within 0.50-miles, and one AST facility listed within 0.50 miles (Envirosearch 2017) as follows:

Site	Address	Distance (Feet)	Direction	Groundwater Gradient	Status
Publix Super Market #184	8899 Hypoluxo Road	602	East	Down	<u>AST In-Service</u> 1,000-gal Diesel Emergency Generator

The listed facility does not present an environmental concern to the subject property based on distance, groundwater gradient, or regulatory agency cleanup status (Envirosearch 2017).

Dry Cleaning Operations/Priority Cleaners

There are no dry cleaners or Florida Priority dry cleaners listed within 0.25 and 0.50 miles of the subject property, respectively (Envirosearch 2017). There is a dry cleaner in the Town Commons Shopping Center east, which is a pick-up and drop-off only location.

Tribal Records

There are no Indian Reservations (>640 acres), Indian UST Sites, or Indian LUST Sites listed within ASTM recommended search distances (Envirosearch 2017).

Engineering and Institutional Controls (EIC) Database

The EIC database is a registry of all listed Federal and State sites which are subject to engineering or institutional controls. Engineering and institutional controls encompass a variety of remedies to contain and/or reduce contamination, and/or physical barriers intended to limit property access or exposure. There are no EIC facilities listed within 0.50 miles of the subject property (Envirosearch 2017).

Brownfields

Brownfields are sites or groups of sites where the expansion, redevelopment, or reuse of the property may be complicated by the perceived presence of environmental impairments. The Brownfields Program was developed by USEPA to encourage neighborhood revitalization. There are no Federal or State Brownfields listed within 0.50 miles of the subject property (Envirosearch 2017).

Solid Waste Facilities / Solid Waste Disposal Sites

There are no solid waste facilities listed within 0.50 miles of the subject property and no hazardous waste disposal facilities within 1.0 mile (Envirosearch 2017).

Florida (FDEP) Sites List (CS – FL)

This summary status report is a compilation and revision of other existing lists. It was developed from a number of lists including the Eckhardt list, the Moffit list, the EPA Hazardous Waste Sites list, EPA's Emergency and Remedial Response Information System list (RCRA Section 3012), and existing department lists such as the Obsolete Uncontrolled Hazardous Waste Sites list. The purpose of this list is to track the progress of activities within and outside the FDEP as they relate to listed cleanup sites. There are no Florida Sites facilities listed within 1.0 mile of the subject property (Envirosearch 2017).

FL DWM CONTAM

The FDEP Department of Waste Management Contaminated (FL DWM CONTAM) sites are a list of active or known sites that require cleanup, but are not actively being worked on because the agency does not have funding. These are primarily petroleum and dry cleaning

sites. There are no FL DWM CONTAM sites listed within 0.50 miles of the subject property (Envirosearch 2017).

Other Ascertainable Records

Unmapped Sites

Unmapped sites due to poor or inadequate address information are placed in an unmapped list (Envirosearch 2017). Solutech performed a site reconnaissance of properties within 1.0 mile of the subject property and could not identify any of the facilities on the unmapped list.

4.1 AGENCY CONTACTS

Palm Beach County Fire Rescue Department

The Palm Beach County Fire/Rescue Department was contacted regarding past fires, spills, or accidental releases of hazardous materials on or around the subject property. No incidences are on record at the fire department.

Palm Beach County Environmental Resource Management (ERM)

ERM was contacted for storage tank and other regulatory information regarding the subject property. According to a representative, there are no agency files for the subject property.

Florida Department of Health and Rehabilitative Services

The State of Florida Department of Health (DOH) and Rehabilitative Services (HRS), Palm Beach County Public Health Unit was contacted regarding any open compliance or enforcement files regarding the subject property. According to a DOH representative, no open records were found for the subject property.

Florida Department of Environmental Protection (FDEP)

The FDEP Oculus Records Management System was accessed for information concerning the site and nearby facilities. In addition, the FDEP Map Direct website was reviewed for environmental permits or environmental enforcement activity at the subject property and adjacent properties. No records were found for the site or properties within 0.50-miles of the site.

5.0 SITE INSPECTION

Mr. John Ciminelli, Solutech Senior Environmental Scientist, performed the site walk-through December 8, 2017, unaccompanied. Photographs taken during the walk-through are contained in Appendix A.

5.1 HAZARDOUS MATERIALS AND WASTES

The subject property was assessed for signs of storage, use, or disposal of hazardous materials and wastes. The assessment consisted of looking for evidence (i.e., drums, tanks, staining, and unusual vegetation patterns) indicating that hazardous materials and wastes are currently, or were previously located onsite. No such evidence was observed.

5.2 STORAGE TANKS

No readily apparent evidence of regulated petroleum storage tanks (e.g., fill ports, vent lines) was observed at the subject property. Additionally, there are no records indicating there are, or have been regulated storage tanks at the subject property (Sections 4.0/4.1).

5.3 SOLID WASTE DISPOSAL

There is no historic or current evidence that trash dumping has occurred at the subject property (e.g., USGS topographic maps, historic aerial photos). No evidence of solid waste dumping or disposal was observed.

5.4 UTILITIES

Existing area infrastructure includes:

- Palm Beach County provides potable water and sanitary sewer service connections.
- Florida Power and Light provides electrical service.
- Storm water percolates into near surface sandy soils with some runoff to adjacent roadways.

5.4.1 PCB-Containing Equipment

The subject property was inspected for the presence of liquid cooled electrical units (e.g., transformers, capacitors). Such equipment may be potential PCB sources, which may subject the owner/operator to various regulatory requirements under the Toxic Substances Control Act (TSCA), and State of Florida regulations. The release of PCB fluids or their combustion products (in the event of spillage or fire) are potential environmental liabilities that may require costly remediation. Unlabeled pad-mounted electrical transformers owned by FPL are located in utility easements. No staining was noted around the transformers. Unlabeled transformers are considered by regulation to contain PCB's and are the responsibility of the power company in the event of a release.

5.4.2 Wastewater Treatment

There are no onsite wastewater treatment facilities.

5.4.3 Pits, Ponds and Lagoons

There is a central depressional area and ditch classified as a jurisdictional wetland (USFWS 2017).

5.4.4 Wells

No potable water or pollution test monitoring wells were observed onsite.

5.5 AIR EMISSIONS

No regulated sources of air emissions were observed at the subject property during the walk through.

5.6 DRY CLEANING OPERATIONS

No dry cleaning operations were identified at the subject or adjacent properties during the site walk through. Additionally, there are no historic records indicating the subject property has been occupied by dry cleaning operations.

5.7 VAPOR INTRUSION

No vapor intrusion sources were identified at or near the subject property.

6.0 NON-SCOPE CONSIDERATIONS

The ultimate objective of ASTM E1527-13 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* is to help users qualify for one of the CERCLA Landowner Liability Protections. Other Federal, State and local environmental laws and regulations may impose additional liabilities and obligations on owners and operators of real property that are outside the scope of ASTM E1527-13. These non-scope considerations referred to as *business environmental risks* (BERs), may present a material environmental impact on the business associated with the current or planned use of the subject property. Some examples of BER's include:

- Asbestos Containing Building Materials;
- Lead-Based Paint;
- Radon;
- Wetlands; and
- Mold.

Although the scope of this Phase I ESA specifically excludes sampling and analysis of these non-scope considerations (See Section 1.2), the following sections provide background data regarding these items, and brief explanations as to why the items may or may not present BER's to the User, based on readily available published data, date of construction, and condition of the building materials or components observed during the Phase I ESA walk through.

6.1 ASBESTOS CONTAINING MATERIALS

The property is vacant and there are no buildings onsite that may contain asbestos.

6.2 LEAD BASED PAINT

The property is vacant and there are no permanent onsite structures that may contain lead based paint.

6.3 RADON

Radon, specifically radon isotope 222, is a naturally occurring radioactive gas formed by the decay of uranium in bedrock and soil. The adverse health effects associated with radon gas depend on various factors, such as the concentration of the gas and the duration of exposure. The concentration of radon gas in a building depends on subsurface soil conditions, the integrity of the foundation, and the ventilation system. Palm Beach County is located in Radon Zone 3, which includes areas with indoor average concentrations less than 2 picocuries of radon gas per liter of air (pCi/L). The USEPA recommended action level is 4 pCi/L.

6.4 WETLANDS/UPLANDS

The subject property was inspected for the presence of sensitive ecological areas by noting environmental indicators (e.g., wetlands vegetation, floodplain) located on or adjoining the subject property. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) of the site area (FEMA 2017), the subject property is not located in a designated flood hazard area.

The central depressional area is identified on the National Wetlands Inventory (USFWS 2017) as a palustrine forested broad-leaved deciduous seasonally flooded wetland (PFO1C). This area also corresponds to hydric soils classified as Tequesta muck, Riviera depressional

and Boca sand (McCollum, et al. 1978). The approximate area of the designated wetland (USFWS-NWI) is 6.0-acres. Since the area is greater than 0.50-acres, Wetlands Assessment and Delineation will be required during Environmental Resource Permitting (ERP) according to applicable US Army Corps of Engineers (USACE) and South Florida Water Management District (SFWMD) delineation criteria.

Additional upland issues include protection of native tree species (i.e., Slash pine) according to Article 14 of the Palm Beach County Unified Land Development Code (ULDC). A tree survey including all native, non-native and palm trees will be required prior to site plan approval and clearing.

7.0 CONCLUSIONS AND RECOMMENDATIONS

Solutech completed a Phase I Environmental Site Assessment (ESA) of the vacant 39.7 +/- Acre Windsor Place Parcel, northwest of the intersection of Hypoluxo and Lyons Roads, Lake Worth (unincorporated Palm Beach County), Florida (“the subject property”). The Phase I ESA was conducted according to 40 CFR Part 312 *Standards and Practices for All Appropriate Inquiry* (AAI), and the scope and limitations of American Society for Testing and Materials (ASTM) E1527-13, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*. Any exceptions, additions, or deletions from these protocols are described in Sections 1.2 and 8.0 of this report.

The 39.7 +/- acre subject property (Parcel Control No. 0042327050430240) includes wooded and cleared land northwest of the intersection of Hypoluxo and Lyons Roads, approximately 1.0-mile west of Florida’s Turnpike, and 0.75-miles east of SR 7/US 441 (Figure 1, Figures Tab). The southern cleared half of the property was historically used for the propagation of row crops, with a central depression (wetland) and northern filled and re-forested area. In 1940, the site was a freshwater marsh. The southern portion of the property remains cleared and grass covered, while the northern portions of the site have become heavily overgrown and wooded. Surrounding land use is residential, with a commercial shopping center east of Lyons Road (Figure 2, Figures Tab). The parcel was not listed in government regulatory agency databases searched during this Phase I ESA (Appendix C; Sections 4.0/4.1).

Recognized Environmental Conditions (RECs)

Based on our December 8, 2017, site walk-through, historic data collection, and regulatory agency file review, there were no *recognized environmental conditions* (RECs) as defined by ASTM, found to be associated with the subject property.

Historical Recognized Environmental Conditions (HRECs)

An HREC as defined by ASTM E1527-13 is an environmental condition that in the past would have been identified as a REC, but has been adequately addressed and therefore no longer represents a REC. Solutech did not identify any HREC's during this Phase I ESA.

Controlled Recognized Environmental Conditions (CRECs)

A CREC as defined by ASTM E1527-13, is a REC resulting from a past *release of hazardous substances or petroleum products* that has been allowed to remain in-place by the applicable regulatory agency, subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional or engineering controls). Solutech did not identify any CREC's during this Phase I ESA.

Business Environmental Risks (BERs)

A BER as defined by ASTM E1527-13 is a non-scope consideration that may present a material environmental impact on the business associated with the current or planned use of the subject property. The central depressional area is identified on the National Wetlands Inventory (USFWS 2017) as a palustrine forested broad-leaved deciduous seasonally flooded wetland (PFO1C). This area also corresponds to hydric soils classified as Tequesta muck, Riviera depressional and Boca sand (McCollum, et al. 1978). The approximate area of the designated wetland (USFWS-NWI) is 6.0-acres. Since the area is greater than 0.50-acres, Wetlands Assessment and Delineation will be required during Environmental Resource Permitting (ERP) according to applicable US Army Corps of Engineers (USACE) and South Florida Water Management District (SFWMD) delineation criteria.

Additional upland issues include protection of native tree species (i.e., Slash pine) according to Article 14 of the Palm Beach County Unified Land Development Code (ULDC). A tree survey including all native, non-native and palm trees will be required prior to site plan approval and clearing.

Conclusions and Recommendations:

There were no REC's, HREC's, CREC's identified during performance of this Phase I ESA. Portions of the property are contained in the National Wetlands Inventory (USFWS 2017), and are subject to USACE and SFWMD wetlands assessment and mitigation guidelines. These areas are also subject to native tree species protection under Article 14 of the Palm Beach County ULDC.

8.0 LIMITATIONS

The activities described and the results, conclusions, and recommendations included in this report are based on information gathered during a Phase I Environmental Site Assessment of the subject property. The information and opinions rendered in this report are exclusively for use by Hatzlacha-WP Holdings, LLC c/o Mr. Charles Scardina and City National Bank of Florida. Solutech will not distribute or publish this report without the express written consent of the aforementioned parties except as required by law or court order. The information and opinions expressed in this document were given in response to a limited scope of work, and should be considered and implemented only in light of that particular scope of work. The conclusions and recommendations were based on the conditions encountered at the site, at the time the investigation was conducted. Any subsequent Phase II subsurface explorations or contamination assessment studies on this or nearby properties, which could be performed later, may produce different or additional results.

Solutech acknowledges Hatzlacha-WP Holdings, LLC c/o Mr. Charles Scardina and City National Bank of Florida, are relying on the information contained in this report, to assess any *recognized environmental conditions* or issues associated with the subject property as they relate to real estate refinancing. Solutech warrants the services, findings, and recommendations provided to the aforementioned parties, their affiliates, subsidiaries, successors, and assigns have been prepared, performed, and rendered according to procedures, practices, and standards generally accepted as usual and customary for use in similar environmental consulting assignments. No other expressed or applied warranty is made.

REFERENCES CITED

American Society for Testing and Materials (ASTM). 2013. Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. Designation E1527-13

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GLE. 2003/2006. *Phase I ESA and Update - Town Commons Residential and Windsor Place MUPD, Hypoluxo and Lyons Road, Lake Worth, Florida*. Project Nos. 03000-04302; 06000-07918

McCollum, et al. 1978. Soil Survey of Palm Beach County Area, Florida. United States Department of Agriculture (USDA), Soil Conservation Service. 96 pp. + Appendix.

Palm Beach County Environmental Resources Management (ERM), West Palm Beach, Florida

Palm Beach County Fire/Rescue

Palm Beach County Property Appraiser, West Palm Beach, Florida

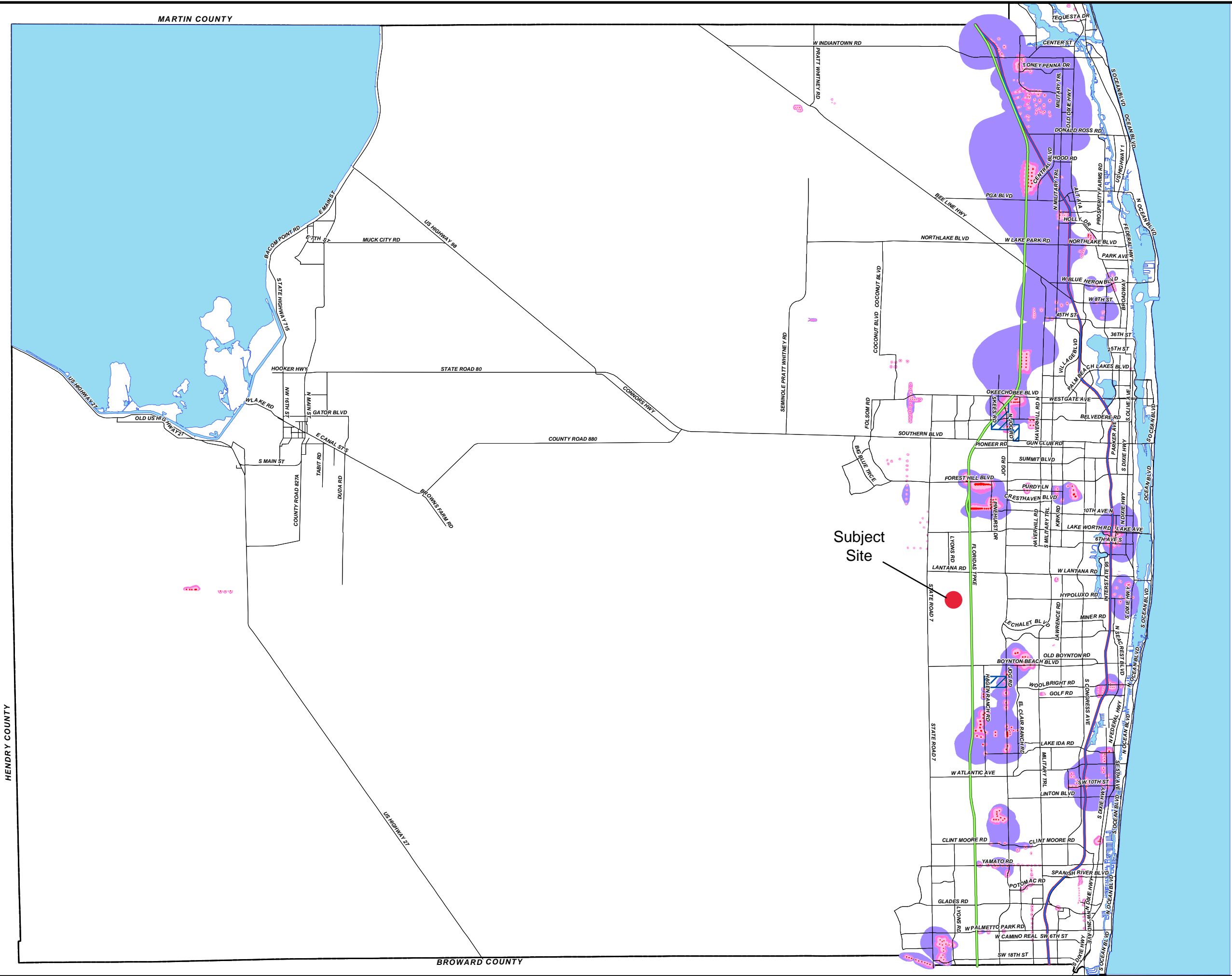
Shine, Padgett and Barfknecht. 1989. Groundwater Resource Assessment of Eastern Palm Beach County. South Florida Water Management District Technical Publication 89-4

State of Florida, Department of Health and Rehabilitative Services (HRS) Palm Beach County Public Health Unit, West Palm Beach, Florida






United States Environmental Protection Agency (USEPA) Region 4, Atlanta, Georgia

United States Geological Survey (USGS 1945, 1950, 1967, 1973, 1983, 2012 and 2015). Greenacres Quadrangle, Florida. 7.5-Minute Series Topographic Maps

Vasquez et al. 2000. Inventory of Palm Beach County Solid Waste Sites. Solid Waste Authority of Palm Beach County



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

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

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



PALM BEACH COUNTY
COMPREHENSIVE PLAN
MAP SERIES



1 0 1 2 3 4 Miles

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



**Department of Planning,
Zoning & Building**

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

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

**Palm Beach County
Board of County
Commissioners**

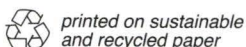
Melissa McKinlay, Mayor
Mack Bernard, Vice Mayor

Hal R. Valeche
Paulette Burdick
Dave Kerner
Steven L. Abrams
Mary Lou Berger

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



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and recycled paper

January 26, 2018

WGI
Lindsay Libes
2035 Vista Parkway
West Palm Beach, FL 33411

**RE: Historical and Archaeological Resource Review for project named:
Windsor Place, PCN: 00-42-43-27-05-043-0240**

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

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

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

Lastly, should skeletal remains be encountered during construction, per Florida Statue 872, construction must stop around the remains and the local sheriff and medical examiner contacted.

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

Sincerely,

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

Christian Davenport MA, RPA
Palm Beach County Archeologist

C: Lorenzo Aghemo, PBC Planning Director
Patricia Behn, PBC Deputy Planning Director
Bryan Davis, Principal Planner, PBC Planning Division



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

KRISTIN K. GARRISON, AICP
DIRECTOR

WANDA F. PAUL
CHIEF OPERATING OFFICER

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

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

SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

Application	Submittal Date	09/16/2019		
	SCAD No.	19091301F – FLU and 19091301D – D. O.		
	FLU /Rezoning/D.O. No.	Not Provided – Palm Beach County		
	PCN No.	00-42-43-27-05-043-0240		
	Development Name	Windsor Place		
	Owner / Agent Name	Hatzlacha-WP Holdings, LLC / Jeff Brophy		
	SAC No.	227C		
	Proposed Amendment Proposed Unit No. & Type	Max. 320 Residential Units 206 Multi-Family and 194 Apartment Units (Total 400 Units)		
Impact Review		Manatee Elementary School	Christa McAuliffe Middle School	Park Vista High School
	New Students Generated	39	17	22
	Capacity Available	12	-407	-175
	Utilization Percentage	99%	131%	106%
School District Staff's Recommendation	<p>Based on the findings and evaluation of the proposed development, there will be negative impact on the public school system. Therefore, if the proposed development is approved by the Palm Beach County government, School District staff recommends the following condition to mitigate such impacts.</p> <p>In order to address the school capacity deficiency generated by this proposed development at the District middle and high school level, the property owner shall contribute a total of \$365,558 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).</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 Update Study recommended by the PBC Impact Fee Committee for adoption/implementation in 2019.</p>			
Validation Period	<p>1) This determination is valid from 09/20/2019 to 09/19/2020 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 09/19/2020 or this determination will expire automatically on 09/19/2020.</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>			

School District Representative Signature

Joyce C. Cai, Senior Planner

Print Name & Title

September 20, 2019

Date

joyce.cai@palmbeachschools.org

Email Address

CC: Nancy Frontany, Site Plan Technician, Palm Beach County
Joyell Shaw, PIR Manager, School District of Palm Beach County